

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 8, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Councilor Melissa Cox; Councilor Jacqueline Hardy; Councilor Greg Verga; Councilor Robert Whynott; Councilor Paul Lundberg; Councilor William Fonvielle
Absent: Councilor Theken; Councilor LeBlanc
Also Present: Linda T. Lowe; Police Chief Leonard Campanello; Kenny Costa; John Dunn; Jim Hafey; Grant Harris; Greg Bach

The meeting was called to order at 7:03 p.m.

Flag Salute & Moment of Silence.

Oral Communications:

Martha Bowen, 8A Webster Street, asked that there be a solution found for what she termed as the out-of-control trash situation on city beaches.

Presentations/Commendations:

1 of 1: Presentation by the youth of the Gloucester Unitarian Universalist Church. Performance in honor of Gloucester's wind turbines

Note: Performing before the Council a new song, "The Three Sisters – The Windmills of Gloucester, a tribute to the city's wind turbines written by church member, Janet Ruth Young, to the tune of Ash Grove, a traditional Welsh folk song were: Janet Ruth Young, Tony Hilliard, Martha Bowen with children of the Unitarian Universalist Church: Diann and Ani Stephan; Jeremy, Lucy, Matilda, Eleanor and Florence Melvin; and Sharon and Caroline Connolly.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum, Grant Application & Checklist from Police Chief re: request City Council approval to apply for FY15 PSAP Support and Incentive Grant issued by State 911 in the amount of \$62,000 (Refer B&F)
2. Memorandum from Assistant Director of Public Works re: proposed rate increases at Talbot Rink (Refer B&F)
3. Memorandum from Fire Chief re: City Council Acceptance of FFY13-SUDHS/FEMA SHSP CCP grant in the amount of \$1,525 (Refer B&F)
4. Memorandum from Planning Director re: Local Acquisition for Natural Diversity (LAND) grant from the Executive Office of Energy & Environmental Affairs to purchase and conserve 27 acres in North Gloucester located at the end of Hutchins Court & Tufts Lane (Refer B&F)
5. Memorandum from Community Development Director re: recommendations from the Community Preservation Committee for Round 5, FY14 funds (Refer B&F)
6. Memorandum from Public Health Director re: City Council acceptance of a second of a three year award of the Mass. Opioid Abuse Prevention Collaborative (MOAPC) in the amount of \$100,000 (Refer B&F)
7. Addendum to Mayor's Report: Memorandum from Superintendent of Schools and Supplemental Appropriations (2015-SA-1 & 2014-SA-2)

• **COMMUNICATIONS/INVITATIONS**

• **INFORMATION ONLY**

• **APPLICATIONS/PETITIONS**

1. Special Events Application: request to hold the Gran Prix of Gloucester Cyclo-Cross Race on September 27, 28, 2014 at Stage Fort Park (Refer P&D)
2. RZ2014-002: Rocky Neck Avenue #27, Map 130, Lot 5 (formerly lots 5, 6, 7, 8) from its current mix of R-10 (Medium/High Density Residential) and NB (Neighborhood Business) zoning to exclusively NB (Refer P&D)
3. SCP2014-009: Commercial Street #44, Map 7, Lot 17, GZO Sections 1.5.3(c), 1.8.3, 2.2.1, 2.34 and 5.18 re: restaurant use (Refer P&D & PB)
4. Cape Ann Community Cinema request for Open Air Parking Lot pursuant to GCO Sec. 22-153 (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2014-030 (LeBlanc) Amend GCO c. 22, Sec. 22-289 "Parking meter zones-On Streets" and Sec. 22-216 "Hours of Operation re: Washington Street in front of #8 (Refer O&A)
2. CC2014-031 (McGeary, Theken, Lundberg, Verga, Cox, Fonvielle) Amend GCO Article 1, Chapter 14 "Offenses and Miscellaneous Provisions" by adding a new section and amending GCO Sec. 115 "Penalty for violation of certain specified sections of Code" re: Synthetic Drugs (Synthetic Marijuana, Stimulants and Hallucinogens) (Refer O&A)

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

1. City Council Meeting: 06/24/14 (Approve/File)
2. Standing Committee Meetings: Special B&F 06/30/14 (under separate cover), B&F 07/03/14 (no meeting), O&A 06/30/14 (Approve/File)

(no meeting), P&D 07/02/14 (no meeting), Special P&D 07/08/14 (under separate cover)

Items to be added/deleted from the Consent Agenda:

By unanimous consent the Consent Agenda was accepted as presented.

Committee Reports:

Budget & Finance: June 30, 2014 – Special Meeting

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to accept the Budget & Finance Committee's Unanimous Consent Agenda dated July 8, 2014 as follows:

Supplemental Appropriations:

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Supplemental Appropriation 2014-SA-74 in the amount of \$2,683.30 (Two Thousand Six Hundred Eighty Three Dollars Thirty Cents) from Account #101000.10.211.51950.0000.00.000.00.051, Police Uniform, Career Incentive to Account #292027.10.991.49700.0000.00.000.00.040, FY07-08 Drug Enforcement Task Force-Transfer in from General Fund for the purpose of removing a permanent deficit in the grant fund for costs charged but deemed ineligible for reimbursement by the grantor.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Supplemental Appropriation 2014-SA-75 in the amount of \$68.63 (Sixty Eighty Dollars Sixty Three Cents) from Account #101000.10.211.51950.0000.00.000.00.051, Police Uniform, Career Incentive to Account #292059.10.991.49700.0000.00.000.00.040, Secure Our Schools Grant - Transfer In from General Fund for the purpose of removing a permanent deficit in the grant fund for costs charged but deemed ineligible for reimbursement.

Special Budgetary Transfers:

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-66 for \$1,566.32 (One Thousand Five Hundred Sixty Six Dollars Thirty Two Cents) from Account #101000.10.220.52001.0000.00.000.00.052 Fire Department, Special Contractual Services to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-67 for \$2,819.38 (Two Thousand Eight Hundred Nineteen Dollars Thirty Eight Cents) from Account #101000.10.220.52100.0000.00.000.00.052 Fire Department, EMS Contracts to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-68 for \$9,119.68 (Nine Thousand One Hundred Nineteen Dollars Sixty Eight Cents) from Account #101000.10.220.52470.0000.00.000.00.052 Fire Department, Vehicle Maintenance to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-69 for \$668.19 (Six Hundred Sixty Eight Dollars Nineteen Cents) from Account #101000.10.220.52690.0000.00.000.00.052 Fire Department, Other Equipment Maintenance to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-70 for \$1,738.73 (One Thousand Seven Hundred Thirty-Eight Dollars Seventy Three Cents) from Account #101000.10.220.53060.0000.00.000.00.052 Fire Department, Training Classes & Tuition to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-71 for \$1,043.32 (One Thousand Forty Three Dollars Thirty Two Cents) from Account #101000.10.220.53065.0000.00.000.00.052 Fire Department, Fire Prevention Class/Seminars to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-72 for \$1,335.00 (One Thousand Three Hundred Thirty Five Dollars) from Account #101000.10.220.53190.0000.00.000.00.052 Fire Department, SP Bill/Collections Service to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-73 for \$2,482.90 (Two Thousand Four Hundred Eighty Two Dollars Ninety Cents) from Account #101000.10.220.53410.0000.00.000.00.052 Fire Department, Telephone Services to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-74 for \$1,173.10 (One Thousand One Hundred Seventy Three Dollars Ten Cents) from Account #101000.10.220.54310.0000.00.000.00.054 Fire Department, Electrical/Signal Maintenance to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-75 for \$638.26 (Six Hundred Thirty Eight Dollars Twenty Six Cents) from Account #101000.10.220.54900.0000.00.000.00.054 Fire Department, Food and Food Service to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-76 for \$907.89 (Nine Hundred Seven Dollars Eighty Nine Cents) from Account #101000.10.220.55330.0000.00.000.00.054 Fire Department, Replacement Machine/Auto Parts to Account #101000.10.220.51300.0000.00.000.00.051, Fire Department, Salary/Wage-Overtime for the purpose of funding a Fire Department Salary/Wage Overtime deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-77 for \$13,000 (Thirteen Thousand Dollars) from Account #6200000.10.475.51200.0000.00.000.00.051 Talbot Rink Enterprise Fund – Salary/Wages-Temporary Positions to Account #6200000.10.475.52101.0000.00.000.00.052, Talbot Rink Enterprise Fund – Electricity Services for the purpose of funding a deficit in the account.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-78 for \$14,968.87 (Fourteen Thousand Nine Hundred Sixty Eight Dollars Eighty Seven Cents) from Account #101000.10.211.51100.0000.00.000.00.051 Police Uniform, Salary/Wages-Permanent Position to Account #101000.10.210.51300.0000.00.000.00.051, Police-Administration, Salary/Wages Overtime for the purpose of funding a Police Department Salary/Wage Overtime deficit incurred due to St. Peter’s Fiesta.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-79 for \$7,825.38 (Seven Thousand Eight Hundred Twenty Five Dollars Thirty Eight Cents) from Account #101000.10.211.51450.0000.00.000.00.051 Police Uniform, Salary/Holiday Pay to Account #101000.10.210.51300.0000.00.000.00.051, Police-Administration, Salary/Wages Overtime for the purpose of funding a Police Department Salary/Wage Overtime deficit incurred due to St. Peter’s Fiesta.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-80 for \$7,500 (Seven Thousand Five Hundred Dollars) from Account #101000.10.211.51490.0000.00.000.00.051 Police Uniform, Salary/Specialty Position to Account #101000.10.210.51300.0000.00.000.00.051, Police-Administration, Salary/Wages Overtime for the purpose of funding a Police Department Salary/Wage Overtime deficit incurred due to St. Peter’s Fiesta.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-81 for \$465.00 (Four Hundred Sixty Five Dollars) from Account #101000.10.296.54860.0000.00.000.00.054 Shellfish Control-Marine Hardware and Accessories to Account #101000.10.296.51944.0000.00.000.00.051, Shellfish Control-Sick Incentive Pay for the purpose of funding a deficit in the account.

***** End B&F Consent Agenda *****

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2014-SBT-82 for \$181,322 (One Hundred Eighty One Thousand Three Hundred Twenty Two Dollars) from Account # 101000.21.370.53800.2305.00.270.00.052 School Department, Main Office Contingency to Account # 101000.10.820.56810.0000.00.000.00.056, Other State Assessments: E-1 School Choice Assessment for the purpose of funding the deficit in the account.

DISCUSSION:

Councilor Cox explained that that the School Department’s Director of Finance and Operations had projected a deficit in the School Choice Assessment account that the state assesses to the city. The original estimate was that the cost would be \$1.4 million for the FY14 budget, but the actual charge was \$1.6 million. This created a \$212,900 deficit in that account, she said. The School Department will contribute \$181,322 of the cost of that deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve Special Budgetary Transfer 2014-SBT-82 for \$181,322 (One Hundred Eighty One Thousand Three Hundred Twenty Two Dollars) from Account # 101000.21.370.53800.2305.00.270.00.052 School Department, Main Office Contingency to Account # 101000.10.820.56810.0000.00.000.00.056, Other State Assessments: E-1 School Choice Assessment for the purpose of funding the deficit in the account.

Ordinances & Administration: June 30, 2014 - No Meeting.

Planning & Development: July 2, 2014 - No Meeting, July 8, 2014

COMMITTEE RECOMMENDATION: On motion by Councilor Lundberg, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Magnolia Historical Society to hold their Lexington Avenue Street Fair on Saturday, July 19, 2014 from 9 a.m. to 4 p.m. Lexington Avenue is to be closed from Norman Avenue to Flume Road from 6 a.m. to 5:00 p.m. with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than July 18, 2014.

The following conditions are to apply:

1. Applicant is to notify all abutters of the closed area of Lexington Avenue in advance of the event.
2. Applicant is responsible for providing adequate trash receptacles and for removal of same.
3. Applicant has agreed to make Magnolia Library bathrooms available to the public.
4. All vendors are to obtain city vending permits prior to July 18, 2014.

DISCUSSION:

Councilor Verga noted the Magnolia Historical Society was running behind in their permitting process for this event, and that the P&D Committee wanted to help them along. The event plans, he noted, are essentially unchanged from last year.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to permit the Magnolia Historical Society to hold their Lexington Avenue Street Fair on Saturday, July 19, 2014 from 9 a.m. to 4:00 p.m. Lexington Avenue is to be closed from Norman Avenue to Flume Road from 6 a.m. to 5:00 p.m. with appropriate signage posted at either end of Lexington Avenue advising motorists of alternative routes. A Certificate of Insurance naming the City of Gloucester as Certificate Holder is to be on file with the City Clerk's office no later than July 18, 2014.

The following conditions are to apply:

1. Applicant is to notify all abutters of the closed area of Lexington Avenue in advance of the event.
2. Applicant is responsible for providing adequate trash receptacles and for removal of same.
3. Applicant has agreed to make Magnolia Library bathrooms available to the public.
4. All vendors are to obtain city vending permits prior to July 18, 2014.

Scheduled Public Hearings:

1. PH2014-048: Amend GCO Chapter 2 "Administration," Division 2 "Mayor," by deleting Sec. 2.52 in its entirety and adding Sec. 2.52 "Signing or approval of contracts, deeds, leases subsections (a) (b) (c) (d) relating to leases by City

This public hearing is opened at 7:16 p.m.

Council President McGeary announced that due to Councilors Theken and LeBlanc having expressed their desire to weigh in on this matter and not their not being able to attend this evening's meeting, the Council would continue this public hearing to the next regularly scheduled meeting.

This public hearing is continued to July 22, 2014.

2. PH2014-049: Amend GCO Chapter 9 "Trash, recycling and Litter," Sec. 9-3 "Independent trash haulers; permits" relating to hours of operation and fines for violations of Sec. 9-3(c)

This public hearing is opened at 7:17 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:18 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 9, "Trash, Recycling and Litter," Sec. 9-3 as follows:

- (a) By ADDING to the title of Sec. 9-3 "Independent trash haulers; permits" after the word "haulers," add the words "and dumpsters."
- (b) By ADDING a new subsection 9-3(c) as follows: "Dumpsters serviced by haulers permitted under this Ordinance shall not be dumped, delivered or maintained before 6:30 a.m. or after 8:00 p.m. Monday through Friday or before 8:00 a.m. or after 8:00 p.m. on Saturday and Sunday."
- (c) By amending the current subsection 9-3(c) by DELETING the letter (c) and ADDING the letter (d), and further amending Section 9-3(d) after "any member of the Board of Health or its agents" by ADDING the words "Inspectional Services, police officers," and by ADDING at the end of Sec. 9-3(d) the words "by the Board of Health."
- (d) By ADDING a new subsection 9-3(e) as follows: "Fines for violations of Section 9-3(c) shall be: first offense shall be a written warning; second offense and offenses thereafter shall be a \$100 fine for each offense; after three fineable offenses, the health department and Board of Health may revoke the license or permit."
- (e) By ADDING a new subsection 9-3(f), "Exemptions," as follows: "The Board of Health may by Board of Health Regulations exempt certain dumpsters from the requirements of Sec. 9-3(c)."

DISCUSSION:

Councilor Whynott explained that dumpsters are being emptied during very early morning hours and this amendment will make 6:30 a.m. the earliest a dumpster can be emptied, and fines for violations of the ordinance - \$100 for each offense, and after three offenses a person or business may lose their permit to have a dumpster. The new ordinance will also add more municipal employees for enforcement.

Councilor Cox questioned the weekday starting time for dumpster emptying by trash haulers and queried what the city's noise ordinance allowed as a start time on weekdays. She expressed her desire to see that the noise ordinance and this amendment be consistent regarding weekday start times and asked for verification of the timeframe from City Clerk, Linda T. Lowe.

The Council recessed at 7:20 p.m. and reconvened at 7:22 p.m.

Council President McGeary observed that the ordinance indicated a time range of between 6:00 a.m. and 8:00 p.m. on weekdays and 8:00 a.m. and 8:00 p.m. on weekends."

Councilor Cox moved to amend the main motion for the new GCO subsection 9-3(c) as follows: "Dumpsters serviced by haulers permitted under this Ordinance shall not be dumped, delivered or maintained before 6:00 a.m. or after 8:00 p.m. Monday through Friday or before 8:00 a.m. or after 8:00 p.m. on Saturday and Sunday." The motion to amend the main motion was seconded by Councilor Hardy.

Councilor Cox said this amendment and main motion was brought forward as a result of not only citizen complaints of dumpsters being emptied at 3:30 a.m. and 4:00 a.m. but that she had personally experienced a similar situation at her home in Ward 2, which is situated directly across from commercial dumpsters. She pointed out during the warmer months, when windows are typically open she receives numerous complaints from the downtown area residents. She said she also knew of instances where this is a problem in parts of Ward 3. She urged that those businesses with dumpsters communicate with their trash haulers because those businesses could lose their permit to have a dumpster if the allowed times are not respected. With this new section of the Code of Ordinances and the attendant fines for violations it will put teeth into enforcement. She said her amendment would make the weekday start time consistent with the noise ordinance.

Councilor Hardy asked if the time limits were enforceable. **Police Chief Leonard Campanello** confirmed it is.

On a ROLL CALL vote of 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, the amendment to change the weekday start time from 6:30 a.m. to 6:00 a.m. under subsection 9-3(c) of the main motion and would now

read as follows: “Dumpsters serviced by haulers permitted under this Ordinance shall not be dumped, delivered or maintained before 6:00 a.m. or after 8:00 p.m. Monday through Friday or before 8:00 a.m. or after 8:00 p.m. on Saturday and Sunday.”

MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the Ordinances & Administration Committee voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to Amend GCO Chapter 9, “Trash, Recycling and Litter,” Sec. 9-3 as follows:

- (a) By ADDING to the title of Sec. 9-3 “Independent trash haulers; permits” after the word “haulers,” add the words “and dumpsters.”
 - (b) By ADDING a new subsection 9-3(c) as follows: “Dumpsters serviced by haulers permitted under this Ordinance shall not be dumped, delivered or maintained before 6:00 a.m. or after 8:00 p.m. Monday through Friday or before 8:00 a.m. or after 8:00 p.m. on Saturday and Sunday.”
 - (c) By amending the current subsection 9-3(c) by DELETING the letter (c) and ADDING the letter (d), and further amending Section 9-3(d) after “any member of the Board of Health or its agents” by ADDING the words “Inspectional Services, police officers,” and by ADDING at the end of Sec. 9-3(d) the words “by the Board of Health.”
 - (d) By ADDING a new subsection 9-3(e) as follows: “Fines for violations of Section 9-3(c) shall be: first offense shall be a written warning; second offense and offenses thereafter shall be a \$100 fine for each offense; after three fineable offenses, the health department and Board of Health may revoke the license or permit.”
 - (e) By ADDING a new subsection 9-3(f), “Exemptions,” as follows: “The Board of Health may by Board of Health Regulations exempt certain dumpsters from the requirements of Sec. 9-3(c).”
3. PH2014-050: Loan Order 2014-006: Loan authorization in the amount of \$485,000 (revised amount \$450,000) for DPW Building/Yard Improvements

This public hearing is opened at 7:29 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:29 p.m.

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

Ordered: That the City of Gloucester appropriate Four Hundred Fifty Thousand Dollars (\$450,000) to pay costs of DPW roof replacement, mechanical systems and site improvements, including the 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 pointed out that the original loan authorization was proposed at \$485,000 but was reduced to \$450,000. She said that these improvements are long overdue for the Department of Public Works as a matter of safety and to install anti-theft deterrents. She observed that DPW Director, Mike Hale, had said that the building to be renovated was built in 1942 and has had its roof replaced once and now much of the building is unusable.

Council President McGeary questioned what the term would be for a \$450,000 loan of this nature.

John Dunn, CFO, noted the loan term would be 20 years. He observed that typical bond structure would be even principal through the term of about \$28,500 a year. The first year's interest on the loan would be approximately \$18,000 which would decline each year by about \$900 annually. With the principle and interest combined, the first year of the loan will cost approximately \$40,000 and decline over the next 19 years.

Councilor Hardy said having had the opportunity to visit the majority of Ward 4 with Mr. Hale; they stopped in at the DPW to view the new proposed building site at the DPW yard on Poplar Street. She noted that this action will assist in creating a revitalization of the DPW yard and the improvements will help to increase the department's ability to improve city services. She said she would support this loan authorization.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve a DPW Improvements Loan Authorization as follows:

Ordered: That the City of Gloucester appropriate Four Hundred Fifty Thousand Dollars (\$450,000) to pay costs of DPW roof replacement, mechanical systems and site improvements, including the 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. PH2014-051: Loan Order 2014-007: Loan authorization in the amount of \$170,000 for Fire Station Improvements

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 7:35 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 recommend that the City Council approve a Fire Stations Improvement Loan Authorization as follows:

Ordered: That the City of Gloucester appropriate One Hundred Seventy Thousand Dollars (\$170,000) to pay costs of building remodeling and heating plant repairs at multiple fire stations, the 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 said that during the Budget & Finance Committee meeting Mr. Hale had said this loan will pay for improvements to Bay View and West Gloucester Fire Stations including roof, siding and heating improvements, insulation, and doors.

Councilor Fonvielle said that these improvements are long overdue and is a good step forward, particularly in light of the recent reorganization of the Fire Department, which facilitates the opening of all three outlying stations.

Councilor Hardy said that the improvements to the Magnolia Fire Station are wonderful and that the other two outlying stations deserve the same attention. She noted that although she was unable to go to the Magnolia Fire Station open house and cookout on July 5, she had paid a visit to the station a week earlier to see the renovations there firsthand. She commended the DPW for the work they did on the Magnolia Fire Station. She asked the Council to support the loan authorization.

Council President McGeary said he concurred with Councilor Hardy's remarks and noted that he, Councilors Cox and Fonvielle were at the Magnolia Fire Station's open house and cookout on July 5. The renovations to the fire station, he said, were largely done by city staff. He commended the DPW and said he would support the loan authorization to bring the other fire stations up to the level of the Magnolia Fire Station. He also extended his thanks to DPW Facilities Director, Jim Hafey.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to approve a Fire Stations Improvement Loan Authorization as follows:

Ordered: That the City of Gloucester appropriate One Hundred Seventy Thousand Dollars (\$170,000) to pay costs of building remodeling and heating plant repairs at multiple fire stations, the 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.

- 5. PH2014-052: Amend GCO Personnel Appendix A & B of Section 4 of the Personnel Ordinance designated as Appendix C & Amend Chapter 17 "Police" Sec. 17-20 and Sec. 17-21 re: Assistant Police Chief/Executive Officer**

This public hearing is opened at 7:40 p.m.

Those speaking in favor:

Police Chief Leonard Campanello explained that as he presented to the O&A and B&F Committees, this is a step in formalizing some changes that were recommended by the a 2009 study conducted by Municipal Resources Inc. of Meredith New Hampshire and fit well in the command staffing of the present-day police department. He said the reason to make the proposed position of Assistant Police Chief/Executive Officer out of the union is because it is not appropriate to have a union member be meting out discipline to fellow union members. This command structure is one of several steps planned to be carried out over the next three to five years as part of the mid-term planning for the department, he said.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Council President McGeary pointed out language under section (d) of the ordinance amendment to Chapter 17 of the Code of Ordinances Sec. 17-21, "The police department shall consist of the police chief, assistant police chief, and as many lieutenants, sergeants and patrol officers as may be deemed necessary." He asked who makes the determination of how many officers are needed, and whether it a professional determination on the Chief's part.

Chief Campanello said the ordinance just needed to reflect the Assistant Police Chief by inserting the words "Assistant Police Chief."

This public hearing is closed at 7:43 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:

- (a) Amend the Personnel Ordinance, Appendix C to the Code of Ordinances, by ADDING to Appendix A of the Personnel Ordinance, "Classification," the position of "Assistant Police Chief/Executive Officer;"
- (b) Amend the Personnel Ordinance, Appendix C to the Code of Ordinances, by ADDING to Appendix B of the Personnel Ordinance, "Compensation," the position of "Assistant Police Chief/Executive Officer Grade M-11;"
- (c) Amend Chapter 17 of the Code of Ordinances by DELETING Sec. 17-20 in its entirety and replacing it with the following:
"The mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the mayor subject to the law pertaining to civil service and to the collective bargaining agreement. The chief of police and assistant chief of police are exempt from civil service laws and the terms of the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment to reside within 15 miles of the limits of the city of Gloucester as required by M.G.L. Chapter 41, Section 99. Appointment of officers shall be subject to the age restrictions of M.G.L. Chapter 31, Section 58A;" and
- (d) Amend Chapter 17 of the Code of Ordinances by DELETING Sec. 17-21 in its entirety and replacing it with the following:
"The police department shall consist of the police chief, assistant police chief, and as many lieutenants, sergeants and patrol officers as may be deemed necessary. The department shall also include supporting administrative staff."

DISCUSSION:

Councilor Whynott said this amendment to the Code of Ordinances creates the position of Assistant Police Chief/Executive Officer, Pay Grade M-11, which is management level. This position, he pointed out, will not be under the Civil Service system or in the Superior Officers' union. He noted that the restructuring of the Fire Department added an Assistant Fire Chief, who was also not under the Civil Service system or member of a union. The Police Chief, he observed, was the only member of his department not a union member, which, he said, could create a divisive situation.

Councilors Hardy said the decision made two and a half years ago is coming to fruition with the department's turnaround with the streamlining of the command structure and department procedures. She also expressed her support for the ordinance amendment. She added that the Chief was doing a great job.

Councilor Cox said she fully supports the Chief, and his actions to date have brought forth a whole new impression of the department to the community. The word on the street is everyone in the department is open and friendly and willing to help which she said was helpful to her as a Councilor. She said she attended the Police Department's first Citizens Police Academy and encouraged everyone to do. She extended her thanks to the Chief for the positive departmental changes made since he took on that position and said that she hoped the Assistant Chief would help him to accomplish even more moving forward.

Council President McGeary expressed his support the amendment to the ordinance and said he hoped this new position would give the Chief the added support he needed and deserved.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to Amend the Code of Ordinances as follows:

- (a) Amend the Personnel Ordinance, Appendix C to the Code of Ordinances, by ADDING to Appendix A of the Personnel Ordinance, "Classification," the position of "Assistant Police Chief/Executive Officer;"
- (b) Amend the Personnel Ordinance, Appendix C to the Code of Ordinances, by ADDING to Appendix B of the Personnel Ordinance, "Compensation," the position of "Assistant Police Chief/Executive Officer Grade M-11;"
- (c) Amend Chapter 17 of the Code of Ordinances by DELETING Sec. 17-20 in its entirety and replacing it with the following:
"The mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the mayor subject to the law pertaining to civil service and to the collective bargaining agreement. The chief of police and assistant chief of police are exempt from civil service laws and the

terms of the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment to reside within 15 miles of the limits of the city of Gloucester as required by M.G.L. Chapter 41, Section 99. Appointment of officers shall be subject to the age restrictions of M.G.L. Chapter 31, Section 58A;” and

- (d) Amend Chapter 17 of the Code of Ordinances by DELETING Sec. 17-21 in its entirety and replacing it with the following:
“The police department shall consist of the police chief, assistant police chief, and as many lieutenants, sergeants and patrol officers as may be deemed necessary. The department shall also include supporting administrative staff.”

For Council Vote:

1. **Decision to Adopt: SCP2014-007: Dory Road #35, GZO Sec. 1.10.1(a)(1) and Sec. 3.1.6(b) height exceeding 35 feet**

MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Theken) absent, to adopt the SCP2014-007 decision for Dory Road #35 pursuant to Sections 1.10.10(a)(1) and 3.6.1(b) of the Gloucester Zoning Ordinance.

Unfinished Business: None.

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

Councilors’ Requests to the Mayor:

Councilor Cox brought to the public’s attention the Gloucester HarborWalk Summer Cinema Series kicking off tomorrow at 65 Rogers Street, known as I4-C2, starting at sunset, about 8:30 p.m. to 9:00 p.m. with a showing of The Wizard of Oz. The movie will be preceded by some family-friendly entertainment, she noted.

She also noted that a Ward meeting she had spoken of at the last Council meeting that would have taken place Thursday, July 10 is now moved to Monday, July 21 at 6 p.m. at St. Ann Church Monsignor Sullivan Hall to discuss the parking issues in that neighborhood due to the West Parish School swing space at the former St. Ann’s School starting in September.

Councilor Lundberg commended the Police Chief for his leadership during the St. Peter’s Fiesta. In addition to ensuring the police presence during the five-day event, the Chief encouraged area businesses to be responsible. He said the result was a testament to public safety and that the city should be proud of what happened with the cooperation between the police, the St. Peter’s Fiesta Committee and the area business owners.

Councilor Whynott said that Chief Campanello will be participating in a benefit event, “Toss Your Boss” which will see him descend 200 feet, or 22 floors, down the side of the Boston Hyatt Regency Hotel on Saturday, July 19, as part of an effort to raise money for Special Olympics Massachusetts.

Councilor Fonvielle announced events taking place in Ward 5 as follows:

- **Wednesday, July 9**, the Gloucester Trinitarian Congregational Church is hosting its free community supper.
- **From July 11 through Sunday, July 13**, the Magnolia Library is holding its 37th annual art show.
- **Saturday, July 12** from 11 a.m. to 2 p.m. the Magnolia Historical Society (MHS) is holding its 20th annual cookout at the Blynman School.
- **Saturday, July 19**, from 9 a.m. to 4 p.m. the MHS will hold its annual street fair on Lexington Avenue which will be closed to traffic.

Council President McGeary noted that as part of the recent Fire Department reorganization, an Assistant Fire Chief position and a number of Lieutenants positions were created. He extended his congratulations to newly appointed Assistant Fire Chief Thomas Aiello, promoted from Deputy Fire Chief, and to Firefighters Dan Kennedy; Jaimie Santos; Thomas Sayess; Douglas McArthur, Jr.; Robert Rivas; Sean Ketchopulos and Dominic Barbagallo, all of whom were promoted to the rank of Lieutenant.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:53 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.