

Ordinances & Administration Committee

Monday, September 30, 2013 – 6:00 p.m.

1st Fl. Council Committee Rm. – City Hall**-Minutes-**

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

Absent: None.

Also Present: Councilor McGeary; Councilor Cox; Linda T. Lowe; Police Chief Leonard Campanello;

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.

1. Continued Business:

- A) Memorandum from Mayor and Memorandum from Community Development Director re: Tourism Commission (Cont'd from 09/16/13)

Councilor Theken said she had received a text communiqué from CAO, Jim Duggan who informed her that through the Mayor's Report for the October 8th City Council packet the Committee will receive the names and information on the Mayor's appointees to the Tourism Commission. She said she would continue this matter to the October 28th O&A meeting where at that time the Committee will hear from Tom Daniel, Community Development Director and meet the prospective appointees to the Tourism Commission.

This matter is continued to October 28, 2013.

- B) CC2013-026 (Cox) Amend GCO Sec. 22-267 (One Way Streets-Generally) re: Fort Square (Cont'd from 08/05/13)

Councilor Theken reviewed with the Committee the results of the September 28th site visit and demonstration of large vehicles maneuvering in Fort Square; that of an 18-wheel truck and Fire Department apparatus. She said it is clear that the ordinance needs amending. The owner of affected commercial property on Fort Square said he only needs the two-way street access during a five hour morning window Monday through Friday. There were, she said, a number of things that need to change from the original Council Order and that input is necessary from the Police Chief, the Fire Chief and the Chair of the Traffic Commission in order for the Committee to offer a reasonable amendment to the Code of Ordinances. Input from the site visit led the Committee to consider a compromise of an adult flagman to escort the trucks in and out of Mr. Amero's property, a mirror to help aid the truck drivers and restricted hours when the roadway would become two way, she said. **Police Chief Leonard Campanello** expressed his agreement with Councilor Theken, saying that the matter was originally presented to him as an all or nothing situation and that this now has clearly changed and warrants further review. **Councilor Theken** commented about the demonstration of fire trucks at Fort Square and questioned what will happen once the street is plowed and traffic is hindered by snow banks. She also commented that the 18-wheeled truck in the demonstration travelled over the sidewalk. She also said she had the two fire trucks in a situation where one vehicle had to back up and timed how long that took because, she said, two minutes can mean a life. She pointed out that the Fort has been snowed in and paramedics have had to get to patients on foot.

Attorney Joel Favazza representing Jeffrey Amero, who was present, owner of 33 Fort Square said that in his review of the Code of Ordinances and recent amendments to it there is nothing that says 18-wheeled vehicles are prohibited in Fort Square, although he noted there is a sign there stating "No Trailer Trucks."

Councilor Theken said she believed there is a compromise that can be crafted, but in fairness, all parties need to be in the room to fully discuss the issue. She agreed that an employee of Mr. Amero's as a flag person was agreed to as was a mirror on the first corner at the Ciamartaro/Gemellaro Park to be installed on a tall pole there. **Councilor Theken** also said that allowed trucks would have to be of a particular size and no larger, with big vehicles that can't make the turn prohibited. She touched upon the proposed hours two-way travel would be allowed and the potential problem with beach access and increased use of the park during summer months. **Councilor Theken** also noted with a car in the way during the demonstration the ladder truck could barely make the corner, although she said the ladder truck is easier to maneuver than an 18-wheeled vehicle.

Mr. Favazza and **Councilor Theken** discussed the size parameters of a truck that can navigate Fort Square safely, because in order to craft the language for an ordinance amendment, tonnage or the length, height and width of a vehicle need to be used to clarify the type of vehicle that can travel the street during the restricted hours proposed to be between the hours of 5:00 a.m. and 10:00 a.m. Monday through Friday.

Councilor Whynott said it was his understanding the flag person would be an employee of Mr. Amero's. **Chief Campanello** said that although he was not in attendance at the site visit, as far as the new stipulations to the Code of Ordinances amendment, this is the first he has heard of a flagman. He said he would question the Patrolmen's union on the use of a civilian flagger, but added he didn't think it would be an issue because there will be no sustained direction of traffic by a civilian; this would be a safety precaution.

Councilor LeBlanc said while he was not present for the site visit, that due to increased use of the park and Pavillion Beach during June, July August, he suggested a compromise on the hour restrictions for that timeframe. **Councilor Theken** said restricting times for one timeframe and another is not something desirable in a Code of Ordinances. She said this is a situation where it is a commercial concern on the waterfront that wishes to remain active the Council's assistance is warranted but that there are also compromises for the neighborhood that need to be made as well.

Councilor McGeary pointed out that downtown there are many instances of ad hoc flagmen when deliveries are made in that area. **Councilor Theken** said an employee doing the flagging will be someone who knows the neighborhood and get to know the business' neighbors. She commented that Mr. Amero has been open as to how things should be done. **Councilor Theken** offered the suggestion that Mr. Amero purchase a scanner so that his business can be aware when there is an incident in the Fort that might require holding up a delivery in order to keep the roadway clear. She asked that the Code of Ordinances be reviewed to be sure what is being proposed is not in conflict with anything else in the traffic ordinances or doesn't already exist; and to determine what prompted the posting of the sign prohibiting tractor trailer trucks and if it was correct.

Councilor Cox, who also attended the site visit, said there are bus stops all over the City near businesses. She said each morning there are kids playing, bus monitors to help kids cross the street and keep order, pointing out several specific instances throughout the City which she said made the bus stop argument rather a moot point. She also noted that deliveries are made to the businesses during the time children are waiting for school buses. Derby Street, she noted, is a narrow two-way street where only one vehicle can travel at a time with children playing there. **Councilor Theken** said that the examples the Councilor gave either had no blind corners or had turnabouts on their properties and were existing businesses. Bus monitors can stop traffic; whereas this is a blind corner unseen in the winter with trucks travelling to and from Mr. Amero's commercial property. Parents would have to be more vigilant, a flagger and a mirror are several compromises; but there are ordinance issues also, **Councilor Theken** said. She reiterated her hope for a compromise for a successful conclusion for all parties concerned.

Councilor Whynott said he wished to hear the opinion of the Police and Fire Chiefs as well as the Traffic Commission on these newly proposed safety precautions and rely on their opinions to see if this compromise can be done to protect public safety.

Mr. Favazza asked how to put into the ordinance a requirement that a property owner provide an adult who must be on foot to act as a flag person. While it could be strongly urged, it would not be a matter for legislation, he said. **Councilor Theken** agreed but said it is a matter of safety and courtesy to the neighborhood and that a compromise is needed. **Mr. Favazza** said where it is trucks coming to Mr. Amero's property, it makes sense for his employee to walk a truck in. Mr. Amero, he said, from an ordinance standpoint, can't be responsible for all trucks which travel Fort Square and utilize his employee as a flagman. **Linda T. Lowe**, City Clerk agreed that isn't something that would be written into an ordinance, but offered a suggestion that Mr. Amero file a notarized letter with the Police Department and the Traffic Commission as well as her office keeps in permanent files that a flagger for that business is to be utilized so long as Mr. Amero's business is located at 33 Fort Square. **Councilor Theken** expressed her agreement that Ms. Lowe's suggestion was a practical one.

Councilor McGeary said the ordinance amendment can be written so that trucks allowed of a certain size between certain hours must be accompanied by an adult escort on foot. He also suggested a possible compromise that the restricted hours are 5:00 a.m. to 8:00 a.m. and 9:00 a.m. to 11 a.m. to accommodate school children at bus stops. **Mr. Amero** said there are trucks from Canada, New Jersey, and Maine making deliveries to his business at Fort Square. He could hold their delivering off to some degree but some may show up at 8:15 a.m. and that he can't send that truck away until another time; the trucks need to unload and be on their way. He said the proposed restrictive hours of 5:00 a.m. to 10:00 a.m. were put forward to the Committee because there is no control over the traffic on Rte. 128 leading into the City and that there needed to be a reasonable window of opportunity for deliveries. **Councilor Theken** asked that the Committee receive letters from Mr. Amero's carriers that deliveries can be made during the proposed hours so that there is a schedule which **Mr. Amero** said he would do. **Councilor**

LeBlanc commented from a truck delivery standpoint the City is at the end of the line and that the City is considered a hard place to get to.

Ms. Lowe was asked by **Councilor Theken** to assist the Committee in formulating the language for an ordinance amendment. **Ms. Lowe** said it is possible that a recent ordinance may not be in the Code of Ordinances book or on line and would go back in the Council books and conduct a word search on trailer trucks.

Councilor Theken said she is reassured that there will be a consistent flagger employed by Mr. Amero for his delivery trucks entering and exiting his property; a mirror to assist truck drivers; and she also strongly suggested Mr. Amero purchase a scanner for his place of business so that he is aware of any emergencies that may be taking place in the Fort Square area during the hours of delivery of 5 a.m. to 10 a.m. Mr. Amero would provide the Committee with the dimensions of the size of the trucks that make deliveries to his place of business either by tonnage or by length, height and width. Mr. Amero also would submit letters from his carriers as well as a notarized letter to the Police Department, City Clerk's Department and the Traffic Commission for their files regarding a flagman on foot to accompany his company's deliveries at 33 Fort Square.

This matter is continued to October 28, 2013.

- C) CC2013-034 (LeBlanc) Amend GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Riggs Street #6 (Cont'd from 09/16/13)

This matter is continued to October 28, 2013 pending a recommendation by the Traffic Commission.

At the conclusion of the above matter Councilor Cox left the meeting; there was no longer a quorum of the City Council.

- D) CC2013-040 (Verga) Request to review GCO Chapter 4 "Animals," Art. II "Dogs," Sections 4-15 to 4-22 and to consider whether to add the offense of "Running at large prohibited" to GCO Sec. 1.15 to allow for fines by non-criminal enforcement & signage to be placed in areas of concern (Cont'd from 09/16/13)

Police Chief Leonard Campanello reviewed with the Committee his memo dated September 24, 2013 (on file) which showed that of the citations issued in FY13, 40 were for "Running at Large"; 1 for "Failure to License"; 2 for "Failure to Dispose of Waste"; and 3 for "No Dog on Beach at Certain Times". He pointed out when he became the Police Chief in October 2012; the City had no facility to collect fines which was corrected in December 2012.

Ms. Lowe said Councilor Verga wanted to see this violation put into Sec. 1.15 for civil ticketing in the hopes that it would improve the likelihood of enforcement. She explained, and **Chief Campanello**, confirmed that that policemen can write citations as well as the civilian Animal Control Officer as is designated in the Code, and that the animal citations are paid as a parking ticket is; and if payment is not forthcoming it can turn at some point into a criminal process. There is a mechanism in place through the Treasurer's office now to collect these fines. **Chief Campanello** said that 47 citations over a fiscal year is not much at all, he said, and expressed concern about the Animal Control Officer's (ACO) ability to carry out those duties continuously. He said he is expecting fines and enforcement of the animal control laws will be increased moving forward. In response to an inquiry by **Councilor Theken**, **Chief Campanello** confirmed he agreed with the proposed amendment to Sec. 1.15.

Councilor LeBlanc asked if any plans to hire another Animal Control Officer. **Chief Campanello** said that would be one of his first priorities as the ACO is completely overwhelmed by the sheer volume of enforcement and educational outreach associated with the job and that he would like to hire another ACO if funds were made available. **Councilor LeBlanc** suggested that there be an unmarked vehicle available to the ACO to be in an observation mode in order to catch offenders. **Chief Campanello** said this depends on the setting of goals; would the goal be to create ordinances and fines that are preventative or is the goal to catch as many people as possible violating the law. He said the idea of the ACO being reactionary was not something that was necessarily desirable from an enforcement standpoint.

Councilor Theken discussed with the Chief how some of these issues, like dogs on the beach, are cyclical. **Chief Campanello** agreed some issues are cyclical just like dogs being walked and allowed to run at the City's reservoirs and quarries. It was noted that many times when the ACO gets a complaint and arrives at the scene in order to enforce animal control ordinances and write tickets, the situation is over, or the animal is already under control, but then there an opportunity for owner education. He noted fines do need to be increased to act as a better deterrent as well, noting that a \$15 fine is not as effective a deterrent as a \$50 fine.

Councilor LeBlanc said most of the time an animal incident is not an emergency. He suggested there could be an improvement in the voicemail recording on the ACO's line at the department. **Chief Campanello** pointed out that Gloucester has a big animal population both domestic and wild and that there is one ACO answering more calls than any one of his officers and doing preventative and educational work. He said the ACO is clearly overburdened. **Councilor LeBlanc** expressed agreement with the Chief's assessment.

Councilor Whynott said over the weekend he got a complaint of many off leash dogs running on Good Harbor Beach. If the ACO goes there, the dogs and owners just go the other way he said. **Chief Campanello** said this is not an enforcement issue; rather it is about prevention, increasing fines, making a presence in particular hot spots, which all together act as a deterrent. He also said there are efficiency issues that are being addressed and are improving but is a work in process.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to GCO Chapter 4 "Animals," Art. II "Dogs," Sections 4-15 to 4-22 to amend GCO Sec. 1.15 by ADDING "Running at large prohibited" as non-criminal offense and to institute non-criminal fines for same with the first offense in a calendar year set at \$25, with second and subsequent offenses in a calendar year set at \$50. The enforcement officer for this violation is the Animal Control Officer; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. *New Appointments:*

Gloucester Cultural Council Karl Pulkkinen, Caroline Haines TTE 02/14/16

Both appointees did not attend the meeting, and so their appointments were continued.

These appointments are continued to October 28, 2013.

3. *CC2013-040 (Cox) Amend Chapter 22, Sec.22-282 Establish angle parking spaces in front of Commercial Street #27*

This matter is continued to October 28, 2013 pending a recommendation by the Traffic Commission.

Councilor Theken noted she had an email from Councilor Tobey in reference to CC2013-041 asking her Committee to put forward for public hearing for a new ordinance that the leasing of any property by the City must be approved by the City Council by a 2/3 majority vote. She said that there is information that was requested by the Committee on September 16th and has to come from the Legal Department and from Jim Duggan, CAO. **Councilor Theken** said that the Committee would hear this matter at its October 28, 2013 with that information in hand before it would vote to put the matter forward for public hearing to amend the Code of Ordinances.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:55 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.