

**Ordinances & Administration Committee**  
Monday, September 18, 2017 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Conference Room/Kyrouz Auditorium – City Hall**  
**-Minutes-**

**Present: Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara; Councilor Gilman (Alternate)**

**Absent: Councilor Nolan**

**Also Present: Joanne Senos; Jim Destino; Donna Leete; Kenny Costa**

**The meeting was called to order at 6:00 p.m.**

**1. New Appointments:**

**A. City Staff Appointments**

Community Development Director

Jill Cahill

TTE 02/14/20

**Jim Destino**, CAO, introduced Jill Cahill as the city’s new Community Development Director advising that the city had 18 applicants for the position. He said that Ms. Cahill has a strong leadership and management background but doesn’t have a planning background as some Community Development Directors do. He explained that of the utmost importance to the Administration is that the Community Development Department has good management and leadership. He pointed out that the department’s Planning Division comprised of Mr. Cademartori, Planning Director and Matt Coogan are strong in their field, and Ms. Cahill will be supported well by the two of them, he said, adding that he didn’t anticipate any issues. He pointed out that Ms. Cahill’s superior leadership and management background will be a great addition to the city’s management team. He noted that the Administration is withdrawing the 90-day appointment request as Ms. Cahill’s appointment is for a full-time permanent position. Ms. Cahill, he said, will start on October 16 if confirmed by the Council. He said the city is fortunate to have her.

**Jill Cahill**, appointee to the position of Community Development Director, conveyed her excitement for the opportunity to return to working in government. She noted that she had previously worked as Chief of Staff for a State Senator, now elevated to the Chair of Ways & Means. She said she had worked as a communications specialist and in donor relations for Pathways for Children. She highlighted her skill at bringing people together to achieve goals. As Chief of Staff, as a communications person, as a donor relations person, she related that her job is to take a big project, break it into small pieces, moving it forward, tackling any problems and getting results. She said she’s skilled at working with people from “both sides of the aisle,” from all walks of life, having worked as the Executive Director of the Caucus of Women Legislators, the only bipartisan caucus of state legislators. She noted that she is a 16-year Gloucester resident with two young children and is very involved in the community with her family as well. She touched upon several members of her family’s involvement with the city. She said she is looking forward to making Gloucester a better place to work and live and to getting started.

**Councilor O’Hara** said the city couldn’t have selected a better person to move the Community Development Department forward.

**Councilor Gilman** noted she’s worked closely with Sue Todd of Pathways for many years calling her a “tremendous leader,” and learned a lot from such a strategic person. She expressed her appreciation for Ms. Cahill’s speaking of bringing the team together and setting goals. She said she’d support her appointment.

**Councilor LeBlanc** offered his support saying that he has “faith and trust” in the Administration’s appointees. He said the Mayor speaks of her great administrative team and that the team in place in Community Development is a good one. He cited that Ms. Cahill will add to the city’s management team strengths and that the city is fortunate she is taking on the position of Community Development Director.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Jill Cahill as Community Development Director, TTE 02/14/20.**

Shellfish Constable

Tamela Cominelli

No TTE

**Councilor LeBlanc** and **Mr. Destino** discussed moving Ms. Cominelli’s appointment forward to the Council, as the new Shellfish Constable as she was not able to attend. **Councilor LeBlanc** advised Ms. Cominelli was the Acting Shellfish Warden and was the Assistant Shellfish Warden for 12 years during the tenure of two former Shellfish Constables, Stubby Knowles and Dave Sargent. He expressed he strongly supported Ms. Cominelli

appointment having dealt with her for some time now and knew her strong work ethic. He pointed out that she has been the Acting Shellfish Constable for the past several months upon the retirement of Dave Sargent. He added that Ms. Cominelli is a hands-on Warden, and is very dedicated.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Tamela Cominelli as Shellfish Constable, retroactive to August 30, 2017.**

*B. Boards, Committees & Commissions*

Community Preservation Committee

Helen “Holly” Holland Clay (Smith)

TTE 02/14/20

**Helen “Holly” Clay** confirming with the Committee that her name should be listed as Helen “Holly” Clay noted that she’s been on the Gloucester Historical Commission for almost two years and is also on the Executive Board of the Annisquam Historical Committee. Because of her work on the Commission, she’s been through the Commission’s applications for Community Preservation Act grants, giving her the opportunity to learn the purpose and mission of the CPC which she said she finds “very compelling.” She said that David Rhinelander who stepped down as a full active member of the Historical Commission recently asked if she was interested in the position which she relayed that she was.

**Councilor LeBlanc** expressed his support for Ms. Clay’s appointment to the Community Preservation Committee. **Ms. Clay** advised she was unable to attend the Council meeting on Tuesday, Sept. 26. **Councilor LeBlanc**, noting Ms. Clay had been before the Council not long ago to be confirmed as a full member of the Historical Commission, moving up from Alternate status, said that she didn’t have to attend the Council meeting for her confirmation vote.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Helen “Holly” Clay to the Community Preservation Committee, TTE 02/14/20.**

Licensing Board

TTE 05/31/18

Brian Hamilton (serving remainder of term for previous member)

**Mr. Hamilton** said that he works for the city in the IT Department but advised that he’s always held other positions and never worked just one job. He recounted he spent about seven years assisting and managing a local restaurant with a full alcohol license, and as part of that responsibility he regularly attended Licensing Board meetings. He noted he continued to attend the Board meetings even after having no further reason to attend for business purposes. He said he brings to the table his experience in that industry and pointed out that he holds all the certifications and licenses that licensees must have. He cited that he understands licensees’ needs and concerns and has an understanding of what they need to do and why the Board needs their compliance. He said he can help to change the perception of applicants and licensees that when they come before the Board that it’s not just another enforcement agency – and change that perception for the better.

**Councilor O’Hara** said Mr. Hamilton will be a great fit, to which **Councilor Gilman** concurred.

**Councilor LeBlanc** said he is a member on the House Committee for the Elks he’s learned a great deal recently about alcohol licensing. He noted that Mr. Hamilton will find a wealth of experience in the two other members of the Board. **Mr. Hamilton** said he frequently he reads MGL Ch. 138 which governs the actions of local Licensing Boards and all liquor licenses to always learn more.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Brian Hamilton to the Licensing Board, TTE 05/31/18.**

Zoning Board of Appeals TTE 02/14/20

Adria Reimer-Nicholosi

Ms. Reimer-Nicholosi advised by email she was unwell and unable to attend this evening’s meeting. Her appointment to the ZBA was continued to October 2, 2017.

This appointment is continued to October 2, 2017.

## 2. *Memorandum from City Auditor re: New Departmental Revolving Fund Ordinance*

**Kenny Costa**, City Auditor, explained the following: Through the annual budget process the Council votes on the Revolving Funds for the Schools and City. Under the state's Modernization Act the state broke that up into two parts. Later during the budget process the spending limits will be voted on by the Council as part of the annual passage of the city's budget. The action the Council is being asked to take is to authorize the actual funds and memorializing them in the Code of Ordinances. A chart (on file) was referenced for the School Revolving Funds and City Revolving Funds that will be added into the Code of Ordinances. There are no dollar amounts noted on the ordinance amendment's chart as that is handled during the city's budget process and vote.

**Mr. Costa** advised that the Department of Revenue has provided guidance on the ordinance amendment language and that General Counsel has reviewed the ordinance and ok'd it as presented.

**Councilor Gilman** asked why the Council is being asked to take this action. **Mr. Costa** said this action was more geared for the state's towns as by-law which he said he gained from his being a member of the Mass. Auditors & Town Accountants Association. Since they did something for towns, they did ordinance recommendations for cities, he noted. He pointed out that the city's being asked to do the same thing they've always done but breaking it up into two parts. **Councilor Gilman** asked how this would affect what the Council does typically during a budget process and would O&A have anything to do with that fiscal process. **Mr. Costa** said what the Council is being asked to do is to set up the Revolving Funds. Using the Vaccination Revolving Fund for the Board of Health as an example, he explained that it is noted in the list of city Revolving Funds to be enacted the ordinance, but that the B&F Committee reviews and votes on the annual Revolving Funds spending limits during the city's budget process and then forwards that to the Council for the fiscal year voting. He reiterated this action is to set up the actual ordinance.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 2 "Administration", Article VI "Finance" by ADDING new "Division 5 – Departmental Revolving Funds" as follows:**

### Section 5-616 - Purpose

**Purpose.** This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

### Section 5-617 – Expenditure Limitations

**Expenditure Limitations.** A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Mayor and City Council.

### Section 5-618 - Interest

**Interest.** Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the General Fund.

### Section 5-619 – Procedures and Reports

**Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E<sup>1/2</sup> and this ordinance, the laws, charter provisions, ordinances, rules , regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement and the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.**

**Section 5-620 – Authorized Revolving Funds**

**Authorized Revolving Funds. The Table establishes:**

- A. Each revolving fund authorized for use by a City department, board committee, agency or officer,**
- B. The department or agency head, board, committee or officer authorized to spend from each fund,**
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the City Auditor,**
- D. The expenses of the program or activity for which each fund may be used,**
- E. Any restrictions or conditions on expenditures from each fund;**
- F. Any reporting or other requirements that apply to each fund, and**
- G. The fiscal years each fund shall operate under this ordinance.**

**Section 621 – School Revolving Funds Table**

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Summer School Program	School	Fees collected From Users	Salary/Expense to Run summer school Program	None	None	Fiscal Year 2018 and Subsequent years
Transportation	School	Contracts/ Charters collected To Users	Transportation Services for Students	None	None	Fiscal Year 2018 and Subsequent years
ROTC	School	Fees/Charges Collected from Users	Salary/Expenses	None	None	Fiscal Year 2018 and Subsequent years
Preschool	School	Fees/Charges Collected from Users	Salary/Expenses of Teachers and Materials	None	None	Fiscal Year 2018 and Subsequent years
Professional Developm	School	Fees/Charges Collected from Users	Training Expense For Gloucester School Teachers	None	None	Fiscal Year 2018 and Subsequent years
Non Resident Student Tuition	School	Fees/Charges Collected from Users	Salary/Expense for Non resident Students	None	None	Fiscal Year 2018 and Subsequent years
West Parish Before School Program	School	Fees/Charges Collected from Users	Salary/Expense to Run West Parish Before School Program	None	None	Fiscal Year 2018 and Subsequent years

**Section 622 – City Revolving Funds Table**

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Building Use	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for School Buildings	None	None	Fiscal Year 2018 and Subsequent years
City Hall User	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for Kyrouz Auditorium	None	None	Fiscal Year 2018 and Subsequent years
Court Repairs	DPW Director	State Reimbursement	Repairs to the Court Building	None	None	Fiscal Year 2018 and Subsequent years
Septic Loan - BOH	City CFO	Fees collected From Homeowners	Salary/Expenses Related to Septic Systems	None	None	Fiscal Year 2018 and Subsequent years
Vaccine – BOH	BOH Director	Fees collected From insurance and Users	Vaccinations for flu and other	None	None	Fiscal Year 2018 and Subsequent years
Fire Training	Fire Chief	Fees	High Angle Training	None	None	Fiscal Year 2018 and Subsequent years
<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
RFR Study	Community Development Director	Fees collected From applicant	Radio Frequency Study	None	None	Fiscal Year 2018 and Subsequent years
Dental – BOH	BOH Director	Fees collected From insurance And Users	Child Dental Services	None	None	Fiscal Year 2018 and Subsequent years
Solid Waste/Recycling	DPW Director	Fees collected From Users	Materials/Supplies For Recycling Program	None	None	Fiscal Year 2018 and Subsequent years
City Clerk Pres. Perm. Records	City Clerk	Fees	Archival Preservation	None	None	Fiscal Year 2018 and Subsequent years
Vacant Building	Inspectional Services Director	Fees	Secure Vacant Buildings	None	None	Fiscal Year 2018 and Subsequent years
Lanes Cove Fish Shack	DPW Director	Fees	Repairs to the Fish Shack	None	None	Fiscal Year 2018 and Subsequent years
Various Fire Trainings	Fire Chief	Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years
DPW - Newell Stadium Maintenance	DPW Director	Fees collected From users	Maintenance for Newell Stadium	None	None	Fiscal Year 2018 and Subsequent

						years
DPW - Stage Fort Park Maintenance	DPW Director	Fees	Maintenance for Stage Fort Park	None	None	Fiscal Year 2018 and Subsequent years
Police - Student Officer Training & Equipment	Police Chief	Reimbursements From Student Officers	Training for Student Officers	None	None	Fiscal Year 2018 and Subsequent years
Fire Decon. Drill Training	Fire Chief	State Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years

This matter, in addition to being heard by the Budget & Finance Committee at its 09/21/17 meeting, will be advertised for public hearing.

**3. 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 08/14/17)**

**Councilor LeBlanc** advised he spoke with General Counsel and Councilor Memhard, both of whom recommended that this matter be postponed. He said they will need some input from the city, not just the Administration, but the businesses throughout the city an ordinance amendment like this will affect. He said he'd like to see a joint effort of the Administration and the Council to get some meetings together over the next several weeks starting with a memo to the Council and Administration about coordinating such an effort. He also suggested that a Request to the Mayor to fund a legal consultant to help to draft an integrated Ordinance amendment for the Code of Ordinances should be generated by Councilor Memhard.

This matter is continued to November 6, 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 08/14/17)**

**Councilor LeBlanc** advised that Councilor Cox has requested that this matter be again continued.

This matter is continued to October 2, 2017.

**5. CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One Hour parking-Generally" re: Washington Street (Cont'd from 07/31/17)**

**Councilor LeBlanc** said that the owners of Double Exposure have reached out to Councilor Cox to ask for one-hour parking in front of their business. He advised he spoke to other businesses in the direct vicinity who said they had no issue with the proposed change. He pointed out that the Traffic Commission recommended this matter move forward.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-277 "One hour parking-Generally" by ADDING "Washington Street northerly side from its intersection with Grove Street for a distance of approximately 150 feet in an easterly direction to the entrance of Oak Grove Cemetery."**

This matter will be advertised for public hearing.

**6. CC2017-027 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" and Ch. 22, Sec. 22-291 "Tow-away zones" re: Fort Square #46 (TBC 09/18/17)**

It was cited that the Traffic Commission did not recommend the first part of the Council Order be instituted because it was noted to be a duplicate ordinance, but that the second part regarding Sec. 22-291 "Tow-away zones should be enacted. **Councilor LeBlanc** pointed out that this Council Order and the ones that follow through Council Order 2017-032 are all related to the Fort section of the city and are simply housekeeping, and assured that nothing is being taken away or added this is updating the ordinance language. He advised that the Traffic Commission meeting was attended by several Fort residents whom he named saying they had no objections to this series of actions as proposed.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones – "Fort Square" by ADDING, "Fort Square, from the western boundary of #46 to the eastern boundary of number 46 to a point 22 feet southerly from the northern boundary of number 46, being the southerly side and the westerly side."**

This matter will be advertised for public hearing.

**7. CC2017-028 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square"**

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was just a wording change.

**COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" – "Fort Square" by DELETING "Commercial Street" in its entirety after the words, "eastern boundary of #10" and by ADDING, "Fort Square."**

This matter will be advertised for public hearing.

**8. CC2017-029 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square" by DELETING "...to Merrimack-Essex pole 1917 and/or..." and ADDING "to the" before the words, "westerly boundary of number 26"**

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was also just a wording change, **Councilor LeBlanc** noted.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" – "Fort Square" by DELETING, "to the Merrimack-Essex pole 1917 and/or" in its entirety after the words, "southeasterly and easterly" and ADDING the words, "to the" before the words, "westerly boundary of number 26."**

This matter will be advertised for public hearing.

**9. CC2017-030 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square" be amended by DELETING "Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries."**

This portion of Sec. 22-270 as named in the Council Order refers to a business that is no longer in that location.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" – "Fort Square" by DELETING "Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries."**

This matter will be advertised for public hearing.

**10. CC2017-031 (Cox) Amend GCO Ch. 22, Sec. 22-290 "Same-off-street parking areas" re: Fort Square**

The Traffic Commission agreed that overnight parking is currently allowed in a specific area as described in the Fort Square, and this is a housekeeping matter, **Councilor LeBlanc** said.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-290 "Same – off-street parking areas" by DELETING "Fort Square, from midnight to 6:00 a.m., beginning at a point on the northerly side from #26 Fort Square to a point 20 feet from the corner of Fort Square, and then from a point 20 feet on the westerly side of #46 Fort Square to a point 20 feet from its intersection with Commercial Street."**

This matter will be advertised for public hearing.

**11. CC2017-032 (Cox) Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" re: Commercial Street**

This is a wording change endorsed by the Traffic Commission, it was noted.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" as follows:**

**By DELETING "Commercial Street, northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (pole #3707) at the entrance of Ocean Crest Fisheries to a point southeasterly there from the length of the concrete wall with the sign to be facing south towards the ice company"**

**And By ADDING "Commercial Street, easterly side, from its southerly intersection with Fort Square beginning at the southeasterly corner (pole #3707) to a point 100 feet in a southerly direction (across from pole #5166)."**

This matter will be advertised for public hearing.

**12. CC2017-033 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING "Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street, from utility pole #976 to #978**

**Councilor LeBlanc** said this matter is to be continued at Councilor Cox's request. He noted that the area in question is at the intersection of Prospect and Friend Streets to Prospect and Taylor Streets where there are frequent traffic bottlenecks. With the consensus of the Committee, but with Councilor Gilman expressing her concern for a possible precedent set outside of the Council's Rules of Procedure, a public statement was allowed to be made by **Robert Whynott**, 27 Poplar Street, who recounted that he grew up in this neighborhood and lived there for 27 years and said that there are places that vehicles have to slow down due to a narrowing of the roadway because of parked cars, and that there are not many accidents there. He said there are so many streets that are similar, and suggested that were they to put the Fire Chief on the spot asking him if he thinks this could cause a problem for his department's vehicles to make their way along such a city street, he will say yes. He offered that the same could be said for the many like narrow inner-city streets which would mean they'd have to take all the parking away. He noted previously when the Council voted on such a measure for this area that the parking ban that during church services the parking ban was suspended.

This matter is continued to October 2, 2017.

**13. 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 07/17/17)**



**Note:** *The Traffic Commission in its draft minutes of August 24, 2017 noted that there has been no word from Councilors involved, but that the Interim Police Chief made a recommendation to the Beach Ad Hoc Committee that instead of specific streets being restricted, a general circle area around the beaches is considered.*

**Joanne Senos**, City Clerk, reported that the Home Rule Petition language was forwarded to her for a Council Order noting that Sen. Tarr's office reviewed the draft language as did General Counsel. Thursday morning General Counsel advised that Sen. Tarr's office was asking the Council Order that would have gone through for referral at the Sept. 12 Council meeting be delayed as his office has additional language to be added to the Home Rule Petition. She said it's hoped the Council Order will be able to be referred to the O&A Committee at the Sept. 26 Council meeting. **Ms. Senos** reminded the Committee that the Traffic Commission still needs to work through the expansion the designated streets restricted from beach parking.

**Councilor LeBlanc** offered Councilor O'Hara his assistance in meeting with the Chair of the Traffic Commission to work through the beach parking restricted streets and then offered his thanks to Councilor O'Hara for keeping this matter in the forefront.

This matter is continued to October 16, 2017.

**14. CC2017-034 (Gilman) Amend GCO Ch. 8 "Fire Prevention and Protection" by ADDING Sec. 8.6 entitled, "Use of Sky Lanterns" (Also referred to Fire Chief)**

**Councilor Gilman** said that the issue of sky lanterns came to her attention through a Ward 4 resident who was concerned about a recent release of sky lanterns over Plum Cove Beach which the wind blew into Folly Point Road landing in a residential area with some of the lanterns still lit under some very dry conditions. After this ordinance was submitted lanterns continued to be launched, and she advised that the Fire Department had to go to one of the scenes out of concern for the fire hazard these lit lanterns were potentially creating under dry conditions. The Fire Chief is in support of the ordinance amendment, she reported, but relayed that the Chief would like to do more research as to the assignment of an enforcement person and appropriate fines.

This matter is continued to October 16, 2017.

**15. CC2017-035 (Gilman): Amend GCO Ch. 15 "Parks and Recreation" Sec. 15-34 "Use and Activity Restrictions re: Marijuana"**

**Councilor Gilman** explained that in closely reviewing the city's current ordinances, in Ch. 15 it only covers alcohol, and now that recreational marijuana was approved November 2017 they should be consistent with the Massachusetts law. She suggested adding the word, "marijuana" after "alcoholic beverages" to cover the city. She said she knew that the Mayor sent advisories out this summer reminding the public that the police would be on city beaches enforcing the ban on marijuana in addition to alcohol. She said the practice is consistent with Mass. law, but it is appropriate that the city modify its local ordinance to be consistent with that law. She advised she mentioned this fact to the Public Works Director, General Counsel and the Interim Police Chief, and that they were of like minds, that this was the right thing to do. She added that it may be appropriate, in addition to this action, that they ask the City Clerk to do a word search in the Code of Ordinances that when the word "alcohol" is stated as there may be other ordinance sections where the word "marijuana" should be inserted additionally.

**Ms. Senos** said the banning of alcohol on beaches is in the Public Works Department Beach Regulations and that the Public Works Director would have to put through a change in the city's Beach Regulations through the Mayor for the Council's consideration to add the word, "marijuana."

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 15, Sec. 15-34 "Use and Activity Restrictions by ADDING "and marijuana" after the words "alcoholic beverages" and so should read as follows:**

**"The use or introduction of alcoholic beverages and marijuana on any playground, park, ball field or beach is prohibited, except when properly licensed to do so in accordance with state law and local ordinance, subject to the approval of the Director of Public Works in accordance with Section 15-32 (b) as noted hereinabove."**

This matter will be advertised for public hearing.

- 16. CC2017-036 (Memhard): Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" & GCO Ch. 22, Sec. 22-291 Tow-away zones" re: Pond Road, northerly side from its intersection with Eastern Avenue in a westerly direction for a distance of 250 feet (TBC 10/02/17)**

**Councilor LeBlanc** advised that the city doesn't control Pond Road, and said he didn't know if the requested signage in the Council Order could be put up on the roadway. He conveyed that the Public Works Director said Pond Road is not maintained or controlled by the city and was unsure how the city would be able to enforce parking regulations or post signage. This request through Councilor Memhard's Council Order was made by Traffic Commission Chair, Robert Ryan, who is also the Manager of the Cape Ann Transportation Authority bus service, **Ms. Senos** noted.

**Councilor Gilman** said that when they put the new signs up at the intersection of Pond Road and Eastern Avenue they worked in collaboration with the state. She asked if they should also ask the Interim Police Chief to consider this initiative because if there was an infraction that the local police would need to have the authority to enforce an ordinance.

This matter is continued to October 2, 2017.

- 17. CC2017-037 (LeBlanc): Request the Traffic Commission make a recommendation for the placement of stop signs and proper markings on Rockland Street, Gloucester Avenue & Madison Court (TBC 10/02/17)**

This matter is continued to October 2, 2017.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:08 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
Clerk of Committees

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