

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, October 22, 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 Whynott**

**Absent: Councilor Paul McGeary**

**Also Present: Linda T. Lowe; Fire Chief Smith, Jim Dugan, Jonathan Pope, Kenny Costa, Superintendent Richard Safier, Kevin Buckley, Nick Taormina**

**The meeting was called to order at 7:00 p.m.**

**Flag Salute & Moment of Silence.****Oral Communications:**

**Ralph Hobbs, Jr.**, who lives in Magnolia, gave a presentation on his proposal (on file) to keep all Fire Stations open at no cost to the taxpayers. This communication was referred to Mayor's Office for a response within two weeks.

**Carmine Gorga**, 87 Middle Street, thanked Councilor Cox and the Councilors for listening to his plea. Mr. Gorga said that when he purchased his home about 40 years ago there were two slabs of concrete, which was used for parking. Mr. Gorga and his wife decided to take the two slabs of concrete and create a garden there. Last year, the curb was such, that one could reopen the parking lot if they wanted, and legally was possible. Until last year, the area in front of the garden was called a metered zone, which meant that no one could not park there, and he couldn't park there. This left him the right to destroy the garden and build a parking lot. When they came back from vacation last year, he found a curb there, which prevented them from using the garden as potential parking space even if they wanted to. He said the next owner of the house might demand a parking spot for any reason. His recommendation to Mr. Hale has been to create a zone for residential parking so that it would be attached to the value of the house. Potential buyers might have the privilege to use the garden as parking and allow them to use it, or use on street parking as a resident parking. This matter was referred to the Mayor's Office for a response within two weeks.

**Presentations/Commendations: None.****Consent Agenda:**

- **MAYOR'S REPORT**
- 1. Supplemental Appropriation-Budgetary Request (#2014-SA-2) from the Community Development Department (\$3,966) (Refer B&F)
- 2. Memorandum, Grant Application and Checklist from Fire chief re: request to apply for Department of Fire Services, Student Awareness of Fire Education (S.A.F.E.) grant in the amount of \$1,500 (Refer B&F)
- 3. Memorandum from Harbormaster re: Waterways Board request to withdraw \$8,000 from St. Peter's Commercial Marina Stabilization Account for underwater inspection of City commercial marinas at St. Peter's and Harbor Cove (Refer B&F)
- 4. Memorandum, Grant Application and Checklist from Harbor Planning Director re: request to apply for Groundfish Port Recovery and Revitalization Grant from State Division of Marine Fisheries (\$75,000) (Refer B&F)
- 5. Memorandum, Grant Application and Checklist from Harbor Planning Director re: request to apply for a Community Based Aquaculture Development grant from the Department of Commerce (\$274,098) (Refer B&F)
- 6. Letter from Mayor to Governor Patrick requesting release of funds from Bond Bill for sidewalk improvements on Route 127 and Route 133 as well as around the city's elementary schools and Railroad Avenue (Info Only)
- **COMMUNICATIONS/INVITATIONS**
- 1. Invitation to Veteran's Day ceremonies and parade on Monday, November 11, 2013 (Info Only)
- **INFORMATION ONLY**
- **APPLICATIONS/PETITIONS**
- 1. Special Events Application request to hold the annual Downtown Christmas Parade and Tree Lighting on December 1, 2013 (Refer P&D)
- 2. SCP2013-006: Ferncliff Heights #6, GZO Sec. 2.3.4(6) Animal Daycare, animal grooming, daytime only (Refer P&D)
- **COUNCILLORS ORDERS**
- 1. CC2013-051(LeBlanc)Amend GCO Chapter 22 "Traffic" Sec. 22-200-209 "Reserved" and Sec. 22-270 "Parking prohibited at all times" re: Draw Bridge Tender Parking (Refer O&A & TC)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
- 1. City Council Meeting 10/08/13 (Approve/File)
- 2. Standing Committee Meetings: B&F 10/17/13 (under separate cover), O&A 10/14/13 (no meeting), P&D 10/15/13 (under separate cover) (Approve/File)

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

**Councilor Hardy** asked to remove item #3, memorandum from Harbormaster and said there should be a change in the wording that should read Waterways Board request to appropriate, not the word withdraw, from the St. Peter's Commercial Marina Stabilization Account for underwater inspection of City commercial marinas at St. Peter's and Harbor Cove.

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

**Council Present Hardy** noted that **Councilor McGeary** is unable to attend the meeting as he is out of State on personal business.

**Council President Hardy** announced that there was notice on the entrance door that the dog ordinance public hearing will be continued to November 12, 2013 at 7:00 pm in the Kyrouz Auditorium. The Police Chief was not available for comment, and Council needed his input on this matter. The public hearing on the Marijuana Treatment Centers scheduled for this meeting will also be continued to November 12, 2013.

**Committee Reports:****Budget & Finance: October 17, 2013**

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council under MGL c. 44, §53A accept a grant from the United States Department of Justice Drug Enforcement Administration (DEA) FY14 Organized Crime Drug Enforcement Task Force for up to \$17,202.25, reimbursing the City Of Gloucester Police Department (GPD) for overtime by a GPD officer.

**DISCUSSION:** **Councilor Ciolino** explained that Chief Campanello is asking permission to accept this grant for the Gloucester Police Department to assign a police officer to the Drug and Enforcement Agency reimbursing the Gloucester Police Department for overtime costs in the amount of \$17,202.25. This funding comes up yearly and the same person is assigned to the task force each year.

**MOTION:** **On a motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed 1 (McGeary) absent that under MGL c. 44, §53A to accept a grant from the United States Department of Justice Drug Enforcement Administration (DEA) FY14 Organized Crime Drug Enforcement Task Force for up to \$17,202.25, reimbursing the City Of Gloucester Police Department (GPD) for overtime by a GPD officer.**

**MOTION:** On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted 3 in favor, 0 opposed, to recommend to the City Council under to permit the Police Department to apply for a grant from the Massachusetts Executive Office of Public Safety & Security, State 911 Department FY14 Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$151,155.92.

**DISCUSSION:** **Councilor Ciolino** explained the Police Chief is asking permission to apply for this grant. This is a reimbursement grant and there is no cost to the City. The City Auditor will set up the accounts once this is approved.

**MOTION:** **On a motion by Councilor Ciolino, seconded by Councilor Cox , the City Council voted 8 in favor, 0 opposed, 1(McGeary) absent to permit the Police Department to apply for a grant from the Massachusetts Executive Office of Public Safety & Security, State 911 Department FY14 Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$151,155.92.**

**MOTION:** On a motion by Councilor Cox , seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council under MGL Chapter 44, §64 authorize payment of outstanding invoices incurred by the Department of Public Works for services received in prior years from National Grid Account# 88500-50018 for a total of \$437.21 to be paid with funds from the current FY14 Department of Public

Works budget Account #101000.10.472.52110.0000.00.000.00.052, FACILITIES, ELECTRIC POWER-NON STREET LIGHT.

<u>Billing Period</u>	<u>Amount Due</u>
6/8/10 to 12/6/10	\$ 76.70
12/6/10 to 6/7/11	\$ 62.34
6/7/11 to 12/7/11	\$ 79.89
12/7/11 TO 6/6/12	\$ 64.24
6/6/12 TO 12/4/12	\$ 84.70
12/4/12 TO 7/8/13	<u>\$ 69.34</u>
Total	\$ 437.21

**DISCUSSION: Councilor Ciolino** explained National Grid determined that there was a faulty meter at the ticket booth at Good Harbor Beach. When National Grid put new meter in, they said that the City owed them another \$437.21. This motion is to authorize payment with funds from the current FY14 budget as the outstanding invoice was incurred in FY13, and the second motion is to pay the invoice. **Council President Hardy** questioned the December to June invoice for \$64.24 for electrical down at the Beach. **Councilor Ciolino** explained this is an adjusted amount, because the meter wasn't working correctly. **Councilor Ciolino** requested of Mark Cole to go over all the invoices, and Mr. Cole said they all accurate. **Council President Hardy** said that this amount was almost as much as the summer months when they are using the beach. **Councilor Cox** explained that when she discussed this with Mark Cole, and she was told that even if the building is shut down and it is just for the ticket booth, there is some electrical current going through the lines. She also questioned the December time frame. Council President Hardy asked the Council if they would be in agreement to ask the DPW Facilities Director to look into the meter at the ticket booth to see if it was working properly and see what is connected and what is not. **Councilor Ciolino** said the security lighting might be hooked up to this meter. He said the concession operator pays the electricity for the concession, and this invoice is strictly for lighting for security and ticket booth and this for accumulation of previous years due to the faulty meter.

**MOTION: On a motion by Councilor Ciolino , seconded by Councilor Cox, the City Council voted 7 in favor, 2 (Hardy/Tobey) opposed, 1 (McGeary) absent that under MGL Chapter 44, §64 to authorize payment of outstanding invoices incurred by the Department of Public Works for services received in prior years from National Grid Account# 88500-50018 for a total of \$437.21 to be paid with funds from the current FY14 Department of Public Works budget Account #101000.10.472.52110.0000.00.000.00.052, FACILITIES, ELECTRIC POWER-NON STREET LIGHT.**

<u>Billing Period</u>	<u>Amount Due</u>
6/8/10 to 12/6/10	\$ 76.70
12/6/10 to 6/7/11	\$ 62.34
6/7/11 to 12/7/11	\$ 79.89
12/7/11 TO 6/6/12	\$ 64.24
6/6/12 TO 12/4/12	\$ 84.70
12/4/12 TO 7/8/13	<u>\$ 69.34</u>
<b>Total</b>	<b>\$ 437.21</b>

MOTION: On a motion by Councilor Cox, seconded by Councilor Whyntott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council authorize payment of invoices as listed below from National Grid Account# 88500-50018 for a total of \$437.21 for services received under National Grid Account #88500-50018 received in prior years to be paid from the current FY14 Department of Public Works budget Account #101000.10.472.52110.0000.00.000.00.052, FACILITIES, ELECTRIC POWER-NON STREET LIGHT without a purchase order in place:

<u>Billing Period</u>	<u>Amount Due</u>
6/8/10 to 12/6/10	\$ 76.70
12/6/10 to 6/7/11	\$ 62.34

6/7/11 to 12/7/11	\$ 79.89
12/7/11 TO 6/6/12	\$ 64.24
6/6/12 TO 12/4/12	\$ 84.70
12/4/12 TO 7/8/13	\$ <u>69.34</u>

Total: \$ 437.21

**DISCUSSION:** Councilor Ciolino said now we are paying the bill. Councilor Whynott said he would like to see what the actual cost per month would be year round and have Council ask for this information. Councilor Ciolino said that Budget & Finance would ask for that information.

**MOTION:** On a motion by Councilor Ciolino seconded by Councilor Cox, the City Council voted 7 in favor, 2 (Hardy/Tobey) opposed, 1(McGeary) absent to authorize payment of invoices as listed below from National Grid Account# 88500-50018 for a total of \$437.21 for services received under National Grid Account #88500-50018 received in prior years to be paid from the current FY14 Department of Public Works budget Account #101000.10.472.52110.0000.00.0000.00.052, FACILITIES, ELECTRIC POWER-NON STREET LIGHT without a purchase order in place:

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12/7/11 TO 6/6/12	\$ 64.24
6/6/12 TO 12/4/12	\$ 84.70
12/4/12 TO 7/8/13	\$ <u>69.34</u>
<b>Total:</b>	<b>\$437.21</b>

**Ordinances & Administration: October 14, 2013 – No meeting.**

Councilor Theken said O&A did not meet. After discussion with the requestor for the leash law, she would like this matter be referred back to O&A. Council President Hardy asked the council on whether there was any objection from the Council to have this matter go back to O&A and any further discussion. After discussion on whether the matter would be taken up on October 28<sup>th</sup> or before the November 12<sup>th</sup> public hearing, Councilor Theken withdrew her request. Council President Hardy announced there would be no discussion on the public hearing tonight, but for clarification purposes, the reason why the order was put forward was so that there would be a fine associated with Sec. 4-15 in the City ordinance, and the fine is only related to a change in Sec. 1.15 in the ordinance. Council President Hardy said the request to continue and have this matter go back to O&A has been withdrawn. The meeting will be continued as posted downstairs and as announced by the Council President. The public hearing will go forward at 7:00 p.m. in the Kyrouz Auditorium on November 12, 2013.

Councilor Tobey said that back in August, he filed an order that the Council enact an ordinance that would provide that any City rental of a building in that the City would be the tenant could not occur unless the City Council by a two-third's vote had explicitly approved funding for that lease. The reason being so that there would not be another end run of this or a future City Council as they saw when the School Administration and City Administration decided not to invest in a building they already owned; Fuller School for the preschool and for Administration space and instead rent the former so called, Charter School, and just moved money around. He didn't think it was right and should not happen again. As he believed matter would not be taken up before the election, he hoped that this would be taken up before this Council, as they were ones that were disrespected by that action. His question to the Chair of O&A Committee was when would this matter be coming forward and whether it would be expected this would go for public hearing before this Council? Councilor Theken said they were going to discuss it at Monday's O&A. meeting. Councilor Tobey

said the City Clerk had already drafted language that could be quickly used. With the assent of the Council, **Council President Hardy** requested the City Clerk's Office to advertise for public hearing for the November 12<sup>th</sup> City Council meeting. **Councilor Theken** requested that the City Auditor be present at O&A on Monday, October 28<sup>th</sup>.

### **Planning & Development: October 15, 2013**

**MOTION:** On a motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed 1 absent to recommend to the City Council to approve a Construction Manager at Risk (CMAR) under MGL c. 149A as a public construction alternative to the Design-Bid-Build method under MGL c. 149 for the West Parish School construction project.

**DISCUSSION:** Councilor Verga said that there were several members of the School Committee, along with Nick Taormina, Chair of the Building Committee, present and would ask with the Chair's permission, if they could give a quick explanation of the concept. **Jim Duggan, CAO**, said the Building Committee did discuss openly at their meetings whether to go as the traditional design build or the Construction Manager at Risk (CMAR). One of the biggest points that they thought, as a committee, would be in the best interest is that you do not put the bid out for the lowest bidder. They are able to interview, look at references, and do a number of different checks and balances throughout the process. Also, the City in the project, is also able to get up to one (1) percent increase in a reimbursable point. Currently, they are in a 48.27 percent and that would bring it up to 49.27 percent. The Building Committee is exploring every possible opportunity to increase that reimbursement rate. One of the questions, he thought the Council would have is why the City is doing this now. **Mr. Dugan** said this is through the Inspector General's Office and it is a timing thing. It would usually take 60 days to get the approval process out of the Inspector General's Office, and this is essentially why this is put forward to Council at this time. Kevin Buckley is the City's, Owner's Project Manager (OPM) from KB Architects, and he is familiar with the process. **Councilor Hardy** asked Mr. Buckley why the City was doing the alternative. **Mr. Buckley** said explained the two delivery methods the State allows. **Council President Hardy** asked Mr. Buckley if the Council will have the opportunity to review the contractor's credentials and what other projects they have worked on, etc. and whether this method would add additional time to the project. **Mr. Buckley** said if the Inspector General approves the application, the Selection Committee made up of city representatives, school representatives, the architect and the OPM, would review the qualifications and come up with the best suited contractor. This method would help the project get completed sooner with less change orders. **Council President Hardy** asked Mr. Dugan whether General Counsel has reviewed and seen communication from the Attorney General's Office. **Mr. Duggan** replied she has and there is a portion of the submission that General Counsel and the Mayor has to sign. There is no submission required for Council to sign. The Certificate of Vote is Council's sign off and would suffice. **Councilor Tobey** said that this is a very positive and progressive move and this method is a very good decision. **Councilor Verga** said **Mr. Buckley** mentioned at Planning and Development the reduction in change orders because of this process as you are there at the table from day one. Change orders means more cost to the City and agreed with Councilor Tobey that this is a very good decision. **Councilor Ciolino** said it was a great approach and is pleased the School Committee has taken this route.

**MOTION:** On a motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 8 in favor, 0 opposed 1 (McGeary) absent to approve a Construction Manager at Risk (CMAR) under MGL c. 149A as a public construction alternative to the Design-Bid-Build method under MGL c. 149 for the West Parish School.

**MOTION:** On a motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed 1 absent to recommend that the City Council approve a Notice of Activity and Use Limitation under MGL c. 21E, §6 and 310 CMR 40.0000 for the Disposal Site of Gloucester High School, MassDEP Release Tracking Number RTN 3-12563 by the City of Gloucester, as owner of certain parcels of land as recorded with the Southern Essex District Registry of Deeds in Book 32418, Page 213 (High School); and Book 1821, Page 365 (Newell Stadium), and also referenced in Plan Book 73, Page 58. This Notice of Activity and Use Limitation shall be recorded at the Southern Essex District Registry of Deeds.

**DISCUSSION:** Councilor Verga said that General Counsel recommended to **Steve Winslow, Project Manager**, to take legal steps to include Newell Stadium in the Activity and Use Limitation (AUL) document. Test results showed that there were contaminated soils from the soil samples taken at Newell Stadium; and to complete the Mass.

Department of Environmental Protection (MDEP) process, a modification to the original Activity and Use Limitation (AUL) was prepared by CDM-Smith, the contractor, so as to include the Newell Stadium plot that will be filed with the Registry of Deeds. **Councilor Verga** said that this was basically covering the City to cover the loop as there was contaminated soil.

**MOTION: On a motion by Councilor Verga, seconded by Councilor Cox , the City Council voted by ROLL CALL 8 in favor, 0, opposed 1 (McGeary) absent to approve a Notice of Activity and Use Limitation under MGL c. 21E, §6 and 310 CMR 40.0000 for the Disposal Site of Gloucester High School, MassDEP Release Tracking Number RTN 3-12563 by the City of Gloucester, as owner of certain parcels of land as recorded with the Southern Essex District Registry of Deeds in Book 32418, Page 213 (High School); and Book 1821, Page 365 (Newell Stadium), and also referenced in Plan Book 73, Page 58. This Notice of Activity and Use Limitation shall be recorded at the Southern Essex District Registry of Deeds.**

**Council President Hardy** said as previously stated there will be a couple of continuances of the scheduled public hearings and will continue those public hearings accordingly. The public hearings were taken out of order.

**Scheduled Public Hearings:**

1. PH2013-056: Amend GCO Chapter 4 "Animals," Art. II "Dogs," Sections 4-15 to 4-22 and GCO Sec. 1.15 by adding "Running at large prohibited" and fines

**This public hearing is opened and continued without comment until November 12, 2013 at 7:00 p.m. in Kyrouz Auditorium.**

**This matter is continued to November 12, 2013.**

2. PH2013-059: Amend the Gloucester Zoning Ordinance by DELETING Section 5.27 "Temporary Moratorium on Medical Marijuana Treatment Centers" in its entirety; and by ADDING a new Section 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities"; and by ADDING a new definition of "Medical Marijuana Cultivation Facility" to Section VI; and amend Table 2.3.2 to include the allowance of Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities in the CCD, CB, VB, NB, EB, MI, GI and BP zoning districts by special permit issued by the City Council.

**This public hearing is opened and continued until November 12, 2013 at 7:00 p.m. in the Kyrouz Auditorium by motion.** For the record, **Councilor Hardy** wanted the motion to reflect as follows:

MOTION: On motion of Councilor Hardy, seconded by Councilor Theken, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent to continue the public hearing to November 12, 2013 and pursuant to section 1.11.4(b) of the Gloucester Zoning Ordinance waive written notice to owners of property affected and all abutters as the amendment affects so many properties as to make such notice impracticable.

**MOTION: On motion of Council Hardy, seconded by Councilor Theken, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent to continue the public hearing to November 12, 2013 and pursuant to section 1.11.4(b) of the Gloucester Zoning Ordinance waive written notice to owners of property affected and all abutters as the amendment affects so many properties as to make such notice impracticable.**

**Council President Hardy** said by law this motion covers the City so that City does not have to send notice to every abutter. There is no way of knowing how many abutters there would be as the proposed ordinance affects the following zoning: CCD, CB, VB, NB, EB, MI, GI and BP zoning districts in the City of Gloucester. Additionally, if the amendment is approved, it would be by Special City Council Permit process, and not as a matter of right. At that point the abutters would then be notified, individually, in writing by U.S. mail.

**This matter is continued to November 12, 2013.**

3. PH2013-057: Amend GCO Chapter 8, Article I "In General" by ADDING new section entitled

**“Hazardous Materials Process or Processing” and new fees**

**The public hearing is open.**

**DISCUSSION: Councilor Ciolino** said that these are new fees pursuant to 527 CMR 33 and MGL 148 §10 and this brings us up in place with OSHA, EPA and the State.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve the institution of new fees pursuant to 527 CMR 33 Hazardous Materials Process or Processing and MGL 148, §10 and to Amend GCO Chapter 8, Article I. In General by ADDING a new Section 8-5 entitled, “Hazardous Materials Process or Processing” for permit and inspection requirements of \$50 per permit and a \$50 inspection fee as follows:

Sec. 8-5. Hazardous Materials Process or Processing:

Category 5: Vessel with a process covered by OSHA, PSM\* or EPA RMP\* Programs  
Category 4: Vessel > 300 gallons not covered by OSHA, PSM or EPA RMP  
Category 2 & 3: Vessel > 60 gallons but less than 300 gallons or an H occupancy due to vessel.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed 1(McGeary) absent to approve the institution of new fees pursuant to 527 CMR 33 Hazardous Materials Process or Processing and MGL 148, §10 and to Amend GCO Chapter 8, Article I. “In General” by ADDING a new Section 8-5 entitled, “Hazardous Materials Process or Processing” for permit and inspection requirements of \$50 per permit and a \$50 inspection fee as follows:**

**Sec. 8-5. Hazardous Materials Process or Processing:**

**Category 5: Vessel with a process covered by OSHA, PSM\* or EPA RMP\* Programs**  
**Category 4: Vessel > 300 gallons not covered by OSHA, PSM or EPA RMP**  
**Category 2 & 3: Vessel > 60 gallons but less than 300 gallons or an H occupancy due to vessel.**

**4. PH2013-058: Group Free Petition under City Charter Sec. 9-1(b) re: Condition, Restoration and Preservation of Stage Fort Park**

**This public hearing is opened.**

**George Roark, 15 Beauport Avenue**, gave a presentation (on file) on behalf of Friends of Stage Fort Park regarding the condition, restoration and preservation of Stage Fort Park and the lack of a management plan for the preservation of the park. He also mentioned that in ten years it will be the 400<sup>th</sup> anniversary of the founding of Gloucester on this site. **Susannah Wolfe, Old Salem Road**, said part of the mission of Friends of Stage Fort Park is to increase awareness on Cape Ann of the iconic nature of Stage Fort Park, and made a recommendation to implement a Carry In Carry Out policy (on file) at Stage Fort Park. **David Dow, 12 Essex Street**, presented his suggestions (on file) for improvements to Stage Fort Park. **David Benjamin, 32 Revere Street**, spoke in regard to the maintenance of the Antonio Gentile Bandstand and surrounding area and presented his suggestions (on file). **Rebecca Aliberte, 10 Cedar Lane**, wanted to address the issue of hot coals that are dumped by the recreational users at Stage Fort Park. **Ms. Aliberte** said it would make sense to restrict the use of charcoal fires to a centrally located designated area in the park, as well as implementing a policy to allow cold meals or meals cooked over propane fire in other areas of the park. A second choice would leave nothing hazardous behind. **Steve Kaity, 5 Viking Street**, representing the Gloucester Rotary Club, said that the Rotary has been maintaining the bandstand for over twenty years. It is in disrepair and it is going to cost a lot of money to repair to bring it back up to snuff and would hate to have this go by the wayside. For the past ten years, the Rotary has been constructing and maintaining the playground. The Rotary would encourage and endorse any action that would maintain Stage Fort Park. **Meredith Fine, 20 Eastern Avenue**, said besides the historic reasons and all the other reasons that are being discussed, the City is missing a serious opportunity. Stage Fort Park is a unique property, which should have separate management, either as part of the Open Space and Recreation Committee or something similar as is happening with Newell Stadium. She said that lumping Stage Fort Park with all of the other recreational facilities, which DPW has so much to manage now already, is a mistake and a missed opportunity. The City could be

making a lot more revenue from this facility and could be much more beautiful. Lynch Park in Beverly is a beautiful facility and is making a tidying some of money for Beverly. **Bob Ryan**, 3 Blake Court, said he was here tonight as a resident and taxpayer and supports the Friends of Stage Fort Park. He expressed his disappointment that the City has neglected many of their properties and Stage Fort Park is one of them. He said the City has failed in its duty to be the steward and custodian of this beautiful asset. Cressy's Beach is one of the oldest beaches in the City, and he has gone to the Community Preservation Committee for the last two years. He had asked for \$149,000 to restore Cressy's Beach because of its historical value and recreational value. In a powerpoint presentation, he pointed out the erosion over the past 78 years, and said the City has done nothing to the beach since 1935. The City would need to invest \$149,000 to restore the beach, and he worked with the DPW Director to see what was required to restore the beach, and would like to see the sand back in the beach and a maintenance plan in place. **John McEachern**, 18 Myrtle Square, wanted to follow up on what Mr. Ryan said. He said that when he worked for the Beach and Rec Department there was a big push to do something about Cressy's Beach. There had been some question about the stone. The then Director had someone look at the stone, and it was deemed that that stone could be removed because it was not indigenous to the area. He said as Mr. Ryan pointed out in addition to that sand could bring the beach back and repeated the stone is not indigenous to the area and can be removed.

**DISCUSSION: Councilor Theken** said that she has been getting e-mails from people who are handicapped. Dirt walkways are not handicapped accessible to people who have remote wheelchairs or have to be pushed or have leg braces. They cannot enjoy the waterfront festivals and have to stay in their cars for concerts around the Visitor's Center, and wanted to know if in their plan there is going to be one path that is handicapped accessible. **Mr. Dow** replied that they are asking that the City fix and repair the pathway and it is up to the City to decide to take those steps to make the it handicapped accessible. **Susannah Wolfe** said that when she walked the pathways with **Steven Winslow**, he said that there was money readily available for handicapped pathways. **Councilor Theken** asked whether anyone had talked to the DPW Director or Assistant Director, who does the permitting, about the issues of carry in and carry out and no hot coals and how they were going to handle the big events. **Council President Hardy** moved to refer this matter to Planning and Development for a complete comprehensive review with the new City Council. **Council President Hardy** said it is going to take a series of meetings to work out what needs to be done with the appropriate department heads and concerned citizens here tonight and others that could not make this meeting. Planning and Development will have to address each and every issue on this valuable piece of land.

**MOTION: On motion by Council Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent to refer this matter to Planning and Development with the new City Council.**

**Councilor Ciolino** said that as an action plan moving this forward to get this into the minutes for the next Planning and Development Committee, he thinks that one of the problems that they had with the park is that when the City Council created the Open Space Committee for whatever reason disbanded the Recreation Committee. City Council needs to organize or suggest to the Open Space Committee that they put up a subcommittee for Stage Fort Park and a lot of the people would he is sure would volunteer for that subcommittee. What needs to happen through the Open Space Committee is that the subcommittee comes up with an action plan on what needs to happen down at the Park with some costs estimates. There also should be an action plans for Good Harbor and Wingersheek Beaches. Since they disbanded the Recreation Committee, DPW did the repairs as best as they could, but there are no plans looking into the future. The next City Council should start planning for the 400<sup>th</sup> anniversary now. Ten years will go by quickly and there is a lot of work to be done, and he would urge that these minutes go out to Planning and Development Committee, and that they work with the Open Space Committee to form these subcommittees in order to create these action plans, then report back to Council. **Mr. Dow** said that the committee is fine, but that he spoke with George and Susannah, and they want to be the principal ones involved and didn't want a whole lot of people to cloud the issue. They are capable of doing this and would like everyone's input. They are against being pushed aside and have another subcommittee all of a sudden take over and change Stage Fort Park. **Councilor Ciolino** told **Mr. Dow** that he was trying to give his committee official city status to have a place and be heard. **Councilor Ciolino** said that his action plan would be to have a committee that would be part of the Open Space Committee and report back to the Council. **Council President Hardy** said maybe there should be an ad hoc committee from Planning and Development. **Councilor LeBlanc** commented to Mr. Ryan that growing up around Stage Fort Park, he remembered the float and remembered that there was sand at Cressy's Beach. **Councilor Whyntott** said his son got burns on both of his feet because of the hot coals. He went to Council and said that something had to be done about the hot coals, and that's why they have the big cement cylinders down there. Since then, he hasn't read too many things like people getting burned down there. Before this goes to Planning and Development, he would like to find out how many incidents there have

been and have that information ready before they get to Planning and Development. **Council President Hardy** assured **Councilor Whynott** that this will be only comprehensive review, and per the motion, this will be continued and referred to Planning and Development. **Councilor Tobey** said that this is only going to be good as the Administrative support, and he thought this should also be referred to the Mayor's Office with a request that it be a full partner in this matter at Planning and Development. **Council President Hardy** agreed especially since this plan involves hiring of park rangers and Council has no authority to do that. **Councilor Tobey** said that Council cannot recommend any rate increases. A Mayor must recommend any rate increases under the Charter. **Councilor Tobey** said it has be both sides of the street. **Council President Hardy** said hopefully they can get them on board. **Council President Hardy** said the Mayor has worked very well with her in formulating ad hoc committees, etc., and she is sure the Mayor will work with them to get another ad hoc or oversight committee for Stage Fort Park to get this done. They will be looking for a committee that not only with have advisory ability but some teeth.

**The public hearing is closed. Councilor Hardy told those present at the public hearing to look forward to hearing from City Council with a new Planning and Development Committee and will inform them of what the dates will be.**

**FOR COUNCIL VOTE:**

1. **Decision to Adopt: SCP2013-005: 3 Mansfield Street/24 Washington Street, Sec. 2.3.1.8, Sec. 3.1.6(b) and Sec. 3.2.2(a)**

**MOTION: On motion by Councilor Hardy seconded by Councilor Verga, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to adopt the Special Council Permit (SCP2013-005) decision for 3 Mansfield Street/24 Washington Street pursuant to Sec. 2.3.1.8, Sec. 3.1.6(b) and Sec. 3.2.2(a) of the Gloucester Zoning Ordinance.**

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor Cox** wanted to report that the traffic light at McPherson Park is now working and the goal now is to have people recognize that it is a red stop light. There will be an O&A meeting Monday regarding Fort Square and go Red Sox!

**Councilor Ciolino** said October 23<sup>rd</sup> is a special day for him and his wife. They will be celebrating their 25<sup>th</sup> wedding anniversary. His wife wanted a parade and apologized that he couldn't organize a parade for her, but gave her a shout out on cable. Sends his love, and they will have a Happy Anniversary tomorrow!

**Councilor LeBlanc** wanted to pass on the message from DPW that the paving in the Governor's Hill area, Centennial, Commonwealth and Lookout Streets over that area is taking place. They are going to try to be efficient as possible and get as many streets done as they can before the freeze. Have patience and if anyone has any questions, they can reach out to him, give DPW a call or look up paving schedule on the City's website.

**Councilor Theken** wanted to remind everyone that tomorrow is the last day for GIC enrollment for City employees, and remind everyone who is on Mass Health and Medicare, they have special open enrollment anytime, but to look at your plan. The following year, the deductible will change to \$335.00 from \$210.00. She has the Obama Care applications that need to be picked up now if you want January 1<sup>st</sup> enrollment. For senior citizens on October 29<sup>th</sup> and Councilors are welcome, 10:00 a.m. at the Rose Baker Senior Center, there will be a presentation on all of the enrollments.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:38 p.m.**

**Respectfully submitted,**

**Joanne M. Senos  
Substitute Recorder**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

**Proposal – Ralph Hobbs, Jr.**

**51 Photos submitted by George Roark of Stage Fort Park**

**Presentation – George Roark and David Dow  
Communications from Susannah Wolfe  
Communication from David Benjamin**