

**Ordinances & Administration Committee**  
Monday, July 17, 2017 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**-Minutes-**

**Present:** Chair, Councilor Steven LeBlanc; Councilor Jamie O’Hara; Councilor Cox (Alternate)

**Absent:** Councilor Nolan

**Also Present:** Councilor Memhard; Councilor Gilman (entered the meeting at 6:08 p.m.) Jim Destino; Interim Police Chief John McCarthy; Grace Poirier

The meeting was called to order at 6:01 p.m. Upon the arrival at 6:08 p.m. of Councilor Gilman there was a quorum of the City Council.

**1. Appointments & Reappointments:**

Capital Improvement Advisory Board      Jason Hakes      TTE 02/14/20

**Mr. Hakes** introduced himself to the Committee informing them that he wants to see capital improvements made to the city but at the same time be a good steward of government funds through the Capital Improvement Advisory Board (CIAB). He said he has a few ideas to bring forward as well as his wanting to give back to the city. He said there haven’t been meetings of the CIAB since 2012, and it was time to make this Board active. **Jim Destino**, CAO, offered to the Committee that there is a 10-year capital plan being put together by city staff for the Board’s consideration, and that the Administration is supportive of the reconstituted CIAB.

**Councilor Cox** said she knew Mr. Hakes and that he would be an asset to the CIAB as did **Councilor LeBlanc**. **Councilor O’Hara** offered his thanks to Mr. Hakes for his stepping forward to volunteer on behalf of the city.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Jason Hakes to the Capital Improvement Advisory Board, TTE 02/14/20.**

Clean City Commission      Beverly Low (Cont’d from 6/19/17)      TTE 02/14/20

**Ms. Low** explained that she moved back in 2014 to the city after a 27 year absence. She said in wanting to get involved, this Commission piqued her interest and align with her experience. She conveyed she was the Dean of Freshman at Colgate University for many years, and that school had a great sustainability program. Now working at the Manchester/Essex Regional School she noted she has learned a great deal from her colleague, Eric Magers, who encouraged her interest. She spoke of cleaning up the oceans, the city’s beaches and to keep the city beautiful. She also spoke to educating young people and collaborating with seniors. There are different partnerships emerging with the Marine Sciences and Schools, she noted. **Councilor Cox** said Ms. Low’s suggestion of how seniors can become involved was a good initiative, and Ms. Low was encouraged to work through the Rose Baker Senior Center.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Beverly Low to the Clean City Commission, TTE 02/14/20.**

Tourism Commission      Catlin A. Pszeny (Cont’d from 06/19/17)      TTE 02/14/18

**Ms. Pszeny**, new co-owner of Cape Ann Lanes, advised that she has been involved in various groups in the city in different roles. Now that she is co-owner of a city business she said she understands well the importance of tourism and wants to create a welcoming way to introduce people to Gloucester. **Councilor LeBlanc** said the Commission has been very active and revamped with all new members who are making great contributions already to the city. **Councilor O’Hara** extended his thanks to Ms. Pszeny as he did to all the appointees who volunteer their time to the betterment of the city.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Catlin A. Pszenny to the Tourism Commission, TTE 02/14/18.**

Zoning Board of Appeals

H. Sage Walcott (to full member)

TTE 02/14/20

**Mr. Walcott** explained that he is moving from alternate member on the Zoning Board of Appeals (ZBA) to full member and that things on the Board are going well. He noted that as a member he gets to see parts of the city he's never viewed before. **Councilor LeBlanc** reminded Mr. Walcott his Board is one that applicants do need their hand held which he said he knew Mr. Walcott understood. He advised that Mr. Walcott didn't need to attend the Council meeting as he was simply being moved from Alternate to Full Member of the ZBA, already being on the Board.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint H. Sage Walcott as a full member to the Zoning Board of Appeals, TTE 02/14/20.**

**2. Memorandum from General Counsel re: Amendments to GCO Art. IV, Sec's 21-80 thru 21-86 "Repair of Private Ways" (TBC 07/31/17)**

**Councilor LeBlanc** advised that Chip Payson, General Counsel wasn't available this evening to discuss the matter of amendments to Sec. 21-80 through 21-86 and has asked that this matter be continued.

This matter is continued to July 31, 2017.

**3. Communication regarding Williams Court traffic pattern, and Citizens Petition to change Williams Court from one-way to two-way traffic (Cont'd from 06/19/17)**

**Scott Memhard**, Ward 1 Councilor, conveyed the following information to the Committee: Williams Court is between Hartz Street and Eastern Avenue, a close neighborhood that has had confusion over traffic direction on its roadway. He said historically Williams Court has been two-way traffic. Constituents expressed concern over the narrowness of the roadway, children playing in the road, the dangerous conditions of vehicles using Williams Court as a cut through from Eastern Avenue to Hartz Street. The Code of Ordinances lists Williams Court, in fact, as a one-way roadway. Some years ago residents had asked that Williams Court be two-way seasonally in summer and then change during the off season. Williams Court is a small, very narrow road with on-street parking and there isn't room for vehicles to pass. The Traffic Commission says that Williams Court should be one-way based city ordinance and state regulations governing the width of roadways.

**Councilor LeBlanc** said there would be a public hearing on the matter, that the Committee will make a recommendation, but advised it doesn't mean the Council will vote by majority to either keep the roadway one-way or take it to two-ways after the public hearing is closed, in response to an unidentified member of the public's inquiry on process. **Councilor Memhard** noting the petition submitted to the City Clerk's office (on file) although some people prefer the road to remain one-way, the majority of residents of Williams Court, Marion Way and Tolman Street want Williams Court to be made two-way.

**Councilor Cox** urged that the Committee to reach out to the Fire Chief and Interim Police Chief get their recommendation on the roadway along with the Public Works Director. The Traffic Commission has made their recommendation and that before Councilor Memhard submits a Council Order that information should be in hand. She recommended the order be for a two-way street to allow people to speak on the matter at public hearing but that the recommendations of the city's Public Safety Officials would help guide the Committee's and Council's actions.

**Joanne Senos**, City Clerk, reminded the Committee that there is a citizen's petition and that they would then need to add Councilor Memhard's Council Order to co-join the matters so that the Committee and the Council can have both matters taken up simultaneously.

**Councilor LeBlanc** said he wanted a recommendation from the Police Chief, Fire Chief and DPW Director on the matter if Williams Court should be kept one way or be made a two-way roadway. He then reviewed Council public hearing and subsequent voting process for a member of the public in attendance.

**Attorney Mark Nestor**, 45 Middle Street, recounted that the Traffic Commission says that if Williams Court were to be made a two-way street on-street parking would need to be removed as a potential alternative it remaining one-way. **Councilor Cox** said that was why she wanted the Chiefs and DPW Director to weigh in on the matter –

the width of the roadway has to be measured with cars parked on the road as well as without and their opinions on the matter based on public safety and emergency access.

**Councilor Memhard** said he needs to submit a Council Order to make Williams Court a two-way street under the Code of Ordinances and would do so to allow it to be referred out to O&A and taken up at its July 31 meeting. **Councilor Cox** pointed out that the Chair has already requested that the Interim Police Chief, Fire Chief and Public Works Director make their recommendation(s) to the Committee in time for their next regularly scheduled meeting as to what they believe street can support in terms of traffic.

**Gillian Amero**, 45 Hartz Street, suggested that only a part of the roadway needs to be made two-way -- to the right-hand turn onto Tolman Street, where Williams Court intersects with Hartz Street if the rest of Williams Court is kept one way.

**This matter is continued to July 31, 2017.**

4. *CC2017-011 (Cox) Request Traffic Commission review parking spots & traffic flow on Pleasant St. from Franklin Sq. to 32 Pleasant St. to address safety issue of 2-way traffic & depending on review recommend to Council possible GCO amendments (Cont'd from 06/05/17)*

**Councilor Cox** advised that she just got the map of the area last week from Engineering, in order to hold a neighborhood meeting with constituents, a meeting that hasn't taken place yet. She asked that this matter be continued to August 14.

**This matter is continued to August 14, 2017.**

5. *CC2017-015 (Memhard) Request that Traffic Commission perform speed study on Hartz St. to determine whether there should be a reduced speed limit of 20 mph and whether the city should petition MassDOT to approve said speed limit (Cont'd from 06/19/17)*

**Councilor Memhard** said the Hartz Street traffic study was reviewed at the Traffic Commission meeting where it was noted Hartz Street carries a high volume of traffic and that the majority of vehicles exceed the posted speed limit. He said that a lot of this vehicular volume is due to cut throughs from Bass Avenue to Eastern Avenue and vice versa and for the beaches. **Councilor LeBlanc** expressed his agreement the speed limit should be lowered on Hartz Street.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council forward a letter to MassDOT accompanied by the Traffic Commission Speed Study and the Certificate of Vote of the City Council to approve a speed limit of 20 mph on Hartz Street.**

This matter will come forward under Committee Report.

6. *CC2017-016 (Memhard/O'Hara) Request that the city adopt the Commonwealth of Mass DEP Noise Regulation (310 CMR 7.10) and after adoption amend GCO Ch. 13 "Noise" (Cont'd from 06/19/17)*

**Councilor Memhard** said Council Order is in response to a specific issue to the Americold East Gloucester facility in the Marine Industrial (MI) district and the Designated Port Area (DPA), an area surrounded by a high density residential neighborhood. He explained what is proposed is to "align" the local noise ordinance with the state's 1990 noise regulations. In this case, he pointed out, the state's regulations are stricter than the local ordinance now. The city, he said, is subject to state standards but pursuant to enforcement, it is difficult because the Board of Health or the Building Inspector enforce the local ordinance. MassDEP used to actively do enforcement of state (noise) regulations in the city, which he said is essentially any residential neighborhood or house that is impacted by noise more than 10 dB above background in nighttime. He said it respects the most sensitive receptor and doesn't take into account whether one is in the MI district, in the DPA or a neighborhood business zone. He reiterated that the adoption of the State regulation is an attempt to align the local ordinance with state standards and make clear paths of enforcement so that the neighborhood on East Main Street can have a reduction of noise that hasn't been successfully achieved to this point.

**Councilor LeBlanc** said that on the advice of General Counsel, members of the public's opinion will not be solicited at this time as this matter is not ready to be heard and General Counsel is not available to provide guidance to the Committee. **Attorney Mark Nestor**, 45 Middle Street, Americold representative expressed concern for procedure for a proposed ordinance "coming through" that hasn't properly vetted. He noted that the Board of Health considers this matter at their meeting next week. He said that this proposed amendment is a significant change that will have an impact to the dynamics of the city's industrial areas. He suggested the matter should have had been vetted by a different pathway rather than taking it up in an "adversarial proceeding." He pointed out that in the audience were representatives of Gorton's of Gloucester, the Chamber of Commerce and others who all have concerns about the proposed ordinance, likening the adoption of such a regulation as a "scatter gun approach," that affects many other industrial and commercial businesses in the city. He added that the Council should have their input before the ordinance is crafted. He indicated he had spoken to General Counsel, and said he wasn't sure that the ordinance had even been crafted which **Councilor LeBlanc** said it hadn't, and that he would continue the matter.

**Councilor Cox** asked if the proposed amendment affects the entire MI district. **Councilor Memhard** said that it is a state standard, and it has been enforced on Commercial Street on numerous occasions in the past but the state has delegated much of the local enforcement due to reduction in state staffing to the Board of Health and Inspectional Services. He said it does affect the entire MI district, not just the area he spoke of in East Gloucester. **Councilor Cox** said she agreed that this needs to be a bigger discussion as she has the "other side of the water" of the DEP and MI districts and needs to inform her constituents as well. **Councilor Memhard** recounted that his Council Order was also referred to the Board of Health who takes this up on August 3, and to General Counsel.

**Councilor LeBlanc** said that this needs to be vetted with a wider audience as any amendment to the ordinance will affect the entire city. **Councilor Memhard** said the reason this is being advanced is that the little neighborhood in East Gloucester is bearing the brunt of the noise levels because of the dynamics which are unique to it. **Councilor Cox** said while she agrees, she has a neighborhood like this in the Fort which is entirely in the MI district along with a beach. **Councilor Memhard** said the goal is to make sure that the ordinance and enforcement protects the "so called" sensitive receptors that are entitled to certain rights regardless of where their home is located. **Councilor Cox** pointed out that state standards override the city's but that the city didn't adopt those standards.

This matter is continued to August 14, 2017.

7. *CC2017-017 (Nolan) Amend GCO Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zones" re: Magnolia Ave. (Cont'd from 06/19/17)*

**Councilor LeBlanc** reviewed that this matter was taken up at the Traffic Commission's June 29 meeting and voted unanimously in favor of the Council Order. **Councilor Cox** noted Councilor Nolan had asked that this matter be moved forward.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."**

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-291 "Tow-away zone" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."**

These matters will be advertised for public hearing.

8. *CC2017-020 (Gilman) Amend Rule 4, subsection C&D of the approved 2017 City Council Rules of Procedure*

**Councilor Gilman** explained that she is asking that the City Council Rules of Procedure 2017, Rule #4 "Public Hearings" subsection C "Presentations from Proponents" and subsection D "Presentation from Opponents" be amended by adding: "Public testimony should be consistent with the public hearing matter. Speakers should refrain from commenting on character, whether positive or negative." She said that her recommendation was a result of a particular public hearing when people speaking in support of a Special Council Permit application only spoke to the

character of the applicant not the contents of the application. She said the amendment to subsections “C” and “D” made sense to her to give added parameters for testimony during public hearings.

**Councilor LeBlanc** pointed out that it is the role of the Council President to keep speakers on track with their testimony during a public hearing. **Councilor Cox** said the amendment gives the Council President parameters to keep those giving testimony from being repetitive but expressed she was unsure such an amendment to the Rules of Procedure was necessary. **Councilor LeBlanc** expressed concern that if they amend the Council rules in this manner, the Council’s hands would effectively be tied. **Councilor Cox** said the Council has to leave extraneous matters aside, when deliberating on the specifics of, say, a Special Council Permit. **Councilor LeBlanc** said Rules of Procedure such as this are something the Council as a group should discuss. **Councilor Cox** highlighted that there are times an applicant’s character is a salient point to an application and could be a consideration.

**Councilor O’Hara** expressed his agreement saying that he wants to hear that someone is an upstanding member of the community, for instance, if they are trying to start a new business or if they have had a previous unsuccessful businesses resulting in a detrimental situation which could have bearing on a matter before the Council. **Councilor LeBlanc** said a Councilor can call “Point of Order,” in order to assist the Chair in curtailing a particular line of testimony, that it is all their responsibility to do so, not just the Chair’s. **Councilor O’Hara** said that Councilor Gilman’s point is well taken and expressed that the need to amend the Rules of Procedure wasn’t something that was wholly necessary.

**Councilor Gilman** commented that calling a “Point of Order” was a good opportunity if testimony becomes repetitive of this nature to move the Chair to voice that the speakers are to refrain from that same line of testimony any further. **Councilor Cox** pointed out that the rules do say that if there is repetitive testimony then the testimony time drops from three minutes to two minutes and so forth, and that there are remedies already available to the Council through their Rules (and Robert’s Rules of Order). **Councilor Gilman** said at the least this Council Order, even if it doesn’t pass, will prompt a Council discussion.

**Councilor LeBlanc** said he wouldn’t be able support the amendment; and although this amendment may not be supported ultimately, it will act as a reminder of options available under the Council’s Rules of Procedure open to them all.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 0 in favor, 3 opposed, to AMEND the City Council Rules of Procedure Rule #4 “Public Hearings” subsection C “Presentations from Proponents” and subsection D “Presentation from Opponents by ADDING the following to each subsection: “Public testimony should be consistent with the public hearing matter. Speakers should refrain from commenting on character, whether positive or negative.”**

This matter will come forward under Committee Report.

9. *CC2017-013 (O’Hara) Request that O&A & the Traffic Commission review the beach no parking areas for possible expansion; and that Sec. 22-176 “Penalties for parking violations” “Prohibited area (beach district)” be amended to increase the penalty to the maximum penalty permissible by law (Cont’d from 06/05/17)*

**Councilor O’Hara** said this past weekend was a great example of why revisions to the Beach District and the fines to be increased for violations needs to move forward. He explained that the Good Harbor Beach parking lot was full, and shut down to residents and visitors. He said the proposed remedies would extend to all beaches of the city but Good Harbor Beach is a focal point as Wingersheek Beach doesn’t have the street grid like the Good Harbor beach district. He explained that in talking with the Police Chief and the Ad Hoc Beach Traffic Committee, in hopes of giving the Police more effective prevention tools, it is proposed to raise the fine for illegal parking in city beach districts a large enough deterrent to illegal beach parking. He said they need to “throw a curve ball” to the scofflaws to stop making life difficult for residents.

**Interim Chief McCarthy** said the current fine is \$45 for illegal beach parking and is not much of a deterrent as it is only \$10 more than the beach lot parking fee. He said people who can’t get into a beach parking lot will check into a local motel for the day, obtain a beach parking pass as a guest by paying the motel rate. He pointed out that the city’s towing companies can only tow so many cars per day of the many illegally parked cars on a weekend day from the quarries, Plum Cove, Good Harbor, Wingersheek, Stone Pier, etc. He suggested that a good start would be to raise the fine for illegal beach parking through a Home Rule Petition to the state. He advised that there are a lot of other Massachusetts cities and towns that charge much more than Gloucester does for parking tickets and could attest it. **Mr. Destino** said the city can legally raise the parking fine to only \$50 per ticket but over that the city confirming that the

city would have to do a Home Rule Petition to raise the fine any higher than that. **Ms. Senos** pointed out with late fees \$50 would be the most the city could charge because the state law says overall the fines can't go over \$75. **Interim Chief McCarthy** suggested that the beach district should extend to a one-mile radius rather than picking and choosing particular streets.

**Councilor Cox** noted off season that the Wingersheek Beach gate is closed to the lot and there is on-street parking from Camp Spindrift moving forward towards the beach with vehicles parked on both sides of the street which is illegal. **Interim Chief McCarthy** advised that when they see a day very warm day in the spring before beach season or in the fall after the close of the season, they will do their best to open the gates, recounting they did so this past May when the city experienced some very warm weather. **Mr. Destino** said the city opened up the Little League Field at Stage Fort Park to paid parking this past weekend which was the busiest weekend ever to date for the city.

**Ms. Senos** said that General Counsel reached out to Councilor O'Hara conveying that once the roads for the beach district were named or a one-mile distance was outlined and those streets listed, that a Home Rule Petition could be drafted. **Councilor Cox** said that a Home Rule Petition should be put forward as soon as possible. **Mr. Destino** said that the dollar amount named in the petition should be chosen to act a deterrent. **Councilor O'Hara** said that a high dollar ticket plus a tow fee will be a good deterrent. It was noted that the cost to the city to raise the fine to the limit of \$50 (which keeps the fees for late payment to the \$75 limit by state law per ticket) would be greater than the income given that the Code of Ordinances would have to be updated as well as tickets reprinted, etc. The Committee agreed that the Home Rule Petition was the right way to go. **Councilor Gilman** suggested that other Councilors should be included to discuss whether other areas in the city should be included after taking a careful look at beach district mapping.

**Councilor LeBlanc** confirmed that Councilor O'Hara would meet with the Traffic Commission to complete the beach district mapping and will consult with other Councilors whose Wards are or could be affected. **Mr. Destino** suggested caution in mapping and to limit areas to beach districts. He also suggested that the city's state legislators be contacted to make them aware of the city's desire to submit a Home Rule Petition for beach district parking fines.

This matter is continued to September 18, 2017.

**10. CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval"**

**Councilor LeBlanc** pointed out that there is already a state law that prohibits giving away any live animal as a prize which was overlooked. **Councilor Cox** said the incident that precipitated this matter has already been dealt with by her and assured it wouldn't happen again. **Ms. Senos** said that the Licensing Commission doesn't know what the specific prizes that are given away by vendors. There was a discussion on this matter as to previous issues although infrequent of live animals being given as prizes. **Councilor Cox** suggested that Councilor O'Hara withdraw his Council Order then the Committee could move to adopt the pertinent state law. It was noted the state law fine is \$100. **Councilor LeBlanc** asked that it be clarified by the time of the public hearing whether the fine is per animal or in general.

**Rowan Trainor**, 15 Chapel Street, said she got a fish at Fiesta as a prize and gave it a good home, even naming it. Three days later the fish was dead which she said made her very sad. She expressed her concern for all the fish given away as prizes and didn't want other children to go through what she had.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.**

**COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council adopt M.G.L. Ch. 272, §80F as follows: "No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.**

**COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 4 "Animals" Art. I "In General" by ADDING new Sec. 4-3 as follows:**

**“No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.  
Secs. 4-4 – 4-14 Reserved.”**

This matter will be advertised for public hearing

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:10 p.m.

Respectfully submitted,

*Dana C. Jorgenson*  
Clerk of Committees

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