

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 23, 2018 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jen Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara

Absent: None.

Also Present: Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; James Pope; Interim Police Chief John McCarthy; Jill Cahill; Chris Sicuranza; Gregg Cademartori; Fire Inspector Adam deBrigard; Melissa Teixeira; Kathy Clancy; 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.**Oral Communications:****General Public Oral Communications:**

Alice Morris, 3 Duley Street, spoke to an incident which took place on Munsey Road the previous week that engendered a large police response, and expressed her gratitude that it ended without violence or injury. But, she pointed out there was harm done which she said could have been prevented. The incident started at 11:30 a.m. yet no schools between that time and school dismissal two hours later had a clear plan in place to keep the children in the community safe. She conveyed that due to lack of planning, a school bus stopped two houses away from the police stand-off, and kindergartners through fifth grade students on the bus were above to view the scene of armed law officers and the bus was in range had a fire fight had erupted. She reported another child was dropped off within sight of the stand-off, and further conveyed that the bus driver had no direction from “leadership” so the child was told to “run for it,” which the terrified child did. She also recounted that children who were “walkers” were sent home from Plum Cove School by bus which she claimed was “good but no one at the school was informed” with enough time to implement a plan to advise parents that their children would be late and coming home by an alternate route. She explained that she called the Police and School Departments and Mayor’s Office and was told that due to the sensitive nature of the incident they couldn’t broadcast the situation to the public. She said children were endangered due to a lack of leadership. She said there needs to be some reflection by the city’s leadership and that a plan has to be made to addresses such incidents in the district. She reiterated that it was fortunate that it all resolved without violence. Ms. Morris’ written statement placed on file.

Oral Communications by those people impacted by January 4, 2018 storm damage at Gloucester High School due to super tidal surge:

Council President Lundberg recounted that for the January 4, 2018 winter blizzard as per the city’s established protocol, there was a parking ban placed on the city to facilitate snow plowing. He noted that it is the custom of the city to make available municipal parking lots and public school parking lots for residents to utilize that have no other way to take their vehicles off the street. He pointed out that cars parked in the lower lot of the high school and Newell Stadium were subject to an exceptionally high tide which went over the banks of the Annisquam River flooding the lower Gloucester High School (GHS) parking lot and Newell Stadium. As a result of the damage, confusion and trauma to residents Councilors O’Hara, Nolan and Memhard had requested under a provision of the City Charter that there be a special meeting of the Council which he and the Councilors discussed. The agreed upon way to address the concerns of affected citizens was to make this forum available to the affected residents at the Council’s regularly scheduled meeting. He then briefly reviewed the procedures with the audience for Oral Communications.

Councilor O’Hara expressed his thanks to Councilors Memhard and Nolan for their support as this is an important issue. He said that the people who parked in the lot “under the direction of the city” were exposed to the storm surge on January 4. He said the Council is there to listen to people and urged everyone to be frank.

Councilor Cox said there is some confusion as to what this specific situation will produce. She said even though three Councilors requested this, all of the City Councilors are concerned about this issue, and she expressed her agreement that the situation didn’t warrant a special meeting because this matter is out of the Council’s hands.

She described that Oral Communications is where people can address the Council and the Administration. The Council doesn't debate or comment on these issues under Oral Communications. She made clear there would be no dialog during Oral Communications and there is no response at this time. All the Councilors are deeply impacted by what happened at the high school and they'd all like to see a better process and system in place.

Councilor Lundberg reiterated that there will be response to those who speak under Oral Communications from the Administration whose responsibility it is to forward the response, but that there will be no debate at the Council meeting on this subject matter.

Kathy Reardon, 13 Hampden Street, a Visiting Nurse with Lahey Health at Home, recounted that in her neighborhood there is very limited parking with homes that don't have driveways or have only space for a single car and depend on public parking during a parking ban. She recounted the following: that on Jan. 4 with the ban in place, she was on call and had to go out in the storm to Manchester to see a patient. She received a text from her daughter that the GHS parking lot was underwater a half hour later. She said the water had gone out from Newell Stadium over Centennial Avenue. Cars in the lot couldn't even be seen from the road because of the flood waters. She said she was fortunate she had to go out of the lot because it was only a matter of minutes that the lot became inundated. There were 70 residents of her Centennial Avenue, Hampden Hill neighborhood that were affected, she said, and the day after the storm all the vehicles in the GHS lot were encased in ice.

She explained that no one knew what to do, and there was no communication or help forthcoming from the city. No one was hurt, she said, but 70 families were now facing extreme financial hardship. She pointed out that her daughter lost her car; families lost vehicles and in turn their ability to make a living. She said no one was there to advise them what to do which she said was disappointing. This placed a hardship on families because their insurance needed to be specific for this kind of loss, saying that her family lost two cars.

Ms. Reardon added when there is any type of a disaster in the city communication is critical. People are saying not only was there no communication before but there was none after the incident for the people who were affected by this storm damage.

Joel Emerson, 50 Summer Street, a first-time homeowner, conveyed that two of three cars of his husband, himself and their roommate were lost, having followed protocol by parking at the GHS parking lot during the parking ban of Jan. 4. He reported that they've been fighting back and forth with their insurance company. Just today the insurance company came to the house to pay them off, he announced. He said he learned via the internet on his own that he didn't have to accept the insurance company's first offer; he could negotiate with them and got a fairer payout. He said he, his husband and roommate are under "financial duress." He pointed out that for those who followed protocol and direction there should be some sort of support system beyond "platitudes" -- they should expect results. He said on behalf of his neighbors and roommate who can't be here, they expect great things from the city for those who find themselves in need as a result of this storm. He said a place is a community that cares for its most vulnerable besides the homeless. There are those people who lost their "wealth," their cars, he pointed out. He conveyed he'd lost his 2015 Subaru Impreza which he'd just paid off this summer and is now driving a 2008 model; his roommate had just purchased a car, on loan so he only received a little bit over the portion of the loan that had been paid off. He said there should be some solutions offered and should be results from this talk. He said he is fortunate to work one job and that they expect great things from the city for those who find themselves in need as a result of the storm.

Barry Smiraglia, 7 Lloyd Street, explained he owned one car parked in the GHS lot. He said he thought he was doing the correct thing by parking there (during the ban). He noted several cars that remained on his street that weren't ticketed and towed, but his car was completely ruined and ended up towed and remains in the Tally's lot. He said he has to walk everywhere now. He noted he'd just paid \$3,500 for repairs to his car, his only form of transportation is now lost to him.

Kelly Reardon, 13 Hampden Street, a single mother and employee at Addison Gilbert Hospital, said that her issue is that they don't have driveways (in her neighborhood). She said they've always parked in the GHS lot, expressing that there should have been some sort of warning put out to the residents, like what is done within the school district to parents when there is early dismissal or other extreme circumstances. She expressed her concern that there was no warning that the GHS lot was subject to flooding and that they should consider an alternate place to put their vehicles. Had the city informed them, she said, they'd have moved their cars. She posited that when one lives across the street from the GHS parking lot, why they would consider parking at the O'Maley Middle School parking lot some distance away from their area. She reported she had just bought her car last year and it was covered by basic insurance; the car is a complete loss. She now has nothing, she said, and as her father's car wasn't ruined he is now taking her children everywhere. Her son goes to the North Shore Consortium in Peabody, and

were she to get a call to pick him up because he became ill during the school day, she'd have no way to get him. She said she paid \$3,600 for her car last January.

Maria Carol, 3 Commonwealth Avenue, a junior at GHS, and newly moved to the area, said both her and her mother's car were parked in the GHS parking lot. This was their first experience with a parking ban. She said she and her mother were advised that the GHS lot was the place to park during a parking ban. She expressed her concern that they were told by no one in the city that the lot was flooding and only found out by social media. She said she'd just owned her car for two months, having saved for it all summer, which cost her \$2,000. After the flooding subsided she found her car was completely submerged, she noted, and that she didn't have full insurance coverage. She reported her mother did have full insurance coverage and will be getting her loan paid off, but isn't being given the "worth of the car." After the flooding they had to get their cars towed and had arranged through her grandmother to have the cars towed to her home to be stored at no cost, she explained, but instead the cars were towed to the Tally's lot. She reported that today she got her license plates off her car and learned that although she wasn't being charged for storage, she couldn't take her car and sell it to a junk yard to try to recoup some money for it, otherwise she'd be charged \$900 to store the car there even though they'd asked that the car to be towed to her grandmother's home. She said she had to hand over her title or she wouldn't have been able to obtain her plates. Her mother's car was \$15,000 new and she still had another \$10,000 to pay off on it, she noted.

Julie Cleveland, 9 Foster Street, Apt. 1, said she felt supported hearing from people who were also affected by the Jan. 4 storm, and then read a written statement accompanied by photographs (placed on file) which she shared with the Council. She noted as a piano teacher who rents a one bedroom apartment, her car was the only thing she owned which she just finished paying off over six years. She explained that her car is how she gets her mother to her medical appointments, obtains and deliver groceries to her and for herself, as this is hers and her mother's only means of transportation. She described receiving the news that her car was underwater by a text from her upstairs neighbor and went on social media to learn more and found a picture of her car underwater covered with snow. There was nothing she could do, she said she realized, and expressed her devastation at the loss of the only thing she owned. She said the next day she heard from other people whose cars were ruined when she went to get what she could from her car that some families lost multiple vehicles. She recounted that there was nothing available on the city's website or on the Mayor's social media to inform her or other owners of any information on the situation. A public statement wasn't released until later Monday, Jan. 8 which said that parking at that lot was strictly optional, and that they were free to make other arrangements which she said was distressing to her. She said that she'd hoped for more compassion from elected officials but during that time she felt more compassion from a young man from Kentucky at the insurance company than her own city government. The car was \$18,000 when new, she reported.

April Metzger, 3 Centennial Avenue, a new resident, said she was told when she rented her apartment that she should park at the GHS parking lot when there was a parking ban. She explained she had used a small inheritance to purchase a new Volkswagen Beetle, her first new car. She said she was disappointed to lose her car and can't afford to buy another new one. She is renting a car at this time, she said because she'll never be able to replace the car she lost. She found her car by calling the police, and found her car completely frozen and so lost not just the vehicle but the vehicle's contents. She disclosed her car was \$25,000 when new and her insurance is paying her \$15,000.

Elizabeth Duff, 2 Cross Street, said she was fortunate she was not parked in the GHS parking lot, but conveyed she works for Mass. Audubon doing vulnerability assessments with students at the high school looking at sea level rise and coastal flooding. She said they knew, "for sure" that the football field was vulnerable to Commonwealth Avenue. She pointed out that no one knew the Jan. 4 storm would bring such high tides causing flooding. She said the question is how do they prevent this in the future and is there a better strategy to guide people to park in places on higher ground because there will be more extreme events. She pointed out that these kinds of events in the wake of sea-level rise may happen more often and was, "a wake-up call." She said that if there is a way to better share information it will be appreciated.

Council President Lundberg expressed his appreciation for the people who spoke to the Council about their storm damage experiences acknowledging it wasn't an easy thing to do. He advised that the issues brought forward this evening will go to the Mayor and the responses should be sent to those citizens who spoke in two weeks, and the Council will work with the Mayor's office to facilitate this. He added that the Council heard that there is a need for better communications as well.

Presentations/Commendations:

1 of 1: Update on the City of Gloucester Recreational Marijuana Task Force

Council President Lundberg conveyed the following: Two years ago the voters of Massachusetts legalized recreational marijuana. As part of the process, cities and towns in the Commonwealth need to establish their rules

and regulations about zoning and associated issues. The City convened a Recreational Task Force composed of department heads, some of whom will report to the Council this evening.

He advised that they are not near the point of recommending zoning changes or any other legislation. He further related that the licenses to run retail marijuana establishments are state licenses, and the deadline for those licenses is June 1. He recounted that the city, as with many cities and towns, passed a moratorium through the end of Dec. 2018 to give the city time to work through these various issues. He added there would be no public hearing on any possible legislation at this time but this is to get a good idea where things stand on the issue of retail marijuana establishments.

Jim Destino, CAO, noted the chair of the Recreational Task Force (Task Force), Karin Carroll, Public Health Director was under the weather. He reported that for a year now the Task Force has been engaged in a process to position the city in anticipation of the arrival of recreational marijuana in the community as it was voted in November 2016; to zone it correctly, to discuss youth access, and explore ballot question(s). Several months ago the Task Force broke up into subcommittees and the subcommittee chairs will give reports this evening. The Local Control Option Committee is chaired by General Counsel, Chip Payson, charged with exploring ballot questions, timelines, and communications with the City Council. That subcommittee is composed of himself, Councilor Gilman, Council liaison; Chris Sicuranza, Director of Communications & Constituent Services; and Joanne Senos, City Clerk. The second group is chaired by the Director of Community Development, Jill Cahill. That subcommittee is charged with identifying potential locations for retail zoning controls to the extent allowed by law; time; place; manner; demographics; market and data. The subcommittee is comprised of himself, Gregg Cademartori, Planning Director; Bill Sanborn, Building Inspector and Interim Police Chief John McCarthy. The third subcommittee is chaired by Ms. Carroll that will be presented by Interim Police Chief McCarthy. This subcommittee is charged with examining youth access, staffing, local regulations, OUI intervention, education and prevention. That subcommittee is comprised of Ms. Carroll; Interim Chief McCarthy; Joan Whitney, Healthy Gloucester Collaborative Director; Melissa Teixeira and Kathy Clancy both School Committee members.

Chip Payson, General Counsel reviewed the following for the Council: While recreational marijuana laws became clearer during the past year it remains "murky." The Cannabis Control Commission (CCC) has been formed and has promulgated draft regulations. Municipalities may regulate the time, place and manner of recreational marijuana establishments but not the licensing as that's controlled by the CCC. According to the law, municipalities may not pass ordinances or bylaws that are, "unreasonably impracticable." Starting April 1, 2018 the CCC will be taking applications for recreational marijuana establishments. Once a complete application is filed with the CCC, the CCC will notify the municipality and the municipality has 60 days to determine whether the applicant is or isn't in compliance with any local ordinances in effect at that time. If the applicant is found in compliance, then the application will likely be provisionally granted and may be issued on June 1, 2018. A municipality may limit the number of recreational marijuana establishments to 20% of the number of liquor licenses issued in that city or town (three to four based on the City of Gloucester's liquor licenses now in place). Because Gloucester voted in favor of the legalization of recreational marijuana, to limit the number of recreational marijuana establishments to less than three or four or ban them altogether, the city would need to put a question on the ballot for popular vote. In order for a question to be placed on the ballot, the question must contain draft ordinance language and must first be voted by the Council and approved by the Mayor (by statute).

Mr. Payson advised that the Legal Department will prepare a concise summary of the ordinance and the language of the ordinance itself if the Council decides to move forward with a ballot measure. He gave an outline of possible language for a ballot question. If the Council decides against putting forward a ballot question, the city will need to draft and pass ordinances that address: the number of establishments allowed, Special Permit processes, the location of establishments, etc. Absent the ban the ordinances can't prohibit a medical marijuana dispensary that was pre-certified by the Dept. of Public Health prior to July 1, 2017 from converting to a recreational marijuana establishment.

He conveyed there are several matters for the Council's consideration: 1) Whether to put the question of a ban for all recreational marijuana establishments in the city on the ballot; 2) Whether to put forward a question to limit the number of retail recreational marijuana establishments in the city to less than three or four; 3) Whether to pass an ordinance that limits the number of retail recreational marijuana establishments to three or four or more. He reiterated that 20% of liquor licenses comes out to be three or four -- anything less than that number has to go on the ballot -- anything more than that number the Council can set the number as of right. 4) The Council should consider ordinances regarding recreational marijuana establishments, cultivation, manufacturing research and testing facilities -- there are multiple licenses that can be acquired -- it's not just retail sales. 5) The Council must vote to accept the local sales tax option of 3% sales tax on local marijuana retailers in order for it to take effect (by statute).

Mr. Payson then spoke to timing by explaining that: If the Council decides to place a question on the ballot, the ballot question would need to be approved at least 35 days prior to a special election, and at least 60 days prior to the general election in November. He reiterated that on Sept. 26, 2017 the Council passed a Zoning moratorium until Dec. 2018. He said that in his opinion the intent was “twofold”-- to allow time matters to be settled around the new law and allow analysis around it; and to allow time for the city to consider its options. The language in the moratorium says that it shall be in effect through Dec. 31, 2018 or six months from the date final regulations are issued by the CCC who has already issued draft regulations He said it’s reasonable to expect final regulations will be issued by March 15, 2018. He pointed out that if that were the case, the city’s zoning moratorium could be over on September 15, 2018 not December 31, 2018.

Jill Cahill, Director of Community Development, said her subcommittee was tasked to find potential places for recreational marijuana establishments and explained the following: Priority was given to -- public safety, capacity, traffic, and potential economic benefits. Being explored are recommendations for introducing a Zoning amendment that would introduce a Zoning Overlay District which would allow for recreational adult use marijuana sales in commercial districts and business parks throughout the city. Final language would include additional requirements that take into account parking, parcel size, etc., and to include a 500 foot (ft.) setback from private/public schools, daycare establishments, any facility in which minors commonly congregate; a 500 ft. setback between each recreational marijuana retail establishment. For consistency sake the subcommittee would like to include changes to medical marijuana zoning from 1,500 ft. between facilities to 500 ft. **Ms. Cahill** suggested several examples of possible adult use retail recreational marijuana establishments to be located in places such as Shaw’s Plaza on Railroad Avenue; at the Stop & Shop Plaza; on Essex Avenue near the Mobil Mart; at Gloucester Crossing; the Blackburn Industrial Park to name a few. She pointed out this isn’t a comprehensive list of all potential locations but simply some examples.

Interim Police Chief John McCarthy, speaking for the Health and Public Safety subcommittee, reviewed some of the issues the subcommittee explored: It is anticipated the sale of retail recreational marijuana will increase incidents of OUI (Operating Under the Influence) of drugs and the need for the detection of same. The only accurate detection for OUI under drugs is by a drug recognition expert and there are none on the department. He reported it is a very costly, intense training. He advised that the committee identified in a letter to the CCC that this is an unfunded state mandate and asked that the CCC take this into consideration when they start handing out the state tax money. He said he talked to state police in the past week and learned they’ve seen already, without the retail sales with marijuana being legal, an “uptick” of OUI drugs. He relayed that the officer that’s in Gloucester said they’re doing two or three a week in the city. He reported that one issue with the CCC and the state, is that there is no threshold of THC (Tetrahydrocannabinol) that’s been established and will have to be looked at by the state in the nearby. There will need to be legislation – when you obtain a driver’s license there is implied consent under the law that a person will submit to a breathalyzer test but there has been no consideration under OUI implied consent for a drug recognition expert to make a determination and so the state will have to enact a law to deal with that. The city will have to look at drug consumption in public as with liquor; to deal with edibles and all the different forms of marijuana to be consumed. They’ll have to deal with advertising, hopefully limiting it in some manner in the area of school or youth activities or any sporting events; hours of operation as with liquor stores may be handled by the CCC or have to be handled by city ordinance. He pointed out that the Health Department staff will need additional training because of the edibles. There may be one day marijuana licenses as with liquor licenses. There will need to be compliance checks and they will advocate doing much the same as they do with liquor stores and bars. He concluded his remarks by reiterating that the committee sent a letter to the CCC asking for the funding to go with the necessary training for any city agency that needs it.

Mr. Destino said these are the facts as they know them today which frequently change. He noted that at last week’s Mass. Municipal Association meeting there was a workshop on recreational marijuana with representatives from the CCC, the Attorney General’s office and the law firm of Kopelman & Paige to answer some questions which was packed. This task force was established to make a recommendation to the Mayor and City Council going forward. As they firm up those recommendations as the situation continues to evolve, he explained, what they said tonight is what they know right now. The regulations come out March 15, he reiterated, and there could be changes and see even more of an evolution of what will come forward. He pointed out that Gloucester is as far along in dealing with this issue as any community. He thanked the members of the Task Force for their hard work.

COUNCILOR QUESTIONS:

Councilor Holmgren expressing her appreciation for the hard work undertaken by the Task Force members, said there would be costs associated with the city adapting to the establishment of retail facilities. She asked how feasible will it be for the city to recoup municipal costs expended through the 3% sales tax with three or four retail establishments in the city. **Mr. Destino** said whether the city ends up with retail marijuana sales, there will be a cost

– there’ll be people travelling through Gloucester who are using and there’ll be a cost to train the police even with no retail sales. He cautioned that marijuana is still illegal by federal law, and the testing for marijuana is usually done by the U.S. Food & Drug Administration (FDA). States that legalized recreational marijuana have to do their own testing. Those facilities for regulating, testing, processes dealing with the new industry need to be funded. The state put in a tax, 23% overall, and the city will get a 3% tax. He said that by his estimation it won’t be enough to deal with the types of things that they’ll have to do correctly -- enforcement, training, education, and inspection. He indicated that the challenge is retail sales of recreational marijuana but highlighted that there are other opportunities when it comes to manufacturing, growing, research and testing facilities, such businesses could mean economic growth and jobs for the city without the high cost of day-to-day retail operations.

Councilor Cox said she understood banks will not deal with these businesses (marijuana retail or growing facilities) because the banks are insured by the federal government (through the FDIC) because federally they’re not legal. When they discuss zoning issues and impacts because these are 100% cash businesses she said that the city has to be cautious where they place them and not have them downtown or in residential areas. She said she also understood that Colorado has seen an increase in robberies associated with these businesses because there are no books per se because they’re 100% cash business. **Interim Police Chief McCarthy** said because of the recent federal intervention even the medical marijuana facilities are now a 100% cash business and is a major concern that there is a vulnerability to robberies anywhere there’s a lot of cash. He recounted that when medical marijuana was coming forward, the city had a well-vetted process put in place for security of those facilities. **Councilor Cox** said she’s less concerned with growing facilities due to security required but that she didn’t know that they’ll be able to require that same set of security parameters for retail recreational marijuana establishments, as they can’t require for some retail businesses and not others -- so it is a concern, to which the **Interim Police Chief** added his agreement.

Council President Lundberg acknowledged the presence of School Committee members Melissa Teixeira and Kathy Clancy who are working with the Task Force.

Councilor Gilman said the CCC is holding public hearings right now, and announced there will be a public hearing on the proposed regulations on Wednesday, Feb. 7 at the North Shore Community College in Danvers, One Ferncroft Road, Math & Science Building, Rm. 119 from 2:00 p.m. to 5 o’clock. Written testimony is requested in advance of the public hearing by the CCC: CannabisCommission@state.ma.us or accepted by mail to the CCC, 101 Federal St., 13th Fl., Boston, MA 02110 before 5:00 p.m. on Thursday, Feb. 15 on the proposed regulations. She also suggested people log onto the CCC website to see what regulations are being promulgated. She said the CCC is looking for public vetting and asked people to join in that process.

New Appointments: None.

Consent Agenda:

• **CONFIRMATION OF REAPPOINTMENTS**

Affordable Housing Trust	Mary John Boylan	TTE 02/14/2020
Board of Health	Robert Harris	TTE 02/14/2021
Board of Registrars	Mark Nestor	TTE 02/14/2021
Clean Energy Commission	Paul McGeary	TTE 02/14/2020
Community Preservation Committee	John Feener, Catherine Schlichte	TTE 02/14/2021
Council On Aging	Selma Bell, Frederick Cowan, Barry McKay	TTE 02/14/2021
Historic District Commission	Robert Chandler	TTE 02/14/2021
Open Space & Recreation Committee	Heidi Wakeman, Noel Mann	TTE 02/14/2021
Stage Fort Park Advisory Committee	David Benjamin Friends of Sawyer Free Library Rep.); Steve Kaity; Donna Polizzia (Gardener/Planter Rep.); David Dow (At Large), Frederick Geisel	TTE 02/14/2021
Waterways Board	Liam O’Connell	TTE 02/14/2021
Zoning Board of Appeals	Joseph Parisi, III	TTE 02/14/2021
Essex North Shore Agricultural & Technical High School	Melissa Joy Teixeira	TTE 12/31/2020

• **MAYOR’S REPORT**

1. Management Reappointments:

Director of Veterans’ Services	TTE 02/14/2019	Adam Curcuru	(Refer O&A)
Director of Public Works	TTE 02/14/2019	Michael Hale	(Refer O&A)
Director of Human Resources	TTE 02/14/2019	Donna Leete	(Refer O&A)
Director of IT	TTE 02/14/2019	James Pope	(Refer O&A)
General Counsel	TTE 02/14/2019	Charles “Chip” Payson	(Refer O&A)
Building Inspector	TTE 02/14/2019	William Sanborn	(Refer O&A)
Chief Administrative Officer	TTE 02/14/2020	James Destino	(Refer O&A)
Chief Financial Officer	TTE 02/14/2020	John Dunn	(Refer O&A)
2. Memorandum from CFO re: request for loan order in the amount of \$3,700,000 to fund and support Lane’s Cove Seawall repairs (Refer B&F)
3. Supplemental Appropriation-Budgetary Request 2018-SA-16 & a memorandum requesting an increase in mooring fees & dinghy dock fines from the Harbormaster (Refer B&F)
4. Letter from DPW Director re: request city acceptance of Lawndale Circle & Lisa Drive as public ways pursuant to GCO Ch. 21 &

- MGL Ch. 82 (Refer P&D)
5. Recommendation of the Mariners Medal Committee to award the Mariners Medal to Christian Dagley (Refer O&A)
 6. Addendum to the Mayor's Report – Memorandum from Fire Chief re: acceptance of the FY2018 Student Awareness of Fire Education (S.A.F.E.) grant in the amount of \$4,308 and Senior SAFE grant the amount of \$2,615 from the Dept. of Fire Services (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 - 1. Letter from Gloucester Retirement System Board regarding a meeting on March 28, 2018 re: COLA (Info Only)
 - 2. Recommendation from Animal Advisory Committee to the O&A Committee re: proposed ordinance on chaining or tethering dog to stationary object; confinement; restrictions; penalty (Refer O&A & General Counsel)
 - **APPLICATIONS/PETITIONS**
 - 1. Special Events Application: Request to hold the YMCA Backshore 5 Mile Road Race on May 17, 2018 (Refer P&D)
 - 2. Special Events Application: Request to hold the St. Peter's Fiesta 5K Road Race on June 28, 2018 (Refer P&D)
 - **COUNCILORS ORDERS**
 - 1. CC2018-003 (O'Hara): Amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-271 "Parking prohibited from May 1 to September 15 – Generally," Sec. 22-272 "Same – Saturdays, Sundays Holidays," Sec. 22-291 "Tow-away zones," and Sec. 22-270.1 "Resident sticker parking only" (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 1/9/2018 (Approve/File)
 - 2. Standing Committee Meetings: B&F 01/18/2018 (under separate cover), O&A 01/16/2018, P&D 01/17/2018 (no meeting) (Approve/File)

Unanimous Consent Calendar:

1. Addendum to the Mayor's Report: Management Reappointment: Assessor TTE 02/14/21 Gary Johnstone (Refer O&A)

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

A motion was made, seconded and voted unanimously to accept the Consent Agenda and Unanimous Consent Calendar as presented.

Committee Reports:

Budget & Finance: January 18

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2018-SA-15 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund, Undesignated Fund Balance ("Free Cash"), Account #0001-359000, to Executive - Mayor, Purchase of Services, Account #0112152-520000 for the purpose of funding the restoration of cannons at Stage Fort Park.

DISCUSSION:

Councilor Cox explained that this \$10,000 is to restore three of the Stage Fort cannons, two of which will be able to be fired to create smoke and noise.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2018-SA-15 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund, Undesignated Fund Balance ("Free Cash"), Account #0001-359000, to Executive - Mayor, Purchase of Services, Account #0112152-520000 for the purpose of funding the restoration of cannons at Stage Fort Park.

Ordinances & Administration: January 16

There are no matters for Council action from this meeting.

Planning & Development: January 17 – Cancelled. All agenda items continued to Special P&D meeting to be held on January 29, 2018.

Scheduled Public Hearings:

1. **PH2017-059: SCP2017-012: Schoolhouse Road #2, #3 and #4, Map 262, Lots 14 & 37, and Gloucester Crossing Road #7, Map 37, Lots 4 & 5, for a Special Permit under the Mixed Use Overlay District**

pursuant to GZO Sections 5.29 (including Major Project GZO Sec. 5.7), 5.29.10 and 5.11.8 (Cont'd from 10/24/17) (TBC 02/13/2018)

This public hearing was opened at 8:23 p.m. by Council President Lundberg.

This public hearing was continued at 8:23 p.m. by Council President Lundberg to February 13, 2018.

This public hearing is continued to February 13, 2018.

- 2. PH2018-003: Amend GZO by ADDING a Footnote "I" to Sec. 3.2.1, inserting into the CB column, and ADDING the same footnote as Footnote "h" in the CB column for Sec. 3.2.2 re: affordable housing (TBC 2/13/2018)**

This public hearing was opened at 8:24 p.m. by Council President Lundberg.

This public hearing was continued at 8:24 p.m. by Council President Lundberg to February 13, 2018.

This public hearing is continued to February 13, 2018.

- 3. PH2018-004: Application of Edward C. Akerley for the storage of explosives at 200R Magnolia Ave., Assessors Map 197, Lot 17, per MGL Ch. 148, §13, and GCO Ch. 8, Sec. 8.1 "License for Storing Inflammables"**

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

Those speaking in favor:

Edward Akerley, 16 Walker Street, applicant for a License for Storing Inflammables for the storage of explosives at 200R Magnolia Avenue, with a business address of 20 Kondelin Road, Cape Ann Industrial Park, for a drilling, excavation and blasting business said he's seeking permission to store explosives at the rear of his business property. He explained that storage of his business' explosives had been in Salem for some time, but that storage compound is closing as he's the only blasting company left in the area. The only other nearest storage area is from the company he purchases his explosives from which are located in Shirley, MA. He said this requires that he drive four to five hours travel time daily one way, to pick up the explosives in the morning from a locked compound, use what he needs then return in the evening if they haven't used up what they took out for that day's work which isn't a feasible option for his business. The location to store the explosives on his Kondelin Road property has been looked at by the U.S. Alcohol, Tobacco & Firearms Department and the state Fire Marshal's office that see it as a good location for his storage area. The property is gated and can't be accessed by a vehicle. He noted that once on the property, it will have a security fence and be alarmed directly to the Police Station so that anyone without the correct code will set off the alarm immediately if they got that far. This is a highly regulated industry, he pointed out. **Mr. Akerley** said there are two magazines with three compartments, with one for the detonators. He is just waiting to get the approval of the Council to finish his permitting with the federal and state government.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Nolan asked the applicant for a description of the exact type of self-storage unit that won't cause harm or affect anything in the area. **Mr. Akerley** showed the Council an industry description of the storage magazines which he described as 5 ft. x 5 ft. x 5 ft. cubes made of ¼ inch steel plate on the outside lined with two inches of oak on every side interiorly. There are two locks on each magazine and the locks are hooded so they can't be tampered with, he pointed out. He said that there is a code that must be entered to get into the magazines, and if the right code isn't entered the alarm automatically is triggered, wired directly to the Police Station, confirming Mr. Akerley's assertions.

Councilor LeBlanc asked for an explanation as to what the city's Fire Inspector is expecting from the applicant. Fire Inspector **Adam DeBrigard** of the Gloucester Fire Department said that an ATF Agent and State Fire Marshal's Office representative and he conducted a site visit to Mr. Akerley's property where he proposes to site his magazines. He described that the property has a long strip of land accessed through a gate that is elevated above Kondelin Road. Even if by the slightest of chances one of the magazines exploded, the blast would be above everything else in the area and is a good area for storage in that aspect, he said. He pointed out that there are boulders behind the magazine which shields them also. It is landlocked, owned by the city on one side and more woods that Mr. Akerley owns behind his business property -- it is an isolated area. He reported that the ATF agent

said it is one of the more suitable and better places to store the explosives magazines. The property has the necessary security in place, he said. As for the city, the state and ATF, he said that they all conduct random and annual inspections. They can investigate Mr. Akerley's storage area at any time, he further assured the Councilor.

Councilor Cox said on the off chance that a magazine would blow, she suggested that the most that would happen would be a concussion blast that took out some nearby windows. **Mr. DeBrigard** said there is a set limit as to how much can be stored and certain firm setbacks have to be met which dictates how far back on the property the magazine is sited. The magazine is 30 to 40 feet up a rock wall. The closest building is Mr. Akerley's place of business. A shock wave from an explosion may hit the nearest building which is his and may take out a window, he said.

Councilor Gilman noted that Mr. DeBrigard was very thorough when the Planning & Development Committee vetted this application. She asked what precautions are taken when the explosives are transported away from and returned to the site. **Mr. DeBrigard** said transportation of explosives is also highly regulated, and falls under four different entities: the ATF, the Department of Transportation, the state and the Fire Department. He described the following process: Mr. Akerley loads up, there is another magazine on the truck to receive the explosives; placards are on the truck on full display; the truck has to be in working order; the magazine on the truck is inspected every year, and again on sites when they show up to do the blasting, the Fire Department detail inspects the truck and that it all matches up with the licensing and permits at the site. At any time if there is an issue they can notify the appropriate authorities. This is a highly regulated industry, he pointed out, and isn't something that is taken lightly which is why they had a site visit with the federal ATF agent, the state Fire Marshall representative and himself.

Councilor Hecht asked if there is special training for the people who deliver receive and take the explosives out of the city. **Mr. DeBrigard** said these people are certified and have to go through training to be licensed -- the state inspects and certifies them as does the ATF. **Councilor Hecht** confirmed this storage magazine can only store the explosives on Mr. Akerley's property for his business's use.

This public hearing is closed at 8:38 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a license under GCO Ch. 8 "Fire Prevention and Protection," Sec. 8-1 "License for storing inflammables," MGL. Ch. 148, §13 and 527 CMR 1.00 for storage of inflammables at 200R Magnolia Avenue, Assessors Map 197, Lot 17, owner Edward C. Akerley, specifically to store two (2) magazines of 2,200 lbs. of Class 1.1 explosives conditioned as follows:

1. That annual proof of inspections by the State Fire Marshal's office and the Bureau of Alcohol, Tobacco & Firearms is provided to the City Clerk.

DISCUSSION:

Councilor Nolan conveyed that this is in his business and personal backyard, and that he has known Mr. Akerley for 30 years. He said he runs a safe business and will support the licensure.

Councilor Cox said she was pleased to see a well-run, highly regulated business such as Mr. Akerley's.

Councilor LeBlanc said he was supporting the granting of this license. He said this is a highly regulated business, and with almost no accidents. He said Mr. Akerley runs a good business and that it was good to see local city government supporting local businesses.

MOTION: On a motion by Councilor Gilman, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to grant a license under GCO Ch. 8 "Fire Prevention and Protection," Sec. 8-1 "License for storing inflammables," MGL. Ch. 148, §13 and 527 CMR 1.00 for storage of inflammables at 200R Magnolia Avenue, Assessors Map 197, Lot 17, owner Edward C. Akerley, specifically to store two (2) magazines of 2,200 lbs. of Class 1.1 explosives conditioned as follows:

1. That annual proof of inspections by the State Fire Marshal's office and the Bureau of Alcohol, Tobacco & Firearms is provided to the City Clerk.

For Council Vote: None.

Unfinished Business: None.

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

Update of the Poet Laureate by City Council Representative, Council President Paul Lundberg who highlighted the Mayor requested that the process, started over a year ago, be restarted as she felt the advertisement for the process didn't generate enough widespread knowledge of the process as there were only two applicants. He noted the Committee for the Arts had difficulties obtaining a quorum several times through that process. He announced that they will start the process over working with the Administration, and it is hoped it will take only several months instead of over a year with no conclusive results.

Councilor Cox asked if the Committee was able to select a candidate for Poet Laureate out of the two candidates. **Council President Lundberg** reported that was the case, that the applications went to the Selection Committee, then to the Committee for the Arts, and then to the Mayor. The Mayor is the one who appoints, and she declined to make an appointment, he explained. **Councilor Cox** confirmed with the Council President that this process went on for some time. She said they advertised; they got what they got; the Committee made its recommendation and said who the recommendation was in some public forums and that she deemed it "unfair" to the dedicated city volunteers who shepherded the vetting process for a city Poet Laureate and the recommended applicant.

Councilors' Requests to the Mayor:

Councilor Gilman noted she put a request for the Mayor in December 2017 to ask National Grid to present a debrief of the storm at the end of October which saw 3,600 Gloucester residents lose power, some of whom lost power for four days and said she will submit a second request. She pointed out that had this situation occurred in the middle of winter it could have had much more dire consequences for the city's residents. She said she learned that there is a state review of this matter that is in process, and there will be a public hearing she'll attend on Thursday, Feb. 15 at the McCarthy Middle School in Chelmsford at 7:00 p.m. She asked if the Council would like her to see if a representative of the city's Public Works Department would want to join her or give her information that she can convey on behalf of the city at that public hearing as to what National Grid can do better for Gloucester. She encouraged her fellow Councilors to join her or submit their questions or comments for her to present. She recounted that her first experience at the MMA conference was great and received good information on a variety of subjects that affect the city. She reported that it was very worthwhile, having attended the business meeting with the Mayor on the conference's second day.

Councilor O'Hara added his support to Councilor Gilman's second request to have National Grid appear before the Council. He agreed there has to be a reliability issue, and that trees will have to be trimmed/cut back to protect electric lines. He thanked Councilor Lundberg for allowing speakers to describe their losses from the January 4 storm. He said this issue has to be addressed, and recounted he had submitted a Request to the Mayor to check on the city's insurance to see if there was a way for the city to offer assistance through that route. This was an issue that was well identified by the National Weather Service for flooding, he pointed out, and expressed that they have to help people who parked their cars at the High School lot. This isn't the only issue that will happen to the high school which is in an identified flood zone, he said, noting that the rising tides are a good indication of what's to come. As a coastal community they have to be prepared. He announced that on Monday, Jan. 29 there will be a Red Cross Blood Drive at the Magnolia Library, highlighting that there is an extreme shortage of blood now, he reported.

Councilor Holmgren announced that Cape Ann Local Action on Feb. 4 will host Catherine Glenn from Coastal Zone Management to speak about what the City of Gloucester has been doing on coastal resilience and learn what they can do to help. She also recounted that she submitted the first Request of the Mayor of 2018 asking that the city look for different ways to disseminate information to the public that are budget friendly and inclusive of people who don't have access to social media by perhaps expanding the capabilities of "SeeClickFix" or simply instituting an "800" number to convey important information.

Councilor Memhard reminded the Council that the city commissioned in 2015 the Klinefelter Report (available on line on the city's website) on the impact of global warming and rising tides. The areas around the high school were identified as a high-priority exposure; and that a number of public infrastructure facilities, including the city's sewer pumping station and sewer substations were noted as vulnerable, he pointed out. They need to plan ahead, he said. He announced that a meeting is scheduled for the evening of Thursday, Feb. 15 at the Sawyer Free Library Friend Room following up on Councilor O'Hara's and the Ordinances & Administration Committee's recommendations as well as those contained in the report by the Ad Hoc Beach Traffic Committee to implement recommendations regarding parking in surrounding beach neighborhood beaches. The meeting will help to inform residents of the Good Harbor and Wingaersheek Beach neighborhoods of the new proposed parking regulations to include a number of areas to be reserved as resident sticker parking only during the summer season, a tool which

hasn't been used extensively. He said that this is anticipated to limit illegal beach parking that overwhelms some of those beach neighborhoods.

Council President Lundberg suggested a presentation on where things stand from an engineering standpoint out of the Klinefelter Report would be appropriate and will figure out scheduling such a presentation moving forward.

Councilor Nolan said with the cold weather, rain, frost, and plowing, potholes have been cropping up, and extended his thanks to the DPW for responding to so many requests to fill the potholes.

Councilor Cox reported that on Thursday, Jan. 25, there will be a fundraiser for Cape Ann Animal Aid at Jalapenos Restaurant with money raised through a percentage of the food sold that evening either eat-in or take-out; on Saturday, Feb. 3 the Rotary Club will have their Polar Plunge at Long Beach at 10:30 a.m. In regards to Councilor Memhard's Feb. 15th meeting, she noted there are a lot of seasonal homes in the affected areas for the implementation of resident sticker parking, and suggested that the Councilor might want to consider a second meeting later in the spring to get the attention of those seasonally occupied properties/property owners.

Councilor LeBlanc said that it is difficult to hear public comment through speakers at the dais and asked that one speaker hung from the balcony be turned towards the Council. **James Pope**, IT Director, briefly discussed the issue with the Councilors. He assured the issue would be addressed. **Councilor LeBlanc** suggested that the Ward 1 meeting be posted due to the fact that there are other Councilors besides Councilors Memhard and O'Hara that will likely attend. He asked the Administration to respond to the speakers under Oral Communication in less than two weeks as the majority of the speakers were his constituents, Ward 3 residents.

Council President Lundberg advised that he is working on a joint City Council and School Committee meeting with School Committee Chair, Jonathan Pope, and that a tentative date is set for March 6.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:01 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

Submitted under Oral Communications:

- Written statement by Alice Morris, 3 Duley Street
- Written statement by Julie Cleveland, 9 Foster Street, Apt. 1 with photographs