

CITY CLERK
GLOUCESTER, MA
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GLOUCESTER CITY COUNCIL
Ordinances & Administration Committee
Monday, August 31, 2015 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
AGENDA

1. ***New Appointments:***

Magnolia Woods Oversight & Advisory Committee	Dave Marro	TTE 02/14/18
Gloucester Cultural Council	Jane Keddy	TTE 02/14/18
Planning Board	Kenneth W. Hecht	TTE 02/14/20

2. ***Memorandum from General Counsel & pertinent material re: proposed changes to the Acts of 1956 relative to the Gloucester Fisheries Commission (Cont'd from 08/17/15) (Ref'd to T.C.)***

3. ***CC2015-025 (McGeary) Amend GCO c. 22, Sec. 22-230 "Downtown parking permits (Ref'd to T.C.)***

4. ***CC2015-026 (McGeary) Amend GCO c. 21, Art. 4 "Repair of Private Ways," Sec. 21-85 "Meeting and vote by abutting owners," subsection (b)***

5. ***CC2015-027 (Verga) Council request to O&A & Animal Control Officer to review the impact of the off-leash change to allow dogs on beaches enacted on November 18, 2014, GCO Sec. 4-16(a); and after review to enact this amendment (Ref'd to Animal Control)***

6. ***CC2015-028 (Whynott) Request O&A review GCO Sec. 2-3 "Disposition of Real Property owned by the City" and amend GCO Sec. 2-3(a)(6) "Splitting and Combining Lots" by deleting it in its entirety and adding a new Sec. 2-3 (a)(6)***

7. ***CC2015-029 (Stewart) Request O&A and Recycling Coordinator review GCO c. 9 "Trash, Recycling and Litter" and proposed amendments to Sections 9-1, 9-8, 9-10 and Chapter 1, Sec. 1-15***

7. ***CC2015-030 (Cox) Request O&A to reconsider & review parking prohibitions on Herrick Court as enacted by Council on May 12, 2015 including Sec. 22-270, -291, -292 and request Traffic Commission to review matter & advise O&A of any additional recommendations***

COMMITTEE
Councilor Robert Whynott, Chair
Councilor Robert Stewart, Vice Chair
Councilor Joseph Ciolino

CC: Mayor Theken
Jim Destino
Linda T. Lowe
Chip Payson
Police Chief Leonard Campanello/Jamie Levie
Mike Hale/Joe Lucido/Rose LoPiccolo

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
stheken@gloucester-ma.gov

August 13, 2015

Mr. Dave Marro
26 Long Hill Road
Gloucester, MA 01930

Dear Mr. Marro:

I am pleased to appoint you to a three year term on the City of Gloucester's **Magnolia Woods Oversight and Advisory Committee**. Your appointment will be sent to the City Council for their meeting of August 25, 2015. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee, 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 at your earliest convenience to pick up your appointment card and be sworn in.

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 if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

Sejatia Romeo Theken
Mayor

cc: Mayor's Report to the City Council

2015-08-05

Dear Mayor Sefatia Romeo Theken,

I am interested in being appointed to the Magnolia Woods Advisory Committee.

This is primarily based on my interest in hiking in the Magnolia area. I also would like to continue the work of my wife's mother and good friend, Vilma Hunt, in protecting this community resource.

I have lived in Magnolia since 1975. During this time I have spent many hours walking in the Magnolia Woods and surrounding woodlands. This also includes some trail development and maintenance in the Magnolia Woods. I would like to help in protecting these trails and encouraging more folks to use them.

Recently I was elected to the board of the Cape Ann Trail Stewards. From this group I am learning about trail protection and development. I hope that I can apply this knowledge in the Magnolia Woods area.

I also understand the value of the soccer fields, as my children played there with the Fisherman's Youth Soccer teams on many occasions.

Dave Marro
26 Long Hill Road

tdmarro@gmail.com

DIVISION 15. - MAGNOLIA WOODS OVERSIGHT AND ADVISORY COMMITTEE

Sec. 2-555. - Purpose.

In recognition of the continuing need for oversight in the city's ownership, operation and maintenance of Magnolia Woods so its full recreational utilization can be sustainably realized and its integrity as an environmental remediation project and as a natural resource for the entire community can be fully protected, the Magnolia Woods Oversight and Advisory Committee is hereby created and established.

The committee shall undertake but not be limited to the following activities:

- (1) Recommend an overall and coordinated program for the use of the recreational facilities at the Magnolia Woods that balances the competing needs for the various recreational and sports programs seeking to use those facilities.
- (2) Review and make recommendations upon plans for proposed maintenance of or capital improvements to any of the facilities or property contained within the Magnolia Woods and provide advisory oversight to the execution of any such plans.
- (3) Recommend programs and activities which can generate revenue streams which can be dedicated to the maintenance or improvement of any of the facilities or property contained within the Magnolia Woods.

(Ord. of 8-23-2011(01))

Sec. 2-556. - Tenure; composition; requirements.

- (a) The Magnolia Woods Oversight and Advisory Committee shall consist of nine members, one of whom will be the Gloucester School System Athletic Director (or his/her designee), two of whom shall be the director of public works (or his/her designee) and the ward councilor representing Ward 5, who shall serve so long as they hold the aforementioned positions. The six remaining members shall initially be appointed by the mayor of the city and approved by the city council under Section 2-10 of the City Charter for the terms listed below and shall be residents of Gloucester:
 - (1) Two members for one year;
 - (2) Two members for two years; and
 - (3) Two members for three years.
- (b) The successors to these initial appointees shall serve for a term of three years. The six appointed members shall represent the following interests:
 - (1) The Cape Ann Youth Soccer Association;
 - (2) The Cape Ann Youth Lacrosse Association;
 - (3) The Cape Ann Model Airplane Flying Association;
 - (4) The neighborhood abutting the Magnolia Woods; and
 - (5) The Magnolia community at large provided, however, that this member shall be a resident in Ward 5 of the city; and provided, further, that the member initially appointed to represent this interest shall have been a member of the Magnolia Woods Ad Hoc Committee, as indicated in the records of the city clerk;

- (6) A representative from the community at large, provided that this member, however, will be a registered voter of the city.

(Ord. of 8-23-2011(01))

Sec. 2-557. - Vacancies.

In case of resignation, death or disqualification of any member of the committee, or for the purpose of filling a vacancy for any other reason, the appointment of a new member to fill the unexpired term of such previous member immediately shall be made by the mayor and forwarded to the city council for its approval.

(Ord. of 8-23-2011(01))

Sec. 2-558. - Assistance of city officials, boards and employees.

The committee shall receive regular support and assistance from the department of public works.

(Ord. of 8-23-2011(01))

City Hall
Nine Dale Avenue
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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

August 19, 2015

Ms. Jane Keddy
13 Plum Street
Gloucester, MA 01930

Dear Ms. Keddy:

I am pleased to appoint you to a three year term on the Gloucester **Cultural Council**. Your appointment will be sent to the City Council for their meeting of August 25, 2015 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 your appointment will be reviewed.

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 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 if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Seratia Romeo Theken
Mayor

cc: Mayor's Report to the City Council
Martin Ray, Chair-Gloucester Cultural Council



**Jane Keddy
13 Plum Street
Gloucester, MA 01930
978-281-5634
jkeddy@ymail.com**

**Sefatia Romeo Theken, Mayor
Gloucester City Hall
August 16, 2015**

Dear Ms. Romeo Theken,

I have been invited to join the Gloucester Cultural Council by my neighbor Thomas Hauk. I am a printmaker and fabric artist and have become very involved in the Rocky Neck Art Colony since my retirement from Pathways last year. I presently show my work at Gallery 53 on Rocky Neck. I would be honored to a part of the Cultural Council.

I have read with great interest the recent articles in the newspaper regarding support for the artist community in Gloucester. Gloucester has a rich history in the arts and something we should broadcast to the world. I was very interested the idea of using the Fitz Henry Lane house as a space for artists to work—what a wonderful use for that building.

Looking forward to hearing from you regarding the appointment to the Cultural Council.

Sincerely,

Jane Keddy

**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE II EXECUTIVE AND ADMINISTRATIVE OFFICERS
OF THE COMMONWEALTH****CHAPTER 10 DEPARTMENT OF THE STATE TREASURER****Section 58 Local and regional cultural councils**

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council

member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts.

Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional

consortium as custodian may invest such portion of cash as deemed not required until such funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

August 19, 2015

Mr. Kenneth W. Hecht
191 Main Street
Gloucester, MA 01930

Dear Ken:

I am pleased to appoint you to a five year term on the City of Gloucester's **Planning Board**. Your appointment will be sent to the City Council for their meeting of August 25, 2015 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 your appointment will be reviewed.

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 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 if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, written over the word "Sincerely,".

Sefatia Romeo Theken
Mayor

cc: Mayor's Report to the City Council
Tom Daniel, Community Development Director
Gregg Cademartori, Planning Director
Richard Noonan, Chair-Planning Board

**Kenneth W. Hecht
191 Main Street, Suite 3
Gloucester, Massachusetts 01930
617-755-9400**

August 20, 2015

**Sefatia Romeo Theken
Mayor
City of Gloucester
9 Dale Avenue
Gloucester, MA 01930**

Dear Mayor,

Over the past few months, a number of people that I respect have asked me if I would be interested in being on the Planning Board in Gloucester. I have thought about it long and hard and have agreed with my wife Patty that it would be a good way for me to give back to the community that we have come to truly love.

I have a passion for this great city and want to give back in a way where I can use my experience and drive to help to make Gloucester an even better place to live and to work.

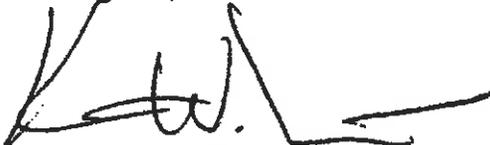
I respectfully request to be a candidate for the Gloucester Planning Board.

I have almost 30 years of major commercial real estate experience as broker, developer, investor, constructor, and manager. I look forward to putting all of that experience to work for the city. I have attached a resume.

I am very excited about this possibility.

Please let me know if you have any questions or if there are other things that I need to do in order to get going!

Best regards,

A handwritten signature in black ink, appearing to read 'KW Hecht', with a long horizontal line extending to the right.

Kenneth W. Hecht

**Cc: Jim Destino
Patty Hecht**

Kenneth W. Hecht, Hecht Development

May 2014

As the key Principal of Hecht Development, LLC, **Kenneth W. Hecht** is primarily responsible for the identification and evaluation the Company's acquisitions, the development of the properties, the securing of acquisition and permanent financing and overseeing the leasing of the properties. Ken's extensive commercial real estate experience includes property acquisition and development, investment sales brokerage, investment analysis, property management, construction management and leasing.

Ken has been in the commercial real estate business since 1986. Ken's recent experience has been as founder and Managing Member of Hecht Development, LLC, a commercial real estate investment and development firm founded in November of 2006. The company is dedicated to investing in commercial real estate assets with a broad network of high net worth individuals. The company has developed \$35,000,000 of commercial real estate since its formation.

Prior to Hecht Development, LLC, Ken founded The Hecht Company in 2001 as a commercial real estate brokerage company with its main client being Wal-Mart Stores, Inc., in Bentonville, Arkansas. Since 2001, The Hecht Company has completed 4 million square feet (25 transactions) of acquisitions and dispositions for Wal-Mart as its exclusive broker/advisor in Maine, Massachusetts and Rhode Island.

From 1991 to 2001, Ken rose to Senior Vice President and Partner at CB Richard Ellis Whittier Partners, the New England Partner of CBRE, the largest commercial real estate services firm in the world. While at CB Richard Ellis Whittier Partners, Ken founded the Retail Advisory Group, which specialized in the sale of large retail investment properties. Additionally, while at CB Richard Ellis Whittier Partners, Ken sold or leased over \$500,000,000 worth of commercial real estate, including over \$100,000,000 of retail assets. Ken has completed a number of complex joint ventures, 1031 tax-deferred exchanges, long term ground leases, land sales for hotel development and leasehold interest sales. Ken's largest retail investment sale was \$32,000,000. While a partner at CB Richard Ellis Whittier Partners and previously at Coldwell Banker Commercial, Ken received a number of awards including the CB Richard Ellis Whittier Partners Team Player of the Year Award, the CB Richard Ellis Navigator Award for Retail Advisory Excellence, The CB Commercial Rookie of the Year Award for the Northeastern United States, The Coldwell Banker Commercial Top 5 Award, and the Multi-Million Dollar Sales Club Award from the Greater Boston Real Estate Board.

Prior to being in the commercial real estate business, Ken owned a time management training company for 3 years with clients which included GTE, National Semi-Conductor, Motorola, John Hancock, Prudential, Mutual of Omaha and Century 21. While running his own company, Ken achieved numerous production awards on a national basis. Prior to his time management business, Ken was an engineer and worked on high-level industrial projects across the country, including the construction of a liquid natural gas importation terminal control tower in Everett, Massachusetts, a position that first brought him to Boston from the mid-west.

Ken was born on the south side of Chicago and received his Bachelors Degree in Civil Engineering from the University of Illinois at Champaign Urbana. There he became a member of the Civil Engineering Grade Point Honorary, Chi Epsilon. While moving around the country working on various engineering and construction projects, he also studied for a Masters Degree in Business Administration at Lamar University in Texas, Washington University in St. Louis and at Northeastern University in Boston. Ken coached soccer and baseball for 13 years in Concord, Massachusetts and was the strength coach for the Concord-Carlisle High School Wrestling Team.

Ken resides in Gloucester, Massachusetts with his wife and two children when they are home from young careers.

ARTICLE II. - PLANNING BOARD

FOOTNOTE(S):

--- (2) ---

Charter reference— Planning board, § 5-2.

Cross reference— Boards, commissions, councils and committees generally, § 2-400 et seq.

State Law reference— Planning boards, M.G.L. c. 41, §§ 70—72, 81A—81GG.

Sec. 16-15. - Composition; appointment; and terms of members.

There shall be a planning board to consist of seven members, appointed by the mayor and confirmed by the city council to staggered terms of five years. Members of the planning board shall be residents of the city.

(Code 1970, § 15-13)

Sec. 16-16. - Vacancies.

Vacancies occurring in the board shall be filled by appointment by the mayor. Appointees to fill vacancies shall hold office for the unexpired term.

(Code 1970, § 15-14)

Sec. 16-17. - Officers.

The planning board shall annually elect a chairperson and vice-chairperson from its members and give notice to the city clerk of such election.

(Code 1970, § 15-15)

Cross reference— Officers and employees generally, § 2-40 et seq.

Sec. 16-18. - Powers and duties.

The planning board shall exercise such duties and have such powers as are given to planning boards by law.

(Code 1970, § 15-16)

Sec. 16-19. - Study of conditions and recommendations to city council.

It shall be the duty of the board to make a careful study of the city as provided by M.G.L. c. 41, relating to planning boards, and to report its findings to the city council with such recommendations and suggestions as in its judgment it believes best adapted to the present conditions and the future needs of the city; provided, however, that no expenditures shall be made or contracts awarded until first there shall have been obtained an appropriation fully sufficient to cover the same from the city council.

(Code 1970, § 15-17)

State Law reference— Similar provisions, M.G.L. 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— Similar provisions, M.G.L. c. 41, § 71.

Secs. 16-21—16-29. - Reserved.

**CITY OF GLOUCESTER
LEGAL DEPARTMENT**

Memorandum

TO: Mayor Sefatia Romeo Theken

FROM: Charles J. Payson 
General Counsel

RE: Proposed change to the Acts of 1956 relative to the Gloucester Fisheries Commission

DATE: April 7, 2015

The Gloucester Fisheries Commission has requested changes to their establishing language in the Acts of 1956. Accordingly, I have drafted proposed legislation to be filed with the Massachusetts Legislature that would achieve the goals put forward by the Commission.

Attached please find 1) the proposed legislation and 2) the Acts of 1956 as amended throughout the years (complete with latest amendment year after each section).

Please forward the aforementioned documents to the City Council for their review and consideration. Should they approve, the proposed legislation would then need to be filed with the Massachusetts Legislature.

Thank you.

Attachments

Chap. _____. AN ACT RELATIVE TO THE THE GLOUCESTER FISHERIES
COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 260 of the acts of 1956 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. There is hereby created a body politic and corporate to be known as the Gloucester Fisheries Commission which shall be deemed to be a public instrumentality for the purposes of this act and shall have an official seal as determined by the membership of the commission.

SECTION 2. Chapter 260 of the acts of 1956 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Said commission shall be set up and sponsored by the city of Gloucester to investigate, advocate and recommend measures for the promotion, preservation and protection of the Gloucester fishing industry. Said commission shall also participate in the promotion and marketing of all city of Gloucester seafood.

SECTION 3. Chapter 260 of the acts of 1956 is hereby amended by striking out section 3, as most recently amended by chapter 338 of the acts of 1984, and inserting in place thereof the following section:-

Section 3. Members of the commission shall be appointed by the mayor with approval of the city council. Said commission shall consist of ten members, one of whom is shall be the mayor or his designee, one of whom is a current city councilor, one of whom is an executive director recommended by the commission, five of whom are engaged in the act of commercial fishing and two of whom are engaged in business ancillary to commercial fishing. The commission may designate alternate positions upon recommendation by the commission and approval by the mayor.

For reference, below please find the current language of the Act with the dates of the most recent amendments following each section.

SECTION 1. There is hereby created a body politic and corporate to be known as the Gloucester Fisheries Commission which shall be deemed to be a public instrumentality for the purposes of this act and shall have an official seal as determined by the original membership of the commission. (1956)

SECTION 2. Said Gloucester Fisheries Commission shall be set up and sponsored by the city of Gloucester to investigate, advocate and recommend measures for the promotion, preservation and protection of the Gloucester fishing industry. (1956)

SECTION 3. The commission shall consist of thirteen members, one of whom shall be the mayor or his designee, and twelve persons to be appointed by the mayor, seven of whom shall be elected officers or organizations within the city, whose primary concern is the fishing industry and four of whom shall be other persons residing in the city and one of whom shall be a lay person. The chairman of the commission shall be elected by a vote of the majority of the members present and voting thereon. (1984)

SECTION 3A. The mayor upon the recommendation of the commission may appoint an executive director who shall receive such compensation as may be determined by the mayor with the approval of the city council. (1980)

SECTION 4. The city of Gloucester is hereby authorized to appropriate annually a sum of money not exceeding sixty thousand dollars for the purposes of said commission. (1978)

SECTION 4A. Said commission may accept and expend gifts, bequests or devises of personal property or interests in real property for the purposes of said commission in the name of said city or of said commission subject to the approval of the mayor and the city council of said city as provided in section fifty-three A of chapter forty-four of the General Laws. (1978)

SECTION 5. This act shall take effect upon its passage. (1956)



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

ORDER: CC#2015-025
COUNCILLORS: Paul McGeary

DATE RECEIVED BY COUNCIL: 08/25/15
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED That Gloucester Code of Ordinances Sec. 22-230. - Downtown parking permits – be amended as follows:

By **DELETING:** The fee for downtown permit parking for all ten-hour meters, shall be per person, for those having a valid business in the city is as follows:

- (1) \$50.00 per month; or
- (2) \$600.00 annually.

And ADDING:

The fee for downtown permit parking for all ten-hour meters and for municipal parking lots, where 10-hour parking is permitted, shall be per person, for those having a valid business in the city is as follows:

- (1) \$50.00 per month; or
- (2) \$600.00 annually.

FURTHER that this order be referred to the Committee on Ordinances and Administration and the Traffic Commission for review.

Paul McGeary
Councillor At Large



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

ORDER: CC#2015-026
COUNCILLORS: Paul McGeary

DATE RECEIVED BY COUNCIL: 08/25/15
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 21, Art. 4 “Repair of Private Ways,” sec. 21-85 “Meeting and vote by abutting owners,” subsection (b) be **AMENDED** by **DELETING** the bracketed language and **ADDING** the underlined language as follows:

(b) At the meeting of abutting owners as required by subsection (a) of this section, separate votes shall be taken and recorded to determine whether certain repairs are to be sought and whether such repairs shall be paid for pursuant to the terms of this article. A majority of [the] all abutting owners, not just those in attendance, must [attend the meeting] vote in favor of both issues in order to qualify for construction or repair under this article. Each property, whether held singly, jointly or by a trust or corporation, shall be entitled to cast one vote by the designated or agreed-upon representative of the owners, and who must be in attendance at the meeting. The official record of the meeting, including the attendees and the votes cast shall be included with the petition for permanent repairs to a private way when the abutters present the petition to the City Clerk as described in section 21-85.

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

Paul McGeary
Ward 1 Councillor



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

ORDER: CC#2015-027
COUNCILLORS: Greg Verga

DATE RECEIVED BY COUNCIL: 08/25/15
REFERRED TO: O&A & Animal Control
FOR COUNCIL VOTE:

ORDERED that the City Council request the Ordinances and Administration Standing Committee and the Animal Control Officer review the impact of the off-leash change to allow dogs on Good Harbor Beach and Wingersheek Beach enacted on November 18, 2014, GCO Sec. 4-16(a); and after review to enact this even/odd arrangement permanently, and that this change would not preclude further review of the ordinance and consideration of additional off-leash areas; and

FURTHER ORDERD that this matter be referred to the Ordinances and Administration Standing Committee and Animal Control Officer for review and recommendation.

Greg Verga
Councillor at Large



**Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2014-337**

The Gloucester City Council, at a meeting held on **Tuesday, November 18, 2014** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

IN CITY COUNCIL:

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO c. 4, Animals, Art. 2 "Dogs" Sections 4-15, 4-16, 4-19, and 4-20 as follows:

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.

Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper. In addition, 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 all day on even-numbered days at Good Harbor Beach and odd-numbered days at Wingersheek Beach.

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 tags 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 not 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 conditions 1 through 12 and 14 above shall be subject to a fine of \$50 for each offense. Any violations of condition 13 above shall be subject to a fine of \$100 for each offense; and dogs(s) may have off-leash privileges revoked by Animal Control.

16. Unless renewed by the City Council and signed by the Mayor, the provisions of this section shall expire on December 18, 2015."

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 and subsequent offenses: \$50.00

(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.
- (b) The city shall make provision for the services of at least one fulltime dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored. The dog officer shall have the authority to prioritize responses to complaints or other notifications of violations based on their emergency or non-emergency nature. Emergency complaints or notifications are those in which there is imminent threat to the life, health or safety of humans or dogs. All other complaints or notifications of violations are non-emergency.

Linda T. Lowe 11/24/14
Linda T. Lowe, City Clerk

Date: **NOV 24 2014**

APPROVED BY THE MAYOR

Carolyn A. Kirk
Carolyn A. Kirk

VETOED BY THE MAYOR

Carolyn A. Kirk

SIGNED THIS 24 DAY OF NOV, 2014

All Ordinances shall become effective 31 days after passage except
Emergency Orders and Zoning Amendments shall become effective the next day.



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

ORDER: CC#2015-028
COUNCILLORS: Robert Whynott

DATE RECEIVED BY COUNCIL: 08/25/15
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the O&A Standing Committee review Code of Ordinances, Sec. 2-3 "Disposition of Real Property owned by the City" to recommend any changes necessary to improve the disposition process and further to **AMEND** Sec.2-3(a) (6) "Splitting and Combining Lots" by **DELETING** it in its entirety and **ADDING** a new Sec.2-3(a) (6) as follows:

"Public property may be subdivided by the City through the normal subdivision process and subsequent to subdivision may be considered for approval for disposition by the City Council under sec.2-3(a) (2) through 2-3(a) (4)."

Robert Whynott
Councillor At Large



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

ORDER: CC#2015-029
COUNCILLORS: Robert Stewart

DATE RECEIVED BY COUNCIL: 08/25/15
REFERRED TO: O&A & Recycling Coordinator
FOR COUNCIL VOTE:

ORDERED that Ordinances & Administration Standing Committee working with the Recycling Coordinator review the Code of Ordinances, Chapter 9 "Trash, Recycling, and Litter" for purposes of strengthening enforcement of the ordinance and in particular to **AMEND** Chapter 9 as follows: **DELETE** at Sec. 9-1 the definition of "litter" in its entirety and **ADD** a new definition as follows: "Litter means any waste material, including but not limited to tobacco products or parts thereof (not including ashes), waste material deposited in or near a waste receptacle which cannot accommodate that waste, and which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to the public health, quality of life, safety, welfare or unsightly appearance which could reasonably discourage others from using the property for its intended purpose."

FURTHER ORDERED to **AMEND** Sec. 9-8 "Littering prohibited" by **ADDING** a new subsection (e) as follows: "No person shall deposit litter in or near any waste receptacle that cannot accommodate additional waste."

FURTHER ORDERED to **AMEND** Sec. 9-10 "Penalty for violation of sec. 9-10" as follows: **DELETE** sec.9-10 in its entirety and **ADD** new sec.9-10 as follows: "the Police or the Building Inspector shall recommend to the District Court that the Court fine the violator according to the severity of the violation and/or the number of prior violations of this article, up to \$300 per day continuing for each day that the violation remains."

FURTHER ORDERED to **AMEND** the Code of Ordinances, Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of the Code"; "Chapter 9, Sec. 9-8 littering prohibited" by **DELETING** "\$300 for each offense" and by **ADDING** \$300, per day (or the amount allowed by MGL c.40 §21 as amended) including the day the action of depositing the litter occurred and each day thereafter in which the litter remains for any part of the day," and further by **ADDING** after "Enforcing persons:" the words "the Building Inspector,"

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Recycling Coordinator for review and recommendation.

Robert Stewart
Ward 4 Councillor



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

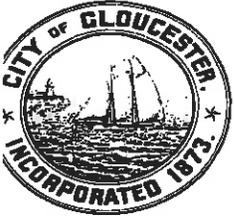
ORDER: CC#2015-030
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/25/15
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that in connection with City Council Order 2015-16 and Gloucester City Council Certificate of Vote 2015-080, the Ordinances & Administration Standing Committee shall reconsider and review parking prohibitions on Herrick Court as enacted by the Council on May 12, 2015 including "Parking prohibited at all times" Sec. 22-270; "Tow-away zones" Sec. 22-291; and "Fire Lanes" Sec. 22-292.

FURTHER ORDERED that the Ordinances and Administration Standing Committee recommend to the Traffic Commission that they further review the matter and advise the O&A of any additional recommendations.

Melissa Cox
Ward 2 Councillor



**Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2015-080**

The Gloucester City Council, at a meeting held on **Tuesday, May 12, 2015** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

IN CITY COUNCIL:

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 absent, to Amend GCO Sec. 22-270 "Parking prohibited at all times" by ADDING as follows:

Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction."

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 absent, to Amend GCO Sec. 22-291 "Tow-away zones" by ADDING as follows:

Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction."

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 absent, to Amend GCO Sec. 22-292 "Fire Lane" by ADDING as follows:

"Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs)."

Linda T. Lowe, City Clerk

Date: **MAY 14 2015**

APPROVED BY THE MAYOR

Sefatia Romeo Theken

VETOED BY THE MAYOR

Sefatia Romeo Theken

SIGNED THIS 14th DAY OF ~~APRIL~~ ^{MAY}, 2015

All Ordinances shall become effective 31 days after passage except
Emergency Orders and Zoning Amendments shall become effective the next day.

A TRUE COPY ATTEST