

GLOUCESTER CITY COUNCIL MEETING

Tuesday, November 14, 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: Joanne Senos; Jim Destino; Chip Payson; John Dunn; Nancy Papows; Gary Johnstone; Bethann Brousseau; Tim Good; Amit Chhayani; Grace Poirier

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

Flag Salute & Moment of Silence. Councilor Memhard dedicated the Council's Moment of Silence to his father, Richard Memhard who passed away Friday, October 6 at the age of 87. He recounted that his father served in the CIA, the United States Navy and in the Korean War. He then said that, "His financial acumen allowed us to carry Cape Pond Ice Company through 34 very challenging, difficult years continuing to serve the fleet as the Gloucester ground fishing industry has ebbed. My Dad loved Gloucester, its beauty, community and character. One of his favorite moments was when Tom Ellis allowed my Dad to take the wheel of the schooner Thomas E. Lannon and pilot that beautiful schooner on a stiff breeze in Gloucester's outer harbor. May he rest in peace."

Oral Communications: None.

Presentations/Commendations:

Cameron's Project Update: Ilene Vogel, Director of Economic Development of Northshore Community Development Coalition

Ms. Vogel conveyed the following information: As a non-profit organization they work under a different set of parameters than a for-profit developer. Action, Inc. and North Shore Community Development Coalition (NSCDC) are non-profit organizations. Their affordable housing projects are funded through state and federal funding sources with a combination of private equity generated from the sale of state and federal low-income housing tax credits (LIHTC), state affordable housing subsidies and local funding such as HOME funding. LIHTC and state subsidy funding rounds occur once a year and are very competitive. Any affordable housing project usually takes two funding application rounds before it is awarded funding and is built into any project NSCDC undertakes. About a third of all projects at best are funded each year and developers usually build two to three funding rounds into their timelines, as they do. With over one hundred applicants in the 2017 funding round, The Department of Housing & Community Development (DHCD) only awarded funding for 30 projects. Feedback from the state after the first application helps to make the next application more competitive in the second round. The project is very attractive to the state because a project of its kind hasn't been done in Gloucester. The Cameron's project was presented to the DHCD in its last funding round in the fall of 2017 and as expected the project wasn't funded. The project will go into the funding round in the spring of 2018. It was noted as to the timeline to breaking ground is not quick -- the application is submitted in the spring of 2018, and the NSCDC won't get word until the summer whether funding is awarded. It then takes three to four months to close on the funding, and then some four months later construction can start. **Ms. Vogel** pointed out that this timeline was something the NSCDC had always anticipated.

COUNCILOR QUESTIONS:

Council President Ciolino asked how many other developments are currently in the queue for funding. **Ms. Vogel** said the NSCDC had another project funded last year and noted her previous statement to the Council on awarding of funds. She said that last year the Cameron's project was competing with projects already having been through one to two rounds of funding applications. She said an award is expected in this next round. Gloucester doesn't have other projects competing in Gloucester for the same funding at this time, and she explained that the state prefers projects in areas that haven't received funding in the past. She said they are comfortable that they have "a good shot" at being funded in the next application round. She confirmed that Low Income Housing Tax Credits is the biggest portion of the funding award; and state and federal funding and subsidies that are awarded all at once and why it is a one-time per year funding cycle. **Council President Ciolino** asked about federal funding. **Ms. Vogel** said concern about federal funding is for fledgling projects rather than a project like this already in the

“pipeline.” She advised there have been a lot of talks with the state legislative and state congressional teams that the LIHTC’s are not in question and the state subsidies are funds are those already in its coffers. **Council President Ciolino** asked that during this process that Ms. Vogel keep the Council apprised of the project’s progress.

Councilor Gilman asked if letters of support from the Council and Mayor to submit with the upcoming application to the DCHD would be helpful. **Ms. Vogel** said there is a benefit to that, as the state wants to see local support, pointing out that one of the ways the city has already showed its support is through Affordable Housing Trust funds and CPA funding. She said the NSCDC would appreciate the Mayor’s and Council’s letters of support for this next application round. She noted there has been concern about trespassing on the Cameron’s property which she said they are very aware of and are also concerned. She advised they are speaking with Action, Inc., and the neighbors. They had a contractor look at the building and will apply for a permit from the city to build a barrier to keep people off of the building’s roof, she said.

New Appointments: None.

Consent Agenda:

• **MAYOR’S REPORT**

1. Special Budgetary Transfer Request (2018-SBT-2) from the Gloucester Public Schools Director of Finance & Operations (Refer B&F)
2. Memorandum, Grant Application & Checklist from Executive Director of Council on Aging re: acceptance of State Formula Grant in the amount of \$71,818.80 to fund certain positions (Refer B&F)
3. Memorandum from CFO: Allocation of General Fund Free Cash & Supplemental Appropriations (Refer B&F)

• **COMMUNICATIONS/INVITATIONS**

1. Response from Mayor’s Office to Oral Communications of October 24, 2017 City Council Meeting to Linda Brayton (Info Only)
2. Response from Mayor’s Office to Oral Communications of October 24, 2017 City Council Meeting to Brian King (Info Only)
3. Response from Mayor’s Office to Oral Communications of October 24, 2017 City Council Meeting to Philip Bonarowitz (Info Only)
4. Response from Mayor’s Office to Oral Communications of October 24, 2017 City Council Meeting to Alexander Thompson (Info Only)
5. Response from Mayor’s Office to Oral Communications of October 24, 2017 City Council Meeting to Tonya Woolcott (Info Only)

• **APPLICATIONS/PETITIONS**

1. SCP2017-013: 120 Maplewood Avenue, Map 39, Lot 4, Modification of SCP2015-004 (granted under GZO Sec’s 1.8.3, 2.3.1(8), 5.7.1, 1.10.1(a)(1), 1.10.1(a)(3), 3.2.2 footnote (a) and Major Project 5.7.1 (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2017-050 (LeBlanc): Amend GCO Ch. 22, Sec. 22-279 “Thirty-minute parking” re: Cleveland Street & Maplewood Avenue (Refer O&A & TC)
2. CC2017-051 (Cox): Amend GZO Sec. 5.11.8 “Alternative Methods of Affordability” subsection (b)(2) “Cash Contribution” & subsection (c) “Administration of Funds” (Refer P&D & PB)
3. CC2017-052 (Cox, O’Hara): Amend GCO Ch. 22, Sec. 22-284 “Service or loading zones” and Amend GCO Ch. 22-280 “Fifteen Minute Parking” re: Main Street, southerly side, beginning at its intersection with Mansfield Street (Refer O&A & TC)

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

1. City Council Meeting: 10/24/2017 (Approve/File)
2. Standing Committee Meetings: B&F11/09/17 (under separate cover), O&A 11/06/17, P&D 11/08/17 (under separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Cox asked to remove under Council Orders CC2017-051 (Cox): Amend GZO Sec. 5.11.8 “Alternative Methods of Affordability” subsection (b)(2) “Cash Contribution” & sub-section (c) “Administration of Funds” in order to withdraw it. She explained that the matter needs further clarification.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Orlando, the city Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2017-051 (Cox): Amend GZO Sec. 5.11.8 “Alternative Methods of Affordability” subsection (b)(2) “Cash Contribution” & sub-section (c) “Administration of Funds” without prejudice.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: November 9

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A from the Massachusetts Executive Office of Public Safety and Security, a FY18 State 911 Department Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$120,952.75. There is no local match for this grant. The grant period of this grant is from October 2, 2017 through June 30, 2018.

DISCUSSION:

Councilor Memhard explained that several weeks ago the Council voted to permit the Police Department to submit a grant application from the State 911 Department for the purpose of training police personnel in Emergency Medical Dispatch and regulatory compliance. The State 911 Department has now awarded \$120,952.75 for FY18 for this no-match grant.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A from the Massachusetts Executive Office of Public Safety and Security, a FY18 State 911 Department Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$120,952.75. There is no local match for this grant. The grant period of this grant is from October 2, 2017 through June 30, 2018.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, second by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A accept a private grant of \$330,000 at a rate of \$110,000 per year from The Peter and Elizabeth C. Tower Foundation for the purpose of exclusively supporting through the City of Gloucester, Mass. Health Department/Healthy Gloucester Collaborative to provide financial support to move substance abuse prevention efforts forward across the Cape Ann/North Shore region and reduce youth substance use, promote healthy development. There is no local match for this grant. The grant period of the grant is from November 1, 2017 through October 31, 2020.

DISCUSSION:

Councilor Memhard conveyed information on the \$330,000 grant from the Peter & Elizabeth C. Tower Foundation as follows: This is a regional grant focused on youth substance abuse. The department had been awarded a smaller Tower Foundation grant previously. This new grant is for three years with funding pegged at \$110,000 per year. The grant partially funds salaries and there's a large research evaluation component which supplements the department's Mass. Dept. of Public Health grants based on evidence-based programming.

MOTION: On a motion by Councilor Memhard, second by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept a private grant of \$330,000 at a rate of \$110,000 per year from The Peter and Elizabeth C. Tower Foundation for the purpose of exclusively supporting through the City of Gloucester, Mass. Health Department/Healthy Gloucester Collaborative to provide financial support to move substance abuse prevention efforts forward across the Cape Ann/North Shore region and reduce youth substance use, promote healthy development. There is no local match for this grant. The grant period of the grant is from November 1, 2017 through October 31, 2020.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve 2018-SA-1 for \$7,500 (Seven Thousand Five Hundred Dollars) from Account #760001-596006, Capital Projects Stabilization Fund, Transfers to Trust Funds to Account #760013-578034, Capital Projects Stabilization Fund Preschool Feasibility Study for the purpose of funding a Preschool Feasibility Study for the location of a city preschool.

DISCUSSION:

Councilor Memhard said that money is requested to be moved from the Capital Projects Stabilization Fund in order to fund a feasibility study for the purpose of exploring two potential locations to move the successful city preschool program to – either the O'Maley Innovation Middle School or Gloucester High School. In both cases, he noted, each school appears to have “ample” square footage to meet all guidelines to house a preschool, but the study will be necessary to make that final determination. He noted the lease for Blackburn Drive #2 which currently houses the city's School Department administrative offices and the city preschool have a lease that will expire in September 2018.

Jim Destino, CAO, confirmed the lease at 2 Blackburn Drive, which houses the city's preschool and school administration is coming up that they are looking to house the preschool at one of the two schools. He mentioned

that the High School used to have over 1,380 students and now houses 850 students. He pointed out that there are entire sections of the building not being used. The city just built a new 60,000 square feet West Parish School that houses 400 students. The O'Maley Innovation School has 600 students and 200,000 square feet and also has room to possibly house the preschool. It may be a bit more expensive to renovate the older middle school which is why the feasibility study will determine which space will be more suitable, he said. Also needed to be taken into consideration, he reminded the Councilors, was the ability to accommodate drop off and pick up of these very young students. The only other option, he pointed out, would be to put out another Request For Proposal which would mean paying higher rent than they already pay. The money paid for 2 Blackburn Drive is very expensive, he said, and the Administration is looking for a more economical way of solving these issues.

Councilor Orlando stated his approbation of the Administration for seeking an alternative to renting space agreeing that the lease cost is very high.

Councilor Gilman asked how the YMCA preschool might affect the city's preschool enrollment, although the city's preschool offers different services; and asked about planning for possible reduction of student headcount. **Mr. Destino** said they are looking at that issue as well as the Head Start program at Pathways. He pointed out that it's premature to say the new YMCA preschool will be built; if the Council does approve that, it will be taken into consideration on the size of the facility they'll build.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve 2018-SA-1 for \$7,500 (Seven Thousand Five Hundred Dollars) from Account #760001-596006, Capital Projects Stabilization Fund, Transfers to Trust Funds to Account #760013-578034, Capital Projects Stabilization Fund Preschool Feasibility Study for the purpose of funding a Preschool Feasibility Study for the location of a city preschool.

Planning & Development: November 8

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

Ordinances & Administration: November 6

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

Scheduled Public Hearings:

- 1. PH2017-063: Tax Classification in accordance with MGL c. 40, §56 and GCO Ch. 2, Sec. 2-26 to determine the percentage of the local tax levy for the Fiscal Year 2018 to be borne by each class of real and personal property**

Prior to opening the public hearing, **Council President Ciolino** called upon **Nancy Papows**, Principal Assessor, to review the facts and background on Tax Classification for the city. He noted she was not offering an opinion for or against on this matter.

Ms. Papows then recounted four options to consider as part of the tax classification process none of which will change the total levy: 1) a residential factor must be adopted which determines the share of the tax levy that will be paid by each class of property; 2) consider an Open Space discount (there are no parcels under this option); 3) consider a residential exemption (the Mayor has not chosen to adopt this exemption); and 4) a small commercial exemption (there are no parcels under this option and the Mayor has not chosen to adopt this exemption). The focus is to determine whether the Council wants to shift a portion of the Tax Classification from one class of property to another.

Ms. Papows then reviewed the Tax Classification Information for Fiscal Year 2018 (on file) with the Council. She said that the FY18 assessed values were approved by the Department of Revenue (DOR) on October 12, 2017: Page 4 – A Comparison of Fiscal 2018 Values by Class: The Residential class this year represents 89.87 percent of the total value of the City, and Commercial/Industrial/Personal Property (CIP) class represents 10.13 percent for a total of \$6,267,400,150. The taxable value of the city increased this year by 5.68 percent from FY17. Based on sales analysis, the residential class as a whole saw an increase of 5.23 percent. The individual classes within the residential class -- single family class, condominium class, two- and three-family and apartments all saw increases in the range of 3.5 to 7.0 percent. The commercial and industrial classes had an increase of about 3.5 to 3.9 percent.

Pages 5 – Fiscal Year Parcel Counts, Values, and percent of Total Taxable City Value: The table on this page shows the parcel counts and the assessed values of each class from 2005 to present.

Page 6 – Previous Classification Factors and Resulting Tax Rate: The table shows the historic shift factors adopted over the years, and the associated residential shift factors. The 1.03 shift factor (\$13.19 residential and a commercial tax rate of \$13.63) was adopted last year.

Page 7 – Calculating the Maximum Allowable Levy: The table shows the calculation of the maximum allowable levy for FY18. It starts with the levy limit from the prior year and added to that is the Prop 2-1/2 increase and new growth from Residential and CIP classes which results in the FY18 levy limit. Added to that is the Pole's Hill debt exclusion (which runs through 2019), the CSO debt, and the water debt shifts, which results in the maximum FY18 allowable levy at \$76,265.313 and the water debt exclusion. That figure divided by the total value of all parcels in the city results in the FY18 tax rate at a factor of 1.0 is \$12.97 for FY18 (down 27 cents from FY17). The tax rate at a factor of 1.0 would result in all properties paying the same rate for all classes of property. At a factor above 1.0, a portion of the residential tax levy would shift to a different class.

Page 8 – FY18 Tax Rate at a Factor of One = \$12.97, Shift in Tax Rate: This shows approximate tax rates that result from the various shifts to the CIP class. The maximum shift allowed by the state for Gloucester is 1.5 percent.

Page 9 – Comparison of Levy by Class at Various Shift Factors: Tax rates shown are approximate and rounded so as not to exceed the maximum allowable levy; and what each class' levy would bring in after a shift. At last year's shift with a 1.03 tax factor it shows what comes out of the residential and what's being added in what the CIP raises.

Page 10 – Change in Tax Dollars at Various Shifts: This shows the actual change in tax dollars for properties at different levels in terms of valuations at various shifts. A property value at \$500,000 is the closest to the average single family home in Gloucester which is \$556,435 this year. At last year's shift factor of 1.03 that would save the residential taxpayer \$20 per year while the CIP taxpayer would pay an additional \$195. The extreme as shown at the bottom of the page shows that a \$500,000 property at a 1.5 shift saves the residential taxpayer \$365 annually while the CIP taxpayer would see an increase of \$3,245.

Page 11 – Open Space Discount and Residential Exemptions. This page explains the open space discount. There are no parcels defined as open space in the city at this time and Page 11 and 12 Residential Exemptions and Page 13 – Small Commercial Exemption: The Mayor has not opted to adopt either the Residential or Small Commercial Exemptions.

Mr. Destino adding to the Administration's presentation on Tax Classification said that the Mayor has recommended a shift of 1.03 and as was recommended to the B&F Committee it remains her recommendation to the Council. He reminded the Council that previously the city had a shift of 1.06 for eleven years, and that the Mayor asking the Council to institute a shift of 1.03 for FY18 for a second year.

This public hearing is opened at 7:33 p.m.

Those speaking in favor: None.

Those speaking in opposition:

Ken Riehl, CEO, Cape Ann Chamber of Commerce (CACC), spoke in favor of the 1.0 Residential Tax Classification recommendation of the B&F Committee to eliminate the higher business tax rate. He then conveyed the following information: The rate of 1.03 is the lowest in years, and is small and appreciates that any increase in taxes to residents is a hardship especially to those on a fixed income. It is about the message being sent to businesses and to potential businesses to come to the city which enables the entire community to profit. Some may say removal of this tax factor wouldn't attract businesses, but the CACC believes it does make the city more attractive to potential investors and new businesses. With the loss of Gloucester Seafood Processing and Gloucester Engineering and the severe fishing regulations that has reduced the city's fishing industry, and statistics of the loss to the city's fishing community and the decline in the business base of the city were noted. While the city is still a leader in fish landings, many North Shore communities outrank Gloucester in its ability to attract businesses. Many jobs in the city's active tourism industry are seasonal. They aren't expecting population growth to increase in the city. Gloucester's housing prices are some of the highest on the North Shore, and it impacts being able to attract young families.

Mr. Riehl pointed out that the city has so much to offer, and he heralded the collaboration of all city sectors to broaden the city's commercial base. He said that the CACC is asking the Council adopt the B&F Committee's recommendation of a Residential Tax Classification factor of 1.0. Mr. Riehl's written statement was placed on file.

Robert Gillis, 31 Sayward Street, thanked the B&F Committee for its unanimous recommendation for a residential tax classification factor of 1.0. He said this is an opportunity to treat the entire constituency fairly.

Ruth Pino, 82 Wheeler Street, noting she is a past president of the CACC, was before the Council as a homeowner, pointed out that a 1.03 shift will save her \$20 but that she would rather give that \$20 back to the city's businesses to be able to reinvest in the city.

Communications: None.

Councilor Questions:

Councilor Gilman noted a speaker mentioned what other communities' tax classification rates are and asked for an update of what neighboring communities' choose to shift. **Ms. Papows** said the Assessors took from the DOR's website information that showed that in the Commonwealth of the 351 communities, 108 communities choose to shift. She noted Beverly has a 13.96% CIP, and tend to shift at the high end, 1.67. Salem has 16.37% CIP base and shifts to 1.65. She highlighted municipalities such as Newburyport has a 13% CIP with a residential tax factor of 1.0; and Ipswich has a 10.81% CIP and is at a residential tax factor of 1.0. She pointed out that it tends to vary widely between communities.

Council President Ciolino said the city has the lowest rate. **Ms. Papows** said the shift at 1.03 was the lowest in the state in FY17.

Councilor Cox asked how many communities choose not to shift. **Ms. Papows** reiterated that out of 351 Massachusetts communities 108 choose to shift.

Councilor Orlando said each year the Council takes this vote to shift and always starts at 1.0, which **Ms. Papows** confirmed.

This public hearing is closed at 7:45 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF 1.00 for Fiscal Year 2018.

DISCUSSION:

Councilor LeBlanc moved, and **Councilor Gilman** seconded, to amend the main motion for a residential tax classification factor to 1.03 for Fiscal Year 2018.

DISCUSSION ON THE AMENDMENT:

Councilor LeBlanc pointed out that the city shifted in 2017 from 1.06 to 1.03 and the previous eleven years it stayed at 1.06. He said they have a working class Council, and it is good to try to "even off" between the homeowners and businesses. He cautioned that with the way residents have reached out to him they've asked he keep the residential tax factor at 1.03 and is his request.

Councilor Orlando reiterated that every year the Council decides whether there is a shift or make it even at 1.0 to 1.0. Each year for 20 years the Council decided to shift more onto the CIP classes, he pointed out, which he said he didn't support. People may compare Gloucester to their North Shore neighboring communities like Beverly and Salem, Danvers, but said it's an unfair comparison as Gloucester is an island that isn't at a convergence of major highways. There are expenses related to being in Gloucester that isn't put upon businesses in other communities, he noted, and that they have to make Gloucester as attractive as possible in other ways, and this is just one of those ways. He expressed concern about high water and sewer rates and other obstacles to businesses and would not support shifting at all. He pointed out that B&F made a good recommendation that is fair for everyone; it sends a signal to the rest of the state to come to Gloucester, that the city is welcoming to businesses. The tax rate overall is down again this year by 27 cents per \$1,000 to \$12.97, he noted, (last year it was \$13.24 per \$1,000) and said that there is an opportunity here. He said he doesn't support a 1.03 shift.

Councilor Lundberg noted that every year when the Council has this discussion, the business interests say they "know with absolute certainty" that equaling of the tax classification would increase business, and the Administration generally says with "absolute certainty" that they know that it isn't a factor -- rather that the factors of a good workforce, and good schools are more important to businesses. He pointed out that there is no objective evidence on either side, and that it's up the Council to find an equitable solution. He said over the years they have found it is right to shift a small portion and voiced his support for Councilor LeBlanc's amendment.

Councilor Cox said the FY17 rate at 1.0 was \$13.24 and this year it is \$12.97, down 27 cents. She cited that in 2008 the city's commercial base consisted of 593 businesses until 2017 when it started to decline. The commercial base in 2017 was 570 and in 2018 down again to 566. Four businesses have been lost between 2017 and 2018 and one industrial property, she reported, and that the personal property tax "went down 29." She highlighted that there are many reasons why personal property tax dropped: personal property is collected on secondary homes as it is

considered a luxury and the contents of the second home are taxed as personal property as well separately. She suggested that it may mean more people are making it their primary home in the city. Personal property is also the content of a business, so that as businesses go away, so do the personal property taxes associated with it. She noted that the FY18 the CIP rate went down as well. She explained that there was a direct correlation with the number of businesses going down and the shift and suggested that was not the issue. Everything is going down, she said -- for an average house price of \$500,000 the cost to the residential homeowner for a year is \$20 whereas the cost to the business is upwards of \$300. A \$20 residential savings is not enough to support a shift, she said, and advised she wouldn't support the amendment.

Councilor Gilman noted that she had to focus on her constituents and advised she had received information from Ms. Papows on mixed use and residential in Ward 4 which she recounted examples as: 406 Washington Street is a rental property and taxes will go up \$73; One Holly Street (Willow Rest) also a rental property would go up \$105; the Cove Café at 1080 Washington Street would go up \$79; larger commercial properties on Osman Babson Road would rise by \$208 and \$340. The average property at \$500,000 would go down \$20. She said her issue is because her ward is primarily residential she talks to people about affordable housing about to stay in Gloucester while on fixed incomes. Her constituents have concerns about being able to stay in their homes and have concerns about the city maintaining services. She said she'd support the amended motion as she has to support her Ward 4 residents.

Council President Ciolino clarified that the commercial tax base has reduced in the past 15 years from 20% to 10%. He said businesses who pay a commercial tax rate don't utilize city services per se; don't have children in the school system. He said for every dollar they collect from the commercial class it is a dollar but when they collect from the residential class it is not because of the consumption of city services. They are shrinking their commercial tax base which isn't good for a community to do, he pointed out. He said it was time for parity. In order to stabilize residential you have to increase commercial, he cited. It will be a sign of good will that Gloucester is ready to do business, he said. He then noted what the Beauport Hotel pays \$110,000 in real estate taxes annually; created approximately 300 job; the hotel pays personal property taxes, meals tax and room tax, excise tax; \$65,000 in water and sewer which all goes to stabilize the residential tax rate and is what they need more of. He pointed out the hotel receives no city trash service or any other city service. He said he wouldn't support the amendment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Gilman, the City Council voted by ROLL CALL 3 (Gilman, LeBlanc, Lundberg), 6 in favor (Orlando, Ciolino, Cox, Memhard, Nolan, O'Hara) opposed, to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF .996618 that equates to a CIP Shift of 1.03 for Fiscal Year 2018.

MOTION FAILS.

DISCUSSION ON MAIN MOTION:

Councilor Orlando expressed his support of the 1.0 tax classification factor.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Nolan, the City Council voted by ROLL CALL 5 in favor, 4 (Gilman, LeBlanc, Lundberg, Nolan) opposed, to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF 1.00 for Fiscal Year 2018.

MOTION PASSES.

The City Council recessed at 8:02 p.m. and reconvened at 8:09 p.m.

2. PH2017-0 64: Amend GCO Ch. 8 "Fire Prevention and Protection" by ADDING Sec. 8.6 entitled, "Use of Sky Lanterns"

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

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:10 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Ch. 8 “Fire Prevention and Protection” by ADDING Sec. 8.6 entitled “Use of Sky Lanterns” as follows:

“Sky Lanterns, using an open flame (or any similar object or device), are not permitted in the City of Gloucester. Sec. 8-7-8-14. Reserved.”

DISCUSSION:

Councilor Gilman said that this was an ordinance amendment that came through from a concerned Ward 4 constituent. She said the issue is that the sky lanterns, while lovely, are raised off of the beach, and that at times land while still burning in nearby neighborhoods. She reported an incident where sky lanterns landed in an adjacent neighborhood still burning which required the Fire Department to come and ensure that they didn’t cause a fire. The lanterns are litter, and when there are dry conditions it is a concern, she noted. She said that the city’s Fire Chief was supportive of this amendment and wanted to be consistent with state fire regulations and so by adding to the Code of Ordinances it stays consistent with the state regulations.

Council President Ciolino said that when there is a drought to send up these lanterns can be dangerous, and expressed his support for the ordinance amendment to protect the city’s homes and woodlands.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 8 “Fire Prevention and Protection” by ADDING Sec. 8.6 entitled “Use of Sky Lanterns” as follows:

“Sky Lanterns, using an open flame (or any similar object or device), are not permitted in the City of Gloucester. Sec. 8-7-8-14. Reserved.”

3. **PH2017-065: Amend GCO Ch. 9 “Trash, Recycling and Litter,” Sec. 9-12 (reserved) by ADDING a new Article II – Plastic Bags; Amend Sec. 9-13 (reserved) by ADDING a new Sec. 9-13 “Requirements”; Amend 9-14 (reserved) by ADDING a new Sec. 9-14 “Enforcement and Penalties” Amend Sec. 9-15 (reserved) by ADDING a new Sec. 9-15 “Exemptions”; and Amend Sec. 9-16 (reserved) by ADDING a new Sec. 9-16 “Effective Date” re: prohibition of plastic checkout bags**

Under MGL Ch. 268A, **Council President Ciolino** recused himself from participating in the public hearing as he noted he is has a business that uses single use plastic bags as there is an appearance of a possible conflict of interest. With that, he handed the gavel to Council Vice President, Councilor Steven LeBlanc

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

Those speaking in favor:

Ainsley Smith, 14 Pine Street, Clean City Commission Chair, recounted that at the last public hearing on a single-use plastic bag ban on September 20 people spoke in support of the ban and 23 people wrote in support of it. She mentioned many signatories of petitions, one circulated on social media with 668 signatures from Gloucester residents and 461 signatures from neighbors and tourists in support for a plastic bag ban.

She noted the ordinance amendments went back to the O&A Committee for editing. She said the current language now clarifies and identifies all areas of concerns raised specifically about thin produce and meat bags which are permitted under the ban to address concerns of cross-contamination of foods; and that newspaper and dry-cleaning bags are permitted. The amendments also specify that the ordinance applies to retail for-profit businesses only; and specifically includes requested exemptions for the annual U.S. Postal Service and Open Door Food Drives. Added were fines, and the role of the Building Inspector to enforce the ordinance which she pointed out was cleared with General Counsel.

She highlighted that it was citizens concerned with the environmental impacts of plastic bags that brought this ordinance initiative to Councilor Cox, and said it is the role of government at the local level to hear the concerns of its citizens and affect appropriate change.

She then responded to a previous comment that plastic bags can be disposed of in the city’s regular trash which is burned in an incinerator that makes electricity without fossil fuels and emits clean exhaust and other related statements. She pointed out that plastic bags are made from ethylene which comes from crude oil and natural gas,

non-renewable resources and that it didn't incentivize recycling of valuable materials or municipal composting, and that organic materials don't burn efficiently. She highlighted that the American Lung Association doesn't support incineration of municipal solid waste or other waste for electricity production because it creates carbon monoxide which leads to a variety of medical issues, especially for those who are more vulnerable medically. She also noted other specific issues related to incineration.

As to comment about paper bags being difficult to carry, she pointed out there are many different styles of reusable bags available to work with an individual's needs that are available at local and area stores as well popular tourist destinations are embracing the opportunity to highlight their environmentally friendly practices and are using them to appeal to many demographics, and gave examples from around the country and a Caribbean island.

Ms. Smith addressed concerns for substitutes for pet waste bags by saying the ban won't affect the Mutt Mitt program bags; and there are discussions underway with the Animal Advisory Committee on adding compostable/environmentally friendly bags in dispensers. She noted that produce and newspaper bags will still be available for use as pet waste bags also as they're not included in the ban. She mentioned pet waste bags can be found at most pet stores and on line for about three to five cents per bag or about \$54.75 per year.

She conveyed that concerns were raised about environmentally friendly bags being more expensive than plastic bags and said the Commission researched a price comparison based on a vendor that a retail business said they used and found:

- Frosted plastic bag from Premier Packaging costs between \$53.89 to \$75.17 per 100 depending on size or 54 to 76 cents per bag;
- If that business chose to change to a natural kraft paper bag containing 95 to 100% post-consumer recycled content from BioMass Packaging, it would be \$75.05 per 250 or 30 cents per bag; a white kraft bag with rolled paper handles made from Forestry Stewardship Council certified 40% recycled paper would still save money at \$99.75 per 200 or 50 cents per bag.
- A package of traditional checkout bags (t-shirt bags) from Premier Packaging, .55-.6 mills thick cost \$78.85 per 1,000 or 8 cents a bag for a white bag that says, "Thank you" or \$90.70 per 1,000 at 9 cents per bag for solid colored bags;
- If a business switched to compostable bags from Renew Bag, they would spend about 6 to 10 cents per bag which can be customized with a logo.

Ms. Smith reported that the Vice President of the Retailers Association of Massachusetts stated that this policy is "good for everybody" because reducing bag usage also cuts costs for businesses. She said that the ultimate goal is to "facilitate a cultural shift" so that customers accept providing their own bags. She noted that Stop & Shop and Market Basket already have paper bags containing 100% post-consumer recycled paper and are certified by several environmental organizations.

She highlighted that Gorton's of Gloucester has donated to the Clean City Commission 350 ultra-light weight reusable bags for distribution; as well as obtaining other small grants and donations for community outreach and to give away recycled bags. Plans are underway as to how best to distribute the bags to neighbors in need, she noted.

Ms. Smith said many Gloucester residents are here to give their support tonight and wrote their Councilors in support of the ordinance. Two new Councilors also support this ordinance, she noted. Gloucester residents show their support and that the Council should hear their voices. Ms. Smith's written statement as placed on file.

Jennifer Holmgren, 385 Magnolia Avenue, expressed her support of the plastic bag ban. She explained that Gloucester has a litter problem, and plastic bags are only part of it, but the ban would be a visible step in the city's commitment to the environment. She said the Council will keep the needs of senior and disabled residents in mind to come up with creative solutions for them. Ms. Holmgren's written statement was placed on file.

Jamie Matheson, 47 Parker Street, local business owner, said her business doesn't use plastic bags and that they use paper bags. Noting that she and her sister walk their dogs on the beach daily she find two to six plastic bags a day. She added her support for the ban.

Kenneth Hecht, 191 Main Street, said that plastic bags are all over city streets. He questioned what they want the city to be in the future. He said this is about being cutting edge environmentally and expressed his support of the bag ban.

Joe Ann Hart, 27 Fort Hill Avenue, said the city has an obligation being on the water to not let plastic bags make it into the ocean and have sea mammals consume the plastic bags and die horribly. The bags are literally forever, she pointed out, breaking down into microscopic pieces which are eaten by plankton and moves up the food chain until the fish we catch and consume become toxic. Being on the water and being a fishing town they have a special obligation to protect the ocean.

Those speaking in opposition:

Lucy Sheehan, Executive Director of the Rose Baker Senior Center, said that the plastic single use bags are a great commodity to seniors, very necessary to them and have many uses. Many seniors, she reported, are very upset to think that the Council would take these bags away from them. They feel that having the reusable bags they need to have to wash them creates an unsanitary situation and aren't for it. Seniors aren't throwing these bags in the water, she noted. She asked the Council keep the bags on behalf of the over 7,000 seniors in the city.

Arthur Sheehan, 3 Blueberry Lane, noted that carrying a paper bag in the rain is unsafe for seniors and unsanitary with fish or meat being carried. He conveyed that it is a health and safety issue for seniors. He said many seniors take buses or taxis from the food store and that paper bags are too difficult for them to handle. He said this is about litter and an enforcement issue. He urged that the ban not be instituted.

Pauline Bresnahan, owner of Pauline's Gifts, 512 Essex Avenue, showed the Council an 18 year old plastic bag saying she uses the bags because they last. She said she heard nothing from the Clean City Commission in their outreach until she reached out to them, and expressed concern about "non-profits taking over a city commission." She expressed her concern that business owners have done their best to ensure their products are the best quality, that she pays a lot for her plastic bags which are used over and over and last -- this is her advertising. A paper bag will not last 18 years, she pointed out. She said she has never picked up a plastic bag in front of her store, but has picked up nip bottles, lottery tickets, and McDonald's paper bags filled with trash. The issue on Essex Avenue is litter, she pointed out. She said nothing is being taught to the city's children about litter as it was when she was a child in school. Noting prices quoted previously for bags, she said what was quoted was the highest priced bags available, saying she gave Ms. Smith the names of four bag manufacturers and said she picked the most expensive one. She said she doesn't pay \$54 per case for plastic bags. She reiterated her concern that "non-profit people" are heading up city commissions.

Linda Charpentier, 4 St. Joseph Lane, asked the Council to vote against the ban. She said she has 50 years' experience in the chemical processing industry in both research and manufacturing, managing environmental regulations and environmental sustainability, noting she holds degrees in chemistry and certification in environmental management. She is a member of the city's Conservation Commission but doesn't speak for them, and is before the Council as a concerned citizen. She expressed her concern that the Council was going forward to vote on this without good scientific evidence behind it. To assess the impact of plastic versus paper, both of which are detrimental to the environment, it is human beings that cause the damage. There needs to be a full life cycle assessment of both plastic and paper which she said starts with the extraction of raw materials through the manufacturing process to the end uses, to disposal, to the possibility of reuse and recyclability. She said that the pro committee came up with a lot of reasons to use paper over plastic, but they likely didn't read the Scottish report from 2005 where that government conducted research on paper versus plastic for two years and invited governments and scientist from all over the world to participate. The study concluded that paper had more of an adverse impact in the total carbon footprint. This is not a plastic bag issue, she said, it is a litter issue. She reviewed that for the life cycle of paper, it starts with a tree which takes 25 years to grow that renewable, and it uses petroleum to cut it down thereby destroying habitat. It uses petroleum-based fuel to get the trees to a sawmill and energy to saw it, move it to a pulp manufacturing plant which uses tremendous number of chemicals which creates chemical waste streams, to a paper mill by barge and diesel trucks. Paper bags are not as reusable as plastic, she pointed out. Unless the Council has done a good job of a life cycle assessment they can't say that paper is cheaper. Businesses went to plastic for a reason, she said. If paper bags are more expensive, which she said she believed they are, she likened it to a "regressive tax" on low and fixed income folks, and that cost will be passed on to consumers. She expressed concern that the Council is considering an exemption to non-profits and asked why their bags are less detrimental than anyone else's as the bags are either detrimental for all or not at all. She reiterated that the issue with plastic bags and the environment is a people issue, a litter issue and education issue. She asked the council to promote more education, less regulation and more thought to alternatives to keeping all bags out of the environment.

Robert Whynott, 27 Poplar Street, said paper bags now available hold little. He said that because the Council hasn't done their job in curbing litter they're passing a plastic bag ban. He suggested enforcement and education especially to young students. This, he said, is a rush to judgement.

Communications received in favor of plastic bag ban:

- Iain Kerr, Ocean Alliance, 32 Horton Street
- Kathleen George, 16 Allen Street
- Laura Richane, 423 Essex Avenue
- Peter Parsons, 37 Washington Street
- Ann Cortissoz, 120 Centennial Avenue
- Rosemary Scott-Fishburn, 17 Beacon Street

- Joshua Scott-Fishburn, 17 Beacon Street
- Jennifer Parker, 184 Washington Street
- Margaret Leeco, 21 Riggs Point Road
- Zach Orsulak, 14 Pine Street
- Ann Straccia, 31 Lincoln Park
- Ron Farren, 35R Gee Avenue
- Jerome G. Goulart, Jr. (no address given)
- Meredith Anderson, 19 Brierwood Street
- Erin Kirchner (no address given)
- Michelle Barclay, 639 Washington Street
- Margaret Mayer (no address given)
- Kimberlee A. Cloutier-Blizzard, 25 Quarry Street
- Christopher Anderson, 24 Highland Street
- Kathleen Toomey, 25 Whittemore Street
- Patrick Belmonte, Lauren Belmonte, Haven Hatch, Dominic Martineli, Kendra Berry, CHANGE IS SIMPLE, INC., 8 Enon Street, Beverly MA
- Amanda Nash, 8 Exchange Street
- Peggy Russell, Pop Gallery, 67 Main Street
- Stephanie J. Harris, MA State Director, The Humane Society of the United States
- Gloucester Clean City Commission
- Massachusetts Audubon Society

Communication received in opposition to plastic bag ban:

- 160 signatures from Gloucester Seniors
- Amanda Kesterson, 5 Western Avenue (pro-choice)
- Betty Shaw, 12 Madison Court
- Doug Parsons (pro-choice)

REBUTTAL:

Ms. Smith said last year the Clean City Commission worked with the DPW to fund a recycling and waste management program through a grant which saw a recycling program for all students in fourth and fifth grade which was so successful that the DPW will continue that program. She said the Commission reached out to 485 businesses out of about 500+ businesses in Gloucester and was the best they could do with their limited time. She expressed her apologies to Ms. Bresnahan noting that they emailed Ms. Bresnahan on Oct. 2 information on the ban and have a confirmation of receipt of that email, and further advised second contact last week to forward more information to Ms. Bresnahan. She said at that time she asked for information on her vendors so she could find out who she worked with and sent four. She had only time to seek out information from one vendor and admitted it was expensive, but had looked to find information on the type of bag Ms. Bresnahan used. As to meat and fish at the grocery store, the produce/meat protection bags will still be available under the single-use plastic bag ban, she reiterated. They are not promoting the use of alternative or paper bags for businesses, but that the goal is to shift to reusable bags so businesses don't have to pay for any bags. As to the trash skimmer, she likened it as a reactive backstop to make sure no trash gets into the ocean and doesn't stop people from littering.

Councilor Questions:

Councilor Cox asked if there were addresses associated with the Senior Center petition to confirm that the signers were Gloucester residents. **Joanne M. Senos**, City Clerk, said some signers included addresses and others did not for a total of 160 signatures.

This public Hearing is closed at 9:02 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 9 Sec. 9-12 by ADDING a new ARTICLE II. – "PLASTIC BAGS" Sec. 9-12 "Definitions" as follows:

The following words shall have the following meanings:

"Building Inspector", the Building Inspector or his/her designee.

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; and (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed “compostable”.

“Department”, the City’s Building Department.

“Marine-degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed “marine-degradable”.

“Recyclable Paper Bag”, a paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; and (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400.

“Retail establishment”, any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenient stores, restaurants and retail stores selling clothing, food and personal items, and dry cleaning services.

“Reusable checkout bag”, a sewn bag with stitched handles that is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 2.25 mils thick.

“Single-use Plastic Bag”, a plastic bag provided by a retail establishment to a customer at the point of sale for the purpose of removing products purchased within that retail establishment. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.

DISCUSSION:

Councilor Cox said that as this was her Council Order she clarified that retail establishment definition is standard language for most of the bag bans in Massachusetts. The retail association asked for consistency and is what was proposed, she pointed out. This ban does exempt some non-profits, and noted that Second Glance will have to conform; but she said that the Open Door has already started to seek other solutions for their shopping center. It is standard language, she reiterated, and they are trying for consistency, and groups are working to move forward with furthering the objective.

Councilor Nolan said that when Councilors Cox and Verga started this effort, it piqued his interest as to what was involved for the city and its environment, the ocean. He said a great deal of work that has been put into this effort. This is an excellent thing for the city, he said. Most who he talked to are about 90% in favor of this ban, he noted. There are no laws that prevent being able to go to the store with a bag seniors may already have. Everyone’s worked very hard on this and would support the ban.

Councilor Orlando expressed his approbation of the work of the Clean City Commission for their time and excellent effort. He said he disagreed with the concept of banning products even though some products are worse for the environment as people say plastic bags are. To be proactive, ideas where they give constituents opportunities to make the right decisions like the cigarette butlers, ocean skimmers, these are tangible efforts to clean up the city. To that end he said he spoke to the City Clerk’s office about filing a Council Order to require closed recycling bins to proactively clean up trash. The Council should spend more time on actions such as that, he pointed out, rather than telling constituents what products they can and can’t use. He said he has two very young children and uses plastic bags to dispose of diapers and opined what he would do if plastic bags are banned. He expressed his appreciation for Councilor Cox’s efforts but said it is a litter problem which should be tackled through education but that a ban isn’t

the way to do it. As the Council's liaison to the Tourism Commission, he said that plastic bags are more affordable for businesses or they wouldn't be used and that representing 350 business interests, he said will vote no. He added that he will work actively in other ways in his remaining months on the Council to clean up the city.

Councilor Gilman returned to the stockpiling issue of plastic bags. Noting she spoke with Ms. Betty Shaw (in opposition on file), that the plastic bags can be reused she will be allowed to bring those bags into stores to carry away their purchases. She suggested they could have done a better job communicating that fact especially to seniors as seniors do reuse the plastic bags over again and are easy for them to handle. Ms. Shaw, she related, had a difficult time using a handled paper bag in the rain. She mentioned that Maggie Rosa did a survey by obtaining a single-use plastic bag and light-weight recycled bags out of cotton and took about eight or nine different items to place in both bags, and the weight difference was miniscule and felt comfortable to her, she said. She noted personally that she uses her recycled bags as does her husband and finds they're more organized at supermarket checkout. She expressed she empathized with seniors' concerns, but with preparation done by the Clean City Commission and Seaside Sustainability, and with the donation of bags by Gorton's and others, they can start with a year and a month to prepare to help people solve their issues. She said she's in support of the ban for the city.

Councilor Memhard thanked the speakers at this and the previous public hearing. He expressed his respect for the concerns voiced this evening. He said they're talking about different things -- educating people not to waste -- plastic bags and recycle them. Litter is "a real issue" and that education not only for children is important but for seniors so there isn't an element of fear or concern. He said that he doesn't believe in unnecessary bureaucracy being imposed on people's choices, but this does make sense and as part of an overall program it is just one step at this time. He expressed his support for the ban.

Councilor O'Hara said he was of two minds, but from the environmental standpoint, they've worked through environmental changes from burning trash in the backyard to recycling in homes. He expressed his concern for seniors but that this ban is a move to being more environmentally sound. He said they'll get through the issues of concerns expressed, especially for seniors. Noting several weeks ago with very high winds, there were recycling bins put out for pick up and more trash was lost that day onto city streets. He said there is a need to address open top recycling containers, the methods utilized to collect trash and having equipment to clean city streets. He voiced his support of the bag ban pointing out they have about 12 months to work through helping people with this transition.

Councilor Lundberg said that he agreed with Councilor Orlando about limiting choices, but it's also about expanding the choices of what can replace the offending plastic bag. He pointed out that there are many choices and has spoken to seniors about the issue. He said he agreed that paper bags aren't an option, but reusable plastic bags with handles are a good option. He said Councilor O'Hara is correct there is about 12 months to work through the issues, the educational part and with the options presented by the Clean City Commission and others that they will be able to make it work and would support the ban.

Councilor Cox added that at no time are they advocating paper over plastic knowing both are destructive to the environment, but said that paper is recyclable. She said she knows "first-hand" that there is a litter problem advising that she has spent numerous mornings picking up trash with the One-Hour-At-A-Time-Gang. She said they can't just work on litter, not just bans, but need to take a multi-pronged approach. She said by going to the city's "SeeClickFix" feature you'll see many yellow bag DPW pick-up requests from neighborhood clean ups. She called the bag ban an "extra layer" that this moves citizens towards sustainability.

Speaking to the motion before the Council she pointed out, ASTM D 6400 is a bag standard. She held up handled bags made from corn, a typical "T-Shirt" bag, as an alternative to petroleum-based bags, completely compostable and better for the environment. Mentioning marine biodegradable bags as noted in the motion, she highlighted the fact that the marine biodegradable bags are allowed and are available in Europe now. She said she can request through the Mayor to have their problem addressed and enforced by the DPW which is difficult given manpower cuts and the Police Department's low staffing numbers although they, also, can enforce litter laws. She said they need to push for funding of resources, although they'd rather have both departments address more other pressing issues. She said this is about being better stewards of the environment and will support the ban.

Councilor LeBlanc said he agreed there is a litter problem. He recounted that Ms. Smith has been to many committee meetings over many months and also met with the Animal Advisory Committee. He said that they need to educate young students of the city (about their environment). He explained that he didn't support the bag ban the first time around, but now will support the ban -- the sooner this ban is in place, the sooner everyone can respond. He pointed out that it's a matter of getting used to it. He recounted shopping at BJ's saying that they offer no carry bags at all yet people patronize the store, carrying away their many purchased goods. He recognized former City Councilor Greg Verga as the first Councilor who brought this matter forward and for Councilor Cox shepherding the ban through the Council process, and to the Clean City Commission membership for their due diligence.

Commending the Clean City Commission, he noted that the first vote by the O&A Committee on the bag ban was 2

in favor, 1 opposed, and the second time it was a unanimous vote in favor. He noted that at an O&A meeting Ms. Smith reminded the Committee that some years ago everyone used to smoke in restaurants, and while the smoking ban was painful, everyone came around and now no one can imagine sitting next to someone in a restaurant who's smoking a cigarette. He reiterated support for the bag ban.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 Sec. 9-12 by ADDING a new ARTICLE II. – "PLASTIC BAGS" Sec. 9-12 "Definitions" as follows:

The following words shall have the following meanings:

"Building Inspector", the Building Inspector or his/her designee.

"ASTM D6400", the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".

"ASTM D7081", ASTM International "Standard Specification for Biodegradable Plastics in the Marine Environment".

"Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM D6400 for compostability; and (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "compostable".

"Department", the City's Building Department.

"Marine-degradable plastic bag", a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "marine-degradable".

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"Retail establishment", any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenient stores, restaurants and retail stores selling clothing, food and personal items, and dry cleaning services.

"Reusable checkout bag", a sewn bag with stitched handles that is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 2.25 mils thick.

"Single-use Plastic Bag", a plastic bag provided by a retail establishment to a customer at the point of sale for the purpose of removing products purchased within that retail establishment. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 9, by ADDING a new Sec. 9-13 "Requirements" as follows:

(a) No retail establishment as defined in this article shall provide a single-use plastic bag to a customer or customers unless the bag complies with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) Nothing in this article shall prohibit customers from using bags of any type that they bring in to the retail establishment themselves or from carrying away goods that not placed in a bag in lieu of bags provided by the retail establishment.

(c) The Building Inspector may promulgate rules and regulations to implement this article.

DISCUSSION: None.

MOTION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9, by ADDING a new Sec. 9-13 “Requirements” as follows:

(a) No retail establishment as defined in this article shall provide a single-use plastic bag to a customer or customers unless the bag complies with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) Nothing in this article shall prohibit customers from using bags of any type that they bring in to the retail establishment themselves or from carrying away goods that not placed in a bag in lieu of bags provided by the retail establishment.

(c) The Building Inspector may promulgate rules and regulations to implement this article.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 9 by ADDING a new Sec. 9-14 “Enforcement and Penalties” as follows:

“The Building Inspector shall investigate any report of a failure to comply with this article.

(a) If the Building Inspector determines that a violation has occurred, the Building Inspector shall issue a warning notice to the retail establishment for the initial violation.

(b) The penalty for each violation that occurs after the issuance of the warning notice shall be \$50 for each offense. Payment of such fines may be enforced through civil action in the District Court.

(c) A retail establishment shall have fifteen (15) business days after the date that a notice of violation is issued to pay the penalty or the amount of the penalty payable shall be doubled.”

DISCUSSION: None.

MOTION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 by ADDING a new Sec. 9-14 “Enforcement and Penalties” as follows:

“The Building Inspector shall investigate any report of a failure to comply with this article.

(a) If the Building Inspector determines that a violation has occurred, the Building Inspector shall issue a warning notice to the retail establishment for the initial violation.

(b) The penalty for each violation that occurs after the issuance of the warning notice shall be \$50 for each offense. Payment of such fines may be enforced through civil action in the District Court.

(c) A retail establishment shall have fifteen (15) business days after the date that a notice of violation is issued to pay the penalty or the amount of the penalty payable shall be doubled.”

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 9 by ADDING a new Sec. 9-15 "Exemptions" as follows:

"The annual Stamp Out Hunger Food Drive sponsored by the Open Door and National Association of Letter Carriers food drive shall be exempt from this article.

DISCUSSION:

Councilor Cox said the Director of the Open Door is in the process of obtaining recycled bags and that she said that it is hoped they can remove this from the ordinance.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 by ADDING a new Sec. 9-15 "Exemptions" as follows:

"The annual Stamp Out Hunger Food Drive sponsored by the Open Door and National Association of Letter Carriers food drive shall be exempt from this article.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 9 by ADDING a new Sec. 9-16 "Effective Date" as follows:

"All of the requirements set forth in this article shall take effect on January 1, 2019."

DISCUSSION: None.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 by ADDING a new Sec. 9-16 "Effective Date" as follows:

"All of the requirements set forth in this article shall take effect on January 1, 2019."

The Council recessed at 9:34 p.m. and reconvened at 9:42 p.m.

Council President Ciolino said the Middle Street Walk donated recycled bags for the Council to distribute.

For Council Vote:

1. **CC2017-047 (O'Hara): Request that MassDOT Highway Division conduct a feasibility study re: installing divider lines entering onto Grant Circle Rotary from the north and south entrances of Washington Street**

Councilor O'Hara conveyed that entering the rotary any time after 6:00 a.m. on weekdays there are two lines of traffic circling the rotary on both sides which causes congestion. He said that divider lines would help ease traffic congestion and keep people safe.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to direct the City Clerk to forward a letter to the Mass. Dept. of Transportation Highway Division on behalf of the City Council requesting that they conduct a feasibility study pursuant to the installation divider lines entering onto Grant Circle Rotary from the north and south entrances of Washington Street.

2. **CC2017-048 (O'Hara) Petition the MassDOT Highway Division to repaint the formal divider lines on Route 127 and Route 128 re: Eastern Avenue**

Councilor O'Hara explained that his initiative is designed to help to alleviate traffic congestion on Eastern Avenue.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to direct the City Clerk to forward a letter to the Mass. Dept. of Transportation Highway Division on behalf of the City Council requesting that they repaint the formal divider lines southwesterly from the traffic lights on Eastern Avenue westbound on Route 127 to Main Street; and to repaint the formal divider line from Harrison Avenue to the Eastern Avenue Route 128 lights for the purpose of dividing the traffic travelling west and traffic going south Route 128.

Unfinished Business: None.

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

Update on the Council on Aging Board by City Council Representative, Councilor Valerie Gilman was postponed to another meeting.

Councilors' Requests to the Mayor:

Councilor Gilman requested through the Mayor that the Administration consider ways to communicate to all residents during prolonged power outages, including but not limited to, telephone hotlines with status updates, emergency help numbers for the homebound, good neighbor programs similar to Annisquam Village, solar signs in wards, and the reintroduction of CERT volunteers. She explained she was one of the residents who experienced a power outage for four days during the last storm. She said of 18 homes affected on her street five of those residents aren't on social media and have old fashioned flip phones that had no battery power. One person needed assistance with breathing apparatus', and one gentleman on Riggs Point was worried not to have power for his life alert system, she noted. She reported that Police Officer Kevin Hicks visited the gentleman daily during the outage to check on him and help charge his battery. She said that had this four day power outage occurred in the middle of winter there would have been a cause for even greater concern. She pointed out that if there was a phone number that people could call during a prolonged emergency situation to get a recording of relevant information it would help many to be reassured and to be able to leave a message if they need assistance.

Councilor Nolan requested through the Mayor that she reach out to the Clean City Commission and the Rose Baker Senior Center in order to allow the Clean City Commission to assist in helping to educate the city's seniors on stockpiling plastic bags and how to obtain and work with recycled bags.

Councilor Orlando requested through the Mayor that the DPW install a barrier at the old entrance from the Oval to Clark Cemetery, which he said is dangerous in light of the DPW having created a new access point from the oval done with fieldstone. He also noted that recently he witnessed in front of his office at 5 Western Avenue at the entrance of Angle Street to Western Avenue a child was nearly struck by a car where the sidewalk cuts off where the crosswalk is long in that section and it's hard to see a pedestrian crossing the street. He asked that the DPW look into the extension of that sidewalk or erect signage to warn drivers of pedestrians entering the crosswalk.

Councilor Cox requested through the Mayor that the Police Department's Animal Control officers step up enforcement at city playgrounds, cemeteries, and schools for dog owners who are not cleaning up after their pets. She noted that people are walking their dogs at Beeman School and not picking up after their dogs. She announced that the Sawyer Medal Awards Ceremony will be held on Wednesday, Nov. 15 at 7:00 p.m at Gloucester High School, and that there will be a Special School Committee meeting held at the West Parish School on Thursday, Nov. 16 to hold a public hearing on traffic issues at West Parish School.

Councilor Lundberg commended the City Clerk and her staff and all the people that were recruited for working the polls on Election Day. He said it's a long day, and they all did a great job.

Councilor LeBlanc said there is an opening on the Animal Advisory Committee for some time and wants to see the position filled. He requested through the Mayor that the DPW seek through MassDOT the repair the fence that divides Gloucester Avenue from Maplewood Avenue to Bomco and the Route 128 extension that has fallen over. He said it is an access point to animals onto the extension which is dangerous for both animals and vehicles travelling on it. He also requested through the Mayor that the Police Department install their mobile radar device on Maplewood Avenue between Cleveland Street and Gloucester Avenue, as there have been many complaints about speeding.

Council President Ciolino announced that representatives of the Middle Street Walk donated reusable bags to the Council for their use which happen to promote this year's Middle Street Walk which will take place Saturday, Dec. 9 from 10:00 a.m. to 4:30 p.m. There will be with free events all day such as a special light show at City Hall 4:00 p.m. to 8:00 p.m., bell ringers, architectural tours, food, music, concerts, snack bar, baked goods, Santa, trolley

rides and the lighting of the Lobster Trap Tree to name a few. For more information go to Middlestreetwalk.org. He also mentioned the annual Christmas parade on Sunday, Nov. 26, Sunday, kicking off at 3:00 p.m. from the State Fish Pier. He said they're looking for marchers, musical teams, floats with the only requirement is that it be a holiday theme. The parade ends at Kent Circle where the official Christmas tree lighting takes place, he added. He said the event does cost money, and anyone who wants to donate is welcome to support this annual children's themed parade.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:57 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Written statement under Tax Classification Public Hearing #1 by Ken Riehl, CEO, Cape Ann Chamber of Commerce**
- **Written statement under Single-Use Plastic Bag Ban Public Hearing #3 by Ainsley Smith, 14 Pine Street, Chair, Clean City Commission; and Jennifer A. Holmgren, 385 Magnolia Avenue**