

**Special Ordinances & Administration Committee**

Tuesday, January 21, 2020 – 6:00 p.m.

**1<sup>st</sup> Fl. Council Conference Room - City Hall**

-Minutes-

**Present:** Chair, Councilor Sean Nolan; Vice Chair, Councilor John McCarthy (Alternate); Councilor Scott Memhard (Alternate)

**Absent:** Councilor LeBlanc; Councilor O'Hara

**Also Present:** Acting Mayor Steven LeBlanc (left the meeting at 6:26 p.m.); Councilor Gilman; Joanne Senos; Vanessa Krawczyk

**The meeting was called to order at 6:00 p.m. Some matters were taken out of order.**

**1. Appointments:**

Capital Improvement Advisory Board                      J. Mark Olsen (fulfilling unexpired term)                      TTE 02/14/22

**Mr. Olsen** reviewed that he is a lifelong city resident, and this is the first time he's volunteering for a city board, committee or commission. He indicated this is his way to contribute to the city given his career of 37 years in banking and finance having started with the Cape Ann Savings Bank and will start next week with that community institution. He described how he looked forward to looking at the overall city investment in its assets and how financial investments in those assets would benefit the city, as well as how the city is financing those endeavors.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint J. Mark Olsen to the Capital Improvement Advisory Board, TTE 02/14/22.**

Dogtown Preservation Commission                      Cindy Dunn                      TTE 02/14/23

**Ms. Dunn** was not in attendance. This being a new Commission, the Chair continued the appointment to February 3, 2020.

Leslie Nicholson                      TTE 02/14/22

**Ms. Nicholson** reviewed her background with the Committee recounting that she came to live in the city in 2009. She noted she uses and appreciates Dogtown saying she has listened to and followed the community conversations about what the best future of Dogtown that took place last year. She conveyed she'd like to be a part of the Commission to help the city preserve this important natural city asset that meets the city's diverse needs.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Leslie Nicholson to the Dogtown Preservation Commission, TTE 02/14/22.**

Planning Board                      David Rosen (fulfilling unexpired term) (Cont'd from 1/6/20)                      TTE 02/14/22

**Mr. Rosen**, reviewed that he's been a city resident since 1992 and is recently retired from LandVest having joined them in 1986. He noted he's a landscape architect by training having worked with many landowners; land trusts, municipalities helping people to understand the planning implications of their property. He pointed out he is very knowledgeable about planning and subdivision regulations because of the work that he's done. He noted that now that he is semi-retired he can use his time to give back to the city. **Councilor Nolan** noted Mr. Rosen's background and experience will be an asset to the Board.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint David Rosen to the Planning Board, TTE 02/14/22.**

Zoning Board of Appeals                      Catherine Schlichte (to full mbr.)                      TTE 02/14/23

**Ms. Schlichte**, well known to the Committee for her service on the Community Preservation Committee, and as an alternate member currently with the ZBA, advised that Mr. Gardner is retiring and Ms. Harrison has stepped away from the Board. She indicated she's been asked to step up to full member status which she advised she is willing to do -- this will leave the Board with six members (one being an alternate member). She recounted she had served on the Board eight years ago for a period of time. As a land use attorney, she pointed out she has a knowledge base she can bring to bear in matters that come before the Board, saying that she is also able to write decisions.

**Councilor Nolan** asked if there is a conflict with the two committees she serves and her profession. **Ms. Schlichte** advised that should she find there is a conflict, she would recuse herself from any deliberation and vote on a matter with the Board or Committee, or seek advice from General Counsel.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Catherine Schlichte as a full member to the Zoning Board of Appeals, TTE 02/14/23.**

Peter Cannavo (Alternate Member)

TTE 02/14/22

**Mr. Cannavo**, a member of the construction profession, explained that he is a native of Gloucester, and had run for the position of Councilor at Large. He mentioned that by his stepping forward as a volunteer on the ZBA, this will show his generation that they can step up and contribute to the city.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Peter Cannavo as an Alternate Member of the Zoning Board of Appeals, TTE 02/14/22.**

***Reappointments:***

Community Preservation Committee

Jennifer-Lee Levitz Aronson

TTE 02/14/21

Henry McCarl, Robert Whitmarsh\* (\*Cont'd to 3/2/20) TTE 02/14/23

**Councilor Nolan** advised that as Ms. Aronson had already been before the Committee twice in 2019 for the Gloucester Housing Authority appointment and her appointment to the Community Preservation Committee fulfilling an unexpired term, he had informed her it wasn't necessary for her to appear this evening.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Jennifer-Lee Levitz Aronson to the Community Preservation Commission, TTE 02/14/21.**

**Mr. McCarl** was excused by the Chair as he had another meeting in City Hall at the same time.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Jennifer-Lee Levitz Aronson to the Community Preservation Commission, TTE 02/14/21.**

Council on Aging

Roseanne Cody

TTE 02/14/23

**Ms. Cody** advised that she's made many positive contributions to the COA and would like to continue working with the Council on behalf of the city's seniors.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Roseanne Cody to the Council on Aging, TTE 02/14/23.**

Fisheries Commission

Al Cottone, David Leveille, Joseph Orlando, Mark Ring, Angela Sanfilippo, Paul Vitale

TTE 02/14/23

**Mr. Cottone** advised that the Commission is continuing to do all they can to support and preserve the city's fishing industry be it the ground fisheries or lobstering, as well as promote its fisheries capacity.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Al Cottone to the Fisheries Commission, TTE 02/14/23.**

Mr. Leveille noted he spent a term in sector management and brings a good perspective as to what is happening in the system from both sides.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint David Leveille to the Fisheries Commission, TTE 02/14/23.**

Mr. Orlando was fishing and unable to be present.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Joseph Orlando to the Fisheries Commission, TTE 02/14/23.**

Mr. Ring noted that his lifelong passion for the fishing industry and giving back to the city. He commented that this is a great Commission membership.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Mark Ring to the Fisheries Commission, TTE 02/14/23.**

Ms. Sanfilippo was not present.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Angela Sanfilippo to the Fisheries Commission, TTE 02/14/23.**

Mr. Vitale pointed out he grew up fishing, the third generation of his family to do so. He noted he is on the sector board, the Fishermen's Partnership Board, and other fishing industry related activities.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Paul Vitale to the Fisheries Commission, TTE 02/14/23.**

Gloucester Cultural Council

Shayla Kaufmann Swigart

TTE 02/14/23

Ms. Swigart was not present but was known to the Committee and so her reappointment was put forward.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Shayla Kaufmann Swigart to the Gloucester Cultural Council, TTE 02/14/23.**

Historical Commission

Sandy Barry, David Rhinelander (full member), Jude Seminara TTE 02/14/23

Ms. Barry was not present but was put forward for reappointment.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Sandy Barry to the Historical Commission, TTE 02/14/23.**

**Mr. Rhinelanders** moving from an alternate member of the Historical Commission to full member is considered a new appointment. As such, his appointment will be voted on by the City Council, and Mr. Rhinelanders would need to attend the Council meeting. He touched briefly on his tenure with the Commission with the Councilors.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint David Rhinelanders as a full member to the Historical Commission, TTE 02/14/23.**

**Mr. Seminara** pointed out he's been on the Commission for some time now saying that he enjoys giving back to the community. He mentioned he has a passion for history of the city.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Jude Seminara to the Historical Commission, TTE 02/14/23.**

Historic District Commission Charles Nazarian, David Porper TTE 02/14/23

**Mr. Nazarian** and **Mr. Porper** reviewed their experiences and work with the Historic District Commission briefly with the Committee. **Mr. Porper** noted he's been on the HDC since 1978.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Charles Nazarian to the Historic District Commission, TTE 02/14/23.**

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint David Porper to the Historic District Commission, TTE 02/14/23.**

Magnolia Pier Advisory Committee Howard "Ted" Costa TTE 02/14/23

**Mr. Costa** conveyed that he is has worked diligently to fundraise and organize the community to help raise the new Magnolia Pier and act as liaison to the city. He thanked the Committee for all their support.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Fred Cowan to the Board of Health, TTE 02/14/23.**

Magnolia Woods Oversight & Advisory Committee Alexander Monell TTE 02/14/23

**Mr. Monell** advised the Committee that the MWO&AC hasn't met in quite some time and discussed some of the pending issues briefly especially the pending installation of an access gate which **Councilor Nolan** reviewed with **Mr. Monell**. He mentioned he's been on the MWO&AC since its inception.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Alexander Monell to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/23.**

Open Space & Recreation Committee Charles Crowley, Jerome Goulart, Jr. TTE 02/14/23

**NOTE:** Mr. Goulart submitted his resignation by email Monday, January 20, 2020 (on file).

**Mr. Crowley's reappointment is continued to February 3, 2020.**

Planning Board Henry McCarl, Jane Remsen TTE 02/14/25

NOTE: Mr. McCarl wasn't present but the Committee, knowing Mr. McCarl and the quality of his work with the Board, and his representation of the Board to the Community Preservation Committee put his name forward for reappointment.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Henry McCarl to the Planning Board, TTE 02/14/25.**

**Ms. Remsen** touched on her first term with the Planning Board for the Committee, having filled an unexpired term. She expressed she is enjoying her participation saying in the previous community where she lived she was on their Planning Board for 12 years. She mentioned she is participating in the subcommittee redrafting the city's Affordable Housing Zoning Ordinance.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Jane Remsen to the Planning Board, TTE 02/14/25.**

Tourism Commission

Caitlyn Pszenny

TTE 02/14/23

**Councilor Nolan** advised that Ms. Pszenny was awaiting the birth of her first child, and having expressed a desire to continue on the Tourism Board, he announced the Committee would put through her reappointment.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Caitlyn Pszenny to the Tourism Commission, TTE 02/14/23.**

Waterways Board

Anthony Gross, Russell Sherman, Peter Yung\* (Cont'd to 2/3/20)

TTE 02/14/23

**Mr. Gross** briefly discussed his work on the Waterways Board saying that the Harbormaster's staff is moving forward with everything on line. They're expanding transient moorings to go along with the renovated Harbormaster's Office and Boating Center. He made mention of continuity of the Board's work. **Councilor Nolan** offered his compliments to both Mr. Gross, Mr. Sherman and the Board for their progressive work. **Mr. Gross** pointed out they couldn't have done so much in recent years without the support of the Administration.

**COMMITTEE RECOMMENDATION: On a motion by Councilor McCarthy, seconded by Councilor Memhard, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Anthony Gross to the Waterways Board, TTE 02/14/23.**

**Mr. Sherman** advised that he has just retired, and expressed he is impressed with the work of the Harbormaster and Assistant Harbormaster. He asked to be reappointed to the Board.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor McCarthy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Russell Sherman to the Waterways Board, TTE 02/14/23.**

2. *CC2019-032 (Gilman/Holmgren): request City Council adopt MGL Ch. 90, 17C re: establishing a speed limit of 25 mph on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway (Cont'd from 11/18/19)*

**Councilor Gilman** asked that this matter be continued for a month saying that there was due diligence that she and Councilor Holmgren needed to do but were unable to fulfill in time for this meeting, such as research on best practices from other municipalities and arranging assistance through the High School for student to assist in their research project.

This matter is continued to March 2, 2020.

3. **CC2019-043 (LeBlanc/Gilman): Amend the September 25, 2018 City Council Rules of Procedure by ADDING to Rule 1: Meetings” a new subsection (F) re: Councilors prohibited from using cellphones during City Council meetings**

**Councilor Nolan** read the motion as forwarded from the O&A Committee on January 6, 2020 which the Committee had vetted on that date. At the Council Meeting of January 14<sup>th</sup> the Council asked that the amendment to the Council’s Rules of Procedure be returned to the Committee for further consideration.

“COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the September 25, 2018 City Council Rules of Procedure by ADDING to “Rule 1: Meetings” a new subsection “(F)” as follows:

“F. Use of Cell Phones Prohibited.

The Council’s use of cell phones, during a City Council meeting, may lead to the public’s perception that a Council member is not paying attention to the subject matter at hand or that a Council member is receiving information relative to the subject matter at hand that other Council members and members of the public are not receiving, either one of which is harmful to good government and transparency. Therefore, the Council’s use of cell phones is prohibited during Council meetings.”

**Councilor Gilman** suggested, after talking to Councilor LeBlanc, co-sponsor of the Council Oder, that the word “prohibited” may be too strong. She asked that the word “prohibited” be replaced with the word “restricted” so that the concept is put forward but it is being realistic, such as the need for a cellphone in an emergency or to take photographs, or a Councilor is having a hard time getting onto their iPad. She noted she spoke with Councilor Nolan that some of the Councilors aren’t able to get their long documents on their iPads which is a technology issue. She encouraged the Councilors having that have technical issues to arrange to meet with the city’s IT Director. She pointed out that Councilors need their iPads at the meeting to have access to their Council packets. She offered that texting during a meeting is unprofessional and not transparent, suggesting that this change is acceptable.

**Councilor McCarthy** advised that if cellphones aren’t prohibited then “restricted” won’t do enough, and suggested rather than replacing the word “prohibited” to recraft the paragraph.

**Councilor Memhard** mentioned that it is a matter of the decorum of the Council and perception of not paying attention to what is transpiring before the Council, as well as possibly being influenced by external factors. He expressed that it is the intent that is important, and that they need to find the right words saying that they don’t want to create a regulations they can’t enforce. **Councilor McCarthy** voiced his agreement about creating regulations the Council can’t enforce. He noted he uses his calendar on his phone frequently and many rely on their cellphones to take notes. He urged that the language be reworked to limit the scope of use and then rely on the Councilors not to use their cellphones. **Councilor Gilman** suggested they prohibit texting. **Councilor Memhard** highlighted that it is a matter of enforcement and questioned how that would happen. **Councilor Gilman** suggested she rework this language off line, and expressed agreement that the wording needs to be made.

**Councilor Nolan** conveyed that as to transparency, professionalism and perception, he did a lot of research on this on different states and municipalities ordinances. He mentioned reading articles going back to 2008 and explored case law. It is not to create rules for “perception;” he pointed out, but that they need to create language for keeping the use of cellphones within professional parameters. The word “restricted” is still a prohibition, he cited. He suggested this matter be continued in order to work on the language and do further research.

There was a brief Committee discussion on the Council iPad technology with City Clerk, **Joanne Senos** relaying information from the IT Director on the subject. **Councilor Gilman** noted at Essex North Shore Tech they have software package that sets up their agenda by links and only need to tap on it to get that certain piece of the meeting, one document at a time rather than scrolling. **Councilor Memhard** suggested that there may be some training issues involved.

This matter is continued to March 2, 2020.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:11 p.m.**

Respectfully submitted,

*Dana C. Jorgensson*

Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**