

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, June 24, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

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

**Absent: Councilor Hardy**

**Also Present: Linda T. Lowe; Kenny Costa; John Dunn; Fire Chief Eric Smith; Jim Hafey; James Pope; Kathy Clancy**

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

**Flag Salute & Moment of Silence.**

**Oral Communications: None.**

**Consent Agenda:**

- **MAYOR'S REPORT**

1. Memorandum from the Newell Building Committee re: acceptance of donations of materials & equipment from the Gloucester Fishermen Athletic Association to the New Balance Track & Field at Newell Stadium (Refer B&F)
2. Communication regarding a donation under MGL Chapter 44, §53A from Destination America and USA Today "Red, White and You" in the amount of \$4,000 to be applied to fireworks displays for July 3<sup>rd</sup> and Labor Day (Refer B&F)
3. Memorandum from Assistant Director of Pubic Works & updated draft of the New Balance Track and Field at Newell Stadium Rules & Regulations (Refer B&F)
4. Memorandum from Principal Assessor re: Declaration of Overlay Surplus pursuant to MGL Chapter 59, §25 (Info Only)
5. Addendum to the Mayor's Report re: Loan Order in the amount of \$400,000 for rental of swing space for West Parish School (Refer B&F)

- **COMMUNICATIONS/INVITATIONS**

- **APPLICATIONS/PETITIONS**

1. Special Events Application: request to hold Mass Bay US Sailing Junior Olympic Sailing Festival on August 11, 12, 13, 2014 (Refer P&D)
2. Special Events Application: request to hold the Mother of Grace Fiesta on September 6, 2014 and September 7, 2014 (Refer P&D)
3. Special Events Application: request to hold the Waterfront Festival on August 16, 2014 and August 17, 2014 (Refer P&D)
4. PP2014-001: Petition of National Grid for installation of underground electric conduit re: Pleasant Street (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2014-027 (Cox) Amend GCO Chapter 22, Sec. 22-284 "Service or loading zones" and Sec. 22-291 "Tow-away zones" re: Pleasant Street #27 (Refer O&A & TC)
2. CC2014-028 (Cox) Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times," Sec. 22-283 "Bus stops and taxi Stands," Sec. 22-265 "Turning movements-Generally" and Sec. 22-159 "Same-Between certain hours and on certain days" re: Pleasant Street and Smith Street (Refer O&A & TC)
3. CC2014-029 (LeBlanc) re: Emerson Avenue (Refer O&A & TC)

- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS<sup>1</sup>**

1. Special City Council Meeting: 06/17/14 (Approve/File)
3. Standing Committee Meetings: B&F 6/19/14 (under separate cover), O&A 06/16/14, P&D 06/18/14 (Approve/File)

**Council Unanimous Consent Calendar:**

1. Special Events Application: request to hold a Lexington Avenue Street Fair, Saturday, July 19, 2014 (Refer P&D)

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

**Councilor LeBlanc** wished to remove Item #3, Memorandum from Assistant Director of Pubic Works & updated draft of the New Balance Track and Field at Newell Stadium Rules & Regulations under the Mayor's Report. He said that as these are rules and regulations the matter should also be referred to the O&A Committee.

By unanimous consent of the Council the matter was referred to both the O&A and B&F Committees.

**Councilor Verga** asked to remove Items #5, Addendum to the Mayor's Report re: Loan Order in the amount of \$400,000 for rental of swing space for West Parish School. He requested said that that the Council receive the opinion of General Counsel if an Acting Mayor is allowed to forward such a matter to the City Council for their review and vote.

By the unanimous consent of the Council, the matter of a request for an opinion by General Counsel was referred to the Legal Department.

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

**Committee Reports:**

**Budget & Finance: June 19, 2014**

**Councilor Cox** discussed the motion related to permission to apply for a grant opportunity through the U.S. Department of Housing and Urban Development (HUD) Lead Hazard Control Grant Program. The grant has a maximum possible award of approximately \$1,320,000 to be used for the purpose of lead-based paint removal in the city's housing stock for low- and moderate-income families. She noted that the grant, if awarded, has a match of \$286,000 which would consist of \$218,000 of the city's Community Development Block Grant funds and in-kind staff time.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to accept the Budget & Finance Committee's Unanimous Consent Agenda dated June 24, 2014 as follows:**

Grant Acceptance & Permission to Apply for Grant

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, that under MGL c. 44, §53A accept a \$50,000 grant from the Mass. Executive Office of Energy & Environmental Affairs, Office of Coastal Zone Management for the purpose of conducting a Gloucester Climate Change Vulnerability Assessment Study.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to permit the Community Development Director to pursue a grant opportunity through the U.S. Department of Housing & Urban Development (HUD) Lead Hazard Control Grant Program for a grant award of approximately \$1,320,000 for the purpose of lead-based paint removal in the city's housing stock for low and moderate income families.**

Special Budgetary Transfers-To alleviate FY14 year-end deficits:

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-45 for \$6,500 (Six Thousand Five Hundred Dollars) from Account #101000.10.121.51100.0000.00.000.00.051, Mayor's Office, Salary/Wage-Permanent Position to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-46 for \$3,500 (Three Thousand Five Hundred Dollars) from Account #101000.10.135.51100.0000.00.000.00.051, Auditor's Office, Salary/Wage-Perm Position to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-47 for \$1,900 (One-Thousand Nine Hundred Dollars) from Account #101000.10.141.51100.0000.00.000.00.051, Assessors, Salary/Wage-Perm Position to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-48 for \$1,000 (One Thousand Dollars) from Account #101000.10.141.51920.0000.00.000.00.051, Assessors, Sick**

**Leave Buy-Back to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-49 for \$10,000 (Ten Thousand Dollars) from Account #101000.10.145.51100.0000.00.000.00.051, Treasurer/Collector, Salary/Wage-Permanent Position to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-50 for \$2,000 (Two Thousand Dollars) from Account #101000.10.145.51200.0000.00.000.00.051, Treasurer/Collector Salary Wages Temporary to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-51 for \$10,000 (Ten Thousand Dollars) from Account #101000.10.145.52000.0000.00.000.00.052, Treasurer/Collector, Contractual Services to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-52 for \$7,000 (Seven Thousand Dollars) from Account #101000.10.145.57460.0000.00.000.00.057, Treasurer/Collector, Self-Insurance Auto to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-53 for \$3,200 from Account #101000.10.145.59100.0000.00.000.00.059, Treasurer/Collector, Debt Service, Principal/Debt to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-54 for \$1,400 (One Thousand Four Hundred Dollars) from Account #101000.10.145.59250.0000.00.000.00.059, Treasurer/Collector, Debt Service, Interest/Temporary-Notes to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-55 for \$7,000 (Seven Thousand Dollars) from Account #101000.10.145.59450.0000.00.000.00.059, Treasurer/Collector - Debt Service, Bond Issuance Cost to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-56 for \$32,000 (Thirty Two Thousand Dollars) from Account #101000.10.151.53800.0000.00.000.00.052, City Legal Department, Witness Fee/Litigation Support to Account #101000.10.152.51750.0000.00.000.00.051,**

**Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-57 for \$2,000 (Two Thousand Dollars) from Account #101000.10.151.57300.0000.00.000.00.057, City Legal Department, Dues & Subscriptions to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-58 for \$10,500 (Ten Thousand Five Hundred Dollars) from Account #101000.10.155.51100.0000.00.000.00.051, Management Information Systems, Salary/Wage-Perm Position to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-59 for \$1,500 (One Thousand Five Hundred Dollars) from Account #101000.10.161.51200.0000.00.000.00.051, City Clerk, Salary/Wage-Temporary Position to Account #101000.10.152.51750.0000.00.000.00.051, Personnel Department, Employee-Health Insurance for the purpose of funding the health insurance deficit in the Personnel Department.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-60 for \$30,000 (Thirty Thousand Dollars) from Account #101000.10.210.51300.0000.00.000.00.051, Police-Administration, Salary/Wage-Overtime to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Overtime deficit.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-61 for \$30,000 (Thirty Thousand Dollars) from Account #101000.10.211.51100.0000.00.000.00.051, Police-Uniform, Salary/Wage-Perm Position to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Overtime deficit.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-62 for \$10,000 (Ten Thousand Dollars) from Account #101000.10.211.51360.0000.00.000.00.051, Police-Uniform, Salary/Wage-Overtime Beach to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Overtime deficit.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-63 for \$10,000 (Ten Thousand Dollars) from Account #101000.10.211.51950.0000.00.000.00.051, Police-Uniform, Career Incentive Pay to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Overtime deficit.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-64 for \$10,000 (Ten Thousand Dollars) from Account #101000.10.212.51100.0000.00.000.00.051, Police-Investigation, Sal/Wage-Perm Position to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Overtime deficit.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Special Budgetary Transfer 2014-SBT-65**

for \$2,500 (Two Thousand Five Hundred Dollars) from Account #101000.10.138.53450.0000.00.000.00.052, Purchasing, Postage to Account #101000.10.138.51100.0000.00.000.00.051, Purchasing, Salary/Wage-Permanent Position for the purpose of funding vacation pay for an employee departing the Purchasing Department.

Supplemental Appropriations:

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-68 in the amount of \$34,795 (Thirty Four Thousand Seven Hundred Ninety Five Dollars) from Account #840000.10.991.59600.0000.00.000.00.059, Stabilization Fund, Transfers Out - to General Fund to Account #101000.10.423.51310.0000.00.000.00.051, DPW-Snow/Ice Removal, Overtime Snow & Ice for the purpose of removing the Snow and Ice deficit.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-69 in the amount of \$108,386.13 (One Hundred Eight Thousand Three Hundred Eighty Six Dollars and Thirteen Cents) from Account #101000.10.000.32200.0000.00.000.00.000, General Fund – Fund Balance-Reserved Extra\Unforeseen (Overlay Surplus) to Account # 101000.10.423.52970.0000.00.000.00.052, DPW-Snow/Ice Removal, Snow/Ice-Contract for the purpose of removing the Snow and Ice deficit.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-70 in the amount of \$101,000 (One Hundred One Thousand Dollars) from Account #101000.10.000.32200.0000.00.000.00.000, General Fund – Fund Balance-Reserved Extra\Unforeseen (Overlay Surplus) to Account #101000.10.152.51840.0000.00.000.00.051, Personal Services - Medicare/FICA for the purpose of removing a deficit for Employer Medicare match.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-71 in the amount of \$689,845 (Six Hundred Eighty Nine Thousand Eight Hundred Forty Five Dollars) from Account #840000.10.991.59600.0000.00.000.00.059, Stabilization Fund, Transfers Out - to General Fund to Account # 101000.10.423.52970.0000.00.000.00.052, DPW-Snow/Ice Removal, Snow/Ice-Contract for the purpose of removing the Snow and Ice deficit.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-72 in the amount of \$150,000 (One Hundred Fifty Thousand Dollars) from Account #600000.10.440.58000.0000.00.000.00.058, Sewer Enterprise, Reserve for Capital Outlay to Account # 310026.10.440.58730.0000.00.000.00.058, CIP – Vactor Pad Capital Equipment Expense for the purpose of purchasing a vactor pad.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve Supplemental Appropriation 2014-SA-73 in the amount of \$258,624 (Two Hundred Fifty Eight Thousand Six Hundred Twenty Four Dollars) from Account #600000.10.440.58000.0000.00.000.00.058, Sewer Enterprise, Reserve for Capital Outlay to Account # 310027.10.440.58400.0000.00.000.00.058, CIP – Sewer Pump Station Improvements for the purpose of Sewer Pump Station Improvements.

**Ordinances & Administration: June 16, 2014**

**COMMITTEE RECOMMENDATION:** A motion was made, seconded and voted 3 in favor, 0 opposed by the Ordinances & Administration Committee to recommend that the City Council should vote to consolidate the polling place for Ward 5, Precinct 2 from the West Parish School, 10 Concord Street, to the Ward 5, Precinct 1 polling place at the Magnolia Library, 1 Lexington Avenue, to become effective with the September 9, 2014 State Primary Election.

**DISCUSSION:**

**Councilor Whynott** said that moving the two Ward 5 precincts into the Magnolia Library for the next several years while the West Parish School is rebuilt is the best temporary solution at this time. It is planned to move the polling place back to the West Parish School when it becomes available in two to three years, he said.

**Councilor Fonvielle** said that this is a good compromise. He observed that the voters in Precinct 2 prefer to remain in the ward for voting purposes, and pointed out for most ward residents the Magnolia Library is no further than the high school. He said the Magnolia Library is the preferred location.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to consolidate the polling place for Ward 5, Precinct 2 from the West Parish School, 10 Concord Street, to the Ward 5, Precinct 1 polling place at the Magnolia Library, 1 Lexington Avenue, to become effective with the September 9, 2014 State Primary Election.**

**Planning & Development: June 18, 2014**

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant permission to the Gloucester Schooner Festival to close parts of Harbor Loop as directed by the Gloucester Police Department in the vicinity of Maritime Gloucester (as shown on drawing on file) to all vehicular traffic from 1:00 p.m. to 7:00 p.m. on Saturday, August 30, 2014 for the purpose of conducting the Gloucester Schooner Festival Lobster Bake with the following conditions:

1. A Certificate of Insurance naming the City as the additional insured party for the day of the event is to be filed with the City Clerk's office by August 15, 2014.
2. There shall be no vendor or food service set up on the sidewalks and no blocking of fire hydrants, crosswalks or handicapped ramps
3. All set up must allow for an unobstructed drivable area to maintain adequate access for emergency vehicles. Any obstructions may be removed by the Gloucester Police Department (GPD).
4. The organizer shall allow the Gloucester Fire Department (GFD) to drive through access with a fire engine on the day of the event at whatever time the GFD EMS Director directs.
5. There shall be no parking or unloading of goods in the designated area of Harbor Loop after 1:00 p.m. and until 8:00 p.m. on the day of the Gloucester Schooner Festival Lobster Bake.
6. Event staff must have cell phones and must wear distinct shirts which identify them as event staff. Cell phone numbers and staff names must be given to the GPD and GFD in advance of August 30.
7. The Gloucester Schooner Festival Lobster Bake organizers shall obtain propane permits and arrange for propane inspections with the GFD.
8. The event organizers shall arrange for all inspections required by the Inspectional Services Department and by the Public Health Department.
9. The Gloucester Schooner Festival is required to obtain any necessary permits from the Licensing Board and Licensing Commission and to timely file all necessary documentation with city departments. Applicant must also comply with any other requirements made by departments through the Special Events Committee, particularly the requirements of the Licensing Board concerning alcohol sales.

**DISCUSSION:**

**Councilor Verga** said that the Schooner Festival hadn't come before P&D Committee last year. He noted that there had been some issues surrounding the 2013 event resulting in the event organizers being asked to come forward for a Council permit for 2014. He said the conditions set forth will ensure a more successful event.

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to grant permission to the Gloucester Schooner Festival to close parts of Harbor Loop as directed by the Gloucester Police Department in the vicinity of Maritime Gloucester (as shown on drawing on file) to all vehicular traffic from 1:00 p.m. to 7:00 p.m. on Saturday, August 30, 2014 for the purpose of conducting the Gloucester Schooner Festival Lobster Bake with the following conditions:**

1. A Certificate of Insurance naming the City as the additional insured party for the day of the event is to be filed with the City Clerk's office by August 15, 2014.
2. There shall be no vendor or food service set up on the sidewalks and no blocking of fire hydrants, crosswalks or handicapped ramps
3. All set up must allow for an unobstructed drivable area to maintain adequate access for emergency vehicles. Any obstructions may be removed by the Gloucester Police Department (GPD).
4. The organizer shall allow the Gloucester Fire Department (GFD) to drive through access with a fire engine on the day of the event at whatever time the GFD EMS Director directs.
5. There shall be no parking or unloading of goods in the designated area of Harbor Loop after 1:00 p.m. and until 8:00 p.m. on the day of the Gloucester Schooner Festival Lobster Bake.
6. Event staff must have cell phones and must wear distinct shirts which identify them as event staff. Cell phone numbers and staff names must be given to the GPD and GFD in advance of August 30.
7. The Gloucester Schooner Festival Lobster Bake organizers shall obtain propane permits and arrange for propane inspections with the GFD.
8. The event organizers shall arrange for all inspections required by the Inspectional Services Department and by the Public Health Department.
9. The Gloucester Schooner Festival is required to obtain any necessary permits from the Licensing Board and Licensing Commission and to timely file all necessary documentation with city departments. Applicant must also comply with any other requirements made by departments through the Special Events Committee, particularly the requirements of the Licensing Board concerning alcohol sales.

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 approve under MGL c. 184, §32 the Conservation Restrictions for the properties of the Essex County Greenbelt Association located at 62 Concord Street and 127 Bray Street (also known as the Norcross and Tompson Street Gateway Projects).

#### **DISCUSSION:**

**Councilor Verga** recounted for the Council that the Essex County Green Belt Association (ECGA) came before the committee in the last round of Community Preservation Act funding for a grant to assist in the purchase of the Norcross Property, the parcel of property across from the old Gloucester Drive-In at 62 Concord Street. Also included is the 127 Bray Street property, a part of the ECGA Tompson Street Gateway project. A requirement of the CPA program and grant awards was that both parcels must be protected by Conservation Restrictions in favor of the city.

He noted that the area in front of the Norcross Property has become a dumping ground for household items and other types of debris, and asked that the ECGA address that matter through signage and perhaps security cameras. He suggested that the ECGA advise the Council of what their intentions are to clean up and maintain that area. He said he supported the Conservation Restrictions and said that this is a great use for the properties.

**Councilor LeBlanc** said that he utilizes the Norcross property for exercise and fresh air, noting it is a great open space and that it is appropriate to preserve these open spaces for the city.

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve under MGL c. 184, §32 the Conservation Restrictions for the properties of the Essex County Greenbelt Association located at 62 Concord Street and 127 Bray Street (also known as the Norcross and Tompson Street Gateway Projects).**

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

1. PH2014-043: Amend GCO Chapter 22, Sec. 22-269 "Stop intersections" re intersection of River Road & Leonard Street

This public hearing is opened at 7:13 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:13 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hardy, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend GCO Chapter 22, Sec. 22-269 "Stop intersections" by adding a stop sign on River Road at its intersection with Leonard Street.

**DISCUSSION:**

**Councilor Whynott** said that there was already a stop sign at this location, but there was no record of it in the Code of Ordinances, and this Council action remedies the situation.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to amend GCO Chapter 22, Sec. 22-269 "Stop intersections" by adding a stop sign on River Road at its intersection with Leonard Street.**

**2. PH2014-044: Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 Tow-away zones" re: Fire Personnel parking**

**This public hearing is opened at 7:14 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:15p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, 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. 22-270 "Parking prohibited at all times" by adding School Street, westerly side, from a point 95 feet from its intersection with Middle Street for a distance of 40 feet in a northerly direction (removing Meters 1 and 2 and sign to read "No Parking – Fire Personnel Only").

**DISCUSSION:**

**Councilor Whynott** explained that this and the following four motions are in an effort to create some provisions for adequate parking for Fire Department personnel. He noted that the department leases a section of the Trinity Congregational Church lot to provide some parking for employees, but that the space is inadequate. As a result, Fire Chief Eric Smith, working with Ward 2 Councilor Melissa Cox, brought forward this solution which the Traffic Commission reviewed and recommended. What follows are the amendments for all the appropriate sections of the Code of Ordinances to make on-street parking spaces available for firefighters on duty at Central Station. This has been done with the full knowledge of the fire station's neighbors, he noted.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at all times" by adding School Street, westerly side, from a point 95 feet from its intersection with Middle Street for a distance of 40 feet in a northerly direction (removing Meters 1 and 2 and sign to read "No Parking – Fire Personnel Only").**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, 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 zones re: Fire Department Personnel Parking" by adding School Street, westerly side, from a point 95 feet from its intersection with Middle Street for a distance of 40 feet in a northerly direction (just before driveway to Trinity Congregational Church).



**DISCUSSION: None.**

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to Amend GCO Chapter 22, Sec. 22-291 “Tow-away zones re: Fire Department Personnel Parking” by ADDING “School Street, westerly side, from a point 95 feet from its intersection with Middle Street for a distance of 40 feet in a northerly direction (just before driveway to Trinity Congregational Church).”**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, 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. 22-270 “Parking prohibited at all times” by adding Proctor Street, southerly side, from a point 20 feet from its intersection with School Street for a distance of 40 feet in a westerly direction (sign to read “No Parking – Fire Personnel Only”).

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to Amend GCO Chapter 22, Sec. 22-270 “Parking prohibited at all times” by ADDING “Proctor Street, southerly side, from a point 20 feet from its intersection with School Street for a distance of 40 feet in a westerly direction (sign to read “No Parking – Fire Personnel Only”).”**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, 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 zones re: Fire Department Personnel Parking” by adding Proctor Street, southerly side, from a point 20 feet from its intersection with School Street for a distance of 40 feet in a westerly direction (just before driveway at rear of station).

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to Amend GCO Chapter 22, Sec. 22-291 “Tow-away zones re: Fire Department Personnel Parking” by ADDING “Proctor Street, southerly side, from a point 20 feet from its intersection with School Street for a distance of 40 feet in a westerly direction (just before driveway at rear of station).”**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that GCO Chapter 22, Sec. 22-278 “Same-Between Certain Hours” be deleted that refers to two parking spaces on Proctor Street being set aside for exclusive use of the Fire Department from 8:00 a.m. to 6:00 p.m.

**DISCUSSION:**

**Councilor Cox**, noting that the last motion has a time restriction from 8 a.m. to 6 p.m., pointed out that the Fire Department requires reserved parking 24 hours a day. **Fire Chief Eric Smith** said that last motion removes the time restriction rather than impose it.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, that GCO Chapter 22, Sec. 22-278 “Same-Between Certain Hours” be Amended by DELETING reference to two (2) parking spaces on Proctor Street being set aside for exclusive use of the Fire Department from 8:00 a.m. to 6:00 p.m.**

**3. PH2014-045: Loan Order #2014-005: Loan Authorization in the amount of \$890,000 for School Building Improvements**

**This public hearing is opened at 7:22 p.m.**

**Those speaking in favor:**

**Kathy Clancy**, 78 High Popples Road, Chair of the School Committee's Building & Finance subcommittee, said that the School Committee is pleased to see this capital investment in the city's school buildings come forward. She highlighted that part of this loan is earmarked for the O'Maley Innovation Middle School HVAC (Heat/Ventilation/Air-Conditioning) work (\$465,000) that will address complaints from students that certain areas of the school are very cold, making for difficult learning conditions. Window replacements (\$150,000), she said, address what has been a safety concern of the School Committee for some time, noting that many of the windows are made of Plexiglas. She acknowledged that there is not infinite funding available for all schools to receive such capital improvements, but she said that it was reassuring to see the city invest in the safety and comfort of its students in order to give them a better learning environment

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Verga** asked for more specifics as to what work would be done on not just the O'Maley Innovation Middle School but also at the Beeman Elementary School. **Jim Hafey**, Department of Public Works Facilities Manager, confirmed that scheduled work includes the replacement of the circa 1955 boiler at Beeman Elementary School converting the system to natural gas, as well as replacing and converting the O'Maley Innovation Middle School boilers.

**This public hearing is closed at 7:25 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to approve a School Building Improvements Loan Authorization as follows:

Ordered: That the City of Gloucester appropriate Eight Hundred Ninety Thousand Dollars (\$890,000) to pay costs of boiler conversions and/or improvements and building envelope repairs at the O'Maley Innovation School and the Beeman Elementary School, including payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the projects.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

**DISCUSSION:**

**Councilor Cox** briefly reviewed the work scheduled for both Beeman Elementary and the O'Maley Innovation Middle Schools and lent her support for the loan authorization. She expressed her appreciation that a member of the School Committee had come forward to speak in support of the loan order.

**Councilor Verga** said that he would support this loan order noting some items for replacement had been on the School Department's "to-do" list since his tenure on the School Committee. He pointed out that windows were replaced at West Parish Elementary School in 1999, and the school is being replaced in 2014, but that the building envelopes need to be preserved until such time as they are replaced.

**Councilor Whynott** also added his support.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Verga, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve a School Building Improvements Loan Authorization as follows:**

**Ordered: That the City of Gloucester appropriate Eight Hundred Ninety Thousand Dollars (\$890,000) to pay costs of boiler conversions and/or improvements and building envelope repairs at the O'Maley Innovation School and the Beeman Elementary School, including payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount**

**under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the projects.**

**Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.**

**4. PH2014-046: SCP2014-008: Webster Street #1, Modification of Special Council Permit granted September 8, 1987**

**This public hearing is opened at 7:28 p.m.**

**Those speaking in favor:**

**Attorney Ralph Pino**, 46 Middle Street, addressed the Council on behalf of the applicants, Thomas and Mary Spittle, trustees of R & T Realty Trust, who were also present. He said that the property is located at Eastern Avenue and Webster Street with a building that has been used for 20+ years as nine residential units. He noted that there were on file previous Building Inspection certificates reflecting the the building as having nine residential units and that the building is assessed as such. He indicated that also on file are certificates for each of the nine residential units by the Department of Public Health. He said it had seemed all documents were in good order until the Spittle's went to sell the building to William Goodwin (present) when the bank required a zoning opinion. It was at this juncture **Mr. Pino** recounted that he discovered in 1987 the Council had approved an eight dwelling unit building with an office unit to remain in the basement of it.

**Mr. Pino** said that the applicant is seeking to modify the original City Council decision of September 8, 1987, (on file) to eliminate the bottom floor, Eastern Avenue level, office unit and replace it with another residential unit. That basement unit would be designated as an affordable housing unit under Section 5.11 of the zoning ordinance and permanently restrict the use of that unit as an affordable unit, he pointed out.

To make the basement unit residential, **Mr. Pino** said, a modification for the minimum lot area per dwelling unit and open space per dwelling unit would also be necessary. He said that when the building was first occupied it had multiple uses within it, including a hairdresser, retail and office space as well as residential units, and had been modified over the years. He noted the last modification was in the 1980s, and that this current modification proposes no change to the interior or exterior of the building. He also pointed out that there will be no change in the parking configuration in that there is one parking space for each unit.

**Mr. Pino** then reviewed the Special Council Permit criteria under Sec. 1.8.3 as follows: The social and economic needs for an affordable housing unit on a permanent basis outweigh that of a very small office in a basement of the building. The residential unit will also create less traffic than would a commercial unit. Each unit in the building has a designated off-street parking space, so the traffic flow and safety will remain unchanged. All of the property is already on municipal water and electric, and there will be no additional demand. There will also be no change in the quality of the environment by this amendment. Since the building is already assessed as a 9-unit dwelling, there will be no fiscal impact, although if the unit returns to an office unit it could have a negative financial impact.

**Mr. Pino** reiterated that to make the basement unit residential, a modification for the minimum lot area per dwelling unit and open space per dwelling unit is being sought. He asked the Council to approve the application to modify the Special Council Permit from 8 residential units to 9 residential units and that the basement unit be designated an affordable housing unit.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:33 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Lundberg) absent, to recommend that the City Council approve a modification of the 1987 Special Council Permit (SCP2014-008) pursuant to Section 2.3.1(8) and Section 3.2.2(a) for a multi-family dwelling from eight residential units and one office unit to nine residential units, all at #1 Webster Street, Map 47, Lot 12, zoned NB, with the condition that the basement unit shall be an affordable unit.

**DISCUSSION:**

**Council President McGeary** said he knew as a neighbor of this building that the Spittle's have done a great job in maintaining the multi-family building, pointing out there is an increasing need for multi-family dwellings in the city. He commended the Spittle's good stewardship of the property and recommended their example to the new owner, Mr. Goodwin.

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to approve a modification of the 1987 Special Council Permit (SCP2014-008) pursuant to Section 2.3.1(8) and Section 3.2.2(a) for a multi-family dwelling from eight residential units and one office unit to nine residential units, all at #1 Webster Street, Map 47, Lot 12, zoned NB, with the condition that the basement unit shall be an affordable unit.**

**5. PH2014-047: Amend GCO Chapter 15, by deleting Sections 15-15 & 15-16 and adding new Sections 15-1, 15-2 and 15-3 creating a Stage Fort Park Advisory Committee**

**This public hearing is opened at 7:35 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:36 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 15 "Parks and Recreation" by DELETING Sections 15-15 and 15-16 concerning the Recreation Committee and by ADDING new Sections 15-1, 15-2 and 15-3 creating a Stage Fort Park Advisory Committee as follows:

Section 15-1. Stage Fort Park Advisory Committee – Purpose.

- (a) In recognition of the continuing need for oversight in the city's ownership, operation and maintenance of Stage Fort Park so its full recreational utilization can be sustainably realized and its integrity as a natural resource for the entire community can be fully protected, the Stage Fort Park Advisory Committee is established.
- (b) The committee shall undertake but not be limited to the following activities:
  - (1) Recommend an overall and coordinated program for the use of the recreational and other facilities at Stage Fort Park that balances the needs of all parties seeking to use the Park.
  - (2) Review and make recommendations upon plans for the proposed maintenance or capital improvements to any of the facilities or property contained within the park and to provide advisory oversight to the execution of such plans.
  - (3) Recommend programs and activities which can generate revenue streams that can be dedicated to the maintenance or improvement of the property or facilities within the Park.

Section 15-2. Composition; requirements; tenure.

- (a) The Stage Fort Park Advisory Committee shall consist of up to nine members, one of whom shall be the DPW Director or his designee and one of whom shall be a City Councilor appointed by the Council President. The remaining members shall be residents of the City who shall be appointed by the Mayor and approved by the Council under the City Charter to a term of three years. One of the members shall be a resident of the neighborhood abutting the park, and two of the members shall be at-large residents of the City. The other members shall represent the interests of the Gloucester Rotary Club, Gloucester Dog Park, Gloucester Little League, the Friends of Stage Fort Park, recreation, and gardening/landscaping.

Section 15-3. Assistance of city officials, boards and employees.

The Committee shall receive regular support from the Department of Public Works, the Open Space and Recreation Committee, and the Conservation Commission staff, as well as other support as needed.

#### **DISCUSSION:**

**Councilor Verga** expressed his support for the creation of the Stage Fort Park Advisory Committee, recounting that this effort is a result of the last cyclo-cross event held at Stage Fort Park, that beyond any perceived damage from the bikes to the park grounds, it brought to light many issues of deferred maintenance. It then precipitated the impetus to create the Stage Fort Park Advisory Committee to empower a group of residents to oversee the park, he said. He noted that the original proposal by the Administration was to hire a consultant to work with city staff. He said that the P&D Committee, and the O&A Committee agreed, that there was the need to have a second layer of input from residents. He observed that the goal is to look forward to the city's 400<sup>th</sup> anniversary in 2023 which will give this committee nine years to come up with a plan to make this city jewel shine again. He said he would like to see a plan that thinks outside the box and doesn't limit itself only to city resources for funding park improvements.

**Councilor Whynott** added his approbation for the creation of the Stage Fort Park Advisory Committee. He remarked there was a lot of damage not just from the cyclo-cross events over time but from overuse and deferred maintenance. He mentioned landscaping issues and his desire to see the park restored.

**Councilor Cox** asked how much input this advisory committee will have on what activities are permitted in the park. **Councilor Verga** said the primary focus of the committee would be to look at the overall plan for the park rather than its day-to-day maintenance and function. He pointed out that Stage Fort Park hasn't had the attention that other city parks have received in recent years. The park technically extends to the Fishermen's Wives area, he said, and needs oversight. He used the example of the city's Magnolia Woods recreation area and its issues which led to the creation of the Magnolia Woods Oversight and Advisory Committee.

**Councilor Fonvielle** expressed his surprise to see no neighbors of the park or the dedicated individuals' intent on the park's maintenance and preservation in attendance to support the concept for the committee's creation. He added his support for the measure saying this is long overdue and was pleased to see the Council take this action.

**Councilor Lundberg** said one of the frustrations that were expressed during the P&D Committee discussions was about the lack of funding the city provides for the park. He observed there is now the ability to think about how to fund improvements with an eye forward looking towards 2023. He suggested such funding could be through a public/private partnership much like that of the New Balance Track and Field at Newell Stadium project, spearheaded by this new committee, He said this is a good first step.

**Councilor Theken** said she supported this Council action also citing the example of the process that led to the creation of the Magnolia Woods Oversight Committee through the dedication and concern of a group of Magnolia residents. Stage Fort Park, she noted, should be no different, and that the diversity of the new committee enhances the effort to plan for the park's future. She said a priority to seek out grants by this new committee to help fund the city's maintenance and improvement efforts for Stage Fort Park should be of primary importance. The committee will be extra eyes and ears for the city as well, she said, and also agreed it is long overdue.

**Councilor Cox**, responding to an inquiry by **Councilor Verga** regarding a request for the creation of a Stage Fort Park revolving fund, said that during the B&F Committee's FY15 budget review that with the help of the Administration \$10,000 was found to create a revolving fund for the park's on-going maintenance which was voted into being at the Special City Council meeting last week. **Councilor Cox** expressed her hope that the Administration would find additional funds to add into that fund in the future. She added her congratulations to all who sought to create this committee.

**Councilor LeBlanc** lent his support for the creation of the new committee and expressed hope that people will think outside the box for funding opportunities in order to enhance Stage Fort Park in expanding its use.

**Councilor Whynott** said he agreed with Councilor Verga the committee will be more of a "big picture" group. He said it is important to have a group that acts as oversight in order to assure any damage to the park due to permitted events was remedied promptly and appropriately. He cited several examples of previous events in the past that damaged the park and that reparation had been made when the damage was brought to light.

**Council President McGeary** pointed out that previously there had been talk about using a percentage of the Stage Fort Park parking lot fees to fund the revolving account. **Councilor Cox** clarified that the \$10,000 revolving account was all that could be done in a very tight budget year. Although there was talk about pursuing a percentage of revenue from the parking lot at Stage Fort Park, those revenues, as do all beach-related revenues, go to the General Fund in order to help pay for core city services.

**Council President McGeary** said he would support the creation of the Stage Fort Park Advisory Committee. He said was impressed with the public spiritedness of the people who have stepped forward to advocate for the park to ensure the stewardship of Stage Fort Park for the future.

**MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to Amend GCO Chapter 15 “Parks and Recreation” by DELETING Sections 15-15 and 15-16 concerning the Recreation Committee and by ADDING new Sections 15-1, 15-2 and 15-3 creating a Stage Fort Park Advisory Committee as follows:**

**Section 15-1. Stage Fort Park Advisory Committee – Purpose.**

(a) In recognition of the continuing need for oversight in the city’s ownership, operation and maintenance of Stage Fort Park so its full recreational utilization can be sustainably realized and its integrity as a natural resource for the entire community can be fully protected, the Stage Fort Park Advisory Committee is established.

(b) The committee shall undertake but not be limited to the following activities:

- (1) Recommend an overall and coordinated program for the use of the recreational and other facilities at Stage Fort Park that balances the needs of all parties seeking to use the Park.
- (2) Review and make recommendations upon plans for the proposed maintenance or capital improvements to any of the facilities or property contained within the park and to provide advisory oversight to the execution of such plans.
- (3) Recommend programs and activities which can generate revenue streams that can be dedicated to the maintenance or improvement of the property or facilities within the Park.

**Section 15-2. Composition; requirements; tenure.**

(a) The Stage Fort Park Advisory Committee shall consist of up to nine members, one of whom shall be the DPW Director or his designee and one of whom shall be a City Councilor appointed by the Council President. The remaining members shall be residents of the City who shall be appointed by the Mayor and approved by the Council under the City Charter to a term of three years. One of the members shall be a resident of the neighborhood abutting the park, and two of the members shall be at-large residents of the City. The other members shall represent the interests of the Gloucester Rotary Club, Gloucester Dog Park, Gloucester Little League, the Friends of Stage Fort Park, recreation, and gardening/landscaping.

**Section 15-3. Assistance of city officials, boards and employees.**

The Committee shall receive regular support from the Department of Public Works, the Open Space and Recreation Committee, and the Conservation Commission staff, as well as other support as needed.

**For Council Vote:**

1. City Charter Sec. 2-11(c) (Cox) regarding For Council Vote from May 13, 2014 City Council Meeting On the matter of the amendment of GCO Sec. 1-15 “Penalty for violation of certain specified sections of Code” to increase dog fouling fines and “Running at Large” fines as listed in GCO Chapter 4, Sec. 21 and Sec. 1-15 (Cont’d from 05/27)

**Councilor Cox** explained the reason she called the Sec. 2-11(c) under the City Charter to halt any further discussion and vote on the matter of raising dog fouling fees at the May 27 Council meeting was because she had no information before the Council then to base any decision on. She said that having obtained some research, in part due to the efforts of the members of the Friends of the Gloucester Dog Park, on what other beach communities charge for violations in their dog regulations, she found that the majority of towns and cities charge \$50 per offense, and some do a gradual increase for offenses. She noted that Manchester-by-the Sea has a very low increasing fine structure compared to most state shoreline communities. The recommendation from the Committee is \$50 and subsequent offenses at \$100. She said she firmly believed the first offense should be \$100 for people to take the city seriously and that it should be \$100 for each offense.

**Councilor Whynott** explained to the Council that the amendments to the Code of Ordinances, Chapter 4 Animals, Article II Dogs at this time are:

- A) Increasing the existing civil ticketing fines, under Sec. 1-15 for dog fouling from \$25.00 first offense to \$50.00 first offense. And for the second offense fines would increase from \$50.00 to \$100.00.
- B) Adding the offense of "Running at Large ("off leash") to Sec. 1-15 such that new dog fouling fines also would be the same to off leash which up until now off leash was not listed in Sec. 1-15.
- C) And adding "Police Officers" as enforcement officers for ticketing of BOTH of these dog offenses which would be proposed in a separate motion.

He said that the remainder of the issues considered by the Ad Hoc Dog/Leash Committee will be considered by the Council at a later date."

**Councilor Whynott** then proposed the following amendments to the Code of Ordinances to increase dog fouling fines and add "Running at Large," fines to Sections 1-15, 4-15 and 4-21 as follows:

**To Amend GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code;" Chapter 4, Sec. 4-15 "Running at large," and Sec. 4-21 "Dog Fouling" as follows:**

**"Penalty:**

**First offense in a calendar year" DELETE \$25.00 and ADD \$50.00**

**Second offense in a calendar year" DELETE \$50.00 and ADD \$100"**

**And by ADDING to "Penalty for violations;" ADD "Chapter 4, Sec. 4-16 ADD "Running at Large prohibited" and by ADDING \$50.00 for first offense and \$100 for second offense in the same calendar year."**

The motion was seconded by **Councilor Theken**.

#### **DISCUSSION:**

When the Council sought an explanation of the amendments to Sec. 1-15, **Linda T. Lowe**, City Clerk, explained that through Sec. 1-15 this action increases civil fines for dog fouling. It also takes the existing leash law (Running at Large) and puts it into the civil ticketing which was never in that section of the Code of Ordinances and then gives it the same fines for dog fouling. For those offenses, in addition to the Animal Control Officer, Police Officers would be added as city enforcement personnel. She said that portion can be put into the code because the Code of Ordinances already provides that the Police enforce the entire code under GCO Sec. 17-27(b).

**Council President McGeary** clarified that it is enabling Police Officers to be able to write civil tickets for dog fouling and dogs that are off leash. This would be two separate ticketing issues, **Councilor Cox** clarified.

**Councilor Cox moved to amend the main motion that the penalty be \$100 per offense with no steps, seconded by Councilor Fonvielle.**

**Councilor Cox** said there are many cities and towns that have per offense ticketing, and she said it would be cleaner and create less confusion for enforcement personnel.

**Councilor LeBlanc** said that he believed this was originally to increase the dog fouling fines and not for dogs running at large. **Councilor Whynott** said that it is also adding civil fines for dogs running at large which does not exist in Sec. 1-15.

**Council President McGeary** agreed that what is before the Council now is to change the language for \$100 a flat fine, not per calendar year.

**Councilor Whynott** said he would not support the amendment, and that he wanted to see if the \$50 fine first was a deterrent to dog owners. He said a \$100 fine for a first offense would not be fair.

**Councilor LeBlanc** said he agreed with Councilor Whynott and would not support the amendment.

**Councilor Cox** said that she would do \$50 per offense not based on a calendar year. She said it doesn't make sense to be able to track the offense per calendar year. She observed there is money now budgeted for a second dog officer. She noted that all ticketing for dogs will be able to now be tracked in a separate account.

**Councilor Fonvielle** said he supported Councilor Cox's amendment to have a flat penalty or fine, and that it was important to send a clear message.

**The amendment to the main motion is to institute a \$100 as a penalty and to delete the references to a calendar year and subsequent offenses. The amendment to the main motion passed on a ROLL CALL vote of 6 in favor, 2 (Whynott, LeBlanc) opposed.**

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Theken, the City Council voted by ROLL CALL 6 in favor, 2 (Whynott, LeBlanc) opposed, 1 (Hardy) absent, to Amend GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code;" Chapter 4, section . 4-21 "dog fouling" by ADDING Sec. 4-15 "Running at large prohibited;"**

**Amend Sec. 1.15 " Penalty for violation of certain specified section sections of the Code, Chapter 4, section 4-21, "dog fouling" and section 4-15 "Running at large prohibited" by DELETING the following:**

**Penalty: First offense in a calendar year, \$25.00;  
Second offense and subsequent offenses in a calendar year, \$50.00; and ADDING**

**Penalty: \$100.00 per offense**

**Councilor Whynott** then proposed expanding the Enforcement Officers for the violations as follows:

**"To Amend GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code;" Chapter 4, Sec. 4-15 "Running at large," and Sec. 4-21 "Dog Fouling" by ADDING to the Enforcement Officer for violation, "Animal Control Officer, and Police officers."**

**The motion was seconded by Councilor Cox.**

#### **DISCUSSION:**

**Councilor Whynott** said that this action enables Police Officers to be added as enforcement officers for the civil ticketing for dog fouling and running at large. Right now in the police contract officers can respond if a person is in eminent danger.

**Councilor Theken** asked who writes these tickets. **Councilor Fonvielle** said a second Animal Control Officer is being added to the Police Department, and this will create more capability for enforcement city-wide seven days a week.

**Ms. Lowe** further clarified that civil ticketing is covered under Sec. 1-15. The ticket is issued by the Animal Control Officer or whoever is designated as the enforcement officer. If the fine is not paid, then it goes to district court, she said, which is an efficient, direct way to enforce payment of the fine, she pointed out.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to Amend GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code;" Chapter 4, Sec. 4-15 "Running at large," and Sec. 4-21 "Dog Fouling" by ADDING to the Enforcement Officer for violation, "Animal Control Officer, and Police officers."**

#### **2. CC2014-026 (Verga) Request City Council File a Special Act with State Legislators re: waiver from age restriction of MGL Chapter 31, §58A**

**Councilor Verga** explained that he is requesting the City Council file a Special Act with State Legislators on behalf of Gloucester resident and veteran Lt. Cary Gould for a waiver from age restriction of MGL Chapter 31, §58A. When Lt. Gould was over the statutory age limit as a result of a postponement of the municipal police officer exam because of the Boston Marathon bombing. It doesn't guarantee a job, but allows him to take the test and if passed, he said.

**Council President McGeary** commended Councilor Verga's effort on behalf of Lt. Gould who found himself in an unfortunate situation.

**Councilor Theken** and **Councilor Verga** briefly discussed what would happen should other veterans find themselves in similar situations and whether they would have similar recourse.



**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to request that the State Legislature and the City's local Legislators, Representative Ann-Margaret Ferrante and Senator Bruce Tarr, enact a Special Act as follows:**

**“On behalf of Gloucester resident and veteran Lt. Cary Gould, notwithstanding MGL Chapter 31, §58A which imposes an age limit of 37 years for civil services applicants taking the exam for municipal police officers, and due to the postponement of the April 2013 municipal police exam until June 2013, which postponement was a result of the aftermath of the Boston Marathon Bombing, Lt. Gould was over the statutory age limit for the rescheduled exam and for that reason was not allowed to take the June 2013 exam, that Lt. Gould shall be given a waiver from the age restriction of MGL Chapter 31, §58A through this Special Act in order to take the next available Civil Service exam for Municipal Police Officer.**

**This Act shall take effect upon its passage”**

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor Cox** wished everyone a fun and safe Fiesta and 4<sup>th</sup> of July. She congratulated Council President Paul McGeary for winning Action, Inc.'s 2014 Public Service Award.

She asked Ward 2 residents to save the date of Thursday, July 10 when she will hold a Ward meeting on the proposed parking restrictions for Pleasant & Smith Streets due to the West Parish students being housed starting in September at the former St. Ann's School.

**Councilor Lundberg** extended his congratulations to Council President McGeary on his winning the Public Service Award from Action, Inc. He recounted that during the award ceremony it was pointed out those organizations like Action, and people like Councilor McGeary, who contribute time to these organizations that are essential to the quality of the city.

**Councilor Whynott** said a constituent has requested that the DPW repair the crumbling sidewalk on the southerly side of Poplar Street from about No. 25 moving towards Washington Street. He asked that the DPW survey the area to see if they can ameliorate the situation and to please advise their opinion once the survey is completed.

**Councilor Fonvielle** added his congratulations to Council President McGeary, and issued an invitation to the community to join the Gloucester Fire Department and the Mayor to celebrate the opening of the Magnolia Fire Station on Saturday, July 5 from 11 a.m. to 1 p.m. for a cookout and tour the facility.

**Councilor Verga** added his congratulations to Council President McGeary on his Action, Inc. award as well.

**Ms. Lowe** noted for members of the Council, city boards, committees and commissions that there would be a presentation on July 31 by a member of the Office of the State Ethics Commission and asked everyone to RSVP for the class as soon as possible as there is a minimum of 30 people required in order to hold the class which she said was very worthwhile.

**Councilor Theken** also offered her congratulations to Council President McGeary. She asked on behalf of a constituent if a new sidewalk could be laid from Tally's Gas Station to the Tavern. **Councilor LeBlanc** said he had spoken with DPW Director over the last several months on this issue raised by the same constituent, and that there is no money in the budget this year for new sidewalks there. When funds are available it will be fixed, he said.

**Councilor Theken** then asked about repair of the railings lining the water side of Stacy Boulevard. **Councilor Cox** said the bid to fix the railings is going out shortly. She noted that as of July 1, the start of the new fiscal year, that \$50,000 will be available to repair the railings on the Boulevard.

**Councilor Theken** informed the Council she would not attend the City Council meeting on July 8 and would also not be available to attend the Magnolia Fire Station opening. She also notified the public that the Commonwealth Connector has been extended to December 31. She urged people to pay their health insurance premiums to keep their health insurance current. She also briefly touched upon Affordable Care Act matters.

**Councilor Whynott** said he was very impressed with the new sound system and commended James Pope, the city's Information Technology Director, for his efforts

**Council President McGeary** announced: On Saturday from 10 a.m. to 12 noon there will be an open house at the Blackburn Industrial Park wind turbines sponsored by the Mass. Consumers Alliance. On the same day the Cape Ann Amateur Radio Association will hold its annual Field Day at Fuller Building property at Blackburn Circle.

He also thanked his colleagues on the Council for their support while he was Acting Mayor for two weeks while Mayor Kirk was in Japan.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:28 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

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