

GLOUCESTER CITY COUNCIL MEETING

Wednesday, July 9, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara

Absent: None.

Also Present: Grace Poirier; Jim Destino; Kenny Costa; John Dunn; Mike Hale; Jonathan Pope; Vanessa Krawczyk; Lucy Sheehan; Michelle Sweet; Kathy Clancy

The meeting was called to order at 7:00 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence.**Oral Communications:**

Name: Attorney Joel Favazza

Address: Seaside Legal Solutions, 111 Main Street

Subject: Appearing on behalf of Cynthia J. Sears owner of 24 Chapel Street, Mr. Favazza spoke to a stop sign recently relocated against his client’s property’s fence. He indicated previous outreach to the Mayor’s Office, and the Ward 1 Councilor. He showed photographs of the home with a chain link fence on its perimeter saying that school children are using the stop sign pole, now flush to the fence, to climb onto it. He described what he termed as unacceptable responses from the Public Works Department when his client made inquiries as to the reason for the stop sign’s relocation to its current spot and why it remained that way after pointing out to them that this was a public safety hazard. He highlighted that this sidewalk leads to the East Gloucester Elementary School, expressing concern that the stop sign’s position be moved for public safety reasons.

Name: Brenda Molloy

Address: 43 Rocky Neck Avenue

Subject: Request for sidewalks and crosswalks to be painted on Rocky Neck for public safety reasons.

Name: Patti Amaral

Address: 14 Myrtle Square

Subject: Recounting the history of Mattos Field adjacent to the Veterans Memorial Elementary School and surrounding dedicated open spaces for community use, she asked that these dedicated open spaces not be taken away.

Presentations/Commendations: Dore & Whittier Architects re: East Gloucester School Building Project Update

Jonathan Pope, School Committee Chair, noted the first MSBA feasibility study will be submitted on behalf of the city with a reduction of possible options from 14 to 9 for East Gloucester Elementary School and a possible combined East Gloucester/Veterans Memorial Elementary School. He mentioned that Roger Tuttle from CBI, the city’s Owner’s Project Manager, was also present with Michelle Rogers from Dore & Whittier, the city’s Project Manager.

Michelle Rogers, Project Manager, reviewed progress made since her last visit to the Council On March 26, 2019 with a Power Point presentation (on file) to the Council as follows:

- Conducting existing conditions surveys which were touched on (on file) for Veterans and East Gloucester Elementary Schools (see City Council minutes for March 26, 2019: <http://gloucester-ma.gov/ArchiveCenter/ViewFile/Item/10344> ;
- Developed Educational Program for assessing existing programs, district-wide SPED and other programs;
- Developed space summary for 230 students (2 classes per grade); and then for 440 students (4 classes per grade); developed spatial relationship diagrams as to how different parts of the school mesh together;

- developed guiding principles for design and evaluation criteria for options --education; site; building design and cost were weighted and the calculation was described briefly;
- Options – East Gloucester School Site: Capital Improvements only for existing population; renovations only at 230 students; addition and renovations for 230/440 students; new construction for 230/440; Veterans Memorial Site – new construction 440; Schoolhouse Road site – new construction for 440 (access to the Green Street properties owned by the city);
 - East Gloucester site constraints were noted briefly – a dedicated and deeded open space program area can't be utilized bisecting the entirety of the property. Each of the previously noted options for East Gloucester were reviewed briefly for 230 and 440 students: Capital Improvements, Renovations, Additions and Renovations for a 440 student population would see the school become three stories;
 - Configurations of a new school for 230 and 440 students on the East Gloucester site was touched on and briefly described noting that topography and geotechnical make-up of the site is impactful to the development of site, and it would also require taking over city-owned paper roads;
 - Veterans Memorial School property was shown as a possible site for a new school noting that while the adjacent ball field is memorialized it is not a deeded space for that purpose; the development of a new school would mean four stories to accommodate 440 students meaning the field would have to be rotated to stay out of the building footprint; parent drop off and pick up areas and bus access to such a school configuration was touched on;
 - School House Road – location of a 3-story 440 student school was noted as sited further back on the property; a second option was shown also;
 - All options were evaluated and costs are now being examined. The MSBA required options were touched on for East Gloucester, Veterans Memorial and School House Road;
 - An upcoming time line was reviewed: 7/12/19: Review of cost and scoring alternatives with cost information; 7/18/19 share cost and "Short list of Alternates" recommendations with the School Committee in a public meeting with the goal of a "PDP" submission to the MSBA in early August 2019.

COUNCILOR QUESTIONS:

Councilor Cox confirmed with Ms. Rogers that the rough cost estimates of the nine alternates will be available on Thursday, July 18, 2019 at a meeting of the East Gloucester School Building Committee beginning at 5:00 p.m. at the School District Offices, 2 Blackburn Drive. All 14 options have been estimated, Ms. Rogers advised.

Councilor Cox asked if swing space will be estimated in those rough costs on new builds and renovations. **Ms. Rogers** explained that for any work on the East Gloucester and Veterans Memorial sites an estimate is given for both sites. She cautioned it is just an estimate as they don't know where those students would be moved to. Specific to the Veterans Memorial site it also includes the relocation of the ball field and the cost is associated with that.

Councilor Gilman mentioned minimum sizes for Kindergarten classrooms which require their own bathrooms and Grades 1-5 classrooms. She asked what they were and what percentages the MSBA gives for such renovations. **Ms. Rogers** explained Kindergarten classrooms require 1,200 square feet serving 18 students; general classrooms are in the range of 900 to 950 square feet based on whether cubbies are in the classroom or hallways and serve 23 students. On options that don't include a totally new school she noted the reimbursements given by the MSBA is based on what is eligible which is a vast array and reviewed several possible scenarios based on serving the number of students. Some of the renovations may not be eligible in some cases, she noted.

Councilor Hecht asked about a survey and title to the School House Road site and its availability. **Ms. Rogers** conveyed that the site has been declared available for development and consolidation of the property has to be filed with the Essex County Registry of Deeds. **Councilor Hecht** asked about parking requirements for a 440 student school. **Ms. Rogers** advised that there would be about 80 full-time equivalent staff members and therefore would ask for a total of 130 parking spaces for such a school. The city has regulations that exceed that recommendation from Dore & Whittier and would need a request for a variance. **Councilor Hecht** expressed concern for the number of projected parking spaces given special events that occur at schools. **Ms. Rogers** advised that the recommended parking meets the daily use of the building saying that space isn't usually programmed for one or two time use that is non-regular events. She noted that the city requires one space for every 500 feet which is about 190 parking spaces.

Councilor O'Hara asked about bus access to the East Gloucester School through the Davis Street Extension and Chapel Street in light of the suggested scenarios for a 440 student school and would there be a need for any modifications of the Davis Street Extension. **Ms. Rogers** explained with 440 students they weren't able to design

parent drop off on the site meaning parents would still have to continue to drop their students on Chapel Street and walk into the school via the Davis Street Extension. The buses, factored at five, would be staggered arrivals and departures.

Responding to an inquiry by **Councilor Cox, Ms. Rogers** explained that the “3011” won’t be fully developed until next week, but the estimates for reimbursements are part of the “PDP” (Preliminary Design Program) that will be submitted to the MSBA by August 1st as a final document. The reimbursement rate will apply to any of the options that meet the educational plan. **John Dunn**, CFO, advised that it is very early in the process for developing costs. There are a number of items the MSBA rates for reimbursement but that there are also a number of costs that are not reimbursable – even though the stated rate might be 59%, it is 59% of reimbursable costs. There is a maximum per square footage reimbursement – if they go beyond that it is 100% on the city to pay. He pointed out it will become more clear closer to August to make reasonable estimates. **Ms. Roger** added that it is an order of magnitude as to MSBA reimbursements.

Council President Lundberg conveyed that this is an on-going process by the School Building Committee. He advised when the decision-making reaches a critical point for the city, there will be a public process for citizens to be heard.

Confirmation of New Appointments: None.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
 - **MAYOR’S REPORT**
1. Memorandum, Grant Application & Checklist from the Economic Development Director re: acceptance of Gloucester’s Essex National Heritage Commission Grant-2019 Season for the Stage Fort Park Welcoming Center in the amount of \$2,500 (Refer B&F)
 - **INFORMATION ONLY**
 1. Draft Repair of Private Ways Guide (Gilman/Memhard/Nolan) (Info Only)
 - **APPLICATIONS/PETITIONS**
 1. SCP2019-005: Chestnut Street #6-#8, Map 13, Lot 53, GZO Sec. 3.2.2(a) for the decrease in minimum open space per dwelling unit (Refer P&D)
 - **COUNCILORS ORDERS**
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 06/25/2019 (Approve/File)
 2. Special B&F Meeting: 7/8/2019 (under separate cover) (Approve/File)
 3. Standing Committee Meetings: B&F 7/4/19 (no meeting), O&A 07/01/19 (no meeting) P&D 7/3/19 (no meeting) (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Memhard asked to remove Item #1 under Information Only. He highlighted and expressed appreciation for the work Grace Poirier, Assistant City Clerk and the Mike Hale, Public Works Director have done with he and Councilor Gilman to create a draft informational guide (on file) to be made available to citizens who have issues with pot holes and road improvement projects. Pointing out that the document is now crafted to be two pages, he conveyed this will be a valuable resource that will be going live soon on the city’s website. **Councilor Gilman** shared that if any Councilor has any suggestions for the draft guide for its improvement to please make them by July 16 through the Assistant City Clerk. She acknowledged Councilor Memhard’s lead role in the document’s creation. **Council President Lundberg** expressed his approbation of the draft document which he termed a great public service. **The Council voted unanimously to accept Item #1 “Draft Repair of Private Ways Guide (Gilman/Memhard/Nolan)” under “Information Only.”**

Councilor Cox asked to pull Item #1 under the Mayor’s Report, “Memorandum, Grant Application & Checklist from the Economic Development Director re: acceptance of Gloucester’s Essex National Heritage Commission Grant-2019 Season for the Stage Fort Park Welcoming Center in the amount of \$2,500”. She advised that this matter will be moved to the August 8th Budget & Finance (B&F) and that the July 18th meeting is cancelled. **The Council voted unanimously to refer the “Memorandum, Grant Application & Checklist from the Economic Development Director re: acceptance of Gloucester’s Essex National Heritage Commission Grant-2019 Season for the Stage Fort Park Welcoming Center in the amount of \$2,500” to the Budget & Finance Committee.**

By unanimous consent of the Council the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: July 4 – No Meeting - Holiday

Special Meeting July 8

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2019-SBT-13 for the purpose of funding and making whole Fiscal Year 2019 accounts totaling \$910,700 as follows:

FROM ACCOUNT			TO ACCOUNT			Amount
ORG	OBJ	Account Name	ORG	OBJ	Account Name	
0112151	511000	Mayor's Salaries	0142351	513002	Snow & Ice OT	\$ 7,000
0114551	511000	T/C Salaries	0142351	513002	Snow & Ice OT	\$ 4,000
0114552	530010	T/C Legal Services	0142351	513002	Snow & Ice OT	\$ 25,000
0115251	511000	HR Salaries	0142352	529014	Snow & Ice - Plowing	\$ 15,000
0115551	511000	IT Salaries	0142352	529014	Snow & Ice - Plowing	\$ 15,000
0115552	534008	IT Web Site Costs	0142352	529014	Snow & Ice - Plowing	\$ 15,000
0118151	511000	CD Salaries	0142352	529014	Snow & Ice - Plowing	\$ 40,000
0121151	511000	Police Uniform Salaries	0121051	511000	Police Admin Salaries	\$ 73,000
0121251	511000	Police CID - Salaries	0121651	513000	Police Harbor OT	\$ 4,500
0124151	511300	Inspectional Services Hourly	0142352	529014	Snow & Ice - Plowing	\$ 25,000
0140352	529004	DPW Solid Waste Disp.	0142352	529014	Snow & Ice - Plowing	\$ 80,000
0142152	530008	DPW Admin Training	0142151	511000	DPW Admin Salaries	\$ 4,000
0142358	585000	Snow & Ice Equipment	0142352	529014	Snow & Ice - Plowing	\$ 19,000
0147252	521001	DPW - Facilities - Electricity	0147251	513002	DPW - Facilities - OT	\$ 85,000
0147252	521001	DPW - Facilities - Electricity	0142352	553010	Snow & Ice - Salt	\$ 17,000
0149952	521000	DPW - Central - Energy	0149951	513000	DPW - Central - OT	\$ 4,000
0149952	521000	DPW - Central - Energy	0142352	553010	Snow & Ice - Salt	\$ 75,000

0154352	577000	Veterans – Benefits-OB	0151051	511300	BOH Wages - Hourly	\$ 4,000
0154352	577000	Veterans – Benefits-OB	0142352	553010	Snow & Ice - Salt	\$ 56,000
0161051	511000	Library Salaries	0142352	529014	Snow & Ice - Plowing	\$ 38,000
0190151	517003	Health Insurance	0190351	517008	Medicare	\$ 53,000
0190151	517003	Health Insurance	0191051	517001	Worker's Comp	\$ 45,000
0190151	517003	Health Insurance	0191551	517002	Unemployment	\$ 10,000
0190151	517003	Health Insurance	0142352	553010	Snow & Ice - Salt	\$ 42,000
0194252	569001	Vocational School	0142352	553010	Snow & Ice - Salt	\$ 34,000
0194552	574001	Building Insurance	0142352	553010	Snow & Ice - Salt	\$ 20,000
0640058	580000	Sewer Capital Outlay	0640059	592500	Sewer Note Interest	\$ 43,000
0182052	565004	School Choice Sending	0170059	591500	Interest on LTD	\$ 58,000
TOTAL						\$ 910,500

DISCUSSION:

Councilor Cox conveyed the following information: The funds being moved around, in some cases reflects lag money due to staff vacancies and from other resources within the FY19 budget to fund mostly a gap in Snow & Ice. Funding is through the consolidation of the FY19 budget remainders across all city departments. This annual transaction is done without the use of Free Cash or Stabilization Funds monies to make the FY19 budget whole, which has not been the case in some time, she indicated. She conveyed this was the result of a mild winter as well as sound budgeting practices by the Administration through the work of the CFO, City Auditor and CAO.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2019-SBT-13 for the purpose of funding and making whole Fiscal Year 2019 accounts totaling \$910,500 as follows:

<u>FROM ACCOUNT</u>			<u>TO ACCOUNT</u>			
<u>ORG</u>	<u>OBJ</u>	<u>Account Name</u>	<u>ORG</u>	<u>OBJ</u>	<u>Account Name</u>	<u>Amount</u>
0112151	511000	Mayor's Salaries	0142351	513002	Snow & Ice OT	\$ 7,000
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0149952	510000	DPW - Central - Energy	0142352	553010	Snow & Ice - Salt	\$ 75,000
0154352	577000	Veterans – Benefits-OB	0151051	511300	BOH Wages - Hourly	\$ 4,000
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0190151	517003	Health Insurance	0191551	517002	Unemployment	\$ 10,000
0190151	517003	Health Insurance	0142352	553010	Snow & Ice - Salt	\$ 42,000
0194252	569001	Vocational School	0142352	553010	Snow & Ice - Salt	\$ 34,000
0194552	574001	Building Insurance	0142352	553010	Snow & Ice - Salt	\$ 20,000

0640058	580000	Sewer Capital Outlay	0640059	592500	Sewer Note Interest	\$ 43,000
0182052	565004	School Choice Sending	0170059	591500	Interest on LTD	\$ 58,000
TOTAL						\$ 910,500

Councilor Cox then called for a Motion to Reconsider 2019-SBT-13, seconded by **Councilor Memhard**.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 0 in favor, 9 opposed, to RECONSIDER the vote for Special Budgetary Transfer 2019-SBT-13 totaling \$910,500.

MOTION FAILS.

Ordinances & Administration: July 1 - NO MEETING

Planning & Development: July 3 - NO MEETING

Scheduled Public Hearings:

- 1. PH2019-039: Loan Order 2019-007: loan authorization request for the replacement of approximately 6,000 feet of water main along Englewood Road and abutting streets in Magnolia, in the amount of \$1,800,000**

This public hearing is opened at 7:47 p.m.

Those speaking in favor:

Brian Cassidy, 3 Lake Road, noted he was present with a group of neighbors who were members of the Lake & Englewood Private Way Repair Committee. He extended his thanks to Mike Hale, Public Works Director and to Councilors O'Hara and Nolan for their assistance in their public/private way road betterment project. He suggested the proposed water main repair work was appropriate for Lake and Englewood Road in conjunction with the road betterment project. He voiced support for the loan authorization.

Jim Muldowney, 40R Englewood Road, expressed support for the loan authorization. He also thanked Mr. Hale for his assistance.

Christine Goodchild, 34 Englewood Road, spoke in favor of the loan authorization conveying that this is a great example of what can be achieved through public/private partnership, across the city. She highlighted that the water pipes on the street are circa 1930's and their replacement is needed, saying that clean water delivery is important to everyone.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:53 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, to recommend that the City Council authorize the following loan order:

Ordered: That the City of Gloucester appropriates One Million Eight Hundred Thousand Dollars (\$1,800,000) to pay costs of installation of replacement water mains, hydrants and valves along Englewood Road and abutting streets, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Ch. 44, Sec. 8(5), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Ch. 44, Sec. 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Oversight Board to qualify under Ch. 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION:

Councilor LeBlanc conveyed that this is a perfect example of a public/private partnership and many other streets should use this as a model to achieve renewed roadways, sewer and water lines. He extended his thanks to the residents and expressed his support for the loan order.

Councilor O'Hara offered his thanks to Mr. Hale for explaining to constituents about a process that can be complicated to understand. He also expressed his appreciation to Councilors Nolan and Memhard. A full water line replacement can be difficult for affected residents, but the results will be worthwhile, he assured.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to authorize the following loan order:

Ordered: That the City of Gloucester appropriates One Million Eight Hundred Thousand Dollars (\$1,800,000) to pay costs of installation of replacement water mains, hydrants and valves along Englewood Road and abutting streets, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Ch. 44, Sec. 8(5), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Ch. 44, Sec. 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Oversight Board to qualify under Ch. 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

For Council Vote:

- 1. Motion for Reconsideration (Cox, Gilman): City Council vote of 6/25/2019 re: Amend GCO Ch. 9 "Trash, Recycling and Litter" by ADDING Article III "Prohibition on Single Use Plastic Straw, Stir Stick and Hotstopper"**

MOTION AS VOTED BY THE CITY COUNCIL JUNE 25, 2019:

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend GCO Chapter 9.-Trash, Recycling and Litter by ADDING Article III – "Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper, to Chapter 9-Trash Recycling and Litter as follows:

"Chapter 9.-Trash, Recycling and Litter by ADDING ARTICLE III – "Prohibition on SINGLE USE PLASTIC STRAW, STIR STICK & HOTSTOPPER

Sec. 9-22.- Definitions

The following words, terms and phrases shall, when used in this article, have the following meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Plastic Straw means any straw made of polypropylene, polyethylene, or polystyrene provided by a retail establishment to a customer.

Plastic Stir Stick means any stir stick, hollow or otherwise, made from polypropylene, polyethylene, or polystyrene used to stir beverages.

Hotstopper means any device also known by the name “splash-stick” which is used to block the hole in coffee lids, intended for single use, and made from plastic materials including but not limited to those made from polypropylene, polyethylene, or polystyrene.

Biodegradable means any materials that will completely degrade and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

ASTM D6400 means the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics.”

Compostable means a stirrer, straw, and hotstopper designated as compostable as it meets the ASTM D6400 Standard.

Customer means any person purchasing goods from a retail establishment.

Person means any natural person, firm, corporation, partnership, or other organization or group however organized.

Recyclable means any material that can be sorted, cleansed, and reconstituted using available recycling collection programs in the City of Gloucester for the purpose of using the altered form in the manufacture of a new product. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

Food & Retail establishment means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a “Food Establishment” for purposes of this ordinance.

Beverage Provider means any business, organization, entity, group, or individual located in the City of Gloucester that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

Director means the Director of the Public Health Department or his/her designee.

Department means the City of Gloucester’s Public Health Department.

Sec. 9.23.- Regulations, Recommendations, Exemptions, and Prohibitions.

- (a) No food establishment, retail establishment, or beverage provider in the City of Gloucester shall provide single-use, non-biodegradable plastic straws, stir sticks or hotstoppers to customers.
- (b) If a retail establishment provides straws, stir sticks or hotstoppers, they must be one of the following:
 - i. Compostable and made from compostable materials (meeting the specifications of ASTM D6400 or equivalent standard, as defined herein) including but not limited to paper, wooden, bamboo, straw, etc.
 - ii. Reusable and made from reusable materials including glass, stainless steel, bamboo, ceramic, etc.
- (c) Nothing in this chapter prohibits customers from using straws or stir sticks of any type that they bring to the retail establishment themselves in lieu of using straws, stir sticks, or hotstoppers provided by the retail establishment.
- (d) Nothing in this section precludes food establishments, retail establishments, or beverage providers from using or making non-plastic alternatives, such as those made from paper, Compostable Plastic, sugar cane, or bamboo, available to customers.

- (e) A retail establishment may provide or sell reusable straws, stir sticks, or hotstoppers to its customers or to any person.
- (f) A reusable straw, stir stick, or hotstopper must be constructed out of stainless steel or other material deemed reusable and not single-use.

Sec. 9-24.- Enforcement; Violations and Penalties.

- (a) If it is determined that a violation has occurred the Director shall issue a warning notice to the Food and Retail Establishment or Beverage Provider for the initial violation.
- (b) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.
- (c) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - i. Warning for the first offense
 - ii. \$100 for the second offense.
 - iii. \$200 for the third offense and each subsequent offense.
- (d) No more than one (1) penalty shall be imposed upon a Retail Establishment within a five (5) calendar day period.
- (e) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty or the total amount of the penalty payable shall be doubled. All fines shall be payable to the City of Gloucester.

Sec. 9-25. Severability; Effective Date.

- (a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.
- (b) This chapter shall take effect as of July 1, 2021.”

MOTION TO RECONSIDER VOTE OF 6/26/19 OF THE CITY COUNCIL: “Amend GCO Ch. 9 “Trash, Recycling and Litter” by ADDING Article III “Prohibition on Single Use Plastic Straw, Stir Stick and Hotstopper”:

MOTION: Without objection the City Council voted unanimously to RECONSIDER the City Council vote of 6/25/2019 to Amend GCO Ch. 9 “Trash, Recycling and Litter” by ADDING Article III “Prohibition on Single Use Plastic Straw, Stir Stick and Hotstopper.”

MOTION PASSES.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to refer the matter of, “Amend GCO Ch. 9 “Trash, Recycling and Litter” by ADDING Article III “Prohibition on Single Use Plastic Straw, Stir Stick and Hotstopper,” to the Ordinances & Administration Committee.

Unfinished Business: None.

Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:

1. Update of the Fisheries Commission by City Council Representative, Councilor Scott Memhard:

Councilor Memhard highlighted two fishing documentaries, “Lobster Wars” and “Dead in the Water” and the work by Gloucester Fresh in promoting Gloucester seafood. He noted the city’s lobster fishery is faced with the impact of the Chinese tariffs on its lobster exports. He lauded the work of Mark Ring and Al Cottone, Chair and Executive Director respectively of the Fisheries Commission. Councilor Lundberg reminded the Council that the following evening on Channel 2 (WGBH) at 7:00 p.m. on the program, “Greater Boston” there will be a segment on lobster tariffs filmed on the city’s waterfront featuring an interview with State Rep. Ann-Margaret Ferrante.

2. Update on Council on Aging request for Council assistance at Housing Authority locations for resident feedback on Community Development Transportation grants for physical activity and healthy food opportunities by City Councilor, Val Gilman

Councilor Gilman conveyed information about a Regional Compact Grant that will assist in expanding regional transportation for senior citizens to improve health outcomes through increased access to healthy food and physical activity. She noted Gloucester, Rockport, Manchester and Essex are part of the group under the grant. She reviewed that:

- Each community will establish its own routes/schedule and contract with their choice of transportation company or use in-house services;
- It is proposed to hold meetings at the city’s five senior housing projects;
- A survey of seniors is being conducted by the Gloucester Health Department’s Cape Ann Mass In Motion Coalition which was briefly reviewed;
- Councilors were asked to assist in conducting brief focus groups with board members of Council on Aging and follow-up meetings to obtain significant data
- Lucy Sheehan, Executive Director of the Baker Senior Center was acknowledged as present and working on this project.

Councilors’ Requests to the Mayor:

Councilor Gilman announced the following events: Community Safety Day takes place Saturday, July 13th 10:00 a.m. to 2:00 p.m. at Harbor Loop to support Kops for Kids; Wednesday, July 10th at 6:30 p.m. there will be a ribbon cutting at the Manship Artists Residency -- Council President Lundberg will be stepping in for the Mayor. Expected attendees are State Sen. Bruce Tarr and Rep. Ann-Margaret Ferrante as well as Anita Walker, Chair of the Massachusetts Cultural Council. She noted there is an “Artist-In-Residence in the Tiny House. Mentioning a recent accident at the Lanesville quarries she noted that she’s working with the DPW, Police and Fire Departments to coordinate work on safety issues and that she’s also working closely with neighborhood groups.

Councilor O’Hara conveyed a request that the Mayor ensures DPW funding to paint crosswalks and striping city roadways. He thanked the DPW for their great work during this year’s St. Peter’s Fiesta and 4th of July holiday.

Councilor Holmgren noted a SailGHS annual fundraiser Tuesday, July 16 at Maritime Gloucester; tickets are \$25. She pointed out the SailGHS team is undefeated once again this season. The public will have an opportunity to meet the student sailors, coaches and directors as well as enjoy refreshments and a silent auction.

Councilor Memhard advised of the active enforcement actions by the city’s Shellfish Warden during the Red Tide ban on the taking of shellfish. He announced that the DPW is working with the Mayor on the installation of new guard rails at Niles Beach. He also mentioned an upcoming formal legal petition vote Saturday, July 13th for eight Brier Neck private roads for a public/private road repair betterment here in Kyrouz Auditorium.

Councilor Cox announced a Block Party Saturday evening, July 13th and the Cape Ann Chamber of Commerce Auction on Thursday evening, July 18th. She requested that the Mayor through the CFO to learn whether city parking kiosks can be reprogrammed to allow for payment of parking prior to 9:00 a.m.

Councilor LeBlanc requested that the Mayor reach out to local businesses to find temporary employment for the city’s shell fishermen who have been banned from their work due to Red Tide. He conveyed it is anticipated the ban due to Red Tide will be extended for some weeks to come.

Council President Lundberg extended his apologies to his colleagues in his role as Council President, advising that School Committee Chairman Pope requested the presentation by Dore & Whittier Architects on the East Gloucester School Building Project Update several weeks ago and went ahead and scheduled it for this evening – which in turn was reported in the newspaper all without Council agenda confirmation by their Council President.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:16 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.