

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
Monday, May 6, 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.  
(entered meeting at 6:03 p.m.)

**Absent:** None.

**Also Present:** Linda T. Lowe; Tom Daniel; Cate Banks; Stephen Winslow; Heidi Wakeman

**The meeting was called to order at 6:00 p.m. Items were taken out of order.**

**1. Continued Business:**

**A) Appointments:**

Waterways Board

TTE 02/14/16

Joe Boreland, Economic Development Member  
James Bordinaro, Fisheries Member  
Mark Lacey, Recreational Boating Member

**Councilor Theken** noted that the Mayor had withdrawn the appointment of Joe Boreland to the Waterways Board as an Economic Development Member for the Council's consideration (on file). She also noted the Committee had received the resumes of Mr. Bordinaro and Mr. Lacey as well as their State Ethics Certification (on file) as well as from all the candidates for appointment to the committees, boards and commissions before the O&A Committee this evening.

**Councilor Theken** then took up the appointment of James Bordinaro as Fisheries Member to the Waterways Board. **Mr. Bordinaro** said that he offers 53 years experience on the waterfront in Gloucester, and a number of years in the seafood industry working since high school. He said he was still actively engaged in the fishing industry with Channel Fish Processing, and North Atlantic Fisheries. He is familiar, he said with the frozen and fresh fish industries. He noted he has been a recreational boater for over 50 years and is also a former member of the U.S. Coast Guard.

**Councilor Theken** asked if Mr. Bordinaro had any conflict of interest in making decisions as she understood he had an interest in a hotel concern. **Mr. Bordinaro** said he had an open mind, and that the hotel he is involved in is not on the Gloucester waterfront. He said every individual case stands on its own merits. **Councilor Whynott** clarified with Mr. Bordinaro that the Atlantis Oceanfront Inn on the Backshore is the hotel concern he was involved in. **Councilor Theken** said she knew Mr. Bordinaro to be open-minded and held him in high esteem.

**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 James Bordinaro, Fisheries Member to the Waterways Board, TTE 02/14/16.**

**Mr. Lacey** informed the Committee he has been a lifelong recreational boater in Gloucester and now wishes to give back to the City. He noted he had cruised the East Coast from Nova Scotia to Florida extensively; and therefore has a lot of experience with what other cities and towns are doing to help recreational boaters which he said would be useful experience for the Waterways Board.

**Councilor LeBlanc** asked for Mr. Lacey's thoughts on any Board plans to promote the City's harbor and how to better promote recreational boating. **Mr. Lacey** said the Waterways Board is actively trying to bring more recreational boaters to the City via a new launch service and said he did not have enough experience yet to offer further suggestions. He did say from his perspective there needs to be more space in the harbor's mooring fields for transient visiting boaters as well as making more dinghy dock space available.

**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 Mark Lacey, Recreational Boating Member to the Waterways Board, TTE 02/14/16.**

**Mr. DiLascio** explained to the Committee he moved to the City two years ago. He working from home, he said, when not travelling on business. His family, he said, picked Gloucester because the City has so much going for it. He noted there is an opportunity to create a catalyst for people who have experience in building internet companies and software companies to come to Gloucester. He pointed out he has been doing this for 29 years as an advisor to small high tech companies to help them get off the ground and raise money and also for those companies concerned about facilities management and other relevant issues. He said in his several weeks as a temporary member of the EDIC they have seen entrepreneurs who are looking to come to Gloucester to start and grow their businesses; and he said his background can be a good facilitator as he understands these entrepreneurs' challenges.

**Councilor Theken** understood Mr. DiLascio was a newcomer and welcomed him to the City but that many newcomers do not necessarily understand the City's heritage and encouraged Mr. DiLascio to explore and understand the City's heritage. She said in reading Mr. DiLascio's resume and speaking with him this evening, she felt more comfortable in making a recommendation for him to be appointed to the EDIC. She said it is important to keep yet grow Gloucester. **Mr. DiLascio** noted he has already been actively fund-raising the new Cultural Center on Rocky Neck and spoke to the Committee of the creative economy, saying that is one key to creating the high-end jobs in the City.

**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 Michael DiLascio to the EDIC, TTE 07/01/16.**

Committee for the Arts

TTE 02/14/17 Sinikka Nogelo

**Councilor Theken** commented Ms. Nogelo has been in the community for years as a volunteer and advocate for the arts and understood already her wish to serve the City. **Ms. Nogelo** expanded on the Councilors comments by saying the Committee for the Arts would suit her nicely as she is now an artist. She noted when she was involved in Cape Ann Television she explored all the arts of the City, pointing to her association with many notable artists such as Walter Hancock. She said she was pleased with the City and private cooperation on things like mural restoration and the Harbor Walk having an art component.

The Committee expressed their appreciation for Ms. Nogelo's contributions to the City through the years.

**MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Sinikka Nogelo to the Committee for the Arts, TTE 02/14/17.**

**Reappointments:**

Trust Fund Commission

TTE 02/14/16 John Fleming

**Mr. Fleming** said that he and Mr. Sanborn have been active with the Trust Fund Commission for many years. The Commission will be moving forward with getting more information on the Commission to the City and will appear before B&F to present that information as a start in their efforts to educate the public on their activities.

**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 reappoint John Fleming to the Trust Fund Commission, TTE 02/14/16.**

- B) 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 Whynott** noted the Council at its last meeting had voted for resident sticker parking for the Fort area and remarked that was a special situation. He said he did not think the Council should continue to institute such parking rules which are limited to resident sticker parking only. He pointed out that Gloucester is a tourist destination. Visitors to the City need access to parking also. **Councilors Theken** and **LeBlanc** expressed agreement with Councilor Whynott's opinion that the Fort was a special situation, and by voting for this initiative this would have a domino effect upon other neighborhoods throughout the City.

**MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to AMEND the GCO, Chapter 22, by ADDING NEW SECTION 22-270.2 (Parking Limited to Residents of Street)."**

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to AMEND the GCO, Chapter 22, Sec. 22-270.2 (Parking Limited to Residents of Street) by ADDING:**

**Beach Court #17-21 Commercial Street and Fort Square shall be limited to residents who shall have on a yearly basis 60 days after passage of this ordinance, filed a notarized application that they reside on these streets and that they operate a car registered at that residents. Such stickers shall be nontransferable."**

- C) CC2012-040 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 17, Art. II Police, Art. II Police Department, Sections 17-16, 17-17 & 17-18 (Cont'd from 01/14/13)

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

- D) CC2012-039 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 8, Art. II Fire, Art. II Fire Department, Sections 8-16, 8-17 & 8-18 (Cont'd from 01/14/13)

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

- E) Communication from Council President to City Clerk and memorandum from City Clerk re: City Clerk's Office Reorganization Request (Cont'd from 03/04/13)

**Councilor Theken** said this matter will need to be continued to a workshop for the Council, and **Ms. Lowe** said she would assist the Chair to coordinate a date and time as soon as possible. **Ms. Lowe** added that Councilors can offer their suggestions and comments which she would welcome. **Councilor Theken** agreed this should be completed for the new fiscal year.

**This matter will come back to the O&A Committee's agenda upon completion of the Council workshop.**

**2. *New Appointments:***

***Zoning Board of Appeals***

***TTE 02/14/16 Richard Rafuse-Alternate Member***

**Mr. Rafuse** said he served on the board in the early 1980's and understood what he is undertaking as an alternate member to the ZBA. **Councilor Theken** said she had worked with Mr. Rafuse some time back in his professional life and noted he is an asset to the community. **Councilor Whynott** endorsed Mr. Rafuse saying he had also known him for years and also knew him to be public spirited.

**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 Richard Rafuse, Alternate Member to the Zoning Board of Appeals, TTE 02/14/16.**

**3. *Communication from City Clerk to Council President re: Hiring Backup Person for Committee Minutes & Council Vote under MGL Chapter 268A, §20 (b)***

**Linda T. Lowe**, City Clerk explained that her office has worked to obtain the services of an individual, Jaimie Corliss to take minutes for City Council sub-committee meetings as a backup, particularly during the FY14 Budget Review while the Clerk of Committees handles minutes of all FY14 budget meetings and regular City Council meetings. After a thorough search, **Ms. Lowe** said that a qualified individual has been found, Jaime Corliss, who works for the City's Health Department and has experience preparing minutes for City committees who is available to work for the City Council sub-committees. Because Ms. Corliss is a municipal employee already, she said, the Council needs to approve her use as a substitute recorder under MGL c. 268A, §20(b), the State Conflict of Interest Statute and meet certain requirements of §20. **Ms. Lowe** said the necessary State Disclosure forms required under this law have been signed by her and by Ms. Corliss (on file). Also, as required by law, she said, these services will



**Councilor LeBlanc** noted these fees were recommended by the Waterways Board. **Councilor Theken** noted there was no one in attendance from the Waterways Board to answer questions of the Committee. She pointed out that the B&F Committee would take this matter under advisement at their Thursday meeting and would make a recommendation as to the fee to be charged to O&A.

**This matter is continued to May 20, 2013.**

**6. Memorandum and draft proposed Gloucester Bicycle Ordinance from Community Development Director**

**Stephen Winslow**, Community Development Project Manager said that there would be no impact on City parking. This new ordinance has nothing to do with the bike race at Stage Fort Park. **Mr. Winslow** described the affected areas of the City and described it as follows:

- The bicycle lane starts on Centennial Avenue onto the Boulevard eastbound; stopping by the Tavern and then picking up on Rogers Street eastbound. There will be a stretch on Main Street between Flanagan Square and Bass Avenue which will have bike lanes in both directions.

**Mr. Winslow** showed the Councilors an enlarged road map (not submitted to the Committee) of the area to be affected by the ordinance amendment showing incidents of bicycle accidents, pointing out a concentration in the areas where the bike ordinance would be in effect. Parking in these areas will be unaffected, he said, noting there is enough width for the bike lane and parking. Where there is a conflict, he said, the DPW will install sharrows rather than a striped bike lane. He noted studies have shown installation of such facilities reduces bicycle crashes by 60 percent. **Mr. Winslow** gave the Committee a copy of a study "On-road bicycle facilities and bicycle crashes in Iowa, 2007-2010 (placed on file).

**Councilor Theken** noted although she said she felt this ordinance is a good thing, there will need to be a great deal of publicity for the public to educate them on this ordinance. **Mr. Winslow** said these facilities create more visibility for bicyclists to motorists. This was taken on, he said, at the suggestion of the Mayor. He pointed out that in the area of Good Harbor Beach and the Backshore, besides Bass Avenue; there have not been many bicycle crashes. He said the focus is on the bicycle lane. There is an effort to create tour routes to bring bicyclists to the City. These bike lanes and sharrows are made based on documented bike crash statistics in the City, he noted.

**Councilor Theken** recommended a trial run and then take another look at this ordinance to determine its successes and whether it needs adjustments after a certain length of time. **Mr. Winslow** said that with the recommendation of the DPW, the bike lanes will be painted which would last a summer to see how it works out. He noted the businesses on Main Street are supportive of this initiative also.

**Councilor LeBlanc** said his concern was awareness on the part of motorists for bicyclists. He noted he had done a recent 15 mile bike ride which included East Gloucester and saw first-hand the need for the bike lanes and sharrows. He offered suggestions to **Mr. Winslow** for some improvements, in particular the hazard to bicyclists in parts of East Main Street and Bass Avenue. He also expressed his support of the ordinance amendment.

**Councilor Whynot** agreed that Bass Avenue was a concern for bicyclists' safety. **Mr. Winslow** pointed out that motorists can't drive or park in the bike lanes. Sharrows could go into places where needed, he said and noted in the bicycle lane bicyclists have the right of way. **Mr. Winslow** said there is \$10,000 in the Get Fit! Gloucester grant budget for this bike initiative. Grant funds not used for paint will be used for signage, he said. To continue this program he said it would be \$30,000 to do thermoplastic markings on roadways next year and then \$10,000 per year for maintenance. **Councilor LeBlanc** said there will need to be a public education program regarding the rights of bicyclists and which vehicles have the right of way in certain instances.

**Mr. Winslow** mentioned State law and Councilors discussed the impact of mopeds in the bike lanes and sharrows. Under this ordinance, a bicycle, is defined as a vehicle propelled by pedals primarily by human power, **Mr. Winslow** pointed out, thereby excluding mopeds. The Committee asked **Mr. Winslow** to review state law on this matter and get back to them before any scheduled public hearing.

**Heidi Wakeman**, Open Space & Recreation Committee, noted the existence of bicycle lanes doesn't mean all bicyclists will use them or there won't be another accident involving bicyclists. The purpose of this ordinance, she said, is to bring people's awareness forward and make it easier for people to ride bicycles in the City. She said this ordinance affects a small area of the City. **Councilor Theken** expressed concern with moped drivers using the bike lanes regardless in order to avoid roadway traffic, but said she agreed there should be bicycle lanes. She noted Flanagan Square is a concerning area. She said she would support the ordinance. Both **Councilors Theken** and

**Whynott** expressed a need for signage for bike lanes regarding possible prohibition of mopeds from those travel lanes.

**Mr. Winslow** and the Committee then reviewed the directions of the bike lanes and sharrows for Rogers Street, Main Street and Flanagan Square.

**Councilor LeBlanc** confirmed to the Committee that the Traffic Commission endorsed the bike ordinance and noted that the Commission wanted to see the ordinance reviewed six months from its enactment. He reiterated the public awareness will be critical to the ordinance's success. **Councilor Theken** agreed awareness by the public is a key to the success of the ordinance. **Ms. Wakeman** said it takes time to change behavior but that this ordinance is a good start. **Councilor LeBlanc** said it is a challenge to hug a curb when there is a sewer grate six inches below grade. He asked that there be care taken in placement of the bike lanes. **Mr. Winslow** said that the lanes' placement and installation are being done in conjunction with Mr. Hale, DPW Director and Mr. Peavey of his department. Mr. Hale, he said, will take the lead in working with the contractors for the lanes and sharrows installation. He noted the grant funds would be channeled through the DPW for this project.

**Councilor LeBlanc** asked about City liability for the bike lanes. **Mr. Winslow** said liability will be the same as it already is under State law; if the City is aware of a defect and was notified of it, there is a \$5,000 cap. It is the same as for streets and sidewalks.

**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 the GCO, Chapter 22, by ADDING a new Section 22-294 BICYCLE ORDINANCE to be effective from date of enactment to Memorial Day 2014 as follows:**

**“Section 22-294 Bicycle Ordinance**

**(a) Definitions**

**Bicycle:**

**For the purposes of this chapter the term “bicycle” shall mean any wheeled vehicle propelled by pedals primarily by human power and operated by one or more persons.**

**Bike Lane:**

**A lane on a street restricted to bicycles and so designated by means of pavement coloring, lines or other appropriate markings including contra-flow bike lanes.**

**Bike Route:**

**A roadway shared by bicycles and other modes of transportation which may be designated by signs and/or pavement markings.**

**Bicycle Sharrow:**

**A pavement marking, established by the Manual of Uniform Traffic Control Devices that indicates an appropriate location for bicycles to travel on a street.**

**Cyclist: Person operating bicycle.**

**Dual-Flow Street:**

**A street or bicycle lane that allows bicycles to travel in the opposite direction of one-way motor vehicle traffic.**

**(b) Obedience to traffic control devices**

**Any person operating a bicycle shall obey the official traffic signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a Public Safety Official.**

**(c) Riding on Sidewalks**

**According to Massachusetts General Law, Chapter 85, §11:**

- 1) Bicycles may be ridden on sidewalks when necessary in the interest of safety.**
- 2) Pedestrians have the right of way on all sidewalks. The operator of a bicycle shall yield to pedestrians far enough in advance to allow the pedestrian time to react.**
- 3) The operator of a bicycle shall give an audible warning before passing a pedestrian far enough in advance to allow the pedestrian time to react.**

**(d) Business District Where Sidewalk Bicycling is banned**

No person older than age fifteen (15) and younger than seventy (70) shall ride a bicycle on any sidewalk along the following streets:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Main Street	Both	220 Main Street	One Washington Street
HarborWalk	N/A	2 Commercial Street	25 Rogers Street
HarborWalk	N/A	39 Rogers Street	65R Rogers Street
Manuel F. Lewis Street	East	585 Rogers Street	255 Main Street

(e) **Bicycle Lanes and Dual-Flow Streets**

1) The Director of Public Works shall establish and maintain Bicycle Lanes upon the following streets:  
Schedule 22-294(e-1): Location of Bicycle Lanes:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Western Avenue	South	97 Western Avenue	31 Western Avenue
Rogers Street	South	9 Rogers Street	127 Rogers Street
Main Street	South	6 Rowe Square	5 East Main Street
Main Street	North	5 East Main Street	180 Main Street

2) The Director of Public Works shall post and mark the following Dual-Flow streets:  
Schedule 22-294 (e-2): Locations of Dual-Flow Streets:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Nautilus Road	East	7 Bass Rocks Road	11 Nautilus Road
Bass Avenue	North	11 Nautilus Road	105 Bass Avenue

3) The Director of Public Works may post bicycle route signs and install bicycle sharrows.

(f) **Bicycle Parking on the Public Way**

- 1) Bicycles may be parked against a street sign pole, or on a bicycle rack or other facility or structure specifically intended for that purpose. Under no circumstances shall a bicycle obstruct the pedestrian path of travel or disability access ramps.
- 2) Bicycles are not permitted to be parked against: fire hydrants, hand railings, benches, trees and trash receptacles.
- 3) Abandoned bicycles may be removed and disposed from any public way or property by the City of Gloucester Public Works Department for public safety and maintenance purposes;" AND

**FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION:** On motion by 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 Chapter 22, Sec. 22-242 by ADDING new subparagraph 17 ORDINANCE to be effective from date of enactment to Memorial Day 2014 as follows:

“(17) Any bike lane as provided by Section 22-294, any bike path and any bicycle parking facility;” AND  
**FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:24 p.m.

Respectfully submitted,  
Dana C. Jorgensson  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Color photographs photo-shopped to show proposed bike lanes and sharrows on Stacy Boulevard; Flanagan Square; Main Street and Nautilus Road
- “On-Road bicycle facilities and bicycle crashes in Iowa, 2007-2010 from “Accident Analysis & Prevention”