

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, September 24, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor James O’Hara  
**Absent:** Councilor Kenneth Hecht; Councilor Sean Nolan  
**Also Present:** Joanne Senos; Jim Destino; Kenny Costa; John Dunn; Vanessa Krawczyk; Jonathan Pope; Dr. Richard Safier

The meeting was called to order at 7:04 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:**

**Peter Cooney**  
36 Warner Street

Thanked the city for creating a dog friendly off-leash venue for dog owners. Requested permission to privately raise funds for the installation of a gate on the middle landing of the stairway leading to Crab Beach with a sign that says the beach is open to off-leash dogs. (Statement placed on file.)

**The following six residents requested action from the city to investigate and regulate the noise (including running motors, backup beepers, pallets being thrown, etc.) that they report has been coming from the company *Cape Ann Lobstermen* [111 East Main Street] from approximately 3:00 a.m. – 10:00 p.m., seven days a week for the past three months. They would like to know what the law is concerning this type of noise and what can be done about it:**

**Judy Doyle**  
100 East Main Street (Statement placed on file)

**Janet Ferrante**  
27A Silva Ct

**John Doyle**  
100 E Main Street

**Linda Amero**  
3 Stanwood Terrace (Requested a meeting with the Administration; emails to Ward 1 Councilor and the administration placed on file)

**Leontine Hartzell**  
10 Hammond Street

**Jan Waalewyn**  
5 Hammond Street

**Mary Lou Tierney**  
5 Hesperus Circle

Per GCO Sec 2.6 [City Charter] requested a moratorium on any further decisions by the ZBA in order for the council to investigate the affairs of that board and to look into that board’s conduct and performance. **Council President Lundberg** cited the City Council Rules of Procedure Rule #2 (Oral Communications “... the Council President shall not allow complaints as to individual performance or character”) and did not permit Ms. Tierney to finish her statement to the council.

**John O'Hara**

55 Lexington Ave

Raised his concern that Gloucester has a 95% approval rate of submitted developers and these developments are irreversibly changing the landscape of the city.

**Presentations/Commendations:*****Dore and Whittier, Architects re: East Gloucester School Building Project Update***

**Michelle Rogers, Architect, Dore and Whittier**, updated the Council on the East Gloucester School Building project. She reviewed the weighted factors that go into choosing a site for a school, which are: location, circulation, site amenities and building design, and the non-weighted factors which are cost and the timeline for project completion. The top two scoring sites were the Veterans' Memorial School site and the Green Street site. The goal is to finalize the top site by October 23, 2019.

At the request of the Council, **John Dunn, CFO**, answered some questions regarding the estimated cost of the project and the details of a debt exclusion override.

- The cost of the project is estimated to be approximately \$70 million. The MSBA will reimburse about 1/3 of eligible costs, making the city's cost approximately \$45 million.
- A tax override/debt exclusion will raise taxes based on a home's assessed value; it is estimated the cost would be an additional \$40 per quarter for a home valued at \$400,000 (further breaking it down, the cost is \$0.35 per \$1,000 of a home's assessed value).
- This debt will be borne by taxpayers for approximately 25 years.

At the request of the Council, **Jonathan Pope, School Committee Chair**, answered some questions as to the timing of the project and Council's involvement, if any, in it.

- The School's Building Committee will vote on the location a week from Thursday and make a recommendation to the School Committee; the School Committee will then vote so that the Preferred Schematic Design can be made and they can make a presentation to the MSBA.
- If lots have to be combined (which would be the case for the Green Street location), City Council would have to vote to combine multiple lots into one site.
- The Preferred Schematic Design will be submitted and reviewed by the MSBA in December; if the approval is given to go ahead, the next step is to secure financing and start working on the building design. Financing would require a debt exclusion override. In order for the override to be placed on the ballot, City Council would have to vote to approve it. A special election would need to be held in the spring to vote on the override.

**Confirmation of New Appointments:****1. Appointments:**

Community Preservation Committee	Robert Whitmarsh as Historical Commission Rep. (Fulfilling an unexpired term)	TTE 02/14/20
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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 Robert Whitmarsh as the Historical Commission representative to the Community Preservation Committee, TTE 02/14/20.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Gilman, the City Council voted 7 in favor, 0 opposed, 2 absent, to appoint Robert Whitmarsh as the Historical Commission representative to the Community Preservation Committee, TTE 02/14/20.**

Historical Commission	Susan Morreale (Alternate Member) (Cont'd from 8/19/19)	TTE 02/14/22
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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 Susan Morreale to the Historical Commission (Alternate Member), TTE 02/14/22.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Gilman, the City Council voted 7 in favor, 0 opposed, 2 absent, to appoint Susan Morreale to the Historical Commission (Alternate Member), TTE 02/14/22.**

**Consent Agenda:**

- **MAYOR'S REPORT**
- 1. New Appointment:
  - Community Preservation Committee Jennifer-Lee Levitz Aronson (GHA Rep. fulfilling an unexpired term) TTE 04/28/20 (Refer O&A)
- 2. Memorandum from the Police Chief re: request acceptance of a FY20 State 911 EMD Grant in the amount of \$45,340.729 (Refer B&F)
- 3. Memorandum from the Shellfish Constable re: request acceptance of a FY20 Great Marsh Green Crab Trapping Program Grant in the amount of \$12,500 (Refer B&F)
- 4. Memorandum from the Planning Director re: acceptance of a CZM Coastal Resiliency Grant in the amount of \$70,650 (Refer B&F)
- 5. Memorandum from the CFO re: loan authorization request in the amount of \$2,000,000 for the residential septic system program (Refer B&F)
- 6. Supplemental Appropriation-Budgetary Request 2020-SA-4 from the Treasurer/Collector (Refer B&F)
- 7. Memorandum from the Grants Administrator re: Affordable Housing Trust Funding Recommendation for 10 Haven Terrace (Refer B&F)
- 8. Memorandum from the Community Development Director re: request acceptance of a Seaport Economic Council Grant for the Harbormaster Office and Visiting Boater Center in the amount of \$1,000,000 (Refer B&F)
- 9. Memorandum from the CFO re: loan authorization request in the amount of \$1,500,000 for DPW Equipment (Refer B&F)
- 10. Letter from Mass Cultural Council confirming the renewal of Gloucester's Harbortown Cultural District's state designation (Info Only)
- 11. Flyer from the Health Department with a schedule for upcoming flu shot clinics (Info Only)
- 12. Flyer from Health Department for an upcoming Community Baby Shower on Saturday, October 5, 2019 (Info Only)
  - **INFORMATION ONLY**
  - **APPLICATIONS/PETITIONS**
- 1. Renewal of Special Permit pursuant to MGL Ch. 148, §56 and GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-153 re: Richard Pratt Outdoor Parking Permit at Beachland Ave. #2 (Refer P&D)
  - **COUNCILORS ORDERS**
  - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
- 1. City Council Meeting: 9/10/2019 (Approve/File)
- 2. Standing Committee Meetings: B&F 9/19/2019 (under separate cover), O&A 09/16/2019, P&D 09/18/2019 (Approve/File)

**Unanimous Consent Calendar:**

**Addendum to the Mayor's Report**

1. Request acceptance of a State Dredging Program Grant in the amount of \$2.4 million (Refer B&F)
2. Memorandum and Supplemental Appropriation-Budgetary Request (#2020-SA-5) from the CFO re: establishment of an Energy Management Systems and Green Energy Stabilization Fund (Refer B&F)

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

**By unanimous consent of the Council the Consent Agenda & Unanimous Consent Calendar were accepted as amended/presented.**

**Committee Reports:**

*(Councilor O'Hara left the dais at 8:00 p.m.)*

**Budget & Finance: September 19**

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 state grant from the Massachusetts Department of Fire Services, a FY20 State Legislative Earmark Grant in the amount of \$50,000 for the purpose of purchasing 40 units of Turnout Gear for full-time and on-call firefighters to respond to emergencies. The grant period is through June 30, 2020.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 6 in favor, 0 opposed, 3 absent, to accept under MGL c. 44, §53A, a state grant from the Massachusetts Department of Fire Services, a FY20 State Legislative Earmark Grant in the amount of \$50,000 for the purpose of purchasing 40 units of Turnout Gear for full-time and on-call firefighters to respond to emergencies. The grant period is through June 30, 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 accept under MGL c. 44, §53A, a federal grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) for the purpose of mitigating risk factors for underage substance misuse in the City of Gloucester by bolstering youth resiliency and applying a trauma-informed approach. The grant period is for a five-year grant total in the amount of \$1,261,615 which breaks down as follows:

Year 1 (09/30/2019-09/29/2020)	\$248,612
Year 2 (09/30/2020-09/29/2021)	\$250,428
Year 3 (09/30/2021-09/29/2022)	\$252,284
Year 4 (09/30/2022-09/29/2023)	\$254,178
Year 5 (09/30/2023-09/29/2024)	\$256,113

The grant period is from September 30, 2019 through September 29, 2024.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 6 in favor, 0 opposed, 3 absent, to accept under MGL c. 44, §53A, a federal grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) for the purpose of mitigating risk factors for underage substance misuse in the City of Gloucester by bolstering youth resiliency and applying a trauma-informed approach. The grant period is for a five-year grant total in the amount of \$1,261,615 which breaks down as follows:**

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Year 5 (09/30/2023-09/29/2024)	\$256,113

**The grant period is from September 30, 2019 through September 29, 2024.**

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, cash donations from various donors to the Cape Ann Office of Veterans' Services for the purpose of supporting on-going efforts to serve Veterans and Active Duty military for a total of \$1,248.00.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 6 in favor, 0 opposed, 3 absent, to accept under MGL c. 44, §53A, cash donations from various donors to the Cape Ann Office of Veterans' Services for the purpose of supporting on-going efforts to serve Veterans and Active Duty military for a total of \$1,248.00.**

*(Councilor O'Hara returned to the dais at 8:09 p.m.)*

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 grant from the Mass. Executive Office of Energy and Environmental Affairs, Department of Energy Resources (DOER), a Green Communities Competitive Grant Program in the amount of \$112,852 to be used specifically for: \$77,165 for the GHS LED lighting improvements and \$35,687 for the GHS -EMS connection and programming. The grant period is through September 30, 2020.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 7 in favor, 0 opposed, 2 absent, to accept under MGL c. 44, §53A, a grant from the Mass. Executive Office of Energy and Environmental Affairs, Department of Energy Resources (DOER), a Green Communities Competitive Grant Program in the amount of \$112,852 to be used specifically for: \$77,165 for the GHS LED lighting improvements and \$35,687 for the GHS -EMS connection and programming. The grant period is through September 30, 2020.**

#### **Ordinances & Administration: September 16**

There are no matters for Council action under this heading.

#### **Planning & Development: September 18 – No Meeting**

#### **Scheduled Public Hearings:**

1. PH2019-0050: SCP2019-007: Gloucester Crossing Road #7, Assessors Map 43, Lot 5 and 2 & 4 School House Road, Assessors 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 GZO Secs. 1.5.13, 5.29, 5.7.5 and 1.8.3**

**This public hearing is opened at 8:10 p.m.**

**Those speaking in favor:**

Attorney Deborah Eliason, Eliason Law Office, 63 Middle Street, representing applicant, YMCA of the North Shore  
Jennifer Hocherman, Architect, SP Design  
Derrek Seitz, Windover Construction

**Atty. Eliason** reported that the modification before the City Council for approval only involves improvements located on the YMCA property. Changes to the YMCA's programming and the relocation of the mechanical room to the basement level resulted in slight changes to the building's size and footprint.

**Jennifer Hocherman, Architect, SP Design**, gave an update on the footprint, materials and roof pitch:

- The change in the footprint enables the YMCA to get the most amount of program space as possible within budgetary restraints and still have the major functionality of the YMCA.
- A basement has been added so that mechanicals can be added to that level.
- Fitness space has been removed from above the nursery space so that that space is now a single story.
- The materials for the entry roof and the entry roof pitch were changed.
- Changes made to the glazing on the gymnasium windows.
- Simplified the ramp so that it has a longer run rather than lots of switchbacks.

**Derrek Seitz, Windover Construction**, gave an update on the construction of the site:

- Abatement of the site is approximately 85% complete.
- Demolition is approximately 2/3 complete; estimated time of completion is November 15, 2019.
- Excavation underneath the ball field is essentially complete.
- Utility installation is underway.

**Atty. Eliason** reviewed the GZO Sec. 1.8.3 criteria for permitting:

*Meets the Social, Economic and Community Need:*

- Since issuance of the special permit, the YMCA has refined its programming and more clearly expressed its vision for the design of the building to be a symbol of Gloucester' Schooner Heritage.
- YMCA in consultation with its design professionals and stakeholders refined its vision for the site and created a program that best serves the community in the most efficient way.
- Due to the programming changes and relocation of the mechanical room to basement level, there was a slight revision to the building size and footprint, offering the same function in a smaller footprint.

*Traffic Flow and Safety:*

- Modifications will not alter the traffic flow and safety set out in the original proposal.
- No change in the general circulation plan or pedestrian and vehicular access and safety.
- No negative effect on traffic flow and safety.
- Walkway/Ramp leading to Gloucester Crossing Road has been moved farther away from the YMCA building:
  - Improves the pedestrian flow on the walkway/ramp and the YMCA site
  - Easier maintenance of both

*Adequacy of Utilities:*

- Plan modifications will not alter the adequacy of utilities as set out in the original proposal.
- No change in the anticipated stormwater flows. Therefore, no change to the stormwater calculations or the overall or the overall size of the stormwater structures.
- Proposed building is smaller – not reducing the size of the system or lowering the drainage calculations.
- Conservative approach ensures that the stormwater system is more than adequate to meet the needs of the site:
  - Engineer has confirmed that modifications will not impact the overall peak design flow nor the capacity of the approved stormwater system
- No change to the water and sewer requirements for the project.

*Neighborhood Character and Social Structure:*

- Will not alter or impair the neighborhood character or social structure.

- The reduced size of the YMCA building will increase green space on the north side of the building by approximately 7,300 SF.
- Moving the mechanical room offers the same function in a smaller footprint.
- Design of the building is more in keeping with and identifiable with the City of Gloucester.
- Scale of the building has not been changed.
- Changes to the exterior construction materials are minor.

*Qualities of the Natural Environment:*

- Will not alter or impair the quality of the natural environment.
- Increased green space on the north side of the building by approximately 7,300 SF.
- No greater intrusion into the wetlands or buffer zones.
- No additional relief required from the Conservation Commission.

*Potential Fiscal Impact:*

- Will not alter or impair the positive fiscal impact of the project.
- Small reduction in the size of the YMCA and the interior changes will not reduce the positive fiscal impact of the project on the city.

Atty. Eliason requested the Council's approval of the modifications.

**Those speaking in opposition: None**

**Other Comments:**

Karen Budrow, 33 Chapel Street

Ms. Budrow requested to know the height of the YMCA. Ms. Hocherman reported that the mean height at the center of the roof is 40 feet, 7 ½ inches high; the top peak of the entrance is 46 feet, 4 inches tall and the majority (95%) of the building is 28 feet.

**Communications: None**

**Councilor Questions: None**

**This public hearing is closed at 8:28 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant under SCP2019-007 a Modification of a Special Council Permit SCP2017-012 and SCP2019-002 to Fuller Mixed Use Venture LLC for the properties known as School House Road #2, #3, & #4, Map # 262, Lots 14 and 27, and Gloucester Crossing Road #7, Map 43, Lots 4 and 5, pursuant to Sections 1.5.13, 5.29, 5.7.5 and 1.8.3 is modified pursuant to the square footage of the YMCA building resulting in additional green space on the north side of the building according to submitted plans as follows:

Architectural Plans prepared by Siemesko and Verbridge with revisions through 05/10/2019 signed by Thaddeus S. Siemesko, R.A.;

Landscaping Plans prepared by Hawk Design, Inc., with revisions through 08/05/2019, signed by Thomas A. Miner, RLA; and

Permit Site Development Plan prepared by Meridian Associates, with revisions through 08/06/2019.

This modification to SCP2017-012 through SCP2019-007 is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

**COMMENTARY FROM THE COUNCIL**

**Councilor Cox** asked what impact snow would have on the slope of the entrance roof. Ms. Hocherman advised that a hidden gully will direct water and melting snow to the flat roofs and then down the roof drains.

**Councilor Gilman** advised the council that she would be supporting the modification as it was in accordance with GZO Sec. 1.5.13:

- The modification is pursuant to the reduced square footage of the YMCA building resulting in additional green space on the north side of the building as defined in the updated plans.

- The use remains the same.
- The minor changes to the project were determined to be insubstantial by the Building Inspector after consultation with the Planning Department.
- A new set of plans have been submitted.
- The Planning Board voted unanimously in support of the modifications.
- The changes were the result of programming changes to reflect what best serves the community in the most cost efficient way.
- Light changes to the footprint, as the mechanical room was relocated to the basement.
- The footprint changed with the elimination of a second pool.
- The parameter of the YMCA is 95% the same material.
- Increased open space and green space on the north side of the building.

Further, in accordance with GZO 1.8.3 and 1.5.13 **Councilor Gilman** said she will be voting in favor as the use is in harmony with the general purpose and intent of the ordinance under the following conditions:

1. Social, Economic and Community Need: the new design reflects Gloucester's schooner heritage and best serves the community.
2. Traffic Flow and Safety: there are no alterations from the original proposal and the walkway, ramp and switchback is now more direct and improves pedestrian flow and safety.
3. Adequacy of Utilities: no change.
4. Neighborhood Character: with the reduction in size, green space is increased.
5. Natural Environment: no alterations
6. Fiscal Impact: no alteration to the fiscal impact of the project .

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 absent, to grant under SPC2019-007 a Modification of a Special Council Permit SCP2017-012 and SCP2019-002 to Fuller Mixed Use Venture LLC for the properties known as School House Road #2, #3, & #4, Map # 262, Lots 14 and 27, and Gloucester Crossing Road #7, Map 43, Lots 4 and 5, pursuant to Sections 1.5.13, 5.29, 5.7.5 and 1.8.3 is modified pursuant to the square footage of the YMCA building resulting in additional green space on the north side of the building according to submitted plans as follows:**

**Architectural Plans prepared by Siemesko and Verbridge with revisions through 05/10/2019 signed by Thaddeus S. Siemesko, R.A.;**

**Landscaping Plans prepared by Hawk Design, Inc., with revisions through 08/05/2019, signed by Thomas A. Miner, RLA; and**

**Permit Site Development Plan prepared by Meridian Associates, with revisions through 08/06/2019.**

**This modification to SCP2017-012 through SCP2019-007 is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.**

2. **PH2019-051: Amend GCO Ch. 9 "Trash, Recycling and Litter" by ADDING Article III "Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper"**

**This public hearing is opened at 8:38 p.m.**

**Councilor Lundberg** provided a commentary to the Council that the ordinance amendment before them was passed a couple of months ago: the vote was reconsidered due to some exceptions in the ordinance that some councilors wanted to consider. Section (g) details the exceptions.

**Those speaking in favor:**

**Nancy Kwant**  
1064R Washington Street

**John O'Hara**  
55 Lexington Ave

**Eric Magers**

7 Marchant Street

**Alicia Pensarosa**

Ocean Alliance - 32 Horton Street

(Ms. Pensarosa provided the following information to the Council: Ocean Alliance is currently studying microplastics in whale feces; in one sample, 651 pieces of microplastic were found in 1 gram of feces, equating to 295,000 pieces of micro plastic in one pound of whale poop.)

**Daria Scoffield**

32 Bass Ave

**Conor Miller**

Black Earth Compost - 2 Hillside Road

**Those speaking in opposition: None****Communications in support of the amendment:**

Rosaline Gove 10 ½ Clarendon Street

Amanda Nash 6 Exchange Street

Councilor Hecht (statement on file)

**Councilor Questions: None****This public hearing is closed at 8:47 p.m.**

At the suggestion of the **Council President** the reading of the full motion was waived and only the heading and Sec. 9-23(g) was read.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 2 in favor, 1 (LeBlanc) opposed, to Amend GCO Chapter 9.-Trash, Recycling and Litter by ADDING Article III – “Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper, to Chapter 9-Trash Recycling and Litter as follows:

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

## Sec. 9-22.- Definitions

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

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

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

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

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

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

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

Customer means any person purchasing goods from a retail establishment.



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

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

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

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

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

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

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

- (a) No food establishment, retail establishment, or beverage provider in the City of Gloucester shall provide single-use, non-biodegradable plastic straws, stir sticks or hotstoppers to customers.
- (b) If a retail establishment provides straws, stir sticks or hotstoppers, they must be one of the following:
  - i. Compostable and made from compostable materials (meeting the specifications of ASTM D6400 or equivalent standard, as defined herein) including but not limited to paper, wooden, bamboo, straw, etc.
  - ii. Reusable and made from reusable materials including glass, stainless steel, bamboo, ceramic, etc.
- (c) Nothing in this chapter prohibits customers from using straws or stir sticks of any type that they bring to the retail establishment themselves in lieu of using straws, stir sticks, or hotstoppers provided by the retail establishment.
- (d) Nothing in this section precludes food establishments, retail establishments, or beverage providers from using or making non-plastic alternatives, such as those made from paper, Compostable Plastic, sugar cane, or bamboo, available to customers.
- (e) A retail establishment may provide or sell reusable straws, stir sticks, or hotstoppers to its customers or to any person.
- (f) A reusable straw, stir stick, or hotstopper must be constructed out of stainless steel or other material deemed reusable and not single-use.
- (g) In the case of disabled persons or persons with medical or physical conditions who require single use plastic straws in order to ingest liquids, establishments must provide plastic straws upon request if they provide straws. Hospitals, nursing homes, senior care organizations, adult care organizations and other establishments predominantly serving the elderly, infirm or disabled (including but not limited to organizations such as Day by Day, The Senior Center and Meals on Wheels for example) are exempt from this ordinance. The sale of off the shelf packaged single use plastic straws at supermarkets, grocery stores and convenience stores as well as prepackaged juice/liquid containers/boxes/pouches that include attached plastic straws shall be exempt from this ordinance.

In no case shall any Food & Retail establishment or Beverage Provider be required to offer straws of any sort. If any establishment does not provide straws, such establishment shall not be required to provide a plastic straw upon request. If any establishment not exempt from this ordinance provides straws then such establishment must provide reusable or compostable straws unless a plastic straw is specifically requested in which case the establishment shall be required to provide a plastic straw.

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

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

Sec. 9-25. Severability; Effective Date.

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

**COMMENTARY FROM THE COUNCIL**

**Councilor Holmgren** reported that Councilor Hecht had been working to obtain input on this ordinance from the local ADA branch office in Boston but as of yet had not received word back from that agency.

**Councilor LeBlanc** stated that while he was not against banning plastic straws, he would not vote in favor because he felt the ordinance was flawed.

**Councilors Cox, Gilman, O’Hara, Memhard and Lundberg** all voiced support of the amendment.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the City Council voted 6 in favor, 1 opposed, 2 absent, to Amend GCO Chapter 9.-Trash, Recycling and Litter by ADDING Article III – “Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper, to Chapter 9-Trash Recycling and Litter as follows:**

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

**Sec. 9-22.- Definitions**

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

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

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

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

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

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

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

**Customer** means any person purchasing goods from a retail establishment.

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

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

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

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

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

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

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

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

- (g) In the case of disabled persons or persons with medical or physical conditions who require single use plastic straws in order to ingest liquids, establishments must provide plastic straws upon request if they provide straws. Hospitals, nursing homes, senior care organizations, adult care organizations and other establishments predominantly serving the elderly, infirm or disabled (including but not limited to organizations such as Day by Day, The Senior Center and Meals on Wheels for example) are exempt from this ordinance. The sale of off the shelf packaged single use plastic straws at supermarkets, grocery stores and convenience stores as well as prepackaged juice/liquid containers/boxes/pouches that include attached plastic straws shall be exempt from this ordinance.

In no case shall any Food & Retail establishment or Beverage Provider be required to offer straws of any sort. If any establishment does not provide straws, such establishment shall not be required to provide a plastic straw upon request. If any establishment not exempt from this ordinance provides straws then such establishment must provide reusable or compostable straws unless a plastic straw is specifically requested in which case the establishment shall be required to provide a plastic straw.

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

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

**Sec. 9-25. Severability; Effective Date.**

- (a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.
- (b) This chapter shall take effect as of July 1, 2021.”
3. 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 involve the use of Stacy Boulevard or Stage Fort Park to the City Council for final approval (Cont’d from 9/10/2019) (TBC 10/08/2019)

This public hearing is opened at 9:00 p.m.

Council President Lundberg announced this public hearing is continued to October 8, 2019.

This public hearing is continued to October 8, 2019.

**For Council Vote:**

1. **City Council Vote of 02/26/2019 to make permanent the amendments to GCO Ch. 4 “Animals” Sec. 4-16a “Dogs allowed on public beaches at certain times”**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the City Council voted 7 in favor, 0 opposed, 2 absent to make permanent the amendments to GCO Ch. 4 “Animals”, Sec. 4-16a “Dogs allowed on public beaches at certain times” as voted by City Council on February 26, 2019.**

**Other Business:**

Discussion re: Airbnb 3% Community Impact Fee (as adopted by City Council on August 27, 2019).

**Councilor Lundberg** advised the Council that this matter was voted on in accordance with the City Council’s Rules of Procedure, and that **Councilor Holmgren** requested this matter be brought up for a discussion, with no action to be taken by the Council. **Councilor Holmgren** shared that she had heard from business owners who expressed concern that there wasn’t enough public input prior to voting. **Councilors Holmgren, Cox and Gilman** suggested it would be helpful if there could be a public forum/workshop so that property owners and residents could be made better aware of the rules and ordinances pertaining to Airbnb rentals. During the discussion a question arose as to where the 3% Community Impact Fee would go. **Jim Destino, CAO**, advised 100% of the fee would go to Gloucester’s Affordable Housing Trust.

**Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:****Update on the Housing Production Planning Committee by City Council Representative, Councilor Jen**

**Holmgren:** The committee has not met since July but a meeting is scheduled for later in the week. The committee is looking into zoning for secondary dwellings and in-law apartments and how to make it easier for owner occupied homes to rent to people outside of family. The aim of the committee is to raise the affordable housing stock to 10% so that the city can retain local control.

**Councilors’ Requests to the Mayor:**

**Councilor Gilman:** no requests; reminded all that the 2019 Household Hazardous Waste Day is on September 27, 2019 from 9 a.m. -12:00 p.m. this Saturday; call the DPW for an appointment.

**Councilor O’Hara:** no requests.

**Councilor Holmgren:** no requests.

**Councilor Memhard:** no requests; shared that he will be attending the groundbreaking ceremony of the YMCA; he is continuing to work with East Gloucester residents regarding the noise complaints brought up at this meeting; the Animal Advisory Committee will be meeting this Thursday with the Administration/Conservation Agent to review the Piping Plover management plan.

**Councilor Cox:** no requests; reminded all that a Climate Crisis Workshop was being held at the Rose Baker Senior Center the following evening; the Fishbox Derby will be on Sunday the 29<sup>th</sup>, traffic patterns will be altered for the event downtown; the Codfish Ball fundraiser will be held at Maritime Gloucester; On October 17<sup>th</sup> Castle Manner Inn will host the Stage Fort Park Visitor Center volunteer appreciation luncheon.

**Councilor LeBlanc:** request to the Mayor: Request that the Planning Dept. look into the Gloucester Zoning Ordinance which states that Special City Council Permit applications denied by Council cannot reapply within two years of the denial, and provide feedback to the Council.

**Council President Lundberg:** echoed Councilor LeBlanc’s request.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:25 p.m.**

**Respectfully submitted,**

*Grace E. Poirier*

**Assistant City Clerk & Substitute Recorder**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

Communication from Peter Cooney, 36 Warner Street

Communication from Judy Doyle, 100 East Main Street

Communication from Linda Amero, 3 Stanwood Terrace

Communication from Mary Lou Tierney, 5 Hesperus Circle