

Ordinances & Administration Committee

Remote Meeting

Monday, April 5, 2021 – 6:00 p.m.

-Minutes-

Present: Chair, Councilor Sean Nolan; Vice Chair, Councilor Steven LeBlanc; Councilor Jamie O’Hara

Other Councilors Present: Councilor Val Gilman, Councilor Jen Holmgren, Councilor John McCarthy, Councilor Melissa Cox

Also Present: Mayor Sefatia Romeo Theken; Assistant City Clerk, Grace Poirier; CAO, Nicole Kieser; Police Chief, Ed Conley; General Counsel, Chip Payson; Assistant to CAO, Chris Sicuranza

The meeting was called to order at 6:01 p.m. There was a quorum of the City Council.

*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.

1. Reappointments

Clean City Commission

Jamie L. Mathison, TTE 2/14/24

(Cont. from 3/1/21 & 3/15/21)

Summary of Discussion: **Councilor Nolan** asked Ms. Mathison how things were on the Clean City Commission. **Ms. Mathison** stated that the Commission has been at a standstill since the pandemic started, but was looking forward to meeting soon. **Councilor LeBlanc** stated the restrictions from the Governor have loosened somewhat so the Commission could possibly meet outside or set up a Zoom meeting. **Ms. Mathison** agreed and stated members of the Commission were anxious to move forward. **Councilor O’Hara** thanked Ms. Mathison for her energy and dedication to the City.

The **Assistant City Clerk, Grace Poirier** reminded Ms. Mathison that she needed to update her Conflict of Interest and Ethics Certificate.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council reappoint Jamie L. Mathison to the Clean City Commission, TTE 02/14/24.

2. CC#2021-002 (Cox/O'Hara): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Article V, "West Gloucester Firing Range" (Cont. from 3/1/21 & 3/15/21)

Summary of Discussion: **Councilor LeBlanc** stated Article 97 for the site of the West Gloucester Firing Range was intact and the City was going to cease all activity at the site and the ordinance will be deleted completely.

Councilor Cox stated she would delay in offering a withdrawal of the current order until she is able to speak with the City Clerk to determine the best method to create another order to dissolve the current council order. **Councilor O'Hara** agreed with Councilor Cox. **Police Chief Ed Conley** thanked the City Council for the Council's support during this process. He stated once all the information was received, including public input, it was decided as a team that having the West Gloucester Firing Range at the proposed location wasn't the right course of action.

Councilor McCarthy asked what activities were allowed in the area under Article 97 if the City was not allowed to use it as a firing range. **General Counsel, Chip Payson** stated he could not speak to all the open spaces but the authority that the Water Commission had to acquire the property at Haskell's Pond and the deed indicates it was for water use only. He stated he believed the deed was referring to drinking water. He stated he doesn't believe the property around Haskell's Pond can be used for anything other than drinking water purposes unless there has been an Article 97 vote of the legislature to change the use. **Councilor LeBlanc** stated he doesn't know the allowable uses under Article 97 but under the Gloucester Code of Ordinances there was not language that stated that public access was not allowed; he stated the **DPW Director** can allow permission for fishing.

The **O&A Committee, Councilor Cox** and **General Counsel** had a discussion as to whether there was litigation on this matter. **General Counsel** was not aware of any. **Councilor Cox** wanted updated information from General Counsel concerning the legal representation the neighbors obtained regarding the West Gloucester Firing Range and Article 97. She also asked for the reasons why it was shut down as she felt she was not getting that information from this meeting. **Councilor LeBlanc** stated the **Mayor** made the decision to shut the firing range down. He further stated that through **General Counsel** the recommendation was that the firing range was not a use under Article 97.

Councilor LeBlanc wished to acknowledge **Councilor Nolan**, the **Mayor** and the **Police Chief** for their dedication in seeing this process through. **Councilor Nolan** stated the Mayor's office has worked step-by-step with the City Council on this matter. **Councilor LeBlanc** stated that as of today there is a cease and desist for the site. The **Police Chief** stated it was a collective decision between the city councilors, police department and Mayor's office to cease and desist use of the area given the totality of all the collected information.

This matter was continued until May 3, 2021.

3. CC#2021-003 (Nolan/McCarthy/Gilman): Amend GCO Ch. 22, Art. V, Sec. 22-176(a) "Penalties for Parking Violations" pursuant to MGL Ch. 90, Sec. 20A½

Summary of Discussion: **Councilor Gilman** stated in looking at the Home Rule Petition it became obvious that there were some best practice information that the City compiled that showed that the City could be charging more in the current caps that the City has without the Home Rule Petition. Because the residents-only sticker, non-beach zone was what the City Council needed to look at in terms of a competitive fine, the City Council felt that the fine could be increased to \$50 right now and not have to wait for the Home Rule Petition. She stated the Council Order was amended to recommend that the fine be increased now. **Councilor Gilman** gave some information regarding fines in other beachfront communities:

Rye, NH: Fine is up to \$100
Newburyport: Doubled illegal parking starting summer of 2020 from \$25 to \$50
Rhode Island beachfront communities: Summer of 2020 increased fines from \$75 to \$150
Dennis, MA: Fine has been \$50 since 2010
Hull, MA: Summer of 2020 increased fines to \$50 and increases to \$100 after four hours
Brewster, MA: \$40 fine for illegal parking
Wellfleet, MA: \$75 fine for beach parking violations (last updated 2014)

She stated the **Police Chief** collected data for local areas including some non-beach communities for residents only, including Newburyport, Georgetown, Amesbury, Andover, Ipswich, Marblehead, Lynnfield, Groveland, Beverly. She stated the fines for “Resident only, prohibited, non-beach area” for these towns range between \$15 to \$30. She stated she was comfortable in suggesting a \$50 fine. **Councilor McCarthy** stated it has been a long time since the City has increased the fines. He stated the higher penalty would help discourage illegal parking in “Resident Only” areas. He stated money was spent to upgrade the City’s equipment, along with the addition of a parking enforcement officer and parking fines haven’t been increased in the City in almost twenty years. **Councilor O’Hara** voiced his agreement and stated the City needs to figure out a way to improve the quality of life for tax-paying citizens that live in these areas of concern.

Councilor Gilman stated the public hearing for this matter was advertised for April 13, 2021. She reminded the councilors that there would be a 31-day wait after the City Council approves the ordinance and that the goal is to get the matter approved before the third week in May to be able to start enforcing the new ordinance with the increased fines.

Councilor Nolan expressed his thanks to **Councilors Gilman** and **McCarthy** and the **Police Chief** for their work to update this ordinance with acceptable fines for the infraction.

The matter is scheduled for public hearing on April 13, 2021.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the Ordinances and Administration voted by ROLL CALL 3 in favor, 0 opposed to recommend that the City Council raise parking fines pursuant to Section 20A½ of Chapter 90 of the General Laws by AMENDING GCO Chapter 22 “Traffic and Motor Vehicles” Article V “- Stopping, Standing and Parking” section 22-176(a) “Penalties for Parking Violations” by DELETING \$15.00 fine in “code 25” and ADDING a \$25.00 fine for “Improper angle parking;” and by ADDING a new “code 26” and ADDING violation for “Resident only sticker, non beach zone” with a \$50.00 fine

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed to adjourn the meeting at 6:33 p.m.

Submitted by Sherry Karvelas, Clerk of Committees

Documents submitted at the meeting: None.

Meeting Recording: <http://gloucester-ma.gov/1097/Past-Remote-Public-Meetings>