

GLOUCESTER CITY COUNCIL MEETING

Tuesday, October 9, 2012 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: None

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Fire Chief Eric Smith

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

Flag Salute & Moment of Silence.

Oral Communications: None.

Presentations/Commendations: None.

Confirmation of New Appointment:

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whycott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Catherine Ryan to the Committee for the Arts, TTE 02/14/16.

DISCUSSION:

Councilor Theken explained the O&A Committee questioned Ms. Ryan on her willingness and commitment to volunteer on behalf of the City with the Committee for the Arts. Ms. Ryan confirmed her commitment to the Committee and had also taken the State Ethics Quiz and submitted her certification to the City Clerk. The Committee unanimously recommended Ms. Ryan's appointment. The Councilor said that the community is fortunate to have Ms. Ryan taking on this position. **Catherine Ryan** expressed her excitement to be able to help raise the profile for all the arts in the City. On inquiry by **Council President Hardy**, **Ms. Ryan** confirmed she is a full-time resident of the City.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to appoint Catherine Ryan to the Committee for the Arts, TTE 02/14/16.

Consent Agenda:

- **REAPPOINTMENTS**

EDIC	Rebecca Bernie	TTE 02/14/2015	(Refer O&A)
	R. Billings Bramhall	TTE 02/14/2015	
	Ellen Lufkin	TTE 02/14/2015	
	J. Ronald Ross	TTE 02/14/2015	
	Carolyn Stewart	TTE 02/14/2015	
	Barry Pett	TTE 02/14/2015	

- **MAYOR'S REPORT**

1. Memorandum from Assessor re: Overlay Surplus (Refer B&F)
2. Memorandum from Assessor re: Tax Classification (Refer B&F)
3. Memorandum from CFO re; Fire Department loan order request for \$1,000,000.00 (Refer B&F)
4. Special Budgetary Transfer (#2013-SBT-06) from Inspectional Services for \$18,000.00 (Refer B&F)
5. Special Budgetary Transfer (#2013-SBT-07) from IT Department for \$7,988.90 (Refer B&F)
6. Request to collaborate with Mayor on a non-binding referendum concerning the status of Gloucester DPA (Refer P&D)

- **COMMUNICATIONS/INVITATIONS**

1. Request and application to hold the 32nd annual Downtown Gloucester Christmas Parade on Sunday, November 25, 2012 (Refer P&D)

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

- **COUNCILORS ORDERS**

1. CC2012-057 (Cox/Ciolino) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" and Sec. 22-291 "Tow Away Zone"
Re: Rowe Square (Refer TC & O&A)
2. CC2012-058 (Cox) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking re: Pearl Street #13 (Refer TC & O&A)

3. CC2012-059 (McGeary) Council vote in favor of Ballot Question #6, "Budget for All" (FCV 10/23/10)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting Minutes: 09/25/12 (Approve/File)
2. Special City Council Meeting Minutes: 10/01/12 (Approve/File)
3. Standing Committee Meetings: B&F 10/04/12 (under separate cover), O&A 10/01/12, Joint Meeting P&D & PB 09/20/12 (Approve/File)
- P&D 10/03/12 (under separate cover)

Unanimous Consent Calendar:

1. Establishment of a Proposed Partnership between the City and the Downtown Gloucester Cultural District Committee (Refer P&D)

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

Councilor Verga asked to remove Item #6 of the Mayor's Report

Council President Hardy wished to remove Special City Council Meeting minutes for minor amendments.

Councilor Verga stated in the case of Item #6 of the Mayor's Report, while it is being referred to P&D, there should also be a discussion and consideration of composing language regarding the reuse of the Fuller School as that is an important question also for the voters to weigh in on. The DPA question is a great idea. But the question of the reuse of Fuller School was omitted from the current Municipal Building Survey being put forward by the Administration. The Councilor suggested that P&D could form language for a non-binding ballot question on the Fuller School reuse as well. **By unanimous consent the matter of Request to collaborate with Mayor on a non-binding referendum concerning the status of Gloucester DPA was referred to the P&D Committee with the added discussion of possible language for a non-binding ballot question re: Reuse of Fuller School.**

Council President Hardy explained she offered to the Clerk of Committees some small amendments to the minutes of the Special City Council meeting of October 1, 2012 which were simple typographical errors. **The Council unanimously consented to the corrections to the Special City Council meeting minutes of October 1, 2012.**

Councilor Cox spoke to the matter of the Unanimous Consent Agenda for the establishment of a proposed partnership between the City and the Downtown Gloucester Cultural District Committee. She noted that this would be the second Cultural District for the City and a first for the downtown area. She expressed her belief this collaboration will be a good partnership between the City and the downtown business and artistic community. The deadline to file the application for the creation of a Downtown Gloucester Cultural District with the State is January 2013. Judith Hoglander is spearheading this effort. **By unanimous consent this matter was referred to the P&D Committee.**

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

Committee Reports:

Budget & Finance: October 4, 2012

Memorandum from CFO requesting to pay invoices from the IT Department without a purchase order in place

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay invoice #49484 dated 7/11/2012 by American Lazer Services, Inc., Beverly, Mass., for \$246.22 from the FY13 IT Department budget without a Purchase Order in place.

DISCUSSION:

Councilor McGeary explained the IT Director took over at the close of FY12 and opening of FY13. In trying to get so much done in such a short timeframe, he got behind in opening and carrying over purchase orders for his department. There are five motions having to do with purchase orders that were either closed or not taken out in time. The CFO and City Auditor have gone over P.O. process. This is a case of a new person coming in during a critical time in the City's financial year and being unfamiliar with the process. This motion and the following four motions are a result of no purchase order being in place. **Council President Hardy** confirmed with Kenny Costa, City Auditor his satisfaction in the IT Director's familiarity with the City's purchase order process.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to pay invoice #49484 dated 7/11/2012 by American Lazer Services, Inc., Beverly, Mass., for \$246.22 from the FY13 IT Department budget without a Purchase Order in place.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay invoice #49723 dated 7/24/2012 by American Lazer Services, Inc., Beverly, Mass., for \$155.59 from the FY13 IT Department budget without a Purchase Order in place.

DISCUSSION: Councilor McGeary explained this had to do with printer maintenance and support.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to pay invoice #49723 dated 7/24/2012 by American Lazer Services, Inc., Beverly, Mass., for \$155.59 from the FY13 IT Department budget without a Purchase Order in place.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay invoice #287248015067X08242012 bill cycle date of 08/09/12-08/16/12 by AT&T (Wireless), for \$1,968.26 from the FY13 IT Department budget without a Purchase Order in place.

DISCUSSION: Councilor McGeary noted this bill was higher than normal due to the purchase of several I-Pads.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to pay invoice #287248015067X08242012 bill cycle date of 08/09/12-08/16/12 by AT&T (Wireless), for \$1,968.26 from the FY13 IT Department budget without a Purchase Order in place.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay invoice #8773106100344632 billing date of 7/12/2012 by Comcast, Newark, NJ, for \$134.78 from the FY13 IT Department budget without a Purchase Order in place.

DISCUSSION: None.

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 9 in favor, 0 opposed to pay invoice #8773106100344632 billing date of 7/12/2012 by Comcast, Newark, NJ, for \$134.78 from the FY13 IT Department budget without a Purchase Order in place.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to pay invoice #49402330, dated 8/27/2012 by GovConnection, Inc. of Rockville, MD, for \$1,770.00 from the FY13 IT Department budget without a Purchase Order in place.

DISCUSSION: None.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to pay invoice #49402330, dated 8/27/2012 by GovConnection, Inc. of Rockville, MD, for \$1,770.00 from the FY13 IT Department budget without a Purchase Order in place.

Memorandum & Supplemental Appropriation-Budgetary Request (#2013-SA-4) from CFO

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2013-SA-4) for \$5,800.00 from Cap Proj Stab Fund-Transfer to GF, Unifund Account #850000.10.991.59600.0000.00.000.00.059 to Treasurer/Collector, Capital Equipment, Unifund Account #101000.10.145.58710.0000.00.000.00.058 to purchase file cabinets and office furniture for the Treasurer/Collector Department.

DISCUSSION:

Councilor McGeary stated aggressive purchasing by the Treasurer/Collector resulted in the purchase of I-Phones at 99 cents apiece to be used for credit card billing at the beaches. That was a substantial savings and wants to use some of that savings to pay for office furniture for his new staff and for fireproof file cabinets.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2013-SA-4) for \$5,800.00 from Cap Proj Stab Fund-Transfer to GF, Unifund Account #850000.10.991.59600.0000.00.000.00.059 to Treasurer/Collector, Capital Equipment, Unifund Account #101000.10.145.58710.0000.00.000.00.058 to purchase file cabinets and office furniture for the Treasurer/Collector Department.

Memorandum from Fire Chief & Supplemental Appropriation-Budgetary Request (#2013-SA-5)
Memorandum from CAO & Special Budgetary Transfer Request (#2013-SBT-5)

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2013-SA-5) for \$12,000.00 from Capital Projects Stabilization Fund-Transfer Out, Unifund Account #850000.10.995.59600.0000.00.000.00.059 to Capital Project-Fire Department-Ambulance-Vehicles, Unifund Account #850002.10.220.58750.0000.00.000.00.058 to purchase a used Ambulance.

DISCUSSION:

Councilor McGeary explained this transfer is for the purchase of a used rescue unit for the Fire Department. They maintain four ambulances at all times so they can rotate in the third and fourth line ambulances for maintenance done to the first line units. This is a 2000 ambulance recommended to the department by a dealer, formerly owned by the Town of Medway and had been well maintained. He noted a picture forwarded to the Council by the Chief (on file). On inquiry by **Council President Hardy**, **Councilor McGeary** further explained the Capital Projects Stabilization Fund is set up to fund these kind of small purchases of capital items without having to go to bonding, and is a perfect use of that fund. He expressed his belief it is important to continue making contributions to this fund.

Under direct questioning by the Council, **Chief Eric Smith** responded as follows:

- It is hoped the department will get several more years from the 2000 Ford P&L ambulance in reserve status, about 4 to 5 years. He expressed this was a well priced vehicle at \$10,000.00.
- The Fire Department is working to develop a maintenance and replacement plan for all apparatus. The new used ambulance will fit appropriately into that developing plan.
- All equipment from the retired ambulance, radios, etc. will be transferred to the new used unit. The expense of the installation and lettering of the unit are built into the \$2,000 over the cost of the unit, and brings the transfer to \$12,000. Councilor Ciolino asked if they have all the equipment to go into the new ambulance. Chief Smith stated any expenses are built into the cost of \$12,000. All equipment will be transferred over to the new used unit.
- The unit was found through a dealer from whom Sander Schultz, EMS Coordinator obtained the information on this unit.
- There will be expected maintenance on this new used unit. He expressed the opinion that there is not nearly enough money in the maintenance budget overall. That is something that will be discussed in the next budget cycle.
- This vehicle is fully qualified to be on the road, and has a current inspection sticker. It will be housed in one of the outlying stations depending on the status of the front-line vehicles and could be in Bay View, Magnolia or Central Stations. It will stay as a reserve unit; but the department will use it when front-line units are sent out for maintenance and be used as needed.
- The department has four ambulances so that two ambulances are in service in all times for the protection of the public. When they do stand-bys for, say, St. Peter's Fiesta or road races, this unit allows them to do that stand-by duty. It also gives the department the ability to ramp up with more vehicles during a large emergency event. The main reason for this unit is to have it as a reserve.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2013-SA-5) for \$12,000.00 from Capital Projects Stabilization Fund-Transfer

Out, Unifund Account #850000.10.995.59600.0000.00.000.00.059 to Capital Project-Fire Department-Ambulance-Vehicles, Unifund Account #850002.10.220.58750.0000.00.000.00.058 to purchase a used Ambulance.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2013-SBT-5) for \$16,898.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Fire Department-Contractual Services, Unifund Account #101000.10.220.52000.0000.00.000.00.052 to pay for a third-party radio engineering firm assessment of the Fire Department communications system.

DISCUSSION:

Councilor McGeary explained this is for a study on the Fire Department's radio communication system. This was recommended in several of the after-action reports on recent major fires. Communications has been highlighted as a problem. There are areas of coverage lacking in the City. Firefighters find they have to switch to a "tactical" frequency which means not everyone can hear them. This would be a study to propose a solution that would give blanket coverage throughout the City so that firefighters wherever they are can hear what is going on. This is also important when mutual aid fire departments enter the City to assist during the event of a major incident, for them to be able to communicate on the same frequency effectively.

Under direct questioning by the Council, **Chief Eric Smith** stated the following:

- This survey should take only a few days of on-site time by the consultant, and take several weeks to formulate a complete report with a resolution to the problem that could take time. This money pays for their Phase 1 analysis. This was precipitated upon the Chief's arrival who found immediate problems with the department's communication system. The current vendor's solution was to give the Chief a parts list. He explained he worked towards finding the most appropriate way to spending the public funds to find an appropriate engineering solution.
- Phase 1 analysis will encompass where the Fire Department currently stands with their system. The consultant will review the entire proposal that is on the table from their current communications vendor, ALL-COM. They will look at ALL-COM's part list; talk to the Fire Department personnel and ALL-COM's staff; take into account such things as the terrain of Gloucester – its topography, the granite; and will computer model all this to determine what the issues are to give a better understanding of what the department needs to do in order to resolve the situation for better communication coverage. This consulting firm is professional at engineering radio systems.
- Communications coverage is a safety issue for the firefighters and the public. When they are at a working fire and in a building, the system takes the radio transmissions and transmits the signal to one transmitter which broadcasts to several receivers in the City which help pick up the small portable radios. The signals transmit out and may be received, but the signal is not getting back to the firefighters' radios when inside a building or in some of the "dead zones" in the City. This makes it difficult to obtain a clean signal. During the last fire of significance, the firefighters were calling for water from inside the building, and neither the Incident Commander nor the pumper could hear them.

Council President Hardy expressed that communication could save a life one day. She noted the City Council has supported the Fire Department fixing their communications system for years; and further expressed her appreciation at having a new set of eyes looking at this problem, as lives are on the line in the department and the public. **Chief Smith** concluded by saying the actual resolution of the issue is what will take time.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2013-SBT-5) for \$16,898.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Fire Department-Contractual Services, Unifund Account #101000.10.220.52000.0000.00.000.00.052 to pay for a third-party radio engineering firm assessment of the Fire Department communications system.

Special Budgetary Transfer Request (#2013-SBT-1) from Police Department

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2013-SBT-1) for \$4,000.00 from Police-

Uniform, Sal/Wage-Perm Pos, Unifund Account #101000.10.211.51100.0000.00.000.00.051 to Police-Uniform, Supplies, Reimb, Unifund Account #101000.10.211.55800.0000.00.000.00.054 for uniform and duty gear for a new hire in the Police Department.

DISCUSSION:

Councilor McGeary explained this is money that was saved because the City had budgeted for a police officer to come on board July 1, 2012 but didn't join the force until August 20, 2012. This is to pay for the uniform and duty gear for a newly hired police officer to attend the Police Academy.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2013-SBT-1) for \$4,000.00 from Police-Uniform, Sal/Wage-Perm Pos, Unifund Account #101000.10.211.51100.0000.00.000.00.051 to Police-Uniform, Supplies, Reimb, Unifund Account #101000.10.211.55800.0000.00.000.00.054 for uniform and duty gear for a new hire in the Police Department.

Special Budgetary Transfer Request (#2013-SBT-2) from Police Department

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2013-SBT-2) for \$1,000.00 from Police-Uniform, Sa/Wage-Perm Pos, Unifund Account #101000.10.211.51100.0000.00.000.00.051 to Police-Uniform, Safety Supp/Equip, Unifund Account #101000.10.211.55010.0000.00.000.00.054 to purchase miscellaneous supplies for police operations.

DISCUSSION:

Councilor McGeary stated the second transfer for the Police Department is to replace damaged uniforms and other things like crime scene tape, etc. The account the funds are coming from is in surplus due to officer replacement not starting until 08/20/2012 as noted earlier.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2013-SBT-2) for \$1,000.00 from Police-Uniform, Sa/Wage-Perm Pos, Unifund Account #101000.10.211.51100.0000.00.000.00.051 to Police-Uniform, Safety Supp/Equip, Unifund Account #101000.10.211.55010.0000.00.000.00.054 to purchase miscellaneous supplies for police operations.

Special Budgetary Transfer Request (#2013-SA-6) from DPW

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2013-SA-6) for \$32,000.00 from Highway Force Account #294015, to Public Services paving, Unifund Account #101000.10.470.58415.0000.00.000.00.058 for small paving projects.

DISCUSSION:

Councilor McGeary stated the Highway Force Account is an account maintained by the DPW funded by fees they receive in for road openings, etc.; and is used to fund various small paving projects throughout the year. This is a routine use of the money. **Council President Hardy** thanked Mike Hale, DPW Director and his department for stretching funding. A lot of road work is being done around the City, and it shows.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (#2013-SA-6) for \$32,000.00 from Highway Force Account #294015, to Public Services paving, Unifund Account #101000.10.470.58415.0000.00.000.00.058 for small paving projects.

Special Budgetary Transfer Request (#2013-SBT-4) from DPW

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (#2013-SBT-4) for \$140,000.00 from DPW

Facilities Contract Services, Unifund Account #101000.10.472.52000.0000.00.000.00.052 to DPW Facilities Permanent Positions, Unifund Account #101000.10.472.51100.0000.00.000.00.051 to hire janitorial staff.

DISCUSSION:

Councilor McGeary explained the DPW has decided to terminate the contract with SJ Service for cleaning of City schools. As a consequence additional janitors were needed at the O'Maley Middle School and Gloucester High School. They are hiring two full-time and two part-time janitors to provide on-site cleaning staff. **Councilor Ciolino** noted in the last Council term there was a debate regarding outsourced janitorial services as opposed to in-house staffing. Janitors are going back into the school which also helps to safeguard them beyond cleaning services. He expressed he was pleased to see this move, and it was a lesson learned.

Councilor Verga declared as his brother is a custodian at East Gloucester School he so he would abstain from voting on this matter.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Verga) abstained, to transfer (#2013-SBT-4) for \$140,000.00 from DPW Facilities Contract Services, Unifund Account #101000.10.472.52000.0000.00.000.00.052 to DPW Facilities Permanent Positions, Unifund Account #101000.10.472.51100.0000.00.000.00.051 to hire janitorial staff.

Memorandum, Grant Application & Checklist from Acting Community Development Director requesting acceptance of a grant award for \$195,109 (Essex Community Revitalization & Restoration Projects)

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept an Essex Community Revitalization & Restoration Projects grant for \$195,109 from the Mass. Department of Environmental Protection Natural Resource Damage Program for the purpose of the rehabilitation of Burnham's Field. There is a \$150,000 match to be funded from CDBG funds: \$50,000 in FY13 and \$100,000 in FY14.

DISCUSSION:

Councilor McGeary stated that the City is in receipt of an Essex County Community Revitalization and Restoration Projects Grant from the Mass. Department of Environmental Protection Natural Resource Damage Program for \$195,109 for the purpose of rehabilitation and improvement of Burnham's Field. This will fund a study which will include items like new lighting; wider, more walkable paths; increase community garden spaces, buy playground equipment. Part of this funding pays for a design plan for the first phase of the rehabilitation. This is envisioned as a multi-year project. The funds should be sufficient to redo the playground equipment, paths, and a basic revamp of the field. The plan is to hire a designer to work with the community to meet their expressed needs by developing a formal plan. **Councilor Cox** explained that Ward 2 is very excited about this funding. She has already received emails, calls and requests for meetings and a sharing of plans. Throughout the winter there will be meeting with the neighborhood. She invited any Gloucester resident to join in the meetings. She will provide with adequate public notification of the meetings to ensure the community has input as to what happens to this widely used field. She commented was heartening to see something like this being able to move forward. **Councilor Ciolino** pointed out at B&F he had expressed concern regarding the design services using the bulk of the grant funding. The Committee was assured that the design services would be a small fraction of the overall budget. He expressed the belief this will be a good thing for the community. The Councilor also thanked all those citizens who have ever come forward to assist with the clean up of the community gardens at Burnham's Field. **Council President Hardy** asked if any of the funds can be spent on surveillance cameras for Burnham's Field. **Councilor McGeary** noted that specific question did not come up. This phase is concentrated on wider paths that can be also driven upon by police cars and lighting. He suggested that a memo could go to the Community Development office requesting the consideration of surveillance cameras for the field. He also clarified that the total cost is \$350,000, with \$150,000 match to be met through CDBG funds.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A to accept an Essex Community Revitalization & Restoration Projects grant for \$195,109 from the Mass. Department of Environmental Protection Natural Resource

Damage Program for the purpose of the rehabilitation of Burnham's Field. There is a \$150,000 match to be funded from CDBG funds: \$50,000 in FY13 and \$100,000 in FY14.

Memorandum from CAO re: acceptance of a donation in the amount of \$246,000 from the Gloucester Fishermen Athletic Association

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept a donation of \$246,000 from the Gloucester Fishermen Athletic Association to be put towards the reconstruction of Newell Stadium.

DISCUSSION:

Councilor McGeary expressed most of the discussion is a big thank you to the GFAA for leading the fundraising for the renovation for Newell Stadium. In consultation with the City Auditor, a donations account will be set up so that as donations come in they can be deposited; and the City can expend from that account without having a Council action for every \$1,500 or \$3,000 that comes in. The Treasurer and the Auditor will give the Council a quarterly report on those funds to make the process move more quickly. This was a large donation and so it was taken in under the usual methods for acceptance. **Council President Hardy** asked if this goes through a 501C3 process like the Gloucester Fund. **Councilor McGeary** responded the donations are made to the GFAA which is already a 501C3 organization; people get their tax benefit from that. Then the GFAA turns it over to the City for the purpose of Newell Stadium; and they are now expediting that process. On further inquiry by Council President Hardy, Councilor McGeary noted the GFAA's fundraising goal is \$1 million, and he expressed his confidence they will meet that goal. **Councilor Ciolino** pointed a lot of donations come in over a five year period; as well the money for the naming rights over the same period of time. He expressed it is a great day for the City when the Council accepts this kind of donation.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A to accept a donation of \$246,000 from the Gloucester Fishermen Athletic Association to be put towards the reconstruction of Newell Stadium.

Ordinances & Administration: October 1, 2012

There were no action items for the Council from this meeting.

Planning & Development: October 3, 2012

There were no action items for the Council from this meeting.

Scheduled Public Hearings:

[Note: The following public hearings are shown in the order they were taken up by the Council.]

1. PH2012-068: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: one space in front of Ocean Avenue #2

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space on the southerly side of Ocean Avenue

at a point beginning 200' from Flume Road for a distance of 22' in a westerly direction in front of Ocean Avenue #2.

DISCUSSION:

Councilor Theken explained that the Traffic Commission voted 2-1 in support of the creation of this handicapped space. The requestor lives in the condos on Ocean Avenue; and there is not adequate handicapped parking available in that condominium complex despite there being a parking lot there. **Councilor Verga** reiterated there are not adequate handicapped spaces in the parking lot of the complex, about three or four; and there are many more handicapped individuals than the handicapped spaces can accommodate. The requestor is aware that the space is open to anyone with a handicap placard and plates. Regardless, the requestor expressed it would be helpful. By a majority, the Traffic Commission agreed. **Council President Hardy** stated she would vote in favor on principal, but noted she had a Ward 4 resident had a similar situation. The person has a parking lot in their yard but there is no handicap space available, and was looking for handicap access on Washington Street. That requestor was denied and so the Council President stated renew that application for a handicap space based on this case. **Councilor McGeary** suggested this raised an issue with multi-family housing and should there be a requirement for handicap parking spaces and suggested perhaps the ordinance should be re-examined at O&A. **Council President Hardy** stated if the complex was built before the ordinance was in place, it could be the reason there is an issue there. **Councilor Verga** confirmed the Ocean Avenue complex was built in late 1950's/early 1960's and so would have been prior to that ordinance requirement being put into place.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space on the southerly side of Ocean Avenue at a point beginning 200' from Flume Road for a distance of 22' in a westerly direction in front of Ocean Avenue #2.

2. PH2012-069: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: one space in front Of Harrison Avenue #2

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space in front of Harrison Avenue #2.

DISCUSSION:

Council President Hardy asked if there is a driveway available to the requestor. **Councilor McGeary** stated his belief there was not but did not actually visit the site. He noted the Traffic Commission voted unanimously in favor of this handicapped parking space being created.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space in front of Harrison Avenue #2.

3. PH2012-070: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: deleting one space in front of Hartz Street #34

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

Councilor McGeary stated this handicapped space was put in place for the late Patrolman Walter Goyette, and his wife is deceased as well so there is no longer required. This was brought to his attention by Councilor Whynott.

This public hearing is closed.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING one handicapped parking space in front of Hartz Street #34.

4. PH2012-071: CC2012-042 (Tobey) Protection of Babson Watershed & Babson Bird Sanctuary pursuant To Article 97 of the Commonwealth of Massachusetts

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition:

Councilor Tobey noting he would be speaking at a conference the following evening in Boston to professional organizations from the water industry in New England reporting to them on the Massachusetts Water Infrastructure Finance Commission. People take drinking water for granted, pointing out there were not a lot of people in the auditorium to step forward speaking in favor of protecting the watershed. For all the "hue and cry" from a small group of people from Rockport, there is no one speaking in favor of a roadway from Rockport to Old Rockport Road. He suggested the Council proceed, and the Council President to direct the City Clerk to work with the City Solicitor to bring to the next P&D Committee meeting draft language for a Home Rule Petition to seek Article 97 protection for the Babson Watershed and Bird Sanctuary by timely filing of this Home Rule Petition for the next session of the General Court beginning January 1, 2013. **Councilor Tobey**, on inquiry by **Council President Hardy**, saw no need to continue the public hearing. He also mentioned Joe Orange, whose passion for this issue is unmatched. **Councilor Whynott** added the name of Carolyn O'Connor also.

Those speaking in opposition: None.

Communications: None.

This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to direct the City Clerk to work with the City Solicitor to bring to the next P&D Committee meeting draft language for a Home Rule Petition to seek Article 97 protection for the Babson Watershed and Bird Sanctuary by timely filing of this Home Rule Petition for the next session of the General Court beginning January 1, 2013.

5. PH2012-072: SCP2012-009: Wingaersheek Road #132, GZO Sections 1.5.3(b), 3.1.6(b) and 3.2 for Building height in excess of 35 feet

This public hearing is opened.

Those speaking in favor:

Attorney Robert Coakley, 63 Middle Street was before the Committee to representing the applicants, Antonio M. Bertone (present) and Alexandra Drane for a Special Council Permit for a height exception over 35 ft. for a new residential structure to be not more than 37 feet, 6 inches (submitted summary of relief requested and placed on file). The property is on the end of Wingaersheek Road on the left-hand, non-beachfront side of the road. There is only one house beyond it, #134. That particular house is one of the precipitating factors that prompted his client to design the home the way in which they have. That house was built in the last two years across from #132 and took away a view of the Essex River side out of the preexisting house. The preexisting house was a one story ranch style home. His clients are designing a three-story multi-level structure, similar in construct to a wedding cake, going up and decreasing in size as it goes up. Because it is a slab foundation, they are seeking to exceed the height limitation It will be 7.5 feet above the authorized height of 30 feet.

Permitting Authorities: This application has been the subject of several hearings already. They went before the Conservation Commission (ConCom) in May who authorized the work to proceed in a dune area. They went to the ZBA for permission to take down and rebuild, and will, when built be slightly smaller than the original footprint.

The application went to the P&D Committee. A second meeting was held because an abutter who lives to the rear of this property, at 153 Wingersheek Beach, expressed some concerns on behalf of the family trust; that the raised height would be visible from their property although hundreds of feet away. The Committee conducted a site visit and at which the applicant who is working with a local contractor, erected story poles on the existing structure to show what the height of the proposed structure would be. The roof line is at 34 feet; but there is a deck proposed with open architectural railings around it and goes up three feet which took them over the height allowable. At the site visit, those Committee members who attended did not see any adverse impact on the area.

Neighborhood Character: Wingersheek Road #132 is across the road from two “castles” which are between 40 feet and 50 feet in height respectively. Along Wingersheek Road, the City Council has granted a lot of height exceptions for some of the homes built on the water side. Many of those houses are built on piers which required them to exceed the height limitation. At that site visit, in meeting with Mr. Winthrop, a trustee for 153 Wingersheek Beach, asked the applicant would consider planting a tree to ameliorate their view of the raised height of the applicant’s home. The neighbor wants the tree planted on their property. After a meeting with a local arborist, they have agreed, and was put forward at P&D, that the tree would be a swamp oak tree. That will be located at a site to be determined with Mr. Winthrop and his family installed at the applicant’s expense. This tree will somewhat block the neighbor’s view. It is a “gentlemen’s agreement,” and is being put forward as a condition of the Special Permit.

Other Criteria under GZO Sec. 1.8.3 and 3.1.6(b): Mr. Coakley stated the belief this application satisfies the specific criteria of 3.1.6(b): no overshadowing, no blocking of view, no adverse affects on utilities, and is in keeping with the neighborhood character. Further, this also meets the six criteria of Sec. 1.8.3 under Social, Economic, and Community Needs. He reiterated here is no adverse impact because of overshadowing. This is a single family home. Traffic flow and safety will not be enhanced or degraded. Utilities are all there. It is the same number of bedrooms, so there is no septic system upgrade. As to neighborhood character and social structure, again, this is a single-family home. ConCom signed off and said they were pleased the footprint was slightly smaller and that they are taking out some of the paved asphalt surfaces on the property and replacing it with more natural surfaces on site. The potential financial impact is that this house would be worth more than the existing structure, and as a consequence the property taxes would rise and benefit the City. They request that the Council endorse the positive recommendation from the P&D Committee. They would like to start construction this winter so the family can move into their new home by Memorial Day.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant Antonio M. Bertone and Alexandra Drane a Special Council Permit (SCP2012-009) for the property located at Wingersheek Road #132, Assessors Map 260, Lot 18, zoned R-80 (Rural Residential), pursuant to Sections 1.8.3, 1.5.5(b) and 3.2 of the Gloucester Zoning Ordinance for building height in excess of 35 feet but not more than 37 feet, 6 inches with the following condition:

1. that a tree, named quercis bicolor, also known as a swamp white oak, be planted in a location at 153 Wingersheek Road as agreed to by the applicant and the abutter at 153 Wingersheek Road at the applicant’s expense.

DISCUSSION:

Councilor Tobey explained Mr. Coakley gave a perfect description of the application and of everyone’s “sentiment” on the matter. He expressed it was it was good to see folks come together and work something through.

Councilor Verga added the concern was the view was from the back of the house of the abutter. The ocean view is on the other side. This house no way impacts the abutter’s view. The applicant and the neighbor have reached an accord. He said he was pleased to see this was solved. **Council President Hardy** stated she found the social, economic and community needs served by the proposal are met under GZO Sec. 1.8.3, as have any traffic flow and safety concerns. Adequate utilities and other public services will not be changed. As to neighborhood and social structure there is nothing detrimental to the neighborhood. For qualities of the natural environment, with the ConCom process with their Order of Conditions, and the condition placed this evening, she found the criteria met. As to the potential financial impact, by the demolishing a single-family home and replacing it with another

substantial, more expensive home that will add to the Assessor's rate and the tax rate. She announced that at P&D the application for the Special Council Permit, on page A9, there was an amendment made to the Assessors Map which should read Map 260, Lot18. She will be supporting this application based on it having met all the criteria under Sec. 1.8.3 and joined with Councilor Tobey in expressing her gratitude to the neighborhood and the applicant for coming to a mutual agreement and would hope others in the community could do so as well.

MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to grant Antonio M. Bertone and Alexandra Drane a Special Council Permit (SCP2012-009) for the property located at Wingersheek Road #132, Assessors Map 260, Lot 18, zoned R-80 (Rural Residential), pursuant to Sections 1.8.3, 1.5.5(b) and 3.2 of the Gloucester Zoning Ordinance for building height in excess of 35 feet but not more than 37 feet, 6 inches with the following condition:

1. that a tree, named quercis bicolor, also known as a swamp white oak, be planted in a location at 153 Wingersheek agreed to by the applicant and the abutter at 153 Wingersheek Road at the applicant's expense.

6. PH2012-060: Amend GCO Chapter 22, Sec. 22-1 "Definitions" (Cont'd from 09/11/12)

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor McGeary noted this was part of a series of motions having to do with parking at 65 Rogers Street. This hearing is only to do with the definition to add kiosks into the GCO. This is not specific to I4-C2. The other hearings are separate.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-1 Definitions by ADDING a new definition as follows:

"Parking Control Device" shall mean any mechanism for collecting payment for parking and shall also include parking meters. Where "parking meters" and "coins" appear in the ordinances, it shall also mean parking control devices and other forms of payment."

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-1 Definitions by ADDING a new definition as follows:

"Parking Control Device" shall mean any mechanism for collecting payment for parking and shall also include parking meters. Where "parking meters" and "coins" appear in the ordinances, it shall also mean parking control devices and other forms of payment."

12. PH2012-073: SCP2012-010: Commercial Street #47-61, GZO Sections 525 Hotel Overlay District, 5.7 Major Projects, and 5.5.4 Lowlands

This public hearing is opened.

Council President Hardy advised the Council the attorney for the applicant has requested in writing a continuation of this public hearing to December 11, 2012.

This public hearing is closed and continued to December 11, 2012.

Councilor Tobey asked if there was any progress on convening before the next P&D Committee meeting on October 17th, a meeting between the applicant and the neighborhood. **Attorney John Cunningham** reported that a

neighborhood meeting is scheduled on Tuesday, October 16, 2012 from 5:30 to 7:30 p.m. to be held at the American Legion Building. Ads will be placed in local newspapers starting immediately, and notices will be distributed throughout the neighborhood promptly. **Councilor Tobey** asked the Administration that this underlines the critical importance of General Counsel giving the Council guidance expeditiously on whether or not under Mass. Law if it in any way prohibits Councilors from attending that meeting. He asked for a response by Thursday. CAO, **Jim Duggan** responded affirmatively to Councilor Tobey's request.

7. PH2012-061: Amend GCO Chapter 22, Sec. 22-220 "Deposit to extending parking time beyond maximum legal time prohibited" (Cont'd from 09/11/12)

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to AMEND the GCO Sec. 22-220 (Deposit to Extend Parking time) by DELETING subsection (c) "Shuffling" and ADDING GCO Sec. 22-220 (Deposit to Extend Parking time) a new subsection (c) "Shuffling" on a trial basis to run from November 1, 2012 to April 1, 2013 as follows:

"Overtime Parking and Shuffling or Relocating Vehicles to Avoid Penalties: When signs are erected in each block giving notice thereof, no person shall park a vehicle upon any of the streets or parts of the streets described in Section 22-289 for a longer period than so specified in that Section. No person shall relocate or move a vehicle in order to avoid a violation of the parking time limit. The following action shall be considered prima facie evidence of such prohibited conduct when observed by a law, or parking enforcement officer: when a person moves or relocates a vehicle which has been parked less than the posted time limit form a time limited parking space and then returns to the same parking space or moves to a parking space within 500 feet of that same parking space, as measured along the street, within five minutes of the time that the initial parking space was vacated. Such shuffling or relocating shall constitute overtime parking for the purposes of this section. Overtime parking is a violation of this ordinance, and shall be subject to the fines set forth in this Section."

DISCUSSION:

Councilor Tobey thanked the O&A Committee for putting this forward but said he didn't ask for it. It is already the law of the community and would stay that way. He clarified that with the refiling of his same order of two years ago, that for the current order too much of the old one got filed. The Committee inadvertently did what it was asked to do. He asked that the matter be voted down by the Council. The Council briefly discussed the already in place anti-shuffling ordinance.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted **BY ROLL CALL 0** in favor, **9** opposed to AMEND the GCO Sec. 22-220 (Deposit to Extend Parking time) by DELETING subsection (c) "Shuffling" and ADDING GCO Sec. 22-220 (Deposit to Extend Parking time) a new subsection (c) "Shuffling" on a trial basis to run from November 1, 2012 to April 1, 2013 as follows:

"Overtime Parking and Shuffling or Relocating Vehicles to Avoid Penalties: When signs are erected in each block giving notice thereof, no person shall park a vehicle upon any of the streets or parts of the streets described in Section 22-289 for a longer period than so specified in that Section. No person shall relocate or move a vehicle in order to avoid a violation of the parking time limit. The following action shall be considered prima facie evidence of such prohibited conduct when observed by a law, or parking enforcement officer: when a person moves or relocates a vehicle which has been parked less than the posted time limit form a time limited parking space and then returns to the same parking space or moves to a parking space within 500 feet of that same parking space, as measured along the street, within five minutes of the time that the initial parking space was vacated. Such shuffling or relocating shall constitute overtime parking for the

purposes of this section. Overtime parking is a violation of this ordinance, and shall be subject to the fines set forth in this Section.”

MOTION FAILS.

8. PH2012-062: Amend GCO Chapter 22, Sec. 22-288 “Off Street parking areas” (Cont’d from 09/11/12)
10. PH2012-064: Amend GCO Chapter 22, Sec. 22-290 “Same-Off Street Parking Areas” (Cont’d from 09/11/12)
11. PH2012-065: Amend GCO Chapter 22, Art. V, Div. 2, City-Owned Off Street Parking Areas, Sec. 22-191 “Established” (Cont’d from 09/11/12)

These public hearings are opened.

Mr. Duggan stated the City has put into a request to DEP to amend the City’s Chapter 91 permit to allow the temporary use for a parking lot at 65 Rogers Street (I4-C2). DEP has yet to act on the City’s request; and therefore requested these three public hearings be continued. **City Council President Hardy** asked how long they expect the DEP will get back to the City with an answer. **Mr. Duggan** suggested past history would indicate it should take six months. **Councilor McGeary** suggested they be withdrawn and that at the time the answer is gotten from DEP, he could refile the Council Order upon learning of the DEP ruling.

By unanimous vote of the City Council the Council all three of the public hearings are closed.

Councilor Ciolino asked if a kiosk had been installed on site at 65 Rogers Street. **Mr. Duggan** confirmed the kiosk was installed and is covered by a bag. The Councilor suggested it be moved off the property for the winter. **Mr. Duggan** stated they are meeting with the DPW to talk about that subject the following day. **Councilor Whyntott** stated the kiosks are supposed to start at 8 a.m. and hoped that they can be used earlier if someone has to come to work earlier. **Mr. Duggan** noted it was brought to the Administration’s attention, and they are working with the company to reprogram the kiosks. He will give word to the City Clerk when that is confirmed to have happen. **Councilor Cox** asked for an update on the meter signage. The old meters indicated 9 a.m. to 6 p.m., no Sundays or holidays. At the present time there is no signage on the meters indicating use is from Monday through Saturday only. She would also like an update for the signage for parking lots indicating payment at the kiosks, and asked that the questions be submitted as Requests to the Mayor.

9. PH2012-063: Amend GCO Chapter 22, Sec. Parking Meter Zones-On Street (Cont’d from 09/11/12)

This public hearing is opened.

Those speaking in favor:

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whyntott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to AMEND the GCO Sec. 22-289 (Parking Meter Zones-On Street) by DELETING “Main Street” and ADDING: “Free Parking from the intersection of Main and Spring Streets to the intersection of Main and Washington Streets with a two hour time limit.”

DISCUSSION:

Councilor Tobey requested to amend the motion on the table as follows, and seconded by **Councilor Verga**:

To leave the existing language of Sec. 22-289 and changing the “period” to a “semi-colon,” and ADD language: “provided, however, notwithstanding the above, there shall be free parking from the intersection of Main and Spring Streets to the intersection of Main and Washington Streets with a two-hour time limit on a pilot basis only from November 16, 2012 through March 15, 2013 inclusive.”

Councilor Tobey commented he appreciated O&A putting so much time into this matter. He stated Main Street parking meters act as an “anchor” on what could be relatively quick turnaround shopping visits, professional office visits, service visits that would benefit all of Main Street. However, in the summer months there is an influx of tourism traffic. The rationing function may be preeminent; by making people pay, there is control on use. The four months he proposes is during the time the year round community is in residence, their constituents who pay taxes and fees, etc. that “feed” the general fund. He said he was asking that the Council give this a four month experimental trial basis to give folks a break. He noted at the last meeting he likened folks being like “Pez” candy dispensers, popping out coins to deposit in the meters. This trial run says to the public they are inviting them downtown in the slow winter months when there is a little more pressure to keep business going; and see what it means to the General Fund. The fact that the Harbor Plan missed the fact that the DEP required a permit for temporary parking lot has already “poked a hole” in the budget. He expressed his belief this was short change, but with the potentially important impact on the downtown, and asked that they find out. **Councilor Whynott** did not support this motion. He reminded the Council in the past there was free parking during holiday season, and the Chamber of Commerce told them it was being abused, and would leave too much room for abuse. If there are no meters when time is expired, it might make a difference. It is hard enough to find a parking space, and felt this would make it even harder. **Councilor Verga** expressed his support of Councilor Tobey’s proposal as put forward by the amendment to the motion, saying it was a compromise and a worthwhile experiment. He suggested there may need to be some additional two-hour limit signs put up on Main Street if they do take out the meters for the experiment. The active anti-shuffling procedure in place and the enforcement of it shouldn’t be as much of a worry. There has to be clear signage, and this wouldn’t be a big hit to the City’s budget. He asked they try it and see. **Councilor Cox** stated her support of the change to the ordinance on a trial basis. However, she expressed she hoped for a three hour limit. She had asked the Treasurer’s office what the cost of moving from a two to three hour limit would be, and would work on getting that response and consider a Council Order to extend the time limit to three hours. **Councilor Ciolino** as a business owner on Main Street, he experiences the parking situation downtown daily. While he knew this had been advertised for public hearing, if they are doing such a drastic change, they should get the downtown merchants involved to let them know about this proposal. They should not try anything before the Main Street businesses are engaged in this process. They have tried countless times to do free parking, and it is always abused. It would be hard to track by parking enforcement. It is the turnover of parking which is important. He urged they not repeat past mistakes. There is no one who can monitor it constantly. What they have downtown now works, and they don’t need to change it. He said he rarely hears complaints about the meters; rather it is about the lack of parking spaces. The workers go to the easiest spots and park in front of the establishments where they work. This amendment to the ordinance is not a good idea and he would vote against it. **Councilor McGeary** expressed an inclination to favor the principal but was concerned by Councilor Ciolino’s remarks. The retail industry counts on turnover, and 50 percent of business is done over the December holidays. He offered a friendly amendment to the amendment to make the trial period to start on January 1, 2013 to end on March 31, 2013, during which time the downtown is fairly quiet. This trial period may add incentive and jump start some business. During the holiday season it would be important to maintain those limits because it is an important season in the retail industry. **Councilor Tobey** did not want this to appear bothersome to downtown merchants, but expressed concern with Councilor McGeary’s request. For the month of December every year he was Mayor, they held meter collection in abeyance; everyone loved it. Since 1982 the meters only went away during Christmas as a result of an Administrative order. However, he would accept the amendment for the trial period to run from January 1, 2013 to March 31, 2013. He hoped the Administration would do as he did and make January free parking.

Amendment to the Amendment: To change the effective date of the trial period from November 16, 2012 through March 16, 2013 inclusively to now move to: January 1, 2013 to March 31, 2013 inclusively.

Councilor Whynott would not support the second amendment either. The two-hour parking limit works in some places, and not in others. Hair dressing salons might need three hours, but someone else needs turnover in less time. This doesn’t work on any level and would not support the amendment to the amendment or the amendment.

Councilor Theken expressed concern and noted that she voted against the removal of parking meters on Main Street when Councilor Tobey first brought a Council Order forward because the revenues from the Main Street meters support the maintenance of the downtown’s beautification program. This issue has been going on for two years. She recalled when there were no meters at Christmas which she expressed she thought was successful. They only have one parking enforcement person each day. When you have a meter it is easier to ticket for an expired time violation. She asked how a merchant will know if a person has been parked for over two hours. Who would do the

work when the parking enforcement person cannot get to all of Main Street or is out? She said she liked the pilot program concept, however. They need to know how much is lost or gained in meter income. She was unsure how to vote because on one hand, they did the anti-shuffling to prevent folks from parking too long on Main Street, and now there would be no meters; but there the anti-shuffling ordinance remains in place. She expressed concern as to how the City would police the situation. She agreed the community needs a break; but they never asked for public input. They didn't tell the merchants about this specific change. They did get input on the anti-shuffling.

Councilor LeBlanc expressed he would not support this change, stating the two-hour parking limit works now. The meters work well now. There is a loss of revenue from the I4-C2 parcel kiosk. They need to stay with what they have.

Councilor Whynott expressed agreement with Councilor Theken; that even though this is a public hearing, you can't tell by the agenda, and to do something this controversial you would have to say "to remove the meters".

Councilor Verga pointed out until they do this trial, they won't know. There has been free cash over the last two fiscal years. If there is a shortage of funds, it should not present a big problem, and should not be taken into consideration regarding lost revenue. Since they've turned the financial corner, this is a worthy experiment. If they let another year go by it won't happen.

Councilor Cox stated her agreement with Councilor Whynott as far as this amendment was concerned. She is in favor of the trial basis but expressed the merchants should be informed this is happening and asked for a two week continuance. She would personally pass out flyers to Main Street business and notify them in two weeks there would be a continued public hearing to address this issue. **Councilor Ciolino** agreed with Councilor Cox; had he known this would happen tonight he would have put the word out to the downtown merchants to get them involved. This is about people's livelihood. This shouldn't be considered without input from the Police Department also to see that this is enforceable. If the parking enforcement person is off, who then would enforce the ordinance? He also supported a continuance.

Councilor McGeary suggested the Council vote on the amendment to the amendment so that Councilors Ciolino and Cox have something to go to the merchants with. The first step is to vote yes on the amendment to the amendment.

Council President Hardy stated the trial basis is included in the motion but they are changing the dates by voting on the amendment to the amendment. They haven't voted on that amendment to the amendment; and that a new public hearing is not necessary. **Councilor Tobey** stated technically they've taken a great big action and told the world they are getting rid of the parking meters and now they are shutting them down for four months only. He would like to hear from the merchants on Main Street about the matter and get some folks from the community who might say it would be good to have a break. He stated his believe there is an addiction to parking meter revenues and suggested perhaps they can wean themselves from it. He would support a continuation for two weeks.

MOTION: On motion by Councilor McGeary, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 6 in favor, 3 (LeBlanc, Whynott, Ciolino) opposed to amend the amendment to the main motion by replacing the dates of "November 16, 2012 to March 16, 2013 inclusive;" with " January 1, 2013 to March 31, 2013 inclusive."

MOTION: On motion by Councilor Cox, seconded by Councilor Tobey, the public hearing to AMEND the GCO Sec. 22-289 (Parking Meter Zones-On Street) by DELETING "Main Street" be continued to October 23, 2012.

This public hearing is continued to October 23, 2012.

Councilor Tobey stepped away from the dais.

For Council Vote:

- 1. Extension of Emergency Ordinance to Amend Sec. 22-288 "Off-Street parking areas" and Sec. 22-290 "Same-Off-Street parking areas re: 65 Rogers Street"**

Councilor Cox asked to withdraw this emergency order and to have the ability to refile the Order in future.

On a vote of 8 in favor, 0 opposed, 1 (Tobey) absent, the City Council voted to permit the matter of an extension of Emergency Ordinance to Amend Sec. 22-288 “Off-Street parking areas” and Sec. 22-290 “Same-Off-Street parking areas re: 65 Rogers Street to be withdrawn

This mater is withdrawn.

Councilor Tobey returned to the dais.

2. CC2012-054 (McGeary) Resolution re: Constitutional Amendment to restore the First Amendment and Fair Elections to the People

Councilor McGeary explained that was pleased to sponsor the resolution before the Council which calls on the Council to express its support for a constitutional amendment overturning the so-called “Citizens United” decision by the United States Supreme Court which held in part that corporations, unions and other corporate entities such as political action committees (PACs) were entitled to the right to expend any and all money in furtherance of political goals without limitation. He noted that the presence of large sums of money in the political process cannot help but tip the scales of political discourse in favor of those who can spend the most to influence opinion. He expressed his view this threatens a core democratic principal of one person, one vote. With that he introduced two proponents of the measure who would speak in favor of the resolution, Andrew Innes of Gloucester, representing the group Common Cause and June Michaels representing the Cape Ann League of Women Voters.

Andrew Innes, 6 Bray Street, representing himself and Common Cause and for 139 other citizens from the community who signed a petition who asked that the first amendment be restored, asked the Council to pass a resolution calling upon the US Congress to restore the first amendment and fair elections to the people. Rockport passed a resolution as have 71 other cities and towns across the state. He gave examples of special interest money giving the appearance of corruption leaving the average citizen skeptical and alienated from the political process. Over the last 36 years incorporated personhood and money as speech has become imbedded in the law. Just reversing Citizens United will not do it. It will take a Constitutional amendment to fix it. He urged the Council to vote for this resolution to restore the first amendment.

June Michaels, 22 Landmark Lane, Rockport representing the League of Voters stated that the Supreme Courte has created a privileged group of political speakers. Individuals and associations are still limited in what they can contribute directly to political campaigns; but the Court ruled that corporations which produce “independent election communications” are not bound by campaign finance laws either to restrict or disclose their funding. The result has been a phenomenal increase in political spending and proliferation of “super PACs” – political action committees which make no contribution to candidates or parties and so can accept unlimited contributions. Speaking about superPAC’s, she expressed there is a loss of transparency and accountability since superPACs are exempted form requirements to disclose their donors. She, too, urged the Council to support this resolution.

[**Note:** A complete set of the remarks made by Councilor McGeary, Mr. Innis and Ms. Michaels was submitted and placed on file.)

Councilor McGeary stated this situation is a danger to democracy. The power of money is already rampant. Citizens United has added to the detrimental affect. It is the law; and the only recourse is to amend the Constitution. It is right to join the legislature to make that call to Congress.

Councilor Whynott supported this; as it is the closest thing to clean elections. He expressed his hope for a constitutional amendment. **Councilor Verga** stated one of the complaints about the Supreme Court is that it is a case where nine people made a decision that affected 350 million. This is a grassroots effort to make a constitutional change to make something saner. Right now this is writing checks to make change. He supported the resolution. **Councilor Cox** expressed she would support the resolution and thanked those citizens and Councilor McGeary for bringing this forward.

Councilor Tobey remarked he ran for Mayor four times and had to raise \$55,000 to \$60,000 each time. He disliked it. He is looking forward to not running again because he won’t have to ask people for money. In contrast, there are “machines” created in the aftermath of the Citizens United decision that are shameless; and it is wrong. This is an important initiative if they are to maintain a Republic where people matter. This constitutional amendment needs to be enacted. **Councilor Ciolino** also expressed his support of the resolution but asked if its passage this evening, is this something that will have a snowball effect through other cities and towns and asked how this would be presented when it gets to the legislature. **Councilor McGeary** stated the legislature has already voted in favor of this constitutional amendment, this has the City join them in that request. It is nice for the City to support it.

Councilor Theken thanked Ms. Michaels and Mr. Innes for coming forward. She said good people can't run for public office because they can't afford it. It is tremendously costly to run a campaign. She would support the resolution. She expressed appreciation that those involved in the grassroots groups had moved this matter to the forefront.

Councilor McGeary read entire public policy ballot question as it will appear on the ballot in the November 2012 for the fifth Essex representative district consisting of Essex, Gloucester, Rockport and in other legislative districts across the Commonwealth (on file) at the request of Council President Hardy:

"Shall the state representative from this district be instructed to vote in favor of a resolution calling upon Congress to propose an amendment to the U.S. Constitution affirming that: 1) corporations are not entitled to the Constitutional rights of human beings; and 2) both Congress and the States may place limits on political contributions and political spending."

Council President Hardy stated while she agreed in principal with what is being attempted, she took issue with the way the ballot question is worded by the use the word, "instructed." She asked what kind of a precedent that word made, and asked whether this is common language used in such matters. **Councilor McGeary** responded it is common language. The instruction is only advisory unless it is stated to be a binding referendum; in which case the Legislature has to abide by their instructions. In this case they are free to accept or ignore their instructions. In this case, they have already acted on it. The word, "instructed" is common wording in ballot questions. **Council President Hardy** said she didn't like the word, "instructed," because she was concerned it would set a precedent, but also noted it is advisory. She also asked why only two-thirds of the state will vote on this matter. **Councilor McGeary** explained it is done on a district-by-district basis in the State. Council President Hardy said she would vote in favor of the resolution, but took exception to the word "instructed,"

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the following RESOLUTION:

WHEREAS, for the past three decades, a divided United States Supreme Court has stretched the limits of the First Amendment to allow corporations, unions, political action committees and super political action committees to influence the political process and democratically-enacted reforms; AND

WHEREAS, the First Amendment has been greatly impacted by the United States Supreme Court's recent ruling in Citizens United V. The Federal Elections Commission; AND

WHEREAS, the United States Supreme Court's ruling in Citizens United overturned longstanding precedent prohibiting these interests from spending general treasury funds in democratic elections; AND

WHEREAS, the United States Supreme Court's ruling in Citizens United will allow special interests limitless and unprecedented campaign spending and thus disproportionate influence, threatening the fairness of the democratic process; AND

WHEREAS, the people of the United States have previously used the constitutional amendment process to overturn Supreme Court decisions that present a risk to the democratic process and self government; NOW THEREFORE BE IT

RESOLVED, that the City Council of the City of Gloucester, Massachusetts, hereby memorializes the 112th Congress of the United States to pass and send to the states for ratification a Constitutional Amendment to restore the First Amendment and fair elections to the people; AND BE IT FURTHER

RESOLVED, that a copy of these resolutions be transmitted forthwith by the City Clerk to the President of the United States, to the presiding officer of each branch of Congress and to the members of those branches from the Commonwealth of Massachusetts.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynott stated there needs to be something done about the coyote population in the City. It is a serious matter. He has received many calls from neighbors who have expressed their concern. **Council President Hardy** stated the Administration has gotten back through the City Clerk's office informing the Council that the best time for the Board of Health and for the Animal Control Officer to meet with the Council on November 13th. This is a public safety issue and didn't know how much longer they could wait. She, too, has seen more coyotes than ever, going through the O'Maley School grounds day and night in packs. She expressed her willingness to meet with the Board of Health and Animal Control Officer as to what could be done in her neighborhood. **Councilor Whynott** asked the Administration to do research into the situation, and to talk to the appropriate State agencies to find out if

there is anything they can do and get back to the Council at their next meeting. Councilor Tobey expressed he did not believe that controlling coyotes is under the purview of the Board of Health. Rather, this is an Animal Control and Police enforcement matter. They should have their new Police Chief and the Animal Control Officer come and tell the Council what they are going to do about this safety issue, and give this the urgency it deserves. This is about animals being controlled. **Councilor McGeary** asked they also reach out to the Environmental Police to see if this is in their purview. **Council President Hardy** agreed with Councilor Tobey and asked that the Clerk of Committees send to the Mayor's Office a request that Chief Campanello arrange for the Animal Control Officer to appear before the City Council at their next meeting to be appraised of the steps that can be taken to assure public safety with the threat of the fast growing coyote population in the City. They also are asking that the Chief, or his designee, to also appear before them on this matter to be taken up during the presentation portion of the meeting.

Councilor Verga stated he got a call from lower Essex Avenue sewer line; he emailed Mr. Dugan and Mr. Hale about a presentation and would like an official Request to the Mayor to get a report for November 13th.

Councilor Cox announced on Saturday, November 13 at 7: 00 a.m., the community garden is having a clean up that day and the Mayor will be present to talk about the Burnham Field Grant. She invited anyone interested to attend.

Councilor Tobey requested the Administration, having had several constituents representing non-profit institutions contact him on the issue, proceed with a reexamination of Sec. 9-2 PAYT containers; that they might change the provisions of local ordinance that precludes the City from picking up trash at non-profits. Trash collection only goes to residences of a certain number of units. The contract with the collection provider now is good for 18 more months. There is some time. There are implications to this request. He asked this for an assessment of when and how they might lift this prohibition from non-profit institutions, and asked that O&A to work with the Administration on this matter.

Councilor McGeary alert celestial happening tomorrow, at 6:50 p.m. and again at 8:25 p.m. the Space Station and followed by a private space ship flying overhead from 10 degrees above S and 13 degrees above ESE. The show repeats at Thursday at 7:36 p.m.

Councilor Ciolino alerted the community to focus their attention on Cruiseport this and next week. There will be an enormous crane being assembled. The wind turbines the Council permitted are arriving in Boston by freighter and barges will be coming to Cruiseport to unload the components. These cranes will lift the components of the turbines and put them on big flatbed trucks to take them to Blackburn Industrial Park for storage, readying for assembly and installation. There are a lot of cranes downtown which he said indicates investment in the City and is very encouraging.

Councilor LeBlanc reminded the community that hunting season starts October 15th; and it is archery hunting season as well. He asked the public to use caution when walking through the woods.

Councilor Theken pointed out good news on open enrollment. The insurance companies are taking more responsibilities. There will be premium and co-pay changes. On October 16th at 10 am. at the Rose Baker Senior Center, a SHINE director will make a presentation which is open to all. There is new information about GIC, same sex marriages and more. Open enrollment is starting. If there is a spouse who retires, they may not have to join Medicare. There is a lot of information that needs to be addressed. She will be take appointments one-on-one; and there are now more SHINE folks available to help. She also noted there was a needs assessment review tonight in Gloucester by the Addison Gilbert Hospital. Another will take place in Rockport Thursday evening.

Council President Hardy noted on October 30, 2012 there will be a Joint School Committee/City Council meeting. She asked Councilors to submit agenda items for discussion.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Summary of Relief Requested re: 132 Wingaersheek Road, Assessors' Map 260, Lot 18 submitted by applicant, Antonio Bertone**
- **Copy of full remarks made by Andrew Innis, 6 Old Bray Street, Gloucester under For Council Vote re: CC2012-054 (McGeary) Resolution re: Constitutional Amendment to restore the First Amendment and Fair Elections to the People**

- **Copy of full remarks made by June Michaels, 22 Landmark Lane, Rockport representing the Cape Ann League of Women Voters under For Council Vote re: CC2012-054 (McGeary) Resolution re: Constitutional Amendment to restore the First Amendment and Fair Elections to the People by**