

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, May 13, 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 Whynott; Councilor Paul Lundberg; Councilor William Fonvielle

**Absent:** None.

**Also Present:** Linda T. Lowe; Kenny Costa; John Dunn; Gregg Cademartori; Tom Daniel; Jim Caulkett; Ralph Pino; Cate Banks; Patti Page

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

**Flag Salute & Moment of Silence.** Councilor Whynott dedicated the Moment of Silence to Frank Willett a life-long friend who died unexpectedly today.

**Oral Communications:**

**J. Michael Faherty**, 83 Mt. Pleasant Avenue, noted he received a response from the Administration dated May 12, 2014, to issues he raised five weeks ago on Federal Emergency Management Agency (FEMA) Flood Rate Insurance maps (FIRMs) only just now at the meeting.

**Denise Foley**, 57 Western Avenue, expressed her concern about public safety related to the condition of the Stacy Boulevard railings from the Blynman Bridge to the Tavern.

**Susannah Altenburger**, 66 Atlantic Street, expressed her concern about the Groundfish Port Recovery Plan listing stakeholders who, she said, were not representative of those who have a vested interest in the city's waterfront and its revitalization. She also said the resultant report is not a product of best thinking. She added that in her opinion the city's Harbor Plan, as it relates to I4-C2, omitted an important issue of technical and vocational training and is an and cited other omissions. These plans do not help the social or economic fabric of the community, she asserted.

**Presentations/Commendations:**

**1 of 1: Tom Daniel, Community Development Director, Carol Thistle and Laura Bell of the Tourism Commission, re: Tourism Efforts.**

**Tom Daniel**, Community Development Director, reported the following information to the Council:

- That 890 jobs are associated with the tourism sector of the city's economy
- That there has been a successful reestablishment of the Tourism Commission in November 2013.
- That the Community Development Department has hired Carol Thistle as a Senior Project Manager-Visitor Based Economy.
- There has been an infusion of free cash for the city's tourism efforts, which is viewed as a sign of the city's support to its tourism sector of the economy.

**Mr. Daniel** introduced Carol Thistle to the Council and explained Ms. Thistle's professional expertise is in destination marketing and that she has great experience and a successful track record in working with limited resources to promote tourism. He pointed out that one of her professional strengths is her ability to analyze initiatives to quantify the success of marketing investments.

**Carol Thistle**, Senior Project Manager-Visitor Based Economy in the Community Development Department, described initiatives undertaken by the Tourism Commission:

- Seasonal radio and television advertising efforts raising the visibility of the city as a tourist destination started yesterday with radio and television spots booked in New York and western Massachusetts.
- The Visitor's Center is reopening at Stage Fort Park this week.
- There is a new seasonal assistant for the Visitor's Center in addition to the full-time volunteer coordinator.
- There will be an open house at the Visitor's Center next Thursday from 4 p.m. to 7 p.m.
- A five-year plan is being developed by a subcommittee of the Tourism Committee.

- There is also an effort to collaborate with all the groups who promote the city. The commission worked with the Chamber of Commerce and Cruiseport to welcome the Holland America Cruise Lines Veendam cruise ship. Cruise ship visitors were greeted by sea shanty singers, CATA trolleys, and downtown events. She said the visitors she spoke to said they had fun and remarked of the friendliness of the people they met in Gloucester.

### **New Appointments:**

#### **Waterways Board**

**Karen Tibbetts TTE 02/14/15**

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Karen Tibbetts to the Waterways Board, TTE 02/14/16.

#### **DISCUSSION:**

**Councilors Hardy** and **Theken** added their support for Ms. Tibbetts' appointment to the Waterways Board noting that each of them has known her for many years and pointed out how hard she works to promote the city's waterfront, commercial and recreational fishing.

**Karen Tibbetts** said she was honored to serve and put her 20 years of waterfront experience to good use on behalf of the city as a member of the Waterways Board.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to appoint Karen Tibbetts to the Waterways Board, TTE 02/14/16.**

#### **Historical Commission Rep. to Community Preservation Commission**

**David Rhineland TTE 02/14/15**

**Councilor Whynott** explained that Mr. Rhineland's appointment as the Historical Commission Representative to the Community Preservation Committee (CPC) was inadvertently left off the Council's May 13 agenda. The O&A Committee did take up Mr. Rhineland's appointment and recommended his appointment to the CPC.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint David Rhineland to the Community Preservation Committee as the Historical Commission Representative, TTE 02/14/19.

#### **DISCUSSION:**

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to appoint David Rhineland to the Community Preservation Committee as the Historical Commission Representative, TTE 02/14/19.**

### **Consent Agenda:**

#### • **MAYOR'S REPORT**

1. Memorandum from Community Development Director regarding the Fuller Site (Info Only)
2. Special Budgetary Transfer (2014-SBT-35) from Police Department (Refer B&F)
3. Memorandum from Principal Assessor, Nancy Papows re: Declaration of Overlay Surplus for FY13 & FY12 (Refer B&F)
4. Memorandum from Community Development Director re: City Council acceptance of a Commonwealth of Massachusetts "Our Common Backyard" grant in the amount of \$200,000 (Refer B&F)
5. Communication & relevant material from EMS Coordinator re: recommendations to update the City of Gloucester Fire Department Ambulance Service Billing & Collection Policy (Refer B&F)
6. Memorandum, Grant Application & Checklist from Community Development Director re: Green Communities grant in the amount Of \$250,000 (Refer B&F)
7. Memorandum, Grant Application & Checklist from Community Development Director re: City Council acceptance of a Mass Electric Vehicles Incentive Program (MassEVIP) grant award in the amount of \$40,000 (Refer B&F)
8. Memorandum, Grant Application & Checklist from Public Health Director re: City Council acceptance of a one-year extension In the amount of \$80,000 of the Underage Drinking Prevention Grant from the Bureau of Substance Abuse Services (Refer B&F)
9. Memorandum from Director of Veterans' Services requesting to repurpose the \$2,000 free cash appropriation (Refer B&F)

- **COMMUNICATIONS/INVITATIONS**

1. Memorandum from General Counsel to City Council re: Water debt service charges (Refer O&A and B&F)
2. Invitation from Office of Veterans' Services and the United Veterans Council re: Memorial Day Parade & Ceremonies 5/26/14 (Info Only)

- **INFORMATION ONLY**

1. The Gloucester Public Schools' Annual Report in accordance with MGL Chapter 27, §4 (Info Only)

- **APPLICATIONS/PETITIONS**

1. SCP2014-008: Webster Street #1, Modification of Special Council Permit granted September 8, 1987, GZO Sec. 2.3.1(8)  
Conversion to or new multi-family or apartment dwelling, seven or more dwelling units, & Sec. 3.2.2(a) minimum lot area & open  
Space per dwelling unit (Refer P&D)
2. Special Events Application re: request to hold Boulevard Concerts on July 3, 2014 and August 30, 2014 (Refer P&D)
3. Application for License of Flammable and Combustible Liquids, Flammable Gases & Solids re: 73 Essex Avenue (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2014-020 (Cox/Hardy) Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Pine Street #20 (No referral required)
2. CC2014-021 (Hardy) Amend GCO Chapter 22, Sec. 22-269 "Stop intersections" re: intersection of River Rd. & Leonard St. (Refer O&A & TC)
3. CC2014-022 (Verga/Lundberg/LeBlanc) Amend GCO Chapter 15 by DELETING Sections 15-15 and 15-16 and ADDING new  
Sections 15-1, 15-2 and 15-3 creating a Stage Fort Park Advisory Committee (Refer O&A and P&D)

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

1. City Council Meeting: 04/22/14 (Approve/File)
2. Special City Council Meeting: 05/06/14 (Approve/File)
3. Standing Committee Meetings: B&F 05/08/14 (under separate cover), O&A 05/05/14, P&D 05/07/14 (under separate cover) (Approve/File)

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

**Councilor Verga** asked that Item #1 under the Mayor's Report, Memorandum from Community Director re: Fuller Site be pulled along with Item #3 under Council Orders. **Councilor Verga** explained that the memo regarding the Fuller Site should be referred to the P&D Committee so that the Council could have input on the matter. The memo regarding the Fuller Site was unanimously referred to P&D Committee by the Council.

**Councilor Verga** said he had pulled Council Order 2014-022 submitted by the Planning & Development Committee members regarding the creation of a Stage Fort Park Advisory Committee so as to highlight this action and asked the matter be referred to both the Ordinances & Administration Committee and to the P&D Committee. The matter was referred unanimously by the Council to both O&A and P&D.

**Council President McGeary** asked that the minutes of the Planning & Development Committee meeting of May 7 be pulled from the Consent Agenda. He pointed out that the Council has yet to receive the draft minutes and asked that the Council place the approval of those minutes onto the Council's Consent Agenda for May 27. By unanimous consent of the Council the minutes of the P&D Committee Meeting of May 7 were forwarded onto the Council Consent Agenda for May 27.

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

### **Committee Reports:**

#### **Budget & Finance: May 8, 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 May 13, 2014 as follows:**

1. *Supplemental Appropriation-Budgetary Request (2014-SA-64)*

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-64 in the amount of \$6,000 (Six Thousand Dollars) from the Waterways Enterprise Fund, Retained Earnings ("Free Cash"), Account #700000.10.000.35900.0000.00.000.00.000 to Waterways Enterprise Fund, Engineering/Architectural Professional Services, Account #700000.10.492.53100.0000.00.000.00.052 for the purpose of funding an Engineering Floor Design of the Harbormaster Complex at Solomon Jacobs Park.**

2. *Supplemental Appropriation-Budgetary Request (2014-SA-65) from DPW (Talbot Rink Enterprise Fund)*

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-65 in the amount of \$80,000 (Eighty**

Thousand Dollars) from the Talbot Rink Enterprise Fund, Retained Earnings ("Free Cash"), Account #620000.10.000.35900.0000.00.000.00.000 to Talbot Rink Enterprise Fund, Building Improvements, Account #620000.10.475.58410.0000.00.000.00.058 for the purpose of purchasing a hot water ice melting system and a new floor in the upstairs lobby and restroom for the Dorothy Talbot Skating Rink.

3. *Supplemental Appropriation-Budgetary Request (2014-SA-66) from DPW (Sewer Enterprise Fund)*

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-66 in the amount of \$450,000 (Four Hundred Fifty Thousand Dollars) from the Sewer Enterprise Fund, Retained Earnings ("Free Cash"), Account #600000.10.000.35900.0000.00.000.00.000 to Sewer Enterprise Fund, Reserved for Capital Outlay, Account #600000.10.440.58000.0000.00.000.00.058 for the purpose of a Department of Environmental Protection required dumping area, pipe replacement and a Pump Station generator.

4. *Supplemental Appropriation-Budgetary Request (2014-SA-67) from DPW (Sewer Enterprise Fund)*

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-67 in the amount of \$150,000 (One Hundred Fifty Thousand Dollars) from the Sewer Enterprise Fund, Retained Earnings ("Free Cash"), Account #600000.10.000.35900.0000.00.000.00.000 to Sewer Enterprise Fund, Sewer Equipment Maintenance, Account #600000.10.440.52450.0000.00.000.00.052 for the purpose of funding a Veolia Water North America NE LLC contract change order to provide Sewer Equipment maintenance services to the City.

5. *Accept FY14 Clean Vessel Act Grant Contract Amendment*

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to in accordance with MGL Chapter 44, §53A to accept a \$8,500 Clean Vessel Act Pumpout Federal Grant Amendment from the U.S. Department of the Interior passed through the Massachusetts Division of Marine Fisheries for the purpose of purchasing a replacement engine for the Pump Out Boat.

6. *Accept a gift of the restoration of eight City Hall bronze cenotaphs and plaques:*

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to accept under MGL Chapter 44, §53A-1/2 the gift of the restoration of the eight bronze cenotaphs and plaques at City Hall by Roger Armstrong of 4 Wonson Street subject to the approval of the project by the Department of Public Works.

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

**Ordinances & Administration: May 5, 2014**

There are no matters for Council Action from this meeting. Councilor Whynott mentioned that the presentation on the FEMA FIRM maps made by Gregg Cademartori, Planning Director at the meeting was very helpful for which there would be a public hearing this evening. He also highlighted the Committee discussion held on matter of the Wards 3 and 5 polling places consolidation which has been continued to the May 19 O&A Committee meeting.

**Planning & Development: May 7, 2014**

There are no matters for Council Action from this meeting.

**Scheduled Public Hearings:**

1. PH2014-033: Application for License of Flammable and Combustible Liquids, Flammable Gases and Solids re: 27 Maplewood Avenue

**This public hearing is opened at 7:26 p.m.****Those speaking in favor:**

**Attorney Robert Coakley**, representing the applicant, Anthony Taliadoros, Manager, Faye Holding LLC located at 209 Essex Avenue, said the following: That the gas station located at 27 Maplewood Avenue to be named Tony's Service, Inc., is now owned by a highly experienced gas station operator in the city. This is a request to renew a license for the storage of Flammable and Combustible Liquids that being 12,000 gallons of gasoline and 4,000 gallons of diesel fuel for a total of 16,000 gallons contained within two in-ground tanks. The ground has been dug up recently to install new tanks and a new monitoring system. There will also be an installation of a new fire suppression system and other site improvements made. The application as submitted to the Council had a sign off of the Gloucester Fire Department's Deputy Chief Miles Schlichte and also a permit to maintain an existing/new storage tank facility from the state. There will be two gas pumps. The gas station will also have a state sticker inspection service for customers who can have their cars inspected. He observed that there are not many gas stations left in the city's downtown area, and that this is a public service to its residents.

**Mr. Coakley** pointed out that over 80 letters were mailed to abutters, sand that he spoke with several abutters regarding the plans for the gas station in order to address their concerns. He said the contractors are working under permits issued by the city's Inspectional Services department. He asked for the Council's support for licensure.

**Those speaking in opposition:**

**Page Ciluffo**, 33 Maplewood Avenue, said that the neighborhood has enough problems as it stands, that with the city having plenty of gas stations already, there is not a need for another one particularly at 27 Maplewood Ave.

**Fred Bevins**, 22 Honeysuckle Road, former owner of the gas station located at 27 Maplewood Ave., said that he owned the station for 30 years before the mill at 33 Maplewood Avenue was converted to condominiums. He said no gas station licenses have lapsed, and that it is legal to operate as a gas station at the location.

**Communications: None.**

**Rebuttal:**

**Mr. Coakley** said that:

- The location of the gas station is right next to the railroad tracks.
- When the applicant first went into business in the city there were approximately 40 gas stations but now there are about a half dozen downtown.
- The applicant has cleaned up the site, made it attractive, and will provide a needed service to the city.
- Linsky's Service Station at No. 159 Maplewood Ave. no longer pumps gasoline.
- The area is a zoned mixed use business district.
- He also noted that the applicant is a well-known operator of gas station/car repair and towing operations in the city.

**Rebut to the Rebuttal:**

**Ms. Ciluffo** said there are 80 people living in her building, and that the gas station presents an added danger to them. She reiterated that the city did not need another gas station. She noted the locations of other city gas stations saying there were enough to assist the public.

**Councilor Questions:**

**Councilor Cox** pointed out the gas station at 27 Maplewood Ave. is not a new gas station. **Mr. Coakley** said that a new entity has taken over the facility and simply needs to have a license issued in its name. This will be a service station in that it will offer state-certified vehicle inspection and light car repair work along with selling gas. There will be no heavy equipment, no plowing equipment parked at the gas station, he confirmed.

**Councilor Lundberg** asked if this transfer of license needs any other city or state approval. **Mr. Coakley** said this is the only license needed, and that there is no special permit necessary.

**Councilor Cox** noted that notices of the public hearing were sent to abutters but said she did not receive a notice living in that area. **Mr. Coakley** said that the certified abutters list was generated by the Assessor's Office and letters were sent to those abutters and that the public hearing was duly advertised.

**This public hearing is closed at 7:47 p.m.**

COMMITTEE RECOMMENDATION: On motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council to grant Faye Holding LLC as owner, for Tony's Service Station Inc., a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 27 Maplewood Avenue for the storage of 16,000 gallons of Combustible Liquids—under M.G.L. Chapter 148, Sec. 13 and regulations thereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I, In General and sections thereunder. Said applicant

is responsible under GCO Sec. 8.1 requiring that the applicant shall be responsible for payment of fees for advertising for public hearing and postage for legal notices to all abutters.

#### **DISCUSSION:**

**Councilor Cox** said this isn't about a need for another business or gas station in the Maplewood Ave. neighborhood but a right to own a business. She said she fully supported the ownership of this business and the transfer of the license. She observed that there are many old buildings being refurbished bringing life to the downtown area again, specifically in the Burnham's Field area, and she said she welcomes the improvement. There is no sidewalk that exists around the property, she pointed out, and requested that the station owner do his best not to park vehicles on the property so as not to overhang vehicles into the street. She wished the applicant luck and said she supported the upgrade of the site.

**Councilor Whynott** said that the gas station has been in place since he was very young. He said he knew Mr. Taliadoros was a good businessman and citizen and supported the license being issued to him.

**Councilor Verga** said he understood concern of the neighbor that spoke in opposition, but noted this is a properly zoned site which has existed as a business for many years. He said that it was appropriate to allow the license to go forward.

**Councilor Theken** added her support for the license application. She, too, pointed out that this is a mixed use neighborhood with many commercial entities. It has been and continues to be a gas station and this is simply a change of owner, she said.

**MOTION: On motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant Faye Holding LLC as owner, for Tony's Service Station Inc., a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 27 Maplewood Avenue for the storage of 16,000 gallons of Combustible Liquids—under M.G.L. Chapter 148, Sec. 13 and regulations thereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I, In General and sections thereunder.**

#### **2. PH2014-034: Proposal by Mass. Dept. of Fish and Gave/Mass. Division of Marine Fisheries and recommended by the City Waterways Board for the construction/installation of a public fishing pier located at Stacy Boulevard**

**This public hearing is opened at 7:54 p.m.**

**Those speaking in favor:**

**Jim Caulkett**, Harbormaster, said that this was a proposal for a recreational fishing pier given to the Waterways Board and the Mayor's office, an opportunity to be looked at and further investigated.

**Ralph Pino**, 56 Ye Olde Country Road, Chair of the Waterways Board, said that before the Council is an opportunity for a recreational fishing pier to be built in the city funded by the State Department of Fish and Game which came to the Board as part of their working on public access on the boat ramp at Stacy Boulevard. He noted an effort was made to find an appropriate location and sites examined were from the State Fish Pier, the Fort in several locations, and this was the only site that qualified – there was no eel grass, there was minimal wave action, and there are fish to catch. He pointed out that the Board went before the Administration, including General Counsel and Public Works Director to ascertain if the location at Stacy Boulevard was going to be something that was practical given the restoration of a large portion of the Boulevard seawall. He noted in relation to the area of seawall restoration the particular section where the pier would be located had already been repaired.

**Mr. Pino** related the Waterways Board's support of the recreational fishing pier to encourage public access to the water and tourism economic development. He noted that the P&D Committee took this matter up a year ago and again recently at a meeting where Mr. Cameron made a presentation. He explained that:

- The pier would be made of wood and be low maintenance located at the end of the Blynman Canal out of the way of boat traffic towards the Stage Fort Park side of the Boulevard.
- The pier would extend to the spindle denoting a rocky area to be avoided by boaters out beyond the mouth of the canal.
- The state would engineer the project, see to the permitting, and build it with no cost to the city.
- He is familiar with fishing piers in Texas and has utilized them.
- The pier would be the only Americans with Disabilities Act (ADA) accessible fishing facility in the city.

- This would draw tourists and would be a low-cost way for the city's visitors to enjoy the harbor.

**Douglas Cameron**, Assistant Director/Deputy Chief Engineer of the State Department of Fish and Game, Office of Fishing and Boating Access, and **Matthew Ayer**, Marine Fisheries Biologist, State Division of Marine Fisheries was present. **Mr. Cameron** said that his division is charged with building and maintaining boating and fishing access sites statewide of which there are approximately 260 of such sites now. His agency has a staff of eight, and depends a great deal on the communities in which the facilities are sited to take care of them and manage them on a day-to-day basis. He reiterated that the project would be designed, permitted and constructed completely with Commonwealth funds – no funds of the city would be required. He showed the Council photographs (on file) of recreational fishing piers his agency has built around the state indicating these are examples of what the city's fishing pier might look like. **Mr. Cameron** pointed out that there are not currently any fishing pier access sites on the North Shore, and that he state is very interested in developing this site. There are five state Land Management Agreements (LMA) for boat ramps in the city currently, and the LMA for this pier would be the same agreement, he pointed out. He said they are asking for the support of the city to move forward to build the pier. Without the support of the city they would not move forward on the project.

**Those speaking in opposition:**

**Denise Foley**, 57 Western Avenue, said that she has submitted an electronic petition to the Council signed by people who object to the locating of a recreational fishing pier on Stacy Boulevard. She cited issues that the pier would create such as marring the view of the harbor from the Boulevard, bring more people at all hours, and put pressure on the already limited parking on Stacy Boulevard. She asked the Council to not support the fishing pier.

**Brenda Malloy**, 43 Rocky Neck Avenue, said that a fishing pier would detract from the beauty of the harbor and the Boulevard.

**John Steiger**, 265 East Main Street, said primary consideration should be made to parking and that the fishing pier would strain limited Boulevard parking.

**Diane Usewick**, 56 Mt. Vernon Street, also said that a fishing pier would mar the view of the Boulevard and harbor. She suggested the visitors to the fishing pier will generate more trash than is already found on the Boulevard. She asked that the area be left alone.

**Sunny Robinson**, 20 Harvard Street, said she was neither for nor against a fishing pier in the city. She indicated such a facility would be an asset in that it would be handicapped accessible. Noting already cited problems with the location, she said there needs to be a broader look at other areas. Pointing to a recently released study which predicts the sea level rising 8 to 13 feet over the next decade, the siting for this proposal already gets hit by winter storms which undermines the seawall and tosses up huge amounts of rocks. She said parking in the area of the proposed pier is already at a premium during the summer and suggested it would not be prudent to encourage anymore vehicular traffic in this area of the city. She further offered that nothing should be done in that general area until the seawall is taken care of.

**Rebuttal:**

**Mr. Pino** offered the following:

- In terms of the proposed site being a risky location, the state has reviewed the project and would engineer a safe and sound pier, and if not then the pier would not be built.
- There is no other place to put a pier on the harbor. He noted the several sites looked at in the Fort were unsafe, and there was too much wave action. He said all possible locations in the harbor were examined and that there was nowhere else to locate a recreational fishing pier.
- The seawall repair about to be undertaken is funded by a Seaport Advisory Council grant and is a completely different funding source from the funding for the pier, and the money for the pier project cannot be used for seawall repair.
- The only parking required by the state for the pier is two handicapped spaces near it and there are no other parking requirements, he said.

**Mr. Cameron** added that one of the reasons his agency liked the site was that there was an opportunity to extend a structure out beyond the existing seawall. Pointing out that the area is an active area for walkers and tourists to view the harbor and the pier could be would move recreational fishermen off the Boulevard sidewalks out over the water where it would be safer. The pier could only be used for recreational fishing access only, he said, with no other types of activities allowed. He said if there are problems on the pier, law enforcement officials can remove those individuals who are causing issues, protecting the public from the misuse of the facility.

**Cate Banks**, 8 Pilots Hill Road, and former member of the Waterways Board, spoke **in favor**. She confirmed she had been on the site visit by the state while still a member of the Board, and that this location was ideal for a fishing pier if the city accepts the state's offer. There have been changes in sport fishing regulations and could mean

fewer people would come to the city to go on sport fishing boats. As a recreational boater, she said she wanted to see that the community is welcoming to everyone. As a recreational boat owner, she said transiting under the Blynman Bridge, she would rather have fisherman on a pier than along the Boulevard.

**Valerie Nelson**, 7 Sunset Hill Road, spoke to issues of concern regarding storm surge and eel grass. She said the view from the Boulevard is special, and that she was **in opposition** to a fishing pier that she said would mar the public's view of the harbor.

**Steve Papows**, a former Gloucester and now Rockport resident, said he is a recreational fisherman speaking **in favor** of the fishing pier. He noted that recreational fishermen on the Boulevard pose a safety threat to pedestrians when casting line. He said that the pier would make it safer and that the handicapped access was an important feature. He pointed out a salt water license is necessary and that these fees would be paying for the pier with the city having a minor cost day-to-day in order to have the advantage of a fishing pier.

**Communications: Linda T. Lowe**, City Clerk, indicated that the Council was in receipt of an electronic petition with signatures of people who say that they are opposed to a recreational fishing pier located at Stacy Boulevard.

**Councilor Questions:**

**Councilor Theken** asked who holds the liability and maintenance of the pier. **Mr. Cameron** said the city enters into a LMA with the state, and the city is responsible for minor maintenance and day-to-day upkeep and management. When there is a need for major capital improvements to the facility it is the complete responsibility of the state, he noted. He said that the liability would be the same as with any city facility – the city would be liable the same as the Commonwealth. **Councilor Theken** suggested Cressy Beach and Half Moon Beach as appropriate harbor locations but was told by **Mr. Pino** those sites were excluded due to the possibility of wave action damaging the pier, as was the case for the Fort sites previously mentioned. He also pointed out other locations have issues with eel grass. **Councilor Theken** said she thinks piers are a great asset but would have liked to have more information about other city locations that were examined. She noted that the city has partnered with the state before giving up its land on the harbor for what is known as the Jodrey State Fish Pier. She pointed out when a municipality takes state funds, if the city wishes to make improvements or do anything to that facility; it must have the permission of the state.

**Councilor Cox** asked what affect the fishing pier would have on local water events. **Mr. Pino** said it would not be in the path of any boats. The proposed site is a rocky area and cannot be travelled over by boaters. **Councilor Cox** also mentioned the tidal flow and current mixed with boat traffic wave action and how it might impede fishing. **Mr. Pino** said by the spindle fishermen can cast towards Stage Fort Park and that the shape of the pier would help to prevent fishermen from casting into the path of boats. He noted several species of fish that could be caught in that particular location. **Councilor Cox** noted there have been no specifics on height, materials, or other specifications for the pier, nor had there been any public meetings on the matter. **Mr. Pino** said this is the purview of the Council not the Waterways Board. In terms of materials, he said, the pier would be a South American hardwood with metal railings. He pointed out that the state is unwilling to do the engineering suitable for the specific conditions of the site unless it knows the city is willing to have such a pier. Then, he said, the state would do the specific engineering. The pier will look substantially as viewed in the pictures (on file) – a pier extending out from the Boulevard heading straight out into the harbor and takes a dogleg turn, he added.

**Councilor Lundberg** confirmed with **Mr. Pino** that this project is not really within the purview of the Waterways Board as to the end result. He asked if the Council then should find the right city entity whose purview it is in. **Mr. Pino** said it is believed by the Board that it is the Council's through the P&D Committee that called for this public hearing to gauge public sentiment after hearing the matter at one of their recent regularly scheduled meetings. He recounted that the Board has taken the matter to the Administration already. It was the Mayor's message that they are interested in this opportunity had put it in the Council's hand.

**Councilor Whynott** said the Council may make the final decision but as none of the Councilors is an expert on tides, current, the engineering of a fishing pier; the Council needs someone who has appropriate expertise to advise them who has specific knowledge in this area to guide the hand of the Council. He asked about storm damage repairs and who would be responsible for the pier's repair under those conditions. **Mr. Cameron** said it is the state's responsibility. He pointed out that if the city is interested in pursuing the locating or another, the state's process is that after the Land Management Agreement then they are able to spend state resources to do the planning, design and engineering, obtain the necessary topographic plans in order to develop and preliminary plans to the party who would represent the city for this project. He said that the city and state work together during the permit and design process as to how it will look and be located. The state has done many of these pier facilities which are structurally sound, have low maintenance requirements, and that the materials used are high quality so that the structure will be attractive and withstand the test of time and weather conditions.



**Councilor Fonvielle** asked how many people the state expected would use the pier. **Mr. Cameron** explained that recreational fishing piers attract older folks, those teaching young children to fish and those who are handicapped. He suggested that in the spring and the fall there may be only several folks using the pier and in busier times a half dozen people. He addressed a concern about parking by suggesting that parking issues would work itself out over time. The best time for fishermen is early in the morning and early evening, he pointed out.

**Councilor Verga** clarified he would not support the city's signing of a LMA. He reiterated that the process would require that the city signs the LMA and then the state starts the engineering. He asked if the agreement is signed and the city discovers that it doesn't like the design, for instance, can the city back out of the LMA if it changes its mind. **Mr. Cameron** said the matter at hand is whether the city wants a recreational fishing pier at this location, and if the city does, then some form of a fishing pier would be agreed upon. He said he didn't believe a point would be reached where the city and state couldn't agree on a design. **Councilor Verga** said what has held up the P&D Committee's ability to move forward was the lack of renderings for a pier rather than a satellite photo with an "X" indicating the preferred location for it. He repeated his question of what happens if the city and state reach a point where there is a rendering that the city doesn't like - is the city stuck once the LMA is signed. **Mr. Cameron** said no, the city isn't stuck, although it must be a legitimate reason and suggested that not liking the looks of a fishing pier design is cause.

**Councilor Hardy** questioned the exact location of the fishing pier at the head of the Blynman Canal. **Mr. Pino** pointed out the intended location on a photograph (on file) to **Councilor Hardy** and described the location to the Council as being opposite of the Blynman Bridge's bridge tender house on the Fishermen's Wives Memorial "side" of the Boulevard.

**Council LeBlanc** said as Council representative to the Waterways Board he recalled when this project came before the Board last year and heard similar questions and concerns. He said while personally he is in favor of recreational fishing and would like to see a fishing pier in the city, but he found from his online survey through local forums that the majority of the respondents, people whom he represents, that this would not be the location appropriate for a pier and so he would not be able to vote in favor of it.

**Councilor Theken** said Mr. Cameron told Councilor Verga that the city wouldn't be liable if it pulled out of the LMA and asked if Mr. Cameron had the authority to say that. **Mr. Cameron** said the LMA establishes that the project, once entered into, the project moves forward except in the rare case that both parties agree to terminate it. He said the then that the city can not pull out of the agreement solely.

**Councilor Whynot** expressed concern that the pier may be an attractive nuisance, that people may use the pier for purposes other than fishing. **Mr. Cameron** said that law enforcement can stop those uses based on state regulation.

**Councilor Cox** said that the Council has not been presented with a project with such an impact and being asked to make a decision with so little information. It is being presented to the Council through the Waterways Board the Council is told it is not in their purview. She suggested there was some better suited city department to assist in the Council's rendering of a decision. She asked if the Administration had worked with Harbor Planning or someone in Community Development. **Mr. Pino** said the Council is the only entity that can authorize the Mayor to sign the LMA. He said these same questions were asked by the Waterways Board and agreed with the Councilor that it is scant information but that it is an opportunity for the city. The Waterways Board supports the concept of the pier and that there is not a better place for it to go, he said. The state is qualified to say where the pier should go and its appropriateness, and it is their opinion it is the right location, he added.

**Council President McGeary** said if the Council was to support the Mayor entering into the process it would still have to go to the City's Conservation Commission (ConCom). **Gregg Cademartori**, Planning Director noted that at a minimum the state would go before ConCom, and that depending on the size of the project it may involve other permitting entities in the city.

**Councilor Fonvielle** said the state would be responsible for building and maintaining the pier but the city would be responsible for managing the pier. **Mr. Cameron** said the city is responsible for minor maintenance such as trash removal and that management means the facility would be open to the public and capital repair and improvement would be the responsibility of the state. The city and the state would be partners in the project, he said. The city would be actively involved in the design of the structure. If the pier isn't at this location, the state wants to work with the city to locate a fishing pier in another location in the community. There has to be a certainty for a partnership before the state will undertake the expensive process. **Mr. Cameron** said that it is not a certain amount of money allocated to Gloucester but to find public access to the water.

**Jim Caulkett**, Harbormaster, said there is a full permitting process which entails: The state handles the permit process for this potential project. A full Notice of Intent would have to be filed with ConCom and then be passed off to the State Marine Fisheries Division and on to the Department of Environmental Protection (DEP). The Army

Corp of Engineers would also be required to comment on the permitting of the project because it meets their standards as to square footage. He pointed out that the city has a LMA with the state for the Dun Fudgin ramp and that it is his department's responsibility for the day-to-day upkeep and minor maintenance. Any major maintenance for the Dun Fudgin ramp is the responsibility of the state.

**Councilor Verga** said, in response to **Council President McGeary's** inquiry that P&D took no action but asked for a public hearing to gauge public sentiment. **Council President McGeary** observed that what the Waterways Board and the state is seeking is City Council approval for the Mayor to enter into a LMA for the building of a recreational fishing pier to be located at Stacy Boulevard with details of the pier yet to come. He said he was concerned taking a vote of that nature this evening. He suggested that he would accept a motion to postpone any Council action until the next meeting.

**Councilor Verga** observed that people want a fishing pier but just not on Stacy Boulevard. The state's procedure is not to invest any funds in a rendering if a municipality won't sign a LMA. The city can't back out once the city signs a LMA. **Councilor Lundberg** expressed his agreement with Councilor Verga and that if the Council put a vote off or vote this evening, there is not enough information to take a vote. He said the Council needs to find the proper forum in the city, suggesting that may be through Community Development, to develop what is the proper analysis on an inventory of potential sites. Putting something else on the Boulevard may not be a good idea, he observed. The city, he said, has none of that information right now and won't have that at the next meeting of the Council either. He said that in order to make progress a home for this project other than the Waterways Board needs to be found.

**Councilor Whynott** said the maintenance aspect for the pier is a concern given the city's track record as well as liability concerns. He reiterated his opinion that the fishing pier could end up as an attractive nuisance. He suggested there should be a scale model or rendering that would be very helpful, and more information is needed from an expert from the city to advise and guide the Council in making their decision.

**Councilor Theken** said the fishing pier is a good project, but noting concerns about rising sea level and potential damaging wave action against the pier, such wave action, she suggested, could change the wave action against the Boulevard seawall and the surrounding area. She also expressed the concern regarding ramifications of a LMA. The Boulevard is a prime public area that is cherished by the community, she said.

**Councilor Verga moved and Councilor Cox seconded that the City Council votes to authorize the Administration to enter into a Land Management Agreement with the Commonwealth of Massachusetts Department of Fish and Game, Fishing and Boating Access for the purpose of the construction and installation of a public access recreational fishing pier located on Stacy Boulevard.**

**Councilor Verga** said he could not support a fishing pier at Stacy Boulevard now or in the future, although he would like to see such a facility in the city, although he was unable to suggest a suitable location. He said it comes down to the aesthetics of the Boulevard, not whether the pier would blow over in a storm.

**Councilor Whynott** motioned to amend the main motion to postpone a vote by the Council until more technical information is received for a postponement to the Council's July 22 meeting, which was seconded by **Councilor Theken**.

**Councilor Cox** asked for justification of a postponement when the state has no further information to offer on this project. **Councilor Whynott** explained a postponement would enable the Council to seek the opinion of city staff and is the only information he would accept.

**Councilor Theken** expressed her agreement with Councilor Verga and suggested then that the Council should turn the proposal down.

**Council President McGeary** said he would support the amendment to postpone the vote of the Council particularly because of points raised that other locations were studied but that the wave action was too much. He said if the Council could get that information in the intervening time as to who made the study and on what basis was the wave action was determined to be too strong and other details as to why the alternative sites were rejected. He said he did not oppose putting a fishing pier at Stacy Boulevard noting that it was a public place and fishermen have a right to enjoy it as much as boulevardiers' and dog walkers. He said that while he supports the location of the pier on the Boulevard he also wanted to know why other places were rejected and their locations. **Councilor Whynott** asked that if this amendment passes that a Request to the Mayor to find out what city staff could investigate this issue for the Council and give them the guidance they require.

**By a Council vote of 8 in favor, 1 (Verga) opposed, the Council postponed the vote to authorize the Administration to enter into a Land Management Agreement with the Commonwealth of Massachusetts**

**Department of Fish and Game, Fishing and Boating Access for the purpose of the construction and installation of a public access recreational fishing pier located on Stacy Boulevard to the City Council meeting of July 22.**

**Council President McGeary** said that the public may submit their questions to the Waterways Board as well the Council to be forwarded to the state for a response.

**This public hearing is continued to July 22, 2014.**

**The Council recessed at 9:11 p.m. and reconvened at 9:17 p.m.**

**3. PH2014-Amend GCO Chapter 12, Article II “Wetlands” by deleting the current Sec. 12-27 in its Entirety and adding a new Sec. 12-27 Floodplain Management**

**This public hearing is opened at 9:18 p.m.**

**Those speaking in favor:**

**Gregg Cademartori**, Planning Director, explained the following: He submitted a memo on April 14 to the Mayor to update the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps (FIRMs) and the P&D took up this matter last week. The city is in receipt of a letter in early January from the Chief of the Engineering Management Branch of the Federal Insurance & Mitigation Administration indicating that the final flood hazard determination has been made affecting the City of Gloucester’s Flood Insurance Rate Maps (FIRMs) as well as all of Essex County including other counties in Massachusetts. Preliminary maps have been available in the office of the Community Development Department and on the city’s website since July 2013. There was an appeal period that closed at the end of last year. In order to continue in the national flood insurance program, the city has to adopt the FIRMs in the Code of Ordinances under Chapter 12. Adoption of this revision will put the new maps into effect as of July 16, 2014. This adoption a requirement for communities to participate in the federal flood insurance program as well as citizens in the community to be able to afford such sizable flood insurance rates.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Theken** asked what the new outlines would do to the installation of the state fishing pier on the Boulevard. **Mr. Cademartori** said it would not have a direct impact. These maps primarily look at habitable space. A pier in a flood prone area would have to be built to a certain standard and could have potential impact on its height or construction, he said.

In response to a series of questions by **Council President McGeary** Mr. Cademartori reported the following: The base flood elevation means that living space should be constructed above that level to avoid high flood insurance premiums. The Town of Rockport filed a limited appeal regarding its FIRMs and had some success. It is a very technical appeal submission and that community hired a consultant to rerun the FEMA model which projected a slightly less risk. He did not know whether it involved lowering of the base elevation. The contract award was \$50,000. He said he believed the areas impacted by the appeal were Bearskin Neck and Long Beach. He noted there are several processes with specific filing requirements that individual homeowners can undertake. Something as simple as building the first floor above flood elevation could lessen flood insurance premiums. Legislation has passed and a study will be done about the flood insurance premium affordability. Every foot a structure is out of compliance increases the insurance premium. There is an 18 percent cap on any increases in any one year. There will be a phasing-in of increasing premiums Property owners who are now in the flood plain who were not before July 16 will be brought into the flood insurance plan at a much lower premium rate, and at some point the rates will increase. For a project not yet constructed, if the building permit isn’t issued prior to the maps being accepted, then the project must be in compliance with the new FIRMs. **Mr. Cademartori** briefly discussed the ramifications of not designing a building to the new flood plain elevations. He confirmed for the **Council President McGeary** that if the Council did not adopt these maps, homeowners in the community would have to pay market rate for private flood insurance.

**This public hearing is closed at 9:32 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Theken, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend

GCO Chapter 12 Marshlands, Art. II Wetlands, Sec. 12-27 Floodplain Management by DELETING Sec. 12-27 in its entirety and ADDING a new Sec. 12-27 as follows:

*Floodplain area boundaries and base flood elevation data.* The floodplain areas are herein established which include all special flood hazard areas within the *City of Gloucester* designated as Zone A, AE, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Gloucester are panel numbers 25009C294G, 25009C0309G, 25009C0311G, 25009C0312G, 25009C0313G, 25009C0314G, 25009C0316G, 25009C0317G, 25009C0318G, 25009C0319G, 25009C0338G, 25009C0432G, 25009C0451G, 25009C0452G, 25009C0453G, 25009C0454G, 25009C0456G, 25009C0457G, 25009C0458G, 25009C0459G and 25009C0476G dated *July 16, 2014*. The exact boundaries of the Floodplain Areas may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated *July 16, 2014*. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector, City Engineer and City Planning Offices.

#### **DISCUSSION:**

**Councilor Whynott** by friendly amendment asked that the effective date be made July 16, 2014 at the advice of **Mr. Cademartori**. The Council gave its assent to the amendment.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Chapter 12 Marshlands, Art. II Wetlands, Sec. 12-27 Floodplain Management by DELETING Sec. 12-27 in its entirety and ADDING a new Sec. 12-27 to take effect on July 16, 2014 as follows:**

*Floodplain area boundaries and base flood elevation data.* The floodplain areas are herein established which include all special flood hazard areas within the *City of Gloucester* designated as Zone A, AE, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Gloucester are panel numbers 25009C294G, 25009C0309G, 25009C0311G, 25009C0312G, 25009C0313G, 25009C0314G, 25009C0316G, 25009C0317G, 25009C0318G, 25009C0319G, 25009C0338G, 25009C0432G, 25009C0451G, 25009C0452G, 25009C0453G, 25009C0454G, 25009C0456G, 25009C0457G, 25009C0458G, 25009C0459G and 25009C0476G dated *July 16, 2014*. The exact boundaries of the Floodplain Areas may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated *July 16, 2014*. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector, City Engineer and City Planning Offices.

#### **For Council Vote:**

##### **1. CC2014-020 (Cox) Cit Council support of the PAWS Act (S. 1914) regarding animal cruelty**

**Councilor Cox** explained that this supports Sen. Bruce Tarr's effort to help to prevent animal cruelty and increase penalties for any such act. This resolution supports the Senator's effort.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to resolve that:**

**WHEREAS** Senator Bruce Tarr as filed the PAWS Act (S. 1914) which addresses many aspects of both preventing and penalizing animal cruelty, **AND** Whereas unfortunately, sometimes a case as awful as that of "Puppy Doe" that was malicious – and one of the worst cases many law enforcement officers have seen – is needed to inspire a focus on these issues, **AND** Whereas Gloucester, like most Massachusetts cities and towns, has sadly experienced recent examples of cruelty to animals, **NOW THEREFORE**

**BE IT RESOLVED that the City Council encourages all Massachusetts legislators and our representative in the General Court to give this serious consideration to S. 1914 and to work with stakeholders to report out a bill that will advance this session, AND**

**FURTHER, that these resolves and the record of the vote in support of them be gathered by the City Clerk and forwarded to:**

**Senator Bruce Tarr**

**State Rep. Ann-Margaret Ferrante**

**Joint Committee on the Judiciary Chairman William Brownsberger**

**Joint Committee on the Judiciary Vice-Chair Chris Markey**

**Speaker of the House Robert DeLeo**

**Senate President Therese Murray**

**2. Amend GCO Chapter 4 “Animals” Art. II “Dogs” Sections 4-15, 4-19(a) and (b), 4-20(a) and (d); and Amend Sec. 1-15 “Penalty for violation of certain specified sections of Code” (Cont’d from 04/22)**

**Council President McGeary** said that at the Council’s last meeting Councilor Lundberg observed there was much heat but little light that had been shed on the changes regarding the city’s leash law. He pointed out that since any action that the Council might take this evening would have no effect since dogs are not permitted on city beaches after May 15, he suggested that the Council refer this matter back to O&A with a view towards conducting a study to ascertain some factual data to base conclusions with a view to vote on ordinance amendments in early autumn when the beach season ends and with an ordinance that could take effect then. He noted that further research is needed on: what other communities have set up and successfully enforced off-leash dog areas which are a significant concern, health and safety specifically related to dog feces on the beaches and what can be done to alleviate that. **Council President McGeary** then entertained a motion to refer the amendments to GCO Chapter 4 “Animals” Art. II “Dogs” Sections 4-15, 4-19(a) and (b), 4-20(a) and (d); and Sec. 1-15 “Penalty for violation of certain specified sections of Code” back to the O&A Committee with their recommendation to come forward at the end of the summer to the Council.

**Councilor Whynott** asked that the question be bifurcated in order for the Council to vote the matter of Sections 4-15, 4-19(a) and (b), 4-20(a) and (d) to be referred back to the O&A Committee, and that the Council vote now to increase fines for dog fouling under Sec. 1-15 “Penalty for violation of certain specified sections of Code”.

**Councilor Hardy** said additional information and statistics from the Police Department is pending and is necessary in order O&A Committee can do its job and go forward.

**Councilor LeBlanc**, Council Liaison and Chair of the Ad Hoc Dog Ordinance Committee, was informed that the Ad Hoc Committee should be called back into order to assist with the necessary research now being asked for by the Council.

**Councilor Verga** pointed out that the origins of this came out of an incident at Stage Fort Park, and yet the majority of the discussion has been about off-leash areas on city beaches. He asked that other areas besides two city beaches be looked at such as Stage Fort Park, Goose Cove and other areas such as reservoirs of the city to be included in the Ad Hoc Committee’s research as to curbing dog walkers allowing their dogs to foul these areas and/or increasing enforcement of the city’s leash laws in order to protect those environmentally sensitive areas.

**MOTION: On a motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to refer and return to the Ordinance & Administration Committee for its further consideration regarding the amendment of GCO Chapter 4 “Animals,” Art. II “Dogs,” Sections 4-15 to 4-22 and additionally to include gathering statistics from the Police Department and looking at sites for off-leash areas that the search should include but not be limited to only Good Harbor and Wingsheek Beaches. The research by the Ad Hoc Dog Ordinance Committee, through the O&A Committee, should take into consideration such areas as Stage Fort Park, Stacy Boulevard, and reservoirs and to report its findings to the Council by the end of the summer.**

**Councilor Whynott moved, and Councilor Cox seconded, that the City Council vote to amend GCO Sec. 1-15 Penalty for violation of certain specified sections of Code by deleting dog fouling fines related to GCO Sec. 4-21 as currently listed and to add penalties as follows:**

**First Offense: \$50.00**

**Subsequent offense(s): \$100.00**

**Councilor Cox** said she was not prepared to discuss the matter at this meeting as the Council was informed that the matter was likely to be continued. She pointed out she had no information in front of her to relate to the increase of the fines as proposed. She observed that the proposed fine increases as suggested by the Ad Hoc Dog Ordinance Committee through the O&A Committee were not significant enough to act as a deterrent and would not support the fines increases as currently proposed. **Councilor Whynott** said the fines as proposed were significant enough to act as a deterrent to dog owners. **Councilor Lundberg** agreed with Councilor Cox saying that he also was not prepared to vote this evening on any fines as there is nothing before the Council showing the fines documentation.

**Councilor Cox** invoked City Charter provision Sec. 2-11(c) regarding the amendment of GCO Section 1-15 Penalty for violation of certain specified sections of Code regarding dog fouling fines.

**The matter of the vote to increase dog fouling fines as listed in GCO Chapter 4, Sec. 4-21 is continued to May 27, 2014.**

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor LeBlanc** announced the following: There is a The 4<sup>th</sup> annual plant sale to benefit the Gloucester Education Foundation takes place on Saturday, May 17 from 8 a.m. to 12 noon adjacent to the tennis courts at Stage Fort Park. All proceeds benefit the Gloucester Education Foundation. The Coast Guard is conducting a Safe Boating Day at Station Gloucester at Harbor Loop from 9 a.m. to 1:30 p.m. It is a family event with tours of rescue and police boats, a demonstration of safety gear and free health screenings by the Addison Gilbert Hospital.

**Councilor Cox** announced that: volunteers are needed to staff the Welcoming Center at Stage Fort Park. If interested, please contact Kathy Gilson in the Community Development Office. There will be a Tourism Collaborative panel discussion at the Gloucester House on Thursday, May 15 from 5:30 to 8 p.m.

**Councilor Theken** said that it is important that the community must adhere to the city's leash law. She asked dog owners be respectful to those who are not and work together to see that the laws are respected.

**Council President McGeary** pointed out the artwork displayed in Kyrouz Auditorium from the Public School Arts Festival held this past weekend. He said he had the honor of representing the Mayor and the city at the event and delivering congratulations to all the students who participated. He pointed out it was not just the visual arts represented and that the O'Maley Middle School Band and the Docksidiers gave mini-concerts. He commended the schools and the Gloucester Education Fund for a wonderful event.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:53 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

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