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12 NOV 29 AM 9:39

GLOUCESTER CITY COUNCIL
9 Dale Avenue, Gloucester, MA 01930
Office (978) 281-9720 Fax (978) 282-3051

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, December 3, 2012 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
AGENDA

(Items May be taken out of order at the discretion of the Committee)

1. **Continued Business:**
 - A) CC2012-061 (LeBlanc) Amend GCO 22-287 “Disabled Veteran, handicapped parking re: Granite Street #13
2. **New Appointments:**

Licensing Board	Michael W. Lane	TTE 05/13/2018
Conservation Commission	Robert J. Sherman	TTE 02/14/2015
3. **Communication from Council President to City Clerk and memorandum from City Clerk re: City Clerk’s Office Reorganization Request**
4. **CC2012-062 (Verga) Review of GCO Chapter 6, Sec. 6-21 through 6/24 “City-Owned Cemeteries Advisory Committee” to update and reactivate Committee**
5. **CC2012-063 (Cox) Amend GCO Sec. 22-279 “Thirty Minute Parking” and Sec. 22-274 “Two-hour parking-Between certain hours” re: 27 Commercial Street**
6. **CC2012-064 (Cox) Amend GCO Sec. 22-279 “Thirty Minute Parking” and Sec. 22-277 “One-hour parking-Generally” re: 29 Commercial Street**
7. **CC2012-067 (Cox) Amend GCO Chapter 22, Article I by adding new sections 22-7 through 22-16 “Gloucester Bicycle Ordinance” and Amend GCO Chapter 22, Sec. 22-242 “Parking prohibitions; towing; immobilizations; signs” by adding new subsection “(17)”**

COMMITTEE
Councilor Sefatia Theken, Chair
Councilor Robert Whynott, Vice Chair
Councilor Steve LeBlanc, Jr.

Committee members – Please bring relevant documentation
Back-up and Supporting Documentation all on file at the City Clerk’s Office, City Hall

CC: Mayor Carolyn Kirk
Jim Duggan
Linda T. Lowe
Robert Ryan

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**CITY OF GLOUCESTER
TRAFFIC COMMISSION**

**A meeting was held on Tuesday November 27th, 2012 at 6:00 p.m.
in the third floor conference room
at Gloucester City Hall**

**The meeting was opened by Chairman Robert B. Ryan at 6:00 p.m. Also attending
were members Larry Ingersoll, Anthony Bertolino, Robert Francis and City
Councilors Steven LeBlanc and Melissa Cox.**

AGENDA

Order #CC2012-060 (Councilor LeBlanc) Ordered that the GCO ch 22 (Traffic & MV's)
Sec 22-291 (Tow Zones) be amended by ADDING:

Lincoln Avenue, from its intersection with Blynman Avenue, on the westerly side, to a
point across from #15 Lincoln Avenue.

*After a discussion, a MOTION was made, seconded and PASSED to APPROVE the
order, with wording as follows:*

***Lincoln Avenue, from its intersection with Blynman Avenue, on the westerly side, in a
northerly direction, for 385 feet to a point across from #15 Lincoln Avenue.***

Order #CC2012-061 (Councilor LeBlanc) Ordered that the GCO Sec 22-287
(Handicapped Parking) be amended by ADDING:

one space in front of #13 Granite Street

***NO VOTE was taken on this order as the TC found that there is already an ordinance in
place for a sign that is presently not there. The TC recommends that the DPW install the
sign to satisfy the ordinance.***

Order #CC2012-063 (Councilor Cox) Ordered that the GCO Ch 22 (Traffic & MV's) Sec 22-279 (Thirty Minute Parking), be amended by DELETING:

the space or spaces in front of #27 Commercial Street

and amending Sec 22-274 (Two Hour Parking Between Certain Hours) by ADDING:

the space or spaces in front of #27 Commercial Street between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday

After a discussion and speaking to Councilor Cox, a MOTION was made, seconded and PASSED to APPROVE the order, with a combined zone with order #CC2012-064, thus making it one zone (under GCO ch 22 sec 22-277 One Hour Parking) with the wording and measurements suggested in the following order.

Order #CC2012-064 (Councilor Cox) Ordered that the GCO Ch 22 (traffic & MV's) Sec 22-279 (Thirty Minute Parking) be amended by DELETING:

the space or spaces in front of #29 Commercial Street

and amending Sec 22-277 (One Hour Parking-Generally) by ADDING:

The space or spaces in front of #29 Commercial Street, except Saturdays and Sundays

After a discussion and speaking with Councilor Cox, a MOTION was made, seconded and PASSED to APPROVE the order, combined with the previous order.

For the purposes of clarification, the new order for the zone should read:

Commercial Street, westerly side, from the intersection of Beach Court, in a southerly direction, 53 feet to the intersection of Pascucci Court. This order should be listed under Ch 22 sec 22-277 One Hour Parking.

The TC also brought to the attention of Councilor Cox a loading zone on Beach Court, that was granted for the former business at 27 Commercial Street (Cape Ann Brewery). The TC suggested that the Councilor take the steps to rescind this zone, thus enabling more parking in that neighborhood.

Also discussed was the current angle parking being done in the 27-29 Commercial Street area. The orders above are for parallel parking only. Councilor Cox may submit a future order to allow angle parking in front of #27 Commercial Street to increase area parking.

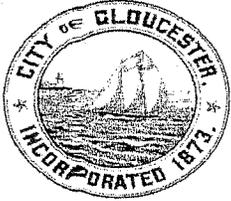
Order #CC2012-067 (Councilor Cox) Ordered that the GCO Ch22, Article 1, be amended by adding new sections 22-7 through 22-16 "Gloucester Bicycle Ordinance" based on the proposed draft ordinance (copy to be viewed at our meeting) and amend the GCO Ch 22 Sec 22-242 (Parking Prohibitions; Towing; immobilizations; signs) by adding new subsection (17) any bike lane established by the Director of Public Works as provided by Sec XXX, any bike path and bicycle parking facility

After a discussion, a MOTION was made, seconded and PASSED to APPROVE the intentions of the draft proposal. The TC feels this ordinance will need to be revisited, for safety and traffic flow reasons, six months after it is approved by the City Council and paths, lanes and parking areas are established by the DPW Director. The TC also recommended that the City Council have final approval of any path, lane or parking area for bicycles that the DPW Director may propose.

The meeting was adjourned at 6:53 p.m.

ROBERT B. RYAN, Chairman

LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: CC#2012-061
COUNCILLOR: Steven LeBlanc

DATE RECEIVED BY COUNCIL: 10/23/12
REFERRED TO: O&A and TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Sec. 22-287 entitled "Disabled Veteran, handicapped parking" be amended by **ADDING:**

one (1) handicapped space in front of Granite Street #13

And further

ORDERED that this matter be referred to the Traffic Commission for review, measurements and recommendation and to the Ordinances and Administration Committee for review and recommendation.

Steve LeBlanc
Ward 3 Councillor

Christine Pantano

From: Carolyn Kirk
Sent: Tuesday, November 06, 2012 1:57 PM
To: Christine Pantano
Subject: FW: Licensing Board

From: Michael Lane
Sent: Tuesday, September 18, 2012 2:42 PM
To: Carolyn Kirk; Jim Duggan
Cc: Pauline Doody
Subject: Licensing Board

Mayor Kirk, Please consider this my official letter of interest in being appointed to the pending vacancy that currently exists on the Gloucester Licensing Board. Having been a Police Officer for approx 33 years, I have dealt with many liquor related incidents, and have received specialized summary training in alcohol issues facing retailers and wholesalers. I feel that I would be a good fit for the board. I would like to talk either to you or possibly Chairperson Michelle Harrison as to the time committment required. Thank you for your consideration. Chief Mike Lane

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

November 5, 2012

Mr. Michael Lane
5 Seaview Road
Gloucester, MA 01930

Dear Mike:

Thank you for your interest in serving on the City of Gloucester's **Licensing Board**. I have issued you a 90-day temporary appointment to serve on this board which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their November 13, 2012 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Licensing Board. I appreciate the hard work and dedication you and your colleagues on the board offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Michele Holovak Harrison, Chair-Licensing Board
Pauline Doody, Clerk of the Board

Enclosure
CAK/c

EFFECTIVE NOVEMBER 5, 2012

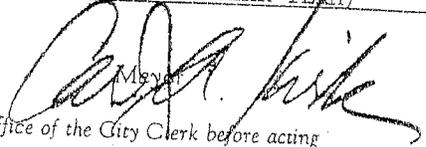
The City of Gloucester, Massachusetts

Dear Michael W. Lane, 5 Seaview Road, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the LICENSING BOARD _____ of the City of
Gloucester, Massachusetts _____

This is a 90 day temporary apointment. After City Council
approval, term to expire 5-31-2018. (SIX YEAR TERM)

Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____



THE 187TH GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS

Home Glossary FAQs

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Massachusetts Laws

Bills

State Budget

People

Committees

Educate & Engage

Events

Redistricting

Massachusetts Laws

Massachusetts Constitution

General Laws

Session Laws

Rules

General Laws

Print Page

PART I ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)

PREV NEXT

TITLE XX PUBLIC SAFETY AND GOOD ORDER

PREV NEXT

CHAPTER 138 ALCOHOLIC LIQUORS

PREV NEXT

Section 5 Terms of office of licensing board; removal; review; notice; fee

PREV NEXT

Section 5. The terms of office of the members first appointed shall commence at the date of their appointment, and shall be so arranged as to expire at the end of two, four or six years from the first Monday in June in the year of their appointment, the date of expiration to be specified in their respective commissions; and thereafter a member shall be appointed for a term of six years from the first Monday in June of the year in which the previous term expires. All members shall hold office until their respective successors are qualified. They may be removed by the mayor for cause, after charges preferred, reasonable notice thereof, and a hearing thereon; and the mayor shall, in the order of removal, state his reasons therefor. Any member of said board may, within seven days after notice of his removal, apply to the superior court for a review of the charges, of the evidence submitted thereunder, and of the findings thereon by the mayor. Notice of the entry of such application shall be given to the mayor by serving upon him an attested copy thereof. The entry fee, costs, and all proceedings upon such application shall be according to the rules regulating the trial of civil causes. The court, after a hearing, shall affirm or revoke the order of the mayor removing such member, and there shall be no appeal from the decision.

If any member of said board who has been removed from office shall apply to the superior court for the review provided for in this section, he shall be entitled to a speedy hearing, and in no event shall the removal take effect until the court shall have affirmed the order removing the member; and until such order is affirmed the member shall continue to exercise the powers and perform the duties of his office.

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- State Budget
- People
- Committees
- Educate & Engage
- Events
- Redistricting

Massachusetts Laws

- Massachusetts Constitution
- General Laws
- Session Laws
- Rules

General Laws

PART I **ADMINISTRATION OF THE GOVERNMENT**
(Chapters 1 through 182)

[Print Page](#)

[PREV](#) [NEXT](#)

TITLE XX **PUBLIC SAFETY AND GOOD ORDER**

[PREV](#) [NEXT](#)

CHAPTER 138 **ALCOHOLIC LIQUORS**

[PREV](#) [NEXT](#)

Section 4 **Licensing boards; appointments; membership**

[PREV](#) [NEXT](#)

Section 4. In each city which is not exempt by the provisions of section ten there shall be a licensing board appointed by the mayor, subject to confirmation by the board of aldermen or, if there is no such board, by the city council, consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the city in which they are appointed for at least two years immediately preceding their appointment. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties. If any member of said board engages directly or indirectly in such manufacture or sale, his office shall immediately become vacant.

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City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

November 19, 2012

Mr. Robert J. Sherman
17 Chester Square
Gloucester, MA 01930

Dear Mr. Sherman:

Thank you for your interest in serving on the **Conservation Commission**. I am pleased to appoint you to a three year term on the Conservation Commission. Your appointment will be sent to the City Council for their meeting of November 27, 2012. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to attend and vote at meetings, I have issued you a 90-day temporary appointment. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or require any additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Gregg Cademartori, Acting Community Development Director
Robert Gull, Chair-Conservation Commission
Lisa Press, Conservation Agent

Enclosure
CAK/c

EFFECTIVE NOVEMBER 19, 2012

The City of Gloucester, Massachusetts

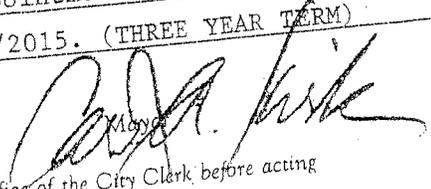
Dear Robert J. Sherman, 17 Chester Square, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the CONSERVATION COMMISSION _____ of the City of

Gloucester, Massachusetts _____

This is a 90 day temporary appointment. After City Council
approval, term to expire 2/14/2015. (THREE YEAR TERM)

Respectfully,



N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

13 November 2012

Carolyn Kirk, Mayor
City Hall
9 Dale Avenue
Gloucester, MA 01930

Dear Mayor Kirk,

I am writing to express my interest in serving on the Conservation Commission in the City of Gloucester.

I have held several positions in the conservation field. I developed and conducted natural history programs as a Park Ranger (Boston Harbor Islands National Park Area) and Park Interpreter (Wachusett Mountain State Reservation) for the Massachusetts Department of Conservation and Recreation. I am licensed by the Massachusetts Department of Secondary and Elementary Education to teach Earth Science (grades 8-12) and General Science (grades 5-8). I served on the Conservation Commission in the Town of Westminster, Massachusetts when I lived there. Currently I am producing a program about birds and bird watching for Cape Ann TV.

I hold a B.A. in Geography from the University of Massachusetts at Amherst.

I am a Gloucester resident and have lived on Cape Ann for nearly fifteen years. I would consider it an honor to serve the citizens of Gloucester by helping to preserve Gloucester's natural resources as a member of the Conservation Commission.

Thank you for your consideration.

Sincerely,



Robert J. Sherman

17 Chester Square
Gloucester, MA 01930
(978) 491-8002
risherma22@gmail.com

~~State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 70.~~

~~Sec. 16-20. Annual report.~~

~~The planning board shall annually make a written report of its activities to the mayor.
(Code 1970, § 15-18)~~

~~State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 71.~~

~~Secs. 16-21--16-29. Reserved.~~

ARTICLE III. CONSERVATION COMMISSION*

***Cross reference(s)--**Boards, commissions, councils and committees, § 2-400 et seq.; conservation commission to promulgate rules and regulations relating to marshlands, § 12-19.

Sec. 16-30. Created.

There is hereby created a conservation commission under the authority of M.G.L.A. c. 40, § 8C.
(Code 1970, § 2-328)

Sec. 16-31. Composition; appointment; terms of members.

The conservation commission shall consist of seven (7) members, all of whom shall be residents of the city and all of whom shall be appointed by the mayor, subject to approval of the city council, to staggered terms of three (3) years.

(Code 1970, § 2-329)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Sec. 16-32. Powers and duties.

The conservation commission shall have all the duties and powers given to conservation commissions by M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-330)

Sec. 16-33. Condemnation of land or water upon commission's request.

(a) For the purposes of this article, the city may, upon the written request of the conservation commission, take, by eminent domain under M.G.L.A. c. 79, the fee or any lesser interest in any land or waters located in the city, provided the taking has first been approved by two-thirds vote of the city council, which land and water shall thereupon be under the jurisdiction and control of the conservation commission.

(b) No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by M.G.L.A. c. 252, or restrict any established public access.

(c) Lands used for farming or agriculture, as defined in M.G.L.A. c. 128, § 1A shall not be taken by eminent domain under the authority of this section.

(Code 1970, § 2-331)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Sec. 16-34. Rules and regulations; penalty for violations thereof.

The conservation commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars (\$100.00), for any violation thereof.

(Code 1970, § 2-332)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Secs. 16-35--16-44. Reserved.

ARTICLE IV. RESERVED*

***Editor's note**--An ordinance of May 27, 1986, § 1, repealed Art. IV, §§ 16-45--16-48, pertaining to the downtown development commission, as derived from Code 1970, §§ 2-414--2-417.

Secs. 16-45--16-59. Reserved.

ARTICLE V. HISTORIC DISTRICT*

***State law reference(s)**--Historic districts, M.G.L.A. c. 40C.

Sec. 16-60. Purpose.

The purpose of this article is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history or architecture of the city, and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

(Ord. of 5-24-77, § 2)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 2.

Sec. 16-61. Created.

There is hereby established under the provisions of M.G.L.A. a historic district to be known as the Gloucester Historic District, which district shall include the area as shown on the plan on file in the city clerk's office.

(Ord. of 5-24-77, § 3)

State law reference(s)--Municipal authority to establish historic districts, M.G.L.A. c. 40C, § 3.

Sec. 16-62. Historic district commission--Established; membership; term of office; office.

(a) There is hereby established, under M.G.L.A. c. 40C, a historic district commission with

Reorganization Plan -City Clerks Office- Council Agenda item for referral to O&A

Jackie Hardy [jackieahardy@verizon.net]

Sent: Thursday, November 01, 2012 9:59 AM

To: Linda Lowe

Cc: Joanne Senos; Sefatia Theken; Jackie Hardy

Linda,

Please be advised that I am placing the following item on the November 13th City Council Agenda for referral to O&A for review:

Reorganization Plan of the City Clerks Office

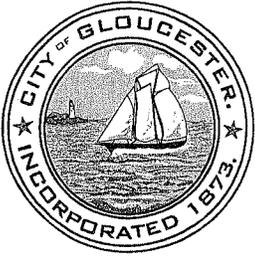
I am requesting that O&A initially review your "preliminary plan" that you have previously discussed with the Union Representatives. Then, at a later date after the election, O&A will also review your proposed final plan.

The Ordinance and Administration Standing Committee is charged with reviewing your proposal and it must be discussed with Council before proceeding any further with Union Representatives.

Respectfully,
Jackie Hardy
Council President

Joanne, Please place this matter on the Nov. 13th agenda for referral to O&A: **Reorganization Plan of the City Clerks Office**

Important Notice: *As in accordance with the Massachusetts Public Records Retention Law, all emails go through the city computer server and are Archived by the City, thus your emails to and or from me are not to be considered confidential.*



OFFICE OF THE CITY CLERK

9 Dale Avenue • Gloucester, Massachusetts 01930

Office (978) 281-9720

Fax (978) 282-3051

November 12, 2012

To: City Council
O&A Committee

From: Linda T. Lowe
City Clerk

DTL

Re: Preliminary Proposed Reorganization for the Office of the City Clerk
Pursuant to City Charter sec. 7-1

12 NOV - 8 PM 6:25
CITY CLERK
GLOUCESTER, MA

Councillors ,as was discussed during the time of the adoption of the FY13 budget I am preparing a proposed reorganization of the Office of the City Clerk pursuant to City Charter sec.7-1. The primary purpose of the reorganization is to recognize that the duties of this office have evolved and increased and become more complicated with changes in applicable state laws and regulations and with improvements in technology. Likewise the business world today and the world of state and local government recognizes that employees must be cross-trained in the several duties of their office so that they can assist one another in providing the best possible service and assure compliance with all applicable laws and regulations.

The reorganization will include a revision of all job descriptions for the entire staff including :City Clerk, Assistant City Clerk , Assistant Registrar, Principal Clerk, and Clerk of Committees. The revisions are intended to modernize the descriptions, to reflect the necessity of cross training and to recognize how critical much of the work performed is to the proper functioning of the city and to the execution of city council functions. In order to accurately reflect the duties actually performed and the level of work carried out by these positions each member of my staff has, for their position,completed time studies over selected days to demonstrate the quality and quantity of the work performed. This data will be used to craft the revised job descriptions.

I have also researched other municipalities to compare this office with other City Clerk offices. I have tried to concentrate this research on "cities" since town clerks,while sharing many of the duties of city clerks,also differ significantly from those of city clerks and therefore are not the best point of comparison. Town Clerks generally do not assist the Board of Selectmen since a BOS is not a legislative body as is the City Council. Rather Town Clerks assist with the Town meeting function which occurs a few times a year as compared with City Council meetings which occur (including subcommittees) as frequently as eight times a month.

I have in addition collected information from the municipal websites of a number of cities, including but not limited to, Beverly, Everett, Fitchburg, Lowell, Marlborough, Medford, Newton, Somerville, and Woburn. This data demonstrates that City Clerk offices also vary greatly when comparing the variety of duties assigned to those offices. For example I have found that some City Clerk offices do not have election duties while this office has a staff person dedicated to these duties with a backup of the entire office. Some cities also break out some city council functions as separate from the office of the City Clerk.

The final area of analysis is to create a flow chart which demonstrates the relationship of this office to the City Council including the Council subcommittees as provided in the City Charter sec. 2-7, 2-8, and 2-9(a) and also the authority of each position in relation to the Council and to each other position. It is not the intent of the preliminary proposed organization chart to significantly alter these relationships but rather it is to clarify and specify the nature of the staff positions to one another and to other bodies such as the Board of Registrars and the Licensing Commission. In line with this analysis I have had a preliminary meeting with the two city unions which cover employees in this office, GMMA (Asst. City Clerk) and AFSCME B (Asst. Registrar, Principal Clerk) and they were supportive of the emphasis on cross training and agreed that job descriptions need to be modernized and updated. Once I have had preliminary discussions with the Council and/or subcommittees I will then return to the unions. Prior to meeting with the Council and/or O&A I will provide the preliminary proposed revised job descriptions and a proposed preliminary organizational chart.

I look forward to working together with you on this reorganization.

November 9, 2012



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: CC#2012-062
COUNCILLOR: Greg Verga

DATE RECEIVED BY COUNCIL: 11/13/12
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the City Council review Gloucester Code of Ordinances, Chapter 6, Section 6-21 to 6-24 concerning the "City-Owned Cemeteries Advisory Committee" in order to strengthen and update said ordinance and further to work to reactivate this Committee so it may execute or assist in accomplishing important tasks concerning City owned cemeteries; and further

ORDERED that this matter be referred to the Ordinances and Administration Committee.

Greg Verga
Ward 5 Councillor

Gloucester, Massachusetts, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 6 -
CEMETERIES >> ARTICLE II. - CITY-OWNED CEMETERIES ADVISORY COMMITTEE >>

ARTICLE II. - CITY-OWNED CEMETERIES ADVISORY COMMITTEE 137

Sec. 6-21. - Established.

Sec. 6-22. - Composition; appointment, terms of members.

Sec. 6-23. - Powers and duties.

Sec. 6-24. - Regulations.

Sec. 6-21. - Established.

There is hereby established a city-owned cemeteries advisory committee.

(Ord. No. 34-1992, 11-17-1992)

Sec. 6-22. - Composition; appointment, terms of members.

The city-owned cemeteries advisory committee shall consist of five members, all of whom shall be residents of the city, and two nonvoting advisory members, who are engaged in either the funeral, florist, or monument business, all of whom shall be appointed by the mayor, subject to the approval of the city council to staggered terms of three years. The committee shall choose a chairperson and a clerk who may be a member of the committee.

(Ord. No. 34-1992, 11-17-1992)

Sec. 6-23. - Powers and duties.

The city-owned cemeteries committee shall have the oversight of the budget relative to the management and maintenance of all city-owned cemeteries in the city, with the approval of the mayor and city council. The city-owned cemeteries committee shall advocate for the well-being of all city-owned cemeteries. The committee shall set the rates for sale of perpetual care of city-owned cemetery lots subject to the approval of the mayor and city council.

(Ord. No. 34-1992, 11-17-1992)

Sec. 6-24. - Regulations.

The city-owned cemeteries advisory committee may propose regulations relevant to the management of city-owned cemeteries subject to the approval of the mayor and adoption by the city council.

(Ord. No. 34-1992, 11-17-1992)

Editor's note—

Ord. No. 11-1994, adopted August 9, 1994, revised the cemetery rules and regulations as follows:

- (1) The height of memorials and monuments at all cemeteries, including West Gloucester

(Lincoln Street) as it is presently known, is restricted to three feet; and (2) all memorials and monuments shall have poured foundations.

FOOTNOTE(S):

⁽¹⁾ Editor's note-- Ord. No. 34-1992, adopted November 17, 1992, provided for the addition of article II, §§ 6-5--6-4. In keeping with the format of this Code, these sections have been redesignated as §§ 6-21--6-24, as herein set out at the discretion of the editor. [Back](#)



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: CC#2012-063
COUNCILLOR: Melissa Cox

DATE RECEIVED BY COUNCIL: 11/13/12
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22 entitled "Traffic and Motor Vehicles" Section 22-279 "Thirty-minute parking" be amended by **DELETING** the space or spaces in front of 27 Commercial Street; and amend Sec. 22-274 "Two-hour-parking-Between certain hours" by **ADDING** the space or spaces in front of 27 Commercial Street between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday; and further

ORDERED that this matter be referred to the Ordinances and Administration Committee and the Traffic Commission review, recommendation and measurements.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: CC#2012-064
COUNCILLOR: Melissa Cox

DATE RECEIVED BY COUNCIL: 11/13/12
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22 entitled "Traffic and Motor Vehicles" Section 22-279 "Thirty-minute parking" be amended by **DELETING** the space or spaces in front of 29 Commercial Street; and amend Sec. 22-277 "One-hour-parking-Generally" by **ADDING** the space or spaces in front of 29 Commercial Street except Saturdays and Sundays; and further

ORDERED that this matter be referred to the Ordinances and Administration Committee and the Traffic Commission review, recommendation and measurements.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: CC#2012-067
COUNCILLOR: Melissa Cox

DATE RECEIVED BY COUNCIL: 11/13/12
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, Article I be amended be amended by adding new sections 22-7 through 22-16 "Gloucester Bicycle Ordinance" based on the proposed draft ordinance attached, and amend Gloucester Code of Ordinances Chapter 22, Sec. 22-242 "Parking prohibitions; towing; immobilizations; signs" by adding new subsection "(17) any bike lane established by the Director of Public Works as provided by Section XXX, any bike path and any bicycle parking facility; and further

ORDERED that this matter be referred to the Ordinances and Administration Committee for review and recommendation.

Melissa Cox
Ward 2 Councillor

DRAFT GLOUCESTER BICYCLE ORDINANCE

CITY CLERK
GLOUCESTER, MA
12 NOV -8 PM 12:57

Below is a propose Ordinance addressing the issue of biking within Gloucester. The ordinance takes in part from Massachusetts General Law Chapter 85 Sections 11B and 11B1/2 which regulate bicycle use of ways and sidewalks and has been modeled after the City of Cambridge Ordinances

SECTION XX.1: DEFINITIONS

BICYCLE

Every device propelled by human power through a chain, gear or belt upon which a person may ride having: (1) two tandem wheels either of which is 8" or more in diameter or (2) three wheels any of which is 8" or more in diameter device and an axle width of less than 36 inches, except that it shall not include a device having solid tires intended for use only the sidewalk by pre-teen children.

BIKE PATH

A route for the exclusive use of bicycles separated by grade or other physical barrier from other vehicles.

BIKE LANE

A lane on a street restricted to bicycles and so designated by means of pavement coloring, lines or other appropriate markings including contra-flow bike lanes.

BIKE ROUTE

A roadway shared by both bicycles and other forms of transportation, may be designated by means of signs and/or pavement markings.

BICYCLE PARKING FACILITY

Any facility for the temporary storage of bicycles which allows the frame and one or both wheels to be locked so as to minimize the risk of theft and vandalism.

CONTRA-FLOW BIKE LANE

An exclusive travel lane for bicycles, marked with appropriate pavement markings permitting bicycle travel in the opposite direction from the generally permitted motor vehicle traffic on a street.

PEDESTRIAN

Any person afoot or riding on a conveyance moved by human power, except bicycles, inline skates, scooters and skateboards.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles and any attachments thereto when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks.

Way

Any public highway, private way laid out under authority of statute, way dedicated to public use, or way under the control of park commissioners or body having like powers.

SECTION XX.2: TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES

Pursuant to Massachusetts General Law Chapter 85 Section 11B, every person operating a bicycle upon a way shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic

laws and regulations of the commonwealth and the special regulations of that section except that: (1) the bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way, (2) the bicycle operator shall signal by either hand his intention to stop or turn; provided, however, that signals need not be made continuously and shall not be made when the use of both hands is necessary for the safe operation of the bicycle, and (3) bicycles may ride on sidewalks in accordance with Section XX.X.

A violation of this section shall not be used as evidence of contributory negligence in a civil action.

SECTION XX.3: RIDING ON SIDEWALKS

According to Massachusetts General Law Chapter 85 Section 11:

- bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance.
- Pedestrians have the right of way on all sidewalks. The operator of a bicycle shall yield to pedestrians in all traffic situations.
- The operator of a bicycle shall give an audible warning before passing a pedestrian far enough in advance to allow the pedestrian time to react.

SECTION XX.4: BUSINESS DISTRICTS WHERE SIDEWALK BICYCLING IS BANNED

No person older than age fifteen and younger than seventy shall ride a bicycle on any sidewalk described in schedule YYY attached to and made part of these regulations and which has been posted with appropriate signs.

SCHEDULE YYY: ALL BICYCLE RIDING PROHIBITED ON SIDEWALKS ALONG CERTAIN SIDES OF CERTAIN STREETS

STREET	SIDE	FROM	TO	EFFECTIVE DATE
Main Street	Both	Manuel F. Lewis Street	Washington Street	1/1/2013
HarborWalk	N/A	Rogers St. at St. Peter's Park	Roger St at 25 Rogers Street (Latitude 43)	1/1/2013
HarborWalk	N/A	Roger St at Gus Foote Park	Harbor Loop (via I4C2)	1/1/2013
Manuel F. Lewis Street	East	Main Street	Rogers Street	1/1/2013

SECTION XX.5: OBEDIENCE TO TRAFFIC CONTROL DEVICES

- (a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

SECTION XX.6: REQUIRED EQUIPMENT (reference M.G.L. c 85, s11B (6)(7)(8))

- (a) Every bicycle operated upon a way shall be equipped with a braking system to enable the operator to bring the bicycle traveling at a speed of fifteen miles per hour to a smooth, safe stop within thirty feet on a dry, clean, hard, level surface.
- (b) During the period from one-half hour after sunset to one-half hour before sunrise, the operator shall display to the front of his bicycle a lamp emitting a white light visible from a distance of at least five hundred feet, and to the rear of said bicycle either a lamp emitting a red light, or a red reflector visible for not less than six hundred feet when directly in front of lawful lower beams of headlamps on a motor vehicle. A generator powered lamp which emits light only when the bicycle is moving shall meet the requirements of this clause.
- (c) During the period from one-half hour after sunset to one-half hour before sunrise, the operator shall display on each pedal of his bicycle a reflector, or around each of his ankles reflective material visible from the front and rear for a distance of six hundred feet, and reflectors or reflective material, either on said bicycle or on the person of the operator, visible on each side for a distance of six hundred feet, when directly in front of lawful lower beams of headlamps of a motor vehicle. This clause shall not prohibit a bicycle or its operator to be equipped with lights or reflectors in addition to those required by clauses (b) and (c)
- (d) The operator shall not carry any package, bundle or article except in or on a basket, rack, trailer or other device designed for such purposes. The operator shall keep at least one hand upon the handlebars at all times.
- (e) Any person 16 years of age or younger operating in line skates, a skate board, a scooter or other manually-propelled wheeled vehicle or riding as a passenger on any such manually-propelled vehicle on a public way, bicycle path or on any other public right-of-way shall wear a helmet. Such helmet shall fit the person's head and be secured by straps at all times while operating in line skates, scooters, skate board or other manually-propelled wheeled vehicle and shall meet the standards for helmets established by the American National Standards Institute (ANSI Z 90.4) or subsequent standards or the Snell Memorial Foundation's 1984 standard for use in bicycling or subsequent standards. A violation of this section shall not be used as evidence of contributory negligence in a civil action.

SECTION XX.7: RIDING ON BICYCLES

For Law of the Commonwealth, see G.L. c.85, s11B and s11B1/2

SECTION XX.8: RIDING ON ROADWAYS

- (a) Bicyclists riding together shall not ride more than 2 abreast but, on a roadway with more than 1 lane in the direction of travel, bicyclists shall ride within a single lane. Nothing in this clause shall relieve a bicyclist of the duty to facilitate overtaking as required by section 2 of M.G.L. Chapter 89.
- (b) The bicycle operator shall not pass to the right of a bus or minibus stopped at a designated bus stop.
- (c) The bicycle operator shall signal by either hand their intention to stop or turn.
- (d) The bicycle operator shall not permit their bicycle to be drawn by any other moving vehicle.
- (e) The Director of Public Works, after consultation with the Traffic Commission, shall determine upon which streets to designate a bike lane and shall mark such streets as described in **Schedule LLL** incorporated herein and made part hereof. Schedule LLL is available at the City Engineers office.
- (f) The Director of Public Works, after consultation with the Traffic Commission, shall determine upon which streets a bicycle operator may ride on a one-way street in the opposite direction and upon which is marked as a contra-flow bike lane. The Director of Public Works shall mark such streets as described in **Schedule OOO** incorporated herein and made part hereof available at the City Engineer office.
- (f) The Director of Public Works, after consultation with the Traffic Commission, shall determine upon which shared streets, as defined in Section XX.1, a bicycle operator may ride in the opposite direction as general traffic and shall post official signs bearing the legend "Do Not Enter Except Bicycles" on the streets where non-bicycle vehicle entry is restricted, facing traffic that would otherwise enter in the restricted direction.

SECTION xx.9: EMERGING FROM ALLEY OR DRIVEWAY

The driver of a bicycle emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

SECTION xx.10: BICYCLE PARKING ON THE PUBLIC WAY

- (a) Bicycles are permitted to park against a building, street sign pole, or on a bicycle rack or other facility specifically intended for that purpose.
- (b) Under no circumstances shall a bicycle obstruct the pedestrian path of travel or disability access ramps. A parked bicycle must leave at least 36 inches of an obstruction free path of travel.
- (c) Bicycles are not permitted to be parked against: fire hydrants, hand railings, benches, trees and trash receptacles.
- (d) Bicycles shall not be parked longer than 72 consecutive hours at the same location in any business district as listed in Schedule YY.
- (e) Bicycles in violation of the above regulations shall be tagged and removed immediately if presenting a public safety hazard as noted in section xx.10 (b) or (c) and given a 72-hour notice to remove for violations in section XX.10 (d) and (d). Removed bicycles shall be held by the City of Gloucester Department of Public Works for a minimum of 30 days.
- (f) A bicycle with one or more of the following defects shall be considered abandoned and can be removed and disposed from any public way or property by the City of Gloucester Public Works Department for public safety and maintenance purposes:
 - (i) No tires or wheels
 - (ii) Have warped wheels or frame
 - (iii) Missing, rusted or broken chain in such a state that renders the bicycle inoperative.
 - (iv) Missing or warped handle bars
- (g) No motorized vehicles shall be parked on a bicycle rack or other facility specifically designed and intended for bicycle parking. Violators are subject to immediate removal from the City of Gloucester Department of Public Works or Police Department.

Addition:

Sec. 22-242. - Parking prohibitions; towing; immobilization; signs.

No person shall stand or **park** or allow, permit or suffer any vehicle registered in his name to stand or **park** in any of the following locations:

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- (17) any bike lane established by the Director of Public Works as provided by Section _____, any bike path and any bicycle parking facility.