

**Ordinance & Administration Standing Committee
May 18, 2020 Minutes
Remote Meeting**

Present: Chair Sean Nolan, Vice Chair Steve LeBlanc, Member Councilor O'Hara

Absent: None

Also Present: Joanne M. Senos, Mayor, Vanessa Krawczyk, Councilor Holmgren, Councilor Gilman, Councilor McCarthy

The meeting was called to order at 6:08 p.m. Councilor O'Hara joined the meeting @ 6:10 p.m. There was a quorum of the City Council.

Consistent with the governor's order suspending certain provisions of the open meeting law banning gatherings of more than twenty five people, this meeting will be conducted by remote participation. Additionally, all votes taken by the Ordinance and Administration during this and future remote meetings will be held by roll call rate.

1. *Appointment:*

Licensing Board

Christopher Sicuranza

TTE 05/31/26

Christopher Sicuranza gave a brief overview of his past employment in the Mayor's Office. He conveyed to the Committee that he had a chance to work with the City Clerk's Office on the Special Events Committee and learned a lot about the licensing process. Over the years, he has developed a network of friendships, relationships, engagements along Main Street and throughout the City with regard to liquor licenses and special licenses. He felt that he could add value, especially now that he is working in the Comptroller's Office at the State House. There is a lot of guidance that they can fast track or find ways of having some updated guidance to make sure businesses can get the support they need. Also, staying in harmony with the Mayor's Office, making sure that they are having the right support for small business growth in the City. Using the best guidance from the State and making sure they use some innovative solutions in regard to digital licensing. He thought this is going to be necessary, given the pandemic that we are in right now, and the way that things might have to change. He is trying to make sure he is up to speed on all of this and is interesting in helping out the Licensing Board.³³

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council appoint Christopher Sicuranza to the Licensing Board TTE 05/31/26

Reappointment:

Gloucester Housing Authority

Scott Duffany (Labor Representative)

TTE 05 /28/25

Scott Duffany conveyed to the Committee that he gets along with the people involved with the Board. He cares about the elderly that are in the housing projects, could help push things forward and appreciated the Committee supporting his reappointment.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council appoint Scott Duffany to the Gloucester Housing Authority TTE 05/28/25.

2. Application of Sarah Valencik for a Permit for Scientific Research in the Coastal Waters & Tidal Flats in the City of Gloucester pursuant to GCO Ch. 20, Sec. 20-27 "Permits for Scientific Works in coastal waters and flats of city"

Ms. Valencik, President of Massachusetts Oyster Project, conveyed to the Committee that they have released oysters in the Mill River in the past and were planning on continuing to release oysters there. Basically, they want to just evaluate the seeding effort to see if it's making a tangible difference on the environment and on the population of oysters in the Mill River. They are not planning on taking anything and do surveys to see oyster density, to see if there's been any changes to the aquatic follicle communities on the river bed. They were going to do some water quality testing as well to see what difference the oysters have made. Councilor LeBlanc asked Ms. Valencik if there was any other location they were planning on testing and whether she had a sign off or permit from the Division of Marine Fisheries. Ms. Valencik replied just the Mill River, and she did not have the permit in hand but has been in contact with them. The Committee asked the Shellfish Warden, Peter Seminara, to weigh in on what permits Ms. Valencik would need before the Committee proceeded forward with this permit. Mr. Seminar replied that in discussing this with the Division of Marine they require a permit for any sort of scientific research that's conducted in the waters of the Commonwealth above and beyond any municipal permits. The Mass Oyster Project has their educational aquaculture permit, which allows them to grow the oysters at the Maritime Gloucester upweller, in order to monitor the oysters that are currently in the Mill River. Whether the City issues them a permit or not, they still are not going to be able to conduct their project until Marine Fisheries issues them a permit. Right now, marine fisheries is in a semi furloughed state. He is not sure whether Ms. Valencik has heard back from either Kerry Allard, who handles permitting, or Chrissy Petitpas, who handles aquaculture. There are some concerns whether this permit needs an endorsement on their aquaculture permit. Until they hear back from the Division of Marine Fisheries, the City's permit wouldn't matter until the Division of Marine Fisheries signs off. Ms. Valencik replied to Councilor LeBlanc's inquiry that she has reached out to Kerry Allard and Chrissy Petitpas and has not heard back anything tangible from either one. Mr. Seminara said he would reach out to them to see if he can make any progress to see how long the process is going to take. Councilor LeBlanc said he would like to continue this matter to their next meeting to see if Ms. Valencik can obtain the permits before coming back for the Committee's approval. City Clerk Senos conveyed to the Committee that the last permit they approved there was a condition that the applicant was required to obtain from the Conservation Commission a negative determination of applicability for the proposed work. Ms. Valencik replied to Councilor LeBlanc's inquiry that she had not contacted the Conservation Commission. Mr. Seminar said that the Conservation Agent has been copied on the communications and is aware of Ms. Valencik's intentions. Councilor Nolan requested that Mr. Seminara assist Ms. Valencik in communicating with the city departments as she may have a difficult time communicating through email due to the pandemic and enough time to make this happen. Mr. Seminar commented that this is a good opportunity to monitor the oysters that have been put out there in the past two years. It's beyond just broadcasting the oysters that are grown at Maritime Gloucester.

Also, this would allow someone to monitor how well they've taken, because there's a potential that we could have a pretty decent oyster bed in that particular area.

This matter is continued until June 1, 2020.

3. CC2019-034 (LeBlanc/Nolan): request O&A and Traffic Commission review the parking at all times of motor vehicles and RV's on Western Avenue from the County Way Landing to the Avis R. Murray Tennis Courts **(Cont'd from 05/08/20)**

This matter is continued until June 15, 2020.

4. CC2019-043 Gilman): Amend the September 25, 2019 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 **(Cont'd from 05/08/20)**

Councilor Gilman conveyed to the Committee that at the January 21, 2020 meeting they had a rigorous conversation. There was input by many, and the consensus was that it just seemed like they were using strong language and needed to tone it down. Councilor LeBlanc, at the last O&A meeting, withdrew his name on this order, and she wanted to have a conversation about this to see how her fellow councilors felt. She did some research and liked what the school committee had on their policy manual. She explained what she learned while she was on the School Committee. At the request of Councilor LeBlanc, Councilor Gilman summarized the document that was before them saying basically it talks a little about open meeting law, law deliberation, using cell phones and it gives the public and elected officials a better understanding of what the concerns are of using text messages as way to communicate. Councilor Gilman further explained Sec. BHE in the manual policy on the School Committee's website. She thought that if that brief paragraph, which currently has been approved by school committees throughout Massachusetts, could be added they could just substitute school committee with city council and have a good addition to their council rules of procedure. She was willing to this together and present a final version at the next O&A meeting. Councilor LeBlanc replied that he was the originator of this order and Councilor Gilman had asked to join. Seeing over the past several weeks with the only type of communication they have and the difficulty with the technology, as Council President, he will have more control over the Councilors at the dias. He felt that was enough rather than put this in the council rules of procedure. He explained some circumstances in which there is a need for the cellphones, didn't feel comfortable with them be prohibited, and that they should self-police themselves. Councilor Nolan commented that they brought this up for a reason, and his only issue right now is technology. He didn't want to restrict the council especially in the world we live in right now. He is using his ipad for this meeting and has no real way of going back and looking up history without using his cell phone. He would not support this tonight, appreciated all work that's gone into this, liked some of the language from the school committee, but at this time they should let this matter go. Council O'Hara commented that he truly appreciated the efforts that Councilor Gilman had put forth in bringing this matter forward, and the intent was great. Unfortunately, the technology i.e. his ipad is horrendous. Everything he uses or gets off his cell phone. He is on his cell phone for this meeting and it is not an ideal situation. He thought as Councilor Nolan expressed in the present times that we are in the need for having a cell phone is extremely important. We need to keep this as an available tool for every councilor, at least for the immediate, until we can get out of the present situation and possibly upgrade our city owned devices so that we can relax or put the cell phones away. Councilor LeBlanc asked if she wanted to move forward with the Committee voting. Councilor Gilman replied she was fine to withdraw. Maybe after they get through this emergency, they can look again at this because it is part of their

governance. She thought there are some very beneficial aspects of having this in our rules of procedure, but the timing is not good. She would be perfectly willing to withdraw this order.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances and Administration Committee voted by ROLL CALL, 3 in favor, 0 opposed to accept the withdrawal CC2019-043 regarding Councilors prohibited from using cellphones during City Council meetings.

5. CC2020-003 (LeBlanc): Request City Charter review pursuant to City Charter Sec. 10-1(b) **(postponed from 05/08/20)**

Councilor LeBlanc explained that under Sec. 10-1(b) of the City Charter every ten years, the City Council through O&A reviews the city charter and makes minor recommendations for amendments as long as the amendments have nothing to do with the electoral process. They would have to have a Charter Commission in or to do that. The charter can also be changed by a special act of the state legislature. Councilor LeBlanc moved to form a city charter commission and it was seconded by Councilor Nolan. Councilor LeBlanc asked the City Clerk how many members are there on this charter commission. Ms. Senos replied that they would want a city charter task force. In 2010, Councilor Tobey introduced this order. The matter was taken up twice in February and they also had a public hearing for public input. What she didn't see in the 2010 minutes was how they reached the member. In speaking with a former member of the task force, Tony Gross, he said that they were handpicked. Mr. Gross was nominated by Val Gilman, and in addition there was the City Clerk, Ab Khambaty, Councilor Mulcahey and Roz Frontiero. All the minutes that she researched didn't outline the procedure, how many people or how to select this committee. The Mayor explained that in 2010 she was the Chair of O&A and the process. It was an ad hoc, they all made recommendations and were about eight people. Towards the end, members were dropping out. The City Clerk agreed with the Mayor that people were dropping out towards the end and that there were five or six members left. City Clerk said that in reading the 2010 minutes that the task force was formed but did not start meeting until 2011. On October 11, 2011, they put forward all their amendments and there were about forty-eight amendments to the City Charter from Article 2 through Article 10. They did a thorough review and they went line by line. The Mayor recommended that they should have eight members and the Chair of O&A would be the ninth member because people drop out. Councilor Nolan agreed with the Mayor and suggested that this matter be brought back again on June 1st so that the Committee can reach out to other people, get more information before they form a committee and pick the people that will be on this. He read the minutes and they did a lot and not much has changed since then for them really get into. Councilor O'Hara agreed with Councilor Nolan said. Councilor LeBlanc moved to withdraw his previous motion and moved to continue this matter to June 1st.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinance and Administration Standing Committee voted by ROLL CALL 3 in favor, 0 opposed to accept the withdrawal of Councilor LeBlanc's motion to form a City Charter Commission and continue this matter until June 1, 2020.

This matter is continued until June 1, 2020.

6. CC#2020-008(Nolan/Gilman): Amend G CO Ch. 22, Sec. 22-176, "Penalties for parking violations," Subsection (c), "In beach district" by ADDING Hickory Street, Sawyer Avenue & Hough Avenue

Councilor LeBlanc informed the Committee that Hough Avenue was already in the ordinance and confirmed this with the City Clerk. Councilor Gilman conveyed to the Committee that she met at the Lanesville Community Center about a year ago with the Mayor, Chief Connelly and CAO, Jim Destino. One of the things that they talked about was changing a few of the streets that are close to the quarry entrance near Plum Cove to classify it as the beach district. The benefit of that would be we would be changing the fee of fifteen dollars in terms of a penalty or fine to seventy-five dollars. They felt that that this would help, because of what happens is that they get crowds coming in, particularly on days when the beach parking lots are full, and they come to the residential streets near Vernon's pit and Nelsons. It's overwhelming for the neighborhood with big crowds, and the best way that they have been able to control that is through limiting parking to residents. On these particular streets, the parking is very clearly marked as no parking period between May 1st and September 15th. On these two street, she distributed to about 15 abutters tonight's agenda and a document regarding the process and talked to them to make sure that they were clear of what the intentions were. She was quite sure there is support for this, wanted to move this forward at O&A to allow it to get to a public hearing and a vote to get this in for this summer. The residents would really appreciate this. It's all about enforcement and making it a little bit tougher for the person's pocketbook and word will get around. Councilor LeBlanc asked what they were going to do with the people who park on the street when school is in session. Councilor Gilman replied that she had Chief McCarthy, before his tenure ended, walk through it, and they met with Tammy Morgan. There are few events that sometimes occur towards the end of the school year, where cars do park there, but it was very minimal. They found additional parking spots on that road to the water tower where members going in for a field day or whatever happened there, could park on the road. Principal Morgan, at that time, felt really comfortable about that being used to put parents there that might be coming in for events. The biggest issue here is just weekends and the overflow of the quarries. Councilor Nolan commented that this goes back to Councilor O'Hara's Beach Traffic Ad Hoc Committee with the petition to go to the state so we could do this. It is tool that has been working. Unfortunately, people take advantage of certain situations and the financial issue is that it is worth it for people to go a park and not worry about it but it is hard to enforce with towing. He does believe a seventy-five dollar ticket in these areas and other beach areas is working. He doesn't like to fine people, but there are situations in neighborhoods, where it becomes overwhelming. This may be the only tool they have to try to deal with that and will be supporting this. Councilor LeBlanc commented that he did not feel comfortable having this as a beach district. He wouldn't be opposed to pulling this back and making these two roads no parking at certain times. Once they start putting beach districts that aren't anywhere a beach, it is going to be a real gray area. He wouldn't mind voting to increase the parking fines in that area. Councilor O'Hara commented that he understands that there have been issues as he has been up there on weekends and holidays and the frustration of the neighbors with the neighbors parking there. Councilor LeBlanc raised a valid concern about beach parking areas being brought up in other areas of the city that aren't adjacent or directly near a beach, and possibly this needs to be discussed with the City Solicitor. Councilor Gilman stated that this conversation included Chief Conley, Jim Destino and the Mayor, vetted this together and thought this would help. If we have to rewrite the language now, it will not happen this summer which will be a real disappointment, because this is a commitment that we said we wanted to address. Councilor Gilman said that there are many reasons of concerned and asked if they could amend category "C" with beach/quarry district. Councilor LeBlanc replied that they couldn't because the ordinance says subsection (c) – In beach district." They would have to amend the whole ordinance. Councilor

Nolan said that, now that he is really thinking where there is no beach there, that he didn't think they had the ability to change it to beach/quarry, as they had to ask for the state's approval to raise the penalty to seventy-five dollars through a home rule petition. Councilor LeBlanc's advice was to request the Mayor to have the police enforce this. He would support an increase in fines if Councilor Gilman wanted to rewrite this and see what is allowed by law. Councilor Nolan asked if this matter could be brought back on June 1st so that Councilor Gilman could work with the City Solicitor to find out what they can and cannot do.

This matter is continued until June 1, 2020.

A motion was made, and seconded and by ROLL CALL the meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Joanne M. Senos
City Clerk