

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, October 22, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present: Chair, Councilor Paul Lundberg; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Ken Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara**

**Absent: Councilor LeBlanc**

**Also Present: Joanne Senos; Jim Destino; Kenny Costa; John Dunn; Mike Hale; Fire Chief Eric Smith; Jill Cahill; Vanessa Krawczyk**

The meeting was called to order at 7:01 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

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

**Name: Patti Amaral**

**Address: 14 Myrtle Square**

**Subject: Citing the work of Greta Thunberg, the young Swedish environmentalist, she expressed concern for the city’s environment, mentioning planting trees, the city’s Open Space Plan, and saving city open spaces for future generations.**

**Name: James Hand**

**Address: 36 Rocky Neck Avenue**

**Subject: Submitted a written statement to be placed on file & reproduced with permission of the Chair in whole in the minutes (see attachment to these minutes).**

**Presentations/Commendations:**

1. Magnolia Pier Fundraising Committee re: presentation of a check from their fundraising efforts to date

**Councilor Cox** pointed out that the matter of the Magnolia Pier Fundraising Committee presentation of a check from their fundraising efforts must be referred to the Budget & Finance Committee saying that donations should always come through the Mayor’s Report with a referral to B&F to accept the donation. She announced that the B&F Committee will take up the matter of the donation acceptance at its November 7<sup>th</sup> meeting, and the acceptance of the donation will come before the City Council on November 12<sup>th</sup>.

2. Carol Kelly, City-owned Cemeteries Advisory Committee Member re: update on the City-owned Cemeteries Advisory Committee

**Carol Kelly, City-owned Cemeteries Advisory Committee Member, accompanied by Sandy Barry, Beverly McKean, Patti Amaral and Christine Maney, members of the Committee, reviewed the Committee’s activities accompanied by a PowerPoint presentation (on file) as follows:**

- Every Sunday morning at 10:00 a.m. volunteers gather to work to restore and reset headstones in the city-owned First Parish Cemetery. This work was noted as not within the purview of the DPW. They don’t have the expertise, or the budget, to conduct the restoration of the historic headstones that the active, specially trained volunteers have. Several of those volunteers are: Russell and Melissa Hobbs; Richard and Cathy Clark.
- The Committee supported Henry Jacques for his Eagle Scout project in the First Parish Cemetery. Mr. Jacques in turn recruited a large cadre of volunteers to clean headstones, many belonging to veterans.
- In the last three years the Committee arranged for workshops held in the city cemeteries by experts from the National Park Service and the Atlas Corporation on headstone restoration at no cost for the city.

- It was noted that there is great cooperation from Mike Hale, DPW Director and his staff. Mr. Hale has incorporated the City-owned Cemeteries Committee needs into his fiscal budget and created a secure storage container for the Committee's work tools especially in order to work on weekends.
- William Dolliver, born 1831 who served in the Civil War, in his 60's was appointed by the city's cemeteries group to write down all inscriptions on headstones. He undertook that project from 1895-1899 resulting in three hand-written volumes that encompassed the First Parish Burial Ground; the Bay View, Cove Hill and West Gloucester (2<sup>nd</sup> Parish/Thompsons) Cemeteries, along with the Universal Church Yard (the oldest in the country) and the Unitarian Church Yard. Additionally, at that time a portion of Rockport still was incorporated with Gloucester and several of Rockport's cemeteries are included. The documentation was found in the city's Archives Department. These records will be digitized as much as possible.
- Volunteers through "crowd sourcing" transcribed the three-volume Dolliver compilation in less than three months. Through the Cape Ann Museum the entire three volumes were scanned.
- With the support of Mayor Theken, funds were found to print the Dolliver volumes, copies of which will be donated to the Archives Department, the Sawyer Free Library and the Cape Ann Museum.
- The Digital Commonwealth, a statewide effort to gather information on the history of the state, will host the Dolliver compilation.

Ms. Kelly extended the Committee's thanks to the Mayor, the volunteers and Mr. Hale for their support.

**Council President Lundberg** added the thanks of the Council and the citizens of Gloucester to the City-owned Cemeteries Committee for their work which connects all of Gloucester to those that came before. He cited not only the physical work but the archival work accomplished by Committee.

3. John O'Rourke, Director of Marketing Northeast, Good Energy, LP re: update on municipal energy aggregation in Gloucester

**Jill Cahill**, Community Development Director, invited the public and the Council to the Wind Turbine Tour, Saturday, Oct. 26<sup>th</sup> highlighting the collaboration between GoodEnergy, the Clean Energy Commission and the Green Energy Alliance for this event.

**John O'Rourke**, Director of Marketing Northeast, Good Energy, LP, Conway, MA, updated the Council on the city's municipal energy aggregation with a PowerPoint presentation (on file) follows:

- There are about 150 approved aggregation plans out of 304 eligible Massachusetts municipalities with more coming on line. Communities that have their own utility companies aren't eligible to participate.
- Total eligible accounts at Program Launch: 13,190; total accounts enrolled as of end of January 2019: 10,785; total accounts enrolled as of end of September 2019: 12,172; Participation percentage as of end of September 2019: 92% breaking down to the three programs people can choose from: 11,883 enrolled in the "Default" program (5% more renewable energy); 207 enrolled in the "Basic" program (0% more renewable energy) (noted as the same as rates from National Grid); and 82 enrolled in the Premium program (100% renewable energy. It was noted that most aggregations end up between 90% and 95% participation of eligible customers.
- The city's plan was approved several years ago and was held off the market as the price wouldn't have been advantageous to Gloucester residents; and GoodEnergy didn't bid until October 2018.
- Program details are available at: [gloucester-cea.com](http://gloucester-cea.com)
- A slide of rates through Good Energy were shown by kWh (kilowatt hour) for each rate class.
- A table was shown giving the National Grid rate and the three program options of the aggregation program by kWh rates.
- The average in the Premium program was noted as lower because many who are in that category tend to have solar panels and reduces the amount of kilowatt hours used.
- The program was cited as moving along successfully. It was suggested that the next (rate) adjustment will be close to the GoodEnergy numbers. The programs ends December 2021.
- Disclaimer: A goal of the CEA program is to produce savings for customers, but savings cannot be guaranteed compared to the utility's basic service rate which changes every three months for industrial customers and every six months for residential and small commercial customers.
- Any residents who have questions can go to the website: [gloucester-cea.com](http://gloucester-cea.com). Residents can opt in or opt out of the program by calling the supplier Direct Energy Resources at 866-968-8065 or on the website.

**COUNCILOR QUESTIONS:**

**Councilor Hecht** touched on the Estimated Aggregation Program Results slide with **Mr. O'Rourke** confirming that over the course of the program the average savings to participants to date has been \$12 per month.

**Councilor Gilman** asked how they look at the renewable energy benefits to the city as to rates. **Mr. O'Rourke** advised they talk to Green Energy Consumer Alliance who provides GoodEnergy with renewable energy certificates for the program as some of the energy comes from the city's two wind turbines. That can be translated to cars taken off the street, carbon and greenhouse gases not emitted. In looking at the default option 11,883 participants that receive 5% more renewable energy is a great environmental and cost savings, he pointed out, and that the savings residents realize some of it ends up going back to the community.

**Confirmation of New Appointments:**

Community Preservation Committee Jennifer-Lee Levitz Aronson (GHA Rep. fulfilling unexpired term) TTE 02/14/20

**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 appoint Jennifer-Lee Levitz Aronson to the Community Preservation Committee as the Gloucester Housing Authority representative, TTE 05/28/20.

**DISCUSSION:**

**Councilor O'Hara** noted that Ms. Aronson has broad experience and would be a great addition to the Community Preservation Committee.

**Councilor Holmgren** offered her support for Ms. Aronson's appointment saying she appreciates the work Ms. Aronson has done in the community and will bring her many talents to this new role.

**Councilor O'Hara** advised that the Term to Expire needed to be adjusted and moved to delete, "TTE 05/28/20" and add, "TTE 02/14/20." **Councilor Nolan** seconded. By unanimous vote of the Council the Term to Expire was amended to say, "02/14/20."

**MOTION:** On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to appoint Jennifer-Lee Levitz Aronson to the Community Preservation Committee as the Gloucester Housing Authority representative, TTE 02/14/20.

**Consent Agenda:**

- **CONFIRMATION OF REAPPOINTMENTS**
  - **MAYOR'S REPORT**
1. Memorandum, Grant Application & Checklist from the Police Chief re: request acceptance of FY20 Organized Crime Drug Enforcement Task Force Grant in the amount of \$18,649 (Refer B&F)
  2. Memorandum from the Mayor's office re: the annual tax classification process (Refer B&F)
  3. Memorandum from the Grants Administrator re: recommendations from the Community Preservation Committee for Round 10, FY19 funds (Refer B&F)
  4. Memorandum from the Mayor's office re: request acceptance of local Cultural Council allocation for the Gloucester Cultural Council in the amount of \$10,400 (Refer B&F)
  5. Special Budgetary Transfer Request 2020-SBT-1 from the Treasurer Collector (Refer B&F)
  6. Special Budgetary Transfer Request 2020-SBT-2 from the Treasurer Collector (Refer B&F)
  7. Special Budgetary Transfer Request 2020-SBT-3 from the Treasurer Collector (Refer B&F)
  8. Special Budgetary Transfer Request 2020-SBT-4 from the Treasurer Collector (Refer B&F)
  9. Special Budgetary Transfer Request 2020-SBT-5 from the Treasurer Collector (Refer B&F)
  10. Special Budgetary Transfer Request 2020-SBT-6 from the Treasurer Collector (Refer B&F)
  11. Memorandum from the CFO re: request amendment to loan order 2018-007 by increasing it to \$2,500,000 (Refer B&F)
  12. Response from Mayor's office to Oral Communications of the August 27, 2019 City Council Meeting (Info only)
  13. Response from Mayor's office to Oral Communications of the September 10, 2019 City Council Meeting (Info only)
    - **INFORMATION ONLY**
    - **COMMUNICATIONS/INVITATIONS**
    - **APPLICATIONS/PETITIONS**
  1. SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Sec. 1.8.3 "Standard to be applied," Sec. 3.2.1(7) "Conversion to or new multi-family or apartment dwelling, four to six dwelling units" and Sec. 3.2.2 "Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)" by increasing the number of residential units from two 3-bedroom units to four 2-bedroom units and two 1 bedroom units for a total of 6 units (Refer P&D)
    - **COUNCILORS ORDERS**
  1. CC2019-038 (Hecht): Amend GCO Ch.22 "Traffic and Motor Vehicles," Sec. 22-280 "Fifteen-minute parking by DELETING "Prospect Street, easterly side, from a distance of 15' from its intersection with Friend Street in a southerly direction for a distance

of 35;"and amend Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by ADDING "Prospect Street, easterly side, from its intersection with Friend Street in a southerly direction to its intersection with Fears Court" (Refer O&A & TC)

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

1. City Council Meeting: 10/8/2019 (Approve/File)
2. Standing Committee Meetings: B&F 10/17/19 (no meeting), O&A 10/14/19 (no meeting), Special O&A 10/15/19, P&D 10/16/19 (Approve/File)

**Unanimous Consent Calendar**

1. Supplemental Appropriation 2020-SA-7 from the City Clerk (Refer B&F)

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

**By unanimous votes of the City Council the Consent Agenda and Unanimous Consent Calendar were accepted as presented.**

**Committee Reports:**

**Budget & Finance: October 17**

COMMITTEE RECOMMENDATION: On a 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 accept under MGL c. 44, §53A a FY18 Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) in the amount of \$424,054.54. The purpose of this grant is to fund training of all Fire Department firefighters to the NFPA level on pump operations, aerial operations and emergency vehicle operations with a 10% local match funded by the City of Gloucester. The grant period is from September 3, 2019 through September 2, 2020.

**DISCUSSION:**

**Councilor Cox** explained that this is a great effort by the Fire Department in capturing yet another FEMA grant for the benefit of the Department's firefighters. This grant will pay for personnel overtime, backfilling, and the cost of instructors from the Fire Academy which will certify the department's firefighters to the National Fire Protection Association level, and also gain OSHA compliance. The source for the grant's 10% match will follow, she added.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to accept under MGL c. 44, §53A a FY18 Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) in the amount of \$424,054.54. The purpose of this grant is to fund training of all Fire Department firefighters to the NFPA level on pump operations, aerial operations and emergency vehicle operations with a 10% local match funded by the City of Gloucester. The grant period is from September 3, 2019 through September 2, 2020.**

COMMITTEE RECOMMENDATION: On a 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 approve 2020-SA-6 for \$42,405.46 (Forty Two Thousand Four Hundred Five Dollars Forty Six Cents) from Account #75005-596001, General Stabilization Fund, Transfers to General Fund to Account #0122051-513011, General Fund, Fire Overtime-Training Equipment for the purpose of funding a 10% local match for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) for the purpose of funding Fire Department training to the NFPA level on pump operations, aerial operations and emergency vehicle operations.

**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 (LeBlanc) absent, to approve 2020-SA-6 for \$42,405.46 (Forty Two Thousand Four Hundred Five Dollars Forty Six Cents) from Account #75005-596001, General Stabilization Fund, Transfers to General Fund to Account #0122051-513011, General Fund, Fire Overtime-Training Equipment for the purpose of funding a 10% local match for the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) for the purpose of funding Fire Department training to the NFPA level on pump operations, aerial operations and emergency vehicle operations.**

**COMMITTEE RECOMMENDATION:** On a 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 accept under MGL c. 44, § 53A-1/2, a gift of tangible goods to the City of Gloucester Fire Department from state Department of Conservation (DCR) Essex County Fire Warden for a 2003 Stewart Stevenson High Water Truck under the Federal Surplus Program with an estimated value of \$30,000.

**DISCUSSION:**

**Councilor Cox** explained that this is to accept the use of a high water rescue truck which can be used in water up to 3+ feet. This vehicle is on loan to the city and is planned to be kept for approximately five years.

**Councilor Hecht** extended his thanks to the Fire Chief for this and the nearly \$500,000 in grant funds received.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (LeBlanc) absent, to accept under MGL c. 44, § 53A-1/2, a gift of tangible goods to the City of Gloucester Fire Department from state Department of Conservation (DCR) Essex County Fire Warden for a 2003 Stewart Stevenson High Water Truck under the Federal Surplus Program with an estimated value of \$30,000.

**Ordinances & Administration:**   **October 14 – No Meeting – Holiday**  
  **October 15 – Special**

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

**Planning & Development: October 16**

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

**Scheduled Public Hearings:**

**1. PH2019-056: Loan Order 2019-012: Loan Authorization request in the amount of \$2,000,000**

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

**Those speaking in favor:**

**John Dunn**, CFO, explained the loan authorization as follows: This loan order is to renew the funding for the city's Title V septic loan program, a statewide program to mitigate groundwater pollution from sources from residential properties. Originally there was \$2 million appropriated in 2013, and those funds have been almost completely depleted. Over the past three years about \$1.1 million has been committed for about 50 residential properties, with three or four properties in the queue for funding. These monies help to fund either the repair or replacement of failed septic systems as cited by the Board of Health. Household income can't exceed \$150,000 to be eligible for the program. The loans are 0% interest, and the homeowner is bettered over a 15 year period. **Mr. Dunn** highlighted that this is a successful program for the city of Gloucester.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

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

**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 the following a loan authorization of \$2,000,000 as follows:

**Ordered:** That \$2,000,000 is appropriated for the purpose of financing the following project: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$2,000,000 and issue bonds or notes therefor under G.L. c.111, §127B½ and/or Chapter 29C of the General Laws, or any other enabling authority; that project and financing

costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the City; and that the Mayor or any other appropriate City officials are authorized to expend all funds available for the projects and to take any other action necessary or convenient to carry out the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

#### **DISCUSSION:**

**Councilor Cox** reviewed statistics on projects funded by the loan program: In 2017 -- 11 projects totaling \$206,000; in 2018 -- 14 projects totaling \$422,000, and 2019 -- 18 projects totaling over \$500,000. She conveyed that this city-run loan program is a great benefit to the city's residents to be able to take advantage of and to be able to repay the loan through betterments. The city does its best to offer such benefits to its citizens, she pointed out, and is a positive for people who need assistance.

**Councilor Nolan** expressed agreement with Councilor Cox saying that this program is a great tool to help residents, especially important in Ward 5 that has more residential septic systems, and also offered his thanks.

**Council President Lundberg** added his approbation, lauding the program's great benefit to residents.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by **ROLL CALL 8 in favor, 0 opposed, 1 (LeBlanc) absent, to approve the following loan authorization of \$2,000,000 as follows:**

**Ordered:** That \$2,000,000 is appropriated for the purpose of financing the following project: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$2,000,000 and issue bonds or notes therefor under G.L. c.111, §127B½ and/or Chapter 29C of the General Laws, or any other enabling authority; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the City; and that the Mayor or any other appropriate City officials are authorized to expend all funds available for the projects and to take any other action necessary or convenient to carry out the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

- 2. PH2019-057: Loan Order 2019-013: Loan Authorization request in the amount of \$1,500,000 for DPW equipment**

**This public hearing is opened at 7:53 p.m.**

**Council President Lundberg** thanked DPW Director, Mike Hale and his department for their efforts during the latest weather event.

**Those speaking in favor:**

**Mr. Hale** asked for the Council's support for a \$1.5 million loan authorization to replace some of the DPW fleet and specialty equipment. He indicated that the list (on file) was a placeholder and could vary slightly. He

explained with these funds his department will purchase several SUV's, a 1 ton, ½ ton and 5 ton dump trucks, a street sweeper and a front loader, and possibly a new tractor and beach rake. He explained that the current beach rake is about 16 years old, and the department has only one tractor it fits on. It is the same tractor that fits the department's brush cutter, both functions needed in the summer which means they must decide between cleaning city beaches and cutting roadside brush, he pointed out. He reviewed that his department typically gets great life expectancy out of their vehicles with their "incredible" mechanic staff. They're able to recycle many of the surplus Fire and Police vehicles for use by other city departments. Many of those repurposed surplus vehicles now need replacement.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:55 p.m.**

**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 the following loan authorization of \$1,500,000 as follows:

Ordered: That the City of Gloucester appropriates One Million Five Hundred Thousand Dollars (\$1,500,000) to pay costs of the purchase of equipment by the Department of Public Works, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

**DISCUSSION: 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 (LeBlanc) absent, to approve the following loan authorization of \$1,500,000 as follows:

Ordered: That the City of Gloucester appropriates One Million Five Hundred Thousand Dollars (\$1,500,000) to pay costs of the purchase of equipment by the Department of Public Works, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

**For Council Vote: None.**

**Unfinished Business: None.**

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

**Update on the Fisheries Commission and Animal Advisory Commission by City Council Representative Councilor Scott Memhard, highlighted the following programs:**

**Fisheries Commission:** Recognizing the membership of the Commission, it was noted this is an active group that's getting ready for the annual Seafood Expo held in Boston; and continuing their efforts with the Gloucester Fresh initiative to promote Gloucester seafood. The Commission has also studied monitoring recommendations on Right Whales and the lobstering industry, and on a cable coming from Europe through Lynn impacting some of the fishing grounds.

**Animal Advisory Committee:** Naming current members, it was noted that the Committee is taking up the issue of rodenticide, that is, the baiting of rodents with commercial rat-killing compounds that have a deleterious effect on the food chain. The Committee is working on an educational program as well as working on an update of the Farm and Livestock Animal Ordinance. They are also working with the Conservation Agent on the plans for the upcoming Plover nesting season.

**Councilor Gilman** expressed she was pleased the Animal Advisory Committee will have a forum on rodenticide as it has been a concern in her Ward. She advised the concern is not only for wildlife in general but for domestic animals as well. She offered her thanks to the Animal Advisory Committee and Councilor Memhard.

**Councilors' Requests to the Mayor:**

**Councilor Hecht** reminded the Council that Thursday is a fundraising breakfast at Cruiseport in support of The Open Door.

**Councilor Gilman** offered a reminder about the popular Halloween Festival at City Hall on Sunday afternoon, Oct. 27<sup>th</sup> at City Hall featuring many children's activities.

**Councilor O'Hara** thanked the DPW for their recent storm efforts and to the hundreds of National Grid employees who restored power to the city. He announced that on Monday, Nov. 11<sup>th</sup> there will be a Red Cross Blood Drive from 2:00 p.m. to 7:00 p.m. at the Magnolia Library and to call 1-800 RED CROSS for an appointment.

**Councilor Holmgren** thanked the community for supporting her and Councilor Cox's efforts to raise funds for Cape Ann Animal Aid recently noting they raised \$22,000. On Saturday, Oct. 26<sup>th</sup> is the Dog Park Halloween Party at Stage Fort Park.

**Councilor Memhard** reported that the recent Ward 1 meeting was very successful and well attended, held at the North Shore Art Association.

**Councilor Cox** mentioned the matter of the city's Tax Classification coming forward, suggesting that Councilors contact her or the Assessor's office if they need a refresher on it. She advised that all of the presentations for CPA funding as recommended by the Community Preservation Committee take place at the B&F Committee's Thursday, Nov. 21<sup>st</sup> meeting.

There was a brief discussion by Councilors on the remaining candidate debates before the municipal election on Tuesday, Nov. 5<sup>th</sup>.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:08 p.m.**

**Respectfully submitted,**

*Dana C. Jorgenson*  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- See Oral Communications statement of James B. Hand attached to these minutes



October 22, 2019

James Hand  
36 Rocky Neck Avenue  
Gloucester, MA 01930

Statement by James Hand delivered at the Public Comment section of the City Council meeting of October 22, 2019.

I formally request that this statement that I make tonight, and will deliver in writing to the Council when I am done speaking, be read into the minutes of tonight's meeting in its entirety.

On the night of August 27, 2019, in what many have called "the greatest night of citizens coming together to make their voices heard that has occurred in these chambers in at least a decade, and maybe ever", you, the Council, were so persuaded by the testimony of those who spoke and testified that evening, that you voted 5-3, one absent, to turn down the Special Permit request by Bevilacqua Cos. for their 8 Townhouse project at 116 E. Main Street.

During the "Those Speaking Against" segment of the Public Hearing, many articulate citizens of East Gloucester and the larger community spoke specifically to reasons why this project did not fit the neighborhood, and gave specific reasons and cited specific sections of the Zoning Ordinance in support of the points that they made.

When I received and read the signed and time stamped Decision of the City Council, which I had requested be sent to me, I was shocked at first reading. Many of us who had been so happy that the City Council had done their job well were shocked at what we read.

In what is essentially a 4 page decision, the first three pages are dedicated to the presentation of Sal Frontiero and the Bevilacqua Cos. as to what a terrific project they had presented to the Planning Board and the City Council. The final page of the document, under FINDINGS OF THE CITY COUNCIL, merely announces the Council's vote in numbers, 3 for, 5 against, 1 absent. The Vote was presented, and not one reason cited as to the reasons the councilors voted to turn down the project.

Further, under FINDINGS OF THE CITY COUNCIL, at the end of the first paragraph (on page 4),

"This Special Council Permit is in harmony with the intent and purpose of the Zoning Ordinance.

It ought to have read the opposite, "IS NOT in harmony" if it was to reflect the findings of the City Council.

Statement of James Hand  
Public Comment Section of City Council Meeting, October 22, 2019

Further, the City of Gloucester Zoning Ordinance requires, as stated in Appendix A, Rule 25, that the Decision must set forth clearly the reasons for the Council's decisions.

Excerpted:

DECISION:

There must be a detailed record of the Council's proceedings, showing the vote of each member on each question (or if absent or failing to vote). This record must set forth clearly the reasons for the Council's decisions.

This Decision clearly does not do that. Nor do the minutes of the meeting on Aug. 27 reproduce any of the valid and specific testimony of people who spoke against the project and referenced specific sections of the Zoning Ordinance and how the proposed project did not meet the necessary criteria. They were condensed or abridged in that regard.

In the recent Decision in Superior Court, *Lindquist vs. Lawrence Costa and others*, dated October 15, 2019 the Judge, Salim Tabit, wrote a 12 page, well defined, argument for why he granted a Summary judgment to petitioner Lindquist, annulling a Special Permit for height over 35 feet granted to Costa by the Gloucester City Council.

In that decision, he quotes the General Laws c. 40A, 15, *The board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, ....and setting forth clearly the reason for its decision and of its official actions.*

He further writes, In this matter, the City Council failed to provide a written determination "setting forth clearly" the basis of the decision.

Later he writes, "In these circumstances it is impossible for the court to determine whether the decision was based on legally tenable ground."

The bad news concerning the 116 E. Main Street Decision is that the City Council failed to clearly set forth their decision as it related to the Zoning Ordinance in a specific fashion, and therefore, as this decision is written, it could or would lead a

Statement of James Hand  
Public Comment Section of City Council Meeting, October 22, 2019

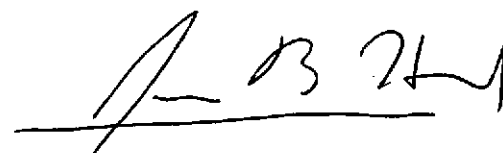
judge to draw the same conclusion as in the Lindquist case, if the decision was challenged.

The Councilors must state specific reasons, (such as) I was persuaded by the argument that there was view-obstruction in the testimony of XYZ, which because of the clause in 3,2,1 would force me to not grant the permit., or I was persuaded by the remarks of XYZ (taken from the transcript) that there was visual over-crowding, or I was convinced that there was an increase in traffic over what would be there by right, or, the proposal at a past planning meeting calling for a halt to further development until performed made me think this not permissible or wise under 2.2.1, which requires that an issue of health or safety not be made worse.

So I ask that the City Council to revise and correct the Decision, voted on August 27, 2019 to deny special permits to the Bevilacqua Cos., and to clearly state the reasons, as they relate to the Zoning laws of the City, that you have voted the way that you did. There is time to do this before the 90 day window closes to have written your decision.

To just say, oh, well, and not to address this, and let the chips fall where they may, will be to do a large disservice to the tax-paying citizens of Gloucester, who elected you to uphold their laws.

Otherwise, the task of protecting our community and the laws of our City will fall to us concerned tax-paying citizens, who will find ourselves forced to join the City as defendants in a potential lawsuit, and find ourselves again forced to further spend our time and resources enforcing the upholding of the Zoning Laws because the City Council, did not write up its Decision correctly.

(Signed)   
Oct 22, 2019