

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, October 8, 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 Jennifer Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara**

**Absent: Councilor Hecht**

**Also Present: Joanne Senos; John Dunn; Kenny Costa; Vanessa Krawczyk; Jaimie Corliss**

**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.** Councilor Gilman dedicated the Moment of Silence in memory of Kevin Teixeira who passed away recently at the age of 35 years; the only child of Melissa Teixeira Prince, member of the School Committee and Chair of the Licensing Board. Kevin was a graduate of Gloucester High School, Class of 2002. He started playing football in the city’s Pee Wee League and continued to play through high school as well as playing on the GHS baseball team. Kevin lived and work in Gloucester, and his greatest joy was his daughter, Emma Skye Teixeira. She extended her condolences to Kevin’s family.

**Oral Communications:**

**Name: Linda McCarriston**  
**Address: 16 Quarry Street**  
**Subject: Concern of misuse of language throughout public aspects of city government and disregard for public opinion (written statement placed on file).**

**Name: Dennis McGuirk**  
**Address: 283 Concord Street**  
**Subject: Concern expressed that there is an aggressive building policy of the city and asked as follows: will an increased tax base support current and future infrastructure costs; why aren’t ordinances, bylaws and rules being followed as it appears developers are being granted “extraordinary relief helping to accelerate the granting of special permits and variances; concern for outside consultant opinions on development projects, and other development projects that are to be sited in inappropriate areas of the city and shouldn’t be permitted. He asked when too much growth becomes a detriment to the city, and asked what plans are in place to control growth (written statement placed on file).**

**Name: Patti Page**  
**Address: 3 Tidal Cove Way**  
**Subject: Concern for behavior by city boards and the Council for taking “unreasonable positions” and actions on matters regarding real property. She asked for fair and lawful treatment, decisions and accountability (written statement placed on file).**

**Name: Mary Lou Tierney**  
**Address: 5 Hesperus Circle**  
**Subject: Expressed concern for solving the city’s affordable housing dilemma; fixing the root cause problems in the city’s school system; concerns for overdevelopment and increased traffic and the need to manage it in a more thoughtful way. She added her concern for responses under the heading of Oral Communications citing the fact she spoke at the Council Sept. 24th meeting and hadn’t received required documentation/disposition pursuant to guidelines (written statement placed on file).**

**Presentations/Commendations: None.**

**Confirmation of New Appointments: None.**

**Consent Agenda:**

- **MAYOR'S REPORT**
- 1. Memorandum from City Auditor re: city's FY18 Comprehensive Annual Financial Report (CAFR) award (Refer B&F)
- 2. Memorandum, Grant Application & Checklist from the Fire Chief re: request acceptance of FEMA FY18 Assistance to Firefighter Grant in the amount of \$424,055 (Refer B&F)
- 3. Memorandum from City Auditor re: request acceptance of a 2003 Stewart Stevenson High Water Truck under the Federal Surplus Program, with an estimated value of \$30,000 (Refer B&F)
- 4. Flyer re upcoming Halloween Festival on October 27, 2019 (Info Only)
  - **INFORMATION ONLY**
  - **APPLICATIONS/PETITIONS**
- 1. Special Events Application: request to hold the 2019 Christmas Parade/Tree Lighting on December 1, 2019 (Refer P&D)
  - **COUNCILORS ORDERS**
- 1. CC2019-036 (Hecht): Amend GCO Ch. 9 "Trash, Recycling and Litter," Article III – "Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper," Sec. 9-25 "Severability; Effective Date" subsection (b) by DELETING "This chapter shall take effect as of July 1, 2021" And ADDING "This chapter shall take effect as of July 1, 2020" (Refer O&A)
- 2. CC2019-037 (Cox): request that the State Legislators file a Home Rule Petition to amend the City Charter re: Sec. 2-10 "Appointments to City Offices" (Refer O&A)
  - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
- 1. City Council Meeting: 09/24/2019 (Approve/File)
- 2. Standing Committee Meetings: B&F 10/03/2019, O&A 09/30/19 (no meeting), P&D 10/02/2019 (no meeting) (Approve/File)

**Items to be added/deleted from the Consent Agenda:**

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

**Committee Reports:**

**Budget & Finance: October 3**

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 accept under MGL c. 44, §53A, a state grant from the Massachusetts Department of Massachusetts Executive Office of Public Safety and Security, State 911 Department, a FY20 State 911 Department Emergency Medical Dispatch Grant Program for \$45,340.29. The grant period is from September 10, 2019 through June 30, 2020. There is no local match for this grant.

**DISCUSSION:**

**Councilor Cox** conveyed that this a standard annual grant.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to accept under MGL c. 44, §53A, a state grant from the Massachusetts Department of Massachusetts Executive Office of Public Safety and Security, State 911 Department, a FY20 State 911 Department Emergency Medical Dispatch Grant Program for \$45,340.29. The grant period is from September 10, 2019 through June 30, 2020. There is no local match for this grant.**

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 accept under MGL c. 44, §53A, a state grant from the Massachusetts Division of Marine Fisheries (MA DMF), a FY20 Great Marsh Green Crab Trapping Program Grant in the amount of \$12,500 for the purpose of funding a program to capture and remove European green crabs from coastal marine and estuarine waters within the Great Marsh ecosystem to improve shellfish, eelgrass, and other fishery resources within the City's jurisdiction. The grant period is through June 30, 2020 and there is no required local match.

**DISCUSSION:**

**Councilor Cox** explained that this is an annual grant for the same dollar amount as last year. There are two local fishermen who perform this trapping service. It is yet unknown if any headway is being made through the grant program to eradicate this invasive species, she added.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Council accept under MGL c. 44, §53A, a state grant from the Massachusetts Division of Marine Fisheries (MA DMF), a FY20 Great Marsh Green Crab Trapping Program Grant in the amount of \$12,500 for the purpose of funding a program to capture and remove European green crabs from coastal marine and estuarine waters within the Great Marsh ecosystem to improve shellfish, eelgrass, and other fishery resources within the City's jurisdiction. The grant period is through June 30, 2020 and there is no required local match.**

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 accept under MGL c. 44, §53A, a state grant from the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management, a FY20 Coastal Resilience Program Grant of \$70,650 (ENV 20 CZM 02) for the purpose of conducting a feasibility assessment and prepare conceptual design alternative for protecting the long term function of its primary wastewater treatment plant from current and future flooding. The grant period is through June 30, 2020 and the grant match amount is 25% of the total project cost.

**DISCUSSION:**

**Councilor Cox** conveyed that this grant will fund a study and some design work for the protection of the wastewater treatment facility.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to accept under MGL c. 44, §53A, a state grant from the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management, a FY20 Coastal Resilience Program Grant of \$70,650 (ENV 20 CZM 02) for the purpose of conducting a feasibility assessment and prepare conceptual design alternative for protecting the long term function of its primary wastewater treatment plant from current and future flooding. The grant period is through June 30, 2020 and the grant match amount is 25% of the total project cost.**

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 appropriate \$35,000 for an affordable housing project as recommended by the Affordable Housing Trust Committee for a Harborlight Community Partners owned affordable housing unit at 10 Haven Terrace in Gloucester, MA from Fund #8217, Affordable Housing Trust Fund. This appropriation will support the full renovation of a vacant affordable housing unit. The unit shall continue to carry a State Affordable Housing Restriction in perpetuity.

**DISCUSSION:**

**Councilor Cox** explained that this is a case where an affordable housing unit was about to go into foreclosure, and Harborlight Community Partners (Harborlight) worked with the bank keep the unit in the city's affordable housing stock. Had the unit been foreclosed upon, it would have been removed from the city's affordable housing stock and sold for full market value. She extended her thanks to Harborlight and the Cape Ann Savings Bank for working together for a positive outcome for the city.

**Councilor Memhard** extended his thanks to Bob Gills and Mike Luster of the Cape Ann Savings Bank for working with Harborlight Community Partners and the city's Affordable Housing Trust.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to appropriate \$35,000 for an affordable housing project as recommended by the Affordable Housing Trust Committee for a Harborlight Community Partners owned affordable housing unit at 10 Haven Terrace in Gloucester, MA from Fund #8217, Affordable Housing Trust Fund. This appropriation will support the full renovation of a vacant affordable housing unit. The unit shall continue to carry a State Affordable Housing Restriction in perpetuity.**

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 Supplemental Appropriation 2020-SA-4 in the amount of \$10,000 (Ten Thousand Dollars) from the Building

Maintenance Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to Veterans' Center – HVAC Building Improvements, Account #770008-582003 for the purpose of funding building maintenance improvements to the Veterans' Center HVAC System.

**DISCUSSION:**

**Councilor Cox** explained that this action is moving money from the Building Maintenance Stabilization Fund for the purpose the money was reserved for. She pointed out that the Veterans Services Office raised \$8,000 in private donations to aid in this renovation. She recounted that when she asked why they were using donated funds rather than all city funds to make up the total amount of money needed for the HVAC project, the Director of Veterans Services advised the donation came from a donor for this specific project.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to approve Supplemental Appropriation 2020-SA-4 in the amount of \$10,000 (Ten Thousand Dollars) from the Building Maintenance Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to Veterans' Center – HVAC Building Improvements, Account #770008-582003 for the purpose of funding building maintenance improvements to the Veterans' Center HVAC System.**

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 accept under MGL c. 44, §53A, a state grant from the Massachusetts Executive Office of Housing & Economic Development, a Massachusetts Dredging Program Grant of \$2,400,000 for the purpose of completion of funding for the Army Corps of Engineers for the Annisquam River Dredging Project. The non-state match of 50% is met with the Army Corps of Engineers' contribution to the project. The grant period is through June 30, 2020.

**DISCUSSION:**

**Councilor Cox** explained that the bids (\$13.2 million and \$11.1 million) to dredge the Annisquam River came in high and the federal government (Army Corps of Engineers or "ACE") estimate was much lower (\$5.6 million). The Administration worked with the state through Governor Charlie Baker, Lt. Governor Polito, State Sen. Bruce Tarr, Rep. Ann-Margaret Ferrante to get these funds released, **Vanessa Krawczyk**, Assistant CAO, confirmed, noting that the Massachusetts federal legislative delegation also was involved, including Congressman Seth Moulton. With slightly modified plans for the dredging project, the end total came to \$8.1 million --and this grant will add to the ACE funding to get the dredging project underway. **Council President Lundberg** described the grant as a pass-through from the state, to the city, then directly on to ACE to make the funding whole.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to accept under MGL c. 44, §53A, a state grant from the Massachusetts Executive Office of Housing & Economic Development, a Massachusetts Dredging Program Grant of \$2,400,000 for the purpose of completion of funding for the Army Corps of Engineers for the Annisquam River Dredging Project. The non-state match of 50% is met with the Army Corps of Engineers' contribution to the project. The grant period is through June 30, 2020.**

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 establish an Energy Management Systems and Green Energy Stabilization Fund under MGL Ch. 40, §5B. Appropriations from this Fund will be used to support energy efficiency and green energy projects throughout the city.

**DISCUSSION:**

**Councilor Cox** conveyed that this motion and the two that follow are in conjunction with the establishment of a new Stabilization Fund. Over the last several years, the city has received incentive monies from National Grid for a variety of energy efficiency and green energy projects the city has undertaken, such as the street light conversion. This action will set up the account with balances being monitored, and the funds will be utilized as needed, she advised.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to establish an Energy Management Systems and Green Energy Stabilization Fund under MGL Ch. 40, §5B. Appropriations from this Fund will be used to support energy efficiency and green energy projects throughout the city.**

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 accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2019.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2019.**

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 to dedicate 100% of the energy incentive revenues collected to the Energy Management Systems and Green Energy Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2020 beginning on July 1, 2019.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to dedicate 100% of the energy incentive revenues collected to the Energy Management Systems and Green Energy Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2020 beginning on July 1, 2019.**

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 Supplemental Appropriation 2020-SA-5 in the amount of \$81,500.00 (Eighty One Thousand Five Hundred Dollars) from the Energy Management Systems and Green Energy Stabilization Fund-Undesignated Fund Balance, Account #7601-359000, to Dept. Of Energy Resources (DOER)-GHS Grant, Account #760101-582007 for the purpose of funding a match for a DOER Grant for energy efficiency work at GHS.

**DISCUSSION:**

**Councilor Cox** noted that two weeks ago the Council discussed and accepted the DOER energy efficiency related grant. This appropriation is the cash match for it, she noted.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to approve Supplemental Appropriation 2020-SA-5 in the amount of \$81,500.00 (Eighty One Thousand Five Hundred Dollars) from the Energy Management Systems and Green Energy Stabilization Fund-Undesignated Fund Balance, Account #7601-359000, to Dept. Of Energy Resources (DOER)-GHS Grant, Account #760101-582007 for the purpose of funding a match for a DOER Grant for energy efficiency work at GHS.**

**Ordinances & Administration: September 30 – No meeting - Cancelled**

**Planning & Development: October 2 – No Meeting – Cancelled**

**Scheduled Public Hearings:**

1. **PH2019-052: CPC off-cycle recommendation to appropriate up to \$20,000 for the purpose of the Stage Fort Park Advisory Committee and the Gloucester Public Works Department to conduct an architectural design plan of the landscape project for pathways connecting the Fort area and the Visitor Center at Stage Fort Park**

**This public hearing is opened at 7:37 p.m.**

**Those speaking in favor:**

**David Dow**, Chair of the Stage Fort Park Advisory Committee, 12 Essex Street, conveyed that this application for CPA funding is to work to restore the pathways to the Fort (and Visitor’s Center) at Stage Fort Park (in partnership with the city’s Public Works Department) by creating a landscape design plan. This funding is to start working towards reparations to the park.

**Those speaking in opposition:**

**Communications:**

**Councilor Questions:**

**Councilor Memhard** noted that two of the four Fort cannons were missing. **Mr. Dow** advised the cannons are being restored.

**This public hearing is closed.**

COMMITTEE RECOMMENDATION: On motion by Councilor Memhard, seconded by Councilor Cox, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Hecht) absent, to recommend that the City Council appropriate up to \$20,000 (Twenty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee to provide off-cycle funding for the purpose of The Stage Fort Park Advisory Committee and the Gloucester Public Works Department to conduct an architectural design plan of the landscape project for pathways connecting the Fort area and the Visitor Center at Stage Fort Park. The appropriation will be allocated to the Open Space and Recreation category and be funded by up to \$20,000 from the Open Space and Recreation Reserves in Fund #4510. The project will be tracked in the Community Preservation Fund – Open Space and Recreation Capital Projects Fund #5719.

**DISCUSSION:**

**Council President Lundberg** conveyed that this is a good beginning for the preparations for the city’s 400<sup>th</sup> celebration. He extended his appreciation for the work of to the Stage Fort Park Advisory Committee and the Administration for their efforts, advising he would support this funding.

**Councilor Nolan** thanked Mr. Dow and the Stage Fort Park Advisory Committee for their efforts citing their diligence over several years working for the restoration of the park. He offered to assist the Committee in pursuing funding for similar park reparation projects.

**Councilor Gilman** noted she spent this past Sunday at the park with young relatives ranging over the entire park, and conveyed that this is a great effort to preserve it. She offered her support, also thanking the Committee for their efforts.

**MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to appropriate up to \$20,000 (Twenty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee to provide off-cycle funding for the purpose of The Stage Fort Park Advisory Committee and the Gloucester Public Works Department to conduct an architectural design plan of the landscape project for pathways connecting the Fort area and the Visitor Center at Stage Fort Park. The appropriation will be allocated to the Open Space and Recreation category and be funded by up to \$20,000 from the Open Space and Recreation Reserves in Fund #4510. The project will be tracked in the Community Preservation Fund – Open Space and Recreation Capital Projects Fund #5719.**

2. **PH2019-040: Amend GCO Ch. 11, Sec. 11-10(f) “Special Events; transient vendors; parades” by ADDING the following sentence: “Further, the Special Events Advisory Committee and/or Licensing**

**Commission shall refer all special events/parades requests that further involve the use of Stacy Boulevard or Stage Fort Park to the City Council for final approval.” (TO BE WITHDRAWN)**

**This public hearing is opened at 7:43 p.m.**

**Council President Lundberg** advised that this was his initiative, explaining that they’ve been speaking about Stage Fort Park for over a year to get it ready for the city’s 400<sup>th</sup> celebration. He advised he recognizes there is a good system in place as to the vision of what needs to be done to the park and how special it is, projects such as what was just funded prove that out. He then proposed to the withdrawal of his Council Order initiative to amend GCO Ch. 11, Sec. 11-10(f).

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to WITHDRAW CC2019-014 to Amend GCO Ch. 11, Sec. 11-10(f) “Special Events; transient vendors; parades” by ADDING the following sentence: “Further, the Special Events Advisory Committee and/or licensing commission shall refer all special events/parades requests that involve the use of Stacy Boulevard or Stage Fort Park to the City Council for final approval.” without prejudice.**

- 3. PH2019-053: Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-270.1 “Resident sticker parking only” by ADDING “Bertoni Road for its entire length, and King Road for its entire length”**

**This public hearing is opened at 7:45 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:45 p.m.**

**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 Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Section 22-270.1 “Resident sticker parking only” by ADDING: “Bertoni Road for its entire length, and King Road for its entire length.”

**DISCUSSION:**

**Councilor LeBlanc** explained that he held a well-attended neighborhood meeting for the residents of York and Foley, Bertoni, and King Roads (has only one home on it). There was a vigorous discussion on the merits of the proposal, and the residents of York and Foley Roads determined they didn’t wish to go forward to restrict parking on their roads. This amendment to the Code of Ordinances was also reviewed by the Traffic Commission he reported.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Section 22-270.1 “Resident sticker parking only” by ADDING: “Bertoni Road for its entire length, and King Road for its entire length.”**

- 4. PH2019-054: Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-284 “Service or loading zones” by DELETING “Commercial Street from a point 20 feet from its intersection with Washington Street for a distance of 22 feet”**

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

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:48 p.m.**

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 Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-284 "Service or loading zones" by DELETING: "Commercial Street from a point 20 feet from its intersection with Washington Street for a distance of 22 feet."

**DISCUSSION:**

**Councilor LeBlanc** conveyed that there's a loading zone located at the intersection of Washington and Commercial Streets previously used by Tally's Service Station and Towing Service which is now shuttered -- the loading zone is no longer needed and should be removed.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-284 "Service or loading zones" by DELETING: "Commercial Street from a point 20 feet from its intersection with Washington Street for a distance of 22 feet."**

5. PH2019-055: Amend GCO Ch. 9 "Trash, Recycling and Litter," Sec. 9-8 "Littering Prohibited" by ADDING a new subsection (f) re: prohibition on putting items on city-owned streets, sidewalks and curbs for "free" or otherwise on days other than the specified collection day or in areas other than the fronting property unless there is a scheduled pick up from a licensed hauler or donation facility. Property owners are subject to fines up to \$250 per offense, individuals are subject to fines up to \$300 per offense."

**This public hearing is opened at 7:49 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:50 p.m.**

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 Amend GCO Ch. 9 "Trash, Recycling and Litter," Sec. 9-8 "Littering Prohibited" by ADDING a new subsection (f) as follows:

"(f) No person shall place items on the city-owned streets, sidewalks or curbs for "free" or otherwise on any days other than the specified collection day or in area(s) other than that fronting a property unless there is a scheduled pick up from a licensed hauler or donation facility. Property owners are subject to fines up to \$250 per offense, individuals are subject to fines up to \$300 per offense."

**DISCUSSION:**

**Councilor LeBlanc** conveyed that when driving around the city he frequently sees people putting items they no longer want on city streets and sidewalks some with signs saying, "Free." In many cases these unwanted items sit abandoned for weeks. He advised he reached out to the DPW Director prior to putting the initiative forward, and learned he was in favor of this action because at present the Director (or his designee) has no authority to fine and cause removal of abandoned items. This will hold landlords, tenants and property owners responsible. This will help to deter unwanted articles ending up on city streets and sidewalks, he added.

**Council President Lundberg** commended the effort and offered his support.

**Councilor Gilman** conveyed she'd vote in favor and asked how the ordinance amendment would be communicated to constituents. **Councilor LeBlanc** advised that people will receive verbal warnings first, suggesting the ordinance could be highlighted on the city website and word will be spread via social media. Once a fine is issued, the word will spread rapidly through the community, he suggested, and encouraged the Councilors to let their constituents know that this new ordinance will be taking effect. It will take a combined effort to disseminate the information, he pointed out.

**Councilor Cox** expressed agreement on sharing information on social media, saying she would do so through several on-line venues. People can still leave items on their own property with signage, she pointed out.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Ch. 9 “Trash, Recycling and Litter,” Sec. 9-8 “Littering Prohibited” by ADDING a new subsection (f) as follows:**

**“(f) No person shall place items on the city-owned streets, sidewalks or curbs for “free” or otherwise on any days other than the specified collection day or in area(s) other than that fronting a property unless there is a scheduled pick up from a licensed hauler or donation facility. Property owners are subject to fines up to \$250 per offense, individuals are subject to fines up to \$300 per offense.”**

**For Council Vote:**

**1. Warrant for the Municipal Election on November 5, 2019**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to approve the warrant for the City Election to be held November 5, 2019.**

**2. Decision to Adopt: SCP2019-006: East Main Street #116, Map 59, Lot 53, GZO Sec. 2.3.1(8) & 1.8 for conversion to 8-unit residential dwelling, Sec. 3.2.2 fn(e) distance between principal buildings, Sec. 3.2.2 fn(a) minimum lot area per dwelling unit, Sec. 3.2.2 fn(a) minimum open space per dwelling unit**

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to adopt the Special Council Permit Decision (2019-006) for East Main Street #116, pursuant to Sections 2.3.1(8) & 1.8 & 3.2.2 fn (e), Sec. 3.2.2 fn (a) minimum lot area per dwelling unit, Sec. 3.2.2 fn (a) minimum open space per dwelling unit of the Gloucester Zoning Ordinance.**

**3. Decision to Adopt: 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 and SCP2019-002, for the modification of square footage of the YMCA building resulting in additional green space on the north side of the building according to plans submitted in accordance with the GZO Secs. 1.5.13, 5.29, 5.75 and 1.8.3**

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 1 (Nolan) present, 1 (Hecht) absent, to adopt the Special Council Permit Decision (SCP2019-007) for School House Road #2, #3 & #4 & Gloucester Crossing Road #7, pursuant to Sections 1.5.13, 5.29 & 5.7.5 and 1.8.3 of the Gloucester Zoning Ordinance and modification under SCP2017-012 with further modification under SCP2019-002 (FMUV).**

**Other Business:**

**1. Informational discussion only re: City Council Rule 2, and City Charter Section 2-6**

**Council President Lundberg** reviewed that an issue was raised about the City Council’s Rules of Procedure #2 related to Oral Communications by a resident at the September 24<sup>th</sup> Council meeting. He recounted that at that meeting the Council President used his judgment when he believed the speaker was complaining about individual performance of a city employee(s) and so ruled. He quoted the rule, “The Council President shall not allow complaints as to individual performance.” Once the Chair rules, he pointed out, that ends the matter. However, if a Councilor wishes, the ruling of the Chair can be challenged which is proper procedure. This Council, he highlighted, hadn’t dealt with that situation previously, saying that one does the best one can under the circumstances. If there were Councilors that thought the Chair had overstepped, he explained, Councilors can call the question.

Both **Councilors Cox** and **Holmgren** mentioned specific language a Councilor could use to call a point of order. **Councilor Cox** advised she understood the Council President had the right to make that ruling, but clarified her concern was about comments made by the Chair after exercising his judgement under Rule #2. The point of the rule, **Council President Lundberg** noted, is that they as a Council don’t entertain complaints against individual performance, and in this instance, it entered into that area.

**Council President Lundberg** also noted City Charter Sec. 2-6, recounting that the same speaker submitted her statement in writing and requested that the Council, under that Charter section, investigate a city board and its members. He advised he had circulated the submission given to the City Clerk to the Council, and that Councilors can decide what they want undertaken. He highlighted that it takes a two-thirds vote of the Council to initiate any such action.

**Councilor Cox** asked that if the language says that the answers (under Oral Communication) are to be made solely through the Administration, conveying a concern for that process for responses. **Council President Lundberg** expressed agreement, and saying that while many constituent concerns should go to the Administration, others don't necessarily need to and should be responded to by the Council. **Councilor Gilman** touched on the Rule's stated response time for Oral Communications of two weeks briefly with **Council President Lundberg**.

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

**Update on the Waterways Board from by City Council Representative, Councilor Steve LeBlanc"**

- The Harbormaster will work out of the Veterans' Center on Emerson Avenue while the Harbormaster's Office renovation project is underway.
- The Gloucester Launch was utilized more than every this year.
- The DOCKWA reservation system is a great success in its third year for transient mooring reservations.
- A Harbormaster Appreciation Day will be scheduled soon.

**Councilors' Requests to the Mayor:**

**Councilor Gilman** announced the Annisquam Arts & Crafts Fair takes place Saturday and Sunday, Oct. 12<sup>th</sup> and 13<sup>th</sup>.

**Councilor O'Hara** offered his congratulations to the Administration and John Dunn, CFO, on the city receiving an AA Bond Rating. He noted with the change of seasons snow clearing issues come to the forefront. The Mayor's office had some suggestions (last year) and offered that the Council could ask the Administration for a plan, particularly to help senior citizens clear their sidewalks.

**Councilor Holmgren** announced that at the Cape Ann Animal Aid shelter fundraiser "Night without a Family" will take place Friday, Oct. 18<sup>th</sup> and Saturday, Oct. 19<sup>th</sup> at the shelter. She noted that both she and Councilor Cox are participating, and both Councilors have set a personal goal of raising \$5,000 each. Funds are utilized to spay/neuter dogs and cats, care for and feed the shelter animals, she added.

**Councilor Memhard** commended the At Large Councilors candidates and the candidates for School Committee who participated at a debate Monday evening at the Gloucester Stage Company mentioning that the candidates have a busy debate schedule leading up to the November 5<sup>th</sup> election.

**Councilor Cox** requested that the Mayor through the Public Works Director issue a violation for a household appliance with green sticker located in front of 45 Warner Street, and explained that the appliance has been on the sidewalk through three pick-up cycles. She expressed concern for the sound emanating from the dais which was elevated this evening making it difficult to hear speakers clearly.

**Councilor LeBlanc** offered his agreement that the candidates acquitted themselves well at last evening's debate. He requested that the Mayor through the DPW or any other appropriate department to explore zinc grounding the new Stacy Boulevard railings to prevent rusting.

**Council President Lundberg** mentioned that candidate debates are a great way for city voters to meet and hear the candidates for city offices and encouraged attendance by the public.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:17 p.m.**

Respectfully submitted,  
*Dana C. Jorgensson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

Under Oral Communications written statements from:

- Linda McCarriston;
- Dennis McGuirk
- Patti Page

- Mary Lou Tierney