

GLOUCESTER CITY COUNCIL MEETING

Tuesday, September 25, 2018 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: None.

Also Present: Joanne M. Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Assistant Fire Chief Joseph Aiello; Mike Hale; 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. Councilor Cox dedicated the Moment of Silence to Tim Bean, a valued staff member of the City of Gloucester’s Public Works Department who worked as a custodian at City Hall and other city facilities. He passed away recently leaving behind a wife and children.

Oral Communications:

Name: **Susanne Altenburger**

Address: 69 Atlantic Street

Subject: “Why are we letting Gloucester’s Fishing Fleet & Harbor be ruined? A Question of Inept Regulations vs. 21st century needs of Fleet Ecology” (executive summary placed on file), noted she had spoken earlier in the year on a similar subject and hadn’t received a response from the Administration. She asked the Council for a response to her proposal as described in her written statement which she briefly summarized.

Presentations/Commendations: None.

Confirmation of New Appointments:

Clean City Commission

Sarah Steward

TTE 02/14/21

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council appoint Sarah Steward to the Clean City Commission, TTE 02/14/21.

DISCUSSION:

Councilor LeBlanc described Ms. Steward as a highly recommended appointee by the Chair of the Clean City Commission, Ainsley Smith. She is as a small business owner of a shop, “One Ocean, One Love,” on Main Street, donating 5% of their sales to environmental issues, especially clean oceans. He expressed the O&A Committee’s appreciation for her spirit of volunteerism.

Councilor Cox noted Ms. Steward has joined her for mini-clean ups around the city and has a good idea of what the city needs. The Commission is growing stronger, and Ms. Steward’s addition to the Commission is a good one.

Councilor Nolan conveyed that Ms. Steward’s commitment to the environment “speaks for itself.” He thanked Ms. Steward for stepping forward as a city volunteer.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Sarah Steward to the Clean City Commission, TTE 02/14/21.

Consent Agenda:

- **MAYOR’S REPORT**

1. New Appointments:

Committee for the Arts

Avery McNiff

TTE 02/14/2022

(Refer O&A)

Historic District Commission

William C.S. Remsen (to serve remainder of Paul Shea’s term)

TTE 02/14/2019

2. Memorandum, Grant Application & Checklist from the Police Chief re: request acceptance of the FY19 State 911 EMD & Training Grant in the amount of \$115, 978.84 (Refer B&F)
3. Supplemental Appropriation Budgetary Request (2019-SA-6) from the DPW (Refer B&F)
4. Memorandum from the Mayor re: request to pay an invoice from UrbanCare LLC in the amount of \$180 without a P.O. in place (Refer B&F)
5. Memorandum from Human Resources Director re: request to pay a prior year invoice in the amount of \$960 with FY19 funds (Refer B&F)
6. Special Budgetary Transfer Request (2019-SBT-3) from the City Clerk (Refer B&F)
7. Special Budgetary Transfer Request (2019-SBT-4) from the City Clerk (Refer B&F)
8. Memorandum from General Counsel re: technical correction to the Adult Use Marijuana zoning ordinance (Refer P&D)
 - **ADDENDUM TO THE MAYOR'S REPORT**
1. Appointments:
 - Waterways Board Joseph D. Crowell (to fulfill an unexpired term) TTE 02/14/2021 (Refer O&A)
 - **COMMUNICATIONS/INVITATIONS**
 - **APPLICATIONS/PETITIONS**
1. Special Events Application: Request to hold the Mayor's Halloween Festival on October 28, 2018 at City Hall (Refer P&D)
2. SCP2018-003: Atlantic Road #171, Map 73, Lot 26, GZO Sec. 1.8.3 "Standards to be Applied" and GZO Sec. 3.1.6(b) Building Heights in Excess of 35 Feet" in the R-20 district (Refer P&D)
 - **COUNCILORS ORDERS**
1. CC2018-036 (LeBlanc/Gilman/Lundberg): Amend GCO Ch. 28 "Marijuana Retail Establishments" by ADDING new Sec. 28-2 "Prohibited Practices" (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 09/11/2018 (Approve/File)
2. Standing Committee Meetings: B&F 09/20/18 (under separate cover), O&A 09/17/18, P&D 09/19/18 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Gilman asked to remove Item #8 under the Mayor's Report, "Memorandum from General Counsel re: technical correction to the Adult Use Marijuana zoning ordinance" saying as follows:

"Given that notice to all abutters in the city in this situation is impracticable, I move that the City Council waive the Notice to Abutters under GZO Sec. 1.11.4(b) pursuant to the "Memorandum from General Counsel re: technical correction to the Adult Use Marijuana zoning ordinance" that the Council is being asked to amend the Zoning Ordinance accordingly; to set the public hearing for that matter as November 13, 2018, and to refer the matter to the Planning & Development Committee and the Planning Board." **Councilor Holmgren** seconded the motion.

Council President Lundberg advised that this action is routinely taken for zoning matters as it affects the city in its entirety and serving notice is not practicable.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted 9 in favor, 0 opposed, to waive Notice to Abutters under GZO Sec. 1.11.4(b) on the matter of the "Memorandum from General Counsel re: technical correction to the Adult Use Marijuana zoning ordinance" that the Council amend the Zoning Ordinance accordingly; to set the public hearing for that matter as November 13, 2018, and to refer the same matter to the Planning & Development Committee and the Planning Board.

The matter of Item #8, under the Mayor's Report, "Memorandum from General Counsel re: technical correction to the Adult Use Marijuana zoning ordinance" was approved as a part of the Consent Agenda was voted unanimously by the Council for referral to the Planning & Development Committee and the Planning Board.

By unanimous consent of the Council the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: September 20

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 M.G.L. c. 44, §53A a federal grant passed through the Mass. Executive Office of Elder Affairs through SeniorCare, Inc., for a Title III-B Older Americans Act Grant for \$8,190.00 for FFY2018. Funds are to be used to supplement the hours and part-time salary for an Outreach Community Education Worker at the Rose Baker Senior Center.

DISCUSSION:

Councilor Cox advised this is an annual grant from the state.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under M.G.L. c. 44, §53A a federal grant passed through the Mass. Executive Office of Elder Affairs through SeniorCare, Inc., for a Title III-B Older Americans Act Grant for \$8,190.00 for FFY2018. Funds are to be used to supplement the hours and part-time salary for an Outreach Community Education Worker at the Rose Baker Senior Center.

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 Emergency Management Agency (FEMA)/ Department of Homeland Security (DHS), a FY2017 Assistance to Firefighters Grant (AFG) in the amount of \$145,454. The purpose of this grant is to fund the retrofitting of three (3) Fire Department ambulances with compliant stretcher loading/security systems with a 10 percent local match funded by the City of Gloucester. The grant period of the AFG grant is from August 30, 2018 to August 29, 2019.

DISCUSSION:

Councilor Cox explained this is another “wonderful” grant from the Fire Department, the second of 2018, to purchase new ambulance stretcher systems. The lifespan of the department’s current stretcher systems is nearing its end, and they were able to apply obtain this grant with a 10% match to retrofit all the department’s ambulances. She noted that not long ago the Council accepted another FEMA grant to defray the cost of a new ambulance.

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 Emergency Management Agency (FEMA)/ Department of Homeland Security (DHS), a FY2017 Assistance to Firefighters Grant (AFG) in the amount of \$145,454. The purpose of this grant is to fund the retrofitting of three (3) Fire Department ambulances with compliant stretcher loading/security systems with a 10 percent local match funded by the City of Gloucester. The grant period of the AFG grant is from August 30, 2018 to August 29, 2019.

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 approve Supplemental Appropriation 2019-SA-5 for \$14,545 (Fourteen Thousand Five Hundred Forty Five Dollars) from Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760021-585003, Capital Projects Stabilization Fund, EMS Equipment/Vehicles for the purpose of funding a 10 percent local match for the Federal Emergency Management Agency (FEMA)/Department of Homeland Security (DHS), FY2017 Assistance to Firefighters Grant (AFG) to retrofit three (3) Fire Department ambulances with compliant stretcher loading/security systems.

DISCUSSION:

Councilor Cox recounted this is the funding for the 10% match to the just accepted FEMA grant.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-5 for \$14,545 (Fourteen Thousand Five Hundred Forty Five Dollars) from Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760021-585003, Capital Projects Stabilization Fund, EMS Equipment/Vehicles for the purpose of funding a 10 percent local match for the Federal Emergency Management Agency (FEMA)/Department of Homeland Security (DHS), FY2017 Assistance to Firefighters Grant (AFG) to retrofit three (3) Fire Department ambulances with compliant stretcher loading/security systems.

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 approve Supplemental Appropriation 2019-SA-4 for \$325,000 (Three Hundred Twenty-Five Thousand Dollars) from

Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760020-530000, Capital Projects Stabilization Fund, Public Building Professional & Technical Services for the purpose of funding a multi-year Master Plan for Municipal Buildings.

DISCUSSION:

Councilor Cox explained that a Master Facilities Plan hasn't been done, according to the DPW Director, in two decades. This will be a way for the city to better plan for its capital facilities needs for the nearby and the future. The B&F Committee agreed this was a good idea. She mentioned she had received emails since the Sept. 20 B&F meeting with questions about the Capital Improvement Advisory Board (CIAB) being a part of the Facilities Plan. They are an advisory board according to GCO Sec. 2-586, she pointed out, and will assist the Community Development Department in developing a capital improvement plan. She noted there were openings for membership to the CIAB and encouraged interested citizens to submit their resumes to the Mayor's office for possible consideration for appointment.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2019-SA-4 for \$325,000 (Three Hundred Twenty-Five Thousand Dollars) from Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760020-530000, Capital Projects Stabilization Fund, Public Building Professional & Technical Services for the purpose of funding a multi-year Master Plan for Municipal Buildings.

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 in accordance with MGL c. 44, §53J, the creation of Betterment Reserve Funds in order to reserve revenues from betterments or special assessments to repay debt issued in connection to such improvements. Acceptance of MGL c. 44, §53J will allow the creation of the following Betterment Reserve Funds listed below and new Betterment Reserve Funds in the future.

Fund #	New Fund Description
6700	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 1
6701	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 2
6702	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 3
6703	SEWER BETTERMENT RESERVE - MARBLE, POND, EASTERN, WITHAM
6704	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 4 & 5
6705	SEWER BETTERMENT RESERVE - KENT CIRCLE
6706	SEWER BETTERMENT RESERVE - BOND, EASTERN, STAGE FORT, ELIZABETH
6707	SEWER BETTERMENT RESERVE - BARKER, GRUDEN
6708	SEWER BETTERMENT RESERVE - ADAMS
6709	SEWER BETTERMENT RESERVE - CALDER, SUNSET, HILLIER
6710	SEWER BETTERMENT RESERVE - HILLSIDE, GILBERT
6711	SEWER BETTERMENT RESERVE - PAGE & WAY
6712	SEPTIC MANAGEMENT BETTERMENT RESERVE
6713	SEWER BETTERMENT RESERVE- COMPENSATORY SEWER PRIVILEGE FEE
6714	SEWER BETTERMENT RESERVE - WEST GLOUCESTER A & B

DISCUSSION:

Councilor Cox conveyed that this was one of the findings by the outside auditors saying that the city didn't have the individual accounts set up or the acceptance of this, therefore, this action was appropriate.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept in accordance with MGL c. 44, §53J, the creation of Betterment Reserve Funds in order to reserve revenues from betterments or special assessments to repay debt issued in connection to such

improvements. Acceptance of MGL c. 44, §53J will allow the creation of the following Betterment Reserve Funds listed below and new Betterment Reserve Funds in the future.

Fund #	New Fund Description
6700	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 1
6701	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 2
6702	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 3
6703	SEWER BETTERMENT RESERVE - MARBLE, POND, EASTERN, WITHAM
6704	SEWER BETTERMENT RESERVE - NORTH GLOUCESTER PHASE 4 & 5
6705	SEWER BETTERMENT RESERVE - KENT CIRCLE
6706	SEWER BETTERMENT RESERVE - BOND, EASTERN, STAGE FORT, ELIZABETH
6707	SEWER BETTERMENT RESERVE - BARKER, GRUDEN
6708	SEWER BETTERMENT RESERVE - ADAMS
6709	SEWER BETTERMENT RESERVE - CALDER, SUNSET, HILLIER
6710	SEWER BETTERMENT RESERVE - HILLSIDE, GILBERT
6711	SEWER BETTERMENT RESERVE - PAGE & WAY
6712	SEPTIC MANAGEMENT BETTERMENT RESERVE
6713	SEWER BETTERMENT RESERVE- COMPENSATORY SEWER PRIVILEGE FEE
6714	SEWER BETTERMENT RESERVE - WEST GLOUCESTER A & B

Ordinances & Administration: September 17

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 appoint all outside legal counsel for the City of Gloucester in litigation against opioid manufacturers as Special Municipal Employees of the City of Gloucester pursuant to GCO Chapter 2, Sec. 2-44 "Special Municipal Employees" (b)(2).

DISCUSSION:

Councilor LeBlanc reviewed the matter as follows: This is to approve the law firm of Anderson Kreiger of Boston who currently represent the city in litigation. It makes sense that the city retains A&K as Special Municipal Employees so that A&K can continue to represent the city and continues to represent private clients in matters unrelated to opioids before permitting boards and other municipal bodies in the city. This was a recommendation of General Counsel.

Councilor Hecht advised that his company had previously used the services of Anderson Kreiger but no longer does so.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint all outside legal counsel for the City of Gloucester in litigation against opioid manufacturers as Special Municipal Employees of the City of Gloucester pursuant to GCO Chapter 2, Sec. 2-44 "Special Municipal Employees" (b)(2).

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal without prejudice of CC2018-029 (Holmgren): Request Traffic Commission reviews the matter of limiting amount of time and locations that commercial box trucks are allowed to park on public streets.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal without prejudice of CC2018-029 (Holmgren): Request Traffic Commission reviews the matter of limiting amount of time and locations that commercial box trucks are allowed to park on public streets.

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 February 28, 2017 City Council Rules of Procedure by ADDING "Rule 17" as follows:

"Rule 17: Civility Resolution

A City Council Civility Resolution Review & Approval will be placed on a City Council Meeting Agenda during the month of January of each new term of office."

DISCUSSION:

Council President Lundberg conveyed that this went along with the recent re-passage of the Council's Civility Resolution, and will memorialize it within the Council's Rules of Procedure, to make it part of the Council's biennial undertakings. He advised it is, "just good government."

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to AMEND the February 28, 2017 City Council Rules of Procedure by ADDING "Rule 17" as follows:

"Rule 17: Civility Resolution

A City Council Civility Resolution Review & Approval will be placed on a City Council Meeting Agenda during the month of January of each new term of office."

Planning & Development: September 19

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Gilman, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Lundberg) absent, to recommend that the City Council rename a new subdivision of land formerly known as 602-606 Washington Street, Map 112, Lots 25 & 93 (with final map and lot numbers to be created by City of Gloucester Assessors) pursuant to GCO Ch. 21, Sec. 21-3 "Street names" subsections (a) through (f) to be named as follows:

3A & B	Seaglass Lane
5A & B	Seaglass Lane
7A & B	Seaglass Lane

DISCUSSION:

Councilor Gilman advised the Council that 602-606 Washington Street is an approved subdivision and that the developer had requested for visibility purposes and differentiation naming the cul-de-sac "Seaglass Lane." The P&D Committee received the requisite recommendations from certain departments under the Code of Ordinances Sec. 21-3(3) and all agreed the name change was appropriate for public safety purposes, and all other requirements under GCO Sec. 21-3 were met.

Councilor LeBlanc asked why this is different from a recent denial to an applicant for a name change of another roadway, questioning the process saying it appeared to be inconsistent. **Councilor Gilman** noted at the P&D meeting Councilor Holmgren asked the same question which she noted was briefly mentioned in the minutes. She advised in this case the roadway is being named for 911/public safety purposes. She cited that this particular road is almost 100 yards into the woods off of Washington Street, a stand-alone cul-de-sac. The departments' involved under the ordinance felt that because it was new, and to ensure a prompt 911 response, they all approved this naming for public safety purposes, she pointed out. She added that it was discussed at length at P&D, and determined that the naming in this case was justified.

Council President Lundberg expressed that a discussion on the last applicant took place at P&D, and the roadway for the previous application had already had a recent street name change, but expressed agreement with Councilor LeBlanc that there needs to be consistency.

Councilor O'Hara, noting that Councilor LeBlanc brings up a good point, offered his support for the naming of Seaglass Lane for 911/public safety purposes.

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Gilman, the City Council voted 9 in favor, opposed, to rename a new subdivision of land formerly known as 602-606 Washington Street, Map 112, Lots 25 & 93 (with final map and lot numbers to be created by City of Gloucester Assessors) pursuant to GCO Ch. 21, Sec. 21-3 “Street names” subsections (a) through (f) to be named as follows:

3A & B	Seaglass Lane
5A & B	Seaglass Lane
7A & B	Seaglass Lane

Scheduled Public Hearings:

- 1. PH2018-050: Loan Order 2018-009: Loan authorization in the amount of \$215,000 to provide funding for the pavement of the private ways of Nashua Avenue and Diamond Avenue**

This public hearing is opened at 7: 29 p.m.

Those speaking in favor:

Tony Gross, 18 Nashua Avenue, noting he was speaking on behalf of the majority of voting abutters at their request, thanked the Council for creating the updated ordinance, saying they found it was a great help to fix a long-term problem. He explained the two roads were last paved about 20 years ago when the STEP sewer was installed, and the roads have been degrading ever since that time. He noted that the DPW has come a few times to fill the potholes, but were informed private roads are “on their own.” After communicating that with the residents, multiple neighborhood meetings were held; and all their questions were answered. He reported that with the assistance of the City Clerk’s office, they went through the entire ordinance process and came through with a successful vote of 86% out of the mandatory 75% (of abutters voting in favor of the betterment).

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:31 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 approve the following loan order:

Ordered: That the City of Gloucester appropriates Two Hundred Fifteen Thousand Dollars (\$215,000) to pay costs of permanent repairs, including paving to Nashua Avenue and Diamond Avenue, private ways in the City, including 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(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one hundred percent (100%) of the amount needed to repay any borrowing pursuant to this order shall be raised in the first instance through the assessment of betterments upon the abutters of the private way, in accordance with M.G.L. Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the city are authorized to take any and all actions necessary to assess the betterments described above, the term of which will not exceed 10 years, or such shorter time as proscribed by Massachusetts General Law. 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 Cox explained that pursuant to GCO Sec. 21-80 through 86, this loan order is a result of a petition by the abutters of Nashua and Diamond Avenues, both private ways, for a public/private betterment project to pave their roads. As all ordinance requirements have been met, this funding will enable the paving project to move forward.

Council President Lundberg offered that this was the Council's second "textbook" example of the right way to do paving betterment loan orders. He extended his compliments to the neighbors, to Mr. Gross and Councilor Gilman for helping to steer the neighbors through this process, saying this was a good template for others to follow.

Councilor Gilman, saying she did little to help this process along, also offering her thanks to Mr. Gross, Tom Moriarity and Jock Bourneuf. She extended her thanks to Councilor Nolan whom she pointed out had initiated the redesigned ordinance to allow (private way) residents to do this on their own, which is what this group did -- they used the details in the documents the city has pulled together for them on the process doing a great job. She noted she'd had only three calls from neighbors briefly touching on their nature. This worked without much Ward Councilor intervention, she recounted. She also extended her thanks to General Counsel for assisting on some of the paperwork and DPW Director, Mike Hale; and offered her support for the loan order.

Councilor Memhard extended his congratulations to Mr. Gross and his neighbors on Diamond and Nashua Avenues for advancing this project for paving their roads. He noted as Mr. Destino and Mr. Payson said they have followed the process as outlined in the ordinance saying it had been improved, creating a good working document. He advised that while it is still a "labor-intensive process," this sets a fine example. He mentioned both he and Councilor O'Hara were at a third meeting of neighbors of Souther Road who are undertaking the same process expressing his appreciation for the guidance of the good example set.

Councilor Nolan thanked the Administration, the DPW and legal staff for most of the work that went behind this current ordinance. Noting that there were a lot of ideas forwarded as well as a lot of smart people involved, he expressed he was pleased this worked out for Nashua Avenue and Diamond Avenue. He pointed out that this process has worked well for his ward. He advised that people have to understand that this is an undertaking of the residents themselves adding that it's the right thing to do, working when the neighbors come together.

Councilor Hecht noted that when he had asked Mr. Gross at B&F how much this road paving costs each household per year, and it came to \$400 a year or \$33 per month. He pointed out all roads are different -- some roads are dense with many houses on them, others are more rural with properties spread out, but in this case at \$33 a month for ten years this is something that could be very affordable.

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

Ordered: That the City of Gloucester appropriates Two Hundred Fifteen Thousand Dollars (\$215,000) to pay costs of permanent repairs, including paving to Nashua Avenue and Diamond Avenue, private ways in the City, including 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(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one hundred percent (100%) of the amount needed to repay any borrowing pursuant to this order shall be raised in the first instance through the assessment of betterments upon the abutters of the private way, in accordance with M.G.L. Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the city are authorized to take any and all actions necessary to assess the betterments described above, the term of which will not exceed 10 years, or such shorter time as proscribed by Massachusetts General Law. 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.

For Council Vote:

1. Motion for Reconsideration (O'Hara): City Council vote of 9/11/2018 re: the repeal of the existing GZO Sec. 5.31 Temporary Moratorium on Recreational Marijuana Establishments

Council President Lundberg noted that at their last meeting the Council approved a zoning change pursuant to retail marijuana along with several other changes including the rescinding of the temporary moratorium. This action is governed under the City Charter, Sec. 2-11(d), he noted, and read it to the Council. He advised that Councilor O'Hara asked for reconsideration of the moratorium repeal vote since he voted in the affirmative, making him qualified to do so.

Councilor O'Hara explained that he wished to reverse his vote on this issue.

Councilor Gilman moved that the City Council repeal the existing GZO Sec. 5.31 Temporary Moratorium on Recreational Marijuana Establishments. **Councilor O'Hara** seconded.

MOTION: On a motion by Councilor Gilman, seconded by Councilor O'Hara, the City Council voted by ROLL CALL 8 in favor, 1 (O'Hara) opposed, to repeal the existing GZO Sec. 5.31 Temporary Moratorium on Recreational Marijuana Establishments.

RECONSIDERATION OF VOTE PASSES.

2. Memorandum from General Counsel re: Municode Ordinance Review for Gloucester Zoning Ordinance received 6/12/2018 by City Council through the Mayor's Report for referral to Planning Board; and Council vote the waiver to notice abutters per GZO Sec. 1.11.4(b)

Councilor Gilman made the following statement:

"Given that notice to all abutters in the city in this situation is impracticable, I move that the City Council waive the Notice to Abutters under GZO Sec. 1.11.4(b) pursuant to the "Memorandum from General Counsel re: "Municode Ordinance Review for Gloucester Zoning Ordinance received 6/12/2018 by City Council through the Mayor's Report for referral to Planning Board" that the Council is being asked to amend the Zoning Ordinance accordingly; to set the public hearing for that matter as November 13, 2018, and to refer the matter to the Planning Board. Councilor Holmgren seconded.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted 9 in favor, 0 opposed, to waive Notice to Abutters under GZO Sec. 1.11.4(b) on the matter of the "Memorandum from General Counsel re: "Municode Ordinance Review for Gloucester Zoning Ordinance received 6/12/2018 by City Council through the Mayor's Report for referral to Planning Board" and to refer the same matter to the Planning Board.

Unfinished Business: None.

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

Update on the Waterways Board by City Council Representative, Councilor LeBlanc, highlighted that the Waterways Board is "awesome."

Councilors' Requests to the Mayor:

Councilor Hecht updated the Council that this past Saturday they had nine volunteers to assist in stringing lights in 12 trees on Main Street for the Light up Main Street effort with about 20 trees left to string. He expressed his appreciation to all the volunteers who have stepped forward to assist in this project to date. The next event is Saturday, Oct. 6 at 9:00 a.m. He advised he'll meet tomorrow with the Chamber of Commerce about the 13 category Main Street Holiday decorating contest slated to start on Black Friday through Christmas Eve. He noted he met with city officials in Lynn about their "Beyond Walls" murals projects, previously visiting Salem, and he's looking to bring a similar project to the city's downtown.

Councilor Gilman announced the following upcoming events taking place on Saturday, Sept. 29: Lane's Cove cemetery clean-up starts at 10:00 a.m; the Sustainability Fair, starts at 10:00 a.m. at the O'Maley Innovation Middle School. She also advised that the Youth Awareness Group of the Moose Lodge, comprised six Gloucester High School students are preparing to do skits in the elementary schools, K-3rd Grade, will hold a fundraiser at Jalapenos

Restaurant Thursday, Sept. 27 starting at 4:30 p.m. with a portion of the restaurant's proceeds from the evening going towards support of the student project.

Councilor O'Hara thanked the Administration and everyone involved with maintaining and operating the city's beaches and parking, which he noted was a successful year financially for the city. He suggested they can learn from some of the issues which occurred in West Gloucester and make improvements before the next season. He expressed support for the work being done on Thatcher Road which will improve pedestrian safety. He asked the DPW and the Administration to continue to look at trees on city roads -- dead branches and dead trees throughout the city, expressing his continuing concern with the onset of winter conditions, coupled with recent heavy rains. He asked that the DPW finish painting city crosswalks, highlighting the intersection of Hartz Street and Bass Avenue, and in the vicinity of the Crow's Nest on Main Street. He offered his thanks to everyone who turned out for the Red Cross Blood Drive held at the Magnolia library, collecting 31 units of blood.

Councilor Holmgren announced the following events: Sunday, Oct. 7, a "No One Fights Cancer Alone" breakfast from 8:00 a.m. to 12 noon at the DES Portuguese Club on Prospect Street. Tickets are \$20 for adults; for kids 6 years to 12 years old tickets are \$10 and for kids under 6 years old are free. Saturday, Sept. 29: Community Safety Day at Harbor Loop benefiting "Cops for Kids with Cancer"; Women's Financial Forum at the Sawyer Free Library--check their website for details. Household Hazardous Chemical Disposal Day at the DPW Yard on Poplar Street, 9:00 a.m. to 12 noon--please call 978-325-5600 to schedule an appointment.

Councilor Memhard agreed that the city's beaches are a "unique asset," and highlighted the DPW and city's efforts on Thatcher Road repaving which is being widened enough to make improvements for pedestrian safe access from Barn Lane to the Good Harbor Beach parking lot which he called a long-sought after improvement. He pointed out that Councilor Ciolino started this initiative with the "Friends of Good Harbor Beach" about 17 years ago; picked up by Councilor McGeary, with DPW Director, Mike Hale seeing it through to completion. He noted the Topsfield Fair begins Friday, Sept. 28 through Columbus Day. He thanked the city's and North Shore public safety departments for their response to the recent gas emergency in Lawrence, Andover and North Andover.

Councilor Nolan extended his thanks to all who participated, including the Council and members of the city's Administration, in the fundraiser for the Magnolia Pier at the Manchester Bath & Tennis Club on Friday, Sept. 21. The event was attended by generations of friends; money was raised and a good time was had by all, he announced. He added that they have their commitment to come up with the financial match to the city, advising that the Administration is working hard, expressing he couldn't be more pleased with the response they've had to date. He thanked everyone involved for making it a wonderful evening. He also highlighted this year's annual Fishbox Derby held several weeks ago, saying it was a wonderful event and a good showing of the Cops & Kids. He noted that there is a new group running the Fishbox Derby and thanked the committee members for organizing another successful event.

Councilor Cox announced that on Thursday, Sept. 27 from 6:30 p.m. to 8:00 p.m. Plastic Free Gloucester will be hosting an event at the Cape Ann Brewery. She extended her thanks to Councilor Gilman for assisting with the plastic bag ordinance educational outreach at the Senior Center today, with help from members of the Clean City Commission, to distribute a useful handout on the city's upcoming plastic bag ordinance which she highlighted was very helpful. He noted Councilor Hecht was also present to assist. She announced more Saturday, Sept. 29 events: the Gloucester Harbor Race with the Gloucester Gig Rowers from Niles Beach, an all-morning event; a Jill Latham memorial game at Mattos Field at 8:00 a.m.; Monday, Oct. 1 in Salem there is a Zoning and Affordable Housing event from 7:00 p.m. to 8:30 p.m. -- there is a facebook event for it as well. The First R is holding a Reader Appreciation Dinner at the Gloucester House, Wednesday, Oct. 10 from 5:00 p.m. to 7:00 p.m. In conclusion, she offered birthday wishes to Councilor Nolan.

Councilor LeBlanc noted last year he met with the Mayor about moving the city's Halloween trick-or-treating to a weekend when it falls on a weekday. He advised he will sit down with the Mayor to work that out. He announced that the Mayor's Halloween Festival will be held at City Hall on Sunday, Oct. 28 from 1:00 p.m. to 4:00 p.m.

Council President Lundberg added a "shout out" to the Magnolia community for raising funds for the restoration of the Magnolia Pier which he cited as a great showing of that entire community highlighting what a strong cohesive place Magnolia is. He mentioned the scheduling of another Joint Meeting of the School Committee and City Council during the last week of October, likely the evening of Tuesday, Oct. 30. One of the reasons, he advised, for this meeting is to invite the Board of Health to talk to them, now that marijuana is legalized and the Council has zoned for it. There have been many issues raised during the handling of that matter about the use of the new drug in the community, he pointed out, and that the Board of Health has a lot of health concerns, including what to say to school children. He mentioned several other items that Councilor O'Hara has raised as to building safety

that will be on the agenda, and a building strategy. He asked for any other agenda items from the Council to be submitted to him.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:58 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Susanne Altenburger, 69 Atlantic Street submission under Oral Communications: “Why are we letting Gloucester’s Fishing Fleet & Harbor be ruined? A Question of Inept Regulations vs. 21st century needs of Fleet Ecology” executive summary