

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, September 13, 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.**

**Absent: None.**

**Also Present: Mayor Sefatia Theken; Joanne Senos; Kenny Costa; Chip Payson; John Dunn; Harbormaster Thomas Ciarametaro; Chris Sicuranza; Donna Leete**

**The meeting was called to order at 7:01 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. Council President Ciolino dedicated the Moment of Silence to the victims of 9/11 and all those Americans affected by that day.**

**Presentations/Commendations:**

Commendation to Thomas "TJ" Ciarametaro, John Hollerbach and Matthew Achey by the City Council and Mayor:

**Council Vice President Steven LeBlanc** presented Thomas "TJ" Ciarametaro (now appointed Gloucester Harbormaster) with a City Council citation for his heroic actions in saving a man in distress of Wingsheek Beach in August of this year while off duty from the U.S. Coast Guard, **Councilor Cox** did likewise in presenting John Hollerbach with a City Council Citation and **Councilor Lundberg** to Matthew Achey. Each Councilor highlighted the unselfish, heroic measures by the three rescuers, all of whom received a standing ovation from the City Council and all those present.

**Mayor Sefatia Theken** then read her Mayoral Citations on behalf of the residents of Gloucester for heroic efforts of now Harbormaster Ciarametaro, John Hollerbach and Matthew Achey and presented the citations to the three men who again received a standing ovation from the City Council and all those present.

**Executive Session: Executive Session under MGL c. 30A, §21(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body.**

**Council President Ciolino** made the following declaration:

"In order for the City Council to go into executive session, the Council must adhere to Massachusetts General Laws under Chapter 30A, Section 21(3). As Council President I declare that the September 13 2016 meeting of the City Council has been duly posted and amended and has been called to order. We are now in open session, and there is a quorum present. Before the Council can vote to go into Executive Session, the purpose of the Executive Session must be stated:

I declare the purpose of this executive session is to discuss strategy with respect to possible litigation as an open meeting may have a detrimental effect on the litigation strategy of the city. I further declare that it is the intent of the Council to reconvene back into open session to continue with the balance of our agenda after the Executive Session. Motions to go into Executive Session are by roll call vote and require a majority vote of the Council. Therefore, I will entertain a motion: That the City Council and its staff go into Executive Session."

**MOTION: On motion by Councilor Orlando, seconded by Councilor Cox, the City Council BY ROLL CALL voted 9 in favor, 0 opposed to call the City Council and City Council staff to enter into Executive Session in accordance with MGL Chapter 30A, §21(3) to discuss possible litigation that may have a detrimental effect on the possible litigating position of the City of Gloucester.**

**Council President Ciolino** announced that the Roll Call vote was 9 in favor, 0 opposed, and that the Council shall now convene into Executive Session at 7:10 p.m. and will reconvene to continue the balance of its agenda upon the adjournment of the Executive Session.

**Council President Ciolino** announced upon the Council's return to Kyrouz Auditorium that the Executive Session convened at 7:13 p.m. and adjourned at 7:33 p.m. He then reconvened the open session of the City Council meeting to continue the regularly scheduled Council agenda at 7:36 p.m.

**Oral Communications:**

**Danielle Gance**, 11 Center Street, owner of a fresh pasta shop, Pastaio Via Corta. She recounted there are six other businesses on Center Street, and that while there is no parking on either side of the street, there are two confusing traffic signs advising that fact and no parking from a telephone pole to the corner. She noted that although there is no parking on Center Street, patrons of businesses on that street and delivery trucks park on the street regardless. She conveyed she desired to help promote people shopping downtown and that she supports local farmers by having pop-up farmer's market events in her store. She asked to work with the city to come up with a traffic solution for Center Street suggesting possible fifteen-minute parking on the street. She pointed out that the narrow street is two way and advised that fire trucks come back into Central Station by driving up Center Street parking which for a two-way street makes travelling it difficult. She further suggested a possible traffic solution could be to make the street one way. She also asked that there be an improvement with street lighting for Center Street as there is only one street light which is not very bright. She also noted that there are many elderly customers of the six businesses and that there is no handicapped parking available on the street.

**Joel Favazza**, 28 Middle Street, although a member of the School Committee, indicated he spoke as a resident and parent. He recounted that the School Committee has approved a plan to consolidate Veteran's Memorial Elementary School with East Gloucester Elementary School into a new facility proposed to be built on the city property known as "The Pines/Swinson's Field as there is no room on either elementary school sites for a combined school facility. He indicated that while initial inspections suggest the site is possibly viable, the School Committee has yet to have this confirmed, and further suggested that there should be a back-up location should the proposed East Gloucester site prove unusable. He then suggested that the 4 Schoolhouse Road property which is also known as the Fuller School property is the only other such city-owned property that is nearby and viable on many different levels. He conveyed his opinion to the Council that current negotiations for the sale of that property may not give the city what it initially sought from its sale, that of a significant boost to the commercial tax base or an influx of available jobs. He explained further that he saw no reason why the city should dispose of the 4 School House Road property when they don't know yet if they need it for construction of a school. He asked the Administration and the Council to evaluate the change in circumstances facing both the school system and the offer on the site before moving forward with the sale of 4 School House Road (full written statement placed on file).

**Consent Agenda:**

- **CONFIRMATION OF REAPPOINTMENTS**
  - **MAYOR'S REPORT**
1. Memorandum from Harbormaster re: request to accept a donation/sale of the Cape Ann Emergency Response Team (CERT) boat for the Harbormaster's Office (Refer B&F)
  2. Special Budgetary Transfer Request (2017-SBT-1) from the Police Dept. (Refer B&F)
  3. Special Budgetary Transfer Request (2017-SBT-2) from the Fire Dept. (Refer B&F)
  4. New Appointment: Clean City Commission TTE 02/14/19 Ainsley F. Smith (Refer O&A)
  5. Memorandum from Mayor's Office re: Councilor Requests updates regarding I4-C2 (65 Rogers St.) (Info Only)
  6. Thank you note to the City of Gloucester & Councilor Val Gilman for the King of Thailand Birthplace Foundation 100-year Celebration (Info Only)
    - **COMMUNICATIONS/INVITATIONS**
    - **APPLICATIONS/PETITIONS**
1. Special Events Application: Request to hold the Magnolia Gold Coast Festival on October 15, 2016 on Lexington Avenue (Refer P&D)
  2. SCP2016-004: Great Republic Drive #38, Map 263, Lot 65, GZO Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" (Refer P&D)
    - **COUNCILORS ORDERS**
1. CC2016-042 (Cox) Request removal of first two parking meters on Duncan Street from Main Street & to amend GCO Sec. 22-280 "Fifteen-minute parking" to add two (2) fifteen-minute parking spaces (Refer O&A & TC)
  2. CC2016-043 (Nolan) Amend GCO Sec. 22-270 "Prohibited parking at all times" & Sec. 22-291 "Tow-away zones" re: Concord Street (Refer O&A & TC)
    - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: August 23, 2016 (Approve/File)
  2. Standing Committee Meetings: B&F 09/01/16 (under separate cover), Special O&A 08/29/16 09/05/16 (no meeting), P&D 09/07/16 (Approve/File)

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

**Councilor Lundberg** asked to remove under “Applications/Petitions,” Item #2, SCP2016-004: Great Republic Drive #38, Map 263, Lot 65, GZO Sec. 1.5.3(c), Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities.” He conveyed to the Council the following information: this is the first Special Council Permit combined with a Major Project application that has come before many of the Councilors. This application will come before P&D at their next meeting where they will hear a brief description by the applicant of the elements of the permitting process and then continue the matter to a further meeting. He explained that there are many things that have to happen related to GZO Sec. 1.8.3 “Special Council Permits” and 5.7 “Major Projects” -- such as a review by department heads (Building Inspector, Conservation Agent, Engineer, Fire Chief, Public Works Director, Public Health Director, and Police as advisory), a hearing of the Planning Board, a review by the Conservation Commission due to the siting of the property in question, and a site plan review. All of these elements must be in hand by way of written report before P&D and the Council can weigh in on the merits of this application. He cautioned Councilors by advising that during this time before the application comes back to the P&D agenda with a complete record to kindly refrain from commenting on the merits of a Medical Marijuana Treatment Facility and Cultivation Facility application until P&D has all of the necessary reports. He further cautioned the Councilors from engaging in any email conversations regarding the merits of the application before the P&D Committee is ready to proceed, and reiterated they should wait until the matter comes back to the P&D agenda after their Sept. 21 meeting where there will be an initial application overview. He advised there will be an opportunity for the Councilors to weigh in on the application which will be when the Public Hearing(s) takes place.

**Council President Ciolino** reiterated that the Councilors can discuss the permitting process but not the merits of the matter.

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

**Committee Reports:****Budget & Finance: September 1, 2016**

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 in accordance with MGL c. 44, §64 approve payment of a prior year invoice for legal services rendered by Hill Law, Cambridge, Mass., in FY2016, Invoice #2939 dated 7/09/2016 to be paid with FY2017 funds from the current FY2017 General Fund, Law Department Account #0115152-530010 for \$260.00 from an invoice total of \$560.00.

**DISCUSSION:**

**Councilor Memhard** explained this is the first of two invoices received after the close of FY2016 for legal services rendered by outside law contractors through the Legal Department. This first invoice presented for payment was from Hill Law firm which related to 40B casework for a total invoice of \$560, of that \$300 was carried over, but Legal is short \$260 because the department didn't have enough allocated funds. Hill Law was utilized for legal consultation on a recent ZBA permitting for a 40B project.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 approve payment of a prior year invoice for legal services rendered by Hill Law, Cambridge, Mass., in FY2016, Invoice #2939 dated 7/09/2016 to be paid with FY2017 funds from the current FY2017 General Fund, Law Department Account #0115152-530010 for \$260.00 from an invoice total of \$560.00.**

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 in accordance with MGL c. 44, §64 approve payment of a prior year invoice for legal services rendered in FY2016 by Thomas A. Mullen, P.C., Lynnfield, Mass., Invoice #14290 dated July 3, 2016 to be paid with FY2017 funds from the current FY2017 General Fund, Law Department Account #0115152-530010 for \$8,868.00 from an invoice total of \$11,238.95.

**DISCUSSION:**

**Councilor Memhard** conveyed that this second invoice is for the services of Thomas Mullen P.C. who provide advice related to specialized land issues and litigation, with a total invoice amount of \$11,238 with \$2,370 previously paid in FY16, so that \$8,868 is remaining to be paid with FY17 funds out of the Legal Department’s current budget.

**Councilor Orlando** shared with the Council that he spoke with General Counsel during the FY17 budget season about the use of outside counsel and the money spent on it. He indicated that General Counsel advised him that as now there is an Assistant General Counsel the department would pare down the amount spent in FY17 as more cases will be able to be handled in-house. He conveyed he was assured that the Council would see less funds spent on outside counsel moving forward.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 approve payment of a prior year invoice for legal services rendered in FY2016 by Thomas A. Mullen, P.C., Lynnfield, Mass., Invoice #14290 dated July 3, 2016 to be paid with FY2017 funds from the current FY2017 General Fund, Law Department Account #0115152-530010 for \$8,868.00 from an invoice total of \$11,238.95.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, second by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A accept a private grant of \$125,000 from The Peter and Elizabeth C. Tower Foundation for the purpose of exclusively supporting the City of Gloucester, Mass., Healthy Gloucester Collaborative associated personnel, materials and activities. The grant period of the grant is from October 1, 2016 through September 30, 2017.

**DISCUSSION:**

**Councilor Memhard** explained that this one-year \$125,000 grant from the Elizabeth and Peter Tower Foundation which came to the city unsolicited which is general in nature in support of the Healthy Gloucester Collaborative’s initiatives. This grant enumerates that it is to be used to specifically support staff salaries and program related expenses. There is no match, and that all the grantor requests is a small report at the end of the grant period updating the grantor of the progress made by the HGC with these funds that were expended.

**MOTION: On a motion by Councilor Memhard, second by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept a private grant of \$125,000 from The Peter and Elizabeth C. Tower Foundation for the purpose of exclusively supporting the City of Gloucester, Mass., Healthy Gloucester Collaborative associated personnel, materials and activities. The grant period of the grant is from October 1, 2016 through September 30, 2017.**

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 in accordance with MGL c. 44, §64 approve payment of a prior year invoices for city of Gloucester employees’ reimbursements in FY2016, to be paid with FY2017 funds from the current FY2017 General Fund, Human Resources Department Account #0115251-519001 for a total of \$99.34 as follows:

<u>Employee</u>	<u>Date</u>	<u>Purpose</u>	<u>Cost</u>
Bill Sanborn	6/22/2016	Travel Expense to Court	\$41.00
	6/27/2016	Residential HVAC Class	\$20.00
Madonna Fleming	6/8/2016	Travel Expense to Clerks Mtg.	\$18.34
Greg Cefalo	6/27/2016	Residential HVAC Class	<u>\$20.00</u>
		TOTAL:	\$99.34

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 to approve payment of a prior year invoices for city**

**of Gloucester employees' reimbursements in FY2016, to be paid with FY2017 funds from the current FY2017 General Fund, Human Resources Department Account #0115251-519001 for a total of \$99.34 as follows:**

<u>Employee</u>	<u>Date</u>	<u>Purpose</u>	<u>Cost</u>
Bill Sanborn	6/22/2016	Travel Expense to Court	\$41.00
	6/27/2016	Residential HVAC Class	\$20.00
Madonna Fleming	6/8/2016	Travel Expense to Clerks Mtg.	\$18.34
Greg Cefalo	6/27/2016	Residential HVAC Class	\$20.00
		<b>TOTAL:</b>	<b>\$99.34</b>

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 a FFY2015 U.S. Department of Homeland Security State Homeland Security Program (SHSP) Citizens Corp Program (CERT) Grant through the Federal Emergency Management Agency (FEMA) and passed through the Massachusetts Emergency Management Agency (MEMA) in the amount of \$3,500 for the purpose of recruiting, training, exercising and printing needs for the Citizen Emergency Response Team (CERT) volunteers. The grant period of the grant is from August 15, 2016 through April 30, 2017.

#### DISCUSSION

**Councilor Memhard** explained that this is the sixth year the city has received this federal grant passed through MEMA in support of the Gloucester's Citizen Emergency Response Team (CERT) program and the Emergency Operations Shelter at the O'Maley School. There is no match required, he pointed out.

**Councilor Cox** noted CERT hasn't been activated in two to three years on a routine basis, and expressed her hope that would change, and that the grant funds should be used to activate CERT more. **Council President Ciolino** said the B&F Committee was assured that was the case. **Councilor Cox** conveyed that Gloucester CERT is active but that city emergency services have indicated they would not utilize CERT in emergency situations. She indicated that the group hasn't even been utilized during major snow events or for assistance with road races in the city which she and Councilor O'Hara as CERT members can attest. She further indicated that there were any numbers of ways CERT can assist the city and also expressed her concern for bringing in grant funds to a group that is not used for its intended purpose. **Councilor O'Hara** added that this group is all volunteers who are waiting to do their part for the city, but aren't utilized. They are not there to be ambassadors for the city, but for mobilization by the city's emergency services for searches for lost children, city emergency operations, road race management, and other such types of city events which should they be utilized would be at no cost to the city whatsoever. **Councilor Cox** assured that the grant funds are being used to purchase items for CERT as outlined by the grant funding regulations but that the group isn't being activated to the extent of its training, and was a poor utilization of this trained volunteer city asset.

**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 FFY2015 U.S. Department of Homeland Security State Homeland Security Program (SHSP) Citizens Corp Program (CERT) Grant through the Federal Emergency Management Agency (FEMA) and passed through the Massachusetts Emergency Management Agency (MEMA) in the amount of \$3,500 for the purpose of recruiting, training, exercising and printing needs for the Citizen Emergency Response Team (CERT) volunteers. The grant period of the grant is from August 15, 2016 through April 30, 2017.**

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 2017-SA-1 in the amount of \$50,000 from Account #6000-328000 Water Enterprise, Special Purpose Fund Balance Reserve, to Water Enterprise, Equipment Account #600058-585000, for the purpose of funding the purchase of a new excavator to be used by the Water Department.

#### DISCUSSION:

**Councilor Memhard** reviewed for the Council that this is the first of two Supplemental Appropriations, and that the Public Works Department with the Water Department seeks to move funds in order to pay cash for a new Takeuchi excavator, to replace the department's current excavator purchased in 2003, a John Deere backhoe which is problematic and well past its useful life. The funds come out of the Water Enterprise Construction Renewal Fund (2017-SA-1 for \$50,000), and the second funding sources is the Highway Force Account (2017-SA-2 for \$17,365) to complete the funding of the excavator. Mr. Hale conveyed to the Committee that his department is trying to do more work in house, in light of a large capital list to be managed, and gave the example of a project on Western Avenue replacing 3,000 feet of water main which would be several hundred thousand dollars were he to bid it out, but in house it will cost about \$80,000 for pieces, parts and department labor. The excavator was tested out at the dealer in Chelmsford, on the state bid list. Takeuchi is a Korean brand machine and is comparable in quality to Caterpillar, Komatsu, and John Deere. The excavator with a list price for the model and rigged with what the department needs was \$80,000 but because this is through a state bid list dealer it is reduced to \$67,365. The excavator will be run continuously for the next 10-15 years and is a very versatile tool. This is a piece of equipment the department has needed for some time, and the B&F Committee agreed that this is money well spent.

**Council President Ciolino** mentioned he saw a prototype of the excavator in use on Rogers Street and attested the machine's versatility which he said will help the DPW to do more work for the city in-house.

**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 2017-SA-1 in the amount of \$50,000 from Account #6000-328000 Water Enterprise, Special Purpose Fund Balance Reserve, to Water Enterprise, Equipment Account #600058-585000, for the purpose of funding the purchase of a new excavator to be used by the Water Department.**

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 2017-SA-2 in the amount of \$17,365 from Account #32085-596001 Highway Force Account, Transfers to the General Fund to DPW Public Services, Equipment Account #0147058-585000, for the purpose of funding the purchase of a new excavator to be used by the DPW Public Services Departments.

#### DISCUSSION:

**Councilor Memhard** reminded the Council this is the second funding source to complete the cash purchase of the new Takeuchi excavator.

**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 2017-SA-2 in the amount of \$17,365 from Account #32085-596001 Highway Force Account, Transfers to the General Fund to DPW Public Services, Equipment Account #0147058-585000, for the purpose of funding the purchase of a new excavator to be used by the DPW Public Services Departments.**

COMMITTEE RECOMMENDATION: On motion of Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 0 in favor, 3 opposed, to recommend that the City Council approve the proposed change to the Beach and Stage Fort Park Regulations pursuant to Section 7-16 of the City Charter, under Article III "Miscellaneous Restrictions, to ADD: "P. No smoking will be permitted on city beaches at any time. [Penalty for violation of the smoking ban on city beaches shall be \$\_\_\_\_.]

#### DISCUSSION:

**Councilor Memhard** explained that Councilor Cox was unable to be present at the meeting to advocate for her Council Order, and the Clerk of Committees did fill the Committee in on background information relating to this matter and to precedents set in other Massachusetts municipalities, particularly related to enforcement of smoking bans on beaches. He added that the Committee determined it was premature at this time to carry forward a smoking ban on all city beaches without more research and more thought as to who would be the enforcing officers. He conveyed that the Committee's concern that a ban without enforcement becomes symbolic and a further distraction to the city's lifeguards. It was also noted that if the Beach and Stage Fort Park Regulations were amended for such a ban, that in order for there to be a penalty for civil violation that the Code of Ordinances would need amending to be

reflective of that penalty, its cost per violation, and who would be the enforcement officer. As a result the Committee was unable at this time to support the Council Order.

**Councilor Cox** expressed her concern as to why B&F brought this matter forward to the Council when O&A hasn't heard or acted on it. She advised there shouldn't have been any motion coming from B&F. **Council President Ciolino** advised as the Council Order was written it was not an ordinance change but a change to the Beach Regulations and that because of the suggestion of a civil penalty was included, then it was within the purview of B&F. **Councilor Cox** pointed out it was too soon to make this decision on the part of B&F. **Council President Ciolino** rejoined that the B&F Committee heard from Public Works Director, Mike Hale, at the meeting who said that there was an enforcement issue. He told the Committee that the only authority on the beaches are the lifeguards and that he didn't want them to take their eyes off the water to settle smoking disputes and that this ban as suggested would create issues.

**Councilor LeBlanc** moved to continue the matter of CC2016-039 (Cox/Nolan) Amend Beach & Stage Fort Park Regulations, Article III "Miscellaneous" by adding "No smoking will be permitted on city beaches at any time" and to determine whether a fine shall be imposed to a later Council meeting until it can be heard by the O&A Committee which was seconded by **Councilor Orlando**.

**The City Council voted 9 in favor, 0 opposed to continue CC2016-039 until the matter was heard by the O&A Committee to return it to the Council for its consideration.**

#### **Ordinances & Administration: August 29, 2016, September 5, 2016 (Holiday-No Meeting)**

**Councilor LeBlanc** explained that after speaking with the Personnel Director and General Counsel that he would make a motion to waive the requirements of the Council Rules of Procedure Rule 11 regarding Vacancies in the Position of City Clerk. He indicated to be clear, this rule is not an ordinance but a procedural rule that the Council adopted to provide guidance for this process. In compliance with Open Meeting Law and Rule 11 as currently written, the full Council must interview three finalists for the City Clerk's position in an open forum. He indicated that this would be a very difficult process for the applicants -- Open Meeting Law will require the Council to deliberate and rank the finalists in public. He asked the Council to imagine being questioned in an open forum on camera with an audience and then being told publically you did not get the job when the Council votes against your selection. He said it was his belief this process would hurt the city's ability to attract qualified applicants for this position and other positions in the future. Instead, O&A has served as the preliminary screening committee, conducted the interviews and reference checks as it is required to do. Once the Committee is done, O&A will recommend a candidate to the full Council for its approval and confirmation. Following this selection process, he explained, the full Council will have the opportunity to revise Rule 11 of the City Council Rules of Procedure accordingly. He noted that voting to waive the Council's Rules of Procedure has precedent citing such waivers previously at the behest of the P&D and B&F Committees.

**Council President Ciolino** added his endorsement for the waiver of Council Rules of Procedure Rule 11 in the specific instance of the hiring of a new City Clerk.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed to waive the Council Rules of Procedure, Rule #11 as pertains to the hiring of a City Clerk, a position currently in the process of being filled.**

#### **Planning & Development: September 7, 2016**

**Councilor Lundberg** recounted there were no matters for Council action from this meeting, but that the Committee did authorize a permit for the Essex County Velo Gran Prix Cyclo-Cross event for October 15 & 16 at Stage Fort Park, an annual event for 18 years. In place for the protection of the park are 19 conditions. Unique to this event alone is the fact that the event organizer is obliged to take out a \$10,000 performance bond to assure reparations to the park are to the satisfaction of the Public Works Department. He highlighted that in Condition #10 "Site Walk Post-Event, that the Committee had previously added the Chair of the Stage Fort Park Advisory Committee to be included in that group to enhance the oversight of the city's interests. He added that the P&D Committee also allowed under Condition #13 "Cap of Entrants," to raising the cap on the number of participants per day from 1,000 to 1,100 and is satisfied that safeguards are in place with the event organizer to protect the city's interests. He conveyed that he did canvas Councilors who had indicated interest or concern prior to the meeting to which were presented to the organizer saying it was his belief those concerns were addressed by the event organizer.

**Scheduled Public Hearings:****1. PH2016-037: Amend GZO Sec. VI “Definitions” re: Open Space & Compost Facility/Composting Operation (Cont’d from 08/23/16)**

**This public hearing is opened at 8:13 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 8:14 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal without prejudice of CC2016-029 Request that P&D & Planning Board review & recommend to City Council an amendment to the GZO Sec. VI “Definitions” for “Open Space” and adding a definition entitled, “Compost Facility/Composting Operations.”

**DISCUSSION:**

**Councilor Gilman** said the process went through the correct steps, and in heeding the recommendations of the Planning Board on this matter of amending the Zoning Ordinance definitions, she indicated she was satisfied with the P&D Committee’s recommendation to withdraw the Council Order.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal without prejudice of CC2016-029 Request that P&D & Planning Board review & recommend to City Council an amendment to the GZO Sec. VI “Definitions” for “Open Space” and adding a definition entitled, “Compost Facility /Composting Operations.”**

**2. PH2016-046: Amend GCO Appendix A, Classification Plan, of the Personnel Ordinance by ADDING the the position of Director of Communications & Constituent Services,” and amend Appendix BG, Compensation Plan, of the Personnel Ordinance designated as Appendix C, by ADDING the compensation for the position of “Director of Communications & Constituent Services” at a level of M8 with an effective date of October 17, 2016; and under City Charter Sec. 7-2, whether the City Council should approve the reorganization plan of the Executive Department of the Mayor as submitted to the City Council on August 9, 2016 with an effective date of October 17, 2016**

**This public hearing is opened at 8:15 p.m.**

**Those speaking in favor:**

**Donna Leete**, Personnel Director, informed the Council she was speaking in favor of the amendment to add a Director of Communications & Constituent Services to the Mayor’s Executive Office staff under the Personnel Ordinances and the reorganization of that office. She recounted that the proposal for both the addition of the position and the reorganization plan presented to the O&A Committee that voted favorably for improvement in customer and constituent services in the Mayor’s office. She conveyed that the Mayor’s office is focused on improving communications with the Council, the public and legislative leaders. By creating this new position, the Mayor’s office will be better equipped to communicate with all forms of media to keep every member of the public informed. She also indicated that this reorganization plan as well as the new position will create more efficiency in the Mayor’s office.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

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

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council in connection with the Executive Office of the Mayor’s Reorganization Plan Amend the Personnel Appendix A and B



of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances with an effective date of October 17, 2016 as follows:

1. That Appendix A, Classification Plan, be amended by adding the title of the position of “Director of Communications & Constituent Services;”
2. That Appendix B, Compensation Plan, be amended by setting the compensation for the position of “Director of Communications & Constituent Services” at the pay grade level of M8.

#### **DISCUSSION:**

**Councilor Orlando** expressed no one is more concerned about additional city expenditures than he, but that this is an important change as part of the reorganization of the Mayor’s office by bringing on a talented individual to take this role on who is already serving in several capacities on the Mayor’s staff while the Mayor is in the process of hiring a new Chief Administrative Officer. The city needs to be more customer-service friendly, he pointed out, saying that this position will help greatly. He communicated his strong support for the creation of the position of Director of Communications & Constituent Services and urged his fellow Councilors to follow suit even though this position will be an added expenditure.

**Councilor Gilman** added her support for the addition of the new position, saying that as a Ward Councilor she has realized from time to time that newspaper readership is down, and there are those citizens don’t use the internet for their information and that when events happen in the community they aren’t in the know. She mentioned there are certain requirements for Code Red communications only, but that there is another level of communications that they need to better understand. She noted that this position will create strides in understanding what those communications should be and move forward to take those next steps.

**Councilor Cox** expressed she agreed with the reorganization and the addition of the new position, and but expressed her disappointment that no member of the Mayor’s staff was represented this evening to advocate for this new position’s addition and the reorganization. She recounted that the Council has a job to do and cautioned that this new position should not in any way interfere with the Council’s work, adding that the Council needs to advocate for its own roles and not be overridden or displaced by this new position.

**Councilor LeBlanc** conveyed he had a previous discussion with the former CAO, Jim Destino some months ago. He indicated this position should have been added a long time ago. He noted that the CAO used to field the Councilors’ questions, requests and complaints, and those of city residents as well as overseeing the city’s many departments. The new position is a perfect fit for the Council and the city, he pointed out, and that the person who will fill this role is an excellent choice. He indicated he would support this new position’s addition as it should have been done some time ago to ease the CAO’s burden.

**Council President Ciolino** suggested that with this additional role in the Mayor’s office it will free up the CAO to do other important work to concentrate on larger city issues. He noted times have changed, news is instantaneous, and it takes specialists to make the city run smoothly. Adding his support for the new position, he said it will aid the Mayor in order for her to run the city more efficiently.

**Councilor LeBlanc** pointed out that the pay grade level of M8 for the position of Director of Communications & Constituent Services was reviewed and approved by the Budget & Finance Committee.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, in connection with the Executive Office of the Mayor’s Reorganization Plan Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances with an effective date of October 17, 2016 as follows:**

1. **That Appendix A, Classification Plan, be amended by adding the title of the position of “Director of Communications & Constituent Services;”**
2. **That Appendix B, Compensation Plan, be amended by setting the compensation for the position of “Director of Communications & Constituent Services” at the pay grade level of M8.**

**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 accept the Executive Office of the Mayor Reorganization Plan based on the chart and new job descriptions as submitted to the City Council on August 9, 2016 in accordance with the City Charter Sec. 7-2 with an effective date of October 17, 2016.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to accept the Executive Office of the Mayor Reorganization Plan based on the chart and new job descriptions as submitted to the City Council on August 9, 2016 in accordance with the City Charter Sec. 7-2 with an effective date of October 17, 2016.**

**For Council Vote: None.**

**Unfinished Business: None.**

**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: Update of the Tourism Commission from the City Council Representative, Councilor Joseph Orlando:**

**Councilor Orlando** informed the Council he has had several discussions with Dan Smith and Chris Sicuranza about revitalizing the Tourism Commission, saying that he was encouraged by both men to personally reach out to recruit some talented residents for these open positions. He conveyed he has reached out to people he knows – restaurateurs, those in the hospitality, and has some people who have indicated their interest in joining (the Tourism Commission). He noted he will reach out to Discover Gloucester and like groups to aid in his goal to reconstituting and revitalizing the Commission. **Council President Ciolino** asked the Council to let Councilor Orlando know if they may know of particular individuals who might be a good fit for the Tourism Commission.

**Councilors' Requests to the Mayor:**

**Councilor Cox** asked that the Mayor, through the DPW Director work to improve street lighting on Center Street.

**Councilor Lundberg** requested the Mayor direct the General Counsel to learn whether the city can repurpose the Swinson Field site as a school. He said it was his understanding that the city-owned property is currently purposed for recreation and some conservation land. Such information has to be determined to know whether there is a need for state legislation in order to repurpose the property for use as a school site, he pointed out.

**Councilor Gilman** requested that the Mayor, through the DPW Director replace the street sign indicating Doanne Road, off of Wheeler Street which was recently knocked down from its base.

**Councilor Orlando** announced that on Oct. 1<sup>st</sup> at 9:00 a.m. two full landscaping crews from Compass Rose Landscaping and Annisquam Land Care along with their professional equipment, and to date 25 volunteers signed up that will be at Clarke Cemetery for a clean-up, and encouraged anyone who is interested in giving back to the community, especially the city's veterans, as there are so many veterans from many of this country's wars buried there, to join them, to bring gloves, gardening hand tools, weed whackers and mowers. **Councilor LeBlanc** reminded the public that Clarke Cemetery is located at 122 Centennial Avenue which is just after the train bridge coming from Washington Street, and to reach Clarke Cemetery one has to go first walk through the First Parish Burial Ground to the back of it which leads into Clarke Cemetery. He asked Councilor Orlando to place that information on his Facebook posting. **Councilor Orlando** advised his post does indicate the address of the cemetery and add Councilor LeBlanc's additional location information as well as creating a paper flyer as well as a social media flyer. **Councilor Cox** also advised that volunteers should dress appropriately as there is poison ivy present, and asked that everyone be respectful of the neighborhood as there is no parking on Centennial Avenue and encouraged volunteers drop their equipment at 122 Centennial Avenue and then to park their vehicles in the high school parking lot.

**Councilor Orlando** also announced that on Wednesday, Oct. 26, at 7:00 p.m. at the Magnolia Library he and Councilors LeBlanc and Nolan are hosting a forum/listening post event for contractors, developers and real estate professionals to tell the Councilors what they think the city can do better to help those groups develop properties and businesses in the city, and what the city can do to encourage streamlining of some of their issues. He encouraged anyone who falls within those three professions from the city and from out of town who do businesses in Gloucester to come to the forum to share their ideas with the Councilors. He advised that he, Councilors LeBlanc and Nolan will report their findings to the Council.

**Councilor Cox** added her congratulations for Councilor Orlando's efforts. She invited **Councilor Orlando** to attend the Downtown Development Commission meeting on Wednesday, Sept. 28 at 5:00 p.m. held in the Cape Ann Savings Bank Community Room as an opportunity to talk about tourism. She advised that she and Councilor LeBlanc are hosting a meeting Thursday, Sept. 15 at the American Legion Building at 6:00 p.m. regarding Tally's Corner and encouraged people to come and give their opinion if they haven't already done so on the Mayor's

Facebook page. She thanked the Gloucester Fire Department and Ladies Auxiliary for the 9/11 ceremony this past Sunday on its 15<sup>th</sup> anniversary. She said they haven't forgotten about that day.

**Councilor Gilman** announced there is a grassroots effort in Lanesville to reestablish flag pole at the right side of Plum Cove Beach, and are looking for someone to volunteer to paint the flag pole. A donor has stepped forward with a flag, she advised and that landscapers are volunteering and are looking to clean up the whole area. She said they are seeking a volunteer to raise and lower the flag each morning and evening, suggesting this could be a veteran who resides in Lanesville, during the summer months. She said it is a heartwarming indication of the community's patriotism and is an appropriate place to cite the flagpole. She reminded that tomorrow night at Jalapeno's Restaurant there is a fundraiser for the youth awareness group at GHS that trains elementary school students to be role models, and that the Moose Lodge provides scholarships for the GHS students who do this volunteer work. She advised that 10% of profits that evening at Jalapeno's will go to the youth awareness group. She commended Councilor Orlando for developing a good survey on line for matters coming before the Council and expressed that it is a good path to hear from constituents a good beginning for data collection.

**Councilor Memhard** imparted to the Council in follow up on Councilor Lundberg's request to the Mayor that tomorrow evening at West Parish Elementary School at 7:00 p.m. the School Committee will make a presentation concerning the initial proposal feasibility study for a new combined elementary school in Ward 1 with a suggested siting of it at Swinson's Field. He pointed out that this is about a feasibility study to qualify the School Department with the Massachusetts School Building Authority. He indicated there is some community concern about consolidating two elementary schools into one and pointed out that the proposal is brought forward in order to provide the best possible options to provide education to the children of Gloucester.

He also announced that this coming weekend and the following weekend is the Essex County National Heritage Area Trails and Sails involving a number of free events taking place in Essex County, with a lot of activities in Gloucester from free Thomas Lannon sails to free Ice House tours.

**Council President Ciolino** recounted he had a conversation with the Mayor that a lot of existing city ordinances some are archaic or don't make sense to current city conditions. He asked that if Councilors come across an ordinance that doesn't make sense, to give it to him and he will compile a list to be forwarded to O&A in order that they can address the situation. He also noted that Saturday, Sept. 17 the Addison Gilbert Hospital his holding a concert event at 65 Rogers Street (I4-C2), and that Sunday is the annual Fishbox Derby which means Rogers Street will be closed from Flanagan Square to Manuel F. Lewis Street from 8:00 a.m. to 4:00 p.m. and for that time only the parallel section of Main Street will be two way.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:41 p.m.**

**Respectfully submitted,**

*Dana C. Jorgenson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Written statement under Oral Communications by Joel Favazza, 28 Middle Street**