

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, August 22, 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:** Mayor Sefatia Theken; Sen. Bruce Tarr; Rep. Ann-Margaret Ferrante; Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Interim Police Chief John McCarthy and members of the Gloucester Police Force; Fire Chief Eric Smith; Karin Carroll; Nancy Papows; Joan Whitney; Gregg Cademartori; Amit Chhayani; Grace E. Poirier; Sander Schultz; Enza Taorimina

The meeting was called to order at 7:03 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

**Flag Salute & Moment of Silence.**

**Proclamation by Mayor and City Council:**

**1. Joint Proclamation of Mayor and City Council condemning hatred, racism and violence**

**Mayor Sefatia Theken** conveyed that Gloucester is taking a stand about the events that took place recently in Charlottesville, Virginia, impacting the whole country. She said, "We are an island, a loving community and respect each other." She called upon the clergy of the community -- The Reverend Wendy Fitting; The Reverend Janet Parsons; Reverend Ann Deneen; Reverend Thomas Bentley; Reverend Michael Duda; Reverend Rona Tyndall and Rabbi Steven Lewis to read the City of Gloucester's proclamation condemning hatred, racism and violence promulgated by neo-Nazi and White Nationalist groups. The City Council stood behind the clergy with the Mayor while the Proclamation was read. The Joint Proclamation is as follows:

**OFFICIAL PROCLAMATION**

**Proclamation**

**WHEREAS, white nationalist organizations, or any other group that promotes hate, have consistently promoted values that are overtly racist, anti-Semitic, and anti-immigrant, and these poisonous ideologies continue to promote hatred, bigotry, and violence specifically against individuals solely on the basis of their race, ethnicity, religion, sexual orientation, and immigration status; and**

**WHEREAS, today, white nationalism and neo-Nazism remain very real threats to the values for which the Commonwealth stands; and**

**WHEREAS, while free speech is a bedrock value for the citizens in our Commonwealth and Country, white nationalists and neo-Nazi groups promote a message that is the antithesis of Massachusetts' dedication to civil rights for all, and is in irreconcilable conflict with our foundational principles of liberty and justice for all; and**

**WHEREAS, white nationalism and neo-Nazism are continuing to grow as menaces to societal order as they seek to reignite social animosities, reverse improvements in race relations, divide the nation, and foment hatred, classism, and ethnic eradication; and**

**WHEREAS, the white nationalist and neo-Nazi message of racial and social intolerance has led to senseless acts of violence that continue to terrorize members of ethnic and religious communities;**

***Be it resolved and proclaimed:***

**That the totalitarian impulses, violence, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis are strongly denounced and opposed; and further, that law enforcement agencies and elected officials at every level of government are urged to condemn white nationalist and neo-Nazi ideology, vigorously pursue justice in response to hate-fueled violence and work to ensure the protection of the marginalized and targeted communities; and further,**

**That copies of this resolution will be transmitted to the Mayor of Charlottesville, Governor of Virginia and President of the United States.**

Upon the completion of the Proclamation reading, the Mayor and each City Councilor signed the Proclamation to be sent to the Mayor of Charlottesville, the Governor of Virginia and the President of the United States.

**Sen. Bruce Tarr** and **Rep. Ann-Margaret Ferrante** read the Joint Resolution of the Commonwealth's House of Representatives and Senate a Resolution they co-sponsored. Sen. Tarr and Rep. Ferrante announced that Governor Baker had issued a very similar Resolution on behalf of the state.

**Oral Communications: None.**

**Presentations/Commendations:**

**1. Update on Ward Meetings from the Recreational Marijuana Task Force**

**Karin Carroll**, Public Health Director, gave a brief update that there were five Ward meetings on Recreational Marijuana last week throughout the city with approximately 95 people in all attended, conveying the following information: No other communities surrounding Gloucester had such resident forums. People shared their ideas and concerns were aired and questions rose during these forums. It was reported that there was good discussion on all sides of the issue with passion, and while these were small groups they were all very concerned citizens. She extended her thanks to Councilor Gilman and the City Clerk's office for putting together a summary of the forums with estimates, straw polls and comments (on file). The Recreational Marijuana Task force is happy to convey any more information the Council may need. **Council President Ciolino** extended his thanks to Ms. Carroll for all her work in coordinating the Recreational Marijuana the Task Force and for keeping the Council and public informed.

**REPORT OF WARD COUNCILORS:**

**Councilor Gilman**, Council Representative to the Recreational Marijuana Task Force, and Ward 4 Councilor conveyed her thanks to the entire Task Force. She noted, CAO, Jim Destino attended every Task Force meeting along with Melissa Teixeira, School Committee member. Ward 4-2: Aug. 16 with 24 attendees of which 75% were from Ward 4 and 23% from Wards 2 and 3. The Director of the Manchester Board of Health was present to see how Gloucester was handling issues as they will be voting on a moratorium on Oct. 16. There were people in favor of opting out and those in favor of continuing with the law passed by Massachusetts voters and move forward to having four retail establishments. She said the conversation was friendly and passionate. There were 6 in favor of a moratorium; 7 in favor to establish four retail stores (maximum amount); 5 in favor of 1 or 2 retail stores; 2 in favor of no retail establishments. They had a brainstorming zoning conversations with attendees voicing a variety of ideas as to placement of retail of recreational marijuana establishments in the community.

The Ward 4-1 meeting was on held Aug. 21 with 23 in attendance from Ward 4-1 and Ward 4-22. There were 15% of folks from Ward 5, 5% from Wards 1 and Ward 3. It was a lively group. There were 14 in support of a moratorium, 1 opposed. Comments were varied as to ideas to zoning and regulations. One attendee was in favor of four retail stores; 7 in favor of 1 to 3 retail outlets (2 voted for 3 shops, 1 voted for 2 shops and 4 voted for 1 shop). Comments included leaning towards starting conservatively; a person suggested access to recreational marijuana to be set up as in New Hampshire with the state liquor store locations right off a highway. Seven were in favor of the city opting out of retail sales altogether. A state police officer expressed concern for drugs and availability to children. There was mention of a variety of possible areas to locate a retail operation. There were 50 people attending the two forums and people were pleased to have the forum to speak freely, passionately and sincerely, **Councilor Gilman** added. She mentioned the summaries and public comments is now available through the City Council Agenda Packet of Aug. 22: <http://gloucester-ma.gov/ArchiveCenter/ViewFile/Item/7803>

**Councilor Memhard**, Ward 1 Councilor reported that their meeting was held in the East Gloucester School attended by 11 residents and 14 city staff and elected officials. There were 9 in favor of a moratorium; 3 in favor of no establishments and 4 in favor of more than 4 shops being opened. He recounted the comments of Joe Cardoza, Fair Street (on file) in attendance with his wife saying they want to wait to see the Cannabis Control Commission (CCC) establish guidelines. He conveyed that Mr. Cardoza trusts in the City Council and Zoning Board to establish guidelines so that when the state issues their regulations the city is ready to issue its guidelines. He expressed his concern for the way in which public health campaign is transmitting information which he said was "bordering on fear mongering" as such campaigns are rendered "moot" because only those who are 21+ years old by statute can gain access to recreational marijuana, and that they trust in ZBA and Council to issue permits to only state-licensed purveyors. He also expressed faith in the Police Department to be able to control four recreational marijuana retail outlets as they control the many retail establishments that sell alcohol in the city. He also mentioned keeping the tax money in the city, **Councilor Memhard** recounted.

**Councilor Cox**, Ward 2 Councilor reported that Ward 3 and Ward 2 held a joint meeting with 14 Gloucester residents and an out-of-town resident in attendance. She reported that 9 people prefer an outright ban; former teachers and current teachers expressed concern for students. **Councilor LeBlanc**, Ward 3 Councilor said that the majority of attendees didn't want any retail outlets for recreational marijuana in the city. He recounted this was the first forum held and reiterated that this is not about the vote to legalize marijuana but talking about retail sales and whether the populous wants retail sales of recreational marijuana in the city. He expressed his thanks to the city staff who attended the meeting and Councilor Gilman for her information to the Council, commended her in guiding them through this process.

**Councilor Nolan**, Ward 5, reported there was a meeting on August 15 with city staff and City Councilors along with 24 attendees from Ward 5 and other parts of the city. People brought up issues of traffic congestion; 2 people from the CCC were in attendance, he advised. He said most people want a moratorium to get everything in order first. Concern was expressed for marketing and safety for children.

**Jim Destino**, CAO, recounted that the meetings were informational saying they had hoped the forums would have been better attended. Those who did attend were passionate in their views. He commended the Task Force, but noted that this is an evolving and complex issue. He framed the options for the Council and made comments as follows: An outright ban by referendum vote on retail recreational marijuana outlets will still allow private citizens to grow marijuana for their own use. This is solely for retail establishments. A number of communities in the state have already instituted such a ban; others have issued moratoriums. The state will start issuing licenses. Without rules and regulations in place from the state it is hard to make a local decision. 1) An outright ban (on retail sales of recreational marijuana) requires a ballot question if a community voted in favor of recreational marijuana, meaning the question has to go back to the voters to change it in Gloucester. 2) A referendum to limit retail establishments to less than four requires a ballot question. The decision for placing a ballot question on the municipal ballot has to be made by the Council's Sept. 26 meeting. Two other options are: 1) capping the number of retail outlets at any certain determined number of four or above as the city deems appropriate which is done without a ballot question done by a majority vote of the Council; 2) placing a temporary moratorium that will be before the Council for a specified length of time, but not to an unreasonable amount of time. December 2018 has been recommended by the Planning Board. The Board will hold a public hearing at its Sept. 7 meeting. The Council will also hold a public hearing on the matter. The moratorium will give the city time to permit these retail establishments by a Special Permit and zoning parameters. He said it was worthwhile to hold the forums, and that they need to keep talking about the issue to do what is needed for the city.

**Council President Ciolino** announced the three public hearings to be continued on the Council's agenda (see Scheduled Public Hearings).

**Confirmation of New Appointments:** None.

**Consent Agenda:**

• **MAYOR'S REPORT**

1. New Appointments: Licensing Board TTE 5/18/18 Brian Hamilton (serving remainder of term of previous member) (Refer O&A)  
Zoning Board of Appeals TTE 2/14/20 Adria Reimer-Nicholosi (Refer O&A)
2. Memorandum, Grant Application & Checklist from Assistant Emergency Management Director re: Emergency Management Performance Grant (EMPG) in the amount of \$7,096 (Refer B&F)
3. Memorandum from Interim Chief of Police re: acceptance of donation of a lease of two BMW i3 Electric Vehicles from Lyon-Waugh Auto Group & BMW of Peabody (Refer B&F)
4. Memorandum from Assistant DPW Director re: Request to pay FY17 invoices with FY18 funds, and payment of invoices without A P.O. in place
5. Memorandum from Interim Police Chief re: application for the FY18 State 911 Support & Incentive Grant (Refer B&F)
6. Memorandum from Acting Community Development Director re: acceptance of Essex National Heritage Commission Grant through The Visitor Grant Program (Refer B&F)
7. Memorandum from CFO re: acceptance of donation to be used specifically by the Gloucester Archives Committee (Refer B&F)
8. Memorandum from CFO re: Loan Authorization for repair and improvements of Brooks Road (Refer B&F)
9. Memorandum from Fire Chief re: September 11<sup>th</sup> Observance Ceremony on September 11, 2017 (Info Only)

• **COMMUNICATIONS/INVITATIONS**

1. City Council vote of August 9, 2016 retarding renewal of Rogers Street Parking Lot at #65 Rogers Street (FCV 9/12/17)
2. Invitation to Fishermen's Memorial Service on August 26, 2017 (Info Only)

• **APPLICATIONS/PETITIONS**

1. PP2017-005: Petition by Comcast to install underground conduit & manhole extensively from Dory Road & Blackburn Circle (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2017-034 (Gilman): Amend GCO Ch. 8 "Fire Prevention and Protection" by ADDING section 8.6 entitled "Use of Sky Lanterns" (Refer O&A & Fire Dept.)

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 8/82017 (Approve/File)

2. Standing Committee Meetings: B&F 08/17/17 (no meeting), O&A 08/14/17 (no meeting), P&D 08/16/17

(Approve/File)

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

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

**Committee Reports:**

**Budget & Finance: August 17 -- No Meeting**

**Ordinances & Administration: August 14 -- No Meeting**

**Planning & Development: August 16**

There are no matters for Council action from this meeting under this heading.

**Scheduled Public Hearings:**

- 1. PH2017-038: Request to repurpose balance of funds in Loan Authorization #2013-003 (amended 3/28/17) for the repair/renovation of municipal buildings**

**This public hearing is opened at 7:47 p.m.**

**Those speaking in favor:**

**John Dunn**, CFO, recounted the following: This request is the repurposing of a loan appropriation that has already been repurposed once. The city borrows funds against loan appropriations as they expect the appropriations to be spent. This is a certain appropriation that had many capital projects contained within it – one such project was \$1 million for building repairs, maintenance and improvements at the DPW (on Poplar Street). That project was going to cost much more than \$1.0 million. In March the Council repurposed some of that funding because the funds were borrowed; they must be expended within certain timeframes. After conversations with Bond Counsel it was recommended because of materially abandoning the DPW capital project but having borrowed most of the funds already in anticipation of that project moving forward that the city repurpose the funds. The Administration's recommendation is to repurpose the funds for any municipal building improvements.

**Mr. Dunn** noted a list of a variety of capital building improvement projects submitted by DPW Director Mike Hale and Assistant DPW Director Mark Cole -- two of which are already in progress -- the completion of the Police Department boiler project now finished, and improvements to the O'Maley bathroom facilities. Other projects include air-conditioning system and interior doors for the O'Maley School estimated at approximately \$250,000; replace siding and exterior paint at a number of elementary schools; alarming and security projects at the DPW estimated at \$140,000; improvements to the Good Harbor Beach pavilion about \$140,000; the Visitor's Center at Stage Fort Park for \$60,000; replacement of a generator at the Rose Baker Senior Center estimated at \$38,000; masonry sealing at GHS; and miscellaneous bathroom facilities maintenance and repair at \$25,000. These improvements, he said, are over \$1 million. He advised the city doesn't yet know in what order these projects will be undertaken but that the school projects will be taken up when schools are not in session and when contractors can do outside work. Schools, the DPW, the Good Harbor Beach pavilion, Visitor Center repairs, Senior Center generator. He reiterated that in conversations with Bond Counsel it was determined this was the best way to handle the already borrowed funds.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:51 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council (i) RESCIND the order amending Loan Order 2013-003 voted by the City Council on March 28, 2017 and (ii) AMEND Loan Order 2013-003 voted by the City Council on September 24, 2013 so that it reads as follows:

Ordered: That up to \$2,475,000 is appropriated for the following purposes in the following amounts:

<u>Amount</u>	<u>Purpose</u>
\$ 100,000	DPW Building Addition
\$ 500,000	Financial Software Purchase/Installation
\$ 350,000	Salt Shed
\$ 250,000	City Hall Boiler Replacement
\$ 240,000	Street Sweeper
\$ 335,000	Repairs to Fire Stations
\$ 700,000	Various Municipal Building Improvements

including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor is authorized to borrow \$2,475,000 under Chapter 44 of the Massachusetts General Laws or any other enabling legislation; that the Mayor and any other appropriate City official is authorized to contract for and expend any federal, state or private aid available for the project; any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and 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: None.**

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to (i) RESCIND the order amending Loan Order 2013-003 voted by the City Council on March 28, 2017 and (ii) AMEND Loan Order 2013-003 voted by the City Council on September 24, 2013 so that it reads as follows:**

**Ordered: That up to \$2,475,000 is appropriated for the following purposes in the following amounts:**

<u>Amount</u>	<u>Purpose</u>
\$ 100,000	DPW Building Addition
\$ 500,000	Financial Software Purchase/Installation
\$ 350,000	Salt Shed
\$ 250,000	City Hall Boiler Replacement
\$ 240,000	Street Sweeper
\$ 335,000	Repairs to Fire Stations
\$ 700,000	Various Municipal Building Improvements

including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor is authorized to borrow \$2,475,000 under Chapter 44 of the Massachusetts General Laws or any other enabling legislation; that the Mayor and any other appropriate City official is authorized to contract for and expend any federal, state or private aid available for the project; any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and 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.

2. PH2017-039: Petition for road repairs in accordance with GCO Art. IV, "Repair of Private Ways," Sec. 21-80 et seq re: Brooks Road

**This public hearing is opened at 7:55 p.m.****Those speaking in favor:**

**Mr. Destino** said this is likely the last repair of a private way petition under the current ordinance without funding attached. He noted that the Brooks Road funding of the repair of the private way was on the Council's Consent Agenda and has been referred to the Budget & Finance Committee to take up at their next meeting. He said that a new ordinance amendment on private ways repair and paving has been recommended to the Council by the O&A Committee which comes forward as a public hearing later this evening. He said this new streamlined version brings the petition and funding to the Council in one package. He asked the Council to accept Brooks Road for a private/public paving project.

**Sander Schultz**, 15 Brooks Road, thanked the Council, especially Councilors Nolan and O'Hara, for shepherding this matter through the Council process. He also extended his thanks to Terry MacNeil and Carrol Lund, two Brooks Road residents who started this process moving forward. He noted that the road work is badly needed and that the process was difficult at first; but with Councilor Nolan's help it became less difficult to get through. He advised there is overwhelming support for this action by the Brooks Road residents.

**Those speaking in opposition: None.****Communications: None.****Councilor Questions: None.****This public hearing is closed at 7:57 p.m.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, recommends that the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Brooks Road. The abutters of Brooks Road agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$130,000; one hundred percent of the costs shall be borne by abutters and assessed as betterments.

**DISCUSSION:**

**Councilor Nolan** thanked all the residents of Brooks Road noting that the start of the process wasn't easy but in the end worked well. He said Councilor O'Hara worked with them to make this happen and in the end there was almost 100% support for the project. He asked for the Council's support.

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Brooks Road. The abutters of Brooks Road agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$130,000; one hundred percent of the costs shall be borne by abutters and assessed as betterments.**

- 3. PH2017-040: Citizens Petition to change Williams Court from one-way to two-way traffic and Amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-267 "One Way Streets-Generally" by DELETING Williams Court from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length in an easterly direction**

**This public hearing is opened at 7:59 p.m.****Those speaking in favor:**

**John F. Silva, Jr.**, 6 Williams Court, said that conveyed his military service and advised he was a former 9 year Rockport firefighter. He explained Williams Court in 1970 was a two-way street but that in 1974 the road was made one way suddenly, he said, without notice or public hearing. He said at time the neighbors did a petition; he attended meetings and told the Council that there was no public hearing to make the road one way. He said at that time he told the Council of all the issues for vehicular travel on Williams Court. The Council that night voted unanimously in favor of making the roadway two ways. He said there have been no problems for 41 years when suddenly one-way signs were erected once again on Williams Court. He pointed out that once again there was no notices, no hearing and that the street was suddenly made one way in 2017. He said there isn't any proof that the

road was ever changed back to one way. There was a meeting about a month ago by the Williams Court Neighborhood Committee to which the City Council was invited, he advised and that Councilors Cox, Memhard and O'Hara attended that meeting where many neighbors said they wanted the road to return to one-way travel. He said there was never a problem with access by emergency vehicles or their ability to respond to neighborhood situations. He added that the Williams Court neighborhood is a good one that there are no problems with two way traffic on Williams Court. He urged the Council to return Williams Court to two-way travel.

**James McCready**, 13 Williams Court, and a property owner at 35A Hartz Street, said that the Williams Court Committee thanked Councilors Memhard, Cox and O'Hara for attending their meeting with 25 neighbors as why the Court should be two ways to keep residents safe in winter and summer. He then recounted that: Williams Court residents have had few traffic safety problems with a two-way access that has always existed. They found in the Archives the minutes of a meeting in 1976 and said that the Council repealed Williams Court being a one-way street. Today a one-way street is inconsistent with traffic solving that still exists on Williams Court (He pointed to an enlarged Assessor's Map of the immediate area pointing out Hartz Street, Eastern Avenue, Marion Way, Tolman Street and Route 128). Most residents in order to avoid the corner of Eastern Avenue and Hartz Street because of poor sight lines and heavy on-coming traffic use the other end of Williams Court to access Eastern Avenue more safely. He noted that most Marion Way residents come in through Bass Avenue.

Mr. McCready said that by keeping Williams Court one way that it is a convoluted access and creates more traffic. He said tourists are not using Williams Court as a cut through, that it is a quiet street, he noted. The Williams Court Neighborhood Committee is asking that the Council return the street two way travel so it is a safer street, he said. He noted a copy of the vote and the repeal of the one-way traffic in 1976 for the Council.

**Jennifer Anderson**, 9 & 11 Williams Court, and **Cory Curcuro**, 7H Williams Court both said they have a safety concerns for Williams Court remaining one-way. **Mr. Curcuro** explained that they emailed a video to the Councilors (see "Documentation/Items submitted at Meeting") to visually convey their safety concerns which showed the experience of taking left- and right-hand turns from Hartz Street onto Eastern Avenue where all Williams Court residents must now enter Eastern Avenue because the street is now one way. He conveyed that as a result of the one-way travel, there is an increase in traffic on Hartz and Tolman Streets because drivers now leave Jeff's Variety, travel down Hartz Street and make a U-turn or three-point turn on Tolman Street. He noted that residents of lower Williams Court and Marion Way must use Tolman Street, significantly increasing traffic for residents of Tolman Street and upper Williams Court. He pointed out there is a handicapped resident on Williams Court on the hill and that the street is inaccessible when the resident is being dropped off or picked up. He also noted that other residents, emergency vehicles as well as trash and recycling vehicles are unable to pass for up to 10 minutes when this occurs. He said the safest option is to allow two-way traffic with parking on Williams Court.

**Brad Parsons**, 15 Williams Court, said the issue is the consequences of Williams Court being one-way. Parking on the street creates its own issues because of the one-way situation. He said the one-way travel on the street now is unsafe. Making Williams Court two ways, even if they have to wait for a car to pass, it is still much preferable to the street being one-way, he said. He said the neighbors have learned to live with it two ways and asked it be reverted to that condition.

**Trish McCarthy**, 6 Tolman Street, spoke in favor of Williams Court being two ways saying it had always worked well.

**Brad Duchane**, 5 Williams Court, a 48 year resident said there's never been a traffic problem on Williams Court, with delivery trucks, or trash pick-ups. He said it is a hardship for him as he's at the beginning of the one-way; that it is extremely difficult having to go out onto Hartz Street trying to fight traffic either on Eastern Avenue or Bass Avenue especially in the summer months. He said he didn't understand why the street returned to one way as it was never an issue before.

**Christine Scotti**, 10 Williams Court said she needed the street to be two-way travel due to accessibility. She spoke of the difficulties imposed on the residents of Williams Court, Marion Way and Tolman Street with the street being one way. She noted the issues of going up and down the hill on Williams Court during icy conditions. She mentioned the width of the street, saying that documentation shows for the most part it is 18 feet wide and at one point 20 feet wide, and that two cars can pass as can trucks. When a truck goes down with the street one way, they can't access their homes, she pointed out. She said under snow conditions having Williams Court one way will be an issue making vehicular travel nearly impossible. She suggested resident sticker parking be instituted for Williams Court as well (two communications from Ms. Scotti on file).

**Those speaking in opposition:**

**Robert Harris**, 3-1/2 Williams, a 19 year resident said that he appreciated everyone's concern at the bottom of Williams Court. He pointed out that he lives adjacent to Tolman Street and said he was concerned about increased traffic. A recent traffic study on Hartz Street had 12,000 cars on it in 6 days. He said that Williams Court is an easy

cut through, but that his main concern is the intersection coming off of Eastern Avenue onto Williams Court, “where people go around a corner and go up.” He said it is a dangerous area. He said it was he who contacted Councilor Memhard about Williams Court being one way and no one else. He recounted that he read the Fire, Police, and DPW reports all of which were in favor of Williams Court being one way which was the recommendation of Traffic Commission as well.

**Matthew O’Neill** noted he purchased 1 Tolman Street (located on the corner of Williams Court) two years ago. He said that his main concern is safety as he in on the hill of Williams Court. He said on Monday he viewed a trash truck nearly strike a women visiting a neighbor. He said Williams Court being made two ways made him concerned that someone would be struck. At the bottom of the hill with an 18 foot clearance and blind corners it makes it difficult to see, he noted. He said it is a vehicle not a pedestrian issue when a car can’t get up the hill due to adverse icing conditions -- a mechanical issue not a human issue. Children play on streets where they feel safe but it is not safe, he said. This is not about inconvenience as it is only a minute and 30 seconds to take the one way rather than the tragedy of a child being struck by a vehicle. He expressed concern about intimidation by those who didn’t agree that the road should remain one way. This is a safety issue, not a convenience issue, he reiterated. He said professionals in the city came out saying making Williams Court one way is not safe. He pointed out that he is not a safety professional, saying it was clear to him that it isn’t safe on top of the hill at Williams Court.

**Rebuttal:**

**Joe Palma**, 34 Hartz Street expressed his concern about rumors of intimidation of those who were not in favor of two-way traffic on Williams Court.

**Communications:** **Joanne Senos**, City Clerk, then enumerated the communications received by the Council in the Williams Court matter as follows:

**RECOMMENDATIONS OF CITY’S PUBLIC SAFETY OFFICIALS:**

**Interim Police Chief John McCarthy** expressed he observed the street is narrow, and concluded it is too narrow for two-way traffic in light of existing parking configurations. He said in his opinion that changing this street to two-way traffic would be a safety concern.

**Fire Chief Eric Smith** said it was his opinion that Williams Court cannot support two-way traffic, and is supported by the Mass. Fire Safety Code 527 CMR 1.00, Chapter 18 which he submitted with his opinion.

**Public Works Director Michael Hale** expressed his support of the Interim Police and Fire Chiefs’ one-way street or no on-street parking opinions. **Mr. Hale** submitted a photograph of Williams Court as well.

**COMMUNICATIONS FROM CONCERNED RESIDENTS:**

**Christine Scotti**, 10 Williams Court addressing concerns to change Williams Court favoring two-way traffic; **Kris Harris**, 3-1/2 Williams Court on trying to reduce vehicles cutting through Williams Court to avoid traffic; a second submission dated 8/4/17 by **Christine Scotti**, 10 Williams Court expanding on her original communication; **Jane Blanchard**, 4 Tolman Street, in favor of one-way traffic on Williams Court; and **Jillian Goulart Amero**, 45 Hartz Street, expressing concern for traffic issues on Williams Court and a second communication from **Kris Harris** dated August 21, 217 saying that Williams Court should remain one way; **Carol Blanchard**, 4 Tolman Street in favor of keeping Williams Court one way, and **Ethel Vadala**, 8 Williams Court in support of Williams Court being two ways.

**Councilor Questions:**

**Council President Ciolino** asked who was in favor of Williams Court being made two ways – 26 audience members raised their hands in favor and four raised their hands opposed to Williams Court being made two way.

**This public hearing is closed at 8:48 p.m.**

**COMMITTEE RECOMMENDATION:** On motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 1 (O’Hara) in favor, 2 opposed to recommend that the City Council AMEND GCO Ch. 22, Sec. 22-267 “One Way Streets-Generally” by DELETING Williams Court from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.

**DISCUSSION:**

**Councilor LeBlanc** said he voted against changing Williams Court to two-ways. He said he parked on the road for a morning in his truck for observation purposes. He said he saw several people going up Williams Court to Eastern Avenue and saw several vehicles coming out of Tolman Street with people coming down Williams Court. Regardless of that fact, he said, it seemed to work for the neighborhood. He also noted several Williams Court residents attended the O&A Committee meetings and expressed his appreciation for the residents being respectful. He said he would change his vote and support Williams Court to be a two-way street.

**Councilor Nolan** said he couldn't make the neighborhood meeting but pointed out he has been travelling Williams Court for years. Through the last month of observing Williams Court, he said that the biggest problem is a "No Parking" sign is not far enough away from the corner of Hartz Street where it intersects with Eastern Avenue and needs remeasurement as there is a sight line issue. He recounted that at the O&A Committee meeting he had conveyed he wouldn't support the street being made two ways until he heard from the public, and then said he would support Williams Court reverting to a two-way street.

**Councilor Orlando** thanked the neighborhood for the invitation to their meeting and advised he had a business commitment that evening but noted he'd had a conversation with Jennifer Anderson the following day. He cited he'd reviewed all the documentation on file. He said there is some precedent for streets that are both one- and two-way in different sections; there are parking options. He said that two ways makes more sense and that the residents have worked with the street for many years that way. He expressed his agreement that entering traffic from Hartz Street to Eastern Avenue was difficult. He cautioned the neighbors in the audience that they all have to live with each other, and that are other things that can be done to assure the safety of children and handicapped people on the street.

**Councilor Cox** said after meeting with the neighborhood and seeing first-hand the street layout she would support the two-way street. She advised she'd had the same issue in her ward on a street where they allowed parking and kept a street two way. She pointed out this is not necessarily the end of the discussion; that the situation can be monitored. The ward Councilor can bring this matter back if it needs a second look and can be changed if need be, she said. She reiterated her support of a two-way designation.

**Councilor Lundberg** expressed his thanks to the neighbors for their invitation to attend their meeting but he'd been unable to attend. He also thanked the residents for appearing tonight to speak on their issue. He said he was impressed by people who spoke in favor of Williams Court being a two-way street is how the neighborhood makes it work and know who's parking where. He said this is their street, and if they can make it work, he is in support of the street being returned to two-way traffic. He reiterated Councilor Cox's remarks that if there are problems aren't being solved by neighbors making it work, the Council can take another look at the issue.

**Councilor Gilman** said the day after the neighborhood meeting she spoke to several residents of Williams Court supporting the two-way street and a person in favor of the road being one way. She recounted that she spent some time in the area today, and noted at the end of Williams Court where it takes a left she said she had to put her mirror in when passing another SUV on Williams Court. She expressed she was sympathetic to the fact that it is a tight street. Realizing that the public safety officials supporting one way, she said what captured her interest was a video she saw today a car travelling onto Eastern Avenue from Hartz Street and the issues of sight lines. She said based on what she heard this evening she would support the two-way designation.

**Councilor O'Hara** said the Williams Court is a great neighborhood that bands together and have a mode of looking out for each other. He extended his apologies to Rob Harris that he would support a Williams Court being two ways.

**Councilor Memhard** said that when you look at Williams Court it doesn't appear wide enough to support two-way traffic and is unsafe which is what the Fire Chief and Interim Police Chief have indicated. He said city records reported that the street had been put back to one way 35 years ago, but apparently it hadn't so there'd been a lot of disruption to the neighborhood. Safety issues have to be kept clear in their minds because not everyone who drives through their neighborhood lives there but is using it as a cut through. He encouraged the Williams Court neighbors to look out for each other as there were concerns expressed by people feeling intimidated simply because they were looking out for their families' safety. He pointed out above all they want to come out of this experience as a cohesive neighborhood. He said there are some structural issues about a small street with little off-street parking and limited entrance and exit options, and yet the neighbors have made it work. He expressed his recognition of the neighborhood in advocating their concerns. He voiced his encouragement to all the neighbors to respect each other. He then added his support for Williams Court being returned to two-way traffic.

**Council President Ciolino** said there was a neighborhood meeting that some Councilors couldn't make, but advised that they have had minutes of the meetings, reports of the Ward Councilor. He pointed out that at any given time, Councilors can't all attend meetings at the same time, but they all pay attention to these issues. He said that even though the Councilors may not have been in attendance, they were interested in seeing a positive outcome. He said the neighbors made a good case, and that this Council listens.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed to AMEND GCO Ch. 22, Sec. 22-267 "One Way Streets-Generally" by DELETING Williams Court from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.**

The Council recessed at 9:05 p.m. and reconvened at 9:11 p.m.

- 4. PH2017-023: Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 “Zoning Administrator” and 5.29 “Certain Pre-Existing Multi-Family Use;” and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: “Administration and Procedures” and “Use Regulations” (Cont’d from 08/8/17)**

**This public hearing is opened at 9:11 p.m.**

**Those speaking in favor:**

**Amanda Orlando Kesterson**, 5 Western Avenue, Chair of the Gloucester Republican City Committee, noted affordable housing is an issue that comes up repeatedly. She said many people can’t afford to live in the city where they grew up; just as there are many developers who want to build in the city and affordable housing becomes an issue when they put forward their permitting to the Council. She recounted that last year the Republican Committee had Andrew DeFranza of Harborlight Community Partners speak to them about affordable housing and conveyed to them that the best thing the city could do was bring their stock of affordable housing up to the required minimum of 10% so that the city wasn’t susceptible to 40B development projects for which there is no local control. She added that the Zoning Ordinance amendment proposal before the Council will go a long way towards helping to solve the city’s affordable housing goal. She asked the Council for their support for a Zoning amendment that will help so many in the city to have safe, good, and affordable places to live.

**Those speaking in opposition:**

**Karen Budrow**, 33 Chapel Street, expressed her concern as to the purpose of the proposed Zoning Ordinance amendments. She said this won’t have its intended positive effect. She recounted from what she read that the mandate for “people who were in the shadows” saying she didn’t think they’d “come out,” and that they’d likely not come forward. She noted she’d read that in one place in the amendments it says it is for three years and another where it is a 30-year deeded obligation, reported to the state, subject to a state lottery system for who the tenant will be, and is controlled by the state. She also noted the process that the landlord, owners of buildings with three to six units, would have to go through to administer the affordable unit. She said the burden to the landlords may add cost to the tenants, she added. She suggested that the deeded obligation could be an issue when a property owner wants to sell their property by lowering its value. She said she owns a building with four units and has had Section 8 tenants and didn’t need a “bureaucracy” to tell her how to rent her units, for how much and to whom. She said if this initiative streamlines the process it is laudable, she indicated. She suggested that if they are concerned about required public hearings, and abutter notices and such, having things opened up in public “makes for good neighbors.” She said why they would think this ordinance initiative would bring out landlords who have been in the shadows for years. Noting she was a municipal Human Resources Director for 30 years, she highlighted that the Zoning Administrator as a new position needs a position description, pay description and qualifications for the position saying that the appointing authority should be the Zoning Board of Appeals. She said she couldn’t understand how this would help anyone, pointing out that recently developers who want to put 200 units in the city say they can’t afford to institute affordable units because they can’t make it pay.

**Communications:**

**Joel Favazza**, Seaside Legal Solutions, 111 Main Street, submitted a letter in support of Zoning Amendments passage substantially in the same format as was originally drafted.

**Councilor Questions:**

**Councilor LeBlanc** asked for clarification of the “three years and 30 years.” **Gregg Cademartori**, Acting Community Development Director, said the Planning Board had a public hearing over two meetings and had limited public involvement, but that the Zoning amendments has evolved since the original Council Order was issued. He pointed out that this will be GZO Sec. 5.30 if adopted (originally noted as Sec. 5.29). He clarified that this proposal is for existing multi-family dwellings that have not been properly permitted, also known as “illegal” apartments. The city, he recounted, knows they do exist which at a time may have been permitted as there were districts in the city where they were permitted multi-family as of right, but that over the year’s recordkeeping was imperfect. These amendments were developed by a working group after initially proposed by Councilor Orlando to try to get at an issue which he said was “incredibly important” which is safe housing. One of the aspects of this proposal is creating more affordable housing and he explained that as initially proposed, it would have invested sole authority in a Zoning Administrator to review these certain cases where there have been units in existence and legitimize them. The Planning Board public hearing went through several issues that were unanswered, one was how long would this incentive be in place which was addressed by an amendment to provide that the incentive was to last three years in

the Zoning Ordinance. He highlighted that the goal is also to have these buildings properly inspected and have all the life, health and safety needs meet under the building code to be a legitimate unit for rent.

**Mr. Cademartori** noted that someone could come forward to the city and apply to the ZBA for relief in these districts because they are smaller lots and don't necessarily comply with the dimensional requirements and then come before the Council for a four to six family building project Special Permit. This is an attempt to streamline a process and create an easier process that may have units that were utilized at a minimum of 10 years and making it clear in order to continue to address the state desire to have 10% of all housing stock be affordable, there is a deed restriction of 30 years required. After the Planning Board vote, not unanimous, some of these things were determined to be better addressed at the Council level. He advised that there was a fair amount of work done by Councilor Orlando and the ZBA. Concern was expressed about projects such as these having one person be the sole Permit Granting Authority. If someone wants to come to the ZBA and the Council then no deed restriction is required. There will be an assisted review by the Zoning Administrator if owners want to take advantage of this limited time process after appointment by the Zoning Board of Appeals and all the permitting would be consolidated with the ZBA. It is still a public process, he pointed out, but it is a much quicker consolidated review. This shorter process will glean the city affordable housing as well, he added.

**Council President Ciolino** asked if a 30-year deed restriction is a state mandate. **Mr. Cademartori** said there are different restriction guidelines depending on how an affordable housing unit comes into existence to be counted for the subsidized inventory. In a case where a subsidy is not involved, the state requires a 30-year restriction in order for it to count. **Council President Ciolino** asked if there is a bank refinancing issue when an affordable unit is involved. **Mr. Cademartori** said that in any case where there is an encumbrance on a property, whether an easement or a restriction, it will be something to be examined by a financial institution; and it is for the market to decide. He pointed out that there are plenty of multi-family dwellings that have restrictions. He cited lead funding from the EPA and HUD saying those properties where owners have received such funds have to have deed restrictions placed on them – when they are resold the deed restriction goes with those projects, just as those that have affordable housing. It is for the market to bear and decide from a financing perspective, he pointed out. **Council President Ciolino** said it was his understanding that now the Zoning Administrator is going to be someone who is a volunteer from the ZBA. **Mr. Cademartori** said that has yet to be determined, noting it was a suggestion of the ZBA Chair. He said there is no funding for a city staff position, and they may start from appointing from within, he said, noting it is that person who verifies documentation. **Council President Ciolino** said in order for this to work there will have to be a volunteer which **Mr. Cademartori** confirmed.

**Councilor Gilman** asked how GZO Sec. 1.8.3 fits into this process (the six criteria of a Special Permit). **Mr. Cademartori** said that the criteria (adding it into the amendment) was a “belts and suspenders” criterion, as it is whether it is the ZBA, the Planning Board, or the Council in granting a Special Permit and applies for a 3- to 6-unit dwelling permitting.

**Councilor Orlando** expressed his thanks to Mr. Cademartori and Chip Payson, General Counsel for being in attendance. He noted that this has been a long process with many people weighing in. He said it was frustrating at times in a protracted timeframe, but that the Zoning amendments have turned out for the best. The purpose and intent is to take an unpermitted rental unit in an existing building, bring it to code, put it into the affordable housing rolls and have a properly assessed building. There is no requirement that owners/landlords come forward to take advantage of this three year window, he pointed out. He said that the process will be streamlined for owners to come forward to enter into this process if they choose; there is no requirement that they do so but is an option. A benefit from this initiative is that there could be more affordable housing units, more valuable, safer multi-family units, and more protection against 40B projects and importantly more people who want to stay in the city can. He cited that there is a sunset clause so that if this initiative doesn't work out, it goes away in three years. It is an alternative solution to solving the city's affordable housing issue, he said. He recounted that he drafted this initiative with two local real estate lawyers who volunteered their time and worked against their own financial interest as this streamlined process removes the need for a lawyers' assistance. There were many meetings with city staff, the CAO, Planning Director, the Assessor's Office, the Building Inspector whose input was critical, he said. Through two public hearings at the Planning Board, and ZBA, amendments were made. He also recounted that at a Planning & Development Committee meeting he was sent back to look to work towards some compromises to address ZBA concerns. He noted that as a result, the Zoning amendments came out from P&D with a unanimous recommendation. He said he appreciated the P&D Committee's input. The premise and solution to the problem they've faced for some years has had tremendous input and was vetted by well-meaning and intelligent people, he noted. He again expressed his thanks Mr. Cademartori and Mr. Payson for their support and assistance.

**This public hearing is closed at 9:35 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor , seconded by Councilor , the Planning & Development Committee voted in favor, opposed, to recommend that the City Council Amend the Gloucester Zoning Ordinance pursuant to the document, "PROPOSED REDRAFT OF ZONING ADMINISTRATOR AMENDMENTS, 8/15/17," as submitted to the Planning & Development Committee on August 15, 2017 and attached hereto by incorporation and reference.

**DISCUSSION:**

**Councilor Lundberg** said the evolution of this Zoning amendment has been extensive. As Mr. Cademartori and Councilor Orlando noted, it ended up with a draft amendment dated 8/15/17. He assured the Council that these amendments are totally vetted and that they can rely on the recommendation of the Planning & Development Committee.

**Councilor Gilman** said she supported the amendments because Councilor Orlando did a great job thinking "outside of the box," but more importantly, that he worked collaboratively even at a point where he thought he'd done everything he could. She said that kind of collaboration is important when volunteer boards are involved. She expressed her appreciation that the fee for filing hasn't been waived. She said she liked the whole intent of eliminating the need for a lawyer and coming up with a checklist for coaching applicants in order to get rid of "red tape." She asked that the Council support the amendments and thanked the Administration for working so closely.

**Councilor Nolan** said he's watched the evolution of the Zoning amendments, and that Councilor Orlando did a great job. He offered his support saying that Councilor Orlando "hit a home run," and it will be great for the city.

**Councilor Memhard** also offered his congratulations to Councilor Orlando saying that this initiative addresses two challenges -- the city's affordable housing stock and bringing it into safe, recognized use and lessening 40B exposure so that the city isn't as vulnerable to developers, "playing that card." The Zoning Administrator, he pointed out, is through the ZBA because that is typically the way 40B developments are reviewed, though limited in scope. This, he said, is a good way to take initiative and responsibility in addressing important problems to improve the city.

**Councilor Cox** expressed her support of the Zoning amendments saying that it was impressive to watch this ordinance grow from the beginning and become a wholly-formed initiative. In the end it turned out to be a good compromise between all the Boards, she highlighted.

**Council President Ciolino** said he had issues with this initiative in the beginning because it cut out the ZBA. He expressed he was pleased to see the last revision which took care of his concerns, and so added his support. He said in all his years on the Council talking about affordable housing they're starting to address these issues. Not only do they need the paperwork to make legal and affordable housing units, they need to have projects coming forward to include affordable housing units. He expressed his appreciation for Councilor Orlando's sticking with the project to get the Zoning amendments to a place where the Council could lend its support.

**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 Gloucester Zoning Ordinance pursuant to the document, "PROPOSED REDRAFT OF ZONING ADMINISTRATOR AMENDMENTS, 8/15/17," as submitted to the Planning & Development Committee on August 15, 2017 and attached hereto by incorporation and reference.

**5. PH2017- 041: Amend GCO Ch. 21, Art. IV "Repair of Private Ways," Sec. 21-80 through 21-86**

**This public hearing opened at 9:44 p.m.**

**Those speaking in favor:**

**Chip Payson**, General Counsel, reviewed the proposed Amendments to GCO, Art. IV, Sections 21-80 through 21-86 "Repair of Private Ways" by recounting that many of the Councilors have experienced the many challenges inherent with GCO 21-80 through 21-86 "Repairs of Private Ways" as currently constructed. He advised that Councilor Nolan had been working over the last several months with the Administration to streamline and simplify this ordinance to make it more user friendly. He said what is before the Council is a more streamlined version for their approval.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:45 p.m.**

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Article IV, Sections 21-80 through 21-86 "Repair of Private Ways" by STRIKING Sections 21-80 through 21-86 and ADDING new Sections 21-80 through 21-86 as presented by General Counsel in a memorandum dated July 6, 2017.

**DISCUSSION:**

**Councilor Nolan** conveyed his thanks to the Administration for working to put forward a completed ordinance amendment, recounting Councilor Memhard's experience with Starknaught Heights and adjacent neighborhood roadways, a difficult process. This will make the process fairer, easier, and more understandable with different limits set for the terms of the betterments, he said. The ordinance is written more for the repair or repaving of private ways with public access and not for private roads which are to become public. Roads to be taken public, he advised, are a separate process. He pointed out that this new iteration of the ordinance will be easier to navigate than in its current form.

**Councilor Orlando** said this is a great concept for public safety purposes. This is a better ordinance, more streamlined and resident friendly which he said will result in having more buy-in from neighbors. He urged Council support for this initiative. Councilor Nolan "hit a home run," he said.

**Councilor LeBlanc** said this new ordinance makes the process clear and concise. He said he would support the ordinance amendment and thanked Councilor Nolan.

**Councilor Gilman** said she's been working with abutters of a particular private road for over a year, and some of the things in this ordinance will be helpful such as allowing the DPW to oversee the road work. The new ordinance addresses the costs and makes plain the betterments to the abutters. She said this is a good ordinance for so many wards that struggle with this issue.

**Councilor Lundberg** commended Councilor Nolan for expanding a local Ward 5 issue to the entire city and creating a roadmap to guide residents who have these issues.

**Councilor O'Hara** thanked Councilor Nolan saying that private roads are a big issue in the city as many of them are deteriorated.

**Councilor Memhard** also expressed his thanks to Councilor Nolan.

**Council President Ciolino** said that Councilor Nolan with the cooperation of the Administration was able to craft a great ordinance and expressed his support.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed to AMEND GCO Article IV, Sections 21-80 through 21-86 "Repair of Private Ways" by STRIKING Sections 21-80 through 21-86 and ADDING new Sections 21-80 through 21-86 as presented by General Counsel in a memorandum dated July 6, 2017.**

**6. PH2017-037: Local Adoption of MGL Ch. 272, §80F which prohibits giving live animals as prizes or awards (Cont'd from 8/8/17)**

**This public hearing is opened at 9:54 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:54 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council adopt M.G.L. Ch. 272, §80F as follows: "No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

**DISCUSSION:**

**Councilor LeBlanc** thanked Councilor O'Hara and his family for bringing this issue forward which came out of an incident at St. Peter's Fiesta where goldfish were being given away as prizes with many that didn't survive. He advised there was a discussion of the \$100 fine at O&A which was clarified that the fine is per animal.

**Councilor Memhard** thanked Councilor O'Hara for his efforts and that the amendment to the Code of Ordinances under GCO Sec. 4-3 should be known as "Rowan's Law" in honor of her St. Peter's goldfish, "Sparkles."

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to adopt M.G.L. Ch. 272, §80F as follows: "No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars."**

7. PH2017-042: Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING new subsection 4-3 re: prohibition of giving live animals as prizes or awards.

**This public hearing is opened at 9:56 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:56 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 4 "Animals" Art. I "In General" by ADDING new Sec. 4-3 as follows:

"No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Secs. 4-4 – 4-14 Reserved."

**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. 4 "Animals" Art. I "In General" by ADDING new Sec. 4-3 as follows: "No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars. Secs. 4-4 – 4-14 Reserved."**

8. PH2017-0 43: Amend GCO Ch. 9 "Trash, Recycling, and Litter" Sec. 9-12 & 9-13 (reserved) by ADDING a new Sec. 9-12 which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12 (TBC 09/12/17)

**Council President Ciolino** declared under MGL Ch. 268A, that there is a possible conflict of interest for the next matter to come before the Council as he is a small business owner who uses plastic bags in the transacting of business and would step away from the dais for the duration of the Council's consideration of this matter. He left the dais and **Councilor LeBlanc** took up the gavel as Acting Council President.

**This public hearing is opened at 9:58 p.m.**

**Acting Council President LeBlanc** announced that this matter is continued to September 12, 2017.

**This public hearing is continued at 9:58 p.m.**

**Council President Ciolino** returned to the dais.

9. **PH2017-044: Amend GCO Ch. 9 “Trash, Recycling, and Litter” by ADDING a new Art. II, Sec. 9-20 “Prohibition of Polystyrene-Based Disposable Service Items,” and ADDING a new Sec. 9-21 “Definitions” and AMENDING Ch. 1, Sec. 1-15 “Penalty for violation of certain sections of Code” (TBC 09/12/17)**

**This public hearing is opened at 9:59 p.m.**

**Council President Ciolino** announced that this matter is continued to September 12, 2017.

**This public hearing is continued at 9:59 p.m.**

10. **PH2017-029: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.8.3, 1.5.3(c), and 5.7 “Major Project” and 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities” (TBC 09/12/17)**

**This public hearing is opened at 9:59 p.m.**

**Council President Ciolino** opened the public hearing and announced that it was continued with the assent of the applicant to September 12, 2017.

**This public hearing is continued to September 12, 2017 at 9:59 p.m.**

**For Council Vote:**

1. **Warrant for Primary Election September 19, 2017**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve the warrant for the Municipal Preliminary Election to be held September 19, 2017.**

2. **Decision to Adopt: Denial of SCP2017-009: River Road #36, Map 118, Lot 55, GZO Sec. 1.8 re: Use Table Special Permit for an Art Gallery**

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision (SCP2017-009) for River Road #36 pursuant to Sec. 1.8 of the Gloucester Zoning Ordinance under Use Table Special Permit for an Art Gallery.**

**Unfinished Business: None.**

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

**Update on the Fisheries Commission by City Council Representative, Councilor Memhard** who highlighted the following matters:

The Council will receive an update soon from Sal DiStefano, the city’s Economic Development Director on the Gloucester Fresh Program. There was a recent visit by the USDA on the city’s harbor which he said was encouraging. He urged the Council and the public to join the Fisheries Commission at the Mile Marker Restaurant on Thursday, August 24 for a “Sea to Supper” event which will honor Fisheries Commission member, and long-time President of the Gloucester Fishermen’s Wives Association, Angela Sanfilippo for her advocacy on behalf for the city’s fishing industry. The Commission recently recognized Maritime Gloucester’s outgoing Executive Director, Tom Balf for his service and advocacy on behalf of the city’s seafood industry.

**Councilors’ Requests to the Mayor:**

**Councilor Cox** said five years ago she was involved with the Cemetery Advisory Committee and at that time the Assistant DPW Director would make recommendations for changes to increase plot fees for the city’s public cemeteries to be forwarded through the DPW Director. She advised now that the Committee is fully reconstituted and active, such a request to raise fees comes directly from the Cemetery Advisory Committee, and that the Council would be seeing a fee increase coming through soon. She said that the city needs to be able to fund the upkeep and maintenance of its public cemeteries appropriately. She advised also that the Committee wrote a letter about

Japanese knotweed eradication in city cemeteries. She said that the Committee is working to restore the city's public cemeteries and with as much as they talk about the city's history, it can be found in Gloucester's cemeteries which need to be respected and cared for.

She then requested that the Mayor through the DPW Director install a "Children Playing-Go Slow" sign be posted on Pole 2391 on Cleveland Street just past the railroad tracks, and further requested that a new "Dead End" sign for Green Street be posted. She noted that sign posted on Green Street is extremely faded and needs to be repositioned closer to the Green Street playground turnaround.

**Councilor LeBlanc** requested that the DPW Director place signs "Slow – Children" on Madison Court. He noted people are using it as cut through and there are many children residing there. He further requested that similar signs on Cleveland Street need to be repositioned so they are more visible. He asked that the Mayor through her Administration request that the MBTA fix a fence that divides MBTA property and the property owned by Benco Landscaping, 5 Cleveland Street. The fence is falling over between that property and the railroad tracks and is a safety issue which needs addressing promptly. He asked that the Mayor through the DPW Director to have removed the baseball field benches on the Fuller School property and be moved and repurposed to the Magnolia baseball fields which are in bad shape.

**Councilor Memhard** requested that the Mayor through the DPW Director to install a "Children Playing-Go Slow" on William Court and Tolman Street in acknowledgement of the concerns heard this evening by the Council.

**Councilor Gilman** noted that one of the remaining priorities, after the brainstorming on the Complete Streets grant, was the installation of a crosswalk coming out of Riverdale Park and to create an opening with a guardrail so the students walking across Osman Babson Road can get to the playing field safely. DPW Director, Mike Hale, saw to that installation of the crosswalk with signage and will see to the opening in the guardrail in time for the start of the new school year. She said this will increase the safety of all children and extended her thanks to Mr. Hale and Joe Lucido, DPW Operations Manager-Public Properties.

**Councilor O'Hara** thanked the DPW for fixing the roadway at the intersection of Hesperus and Western Avenues. He requested that the Mayor through the DPW fix potholes on Williams Court. He further requested that the Administration look into how to accomplish the mowing on the city-owned Fuller School property as it is marring one of the city's gateway areas. He extended his thanks to the Fire and Police Departments for their lifesaving service at the recent McPherson Park apartment fire.

**Councilor Nolan** announced that the Magnolia Road Race takes place on Saturday, Aug. 26. The fun run for children starts at 8:30 a.m. and for all others racing starts at 9:15 a.m. This annual event is sponsored by the Magnolia Library, he noted.

**Councilor Lundberg** commended Mayor Theken, Sen. Tarr and Rep. Ferrante saying that because of the public input they and the Council gave the MBTA concerning its suspension of commuter rail service during the replacement of the Beverly drawbridge and the weekend rail work here, that the work is being completed early. He pointed out that public officials putting pressure on the MBTA does have a good effect.

**Council President Ciolino** said this has been one of the best Council meetings to date of this Council's tenure with passage of significant legislation with great community impact. People who came out with traffic issues thinking the Council had already made up their minds should have this evening's Council actions belie that notion. The Council is "hitting it out of the ballpark."

**A motion was made, seconded and voted unanimously to adjourn the meeting at 10:15 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Email dated August 22, 2017 from Cory Curcuru to Jennifer Anderson re: Williams Court recounting a YouTube video: <https://youtu.be/r1Lmn5bFcao>**