

GLOUCESTER CITY COUNCIL MEETING

Tuesday, April 22, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Vice Chair, Councilor Sefatia Theken; Councilor Melissa Cox; Councilor Jacqueline Hardy; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whyntott; Councilor Paul Lundberg; Councilor William Fonvielle

Absent: None

Also Present: Linda T. Lowe; Kenny Costa; John Dunn; Police Chief Leonard Campanello; Suzanne Egan; Melissa Teixeira; Stephen Winslow; David Sargent; Robert Ryan; Debbie Laurie; Noreen Burke; Max Schenk; Heidi Wakeman

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

Flag Salute & Moment of Silence. Council President McGeary dedicated the Council's Moment of Silence to Peter Bell and John Rhinelander, two distinguished public servants with ties to the city, both of whom worked strenuously to create a better world. Mr. Bell worked for the Carnegie Institute for World Peace, and was president of CARE, the international relief organization. Mr. Rhinelander worked on the Strategic Arms Limitation Talks in the 1970s, helping the world to take a step back from nuclear war.

Oral Communications: None.

Presentations/Commendations:

1 of 1: North Shore Regional Vocational Technical School District Superintendent, Daniel O'Connell re: current state of the project to build a new school

Daniel O'Connell, North Shore Regional Vocational Technical School District Superintendant, made a visual presentation formatted by Gloucester resident, Joseph Marino, a North Shore Technical High School graduate who is now employed by that school as an information technical specialist while attending college. **Mr. O'Connell** showed the Council many views of exterior and interior plans and photographs showing the school complex near completion. He highlighted the following:

- The new three-story school is on budget and on time costing \$135 million and occupancy is expected prior to the school year's start in the fall. The school is just off of Route 62 in Middleton.
- There are two outbuildings – of which one is called, "The Farmstead" which is built for the Essex Agricultural & Technical High School (Essex Aggie) programs. The farm used in the agricultural programs is adjacent to the new technical high school. The Farmstead has a large equine establishment with bays for farm animals as well. The Animal Science building contains grooming and veterinary technology program areas.
- There are lighted athletic fields donated by the school's 501(c)(e) non-profit organization at an approximate cost of \$168,000.
- There are two out buildings. One is for auto technology and auto collision with state-of-the-art equipment. The second building is designated for the Carpentry/Masonry, Landscape and Arboriculture programs classrooms and labs.
- There is a small engine repair and maintenance building and bus garage. The school owns most of its buses which saves member cities and towns approximately \$2 million. Over the last two years profit on the bus service is close to \$1 million. By the time the three schools merge (Essex Aggie, North Shore Technical High School, and the Peabody Vocational School) there will be a fleet of 40 buses.
- The school is comprised of four different learning academies, considered a key component to the new school. Each academy has the same math, science, English and Social Studies teachers so that academically, the teachers are integrated within the academies. Heating/Ventilation/Air-Conditioning (HVAC), Plumbing, Dental Assisting and Biotechnology are four new added programs for the upcoming school year. There are also four assistant principals for each of the four learning academies. A goal is to keep a small school concept within a larger overall school building.
- North Shore Technical High School (North Shore Tech) has a 100 percent graduation rate, zero drop-out rates and a 99 percent rating on MCAS English proficiency. Essex Aggie has similar statistics.

- The dining areas are considered flexible learning spaces, set up for educational spaces when not being used for dining services.
- Machine tool technology has \$1 million in new equipment. Equipment not being taken to the new technical high school will be made available to the Gloucester High School vocational program, for instance, as well as other member communities.
- There is a fitness center on site associated with the gymnasium.
- There is a special education academic support area on the upper level. Also found on the upper level are flexible learning spaces which have moveable walls which can be reconfigured to meet future needs. Teacher's rooms are integrated within the whole academy system.
- There will be a 1-to-1 iPad learning system for the students. Students will keep the personal computers with them for all four years. Teachers will have the use of Macbooks and iPad minis.
- All flexible learning spaces will be wired to handle all technologies and medias.
- Science labs are state-of-the-art, outfitted for chemistry, physics and biotechnology.
- The school has a full suite of athletic offerings with outside and indoor competition turf fields. There will be a land use agreement for an ice rink and an indoor turf field complex will be cost free to the school for 25 years.
- Essex Aggie, North Shore Tech and Peabody vocational program are merged within Essex Technical High School serving 17 communities. There will eventually be 1,400 students in grades 9 through 12 with 281 employees.
- The school will be 327,687 gross square feet with 42,300 gross square feet for the Farmstead. There will a trimester schedule. Grades 9 and 11 and grades 10 and 12 will be together in the career area.
- There are no busing fees to member cities and towns as the new school owns the buses. There are no athletic fees.
- There are 50 openings for sophomore transfer students for the 2014-2015 school year only.
- Gloucester has a combined current North Shore Tech/Essex Aggie student count of 67. For the upcoming academic year, the Essex Technical High School has 64 applicants from Gloucester. It is anticipated the Gloucester enrollment for the 2014-2015 will 86 students.
- North Shore Technical High School has been sold for \$4.3 million.
- There are partnerships with area colleges; and an Academy for College Excellence program which will allow Essex Tech students to attend Northeastern University and Johnson and Wales on weekends and in the summer to work towards obtaining college credits.
- Average gross budget increase 1.418 percent; Average budget increase less E+D appropriations -0.77 percent (over a four-year period); Average assessment increase: 2.014 percent which was noted as being an anomaly for this one year.
- Budget Summary: Essex Aggie: FY14 \$10,979,497; North Shore Tech FY14: \$11,775,097; Peabody staff transferred from three programs (salary only) \$335,936 for a total of \$23,090,524. Essex Technical High School FY15 budget (as of April 2014): \$26,459,377; Plan 5 Debt service (690 students) reduction: \$1,446,613; FY15 new budget (as of April 2014): \$25,012,764. Technical Amendment by state legislature for Chapter 70 aid adjustment (815 students) if passed may be put toward community assessments totaling \$440,452.
- For more information on this presentation: www.EssexTech.net.

Councilor Cox said that she appreciated the array of programs offered by the new technical high school, having herself taken home economics, auto shop and welding classes. She said the school Mr. O'Donnell described made one wish to return to school. **Mr. O'Connell** invited the Council to go to the school for a tour.

Councilor Hardy asked if there were any surplus materials, in particular field lighting equipment, from the former ball fields. **Mr. O'Connell** said there was none. He suggested reaching out to Manchester-Essex Regional School District who may have some surplus equipment.

Council President McGeary asked what was the city's percentage share of the new school's cost. **Mr. O'Connell** said it was 10 percent. **Council President McGeary** confirmed with **Mr. O'Connell** the city pays strictly on a headcount basis for tuition.

Consent Agenda:

- **MAYOR'S REPORT**

1. Memorandum from Harbormaster & Supplemental Appropriation-Budgetary Request (2014-SA-64)
2. Supplemental Appropriation-Budgetary Request (2014-SA-65) from DPW (Talbot Rink Enterprise Fund)

(Refer B&F)

(Refer B&F)

3. Supplemental Appropriation-Budgetary Request (2014-SA-66) from DPW (Sewer Enterprise Fund) (Refer B&F)
4. Supplemental Appropriation-Budgetary Request (2014-SA-67) from DPW (Sewer Enterprise Fund) (Refer B&F)
5. Memorandum from Planning Director re: new FEMA FIRM Maps & proposed amendments to Sec. 12-27 of the GCO Flood Management Plan (Refer O&A)
6. City of Gloucester's Health Department 2013 Annual Report (Info Only)
7. New Appointments: Waterways Board (TTE 02/14/15) Karen Tibbetts
Historical Commission Rep. to Community Preservation Committee (TTE 02/14/15) David Rhinelanders (Refer O&A)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
1. Appointment of Councilor McGeary as City Council representative to Poet Laureate Selection Committee in accordance with Gloucester Code of Ordinances Chapter 2, Sec. 2-514(a)(3) (Info Only)
 - **APPLICATIONS/PETITIONS**
1. SCP2014-00: Prospect Street #103, GZO Sec. 2.3.1(b) conversion to or new multi-family dwelling, three dwelling units; Sec. 1.10.1(a)(3) and 3.2.2(a) for a decrease in minimum lot area and open space per dwelling unit (Refer P&D)
2. SCP2014-007: Dory Road #35, GZO Sec. 1.10.1(a)(1) and Sec. 3.1.6(b) height exceeding 35 feet (Refer P&D)
3. RZ2014-001: Thatcher Road #78, Map 179, Lot 44 from EB (Extensive Business) to R-10 Medium/High Density Residential (Refer P&D)
 - **COUNCILORS ORDERS**
1. CC2014-016 (Whynott) Whether City Council should vote to consolidate the polling places for Ward 3 and Ward 5 (Refer O&A & Board of Registrars)
2. CC2014-017 (Verga/Cox) Request the Ordinances & Administration Standing Committee review an ordinance for Council Enactment re: that the City shall lease no property or structure unless funding is approved by a 2/3rd majority of the members Of the Council (Refer O&A)
3. CC2014-018 (Cox) Amend GCO Chapter 22, Sec. 22-270 "Parking Prohibited at all times" and Sec. 22-291 "Tow-away zones" Re: Fire Department personnel parking (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 04/08/14 (Approve/File)
2. Standing Committee Meetings: B&F 04/17/14 (under separate cover), O&A 04/14/14, P&D 04/16/14 (under separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda:

A motion was made, seconded and voted unanimously to accept the Consent Agenda as presented.

NOTE: City Council agenda items were then taken out of order by assent of the Council. Matters are presented as they came forward to the Council for its consideration.

For Council Vote:

1. **Decision to Adopt: SCP2014-004: Commercial Street #47-61 Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 and Sec. 5.25 Hotel Overlay District**

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision (SCP2014-004) for Commercial Street 47-61, pursuant to Sec. 1.5.13 and Sec. 5.25 Hotel Overlay District of the Gloucester Zoning Ordinance.

Committee Report:

Budget & Finance: April 17, 2014

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to accept the Budget & Finance Committee's Unanimous Consent Agenda dated April 22, 2014 as follows:

1. *Special Budgetary Transfer Request (2014-SBT-30) from Police Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-30 for \$700 (Seven Hundred Dollars) from Police Uniform, Salary/Wage-Permanent Position, Account #101000.10.211.51100.0000.00.000.00.051 to Police-Administration, Sick Incentive Pay, Account #101000.10.210.51944.0000.00.000.00.051 for the purpose of funding sick incentive pay for the Police Department.

2. *Special Budgetary Transfer Request (2014-SBT-31) from Police Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-31 for \$300 (Three Hundred Dollars) from Police Uniform, Salary/Wage-Permanent Position, Account #101000.10.211.51100.0000.00.000.00.051 to Police-Parking, Sick Incentive Pay, Account #101000.10.218.51944.0000.00.000.00.051 for the purpose of funding sick incentive pay for the Police Department.

3. Special Budgetary Transfer Request (2014-SBT-32) from the Department of Public Works

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-32 for \$1,300 (One Thousand Three Hundred Dollars) from DPW Administration, Out-of-State Travel, Account #101000.10.421.57200.0000.00.000.00.057 to DPW Facilities, Heating Oil, Account #101000.10.472.52170.0000.00.000.00.052 for the purpose of purchasing heating oil.

4. Special Budgetary Transfer Request (2014-SBT-33) from the Department of Public Works

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-33 for \$1,500 (One Thousand Five Dollars) from DPW Administration, Employee Training, Account #101000.10.421.53004.0000.00.000.00.052 to DPW Facilities, Heating Oil, Account #101000.10.472.52170.0000.00.000.00.052 for the purpose of purchasing heating oil.

5. Special Budgetary Transfer Request (2014-SBT-34) from the Department of Public Works

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-34 for \$12,000 (Twelve Thousand Dollars) from DPW Central Temporary Positions, Account #101000.10.499.51200.0000.00.000.00.051 to DPW Facilities, Natural Gas, Account #101000.10.472.52150.0000.00.000.00.052 for the purpose of purchasing natural gas.

6. Acceptance of a NACCHO grant award in the amount of \$3,500

MOTION: On motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A to accept a grant of \$3,500 from the National Association of County and City Health Officials (NACCHO) to provide funding to expand the capacity of the North Shore Medical Reserve Corps (MRC) volunteers.

*****End B&F Committee Unanimous Consent Agenda*****

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council under MGL c. 44, §53A accept anticipated grants in the amount of \$633,507 for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development for Program Year 2014 and the HOME grant from the North Shore HOME Consortium in the amount of \$66,411.

Councilor Cox asked for a friendly amendment to strike the word “anticipated” from the motion to which the Council gave its full assent by voice vote.

DISCUSSION:

Debbie Laurie, Senior Project Manager, Community Development Department explained in brief that: the HOME grant money and CDBG monies goes towards funding programs such as the city’s first-time homebuyer’s program, down payment assistance for applicants who are income eligible. Under economic development: a housing rehabilitation program; public services programs such as the Cape Ann Social Club, Cape Ann Interfaith; pre- and post-homebuyer education; HAWC domestic violence prevention programs totaling \$116,000; employment education for job training to Wellspring House for \$9,000; adult learning initiatives to further adults career development and job training. Under public facilities \$58,000 is being used towards Burnham’s Field rehabilitation,

and \$51,000 for Americans with Disabilities Act (ADA) accessibility related to sidewalk access and improvements; \$126,701 goes to planning and administration.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept grants in the amount of \$633,507 for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development for Program Year 2014 and the HOME grant from the North Shore HOME Consortium in the amount of \$66,411.

Scheduled Public Hearings:

1. **PH2014-027: Amend GCO Chapter 22, Division 2 “Traffic Commission” by adding new section, Sec. 22-37 re: Commission’s authority to reserve parking areas for handicapped persons and disabled veterans; amending Sections 22-175 and 22-287**

This public hearing is opened at 7:42 p.m.

Those speaking in favor:

Robert Ryan, 3 Blake Court, Traffic Commission Chair, said that the Commission supported unanimously the ordinance amendments in order to lessen the burden on the Council by empowering the Commission to decide on placement of handicapped spaces. He said this streamlined process will expedite requests to create handicap parking spaces so that requestors attend one meeting versus three (Traffic Commission, Ordinances & Administration Committee and City Council) in order to obtain a handicap parking space designation. He pointed out that the Traffic Commission is very experienced with this process after many years, and that the Commission can handle this process efficiently for the Council.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Theken confirmed with **Councilor Whynott** and **Mr. Ryan** that the new ordinance amendments under Sec. 22-37 (c) allows for an appeals process should an applicant be aggrieved by a Traffic Commission decision.

This public hearing is closed at 7:46 p.m.

Councilor Whynott said that this ordinance amendment is a streamlining of a process that will make it easier for requestors of handicapped parking space who only would have to appear before the Traffic Commission who will adjudicate the matter. He reiterated if a requestor is aggrieved by the Commission’s decision, they have 30 days to appeal the decision. The appeal would be heard by the Ordinances & Administration Committee whose decision would be final, he pointed out.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22, Article II, Division 2 by ADDING a new Section 22-37 entitled, “Commission’s authority to reserve parking areas for handicapped persons and disabled veterans,” as follows:

Sec. 22-37. Commission’s authority to reserve parking areas for handicapped persons and disabled veterans.

- a) The traffic commission may, after conducting a duly noticed public meeting, promulgate regulations to designate certain parking areas reserved for handicapped persons and disabled veterans.
- b) A request for a handicapped person and disabled veteran parking area shall be filed with the commission through the city clerk’s office. Each request shall be accompanied by proof of a handicapped plate or placard. As a part of the public meeting, the commission shall consider the recommendation of the director of the department of public works, police and fire chief. At the close of the public meeting, the commission may, by majority vote, reserve parking areas as reserved for handicapped persons and disabled veterans. The commission shall file notice of its decision to promulgate such regulation with the office of the city clerk. All approved reserved areas shall be published as regulations known as the “List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester” and enforced when official signs are in place.

- c) The city council committee on ordinances and administration may review the regulation reserving the parking space upon request of an aggrieved party. The committee's approval or disapproval of such a reservation shall be considered final action and shall not be subject to further review. The request for review shall be filed by an aggrieved party within 30 days of the traffic commission's filing its decision with the city clerk's office.

DISCUSSION:

Councilor Theken said people will now be able to directly apply through the City Clerk's office to make their request for a handicapped parking space in order to obtain a place on the Traffic Commission's agenda. She noted that requestors will no longer need to make their application through their Ward Councilor. The City Clerk, she said, should notify the Council that an application has been made for a handicapped parking space.

Councilor Cox asked that the requests be tracked as referrals to the Traffic Commission through the Council's consent agenda. **Councilor Whynott** indicated his agreement with Councilor Cox. **Council President McGeary** also agreed with Councilors Cox and Whynott, saying that there would not be a need to amend the motion on the floor, rather this request was a procedural matter. He explained that he filed this Council Order and that in his experience he has never disagreed with a Traffic Commission decision. He pointed out that the amended process must be promulgated within the Code of Ordinances.

Councilor LeBlanc added his endorsement for the new amendment to the Code of Ordinances in order to facilitate a simpler process for requestors of handicapped parking spaces.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Chapter 22, Article II, Division 2 by ADDING a new Section 22-37 entitled, "Commission's authority to reserve parking areas for handicapped persons and disabled veterans," as follows:

Sec. 22-37. Commission's authority to reserve parking areas for handicapped persons and disabled veterans.

- a) **The traffic commission may, after conducting a duly noticed public meeting, promulgate regulations to designate certain parking areas reserved for handicapped persons and disabled veterans.**
- b) **A request for a handicapped person and disabled veteran parking area shall be filed with the commission through the city clerk's office. Each request shall be accompanied by proof of a handicapped plate or placard. As a part of the public meeting, the commission shall consider the recommendation of the director of the department of public works, police and fire chief. At the close of the public meeting, the commission may, by majority vote, reserve parking areas as reserved for handicapped persons and disabled veterans. The commission shall file notice of its decision to promulgate such regulation with the office of the city clerk. All approved reserved areas shall be published as regulations known as the "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester" and enforced when official signs are in place.**
- c) **The city council committee on ordinances and administration may review the regulation reserving the parking space upon request of an aggrieved party. The committee's approval or disapproval of such a reservation shall be considered final action and shall not be subject to further review. The request for review shall be filed by an aggrieved party within 30 days of the traffic commission's filing its decision with the city clerk's office.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council Amend the Gloucester Code of Ordinances, Chapter 22, Article V, Division 1, as follows:

Amend Section 22-175:

By DELETING Sec. 22-175(a) in its entirety and REPLACING it with:

Sec. 22-175. Parking for disabled veterans, handicapped persons.

- (a) No person shall park a vehicle which does not bear the distinctive number plates or placard authorized by M.G.L. c. 90 §2 for disabled veterans and handicapped persons in any of the duly posted locations maintained in the regulations of the City Traffic Commission as its "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester".

By DELETING Sec. 22-175 (c) in its entirety and REPLACING it with:

- (a) When a handicapped parking space is no longer required at a specific address, the city clerk shall be notified by the ward councilor or any other person. Upon verification that the handicapped person or disabled veteran no longer resides in the area or no longer requires the designated parking space, the city clerk shall notify the department of public works who will remove the sign. The regulations entitled "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester" shall be updated accordingly.

Sec. 22-287. Disabled veteran, handicapped parking

By DELETING the first paragraph in its entirety as follows:

The following locations are hereby designated as disabled veteran and handicapped parking areas when official signs are in place giving notice thereof in accordance with section 22-175:

and replacing it with the following:

The locations reserved as parking areas for handicapped persons and disabled veterans shall be those approved by the traffic commission in accordance with sections 22-37 and 22-175 and published as the "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester" and those locations listed herein, and shall be enforced when official signs are in place giving notice thereof.

DISCUSSION:

Councilor Whynott said that these motions are to facilitate language replacement to relate back to the new Section 22-37.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend the Gloucester Code of Ordinances, Chapter 22, Article V, Division 1, as follows:

Amend Section 22-175:

By DELETING Sec. 22-175(a) in its entirety and REPLACING it with:

Sec. 22-175. Parking for disabled veterans, handicapped persons.

- (a) No person shall park a vehicle which does not bear the distinctive number plates or placard authorized by M.G.L. c. 90 §2 for disabled veterans and handicapped persons in any of the duly posted locations maintained in the regulations of the City Traffic Commission as its "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester".

By DELETING Sec. 22-175 (c) in its entirety and REPLACING it with:

- (c) When a handicapped parking space is no longer required at a specific address, the city clerk shall be notified by the ward councilor or any other person. Upon verification that the handicapped person or disabled veteran no longer resides in the area or no longer requires the designated parking space, the city clerk shall notify the department of public works who will remove the sign. The regulations

entitled “List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester” shall be updated accordingly.

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By DELETING the first paragraph in its entirety as follows:

The following locations are hereby designated as disabled veteran and handicapped parking areas when official signs are in place giving notice thereof in accordance with section 22-175:

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The locations reserved as parking areas for handicapped persons and disabled veterans shall be those approved by the traffic commission in accordance with sections 22-37 and 22-175 and published as the “List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester” and those locations listed herein, and shall be enforced when official signs are in place giving notice thereof.

The City Council recessed at 7:56 p.m. and reconvened at 8:03 p.m.

6. PH2014-032: Amend GCO Chapter 4 “Animals” Art. II “Dogs” Sections 4-15, 4-19(a) and (b), 4-20(a) and (d); and Amend Sec. 115 “Penalty for violation of certain specified sections of Code

This public hearing is opened.

Those speaking in favor:

John Cameron, 8R Decatur Street, said he has an active dog that requires vigorous outdoor exercise. He said he takes his dog to Good Harbor beach and sees only dog owners there. He said he heard almost 900 Gloucester citizens have signed a petition in favor of legal off-leash dogs at certain times in the city, especially on the beach. He pointed out he goes to the beach in the off season daily with his dog, and he asserted that the dogs go home tired and calm after their time on the beach. He noted he did not realize that dogs are not allowed off leash on the beaches. He pointed out that the city’s insurer is not recommending off-leash dogs on city beaches but that neighboring communities do have that option available.

Judith Goldman, 15 Beach Road, a canine behavioral consultant, said dogs need exercise and can’t gain it effectively on a leash. Dogs need to socialize with people, she noted, and that it is hard to do that when there aren’t places that dogs can go to be with other dogs freely. She said she believed it was abusive not allowing dogs off leash. She asserted that dogs on leashes tend to be more aggressive and also said that dogs who bite generally bite members of their owner’s family. She pointed out that dogs who are allowed on the beaches must be neutered/spayed. She said there has been talk of dogs jumping on people; dogs fouling people’s personal property on the beaches expressing her understanding of those problems. Dogs of certain breeds need access to exercise in water, she noted. **Ms. Goldman** pointed out there is dog feces problems not just on city beaches but throughout the city. There has been talk that many dogs are biting people, but there have been no statistics offered, she said, and had not heard of anyone in the city being seriously wounded by a dog of late. She said that there shouldn’t be decisions based on hearsay or anecdotal information. She urged off-leash areas for dogs, saying that the Dog Park is not enough as there are 6,000 dogs in the city. For many people, she said, their dogs are like their children. Dog owners are taxpayers, she pointed out, but people need to take care of their dogs and regard them as an integral part of the city. She said she hoped there is a compromise plan to allow dogs off leash in the off season on city beaches. She noted that there are issues surrounding the proposed conditions for hours dogs are allowed to run off leash on the beaches which can be a problem for seniors and parents with young children.

Ms. Goldman also mentioned she was supportive of active ordinance enforcement. She pointed out there are responsible dog owners who clean up after their own dogs and others and urged that the creation of off-leash beaches as a necessity.

Cindy Dunn, 7 Rose Lane, President of Cape Ann Animal Aid and member of the ad hoc dog ordinance committee, said compromise makes many people unhappy, which probably meant it was a good compromise. She recounted the reasoning behind the formation of the Ordinance & Administration Committee’s ad hoc dog ordinance committee. She said her experience as an ad hoc committee member is that the proposal put forward to the Council was a compromise and urged it not be watered down. The ad hoc committee agreed on the fines for violations to be

increased, she noted. She said that the ad hoc committee could not agree on the timeframe for off-leash dogs in the off season. Most of the debate was centered on whether the off-leash period should begin on September 15 or October 15, when the weather is still mild and many non-dog owners still are using the beaches. She urged rigorous debate by the Council of that schedule. She said after Oct. 15, the majority of people on the beach are dog owners with their pets. A lot of thought went into the recommendations; she pointed out, and said many conditions were placed on dogs off leash on the beaches.

Ms. Dunn noted the memo from General Counsel (on file) regarding the city insurer, MIA (Massachusetts Interlocal Insurance Association) opinion that it not be recommended to create the off-leash beaches in the off season. She said she knew of no dog bites being reported in the off season on city beach. She said schedules offered by the committee were put there for debate by the Council and to also take into account those who go to the beaches without dogs and with their dogs on the leashes. She said the police liaison said that there was concern with out-of-towners using the beaches with their dogs. She suggested that this ordinance change would encourage out-of-towners to come to Gloucester in the off season giving yet another reason to make the city a tourism destination. She lauded the work of Councilor LeBlanc who spearheaded the ad hoc committee. She said there is room for everybody on the beaches, and asked the Council to vote in favor to give dogs' off-leash time on the city beaches.

Those speaking in opposition:

Anne Johnson, 12 Salt Island Road, President of the Brier Neck Association, said regardless of the side one is on, the testimony from city staff at the O&A Committee meeting of April 14 came down on the side against dogs off-leash on city beaches mainly due to lack of the ability to proactively enforce of the city's leash law. She said an additional Animal Control Officer or Constable is needed who consistently patrols the beaches to ticket irresponsible dog owners. She suggested that these new city staffers could be paid for by the fines, as well as by license fees for unlicensed dogs, saying she believed there were almost 4,000 of them. She urged the Council to maintain the current dog laws and to have stepped up enforcement of what is currently on the books.

Francine Dench, 4 Harvey Place, handed in a petition signed by of over 1,000 people, she said, in support of a mandatory and enforced leash law in all public places including public (placed on file). Ms. Dench she also submitted and placed on file a letter from Shirley LaFlam, 123 Maplewood Avenue, who assisted her after she was bitten by a dog. She referred to people who have told her they can't or won't walk the beaches because of all the off-leash dogs. She pointed out examples of dogs jumping on people who jog the beach and lack of respectful interaction between dog owners and those who have complained of their dogs' poor behavior. She said within the petition there are people who noted issues they have experienced with dogs and their owners. She said people want to walk anywhere they wish and feel safe and not step in dog waste. These people, she asserted, want a mandatory leash law for all places in the city. They also want another dog officer to enforce the leash law, she noted. She said people want to walk the beach at any time without dogs on the beach. She added that she doesn't feel safe on the beaches or wherever dogs are off leash in the city. She said it was a matter of time before someone will be bitten by a dog on the city beaches.

Phil Dench, 4 Harvey Place, read letters which were submitted for the record, from: Herbert C. White, Jr., 26 Exchange Street; Diane Legendre, 5 Mt. Vernon Street; Tanya Frost, 22 Decatur Street; Jay Albert, 4 Davis Street Extension; and Rozanne Santuccio, 9 1/2 Carlisle Street, all of whom were objecting to unleashed dogs in the city.

Rebuttal:

Ms. Dunn acknowledged a personal negative experience with a dog. She said that the ad hoc committee looked at these situations and was why the two date options were put forward for consideration by the Council for the off season start. She said there has not been a strict law to deter issues such as dog waste. She expressed her opinion that once the ordinance is passed, if the Animal Control Officer issued tickets, a lot of bad behavior by dog owners would stop. She said she has not been able to find a bad encounter with a dog that bit a human on the beaches in the off season. She said that the hours for the permitting of dogs off leash on the beaches are limiting, although she did not agree with it. **Ms. Dunn** pointed out there is many other areas for people to jog and walk not just the city's beaches. She said the dog people are only asking for the availability of two city beaches off season for six to seven hours a day. Most people's dogs, she noted, are well behaved. She pointed out that if this ordinance is amended and it doesn't work, the ordinance can be removed. She added that this amendment would now create conditions for the use of the beach by dog owners that are clear to all users be they dog owners or non-dog owners. The ordinance amendment is a lot better than what is currently enacted, she said.

Rebuttal of the rebuttal

Ms. Dench asserted that there are 45 names of people who have been bitten and harassed within the petition signatories. The trial period of 10 years was long enough with dogs on the beaches, she said. **Ms. Johnson** added that enforcement is very important. The law in place has been neglected and not enforced, she said. Rather than put a new law in place, she said she wanted the current ordinance in place to be properly enforced to see how it works,.

She said that to turn two choice city properties over to dogs at the expense of the citizens of the city is going in the wrong direction.

Communications:

City Clerk, Linda T. Lowe noted there were an unusually large number of communications. All that came to the Council, she said, were given to the Councilors for their review. She then read a list of people who were in favor of off-leash dogs on city beaches; those not in favor of off-leash dogs on city beaches and those who had “other or mixed sentiments” (on file). **Councilor Hardy** noted some names are duplicated on the list. The list Ms. Lowe read is as follows:

Note: “N” indicates opposition to allowing dogs off leash on beaches; “Y” indicates the person favors allowing dogs off leash on beaches. “O” indicates the person was neither absolutely in favor or absolutely opposed to the proposal advanced by the Ad Hoc Committee.

M. Sunny Robinson, R.N.	20 Harvard Street	N
Eileen Murphy	6 Mason Court	O
Bernard Trotsky	276 Western Avenue	Y
Lynn Klotz & Robert McKown	5 Duley Street	O
Marie Giambanco	80 Cherry Street	N
Bruce Maki	14 Salt Island Road	N
Ann Jo Jackson	21 Salt Island Road	N
Abigail Lundberg	18 Nashua Avenue	Y
Ann Conneman & John Cameron	8R Decatur Street	Y
Donna P. Connerty	6 Elm Street #2	N
Owen Kantor	7 Warwick Street	N
Ward 1 Straw Poll	n/a	X
Lorraine Law	7 Jacque Lane	Y
Amy-Beth Healey	13 Calder Street	O
Sheryl A. Reed	12 Middle Street	Y
Donna Kramich	84 Witham Street	N
Anne Marie Reilly	79 Eastern Point Blvd.	N
Chris Leahy	67 Perkins Street	O
Amy Farber	28 Salt Island Road	N
Sandy Coder	37 Cliff Road	O
Richard Turcotte	10 Warwick Road	Y
Richard Melanson	16 Crestview Terrace	N
Bruce Fieldman	None Given	N
Mary & David Thielscher	4 Barberry Way	N/O
Kersten Lanes	12 Palfrey Road	N
Mary McNamara	19-22 Salt Island Road	N
Lynn & Joan Swigart	18 Marble Road	Y
Helen Stone	None Given	N
Glen Bresnahan	512 Essex Avenue	N
Arley Pett	12 Beach Road	N
Hugo Burnham	82 Centennial Avenue	Y
Alice McCarthy	61 Grapevine Road	Y
Muffy White	“East Gloucester”	Y
Bob McKown	1085 Washington Street	O
Linda H. Carpenter	7 Prospect Terrace	M
Steve Dexter	None Given	O
Lila Frederick	620 Washington Street	O
Jason Grow	12 Marble Road	Y
Walter Frederick	10 Langsford Street	N
Francine Dench	4 Harvey Place	N
Bruce Maki	None Given	N

Mark Hayes	112 Atlantic Street	O
Thom Falzarano	7 Flume Road	N
Joel Favazza	25 Acacia Street	Y
Joseph Butler	12 Ledge Road	Y
Jen Greeke	15 Washington Street	Y
Anne (Deanie) Johnson	12 Salt Island Road	O
Janine McDermott	23 High Street	Y
Flo Campbell	48 Laurel Street	Y
Pauline Bresnahan	512 Essex Avenue	N
Steve & Marcia Schloss	Prospect Terrace	N
Andy Innes	6 Old Bray Street	O
Susan Hedman	86 Bond Street	N
David Amero	3 Harbor Road	N
Mary Lewis	4 Mayflower Lane	N
Bob Lewis	4 Mayflower Lane	N
Sharron Cohen	1041 Washington Street	N
Dave Cohen	1041 Washington Street	N
Roberta Crawford	43 Revere Street	N
Bob Medico	24 Walker Street	N
Jesse Browning	10 Trask Street	Y
Friends of Glou. Dog Park		O

Ward 1 Straw Poll taken at Ward Meeting on April 7, 2014:

“I oppose allowing dogs off leash at Good Harbor at all times”: 24 votes
 “I favor allowing dogs off leash on Good Harbor off season at specific times”: 9 votes
 “I could support allowing dogs off leash on Good Harbor off season but w/specific changes”: 23 votes

Ward 5 Straw Poll taken on line:

Of 181 on line respondents:

- Approximately 25 percent of those responding to the question, 25 percent said no to dogs off leash on Wingersheek Beach.
- Approximately 46 percent of those responding to the question were in favor.
- Approximately 30 percent of those responding to the question said it depends on the conditions, terms and times

Further Comments by the Public:

Lynn Klotz noted he was **in favor** of dog off leash, and had submitted a communication. He said that more work needs to be done, pointing out there needs to be statistics on dog bites on the city beaches. He asked about studying other communities who have allowed dogs off leash. The ad hoc committee did as good a job as could be expected, he said.

Phil Dench, 4 Harvey Place, **is opposed** to off-leash dogs, an earlier speaker. He showed a picture of two little girls who were affected by off-leash dogs on a beach. He commended Councilor LeBlanc for his work with the ad hoc dog ordinance committee. He pointed out he was an alternate on the ad hoc committee, attending all their meetings, and also attended Councilor McGeary’s Ward 1 meeting on dog issues. He said what made the most sense was the leash law in place, and that and it makes sense to hire another Animal Control Officer and to raise fines. He urged the current ordinance be enforced.

Joan Kimberly, 546 Washington Street, said she is **in favor** of dogs off leash on the beaches. She said she hoped if people are bitten by dogs that they would report the incidents to the police. She said she looked up on a travel website and noted there were endorsements of dog owners walking their dogs on Good Harbor Beach. She showed an article in Coastal Living touting off leash areas in California. She said she has an adopted dog from Puerto Rico who is a bully and must keep her on leash but that on the beach she can let her dog off leash. She showed a painting of her dog to the Council.

Tom Sarofeen, 21 Atlantic Street, said that he was **in opposition** to dogs off leash on city beaches. He submitted approximately 94 pictures to the Council (submitted) of dog waste that hadn’t been picked up. He spoke

of irresponsible dog owners, and said that many people whom he talked with locally were surprised there was a leash law at all. He noted that he walks the Boulevard and observes dogs regularly off leash there. He asked the rules in place be kept that way, and that the ordinance be regularly enforced.

Mary Ann Albert Boucher, 93 Mt. Pleasant Avenue, spoke of those who are only sent renewal notices for dog licenses that have multiple dogs by the City Clerk's office. She noted there are an estimated 6,000 unlicensed dogs in the city. She suggested that if those dogs were licensed that would be about \$90,000 which would pay for an employee to enforce the rules under the dog ordinance. She said dog owners who want to use the beaches should be licensed and wearing their rabies tags. She said all dog owners must be responsible when using the city beaches and was **in favor** of off-leash dogs on beaches.

John Knowlton, 35 Salt Island Road spoke **in opposition** saying that he was bitten by an unleashed dog on Good Harbor Beach which he did report to the Police. .

Robert McKown, 1085 Washington Street spoke **in favor** of dogs off leash on beaches as the beaches noting that the beaches can accommodate many people and dogs. He indicated his dislike of the compromise proposal of the times for off-leash dogs saying it was too restrictive. He said that he collected and submitted 350 signatures of people at the beach in support of dogs off leash at the beaches. He added that the O&A Committee had no opinion on the ad hoc committee's recommendations. He said he favors enforcement of the ordinance. He claimed that the city is in violation of the state's public information laws by not providing the incident reports or any information from the dog officers, and said based on that fact, he did not know how the Council could rule on the matter without such statistics.

Collette Knowlton, 35 Salt Island Road, spoke **in opposition** and noted the ad hoc Committee received information of what other communities do. She urged funding more enforcement. She wanted to see dogs on leashes be enforced first before letting dogs off leash.

Bob Tobey, 60 Cherry Street, spoke **in favor** of dogs on the beaches off leash. He urged responsible dog ownership. He suggested that someone be hired by the city to enforce the off-leash area conditions. He asked that responsible owners not be punished.

Lucia Amero, 3 Hampton Street, spoke **in opposition** to off-leash dogs on beaches as she said she was on the beach eating a sandwich and there was a large dog with no owner around. The dog jumped up, knocked her over in her chair and took her sandwich away from her. She said that dogs urinate on personal property on the beaches and no owners take responsibility for those actions by their dogs.

Meg Herman, 17 Walker Street, said she was **in opposition** to dogs off leash on the beaches. She pointed out she was not hearing any compassion for those who are afraid of dogs. There are people who don't walk the city beaches because of all the dogs. She noted her husband has been knocked down by dogs on the beaches. She said that while there are responsible dog owners, there are many who are irresponsible with their pets. She suggested the Council look at the Trustees of Reservation rules for off-leash dogs on Crane Beach which has clear rules for off-leash dogs.

The following speakers were all in favor of off-leash dogs on city beaches:

Chris Law, 7 Jacques Lane, said that while he understood that enforcement has been incomplete, he was in favor of allowing dogs off leash on city beaches. He said dogs need a place to run, and beaches are ideal. He pointed to better behaved dogs who are allowed to be off leash and run in open areas are better behaved. He noted he had been on the West Coast recently where off leash areas work well in cities and towns there. He agreed there is a need for better enforcement.

Steve Goulart, 64 Mt. Vernon Street, said he is no longer a dog owner but said he ran his dog on Good Harbor Beach. He asked where the documentation is for dogs that have bitten humans in the city. He noted his wife walks the beach every day and he joins her frequently. He said he has never seen a dog bite people on the beach.

Sharon Marie Muddiman, 18 Fair Street, said she is a dog owner and has experienced more issues encountering dogs on leash than off leash. Dogs that have more exercise bite less, she asserted. She said dogs ran free throughout the city some years ago, and she said that anecdotally there were no issues.

David Coffin, 38 Haskell Street, said he was a strong proponent of off-leash dog ordinances. He said he opposed the current leash law. A dog that is trained to come back on recall is a form of leash, and all dog owners should have the ability to recall their dog, he said. He noted his dog was trained as such. Verbal command of a dog is a necessity and should work, he said. A dog officer will earn their pay in fines to weed out irresponsible dog owners.

Laurie Anderson, 16 Middle Street, said she has two terriers that are trained to voice command. Her dogs are walked on and off leash. She noted the biggest deterrent is aggressive dogs off leash. She said enforcement of dog waste removal would help. She said she didn't understand why Wingersheek and Good Harbor beaches were

chosen rather than allowing dogs to run on their own neighborhood beaches. She added that the hours in the off season are too restrictive and asked for a compromise.

Louise Grinrod, 19 Way Road, Chair of the Friends of the Gloucester Dog Park, said the dog park is not underutilized. She said there is a lot of dog waste disposed of indicating high usage of the park. She said that when the Friends of the Gloucester Dog Park came to the Council three years ago, they made it clear that the dog park would be in addition to traditional off leash dog areas. She said the dog park can't handle massive use by dogs and their owners. If dogs are not allowed off leash on city beaches, the dog park will have to seek assistance from the city in addition to the supplying of drinking water and some minimal maintenance.

Valerie Nelson, 7 Sunset Point Road, said she hoped time would be taken to look at the issues and the literature available. Dogs are important to the community, to its citizen's health and well being, she said. Literature says dogs need exercise, socialization and swimming as well, she pointed out. Dog needs to be off leash, she said, and that a few hours off leash are not a solution. She said that the ordinance should be aimed at nuisance dogs. She said that Lanessville has come up with several solutions and will have a dog training clinic, dog waste disposal campaigns and more.. She urged education, enforcement, and dog training to ensure the amendment of the dog ordinance is done correctly.

Katherine Richmond, 21 Centennial Avenue, said she owns one large and one small dog. She noted in Portland, Maine, have two designated dog beaches with no time restrictions and that system works very well. She said she was bitten by a leashed dog on private property which she didn't report. She encouraged strict fines. She also agreed that the Trustees of the Reservation had a good plan for off leash dogs on Crane Beach.

Flavia Stanley, 9 Highland Street, said that she submitted 750 signatures in November which should be counted as in favor of dogs off leash on city beaches. She asked that all the different evidence submitted is considered. She said she frequently walks her dog on the beach and has never witnessed any adverse incidents with dogs.

Raissa Farmer, 27 Decatur Street, said she has a dog which goes to dog day care and is walked six times a day but still requires off leash exercise. She said there is a need for more enforcement and to be respectful of dogs and their owners and non-dog owners alike. She noted there is dog-friendly tourism which is a very market sector. She said she knew of four people she knew who moved to the city just to have access to the beaches with their dogs.

Rick Noonan, One Wheeler's Point Road, owner of Cape Ann Coffees, said that people with dogs are the second largest group who come to his business' drive through window. He said that acquiring a new customer or tourist should not be taken lightly.

Councilor Questions:

Councilor Theken asked that the Shellfish Constable and the Health Department staff speak to the Council. She said she appreciated that the Council is taking their time to consider all the facts to the issue.

David Sargent, Shellfish Constable, said he has fielded a number of telephone calls regarding concerns about dog waste on Good Harbor and Wingaersheek Beaches and what it may mean for shellfish harvesting. He said that if the ordinance is passed and there is no increased enforcement, the city may lose these areas for recreational shellfishing. He noted roughly three quarters of all activity for recreational shellfishing takes place at those two beach areas. With one bad fecal coliform bacteria count, he pointed out; a shellfishing area can stay closed for several years until counts pick up again. Shellfish beds are sampled year round, not just during the summer season, when the Health Department takes their water samples, he pointed out. He said that the Good Harbor recreational shellfishing area has been closed since December 2012. He also pointed out he is a dog owner and enjoys running his dog on a beach, but does so where there is not an approved shellfishing area which he said makes a difference.

Noreen Burke, Public Health Director, and **Max Schenk**, Manager of Environmental Health, were present to represent the city's Public Health Department. **Ms. Burke** said that the department over the last several months made two submissions to the Council (on file) responding strictly to health issues that may be related dog fecal matter. She noted the department's submittals to the Council went into detail about what pathogens are contained in dog fecal matter as well as other organisms such as bacteria and parasites that cause infections. She pointed out they referenced a number of research studies.

Ms. Burke said that from May to September the Gloucester beaches are regularly tested for enterococci bacteria. She said in the recent past the department has found that stormwater run off and Combined Sewer Overflow (CSO) due to heavy rains has been the most likely causes of the elevated enterococci levels, not dog fecal matter. She added that storm water run off due to heavy rain events pull the animal waste from the entire watershed area, not just the beaches. She said she has spoken in the past and provided information on affordable education strategies and outreach campaigns that have been implemented - dog waste stations and dog waste disposal systems. better educational signage. She pointed out that other communities have successfully implemented education campaigns with better signage. She added that this is a community of volunteers and stewards, and that there is a

way to do to do better public education. She noted information was provided for a “Scoop the Poop” program.” Enforcement is key, **Ms. Burke** pointed out, no matter whatever regulations are enacted to keep all open spaces of the city clean of dog waste, but she observed that those enforcement strategies are beyond the scope of the city’s public health department.

Councilor Cox said she understood the beaches are tested May to September which is all funding allows. **Mr. Schenk** said that the state Department of Public Health (DPH) requires that beach testing be done during regular beach season. He said the DPH pays for the testing from mid-June to just after Labor Day. The city does pre-season testing from mid-May to when the DPH required testing period begins, and again in mid-September. The pre- and post-season testing comes out of the Public Health Department’s budget, he said. He pointed out that the city’s beaches can’t be officially open for swimming without this testing. Four beaches are tested four times a month and other beaches tested are tested twice a month because they passed a certain criteria with the DPH, he said.

Councilor Cox asked how much it would cost to do off-season testing once a month. **Mr. Schenk** said it is \$30 per test.

On inquiry by **Council President McGeary**, **Mr. Schenk** said the department tests for enterococci bacteria because it is the criteria the DPH asks for. He said there are DNA tests that can be performed to identify the source of particular dog waste, but that the tests are expensive.

Councilor Theken referred to an off-leash proponent who spoke of walking and controlling a dog effectively by voice command. She said she can’t walk her dog with only voice command as her dog doesn’t listen to her and expressed her concern for fights between dogs on and off leash. **Ms. Muddiman** responded that issues tend to arise from dogs on leash encountering dogs off leash. She indicated that when encountering dogs on leashes with an off-leash dog, the leashed dog is approached with caution because whether the dog on the leash is safe comes into question. Typically, she said, dogs that are aggressive stay leashed.

Councilor Theken expressed concern for dogs fighting each other which is frightening to people. She asked how many of those situations occurred when dogs are on leash. She asked if such incidents have been documented and any other dog statistics that might be available to be considered by the Council. **Police Chief Leonard Campanello** said there has been a lot of misinformation on the Police Department’s responses to this issue. He said that the statistics the department had before January 26, 2014 are scant, handwritten notes from several Animal Control Officers through the years. The department, he said, has instituted a new record management system for all dog complaints which will be made available as data is gathered, he said. He acknowledged recent requests for statistics because of the Council’s deliberations, but said the information is not readily available. He assured the Council that the statistics are being compiled. He said he hoped to have statistics soon, as there is value in them.

Councilor Theken commented on the complaints about dogs on the beaches off leash. She asked if the Animal Control Officer would make an extra loop to the two beaches. **Chief Campanello** said the Animal Control Officer responds to complaints on dogs citywide the entire time he is on duty and can’t proactively patrol and/or enforce the ordinance. He said he did not believe adding another Animal Control Officer would alleviate the problem.

Councilor Hardy asked what data the Chief is compiling and where was it coming from. **Chief Campanello** said the information he is gleaned was kept in handwritten notebooks for animal control call responses and was why the new system was instituted for recordkeeping for animal control calls. **Councilor Hardy** asked if the Chief was aware of the 45 people whom an opponent indicated had reported injuries to people and dogs, and if those statistics were available. **Chief Campanello** said he could not give the Councilor a number at this point on way or the other. **Councilor Hardy** asked when the statistics would be available because without them, she said she didn’t think the Council could move forward. **Chief Campanello** said he understood the importance of the issue for the Council and the community, but for him to have a certain comfort level for reliable statistics in order to extrapolate any reliable amount of information for assessment; he would only base it on the new system which came online on January 26. He said that depending on the number of complaints logged, it would be six months to a year on the handwritten notes before the information would be available for use. **Councilor Hardy** asked if it was true that the ordinance on the books will stand until the matter in front of the Council to amend the dog ordinance is settled.

Chief Campanello said enforcement hasn’t been proactively stepped up because there is not the ability for him to do that and respond to complaints that come in. He said he had no projection as to when the ordinance would be fully enforced. **Councilor Hardy** asked if there is room for an experimental zone in Lanesville, a remote part of the city, much like parts of Ward 5. **Chief Campanello** said one complaint sparked this entire dog ordinance debate, he pointed out. There is an issue, he said, necessitating the need for an Animal Control Officer. He said he spoke at length with Valerie Nelson that was productive about the Lanesville proposal, adding that there is further need for discussion. **Councilor Hardy** said this evening the Council heard many people speak of enforcement. She said most would agree that perhaps there is a need for another part- or full-time Animal Control Officer to enforce the laws already on the books. **Chief Campanello** said he could not say with certainty the addition of another

Animal Control Officer would make a large difference. There is also the concern of enforcing the laws proactively and uniformly throughout the city, he said, with no discretion. He pointed out that the city's insurance company's opinion weighs on his decision as to whether a second Animal Control Officer would alleviate this problem.

Councilor Cox asked if any of the department's police officers write citations on animal violations. **Chief Campanello** said that contractually police officers do not respond to animal complaints unless it is an emergency. **Councilor Cox** said she didn't understand the reason why the Chief was not in favor of an additional Animal Control Officer if the first officer is just handling complaints with a lack of ability to proactively enforce laws by writing citations for violations. **Chief Campanello** said it is a question of whether or not he wanted a second Animal Control Officer, but rather whether a second officer would alleviate the situation. A second Animal Control Officer will assist with proactive enforcement but will not alleviate the situation altogether, he suggested.

Councilor Whynott discussed briefly with **Chief Campanello** why some people bitten by dogs may not report it to the Police Department despite it being a health issue and illegal. **Councilor Whynott** related an incident when he had been bitten by a dog and the process by which he learned of the dog's current rabies vaccination and his subsequent treatment.

Councilor Verga asked about dog licensing procedures by the City Clerk. He said there seems to be a disconnect for information on the number of licensed dogs and the actual number of dogs in the city. He said he understood that when a dog receives rabies shot that the veterinarian sends it to the City Clerk's office and asked what was the actual procedure for licensing a dog in the city.

Responding to **Councilor Verga**, **Ms. Lowe** informed the Council of the following: that there is no factual basis to say there are 6,000 dogs in the city. The biggest problem is that dog owners don't license their dogs. Each year her department conducts a mandatory city census sent to all residents of the city. The city census her department sends out, a contractor is paid to include a separate sheet for dogs. She said an earlier speaker erroneously when it was stated that her department only inquires of those people who have multiple dogs. Her department, on a very limited budget, with limited staff, goes all out to do all that they can to maximize the number of dogs that are licensed. It was pointed out that last year the City Council lowered dog licensing fees to \$15 for spayed/neutered dogs and \$16 for unneutered/unspayed dogs. It was surmised, incorrectly, that by lowering the licensing fees that more dog owners would step forward and license their pets. It was not the case.

Ms. Lowe said as a former dog owner she found it concerning that so many dog owners don't license their pets. She estimated that there are at least 2,000 unlicensed dogs in the city. It is mandatory under state law that dogs be licensed and have their rabies shots up to date, she pointed out. She said that information on licensing dogs is available in many forms. In 2013 there were slightly less dogs registered than in 2012, she noted. She said that last year it was approximately 1,900 dogs licensed, where several years ago it had been as high as 2,500 licensed dogs. **Councilor Whynott** added that dog licenses are always due in April. There is no excuse for anyone to register their dogs, he said. He also noted there were more dogs in the city than the City Clerk supposed. Every time the dog fees were raised less dogs were licensed, he pointed out. He observed that when he was City Clerk, there were six full-time employees in the department but that is not the case now. He said there are not enough people on staff to seek stepping up licensing efforts by the City Clerk's Department.

Councilor Fonvielle said based on the census how many dogs are there. **Ms. Lowe** said the problem is that not everyone sends that extra sheet in from the census and not all residents respond to the census. Based on census returns she said there were about 1,900 dogs and is consistent.

Councilor Lundberg said the Council is being asked to change an existing city ordinance, a serious matter. The original ordinance and leash law is a public safety issue, he pointed out, and the Council is being asked to make more liberal public safety ordinance. He said commentary is useful but a lot of facts are yet to be made available. The city is not the only city in the state that has beaches and dogs, he noted, and that some of the facts that Councilor Hardy asked the Chief of Police about would be helpful for the Council's deliberations on the matter, he said. **Council President McGeary** suggested that on May 13 that would be an appropriate time to bring such information forward which was when the matter would be brought back for discussion by the Council.

Councilor Cox asked if Ms. Dench and the other members of the main opposition to the dog ordinance amendments knew that there was a period of time in which dogs were not allowed off leash would they feel more comfortable going to the beach in that block of time. **Ms. Dench** said she would feel safe if there was a certain time for off-leash dogs and a certain time to use the beach without dogs on it. **Ms. Dench** and **Councilor Cox** noted the restriction of hours of off-leash dogs that affect those folks who work during the day who could not utilize the beach during the mid-day when it is dog free.

Councilor Theken asked if there was any more information from other communities, the city's insurance company. **Suzanne Egan**, General Counsel, said that she had received no further information from the city's insurer. She recounted that she had contacted the city's insurer (memo on file) to determine if they had any

guidelines or policy considerations that the Council should know about when considering amendments to the dog ordinance. She said the MIIA senior representative stated he would only recommend dogs be allowed off leash in dog parks areas only. He noted that once dogs are allowed off leash there is some door to liability because of the discretionary enforcement issue, she pointed out. She added that none of the cities represented by MIIA have off-leash areas that are not just dog parks. **Councilor Theken** asked if the communities that have off-leash dog areas other than parks had a different insurer. **Ms. Egan** said she had looked at several municipalities with beaches to discern if they allowed dogs off leash on their beaches. She said she didn't see that having looked at Salisbury, Ipswich, Seabrook, communities just along the coast. She said she hasn't seen any particular communities with dogs off leash on beaches. Salisbury is an on-leash beach, she noted. She also noted that Crane Beach, run by the Trustees of Reservations, has a fenced-in beach area for off-leash dogs. **Councilor Theken** asked if Ms. Egan would look at other communities in the area which Ms. Egan agreed to do. **Ms. Egan** clarified that the insurance representative wasn't saying that they wouldn't insure the city should it adopt an ordinance permitting dogs to run off leash on the beaches, but were saying they would recommend that if the city has an ordinance that allows dogs to be off leash then that should be within a dog park. **Councilor Theken** said the city has a leash law with a lot of dogs running off leash with little or no proactive enforcement, so if someone is bitten; they could sue the city because the law is unenforceable. **Ms. Egan** responded that the city can always be sued, but that it is to whether or not the city can assert its defense to the extent and avoid any liability. **Ms. Egan** reiterated that she had asked the city's insurer to address specifically what consequences might be if dogs are allowed off leash at certain times and on leash at other times. **Ms. Egan** expressed her agreement with **Councilor Theken** that it becomes a matter of enforcement.

Councilor Fonvielle said there was correspondence from a local lawyer suggesting that MGL c. 21, Sec. 17C might be a way for the city is absolved of any liability in that a public space is offered to the public for their enjoyment as long as the public is not charged for that privilege the city is absolved from any liability. **Ms. Egan** said there are defenses the city can assert in any litigation, and the Mass. General Law the Councilor cited was the recreational use defense. She noted she had sent the O&A Committee, through Councilor LeBlanc, a memo about those defenses (on file). She said that even if the city decided to enact the law to allow dogs off leash and the city was sued, the city would assert those defenses in the case of an incident with an off-leash dog. Whether or not those defenses would be sufficient to avoid all liability is something a jury would decide, she noted and added that the MIIA is recommending that the city not expose itself to that type of risk of liability.

Councilor LeBlanc acknowledged receipt of Ms. Egan's memo on liability a memo from Ms. Egan on liability before the city insurer gave their opinion. **Ms. Egan** said the memo she wrote was concerning the defenses the city could assert under the statute.

Council President McGeary noted Ms. Egan has said there is a possible liability under the Endangered Species Act. **Ms. Egan** said it is related to Wingersheek Beach which has a Piping Plover population that is on the Endangered Species List, and that the beach is considered an environmentally sensitive area. Because of this fact, she said she contacted the Conservation Commission to consider whether or not dogs should be running throughout the area. The Assistant Conservation Agent suggested this would be something the Commission would want to review as well as the state to determine whether there needs to be a new plan for the use of that beach because at this point there is no set-aside area proposed. **Council President McGeary** acknowledged that one of the reasons the Council was delaying action on this matter is that it is awaiting a recommendation from the Conservation Commission.

Councilor Fonvielle asked proponents said there is a compelling case that dogs need to run and exercise off leash and to be able to socialize. He asked what dog owners do about running their dogs in the summer when dogs are banned on city beaches. **Ms. Dunn** said that the ad hoc committee was not charged with looking at other areas. Areas in the woods could be looked at next, she suggested. On further inquiry by **Councilor, Ms. Dunn** said that there is an assumption dog waste would increase, but that the current ordinance is about expectations which exist now which she indicated are conflicting. The hours were set times where people could walk and that dogs would be on leash and that there were times for off-leash dogs with 13 conditions, she pointed out. She also noted that fines would be raised to \$50 for a first incident. She pointed out the ad hoc committee did review the Trustees of the Reservation practices.

Councilor Fonvielle said Ms. Nelson indicated in the Lanesville proposed experimental zone (on file) that problem dogs and owners would have consequences for breaking the rules, and owners would be forced to do certain things to remediate the situation. **Ms. Nelson** said their approach is to work as a community. There is an arrangement for dog training in Lanesville at the community center there. Problem dogs' owners have already signed up for the course, she indicated.

Councilor Verga called for a point of order and said that the discussion of the Lanesville experimental zone is not a part of the public hearing. He pointed out there is opposition to this proposed plan which is being presented as if there is tacit agreement to it which he said he objected to.

Councilor Hardy said with the erosion at Good Harbor beach, and at high tide, when people come to the beach early, it would be an appropriate time when for more vigilant enforcement as the land area that people and their dogs can utilize shrinks. **Council President McGeary** suggested when the Conservation Commission is before the Council it would be appropriate to address that matter.

This public hearing is closed at 10:43 p.m.

At the request of **Councilor Theken**, **Council President McGeary** explained Councilor Verga's point of order by saying that the Lanesville experimental zone matter, if it comes before the Council, would be a completely separate matter and is not a part of the dog ordinance conversation. Responding to **Councilor Whynott's** observed that the Council discussion is continued to the May 13 City Council meeting to obtain more information on the matter for the Council's consideration. **Council President McGeary** agreed and said at that time the Council will receive information that it does not have at this time - specifically the Conservation Commission's report. He noted that at that juncture he would call for the Committee report and ask for a vote of the Council. **Councilor Whynott** and **Council President McGeary** concurred that even with that added input the Council may not be ready to vote at that time.

This matter is continued to May 13, 2014.

5. **PH2014-031: Amend GCO Chapter 22, Sec. 22-294 "Bicycle Ordinance" to re-enact ordinance to be effective beginning May 26, 2014 and re-enact Chapter 22, Sec. 22-247(17) "bike lanes" to be effective beginning May 26, 2014**

This public hearing is opened at 10:45 p.m.

Those speaking in favor:

Heidi Wakeman, 7 Wise Place, member of the Open Space & Recreation Committee, expressed her support for the reenactment of the bicycle ordinance which permitted the creation of bicycle lanes in the downtown to help cyclists navigate through Rogers and Main streets and parts of Western Avenue. She noted that the bicycle route also included so-called "sharrows" (painted symbols on the street surface indicating that bicyclists use the roadway) and signage. She recounted that the Council the previous year instituted the bicycle ordinance. She observed that the bike lanes are not a guarantee of safety to bicyclists and drivers. She also pointed out there is the issue of maintenance, restriping the lanes and sharrows and suggested that the city should work to find funding for it. She said that the Governor just signed a large transportation funding bill and suggested that could be a possible source of funding when the city receives share of the state funding. She urged the Council to continue the ordinance and encourage the maintenance of the bike lanes.

Those speaking in opposition: None.

Communications: In favor of bicycle ordinance reenactment: **Jerry Goulart**, 39 Hartz St., and **James Dowd**, 108 Mt. Pleasant Ave.

Councilor Questions: None.

This public hearing is closed at 10:49 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, recommend that the City Council enact Chapter 22, Sec. 22-294 Bicycle Ordinance to be effective beginning Memorial Day, May 26, 2014.

DISCUSSION:

Councilor Whynott said in riding his moped in the bike lanes it has given him a better measure of safety and endorsed the ordinance reenactment.

Councilors LeBlanc, Cox and **Theken** added their endorsements pointed out that the bike lanes are well utilized well, and making more drivers aware her more aware of bicyclists. The work of Ms. Wakeman and Senior Project Manager, Stephen Winslow of the Community Development Department, on the bicycle ordinance was recognized by the Council also.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to enact Chapter 22, Sec. 22-294 Bicycle Ordinance to be effective beginning Memorial Day, May 26, 2014.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council enact Chapter 22, Sec. 22-247 subsection 17 to be effective beginning Memorial Day, May 26, 2014.

DISCUSSION: None.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to enact Chapter 22, Sec. 22-247 subsection 17 to be effective beginning Memorial Day, May 26, 2014.

The City Council meeting by unanimous consent was extended at 11:00 p.m. for a half hour.

Committee Reports:

Ordinances & Administration: April 16, 2014

There were no matters for Council action from this meeting.

Planning & Development: April 14, 2014

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to accept the Planning & Development Committee's Unanimous Consent Agenda dated April 22, 2014 as follows:

A) *Request by Children's Center for Communications to hold Lone Gull 10K Road Race, April 22:*

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the Lone Gull 10K Road Race sponsored by the Children's Center for Communication to be held Sunday, September 14, 2014 with the following conditions:

1. A Certificate of Insurance naming the City of Gloucester as an additional insured party has been filed with the City Clerk's office on or before August 29, 2014.
2. Road Closure Plan:
Memoranda from the Police Department and the Fire Department or approvals through the Special Events Advisory Committee giving approval of the plans for the Lone Gull 10K Road Race on September 14, 2014. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before August 29, 2014.
3. Refuse and Comfort Stations:
All event refuse and recycling must be removed by the organizer. Any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, placed the evening before the day of the event or early in the morning of the day of the event and be removed by 1:00 p.m., Sunday, September 14, 2014.
4. Emergency Services:
Any EMS requirements by the City EMS must be met.
5. Staffing:
Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire, or DPW Departments.
6. Notification of Immediate Abutters and Businesses to Parade Route:

Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) days in advance of the event to any function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of the Children's Center for Communication:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Health Department, and the Licensing Commission. It is the sole responsibility of the Children's Center for Communication to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation. Any changes to the route must receive prior approval from the Police and Fire Departments.

B) Request from the Gloucester Downtown Association to hold Gloucester Sidewalk Bazaar on August 7, 8, 9:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the Gloucester Downtown Association (GDA) to close Main Street from Pleasant Street to Washington Street, including Hancock, Center, Porter, and Short Streets to all vehicular traffic from 6:00 AM to 6:00 PM, Thursday, August 7, Friday, August 8, and Saturday, August 9, 2014 for the purpose of conducting the Gloucester Sidewalk Bazaar with the following conditions:

1. A memorandum from the City of Gloucester that shows the DGA Sidewalk Bazaar is covered under the city's insurance has been received.
2. There are to be no vendor set ups on the sidewalk blocking hydrants, crosswalks, or handicap ramps; Vendor set ups are not to extend beyond the marked parking lines on the streets.
3. No vendor set ups in front of the police station other than the area designated by the Police Department.
4. All vendor set ups must allow for unobstructed drivable area along the entire Sidewalk Days route slightly wider at the curve of Palazola's Sporting Goods to maintain adequate access for emergency vehicles. Failure to do so may necessitate the removal or relocation of the vendor at the discretion of the Fire Department, the Police Department or the event agent of the GDA.
5. The organizers shall allow the Fire Department drive-through access with a fire engine once each day of the event, on or about 9:00 a.m., and one random drive through to be decided by the Fire Department.
6. No parking or unloading of goods on any of the above-mentioned streets after 8:50 AM until 5:00 PM on each of the days of the Gloucester Sidewalk Bazaar.
7. Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire or DPW Departments in advance of the first day of the Sidewalk Bazaar.
8. The GDC is also required to obtain any necessary approvals from the Licensing Board, the Health Department, and the Licensing Commission. It is the sole responsibility of the applicant to ensure that all required documentation is filed in a timely manner with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation. Applicant is also required to comply with an requirements made by departments through the Special Events Advisory Committee including vending.

C) Request from Fishtown Horribles Parade Committee to hold Fishtown Horribles Parade on July 3:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the Fishtown Horribles Parade Committee to hold the Fishtown Horribles Parade on Thursday, July 3, 2014, and to close affected City roadways from 6 p.m. to 9 p.m. with the following conditions:

1. **Certificate of Insurance:**
A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's office on or before June 20, 2014.
2. **Road Closure Plan:**

- Police Department and the Fire Department approvals of the plans for the Fishtown Horribles on July 3, 2014 have been received through the Special Events Advisory Committee. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Department to be filed with the Police Chief. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues may require City Council approval.**
- 3. Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicapped accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and be removed by 9:00 a.m., July 4, 2014.
 - 4. Emergency Services:**
All requirements of the Gloucester Fire Department EMS must be met.
 - 5. Staffing:**
Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers is to be submitted to the Police, Fire or DPW Departments.
 - 6. Notification of Immediate Abutters and Businesses to Parade Route:**
Notice shall be made by the event organizer by hand or by mail no later than 7 (seven) days in advance of the event to function halls, motels and hotels, and other businesses along the parade route.
 - 7. Responsibility of the Fishtown Horribles Parade Committee:**
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Health Department and the Licensing Commission. It is the sole responsibility of the Fishtown Horribles Parade Committee to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation. Applicant is also required to comply with any requirements made by departments through the Special Events Advisory Committee.

D) Request from Cape Ann YMCA to hold St. Peter's Fiesta 5K Road Race on June 26:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the Cape Ann YMCA on June 26, 2014 to hold the St. Peter's Fiesta 5K Road Race with the following conditions:

- 1. Certificate of Insurance:**
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
- 2. Road Closure Plans:**
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
- 3. Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 11 p.m. the day of the event.
- 4. Emergency Services are as determined by City EMS Director.**
- 5. Staffing:**
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
- 6. Responsibility of the Cape Ann YMCA:**
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

***** End P&D Unanimous Consent Agenda *****

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council under GCO Sec. 21-3 Street Names to clarify the name of a road to be spelled: Windermere Road.

DISCUSSION: None.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, that under GCO Sec. 21-3 Street Names to clarify the name of a road to be spelled: Windermere Road.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council under GCO Sec. 21-3 Street Names to rename and number a portion of Brier Road to Mulligan Drive as follows:

<u>Map & Lot No.</u>	<u>Current Address</u>	<u>New Address</u>
70-19	3 Brier Road	3 Mulligan Drive
70-20	5 Brier Road	5 Mulligan Drive
70-46	65R Atlantic Road*	5R Mulligan Drive
70-41	2 Brier Road	4 Mulligan Drive

* Property has no frontage on Atlantic Road.

DISCUSSION:

Councilor Verga explained that Mulligan Drive is a portion of Brier Road that is off of Windermere Road. Brier Road is in two sections and doesn't go all the way through or connect, and this is to rename one portion for clarification purposes as recommended by the Engineering Department.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, that under GCO Sec. 21-3 Street Names to rename and number a portion of Brier Road to Mulligan Drive as follows:

<u>Map & Lot No.</u>	<u>Current Address</u>	<u>New Address</u>
70-19	3 Brier Road	3 Mulligan Drive
70-20	5 Brier Road	5 Mulligan Drive
70-46	65R Atlantic Road*	5R Mulligan Drive
70-41	2 Brier Road	4 Mulligan Drive

*** Property has no frontage on Atlantic Road.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council under GCO Sec. 21-3 Street Names to rename and number Gilson Way to My Way as follows:

<u>Map & Lot No.</u>	<u>Current Address</u>	<u>New Address</u>
98-30	4 Gilson Way	4 My Way

DISCUSSION:

Councilor Verga explained that the P&D Committee voted unanimously to not support the name change because the Fire Chief, in a memo to the Committee said the proposed name could be a cause of confusion in

dispatching emergency services akin to a “who’s on first” scenario. **Councilor Whynott** expressed his difference with the Fire Chief’s opinion, noting that he had been an emergency dispatcher in Essex for four years and said that this name shouldn’t cause any confusion as it would appear on a computer screen with the address in addition to speaking with the person making the 911 call. He said he would support the name change.

Council President McGeary said he was in receipt of a communication from a member of the city’s Fire Department who said there was one objection in the ranks. He said he believed this is what the Chief was responding to. He indicated this was a petition by the people who now own the one home on Gilson Way. He said that he had asked Ron Gilson, the former resident of the road, if he minded if the name change, and he indicated he was not in opposition to the name change.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 1 (Whynott) in favor, 8 opposed, that under GCO Sec. 21-3 Street Names to rename and number Gilson Way to My Way as follows:

<u>Map & Lot No.</u>	<u>Current Address</u>	<u>New Address</u>
98-30	4 Gilson Way	4 My Way

MOTION FAILS.

2. **PH2014-028: Amend GCO Chapter 22, Sec. 22-287 “Disabled veteran, handicapped parking” re: Millet Street #32**

This public hearing is opened at 11:00

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 11:01 p.m.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, opposed to Amend GCO Chapter 22, Sec. 22-287 “Disabled veteran, handicapped parking” by DELETING one (1) handicapped parking space on Millett Street between #32 and #34.

3. **PH2014-029: Amend GCO Chapter 22, Sec. 22-270 “Parking prohibited at all times” and Sec. 22-291 “Tow away zones” re: intersection of Prospect Street & Railroad Avenue**

This public hearing is opened at 11:02.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 11:02.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Chapter 22, Sec. 22-270 “Parking prohibited at All Times” by ADDING “Prospect Street, northerly side, beginning at its intersection with Railroad Avenue for a distance of 115 feet in a westerly direction ending at the parking lot entrance behind #2-6 Railroad Avenue.”

DISCUSSION:

Councilor Cox pointed out that at the intersection of Prospect Street and Railroad Avenue with cars parked very close to that intersection inhibits delivery trucks making the corner. She noted that having worked with the neighborhood to solve this problem, it was found there is adequate parking in the immediate area for businesses as well as homes. The Traffic Commission endorsed these changes as well, she added.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at All Times" by ADDING "Prospect Street, northerly side, beginning at its intersection with Railroad Avenue for a distance of 115 feet in a westerly direction ending at the parking lot entrance behind #2-6 Railroad Avenue."

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22, Sec. 22-291 "Tow Away Zone" by ADDING "Prospect Street, northerly side, beginning at its intersection with Railroad Avenue for a distance of 115 feet in a westerly direction ending at the parking lot entrance behind #2-6 Railroad Avenue."

DISCUSSION: None.

MOTION: On a motion by Councilor Theken, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Chapter 22, Sec. 22-291 "Tow Away Zone" by ADDING "Prospect Street, northerly side, beginning at its intersection with Railroad Avenue for a distance of 115 feet in a westerly direction ending at the parking lot entrance behind #2-6 Railroad Avenue."

4. PH2014-030: Amend GCO Chapter 22, Sec. 22-280 "Fifteen Minute parking" re: 274 Main Street

This public hearing is opened at 11:07 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 11:07 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22, Sec. 22-280 "Fifteen-minute parking" by ADDING "Main Street, northerly side, one space in front of #274 Main Street (replacing meter #68).

DISCUSSION:

Councilor Cox explained that Sage Floral Design, located at #274 Main Street, has asked for a 15-minute parking space in front of their business, versus a loading zone, which would continue to allow their customers a place to park, but to also allow their business to load and off-load their goods and receive deliveries.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Chapter 22, Sec. 22-280 "Fifteen-minute parking" by ADDING "Main Street, northerly side, one space in front of #274 Main Street (replacing meter #68).

Unfinished Business: None.

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

Councilors' Requests:

Councilor Whynott requested that the Council direct the City Clerk to notify the School Superintendent, Dr. Richard Safier, that the Council would like him or a School Department representative designated by him, to make a presentation to the Council and/or to advise the Council in writing on the current state of the vocational program at Gloucester High School and whether the new regional vocational school has adversely impacted the high school program and whether the Gloucester School Department and the School Committee is still committed to support the high school vocational program. He added that at the time the Council voted to allow the city to join the new Essex Technical High School district that the School Committee at that Council meeting assured the Council it was committed to the high school's vocational program and keeping it intact by supporting its budget.

Councilor Fonvielle announced that the Gloucester Rotary Club has seen to the repair of the ironwork on the bandstand at Stage Fort Park, and on Sunday, April 27 at 11 a.m. there will be a ribbon cutting ceremony there.

Councilor LeBlanc announced that the compost station will be opened Saturday, April 26 and for the next six consecutive Saturdays to accept garden debris for disposal. He asked that residents do not dispose of the debris on the city's roadways.

Councilor Cox announced that on Thursday, May 1 at 6 p.m. at the American Legion, 8 Washington Street, there will be a Fort Infrastructure meeting

Councilor McGeary announced there will be a Healthy Kids Day sponsored by the Cape Ann YMCA at the New Balance Track & Field at Newell Stadium on Saturday, April 26 from 10 a.m. to 12 noon, and on the same day in the Rose Baker Senior Center parking lot there will be a prescription drug disposal program taking place.

Councilor Theken reminded everyone that the 27th annual Gloucester Pride Stride, a 5 mile walk to benefit local community organizations and school groups steps off on Sunday, April 27 at 12 noon with registration starting at 10 a.m. at Stage Fort Park.

A motion was made, seconded and voted unanimously to adjourn the meeting at 11:11 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Petition of approximately 1,000 signatures from Francine Dench, "In support of a mandatory and enforced leash law in all public places including public beaches for the safety of our children."
- **Written statements from the Dog Ordinance public hearing:**
 - Shirley LaFlam, 123 Maplewood Avenue
 - Herbert C. White, Jr., 26 Exchange Street
 - Diane Legendre, 5 Mt. Vernon Street
 - Tanya Frost, 22 Decatur Street
 - Rozanne Santuccio, 9 ½ Carlisle Street
 - Jay Albert, 4 Davis Street Extension
 - Louise Grinrod, 19 Way Road
 - John Cameron, 8R Decatur Street
 - Chris Law, 7 Jacques Lane
 - Robert McKown, 1085 Washington Street
 - Mary Ann Albert Boucher, 93 Mt. Pleasant Avenue
- Approximately 94 photographs submitted by Tom Sarofeen, 21 Atlantic Street of examples of dog waste in some areas.
- Written statement by Heidi Wakeman pursuant to the public hearing on the bicycle ordinance