

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 13, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: Councilor Cox

Also Present: Joanne Senos; Jim Destino; Kenny Costa; John Dunn; Chip Payson; Karin Carroll; Grace Poirier; Vanessa Krawczyk

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. Council President Lundberg dedicated the Moment of Silence in honor of Val Babson who passed away after a long battle with Alzheimer’s dementia. He conveyed she was a wonderful friend and neighbor, and a dedicated Gloucester citizen. She was a great advocate for the Gloucester Public Schools and the Sawyer Free Library, making both better organizations for all of Gloucester.

Council President Lundberg on behalf of the Council acknowledged Grace Poirier, Assistant City Clerk a member of the Council’s team, advising that she just completed her Certified Municipal Clerk designation, a gold standard for her profession.

Joanne Senos, City Clerk, noted Ms. Poirier was appointed as the Assistant City Clerk in December of 2016. There is a designation that municipal clerks seek through a program of the International Institute of Municipal Clerks. She recounted the intensive training Ms. Poirier underwent annually for one week through the New England Municipal Clerk’s Institute & Academy in addition to taking classes through the Institute and Clerks Association of Massachusetts during that time. She advised this designation is not just the letters after one’s name or a lapel pin, it is a declaration of proficiency in one’s position and demonstrated mastery of the administrative skills critical to good government. She offered her congratulations to Ms. Poirier on receiving this prestigious award.

The Council President then presented Ms. Poirier with flowers and a card signed by the Council and Council staff. Ms. Poirier expressed her appreciation to have the opportunity receive her training and designation as well as her appreciation for working with the City Clerk and the Council.

Oral Communications:

Name: Patti Amaral

Address: 14 Myrtle Square

Subject: Reading the names of those to whom Ward 2 open spaces/playgrounds are dedicated, she urged that the field adjacent to the Veterans Memorial School remain open and not usurped by a new School. She recounted briefly the history of Mattos Field’s funding through grants and private donations for its refurbishment, asking that these spaces remain open space (written statement placed on file).

Name: Mary Ann Albert Boucher

Address: 93 Mt. Pleasant Avenue

Subject: Advocating for neighborhood schools, she spoke out against the proposed school consolidation of East Gloucester and Veterans Memorial Schools as well as urging a public hearing be held. She asked that schools be kept small and left in their neighborhoods.

Name: Pam Steele

Address: 10 Pilot’s Hill

Subject: Expressed opposition to consolidation of schools and asked how the city expects to pay for these capital expenditures. She urged better communication to maintain transparency.

Name: Joe Polizzia

Address: 23 Whittemore Street
Subject: Spoke to his disability of losing both his legs expressing that he isn't eligible to get public housing due to his past transgressions. Citing his impoverished state, his lease running out, and the need for a first floor entry due to his being wheelchair bound, he asked for assistance from the city to gain public housing as his past is an inhibiting factor. He mentioned that Sen. Tarr and Councilor O'Hara are trying to help him. Mentioning he made a lot of mistakes in his past he highlighted that he had turned his life around for some time now and asked for a second chance.

Name: Doug Shatford
Address: 22R Flume Road
Subject: Spoke in support of Mr. Polizzia's application for assistance to obtain public housing.

Name: Elmer Magana
Address: 19 Dodge Street
Subject: Spoke to concern for school consolidation and asked that a proposed site at Green Street for the building of a consolidated elementary school be excluded to allow the property to remain open space and to be preserved.

Presentations/Commendations:

1. **Karin Carroll**, Director of Public Health re: Update on city's CBD regulations (Cont'd from 07/23/19) conveyed the following information:
 - Brief history/background of CBD in the retail environment: CBD or Cannabidoil is a naturally occurring substance found in the resins of flowers of a cannabis plant, including in the hemp part of the plant. Hemp is defined as the part of the plant that has less than 0.3% THC (Tetrahydrocannabinol). These products were started to be seen all over Cape Ann and Massachusetts. Conflicting Police reports as to CBD's status at that time CBD products started appearing in stores were noted. Unless the Health or Police Departments suspect there is more than 0.3% THC in it, CBD is allowed. Recently the FDA approved a product to treat Epilepsy (that contains CBD). Because it is considered a medicine now, it can't be used as a food substance or put into food as an ingredient. It is not approved food source for humans and pets at this time.
 - The Board of Health (BOH) started exploring regulations about six months ago; given the uncertainty of CBD in foods, its prevalence in the community in all kinds of retail environments accessible to anyone of any age, the BOH was concerned given the lack of research. The American Pediatrics Association also expressed concern that not enough research has been done on children to say whether CBD was safe or not; and there wasn't enough research on adults or pets. Until there is more research especially on children's development, they are restricting the sale of CBD products to persons 21 years or older in Gloucester. Some communities in Massachusetts have already instituted restrictions such as this and many are looking at it. The BOH had a draft version of its recreational marijuana regulations adding CBD to it. When the most recent state advisory document was received by the BOH, the BOH put the draft changes on hold and are reviewing that documentation now.
 - A FDA and Mass Dept. of Environmental Protection recent statement declaring that CBD is a medication; and therefore, not an approved food ingredient. The one exemption is to do with hemp as they are part of the cannabis plant that doesn't contain THC (one-page document on file).
 - Next steps by the Board of Health were touched on briefly noting the BOH will follow the federal and state guidelines – a letter to all retailers will be sent and inspectors in the field will talk to retailers to answer any questions. The BOH will work with General Counsel to look at possible amendments to local food regulations and/or the local recreational marijuana regulations and investigate the food code. It was pointed out that none of this applies to CBD non-edibles.

COUNCILOR QUESTIONS:

Councilor LeBlanc, expressing concern that there are many small retailers in the city carrying CBD products, and noting Ms. Carroll's statement about advisory letters to be sent to retailers, he asked if the letters would be sent to every retailer in the city to let them know they should contact the Public Health Department to find out any updates to the CBD regulations. He voiced encouragement that the more information that is forwarded through the Council, the better able Councilors can assist in disseminating information to businesses to help with the BOH outreach. **Ms. Carroll** noted that several Councilors have been very helpful getting the message out. They've

known that this is a growing industry in the city, and assured that as products are carried by retailers the Health Department has been talking to retailers on an on-going basis.

Councilor Gilman mentioned new products that aren't allowed for those persons under the age of 21 years old. She asked how the BOH is working with the School Department to educate children and parents. **Ms. Carroll** clarified that there are no regulations for persons 21 years of age or under. CBD products have been widely available to anyone of any age; the products aren't restricted by age or place until this advisory was issued, but only that which falls under it. These new regulations are just going into effect. As to the educational aspect, she noted that there are a number of coalitions that the Health Department works with, and that they'll make sure the School Department is aware of this new information and continue to work with them.

Confirmation of New Appointments:

Clean City Commission

Zoe Murray

TTE 02/14/20

COMMITTEE REPORT: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Zoe Murray to the Clean City Commission, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc advised that Ms. Murray has great experience and will be a good addition to the Clean City Commission.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Zoe Murray to the Clean City Commission, TTE 02/14/20.

Economic Development Industrial Corp.

Carl Gustin

TTE 07/01/20

COMMITTEE REPORT: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Carl Gustin to the Economic Development Industrial Corp., TTE 07/01/20.

DISCUSSION:

Councilor LeBlanc advised that Mr. Gustin has been before the Council before having previously been on the EDIC.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Carl Gustin to the Economic Development Industrial Corp., TTE 07/01/20.

Gloucester Cultural Council

Elizabeth Neumeier

TTE 02/14/22

COMMITTEE REPORT: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Elizabeth Neumeier to the Gloucester Cultural Council, TTE 02/14/22.

DISCUSSION:

Councilor LeBlanc advised that Ms. Neumeier is looking forward to working on the Gloucester Cultural Council and will be a great help. **Council President Lundberg** mentioned that Ms. Neumeier was on the Board of the Gloucester Stage Company and is an experienced fundraiser.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Elizabeth Neumeier to the Gloucester Cultural Council, TTE 02/14/22.

Records Management Advisory Board

Peggy Calkins & Jane Mead

TTE 02/15/22

COMMITTEE REPORT: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Peggy Calkins to the Records Management Advisory Board, TTE 02/15/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Peggy Calkins to the Records Management Advisory Board, TTE 02/15/22.

COMMITTEE REPORT: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Jane Mead to the Records Management Advisory Board, TTE 02/15/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Jane Mead to the Records Management Advisory Board, TTE 02/15/22.

Zoning Board of Appeals

Catherine A. Schlichte (Alternate Member) TTE 02/14/22

COMMITTEE REPORT: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Catherine A. Schlichte to the Zoning Board of Appeals as an Alternate Member, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Catherine A. Schlichte as an Alternate Member, TTE 02/14/22.

Consent Agenda:

• **CONFIRMATION OF REAPPOINTMENTS**

1. Economic Development Industrial Corp. Michael DiLascio TTE 07//01/22

• **MAYOR'S REPORT**

1. New Appointments:

- Historical Commission Sandy Barry (fulfilling unexpired term) TTE 02/14/20
Susan Morreale (alternate member) TTE 02/14/22 (Refer O&A)

Reappointments:

- Historic District Commission William C.S. Remsen TTE 02/14/22 (Refer O&A)
(Refer O&A)

2. Memorandum from HR Director re: request to pay FY19 invoice with FY20 funds (Refer B&F)
3. Memorandum from CFO re: request amendment to loan order 2018-007 to increase it from \$1.6 million to \$2.0 million to fund improvements to the Harbormaster's Office (Refer B&F)
4. Memorandum from Assistant Library Director re: request acceptance of a Library Services & Technology Act grant in the amount of \$7,500 (Refer B&F)
5. Memorandum from CFO re: loan authorization request in the amount of \$1.0 million for replacement of the Concord Street Bridge (Refer B&F)
6. Supplemental Appropriation-Budgetary Request 2020-SA-2 from the DPW (Refer B&F)
7. Memorandum & Supplemental Appropriation-Budgetary Request 2020-SA-3 from the Treasurer/Collector (Refer B&F)
8. Memorandum from CFO re: loan authorization request in the amount of \$55,000 for Saville Road private way repairs (Refer B&F)
9. Memorandum from CFO re: request to repurpose completed Water Capital Project Funds with a total balance of \$98,129.86 (Refer B&F)
10. Response from Mayor's Office to Oral Communications of the July 9, 2019 City Council Meeting (Info Only)

• **APPLICATIONS/PETITIONS**

1. Special Events Application: request to hold American Legion Dedication Ceremony September 2, 2019 (Refer P&D)
2. Special Events Application: request to hold the Gran Prix of Gloucester on October 5 & 6, 2019 (Refer P&D)
3. Special Events Application: request to hold the Mayor's Halloween Festival on October 27, 2019 (Refer P&D)
4. SCP2019-007: Gloucester Crossing Road #7, Map 43, Lot 5; School House Road #2, & #4, Map 262, Lots 37 & 14 for the modification of SCP2017-012 to reduce the square footage of the YMCA building, make changes to the proposed exterior building

material, treatment colors and architectural elevation and moving walkway further from building pursuant to GZO Sec.'s 1.5.13, 5.29 & 5.7.5

(Refer P&D)

• **COUNCILORS ORDERS**

1. CC2019-028 (O'Hara): request the City Council place the following question on the next city election ballot: "Should there be a Charter Review Commission"

(Refer O&A)

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 07/23/2019
2. Standing Committee Meetings: B&F 08/08/2019, O&A 08/05/2019, P&D 08/07/2019

(Approve/File)

(Approve/File)

Items to be added/deleted from the Consent Agenda:

By unanimous assent of the City Council the Consent Agenda was accepted as presented.

Committee Reports:

Budget & Finance: August 8

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A a federal grant from the National Park Service passed through the Essex National Heritage Commission, a 2019 Essex Heritage Visitor Center Grant for a total of \$2,500 for the purpose of supporting the activities of the City's Visitor Welcome Center at Stage Fort Park. The grant period is from July 1, 2019 through June 30, 2020.

DISCUSSION:

Councilor Memhard noted that this is a recurring grant that is put to good use.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox), to accept under MGL c. 44, §53A a federal grant from the National Park Service passed through the Essex National Heritage Commission, a 2019 Essex Heritage Visitor Center Grant for a total of \$2,500 for the purpose of supporting the activities of the City's Visitor Welcome Center at Stage Fort Park. The grant period is from July 1, 2019 through June 30, 2020.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council accept under MGL c. 44, §53A a federal grant from the United States Department of Justice, Drug Enforcement Administration (DEA) FY19 Organized Crime Drug Enforcement Task Force for a total of \$18,042, reimbursing the City of Gloucester Police Department (GPD) for overtime by a GPD officer. The grant period is from May 1, 2019 through September 30, 2019.

DISCUSSION:

Councilor Memhard pointed out this is an annual reimbursement grant which assists to pay in arrears for the Police Department's officer's overtime that works with the DEA.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, §53A a federal grant from the United States Department of Justice, Drug Enforcement Administration (DEA) FY19 Organized Crime Drug Enforcement Task Force for a total of \$18,042, reimbursing the City of Gloucester Police Department (GPD) for overtime by a GPD officer. The grant period is from May 1, 2019 through September 30, 2019.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of prior year invoice for services rendered by Language Line Services, Inc., Invoice Number 4602622, dated June 30, 2019 and total invoice amount of \$189.68 for the purpose of interpreter services to the Gloucester Police Department in FY2019 to be paid with FY2020 General Fund – Police Department

budgeted funds for a total of \$90.89.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, in accordance with MGL c. 44, §64 to approve payment of prior year invoice for services rendered by Language Line Services, Inc., Invoice Number 4602622, dated June 30, 2019 and total invoice amount of \$189.68 for the purpose of interpreter services to the Gloucester Police Department in FY2019 to be paid with FY2020 General Fund – Police Department budgeted funds for a total of \$90.89.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a state grant from the Massachusetts Office of the Attorney General, a 2019 Healthy Summer Youth Jobs Grant Program for a total of \$2,217.60 for the purpose of providing additional healthy summer jobs to local youth. The grant period is from July 8, 2019 through September 30, 2019. There is no local match for this grant.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, §53A, a state grant from the Massachusetts Office of the Attorney General, a 2019 Healthy Summer Youth Jobs Grant Program for a total of \$2,217.60 for the purpose of providing additional healthy summer jobs to local youth. The grant period is from July 8, 2019 through September 30, 2019. There is no local match for this grant.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of prior year invoice for services rendered by Sentinel Benefits Group, Inc., Invoice Number 783084, dated July 2, 2019 for the purpose of paying an Administrative Fee covering the period of 6/1/2019 – 6/30/2019 for those city employees enrolled in the Sentinel Benefit Plan for Health Care Expense Reimbursement or Dependent Care Reimbursement to be paid with FY2020 General Fund – Human Resources Department budgeted funds for a total of \$1,145.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, in accordance with MGL c. 44, §64 to approve payment of prior year invoice for services rendered by Sentinel Benefits Group, Inc., Invoice Number 783084, dated July 2, 2019 for the purpose of paying an Administrative Fee covering the period of 6/1/2019 – 6/30/2019 for those city employees enrolled in the Sentinel Benefit Plan for Health Care Expense Reimbursement or Dependent Care Reimbursement to be paid with FY2020 General Fund – Human Resources Department budgeted funds for a total of \$1,145.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a MassWorks Infrastructure Program grant for \$3,000,000 from the Executive Office of Housing and Economic Development for the purpose of supporting the Trask Street Area Infrastructure Improvements pursuant to Off-site Utility and Transportation Improvements relative to the Fuller Mixed Use Ventures Project. The grant period is from February 15, 2019 through June 30, 2021. There is no local match for this grant.

DISCUSSION:

Councilor Memhard noted that this grant was received by the city in the fall of 2018, and the Council had previously approved Sewer Enterprise Fund Free Cash to be used to pay \$600,000 of the local match; the Administration has now been brought forward for acceptance. He mentioned that the CAO advised at the B&F

meeting that information about the Trask Street Area Infrastructure Project will be disseminated to residents through several Ward Meetings shortly. Due to the need to start this project, which is shovel ready, he advised he'd call for a motion to Reconsider after this vote to accept the MassWorks grant.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, §53A, a MassWorks Infrastructure Program grant for \$3,000,000 from the Executive Office of Housing and Economic Development for the purpose of supporting the Trask Street Area Infrastructure Improvements pursuant to Off-site Utility and Transportation Improvements relative to the Fuller Mixed Use Ventures Project. The grant period is from February 15, 2019 through June 30, 2021. There is no local match for this grant.

MOTION: On a motion by Councilor Memhard, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 0 in favor, 8 opposed, 1 (Cox) absent, to reconsider the vote to accept the MassWorks Infrastructure Program grant for \$3,000,000.

MOTION FAILS.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2020-SA-1 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the Stabilization Fund-Undesignated Fund Balance, Account #7500-359000, to the School's General Fund, Central Office, Business Finance – Professional & Technical Services, Account #S0104995-530100 for the purpose of funding 50% of the contractual cost with the Town of Rockport for a Cape Ann Study for Education by the UMass Donahue Institute.

DISCUSSION:

Councilor Memhard conveyed that the Gloucester School Committee and the Rockport School Committee are engaged in a dialog for over a year discussing how best to approach the issue of the possible regionalization of the two school systems. It has been agreed that an outside consulting firm would be hired to do an evaluation, and UMass Donahue Institute has been chosen to conduct the study. The cost of the study is \$70,000; Rockport has agreed to split the cost.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve Supplemental Appropriation 2020-SA-1 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the Stabilization Fund-Undesignated Fund Balance, Account #7500-359000, to the School's General Fund, Central Office, Business Finance – Professional & Technical Services, Account #S0104995-530100 for the purpose of funding 50% of the contractual cost with the Town of Rockport for a Cape Ann Study for Education by the UMass Donahue Institute.

Ordinances & Administration: August 5

There are no matters from this meeting for Council action under this heading.

Planning & Development: August 7

There are no matters from this meeting for Council action under this heading. **Councilor Gilman** reminded the Council of a Site Visit on Thursday, August 15, 2019 at 9:30 a.m. at 116 East Main Street, Map 59, Lot 53. She reminded the public that this is for the Council to look at the property and ask questions of the Applicant based on what relief they are seeking through a Special Council Permit. She announced that while the public is encouraged to attend, there will be no discussion or deliberation by Councilors and no questions or comments will be entertained from the public at that time. This matter will return to the P&D Committee on Wednesday, August 21, 2019.

Scheduled Public Hearings:

1. PH2019-041: 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

Councilor LeBlanc recused himself from the matter of SCP2019-005 under MGL Ch. 268A saying that he has done work on the property in question.

This public hearing is opened at 7:51 p.m.

Those speaking in favor:

Attorney Joel Favazza, Seaside Legal Solutions, 46 Middle Street, on behalf of Red Blazer Rentals, LLC for the property at #6-#8 Chestnut Street highlighted the following information:

- This application was previously before the Council to convert a residential 3-unit building to a 4-unit building which received all its approvals; but in the process of drafting a decision for submission, it was found that the lot area per dwelling unit square footage had been repeated in the open space per dwelling unit field in the application which carried through to P&D and the final vote of the Council.
- This application is to correct the administrative error; the project remains the same with no changes to it. Previously it was quoted that there was 1,462 square feet of open space per dwelling unit and being reduced to 1,097 square feet which was the lot area per dwelling unit. The correction is that there is 171.5 square feet of open space per dwelling unit which would be reduced to 128 square feet of open space per dwelling unit making the relief 1,122 square feet of open space per dwelling unit.
- The Applicant has received the necessary ZBA and Council relief aside from this application to correct the administrative error.
- This Application is in keeping with the neighborhood density and won't be detrimental to it. The amount of open space is reduced, but the property is unique in that it has adequate parking for the number of units – the house plus the parking equates to very little green space and open space on the lot as defined in the Zoning Ordinance.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Gilman confirmed with **Mr. Favazza** that the minimum open space per dwelling unit requirement under the Zoning Ordinance is 1,250 square feet. **Mr. Favazza** added that this was why the Applicant needs 1,122 square feet of relief.

This public hearing is closed.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2019-001) to Red Blazer Rentals, LLC, for a property at Chestnut Street #6-#8, Map 13, Lot 53, zoned CB (Central Business) to add a fourth dwelling unit in an existing three dwelling unit building under GZO Section 3.2.2(a) Minimum open space per dwelling unit of 1,250 square feet from current 171.5 square feet to be reduced to 128 square feet pursuant to a plan submitted with the application, rendered by American Land Survey Associates, Gloucester, MA (J-2290) signed by Kirk W. Benson, PLS dated November 1, 2018. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance.

DISCUSSION:

Councilor Gilman explained that the relief being sought is under GZO Sec. 3.2.2(a) which was well defined, and was in support of the Special Council Permit application.

Council President Lundberg added this simply is the correction of a typographical error that happened the last time this matter was before the Council for which a full public hearing by the Council was held.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 1 (Cox) absent, 1 (LeBlanc) recused, to grant a Special Council Permit (SCP2019-001) to Red Blazer Rentals, LLC, for a property at Chestnut Street #6-#8, Map 13, Lot 53, zoned CB (Central Business) to add a fourth dwelling unit in an existing three dwelling unit building under GZO Section 3.2.2(a) Minimum open space per dwelling unit of 1,250 square feet from current 171.5 square feet to be reduced to 128 square feet pursuant to a plan submitted with the application, rendered by American

Land Survey Associates, Gloucester, MA (J-2290) signed by Kirk W. Benson, PLS dated November 1, 2018. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance.

For Council Vote:

- 1. Motion for Reconsideration (Gilman/Nolan/Holmgren): City Council vote of 7/23/2019 regarding the acceptance of the property and any buildings contained thereon, known and numbered as Concord Street #35**

MOTION AS VOTED BY THE CITY COUNCIL ON JULY 23, 2019:

MOTION: On a motion by Councilor Gilman, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, on behalf of the City of Gloucester, to accept the property, and any buildings contained thereon, known and numbered as 35 Concord Street in Gloucester and recorded in Book 7977, Page 496 at the Southern Essex District Registry of Deeds.

MOTION TO RECONSIDER VOTE OF 7/23/2019 OF THE CITY COUNCIL: The City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to RECONSIDER THE VOTE OF THE CITY COUNCIL, on behalf of the City of Gloucester, to accept the property, and any buildings contained thereon, known and numbered as 35 Concord Street in Gloucester and recorded at Book 7977, Page 496 at the Southern Essex District Registry of Deeds.

MOTION PASSES.

DISCUSSION:

Councilor Gilman explained that after the Council vote at the last meeting, there were some technical real estate questions that needed clarification leading to this request to reconsider by her, Councilors Nolan and Holmgren such as:

- The absence of any specific language of the deed, including the one-time selling price of one dollar, paid, grants to the City of Gloucester its right, title and interest....included in the vote of July 23, 2019;
- What are the next steps when the 35 Concord Street property is accepted by the Council;
- Who is the lease between;
- Further explanation of the 99-year term that started 11/5/1985 (34 years into the 99 year lease).

Chip Payson, General Counsel, noted the unique situation of this property:

- Since 1985 there were three transfers of this property interests; at each point of the transfers, from the City Council to the Chargers Youth Program there was a \$1.00 one-time nominal charge; from the Chargers leasing a property interest to the Boy Scouts there was a \$1.00 one-time nominal charge; when the Chargers sell the property back to the city and the Council votes to accept it, it will be a \$1.00 one-time nominal charge and aren't annually reoccurring charges.
- Once accepted, procedurally, a deed will be drafted by the Legal Department and recorded at the Southern Essex District Registry of Deeds and then the property will fall under the care and control of the DPW;
- The lease attached to this property is a 99 year lease which started in 1985 and is about 64 years more to go before the lease is up.

Mr. Payson offered that the lease follows the property by operation of law and noted he had case law to support his opinion:

- The Council doesn't need to refer to the lease in the motion: 1) When the property was transferred by the city to the Chargers, there was no reference to a lease; 2) There is no reason to include such language as the lease follows the property regardless. It doesn't give the Boy Scouts legally any increased standing if in the motion the lease is mentioned. The lease attaches to the property and comes with it, therefore, there's no reason to mention it in the motion.

Councilor Holmgren expressed her appreciation for the clarification from General Counsel.

Councilor Hecht asked who is responsible for the maintenance of the facility (on the property). **Mr. Payson** advised it is very basic lease – while the Boy Scouts can use the facility, it was the Chargers that had to maintain it. When the property returns to the city, it is the city that maintains the facility. He suggested that while there aren't specific terms contained in the lease for the Boy Scouts' maintenance of the facility during its use by them, they'll

need to respect its use. Overall it is the responsibility of the DPW to maintain the facility once the property returns to the city's ownership.

Councilor Nolan, expressing his support, noted that he spoke with General Counsel and the Administration to confirm the lease does go with the property and that the Boy Scouts will continue to have a place to meet. He expressed confidence that it would all work out, and that there'll be meetings between the Administration, the DPW Director and the Boy Scouts to come to terms on the finer details of the use of the facility.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, that on behalf of the City of Gloucester to accept the property, and any buildings contained thereon known and numbered as 35 Concord Street in Gloucester and recorded in Book 7977, Page 496 at the Southern Essex District Registry of Deeds.

2. CC2019-026 (Gilman): Request City Council vote to request Legislature file legislation to officially preserve for open space and recreational purposes the city-owned land known as #5 Shore Hill Road, Assessor's Map 99, Lots 30 & 31

Councilor Gilman explained the following: This is a technical matter to protect open space of an already established park. The City Clerk, General Counsel and the city's state legislative representatives have asked this move forward. She added that the residents of Wheeler's Point take great care of this park.

Responding to an inquiry by **Council President Lundberg, Ms. Senos** conveyed that after the vote of the Council in 1990 and instructed the City Clerk to send the matter to the state legislature but was inadvertently overlooked. She advised that Sen. Tarr's legal counsel that under their Joint Rule 7C the approval vote expires at the end of the biennial session and was why the Council had to take this vote again.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to request the Massachusetts State Legislature file legislation to officially preserve for open space and recreational purposes the city-owned land known as #5 Shore Hill Road, Assessor's Map 99, Lots 30 & 31.

3. CC2019-024 (O'Hara): Request General Counsel draft a Home Rule Petition to cease addition of sodium fluoride in the City's public water supply; and request that the city of Gloucester's state legislatures file the Home Rule Petition on behalf of the city based on said petition

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council forward a Home Rule Petition through the city's State Legislative representatives for the purpose of seeking the removal of artificial fluoride from the City of Gloucester's Public Water Supply as follows:

"AN ACT PROVIDING FOR THE REMOVAL OF ARTIFICIAL FLUORIDE FROM THE CITY'S PUBLIC WATER SUPPLY THE CITY OF GLOUCESTER

Objective

The City of Gloucester is seeking relief from the requirement of section 8C of chapter 111 and section 31 of chapter 111 of the Massachusetts General Laws in so much as Gloucester would like to be allowed to cease the addition of artificial fluoride to the city's public water supply and enact ordinances to effectuate the same through a vote of the City Council and approval of the Mayor.

Section 8C. The department in taking cognizance of the dental health of the people in the commonwealth shall recommend such methods as in its opinion are advisable to reduce or limit the prevalence of dental caries and other dental diseases and defects. If the commissioner determines that the fluoride content of the public water supply for domestic use in any city, town or district is not at optimum level for sound dental health, he shall so notify the local board of health of his findings. Such board of health, after making such inquiry and other use of the consulting services of the department or elsewhere as it chooses, shall, if it considers doing so in the best interest of the inhabitants of the city, town or district within its jurisdiction, order the upward adjustment of the fluoride content of the water supply available for domestic use in that

city, town or district. No such order shall be effective until ninety days after it has been published in a newspaper having a general circulation in such city or town, or until favorable vote has been taken in accordance with the provisions of this section, whichever occurs later.

The provisions of this section shall not apply if two or more cities or towns are supplied water from the same source, if such supply to each city or town cannot be treated independently and if the majority of the boards of health representing such cities and towns have voted not to accept such recommendation; provided, however, that any such city or town desiring to adjust upward the fluoride content of the water consumed within its own jurisdiction may comply with the order by the installation of proper equipment that will comply therewith if it does not interfere with the water supply of said other cities or towns.

In any city, town or district where the board of health has ordered the upward adjustment of the fluoride content of the water supply under the provisions of this section, upon petition of ten per cent of the registered voters of said city, town or district, filed in the office of the city or town clerk, as the case may be, within ninety days of the publication of such order, the following question shall be placed upon the official ballot to be used at the next regular city election or for the election of town officers at the next annual town meeting or at a biennial state election, whichever occurs first, but not earlier than sixty days following the date of filing the petition with the city or town clerk: "Shall the public water supply for domestic use in (this city) (this town) be fluoridated?", or in such district the following question shall be placed before the next annual meeting of the inhabitants of the district: "Shall the public water supply for domestic use in this district be fluoridated?" If the majority of votes in answer to said question is in the negative, the water supply of such city, town or district shall not be fluoridated, and the fluoridation of such water supply shall not be ordered again by the board of health for a period of at least two years from the date of such vote.

Section 31. Boards of health may make reasonable health regulations. A summary which shall describe the substance of any regulation made by a board of health under this chapter shall be published once in a newspaper of general circulation in the city or town, and such publication shall be notice to all persons. No regulation or amendment thereto which relates to the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code shall be adopted until such time as the board of health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing, or if there is no such newspaper in such city or town, then by posting notice in a conspicuous place in the city or town hall for a period of not less than fourteen days prior to the date set for such hearing. Prior to the adoption of any such regulation or amendment which exceeds the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code, a board of health shall state at said public hearing the local conditions which exist or reasons for exceeding such minimum requirements. Whoever, himself or by his servant or agent, or as the servant or agent of any other person or any firm or corporation, violates any reasonable health regulation, made under authority of this section, for which no penalty by way of fine or imprisonment, or both, is provided by law, shall be punished by a fine of not more than one thousand dollars.

In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health in that municipality shall, during the publication period, solicit and consider comments submitted by the commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.

Boards of health shall file with the department of environmental protection, attested copies of sanitary codes, and all rules, regulations and standards which have been adopted, and any amendments and additions thereto, for the maintenance of a central register pursuant to section eight of chapter twenty-one A.

Draft Language

Section 1. Notwithstanding any general or special law to the contrary, the city of Gloucester may, upon the approval by the city council and mayor, cease the addition of artificial fluoride to the city's public water supply and enact ordinances to effectuate the same.

Section 2. This act shall take effect upon its passage.”

DISCUSSION:

Council President Lundberg advised that this is the vote on the Home Rule Petition, not on the substance of the fluoridation of water.

Councilor LeBlanc conveyed that he voted at O&A to get this matter before the Council. He advised he wouldn't support the Home Rule Petition. Several years ago there was a city-wide vote on the ballot on fluoride resulting in 6,000 in favor (of keeping fluoride in the water supply) and 3,000 against. He noted his constituents in Ward 3 without exception have not come to him asking to have fluoride removed. For the Council to go against the city voters only four years ago is not appropriate, he advised.

Councilor Holmgren advised that she wouldn't support the Home Rule Petition for the same reason because she wouldn't disagree with 65% of Gloucester voters in a non-binding referendum in 2015.

Councilor Hecht expressed that it was his understanding legally, that if this Home Rule Petition passes it will begin a four to six month process at the state (level) and then the city would be able to vote whether or not to have fluoride in the water. Tonight's vote is not about how the city is putting fluoride in the water or taking it out of the water but to give the Council the right to vote on this matter in four to six months. **Mr. Payson** confirmed that the Councilor's understanding as correct. **Councilor Hecht** pointed out the Council isn't voting on whether or not fluoride is in the water or out of the water – they're voting whether four to six months from now the Council wants local control and expressed his support of local control on important issues.

Councilor O'Hara expressed support for maintaining local control on this issue.

Councilor Gilman mentioned that it was her understanding that if they want to put this issue back out to the voters of Gloucester, it would require a petition of 10% of registered voters of the city to put a question on the ballot, and that the Council isn't preventing that from happening. **Council President Lundberg** confirmed that the City Charter permits a citizen's petition with 10% of the city voters signed to it to place a question on the municipal ballot and aren't precluded from doing so. **Councilor Gilman**, pointing out that those who are passionate about this issue can seek such a petition to place a question on the ballot, advised she wouldn't support the Home Rule Petition.

Council President Lundberg expressed he wouldn't support the Home Rule Petition, also highlighting the results of the non-binding question four years ago. He mentioned that there was a Council public hearing prompted by a petition the previous year to hear both sides of this issue. He expressed he would respect the results of the vote by the citizens of Gloucester.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 2 (Hecht, O'Hara) in favor, 6 (Gilman, Holmgren, LeBlanc, Lundberg, Memhard, Nolan), opposed, 1 (Cox) absent, to forward a Home Rule Petition through the city's State Legislative representatives for the purpose of seeking the removal of artificial fluoride from the City of Gloucester's Public Water Supply as follows:

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Section 8C. The department in taking cognizance of the dental health of the people in the commonwealth shall recommend such methods as in its opinion are advisable to reduce or limit the prevalence of dental caries and other dental diseases and defects. If the commissioner determines that

the fluoride content of the public water supply for domestic use in any city, town or district is not at optimum level for sound dental health, he shall so notify the local board of health of his findings. Such board of health, after making such inquiry and other use of the consulting services of the department or elsewhere as it chooses, shall, if it considers doing so in the best interest of the inhabitants of the city, town or district within its jurisdiction, order the upward adjustment of the fluoride content of the water supply available for domestic use in that city, town or district. No such order shall be effective until ninety days after it has been published in a newspaper having a general circulation in such city or town, or until favorable vote has been taken in accordance with the provisions of this section, whichever occurs later.

The provisions of this section shall not apply if two or more cities or towns are supplied water from the same source, if such supply to each city or town cannot be treated independently and if the majority of the boards of health representing such cities and towns have voted not to accept such recommendation; provided, however, that any such city or town desiring to adjust upward the fluoride content of the water consumed within its own jurisdiction may comply with the order by the installation of proper equipment that will comply therewith if it does not interfere with the water supply of said other cities or towns.

In any city, town or district where the board of health has ordered the upward adjustment of the fluoride content of the water supply under the provisions of this section, upon petition of ten per cent of the registered voters of said city, town or district, filed in the office of the city or town clerk, as the case may be, within ninety days of the publication of such order, the following question shall be placed upon the official ballot to be used at the next regular city election or for the election of town officers at the next annual town meeting or at a biennial state election, whichever occurs first, but not earlier than sixty days following the date of filing the petition with the city or town clerk:?"Shall the public water supply for domestic use in (this city) (this town) be fluoridated?"; or in such district the following question shall be placed before the next annual meeting of the inhabitants of the district:?"Shall the public water supply for domestic use in this district be fluoridated?" If the majority of votes in answer to said question is in the negative, the water supply of such city, town or district shall not be fluoridated, and the fluoridation of such water supply shall not be ordered again by the board of health for a period of at least two years from the date of such vote.

Section 31. Boards of health may make reasonable health regulations. A summary which shall describe the substance of any regulation made by a board of health under this chapter shall be published once in a newspaper of general circulation in the city or town, and such publication shall be notice to all persons. No regulation or amendment thereto which relates to the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code shall be adopted until such time as the board of health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing, or if there is no such newspaper in such city or town, then by posting notice in a conspicuous place in the city or town hall for a period of not less than fourteen days prior to the date set for such hearing. Prior to the adoption of any such regulation or amendment which exceeds the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code, a board of health shall state at said public hearing the local conditions which exist or reasons for exceeding such minimum requirements. Whoever, himself or by his servant or agent, or as the servant or agent of any other person or any firm or corporation, violates any reasonable health regulation, made under authority of this section, for which no penalty by way of fine or imprisonment, or both, is provided by law, shall be punished by a fine of not more than one thousand dollars.

In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health in that municipality shall, during the publication period, solicit and consider comments submitted by the commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.

Boards of health shall file with the department of environmental protection, attested copies of sanitary codes, and all rules, regulations and standards which have been adopted, and any amendments and additions thereto, for the maintenance of a central register pursuant to section eight of chapter twenty-one A.

Draft Language

Section 1. Notwithstanding any general or special law to the contrary, the city of Gloucester may, upon the approval by the city council and mayor, cease the addition of artificial fluoride to the city's public water supply and enact ordinances to effectuate the same.

Section 2. This act shall take effect upon its passage."

MOTION FAILS.

Other Business: None.

Unfinished Business: None.

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

Update on the Council on Aging by City Council Representative, Councilor Valerie Gilman

Councilor Gilman highlighted the upcoming Council on Aging BBQ Thursday, August 15th from 11:15 a.m. to 1:15 p.m. at Stage Fort Park and that any senior who signs up at the Senior Center through a generous donation will attend for free. She advised that on Preview Night at the Annisquam Village Players production of Mamma Mia! 75 seniors from Gloucester and 50 from Rockport attended which was a very successful event for all involved. She also noted sessions hosted by her jointly with other Councilors for a Mass in Motion grant for regional transportation to encourage exercise and healthy nutrition survey and expressed her appreciation for the Councilors' active participation to gain input from seniors. She mentioned that the Open Door and Senior Care are partnering with the Council on Aging that provide lunches at the Rose Baker Senior Center.

Councilors' Requests to the Mayor:

Councilor Holmgren shared that today, she and her husband celebrated their daughter's 9th birthday. She conveyed that after the news of the past two weeks, they are more grateful than ever their daughter lives in a community with such strong, compassionate people. People who would do anything to protect her and her peers and to help nurture them into adulthood in safety. In El Paso, TX, there are currently elementary school teachers asking for help from the wider world to reassure the children in their schools that life isn't always scary and unpredictable; that they are loved and safe. They are asking for citizens of all stripes to send a deluge of postcards to these in comfort and in solidarity. She asked the Council and the public to please send postcards to the following addresses:

E. Flores
Hillside Elementary
4500 Clifton Ave.
El Paso, TX 79903

Teresa Garrett
Tom Lea Elementary School
4851 Marcus Uribe Dr.
El Paso, TX 79934

Councilor Memhard reiterated the information previously noted about the P&D Committee's Site Visit scheduled for Thursday, August 15th at 9:30 a.m. to review the 116 East Main Street development. He invited the public to the Waterfront Festival this coming weekend at Stage Fort Park also mentioning the Rotary Club's Pancake Breakfast Saturday morning there.

Councilor Nolan expressed his thanks to everyone for their support for the fundraising event for the Magnolia Pier. He mentioned his thanks to Councilors O'Hara, Memhard, and Holmgren for their assistance.

Councilor LeBlanc requested through the Mayor and the city's state legislative representatives that the MBTA and National Grid clean up their properties that border the railroad tracks that run through the city, as knotweed is invading adjoining properties which would help to stem this invasive weed's spread. He expressed thanks to the DPW for painting crosswalks all over the city.

Councilor Hecht reported that the following night it's the City of Gloucester employees versus the City of Beverly employees' softball game starting at 5:30 p.m. at McPherson Drive in Beverly.

Councilor Gilman mentioned the start of the paving of Reynard Street and the installation of sidewalks, which will overlap with the opening of school. The DPW Director, she advised, assured her there will be police details to insure pedestrian safety. Poplar Street will be paved after the Reynard Street project is completed. She thanked the Administration, the Mayor; Jim Destino, CAO; and Chief Conley for their help at a Ward 4 meeting recently attended by about 65 people. She then requested through the Mayor that the DPW install a “No parking here to corner” sign at the intersection of Leonard and Bridgewater Streets, and that the DPW repaints fog line on the Squam Hill Road side of Walnut Street.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Oral Communications:** Written statement by Patti Amaral, 14 Myrtle Square