

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 25, 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; Councilor Joseph Orlando, Jr.

Absent: None.

Also Present: Grace Poirier; Jim Destino; John Dunn; Amit Chhayani; Tony Gross; Harbormaster T. J. Ciarmetaro; Capt. Chad Johnson; Chris Sicuranza; Matt Coogan

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.

Council President Ciolino noted that **Grace Poirier**, Assistant City Clerk, was sitting in for City Clerk, Joanne Senos for the first time and welcomed her to the Council meeting.

Flag Salute & Moment of Silence.**Oral Communications:**

Joel Favazza, 28 Middle Street, called attention to a safety issue at 20 Middle Street, an area with high pedestrian traffic to and from Angle Street. There is no crosswalk from that corner to Middle Street, he said. He advised that the options are to go to the Joan of Arc statue to go down to Western Avenue to cross Middle Street which is inconvenient and utilized infrequently. He said whether correct or not, there is a “No Parking” sign on that side of the street not striped or enforced which creates another hazard for those pedestrians crossing the road from that side of Middle Street to Angle Street. He requested that the Administration ask that the DPW and Traffic Commission look to potentially install a crosswalk to connect to Angle Street and have the “No Parking” area he indicated be striped to give pedestrians a better line of vision on the street.

Presentations/Commendations:

1 of 1: Commendation of Christian Dagley for his lifesaving actions on April 29, 2017

Mayor Sefatia Theken was joined at the podium by Harbormaster T. J. Ciarmetaro and Tony Gross, Waterways Board Chair. She read her mayoral citation in honor of Christian Dagley’s heroic effort rescuing two adults and a child in a small overturned boat at the mouth Annisquam River on April 2017 in 40 degree weather and was a dangerous situation. She said this exemplifies Mr. Dagley’s bravery, courage and instinct to save. She offered her congratulations and gratitude on behalf of the citizens of Gloucester.

Council Vice President Steven LeBlanc then read the City Council citation in Mr. Dagley’s honor of his bravery in rescuing three people from the Annisquam River. He said that he and Mr. Dagley grew up together and had known each other for a long time. He said he expected such actions from Mr. Dagley who would go to any length to save someone. He pointed out that other Gloucester boaters should take their lead from Mr. Dagley by always keeping an eye and ear out for anything or anyone who may be positioned in harm’s way. He said Mr. Dagley was there at the right time to take lifesaving actions and a family enjoys their lives today because of him. He expressed the Council’s appreciation for his heroic actions.

Mr. Dagley offered his thanks to the Mayor, City Council and the Waterways Board along with all his family and friends who were present. He said that he’s “just a good ol’ Gloucester boy,” and anyone in his place would have done the same thing. He expressed his love of the ocean, and while he was supposed to be a fifth generation fisherman but ended up a landscaper he was, “doing just fine.”

The Council recessed at 7:10 p.m. in order to congratulate Mr. Dagley personally, and reconvened at 7:15 p.m.

New Appointments:

Capital Improvement Advisory Board Jason Hakes

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted in favor, 0 opposed, to recommend that the City Council appoint Jason Hakes to the Capital Improvement Advisory Board, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Jason Hakes to the Capital Improvement Advisory Board, TTE 02/14/20.

Clean City Commission Beverly Low

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Beverly Low to the Clean City Commission, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Beverly Low to the Clean City Commission, TTE 02/14/20.

Tourism Commission

Catlin A. Pszenny (Cont'd from 06/19/17)

TTE 02/14/18

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Catlin A. Pszenny to the Tourism Commission, TTE 02/14/18.

DISCUSSION: None.

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

Zoning Board of Appeals

H. Sage Walcott (to full member)

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint H. Sage Walcott as a full member to the Zoning Board of Appeals, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint H. Sage Walcott as a full member to the Zoning Board of Appeals, TTE 02/14/20.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**

- | | | | | |
|---|-------------------------------------|--------------|--|------------------------------|
| 1. New Appointments: | Mariners Medal Committee | TTE 02/14/18 | Vito Calomo | (Refer O&A) |
| | Mariners Medal Committee | TTE 02/14/19 | Thomas Ellis | (Refer O&A) |
| | Mariners Medal Committee | TTE 02/14/20 | Capt. Arthur Sawyer, Jr. | (Refer O&A) |
| | Mariners Medal Committee | TTE 02/14/21 | Stefan Edick | (Refer O&A) |
| | Fisheries Commission | TTE 02/14/20 | David Leveille (from alternate to full mbr.) | (Refer O&A) |
| 2. Memorandum from Acting Community Development Director re: Council acceptance of Community Development Block Grants (CDBG) & HOME funds allocations | | | | (Refer B&F) |
| 3. Memorandum from General Counsel re: request to pay FY17 invoices with FY18 funds | | | | (Refer B&F) |
| 4. Memorandum from CFO re: request to repurpose balance of funds in Loan Authorization 2013-003 (amended 3/28/17) | | | | (Refer B&F) |
| 5. Draft template of presentation to be given by the Recreational Marijuana Task Force at Councilors' Ward meetings | | | | (Info Only) |
| 6. Invitation to City Employees & City Council to the Fishing Partnership 'Sea to Supper' event on August 24, 2017 | | | | (Info Only) |
| | • COMMUNICATIONS/INVITATIONS | | | |
| 1. Communication from the Mass. State Lottery Commission to City Council re: installation of KENO monitors | | | | (Info Only) |
| | • APPLICATIONS/PETITIONS | | | |
| 1. Special Events Permit: Request to hold the Fishbox Derby, September 17, 2017 | | | | (Refer P&D) |
| 2. SCP2017-010: Pine Street #10 & #14, Maps 219 & 230, Lots 133 & 118, GZO Sec. 5.2 Earth Fill & Removal | | | | (Refer P&D) |
| 3. RZ2017-001: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential to EB (Extensive Business) | | | | (Refer P&D & Planning Board) |

- **COUNCILORS ORDERS**

1. CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One-hour parking-Generally" re: Washington Street (Refer O&A)
2. CC2017-023 (Memhard): Amend GCO Ch. 22, Sec. 22-267 "One-way streets-Generally" re: Williams Court (Refer O&A, TC, Police Chief, Fire Chief & DPW Director)
3. CC2017-024 (Gilman): Request the Recreational Marijuana Task Force recommend their next step to City Council in response to the legalization of recreational marijuana and that this be reviewed and discussed at the Aug. 22, 2017 City Council Mtg. (Info Only)
4. CC2017-025 (Cox): Request O&A review and recommend the matter of prohibiting the use of polystyrene food and beverage containers or serving items from food establishments if the packaging takes place on the premises of food establishment and recommend whether an ordinance on food & beverage containers be adopted (Refer O&A)
5. CC2017-026 (Cox): Request O&A review and recommend the matter of regulating the use of plastic and paper checkout bags and recommend whether an ordinance regulating the use of plastic and paper checkout bags should be adopted (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 07/11/17 (Approve/File)
 - 2. Standing Committee Meetings: B&F 07/20/17, O&A 07/17/17, P&D 07/19/17 (Approve/File)

Items to be added/deleted from the Consent Agenda:

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

Committee Reports:

Budget & Finance: July 20

Councilor Orlando declared under MGL Ch. 268A that he had a conflict of interest in the next matter, as his office is handling a matter concerning the Stage Fort Park Playground and stepped away from the dais. **Council President Ciolino** advised under MGL Ch. 268A that he was a member of the Gloucester Rotary Club, and past president, but that it wouldn't influence his decision on the next matter.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 favor, 0 opposed, 1 (Orlando) recused, to recommend that the City Council under MGL c. 44, §53A-1/2 accept a donation of children's playground equipment: wooden truck, climbing post and Pagoda Bells, valued at \$10,504 from the Gloucester Rotary Club for the purpose of the improvement of the Stage Fort Park playground area.

DISCUSSION:

Councilor Memhard said that through the continuing generosity of the Gloucester Rotary Club they are making yet another donation to the city with their on-going investment in the Stage Fort Park children's playground nearing \$300,000 in total.

Council President Ciolino asked that the Assistant City Clerk write a letter of thanks to the Rotary Club for their generous donation.

MOTION: On a motion by Councilor Memhard, seconded by Councilor LeBlanc, the City Council voted 8 favor, 0 opposed, 1 (Orlando) recused, under MGL c. 44, §53A-1/2 to accept a donation of children's playground equipment: wooden truck, climbing post and Pagoda Bells, valued at \$10,504 from the Gloucester Rotary Club for the purpose of the improvement of the Stage Fort Park playground area.

Councilor Orlando returned to the dais.

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, Sec. 53A a pass-through grant from the Centers for Disease Control and Prevention Office to the Massachusetts Department of Public Health Bureau of Community Health and Prevention, Mass in Motion Municipal Wellness and Leadership Initiative Grant for \$120,000 (FY18: \$40,000; FY19: \$40,000; FY20: \$40,000) to support an environment on Cape Ann that supports physical activity and provides access to healthy foods. The Federal portion of the grant is \$60,000 and the State portion is \$60,000.

DISCUSSION:

Councilor Memhard expressed his thanks to Stephen Winslow, Senior Project Manager with Community Development Department who is responsible for the city obtaining this grant. He said the grant total has actually increased over the previous grant funding. He recounted that this is part of a long-term commitment by the city towards healthful programs for all its citizens.

Council President Ciolino noted that Mr. Winslow's position is funded by grants, and this grant will constitute approximately half of his salary. Mr. Winslow, he said, has and continues to actively pursue and successfully obtained grants for the benefit of the city.

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, Sec. 53A a pass-through grant from the Centers for Disease Control and Prevention Office to the Massachusetts Department of Public Health Bureau of Community Health and Prevention, Mass in Motion Municipal Wellness and Leadership Initiative Grant for \$120,000 (FY18: \$40,000; FY19: \$40,000; FY20: \$40,000) to support an environment on Cape Ann that supports physical activity and provides access to healthy foods. The Federal portion of the grant is \$60,000 and the State portion is \$60,000.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council accept under MGL c. 44, §53A a Federal Clean Vessel Act Pumpout Boat Grant for \$11,000 from the U.S. Department of the Interior passed through Massachusetts Division of Marine Fisheries for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks and portable toilets.

DISCUSSION:

Councilor Memhard explained this is an annual federal grant passed through the Mass. Division of Marine Fisheries for the Clean Vessel Act which supports the maintenance of the City's pump out boat and now helps to supports the new shoreside pump out facilities. He noted this accounts for the slight increase in the grant amount over last year's grant award. **Council President Ciolino** said this is an annual grant that helps to keep the city's harbor clean, and is money well spent. He said it is hoped this grant will continue to fund these activities.

MOTION: On 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 Federal Clean Vessel Act Pumpout Boat Grant for \$11,000 from the U.S. Department of the Interior passed through Massachusetts Division of Marine Fisheries for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks and portable toilets.

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 under MGL c. 44, Sec. 53A accept a Mass. Department of Energy Resources-Green Communities Competitive Grant for \$207,443 for the purpose of retro-commissioning projects at Gloucester High School (\$91,671.43), the O'Maley Innovation Middle School (\$85,860.26) and the Beeman Elementary School (\$29,911.31) which will also receive an Energy Management System installation. This grant has no City match funding requirements and the grant contract end date is through May 31, 2018.

DISCUSSION:

Councilor Memhard explained that this is the fourth grant received through the state Green Communities program; a program the city has been a member of since it was declared a Green Community by the state in 2010, and this was a competitive grant round. The city applied for \$207,443 and received the full amount. This grant funding will cover the total cost for retro-commissioning the High School, the O'Maley Innovation Middle School and Beeman Elementary School, which additionally will receive an Energy Management Control System installation. He noted that the O'Maley and High Schools already have the control system in place. This retro-commissioning is expected to yield efficiencies in the mechanical systems of these schools that will not only be energy saving, but cost saving to the city. Additionally, the city is anticipating rebates for this work from National Grid of approximately \$40,000.

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, Sec. 53A a Mass. Department of Energy Resources-Green Communities Competitive Grant for \$207,443 for the purpose of retro-commissioning projects at Gloucester High School (\$91,671.43), the O'Maley Innovation Middle School (\$85,860.26) and the Beeman Elementary School (\$29,911.31) which will also receive an Energy Management System installation. This grant has no City match funding requirements and the grant contract end date is through May 31, 2018.

Ordinances & Administration: July 17

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council forward a letter to MassDOT accompanied by the Traffic Commission Speed Study and the Certificate of Vote of the City Council to approve a speed limit of 20 mph on Hartz Street.

DISCUSSION:

Councilor Memhard, who's Council Order prompted this Council action, explained that Hartz Street is a narrow street with cars parking on both sides in a dense residential neighborhood. The street is also a heavily used cut through between Eastern and Bass Avenues. He reported that a Traffic Commission speed study was conducted which revealed there were substantial excess of speed by vehicles and a high volume of traffic on Hartz Street. He explained the request is to reduce the speed limit for the safety of the residents which is done through MassDOT.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to forward a letter to MassDOT accompanied by the Traffic Commission Speed Study and the Certificate of Vote of the City Council to approve a speed limit of 20 mph on Hartz Street.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 0 in favor, 3 opposed, to AMEND the City Council Rules of Procedure Rule #4 "Public Hearings" subsection C "Presentations from Proponents" and subsection D "Presentation from Opponents" by ADDING the following to each subsection: "Public testimony should be consistent with the public hearing matter. Speakers should refrain from commenting on character, whether positive or negative."

DISCUSSION:

Councilor Gilman explained that there as a good conversation in O&A on her request to amend the Council's Rules of Procedure to add specific language to be able to request people stick to the matter at hand, in this case a special permit, as opposed to have a lengthy discourse on the applicant's character whether positive or negative. She had asked of the Committee that there be a conversation at this Council meeting to see if there was any interest in tightening the Rules of Procedure language.

Councilor LeBlanc said the discussion at O&A brought forward that it is the responsibility of the Council President to bring speakers back to the topic at hand when they become off topic. He said at times character of the applicant is important, but that if straying from the merits of the matter by the speaker becomes solely about character, especially in the negative, it should behoove not only the Council President to stop that discourse, but the rest of the Council to intervene by calling a Point of Order. He expressed there are times when it is good to learn about someone's character, especially their positive contributions to the community. He thanked Councilor Gilman for her efforts to bring this matter forward so that the Council is once again aware of what options are available to them in such situations.

Councilor Orlando said there have been situations where people are coming regularly before the Council for permittings, and there has been an issue in the past with a person's character called into question. He pointed out that kind of thing needs to be addressed, such as promises not kept. The sentiment of civil discourse already is covered under the Council Rules of Procedure he said, but he added that in his legal work, they do take the credibility of the person as a factor in a decision-making process.

Councilor Cox advised that Councilor Gilman had indicated at O&A that once she brought this matter forward to Council for a conversation she would withdraw her Council Order, and asked if the Councilor would withdraw her Order now. **Councilor Gilman** then asked the Council to permit her to withdraw her Council Order.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of the Council Order CC2017-020 (Gilman) to AMEND the City Council Rules of Procedure Rule #4 “Public Hearings” subsection C “Presentations from Proponents” and subsection D “Presentation from Opponents, without prejudice

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-021 (O’Hara) Amend GCO Ch. 4 “Animals” Art. I “In General” by ADDING Sec. 4-3 re: “Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.

DISCUSSION:

Councilor LeBlanc explained that at O&A it was learned there is a pre-existing state law that disallows giving away living creatures as prizes at events and that the fine is \$100 per animal. Councilor O’Hara asked that his Council Order be withdrawn as it is already state law which would come forward at another Council meeting for public hearing and subsequent adoption. **Councilor Orlando** questioned whether this referred-to state law was necessary to be adopted by the Council. **Council President Ciolino** confirmed with the Assistant City Clerk that the adoption of the state law was necessary as well as amending the Code of Ordinances to complete the action.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2017-021 (O’Hara) Amend GCO Ch. 4 “Animals” Art. I “In General” by ADDING Sec. 4-3 re: “Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.

Councilor Gilman offered a suggestion that Rowan Trainor, a youngster living on Chapel Street who attended the O&A Committee meeting in order to attest to her experience of receiving a goldfish as a prize at Fiesta that died three days later. She asked that the Assistant City Clerk send Ms. Trainor a note thanking her for her willingness to take up her civic duty in participating at the O&A Committee public meeting.

Councilor O’Hara explained that Ms. Trainor is his daughter and recounted that the goldfish was in a plastic bag on a very hot day, and she was trying to save the fish’s life. He said that there were people whose children had received the same goldfish as a prize and many were trying to do the same thing by going to a local pet store to give their fish a proper home and purchase supplies. He said when Rowan’s fish, whom she named “Sparkles,” died it was traumatic for her and that experience was what prompted his Council Order. He said the pet store employees advised that had the fish lived it could have grown up to a foot because in fact it wasn’t a goldfish but a carp. He said Sparkles has been replaced with a domestic fish and everyone is happy. He thanked his fellow Councilors for their understanding and assistance.

Councilor LeBlanc expressed concern that if in fact these fish were carp and any were dumped into the local estuaries, marshes or other city waterways that local authorities should be notified because carp are an invasive species.

Council President Ciolino said it is good the Council will be legislating corrective action in order to prevent such things from happening again.

Councilor Cox advised that as the Ward Councilor she dealt with this issue immediately with the Chair of the St. Peter’s Fiesta Committee and assured that this will not happen again.

Planning & Development: July 19

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city’s list of public ways without prejudice.

DISCUSSION:

Councilor Lundberg said that Councilor Memhard had requested to withdraw his Council Order in order to get the proper paperwork done for the acceptance of Starknaught Heights as a city street. He advised this is a procedural matter for Councilor Memhard. **Councilor Memhard** explained even after a road has been paved through

betterment project or otherwise, to have the road taken public requires some detailed engineering plans, title work. He noted that the last roadway taken by the city as a public way was St. Anthony's Lane in 2011 which had recent subdivision plans on file with the city -- prior to that there had only been two other public road takings in the prior 12 years. He said it is an uphill climb for residents to have their private roads accepted as public ways and does take time and proper documentation.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways, without prejudice.

Scheduled Public Hearings:

1. **PH2017-032: SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 35, GZO Sec. 1.9, Sec. 1.10.1(a), Sec. 2.4.4(a) & 3.1.6(b) for a non-conforming residence on a non-conforming lot, and a building height in excess of 35 feet (To be withdrawn)**

Councilor Orlando stepped away from the dais.

This public hearing is opened at 7:46 p.m.

Council President Ciolino announced that the application pertaining to SCP2017-008 Sleepy Hollow Road #28, a letter was filed by the applicant's attorney asking that the matter be withdrawn; therefore, this matter is rendered moot.

This public hearing is closed at 7:46 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 3, GZO Sec. 1.9; Sec. 1.10.1(a)1; Sec. 2.4.4(a) and 3.1.6(b) for a non-conforming residence on a non-conforming lot and a building height in excess of 35 feet without prejudice.

DISCUSSION: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Orlando) absent, to permit the withdrawal of SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 3, GZO Sec. 1.9; Sec. 1.10.1(a)1; Sec. 2.4.4(a) and 3.1.6(b) for a non-conforming residence on a non-conforming lot and a building height in excess of 35 feet without prejudice.

Councilor Orlando returned to the dais.

2. **PH2017-035: Amend GZO by ADDING Section 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 18.8., 2.2.1 and 2.3.1 accordingly; and AMEND Sec. V to add new Section 5.29 "Certain Pre-Existing Multi-Family Use" (TBC 08/08/2017)**

This public hearing is opened at 7:48 p.m.

Council President Ciolino opened the public hearing and continued it to August 8, 2017 noting that the matter was still under discussion with the Planning & Development Committee.

This public hearing is continued at 7:48 p.m.

3. **PH2017-036: Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" re: Magnolia Avenue**

This public hearing is opened at 7:48 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:49 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

DISCUSSION:

Councilor Nolan explained that this is action is to help with the parking areas on Magnolia Avenue with the abundance of teenagers drinking, fishing and swimming in a public reservoir. He advised there have been several fires over the past several years from unattended campfires and that this will make it easier for police actions to be taken to control the situation.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-291 "Tow-away zones" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-291 "Tow-away zones" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

For Council Vote:

1. Special Speed Regulation #7954 from MassDOT re: Riverview Road

Councilor LeBlanc said that the speed limit, confirmed by MassDOT, will now be 15 mph on Riverview Road for its entirety. Thanking Councilor Gilman for bringing this matter forward, he noted that in this particular area of his ward, Ward 3, that Councilor Gilman's ward, Ward 4, overlaps. He said Riverview Road is narrow with no sidewalks with many children walking that street, and this was a matter of public safety.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to adopt pursuant to MGL c. 90, §18, Special Speed Regulation #7954 to impose the following speed limits in which motor vehicles may be operated on Riverview Road as follows:

Riverview Road - Eastbound

Beginning at the end of one way travel on Riverview Road, thence easterly on Riverview Road: 0.31 miles at 15 miles per hour ending at the junction of Wheeler Street; the total distance being 0.31 miles.

Riverview Road - Westbound

Beginning at the junction of Wheeler Street, thence westerly on Riverview Road: 0.73 miles at 15 miles per hour ending at the end of one way travel on Riverview Road; the total distance being 0.73 miles.

2. Correction to June 7, 2017 Planning & Development Committee Minutes and June 27, 2017 City Council Minutes pursuant to SCP2017-007: Main Street #63

Councilor Lundberg explained that SCP2017-007: Main Street #63 was taken up by the P&D Committee on June 7, 2017, the motion to recommend the granting of the Special Council Permit had a typographical error in the ninth line where the words “lot area” should have read, “open space.” As a result, those minutes need amending as follows:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to amend the minutes of the Planning & Development Committee meeting dated June 7, 2017 page 1 of 2, ninth line of the “COMMITTEE RECOMMENDATION” by striking the words “lot area” and adding “open space ...”

3. Correction to June 27, 2017 City Council Minutes pursuant to SCP2017-007: Main Street #63

Councilor Lundberg advised there was a typographical error in the motion for SCP2017-007: Main Street #63 in the P&D minutes, and as a result there needs to be a correction to the Committee Recommendation carried through from the June 7 minutes and the Motion of the Council in the minutes of its June 27, 2017 City Council meeting as follows:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to amend the minutes of the City Council meeting dated June 27, 2017 page 16 of 18 in the ninth line of the “COMMITTEE RECOMMENDATION” by striking the words “lot area” and adding “open space” and to strike the words “lot area” and adding “open space” in the ninth line of the “MOTION” shown on page 17 of 18 of the same City Council minutes.

4. Proposed City Council Resolution re: Natural Gas Leaks and the Consumer

Councilor O’Hara declared a conflict of interest under MGL Ch. 268A he would step away from the dais as he is in business as a vendor for National Grid. **Councilor Orlando** declared a conflict of interest under MGL Ch. 268A advising that his law firm is involved in several lawsuits against National Grid and stepped away from the dais.

Councilor Gilman introduced Ellen Leaman, 16 Great Hill Road, and Marsha Hart, 2 Freemont Street, initiators and advocates for the Resolution pursuant to Natural Gas Leaks and the Consumer. With the permission of the Chair, **Ms. Hart** then read a statement (on file) recounting how she and Ms. Leaman became concerned about the issue of leaking and unaccounted for gas, distributing information on the subject and proposed state legislation. She noted meeting with the Clean Energy Commission; Public Works Director, Mike Hale; the Mayor, contacted City Councilors. She expressed appreciation of the knowledge base, ongoing Green Community initiatives, and the DPW’s “proactive work” with city streets and gas leak issues. Through her and Ms. Leaman’s research they found that gas leaking is harmful to humans and vegetation and is part of the problem of “escalating climate change.” She put forward that there was little incentive for gas companies to fix leaks and that the expense of leaking and unaccounted for gas is passed onto the consumer. This resolution highlights the issue and encourages the state legislature to take action. It was advised that Sen. Bruce Tarr has signed on to support of this legislation and that through Council vote it will show the state’s legislators that the city is behind this legislative initiative. She offered hers and Ms. Leaman’s thanks to Councilor Gilman for bringing this issue forward for the Council’s consideration.

Councilor Gilman added that this has been a “grassroots effort, highlighting that when citizens take the initiative to make things better everyone benefits. She said Ms. Hart and Ms. Leaman did a great job not only of assisting with the composition of the resolution before the Council but also providing the names of the legislators involved and their contact information. She expressed her appreciation to City Clerk, Joanne Senos and General Counsel, Chip Payson, for their input as well. She then moved that the Council adopt the Resolution which was seconded by Councilor LeBlanc.

COUNCIL DISCUSSION ON MOTION TO ADOPT RESOLUTION:

Councilor Lundberg said he was one of the Councilors that Ms. Leaman and Ms. Hart contacted early in this process, and commended the women on the information they provided to him on a complicated issue which he found helpful and to encourage the Council to move forward with this Resolution. He recounted that he has dealt with the same women over the years on many issues, as well as during his tenure on the Planning Board. He attested that when they outline an issue it is done with great “homework” and they can be relied upon for their advocacy.

Councilor Cox thanked Ms. Leaman and Ms. Hart for their great educational information.

Councilor Nolan said the information was great; the idea is a long time in coming, noting that an action like this should have been done years ago. This, he said, is a common sense, green idea for a better future for everyone.

Councilor LeBlanc said his neighborhood has the most gas leaks in the city, noting National Grid has come through and repaired leaks on Maplewood Avenue, and on the border of Ward 2, Grove Street, Colonial Street, and Knowlton Square. He expressed he was amazed at how many leaks were detected and repaired and how dangerous it was in such a small area. He expressed his appreciation to Ms. Hart and Ms. Leaman for their efforts, and for the Council stepping up to do something about this situation.

Council President Ciolino recounted when he was a Ward 1 Councilor there was a large amount of paving done around Mt. Pleasant Street, Decatur Street and other nearby roadways. He said he was getting complaints that there was a smell of gas in the area where the paving was done. A site visit was done, and while walking one of these roadways, he recounted that there were bubbles percolating in standing water in potholes which turned out to be the indication of a gas leak. He further related when first being appointed to the B&F Committee with Mr. Destino, the Committee were given a figure of the city's water supply of so many millions of gallons pumped into the system but that there were likely about 10 million gallons less than what was actually billed -- all due to loss from leaks. He advised that the city initiated a program to eliminate the leaks and the loss figures are dramatically less today. He urged that the gas leak issue be taken care of. He commended Ms. Hart and Ms. Leaman for their efforts in bringing this matter to the attention of the Council. He conveyed he's received many emails on the subject indicating much community interest in the matter.

MOTION: On a motion by Councilor Gilman, seconded by Councilor LeBlanc, the City Council voted 7 in favor, 0 opposed, 2 (O'Hara, Orlando) recused, to resolve the following regarding Natural Gas Leaks and the Consumer:

WHEREAS, Massachusetts' antiquated gas pipeline system is one of the oldest in the nation containing many cast iron and unprotected steel pipes that are known to be leak prone; and

WHEREAS, natural gas leaks create multiple threats to public safety, the environment, people and property; and

WHEREAS, natural gas leaks release methane, a powerful greenhouse gas, into the atmosphere and methane is 34 times more potent than carbon dioxide in trapping heat in the atmosphere which contributes to accelerating climate change; and

WHEREAS, methane also contributes to ground level ozone which can be a factor in the development and severity of respiratory illnesses, including asthmas in both adults and children; and

WHEREAS, oceans and fish stock are under threat from rising water temperatures which impacts the livelihood of the Gloucester community;

WHEREAS, Massachusetts is currently losing more gas than it is gaining from its energy efficiency programs; and

WHEREAS, current law allows utilities to charge the ratepayer for the cost of lost and unaccounted for gas so there is little incentive for the utility to repair the overall problem, therefore, be it

RESOLVED, that the City Council, on behalf of the people of Gloucester, Massachusetts:

- 1. Hereby support state legislation designated to protect consumers of gas and electricity from paying for leaked and unaccounted for natural gas;**
- 2. Affirm Gloucester's commitment to the environment and support its designation as a green community;**
- 3. Affirm Gloucester's support of Massachusetts reaching its mandated commitment to the Global Warming Solutions Act;**
- 4. Express our hope that Massachusetts will remain a leader on energy and climate issues, disavowing such projects that go against our commitment to life, the environment, our economic well-being and our health and safety.**

Councilors O'Hara and Councilor Orlando returned to the dais.

Unfinished Business: None.

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

1. Update of the Waterways Board by City Council Representative, Councilor Steve LeBlanc:

He advised that Solomon Jacobs Park and Harbormaster's Department is not yet running at capacity due to the late ending of the National Grid remediation project there. The Waterways Board is asking the Administration to add several more transient moorings. The DOCKWA app reservation program initiated this year for transient mooring reservations has been tremendously successful filling transient moorings daily through the summer. The Harbormaster's office is making "huge strides." He said there is a new Board member, Richard Sherman, who is a commercial fisherman. He also mentioned the increasing success of the Gloucester Launch with the institution of season passes and inclusion of the launch fee in transient mooring fees. He said there is palpable vibrancy to the Board now and that he enjoys working with them all.

2. Discussion on ward meetings and training material for recreational marijuana community updates by Councilor Valerie Gilman:

Councilor Gilman reviewed the "Proposed Ward Council Recreational Marijuana Ward Forums for August 2017" (on file). She noted 12 slides in the Council Packet (starting on page 36 of the Council Packet, on file), entitled, "Implications of Recreational Marijuana, MA Chapter 334 of the Acts of 2016 in our community; City of Gloucester Ward Meetings, August 2017, and reviewed them briefly. She then highlighted a "Time Table for City Council." She mentioned that in addition to Councilors' Ward meetings to be scheduled in August that Joan Whitney, Director of the Healthy Gloucester Collaborative and Karin Carroll, Public Health Director will be coordinating a public forum likely taking place at a city school in September. The time table ends November 7, 2017 with a Ballot referendum. She also reviewed a schedule in preparation for the Councilors' planning for informational Ward meetings briefly. She conveyed that the slides will be posted on the city's website, Good Morning Gloucester, newspapers, Cape Ann TV, and other media venues for public viewing. She or Ms. Whitney, Ms. Carroll or General Counsel will be made available to be at the ward meetings to answer difficult questions posed by the public. She highlighted documentation available to the Councilors for their meetings.

Councilor Cox said she would try to reserve the American Legion on Sunday, August 13 for the Ward 2 meeting and invited Councilor LeBlanc to hold a joint Ward 2/Ward 3 meeting. She acknowledged that this is a weekend day, and asked if it was possible to have city staff attend.

Council President Ciolino noted his wife had been recently to Tacoma, Washington and he had asked her to visit a retail recreational marijuana shop. He described her experience of the shop that the first 20 feet was dedicated to paraphernalia and then there was counter across the store, staffed by middle-aged gentlemen who took a photocopy of driver's licenses and asked questions as to what a shopper wanted or needed. He said all products are behind the counter including edibles. He advised that no child can go into the shop. He said other parts of the country they have successful programs and that it would be interesting to see how it would work in Massachusetts, adding that this is a necessary conversation.

Councilor Orlando said he read with interest an article on the NFL and the NFL Players Association and their position on some changes in medicinal marijuana in different states. He said the NFL's position currently is to suspend players who use marijuana as a recreational substance but he pointed out that NFL players use marijuana instead of narcotics that can cause addiction in treating their pain from a contact sport. He encouraged the Councilors to read the article.

Councilors' Requests to the Mayor:

Councilor Memhard advised he had submitted a request through the Mayor's office for a review of the Building Inspector's conclusions regarding the noise complaints on East Main Street concerning Americold and National Fish and Seafood facility. He also advised that there is a proposal before O&A and the Board of Health and is soliciting input from the city's General Counsel, and with Councilors O'Hara and Cox that the city adopts the state's noise ordinance which is "tougher" than the city's current ordinance. He assured that adoption of these state regulations wouldn't inhibit the city's commercial businesses or be a hardship for them -- the state regulations will help ease the issues faced by the surrounding neighborhood to the Americold/National Fish and Seafood facility.

Councilor Gilman requested through the Mayor that the DPW Director place a "DO NOT ENTER" sign on Pole #316 on River Road next to the Annisquam Market Restaurant. She noted she has received four letters on that issue. She advised she's had conversations with the business owner, the Traffic Commission and advised the DPW

Director of this issue. She expressed that Councilor Lundberg was well aware that people leaving the restaurant late in the evening frequently drive down River Road the wrong way. She announced that the Annisquam Village Players are putting on "Singing in the Rain," August 8 through 13, curtain at 7:30 p.m. in the Annisquam Village Hall. Tickets are available on line at: annisquamvillageplayers.com or through the Annisquam Exchange. She advised that the Annisquam Village Players have made available through the Rose Baker Senior Center and the Rockport Council on Aging a total of 125 tickets (75 per organization) especially for seniors to attend the play's dress rehearsal evening, a program in its third year. She encouraged Gloucester seniors to go to the Rose Baker Senior Center soon as tickets for the dress rehearsal are going fast.

Councilor O'Hara requested that the Mayor through the DPW Director mow the Fuller School property and to shim the roadway at the intersection of Hesperus and Western Avenues -- water work has caused the road to settle. He thanked people donated at the Red Cross Blood drive yesterday - 39 collections - up from 31 at the last event. This will help more than 100 people to go through surgery and treatments, he pointed out.

Councilor LeBlanc requested that the Mayor, through the DPW Director paint a crosswalk in front of #28 and #220 Washington Street, at the corner of Gloucester Avenue and Washington Street, and in front of the Cape Ann Bowling Lanes at #53 Gloucester Avenue, the later request made a while back. He asked that there be follow up on these issues. Off mic, CAO, **Jim Destino** voiced his assurance there are plans for city crosswalks to be painted before schools open in the fall.

Councilor Orlando thanked the Administration and especially the efforts of Councilor O'Hara for the work done at Clark Cemetery to clear it of debris and vegetation. He advised that a particular pile of debris he had mentioned at a previous City Council meeting has been burned now. He said they will organize another event this fall. He congratulated the Gloucester Little League Williamsport team for winning their sectional finals, an enormous accomplishment, he said. He made note of a previous evening's fundraiser for the family of Aaron Hayer, who recently passed away leaving a young widow with two children who remains in need of continuing support. He encouraged the public to consider making a donation to assist the family through this difficult time.

Councilor Cox reminded the public of the following upcoming events: Author reading from local author, Hannah Kimberly, on Thursday, Aug. 3 from her book, "A Woman's Place is at the Top" at the Sawyer Free Library which will run 6:00 p.m. to 9:00 p.m. On Saturday, August 5, there is a fundraising lobster bake in support of the local gillnetter, the Phyllis A. at the Gloucester Marine Railways - tickets are \$40 per person. The Country Music Festival is on the same day with gates opening at Stage Fort Park at 11:00 a.m. and music starts at 12 noon. The Sidewalk Bazaar starts Thursday, Aug. 3 and runs through Saturday, Aug. 5.

Councilor Lundberg advised that tomorrow evening at 5:30 p.m. Wellspring House, at 302 Essex, one of the city's preeminent non-profit organizations dedicated financial stability for families through education, will hold a ribbon-cutting ceremony for the newly revamped education center. He noted the space was built 25 years ago and said that the renovations will make the center more in keeping to today's education needs.

Council President Ciolino announced that on Tuesday, Aug. 1 the Gloucester Rotary Club will host a cruise up the Annisquam River to Rockport and back on the Privateer leaving from the Gloucester House at 6:30 p.m. Tickets are \$25 per person and includes food and music, he said.

Councilor LeBlanc recognized Grace Poirier, Assistant City Clerk for her efforts this evening on the event of her inaugural City Council meeting.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:31 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.