

GLOUCESTER CITY COUNCIL MEETING

Tuesday, April 10, 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 Jennifer A. 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; Mike Hale; Chris Sicuranza; Grace Poirier

The meeting was called to order at 7:01 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:**

Name: Russell Hobbs

Address: 1166 Washington Street

Subject: Complaint: Inattention on the part of the city to dead and rotting trees and tree limbs overhanging public and private property that has caused and is expected to cause damage to persons and property (written statement on file).

Name: Jane Riley

Address: 5 Butman Avenue (owner of 3, 5 & 7 Butman Ave.)

Subject: Complaint: Inattention on the part of the city to dead and rotting trees and tree limbs overhanging public and private property that has caused and is expected to cause damage to persons and property (written statement on file).

Name: Brooke DeVos

Address: 5 Ocean Avenue

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund it’s rebuilding of a community asset.

Name: Margaret Myer

Address: 2 Cove Ledge Lane

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

Name: Susan Zampell

Address: 7 Fuller Street

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

Name: Daniel Shatford

Address: 22R Flume Road

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

Name: Douglas Shatford

Address: 22R Flume Road

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

Name: Mark Nestor

Address: 15 Long Hill Road

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

Name: Sal Parisi

Address: 4 Newton Road

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset with the addition of a footbridge to prevent injuries to children who use the pier..

Name: Rebecca Doyan

Address: 13 Oakes Avenue

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

Name: James Fialho

Address: 49 Magnolia Avenue

Subject: Concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

Name: Colby Doyan

Address: 13 Oakes Avenue

Subject: A young Magnolia resident expressing concern for the poor condition of Magnolia Pier asked that the Magnolia Pier be rebuilt for the community's use, particularly its children.

Name: Adam Philpott

Address: 6 Poplar Court

Subject: Although no longer a Magnolia resident, Mr. Philpott expressed concern for the poor condition of Magnolia Pier and that the city plan for and fund the rebuilding of a community asset.

At the request of **Council President Lundberg**, 42 people present at the Council meeting raised their hands indicating they were in favor of funding the rebuilding of the Magnolia Pier.

Presentations/Commendations: None.

New Appointments: None.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**

Clean Energy Commission Linda Stout-Saunders TTE 02/14/20

- **MAYOR'S REPORT**

1. New Appointment: Cemetery Advisory Committee TTE 02/14/21 Christine Maney (Alternate Member) (Refer O&A)
2. Memorandum from City Auditor re: FY2017 Comprehensive Annual Financial Report (CAFR) (Refer B&F)
3. Memorandum from City Clerk re: acceptance of a donation in the amount of \$500 to the Archives Department (Refer B&F)
4. Supplemental Appropriation-Budgetary Request 2018-SA-28 from the DPW (Refer B&F)
5. Disposition and Recommendation for a three year parking lease agreement for Witham Street Parking Area, 99 Thatcher Rd. (Refer B&F)
6. Memorandum from Assistant DPW Director re: updates to Beach and Stage Fort Park regulations (Refer O&A)
7. Memorandum from the Mayor' re: Recreational Marijuana Recommendations (Info Only)

- **COMMUNICATIONS/INVITATIONS**

1. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Sheila Rider (Info Only)
2. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Kenneth "Buck" Harris (Info Only)
3. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Peter Giordano (Info Only)
4. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Steve Mellen (Info Only)
5. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Susan Galusha (Info Only)
6. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Gordon Burgess (Info Only)
7. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Donna Burgess (Info Only)
8. Response from Mayor's Office to Oral Communications of March 27, 2018 City Council meeting to Lisa Smith (Info Only)

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

1. PP2018-002: petition by Comcast to install +/- 410 feet of underground service including two (2) 24' x 36' vaults, one over conduit one in a sidewalk on Leslie O. Johnson Road & Gaffney Street (Refer P&D)
2. Special Events Application: Request to hold the Fishtown Horribles Parade on July 3, 2018 (Refer P&D)
3. Special Events Application: Request to hold the Harbor Loop Concert Series-Thursdays July 5 thru August 30, 2018 (Refer P&D)
4. Special Events Application: Request to hold the Gloucester Garden Tour on July 7, 2018 (Refer P&D)

5. Special Events Application: Request to hold the Gloucester Block Parties on July 14, August 11 and August 31, 2018 (Refer P&D)
6. Special Events Application: Request to hold the Mother of Grace Fiesta on September 7 & 8, 2018 (Refer P&D)
 - **COUNCILORS ORDERS**
 - 1. CC2018-013 (Nolan) Request State Legislators file a Home Rule Petition re: repayment of funds and/or debt expended for the repair of private ways under section 6N of chapter 40 as established in chapter 44 section 7 for a period of up to ten years (Refer O&A)
 - 2. CC2018-014 (O'Hara) Amend GCO Ch. 2 "Administration" Art. I "General" by ADDING a new subsection 2-9 re: visible exterior signage on municipal buildings/offices (Refer O&A)
 - 3. CC2018-015 (O'Hara) Request the B&F Committee work with the Administration, CFO & City Auditor for the acceptance of credit and debit cards for any fine, fee, charge, tax or cost and other services imposed by the city (Refer B&F)
 - 4. CC2018-016 (Gilman/Nolan) Amend the February 28, 2017 City Council Rules of Procedure by ADDING Item 2A to Rule #2 as follows: "Gloucester Green Tip" (Refer O&A)
 - 5. CC2018-017 (Gilman) Amend GCO by inserting "marijuana", "Tobacco marijuana" and "marijuana products" in certain sections of Code (Refer O&A)
 - 6. CC2018-018 (Gilman) placement of question on ballot for a special election to be held in 2018 which would state "Shall this city adopt the following ordinance? Consistent with MGL c. 94G, sec 3(a)(2), non-medical marijuana retailers as defined in MGL c. 94G sec. 1 shall be limited to one (1) within the City of Gloucester" (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 03/27/2018 (Approve/File)
 - 2. Standing Committee Meetings: B&F 04/05/2018 (under separate cover), O&A 04/02/2018, P&D 04/04/2018 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Council President Lundberg called for Item #7 to be pulled from the Consent Agenda, Mayor's Report, noted as "For Info Only," the Mayor's Memorandum re: Recreational Marijuana Recommendations. He explained that aspects of the Mayor's recommendations, which he enumerated, needed vetting by all three of the City Council Standing Committees, and asked that the Mayor's Memorandum be referred to the O&A, P&D and B&F Committees respectively as these were very important issues. **Councilor Cox** asked if there could be a Council workshop instead of the Standing Committees working on the issues independently. **Council President Lundberg** indicated he would take Councilor Cox's suggestion under advisement but asked in the interim that the memo be forwarded to the Standing Committees as he put forward.

Councilor Cox asked to remove Item #2 from the Consent Agenda, Mayor's Report; Memorandum from City Auditor re: FY2017 Comprehensive Annual Financial Report (CAFR), in order to highlight that the B&F Committee will meet at 5:00 p.m. on May 19 in the 1st Fl. Committee Room to hear a report of the city's outside auditor. **Councilor Gilman** asked that this specific B&F Committee meeting item be posted as a Committee of the Whole agenda so that the six other Councilors may attend that meeting and to be able to participate.

Councilor Memhard asked to pull CC2018-018, placement of question on ballot for a special election to be held in 2018 which would state "Shall this city adopt the following ordinance? Consistent with MGL c. 94G, sec 3(a)(2), non-medical marijuana retailers as defined in MGL c. 94G sec. 1 shall be limited to one (1) within the City of Gloucester from the Consent Agenda. He expressed he wished to amend the Council Order by adding himself as a co-sponsor, with by Councilor O'Hara asking the same. **Councilor Gilman** indicated her acceptance of the amendment to her Council Order to add Councilors Memhard and O'Hara as co-sponsors.

A motion was made, seconded and voted unanimously to accept the Consent Agenda as amended. A second motion was made, seconded and voted unanimously to refer all matters pulled from the Consent Agenda to the respective City Council Standing Committees.

Committee Reports:

Budget & Finance: April 5

Councilor Memhard reviewed that 2018-SBT-7 and -8 is to fund an extractor which is a super high efficiency commercial grade washer than can handle firefighting gear ridding it of any harmful substances and chemicals which helps to extend the life of gear, and keeps the Fire Department in compliance with OSHA regulations.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O'Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2018-SBT-7 in the amount of \$5,000 from Account #0122052-524017, Fire Department, Repairs & Maintenance-Other Equipment to Account #0122058-585000, Fire Department, Capital Outlay-Equipment, for the purpose of funding the purchase of a washer extractor.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted 9 in favor, 0 opposed to approve Special Budgetary Transfer 2018-SBT-7 in the amount of \$5,000 from Account #0122052-524017, Fire Department, Repairs & Maintenance-Other Equipment to Account #0122058-585000, Fire Department, Capital Outlay-Equipment, for the purpose of funding the purchase of a washer extractor.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O'Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2018-SBT-8 in the amount of \$6,000 from Account #0122052-542010, Fire Department, Public Safety Equipment Not Capitalized to Account #0122058-585000, Fire Department, Capital Outlay-Equipment, for the purpose of funding the purchase of a washer extractor.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted 9 in favor, 0 opposed to approve Special Budgetary Transfer 2018-SBT-8 in the amount of \$6,000 from Account #0122052-542010, Fire Department, Public Safety Equipment Not Capitalized to Account #0122058-585000, Fire Department, Capital Outlay-Equipment, for the purpose of funding the purchase of a washer extractor.

Councilor Memhard explained that 2018-SBT-9 and -10 are to transfer funds within the Fire Department budget to help keep all city fire stations open. The Fire Chief conveyed to the B&F Committee that there have been upticks in injuries and some retirements that have dropped the eligible firefighter roster, but now with the hire of two new firefighters it is anticipated the need for overtime will once more drop.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O'Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2018-SBT-9 in the amount of \$2,054.00 from Account #0122052-542009, Fire Department, Telecommunication Equipment Not Capitalized, to Account #0122051-513000, Fire Department, Overtime, for the purpose of funding personnel overtime in order to keep fire stations open.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted 9 in favor, 0 opposed to approve Special Budgetary Transfer 2018-SBT-9 in the amount of \$2,054.00 from Account #0122052-542009, Fire Department, Telecommunication Equipment Not Capitalized, to Account #0122051-513000, Fire Department, Overtime, for the purpose of funding personnel overtime in order to keep fire stations open.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O'Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Special Budgetary Transfer 2018-SBT-10 in the amount of \$1,760.00 from Account #0122052-545000, Fire Department, Custodial & Maintenance Supplies, to Account #0122051-513000, Fire Department, Overtime, for the purpose of funding personnel overtime in order to keep fire stations open.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2018-SBT-10 in the amount of \$1,760.00 from Account #0122052-545000, Fire Department, Custodial & Maintenance Supplies, to Account #0122051-513000, Fire Department, Overtime, for the purpose of funding personnel overtime in order to keep fire stations open.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O'Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice for services rendered during FY2017 with FY2018 General

Fund – Information Technology budgeted funds and additionally with no purchase order in place for Cameron Office Products, Amesbury, MA, Invoice #IN915652, invoice date 07/06/2017 for a total of \$2,684.78.

DISCUSSION: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted 9 in favor, 0 opposed, that in accordance with MGL c. 44, §64 approve payment of a prior year invoice for services rendered during FY2017 with FY2018 General Fund – Information Technology budgeted funds and additionally with no purchase order in place for Cameron Office Products, Amesbury, MA, Invoice #IN915652, invoice date 07/06/2017 for a total of \$2,684.78.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor O’Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a donation from the non-profit organization known as Keep Massachusetts Beautiful in the amount of \$297.00 for the purpose of purchasing three Sidewalk Buttler cigarette receptacles to be installed in high foot traffic areas for the purpose of reducing cigarette litter.

DISCUSSION:

Councilor Memhard offered his thanks to the Clean City Commission Chair, Ainsley Smith for her presentation to the B&F Committee and for the Commission’s efforts for their successful program in removing cigarette butt litter off of city streets by seeking grant funds to purchase cigarette “buttlers,” stationing them around pedestrian high traffic areas. This grant will fund three new buttlers to be placed in various places around the city with all buttlers serviced by volunteer labor.

MOTION: On motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a donation from the non-profit organization known as Keep Massachusetts Beautiful in the amount of \$297.00 for the purpose of purchasing three Sidewalk Buttler cigarette receptacles to be installed in high foot traffic areas for the purpose of reducing cigarette litter.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O’Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2018-SA-27 in the amount of \$480,000.00 (Four Hundred Eighty Thousand Dollars) from the Capital Project Stabilization Fund-Undesignated Fund Balance, Account #7600-359000, to CP Stabilization, Good Harbor Beach Footbridge, Site Improvements Account #760014-584000 for the purpose of funding repairs to the Good Harbor Beach footbridge including design/permitting (\$80,000) and reconstruction (\$400,000).

DISCUSSION:

Councilor Memhard reviewed that as a result of the recent winter storms, the Good Harbor Beach footbridge has suffered significant damage, now closed, and needs to be reconstructed. It is estimated the repairs will cost \$480,000, including design and permitting fees.

Councilor Gilman asked what will help the footbridge to withstand tidal issues. **Mike Hale**, Public Works Director, pointed out specific design aspects will come forward with engineering analysis, noting they’re not at that point to date. He advised the city is simply trying to secure the bridge for the spring/summer season. He explained that during the spring/summer season, the city will go through the design and permitting process to rebuild the footbridge. This funding will allow them to secure an engineer to draw up a design. He mentioned that the footbridge can’t be relocated pursuant to a long-standing land lease with the Bass Rocks Beach Club. He recounted that it was the footbridge ramp and span to the beach that was washed away, pointing out that the “uplift” of the tidal surge damaged some of the bridge supports under the “clear span.” He described some of the issues with the footbridge, one of which is how it constricts the flow of the creek which will be a design consideration for the new clear span. He advised there is no decision as to what materials or type of piles will be used as that will be determined by the city’s consulting engineer. The design, he noted, would be brought to the Conservation Commission (ConCom), the Mass. Dept. of Environmental Protection (MDEP) and other agencies that will be involved in the permit review for the new footbridge. He added that there would be a presentation to the Council on

the design in the fall of 2018. He suggested that it was unlikely to have anything in hand before the fall season to share in great detail. **Councilor Gilman** asked if Mr. Hale could suggest how much higher the new footbridge would stand above the creek given the rise in the creek level. **Mr. Hale** acknowledged they have seen more “pronounced” flood tides (astronomical high tides) in recent years which has changed the shape of the Good Harbor Beach creek, pointing out that will have to be taken into account when planning for the rebuilding of the footbridge. He mentioned that the footbridge must be ADA (Americans with Disabilities Act) compliant.

Councilor O’Hara noted a reference at B&F of the MDEP that had a long-standing concern regarding the restriction of the existing piers to the creek’s outflow and drainage of water upstream. **Mr. Hale** agreed that the MDEP would like to see less restriction on the tidal flow. He noted that the last time the bridge suffered significant damage he was told at a ConCom hearing, with feedback having been received through them from the MDEP, that this would be the city’s last time to repair the footbridge in its current form. He explained that this is something that has to be done highlighting that the city invests “tens of thousands” of dollars in the footbridge annually with DPW workers making the repairs. He briefly described original piles having rotted and the piles that can be seen are simply resting on stone foundations. He also touched on the method by which the tidal surge severely damaged the footbridge. He suggested that from a regulatory standpoint the permitting bodies will want to see a footbridge design that accounts for climate change.

Councilor Hecht highlighted that there is the possibility of a 75% FEMA reimbursement as this was submitted as part of the city’s storm damage claim.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2018-SA-27 in the amount of \$480,000.00 (Four Hundred Eighty Thousand Dollars) from the Capital Project Stabilization Fund- Undesignated Fund Balance, Account #7600-359000, to CP Stabilization, Good Harbor Beach Footbridge, Site Improvements Account #760014-584000 for the purpose of funding repairs to the Good Harbor Beach footbridge including design/permitting (\$80,000) and reconstruction (\$400,000).

Council President Lundberg extended his thanks to Mr. Hale and other city staff involved in this important task and prioritizing the repairs to the footbridge.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O’Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2018-SA-24 in the amount of \$20,000.00 (Twenty Thousand Dollars) from the General Fund, Fund Balance Reserved For Overlay Surplus, Account #0001-322000, to Law Department, Legal Services, Account #0115152-530010 for the purpose of funding anticipated increase in the cost of Legal Services pursuant to City of Gloucester union contract negotiations.

DISCUSSION:

Councilor Memhard recounted that General Counsel, Chip Payson, had described at the B&F meeting of several on-going legal cases that require very specialized technical legal services that as General Counsel his office cannot provide. Mr. Payson conveyed that the transfer of funds to pay for these specialized counsel services will carry his department to the end of the fiscal year, he noted.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2018-SA-24 in the amount of \$20,000.00 (Twenty Thousand Dollars) from the General Fund, Fund Balance Reserved For Overlay Surplus, Account #0001-322000, to Law Department, Legal Services, Account #0115152-530010 for the purpose of funding anticipated increase in the cost of Legal Services pursuant to City of Gloucester union contract negotiations.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O’Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2018-SA- 25 in the amount of \$33,000.00 (Thirty Three Thousand Dollars) from Capital Project Stabilization Fund-Undesignated Fund Balance, Account #7600-359000, to CP Stabilization, Nissan Leaf Purchase, Vehicles Account #760015-585001 for the purpose of funding the purchase of three 2015 Nissan Leaf vehicles per the purchase option included in the underlying lease agreements with Nissan Motors.

DISCUSSION:

Councilor Memhard, highlighting that Gloucester is a “Green Community,” explained that this appropriation is to utilize the purchase option on three Nissan Leaf electric vehicle leases which the city uses for its inspectors, generally stationed at the City Hall Annex. The city considers this program a success with the vehicles being very economical for the city to operate and maintain.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2018-SA- 25 in the amount of \$33,000.00 (Thirty Three Thousand Dollars) from Capital Project Stabilization Fund-Undesignated Fund Balance, Account #7600-359000, to CP Stabilization, Nissan Leaf Purchase, Vehicles Account #760015-585001 for the purpose of funding the purchase of three 2015 Nissan Leaf vehicles per the purchase option included in the underlying lease agreements with Nissan Motors.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O’Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2018-SA-26 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the General Stabilization Fund-Undesignated Fund Balance, Account #7500-359000, to DPW - Public Services, Purchase of Services, Account #0147052-520000 for the purpose of funding the winter storm damage repairs on Stacey Boulevard and Stage Fort Park.

DISCUSSION:

Councilor Memhard conveyed that due to recent storm damage it was advised by the CAO and Public Works Director that funds be appropriated from the Capital Projects Stabilization Fund to allow for the repair of storm damage along Stacy Boulevard and Stage Fort Park. He reported that Mr. Hale explained that this is a very busy season for his department and that there is more work than his department can take up so that much of this work will be contracted out, and included in the FEMA ask.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2018-SA-26 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the General Stabilization Fund-Undesignated Fund Balance, Account #7500-359000, to DPW - Public Services, Purchase of Services, Account #0147052-520000 for the purpose of funding the winter storm damage repairs on Stacey Boulevard and Stage Fort Park.

Ordinances & Administration: April 2

There are no matters for Council action from this meeting.

Planning & Development: April 4

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council accept the documents negotiated by the Administration and Fuller Mixed Use Venture, LLC, that include an Addendum to the Purchase and Sale Agreement regarding affordable housing; a Memorandum of Understanding regarding a Brownfields grant; and a letter of support regarding the proposed development at 71 Middle Street and hereby endorses the Mayor’s letter of support dated March 17, 2018 for the proposed development at 71 Middle Street.

DISCUSSION:

Councilor Gilman conveyed that at the P&D meeting there was a productive discussion on the affordable housing issue contained within the Major Project application by FMUV, LLC. She expressed her appreciation for Councilor Lundberg’s recommendation that the Council not only accept the Mayor’s letter of endorsement for the proposed development of 71 Middle Street (home of the current Cape Ann YMCA) as affordable housing but that the Council add its endorsement and support for the future development of 71 Middle Street development as

affordable housing at a good rate. She extended her thanks to the Administration and the Applicant for a great job in their negotiations and came away with a successful outcome. She asked the Council to join her in support of the motion before them.

Jim Destino, CAO, recounted that at the February 13 Council meeting this matter was referred to the Administration specific to the Affordable Housing piece and the Hardship Claim by the Major Project by FMUV, LLC. He explained that the Administration is asking for the Council endorsement and support by reviewing that:

- The amendment to the P&S (Purchase & Sale Agreement) now carries a sale price for the Fuller property of \$4.1 million (noted as the same net number in the initial P&S).
- The Applicant will build 15% affordable housing units (representing 30 units) at 80% AMI (Average Median Income) at the Fuller site, therefore complying with the Zoning Ordinance. After a vote of the Council it was suggested the Applicant would withdraw its Hardship Application as cited under GZO Sec. 5.11.8.
- The city has control over Brownsfield Grant funds for environmental clean-up projects, and has agreed to award to the Applicant no less than \$475,000 of those grant funds. There is a Memorandum Of Understanding (MOU) with conditions to be met by the Applicant in order to receive the grant funds, some of which were: That the Applicant has applied for the grant funds through the FMUV, LLC non-profit partner (Cape Ann YMCA) per Brownsfield Grant regulations; a new environmental assessment on the Fuller property must be completed within six months. An application was filled out and completed by the YMCA and a grant pre-approval letter has been issued. As long as the conditions are met the grant funds will be awarded.

Mr. Destino conveyed that the Major Project application will now continue forward under the Planning Board's review and with the P&D Committee at a hoped-for accelerated pace. He added that the conversation around the development of additional affordable housing units at 71 Middle Street was important as that project will qualify at the 30% to 60% AMI range with more local control benefiting the city's veterans and seniors. He pointed out that the Mayor fully endorses that project going forward by the YMCA and its partner, Harborlight Community Partners. He summarized that the FMUV project will now consist of: market rate housing units that back up the city's Housing Production Plan; affordable housing rate units at 80% AMI and at 30% to 60% AMI at the 71 Middle Street site; "critical mass" to build out the retail stores at the shopping center and a state-of-the-art new YMCA with central parking.

Council President Lundberg noted that the applicant is amending their application to include the affordable housing on site in accordance with the Zoning Ordinance which means the hardship debate falls off allowing the Applicant to move forward with its Special Council Permit. The applicant submitted documentation (in response to a city peer review, on file) which will be taken up by the Planning Board on the technical details of the project. That Board will finish its work and forward a recommendation to the Council. He expressed his hope that the Council will be able to take up motions on the application on May 22 at the close of the Council's Public Hearing on the matter.

Councilor Cox asked if the public hearing needs to be readvertised as a result of this amendment to the P&S.

Council President Lundberg indicated that matter has been reviewed and advised readvertisement isn't necessary.

Councilor Gilman extended her thanks to the Administration, Jim Destino, city staff and the Applicant for working together saying there was a sharing of ideas and flexibility shown by all parties, to the good of the city. She indicated she would be look forward to a vote on the FMUV Major Project coming forward to the Council.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted 9 in favor, 0 opposed to accept the documents negotiated by the Administration and Fuller Mixed Use Venture, LLC, that include an Addendum to the Purchase and Sale Agreement regarding affordable housing; a Memorandum of Understanding regarding a Brownfields grant; and a letter of support regarding the proposed development at 71 Middle Street and hereby endorses the Mayor's letter of support dated March 17, 2018 for the proposed development at 71 Middle Street.

Peter Gourdeau, Windover Construction, representing FMUV, LLC extended his thanks to the Administration and city staff who worked collaboratively to gain a good resolution. Speaking on behalf of the YMCA, he noted the city's support for the project at 71 Middle Street will be meaningful citing the tax credits that will fund the project which is a limited resource. The financial support of the city, he contended, would set the project apart in a competitive grant funding process. As to this specific FMUV, LLC Hardship Application, Mr. Gourdeau presented the Council with a letter dated April 10, 2018 in which FMUV, LLC indicated its withdrawal

of the request dated September 6, 2017 for the approval of an Alternative Method of Affordability under GZO 5.11.8. He then read the letter and submitted it for the record.

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 (TBC 05/22/18)**

This public hearing was opened at 8:13 p.m. by Council President Lundberg.

This public hearing was continued at 8:13 p.m. by Council President Lundberg to May 22, 2018.

This public hearing is continued to May 22, 2018.

2. **PH2018-016: Local adoption of the Commonwealth of Massachusetts DEP Division of Air Quality Control Policy, Noise Regulation (310 CMR 7.10) AND Amend GCO Ch. 13 "Noise" (TBC 04/24/18)**

This public hearing was opened at 8:14 p.m. by Council President Lundberg.

This public hearing was continued at 8:14 p.m. by Council President Lundberg to April 24, 2018

This public hearing is continued to April 24, 2018.

3. **PH2018-003: Amend GZO by ADDING a Footnote "T" 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**

The public hearing was opened at 8:15 p.m.

Councilor LeBlanc noted the discussion at P&D of April 4 on this GZO amendment between the Committee and the Planning Director with an outcome of an unfavorable recommendation. He asked to withdraw his Council Order without prejudice. He advised he would work with the Planning Director to rewrite the zoning amendment.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, that CC2017-057(Orlando/LeBlanc) Amend GZO by ADDING a Footnote "T" to Sec. 3.2.1, inserting into the CB column, & to ADD same footnote as Footnote "h" in the CB column for Sec. 3.2.2 re: affordable housing, be withdrawn without prejudice.

4. **PH2018-017: Loan Order 2018-003: Loan Authorization for municipal building improvements in the amount of \$675,000**

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

Those speaking in favor:

Mike Hale, Public Works Director, highlighted that in the 10 years he's been the Public Works Director there were questions as to whether the Police Station would remain at its location at 197 Main Street so a "conscious" decision was made to not invest much in the way of capital improvements into the building. Once the decision was reached to keep the Police Station at that location the building's heating system was replaced; a new roof was put on the building; offices were built; jail cells were recently refurbished. He advised that the next important building improvement is the replacement of the entire building circa 1970's windows which not only leak water but heating and cooling. This funding will allow for an architect to be hired and bid for a complete window replacement project for the Police Station which also houses the District Court. Describing some of the difficult issues caused by the leaking windows, **Mr. Hale** noted that the windows' glazing is gone and that the windows are well past their life expectancy. He indicated the work will be done by the fall of 2018.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:19 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor O'Hara, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the following loan order:

Ordered: That the City of Gloucester appropriates Six Hundred Seventy Five Thousand Dollars (\$675,000) to pay costs of building envelope and related interior improvements including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the projects.

Further Ordered: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

DISCUSSION:

Councilor Memhard reviewed that the building will remain for some time and the windows need replacement which are expensive but it is a project that must be undertaken.

Councilor Hecht expressed his agreement that while this is an expensive project, it is a necessary one.

Councilor O'Hara noting that the Police Station is an old building, indicated that the loan funds need to be invested to allow for the building to continue operating in a safe fashion for the building's occupants. He expressed his support for the loan order to maintain the Police Department and District Court, and to continue to keep this public building functional.

Councilor Nolan, saying that the Police Station will be remaining at a good central location, noted that he's seen first-hand the leaks experienced in the building. Mentioning that the work done recently to the building's roof and the heating system has made a great improvement, he pointed out that maintaining the city's buildings by investing in their infrastructure is less expensive than building new, and will assist in conserving the city's energy costs. He added his thanks to Mr. Hale for his hard work on this project.

Council President Lundberg pointed out that this was the right thing to do for an important city asset, that this is a quality of work life issue in an important city building. He mentioned the city's tenant in the Police Station is the District Court and that the city wants to keep it in place by being a good landlord. He added his support for the loan order.

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

Ordered: That the City of Gloucester appropriates Six Hundred Seventy Five Thousand Dollars (\$675,000) to pay costs of building envelope and related interior improvements including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for and accept any and all grants or gifts that may be available to the City to pay costs of the projects.

Further Ordered: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

5. PH2018-018: Amend GCO Ch. 4 “Animals” Art. II “Dogs” Sec. 4-16d “Off-leash dog areas” re: Crab Beach

This public hearing is opened at 8:23 p.m.

Those speaking in favor:

Linda Brayton, 527 Washington Street, noted that there are approximately 3,000 licensed dogs in the city. She highlighted that dogs have limited open space to be let off leash especially in the summer months where the only public place to be off leash is the Dog Park at Stage Fort Park. She pointed out the progress made for dogs to be allowed off-leash in the off season on city beaches. She mentioned some initiatives since 2014 for dogs and their owners, such as Mutt Mitts, Dog-Friendly Gloucester, and the establishment of the Animal Advisory Committee. She asked that Crab Beach be made dog friendly year round.

Cindy Dunn, 7 Rose Lane, thanked the Council, especially Councilor LeBlanc. She expressed her support for the proposal that Crab Beach becomes a year round water and beach area for off-leash dogs and their owners. She also mentioned the Mutt Mitt volunteer program.

Sheryl Reed, 12 Middle Street, noted she and her husband are dog owners, and that Stacey Boulevard and Stage Fort Park is the area they walk their dogs daily. She noted that Crab Beach is underutilized, and that the majority of people on or off season there are dog owners. She pointed out that she rarely sees anyone using Crab Beach for any other purpose. She asked the Council to allow off leash dogs on Crab Beach year round. Ms. Reed’s full written statement was placed on file.

Those speaking in opposition: None.

Communications: Friends of the Gloucester Dog Park in support of dogs being allowed off leash on Crab Beach year round.

Councilor Questions: None.

This public hearing is closed at 8:34 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 to Amend GCO Ch. 4 “Animals”, Art. II “Dogs”, Sec. 4-16d “Off-leash dog areas” by ADDING: “(c) Dogs shall be allowed on “Crab Beach” off leash at all times subject to the enumerated conditions contained in Sec. 4-16a.”

DISCUSSION:

Councilor LeBlanc expressed his thanks to the Animal Advisory Committee and the Council for keeping an open mind. He noted the O&A Committee in completing its due diligence gained the input of Police Chief John McCarthy who expressed he had no issues with Crab Beach from an enforcement standpoint. He explained that as a dog owner that this is a good effort to give dogs another venue to socialize, as well as their owners. He expressed his support for the opening of Crab Beach to dogs off leash year round.

Councilor Holmgren expressed thanks to the Council and the “stalwart” dog owners and supporters who worked to move measures such as this as well as supporting programs forward. She noted she’s not a dog owner but recognized the need for equitability for dogs and their owners, and expressed she was pleased to bring this amendment to the Code of Ordinances forward.

Councilor Gilman, noting she is a Mutt Mitt volunteer, highlighted that Crab Beach will allow for a place for dogs to cool off in the summer which all dogs need and enjoy. She expressed her support.

Councilor Memhard expressed his support of the ordinance amendment.

Councilor O’Hara thanked Councilor Holmgren and the residents who came out to support the ordinance amendment. Prior to this Order coming forward there was no place for dogs to swim in the summer, he pointed out, and this will now give dogs and their owners’ beach access in the summer. This is a place for dogs and for people to cohabitate and enjoy the beach, he noted, and added his support.

Councilor Nolan highlighted that many of the recent dog ordinances have taken some time to come forward, and briefly recounted the efforts of the two Ad Hoc Dog Committees. He expressed his support for the ordinance.

Councilor Hecht mentioned a fundraiser he hosted for the Dog Park recently and expressed his support.

Councilor Cox, mentioning the loan order public hearing only had a member of city staff speaking either in favor of opposition, she pointed out, that for this public hearing there were 20 people in the audience, some of whom came forward to speak in favor of the ordinance amendment. She expressed her appreciation for the effort to gain this solution, noting she, too, is a Mutt Mitt volunteer.

Council President Lundberg pointed out that this is his third term on the Council and in that time the constant theme is that dog owners are responsible for complying with the ordinances and that the experience is that it is reality of a standard that people can peaceably cohabitate -- dog owners and non-dog owners.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 4 “Animals”, Art. II “Dogs”, Sec. 4-16d “Off-leash dog areas” by ADDING: “(c) Dogs shall be allowed on “Crab Beach” off leash at all times subject to the enumerated conditions contained in Sec. 4-16a.”

6. PH2018-019: Amend GCO Ch. 4 “Animals” Art. II “Dogs” by ADDING a new subsection 4-16(f); Amend Ch. 1-15 “Penalty for violation of certain specified sections of code” by ADDING Ch. 4 Art. II, Sec. 4-16(f) re: chaining or tethering dog to stationary object; confinement; restriction; penalty AND Amend Ch. 4 “Animals” Art. I “In General” by ADDING a new subsection 4-3; Amend Ch. 1-15 “Penalty for violation of certain specified sections of code by ADDING Ch. 4, Art. I, Sec. 4-3 re: confinement of an animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or firefighter; penalties.

This public hearing is opened at 8:45 p.m.

Those speaking in favor:

Alicia Pensarosa, Chair of Animal Advisory Committee highlighted passage in 2016 MA Bill 2369 “Preventing Animal Suffering and Death” in 2016 which ensures animals can be rescued from hot cars, limits the time dogs spend on a tether and increases law enforcement of existing prohibitions on keeping dogs in cruel conditions. She reviewed other aspects of this state law in some detail briefly. She indicated that while this law is already being enforced statewide, by incorporating it into the Code of Ordinances it will inform citizens of the conditions unacceptable for dogs. She noted other area municipalities such as Ipswich that have taken the same action. Ms. Pensarosa submitted a statement of her full comments for the record.

Diane Corliss, 3 Linden Road, city Animal Inspector of 10 years and former city Animal Control Officer of three years, as well as a member of the Animal Advisory Committee, also highlighted the Mass. law being proposed to be incorporated into the Code of Ordinances saying that it was groundbreaking law as it recognizes all dogs’ emotional health. She touched upon her experience with dogs found in poor conditions during her time as an Animal Control Officer, saying that had this law been in place she would have been able to handle certain concerning situations differently with better outcomes. She offered her support for the ordinance amendment.

Cindy Dunn, 7 Rose Lane, a volunteer with Cape Ann Animal Aid, 6 years as its president, added her support for these measures before the Council. She mentioned that by taking this stand dogs will have rights and deserve to be protected.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:54 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. 4 “Animals,” Art. II “Dogs” by ADDING new subsection 4-16(f) as follows:

“Sec. 4-16(f). Chaining or tethering dog to stationary object; confinement; restrictions; penalty

- a. No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24-hour period and outside from 10:00 p.m to 6:00 a.m. unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering employed shall not allow the dog to leave the owner’s, guardian’s or keeper’s property. The tether shall be designed for dogs and no logging chains or other lines or devices not designated for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of

the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.

- b. A person shall not leave a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat, cold, wind, rain, snow or hail pose an adverse risk to the health or safety of the dog based on the dog's breed, age or physical condition, unless the tethering is for not more than 15 minutes.
- c. An exception to a restriction on outdoor confinement under this section that is reasonably necessary for the safety of a dog shall be made for a dog that is: (i) present in a camping or recreational area pursuant to the policy of the camping or recreational area; or (ii) actively engaged in conduct that is directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products.
- d. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purpose of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:
 - i. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
 - ii. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and,
 - iii. subjecting a dog to dangerous conditions, including attacks by other animals.
- e. A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50.00; for a second offense, be punished by a fine of not more than \$200.00; and for a third or subsequent offense, be punished by a fine of not more than \$500.00, and be subjected to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog."

DISCUSSION:

Councilor LeBlanc noted this was before the O&A Committee with the CAO mentioning concern for redundancies in the Code of Ordinances. The recommendation by the Animal Advisory Committee and the O&A Committee was to move forward with support of this initiative. As the former Animal Control Officer conveyed, he pointed out, this is something that should be acted upon locally.

Councilor Holmgren explained this was discussed extensively at the Animal Advisory Committee highlighting that this was the first law to acknowledge dogs' individual rights; and that for those dog owners cited for animal neglect and cruelty this will put them on notice.

Council President Lundberg noted there are four motions and suggested that they all be read verbatim.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 4 "Animals," Art. II "Dogs" by ADDING new subsection 4-16(f) as follows:

"Sec. 4-16(f). Chaining or tethering dog to stationary object; confinement; restrictions; penalty

- a. **No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24-hour period and outside from 10:00 p.m to 6:00 a.m. unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designated for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.**

- b. **A person shall not leave a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat, cold, wind, rain, snow or hail pose an adverse risk to the health or safety of the dog based on the dog's breed, age or physical condition, unless the tethering is for not more than 15 minutes.**
- c. **An exception to a restriction on outdoor confinement under this section that is reasonably necessary for the safety of a dog shall be made for a dog that is: (i) present in a camping or recreational area pursuant to the policy of the camping or recreational area; or (ii) actively engaged in conduct that is directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products.**
- d. **No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purpose of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:**
 - i. **filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;**
 - ii. **taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and,**
 - iii. **subjecting a dog to dangerous conditions, including attacks by other animals.**
- e. **A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50.00; for a second offense, be punished by a fine of not more than \$200.00; and for a third or subsequent offense, be punished by a fine of not more than \$500.00, and be subjected to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog."**

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. 1-15 "Penalty for violation of certain specified sections of code by ADDING Chapter 4, Art. II, Section 4-16(f) as follows:

"Chapter 4, Section 4-16(f) Chaining or tethering dog to stationary object; confinement; restrictions; penalty

Penalty:

First offense -- written warning or a fine of not more than \$50.00;

Second offense -- a fine of not more than \$200.00; and

Third or subsequent offense -- a fine of not more than \$500.00, and be subjected to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog."

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 1-15 "Penalty for violation of certain specified sections of code by ADDING Chapter 4, Art. II, Section 4-16(f) as follows:

"Chapter 4, Section 4-16(f) Chaining or tethering dog to stationary object; confinement; restrictions; penalty

Penalty:

First offense -- written warning or a fine of not more than \$50.00;

Second offense -- a fine of not more than \$200.00; and

Third or subsequent offense -- a fine of not more than \$500.00, and be subjected to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog."

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. 4 "Animals," Art. I "In General" by ADDING new subsection 4-3 as follows:

"Sec. 4-3. Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties

- a. A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
- b. After making reasonable efforts to locate a motor vehicle's owner, an animal control officer as defined in MGL Ch. 140, §136A, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. An animal control officer, law enforcement officer or fire fighter may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.
- c. An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have been accrued for the maintenance, care, medical treatment and impoundment of the animal.
- d. An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (b), and the agency or municipality that employs the officer or firefighter shall be immune from criminal or civil liability that might otherwise result from the removal.
- e. After making reasonable efforts to locate a motor vehicle's owner, a person other than an animal control officer, law enforcement officer or fire fighter shall not enter a motor vehicle to remove an animal to protect the health and safety of that animal in immediate danger unless the person: (i) notifies law enforcement or calls 911 before entering the vehicle; (ii) determines that the motor vehicle is locked or there is no other reasonable means for exit and uses not more force than is reasonably necessary to enter the motor vehicle and remove the animal; (iii) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal; and (iv) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.
- f. A person who removes an animal from a motor vehicle pursuant to subsection (e) shall be immune from criminal or civil liability that might otherwise result from the removal.
- g. A violation of subsection (a) shall be a civil infraction punishable by a fine of not more than \$150.00 for a first offense, by a fine of not more than \$300 for a second offense, and by a fine of not more than \$500 for a third or subsequent offense.
- h. Nothing in this section shall preclude prosecution under section 77 of chapter 272."

DISCUSSION:

Councilor LeBlanc conveyed his thanks to the Animal Advisory Committee saying that these animals aren't just pets but family members likening it to leaving a dog in a car under difficult conditions, the same leaving a child, which in either case is unacceptable.

Council President Lundberg commended the work of the Animal Advisory Committee.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 4 "Animals," Art. I "In General" by ADDING new subsection 4-3 as follows:

"Sec. 4-3. Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties

- a. A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
- b. After making reasonable efforts to locate a motor vehicle's owner, an animal control officer as defined in MGL Ch. 140, §136A, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. An animal control officer, law enforcement officer or fire fighter may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.
- c. An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have been accrued for the maintenance, care, medical treatment and impoundment of the animal.
- d. An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (b), and the agency or municipality that employs the officer or firefighter shall be immune from criminal or civil liability that might otherwise result from the removal.
- e. After making reasonable efforts to locate a motor vehicle's owner, a person other than an animal control officer, law enforcement officer or fire fighter shall not enter a motor vehicle to remove an animal to protect the health and safety of that animal in immediate danger unless the person: (i) notifies law enforcement or calls 911 before entering the vehicle; (ii) determines that the motor vehicle is locked or there is no other reasonable means for exit and uses not more force than is reasonably necessary to enter the motor vehicle and remove the animal; (iii) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal; and (iv) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.
- f. A person who removes an animal from a motor vehicle pursuant to subsection (e) shall be immune from criminal or civil liability that might otherwise result from the removal.
- g. A violation of subsection (a) shall be a civil infraction punishable by a fine of not more than \$150.00 for a first offense, by a fine of not more than \$300 for a second offense, and by a fine of not more than \$500 for a third or subsequent offense.
- h. Nothing in this section shall preclude prosecution under section 77 of chapter 272."

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. 1-15 "Penalty for violation of certain specified sections of code by ADDING Chapter 4, Art. I, Section 4-3 as follows:

"Chapter 4, Section 4-3. Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties

Penalty:

First offense -- fine of not more than \$150.00;
Second offense -- a fine of not more than \$300.00; and
Third or subsequent offense -- a fine of not more than \$500.00”

DISCUSSION:

Councilor LeBlanc extended his commendation to the Animal Advisory Committee for their commitment and work that they do in their advisory capacity bringing forward such matters to the O&A Committee on domestic and wild animals.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 1-15 “Penalty for violation of certain specified sections of code by ADDING Chapter 4, Art. I, Section 4-3 as follows:

“Chapter 4, Section 4-3. Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties

Penalty:

First offense -- fine of not more than \$150.00;
Second offense -- a fine of not more than \$300.00; and
Third or subsequent offense -- a fine of not more than \$500.00”

For Council Vote: None.

Unfinished Business: None.

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

Update of the Tourism Commission by City Council Representative, Councilor Ken Hecht who highlighted the following matters: There is a cruise ship planning meeting at Cruiseport on Tuesday, April 17, 6:00 p.m. He mentioned a meeting on Wednesday, April 25 with the Planning Department to review the Main Streets program related to tourism to help to restart the Commission.

Councilors’ Requests to the Mayor:

Councilor Hecht highlighted the following matters: Visioning for the downtown - meeting with Arthur “Sookie” Sawyer, President of the Mass. Lobstermen’s Association, and a local lobsterman, learning that there are about 160 working lobster boats in Gloucester Harbor; working with Ringo Tarr, to make plans for the budgeting of the lighting up the downtown trees and light posts; meeting with Mark Nestor at the American Legion building to work to find an architect to assist with this historical building’s exterior renovations and painting plans prepared, obtain funding and get the project completed; meeting with the staff at the Main Street Action Shelter; and a meeting with Vito Giacalone and his three sons of Fishermen’s Wharf to speak about their fishing out of the city’s port and that they are the “#1 lander” of seafood, over 13 million pounds annually. He reviewed he conducted the first ward meeting of his Council tenure with 60 residents in attendance explaining that it was a respectful and creative meeting with many issues aired. He thanked Councilor Holmgren for her participation at that meeting. He noted his attendance at a “Life Sciences in the Suburbs” meeting in Boston last week and reported that with respect to the Gloucester Marine Genomics Institute (GMGI) there is interest from a “major player” whom it is hoped will come to Gloucester. He suggested with proper marketing of GMGI that the city will be able to be well positioned to attract companies to the city as rents in the immediate Boston area are so high. He added a reminder that on Tuesday, April 17 from 6:00 p.m. to 8:30 p.m. a Coastal Resilience Workshop will be held in Kyrouz Auditorium at City Hall. He concluded his remarks by noting that on Friday, April 13 there will be an all-day Essex County Arts & Cultural Summit held at the Cabot Theater which he planned on attending.

Councilor Gilman announced the city’s Spring Household Waste Day will take place on Saturday, April 14 from 9:00 a.m. to 12 noon at the DPW yard on Poplar St. Residents will need to register to participate by 11:00 a.m. on Friday, April 13, by calling 978-281-9785. She asked that a Request to the Mayor be submitted to relocate the Mutt Mitt station in front of Fishermen’s Wives Memorial to the entrance of Crab Beach in anticipation of more dogs in that area. She wished Councilor Holmgren and City Clerk, Joanne Senos a happy birthday, both whom celebrated a birthday recently. Highlighting Councilor Nolan’s Council Order calling for a Home Rule Petition pursuant to the length of betterments for the paving of private ways, she indicated it would helpful to know what

Councilors should do for residents of private ways currently wanting to enter that particular process under the Code of Ordinances. She asked if Councilor Nolan could assist them by putting forward some suggestions at the next Council meeting.

Councilor O'Hara asked that potholes be continued to be filled to assist the safe transit of emergency vehicles in a timely fashion over city roadways. He encouraged residents to call their Councilors if their roadways are in poor disrepair. He mentioned Magnolia Pier and the recommendations of the community members who spoke this evening under Oral Communications. He pointed out that he and other concerned Magnolia volunteers have maintained the pier for some time for the enjoyment of many folks. He also highlighted the issues raised by two residents who spoke about their concerns for falling limbs and trees. He mentioned his recent request to MassDOT about just such an issue, and extended an offer to assist the DPW in locating trees in poor condition. He requested that the Mayor through the DPW review the condition of the Fuller property which continues to deteriorate, pointing out that the city still owns the property so it should be maintained to keep it safe for public transit and use. He noted that 1st Parish Cemetery and Clark Cemetery needs to have debris and knotweed removed.

Councilor Holmgren noted that on Tuesday, April 3 she attended the National Service Recognition Day for Senior Care and Backyard Growers volunteers at City Hall pointing out that volunteers make up the "backbone" of many community organizations. On Thursday, April 5 she advised she'd attended the North Shore Post-Partum Health Diaper Summit held at Beverly Hospital. This addressed needs among the population of impoverished parents who are dealing with diaper shortages and food anxiety. She advised that the North Shore Post-Partum Depression group meets the first Thursday of the month at Beverly Hospital or the Addison Gilbert Hospital. For more information go to the North Shore Post-Partum Depression Task Force Facebook page. She announced that on Thursday, April 19 from 7:00 p.m. to 8:30 p.m. there will be a "Tiny Houses" panel held at the Sawyer Free Library to discuss the national trend towards tiny houses and briefly described the panelists involved with or living in tiny houses.

Councilor Memhard thanked the Council for their vote to fund the repairs and rebuilding of the Good Harbor Beach footbridge and briefly described some of the associated environmental issues. He also highlighted the Coastal Resilience Workshop to be held Tuesday, April 17th and mentioned Klinefelter Report. He noted the private ways betterments upcoming in East Gloucester and issues surrounding the filling of potholes on private ways.

Councilor LeBlanc announced that Maplewood School is no longer city-owned property. He noted he and Councilor Gilman had a constructive listening post meeting with Riverview Road residents Sunday, and will move forward to try to assist those residents. He reported he had observed that the Gloucester High School high school track and field had about 200 athletes on it this afternoon and is in good shape given its recent storm surge flooding.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Under Oral Communications:** **Russell Hobbs**, 1166 Washington Street: statement; photographs; SeeClickFix archived documents; photographs; handwritten memo signed by 10 Butman Avenue and Washington Street residents; **Jane Riley**, owner of 3, 5 & 7 Butman Ave., written statement
- **Under Planning & Development Committee Report:** Submitted by Peter C. Gourdeau, Windover Construction, Beverly, MA representing FMUV, LLC withdrawing request dated September 6, 2017 for the approval of Alternate Method of Affordability under GZO Sec. 5.11.8
- **Under Public Hearings:** **Sheryl Reed**, 12 Middle Street in support for opening Crab Beach to off-leash dogs year round pursuant to GCO amendment; **Alicia Pensarosa**, 18 Derby Street, support for anti-tethering/confinement GCO amendment pursuant to previously passed state law