

Ordinances & Administration Committee
Monday, December 3, 2018 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara (entered the meeting at 6:13 p.m.); Councilor Sean Nolan

Absent:

Also Present: Jim Destino; Chip Payson

The meeting was called to order at 6:01 p.m.

1. *New Appointments to Boards, Committees & Commissions*

Licensing Board

John T. Lamirande

TTE 05/31/19

Mr. Lamirande expressed that he has been in Gloucester 18 years, owned a catering business “Beach Gourmet” which he closed last year. He noted he was TIPS (Training for Intervention ProcedureS™) certified and had a bartending certificate. He explained that Meredith Fine, Chair of the Licensing Board, approached him and asked him if he’d join the Board. **Jim Destino**, CAO, noted that the Licensing Board by state statute (MGL Ch. 138, §4) there must members from each of the Democrat or Republican Party on the Board. John Rando, a Republican, resigned, and Mr. Lamirande was proposed as his replacement, he added.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (O’Hara) absent, to recommend that the City Council appoint John T. Lamirande to the Licensing Board, TTE 05/31/19.

2. *Memorandum from General Counsel re: MuniCode Ordinance Review & Recommendations for Gloucester General Code of Ordinances - List 2 (Cont’d from 11/05/18)*

Chip Payson, General Counsel, referring to his memo to the Committee dated November 29, 2018 re: Proposed Changes to MuniCode, List 2 (on file) reviewed the following sections of the Code of Ordinances with the Committee:

- Ch. 2, Board of Health, Sec. 2-425 - suggested to reject Municode proposed amendment and leave as is;
- Ch. 2, Board of Health, Sec. 2-429 - strike section in its entirety - school physician appointment is through the School Committee;
- Ch. 2, Tourism Commission, Sec. 2-476 Periodic Reports and plans - strike section in its entirety - it was suggested this may return in another form, but pointed out that this is an advisory commission and the reporting under the ordinance with no associated city staff is burdensome;
- Ch. 2, City Hall Restoration Commission, Sec. 2-526 - Reject proposed change and leave as is;
- Ch. 3, Sec. 3-30 Definitions - In definition of automatic amusement device add the slot machine exemption found in MGL c. 140, §Sec. 177A(2);
- Ch. 4, Animals, Sec. 4-16a Dogs allowed on public beaches at certain times - Add new subsection (d) for language recognizing the guide dog exemption in MGL c. 272, §98A
- Ch. 4, Animals, Sec. 4-16a (1) clarify language “(1) Owners, those with direct care, custody and control of a dog, must remain with and monitor their dogs while in a designated off-leash area.”;
- Ch. 4, Animals, Sec. 4-16b Dogs prohibited in city-owned cemeteries at all times - Add language recognizing guide dog exemption in MGL c. 272, §98A;
- Ch. 4, Animals, Sec. 4-16c Dogs prohibited on athletic fields - Reject proposed change, as now satisfied with new 4-16(d);
- Ch. 6, Cemeteries, Sec. 6-4 Visitors’ conduct, subsection (3)(11) - Add language recognizing guide dog exemption in MGL c. 272, §98A;
- Ch. 8, Fire Prevention and Protection - held awaiting General Counsel’s consultation with Fire Chief
- Ch. 11, Hawkers, Peddlers, Transient Vendors and Special Events - held awaiting results from staff Ad Hoc Committee study;

- Ch. 12, Marshlands, Sec. 12-23 Penalty for violation - clarify language in subsection (b) by changing civil and criminal court actions to “civil and criminal actions”;
- Ch. 12, Marshlands, Sec. 12-24 Pre-acquisition violations - delete “...,or ten residents of the city under the provisions of M.G.L. c. 214, §10A;
- Ch. 13, Noise: Changing the definition of residential district to be so that R-80, R-4, R-40, R-30, R-20, R-10 and R-5 districts are referenced;
- Ch. 13, Noise: Changing the definition of commercial district to be so that the CCD, CB, VB, NB and EB districts are referenced;
- Ch. 13, Noise: Changing the definition of industrial district so the MI, GI, and BP districts are referenced;
- Ch. 14, Offenses and Miscellaneous Provisions, Sec. 14-13 Cigarette machines amend subsection (b) and delete the 30-day language in subsection (b)(2);
- Ch. 14 Offenses and Miscellaneous Provisions, Sec. 14-16 Public consumption of marijuana or tetrahydrocannabinol prohibited, subsection a by adding language recognizing the exemption in MGL c. 94, §2;
- Ch. 18, Schools, Sec. 18-6 Dogs in school grounds or buildings; fines - Add language recognizing guide dog exemption in MGL c. 272, §98A and subsection (c) -- “Any person violating the provisions of subsection (a) of this section shall be fined in accordance with MGL c. 140, §173A”;
- Ch. 19, Secondhand Goods, Sec. 19-53 Articles not to be sold until four months after purchase or receipt thereof -- amend so as to be consistent with MGL c. 140, §71;
- Ch. 21, Streets, Sidewalks and Other Public Places, Sec. 21-87 West Gloucester Firing Range - remove the armed forces reference or leave it but remove the reference to MGL c. 33, §121 -- **Councilor LeBlanc** conveyed that the Police Chief requested that the firing range remain for Police Department active and retired personnel - **Mr. Payson** suggested this amendment be pulled, and by agreement of the Committee this amendment was held;
- Ch. 22, Traffic and Vehicles, Sec. 22-1 Definitions - change “public works” to “department of highways”;
- Ch. 22, Traffic and Vehicles, Sec. 22-2 Accident Reports -- conform to MGL c. 90, §26 by changing \$500 to \$1,000.00;
- Ch. 22, Traffic and Vehicles, Sec. 22-56 Identification of Funeral processions and 22-57 Rights and duties of drivers in funeral or other processions -- strike both Sec’s 56 and 57 as superseded by MGL c. 85, §14A;
- Ch. 22, Traffic and Vehicles, Sec. 22-58 (a) amend to change “public works of the commonwealth” to “department of highways of the commonwealth (see MGL c. 89, §1);
- Ch. 22, Traffic and Vehicles, Sec. 22-59 -- amend to conform to MGL c. 89, §1;
- Ch. 22, Traffic and Vehicles, Sec. 22-60 Driving in lane nearest right side of the way -- amend to conform to MGL c. 89, §1;
- Ch. 22, Traffic and Vehicles, Sec. 22-61 pulled for scribe’s error correction changing the word “land” to “lane” in subsection (b);
- Ch. 22, Traffic and Vehicles, Sec. 22-64 -- amend to conform to MGL c. 89, §2;
- Ch. 22, Sec. 22-90 Stopping and yielding at intersections adding a fifth paragraph of MGL c. 89, §9, now to become subsection (c)
- Ch. 22, Traffic and Vehicles, Sec. 22-92 Right-of-way at intersecting ways; turning on red signals - alter to be consistent with MGL Ch. 89, §8 by changing “department of public works” to “department of highways”;
- Ch. 22, Traffic and Vehicles, Sec. 22-93 Marked crosswalks; yielding right-of-way to pedestrians - amend to conform to MGL c. 89, §11;
- Ch. 22, Traffic and Vehicles, Sec. 22-94 Duty of drivers and pedestrians approaching pedestrian carrying white cane; penalty - delete subsection (b) as apparently is obsolete;
- Ch. 22, Traffic and Vehicles, Sec. 22-96 Restrictions on use of ways upon approach of fire apparatus; crossing fire hoses -- amend to conform to MGL c. 89, §7A;
- Ch. 23, Utilities, Art. II Sewers, Sec. 23-19 Charges for use of common sewers -- to enter language “established by city council” in subsection (a) to reflect that it is the Council that votes to set the sewer rate.

Mr. Destino, Mr. Payson and Joanne M. Senos, City Clerk discussed process with the Committee to bring these amendments to the Code of Ordinances forward to the Council for their consideration. It was also discussed and a determination made that the results of a city-staffed Ad Hoc Committee with Council Liaison Councilor

Melissa Cox, studying possible amendments to GCO Ch. 11 “Hawkers, peddlers, Transient Vendors and Special Events” which will be incorporated into the O&A Committee’s recommendations to the City Council as it is already a Municode review consideration item. It is anticipated those proposed amendments would be available to the Committee by their January 14, 2019 meeting.

The Committee expressed its thanks to Mr. Payson for his extensive work on the Municode recommended Code of Ordinances amendments.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:45 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.