

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
 Monday, April 1, 2013 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Conference Rm. – City Hall**  
**Minutes**

**Present: Chair, Councilor Sefatia Theken; Vice Chair, Robert Whynott; Councilor Steven LeBlanc, Jr.**

**Absent: None.**

**Also Present: Councilor Cox; Councilor Verga; Linda T. Lowe; Jim Duggan; Mark Cole; Tom Daniel; Larry Ingersoll**

**The meeting was called to order at 6:00 p.m. When Councilor Verga entered the meeting at 6:40 p.m. there was a quorum of the City Council.**

**Councilor Theken** explained that all names of appointees forwarded by the Mayor to the Council for Boards, Committees and Commissions typically have resumes attached to the documentation to be reviewed by the Council. However, no resumes have been received for this new group of appointees to date. She noted that each of these appointees can continue to serve under their 90-day temporary appointment to their respective board, committee or commission. Those appointees without resumes submitted were: Michael DiLascio, Joe Boreland; James Bordinaro; and Mark Lacey. **Councilor Theken** thanked these gentlemen for taking the time to come to the meeting, but due to the lack of resumes, the Committee would not interview them at this time. She asked they submit their resumes to the City Clerk's office or to the Office of the Mayor to be forwarded to the Council so that the O&A Committee can more fully review their appointments at the May 6<sup>th</sup> regularly scheduled O&A Committee meeting.

**1. Continued Business:**

A) Reappointments:

Conservation Commission	TTE 02/14/16	Ann Jo Jackson
Shellfish Advisory Commission	TTE 02/14/16	Ann Jo Jackson

**Councilor Theken** apologized to Ms. Jackson for her inconvenience due to the cancelation of the March 18<sup>th</sup> meeting and appreciated her appearing this evening. The Councilor noted ConCom is a difficult Commission to be on and credited Ms. Jackson for her commitment to the Commission's work. She also expressed her appreciation on her taking the time to explain the ConCom process to applicants step by step which can be very daunting, especially to those who are appearing before the Commission for the first time. **Councilor Theken** also noted Ms. Jackson's work on the Shellfish Advisory Commission where she maintains the same high standards and volunteer commitment.

**MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Ann Jo Jackson to the Conservation Commission, TTE 02/14/16.**

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Ann Jo Jackson to the Shellfish Advisory Commission, TTE 02/14/16.**

Waterways Board

TTE 02/14/16 Patti Page

**Councilor Theken** questioned Ms. Page about the criteria under which she is being reappointed to the Waterways Board. **Ms. Page** said she was originally appointed for a one-year term as a fisheries member, but now that she has left the fisheries service, she is being reappointed as a member at-large. Responding to **Councilor Theken's** inquiry, **Ms. Page** said that the new members are already participating on the Board is very knowledgeable and has had no learning curve. The business of the Board is being conducted as normal, she said.

**MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Patti Page as a “Member at Large” to the Waterways Board, TTE 02/14/16.**

- B) CC2013-010 (Theken/LeBlanc) Amend GCO Sec. 22.270.1 “Resident Sticker Parking” re: Beach Court, Fort Square and Commercial Street (Cont’d from 03/04/13)

**Larry Ingersoll**, Co-Chair of the Traffic Commission said seasonal parking restrictions are already in place on Beach Court, on both sides. There is also seasonal restricted parking at 17-21 Commercial Street. The Commission noted it would not be appropriate to make this kind of limitation to parking in front of places of business in the Fort, especially those already covered by other traffic ordinance sections. The Traffic Commission only voted on the Fort Square portion of the order for resident sticker parking only. There were conflicting opinions as to the parking at the playground in the Fort. **Mr. Ingersoll** said that the Traffic Commission’s opinion was that the lot, consisting of six regular and one handicap parking space, should be open to anyone so that was left out of the discussion by the Commission. If people are going to park at the playground all day and it becomes a problem, that can be revisited, he said. **Councilor Theken** said the concern is not about people using the park; rather it is concern the playground lot will be used for beach parking. **Councilor Cox** said she would like to wait before putting an order forward to limit parking in the playground lot for two hours but wished to see what transpires first. **Councilor Theken** said that many families do use the playground for play dates and do stay more than two hours. She agreed that if it became a problem then an order could come forward to place a time limit on parking there.

**Councilor Theken** pointed out that the restriction now in place for Beach Court was for seasonal resident sticker parking and wanted to move it to year round resident sticker parking. **Linda T. Lowe** noted there is resident sticker parking year round in other areas, particularly in Plum Cove and Lanesville, and some of it is seasonal also.

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING “Fort Square for its entire length (from #2 to #59);” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally) by DELETING Beach Court for its entire length and AMEND Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING Beach Court for its entire length;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally) by DELETING Commercial Street #17-21 westerly side in a southerly direction to its intersection with Beach Court; and AMEND Sec. 22-270.1 (Resident Sticker Parking Only) by ADDING Commercial Street #17-21 westerly side in a southerly direction to its intersection with Beach Court;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- C) CC2013-011 (Cox) Amend GCO Sec. 22-287 “Disabled veteran, handicapped parking” by adding one space near Perkins Street #39 (Cont’d from 03/04/13)

**Councilor Cox** said that the Traffic Commission has reviewed this matter and that there is not handicapped parking in the area of the requestor who knows that this handicapped space is for anyone with a handicapped placard. She noted the requestor lives on the first floor. The Traffic Commission approved the creation of this handicapped space at Perkins Street #39.

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space at Perkins Street #39;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**2. Management Appointment & Certificate of Vote from Planning Board recommending the appointment of Tom Daniel to the position of Community Development Director, TTE 02/14/14**

**Jim Duggan**, CAO presented Tom Daniel as the City's new Community Development Director. There was an Administrative interview team made up of himself, the Personnel Director, the Acting Community Development Director (Gregg Cademartori) and Rick Noonan, Chair of the Planning Board, reviewed approximately 35 resumes for highly qualified candidates, but Mr. Daniel's experience and background stood out during the interview process, he said. **Mr. Duggan** noted that Mr. Daniel worked for 5 years with the City of Salem in the economic development arena. He pointed out the Administration's intent to intensify the City's push for economic development. Prior to Mr. Daniel's work with the City of Salem, he worked in Minneapolis, MN. He highlighted that Mr. Daniel has already been:

- Instrumental in drafting the RFP for consulting services for I4-C2;
- Made outreach efforts to various companies to bring them to Gloucester maintaining the symbolic emphasis and goal of the City around the fishing industry.
- Reached out to the different tourism-related groups in the City, to the Chamber of Commerce, and a number of different boards and commissions to get their ideas and share his ideas with them.

**Mr. Duggan** said he has had only positive feedback on Mr. Daniels. He said that the City staff is very pleased with Mr. Daniel's selection, and added that the Administration fully supports Mr. Daniel's appointment.

**Mr. Duggan** answered an inquiry by **Councilor Theken** by explaining Mr. Daniel will manage the Community Development staff and the five manager positions – the Planning Director (Gregg Cademartori), the currently unfilled Economic Development Director position, the Harbor Planning Director (Sarah Garcia), the unfilled position of Marketing & Events Coordinator and the unfilled position of Grants Manager. The hiring of an Economic Development Director is an identified priority in the FY14 Budget by the Administration. The position of Senior Planner has been posted and advertised. **Mr. Duggan** said the Administration feels with all the projects currently being planned or already in place that the City needs to give support to the Planning Director.

**Councilor Theken** noting she had reviewed Mr. Daniel's resume, she said she and Mr. Daniel already have spoken to express her feelings about the community. **Councilor Theken** said she has developed a great deal of respect for Mr. Daniel; that he is kind, respectful, listens and remembers. She expressed she appreciated the direction the Community Development Department was taking and liked the direction Mr. Daniel would move the department. She welcomed Mr. Daniel to the City. **Mr. Daniel** said he has lived in Manchester-by-the-Sea for the last five years, but Gloucester is where he and his family hang out.

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Tom Daniel as Community Development Director, TTE 02/14/14.**

**3. New Appointments and Reappointments**

**Appointments:**

Waterways Board	TTE 02/14/16	Joe Boreland, Economic Development Member James Bordinaro, Fishing Industry Member Mark Lacey, Recreational Boating Member
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**These three Waterways Board appointments were continued to May 6, 2013 pending receipt of resumes.**

EDIC	TTE 07/01/16	Ruth Pino, Michael DiLascio (Cont'd to 5/6/13)
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**Ms. Pino** said she has been told she will have to resign as a member of the Affordable Housing Trust because she understands it is in conflict with her appointment to the EDIC. She said she will resign once her appointment to the EDIC is confirmed by the Council. **Ms. Lowe** said the City Charter Sec. 2-10(b) says that the boards, committees or commissions must be directly related. **Ms. Pino** said she didn't think there was a conflict, however and said she felt the two were related. **Councilor Whynott** said he didn't think it was a big stretch to say the Affordable Housing Trust was similar with the EDIC's economic development, if for instance someone wanted to build affordable housing. **Mr. Duggan** said both the Affordable Housing Trust and EDIC helps to increase the City's tax base and so it could be similar. **Councilor Theken** noted the respect Ms. Pino commands in the community and said she respected her work on behalf of the City. She said she hoped Ms. Pino could remain on the Affordable Housing Trust as she had done good work during her tenure on that board. **Ms. Lowe** was instructed to

inquire of General Counsel to learn whether Ms. Pino would have to resign from the Affordable Housing Trust or whether she could remain under Charter Sec. 2-10(b).

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Ruth Pino to the EDIC, TTE 07/01/13.**

Committee for the Arts                      TTE 02/14/17      Sinikka Nogelo

**This appointment is continued to May 6, 2013.**

Zoning Board of Appeals                      TTE 02/14/16      David Gardner (Alternate Mbr. to Permanent Mbr.)

**Councilor Theken** thanked Mr. Gardner for his commitment to the City, for his professionalism and kindness and noted she had nothing but high praise from the community. **Councilor Whynott** added his endorsement as well.

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint David Gardner to the Zoning Board of Appeals as a Permanent Member, TTE 02/14/16.**

**Reappointments:**

Trust Fund Commission                      TTE 02/14/16      John Fleming (Cont'd to 5/6/13), Michael Sanborn

**Councilor Theken** asked about the activities of the Trust Fund Commission. **Mr. Sanborn** said the Trust Fund Commission is composed of himself and John Fleming. The Commission is the custodian of various trusts set up years ago for specific purposes for the City; and generally only income is used for those purposes, he said. **Mr. Sanborn** gave the example of several trust funds which are set up for the Sawyer Free Library. There is a trust fund set up for a school music program. Another trust fund is set up to fund the Sawyer Medal program. **Councilor Theken** asked that the list of the trust funds in the care of the Trust Fund Commission be forwarded to the City Clerk for the record.

It was noted that Mr. Fleming and Mr. Sanborn would appear before the B&F Committee on Thursday, May 9<sup>th</sup> to give that Committee a full update on the activities of the Trust Fund Commission as required by the Code of Ordinances.

**MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Michael Sanborn to the Trust Fund Commission, TTE 02/14/16.**

**3. CC2013-012 (LeBlanc) Amend GCO Chapter 22, Sec. 22-287 (Disabled Veteran, handicapped parking) Re: Harold Avenue #8**

**Mr. Ingersoll** said the Traffic Commission discussed the matter with the requestor. He noted there are no other handicapped parking spaces on that street, and the Commission informed the requestor's representative that any person with a handicapped placard can park in this space; it is not for their exclusive use. The Commission recommended unanimously his handicapped space be created, he said.

**MOTION: On motion of Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space in front of Harold Avenue #8;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**4. CC2013-015 (Cox) Amend GCO Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) re: Beach Court, #17-#21 Commercial Street and Fort Square**

**Councilor Cox** explained that there is a similarity with Councilor Theken's Council Order CC2013-010 (see above). She noted that moving ahead with Councilor Theken's order will give the Fort area residents year round on

street resident sticker parking. However, Fort residents have come back and had a discussion with her and Councilor LeBlanc asking for more restrictive resident parking only just for those who live in their district. She said she would take her order forward to the Traffic Commission to give the residents a chance to explain their concerns.

**This matter is continued to May 6, 2013 pending a Traffic Commission recommendation.**

**5. CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 to add specific standards on what City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways**

**Councilor Verga**, noting that recently four private roads came forward to the Council requesting a 50:50 joint paving project with three followed through to the Council vote, and he had started the process for several private roads in Magnolia, said his Council Order is to provide for a review of the GCO c. 21, Art. IV Repair of Private Ways to streamline language giving prominence to the caveat that joint paving projects between residents living on private ways and the City can't be undertaken until a funding source is identified.

**Mr. Duggan** noted the situation of the three private roads in East Gloucester was a misunderstanding in that a resident of High Popples Road where the DPW personnel was patching the road told the workers to stop as the roadway would be repaved. However, the DPW continued with the patching. That person emailed the Administration Friday informing them of this situation. The return email informed this resident that the funds were not in place to pave their road. **Mr. Duggan** said that going through the ordinance process to make way for a private road joint paving project sets expectations. In 2003, he noted, there was a paving management plan submitted which showed \$11 million paving that needs to be done in the City. Since then there have been \$6 million of Chapter 90 funds come in from the State. He reminded the Councilors that with the support of the Council there was a bonding of \$750,000 two years ago for paving as well. **Mr. Duggan** suggested there is over \$20 million of public ways to be repaired but could be more than that. He asked Mike Hale, DPW Director to submit a paving management plan which he informed the Committee would be submitted this summer. He enumerated several other issues where the expectation on estimating and designing a road paving project is on the DPW which is not the intent of the ordinance, he said. The City, he said, is there to help patch private ways; but if the road continues to deteriorate and nothing is ever said by any homeowners, he said in his opinion it becomes an assumption by the homeowners that the City will continue to patch their private way. At a certain point the City can't continue to do that when the roadway deteriorates too much. The question then has to be asked at what point if ever will a private way be considered a public street. He pointed out there are certain areas where streets have one or two homes on them. Does the City absorb those private ways with so few homes on them, he asked. The funds the City has now can't keep up with just the sidewalk repair and replacement. He suggested that the City has to be careful in setting expectations because the City can't keep up with the demand of paving public thoroughfares. He noted the paving management plan has never been a part of the General Fund and said he didn't know if the City would ever be able to afford to get to that point.

**Councilor LeBlanc** said he thought he remembered that with Jacques and Mayflower Lanes and High Popples Road that the agreement was there was something to be attached to the residents' tax bill, so many dollars for 10 years. **Councilor Verga** said it is a 50:50 split where the homeowners pay half and the City pays half for the paving project; but the City doesn't have the 50 percent to do such projects. **Ms. Lowe** said that isn't just the agreement that is the language of the ordinance. The 50:50 split, she said, has always been in the ordinance language. She noted the ordinance says as one of the first items that the City Clerk sends the joint proposal to the DPW Director and the Mayor; and they are supposed to comment to say if the project can it be done financially. At this point is where the DPW Director can say there are no funds. **Ms. Lowe** said that people are assuming when the City is doing the temporary repairs that it also means the next step is that the City will pave their road. It doesn't say this anywhere in the ordinance as accepting a street as "public" is completely separate

**Councilor Whynott** said some time ago the engineering was done by the residents until then DPW Director Bill Robertson and said the DPW would take care of it. **Councilor Verga** pointed out another issue as to cost, the vote regarding the East Gloucester private roadway joint paving projects was not to exceed a certain cost. But that price agreed upon was made in 2013. If now two years from now the funds on the City's side were in place, that paving estimate would likely no longer be good and so the funds voted upon would be invalid. He said that as much as he thinks the ordinances are good on paper, it doesn't work and sets expectations.

**Mr. Duggan** said if suddenly the City had the funds to pave, say, Mayflower Lane in May, but the paving price goes up overnight and now is 40 percent higher than originally estimated. Now the City pays 75 percent of the cost. **Councilor Verga** agreed and was to his point. If the price of the paving goes up there has to be another vote. He

reiterated the first step is the feasibility as Ms. Lowe pointed out earlier. **Ms. Lowe** suggested that if up front a firm response is obtained by the DPW Director that the joint paving project can't be done because of the lack of City funding, and then it would be clearly understood.

**Mr. Duggan** asked who does the design and estimating. **Ms. Lowe** responded that the ordinance says the neighborhood is supposed to come up with an engineered plan. **Mr. Duggan** said the Administration had been in support of the Governor's proposal which could double the City's Chapter 90 funds. **Councilor Verga** added that would, however, raise taxes.

**Councilor LeBlanc** gave the example of Lloyd Street near Gloucester High School where a resident there says the street needs to be paved. But most of the 8 homes on that private road are not owner occupied and expressed concern what it would do to raise taxes there and in turn raise the rents of the tenants. **Mr. Duggan** asked about the feasibility of adopting such a street, and Councilor LeBlanc noted Lloyd Street is a dead end with no sidewalks or drainage. **Ms. Lowe** pointed out just because there is a paving project does not mean the City would or should want to take the street from a private way to a public way.

**Mr. Duggan** inquired as to the intent of the ordinance. **Councilor Whynott** said when the City keeps repairing these private roads eventually cold patching fails to maintain the quality of the roadway. So the ordinance gave these residents on private roads a way to have an opportunity for their roads to be paved done jointly. A few roadways were paved, but, he said, it doesn't mean that roadway will be paved a second time. **Ms. Lowe** pointed out those permanent repairs charged completely to the City cannot be done to private roads by State law. The ordinance allows for residents paying for half of the paving cost to do permanent repairs to a private way. **Councilor Whynott** said the City can't afford to accept the 55 percent of private roads as public.

**Councilor Verga** asked if Mr. Hale had any suggestions for reshaping the ordinance. **Mr. Duggan** said he and Mr. Hale discussed some of the shortcomings and obstacles with the ordinance; and Mr. Hale's biggest obstacle is money and suggested perhaps B&F should have a look at the ordinance from that perspective and that maybe there should be a 75:25 split rather than 50:50 or that no more joint paving projects will be accepted for consideration until further notice, for instance. **Councilor Verga** said it is easy to say it's a private way, and it should be the homeowner's responsibility for the roadway's maintenance and condition; but the argument can be also made that a resident pays a lot of property taxes, so why can't they have their road not just repaired but paved. He said it is a good concept but it is an unfunded concept. **Councilor Whynott** said there should be criteria as to what would be on the road and how many homes, etc. **Councilor Verga** said that was a good suggestion and asked Mr. Duggan to convey that to Mr. Hale to consider what he would suggest would be minimum criteria. There may be a case to have minimum criteria which is missing from the ordinance. He also suggested that was something that would be better served by discussion at P&D and perhaps even at B&F.

**Mr. Duggan** said if the legislative and executive bodies were disciplined and saying the residents need to submit the engineering plan that the City will not do that anymore and is subject to funding. **Councilor Verga** said perhaps the first thing is to ask if there is funding. If the answer is no, it is done, he said. If the order is reversed, again, he said, there is an expectation the paving project would progress and be followed through.

**Ms. Lowe** summarized that there is a sequencing issue with the ordinance which confuses residents; and other Councilors have said it should be reordered. The Committee agreed that the sequencing of the ordinance would be the purview of the O&A Committee. It was noted that the first criteria has to be was funding available on the City's part. Then there should be a list of those who have completed their application and to be taken in order. **Councilor Verga** noted that could be a problem when the estimates for paving become out of date but agreed the first step should be to find out if funding is available. **Councilor Theken** asked Ms. Lowe to review the ordinance process for resequencing by June 3<sup>rd</sup>.

**This matter is continued to June 3, 2013.**

**6. Review Amendments to GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Washington Street #133 and, Sec. 22-274 (Two Hour Parking) re: Washington Street #133 at the request of the City Council on 3/26/13**

**Mr. Ingersoll** said when this first came forward last year; the Traffic Commission located the handicapped space near the old gas station area now owned by the Azorean Restaurant for an additional parking lot. The Commission's reasoning was that it would be easier for a handicap person to pull their vehicle that spot where there already was a curb cut. But the handicap ramp for the restaurant is beyond the handicap space and faces left towards the train tracks away from the established handicapped parking space.

**Councilor Theken** asked why there are not handicapped spaces in Mr. Braga's parking lot. **Attorney Robert Coakley** representing Deo Braga, owner of the Azorean Restaurant said there is handicapped parking in the restaurant's parking lot which is in the back of the restaurant. This requires handicapped restaurant patrons to walk up a fairly steep incline to access the ramp to the front door of the restaurant. **Councilor Theken** pointed out the owner could move the handicapped space in the parking lot which doesn't require an amendment to the Code of Ordinances. **Mr. Coakley** said the owner could move it closer but the space would still be on a slant to the entrance. **Councilor Theken** asked why the spaces couldn't be moved to the new parking lot at the other side of the building. **Mr. Coakley** again said the owner could move the space to that lot but that was at a time when the restaurant was going through a site plan review. He said they went to the Traffic Commission a year ago who suggested the space be near the curb cut so a handicap person would not have to back into the space. **Mr. Coakley** noted there are two regular customers of the restaurant who are handicapped who asked for this change, one of whom has a walker and it is much further for this person to access the ramp at the front of the restaurant. It was that person who requested it be closer to the start of the ramp that leads to the front door. **Councilor Theken** confirmed that Mr. Coakley understood that the handicapped space in front of the restaurant does not have a time limit, nor is it reserved for the exclusive use of restaurant patrons. **Mr. Coakley** said a year ago the Traffic Commission told Mr. Braga that anyone can use the handicapped space. At that time they acknowledged this handicap space is available to anyone with a handicap placard and did so again before the O&A Committee, even someone who parks there all day to take the train to Boston.

**Councilor Theken** said this is not an individual with a handicap making the request; it's not a restaurant looking for a loading dock or 15 minute parking in front of their place of business. This is a restaurant owner is coming to ask for a handicap space. It is a rare occurrence to accommodate a business entity when there is space available in the business' parking lot. There is plenty of parking surrounding this restaurant, and to ask to put a handicap space in front of a restaurant is highly unusual accommodation for a business entity. **Mr. Coakley** reiterated this request came to Mr. Braga from his customers who are legitimately handicapped, and in turn they brought it forward through Councilor LeBlanc to the Traffic Commission to the Council. **Councilor Theken** said the fact is Mr. Braga should accommodate his own customers in his own parking lot and can put a ramp anywhere he wants. **Mr. Coakley** said due to the elevation of the side entrance it makes it unable to be used for handicap access to the restaurant, that only the front entrance is suitable. The restaurant does not have to have ADA accessibility for each entrance, just one which is what exists there now. By moving the handicap space within the restaurant's parking lots still would not accomplish what these handicap restaurant patrons asked for.

**Councilor Theken** said some Councilor's expressed the belief it is not to please the customers of a restaurant but to please the whole City. **Councilor Whynott** offered that he remained in favor of the moving of the handicap space and to make the former space back into two hour parking. **Councilor Theken** confirmed this is just a flip flop of the handicap space on the street and returning the previous handicap space back to a regular parking space with a two hour limit. **Ms. Lowe** confirmed that Councilor Theken was correct in describing the vote about to be taken once again by the Committee. **Mr. Ingersoll** added that all the wording in both motions simply says the Council is flip-flopping the handicap space with a regular metered space.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING "133 Washington Street, one space on the easterly side, beginning at a point 65 feet in a southerly direction from Pole #27-1, for a distance of 20 feet (one space)" and by ADDING "one space on Washington Street, easterly side from a point 173 feet from Railroad Avenue for a distance of 22 feet in a northerly direction.**

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-274 (Two Hour Parking) by DELETING Azorean lot, after the current entrance, and beginning ten feet from Pole #27-1 in a southerly direction on the easterly side, for a distance of 65 feet (approximately three spaces)" and by ADDING "Washington Street from its intersection with Railroad Avenue, easterly side, in a northerly direction for a distance of 173 feet and from a point 195 feet, easterly side, in a northerly direction, at a distance of 105 feet to the MBTA train tracks.**

## ***7. Beach Sticker Regulations to Review Language***

**Mark Cole**, Assistant DPW Director said that the changes to the DPW's beach regulations came out of the Treasurers/Collector's office. Kristen Lindberg, Assistant CFO/Treasurer/Collector had simplified some of the language making it easier to understand. As the Treasurer's office sells the beach stickers, with a new person selling the stickers each year, it makes it difficult to train a new person, difficult for the current staff to explain the regulations.

**Mr. Cole** explained that the changes are only in the first two sections under the Sticker Eligibility heading. He noted under #1 Resident Sticker criteria resident sticker. A few regulations were combined into one statement and added a few things to make it easier to understand. The proposed change to the beach sticker regulation language does not change the intent of the regulations, he said. **Mr. Cole** said none of these changes alter that anyone who could not get a sticker before can obtain one now or that anyone who has a sticker now can no longer obtain a sticker. He noted in #1 a. Domiciled Residents of Gloucester all that was added was to show a Gloucester address. He said while this change doesn't appear to be much of a change, it makes it easier to understand. As to the former #1 b, c and d, those items were combined into one paragraph for non-domiciled residents who own residential property in Gloucester including senior citizen property owners residential property owners, real estate property owners, now says "Non-domiciled Residents who own residential property in Gloucester including Senior Citizen property owners (2 stickers per owner per season), verified with vehicle registration and copy of one of the following: Real Estate tax bill, Deed, Schedule of Beneficiaries or Trust Documents. Include copy of lease agreement if vehicle is leased."

**Mr. Cole** also pointed out one of the changes was to the armed forces service member's paragraph, the statement was changed to read "Servicemen stationed in Gloucester, verified with vehicle registration and letter from Commanding Officer confirming residency. Include a copy of lease agreement if car is leased."

Under the heading of Non-Residents Sticker Criteria, **Mr. Cole** pointed out #2 a. now reads, "Non-domiciled Residents who Rent (minimum of 60 day lease), verified with vehicle registration, copy of rental lease agreement signed by landlord, and cancelled rent check. Include copy of lease agreement if vehicle is leased." Previously the language just said "other supporting documents," which **Mr. Cole** noted was too vague, and some of the leases that were produced were not legitimate. A cancelled rent check, he noted, makes it more difficult to get around the system. **Mr. Cole** reiterated this is only about beach stickers.

Under the heading of #4 Guest Voucher Criteria, **Mr. Cole** said paragraph d. has been added which reads, "Vouchers must be stamped with the name of the issuing establishment along with the current date in order to be accepted. If the establishment does not have a stamp, the name and date handwritten on the voucher will be accepted. Blank vouchers will be turned away."

**Mr. Cole** pointed out under B. Issue restrictions that #1 now says, "Domicile is determined by Vehicle Registration." He noted under this heading, #5 was being removed as it was dealt with earlier in the beach sticker regulations as it was a duplicate. #12 currently reads, "All stickers and guest vouchers are non-transferrable, and non-negotiable." It will now read, "...are non-transferrable, non-negotiable, and non-refundable." **Mr. Cole** reiterated nothing changes the intent of the regulations. This does make it easier for the City staff selling the beach stickers to explain the rules. Nothing else in the regulations is changed at all, he said.

**Councilor LeBlanc** noted the heading in the beach regulations on closing of the beaches and park that parking fees will not be refunded in the case of a closure should questions of public health or safety arises. **Councilor Theken** and **Mr. Cole** confirmed this is standard for City parks and beaches and is the same throughout many surrounding communities.

Councilor Whynott said that the guest vouchers should have a stamp with the establishment's name and the date. None, he said, should be accepted if they do not. **Mr. Cole** said most establishments do have stamps. Only a few handwrite the name on the voucher. **Mr. Cole** suggested language under Guest Vouchers (d.) to add a sentence saying, "If a guest voucher is not stamped with the establishment's name and that day's date it will not be accepted. No handwritten guest vouchers will be accepted." The Committee approved of the amended language.

**Councilor Verga** asked about the beach sticker that can be issued to a summer resident leasing a domicile for 60 days. **Mr. Cole** stated the Councilor understood the regulation correctly and that those who come under this heading would pay \$50 for the beach sticker rather than a domiciled resident who would pay \$20. He noted that regulation has been in place for quite some time. **Mr. Cole** was asked whether the beach regulations are on the City/DPW website, and he said that they were.

**Councilor Theken** asked if these beach stickers are available to businesses or to just homeowners. **Mr. Cole** made clear beach stickers are strictly for residential use.

**MOTION: On motion of Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council approval of the**

**proposed changes to the DPW Beach & Stage Fort Park Regulations concerning Beach Parking/Sticker Eligibility Regulations as on file with the City Council of March 27, 2013; and are hereby amended based on the proposed March 27, 2013 regulations and shall be filed permanently in the City Clerk's Office as DPW Regulations as approved by the City Council and pursuant to Sections 7-16 and 10-4 of the City Charter;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:40 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**