

**Ordinances & Administration Committee**  
Monday, December 5, 2016 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**-Minutes-**

**Present: Chair, Councilor Steve LeBlanc; Vice Chair, Councilor Jamie O’Hara; Councilor Sean Nolan**  
**Absent: None.**

**Also Present: Councilor Gilman; Councilor Cox (entered the meeting at 6:03 p.m. and departed 6:05 p.m.); Joanne Senos; Jim Destino; Chris Sicuranza**

**The meeting was called to order at 6:00 p.m. From 6:03 p.m. to 6:05 p.m. there was a quorum of the City Council present.**

**1. *Appointments & Reappointments:***

**A. New Appointments:**

Affordable Housing Trust

TTE 02/14/19

Rick Doucette

**Mr. Doucette** briefly touched upon his resume (on file), a document that highlights his 21 years with the Cape Ann YMCA and most recently as the Cape Ann YMCA’s Executive Director of Camp and Teen Services, a position he’s held since 2008. He conveyed that Affordable Housing Trust (AFT) member, Ruth Pino, reached out to him to let him know about a vacancy on the AFT, saying that he would be a good fit with his experience.

**Councilor LeBlanc** pointed out that Ms. Pino is someone he respects, who understands the needs of the AFT and the community. He pointed out if Ms. Pino thinks Mr. Doucette was a good fit with something to offer to the AFT, then he needed no further convincing.

**Councilor Nolan** lauded Mr. Doucette for stepping forward appointment, and **Councilor O’Hara** also voiced his endorsement of Mr. Doucette’s appointment.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Rick Doucette to the Affordable Housing Trust, TTE 02/14/19.**

Tourism Commission

TTE 02/14/20

Carla O’Connor

**NOTE:** A typographical error was made in transmission of information from the Administration, and in actuality, Ms. O’Connor’s Term to Expire is 02/14/19, a three year term. The motion below reflects that fact.

**Ms. O’Connor** explained to the Committee she was born and raised in the city and has extensive hospitality experience noting that her mother owns and operates Captain Carlo’s Restaurant. She advised that she serves as the manager of that restaurant, overseeing all aspects of its operation. She noted she is a graduate of Purdue University with a degree in Hospitality and Tourism Management. She recounted she has worked for Marriott International, and several other large hospitality companies. She explained that she lives here and wants to ensure that those who visit the city have the same experience she does, and that tourists stay and spend their money here to support the city’s overall economy.

**Councilor LeBlanc** noted that Councilor Orlando spoke highly of Ms. O’Connor’s appointment. **Councilors O’Hara** and **Nolan** added their endorsement of Ms. O’Connor’s appointment to the Tourism Commission.

**MOTION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Carla O’Connor to the Tourism Commission, TTE 02/14/19.**

**B. Resignation from a Board, Commission, Councils or Committee: Waterways Board David McCauley**

**Councilor LeBlanc** said Mr. McCauley has been an asset to the Waterways Board during his tenure with the Board, and that it is with regret the O&A Committee will accept his resignation.

**MOTION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to accept the resignation of David McCauley from the Waterways Board.**

2. **CC2016-048 (Orlando) Amend GCO Sec. 4-16 (d) “Off-leash dog areas” subsection (b)(2) by adding a new subsection “(m) Dog Park “pooch pass” certificate for non-residents & amend Sec. 1-15 “Penalty for violation of certain specified section of code” (TBC 01/03/17)**

At the request of Councilor Orlando this matter is continued to January 3, 2017.

3. **CC2016-049 (Gilman) Amend GCO Sec. 22-269 “Same-From May 1 to September 15” and Sec. 22-267 “Restrictions on direction driven-Annually” re: Arlington Street (TBC 01/03/17)**

Due to the Traffic Commission meeting schedule and with on recommendation from the Commission in hand, this matter was continued to January 3, 2017.

4. **CC2016-050 (Gilman) Amend GCO Sec. 4-21 “Dog fouling”**

**Councilor Gilman** relayed the following information regarding her Council Order to replace by amendment GCO Sec. 4-21 “Dog fouling” in its entirety and add new language. She advised this issue came forward Oct. 1 when the DPW didn’t have refuse barrels available at Good Harbor and Wingersheek Beaches. She recounted that she spoke with the DPW Director, who relayed that he had to deal with staffing issues particularly in the winter, but most importantly that the ordinance specifies currently that dog waste is not allowed to be disposed of in trash barrels. She pointed out in her research of best practices, surveying 10 other municipalities (on file), and found consistently in all municipalities that dog waste is allowed to be placed in barrels designated by the municipality. She noted three different Board of Health summaries: Rhode Island, Massachusetts and New Jersey, which showed the same regulations. She said she reached out to the Gloucester Board of Health at the request of the Committee, and received a letter of support for this initiative signed by from Dr. Richard Sagall, BOH Chair (on file).

She reviewed that she reworked the ordinance language using some words from other municipalities’ ordinances. She asked that wherever her Council Order refers to “feces” it should read, “fecal matter,” and subsection (c) that it should read after the word, “collection,” “by the City of Gloucester.” Subsection (e) should now read, “Authorized enforcement personnel: City of Gloucester Police Department and Animal Control Officers.” and remove “Board of Health Inspectors” and “DPW.” She advised that she had spoken to Interim Chief McCarthy about this matter, and **Councilor LeBlanc** advised he had also spoken to the Interim Police Chief about the entire ordinance amendment as well.

**Councilor Gilman** recounted for the Committee that she conversed with the Interim Police Chief regarding the fines not only within this section, but in Sec. 4-16, and in Sec. 1-15 which were different. She said it was her decision within the Council Order to make the fine for not disposing of fecal matter appropriately the highest at \$100 and to add another fine when a dog owner/guardian was found without adequate poop bags (\$50). She advised this change it gives the Animal Control Officer greater authority to remind dog owners to exercise more vigilance and gives the Officers more leeway and authority. She said most importantly is subsection (c) “Method of removal and disposal.” which she read to the Committee. She highlighted from that subsection that, “When trash receptacles are not available, a carry in/carry out trash approach applies,” and said she phrased it in such a way that it only reflected the policy of carry in/carry out since that trash policy is only for the beaches under the DPW regulations.

She advised that if this amendment is approved by the Council and acceptable to the DPW Director, the Board of Health has offered to purchase three “doggie pots” (disposal barrel units which can only take certain sized trash and is exclusively for dog fecal matter, which has two Mutt Mitt stations attached) at \$250.00 per unit, two stationed at either end on the perimeter of Good Harbor Beach and one at Wingersheek Beach. She said the design of the barrels makes it very difficult for other trash to be placed in the barrels. **Councilor LeBlanc** mentioned that Plum Cove Beach appears that the dog owners are good about cleaning up after their dogs. **Councilor Gilman** said this is a health issue on several different levels and she asked the O&A Committee to support this amendment.

**Councilor LeBlanc** noted that in subsection (d) “Fines for violation” the current third line that, “Owners must have in their possession “poop” bags...” that after “possession,” “an adequate supply of” should be inserted. He then noted, “Violation of this regulation shall be punished by a fine of \$100.00 for each offense...” and, “and dog(s) may have off leash privileges...” He suggested the insertion of the word “beach” after the words “off leash.” He said his only other concern was the authorized enforcement personnel but with the removal of Board of Health

Inspectors and DPW he was satisfied with subsection (e). All suggestions were inserted into the subsection by mutual assent of the Committee. He spoke to the \$100 fine saying that it seems a bit high to him. **Councilor Nolan** expressed concern that the fine was \$100 per day and suggested that it should be a “maximum” per day noting that if a dog is ill, its owner may have issues picking up after their pet and would be unfair to that owner who may not have enough bags on them to keep up with such a situation. **Councilor O’Hara** said Councilor Nolan raised a good point, but that the heart of the matter is to raise awareness that if you have responsibility for a dog, one has to be prepared to clean up after it. **Councilor LeBlanc** agreed through this section they are trying to encourage dog owners to be responsible.

**Jim Destino**, CAO, clarified some of the changes in the Council Order with **Councilor Gilman**.

**Councilor LeBlanc** asked what would trigger an enforcement agent to ask if a dog owner had an adequate number of refuse bags in their possession and expressed concern for how people would be approached and why. **Councilor Gilman** advised that in speaking with one of the Dog Officers and the Interim Police Chief, it is dependent on the way the question is asked, and that people aren’t upset by the question from the Dog Officer. She conveyed that Interim Chief McCarthy felt strongly that the part of subsection (d) be kept as presented. She suggested that perhaps the Interim Chief could come to either the Council meeting on Dec. 13 to speak to that matter.

**Councilor LeBlanc** said the city has two good Animal Control Officers, and [these changes] give the ordinance some “teeth.” **Councilors Gilman** said that she supports the \$100 fine and said scofflaw dog owners are spoiling a privilege for so many others they’ve worked so hard for. **Councilor Nolan** continued to express concern that the fine of \$100 be a maximum “per day.” **Councilor LeBlanc** said he would support the fine to state, “\$100 per day.” By mutual assent of the Committee, subsection (d) had the words, “per day for each offense” added after “...\$100...”

**Mr. Destino** discussed the concern of the Administration about the additional \$50 fine for lack of adequate poop bags in subsection (d) with the Committee and how such a situation could be enforced. Concerns were also expressed that the word “adequate” could be construed as a subjective and that the penalty was unreasonable. After a brief discussion with the Committee, **Mr. Destino** and **Councilor Gilman**, the \$50 fine for not having adequate poop bags was struck from subsection (d).

**Councilor O’Hara** pointed out that Mutt Mitts dispensers are great but dog owners should not rely on them, and bring their own bags with them at all times. He offered his thanks to Councilor Gilman for her hard work. **Councilor Gilman** thanked Joanne M. Senos, City Clerk and Dana Jorgenson, Clerk of Committees for their assistance.

**Mr. Destino** said carry in/carry out beach trash policy works and expressed concern that the new receptacles could be stuffed with trash other than what they were intended for. **Councilor Gilman** assured that these receptacles are only going to be available in the off season at the two beaches and are what most municipalities are using. The barrels, she noted, were constructed in such a way that other trash would not be able to be placed in them.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 4-21 “Dog fouling” by DELETING Section 4-21 in its entirety and ADDING new as follows for the same section of Ordinance:**

**“Sec. 4-21. – Dog fouling**

**(a) Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any fecal matter deposited by the dog on any sidewalk, gutter, park, beach when permitted, street or other public area or on any private property neither owned nor occupied by said person.**

**(b) Duty to possess means of removal. No person, who owns, possesses or controls such dog shall appear with such dog on any sidewalk, gutter, park, beach when permitted, street or other public area without the means of removal of any fecal matter left by such dog. Furthermore, no person who owns, possesses or controls such dog, shall appear on any private property neither owned nor occupied by said person without the means of removal of any fecal matter left by said dog.**

**(c) Method of removal and disposal. For the purposes of this subsection, the means of removal shall be any plastic bag or mutt mitt, tool, implement, or other device carried for the purpose of picking up and**

containing such fecal matter, unexposed to said person and unexposed to the public. Disposal shall be accomplished by transporting such fecal matter to a place or receptacle suitable and regularly reserved for the disposal of fecal matter, otherwise designated and certified as appropriate by the Board of Health. Fecal matter placed in a plastic bag and securely tied and knotted may be disposed of in public trash containers approved for collection by the City of Gloucester. When trash receptacles are not available, a carry in/carry out trash approach applies.

(d) **Fines for violation.** Violation of this regulation shall be punished by a fine of \$100.00 per day for each offense and dog(s) may have off leash beach privileges revoked by animal control. Owners must have in their possession an adequate number of “poop” bags or other appropriate device for removal of their dog(s) fecal matter.

(e) **Enforcement.** Violations of this section shall be enforced in accordance with all other applicable laws governing municipal ordinances; however, at the option of the enforcing person, violation may be enforced noncriminally pursuant to M.G.L. c. 40, §21D and as provided in Section 1-15, rather than by a criminal complaint in district court. Authorized enforcement personnel: City of Gloucester Police Department and Animal Control Officers.

(f) **Exemption.** This regulation shall not apply to a person who employs a “service dog” as defined by the Americans with Disabilities Act (ADA) or regulations promulgated thereunder.

(g) **Severability.** The provisions in this section are severable; and, if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(h) **Notification.** Upon licensing of a dog, the owner shall be given subsections (a) through (h) of this section by the dog officer, city clerk or persons issuing the license.”

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 1-15 “Penalty for violation of certain specified sections of code by deleting Chapter 4, section 4-21, dog fouling.” in its entirety and add new as follows:

“Chapter 4. section 4-21, dog fouling.

**Penalty:**

\$100.00 per day for each offense and dog(s) may have off leash beach privileges revoked by animal control.

**Authorized enforcement personnel:** City of Gloucester Police Department, Animal Control Officers.

These matters will be advertised for public hearing.

**5. CC2016-51 (Gilman) Amend GCO Sec. 4-16a “Dogs allowed on public beaches at certain times”**

**Councilor Gilman** pointed this Council Order reflects what was in the off-leash section of the “dog” ordinance, and that it removes references to fecal matter as it belongs in GCO Sec. 4-21 “Dog fouling.” As a result, there was a need to renumber the last few subsections of 4-16a as well.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec, 4-16a “Dogs allowed on public beaches at certain times” by **DELETING** subsections (12) through (16) in their entirety and **ADDING** new as follows:

“(12) Owners must fill in any holes dug by their dog(s).

- (13) **Any violations of conditions (1) – (12) above shall be subject to a fine of \$50.00 for each offense.**
- (14) **Unless renewed or made permanent by the city council and signed by the mayor, the provisions of this section shall expire on December 31, 2017.”**

**6. Report by Ad Hoc Dog Committee and discussion thereof**

**Cindy Dunn**, 7 Rose Lane of the Ad Hoc Dog Committee reviewed the recommendations and conclusions of the Ad Hoc Dog Committee as a result of their long series of meetings regarding the city’s Dog Ordinance under GCO c. 4 (written report on file) as follows:

- o It is recommended that the Council make permanent the dog ordinances under GCO Sec. 4-15, 4-16, 4-19 and 4-20 and remove the sunset caveats that have been in place for two years. The Ad Hoc Committee thinks the ordinances are working; that the beaches are cleaner than ever.
- o The odd/even day system for off-leash dogs in the off season at Good Harbor Beach and Wingsheek Beach works very well which allows those that wish to walk their dogs on leash or walk the beach without dogs reasonable opportunities to walk unimpeded by off leash dogs.
- o It is recommended that Cressy Beach be added in the off season as a beach for off leash dogs. The Ad Hoc Dog Committee went before the Stage Fort Park Advisory Committee who expressed they were in favor of dogs in the off season at that beach but that summer was not optimal.
- o For the future for the new Animal Advisory Committee the Ad Hoc Dog Committee would ask for an exploration of primary versus secondary enforcement. There are areas where primary enforcement is necessary, such as Stacy Boulevard, the downtown district, cemeteries, parks, beaches in season, city-owned athletic fields. But there are many areas of the city where secondary enforcement of a six-foot leash requirement can be utilized. Focus would be on dog preventable behaviors rather than length of leash or use of a leash in areas such as woods, beaches in the off season, and the more rural areas of Gloucester. The guardians of dogs in these areas could face an unleashed dog violation and a fine but only when another violation occurs, and could be geared towards behavior. The example was given that if a dog is running at large without an owner, threatens or bites a person or other dogs or property. This is an approach used in other states. It was suggested that this approach will allow the best use of the city’s Animal Control resources but will take time to develop with input from Animal Control personnel and the community to bring to fruition an appropriate structure. It was suggested that a one-size-fits-all ordinance is hard pressed to work well, and that current ordinance is tailored for the city’s urban areas, but isn’t a good fit for less populated areas of the city, for the rural streets in Lanesville, for instance.

**Councilor LeBlanc** said adding Cressy Beach makes sense off season and works for that part of the city. He advised it would require a Council Order to bring that matter forward to be added to the ordinance. He said that with the secondary enforcement concerns, it is a discussion with the Interim Police Chief and the O&A Committee. He agreed the Council needs to make the entire “dog” ordinance sections permanent which was noted to be up for a vote by the Council at its Dec. 13 meeting.

**Valerie Nelson**, 7 Sunset Point Road, voiced her support of removing the sunset clauses.

**Councilor LeBlanc** said that Interim Chief McCarthy conveyed to him his support in making of the dog ordinance permanent. He lauded the two Animal Control Officers whom he said are very responsive.

**Councilor O’Hara** thanked the Ad Hoc Committee, noting that they met weekly for some months. He confirmed that much research was done, and that the Ad Hoc Committee worked very hard, spending hundreds of hours working on this effort. He expressed his hope the Council would support some of the recommendations in the Ad Hoc Dog Committee’s report.

**Councilor Nolan** thanked Councilor O’Hara for his effort as Ad Hoc Dog Committee Chair, and said that Cressy Beach off season for off leash dogs is a wonderful option and expressed his supported.

**Councilor Gilman** noted that one of the things the ordinance states that when a dog is licensed that the ordinance is shared with the dog owners. There was a discussion as to how that information would be conveyed with the Committee with input by Councilor Gilman and Ms. Nelson.

**Joanne M. Senos**, City Clerk, reviewed some of the issues that the Clerk’s office faces in combining dog information on the city’s website. She noted that there will be new dog licensing software coming soon that will allow dog owners to obtain their dog’s licenses on line. She suggested that with that system when the new license is prints out from home the person licensing their dog would be given a link to the dog ordinances, but that this is still a work in progress. She assured there will be handouts if people want them.

**7. Report by Chair of Beach Traffic Ad Hoc Committee (TBC 01/03/17)**

This matter is continued to January 3, 2017.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:20 p.m.**

**Respectfully submitted,**

*Dana C. Jorgenson*  
Clerk of Committees

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