

GLOUCESTER CITY COUNCIL MEETING

Tuesday, June 28, 2016 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Steven LeBlanc; Councilor Melissa Cox; Councilor Paul Lundberg; Councilor Joseph Orlando, Jr.; Councilor James O’Hara; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan

Absent: None

Also Present: Mayor Sefatia Theken; Joanne Senos; Kenny Costa; Dan Smith; John Dunn; Chip Payson; Donna Leete

The meeting was called to order at 7:00 p.m. The Council President announced that the meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence. Council President Ciolino dedicated the Moment of Silence to Jim Movalli, former city school teacher and a dedicated Zoning Board of Appeals member for over 30 years who recently passed away. He said Mr. Movalli was a very fair man with applicants who came before that Board. He was a dedicated servant of the City of Gloucester. He will be missed, he said.

Oral Communications:

Nadina Wilk, 5 Briarwood Street, a business and property owner in the Cape Ann Industrial Park (CAIP) at Kondelin Road. She reminded the Council that the CAIP, like the Blackburn Industrial Park (BIP) was developed by the city and the EDIC to prepare development-ready sites for new industrial and commercial activities to provide residents jobs, new tax revenue and relief to residential taxpayers. She highlighted that businesses located in the CAIP are traditional but also part of some cutting edge technology industries. She noted there was a large vacant building with abundant parking and expressed hope that it would soon house another business employing local residents. She said that the city and the EDIC need to work together to make CAIP better and fully occupied by thriving businesses. Ms. Wilk’s written statement was placed on file.

Presentations/Commendations:**1 of 1: North Shore Health Project: Harm Reduction Safe Syringe Disposal Site**

Council President Ciolino said he is a long-standing member of the North Shore Health Project (NSHP) and a Vice President of the Board. He said he had reached out to the State Ethics Commission and was advised that as he has an association with the NSHP, and although there is no Council vote this evening on matter of the presentation, he would recuse himself under MGL c. 268A. He left the dais, and **Council Vice President LeBlanc** took the gavel for this portion of the meeting.

Susan Gould Coviello, 6 Burnham Court, Essex, Executive Director of the North Shore Health Project (NSHP), a non-profit in existence since 1988 located on 5 Center Street providing social and support services for people with HIV, AIDS, and Hepatitis C. She noted the Council was in receipt of a letter from the Board of Health in support of the Harm Reduction Program proposed by the NSHP as well as informational brochures on their programs and two documents related to the proposed Harm Reduction Program (all on file). She reviewed the following:

- Harm reduction programs focus on limiting the risks and harms associated with unsafe drug use which is linked to serious adverse health consequences including HIV transmission, viral hepatitis and death from overdose.
- NSHP offers eight of the Mass. Dept. of Health (DPH) of the eleven requirements of running a harm reduction program: HIV, HCV, and STI counselling and routine screening, overdose prevention and naloxone training, substance abuse counselling, safe syringe disposal, individual and group harm reduction education, safe sex supplies, flu shots, and supported referrals to substance abuse facilities.
- Required components of a Harm Reduction Program to be added to the NSHP new location are: access to clean needles which necessitates local approval (Mayor) -- sterile syringes, Hepatitis A and B vaccinations, and provision of safer injection supplies.

- Currently there are seven DPH licensed Harm Reduction Programs in the state with the state limit at ten. The NSHP is next in line for a DPH license, with other communities in the process of making their applications for the remaining two DPH licenses. There is an amendment with the state legislature to lift the cap to set no limit on licenses issued.
- In Gloucester, the authority to approve the proposed Harm Reduction Program lays with the Mayor. As noted previously a letter of support for the Harm Reduction Program dated May 25, 2016 from the Board of Health is in support of the proposed program and recommended approval to the Mayor.

Ms. Coviello advised she has worked very closely with Tim Purington, Director of Prevention Services at Tapestry in Northampton and Worcester in developing this proposal, as well as is in close contact with Kevin Cranston, Assistant Commissioner and Director, Bureau of Infectious Diseases and Laboratory Science at the DPH. She noted that the location for the Harm Reduction Program would be at the Gloucester Family Health Center at 302 Washington Street with hopes to open in mid-September. She then provided some medical statistics:

- HIV only lives outside of the human body for a short time, but the risk of infection from a discarded needle are possible, especially if a person is stuck immediately after use. HIV can live longer inside the barrel of a needle if protected from the air and is why sharing needles is such a dangerous practice.
- Hepatitis C can live outside the body for up to six weeks at room temperature making the likelihood of being infected by a discarded needle or using a used needle that much more dangerous.
- Reusing needles can cause other medical issues such as abscesses, damaged veins and infections.

Ms. Coviello then reviewed what a Harm Reduction Program does:

- Prevent infection. Since the inception of such programs in Massachusetts, there has been a dramatic drop in HIV infection from ID drug use, +/- 85%. There is an uptick in Hepatitis C infection rates across the state but there is no data at this time showing whether needle exchange programs are having an impact on dropping this rate. It was noted that while such data isn't available, such programs do save lives.
- ID drug users risk multiple health issues from non-sterile injecting practices, drug complications and associated lifestyle choices. Unrelated health problems may be neglected due to drug dependence. ID drug users are reluctant to utilize conventional health services. That reluctance implies poor health and increased use of emergency services creating added costs.
- New sterile injection equipment is provided as a means of reducing the spread of blood-borne viruses and/or injection related infections with an emphasis placed on removing used injection equipment from circulation from a process of exchanging old syringes for new ones. They are also equipped with tongs and sharps disposal containers and will pick up discarded syringes in the community saving the Gloucester Police Department from having the onus placed on them to dispose of discarded syringes which would be a cost savings to the city.
- Linking people to substance abuse treatment and health coverage. Harm Reduction Program staff facilitate connections between those using drugs to social and medical support facilities, exposing them to voluntary physical, psychological and emotional treatment programs. Additionally, program staff offers education on safe injections, cleaning equipment, safe sex practices, risks of infection, Narcan, etc.
- Access to sterile syringes is the most important for an injection drug user. Needles are shared because of need not because of a social issue.

Ms. Coviello pointed out that Harm Reduction can include decreasing sharing needles, decreasing sharing of supplies used to cook the drugs, increase condom use, testing for HIV, AIDS and Hepatitis C and STI's; providing Narcan and Narcan education, linking participants to health insurance, helping to get appointments for whatever is needed which may include mental health counselling.

Goals for Gloucester's proposed Harm Reduction Program are:

- Reduce the number of new HIV and HCV infections in the community.
- To promote healthier habits among ID users by offering clean needles, education, nutritional support and much more;
- To promote public safety by removing used needles from public areas.

Ms. Coviello noted that the people the NSHP serves are often judged with heroin use being heavily stigmatized. A lot of people are ashamed of their use. The NSHP will try to decrease the shame and stigma to help individuals realize they are equal to everyone else and to make the public understand that heroin users have a voice. The eventual goal is abstinence, she said, but people can seek services regardless of where they're at which will make people comfortable to come in. Many of the people the NSHP sees aren't receiving services elsewhere. They will be positioned to be the first entry into treatment, which is important, working with people on the farthest fringes of society. She highlighted the attitude change in Gloucester well before anywhere else in the country, valuing the

lives of people with substance abuse issues which are a recent change in attitude. She said there is community agreement that these kinds of interventions are very positive. Locally the Angel Program has created an atmosphere of acceptance in the community, as well as an atmosphere of those struggling with addiction where they feel they can reach out for help. She said the NSHP Harm Reduction Program will create a complimentary place for these people to access support and eventually treatment. When there is access to clean needles and ways to dispose of them, drug users will do that. The program will include outreach, education and testing as well as Narcan will be available to the general public.

COUNCILOR QUESTIONS:

Councilor Cox asked how the needle exchange works -- is it bring one to get one. **Ms. Coviello** said that some needle exchanges are set up that way. In her discussions with the Director of Tapestry, she said that sometimes a mom will come in without any needles to obtain clean ones for a child who is using because she's afraid to touch the needles or they've been disposed in another way, the mom not being a participant. She said that in her conversations with Police Chief Campanello that he had suggested the needle exchange program to be a "one-in, one-out," and that they are open to anything, but that Mr. Purington has said that is not always the best way to get clean needles to the hands of ID drug users. **Councilor Cox** expressed concern about what happens to the used needles, having been part of the clean-ups around Gloucester on Saturday mornings and carries a sharps container in her vehicle. She said she knew that the city's safety personnel are currently tracking where needles are found. This (the Harm Reduction Program) would go far in helping to have a central location. She noted that Ms. Coviello mentioned a cost savings to the Police Department and asked how that would transpire. **Ms. Coviello** explained that an officer has to be sent out to pick up a discarded needle, which takes them away from other duties. If the NSHP received that phone call, they would do the pick up and do the same tracking. **Councilor Cox** reminded Ms. Coviello that the NSHP is not a 24/7 organization unlike the Police Department. **Ms. Coviello** assured they could be available via cell phone 24/7. **Councilor Cox** said it is a concern of hers as there are numerous calls from around the city to pick up discarded needles and there are trained professionals to collect them.

Mayor Sefatia Theken said that as the Mayor and as a health care advocate for over 18 years working closely with the NSHP, if they believed that an addict will come in with a used needle for a new one, they can buy needles at a local pharmacy for \$2.95 for a package of ten. Needles will be discarded inappropriately regardless of availability of sharps disposals available to them. She said the exchange program will not clean up city beaches or other public places. She pointed out she wanted to see this program housed where other treatment options could be made immediately available and is why the program will be located in the city's health center on Washington Street where an addict can bring in used needles and receive new ones; get the kind of help and support on site and in adjacent facilities, the Addison Gilbert Hospital, and those of the health center itself. She pointed out that the NSHP The Health Project has taken on in addition to HIV and AIDS prevention that of Hepatitis C which is a terrible disease that causes terrible liver damage which can go undetected for years. She said she has offered the space at the city's health center to the NSHP because it needs to be there with the programs that are already under that one roof that compliments the offerings of the Harm Reduction Program which she supports. **Ms. Coviello** added ID drug users sometimes send one person in to get needles who then distribute clean needles to their fellow users. **Councilor Cox** said she isn't under the impression that this will save the city or the volunteer groups from having to pick up discarded used needles. She said they do have her full support, that there can never be enough programs to help aid in this manner, and thanked the NSHP for all they do in the community.

Councilor Orlando asked what steps is the NSHP taking to work directly with PAARI to make sure the support and help is available on site in conjunction with the Police Department's initiative. Ms. Coviello responded that: the Harm Reduction Program proposal is nine pages (on file), which describes that the people who will work on the site will be trained in addiction counselling. Each participant has to register and has to check in and part of that is to learn about testing, health insurance, and giving information about treatment programs. For those people not ready to enter the Police Station to enter the Angel Program, the NSHP has staff available. **Councilor Orlando** asked if the NSHP staff would be available to drive persons who say they want to enter treatment to the Police Station. **Ms. Coviello** said that there will be at least two full-time staff on duty at the office all the time. They will be amenable to a situation where they would transport someone to the Police Station if needed. **Councilor Orlando** said that if this program is licensed by the DPH, he'd want to see the NSHP working cooperatively with the Police Department and PAARI.

Councilor Gilman asked about how the NSHP plan to communicate the program to the public. **Ms. Coviello** said the Director of Tapestry has said that once a Harm Reduction Program is open it will be found quickly. People are looking for support with their addiction issues and the NSHP will be there to offer that support. She mentioned coverage in the press, and would be open to suggestions to get the word out, but they will also get the word out through other like agencies in the health care community.

Councilor Nolan thanked Ms. Coviello and the NSHP for her informative presentation, and that their work is appreciated. He offered his help to the NSHP in any way.

Councilor LeBlanc also thanked Ms. Coviello for her presentation. He noted the limit was 10 licensed needle exchange sites across the state although an amendment before the legislature is to lift the cap to unlimited. Ms. Coviello reviewed that there are seven programs open now, but nothing on the North Shore. There are five other communities in the process but they aren't as far along as Gloucester, she noted. The NSHP program would be the closest needle exchange program to Boston. **Councilor LeBlanc** said as a citizen he said the program is causing him some concern in that he gets phone calls almost daily about needles being found in Oak Grove Cemetery and at Pavilion Beach. Further, it is the knowledge that people are coming to the city that may be using and not going home directly first, which is an additional concern of his. He asked about Hepatitis C which was noted to that lasts up to six weeks at room temperature and what can be done to assist addicts to have them clean their syringes before they discard them if not disposing of them in proper sharps containers so there is less risk to the public. **Ms. Coviello** said that in Northampton they didn't see an uptick in people travelling there to their program. She said that it is more likely they won't bother to avail themselves of a Harm Reduction Program unless they want other added services. She assured that the NSHP will be supplying bleach kits to clean equipment, and while it is not what they want, it will be part of the program's educational outreach.

Mayor Theken said Councilor LeBlanc's expressed concern was a concern of the city, and she asked about the same thing in talking to Sander Schultz, the city's Emergency Medical Director. The needles can be purchased cheaply at any pharmacy, she reiterated. If the NSHP receives their DPH license, it will enable them to apply for more grant funding. She said if someone comes to the city to go to the NSHP program, the program will register them, and that there is help available. She said that 60 percent of methadone clinic participants tend to go to other communities and those users will travel to hide from their home community. She said they are going full force with the Health Department to bring awareness about Hepatitis C to the community which can be contracted in many different ways. She expressed her hope the Council will participate in some of the health education fairs. Any prevention program is good for Gloucester, she said, and that they must try.

Councilor Cox said as soon as there is a game plan for picking up needles by NSHP, she would appreciate working with Ms. Coviello and the volunteer groups that do clean up cemeteries and other city areas.

Councilor Orlando asked to learn if there was a limitation of how many times a person could come back to the NSHP and be asked to meet or be required to meet with a counselor, or with the PAARI/Angel Program once the Harm Reduction Program is up and running.

Council President Ciolino returned to the dais.

Confirmation of New Appointments:

Chief Administrative Officer

Dan Smith

TTE 02/14/17

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 Daniel Smith as Chief Administrative Officer, TTE 02/14/17.

DISCUSSION:

Councilor LeBlanc said that Dan Smith worked for the city in the Public Works and Community Development Departments previously and most recently has worked for the state of Massachusetts. Jim Destino is a hard act to follow, but Dan is up for the task, and Mayor Theken trusts him to do what is best for the city. The O&A Committee agreed with her and unanimously endorsed his appointment as Chief Administrative Officer. Over the past few weeks, he said he has gotten to know Mr. Smith well, and that he is a great guy and looks forward to working with him.

Mayor Theken expressed her appreciation for the Council's support for the overlap salary approval to carry two CAO's in order for Mr. Smith to train under Jim Destino. She added this is a difficult community to work for. She advised she did look at many people who might be good for the position, although the job wasn't posted. She knew going in, she said, that Mr. Destino joined her team short-term. She pointed out that Mr. Smith was at a stage that he was looking to make a change, and wanted to come back to the city. She asked him to help to bring the city forward, and he agreed, she said, adding he is the perfect person for the job, and that she has great trust in him.

Councilor Orlando expressed his appreciation that Mr. Smith reached out to the Council to learn about what issues the Council and individual Councilors were facing.

Councilor Gilman expressed her agreement with Councilor Orlando about the time Mr. Smith has taken with the Council to get to know them and the needs of their constituents and expressed her admiration for his knowledge of the city which she said she found reassuring. She said the overlap during the budget process was important for Mr. Smith and the city, and that she would support his appointment.

Council President Ciolino said there is an advantage with someone who worked for the city previously and is a resident. Mr. Smith is off and running and doesn't have a big learning curve, he said.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Daniel Smith as Chief Administrative Officer, TTE 02/14/17.

Director of Human Resources Donna Leete TTE 02/14/17

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 Donna Leete as Director of Human Resources, TTE 02/14/17.

DISCUSSION:

Councilor LeBlanc noted Ms. Leete had previously held this position from June 1993 to August 2007 when she left to work for the State of Massachusetts. She is back now, ready to take the helm of the Personnel Department, he said. He said she has already assisted the O&A Committee in their assessment of the City Clerk's job description and pay grade which proved enormously helpful in the Committee's deliberations on the matter. He welcomed her back to the position of Director of Human Resources saying it is a pleasure to work with her.

Mayor Theken added that it is great to have Ms. Leete back. They interviewed quite a few people before hiring her. They want to have everyone together as a team, and that the Human Resources Director works for the city's employees. They will look have her review job descriptions that haven't been reviewed since 2007. This position is not about dictating to the employees, or just to negotiate with unions, but to work with employees to make sure they have a good working environment to better serve the citizens of Gloucester. This position is difficult, she said, and that she trusts Ms. Leete completely to do a good job for the city.

Council President Ciolino welcomed Ms. Leete back saying she knows the ropes with no need so there is no steep learning curve. He said she is up and running and expressed his gratitude she was back working for the city.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor , the City Council voted 9 in favor, 0 opposed, to appoint Donna Leete as Director of Human Resources, TTE 02/14/17.

Waterways Board Liam O'Connell TTE 02/14/18

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 Liam O'Connell to the Waterways Board (At Large), TTE 02/14/18.

DISCUSSION:

Councilor LeBlanc advised that Mr. O'Connell is an attorney and was raised here. He is a graduate of Mass. Maritime Academy and was a member of the U.S. Coast Guard (active and reserve) for 11 years. He specializes in maritime law and litigation. He is being appointed as an At Large member of the Waterways Board.

Councilor Orlando said he was glad Mr. O'Connell is taking this position with the Board, that no one is more qualified. He said he knows Mr. O'Connell well and supports his appointment.

Mr. O'Connell said he is very excited about taking on this volunteer position. It is an exciting to live and work in Gloucester and to be involved with the city, he said.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Liam O'Connell to the Waterways Board (At Large), TTE 02/14/18.

Consent Agenda:

- *MAYOR'S REPORT*

1. Appointment of Thomas T.J. Ciarametaro as Harbormaster TTE 02/14/19 (Refer O&A)
2. Memorandum, Grant Application & Checklist from Police Chief re: Council acceptance of a FY17 E911 Support & Incentive Grant in the amount of \$61,795 from the Executive Office of Public Safety & Security (Refer B&F)
3. Memorandum from CFO re: Water Main Cleaning & Lining with reference to loan order Certificate of Vote Number 2015-158 (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - 1. Response to Oral Communications of May 24, 2016 City Council Meeting to Karen Favazza Spencer (Info Only)
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
 - 1. CC2016-029 (Gilman/Ciolino) Request that P&D & Planning Board review & recommend to City Council an amendment to the GZO Sec. VI "Definitions" by adding a definition entitled, "Compost Facility/Composting Operations" that addresses permitting, siting, design and operations requirements (Refer P&D & PB)
 - 2. CC2016-30 (Gilman) Request amendment to GCO Sec. 10-81(a) "Diver's flag" (Refer O&A & Waterways Bd)
 - 3. CC2016-031 (O'Hara) Request to amend GCO Sec. 4-16(a) regarding expansion of off-leash areas for dogs and whether Sec. 4-16(a)(2) should be amended by adding new subsections "k" and "l"
 - 4. CC2016-032 (LeBlanc) Request Traffic Commission review traffic patterns and no parking at intersection of Maplewood Avenue & Gloucester Avenue & make a written recommendation to O&A & whether to amend the GCO accordingly (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 06/14/16 (Approve/File)
 - 2. Special City Council Meeting: 06/16/16 (Approve/File)
 - 3. FY17 Budget Review Meeting #12: 06/14/16
 - 3. Standing Committee Meetings: B&F 06/23/16, 06/23/15 (under separate cover), O&A 06/20/16, P&D 06/22/16 (Approve/File)

Consent Agenda :

Councilor Lundberg asked to pull under Councilor Orders #2016-029 (Gilman/Ciolino) to amend the Zoning Ordinance, Sec. VI Definitions, by ADDING "Open Space" and "Compost Facility/Composting Operation." He said that, given that notice to all abutters in the city in this situation is impracticable, he moved that the City Council waive the Notice to Abutters under GZO Sec. 1.11.4(b) pursuant to CC2016-029 that the Council is asking to amend the Zoning Ordinance accordingly; to set the public hearing for that matter as July 26, 2016, and to refer the matter to the Planning & Development Committee and the Planning Board.

Councilor Gilman asked why the Notice to Abutters would be waived. **Councilor Lundberg** said that as this Zoning amendment affects the whole city, the Council would have to notice the entire city which is impractical and why the Council is being asked to waive the Notice to Abutters.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to waive the Notice to Abutters under GZO Sec. 1.11.4(b) pursuant to CC2016-029 that the Council is asking to amend the Zoning Ordinance, Sec. VI Definitions accordingly; to set the public hearing for that matter for July 26, 2016, and to refer the matter to the Planning & Development Committee and the Planning Board.

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

Committee Reports:

Budget & Finance: June 23

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 the following matters on the Unanimous Consent Agenda of the Budget & Finance Committee dated June 28, 2016:

1. *Council acceptance of revised amount of \$60,596 for the Program Year 2016 HOME funds from the North Shore Consortium*

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, that on a vote taken by the City Council on May 10, 2016, when it approved and accept anticipated HOME funds in the amount of \$60,160 that it be AMENDED to accept an additional amount of HOME funds of \$436 for a total of \$60,596 for the purpose of supporting the City of Gloucester's First Time Homebuyer program.

2. *Special Budgetary Transfer 2016-SBT-35 from Dept. of Public Works*

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 Special Budgetary Transfer 2016-SBT-35 in the amount of \$10,000.00 from Account #101000.10.499.54110.0000.00.000.00.054, DPW-Central Services, Gasoline to Account # 101000.10.470.58415.0000.00.000.00.058, DPW-Public Property Maintenance, Paving for the purpose of funding DPW-Public Property Maintenance police detail coverage for various city road projects.

3. *Special Appropriation-Budgetary Transfer Requests, 2016-SA-26, -27, & -28 from Harbormaster*

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-26 in the amount of \$11,159 from Account #730000.10.996.59600.0000.00.000.00.059, Waterways Enterprise Fund, Dun Fudgin Boat Ramp Stabilization Fund to Account #700000.10.492.51100.0000.00.000.00.051, Waterways Enterprise Fund, Salary/Wages-Permanent Position for the purpose of funding retirement payouts in the Harbormaster's Department.

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-27 in the amount of \$18,000 from Account #760000.10.996.59600.0000.00.000.00.059, Waterways Enterprise Fund, General Stabilization Fund, to Account #700000.10.492.51100.0000.00.000.00.051, Waterways Enterprise Fund, Salary/Wages-Permanent Position for the purpose of funding retirement payouts in the Harbormaster's Department.

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-28 in the amount of \$9,000 from Account #700000.10.000.359000.0000.00.000.00.000, Waterways Enterprise Fund, Retained Earnings ("Free Cash"), to Account #700000.10.492.51100.0000.00.000.00.051, Waterways Enterprise Fund, Salary/Wages-Permanent Position for the purpose of funding retirement payouts in the Harbormaster's Department.

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

COMMITTEE RECOMMENDATION: On 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, Sec. 53E-1/2 an amendment of the expenditure limit of the Vacant Building Revolving Fund from \$70,000 to \$115,000 in Fund #293019, the use of the fund is for securing vacant buildings. The authorized officer of the Fund is the Building Inspector. The fund is credited from fees/charges; the expenditure limit is \$115,000; the fund balance is the available balance, and there are no restrictions to the Fund.

DISCUSSION:

Councilor Memhard explained that: The Building Inspector has declared that the Fuller School building is vacant with utilities having been shut off in its present unsecured condition is now an unsafe and dangerous building. To secure the building completely and prevent any member of the public from entering the building for any reason, he is seeing that the building has all its windows and doors boarded up. In order to pay the contractor, the Vacant Building Revolving Fund which receives fees from property owners of vacant and/or abandoned buildings in the city will need to be raised by \$45,000, the cost of the securing of the building, bringing the cap to \$115,000 for this revolving fund. The building is almost completely secured at this time.

MOTION: On motion by Councilor Memhard, seconded by Councilor Gilman, the City Council voted 9 in favor, 0 opposed to accept under MGL c. 44, Sec. 53E-1/2 an amendment of the expenditure limit of the Vacant Building Revolving Fund from \$70,000 to \$115,000 in Fund #293019, the use of the fund is for securing vacant buildings. The authorized officer of the Fund is the Building Inspector. The fund is credited from fees/charges; the expenditure limit is \$115,000; the fund balance is the available balance, and there are no restrictions to the Fund.

Councilor Memhard advised the Council the following two matters for the Council's consideration and vote didn't come through the Council's Consent Agenda and as such he asked the Council to vote to suspend its own of Rules of Procedure in order to take up two financial action items related to the Public Works Director's and City Auditor's Vacation Buy-Back payout.

By unanimous voice vote the Council suspended its Rules of Procedure for two action items from the June 23, 2016 Budget & Finance Committee meeting as follows:

DPW Director Vacation buyback

COMMITTEE RECOMMENDATION: On 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 Special Budgetary Transfer 2016-SBT-36 in the amount of \$5,000.00 from Account #101000.10.470.51100.0000.00.000.00.051, DPW-Public Property Maintenance, Salary/Wages – Permanent Positions to Account # 101000.10.421.51100.0000.00.000.00.051, DPW-Admin, Salary/Wages – Permanent Positions for the purpose of funding the Salary/Wages – Permanent Position account through June 30, 2016.

DISCUSSION:

Councilor Orlando said this is not a give-away by the city -- this is money that is already being transferred from other FY16 budgetary accounts to cover vacation not taken by both the DPW Director and the City Auditor.

Council President Ciolino said that these jobs, especially the Auditor responsible for the changeover to the MUNIS financial system and the DPW Director who works 24/7 all year long, have little opportunity to take their vacations. They should be able to take their vacation time, but can't due to unique, extenuating circumstances and should be reimbursed from their hard earned accrued vacation time.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2016-SBT-36 in the amount of \$5,000.00 from Account #101000.10.470.51100.0000.00.000.00.051, DPW-Public Property Maintenance, Salary/Wages – Permanent Positions to Account # 101000.10.421.51100.0000.00.000.00.051, DPW-Admin, Salary/Wages – Permanent Positions for the purpose of funding the Salary/Wages – Permanent Position account through June 30, 2016.

City Auditor Vacation buyback

COMMITTEE RECOMMENDATION: On 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 Special Budgetary Transfer 2016-SBT-37 in the amount of \$400.00 from Account #101000.10.135.53130.0000.00.000.00.052, Auditor, Professional Audit Services, to Account # 101000.10.135.51100.0000.00.000.00.051, Auditor, Salary/Wages – Permanent Positions for the purpose of funding the Salary/Wages – Permanent Position account through June 30, 2016.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2016-SBT-37 in the amount of \$400.00 from Account #101000.10.135.53130.0000.00.000.00.052, Auditor, Professional Audit Services, to Account # 101000.10.135.51100.0000.00.000.00.051, Auditor, Salary/Wages – Permanent Positions for the purpose of funding the Salary/Wages – Permanent Position account through June 30, 2016.

Ordinances & Administration: June 20

There are no matters for Council Action under this heading from the June 20 meeting, **Councilor LeBlanc**

Planning & Development: June 22

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept the, "Planning for Safe and Accessible Streets in Gloucester MassDOT Complete Streets Prioritization Plan," dated June 7, 2016.

DISCUSSION:

Councilor Lundberg explained the following: The Planning & Development Committee has unanimously offered its support for the Planning for Safe & Accessible Streets in Gloucester, MassDOT Complete Streets Prioritization Plan. This plan was discussed at P&D with Stephen Winslow, Senior Project Manager who is spearheading this project, also endorsed by the Mayor, and the Directors of Public Works, Community Development and Planning. In the Committee discussion Councilor Nolan highlighted areas in dire need of sidewalks, that of the 2 mile radius surrounding the new West Parish School on Concord Street where there are none, and is now included in the plan dated June 7, and highlighted by Councilor Gilman was Reynard Street leading to and from the O'Maley Innovation Middle School which was already captured in the plan as submitted to the Council. Should the city be approved for the MassDOT funding, it will mean \$400,000 to the city to use for new sidewalks in areas that are crying out for them. It can also mean, should the funding be available, that the city could receive more like funding next year which could possibly extend sidewalks in areas such as the Railroad Avenue/Washington Street corridor. This report that Mr. Winslow prepared is a prerequisite for the city to receive funding from MassDOT, he said.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to recommend that the City Council accept the, "Planning for Safe and Accessible Streets in Gloucester MassDOT Complete Streets Prioritization Plan," dated June 7, 2016.

Councilor Lundberg said that P&D approves special events in the city, and that at the June 22 meeting they approved the 2016 Sidewalk Bazaar and Fish Box Derby.

Scheduled Public Hearings: NOTE -- Public Hearing #7 was taken out of order.

1. **PH2016-024: Amend GZO to amend the Zoning Map to match Sec. 2.1.1 "Enumeration of Zoning Districts" and the definitions contained therein specifically that of the BP (Business Park) as it is defined as "districts located off Blackburn Circle and Kondelin Road (TBC 07/12/16)**

This public hearing is opened at 8:08 p.m.

Councilor Lundberg said this Zoning Amendment has yet to be fully taken up by the Planning & Development Committee and asked that the matter be continued to the July 12 City Council Meeting.

This public hearing is continued to July 12, 2016.

2. **PH2016-025: Amend GZO Use Table Section 2.3.2 "Community Service Use," Numbers 15 & 16 (TBC 07/12/16)**

This public hearing is opened at 8:09 p.m.

Councilor Lundberg said that this matter, as well, has yet to be fully taken up by the Planning & Development Committee and asked that the matter be continued to the July 12 City Council Meeting.

This public hearing is continued to July 12, 2016.

3. **PH2016-0 PH2016-026: SCP2016-001: Mt. Vernon Street #31, Map 30, Lot 57, GZO Sec. 3.1.6 & 3.2.2 fn (c) Maximum height & Sec. 3.2.2 fn (a) Minimum lot area per dwelling unit**

This public hearing is opened at 8:09 p.m.

Those speaking in favor:

Attorney Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing HSBC Real Estate Ventures Series, LLC, the legal owner of 31 Mt. Vernon Street, managed by Henri and Stephanie Bichet of Manchester-by-the-Sea whom he said have plans to move to Gloucester. He said three years ago they purchased the Mt. Vernon Street property and have been rehabilitating it ever since. He said that immediately noticeable on the building are the new decks just installed with work having been done inside and out.

This is a three-unit building that will have no change in footprint nor become any higher than it has been, nor will there be any dimensions of the lot altered, he said, it is just that the applicant is seeking to expand an existing dormer on one side of the roof and add a new dormer to the other side of the roof. The building will remain three units when completed. The added dormer will allow for better headroom on the third floor.

He advised that the matter came before the Zoning Board of Appeals (ZBA) who permitted variances for front and side yard, lot width, lot area, lot frontage, percentage of vegetative cover and a special permit to alter and expand a non-conforming structure.

Under GZO Sec. 3.2.2(a) the applicant is now before the Council to ask for a decrease in the minimum lot area per dwelling unit and 3.2.2(c) for a building height in excess of 30 feet, **Mr. Favazza** said. He reviewed that the height of the building is calculated by Zoning Ordinance as average grade, which means taking the height measurement at the elevation of the four corners of the building, or in this case six corners, and average them. In viewing the property (pointing to an enlarged plan "A-2" on file with the application), the rear of the property is 22/23 feet lower than the front of the property which is a steep slope from the street. He said from the street the property and dwelling appear as a normal flat view, but at the back of the property there is a walkout basement area because the lot drops off so precipitously. These factors drive the height calculation, he pointed out, which makes the height in excess of the 30 foot height limit, and the 35 foot height limit that would otherwise be governed by the ZBA. The approximate height calculation comes in at 38.5 feet above average grade although from the street it doesn't appear to be so, he noted. He also pointed out that this house has been on the lot for over 115 years, according to city records. There is no change to the footprint of the dwelling, he reiterated.

As to the two standards that the applicant must meet beyond the six criteria of a Special Council Permit under GZO Sec. 3.2.2(a), he said, for the lot area per dwelling unit is whether it is in keeping with the density of the neighborhood, he pointed out that three dwelling units in this building is in keeping with the density as the building as it has always been a three- family residence.

As to the height, **Mr. Favazza** said that the applicant is sure not to be of detriment to the neighborhood by overshadowing and view obstruction. He noted that the dormers don't increase the height of the building. He said the peak of the roof will still be the tallest point, so any overshadowing is cast based on the peak of the existing roof. He advised that the applicant has gone through the neighborhood and spoken with the residents, of which about eight lent their support to the project at the ZBA hearing and no one spoke in opposition.

He then reviewed the six criteria under GZO Sec. 1.8.3:

1. Social, Economic, or community need served by the proposal: Allows for the renovation of an existing three-family dwelling that will remain a three-family dwelling, but is in need of updating; the finished product will produce additional tax revenue for the city and provide quality housing for Gloucester residents.
2. Traffic flow and safety: There will be no traffic flow or safety issues associated with the work; the parking areas and lot access are being left as is.
3. Adequacy of utilities and other public services: The utilities and other public services are adequate as the building will maintain the same footprint and number of units.
4. Neighborhood character and social structure: The neighborhood has other multi-family structures with similar dormers.
5. Qualities of the natural environment: There will be no impact on the qualities of the natural environment.
6. Potential fiscal impact: Additional revenue generated by the improved unit is necessary to fund other repairs taking place on the site and reinvestment on the part of the owners.

He noted that the dormers will capitalize on the building's views from the third floor which is extensive. The ridge line of the roof is not changing, that the dormers are below the ridge line. The casting of shadow is unchanged by the dormers, he said. He added that the owners intend to take the upper floor as their own and said that from there one has extensive views, on clear days all the way to Boston. The applicant has met the Special Council Permit requirements, he said, and asked that the Council approve the Special Council Permit.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:16 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent to recommend that the City Council grant a Special Council Permit (SCP2016-001) to HSCB Real Estate Ventures Series, LLC, pursuant to GZO Section 3.1.6 Building Heights in Excess of 30 feet for a total height of 38.5 feet for a difference of 8.5 feet

above average grade and GZO Sec. 3.2.2 fn (a) for a decrease in the minimum lot area per dwelling unit from 2,500 square feet of 2,152 square feet per dwelling unit to a lot area of 1,255 square feet per dwelling unit for a total difference of 348 square feet open space per dwelling unit for an existing three-unit dwelling located at 31 Mount Vernon Street, Gloucester, Massachusetts, as shown on Assessors Map 30, Lot 57. The applicant has met the six criteria of GZO Sec. 1.8.3 and the two criteria under GZO Sec. 3.2.2(a) concerning neighborhood character.

DISCUSSION:

Councilor Lundberg said that the Committee concluded this application represented a good enhancement of the three-family dwelling at 31 Mt. Vernon Street, and in turn becomes more of an asset to the immediate surrounding neighborhood. He said that the applicant has met the six criteria of GZO Sec. 1.8.3 and the two criteria under GZO Sec. 3.2.2(a) concerning neighborhood character.

Councilor Cox reported that as Ward Councilor she has not heard from any constituent in favor or against the Special Council Permit application. During construction, the owners have been impeccable with noise, parking and all aspects while the house has been under renovation saying she has received no complaints from neighbors during that time period. She advised that the improvements to the property were, "spectacular." She said she supports the application for a Special Council Permit.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant a Special Council Permit (SCP2016-001) to HSCB Real Estate Ventures Series, LLC, pursuant to GZO Section 3.1.6 Building Heights in Excess of 30 feet for a total height of 38.5 feet for a difference of 8.5 feet above average grade and GZO Sec. 3.2.2 fn (a) for a decrease in the minimum lot area per dwelling unit from 2,500 square feet of 2,152 square feet per dwelling unit to a lot area of 1,255 square feet per dwelling unit for a total difference of 348 square feet open space per dwelling unit for an existing three-unit dwelling located at 31 Mount Vernon Street, Gloucester, Massachusetts, as shown on Assessors Map 30, Lot 57. The applicant has met the six criteria of GZO Sec. 1.8.3 and the two criteria under GZO Sec. 3.2.2(a) concerning neighborhood character.

4. PH2016-027: SCP2016-002: Essex Avenue #74, Map 218, Lot 118, GZO Sec. 2.3.6(1) Parking of Motor Vehicles to service a use permitted in the same district

This public hearing is opened at 8:19 p.m.

Those speaking in favor:

John Williams, 82 Mineral Street, Reading, owner with his wife of Minuteman Cinemas, Inc. dba Gloucester Cinema, explained he is seeking a Special Council Permit for his business under GZO Sec. 2.3.6(1) Parking of Motor Vehicles to service a use permitted in the same district. He explained that they are asking permission to allow parking at the cinema for those people who are not going to the cinema and be able to charge them a small fee for parking their vehicles in his theater's parking lot because right now they can't allow such parking by non-cinema goers. Many drivers offer them money to allow them to park there, but they have to ask them to leave. He said that parking for patrons of the cinema will remain free. He said the reason they are making this request is that there isn't enough parking in that area, and during special events in the area there is parking on both sides of Essex Avenue which creates hazardous situations to both drivers and pedestrians. If people were parked in their lot instead, it would aid public safety. He said by permitting him to open up the parking lot to paying vehicle owners, it would help to remove many of the cars off of Essex Avenue and would making for a safer situation overall in the area.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:22 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent to recommend that the City Council grant a Special Council Permit (SCP2016-002) to Minuteman Cinemas, Inc. dba Gloucester Cinema, John Williams, Owner, at 74 Essex Avenue, Map 218, Lot 118, property owned by Tally's Trust, pursuant to GZO Sec. 2.3.6(1) Parking of Motor Vehicles to service a user in the same district, for 104 parking spaces with a parking space designated as reserved for Fire Dept. connection, for a total of 103 parking spaces of which 4 (four) are designated as handicapped parking spaces, based on a parking plan by Jonathan Poor Architectural Design & Restoration, 965A

Washington Street, Gloucester, MA 01930, dated 12-12-90. The applicant has met the six criteria of GZO Sec. 1.8.3.

DISCUSSION:

Councilor Lundberg said that the Planning & Development Committee heard Mr. Williams' issues he has to contend with managing the parking on the property he leases for his business, Gloucester Cinema, as well as from the owner of the property who supported his Special Permit application. He endorsed Mr. Williams' solution to allow parking at 74 Essex Avenue and to charge non-movie goers for that right. The Committee concluded that this will help stop illegal parking on Essex Avenue as well as create a safer environment both for drivers and pedestrians who access the amenities in that area. The Committee agreed that the Special Council Permit has merit under the six criteria under GZO Sec. 1.8.3 and should be endorsed by the Council. He added that the parking issues Mr. Williams described happen when there are events on the Boulevard, at Stage Fort Park, at the Mile Marker Restaurant and the Cape Ann Marina. He reported that the owner of the Cape Ann Marina spoke in favor of the application at the P&D meeting as did the owner of the Tally's Trust; owner of the property at 74 Essex Avenue whom he pointed out was present in the audience.

Councilor Gilman noting that she missed this particular meeting of the P&D Committee asked if part of the discussion covered what happens when movies are running and non-movie goers want to park in the lot. **Councilor Lundberg** said it will be up to the cinema owner to manage that situation between movie goers and people who are paying.

Council President Ciolino asked what Mr. Williams is planning to charge for non-movie goer parking of vehicles. Mr. Williams confirmed he is planning to charge a flat rate of \$5.00.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant a Special Council Permit (SCP2016-002) to Minuteman Cinemas, Inc. dba Gloucester Cinema, John Williams, Owner, at 74 Essex Avenue, Map 218, Lot 118, property owned by Tally's Trust, pursuant to GZO Sec. 2.3.6(1) Parking of Motor Vehicles to service a user in the same district, for 104 parking spaces with a parking space designated as reserved for Fire Dept. connection, for a total of 103 parking spaces of which 4 (four) are designated as handicapped parking spaces, based on a parking plan by Jonathan Poor Architectural Design & Restoration, 965A Washington Street, Gloucester, MA 01930, dated 12-12-90. The applicant has met the six criteria of GZO Sec. 1.8.3.

7. PH2016-029: Amend GCO c. 11, Sec. 11-11 "Permit required; fee" by deleting the sentence, "The fee for permit issued shall not exceed \$100.00"

This public hearing is opened at 8:26 p.m.

Those speaking in favor:

Brent Tarr, 18 Timberview Drive and organizer of special music events in the city, said that the cost of contracting for entertainment has been rising. He said event organizers in the city are looking at ways, like with the Horribles Parade, to create a fairer situation to be able to charge a little bit more for vendors to vend at their special event. He indicated that the ordinance is less than clear about what event organizers can and can't charge vendors who vend at their special events. He noted that General Counsel suggested that the \$100 just applied to a permit fee (under the Licensing Commission), that event organizers can charge vendors a fee at a rate of whatever they wanted but that first \$100 went to the permit fee. They are asking for clarification, he said, and to charge vendors what they think is fair.

Those speaking in opposition:

Ambrose Scola, 45 Bass Avenue, a sausage vendor for 26 years in the city. He said this ordinance protects vendors to keep their costs of doing business low. He said if the cap is raised, vendors would have to pass on the raise in their fees to consumers of their products. The city ordinance says \$100 and it should stay that way, he urged.

Communications: None.

Councilor Questions:

Councilor Orlando said that with respect to the \$100 and a circulated suggested increase to \$500, he asked if they were using language, "...up to \$500. **Chip Payson**, General Counsel said that was right. He said that the language currently in GCO Sec. 11-11 says, "The fee for a permit issued shall not exceed \$100." He pointed out that GCO Sec. 11-10(e) speaks to fixed vendors during special events, "Thirty days prior to any event, the event organizing committee shall submit their list of fixed vending locations along with their specific permit for the

licensing commission for approval.” Section 11-11 says, “Permits will be issued to approved fixed vendors within the restricted areas of special events by the licensing commission. The fee shall not exceed for the permit issued shall not exceed \$100.” He said that \$100 acts as a cap, and the Commission can charge \$1 or \$100. **Councilor Orlando** said he understood it would work with an organization like the St. Peter’s Fiesta Committee -- that they would bring forward their list of fixed vendors for their event to the Licensing Commission and charge a fee through them to the individual fixed vendors. **Mr. Payson** confirmed that was the case.

Councilor Nolan said he understood Mr. Tarr’s concerns in that there are different venues that have can hold a larger event, and he asked if there is a way to amend the ordinance to change it so that the fee is location based or specific large-scale named events that is a higher fee and restrict a lower fee to smaller events. **Mr. Payson** said there is not. He said that there are enumerated named special events in Sec.11-10 (a) like the Horribles Parade, St. Peter’s Fiesta, Labor Day fireworks, First Night Celebration, all annual city council approved events.” There is no distinction between size of events and the associated permit fee the Licensing Commission would charge. On further inquiry by **Councilor Nolan**, **Mr. Payson** said if the Council chooses, they could amend the ordinance by inserting a table or grades within the ordinance, and could do it by separate venues or the population of an event, and have a minimum charge per number of attendees and for number of vendor permits per event. **Councilor Nolan** said that local events could be kept as presently charged, but then have higher permit fees for larger concert venues or event venues at the maximum allowable at \$500.

Councilor Orlando said that these vendors are all small businesses and inquired if there is a mechanism by which something can be done by percentage of takes so that if a special event makes a significantly higher gate for a bigger event, a vendor could pay a higher rate based on what the result is. **Mr. Payson** said in crafting language that is more difficult. He pointed out that the Licensing Commission issues permits before events take place and making the fee to vendors contingent upon the event’s take after the fact is then chasing evidence as to what was taken in. **Councilor Orlando** asked how other communities handle this matter. **Mr. Payson** said he would look into this for the Council.

Councilor LeBlanc expressed concern in raising the cap to \$500, which he said he understood may be brought forward, would chase vendors away. He said he wants to keep local vendors local rather than bringing in out-of-town vendors. This is the opportunity to make money for vendors and the sponsors know what they are getting into.

Councilor Cox asked where this permit money currently goes. She said the permit reads as if the Licensing Commission is approving the permit fee and sounds as if it should go to the Licensing Commission. **Mr. Payson** expressed agreement that the language is less than clear. He said that the practice is that the fees that are collected and go to the event organizers directly. The fee should go to the licensing commission, it could be interpreted, he said, but that in practice historically the permit fee goes to the event organizers.

Councilor Lundberg asked why that is the practice. **Mr. Payson** said that it has been that way for a while and didn’t know for how long. **Councilor Cox** said in her time as the treasurer of the Fishtown Horribles Parade Committee, the benefit to the event organizers is that the Committee is essentially putting the parade on for the city that benefits by it. The money was always kept by the organizing committee and is why these events in particular in Sec. 11-10 are set out. She said she wouldn’t mind keeping named events at \$100. When getting into private organizations that want to make money and that regulating private business would not be appropriate. If an event organizer is coming to the city to put on an event they should also be able to retain funds earned, but they’re limiting one but not the other which she said was unfair.

Councilor Orlando asked why the city is involved with two private entities and how did that come about. Saying that he wanted to keep costs as low as they can for small businesses, if an event organizer is a private non-profit, or a private business vendor, why don’t they leave it up to them what they charge and why is the city involved in this arena at all. **Council President Ciolino** said all these fees are being charged for using city of Gloucester property. If the Cape Ann Marina wants to have an event, they can charge what they want because it is on their private property, but because these events are on city property, there has to be parameters as to what people can charge. He enumerated what local merchants pay for participation in the Sidewalk Bazaar, what resident vendors pay and what out-of-town vendors pay, each category higher than the next. He said that is a distinction that needs to be made. People in Gloucester pay their taxes and have an ownership of the local city venues. At \$500, Mr. Scola will stay home. This is about city property, and they have a right to say what they can charge on city property. **Councilor Orlando** said St. Peter Fiesta Committee gets a permit for the Fiesta. They get the use of the sidewalks, **Council President Ciolino** said and St. Peter’s park which is all public property.

Councilor Cox asked Mr. Tarr if he pays a fee to use Stage Fort Park to put on events. **Mr. Tarr** said he has never been asked to pay a fee. He said Mr. Scola indicted that he had asked for a donation of \$100 from him as a vendor at an event he was putting on. He said he never said that, that his intent in being at this public hearing was to avoid that because that is what other event organizers are doing where they are saying they want \$100 for the permit

and a \$100 or \$200 donation. This price in the ordinance was set many years ago and things have gone up over time. He said he would never charge \$500 and is just trying to be fair.

Councilor Cox said that the first thing she did was ask to have the line in the ordinance struck, but after much discussion with General Counsel and an event organizer, she didn't see the equality in saying they want events in the city but that the event organizer can only make "X" amount on the vendors, but the vendor can make unlimited money on the event, and is why they are asking to change the language to charge up to \$500. To have a cap of \$100 when a vendor can make so much more and an event can have many expenses and have only five vendors, the door cost has to be raised. She said she is trying to even the playing field and didn't understand why the ordinance can't say, "up to \$500" and just have the four non-profit organizations keep it at \$100.

Councilor Orlando said he understood Councilor Cox's presentation of the inequity and wanting to remedy it, and understand the choice/consequence situation for the event organizers. He suggested this matter be tabled until there is more information and data from other communities to be able to further discuss the matter cogently.

This public hearing is closed at 8:51 p.m. but reopened at 8:52 p.m.

Rebuttal:

Mr. Scola said that the ordinance says no vendor shall be charged more than \$100. As soon as the Council says the cap is no more than \$500, the vendors will be charged up to that amount and in turn vendors will have to raise their prices when vending in the city. He urged the Council to keep the ordinance as it is, and said that events can hire simply hire more vendors.

Councilor LeBlanc said he wanted to bring this matter back to the O&A Committee for further discussion.

This public hearing is closed at 8:54 p.m.

Councilor Gilman said the Council needs to discuss this matter further and moved to refer the matter back to the O&A Committee, which was seconded by **Councilor Orlando**.

Councilor Orlando said the Council has to keep in mind of keeping costs down for doing business in the city but to also encourage business to come to the city. He pointed out there are smart people on the Council and that they should be able to find precedents from other cities and said he supported the matter being returned to O&A for further discussion.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed to return the matter of amending GCO Sec. 11-11 be sent back to the O&A Committee for further discussion.

**5. PH2016-013: Amend GZO re: New Wireless Communications Facilities Ordinance Sec. 5.13
(Cont'd from 05/10/16)**

This public hearing is opened at 8:57 p.m.

Those speaking in favor:

Chip Payson, General Counsel, said that due to recent changes in federal law, former Councilor Verga suggested that the city look at its ordinance under GZO Sec. 5.13, Personal Wireless Communication Facilities to ensure that the section complies with the updated federal laws which were enacted last year. He noted that since this is a very specialized area of the law, the Legal Department hired outside counsel to draft a new Wireless Communication Facility ordinance, and hired an experienced expert consultant, Attorney Jeff Roelofs to draft the Zoning Ordinance amendment now before the Council.

Jeffrey Roelofs, an environmental and land use lawyer, and consultant of Newburyport, MA, said that this ordinance amendment has been vetted with P&D through several meetings and through the Planning Board public hearing process. He said that the primary objectives were to bring ordinance current and up to date with changes in federal law. This redrafting of GZO Sec. 5.13 was also used as an opportunity to try to simplify the ordinance to make it easier for applicants to understand as to what is required of them, for concerned residents to understand as well, and for the Council and special permit granting authorities to know what their job is. This is a complete rewrite of GZO Sec. 5.13 but was structured similarly in many ways with a purpose, applicability and definitions. This draft ordinance attempts to take some burden off Council for those wireless facilities that aren't expected to be controversial such as those allowed by right -- completely concealed facilities -- and the creation of a new category of wireless facilities, those that can go through the Planning Board special permit process for facilities which include building-mounted facilities. The draft ordinance preserved for the Council those facilities like new towers which are more controversial. The last and longest part is a new section driven by federal statutes, and FCC rules issued in 2012 clarified in 2014 regarding a process for proposed co-locations or modifications to existing facilities. Federal

law has laid out a process that is folded into the ordinance in order to implement the Federal Telecommunications Act.

Those speaking in opposition:

Communications: None.

Councilor Questions:

Councilor Lundberg said that he was the Council representative on the city's Wireless Communications Ad Hoc Committee along with General Counsel, Chip Payson; Bill Sanborn, Building Inspector; and Planning Director, Gregg Cademartori, who went through the iterations of what would be presented to the Council as a state-of-the-art ordinance. He said he had to go through it in great detail and that the proposed draft ordinance works really well. It takes the whole process and codifies it, simplifying it for applicants and for the city to understand. There is a level of facility that the Building Inspector can permit, that the Planning Board permits and those reserved for the Council that have the most impact to the city. He assured that the Ad Hoc Committee and P&D Committee went through this draft ordinance in some detail which he said works for the city and from his perspective.

Councilor Nolan said he has been to most of the meetings regarding the Wireless Communication Facilities draft ordinance. He mentioned that Gorton's of Gloucester needed a rooftop installation of a wireless communication facility for their business' communications but that they had to endure the Council's Special Permit process, and that with this ordinance amendment, it streamlines that process very well. He said Mr. Roelofs did a good job.

This public hearing is closed at 9:02 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Gilman) absent, to recommend that the City Council to adopt the proposed amendments to the Gloucester Zoning Ordinance Section 5.13 pursuant to Wireless Communication Facilities as is included in the Planning Board memo dated June 7, 2016 to the City Council and attached hereto by incorporation and reference.

DISCUSSION:

Mr. Roelofs reminded the Council that there are three components to what was recommended by the Planning Board, one connected to Sec. 5.13 but in order to have the rest of the ordinance jive with the revisions, there are two other components recommended which are listed in the Board's memo -- amending the Use Table Sec. 2.3.3 Community Services by deleting the reference to the previous used term of "Personal Wireless Service Facility and replacing it with "Wireless Communication Facilities" term and to amend to the Gloucester Zoning Map by deleting the Personal Service Wireless Facilities Overlay District because it is no longer part of this ordinance amendment.

Councilor Lundberg said that is why the Council has referenced in their motion the Planning Board memo and incorporated it, and thanked Mr. Roelofs for his clarification.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the proposed amendments to the Gloucester Zoning Ordinance Section 5.13 pursuant to Wireless Communication Facilities as is included in the Planning Board memo dated June 7, 2016 to the City Council and attached hereto by incorporation and reference.

6. PH2016-028: Amend GCO Sec. 22-280 "Fifteen Minute Parking re: Maplewood Avenue

This public hearing is opened at 9:05 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:05 p.m.

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 Amend GCO Sec. 22-280 "Fifteen-minute parking" by DELETING: "Maplewood Avenue, easterly side from a point 58 feet from its intersection with Cleveland Street in a southerly direction for a distance of 22 feet."

DISCUSSION:

Councilor Cox said there was once a business at this location but is defunct and so this is reverting the traffic ordinance to the same parking regulations that surround that particular area of Maplewood Avenue.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to Amend GCO Sec. 22-280 “Fifteen-minute parking” by DELETING: “Maplewood Avenue, easterly side from a point 58 feet from its intersection with Cleveland Street in a southerly direction for a distance of 22 feet.”

For Council Vote:

1. **CC2016-025 (O’Hara/Memhard) Request City Council vote to petition MassDOT, Senator Bruce Tarr & State Representative Ann-Margaret Ferrante to request the elimination of the left-hand turn from the Rte. 128 Extension on Bass Avenue to Eastern Avenue (Cont’d from 06/07/16 CCM)**

Councilor O’Hara moved, and Councilor Memhard seconded, that the City Council petition Mass DOT, State Senator Bruce Tarr and State Representative Ann-Margaret Ferrante, to file legislation on behalf of the City of Gloucester by Special Act or other appropriate means, to request the elimination of the left-hand turn from Rt. 128 Extension southerly to Eastern Avenue. Such petition shall be accompanied by the Council’s Certificate of Vote.

Councilor O’Hara said this was an idea to move traffic along especially in the summer months. If travelling from Bass Avenue turning right onto to the Route 128 extension southward when coming upon Eastern Avenue there is a left-hand lane that has an left-hand turn to head west towards Main Street. He said the light is activated by a vehicle in the far left-hand lane. By eliminating that left-hand turn with the light activation, cars are delayed from his observations, he said, typically 35 to 40 seconds. If that turn was eliminated, the alternative route would be for a car to travel on Rogers Street turning right, or east onto Eastern Avenue to bring them into the traffic lights at the Route 128 Extension. He said this would pick up traffic movement through the lights or heading northbound on Route 128 Extension towards East Gloucester or Bass Avenue. This, he added an effort to move traffic along and help eliminate back-ups at the lights.

Councilor Orlando asked what the Traffic Commission’s recommendation was. **Council President Ciolino** said that this didn’t go to the Traffic Commission. **Councilor Orlando** said the impact to Bass Avenue and the bottom of Main Street may solve one problem but exacerbate another.

Councilor Cox said she wouldn’t support this effort because of what Councilor Orlando cited and because of the void that would be in that intersection of Eastern Avenue and the confusion that it would cause. It would be Main Street with a tiny cut-through street that would see a big increase in traffic on Cross Street which would be a great issue. The cost saving doesn’t outweigh the cons of this proposal.

Councilor LeBlanc said he recently did a job at that intersection and he had a bird’s eye view of the intersection in question. He counted 15 seconds between the light turning green and red for that turn and said that 15 seconds won’t do much. Cross Street has a hand-written sign that says, “Please slow down, children.” To put 1,000 cars per week through a small neighborhood area is wrong and wouldn’t support the proposed petition.

Councilor Lundberg said he didn’t think this is a solution and agreed with Councilor Orlando and Cox and would not support the motion.

Councilor Gilman said while this is a possible creative solution to a traffic issue, this intersection congestion really only happens in summer. This would create a very restrictive way to travel through this section of the city nine months of the year, when it is only three months that there is a problem.

Councilor Memhard thanked Councilor O’Hara for bringing this possible initiative forward, but said in trying to address beach traffic issues; this explores just one of the ways to view the situation.

Councilor Nolan said he appreciated that this came through the Beach Traffic Ad Hoc Committee and any idea is a good idea. He advised he had talked to people on Cross Street and the other end of Eastern Avenue and that because that is a sharp turn from Main Street and onto Eastern Avenue, this may not be the best idea although he expressed his appreciation for the work of the Ad Hoc Committee.

Councilor O’Hara said the initiative didn’t come through the Beach Traffic Ad Hoc Committee, and that the Ad Hoc Committee is working through other traffic initiatives he will report to O&A soon.

Council President Ciolino expressed his support so that the state can do a study on this situation. He said that perhaps someone at the state would have a better way to solve this problem.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Memhard, the City Council voted 3 (O'Hara, Memhard, Ciolino) in favor, 6 opposed, that a petition of the City Council be forwarded to Mass DOT, along with the City's legislative delegation, State Senator Bruce Tarr and State Representative Ann-Margaret Ferrante, to file legislation on behalf of the City of Gloucester by Special Act or other appropriate means, to request the elimination of the left-hand turn from Rt. 128 Extension southerly to Eastern Avenue. Such petition shall be accompanied by the Council's Certificate of Vote.

MOTION FAILS.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: Update of the Council on Aging Board by City Council Representative, Councilor Valerie Gilman:

Councilor Gilman, as the appointed Council Liaison to the Council on Aging advised that the Council on Aging meetings is the first Tuesday of each month at 9:30 a.m. at the Rose Baker Center whose Director is Lucy Sheehan and sits on the Board. Jay Gustafarro is the Board's President and Fred Cowan is Vice President. She noted new Board members Bob Quinn and Greg Verga. The Council on Aging/Rose Baker Senior Center was a recent grant recipient of a Community Transit Grant program, and will be getting a Senior Center mini-bus next year. She reviewed the many activities and programs available to Gloucester's seniors through the Rose Baker Senior Center and highlighted some of those taking place in the summer. She mentioned that the soup and salad bar returns to the Senior Center in August three times a week, exercise, computer, and educational classes at no cost. She paid special note to the art program run by Juni VanDyke saying it is wonderfully creative and that Ms. VanDyke is a great asset to the Senior Center. She listed a series of upcoming events (all of which can be found on the city's website at www.gloucester-ma.gov by viewing the city's calendar on the right side of the website's home page as well as through local newspapers). She noted she recently had a full tour of SeniorCare, met with some members of its Board and their Director Scott Trenti. The homecare group is their largest program, along with Meals on Wheels embracing 1,300 consumers; and the public is invited to support SeniorCare's mission by attending a fundraiser dance on the Hurricane II on July 14, tickets are \$30. She said she was impressed by how many programs and variety of programs there are for the city's seniors. These two organizations are working to coordinate programs by working together as evidenced by the recent Elder Abuse luncheon on Rogers Street in conjunction with HAWC, the Gloucester Police Department, the Council on Aging and SeniorCare. She encouraged the Councilor to talk to her to learn more and attend meetings with her at the Council on Aging.

Councilors' Requests to the Mayor:

Councilor Gilman congratulated Councilor Cox for rowing in the top flight of women's seine boat races, in the third boat in the finals, and thanked her for representing the Council in the Seine Boat Races.

Councilor Nolan wished everyone a safe and happy 4th of July and to contribute to the Horribles Parade.

Councilor Cox congratulated Councilor LeBlanc for walking the Greasy Pole. She said she hoped the Horribles Parade would be a great success and gets some participation by the Council, and advised she will be walking as a jellyfish in the parade representing the children's toy store, Toodeloo's. She reported there will be a Grace Center meeting on July 18 at 7:00 p.m.

Councilor Lundberg commended the city departments, particularly the Police Department, who helped with the St. Peter's Fiesta. He said the police did a tremendous job of planning security.

Councilor LeBlanc requested through the Mayor or Chief of Police to send a memo to the taxi cab companies to adhere to the same traffic rules and regulations as Gloucester residents. He said he has had complaints that taxis parking anywhere they want and ignoring the city's traffic ordinances. **Councilor Cox** added all the taxi drivers have numbers on them and their licenses re up for review at any time. If residents have complaints, they should take down the car numbers so that specific drivers can be called to account for their poor driving.

Council President Ciolino suggested that the Administration highlight this that it is now on the Council's radar and the taxi companies should be forewarned. He said it was a great Fiesta. He highlighted that the Gloucester Rotary Club distributed \$83,000 of funds raised to a variety of different charities, \$83,000 -- scholarships and to organizations the club supports. He lauded the Rotary Club's fundraising efforts to give back to the community. He advised that applications are being sought for Sidewalk Bazaar participants. He wished everyone a safe 4th of July

and to donate to the Horribles Parade. If residents enjoy seeing the fireworks, he asked people to send check to the Gloucester Fund.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:26 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Written Statement by Nadina Wilk, 5 Briarwood Street, a business and property owner in the Cape Ann Industrial Park under "Oral Communication"
- Email from Ambrose Scola related to his opposition under P.H. #7 to amend GCO Sec. 11-11