

GLOUCESTER CITY COUNCIL MEETING
Tuesday, April 14, 2020 – 7:00 p.m.
REMOTE MEETING
-Minutes-

Present: Council President Steve LeBlanc; Councilor Val Gilman; Councilor Melissa Cox; Councilor Scott Memhard; Councilor John McCarthy; Councilor Barry Pett; Councilor Jamie O’Hara; Councilor Jen Holmgren; Sefatia Romeo Theken; Joanne M. Senos; Chip Payson, James Pope; Kenny Costa; Richard Safier; Jonathan Pope; Melissa Teixeira Prince; Kathleen Clancy; Joel Favazza

Absent: Councilor Sean Nolan

Presenters: Chip Payson; Faisal Hussein, Michelle Rogers, Brad Dore and Tom Ellis; Heidi Riccio

Oral Communications: Jim Towne, 12 Links Road

This meeting was conducted remotely through Zoom

The meeting was opened at 7:00 p.m.

Councilor LeBlanc stated, “This meeting is being recorded in accordance with State Open Meeting law, consistent with the Governor's orders, suspending certain provisions of the open meeting law and banning gatherings of 10 or more people. This meeting will be conducted by remote participation. Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote. If you are calling in on a phone, you can press Star 9 to request to speak. And if you are watching on a computer or device, there was a raised hand button that you can tap or press to request to speak. Please use either of these options during oral communications to be recognized to speak.”

Oral Communications:

Jim Towne, 12 Links Road: Requested that the city focus on matters that keep the city running as well as matters related to the global epidemic and that City Councilors think about just focusing on the emergency and keeping the city running. Some people might not have internet access or understand remote meeting technology and not be able to speak about other business before the Council, for example the Atlantic Road project.

Presentations/Commendations:

Presentation by General Counsel regarding new law granting relief from the requirements of special permit and variance applications

Mr. Payson reviewed for the City Council the facts relating to Governor Baker signing into law Chapter 53 of the Acts of 2020, on April 3, 2020, which was designed to address challenges faced by municipalities and state authorities resulting from COVID-19. Section 17 of the act pertains to permits and permit granting authorities regarding permits, variances, special permits, licenses, amendments, extensions or other approvals issued by a permit granting authority:

- The time period in which a permit granting authority is required to act on a permit by law is suspended as of March 10, 2020 but that time period shall resume 45 days after the termination of the state of emergency;
- As of March 10, 2020 shall not lapse or expire, but the expiration date of the permit shall toll or stop during the state of emergency;
- There is no constructive approval or denial of permits during this emergency time due to a failure of the permit granting authority to act within the legally required time of the permit, the granting authority must act regardless within forty five days after the conclusion of the emergency;
- The chair of a permit granting authority may without the presence of a quorum vote on the matter to schedule or reschedule on one or more occasions the hearing or decision deadlines on a permit application, but the rescheduled date or deadline cannot be more than 45 days after the termination of the state of emergency. If the chair does schedule, or reschedule, a hearing or decision deadline, he must

provide written notice of it to the applicant at the applicant's address and to the general public by posting electronically on the website of the city a hearing on a pending application for a permit opened by a permit granting authority before March 10, 2020. And as an aside, I don't think we have any of these. But I'll get to that in a few minutes;

- A permit which has not been concluded as of March 10, 2020 or has been continued by the permit granting authority as of March 10, 2020 is automatically tolled or stopped and continued to the first hearing date of the permit granting authority following the termination of the state of emergency;
- Permit granting authorities subject to applicable notice and hearing requirements may still revoke or modify a permit if that permit or the law or regulation under which the permit was issued authorizes its modification or revocation;
- Permit granting authorities may still conduct meetings and public hearings remotely during the state of emergency;
- A permit granting authority may still issue decisions on permit applications as long as a duly held public hearing or meeting has been held remotely.

Responding to Councilor questions, **Mr. Payson** advised:

- The four applications before them currently may be continued until the conclusion of the emergency as long as they are acted on, and not just heard, within 45 days of the conclusion of the state of emergency;
- In the event that the state of emergency continues into the fall, the City Council has within its purview the ability to reassess;
- In order to continue the permits currently before the Council, the Council could a). keep continuing the matters at City Council or b). notice the applicant that the matter will be continued until the end of the state of emergency and at that point notify the application with a date certain when the matter will be taken up;
- This policy does not need to be adopted as the statute is law.

After a Council discussion, it was decided that for the sake of transparency, the procedure for continuing the public hearings would be voted on at City Council on April 28, 2020 and General Counsel would help with drafting the language.

Presentation on the East Gloucester/Veterans School Building Committee. An update on project design and traffic study.

School Committee Chair Jonathan Pope, Michelle Rogers, Brad Dore, Tom Ellis and Faisal Hussein comprised the team giving the presentation.

Feisal Hussain, traffic consultant from Niche Engineering gave a presentation on the traffic study (slides and traffic study on file) with a focus on school programs, the parking and the data collection. He also reviewed current and projected enrollment, current and future staffing, existing drop offs and pickups, current and future bus fleet, parking on site and the grade for traffic around the school.

Michelle Rogers reviewed the site plan and exterior design plan update (slides and renderings on file) including the entrance and exit for buses and car queueing, adequate drive aisle and turning for fire trucks, play areas, overflow parking, a fenced in area to protect students from the vehicles, outdoor learning centers, a half-court basketball area, a turf field, a large play structure for older students, and swing sets. Also a gymnasium on the second floor, Cafeteria, main entrance and the library, academic wings on each side, larger kindergarten classrooms, a media center and art on the second floor.

Responding to **Councilor questions** regarding signage at the 128/127 intersection, school employee traffic impact in the queue, no right turn out of the parking lot on Friend Street, **Mr. Hussein** agreed that the MassDOT should be contacted in order to increase signage and signals at the 128/127 intersection and suggested that the lights could be replaced with a rotary, as that would slow down the speed of drivers. He also said that he would update the traffic report to show the employee impact on traffic.

Responding to **Councilor questions** regarding waiving the bus fee, recycling the school zone signs at St. Ann's and the community's use of the school's playground, **Chairman Pope** said the School Committee could review the charge for bus transportation. It could also consider a no right turn out of the school parking lot onto

Webster Street. Also, because students will need a place to go if Veterans School is torn down, St. Ann's is the likely place so the signs should stay there. Once signage is installed, they'll try to get the bright ones like they have at West Parish. The playground will be open to the community.

Essex North Shore Agricultural and Technical School FY21 Budget presentation.

Heidi Riccio, Superintendent and Director of Essex North Shore Agricultural and Technical School reviewed the budget for the Council and shared some highlights (full report on file): the school received \$1.6 million dollars in competitive grants; Gloucester was the first pilot partnership program last year and the 7 students will be graduating from that program, which is the Construction and Craft Laborers program; a per pupil comparison of any of the vocational schools or sister vocational schools across the Commonwealth shows Essex North Shore is the most affordable career and technical education school in the Commonwealth.

CONSENT AGENDA

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**

1. Reappointment: Fire Chief Eric Smith (Refer O&A)
2. Special Budgetary Transfer Request (#2020-SBT-12) in the amount of \$3,945.21 from the Police Dept. (Refer B&F)
3. Special Budgetary Transfer Request (#2020-SBT-13) in the amount of \$8,620.53 from the Harbormaster's Office (Refer B&F)
4. Information and Guidance from the CDC on the use of cloth face coverings as well as sew and no-sew method tutorials (Info Only)
5. Memorandum from Shellfish Constable re: COVID-19 Emergency Plan for the renewal of Commercial Shellfish Permits (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
1. SCP2020-004: Folly Point Road #1, Map 146, Lot 28, GZO Sec. 3.1.6(b) "Building Heights in Excess of 35 Feet" in the R-20 District (Refer P&D)
2. Special Events Permit Application: request to hold the Magnolia Community Farmers Market on Sundays, May 31-October 4, 2020 (Refer P&D)
3. Special Events Permit Application: request to hold the DES & GFC Club Religious Procession on June 7, 2020 (Refer P&D)
4. Special Events Permit Application: request to hold the Cars, Cops and Cruisers Car Show on June 7, 2020 (Refer P&D)
 - **COUNCILLORS ORDERS**
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 3/24/2020 (Approve/File)
2. Special B&F Meeting: 3/24/2020 (Approve/File)
3. Standing Committee Meetings: B&F 4/9/2020 (under separate cover), O&A 4/6/2020 (under separate cover), P&D 4/8/2020 (under separate cover) (Approve/File)

Unanimous Consent Calendar

1. Addendum to Mayor's Report: Memorandum from Community Development Director and an award letter from the U.S. Department of Housing & Urban Development re: acceptance of \$405,819 from the CARES Act CDBG-CV funding (Refer B&F)

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

Councilor Cox asked to remove Item #3 under approval of minutes from previous Council and standing committee meetings for the reason of correcting the motions to say that she made all the motions and Councilor Memhard seconded all of the motions. Some of the motions incorrectly recorded the motions being made by Councilor Memhard and seconded by Councilor McCarthy.

MOTION: On a motion by Councilor Cox, Seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O'Hara, Pett), 0 opposed, 1 absent (Nolan) to amend the Budget & Finance minutes of April 9, 2020.

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the City Council voted 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O'Hara, Pett), 0 opposed, 1 absent (Nolan) to accept the consent agenda as amended.

MOTION: On a motion by Councilor Cox, Seconded by Councilor Gilman, the City Council voted 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O'Hara, Pett), 0 opposed, 1 absent (Nolan) to accept the Unanimous Consent Calendar.

Committee Reports:

Budget & Finance – April 9, 2020

Councilor Cox informed the Council that the B&F votes would be done through a Unanimous Consent agenda.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept donations under MGL c. 44, §53A, to support Cape Ann Veterans Services in the amount of \$275 (Two Hundred Seventy-Five Dollars) from the following members and business partners within our community:

Kenneth M. O'Brien & Margaret Masjoan	\$100.00
National Society of the DAR Cape Ann Chapter DAR	100.00
Carol Schaeffer Judd	50.00
Judith Maxfield	<u>25.00</u>
Total	\$275.00

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept a state grant under MGL c. 44, §53A, a FY2020 Washer-Extractor Grant from then Executive Office of Public Safety and the Department of Fire Services (DFS) in the amount of \$6,448.94 (Six Thousand Four Hundred Forty-Eight Dollars and 94/100) This is an award of additional funding for the FFY2019 Washer-Extractor Grant Program of which \$6,573.13 has already been approved for a total of \$13,022.07. This grant expires June 30, 2020.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL Call 3 in favor, 0 opposed, to recommend that the City Council accept a community grant under MGL c. 44, §53A, from the Addison Gilbert Hospital Community Grant in the amount of \$13,000 (Thirteen Thousand Dollars) to support the new Community Navigator Program for marketing materials, equipment and training costs incurred during this calendar year. There is no local match for this grant.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept a state grant under MGL c. 44, §53A, from the Commonwealth of Massachusetts FY20 MED-Project Stewardship Program in the amount of \$1,300 (Thirteen Hundred Dollars), for the management and disposal of unwanted household opioids and benzodiazepine medications. There is no local match for this grant

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council accept a state grant under MGL c. 44, §53A, from the Metropolitan Area Planning Council (MAPC) on behalf of the Commonwealth of Massachusetts and the Department of Public Health, in the amount of \$50,000 (Fifty Thousand Dollars) for the purpose in responding to the COVID-19 outbreak. There is no local match for this grant.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2020-SA-30 in the amount of \$25,000 (Twenty-Five Thousand Dollars) from the General Stabilization Fund – Undesignated Fund Balance, Account #7500-359000 to Health Department Supplies #0151052-54000 to cover COVID-19 supplies as needed.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2020-SA-31 in the amount of \$150,000 (One Hundred Fifty Thousand Dollars) from the General Stabilization Fund – Undesignated Fund Balance, Account #7500-359000 to Health Department Hourly Wages #0151051-511300 to cover COVID temporary staffing needs.

MOTION: On a motion by Councilor Cox, Seconded by Councilor Memhard, the City Council voted 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O'Hara, Pett), 0 opposed, 1 absent (Nolan) to accept the Budget & Finance Unanimous Consent Agenda.

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Kenneth M. O'Brien & Margaret Masjoan	\$100.00
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MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O'Hara, Pett), 0 opposed, 1 absent (Nolan), to approve Supplemental Appropriation 2020-SA-31 in the amount of \$150,000 (One Hundred Fifty Thousand Dollars) from the General Stabilization Fund – Undesignated

Fund Balance, Account #7500-359000 to Health Department Hourly Wages #0151051-511300 to cover COVID temporary staffing needs

Election of the City Auditor pursuant to City Charter Section 2-7(a).

COMMITTEE RECOMMENDATION: On motion by Councilor Cox, seconded by Councilor Memhard, The Budget & Finance Committee voted by Roll Call 3 in favor, 0 opposed, to recommend that the City Council, pursuant to City Charter Sec. 2-7 (a) concerning the election of the City Auditor, elect Kenny Costa as the City Auditor for a term of April 2020 to April 2022.

Councilors LeBlanc, Memhard, O’Hara, Holmgren, Gilman, McCarthy, Cox and Pett all stated they would support Mr. Costa’s election and thanked him for his leadership. **Mr. Costa** thanked the Council.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by Roll Call 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O’Hara, Pett), 0 opposed, 1 absent (Nolan), pursuant to City Charter Sec. 2-7 (a) concerning the election of the City Auditor, elect Kenny Costa as the City Auditor for a term of April 2020 to April 2022.

Ordinances & Administration – April 6, 2020

Election of the City Clerk pursuant to City Charter Section 2-7(a).

Committee Recommendation: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration voted by ROLL CALL 3 in favor 0 opposed, pursuant to City Charter Sec. 2-7(a) concerning the election of the City Clerk, to recommend that the City Council elect Joanne M. Senos as the City Clerk for a term of April 2020 to April 2022.

Councilors LeBlanc, Memhard, O’Hara, Holmgren, Gilman, McCarthy, Cox and Pett all stated they would support Ms. Senos’s election and thanked her leadership. **Ms. Senos** thanked the Council.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the City Council voted by ROLL CALL 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O’Hara, Pett), 0 opposed, 1 absent (Nolan) , pursuant to City Charter Sec. 2-7(a) concerning the election of the City Clerk, elect Joanne M. Senos as the City Clerk for a term of April 2020 to April 2022.

Scheduled Public Hearings:

1. **PH2020-010: SCP2020-002: Essex Avenue #99A, Map 216, Lot 126, GZO Sec. 3.1.6(b) “Building Heights in Excess of 35 Feet;” Sec. 2.3.4(13) “Marine related service, storage or repair, limited primarily in the MI District to commercial fishing vessels;” Sec. 5.5 “Lowland Requirements;” Sec. 5.5.2 and Sec. 5.5.3 in the EB District (Continued from 3/24/2020)**

The public hearing was opened and continued to May 12, 2020.

2. **PH2020-011: SCP2020-003: Atlantic Road #163 (formerly part of #171), Map 73, Lot 41 (a portion of former Map 73, Lot 26), GZO Sec. 1.8.3 “Standard to be Applied,” 1.10.1(a) “Jurisdiction of the City and Zoning Board of Appeals – City Council,” 2.3.1(8) “Conversion to or new multi-family or apartment dwelling, seven or more dwelling units,” 3.1.6(b) “Building Heights in Excess of 35 Feet,” 3.2.2 “Dimensional Requirements for Multi-Family Dwellings and Their Accessory Uses (other than signs)” and 5.7.5 “Special Permit Criteria” in the R-20 Low/Medium Density Residential District (Continued from 3/24/2020)**

The public hearing was opened and continued to May 26, 2020.

3. **PH2020-009: SCP2020-001: Wingersheek Road #105, Map 261, Lot 31, GZO Sec. 3.1.6(b) “Building Heights in Excess of 35 Feet” in the R-20 Low/Medium Density Residential District**

The public hearing was opened and continued to May 26, 2020.

For Council Vote:

1. Motion for Reconsideration (O'Hara): City Council vote of 3/24/2020 re: Construction Manager at Risk (CMAR) under MGL c149A as a public construction alternative to the Design-Bid-Build method under MGL c.149A for the East Gloucester/Veterans Memorial Consolidated Elementary School

Councilor O'Hara informed the Council that he was reconsidering his vote because under the circumstances of the global pandemic the money for the money could be spent someplace else to support the community during this unprecedented time.

MOTION FOR RECONSIDERATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the City Council voted by ROLL CALL 1 in favor (O'Hara), 7 opposed (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, Pett)), 1 absent (Nolan) to reconsider the vote for funding for the construction manager.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 7 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, Pett)), 1 opposed (O'Hara), 1 absent (Nolan) to approve a Construction Manager at Risk (CMAR) under MGL c. 149A as a public construction alternative to the Design-Bid-Build method under MGL c. 149A for the East Gloucester/Veterans Memorial Consolidated Elementary School.

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

Update on the Tourism Commission by City Council Representative, Councilor Melissa Cox. Councilor Cox informed the Council that the Commission last met in January and discussed the flowers on Main Street and the tourist corridors. Last year Generous Gardeners watered the flowers because there weren't enough students on the YMCA team. The DPW does not have the manpower to water the flowers, either. The Commission looked into other ways to get the flowers watered; one bid that came back was at \$75,000 to water seasonal plants. The Commission is looking into other ways to beautify the city without the use of flowers.

Other Business:

1. Discussion on Standing Committee and City Clerk priorities during COVID-19 emergency order

The Council had a lengthy discussion about how permitting is handled at the standing committee level during the COVID-19 emergency. **Councilor Gilman** requested that permit applications be allowed to be started on the committee level with an informational meeting, and then pause once it reaches the point of the site visits. **Councilors LeBlanc, Cox, Holmgren, Pett, McCarthy, Memhard** and **O'Hara** were in agreement that permitting should be paused until the end of the emergency. Even though the meetings are publicized live through Zoom, some Councilors felt that members of the public/applicants/abutters who have difficulty with the technology might not be able to fully participate in the meetings. Also, some members of the public might not be able to attend due to extended working hours due to the crisis, or because they or people they care for might be directly impacted by the virus itself.

Councilor LeBlanc informed the Council that while the decision to suspend permitting until after the state of emergency was ultimately his call per the state statute, he wanted to go with the will of the Council.

2. Update on the new city website by James Pope, IT Director (this item was not on the agenda)

James Pope gave the Council a quick update on the new city website, which was going live on Thursday, April 16, 2020. Mr. Pope thanked Vanessa Krawczyk, Jill Cahill and Shelly Ciolino for their input and help with the project.

The **Council** thanked Mr. Pope for all of his help with remote meetings during the state of emergency.

3. Discussion regarding changing the start time for City Council meetings during the state of emergency (this item was not on the agenda)

Councilor LeBlanc proposed that City Council meetings start at 6:00 p.m. during the state of emergency while meetings are being held remotely. All Councilors present were in agreement.

This matter will be for Council vote on April 28, 2020.

Councilors' Requests to the Mayor:

Councilor Pett: asked the Council and the School Committee to support the Administration to enlist Representative Ferrante and Senator Tarr to work with the MassDOT on Route 128 Eastern Avenue intersection on signage, pedestrian crossings and truck traffic. He also gave a shout out to the owner of Ocean Garden for donation 2,000 masks to the city.

Councilor Holmgren: was in agreement with Councilor Pett. She also thanked everybody for the incredible acts of generosity and heroism she has seen these past couple of weeks.

Councilor McCarthy: gave an update on the program that the Mayor asked the Council to volunteer for last week; the volunteer Re-Assurance Program reaching out and contacting seniors that are in senior housing with the Housing Authority. He also made a request to the Mayor to look into upgrading the City Council tablets to laptops, as the tablets aren't adequate for remote meetings, and also because they can't load large packets.

Councilor Memhard: expressed appreciation for all the city staff and all the municipal employees. He said the Mayor's done an outstanding job leading and keeping everyone informed through the emergency. He also thanked the photographers on the Porch-trait Project.

Councilor O'Hara: Thanked everyone during this time and to reach out to the Council if anyone has any issues.

Councilor Cox: Thanked everyone for what they've done during this time, and for those sewing masks and caps.

Councilor Gilman: Suggested that the Council and other permitting boards continue to use Zoom after the emergency once regular meetings resume, because live video recordings are easy to watch. She asked the administration if they would have any interest in continuing with that technology.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor (Cox, Gilman, Holmgren, LeBlanc, McCarthy, Memhard, O'Hara, Pett), 0 opposed, 1 absent (Nolan) to adjourn the City Council meeting.

Meeting adjourned at 10:25 p.m.

Submitted by Grace E. Poirier, Assistant City Clerk