

Ordinances & Administration Committee
 Tuesday, January 16, 2018 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara; Councilor Paul Lundberg (as Alternate)

Absent: Councilor Nolan

Also Present: Joanne M. Senos; Chip Payson; Donna Leete; Grace Poirier

The meeting was called to order at 6:00 p.m.

1. Reappointments – Boards, Committees, Commissions:

Councilor O’Hara expressed the appreciation of the Council and Administration for all the reappointees who were present for their continuing commitment to the city as volunteer members of boards, committees and commissions.

Councilor LeBlanc reminded all the reappointees of the importance of the submission of their board, committee or commission minutes to the City Clerk’s office.

Affordable Housing Trust

Mary John Boylan
 George Sibley (Cont’d to 2/5/18)

TTE 02/14/20

Ms. Boylan expressed her wish to continue as a member of the Affordable Housing Trust. She reported that they don’t have many projects to consider and didn’t allocate any funds last year due to lack of applications.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Mary John Boylan to the Affordable Housing Trust, TTE 02/14/20.

Board of Health

Robert Harris

TTE 02/14/21

Mr. Harris reported that the Board of Health is active and is moving in a “great direction.” He said he is happy to continue to serve.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Robert Harris to the Board of Health, TTE 02/14/21.

Board of Registrars

Mark Nestor

TTE 02/14/21

Mr. Nestor was present for the Committee’s vote as follows:

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Mark Nestor to the Board of Registers, TTE 02/14/21.

Clean Energy Commission

Paul McGeary

TTE 02/14/20

Mr. McGeary commented that there are a number of initiatives such as energy aggregation, the MassSave Program that are moving forward and that the Council will see some of their programs soon. He said he enjoys working on the Commission.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Paul McGeary to the Clean Energy Commission, TTE 02/14/20.

| | | |
|----------------------------------|--|--------------|
| Committee for the Arts | Catherine Ryan (Cont'd to 02/05/18) | TTE 02/14/22 |
| Community Preservation Committee | John Feener, Catherine Schlichte, Barbara Silberman (Ms. Silberman TBC 02/05/18) | TTE 02/14/21 |

Ms. Schlichte said in a few of months the Community Preservation Committee (CPC) will open the next round of funding, and that after payment on the bond for the City Hall restoration project, the CPC has about \$500,000 available for grants. She noted the CPC has city administrative support that keeps them on track. She noted that the CPC sees many of the same applicants annually, and they are actively looking for potential new applicants by making the funding source more publically visible. It was highlighted that there was an open position on the Committee for an At Large member, and **Councilor LeBlanc** said that O&A would convey that information to the Mayor on behalf of the CPC. **Mr. Feener** highlighted that there's about \$300,000 available through CPA Funds for Affordable Housing projects and that the CPC wanted to see more applications for funding come forward.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint John Feener to the Community Preservation Committee, TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Catherine Schlichte to the Community Preservation Committee, TTE 02/14/21.

| | | |
|------------------|---|--------------|
| Council On Aging | Selma Bell, Frederick Cowan, Barry McKay Jay Gustafarro (Cont'd to 2/5/18) | TTE 02/14/21 |
|------------------|---|--------------|

When asked by **Councilor LeBlanc** what the Committee can do for the Council on Aging, **Ms. Bell** said the Rose Baker Senior Center always needs more money and space, but it is going well. **Mr. Cowan** added that the Senior Center is expanding the senior meals program and have a grant outstanding through The Open Door and the Health Department for a fourth day to provide a nutritious meal for seniors. It was pointed out that the socialization aspect of the Senior Center was an important aspect of their work.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Selma Bell to the Council On Aging, TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Frederick Cowan, TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Barry McKay to the Council on Aging, TTE 02/14/21.

| | | |
|---------------------------------|---|--------------|
| Downtown Development Commission | Patty Gates (TBC 02/05/18) | TTE 02/14/21 |
| Gloucester Housing Authority | Barbara Snare (as Tenant Representative) (Cont'd to 02/05/18) | TTE 02/14/23 |
| Historic District Commission | Robert Chandler, Stephen Goodick (Cont'd to 2/5/18) Jessica Mulcahy (resigned) | TTE 02/14/21 |

Mr. Chandler said as applicants come before the Commission, and they do what they can to assist them to comply with the Historic District parameters. **Councilor LeBlanc** touched upon the fact that it is a sensitive situation the Commission is in a position to persuade applicants to comply with regulations and what applicants

should do to meet those regulations. He pointed out he is an architect and sees his role as helping applicants understand what it is they need to do to make their project better as well as provide them with resources not just regulations.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Robert Chandler to the Historic District Commission, TTE 02/14/21.

| | | |
|-----------------------------------|---|--------------|
| Historical Commission | Jeff Crawford (resigned), Robert Whitmarsh (Cont'd 3/5/18) | TTE 02/14/21 |
| Open Space & Recreation Committee | Heidi Wakeman, Noel Mann Patti Amaral (Cont'd to 02/05/18) | TTE 02/14/21 |

Ms. Wakeman said their assigned city staff, Stephen Winslow, is moving on, but that Jill Cahill, Director of Community Development is very helpful. The Open Space Committee's Chair is also stepping down, she noted. She highlighted that with the 400th anniversary of the city coming soon; their Committee wants to ensure that initiatives proposed by Mr. Winslow for Stage Fort Park for its beautification and improvements needs to be followed through in a timely fashion. She said the people who are on the Committee are "solid." **Ms. Mann** reported they are working on the required Open Space Plan in order to obtain funding. She said they could do with more Administration support.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Heidi Wakeman to the Open Space & Recreation Committee, TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Noel Mann to the Open Space & Recreation Committee, TTE 02/14/21.

| | | |
|------------------------------------|--|--------------|
| Shellfish Advisory Commission | Nathaniel Mulcahy (Cont'd to 02/05/18) | TTE 02/14/21 |
| Stage Fort Park Advisory Committee | David Benjamin (as Friends of Sawyer Free Lib.) Steven Kaity, Donna Polizzia (as Gardner/Planter), David Dow (At Large Member), Frederick Geisel | TTE 02/14/21 |

Mr. Dow reported the Stage Fort Park Advisory Committee has money for the start of the restoration of the Fort's cannons which he briefly described, and said that there is more funding coming forward for that effort. Early spring will see the Visitors Welcome Center cleaned and pointed, he said, and other work is scheduled through the DPW. The Committee will apply for funding in the next round with the CPC.

Councilor LeBlanc asked about the estimated cost of a (coastal) cannon restoration and the process. **Mr. Dow** said it is several thousand dollars apiece for restoration and for the cannons to be able to be fired. The first round of funding will allow for the cannon carriages to be constructed, he noted. With the next round of funding they're looking to landscape the Fort. He said that for the cannons, new wheels, new carriages, being able to fire the cannons and will be located in their original position is the goal. He pointed out that \$20,000 of the original CPA funding will be used for archeological work to learn where the Company K barracks were located at the Fort to mark it, rather than planning. **Councilor LeBlanc** asked that the Committee reach out to some of the Councilors to let them know about their meetings so they can sit in.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint David Benjamin to the Stage Fort Park Advisory Committee (Friends of Sawyer Free Library Rep.), TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Steven Kaity to the Stage Fort Park Advisory Committee, TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Donna Polizzia to the Stage Fort Park Advisory Committee (Gardner/Planter Rep.), TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint David Dow to the Stage Fort Park Advisory Committee (At Large Member), TTE 02/14/21.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Frederick Geisel to the Stage Fort Park Advisory Committee, TTE 02/14/21.

| | | |
|--------------------|--|--------------|
| Tourism Commission | Mike Mann (Cont'd to 02/05/18), Paul Frontiero (resigned) Catherine Ryan (Cont'd to 02/05/18) | TTE 02/14/21 |
| Traffic Commission | Robert Francis (Resigned) | TTE 02/14/21 |
| Waterways Board | Karen Tibbets (Recreational member) (Cont'd to 02/05/18) Liam O'Connell | TTE 02/14/21 |

Mr. O'Connell said the Board is very busy. **Councilor LeBlanc** said that as Council representative he has suggested that there be a joint meeting between the Waterways Board and the Tourism Commission as they have some similar goals, and that it may be possible to coordinate their outreach to bring in more transient boaters to the city. **Mr. O'Connell** mentioned the DOCKWA transient mooring reservation system has been very successful and may be something the Tourism Board could be involved with. **Councilor LeBlanc** complimented Mr. O'Connell for his contribution to the Board, particularly with his experience as a maritime attorney which the Board finds very helpful.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Liam O'Connell to the Waterways Board, TTE 02/14/21.

| | | |
|-------------------------|---|--------------|
| Zoning Board of Appeals | Michael Nimon, Joseph Parisi III Kristopher Howard (Alternate Member) (Cont'd to 2/5/18) | TTE 02/14/21 |
|-------------------------|---|--------------|

Councilor LeBlanc said he recently attended a ZBA meeting and expressed his appreciation for their proceedings. **Mr. Parisi** said they are a relief board and are there to help people who can't quite meet zoning parameters. He expressed that he enjoyed working with the Board. The Committee expressed their thanks for Mr. Parisi's work with **Councilor Lundberg** pointing out that it is a big job.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Joseph Parisi, III to the Zoning Board of Appeals, TTE 02/14/21.

| | | |
|--|----------------------|--------------|
| Essex North Shore Agricultural & Technical High School-- School Committee | Melissa Joy Teixeira | TTE 12/31/20 |
|--|----------------------|--------------|

Ms. Teixeira noted this was her third term on the Essex N.S. Agricultural & Tech High School and was reelected as Chair. She noted there are 98 students from Gloucester attending the "tech" and agricultural programs. She said this represents about 10% of the school, therefore, about 10% of the school's budget, pointing out that the

school is at full capacity with 350 students. She advised that the Superintendent is leaving, going to another district and a search will be undertaken most likely utilizing a professional search firm. She mentioned a possible name change of the school from "Essex Tech" as Agricultural representatives on the board are disappointed that the name doesn't reflect the word "agriculture." She advised that legislation is pending to order the School Committee to name the school Essex North Shore Agricultural & Technical High School." She said that is their legal name as a district and that it is her position is that she welcomes any name that satisfies the member communities at the least cost to them for the change. They start their budget season soon, she added.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Lundberg the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Melissa Joy Teixeira to the Essex North Shore Agricultural & Technical High School – School Committee, TTE 12/31/20.

2. CC2017-058 (Orlando) City Council request that all elected city officials be required to submit to a CORI check prior to taking the oath of office (Referred to Legal Department for review)(Cont'd from 01/02/18)

Councilor LeBlanc introduced Donna Leete, Human Resources Director, who had been asked by the Committee for her opinion on CC2017-058 as discussed at the last meeting of the O&A Committee with General Counsel. **Ms. Leete** explained that she reviewed the advice given previously by General Counsel expressing her agreement that the result of a CORI check is not subject to public records law, and may not be disseminated to unauthorized persons because under state statute the unauthorized dissemination of information from a CORI check is prohibited. She noted she has to enter into an agreement on how the city conducts itself and CORI investigations. She pointed out the governing statute is MGL c. 6, §172D which she shared with the Committee. She conveyed that the statute protects against unmonitored contact with children, elderly or disabled population. She said it would be hard to conceive how they'd be able to enforce an ordinance for elected officials under these strict prohibitions already contained in the statute. They couldn't disclose a CORI check on an elected official. They could bring it to that person and that person could disclose the information but not through the city. A CORI check is protected "under lock and key, literally," she said. **Councilor LeBlanc** summarized that there isn't much they can do because CROI checks can't be released.

Chip Payson, General Council pointed out that were a situation to arise where the city found something through a CORI check on a Councilor, he explained now the city has evidence of something -- the city can't release it and can't remove the elected official either. He said it is a difficult situation to put the city in. He indicated that the Council has the power to do this, but in his opinion the effect wouldn't be good.

Councilor LeBlanc said he spoke to someone about this, that if a person has served their time, been rehabilitated or through the whole process, people make mistakes and people have a right to their privacy. **Mr. Payson** said that as a city they wouldn't want to create a situation where it puts people in a situation of "wearing a scarlet letter" because they made a mistake. He added if one had made such a mistake, had satisfied certain requirements, and corrected it, now decades have past and you don't want to bring that back up and want to serve your community, you'll likely wouldn't run for office if there is a CORI check required.

Ms. Leete added in researching this topic she looked closely at the 2010 CORI reform legislation. She reported that if you're charged with something but not convicted that will no longer appear on a CORI check -- if convicted of a felony it is on the record for 10 years; a misdemeanor stays on the record for five years. She said the purpose of this legislation was to remove the stigma of the "scarlet letter," to allow people a fresh start. There are time limits of what can be kept in a person's record and can't be kept for life, she noted. **Mr. Payson** said that there are some things that are notated, such as if there was something that happened at the time the person was a minor but it doesn't specify. **Ms. Leete** added it can't be used to bar employment. **Mr. Payson** said there are employment law aspects but with people running for office there are political issues as well.

Councilor LeBlanc advised that the Committee has thoroughly vetted this matter and it is found that there is to be no action taken by the Council.

By a unanimous vote of the Ordinances & Administration Committee, this matter was voted to be considered closed.

This matter is closed.

3. *CC2017-013 (O'Hara) Request that O&A & the Traffic Commission review the beach no parking areas for possible expansion; and that Sec. 22-176 "Penalties for parking violations" "Prohibited area (beach district)" be amended to increase the penalty to the maximum penalty permissible by law (Cont'd from 01/02/18)*

Councilor LeBlanc informed the Committee that Councilor Memhard is in favor of this initiative.

Councilor O'Hara said this expansion of the beach zone has been thoroughly vetted over time by the Ad Hoc Beach Traffic Committee, discussions with the Interim Police Chief and the DPW Director. This initiative expands as to what the city's police can do to stop visitors to the city from parking in residential neighborhoods. He advised that he, Councilor Memhard and Bob Ryan, Chair of the Traffic Commission met several times, and the list (on file) of streets to be further encompassed within the "beach zone."

Mr. Payson said there is another piece of this initiative is now moving through the legislature to increase the parking fines. A Home Rule Petition has been filed by Sen. Tarr's office with Rep. Ferrante's support which is going through the hearing phase. As to what streets are included, he said that is more for the Council to determine.

He said he doesn't have any issues with the streets listed but would take a second look at the listed streets again at the suggestion of **Councilor LeBlanc**.

Councilor O'Hara said the review process with Mr. Ryan was very helpful in identifying a lot of signage that was at cross purposes in beach areas, and this will clean it up. Councilor LeBlanc and Councilor O'Hara discussed briefly the signage in the beach zones and to work with the DPW to resolve those issues.

Councilor LeBlanc extended his thanks to J.D. MacEachern for his assistance in this matter.

The Committee reviewed the suggested changes to the Code of Ordinances to come under GCO Sec. 22-270.1 "Resident Sticker Parking Only and Sec. 22-291 "Tow-away zone."

Councilors LeBlanc and **Lundberg** offered their agreement to the list of streets. **Ms. Senos** noted that Councilor O'Hara would need to file a new Council Order so that the Committee and then the Council could vote to institute the Code of Ordinances changes. It was also pointed out that as the original initiatives were now complete, this matter is now closed.

This matter is closed.

4. *CC2018-001 (LeBlanc): Amend GCO Ch. 22 "Traffic & Motor Vehicles" by ADDING definition of Compact Vehicles; definition of Compact Vehicle Parking Spaces, and penalty for violation re: Compact Vehicles (TBC 02/05/18)*

Councilor LeBlanc noted that there are parking spaces in certain areas of the city that should be designated as compact car spaces as SUV's and small box trucks are just too big to fit, and that the Traffic Commission will provide feedback. He expressed his appreciation to Grace Poirier, Assistant City Clerk and General Counsel for their assistance.

This matter is continued to February 5, 2018.

5. *CC2018-002 (Gilman): Request General Counsel review the GCO for a proposed amendment to certain sections of the GCO to insert "recreational marijuana" where appropriate (TBC 02/05/18)*

This matter is continued to February 5, 2018.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:56 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.