

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, January 12, 2016 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.**  
**Also Present: Mayor Sefatia Theken; Linda T. Lowe; Kenny Costa; Jim Destino; Chip Payson; John Dunn; Tony Gross**

**The meeting was called to order at 7:04 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.**

**Flag Salute & Moment of Silence.**

**Mayor Sefatia Theken**, addressing the Council on the occasion of the first meeting of their new term, officially welcomed the new Councilors and returning Councilors saying she was looking forward to working with them collaboratively to move the city forward together.

**Oral Communications:**

**Russell Hobbs**, 1166 Washington Street, spoke to recent closures of the Magnolia Fire Station. He said that the past city government at a great financial cost restructured the Fire Department and rehabilitated the Magnolia Fire Station building in order that it be staffed and kept open. He pointed out that the Fire Department has already depleted its FY16 overtime budget. He urged that the Fire Chief be charged with producing an in-depth report from the start of FY16 to present as to why the Magnolia Fire Station has been closed in recent months. He pointed out that the restructuring of the department was intended to keep all city fire stations open at all times. When the Magnolia Fire Station closes, he said that it affects the whole city because when Central Station responds to a fire, it means that station has to be covered by another outlying station leaving another area of the city vulnerable. He said pressure should be brought to bear to see that all the fire stations are kept open at all times. Pointing out that he had been a member of the search committee who recommended Fire Chief Smith to be hired, he urged there be accountability and transparency to produce a report promptly as to why Magnolia Station is continuing to be closed regularly.

**Susanne Altenburger**, 66 Atlantic Street, spoke to the issue of the MBTA-Annisquam River Railroad Bridge replacement with a new bridge and the challenges of the environment along with her concern that there was a need for a third way off of the island, or a “Third Emergency Access Route” to act as an entrance and exit for safety purposes, particularly during storm events when access on and off the island which could be challenging as this bridge is the highest point to get off and onto Cape Ann. She submitted prior to the Council meeting a document expanding her submission to the Council under Oral Communications on the same subject matter on October 13, 2015. She said from a technical aspect a third way off the island for emergency vehicles is doable if the engineering for the new train bridge was expanded for this dual use. She said not only should Gloucester look at why this couldn’t be used for emergency access but so should the Town of Rockport who is also being affected by this bridge. She said in her opinion that the design of the new bridge is as poorly conceived as the old bridge, and she proposed a joint Council meeting with Rockport officials and the MBTA to work towards amending the new bridge’s design to ensure that the two communities get a better design and better security in emergency situations.

**Council President Ciolino** asked that the City Clerk forward a memorandum to the city’s state legislative representatives requesting that the City Council receive an update on the MBTA-Annisquam Bridge at their earliest convenience at a nearby regularly scheduled Council meeting.

**Presentations/Commendations:** None.

**New Appointments:****Downtown Development Commission****TTE 02/14/18****Joseph J. Giacalone**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Joseph J. Giacalone to the Downtown Development Commission, TTE 02/14/18.

**DISCUSSION:**

**Councilor LeBlanc** said that with Mr. Giacalone’s abiding interest in the downtown residing there and that having just run for a city council seat it gives him a greater understanding of the needs of downtown businesses than most. He said he is a good appointment to the Downtown Development Commission (DDC).

**Mr. Giacalone**, 16 Gould Court, said he has always lived in the city’s downtown and that during his campaign he met with business people in the downtown to learn what their issues were and has a desire to give back to the community.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to appoint Joseph J. Giacalone to the Downtown Development Commission, TTE 02/14/18.**

**Zoning Board of Appeals (Alternate Member)      TTE 02/14/18      Joseph Parisi**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Nolan, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Joseph Parisi to the Zoning Board of Appeals as an Alternate Member, TTE 02/14/18.

**DISCUSSION:**

**Councilor LeBlanc**, pointing out that Mr. Parisi has always been involved in community service, said that the Zoning Board of Appeals (ZBA) is a good fit for his area of knowledge as he has a bona fide construction background. He said that the O&A Committee unanimously endorsed Mr. Parisi’s appointment to the Zoning Board of Appeals (ZBA) as the Board’s First Alternate. He noted for the record that the term of Mr. Parisi’s appointment expires not in 2017 but in 2018.

**Mr. Parisi**, 74 Wheeler Street, said that the time was right to offer his services to the ZBA. With his background in construction he said he felt he could add value to the Board.

**Councilor Cox**, endorsing Mr. Parisi’s appointment, advised that she had taken Mr. Parisi’s first-time homebuyer’s class when she first moved to Gloucester and appreciated his knowledge.

**MOTION: On a motion by Councilor LeBlanc seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Joseph Parisi to the Zoning Board of Appeals as an Alternate Member, TTE 02/14/18.**

**Consent Agenda:**

- CONFIRMATION OF REAPPOINTMENTS
- MAYOR’S REPORT

- |                               |                                                                                                                                                                                     |              |                       |             |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------|-------------|
| 1. Management Reappointments: | Purchasing Agent                                                                                                                                                                    | TTE 02/14/17 | Donna Compton         |             |
|                               | Community Development Director                                                                                                                                                      | TTE 02/14/17 | Tom Daniel            |             |
|                               | Chief Administrative Officer                                                                                                                                                        | TTE 02/14/17 | James Destino         |             |
|                               | Chief Financial Officer                                                                                                                                                             | TTE 02/14/17 | John Dunn             |             |
|                               | City Engineer                                                                                                                                                                       | TTE 02/14/17 | Paul Keane            |             |
|                               | General Counsel                                                                                                                                                                     | TTE 02/14/17 | Charles “Chip” Payson |             |
|                               | Building Inspector                                                                                                                                                                  | TTE 02/14/17 | William Sanborn       |             |
|                               | Director of Public Works                                                                                                                                                            | TTE 02/14/18 | Mike Hale             |             |
|                               | Assistant Director of Public Works                                                                                                                                                  | TTE 02/14/18 | Mark Cole             |             |
|                               | Principal Assessor                                                                                                                                                                  | TTE 02/14/19 | Nancy Papows          | (Refer O&A) |
| 2.                            | Supplemental Appropriation-Budgetary Request (2016-SA-21) from DPW Water Department                                                                                                 |              |                       | (Refer B&F) |
| 3.                            | Special Budgetary Transfer Request (2016-SBT-5) from Fire Department                                                                                                                |              |                       | (Refer B&F) |
| 4.                            | Memorandum from CFO & Director-Information Services & Special Budgetary Transfer request (2016-SBT-6) from Treasurer/Collector’s Office                                             |              |                       | (Refer B&F) |
| 5.                            | Request from Police Chief re: acceptance of \$42,700.60 from MIIA for the replacement of cost of cruiser 1692                                                                       |              |                       | (Refer B&F) |
| 6.                            | Memorandum from Affordable Housing Trust re: approval of Affordable Housing Trust funding for \$10,000 for 206 Main Street                                                          |              |                       | (Refer B&F) |
| 7.                            | Memorandum from Community Development Director re: approval of a Community Preservation off-cycle recommendation for Stage Fort Park restroom renovations in the amount of \$50,000 |              |                       | (Refer B&F) |
| 8.                            | Memorandum from Health Director re: acceptance of a Nicotine Delivery Device Mini-Grant for \$1,000 from Health Resources                                                           |              |                       | (Refer B&F) |

9. Memorandum from Community Development Director re: acceptance of two grants from Mass. Cultural Council for \$4,000 for support of Gloucester Harbortown Cultural District & \$5,000 for support of the Rocky Neck Cultural District (Refer B&F)
10. New Appointments:
- |                         |              |                                  |             |
|-------------------------|--------------|----------------------------------|-------------|
| Zoning Board of Appeals | TTE 02/14/18 | H. Sage Walcott-Alternate Member |             |
| Historical Commission   | TTE 02/14/18 | Sandy Barry-Alternate Member     |             |
| Council on Aging        | TTE 02/14/19 | Greg Verga                       | (Refer O&A) |
- **COMMUNICATIONS/INVITATIONS**
1. Letter from School Committee Chairperson to Council President re: City Council liaison assignments (Info Only)
- **APPLICATIONS/PETITIONS**
1. Request from National Grid for approval of electric easement for an Underground Electrical Distribution System re: Stage Fort Park (Refer P&D)
- **COUNCILORS ORDERS**
1. CC2016-001 (Cox) Amend GCO Sec. 22-269 "Stop Intersections" by adding stop signs at the intersection of Perkins & Mt. Vernon Streets for north and southbound drivers making the intersection a four-way stop (Refer O&A & TC)
2. CC2016-002 (Cox) City Council request that the Traffic Commission conduct a study of the tractor trailer parking on Rogers St. (Refer O&A & TC)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: December 15, 2015 (Approve/File)
2. Special City Council Meeting: 12/19/15, 01/01/16 (Approve/File)
3. Standing Committee Meetings: B&F 01/07/16 (under separate cover), O&A 01/04/16, P&D 01/06/16 (Approve/File)

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

**By unanimous consent the Consent Agenda was accepted as presented.**

**Committee Reports:**

**Budget & Finance: January 7, 2016**

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2016-SA-12 in the amount of \$22,500 from Account #700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of funding a 25 percent match for the Clean Vessel Act (CVA) Grant for the CIP Solomon Jacobs Park Project.

**DISCUSSION:**

**Councilor Memhard** explained the following: that Supplemental Appropriations 2016-SA-12, -13 and -16 all relate to completing the funding for the new float system and engineering construction services, including the 25 percent match from the Clean Vessel Act money in support of the shoreside pump-out station installation upon the completion of the National Grid Remediation Project at the Solomon Jacobs Pier which is where the Harbormaster's Department is housed. These appropriations are coming forward at this time due to the need to have the float system ready for temporary installation for the 2016 boating season. The permanent installation will be made at the close of the remediation project, anticipated to be in time for the 2017 boating season. The dock system will house the Harbormaster Department boats as well as ADA access and transient boating tie-up space along with an increase in dinghy tie-up space, about four times what had previously been in place.

Additionally, Supplemental Appropriations 2016-SA-14 and -15 relate directly to the Harbormaster Department need for equipment such as new specialized float coats, a security camera monitor, and the Chart Navigator Pro Computer Program.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2016-SA-12 in the amount of \$22,500 from Account #700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of funding a 25 percent match for the Clean Vessel Act (CVA) Grant for the CIP Solomon Jacobs Park Project.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2016-SA-13 in the amount of \$40,000 from Account

#700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of completing the purchase of floats, bridge and engineering construction services for the Solomon Jacobs Park Landing Project.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2016-SA-13 in the amount of \$40,000 from Account #700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of completing the purchase of floats, bridge and engineering construction services for the Solomon Jacobs Park Landing Project.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2016-SA-14 in the amount of \$1,380 from Account #700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #700000.10.492.55810.0000.00.000.00.054, Waterways Enterprise, Work/Safety Clothes for the purpose of purchasing new float coats for Harbormaster Department personnel.

**DISCUSSION:**

**Councilor Gilman** asked for a description of a float coat. **Tony Gross**, 18 Nashua Avenue, Waterways Board member, said that a float coat is an insulated coat that has enough buoyancy to keep a person afloat should they fall overboard and is generally worn in the winter.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2016-SA-14 in the amount of \$1,380 from Account #700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #700000.10.492.55810.0000.00.000.00.054, Waterways Enterprise, Work/Safety Clothes for the purpose of purchasing new float coats for Harbormaster Department personnel.**

MOTION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2016-SA-15 in the amount of \$2,120 from Account #700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #700000.10.492.57060.0000.00.000.00.057, Waterways Enterprise, Equipment for the purpose of purchasing a new Harbormaster's Office refrigerator, personnel identification badges, a security camera monitor and the Chart Navigator Pro Computer Program.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2016-SA-15 in the amount of \$2,120 from Account #700000.10.492.35900.0000.00.000.00.000, Waterways Enterprise, Retained Earnings (Free Cash) to Account #700000.10.492.57060.0000.00.000.00.057, Waterways Enterprise, Equipment for the purpose of purchasing a new Harbormaster's Office refrigerator, personnel identification badges, a security camera monitor and the Chart Navigator Pro Computer Program.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2016-SA-16 in the amount of \$15,000 from Account #720000.10.996.59600.0000.00.000.00.059, R/A Municipal Waterways Improvement & Maintenance, Transfer Out to Enterprise Fund to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of completing the purchase of floats, bridge and engineering construction services for the CIP Solomon Jacobs Park Landing Project.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2016-SA-16 in the amount of \$15,000 from Account #720000.10.996.59600.0000.00.000.00.059, R/A Municipal Waterways Improvement & Maintenance, Transfer Out to Enterprise Fund to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of completing the purchase of floats, bridge and engineering construction services for the CIP Solomon Jacobs Park Landing Project.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2016-SA-17 in the amount of \$90,000 from Account #740000.10.996.59600.0000.00.000.00.059, Stabilization Fund, St. Peter's Marina, Transfer Out to Enterprise Fund to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of completing the purchase of floats, bridge and engineering construction services for the CIP Solomon Jacobs Park Landing Project.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2016-SA-17 in the amount of \$90,000 from Account #740000.10.996.59600.0000.00.000.00.059, Stabilization Fund, St. Peter's Marina, Transfer Out to Enterprise Fund to Account #710004.10.996.49700.0000.00.000.00.040, CIP Waterways, Solomon Jacobs Park-Transfer In-From Enterprise Fund for the purpose of completing the purchase of floats, bridge and engineering construction services for the CIP Solomon Jacobs Park Landing Project.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, from the Massachusetts Division of Marine Fisheries, a Public Access Grant in the amount of \$15,000 for the purpose of rebuilding the Magnolia Pier float.

**DISCUSSION:**

**Councilor Memhard** said that this grant from the Division of Marine Fisheries is a Public Access Grant which will build a new float for the Magnolia Pier for \$15,000. The grant is small but the Waterways Board in conjunction with the Administration is trying to improve the access at the Magnolia pier. He noted that the float will be built by the Gloucester High School Wood Shop with all but the specialized brackets to hold the pier in place will be sourced locally. He noted there is no match, and the \$15,000 will cover all costs and create a great improvement for the community. He pointed out that the Magnolia Pier services two communities -- Gloucester and Manchester.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, Massachusetts Division of Marine Fisheries, a Public Access Grant in the amount of \$15,000 for the purpose of rebuilding the Magnolia Pier float.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, from the Massachusetts Executive Office of Public Safety and Security, a FY16 State 911 Department Support & Incentive Grant in the amount of \$61,795.

**DISCUSSION:**

**Councilor Memhard** highlighted that this is an annual grant received by the Gloucester Police Department (GPD) that has no match. The grant supports the department's E911 salaries, overtime and equipment, he said and

that this year's funding is \$61,795. He noted the GPD has received this grant for about 12 years annually from the state.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Gilman, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, from the Massachusetts Executive Office of Public Safety and Security, a FY16 State 911 Department Support & Incentive Grant in the amount of \$61,795.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council to accept under MGL c. 44, 53A a U.S. Department of Homeland Security/Federal Emergency Management Agency passed through the Massachusetts Emergency Management Agency (MEMA) Emergency Management Performance Grant (EMPG) in the amount of \$6,450.00. Funds are to be used for the purpose of supporting the City of Gloucester's Emergency Operations Center housed at the O'Maley Innovation Middle School and for Civil Defense training. The grant period for the FFY2015 grant portion is from December 2, 2015 through June 30, 2016.

**DISCUSSION:**

**Councilor Memhard** explained that that this is a grant applied for and received by the Gloucester Fire Department over the last two years for emergency management which sees most of the funds go to the Emergency Operations Center at the O'Maley Innovation Middle School and to support any needed shelter operations. The grant's match comes from the Fire Department's Civil Defense administrative budget.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, 53A a U.S. Department of Homeland Security/Federal Emergency Management Agency passed through the Massachusetts Emergency Management Agency (MEMA) Emergency Management Performance Grant (EMPG) in the amount of \$6,450.00. Funds are to be used for the purpose of supporting the City of Gloucester's Emergency Operations Center housed at the O'Maley Innovation Middle School and for Civil Defense training. The grant period for the FFY2015 grant portion is from December 2, 2015 through June 30, 2016.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2016-SBT-4 in the amount of \$55,000 from Account #101000.29.371.51101.2210.00.171.00.051, Salary-Principal/Assistant Principal, to Account #101000.10.211.51100.0000.00.000.00.051 Police-Uniform, Salary/Wage-Permanent Position, for the purpose of funding the Gloucester High School Resource Officer for Fiscal Year 2016.

**DISCUSSION:**

**Councilor Memhard** said this action is to transfer funds set aside by the School Department for the purpose of reimbursing the Police Department for the services of the School Resource Officer at Gloucester High School for FY16. He noted this program been a highly successful and well received program within the school community.

**MOTION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2016-SBT-4 in the amount of \$55,000 from Account #101000.29.371.51101.2210.00.171.00.051, Salary-Principal/Assistant Principal, to Account #101000.10.211.51100.0000.00.000.00.051 Police-Uniform, Salary/Wage-Permanent Position, for the purpose of funding the Gloucester High School Resource Officer for Fiscal Year 2016.**

**Ordinances & Administration: January 4, 2016**

**Councilor LeBlanc**, Chair of the O&A Committee notified the Council there were no matters for Council action under this heading.

**Planning & Development: January 6, 2016**

**Councilor Lundberg**, Chair of the P&D Committee announced that there were no matters for Council action from this meeting under Committee Reports.

**Scheduled Public Hearings:**

1. **PH2015-061: Acceptance of roadways as public ways in accordance with MGL c. 85 & GCO Sec. 21-1, 21-35 & Sec. 21-43**

**This public hearing is opened at 7:36 p.m.**

**Council President Ciolino** stated that at the request of the Administration this public hearing will be continued to March 8, 2016.

**This public hearing is continued to March 8, 2016.**

2. **PH2016-001: Amend GCO Chapter 15, Sec. 15-2 by deleting Sec. 15-2(a) and adding a new Sec. 15-2(a) re: Stage Fort Park Advisory Committee**

**This public hearing is opened at 7:37 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:38 p.m.**

**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 Amend GCO Sec. 15-2 Composition; requirements; tenure by DELETING 15-2(a) and ADDING new 15-2(a) as follows:

“The Stage Fort Park Advisory Committee shall consist of up to nine members appointed by the Mayor and approved by the Council to a term of up to three years. Voting members shall represent the organizations with direct interest of the park and to the extent possible including representatives of the Gloucester Rotary Club, Gloucester Dog Park, Gloucester Little League, Friends of Stage Fort Park, recreation and gardening, and landscaping. Additional voting members may be “at-large” residents of the city. Additionally, the DPW Director, or his designee, as well as a City Councilor appointed by the Council President shall serve as non-voting ex officio members.

**DISCUSSION:**

**Councilor LeBlanc** explained that the impetus for these draft amendments to the Ordinances came from a P&D meeting about an unrelated item on the Farmer’s Market. At that time it was pointed out there was an oversight when creating the ordinance that they didn’t include a representative of the Cape Ann Farmer’s Market on the Stage Fort Park Advisory Committee, an organization that uses the park most frequently of all other users. However, upon discussion with the O&A Committee it was determined that it was more appropriate to allow for two additional At Large members so that if no one is available from the Little League, or say, the Rotary Club, instead of holding up the filling out the Advisory Committee membership other committed members of the community can step into the open place on that Committee. He said that the DPW Director and Council appointee would be ex-officio because the Committee is advisory so it didn’t make sense they be voting members, and that in turn allows more members from the community to be on the Stage Fort Park Advisory Committee.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Sec. 15-2 Composition; requirements; tenure by DELETING 15-2(a) and ADDING new 15-2(a) as follows:**

**“The Stage Fort Park Advisory Committee shall consist of up to nine members appointed by the Mayor and approved by the Council to a term of up to three years. Voting members shall represent the organizations with direct interest of the park and to the extent possible including representatives of the Gloucester Rotary Club, Gloucester Dog Park, Gloucester Little League, Friends of Stage Fort Park, recreation and gardening, and landscaping. Additional voting members may be “at-large” residents of the city. Additionally, the DPW**

**Director, or his designee, as well as a City Councilor appointed by the Council President shall serve as non-voting ex officio members.**

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 Amend GCO Sec. 15-2 Composition; requirements; tenure by ADDING new Sec. 15-2(b) as follows: "At the first of each calendar year the Committee shall elect from among their members a Chair, Vice-Chair and a Secretary."

**DISCUSSION:**

**Councilor LeBlanc** said that this second amendment is codifying the annual election of a Chair, Vice-Chair and Secretary for the Stage Fort Park Advisory Committee.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Sec. 15-2 Composition; requirements; tenure by ADDING new Sec. 15-2(b) as follows: "At the first of each calendar year the Committee shall elect from among their members a Chair, Vice-Chair and a Secretary."**

- 3. PH2016-002: Amend GCO Chapter 4, Article II "Dogs," Sec. 4-16(a) "Dogs allowed on public beaches at certain times," by inserting the words, "and Plum Cove Beach" after the words, "Wingaersheek Beach."**

**This public hearing is opened at 7:43 p.m.**

**Those speaking in favor:**

**Jennifer Holmgren**, 385 Magnolia Avenue, said that while not a dog owner she is in favor of there being other areas opened up for dogs to be allowed off leash in the city. She encouraged the Council to explore other open spaces and recreational resources in the city that could also be opened up also for dog to be able to run off leash, especially in light of the fact that in summer no dogs are allowed on public beaches.

**Linda Brayton**, 527 Washington Street, expressed her appreciation to the Council's for its open attitude to expand areas for dogs to be able to be allowed to run off leash. Highlighting her participation with the Mutt Mitt initiative and an on-line initiative for the group, "Dog Friendly Gloucester," pointed out that it takes about 38 minutes to get to Wingaersheek Beach and 25 minutes to Good Harbor Beach from her home in Lanesville -- that with a hard winter last year it made those travel times even longer in order to allow her dog to run off leash. She noted that some city open spaces where dogs can run off leash don't work for all dogs, in particular woods, and that not all dogs and their owners are comfortable using the Gloucester Dog Park. She said opening up Plum Cove Beach to dog owners in the off season will be a great help. She also encouraged the Council to look at other areas in the city with an eye to opening them up to the dog owning residents and their pets.

**Lynn Klotz**, 5 Dudley Street, lent his support for opening Plum Cove Beach to off-leash dogs in the off season saying that it is a positive initiative.

**Bob McKown**, 1085 Washington Street, expressed his support for the opening of Plum Cove Beach to off-leash dogs in the off-season. He mentioned that the alternating days system to use the beaches in the off season to let dogs run of leash is not working well, and gave a personal example. He asked the Council to consider daily use of the now and to eliminate the odd and even day system for use of city beaches open to off-leash dogs. A full written statement by Mr. McKown was submitted and placed on file.

**Those speaking in opposition: None.**

**Communications:**

**Lynn Klotz**, 5 Dudley Street, expressing support for unleashed dogs in the off-season on Plum Cove Beach.

**Councilor Questions: None.**

**This public hearing is closed at 7:54 p.m.**

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 CC2015-032 (Stewart) Amend C. 4, Art. II "Dogs" as most recently amended in 2014 by deleting Sections 4-15, 4-15(a), 4-16(b), 4-16(c) and 4-21(c); renumber Sec. 4-22 through 4-23; and adding new Sec. 4-22 "Enforcement and Penalties," and adding new Sections 4-15, 4-16(a) Rules and conditions for all dogs," 4-16(b) "Additional rules and conditions for large dogs," 4-16(c) "Locations where dogs must be leashed or at large with restrictions," 4-21(c), and 4-22 "Enforcement and Penalties," EXCEPT to Amend GCO Sec. 4-16(a). "Dogs allowed

on public beaches at certain times,” by adding the words, “and Plum Cove Beach” after the words, “Wingaersheek Beach.”

**DISCUSSION:**

**Councilor LeBlanc** explained that former Ward 4 Councilor, Bob Stewart, worked hard on his amendments to the dog ordinance, but that this opening of Plum Beach to dogs is helpful and will be on odd days.

**Councilor Gilman** proposed an amendment to the main motion to add the words, “**Plum Cove Beach on consecutive days in the off season**” after the words, “**Wingaersheek Beach**”, seconded by **Councilor Cox**.

**DISCUSSION ON THE AMENDMENT:**

**Councilor Gilman** said that for those dog owning residents in Ward 4 it takes 20 to 35 minutes to get to the two beaches available on odd and even days they are open to off leash dogs. She pointed out that in the December 7 minutes of the O&A Committee, two of its members indicated they were okay for Plum Cove Beach to be open to off-leash dogs in the off season at all times, but that when the matter was voted it was decided to make Plum Cove Beach available only on odd days. She said that this is a small beach compared to Good Harbor and Wingaersheek Beach which is generally deserted in the off season, and that dogs will be welcomed there at all times.

**Councilor LeBlanc** said this will not be fair to those dog owning residents who use Wingaersheek Beach and Good Harbor Beach who abide by the odd/even day scheme, expressing that those dog owners would now be penalized and that many other residents have to travel just as far Lanesville residents to an off leash beach.

**Councilor Gilman** pointed out that Plum Cove Beach is a neighborhood beach, expressing her appreciation for Councilor LeBlanc’s opinion.

**Councilor Cox** said she would vote in favor of the amendment to see if consecutive days at Plum Cove Beach would work as a sign of faith.

**Councilor Orlando** inquired if there was a sunset clause to the amendment as the current ordinance. **Council President Ciolino** responded that the current ordinance related to dogs was renewed by the Council in October 2015 and sunsets December 2016 unless renewed by the Council by that time. The amendment would be incorporated into the ordinance, it was noted, and so sunsets with the entire section unless renewed by the Council.

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to Amend the Main Motion to contain the language after the words, “Wingaersheek Beach,” “and Plum Cove Beach on consecutive days in the off season.”**

**AMENDMENT PASSES.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to permit the withdrawal of C2015-032 (Stewart) Amend C. 4, Art. II “Dogs” as most recently amended in 2014 by deleting Sections 4-15, 4-15(a), 4-16(b), 4-16(c) and 4-21(c); renumber Sec. 4-22 through 4-23; and adding new Sec. 4-22 “Enforcement and Penalties,” and adding new Sections 4-15, 4-16(a) Rules and conditions for all dogs,” 4-16(b) “Additional rules and conditions for large dogs,” 4-16(c) “Locations where dogs must be leashed or at large with restrictions,” 4-21(c), and 4-22 “Enforcement and Penalties,” EXCEPT to AMEND GCO Sec. 4-16(a). “Dogs allowed on public beaches at certain times,” by ADDING the words, “and Plum Cove Beach on consecutive days in the off season” after the words, “Wingaersheek Beach.”**

**NOTE:** All sections of the Code of Ordinances related to dogs remain in effect pursuant to the vote of the City Council dated October 13, 2015 which is set to expire December 2016 unless the City Council prior to that date votes to renew those ordinance sections.

**For Council Vote:**

1. PH2015-057: Amend Sec. 9-10 “Penalty for violation of Sec. 9-10” by DELETING Sec. 9-10 in its entirety and ADDING new Sec. 9-10 (referred back to O&A from 10/27/15 CCM and 12/15/15)

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 2 in favor, 1 (Whynott) opposed, to recommend that the City Council Amend GCO Chapter 9, Sec. 9-10 "Penalty for violation of Sec. 9-10" by DELETING Sec. 9-10 in its entirety and ADDING a new Section 9-10 as follows: "The Police shall recommend to the District Court that the Court fine the violator \$200 for each offense."

**DISCUSSION:**

It was recommended by **Council President Ciolino** and **Councilor LeBlanc** that the Council votes this matter down as well as the next matter under the heading, For Council Vote. The Council would then be able to refer the matter of a review and possible amendment of GCO Chapter 9, "Trash, Recycling and Litter," to the Ordinances & Administration Committee.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to Amend GCO Chapter 9, Sec. 9-10 "Penalty for violation of Sec. 9-10" by DELETING Sec. 9-10 in its entirety and ADDING a new Section 9-10 as follows: "The Police shall recommend to the District Court that the Court fine the violator \$200 for each offense."**

2. **PH2015-058: Amend Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of the Code" Chapter 9, Sec. 9-18 "Littering prohibited" by DELETING \$300 for each offense and by ADDING \$50 PER DAY (or the amount allowed by MGL c. 40, §21 as amended) including the day the action of depositing the litter occurred and each day thereafter in which the litter remains for any part of the day" and ADDING After "Enforcing persons" the words "Building Inspector" (referred back to O&A from 10/27/15 CCM and from 12/15/15)**

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 2 in favor, 1 (Whynott) opposed, to recommend that the City Council AMEND GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of the Code," "Chapter 9, Sec. 9-8 littering prohibited by DELETING "\$300 for each offense," and by ADDING \$200 for each offense (or the amount allowed by MGL c. 40, §21 as amended)."

**DISCUSSION: None.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to AMEND GCO Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of the Code," "Chapter 9, Sec. 9-8 littering prohibited by DELETING "\$300 for each offense," and by ADDING \$200 for each offense (or the amount allowed by MGL c. 40, §21 as amended)."**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to refer to the O&A Committee the matter of a review of GCO Chapter 9, "Trash, Recycling and Litter."**

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor Gilman** expressed her thanks to the Council President and the City Clerk for organizing the Council Workshop this past weekend. She noted that the new Councilors are in receipt of all the documentation and information as required under the City Charter. She said she appreciated the extra work the Council staff put in to ensure all the new Councilors were up to speed.

**Councilor Cox** reminded the public that on Wednesday, Jan. 13 at 3:30 p.m. at Magnolia Fire Station the Fire Department would hold a memorial service for Fire Lieutenant Philip Bouchie who passed away January 13, 2015. She announced the book, "Innocence of Vision," by Gloucester's Poet Laureate, Peter Todd is now for sale at various locations around the city. She noted that all proceeds from the sale of the book will go to the family of Peter Todd.

**Councilor Lundberg** thanked members of the Administration, Jim Destino, CAO; Chip Payson, General Counsel; and James Pope, Information Technology Director for their participation in Saturday's City Council workshop. He reminded Gloucester residents that during the month of January that admission to the Cape Ann Museum is free and urged residents to take advantage of that gift to the community.

**Councilor LeBlanc** announced that on Saturday, Jan. 16 there will be an official opening of the newly renovated space at The Open Door on Emerson Avenue which has doubled the square footage of the building, and updated the entire building. He expressed his appreciation for a job well done the previous evening at a joint presentation about living with coyotes on Cape Ann organized by the Mayor's Office and the Gloucester Police Department. He noted there were approximately 250 people in the audience at Kyrouz Auditorium who heard from representatives of the Massachusetts Department of Fish & Game and the Environmental Police. He said that this is a first step for the city to handling issues that surround the matter of the coyote population. He said would like to see the city move forward proactively in order to offer some concrete ways to handle the ever-increasing coyote population, a concern for so many residents.

**Council President Ciolino** offered the observation that the new Council's the first meeting has gone well and looked forward to their moving forward as a cohesive legislative body.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:15 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Documentation by Susanne Altenberger, 66 Atlantic Street on the matter of the anticipated redesign and installation of a new MBTA-Annisquam River train bridge**
- **Full written statement of Robert McKown, 1085 Washington Street, submitted under PH2016--002: Amend GCO Chapter 4, Article II "Dogs," Sec. 4-16(a) "Dogs allowed on public beaches at certain times," by inserting the words, "and Plum Cove Beach" after the words, "Wingaersheek Beach."**