

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 22, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: None

Also Present: Linda T. Lowe; Kenny Costa; John Dunn; Noreen Burke, Mark Cole; Noreen Burke; Larry Durkin

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

Flag Salute & Moment of Silence.

Councilor Whynott dedicated the moment of silence in memory of Lee Harrington, a well-known community leader.

Oral Communications:

Tracey Chiancola, 47 River Road, said that last year the City dug up road for paving, cut the sidewalks and paved only one coat on the road. She has a sharp edge on her driveway, and she was under the impression that the City was going to finish the job the following spring. To date, the paving has been not completed, still has sharp edge on driveway and has not had a response from the DPW of when the paving would be completed.

Brenda Malloy 43 Rocky Neck Avenue requested crosswalks be painted on Rocky Neck Avenue.

Presentations/Commendations:

1 of 1: Board of Health re: Fluoridation of Community Water Supply

Council President McGeary said that questions from the public were forwarded to the Council prior to this evening with a request to the Board of Health that they be answered during the presentation. He indicated that those responses had been formulated.

Noreen Burke, Director of the Gloucester Public Health Department made the following presentation:

Ms. Burke said she first heard about this issue being raised at a FY15 budget meeting by Councilor Fonvielle. She noted that the Cape Ann Fluoride Action Network came before Board of Health and made a presentation. The Board then decided, under the leadership of Dr. Richard Sagall, the Board's Chair, to form a working committee to take a thorough look at all the evidence and science of fluoridation.

She reviewed that fluoride was added to the water in Gloucester in 1981. Dr. John Wolfe was the Chair of the Board of Health at that time, she noted. The Board formed a working ad hoc subcommittee convened by Dr. Sagall. That subcommittee took about six weeks to go through evidence on both sides of the issue and created a resource binder of academic articles, periodicals and health organization for information and facts, called Fluoridation of Community Water Supply, which she presented to the Council (on file).

Ms. Burke then introduced: Richard Sagall, M.D., Chair Gloucester Board of Health; Ben Polan, D.M.D., Dentist, Gloucester Children's Dental Center; Larry Durkin, DPW Environmental Engineer; Max Schenk, Manager Environmental Health Services; Jill Marston, Administrator, Gloucester Children's Dental Center; Kim Cabral, Dental Assistant, Gloucester Children's Dental Center; John Fisher, D.M.D., Dentist in private practice in Salem, designee of Better Oral Health Care of Massachusetts Coalition; and members of the Board of Health: Joe Rosa, Fred Cowan, Claudia Schweitzer, Rob Harris. **Ms. Burke** then read presentation statement (on file).

Dr. Ben Polan read a statement (on file) supporting fluoridated water. **Dr. Sagall** gave some background on fluoride in the city's water supply and reviewed an overview to questions raised from the Cape Ann Fluoride Action Network.

Councilor Questions:

Councilor Verga made the following inquires: whether the city's fluoride is pharmaceutical grade; where does the city's supply of fluoride come from, and whether fluoride can be filtered out through an ordinary household filter. **Mr. Durkin**, Environmental Engineer, replied that the fluoride is not pharmaceutical grade but that it is specially manufactured for water treatment per the American Waterworks standard. He said that there is quite a bit

of testing. The fluoride is imported and was unable to answer whether fluoride can be filtered out of drinking water. **Dr. Polan** added that the common Brita filter would not filter out the fluoride, but a filter system costing about \$5,000 will filter out the fluoride. **Dr. Sagall** said the option people have is to buy bottled water which he said doesn't contain any minerals, and it only makes a difference if ingested.

Councilor Cox inquired whether the City has researched if fluoride can be obtained our supply locally by the city and not from imported sources. **Dr. Sagall** replied that he didn't think there were any domestic manufacturers. Just because it is imported is not significant because it is tested in this country. **Mr. Durkin** added that in talking with the city's water contract operator there is also an American version of fluoride .and it still has to meet the same standards. He said he hasn't priced it out but that it may be more expensive. **Councilor Cox** asked about the possible toxicity of the sodium fluoride. **Mr. Durkin** said that the sodium fluoride is a toxic chemical in its concentrated form but when it is added to the water supply it loses its toxicity.

Councilor LeBlanc asked what possible effects on brain function in children or pets there might be. **Dr. Polan** said that there is no known correlation or any substantiation between fluoride affecting or precipitating attention deficit disorder or autism in humans.

Councilor Lundberg asked whether there is any data about the effectiveness of fluoride in the public water drinking system as public water drinking is becoming less and more bottled water is being consumed by the public in general. **Dr. Sagall** said that through the research done by the Board, they did not find anyone addressing that specific issue, and commented that you don't know necessarily that the bottled water you are drinking is public water being bottled.

Councilor Verga asked who has the power to stop fluoridation of the public water supply. **Ms. Burke** said that the city acts as an agent of the Mass. Department of Public Health. She said in 1979, the Chair of the Board of Health requested funding for fluoridation of the water supply. There was a discussion with Ms. Burke and the Council on what the process would entail to remove the fluoride from the public water supply and to stop funding it.

Council President McGeary asked who recommends the ratio of fluoride in the water supply and what would be the process if that ratio were to be lowered. **Mr. Durkin** said it was a draft recommendation made in 2011 by the National Health and Human Services. **Ms. Burke** added that it was the Environmental Protection Agency and the Health and Human Services, jointly. They periodically analyze and update the current fluoridation data that this available and make recommendations to lower the fluoride, she noted. **Ms. Burke** indicated the city would have to wait for the state to make their recommendation on that matter. **Ms. Burke** also confirmed that the contents of the submitted binder to the Council would be posted on the city's website and is also available to the public by request to the Board of Health.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**

1. Appointment of Salvatore DiStefano, Sr. as Chief Administrative Officer TTE 02/14/2015
2. Special Budgetary Transfer Request (2015-SBT-1) from the Purchasing Department
3. Special Budgetary Transfer Request (2015-SBT-2) from the Police Department
4. Memo from Planning Director re: City Council acceptance of Green Community Grant for \$250,000
5. Memo from Shellfish Constable re: Amendments to Shellfish Management Plan

(Refer O&A)
(Refer B&F)
(Refer B&F)
(Refer B&F)
(Refer B&F)

- **COMMUNICATIONS/INVITATIONS**
- **APPLICATIONS/PETITIONS**
- **COUNCILORS ORDERS**
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: July 8, 2014
2. Standing Committee Meetings: B&F 07/17/14 (under separate cover), O&A 07/14/14, P&D 07/16/14

(Approve/File)
(Approve/File)

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

Councilor Verga asked to remove Item #1 on Unanimous Consent Agenda. He explained that this was an item that was forwarded by Councilor Cox and that P&D could have a special meeting next Wednesday at their regular time depending on Committee members' availability. **Councilor Cox** further explained that there was a situation at the Block Party last Saturday night that precipitated several complaints which as the Ward Councilor she was requesting clarification on the permit.

Councilor Whynott requested that the motion on page 3 regarding 27 Pleasant St. be amended by striking the language "Sec. 22-287 Disabled veteran, handicapped parking" and inserting the following "Sec. 22-291 Tow-away zones." A motion was made and seconded to amend the O&A Minutes of July 14, 2014.

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

Committee Reports:

Budget & Finance: July 17, 2014

Councillor Cox reviewed the B&F Unanimous Consent Agenda as presented. **Council President McGeary** wished to remove the matters of the New Balance Track and Field at Newell Stadium Rules & Regulations and the permission to apply for a Local Acquisition LAND Grant for clarification and discussion.

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

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept under MGL c. 44, §53A ½ a gift of approximately \$10,302.33 from the Gloucester Fishermen Athletic Association (GFAA) for an inventory of material and equipment donations to fit out the concession stand, press box and ticket booths at the New Balance Track & Field at Newell Stadium as follows:

<u>Donation Description</u>	<u>Approximate Value</u>	<u>Donor</u>
Turn-key Public Address System including: 4 speakers; power amplifier, channel mixer Wireless microphone, cables, transportation Case	\$ 7,500.00	Mark Thompson, Class of 1978 Installation donated by Spittle Electric
Accessible Wash Sink faucet: Moen	\$ 120.00	The Building Center
Electric Stove/oven: Frigidaire	\$ 449.00	The Building Center
Wood and materials for ticket booth	\$ 2,233.33	GFAA, fabrication and install By: GHS Carpentry and Electrical Shop

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed to accept under MGL c. 44, §53A a contest award from Destination America and USA Today's "Red, White and You" Contest sponsored by Discovery Communications, LLC of \$4,000 for the purpose of subsidizing the City's annual firework displays on Independence and Labor Day.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed to accept under MGL c. 44, Sec. 53A a FFY2013 US Department of Homeland Security State Homeland Security Program (SHSP) Citizens Corp Program (CERT) Grant through the Federal Emergency Management Agency (FEMA) and the Massachusetts Emergency Management Agency (MEMA) in the amount of \$1,525 for the purpose of recruiting, training, exercising and printing needs for the Citizen Emergency Response Team (CERT) volunteers.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed under MGL Chapter 44, §53A to accept an Opioid Abuse Prevention Collaborative grant from the Massachusetts Department of Public Health, Bureau of Substance Abuse Services in the amount of \$100,000.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed to approve Supplemental Appropriation 2015-SA-1 in the amount of \$197,350 (One Hundred Ninety Seven Thousand Three Hundred Fifty Dollars) from Account #8500000.10.995.59600.0000.00.000.00.059, Capital Project Stabilization Fund-Transfer Out to Trust &

Agency Funds to Account #850005.10.995.49700.0000.00.000.00.040, School Technology Capital Project Stabilization Fund - Transfer In Trust & Agency Funds for the purpose of implementing the Gloucester School District's plan of a 1:1 digital environment for the 2014-2015 school year.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed to approve Supplemental Appropriation 2015-SA-2 in the amount of \$73,500 (Seventy Three Thousand Five Hundred Dollars) from Account #8500000.10.995.59600.0000.00.000.00.059, Capital Project Stabilization Fund-Transfer Out to Trust & Agency Funds to Account #101000.21.370.53800.2305.00.270.00.052, General Fund School Department, Main Office Contingency Account for the purpose of implementing the Gloucester School District's plan of a 1:1 digital environment for the 2014-2015 school year.

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

Council President McGeary asked for clarification whether the Council was voting on both the regulations and the fee structure for the New Balance Track and Field at Newell Stadium. Councilor Cox said it was both with the regulations referred to the O&A Committee and the fee structure referred to the B&F Committee. Councilor Whynot added that the motion for the regulations would come under the O&A Committee Report.

Council President McGeary said the following motion is for the Talbot Rink fee structure only:

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council by ROLL CALL voted 9 in favor 0 opposed pursuant to the City Charter Sec. 7-16(b) to accept the amended Department of Public Works, Dorothy Talbot Rink Ice and Facility Rates dated July 8, 2014 as follows:

2014-2015 Season

Cape Ann Youth Programs	\$210 per 50 minute sheet
Other Programs	\$230 per 50 minute sheet
Off peak (5:30-630am)	\$130 per 50 minute sheet
Preseason camps	\$150 per 50 minute sheet

2015-2016 Season

Cape Ann Youth Programs	\$215 per 50 minute sheet
Other Programs	\$240 per 50 minute sheet
Off peak (5:30-630am)	\$130 per 50 minute sheet
Preseason camps	\$175 per 50 minute sheet

2016-2017 Season

Cape Ann Youth Programs	\$220 per 50 minute sheet
Other Programs	\$250 per 50 minute sheet
Off peak (5:30-630am)	\$130 per 50 minute sheet
Preseason camps	\$200 per 50 minute sheet

Council President McGeary said he also wished to clarify that as he was the author of an ordinance change passed by the Council regarding who has to come forward for permission to apply for grants for the city. He pointed out there is still some confusion in the intent of the ordinance on who needed to apply for permission to make a grant application and who did not. It was his intention and his interpretation, he said, that if a city department applies for a grant if there is a match requirement in excess of \$100,000 not if the grant is \$100,000 itself then the department needs to come before the Council to obtain permission to apply for the grant. Since there is no match required from the city on this particular grant, and that it is a reimbursement grant, there is no need to move this matter, he pointed out.

Councilor Cox expressed her understanding of the Council President's explanation, but said the reason she asked the city department to come forward was to get clarification on the grant and how it effects with the Community Preservation Committee's recommendation and to move forward with that as well as it is a bundled

package. She agreed with **Council President McGeary** that the Council did not need to vote and erred on the side of caution and said there was no harm in taking a vote. **Council President McGeary** said that he is concerned about the confusion this would cause with a future Council. The ordinance as written requires that the Council be informed and allows the Council to refer the matter to a Standing Committee for further discussion, he said. He then asked that it be moved to withdraw the matter from Council consideration.

MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted unanimously to withdraw this matter.

Ordinances & Administration: July 14, 2014

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that pursuant to the City Charter Sec. 7-1(b) that the City Council accept the amended Department of Public Works, New Balance Track and Field at Newell Stadium Rules and Regulations dated July 8, 2014 and to require under City Charter Sec. 10-4 that the rules and regulations be filed in the Office of the City Clerk.

DISCUSSION:

Councilor Whynott said that the O&A reviewed the amendments to the New Balance Track & Field at Newell Stadium rules and regulations. Other than the fees, he said, there were no major changes just some tweaking from when the original rules and regulations were put in place for easier reference and clarity.

Council Theken asked had further information about sport wheelchairs on the stadium track. **Mark Cole**, Assistant DPW Director, said he contacted Cape and Islands, the leading track manufacturer who installed the track at the stadium. They didn't recommend wheelchairs on the track, he said, and they are sending him some information regarding handicapped apparatus should someone need to train in this special equipment. He recommended that the DPW and Stadium Committee would take the matter up on a case-by-case basis.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed that pursuant to the City Charter Sec. 7-1(b) to accept the amended Department of Public Works, New Balance Track and Field at Newell Stadium Rules and Regulations dated July 8, 2014 and to require under City Charter Sec. 10-4 that the rules and regulations be filed in the Office of the City Clerk.

Planning & Development: July 16, 2014

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Mother of Grace Club to hold its annual Mother of Grace Fiesta on Saturday, September 6, 2014 from 6 p.m. to 10 p.m. and on Sunday, September 7, 2014 from 7 p.m. to 9 p.m. at 48 Washington Street. Additionally, the City Council hereby permits a procession by the Mother of Grace Club to commence on or around 2:00 p.m. on Sunday, September 7 and to conclude on or around 2:45 p.m. on a route from 48 Washington Street and returning to 48 Washington Street requiring street closures at Prospect and Granite Streets as directed by the Gloucester Police Department. Traffic control during the procession will be overseen by the Gloucester Police Department and no police detail is required.

DISCUSSION:

Councilor LeBlanc said he was speaking on behalf of the President of the Mother of Grace Club who was unable to attend the meeting. He explained that the Mother of Grace has been around for 70 years, recalling as he grew up their big block parties. He commented it was unfortunate that the club's membership has declined through the years and not as much interest as in the past. He said he wanted to make sure that these small Gloucester traditions do not go by the wayside and would support this. **Council President McGeary** expressed his agreement with Councilor LeBlanc's sentiment.

MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted in 9 favor, 0 opposed, to permit the Mother of Grace Club to hold its annual Mother of Grace Fiesta on Saturday,

September 6, 2014 from 6 p.m. to 10 p.m. and on Sunday, September 7, 2014 from 7 p.m. to 9 p.m. at 48 Washington Street. Additionally, the City Council hereby permits a procession by the Mother of Grace Club to commence on or around 2:00 p.m. on Sunday, September 7, 2014 and to conclude on or around 2:45 p.m. on a route from 48 Washington Street and returning to 48 Washington Street requiring street closures at Prospect and Granite Streets as directed by the Gloucester Police Department. Traffic control during the procession will be overseen by the Gloucester Police Department and no police detail is required.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Essex County Velo Gran Prix of Gloucester Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 27, and Sunday, September 28, 2014 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before August 29, 2014.

2. Traffic and Road Closure Plans:

a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerks office on or before September 12, 2014. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 12, 2014. After Council permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.

b) Traffic Signage:

The applicant is to place signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public which access roads are closed but that the Visitor's Center is accessible.

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the Essex County Velo, event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, September 28, 2014.

4. Emergency Services:

Emergency services are as required by the Fire Department Emergency Medical Services Director, Sander Schultz.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and list of event staff and their cell phone numbers submitted to the Police, Fire and Public Works Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the Essex County Velo Gran Prix of Gloucester Cyclo Cross event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the race route and Hough Avenue.

7. Course Adjustments:

The Essex County Velo event organizers are to present a written detailed list of all activities that require the assistance of the Department of Public Works (rocks to be moved or equipment to be moved, etc.) at least 7 calendar days prior to the event.

8. On-Site City Staff:

The Public Services Superintendent, or his representative, is to be on site during the Gran Prix of Gloucester Cyclo Cross event in order to facilitate any problems that might arise during the event. The cost of this service will be covered by the event organizers.

9. Videotaping of Pre-Event Conditions:

Once the course is set up, the Essex County Velo event organizers will walk the entire course with a video camera. This video will be delivered to the Department of Public Works within 7 calendar days of the event; the video will then be used to determine prior conditions when discussing the repairs post-race.

10. Site Walk Post-Event:

On the Monday immediately following the event a group consisting of the Assistant Director of Public Works, Public Services Superintendent, a member from Essex County Velo, Ward Councilor, and the landscape contractor hired for the Stage Fort Park repairs will walk the entire course to inspect the course for damages. Any damage to the park will be documented, discussed and a solution agreed upon by the group prior to any repairs being started. A start date for repairs will be agreed upon and a follow up meeting at the site will be scheduled two weeks after the repairs have been completed. Any discrepancies will be reviewed with the help of the pre-race video.

11. Responsibility of the Essex County Velo organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health, Conservation Commission, and the Licensing Commission. It is the sole responsibility of the Essex County Velo organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

12. A Performance/Surety Bond for Repairs to Stage Fort Park:

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 27 and 28, 2014. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2015. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then used to take the necessary steps to complete the park reparations.

In the event that Essex County Velo cannot obtain a performance/surety bond to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 27 and 28, 2014, the City shall require as an alternative, that Essex County Velo place \$5,000 payable to the City of Gloucester, in a non-interest bearing escrow account no later than 7 days prior to the 2014 event with John Dunn, City Of Gloucester CFO serving as escrow agent with Essex County Velo only liable in the event of willful default.

Said repairs are to restore Stage Fort Park to original or better conditions to that prior to the event, if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2015, the escrowed funds are to be returned to Essex County Velo in full. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar

day period, notice will be given to Essex County Velo that the escrowed funds will then be used to take the necessary steps to complete the reparations.

13. Cap of Entrants:

The maximum number of entrants to this event is set at 1,000 per day for each day of the 2014 Gran Prix of Gloucester Cyclo Cross event.

14. Staking of Repaired Areas to Stage Fort Park:

Post-event, staking of the repaired areas of Stage Fort Park that require loam and seed will be erected to prevent damage to the areas by foot traffic or vehicles and shall be maintained in good order until the DPW determines the date of removal.

15. Related Costs to the Event:

Essex County Velo organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2014 Gran Prix of Gloucester Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Gran Prix of Gloucester Cyclo Cross Event 2014:

Essex County Velo shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- That the Dog Park is not to be used as part of the event course;
- There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents.
- DPW to mark off approximately 20 spaces for Gloucester Dog Park users for the duration of the event.

17. Areas of Stage Fort Park Not to be Used in the 2014 Essex County Velo Gran Prix Race Course:

- Half Moon Beach;
- The area from Lucy B. Davis Pathway, to the playground area (so called "Run up");
- The area surrounding the Elizabeth Smith Garden and the Gloucester Garden Club Garden;
- The area between the Visitors Welcome Center and the fort which is a wetlands protection area.

18. Overnight camping or tenting in before, during and after the Gran Prix of Gloucester Cyclo Cross Event at Stage Fort Park is prohibited:

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Gran Prix of Gloucester Cyclo Cross event. Event organizer is to prominently display this fact on their website and at the event informing all participants when registering and checking in to the event of this prohibition.

19. This permit is contingent upon Essex County Velo receiving any necessary approval by the Licensing Board in order to serve alcoholic beverages during the event as needed.

DISCUSSION:

Councilor Verga highlighted Condition No. 16 due to an issue with the Dog Park use during the 2013 Cyclo-Cross event last year. He noted that the P&D Committee now has the 2014 official Cyclo-Cross course map in hand. He asked the representative of the event to confirm that the condition related to the Dog Park would be manageable. He noted that the event planners have the support of the Department of Public Works to reserve 20 parking spaces for dog park users during the 2014 event. **Paul Boudreau**, Race Director of the Grand Prix of Gloucester Cyclo-Cross event, said that he spoke to Chris McKernan who represented him at the P&D meeting, and they agreed to the conditions as stated.

Councilor Whynott said he confirmed with Councilor Verga that the event course would be the same as last year, and that there would be no “waterfall.” **Mr. Boudreau** confirmed that the course is identical to last year’s and that the course map clearly showed racers would stay out of the areas formerly called the former run up. He said the event chose not to pursue the option of using Cressy Beach this year also.

Councilor Hardy asked how far in advance event organizers would speak with the Dog Park Committee. **Mr. Boudreau** said he would do that in the next couple of weeks. **Councilor Hardy** suggested notification at least a couple of days before the race and offered to supply him with the contact names of the Dog Park Committee.

MOTION: On a motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to permit the Essex County Velo Gran Prix of Gloucester Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 27, and Sunday, September 28, 2014 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk’s Office on or before August 29, 2014.

2. Traffic and Road Closure Plans:

a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerks office on or before September 12, 2014. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 12, 2014. After Council permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.

b) Traffic Signage:

The applicant is to place signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public which access roads are closed but that the Visitor’s Center is accessible.

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the Essex County Velo, event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, September 28, 2014.

4. Emergency Services:

Emergency services are as required by the Fire Department Emergency Medical Services Director, Sander Schultz.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and list of event staff and their cell phone numbers submitted to the Police, Fire and Public Works Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the Essex County Velo Gran Prix of Gloucester Cyclo Cross event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the race route and Hough Avenue.

7. Course Adjustments:

The Essex County Velo event organizers are to present a written detailed list of all activities that require the assistance of the Department of Public Works (rocks to be moved or equipment to be moved, etc.) at least 7 calendar days prior to the event.

8. On-Site City Staff:

The Public Services Superintendent, or his representative, is to be on site during the Gran Prix of Gloucester Cyclo Cross event in order to facilitate any problems that might arise during the event. The cost of this service will be covered by the event organizers.

9. Videotaping of Pre-Event Conditions:

Once the course is set up, the Essex County Velo event organizers will walk the entire course with a video camera. This video will be delivered to the Department of Public Works within 7 calendar days of the event; the video will then be used to determine prior conditions when discussing the repairs post-race.

10. Site Walk Post-Event:

On the Monday immediately following the event a group consisting of the Assistant Director of Public Works, Public Services Superintendent, a member from Essex County Velo, Ward Councilor, and the landscape contractor hired for the Stage Fort Park repairs will walk the entire course to inspect the course for damages. Any damage to the park will be documented, discussed and a solution agreed upon by the group prior to any repairs being started. A start date for repairs will be agreed upon and a follow up meeting at the site will be scheduled two weeks after the repairs have been completed. Any discrepancies will be reviewed with the help of the pre-race video.

11. Responsibility of the Essex County Velo organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health, Conservation Commission, and the Licensing Commission. It is the sole responsibility of the Essex County Velo organization to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

12. A Performance/Surety Bond for Repairs to Stage Fort Park:

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 27 and 28, 2014. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2015. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then used to take the necessary steps to complete the park reparations.

In the event that Essex County Velo cannot obtain a performance/surety bond to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 27 and 28, 2014, the City shall require as an alternative, that Essex County Velo place \$5,000 payable to the City of Gloucester, in a non-interest bearing escrow account no later than 7 days prior to the 2014 event with John Dunn, City Of Gloucester CFO serving as escrow agent with Essex County Velo only liable in the event of willful default.

Said repairs are to restore Stage Fort Park to original or better conditions to that prior to the event, if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2015, the escrowed funds are to be returned to Essex County Velo in full. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County

Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the escrowed funds will then be used to take the necessary steps to complete the reparations.

13. Cap of Entrants:

The maximum number of entrants to this event is set at 1,000 per day for each day of the 2014 Gran Prix of Gloucester Cyclo Cross event.

14. Staking of Repaired Areas to Stage Fort Park:

Post-event, staking of the repaired areas of Stage Fort Park that require loam and seed will be erected to prevent damage to the areas by foot traffic or vehicles and shall be maintained in good order until the DPW determines the date of removal.

15. Related Costs to the Event:

Essex County Velo organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2014 Gran Prix of Gloucester Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Gran Prix of Gloucester Cyclo Cross Event 2014:

Essex County Velo shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- That the Dog Park is not to be used as part of the event course;
- There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents.
- DPW to mark off approximately 20 spaces for Gloucester Dog Park users for the duration of the event.

17. Areas of Stage Fort Park Not to be Used in the 2014 Essex County Velo Gran Prix Race Course:

- Half Moon Beach;
- The area from Lucy B. Davis Pathway, to the playground area (so called "Run up");
- The area surrounding the Elizabeth Smith Garden and the Gloucester Garden Club Garden;
- The area between the Visitors Welcome Center and the fort which is a wetlands protection area.

18. Overnight camping or tenting in before, during and after the Gran Prix of Gloucester Cyclo Cross Event at Stage Fort Park is prohibited:

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Gran Prix of Gloucester Cyclo Cross event. Event organizer is to prominently display this fact on their website and at the event informing all participants when registering and checking in to the event of this prohibition.

19. This permit is contingent upon Essex County Velo receiving any necessary approval by the Licensing Board in order to serve alcoholic beverages during the event as needed.

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 (Cont'd from 07/08/14)

This public hearing is opened at 8:05 p.m.

Those speaking in favor: None

Those speaking in opposition:

Joe Grella, 14 Fleetwood Drive, said he is opposed to the actual ordinance but not the intent that is trying to be accomplished by the Council. He agreed that communication between different branches is important. He was here as a citizen, however he is on the Holy Family Finance Council and was involved in the process of the lease that was set up with St. Ann's and gave narrative of his experience. He said he hoped from his experience that when Council comes to be final decision, it will tweak the ordinance to make sure it works. He said if it is hard to work with the City, the only ones that are going to get hurt are the people because it is going to cost more to get things done.

Communications: None.

This public hearing is closed at 8:12 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 delete Sec. 2-52, "Signing or approval of contracts, deeds, etc." and replace it with a new Sec. 2-52, "Signing or approval of contracts, deeds, etc.," as follows:

- (a) All agreements, contracts, deeds, indentures, instruments or leases that may be given or required to be executed by the city shall be signed or approved by the mayor and sealed with the seal of the city.
- (b) The council shall be notified in writing whenever a request for proposals for a lease of real property with a term which exceeds more than one year or the total cost is expected to exceed \$250,000.00 is issued.
- (c) The notification shall conform to the requirements of the state Open Meeting Law. The Council may request additional detail in an executive session meeting as provided for in the state law.
- (d) The city shall lease no real property or structure in excess of one year unless the funding for that lease is expressly approved by a majority of the membership of the City Council.

DISCUSSION:

Councilor Whynott moved to defer the matter to Councilor Verga as it was his order.

Councilor Verga said that this was **Councilor Cox's** order as well. He offered an amendment to the main motion by changing the wording to Section (b) and (d) as follows (changes shown in bold) which was seconded by **Councilor Hardy**:

"(b) The Council shall be notified in writing whenever a request for proposals for a lease of real property **or structure** with a term which exceeds more than one year, **which, including the initial terms, aggregate more than one year,** or the total cost **of preparing/renovating the property and rent** is expected to exceed \$250,000.

(d) The city shall (delete "lease no real property or structure in excess of one year") **not enter into any lease contemplated in section (b) above** unless the funding for that lease is expressly approved by the majority of the membership of the City Council **prior to execution thereof.**"

DISCUSSION ON THE AMENDMENT:

Councilor Verga said these changes of the additions and deletions fills in some holes that may have existed and clarify the intent of the ordinance itself. It cleans it up and makes it easier to understand.

Councilor Whynott commented that these changes do plug holes and put some teeth into the ordinance and will support the amendment

Councilor Lundberg asked for clarification on paragraph (b) and read that section and read paragraph (d). He said the key word is the "or" not "and" and asked **Councilor Verga** if that was correct. **Councilor Verga** replied that was correct.

Council President McGeary said that he will not be supporting the amendment or the original motion. He said he thought that paragraph (d) in both its iterations overreaches.

MOTION: On a motion of Councilor McGeary, seconded by Councilor Whynott, the City Council voted by ROLL CALL 6 in favor, 3 opposed (LeBlanc, Lundberg, McGeary) to the PROPOSED AMENDMENT to Sec. 2-52, "Signing or approval of contracts, deeds, etc.

Councilor President McGeary said that what was before the Council is the amended motion which has substitute language on paragraphs (b) and (d).

DISCUSSION:

Councilor Verga said that there was a lot to say but what really sums it up is the second public hearing tonight. Here we are just a few weeks out from school starting, and they are looking at a loan authorization to pay for St. Ann's School. This could have been and should have been discussed far earlier than now, and is an example of a failure to identify the funding source for this. He believed this ordinance is absolutely overdue, and it is going to give protection to the public, Council and future City Council, Mayor and future Mayor as a whole. There is always going to be time to work things out and plan it, and not be painted into a corner which has been far too many times.

Councilor Whynott listened to Mr. Grella and kind of agreed with him. This ordinance is indeed overreach and the last time it came forward he did not support it but will support this now.

Councilor Cox agreed with everything that **Councilor Verga** said, and she was not going to rehash the reason why they are here. The major reason why they are here doing this a second time is the fact, that the City signed a lease prior to finding a way to fund it. It goes to show that there is a lack of communication between the Mayor and the Council. It is frustrating and this is why she is going to support this.

Councilor Fonvielle said he would be supporting this motion although he did understand the concern that has been raised about overreach and overlap of the executive and legislative powers. That question arises in paragraph (d) which to some extent restrains the authority of the executive to enter into a normal operation. On the other hand, the intent of this is really aimed at communication.

Councilor Lundberg had a question about the process and directed his question to either Councilor Verga or Councilor Whynott for an answer as to how this ordinance would work. He asked: "the City negotiates a lease-- now what happens; what is the process after that to get City Council approval?" **Councilor Verga** replied that the concept here is not to for the mayor come to the Council and say "we are negotiating the lease." The Council should know what is going on long before negotiations begin. **Councilor Verga** said that the Mayor could request an executive session, if the negotiations required confidentiality. In such a session the Mayor could discuss that she or he would be looking into xyz, looking into an RFP, the anticipated costs and length of a lease

Councilor Lundberg observed that Councilor Verga's answer pertained to section (b). He asked about section (d) and how it would work. Once the Mayor has negotiated the lease, what happens? **Councilor Verga** replied that once a funding source is identified that would satisfy him. **Councilor Lundberg** noted that section (d) says that the Council must approve. So how does that work? Does the Mayor give it to the Council, and the Council refers it to B&F, and B&F holds meetings and refers it back to Council with its recommendation, is this how it works? he asked. **Councilor Verga** replied presumably that is the route it should go. **Councilor Lundberg** asked **Councilor Verga** how many weeks this adds onto the process. **Councilor Verga** replied we should not find ourselves in a position that a couple of weeks should make a difference. **Councilor Lundberg** said that one of the things that they all heard on the campaign trail is the difficulty of doing business with the city. "We all said that we all would make it easier dealing with the city," he said. **Councilor Lundberg** said that we should identify what the real problem is. If the problem is communication, he said, he is all in favor of section (b) but he is not in favor of section (d). It adds another process and delay for two or three weeks and creates another problem when dealing with the city, he said. He will not be able to vote for this if section (d) included in the ordinance. **Councilor Verga** responded that the issue is identifying the funding as leases are not typically one year deals. The argument brought from the Legal Department is that you can always vote against the funding the following year. But if you have already torn down a building or ruined a building so that it cannot be used, the City Council has no choice but to approve the funding. **Councilor Lundberg** agreed but said that in this particular case, they had to find swing space to take care of the children, and the School Committee took care of that. Next they are going to take up the funding, and he is not sure he is in favor of the funding mechanism that has been proposed. He is not sure that taking out a loan for renting utilities is the right thing to do. He said Council still has the power to address this, but not the power to recommend the swing space. **Councilor Lundberg** agreed with **Councilor Verga** on the funding but having to come back to the City Council for this approval seemed to him to be a backward motion away from good government.

Councilor LeBlanc echoed what **Councilor Lundberg** said as he was also confused about the process and the overreach is unnecessary. There was a discussion with Councilor Cox regarding the process in place now. He agreed with the intent that the lines of communication need to be open, but not with actual ordinance and would not support this.

Councilor Fonvielle said that in the testimony that was provided that there was a gap of three months between the awarding of the lease and start of negotiations and that the time pressure that Council found themselves under, arose from this. He said that if there were a part (b) in place, Council would have been aware of that process at that time and could have helped the negotiations start sooner and would not be in this position now.

Councilor Verga summarized that if paragraph (d) is taken out basically you might as well not have anything. Without paragraph (d) as long as there is any e-mail sent, Council is covered. Unless there is a viable alternative, and gave example of Charter School and CATA building, there is nowhere to put these people, and he was not going to vote for this.

Councilor Theken said what the Council are arguing about this evening is the same thing – Council notification. She reiterated what was said above. **Councilor Theken** said she was going to support this because of the unknown that would be coming forward in the future, and wanted to ensure there is security for taxpayer's money.

Council President McGeary said Councilors have referred to being painted into a corner and having to vote because there was no choice. He recalled that the Mayor's original budget did not call for a loan order, rather it called for \$195,000 to be taken out of the school's budget for FY15 to pay for this lease and utilities. He said that it was the Council, specifically through B&F, who argued against that saying they didn't want to cut the school budget. There was a possible option to then take the funding out of the DPW budget and B&F said they didn't want to do that either. He said that the Council painted themselves into the corner. He then read the original Sec. 2-52 from the Code of Ordinances as it currently exists. When the Charter change was adopted in the mid-1970's, at that time it was considered that the current manager/council form of government was seen as unresponsive to the people, which was a driving force behind the charter change to go to an elected chief executive. People at that time were very cognizant that they wanted the executive to be responsible to the people. At that time this section was not amended although it could have been because the charter framers didn't wish to lose the effectiveness of a strong Chief Executive. They wanted to keep that and yet have a way to have the people to weigh in, and that is what was behind that charter change.

He expressed his disagreement with Councilor Verga's assertion that if paragraph (d) was pulled out of the amendment that it makes the ordinance toothless. He said that by requiring in Section (b) that the Council be advised, the Council then sets the table to go to the Mayor and say that the Council would not fund the lease. By receiving the information up front the Council avoids being painted into a corner, he said. He pointed out that the key piece missing was the information, not a majority vote of the Council. By requiring that the Council be informed they will achieve that end. He said he could support the amendment without Section (d), as had been pointed out by both Councilors LeBlanc and Lundberg is unnecessary roadblock to put in front of forward progress. He suggested to Councilor Verga if he were to accept an amendment to strike Section (d) he might receive unanimous support for the remaining article.

Councilor Theken said that she could go with sections (a), (b) and (c) and asked Councilor Verga why the absence of section (d) he thought was not effective enough. **Councilor Verga** reiterated what he said earlier that the Mayor can come to the Council, say here is your information, and am going to be signing the lease, see you later. There is no option and that is reason section (d) was added.

Council President McGeary said that our Charter is our Constitution. It was carefully crafted because we wanted to preserve the good parts of a manager/council without the lack of accountability that an unelected manager sometimes had. He said he holds deeply to honoring the intent of the Charter and thinks the intent of the Charter the Council is flying in the face of here. In addition to both practical realities that both Councilor Lundberg and Councilor LeBlanc brought forward about how this is going to work and when are we going to know? He said he thought it is an overreach, but by putting into ordinance a requirement to be informed as soon as possible when such a lease is in the offing we establish the precedent that we want to create without undercutting the substance of the Charter or creating needless roadblocks to things that have to get done in the business of the City. Therefore, as presented, he would not be supporting this amendment.

Councilor Cox said as to section (d), there has only been one item as to a lease that had not come before B&F, and that was a lease to the Charter School because funds were transferred within the same department so it was not necessary to come before B&F. Everything else as long as they are informed, and Council makes it known that we don't support these lease due to lack of funding or whatever the circumstances might be, the Mayor can enter into a lease, but Council does not have to fund the lease. **Councilor Cox** made an inquiry if Council chooses not to fund lease, what would happen legally? **Council President McGeary** responded that he asked that question to the City Solicitor and said that all City leases are signed with the phrase that says leases are subject to funding. Council has every legal right not to fund the lease and section (d) is an overreach. **Council President McGeary** said to Councilor Whyntott's point, yes it did happen once and in extraordinary circumstances, the administration was able

to transfer funds from one ordinary account to another ordinary transfer within the DPW to carry out the Charter School lease. He noted that most transfers—for example if it was a transfer from an ordinary account to a personnel account within the DPW—would require Council approval. The Charter School building lease was a singular circumstance. **Councilor Cox** said that the next public hearing directly is related to this, as we are at a point that if Council does not approve the funding source, where the children are going to go in August. **Council President McGeary** requested Councilor Cox to hold that question for the next public hearing or did she think it was germane to this conversation. **Councilor Cox** replied that it was germane to this because if section (d) is not included and don't have an identified funding source, the administration can tell us the identifying funding source, whether it be borrowing, inter-department transfer, etc. **Council President McGeary** interjected and said that it was his understanding that if Council votes against the loan order and if the city wants to send the West Parish students to St. Ann's they would have to pay them, then Council will have to identify a funding source and take from other departments in the City or pass the loan order.

Councilor Theken said that if we don't want section (d), they we would have to put a time frame in the ordinance. **Council President McGeary** replied that section (b) would give Council enough time to address the issues.

Council President McGeary asked Councilors Verga and Cox, as they were the makers of the motion, on whether they would be amenable if such a motion would be offered to striking section (d) from the proposed amendment before them. Councilor Verga replied he would not and the teeth in the process would need to happen with section (d).

Councilor Whynott suggested the following language “should the Mayor fail to comply with (b) and (c) then the Council may require 5 votes.” He explained that if the Mayor complied with the first two sections, you do not need section (d). You would need section (d), when they don't comply. **Councilor Verga** replied that what Councilor Whynott suggested was a good compromise. It is simple and does not have to go back to committee. **Council President McGeary** said he will accept an amendment to the amendment so that section (d) states “Should the Mayor fail to comply with all of the above provisions, then the city shall lease no real property or structure in excess of one year unless the funding for that lease is expressly approved by a majority of the membership of the City Council.” Motion was made by Councilor Whynott and seconded by Councilor Theken and the amendment passed unanimously. **Councilor Verga** said that it was a good compromise and it an example on why Council needed to do things like this so that there is a public dialogue, debate and compromise. This is what has been lacking.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Theken, the City Council voted by ROLL CALL 9 in favor, 0 opposed absent, to Amend the Gloucester Code of Ordinances by DELETING Sec. 2-52, “Signing or approval of contracts, deeds, etc.” and ADDING a new Sec. 2-52, “Signing or approval of contracts, deeds, etc.,” as follows:

- (a) All agreements, contracts, deeds, indentures, instruments or leases that may be given or required to be executed by the city shall be signed or approved by the mayor and sealed with the seal of the city.
- (b) The council shall be notified in writing whenever a request for proposal for a lease of real property with a term which exceeds more than one year or the total cost is expected to exceed \$250,000 issued.
- (c) The notification shall conform to the requirements of the state Open Meeting Law. The Council may request additional detail in an executive session meeting as provided for in the state law.
- (d) Should the Mayor fail to comply with all of the above provisions, then the city shall lease no real property or structure in excess of one year unless the funding for that lease is expressly approved by a majority of the membership of the City Council.

The Council recessed at 9:10 p.m. and reconvened at 9:12 p.m.

2. PH2014-053: Loan Order #2014-008: Loan Authorization in the amount of \$400,000 for rental of swing space for West Parish School

This public hearing is opened at 9:12 p.m.

Those speaking in favor:

Joel Favazza, 25 Acacia Street, spoke in favor of the loan order because the alternative was unacceptable. He said he is here weekly with like-minded individuals born and raised in Gloucester, gone through the Gloucester Public School system and chose to return to Gloucester. One of their goals is to foster retention of Gloucester's

young citizens, he said. He added that if they go away to college, to come back; and they wanted to encourage those from the outside to move their young families here. He has people come and meet with them who are skeptical of the viability of that plan - for young families to come to Gloucester. He said people are quick to notice that the city is paying for a lease with a "credit card" because it didn't spend the money to take care of what it already had. He expressed the opinion that it is difficult to send a positive message that Gloucester is a good place to come back to and raise a family when this is the kind of business being transacted. He said he supports the loan order, but it is difficult to promote Gloucester if there is last minute city decision-making coming forward repeatedly. He hopes in the future there is a better plan for a good long-term plan.

Those speaking in opposition: None

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:16 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt the following loan order:

Ordered: That the City of Gloucester appropriates Four Hundred Thousand Dollars (\$400,000) to pay costs of additional costs of constructing and furnishing and equipping a new West Parish Elementary School, including paying the costs of engineering and architectural plans and specifications, acquisition or securing of space associated with housing students at a different, non-city owned location (including renovation costs as necessary to retrofit the space to suit its needs) and purchasing modulars for the transition, and 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 project.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44 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 those purposes.

DISCUSSION:

Councilor Cox said that this loan authorization is necessary, and there are no other choices in the matter for the safety and education of the West Parish children. She said she didn't find it difficult to fund the lease itself, but suggested the utilities were under budgeted. She added that the Council should have taken the loan order for the rent alone.

Councilor Verga said this is not the ideal situation. This is an investment for the school, and in the end the city will save money, he pointed out, and expressed it could be a start of a revitalization of all the city's schools buildings.

Council President McGeary said that when he was Acting Mayor at the time he put this forward to the Council, that this was a legitimate cost of the West Parish School rebuilding. He said that it would have been cleaner if it had been included in the original school bonding. Rather than reopen the bond negotiations with the Municipal School Building Authority (MSBA), it made more sense for a separate bond issue, he pointed out. He said it is part and parcel to the West Parish School and expressed his support for the loan order.

Councilor Hardy asked if the MSBA needed to approve this loan order. **Council President McGeary** replied that they didn't because the city is not seeking reimbursement of the cost of the lease from the state as under state rules the costs are not reimbursable.

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted by ROLL CALL 9 in favor, 0 opposed to adopt the following loan order:

Ordered: That the City of Gloucester appropriates Four Hundred Thousand Dollars (\$400,000) to pay costs of additional costs of constructing and furnishing and equipping a new West Parish Elementary School, including paying the costs of engineering and architectural plans and specifications, acquisition or securing of space associated with housing students at a different, non-city owned location (including renovation costs as

necessary to retrofit the space to suit its needs) and purchasing modulars for the transition, and 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 project.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44 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 those purposes.

3. PH2014-054: Whether the City Council shall consider adopting certain days as “parking meter holidays” for the City of Gloucester and amend GCO Chapter 22 “Traffic” Article V, Division 3 “Parking Meters” Sec. 22-218 “Deposit of coin required; overtime parking; exemption” by ADDING a new subsection 22-218(c)

This public hearing is opened at 9:23 p.m.

Those speaking in favor: None

Those speaking in opposition: None

Communications: None

This public hearing is closed at 9:24 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22, “Traffic,” Article V, Division 3 “Parking Meters,” Sec. 22-218 “Deposit of coin required; overtime Parking; exemption” by ADDING a new subsection 22-218 (C) as follows:

“Notwithstanding any other provisions in Article V, Division 3, no parking meter fees shall be due under subsection (a) nor shall any penalty be imposed for failure to pay on days declared a parking meter holiday which shall consist of Black Friday and Small Business Saturday, dates around the Thanksgiving holiday, and that these parking meter holidays also are to include any sales-tax holidays adopted by the Massachusetts State Legislature.”

DISCUSSION:

Councilor Whynott said that in the past the city had parking meter holidays when no parking fees were collected during the Christmas holidays until Cape Ann Chamber of Commerce requested that the city stop the parking meter holidays. He said the Chamber made the request because Main Street employees were parking there instead of the shoppers. He added this is a compromise to establish parking meter holidays but for fewer of them, and expressed his support for this ordinance amendment.

Councilor Cox recounted that at the O&A Committee meeting she offered an amendment to only utilize city parking lots adjacent to Main Street for free parking during the meter holidays rather than metered Main Street parking to assure turnover of parking spaces on Main Street.

Councilor Cox moved an amendment to the main motion to not use Main Street on parking meter holidays and use the city lots instead which was seconded by Council President McGeary. The motion to amend the main motion failed on a vote of the Council 0 in favor, 9 opposed.

Councillor Fonvielle said that at Budget & Finance Committee he asked whether they could get a sense for a cost analysis, and it seemed there wasn't one. He said he didn't think this action would attract any more shoppers to the downtown and that the city will lose revenue. He said he would not support the motion.

Councilor Verga said he and Councilor McGeary put forward the order due to one person shopping on Small Business Saturday and received a parking ticket. It only takes one person to point out a potential flaw in the system, he said, adding that this is a positive message. He said the Council should test this experiment and see if it works.

Council President McGeary spoke to the matter of the anti-shuffling ordinance and its enforcement during a parking meter holiday, by saying that he spoke with Police Chief Campanello who said clearly that if this ordinance amendment passes, he will enforce it.

Councilor Cox pointed out that there are two downtown merchants groups. She said that one group is opposed and one is in favor of the parking meter holiday ordinance. She said the previous parking meter holiday ordinance didn't work, but expressed she was willing to try it out and would support this as an experiment.

Councilor Theken also expressed her opinions regarding anti-shuffling ordinance matter. She said she is getting complaints from restaurant owners that people are getting tickets because they are parked on Main Street more than two hours. She said she wants the anti-shuffling ordinance reviewed.

Councilor LeBlanc reminded the Council that Councilor Tobey proposed removing parking meters from Main Street a couple of years ago which he was opposed to at that time because of the revenue loss to the city. He said he would support this ordinance now as it was only for a couple of days per year would not affect the overall city budget.

Councilor Verga said he agreed with Councilor LeBlanc regarding former Councilor Tobey's proposal. He said the anti-shuffling ordinance was also reviewed as part of the Committee discussion. He also pointed out that one downtown merchant group opposed the parking meter holidays said that if the anti-shuffling ordinance was enforced they would support it. He reiterated that Chief Campanello said he would enforce the anti-shuffling ordinance and so he would support the ordinance amendment.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 2 (Fonvielle, Hardy) opposed, to Amend GCO Chapter 22, "Traffic," Article V, Division 3 "Parking Meters," Sec. 22-218 "Deposit of coin required; overtime Parking; exemption" by ADDING a new subsection 22-218 (C) as follows:

"Notwithstanding any other provisions in Article V, Division 3, no parking meter fees shall be due under subsection (a) nor shall any penalty be imposed for failure to pay on days declared a parking meter holiday which shall consist of Black Friday and Small Business Saturday, dates around the Thanksgiving holiday, and that these parking meter holidays also are to include any sales-tax holidays adopted by the Massachusetts State Legislature."

For Council Vote:

- 1. City Council vote to close PH2014-034: Proposal by Mass. Dept. of Fish and Game/Mass. Division of Marine Fisheries & recommended by the City Waterways Board for the construction/installation of a public fishing pier located at Stacy Boulevard (Cont'd from 05/13/14) – To close the public hearing.**

City Clerk Linda Lowe said that a vote was needed to be taken by the Council to close the public hearing continued from May 13. She also announced that the proposal by the Mass. Department of Fish and Game, Mass. Division of Marine Fisheries as recommended by the City Waterways Board for the construction and installation of a public fishing pier located at Stacy Boulevard has been withdrawn (letter of withdrawal on file).

Council President McGeary moved to close the public hearing and Council unanimously voted to close the public hearing.

This matter is closed.

- 2. Decision to Adopt: SCP2014-006: 103 Prospect St., GZO Sec. 2.3.1(6), 1.10.1(a)(3), conversion to multi-family and decrease minimum lot area and open space**

MOTION: On a motion by Councilor Verga , seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision for 103 Prospect Street, pursuant to Sec. 2.3.1(6), 1.10.1(a)(3) of the Gloucester Zoning Ordinance.

- 3. Decision to Adopt SCP2014-008: 1 Webster St., GZO Sec. 2.3.1(8) conversion to multi-family, Sec. 1.10.1(a)(3) and Sec. 3.2.2(a) decrease minimum lot area and open space**

MOTION: On a motion by Councilor Verga , seconded by Councilor Cox , the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision for 1 Webster Street, pursuant to Sec. 2.3.1(8), 1.10.1(a)(3) and Sec. 3.2.2(a) 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 Lundberg commended to Council and to the citizens at large about the wonderful job the Cape Ann Farmer's Market is doing on Thursday afternoons at Stage Fort Park. This is another great example of the use of the park, he pointed out.

Councilor Cox reminded the public about the free outdoor movies at I-4C2 lot at 65 Rogers Street. She noted the next movie is "Back to the Future" on Wednesday night and the rain date is the following Monday. Turnout has been great, she said, encouraged everyone to go down and watch the movies.

Councilor Hardy added her memories of Lee Harrington to whom the Council dedicated the evening's Moment of Silence. She said she grew up with Lee Harrington's family in Magnolia, and saw the wonderful things he did for many people. He was a lifelong friend of her entire family and wanted to say "get the ashtrays out Lee."

Councilor Verga said he thinks the Council should take back in-house the whole dog ordinance issue. There is a lot of misinformation being forwarded in the newspaper, Letters to the Editor and message boards of the changes City Council has made. He pointed out that the Council has only changed the fines for dogs running at large, and leash lengths. Dogs on the beach have not been allowed since he was young, he pointed out. He said it important that the Council have a resolution to this on whether or not they are going to make changes especially before the summer season ends and the dogs will back on the beach legally or illegally. **Councillor Fonvielle** expressed his agreement with Councilor Verga's positions on the dog ordinance.

Councillor Whynott recommended several great fun Gloucester summer events – the Cigar Cruise on the Schooner Lannon and the Block Party, which gives everyone an opportunity to socialize.

Councilor McGeary explained that **Councilor LeBlanc** is the Chair of the ad hoc committee on the dog ordinance, and that the matter of the length of the leashes is on hold because the dog ordinance discussion was not going to be discussed during the summer months. He said he has discussed this with **Councilor LeBlanc**, and it is his hope that the ad hoc committee will reconvene right after Labor Day. **Ms. Lowe** added that Police Chief Campanello is still collecting data and needs his new Animal Control Officer to do some work on this. She said he told her he could probably have data for O&A on or around October 21. **Council President McGeary** asked whether the ad hoc committee could have a recommendation by October 21. **Councilor LeBlanc** said he would reach out to the ad hoc committee and would advise Council President McGeary of its status.

Councilor President McGeary noted that on Sunday, July 27 there is a Cruise for the Schools sponsored by the Gloucester Education Foundation at 5:00 p.m. on the Beauport Princess which supports the Gloucester Education Foundation in all the good work they do.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

**Joanne M. Senos
Assistant City Clerk
Substitute Recorder.**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Presentation of the Public Health Director**
- **Statement to the Council by Dr. Ben Poland**
- **Statement to the Council by Dr. Richard Sagall**