

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
Monday, November 1, 2010 – 6:30 p.m.  
1<sup>st</sup> Fl. Council Conference Room – City Hall

-- MINUTES --

**Present:** Chair, Sefatia Theken; Vice Chair, Ann Mulcahey; Councilor Bruce Tobey

**Absent:** None.

**Also Present:** Councilor Ciolino; Linda T. Lowe; Jim Duggan; Mark Cole; Donna Compton; Bill Goulart; Barbara Markell; Hans Pundt; Samuel Calomo; Joe Guzzo; Dick Wilson; Mike Carrigan; Dr. Bill Goodwin, J.D. MacEachern; Bill Sanborn

The meeting was called to order at 6:34 p.m. Items were taken out of order. Councilor Tobey arrived at 6:35 p.m.

**1. Continued Business**

- A) CC2010-075 (Ciolino/Mulcahey) Amend GCO Chapter 11, Hawkers And Peddlers, And Transient Vendors (Cont'd from 10/18/10)

**Councilor Theken** explained after discussing the matter with Councilor Ciolino, she now understood that the second portion of the order relates to a stationary site, not transient vendors. By friendly amendment, the Committee passed the following motion:

**MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Chapter 11-6, Hawkers And Peddlers, and Transient Vendors Conduct of Business. subsection (2) By ADDING to after the second sentence: “All vendors shall operate from carts which are neat and clean and do not leak” the following: *No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares at fixed vendor site.*”; AND FURTHER FOR PUBLIC HEARING.”**

- B) CC2010-070 (McGeary) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) Re: East Main Street

**This matter is continued to November 15, 2010.**

- C) CC2010-072 (McGeary) Amend GCO Sec. 22-269 (Stop Intersections) Re: Bass Rocks Road at its intersection with Atlantic Road

**This matter is continued to November 15, 2010.**

- D) CC2010-048 (Verga) Amend 22-270.1 (Resident Sticker Parking Only) re: areas at Lexington Avenue/Shore Road (Cont'd from City Council Meeting of October 26, 2010)

**Councilor Theken** reviewed for the Committee the sequence of events leading up to the public hearings PH2010-085, PH2010-086 and PH2010-099 which opened and continued at the October 26, 2010 City Council meeting to the November 9, 2010 meeting. They discussed the confusion as to what was being put forward for voting by the City Council. She made note of an email (on file) received just prior to the meeting from City Solicitor, Suzanne Egan, City Solicitor assisting in clarification on the issue.

**Robert Ryan**, Co-Chair of the Traffic Commission suggested the two orders were correct as passed by the Traffic Commission at their July 29, 2010, which he noted as was discussed with Linda T. Lowe, City Clerk and Suzanne Egan, City Solicitor. As to Sec. 22-270.1 Resident Sticker Parking Only (May 1 to September 15) it would be Lexington Avenue both sides from its intersection with Cliff Road and Oakes Avenue in a southerly direction to its intersection with Shore Road. Additionally, Sec. 22-291 Tow Away Zones would be amended by adding the same language, which was already done by the Committee.

After further discussion with Mr. Ryan, Chair of the Traffic Commission and Linda T. Lowe, the Committee determined that the motions to add seasonal resident parking and a tow away zone are correct and are properly advertised; and that they were prepared to return to the public hearings at the City Council meeting of November 9, 2010.

**The matter was considered closed by the Committee.**

## **2. *Appointments:***

**Councilor Theken** announced that due to a previous commitment of Ms. Peterson's with the O&A meeting dates, by her consent as Chair of O&A, she will allow for Ms. Peterson's appointment to be taken up by the B&F Committee. She explained that any Committee may consider the matters of another City Council Standing Committee with the assent of the Chairs, which is the case here; although she cautioned this was a unique situation and an exception to the rule of all appointees and reappointees appearing before her committee for a confirmation hearing.

The Committee questioned the two potential appointees present to their respective Committee and Board as to their background and qualifications, desire to serve the community as well as their familiarity with the Open Meeting Laws. They were also asked if they had taken their State Ethics exam, and filed appropriately with the City Clerk's office. Both Ms. Markell and Mr. Pundt noted their extensive background in the arts.

Committee for the Arts

TTE 02/14/2013

Barbara Markell

**MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Barbara Markell to the Committee for the Arts, TTE 02/14/2013.**

Gloucester Cultural Council

TTE 02/14/2013

Hans Pundt

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Hans Pundt to the Gloucester Cultural Council, TTE 02/14/2013.**

## **3. *Communication from Councilor Theken, Chair of O&A subcommittee re: Newell Stadium Committee appointments to Building Committee: Mark Cole, Bill Sanborn, Joe Guzzo, Dr. Bill Goodwin, J.D. MacEachern, Mike Carrigan, Dick Wilson***

The Committee reviewed that when first proposed the Newell Stadium group was proposed by the Administration as an Ad Hoc Committee, the Committee in consultation with Councilor Curcuru, realized that the Ad Hoc Committee would be better served to become a Building Committee as the project of the rebuilding of Newell Stadium would require more than was within the parameters of the scope of what an Ad Hoc Committee could do. Therefore, the O&A Committee, through its Chair sought the conversion of to a Building Committee.

**Councilor Theken** had no questions but did ask the Building Committee appointees to be familiar with the Open Meeting laws and that they submit their State Ethics Exam to the City Clerk's office if they haven't already done so.

**Councilor Tobey** commented that it is an important project and the right team. The work that Mr. Wilson has done with Jonathan Pope with the Gloucester Fisherman's Athletic Association with their fundraising shows what can be done; and had no doubt they could "crack this nut".

**Councilor Theken** reminded the appointees they could come back to O&A at any time if they need assistance.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Mark Cole, Bill Sanborn, Joe Guzzo, Dr. Bill Goodwin, J.D. MacEachern, Mike Carrigan, and Dick Wilson to the Newell Stadium Building Committee, with terms of expiration to be determined by the November 9, 2010 City Council meeting pursuant to the City Charter Section 5-5.**

**4. *CC2010-076 (Mulcahey) Amend GCO Chapter 11 "Hawkers and Peddlers, and Transient Vendors", Art. II, Sec. 11.5 Fixed Vending: site specific locations (6) to allow a 20% rebate to Disabled Veterans on fixed permit bid***

The Committee discussed with Mr. Duggan, Donna Compton, Purchasing Agent, and Ms. Lowe the matter as well as an alternative proposal of fixed vendor spots allowing for a bidding preference for Gloucester residents; and if spots remained open, then they be made available for out-of-town bidders. Bill Goulart, 8A Webster Street, also participated in the discussion. The Committee asked that Ms. Compton and Mr. Duggan to work on capturing the discussion this evening to create ordinance language. In addition they asked for a list of pros and cons on the matter for their consideration as well. Once that language was created, they asked that it be forwarded to the City Solicitor for her opinion. However, they also warned that the new proposal that could come forward could create worse problems than they already are encountering, and the Committee may choose not to carry the matter further forward.

**This matter is continued to November 15, 2010.**

**5. *Memorandum from Mayor re: Administration's Review of Surveillance Camera Program***

**Mr. Duggan** noted the review of the surveillance cameras by the Administration was underway. The Coast Guard station was reviewed that day. There was a review being done at the Harbormaster's office a short while back and was done without notice to the Police Department. The Police Station immediately took over control and overrode the joy stick being used at the Harbormaster's office, which showed the Police Department was on top of the situation with regards to monitoring. He asked the Committee if there were any specific questions they would like to include in the review.

**Councilor Theken** wanted to know how many other smaller communities like Gloucester have these surveillance cameras in Massachusetts and requested Mr. Duggan provide a report on use of cameras by similar sized cities. She knew the cameras were in Hawaii, California, and New York. She also asked about schools, realizing they were not part of this review but wanted this information also. She pointed out these surveillance cameras are not targeted at people but at the water.

**Mr. Duggan** agreed with the Councilor on the positioning of the cameras. The Coast Guard was pleased that they could note when waterways are freezing and do their proper notifications.

**Councilor Tobey** expressed his appreciation that the Administration was reviewing the situation.

**Councilor Theken** asked that the Administration update the Committee periodically. She asked they also specify that the cameras are mostly targeted at the harbor and not the community. She expressed her personal opinion that the cameras were a good thing. She noted in Hawaii they are on many street corners

and that violence and crime had decreased with the surveillance cameras, making it safer for citizens to be on their streets.

**Mr. Duggan** noted there is one camera on Maplewood Avenue. The police were able to identify an instigator in a situation with the cameras in order to assist officers on the ground.

**Councilors Mulcahey and Theken** expressed that they were pleased this particular camera was available in that area to the Police Department.

The Committee acknowledged the memorandum of the Mayor regarding the Review of the Surveillance Camera Program, noted that the Administration would complete their review of the program likely for presentation in December and would bring the matter back to their agenda after the first of the New Year.

**The Committee tabled the matter and would take it up during February of 2011.**

**6. Memorandum from Massachusetts Division of Standards re: Adoption of Amended M.G.L. Chapter 101 by requiring "Promoters", as defined, to be licensed under the Acts of 2010, Chapter 308 (By direction of the City Council President)**

**Ms. Lowe** summarized for the Committee the contents of the Memorandum from the Director of the MA Division of Standards, which was only received into the City Clerk's office on October 27<sup>th</sup>. If ordinance amendments are required, the City Council has until November 9<sup>th</sup> to change the ordinance which appeared to not be possible due to the short timeframe. She suggested the Committee could ask for a legal opinion to see if change in state law leaves a municipality any leeway to require individual vendors to be licensed or regulated by the municipality if something is enacted after November 9, 2010. If there is some flexibility, there may be something they could still do; or they may wish to direct their concerns to the State Legislators.

After a discussion of licensure of events that take place in the City **Councilor Theken** asked that the City Solicitor to give the Committee an opinion if the amendments to M.G.L. c.101 (Acts of 2010 c. 308) leaves a municipality any leeway in trying to require individual vendors to be licensed or regulated by the municipality if something is enacted after November 9, 2010.

**This matter was continued to November 15, 2010.**

**Councilor Theken** acknowledged a letter (on file) received from Samuel Calomo for the Committee. She appreciated his effort to provide them with his letter; but it was up to the Mayor and the Veteran's Agent, Jeffrey Williams to assist him in the matter regarding the Veteran's Day and Memorial Day Parades.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:36 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson**  
**Clerk of Committees**

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