

Ordinances & Administration Committee
Monday, July 6, 2015 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Robert Whynott; Vice Chair, Councilor Bob Stewart; Councilor Joseph Ciolino
Absent: None.

Also Present: Acting Mayor Paul McGeary; Councilor Fonvielle (left the meeting at 6:15 p.m.); Councilor LeBlanc (entered the meeting at 6:15 p.m.); Jim Destino; Chip Payson

The meeting was called to order at 6:00 p.m.

1. New Appointments:

Community Preservation Committee TTE 02/14/17 Henry N. McCarl

Responding to direct questions from the Committee, **Mr. McCarl** said that he is filling an unexpired term of Joseph Orlando, another member of the Planning Board, and that he will now be the Planning Board's representative to the Community Preservation Committee. He said this is a position he is pleased to fulfill.

Councilor Whynott noted that Mr. McCarl and his wife have a long history of service to the city which **Councilors Stewart** and **Ciolino** expressed their agreed and endorsed his appointment as well.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Henry N. McCarl to the Community Preservation Committee, TTE 02/14/17.

Shellfish Advisory Commission TTE 02/14/18 D. Nathaniel Mulcahy (Cont'd from 6/15)

Mr. Mulcahy forwarded an email to the Committee asking that his appearance before the Committee be postponed to the next meeting due to a speaking engagement which came forward suddenly to which the Committee assented.

The appointment of D. Nathaniel Mulcahy is continued to July 20, 2015.

Stage Fort Park Advisory Committee TTE 02/14/18 Salvatore J. Frontiero (Little League Rep.)

Mr. Frontiero said that because of his participation with the Gloucester Little League as a coach, manager and board member, as a member of the Gloucester Rotary Club participating in projects to improve and maintain Stage Fort Park, and as a resident of Gloucester with an affinity for the park. He said with his background in those areas and as a local attorney as well, he would add value to the Stage Fort Park Advisory Committee. He said he has a passion for Stage Fort Park and looked forward to representing the interests of the Gloucester Little League.

Councilor Ciolino offered his thanks to Mr. Frontiero stepping forward and reminded him that the 400th city anniversary is coming soon and that many events will take place at the park. It is a good committee, he pointed out, and encouraged that committee to work together for the good of the park.

Councilor Fonvielle also spoke in support of Mr. Frontiero's appointment highlighting that in addition to his participating on the committee representing the Little League, his legal background as an attorney will be an asset to that committee.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Salvatore J. Frontiero to the Stage Fort Park Advisory Committee, TTE 02/14/18.

2. Memorandum from General Counsel & pertinent material re: proposed Ordinance for the creation of the Stage Fort Dog Park Commission (Cont'd from 05/18)

Jim Destino, CAO, said that what is before the Committee is the proposed ordinance to accept the Stage Fort Dog Park under the City's umbrella with a commission to oversee it as appointed by the Mayor approved by the Council, with the city taking over the liability of the park. Since the Dog Park was created, and with the Council vote there was a deal that the Friends of the Dog Park would take care of maintenance and with volunteers and how it was "sold" to the Council. He said the Dog Park Board is concerned about liability. **Mr. Destino** offered that the dog park is good for the city, and said that the Administration thinks should be part of the city, but they wanted the Friends of the Dog Park to continue to help financially for the dog park maintenance which was part of the agreement going forward.

He said that since that time the Board has come forward saying they really can't continue to fundraise at the level they were hoping and is a problem. Other issues have also come to light, in particular that of parking. Other residents from around Cape Ann (Rockport, Essex, Manchester-by-the-Sea) who use the dog park between Memorial Day and Labor Day have to pay \$10 in order to park and use the dog park because they can't get a beach sticker, he pointed out. He said they were looking for some kind of a break or a season parking ticket to allow them to use the dog park during the summer. Another issue was the issue of funding the maintenance of the dog park moving forward. He noted he had been working on a plan. It has some logistical issues that haven't been worked out, but he said that where the school is near the dog park, he would suggest making that area in the summer a private dog park parking lot when school is out which would create about 10 parking spaces with a lesser parking of \$5 to \$7 for non-residents or residents without beach parking stickers. The parking funds would go towards the maintenance of the dog park. The parking attendants would give the dog owner a placard for their vehicle which they would return after they were through using the dog park with their pet.

Councilor Whynott said there has to be a way to ensure that people who park at the dog park lot don't park there to go to the beach. **Mr. Destino** said the crux of the matter are the logistics of how to keep the dog park parking funds separate, what kind of sticker or placard system to put into use, and learn through the Friends of the Dog Park how many people from outside of Gloucester are actually using the park to learn if it would cover the maintenance on the park. Until those logistics are solid, he said, they aren't ready to put forward a final draft ordinance for the Committee's consideration.

Councilor Whynott said in his experience that while the dog park is used a lot, there aren't usually more than five or six dogs with their owners using the facility at a time.

Meredith Fine, Attorney for the Dog Park, thanked Mr. Destino and Mr. Payson for their patience with the situation. She said she knew the founders of the Dog Park meant well when they said they would take care of everything at the start, but as the dog park has evolved with its on-going maintenance it became clear that the ordinance places the burden on the Board of the Friends of the Dog Park for all the funding. She assured they (the Friends of the Dog Park) are not trying to reduce the amount of time and money that they are giving to the dog park now. She said it is the Dog Park Board's concern those five to ten years from now counting on volunteers to raise funds for the dog park is not a good plan. She cited that the maintenance costs are estimated less than \$10,000 a year, and that they agree the parking fee would be an excellent idea and is a potential to make a dent in what the volunteers fundraise.

Councilor Whynott said he didn't recall that the Gloucester Dog Park would be open to people from out of town. **Councilor Ciolino** and **Ms. Fine** noted that the park has always been called the Cape Ann Dog Park. **Mr. Destino** said those people using the park from out of town are the ones paying the \$10 parking fee now. He noted that Director of Public Works, Mike Hale has frequently said that his department doesn't have enough money to take care of the parks and playgrounds as it is now, and \$10,000 is not insignificant. **Councilor Whynott** noted that there are two parking attendants that the Stage Fort Park parking lot gate at the gate now at the parking lot and suggested one of them could occasionally walk over to the proposed dog park parking lot to check on the vehicles. **Mr. Destino** indicated he thought the city could make it work but he wanted to be sure that all the parts of the whole were in place to make it work before offering a final draft ordinance for the Committee's consideration.

Councilor Ciolino said it should have been a park managed by the city from the start. He agreed that the suggestions for moving the dog park under the city's auspices is a good plan and the city should start taking responsibility for the liability insurance. He suggested that perhaps meters or kiosks could be utilized that the reserved dog park lot. **Mr. Destino** said that meters take personnel which costs money, and he pointed out that there's very little discretionary funds within the FY16 budget. If Mr. Hale said there isn't the money and personnel, there isn't, he said. He asked that the Committee continue this matter for a month to allow the Administration to work out the necessary details.

This matter is continued to August 3, 2015.

3. Memorandum from General Counsel re: Amendment to GCO Sec. 5-19. "Inspection of buildings erected on pilings" (Cont'd from 05/18)

Mr. Payson reviewed the status of the matter of the Amendment to GCO Sec. 5-19 "Inspection of buildings erected on pilings," to give the Building Inspector authority to force an inspection within three years, and there had been an extensive discussion at the May 18 O&A meeting with Mr. Faherty, and that the Committee had asked for an Ad Hoc Committee to be created to review the specific ordinance section. He noted that he and the City Clerk put together some language together soliciting membership according to the wishes of the Committee for that Ad Hoc Committee's membership in a local paper. Ms. Lowe, he noted, was on vacation, and asked that the Committee continue this matter to their next regularly scheduled meeting so that he and Ms. Lowe could give a more thorough update. He pointed out that the membership of the "Piling Inspection Ordinance Ad Hoc Committee" is to be composed of himself as General Counsel, the city's Building Inspector or his designee, a City Councilor as an ex-officio member, and three representatives of the public who are residents of the city, preferably waterfront property owners either in the commercial or private residential sectors and/or having knowledge regarding the substance of the inspection of pilings.

This matter is continued to July 20, 2015.

4. CC2015-019 (McGeary) Amend GCO Sec. 22-270 "Parking prohibited at all times re: Plum Street"

Acting Mayor McGeary, also Ward 1 Councilor, addressed his Council Order submitted prior to his appointment as Acting Mayor, said that it was called to his attention that the parking on Plum Street was in the opinion of at least one resident an unsafe situation. He asked the Traffic Commission chair, Robert Ryan, to scope out the situation and asked him for his recommendation, and then asked the Fire Chief to bring apparatus up the street and test it from both sides. He said the Chief reported back to him that with cars parked on both sides of the street a ladder truck could just make it through and would be particularly difficult in winter and difficult in all other seasons, but that the street widened as it went up the hill. He noted that Mr. Ryan's original recommendation was that parking be banned on one side of the street for its entire length. That was the order put forward because the Fire Chief hadn't weighed in at that time, he said. At a meeting of the Traffic Commission on June 25, several of the neighbors present this evening came forward at that Commission meeting and talked the matter through. In the end the Commission recommended that parking be banned only on one side of the street, the even side, and only for 100 feet or approximately four car lengths because it was felt at that point the street had widened enough that the ban would no longer be necessary for emergency vehicles to get through.

Councilor Whynott discussed with **Acting Mayor McGeary** that the Chief noticed that the parking was a problem from East Main Street to where the street widens, and that there had been vehicles parked at the corners of East Main Street and Plum Street. **Councilor Whynott** cited that it is illegal to park cars from 20 feet to a street corner in all cases. **Acting Mayor McGeary** acknowledged in this instance it is not posted, and should be if deemed necessary and confirmed the ban on parking is on one side of the street for 100 feet more or less. **Councilor Whynott** said he would go over to the street and take a look himself at the situation before the public hearing.

Nicole Duckworth, 197 East Main Street and part owner of Duckworth Bistro, noted a letter she submitted to the Committee (on file) summarizing that she and other like-minded neighbors, oppose the wording of the proposed ordinance amendment and if there had to be a parking ban for 100 feet from East Main Street on the odd numbered side of the street. She pointed out due to the layout of the street no one essentially parks on that side of the street anyway. She said she was speaking for the neighbors who are in opposition they want the street's parking scheme to remain status quo. She pointed out that it has worked well for the last 11 years she's lived there, citing that there are a majority of her restaurant employees who either walk or bicycle to work, are property owners living in East Gloucester with families who her business helps to support. Her restaurant's patrons due to the lack of parking must also park on the public ways. She said that if there had to be a parking ban for safety reasons, while in opposition to any ban at all, the neighbors could cope with no parking from East Main Street on the odd side of Plum Street as there is less parking available on that side of the street due to the configuration of property driveways. She expressed her agreement when **Acting Mayor McGeary** pointed out that there is never any parking allowed on any street 20 feet from the corner regardless of any parking ban that may be instituted. He pointed out that the parking ban recommended by the Traffic Commission was not the even but the odd side of the street. **Councilor Ciolino** reminded the Councilors that the Traffic Commission was an advisory board to the O&A Committee on traffic matters, but it was a recommendation only and that they didn't have to adhere to those recommendations if they felt otherwise.

Nine members of the audience who indicated they were abutters to Plum Street by a show of hands at the request of **Councilor Whynott** were in opposition to the ordinance amendment.

After a discussion by the Committee with Acting Mayor McGeary on whether to send the matter forward to public hearing with no recommendation or to vote with a recommendation in place, the Committee agreed to continue the matter until their next regularly scheduled meeting in order for any member to visit the street and to have an opportunity to talk to the Fire Chief on the matter.

Councilor Ciolino acknowledged that the street is tight but that there are tighter situations found in the city, but cited that there have been fires on that street with apparatus entering from Mt. Pleasant Avenue with no issues.

Acting Mayor McGeary said he was sensitive to the issue that there is not much on-street parking in this particular neighborhood the net effect is a loss of four parking spaces.

This matter is continued to July 20, 2015.

5. CC2015-020 (McGeary) Amend GCO Sec. 22-270 "Parking prohibited at all times re: Atlantic Road

Acting Mayor McGeary explained that the Police Department feels that on Atlantic Road there is an unsafe situation. Detective Nicastro through Assistant Chief McCarthy brought this matter to his attention. He reviewed that over the years people who purchased homes on the Back Shore (Atlantic Road) built out to their property lines and a lot of pull-offs have disappeared on that side of the road. It does mean cars are sitting in the road as vehicles travel on Atlantic Road coming down from Nautilus Road, and it becomes a hazard, he pointed out. He said currently the ordinance is on weekends in May through September parking is banned for the full length of Atlantic Road. This proposal would say that on all year from Nautilus Road to Moorland Road there would be no parking year round. For the rest of Atlantic Road the concurrent rules apply, that there is no parking in the summer, but there is after September 15.

Councilor Whynott said that he agrees that from Nautilus to Moorland Roads parking should be banned, but that for a goodly portion of Atlantic Road there are places people can pull off and admire the views and walk across the street to be next to the shoreline, and reminded the Councilors of the fact that tourism is important to Gloucester and that the Back Shore is an important attraction. He acknowledged there should never be parking allowed on the water side of Atlantic Road. **Acting Mayor McGeary** said cars parking in the travel lanes constitute a public safety hazard. He reminded the Committee this request came forward not from a resident wanting to preserve their views but from city safety officials.

Councilor Ciolino said where the Acting Mayor is speaking of banning parking is a sweeping curve, and said that it is treacherous when service vehicles, in particular, park on the side of the roadway which he is intimately familiar with living in the area and driving Atlantic Road very frequently.

Councilor Whynott said it wasn't that he disagreed with banning parking from Nautilus to Moorland Roads, but that his issue was with banning parking from Moorland to Farrington Avenue he didn't agree that that parking is banned. He suggested that if perhaps 15 minute parking was allowed during the summer months he might agree with it. **Councilor Ciolino** said people will try and use the area for beach parking as it happened before any ban was in place, and that is why there is no parking on weekends now on Atlantic Road. He said he would support the parking ban from Moorland to Farrington Avenue Saturday afternoons, Sundays and holidays May 1 to September 15.

Acting Mayor McGeary discussed with the Committee logistics of adding and deleting from the GCO under Section 22-270 "Parking prohibited at all times

MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-270 "Parking prohibited at all times" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.

MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Whynott) opposed to recommend that the City Council AMEND GCO Sec. 22-272 "Parking prohibited from May 1 to September 15-Saturdays, Sundays, holidays" by DELETING "Atlantic Road, both sides, between Nautilus Road and Farrington Avenue on Saturday afternoons, Sundays and holidays," and ADDING "Atlantic Road both sides from Moorland Road to Farrington Avenue Saturday afternoons, Sundays and holidays."

MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-291 "Tow-away zones" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.

These matters will be advertised for public hearing.

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

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Letter by Nicole Duckworth, 197 East Main Street, part owner of Duckworth's Bistro, to not change current parking scheme on Plum Street but if put in place that it be 100 feet on the EVEN side of the street from its intersection with East Main Street**