

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 10, 2017 – 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 (entered the meeting at 7:02 p.m.); Councilor Joseph Orlando, Jr.

Absent: None.

Also Present: Mayor Sefatia Theken; Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; James Pope; Brian Hamilton; Jim Hafey; Bill Sanborn; Chris Sicuranza; Gregg Cademartori; Dan Smith; Sal DiStefano; Donna Leete; Matt Coogan

Planning Board: Doug Cook; Rick Noonan; Mary Black; Kenneth Hecht; Henry McCarl; Shawn Henry

Absent: Joseph Orlando, Sr.

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

Flag Salute & Moment of Silence. Council President Ciolino dedicated the Moment of Silence to Rick Pino, a Gloucester resident, who honorably served two tours in the Vietnam conflict and recently passed away.

Oral Communications:

Lisa Smith, 44 Haven Terrace, noted that the previous Friday driving on her street there was an inch of snow on the ground and lost traction of her car. She recounted that she only stopped once her car reached the Main Street intersection at the bottom of the hill where there was bare road. She said that had there been a pedestrian crossing at the intersection or a vehicle travelling on Main Street in her path it could have resulted in a serious traumatic accident. She said the DPW should consider better treating the roads even though that particular storm was light in snow.

With the assent of the Council at the request of Council President Ciolino to convenience the public, New Appointments were taken prior to the presentation of Fuller Mixed Use Venture LLC.

Confirmation of New Appointments:

Chief Administrative Officer

TTE 02/14/18

James Destino

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Nolan) absent, to recommend that the City Council appoint James Destino as Chief Administrative Officer, TTE 02/14/18.

DISCUSSION:

Mayor Theken said she and Mr. Destino started together and that they now will be able to continue together. She said that the Council has worked with Mr. Destino in the past and he has proven himself. She noted that he had to take some time for himself but that she reached out again to him and asked him to return to the post of Chief Administrative Officer even though she searched for his replacement diligently. She noted that her office was reorganized and had added the position of Director of Constituent Services which she said makes her office better and stronger. She assured that every constituent who comes to her office will be directed more appropriately. The upcoming year will be hard, she added, but they will work together as a team and asked that Mr. Destino be appointed once again as CAO.

Councilor LeBlanc welcomed Mr. Destino back to the position of Chief Administrative Officer for the city. He said that he supported his appointment noting Mr. Destino worked well with the Council, and expected that would continue to be the case.

Councilor Memhard joined Councilor LeBlanc in welcoming Mr. Destino back, calling him an integral cog to making the city and the Mayor's administration work. He said he was pleased as the Chair of the Budget & Finance Committee that Mr. Destino had returned to manage the city's budget in a fiscally responsible manner to keep the city, "lean and mean" with taxpayers' dollars.

Council Gilman said she would support Mr. Destino's appointment saying that he is always accessible to the Councilors and returns their inquiries promptly which is a great service.

Councilor Lundberg added his support noting that in addition to being accessible to the Council, a strength of Mr. Destino's is that he has the respect of city department heads which is crucial for that job as those department heads make the city run, and that they know he has their back as well.

Councilor Orlando voiced his support for Mr. Destino saying he is a significant resource to the Council, especially those Councilors in their first term.

Councilor Cox expressed her support of Mr. Destino highlighting his accessibility and his willingness to work with the Council.

Council President Ciolino said it is nice to have someone with experience who knows the city so well. He welcomed him back to the city's employ.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 9 in favor, 0 opposed, to recommend that the City Council appoint James Destino as Chief Administrative Officer, TTE 02/14/18.

Tourism Commission:

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Nolan) absent, to recommend that the City Council appoint Elizabeth Favazza to the Tourism Commission, TTE 02/14/18.

DISCUSSION:

Councilor LeBlanc offered that the O&A Committee fully endorsed Ms. Favazza's appointment. **Councilor Orlando** said he asked Ms. Favazza to volunteer for this position, noting she is a rising star in the tourism industry that has great ideas and has his respect for her enthusiasm and knowledge base and asked the Council to support her appointment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Elizabeth Favazza to the Tourism Commission, TTE 02/14/18.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Nolan) absent, to recommend that the City Council appoint Doug Silva to the Tourism Commission, TTE 02/14/19.

DISCUSSION:

Councilor Orlando advised that Mr. Silva is a personal friend and the owner of the Topside Grill. He said he will be a valuable asset to the Tourism Commission. He noted Mr. Silva has great ideas and said he looked forward to working with him. **Council President Ciolino** said the Council is trying to rebuild the Tourism Commission and lauded the effort by Councilor Orlando.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Doug Silva to the Tourism Commission, TTE 02/14/19.

Animal Advisory Committee:

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Nolan) absent, to recommend that the City Council appoint Jennifer A. Holmgren to the Animal Advisory Committee, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc advised that the O&A Committee having worked with Ms. Holmgren, a former member of the recently disbanded Ad Hoc Dog Advisory Committee. He lauded her dedication and hard work, noting she is the first inductee to the new Animal Advisory Committee and supported her appointment wholeheartedly.

Councilor O'Hara said he worked with Ms. Holmgren on the Ad Hoc Dog Committee, saying that she is dedicated and hardworking, and that she'll be an asset to the new committee and the city.

Council President Ciolino said that Ms. Holmgren has worked tirelessly on behalf of animals; that when she volunteers one knows things will get done. He noted Councilor LeBlanc had worked hard with his fellow O&A Committee members to put this new committee together.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to appoint Jennifer A. Holmgren to the Animal Advisory Committee, TTE 02/14/20.

Presentations/Commendations:

1 of 1: Fuller Mixed Use Ventures, LLC: Proposed Redevelopment of the Fuller School Site – Introductory Presentation to the City Council of the City of Gloucester, January 10, 2017 (Power Point Presentation on file) by Attorney Deborah A. Eliason and Peter Gourdeau of Windover Construction

Council President Ciolino said that this is a presentation and not a public hearing, and therefore there is no public input. He noted that the Planning Board was present and will take this matter up first. The Board will fine tune the requisite applications and during their meetings they will hold a public hearing; Planning and Development's review will follow that. Advising that an hour had been allocated for the presentation and welcomed the Planning Board.

The Planning Board Chair, Rick Noonan called the Planning Board to order at 7:19 p.m. noting that members present were Vice Chair, Mary Black; Doug Cook; Shawn Henry, and Hank Carl. Absent: Joseph Orlando, Sr.

Mr. Noonan advised that upon receipt of the applications attendant with the Fuller Mixed Use Ventures LLC proposals to develop the Fuller School site that the Planning Board's will hold public hearings; that their review will be exhaustive and thorough and invited the public to come out because the Board needed their support in developing a good process for the city.

Dan Smith, Community Development Director, gave a Power Point overview (placed on file) of the Fuller Mixed Use Development of the Fuller School site property history, physical characteristics, disposition and development process.

Attorney Deborah A. Eliason, attorney for the Fuller Mixed Use Venture, LLC, 65 Main Street, introduced the overview presentation.

Peter Goudreau, Director of Project Development for Windover Construction introduced the Project Team, all of whom were present as follows: Windover Construction: Lee Dellicker, Managing Member (construction and development management services); Sam Park & Co., Samuel E. Park, Member (retail & commercial real estate); Dolben, Team Members Andrew K. Dolben, Executive Vice President and Joseph O'Connor, Director of Development-New England (multi-family development real estate); and The YMCA of the North Shore, Team Members: John J. Meany, Project Leader, CEO Emeritus, Christopher J. Lovasco, Organizational Leader, CEO, and Timothy P. Flaherty, Leader, Cape Ann YMCA, Executive Director (youth development; healthy living, social responsibility).

Mr. Goudreau then reviewed the following through a Power Point presentation (on file) of which some highlights are noted below:

- Windover Construction, YMCA of the North Shore, Sam Park & Co., and the Dolben Company's corporate descriptions and examples of their local area work were reviewed as well as the depth of their corporate experience in New England and in the case of Dolben, through to the Mid-Atlantic states;
- Views of the proposed site with its existing conditions with proposed development of the new Cape Ann YMCA, a residential multi-family development of 200 units and retail space were shown and described as to the siting on the property as well as what views may appear from a neighborhood perspective;

- Benefits of the project were highlighted, some of note were:
Bigger, state-of-the-art Cape Ann YMCA; Apartment style homes create new housing options for empty nesters & professionals; a variety of retail and commercial offerings will make Fuller a true mixed-use project; the economic stimulus of job growth, increased tax revenue and increased consumer spending; elimination of a substantial environmental and public safety liability to the city.
- Components of a new, proposed full service Cape Ann YMCA were described at a cost of \$15-20 million, with a 12-14 month construction timeframe from groundbreaking.
- The Dolben proposal for three four-story buildings with 200 market rate apartment units (80 one bdrm/one bath; 120 two bed/two bath units) with 1.5 spaces for units with clubhouse, fitness center, described as upscale unit finishes and amenities and other Class A. amenities were noted with a project investment of \$30-\$35 million with 18 months groundbreaking to completion.
- Sam Park & Co. proposes approximately 25,000 square feet of one-story retail and commercial space with traditional village-like facades with about four retailers to support the community. Project investment is \$4-5 million an anticipated groundbreaking to completion is 10-12 months.
- It is intended to be a walkable pedestrian community that all aspects will be connected with walking paths.
- Permitting Process was reviewed by **Ms. Eliason** as follows:
 1. Amend Zoning via Overlay District; City Council action re: Gloucester Commons, LLC Parcel; Preliminary Project Review by City Departments; Conservation Commission – ANRAD (Abbreviated Notice of Resource Area Delineation);
 2. Special Permit Approval under Overlay District Amendment;
 3. Conservation Commission – Notice of Intent/Order of Conditions
 4. Division of Site into Three Parcels after permits in hand for the three main components to ease individual financing purposes with reciprocal easements;
 5. Building Permit Applications and then closing and construction begins.

Mr. Noonan expressed his appreciation this was an informational presentation, that the Board was not there to design or manage the finer details and opened the matter to the Board.

Shawn Henry expressed concern for some points of the potential development.

Councilor Lundberg asked as a point of order that the Planning Board and the Council refrain from questions and further refrain from any statements that may prejudice the applicant’s future permitting presentations.

Council President Ciolino said the Planning Board if they have a concern that it will be helpful for the applicant to be able to address those concerns when appearing before the Board.

Councilor Cox objected to questions and statements by both the Board and the Council suggesting that such actions would be premature and prejudicial. **Councilor LeBlanc** expressed a similar opinion.

Mr. Noonan said the Planning Board is meeting on a rezoning application for an Overlay District for the Fuller site, and this was to get on the same page and ask questions that will be pertinent on the process. He expressed that what they are concerned about on the Board is different than that of the Council.

Councilor Orlando said both the Board and the Council will all have the appropriate time and procedure and that both bodies will have multiple opportunities to ask their questions but expressed support of his fellow Councilors’ statements. **Mr. Henry** expressed further that he wished to make statements regarding the project and attempted to do so.

Councilor Lundberg said this meeting is not been noticed as a public hearing and that the public was not noticed that there were to be questions or the opportunity to speak on the matter.

Mr. Noonan noted that the Planning Board will have his own meeting upcoming on this matter.

Henry McCarl said he worked with Councilor Lundberg as the former Planning Board Chair. He emphasized that the project raises many questions not only for the development of the Fuller site but the moving of the Cape Ann YMCA out of the downtown, and pointed out that this project has far reaching impacts.

The Planning Board unanimously voted to close their meeting at 7:56 p.m.

The Council recessed at 7:56 p.m. and reconvened at 8:06 p.m.

Consent Agenda:

- **MAYOR’S REPORT**

1. Management Reappointments:	Purchasing Agent Chief Financial Officer	TTE 02/14/18 TTE 02/14/18	Donna Compton John Dunn	(Refer O&A)
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|---------------------------------|---------------------------------------|--------------|---------------------|-------------|
| | City Engineer | TTE 02/14/18 | Paul Keane | |
| | General Counsel | TTE 02/14/18 | Chip Payson | |
| | Building Inspector | TTE 02/14/18 | William Sanborn | |
| | Veterans' Affairs Agent | TTE 02/14/19 | Adam Curcuro | |
| | Assessor | TTE 02/14/20 | Bethann Brousseau | |
| 2. Management New Appointments: | Community Development Dir. | TTE 02/14/18 | Daniel Smith | (Refer O&A) |
| 3. New Appointments: | Tourism Commission | TTE 02/14/18 | Mike Man | (Refer O&A) |
| 4. Reappointments: | Affordable Housing Trust | TTE 02/14/19 | Ruth Pino | |
| | Board of Health | TTE 02/14/20 | Fred Cowan | |
| | City Hall Restoration Comm. | TTE 02/14/20 | Craig Herrmann | |
| | Clean Energy Commission | TTE 02/14/19 | Robert Myers | |
| | Committee for the Arts | TTE 02/14/21 | Robert Havercamp | |
| | | | Judith Hoglander | |
| | | | Sinikka Nogalo | |
| | Conservation Commission | TTE 02/14/20 | Robert Gulla | |
| | Fisheries Commission | TTE 02/14/20 | Angela Sanfilippo | |
| | | | Al Cottone | |
| | | | Paul Vitale | |
| | | | Mark Ring | |
| | | | Joseph Orlando | |
| | Historical Commission | TTE 02/14/20 | Mary Ellen Lepionka | |
| | Licensing Board | TTE 02/14/23 | Meredith Fine | |
| | Magnolia Woods Oversight & Adv. Comm. | TTE 02/14/20 | Alexander Monell | |
| | Planning Board | TTE 02/14/22 | Rick Noonan | |
| | Shellfish Advisory Commission | TTE 02/14/20 | David Roach | |
| | Waterways Board | TTE 02/14/20 | Tony Gross | (Refer O&A) |
5. Special Budgetary Request (2017-SBT-11) from the Police Department (Refer B&F)
 6. Special Budgetary Request (2017-SBT-12) from the Mayor's Office (Refer B&F)
 7. Special Budgetary Request (2017-SBT-13) from the Mayor's Office (Refer B&F)
 8. Supplemental Appropriation- Budgetary Request (2017-SA-15) from the Treasurer/Collector's Office (Refer B&F)
 9. Supplemental Appropriation- Budgetary Request (2017-SA-16) from the Waterways Board (Refer B&F)
 10. Supplemental Appropriation- Budgetary Request (2017-SA-17) from the Treasurer/Collector's Office (Refer B&F)
 11. Supplemental Appropriation- Budgetary Request (2017-SA-18) from the Treasurer/Collector's Office (Refer B&F)
 12. Memo from the Mayor's Office to City Council re: Sale of the interest in Parcel E on the former Fuller School site (Refer P&D)
 13. Memo from the Fire Chief re: suggested revisions to GCO c. 2, Art. VII, c. 8 and official acceptance of MGL c. 148, §261 (Refer O&A)
 14. Memo from Senior Planner re: City's acceptance into the National Grid Community Initiative (Info Only)
 15. Addendum to Mayor's Report re: Survey & Planning Grant Application for defining Dogtown as a Nat'l Historic Register Dist. (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 - 1. Response from Mayor's Office to Oral Communications of December 13, 2016 City Council Meeting to Albert Dos Santos (Info Only)
 - 2. Memorandum from City Clerk re: City Council Vote for Sept. 19, 2017 Municipal Preliminary Election per Special Act (FCV 1/24/17)
 - **INFORMATION ONLY**
 - 1. Letter from Gloucester Contributory Retirement System re: Filing of 2016 Annual Expense Budget (Info Only)
 - **APPLICATIONS/PETITIONS**
 - 1. Special Event Permit Application: Request to hold Lone Gull 10K Road Race on 9/24/17 (Refer P&D)
 - 2. Request for renewal of outdoor parking permit from Antonio, Maria and Angela Procaccini pursuant to MGL c. 148, §56 & GCO Sec. 22-153 re: 2 Long Beach Road (Refer P&D)
 - 3. SCP2017-001: Lindberg Drive #8, Map 123, Lot 84, GZO Sec. 2.3.6(4) for arts, crafts & sale of arts or crafts if made on premises (Refer P&D)
 - 4. RZ2017-001: GZO Amendment Sec. 1.11(c) re: creation of a Mixed Use Overlay District including properties at #2 & #4 School House Road & #7 Gloucester Crossing Road
 - **COUNCILORS ORDERS**
 - 1. CC2017-001 (Cox): Amend GCO Sec. 22-284 "Service and Loading Zones" re: 199-201 Main Street (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 12/13/16 (Approve/File)
 - 2. Standing Committee Meetings: B&F 01/5/17 (under separate cover), O&A 01/3/17, P&D 01/4/17 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Cox asked to remove Item #1 under Council Orders in order to explain that CC2017-001 to amend GCO Sec. 22-284 "Service and Loading Zones re: 199-201 Main Street has already been considered by the Traffic Commission and was why the matter be solely referred to the O&A Committee for its consideration. **The Council voted unanimously that Item #1, CC2017-001 to amend GCO Sec. 22-284 "Service and Loading Zones re: 199-201 Main Street is referred to the O&A Committee.**

Councilor Orlando asked to remove Item #6, 2017-SBT-12 of the Mayor's Report. He explained that this matter had already been through to the B&F Committee and acted upon for recommendation and would come forward shortly for the Council's consideration. He asked that 2017-SBT-12 be stricken from the Jan. 10, 2017

Council agenda. **The Council voted unanimously to permit the striking of Item #6, 2017-SBT-12 from the Mayor's Office from the Council agenda.**

Councilor Orlando then noted under #1 Management Reappointments, Paul Keane to express his concern pursuant to Mr. Keane's reappointment only.

Jim Destino, CAO, said the Mayor's Report omitted one the appointments of the Administration's managers, Donna Leete, Personnel Director, and asked she be included and referred to the O&A Committee. **The Council voted unanimously to add Ms. Leete to the Consent Agenda for referral to O&A Committee.**

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

Committee Reports:

Budget & Finance: January 5, 2017

Councilor Memhard noted that his Committee has been working their way through the Community Preservation Committee's recommendations on applications for CPA funding over the last two Committee meetings. He said they have one more round to go at their Jan. 19 meeting before the matters come before the Council at a public hearing.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2017-SBT-10 in the amount of \$6,306.32 from Account #0121151-513000, Police Uniform, Overtime to Account #0121651-513000, Police Harbors, Overtime, for the purpose of funding a deficit in the account and make funds available should the Police boat be called out.

DISCUSSION:

Councilor Memhard explained that this transfer of funds from one division of the Police Department to the other is to ensure that the Police boat, should it be necessary for it to be deployed has funds in the overtime account to pay for its staffing.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed to approve Special Budgetary Transfer 2017-SBT-10 in the amount of \$6,306.32 from Account #0121151-513000, Police Uniform, Overtime to Account #0121651-513000, Police Harbors, Overtime, for the purpose of funding a deficit in the account and make funds available should the Police boat be called out.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Budget & Finance Committee voted in favor, opposed, to recommend that the City Council accept under MGL c. 44, §53A a donation of \$2,500 from Susan Herren for the purpose of helping to fund the Gloucester Archives Vault Construction. Funds are to be deposited in the Archives Vault Construction Fund #3318.

DISCUSSION:

Councilor Memhard said that he commends Ms. Herron for her generosity in helping to move this project forward.

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 donation of \$2,500 from Susan Herren for the purpose of helping to fund the Gloucester Archives Vault Construction. Funds are to be deposited in the Archives Vault Construction Fund #3318.

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 the following Special Budgetary Transfer (2017-SBT-12) for the purpose of funding the salary increase to Gloucester

Municipal Administrators Association SEIU Local 888 (GMAA) members and exempt administrators resulting from the settlement of the GMAA contract for a total amount of \$57,160.51:

2017-SBT-12

From: Account#0190151-517003 City Health Insurance To: Account#0112151-511000 City Mayor, Salaries \$1,917.65
 From: Account#0190151-517003 City Health Insurance To: Account#0113551-511000 City Auditor, Salaries \$3,371.06
 From: Account#0190151-517003 City Health Insurance To: Account#0113851-511000 Purchasing, Salaries \$2,118.62
 From: Account#0190151-517003 City Health Insurance To: Account#0114151-511000 Assessors, Salaries \$4,412.10
 From: Account#0190151-517003 City Health Insurance To: Account#0114551-511000 Treasurer/Collector, Salaries \$5,388.88
 From: Account#0190151-517003 City Health Insurance To: Account#0115151-511000 Legal, Salaries \$2,338.56
 From: Account#0190151-517003 City Health Insurance To: Account#0115151-511300 Legal, Wages \$950.04
 From: Account#0190151-517003 City Health Insurance To: Account#0115251-511000 Personnel, Salaries \$1,900.08
 From: Account#0190151-517003 City Health Insurance To: Account#0115551-511000 IT, Salaries \$3,623.47
 From: Account#0190151-517003 City Health Insurance To: Account#0116151-511000 City Clerk, Salaries \$1,370.25
 From: Account#0190151-517003 City Health Insurance To: Account#0118151-511000 Community Development, Salaries \$805.63
 From: Account#0190151-517003 City Health Insurance To: Account#0118151-511000 Community Development, Salaries \$7,767.08
 From: Account#0190151-517003 City Health Insurance To: Account#0121051-511000 Police Admin., Salaries \$858.69
 From: Account#0190151-517003 City Health Insurance To: Account#0122051-511000 Fire Department, Salaries \$1,876.59
 From: Account#0190151-517003 City Health Insurance To: Account#0124151-511000 Inspectional Services, Salaries \$3,896.20
 From: Account#0190151-517003 City Health Insurance To: Account#0124151-511300 Inspectional Services, Wages \$432.22
 From: Account#0190151-517003 City Health Insurance To: Account#0141151-511000 DPW-Engineering, Salaries \$646.03
 From: Account#0190151-517003 City Health Insurance To: Account#0142151-511000 DPW Admin., Salaries \$1,515.68
 From: Account#0190151-517003 City Health Insurance To: Account#0147051-511000 DPW-Public Property, Salaries \$1,498.14
 From: Account#0190151-517003 City Health Insurance To: Account#0147251-511000 DPW-Facilities, Salaries \$2,612.61
 From: Account#0190151-517003 City Health Insurance To: Account#0151051-511000 BOH-Public Health, Salaries \$3,922.66
 From: Account#0190151-517003 City Health Insurance To: Account#0154151-511000 Council on Aging, Salaries \$950.04
 From: Account#0190151-517003 City Health Insurance To: Account#0154351-511000 Veterans Services, Salaries \$790.86
 From: Account#0190151-517003 City Health Insurance To: Account#0161051-511000 Library, Salaries \$2,197.37

Total - \$57,160.51

DISCUSSION:

Councilor Memhard explained that transfer is a reflection of the settlement of the Gloucester Municipal Administrator's Association (GMAA) contract, funds must now be made available to make required salary adjustments for 43 current and former members of the GMAA as well as 23 current and former exempt administrators whose salary and benefits mirror the changes in the GMAA contract. Although this amounts to \$75,307.85, the transfer of \$57,160.51 reflects salaries or portions of salaries that are budgeted from the General Fund. It should be noted that during the FY17 budget process, the Administration had set aside funds in the Personnel Health Insurance account to be available to fund salary increases for any contracts settled during the course of the fiscal year that had an impact on the General fund. He pointed out that no action at this time is being taken on salary adjustments that have an impact on Grant and Enterprise Fund budgets as there appears to be a sufficient flexibility to absorb those salary adjustments.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve the following Special Budgetary Transfer (2017-SBT-12) for the purpose of funding the salary increase to Gloucester Municipal Administrators Association SEIU Local 888 (GMAA) members and exempt administrators resulting from the settlement of the GMAA contract for a total amount of \$57,160.51:

2017-SBT-12

From: Account#0190151-517003 City Health Insurance To: Account#0112151-511000 City Mayor, Salaries \$1,917.65
 From: Account#0190151-517003 City Health Insurance To: Account#0113551-511000 City Auditor, Salaries \$3,371.06
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From: Account#0190151-517003 City Health Insurance To: Account#0161051-511000 Library, Salaries \$2,197.37

Total - \$57,160.51

Ordinances & Administration: January 3, 2017

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Nolan) absent, to recommend that the City Council permit the withdrawal of CC2016-048 (Orlando) Amend GCO Sec. 4-16 (d) "Off-leash dog areas" subsection (b)(2) by adding a new subsection "(m) Dog Park "pooch pass" certificate for non-residents & amend Sec. 1-15 "Penalty for violation of certain specified section of code" without prejudice.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2016-048 (Orlando) Amend GCO Sec. 4-16 (d) "Off-leash dog areas" subsection (b)(2) by adding a new subsection "(m) Dog Park "pooch pass" certificate for non-residents & amend Sec. 1-15 "Penalty for violation of certain specified section of code" without prejudice.

Planning & Development: January 4, 2017

Councilor Lundberg reported there were no matters for Council action from this meeting.

The Council assented to the taking of public hearings out of order.

Scheduled Public Hearings:

- 1. PH2017-001: Loan Order 2017-001: Loan Order Authorization in the amount of \$1,300,000 for various municipal building repairs**

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

Those speaking in favor:

Jim Hafey, Facilities Manager, said of the \$1,310,000 loan authorization request that \$1 million is to be used to replace the fire alarm systems at Gloucester High School and the O'Maley Innovation Middle School -- the Middle School's alarm system was installed in 1974. He advised that the High School's system dates back to the 1996 renovation and the alarm system is now obsolete. Both systems are functioning and safe at this time, he pointed out, but it is getting more difficult to keep both systems operational. He noted that it is not required to have a sprinkler system at this time. He also reviewed that the Police Station has had about 40 percent of its roof done in 2016, but the court house side of the building roof must be replaced -- it is leaking. There is a boiler in the building that needs replacement, and that the ten remaining rooftop exhaust fans will be replaced just after the roof is completed.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:21 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 authorize the following loan order:

Ordered: That the City of Gloucester appropriates One Million Three Hundred Ten Thousand Dollars (\$1,310,000) to pay costs of building roof replacement, mechanical and electrical systems and site improvements to various municipal buildings, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G. L. Chapter 44, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the projects.

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

DISCUSSION:

Councilor Memhard said that these capital repairs are important and need to be done.

Council President Ciolino commented that the Fire Chief and DPW Director have said that the fire alarm systems at the High School and Middle School are substandard. He said that the Council and Administration have a responsibility to make these capital improvements as soon as possible to make both schools safe. The work is important and should be done as presented.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to authorize the following loan order:

Ordered: That the City of Gloucester appropriates One Million Three Hundred Ten Thousand Dollars (\$1,310,000) to pay costs of building roof replacement, mechanical and electrical systems and site improvements to various municipal buildings, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G. L. Chapter 44, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the projects.

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

- 3. PH2017-002: Amend GCO Chapter 22, Sec. 22-268 "Same from May 1-September 15 by DELETING Arlington Street for its entire length and Amend Sec. 22-267 "One way streets-generally" by ADDING Arlington Street for its entire length**

This public hearing is opened at 8:24 p.m.

Those speaking in favor:

Joe Meckem, 3 Arlington Street, said 100 percent of the residents of Arlington Street are in favor of this street being made one way year round. It is a very narrow street and with snow it is really a one lane road and doesn't make sense to make it two way.

Those speaking in opposition: None.

Communications: Jane and Christopher Deering, 18 Arlington Street in favor of Arlington Street being made one way.

Councilor Questions: None.

This public hearing is closed at 8:30 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Nolan) absent, to recommend that the City

Council Amend GCO Sec. 22-268 (Same-From May 1- September 15) be Amended by DELETING: "Arlington Street for its entire length in a northeasterly direction."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted in favor, opposed, to recommend that the City Council Amend GCO Sec. 22-267 (One way streets Generally) by ADDING: "Arlington Street for its entire length in a northeasterly direction."

DISCUSSION:

Councilor Gilman expressed how pleased she was that all the residents of Arlington Street worked together to come to consensus on this matter under Joe Meckem's leadership to see that Arlington Street becomes one way. This road is steep and narrow, she pointed out, and this will help to ensure the safety of the residents of that roadway. She said she supported this amendment and the one to follow to make Arlington Street one way year round.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Sec. 22-268 (Same-From May 1- September 15) be Amended by DELETING: "Arlington Street for its entire length in a northeasterly direction."

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Sec. 22-267 (One way streets Generally) by ADDING: "Arlington Street for its entire length in a northeasterly direction."

2. PH2016-054: SCP2016-005: Great Republic Drive #41, Map 263, Lot 58, GZO Sec. 1.5.3 (c), Sec. 2.3.2, Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" (Cont'd from 11/22/16)

This public hearing is opened at 8:31 p.m.

Those speaking in favor:

Attorney Bruce Tobey, Partner, Pannone Lopes Devereaux and West, White Plains, NY, representing Mayflower Medicinals, Inc., (MMI) for a special Council Permit for a "Medical Marijuana Treatment Center, for a site located in part of a pre-existing building at #41 Great Republic Drive. He noted his Co-Counsel Adam Fine, and Attorney David Ullian, both of Vicente & Sederberg who also represent MMI. The Registered Marijuana Dispensary (RMD) proposed at 41 Great Republic Drive is in compliance with MGL c.40A, §9 and the Gloucester Zoning Ordinance Sections 1.5.3 (c), 1.8.3, 2.3.2, Sec. 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Center only. He pointed out this important process needs to feature comprehensive and complete review of the project citing that is why MMI is before the Council now. Highlighting the Planning & Development Committee, Chair Councilor Lundberg's statements who pointed out the presence of several applicants and opened the Dec. 7, 2016 meeting, "The Council will evaluate each application as they relate to the Zoning Ordinance and not to each other." He added that Councilor Lundberg, noting that there are two projects seeking permits; he said that, "the city doesn't think this is a competition. Each application will be looked at independently to the Zoning Ordinance and voted on as it relates to the Zoning Ordinance." **Mr. Tobey** expressed that this was then the Council's "job" this evening.

OVERVIEW:

Mr. Tobey conveyed that: MMI's RMD is a health care facility that will occupy approximately 1,867.6 square feet of the eastern corner of the existing Swan Net building. He noted that the MMI plan which has undergone P&D Committee review and received a positive recommendation is different from what was shared initially with the Committee on Oct. 5 because MMI has undergone a comprehensive and very detailed Site Plan Review with the Planning Board. The Board has also issued a positive recommendation. It was noted it was a very useful process which has made the MMI proposal better than it was and ready for the Council's review. Thanks were offered to the Planning Board and city staff.

MMI is a Massachusetts non-profit corporation dedicated to providing the highest quality Medical Marijuana products and services to the registered patients of the state in a safe, secure and professional environment. MMI's RMD will offer a variety of strains, products and educational services to meet the unique needs of each patient

including high CBD Medical Marijuana with little or no psycho-active properties and complying at all times with the State Department of Public Health (DPH) regulations which stringently govern the process.

In Gloucester MMI will create a community-focused operation that leverages its non-profit business and medical marijuana experience to give back to the community through a variety of charitable endeavors, an MMI credo.

The Medical cannabis industry is new, and Mayflower has a talented team that has been highly touted. MMI features a fully-funded Mass. program and an unsurpassed patient focus. John Henderson, Director and Chief Executive Officer of MMI was introduced and his 30 background in real estate and health care facilities development and operations. His focus is on the delivery of health care services meeting the needs of patients. Of note was Mr. Henderson's work as Chief Operating Officer and Chief Development Officer of Pro-cure Treatment Centers, Inc. the world's largest network of proton radiation therapy centers for cancer treatment.

Mr. Henderson announced that the MMI team has deep experience in both health care and medical marijuana operations and conveyed that: MMI is fully funded; and funded their operations in Massachusetts which includes a dispensary in Boston and Gloucester. The MMI team is the first to receive a unanimous vote of the Boston City Council and expressed hope for the same this evening. He said MMI is committed to Gloucester for the long term and are able to open their dispensary this year. He touted his team having deep expertise, committed to the patients in Gloucester. He also mentioned his 10 years of experience building a cancer treatment center roll out across the country. He said he believed it begins with a patient -- provide the best service, the best product, then everything else follows and is their commitment to their patients that come to their treatment center. He recounted that MMI's medical advisor, Richard Boxer, MD, will support this patient commitment through an outreach program to local physicians about appropriate applications for medical marijuana, and noted that training and education is an important component. He pointed out that Dr. Boxer was twice a finalist for appointment as U.S. Surgeon General. He pointed out that Medical Marijuana operations expertise starts with his partner and Chief Operating Officer for MMI is Jamie Lewis. He said Ms. Lewis is an expert with over 10 years' experience running Medical Marijuana operations, security and patient care. He advised Ms. Lewis is nationally recognized leader running numerous facilities with over 80 people under her supervision. She is also the chair of the National Cannabis Industry Association, an advocacy organization. He said that MMI's Compliance Officer is Adam Fine, a leading regulatory lawyer in the state on Medical Marijuana. He concluded his remarks by saying MMI believes in Gloucester and looks forward to becoming a supportive member of the community.

Mr. Tobey reiterated some of the key participants of MMI are Massachusetts residents who live in the greater Boston area.

Adam Fine, Vincente Sederberg, said that Medical Marijuana state compliance is very important. Marijuana, he pointed out, remains illegal under federal law making state compliance extremely important--capitalization and ability to execute a plan and depth of team expertise. He noted in 2012 Medical Marijuana was passed in Mass., and MMI started their Medical Marijuana application process under Department of Public Health regulations in in early 2013. Due to a competitive nature of the process at that time and as a result there was a slow roll out of the program; and now there are only nine state licensed dispensaries in the entire Commonwealth. He noted there is a patient population approaching 40,000 patients which indicates a lack of patient access and product. In 2015 the process changed with the DPH with the Baker administration to treat this as a market-based process where there is not competition and that RMD's can be right next to each other, likening it to a CVS right next door to a Walgreens pharmacy. The two businesses would compete and thereby provide the best access and the best products for the patient. June 29, 2015 the application process opened under the revamped DPH process, and MMI filed its Phase I Application of Intent with the DPH; September 15, 2015 Phase II Management and Operations Profile was submitted; July 15, 2016 Phase III Siting Profile was submitted identifying the dispensary location in Gloucester and on August 12, 2016 the DPH issued MMI a Provisional Certificate of Registration to operate a Registered Marijuana Dispensary (RMD) in Gloucester with a cultivation and processing facility in Holliston, Mass. He said the state has the best regulations in the country and applicants go through an extremely rigorous vetting process with the DPH. He pointed out that all applicants with the DPH must go through security, public safety, siting requirements to the local communities as part of that vetting process, to name a few. There are communities with multiple dispensaries, he noted, and in close proximity highlighting two dispensaries in Ipswich, one in Worcester, Holyoke, Pittsfield, Framingham, Bridgewater, Cambridge and Salem. From the state's perspective they want patient access and competition, he said.

Mr. Tobey then showed a slide of the cultivation of the MMI processing facility in Holliston, Mass., whereby an 80,000 square foot existing building where MMI's 36,000 square foot facility will be built, operating alongside other tenants and their uses. He noted this day MMI took an important step of seeking its building permit from Holliston for their cultivation facility and dispensary there. He said that means the MMI facility in Gloucester

would be opened to serve patients with healthcare counsel and a supply of needed medicine no later than Nov. 1, 2017.

TIMELINE REVIEW:

Mr. Tobey reviewed an application timeline in Gloucester that started in June 30, 2016 when MMI secured a binding lease for the use of underutilized commercial space in the existing Swan Net warehouse at 41 Great Republic Drive. He said the MMI team met prior to that date with the Mayor, Mr. Destino and Mr. Payson (city's General Counsel) and with them several other times. He noted the team also met with the past and present Police Chief and many members of the city's Planning and Development Departments. He expressed MMI's appreciation for all the time and input given from the Theken Administration. On July 12, 2016 Mayor Theken authorized the issuance of a Letter of Non-Opposition to MMI, and MMI entered into a Community Benefit Agreement with the city. Under that agreement MMI will make payments to the city so that ramping up the RMD in years one and two so that by the third year and all following years the city will receive five percent of MMI's revenues and will never less than \$100,000 annually.

On Nov. 17, 2016 Planning Board voted after detailed review and plan revision to grant site plan review of MMI's dispensary and recommended a Special Permit application to P&D. On Dec. 7, 2016 the P&D Committee voted to recommend Mayflower's application for a Special Permit.

MMI RMD FACILITY OVERVIEW:

Mr. Tobey pointed out that the RMD will be just less than 1,900 square feet of under-utilized space within the Swan Net building and conveyed that: The dispensary will generate 15 new jobs over two shifts for the city's economy. It was noted that everyone hired by MMI must be approved by the DPH, and with DPH approval, MMI intends to hire and, when necessary, train only Gloucester people for these jobs as well as hire four full-time security guards who will be on premises working in conjunction and cooperation with the city's police, providing 24/7 protection to MMI's operation. This means 19 jobs overall. Renderings were then displayed of the building as it would look once completed from its renovations. It was pointed out that other than a different configuration of doors, windows, and a small, discrete sign, the building will look no different to passersby with the renovations as it does now. Multiple views of the project were then displayed. Highlighted was the building footprint, site signage and dedicated RMD parking, the façade as it will appear to passersby, a more detailed cutaway of the building showing it is a segment of the Swan Net building. It was pointed out in essence this is a building within a building with walls of bank vault character completely around the RMD perimeter to the roof of the building. The RMD has several doors with different uses, and highlighted was the complete separation of the RMD from other uses on the site. Signage was pointed out for Swan Net and Cape Seafoods and for the RMD parking lot with a separate door for patients, and another door. It was reiterated that these uses are not going to cross over. There is full parking which are adequate at the site, he assured. A fence was noted on the property to make clear that these uses are not going to cross over, he reiterated, nor interferes with patients who wouldn't have to be in that area on foot regardless, of which extensive signage also helps assure this will not transpire. This assures isolation and separation of the parking for the RMD.

PROPOSED EXTERIOR SITE PLAN:

A slide was shown which **Mr. Tobey** described as showing that the facility is located on an already developed facility fully served by its own on-site stormwater considerations to which the RMD does not add load, and that the development doesn't infringe on buffer zones and doesn't raise environmental issues that may require Conservation Commission consideration or from any other agency. He noted an expansion for parking for the RMD to make room for the full number of spaces including one handicapped space with an impermeable surface and is a measure that further assures there aren't any stormwater issues because of the adequacy of the existing site. Another slide was shown that contained elements of the site plan indicating the relative placement and scope of MMI's RMD.

PROPOSED FLOOR PLAN AND SECURITY PLANS FOR MMI RMD:

Jamie Lewis, MMI partner and Chief Operating Officer advised she has over 10 years' experience as a Chief Operating Officer in building, designing and operating cannabis facilities. She advised that in her 10 years she has never had a security breach or an incident in any one of her facilities she oversaw. She conveyed the following: Security is paid close attention to in designing RMD's for the community, staff and the patients. FTG, a Quincy-based security company has been engaged by MMI whom they have been working closely with on the cultivation facility and on the Gloucester site also. State-of-the-art Lenel security cameras will be installed at all locations. It is a software security solution that will integrate with MMI's Point of Sale (POS) tracking, mobile and web-based interface. It is important for access rights and door access and will provide access for law enforcement also. Cameras will be built to provide mega-pixel force streams as well as immediate data retrieval face recognition.

Ms. Lewis indicated on a slide that the entrance to the facility which has three cameras pointing at all angles as well as a face recognition camera. She said that no one is allowed past without passing the RMD's security vestibule

being checked in by the security officer. Patients have to have a current DPH card and proper identification to prove their right to access the RMD. Once inside of the facility the only one area is open to patients is the main floor where there are dispensing stations with “eye in the sky” cameras. There will be two POS stations with a potential for a third. Two face recognition cameras were pointed out in this main area. The RMD staff will be trained six weeks prior to working on dispensing product to educating the patient on how effective the product can be, and how to safely consume and store products. **Ms. Lewis** assured that safety is MMI’s top priority. She noted cameras facing displays and a product listing. She continued that each door inside and out the RMD are security access card readers to enter and exit. She or the security officer can lock any individual out of the facility remotely or on site, she pointed out. There is back-of-the-house office space was pointed out as well as a break room and storage areas. Security cameras are at all angles and there is 24 hour live security on site at all times she reiterated.

OVERVIEW OF THE SPECIAL COUNCIL PERMIT STANDARDS:

Mr. Tobey said the RMD is located in the appropriate business park zoning district and meet all criteria required for a Major Project City Council Special Permits and be operating with full DPH compliance for operations and security requirements.

Section 1.8.3 (a): The social, economic and community needs that will be served by the proposed use – In 2012, Massachusetts voters legalized the medical use of marijuana. In Gloucester 67% voted yes. As of Nov. 30, 2016 there were over 33,000 active medical marijuana patients and as of now closer to 40,000, and now only nine RMD’s that are currently operational in the entire state, and the supply and variety available at these dispensaries is not meeting patient demand. MMI will help meet that demands and needs. MMI will serve the city’s medical needs by providing high quality, consistent medical marijuana and marijuana products as well as educational materials to qualified registered patients and personal caregivers. Also provided will be a secure home delivery to qualified patients who are physically unable to access a dispensary. In addition to filling an under-utilized space with a new business, MMI will give back to the local community through monetary donations and preferential local hiring pursuant to the Community Benefit Agreement.

Section 1.8.3 (b): Traffic flow and safety – MMI’s will occupy a commercial space at 41 Great Republic Drive which is easily accessible by car via Great Republic Drive. The roadway system was built to accommodate far heavier vehicular use than now traverse it. MMI does not envision a significant increase in traffic or parking requirements beyond that of other commercial businesses in the park. MMI estimates four to five customer patient visits per hour. The approved site plan has been designed and redesigned for optimal traffic flow, patient safety and convenience. MMI will provide ten parking spaces, one of which is ADA compliant.

Section 1.8.3 (c): Adequacy of utilities and other public services – MMI’s commercial space is fully functional, has existing utilities, and is adequately served by public services. There will be no cultivation or processing of medical marijuana or medical marijuana projects at this location which means MMI will not be an industrial user and not contributing to any industrial waste water system other than ordinary sanitary contributions of any office.

Section 1.8.3 (d): Neighborhood character and social structure – MMI’s dispensary is similar to the overall use of the building as it is a commercial property and fits well with the commercial character of the Business Park Zoning District as attested to approval received by vote of the EDIC in early October. MMI’s operation of this new business will help revitalize the Swan Net warehouse and restore the commercial viability of the business park.

Section 1.8.3 (e): Qualities of the natural environment - Except for paving and expanding the parking lot and installing a sidewalk on the side of the building, all renovations will be confined to the interior of the existing building. No significant negative impact on the qualities of the natural environment or drainage is anticipated because of the impervious areas.

Section 1.8.3 (f): Potential fiscal impact – The medical marijuana industry has had significant fiscal impacts in cities and towns beginning in Colorado. MMI’s operation of a dispensary will bring new business activity to the city from which many other businesses in the city will benefit, including local contractors that MMI will commit to use whenever possible. MMI is committed to working cooperatively with all local officials to ensure that any potential negative impact on city services will receive immediate attention and a mutually beneficial resolution. It was noted that Interim Police Chief McCarthy was very pleased to learn that MMI will have twelve 24/7 live security on site. Under the Community Benefit Agreement with the city, MMI will contribute to the economic welfare of the city through significant annual donations, property tax and “better than” preferential hiring. Gloucester people will be hired unless MMI can’t find 19 qualified people to come forward. Finally, the Community Benefit Agreement is meant to address potential health, safety or other impacts on the city and to fund other municipal programs, services and personnel at the sole discretion of the city as recommended by the Mayor and approved by the City Council. Although MMI is a Mass. non-profit entity, MMI will not be exempt from paying all property taxes -- MMI will be paying their taxes.

MAJOR PROJECT 5.7 CONSIDERATIONS:

Mr. Tobey advised that GZO Sec. 5.7 for the most part is not applicable to this Special Permit application. He then reviewed GZO Sections:

5.7.5(a): Major Project should have access from an arterial or collector street via ways serving not more than 10 single family homes. MMI is located in the Blackburn Industrial Park, easily accessible by car by Great Republic Drive through Dory Road which connects to the Yankee Division Highway and Route 127 and no existing street will be modified or constructed upon.

5.7.5(b): MMI is housed in an already existing building that is already connected to municipal sewerage system; and therefore complies with all municipal regulations and Title V requirements will be met because the requirements are not a factor.

5.7.5 (c) The site plan meets all applicable requirements as it has been approved by the Planning Board.

5.7.5(d) All other requirements of the Zoning Ordinance and of all applicable building codes must have been satisfied, all relative requirements and standards have been met by MMI. All improvements and renovations will meet all applicable Code sections. The subdivision control law is not applicable. All required building and occupancy permits will be obtained prior to occupancy.

5.7.5 (e) Applicable to multi-family residential or assisted living facility and with this use permit application this subsection is not applicable nor is 5.7.5(f) shopping centers or (g) assisted living facility.

Mr. Tobey concluded his remarks by saying that MMI is a Mass. non-profit corporation dedicated to providing the highest quality medical marijuana products in a safe, secure and professional environment while contributing to the local community. MMI's proposed RMD at 41 Great Republic Drive, he pointed out, meets all the criteria required for a City Council Special Permit under the Zoning Ordinance, and asked the Council to grant the permits they've applied for the purpose of dispensing medical marijuana and marijuana products to registered patients suffering from debilitating medical conditions.

Ernest Morin, 92 Main Street, who said he as Trigeminal Neuralgia which has no cure, he said. He noted a letter provided to the Council (placed on file) that documented 17 pain medications, and that Medical Marijuana has assisted him, using CBD (a form of medical marijuana) which he said it works to ease his symptoms. Having access to a verifiable product that is consistent in a dose that is helpful is important, he said. The facility at the industrial park would be useful to many people in the community with symptoms of chronic pain, arthritis, and other medical issues, he added. He said Mayflower Medicinals is very qualified.

Attorney Liam O'Connell, representing the landlord of the applicant, Swan Net said that Swan Net is a group family-owned business's co-founded by the late Jeremiah O'Neill which includes: Swan Net, Cape Seafoods, Western Sea Fishing, and F/V Challenger and Endeavor, all still co-owned and managed by the O'Neill family. Swan Net is part of an Irish company, Swan Net Gundry, and chose Gloucester as their U.S. based operations to manufacture and repair fishing nets for pelagic trawling for the East and West Coasts of the U.S. including Alaska at Great Republic Drive. The company is currently managed by the founder's wife and daughter. He advised that Cape Seafoods, managed by an O'Neill son, is another tenant in the building at 41 Great Republic Drive where all the shipping equipment is stored but have a base of operations at the Jodrey State Fish Pier for a fish processing facility. Western Sea Fishing operates the two fishing vessels tied up at the State Fish Pier. These companies support over 40 full-time Gloucester jobs. These companies combined have substantial real estate assets in the city, he recounted, contributing taxes through the years. He said that as the fishing industry has decreased, so have the O'Neil companies and their operations, noting that formerly the O'Neill's operated six fishing vessels but are now down to two. This is why capitalizing on the O'Neill's underutilized space is important to these city companies and their employees, he pointed out. He said that it wasn't as simple as just renting space, as alluded to by Mr. Tobey, noting that the Planning Board process was exhaustive. The Board said they had to flip the building because of the bay doors, so the O'Neill family figured out how to flip the building which the Board approved. As Gloucester takes steps forward with a Medical Marijuana dispensary **Mr. O'Connell** asked that the Council not forget Gloucester's fishing heritage.

Those speaking in opposition: None.

Prior to communications being read, **Mr. Tobey** asked that he be allowed to rebut a communication received that day from Attorney Joel Favazza representing Happy Valley Ventures (HVV) who had the previous month been permitted for a Medical Marijuana Cultivation Facility and Treatment Center. **Council President Ciolino** said he would allow that to transpire.

Communications:

City Clerk, Joanne M. Senos noted in December there was an email from Joseph Orlando Sr. as a private citizen, although a member of the Planning Board, which she read in its entirety (on file) in support of the Happy Valley Ventures MA, Inc. Medical Marijuana Cultivation Facility and Treatment Center and in opposition of the Mayflower Medicinals application as the separation of 1,500 feet would be breached under the Zoning Ordinance by

permitting the Mayflower project. He noted the financial differential between the two projects, favoring Happy Valley.

Ms. Senos advised there was a second communication was received by email late this day and was distributed to the Council this afternoon from Attorney Joel Favazza, attorney for Happy Valley Ventures MA, Inc. in opposition to the Mayflower Medicinals operating a Medical Marijuana Treatment Facility. Attorney Favazza pointed out in his letter that his client is prepared to submit a modification of the just approved Special Permit to immediately expand HVV's Great Republic Drive production facility from a single story 9,000 sq. ft. facility to roughly a 30,000 sq. ft. production facility within a two-story building that will supply HVV's dispensaries in other municipalities and in Gloucester. The redesign includes a \$6 million investment and provides 50 jobs. Local contractors and service providers have been utilized and that revenue sharing is substantial with the city. HVV's plans, the attorney pointed out, in to invest in the city was on the premise of one permitted RMD in Gloucester. HVV is seeking to partner with the city but he indicated HVV can't make this investment if MMI is permitted. He indicated that the Council has Zoning Ordinance behind it to be able to reject MMI's application and that there is a separation issue, that of 1,500 feet between dispensaries which MMI's facility breaches. He asked MMI's application be denied.

Councilor Orlando said in his limited experience the Council in general for public hearings takes those in favor first, then those opposed, then rebuttals in favor, rebuttals opposed, then communications followed by Councilor questions and then the public hearing is closed. He pointed out the Council is going outside of that procedure and asked it be checked to ensure it is appropriate. **Council President Ciolino** noted Rule #4 of the Council Rules of Procedure that shows E. Communications to be read into the record and filed, which he said was done. Item F. is Rebuttals which the proponent has up to three minutes and opponents have the same timeframe to rebut the rebuttal.

Councilor LeBlanc said the letter of communication asked if that person can then rebut and asked if they would have the opportunity to rebut.

Councilor Cox asked for a vote of the Council to rebut communications and is not a precedent she wished to be set. **Council President Ciolino** said it is all contained within Rule #4. He pointed out that the HVV attorney was in the audience and had the opportunity to speak in opposition but chose not to. His letter was read into the record, and now per procedure of the Council the proponent should be allowed three minutes. He said if it is the will of the Council they could have someone rebut the rebuttal.

Councilor Cox said she would want a vote of the Council to see if they wanted to start allowing rebuttal of communications and also said this was not a precedent the Council would want to set. **Council President Ciolino** pointed out the Council has Rules of Procedure and they are involved now in a public hearing and that rules can't be changed midstream.

Councilor LeBlanc, noting that Attorney Favazza is in the audience, and if he wasn't he wouldn't be able to rebut the applicant's rebuttal of the communication, he offered that rebutting a communication while shown in the Rules of Procedure is indicated, it doesn't name rebutting of communications specifically. This hasn't been done before and should not be started now. He reminded the Council those who send in communications for public hearings don't have the chance to rebut any statements, and such an action skirts the Rules of Procedure.

Councilor LeBlanc moved to overrule the Chair which was seconded by Councilor Cox.

DISCUSSION ON THE MOTION:

Councilor LeBlanc said this is a first for the Council, and in his six years with the Council it hasn't occurred. This would set a precedent, he added, one which would not be appropriate.

Councilor Lundberg offered his agreement with the sentiment of Councilors LeBlanc and Cox. Having a rebuttal on a communication isn't a good idea. He reminded the Councilors that they have the right to judge the submission of the written communication in question and that the HVV's attorney's letter doesn't have anything to do with the MMI application. It has to do with a supplement to his client's application. He said he would then disregard Attorney Favazza's submission and why there shouldn't be rebuttal on this matter.

Councilor Orlando said he agreed with Councilors Cox, LeBlanc and Lundberg that there should be no rebuttal of a communication. This would be stepping outside of the procedure of the Council and stick to the usual order of for, against, rebuttal, rebuttal of rebuttal, communications and Councilor questions.

Council President Ciolino maintained that rebuttals of communications are possible by Council Rules of Procedure as they are currently written.

BY ROLL CALL VOTE TO OVERRULE THE CHAIR, THE COUNCIL VOTED 6 IN FAVOR, 3 (MEMHARD, O'HARA, CIOLINO).**MOTION PASSES.**

Mr. Tobey said that since this vote by the Council could adversely affect the applicant's rights and wants to preserve them, he asked that their objection to the Council's ruling be noted for future reference.

Councilor Questions:

Councilor LeBlanc said the applicant noted a fence would be erected and asked where it would be placed.

Brian Anderson, Anderson & Porter, lead architect who did post-9/11 security work on the Federal Reserve Bank in Boston, said there is a fence now on the property which links a rear corner and controls vehicular traffic to the back of the site. That fence will be moved forward to the nearest corner to Great Republic Drive to control traffic and direct patient traffic to the parking of the RMD and to direct trucks to the rear of the property.

Councilor LeBlanc said that means there will be no client/ tractor trailer contact whatsoever. **Mr. Anderson** confirmed that was the case. **Councilor LeBlanc** pointed out that heavy equipment and tractor trailers are travelling on the property to the bay doors and asked if those vehicles would be able to turn around on the property without having to go all the way through the entire property. **Mr. Anderson** said that was, "correct." **Councilor LeBlanc** noting that walls were termed "bank vault walls" and said that he was sure there was machinery such as fork lift trucks that lifts the nets-- banks have been broken into and yet the RMD is housed with other businesses and the bay doors have trucks coming in all the time. He asked what is the guarantee this facility won't be breached and this won't be a security or public safety issue with the bays and possibility of breaches. **Ms. Lewis** said there is security on site 24/7 and they'd notify law enforcement immediately if there was an intrusion to their walls as well as the security system that they have in place. Local law enforcement would be notified as well, she said. On inquiries by **Councilor LeBlanc**, **Ms. Lewis** noted hours of operation will be 9:00 a.m. and close sometime around 6:00 p.m. and it is anticipated for the registry total it is 36,000 patients statewide – and that MMI anticipates 30 to 40 a day potential and some of those patients would likely be driven. **Councilor LeBlanc**, citing that another applicant had appeared before the Council recently and had discussed product. He asked how MMI's product going to be brought into the building and the process for handling of cash. **Ms. Lewis** said cash will be picked up by a vault delivery bank on site. **Councilor LeBlanc** asked if deliveries are very small and are made by separate entrance that are secure and as well as for cash exchange. **Ms. Lewis** said product will be delivered from their Holliston cultivation facility and that deliveries are to be made by small vans and will be randomized -- when deliveries are made, security will be notified as will police. She said that RMD agents are in the vehicle and one stays in it at all times and one carries product into the back door directly into the vault. The cameras are inside the facility, outside of it and in the vans, she noted. **Councilor LeBlanc** said that property taxes are to be paid. **Mr. Tobey** confirmed that MMI will be paying their portion of the property's taxes.

Councilor Orlando asked about other people who work in the Swan Net building but not for MMI, did they have to have DPH clearance. **Ms. Lewis** said they won't, but that their security officers and 24/7 security on site do and described what the DPH requires briefly. She said security officers will know when people are coming and going and if there is any suspicious activity. **Councilor Orlando** said his understanding was when the product comes to the RMD it is randomized, comes through its own door and other precautions and asked if there is bank vault capacity. **Ms. Lewis** said that cash will be on site and will have an armored car service randomly making cash pick-ups done through the back door as well as for deliveries. **Councilor Orlando** asked where on the property the back door located to the RMD was. **Mr. Anderson** pointed out that the RMD front door was off the parking lot, and the rear door is on the southeast face of the Swan Net building which patients can't access. Patient access is separate and another area is only for cash removal and delivery of product. He confirmed for the Councilor that is an area only for delivery vehicles and only for cash pick up. **Councilor Orlando** asked if it is also for Swan Net trucks. **Mr. Anderson** responded, "Correct." Councilor Orlando then said that this facility and other businesses in the building make deliveries to the same area. Again, **Mr. Anderson** responded, "Correct." He added it is separate from public access and is restricted. **Mr. Fine** clarified that no one has access to the RMD unless they are part of Mayflower. There will be no commonality of where the deliveries take place at all. **Mr. Anderson** pointed out that there is a separate door for deliveries and patients which is behind the fence from the parking area. Councilor Orlando further clarified that the deliveries made to the RMD for Mayflower's purposes, the product itself or an armored car for cash in or out, are those deliveries are made to the same section of the building as the Swan Net trucks. **Mr. Fine** said, "No," adding that they are both behind the fence for added security. He said that in the state there are nine RMD's and that four share spaces with other businesses, and this is correct under the DPH

regulations. He said that Alternative Therapies Group in Cambridge shares a building with a construction group, Behavioral Health, a photographer; Garden Remedies in Newton share facilities with an optometrist and acupuncturist. The key, he cited, is access control security. He said that there is no common area – the entrances are separate; the fence is for clarity and is at the Planning Board's request.

Councilor Orlando said as to the other tenants deliveries are they all employees of Swan Net and Cape Fisheries. Mr. O'Connell advised that all tractor trailer deliveries are at the rear of the building away from the RMD and only come through the same vehicle entrance; smaller Swan Net trucks can enter on the opposite side of the facility. The entrance that patients access is at the front parking area to enter the RMD and that same entrance is used for some truck access to go around the rear of the building to the bays which confirmed by **Councilor Orlando** with **Mr. O'Connell**.

Councilor Memhard noted the floor plan with an overhang with the net processing and the garage bay door and asked if it is part of the MMI facility or isolated and is there a plan that the bank truck would pull into the garage bay door and provide product through that door and wasn't clear in the drawing. The doors where the deliveries are made were pointed out by **Mr. Anderson** on a slide. The line of demarcation between the Swan Net facility and the RMD were pointed out also.

Councilor LeBlanc asked for clarification where the product will be brought in. **Mr. Tobey** reviewed how the current building is configured and then described that the bay doors will have a depressed door – a reconfiguration of doors was pointed out. A former garage door will be filled in which **Mr. Anderson** pointed out. A door accessible only to the RMD is where the deliveries will be made and then a door accessible only to patients. A third doorway entrance is for Cape Seafoods and Swan Net in another area, he pointed out additionally.

Councilor Gilman asked about 1.8.3 Fiscal Impact that in light of three businesses sharing one site and that Mr. Tobey noted that the businesses would share their portion of the property tax. She asked what the fiscal impact that these businesses are sharing one site – does the property tax on the building stay the same but that it would just now be shared by three businesses or does the property tax increase because there are now three businesses housed in one building. **Mr. Destino** said this was a question more for the Assessors, but that there would be an increase in personal property tax and may be increase in real estate tax after the building is reassessed. He noted because the footprint of the building hasn't changed, he said he guessed the increase in property tax would be minimal, and that it is more of a sharing of a tax already in place with an increase in personal property tax.

Councilor Cox asked if industry is exempt from personal property tax, to which **Mr. Destino** said MMI is not exempt from any of the tax, personal property or real estate even though MMI is a non-profit as it is part of the Host Agreement with both of the applicants. Businesses pay personal property tax, he noted. **Councilor Cox** said the amount of personal property tax that would be generated from this type of business would be very small. **Mr. Destino** reiterated that the improvements MMI makes may increase the property tax the next time the Assessors reassess the building. **Councilor Cox** spoke to the Letter of Non-Opposition that the Administration provided both applications and asked for an explanation of what that constitutes. **Mr. Destino** said when the medical marijuana facilities came in to Gloucester, there are three options -- sign a Letter of Non-Opposition; sign onto the project or do nothing at all. In this case the CAO and he in the first instance negotiated and signed onto the Host Agreement putting in a clause that said that if there is another Host Agreement it would mirror or reopen the next one if any better for worse. Even though CAO's have signed them, he said that ultimately these are the Mayor's decisions. The Host Agreement is the same for HVV and MMI, he noted. He said that the Host Agreements are almost identical. **Mr. Tobey** added there are multiple ways to figure out the tax value of a commercial property. It can be a straight appraisal based on comparables and improvements, but often the income the building generates is looked at and a capitalization analysis is done. This building will yield more income when it is capitalized, and the taxable amount will go up, he said.

Councilor Gilman asked why Mayflower decided they didn't want to do cultivation and only do retail in Gloucester and bring in product from Holliston or Boston to the city. **Mr. Tobey** said the norm is their facility is a grow/processing facility that can have a facility or not and two other facilities which are dispensaries. MMI decided to start with the grow facility in Holliston. **Ms. Lewis** said MMI's purpose is to get product to the patients quickly and went with a building already built, and that was in Holliston that met their needs. She said in her 10 years in the industry she never put a cultivation facility next to a retail facility for security purposes.

Councilor Orlando noting city permit fees asked for an estimate that may be generated to the city. It would be \$5,600 **Mr. Tobey** reported and while not a lot, that means they are getting medicine to patients quicker and getting the Host Community Agreement payments are engaged more quickly. Responding to a further inquiry by **Councilor Orlando**, **Mr. Tobey** said they foresaw the same numbers in volume that HVV did; and that the gross amount of sales are expected are expected to be \$3.5 to \$4 million.

Councilor Memhard noted in its wisdom the way the state organized this new industry, they will permit a business such as MMI to have one cultivation facility in Mass. that can serve to supply up to three treatment centers owned by the same corporate entity in the state. **Mr. Fine** said Mass. is vertically integrated -- with one RMD the entity has the right to cultivate at one location or another. If doing three RMD's you can have a cultivation facility tied to those three. He conveyed that most groups that are applying for three RMD's such as MMI has one cultivation facility to supply three RMD's. In their case of HVV, they have another cultivation facility at another location which is their main cultivation facility, he said he presumed, and that the one recently permitted is ancillary, a second cultivation facility in Gloucester to be co-located which is unusual. In MMI's case it is one cultivation facility to supply their three retail locations. **Councilor Memhard** said they are limited to dispense products they originate. **Mr. Fine** said the product has to come from a facility they own and operate. The supply chain is that MMI will grow, manufacture and produce and sell in facilities they own and control.

Councilor O'Hara asked from the Police Department is okay with the plans for security. **Mr. Destino** said they are as these facilities have some of the highest security of any building in the city.

Council President Ciolino asked about the 1,500 feet separation. Bill Sanborn, Building Inspector said if the Council was to issue two special permits, one for each facility, and it is his office that issues the permit, the second permit couldn't be issued because of the separation as stated in the Zoning Ordinance currently. The building permit is what rules in this case, he confirmed. He said that the special permit has to be acted upon which is recorded in the Registry of Deeds but is not acted upon until the building permit is issued to change the use.

Council President Ciolino asked about the social, economic benefits. **Gregg Cademartori**, Planning Director said the measures are broad, and it is a weighing of what has been presented to the Council with those specific criteria whether they are positive or negative. A Special Permit runs with the land -- some that are never acted on. It is a use permit and at the discretion of the applicant. **Council President Ciolino** asked if the guarantee of jobs by applicants for Special Permits are followed through or changed and renege upon. **Mr. Cademartori** said every applicant tries to be accurate as possible as to what the impact of the project is going to be. He said that there are certain things the Council incorporates into their decisions for compliance or conditioning -- that if there was an overreaching condition the Council would likely hear an objection. The only instances where the city has a tie to things like job creation are TIF agreements where that promise has implications. The Council, he advised, is working with a hypothetical situation where the applicant represents what they believe they can do. There is no guarantee, **Council President Ciolino** said.

This public hearing is closed at 10:13 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 issue a Major Project Special Council Permit (SCP2016-005) for a Major Project for a Medical Marijuana Cultivation Facility and Treatment Center for Mayflower Medicinals, Inc. (applicant), Map 263, Lot 58 at Great Republic Drive #41 pursuant to Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and Sec. 1.8.3 of the Zoning Ordinance.

DISCUSSION:

Councilor Lundberg put forward the following amendment due to a grammatical error and an oversight regarding the vote of the P&D Committee. This applicant is not applying for a cultivation facility just a treatment center. He offered: To strike after the words, "...Project for a Medical Marijuana..." the phrase, "CULTIVATION FACILITY AND..." and add after, "...1.8.3 of the Zoning Ordinance the words, "per "Existing Conditions Plan located in Gloucester, Massachusetts (Essex County) prepared for Mayflower Medicinals," dated September 12, 2016 and as amended 10-20-16 signed by Charles Wear, III, P.E."

Councilor Lundberg moved the amendment and **Councilor Cox**, seconded the amendment.

DISCUSSION ON THE AMENDMENT:

Councilor Lundberg clarified for Councilor Gilman that this is only for a treatment center and is allowed under the ordinance.

By a vote of 9 in favor, 0 opposed, the City Council accepted the amendment to the main motion as proposed.

DISCUSSION ON THE MAIN MOTION:

Councilor Orlando expressed his appreciation for the presentation but said he would not support the application. He said there are concerns about safety and security and that he was not satisfied with the answers he received. They are looking at a plan that people who not vetted by the DPH are on the MMI campus said he was concerned about a building within a building.

Councilor LeBlanc said there is too much interaction between pedestrians and trailer trucks and access by other facilities in the building; that while the bank vault walls are there, there is too much pedestrian overlap and would not support the application.

Councilor Gilman said she would not support the Special Council Permit application. She cited GZO Sec. 1.8.3 social, economic and community needs and potential fiscal impact and said that because there is not cultivation at this proposed RMD, the city loses on both those fronts in terms of people hired and revenue for the city. There is also a benefit that if cultivation is local the marijuana can be cultivated for other dispensaries creating more revenue for the city. For that reason she said she would not be supporting the Special Council Permit.

Councilor Cox said she would not support this application based on the safety concerns and as to the fiscal impact and the social and economic impact. There isn't a significant fiscal impact to warrant passage or community impact by having multiple dispensaries she added.

Councilor O'Hara said he would support the application that all standards of GZO 1.8.3 has been met and that the Police Department through the CAO sees the security as fit.

Councilor Lundberg said that he supports the permit application, and that this is an application considered on its own. Comparing this to another application is outside of the Council's scope, he cautioned. The safety concerns were addressed by the applicant, he said, with all the issues raised in the ordinance including GZO 1.8.3 -- that standing by itself the application meets those standards and informs his vote, he advised.

Councilor Memhard said this is an unusual and challenging question to consider. There are conflicting priorities and new state regulations on Medical Marijuana facilities. He said he supports the applicant and views the two side by side facilities as healthy competition. He said he was swayed by Mr. Morin's impassioned plea for a treatment facility in the city. He expressed hope that both facilities would be able to abide side by side. The Council needs to proceed with this treatment center as soon as possible and need to support it.

Council President Ciolino said he would support the application as the applicant has met the Special Permit criteria. They are weighing the projects against each other, he cautioned, but there are no guarantees to either project. They are losing five percent of the gross profits which are \$100,000 should this permit not be approved. There is no stopping the other Medical Marijuana facility from backing out of their commitments he said, pointing to any pretreatment requirement. The Council is not in the business of giving monopolies and that this is a free market enterprise he opined. He said this is giving these companies a chance to compete. As to safety, he said it can be worked out and is not high traffic. These dispensaries are not all free standing, he noted. He said the applicant made the argument correctly and would support the application.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 4 (Lundberg, Memhard, O'Hara, Ciolino) in favor, 5 opposed, to issue a Major Project Special Council Permit (SCP2016-005) for a Major Project for a Medical Marijuana Treatment Center for Mayflower Medicinals, Inc. (applicant), Map 263, Lot 58 at Great Republic Drive #41 pursuant to Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and Sec. 1.8.3 of the Zoning Ordinance per "Existing Conditions Plan located in Gloucester, Massachusetts (Essex County) prepared for Mayflower Medicinals," dated September 12, 2016 and as amended 10-20-16 signed by Charles Wear, III, P.E.

MOTION FAILS.

For Council Vote: None.

Unfinished Business: None.

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

Update on the Downtown Development Commission by City Council Representative, Councilor Melissa Cox said she has no update at this time. She requested that the Mayor review the structure of the DDC and seek out any possible improvements.

Councilors' Requests to the Mayor:

Council President Ciolino distributed to the Council the Code of Ordinances for them to review and asked for their input to improve the ordinances.

Councilor Memhard spoke to tomorrow at 6:30 p.m. at the Library is a forum for the Library to convey information on plans for its renovation. He commended the DPW on their snowplowing and shoveling and reminded residents to clear in front of their homes. He noted there were children walking in roadways to school and standing in the road waiting for buses and asked the Mayor's office to look to ways to enforce the existing ordinance.

Councilor Gilman noted that with the recent passage of recreational marijuana she's had constituents comment on Boston Smoke Shop on Washington Street with a display of marijuana paraphernalia in their windows. High school students she worked with her are concerned and that they are taking a proactive approach, and noted a Massachusetts Municipal Association article recreational marijuana law. She mentioned that the Council will need to look at a time table to enact legislation. She expressed gratitude that Councilor LeBlanc is looking into this matter and is taking a leadership role and offered her help. **Councilor Orlando** said that they can look ahead to design standards. **Councilor LeBlanc** advised he has been working with General Counsel on drafting language and with Sal DiStefano, Economic Director, to look at Boston ordinances. He noted he has been working with the City Clerk on language and whether it goes to the Planning Board as well. **Councilor Cox** added that there is a clause to add a ballot question and that she is now crafting language for one to limit the number of facilities to allow in the city and wants to design it in a fair and unbiased manner to gauge public opinion.

Councilor O'Hara, highlighting the street safety issues brought forward under Oral Communications during snow events said his research in best practice showed that most cities and towns treat their roads with a combination of sand and salt. He also highlighted his concern for residents of private roads during such snow events.

Councilor Cox then presented Councilor Orlando with presents from the Council and the Council staff on the occasion the birth of his second child, a son. He expressed his appreciation for the gifts for his new son, Rocky.

Councilor LeBlanc announced that the Cemetery Commission is going before Awesome Gloucester for funding in order to do work at the First Parish Cemetery and Clark Cemetery which is part of the First Parish burial grounds. He encouraged the Council to send a letter of support to Rick Doucette, Awesome Gloucester board member, or send a Facebook message or attend the meeting of Awesome Gloucester taking place on Monday, Jan. 16 starting at 7:00 p.m. at the Pilot House Restaurant.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:43 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Power Point presentation by Dan Smith, Community Development Director entitled, "Fuller Mixed Use Development, January 10, 2017**