

Ordinances & Administration Committee
Monday, March 17, 2014 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Whynott; Vice-Chair, Councilor Sefatia Theken; Councilor Jackie Hardy

Absent: None.

Also Present: Councilor LeBlanc; Linda T. Lowe; Kenny Costa

The meeting was called to order at 6:01 p.m. Items were taken out of order.

1. Continued Business:

- A) CC2013-040 (Verga) Request to review GCO Chapter 4 “Animals,” Art. II “Dogs,” Sections 4-15 to 4-22:
Review of Ad Hoc Committee Recommendations

Councilor LeBlanc reviewed for the Committee the recommendations by the ad hoc dog ordinance committee. He distributed to the Committee a sunrise and sunset chart for the hours of daylight allowed in the off season specified beaches, a newspaper article entitled, “Keeping Cape Ann Waters Clean”, and a memorandum from General Counsel dated February 26 entitled, Liability Issues Arising Out of Enacting Ordinances Relating to Dogs; a pamphlet entitled, “Scoop It” concerning dog waste; Crane’s Beach Green Dog Regulations; and sunrise and sunset charts Sept. 2013 to May 2014 (all placed on file). The ad hoc committee reviewed leash laws of other communities: Newburyport, Marblehead, Barnstable, Falmouth, Rockport, Manchester-by-the-Sea and Salem. The only town that has dog off-leash areas was Newburyport, in a park, a woodland area and a hill but excluded tennis courts, playgrounds, the same as Gloucester’s dog ordinance, he pointed out. The ad hoc committee looked carefully at Newburyport’s ordinance due to the most similarities, examining their rules for their off leash areas. As a result the ad hoc committee came up with two Gloucester beaches for use as off –leash areas off season during limited hours included in the recommended revisions of the dog ordinance (on file).

Councilor Hardy said there is interest in Lanessville to hold a neighborhood meeting on this matter on March 20 at 7:00 p.m. at the Lanessville Community Center. She added she is not conducting that meeting but she would attend, take notes and bring back relevant issues to the O&A Committee. She added she didn’t anticipate that this review would be worked through in its entirety this evening or marked up for public hearing. She said that the soonest this would be on the Council docket for public hearing would likely be the end of April. She said the Council President has indicated the soonest the dog ordinance would be marked up for public hearing would be the end of April.

Councilor Theken and **Councilor LeBlanc** spoke about the dogs allowed on public beaches proposal which is subject to certain times under Sec. 4-16a for the committee to chose from two proposed options: Option 1 – September 16 to April 30th; from sunrise to 9 am and then from 3 pm to sunset; and Option 2 – October 1 to April 30; sunrise to 9 am and 2 pm to sunset. **Councilor LeBlanc** said that the 16 foot leash indicated in the ordinance is only for the beach off-leash area, and the 6 foot leash would remain the standard for all other areas of the city. The ad hoc committee, he said, was split down the middle, on every issue, but came to agreement on the conditions for Sec. 4-16a, which are all subject to the DPW Director’s approval, as follows:

1. Owners must remain with and monitor their dogs. Owners, per the below conditions define persons with direct care, custody, and control of a dog while in a designated off leash area.
2. Dogs must be licensed and vaccinated as required by applicable law and ordinance.
3. Dogs must wear their tags and have no contagious conditions, diseases or parasites.
4. Dogs must be leashed when entering and exiting a designated off leash area.
5. Dogs and humans are not allowed in the dunes.
6. Dogs with a history of dangerous or aggressive behavior as determined by Animal Control are prohibited.
7. Dogs younger than four (4) months are not allowed.
8. Unaltered male dogs or female dogs in heat are not allowed.
9. Owners must immediately remove dogs who are exhibiting aggressive behavior.
10. Owners must carry a leash; one leash per dog is required.
11. Maximum of two (2) unleashed dogs per owner.
12. Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dogs waste.
13. Owners must clean up after their dogs and dispose of the waste in an appropriate waste container.

14. Owners must fill in any holes dug by your dog(s).
15. Any violation of the above conditions shall be subject to a fine of \$50.00, 1st offense, \$100.00 for any subsequent offense(s), and dog may have off leash privilege revoked by Animal Control.

Councilor LeBlanc noted right now there is nothing allowing dogs on beaches legally off leash. Signs will have to be posted with the rules, he pointed out. He said that the matter of dog waste containers will need to be discussed with the Administration because dog waste cannot be disposed in regular garbage cans. He pointed out that the current ordinance, Sec. 4-21(c) methods of disposal...disposal shall be accomplished... in receptacles regularly reserved for the disposal of human feces or otherwise designated by the Board of Health.” He added that the Board of Health has responded to an Oral Communication regarding the disposal of dog waste by sending an information packet to the City Council. He noted that dog waste is not toxic if the waste is picked up and disposed of appropriately. **Councilor LeBlanc** said public education very important for this issue.

He also said that the increased fines for violations on the beach will be very important. **Councilor Hardy** suggested that on condition #15 asked that “shall” be replaced with “may”. He noted many of these rules came from the Newburyport dog ordinances. The ad hoc committee did not add in the language, “under voice control” because not every dog is capable of being kept under controlled in such a manner. **Councilor Theken** urged that there be dog waste receptacles at the new off-leash areas. **Councilor LeBlanc** reiterated that the issue of the receptacles will need to be worked out with the Administration and the DPW. He pointed out these would be rules able to be enforced. He said the two beaches recommended were Good Harbor and Wingaersheek because of the access points and that they are off street. He noted the issues with other city beaches that were discussed with the ad hoc committee. In the off season currently, dogs on leashes are allowed on city beaches, he pointed out.

Councilor LeBlanc noted changes under Sec. 4-19 (a) Redemption of impounded dogs – that fees will be increased: 1) for the first offense from \$10 to \$50; subsequent offenses from \$30.00 to \$100.00. Section 4-19 (b) the phrase “and proof of valid license” would be added. He noted that impounded dogs are kept at the Cape Ann Animal Aid, and discussed redemption of the dogs with **Councilor Hardy**. **Cindy Dunn**, 7 Rose Lane, President Cape Ann Animal Aid, and ad hoc committee member, spoke to Section 4-20 saying that the Animal Control Officer currently drops the dog off; and if the owner shows a license the dog can be released. She said the Police Chief envisions in the future that said that the owner would have to pay their fine at Police station or at the Treasurer/Collector’s office at City Hall, which has yet to be determined, and then the owner can go to the Cape Ann Animal Aid to pick up their dog upon showing their license and proof of having paid the fine. A \$10 fee is no incentive to not control a dog when the dog is picked up, cared for, fed and walked, and kept overnight if need be.

Sec. 4-21 Dog Fouling. **Councilor LeBlanc** said it was recommended that fines change to \$50 for first offense and \$100 for any subsequent offense. He added that beaches would be the same, but fines for beaches would be doubled during in-season. He said everything changed in the ordinances was recommended by the ad hoc committee members. He pointed out that he had no sway or influence to these proposed changes except for voting on the recommendations. **Councilor Whynott** observed that the dog waste problem across the city is worse than ever, even in the dog park. He noted that if dog owners are not allowed to put waste bags in regular trash barrels, the city will need as many containers made specifically for dog waste disposal. He said dog owners tend to only to dispose of their pet’s waste appropriately when waste containers are conveniently located. He also observed that more waste bags will be tossed out of car windows or left inappropriately on city and private property as he has witnessed regularly while walking his own dog.

Ronda Tucker, 5 Mt. Vernon Street, ad hoc committee member, said she was against dogs off leash on beaches at any time. She spoke of an incident on a city beach with a group of dogs that affected her grandchildren

Francine Dench, 4 Harvey Place, she noted that the General Counsel’s opinion that the city could not be sued or held liable which she contended was incorrect. **Councilor LeBlanc** said that if the city doesn’t charge a fee to use the beach then the city is not liable.

Rusty Tucker, 5 Mt. Vernon Street, dog owner, said that children and adults need to be protected from unleashed or out of control dogs. He urged the Committee to not allow dogs off leash on city beaches.

Valerie Nelson, 7 Sunset Point Road said she appreciated the continuing of this matter in order to hear the opinion of Lanesville residents (at the Lanesville Community Center, Thursday, March 20 at 7:00 p.m.).

John Knowlton, 35 Salt Island Road, member of the ad hoc committee, said that he was only in favor of the off-leash beach areas on specific city beaches if there are enforcement personnel to hold dog owners accountable to the ordinance rules and regulations. He cautioned that there are private beach areas off of Good Harbor Beach and that dogs were not allowed there. **Councilor Whynott** pointed out that dogs are not allowed on private property without the property owner’s permission. **Councilor LeBlanc** said that it should be posted on signs. **Councilor LeBlanc** added his agreement that signage to be eventually posted with new regulations for designated off-leash

beaches in the off-season should note the off-leash area is only that of the public beach and not those areas considered private property.

Ms. Dunn said that if dogs and owners cross over to the private section of a beach then they are trespassing and are now violating the ordinance rules and could be subject to fines. She said as a whole the ad hoc committee did great work, and were very respectful. There was an overweening concern for public safety and for the safety of the dogs and their owners by the committee, she pointed out. She said there were several people on the committee who did not want dogs on the beaches at all, but the committee was willing to look at off-leash areas on the city's public beaches. She said the group chose Good Harbor and Wingersheek Beaches due to egress, size of area, and safety factors for dogs and people. She said the committee concluded that the last two weeks of September and early October were times that the conflicts between dogs and children were less likely, especially November through March and even into early April. Tickets will have to be issued for poor dog behavior and dog waste, and for dogs not on the beaches in season must be enforced, she said. This was why the ad hoc committee endorsed the doubling of fines, she added. **Ms. Dunn** said that the ad hoc committee unanimously agreed dogs do not belong on city beaches in the summer. The ad hoc committee did not address Plum Cove Beach, as it is uniquely situated as are other small city beaches such as Cressy's, Half Moon, and Niles Beaches, she pointed out.

The Committee briefly discussed time and date restrictions regarding the two city beaches suggested for off-leash dogs.

This matter is continued to April 14, 2014.

- B) CC2013-051 (LeBlanc) Amend GCO c. 22 Sec. 22-200-209 "Reserved" and Sec. 22-270 "Parking Prohibited at all times" re: Draw Bridge Tender Parking (Cont'd from 03/03/14)

Councilor LeBlanc said that he spoke to Rep. Ferrante who informed him there should have a response from MassDOT in several days for installation of a parking space for the bridge tender on the Fisherman's Wives Memorial side of Stacy Boulevard which is part of a state roadway.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that Council Order 2013-051 (LeBlanc) to Amend GCO c. 22 Sec. 22-200-209 "Reserved" and Sec. 22-270 "Parking Prohibited at all times" re: Draw Bridge Tender be withdrawn without prejudice.

- C) CC2014-001 (Verga/McGeary) Request that B&F Committee in consultation with Police Dept. and local merchants consider adopting certain days as "parking meter holidays" to begin in FY14 (Cont'd from 03/03/14)

Councilor Whynott said he spoke with the Police Chief who said he would enforce whatever the Council voted. The Committee determined it would await the recommendation of the Budget & Finance Committee, but it would also ask the Downtown Development Commission for its opinion on this matter.

This matter will return to the O&A Agenda when more information and input becomes available.

2. **New Appointments: Planning Board** (TTE 02/14/19) **Douglas Cook** (Cont'd 3/31/14)
Cable TV Advisory Committee (TTE 02/14/17) **Ryan Sawyer, Thomas Manning, Grant Harris**

Under direct questioning by the Committee of Mr. Sawyer, Mr. Manning, and Mr. Harris of whom it was noted was an employee of the Gloucester School Department as a technologist, the gentlemen all spoke of their qualifications (on file) and their willingness to serve to assist in the formulation of a new cable television contract. It was pointed out that the Cable TV contract with the city expires in 2017. **Councilor Theken** spoke highly of the three appointees to the Cable TV Advisory Committee. **Councilor Hardy** spoke about an Ad Hoc Committee was formed regarding Cable TV improvements, and spoke of obtaining new equipment to record televised meetings in Kyrouz Auditorium, an effort she said she wanted to see continued. **Mr. Harris** said this is still on the "to do" list and is an on-going effort with the city's IT Director, James Pope. **Councilor Whynott** noted he had spent 25 years on the Cable TV Advisory Committee, and suggested the Cable TV Advisory Committee members to work hard for concessions from Cablevision. He extended his appreciated for their efforts on behalf of the city..

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appoint Ryan Sawyer to the Cable TV Advisory Committee, TTE 02/14/17.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appoint Thomas Manning to the Cable TV Advisory Committee, TTE 02/14/17.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appoint Grant Harris to the Cable TV Advisory Committee, TTE 02/14/17.

3 Reappointment: Cable TV Advisory Committee (TTE 02/14/17) Robert McGillivray

Mr. McGillivray had previously indicated he wished to continue to serve on the Cable TV Advisory Committee prior to the meeting, and the Committee assented to move his reappointment forward.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to reappoint Robert McGillivray to the Cable TV Advisory Committee, TTE 02/14/17.

Waterways Board

**(TTE 02/14/17) Robert Gillis, Econ. Develop. Member
(TTE 02/14/17) David McCauley**

The Committee was aware of Mr. Gillis' willingness to continue to contribute to the Waterways Board for another three year commitment as well as that of Mr. McCauley. Although neither Mr. Gillis nor Mr. McCauley was present, the Committee chose to move their reappointment forward.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to reappoint Robert Gillis to the Waterways Board, TTE 02/14/17.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to reappoint David McCauley to the Waterways Board, TTE 02/14/17.

4. CC2014-011 (McGeary) Election of City Clerk & City Auditor pursuant to City of Gloucester Charter Sec. 2-7(a)

Ms. Lowe reviewed her accomplishments as City Clerk over the last two years for the Committee as follows:

- Consolidation of Ward 2 polling places;
- Reorganization of the City Clerk's Department and reclassification of positions within the department;
- Used free cash in 2011 and 2012 to upgrade department office furnishings, to improve staff morale and to give a professional appearance to the office;
- Working on Municipal Clerk Certification through the Institute of Municipal Clerk's Association, and attended that Association's training in July 2013. She would expect to have her application completed in several months; and would also like to see the Assistant City Clerk go through the same process;
- Proposal of further consolidation of polling places, Wards 3 and 5 moving to one single polling place at the Gloucester High School;
- As a member of the Licensing Commission, worked with the Police and Fire Chief and the Assistant Legal Counsel to create an efficient and fair hearing system for taxi license appeals;
- Worked with the Planning & Development Committee to successfully create a Special Events Advisory Committee, and responsible for scheduling, agendas and meeting minutes. This group meets monthly;

- Submitted application to the Capital Improvements Advisory Board with Sarah Dunlap of the Archives Committee to create or renovate an area for a Records/Archives Center for a records storage system for the City Clerk's Department.

Councilor Hardy said that the organization that has come to the department, there has been a turnaround. She said she appreciated Ms. Lowe's ability to switch gears and rely more on her staff to assist her in her endeavors.

Ms. Lowe commented that there was an emphasis on cross-training of positions, in that it has acted to boost staff morale, but also strengthens the department as a whole.

Councilor Theken agreed that cross-training was very important, and that the reorganization was also very important and has made a difference. **Councilor Whynott** added that he has seen great improvements by Ms. Lowe, particularly in the area of the elections, and expressed his appreciation for her acting on his suggestions. He also added his appreciation that the department personnel are being cross-trained.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Clerk, recommends the election of Linda T. Lowe as the City Clerk for a term of April 2014 to April 2016.

Kenny Costa, City Auditor, announced that the City Auditor's Department is now fully staffed. At the beginning of the fiscal year the Assistant City Auditor left to work in the private sector, he said, and that with the assistance of Councilors Hardy and McGeary through the hiring process, a new Assistant Auditor, Aleesha Nunley was placed in that position. A general ledger accountant was also hired when Ms. Nunley was promoted. The staff is cross trained now, which he said promotes his overall goal of continuing staff education. He said that the office has caught up, and submitted all the paperwork to the Department of Revenue for the close of the books and for the city to have its free cash certified which is a big undertaking and accomplishment. He has worked with the outside auditors, as has his staff, and worked as a team with the Treasurer's office as well as other city departments to move forward the city's financial goals.

Councilor Whynott said he was very impressed with Mr. Costa's work and his department's accomplishments during the last two years. **Councilor Hardy** spoke of what she considered to be **Mr. Costa's** unsurpassed professionalism and communication skills to his position and in reaching out to other city departments. She said she looked forward to working with him in the future. **Councilor Theken** added her approbation of the City Auditor agreeing that Mr. Costa communicates effectively making complex financial issues understandable to everyone.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Clerk, recommends the election of Kenny Costa as the City Auditor for a term of April 2014 to April 2016.

5. *CC2014-012(Cox) Amend GCO Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zone re: Prospect Street (TBC to 03/31/14)*
6. *CC2014-013 (Cox) Amend GCO Chapter 22-280 "Fifteen-minute parking" re: Main Street #274 (TBC to 03/31/14)*
7. *CC0214-014 (McGeary) Amend GCO Chapter 22, Art. II, Division 2 "Traffic Commission" by adding new section, Sec. 22-37 re: Commission's authority to reserve parking areas for handicapped persons and disabled veterans; Amending Sections 22-175 and 22-287 (TBC to 03/31/14)*
8. *Review of the Amendment to GCO, c. 22, Sec. 22-294 Bicycle Ordinance enacted by the City Council on May 28, 2013*

The Committee discussed the advent of the bicycle lanes, particularly in the downtown areas and observed that overall the ordinances appears to be a success. **Councilor Whynott** said he has heard no complaints regarding the ordinance. He said in riding his moped in the bike lanes it has given him a better measure of safety. **Councilor Theken** said that there is still the issue of the maintenance of the bike lane lines being repainted which would need to be budgeted. She expressed her support of the bicycle ordinance being made permanent.

Heidi Wakeman, member of the Open Space & Recreation Committee, was present to voice her support making permanent the bicycle amendment to the Code of Ordinances by the Council. She said anecdotally the bike

lanes have been a success. It has improved the downtown for residents and visitors alike, she added. She said there is a request to the Mayor to include a minimum-priced paint or preferably a higher-priced thermo-plastic paint which lasts much longer to repaint the bike lanes.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, recommend that the City Council enact Chapter 22, Sec. 22-294 Bicycle Ordinance to be effective beginning Memorial Day, May 26, 2014.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council enact Chapter 22, Sec. 22-247 subsection 17 to be effective beginning Memorial Day, May 26, 2014.

These matters are to be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:35 p.m.

**Respectfully submitted,
Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- *As submitted by Councilor LeBlanc related to Dog Ordinance Amendment Presentation to Committee:*
 1. *Memo from General Counsel dated February 26, 2014 re: Liability Issues Arising out of Enacting Ordinances Related to Dogs*
 2. *“Scoop It” double sided informational handout on proper disposal of dog waste*
 3. *Article entitle, “Keeping Cape Ann Waters Clean*
 4. *Crane’s Beach Dog Regulations*
 5. *Sunrise and Sunset Charts*