

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, November 12, 2013 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present: Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Greg Verga; Councilor Robert Whynott**

**Absent: Councilor Hardy; Councilor Tobey**

**Also Present: Joanne Senos; Kenny Costa; Jeff Towne; Police Chief Leonard Campanello; Suzanne Egan**

**The meeting was called to order at 7:00 p.m. Councilor Whynott** entered the meeting at 7:14 p.m. **Councilor Cox** left the meeting at 7:20 p.m. and returning to the meeting at 7:45 p.m.

**Flag Salute & Moment of Silence: Vice Chair Councilor Theken** dedicated the Flag Salute and Moment of Silence in honor of all veterans past and present.

**Vice Chair Councilor Theken** turned the gavel over to Councilor Ciolino, who with the consent of the City Council, became the Acting Chair of the Council for the meeting.

**Acting Chair Councilor Ciolino** said that **Councilor Tobey** and **Councilor Hardy** were absent from this evening's proceedings.

**Oral Communications: None.**

**Presentations/Commendations: None.**

**Confirmation of New Appointments:****Gloucester Cultural Council Karl Pulkkinen, Caroline Haines TTE 02/14/16**

**MOTION:** On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Karl Pulkkinen to the Gloucester Cultural Council, TTE 02/14/16.

**DISCUSSION:**

**Councilor Theken** noted that for each appointee to any board, committee or commission, the O&A Committee questions them as to whether their State Ethics Test is on file; receive confirmation of the volunteers' commitment to the City, if there is any conflict of interest, and to ensure their background is appropriate to their appointed position. She said the Committee was confident in Mr. Pulkkinen's and Ms. Haines' appointments to the Cultural Council given their background and dedication to the community.

**MOTION: On a motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Hardy, Tobey, Whynott) absent, to appoint Karl Pulkkinen to the Gloucester Cultural Council, TTE 02/14/16.**

**MOTION:** On a 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 Caroline Haines to the Gloucester Cultural Council, TTE 02/14/16.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Hardy, Tobey, Whynott) absent, to appoint Caroline Haines to the Gloucester Cultural Council, TTE 02/14/16.**

**Tourism Commission:**

Catherine Ryan

TTE 02/14/14

Pauline Bresnahan, Laura Dow, Paul Frontiero, John Orlando, Peter Webber TTE 02/14/15  
 Karen Ristuben, Zach Sears TTE 02/14/16

**The matter of the appointments to the Tourism Commission was continued to December 10, 2013.**

**Councilor Ciolino** noted that the appointees for this Commission are at a North of Boston annual awards ceremony and meeting at Woodman's in Essex, and so was unable to attending adding that that the group is off to a great start. He also noted Linn Parisi, Founder of Discover Gloucester was receiving a leadership award at that event.

**Consent Agenda:**

• **MAYOR'S REPORT**

1. Memorandum from CAO & Supplemental Appropriation-Budgetary Request #2014-SA-5 in the amount of \$100,000 (Refer B&F)
2. Special Budgetary Transfer Request 2014-SBT-4 from CFO in the amount of \$10,000 (Refer B&F)
3. Special Budgetary Transfer Request 2014-SBT-5 from CFO in the amount of \$533.72 (Refer B&F)
4. Special Budgetary Transfer Request 2014-SBT-6 from CFO in the amount of \$30,000 (Refer B&F)
5. Special Budgetary Transfer Request 2014-SBT-7 from CFO in the amount of \$10,000 (Refer B&F)
6. Special Budgetary Transfer Request 2014-SBT-8 from CFO in the amount of \$580.41 (Refer B&F)
7. Special Budgetary Transfer Request 2014-SBT-9 from CFO in the amount of \$3,777.59 (Refer B&F)
8. Special Budgetary Transfer Request 2014-SBT-10 from the Police Department in the amount of \$2,043.20 (Refer B&F)
9. Supplemental Appropriation-Budgetary Request #2014-SA-3 from the DPW in the amount of \$35,000 (Refer B&F)
10. Memorandum from Police Chief re: acceptance of grant from Mass. Executive Office of Public Safety & Security State 911 (Refer B&F)
11. Memorandum, Grant Application & Checklist from Fire Chief re: FFY2012 USDHS/FEMA (EMPG) grant in the amount of \$5,000 (Refer B&F)
12. Memorandum, Grant Application & Checklist from Public Health Director re: acceptance of a MEMA grant (State Homeland Security-Citizens Corps Program) in the amount of \$7,500 (Refer B&F)
13. Request for acceptance the Massachusetts Cultural Council FY2014 Local Cultural Council funds in the amount of \$6,470 (Refer B&F)
14. Request from the DPW to pay invoices in the amount of \$1,344 and \$192 for services procured in FY2013 with FY2014 funds (Refer B&F)
15. New appointments:
 

Clean Energy Commission	TTE 02/14/14	Tom Kiely	
Gloucester Cultural Council	TTE 02/14/16	Rose Sheehan	(Refer O&A)

**COMMUNICATIONS/INVITATIONS**

1. Communication from Co-Chair of the Gloucester Historic Commission to City Council expressing support for the continued use of The current City Hall building for City government offices (Info Only)
2. Letter from Executive Director of PERAC re: Appropriation for Fiscal Year 2015 (Refer B&F)
3. Memorandum from the Dept. of Housing & Community Development and 2013-2014 Fuel Assistance-Cold Relief Brochure (Info Only)

• **INFORMATION ONLY**

1. Ethics Law Workshop hosted by the Town of Wenham on December 2, 2013 (Info Only)

• **APPLICATIONS/PETITIONS**

1. Group Free Petition under City Charter Sec. 9-1(b) re: Leash Free Gloucester Beaches Petition (Refer O&A)

• **COUNCILORS ORDERS**

1. CC2013-052 (Whynott/Verga/Cox/Theken) Request the Administration to reduce FY14 Water and Sewer Rates (Administration & B&F)
2. CC2013-053 (LeBlanc) Request Traffic Commission study for entire length of Commonwealth Avenue (Refer TC)
3. CC2013-054 (LeBlanc) Request Traffic Commission to investigate traffic on Clifford Court (Refer TC)
4. CC2013-055 (Cox) Amend Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking by deleting one space in front of Pleasant Street #27 (No Referral Required)
5. CC2013-056 (Cox) Amend GCO Chapter 22, Sec. 22-284 "Service or loading zones" and Sec. 22-291 "Tow away zones" Re: Pleasant Street #27 (Refer O&A and TC)

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 10/22/13
2. Standing Committee Meetings: B&F 11/07/13 (under separate cover), O&A 10/28/13, 11/04/13 (no meeting) P&D 11/06/13

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

A motion was made, seconded and voted unanimously to accept the amended City Council minutes of 10/22/13.

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

**Committee Reports:**

**Budget & Finance: November 7, 2013**

- **UNANIMOUS CONSENT AGENDA:**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to accept the Budget & Finance Committee's Unanimous Consent Agenda dated November 11, 2013 as follows:**

**Permission to apply for grants**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to grant permission to the Fire Department to apply for a Massachusetts Department of Fire Services Student Awareness of Fire Education (S.A.F.E.) grant in the amount of \$1,500 for the purpose of student education outreach programming.**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to grant permission to the Harbor Planning Director on behalf of the City of Gloucester to apply for a Groundfish Port Recovery and Revitalization Grant from the State Division of Marine Fisheries in the amount of \$75,000 for the purpose of assisting the City's groundfish industry.**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to grant permission to the Harbor Planning Director on behalf of the City of Gloucester to apply for a grant under the U.S. Department of Commerce Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program in the amount of \$274,098 for the purpose of developing sustainable aquaculture in subtidal waters in the City of Gloucester, Mass.**

**Acceptance of a grant to support training of Emergency Medical Dispatch personnel**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to accept under MGL c. 44, §53A from the Massachusetts Executive Office of Public Safety and Security, a State 911 Department FY14 Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$128,617.62.**

**Acceptance and filing of City Capital Plan for Fiscal Years 2013-2017**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to accept for its files the City of Gloucester Capital Improvement Plan FY2013-2017.**

**Supplemental Appropriations:**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Supplemental Appropriation 2014-SA-2 in the amount of \$3,966 from Reserve for Appropriation - Conservation Fees – Transfer Out to the General Fund, Account #295030.10.991.59600.0000.00.000.00.059 to Conservation Fees – Salary/Wage Permanent Position, Account #101000.10.181.51000.0000.00.000.00.051 for the purpose of a temporary increase of the Conservation Agent's hours.**

**DISCUSSION:**

**Councilor McGeary** said that the Conservation Agent's wages are paid out of the fees charged by the Conservation Commission. The Assistant Conservation Agent is out on leave and so the Conservation Agent must increase her hours which necessitated this transfer of these funds.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to approve Supplemental Appropriation 2014-SA-2 in the amount of \$3,966 from Reserve for Appropriation - Conservation Fees – Transfer Out to the General Fund, Account #295030.10.991.59600.0000.00.000.00.059 to Conservation Fees – Salary/Wage**

**Permanent Position, Account #101000.10.181.51000.0000.00.000.00.051 for the purpose of a temporary increase of the Conservation Agent's hours.**

MOTION: On a motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Supplemental Appropriation 2014-SA-3 in the amount of \$8,000 from St. Peter's Commercial Marina Stabilization Fund, Account #740000.10.996.59600.0000.00.000.00.059 to Contracted Services, Waterway Enterprise, Account #700000.10.492.52000.0000.00.000.00.052 for the purpose of an underwater inspection of pilings at City-owned commercial marinas.

**DISCUSSION:**

**Councilor McGeary** said that last year the Waterways Board set up stabilization funds for the maintenance of the City's harbor facilities including the two City-owned commercial marinas. He noted this appropriation will allow the Waterways Board to conduct an underwater survey of the condition of the pilings of St. Peter's Commercial Marina and Harbor Cove (at I4-C2).

**Councilor Ciolino** added that the separation of funds into stabilization funds for the individual commercial marinas allows funding things like necessary inspections and maintenance, he said.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to approve Supplemental Appropriation 2014-SA-3 in the amount of \$8,000 from St. Peter's Commercial Marina Stabilization Fund, Account #740000.10.996.59600.0000.00.000.00.059 to Contracted Services, Waterway Enterprise, Account #700000.10.492.52000.0000.00.000.00.052 for the purpose of an underwater inspection of pilings at City-owned commercial marinas.**

*Grant acceptance*

MOTION: On a motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council under MGL c. 44, §53A accept from the State Division of Marine Fisheries a Groundfish Port Recovery and Revitalization Grant in the amount of \$75,000 for the purpose of assisting the City's groundfish industry.

**DISCUSSION:**

**Councilor McGeary** explained that this grant funding has only an in-kind match from City staff time. The grant will allow the City to plan uses of State money to assist fishermen in the City who are in dire need due to the closure of the federal ground fishery. This expedited grant acceptance was due to the finished plan needing to be submitted to the State by February 2014. The grant funds will also pay for the services of a consultant from Urban Harbors Institute, Jack Wiggin, who will help devise the plan to use the State money.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Cox, Hardy, Tobey) absent, that under MGL c. 44, §53A accept from the State Division of Marine Fisheries a Groundfish Port Recovery and Revitalization Grant in the amount of \$75,000 for the purpose of assisting the City's groundfish industry.**

**Ordinances & Administration: October 28, 2013**

MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that CC2013-043 to Amend GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space adjacent to Herrick Court #5 BE WITHDRAWN.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Cox, Hardy, Tobey) absent, that CC2013-043 to Amend GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space adjacent to Herrick Court #5 BE WITHDRAWN.**

**Planning & Development: November 6, 2013**

MOTION: On a motion by Councilor Hardy, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Downtown Gloucester Christmas Parade and Tree Lighting from 3 p.m. to 5 p.m. on Sunday, December 1, 2013 with a rain date of Sunday, December 8, 2013. Sign offs from the Fire and Police Departments are to be on file as well as written documentation of the parade route in the City Clerk's Office and proof of insurance coverage as a sanctioned event by the City of Gloucester, insurance for the event which falls under the City's General Liability Insurance.

DISCUSSION:

**Councilor Ciolino**, one of the lead organizers of this annual event said that this is children's parade and tree lighting, but as an organizer would recuse himself from the vote. **Councilor Theken** took the gavel from **Councilor Ciolino** for the Council vote.

**MOTION: On a motion by Councilor Verga, seconded by Councilor McGeary, the City Council voted 5 in favor, 0 opposed, 3 (Cox, Hardy, Tobey) absent, 1 (Ciolino) recused to permit the Downtown Gloucester Christmas Parade and Tree Lighting from 3 p.m. to 5 p.m. on Sunday, December 1, 2013 with a rain date of Sunday, December 8, 2013. Sign offs from the Fire and Police Departments are to be on file as well as written documentation of the parade route in the City Clerk's Office and proof of insurance coverage as a sanctioned event by the City of Gloucester, insurance for the event which falls under the City's General Liability Insurance.**

**Councilor Theken** handed the gavel back to **Councilor Ciolino**.

**Scheduled Public Hearings – Taken Out of Order:**

**1. PH2013-060: Recommendations of the Community Preservation Committee for Round 4, FY2013 funds**

**Councilor Ciolino** opened and continued the public hearing saying that the Council is awaiting the certification of Free Cash from the Department of Revenue before this matter can move forward.

**This public hearing is continued to December 10, 2013.**

**3. 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.**

**Councilor Verga** said that the only change to the ordinance is the increase in the fine for dogs running at large, but he asked the Council to suspend its rules to allow public input on the dog ordinance. At the conclusion of that public commentary he said he would ask that the Council to return the matter to the O&A Committee. **Councilor McGeary** clarified that the Council could vote on the fine increase and return the ordinance to O&A if it so chose.

**The Council agreed by unanimous consent to allow for the suspension of the Council rules.**

**Public Comment:**

**Eric Natti**, 93 Quarry Street asked why raise the fee for dogs running at large if it has never been enforced.

**Stacy Randell**, 8 Haven Terrace said that there were more important issues to concentrate on in the City than dogs. She said an increased fine for dogs running at large will not make a difference to those owners who love their dogs. She pointed out that those with money can pay the increased fines but poor folks cannot. She noted all the businesses dog owners support and that dog owners should not be punished for loving their dogs.

**Flavia Stanley**, 5 Highland Street said she represented those people who signed the Off Leash Beach petition in to allow dogs on the beaches off leash in the “off” season. She pointed out there has been a de facto no leash law for 30 years on the City beaches in the off season. She said dog owners need to be responsible for their dogs but a fee increase is not fair. Until the ordinance is amended for off leash Gloucester beaches she asked the fee increase be deferred.

**Judy and Glen Goldman**, 15 Beach Road, dog trainers and dog behavioral consultants said they agreed about those owners who don’t pick up after their dogs and controlling their dogs who are aggressive, but that there should be areas outside of the dog park that should accommodate off leash dogs. She described conditions which creates aggressive dogs, but that dogs need exercise off leash, as well as socialization. She suggested the leash law as a whole needed to be address. The City, **Ms. Goldman**, said is committed to its dogs and to say that the dogs cannot have an enriched environment is “immoral.” (Written statement placed on file)

**David Coffin** 38 Castle Street said his dog is walked without him holding a leash although wearing it, and urged the Council that a dog should not be required to be on a leash - that a verbal leash should count. He spoke of the fees, and asked that perhaps fees be initiated for trash left on the beaches in the summer which he said was more of a mess, than left behind by any dog owners through the rest of the year.

**Nicki Lewis**, 9 Eastern Avenue pointed out she walks and runs her Siberian husky on the beach. She said she has never had an incident on the beach ever with her dog or other dogs. She also said she has a smaller dog that is much more aggressive on a leash than off leash. She pointed out some folks just get nervous with children around unleashed dog.

**Tom Schauer**, 302 Cobblestone Lane read a statement (placed in Council files) from the Friends of the Gloucester Dog Park which spoke to the history of the off leash dog park. The statement recognized many of the issues facing the City with some dogs and their owners. The group wants to see active enforcement of dog licensing and dog waste rules. There are 5,781 dogs and only 1,832 are registered, **Mr. Schauer** claimed. Over 160 dogs have been licensed since the dog park was opened through the efforts by dog park users. The focus should be “under direct control,” for dogs off leash on City beaches, it was also noted. Rather than required leashing, the group advocated that dogs should be under owner controls and not to punish responsible dog owners.

**Abby Lundberg**, 18 Nashua Avenue said she has a well trained and socialized dog; and sees many responsible dog owners. She said she believes the ordinance should be enforced, but also said dogs need a place to run and get the kind of exercise they can’t get on leash and to socialize. She asked for official designated off leash zones like the City beaches in the off season. She suggested the fines be increased, but to change the ordinance so it works for everyone.

**Cindy Dunn**, 7 Rose Lane and president of Cape Ann Animal Aid said the ordinance is very ambiguous as to where a person can take their dog off leash and whether a dog can be off leash at all with the exception of the off leash dog park. The ordinance is vague as to leashes on the City beaches. The City is a leash law community and dogs need to be on a leash. She said that this ordinance go a step further and decide where the dogs can be off leash, on leash or are banned completely. She gave several examples of where a dog could be on leash and walked but also suggested where a dog could be off leash where a dog’s behavior can be kept under control by its owner. She suggested this was an opportunity to create a diverse ad hoc committee to O&A to look at the ordinance as a whole to make changes. She said this could be done by compromise. She also asked for a stay on increasing fines at this time. She offered the assistance of the Animal Aid.

**Lisa Shaw**, 68 Poplar Street asked that these statements made prior to her speaking do make a difference. She said she was a dog owner. She said there is a need for a citizen’s patrol for dogs and in wooded areas there is a need for more disposal cans.

**Jennifer Greek**, 15 Washington Street said her dog is young and athletic and walks it on a leash. She wanted to see dogs off leash on City beaches, she said, and is not just about the dogs but also their owners.

**Marie Demick**, 12 Long Beach Road said that if dogs are restricted on public beaches, it will drive dogs to private beaches. She said she was a proponent of allowing dogs on City beaches and that a compromise could be reached.

**Christopher Farmer**, 27 Decatur Street said the Council needs to take a thorough review of the City’s leash law. He noted the place of dogs in culture and society. Dogs have needs, he said, for socialization and exercise. He said some dogs need water and to be able to swim which is important and that the Council needs to think about what kind of environment needs to be provided to dogs and their owners in the City. He pointed out neighboring communities, like Manchester-by-the-Sea “under voice command;” and Newburyport has three areas for off leashed dogs. He said he was a member of the Trustees of the Reservation and that part of Crane’s Beach allows dogs off leash as does Appleton Farms in Ipswich and gave several other examples. He acknowledged this is not a simple

matter. He asked the Council to consider how best to obtain the data to make knowledgeable decisions as to the City's leash law ordinance and before the Council votes.

**Richard Noonan**, 1 Wheeler's Point Road offered that there are 1,832 licensed dogs in the City. There was a report of 40 citations given out in the last year which is 2.5 percent, he noted. He also noted all the unlicensed dogs if licensed would be substantial fees to the City. He said he supports the Police Chief in his enforcement efforts but added that further study was needed before any big changes are made to the ordinance.

**John Cameron**, 8R Decatur Street supported off leash areas for socialization and exercise for dogs. He noted dog owners need to be responsible for their dogs. He spoke about the 6 foot leash limitation under the ordinance but also suggested that very long leashes are not appropriate either. He said there are parts of the City where there could be off leash areas and named several. He commented that dogs should be able to run on the beaches off leash during the off season. He spoke to dog waste and irresponsible dog owners and noted responsible dog owners do pick up after their dogs and others as well.

**Raissa Farmer**, 27 Decatur Street said she was a former cat lover but is also now a devoted dog lover. As a new dog owner she said she met more people in the six months she's had the dog than in the 10 years of living at the City. She asked the Council not to punish all dogs for a small group of owners who spoil it for all those who are responsible. She asked for an overall review of the ordinance.

**Eric Natti**, 93 Quarry Street commented there is an element of joy as dogs and owners run on the beaches.

**Valerie Nelson**, 7 Sunset Hill Road pointed out what constitutes a happy dog related to socialization and exercise off leash. She noted out that in Lanesville there are no problems with dogs where in the past the dogs ran free. Dogs on leashes create fearful aggressive dogs, she said. She noted the O&A Committee met with the Police Chief September 30<sup>th</sup> for a review of the dog ordinance and expressed her concern over that review. She said additional officers were being discussed; entrapment of dog owners with their dogs off leash, along with the possibility of an unmarked vehicle for that purpose. She asked the Council look at other communities and what they do about their dogs. She urged there be no more officers added.

**Police Chief Leonard Campanello** showed the Council a photograph of his dog Casey, whom he said he would rather not put on a leash. He said some previously stated assertions are incorrect; and that he has made no official input into fine increases or otherwise into the leash law. The only thing his department has done to date is to respond to multiple complaints of people who have been using the beach without animals about animals off leash and enforcing an ordinance on the books. He can't enforce the law as he sees fit, he said, nor in his is position allow him to speak for one side of the issue of the other. He does not have the authority to choose which ordinances to enforce and must enforce all ordinances, he noted. **Chief Campanello** said he agreed with about all the statements made this evening; that there does need to be a dialog before any action is taken. He said there needs to be a way to represent those dog owners who are passionate about their animal's rights to be off leash just as much as for those non-dog owners who are fearful of them. He said he would be pleased to serve on an ad hoc committee to push forward a dialog on ordinance revisions that all can agree on. He said the dog park folks have great ideas for licensing dogs and for accountability in licensing. There has to be a way that dogs and their owners and everyone else to be able to enjoy the City's beaches and parks, he said. He urged that the Council delay any votes this evening and to refer the matter to of a dog ordinance review to O&A with a further referral to an ad hoc committee to be formed from both sides of the issue so that the result is to come to a knowledgeable, mature thought pattern that can satisfy all.

**Stephen Whittie**, 7 Decatur Street said those who walk dogs on and off leashes can tell there are those who are afraid of dogs even when a dog is restrained on a leash. He said he can control his dog off leash and on leash to keep those folks who are not dog lovers from being concern. He said where dogs are allowed to be off leash in Ravenswood Park but there is no clear demarcation where the watershed where the City owns, he said, trails he helps maintain. He noted other areas around the City where there is also no clear demarcation.

**Jane Danikas**, 18 Revere Street noted she has two dogs she takes off leash to the beach for exercise and if dog owners keep their dogs on leash they would not get adequate exercise. She pointed out an example of taking a dog off leash so that it was less aggressive. She also noted dogs take care of themselves on the beach and keep each other in line. **Ms. Danikas** spoke further about dog behaviors. She also spoke about dog owners not picking up their own dog's waste appropriately.

**Bill Woodhead**, 6 Linwood Place pointed out dog owners have waited for six months to bring their dogs to the beach to run and now find that the right is in jeopardy. He spoke about people who litter at City beaches but that dog owners who are responsible pick up after themselves and for others. He noted his dogs are Italian greyhounds and those dogs need to run, and dogs do have an economic impact on the City as well.

**Glen Bresnahan**, 514 Essex Avenue said that everyone in attendance are responsible pet owners. The problem, he said, was not the responsible people but the irresponsible people and that laws are in place to protect people from

those who are irresponsible. The ordinance may not be enforced but there is a law on the books that needs to be reviewed and changed. He said his dog for 14 years has been on a leash and has had others that were attacked by unleashed dogs. He gave an example of a dog owner who let a dog out of a car, let it do their business and let the dog back in the car. He said dogs off leash all over the Boulevard and has been told the dog is friendly. He said dogs can turn quickly and dog owners cannot control all the dogs. He urged that the ordinance be reviewed.

**Francine Dench**, 4 Harvard Place said the leash law is on the books for a reason. She said she is a beach walker and that there are more dogs running off leash more than ever. She took very young children to the beach that was playing with a ball and a dog ran after the ball. The dog owner called the dog, but the dog did not come when called several times although eventually went to the owner. The same dog came back and ran after the children and the ball again frightening their parents and the children. She gave other examples of poor dog behaviors she had experienced all with dogs off leash on the beach. She said she goes to the beach off season and that dogs shouldn't be off leash on the beaches until October 15<sup>th</sup>. She also commented that a dog that urinates or defecates on the beach is a health hazard.

**Jean O'Gorman**, 16 North Kilby Street commented that the beach is a safe place for her and her dogs to get their exercise rather than on a six foot leash.

**Ross Burton**, 1193 Washington Street noted his wife goes to the hospital and a nursing home with a therapy dog and was speaking for her, he said. He spoke of his aunt Virginia Lee Burton who always had a dog and a child in all her books. He pointed out Carmel, CA had many hotels that allowed dogs and had many places for dogs to be off leash. He said the key is not legislation or ordinances. He pointed out his wife has been bitten by dogs three times. The issue is education of dog owners, he said.

**Mindy Trafton**, 29 Parker Street, Rockport noted she was a dog officer in Rockport for 12 years and said she hoped the Council could create a committee to look at the ordinance. She said bad dogs can be singled out and dealt with. She pointed out the Animal Control Officer can't be everywhere at once. She said all dog owners know each other on the beaches, and that they do police each other and the dogs. A problem dog, she noted, will be obvious and the owners would report them to the Animal Control Officer. She said bad dog owners can be singled out even on a big beach like Good Harbor. Dogs need to run and owners need to be responsible, she said.

**Leonard Gyllenhaal**, 32 Rockport Road read prepared remarks that pointed out there needs to be a leash law and that all dogs need to be registered and a better way to collect fines; and the Animal Control Officer needs help. He said no dogs on the beaches and cemeteries are clear. Under voice control is not clear and is unenforceable, he noted. He pointed out that dog urine cannot be cleaned up on the beaches and is pollution. Paid dog walkers are showing up on the beaches and let the dogs go; versus dogs on leashes whose owners tend to clean up after their dogs. Collecting fines is problematic, he noted and only two tickets were for dogs running loose on the beaches and said there were more violations than two. He asked the Council to review the ordinance and suggested that violators have their names published like tax collectors and that there is a great need for another dog officer. He said there is room for compromise when the ordinance is reviewed.

**Stacy Randell**, 8 Haven Terrace spoke about child safety on the beaches with dogs and said that children are more at risk from people rather than dogs.

#### **Communications:**

**Assistant City Clerk, Joanne Senos** read a summary of communications received by the Council on the City's leash law. Those citizens who submitted comments were: **Jane Beddens**, 2 Breezy Point Road; Valerie Nelson, 7 Sunset Hill Road; **Pauline Bresnahan**, 514 Essex Avenue; **Jason Grow**, Marble Road; **Marie Demick**, 12 Long Beach Road; **Eileen Murphy**, 6 Mason Court; **Richard Kelleher**, 2 Anchor Lane and **Ernie Curtis**, R9 Brooks Road.

**This public hearing is closed.**

#### **COUNCIL DISCUSSION:**

**Councilor Whycott** noted his dog, Sampson, likes to run on Half Moon beach but noted there were two sides to this issue. Having a dialog at the Committee level to work out a compromise was appropriate, he said. He added he was not in favor of raising fines but to leave them as is for now. He also spoke about voice control for dogs.

**Councilor Verga** said he is a owner of two dogs. He said the issue has caused many people to finally read the entire ordinance and was surprised when they read it noting it was written in 1977. He pointed out there is a need for updating the ordinance with room for compromise. Either the law should be changed or it should be enforced, he said, and added that areas should be designated as on leash and off leash which was fair.

**Councilor Cox** agreed the matter needs further discussion and should return to O&A. Having a beach off leash and another on leash is a good compromise.



**Councilor McGeary** supported the matter going back to Committee to move to a reasonable compromise to allow people to enjoy the beach and not be in fear but at the same time allow some room to run for dogs. He asked for a deferral on a vote on fines until the ordinance is thoroughly vetted. He noted the changes from voice control and then moved to leashes. He briefly discussed this with **Councilor Whynott** as to the ordinance's history.

**Councilor LeBlanc** noted he is also a dog owner for 20 years. He touched upon comments made earlier about O&A. Hiring a second dog officer has been spoken about for a while which is restricted due to funding and has been talked about for a while. Another matter was about the Animal Control Officer possibly using an unmarked car. He said the dialog at O&A was that prior to the September 30<sup>th</sup> meeting there had been a chat with the Animal Control Officer outside of an O&A meeting. **Councilor LeBlanc** said the officer had conveyed that the only way he can be effective was to sit in an unmarked vehicle somewhere. It was not a suggested change brought forward at O&A as was earlier asserted by a speaker. He said he would like to see the matter back at O&A to review the ordinance.

**Councilor Ciolino** said it was suggested the Council had made up its mind which was untrue. He pointed out there was much to consider and that O&A needs to thoroughly review the dog ordinance. He said he has been dog friendly at his place of business on Main Street and that most dogs are well behaved.

**Councilor Theken** said neither the Chief of Police nor the Animal Control Officer brought this matter forward to the Council; rather it was the Council who wanted to look at the ordinance. Dogs love the beach as do people, she said. The unmarked car was not just for beaches, but for public walkways and other areas of the City, she said; and it was not considered seriously by the O&A Committee. She said the Council has received many complaints – dogs are walked in the cemeteries which is not allowed and disrespectful. **Councilor Theken** pointed out it is not bad dogs but bad owners who are a problem. She said it will go back to O&A for the ordinance to be reviewed; compromise can be reached to make the City dog friendly and assured that an ad hoc committee will be formed.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to send the matter of the Dog ordinance is to be returned to the Ordinance & Administration Committee for further review.**

**The City Council recessed at 9:06 p.m. and reconvened at 9:13 p.m.**

**2. PH2013-061: Loan Order #2013-004: Loan Authorization in the amount of \$350,000 re: Private Way Repairs and Betterments related to High Popples Road, Jacque Lane, Mayflower Lane and Stewart Avenue**

**Councilor Ciolino** stated he would recuse himself from any discussion on this matter and subsequent City Council action under MGL c. 268A as he is a resident of High Popples Road and left the dais. **Councilor Theken** then assumed the role of Council Chair.

**Those speaking in favor:**

**Jeff Towne**, CFO said he was speaking on behalf of the Administration and that they are in favor of the \$350,000 loan authorization which represents the gross amount of the estimated costs associated with the four private roads paving scheduled to take place late spring/early summer 2014 in order to bring them up to City standards with an eye to accept them as City streets. The gross amount has to be authorized although half will be returned to the City via assessed abutter betterments, he said. **Mr. Towne** noted that the estimated debt payment for 20 years if the City went with would be \$23,000 to \$26,000 per year, and half of that will be on the General Fund tax rate and half of that will go towards the betterment users divided by the number of betterments. He said these betterments, like sewer betterments, can be paid up front which incurs no interest cost, or it can be paid over a length of time, he said, adding that a shorter period of debt of 10 years would double the previously stated numbers.

**Diane McKay**, 26 High Popples Road submitted photographs prior to the meeting (on file) showing the very poor condition of the road she lives on. She said she supports the loan order due to the extreme disrepair of the roadways involved. This process took; she said, three years to get to this point. She noted this is an active, diverse neighborhood. **Ms. McKay** said that the paving of the roads will create a safer environment in the neighborhood and also pointed out that during this process the ordinance was able to be amended to be clearer as a result.

**Lorraine Law**, 7 Jacque Lane pointed out at times her road has been impassible due to its disrepair and suggested that emergency vehicles would not have been able reach residents because of the road conditions. She said she supported the loan order to help the neighborhood, and thanked Julianna Hood who spearheaded the effort.

**Those speaking in opposition: None.**

**Communications:**

**Joanne Senos**, Assistant City Clerk noted the following communications in favor of the loan order: **Julianna Hood**, 9 Jacque Lane; **Robert & Mary Lewis**, 4 Mayflower Lane and **Michelle DiMambro**, 3 Mayflower Lane

**Councilor Questions:**

**Councilor Verga** noted this entire process predated the amending of the Private Way ordinance where the roads are repaired and paved and are automatically accepted as public streets. He said he assumed since City funds are being invested the goal is to rebuild the streets to City standards in order to accept the streets as public ways into the inventory of the City.

**Councilor McGeary** said the funding will bring these roads to acceptable City standards so that they will be able to be accepted onto the City inventory of public streets. The acceptance is still under the old Private Ways ordinance and so another vote will need to be taken by the Council once the paving is complete to accept these roads as public ways. He pointed out that the four roads come to about one mile and noted that Chapter 90 State funds reimburse City for its roadway street miles for road repair.

**Councilor Verga** suggested that a condition could be made that the Council would support this loan authorization if this will lead to the four streets being accepted for the City's public street inventory.

**This public hearing is closed.**

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Ciolino) recused, to recommend that the City Council adopt the following loan order:

ORDERED: That Three Hundred and Fifty Thousand Dollars (\$350,000) is appropriated to pay costs of making temporary repairs, including paving, to the following private ways:

High Popples Road  
Jacque Lane  
Mayflower Lane  
Stewart Avenue

To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one-half of the amount required to repay any borrowing pursuant to this Order shall be raised by taxation, and the balance of the amount needed to repay any borrowing pursuant to this Order shall be raised through the assessment of betterments upon the abutters of each of such private ways, in accordance with M.G.L. Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the City are authorized to take any and all actions necessary to assess the betterments described above, the term of which shall not exceed ten years. Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

**DISCUSSION:**

**Councilor Verga** stated his support for the Loan Order; and that any time roads can be added to the City inventory is good for the City, he said.

**Councilor McGeary** said he supported the loan order and thanked the folks from the neighborhood who worked hard to reach this point and who also helped to improve the process of taking private ways to public ways. He noted the reason the process took three years was because the process revealed the ordinance's pitfalls which were able to be corrected because of this very process; and thanked the neighborhood for their input that led the Council to move to modify and streamline the Private Ways ordinance which he said would work to the benefit of the City.

**Councilor LeBlanc** also added his support for the Loan Order.

**Councilor Theken** asked if the loan debt would be paid off in 10 or 20 years. **Mr. Towne** confirmed it would be a 10 year maximum with the gross debt at \$48,000-\$52,000 payment annually with half coming from the abutters of the streets through betterments. **Mr. Towne** and **Councilor Theken** briefly discussed deferrals that can be requested by the City's senior citizens as to betterments and how that works.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 1 (Ciolino) recused, 2 (Hardy, Tobey) absent, to adopt the following loan order:**

**ORDERED: That Three Hundred and Fifty Thousand Dollars (\$350,000) is appropriated to pay costs of making temporary repairs, including paving, to the following private ways:**

**High Popples Road  
Jacque Lane  
Mayflower Lane  
Stewart Avenue**

To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one-half of the amount required to repay any borrowing pursuant to this Order shall be raised by taxation, and the balance of the amount needed to repay any borrowing pursuant to this Order shall be raised through the assessment of betterments upon the abutters of each of such private ways, in accordance with M.G.L. Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the City are authorized to take any and all actions necessary to assess the betterments described above, the term of which shall not exceed ten years. Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Councilor Ciolino returned to the dais at the conclusion of the Council vote.

**5. PH2013-062: SCP2013-006: Ferncliff Heights #6, GZO Sec. 2.3.4(6) Animal daycare, animal grooming, Daytime only**

**This public hearing is opened.**

**Those speaking in favor:**

Lisa Carnevale, 6 Tolman Street reviewed her plans for an animal daycare facility at 6 Ferncliff Heights, a property owned by Janet E. Cooney, Assessor's Map 219, Lot 20 with a zoning classification of R-20. It was noted by Ms. Carnevale that hours of operation are to be 7:00 a.m. to 7:00 p.m. Ms. Carnevale said that she has a Purchase and Sale agreement in place for Ferncliff Heights #6 and would like to run a small, private dog daycare and grooming facility on site as a true animal day care. She has a letter from the property owner who said she supported the use of the property for this purpose.

**Those speaking in opposition: None.**

**Communications:**

Ms. Senos noted a communication from Arlene Durkee, 190 Essex Avenue supporting Ms. Carnevale's application.

**Councilor Questions:**

Councilor Theken asked if there was dog grooming taking place at 6 Ferncliff Heights now. Ms. Carnevale said not until she owns the property. Out of her home at 6 Tolman Avenue she operates a dog walking business.

Councilor Cox asked if there was a kennel involved. Ms. Carnevale said that there was no kennel nor would there be.

Councilor Ciolino asked if there was parking. Ms. Carnevale said that there was plenty of parking. She noted for the Councilor that the few houses are not nearby with Route 133 directly on the left of the property with 50 acres behind the property owned by the City and only one neighbor to the right of the property at some distance whom she said was not opposed to the facility. She also noted there would be a 25 by 50 foot area that will be fenced for the dogs to be outside during the day in inclement weather.

Councilor McGeary noted that 6 Ferncliff Heights abuts a General Industrial area, and confirmed there is only one residence nearby. He said the property is zoned R-20 which allows for an animal daycare facility.

**This public hearing is closed.**

**MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a Special Council Permit**

(SCP2013-006) pursuant to Sections 1.8.3 and 2.3.4(6) Animal daycare, animal grooming – daytime only, to Lisa F. Carnevale at 6 Ferncliff Heights as shown on Assessors Map #219, Lot 10, zoned R-20 to operate an Animal Day Care Facility as shown on “Locus Map” received by the City Clerk’s Office October 16, 2013 and is in harmony with the general purpose and intent of the ordinance with the following condition:

1. That said business is operated between the hours of 7 a.m. to 7 p.m. yearly.

#### **DISCUSSION:**

**Councilor Whynott** said the location of Ferncliff Heights was appropriate for an animal daycare facility. Parking is more than adequate since this is a drop off and pick up type of business and so would add very little traffic to the area with very little disturbance. He noted Ms. Carnevale had been his dog’s groomer for some time but would also support the Special Council Permit application.

**Councilor Ciolino** wished Ms. Carnevale luck in her new endeavor.

**MOTION: On motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to grant a Special Council Permit (SCP2013-006) pursuant to Sections 1.8.3 and 2.3.4(6) Animal daycare, animal grooming – daytime only, to (Lisa F. Carnevale) 6 Ferncliff Heights as shown on Assessors Map #219, Lot 10, zoned R-20 to operate an Animal Day Care Facility as shown on “Locus Map” received by the City Clerk’s Office October 16, 2013 and is in harmony with the general purpose and intent of the ordinance with the following condition:**

1. That said business is operated between the hours of 7 a.m. to 7 p.m. year round.

6. **PH2013-063: Amend Chapter 2 “Administration,” Art. II “City Council,” by adding a new section entitled, “Approval of Funds for Lease of Real Estate by City”**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition:**

**Suzanne Egan**, General Counsel said this proposal was discussed at O&A with the main topic being that any lease the City’s Administration would enter into and take possession would have to come to the Council for funding; and that the Council has the ability to appropriate funds for a lease which, she said, is the Council’s authority over taking this kind of action now before the Council. **Ms. Egan** said by enacting an ordinance it would require the Administration to come before the Council to get authorization to enter into a lease which would take away the ability of the Administration to take the actions it needs to do the business of the City. She pointed out that a condition of most of the City leases is that each year the lease is subject to appropriation by Council vote and is reviewed at the next budget cycle. **Ms. Egan** said this is a redundant proposal, and that the Administration strongly is urging the Council to consistently act as O&A did and not vote for in favor of this ordinance amendment.

**Communications: None.**

**Councilor Questions:**

**Councilor Theken** said it was stated this was a redundant action but stated her concern that if there is money already in the budget for a piece of property for the City to lease, the Mayor is allowed to use it for just such a lease and doesn’t have to go to the Council and Budget & Finance for appropriation. The following year it comes to B&F for the lease renewal appropriation, she said. She pointed out the recent lease agreement by the City for the former Charter School. That funding was in the budget, but next year the money to fund the lease has to be found, she said. Some would say that the Council doesn’t have to fund the second year of that lease, she said, but what would they say to the parents of those children who go to the preschool housed there. **Councilor Theken** said that the Council is then obligated to continue the lease without any say in the matter. It is easy to say, she said, that the Council doesn’t have to approve a second year to the lease for whatever purpose, but the funding has to be found the following year when there was no Council input in the beginning. She said the Council would like an open dialog and communication with Administration on such matters.

**Ms. Egan** said in the case of the Charter School lease; the issue of where the preschool was going to be located was an ongoing dialog for several years as well as where to relocate the School Department’s administration offices. She noted the City Council was involved in some of those decisions with the Administration looking at the different sites to house the preschool. In an instance like that, and in most instances, she said, where City is going to enter into a lease to house a certain department or activity it is not going to be something that happens within three months, rather it is a long process and discussion; , and that the preschool was a lengthy discussion. **Ms. Egan**

added that in the second year of the lease that's when the Administration, when presenting the budget, would look into the funding and have a plan in place for that. She pointed out that when there is, for example, a 10 year lease, there would be a financial plan in place to meet the obligation for the 10 year lease. It would come before the Council, and it could make a determination either it was appropriate or inappropriate and be involved in the negotiation process over the term of the lease.

On inquiry by **Councilor Theken, Ms. Egan** said the lease for the Charter School was for three years, and that the lease will come up for funding for FY15 under the budget review. **Councilor Theken** reiterated that once a lease is entered into the Council doesn't have a choice; the lease needs to be renewed and that she hoped that when such things are looked at that there would be more of an open dialog between the Administration and the Council.

**Councilor Cox** pointed out this is an example of funding for one purpose that was repurposed for another with the money shifting in the DPW budget from maintenance to a lease and said this was a rare instance of shifting funding after the budget season was over. She said this was a rare case and the first time it had ever happened of shifting funding for one purpose to another.

**Councilor Verga** said he wished to echo what Councilor Theken has said, that this wasn't a three year process; this was the Chief Administrative Officer coming to the Council saying what was going to happen and just went forward without input from the public and the Council. There is a need, he said, to have a better dialog, and if this ordinance makes that happen, then he would support the ordinance amendment.

**Councilor McGeary** said City leases always contain a phrase that the lease is subject to funding, which **Ms. Egan** confirmed. If a Mayor went off on their own and signed a lease, the Council could and be in its rights, even if funding was found by that Mayor in some City account, that after the first year the lease has to come to the Council for approval. The Council doesn't have to fund it if it so chooses, he said. **Ms. Egan** also confirmed Councilor McGeary's second statement.

**Councilor Whynott** said this happened once in his 21 years of City service. To enact this ordinance for one instance is not appropriate, he said. He pointed out the Council has already let the Mayor know that they were not pleased with what happened regarding the Charter School lease funding and didn't want to see it happen again.

**Councilor Theken** noted the City is also looking where to locate a swing school for West Parish students. If there is a one year funding available in the budget, it is the Mayor's choice without Council input. After that, she pointed out; the funding would have to be found for the lease's second year. Once children are placed, would the Council not fund the second year, she asked.

**Councilor Ciolino** said he was concerned about entering a lease for one year and scrambling for funding for two more years. **Ms. Egan** said the lease is signed subject to appropriation. She addressed the issue that this was discussed for three years and clarified that the dialog in the community was in looking to place the preschool at other sites. This is the first time such a scenario had come up suddenly. It is not the way this Administration has worked with the Council, she pointed out, and it is the intent to work closely with the Council. **Ms. Egan** added that the Council's authority is funding and for the Administration's to run the City day to day, and stated there is a willingness to communicate. **Councilor Ciolino** agreed with Ms. Egan but said there is a concern looking forward to the changing uses and purposes of City buildings; and he said he would also support the ordinance change.

**Councilor Verga** reiterated his support for the ordinance change.

**Councilor Cox** added that she would support the ordinance because there needs to be more checks and balances.

**Councilor LeBlanc** said he would not support the ordinance amendment. The Administration has their role and the Mayor needs to be able to make certain decisions on her own. It has only happened once, he said. He said he hoped to see the Administration come to the Council to communicate such intentions moving forward.

**Councilor Theken** suggested this ordinance amendment could only state the matter be reviewed by Budget & Finance.

**Councilor McGeary** said he would not support the ordinance amendment. The lease of the Charter School was an unusual circumstance and reminded his colleagues that the Council has the power of the purse. As Chair of B&F, he said there is not a need to micromanage the City. He noted he went with the School Committee on a site visit to the Charter School and was privy to some of the dialog. He did not wish to see, he said, another logjam facing the Council.

**Councilor Cox** invoked City Charter Sec. 2-11C.

**This public hearing is continued to December 10, 2013.**

- 4. 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 (Cont’d from 10/22/13)**

**This public hearing is opened.**

**Those speaking in favor:**

**Ms. Egan** said that zoning ordinance before the Council was initially put forward from the Council for the regulation of siting medical marijuana facilities and explained the following: that facilities are limited to the business park zoning district. There is a setback from residential properties and any Special Permit Application would have to go through the Major Project provision. The State has put forward very rigorous regulations for any medical marijuana facility that all facilities have to comply with and that zoning ordinance allows the facilities to be located in appropriate sites in the City with the Council having the ability to review their siting.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Verga** noted no city or town can ban medical marijuana facilities. **Ms. Egan** confirmed that was correct giving the example of the town of Wakefield attempted to ban any medical marijuana facilities from locating there through their zoning bylaw. The State’s Attorney General’s office issued an opinion saying that the town did not have the authority to do that and presumably cities would also be prohibited from doing that also.

**Councilor Ciolino** asked Chief Campanello for his professional opinion on the City’s proposed ordinance. **Chief Campanello** said the Planning Board did an excellent job of the entire zoning process; that it was well thought out with all City departments having a say in it and is a good match especially with the conditions the State would put on any city or town if there was a moratorium. **Chief Campanello** said from his department’s standpoint this is a good balance given there is a legal opinion that there can’t be a moratorium on medical marijuana facilities. **This public hearing is closed.**

**Councilor Verga** said because this proposed ordinance does not specify a location there are no specific abutters and so the Council had voted to waive the abutters notice. However, someone applying for a permit would have to notify abutters as part of that process.

**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 that it Amend the Gloucester Zoning Ordinances by DELETING Sec. 5.27 in its entirety and by ADDING the following under a new Section 5.27 entitled “Medical Marijuana Treatment Center and Medical Marijuana Cultivation Facilities as follows:

**5.27 Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities**

**5.27.1 Definitions.**

A “Medical Marijuana Treatment Center” is defined in Section VI of this ordinance.

A “Medical Marijuana Cultivation Facility” is defined in Section VI of this ordinance.

**5.27.2 Purpose.**

It is the purpose of this section titled “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities,” to address and mitigate the secondary effects of the presence of Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities and drug dispensing and cultivation oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the City, adverse impacts on the property values of residential and commercial properties and adverse impacts on the quality of life in the city. All of said secondary impacts are adverse to the health, safety and general welfare of the city and its inhabitants. It is the purpose of this ordinance to establish specific standards and procedures for local licensing permitting of medical marijuana dispensaries, medical marijuana infused products, manufacturers and medical marijuana cultivation operations. The provisions of this ordinance have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials. Similarly, it is not the purpose or intent of this ordinance to restrict or deny access by adults to Medical Marijuana Treatment Centers or to other related matter or materials that are protected by



Treatment Center																	S
Medical Marijuana Cultivation Facility	*	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	CCS

And a new footnote:

- In accordance with restrictions set out in section 5.27 below.

**DISCUSSION:**

**Councilor Verga** explained this zoning amendment explains where the facilities can and cannot go.

**Councilor McGeary** said that the MGL has stringent restrictions that facilities have to be very secure, and the only logical place was in an industrial park.

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to Amend the Gloucester Zoning Ordinances by ADDING the following under Section 2.3.2 Use Table (Community Service Uses):**

	F n	R - 8 0	R - 4 0	R C- 40	R - 3 0	R - 2 0	R - 1 0	R-5	C C D	C B	V B	N B	E B	M I	G I	B P
Medical Marijuana Treatment Center	*	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	CCS
Medical Marijuana Cultivation Facility	*	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	CCS

And a new footnote:

- In accordance with restrictions set out in section 5.27 below.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 absent to delete the Temporary Moratorium on Medical Marijuana Treatment Centers adopted by City Council on July 23, 2013.

**DISCUSSION:**

**Councilor Verga** said that the Council voted the moratorium while awaiting guidance from the Attorney General and the Department of Public Health and the previous votes just taken were indicative of that guidance.

**MOTION: On motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, to delete the Temporary Moratorium on Medical Marijuana Treatment Centers adopted by City Council on July 23, 2013.**

**For Council Vote: None.**

**Unfinished Business: None.**



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

**Councilor Verga** congratulated Bill Fonvielle on winning the Ward 5 seat and looked forward to working with him on ward and City issues.

**Councilor Cox** said on Saturday, November 23<sup>rd</sup> from 9 a.m. -3 p.m. there will be a food drive to support the Open Door Food Pantry with a drop off at Shaw's Supermarket, Market Basket and Stop n' Shop.

**Councilor McGeary** said on November 19<sup>th</sup>, the O'Maley School commons area will be dedicated to the memory of former City Councilor Alphonse Swekla who was also a long time educator, an honor richly deserved.

**Councilor LeBlanc** thanked all citizens who came out to vote November 5<sup>th</sup>.

**Councilor Theken** said that Lucy Sheehan, Rose Baker Senior Center Director can be called at 978-281-9765 in order to leave a name, address and telephone number for Thanksgiving meals to be delivered to veterans and those in need. She added that Councilor Cox volunteers each year with the American Legion on Thanksgiving to distribute Thanksgiving dinners with Mark Nestor, and she will also be joining them this year as a volunteer. She also noted open enrollment for Medicare ends December 7<sup>th</sup> and spoke to other current medical insurance issues.

**Councilor Ciolino** said December 1<sup>st</sup> the Christmas parade which starts at 3 p.m. which ends at Kent Circle for the Christmas tree lighting. Barry Pett and Ringo Tarr are on their way back to Gloucester with the Christmas tree from Nova Scotia, he noted. He also thanked his fellow Councilors for allowing him to chair this evening's meeting.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 10:17 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

Written statements submitted for 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:

- Glen E. and Judith Goldman, 15 Beach Road
- Friends of Gloucester Dog Park through Tom Schauer, 302 Cobblestone Lane
- Leonard A. Gyllenhaal, 32 Rockport Road