

GLOUCESTER CITY COUNCIL MEETING**Tuesday, February 28, 2023 – 6:00 p.m.****REMOTE MEETING****-Minutes-**

Councilors Present: Council President, Councilor Val Gilman; Council Vice President, Councilor Sean Nolan; Councilor Tony Gross; Councilor Jason Grow; Councilor Frank Margiotta; Councilor Scott Memhard; Councilor Jamie O'Hara; Councilor Tracy O'Neil; Councilor Jeff Worthley

Also Present: CAO, Jill Cahill; City Clerk, Joanne Senos; Auditor, Kenny Costa; CFO, John Dunn; Planning Director, Gregg Cademartori; General Counsel, Suzanne Egan

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

Meeting called to order at 6:03 p.m.

Matters were taken out of order. The minutes reflect the order in which matters were taken.

Councilor Gilman announced: "In the interest of government transparency, consistent with chapter 107 of the Acts of 2022, with regards to deliberations and decisions made by the City Council and according to open meeting law, since this meeting was posted as a Zoom meeting, this meeting is recorded by video and audio and 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 "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."

"It is the finding of the City of Gloucester that no individual should be denied equal treatment or opportunity because of their age, ancestry, color, disability, including intellectual and developmental mental disability, family status, immigration status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation. In this vein, we as City Councilors do not condone language that is discriminatory or offensive and will not accept it at City meetings."

Councilor Gilman introduced the City Council members and City staff in attendance.

ORAL COMMUNICATIONS:**Catherine Ryan, 17 High Rock Terrace**

Asked that prepared statements, if supplied to the Clerk's Office, for Oral Communications be included in future packets along with the response from the Mayor.

Lisa Rigsby, 3 Taylor Court

Asked how information regarding planned power outages is being disseminated to residents. Stated that she feels that the prior planned outage (which was postponed until March 13, 2023) was not sufficiently communicated to affected residents.

PRESENTATIONS/COMMENDATIONS:

Presentation on the Gloucester 400th by tri-chairs Bruce Tobey, Ruth Pino, Bob Gillis and Executive Director, Elsjie Zwart

Summary of Discussion: **Ms. Ruth Pino** stated that the tri-chairs for the Gloucester 400th are Bruce Tobey, Bob Gillis and herself. **Ms. Pino** read the following statement: *“Good Evening My name is Ruth Pino and I live at 82 Wheeler Street in Gloucester. I, along with Bob Gillis and Bruce Tobey, are Tri Chairs for Gloucester 400+. Our Executive Director Elsje Zwart is also in attendance tonight. As Tri Chairs, we have spent the last five years getting ready for 2023 and we are now immersed in making it happen for all of you to promote, attend and enjoy, while acknowledging that we live on the ancestral land of the Pawtucket people and their neighbors the Massachusetts Nipmuc and Penacook and Wampanoag tribes.*

Thank you to Councilor Gross for attending the Overture on January 15 and Councilor Gilman for attending the Bruins Alumni game at Talbot Rink January 28. These are only two of the five events that have already taken place. There are only 10 months left – don’t miss any of it. We’re asking you to promote 400+ anyway you can. For those of you with social media, please like our Gloucester 400 Page on both Facebook and Instagram and share to your constituents. Visit our website at gloucesterma400.org for a detailed event list which is growing by the day.

Bob, Bruce and I are grateful for the brilliant and dedicated staff we’ve put together. Elsje Zwart as our Executive Director, Isabel Pett as our Program Event Manager, Terry Weber as the Stories Project Manager and Administrative Specialist Dana Hartley. Mia Migifolie is our grant writer, Nicole Dahmer is our social media expert and Merlyn Caswell Mackey creates marketing materials for publication across our sites. Steve Brettler, from Small Fish Design, maintains our website. We also have built a list of over 120 volunteers who will help with events and office coverage throughout the year. Finally, a dedicated Steering Committee, including City staff, continue to meet monthly to share information and updates with each other. Thank you and I’ll turn it over to Bob Gillis who will share information about our event schedule.”

Mr. Bob Gillis thanked the B&F Committee for recommending the \$100,000 grant to the Gloucester Celebration Corporation for this year’s events and programs. He reminded everyone that the caveat to the donation is that the City of Gloucester is intending to fund free events for all of its citizens. He stated that so far five events have been held of which most have been completely fee-free, including a New Year’s Event, Overture to Gloucester on January 15th, a Beauport Story Reading Event at Beauport Hotel and a Singer/Songwriter event to be held at Machaca Restaurant. He stated that at the Bruins alumni game the fee was \$10 per ticket (with the Bruins Alumni Association recommending a fee of \$25 to \$30 per ticket) and that 200 free tickets were distributed to the Open Door, Pathways, Wellspring House, the Police Community Impact Unit and the Gloucester Housing Authority. He pointed out that a full calendar of events for the Gloucester 400th can be found at gloucesterma400.org. He also stated that the celebration has received support from both Representative Ann-Margaret Ferrante and Senator Bruce Tarr, as well as support from local corporations, local companies, and individuals. **Mr. Bruce Tobey** stated that he is delighted to be a part of this effort to bring whatever experience he can. He wished to express his gratitude to Laura Ventimiglia, the initial Executive Director, who has been instrumental in getting these efforts underway, as well as working on the Stories Project.

Ms. Elsje Zwart stated that her role has been to develop the infrastructure and the team for the event; she stated that she has been blown away by the support of people in the community. She stated that in September a letter was sent to every household in the City to invite them to participate by donating funds or volunteering and that the Committee has been meeting monthly. She thanked the City Council for the opportunity to speak, as well as for their support.

Questions from councilors

Q1. (Grow): Asked if there is a plan for one big show-stopper, Happy Birthday Gloucester event.

A1. (Pino): Stated that there are three major events including the Heritage Festival in the fall, Maritime Festival in August that leads into the Schooner Festival. Stated that the Cape Ann Museum and Maritime Gloucester are strong partners who are planning their own events around the 400th. Stated that the Singer/Songwriter event currently happening at Machaca has been well-received as well.

Q2. (Grow): Asked if he could use a screenshot of the Gloucester 400th webpage as his Facebook cover photo.
A2. (Pino): Agreed.

Councilor Gross thanked the Gloucester 400th Committee for donating the free tickets to the Bruins alumni game. He also thanked them for the investment of their time. **Councilors Nolan** and **O’Hara** thanked the Committee for their time and efforts. **Councilor O’Hara** stated that the artwork for the commemorative medal is beautiful.

Q3. (O’Neil): Asked if the \$100,000 was being donated to the Gloucester 400th+ or the Gloucester Celebration Corporation.

A3. (Gillis): Stated that Gloucester Celebration Corporation is a 501(c)(3) nonprofit that was formed in anticipation of the 375th anniversary and that the same umbrella corporation is being used to support Gloucester’s 400th anniversary.

Q4. (O’Neil): Asked how the City Council will be informed how the funds are spent. Asked if the Gloucester 400th Committee can spend the funds at their discretion once the City Council approves the donation.

Councilor Nolan called a **Point of Order at 6:32 p.m.** He stated that the matter of voting the donation up or down is before the Council tonight and that this is not the time for **Councilor O’Neil’s** questions on spending.

Q5. (Worthley): Asked if there are programs that the Committee envisions that are inclusive of underprivileged residents who may not know about the celebration.

A5. (Gillis): Stated that the Committee has been in touch with David Holden at the Gloucester Housing Authority who disseminated the information to the Resident Councils who meet monthly, as well as talking with Sarah Grow at the Open Door to distribute the information to their clients, as well as other local organizations.

A5. (Zwart): Stated that Isabel Pett is putting together a program of sailing this summer and has been reaching out to communities that cannot afford to go on the Schooners to bring families and children aboard.

Councilor Gilman stated that the website is <https://www.gloucesterma400.org> and that any questions can be submitted to info@gloucesterma400.org. The mailing address is: P.O. Box 603, Gloucester, Mass 01930 and 123 Main Street, Gloucester, Mass 01930. She stated that this information can also be found on the Gloucester 400th website. She stated that at the end of City Council meetings, until the end of the year, a statement provided by the organizers, will be announced.

CONFIRMATION OF NEW APPOINTMENTS: None.

CONSENT AGENDA:

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

1. Reappointment of Beth Klinefelter to the Animal Advisory Committee, TTE 2/14/26 (Refer O&A)
2. Memorandum from Harbormaster requesting amendments to GCO Ch. 10 “Waterways Administration,” Sec. 1-15 “Penalty for violating certain specified sections of Code” and Sec. 11-5 “Fixed vending; site specific locations (six)” by ADDING a new subsection (d), and a memorandum re: Dun Fudgin Fee Increase Proposal (Refer O&A)
3. Memorandum from General Counsel re: Proposed changes to Chapter 2, Division 12, Community Preservation Committee (Refer O&A)
4. Memorandum from Assistant DPW Director requesting acceptance of a Dept. of Environmental Protection Recycling Dividends Grant in the amount of \$24,000 for calendar year 2020 (Refer B&F)
5. Memorandum from Fire Chief re: Application for FEMA’s Assistance to Firefighter Grant (AFG) FY22 program (Refer B&F)
6. Memorandum from CFO re: Transfer of Capital Project Funds – Sewer Fund (Refer B&F)
7. Memorandum from CFO re: Transfer of Capital Project Funds – General Fund (Refer B&F)
8. Memorandum from Mayor Verga regarding continued communications with Keoliz and the MBTA (Info Only)
9. Memorandum from Elsjie Zwart, Executive Director, Gloucester 400+ regarding Gloucester 400+ update (Info Only)
10. Mayor’s response to Steve Aiello’s oral communication at the January 24, 2023 City Council meeting (Info Only)

11. Mayor's response to oral communications made at the February 14, 2023 City Council meeting (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
1. Communication from Frederick Cowan re: Nomination for the Ab Khambaty Extraordinary Performance and Service Award (Info Only)
 - **APPLICATIONS/PETITIONS**
1. SCP#2023-003: Biskie Head Point #15, Map 233, Lot 5, GZO Sec. 5.5.2 "Lowland Requirements" for the reconstruction of a timber-pile supported pier and timber bulkhead in the EB district (Refer P&D)
 - **COUNCILLORS ORDERS**
1. CC#2023-016(Worthley): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Art. I "In General," Sec. 21- "Prerequisites to Acceptance of Ways" by deleting it in its entirety and adding a new Sec. 21-1 "Prerequisites to Acceptance of Ways" (Refer O&A)
2. CC#2023-017(Gilman): Review of the annual salary of City Councilors pursuant to City Charter Sec. 2-3 to determine if it be increased from \$11,500 per/yr. to \$xxx per/year effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article II "City Council" Sec. 2-28 "Council Salary" be amended by DELETING \$11,500 effective January 1, 2014 and ADDING \$XXX per/yr. beginning January 1, 2024 (Refer O&A)
3. CC#2023-018(Gilman): Review of the annual salary of the Mayor pursuant to City Charter Sec. 3-1(c) to determine if it be increased from \$100,000 per/yr. to \$115,000 per/yr. effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article III "Officers and Employees," Division 2 – Mayor, Sec. 2-54 "Compensation" be amended by DELETING \$100,000 effective January 1, 2014 and ADDING \$115,000 per/yr. effective January 1, 2024 (Refer O&A)
4. CC#2023-019(Gilman): Informal review by P&D for the steps needed for outdoor dining venues for summer 2023 (Refer P&D)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting 2/14/2023 (Approve/File)
2. Special City Council Meeting 2/21/2023 (Approve/File)
3. Standing Committee Meetings: B&F 2/23/2023 (under separate cover), O&A 2/20/2023 (no meeting), P&D 2/22/2023

ITEMS TO BE ADDED/REMOVED FROM THE CONSENT AGENDA: Councilor Nolan removed, under Information Only, *Communication from Frederick Cowan re: Nomination for the Ab Khambaty Extraordinary Performance and Service Award*. He stated that the communication, dated February 18, 2023, was addressed to Councilor Nolan from Fred Cowan to advise the City Council that Mr. Cowan is declining the public recognition and has requested to withdraw his name for this award.

Councilor Gilman removed two matters, CC#2023-017(Gilman): *Review of the annual salary of City Councilors pursuant to City Charter Sec. 2-3 to determine if it be increased from \$11,500 per/yr. to \$xxx per/year effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article II "City Council" Sec. 2-28 "Council Salary" be amended by DELETING \$11,500 effective January 1, 2014 and ADDING \$XXX per/yr. beginning January 1, 2024* and CC#2023-018(Gilman): *Review of the annual salary of the Mayor pursuant to City Charter Sec. 3-1(c) to determine if it be increased from \$100,000 per/yr. to \$115,000 per/yr. effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article III "Officers and Employees," Division 2 – Mayor, Sec. 2-54 "Compensation" be amended by DELETING \$100,000 effective January 1, 2014 and ADDING \$115,000 per/yr. effective January 1, 2024.* Councilor Gilman explained that she submitted these Council Orders as a result of Steve Aiello's previous comments to the City Council. Councilor Gross asked if the Council Orders should be a dual referral to both O&A as well as B&F. The City Clerk, Joanne Senos, stated that in the past these matters have gone before O&A and stated that it could go to both standing committees, as all standing committees have a right to take up a matter even if it is not before them. She stated that one time in the past when it was referred to B&F a councilor questioned why it was before B&F if O&A already voted on the matter. She stated that it is also an ordinance change, which is why they were referred to O&A.

MOTION: On a motion by Councilor Grow, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept the Consent Agenda as amended.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Gilman, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept Information Only #1.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Worthley, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to refer CC#2023-017 and CC#2023-018 to both O&A and B&F.

COMMITTEE REPORTS**• Budget & Finance – 2/23/2023**

Summary of Discussion: Councilor Memhard removed *Memorandum from CFO re: Gloucester Contributory Retirement System Cost of Living Adjustment (COLA)* from the B&F Unanimous Consent Agenda. Councilor O’Neil removed *Memorandum from CFO and #2023-SA-22 in the amount of \$100,000* from the B&F Unanimous Consent Agenda.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by **ROLL CALL 9** in favor, **0** opposed, to accept the B&F Unanimous Consent Agenda as amended.

1. *Memorandum from Health Department requesting acceptance of a donation to the Massachusetts Community Health & Healthy Aging Grant in the amount of \$1,000*

Summary of Discussion: Councilor Memhard stated that this is an anonymous donation from the Seniors on the GO program

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council accept a cash donation under MGL c. 44, §53A, an anonymous donation to supplement the efforts of the Massachusetts Health & Healthy Aging Grant for a total donation amount of \$1,000.00 for the project of Cape Ann Seniors on the GO.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by **ROLL CALL 9** in favor, **0** opposed, to accept a cash donation under MGL c. 44, §53A, an anonymous donation to supplement the efforts of the Massachusetts Health & Healthy Aging Grant for a total donation amount of \$1,000.00 for the project of Cape Ann Seniors on the GO.

2. *Memorandum from City Engineer requesting acceptance of a grant for the Dam, Levee and Seawall Repair and Removal Grant in the amount of \$99,000*

Summary of Discussion: Councilor Memhard stated that this is a grant for \$99,000 from the Office of Energy and Environmental Affairs for seawall and dam repair and removal, specifically for the Haskell Dam which will need environmental remediation due to its prior use a firing range.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council accept a state grant under MGL c. 44, §53A, from the Executive Office of Energy and Environmental Affairs, a Dam and Seawall Repair or Removal Program Grant, in the amount of \$99,000 for the purpose of completing the necessary design work and filing of permits needed to remediate the former shooting range at the site of Haskell Pond Dam. The grant period is from January 30, 2023 through June 30, 2023, and there is no local match required.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by **ROLL CALL 9** in favor, **0** opposed, to accept a state grant under MGL c. 44, §53A, from the Executive Office of Energy and Environmental Affairs, a Dam and Seawall Repair or Removal Program Grant, in the amount of \$99,000 for the purpose of completing the necessary design work and filing of permits needed to remediate the former shooting range at the site of Haskell Pond Dam. The grant period is from January 30, 2023 through June 30, 2023, and there is no local match required.

3. Memorandum from Environmental Engineer requesting acceptance of a GAP III Grant in the amount of \$80,203.05

Summary of Discussion: Councilor Memhard explained that this is a GAP III Grant in the amount of \$80,203.05 to be used for improving energy efficiency in the City's drinking water facilities.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council accept a state grant under MGL c. 44, §53A, a GAP III Grant for Municipal Drinking Water and/or Wastewater Facilities from the Massachusetts Department of Environmental Protection (Mass DEP) through Mass DEP's Clean Energy Results Program (CERP), with the support of the Department of Energy Resources (DOER), in the amount of \$80,203.05 for the purpose of funding two projects in an effort to improve energy efficiency measures in the City's drinking water facilities. There is a local match of \$19,084.95.

MOTION: On a motion by Councilor Gross, seconded by Councilor O'Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept a state grant under MGL c. 44, §53A, a GAP III Grant for Municipal Drinking Water and/or Wastewater Facilities from the Massachusetts Department of Environmental Protection (Mass DEP) through Mass DEP's Clean Energy Results Program (CERP), with the support of the Department of Energy Resources (DOER), in the amount of \$80,203.05 for the purpose of funding two projects in an effort to improve energy efficiency measures in the City's drinking water facilities. There is a local match of \$19,084.95.

4. Memorandum from Asst. DPW Director requesting acceptance of a Mass. Dept. of Environmental Protection Recycling Dividends Grant in the amount of \$16,800

Summary of Discussion: There was no further discussion on this matter.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council accept under MGL c. 44, §53A, a State Recycling Dividends Program grant under the Sustainable Materials Recovery Program from the Mass. Department of Environmental Protection (Mass DEP) for \$16,800 for the purpose of enhancing the City of Gloucester's waste reduction programs. The grant has no match and unused funds may be rolled over to future fiscal years.

MOTION: On a motion by Councilor Gross, seconded by Councilor O'Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a State Recycling Dividends Program grant under the Sustainable Materials Recovery Program from the Mass. Department of Environmental Protection (Mass DEP) for \$16,800 for the purpose of enhancing the City of Gloucester's waste reduction programs. The grant has no match and unused funds may be rolled over to future fiscal years.

5. Memorandum from Community Development Director requesting acceptance of Massachusetts Cultural Council Grant Awards for the Rocky Neck Cultural District in the amount of \$15,000 and the Harbortown Cultural District in the amount of \$15,000

Summary of Discussion: There was no additional discussion on this matter.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City

Council accept a state grant under MGL c. 44, §53A, from the Massachusetts Cultural Council for a FY23 Cultural District Initiative Grant in the amount of \$15,000 for the purpose of supporting the Rocky Neck Cultural District and financial assistance to support personnel, marketing, artist stipends and free public transportation for summer Thursday evening cultural experiences located in the Rocky Neck Cultural District and Downtown Harbortown Cultural District. The grant period of the grant is from July 1, 2022 through June 30, 2023 and there is no local match for this grant.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept a state grant under MGL c. 44, §53A, from the Massachusetts Cultural Council for a FY23 Cultural District Initiative Grant in the amount of \$15,000 for the purpose of supporting the Rocky Neck Cultural District and financial assistance to support personnel, marketing, artist stipends and free public transportation for summer Thursday evening cultural experiences located in the Rocky Neck Cultural District and Downtown Harbortown Cultural District. The grant period of the grant is from July 1, 2022 through June 30, 2023 and there is no local match for this grant.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council accept a state grant under MGL c. 44, §53A, from the Massachusetts Cultural Council for a FY23 Cultural District Initiative Grant in the amount of \$15,000 for the purpose of supporting the Gloucester’s Downtown Harbortown Cultural District and financial assistance to partner with the Rocky Neck Cultural District to plan and market Thursday evening cultural experiences this summer highlighting the numerous cultural assets in the Downtown Harbortown Cultural District and the Rocky Neck Cultural District. The grant period of the grant is from July 1, 2022 through June 30, 2023 and there is no local match for this grant.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept a state grant under MGL c. 44, §53A, from the Massachusetts Cultural Council for a FY23 Cultural District Initiative Grant in the amount of \$15,000 for the purpose of supporting the Gloucester’s Downtown Harbortown Cultural District and financial assistance to partner with the Rocky Neck Cultural District to plan and market Thursday evening cultural experiences this summer highlighting the numerous cultural assets in the Downtown Harbortown Cultural District and the Rocky Neck Cultural District. The grant period of the grant is from July 1, 2022 through June 30, 2023 and there is no local match for this grant.

6. Memorandum from Harbormaster requesting acceptance of a FY23 Clean Vessel Act Grant in the amount of \$11,000

Summary of Discussion: Councilor Memhard stated that the funds from this grant will provide disposal of sewage from vessel holding tanks, portable toilets and shore-side pump-out facilities at the Harbormaster’s office.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council accept a federal grant under MGL c. 44, §53A, a Clean Vessel Act Pump-out Boat Grant for \$11,000 from the U.S. Department of the Interior passed through Massachusetts Division of Marine Fisheries for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks, portable toilets and shore side pump-out facility. The grant period is from January 30, 2023 through December 31, 2023 and there is an in-kind match of payroll expenses.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept a federal grant under MGL c. 44, §53A, a Clean Vessel Act

Pump-out Boat Grant for \$11,000 from the U.S. Department of the Interior passed through Massachusetts Division of Marine Fisheries for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks, portable toilets and shore side pump-out facility. The grant period is from January 30, 2023 through December 31, 2023 and there is an in-kind match of payroll expenses.

7. Memorandum from Harbormaster and #2023-SA-15, 16, 17, 18, 19, 20, 21 totaling \$118,667

Summary of Discussion: Councilor Memhard stated that this matter is for seven supplemental appropriations totaling \$118,667 relating to Harbormaster transfers from within their Waterways Enterprise Fund for funding temporary repairs and temporary wages for a second launch, signage and electrical repair at the dock due to storm damage, repairing and upgrading the 23' Parker electronics and hull, \$5,000 for supplies to outfit a new launch and a new patrol boat including life rings, mooring lines and fenders, \$5,000 for supplementing the Waterways Motor Gas account due to gas and diesel price increases, Waterways Enterprise Fund transfers for the purpose of purchasing uniforms and safety gear for new hires in the amount of \$2,000 and a \$42,467 transfer from Waterways Enterprise Fund Undesignated Fund Balance to the retained earnings account for the Waterways General Stabilization Account.

#2023-SA-15:

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve Supplemental Appropriation 2023-SA-15 in the amount of \$25,000 (Twenty Five Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings ("Free Cash"), Account #7000-359000 to Waterways Enterprise Fund, Salary & Wages Temporary, Account #700051-512000, for the purpose of funding temporary wages for the second launch.

MOTION: On a motion by Councilor Gross, seconded by Councilor O'Neil, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to approve Supplemental Appropriation 2023-SA-15 in the amount of \$25,000 (Twenty Five Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings ("Free Cash"), Account #7000-359000 to Waterways Enterprise Fund, Salary & Wages Temporary, Account #700051-512000, for the purpose of funding temporary wages for the second launch.

#2023-SA-16:

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve Supplemental Appropriation 2023-SA-16 in the amount of \$19,000 (Nineteen Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings ("Free Cash"), Account #7000-359000 to Waterways Enterprise Fund, Purchase of Services, Account #700052-520000 for the purpose of purchasing public landing signage and repairing electrical service to the dock due to storm damage.

MOTION: On a motion by Councilor Gross, seconded by Councilor O'Neil, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to approve Supplemental Appropriation 2023-SA-16 in the amount of \$19,000 (Nineteen Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings ("Free Cash"), Account #7000-359000 to Waterways Enterprise Fund, Purchase of Services, Account #700052-520000 for the purpose of purchasing public landing signage and repairing electrical service to the dock due to storm damage.

#2023-SA-17:

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve Supplemental Appropriation 2023-SA-17 in the amount of \$20,200 (Twenty Thousand Two Hundred Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Repairs and Maintenance (R&M) – Boat and Marine Maintenance, Account #700052-524037 for the purpose of repairing and upgrading the 23’ Parker electronics and hull and repair and maintenance to the cathodic pile protection.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2023-SA-17 in the amount of \$20,200 (Twenty Thousand Two Hundred Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Repairs and Maintenance (R&M) – Boat and Marine Maintenance, Account #700052-524037 for the purpose of repairing and upgrading the 23’ Parker electronics and hull and repair and maintenance to the cathodic pile protection.

#2023-SA-18:

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve Supplemental Appropriation 2023-SA-18 in the amount of \$5,000 (Five Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Marine Supplies, Account #700052-548008 for the purpose of purchasing marine supplies to outfit the new launch and patrol boat, including life rings, mooring lines and fenders.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2023-SA-18 in the amount of \$5,000 (Five Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Marine Supplies, Account #700052-548008 for the purpose of purchasing marine supplies to outfit the new launch and patrol boat, including life rings, mooring lines and fenders.

#2023-SA-19:

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve Supplemental Appropriation 2023-SA-19 in the amount of \$5,000 (Five Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Motor Gas and Oil, Account #700052-548001, for the purpose of supplementing the Waterways Motor Gas and Oil account due to the increase of gas prices.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2023-SA-19 in the amount of \$5,000 (Five Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Motor Gas and Oil, Account #700052-548001, for the purpose of supplementing the Waterways Motor Gas and Oil account due to the increase of gas prices.

#2023-SA-20:

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve Supplemental Appropriation 2023-SA-20 in the amount of \$2,000 (Two Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Uniforms, Account #700052-558006, for the purpose of purchasing uniforms and safety gear for new hires.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2023-SA-20 in the amount of \$2,000 (Two Thousand Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways Enterprise Fund, Uniforms, Account #700052-558006, for the purpose of purchasing uniforms and safety gear for new hires.

#2023-SA-21:

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2023-SA-21 in the amount of \$42,467 (Forty Two Thousand Four Hundred Sixty Seven Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways General Stabilization Fund, Transfers from Enterprise Fund, Account #71504-497005, for the purpose of transferring the remaining retained earnings to the Waterways General Stabilization account.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2023-SA-21 in the amount of \$42,467 (Forty Two Thousand Four Hundred Sixty Seven Dollars) from Waterways Enterprise Fund, Undesignated Fund Balance-Retained Earnings (“Free Cash”), Account #7000-359000 to Waterways General Stabilization Fund, Transfers from Enterprise Fund, Account #71504-497005, for the purpose of transferring the remaining retained earnings to the Waterways General Stabilization account.

8. Memorandum from Director of Elder Services requesting acceptance of a State Formula Grant in the amount of \$128,520

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a Massachusetts State FY2023 Council on Aging Formula Grant Allocation from the Mass. Executive Office of Elder Affairs in the amount of \$128,520. There’s no local matching requirements for the state grant and the grant period is from July 1, 2022 through June 30, 2023.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a Massachusetts State FY2023 Council on Aging Formula Grant Allocation from the Mass. Executive Office of Elder Affairs in the amount of \$128,520. There’s no local matching requirements for the state grant and the grant period is from July 1, 2022 through June 30, 2023.

9. Memorandum from CFO and #2023-SBT-10 in the amount of \$35,000

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City

Council approve Special Budgetary Transfer #2023-SBT-10 in the amount of \$35,000 from Council on Aging, Wages – Hourly Permanent, #0154151-511300, to Council on Aging, Building Improvements, Account #0154158-582003, for the purpose of building improvements at the Rose Baker Senior Center through June 30, 2023.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer #2023-SBT-10 in the amount of \$35,000 from Council on Aging, Wages – Hourly Permanent, #0154151-511300, to Council on Aging, Building Improvements, Account #0154158-582003, for the purpose of building improvements at the Rose Baker Senior Center through June 30, 2023.

10. Memorandum from Veterans Services District Director requesting the acceptance of donations in the amount of \$1,446

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council accept various cash donations, under MGL c. 44, §53A, to support Cape Ann Veterans Services in the amount of \$1,446 from the following members and business partners within our community:

First Parish Church Congregational	\$1,000.00
Stop and Shop	\$ 46.00
Ed Comeau	\$ 200.00
Ed Comeau	\$ 200.00

	Total: \$1,446.00.

MOTION: On a motion by Councilor Gross, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept various cash donations, under MGL c. 44, §53A, to support Cape Ann Veterans Services in the amount of \$1,446 from the following members and business partners within our community:

First Parish Church Congregational	\$1,000.00
Stop and Shop	\$ 46.00
Ed Comeau	\$ 200.00
Ed Comeau	\$ 200.00

	Total: \$1,446.00.

Items removed from B&F Unanimous Consent Agenda:

1. Memorandum from CFO and #2023-SA-22 in the amount of \$100,000

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve Supplemental Appropriation #2023-SA-22 in the amount of \$100,000 from the General Fund, Undesignated Fund Balance (“Free Cash”) to Gloucester 400th Celebration – Other Special Revenue Fund, Fund #3382, for the purpose of making funds available to the Gloucester 400th Committee.

Summary of Discussion: Councilor Memhard stated that the purpose of these funds is to support free events that are open to the public during the Gloucester 400th Celebration. Councilor O’Neil asked if the City Council would receive a report as to how the funds are spent. The Rules of Procedure were suspended to allow Mr.

Tobey to answer. He stated that the Gloucester 400th Committee would be reporting frequently as to how the funds are being put to use. **Councilor O'Neil** asked how the expenditures would be reported to the City Council. **Mr. Tobey** stated that the Gloucester 400th Committee will present to the Council in the future as events come together and happen. The **CAO, Jill Cahill**, stated that the Gloucester 400th Committee is a nonprofit and that any councilor can request copies of their bookkeeping records and stated that the City needs to account for the funding as well. **Councilor Grow** highlighted that there are costs associated with free events, including printing and marketing costs and stated that he is in support of the City providing funds for the celebration. **Councilor Nolan** stated that he agreed with the thoughts of **Councilor Grow**. **Councilor O'Neil** stated she is asking her questions as she feels the condition of some roadways in Ward 2 need attention and that \$100,000 would go a long way in repaving some roads.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Gross, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation #2023-SA-22 in the amount of \$100,000 from the General Fund, Undesignated Fund Balance ("Free Cash") to Gloucester 400th Celebration – Other Special Revenue Fund, Fund #3382, for the purpose of making funds available to the Gloucester 400th Committee.

2. Memorandum from CFO re: Gloucester Contributory Retirement System Cost of Living Adjustment (COLA)

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Gross, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Worthley) absent, to recommend that the City Council approve a one-time additional 2% cost-of-living adjustment (COLA) pursuant to Chapter 269 of the Acts of 2022, from a maximum 3% to 5% of the COLA base.

Summary of Discussion: **Councilor Worthley** stated that the adjustment will be about \$280 per retiree and stated that inflation in 2022 was 8.7% and that he will be supporting this matter. **Councilor Gross** stated that the adjustment is needed and warranted. **Councilor Grow** stated that pensions historically do not keep up with inflation. He encouraged any resident who needs help to reach out to the many agencies in the City, including Action and Open Door. **Councilor Memhard** agreed with his fellow councilors and wished to recognize the number of retirees who have reached out to the City Council on this matter. He stated that he will be supporting this matter. **Councilor O'Hara** agreed as well. **Councilor Nolan** agreed and stated that 2% is not enough.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Gross, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve a one-time additional 2% cost-of-living adjustment (COLA) pursuant to Chapter 269 of the Acts of 2022, from a maximum 3% to 5% of the COLA base.

- **Ordinances & Administration – February 20, 2023 (no meeting)**
- **Planning & Development – February 22, 2023**

Summary of Discussion: **Councilor Grow** explained that road closures for two upcoming events were approved at P&D including the St. Peter's Fiesta 5K Road Race which will be held on June 22, 2023 at 6:30 p.m. at Stage Fort Park, as well as the Lone Gull 10K Race that will be held on September 24, 2023. He stated that P&D also heard an application for a Special Permit to legalize an existing 7-unit (legally 5-units) property and to turn it into an 8-unit property and that the Public Hearing for this matter will be at the March 14, 2023, City Council meeting.

Summary of OPEB Special Meeting of February 9, 2023

Summary of Discussion: The Auditor, **Kenny Costa**, provided an overview of the OPEB (Other Post-Employment Benefits) that is required under the GASB (Government Accounting Standings Board). He stated that Danny Rhodes and Fabrice Kamayou from the Segal Group made a special presentation to the Budget & Finance Committee and Committee of the Whole on February 9, 2023. He stated that the OPEB liability is an issue in municipalities across the Commonwealth. He stated that there is no statutory requirement at this time to fund the liability and that the City does have an OPEB Trust Fund of approximately \$1.7 million currently in the fund. To note, he stated that when the City's pension liability is nearly fully funded there will be a "pension windfall" in which a large portion of the "windfall" can be diverted to the OPEB liability.

Questions from councilors

Q1. (Grow): Asked if the report is on the City's website.

A1. (Costa): Stated that he can make it available on the Auditor's webpage and that the report was included as part of the special meeting.

Q2. (O'Neil): Asked where a recording of the Special B&F meeting regarding this presentation can be found.

A2. (Costa): Stated it is in the Remote Public Meetings section of the City's website under B&F.

Q3. (Worthley): Asked how far along the City is in funding the OPEB liability.

A3. (Costa): Confirmed that the number is less than 2% funded.

Q4. (Worthley): Asked what the current liability is.

A4. (Costa): Stated that the current liability is \$149 million.

Q5. (Worthley): Asked if that number [\$149 million] would stay static or if it would increase as more people retire.

A5. (Costa): Stated that the number did decrease from the last report approximately \$70 million based on health trends. Stated that he expected the number to increase in the future.

Councilor Memhard thanked **Mr. Costa** for organizing the presentation and for the information. He stated that he felt that the City was managing the liability reasonably. **Councilor O'Hara** stated that it is a huge liability and that the City Council needs to be cognizant of "giving away taxpayers' money". **Councilor Gilman** encouraged all councilors to watch the recording of the presentation.

SCHEDULED PUBLIC HEARINGS:

- 1. PH2023-004: RZ2022-006: Amend GZO by deleting Sec. 5.5 Lowlands and replacing it with a new Sec. 5.5 Floodplain Overlay District and amend Secs. 1.5, 1.8, 5.8, 5.9 and 5.15 to introduce potential flood related impacts as permit review criteria (cont. from 02/14/2023)**

The Public Hearing was opened at 7:25 p.m.

MOTION: On a motion by Councilor Nolan, seconded by Councilor O'Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to take a five-minute break.

The City Council meeting resumed at 7:34 p.m.

Councilor Gilman provided a brief summary of where this matters stands. She stated: *"At the February 14th meeting, this duly advertised public hearing, as summarized in Rule 4 of our Council Rules of Procedure, included a presentation from our Planning Director, followed by three minutes from proponents and opponents. Two residents spoke in favor, two spoke in opposition, and one was neither in favor or opposition. This information is all in page 241 of tonight's, February 28th, 2023, packet. Our City Clerk communicated that there were no communications received before the close of business 72 hours before the duly advertised*

public hearing of February 14th, 2023. After a brief discussion about continuing the public hearing until the next regularly scheduled City Council meeting, Councilor Grow made a motion, it was seconded by Councilor O'Neil, to continue to February 28th, 2023, a date specific. Councilor Gilman stated that this matter will start at Councilor Questions as this is where we left off.

Councilor Gilman further stated, *“In order to share the floor, to be fair to all, we are going to allow councilors to ask their questions in two rounds, starting with the person on the roll call vote, who is me, but I am going to be the last one to speak, as I always do, so it will be starting with **Councilor Gross**. The first round will be five minutes each on the matter of content questions. These questions will be answered by **Gregg Cademartori, Planning Director**.”*

Councilor Gilman further explained that the questions that have been submitted to **Mr. Cademartori** will be asked by the councilor who submitted the question and that each councilor will be timed on the time that is taken to ask the questions (not the answers). She explained that the second round of questions will be process questions. **Councilor Grow** asked if **Mr. Cademartori** could be given an opportunity to answer the questions initially submitted to him, prior to the meeting. **Councilor Gilman** stated that each councilor will ask the questions that were submitted to **Mr. Cademartori**.

Questions from Councilors on content

Q1. (Gross): Referenced Sec. 5.5.5 and asked if “Conservation Administrator” could be changed to “Conservation Agent”. Also asked if those two terms refer to the same person.

A1. (Cademartori): Stated that if there are to be proposed revisions to the ordinance it should be done before the vote on the final motion. Agreed that it should be “Agent” instead of “Administrator” if that is going to be the position.

Q2. (Gross): Asked if Council is the appropriate place for the terminology change to happen as all permits have to go before the Conservation Commission before going to the Building Department for a building permit.

A2. (Cademartori): Stated that the Council can identify a number of different agents of the City, or officials of the City, to assist with the administration of this ordinance. Stated that the Conservation Agent position currently is the Floodplain Administration for the City. Further stated that all of the determinations of consistency, or inconsistency, or compliance with the zoning ordinance rests with the Building Commissioner.

Q3. (Grow): Asked how the proposed zoning ordinance would impact taxes and insurance rates. Also asked if it would be justifiable to have a delayed enactment of the ordinance moving forward.

A3. (Cademartori): Stated that the ordinance would have no impact on insurance rates. Stated that if maps are changed by FEMA that could be reflective of how insurance rates might change. Regarding taxes, in particular with Sec. 5.5.7 that deals with potential limitations on future development, the only way that taxing would probably change is if those properties are sold and resold in a different manner than they are currently, which is reflective of any change in the real estate market. Also stated that lots that he has referred to that are 100% within the velocity zone are very low value as they have very little potential to be developed. Stated that delaying the enactment could be discussed in the realm of the procedural questions.

Q4. (Grow): Stated that the Conservation Agent is the determinate of whether or not a matter is compliant or not. Asked if a matter would automatically go before the Conservation Commission and would there be automatic abutter notification and a public hearing process at that point.

A4. (Cademartori): Stated that the Building Commissioner knows the construction performance standards that have to be applied in the State Building Code, which is essentially handed down from the FEMA Floodplain Construction Standards from the Federal level. As well, he stated that there are dimensional standards being applied which would also be a determination from the Building Inspector. From providing the information and also the permit review that will also have to occur with the Conservation Commission is the reason why to have that position as one being supporting the administration of the ordinance. Added that there is a small section of

performance standards that are being applied that are zoning requirements and will need to be reflective in an application to the Conservation Commission.

Q5. (Grow): Stated that in the proposed ordinance Sec. 5.5 is being eliminated, which generally creates the necessity for a Special Permit by the City Council for anything in the lowlands area. Asked **Mr. Cademartori** to explain the thinking that the Planning Board had in terms of not including that aspect in the new Sec. 5.5

A5. (Cademartori): Stated that the lowlands requirement was adopted in 1970 and has references to vertical data that no longer is used in the FEMA code. Stated that the new language modernizes this section and makes reference to the current floodplain construction standards by applying stronger standards to residential construction.

Q6. (Grow): Asked what avenues of relief property owners have.

A6. (Cademartori): Stated that FEMA recognizes that there are changing conditions and that they release new maps periodically. Stated that a property owner can hire an engineer to do an analysis. Stated that a property owner could go before the ZBA for relief to a dimensional requirement.

Q7. (Grow): Stated that property owners are worried that they would not be able to rebuild if their structure is damaged in a flood or fire and asked **Mr. Cademartori**, under Sec. 5.5.7, to reiterate what that means in terms of what exists/what can be rebuilt/expansion.

A7. (Cademartori): Stated that if a property owner elects to remove a structure, then the new construction standard will be applied. Stated that a property owner cannot elect to simply expand the lot coverage in the VE zone and AE zone. Stated that there are property investment thresholds of 50% of the value in the new construction standards. Added one could expand to dryland.

Mr. Cademartori stated that there is no question that the flood insurance premiums cover the damage claims that have to be paid out.

Q8. (Memhard): Stated that **Mr. Cademartori** has stated that the revised floodplain requirements are being imposed by the National FEMA standards. Asked if there is a drop-dead date in the regulations in terms of when communities need to adopt them.

A8. (Cademartori): Stated that the State Office of Floodplain Management is the liaison between municipalities and FEMA and the National Flood Insurance Program and they are alerting communities of when the ordinances need to be updated. Stated that the City will probably need to adopt the bulk of the ordinance (minus some of the additional definitions and performance standards in Sec. 5.5.7) within 1-1/2 years.

Q9. (Memhard): Asked, on behalf of constituents who have contacted him, if a property owner, who is underway but has not yet completed the permitting process, would have to start at the beginning of the permitting process if the proposed ordinance changes become effective in the meantime.

A9. (Cademartori): Stated that permitting needs to be in hand before the first public notice in order to pursue a project that may not comply with what is being proposed.

Q10. (Memhard): Asked for clarification regarding the process of revising FEMA maps.

A10. (Cademartori): Stated that on an annual basis there is approximately six appeals for a variety of reasons and that the process is called LOMA (Letter of Map Amendment).

Q11. (O'Neil): Asked why the City Council is removed from the process.

A11. (Cademartori): Stated that the amendments to Sec. 1.8 place the consideration of flood and future flood in every special permit that is granted by the City Council.

Q12. (O'Neil): Asked if the permitting process would be from ConCom, to the Building Inspector, to City Council.

A12. (Cademartori): Stated that it depends on the project.

Q13. (O'Neil): Asked for clarification for revision of FEMA maps.

A13. (Cademartori): Stated that a property owner can make an appeal to FEMA if the property owner disagrees with how the floodplain is mapped on their property and that a professional engineer would need to perform specific standards of analysis.

Q14. (O'Neil): Asked if one could make an argument that these changes would not affect the wealthy.

A14. (Cademartori): Stated that it is a process that has been put in place by the Federal Government and that it is not a local decision.

Q15. (O'Neil): Asked **Mr. Cademartori** again if the process to appeal to FEMA would favor the wealthy.

A15. (Cademartori): Stated he is unsure of the costs but that it would be an out-of-pocket expense for the property owner.

Q16. (O'Neil): Asked who the City's Conservation Agent is.

A16. (Cademartori): Stated that it is Chuck Schade.

Q17. (O'Neil): Asked how many lots will be affected by placing them in the VE and AE zones and how much tax revenue will be lost by devaluing that property.

A17. (Cademartori): Stated that the number of properties that are currently in the floodplain is difficult to say as every single one of those structures may be on a lot that has some amount of floodplain on it but half of the structure can be in the floodplain; stated that there are a lot of different analyses. Added that 20% of the lots in the City are in some way touched by the FEMA floodplain. Stated that there are approximately 800 property owners that carry flood insurance policies.

Q18. (O'Neil): Asked if it would be safe to assume that a property that is in the VE zone or the AE zone will be devalued by this process.

A18. (Cademartori): Stated not necessarily. Stated that if there is a compliant lot in the VE zone that can no longer pursue residential development it probably already is carrying a low value.

Q19. (O'Neil): Stated that Sec. 5.5.3 Federal Floodplain District reads: the maps indicate a 1% chance of regulatory floodplain, the exact boundaries of the district shall be defined by the 1% chance base flood. Asked if that meant that there is a 1% chance that the properties will flood.

A19. (Cademartori): Stated that 1% annually those properties will flood to that elevation.

Q20. (Worthley): Asked why bordering states need to be notified and referenced Sec. 5.5.14.

A20. (Cademartori): Stated that he is deferring that question to the Floodplain Management Office who provided that language.

Q21. (Worthley): Asked if the Conservation Agent is the administrator, or the adjudicator of this – right now it's the Building Inspector -

A21. (Cademartori): Stated that the identified Floodplain Manager for the City is the Conservation Agent.

Q22. (Worthley): Stated that if a property owner is not in agreement with the decision of the Building Inspector then that property owner would then appeal to the ZBA. Asked if a property owner is not in agreement with the decision of the Conservation Agent then the property owner would go to the DEP [Department of Environmental Protection].

A22. (Cademartori): Stated that these are two separate processes – one is zoning and one is the permitting under the Wetlands Protection Act. Confirmed that if a property owner wished to appeal the decision of the Building Inspector then they would go to the ZBA.

Q23. (Worthley): Asked where a property owner would go if they wanted to appeal the decision of the Conservation Agent under this ordinance.

A23. (Cademartori): Stated that the property owner would not be appealing the Conservation Agent. If the property is in the floodplain, there is a requirement for a permit with the Conservation Commission. If a property owner disagreed with the Conservation Commission's decision, then the property owner would go to the DEP.

Q24. (Worthley): Asked for confirmation that the Conservation Administrator is making a "decision on something".

A24. (Cademartori): Stated that he sees the Conservation Administrator as a support. Stated that the Building Inspector is the only person who can make a decision under zoning, but the Agent is there to assist with property owners to ensure that they have the appropriate mapping information and also looking at the potential future flood risk areas which is something that would be collaboratively reviewed by the Building Inspector, the City Engineer, the Conservation Agent and himself.

Q25. (Worthley): Stated that currently the Lowlands permit that is being replaced does allow for a Special Council Permit. Asked if there is a role for someone to come before the City Council or any other permitting body for something that does not fit into the proposed zoning amendment.

A25. (Cademartori): Stated that because it is a zoning ordinance it would be ZBA.

Q26. (Worthley): Asked if that is laid out in the ordinance or intuitive.

A26. (Cademartori): Stated that is for anything that someone needs to vary from the zoning ordinance.

Q27. (Worthley): Referenced Sec. 5.5.7 Use Regulation (B) and read: "Movement, alteration, or expansion of an existing residential dwelling or structure, repair of a substantially damaged structure, or reconstruction of an existing structure so as to increase its lot coverage in the VE zone." Stated that he sees "repair of a substantially damaged structure" as one of the prohibited uses in the VE zone. Asked if that was also Mr. Cademartori's understanding.

A27. (Cademartori): Stated that he is of the understanding that it is collective, as long as it does not increase its lot coverage in the VE zone.

Q28. (Worthley): For clarification, asked if you could repair a substantially damaged structure as long as the lot coverage is not being increased.

A28. (Cademartori): Confirmed that to be true.

Q29. (Worthley): For clarification, asked if a structure is damaged and a property owner wants to repair it, it would be permissible as long as the lot coverage is not being expanded and any amount of money could be spent.

A29. (Cademartori): Stated that if a structure is substantially damaged so that it needs to be demolished the property owner would have to comply with the new construction standards. Stated that the intention is if you are damaged, you can rebuild, but you may have to apply the new construction standards.

Q30. (Worthley): Asked **Mr. Cademartori** if he felt the language about replacing a damaged structure is clear.

A30. (Cademartori): Stated the intention was to ensure that a property owner would not run into a scenario of being considered new-construction prohibited. Stated that by adding this clause, it is the same language that has been used in other ordinances that have tried to achieve the same goal.

Q31. (Gilman): Asked if financial hardships are considered applicable with the proposed floodplain overlay zoning.

A31. (Cademartori): Stated that if the question is related to how the Zoning Board sees appeals then the language is clear as to what can be considered a hardship. Stated that there is nothing in this ordinance that suggests otherwise.

Q32. (Gilman): Asked if financial hardship is a criteria.

A32. (Cademartori): Stated that he believes that the standards of what can be applied, or for the issuance of variance, are identified in the zoning ordinance. Stated he does not administer or support the ZBA.

Without objection, the time allotted for process questions was reduced to three minutes.

Questions from Councilors on process

Q33. (Gross): Asked for confirmation that a property owner who currently is in the permitting process can still continue to go by the “old rules” and that a property owner who, for instance is at ConCom and because the property owner has not yet applied for the permit then the owner will need to abide by the “new rules.”

A33. (Cademartori): Stated that according to ch. 40A, if the Council enacts this legislation, if a property owner does not have a building permit prior to when the first public hearing was noticed then the property owner is not protected.

Q34. (Gross): Asked that if anyone that is currently in the conservation phase of this process would have been forewarned of the zoning changes.

A34. (Cademartori): Stated he has given a presentation on this matter many times at many different venues over the better part of the past year and that it has been in public discussion with an actual draft ordinance for more than a year.

Q35. (Grow): Stated there have been calls from residents who are in process of obtaining permits and who have asked that this matter be enacted at a future date. Asked what would be the pros and cons of considering a post-date enactment from a planning perspective and what the purpose of zoning is.

A35. (Cademartori): State that there are different types of specific ways in which properties are protected. Stated ch. 40A identifies that the first notice is the date of enactment with the rationale being that if a future date is set then there will be an influx of applications trying to “beat the clock”.

A35. (Egan): Stated that ch. 40A provides that the zoning ordinance becomes effective at the first notice of public hearing and by abiding by the general laws and what is an understanding in the development process is that you are giving certainty and notice. Stated that by making variances to the effective date of zoning ordinances adds uncertainty and can potentially lead to confusion because zoning is complicated.

Q36. (Grow): Asked if there are any prior instances where a zoning amendment has been postdated.

A36. (Cademartori): Stated that he believes that there has been only the “sunsetting” of a matter for a limited period of time and used the example of outdoor dining.

Q37. (Grow): Asked if **Mr. Cademartori** believes that an influx of applications would happen by putting an advanced effective date.

A37. (Cademartori): Referenced ch. 40A. For clarity, he stated the ch. 40A has been designed so this would not happen.

Q38. (Grow): Asked **Mr. Cademartori** to reiterate that the oversight of the special permit process has been expanded by adding the condition regarding floodplains.

A38. (Cademartori): Stated that he believes that every agency in the City that is involved in permitting has the ability to question how someone is trying to address and mitigate these concerns.

Q39. (Grow): Asked would a property owner have the ZBA as a potential opportunity to make their case if a property is in process now but does not have the building permit in place and the amendment is passed and goes into effect as of January 2023.

A39. (Cademartori): Stated that if the Council is setting a new policy the variance is something that should be used sparingly, but the avenue is there for someone to try to build a case.

Q40. (Nolan): Asked if there would be an impact to commercial/industrial buildings.

A40. (Cademartori): Stated that there is no impact with this ordinance with change of use for commercial/industrial.

Q41. (Nolan): Referenced a project on Essex Avenue where the owner was seeking boat storage with a height variance. Asked if this ordinance would take the permitting authority for height variances away from the City Council and is this something that can be granted by ConCom and ZBA.

A41. (Cademartori): Stated that if a use requires a special permit from the City Council there is nothing being changed in this ordinance for that requirement. Stated the City Council is still the reviewer of height exceptions over 35 feet. Reiterated that for every use special permit there now would be the additional standard of evaluating it from the perspective of mitigating potential flooding.

Q42. (O'Neil): Asked if a property owner would be encouraged to rebuild further away from the water if the owner had a residential building on the water in the VE Zone and tore it down and wanted to rebuild.

A42. (Cademartori): Stated that people are always encouraged to try to minimize the risk by rebuilding outside of a floodplain and closer to the roadway.

Q43. (O'Neil): Asked what would happen if the rebuild went onto a private road.

A43. (Cademartori): Stated that you cannot rebuild on a private road and that you can only rebuild on your own property.

Q44. (O'Neil): Asked what would happen if a rebuild blocked another neighbor's view of the water.

A44. (Cademartori): Stated that is a matter that the Zoning Board deals with consistently. Stated that the Zoning Board would need to understand the context of the proposal and then evaluate in regard to the standards that need to be applied.

Q45. (Worthley): Asked how many do not know about this matter that should. Asked if there is a way to reopen this dialogue. Asked if the public hearing can be reopened. Asked if the Council could get the input from the people who are going to be affected by this.

A45. (Egan): Stated that under State law there is a requirement that there is a public notice and that certain State entities are provided with notice of the potential for a zoning amendment. Explained that the City's Zoning Ordinance has an added sentence that is different from the State law that reads that members that will be affected by the zoning change will be provided with actual notice by a mailing. Stated that this makes any type of zoning amendment that is submitted that affects an entire zoning district very challenging to actually provide that notice because of the cost and expense. Stated that since notice was impracticable the Council voted to waive notice in this instance.

Q46. (Worthley): Asked if it is fair for the Council to pause to ask the question if there are people that need to be notified that the Council has not heard from and asked if there is a way to do that.

A46. (Egan): Stated that under the Zoning Act there is a certain amount of time that the City Council must act upon a zoning amendment that has been proposed; if action is not taken, then the matter needs to be renoticed and the public hearing process needs to be restarted. Stated that the Council is the legislative authority and has the discretion to vote on a matter, not vote, or renote a matter.

Q47. (Worthley): Asked if there is any change to the Use Table.

A47. (Cademartori): Stated that there is no change to the Sec. 2 Use Table and that there are only provisions for standards in Sec. 5.5.7 that apply to the jurisdiction that has been set up by the combination of the FEMA map, as well as the map that has the additional future flood risk area.

Q48. (Worthley): Stated that there is a change because the lowlands permit allows for a special council permit.

A48. (Cademartori): Stated that the lowlands permit was for a very specific scenario that is a rare occurrence. If someone is proposing a structure at elevation 13, then that ordinance does not apply. Stated that it is only for proposals that are below elevation 10 USGF. Stated that it is an antiquated ordinance.

Q49. (Worthley): Stated that when he was on P&D prior there were two of these instances in the course of a year, Wheeler Street area and –

A49. (Cademartori): Stated that Sec. 5.5.4 was repealed several years ago and that is the provision that used to bring in more projects. Stated that the Council removed the last provision of Sec. 5.5.4 and without that, at this point, there is very limited application.

Q50. (Worthley): Asked if the piece about reconstruction and the 50% threshold could be made clearer.

A50. (Cademartori): Stated that he needs to think on this issue. Stated that in discussion with the Building Commissioner when this matter was coming forward to make it clear that these are the instances that someone can pursue the redevelopment on the footprint or that amount of lot coverage. Added that there are definitions that are required to be in this ordinance regardless of whether there is any additional restriction in Sec. 5.5.7. Stated that he feels it clear and that the Building Commissioner felt it was clear and that the language has been used in other ordinances in other communities.

Q51. (Gilman): Referenced Sec. 1.11.4 and asked if there is a process outlined in the local ordinance for nonresidents that allows the nonresident to seek information about changes in zoning. If yes, asked the **City Clerk** to read the language.

A51. (Senos): Stated under Sec. 1.11.4(b), at the end of the section, the last sentence reads “A nonresident property owner may annually request that notice of public hearings under the Sec. 1.11.4 be sent by mail, postage prepaid, to said nonresident property owner. Such request shall be made to the City Clerk before January 1 of each year together with a fee of \$10.”

Q52. (Gilman): Asked if an attorney would typically look at the local ordinance to understand it and to provide consult to someone who was trying to navigate a zoning matter in the AE Zone in the City.

A52. (Egan): Stated that there is an obligation for due diligence to look at all of the potential zoning changes under State law and Federal law.

MOTION: On a motion by Councilor Grow, seconded by Councilor Nolan, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to extend the questions for one minute per each councilor.

Q53. (Grow): Asked if the 50% that **Councilor Worthley** is referring to is a definitional 50% for the amount of damage and the amount of reconstruction.

A53. (Cademartori): Stated that it is a classification that FEMA uses for the type of codes that need to be applied and that it is definitional.

There was a discussion about the word “prohibited” and what it means in reference to Sec. 5.5.7. **Mr. Cademartori** stated that the section closes with “so as to increase its lot coverage in the VE zone.” In summary, he stated that the classifications of repair to a substantially damaged structure is permissible as long as it does not increase the lot coverage in the VE zone.

The Public Hearing was closed at 9:20 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Grow, seconded by Councilor Gilman, the Planning and Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend the Gloucester Zoning Ordinance by deleting the current Section 5.5 Lowlands and replacing it with a new Section 5.5 Floodplain Overlay District, as drafted in the attached document titled: Draft Section 5.5 Floodplain Overlay District February 8, 2023 and referenced maps: FutureFloodRiskDistrictMap-Depth-5-1-2022 and FutureFloodRiskDistrictMap-Probability-5-1-2022 and accompanying amendments outlined in the attached document titled Floodplain Zoning Amendments Sections 1.5-1.8-5.8-5.9-5.15-December-7-2022 to add submission requirements to all special permit applications, site plan reviews, open space residential development and cluster developments and require applications to address vulnerability to current and future flooding as a review criteria for approval.

Summary of Discussion: Councilor Gilman offered an amendment, seconded by Councilor Nolan, by deleting “Administrator” under Sec. 5.5.5 “Designation of Floodplain Administrator” and adding “Agent” to be the official Floodplain Administrator for the City. An informal amendment was made to change the word “Administrator” to “Agent” wherever it is in the document. The Rules of Procedure were suspended to allow Mr. Cademartori to speak on the amendment. He stated that the header should remain as “Administrator” as it is a FEMA term. Without objection, Councilor Gilman withdrew her original amendment and restated it. Councilor Gilman offered an amendment to, under Sec. 5.5.5 Designation of Floodplain Administrator, change “Administrator” to “Agent” in all places in the document without changing the title. Councilor Grow wished to clean up the language. Councilor Gilman withdrew her amendment without objection. Councilor Grow offered an amendment, seconded by Councilor Gilman, to change any instance of “Conservation Administrator” to “Conservation Agent” in the document.

MOTION TO AMEND: On a motion by Councilor Grow, seconded by Councilor Gilman, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to change any instance of “Conservation Administrator” to “Conservation Agent” in the document.

Councilor Gilman outlined, under the Rules of Procedure, the Rules of Debate and stated: *“Rule #6: No member shall speak more than once until all members have spoken. No members shall have or hold the floor for more than three minutes during the debate and these constraints may be lifted by the President for good cause or by majority roll call vote of councilors present.”*

Councilor Gross apologized to Councilor Worthley for interjecting while he was speaking earlier. Councilor Gross stated that, on the point of the 50% threshold, the 50% is simply defining what substantial damage is to a structure and that it has nothing to do with the 50% threshold of where you have to achieve certain things in the Building Code.

Councilor Grow stated that the Council has an opportunity to play a role in enacting legislation that is timely, common sense and is a necessary step in the Council recognizing its role to make the community safer with global climate change and the obvious increase in storms and flooding. He stated, with the understanding that potential projects will be affected by this zoning change, not to adopt this is irresponsible and reckless.

Councilor Nolan stated that this zoning change has been in the works for a long time, but that he is leery of the enactment date of January 27, 2023, and suggested a delayed engagement.

Councilor Memhard stated that he agrees with the thoughts of Councilor Grow and that he has the same concerns as Councilor Nolan and that after General Counsel’s review of Massachusetts ch. 40A relating to zoning amendments and having a date in the future for enactment it would create a race and he was unsure it would serve the purpose of the community in the long run. He stated that this has been an active topic of

discussion for a long time and the Council needs to move ahead for the benefit of the community economically and socially and stated that he will be supporting the matter as written.

Councilor O'Neil agreed with **Councilor Nolan** regarding a delayed engagement. She stated that she is of the belief that most residents do not follow the work of the Planning Board or the Council Standing Committees and were taken by surprise regarding the zoning changes. She suggested that this matter should be closed, renote the public hearing and start it from the beginning so residents will have no excuse in two to four weeks if the process is restarted. She stated that the wording in Sec. 5.5.7 is not clear.

Councilor Margiotta stated that he feels that residents have had the time to engage on this matter as the public hearing has been continued once before. He stated that he supports this matter.

Councilor Worthley asked if all residents could be notified and that there be a new public hearing to make sure that "all boxes have been checked off." **Councilor O'Hara** stated that he agrees that all residents should be given proper notification and that the Council should consider an additional hearing or moving to continue with opening up the dialogue again.

Councilor Gilman offered a motion to amend, seconded by **Councilor Nolan**, notwithstanding any General Law or ordinance to the contrary, that the effective date of this chapter shall be January 1, 2024.

Councilor Gilman stated that this matter has been worked on for years and that the City is "ahead of the game" and that the community is being progressive so in the spirit of supporting all of the groups that have worked hard including the Planning Board, Cape Ann Climate Coalition, ZBA, City Administration, she believes that a one year extension from the January 27th, 2023 (when this matter was first legally noticed) is a fair compromise.

Councilor Grow stated he disagrees with the concept of a compromise date. He stated that he believes the Council can acknowledge that some residents are close to finishing the permitting process and suggested a compromise date of three or four months in the future. He stated that setting a date almost a year from now is asking for a world of trouble and would create more harm. **Councilor Grow** offered an amendment on **Councilor Gilman's** amendment, seconded by **Councilor Nolan**, to change the date to three months in the future. **Councilor Gilman** summarized **Councilor Grow's** amendment to the amendment and stated that the date of enactment would be June 1, 2023. He stated that the few people who have contacted the Council who have existing projects can finish the permitting process.

Councilor Worthley stated he agrees with **Councilor Grow** and stated that he does not feel that there should be any delay. He reiterated that he wished to continue the public hearing for a month to allow for notification of all residents and then vote and have the vote take effect immediately. **Councilor Worthley** offered a motion to continue the hearing for one month. **Councilor Gilman** stated that the public hearing has already closed. **Councilor Worthley** stated that he wishes to suspend the Rules of Procedure and reopen the public hearing and continue it for one month and notify residents. The **General Counsel** stated that if **Councilor Worthley** wishes to renote the public hearing he can make a motion to do so and stated that it does not mean he will be following proper procedure and that the zoning amendment would be set up for challenges for the procedure because the public hearing has already been closed and the matter is before the Council for vote.

Councilor Memhard asked for clarification from **General Counsel** as to whether the proposed three-month delay is consistent with MGL ch. 40A or is the Council creating an issue by enacting a future date. The **General Counsel** stated that Ch, 40A, Sec. 5 provides that a zoning ordinance can have an effective date written into it. **Councilor Memhard** asked **Mr. Cademartori** to provide a review of the issues caused by delaying the enactment of a zoning ordinance. **Councilor Gilman** stated that discussion needed to be solely on the amendment. **Councilor Margiotta** stated he is unsure why **Councilor Worthley** wants to continue the public hearing and is in favor of **Councilor Grow's** amendment. **Councilor Nolan** stated that he agrees in the

compromise offered by **Councilor Grow** and that it is reasonable and thanked him for offering the compromise as it gives the residents who are currently in the permitting process a chance to finish. **Councilor Worthley** stated that he will support the three month timeframe. He addressed **Councilor Margiotta's** question and stated that he will make a motion to reopen and continue the public hearing after this amendment to the amendment is addressed. **Councilor Gilman** stated that she will be supporting this amendment and that June 1, 2023, will give residents a chance to finish the process.

MOTION TO AMEND: On a motion by Councilor Grow, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, notwithstanding any General Law or ordinance or the contrary, to make the effective date of this chapter June 1, 2023.

Councilor Worthley offered a motion, seconded by **Councilor O'Neil**, to continue the meeting for one month, to suspend the rules and reopen the public comment period and to ask the Clerk to notify the affected property owners. The **General Counsel** stated that since the public hearing has been closed it would need to be renoticed and if the 90-day period of when the Planning Board submitted the matter has passed then the whole process would need to be restarted. **Councilor Gilman** asked if this is the same as voting the matter down. The **General Counsel** stated that voting down has a different effect in that the matter would not be able to be resubmitted to the City Council for two years. The **City Clerk** asked where the information would come from on who the zoning amendment would impact. **Councilor Worthley** stated that **Mr. Cademartori** had previously stated that it affects 20% of the property owners in Gloucester. **Councilor Gross** stated that this motion is simply to suspend the rules which requires a 2/3 vote. **Councilor Worthley** stated that it also includes to have the meeting in a month to have enough time to notify people. **Councilor Gilman** added that it is also renoticing the public hearing.

Councilor Worthley stated that his motion is to continue the meeting, to notify the people as identified by **Mr. Cademartori** that are affected by this using his definition, and to suspend the rules to open the public comment period. **Councilor Grow** stated that he will not support this motion as it would be upending the Council's public hearing process. He stated that the Council has legally noticed, legally decided not to (as it is impracticable) notice the entire City of this change - a motion that was seconded by **Councilor Worthley** and voted unanimously by the full Council. He stated that he felt that there would be no new information on this matter (besides residents who are for or against) if it was to be continued. **Councilor Memhard** stated that the offered motion is pushing the boundaries in impracticable ways and that a funding source has not been identified to do such a notice. He stated that this proposed expenditure does not make sense or fit within the Council's current guidelines. **Councilor Worthley** spoke directly to **Councilor Grow**. **Councilor Grow** called a **Point of Order at 10:07 p.m.** and asked that **Councilor Worthley** address him through the Chair. **Councilor Worthley** stated that the Council cannot possibly know how residents will feel without listening to them. He stated that he simply wants to continue the meeting for one month to obtain input that the Council possibly did not receive yet. **Councilor Nolan** stated that he will not be supporting the motion as the Council voted to waive the right of notice, which the Council has a legal right to do due to the amount of people affected. He stated that he is not willing to vote to overturn a unanimous vote. **Councilor O'Neil** stated she will support this motion by continuing the meeting and reopening the public hearing in a month and notifying constituents who are involved or affected by the zoning ordinance that the original start date of January 1st holds. **Councilor Gilman** reminded **Councilor O'Neil** that Council supported the amendment to change the effect date to June 1, 2023, so that is the effective date. **Councilor Gross** stated that if the Council restarts the whole process then none of the amendments that were made would possibly go through and that the effective date would go back to the January 2023 date. **Councilor Grow** stated by entertaining **Councilor Worthley's** motion is the Council saying that they are incapable of making a decision despite plenty of legal public notice and plenty of opportunities to engage the Planning Department experts and stated that the public hearing has already been continued for two weeks to allow questions and input from residents. **Councilor O'Neil** stated that she submits to not give notice to affected people. **Councilor Gilman** stated that she will not be supporting **Councilor Worthley's** motion as the Council voted unanimously that there is an impracticability under the law

1.11.4(b) and that she made that motion and **Councilor Worthley** had seconded it. She stated that also under 1.11.4(b) there is a provision for non-resident property owners to request to the City Clerk by January 1st of each year a copy of all public hearing notices together with a fee of \$10. She reminded the Council that a 2/3 vote was needed. **Councilor Worthley** stated that this motion is simply suspending the rules to allow public input.

MOTION: On a motion by Councilor Worthley, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 2 in favor, 7 (Gilman, Gross, Grow, Margiotta, Memhard, Nolan, O’Hara) opposed, to continue the meeting, to notify the people as identified by Mr. Cademartori that are affected by this using his definition, and to suspend the rules to open the public comment period.

The motion fails.

MOTION: On a motion by Councilor Grow, seconded by Councilor Gilman, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to amend the Gloucester Zoning Ordinance by deleting the current Section 5.5 Lowlands and replacing it with a new Section 5.5 Floodplain Overlay District, as drafted in the attached document titled: Draft Section 5.5 Floodplain Overlay District February 8, 2023 and referenced maps: FutureFloodRiskDistrictMap-Depth-5-1-2022 and FutureFloodRiskDistrictMap-Probability-5-1-2022 and accompanying amendments outlined in the attached document titled Floodplain Zoning Amendments Sections 1.5-1.8-5.8-5.9-5.15-December-7-2022 to add submission requirements to all special permit applications, site plan reviews, open space residential development and cluster developments and require applications to address vulnerability to current and future flooding as a review criteria for approval. Any instance of “Conservation Administrator” will be changed to “Conservation Agent” in the document. Notwithstanding any General Law or ordinance or the contrary, the effective date of this chapter shall be June 1, 2023.

The **Members of the City Council** thanked **Mr. Cademartori** for his work on this matter. **Councilor Gilman** thanked her fellow councilors for the robust dialogue and collaborative spirit.

FOR COUNCIL VOTE: None.

INDIVIDUAL COUNCILLOR’S DISCUSSION INCLUDING REPORTS BY APPOINTED COUNCILLORS TO COMMITTEES:

1. Update on the timetable to return to Kyrouz Auditorium for full City Council meetings with a hybrid option for the public

Summary of Discussion: **Councilor Gilman** stated that she wished to convey a message from **IT Director, Ryan Knowles**, along with the **CAO, Jill Cahill**. She read an email she received: “*Councilor Gilman, On February 17th, 2023, we executed the necessary contract documents to initiate the audio/visual upgrades to Kyrouz Auditorium that will enable the space to be used for hybrid meetings. As we stated in the early discussions about this project, we expect the project timeline to be eight to twelve weeks from contract execution [which was February 17th]. We are currently waiting for confirmation on lead times and shipping dates for the necessary equipment. Once we have that, we will provide a more concise timeline. The Administration’s goal is to have Kyrouz Auditorium available for hybrid meetings as soon as possible.*” **Councilor Gilman** added that if for some reason the State does not approve an extension of the emergency order the Council will need to get back to in-person meetings without hybrid Zoom technology. **Councilor Grow** stated that if the Governor does not sign an extension to the Act then the Council is compelled to go back to in-person meetings after the end of March. If that is the case, he stated that 1623 can record the meetings. **Councilor Gilman** added that the full City Council meetings cannot be held in the Harbormaster’s Conference Room as it is a requirement under law to have a meeting room large enough to accommodate everyone who might want to be present. She stated that she will put an update to the Rules of Procedures on the next agenda

and in the meantime she will contact Senator Tarr and Representative Ferrante to seek information in terms of the extension of the emergency order for COVID, which ends on March 23, 2023.

COUNCILORS' REQUESTS TO THE MAYOR:

- **Councilor Grow** requested to the Mayor an updated list of the current vacancies on all the boards and commissions. Also requested that the boards and commissions membership pages on the website be updated.
- **Councilor Margiotta** requested to the Mayor information regarding the construction happening near the high school. By way of background, he stated that residents in the area are asking if the wall is going to be higher than five feet and stated that, from the construction, some residents' homes have sustained damage and asked what the City plans to do regarding the damage.
- **Councilor Memhard** requested to the Mayor creative solutions to address the rate of speed/traffic accidents that have increased on Eastern Ave, just past Barn Lane. He also stated that a fencing in that area has been taken down multiple times due to car accidents.
- **Councilor Worthley** requested to the Mayor an update regarding the report on the Good Harbor Creek contamination.
- **Councilor Worthley** requested to the Mayor an update regarding the MBTA/train gate issues. **Councilor Gilman** pointed out that the information is in the packet, under Mayor's Report, attached to Steve Aiello's request and includes all the notes from the last meeting three weeks ago.

COUNCILORS' THANKS AND ACKNOWLEDGEMENTS:

- **Councilor Nolan** wished to thank the DPW for their work on the City's roadways during ice and snow events.
- **Councilor Nolan** thanked the Administration for the new sign at the rotary.
- **Councilor Worthley** thanked Councilor Memhard, the Mayor and the DPW Director for their work in helping a High Popples Road resident to remove rocks to make it safer for pedestrians and students at a bus stop.

COUNCILORS' WARD UPDATES AND COMMUNITY NEWS:

- **Councilor O'Hara** encouraged his fellow councilors and the public to watch the MassDOT Zoom meeting that took place regarding the Blynman Bridge. He stated that he is extremely concerned regarding the damage that already exists to the structural steel.
- **Councilor Worthley** wished to point out that Earth Day is approaching.

MOTION: On a motion by Councilor Nolan, seconded by Councilor O'Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adjourn the meeting at 10:34 p.m.

Submitted by: Sherry White, Clerk of Committees

Items submitted at the meeting: None.