

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 28, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor William Fonvielle; Councilor Robert Stewart
Absent: Councilors Lundberg & Whynott
Also Present: Linda T. Lowe; Kenny Costa; Jim Destino; John Dunn; Chip Payson; James Pope; Max Schenk; Mark Cole

The meeting was called to order at 7:02 p.m. The Council President announced in accordance with state Open Meeting Law that this meeting is recorded by video and audio.

The Council recessed at 9:02 p.m. and reconvened at 9:05 p.m.

Flag Salute & Moment of Silence.**Oral Communications:** None.**Presentations/Commendations:**

Mayor Theken introduced Steven J. Mason, Sr., Acting Human Resources Director who has worked for the City of Alexandria, VA for 37 years. The mayor recounted that at the Manager's meeting that morning Mr. Mason made a presentation on best management practices to help managers and department heads become more effective in their jobs. She announced that in September there will be a seminar for department heads and managers to further hone their managerial skills to the benefit of the city. Mayor Theken presented Mr. Mason with a tote bag with the city's logo imprinted on it, as well as other items as a gift of appreciation for his time and effort to visit the city and make his presentation. She announced there would be a change from the city's Personnel Department to the Human Resources Department in order to bring about a holistic change to its approach. She also invited Mr. Mason to return to Gloucester whenever he chose and he would be most welcome.

Council President McGeary also offered the thanks of the Council to Mr. Mason, who, he noted, didn't charge a fee for his consulting services. He also noted that the City Clerk, who had attended several of Mr. Mason's recent forums at a conference in Hartford, was very complimentary and had recommended his services to the Administration.

New Appointments:

Downtown Development Commission TTE 02/14/18 Patricia Gates

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Patricia Gates to the Downtown Development Commission, TTE 02/14/18.

DISCUSSION:

Councilor Stewart said that the Committee reviewed her background and were privileged to have her step forward to volunteer. Ms. Gates said she is a downtown business owner was interested in participating in the Downtown Development Commission as she loves the city and wants to see it prosper. She noted she has previously volunteered with the Downtown Association and with the Sidewalk Bazaar Committee.

Councilor Ciolino said he worked with Ms. Gates through the Downtown Association and that the city is fortunate to have her serve on the DDC.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, to appoint Patricia Gates to the Downtown Development Commission, TTE 02/14/18.

Licensing Board TTE 05/31/17 Meredith Fine (filling unexpired term of Michelle Harrison)

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Meredith Fine to the Licensing Board, TTE 05/31/17.

DISCUSSION:

Councilor Stewart said that Ms. Fine is filling the unexpired term of Michele Harrison who retired from many years of service to that Board. He said he knows Ms. Fine personally and professionally and that the Committee is pleased she is willing to serve.

Councilor Ciolino added his approbation for Ms. Fine's appointment, as did **Councilor Cox** added her endorsement of Ms. Fine's appointment but also added her thanks for Ms. Harrison's service to the city. **Councilor Fonvielle** added his endorsement of Ms. Fine's appointment as well.

Ms. Fine said that Councilor Ciolino played a role in bringing her name forward for appointment. She reviewed that was a journalist for 20 years, six of those years as an editor at the Gloucester Daily Times, and is now an attorney. She said it is an honor to follow Ms. Harrison and hoped to do as good a job.

Council President McGeary said that not only is Ms. Fine a neighbor but a fellow alumnus of the Gloucester Daily Times. He said he was impressed by her civic-mindedness and expressed his approval of her appointment.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, to appoint Meredith Fine to the Licensing Board, TTE 05/31/17.

Shellfish Advisory Commission TTE 02/14/18 D. Nathaniel Mulcahy (Cont'd from 07/06/15)

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint D. Nathaniel Mulcahy to the Shellfish Advisory Commission, TTE 02/14/18.

DISCUSSION:

Councilor Stewart said that Dr. Mulcahy impressed him with his knowledge of shellfish and related issues. He said he was pleased to endorse his appointment.

Mr. Mulcahy said this was a great Commission for those who have a passion for shellfish. He pointed out that while the city is famous for its ground fishery, shellfish is poised to be an important and growing industry for the city. Unlike fish species such as cod which migrate, it is easier for the city to have a grasp on what can be done to control the shellfish industry's growth. He said razor clams are a field of expertise of his, and that the mollusk is very popular in Europe. He said he hoped to work with the city, fishermen, state and federal agencies to lift trade embargos, noting that in Europe razor clams fetch \$27 a pound.

Councilor Ciolino said he believed Mr. Mulcahy has found his niche in city government.

Councilor LeBlanc said he has held a commercial clamming license for several years, and having talked to Mr. Mulcahy moving forward he will meet with him to work together to support the Shellfish Commission's efforts.

Councilor Cox said that Mr. Mulcahy is in a unique position to lend useful insight into dog contamination to city beaches as a dog owner and how it affects city shellfish beds.

Council President McGeary asked about shellfish aquaculture and how it might be a fit for the city's maritime economy. **Mr. Mulcahy** noted he is known for his expertise on razor clams and for shellfish research and holds other current academic positions as well including being an Affiliate Faculty member at the University of New Hampshire. If something can be done that provides more fish, more revenue but at the same time respects the ocean environment it would be ideal. Local shellfish harvesters have the advantage in that there is a state-owned, federally operated shellfish purification plant in Newburyport. He said that the presence of the plant means shellfish producers can grow and harvest catch that couldn't normally be harvested without the ability to purify the harvest. He pointed out that 98 percent of mussels consumed in the United States are imported from the Prince Edward Island. The amount of shore line of Cape Ann far exceeds that island, and that the waters here are more conducive due to a variety of environmental factors. He suggested Cape Ann might step forward and take on that industry.

MOTION: On a motion by Councilor Stewart, seconded by Councilor LeBlanc, the City Council voted 7 in favor, 0 opposed, to appoint D. Nathaniel Mulcahy to the Shellfish Advisory Commission, TTE 02/14/18.

Consent Agenda:

- **MAYOR'S REPORT**

1. Memorandum from Administration & the proposed Fuller RFP for City Council Consideration

(Refer to Committee of the Whole)

2. Grant Application & Checklist from Comm. Dev. Dept. re: Lead-Based Paint Hazard Control Grant from U.S. Dept. of Housing & Urban Development (Refer B&F)
3. Memorandum from Community Development Director re: recommendations from Community Preservation Committee for Round 6, FY15 (Refer B&F)
4. Memorandum, Grant Application & Checklist from Health Dept. re: Acceptance of 3 yr. Substance Abuse Prevention Collaborative award In the amount of \$300,000 (Refer B&F)
5. Memorandum, Grant Application & Checklist from the Comm. Dev. Dept. re: Accept \$240,000 Green Competitive Grant from Mass. Executive Office of Energy & Environmental Affairs for Streetlight LED Conversion (Refer B&F)
6. Grant Application & Checklist from DPW for Mass. DEP Capital Improvement Planning Grant in the amount of \$7,500 (Refer B&F)
7. Memorandum from Fire Chief Eric Smith & Special Budgetary Transfer 2016-SBT-1 (Refer B&F)
8. Memorandum from Senior Engineering Aide re: proposed street naming and numbering plans (Refer P&D)
 - **COMMUNICATIONS/INVITATIONS**
 1. City Council Workshop Minutes of July 15, 2015 regarding amendments/adoption of (1) Remote Participation Procedures; (2) Procedure To be followed when both the President & Vice-President of the Council are unable to preside at a meeting; (3) Procedures for electronic Presentations before the City Council; (4) Procedures for voting the annual city budget (FCV 08/11/15)
 - **APPLICATIONS/PETITIONS**
 1. Special Events Application: request to hold the Boston Wounded Veterans 10K & 5K Road Races on October 3, 2015 (Refer P&D)
 2. Special Events Application: request to hold the Fishbox Derby on September 20, 2015 (Refer P&D)
 3. Special Events Application: request to hold the Magnolia Library 5K & Fun Run on August 29, 2015 (Refer P&D)
 4. SCP2015-004: Maplewood Avenue #120, GZO Sec. 2.3.1(8) conversation to or new multi-family or apartment dwelling, seven or more dwelling units; Sec.5.7.1 Major Project; Sec.1.10.1 (a)(1) increase building height over 35 feet; Sec. 1.10.1(a)(3) &3.2.2fn (a) decrease in minimum lot area and minimum open space per dwelling unit (Refer P&D)
 - **COUNCILORS ORDERS**
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: July 14, 2015 (under separate cover) (Approve/File)
 2. City Council Workshop: July 15, 2015 (Approve/File)
 3. Standing Committee Meetings: B&F 07/23/15 (under separate cover), O&A 07/20/15, P&D 07/22/15 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Verga asked to remove Item No. 1, Memorandum from Administration and the proposed Fuller RFP for City Council Consideration under Mayor's Report, which he asked for a clarification as to why the matter is being referred to the Committee of the Whole when typically such a matter would be referred to the Planning & Development Committee.

Council President McGeary explained that because this would have typically referred to both B&F and P&D, and possibly to O&A, it seemed more logical for the Council to meet as a Committee of a Whole. Subsequent to that decision he noted two options available to the Council -- the formal Committee of the Whole where it is their duty to consider the situation and at the end of their meetings, as outlined in Robert's Rules of Order, they would "rise and report," and essentially act as a fourth Standing Committee of the City Council that reports back to the Council or a Council vote. He suggested that at these meetings in discussing the Fuller RFP and negotiating with the Administration under this format it could be a process of some weeks.

He outlined the second option of the Council meeting as a Quasi-Committee of the Whole which is a less formal process with more give and take without a formal "rise and report," and likened it to a workshop format. He said his preference was for the Council to meet as a Committee of the Whole as it formalizes the process but expressed he was open to either option.

Councilor Ciolino said they had already had a workshop on the Fuller RFP, and much of what was espoused there was included in the current RFP. He said that work had been done in the workshop format.

Councilor Verga said he preferred the Committee of the Whole, and as far as scheduling suggested piggybacking a Committee of the Whole meeting with that of a regularly scheduled Standing Committee Meeting choosing the evening based on whichever Standing Committee had the lightest agenda in order to not add a fourth Committee meeting during Standing Committee weeks.

Councilor Stewart briefly reviewed the difference between the formal Committee of the Whole and the Quasi-Committee of the Whole. Because of the rules associated with a formal Committee of the Whole, and the need to appoint a new Chair for it, he recommended the Council use the Quasi-Committee of the Whole format.

Councilors Cox, Verga and LeBlanc then discussed with **Council President McGeary** about a date for the first meeting of the Committee of the Whole, and due to conflicting meetings on August 3 for Councilor Cox in whose ward the Fuller building is sited, she asked that it not be scheduled until the week that followed.

On a vote of 5 in favor, 2 opposed, by a show of hands, the City Council voted to employ the formal Committee of the Whole in order to review the Fuller RFP and then to vote as a Council on the Committee of the Whole's report.

After a second brief discussion amongst the Councilors for meeting dates and times, **Council President McGeary** announced there would be a Committee of the Whole meeting on August 10 at 6 p.m. in Kyrourz Auditorium.

Council President McGeary asked about the formal declaration by the Council of the Fuller property as surplus, noting that the Council has yet to declare the property surplus although they had accepted the property as surplus [from the School Committee]. He asked if there were any legal impediments to their doing so. General Counsel, **Chip Payson** said there were no legal impediments and confirmed the Council does need to declare the property surplus. **Council President McGeary** requested that the Administration get the necessary documentation to the Council for them to take their vote to declare the Fuller property surplus as soon as possible.

Councilor Ciolino asked Mr. Payson to find out what the procedure through the state for subdividing the Fuller property and rules and regulations for putting it out to bid, and said he would seek Mr. Payson's opinion on Aug. 10.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: July 23, 2015

1. Memorandum, Grant Application & Checklist from Harbormaster re: FY16 Clean Vessel Act (CVA) Contract & installation of shoreline facility

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Fonvielle) absent, to recommend that the City Council accept under MGL c. 44, §53A a Federal Clean Vessel Act Grant from the U.S. Department of the Interior passed through the Massachusetts Division of Marine Fisheries for \$77,000 for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks and portable toilets of which \$9,500 is earmarked for the City's pump-out boat and \$67,500 is earmarked for the purpose of a shore side pump-out facility at Solomon Jacobs Park.

DISCUSSION:

Councilor Cox said that the city is in receipt of a FY16 Federal Clean Vessel Act Contract for a total of \$77,000 of which \$9,500 is earmarked for the pump-out boat, a sum that is received every year and will support the entire season's pump out operations including employees, and \$67,500 which is to be earmarked for the construction of a shore side pump-out facility to be installed during the Harbor Loop Water Sheet Remediation project by National Grid at Solomon Jacobs Park. Boats will be able to pull up into the float and be able to pump directly into city sewers so that the pump out boat doesn't have to pull alongside a boat during rough seas. There is a 25 percent match which will come from the retained earnings of the Waterways Enterprise account.

She said that by purchasing everything in advance the Harbormaster will be able to have all the equipment on site when National Grid is ready to do the installation for the pump-out facility. National Grid is bearing all the burden of the trench work and installation.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (Lundberg, Whynott) absent, to accept under MGL c. 44, §53A a Federal Clean Vessel Act Grant from the U.S. Department of the Interior passed through the Massachusetts Division of Marine Fisheries for \$77,000 for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks and portable toilets of which \$9,500 is earmarked for the City's pump-out boat and \$67,500 is earmarked for the purpose of a shore side pump-out facility at Solomon Jacobs Park.

2. Memorandum, Grant Application & Checklist from City Hall Restoration Commission re: acceptance of a grant in the amount of \$8,000 from the Bruce J. Anderson Foundation

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to accept a private grant under MGL c. 44, §53A for \$8,000 from the Bruce J. Anderson Foundation, Inc., a supporting organization of the Boston Foundation for the purpose of the restoration of the ceiling above the Gloucester Fisherman Lost at Sea Mural in Gloucester City Hall.

DISCUSSION:

Councilor Cox said the City Hall Restoration Commission has successfully applied and received an \$8,000 grant for the purpose of the restoration of the ceiling at the top of the stairwell around which is the cenotaph for the city's fishermen which she called a "special space." She expressed the thanks of the Budget & Finance Committee to the City Hall Restoration Commission for their efforts and offered special thanks to Maggie Rosa as well.

Council President McGeary singled out also Ms. Rosa for all the work she does on behalf of the preservation of City Hall.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 7 in favor, 0 opposed, 2 (Lundberg, Whynott) absent, to accept a private grant under MGL c. 44, §53A for \$8,000 from the Bruce J. Anderson Foundation, Inc., a supporting organization of the Boston Foundation for the purpose of the restoration of the ceiling above the Gloucester Fisherman Lost at Sea Mural in Gloucester City Hall.

Ordinances & Administration: July 20, 2015

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of Council Order 2015-006 (Fonvielle) related to parking restrictions for Kondelin Road from Council consideration.

DISCUSSION:

Councilor Fonvielle said the original proposal came from an affected party in the Cape Ann Industrial Park. He said he conducted on-line survey of the business owners and managers of the Cape Ann Industrial Park noting there was a 65 percent response, totaling 23, and there was also a meeting in City Hall with some of the same folks attended by the Mayor, the CAO and the Public Works Director were present to discuss the issues of the industrial park. He explained that the general consensus was not to change the ordinance. He did point out that the DPW does need to install appropriate traffic signage to reflect the current parking ordinances in place and suggested they are in the process of doing that. Because of these actions, he asked to withdraw his Council Order.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 1 (Lundberg, Whynott) absent, to permit the withdrawal of Council Order 2015-006 (Fonvielle) related to parking restrictions for Kondelin Road from Council consideration.

Planning & Development: July 22, 2015

Grant of Easement to National Grid for 10 Concord Street

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council pursuant to GCO Sec. 2-3(2)(d) grant to National Grid (d/b/a Massachusetts Electric Company) an easement to install and maintain electric poles referred to as the "Overhead System" and install and maintain buried wires and cables referred to as the "Underground Electric Distribution System" on city property at 10 Concord and as submitted by National Grid as shown on the plan entitled, "Electric Distribution Trench Sketch, Plan Number 16905744" and as described in the easement submitted with National Grid's request for disposition of said easement for a nominal fee of \$1.00. National Grid shall record the Easement at the Southern Essex County Registry of Deeds and shall pay all costs to do so including providing copies to the City of Gloucester.

DISCUSSION:

Councilor Verga advised the Council this easement is to provide power to the new West Parish School.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Lundberg, Whynott) absent, that pursuant to GCO Sec. 2-3(2)(d) grant to National Grid (d/b/a Massachusetts Electric Company) an easement to install and maintain electric poles referred to as the "Overhead System" and install and maintain buried wires and cables referred to as

the “Underground Electric Distribution System” on city property at 10 Concord and as submitted by National Grid as shown on the plan entitled, “Electric Distribution Trench Sketch, Plan Number 16905744” and as described in the easement submitted with National Grid’s request for disposition of said easement for a nominal fee of \$1.00. National Grid shall record the Easement at the Southern Essex County Registry of Deeds and shall pay all costs to do so including providing copies to the City of Gloucester.

2. Acceptance of Easement for 58-60 Commercial Street

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept a Drain Easement for the property at 58-60 Commercial Street and as shown on the plan entitled, “City of Gloucester Massachusetts, “The Fort” Infrastructure Replacement, Proposed Drain Relocation at No. 60 Commercial Street,” (undated) by AECOM, granted to the City of Gloucester by VJ&E Realty LLC, Vincent Mortillaro, Manager, for a nominal consideration for a permanent easement fifteen (15) feet in width (and 138 feet in length +/-) for the installation, maintenance, repair and replacement of a twelve (12) inch PVC drain line and a temporary construction easement ten (10) feet in width (and 134 feet in length +/-) in addition to the width of the permanent easement for the installation of the twelve (12) inch PVC drain line.

DISCUSSION:

Councilor Verga said that a pipe runs diagonally through the Mortillaro property at 58-60 Commercial Street through the sea wall for which the city has an easement. In conjunction with the Fort infrastructure project currently underway, it was agreed that instead of having the easement run straight through the property, the easement would instead run along the side of the Mortillaro property on its east side. An agreement has also been reached in terms of the drainage basin and catchment area which is reduced. Upon acceptance of the easement and the installation and the line becoming active, then the city would agree to release its easement running through the center of the property because that line will no longer be connected to anything. The second motion that will come before the Council related to the easement extinguishes the former city easement through the center of the property.

Councilor Cox asked what the nominal consideration was. **Councilor Verga** said nominal is a minimum payment and that it benefits the city. He said it would typically be \$1.00.

Councilor Verga accepted a friendly amendment from **Councilor Cox** to reword the phrase, “...the nominal consideration...” to now state, “the nominal consideration of \$1.00...”

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL in favor, 0 opposed, 2 (Lundberg, Whynott) absent, to accept a Drain Easement for the property at 58-60 Commercial Street and as shown on the plan entitled, “City of Gloucester Massachusetts, “The Fort” Infrastructure Replacement, Proposed Drain Relocation at No. 60 Commercial Street,” (undated) by AECOM, granted to the City of Gloucester by VJ&E Realty LLC, Vincent Mortillaro, Manager, for the nominal consideration of \$1.00 for a permanent easement fifteen (15) feet in width (and 138 feet in length +/-) for the installation, maintenance, repair and replacement of a twelve (12) inch PVC drain line and a temporary construction easement ten (10) feet in width (and 134 feet in length +/-) in addition to the width of the permanent easement for the installation of the twelve (12) inch PVC drain line.

COMMITTEE RECOMMENDATION: On a motion of Councilor LeBlanc, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council extinguish the previous existing easement on the property of 58-60 Commercial Street with supplementary documents to be prepared by General Counsel.

DISCUSSION: None.

MOTION: On a motion of Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 0 opposed 2 (Lundberg, Whynott) absent, that the City Council extinguish the previous existing easement on the property of 58-60 Commercial Street with supplementary documents to be prepared by General Counsel.

COMMITTEE RECOMMENDATION: On a motion by Councilor Verga, seconded by Councilor Fonvielle the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council permit the withdrawal of Council Order 2015-008 (Verga) related to a review of the city's Zoning Ordinance in order to assist in streamlining the city's permitting processes from Council consideration.

DISCUSSION:

Councilor Verga said that there has been some movement of the permitting process through the introduction of a concierge service to help streamline matters at the Building Department, and that a full Zoning Ordinance review would be overwhelming and so has withdrawn his Council Order from consideration. He said he would wait to see how things work out with the addition of new permitting software soon to come on line, and as well as the new concierge service for permit applicants.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 7 in favor, 0 opposed, 2 (Lundberg, Whynott) absent, to permit the withdrawal of Council Order 2015-008 (Verga) related to a review of the city's Zoning Ordinance in order to assist in streamlining the city's permitting processes from Council consideration.

Scheduled Public Hearings:

1. **PH2015-020: Amend Chapter 22, Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zones" by DELETING Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m. & amend Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zones" by ADDING Kondelin Road from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m.**

This public hearing is opened at 7:48 p.m.

Council President McGeary announced that having withdrawn the Council Order out of the O&A Committee Report that would have initiated Council action, the matter is now considered ended with the closing of this public hearing.

This public hearing is closed at 7:48 p.m.

This matter is closed.

2. **PH2015-021: Amend Chapter 2, Division 10, "Committee for the Arts" by ADDING additional language to subsection (b)**

This public hearing is opened at 7:50 p.m.

Council President McGeary said that due to the O&A Committee having to continue the matter to their first August meeting before taking any action on this matter, the public hearing is opened and continued to August 11, 2015.

This public hearing is continued to August 11, 2015.

3. **PH2015-036: Loan Order #2015-004: Loan Authorization in the amount of \$1,350,000 for Technology & Building Improvements**

This public hearing is opened at 7:50 p.m.

Those speaking in favor:

John Dunn, CFO, said that this is a complicated project headed by James Pope, Information Technology Director, who has done a review over the last six months for various technology upgrades, that there are technology upgrades for cabling and equipment but also changes and renovations to the server room in the high school and for the server room in City Hall's first floor. That server room, housed in the Council Conference Room, will be reconfigured upon its renovation conclusion. The project also includes improving presentation equipment in the Kyrouz Auditorium.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Ciolino asked about the plans for the server room in the First Floor Council Committee Room. **Mr. Pope** said the server room in City Hall will be reduced to the size of a small closet freeing up much more space for the Council's use. Its location within the conference room has yet to be determined, he said. **Councilor Ciolino** asked if the funds will be available to refurbish the room once the reconstruction is done. **Mr. Pope** said they worked with the Facilities Director early in the planning process to estimate costs. **Mr. Dunn** pointed out that for both server rooms at the High School and City Hall the city consulted with KBA Architects to ensure that what was planned was realistic and appropriate reconfigurations for the two rooms and to visualize how at City Hall the room will look upon completion. He said they would be pleased to have a Councilor involved as to the final disposition of the Council Conference Room's configuration.

Councilor Ciolino asked for further information about the server room at the high school. **Mr. Pope** said the High School is the most appropriate place for a server room with the building having a generator, existing separate HVAC systems which are to be upgraded under the proposal, and is also the hub of the city's fiber optics network which connects all the city's buildings together, in a so-called "hub and spoke" network architecture. He noted some things are operating there currently and will still be servers in the High School, and there will be some additional servers placed there also.

Councilor Ciolino asked about the plans for upgrading technology in Kyrouz Auditorium. **Mr. Pope** said the last phase is to upgrade the video presentation equipment in Kyrouz Auditorium. Video production equipment has been upgraded. He said he is working with Cape Ann Television to upgrade the cameras and find more secure furniture to house the equipment. He noted there is currently no feed for home viewers of what is being shared with the Council by applicants or presenters on the projector. The proposal includes a feed to deliver that picture to the home audience. The upgrade focuses on video presentation, the screen and projector and allowing the Council to see the projection via monitors positioned in front of the dais. He described a drop-down screen for the main audience viewing that will be simple to operate. **Councilor Ciolino** expressed he was pleased to hear about the technology upgrades to where it should be. **Mr. Pope** added that this is the way to move the city into a more paperless process as well.

Councilor Cox noted that they spoke in depth at B&F about the server room at the High School, and the fact that the school is in a FEMA flood zone, and asked would the new facility at the High School be capable of being moved if there is a new combined safety building which she suggested would likely not be in a FEMA flood zone. **Mr. Pope** said the high school is the hub of the city's fiber optic network. The city depends greatly on this system in a variety of ways. He mentioned the telephone system upgrades will also be dependent on the system for intra-building calls. The project will upgrade electrical and HVAC systems, and convert to a dry fire suppression system from a wet fire suppression system. He noted that whenever a new public safety building comes on line, he said it would be an ideal site because it is would be built with IT needs in mind, and hopefully located where a second core city server could be brought on line—one that might someday become the primary server. He said they are trying to make investments that make sense knowing that someday they'll have another building to locate these city services.

Council President McGeary discussed with Mr. Pope about the city utilizing cloud-based technology and applications. **Mr. Pope** noted that municipalities are much more likely to have on-premises servers and that there has to be some gain to justify moving applications to the Cloud. He spoke to large amounts of data necessary to store for archiving purposes with the Cloud possibly acting as a back-up. **Council President McGeary** said given the constraints of municipal budgets and the demands placed on the IT Department that the Cloud may well be a good option. **Mr. Pope** said his default is to pursue Cloud-based solutions if they exist for municipal financial packages. There are many municipal software packages that are not cloud ready, but some are. He specifically pointed to the city's permitting software, which is cloud-based.

This public hearing is closed at 8:06 p.m.

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

ORDERED: That the City of Gloucester appropriates One Million Three Hundred Fifty Thousand Dollars (\$1,350,000) to pay costs of computer hardware and software and switch equipment purchase and installation, building remodeling, and phone systems purchase and installation, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority.

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

DISCUSSION:

Councilor Cox said that while this is a lot of money but overall the city with the combining of equipment and phone lines, it seems the city will save money in the long term. She said that at B&F the CFO had said there may be other savings from unused capital project funds. **Mr. Dunn** said that there are capital project or special revenue funds that have money in them that was directed at building renovations for the High School and City Hall, and they are going through and will come to the Council to repurpose any funds they identify so that it can be used to reduce the debt for these technology projects.

Council President McGeary asked what the term for the borrowing would be. **Mr. Dunn** said that for the building renovations it is 20 years, for some of the equipment it will be 10 years, some equipment five years and so it is a mix.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Lundberg, Whynott) absent, to authorize the following loan order:

ORDERED: That the City of Gloucester appropriates One Million Three Hundred Fifty Thousand Dollars (\$1,350,000) to pay costs of computer hardware and software and switch equipment purchase and installation, building remodeling, and phone systems purchase and installation, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority.

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

4. PH2015-037: Loan Order #2015-005: Loan Authorization in the amount of \$1,500,000 for Water Main Rehabilitation Work

This public hearing is opened at 8:10 p.m.

Those speaking in favor:

Mark Cole, Assistant Public Works Director, said that this loan authorization is to initiate a water line rehabilitation on Hesperus Avenue from Western Avenue to Norman Avenue, very similar to the recent project done on Rocky Neck where lines weren't replaced but rather cleaned and relined. It is a less expensive method and the life expectancy is almost as long as a complete line replacement, he pointed out. He said the plan is to install some new in-line valves and five new hydrants which should improve water quality and fire protection for the Hesperus Avenue area. He said they anticipate starting the project as soon as possible after Labor Day and hope to finish by the end of November, but if not, by early spring to finish by Memorial Day.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Fonvielle confirmed with Mr. Cole that the pipes will have a life expectancy of 50 to 75 years once the improvements are made. He noted that new lines having a life expectancy of 75 years which is comparable.

Councilor Ciolino also confirmed with Mr. Cole that this will improve water pressure, clarity and fire protection. He also confirmed that the fire hydrants to be installed will be new.

Council President McGeary asked what the diameters of the lines are. **Mr. Cole** said they are 12 inch lines.

This public hearing is closed at 8:12 p.m.

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

ORDERED: That the City of Gloucester appropriates One Million Five Hundred Thousand Dollars (\$1,500,000) to pay costs of installing a temporary water bypass, cleaning and lining of water mains and replacing and installing valves and fire hydrants, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Sections 8(4), 8(5) and 8(c), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any and all grants and gifts that may be available to the City to pay costs of the project.

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

DISCUSSION:

Councilor Cox said as stated by Mr. Cole this will be a huge improvement to water pressure and water clarity for the area of Hesperus Avenue. She said she asked if this loan authorization would impact the city's water rate to Mr. Dunn at B&F and that he confirmed it would in years to come.

Councilor Ciolino said he was pleased that the city is spending money for the improvements for Magnolia and to make clear the discolored water as well as adding fire hydrants.

Councilor Fonvielle said he agrees that these improvements are long overdue and a welcome advance. The future impact on the water rate is nominal, he noted.

Council President McGeary asked what the term of the borrowing would be typically. **Mr. Dunn** said generally it would be a 25-year term, and would start at \$120,000 a year and be half of that in the twenty-fifth year.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by **ROLL CALL 7** in favor, **0** opposed, **2** (Lundberg, Whynott) absent, to authorize the following loan order:

ORDERED: That the City of Gloucester appropriates One Million Five Hundred Thousand Dollars (\$1,500,000) to pay costs of installing a temporary water bypass, cleaning and lining of water mains and replacing and installing valves and fire hydrants, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Sections 8(4), 8(5) and 8(c), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any and all grants and gifts that may be available to the City to pay costs of the project.

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

5. PH2015-038: Amend Chapter 22, Sections 22-270 "Parking prohibited at all times," Sec. 22-272 "Parking prohibited from May 1-September 15 Saturdays, Sundays, holidays" and Sec. 22-291 "Tow-away zones" re: Atlantic Road

This public hearing is opened at 8:18 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:18 p.m.

COMMITTEE RECOMMENDATION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-270 "Parking prohibited at all times" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.

DISCUSSION:

Councilor Stewart said the gist of these three motions are to fix both sides of the street so that parking is regulated, in these particular areas which are heavily trafficked in the summer, and to put up appropriate signage. **Council President McGeary**, whose Council Order was the impetus for this Council action, explained that this matter was called to his attention by the Assistant Police Chief based on reports from his officers that the particular stretch of roadway from Nautilus Road to Moorland Road over the years saw people building out to their legitimate property lines which had the effect of ad hoc parking spaces along that stretch of roadway. The effect was people parking in the road on a curvy stretch of roadway which created dangerous situations for vehicles travelling on Atlantic Road. He then asked the Traffic Commission to review the situation. He reported that the Commission's initial recommendation that parking be permanently banned on the west or shore side of Atlantic Avenue all the way to Farrington Avenue. He said that in a discussion with the Commission at a meeting it was determined that in the off season from Moorland Road to Farrington Avenue was wide and straight enough that they didn't need to restrict parking there, but that the stretch from Nautilus Road to Moorland Road was not wide enough to support parking even in the off season. He concluded his remarks saying that the three motions are simply codifying those facts. The ban from Nautilus Road to Moorland Road on Atlantic Road is permanent with a Tow-away zone, and is only in the summer season, May 1 to September 15 for Atlantic Road both sides from Moorland Road to Farrington Avenue Saturday afternoons, Sundays and holidays. He said no one spoke in opposition at O&A's meeting which he attended when these traffic matters were taken up.

Councilor Ciolino said he would support these amendments. He drives the road frequently near his home. He indicated that rounding one of the corners before Moorland is blind and if there is a pick-up truck parked on the side of the road and another car is coming towards you it is exceedingly dangerous, he said. This is a necessary amendment to the ordinance for banning parking between Nautilus and Moorland Road.

Councilor Stewart pointed out that Councilor Whynott voted against the second motion.

Councilor Cox noted that the proposed parking restrictions from Moorland Road to Farrington Avenue are seasonal. She said she knew that the Police have had issues during winter months of people watching the waves during storms, but noted they have the ability to shut the roadway down in those instances and expressed surprise the Police didn't ask for a parking ban for the length of Atlantic Road year round.

MOTION: On a motion of Councilor Stewart, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Lundberg, Whynott) absent, to AMEND GCO Sec. 22-270 "Parking prohibited at all times" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.

COMMITTEE RECOMMENDATION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Whynott) opposed, to recommend that the City Council AMEND GCO Sec. 22-272 "Parking prohibited from May 1 to September 15-Saturdays, Sundays, holidays" by DELETING "Atlantic Road, both sides, between Nautilus Road and Farrington Avenue on Saturday afternoons, Sundays and holidays," and ADDING "Atlantic Road both sides from Moorland Road to Farrington Avenue Saturday afternoons, Sundays and holidays."

DISCUSSION: None.

MOTION: On a motion of Councilor Stewart, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 1 (LeBlanc) opposed, 2 (Lundberg, Whynott) absent, to AMEND GCO Sec. 22-272 "Parking prohibited from May 1 to September 15-Saturdays, Sundays, holidays" by DELETING "Atlantic Road, both sides, between Nautilus Road and Farrington Avenue on Saturday afternoons, Sundays and holidays," and ADDING "Atlantic Road both sides from Moorland Road to Farrington Avenue Saturday afternoons, Sundays and holidays."

COMMITTEE RECOMENDATION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-291 "Tow-away zones" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.

DISCUSSION:

MOTION: On a motion of Councilor Stewart, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Lundberg, Whynott) absent, to AMEND GCO Sec. 22-291 "Tow-away zones" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.

Councilor Stewart said he wished to reconsider the three votes taken on Atlantic Road because they may have not done what was intended for the parking changes. Noting that Councilor Whynott had voted against the second motion at the O&A Committee meeting when they took their votes on the matter, and since he was not present he said it was only fair that he have input into the matter at Council.

Councilor Ciolino added that he felt there was a need for clarification of the ordinance language. Both Councilors indicated they would like the matter to return to O&A for further clarification and discussion before a revote by the Council.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 5 in favor, 2 (Cox, McGeary) opposed to reconsider the three motions related to ordinance amendments to Chapter 22 of the Code of Ordinances related to Atlantic Road.

MOTION PASSES.

Councilor Cox asked why this matter needs to be returned to O&A when to her the motions were clearly laid out. She said she thought the Council could by friendly amendment ensure appropriate ordinance language to satisfy the Councilors. **Councilor Stewart** said they are asking out of deference to the Committee to send it back to O&A to be sure that they have done what was intended. He reiterated that Councilor Whynott was not present who had voted against the second motion and he remains uncertain as to whether there is clarity.

A motion was made, seconded and voted unanimously by the Council to refer the matter back to the O&A Committee.

For Council Vote:

- 1. Budget & Finance Standing Committee Report of June 18, 2015 re: Norseman Avenue Extension Road repairs and an Order related to repurposing the remaining funds of a completed capital project to Norseman Avenue Extension Road (Cont'd from 06/23/15 CCM & 07/14/15 CCM)**

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 2 in favor, 1 (Cox) opposed, to recommend that the City Council approve the repurposing the remaining balance of funds for a total of \$23,456 in Fund #300074-CIP10 Off-Site Road Improvements – Atlantic/Bray Streets of a completed road repair project for the purpose of the completion of a capital project for the repair of the Norseman Avenue Extension.

DISCUSSION:

Council President McGeary said that a necessary agreement from the neighbors to take this road public has yet to be made and forwarded by the Administration to the Council.

By a unanimous vote of the Council this matter is continued to Aug. 11.

This matter is continued to Aug. 11, 2015.

2. Planning & Development Committee Report of July 8, 2015 re: Special Events Application request to hold Gran Prix of Gloucester Cyclo-Cross Race on September 26 & 27, 2015 at Stage Fort Park (Cont'd from 07/14/15 CCM)

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 permit the Essex County Velo Gran Prix of Gloucester Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 26 and Sunday, September 27, 2015, with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before August 28, 2015.

2. Traffic and Road Closure Plans:

a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerk's office on or before September 15, 2015. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 11, 2015. After Council permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval of the change.

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

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the Essex County Velo, event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, September 27, 2015.

4. Emergency Services:

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

5. Staffing:

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

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

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

7. Course Adjustments:

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

8. On-Site City Staff:

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

9. Videotaping of Pre-Event Conditions:

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

10. Site Walk Post-Event:

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

11. Responsibility of the Essex County Velo organization:

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

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

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 26 and 27, 2015. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 13, 2016. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then be used to take the necessary steps to complete the park reparations.

In the event that Essex County Velo cannot obtain a performance/surety bond to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 26 and 27, 2015, the City shall require as an alternative, that Essex County Velo place \$5,000 payable to the City of Gloucester, in a non-interest bearing escrow account no later than 7 days prior to the 2015 event with John Dunn, City of Gloucester CFO, serving as escrow agent with Essex County Velo only liable in the event of willful default.

Said repairs are to restore Stage Fort Park to original or better conditions to that prior to the event. If it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2016, the escrowed funds are to be returned to Essex County Velo in full. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the escrowed funds will then be used to take the necessary steps to complete the reparations.

13. Cap of Entrants:

The maximum number of entrants to this event is set at 1,000 per day for each day of the 2015 Gran Prix of Gloucester Cyclo Cross event.

14. Staking of Repaired Areas to Stage Fort Park:

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

15. Related Costs to the Event:

Essex County Velo organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2015 Gran Prix of Gloucester Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Gran Prix of Gloucester Cyclo Cross Event 2015:

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

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

17. Areas of Stage Fort Park not to be used in the 2015 Essex County Velo Gran Prix Race Course:

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

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

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

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

DISCUSSION:

Paul Boudreau, Race Director, Gran Prix of Gloucester, said that a course map with Courses designated A & B was previously given to the Council for their review and gave them color copies (on file). He noted at his presentation to P&D outlined some of the limitations due to the Stacy Boulevard Seawall Improvements. The areas of the park unavailable to them are the Lucy B. Davis Pathway and the northernmost part of the park near the orchard. He said they spoke with the Assistant DPW Director was the addition to the hill adjacent to the Boudreau Baseball Field have been offered by the DPW, and know not to go anywhere near or on the field. The hillside, he said, would be of use to the event which would require them crossing Hough Avenue, and is reflected at Course A where a new start line is indicated. In the past the riders have started on the southern end of Hough Avenue. For Course A they would have to start from the opposite direction. He outlined that the new items are the addition of the hillside, the start direction and a running path that is at the end of the Lucy B. Davis at the edge of the construction

there is a chain link fence with pathway up towards the playground which is existing. He said they propose absolutely no modifications to the existing alternate path. He assured the Council that there would be no alterations.

He highlighted that Course B has nothing new added except the subtraction of the Lucy B. Davis pathway which is a forbidden area (based on Condition #17). They are using all the same areas as before and it is shorter than some courses they've used previously and is similar to the course they used last year on Sunday. He said that they typically utilize two courses, one on Saturday and one on Sunday. He noted that the courses are very similar with very little change.

Councilor Cox asked how, if Course A were utilized, people would access the parking lot during the event. Mr. Boudreau said access would be from the southern entry near the Cupboard Restaurant. He pointed out there is a gate near the Cupboard Restaurant that will be open which has been utilized most of the time regardless. **Councilor Cox** asked if that entrance to the lower lot entrance which gives access to the upper lot, is completely accessible. **Mr. Cole** said Mr. Boudreau is suggesting that vehicles access the park from the opposite end of the park than in the past. **Mr. Boudreau** added said they haven't run a course in that direction for some time but there is precedent.

Councilor Verga noted that the Stage Fort Park Advisory Committee had planned to meet after the P&D meeting to discuss the event and asked for a recommendation, but at the time of their meeting the course maps weren't available to them.

David Dow, Chair of the Stage Fort Park Advisory Committee, said the committee didn't take a vote at their meeting of July 16 because they didn't have a plan or a course to review. They did discuss different areas of the course they had concerns about and relayed those concerns via emails to CAO, Jim Destino and the Mayor. He enumerated some of that Committee's concerns, in particular the pathway the event organizers wish to use as well as the Boudreau Field hillside. He also mentioned concerns for the Dog Park users' access, and for the public's access during the event to Half Moon Beach. He said their Committee would need more time before they can recommend a course noting that he was emailed the courses only this past Friday and haven't had a meeting since then. He also briefly reviewed some of the areas the event planners are not permitted to use.

Councilor Verga pointed out that some of the concerns Mr. Dow expressed are addressed under Condition 17 for areas of Stage Fort Park not to be used, and read the condition. The outstanding concern was for the maps to be on file, and all the other concerns regarding excluded areas are enumerated within the conditions, he pointed out. **Mr. Dow** said there are three paths in the park, and the third is just outside the construction area which the event organizers are asking to use as a run up and is an area of concern to the SFPAC.

Council President McGeary asked that if these maps comport with the P&D Chair's understanding and that of his Committee of what areas are to be excluded. **Councilor Verga** said these maps match what the P&D Committee said were off limit area and are reflected in the conditions of the permit. **Mr. Boudreau** said Mr. Dow was correct that the maps were not submitted until July 24. He pointed out that none of this is any different than what was discussed at P&D. All of the different areas that were discussed as off limits were respected. As far as Courses A and B, he said, all was discussed at P&D and nothing was added to them. To address Mr. Dow's points, he said the organizers won't use Half Moon Beach as part of the course and that beach is open for the public's recreational use during the event. Course marshals keep participants from the forbidden areas. As to the Dog Park, he noted he has worked with Mr. Cole to ensure there are 20 parking spaces in front of the Dog Park for Dog Park users which will be marked off, and he said he will pay for city staff to assist in this effort. As to the new running area, he will withdraw that path use this evening if it is untenable. **Councilor Verga** cited that the Dog Park is also covered in the conditions.

Councilor LeBlanc said he has no problem with the new run up on the Boudreau Field hillside. With the exception of the one year of downpours that created a terrible situation and was hurtful to the park, the park has been restored from this event each year. He said he had no problem with the offered courses. To send it out to another Committee at this time is not necessarily appropriate, he said.

Councilor Cox, noting she had participated in such events as a professional said the shoes used do not have spikes and said they're much safer than cleats and clip into the bicycle. These shoes are no worse than tennis shoes, she said. Under Mr. Cole's supervision the courses have already been walked. She said as a former racer, the uphill are very necessary to these courses. They do alternate the courses and didn't see a problem with the run up as it was positioned, she said.

Councilor Ciolino said he had an issue with the procedure, and like any other Standing Committee, P&D needs the recommendation of their advisory committee Stage Fort Park Committee before moving forward. He said this matter should be postponed so that the Stage Fort Park Advisory Committee can meet and vote to make their recommendation. **Councilor Verga** reiterated to the Councilor that at the Council meeting of July 14 the Council had not yet received revised maps of the race course at Stage Fort Park for the Gran Prix of Gloucester Cyclo-Cross

Race event. They did receive the revised maps as of Friday, July 24 for review, and a copy was forwarded to the members of the Stage Fort Park Advisory Committee.

Frederick Geisel, Stage Fort Park Advisory Committee, made several inquiries about Course A and **Mr. Boudreau** responded by describing an area which was unclear to Mr. Geisel and what area was considered a run up. He said a run up is where the participants get off their bicycles and run up the hill, and said a run up doesn't equal a waterfall. He proposes in the northern area to use the grass on the hillside excluding the baseball field and anything enclosed by the fence. Most cyclists would ride their bicycles up that hill, he confirmed to the Council President. **Mr. Geisel** commented that while they are avoiding Boudreau Field that the course will go close to the infield and grassed areas of the high school baseball diamond. He noted that a few years ago there was some significant damage that took quite a while to recover, and expressed that he hoped there was a way to avoid that heavy use area.

Councilor LeBlanc said he understood about listening to the Stage Fort Park Committee but that they've dealt with this race for the last several years. With all the conditions in place, there is no reason to postpone a vote. The SFPAC had all it needed but didn't have the course maps, which haven't varied much from previous years. Where the race organizers are asking for a run up is heavily used in the winter for sledding as well as the pathway. He said the Council should be able to vote based on the P&D Committee's recommendation so that the event can move forward.

Councilor Fonvielle commented that some of this could have been circumvented had the maps been to the Committee sooner.

Councilor Verga said it was the P&D Committee that created the SFPAC because they thought it was so important and reminded the Council that P&D could have voted to permit this at the Committee level now under the new ordinance. He advised Mr. Boudreau that in future they would want the maps in place sooner. He said he would be fine with the two week delay and **Mr. Boudreau** was amenable to the delay and meeting with the SFPAC.

Councilor Cox expressed her disappointment of having the matter continued again as due diligence had been done, and that it is an inconvenience to the race organizers. She recommended that next time, they ask for a continuance in advance.

Councilor Verga said this is a new committee, and if they can get a group they've selected to reach an agreement it would go a long way for the future.

Council President McGeary said the Gran Prix is a good thing for Gloucester. He said as it's okay to wait two weeks he would accept a motion to continue the matter to the next Council meeting.

By a vote of 6 in favor, 1 (Stewart) opposed, the matter was continued to August 11, 2015.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Ciolino expressed to former Councilor Foote good health.

Councilor Stewart announced that the Annisquam play is next week at the Annisquam Village Hall which will run for seven days and will feature several city officials.

Councilor LeBlanc said there will be a yard sale pm Sat., Aug. 1 at 9:00 a.m. at the First Baptist Church, Gloucester Avenue.

Councilor Cox announced there will be a Veterans' Suicide Prevention fundraising event on the Captain Bill & Sons boat on Sat., Aug. 1 with boarding beginning at 6:30 p.m. departing at 7:00 p.m. The event is hosted by the AMVETS Ladies Auxiliary. She also announced that the Sidewalk Bazaar starts Thurs., Aug. 6 and runs through Sat., Aug. 8. She requested that the Administration remove the buoys hanging off of the auditorium balcony which have been there for seven months.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.