

Ordinances & Administration Committee
 Monday, September 16, 2019 – 6:00 p.m.
1st Fl. Council Conference 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 Holmgren; Councilor Cox (left at 6:58 p.m.); Chip Payson; Joanne Senos; Vanessa Krawczyk

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.

1. Appointments:

Community Preservation Committee

Robert Whitmarsh as Historical Commission Rep.
 (Fulfilling an unexpired term)

TTE 02/14/20

Mr. Whitmarsh reviewed that he is a life-long Gloucester resident who has run a family business in the city for many years. He expressed his abiding interest in preserving all aspects of the history of Gloucester. He pointed out that many applications for CPA funding come forward to the Community Preservation Committee (CPC) for historic preservation which he indicated he can add to the process through his experience.

The Committee thanked Mr. Whitmarsh for taking on this new volunteer role and for his continuing commitment to the city.

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 Robert Whitmarsh as the Historical Commission representative to the Community Preservation Committee, TTE 02/14/20.

Historical Commission

Susan Morreale (Alternate Member) (Cont’d from 8/19/19)

TTE 02/14/22

Ms. Morreale briefly reviewed her background by highlighting that she moved to Gloucester three years ago onto Rocky Neck from Belmont, MA. She attended Historical Commission meetings which appealed to her strong interest in historic preservation mentioning she has restored old homes. Noting a 300-page book she wrote on her family’s history, she highlighted her background in the graphics art business which she indicated could be helpful. She mentioned that she is still working her role as an alternate would sync with her schedule.

Councilor LeBlanc expressed appreciation for Ms. Morreale’s skill set saying it will be an asset to the Historical Commission, and thanked her for stepping forward as a volunteer. Ms. Morreale also thanked by Councilors Nolan and O’Hara who both mentioned that all city volunteers are greatly appreciated.

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 Susan Morreale to the Historical Commission (Alternate Member), TTE 02/14/22.

2. CC2019-034 (LeBlanc/Nolan): request O&A and Traffic Commission review the parking at all times of motor vehicles and RVs on Western Avenue from the County Way Landing to the Avis R. Murray Tennis Courts (TBC 09/30/19)

Councilor LeBlanc reviewed that the Committee is waiting for the Traffic Commission to weigh in on this matter at the Commission meeting on Thursday, Sept. 19th. He indicated that this isn’t so much about of events held on the Boulevard, but is to review the entirety of the on-going issues surrounding the Boulevard.

Barry Pett, 42 Middle Street, #2, representing the Gloucester Fund, requested he be kept apprised of this Ordinance review because it could affect special events managed by the Gloucester Fund held on Stacy Boulevard annually.

Louise Palazzola, 57 Western Avenue, Unit 1, asked if this matter is this going to the Traffic Commission and coming back to O&A. Councilor LeBlanc reaffirmed that the Traffic Commission will review this matter and that it will come back to O&A on Sept. 30th.

This matter is continued to September 30, 2019.

3. **CC2019-023(LeBlanc): Amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-270.1 "Resident sticker parking only" by ADDING "Foley Road, York Road and Bertoni Road for their entire lengths" (Cont'd from 08/19/19)**

Councilor LeBlanc reviewed the following: There was a well-attended neighborhood meeting on the issue of resident sticker parking for York, Foley, and Bertoni Road. The Foley and York Road residents decided they didn't want to be a part of this initiative to restrict their roads to resident sticker parking only, rather, the only participating roads will be Bertoni and King Roads. He noted King Road is a very small roadway with only one home on it, but that the homeowner wanted to have his road included in the initiative. Almost everyone on these streets were present, he reported, and that this was the decision of the neighborhood to proceed in this manner. It was pointed out that this Council Order was reviewed by the Traffic Commission, and the Order's language was amended there.

Councilor Nolan confirmed that these residents were made aware that should they park on their streets, they'll need either a resident sticker or a current beach sticker to park on their streets once the ordinance amendment is in place.

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 Ch. 22 "Traffic and Motor Vehicles," Section 22-270.1 "Resident sticker parking only" by ADDING: "Bertoni Road for its entire length, and King Road for its entire length."

This matter will be advertised for public hearing.

4. **CC2019-029 (Gilman): Amend GCO Ch. 2 "Administration," Art. IV, "Boards, Commission, Councils and Committees," Div. 4 "Council on Aging" by amending Sec. 2-440, Established; composition; appointment and terms of members" and Sec. 2-442, "Designation of officers"**

Councilor Gilman, accompanied by Council on Aging (COA) members Roseanne Cody, Anthony DeAntonio and Rosalie Nicastro, conveyed information related to the Council Order to amend the Code of Ordinances regarding Division 4 "Council on Aging" from her memo dated 9/12/19 (on file) as follows:

- On 1/12/16 the City Clerk received the Council on Aging (COA) bylaws which has governed the COA upon the vote of the Council on 2/9/16;
- About May 2019 it was learned that these changes weren't consistent with the COA ordinance language found in Ch. 2 "Administration", Art. IV, Sec.'s 2-440 and 2-442;
- With a review by the Mayor Theken, and with the full support of the COA board, the proposed changes to the COA section of the Code of Ordinances are submitted for the Committee's and Council's consideration;
- The majority of the changes are in Sec. 2-440 "Established; compensation; appointment and terms of members which encompasses the composition of the board." Noted was one small change to Sec. 2-442;
- General Counsel will make a more thorough review of the ordinance governing the Council on Aging moving forward.

Councilor LeBlanc noted his review of the COA bylaws voted by the Council in 2016 and touched on the former COA bylaws from 2004 saying that version wasn't available in the Councilor's submitted documentation, and asked what the difference was between the two bylaw versions. He also asked if a Councilor was named as a voting member in the 2004 bylaws, and if not, why it was changed to make a Councilor a voting member. He pointed out that without exception a Councilor serves as a non-voting ex officio member on certain city boards, committees and commissions. **Joanne Senos**, City Clerk, on inquiry by **Councilor LeBlanc**, confirmed she knew of no boards, committees or commission of the city where Councilors are voting members. **Councilor Nolan** confirmed that the Stage Fort Park Advisory Committee in the original ordinance had a Councilor as a voting member but that was changed in 2015 to an ex officio member because of possible potential conflicts. **Councilor Gilman** conveyed that Susan Goodall (COA member) and she had reviewed the definition of ex officio, indicating that an ex officio member can be a voting member -- an ex officio is appointed because of a job not in the general population. She suggested that General Counsel could review this. **Councilor LeBlanc** pointed out he had no issue with the majority of the proposed changes, expressing appreciation for the due diligence done on the ordinance amendment. He voiced his continuing concern about an appointed Councilor, an elected official, on the COA Board as a voting member.

Chip Payson, General Counsel, advised this is an opportunity to look at the governing ordinance in its totality and gain better clarity in some areas. There is no language in the ordinance section, for instance, that says the Mayor appoints, rather it is implied and needs further refinement. He indicated that Councilor Gilman's definition of ex officio is right in that an ex officio member can be voting or non-voting, and that determination can be defined. He added there should be language in the ordinance that the City Council President appoints the City Council representative to the COA Board. He indicated he isn't enthusiastic to include bylaw references in ordinance as bylaws can change, saying that ordinance takes precedence over bylaws. There are opportunities to improve this draft language, he added.

Councilor Gilman advised she wants this accomplished appropriately and whether a Councilor votes or not is not relevant, saying that it is the substance of what the COA does in their meetings and continue to work for the betterment and support of the city's seniors. After a brief discussion with the Committee, she expressed agreement it would be appropriate to meet with General Counsel to further refine this initiative.

Councilor Cox asked expressed concern that if the Councilor was no longer a voting member would there be an imbalance on the Board in terms of the number of voting members which was discussed with **Mr. Payson** briefly.

Mr. Payson, **Councilor Gilman** and the **O&A Committee** spoke to appropriate process for amending the draft language in the Council Order and whether the Council Order should be withdrawn and recrafted in its entirety. The Committee and the Councilor agreed that when the matter comes back to the O&A agenda on Sept. 30th that they'll make a determination at that time.

This matter is continued to September 30, 2019.

5. *CC2019-030 (LeBlanc): Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-284 "Service or loading zones" by deleting "Commercial Street, from a point 20 feet from its intersection with Washington Street for a distance of 22 feet"*

Councilor LeBlanc conveyed that since the closure of the Tally's Service Station and Tally's towing services at the intersection of Washington and Commercial Streets; the loading zone at Washington and Commercial Street is no longer needed and should be removed. This will then create a couple of parking spaces for regular vehicular parking. He advised that he did speak with the DPW and that they're in support of this change.

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 Ch. 22 "Traffic and Motor Vehicles", Sec. 22-284 "Service or loading zones" by DELETING: "Commercial Street from a point 20 feet from its intersection with Washington Street for a distance of 22 feet."

This matter will be advertised for public hearing.

6. *CC2019-035 (LeBlanc): amend GCO Ch. 9 "Trash, Recycling and Litter," Sec. 9-8 "Littering Prohibited" by ADDING subsection (f) re: prohibition of putting items on curbs on days not scheduled for trash collection or scheduled to be picked up by a licensed hauler or donation facility*

Councilor LeBlanc recounted that people are putting items/trash on sidewalks and not claiming ownership after 24 hours, a week, or longer, and then to get it off the sidewalk or roadway, it's up to the DPW to remove it. In many cases the DPW can't determine who placed the item or items on the sidewalk. This is a practice, he pointed out, that should be banned.

Councilor O'Hara commented that while the ordinance amendment seemed reasonable, he was concerned about enforcement. **Councilor LeBlanc** advised he spoke with the DPW Director and his assistant who informed him that enforcement would be easier because as of now they have nothing in the ordinance to tie enforcement to this issue. He conveyed that the enforcement starts with the DPW by identifying who left the items on the sidewalk and advise them to remove as a warning. If the item or items aren't removed, then the property owner would be fined \$250. He and **Councilors Cox** and **Gilman** gave examples of items left on curbs and sidewalks for months at a time creating hazards to pedestrians and vehicles. **Councilor Cox** asked how this will be communicated to the public. **Councilor LeBlanc** advised it just takes one person being ticketed, and it will be spread immediately via social media.

Ms. Senos noted there is an ordinance in place about putting objects on city sidewalk that impedes pedestrian progress. Noting that some streets don't have sidewalks, both she and **Councilor Cox** suggested including the words, "city-owned streets, sidewalks or curbs" rather than just the word, "curbs," which was agreed by assent through the Chair.

Councilor O'Hara briefly touched on the language about leaving items on the sidewalk beyond 24 hours and asked what happens if the contracted hauler doesn't show up. **Councilor LeBlanc** and **Councilor Cox** discussed

that enforcement is through the DPW as outlined in GCO Sec. 9. **Councilor O'Hara** expressed concern for the words, "day of", and suggested there should be latitude -- when haulers don't show up it isn't the fault of the property owner. **Councilor LeBlanc** advised the amendment should be consistent with the entire litter ordinance.

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 Ch. 9 "Trash, Recycling and Litter," Sec. 9-8 "Littering Prohibited" by ADDING a new subsection (f) as follows:

"(f) No person shall place items on the city-owned streets, sidewalks or curbs for "free" or otherwise on any days other than the specified collection day or in area(s) other than that fronting a property unless there is a scheduled pick up from a licensed hauler or donation facility. Property owners are subject to fines up to \$250 per offense, individuals are subject to fines up to \$300 per offense."

This matter will be advertised for public hearing.

7. ***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.***

Councilor Gilman conveyed that she and Councilor Holmgren would appreciate a two week continuance to obtain appropriate data and to give city staff more time to respond. She noted that if a thickly settled street already has an officially posted speed limit, it wouldn't fall under this adoption of state law; the posted speed remains in place. Both she and Councilor Holmgren reviewed their concerns that resulted in their bringing this state law adoption forward such as the city has become more congested; cars are quieter and people using personal devices while ambulating or driving, to name a few.

Councilor Nolan pointed out that that the city of Beverly did a good job with their instituting this state law, saying that signs are posted on roadways at entrances to the city saying that the speed limit in Beverly noted is 25 mph unless otherwise posted. He advised it is working for that city. He recounted that some issues to consider are that as modern as cars are today, the cars feel like they're driving slower than they really are; acceleration rates are higher; and the stopping power is five times faster, but human reflexes haven't changed, he highlighted.

The Committee agreed to hold a special meeting on Tuesday, October 15th because of the Columbus Day holiday on October 14th and would have this matter return at that time for further consideration.

This matter is continued to October 15, 2019

8. ***CC2019-033 (Gilman): request the Police and Fire Departments, the DPW and the Traffic Commission review and comment on Art. V, "Stopping, standing and parking," Sec. 22-145(a), (b) and (c) specifically as it pertains to the question whether additional ordinances and/or signage is needed to improve public safety and public safety enforcement of said ordinance***

Councilor LeBlanc pointed out there is no Committee/Council action indicated by this Council Order after recommendations come back to the O&A Committee.

Councilor Gilman reviewed that the Traffic Commission will take this Council Order up on September 19th. She conveyed briefly her reasons as to why this discussion will be important and touched on the reason she brought this initiative forward related to a continuing issue in Annisquam where cars are blocking a 10 foot portion of the road which in turn is blocking passage of emergency vehicles. She indicated it is necessary that citizens know if that if they impede the roadway, the police can remove a vehicle because of public safety. After the review by city staff, and receipt of their recommendations it will be helpful to have a discussion with the Committee to learn whether there is a need to amend the ordinance to strengthen it.

This matter is continued to October 15, 2019.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:04 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.