



GLOUCESTER CITY COUNCIL
Ordinances & Administration Committee
Monday, October 20, 2014 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
AGENDA

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

1. *New Appointment:*

Historical Commission (TTE 02/14/17) Mary Ellen Lepionka

- 2. *CC2014-043 O&A to review& adopt final recommendations of Ad Hoc Dog Ordinance Committee under GCO c. 4 Animals, Art. 2 “Dogs” except as applied to GCO Sec. 1-15 fines for Running at Large and that the matter of fines for violations of Sec. 4-16 “running at large” most recently amended June 24, 2014 delete \$100 per offense and adding \$25 first offense, \$50 each subsequent offense***
- 3. *CC2014-040 (Verga) Request to review the matter of requiring that all meeting notices and agendas for all public meetings of all City boards, commissions and committees, including City Council and School Committee, be posted on the City’s website (Cont’d from 10/06/14)***
- 4. *Memorandum from Assistant General Counsel re: revision to the Community Preservation Committee ordinance***
- 5. *CC2014-037 (Cox) Amend GCO Sec. 22-270 “Parking prohibited at all times” re: intersection of Prospect Street with Friend and Warner Streets (Cont’d from 09/15/14)***

COMMITTEE

Councilor Robert Whynott, Chair
Councilor Sefatia Theken, Vice Chair
Councilor Robert Stewart

Back-up and Supporting Documentation all on file at the City Clerk’s Office, City Hall

CC: Mayor Carolyn Kirk
Salvatore DiStefano, Sr.
Linda T. Lowe
Kevin Corridan
Robert Ryan/Larry Ingersoll

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 Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

October 1, 2014

Ms. Mary Ellen Lepionka
17 Hammond Street
Gloucester, MA 01930

Dear Ms. Lepionka:

Thank you for your interest in serving on the City of Gloucester's **Historical Commission**. I am pleased to appoint you to a three year term on this important commission.

Your appointment will be sent to the City Council for their meeting of October 14, 2014. 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.

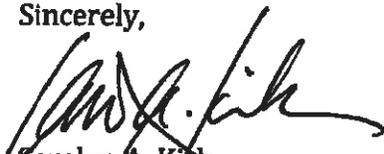
In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,



Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Steve Pardee, Chair-Historical Commission

EFFECTIVE OCTOBER 1, 2014

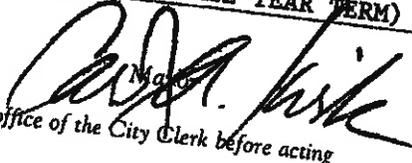
The City of Gloucester, Massachusetts

Dear Mary Ellen Lepionka, 17 Hammond Street, Gloucester, MA

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

**This is a 90 day temporary appointment. After City Council
approval, term to expire 2/14/2017. (THREE 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: _____

Mary Ellen Lepionka
17 Hammond St.
Gloucester, MA 01930

September 30, 2014

Mayor Carolyn A. Kirk
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930
ATTN: Christine Pantano

Dear Mayor Kirk,

I am interested in being appointed to the Gloucester Historical Commission, which has a vacancy and has asked me to join.

I have taught history in the past and am presently engaged in research on the history of Cape Ann. I am interested in Gloucester's history, therefore, and would be happy to serve the City in this way.

My brief resume is attached. Thank you for your consideration.

Sincerely,

Mary Ellen Lepionka

978-283-1531; 978-491-1017
me.lepionka@verizon.net

MARY ELLEN LEPIONKA
17 Hammond St., Gloucester, MA 01930
978-283-1531 (978-491-1017) me.lepionka@verizon.net

Independent Scholar, retired, 2010-2014. Member, Massachusetts Archaeological Society (MAS). Author: Unpublished Papers on Cape Ann Prehistory, *Bulletin of the MAS* 74 (2). Coauthor with Mark Carlotto: Evidence of a Native American Solar Observatory on Sunset Hill, Gloucester, Massachusetts, *Bulletin of the MAS* 75 (1). Coauthor with Mark Carlotto and Tim Fohl: Spirit Stones of Sunset Hill, *Bulletin of the MAS* 75 (2), forthcoming. Slide presentations given to various groups to date: Prehistory of Cape Ann; Cape Ann Before Columbus; Cape Ann Before Contact; Not on the Map: Where are Cape Ann's Archaeological Sites?; Cape Ann Indian Trails and Landscapes; Pawtucket on Cape Ann: The Case for Horticultural Settlements; Wigwams on Jeffrey's Creek: Let's Set the Record Straight; American Indians Lived Here: They Are Part of Our History; Erasure: How Native Americans in New England Got Written Out of Existence; Archaeology of Dogtown; Artisans of Cape Ann in Prehistoric Times; The Allyn Cox Reservation and Clam House Landing: The Archaeology of Historic and Prehistoric Sites in Essex, Mass.; Treasures of the Annisquam Historical Museum.

Publisher, Author, Independent Contractor, 2003-2010. Atlantic Path Publishing, Gloucester, MA. Two books in print: *Writing and Developing Your College Textbook*, *Writing and Developing College Textbook Supplements*. Textbook and Online Course Developer in anthropology, archaeology, education, history, psychology, entrepreneurship, personal finance, marketing, and wealth management educational products for the Canadian Securities Institute, Flat World Knowledge, John Wiley & Sons, Wiley-Blackwell, McGraw-Hill, Prentice-Hall, Sage, and others.

Senior Development Editor, 1997-2003, Pearson Education (75 Arlington St., Boston). Textbooks for college courses in cultural anthropology, physical anthropology, archaeology, history, teacher education, educational psychology, sociology, social problems, criminal justice, criminology, and communication.

Developmental Editor, 1991-1997. Allyn & Bacon. Textbooks, supplements, videos, and web sites in teacher education, special education, and educational psychology.

Associate Editor, 1986-1988. Houghton Mifflin Company School Division: High school textbooks in U.S. and world history and geography.

Freelance Work

1984-1991. Editor and Project Manager on textbook projects in anthropology, world history, geography, and literature For Allyn & Bacon, Houghton Mifflin College, D.C. Heath, Prentice-Hall, Glencoe, Scribner, Merrill, and others. 1982-1986 Writer, Stock Photographer, Publicist for Ginn & Company, Pitman, Little Brown, Appalachian Mountain Club, Editorial Inc., Rockport Art Association, Essex County Newspapers, Black Star, and others.

Faculty Appointments

1989-1991, PT Salem State College. Salem, MA. History Department: World History, World Civilizations, United States History and Constitutional Government 1865-Present.

1978-1983 FT, Reading (MA) Memorial High School: Anthropology, geography, sociology, psychology, history, political science, economics, English.

1975-1978 Adjunct Faculty, Division of Continuing Education, North Shore Community College, Beverly, MA: Cultural Anthropology.

1971 PT Summer, Vancouver City College, Langara, British Columbia: Anthropology.

1969 PT, Northeastern University Graduate Div., Boston: Theories of Social Anthropology.

1967-1968 FT, Department of Social Relations, Lasell Junior College: Anthropology and Sociology.

1966-1970, PT Boston University College of Liberal Arts Summer School: Cultural Anthropology, Physical Anthropology.

1965-1966 and 1969-1970 PT, Metropolitan College, Boston University: Introduction to Anthropology.

Fieldwork in Anthropology and Archaeology

1979 Study in economic anthropology in Riyadh, Saudi Arabia: Socioeconomic Adaptations of Newly Urban Saudi.

1969-1970 Excavation of an early Iron Age Bantu refuge site at Tautswemogala, Botswana; Study in economic anthropology: Socioeconomic Adaptations of Tswana Rural Tribespeople.

1964 Excavation of a shell midden on Great Neck, Ipswich (Lowrie, Boston University).

Fieldwork in Social Sciences

1964-1968. Interviewer or Participant Observer for principal investigators in social science research:

Harvard Medical School Laboratory of Community Psychiatry (Bereavement).

McLean Hospital (Communication in a schizophrenic ward).

Boston University (Communication barriers; Hospital emergency services).

Brandeis University (Crowd behavior).

Tufts University (Child development at Columbia Point, Dorchester).

Education

1976-1978 Salem State College: Secondary Education (Massachusetts teacher certifications in English and Social Studies).

1971-1973 Ph.D. program in Economic Anthropology, University of British Columbia (ABD); British Columbia Graduate Fellowship and Teaching Assistantship; 1972 Canada Council Grant for Dissertation Research.

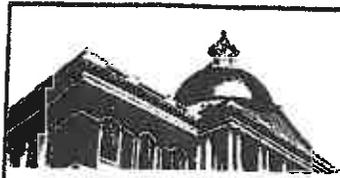
1967 M.A. in Anthropology, Boston University.

1966-1967 Teaching Fellow, Department of Sociology and Anthropology.

1965 B.A. in Sociology and Anthropology, Boston University.

1961-1962 English literature at Chatham College, Pittsburgh.

Class of 1961, Winchester (MA) High School.



THE 188TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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PART I ADMINISTRATION OF THE GOVERNMENT

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 8D Historical commission; establishment; powers and duties

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[Text of section effective until April 2, 2014. For text effective April 2, 2014, see below.]

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate

records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

Chapter 40: Section 8D. Historical commission; establishment; powers and duties

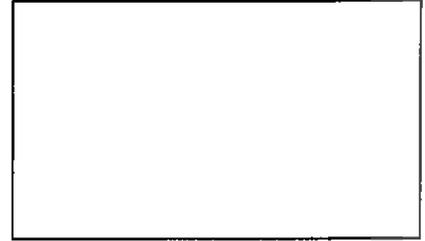
[Text of section as amended by 2013, 193, Secs. 1 to 3 effective April 2, 2014. For text effective until April 2, 2014, see above.]

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's

~~program; may make and sign any agreements and may do and perform any and all acts which~~
may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.



GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS
TUESDAY, October 14, 2014
7:00 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2014-017



UNANIMOUS CONSENT CALENDAR

ACTION

- 1. CC2014-043(Verga) Request review of the Ordinance Amendments proposed by the Ordinances & Administration Ad Hoc Off Leash Committee and adopt the final recommended Amendments and amend Sec. 1.15 "Penalty for violation of certain specified sections of Code (Refer O&A)**



**CITY OF GLOUCESTER 2014
CITY COUNCIL ORDER**

ORDER: CC#2014-043
COUNCILLOR: Greg Verga

DATE RECEIVED BY COUNCIL: 10/14/14
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the City Council and Ordinances & Administration Committee review the matter of the Ordinance Amendments proposed by the Ordinances & Administration Ad Hoc Off Leash Committee and adopt the final recommended Amendments to Code of Ordinances, Chapter 4 Animals, Art. 2 “Dogs” except as applied to Code Sec.1-15 fines for “running at large;” and

FURTHER ORDERED that the matter of fines for violations of sec.4-15, “running at large” as most recently amended on June 24, 2014 be referred to Ordinances & Administration for review and recommendation and that Ordinances & Administration recommend that under Sec.1-15 a two tier fine schedule be adopted by **DELETING** “\$100 per offense” and **ADDING** as follows: “Sec.4-15; running at large; \$25 first offense; \$50 each subsequent offense.”

Greg Verga
Councillor At Large

**DOG ORDINANCE CHANGES AS RECOMMENDED TO THE O&A COMMITTEE BY THE
AD HOC DOG ORDINANCE REVIEW COMMITTEE DATED 03/14/14**

Section 4-15. Running at large prohibited.

- (a) No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city **(unless expressly authorized under Sec. 4-16a or Sec. 4-16d)**. Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six feet in length shall be a violation of this section.

Section 4-16a. Dogs **allowed on public** beaches at certain times.

1. Leashed dogs under the direct control of their owners by a leash in hand not exceeding sixteen (16) feet in length shall be allowed on all public beaches from September 16th to April 30th.

OPTION 1 – Unleashed dogs shall be allowed on Good Harbor Beach and Wingersheek Beach from: **September 16 to April 30, annually subject to the following conditions:**

Off leash sunrise to 9 a.m. and 3 p.m. to sunset.

Option 2 – Unleashed dogs shall be allowed on Good Harbor Beach and Wingersheek Beach from: **October 1 to April 30, annually subject to the following conditions:**

Off leash sunrise to 9 a.m. to 2 p.m. to sunset.

1. Owners must remain with and monitor their dogs. Owners, per the below conditions, define person with direct care, custody, and control of a dog while in a designated off-leash area.
2. Dogs must be licensed and vaccinated as required by applicable law and ordinance.
3. Dogs must wear their tabs and have no contagious conditions, diseases or parasites.
4. Dogs must be leashed when entering and exiting a designated off-leash area.
5. Dogs and humans are not allowed in the dunes.
6. Dogs with a history of dangerous or aggressive behavior as determined by the Animal Control Officer are prohibited.
7. Dogs younger than four (4) months are now allowed.
8. Unaltered male dogs or female dogs in heat are not allowed.
9. Owners must immediately remove dogs who are exhibiting aggressive behavior.
10. Owners must carry a leash; one leash per dog is required.
11. Maximum of two (2) unleashed dogs per owner.
12. Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dog(s) waste.
13. Owners must clean up after their dogs and dispose of the waste in an appropriate waste container.
14. Owners must fill in any holes dug by their dog(s).
15. Any violation of the above conditions shall be subject to a fine of \$50.00 for a first offense, \$100.00 for any subsequent offense(s); and dog(s) may have off-leash privileges revoked by Animal Control.

Fines for violations will be double in season for beaches and other off-leash areas as determined.

Section 4-16d. Off-leash dog areas.

Unless otherwise expressly authorized under this ordinance, the department of public works director may designate, with the approval of the mayor and the city council, specific lands for use as off-leash dog areas, with their operation being subject to regulations enacted pursuant to Section 7-16(b) of the City Charter.

Section 4-19. Redemption of impounded dogs.

(a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations shall bear a fine of the following:

- (1) For the first offense: **\$50.00**
- (2) For **any subsequent offense(s)**: **\$100.00**

(b) In the case of the first and each succeeding violation, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines **and proof of valid license**. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term "outstanding notices of violation" shall include only those notices of violation resulting in confinement.

Section 4-20. Pound; dog officer.

(a) The city shall make provisions **to shelter** stray dogs, dogs impounded due to violations of this article, or dogs rescued from danger or distress. The operation of the **shelter** shall incorporate the regular services of a licensed veterinarian.

Section 4-21. Dog fouling.

(d) **Fines for violation.** Violation of this regulation shall be punished by a fine of **\$50.00** for the first offense and **\$100** for any **subsequent** offense(s).



**CITY OF GLOUCESTER 2014
CITY COUNCIL ORDER**

ORDER: CC#2014-040
COUNCILLOR: Greg Verga

DATE RECEIVED BY COUNCIL: 09/23/14
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the City Council and Ordinances & Administration Standing Committee review the matter of requiring the meeting notices and agendas for all public meetings of all City of Gloucester boards, commissions, and committees, including the City Council and the School Committee, to be posted on the City of Gloucester website with the understanding that all boards, commissions, and committees must continue to comply with all applicable provisions of the state Open Meeting Law MGL c.30A, sec.18-25 and regulations thereunder, 940CMR29.00 et seq. The O&A shall also review requiring each board, commission, and committee to have an appropriate City staff liaison to assist them in placing each public meeting notice and agenda on the city website calendar system; and

FURTHER ORDERED that the matter be referred to O&A for review and recommendation and that O&A work closely with the IT Director to determine the feasibility of any changes to the City website and with the City Clerk as the official responsible under the Open Meeting Law with the posting and filing of public meeting notices and agendas; and

FURTHER ORDERED that any requirements recommended by O&A shall be put forth as an Amendment to the Code of Ordinances Chapter 2, Art. V, "Boards, Commissions, Councils, and Committees" Div.1, new section 2-401 "Posting to City website"

Greg Verga
Councillor at Large

LAW DEPARTMENT

MEMORANDUM

TO: Carolyn A. Kirk, Mayor

FROM: Kevin Q. Corridan *KQc*
Assistant General Counsel

RE: Community Preservation Committee Ordinance

DATE: September 25, 2014

Please find attached the revised ordinance pertaining to the Community Preservation Committee ordinance with changes pursuant to recent amendments to the state CPA legislation. I've attached the endnotes to the relevant section of the amended state statute, M.G.L. c. 44B § 5.

Please forward this as an attachment in the Mayor's report to the City Council for adoption.

Thank you.

Enclosures

Cc JJ Bell
Sandy Ronan
Deb Laurie
Tom Daniel

Chapter 2

ADMINISTRATION

Article V. BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES

Division 12. COMMUNITY PRESERVATION COMMITTEE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLOUCESTER AS FOLLOWS:

ORDERED that the Gloucester code of Ordinances, Chapter 2, Article V, Division 12, be Amended as follows:

By amending Section 2-535 as follows:

AMEND Section 2-535(a) by deleting the period following the words regarding community preservation in the first sentence and by INSERTING in its place a comma followed by the words: “, including the consideration of regional projects.”

DELETE subsections (d)(4) and (d)(5) of Section 2-535 in their entirety and REPLACE them with the following new subsections:

“(d)(4) The acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use;” and

“(d)(5) The rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section.”

DELETE the period following the last sentence in Section 2-535 (f) and insert a semi colon in its place followed by the words “; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance.”

DELETE the word “every” in the first sentence of Section 2-535 (h) and REPLACE it with the word “each”.

DELETE the words “not including” following the comma after the words “Open space,” in Sec. 2-535 (h)(1) and REPLACE them with the word “and”.

M.G.L.A. 44B § 5

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

* Title VII. Cities, Towns and Districts (Ch. 39-49A)* Chapter 44B. Community Preservation (Refs & Annos)* **§ 5. Community preservation committee; members; recommendations**

(a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

<[Paragraph (1) of subsection (b) applicable as provided by 2012, 139, Sec. 218 as amended by 2012, 239, Sec. 48.]>

(b)(1) The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the community preservation committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited; provided, however, that any project approved by a municipality for the acquisition of artificial turf for athletic fields prior to July 1, 2012 shall be a permitted use of community preservation funding.

(3) The community preservation committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for

buildings on previously developed sites.”

Section 5 of St.2002, c. 165, provides:

“Sections 1, 2, 3 and 4 of this act shall apply with respect to projects approved by cities and towns pursuant to chapter 44B of the General Laws both before and after the effective date of this act.”

St.2003, c. 46, § 38, an emergency act, approved July 31, 2003, effective July 31, 2003, added subsec. (f).

St.2004, c. 491, § 2, approved Jan. 7, 2005, effective April 7, 2005, added the last paragraph.

St.2006, c. 289, approved Sept. 6, 2006, effective Dec. 5, 2006, in subsec. (b), in par. (2), in the first sentence, inserted “acquisition,” preceding “creation” the third time it appears.

2012 Legislation

St.2012, c. 139, § 76, an emergency act, approved July 8, 2012, and by § 229 made effective as of July 1, 2012, in subsec. (b), in par. (1), in the first sentence, added “, including the consideration of regional projects for community preservation”.

Section 77 of St.2012, c. 139, in subsec. (b), rewrote par. (2), which prior thereto read:

“(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.”

Section 78 of St.2012, c. 139, rewrote subsec. (d), which prior thereto read:

“(d) After receiving such recommendations from the community preservation committee, the legislative body shall then take such action and approve such appropriations from the Community Preservation Fund as set forth in section 8, and such additional appropriations as it deems appropriate to carry out the recommendations of the community preservation committee.”

Section 218 of St.2012, c. 139, provides:

“Sections 69 to 83, inclusive, shall apply to all Community Preservation Fund appropriations approved by a city or town’s legislative body on or after the effective date of acceptance of sections 3 to 7, inclusive, of chapter 44B of the General Laws in any such city or town.” [Amended by St.2012, c. 239, § 48.]

St.2012, c. 239, an emergency act, was approved Aug. 7, 2012, effective Aug. 7, 2012.

2013 Legislation

St.2013, c. 3, § 5, an emergency act, approved Feb. 15, 2013, effective Feb. 15, 2013, in subsec. (b), in par. (2), in the third sentence, added “ ; provided, however, that any project approved by a municipality for the acquisition of artificial turf for athletic fields prior to July 1, 2012 shall be a permitted use of community preservation funding”.



**CITY OF GLOUCESTER 2014
CITY COUNCIL ORDER**

ORDER: CC#2014-037
COUNCILLOR: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/26/2014
REFERRED TO: O&A and TC
FOR COUNCIL VOTE:

ORDERED that the City Council Amend the Code of Ordinances Chapter 22 "Traffic", Sec.22-270 "Parking prohibited at all times" by:

ADDING: "Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street, from utility pole #976 to #978" and by:

DELETING: "Warner Street easterly side from its intersection with Prospect Street to a point 78 feet northerly thereof" and by:

ADDING: "Warner Street easterly side for a distance of 245 feet from its intersection with Prospect Street" and

Further ORDERED that the matter of amendments to Sec. 22-270 "Parking prohibited at all times" be referred to the Traffic Commission for review and recommendation to the Ordinances Administration Standing Committee.

Melissa Cox
Ward 2 Councillor

DRAFT

CITY OF GLOUCESTER TRAFFIC COMMISSION

**A meeting was held on Thursday September 11th, 2014 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. Attending were members Anthony Bertolino, Larry Ingersoll, Michael Mulcahey and Robert Francis. Also present were City Councilors Paul McGeary, Steven LeBlanc and Melissa Cox and residents Jennifer Dalhmer, Janet Gray, Elizabeth and William Hinckley, James Ciaramitaro, Dave Beeman and Paul Cote.

AGENDA

A moment of silence was held in honor of City Councilor Jackie Hardy and the victims of 9-11-01

Approval of minutes from meeting of 8-21-14

*A MOTION was made, seconded and PASSED to **APPROVE** the minutes as written.*

Handicap Parking Requests

1. 122 Centennial Avenue (Councilor LeBlanc)

*After a discussion and speaking to the requestor, a MOTION was made, seconded and PASSED to **APPROVE** the handicap space.*

2. 30 Cleveland Street

*After a discussion and speaking to the requestor, a MOTION was made, seconded and PASSED to **APPROVE** the handicap space.*

3. Vicinity of 85 Prospect Street

*At the request of the requestor, this space was **withdrawn** at this time.*

As with all handicap approvals, the requestors are told that the handicap space is not theirs alone and anyone with a valid permit can park there.

The following was continued from our last meeting:

ORDER #CC2014-032 (Councilor LeBlanc) ORDERED that the City Council amend the Code of Ordinances Chapter 22, "Traffic", Sec. 22-270.1 "Resident Sticker Parking Only" by adding a definition of "resident parking sticker" as follows: "Resident parking sticker shall mean a parking sticker for persons who demonstrate proof of Gloucester residency at one of the streets or areas listed in Sec. 22-270.1 and ownership of the vehicle to be stickered. The sticker shall differ in size, color and shape from a resident beach sticker and shall say "NOT FOR BEACH."

FURTHER ORDERED that this matter of distinguishing Resident Beach Stickers from Resident Parking Stickers and changing and improving signage at areas listed in Sec. 22-270.1 and adding the areas listed in Sec. 22-270.1 to Sec. 22-176(b) "Penalties for parking violations-in beach district"

(August Meeting) After a discussion, a MOTION was made, seconded and PASSED to CONTINUE the matter until the next meeting in which Councilor LeBlanc can attend as the TC has numerous questions that need to be addressed.

(September meeting) After a discussion and speaking to Councilors LeBlanc and McGeary, a MOTION was made, seconded and PASSED to APPROVE the order, subject to City Council amendments. The order is to only affect the Witham Street parking area near Good Harbor Beach. The areas near Plum Cove and Niles Beaches are to remain as they are now with just a regular 'Resident Sticker' required.

A 'Beach Sticker' is used for entry into the paid parking lots at Wingaersheek, Good Harbor and Stage Fort. The TC recommended that the shape of the resident sticker should be a triangle, so as to differentiate it from the beach sticker which varies from square, circle and rectangle shapes. The resident sticker should state 'NOT FOR BEACH PARKING'.

This issue was brought up as some have been parking on Witham Street with a \$5 resident sticker instead of the yearly \$20 beach sticker. The use of resident stickers are now turning towards some neighborhood parking areas and the need to differ has become necessary.

ORDER #CC2014-036 (Councilor McGeary) ORDERED that the City Council amend the Code of Ordinances Chapter 22 “Traffic”, Sec.22-287 entitled “Disabled Veteran, handicapped parking” by:

ADDING: a second paragraph as follows “all disabled veteran and handicapped person parking spaces listed and designated by address or location in this section shall be deleted from this section and from this Code of Ordinances effective with the 2014 code Supplement and shall be added to the City of Gloucester Traffic Commission Regulations known as the “List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester.”

Further ORDERED that the matter of deletion of the listing of handicapped spaces from Sec.22-287 be referred to the Traffic Commission for review and recommendation to the Ordinances and Administration Standing Committee.

After a discussion and speaking to Councilor McGeary, a MOTION was made, seconded and PASSED to APPROVE the order. This order 'cleans up' some of the language in the handicap parking space ordinance changes that have been made giving the TC the authority to grant such spaces.

ORDER #CC2014-037 (Councilor Cox) ORDERED that the City Council Amend the Code of Ordinances Chapter 22 “Traffic”, Sec.22-270 “Parking prohibited at all times” by:

A: ADDING: “Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street, from utility pole #976 to #978” and by:

B: DELETING: “Warner Street easterly side from its intersection with Prospect Street to a point 78 feet northerly thereof” and by:

ADDING: “Warner Street easterly side for a distance of 245 feet from its intersection with Prospect Street”.

After a discussion and speaking with Councilor Cox, this order was separated into two sections, A & B. A MOTION was made, seconded and PASSED to CONTINUE the decision of section A until a group site visit can be conducted and the area neighbors can be contacted. The order wording also needs to be adjusted stating for a distance of 230 feet instead of the utility pole numbers.

Since the new sidewalks have been installed in this area, it has made the street narrower with cars parked. This is a heavily traveled area and some members of the TC have heard numerous complaints about the narrowness of this area. There is also some concern about the location of the yellow dividing line which may need to be adjusted if the order is later approved. There is also a concern with neighborhood parking as few of the residences in the area have off street parking available.

*A MOTION was then made, seconded and PASSED to **APPROVE** section B of the order concerning Warner Street. This is also a narrow, heavily traveled street that is narrow, but the homes have off street parking available. Councilor Cox has not spoken to the residents of this area as of this decision.*

The following is a draft order to be submitted to Council at their 9/23 meeting. Councilor Cox has asked the Council President if this order could be brought before the TC before it is referred and permission was given. The TC will discuss and vote on this order but was uncomfortable that the usual council channels were not followed and understand that the Pleasant Street area has had many new changes and these changes should be expedited for the benefit of the area businesses and residents.

ORDER #CC2014-038 (Councilor Cox) ORDERED that the Code of Ordinances Chapter 22 “Traffic”, Sec.22- 277 “One-hour parking – Generally” be amended by

DELETING Pleasant Street, easterly side, from Prospect Street to Liberty Street, except Saturdays and Sundays; and by **DELETING** Pleasant Street, easterly side, 40 feet from the northerly corner of Liberty Street for 114 feet, except Saturdays and Sunday; and further

ORDERED to amend Sec. 22-280 “Fifteen-minute parking” by **DELETING** Pleasant Street, easterly side, 40 feet from the northerly corner of Liberty Street; and by **DELETING** Pleasant Street, easterly side at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet; and further

ORDERED to amend Sec. 22-279 “Thirty-minute parking” by **ADDING** Pleasant Street, easterly side, 40 feet from the northerly corner of Liberty Street; and by **ADDING** Pleasant Street, easterly side at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet; and further

After a discussion and speaking with Councilor Cox, A MOTION was made, seconded and PASSED to APPROVE the order with the following changes to the last paragraph:

ORDERED to amend Sec. 22-280“Fifteen-minute parking” by **ADDING** Pleasant Street, easterly side, 20 feet from the northerly corner of Liberty Street; and by **ADDING** Pleasant Street, easterly side at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet.

This order affects the easterly (non school) side of Pleasant Street and following its passage will allow for unrestricted time parking from Prospect to Liberty Street, fifteen minute parking from Liberty Street to the northerly side of the Yellow Sub Shop and one hour parking for the remainder of Pleasant Street until its intersection with Shepherd Street.

Although not on the Agenda, the TC spoke with residents David Beeman and Paul Cote who are concerned about the crossing in front of McPherson Park at 31 Prospect Street. They watched the area at length and saw that few cars stop for the red light that allows pedestrians to cross and the ones that do stop, do not wait for the light to turn green before proceeding. They thanked the police department for recent stepped up attention to this area but said as soon as the police are gone, the same thing occurs again. Suggestions were made that a flashing pedestrian sign be installed to help remind vehicles that someone is crossing and also that the crosswalk be painted a bright yellow to remind vehicles it is there. The State DOT will be sent a letter asking them to look into this unsafe crossing area.

The meeting was adjourned at 7:11 p.m.

ROBERT B. RYAN, Chairman

LARRY INGERSOLL, Secretary