

Ordinances & Administration Committee
Tuesday, January 2, 2018 – 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 Lundberg; Councilor Holmgren; Jonathan Pope; Dr. Richard Safier

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council. Agenda item #2 was taken out of order.

1. *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 12/04/17)*

Councilor O’Hara asked this matter be continued to January 16, 2018.

This matter is continued to January 16, 2018.

2. *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 12/04/17)*

Councilor LeBlanc said that as Councilor Memhard was not in attendance, he would continue the matter of CC2017-016 to the Committee’s February 5 meeting.

This matter is continued to February 5, 2018.

3. *CC2017-056 (Nolan/Lundberg) Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-267 “One-way Streets-Generally” & Sec. 22-145 “Stopping, Standing and Parking” re: Concord Street during certain hours on school days*

Councilor Nolan explained that this newly submitted Council Order is the best approach available to maintain parking and safety of West Parish School students on Concord Street at dismissal time. This isn’t a long-term solution, he said, but for the time being this will help. He advised that Councilor Lundberg, Dr. Safier and Jonathan Pope worked on this matter as had he which promotes safety and accessibility to West Parish School, currently lacking.

Jonathan Pope, School Committee Chair, distributed (placed on file) a document of action steps as voted by the School Committee which also noted considerations for long-term solutions. He explained along with Dr. Richard Safier, Superintendent of Schools as follows: The School Committee voted to waive all bus fees for the rest of the 2017/2018 school year for any students of West Parish School within the distance that previously would have required them to pay a fee. There were 52 students eligible for free bus rides but not taking advantage of the program. Almost all of those affected families were contacted and now 10 of 52 eligible students are taking the bus that live beyond the two-mile range. There are about 15 students who live within the school’s two mile radius who would be charged a bus fee and three said they would send their children via bus home. Additionally, a survey of all elementary students is being conducted to ascertain parental bus preferences and why they choose to transport their children in personal vehicles or why their students walk to school. The principal of West Parish School informed parents that they need to get in the designated vehicle queue for pick-up of students and shouldn’t be parking on Concord Street or Essex Avenue.

Councilor LeBlanc asked how the queue worked. Dr. Safier said it is by mode of transportation as to how the students depart the school – whether walkers or bus or pick-up by parent/guardian. He assured that there is ample trained school staff well versed in releasing students when the parents are in view. Students aren’t allowed to cross traffic, Mr. Pope said; parents have to be directly in front of the school. It seems to go pretty smoothly, the staff has the process down, he noted, and that by 3:10 p.m. the student pick-up line is gone. He said it is just a matter of stopping the parking on Concord St. and Essex Ave. Councilor LeBlanc asked had other school districts’ methods

been reviewed. **Dr. Safier** said they could do that, but every school is unique because of its topography and briefly described the topography particular to West Parish School. The potential for police enforcement may become a reality if other strategies fail, **Dr. Safier** said. **Mr. Pope** advised that they're in the process of hiring a crossing guard and will utilize portable barricades for the half hour in question. He and **Councilor LeBlanc** and the Superintendent briefly touched upon the methods for temporarily barricading certain areas from vehicles each afternoon and suggested speaking with the DPW Director for assistance. Additionally, **Mr. Pope** mentioned parking issues for parents visiting the school noting that while West Parish has more parking than the other city elementary schools, there aren't enough visitors parking on school grounds. He noted that the School Committee is looking into whether they can bring back the school's design team to expand parking with money left in the school building project fund.

Councilor LeBlanc asked about emergency vehicle access which was briefly discussed with **Chip Payson**, General Counsel, **Councilor Nolan** and **Councilor Lundberg** who all agreed there would be no issues with emergency vehicle access; and that the Interim Police Chief indicated he was okay with this change. It was pointed out it is only emergency vehicles returning to the West Gloucester Fire Station during that half hour, and there are convenient alternatives available to the first responders.

Councilor LeBlanc said he'd like to bring this matter back to O&A at the second meeting in July, to review the ordinance amendments' effectiveness.

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 Ch. 22 "Traffic and Motor Vehicles," Sec. 22-267 "One-way streets-Generally" by ADDING:

"While school is in session on weekdays, Concord Street from the entrance of West Parish School southwest to Essex Avenue (approximately 285 feet) from 2:45 p.m. to 3:15 p.m., and on early release days from 11:45 a.m. to 12:15 p.m.

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 Ch. 22 "Traffic and Motor Vehicles," Sec. 22-145 "Stopping, Standing and Parking" by ADDING:

"Live parking (drivers to remain with their vehicles) for the purpose of picking up students at West Parish School will be permitted on the north side of Concord Street from the entrance of West Parish School 444 feet in a northerly direction (towards the Fire Station) during the same hours as described in Sec. 22-267."

These matters will be advertised for public hearing.

4. CC2017-058 (Orlando) City Council request that all elected city officials be required to submit to a CORI check prior to taking the oath of office (Referred to Legal Department for review)

Mr. Payson said that the language (of the Council Order) is important -- that former Councilor Orlando appears to be "targeting" those elected officials that have been elected but not sworn in. He said that matters for those running for public office versus those elected. The swearing in is more of a formality, he indicated. He explained that he made an initial review, and that this Committee and the Council has to decide whether they go forward with this initiative. He advised he's not done a formal draft but would do so should the Committee request it.

Mr. Payson then reviewed for the Committee as follows: The Council already has the power to require CORI (Criminal Offender Record Information) checks as it relates to the nature and disposition of criminal charges and arrests, pre-trial proceedings, and other judicial proceedings. CORI checks aren't 100% accurate which was touched upon briefly as to why. Records are sealed from birth to 17 years old.

There are several questions to be raised, he pointed out: What is a City Councilor -- A Councilor is an employee of the city; MGL Ch. 268A, §1 suggests the same. If the Councilor is an employee, and a CORI check is run it would go into a personnel record and is private. The public records law provides an exception for the disclosure of the CORI record.

Councilor LeBlanc suggested that even though Councilors are public officials, if a private citizen asked to see their CORI check results, they'd not be allowed access to it as part of the Councilor's personnel record. **Mr. Payson** said that if, and that he was arguing it is the case, that City Councilors are (municipal) employees and a CORI check is done, that CORI check would not be made public. There are exceptions to public records statutes that provide for

all personnel records to remain private and a CORI check would be part of it. He briefly reviewed the case of Boston City Councilor Charles Turner, indicted on number of issues, whereby the Boston City Council voted to remove him and subsequently he was found guilty. Under the operation of law, if an elected official is convicted of a felony, the position of the elected official is vacated automatically. He went into some of the case points which related to the subject matter at hand. He pointed out that under MGL Ch. 279, §30 that if convicted of a felony, the position of elected official is vacated. He reiterated that the Council has the power to order CORI checks in the period of time from elected to sworn in, but that nothing can be done with it as it is confidential and goes in a personnel record. Personnel records, he further reiterated, but can't be removed unless there is a statute stating it specifically. Were it to leak, the person who had the CORI check on them could sue the city for libel defamation or slander. He concluded that it would have a "chilling effect" for anyone running for office. He also offered that this is what a campaign is for where the voters who hire you vet you. He said he didn't know if it's the municipality's role when you can't do much with this.

Councilor Lundberg pointed out that a CORI check is a pre-employment tool to assist businesses to determine whether to hire or not to hire for a particular position, and that the applicant has to agree to the CORI check. He pointed out that when a Councilor is elected they are "hired" and so that part is already done. He asked under what circumstances an employer can require an existing employee to have a CORI check run. **Mr. Payson** and **Councilor Lundberg** expressed agreement that they can't. It was pointed out by **Councilor Lundberg** that when there is an employee contractual agreement there is a just-cause clause. **Mr. Payson** conveyed that in progressive employee discipline to ultimately fire an employee there isn't a CORI check requirement. He briefly touched EEOC (Equal Employment Opportunity Commission) hiring policies.

The Committee then briefly discussed process where a Councilor who brought forward the order and is no longer on the Council

Councilor LeBlanc suggested that the Committee should seek the input of the city's Human Resources Director at their next Committee meeting to ensure a fulsome vetting of the matter to which the Committee agreed.

This matter is continued to January 16, 2018 pending an opinion of the Human Resources Director.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:31 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Action steps proposed to alleviate school dismissal student pick-up safety issues on Concord Street and Essex Avenue from Chair of School Committee, Jonathan Pope**