

Ordinances & Administration Committee-Special

Tuesday, October 15, 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 Holmgren (left the meeting at 6:50 p.m.); Councilor Gilman (entered the meeting at 6:02 p.m.); Councilor Cox (entered the meeting at 6:09 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 Jennifer-Lee Levitz Aronson (GHA Rep fulfilling unexpired term) TTE 05/28/20

Ms. Aronson advised that she’s been a Gloucester resident for about 45 years involved in many aspects of the community, mentioning a small part-time job with the Senior Center as their videographer. The Mayor invited her to join the Gloucester Housing Authority Board, saying she brings a different perspective as a senior citizen with a background in the arts and as a homeowner. She now in turn will represent the GHA on the Community Preservation Committee, she added. **Councilor LeBlanc** briefly touched on Standing Committee and Council process at the request of **Ms. Aronson**.

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 Jennifer-Lee Levitz Aronson to the Community Preservation Committee as the Gloucester Housing Authority representative, TTE 05/28/20.

2. 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 09/16/19)

Councilor LeBlanc advised that this matter is not yet ready for a full Committee discussion, and continued the matter to November 4th.

This matter is continued to November 4, 2019.

3. CC2019-029 (Gilman): Amend GCO Ch. 2 “Administration,” Art. IV, “Boards, Commissions, 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” (Cont’d from 09/16/19)

Councilor Gilman reviewed that after the last O&A meeting with feedback from the Committee she met with General Counsel to refine the proposed amendments for the Council on Aging ordinance based on the Committee’s feedback and advice of General Counsel whom she thanked. She then reviewed the on-file revisions to the amendments to the Code of Ordinances with the Committee highlighting:

- The mission was added from the bylaws into the Code of Ordinances;
- The Council, DPW and Board of Health Director will be appointed as Ex Officio non-voting members;
- Eliminated reference to Council on Aging bylaws;
- Several sections were incorporated into the amendment; the Council President appoints the Ex Officio member representative of the Council, which was noted as regular Council process.

Councilor Gilman advised this is now ready for consideration of the Committee.

Councilor LeBlanc offered that the new version is consistent and responsive to the Committee’s input for which he thanked the Councilor, with **Councilor O’Hara** adding his agreement.

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. 2 “Administration,” Art. IV, “Boards, Commissions, Councils and Committees,” Div. 4 “Council on

Aging” by amending Sec. 2-440, Established; composition; appointment and terms of members” and Sec. 442, “Designation of officers” as follows:

DIVISION 4. - COUNCIL ON AGING

Sec. 2-440. - Established; composition; appointment and terms of members.

- (a) **There is hereby established a council on aging governed by a board of directors of up to ~~11~~ eleven members.**
- (b) **The mission of the Council on Aging shall be to:**
 - 1. **Identify the needs of the elder population in the community;**
 - 2. **Educate the community regarding issues facing seniors and advocate on their behalf;**
 - 3. **Promote the development of programs and activities as well as the coordination of existing services to fulfill identification needs;**
 - 4. **Maintain a working relationship with governmental and private agencies and organizations; and**
 - 5. **Be cognizant of relevant legislative initiatives and work to respond accordingly.**
- (c) **The director of public works and the chairperson of the board of health or their respective representatives as well as a member of the City Council appointed by the City Council President shall serve as non-voting ex officio members of the board of directors. ~~The board of directors are further governed by the council on aging by laws created in November of 2004.~~**
- (d) **Members shall be appointed by the mayor on a rotating basis so that not more than three new members shall be confirmed annually for a three year term.**
- (e) **All appointed members shall serve at the pleasure of the mayor and be free from professional conflicts of interest.**

Sec. 2-441. - Members not compensated.

The members of the council on aging shall serve without compensation.

Sec. 2-442. - Designation of officers.

The officers of the council on aging shall consist of a chairperson, co-chairperson or vice-chairperson, and secretary ~~and treasurer.~~

Sec. 2-443. - Supervision.

The council on aging shall be under the administrative supervision of the mayor.

Sec. 2-444. - Mission.

It shall be the mission of the council on aging to serve as a focal point where seniors and their families can access the local, state and federal network of elder services, while providing an integrated array of health, educational recreational, and social programs for older men and women.

Secs. 2-445—2-449. - Reserved.

MOTION TO AMEND:

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to Amend GCO Ch. 2 “Administration,” Art. IV, “Boards, Commissions, Councils and Committees,” Div. 4 “Council on Aging” by amending Sec. 2-444 and Secs. 2-445—2-449. – Reserved. as follows:

By DELETING Sec. 2-444. – Mission. in its entirety; and

By DELETING “Secs. 2-445—2-449. – Reserved. and ADDING “Secs. 2-444—2-449. – Reserved.”

This matter will be advertised for public hearing.

4. *CC22019-032 (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 reviewed an on-file document entitled “Holmgren/Gilman Order #2019-032 dated October 16, 2019 that provided the Committee, including an overview of the impetus for the Council Order and Project Scope, mentioning that this matter will take a while to ensure good process. She reiterated that they are asking the Council to only consider adoption of MGL c. 90, §17C which reduces the statutory speed limit from 30 mph to 25 mph on any or all city or town-owned roadways within a thickly settled or business district. It was noted that upon passage by the Council, the city must notify MassDOT of these changes.

Through the Chair, **Councilors Gilman** and **Holmgren** asked for certain Requests:

- Listing of roadways inside a thickly settled or business district(s) in Gloucester, on any way that is not a state highway, and how many of these roadways DO NOT have regulatory speed limits that are posted.

Councilor LeBlanc commented that there are quite a few city roads without posted regulated speed limits that fall to the 30 mph default. **Councilor Gilman** reported she and Councilor Holmgren had looked at other cities and towns that adopted this MGL section, and in common those communities knew what their street inventory was first. She advised that they’d have to look at Council votes to compile a list, pointing out that takes a lot of research. She suggested using students from several High School groups with a civic interest such as the Interact Club to assist in this research.

- Of these roadways, how many vehicular or pedestrian accidents have occurred in 2017, 2018 and 2019, and of those accidents, how many were due to speeding.
- Notice to the Administration via the Clerk of Committees that when this information noted in the first two requests has been collected, that the Police and Fire Chiefs, the Traffic Commissioner and Public Works Director or their designees, attend the O&A Committee meeting presentation on this matter to review and discuss the material.

Councilor LeBlanc reviewed this is to lower the speed limit from 30 to 25 mph if not posted. He suggested there are a lot of streets that don’t have a posted speed limit because 30 mph is the default. He expressed concern for the cost of city signage if this law is adopted. This section of the law is pursuant to the default becoming 25 mph if there is no posted speed limit, **Councilor Gilman** pointed out. She noted that 47 cities and towns in the state have adopted this section of state law including Beverly, Danvers, Rockport and Peabody. When you enter the community there has to be one official sign that advises the speed limit in those particular areas, citing the example of the Town of Rockport signage at the entrances to the town.

Councilor Holmgren shared an email from Sgt. Jonathan Goc of the Melrose Police Department (placed on file) with the Committee that reviewed the positive impacts on their town’s roadways and for residents. She conveyed she spoke with Capt. Scott Richards of Peabody Police Department who commended the undertaking of this action. Two critical elements were noted -- to be reasonable about this effort and make sure the speed limits enforceable. The roads in downtown Peabody it really helped but not for the West Peabody area that has wider and longer roadways. This, she advised, gave credence to having a good inventory of roads. **Councilor LeBlanc** advised that the more the Councilors bring to the Committee the better they can all convey information to residents.

Councilors Gilman touched on the deliverables that she and Councilor Holmgren will work on such as how many cities and towns in the state have adopted Ch. 90, §17C fully, including North Shore communities; best practices and interviews for at least three communities; as well as helpful hints from the MassDOT District Office and Frequently Asked Questions on Ch. 90, §17C.

Councilor LeBlanc suggested that the two Councilors do their research first before making their requests of the Administration on this matter. He further suggested that they keep things as simple as possible for any informational presentation. He also discussed the request for accident statistics mentioning the Councilors may want to hone in on accidents caused by speeding; and advised that would have to be a Request to the Mayor through the Police Department. Pedestrian accidents were also mentioned by **Councilor Gilman** for inclusion. **Councilor Cox** offered that a warning for a first time offenders might be helpful. **Councilor LeBlanc** also suggested there will need to be community outreach, including a survey through several social media outlets for Gloucester residents only to learn what they think about this possible state law adoption. More public input is better, he encouraged.

Councilor Nolan advised that the number of streets that are under the 30 mph default isn’t as many in Ward 5, suggesting it was less than 5%. He added that a 25 mph speed limit wouldn’t be a big change as most streets have posted speed limits. He conveyed he liked the idea of student groups assisting in the research which in turn might inform parents and help to spread the word.

Joanne Senos, City Clerk, suggested that the Councilors use the city’s official street listing (available on the city’s website), to point them towards Council Certificate of Votes, but advised since there is a paucity of Certificate of Votes

documentation before the 2000's, that they'd have to use the Council's archival tomes which are an annual compilation of its minutes, making several helpful suggestions for tackling that aspect of the Councilors' research.

Chip Payson, General Counsel, suggested that Councilors may want the opinions of the Police Chief as his department has to enforce the law; the DPW Director out of whose budget the cost of the necessary signage and their installation will come, as well as the Traffic Commission as this is their area of expertise, before they move forward. **Councilor LeBlanc** expressed his agreement and asked they reach out to the Chair of the Traffic Commission to have them take this matter up at their next meeting. He agreed they should reach out to the Chief and the DPW Director.

This matter is continued to November 18, 2019.

5. *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 (Referred also to Police & Fire Departments, DPW and Traffic Commission) (Cont'd from 09/16/19)*

Councilor Gilman asked that this matter be continued to November 4th to obtain the Traffic Commission's input that had continued the Council Order for further discussion to their October 24th meeting.

This matter is continued to November 4, 2019.

6. *CC2019-036 (Hecht): Amend GCO Ch. 9 "Trash, Recycling and Litter," Article III – "Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper," Sec. 9-25 "Severability; Effective Date" subsection (b) by DELETING "This chapter shall take effect as of July 1, 2021" and ADDING "This chapter shall take effect as of July 1, 2020"*

Councilor LeBlanc explained that the action being asked of through this Council Order is to correct the enactment date for the "Straw Ban."

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," Article III – "Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper," Sec. 9-25 "Severability; Effective Date" subsection (b) by DELETING "This chapter shall take effect as of July 1, 2021" and ADDING "This chapter shall take effect as of July 1, 2020"

This matter will be advertised for public hearing.

7. *CC2019-037 (Cox): request that the State Legislators file a Home Rule Petition to amend the City Charter re: Sec. 2-10 "Appointments to City Offices"*

Councilor Cox explained that Home Rule Petition was referred to the O&A Committee for transparency's sake. The original language says that you can be appointed to a second board only if it is complimentary which she indicated is a subjective decision, and the Petition is asking the state to change it to two boards' maximum. This then removes any subjectivity. **Councilor LeBlanc** expressed concern for an appointee who may have a potential conflict of interest with the second board they're being appointed to and expanded briefly on that concept. **Councilor Cox** advised that the Council doesn't have to appoint a person to a particular board if the Council determines that is the case. She highlighted that the offered new language is more objective.

Mr. Payson advised right now unless boards are complimentary a person can't be appointed to two boards otherwise. He pointed out that board members are required under the state ethics law to maintain their own ethics. If there is a conflict, the member has to identify it; and that if the conflict is significant, they have to recuse themselves. This Petition broadens the definition that a person can be on any other board that isn't interrelated.

Councilors Nolan and **O'Hara** both agreed it was a good initiative.

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 request that the State Legislators file a Home Rule Petition; and based on said Petition, the General Court approve and enact a Special Act substantially as follows:

“Home Rule Petition (Gloucester)”

In accordance with Section 4 of Article LXXXIX of the Massachusetts Constitution¹, the City of Gloucester (City) is seeking to amend the following section of its Charter:

Section 2-10. - Appointments to City Offices.

- (a) *Confirmation — The mayor shall submit to the city council the names of all persons he desires to appoint to any city office, as a department head or as a member of a multiple-member body, except a position which is covered by the state civil service law or except as otherwise provided by this charter. The city council shall refer all such names as are submitted to the standing committee on ordinances and administration which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not less than seven nor more than twenty-one days following such referral. If the city council has taken no other action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council. The provisions of section 2-11(c) shall not apply to this section.*
- (b) *No un-elected appointee shall be appointed to more than ~~one~~ onetwo multiple member bodies, ~~unless said board or commission is inter-related, unless said said board or commission is inter-related.~~*

Background/Objective

The current language in section 2-10(b) of the Gloucester city charter provides an arguably needless limitation on candidate selection for boards and commissions within the City. The new language will allow the City to select from a list of excellent volunteers who have offered to serve on two boards or commissions but have been barred from doing so under the current section 2-10(b) language.

Draft Home Rule Petition Language

Section 1. The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Section 2. Notwithstanding any general or special law to the contrary, the city of Gloucester may, upon approval by the city council and mayor, amend Section 2-10(b) of the city charter such that it shall say: “No un-elected appointee shall be appointed to more than two multiple member bodies.

Section 3. The act shall take effect upon passage.”

This matter will be taken up under “Committee Report” at the October 22, 2019 City Council meeting.

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

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Email from Sgt. Jonathan Goc of the Melrose Police Department to Councilor Holmgren dated September 18, 2019

