

GLOUCESTER CITY COUNCIL MEETING
Tuesday, June 23, 2020 – 6:00 p.m.
REMOTE MEETING
-Minutes-

Present: Council President, Councilor Steve LeBlanc; Council Vice President, Councilor Val Gilman; Councilor Melissa Cox; Councilor Jen Holmgren; Councilor John McCarthy; Councilor Scott Memhard; Councilor James O’Hara; Councilor Barry Pett

Absent: Councilor Sean Nolan

Also Present: Joanne M. Senos; Mayor Theken; Vanessa Krawczyk; Chip Payson; John Dunn; Chief Conley; TJ Ciarametaro; Mike Hale; Chief Smith; Jonathan Sanger; Phil Harvey

*This meeting was conducted remotely through Zoom
All votes were ROLL CALL votes*

Meeting called to order at 6:00 p.m.

Councilor LeBlanc announced, “This meeting is recorded by video and audio 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 more than 10 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 (*9) to request to speak. If you are watching on a computer or device there is a “raise 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:

Craig Hamilton: 36 Grove Street

Construction and sewer work needs to be done on Grove Street. Also, the condition of the road and sidewalks on Grove Street is a hazard. He has reached out a number of times but has not heard back regarding his concerns.

Mr. Hamilton also requested that the debris be cleaned up that was left after cutting was done on the cemetery side of Grove Street. He reported that there are dogs defecating in Oak Grove Cemetery, as well as drug activity going on there, and requested that the Police be more responsive to calls reporting suspicious activity at the cemetery.

Presentations/Commendations:

1. Update from the Administration beach parking/beach issues

Vanessa Krawczyk, Interim Chief Administrative Officer, gave the following information on behalf of the Mayor:

- During Phase 1, beginning on May 22nd through June 8th, as part of the reopening plan for the city’s beaches and Stage Fort Park, which were aligned with the reopening standards for coastal and inland beaches throughout Massachusetts, Good Harbor Beach was open to residents only with parking at a reduced capacity and Wingaersheek was open to residents and a limited number of nonresidents with parking at a reduced capacity. At that time, Stage Fort Park was open to the public.
- Parking within city lots has been managed well within the reduced parking parameters in place.
- Signage has been placed and ongoing public relations efforts continue to remind and educate beachgoers to set up at least 12 feet apart from other groups on their towels; limit groups to no more

than 10 people; wear their face coverings when unable to maintain a physical distance from others except when swimming; and, to carry on and carry out trash.

- Beginning on June 9th Phase 2 of the reopening began and Good Harbor was expanded to residents and a limited number of nonresidents. Wingaersheek and Stage Fort Park were unchanged.
- Due to municipal office closures, beach parking stickers have been available online for mail-in processing.
- To date, we have accommodated residents by allowing the use of 2019 beach stickers or a motor vehicle registration and license, showing a Gloucester address for entry until their 2020 sticker has been preprocessed. This year, we discontinued nonresident beach parking stickers, as well as the hotel bill voucher program in an effort to limit nonresident capacity at the beaches. And just as a point of reference, last year, 1,675 hotel vouchers were used.
- It's not the responsibility of city staff, lifeguards or police to enforce social distancing or the wearing of masks and face coverings. These protocols are the personal responsibility for each of us to follow, and we've worked hard on signage and education materials to let people know that.
- Since opening the beaches for the season, we have collaborated with our municipal colleagues dealing with similar challenges which have without a doubt exacerbated normal summer concerns. Since March, many people have been cooped up and are more than ready to get outside. We have seen a tremendous stretch of great weather and specifically a Good Harbor Beach we need to balance piping plover management and tide capacity concerns.
- Regarding beach parking enforcement, the police department is out enforcing every single day since May 1st. They've issued 1,236 tickets in the beach district alone. This is a significant increase over past years. As a point of reference, last year they issued 268 in the beach district. Our parking enforcement staff patrol a designated path throughout the entire city, so much like a bus route, they hit the Good Harbor area several times a day. Patrol officers have a primary duty to respond to calls for service and conduct traffic enforcement. Nonpublic safety and civic parking enforcement is a secondary responsibility. They have towed vehicles, but at times this has proven difficult because we rely on the availability of private tow companies. Residents should not hesitate to dial 978-283-1212 to report a non-emergency issue.
- We have been in touch with management at Stop and Shop and Shaw's to ask for their assistance and collaboration to ensure legal beach parking is enforced and discouraged. This past weekend, Shaw's had 30 cars towed. The Beachland Avenue private parking lot is being monitored to ensure that they do not exceed capacity, comply with their COVID-19 safety plans and capacity traffic does not impede fire access. We will continue to work on a coordinated approach with our Rockport neighbors on this private lot.
- There have been reports of increased parking on residential streets. We ask the Council's help to put in requests to change any streets that should have parking prohibited May 1st to September 15th so that we can enforce it.
- As of this morning, all four plover chicks have hatched. As you all know, a significant portion of Good Harbor Beach is cordoned off for them, which has further put a strain on capacity issues at Good Harbor.
- This past weekend, nonresident parking had reached capacity by 9:00 a.m. A noon high tide further prompted the temporary closure for approximately 2 ½ hours of the footbridge at Good Harbor to all walk-on traffic. At that time due to a perfect storm of circumstances, it was necessary to further limit access. The walk-on traffic has been a concern, but as seen in drone footage on some of the busiest days this summer, just past high tide social distancing was well maintained. Internal meetings are ongoing to identify solutions that could help rectify some of the issues and concerns of our administration and I'm sure you would agree. In the short term where we're exploring hiring seasonal staff to communicate and educate the rules and looking at how we can be reimbursed through coronavirus relief funds for these efforts. In the long term, meaning next season or beyond, we're exploring e-ticketing reservation systems for beach parking, which would help with parking issues and traffic.

- We will be convening a July 4th task force to plan for increased visitors both at the beach and on the water to ensure a plan is in place to handle the expected crowds. We will keep you updated on the progress of our own ongoing discussions and planning. Please know that we are working in earnest to address beach and beach parking concerns.

T.J. Ciarametaro, Harbormaster, updated the Council with the following information:

- Last weekend was very busy on the water. Harbormasters in Essex, Ipswich, Newburyport and Salisbury are seeing a similar trend of extreme boat traffic.
- He anticipates the same flow of boat traffic, if not more, leading into July 4th.
- Every asset and person he can get to work with him is out on the water with him.
- The Harbormaster's Office is working closely with Chief Conley in the Police Department for solutions. The Police boat is going to be coming back this week.
- As an FYI to the public, the Coast Guard is a federal law enforcement search and rescue agency; they do not enforce city ordinances. They do not enforce state law under most circumstances. They enforce U.S. code. Once boats are anchored on sandbars or at beaches, that's the limit to their jurisdiction for the most part, unless we specifically ask for assistance and in some cases they still can't assist. So it's left up to the Harbormaster's department and police department.
- Boats anchored in the channel get moved.
- He is focusing assets on tight areas like the river and marinas when people leave at sunset.

Questions from the Council:

Q.1. Can a portion of Farrington Avenue be opened up for resident parking to provide access to Niles Beach?

A. 1. (Krawczyk) This will be evaluated as the city gets closer to Phase 3.

Q. 2. Is the Coast Guard able to help with the boating issues?

A.2. (Ciarametaro) Station Gloucester is helpful but their area of responsibility is almost to the Nahant line and as far north as mid-Ipswich. They have three boats and a lot of area to cover. The city is working on how to maximize city assets.

Q.3. Has the Harbormaster's team succeeded in getting No Parking saw horses put out in the Lanes Cove landing area?

A.3. (Ciarametaro) Signs are being made. A barrel that was put out was thrown into the bushes after about 6 hours.

Q.4. Is there anything that the Council can do to help Fire Department spread the word?

A.4. (Smith) A lot of the issues that are coming up are personal responsibility issues, and creating more rules beyond what is currently coming from the Governor's Office and the administration is not necessary.

A.4. (Harvey) Guidance from City Hall and the Health Department has been excellent.

Request: (O'Hara) Request that the Mayor require City Managers to instruct their staff to enforce social distancing and face coverings from members of the public. Restaurant owners are complaining that this is not being enforced.

Members of the Council disagreed with Councilor O'Hara's request as that would put employees in a volatile position, and that complaints should be directed to the Board of Health immediately. However, it would be helpful if the administration could redistribute the protocol so that Councilors could share it.

Mayor Theken said that her team is not policing people and that restaurant owners have been advised as to the procedures they need to follow. The Board of Health is keeping on top of things and restaurants and salons are following protocols.

Confirmation of New Appointments

None.

Consent Agenda

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

1. New Appointment:

- City-Owned Cemeteries Advisory Committee (TTE 2/14/22) Christine Maney (*from alternate to full member; fulfilling unexpired term*) (Refer O&A)
2. Memorandum from Information Services Director re: request to pay FY19 invoice from W.B. Mason with FY20 funds (Refer B&F)
3. Memorandum from Information Services Director re: request to pay FY19 invoice from Kyocera with FY20 funds (Refer B&F)
4. Memorandum, Grant Application & Checklist from Police Chief re: request acceptance of Bike & Pedestrian Safety Grant in the amount of \$6,000 (Refer B&F)
5. Memorandum, Grant Application & Checklist from Public Health Director re: request acceptance of a one-year Mass in Motion Grant extension in the amount of \$40,000 (Refer B&F)
6. Memorandum, Grant Application & Checklist from Public Health Director re: request acceptance of a three-month Substance Abuse Prevention Collaborative Grant extension in the amount of \$25,000 (Refer B&F)
7. Memorandum, Grant Application & Checklist from Public Health Director re: request acceptance of a three-month Massachusetts Opiate Abuse Prevention Collaborative Grant extension in the amount of \$25,000 (Refer B&F)
8. Memorandum, Grant Application & Checklist from Harbormaster re: request acceptance of a Clean Vessel Grant in the amount of \$11,000 (Refer B&F)
9. Memorandum, Grant Application & Checklist from Mayor's Office re: request acceptance of Cities Complete Count Grant in the amount of \$10,000 (Refer B&F)
10. Memorandum from CFO & Purchasing Agent re: request permission to issue a RFP to lease water tower space for cell phone equipment (Refer B&F)
- **COMMUNICATIONS/INVITATIONS**
1. City Council Vote of August 22, 2017 re: COV2017-166 re: GZO Sec. 5.30.1 "Purpose" regarding the sunset clause (Refer P&D & Planning Bd.)
- **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
1. PP2020-006: request by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. to install 1 JO Pole on Magnolia Avenue beginning at a point approx. 2000 feet southeast of the centerline of the intersection of Carrie Ln. Install 1 JO Pole, 1 Anchor and all appurtenances with such sustaining and protecting fixtures as necessary in front of 288 Magnolia Avenue (Refer P&D)
2. Application of EIP Dory Road LLC for the storage of ethanol at 11 Dory Road, Assessors Map 262, Lot 16, per MGL Ch. 148, §13, and GCO Ch. 8, Sec. 8.1 "License for Storing Inflammables" (Refer P&D)
- **COUNCILLORS ORDERS**
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 6/9/2020 (Approve/File)
2. Special City Council Meeting: 6/16/2020, 6/17/2020 (Approve/File)
3. Standing Committee Meetings: B&F 6/18/2020 (under separate cover), O&A 6/15/2020, P&D 6/17/2020 (Approve/File)

Items to be added/removed from the Consent Agenda

Councilor Gilman asked to remove "City Council Vote of August 22, 2017 re: COV2017-166 re: GZO Sec. 5.30.1 "Purpose" regarding the sunset clause" under Communications/Invitations.

MOTION: on a motion by Councilor LeBlanc, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent to accept the Consent Agenda as amended.

Regarding "City Council Vote of August 22, 2017 re: COV2017-166 re: GZO Sec. 5.30.1 "Purpose" regarding the sunset clause," **Councilor Gilman** read, "Given that the notice to all abutters in the city in this situation is impracticable, I move to waive the notice to abutters and set the public hearing for July 28, 2020."

MOTION: on a motion by Councilor Gilman, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent to waive notice to abutters and set the public hearing for July 28, 2020.

Committee Reports:• **Budget & Finance – June 18**

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 the Gloucester Fire Department Billing and Collection Policy as presented by the EMS

Coordinator and approved by the Mayor dated May 12, 2020 and further to approve the proposed fee schedule attached to and incorporated into the policy effective July 1, 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 authorize the write-off of \$520,625.06 in uncollectible, outstanding ambulance billing.

Summary of Discussion: To put this in perspective, in FY17 the write-off was \$582,000; FY18 was \$515,000; FY19 was approximately \$319,000 (this is only a portion as mid-year the collection cycle changed to calendar year). Revenues have increased from last year, but decreased from FY18.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed 1 absent to approve the Gloucester Fire Department Billing and Collection Policy as presented by the EMS Coordinator and approved by the Mayor dated May 12, 2020 and further to approve the proposed fee schedule attached to and incorporated into the policy effective July 1, 2020.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent to authorize the write-off of \$520,625.06 in uncollectible, outstanding ambulance billing.

• Ordinances & Administration – June 15

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances and Administration Committee voted by ROLL CALL 3 in favor 0 opposed to recommend that the City Council approve under GCO Ch. 20, Sec. 20-27 “Permits for Scientific Works in coastal waters and flats in the city,” a permit for Massachusetts Oyster Project to conduct a scientific study of Mill River to evaluate and quantify how successful the seeding effort has been and identify how many oysters are harvested with the following conditions:

1. Acquiring the appropriate permit from Mass. Dept. of Marine Fisheries;
2. Appears before the local Conservation Commission for a negative determination of applicability for the proposed work;
3. Obtain signoffs from the Department of Public Works on behalf of the City Administration as property owners where the work will take place.

Summary of Discussion: Councilor LeBlanc said that this permit for Sarah Valencik was voted up to Council on the conditions that she get signoffs from the Conservation Commission and the DPW. He has not heard back from Ms. Valencik on the status of her signoffs. The Council was in agreement on continuing this matter.

This matter is continued to July 14, 2020.

• Planning & Development – June 17

No items to report.

Scheduled Public Hearings:

1.PH2020-019: Amend GCO Chapter 22 “Traffic and Motor Vehicles,” Sec. 22-176 “Penalties for parking violations,” Subsection (c) “In Beach District” by ADDING Hickory Street and Sawyer Avenue

Public Hearing Opened: 7:03 p.m.

Those Speaking in Favor:**Laurie Ure, 11 Hickory Street****Susan Bell, 9 Hickory Street****Deborah** [Surname and address unintelligible]**Mary Ann Boucher, 93 Mount Pleasant Avenue** (she requested that more roads in East Gloucester be added to the Beach District).**Those Speaking in Opposition:** None.**Communications:** None.**Councilor Questions:****Councilor Pett** said that he would like matters such as this to go before the Traffic Commission.**Public Hearing Closed: 7:08 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinance and Administration Standing Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 22, Sec. 22-176 "Penalties for parking violations," Subsection (c) "In beach district" by ADDING Hickory Street and Sawyer Avenue.

Summary of Discussion:**Councilor Gilman** said that she was pleased with the way this was reviewed by O&A.**Councilor McCarthy** said that East Gloucester already has a lot of beach districts, and the \$75.00 parking ticket for parking in that district is already in effect in East Gloucester. All beaches in that district can be viewed in the Code of Ordinances.**Councilor Holmgren** thanked Councilor Gilman, O&A and the citizens that came forward making this request. She also confirmed that this ordinance will go into effect in 31 days.**Councilor LeBlanc** said that he supports the amendment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent to AMEND GCO Chapter 22, Sec. 22-176 "Penalties for parking violations," Subsection (c) "In beach district" by ADDING Hickory Street and Sawyer Avenue.

- 2. PH2020-020: RZ2020-002: Temporary amendment to the GZO pursuant to MGL Ch. 40A, Sec. 5, and GZO Sec. 1.11.2(e) to amend GZO by ADDING a new Sec. 5.33 "Temporary Zoning Relief to Businesses During COVID-19 Pandemic" (TBC 7/14/2020)**

Councilor LeBlanc opened and continued the public hearing to July 14, 2020.

- 3. PH2020-009: SCP2020-001: Wingsheek Road #105, Map 261, Lot 31, GZO Secs. 1.8.3 "Standard to be Applied" and 3.1.6(b) "Building Heights in Excess of 35 Feet" in the R-20 Low/Medium Density Residential District (Cont. from 6/9/2020 TBC)**

Councilor LeBlanc opened and continued the public hearing to July 28, 2020.

Other Business**1. City Council Discussion re: CC#2019-034: parking at all times of motor vehicles and RV's on Western Avenue from the County Way Landing to the Avis R. Murray Tennis Courts**

Councilor LeBlanc said that this matter has gone to the Traffic Commission and they requested that the Council prohibit RV parking on Western Avenue between the County Way Landing and the bridge. They are limited with what can be done on the Stage Fort Park side of the bridge because that portion of the road is a state highway.

Councilor Pett pointed out that the proposed restrictions were to exclude special events and suggested that vendor permit vehicles be exempted. He also requested that the administration get in touch with MassDOT for a study that includes the area around Kent Circle

Councilor Cox said she has received numerous complaints about RVs parking in that area. She said that on special event days lots of parking is taken up, so special event days need to be looked at, too.

Councilor McCarthy suggested there should be time limits for parking during special events, and also that the other side of the bridge should be looked at to be consistent with both sides of the bridge

Councilor LeBlanc continued the discussion to July 14, 2020.

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

Update on the Animal Advisory Committee by City Council Representative, Councilor Scott Memhard

Councilor Memhard referenced a report from Alicia Pensarosa of the Animal Advisory Committee that he distributed via email to the Council. The committee hasn't been able to meet, but items to be on their agenda include rodenticide and the killing of predators because of rat poison; working on getting sturdier trash bags and closed-top recycle bins; working on a livestock ordinance; and, piping plover protection. The committee is looking for an additional two members to fill the openings.

Councilors' Requests to the Mayor:

- **Councilor Memhard:** request through the Mayor that priority be given to paving Harrison Avenue when paving projects resume.
- **Councilor Cox:** requests have already been submitted to the Clerk's Office.
- **Councilor Pett:** request through the Mayor that the administration look into working with MassDOT about the Route 128 and Eastern Avenue intersection crosswalks. Request through the Mayor that the administration work with MassDOT to correct truck signage.

Councilors' Thanks and Acknowledgements:

- **Councilor Holmgren** congratulated the city and the state for having the lowest COVID-19 transmission rate in the country.
- **Councilor LeBlanc** thanked city staff and Vanessa Krawczyk for their work.

Councilors' Ward Updates and Community News:

- **Councilor Gilman** reported on the challenges, hygiene and public safety concerns at the quarries, including trash, littering, human feces, and fires in fire pits that are left unattended and smoldering.

MOTION: on a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent to adjourn the meeting at 7:40 p.m.

Submitted by Grace E. Poirier, Assistant City Clerk