

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, July 23, 2013 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whycott

**Absent:** None

**Also Present:** Linda T. Lowe; Kenny Costa; Police Chief Leonard Campanello; Carol Gray; Noreen Burke; Claudia Schweitzer

**The meeting was called to order at 7:01 p.m.**

**Flag Salute & Moment of Silence.**

**Councilor Ciolino** dedicated the Moment of Silence to the recently deceased **Capt. Joe Brancalone** who he said represented the City and its fishermen well by being the first Executive Director of the Gloucester Fisheries Commission and the Chair of the New England Fisheries Management Council.

**Oral Communications:**

**Carol Gray**, Library Director, 59 Woodbury Street stated she was reaffirming an invitation (on file) from the Board of Directors of the Sawyer Free Library and herself to the Council to attend on Wednesday, July 31<sup>st</sup> at 5:30 p.m. in the Rose Banker Senior Center a strategic planning meeting for the future of the library. She said it is an opportunity for the community to weigh in to help the Library and its board assesses the needs of the community to plan the Library's role for the future. She remarked the last forum sponsored by the Library was one on the new wind turbines to answer the community's many questions was moderated by Councilor McGeary which was attended by over 300 people and is an example of what the City's library can do. **Ms. Gray** noted this is a critical time for libraries as a whole, and especially now with great transformation going on at the City's own library. A great deal of research has been conducted by Jerry Ackerman, Board member, into current trends, best practices and demographics that will be shared at the forum, she said, and that added a light meal will be served and so asked that folks R.S.V.P. by calling the library at 978-281-9763x12 or responding on their website ([www.sawyerfreelibrary.org](http://www.sawyerfreelibrary.org)) to reserve their seat now for the July 31<sup>st</sup> forum.

**Presentations/Commendations:** None.

**Appointments:**

**MOTION:** On motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Robert Haverkamp to the Committee for the Arts, TTE 02/14/17.

**DISCUSSION:**

**Councilor Theken** said Mr. Haverkamp is a retired attorney from Ohio State University who has a great deal of experience as a lawyer involved in art administration and will be one of the few non-artists on the Committee. She added that the O&A Committee believed he would bring a fresh point of view to their work. He has filed his State Ethics Test with the City Clerk, she noted. She said Mr. Haverkamp will be an asset to that Committee and to the City.

**MOTION:** On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed to appoint Robert Haverkamp to the Committee for the Arts, TTE 02/14/17.

**Consent Agenda:**

- **MAYOR'S REPORT**

1. Review & Recommendations for Disposition of Real Property, RFP13138 re: 6 Stanwood Street

(Refer P&D)

2. Memorandum & pertinent information from CFO re: Appropriation funding request for Lanes Cove Breakwater (Refer B&F)
  - **COMMUNICATIONS/INVITATIONS**
1. American Legion Site Visit Report from June 19, 2013 (Refer P&D)
  - **INFORMATION ONLY**
1. Communication from DOR to City Auditor re: Council request to City Auditor to not sign a lease for certain facilities (File)
  - **APPLICATIONS/PETITIONS**
1. SCP2013-005: Mansfield St. #3/Washington St. #24, Map 6, Lots 36 & 37-GZO Sec. 1.8.3, 2.3.18 new multi-family dwelling, 7 or more units & Sec. 1.10.1; 3.1.6 building height over 35'; 1.10.1; Sec. 3.2.2(a) decrease minimum lot area & open space Per dwelling (Refer P&D)
  - **COUNCILORS ORDERS**
1. CC2013-029 (LeBlanc) Request traffic study re: tractor trailer trucks turning from Middle St. onto Angle St. & whether GCO Chapter 22, Sec. 22-173 shall be so amended (Refer O&A & TC)
2. CC2013-030 (Whynott/Hardy) Request City Council to investigate double-pole situation (Refer P&D)
  - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 07/16/13 (Approve/File)
2. Standing Committee Meetings: B&F 7/16/13 Special Meeting; 07/18/13 (No meeting); O&A 07/15/13; P&D 07/17/13 (Approve/File)

### **Items to be added/deleted from the Consent Agenda:**

**Councilor Tobey** said he wished to add an inquiry on the matter of the Council's unanimous request for a funding recommendation from the Mayor to open the Bay View Fire Station immediately full time, and the Magnolia Fire Station full time as of January 1, 2014. He pointed out two Council meetings have now passed, and the Administration's response on a vital public safety need is silence which he said was not a worthy response. He suggested perhaps it is time for the Council to take this matter to the neighborhoods, and that a regularly scheduled City Council meeting should be arranged to take place in Ward 4, Precinct 2 so the Council can discuss the matter and hear how that ward feel about their fire station not being open on a full time basis. He suggested perhaps then the Council would get some answers on what it approved on a 9-0 vote. **Council President Hardy** said she had no objection to the Councilor's request, and that the Lanesville Community Center would be an ideal location to hold such a meeting in her ward. However, she noted, the Council has advertised already for public hearings for the August regularly scheduled Council meetings, but she assured that, after consulting with the Lanesville Community Center, she would find a nearby date to accommodate Councilor Tobey's request for a Council meeting.

**Councilor Ciolino** asked to remove the P&D minutes from July 17, 2013 and then said that the P&D minutes of July 17, 2013 should be amended on Page 8, line number 10 by adding after the words "...it was not the Council's problem.;" the words, "P&D has not been the party requesting continuances on the application." The amendment to the minutes was seconded by **Councilor Hardy** who confirmed this statement was simply omitted as the matter was continued, in fact, many times at the request of the applicant and so needed to be added. **By unanimous vote of the Council the P&D minutes of July 17, 2013 were amended.**

**Council President Hardy** wished to remove the City Council minutes for July 16, 2013 for amendment. She explained that on pages 1, 9 and 10 there was the omission of the word "absent," after the listing of two Councilors not present at the meeting whose names are shown in parentheses in the motions related to the appointment of Aleesha Nunley as Assistant City Auditor, the motion related to the Resolution to join with the City's Fisheries Commission in support of the State's Attorney General's lawsuit against the National Oceanic & Atmospheric Administration (NOAA) as well as the motion to amend the minutes of a Special City Council meeting of June 6, 2006. She asked that the Council vote to amend the minutes in order that they may be corrected. **Councilor Theken** seconded and **on a unanimous vote of the Council the July 16, 2013 were amended.**

**By unanimous consent the Consent Agenda was accepted as amended.**

### **Committee Reports:**

#### **Budget & Finance: July 16, 2013-Special Meeting; July 18, 2013 – No Meeting**

**Councilor McGeary** reported the matter taken up at the Special B&F meeting on the evening of July 16, 2013, to appoint the Assistant City Auditor, Aleesha Nunley, was dispatched at the City Council that same evening; and there was no meeting on July 18<sup>th</sup> as listed on the Agenda, which was a typographical error. He noted the next meeting of the Committee is August 8, 2013.

#### **Ordinances & Administration: July 15, 2013**

**Councilor Theken** reported there were no further matters requiring Council action at this time from the July 15<sup>th</sup> meeting as the appointment of Mr. Haverkamp to the Committee for the Arts was taken up earlier in the agenda by the Council.

### **Planning & Development: July 17, 2013**

**MOTION:** On motion by Councilor Hardy, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Celebration of the Renewal of Newell Stadium for the rededication of Newell Stadium on Friday, September 6, 2013 from 4 p.m. to 10:30 p.m. at Newell Stadium, Leslie O. Johnson Road with the following conditions:

1. **Certificate of Insurance:**  
A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's office on or before July 9, 2013 or a written statement from the office of the Mayor advising that the event is fully covered by the City's insurance.
2. **Traffic Plan:**  
Event organizers are to file an approved Traffic Plan with the Police Chief and the Fire Chief and with the City Clerk by July 9, 2013 detailing any road closures or changes in existing traffic patterns.
3. **Refuse and Comfort Stations:**  
If refuse and recycling removal and comfort stations are needed due to this event all refuse must be removed by the DPW, and any portable toilets (with two handicapped accessible) are to be provided and maintained if required by the Public Health Department.
4. **Emergency Services:**  
Emergency Medical Services plans are to be approved by Sander Schultz, Fire Department EMS Coordinator and filed with that department by July 9, 2013.
5. **Staffing:**  
Event staff is to have cell phones and be identified by distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire and DPW Departments in advance of the event.
6. **Notification of Immediate Abutters and Businesses:**  
Notice shall be made by the event organizers by hand or by mail no later than 7 days in advance of the event to all abutters.
7. **Responsibility of the organizers of the Celebration of Renewal of Newell Stadium:**  
The organizers of the Celebration of Renewal of Newell Stadium are also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the organizers of the Celebration of Renewal of Newell Stadium to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

### **DISCUSSION:**

**Councilor Verga** noted that the Newell Stadium field and stadium is moving right along towards opening celebration on September 6, 2013 starting at 5 p.m. is just weeks away. The event received its necessary sign-offs from the Police and Fire Departments, and that due to the need to create one way streets out of Blynman Avenue and Leslie O. Johnson Road for the duration of this landmark opening event and the inaugural football game.

**MOTION:** On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed to permit the Celebration of the Renewal of Newell Stadium for the rededication of Newell Stadium on Friday, September 6, 2013 from 4 p.m. to 10:30 p.m. at Newell Stadium, Leslie O. Johnson Road with the following conditions:

1. **Certificate of Insurance:**  
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3. **Refuse and Comfort Stations:**  
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Emergency Medical Services plans are to be approved by Sander Schultz, Fire Department EMS Coordinator and filed with that department by July 9, 2013.
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The organizers of the Celebration of Renewal of Newell Stadium are also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the organizers of the Celebration of Renewal of Newell Stadium to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Magnolia Historical Society to hold their "Old Magnolia Day" Event on Saturday, July 27, 2013 from 9 a.m. to 5:00 p.m. Lexington Avenue is to be closed from Norman Avenue to Flume Road for the duration of the event with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than July 18, 2013.

#### **DISCUSISON:**

**Councilor Verga** said this event is in its second year sponsored by the Magnolia Historical Society and that Lexington Avenue is closed for the duration of the event.

**Council President Hardy** said she was glad to see Magnolia getting back into the swing of things on Lexington Avenue and at the Library, adding that she would be in attendance and supporting the event.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to permit the Magnolia Historical Society to hold their "Old Magnolia Day" Event on Saturday, July 27, 2013 from 9 a.m. to 5:00 p.m. Lexington Avenue is to be closed from Norman Avenue to Flume Road for the duration of the event with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than July 18, 2013.

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

1. **PH2013-004: Whether the City should adopt MGL c. 32B, §21, §22, and §23 related to Health Care Reform (Cont'd from 01/08/13)**

**Linda T. Lowe** said a memo dated this day from the City Attorney was received by the City Council requesting the withdrawal of the Mayor's request that the Council to adopt MGL c. 32 §21, §22, and §23 related to Health Care Reform.

**This public hearing is opened.**

**Councilor Tobey** asked for a report in the form of a memo from the Personnel Director whom he said is traditionally responsible for the administration of the City's health insurance programs so that the Council as the

appropriating authority has the courtesy of knowing what is going on with details of this move to the State GIC health insurance program as of January 1, 2014.

**Council President Hardy** noted that the Mayor issued a memo dated July 23, 2013 and notice on the City's employees moving to the State's GIC health insurance. At the request of **Councilor Tobey**, **Council President Hardy** continued this public hearing to August 13, 2013 in order for the Council to receive notification from the proper City department and to hear from the Personnel Director about the details of this move.

**This public hearing is continued to August 13, 2013.**

- 2. PH2013-010: SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37, GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units**

**This public hearing is opened.**

**Council President Hardy** advised the Council that **Attorney Robert Coakley** representing James Santo, the applicant for this Special Council Permit involving Mansfield Street #3/Washington Street #24 asked that this application be withdrawn so that a new application can be filed, which was referred out this evening to the P&D Committee.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to permit the withdrawal of SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37, GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversion to or new multi-family or apartment dwelling, four to six dwelling units without prejudice.**

**This public hearing is closed with no further action on the application under SCP2012-014.**

- 3. PH2013-031: Amend Gloucester Zoning Ordinance by adding new section 5.27 "Temporary Moratorium on Medical Marijuana Treatment Centers"**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**This public hearing is closed.**

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Gloucester Zoning Ordinance by ADDING a new section under GZO Sec. 5.27 Temporary Moratorium on Medical Marijuana Treatment Centers" as follows:**

**"5.27 Medical Marijuana Treatment Centers Moratorium**

**5.27.1 Purpose.** This section is intended to provide restrictions that will allow the City adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and if so, where and under what conditions. Given that a law permitting the medical use of marijuana in the Commonwealth of Massachusetts became effective January 1, 2013, and that the Massachusetts Department of Public Health is to promulgate regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in the City of Gloucester shall provide an opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations with statewide regulations and permitting procedures.

**5.27.2 Definition.** A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center as defined in Sec. VI, Definitions.

5.27.3 and 5.27.4 Reserved.

5.27.5 Moratorium: Interim Restriction. Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the City of Gloucester so long as this section 5.27 is effective, as set forth in Section 5.27.6 below.

5.27.6 Expiration. Section 5.27 shall be effective through December 31, 2013; provided, however, that the City Council shall revisit this matter within 30 days of the effective date of the promulgation by the Commonwealth of Massachusetts, Department of Public Health regulations to be codified at 105 CMR 725 and said moratorium can be further extended by the City Council following advertisement and public hearing.”

#### **DISCUSSION:**

**Councilor Verga** said that this initiative passed at the State and City level in November 2012 overwhelmingly by voters. When this zoning moratorium had been put together the State had not completed the rules and regulations on medical marijuana, although he said he believed the State has now done so. He said in a sense the 30 day count down begins as soon as this moratorium is valid. He said this is a way to get the ordinance moving forward as the public supported this by its vote in November.

**Council President Hardy** said the Council has received word from the Planning Board that also reviewed this matter at their public hearing on June 6, 2013 and voted unanimously 7-0 to recommend to the City Council the adoption of the proposed amendment as drafted.

**Councilor McGeary** said he would vote to support the moratorium. Having read all 52 pages of the Mass. Department of Public Health regulations, he said they are complex with some gray areas and ambiguities, and it would be good to take the time to read those regulations and decide to see how and whether those regulations should impact the City. He said he has no objection for or against consenting adults using marijuana even if it is not medically indicated. However, he expressed his concern for what is happening in California where medical marijuana has become essentially marijuana on demand. **Councilor McGeary** said having worked a lot with the Healthy Gloucester Collaborative he is concerned for young people in the 13 and 14 year old age group. They seem to be prone to developmental issues arising out of premature use of marijuana at that age. He said he would like to craft the City's zoning to minimize the possibility of medical marijuana into the hands of underage people. It is, he pointed out, only six months approximately from when the regulations were promulgated by the State; it gives the City time to craft an appropriate zoning solution should someone want to come to the City to open a marijuana dispensary.

**MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 9 in favor, 0 opposed to AMEND the Gloucester Zoning Ordinance by ADDING a new section under GZO Sec. 5.27 Temporary Moratorium on Medical Marijuana Treatment Centers” as follows:**

#### **“5.27 Medical Marijuana Treatment Centers Moratorium**

**5.27.1 Purpose.** This section is intended to provide restrictions that will allow the City adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and if so, where and under what conditions. Given that a law permitting the medical use of marijuana in the Commonwealth of Massachusetts became effective January 1, 2013, and that the Massachusetts Department of Public Health is to promulgate regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in the City of Gloucester shall provide an opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations with statewide regulations and permitting procedures.

**5.27.2 Definition.** A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center as defined in Sec. VI, Definitions.

5.27.3 and 5.27.4 Reserved.

**5.27.5 Moratorium: Interim Restriction. Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the City of Gloucester so long as this section 5.27 is effective, as set forth in Section 5.27.6 below.**

**5.27.6 Expiration. Section 5.27 shall be effective through December 31, 2013; provided, however, that the City Council shall revisit this matter within 30 days of the effective date of the promulgation by the Commonwealth of Massachusetts, Department of Public Health regulations to be codified at 105 CMR 725 and said moratorium can be further extended by the City Council following advertisement and public hearing.”**

**Councilor Tobey** noted on the matter of medical marijuana and the emerging State guidelines, the Mass. Municipal Association will conduct a webinar, likely this autumn, so Councilors can hear cutting edge information on where this matter stands and would let the Council know when that would take place.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND under the Gloucester Zoning Ordinance Section 1.11.2(e) by ADDING a new definition of “Medical Marijuana Treatment Centers in GZO Sec. VI Definition as follows:

“GZO Sec. VI, Definitions: Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, as defined under state law as a Massachusetts not for profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies; or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.”

#### **DISCUSSION:**

**Councilor Verga** said a medical marijuana treatment center must be defined in the zoning ordinances.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 9 in favor, 0 opposed to AMEND under the Gloucester Zoning Ordinance Section 1.11.2(e) by ADDING a new definition of “Medical Marijuana Treatment Centers in GZO Sec. VI Definition as follows:

**“GZO Sec. VI, Definitions: Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, as defined under state law as a Massachusetts not for profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies; or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.”**

**Councilor Verga** said he agreed with Councilor McGeary that the Council can take its time in crafting the zoning language and do this the right way with five months until the moratorium expires. He said this doesn't say the Council has to reach a decision in 30 days, just that the Council has to revisit the matter. He said the work on this draft zoning ordinance should be started immediately so the Council can close in on the end of the year deadline with final zoning language to be enacted by the Council. **Council President Hardy** offered up the date of the August 27<sup>th</sup> City Council meeting and would continue the matter of the draft zoning language for Medical Marijuana Treatment Centers for Council consideration.

**Councilor McGeary** asked that the City Solicitor prepare preliminary draft of a potential zoning ordinance that should be forwarded to the Council no later than 48 hours in advance of the August 27, 2013 City Council meeting.

- 4. PH2013-036: Amend GCO Chapter 22 “Traffic” Sec. 22-176(a) “Penalties for Parking Violations” re: Increase in parking fees for cross walk parking and parking in a service or loading zone**

**This public hearing is opened.**

**Those speaking in favor:**

**Police Chief Leonard Campanello** said a constant at the Police Station is traffic issues, and while not generally an emergency or crisis, it is rather a quality of life issue on a day-to-day basis. He said he has heard from citizens and from the majority of the Council at various times in addressing different areas of the City. He said parking enforcement does well with meters and kiosks, but there is difficulty with crosswalks and loading zones enforcement. **Chief Campanello** noted when he polled different communities in addressing handicapped spots; it appears that the City is in line with its fines for that sort of violation. However, it appears that by raising the minimum fine on crosswalks and loading zones violations that the City would still be in line with surrounding communities and that the higher fines would act as a more helpful and better deterrent, he said.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed.**

At the request of **Council President Hardy, Councilor McGeary**, Chair of B&F presented the combined motion as voted by the B&F Committee as two separate motions as follows:

**MOTION:** On motion by Councilor Cox, seconded by Councilor Ciolino, the City Council voted 3 in favor, 0 opposed to Amend the Gloucester Code of Ordinances, Chapter 22 "Traffic," Sec. 22-176(a) "Penalties for Parking Violations," by DELETING the fine "\$10.00" for parking in a crosswalk and ADDING a fine of "\$25.00."

**DISCUSSION:**

**Councilor Whynott** confirmed that ordinance amendment is about parking on a crosswalk and said he believed there was an ordinance that prohibits parking within so many feet of a crosswalk as well and asked if that is part of this ordinance amendment. **Chief Campanello** said the ordinance is one in the same, a vehicle is in violation either being too close or on the crosswalk itself, and the fine as defined in the ordinance is the consequence which he likened to a stop sign violation, also is part of the ordinance. **Councilor Whynott** said most of the public doesn't know that they shouldn't park within a certain amount of feet of a crosswalk and asked that information be conveyed to the public.

**Councilor Ciolino** asked about the definition of loading and service zones which he said has been a problem especially in the downtown. He cited examples of some delivery people leave a vehicle in a loading zone for an entire business day. He noted those loading zones are not just for delivery vehicles but for customers of retail stores on Main Street, for instance, that need to load large purchases into their personal vehicles which is an allowed use. He asked who is responsible for determining if a vehicle has been parked long enough, and he suggested that there is a great deal of misuse of posted loading zones in the downtown area. **Chief Campanello** said the Councilor was addressing several different ordinances. This request before the Council is refers only to a posted load zone, in particular to increasing the fine, not changing the definition of loading zones or the ordinances that cover them. In general with regards to better enforcement or uniform enforcement throughout the downtown, he said, there are several things the department is looking at, but for the purpose of this public hearing, he noted, he is addressing posted/recognized loading zones, especially in the downtown and looking to increase the fines. He said he did not think a time limit needed to be defined, and that the loading zone purpose is specific to the off-loading or loading a vehicle. **Councilor Ciolino** said he was in favor of raising the fine but wished to see better enforcement of vehicles in loading zones to prevent them from being used for all day parking.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed to Amend the Gloucester Code of Ordinances, Chapter 22 "Traffic," Sec. 22-176(a) "Penalties for Parking Violations," by DELETING the fine "\$10.00" for parking in a crosswalk and ADDING a fine of "\$25.00)."

**MOTION:** On motion by Councilor Cox, seconded by Councilor Ciolino, the City Council voted in favor, 0 opposed to Amend the Gloucester Code of Ordinances, Chapter 22 "Traffic," Sec. 22-176(a) "Penalties for Parking Violations," by DELETING the fine "\$5.00" for parking in a service or loading zone and ADDING a fine of "\$25.00)."

**MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed to Amend the Gloucester Code of Ordinances, Chapter 22 "Traffic," Sec. 22-176(a) "Penalties for Parking Violations," by DELETING the fine "\$5.00" for parking in a service or loading zone and ADDING a fine of "\$25.00."**

**5. PH2013-034: SCP2013-004: Biskie Head Point #20, Unit 1, GZO Sec. 5.5.4 Lowlands**

**This public hearing is opened.**

**Council President Hardy** informed the Council it is in receipt of a letter from a representative of the applicant for this lowlands permit asking for a continuance to the City Council's next regularly scheduled meeting of August 13, 2013.

**This public hearing is continued to August 13, 2013.**

**6. PH2013-038: Application for License of Flammable & Combustible Liquids, Flammable Gasses & Solids  
Re: 135 Coles Island Road**

**This public hearing is opened.**

**Those speaking in favor:**

**Sandy Patrican**, homeowner of 135 Coles Island Road said this permit is for the installation of propane tanks and since the tanks are larger in capacity than 2,000 gallons, according to City ordinance he needs a permit from the City. He said he has received the Fire Department's approval. This is to heat his home, cook, and to operate a stand-by generator. He noted the house is almost a mile off of Concord Street, and parts of the electrical infrastructure are 80 years old. He is trying to be prepared for an extended power outage. The rationale, he said, is three 1,000 gallon propane tanks, but 1,000 gallons of propane cannot be contained in the exact same sized tank; only 750 to 800 gallons can be in a 1,000 tank to leave room for gas expansion. Ultimately, he noted, the storage capacity comes to slightly over 2,000 gallons of propane capacity.

**Those speaking in opposition: None.**

**Communications: None.**

**This public hearing is closed.**

**MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent, to recommend to the City Council to Grant a License under the Code of Ordinances, Sec. 8-1 and MGL c. 148, §13 for storage of flammables at 135 Coles Island Road, owner, Islands End Realty Trust, specifically to store 2,400 gallons of propane in three 1,000 water gallon capacity underground containers with the following condition that said three 1,000 water gallon capacity underground containers be used for the exclusive use of 135 Coles Island Road.**

**DISCUSSION:**

**Councilor Verga** said the applicant has described the propane installation well. He added that AmeriGas performed their due diligence; the Fire Inspector has signed off on this application; and the P&D Committee was assured that the installation is for that particular property only and will not be shared by multiple properties.

**Councilor Ciolino** confirmed that there are three tanks with **Mr. Patrican** and then asked for further details of the actual site of the tanks installation. **Mr. Patrican** said that the site of the tanks is 12 feet by 16 feet will an area which by design must sit on a concrete slab; with the tanks cabled down and then covered. Responding to further inquiries by **Councilor Ciolino**, **Mr. Patrican** added that the closest home is over 1,000 feet; and there will be vegetation surrounding the installation site. He said the tanks will be about 50 feet from the house.

**MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted by ROLL CALL 9 in favor, 0 opposed to Grant a License under the Code of Ordinances, Sec. 8-1 and MGL c. 148, §13 for storage of flammables at 135 Coles Island Road, owner, Islands End Realty Trust, specifically to store 2,400 gallons of propane in three 1,000 water gallon capacity underground containers with the following condition that said three 1,000 water gallon capacity underground containers be used for the exclusive use of 135 Coles Island Road.**

**7. PH2013-039: Amend Gloucester Zoning Ordinance by adding a new section re: Self-Storage Service Facility**

**This public hearing is opened.**

**Council President Hardy** reported to the City Council that the Planning Board has yet to hear this matter; and therefore, this public hearing will be continued to August 27, 2013.

**This public hearing is continued to August 27, 2013.**

**For Council Vote:**

**1. Request from Attorney Robert J. Coakley to withdraw pending City Council application SCP2012-014  
Re: 3 Mansfield Street/24 Washington Street**

**This matter was addressed earlier on the Council agenda under Scheduled Public Hearing #3, PH2013-010.**

**Unfinished Business: None.**

**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.**

**Councilors' Requests to the Mayor:**

**Councilor Whynott** thanked the DPW and the Mayor for starting on the bocce courts being installed at Stage Fort Park and added his thanks to Councilor Ciolino for all his assistance.

**Councilor Ciolino** added that the bocce courts are beautiful, almost finished, and a welcome addition to Stage Fort Park.

**Councilor LeBlanc** said he had the pleasure of going to the new football field Saturday and that the community is blessed to have people in this community who have come together to bring the stadium project to fruition and to have this tremendous asset for the use and enjoyment of the City for now and in the future.

**Councilor Theken** reminded that she was not allowed to go into the meetings of the PEC (Public Employee Committee) to see how much the City would save by joining the State's GIC (Group Insurance Commission). As long as her seniors, the retired teachers, are protected, she said would be satisfied. She said she was waiting for the Cape Ann Medical Center to confirm that organization accepts Fallon Health Insurance, which is a GIC health insurance option. She said she would like to continue to work with the PEC now that there is a confirmed contract to join the GIC; and when she, as a health professional, has completed her review she would make her comments.

As to the Affordable Healthcare Act (ACA), **Councilor Theken** said where people are mandated 21-64 years old who are disabled are automatically enrolled into some type of health insurance. The ACA has been postponed, and information will come forward later. She cautioned this will not be universal healthcare. This will be based on options, something like the State's Commonwealth Choice. She cautioned for folks to not drop their health insurance until all the facts are known. If anyone has questions, she asked that they contact her at her office at the Addison Gilbert Hospital.

**Councilor Whynott** said five students from Tamano, Japan, Gloucester's sister city are coming to the City shortly for the annual home stay project. He thanked Maggie Rosa for taking one of the students and thanked others who have stepped forward to take in the other four students. He encouraged folks to consider opening their home to the Tamano students with an eye to enriching their family's experience.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:00 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**