

Ordinances & Administration Committee
Monday, March 5, 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 Holmgren; Councilor Lundberg; Councilor Gilman (entered the meeting at 6:25 p.m. and left at 8:03 p.m.); Joanne M. Senos; Gregg Cademartori; Jill Cahill; Donna Leete; Chris Sicuranza; Grace Poirier

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.

1. Boards, Committees & Commissions

Councilor LeBlanc noted that Rebecca Reynolds who was put forward by the Mayor for reappointment to the Committee for the Arts, TTE 02/14/21, was put forward in error as Ms. Reynolds’ term doesn’t expire until 02/14/19. Therefore she is not up for reappointment in 2018.

A. Appointments:

Affordable Housing Trust

Joseph Bertolino

TTE 02/14/20

Mr. Bertolino said that there haven’t been many meetings of the Affordable Housing Trust (AHT). He reviewed that he was born in the city, left for a while and upon his return bought a home in Magnolia five years ago. He previously worked in property management and now works in real estate finance. He said affordable housing is important to him. **Councilor LeBlanc** pointed out that affordable housing is a priority for the city and he anticipates there will be more projects coming forward. He said the more affordable housing available the more the city’s children can afford to make Gloucester their home.

Councilor O’Hara offered his thanks to all the city volunteers present for appointment and reappointment that offer their time on city boards, committees and commissions.

Councilor Nolan said he supports the AHT; that more affordable housing in the city is needed. This hasn’t been an active committee but there is some matters coming forward that will change that situation, he indicated. He added that Mr. Bertolino will be a good addition to the Affordable Housing Trust.

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 Joseph Bertolino to the Affordable Housing Trust, TTE 02/14/20.

Clean Energy Commission

Deborah Darby*, Michael Nolan

TTE 02/14/20

Mr. Nolan explained that he’s been in the city for two years having grown up in the Midwest; his wife was originally from Magnolia, and they now live on Wheeler’s Point. He recounted he has worked in energy broadly for ten years, and has a Master’s in Energy and Business and has been a consultant for energy companies for the past five years.

Councilor LeBlanc said that the Clean Energy Commission has come a long way in recent years and are offering the city good advice and programs.

Councilor Nolan expressed his appreciation for the fact that they will have a new Commission member who is already actively involved in that business sector.

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 Michael Nolan to the Clean Energy Commission, TTE 02/14/20.

*Ms. Darby’s appointment is continued to March 19, 2018.

Community Preservation Committee

Pamela Tobey

TTE 02/14/21

Ms. Tobey said that she was born and raised in the city and works for the Mass. State Treasurer's Office managing two grant programs. She said that she looks forward to working with a group that does grant funding for wonderful city projects. **John Feener**, Community Preservation Committee (CPC) member, added that Ms. Tobey fulfills a need that the Committee has with an expertise in grants which will be an asset.

Councilor Nolan expressed his agreement that Ms. Tobey's experience in grants will be an asset to the city and the CPC.

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 Pamela Tobey to the Community Preservation Committee, TTE 02/14/21.

Historic District Commission

Kristal Pooler, Prudence Fish (to Full Member)
Carmine Gorga (Alternate)

TTE 02/14/21

Ms. Pooler, a local realtor, explained that she's a native of Gloucester and has been actively involved in real estate for 25 years and wanted to be involved more directly with her city.

Ms. Fish, a current alternate to the Historic District Commission and former full member for many years, off the Commission for some time, returned to the Commission and is stepping up again from Alternate to become a full member. She noted she wrote a book on antique houses in Gloucester. She endorsed Ms. Pooler's appointment saying she's known Ms. Pooler for 35 years whom she said has an affinity for old homes through her vocation.

Councilor LeBlanc suggested that some applicants to their Commission need their "hands held" through the Commission process. He said they appreciate their stepping forward as volunteers to be a part of that process. **Ms. Fish** said they need to be strict and not make exceptions for things that don't belong as this is a small unique section of the city.

Mr. Gorga reviewed that he was in city planning in Boston and Provincetown. He was called to Gloucester to work with Action, Inc. and was with them for some time, and then when his position was defunded he started his own planning consulting business doing research and writing. He lives across from City Hall on Middle Street in an antique colonial. He said he loves the city and knows it very well, "inch by inch." **Councilor LeBlanc** expressed his appreciation for Mr. Gorga's stepping forward to volunteer.

Councilors LeBlanc and **O'Hara** thanked the new Commission members for their energy and expressing the Committee's appreciation.

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 Prudence Fish as Full Member to the Historic District Commission, TTE 02/14/21.

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 Kristal Pooler to the Historic District Commission, TTE 02/14/21.

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 Carmine Gorga as an Alternate Member to the Historic District Commission, TTE 02/14/21.

Planning Board

Beverly Bookin

TTE 02/14/23

Ms. Bookin conveyed her enthusiasm for her appointment to the Planning Board and briefly touched upon her background as having moved to Gloucester three years ago, living in West Gloucester, after 43 years in Portland, Oregon. She explained that she is professional Land Use Planner and holds a Master's degree in Land Use Planning. She said she was a Land Use consultant for 35 years in the private sector. Learning that Ken Hecht stepped down she offered her services to the Board, she noted.

Councilor LeBlanc said that the Planning Board is another group that has applicants who come before them all the time that need the guidance of Board members through their application process as it can be daunting yet necessary. He asked that applicants be guided as smoothly as possible. **Ms. Bookin** added that at the same time

applicants need to be appraised of the many rules and regulations pertaining to their particular application that they must comply with.

Councilor Nolan spoke briefly with Ms. Booking who acknowledged she's been to two meetings of the Board already.

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 Beverly Bookin to the Planning Board, TTE 02/14/23.

Traffic Commission

Michael Mitchell

TTE 02/14/21

Mr. Mitchell, a Firefighter/Paramedic with the Gloucester Fire Department, said that he was born and raised in Gloucester, certified as a certified Paramedic just this day, and has served on the Gloucester Fire Department for the last six years. He said when Robert Francis retired from the Commission he thought this would be a good fit for him. **Councilor LeBlanc** said having a firefighter on the Commission is an asset and will add someone who knows the city well.

Councilor Nolan expressed his endorsement of Mr. Mitchell's appointment

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 Michael Mitchell to the Traffic Commission, TTE 02/14/21.

B. Reappointments – Boards, Committees, Commissions:

Board of Health

Richard Sagall*

TTE 02/14/21

Dr. Sagall's reappointment is continued to March 19, 2018.

Capital Improvement Advisory Board

Joel Favazza

TTE 02/14/21

Mr. Favazza conveyed the following information: The Board hasn't met since 2012. He said the Capital Improvement Advisory Board (CIAB) according to the Charter and the GCO says that the CIAB should work with the Community Development Department who in turn owes the Council a 10-year capital improvement plan every year that goes to the CIAB who reports on it to the Mayor. The Mayor owes the City Council a capital improvement plan with a 10-year outlook 90 days before the start of a new fiscal year. It was pointed out that 65 Rogers Street was purchased by the city with no plan for it; city land was recently given up with no plan for it which he said was, "a distinct lack of a capital plan."

Mr. Favazza said he thought that the city's bond rating is tied in part to the concept that they have the CIAB, a Board that provides citizen advisory duties to the Administration. He recounted that in 2011 there were many talented city volunteers who were members of the CIAB, meeting regularly and providing citizen input, but the CIAB was "pushed aside" and members left the Board because of that. He said he hopes that the Board is reconstituted with a pool of similarly talented people as this is an obligation of the city under the city's Charter and Code of Ordinances. He reminded the Committee that the last thing the Board looked at was the Newell Renewal project, and that a CIAB member warned of the stadium field's being prone to flooding, and pointed to two recent nor'easter's that brought that prediction to fruition. He asked for reappointment in the chance the Board is brought back into full use.

The Committee urged that Mr. Favazza remain patient. **Councilor Nolan** said that he knew that this has been a topic of discussion with Mr. Favazza and him for about a year and a half, and that when they do get a quorum Mr. Favazza's input will be important.

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 reappoint Joel Favazza to the Capital Improvement Advisory Board, TTE 02/14/21.

Request to the Mayor by the Ordinances & Administration Committee to be submitted asking that she and her Administration toto appoint the necessary number of members to reconstitute and activate CIAB for this City Chartered Board.

Clean Energy Commission

Candace Wheeler

TTE 02/14/20

Ms. Wheeler is continued to March 19, 2018.

Conservation Commission

John Feener, Barry Gradwohl, Linda Charpentier

TTE 02/14/21

Mr. Feener said the Conservation Commission (ConCom) is going well. He explained the Board does have to guide people through the Environmental Protection Act to create their “dreams” on their property but within the guideline of federal protection laws. He said that the Board does their best not to tell people no, but to ensure that the laws are followed, as well as educate the applicants. **Mr. Gradwohl** said 30% of all city building permits go through ConCom; and that ConCom rarely says no, but if they should say no, in general its due to lack of information from the applicant who was unwilling to forward it for consideration by the Board.

Councilor LeBlanc said ConCom has a “tough job” and it’s good that so many members have served for some time to bring institutional memory to the table. **Mr. Feener** noted that the Commission also does a great job giving abutters and neighbors’ opportunities to speak and then the Commission takes in all the aspects of an application. **Ms. Charpentier** said she has worked with other Conservation Commissions in different communities, and that the Gloucester Conservation Commission is the most user friendly Commission she’s seen.

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 reappoint John Feener to the Conservation Commission, TTE 02/14/21.

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 reappoint Barry Gradwohl to the Conservation Commission, TTE 02/14/21.

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 reappoint Linda Charpentier to the Conservation Commission, TTE 02/14/21.

Downtown Development Commission

Joseph Giacalone

TTE 02/14/21

Mr. Giacalone’s reappointment is continued to March 19, 2018.

Gloucester Cultural Council

Jane Keddy

TTE 02/14/21

Ms. Keddy explained that the Cultural Council just finished a new round of grants and distributed it to local artists. She advised that the Council’s greatest concern is that their group is shrinking, down to five members and three people are going off the Council next year. She said that anyone who is in the arts or interested in the arts should get in touch with her or the Mayor’s Office.

Councilor O’Hara expressed his appreciation for the Council saying that the arts are a valuable city asset.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Jane Keddy to the Gloucester Cultural Council, TTE 02/14/21.

Request that the Mayor needs to start looking for new members (three) for next year’s appointments.

Historical Commission

Robert Whitmarsh

TTE 02/14/21

Mr. Whitmarsh conveyed that the Commission is very active. He reviewed that the Commission is looking to get Dogtown Common on the National Register, having just gotten Rocky Neck on the National Register. He said

the Commission is also involved with historic aspect of sprucing up Stage Fort Park for the city's 400th anniversary of Gloucester and mentioned several other pending projects.

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 reappoint Robert Whitmarsh to the Historical Commission, TTE 02/14/21.

Magnolia Woods Oversight & Advisory Committee Dean Sidell*, David Marro, Richard Jabba TTE 02/14/21

Messrs. Marro and Jabba expressed their willingness to continue to serve on the Committee. They talked about how they haven't met in a while but that they have some suggestions to allow access to the lower parking lot most of the time and talked about access and getting more people on the trail system. He said they hope to meet with the DPW very soon about their suggestions, and several others very soon. He said Magnolia Woods is as nice as Ravenswood with much fewer people ranging over it.

Councilor LeBlanc mentioned the amazing topography of the Magnolia Woods and expressed appreciation to Mr. Marro and Jabba's involvement. **Mr. Jabba** said he spends a lot of time at the athletic fields there with his sons reiterating having better access is important to the use of the park.

Councilor Nolan expressed his support for both gentlemen being reappointed, saying that this is a good committee, forward progress like on the Blue Blaze trail in support of the use of Magnolia Woods is being made. He explained they're working on the transition from a landfill to a park, and there is a positive outlook for the coming year to get projects up and running.

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 reappoint David Marro to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/21.

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 reappoint Richard Jabba to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/21.

*Mr. Sidell's reappointment is continued to March 19, 2018.

Tourism Commission

Mike Mann

TTE 02/14/21

Mr. Mann said that last year there was a group of new members they're just getting acclimated. He advised they've not met recently. **Councilor LeBlanc** said he's spoken with the Mayor's office on this and will try to get the Commission back on track, advising that Councilor Hecht will work with the Commission. **Mr. Mann** said that tourism is an integral part of the city's economic life and is important to the community overall. He talked about issues that were raised last year and that with no budget they have become more of an advisory committee. **Councilor LeBlanc** said that the Commission can make recommendations to the O&A Committee through Councilor Hecht and they will listen to their advice.

Councilor Nolan said that Mr. Mann is "perfect" for the Commission and would like to see communication between Discover Gloucester and the Tourism Commission more delineated. Some of the questions asked in the past by the Commission went unanswered, he pointed out. These are business owners are stepping up to try and help, and that the Administration should be able to assist to bridge that gap.

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 reappoint Mike Mann to the Tourism Commission, TTE 02/14/21.

2. Memorandum from Personnel Director & General Counsel re: Proposed Ordinance revisions for the Police & Fire Chief Selection Process

Donna Leete, Human Resources Director, (Chip Payson, General Counsel, was absent due to illness who worked with the HR Director on this initiative) conveyed the following information: The Administration is at the point of activating the recruitment process for the search for the next Police Chief. Interim Police Chief McCarthy

agreed to stay for one more year, but will retire at the end of the calendar year. A first step was to view the current city ordinances instituted before the city hired the last permanent Police Chief and current Fire Chief. That was the first time the city appointed public safety chiefs outside of the civil service process.

Through city ordinance a new process is being proposed to engage and obtain public buy-in. Very detailed ordinances written and accepted, but since that time they looked at the process, received input from Municipal Resources, Inc. (MRI) a company in the business of professional recruitment for Chiefs, as well as from several other professional consultants. MRI did conduct the Fire Chief selection process but didn't bid on the Police Chief selection process as they indicated it was "overly burdensome." There was a nine member screening committee that worked in conjunction with the consultant, and the role between the selection committee and the consultant wasn't clearly delineated what the committee does and what the consultant does. This fresh look at the ordinance is to accomplish the goal of getting the best qualified Chief(s) for the city and at the same time streamlining the process.

Ms. Leete, referring to her memo (on file) reviewed the goals as stated therein and conveyed the following highlights: 1.) Streamline the Hiring Process for Efficiency: By using a professional consultant, the same as the last time and noted points on that part of her memo such as the use of an assessment center. At the point of identified and qualified finalists, that then becomes a public process. They work to maintain confidentiality of all initial applicants to that point which is also best practice. The goal is to identify and present three finalists to the Mayor, and the public screening committee will participate in that process in "whittling" down to identify the finalist and provide input. 2.) Maximize Recruitment Efforts: A professional consultant usually knows talent in the field and has a broad network to recruit top talent. There is a need to respect confidentiality in that aspect. A consultant does an informal checking of backgrounds of candidates; and it is highly important they protect confidentiality throughout that process. 3.) Maintain a Public Process: It is important to maintain a public process to inspire the trust and confidence of the city's residents as well as elected officials; that what they are doing is best practice to get the best qualified candidate. There will initially be one public process; and the screening committee will participate in the assessment center process and play a key role in identifying a finalist. The finalists are public, she pointed out. She said lets the candidates know they are selected as a finalist, and that this will be a subject of public record. 4.) Better Match Selection Standards of Other Communities: In doing their due diligence, twelve other communities were surveyed and found that none had a cumbersome Chief selection process in their ordinances that approached that of Gloucester's. In four communities the Mayor appoints Chiefs without Council confirmation. In this amendment the Council has a final vote. The ordinances are more streamlined, **Ms. Leete** reiterated. They'll still be using a screening committee, facilitated by the consultant and as HR Director she will be part of the process as well. This ordinance is an improvement on the last one, she pointed out. She concluded her remarks by saying that the last amendment was cumbersome but it was also a major departure as how they selected their Chiefs.

Councilor LeBlanc confirmed the Council retains final approval on the Chiefs. He said he was part of the process the last time with the Council with the last three candidates. He acknowledged it was difficult bringing outsiders into the city, and expressed his appreciation for these ordinance amendments. He agreed it's good to review the process and update the ordinances. He said he would support these amendments advising he'd spoken with Ms. Leete about them.

Councilor Nolan asked what the cost is estimated for the consultant. **Ms. Leete** said she hoped it would come under \$10,000. **Councilor Nolan** highlighted that they never give up their rights as a Council, and he noted that the Council has to approve the streamlined plan, and that the Council isn't giving anything up through this process. This will make the recruitment process better, he said.

Councilor O'Hara said he was on the selection committee for the current Fire Chief. He said they want the best for their citizens, and that this is very important to move ahead with the best potential candidates.

Councilor LeBlanc reviewed briefly the previous recruitment process with the Committee and **Ms. Leete**. He mentioned the importance of the confidentiality aspect that Ms. Leete touched upon.

Councilor Lundberg said that the current ordinance came at a time of great transition in the way they had selected Chiefs previously. That time has passed, he noted, and they're at the point where they're much more professional from an HR standpoint thanks to Ms. Leete's leadership. He said that the proposed ordinance she and Mr. Payson put together does that for the city. He mentioned that the ordinance says that "...the consultant shall establish an assessment process which will include a screening committee appointed by the mayor." He asked if there needed to be further refinement of the definition of the screening committee with the amendment(s) as proposed. **Ms. Leete** said it is still the Mayor's call. **Christopher Sicuranza**, Director of Communications & Constituent Services said the language was purposely left as a "broad stroke" to allow for flexibility in trying to look at best practices and that this was the language they found to accomplish that goal.

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. 17 "Police", Art. II "Police Department", Sec. 17-18 "Selection of Police Chief; manner of appointment" by DELETING Section 17-18 "Selection of Police Chief; manner of appointment" in its entirety and ADDING new Section 17-18 "Selection of police chief; manner of appointment as follows:

"17-18. Selection of police chief; manner of appointment.

(a) Upon such time as the mayor shall become aware of a vacancy in the office of police chief, the mayor shall commence the process to fill the vacancy in the manner prescribed in this section. The mayor may select an interim police chief to serve until a permanent police chief is hired.

(b) The mayor shall select a qualified recruitment and assessment consultant. The consultant shall establish an assessment process that shall include a screening committee appointed by the mayor. The consultant and the screening committee shall hold at least one public meeting to discuss the process and the candidates. At the conclusion of the assessment process, the screening committee, with guidance and input from the consultant, shall select three candidates to forward to the mayor for consideration.

(c) The mayor shall make a selection from the three candidates and negotiate a contract with the successful candidate; the term of said contract shall be for at least three years but no longer than five years. The mayor shall appoint a candidate from the list subject to a comprehensive background investigation conducted by the consultant as well as the funding of the contract and confirmation of the candidate by the city council.

(d) The mayor may reappoint the police chief for subsequent contractual terms of at least three years but no longer than five years subject to confirmation by the city council.

(Ord. of 9-28-2010(01); Ord. of 3-27-2012(03); Ord. of 9-10-2013(216))"

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. 8 "Fire Prevention and Protection", Art. II "Fire Department", Sec. 8-18 "Screening of fire chief-Manner of appointment." by DELETING Section 8-18 "Screening of fire chief-manner of appointment." in its entirety and ADDING new Section 8-18 "Screening of fire chief-manner of appointment as follows:

(a) Upon such time as the mayor shall become aware of a vacancy in the office of fire chief, the mayor shall commence the process to fill the vacancy in the manner prescribed in this section. The mayor may select an interim fire chief to serve until a permanent fire chief is hired.

(b) The mayor shall select a qualified recruitment and assessment consultant. The consultant shall establish an assessment process that shall include a screening committee appointed by the mayor. The consultant and the screening committee shall hold at least one public meeting to discuss the process and the candidates. At the conclusion of the assessment process, the screening committee, with guidance and input from the consultant, shall select three candidates to forward to the mayor for consideration.

(c) The mayor shall make a selection from the three candidates and negotiate a contract with the successful candidate; the term of said contract shall be for at least three years but no longer than five years. The mayor shall appoint a candidate from the list subject to a comprehensive background check investigation conducted by the consultant as well as the funding of the contract and confirmation of the candidate by the city council.

(d) The mayor may reappoint the fire chief for subsequent contractual terms of at least three years but no longer than five years subject to confirmation by the city council.

(Ord. of 1-11-2011; Ord. of 3-27-2012(02); Ord. of 9-10-2013(217))

Editor's note - An ordinance adopted Jan. 11, 2011, renumbered the former §§8-18--8-25 as §§8-21--8-28 and enacted new §§8-18--8-21 as set out herein. The historical notation has been retained with the amended provisions for reference purposes."

Councilor LeBlanc expressed his appreciation for Ms. Leete's leadership in Human Resources for the city.

These matters will be advertised for public hearing.

3. Memorandum from Planning Director re: 65 Rogers Street (14-C2) Temporary Use License & Off-Street Parking Area" (Amendment to Code of Ordinances)

Gregg Cademartori, Planning Director explained that the city is putting this forward through the Administration. There is a provision in the temporary use license granted if they want to extend beyond they have to ask in writing. There was discussion after the public hearing at the Council and the will of it to reduce the temporary use for five years and the adoption to the GCO to allow for the paying parking lot. There are two things coming up, that is the extension and the extension for the Code of Ordinances. The DEP typically licenses for a 10-year period which was truncated by the Council to five years. He noted that if there is a use identified and something is pursued during that time, they'll relicense for whatever use is on that property. He suggested that for the GCO they try to identify a date coincident with the extension of the temporary use.

Councilor LeBlanc recounted that he voted for "shrinking" the term saying that the longer they keep it a 65 Rogers Street a parking lot the longer it stays that way. The last time the Council voted on it he said he challenged the Mayor do something with the property. There is \$35,000 in parking revenue annually, which is more than the city would be getting if it was undeveloped and privately owned. He said he will support this amendment now but he reiterated that the longer they keep 65 Rogers Street a parking lot the longer it stays that way.

Councilor Nolan said the idea was that the five years would be time enough for the Administration to come back with development ideas. No one is coming forward to purchase or lease the property, he pointed out. He suggested they should keep it at a renewed license for five years and find out how they can help to get the property developed during that time. He acknowledged that some folks like the property as the parking lot. However, he said he wouldn't support the amendment for 10 years because this property needs to be developed -- a five year limit will keep the issue in the forefront, he said.

Councilor O'Hara expressed his agreement saying that extending the license for a lengthy period the property will remain a parking area which he said isn't the best use for the property. He conceded that there are restrictions on the property that are limiting developers from looking at it. He said that this matter will be ideal for the new Community Development Director to "run with."

Mr. Cademartori said it will take another public engagement to focus energy on the development of the property. There isn't an RFP structured around a sale at this time, and the city has to decide if it wants to retain ownership. There have been many ideas how to develop the property that has not come to fruition, and it was looked at for the Harbormaster's study as well, he noted.

Councilor LeBlanc said that he'd support the amendment to the Code of Ordinances to move it forward to the Council.

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. 22-288 "Off-Street Parking Areas" as follows:

By DELETING under "Rogers Street parking lot, at #65 Rogers Street," the statement following "July 29, 2013," as follows: "to expire two years from the date of approval with three one-year renewals subject to city council review and approval at one-year intervals."

AND ADDING under "Rogers Street parking lot, at #65 Rogers Street," the statement following "July 29, 2013," as follows: "subject to annual city council review and approval."

This matter is to be advertised for public hearing.

4. 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 01/02/18)

Councilor LeBlanc said that he spoke with Councilors Memhard and O'Hara and that with General Counsel being absent they asked this matter be continued to the O&A's next meeting.

This matter is continued to March 19, 2018.

5. Animal Advisory Committee Proposed Dog Ordinance Amendments:

- A. Recommendation from Animal Advisory Committee to the O&A Committee re: proposed ordinance on chaining or tethering dog to stationary object; confinement; restrictions; penalty (Cont'd from 02/05/18)

Councilor LeBlanc recounted that this was put back to the Animal Advisory Committee (AAC) as that the CAO noted a redundancy because this is already state law. The AAC said they want to proceed with this, **Councilor Holmgren** said, that the city adopts the state law. This important measure was put forward in the state senate by Sen. Bruce Tarr to prevent animal cruelty and the AAC endorsed it fully.

Diane Corliss, 3 Linden Road, AAC member, and former Animal Control Officer for the City of Gloucester noted that there is no redundancy in this law, the first of its kind that admits that dogs have an emotional state. Some people put their dogs out for eight hours a day under any weather conditions not just tethering them, she reported, pointing out that this law covers such situations and circumstances. The keynote in the law is to prevent any emotional or physical stress on the animal which makes it different, she highlighted. She said it is a very important law.

Councilor LeBlanc said this state law should be incorporated into the city ordinance, agreeing with the AAC and offered his support.

The Committee recessed at 7:30 p.m. to obtain information for motioning and reconvened at 7:33 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. 4 "Animals," Art. II "Dogs" by ADDING new subsection 4-16(f) as follows:

"Sec. 4-16(f). Chaining or tethering dog to stationary object; confinement; restrictions; penalty

- a. **No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24-hour period and outside from 10:00 p.m to 6:00 a.m. unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designated for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.**
- b. **A person shall not leave a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat, cold, wind, rain, snow or hail pose an adverse risk to the health or safety of the dog based on the dog's breed, age or physical condition, unless the tethering is for not more than 15 minutes.**
- c. **An exception to a restriction on outdoor confinement under this section that is reasonably necessary for the safety of a dog shall be made for a dog that is: (i) present in a camping or recreational area pursuant to the policy of the camping or recreational area; or (ii) actively engaged in conduct that is directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products.**
- d. **No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purpose of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:**

- i. **filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;**
 - ii. **taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and,**
 - iii. **subjecting a dog to dangerous conditions, including attacks by other animals.**
- e. **A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50.00; for a second offense, be punished by a fine of not more than \$200.00; and for a third or subsequent offense, be punished by a fine of not more than \$500.00, and be subjected to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog."**

Councilor LeBlanc touched upon the issue of possible conflicts with Firefighter and Police union contracts with Ms. Corliss briefly and he recommended these motions be re-vetted prior to advertising for public hearing by General Counsel.

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. 1-15 "Penalty for violation of certain specified sections of code by ADDING Chapter 4, Art. II, Section 4-16(f) as follows:

"Chapter 4, Section 4-16(f) Chaining or tethering dog to stationary object; confinement; restrictions; penalty

Penalty:

First offense -- written warning or a fine of not more than \$50.00;

Second offense -- a fine of not more than \$200.00; and

Third or subsequent offense -- a fine of not more than \$500.00, and be subjected to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog."

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. 4 "Animals," Art. I "In General" by ADDING new subsection 4-3 as follows:

"Sec. 4-3. Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties

- a. **A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.**
- b. **After making reasonable efforts to locate a motor vehicle's owner, an animal control officer as defined in MGL Ch. 140, §136A, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. An animal control officer, law enforcement officer or fire fighter may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.**
- c. **An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have been accrued for the maintenance, care, medical treatment and impoundment of the animal.**

- d. **An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (b), and the agency or municipality that employs the officer or firefighter shall be immune from criminal or civil liability that might otherwise result from the removal.**
- e. **After making reasonable efforts to locate a motor vehicle's owner, a person other than an animal control officer, law enforcement officer or fire fighter shall not enter a motor vehicle to remove an animal to protect the health and safety of that animal in immediate danger unless the person: (i) notifies law enforcement or calls 911 before entering the vehicle; (ii) determines that the motor vehicle is locked or there is no other reasonable means for exit and uses not more force than is reasonably necessary to enter the motor vehicle and remove the animal; (iii) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal; and (iv) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.**
- f. **A person who removes an animal from a motor vehicle pursuant to subsection (e) shall be immune from criminal or civil liability that might otherwise result from the removal.**
- g. **A violation of subsection (a) shall be a civil infraction punishable by a fine of not more than \$150.00 for a first offense, by a fine of not more than \$300 for a second offense, and by a fine of not more than \$500 for a third or subsequent offense.**
- h. **Nothing in this section shall preclude prosecution under section 77 of chapter 272."**

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. 1-15 "Penalty for violation of certain specified sections of code by ADDING Chapter 4, Art. I, Section 4-3 as follows:

"Chapter 4, Section 4-3. Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties

Penalty:

First offense -- fine of not more than \$150.00;

Second offense -- a fine of not more than \$300.00; and

Third or subsequent offense -- a fine of not more than \$500.00"

The Committee asked that General Counsel be requested to review final motions for good order sake; and that he weigh in on whether under the current Police and Fire union contracts these first responders would be allowed to be enforcement officers under the guidelines outlined in the proposed ordinance amendments.

These matters will be advertised for public hearing.

- B. CC2018-004 (Holmgren): Amend GCO Ch. 4 "Animals", Article II "Dogs" Sec. 4-16d "Off-leash dog areas" be amended re: Crab Beach

Councilor LeBlanc noted the location of Crab Beach, a small tidal, rocky area off of Stacy Boulevard just beyond the Blynman Bridge towards Stage Fort Park to the tennis courts. **Councilor Holmgren** offered support of her Council Order. She advised she spoke with the AAC on this matter who all agreed with the initiative. She pointed out that lots of dog owners are looking for a place for dogs to swim during the summer. Crab Beach really isn't a beach that is people friendly but would be a dog friendly beach space. She pointed out that dogs aren't allowed in the flower beds on the Boulevard and people do respect that. The AAC voted to support this amendment with some conditions and will submit a letter to be read into the record at the public hearing.

Councilor LeBlanc said that he was on the first Ad Hoc Dog Committee recounting that he brought this to the O&A Committee, experiencing some resistance. He suggested there needs to be a “Plan B” given Crab Beach’s proximity to the Boulevard; that it’s not gated, that there were other possible issues. He said he’d like to hear from the Interim Police Chief to obtain his recommendation prior to a Committee vote as that there is an enforcement piece associated with the ordinance amendment. He said that the AAC should also reach out before the O&A Committee votes on this possible amendment. He said he’s not against the amendment, but wants to ensure full due diligence.

Ms. Corliss, speaking as a former city Animal Control Officer, said that Crab Beach wasn’t a named city beach, and they couldn’t do enforcement at that location because of it. **Councilor LeBlanc** said that dogs being on that section unleashed and with dogs being walked on the Boulevard leashed it could create an issue if there is no gate at the access stairs to stop unleashed dogs running from their owners and making it up onto the Boulevard, he said.

Councilor Nolan expressed his support for the amendment as presented as it is off-leash dogs that can swim especially during beach season there is no access to the water. A gate wouldn’t be a bad thing; he noted, but wouldn’t be a “deal breaker,” he said. He said that they need open space for dogs to have access to the water which the city currently lacks.

Councilor Holmgren asked how many licensed dogs there were in the city. **Joanne M. Senos**, City Clerk, said that there are 2,900 dogs approximately. She said they have a new system and will in 2018 have an accurate accounting of licensed city dogs. She suggested that the year before there were about 2,400. She extended her thanks to Animal Control Officers for pursuing unlicensed dogs to encourage licensing by dog owners per state law. **Councilor LeBlanc** said that with the Dog Park and Dog Friendly Gloucester, dog owners are encouraged to have their dogs licensed and vaccinated. **Ms. Senos** noted that the veterinarians tell dog owners about licensing their dogs. With the new City Clerk’s licensing program she announced that after March 15 people will be able to license their dogs on line, and it is hoped that will increase dog licensure in the city. She noted that the Executive Secretary to the DPW Director will forward “Scoop the Poop” flyers which they will give out with all dog licenses as well. She said she’d forward a copy to the AAC, adding they’re moving in the right direction.

Councilor O’Hara said that for a city surrounded by water there is no place legally to take dogs to let them have access to water. He said this is a good start. He pointed out that it is cruel to not allow dogs in the city to cool off in the summer in the water.

The Committee requested that the Interim Police Chief weigh in on public safety and enforcement on this matter to be taken up at the next regularly scheduled meeting.

This matter is continued to March 19, 2018.

6. *CC2018-003 (O’Hara): Amend GCO Ch. 22, Sec. 22-271 “Parking prohibited from May 1 to September 15-Generally,” Sec. 22-272 “Same - Saturdays, Sundays, Holidays,” Sec. 22-291 “Tow-away zones,” & Sec. 22-270.1 “Resident sticker parking only” re: beach parking area*

Councilor O’Hara asked this matter be withdrawn. **Councilor LeBlanc** said that the Traffic Commission recommended this matter be withdrawn and be rewritten.

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 permit without prejudice the withdrawal of CC2018-003 (O’Hara): Amend GCO Ch. 22, Sec. 22-271 “Parking prohibited from May 1 to September 15-Generally,” Sec. 22-272 “Same - Saturdays, Sundays, Holidays,” Sec. 22-291 “Tow-away zones,” & Sec. 22-270.1 “Resident sticker parking only” re: beach parking area.”

7. *CC2018-005 (LeBlanc): Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270 “Parking prohibited at all times” AND Sec. 22-291 “Tow-Away Zones” by ADDING Granite Street, northerly side, from its intersection with Blynman Avenue, in an easterly direction, to its intersection with Hampden Street*

Councilor LeBlanc explained that he’s received some complaints and observed first-hand the traffic situation. He explained it as follows: Coming up from the High School and cross over Centennial Avenue, Blynman Avenue crosses over and forks. Granite Street goes down past Hampden Hill and continues. Blynman Avenue goes up over the hill in the opposite direction and stops where it intersects with Granite Street. The proposal is that where

crossing Centennial Avenue and just starting onto Granite Street there is parking on the right-hand side, but cars are parking "up onto the brush" sticking out into the street making passage impossible for vehicles. There will be no parking instituted on the left-hand side from the intersection of Granite Street and Blynman Avenue down to Hampden Street; then the street opens wider at that point and parking will be allowed there. The Traffic Commission supported these amendments, he pointed out.

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. 22-270 "Parking prohibited at all times by ADDING "Granite Street, northerly side, from its intersection with Blynman Avenue, in an easterly direction to the westerly intersection of Hampden Street."

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. 22-291 "Tow-Away Zones" be amended by ADDING "Granite Street, northerly side, from its intersection with Blynman Avenue, in an easterly direction, to the westerly intersection of Hampden Street."

This matter will be advertised for public hearing.

8. *CC2018-008 (LeBlanc) Request the Traffic Commission review the traffic patterns on Middle St. & Washington St. around the Joan of Arc statue & the American Legion building & make a recommendation on any amendments to the traffic ordinances (TBC 03/19/18)*

This matter is continued to March 19, 2018.

9. *CC2018-009 (LeBlanc) Request the Traffic Commission review whether the crosswalk at "Tally's Corner" be removed & make a recommendation to O&A (TBC 03/19/18)*

This matter is continued to March 19, 2018.

10. *CC2018-006 (Lundberg/LeBlanc) Election of City Clerk pursuant to the City of Gloucester City Charter Sec. 2-7(a)*

Ms. Senos reviewed that she was appointed in September 2016. The department successfully did early voting within the budget with the addition of volunteers and office staff with no problems. She has repositioned the City Clerk's office staff to implement improved customer service; new procedures and policies have also been implemented, and to remove past practices that didn't work well for the department. She advised they are working with IT to get permitting for dogs on line which is the first permitting they wanted put out because people complained they couldn't get into the office during regular business hours. The next permitting to go on line will be one-day Shellfish permits and continually adding to the permitting programs to bring the office into the 21st century. She highlighted a team-building workshop with office staff which she said was very successful that her staff thought was helpful. She organized an Open Meeting Law training workshop last year. She said she felt she and her staff have improved customer service in the past year as well the Department's reputation. She said she has good working relationships with the Administration and Department Heads.

Councilor LeBlanc said that as Chair of O&A, he and the City Clerk talk almost daily about the Council and the Clerk's office and O&A issues. He said Ms. Senos is an encyclopedia of knowledge, and if she doesn't know the right answer she'll seek out the information. He added it is nice to see that there is a good working relationship between the City Clerk's office and the Administration and General Counsel that previously was not as strong. The Council has a good relationship with the Administration and is nice to see "their" department working well with the Administration as well. There is a totally different atmosphere in the Clerk's office, he highlighted, saying it is a "breath of fresh air." He said he'd support Ms. Senos's reappointment, also lauded the work of the Assistant City Clerk, Grace E. Poirier.

Councilor Nolan said both Ms. Senos and the whole office are tremendous to work with. He said every time he reaches out to anyone in the office his questions are answered almost immediately. He mentioned Ms. Poirier's

excellent customer service skills having witnessed her dealing with a difficult customer. He said this department works as a team and offered his support.

Councilor O'Hara thanked Ms. Senos for her good work, agreeing it is all about the customer service, a key element of what her department does. He said that Ms. Poirier does a great job as well. **Ms. Senos** said the staff treats the City Councilors as they treat their all their customers, with respect and helpfulness.

Councilor Lundberg said the customers are well served. He noted that the City Clerk is the face of the city and that most citizens are most touched by this department. This is a testimony to Ms. Senos's professionalism, he said.

Councilor Holmgren expressed her appreciation for the work of the staff in the City Clerk's Department and said that Ms. Senos really understands the city, putting the needs of residents and the Councilors first. **Ms. Senos** said that she encourages Councilors to come in to see how their department works and get acquainted with her staff. It was noted that there was a good relationship with the City of Beverly City Clerk's office with the Gloucester City Clerk's office.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, recommend that the City Council pursuant to City Charter Sec. 2-7(a) concerning the election of the City Clerk, recommends that the City Council elect Joanne M. Senos as the City Clerk for a term of April 2018 to April 2020.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.