

GLOUCESTER CITY COUNCIL MEETING

Tuesday, December 16, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Vice Chair, Councilor Sefatia Theken; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whynott; Councilor Paul Lundberg; Councilor William Fonvielle; Councilor Robert Stewart

Absent: None

Also Present: Linda T. Lowe; Sal DiStefano; Kenny Costa; Suzanne Egan; Noreen Burke; Max Schenk; Police Chief Leonard Campanello; Larry Durkin; Joseph Rosa

The meeting was called to order at 7:00 p.m. Councilors Whynott and Theken left the meeting at 10:15 p.m.

Flag Salute & Moment of Silence.

Presentations/Commendations:

Presentation of the First Linzee Coolidge Philanthropy Award

Mayor Carolyn Kirk made the following statement: “The city is honoring one of the great philanthropists of the City of Gloucester, Linzee Coolidge. Through Mr. Coolidge’s generosity through the Dusky Foundation and the Belinda Fund worthy Gloucester organizations of all kinds have benefitted from \$3.6 million in grants since 2011. Mr. Coolidge’s generosity knows no bounds. His gift of \$350,000 to the Addison Gilbert Hospital for a CAT scan machine helps to secure the services of the hospital in the community.

His gifts over the years to the Gloucester Schooner Adventure ensure that this designated historic landmark continues to teach our children about the city’s fishing heritage. Mr. Coolidge’s gifts have also touched the lives of many Gloucester children through the good work of the Gloucester Education Foundation, artHaven, Pathways for Children, the Gloucester Fisherman’s Athletic Association, and Maritime Gloucester to name a few.

Gloucester is blessed with a rich culture in the arts, and Mr. Coolidge understands that these assets, too, need protection for future generations – the Gloucester Stage Company, the Cape Ann Museum, the Rocky Neck Cultural Center, the city’s Committee for the Arts, and City Hall (restoration). They have all been sustained in one way or another through his generosity.

It seems that Mr. Coolidge lives by the motto, “those who can should.” The neediest amongst us also benefit greatly through his gifts to the Open Door and Wellspring House. The city’s four-legged friends also benefit by his gifts to the Cape Ann Animal Aid and the Gloucester Dog Park.

Even though he is a direct decedent of the third President of the United States, Thomas Jefferson, a veteran of the U.S. Army, a Harvard graduate with a Master’s Degree from Columbia University, Mr. Coolidge is a humble man. It was at the urging by another great citizen of the city, Dick Wilson that they worked to conceive the Linzee Coolidge Philanthropy Award, the first of which is being awarded this evening. The award will be modeled after the Mariner’s Medal, which is given periodically to a Gloucester citizen who demonstrates heroism at sea. She noted in the seven years of her tenure as Mayor, the Mariner’s Medal has only been given out once. So it will be with the Linzee Coolidge Philanthropy Award, it will only be given periodically against high criteria.

State Sen. Tarr made remarks lauding the philanthropic work of Mr. Coolidge and congratulated him as did **State Rep. Ann-Margaret Ferrante**. **Both Sen. Tarr** and **Rep. Ferrante** presented Mr. Coolidge State Legislative citations in his honor.

Council President McGeary read the City Council Proclamation and made the Council’s presentation to Mr. Coolidge.

Mayor Kirk read an excerpt from the proposed ordinance soon to come before the Council to create the Linzee Coolidge Philanthropy Award Committee. She then presented the bronze medallion representing the Linzee Coolidge Philanthropy Award to Mr. Coolidge.

Mr. Coolidge extended his thanks to the Mayor, the City Council, Sen. Tarr and Rep Ferrante as well as those assembled and citizens who volunteer for the city and the organizations in the city that in turn support the greater Gloucester community. He also extended his personal thanks to Dick Wilson.

The Council recessed at 7:12 p.m. and reconvened at 7:40 p.m.

Oral Communications:

Dr. Nicole Andrade, 10 Becker Circle, asked that Lexington Avenue be made one way, expressing concern for child-centric businesses such as a day care center and nursery school on the avenue, and the increasing traffic due to the area's revitalization. She expressed further concern that this revitalization be done in a safe way. **Councilor Fonvielle**, Ward 5 Councilor, responded by saying that such a change would require a careful and thorough study to see if this was feasible and would hold a ward meeting in the coming months about the matter.

Council President McGeary drew attention to the Gloucester themed quilts hanging in the auditorium made by the senior quilters in Juni Van Dyke's class at the Rose Baker Senior Center. He commended Ms. Van Dyke and her students for their artistic endeavor.

Consent Agenda:

- **MAYOR'S REPORT**
- 1. Management Reappointments:

Purchasing Agent	Donna Compton	TTE 02/14/16	
Community Development Director	Thomas Daniel	TTE 02/14/16	
Chief Administrative Officer	Salvatore L. Di Stefano, Sr.	TTE 02/14/16	
General Counsel	Suzanne Egan	TTE 02/14/16	
City Engineer	Paul Keane	TTE 02/14/16	
John Dunn	Chief Financial Officer	TTE 02/14/16 (as amended below)	
Personnel Director	Sally Polzin	TTE 02/14/16	
Building Inspector	William Sanborn	TTE 02/14/16	
Harbormaster	James Caulkett	TTE 02/14/18	
Assessor	Gary Johnstone	TTE 02/14/18	(Refer O&A)
- 2. Administration's supplemental budget requests from free cash (Refer O&A)
- 3. Special Budgetary Request 2015-SBT-25 from Police Department (Refer B&F)
- 4. Special Budgetary Request 2015-SBT-26 from City Clerk's Office (Refer B&F)
- 5. Special Budgetary Request 2015-SBT-27 from Police Department (Refer B&F)
- 6. Supplemental Appropriation-Budgetary Request 2015-SA-9 from Department of Public Works (Refer B&F)
- 7. Letter to Council President McGeary and Committee for the Arts' Resolution recommending acceptance of the gift of a sculpture By David Black (Refer B&F)
- 8. Memorandum from CFO requesting City Council approval of Loan Order in the amount of \$150,000 representing a city match to The Coastal Community Resilience Grant for the Little River Restoration (Refer B&F)
- 9. Memorandum from DPW Director recommending acceptance of a private sewer extension for Eagle Road/Nicolette Van Stigt (Refer P&D)
- 10. Letter to Superintendent Director of Essex North Shore Agricultural & Technical School District reappointing Melissa Joy Teixeira as the City of Gloucester's representative on the School Committee (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - 1. Response to Oral Communications of October 7, 2014 City Council Meeting to Lynne Brown regarding Chateau Heights (Info Only)
 - **INFORMATION ONLY**
 - 1. Communication from Kate Noonan, owner of the Common Crow Natural Market re: initiate process to consider allowing an Additional beer and wine license at 200 Eastern Avenue (Info Only)
 - **APPLICATIONS/PETITIONS**
 - 1. Special Events Application: request from The Children's Center for Communication to hold Lone Gull 10K Road Race on 9/20/15 (Refer P&D)
 - 2. SCP2014-014: Pleasant St. #48, Map 14, Lot 20, GZO 2.3.1(6) conversion to 3-unit multi-family; 3.1.6(b) height in excess 35 feet; 3.2.2 fn(a) decrease in minimum lot area per dwelling; 3.2.2 fn(a) decrease in minimum open space per dwelling unit (Refer P&D)
 - 3. SCP2014-015: Centennial Ave. #21, Map 5, Lot 50, GZO 1.10.1(a)(1); 3.1.6(b) height in excess of 35 feet; 2.3.1.7 conversion to Or new multi-family or apartment dwelling, four to six units (Refer P&D)
 - **COUNCILORS ORDERS**
 - 1. CC2014-050 (LeBlanc) Request speed study on Gloucester Ave. from its intersection with Maplewood Ave. to its intersection With Madison Ct. and to determine whether there should be a posted speed limit; and whether there should be a crosswalk on Gloucester Ave. in the vicinity of #53 (Refer O&A & TC)
 - 2. CC2014-051 (Cox) Amend GCO c. 2, Art. 2, Sec. 6-21 to 6:24 "City-Owned Cemeteries Advisory Committee (Refer O&A & DPW Director)
 - 3. CC2014-052 (Verga/Theken) Request that the City Council establish, "The Ab Khambaty Extraordinary Performance/Service Award (Refer O&A & B&F)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: November 18, 2014 (Approve/File)
 - 2. Standing Committee Meetings: B&F 12/11/14 (under separate cover), O&A 12/08/14, P&D 12/10/14 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Council President McGeary wished to remove Item #1 under the Mayor's Report. He explained that CFO, John Dunn, was inadvertently omitted from the list of management reappointees on the agenda, and by the Council's

unanimous consent amended the Council's December 16 agenda to include Mr. Dunn's reappointment and for referral to the O&A Committee.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Ordinances & Administration: December 8, 2014

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the negotiated contract between the City of Gloucester and Police Chief Leonard Campanello for the term of July 1, 2015 through June 30, 2018, under GCO c. 8, Sec. 8-18(d).

DISCUSSION:

Councilor Whynott said that the O&A Committee wholeheartedly endorsed the reappointment of Chief Campanello and that the new contract be ratified. He added that he has been very impressed with the Chief's performance. He expressed his appreciation for his administrative and organizational skills, and that people who work for him are happy.

Mayor Kirk explained that at the O&A Committee meeting there was an extensive discussion about the Chief's accomplishments over the last several years. She said that the tone and spirit of community policing has never been stronger as evidenced by the example of the Police Citizen's Academy with over 120 residents having graduated to date which gives people a first-hand look at the department's operation and an appreciation for the cooperation within the department, its leadership and philosophy of community policing. She urged the Council to confirm Chief Campanello's renewed contract.

Councilor Theken reminded the Council when Chief Campanello first came before the O&A Committee she had lightheartedly informed him she'd be watching him. She recounted that she had not been enthused in removing the Police Chief's position from the Civil Service Process either. She indicated she is changing her mind because she likes the way the department is going, appreciating the creation of the position of Assistant Police Chief and placing Lt. John McCarthy in that position. She lauded the teamwork and the team standing behind the Chief supporting him, and that he is a good leader who delegates to trustworthy officers who have the ability to grow and move forward with equal opportunity within the department. She, in the same lighthearted spirit, informed the Chief she no longer needed to watch him. She expressed her official welcome to the Chief saying that this is the first time a Police Chief comes forward for reappointment with no phone calls of complaint to her.

Councilor Cox asked if there was a pathway for department staff to offer feedback on the Chief's reappointment. **Mayor Kirk** said that the Mayor is the appointing authority so the feedback would have come to her. She noted that the feedback flows into her office or to Councilors, and that her office didn't call for specific feedback. She noted had that feedback been available to be given it would have come forward. The Administration did do a performance evaluation of the Chief as they do each year, and it is based on the Mayor's evaluation and recommendation that they went forward with the renegotiation for a contract that is before the Council tonight.

Council President McGeary said he received a telephone call from Officer Ronald Piscitello, President of the Gloucester Police Patrolman's Union, who informed him that his union endorsed the renewal of the Chief's contract and told him that the spirit in the department is as he has not known it in years and that there are good relations between both the Administration, management and the union. He said that as it has not always been the case, and can be attributed to Chief Campanello. He also recounted a telephone conversation he had with a 35 year Police Department veteran who said this (the department) is as good as it's ever been. He added that he would heartily endorse Chief Campanello's continued service to the city.

MOTION: On a motion by Councilor Whynott seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to approve the negotiated contract between the City of Gloucester and Police Chief Leonard Campanello for the term of July 1, 2015 through June 30, 2018, under GCO c. 8, Sec. 8-18(d).

Chief Campanello thanked the Council for their support. He noted it was as important for Gloucester to find the right fit as it was for him to find a fit for his leadership abilities. He recognized Det. Lt. Joseph Fitzgerald,

Police School Resource Supervisor, Lt. Michael Gossom, and Assistant Chief John McCarthy, all present, who he said were as responsible for his reappointment as so many others in the Police Department.

Scheduled Public Hearings:

**1. PH2014-075: Application for License of Flammable & Combustible Liquids, Flammable Gases & Solids
Re: 2 Washington Street**

This public hearing is opened at 7:50 p.m.

Those speaking in favor:

Representing Energy North, the operator, Carolyn Carter, Salem, New Hampshire, as manager of Tally's Truck Center, and **Ms. Carter** informed the Council said that the name of the business entity is being changed only for the location which was mistakenly not done in the beginning, **Ms. Carter** noted, and that this is a filing for that license.

Linda T. Lowe, City Clerk, clarified that it was not a mistake, that there were reasons for a new license.

Those speaking in opposition:

Catherine Dyer, 17 Commercial Street, expressed concern about the storage of the flammable and combustible materials, in a mixed neighborhood of residences and businesses. **Ms. Carter** responded by saying that the combustible liquids (gasoline) are in underground storage tanks. Energy North follows the Department of Environmental Protection and all governing laws and guidelines for storage of flammable liquids, she said.

Communications: None.

Councilor Questions:

Councilor Theken expressed her reassurance to Ms. Dyer that this gas station has been at 2 Washington Street for the last 25 years and that nothing has changed, just the name of the business. **Ms. Carter** confirmed that was the case.

This public hearing is closed at 7:54 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant Energy North, 1700 Shawsheen Street, Tewksbury, MA, as operator/manager of Tally's Truck Center, a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 2 Washington Street for the storage of 32,000 gallons of Combustible Liquids—under M.G.L. Chapter 148, Sec. 13 and regulations thereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I, In General and sections thereunder. Said applicant is responsible under GCO Sec. 8.1 requiring that the applicant shall be responsible for payment of fees for advertising for public hearing and postage for legal notices to all abutters.

DISCUSSION:

Councilor Verga noted at the P&D Committee meeting the applicant said that there are new operators, Energy North, of the Tally's Truck Center, and that the only change is the name of the business entity under the Flammables license. He noted that the same licensing process occurred recently to a gas station on Maplewood Avenue in a similarly mixed neighborhood.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant Energy North, 1700 Shawsheen Street, Tewksbury, MA, as operator/manager of Tally's Truck Center, a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 2 Washington Street for the storage of 32,000 gallons of Combustible Liquids—under M.G.L. Chapter 148, Sec. 13 and regulations thereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I, In General and sections thereunder. Said applicant is responsible under GCO Sec. 8.1 requiring that the applicant shall be responsible for payment of fees for advertising for public hearing and postage for legal notices to all abutters.

2. PH2014-076: Petition pursuant to City Charter Sec. 9-1(b) "Group Petition" re: "Request a public hearing be brought before the City Council to discuss the discontinuance of the practice of fluoridation of our public water supplies"

This public hearing is opened at 7:56 p.m.

Those speaking in favor of removing fluoride from the city water supply, all members of the Cape Ann Fluoride Action Network (CAFAN):

Tracey Chiancola, 47 River Road spoke to the choice of whether to be made to ingest fluoride through the public water supply. A written statement of Ms. Chiancola's remarks with Power Point slides was submitted for the record.

Michael Foley, 76 Essex Avenue, put forward statements which he said supported reasons to remove fluoride from the city's water supply. A written statement of Mr. Foley's remarks with Power Point slides was submitted for the record.

Linda Wrinn, 50 Bennett Street, put forward statements in support of the removal of fluoride in the city's water supply. She spoke to federal and state laws and local ordinance surrounding the issue and the authority to put fluoride in the water supply. She suggested an ordinance should be brought forward to ban fluoridation of the city water's supply that would not be in conflict with the state's General Laws. A written statement of Ms. Wrinn's remarks with Power Point slides was submitted for the record.

Those speaking in opposition to the removal of fluoride from the city water supply:

Noreen Burke, Public Health Director, representing the City's Board of Health (BOH). She noted Chair of the BOH, Richard Sagall, could not attend the hearing. In a letter of October 17 that the Cape Ann Fluoride Action Network (CAFAN) responded to the BOH responses to their originally submitted questions on the matter of fluoridation of the city's water supply, they said that the BOH is neither pro-fluoride or anti-fluoride which she said was taken completely out of context. She read, "The Gloucester Board of Health is neither pro-fluoride or anti-fluoride, but rather they are pro-public health and pro-science. We are a deliberative body that researches issues before making recommendations. We want to review the original research papers and not what others say about the research. We accept the consensus of experts, while realizing that expert opinion may change as new evidence becomes available. Our decisions are based on the results of our research and deliberations. We recognize science is not static. New evidence may lead to changes in the consensus. We are open to reevaluating our positions and recommendations when new evidence warrants a reevaluation. This is not that time where there is new evidence." She noted that the CAFAN made great mention of the organizational endorsements from the American Dental Association (ADA). She explained that the ADA puts out a fluoridation facts compendium every year with a list of national and international organizations that recognize the public health benefits of fluoridation in the community water supply. Dr. Sagall contacted the ADA, and she said he was told that it is true that the National Kidney Foundation and other organizations asked to be removed from the list in the past year. In these cases the organizations indicated they had no official position on fluoridation, which is not the same as to say that they are opposed to fluoridation. Different editions of the compendium come out each year, and it was found that some organizations have changed names or no longer exist, she pointed out. She showed abstracts and actual scientific studies that demonstrate that fluoride works. There is a web page on the Health Department's city web site with a compendium of abstracts and actual scientific studies and special reports from Canada and Australia which shows that fluoride works. She recognized Joe Rosa and Claudia Schweitzer, members of the BOH, and Larry Durkin, City Environmental Engineer who were present.

Dr. Benjamin Polan, DMD, Director of the Gloucester Children's Dental Center (GCDC), who has practiced dentistry since 1981 in private practice in Beverly, reviewed the care many city children receive at the dental clinic. He noted that these children have greatly deteriorated dental health which he must treat and bring them back to health. He said that almost always these children came to the city from communities who did not have fluoridated water supplies. Fluoride as ingested and applied topically is effective, he said, and noted the information forwarded to the Council on this subject (on file). Dr. Polan's statement was submitted for the record.

Dr. John Fisher, DMD, Chair of the Mass. Better Oral Health Coalition, Fellow of the American College of Dentists and Fellow, International College of Dentists and in private general practice in Salem, Mass., said that he saw severe decay of dental health in his practice for those patients who lived in areas with non-fluoridated water supplies in surrounding communities many years ago on the North Shore. He spoke to the effects of fluoride on teeth and how it is important to dental health in addition to topical applications. He also spoke to the fact that for those who are economically disadvantaged it is important they have access to a fluoridated water supply for their dental well-being. He cited national and international medical organizations which support fluoridation of public water supplies. Community fluoridation is a public health issue, he said.

Rebuttal:

Karen Tysever, Broadway, Rockport, member of CAFAN, said that this is a matter of individual choice, that there should be freedom of choice, and that when fluoride is in the water supply it is fluoridation against people's will. Fluoride is absorbed not just through drinking but skin absorption in bathing, adding that it is a risk as a drug for which she has no choice but to ingest. Speaking about children in areas of poverty, she said these children are in

communities with fluoridation, too, and there is no correlation between tooth decay and fluoridation. She said she did not want fluoride in her drinking water. She said she wants the right to determine her own medical treatment. Other cities and towns in the state, such as Worcester, no longer fluoridate their water supply based on individual rights not that it was for the common good.

Rebut of the rebuttal:

Dr. Catherine Hayes, DMD, SM, Board Certified Public Health Dentist, lecturer at Harvard School of Medicine, diplomate and past President of the American Board of Dental Public Health said that she has been studying fluoridation of water supplies throughout her career. She made the following remarks: Science, although not being discussed by the proponents of this referendum, should be the driving force behind public health decisions and is the driving force behind public health decisions. The weight of the evidence of in support of community water fluoridation is overwhelming not only in its effectiveness but also its safety.

Fluoride in water is a naturally occurring element and is not a medication. She described the history of adding fluoride to drinking water. In Colorado in the early part of the last century a dentist saw discoloration of in the teeth of some of his patients he treated; he also noted they had very little decay. There was a study commissioned, the 21 City Study, a national study that looked at decay and fluorosis rates to arrive at the optimal level of fluoride that should be in the water. Community water fluoridation is not adding fluoride to the water, it is adjusting the natural level of fluoride, sometimes bringing it down, sometimes bringing it up to minimize dental decay and fluorosis. She pointed out that fluorosis is not a disease or a condition in any way. She said slides shown by opponents to fluoridation were misleading. In addition, dental decay is a dangerous condition. She related an incident in which a young boy died of a tooth abscess that went to his brain. It can be fatal; and that there are tremendous health disparities in this country. Dentists see greater dental disease in children from lower socio-economic groups who do not receive the benefits of preventive measures. Fluoridation is a preventive measure that reaches everyone in the population and is not one that costs a lot of money as do fluoride drops or vitamins, the costs of which can be out of reach financially for some people. She said that the safety and efficacy of this public health measure are well founded and supported by every major health organization citing such organizations as the American Medical Association, the ADA, the Center for Disease Control (CDC), the World Health Organization.

Dr. Hayes said the argument against community fluoridation changes with history. The first community to be fluoridated was Grand Rapids, Mich., in 1945. At that time in history there was a lot of anti-communism in the country and fluoridation was condemned as a communist plot. Later, she pointed out, the argument turned into "fluoride causes cancer." In the late 1980s and 1990s the communities that had the highest rates of AIDS had the highest rates of fluoridation. There is absolutely no science behind the claims of opponents of community fluoridation--none whatsoever, she said. There is no science in any peer-reviewed journal that shows that community water fluoridation is unsafe. Years ago fluoridation opponents used to argue that fluoride caused bone cancer, she noted, and informed the Council that she personally along with fellow faculty members at Harvard University funded by the National Cancer Institute studied this very issue. She explained the scientific methodology by which they studied the claim that fluoridation caused bone cancer. She said they saw absolutely no difference in fluoride levels between people with the cancer in question and other individuals. That argument has come off the table for anti-fluoridationists because they have nothing to argue with. She said arguments change with the wind. Science should drive public health intervention, she pointed out, and said that the science to fluoridate is irrefutable and is what the fluoridation of the water supply has to be based on. She concluded her rebuttal by saying that the children of Gloucester deserve the public health benefits.

PUBLIC COMMENT:

Brenda Malloy, Rocky Neck Ave., said it was her choice to take in fluoride. There is no choice, she said, and is unacceptable.

Dr. William Bebrin, 9 Beach Road, an orthodontist with offices in Gloucester and Peabody, said he supported fluoridation for the community, which has been shown repeatedly to be effective in preventing tooth decay. Removing fluoride would endanger the oral health of children and seniors. To say that the ADA and local dentists conspire to fluoridate the water is not true. It is for the greater good of the community, and it would be irresponsible to discontinue fluoridation. Dr. Bebrin's statement was submitted for the record.

Karen Favazza Spencer, 65 Langsford St., said that the rate of dental emergencies is increasing in the poor and uninsured in communities with fluoridation. She claimed that starting in June 1982 that she and her family started to have "allergic reactions" to fluoridated water and described those physical reactions. She submitted her written statement for the record. She stated she wanted fluoridation of the city's water supply to stop. A series of Power Point slides used to illustrate her statements was not submitted for the record.

Jill Marston, 6 Annisquam Heights, a staff member of the Gloucester Children's Dental Clinic, pointed out that she has a well and is not on city water, having had that same well for 30 years which contains natural fluoride

and is tested every five years. She said her family drinks and bathes with this water and all of them are healthy. She described some of the difficult oral health issues the GCDC addresses and sees frequently, and said that fluoridation is an important factor in dental health especially for the economically disadvantaged of the community.

Bill Patenaud, 10 Brentwood Road, Methuen, said he was here representing a friend who was a scientist locally involved in the city's fishing industry, Louis Ronsivalli, who was a strong opponent of fluoridation of public water supplies, and that he was opposed to it as well. He submitted his statement for the record with supporting documentation.

Dr. Nicole Andrade, 10 Becker Circle, noted a system of research in training of holistic medical providers. She is seeing many problems due to dietary issues with socio-economically disadvantaged children. She expressed her understanding that there is science on both sides of the fluoridation issue, she pointed out, and said the majority of studies she reviewed were regarding toxicity from naturally occurring substances which are enhanced such as fluoride in public drinking water. She spoke to the expense of home filtration to eliminate fluoride which she said is not removed easily. She pointed out the city is a green community, and as a fishing community that every time the fluoride goes down the drain it enters the natural environment.

Vincent Zanfagna, a pharmacist in Newburyport spoke against fluoridation of the public water supply citing how the populace has been "duped" to adding fluoride to drinking water. He also highlighted a relative's anti-fluoridation efforts and submitted his statement for the record.

Bruce Maki, 381 Western Avenue, said that he wanted a choice whether to drink his fluoride, and there are too many risks involved, not relying on dentists. He suggested there could be legal issues moving forward that there is a deliberate poisoning of the public.

Christopher Martel, Amesbury, said he is opposed to fluoridation. He recounted how the Town of Amesbury has discontinued the practice of water fluoridation. He opined that sodium fluoride is a poisonous toxin which on the package actually says as much and pointed out other items that lead to concern on the packages. He submitted a supporting document and his statement for the record.

Andrew Techner, 18 Bennett Road, Boxford, spoke against fluoridation of the public water supply, challenging the ADA and dentists' claims that fluoridation has public health benefits. He reviewed the history of fluoridation and stated his opinion that fluoridation is inappropriate for public water supplies. He said that science does not support fluoridation. He submitted his statement for the record.

Sharon Mutterman, 18 Fair St., spoke against fluoridation and wished to have a choice to not ingest fluoride.

Francis Leary, 18 Magnolia Ave., spoke against fluoridation of the water supply citing studies, which he gleaned from the internet to support his stance. He said he has a right to decide what to put in his body, and he is not presented with a choice because the water he bathes in and drinks is fluoridated.

Patti Page, 3 Tidal Cove Way, said fluoridation should be a choice and suggested it be removed from the water system and then monitor the community and revisit the matter in the future when statistics have been gathered.

Barbara Goll, 8 Atlantic Ave., Rockport, spoke against fluoridation of public water supplies citing various doctors and researchers on the subject to support her statements. Her statement was submitted for the record.

Laurie Hager, 54 East Main St., expressed her opposition to fluoridation of public water supplies, but is not opposed to topical applications and wished to have a choice in the matter rather than be made to ingest fluoride.

Malcom Henderson, 7 Maplewood Ave., said there is no scientific way to determine what science should be paid heed to. He said it is an age where there is degenerative disease mounting in the population and that evidence is mounting that toxins are in the food eaten and water. Fluoride is a toxin he ingests, he said, which he can't avoid but could be eliminated by local action, he pointed out.

Communications:

Linda T. Lowe, City Clerk, informed the Council that there was one communication received on December 15 from Arthur Thomas of Seaview Road by email to Councilor McGeary in favor of continuing fluoridation of the city's water supply.

Councilor Questions:

Councilor Stewart asked if the Council has the authority to stop fluoridating the water under state law.

Suzanne Egan, General Counsel, said the city doesn't have that authority to stop fluoridating its public water supply under MGL c.111, §8C which sets forth the procedure regarding fluoridation of the water. The BOH has the authority acting as an agent of the Mass. Department of Public Health (MDPH) to order the fluoridation of water on the basis of what the MDPH recommends. The BOH, she pointed out, is the operative agency with that authority, and that the Council has no authority in this matter. On further inquiry by **Councilor Stewart**, **Ms. Egan** said that because the BOH is acting as an agent of the MDPH, the recommendations from the state agency are controlling on the local BOH has the authority to stop fluoridation. She said the recommendation from the state agency is controlling on the local BOH and the state has determined that a certain percentage of fluoride should be in the

water to protect the public health and safety. The BOH does not have the authority to remove the fluoride, she said. In terms of changes that might be made once the fluoride is added to the public water supply, it really goes back to the state agency and that is where the authority lies in order to reduce it.

Councilor Stewart said it had been indicated earlier that Amesbury was able to stop fluoridating their water. **Ms. Egan** said that Amesbury did but was not familiar with the specifics as to why that town was able to do that. She said that in the one instance where there was a community that did reduce or eliminated fluoride was the City of Worcester that was after that BOH ordered an increase of levels of fluoride in the public water supply. She explained that once that BOH ordered an increase to it, it must issue an order and that order is published and that there then is ability the ability to have a citizens' petition. She pointed out there has to be some actions from the BOH to order the increase, and that is in §8C of c. 111. **Councilor Stewart** asked if there was any other legal theory where that particular section of state law could be interpreted any other way. **Ms. Egan** said she did not, and her legal research showed there was no case law provided that any community has attempted to remove fluoride from their water system.

Councilor Cox asked if the city were able to put the matter of fluoridation as a ballot question to keep or not keep fluoridating the public water supply. **Ms. Egan** said, "No," and explained that the issue is that under the state law it is set out how the fluoride can be removed. The MDPH is the state agency that controls this area of the law. It would be preemptive for the city to act in terms of adding or decreasing the fluoride from the public water supply. Any referendum or ballot question that the Council put forward would have no effect – it would be a non-binding resolution. **Councilor Cox** asked if a non-binding ballot question would help the Council make the case. **Ms. Egan** said a general law preempts this from the Council, but they can go to the General Court for special legislation to ask for exemption from that particular general law, and that authority must be given first from the state. The City of New Bedford prior to the enactment of the current law did that via a home rule petition, she noted.

Councilor Verga said that the Council could pass a home rule petition or they could do a ballot question asking the Council to put forward a home rule petition. He asked what the steps would be in either process. **Ms. Egan** said it is the same process, a vote of the Council to the General Court requesting the passage of special legislation.

Councilor Whyntott said it is time to take steps to engage the home rule process.

Council President McGeary asked whether the Home Rule Petition is subject to mayoral veto. **Ms. Egan** said it would typically be preferable to city government unified in any request to the General Court for a home rule petition.

Councilor Stewart said a home rule petition is a request for the enactment of state law. **Ms. Egan** said if there is a general law that controls all communities in the same manner, that there would be a special law enacted for a specific community. **Councilor Stewart** said if the city went through the process, and the Council voted for it they would be asking the state to grant an exception from the state from MGL c. 111, §8C and posited whether the legislature would pass such a special request. **Ms. Egan** said that she could not speculate whether the legislature would grant such an exception.

Councilor Fonvielle discussed briefly the merits of an agreement of a unanimous vote of the Council and the assent of the Mayor in forwarding a home rule petition, but said that even if the Council's vote was 5 in favor, 4 opposed, that the legislature could still take action but would be less impressed by the petition which Ms. Egan confirmed.

Councilor Cox asked: how much is spent on to fluoridate the city's public water supply; had the city ever tried to go without fluoridation and is there local tracking with dentists since implementing fluoride to support the continuance of that practice. **Larry Durkin**, City Environmental Engineer, said it costs the city \$9,000 annually to fluoridate the public water supply. **Ms. Burke** added that since the introduction of fluoride to the city's water supply it has not been removed.

Councilor Stewart noting that the Council has been bombarded by scientific information and that he had read some of Dr. Hayes' articles, he commented she had started to take a strong position that there is no scientific evidence of harm that can be caused. He spoke of Kathleen Theissen, Ph.D., a well-known anti-fluoridationist, and a nuclear iodide specialist who works at Oak Ridge, Tenn., and said when he hears of one scientist as Dr. Hayes and Dr. Theissen who poses charts which say the opposite, and asked how Councilors as representatives of the city are supposed to sort it all out. **Dr. Hayes** said in scientific research they rely on their peers and colleagues to review their work and be published in peer review publications. She pointed out that she has a Doctorate in Epidemiology and that are criteria for review. They look at whether a scientific study is considered valid by a variety of factors and described those multiple factors for a human study to determine its validity. That process is applied to peer-reviewed articles published in peer review journals, she said. She said she stood by her statement that there is no scientific evidence in peer reviewed literature that that would in any way refute the safety and efficacy of community water fluoridation.

In response to **Councilor Stewart**, **Dr. Hayes** said initial studies conducted early in community water fluoridation efforts showed great disparities in incidence of tooth decay in fluoridated versus non-fluoridated communities have decreased because of a “halo diffusion” effect. She explained that there are bottling industries, etc. that may produce their products in a fluoridated community be it soda, juice, milk. Those products have fluoride in them to individuals outside that community. There have been great strides made in understanding what causes dental disease, more preventive benefits. **Councilor Stewart** cited Dr. Theissen’s charts which indicate that at least in very recent times there appears to be evidence, which he didn’t believe was a paper that was peer reviewed, and by other people that seem to indicate for the first 35-40 years of fluoridation there was a significant improvement in dental health, but then dental health itself became a greater factor with more and better dentists, more affordable dentistry and that fluoridation may have peaked out and been replaced with the overall dentistry improvement. **Dr. Hayes** said she agreed the great differences of 30 to 40 percent in rates of dental disease between fluoridated and non-fluoridated communities at the outset of community fluoridation have decreased but not eliminated. There is current evidence of systemic and topical benefits of fluoridation for everyone with children receiving the additional systemic benefit. She pointed out in CDC studies and surveys that there is a decrease in children’s dental health.

Councilor Stewart cited Karen Favazza Spencer’s statement earlier that it is difficult to get a confirmed medical diagnosis for problems which appear to be created by fluoride ingestion, and asked why it is that a medical doctor can’t detect whether fluoride causes a specific problem involved with bones and kidneys, for instance, when Ms. Spencer indicated that abstaining from fluoride water improved the condition of her health. **Dr. Hayes** said that is an anecdotal discourse and an individual’s description expressing her sympathy for Ms. Spencer’s health condition. She said it is the case for many medical conditions of not knowing what the root cause of a medical condition is. Based on what is presented and tests run, doctors make diagnoses. To say that this substance is the cause of all these medical conditions when there is no scientific evidence in the literature in the condition is a giant leap.

Councilor Fonvielle asked about fluoridation in Amesbury. **Mr. Martel** said that in 1968 the town fluoridated their water supply. Due to problems at the Amesbury water treatment plant, their DPW Director went to their Board of Health to ask for a discontinuance of fluoridation. In April 2009 the Amesbury BOH voted to discontinue fluoridation until they could get a reliable supply of sodium fluoride. In 2011 a public hearing was held in the community preceding a ballot question in November 2011 a non-binding ballot question went forward, and then the state representative and state senator put forward legislation. He said he did not know the exact sequence, but made proposed several of his own assumptions as to how the process went forward. He noted Rockport is in the same process. The ballot question verbage had to be approved at the state level, he said. It was a non-binding referendum to not fluoridate for two years, but the BOH could seek to fluoridate the water again, but was unsure of the further process. **Councilor Fonvielle** noted that Amesbury could re-impose fluoridation which **Mr. Martel** said they could. He pointed out that Chapter 32 of the Board of Health Guidelines in Mass. that if they think it is in the best interest of the population. **Councilor Fonvielle** asked if any tooth decay statistics are being collected in Amesbury since fluoridation stopped. **Mr. Martel** said he was not going and talking to dentists and that to the best of his knowledge it wasn’t tracked beforehand. **Council President McGeary** and **Councilor Fonvielle** agreed that Mr. Martel didn’t know.

Councilor Stewart asked given that he thinks there was a possibility of potential harm to a few people in any additive to a water supply, what efforts has Gloucester or the BOH made in circumstances in which it concludes that the public good is best served by doing things like fluoridation. He asked if there were any method of compensating people who are injured by a public policy decision of this sort. **Ms. Burke** said there is no injury that is known to be caused by this particular substance. The information the board presented is that fluoride is safe and effective and the preponderance of credible scientific evidence supports that. The board’s chief interest and mandate is to ensure social justice, and serve the public good, **Ms. Burke** said. There is a number of census tracts where there are economically disadvantaged children living and their only access to dental care is through the GCDC. She expressed the view that prevention matters and this is a preventive measure that helps the majority, and reiterated that is the stand of the Gloucester Board of Health.

Councilor Stewart said he believed Ms. Burke was saying that no one has ever been injured by the use of fluoride. **Ms. Burke** responded she didn’t have any studies to rely upon. The BOH is saying they don’t have the resources of its own to conduct the research. She reiterated there is no proof of any injury associated with fluoridation and the board doesn’t accept the Councilor’s premise. **Dr. Hayes** added that as she had previously stated, there is no scientific evidence to show that there are any health risks to community water fluoridation. There is no solid validated scientifically acceptable evidence whatsoever, she emphasized. There are opinions, anecdotes and passion, and public policy should be based on hard science not passion, she said. **Councilor Stewart** said he

completely agreed with Dr. Hayes' assertions, but that he found it difficult to believe that sodium fluoride can never hurt anyone. He pointed out that sodium chloride can hurt people. **Dr. Hayes** said anything can hurt someone in enormous amounts, but the amount that is added to water is too low to be dangerous. She noted that every year for many years that the CDC had commended the state for the safe way the state monitors fluoride in the water statewide.

Council President McGeary said much has been adduced about double blind studies. **Dr. Hayes** explained briefly that process to the Council. **Council President McGeary** noted that any child in preschool must by law be vaccinated against disease, the same in kindergarten and Grade 1 of the Hepatitis B vaccine; diphtheria and tetanus, and pertussis, four doses; polio, three doses; HIB one to four doses; measles mumps and rubella, one dose; varicella, 1 dose – those are orders by the MDPH for any child attending public schools. These vaccines are known to have occasional side effects that can even be deadly, he said, with which **Dr. Hayes** agreed. **Council President McGeary** said that the public health demands that children attending our public schools receive these vaccinations even though there is a small risk, which decision is the result of a risk/benefit analysis. He asked if that was a fair statement of the logic – and that the benefit to the public at large outweighs in the Commonwealth outweighs the risk to the individual. **Dr. Hayes** also agreed with the Councilor that this was a fair statement.

Council President McGeary spoke to the question of toxicity. Any substance, he said, in sufficient quantity can be poisonous, he said and **Dr. Hayes** expressed her agreement. He pointed out a submitted document by opponents which included a study from Natick which eventually recommended against fluoridation, but it carefully said that at toxic levels fluoride is a problem. He said that it is Dr. Hayes position and the BOH that the levels in the city water are not toxic and well below what is even considered toxic so when they talk about people who suffer the effects of fluoride they have either been ingesting high rates of the substance directly or there is no scientific evidence that fluoride is the cause. **Dr. Hayes** said she agreed and that the recommendations are well below any toxic or dangerous level. **Council President McGeary** stated that in terms of any risk/benefit analysis, Dr. Hayes as an expert in the field, who has studied the literature, seen the peer-reviewed articles, her opinion and the MDPH that the benefits far outweigh the risks to the Commonwealth at large and its population. **Dr. Hayes** said, "That is true." She added that for every \$1 spent on community water fluoridation there is \$38 saved for dental treatment costs, and so the cost benefit in addition to the risk/benefit is highly favorable.

Council President McGeary then asked Ms. Burke how much the dental clinic costs the city's taxpayers who explained that the clinic is funded through a revolving fund reimbursed by MassHealth insurance fees.

This public hearing is closed at 10:14 p.m.

Council Discussion:

Councilor Verga said that fluoride should boil down to people's right to choose whether they want this in their water. He chooses to have a flu shot, why shouldn't he have a choice whether or not to consume fluoridated water. He moved to refer the matter of a non-binding ballot question whether or not to discontinue fluoridation of the city's water supply, and that the Council seek through advisement of the ballot question to then submit a Home Rule Petition to the General Court; and that the matter be referred to the O&A Committee in order to return a non-binding ballot question or questions to the Council. The motion was seconded by **Councilor Cox**.

Councilor Theken said she is a health advocate for the State Medicaid Health program, and noted that inner city children are not even drinking tap water, and that it is a person's choice. She highlighted diseases and conditions such as cancer and autism and suggested chemicals could be damaging. She noted the city's BOH is getting a great deal of information and also supported them. She pointed to the good work of both the city's dental clinic and the BOH and urged that everyone work together.

Councilor Whynott said he listened to both sides of the issue. He said he didn't appreciate executive orders from people who weren't elected to their position, and where people don't have a say. He said he would support a non-binding ballot question.

Councilor Verga said if the goal is to remove fluoride from the water the question has to be clear to make it happen, and the Council has to put forward the Home Rule Petition. The question or questions have to be crafted to include that, he said.

Councilor Lundberg confirmed that the first matter is to refer to O&A who will do the research on the process, frame the question or questions, and then bring forward to the Council.

The matter of a development of an advisory ballot question under City Charter Sec. 9-7 for the November 2015 election as to whether the city should discontinue fluoridation of its public water supply and that whether under City Charter Sec. 9-7 the Council should submit a Home Rule Petition to the State

Legislature for a Special Act authorizing the discontinuance of fluoridation notwithstanding MGL c.111, §8C passed on a ROLL CALL VOTE of 8 in favor, 1 (McGeary) opposed, was referred to the O&A Committee.

The Council recessed at 10:27 p.m. and reconvened at 10:32 p.m. During the recess Councilors Whynott and Theken left the meeting.

3. PH2014-077: Amend GCO c. 22, Sec. 22-270 “Prohibited parking at all times” re: Mt. Pleasant Avenue

This public hearing is opened at 10:32 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 10:32 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to Amend GCO Chapter 22 “Traffic,” Sec. 22-270 (Parking Prohibited at all Times) by DELETING:

Mt. Pleasant Avenue, southerly side, beginning at a point 131 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 65 feet from its intersection with Marble Street, for a distance of 158 feet in a westerly direction;

AND ADDING:

Mt Pleasant Avenue, southerly side, beginning at a point 141feet from its intersection with Gerring Road for a distance of 151feet in a westerly direction, and on the northerly side, beginning at a point 140 feet from its intersection with Marble Street for a distance of 220 feet in a westerly direction.

DISCUSSION:

Council President McGeary, who put this Council Order forward, clarified that there were some mis-measurements in the ordinance and that this is a correction of those measurements.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to Amend GCO Chapter 22 “Traffic,” Sec. 22-270 (Parking Prohibited at all Times) by DELETING:

Mt. Pleasant Avenue, southerly side, beginning at a point 131 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 65 feet from its intersection with Marble Street, for a distance of 158 feet in a westerly direction;

AND ADDING:

Mt Pleasant Avenue, southerly side, beginning at a point 141feet from its intersection with Gerring Road for a distance of 151feet in a westerly direction, and on the northerly side, beginning at a point 140 feet from its intersection with Marble Street for a distance of 220 feet in a westerly direction.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to Amend GCO Chapter 22 “Traffic,” Sec. 22-291 (Tow-Away Zones) by DELETING:

Mt. Pleasant Avenue, southerly side, beginning at a point 131 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 65 feet from its intersection with Marble Street, for a distance of 158 feet in a westerly direction.

AND ADDING:

Mt. Pleasant Avenue, southerly side, beginning at a point 141 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 140 feet from its intersection with Marble Street for a distance of 220 feet in a westerly direction.

DISCUSSION:

MOTION: On a motion by Councilor Stewart, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to Amend GCO Chapter 22 “Traffic,” Sec. 22-291 (Tow-Away Zones) by DELETING:

Mt. Pleasant Avenue, southerly side, beginning at a point 131 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 65 feet from its intersection with Marble Street, for a distance of 158 feet in a westerly direction.

AND ADDING:

Mt. Pleasant Avenue, southerly side, beginning at a point 141 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 140 feet from its intersection with Marble Street for a distance of 220 feet in a westerly direction.

4. PH2014-078: Amend GCO Chapter 22-270.1 “Resident Sticker Parking Only” and Sec. 22-176(b) “Penalties for parking violations” “(b) In beach district”

This public hearing is opened at 10:35 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 10:35 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-270.1 “Resident Sticker Parking Only,” by ADDING a definition of “Resident Parking Sticker and Resident Beach Sticker” as follows:

“Resident Parking Sticker shall mean a parking sticker for persons who demonstrate proof of Gloucester residency and ownership of the vehicle on which the sticker is to be displayed. Resident Parking Stickers shall be valid for parking on any of the streets or areas listed in Sec. 22-270.1. Resident Parking Stickers shall be good for a period of five years beginning in 2012 and every five years thereafter.

Resident Beach Sticker shall mean a parking sticker for persons who demonstrate proof of Gloucester residency and ownership of the vehicle on which the sticker is to be displayed. Resident Beach Stickers shall be valid for a period of one year and permit entry into Good Harbor Beach, Stage Fort Park and Wingsersheek Beach in accordance with Beach and Stage Fort Park Regulations of the Department of Public Works.

Further, Resident Beach Stickers and Resident Parking Stickers shall be different in size, shape or color so as to make them easily distinguishable.

DISCUSSION:

Councilor LeBlanc explained there were issues with parking not in beach lots but in and around beach areas. After further discussion with the Council President, and the O&A Committee, that there were differences that needed to be further defined.

Councilor Cox said she spoke with the CFO, and asked that the Council insure the resident stickers are different than the beach stickers. She suggested the CFO be consulted with as soon as possible.

Councilor Fonvielle asked if this affected senior beach stickers. **Councilor LeBlanc** said the senior resident stickers and beach stickers will remain unchanged.

There was a discussion amongst the Councilors and then agreement that the shape and color of the two types of vehicle resident parking stickers could be handled administratively.

MOTION: On a motion by Councilor Stewart, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to Amend GCO Sec. 22-270.1 “Resident Sticker Parking Only,” by ADDING a definition of “Resident Parking Sticker and Resident Beach Sticker” as follows:

“Resident Parking Sticker shall mean a parking sticker for persons who demonstrate proof of Gloucester residency and ownership of the vehicle on which the sticker is to be displayed. Resident Parking Stickers shall be valid for parking on any of the streets or areas listed in Sec. 22-270.1. Resident Parking Stickers shall be good for a period of five years beginning in 2012 and every five years thereafter.

Resident Beach Sticker shall mean a parking sticker for persons who demonstrate proof of Gloucester residency and ownership of the vehicle on which the sticker is to be displayed. Resident Beach Stickers shall be valid for a period of one year and permit entry into Good Harbor Beach, Stage Fort Park and Wingaersheek Beach in accordance with Beach and Stage Fort Park Regulations of the Department of Public Works.

Further, Resident Beach Stickers and Resident Parking Stickers shall be different in size, shape or color so as to make them easily distinguishable.

5. PH2014-079: Amend c. 2, Art. V “Boards, Commissions and Committees,” Div. 1, Sec. 2-401 “Posting to city website”

Council President McGeary announced that this public hearing is opened but continued at the request of the Administration and the matter would go back to the O&A Committee for further discussion and upon conclusion of that discussion would return to the Council’s slate of public hearings.

This matter is continued when returned from the O&A Committee.

6. PH2014-080: Amend GCO c. 2, Art. V, Div. 12, Sec. 2-535 re: Community Preservation Act

This public hearing is opened at 10:45 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 10:45 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c.10, Art. V, Div. 12, Sec. 2-535 as follows:

Amend Section 2-535(a) by DELETING the period following the words regarding community preservation in the first sentence and by INSERTING in its place a comma followed by the words: “, including the consideration of regional projects.”

DELETE subsections (d)(4) and (d)(5) of Section 2-535 in their entirety and REPLACE them with the following new subsections:

“(d)(4) The acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use;” and

“(d)(S) The rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section.”

DELETE the period following the last sentence in Section 2-535 (f) and insert a semi-colon in its place followed by the words, “; provide however, that funds expended pursuant to this chapter shall not be used for maintenance.”

DELETE the word “every” in the first sentence of Section 2-535 (h) and REPLACE it with the word, “each”.

DELETE the words “not including” following the comma after the words “Open space,” in Section 2-535 (h)(l) and REPLACE them with the word “and”.

DISCUSSION:

Councilor Stewart offered and **Councilor Cox** seconded a motion to make an amendment to the main motion to remove “c. 10” and replace it with “c. 2”. **By a vote of 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, the motion to amend the main motion was accepted.**

Council President McGeary explained that these amendments to the Code of Ordinances were for the purpose of updating the local ordinance in order to conform to recent changes in state law regarding the Community Preservation Act parameters.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to Amend GCO c. 2, Art. V, Div. 12, Sec. 2-535 as follows:

Amend Section 2-535(a) by DELETING the period following the words regarding community preservation in the first sentence and by INSERTING in its place a comma followed by the words: “, including the consideration of regional projects.”

DELETE subsections (d)(4) and (d)(5) of Section 2-535 in their entirety and REPLACE them with the following new subsections:

**“(d)(4) The acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use;”
and**

“(d)(S) The rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section.”

DELETE the period following the last sentence in Section 2-535 (f) and insert a semi-colon in its place followed by the words, “; provide however, that funds expended pursuant to this chapter shall not be used for maintenance.”

DELETE the word “every” in the first sentence of Section 2-535 (h) and REPLACE it with the word, “each”.

DELETE the words “not including” following the comma after the words “Open space,” in Section 2-535 (h)(l) and REPLACE them with the word “and”.

Committee Report:

Budget & Finance: December 11, 2014

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to accept the Budget & Finance Committee Unanimous Consent Agenda of December 11, 2014 as follows:

1. *Memorandum Grant Application & Checklist from Planning Director re: Coastal Zone Management (CZM) Green Infrastructure for Coastal Resilience Grant Application for Little River Floodplain & Habitat Restoration for \$310,000*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to accept under MGL c. 44, §53A, a Massachusetts Coastal Zone Management (CZM) Green Infrastructure for Coastal Resilience Grant of \$310,000 for construction funding for the Little River Floodplain and Habitat Restoration project. This grant requires a grant match requirement of 25 percent.

2. *Correspondence from Mass. Cultural Council re: transfer of FY15 local Cultural Council funds
In the amount of \$6,940 (Cont'd from 11/13/14)*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to accept under MGL c. 44, Sec. 53A a grant from the Massachusetts Cultural Council in the amount of \$6,940 to the Gloucester Cultural Council for the purpose of supporting cultural projects in the City of Gloucester by the Gloucester Cultural Council.

3. *Review & Recommendations for the disposition of real property for Good Harbor & Wingaersheek Beach Concessions*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to approve the disposition by means of a lease as provided in the Request for Proposal #15075 Good Harbor Beach Concessions, 99 Thatcher Road, Concessions & Restroom Operation Lease and Wingaersheek Beach, 232 Atlantic Street, Concession and Restroom Operation Lease pursuant to the terms and conditions as stated therein. Said term is to be a three year term from May 1, 2015 to November 1, 2017.

4. *Special Budgetary Request Transfers 2015-SBT-23 and -24 from Police Department*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to approve Special Budgetary Transfer 2015-SBT-23 in the amount of \$15,000 from Account #101000.10.211.51910.0000.00.000.00.051, Police-Uniform Tuition/Training Employee to Account #101000.10.211.53004.0000.00.000.00.052 Police Uniform EMT Training, for the purpose of funding a legal update course and other necessary training courses for the Gloucester Police Department.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to approve Special Budgetary Transfer 2015-SBT-24 in the amount of \$1,000 from Account 101000.10.292.51100.0000.00.000.00.051, Animal Control, Salary/Wages-Permanent Position to Account #101000.10.292.55810.0000.00.000.00.054, Animal Control-Work/Safety Clothes for the purpose of purchasing Animal Control Officers uniforms.

5. *Memorandum Grant Application & Checklist from Police Chief re: Acceptance of FY2015 State 911 EMD & Training Grant for \$141,720.05*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to accept under MGL c. 44, §53A from the Massachusetts Executive Office of Public Safety and Security, a FY15 State 911 Department Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$139,259.31. The grant period of this grant is from September 11, 2014 through June 30, 2015.

6. *Memorandum, Grant Application & Checklist from Fire Chief re: FFY13/14 EMPG grant in the aggregate amount of \$12,435*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to accept under MGL c. 44, 53A a U.S Department of Homeland Security/Federal Emergency Management Agency passed through the Massachusetts Emergency Management Agency (MEMA) Emergency Management Performance Grant (EMPG) in the amount of \$5,975.00 for FFY13 and \$6,460.00 for FFY14 for an aggregate total of \$12,435.00. Funds are to be used for the purpose of supporting the City of Gloucester's Emergency Operations Center housed at the O'Maley Innovation Middle School and for Civil Defense training. The grant period for the FFY2013 grant portion is from July 1, 2014 through September 30, 2015 and the FFY2014 grant portion is from October 1, 2014 through September 30, 2015.

7. *Memorandum from DPW Director & Special Budgetary Transfer Request 2015-SBT-22*

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, approve Special Budgetary Transfer 2015-SBT-22 in the amount of \$2,000 from Account 101000.10.411.54210.0000.00.000.00.052, DPW Engineering Office Supplies to Account #101000.10.411.58710.0000.00.000.00.058, DPW Engineering Replace GIS Equipment for the purpose of purchasing a new large format printer (plotter).

8. Memorandum from Assistant DPW Director re: permission to pay FY14 invoices with FY15 funds

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, under MGL Chapter 44, §64 to authorize payment of outstanding invoices incurred by the Department of Public Works for services rendered in FY13 and FY14 by the Ipswich Police Department for road details for a net total of \$2,016 to be paid with funds from the current FY15 DPW budget, Account #101000.10.470.52000.0000.00.000.00.052, DPW Public Services Contract Service as follows:

<u>Invoice #</u>	<u>Date of Invoice</u>	<u>Amount Due</u>
3078	4/08/13	\$ 384.00
3079	10/28/13	\$1,056.00
3338	4/18/14	\$ 384.00
3490	6/20/14	\$ 192.00
NET TOTAL:		\$2,016.00

9. Special Budgetary Transfer Request 2015-SBT-21 from Community Development Department

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, approve Special Budgetary Transfer 2015-SBT-21 in the amount of \$3,160 from Account 101000.10.563.53500.0000.00.000.00.052, Tourism Commission-Other Charges & Expenses to Account #101000.10.563.51990.0000.00.000.00.051, Tourism Commission-Stipends for the purpose of covering stipend charges that were incorrectly budgeted.

10. Memorandum from Community Development Director re: Community Preservation Act Committee’s recommendation that existing CPA funding be used to pay off the balance of debt associated with the Newell Stadium Project

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to appropriate up to \$78,000.00 (Seventy Eight Thousand Dollars) from the Community Preservation Act Funds, Unrestricted Reserves in Fund #270000, as recommended by the Community Preservation Committee, to Account# 270000.10.172.59100.0000.00.000.00.059, CPA – Open Space - Debt Service, Principal Debt for the purpose of redeeming Community Preservation Act - Open Space debt service principal related to the Newell Stadium Capital Project. The appropriation will be allocated to the Open Space category.

11. Memorandum from Gloucester Public Schools Director of Finance & Operations re: permission to pay a FY14 expense with FY15 Funds

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, under MGL Chapter 44, §64 permit the payment of an approved step increase for the Gloucester High School Athletic Director in the amount of \$8,021 retroactively to FY14 and to be expended with current FY15 Gloucester School Department budget funds.

12. Memo from City Auditor regarding accounts having expenditures which exceed their authorization & Auditor’s Report

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, accept under MGL c. 44, Sec. 53E-1/2 an amendment of the expenditure limit from \$30,000 to \$48,000 for the Police Student Officer Training & Equipment Revolving Fund #293027, for the purpose of receiving reimbursements for training at the Police Academy. The authorized officer of the Fund is Leonard Campanello, Police Chief. The fund is credited from reimbursements; expenditure limit is \$48,000; the balance is the available balance, and there are no restrictions to the Fund.

***** END B&F UNANIMOUS CONSENT AGENDA *****

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council, pursuant to Massachusetts General Law Chapter 40, §3, accept the donation of the one acre parcel of land with a current assessment value of \$17,200 with the property address of 123 Hesperus Avenue, Gloucester, described in the deed recorded with the Essex South Registry of Deeds at Book 4023, Page 392.

DISCUSSION:

Councilor Verga reported that by a unanimous vote of the Planning & Development Committee they, too, recommended that the City Council accept the donation of this parcel of property. This property is adjacent to Rafe's Chasm, and the contiguous open space is worth the loss of \$230 a year in real estate taxes.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, pursuant to Massachusetts General Law Chapter 40, §3, accept the donation of the one acre parcel of land with a current assessment value of \$17,200 with the property address of 123 Hesperus Avenue, Gloucester, described in the deed recorded with the Essex South Registry of Deeds at Book 4023, Page 392.

Planning & Development: December 10, 2014

Councilor Verga reported that with the acceptance of 123 Hesperus Avenue, there were no other matters for Council action from the December 10 P&D meeting.

For Council Vote:

- 1. Decision to Adopt: SCP2014-011: Main Street #260, GZO Sec. 1.10.1(a)(3) and Sec. 3.2.2(a)**

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Whynott, Theken) absent, to adopt the decision for SCP2014-011, Main Street #260 pursuant to Section 1.10.1(a)(3) and 3.2.2(a) of the Zoning Ordinance.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.

Councilors' Requests to the Mayor:

Council President McGeary announced there would be a Joint School Committee/City Council meeting on Thursday, Jan. 22 at 7 p.m., as well a Joint Fisheries Commission/City Council meeting on the future of the city's fisheries industry in January at a date not yet set.

The entire City Council wished the citizens of Gloucester a very Merry Christmas, Happy Chanukah and a healthy and prosperous New Year.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 10:54 p.m.
Respectfully submitted,**

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Written Statements submitted from Public Hearing #2 on Group Petition regarding Fluoridation of the city's water supply as follows:**
 1. Tracey Chiancola, "A Matter of Choice;"
 2. Michael Foley, "Benefits?";
 3. Linda Wrinn, "The US Constitution, The Massachusetts Constitution; The Gloucester Charter; Civil Rights;
 4. Noreen Burke, Public Health Director - Public Health Outline: Fluoridation in Community Water Supply December 16, 2014;
 5. Dr. Benjamin Polan;
 6. Dr. John Fisher;
 7. Dr. Catherine Hayes – submitted through Noreen Burke - Letter signed by Harvard Medical School, Harvard School of Dental Medicine, Harvard School of Public Health & Harvard Kennedy School dated March 22, 2013
 8. Dr. William Bebrin;
 9. Karen Spencer Favazza;
 10. "The Crime, The Danger and the Consequences of Water Fluoridation," Bill Patenaud, Methuen;
 11. Vincent Zanfagna, Newburyport;
 12. Christopher Martel, Amesbury;
 13. Andrew Technor, Boxford;
 14. Barbara Goll, Rockport.