

of the Council the matter of the Memorandum from General Counsel re: acceptance of donation of land located at 123 Hesperus Avenue was referred to the Budget & Finance Committee and the Planning & Development Committee.

Councilor Verga requested to remove Item #1 under Applications/Petitions, Special Events Application re: request to hold Lexington Lights – Community Event on December 7, 2014, in order to allow for the fact that the event takes place before the next City Council meeting of December 16, he requested that the Council allow the Planning & Development Committee to act on its behalf in this one unique instance in order to permit the community event so that it may go forward on time. **Councilor Fonvielle** clarified for **Councilor Theken** said that this was a late submission by the group organizing the event and is the first time it is being held but the intention is that this would become an annual event. **Councilor Theken** expressed her opinion the P&D Committee could handle this matter well on the Council's behalf.

City Clerk, **Linda T. Lowe**, assured that the Magnolia Lights event will be thoroughly reviewed by the Special Events Advisory Committee among whose members are the Fire and Police Chiefs or designees, and the DPW Director or his designee, along with any necessary pertinent city staff before any special event permit is forwarded to the P&D Committee for their review and recommendation to the Council. **By unanimous consent the City Council allowed for the Planning & Development Committee to act on its behalf in the matter of permitting a special event on December 7.**

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

For Council Vote:

1. City Charter Sec. 2-11(c) (Whynott) regarding for Council vote from October 28, 2014 Council Meeting on the matter of the amendment of Sec. 22-270 "Parking prohibited at all times" re: "Prospect Street, northerly side from its intersection with Friend Street in a westerly direction to Taylor Street

Council President McGeary explained that the October 28 public hearing on this traffic matter had been closed and that the Council had a motion on the floor by Councilor Cox to amend the main motion to prohibit parking on the northerly side of Prospect Street from Friend to Taylor Streets when Councilor Whynott invoked City Charter Sec. 2-11(c) prompting the Council to postpone the matter until its next meeting. He noted the Council would start from the amendment to the main motion and then based on that vote would know what is before it, and that he might or might not reopen the public hearing based on that vote. He restated the amendment put forward by Councilor.

DISCUSSION:

Councilor Cox asked to hear from the public safety officials, Police, Fire and Department of Public Works (DPW) on the matter of parking on the northerly side of Prospect Street in this particular area.

Michael Hale, DPW Director, referring to a survey he forwarded before the meeting to the Council said the area in question is a very narrow part of Prospect Street. He described the current conditions as follows: The southerly side parking is prohibited from the DES Club to Spring Street. Based on the city's desired width for parking lanes of 8 feet, and minimum travel lane width of 10.5 feet per travel, there would be virtually no space on the other side. During recent repaving, the curbs weren't made larger, nor was the road made narrower, he said. In the past, cars would mount the curb when parking on the northerly side to make more room for cars to pass each other and why it seems narrower today. To move the centerline of the road in this particular area would create not one but two non-conforming travel lanes. **Mr. Hale** posited what was the purpose of allowing three parking spaces in this particular location because they just don't fit. While vehicles can park on both sides of the street, it doesn't meet any of the city's width criteria for either travel lanes or parking lanes as evidenced by the submitted survey.

On inquiry by **Councilor Theken**, **Mr. Hale** reviewed a submitted survey (on file) of the area. Curb to curb no more space can be created, he said, nor would moving the centerline change that. Even if the roadway was divided in half evenly for travel lanes, and continuing parking on the southerly side of the street, there is still not enough room for two parking lanes and two travel lanes on Prospect Street. The parking spaces on the southerly side of the street will remain, he noted and said that what remained would be at its widest, 6.5 feet on the northerly side of the street for a parking lane, and that is inadequate, **Mr. Hale** said. **Mr. Hale** then further reviewed the survey he conducted with **Councilor Theken**, assisted by **Councilor Cox**.

Councilor Cox also observed that there are narrow streets that are not considered ideal, but she said it doesn't mean it should be like that. She pointed out that Prospect Street is a major travel artery and that it is important for emergency services vehicles to be able to travel unimpeded. She asked if **Mr. Hale** supported the parking

prohibition. **Mr. Hale** said while Prospect Street is not a major artery, it is a major collector street, which requires a center line. He indicated he supported the parking being prohibited for the reasons he enumerated earlier.

Councilor Fonvielle asked how many spaces would be lost by the action proposed in the amendment. **Mr. Hale** said there is no parking width on the northerly side. He said it would be possible to fit perhaps six cars, but the cars would be impeding the travel lane.

Councilor Whynott said the distance from the 20 feet point from the Taylor Street intersection to the original location for allowing parking is 105 feet, which is five parking spaces at 21 feet per parking space. Allowing parking along the entire distance to Taylor Street from Friend Street, he estimated, would provide at least three more spaces.

Fire Chief Eric Smith said that he and Assistant Police Chief McCarthy reviewed with Mr. Hale the conditions and the survey, and that as indicated the space available doesn't allow for parking on both sides of the street and the two travel lanes. With the width of the fire vehicles and the travel routinely by the Fire Department through this area, it does create a hazard as there is no space for vehicles to get out of the way of fire apparatus. He noted this was a condition on many other streets. By leaving this particular area more open, it allows traffic movement and helps avoid a bottleneck.

Mr. Hale clarified the width of the road at Prospect Street further down towards the intersection with Flanagan Square also narrowed once past the no parking area beyond the DES Club. **Councilor Theken** and **Mr. Hale** discussed the conditions on Centennial Avenue and issues of geometry regarding the center line with allowable parking there. There was also a discussion about the drawing of the centerline on Prospect Street and how it was measured. They also discussed the lane standards and the parking issues on the part of Prospect Street in question. **Mr. Hale** noted that although parking may not be posted within 20 feet of an intersection, it is illegal to park in a particular area. If cars don't fit, he said, cars shouldn't be there and they can be towed. He made clear that parking on the DES Club side of the street where people have been parking for years fits within the city guidelines. There are about 12 parking spaces between Destino's and the "No Parking" sign at the DES Club. **Mr. Hale** indicated that he would move the center line to create two non-conforming travel lanes if directed by the Council but would not do so on his own because it is the Council's own adopted rules and regulations that dictate how wide things are and which is what he is asked to follow.

Councilor Whynott said that having lived in the neighborhood for 27 years that there had been parking there for years and that there was never any trouble nor any serious accidents such as there are in other areas of the city, and asked what the difference is now. **Fire Chief Smith** said the biggest difference he sees is that when approaching the area from the west with cars parked on the northerly side of the street, he had to stop and wait for someone to pass him in the other travel lane in order to not be struck by another vehicle and he had no place to go being just past the bottleneck closer to Flanagan Square. He said in the interest of safety and considering the size of the fire apparatus, he opposed parking on the northerly side of the street.

Assistant Police Chief John McCarthy said he, the Fire Chief and Mr. Hale met at this area to survey it. He said it was his opinion that the road is too narrow to have parking on the northerly side of the street. For years, he pointed out; vehicles did "sneak up" on the sidewalk to make enough room for oncoming cars to go by. Just as Chief Smith had done, he too made one last drive of the area today, parking his city vehicle, a full-size truck, in the area where Councilors are indicating three additional spaces may be able to be picked up, parking about a foot off the curb. He said people behind him had to stop to allow traffic to move on the other side of the street and then go around him. He said in his opinion at this place, the street is too narrow to risk public safety for three parking spaces.

Councilor Whynott said he understood that cars have to slow down or stop to allow someone to go by, but asked whether it wasn't a better situation in that it acted to slow traffic. **Assistant Chief McCarthy** said while slower traffic is safer, with snow removal in that area, and other neighborhood issues, this remains in his opinion, an unsafe situation with continued parking on the northerly side of Prospect Street in this area.

Council President McGeary noting the opinions of the Fire and Police, and the DPW Director, pointed out the Traffic Commission had decided to put forward a compromise proposal. **Robert Ryan**, 3 Blake Court, Chair of the Traffic Commission, said he respectfully disagreed, as did the Traffic Commission, with the Police and Fire Chiefs and DPW Director. On Oct. 16, the Traffic Commission recommended that parking be prohibited on the northerly side of Prospect Street in a westerly direction for a distance of 125 feet from its intersection with Friend Street, which he indicated was a compromise. Additionally, the commission asked that the centerline be redrawn. Currently it is 3 feet off the center of the roadway from Taylor Street to Friend Street. Prospect Street narrows from Taylor Street to Friend Street, he said. The width of Prospect Street goes from 36 feet to 28 feet where the proposed no parking area would begin. If parking is allowed at its starting point there is room for parking on both sides, 16 feet for every car parked on the side, and two 10 foot travel lanes, narrowing down to two 6 foot parking lanes.

He cited that the pluses for the compromise are: it saves 8 to 10 parking spaces on Prospect Street for residents, the DES Club, Destino's and churchgoers. He said that most importantly, it is a traffic calming measure that helps reduce the speed of vehicles. He noted that Councilor Cox has asked him on several occasions to do speed studies on Prospect Street. He indicated Prospect has the highest incidence of speeding violations in the city. It is posted at 20 miles per hour. He said removing the parked cars in front of Our Lady of Good Voyage Church will create a speedway all the way down to Flanagan Square and removes the calming effect.

Mr. Ryan indicated that having grown up on Warner Street, the parking conditions had been in place for about 100 years. The roadway had served the city well which included travel by Fire and Police vehicles. He noted Prospect Street has plenty of room for two-way traffic and parking. He suggested that if they start with Prospect Street it will lead to changing parking on streets like Church, Friend and Duncan streets, all three connector roads and all three non-conforming.

Councilor Theken and **Mr. Ryan** confirmed his 17-year tenure with the Traffic Commission and that his opinion and the Commission's recommendations have been upheld by the O&A Committee up to 90 percent of the time on traffic issues that come before the Council. **Mr. Ryan** asked that the compromise be adopted pointing out if adopted it can be revisited, rather than taking parking away from residents, the churchgoers and businesses.

Councilor Cox asked if Church Street in Mr. Ryan's opinion is a major artery. **Mr. Ryan** said, "No."

Councilor Cox asked if Mr. Hale is willing to make the travel lanes less than 10.5 feet. **Mr. Hale** said the request to make 6 foot travel lanes equates to the width of a bicycle lane, although he would do what he was asked to do by the Council. There are a lot of non-conforming roadways in the city, he agreed. Some of the roads are not collector roads and don't have a center line, but there has to be a center line on Prospect Street due to the number of vehicle trips made daily on the street.

Council President McGeary suggested that Mr. Hale could get to two 8-foot travel lanes and two 6-foot parking lanes. **Mr. Hale** responded it is not what the zoning ordinance requests his department to do in laying out a roadway. The Council would be asking applicants to do one thing and the city something else.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL vote 4 in favor, 5 (LeBlanc, McGeary, Theken, Verga, Whyntott) opposed, to amend the main motion to prohibit parking on the northerly side of Prospect Street from its intersection with Friend Street to Taylor Street.

AMENDMENT FAILS.

Original motion presented at the October 28 City Council meeting:

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Whyntott) opposed, to recommend that the City Council Amend GCO c. 22, Sec. 22-270 "Parking prohibited at all times" as follows:

By ADDING: "Prospect Street, parking prohibited on the northerly side from its intersection with Friend Street for a distance of 125 feet in a westerly direction.

Council President McGeary announced the Public Hearing is now reopened at 7:41 p.m.

Those speaking in favor:

Brook Welty (no address given) said that it is difficult to navigate the roadway and traffic in this area and asked that for safety reasons to have parking banned.

Those speaking in opposition:

Jerry Burke, 2 Fair Street for 63 years, said he is a member of the DES Club and member of Our Lady of Good Voyage Church said that there are people who own homes in the area, and that taking this parking away would not be appropriate as churchgoers will have fewer places to park. He suggested taking away the three parking spaces in front of the DES Club instead citing residents in the area's parking needs. Slowing cars down is a good for public safety, he said, and also suggested a football-shaped rotary in front of Our Lady of Good Voyage Church to divert traffic to slow it down.

Communications: None.

Councilor Questions: None.

This public hearing is closed 7:45 p.m.

DISCUSSION:

Councilor Cox said that the original motion was not what she put forward in her Council Order.

Councilor Theken offered an amendment to the main motion: that there be no parking on this area of Prospect Street Monday through Friday and that parking be allowed Saturday and Sunday.

Councilor Verga asked if this amendment applies to the compromise or to the original motion and was informed that the amendment applies to the original compromise motion recommended by O&A.

Councilor Cox said she would support the amendment although it flew in the face of public safety but was willing to try it.

MOTION: On a motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted by ROLL CALL 9 in favor, 0 opposed to amend the main motion that enforcement is Monday through Friday only.

MOTION: On a motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed, to Amend GCO c. 22, Sec. 22-270 "Parking prohibited at all times" as follows:

By ADDING: "Prospect Street, parking prohibited on the northerly side from its intersection with Friend Street for a distance of 125 feet in a westerly direction Monday through Friday.

The Council recessed at 7:50 p.m. and reconvened at 7:55.

Scheduled Public Hearings:

- 1. PH2014-071: SCP2014-011 Main Street #260, Map 13, Lot 8, re: GZO Sec. 1.10.1(a)(3) & 3.2.2(a) for a Decrease in the minimum lot area & open space per dwelling unit.**

This public hearing is opened at 7:55 p.m.

Those speaking in favor:

Attorney Robert Coakley, 64 Middle Street, representing Fernwood Holdings, LLC, owners of the property at 260 Main Street, Map 13, Lot 8, and Tom Taliadoros of Fernwood Holdings, LLC.

NOTE: The applicant proposes a lot area per dwelling of 1,569.5 square feet which requires a reduction of 930.5 square feet per unit from the required 2,500 square feet. Also being requested is a reduction of 412 square feet of open space per dwelling unit which requires a reduction of 838 square feet per unit from the required 1.250 square feet.

OVERVIEW OF PROJECT:

Mr. Coakley said this property is that of the former Cape Ann Animal Shelter, a building that has no structural value and no redeeming factors and would probably be razed for any use. He pointed out a model before the Council (not placed on file) was shown to the Zoning Board of Appeals (ZBA) and to the Planning & Development Committee (P&D). He said he told P&D that when the applicant went before the ZBA for dimensional relief necessary to construct a new building, the sentiment of the Board was that they didn't like the composite material proposed for the exterior sides of the building as it is right across the street from the new Gorton's brick building and up the street from the historic Blackburn Building. The ZBA asked the applicant to completely brick the new structure, to which the applicant agreed. He also pointed out that the applicant believes the design will be an attractive structure. He pointed out a companion Limited Liability Company (LLC) owned by Anthony Taliadoros, who came before the Council for a petroleum permit recently, while refurbishing the gas station on Maplewood Avenue gas station which has been done to replicate an old-style full service gas station which has become a benefit to the neighborhood. He said this new structure on Main Street would be a similar improvement.

He noted a 2005 the Council amended the Zoning Ordinance in keeping with the city's Master Plan, to permit residential units as a matter of right above retail space in the Central Business (CB) district. The CB district, he said, crests near the CVS Drug Store and continues to the west end of Main Street. He pointed out the city's Master Plan supports the movement to integrate housing into the downtown area of the city to make it vibrant. While buildings have been improved upon in the east end, no new structures have been built under that proposal, although some housing units have increased.

PROPOSED STURCTURE & PARKING:

The applicant proposes a just under 1,000-square-foot retail unit on the ground level, two ground-level parking garages on either side to service two dwelling units which will be about 1,600 square feet each on the second and third level, each with three bedrooms. **Mr. Coakley** suggested that the dwelling units will likely have two bedrooms utilized with the third room used as personal work/office space. Because of the long-term lease by the city of the parking lot owned by the Gloucester Housing Authority (GHA) next to 260 Main Street, the applicant is compliant with the parking requirement associated with the proposed retail space. The applicant is also compliant under the zoning ordinance with the requirement to provide one parking space per dwelling unit. He offered a correction to a response he made to a question by Councilor Cox at the Nov. 10 P&D meeting, that the proposed parking garages do house two cars in tandem, not one. He reiterated that the use for the new building is an approved use, consistent with the Master Plan. All the necessary dimensional relief had already been granted by the ZBA.

He explained that before the Council is what he termed as a minor Special Council Permit for a lesser amount of square footage per dwelling unit and lesser open space per dwelling unit. Besides the Special Council Permit six criteria enumerated in the application which cited the reasons for compliancy, the application also addressed the specific criteria to be applied whether or not the Council can authorize the reduction of space per dwelling unit to allow the structure to be built and the open space per dwelling unit. The criteria, he said, was that it be in keeping with the neighborhood character and structural density. Speaking to structural density, he said that urban planners have indicated to him that it should be building after building after building to promote the retail use in the CB district. This would be the first structure in the east end of Main Street to bring that area back, he said.

Mr. Coakley said not only is the applicant compliant with parking and consistent of the goal of not having the open space between buildings on one side of the property, he noted the only big open spaces are two parking lots. They not only provide compliant parking on site, but do not take away parking from Main Street.

ASSOCIATED UTILITY ISSUES:

In working with DPW Director in review of the applicant's plans, **Mr. Coakley** said he was informed by Mr. Hale that when the city finishes its repaving of that area now that the utility work is finished with restriping there would be no loss of parking on Main Street.

Mr. Coakley said at the ZBA meeting no one spoke against the project. A representative of the Moose Lodge which is directly abutting 260 Main Street spoke in favor of the building project. He pointed out that the Moose Lodge has about 5 units above their ground level club with no parking which was a pre-existing non-conforming use. He noted a resident to the rear of the property, on Prospect Square who expressed concern about an old sewer pipe that comes down from Prospect Square and eventually goes down into Main Street. When doing a sewer project on Prospect Street, the DPW tied this resident's property into the sewer line there, but there is a pipe that has backed up there. He asked that the pipe be cut and to remove the line. While an eyesore at the rear of the structure, it provides for a sewer line that runs between 260 Main Street and serves 260 Main Street and the Moose building. The line can be capped according to DPW and plumbing standards and that there would be no further burden with effluent backup. Permits have been secured; **Mr. Coakley** said, for a new sewer line to be run to the new building as well as a new water line.

SITE VISIT:

He also noted there was a site visit made by two of the three members of P&D on Oct. 23. He pointed out that the applicant had not only cleaned up the grounds of the property, but also cleaned up at his expense with permission of the GHA its parking area and removed several trees opening up even more parking spaces in the lot.

He said the proposed building is a good design and added his hope that this project would spur other like developments in the east end of Main Street. He asked that the Council vote in favor of the application.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Cox said there are two parking spots per each dwelling unit. **Mr. Coakley** said there is 44 plus feet in the garages where 22 feet is needed for each vehicle, and parking for two vehicles per garage will be in tandem. There are four parking spaces where the ordinance only requires two – one space per dwelling unit.

Council President McGeary noted that in the area in front of the main entrance of the commercial space at street level, there is some set back from the street. He asked how far back was the front door of the commercial space from the street and sidewalk as there was concern expressed to him that the area in front of the retail space could become an ad hoc pass through for cars or even a temporary parking space. He asked if the applicant was intending to implement a way to prevent people from parking in front of the building on that particular spot. **Mr. Coakley** said that space is designed to be kept open. He noted there is a city sidewalk which was re-bricked which they will have to tunnel under for some of the utilities and then be repaired properly. He said that the idea is to keep the space under the control of the retail unit because a retail unit doesn't want cars parking in front of it or on either

side of it as it would detract from the curb appeal of the retail unit. There is no parking allowed in that area under the lease agreement and would not be permitted should be building become a condominium, he said. **Council President McGeary** said the model shows the area of the cars is not enclosed but more of a carport style garage. Since the intention of the zoning ordinance is to avoid the gap-toothed affect between buildings, he asked whether garage doors would be required. **Mr. Coakley** said the sides of the garages are closed in by grates on the sides for air ventilation and garage doors are to be installed as a security measure. He pointed out on the corner of Spring Street there is a six-unit building with parking underneath with open air parking.

This public hearing was closed at 8:13 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2014-011) for 260 Main Street to Fernwood Holdings, LLC pursuant to Sections 1.10.1(a)(3) and Sec. 3.2.2(a) of the Zoning Ordinance for a decrease in the minimum lot area requirement of 2,500 square feet per dwelling unit by 930 square feet per dwelling unit to a lot area of 1,569 square feet per dwelling unit; and for a decrease in the minimum open space per dwelling unit requirement of 1,250 square feet by 838 square feet per dwelling unit to 412 square feet per dwelling unit of open space, in order to build a three-unit building consisting of a commercial unit on the ground level and two residential units above at 260 Main Street, Gloucester, Massachusetts, Assessors Map 13, Lot 8, zoned Central Business as shown on the Zoning Board of Appeals Plan, by Gateway Consultants, Inc. of Lynnfield, MA, dated 6/24/14 and Floor Plans A-1 and A-2 by Robert I. Mitnik, AIA of Gloucester, MA, dated 05/05/14. The applicant has met the six criteria of GZO Sec. 1.8.3 and the two criteria under GZO Sec. 3.2.2(a) concerning neighborhood character as shown by the Special Council Permit application.

DISCUSSION:

Councilor Verga explained that of note, this building is in terrible shape now, and as a safety measure it is good to tear this building down. He said that the new building will be a visual asset to the neighborhood.

Council President McGeary said he would support the Special Council Permit. Although he had a concern about parked cars getting up onto the sidewalk to park, that concern had been addressed, he said, and although the aesthetics of the garage aren't the very best, the need for housing trumps that particular aesthetic requirement.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to grant a Special Council Permit (SCP2014-011) for 260 Main Street to Fernwood Holdings, LLC pursuant to Sections 1.10.1(a)(3) and Sec. 3.2.2(a) of the Zoning Ordinance for a decrease in the minimum lot area requirement of 2,500 square feet per dwelling unit by 930 square feet per dwelling unit to a lot area of 1,569 square feet per dwelling unit; and for a decrease in the minimum open space per dwelling unit requirement of 1,250 square feet by 838 square feet per dwelling unit to 412 square feet per dwelling unit of open space, in order to build a three-unit building consisting of a commercial unit on the ground level and two residential units above at 260 Main Street, Gloucester, Massachusetts, Assessors Map 13, Lot 8, zoned Central Business as shown on the Zoning Board of Appeals Plan, by Gateway Consultants, Inc. of Lynnfield, MA, dated 6/24/14 and Floor Plans A-1 and A-2 by Robert I. Mitnik, AIA of Gloucester, MA, dated 05/05/14. The applicant has met the six criteria of GZO Sec. 1.8.3 and the two criteria under GZO Sec. 3.2.2(a) concerning neighborhood character as shown by the Special Council Permit application.

The Council recessed at 8:17 p.m. and reconvened at 8:19 p.m.

2. PH2014-072: Recommendations of the Community Preservation Committee for Round 5, FY14 Funds

This public hearing is opened at 8:20 p.m.

J.J. Bell, Co-Chair, Community Preservation Committee (CPC) gave a brief historic overview of the Community Preservation Act process noting that this is the fifth round of distribution of CPA funds since the city adopted the CPA Act. This year's funding recommendations total \$371,679. There were no community housing project applications received.

Project #1 – Magnolia Library & Community Center Renovation - \$85,000

Mr. Bell gave a brief overview as follows: The Magnolia Library and Community Center (a 501(C) 3 organization) is recommended to receive \$85,000 in CPA funds for the purpose of the rehabilitation and restoration of an historic asset by installing a sprinkler and fire alarm system to protect and preserve the building in the event of fire along with a group of related renovations. Total estimated cost of the project is \$245,630.

Those speaking in favor:

James O'Hara, Jr., 55 Lexington Avenue, representing the Magnolia Library and Community Center, explained that the Library, a great Cape Ann asset, is continuing its renovation efforts. Most recently the building was used as a command center for the management of the Fuller Street fire, and the Library stayed open for a week continuously to support those families left homeless. He noted several local Cape Ann efforts on-going at the Library which open seven days a week. The CPA funds for the fire suppression system will help to preserve the building that would go the way of the building burned to the ground recently.

Those speaking in opposition: None.

Communications: None.

Questions:

On inquiry by **Councilor Verga, Mr. O'Hara** said that there are additional items on the original proposal such as insulation, emergency generator and ADA compliant bathrooms. There are ongoing fundraisers by the Magnolia Library and Community Center. The \$85,000 would cover the sprinkler system, he said. The engineering has been completed.

Council President McGeary asked if there was any matching funding required. **Mr. Bell** said there wasn't, but that the CPC encourage applicants to seek out matching grant funds if possible from other sources.

This portion of the public hearing is closed at 8:26 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$85,000.00 (Eighty Five Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Magnolia Library & Community Center for the purpose of the installation of a sprinkler and fire alarm system, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275024.

DISCUSSION:

Councilor Cox thanked the B&F Committee for their efforts and to the applicants and excellent presentations to which bring such great improvements to the city.

Councilor Theken thanked the B&F Committee also for their tireless work in reviewing all the applications, and lauded the applicants for their work in the community. She said she would extend her support to all the applications coming before the Council this evening.

Councilor Fonvielle said the fire at Fuller Street is a warning of what can happen, and that it is important to maintain and preserve this community resource and was voting in favor of the funding.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$85,000.00 (Eighty Five Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Magnolia Library & Community Center for the purpose of the installation of a sprinkler and fire alarm system, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275024.

Project #2 – Gloucester Writers Center Renovation - \$10,000

Ms. Ronan conveyed the following: That the CPC Committee recommends the City Council appropriate \$10,000 to the Gloucester Writer's Center at 126 East Main Street for the purpose of rehabilitation and restoration of an historic asset by replacing the roof, installation of end vents and fan,

transom window including framing and finish work, gutters and side in order to ensure that the GWC will remain in good condition for long-term preservation. Total estimated project cost is \$12,000.

Wendy Fitting, Member of the Gloucester Writer's Center (GWC) Board, 242 East Main St., stated that the GWC submitted a proposal for \$10,000 primarily to fix the roof at 126 East Main St., the former home of Vincent Ferrini and current location of the GWC. **Ms. Fitting** said it is a vibrant working writer's center in a working city. She discussed various programs that occur regularly at this location, all of which are free, although the hat, literally, is passed for contributions. **Ms. Fitting** added that this center is a great example of wonderful imaginative arts from all voices. There is a commitment to diversity in voices in the community, she pointed out. The contribution from the Writer's Center to the project is \$2,000 that was raised from a private donor.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This portion of the public hearing is closed at 8:35 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 that the City Council appropriate up to \$10,000.00 (Ten Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Gloucester Writers Center for the purpose of the rehabilitation and restoration of the building, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275025.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Lundberg, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$10,000.00 (Ten Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Gloucester Writers Center for the purpose of the rehabilitation and restoration of the building, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275025.

Project #3 – Rehabilitation and Restoration of former Christian Science Church, 6 Wonson Street - \$50,000

Mr. Bell conveyed the following information: That the CPC recommends the City Council appropriate \$50,000 to the Rocky Neck Art Colony, Inc. for the purpose of preserving an historic asset by repairing and restoring the Cultural Center at Rocky Neck, 6 Wonson St. with Phase II renovations. The RNAC has almost completed its first phase of renovations to bring the building into American with Disabilities Act (ADA) compliance. The second phase of renovations includes HVAC upgrade, kitchen/office build-out, and installation of a drainage system, rear deck rebuilding, and installation of ten storm windows for the main hall. The RNAC offers the Cultural Center as a public welcome center, art gallery, educational space and community gathering place. The total project cost is estimated at \$159,000. He pointed out the creation of the RNAC and the Cultural Center was a very successful grassroots effort.

Karen Ristuben, President of the Rocky Neck Art Colony, provided some background on the Cultural Center at Rocky Neck and said that three years ago enough money was raised to buy the building. The building, she said, is now fully handicapped-accessible which was made possible by a previous CPA grant. She said the project is as Mr. Bell outlined. She explained that in order to complete Phase I of the renovations some of the work planned for Phase II had to be done, which reduced the Phase II budget by approximately \$26,000, and included a lot of drainage work and addressed fire and safety issues. **Ms. Ristuben** stated this project has already secured \$30,000 from the Massachusetts Cultural Council and the remaining balance has been included in the fundraising plan for the Art Colony. She discussed specific aspects of the renovations to be performed. **Ms. Ristuben** added that none of the funds being requested would be used to reimburse for work performed during Phase I renovations.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This portion of the public hearing was closed at 8:40 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$50,000.00 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Rocky Neck Art Colony, Inc. for the purpose of the rehabilitation and preservation of the former Christian Science Church, 6 Wonson Street, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275026.

DISCUSSION:

Council President McGeary pointed out that the reason the motions say “up to” a dollar amount is because if projects come in under budget then the money can be returned to the city.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$50,000.00 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Rocky Neck Art Colony, Inc. for the purpose of the rehabilitation and preservation of the former Christian Science Church, 6 Wonson Street, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275026.

Project #4 – Cape Ann Historical Association (Cape Ann Museum) ADA lift for Auditorium - \$15,000

Ms. Ronan said that: The CPC recommends the appropriation of \$15,000 to the Cape Ann Historical Association (Cape Ann Museum) for the purpose of preserving an historic asset which includes the installation of a vertical platform lift to the Museum’s auditorium to provide ADA access. This project will consist of designing and installing a vertical platform lift to provide ADA approved access to the stage located in the Museum’s auditorium. She noted that Mr. Bell had recused himself from any discussion and vote on the matter when taken up at the Community Preservation Committee deliberations as he is on the Board of the Cape Ann Museum. Total cost of this project is \$40,000.

Martha Oakes, Curator of the Cape Ann Museum, explained that: This project consists of the designing and installation of a vertical platform lift to provide ADA approved access to the stage located in the Museum’s auditorium in their lower level. The space is part of the Museum’s headquarters at 27 Pleasant St. Currently the stage is the only public space in the Museum that doesn’t meet ADA requirements. The auditorium seats 180 and is used heavily by the Museum throughout the year for its own programming and for collaborative programs done with groups throughout Gloucester, Cape Ann and the North Shore usually at no expense to those organizations. The museum already has one vertical lift in the building and one regular elevator. She summarized many of the improvements made to the museum during its most recent renovation.

Communications: None.

Councilor Questions: None.

This portion of the public hearing is closed at 8:45 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 that the City Council appropriate up to \$15,000.00 (Fifteen Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Cape Ann Historical Association (Cape Ann Museum) for the purpose of the design and installation of a vertical platform ADA lift for the auditorium, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and

funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275027.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$15,000.00 (Fifteen Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Cape Ann Historical Association (Cape Ann Museum) for the purpose of the design and installation of a vertical platform ADA lift for the auditorium, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275027.

Project #5 – Historic New England/Beauport the Sleeper-McCann House Renovation - \$20,000

Mr. Bell conveyed the following information: The CPC recommends that \$20,000 be appropriated to the Historic New England/Beauport for the purpose of the rehabilitation and restoration of an historic asset by providing electrical upgrades including replacement of fire sensors, removal and re-installation of fixtures, exterior electrical work, upgrade main panel, first and second floor and rewiring of 17 lamps at the museum located at 75 Eastern Point Blvd. The work to update the antiquated electrical system and installing new fire protection sensors is to better preserve and protect Beauport, the Sleeper-McCann House, one of two historic landmarks in Gloucester. The work to be done will allow for increased public use and enjoyment of the facility. The total project cost is \$45,630.

Jordy Black, Preservation Manager of Historic New England, described the work to be done as follows: Historic New England will be updating the antiquated electrical system and installing new fire protection sensors to better preserve and protect Beauport. She recounted some of the renovation history of the museum for the Council. She said that in 2008, the Museum started a large scale effort to secure the exterior envelope of the House by addressing moisture infiltration and other issues. She described the deteriorated condition of the electrical system in the museum. These repairs will include: electrical upgrades including replacement of fire sensors, removal and re-installation of fixtures, exterior electrical work, upgrades to the main panel on the first and second floor, and rewiring of 17 lamps.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This portion of the public hearing closed at 8:51 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle , seconded by Councilor McGear, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$20,000.00 (Twenty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Historic New England/Beauport the Sleeper McCann House for the purpose of the rehabilitation and restoration of the building including electrical and fire alarm upgrades, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275028.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox , seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$20,000.00 (Twenty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Historic New England/Beauport the Sleeper McCann House for the purpose of the rehabilitation and restoration of the building including electrical and fire alarm upgrades, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275028.

Project #6 – Holy Family Parish – Elevator System for ADA access - \$50,000

Ms. Ronan said that: The CPC recommends the appropriation of \$50,000 to The Holy Family Parish for the purpose of the rehabilitation and restoration of an historic asset which includes the construction of an elevator system for American with Disabilities Act (ADA) access for the parish building. The total cost of the project is over \$1.6 million.

Joseph Grella, 14 Fleetwood Drive, member of the Holy Family Parish Finance Council, said the following: Age has taken a toll on the church building, which was built in 1876. A decision was taken to renovate the building in order to fix the leaking walls, sinking floors, and basement deterioration. In so doing the parish had to take into consideration the ADA requirements for access with which the church building is not compliant. The steeple will also be repaired in preparation for the work on the parish including the installation of an elevator. The estimate for all the work is currently \$1.6 million, but he said it will probably go up. The parish has about \$1 million in cash donations in hand, of which some has been spent for architectural services. He assured the Council that fundraising will continue. He listed some of the community activities that are currently hosted in the building. Of note, he said, the West Parish swing school housed in the former St. Ann's School uses the parish hall as a collection point for students in the morning and at dismissal time. Until the building is renovated it is not regularly offered to the public for use, he pointed out.

Communications: None.

Councilor Questions: None.

This portion of the public hearing is closed at 8:57 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 that the City Council appropriate up to \$50,000.00 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Holy Family Parish for the purpose of the construction of an elevator system to provide ADA access, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275029.

DISCUSSION:

Councilor Cox said that if the Holy Family Parish building should be sold, the city would get the grant money back. If the donated funds do not reach the funding goal, the CPA money would also have to be returned. She pointed out that the Holy Family Parish representative when before the B&F Committee agreed that they would allow this building to be opened to public use and rental. If Holy Family Parish fails to do that, the city gets its money back, she said. She also pointed out that CPA funds have been given to other city churches for the purpose of historic preservation and those organizations have opened the space for public functions. She said she understood why the church is reluctant to open the space to the community at this time because the space is not safe, damp and musty. She indicated she further understood the parish wanting to have the building renovated before opening it up for public functions not church related. The key issue was to ensure that the building be made available to the public once repairs are completed, and that when the applicants were before the Committee they assured the Committee that would be the case. She pointed out that the Committee's site visit revealed it was impractical for the space to be used for public functions until it was refurbished. She announced she would support the application for funding.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$50,000.00 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Holy Family Parish for the purpose of the construction of an elevator system to provide ADA access, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275029.

Project #7 – Oak Grove Cemetery – Survey and mapping of the cemetery - \$24,000

Mr. Bell conveyed the following information: The CPC recommends the appropriation of \$24,000 to the Oak Grove Cemetery for the purpose of the rehabilitation and restoration of this historic resource which will include a survey and mapping of the Cemetery. The Cemetery is on the National Register of Historic Places and the Cemetery Board is seeking funding to do mapping for the Cemetery which is an 11-acre site. The key building on the site is the granite Bradford Chapel. The long-term goal is to restore the chapel, and to that end they are in the process of working with an architect to provide an evaluation for its restoration. Total project cost is \$40,000.

Mary Black, President of the Oak Grove Cemetery volunteer Board of Directors, conveyed the following information: The Oak Grove Cemetery is on the National Register of Historic Places located on Washington Street near Centennial Avenue. The cemetery was opened in 1875. The cemetery has prominent main roads, but many sub-roads are overgrown and unidentifiable. The last time the cemetery was formally mapped was during the Work Project Administration in the 1930's. Topographix, a consulting firm that has been working on the mapping of the U.S. Congressional Cemetery in Washington, DC, will carry out the mapping survey of Oak Grove Cemetery. The goal is to create a digital map so that if individuals are doing historical research they will be able to enter into their data system to find the exact location of a plot. The ultimate goal is to make the cemetery more user-friendly. Oak Grove Cemetery is committing \$10,000 of its own endowment to renovate and restore the Bradford Chapel. Another goal is to install new plantings representative of the historic plantings of old.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

This portion of the public hearing is closed at 9:07 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$24,000.00 (Twenty Four Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Oak Grove Cemetery for the purpose of the survey and mapping of the cemetery, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275030.

DISCUSSION:

Councilor Cox noted that funds for historic preservation are coming from the CPA unrestricted reserves account. She explained that all current historic preservation funds are allocated for the debt service on the City Hall restoration, which is why the applications for historic preservation are being funded from the unrestricted reserves account.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$24,000.00 (Twenty Four Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Oak Grove Cemetery for the purpose of the survey and mapping of the cemetery, in Gloucester, Massachusetts, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275030.

Project #8 – Mattos Field Rehabilitation Project - \$12,679

Ms. Ronan conveyed that: The CPC recommends the appropriation of \$12,679 to the Cape Ann Women's Softball League working with the Department of Public Works for the purpose of rehabilitating and restoring a recreational resource by conducting preliminary design work for installing new playing field lights at Mattos Field on Webster Street. Total project cost is estimated at \$12,679.

Patti Amaral, 14 Myrtle Square, reviewed briefly the history of the playing field built in 1934 dedicated to Joseph Mattos, who was killed in action in World War I. The CPA funds will be used to do ground borings in order to determine the subsurface composition to make the field ready for the installation of new lights and ensure the lights stability once installed. She noted many city sports organizations use the field now. The funding goal is \$100,000 in order to install the lights, and fundraising is ongoing.

Communications: None.

Councilor Questions: None.**This portion of the public hearing is closed at 9:12 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 that the City Council appropriate up to \$12,679 (Twelve Thousand Six Hundred Seventy Nine Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the purpose of the Cape Ann Women's Softball League rehabilitating Mattos Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340010.

DISCUSSION:

Councilor Cox commended Ms. Amaral for her fundraising efforts and not solely relying on CPA funds for the Mattos Field project.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$12,679 (Twelve Thousand Six Hundred Seventy Nine Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the purpose of the Cape Ann Women's Softball League rehabilitating Mattos Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340010.

Project #9 – City of Gloucester, Community Development Department – Burnham's Field upgrades - \$50,000

Mr. Bell explained that the CPC recommends the appropriation of \$50,000 to the Gloucester Community Development Department for the purpose of rehabilitating and restoring a recreational resource as part of the Burnham's Field Phase I project to replace two ball field backstops. Total project cost is \$50,000.

John McElhenny, 19 Allen St., said that Burnham's Field is the largest green open space in inner city Gloucester, and that the field since its recent renovation is now being heavily used. The backstops on the field's baseball diamonds are very old and badly need to be replaced.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This portion of the public hearing closed at 9:16 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the City of Gloucester, Community Development Department for the purpose of replacing two ball field backstops at Burnham's Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340011.

DISCUSSION:

Councilor Cox said she has been very involved with the Burnham's Field project and had received many complaints about baseballs going through the backstops which are a safety hazard. She pointed out there are numerous safety features that will come with the new backstops such as canopies. She said she was very proud to support this project located in her ward.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the City of

Gloucester, Community Development Department for the purpose of replacing two ball field backstops at Burnham's Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340011.

Project #10 – Burnham's Field Community Garden, Inc. - \$5,000

Ms. Ronan conveyed that the CPC recommends the appropriation of \$5,000 to Burnham's Field Community Garden, Inc. for the purpose of the rehabilitation and restoration of recreational land by replacing an existing fence with the expansion of the community garden at Burnham's Field which is part of a larger Burnham's Field restoration. The total cost is \$9,050 for the project.

John McElhenny, representing Burnham's Field Community Garden, Inc., explained to the Committee that: With the creation of the community garden, the Burnham's Field renovation project was started. This project will consist of expanding the community garden to have more plots, bring in soil to fill in those plots, and a new fence to enclose the garden with two gates and compost area and additional ground cover. The Community Garden was the first portion of the rehabilitation of Burnham's Field and has had great impact for families in the area to be able to grow local, organic produce in the downtown area. He noted that there is a new garden started for the West Parish student community. He added that the old fence has finally fallen apart, so a new fence is required to keep the gardens going.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This portion of the public hearing is closed at 9:21 p.m.

Councilor Cox disclosed under MGL c.268A she was a member of the Community Gardens, Inc. and is a Board member but receives no monetary gain from her participation as a Community Garden member or Board member.

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 appropriate up to \$5,000 (Five Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Burnham's Field Community Garden, Inc. for the purpose of replacing the existing fence and for the expansion of the community garden at Burnham's Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340012.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to appropriate up to \$5,000 (Five Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Burnham's Field Community Garden, Inc. for the purpose of replacing the existing fence and for the expansion of the community garden at Burnham's Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340012.

Project #11 – Gloucester Conservation Commission and Essex County Greenbelt - Annisquam Woods Property Acquisition - \$50,000

Mr. Bell conveyed that the CPC recommends the City Council appropriate \$50,000 of FY15 Open Space Reserve to the Gloucester Conservation Commission and Essex County Greenbelt Association (ECGA) for the purpose of preserving open space by acquiring the Annisquam Woods parcel (27.4 acres) located off Hutchins Court and Tufts Lane, and protecting it from development as well as protecting wildlife habitat and water resources.

ECGA has raised \$500,000 and the Gloucester Conservation Commission is seeking \$250,000 LAND grant from the state. The grant has an expiration of April 1, 2015. There would be a conservation restriction given to the city. ECGA will be responsible for the maintenance and upkeep of the property and trails. Without the purchase of the property and the conservation restriction there is a significant risk the already permitted subdivision could be developed and the open space would be permanently lost.

David Santomenna, Director of Land Conservation for ECGA, briefly explained this purchase of open space follows the same pattern of the Norcross and Tompson Street Land conservation projects by the ECGA with the city holding the conservation restriction. Those two projects also utilized CPA funds to assist in their purchase. As in those cases, CPA funds will be critical to purchase Annisquam Woods to see that this essential open space is preserved, he said.

Communications: None.

Councilor Questions: None.

The entire public hearing is closed at 9:26 p.m.

MOTION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council to appropriate up to \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Essex County Greenbelt Association (ECGA) purchase of the 27.4 acre property known as the Annisquam Woods parcel in Gloucester, Massachusetts upon the condition that the ECGA conveys a conservation restriction to the City of Gloucester or its designee. The appropriation will be allocated to the Open Space category and funded by up to \$50,000 from Open Space Reserves in Fund #270100. The project will be tracked in the Community Preservation Fund – Open Space Projects Fund #271006.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Stewart, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to appropriate up to \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee for the purpose of the Essex County Greenbelt Association (ECGA) purchase of the 27.4 acre property known as the Annisquam Woods parcel in Gloucester, Massachusetts upon the condition that the ECGA conveys a conservation restriction to the City of Gloucester or its designee. The appropriation will be allocated to the Open Space category and funded by up to \$50,000 from Open Space Reserves in Fund #270100. The project will be tracked in the Community Preservation Fund – Open Space Projects Fund #271006.

Council President McGeary thanked the Community Preservation Committee, and Debbie Laurie, Senior Project Manager of the Community Development Department for their efforts in bringing these applications for funding forward. He also commended the citizens of Gloucester for voting the CPA Act surtax. He pointed out that there has been no community housing project applications brought forward for funding in the last several rounds. He said there is a need for low-cost housing in the city and encouraged applicants to consider coming forward in future funding rounds.

The Council recessed at 9:30 p.m. and reconvened at 9:35 p.m.

Planning & Development Committee Report: November 10, 2014 Part I:

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that in order to address a request for an easement, that the City Council grant to Karen Elliot of 541 Washington Street a non-exclusive, revocable License to use the Access Area shown in the agreement entitled, “for vehicular and pedestrian passage to, from and between 541 Washington Street and 6 Stanwood Street” pursuant to the terms of the License agreement between Karen Elliot of 541 Washington Street, Gloucester and Cape Ann Radio Association.

DISCUSSION:

Councilor Verga said that this licensing agreement came from an original request by Karen Elliot at 541 Washington St. to maintain access to her property through 6 Stanwood St. While it took quite some time to work

out, both the Cape Ann Amateur Radio Association (CAARA), which desires to acquire the property from the city, and Ms. Elliot have an equitable solution to property access. It was noted there was a clause that should CAARA discontinue as a non-profit organization the property reverts to the city as was done with the Blynman School property. He said that by way of background a year ago P&D reviewed this matter in light of CAARA's desire to purchase 6 Stanwood St. and the only hold up with the sale of the city property was this agreement, and so now the purchase by CAARA of 6 Stanwood Street will move forward. P&D, he said, recommends that the license be granted.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, that in order to address a request for an easement, that the City Council grant to Karen Elliot of 541 Washington Street a non-exclusive, revocable License to use the Access Area shown in the agreement entitled, "for vehicular and pedestrian passage to, from and between 541 Washington Street and 6 Stanwood Street" pursuant to the terms of the License agreement between Karen Elliot of 541 Washington Street, Gloucester and Cape Ann Radio Association.

3. PH2014-073: Amend GCO Chapter 4, "Animals," Article 2 "Dogs," Sections 4-15, 4-16, 4-19 and 4-20

Council President McGeary reviewed the amendments to the dog ordinance in brief and reviewed who would be viewed in opposition and those who are in favor.

This public hearing is opened at 9:42 p.m.

Those speaking in favor:

Cindy Dunn, 7 Rose Lane, member of the Ad Hoc Committee to review the Dog Ordinance, said this was anything but a simple task to review the ordinance and come up with the amendments. She thanked Councilor LeBlanc who also guided the review effort. Her support was of a lukewarm nature, she said, and that the amendments are the best that could be done with the situation at hand. Everyone loves the beaches in the city, and that there was a great deal of emotion especially about the use of Good Harbor Beach by dog owners who want to exercise dogs off leash and those who walk the beach without dogs. She said dog owners find it a haven for exercising their dogs on the beaches in winter. She expressed concern with the one-year evaluation period for the ordinance amendments, and suggested that the end of that 12-month period would find the amendments successful but questioned how the assessment as to the success or lack of success would be measured. She suggested another ad hoc committee might be able to look at other areas of the city for off leash in the off season after this evaluation period. She said the odd/even days of Good Harbor and Wingersheek Beaches for off leash use October 1 to April 30 is a good compromise.

Bob McKown, 1085 Washington St., said he reluctantly accepts the amendments to the dog ordinance and thanked the O&A Committee for the proposing it. He agreed that there would need to be a mechanism by which to measure the success or lack thereof of the amendments a year from now when the Council revisits the ordinance. He also submitted for the record pictures of Good Harbor Beach during different times of day over many recent weeks. The pictures showed few people using the beach.

Those speaking in opposition:

Francine Dench, 4 Harvey Place, said a compromise is one where everyone should get to use the beach. She said many people like her are afraid of dogs and didn't want dogs on the beach without leashes. She pointed out that people do like to go to the beach in the winter, and don't want to be on the beach with dogs. She said if dogs were on leash at all times, those who are fearful of dogs could enjoy the beach. She said in October dogs were off leash and the dogs were jumping on people. She said she had spoken to several residents who were unable or unwilling to use the beach because of the presence of dogs off leash. She said that the city could be sued if a person was bitten by a dog on a city beach. She cited a petition she had submitted previously with over 1,000 signatures for people saying they didn't want dogs unleashed on the beach. She also cited reports of dogs off leash that bit their owners or other people. She said that she is afraid of dogs and cannot use the beach if dogs are allowed off leash.

Meg Herman, 17 Walker St., owner of two dogs, recounted an incident in the spring when she and her granddaughter were on the beach and that owner of a small dog that was jumping around and nipped her granddaughter in the hand. She found the dog owner and asked he put his dog on a leash. The dog owner agreed and walked away. When confronted again further down the beach that the dog wasn't on a leash, the owner refused to go to his car to get the leash, she said. Another incident involving her granddaughter in the fall was when a dog would not leave the child alone. When the dog owner called the dog, the dog wouldn't leave the child alone. The child panicked and ran, and the dog chased her. The dog owner apologized but said they have a right to walk their dog off

leash on the beach. She said she called the police thinking perhaps the law changed and she wasn't aware of it, but the police didn't seem to know either. She expressed her feeling that the majority of dog walkers on the beach that are not responsible and have ruined the beach for her and her family and so many others because there is no enforcement and dog owners ignore the posted signage at either end of Good Harbor Beach.

When the dog laws are not enforced, people become scofflaws, she said. She pointed out people stop at stop signs; stop at red lights because those laws are enforced. When the dog laws are not enforced, people ignore the ordinance. She said she was bothered by the lack of sympathy and concern, lack of protection for those who want to walk the beach with children, elderly people, those frail or recovering from ailments, walking the beach for exercise. She asked why aren't citizens protected who want to walk the beach unimpeded. She noted that dog owners love their dogs as if they were their children and humanize them, but dogs are dogs and don't act like humans. Dogs running free on the beach are not the same as a child running free on the beach and can't be accountable for their natural behavior that can be hurtful or offensive. She said this is a liability for the city if the ordinance is passed. A year from now she predicted there will be a lot of unsuccessful encounters with dogs with complaints being logged. She urged that whatever is instituted by ordinance be strictly enforced. She said without enforcement it is pointless to open the beaches on odd/even days for off-leash dogs in the off season. As a dog owner she said she didn't want to be bothered by other dogs.

Tom Schauer, 302 Cobblestone Lane, said the Ad Hoc Committee came up with a good proposal, noting it is hard to please everyone, and said he favored the amendment. He said he walks his dog every morning on Good Harbor Beach of which there is a group of 30 folks who regularly walk their dogs. Now that the weather is cold, he rarely sees anyone on the beach other than those walking their dog like himself. Living in West Gloucester, it will now be easier to go to Wingersheek Beach, and the odd/even days are a good idea, he said. He pointed out that dogs are a \$6 billion industry and many businesses cater to dogs. He said he would like to see dogs welcomed on the beaches and the city viewed as dog friendly but added his preference is for dogs being able to run off leash in the off season every day.

Linda Brayton, 527 Washington St., said she believed this effort is "overkill." Police keep statistics on dog bites and off- and on-leash incidents and asked for those statistics. She said she appreciated the work done but it is overdone.

Michael Ruprecht, 18 Revere St., said he reluctantly agreed to the amendments but noted that there would be two weeks lost in September to the ordinance amendment now having dogs on the beaches October 1 rather than September 15.

Jane Danicus, 18 Revere St., quoted Benjamin Franklin by saying that, "When safety overrides freedom we deserve neither." **Council President McGeary** reminded Ms. Danicus that the word was actually security not safety.

Deanie Johnson, Salt Island Road, said that the alternating days dogs can be off leash on the beaches and that fines for running off leash are to be lowered and didn't see this as a compromise. There is no evidence of enforcement by the Police Department on the beaches for dogs off leash now, she said, and added that without enforcement any amendment is unusable. Anecdotally she said she has not heard of anyone with dogs running off leash on the beach or incidents of dog fouling on the beaches that have been fined.

Glen Nix, 4 Elwell St., noting he was a former Minnesotan, said he was surprised at how little use the beaches get in the off season. Rarely, he said, does he see more than a handful of dogs with their owners on the beach during the winter. He said he runs across people from outside of Gloucester who come specifically because they can take their dogs to the beach in the winter. He expressed concern that those who have little transportation or off time may not be able to use the beaches in the even/odd day scheme. He said the amendments are not the best but he supports them.

Fred Johnson, 12 Salt Island Road, said that he can see from his property dogs running on the beach. He said it boils down to enforcement and lack of it. He said he doesn't mind the ordinance as it stands now – allowing dogs on the beach during off season if leashed. He asked whether the new proposal would be enforced. He questioned how an animal control officer would know which dogs are current with their shots and which are registered.

John Knowlton, 25 Salt Island Road, said that he has witnessed quite a few issues with dogs off leash on the beach and suggested there be a specific area only for off leash dogs and that there be an area for leashed dogs in the off season, and further suggested where on Good Harbor Beach these two areas could be possibly be delineated.

Gus Kirk, 95 Pleasant St., said this is a good temporary measure and review it in one year with concrete facts. He is for unleashed dogs walking on the beach at all times, he said.

Jennifer Schmorrow, 8 Neptune Place, said this is a good proposal but the assessment of its success or lack of it has to begin immediately when it becomes ordinance to ascertain whether this amendment works or not. She stated her appreciation for the work the Council put in on the matter.

John Cameron, 8R Decatur St., said he looks forward to the passing of the ordinance as a dog owner and rather would be a law abiding citizen because his dog needs exercise.

Philip Dench, 4 Harvey Place, said he was not in favor of dogs being off leash at any time. He pointed out that he attended all the ad hoc committee meetings. The ordinance of leashing dogs at all times was never enforced he said. He said whatever is voted must be enforced. He reminded the Council about what the testimony of the Shellfish Warden said about dog feces related to the shellfish beds and General Counsel who spoke about the city's insurance company's opinion. He asked how the ordinance could be enforced.

Marie Demick, 12 Long Beach Road, said the proposal is a start. Compromise makes no one happy; she said and wanted to see where the statistics lead in a year. This can work, she said.

Communications:

Councilor Questions:

Council President McGeary noted that there have been many questions about enforcement. One of the reasons the Council forged the compromise is that it created an enforceable law. The Council is proposing this go on for a year and at some point the ordinance will need to be revisited, he said. Noting the new Police record management system, he inquired if it tracks incidents and whether it would record an animal control complaint whether or not it was followed up on. **Assistant Police Chief McCarthy** said all Animal Control calls are logged in the record management system. He said two weeks ago the O&A Committee asked for Animal Control reports. His department produced 257 pages with approximately four animal calls per page that had been received over a seven-month period in 2014 equating to about 1,000 animal calls. The dog violations break down to date: 66 leash law violations; 6 licensing violations; 5 dog fouling violations; 1 dog park violation. He also said 7 warnings were issued. That kind of breakdown can be done by the record management system. It takes some time and work by a department staff member, he said, but that violations are easier to track. **Council President McGeary** said also before the Council is a call for a \$50 fine for a first violation and \$100 violation for any second or subsequent violation for dogs running at large, and noted that at the O&A meeting of Nov. 10 the Assistant Chief had argued against the two-tier fine because there is no record system that can be looked up showing the number of violations there are against a dog owner. **Assistant Chief McCarthy** said the Animal Control Officers in the field have no way to call in and check whether an incident is a repeat offense. **Council President McGeary** confirmed with **Assistant Chief McCarthy** that a single-level fine rather than a tiered fine system was more enforceable.

Councilor Cox said this evening people voiced concern for lack of caring by those reporting animal complaints to the Police Department. She urged that a little bit of understanding by those officers answering the department phones would go a long way. **Assistant Chief McCarthy** said he and the Chief agree and noted that in an email to Councilor McGeary the Chief said that the department is in the process of revamping the Animal Control Division, and the department has added a new Animal Control Officer as of Oct. 5. The Chief's emphasis, he said, is that people get the proper response from both Animal Control and the Police Department. The one Animal Control Officer handled, according to the new record management system, between 1,800 to 2,000 animal calls annually. Animal Control responses were reactionary at that time. He said it is the Chief's position that as the second Animal Control Officer is up and running, they will be better able to attack the dog licensing issue in the city. It will still be a reactionary type of response until the second officer is fully trained and the entire system is completely revamped, which is a concern of the Chief, he added. **Councilor Cox** asked whether when on a dog call, the Animal Control officer checks for other violations, and the **Assistant Chief** confirmed that he did.

Councilor Stewart asked how many dogs are unregistered in the city. **Assistant Chief McCarthy** suggested it is perhaps up to 2,000 dogs but that there are different projections. He assured that the Chief wishes to concentrate on this problem. **Linda T. Lowe**, City Clerk, whose department is responsible for dog licenses, added while there is no empirical evidence to prove the number of dogs in the city, registered dogs are at about 2,300 but she suggested there are at least another 2,000 dogs more unlicensed pointing to the statistics that indicated that before the city dramatically raised the dog licensing fees, there were a higher number of licensed dogs. Although the fees to license dogs in the city have been lowered, the numbers have not significantly increased since then but are rising.

The Council unanimously extended the meeting at 10:30 p.m. to 11 p.m.

Councilor Stewart asked when the Animal Control Officer is responding to a dog call do they check to see if the dog is licensed. **Assistant Chief McCarthy** confirmed that is the case and is a current practice.

Councilor Whynott said he thought there are more than 4,000 dogs in the city from his experience when campaigning door to door and serving notices.

Councilor Theken clarified with the Assistant Chief the animal statistics provided to O&A was for all animals – turkeys, seagulls, squirrels, bats, etc., and not just dogs.

This public hearing is closed at 10:31 p.m.

Councilor Whynott summarized the proposed ordinance amendment that allows off leash dogs every day at one of two beaches and on leash all the time on all beaches. People who don't want to be around dogs off leash can be mindful of these days and use a beach on a day when off-leash dogs are not permitted. This method is easier to enforce, he suggested. When complaints come in, and he urged that the public make their complaints appropriately, it will lead to good enforcement. He also said it will be \$50 for dogs running at large. He said this was a good enforcement mechanism. He noted that the fine for dog fouling is to be \$100 for all offenses, and that it is intended this evening to make dogs running at large a flat \$50 fine.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c. 4, Animals, Art. 2 "Dogs" Sections 4-15, 4-16, 4-19, and 4-20 as follows:

Section 4-15. Running at large prohibited.

- (a) No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city **(unless expressly authorized under Sec. 4-16a or Sec. 4-16d)**. Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six feet in length shall be a violation of this section.

Section 4-16a. Dogs **allowed on public** beaches at certain times.

Unleashed dogs shall be allowed on Good Harbor Beach and Wingersheek Beach from: October 1 to April 30, annually subject to the following conditions:

Off leash all day on even days at Good Harbor Beach and odd days on Wingersheek Beach.

1. Owners must remain with and monitor their dogs. Owners, per the below conditions, define person with direct care, custody, and control of a dog while in a designated off-leash area.
2. Dogs must be licensed and vaccinated as required by applicable law and ordinance.
3. Dogs must wear their tags and have no contagious conditions, diseases or parasites.
4. Dogs must be leashed when entering and exiting a designated off-leash area.
5. Dogs and humans are not allowed in the dunes.
6. Dogs with a history of dangerous or aggressive behavior as determined by the Animal Control Officer are prohibited.
7. Dogs younger than four (4) months are not allowed.
8. Unaltered male dogs or female dogs in heat are not allowed.
9. Owners must immediately remove dogs who are exhibiting aggressive behavior.
10. Owners must carry a leash; one leash per dog is required.
11. Maximum of two (2) unleashed dogs per owner.
12. Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dog(s) waste.
13. Owners must clean up after their dogs and dispose of the waste in an appropriate waste container.
14. Owners must fill in any holes dug by their dog(s).
15. Any violation of the above conditions shall be subject to a fine of \$50.00 for a first offense, \$100.00 for any subsequent offense(s); and dog(s) may have off-leash privileges revoked by Animal Control.

Fines for violations will be double in season for beaches and other off-leash areas as determined.

Section 4-16d. Off-leash dog areas.

Unless otherwise expressly authorized under this ordinance, the department of public works director may designate, with the approval of the mayor and the city council, specific lands for use as off-leash dog areas, with their operation being subject to regulations enacted pursuant to Section 7-16(b) of the City Charter.

Section 4-19. Redemption of impounded dogs.

- (a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations shall bear a fine of the following:
- (1) For the first offense: \$50.00
 - (2) For any subsequent offense(s): \$100.00
- (b) In the case of the first and each succeeding violation, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines and proof of valid license. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term "outstanding notices of violation" shall include only those notices of violation resulting in confinement.

Section 4-20. Pound; dog officer.

- (a) The city shall make provisions to shelter stray dogs, dogs impounded due to violations of this article, or dogs rescued from danger or distress. The operation of the shelter shall incorporate the regular services of a licensed veterinarian.
- (b) The city shall make provision for the services of at least one fulltime dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored. The dog officer shall have the authority to prioritize responses to complaints or other notifications of violations based on their emergency or non-emergency nature. Emergency complaints or notifications are those in which there is imminent threat to the life, health or safety of humans or dogs. All other complaints or notifications of violations are non-emergency.

Amendments to the main motion were accepted and voted as followed:

Councilor Fonvielle noted that in Sec. 4-15 the issue is that throughout the section reference is made to a leash length of six feet, which by many has been deemed not realistic and proposed the following amendment: "No person owning or keeping a dog the city shall permit such dog at any time to run at large in the city (unless expressly authorized under Sec. 4-16a or Sec. 4-16d). Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a retractable leash or a non-retractable leash not exceeding ten feet in length shall be a violation of this section. The amendment was seconded by **Councilor Stewart**.

As there were objections voiced by several Councilors, and although Councilor Stewart suggested the retractable leash be a length of six feet alternatively, **Councilor Fonvielle** withdrew his amendment to Sec. 4-15.

Councilor Fonvielle offered an amendment to Sec. 4-16a to be consistent with the remainder of the proposed changes that dogs be prohibited from city beaches in the summer season, May 1 to October 1 which was seconded by **Councilor Cox** and reads as follows:

Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper. In addition, unleashed dogs shall be allowed on Good Harbor Beach and Wingersheek Beach from: October 1 to April 30, annually, subject to the following conditions:"

Both **Councilors Cox** and **Fonvielle** expressed the need for consistency in the ordinance and with the dates dogs are prohibited from beaches and allowed on beaches. **Councilor LeBlanc** added that the Ad Hoc Committee compromised and gave back two weeks in September because there are people still using the beaches in mid-September. There is either a need to have the DPW change the dates in its beach regulations or that this date line needs to be changed. He said he wished to stick with what the Ad Hoc committee recommended.

On a vote of 9 in favor, 0 opposed, the City Council amended the main motion, Sec. 4-16a as proposed.

Council President McGeary proposed to amend the condition #15 under Sec. 4-16a which was seconded by **Councilor Stewart** as follows:

“15. Any violation of conditions 1 through 12 and 14 above shall be subject to a fine of \$50 for each offense. Any violations of condition 13 above shall be subject to a fine of \$100 for each offense; and dogs(s) may have off-leash privileges revoked by Animal Control.”

Responding to an inquiry by **Councilor Cox**, **Council President McGeary** said that these are the conditions by which a dog may be off leash and dog owners can be fined under any one of the violations enumerated in Sec. 1-15. **Councilor Cox** clarified that if a dog owner is on a beach on a day in which your dog can be off leash, if you are not carrying a leash you can be fined which **Council President McGeary** confirmed.

Councilor LeBlanc said that signage will have to be provided at the two beaches for off-leash dogs.

Councilor Theken expressed concern with posting 15 conditions for the two beaches, and expressed hope that the conditions for the beaches be given out with dog licenses are issued or reissued and would be posted on the city's website.

On a vote of 9 in favor, 0 opposed, the City Council amended the main motion, Sec. 4-16a Condition #15 was amended as proposed.

Council President McGeary proposed and seconded by **Councilor Stewart**, that a new condition #16 be added to Sec. 4-16a as follows:

“16. Unless renewed by the City Council and signed by the Mayor, the provisions of this section shall expire on December 18, 2015.”

On a vote of 9 in favor, 0 opposed, the City Council amended the main motion, Sec. 4-16a to include Condition #16 as proposed.

By unanimous vote of the Council, the Council extended the meeting at 11 p.m. to 11:30 p.m.

Council President McGeary proposed and was seconded by **Councilor Stewart** to amend Section 4-19. Redemption of impounded dogs Subsection (a) that the violations shall bear a fine of the following: “(1) For the first and subsequent offense: “\$50.00” and striking (2) altogether.

On a vote of 9 in favor, 0 opposed, the City Council amended the main motion, Sec. 4-19a as proposed.

DISCUSSION ON THE MAIN MOTION AS AMENDED:

Councilor Verga said that there were recurrent themes of compromise and enforcement. This is a chance to make an enforceable ordinance. The origin of this issue was an incident which took place at Stage Fort Park, he noted, and urged that there be another look at enforcement at the park and at Goose Cove Reservoir. Signage he said across the city need to reflect these changes and enforcement has to be done everywhere.

Councilor LeBlanc pointed out that Goose Cove is a city reservoir and was off the table as an off leash area for dogs by the Ad Hoc Committee. They looked at Stage Fort Park, and he noted that it is a public park with its own prohibitions by ordinance. **Councilor Verga** said he wasn't saying he supports the reservoirs as free range dog areas, but that there is a need for enforcement in all other areas.

Councilor Theken thanked Councilor LeBlanc for all his hard work having volunteered to spearhead the Ad Hoc Dog Ordinance Committee when no one else on the Council wanted to wrestle this issue to a compromise for the Council to consider. She said the Council does care, and that dogs are important as are those people without dogs. This compromise will allow for better enforcement, and that the language is simple enough to be understood by everyone. The beaches don't belong to just dog owners, but to everyone, she said, and that the odd/even days for off leash dogs in the off season is the best enforceable situation they have at this time. She also acknowledged those people who were afraid of dogs.

Council Cox said through the budget process the Council voted the funds for another Animal Officer. She expressed that it was her hope that there be an officer assigned to the permitted off leash beaches in the first several months when the ordinance goes into effect in order to assist in educating the public. There will need to be communication to the DPW to ensure the signs go up, she added. She said she witnessed at least five tickets being given in the past five days and was encouraged by the second Animal Officer coming on board to enforce the law. She urged the public to file reports if they feel threatened by a situation with a dog. If the call is made and the person is not satisfied with the response, she assured that the line is recorded and that a person can contact a Councilor,

making note the time and date of the call to the police in order to pull the recording to aid in a satisfactory resolution. She also assured the public that complaints will be considered appropriately. She said dogs should be on a leash and that laws are to be obeyed, just like speeding or any other traffic infractions. Dogs do not have a right to be off leash at all times, and that the compromise is great. She, too, lauded the work of Councilor LeBlanc.

Councilor Stewart commented on statements made previously about lack of concern or rudeness by dog owners who have dogs out of control. Dogs are not out of control, but acting to their nature, he pointed out. Dog owners, he said, need to make an apology when a dog hurts someone. Another comment he noted was that, "you don't listen to us." If they didn't listen as a Council they should be chastised for it, he said. But he added that listening does not mean agreement. He said he read the 1,000 animal complaints and he said he felt badly about people who were injured and about people who don't think the Council listens. He, too, said that Councilor LeBlanc should be lauded for his work.

Councilor LeBlanc thanked the Ad Hoc Committee and all those citizens who offered their opinions and comments right up to today's public hearing. Speaking to enforcement and education, he said the public will have to educate the irresponsible dog owners as they will mess it up for those who are responsible with their dogs. He urged dog owners to become familiar with the ordinance amendments. He remarked that the gate at Wingersheek Beach is closed for the winter and there is no parking on Atlantic Street, so there will need to be something worked out with the DPW. The Clerk of Committees was instructed to compose a Request to the Mayor to be submitted for assistance with opening the parking during the winter season to accommodate dog walkers and non-dog walkers alike.

Councilor LeBlanc indicated he would work with the DPW Director on this matter to find an equitable parking solution.

Council President McGeary said that a few bad apples will spoil it for everybody and urged responsible dog owners to assist in educating others to follow the new law.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO c. 4, Animals, Art. 2 "Dogs" Sections 4-15, 4-16, 4-19, and 4-20 as follows:

Section 4-15. Running at large prohibited.

- (a) No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city **(unless expressly authorized under Sec. 4-16a or Sec. 4-16d)**. Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six feet in length shall be a violation of this section.

Section 4-16a. Dogs **allowed on public** beaches at certain times.

Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper. In addition, unleashed dogs shall be allowed on Good Harbor Beach and Wingersheek Beach from: October 1 to April 30, annually, subject to the following conditions:

Off leash all day on even-numbered days at Good Harbor Beach and odd-numbered days at Wingersheek Beach.

1. Owners must remain with and monitor their dogs. Owners, per the below conditions, define person with direct care, custody, and control of a dog while in a designated off-leash area.
2. Dogs must be licensed and vaccinated as required by applicable law and ordinance.
3. Dogs must wear their tags and have no contagious conditions, diseases or parasites.
4. Dogs must be leashed when entering and exiting a designated off-leash area.
5. Dogs and humans are not allowed in the dunes.
6. Dogs with a history of dangerous or aggressive behavior as determined by the Animal Control Officer are prohibited.
7. Dogs younger than four (4) months are not allowed.
8. Unaltered male dogs or female dogs in heat are not allowed.
9. Owners must immediately remove dogs who are exhibiting aggressive behavior.
10. Owners must carry a leash; one leash per dog is required.
11. Maximum of two (2) unleashed dogs per owner.

12. Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dog(s) waste.
13. Owners must clean up after their dogs and dispose of the waste in an appropriate waste container.
14. Owners must fill in any holes dug by their dog(s).
15. Any violation of conditions 1 through 12 and 14 above shall be subject to a fine of \$50 for each offense. Any violations of condition 13 above shall be subject to a fine of \$100 for each offense; and dogs(s) may have off-leash privileges revoked by Animal Control.
16. Unless renewed by the City Council and signed by the Mayor, the provisions of this section shall expire on December 18, 2015.”

Fines for violations will be double in season for beaches and other off-leash areas as determined.

Section 4-16d. Off-leash dog areas.

Unless otherwise expressly authorized under this ordinance, the department of public works director may designate, with the approval of the mayor and the city council, specific lands for use as off-leash dog areas, with their operation being subject to regulations enacted pursuant to Section 7-16(b) of the City Charter.

Section 4-19. Redemption of impounded dogs.

- (a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations shall bear a fine of the following:
 - (1) For the first and subsequent offenses: \$50.00
- (b) In the case of the first and each succeeding violation, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines and proof of valid license. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term “outstanding notices of violation” shall include only those notices of violation resulting in confinement.

Section 4-20. Pound; dog officer.

- (a) The city shall make provisions to shelter stray dogs, dogs impounded due to violations of this article, or dogs rescued from danger or distress. The operation of the shelter shall incorporate the regular services of a licensed veterinarian.
- (b) The city shall make provision for the services of at least one fulltime dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored. The dog officer shall have the authority to prioritize responses to complaints or other notifications of violations based on their emergency or non-emergency nature. Emergency complaints or notifications are those in which there is imminent threat to the life, health or safety of humans or dogs. All other complaints or notifications of violations are non-emergency.

Councilor Whynott left the meeting at 11:15 p.m.

4. **PH2014-074: Amend GCO Chapter 1, Sec. 1-15 “Penalty for violation of certain specified section of Code,” Chapter 4, Sec. 4-15 “Running at large prohibited”**

This public hearing is opened at 11:17 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 11:17 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code;" Chapter 4, by AMENDING Sec. 4-15 "Running at large prohibited" as follows;

By DELETING: Penalty: \$100.00 per offense and ADDING: \$50 first offense, \$100 each subsequent offense in a calendar year.

DISCUSSION:

Councilor Cox offered an amendment, seconded by **Councilor LeBlanc**, to amend the main motion to add after "4-15 "Running at large prohibited" as follows: Sec. 4-16a subparagraphs 1-12 and 14: \$50 per offense, Section 4-16a, subparagraph 13: \$100 per offense,".

On a vote of 8 in favor, 0 opposed, 1 (Whynott) absent, the City Council amended the main motion, as proposed.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to Amend GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code;" Chapter 4, by AMENDING Sec. 4-15 "Running at large prohibited" and Sec. 4-16a paragraphs 1-12 and 14, as follows:

By DELETING: Penalty: \$100.00 per offense and ADDING: GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code;" Chapter 4, Sec. 4-15 "Running at large prohibited" and Section 4-16a, subparagraphs 1 through 12 and 14: \$50 per offense

AND:

Sec. 4-16a, subparagraph 13: \$100 per offense.

Committee Reports:

Budget & Finance: November 13, 2014

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to accept the Budget & Finance Committee Unanimous Consent Agenda of November 18, 2014 as follows:

1. *Special Budgetary Requests: 2015-SBT-17 – 2015-SBT-20 from Police Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to approve Special Budgetary Transfer 2015-SBT-17 for \$152.92 from Account #101000.10.292.51100.0000.00.000.00.051, Animal Control, Salary/Wages-Permanent Position to Account #101000.10.218.51100.0000.00.000.00.051, Police-Parking, Salary/Wages-Permanent Position for the purpose of funding a projected deficit in the account for Fiscal Year 2015.

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to approve Special Budgetary Transfer 2015-SBT-18 for \$67.95 from Account #101000.10.292.51100.0000.00.000.00.051, Animal Control, Salary/Wages-Permanent Position to Account #101000.10.218.51250.0000.00.000.00.051, Police-Parking, Salary/Wages-Part-time Position for the purpose of funding a projected deficit in the account for Fiscal Year 2015.

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to approve Special Budgetary Transfer 2015-SBT-20 for \$500.00 from Account #101000.10.210.51500.0000.00.000.00.051, Police-Administration, Incentive Pay to Account #101000.10.210.57100.0000.00.000.00.057, Police Administration-In-State Travel for the purpose of providing funds to pay Police Officer travel expenses.

2. Memorandum, Grant Application and Checklist re: acceptance of a U.S. DEA Overtime Funding for FY15 in the amount of \$17,374.25

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to accept under M.G.L. c. 44, §53A a grant from the United States Department of Justice Drug Enforcement Administration (DEA) FY15 Organized Crime Drug Enforcement Task Force for up to \$17,374.25, reimbursing the City Of Gloucester Police Department (GPD) for overtime by a GPD officer.

3. Memorandum from Public Health Director re: acceptance of MDPH Bureau of Community Health and Prevention, Mass in Motion Cape Ann Grant in the amount of \$110,000

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to accept under MGL c. 44, Sec. 53A a pass-through grant from the Centers for Disease Control and Prevention Office to the Massachusetts Department of Public Health Bureau of Community Health and Prevention, Mass in Motion Municipal Wellness and Leadership Initiative Grant for \$110,000 (FY15: \$30,000; FY16: \$40,000; FY17: \$40,000) to support an environment on Cape Ann that supports physical activity and provides access to healthy foods. The Federal portion of the grant is \$55,000 and the State portion is \$55,000.

4. Special Budgetary Request 2015-SBT-19 from Community Development

MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to approve Special Budgetary Transfer 2015-SBT-19 for \$237.96 from Account #101000.10.181.51100.0000.00.000.00.051, Community Development, Salary/Wages-Permanent Position to Account #101000.10.296.51250.0000.00.000.00.051, Shellfish Control, Salary/Wages-Part-time Position for the purpose of removing a projected deficit in an account due to a Fiscal Year 2015 step increase.

***** END B&F UNANIMOUS CONSENT AGENDA *****

Ordinances & Administration: November 10, 2014

Councilor Theken reported there were no matters for Council action from this meeting.

Planning & Development: November 12, 2014 – Part II

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council under GCO Sec. 21-3 Street Names rename and renumber 220R Magnolia Avenue to 3 Mooncusser Lane, Assessors Map 207, Lot 37.

DISCUSSION:

Councilor Verga explained that this street naming is to ensure that the property can be found by emergency services. It is essentially naming a driveway as the lot is currently vacant and has no frontage on Magnolia Avenue.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, that under GCO Sec. 21-3 Street Names to rename and renumber 220R Magnolia Avenue to 3 Mooncusser Lane, Assessors Map 207, Lot 37.

For Council Vote:**1. CC2014-046 (Verga) Request City Council memorialize Councilor Jackie Hardy by installing a commemorative plaque on the City Council dais**

Councilor Verga explained that the Kyrouz Auditorium Council dais was Councilor Jackie Hardy's "office" and the most appropriate place for a memorial and expressed his wish that it be singular to her.

Council President McGeary said this is a small token but a thoughtful one and that Councilor Verga's proposal is appropriate.

Councilor Theken said that many Councilors have passed, and mentioned former Councilor Ab Khambaty as well as the dedicated volunteers, city staff and other former Councilors who devoted years in the service of the city.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (Whynott) absent, to install a commemorative plaque on the Council dais in the Kyrouz Auditorium at City Hall with the plaque to read, "In honor of and memory of Councilor Jackie Hardy for her years of dedicated service and leadership on the Gloucester City Council from January 1, 2006 through September 5, 2014" and with the plaque to remain permanently installed regardless of any renovations to the auditorium.

2. Decision to Adopt: SCP2014-010: Railroad Avenue #33, GZO Sec. 1.4.2.2 and 2.3.1(4)(b)

MOTION: On a motion by Councilor Verga, seconded by Councilor Lundberg, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Whynott) absent, to adopt the Special Council Permit decision for Railroad Avenue #33 (SCP2014-010) pursuant to Sec. 1.4.2.2 and 2.3.1(4)(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 Fonvielle recommended the Lexington Lights event in Magnolia on December 7, 4 p.m. to 8 p.m.

Councilor Verga reminded that this Saturday, his band, "The Wave," will play at a benefit to support the Open Door. He highlighted his previous requests to the Mayor to reconstitute the city's Planting Committee and Cemetery Committee and his call for volunteers to step forward to fill out the newly created Stage Fort Park Advisory Committee. He said all three Committees need volunteers, and asked that anyone interested to put forward their name in writing to the Mayor's office along with their resume.

Councilor Stewart mentioned that the annual Snow Ball to benefit the Open Door has sold out.

Councilor Cox reminded the community of the following upcoming events:

- Friday, Nov. 21 there will be an event at Cruiseport to support the Gloucester High School students travelling to Italy;
- There will be an Open Door food drive taking place Saturday, Nov. 22 at Market Basket;
- The annual Santa Parade and tree lighting is Sunday, Nov. 30 kicking off at 3 p.m.
- The downtown holiday shopping event, Ladies Night is Friday, Dec. 4; and Men's Night is Dec. 18;
- The Community Development Department is hosting a meeting at Willow Wood to discuss the five year plan on housing;
- The Middle Street Walk takes place on Dec. 13 from 10 a.m. to 3 p.m., and the Lobster Tree Lighting next to the Police Station takes place the same evening at 5 p.m.;

Councilor Lundberg pointed out that the Open Door food collection taking place this coming Saturday is also taking place at Shaw's and Stop & Shop.

Councilor Theken said if anyone wished to volunteer for the Thanksgiving Dinner hosted by American Legion or to assist in distributing Thanksgiving dinners to those unable to come to the Legion building at 8 Washington Street, please call Mark Nestor, 978-283-9710, or herself or any Councilor. She encouraged the public to attend the many upcoming holiday events, almost all free to the public. She also spoke about Open Enrollment, Commonwealth Connector and the Affordable Care Act healthcare issues as well.

Council President McGeary highlighted several upcoming meetings:

- Wednesday, Nov. 19 from 6 p.m. to 9 p.m. at the Rose Baker Senior Center the Healthy Gloucester Collaborative will present a youth-based program, "Our City, Our Youth and Our Future," by a group dedicated to substance abuse prevention;
- Thursday, Nov. 20 at 7 p.m. at the Gonzaga Retreat House, 37 Niles Pond Road, the Society of Jesus will hold a public meeting to reveal their modified plans to renovate the Retreat House;
- Saturday, Nov. 22 at 10 a.m. at the site of the former Olivia's Restaurant, the developer of 78 Thatcher Road will be presenting to the public the proposal for the six-unit condominium project at that site;

He also noted this week that the Gloucester teachers received high marks from a state rating agency, the Massachusetts Department of Elementary Secondary Education with 98 percent of the teachers rated exemplary or proficient for the 2013-2014 school year. He said the city schools are going in the right direction and going there fast.

A motion was made, seconded and voted unanimously to adjourn the meeting at 11:34 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Photographs submitted by Bob McKown, 1085 Washington Street pictures of Good Harbor Beach during different times of day over six weeks of people using the beach.