

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 14, 2018 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox (left the meeting at 9:11 p.m.); Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer 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; Dr. Richard Safier; Jonathan Pope; Sen. Bruce Tarr

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:**

Name & Address: **Nicholas Holland**, 11 Jebeka Lane

Subject: Expressing opposition to 186 Concord Street cluster development saying the development of 12 units is being proposed for the low density residential area which is the area’s zoning highlighting the topography and infrastructure issues. Written statement placed on file.

Name & Address: **Dennis McGurk**, 283 Concord Street

Subject: Expressing opposition to 186 Concord Street cluster development speaking of land use development plans of the city which highlighted preservation of open spaces, quoting a section of the Gloucester Zoning Ordinance. He noted what he considered a disconnect with written guidelines expressing concern for the Planning Board’s process. Written statement placed on file.

Name & Address: **Grant Clark**, 279 Concord Street

Subject: Expressed concern for the Planning Board process with regard to the 186 Concord Street cluster development and what is proposed by the developer. He advised this development is not welcome by the neighbors in the area. High density development changes the character of the neighborhood, and he asked the Council to express their concern to the Planning Board, the Mayor and any other board that may have purview on this matter. Written statement placed on file.

Name & Address: **Peter Radochia** 259 Concord Street

Subject: Expressed concern for the 186 Concord Street cluster development for its possible environmental impact to the area, especially run off from the proposed development. He mentioned an adjoining cluster development that he opined had increased rain runoff and flows onto Concord Street and neighboring properties, and that flooding occurs near 246 Concord Street which he described. He also expressed concern for the Planning Board process. Written statement placed on file.

Name & Address: **Jennifer McTiernan**, 34 Coles Island Road

Subject: Expressed concern that the 186 Concord Street cluster project developer is building on a parcel that has a stream running through its center. As an abutter, she advised her concern that the proposed septic system will not be adequate to support the proposed 12 three-bedroom homes. She mentioned the Daylor Report done at the behest of the city and quoted a statement from it in support of her statements of opposition to the cluster development. Written statement placed on file.

Name & Address: **Alice Eastland**, 7 Whale Rocks Road

Subject: Spoke in opposition to the 186 Concord Street cluster development. She questioned the Planning Board’s process saying this development was an “aberration” in the neighborhood. She asked the Council to make the concerns of the residents known and heeded. Written statement placed on file.

Name & Address: **Carrie Fryklund**, 240 Concord Street

Subject: Expressed her objection to the cluster development at 186 Concord Street based on her concern for the area's environment and wildlife as well as the neighbors whom she indicated will be affected negatively. She conveyed the proposal was a too intensive development. Written statement placed on file.

Name & Address: **Richard Cousins**, 137 Bray Street

Subject: Voiced his objection to the 186 Concord Street cluster development.

Name & Address: **John Rogers**, 139 Bray Street and owner of 141 Bray Street

Subject: Voiced his objection to the 186 Concord Street cluster development.

Name & Address: **Stephen Kasnet**, 25 Overlook Avenue

Subject: Expressed concern for the 186 Concord Street cluster development.

Name & Address: **Debbie Holland**, 11 Jebeka Lane

Subject: Asked for the Council's involvement in the Planning Board's process regarding the 186 Concord Street cluster development. Written notes placed on file.

Forty people present at the request of the **Council President Lundberg** raised their hands indicating their objecting to the 186 Concord Street Cluster development. Mentioning that the speakers noted the matter is before the Planning Board not the City Council, and while they are the residents' elected officials, the Zoning Ordinance gives the authority to the Planning Board. The Board can approve or disapprove cluster developments or approve with modifications. He noted that as to changing the Zoning Ordinance, it is something the Council can do in the future but advised such an action wouldn't affect this particular development.

Presentations/Commendations:

Presentation by Brad Nichols, Senior Project Manager, regarding the MBTA project on the replacement of the Gloucester Drawbridge over the Annisquam River

Beth Larkin, Assistant General Manager for Capital Delivery, with the Massachusetts Bay Transportation Authority (MBTA) expressed that the representatives of the MBTA were pleased to make this presentation to the Council updating them on the replacement of the Gloucester Drawbridge over the Annisquam River, an approximately \$57 million construction job. She assured that the MBTA is making "an on-going commitment" to ensure maintenance of train service for the community throughout the project's duration.

Mr. Nichols, MBTA Senior Project Manager, conveyed the following information to the Council through a Power Point Presentation (on file):

- The drawbridge as it exists was shown that carries the Newburyport/Rockport commuter line, built in 1911, reconstructed in 1932 and updated in 1984. The structure is two tracks with a control tower for the drawbridge over the Annisquam Bridge.
- Existing bridge conditions were touched on, highlighting extensive deterioration of steel members, including rusting, corrosion and pockets of pack rusts. Inspections are on-going and the bridge is regularly monitored.
- Plans of the proposed bridge were shown and construction staging was reviewed:
 - Stage 0: Preliminary repair work to strengthen and stabilize the bridge to maintain service during construction stages. There were diversions weekdays over the summer that allowed for mid-day diversions for Stage 0 to allow the bridge to be in the open position (channel open to boat traffic). The open position allows safe, productive access to the areas that require strengthening.
 - Stage 1: After strengthening and stabilizing the bridge, they'll divert all train traffic onto the north track and demolish the southern half of the timber trestle and existing span. The contractor will install external bracing and access platform prior to demolition of existing southern timber trestle.
 - Stage 2: Construction of the new southern span and approach spans; trains still running on the north track; install new southern track and signal system.
 - Stage 3: Relocate traffic onto the new southern track and demolish the existing northern structure and track; reconstruct new northern span and approaches; install new northern track and signal system.
- Currently the project is in Stage 0 with weekday diversions being maintained through August 31, 2018.

- Stage 1 Construction will begin fall of 2018.

COUNCILOR QUESTIONS:

Councilor Holmgren expressed appreciation for the work being done to remediate an unsafe situation. She recounted that the residents of Woodward Avenue have dealt with quality of life and health issues due to idling trains at the (West Gloucester) train station, and thanked the MBTA for moving the trains away from there. She requested as the train bridge project moves forward if things like that affects abutting neighborhoods that the MBTA involve people on a local level in order to gain as much input as possible from abutting neighbors. **Mr. Nichols** assured the MBTA is a community partner and wants to have good communication, and would work with the community as much as possible.

Councilor Memhard asked if there will be dredging on the abutments of the bridge and if it was in conjunction with the plans by the Army Corps of Engineers to dredge the Annisquam River. **Mr. Nichols** advised the MBTA is aware of the federal project to dredge the Annisquam River channel which is important to Cape Ann. Noting that there are in-water work “windows” there will be some overlap, and they’ll look to see how the MBTA can partner through that process.

Councilor Cox recounted that at the first meeting when this matter was presented, there were people interested in preserving pieces from the bridge by way of a donation of the MBTA to the Cape Ann Museum, pointing out that request was made at Council when Sen. Tarr was present. **Mr. Nichols** advised he would follow up and look into the matter.

Councilor Gilman mentioned the presence of Jen and Russell Berkshire of Woodward Avenue to acknowledge their thanks to MBTA for coming up with the solution for the idling trains in their neighborhood. Mentioning that the pilings on the new bridge will have openings between them which will give boaters a better sight line around what is currently a blind corner on the Annisquam River. She asked through the Administration that the MBTA PowerPoint presentation that this power point presentation through the Administration be made available on the city’s website so that the general public can view it.

Councilor Hecht asked what the anticipated completion date was for the project and also asked that on the new bridge there be local art. **Mr. Nichols** indicated the MBTA would follow up on the Councilor’s request about the art aspect. It is anticipated that overall the project duration will be about four years overall.

Councilor O’Hara asked how the adjoining neighborhood roadways to the bridge project will be utilized and during what hours would this occur. **Mr. Nichols** advised most of the project work is planned for normal workday hours. Much of the traffic will come down Whittemore Street from Route 128, he noted, and that the contractor will have marine access as well and will bring in as much materials as possible in that manner. Responding to a follow-up question by **Councilor O’Hara**, **Mr. Nichols** advised that as to employee laydown and laydown parking area it is currently in the Cape Ann Forge area by easement. **Councilor O’Hara** asked that the employees of the MBTA contractors be considerate of the neighborhood. He suggested there would be a night shift and asked the impact be minimized to the adjoining neighborhoods and that this issue and others be addressed ahead of time. He then asked if there will be any off-site staging areas. **Mr. Nichols** advised he didn’t know of any at this time.

Councilor LeBlanc noted he is the Ward Councilor for the neighborhood which is well aware this project is coming. There are several streets in the area that have certain weight limits, he pointed out, and the contractors need to take that into account. He offered to meet with Mr. Nichols and any other MBTA officials and Sen. Tarr’s representative Barry Pett to discuss issues to make this process as smooth a transition as possible for the bridge neighborhoods.

Council President Lundberg, noting he was a railroad professional, expressed he was impressed with the MBTA plans to replace a bridge and maintain train traffic. He conveyed his appreciation for Mr. Nichols appearance before the Council.

Sen. Bruce Tarr expressed his thanks to the MBTA officials present. He advised it is critical that safety and train services are maintained throughout the Annisquam Bridge replacement project, calling the MBTA train service the “lifeblood” of Cape Ann. He noted an Annisquam River federal dredging project scheduled for next fall. The area not dredged is from the bridge to the “yellow house is on the corner” as it has different sediment than the rest of the Annisquam River which is why that particular area is being omitted. He assured that 98% of the river will be dredged. He suggested a similar presentation to the Council on the upcoming federal dredging project. He concluded his remarks by saying he was available to work with the city to liaise with residents for any issues that may arise due to the bridge project.

Councilor Cox asked that while the trains aren't operating downtown that the MBTA do what they can to clean up trash and debris on the tracks until the end of August. She also asked the MBTA to repair its fence line on Washington Street train corridor.

Councilor Nolan reported that on Laurel Street the MBTA fence line has been pushed over by snow, and that the fence topped with barbed wire is reaching down into the roadway. He asked that the MBTA remediate the situation.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
Economic Development & Industrial Corp. R. Billings Bramhall TTE 07/01/2018
- **MAYOR'S REPORT**
 1. Memorandum, Grant Application & Checklist from Interim Police Chief re: acceptance of the FY19 State 911 Support & Incentive Grant in the amount of \$86,795 (Refer B&F)
 2. Memorandum, Grant Application & Checklist from Interim Police Chief re: application for the FY19 State 911 EMD & Training Grant in the amount of \$115,978.84 (Refer B&F)
 3. Memorandum, Grant Application & Checklist from Fire Chief re: acceptance of the FEMA Assistance to Firefighter Grant 2017 in the amount of \$321,819 for an ambulance, with a 10% match from the city in the amount of \$32,181 (Refer B&F)
 4. Memorandum and Supplemental Appropriation Budgetary Request 2019-SA-35 from the CFO (Refer B&F)
 5. Memorandum from Shellfish Warden re: request acceptance of funding from the Mass. Division of Marine Fisheries' Great Marsh Green Crab Trapping Program in the amount of \$10,000 (Refer B&F)
 6. Memorandum from Clean City Commission Chair re: acceptance of a donation of 200 cloth grocery bags from Harbor Cove Dental with a value of \$100 (Refer B&F)
 7. Memorandum from Community Development Director re: request to pay FY18 invoice with FY19 funds (Refer B&F)
 8. Memorandum from IT Director re: request to pay FY18 invoice with FY19 funds (Refer B&F)
 9. Memorandum, Grant Application & Checklist from the Planning Director re: acceptance of the FY19 Coastal Resilience Grant in the amount of \$63,345 (Refer B&F)
 10. Memorandum from CFO re: request to pay FY18 invoices with FY19 funds (Refer B&F)
 11. Memorandum and Supplemental Appropriation Budgetary Request 2019-SA-36 from CFO (Refer B&F)
 12. Memorandum and Supplemental Appropriation Budgetary Request 2019-SA-37 from CFO (Refer B&F)
- **COMMUNICATIONS/INVITATIONS**
 1. Response from Mayor's Office to Oral Communications of June 26, 2018 City Council Meeting to James Cook (Info Only)
 2. Response from Mayor's Office to Oral Communications of June 26, 2018 City Council Meeting to Ainsley Smith (Info Only)
 3. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Amy Balin (Info Only)
 4. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Hermine Bogin (Info Only)
 5. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Paul Borgman (Info Only)
 6. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Brian Cassidy (Info Only)
 7. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Marsha Collins (Info Only)
 8. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Jared Downey (Info Only)
 9. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Irwin Falk (Info Only)
 10. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Cyndy Fortier (Info Only)
 11. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Andy Goddard (Info Only)
 12. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Howard Hackett (Info Only)
 13. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Louis A. Linquta (Info Only)
 14. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Tom Mannle (Info Only)
 15. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Denis O'Donnell, MD (Info Only)
 16. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Deb Pollock (Info Only)
 17. Response from Mayor's Office to Oral Communications of July 10, 2018 City Council Meeting to Rachel Refalo (Info Only)
 18. Response from Mayor's Office to Oral Communications of July 24, 2018 City Council Meeting to Joseph Palazola (Info Only)
 19. Response from Mayor's Office to Oral Communications of July 24, 2018 City Council Meeting to Louise Palazola (Info Only)
 20. Response from City Clerk to Oral Communications of July 24, 2018 City Council Meeting to Amanda Kesterson (Info Only)
- **APPLICATIONS/PETITIONS**
 1. City Council Civility Resolution (FCV 8/28/18)
 2. Petition pursuant to City Charter Sec. 9-1(b) "Group Petition" re: "Request a public hearing to discuss stopping artificial fluoridation of city water" (City Council)
 3. Special Events Application: request to hold the Gran Prix of Gloucester on October 13 & 14, 2018 (Refer P&D)
 4. PP2018-008: petition by National Grid to install approximately 20' of 2"-4" conduit southwest off existing Pole #186 on Magnolia Avenue towards Magnolia Avenue #10
- **COUNCILORS ORDERS**
 1. CC2018-032 (LeBlanc)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 07/24/2018 (Approve/File)
 2. Standing Committee Meetings: B&F 08/09/18 (under separate cover), O&A 08/06/18, P&D 08/08/18 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Cox asked to remove the Confirmation of Reappointment in order to note that the term to expire should be 07/01/21 not 07/01/18. The Council voted unanimously to confirm the correct term for the reappointment of R. Billings Bramhall as 07/01/21.

Council President Lundberg removed Items 1 and 2 under Applications/Petitions. As to Item #1, City Council Civility Resolution, he recounted for the Council that a Civility Resolution was passed two years ago signed by the entire Council; however, since then two new Councilors were voted into office. He pointed out that the Civility Resolution still remains in force and effect. He advised that the language that will come before the Council at its August 28 meeting is identical language voted on in 2016 (on file and in Council 8/14/18 agenda packet), and that the minutes of the Council from that vote discussion are part of the Council's agenda packet also. **Councilor Cox** advised it has been suggested the Civility Resolution be added to the Council's Rules of Procedure in order that all Councilors are required to sign it when new Councilors are sworn in at each term. She conveyed it was her opinion it is not necessary to place the document in the Council's Rules as it is appropriate they act civilly to each other and to the citizens of Gloucester.

As to Item 2, **Council President Lundberg** reviewed that the Council is in receipt of a petition pursuant to the City Charter Sec. 9-1(b) "Group Petition" requesting a public hearing from 150 signatories that will prompt a public hearing regarding the city's ceasing artificial fluoridation of the city's water. He reported that city staff will review the substance of the petition to give the Council advice on what they need to do, and that a hearing will be scheduled within the next 90 days. **Councilor Cox** asked if there is any limit to the number of times that a certain topic can come forward before the Council. **Council President Lundberg** highlighted that the Council will receive advice on that matter prior to it coming forward to public hearing, noting that this was put forward as a ballot question and had a public hearing prior to this petition.

The Council voted unanimously to accept Items #1 and 2 under Applications/Petitions.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: August 9

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A a state grant from the Mass. Department of Public Health, Bureau of Substance Abuse Services, a Mass. Opioid Abuse Prevention Collaborative Services Grant (MOAPC), for an amendment of \$200,000 with a maximum obligation of \$100,000 per fiscal year for two years effective July 1, 2018 through June 30, 2020 for a total grant contract for all years of \$700,000. The purpose of this grant is to address the opioid crisis through a strategic regional approach with the Town of Danvers and City of Beverly.

DISCUSSION:

Councilor Cox offered that this is a grant the city has had before previously for acceptance, and that the city has now been awarded a grant for an additional \$200,000 with no match.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A a state grant from the Mass. Department of Public Health, Bureau of Substance Abuse Services, a Mass. Opioid Abuse Prevention Collaborative Services Grant (MOAPC), for an amendment of \$200,000 with a maximum obligation of \$100,000 per fiscal year for two years effective July 1, 2018 through June 30, 2020 for a total grant contract for all years of \$700,000. The purpose of this grant is to address the opioid crisis through a strategic regional approach with the Town of Danvers and City of Beverly.

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 the following Special Budgetary Transfer 2019-SBT-1 in the amount of \$10,000 from Account #0121151-513009, Police-Uniform, Overtime-Beach to Account #0121152-520000, Police-Uniform, Purchase of Services for the purpose of hiring police patrol personnel from surrounding towns' Police Departments up to and including Labor Day 2018.

DISCUSSION:

Councilor Cox advised this action provides for additional funds for the Police Department to hire outside police department officers to staff traffic and beach patrols.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to approve the following Special Budgetary Transfer 2019-SBT-1 in the amount of \$10,000 from Account #0121151-513009, Police-Uniform, Overtime-Beach to Account #0121152-520000, Police-Uniform, Purchase of Services for the purpose of hiring police patrol personnel from surrounding towns' Police Departments up to and including Labor Day 2018.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, 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 prior year invoice for fees for services rendered of regional NERAC Cache Equipment in June 2018, Invoice Number 1424 dated July 6, 2018 for barriers used during St. Peter's Fiesta in FY2018 to be paid with FY2019 General Fund – Police Department budgeted funds for a total of \$45.00.

DISCUSSION:

Councilor Cox advised that because St. Peter's Fiesta ended on the first day of the new fiscal year the invoice wasn't received until after the close of FY18.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 to approve payment of prior year invoice for fees for services rendered of regional NERAC Cache Equipment in June 2018, Invoice Number 1424 dated July 6, 2018 for barriers used during St. Peter's Fiesta in FY2018 to be paid with FY2019 General Fund – Police Department budgeted funds for a total of \$45.00.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, 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 by Language Line Services, Inc., an interpreter service, Invoice Number 4357211 dated June 30, 2018, in FY2018 to be paid with FY2019 General Fund – Police Department budgeted funds for a total of \$34.05.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 to approve payment of a prior year invoice for services rendered by Language Line Services, Inc., an interpreter service, Invoice Number 4357211 dated June 30, 2018, in FY2018 to be paid with FY2019 General Fund – Police Department budgeted funds for a total of \$34.05.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, 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 prior year invoice for Recycling Fluorescent lighting through Veolia ES Technical Solutions, LLC, Chicago, IL, Invoice Number EW1455252 dated April 24, 2018 for a total of \$1,038.24 in FY2018 to be paid with FY2019 DPW Solid Waste, Purchase of Services budgeted funds.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 to approve payment of prior year invoice for Recycling Fluorescent lighting through Veolia ES Technical Solutions, LLC, Chicago, IL, Invoice Number EW1455252 dated April 24, 2018 for a total of \$1,038.24 in FY2018 to be paid with FY2019 DPW Solid Waste, Purchase of Services budgeted funds.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A a federal grant from the National Park Service passed through the Essex National Heritage Commission, a 2018 Essex Heritage Visitor Center Grant for a total of \$2,500 for the purpose of supporting the activities of the City's Visitor Welcome Center at Stage Fort Park. The grant period is from July 1, 2018 through June 30, 2019.

DISCUSSION:

Councilor Cox noted that this annual no match grant the city receives.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A a federal grant from the National Park Service passed through the Essex National Heritage Commission, a 2018 Essex Heritage Visitor Center Grant for a total of \$2,500 for the purpose of supporting the activities of the City's Visitor Welcome Center at Stage Fort Park. The grant period is from July 1, 2018 through June 30, 2019.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a cash donation of \$1,800 to the City of Gloucester from Michael Deneen for the purchase of light timers as a part of the "Light Up Main Street" Project.

DISCUSSION: None.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a cash donation of \$1,800 to the City of Gloucester from Michael Deneen for the purchase of light timers as a part of the "Light Up Main Street" Project.

Ordinances & Administration: August 4

There were no matters for Council action from this meeting.

Planning & Development: August 6

There were no matters for Council action from this meeting. **Councilor Gilman** mentioned that the conversation on the zoning of recreational marijuana retail establishments continues at the Committee's next meeting on August 22. She added there had been a rigorous conversation at the Committee's last meeting on the subject as found in the minutes of 08/08/18.

Scheduled Public Hearings:

1. PH2018-031: Draft Marijuana Establishments ordinance to replace existing GZO Sec. 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" with a new Sec. 6.27 "Marijuana Establishments Ordinance"; Amend Sec. 2.3 "Use Tables"; Amend Sec. 2.3.2 "Community Services Uses"; and DELETE Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments (TBC 08/28/2018)

This public hearing is opened at 8:18 p.m.

Council President Lundberg announced this public hearing is continued to August 28, 2018.

This public hearing is continued to August 28, 2018 at 8:18 p.m.

2. PH2018-043: Loan Order 2018-008: Loan Authorization request to pay costs of various improvements to Newell Stadium, in the amount of \$1.15 million

This public hearing is opened at 8:18 p.m.

Those speaking in favor:

John Dunn, CFO, asked for Council support for the loan authorization to remediate a portion of Newell Stadium. He advised this was a complicated project; that the city spent about \$3.7 million on the stadium to date. He reported that of that about \$1.6 million was received in donations; fees; a state PARK Grant and CPA funds grant. When the need was identified for additional work, the Auditor's and Treasurer's Offices looked into the complicated financing, he advised. He recounted that the first appropriation vote by the Council was in February 2011 with four subsequent appropriation votes; revenues and expenditures are spread across six different funds. In the end, he pointed out; they were able to identify about \$193,000 that was available in donation funds to support the project. They're looking to have the Council approve a loan order for \$1.15 million to start the project and be able to finish it as quickly as possible. The total that may be borrowed will be about \$1.1 million, he advised. He asked that if the Council votes to approve the loan authorization he asked the Council for a vote to reconsider in order for the City to move forward with the signing of contracts.

Those speaking in opposition:

Joel Favazza, 28 Middle Street, School Committee member speaking as an individual citizen, asked that the Council not vote to fund the project stating that this was a lack of long-term planning on the city's part and turn away "wasteful spending" acting in the interest of city taxpayers. He noted this loan order for a reconstruction project wasn't vetted by the Capital Improvement Advisory Board (CIAB) pointing out that previous Administration and Councils would have forwarded such project expenditure to that body for review. He advised when the Newell Stadium renewal project was initiated; it went to the CIAB for review. He recounted that Donald Fryklund looked at the presented plans advising the track would sink and the bleachers would fail. He highlighted that a member of the Stadium Building Committee appeared before the CIAB noting that the contractor had advised that if they surcharged the field for 10 months that, "the contractor can guarantee less than a ½ inch of settling." The CIAB recommended the project as long as additional geotechnical surveys were done with adequate surcharging to prevent settling of the site. The city had Mr. Fryklund take core samples which showed remains of the former marsh and dump refuse who reported that no amount of surcharging of the field would prevent it from settling and a new location for the field should be found. He suggested that the city has "wasted" \$1.6 million in donations and \$2 million in loaned funds on a stadium that will likely continue to have these issues and a variety of other financing. He asked the Council seek independent expert analysis as to what needs to be done to make economically feasible corrections to the site; and if they don't exist he urged the Council not to rebuild. He advised the Council has been given no real options -- the bleachers have been demolished and the track is torn up.

Communications: None.

Councilor Questions:

Councilor Gilman noted that on August 9 at the Budget & Finance Committee meeting it was noted that the issues on the field was not due to the previous winter flooding. She asked how the field was affected by the storm surge on January 3, 2018. **Mr. Hale** advised the turf field is made of a green fibrous material and a pellet material is laid in the turf to determine the loft of the turf pile, and many of the pellets were lost during that flooding. It is an on-going issue, he noted. As far as structural damage, a representative of the turf company advised there was nothing wrong with the turf. He noted that there is annual maintenance on the turf field and supplementation and redistribution of the pellets is part of it.

Councilor Cox asked Mr. Hale to address objections to the loan order. **Mr. Hale** advised Newell Stadium is not being moved it was chosen by the community to be there after long deliberation longer than his term as Public Works Director. He reported that difficult decisions were made by the Newell Stadium Building Committee that had a finite budget with a lot of amenities they wanted to be included were removed from the project. The Building Committee was comprised of members of the public who did the best they could in choosing from a number of options for the foundation of the bleachers, he noted. In hindsight they may have chosen differently taking the more expensive option, he suggested, but at the time went with a lower version for a foundation. He added that the entire area was a former marsh and dump which includes the High School which isn't being moved. They're asking to make a solid foundation under the bleachers in service of the city's youth in order to let high school sports go forward with family and friends able to come and watch. This is an opportunity to fix what went wrong and make it available for the future, he highlighted. **Councilor Cox** asked if this remediation project should have gone before the CIAB for review. **Jim Destino**, CAO, said, "No." He advised loan orders are voted all the time by the Council without a CIAB review. He pointed out that the review Mr. Favazza has suggested would prolong the project and drive up its costs. When the Mayor took office the Administration was advised that there was a problem with the bleachers, and now they're fixing it. He reported that the city entered into a continuation of this contract to get the design done at no cost. He conveyed the bleachers should have been put on pilings when installed, and assured that the new piling system will work. Delaying this project to go through the CIAB will also drive away two contractors that the city has a relationship with and a contract continuation. He pointed out that the city has some culpability in

this matter. He noted that it's the city's responsibility to get it done now. He urged the Council to vote for this loan order to get the stadium to where it should be for the next 50 years. **Councilor Cox** asked why the demolition preceding the project went forward without having the loan order in place. **Mr. Destino** pointed to the explanation the CFO made earlier, due to the need to unravel the comingled funds with the assistance of the City Auditor. At the advice of Bond Counsel the city moved forward with this loan authorization; after that the city will dissolve the rest of the loan orders which have appropriations remaining. The city moved forward because they had appropriations and donations in place, he added.

Councilor O'Hara noted that there were two separate flooding events last winter on the High School property, and that the Governor had advised that flooding is the new norm. This is a large sum of money, he pointed out, and asked if there is an engineering document that says this facility won't be affected by the hydraulic pressure of the ocean. **Mr. Destino** pointed out the stands will now be on pilings. The engineering company advised the pilings will hold the stands. The flooding at the high school came from over the canal. He highlighted that a grant is going to be before the Council to raise the seawall and other remediation from the state's Coastal Zone Management. That is the plan going forward, he pointed out. **Councilor O'Hara** expressed concern for the use of taxpayer monies for the remediation project. **Mr. Destino** pointed out that the same design work was utilized for the stadium's bathroom facilities to place it on pilings and the facility was unaffected -- now the bleachers will be made the same. There is an engineer's design that has accepted liability that this remediation is going to work, **Councilor O'Hara** confirmed with **Mr. Destino**.

Councilor Hecht acknowledged that the city negotiated with the engineering firm and made an arrangement. **Mr. Destino** advised there is no charge for the engineering services for the project which would have cost \$200,000 had the city gone out to bid. This is costing a lot less to do the remediation than it normally would, he added. **This public hearing is closed at 8:41 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, 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 One Million One Hundred Fifty Thousand Dollars (\$1,150,000) to pay costs of making various improvements to Newell Stadium, including among other things, track and field facilities, multi-purpose athletic field, spectator seating, irrigation and building improvements and for the payment of all other 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, Section 7, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. 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 Holmgren, noting that this was a difficult decision for the Council to make, expressed appreciation for the opinions both for and against the funding indicating it is a difficult decision. She noted on the Consent Agenda that the city will be asked to accept a grant from Coastal Zone Management for coastal resilience to protect the city from flooding risks. She conveyed that she understood at some point there may be a need to move the Newell Stadium sometime in the future, but these are problems of a coastal community. She expressed support for the loan and that she was pleased the city is seeking assistance with making plans for the future.

Councilor Hecht noted at the B&F Committee review he'd brought up the possibility of recovering some or all of this money from errors and omissions insurance carried by the engineering firms, but conveyed he was impressed that the Administration has a good relationship with the engineering design and construction firm and has saved money on the engineering costs. He asked the Administration to keep an open mind for possible pursuit of

recovering funds from the previous engineers insurance on the project and expressed his reluctant support of the loan order.

Councilor Gilman advised her support of the loan order saying she was pleased the city will build up the Annisquam River seawall. She suggested sending an update on these matters to the people who did the fundraising for the stadium renewal asking that they reach out to Dick Wilson to explain about the decisions being made for a workable plan. She also offered her thanks to the Administration.

Councilor LeBlanc expressed appreciation for Mr. Favazza's comments, but pointed out that the bleachers are a problem and that although a goodly sum of money will be spent for remediation, if they don't do the project now it will cost more in the future. He expressed his support for the loan order to give the city's youth the kind of facility he and others didn't have growing up.

Councilor Cox offered her support highlighting that this damage was not caused by flooding but was a failure to build certain aspects for the stadium correctly the first time. It is not going to be fixed necessarily with a higher seawall but they need to look into coastal flooding.

Councilor O'Hara expressed his thanks to Mr. Destino and Mr. Hale for their participation. He advised he wouldn't support the loan authorization, noting the stadium always had problems and those problems will continue. Highlighting that flooding is the "new normal," he suggested a need to change the way the city build things. He conveyed that they owe it to the students to give them a stadium, but they have to look at every dollar to ensure it's spent appropriately. He expressed his lack of confidence that the proposed remediation will work.

Council President Lundberg advised his support for the loan order because a stadium needs to be fixed which is their responsibility. The Administration did its best to come up with a plan and would want this matter moved forward.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 1 (O'Hara) opposed, to recommend that the City Council authorize the following loan order:

Ordered: That the City of Gloucester appropriates One Million One Hundred Fifty Thousand Dollars (\$1,150,000) to pay costs of making various improvements to Newell Stadium, including among other things, track and field facilities, multi-purpose athletic field, spectator seating, irrigation and building improvements and for the payment of all other 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, Section 7, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. 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.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 1 (O'Hara) in favor, 8 opposed to reconsider the vote on Loan Order 2018-008: Loan Authorization request to pay costs of various improvements to Newell Stadium, in the amount of \$1.15 million.

MOTION FAILS.

- 3. PH2018-044: Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-267 "One-way streets - Generally" by ADDING "While school is in session on weekdays, Concord Street from the entrance of West Parish School southwest to Essex Ave. (approximately 285 feet) from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m." AND Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-145 "Stopping, Standing and Parking" by ADDING "Live parking (drivers to remain with their**

vehicles) for the purpose of picking up students at West Parish School will be permitted on the north side of Concord Street from the entrance of West Parish School 444 feet in a northerly direction (towards Fire Station) during the same hours as described in Sec. 22-267” AND Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-265 “Turning Movements - Generally” by ADDING “No left turn from Concord Street onto the West Parish School property from 2:45 p.m. to 3:15 p.m. and on early release days from 11:45 a.m. to 12:15 p.m. while school is in session”

This public hearing is opened at 8:58 p.m.

Those speaking in favor:

Jonathan Pope, Chair of the School Committee, speaking on behalf of the School Committee reported the following on the proposed Code of Ordinances traffic amendments: The School Committee has reached consensus for its support of the amendments excepting the proposal to make Essex Avenue to the entrance of West Parish one way during pick up times, but do support the no left turn into the entrance to West Parish School from Concord Street. They ask that the Council make a right turn only out of the West Parish School onto Concord Street which wouldn't impede traffic in either direction and only affects people going into the school. This would keep traffic moving and by requiring the right turn only out of the school property it would create an optimum situation. The amendment for live parking would stand. By way of background, the School Committee explored more permanent physical solutions over the summer for which the cost estimates were substantial. The consensus from the School Committee's Building & Finance Committee was that it is not in the cards to solve the problem by physical remediation. The School Department will be restricting release of students unless they are truly walkers of which there are only 17 that live within safe walking distance. Once they have the bus routes determined they will look at off-site pick up locations for students who choice into West Parish from the city, totaling 40 students. Those students don't get transportation, but they'll offer after school drop off by bus either to Stage Fort Park, the High School or O'Maley Middle School, so choice parents don't have to come to the school to pick up their students and will eliminate some of the congestion. At the next School Committee meeting they'll vote about sending an advisory to the Police Department to enforce the no left turn into the school.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:04 p.m.

Councilor LeBlanc advised he reached out to the Superintendent of Schools, Dr. Richard Safier, earlier in the day to ensure correct amendments were made to the Code of Ordinances for these matters and asked to withdraw the first Committee recommendation based on the Superintendent's and Mr. Pope's recommendations as follows:

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-267 “One-way streets-Generally” by ADDING: “While school is in session on weekdays, Concord Street from the entrance of West Parish School southwest to Essex Avenue (approximately 285 feet) from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to allow the withdrawal of the initiative to Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-267 “One-way streets-Generally” by ADDING: “While school is in session on weekdays, Concord Street from the entrance of West Parish School southwest to Essex Avenue (approximately 285 feet) from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m.

MOTION WITHDRAWN.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-145 “Stopping, Standing and Parking” by ADDING: “Live parking (drivers to remain with their vehicles) for the purpose of picking up students at West Parish School will be permitted on the north side of Concord Street from the entrance of West Parish School 444 feet in a northerly direction (towards the Fire Station) during the same hours as described in Sec. 22-267.”

DISCUSSION:

Councilor LeBlanc explained this action allows people to live park on the West Parish side of the street coming from the Fire Station in a queue so students can come out of the school get into cars to leave school in an orderly fashion.

A motion was made by Councilor LeBlanc, seconded by Councilor Nolan to amend the main motion by adding the language, "from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m."

DISCUSSION ON THE MAIN MOTION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-145 "Stopping, Standing and Parking" by ADDING: "Live parking (drivers to remain with their vehicles) for the purpose of picking up students at West Parish School will be permitted on the north side of Concord Street from the entrance of West Parish School 444 feet in a northerly direction (towards the Fire Station) from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m."

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-265 "Turning Movements-Generally" by ADDING: "No left turn from Concord Street onto the West Parish School property from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m. while school is in session."

DISCUSSION:

Councilor LeBlanc moved to amend the main motion by adding: "No left turn from the West Parish School property onto Concord Street from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m. while school is in session", seconded by **Councilor Nolan**.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan the City Council voted 9 in favor, 0 opposed, to amend the main motion by adding: "No left turn from the West Parish School property onto Concord Street from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m. while school is in session."

DISCUSSION ON THE MAIN MOTION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-265 "Turning Movements-Generally" by ADDING: "No left turn from Concord Street onto the West Parish School property from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m. while school is in session and "No left turn from the West Parish School property onto Concord Street from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m. while school is in session."

Councilor Cox departed the meeting at 9:11 p.m.

- 4. PH2018-045 : Municode Legal Review and Recommendation of GCO revisions Ch. 1 "General Provisions"; Ch. 2 "Administration"; Ch. 5 "building and Building Regulations"; Ch. 10 "Waterways Administration"; Ch. 17 "police"; Ch. 18 "Schools"; Ch. 22 "Traffic and Motor Vehicles"; Ch. 24 "Vehicles for Hire"; Appendix C "Personnel Ordinance"**

This public hearing is opened at 9:12 p.m.

Those speaking in favor:

Chip Payson, General Counsel, noted that there was recognition for the need to review the city's Code of Ordinances and Zoning Ordinance. The city's Ordinances are hosted on line by a company called, Municode. The

Council approved an appropriation of funds to hire Municode that has lawyers who review a municipality's ordinance to ensure it complies with federal and state law. The report was issued split in two pieces; a Zoning Ordinance piece that went to P&D and a general ordinance piece to O&A. At O&A it was split again because what is before the Council is the slight technical corrections. The material that is more substantive is still with O&A and may move forward piecemeal and requires more work. He gave several examples of what is included before the Council such as in GCO Sec. 1-15 delete all references to Sec. 4-16a because 4-16a expired in 2014; a correction to the reference to GCO Sec. 14-15 which should be 14-16. The more substantive changes require drafting and review before they come before the Council, he added.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Holmgren asked for clarification on GCO 4-16a as to what expired and if it would affect the rest of the ordinance. **Mr. Payson** explained that none of these changes will substantively affect the rest of the ordinance. He advised that in GCO 4-16a "Dogs allowed on beaches at certain times", subparagraph 13 which expired on December 31, 2017 so that the technical correction to the ordinance is to delete it there and under Sec. 1-15 "Penalties for Violation of certain sections of the Code."

This public hearing is closed at 9:18 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 the Gloucester Code of Ordinances based on General Counsel's Memorandum dated July 16, 2018 from attachment entitled, "LIST 1."

Discussion:

Councilor LeBlanc noted that the amendments contained in General Counsel's memo dated July 16 were from recommendations through Municode, the city's consultant that reviewed the Code of Ordinances. There is a group of amendments that will be forwarded to the Council in the coming months and mentioned that O&A may have a special meeting to discuss those items involved in List 2.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to AMEND the Gloucester Code of Ordinances based on General Counsel's Memorandum dated July 16, 2018 from attachment entitled, "LIST 1."

Councilor LeBlanc stated that due to the result of the legal review of the Gloucester Code of Ordinances, it was recommended that an Ad Hoc Committee be created for the purpose of reviewing Chapter 11 "Hawkers, Peddlers, Transient Vendors and Special Events" to be made up of city department heads, the CAO, General Counsel and a representative of the City Council. The recommendations of this Ad Hoc Committee will be forwarded to the O&A Committee when ready for its consideration for any amendments to Chapter 11.

5. PH2018-0 46: Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-269 "Stop intersections" by ADDING "Traverse Street at its intersection with Haskell Street"

This public hearing is opened at 9:20 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:20 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. 22 "Traffic and Motor Vehicles" Sec. 22-269 "Stop intersections" by ADDING "Traverse Street at its intersection with Haskell Street."

Discussion:

Councilor Memhard noted that this is a difficult intersection and adding a stop sign is important saying in the past there was a fatality at this location. He noted that the Traffic Commission chair requested this be added to the city's ordinances.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-269 "Stop intersections" by ADDING "Traverse Street at its intersection with Haskell Street."

6. PH2018-0 46: Amend GCO Ch. 22 "Traffic and Motor Vehicles" Art. V "Stopping, Standing and Parking", Div. 1 "Generally" Sec. 22-176(a) "Penalties for violation" by DELETING "45.00" in Code 04 and replacing it with "75.00" AND Amend GCO Ch. 22 "Traffic and Motor Vehicles", Art. V "Stopping, Standing and Parking" Div. 1 "Generally" by ADDING Sec. 22-176(b) as follows: "If the citation is paid not more than 21 days after the issuance of the fine, the fine shall be \$75; if the citation is paid more than 21 days after the issuance of the fine, but before the parking clerk reports to the registrar as provided under Section 21A ½ of Chapter 90 of the Massachusetts General Laws, the fine shall be \$80; if the citation is paid more than 21 days after the issuance of the fine and after the parking clerk has so reported, the fine shall be \$100".

This public hearing is opened at 9:23 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:23 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. 22 "Traffic and Motor Vehicles", Sec. 22-176(a) "Penalties for violation" by DELETING "45.00" in Code 04 and ADDING "75.00".

DISCUSSION:

Councilor LeBlanc explained that Councilor O'Hara put forward a Home Rule Petition which the state approved to increase parking violations particularly in the beach zones. The scofflaws are parking around beach area streets rather than paying to park in the beach parking lots, he highlighted, saying now those illegally parked cars will be subject to a much higher fine and may inhibit the illegal parking.

Councilor O'Hara advised that this action came out of the Beach Traffic Ad Hoc Committee and expressed hope this would help people in the Good Harbor Beach area in the long term, and offered his thanks to the former members of the Beach Traffic Ad Hoc Committee.

Councilor Memhard noting this is his ward expressed appreciation for this effort saying that this would be helpful to his ward, and asked for a way to communicate this new fine structure and suggested that signage reflect the dollar amount. He asked this change also be posted prominently on the city's website. He advised that this gives teeth to enforcement in order to give some relief to residents around the Good Harbor Beach area.

Councilor Nolan thanked Councilor O'Hara and the Beach Traffic Ad Hoc Committee suggesting that this would not only help the Good Harbor Beach area but other beach zones in the city saying that this will make a difference.

Councilors Holmgren, Gilman and Council President Lundberg also offered their thanks to both Councilor O'Hara and the Beach Traffic Ad Hoc Committee as well as their support for the ordinance amendment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-176(a) "Penalties for violation" by DELETING "45.00" in Code 04 and ADDING "75.00".

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. 22 “Traffic and Motor Vehicles” Article V “Stopping, Standing and Parking” Division 1 “Generally”, Sec. 22-176(b) by ADDING to Sec. 22-176 (b) as follows:

If the citation is paid not more than 21 days after the issuance of the fine, the fine shall be \$75; if the citation is paid more than 21 days after the issuance of the fine, but before the parking clerk reports to the registrar as provided under Section 20A½ of Chapter 90 of the Massachusetts General Laws, the fine shall be \$80; if the citation is paid more than 21 days after the issuance of the fine and after the parking clerk has so reported, the fine shall be \$100.

DISCUSSION: None

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Ch. 22 “Traffic and Motor Vehicles” Article V “Stopping, Standing and Parking” Division 1 “Generally”, Sec. 22-176(b) by ADDING to Sec. 22-176 (b) as follows:

If the citation is paid not more than 21 days after the issuance of the fine, the fine shall be \$75; if the citation is paid more than 21 days after the issuance of the fine, but before the parking clerk reports to the registrar as provided under Section 20A½ of Chapter 90 of the Massachusetts General Laws, the fine shall be \$80; if the citation is paid more than 21 days after the issuance of the fine and after the parking clerk has so reported, the fine shall be \$100.

For Council Vote:

1. *Communication regarding SCP2015-001 Decision for 250 Concord Street to allow applicant to withdraw without prejudice*

Council President Lundberg conveyed this matter came forward through the applicant to build a cell tower in West Gloucester who received a Special Council Permit in 2015 and advised they won’t be constructing the tower. By this action the Council will take, it is implied that if this Special Permit is declared null and void, any new tower applicant will have to start over the Special Council Permit procedure.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Hecht, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to declare Special Council Permit SCP2015-001: Concord Street #250, Map 248, Lot 13, GZO Sec. 5.13 Personal Wireless Service Facility null and void without prejudice.

Councilor Nolan offered that he’d attended many meetings, listened to the neighbors. He noted the strong opposition group, “No Tall Tower.” He expressed his belief that the City Council, the neighbors and everyone involved came to a reasonable solution for a much needed cell tower in West Gloucester. He advised he found it concerning that one individual can follow through with law suits long enough to prevail and inconvenience the entire community on both sides of the Annisquam River over their own ideas to the point where the attorneys from AT&T gave in.

Unfinished Business: None.

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

Update on the Council on Aging by City Council Representative, Councilor Val Gilman, highlighted the following matters: Carter Whitlock from the Clean City Commission discussed to better prepare seniors for the upcoming single use bag ban. On September 25 on flu shot day reusable bags will be handed out to attending seniors, and reviewed upcoming events at the Rose Baker Senior Center. She mentioned the Smart Phone orientation is on August 15 at 10:00 a.m. and free to anyone else on a federal support program and \$10 for all other participants and on August 27 there is a more advanced course on Smart Phones, all done at the request of the seniors. She noted the seniors from the Rockport Council on Aging and the Rose Baker Senior Center attended the Annisquam Village Players production of The Little Mermaid recently.

Councilors’ Requests to the Mayor:

Councilor Holmgren updated the Council on the Animal Advisory Committee activities reporting on their July 12 voting on several recommendations to the Administration for next steps in protecting the piping plover

population. As City Council representative she met with city staff about next steps such as enforcement, signage, education, beach use, ordinance changes and monitoring. The plan is for the city to be ready for the plovers in 2019. The Animal Advisory Committee next meets on August 23 at 6:30 p.m. at the Sawyer Free Library Friend Room.

Councilor Memhard mentioned last weekend's reenactment of the Battle of Gloucester on Pavilion Beach and on the city's harbor. This weekend at Stage Fort Park is the Waterfront Festival kicked off with the Rotary Club's pancake breakfast.

Councilor Nolan reminded that resident sticker parking means what it is -- that you need a resident sticker to park on restricted roadways not a registration, easily obtained and it is the law.

Councilor LeBlanc reminded that there is a blood drive at the Sawyer Free Library at 9:00 a.m. Saturday, August 18. He requested a Council Order to be written to make Babson Street resident sticker parking only. He also requested that the Traffic Commission remove a handicap parking space on Summer Street in front of #26.

Councilor Hecht announced that on Thursday at 5:30 p.m. there is a Ward 2 meeting to talk about parking taking place at the Gemillaro/Ciarametaro playground. He mentioned that he and the DPW Director walked Main Street today to look at possible improvements. There will be another Ward 2 meeting to discuss security cameras at Burnham's Field soon. Tomorrow evening he'll meet with the Committee for the Arts about downtown. He advised he'd set up a Tourism Commission meeting as the Council's liaison but learned he's not supposed to call meetings and advised the Community Development Director will make those arrangements shortly.

Councilor Gilman requested that the Mayor and the Council President arrange for a presentation on updating the City Charter in 2020 on the process at a nearby Council meeting having heard people express an interest in it recently. **Joanne M. Senos**, City Clerk, advised that she has conveyed that information to certain members of the public several times on the Charter process and received the correct forms from the state. **Councilor Gilman** requested to learn what the steps are through the Council President's weekly meeting with the Administration. She mentioned a group working the refurbishment of the "little shack" at Lane's Cove and going through the city permitting now. She advised she met with the Friends of the Avis Murray Tennis Courts and are making headway on that project. She noted she went to the UMass Marine Station to welcome new staff and that there is an open house planned for September. She attended a the Board Of Health's recent meeting, and reported that they're working on regulations for banning smoking on public beaches, tightening up that language and are planning for a public hearing in October. They're also developing a thorough Board of Health marijuana document addressing inspection, trash from the cultivation centers, and retail establishments and related matters.

Councilor O'Hara thanked David Nunes who was instrumental in the Battle of Gloucester event, as well as the Harbormasters and the U.S. Coast Guard, noting that was a warm up for the city's 400th. He thanked the Council for working for their constituents. He reminded the DPW to look at repainting the crosswalks in high traffic areas, and to send a scout out to view and remediate dead tree limbs that hang over city roadways.

Council President Lundberg advised at the next meeting General Counsel and DPW Director will make a presentation on the private/public roads issue. It will be a presentation not a public hearing. He asked the Council to send their questions in advance to them. He concluded the meeting by offering birthday greetings to Mayor Theken.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

Oral Communications - Submission of Written Statements:

Nicholas Holland, 11 Jebeka Lane; **Dennis McGurk**, 283 Concord Street; **Grant Clark**, 279 Concord Street; **Peter Radochia** 259 Concord Street; **Jennifer McTiernan**, 34 Coles Island Road; **Alice Eastland**, 7 Whale Rocks Road; **Carrie Fryklund**, 240 Concord Street; **Richard Cousins**, 137 Bray Street; **John Rogers**, 139 Bray Street and owner of 141 Bray Street; **Stephen Kasnet**, 25 Overlook Avenue; **Debbie Holland**, 11 Jebeka Lane
Presentation: PowerPoint Presentation by Brad Nichols, Senior Project Manager, MBTA