

3. CC2016-033 (LeBlanc) Amend GCO c. 4, Sec. 4-22 “fees and penalties” by ADDING “(c) Pursuant to MGL a special revenue fund to be designated for use by the City Clerk for City business only”

Councilor LeBlanc said there is a state law that allows a City or Town Clerk to take 75 cents from each dog license sold. He said prior there was a vague process of where the funds were supposed to go via a process. He said he would like to see the 75 cents per dog license be placed in a fund for the City Clerk to be able to use for City Clerk Department purposes for what that department needs. Previously those funds were given as a stipend directly to the City Clerk. As the department staff were all responsible for working on dog licenses and not just one person, it is fair that the department should be improved by that money. He said he has worked on this ordinance amendment with Chip Payson, General Counsel, and Kenny Costa, City Auditor. He pointed out that Councilor Cox had indicated she wanted the funds to go back into dog-related matters, such as funding Mutt Mitts, but he said that the program is already funded by the city. He said it should be a generalized fund for the use of the City Clerk for departmental purposes and not be quite so specific.

In response to **Councilor LeBlanc’s** inquiry, **Kenny Costa**, City Auditor said that the dog stipend would be deposited directly into a “Receipts Reserved for Appropriation” Fund, and whenever the City Clerk deemed a need for funding from that fund, a Supplemental Appropriation request would be forwarded through the Mayor’s Report and referred out to the Budget & Finance Committee, and then to the Council for final approval. Unlike some funds, with this type of fund whatever money remains at the end of a particular fiscal year would just roll into the next fiscal year automatically.

Chip Payson, General Counsel, said that this is an appropriate process, as the statute is vague. He said in some communities the stipend goes into the Clerk’s pocket, and other communities use the stipend for other things. Dedicating this fund for expenditures controls the use of the funds specifically by the City Clerk, and so the wording is appropriate, he said. It is a more logical process than the stipend ending up into the City Clerk’s pocket, he added.

Responding to a brief question from an audience member, **Councilor LeBlanc** said the stipend comes to only a couple of thousand dollars annually.

Joanne Senos, Interim City Clerk, said that if there are restrictions on this fund, it could be used to purchase dog tags and that account is generally underfunded and would be useful. She explained that when there was county government, they would have to send the money they collected for dogs to the county. As an incentive for the City Clerks to do this, they gave this stipend per license. She pointed out that the last two previous City Clerks opted to receive the stipend. She added that in her opinion since the entire City Clerk’s Department staff does the licensing work, the funds garnered from the dog license stipend should be used for the benefit of the whole office. In speaking to other City Clerks, few of them take the stipend, rather, the funds go towards their department’s expenses, she said.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 4-22 “fees and penalties” by ADDING a new subsection (c) as follows:

“(c) Pursuant to MGL Chapter 140, §147, the City Clerk shall retain \$0.75 for each dog license issued and said money shall be placed in a “Receipts Reserved for Appropriation Fund” to be designated for City Clerk Department expenses only as determined by the City Clerk.

This matter will be advertised for public hearing.

4. CC2016-034 (Gilman) Request Traffic Commission conduct a site visit at the intersection of Holly & Washington Streets and make a written recommendation to O&A as to whether to amend the GCO for safe traffic flow patterns and parking (TBC 08/15/16)

This matter is continued to September 19 pending a recommendation by the Traffic Commission which will not be made until after their meeting of August 25.

5. CC2016-035 (Nolan) Request that the Council vote to move the Ward 5, Precinct 2 polling place from Magnolia Library to the West Parish School effective with the November 8, 2016 Presidential Election

Councilor Nolan recounted that while the West Parish School was demolished and the new school was under construction, Ward 5, Precinct 2 was moved to the Magnolia Library already Ward 5, Precinct 1's polling place. But now that the West Parish School is open, it is time to return Precinct 2 to the school as promised, he said. They will bring it back to the West Parish School at the Presidential Election which should be a smoother transition and give the City Clerk's Department a chance to ensure proper set up by working with the School Department to meet everyone's needs. The Committee endorsed that this was a timely and prudent way to bring the Ward 5, Precinct 2 polling place back to the West Parish School.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council should vote to move the polling place for Ward 5, Precinct 2 from the Magnolia Library, 1 Lexington Avenue, to West Parish School, 10 Concord Street, to become effective with the November 8, 2016 Presidential Election.

6. Review of Vote of the O&A Committee of July 17, 2016 pursuant to possible amendment of GCO Sec. 4-16(a) regarding expansion of off-leash areas for dogs

Note: A 3-page report of the Ad Hoc Dog Committee was submitted to the Ordinances & Administration Committee on August 1, 2016 in writing and was placed on file prior to the meeting.

Councilor O'Hara recognized the Dog Ordinance Ad Hoc Committee and conveyed the following: Over the past several months the Ad Hoc Committee has met almost weekly and undertaken a thorough study of the situation. He noted the Ad Hoc Dog Committee has attended other relevant meetings, and have reviewed many other potential off-leash dog locations. The Ad Hoc Dog Committee has also consulted with government officials, city staff, and community members in addition to recommendations for immediate relief officials, the Ad Hoc Committee will continue with its work on a more comprehensive proposal. Even though the original intention was to have in place something for the summer months, the interim measure is still relevant as a means of immediate relief for dogs in the community as a whole.

Jen Holmgren, 385 Magnolia Avenue, said the Ad Hoc Dog Committee has looked at the ordinance as it stands now, and determined it is not practical to repeal it. She said with concern for heat and tick-borne diseases, with the Dog Park as the only option during the summer for off-leash exercise of dogs, and that the Ad Hoc Committee looked at several different locations in the city as alternatives for an emergent plan for relief for dogs in the summer months. Several different locations were reviewed for such a summer area. She highlighted some of the speakers at their meetings; having received input from veterinarians' and dog trainers and quoted from the Ad Hoc Committee's report (on file) some of that information in support of their seeking beach access for dogs in the summer. It was mentioned that other towns have dogs on beaches in the summer months, and **Councilor LeBlanc** asked which municipalities have such regulations. **Ms. Holmgren** said that Dr. Heaney had mentioned towns, but said she believed it was in Maine in and around Kennebunkport.

Statistics and data came from the Board of Health and Animal Control, **Ms. Holmgren** said, that over the past three years it averaged less than 30 dog-to-human bites, and she asserted there were over 6,000 dogs in Gloucester. **Councilor LeBlanc** questioned the assertion of 6,000 dogs in Gloucester. **Ms. Holmgren** said her 2014 data said 5,800 licensed dogs. **Ms. Senos** said there are 2,450 licensed dogs for 2016 and last year there were only 1,900 licensed dogs. She pointed out there may be some duplication in the dog data base, or dogs that are passed away but the owners don't inform the Clerk's office to take them out of the registry. There are also duplication issues if one family member takes a dog to the vet, it comes to the City Clerk's office under that person's name, but if the dog is brought back by another family member, the veterinarian's office will use that person's name, and hence a duplication of the dog because by MGL veterinarians must report rabies inoculations. Even though there may be 5,800 dogs in the system, only 2,450 are licensed. **Councilor LeBlanc** pointed out that is a lot less than 6,000 dogs and that the City Clerk's data is what the Council has to go by.

Ms. Holmgren said the Ad Hoc Committee has reviewed studies on dogs saying that most people aren't afraid of them. The Ad Hoc Dog Committee contacted the Waterways Board and Shellfish Advisory Commission, and found dogs can't be on public landings and piers. She said they learned of the risk of contamination of the clam beds from the Shellfish Warden. She said they spoke of beach stewardship, reviewing dog ordinances from other communities. She advised they are meeting with the Stage Fort Park Advisory Committee and received input from City Councilors and the Mayor.

She said after this extensive review the Ad Hoc Committee isn't recommending Brace Cove, Wonson's Cove, Crab Beach and most small neighborhood pocket beaches (see filed report). The Ad Hoc Dog Committee is recommending Cressy Beach with its rocks and high walls; Niles Beach and Plum Cove both off hours during the summer. They would like Cressy Beach available daily year round to dogs off leash, she said.

Councilor LeBlanc confirmed with **Ms. Holmgren** that the intent of the latest proposal to open beaches to off leash dogs during summer months includes Niles Beach during early morning and early evening hours and the same for Plum Cove in the summer. In the winter the proposal is that all city beaches would be open to off leash dogs, with the exception of Good Harbor and Wingaersheek Beach whose odd day/even day usage scheme would remain in place. Cressy Beach would be off leash year round.

Councilor LeBlanc asked if the Ad Hoc Committee has received input from the Police Chief on their proposal saying that the Chief needs to know what is going and determine if the new amendments to the Dog Ordinance can be enforced. He cautioned that a law shouldn't be enacted if it is unable to be enforced. With only two Animal Control Officers and 37 square miles to cover, this proposal is opening up many more city-owned areas to dogs and their owners. He said he wanted to hear first from the Police Chief. He pointed out that the Police contract doesn't allow police officers other than the Animal Control Officers to respond to dog-related calls. Speaking about Niles Beach as part of the proposal, he advised he has personally been observing Niles Beach frequently in the early morning and evening hours, and that every night he's been there the parking lot is jammed, and the beach is crowded with families picnicking and swimming. As a dog owner, he said knew that there would be dogs first thing in the morning on that beach. He said while every responsible dog owner will pick up their dog's waste, it is a dog's nature to mark their territory and for other dogs to do the same repeatedly. That same morning, just short time later, small children will be running over and playing in sand saturated in dog urine. He said it is not a savory situation. He reiterated he wants to hear from the Police Chief and the Public Works Director and that if these ordinances are not enforceable they can't move it forward for enactment. He assured that this is not a matter of postponement but caution, and having talked to the Assistant Police Chief, he wants to wait for the Police Chief to return to the city and have the opportunity to review the proposed ordinance amendment and receive his opinion before making a decision.

Ms. Holmgren said Plum Cove and Niles Beach would be open in the summer to off-leash dogs during hours when the Animal Control Officers are not on duty as those hours are from sunrise to 8:00 a.m. and 6:00 p.m. to sunset. She added she is not overly concerned about the sand and dog waste issues and would not stop her children from using Niles Beach.

Councilor O'Hara said Cape Ann's tick infestation due to a mild winter is very bad this year, but there are no legal spots in a place surrounded by water to take a dog to run off leash free of ticks, and there should be someplace to take their dogs to cool off. He said if posted properly, dog owners are reasonable and will read the signs and follow the law, and further that the law will be enforced by the Police Department as the Council passes its legislation. As a dog owner, he said he has to take his dogs for runs where it is tick infested, but added that he shouldn't have to in a community surrounded by water.

Councilor Nolan said he wanted to hear from the Police Chief and the Stage Fort Park Advisory Committee. He added that while he wants this initiative to move forward, that input is important for clarification purposes. He pointed out that it was important to give due respect to the Stage Fort Park Advisory Committee, a committee comprised of volunteers that are under the Code of Ordinances who are charged with protecting the park saying that it was only respectful to hear their opinions and consider them. **Ms. Holmgren** said the Ad Hoc Dog Committee wanted to be respectful of their process as well.

Mr. Payson reminded the O&A Committee that the city doesn't own Niles Beach, and that lease requires that the beach be kept sanitary at all times.

Councilor LeBlanc said he is appreciative of the Ad Hoc Dog Committee's time they have made a great investment into the review process, and that he did this process two years ago heading up the last Ad Hoc Dog Committee, and they were able to compromise with the allowance of dogs on two beaches. They did try to have dogs on the beaches early in the morning and later in the evening, but it had to be a compromise because it was not possible to have enforcement. A comprehensive ordinance review was tried again last fall with Former Councilor Bob Stewart which resulted in Plum Cove Beach being made available to dog owners and their dogs off leash in the off season. This is a tall task, he said, and asked that the Ad Hoc Dog Committee be patient so that this is done correctly. He said he sees both sides of the issue and that there may have to be a compromise. There is a spot for this summer off leash area, but it has to be a right spot. He reminded the Ad Hoc Dog Committee that their purpose is to meet over a several week period, not for several months and continue beyond that. He said that he's given the Ad Hoc Committee leeway as there is not a simple solution to this issue, but they've had a great deal of time given to them compared to the last Ad Hoc Dog Committee. They will need to try to make a compromise, he assured.

Councilor O'Hara discussed process briefly with the Committee, and it was determined the matter will come back for further review at the next regularly scheduled O&A meeting.

This matter is continued to August 15, 2016.

7. Update and Report of the Beach Traffic Ad Hoc Committee through Chair, Councilor O'Hara

Councilor O'Hara conveyed the following information from the deliberations of the Beach Traffic Ad Hoc Committee:

- Interviewed Ken Ryan, Joe Lucido, Ed Parks, and Bob Ryan to hear their ideas with the intent to put together a number of ideas to be presented to the O&A Committee.
- Bob Ryan, Cape Ann Transportation Authority and Traffic Commission Chair, has been helpful in conveying what CATA has been implementing in other communities to in gathering information as to what other beach communities are doing.
- Of the original appointees to the Beach Traffic Ad Hoc Committee, Naomi Stromberg has been unable to participate in meetings and her husband, Jeff, has attended. J.D. McEachern has attended and Fred Geisel, a member of the Stage Fort Park Advisory Committee has also attended regularly and it was noted Mr. Geisel is also a professional engineer. It was proposed that there were now two open seats on the Ad Hoc Committee and that there are good volunteers stepping forward who would like to be appointed which means there are to seats open.

In discussing whether the Ad Hoc Committee could have more members appointed to it, the Committee staff reminded the O&A Committee that they voted on February 29 to create the Beach Traffic Ad Hoc Committee to consist of five members. With Ms. Stromberg no longer participating, it leaves two seats open. **Ms. Senos** added that Ms. Stromberg has to officially resign by submitting that fact in writing, and that those who wish to be appointed to the Beach Traffic Ad Hoc Committee need to submit a letter of interest to her by August 11 for the O&A Committee's consideration. **Councilor LeBlanc** said they would take up the matter of the appointments to the Ad Hoc Committee at the O&A Committee's next regularly scheduled meeting.

This matter is continued to August 15, 2016.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:00 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.