

**Ordinances & Administration Committee**

Remote Meeting

Monday, March 1, 2021 – 6:00 p.m.

-Minutes-

**Present: Chair, Councilor Sean Nolan; Councilor Jamie O’Hara; Councilor Jennifer Holmgren**

**Absent: Vice Chair, Councilor Steven LeBlanc**

**Other Councilors Present: Councilor Val Gilman; Councilor Melissa Cox**

**Also Present: Mayor Sefatia Romeo Theken; Joanne Senos; Councilor Val Gilman; Councilor Melissa Cox; CAO Nicole Kieser; Police Chief Ed Conley; General Counsel, Chip Payson; Assistant to CAO, Chris Sicuranza**

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

*This meeting was conducted remotely through ZOOM  
All votes conducted by ROLL CALL*

**Chairman Nolan** announced this meeting is recorded by video and audio in accordance with state Open Meeting Law. Consistent with the Governor’s orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation. Additionally, all votes taken by the Committee during this and future remote meetings will be by roll call vote. If you are calling in on a phone you can press Star 9 (\*9) to request to speak. If you are watching on a computer or device there is a “raise hand” button that you can tap or press to request to speak. Please use either of these options to be recognized to speak.

**Matters were taken out of order. There was a quorum of the City Council at 6:56 p.m.**

The following reappointments were rescheduled to March 15, 2021:

Clean City Commission	Jamie L. Mathison	TTE 2/14/24
Historic District Commission	Robert Chandler	TTE 2/14/24

**1. Boards, Committees & Commissions New Appointments**

Conservation Commission	Dave Sargent ( <i>fulfilling unexpired term</i> )	TTE 2/14/22
Open Space & Recreation Committee	Dave Sargent	TTE 2/14/24

**Summary of Discussion:** The Committee took up both the appointment and reappointment for Dave Sargent. Mr. Sargent has worked with the Conservation Commission in the past, saw there was a vacancy, so thought he could help out. Stated the natural environment in Gloucester is very important to him. He was also reappointed to the Open Space & Recreation Committee. He would also be the liaison between both the Conversation Commission and the Open Space & Recreation Committee.

**Chairman Nolan** stated Mr. Sargent was a great guy and very involved in the city. **Councilor Holmgren** gave her thanks as well.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0**

**opposed to recommend that the City Council appoint Dave Sargent to the Conservation Commission, TTE 02/14/22.**

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Dave Sargent to the Open Space & Recreation Committee, TTE 02/14/24.**

Historic District Commission

William C.S. Remsen (*alternate number*)

TTE 2/14/22

**Summary of Discussion:** Mr. Remsen conveyed that he had been on the Historic District Commission in the past. He is a registered architect specializing in historic buildings. He has been working in Gloucester more than 30 years. **Councilor O'Hara** thanked Mr. Remsen for his energy and willingness to help the city. **Councilor Holmgren** agreed. **Councilor Nolan** stated he enjoyed reading some of Mr. Remsen's material on architecture and stated he was a great asset to the community and thanked him for being back on board.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council appoint William C.S. Remsen (*alternate member*) to the Historic District Commission, TTE 02/14/22.**

Stage Fort Park Advisory Committee     Jamie Marshall

TTE 2/14/24

**Summary of Discussion:** Mr. Marshall stated he is a lifelong Gloucester resident. Currently, Mr. Marshall serves as the President of Little League Baseball in Gloucester. **Councilor O'Hara** thanked Mr. Marshall for his willingness to help out in the city. **Councilor Holmgren** thanked Mr. Marshall for offering his time and service. **Councilor Nolan** stated he has been an asset to the city particularly through the youth organizations.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council appoint Jamie Marshall to the Stage Fort Park Advisory Committee, TTE 02/14/24.**

Traffic Commission

Lt. Michael Williams

TTE 2/14/24

**Summary of Discussion:** Lt. Williams stated he was a lifelong resident of Gloucester and has worked for the Gloucester Police Department for more than 25 years. He stated he was currently the 4 p.m. through midnight watch commander. Stated he sees the traffic issues in Gloucester every day and has the hands-on experience working in the community. **Councilor Holmgren** thanked Lt. Williams. **Councilor O'Hara** thanked Lt. Williams for his dedication to the city and his willingness to assist on the Traffic Commission. **Councilor Nolan** thanked Lt. Williams for everything he does for the city, as he has been with the city a really long time, and that Lt. Williams' information was going to be invaluable to the Traffic Commission and City Council.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council appoint Lt. Michael Williams to the Traffic Commission, TTE 02/14/24.**

Traffic Commission

Drew White

TTE 2/14/24

**Summary of Discussion:** **Councilor O'Hara** recused himself as Mr. White is a relative. Mr. White stated he grew up in the City of Gloucester and graduated from college with a degree in construction engineering. He stated he has worked for the City as a civil engineer for about 8 to 9 months now. Mr. White conveyed that he has a background dealing with traffic in his line of work. **Councilor Holmgren** thanked Mr. White for stepping up with his experience. **Councilor Nolan** thanked Mr. White as well for his willingness to serve on the committee "where the tires meet the road".

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 2 in favor, 0 opposed, 1 abstained (O'Hara) to recommend that the City Council appoint Drew White to the Traffic Commission, TTE 02/14/24.**

*Boards, Committees & Commission Reappointments*

Board of Health

Richard Sagall

TTE 2/14/24

**Summary of Discussion:** Mr. Sagall stated he was a retired family and occupational medicine physician and has lived in Gloucester for approximately twelve years. Mr. Sagall stated he has been on the Board of Health for ten years, and chair for most of those. **Councilor Holmgren** thanked Dr. Sagall for his service, noting that the Board of Health board is very challenging. **Councilor O'Hara** thanked Dr. Sagall for his energy helping the city through the pandemic and his continuous support. **Councilor Nolan** stated the City's our Board of Health, particularly with the pandemic, has been top notch. He thanked Dr. Sagall for stepping up again. Dr. Sagall stated he appreciated all the support from the city and all the excellent employees in the city.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Richard Sagall to the Board of Health, TTE 02/14/24.**

Council on Aging

Susan Goodall

TTE 2/14/24

**Summary of Discussion:** Ms. Goodall conveyed that she has been on the board of the Council on Aging for ten years. She stated she currently is heading up a working group to try to improve the Council on Aging presence on the internet, including a more useful website. **Councilors Holmgren, O'Hara** and **Nolan** thanked Ms. Goodall for her commitment.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Susan Goodall to the Council on Aging, TTE 02/14/24.**

Gloucester Cultural Council

Lucas Cotterman

TTE 2/14/24

**Summary of Discussion:** Mr. Cotterman stated he had about 25 years of experience in the arts with both the nonprofit and profit sector. He moved to Gloucester about five years ago, taking over the Dogtown Book Shop downtown. Mr. Cotterman explained the Cultural Council provides arts grants for Cape Ann residents. **Councilor O'Hara** thanked Mr. Cotterman for his dedication to the city. **Councilor Holmgren**

thanked Mr. Cotterman for the care that he puts into everything that he does. **Councilor Nolan** talked about Mr. Cotterman's quaint store downtown and said that it couldn't be a better fit with Mr. Cotterman on this council.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Lucas Cotterman to the Gloucester Cultural Council, TTE 02/14/24.**

Historic District Commission

Prudence Fish

TTE 2/14/24

**Summary of Discussion:** Ms. Fish stated she has been on the Historic District Commission for quite a few years and that Gloucester history, Gloucester houses and the historic district are what she was passionate about. **Councilor O'Hara** thanked Ms. Fish for her long-term dedication and support to the city. **Councilor Holmgren** stated that the work that Ms. Fish has done has been nothing short of remarkable.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Prudence Fish to the Historic District Commission, TTE 02/14/24.**

Historic District Commission

Stephen Goodick

TTE 2/14/24

**Summary of Discussion:** Mr. Goodick stated he was a lifelong resident of Gloucester. He had recently retired from the carpentry/construction business. **Councilor O'Hara** thanked Mr. Goodick for his continued support to the city. **Councilor O'Hara** also stated he had a tremendous eye for detail with his carpentry skills which certainly would carry through to help out with the Historic District Commission. **Councilor Nolan** congratulated Mr. Goodick on his retirement and stated he had seen some of Mr. Goodick's work with the great attention to detail. **Councilor Nolan** thanked Mr. Goodick for seeking reappointment.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Stephen Goodick to the Historic District Commission, TTE 02/14/24.**

Historic District Commission

Kristal Pooler (*from regular to alternate*)  
(*to be withdrawn*)

TTE 2/14/24

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council accept the withdrawal of Kristal Pooler, TTE 02/14/24.**

Historic District Commission

Carmine Gorga (*alternate to regular member*) TTE 2/14/24

**Summary of Discussion:** Mr. Gorga stated he discovered a few years ago he loved every inch of Gloucester, especially the old parts. He thanked the council for their support and endorsements. **Councilor Holmgren** thanked Mr. Gorga for his willingness to support the city.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Carmine Gorga to the Historic District Commission, TTE 02/14/24.**

Magnolia Pier Advisory Committee Lisa Nogelo

TTE 2/24/24

**Summary of Discussion:** Ms. Nogelo was not present but was known to the Committee so her reappointment was put forward.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Lisa Nogelo to the Magnolia Pier Advisory Committee, TTE 02/14/24.**

Tourism Commission

Jennifer Goulart-Amero

TTE 2/14/24

(Contd. from 2/1/21)

**Summary of Discussion:** Ms. Jennifer Goulart-Amero was not present but was known to the Committee so her reappointment was put forward.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Jennifer Goulart-Amero to the Tourism Commission, TTE 02/14/24.**

Traffic Commission

Michael Mitchell

TTE 2/14/24

**Summary of Discussion:** Mr. Mitchell was not present but was known to the Committee so his reappointment was put forward. [Mr. Michael Mitchell joined the meeting after the committee voted on his reappointment to thank the council for reappointing him. **Councilor Nolan** stated Mr. Mitchell’s work speaks for itself and thanked him for all his work with the Traffic Commission.]

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Michael Mitchell to the Traffic Commission, TTE 02/14/24.**

Waterways Board

Karen Tibbets

TTE 2/14/24

**Summary of Discussion:** Ms. Tibbets was not present but was known to the Committee so her reappointment was put forward.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Karen Tibbets to the Waterways Board, TTE 02/14/24.**

Waterways Board

Joseph D. Crowell

TTE 2/14/24

**Summary of Discussion:** Mr. Crowell stated this would be his second appointment to the Waterways Board. He stated that this board is a great place to improve the quality of the waterfront, tourism and activity and visiting boaters. **Councilor O'Hara** thanked Mr. Crowell for his energy. **Councilor Holmgren** thanked Mr. Crowell. **Councilor Nolan** stated Mr. Crowell is a knowledge person who brings a lot to the table.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Joseph D. Crowell to the Waterways Board, TTE 02/14/24.

**Councilor Nolan** requested a one minute break at 6:43 p.m.

Zoning Board of Appeals

Michael Nimon

TTE 2/14/24

**Summary of Discussion:** Mr. Nimon was not present but was known to the Committee so his reappointment was put forward. **Councilor Nolan** and **Councilor Holmgren** talked about Mr. Nimon's commitment and hard work to the Zoning Board of Appeals.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Michael Nimon to the Zoning Board of Appeals, TTE 02/14/24.

Zoning Board of Appeals

Joseph Parisi, III

TTE 2/14/24

**Summary of Discussion:** Mr. Parisi stated this was his seventh year on the Zoning Board, second year as chairman. **Councilor O'Hara** thanked Mr. Parisi for his service and hard work. **Councilor Holmgren** stated she really appreciated his work. **Councilor Nolan** stated Mr. Parisi was always willing to help, always level headed, and appreciates him stepping up again.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Joseph Parisi, III to the Zoning Board of Appeals, TTE 02/14/24.

**2. Memorandum from Police Chief requesting approval to submit a home rule petition re: authority to convey special police authority upon qualified retired Gloucester police officers**

**Summary of Discussion:** **Police Chief Ed Conley** stated a Home Rule Petition was a way for the City to maximize the training and investment in the city's police officers. Retired detail officers that the city has now do not possess police powers; they have same the authority as a crossing guard, for example. During the pandemic, the Governor of Massachusetts provided a mechanism for cities and town to bring back retired officers with special police authority in case of staffing needs due to the virus. Fortunately, Gloucester didn't have to utilize this mechanism. **Chief Conley** stated a Home Rule Petition has been put forward by many other communities.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O'Hara, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 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 enact a Special Act substantially as follows:**

**Section 1. The Mayor of the City of Gloucester, as the appointing authority, may appoint, as the Mayor deems necessary, retired Gloucester police officers as special police officers to perform police details or any duties arising therefrom or during the course of police detail work, whether or not related to the detail work. The Mayor shall have sole discretion to appoint retired Gloucester police officers as special police officers. The Police Chief of the City of Gloucester shall establish all Gloucester Police Department rules, procedures and polices concerning such appointments. The Mayor shall appoint retired Gloucester police officers who served as regular Gloucester police officers and are retired based on superannuation. No retired police officer shall be appointed under this act as a special police officer if that officer has been retired for more than four- and one-half years. The special police officers shall not be subject to the same maximum age restrictions as applied to regular Gloucester police officers under chapter 32 of the General Laws, but shall not be eligible to serve as special police officers if they have reached the age of 70. Prior to appointment under this act, a retired Gloucester police officer shall pass a medical examination by a physician or other certified professional chosen, or agreed to, by the Department to determine whether the retired Gloucester police officer is capable of performing the essential duties of a special police officer under this act, the cost of which shall be borne by the retired Gloucester police officer.**

**Section 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the General Laws, or chapter 151A of the General Laws.**

**Section 3. Special police officers shall, when performing the duties under section one, have the same power to make arrests and perform other police functions as do regular police officers of the City of Gloucester.**

**Section 4. Special police officers shall be appointed for a one-year term, subject to renewal at the Mayor's discretion. Notwithstanding, special police officers shall be subject to suspension or removal by the Police Chief with the approval of the Mayor at any time. All benefits afforded to special police officers appointed under this act shall terminate upon the conclusion of the employment term. The special police officer's appointment shall automatically terminate upon the officer's 70<sup>th</sup> birthday.**

**Section 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements as the Police Chief of the City of Gloucester may impose from time to time, including, but not limited to, pay rates for special police officers, restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications, requirements for maintaining of a medical and/or liability insurance policy, and requirements regarding uniforms and equipment. The Police Chief shall, at his discretion, set a schedule of fees associated with the costs of training, medical examinations, equipment, uniforms, and any other requirements deemed necessary by the Police Chief, that shall be paid by the special police officer appointed under this act. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.**

**Section 6. Special police officers appointed under this act shall be sworn in at the direction of the Mayor and by the City Clerk for the City of Gloucester.**

**Section 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under section 111F of chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks before the incapacity, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under section 111F of chapter 41 shall terminate in accordance with section 111F or at the conclusion of the employment term, whichever occurs sooner. Special police officers appointed under this act shall not be subject to sections 85H or 85H½ of chapter 32, nor eligible for any benefits pursuant thereto.**

**Section 8. Appointment as a special police officer does not entitle that person to assignment to any detail.**

**Section 9. Retired Gloucester police officers serving as a special police officers under this act shall be subject to the limitation on hours worked and on earnings restrictions as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.**

**Section 10. This act shall take effect upon its passage.**

**3. *CC#2020-014 (Nolan): Request that the State Legislators file a Home Rule Petition regarding raising parking fines pursuant to Sec. 20A ½ of Chapter 90 of the General Laws (Contd. from 2/1/2021)***

**Summary of Discussion:** Councilor Nolan explained the actual ordinance did not involve anything with a Home Rule Petition for resident-only parking infractions. Beach parking infractions would be up to \$150 up from \$75; resident-only infractions to be up to \$150. Councilor Nolan stated the City has been in touch with other towns for correcting and updating our ticketing procedures in Gloucester to find a fair base of what other towns are doing. Councilor Nolan stated he would like to bring this matter back to work on it more, or he would support putting through the piece that would allow the city the authority to charge up to \$150 for a beach parking infraction. Councilors O'Hara and Holmgren agreed to continue the matter.

Councilor Gilman suggested that before the matter comes back before Ordinances and Administration that the data that has been collected so far be circulated to get a better feel for what best practices have been, particularly through the pandemic of other oceanfront communities. Councilor Nolan shared that Councilor McCarthy, Councilor Gilman, Police Chief Conley and himself have been gathering data from most seaside towns down on the South Shore and up through Maine to get an idea of what other similar towns are charging for parking fines.

**This matter was continued to March 15, 2021.**

**4. *CC#2021-001 (Holmgren): Amend GCO Ch. 2, Art. V, Div. 8 "Human Rights Commission," Sec. 2-497 "Established; Terms; Compensation," subsection (a)***

**Summary of Discussion:** Councilor Holmgren stated, per members of the Humans Rights Commission and members of the community, she discussed with city administration expanding membership of the Human Rights Commission to nine full members and one alternate because, despite the Mayor's office doing as much outreach as possible and despite her own outreach, the Commission needed more diversity.

Councilor Nolan agreed the Human Rights Commission would benefit from more diversity and stated his strong support.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council amend the Gloucester Code of Ordinances Chapter 2, Article V "Boards Commissions, Councils and Committees," Division 8 "Human Rights Commission," Sec. 2-497 "Established; terms; compensation" subsection (a) as follows:

- (a) There shall be in the city a commission known as the "Gloucester Human Rights Commission" hereinafter called the commission, which shall consist of ~~seven~~ nine members appointed by the mayor and approved by the city council, to serve without compensation. The commission may have in addition one alternate member appointed by the mayor and approved by the city council and one ex-officio member selected by the majority vote of the commissioners.

5. *CC#2021-002 (Cox/O'Hara): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Article V, "West Gloucester Firing Range"*

**Summary of Discussion:** Councilor Cox stated there was a lot of misinformation floating around regarding the West Gloucester Firing Range. She stated ten years ago there was a public hearing and some rearranging regarding the West Gloucester Firing Range. According to her research, the range was never permanently shut down. She stated that whoever was in charge of using the range decided to no longer utilize it for the purposes of a gun range. According to City Council records, the current ordinance that governs the city's ability to utilize the range was never shutdown; it was never unanimously voted against.

Councilor Cox conveyed that the procedures that the Council followed last April regarding the West Gloucester Firing Range were done legally and binding to move the range forward and to rearrange the range with the assistance of the Police Chief. Councilor Cox again stated everything from public hearing to public notice was done by the book and legal, although she stated there could have possibly been more outreach. Due to current complaints once the firing range was being utilized, and due to discussion brought forward in subsequent public hearings, Councilor Cox spoke with Chief Conley several times over email/phone to try to come to a better compromise, whether it be going offsite versus utilizing the range currently in town. Based on those conversations was where some of the compromises come from in the new draft.

She then stated the Gloucester Police Department is unable to use the Cape Ann Sportmans Club any longer and while it was not cost prohibitive, it was not cost affordable for the city to go to another location when there is a solution here. It's not the perfect solution, but it is a solution. Councilor Cox stated Chief Conley's estimate for the cost of outside training was around \$50,000, which Councilor Cox believes was generous as there's a lot more time and effort going into the training with Chief Conley's staff organizing the training. She reviewed the following:

In section (b), added the word 'authorize' meaning Gloucester PD can only utilize the firing range when it is authorized to do so.

In section (c), after speaking with Chief Conley, use of the range on Wednesdays between May 1 and November 1 will be limited to the first and second Wednesdays of the month only. Councilor Cox stated that Chief Conley conveyed to her that it is better to have use of the range on consecutive Wednesdays. Councilor Cox explained the firing range hours will be 9:00 a.m. to 4:00 p.m. except for low light training which will be conducted no later than 10:00 p.m. Also, low light training shall be noticed to the City Council forty-eight hours prior to training in an effort to allow for citizen notification. In addition, training must be posted forty-eight hours prior to any training exercise on the city website and on the police department's social media pages.

No changes in section (d).

In section (e), permanent signage should be added.

No changes in section (f).

In section (g), cleanup will be every two years instead of every three years. Also added was the Gloucester Police shall make every effort to only use frangible ammunition when possible for their regular training.

**Councilor Nolan** thanked **Councilor Cox** for her work and dedication to these amendments. **Councilor O'Hara** stated he was in agreement as far as the amendment. He has spoken to neighbors and concerned citizens. Since 2009 since the range ceased operation, a lot of things have changed. **Councilor O'Hara** stated as a representative of the people he needs to take this into consideration. In reading the 2009 minutes, he stated the police department only had to qualify once a year, but now it was twice a year, which means there will be twice the activity at the range than in 2009. In turn, there was probably twice the enjoyment of people that frequent the area recently. It's a balancing act. In talking with the public, in May people open their windows for the nice weather. He stated that maybe moving opening of the range back one month [April] would be better. **Councilor O'Hara** stated children, hearing impaired people and cleanliness were factors to think about going forward. Again, he stated, as a representative of the people, the council owed it to those people to hear this out again to the fullest extent. The ordinance can be amended, but said the council needed to really look at shooting at night and the trauma people could have from hearing gunfire at night. He stated the West Gloucester Firing Range was a fluid issue and would like to see nighttime shooting eliminated entirely and the days restricted to 15 and 15 with no Wednesday training at all. Also, he would like an actual site visit when live shooting is taking place in daytime and nighttime so all the councilors can listen to what the sound level actually was. **Councilor O'Hara** stated, in fairness, all the variables needed to be looked at.

**Councilor Holmgren** asked **Councilor O'Hara** if he wanted to take his name off the Council Order. **Councilor O'Hara** stated he didn't and was just looking to amend this. **Councilor Holmgren** asked **Councilor O'Hara** to clarify his position if he was on board with the amendments or if he wanted to start from scratch. **Councilor Cox** offered that **Councilor O'Hara** wanted to make an amendment to the amendment before the Council. **Councilor Cox** clarified that low light training was not mandatory. **Councilor Cox** thanked **Chief Conley** for the FAQs he published which has helped to correct misinformation. **Councilor Cox** explained that when this amendment was introduced, she and Councilor O'Hara did not know low light training wasn't mandatory. **Councilor Cox** stated **Chief Conley** and the **Gloucester Police Department** should have the opportunity to utilize the firing range this coming May so the Council can really get a feel for the sound and impact. **Councilor Cox** stated she was against the firing range in Gloucester in this area solely because of environmental reasons, but she was all for being able to find a compromise.

**Councilor Gilman** stated the changes to the amendment should be formalized before continuing with the discussion. **Councilor Gilman** also stated the FAQs on the Gloucester Police Department's website was very informative.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to rescind the amendment to Council Order CC#2021-002 (Cox/O'Hara): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Article V, "West Gloucester Firing Range" by striking the words "Low light training shall be noticed to the City Council forty-eight hours prior to training in an effort to allow for citizen notification" in subsection (c) as follows:

(c)The range shall be open from May 1 to November 1. Biannual state mandated training shall take place during the first 15 days of May and the first 15 days of October. The range shall use under the terms of paragraph (b) the first and second Wednesday of each month from May 1 to November 1. The hours of live fire at the range shall be limited to 9:00 a.m. to 4:00 p.m. except for specific low light training which will be conducted no later than 10:00 p.m. on those specific days as allowed above. ~~Low light training shall be noticed to the City Council forty-eight hours prior to training in an effort to allow for citizen notification.~~ In addition, training must be posted forty-eight hours prior to any training exercise on the city website and on the police department's social media pages.

**Councilor O'Hara** then asked the **Chief Conley** if May 1 could be moved to April 1. **Chief Conley** stated May tends to be better in terms of weather as the range was outside and the staff would be there all day, but since this was New England you never know what the weather could be.

**MOTION:** On a motion by **Councilor O'Hara**, seconded by **Councilor Holmgren**, the **Ordinances & Administration Committee** voted by **ROLL CALL 2** in favor, **1** opposed, to amend **Council Order CC#2021-002 (Cox/O'Hara): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Article V, "West Gloucester Firing Range"** to strike the word "May" and add the word "April" in subsection (c) as follows:

(c)The range shall be open from ~~May 1~~ April 1 to November 1. Biannual state mandated training shall take place during the first 15 days of ~~May~~ April and the first 15 days of October. The range shall use under the terms of paragraph (b) the first and second Wednesday of each month from ~~May~~ April 1 to November 1. The hours of live fire at the range shall be limited to 9:00 a.m. to 4:00 p.m. except for specific low light training which will be conducted no later than 10:00 p.m. on those specific days as allowed above. ~~Low light training shall be noticed to the City Council forty-eight hours prior to training in an effort to allow for citizen notification.~~ In addition, training must be posted forty-eight hours prior to any training exercise on the city website and on the police department's social media pages.

**Councilor Nolan** then invited **Chief Conley** to give a presentation on the Firing Range FAQ posted on the Gloucester Police Department's webpage. **Chief Conley** shared his screen and gave a demonstration on how to use the webpage. He explained links were also included to bring the user to the source material of where the information came from. **Chief Conley** then went on to explain the importance of this type of training and explained there is really no alternative from the State for live-fire training. The police department must live-fire train twice a year every single weapon that is carried within the Gloucester Police Department.

**Councilor Cox** stated this wasn't scheduled for Public Hearing until March 23, 2021, so the ordinance wouldn't be active until 30 days after that, which means April 23, 2021. The Police Department would lose live-fire training for 2021 if there was not an emergency order put forward to waive the 30 days. **Councilor O'Hara** stated for the first year they would keep it at May 1, 2021, and not put forward an emergency order. **Councilor Cox** stated to formalize this **Councilor O'Hara** should withdraw his amendment for the date change.

**MOTION:** On a motion by **Councilor O'Hara**, seconded by **Councilor Holmgren**, the **Ordinances & Administration Committee** voted by **ROLL CALL 3** in favor, **0** opposed, to amend the **Council Order CC#2021-002 (Cox/O'Hara): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Article V, "West Gloucester Firing Range"** to strike the word "April" and add the word "May" in subsection (c) as follows:

(c) The range shall be open from ~~April~~ May 1 to November 1. Biannual state mandated training shall take place during the first 15 days of ~~April~~ May and the first 15 days of October. The range shall use under the terms of paragraph (b) the first and second Wednesday of each month from ~~April~~ May 1 to November 1. The hours of live fire at the range shall be limited to 9:00 a.m. to 4:00 p.m. except for specific low light training which will be conducted no later than 10:00 p.m. on those specific days as allowed above. ~~Low light training shall be noticed to the City Council forty-eight hours prior to training in an effort to allow for citizen notification.~~ In addition, training must be posted forty-eight hours prior to any training exercise on the city website and on the police department's social media pages.

Councilor Cox stated she would like to make another amendment by adding a Sunset Clause for the committee to reconvene after the West Gloucester Firing Range training from May 1 through May 15 to discuss the results of the sound studies and possible site visit.

**MOTION:** On a motion by Councilor Cox, seconded by Councilor Holmgren, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to amend Council Order CC#2021-002 (Cox/O'Hara): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Article V, "West Gloucester Firing Range" by adding a Sunset Clause as subsection (i):

- (i) **Sunset Clause:** To reconvene at the first Ordinance & Administration meeting in June to discuss the sounds from the first training dates in May.

The final amendment will read as follows:

#### **ARTICLE V. - WEST GLOUCESTER FIRING RANGE**

##### **Sec. 21-87. - West Gloucester firing range.**

(a) This article shall govern the use and maintenance of the West Gloucester Firing Range located at the terminus of Forest Lane in West Gloucester ("the range"). The implementation of this article shall be under the joint control of the public works director and the chief of police.

(b) Use of the range shall be limited to authorized firearms training for active and retired members of the Gloucester Police Department to include any joint trainings with other city agencies and the Gloucester Police, any joint trainings involving the Gloucester Police and other law enforcement agencies, and any state-mandated trainings or qualification requirements that directly involve members of the Gloucester Police Department.

(c) The range shall be open from May 1 to November 1. Biannual state mandated training shall take place during the first 15 days of May and the first 15 days of October. The range shall use under the terms of paragraph (b) the first and second Wednesday of each month from May 1 to November 1. The hours of live fire at the range shall be limited to 9:00 a.m. to 4:00 p.m. except for specific low light training which will be conducted no later than 10:00 p.m. on those specific days as allowed above. In addition, training must be posted forty-eight hours prior to any training exercise on the city website and on the police department's social media pages.

(d) No shooting is permitted on Saturday or Sunday or state-recognized holiday. The Gloucester Police Department, the Gloucester Department of Public Works shall post on their respective web sites the schedule outlined in paragraph (c).

(e) **The entrance to the range shall be posted with permanent signage, the exact size and location of which shall be determined by the DPW director, indicating that the range is for the use by the Gloucester Police Department only and that trespassers are subject to arrest in accordance with city Code of Ordinances, section 14-6.**

(f) **The entrance and both sides of the range shall be posted with the following signs:**

**Gloucester Police Firing Range**

**Keep Out**

**No Trespassing Beyond This Point**

**Trespassers Subject To Arrest In Accordance With City Of Gloucester Code Of Ordinances, Section 14-6.**

(g) **The DPW shall be responsible for maintenance of the range and shall implement a maintenance plan the same or substantially similar to the environmental stewardship plan for management of lead shot/bullets, as suggested by the United States Environmental Protection Agency. The range shall be maintained in accordance with the foregoing at least once every two years. The Gloucester Police shall make every effort to only use frangible ammunition when possible for their regular training.**

(h) **There shall be no use of the firing range, unless, until and for so long as the above-described conditions are in place and maintained.**

(i) **Sunset Clause: To reconvene at the first Ordinance & Administration meeting in June to discuss the sounds from the first training dates in May.**

**This matter has been continued to March 15, 2021.**

## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

### **Grant Clark, 279 Concord Street**

**Q.** Mr. Clark asked if the Council considered the implications of Article 97 of the amendments to the Massachusetts Constitution. Stated he has been advised by legal counsel that the land upon which the range sits was protected by Article 97 and that the repurposing of the land for the purposes of a firing range would, in fact, be illegal without a super majority vote of both chambers of the state legislature. Mr. Clark stated he learned this information today from the firm of McGregor & Legere.

**A.** **Councilor Holmgren** asked **Councilor Nolan** how the council should address these questions. **Councilor Nolan** said he was not aware of any restrictions on that property. **Councilor Nolan** stated they should field the questions and refer to the proper department if someone on the panel can't answer any of tonight's questions and continue this matter until all questions were answered. **Councilor Gilman** agreed that any vote should be held for that reason. **Councilor Cox** reiterated that the West Gloucester Firing Range was already permitted and permissible in the Code of Ordinances. She asked **General Counsel Chip Payson** if the firing range land was protected by Article 97 who stated he did not know, but would do the research. **Councilor Cox** reminded the council that the Gloucester Police Department can utilize the firing range without this amendment to the ordinance passing because there was already an ordinance on the books allowing them to do so; it would just delay the Public Hearing for the changes.

### **Charles Crowley, 19 Biskie Head Pt.**

**Q1.** Stated the area in question is 97 acres of land and the DPW can put that range anywhere they want. Stated the location needs to be more specific. Doesn't know what accesses are being blocked as the city is deed-required to allow access to Red Rocks due to grant commitments, along with being deed-required to provide access to other places.

**Q2.** Why isn't the rifle range being used? The city has deeded rights to the rifle range. Stated the police should be able to use the rifle range this year.

**Mayor Sefatia Romeo Theken** stated the city was also working on the dam. In three years, no one will be allowed in that area at all due to repairs on the dam. The dam has not been touched in 100 years. Reminded the council when looking at solutions that in three years they may have to go through all of this all over again due to those dam repairs.

**Chris Sobotowski, 20 Forest Lane**

**Q.** Asked if anyone has done a noise study to see what negative effect the noise will have on the West Parish School as it was 1.5 miles away from the firing range.

**Robin Hosking, 20 Forest Lane**

**Q.** Asked if anyone checked the facts that were listed on the police report. Stated the sound from Forest Lane was 47 decibels on the police report but stated 47 decibels was ambient house noise. Asked if anyone has checked the price of training at Fort Devens. Stated Fort Devens was 1 hour, 8 minutes away from Gloucester.

**A. Councilor Nolan** stated the question regarding Fort Devens has been asked and answered.

**Peter Radochia, 259 Concord Street**

**Q.** Asked why it is necessary for the ordinance to allow other agencies to utilize the range. Stated the signs at the West Gloucester Firing Range should have active hours.

**A. Councilor Cox** also stated the permanent signage should cover more than just what was suggested in the original ordinance. **Councilor Nolan** stated the signage would be better. **Chief Ed Conley** conveyed that the actual signage would be posted closer to the actual footprint of the range. The permanent signage would be metal and attached to barriers that would be placed strategically to indicate there was live fire at that time. There would also be active range safety officers who will be very well identified, two of which who would do nothing but watch the surrounding area for hikers. **Councilor Cox** clarified that the only other people that would be using the range were the instructors, not other cities or towns. **Chief Conley** stated that sometimes outside experts are brought in to provide a higher level of training to certain officers, particularly Gloucester Police Department's in-house instructors.

**Debbie Holland, 11 Jebeka Lane**

**Q.** Asked if any consideration had been given to the firing range being open November through May instead of May through December.

**Ellen Leaman, 16 Great Hill Road**

**Q1.** Asked if the ordinance could be changed to state that only nonlead bullets could be used.

**Q2.** Asked if there have been any soil tests for the last many years that the range had been used.

**A. Councilor Nolan** stated that the DPW has been working with outside contractors on testing and devising a plan for the environmental study and how to test for lead that will need to be implemented with this ordinance. Stated it was a work in progress. **Councilor Nolan** also stated **Chief Ed Conley** has talked about the lead/nonlead bullets at length, with frangible rounds being preferred.

**Councilor Nolan** stated that this matter is not ready for public hearing due to the questions that still need to be answered. **Councilor Holmgren** thanked **Councilors Cox** and **O'Hara** for bringing this matter forward and thanked for public for calling in with their questions and comments.

**Councilor Nolan** asked **General Counsel Chip Payson** if the next Ordinances and Administration meeting on March 15, 2021, would allow enough time to research Article 97 and a title search. **Attorney Payson** agreed.

**MATTERS TO BE CONTINUED:**

Zoning Board of Appeals James Gigliotti (*alternate member, 90 day appt.*) TTE 5/16/21 (TBC 5/3/21)

**MOTION:** On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 8:54 p.m.

Submitted by Sherry Karvelas, Clerk of Committees

Documents submitted at the meeting: None.

Meeting Recording: [https://gloucester-ma-gov.zoom.us/rec/share/f8KRh-fWugWdlwuj9YaUz09ZJTdUPhONapROx5ZTzjD6cI69uX6kpMMqlgMEjKX2.bWAu-00NQ\\_ks9IIA?startTime=1614639646000](https://gloucester-ma-gov.zoom.us/rec/share/f8KRh-fWugWdlwuj9YaUz09ZJTdUPhONapROx5ZTzjD6cI69uX6kpMMqlgMEjKX2.bWAu-00NQ_ks9IIA?startTime=1614639646000)