

GLOUCESTER CITY COUNCIL MEETING

Tuesday, October 11, 2016 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Paul Lundberg (left the meeting at 8:25 p.m.); Councilor Valerie Gilman; Councilor Scott Memhard (entered the meeting at 7:01 p.m.); Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.

Absent: Councilor Cox

Also Present: Mayor Sefatia Theken; Joanne Senos; Kenny Costa; John Dunn; Dan Smith; Mike Hale

The meeting was called to order at 7:00 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, noting the absence of Councilor Cox, advised she was out of state.

Oral Communications:

Michelle (Duason) Galante, 12 Oxford, Unit 1, noted that the portion of Oxford Road, in particular in front of her driveway, unlike a disputed area that is separate, remains unpaved, which she highlighted, was not the portion of Oxford Road under dispute. She indicated the portion of Oxford Road directly in front of her property should have been a part of the paving project and is still rutted and potholed. She expressed concern about this unpaved area as vehicles are now driving over her private driveway to avoid the remaining unpaved area of Oxford Road which is badly rutted and potholed. She asked for the assistance of the Council to get the ruts and potholes patched in the portion of Oxford Road she spoke of which should have been a part of the Oxford Road paving project, or to get that portion paved before the end of this year’s paving season.

Presentations/Commendations: Safe & Accessible Street Program – Tally’s Corner Timeline

Mayor Sefatia Theken declared that nothing will happen at Tally’s Corner without public input. She highlighted that there is a need for ensuring the safety of pedestrians, bicyclists, and drivers. The Safe & Accessible Street Program is related to the entire city, she advised. Related to Tally’s Corner, she briefly reviewed the current conditions. She said she had spoken to many people, owners of businesses in the Fort and immediate surrounding area who have concerns about their large trucks travelling in that area. She advised she will have the Public Works Director and the Community Development Director explain the process but reviewed that the city applied for a \$400,000 reimbursable grant, and that there is no design associated with it. She reviewed that heavy vehicles travel the compact roadways that intersect at Tally’s Corner. She expressed her confidence in the residents of the city together with the Administration and her staff can all figure this situation out together. She asked the residents to trust the Administration that she listens as does the Council, and said that they can all work collaboratively to come up with an appropriate solution with the residents’ input. There will be no loss of parking, she assured, in the Tally’s Corner area. She reiterated that they will all work together, that no roads will be shut down, but that safety of pedestrians, bicyclists and motorists needs to be assured.

Dan Smith, Community Development Director, reviewed the Safe & Accessible Streets Program timeline (on file) highlighting that it started in 1995 with a Gillham and Gander Downtown Streetscape Study which proposed sidewalks but no roundabouts; in 2012 the Safe and Accessible Streets Plan was drafted; in 2015 a conceptual design for the DPW was drawn up but not connected to any funding source. In 2016 the draft Safe and Accessible Streets Policy went through a review of the Traffic Commission, through the Planning Board, and the Planning & Development Committee, and then plan was then presented to the Council on June 28, 2016, and submitted to MassDOT two days later. On July 8, MassDOT approved the prioritization plan.

Mr. Smith indicated the program, called Complete Streets, is to make streets safer for pedestrians, motorists and bicyclists. What was presented to the state is not set in stone, he said. A program purpose is to also make sidewalks Americans with Disabilities Act (ADA) compliant. There may not be a roundabout, he advised, but regardless, he said that the Tally’s Corner area needs a lot of work.

Councilor Memhard said he understood Tally’s Corner may be a top priority, but that there are a number of other hazardous intersections in the city being addressed as part of this program. **Mr. Smith** advised some of the

top priority areas are: Washington Street at Rogers Street, lower Washington Street to Mansfield Street, Railroad Avenue, Western Avenue, Smith Street at Maplewood Avenue, Reynard Street, and Emerson Avenue.

Councilor Gilman advised she was at the P&D Committee meeting of June 22 and said she didn't see the BETA conceptual design of Tally's Corner included in the information package from Community Development. On May 2 on the Timeline it shows an internal draft and that the Council didn't see that officially, also not a part of that same information package. She asked where it was as the Committee, or the Council didn't have an opportunity to view and consider it -- it wasn't revealed until the neighborhood meeting held by **Councilors Cox and LeBlanc** in September. Public Works Director, **Mike Hale**, said what the Councilor was referring to was an artist's rendering (of a roundabout at Tally's Corner). That intersection is a top priority in the city's document that was submitted to MassDOT, he noted, and that people are interpreting the rendering as a plan. He advised the Council should wait on a presentation rather than on conceptual drawings. **Councilor Gilman** indicated that had she seen the rendering at the time of the P&D meeting, she would have asked for more public input. She mentioned the rendering was entitled, "St. Peter's Circle." She pointed out the first time she saw the rendering of the design was on the website, "Good Morning Gloucester." She recounted that at the P&D meeting the Committee spoke more about Reynard Street and Concord Street, both public roadways adjacent to city schools, rather than a roundabout for Tally's Corner. She suggested that based on what the Mayor said that there is flexibility in receiving this money from MassDOT; she said she assumed it would be fine for grant funds to be used for sidewalks at Tally Corner and ADA ramps on sidewalks. She added she further assumes they didn't have to go forward with a full proposal for a roundabout if there isn't consensus in the community, if it's not the right thing to do. **Mr. Hale** said the Complete Streets Program allows for different methods of transportation, pedestrians, bicyclists, motorists, and that they wouldn't move ahead with a sidewalk project if they weren't sure what was going to happen in between the sidewalks. He said if there wasn't consensus as to the best fit for this intersection, they would likely withdraw their application to MassDOT for the reimbursement grant and reapply for it the following year. He suggested that it may limit the ability for space within the intersection by building sidewalks ahead of any other improvements to Tally's Corner.

Councilor Gilman mentioned another part of the process which she said to her seemed to be missing was that the Council didn't have an opportunity to look at the Plan, and suggested that there is a city ordinance about altering a current public way. She suggested that the roadway through Tally's Corner is a continuation of a state road, Route 127 (down to Stacy Boulevard and loops around to in front of Gorton's of Gloucester), and asked if the fact it is a state road would it trump the Council's ability to have an opportunity to alter. **Mr. Hale** responded that the portion of Route 127 the Councilor spoke of is not under state control so there is no state jurisdiction. He advised that the portion of Route 127 that is under state control ends on the westerly side of the Blynman Canal and doesn't pick up again until approximately Calvary Cemetery on Eastern Avenue to the Town of Rockport line. He added that from the Blynman Bridge to Manchester Route 127 is under state jurisdiction; Route 133 is under complete state jurisdiction, as is Route 128. **Mr. Hale** explained further that the Councilor is referring to GCO Section 21 which references MGL Chapter 82, relative to the laying out of public ways which brings it more towards the acceptance of private ways as public thoroughfares or the city's ability to lay out a public way. He advised that alternations aren't noted in terms of changing an intersection or changing the configuration of traffic. He reiterated the ordinance is based on the state statute that allows the city government to adopt public ways or laying them out for the city.

Council President Ciolino advised that the Council does have purview over this matter at some point. **Mr. Hale** indicated that there is no Council process in the review of a plan like this under the City Charter. He said there is public input in such processes, and there has never been a project he has undertaken in his tenure without it being presented at a public meeting before the Council.

Councilor Gilman, referring to the P&D Committee's minutes of the meeting of June 22, she pointed out that at that time Councilor Cox asked this matter be brought forward from Stephen Winslow (Community Development Senior Project Manager) to her in the fall. She said in her opinion where she and her fellow Ward Councilors fell short was that they all should have had similar meetings to address similar concerns as Councilor Cox and Councilor LeBlanc did to gain more public input. She said she was sensitive to the fact that people raised good questions at that neighborhood meeting, and she suggested that the Council could have done a better job.

Mayor Theken recounted that the past administration approved a sculpture to be installed at the Tally's Corner which didn't happen because changes to (Tally's Corner) go forward with a consensus. No one is being misled, she asserted. It is now until when they want to start construction to gain public input. She advised that they have to see if the state awards the \$400,000 reimbursement grant before anything can go forward regardless. She assured that if it isn't possible to make appropriate improvements at Tally's Corner, the city won't do it. There is a project the Administration wants to go forward for the safety of the community and reiterated they will work together to assure

that. She discussed briefly some of the possible changes that could be made at Tally's Corner and their potential impact, but said that they need an engineer, an architect and public input. The rendering, she said, was released by her to the newspaper and to certain citizens. There is still time for Councilors to have ward meetings, ask their questions and learn more about the grant program and the Plan. She said they will speak to those who run big trucks first, the city's Fire Department, DPW and business concerns and move forward from that.

Councilor O'Hara asked what an anticipated start date for the project is. **Mr. Smith** explained that if the city is awarded the grant, the money has to be spent by June 30, 2017. The design(s) would have to be finalized, the project would have to be bid, and work be completed by that date.

Councilor Nolan noted with any rendering (of Tally's Corner), they have to take into consideration snow removal/plowing ability and access during snow events, and that material laid down under those conditions wouldn't affect anything that was done to the area as part of this project. **Mr. Smith** responded that there would be something appropriate for the climate and that wouldn't create an issue for the Public Works Department. He suggested they wouldn't approve a plan that would make it difficult to maintain or plow city streets.

Councilor Orlando commented that Rogers Street is one of the only real access points for the city's Designated Port Area (DPA) which feeds into Commercial Street and Harbor Loop. He said he'd like to see emphasis on better access for industries in those areas, and crucial to that the access is not just that it be maintained but improved. He agreed there was a pedestrian issue at Tally's Corner, as he grew up in a building immediately adjacent to Tally's Corner so he knew it well and where he practices law now, but access also needs to be improved for 18-wheeled trucks and fire apparatus. He asked whether the proposed roundabout would be raised off the ground or not constructed with any raised structures. **Mr. Smith** said the conceptual drawing shows a separation between the vehicle lanes on Rogers Street and Commercial Street as well as the roundabout which aren't raised structures. Anything that is installed will have to be flush with the roadway and be able to be driven over, he said.

Councilor Orlando pointed out that any installation will have to be flat and no driving space will be removed. As to St. Peter's Square parking, the rendering is not the same as plans, he noted, and asked would the remediation of Tally's Corner cut into St. Peter's Square. **Mr. Hale** advised as they worked with turning movements with tractor trailer trucks and had to develop a base plan, as they do for every city street. He indicated that the base plan with a traditional roundabout fits within the (Tally's Corner) intersection. He noted it is compacted on the St. Peter's side, but that it doesn't interfere with traffic -- it is a drive through. He added that the DPW has animated turning motions for 73 foot trailer trucks that travel through with no issues. He assured there is no encroachment into St. Peter's Park. He explained there is parking within the intersection currently (three parking spaces). He advised there are more than three parking spaces, upwards of six parking spaces that were made up on Main Street through restriping.

Councilor Lundberg said the application for the Safe & Accessible Street Program is the document that was presented to P&D and to Council. He recounted that what they approved was the ability of the city to submit the plan to the state, which **Mr. Smith** confirmed. **Councilor Lundberg** continued by saying that within the elements of the plan, if the city receives the grant, the elements of the plan are still within the city's discretion as to how the city utilizes the funds in the way they see fit. Projects outlined in the plan are not things the city has to do, but there are things the city can do once the city is granted the funding. **Mr. Smith** said the state wants the city to stick with the higher priority intersections. **Councilor Lundberg** added that if the city is fortunate enough to receive this grant, they can refine the plans and priorities, so that they do the right thing for the city. He said that the roundabout idea is not set in stone, although it is something that is part of the plan but it can be refined. **Mr. Smith** confirmed the Councilor's statement was correct and added that the purpose of the grant isn't to fund roundabouts, but is about complete streets in order to make them safer for pedestrians, bicyclists, and motorists.

Councilor LeBlanc recounted that Stephen Winslow reached out to him along with Councilor Cox to organize a neighborhood meeting at the American Legion to take a look at the Plan and discuss it as both Wards 2 and 3 intersect at Tally's Corner. He advised it was a lively meeting with much passion expressed by people who live in the Tally's Corner vicinity. He said it was the sentiment of most of the attendees not to improve the current traffic island, but that sidewalk improvements were endorsed. He conveyed that they need to look carefully before they do anything with Tally's Corner, and ensure they receive input from Gloucester's residents. He explained that as a Council they are listening to the residents. He noted that he and Councilor Orlando have met with the Mayor and discussed these matters. He said he strongly recommends that the Administration take their time to make a complete assessment in order to make a good decision for everybody.

Councilor Orlando asked if the funding from the state can be utilized for signage and if so, he would like more signage for the two islands in the middle of Tally's Corner which he said could be very helpful to all who drive that intersection for public safety. **Mr. Smith** said funding from the grant could be utilized for traffic signage.

Councilor Gilman said that although Councilors Cox, LeBlanc and Lundberg were at the neighborhood meeting she asked **Mr. Smith** to provide the Council for comments from the public that come about. **Mr. Smith**

related that general consensus was approval of the sidewalks and/or crosswalks that would improve pedestrian safety; the neighborhood didn't want to lose any parking; and that there was general disapproval of the introduction of a roundabout, and that he'd provide that documentation as requested.

Council President Ciolino recounted the past traffic issues of Flanagan Square and the proposal for a roundabout there which was rejected. He pointed out Mr. Hale came up with the current plan without a roundabout which works very well, saying the Council is hearing the same this evening. He said that the Council had something to do with that plan. Once leaving Rogers and Main Street into Tally's Corner to Western Avenue to Stacy Boulevard, there are no ADA compliant sidewalks. When the Beauport Hotel and all the road work at the Fort was done, that was when the city would address Tally's Corner and ADA compliant sidewalks in that area. He said this needs to be addressed to include not only Tally's Corner but moving down towards Stacy Boulevard that is paramount. He advised that this Council wants to be part of the process, and there's been no project of this nature without a Traffic Commission recommendation, and he suggested it would be a disservice not to involve the Commission. He said the Council wants to work together with the Administration and that this should go through the Traffic Commission and on to O&A and then to the Council.

Mayor Theken pointed out that all the way down to Stacy Boulevard from Tally's Corner is part of the overall plan, and the Council will be included. They always work as a team and that as a former Councilor and now Mayor, she said she is and has been listening; that the plan will be presented and they will let people have their say, run trucks during a site visit to see what works. She assured that the Administration will always work with the Council and the community. **Council President Ciolino** added that the Council is there to work with the Mayor also.

Councilor Gilman noted that the No. 1 ranked priority within the Plan is "St. Peter's Circle," and pointed out that there are criteria which are checked off: safety, ADA accessibility, pedestrian mobility, bicycle mobility, no check for transit operations and access, and a check for vehicular operations and no check for freight operations. She asked if freight operations are the ability for an 18-wheeled truck to be able to go through this intersection as identified to the state in this priority listing. **Mr. Hale** responded, "No," it wasn't what it means, and the unchecked transit operations aren't relevant. The design isn't for a freight terminal, he indicated, but is a roadway that freight drives on, and isn't what the state is asking though those check boxes. He said it makes no sense to have a design that doesn't work and expressed concern why anyone would think this Administration would forward a design that couldn't be driven through. **Councilor Gilman** and **Mr. Hale** briefly discussed design, or lack thereof, of roundabouts and concern for 18-wheeled trucks driving over them in accessing the roadways.

Council President Ciolino thanked the Mayor and city staff for making their presentation, and that there is now a plan for moving forward and see if the grant is awarded to the city.

Consent Agenda:

- **CONFIRMATION OF NEW APPOINTMENTS**
 - **MAYOR'S REPORT**
1. Memorandum from DPW Director re: acceptance of a Recycling Dividends & Small Scale Grant Package for a value of \$21,500 (Refer B&F)
 2. Memorandum from the DPW Director re: permission to pay FY16 invoices with FY17 funds (Refer B&F)
 3. Memorandum from Harbormaster: permission to pay FY16 invoices with FY17 funds (Refer B&F)
 4. Memorandum from Harbormaster re: request to increase Transit Mooring Fee & 10A Temporary Float Permit Fee & amend GCO Sec. 10-51 (e) "Fees" accordingly
 5. Memorandum from Economic Development Director re: National Fish TIF (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
1. Communication from Commissioner Barry Weiner of Gloucester's Trust Fund Commission inviting Councilors to the November 18, 2016 meeting (Info Only)
 2. Presentation at the October 31, 2016 O&A meeting by the former member(s) of the Ad Hoc Dog Committee (Info Only)
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
1. Special Events Application: Request to hold Halloween Festival on October 30, 2016 (Refer P&D)
 - **COUNCILORS ORDERS**
1. CC2016-045 (Cox) Amend GCO Sec. 22-269 "Stop intersections" & Sec. 22-267 "One-way streets-Generally" re: Center Street (Refer O&A & TC)
 2. CC2016-046 (LeBlanc) Amend GCO Chapter 2, Article V "Boards, Commissions, Councils and Committees" by ADDING a New subsection, "Division 17. The Animal Advisory Committee" (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: September 27, 2016 (Approve/File)
 2. Standing Committee Meetings: B&F 10/06/16 (under separate cover), O&A 10/03/16, P&D 10/05/16 (Approve/File)

Unanimous Consent Calendar:

1. Addendum to the Mayor's Report of October 11, 2016:
 - A. 2017-SBT-5 Transfer to fund Police Department Investigations (Refer B&F)
 - B. Request for Tax Incentive Financing (TIF) for National Fish & Seafood LTD (Refer B&F)

Items to be added/deleted from the Consent Agenda & Unanimous Consent Calendar:

Councilor LeBlanc asked to pull the minutes of the O&A meeting of Oct. 3. He reflected on the Committee action of Oct. 3 and said he would put on the O&A Committee's October 17 agenda a procedural review of the Committee's vote to dissolve the Ad Hoc Dog Committee in order to ensure procedural parameters moving forward by the Committee.

By unanimous consent the Consent Agenda was accepted as amended. The Unanimous Consent Calendar was accepted by the Council as presented by its unanimous consent.

Committee Reports:**Budget & Finance: October 6, 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 approve Special Budgetary Transfer 2017-SBT-3 in the amount of \$3,041.43 from Account #0129252-520000, Police-Animal Control, Purchase of Services to Account #0121152-520000, Police Uniform, Purchase of Services for the purpose of funding the services of veterinary emergency care of Police K-9 Mako.

DISCUSSION:

Councilor Memhard explained that that the Police Department's K9 officer, Mako, contracted an infection that needed treatment emergently on a holiday requiring a trip to the veterinarian's ER, for a cost of \$3,041.43. The dog is fine now, he confirmed, but that this was a large, unanticipated expense, and the account used for the care and feeding of these highly trained dogs and routine veterinary services didn't have enough funding in it to handle this emergency expense.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2017-SBT-3 in the amount of \$3,041.43 from Account #0129252-520000, Police-Animal Control, Purchase of Services to Account #0121152-520000, Police Uniform, Purchase of Services for the purpose of funding the services of veterinary emergency care of Police K-9 Mako.

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 Special Budgetary Transfer 2017-SBT-4 in the amount of \$11,000.00 from Account #0121151-513001Police Uniform, Overtime Training to Account #0121152-558003, Police Uniform, Public Safety Supplies for the purpose of purchasing six (6) patrol rifles and tactical flashlights.

DISCUSSION:

Councilor Memhard conveyed Acting Chief McCarthy had conveyed to the B&F Committee that the Police Department is in need of patrol rifles and tactical flashlights. He explained that this is something the union has asked for given what is happening country-wide. Thirty officers were recently trained at Fort Devins on patrol tactical weapons, and the department thought it was a timely purchase. The weapons will be on board in the department's cruisers.

Council President Ciolino said the city needs to equip their Police Department with such equipment that is better than is found on the street to keep our residents safe, and that this is a good use of funds.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve Special Budgetary Transfer 2017-SBT-4 in the amount of \$11,000.00 from Account #0121151-513001Police Uniform, Overtime Training to Account #0121152-558003, Police Uniform, Public Safety Supplies for the purpose of purchasing six (6) patrol rifles and tactical flashlights.

Councilor Lundberg left the dais at 8:00 p.m.

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 permit the Gloucester Police Department to pursue a State Grant opportunity from the Massachusetts Executive Office of Public Safety and Security, a FY17 State 911 Department Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for a total of \$185,434.45.

DISCUSSION:

Councilor Memhard advised that this is an annual grant the Police Department applies for in order to obtain funding to conduct the required and extensive training for the department's 911 dispatchers. There is no match, he added.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 7 in favor, 0 opposed, 2 (Cox, Lundberg) absent, to permit the Gloucester Police Department to pursue a State Grant opportunity from the Massachusetts Executive Office of Public Safety and Security, a FY17 State 911 Department Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for a total of \$185,434.45.

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 federal grant from the United States Department of Justice Drug Enforcement Administration (DEA) FY17 Organized Crime Drug Enforcement Task Force for up to \$17,753, reimbursing the City Of Gloucester Police Department (GPD) for overtime by a GPD officer.

Councilor Lundberg returned to the dais at 8:01 p.m.**DISCUSSION:**

Councilor Memhard explained that this is an annual reimbursement grant from the U.S. Drug Enforcement Administration (DEA) for a Gloucester police officer's overtime for FY17. This is a longstanding agreement between the Gloucester Police Department and the DEA, as well as with other communities that participate in the program. There is no match, he noted.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 7 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, §53A a federal grant from the United States Department of Justice Drug Enforcement Administration (DEA) FY17 Organized Crime Drug Enforcement Task Force for up to \$17,753, reimbursing the City Of Gloucester Police Department (GPD) for overtime by a GPD officer.

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 payment of for the services of a temporary administrative Police Department employee through Accountemps, Chicago, IL Invoice #46591132 dated 09/07/2016 to be paid with FY2017 funds from the Police-Administration, Purchase of Services, Account #0121052-520000 for a total of \$320.00 without a purchase order in place.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve payment of for the services of a temporary administrative Police Department employee through Accountemps, Chicago, IL Invoice #46591132 dated 09/07/2016 to be

paid with FY2017 funds from the Police-Administration, Purchase of Services, Account #0121052-520000 for a total of \$320.00 without a purchase order in place.

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 payment for the purchase of a Rectangle Ceramic Ink Pad through Sirchie, Youngsville, NC, Invoice #0267642-IN dated 8/23/2016 to be paid with FY2017 funds from Police-Criminal Investigations, Public Safety Supplies, Account #0121252-558003 for a total of \$41.16 without a purchase order in place.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve payment for the purchase of a Rectangle Ceramic Ink Pad through Sirchie, Youngsville, NC, Invoice #0267642-IN dated 8/23/2016 to be paid with FY2017 funds from Police-Criminal Investigations, Public Safety Supplies, Account #0121252-558003 for a total of \$41.16 without a purchase order in place.

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 federal grant through the Essex National Heritage 2016 Visitor Center Grant through the National Park Service for a total of \$2,500 for the purpose of supporting the activities of the City's Visitor Welcome Center at Stage Fort Park. The grant period is from July 1, 2016 through June 30, 2017.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, §53A a federal grant through the Essex National Heritage 2016 Visitor Center Grant through the National Park Service for a total of \$2,500 for the purpose of supporting the activities of the City's Visitor Welcome Center at Stage Fort Park. The grant period is from July 1, 2016 through June 30, 2017.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed under MGL Chapter 44, §53A to accept from the Substance Abuse and Mental Health Services Administration (SAMHSA) a Sober Truth on Preventing Underage Drinking (STOP ACT) four-year grant with an annual award amount of \$47,145 and a total grant award of \$188,580. The time period for expenditure will be in effect through September 30, 2020.

DISCUSSION: None.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 8 in favor, 0 opposed, 1 (Cox) absent, under MGL Chapter 44, §53A to accept from the Substance Abuse and Mental Health Services Administration (SAMHSA) a Sober Truth on Preventing Underage Drinking (STOP ACT) four-year grant with an annual award amount of \$47,145 and a total grant award of \$188,580. The time period for expenditure will be in effect through September 30, 2020.

Ordinances & Administration: October 3, 2016

Councilor LeBlanc said the one matter for Council action will come forward under public hearings.

Planning & Development: October 5, 2016

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Lundberg, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council, pursuant to Massachusetts General Law Chapter 40, §3, accept the donation of an approximately 7.5 acre parcel of land with a current assessment value of \$28,400.00 with a property address of R Englewood Road, Gloucester, Mass., described in the deed recorded with the Essex South Registry of Deeds at Book 9093, Page 438.

DISCUSSION:

Councilor Lundberg noted that Messrs. Barry & Bruce Gradwohl have offered to donate their property located at R Englewood Road to the city of Gloucester. The property is approximately 7.5 acres surrounded by land already owned by the city. This is their second donation of land to the city in two years as well; the previous parcel was on Hesperus Avenue. This offer has been reviewed by the Community Development Department and the Conservation Commission who concur that ownership of this parcel will serve a public interest, he noted.

Councilor Orlando asked if the parcel requires any maintenance costs or any issues that could be a liability to the city. **Councilor Lundberg** said, "No." He advised it is all forested land.

Councilor Nolan expressed his thanks to the Gradwohl family saying this is a landlocked piece of property that involves encompassment of the trails being worked on around Magnolia Woods. He said the parcel will be a city asset that can be utilized.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, pursuant to Massachusetts General Law Chapter 40, §3, to accept the donation of an approximately 7.5 acre parcel of land with a current assessment value of \$28,400.00 with a property address of R Englewood Road, Gloucester, Mass., described in the deed recorded with the Essex South Registry of Deeds at Book 9093, Page 438.

Scheduled Public Hearings:**1. PH2016-47: Amend GCO Chapter 10, Sec. 10-81 "Scuba and Skin Diving" subsection (a)**

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

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:10 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. 10-81 "Scuba and Skin Diving (a) be Amended by DELETING 10-81 subsection (a) in its entirety and ADDING new Sec. 10-81 (a) as follows:

"(a) Every scuba diver or group of scuba divers while swimming on or under the surface of the waters shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver's flag while at or near the surface of the water. A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a speed not to exceed three miles per hour."

DISCUSSION:

Councilor LeBlanc explained that Chapter 10 Waterways, Section 81, subsection (a) is not in keeping with state law, and with the assent of the Waterways Board that the Council should simply replicate Mass. General Law to amend subsection (a) which is the Council action as proposed -- to delete c. 10-81(a) in its entirety and to replace that language with the state law language regarding dive flags only.

Councilor Gilman, who's Council Order prompted the Council action, explained that with a new Harbormaster and wanting to follow rules and enforcement, this is a matter that came up in Ward 4. She advised she had initially submitted an order that was a combination of state law and local ordinance, but that it was the recommendation of the Waterways Board that the ordinance amendment contain only the state law language. She

said it is the best way to move forward as this is what's done throughout the state, and is the right thing to do from a safety standpoint. She expressed her endorsement of the amendment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Sec. 10-81 "Scuba and Skin Diving (a) be Amended by DELETING 10-81 subsection (a) in its entirety and ADDING new Sec. 10-81 (a) as follows:

“(a) Every scuba diver or group of scuba divers while swimming on or under the surface of the waters shall display for each diver or group of divers as a warning device to boat operators, a diver’s flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver’s flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver’s flag while at or near the surface of the water. A boat operator within sight of a diver’s flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a speed not to exceed three miles per hour.”

2. PH2016-048: Amend GCO Chapter 22, Sec. 22-270 “Parking Prohibited at all times” and Sec. 22-291 “Tow-away zones” re: Concord Street

This public hearing is opened at 8:14 p.m.

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

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to permit the withdrawal without prejudice of CC2016-043 to Amend GCO Sec. 22-270 “Prohibited parking at all times” & Sec. 22-291 “Tow-away zones” re: Concord Street.

DISCUSSION:

Councilor LeBlanc advised that because the DPW Director under GCO Sec. 22-145 “General Prohibitions” was able to post “No Parking” signs in the area of the West Parish School zone, the need for the Council to act on this Council Order became moot, and so Councilor Nolan asked the Order be withdrawn.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to permit the withdrawal without prejudice of CC2016-043 to Amend GCO Sec. 22-270 “Prohibited parking at all times” & Sec. 22-291 “Tow-away zones” re: Concord Street.

For Council Vote:

1. Warrant for the State Election on November 8, 2016

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to approve the warrant for the State Election to be held November 8, 2016.

Unfinished Business: None.

Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:

Report by Councilor Gilman, Council Liaison to the Council on Aging:

Councilor Gilman recounted that it is wonderful to see the deep support of the city’s senior population through the Council on Aging’s well-run board. She added it is heartwarming to know that the Rose Baker Senior Center and its dedicated staff is such a tremendous resource for Gloucester seniors and a great place to go.

Council President Ciolino and **Councilor Gilman** discussed briefly that Patti Page, 3 Tidal Cove Way had emailed several questions to them prior to the Council meeting under the heading of the presentation of the Safe & Accessible Streets Program and that through them the questions were to have been asked of the Administration upon the completion of the presentation. Since that didn’t transpire, and that matter was closed, and with input from **Councilors Orlando** and **Nolan** and the City Clerk, the Councilors agreed that the appropriate format by which the

Council would transmit these questions to the Administration was through a Request to the Mayor and would ensure the submittal through the Clerk of Committees.

Councilors' Requests to the Mayor:

Councilor Orlando noted because of a rain out on Saturday, Oct. 1 for the clean-up of Clarke Cemetery, a part of the First Parish Burial Ground at 122 Centennial Avenue, the final resting place of many veterans, has been moved to Saturday, November 12 at 9:00 a.m. Compass Rose Landscaping and Annisquam Land Care are lined up to help, he said, and expressed his appreciation for their continuing commitment through donating their time, expertise and manpower. He asked if any resident had any time they could offer on Veteran's Day weekend, they would be most welcome. He advised that he and several of his fellow Councilors will also be there to lend a hand. He added his thanks to Councilor O'Hara for his work crew who already completed some ground clearing work at the cemetery.

Councilor Orlando also announced that on Oct. 26 at 7:00 p.m. at Magnolia Library, he and Councilor LeBlanc would be hosting a forum/workshop for people involved in real estate, development and associated businesses from in and outside of Gloucester about how the city can do things better to encourage development and to listen to ideas about streamlining permitting processes.

Councilor LeBlanc said weather permitting the following day, Washington Street from around Grove Street to Grant Circle will be resurfaced at no cost to the city due to a defect in the asphalt material which has caused a rippling defect in the road that was laid down, and the work is still under warranty. He advised the work should be completed by Thursday.

Councilor Memhard invited the Council to drive Starknaught Heights as the top course of paving is now completed. Noting some of the issues that surrounded that area's private road paving project, he indicated that the Council can take away some lessons of the betterment paving project as they can all expect similar challenges in the future. He suggested a possible tweaking of the guiding ordinance for such betterment projects.

Councilor Gilman announced that on Friday, October 14, at 4:00 p.m. the CATA bus will stop at the Rose Baker Senior Center where Mayor Theken will board with a group of Gloucester seniors to go to the East Gloucester Seine Fields on Farrington Avenue where the Cape Ann Trail Stewards will be on hand to greet the seniors. They will convey information about the new program through CATA how seniors, as well as the rest of the city, will be able to access and take advantage of trail locations in the city.

She then made the following two Requests to the Mayor:

1. Request that the Mayor, through the DPW Director, place a "Slow/Children" sign on the right side of Riverview Road after #45 and before #55.

2. Request to the Mayor, through the city's appointed School Committee member of the Essex Technical High School (ETHS), that the ETHS Superintendent and CFO attend a City Council meeting on a date agreed by the Gloucester City Council President, to discuss ETHS's spending priorities for the 2017/2018 school budget, including the status of current leases.

Councilor O'Hara asked that a second request be submitted to the Mayor through the Zoning Officer that the lights at Schoolhouse Road leading to Gloucester Crossing be energized.

Council President Ciolino reminded the public of an upcoming Ward 1-2 meeting. **Councilor Memhard**, as Ward 1 City Councilor, announced that as a follow-up to a recent meeting at East Gloucester Elementary School in conjunction with the School Committee and Ward 2 Councilor, Melissa Cox, they will all host a meeting on Monday, Oct. 17 at 6:30 p.m. at the Veteran's Memorial Elementary School. There will be a presentation by School Committee Chairman, Jonathan Pope concerning the elementary school building program and the options for possible consolidation of East Gloucester & Veteran's Memorial Elementary Schools. They will answer questions about the siting and construction of a possible new school, as well as the disposal of the parcels of real estate (schools) that are abandoned by the city.

Council President Ciolino announced a Special Joint Meeting of the City Council and School Committee at the O'Maley Innovation Middle School, 32 Cherry Street at 7:00 p.m. in the school's library about the proposed schools consolidation and their funding. The Mayor will hold a Halloween Festival on Sunday, Oct. 30 from 2:00 p.m. to 5:00 p.m. She has let it be known that she is looking to the Council for volunteers to act as potential mummies, as part of a children's contest, he conveyed.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Written Statement on the Safe & Accessible Streets Program/Tally's Corner Timeline by Patti Page, 3 Tidal Cove Way, and a copy of a petition to the Mayor, "to withdraw the Tally's Corner Rotary proposal request for state funding prior to the state's October 15th identified deadline for further city action," also submitted by Ms. Page**