

Ordinances & Administration Committee
Monday, October 2, 2017 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara; Councilor Sean Nolan

Absent: None.

Also Present: Councilor Cox (entered the meeting at 6:29 p.m.); Councilor Gilman (entered the meeting at 6:06 p.m.); Joanne Senos; Chip Payson

The meeting was called to order at 6:00 p.m. Upon the arrival of Councilor Cox there was a quorum of the City Council. The Committee recessed at 6:16 p.m. and reconvened at 6:29 p.m.

1. New Appointments:

Boards, Committee, Commissions:

Zoning Board of Appeals

Adria Reimer-Nicholosi (Cont’d from 09/18/17)

TTE 02/14/20

Ms. Reimer-Nicholosi recounted that that she grew up in Gloucester and Rockport, and has just finished law school. She has worked at a law office of Attorney Robert Visnick in Rockport for the last 7 years primarily in real estate but also gaining experience in land use which gained her an understanding of what goes into those applications and ordinances. She advised she’s attended three ZBA meetings to date saying there was an “interesting dynamic” at each meeting and that she enjoyed the site visits. She said she’s finished with her evening law school commitment and is now ready to volunteer in the city where she lives.

Councilor LeBlanc noted that the ZBA is one of the boards where applicants need great assistance from the Board, and that after going between all the different city departments for sign-offs before appearing before the Board. He asked she remember it can also be a frustrating experience for some applicants because of that. He recounted recently that the Council took steps in trying to make things easier for ZBA applicants by streamlining some of the permitting processes.

Councilor O’Hara thanked Ms. Reimer-Nicholosi for her enthusiasm and energy. **Ms. Reimer-Nicholosi** said that the staff and members of the Board have been very supportive of her appointment.

Councilor Nolan said Mr. Visnick whom she works for is an excellent attorney with a wealth of knowledge about the community and knew she was well trained by him. He conveyed that people can have a lot of stress in their lives, and that city permitting processes at times isn’t as user friendly as the Council might wish to see for its citizens. He asked that if she sees any roadblocks where she might be able to work with the Building Department, sees something commonly coming up and being missed, he asked that she alert them if she feels there is something that can be improved or streamlined where the ZBA process is concerned, and they will take that to the Administration for their consideration.

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 appoint Adria Reimer-Nicholosi to the Zoning Board of Appeals, TTE 02/14/20.

2. 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 (Con’t from 09/18/17)

Councilor LeBlanc said the Committee reached out to General Counsel on this matter as it was the Committee understands that Pond Road was a private way and were concerned about instituting traffic changes to the private way. **Chip Payson**, General Counsel, said that if an abutter or an owner of a parking lot along a private way requests it, according to state statute, the Council can pursue instituting the requested traffic restrictions. He reminded the Committee that the property owner has to be okay with the action -- if the property owner is okay then it can move forward but that a lessee can’t make that request/decision – that lessee would need the property owner to provide a letter saying they were in agreement with the request.

It was confirmed that 3 Pond Road was owned by the Cape Ann Transportation Company (the requestor was acting on behalf of the Cape Ann Transportation Authority) through the city’s GIS Viewer program which provides property data. The request to make the northerly side of Pond Road from its intersection with Eastern Avenue in a

westerly direction for 250 feet was generated by CATA and confirmed in a letter from Paul F. Talbot, CATA's Administrator dated September 27, 2017 (on file). Councilor LeBlanc pointed out that as the owner of the property at 3 Pond Road has asked for this change for traffic safety on a private way and documentation is on file confirming that request, the Council is able to take action to make those changes pursuant to Mass. General Law.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, 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 "Pond Road, northerly side from its intersection with Eastern Avenue in a westerly direction for a distance of 250 feet."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones" by ADDING "Pond Road, northerly side from its intersection with Eastern Avenue in a westerly direction for a distance of 250 feet."

This matter will be advertised for public hearing.

3. *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 (Cont'd from 09/18/17)*

Councilor LeBlanc explained that the traffic minutes show that the Commission agreed with what he was trying to do in creating a better traffic pattern in a particular area abutting Gloucester Avenue. He described that driving up from Washington Street onto Gloucester Avenue with the Baptist Church on one's left there is a small wedge of land that borders Madison Court where it intersects with Rockland Street and pulling directly onto Gloucester Avenue which was not a very safe situation. He described the proposed changes which will place a stop sign at Madison Court with Rockland Street and at Madison Court at its northerly intersection with Gloucester Avenue. A yield sign, at the recommendation of the Traffic Commission, should be placed on Rockland Street near its intersection with Gloucester Avenue towards the Cape Ann Lanes, he advised.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, Amend GCO Ch. 22, Sec. 22-269 "Stop Intersections" by ADDING "Madison Court at its intersection with Rockland Street."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, Amend GCO Ch. 22, Sec. 22-269 "Stop Intersections" by ADDING "Madison Court on its northerly side at the intersection with Gloucester Avenue."

The Committee recessed at 6:16 and reconvened at 6:29 p.m. upon the arrival of Councilor Cox. With her arrival, there was now a quorum of the City Council.

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 09/18/17)*

Councilor Cox requested that CC2017-011 be withdrawn.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-011 pursuant to traffic changes affecting Pleasant Street from Franklin Square to 32 Pleasant Street without prejudice.

5. *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 Cox explained that she needs two more weeks as she hadn't been able to meet with the priest at Our Lady of Good Voyage Church.

This matter is continued to October 16, 2017.

6. As returned to Committee from City Council meeting 09/12/17: Amend GCO Ch. 9 "Trash Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12, which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12

Councilor Cox explained that the matter returned to O&A because something was missed when this matter was last before the Committee for discussion. They have the order in its original form (on file) and noted amendments she wished to make that she circulated by email (on file) that were discussed at Council. In the original definition said "checkout bags only" and it says in the definition that it excludes all other bags and says bags that you put your produce in.

Councilor LeBlanc said that if this evening the Committee makes substantive changes to the Committee's recommendation the Single Use Plastic Bag ban now before the Council, the matter will have to be readvertised for public hearing. **Chip Payson**, General Counsel suggested that what this committee voted on July 31 isn't what Councilor Cox thinks the Committee voted on. What went to Council and was considered by O&A is not a two page (Council Order) and is much shorter than that. He said that there was no way to amend what's before the Committee by removing "b) 10 cents per bag fee," because it's not before the Committee. **Councilor Cox** said what came out of City Council wasn't correct. **Mr. Payson** reiterated that procedurally what was before the Committee was what came out of Committee and went to the Council and then was returned to Committee. He said if the Councilor wants to amend that to replace it with what was originally proposed then procedurally that is something the Committee is going to have to review. **Councilor Cox** gave Mr. Payson her recollection of the meeting that there was a discussion of certain amendments to the original order such as the removal of 10 cents per bag cost, that produce bags were exempt and the start date was changed and that those amendments didn't make it from Committee to the Council. **Mr. Payson** citing the language voted on by the Committee on July 31 said that it was that language which was before the Council so whatever the intent was at the Committee level for the record, that's the language that went up to Council and came back to the Committee. The Committee needs to consider how to change this language back to the original Council Order as the amendments seem to amend the earlier version.

Councilor LeBlanc advised that he spoke to the Administration today who is set on resolving the enforcement issue before this matter goes forward. He suggested the matter be continued for two weeks as he wanted to move this initiative forward first but wanted to ensure that the enforcement piece is in place. **Councilor Cox** discussed the involvement of the Health Department on the matter with **Mr. Payson** briefly. **Councilor Cox** pointed out that the Health Department as the enforcement agency for the polystyrene ban made sense but that for the single-use plastic bag ban, it made more sense that the Building Inspector be responsible for enforcement. She reminded the Committee that enforcement action(s) would only be triggered if there was a complaint. She said when she reviewed both the both ordinance amendments with the CAO, Jim Destino, he'd indicated to her that he was in agreement and gave her the "green light."

Councilor Nolan said that when the Committee voted on the matter of the single-use plastic bag ban on July 31 the language which was contained in the original Council Order didn't get put forward attached to the new Council Order. He suggested that they can't change what is coming back to them now but said they made amendments to knock off the fees and change the start date. He said there are several matters that have to be hammered out.

Councilor Cox said there is consensus that what was discussed at O&A wasn't what was put forward at Council.

The statement by Councilor Cox prompted a discussion between **the Committee, Mr. Payson** and **Councilor Cox** which resulted in a consensus that best process would be to withdraw Council Order 2017-026 at the Council meeting of October 10 by Councilor Cox who will simultaneously submit a new Council Order incorporating all the single-use plastic bag ban language that is needed and some changes as were discussed at previous meetings of O&A and Council to create an all-encompassing single-use plastic bag ban ordinance with the appropriate enforcement agent included.

Stephen Rhodes, 50 Ledge Road, confirmed with the Committee that the single-use plastic bag ban will not be voted on at the next Council meeting, which was confirmed by the O&A Committee, and expressed his concern as to how long it would take to actually institute such a ban.

Councilor Nolan assured that although this process is prolonged by the fact that O&A will have to deliberate on the new/revised language of an upcoming Council Order on a single-use plastic bag ban through Councilor Cox,

the start date of the ban will remain January 1, 2019, ensuring the ban would be instituted at the same time as previously anticipated.

No action taken by the O&A Committee on this matter.

7. *CC0217-039 (Cox/Orlando): Amend GCO Ch. 22, Sec. 22-274 “Two-hour-parking – Between certain hours” & Amend GCO Ch. 22, Sec. 22-277 “One-hour parking-Generally” re: Commercial Street for a distance of 27 feet from its southerly intersection with Beach Court (TBC 11/06/17)*
8. *CC2017-040 (Nolan) Amend GCO Ch. 22, Sec. 22-267 “One-way streets-Generally” by ADDING Park Lane from Norman Avenue to Linden Road (TBC 11/06/17)*

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:50 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.