

previously a partner in a large real estate firm in Boston and recently retired from it. He also noted he is a Principal of Hecht Development LLC since 2004 creating partnerships to acquire and develop commercial real estate with holdings totaling approximately 250,000 square feet of commercial real estate. He said he will be concentrating moving forward to business on the North Shore.

Councilor Whynott asked if Mr. Hecht anticipated any conflicts as a member of the Planning Board with his commercial real estate development firm. **Mr. Hecht** he knows a great deal of the business of the Board through his career, and that if there are properties his company would want to purchase in Gloucester, he might have to recuse himself from a particular matter before the Board. He added that Hecht Development is buying larger assets and not many assets in Gloucester that would qualify. **Councilor Whynott** asked if Mr. Hecht was involved with the conversion of Cameron's Restaurant to affordable housing. He said he was not involved, but noted that he was interested in that property earlier and had an accepted offer from the former owner and were contemplating doing a market-rate housing project, but it didn't pan out.

Councilor Stewart added that Mr. Hecht was eminently qualified.

Councilor Fonvielle said Mr. Hecht has a very strong real estate development background, pointing out he was born in the south side of Chicago as he was, too.

Councilor Ciolino said Mr. Hecht is his neighbor on Main Street. He said he has done a terrific job developing the building he lives in and owns. He said it is important for the Planning Board to have a developer who has skill, knowledge, and problem-solving abilities. He encouraged Mr. Hecht to put forward solutions not roadblocks in front of applicants.

Councilor McGeary said he took a tour of the building Mr. Hecht had rehabilitated on Main and Duncan Streets, and said it was a very good job. He said that Mr. Hecht would be an asset to the Planning Board.

COMMITTEE RECOMMENDATION: 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 Kenneth W. Hecht to the Planning Board, 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 07/20/15)

Councilor Whynott announced that neither Councilor Verga nor Angela Sanfilippo could be present at this evening's meeting. The Committee has the latest information on this matter from Ms. Sanfilippo (on file) and should take that into consideration for their next regularly scheduled meeting.

This matter is continued to September 14, 2015.

3. CC2015-025 (McGeary) Amend GCO c. 22, Sec. 22-230 "Downtown parking permits"

Councilor McGeary explained that this was an oversight in the ordinance. He said the city sells parking permits that are good at all 10-hour meters. He pointed out there are now two municipal parking lots with kiosks where 10-hour parking is allowed, and this amendment extends the parking permits to be used in those two municipal lots.

Councilor Ciolino requested that the Administration promote these parking permits and their availability.

Councilor McGeary added that at \$50 per month for a parking permit, it is half of what it costs to pay for 10-hour parking per day for 30 days.

COMMITTEE RECOMMENDATION: 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 Amend GCO Sec. 22-230 "Downtown parking Permits" 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 as follows:

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

This matter will be advertised for public hearing.

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)

Councilor McGeary said that the ordinance was susceptible to interpretation that if there are 50 owners who abut a street, and three show up for a meeting and two vote for it that could be interpreted as a majority voted in favor of those present. He said the amendment makes it clear that if 50 properties abut a street, it requires 26 owners’ votes to go forward with a petition under GCO Sec. 21-85.

Councilor Whynott said this is a worthwhile amendment to give the ordinance further clarity, and **Councilor Fonvielle** added his agreement.

Councilor Ciolino discussed with Chief Administrative Officer, **Jim Destino**, **Councilor McGeary** and **Councilor Fonvielle** the recently withdrawn application for Norseman Avenue Extension, a small private road with three homes on it who were involved in a petition for the repair of that private way.

Mr. Destino said the Administration wants to support 100 percent betterments to get some private ways repaired. If they can space the betterments over 10 years it becomes affordable to the abutters. Through this program it enables private ways to become ready for acceptance as public ways which in turn adds to the city’s public road miles and its state Chapter 90 reimbursements. **Councilor McGeary** added that when property owners try to do such a paving project privately, if someone backs out that project might not go forward, but once agreeing to a betterment, a project will go forward.

COMMITTEE RECOMMENDATION: 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 AMEND GCO c. 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 (1) 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.”

This matter will be advertised for public hearing.

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)

Councilor Whynott said that Councilor Verga has requested this matter be postponed for discussion until October 5 in anticipation of a further Council Order being referred to the Committee on similar matters by Councilor Stewart which will be on the Committee’s next agenda.

This matter is continued to October 5, 2015.

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)**

Councilor Whynott said that his proposed amendment to the ordinance allows the city to subdivide lots before they are sold. **Mr. Destino** said the Administration has no objection to the deletion of GCO Sec. 2-3(a)(6) “Splitting and Combining Lots” but that they don’t need to add, “*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).*” He pointed out that the subdivision process is really done through the Planning Board. He suggested that Councilor Whynott’s objective would be met simply by deleting Sec. 2-3(a)(6).

Ms. Lowe said that what Mr. Destino said is true, and that this makes it clearer that a property can still be divided, and added that if the Committee wished they could add a phrase to say, “A division of lots.” She noted that when they are taking a portion of a lot from the whole, it is not a subdivision but is an ANR. She agreed it could be done either way.

Chip Payson, General Counsel, said by eliminating the existing language it would lift the ban and would be the cleanest way forward. **Councilor Stewart** added that the language of adding the normal subdivision process would be inhibitive. Mr. Destino reiterated his earlier opinion of simply deleting the entire subsection from the ordinance. **Mr. Payson** said the City Council barred itself from a certain action and now will have flexibility by removal of this language.

Councilor Stewart motioned and **Councilor Ciolino** seconded to amend the ordinance by eliminating Sec/ 2-3(a)(6) in its entirety.

There was a brief discussion of the Fuller School property Request For Proposals. **Mr. Destino** pointed out that in his opinion the Council does two things -- disposing of the Fuller School property and setting the minimum price, not rewriting the RFP. **Councilor Whynott** suggested that the Council has the authority to condition the RFP to which **Mr. Destino** advised the Council can make recommendations. **Councilor Stewart** reminded the Committee that the Council could only authorize the sale of the possibly subdivided property [if there was to be a division of the entire parcel]. The Administration would have to change the RFP, not the Council, he said. **Mr. Destino** said they’d have to split the Fuller property first to do that and the only way that could take place is if the DPW Director recommends it through the Office of the Mayor. He pointed out that the Administration is already on record that they do not support the splitting of the property. **Councilor Stewart** said currently the ordinance says the city can’t divide a municipal property and are getting rid of that language. **Mr. Payson** reiterated that if this ordinance subsection is eliminated after the 31 days runs down, the process to divide a municipal property starts with the recommendation of the DPW Director through the Office of the Mayor. **Councilor Stewart** summarized that the action is to eliminate the prohibition against dividing municipal properties, but that the procedure to split a municipal property remains the same.

It was voted by the Committee to unanimously to amend the motion.

Councilor Ciolino said he agreed with the City Clerk and General Counsel’s opinions and would support the motion now as presented.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Chapter 2 “Disposition of Real Property owned by the City,” Sec. 2-3(a)(6) “Splitting and Combining Lots” by DELETING Sec. 2-3(a)(6) in its entirety.”

This matter will be advertised for public hearing.

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**

Councilor Stewart asked when the Committee would expect input from the recycling coordinator. **Mr. Destino** said that the matter is under review and that is not completed.

Councilor Whynott said since 1976 he has voted against raising fines, when there was a \$10 for littering because there wasn’t a way to assure the fines were being given out and paid. He requested from the Administration how many tickets are being written for littering. **Councilor Stewart** said a \$20 fine for littering is too small and doesn’t act as a deterrent. He noted the fines in place for the cities of Cambridge, Fall River, Springfield, Waltham, and Lawrence which all have an average of \$300. He said when he had forwarded to Police Chief Campanello his

materials on the quarry issues, the Chief had recommended the increase in the fine saying it would help along with increased patrols.

Councilor Whynott said he agreed with a part of the ordinance amendment about leaving litter aside on the ground when a trash barrel is full being made into a civil offense. He reiterated his stance that he wouldn't vote for a fine increase for littering unless there was proof of how many civil tickets were being issued.

Mr. Destino expressed concern that the enforcing person is the Building Inspector pointing out that the Building Inspector can take people to court but can't write tickets. **Ms. Lowe** pointed out that the Building Inspector is already listed in GCO Sec. 1-15 under the noise ordinance, and Chapter 5, Buildings, that it would be instituted under this Council Order recommendation to amend the ordinance to expand it to littering.

Mr. Destino said enforcing such ordinance amendments is very difficult, and instituting stiffer fines may not work. **Councilor Stewart** said fines are not a panacea unless the fines are coupled with enforcement.

Councilor Ciolino said they should update the ordinance, but cautioned that the Building Inspector may tell them they have to hire another person in his department with this added responsibility. **Councilor Stewart** said there are three people who can enforce the littering ordinance: the Building Inspector, the Health Department inspector(s) and the Recycling Coordinator. This particular change is solely for making Article 1, Section 9 the same as the littering ordinance itself. He said a big fine tells people who are affected by the effects of littering that they hear them and agree with them and are trying to do something about it.

Mr. Destino confirmed that he would obtain the recommendations the Committee requested through the Council Order and noted the Committee will appreciate the input of the Building Inspector.

This matter is continued to September 14.

8. 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

Councilor McGeary recounted that there was concern this past spring that cars parked on Herrick Court were obstructing the stairs on its upper portion. He said the Traffic Commission recommended that a fire lane be put in place on Herrick Court which effectively eliminated all on-street parking. After recently reviewing the parking situation if a five-foot corridor on either side of the top of the stairs is created, it assures the top of the stairs access isn't blocked and that it puts back two parking spaces which benefits the neighbors but still leaves ADA compliant space for access to the stairs.

Mr. Destino said that the DPW Director couldn't attend the meeting but would speak for him. He said alleviating the issue so people can park is a good thing, but that the DPW would like to avoid marking specific parking spaces. He said it is recommended there be appropriate signage rather than street painting which will assist in enforcement of the parking restrictions.

Ron Goulart, a condominium owner at 9 Herrick Court, said the neighbors maintain the street, paint the stair railings, keep the stairs free of snow and landscape the immediate area and take very good care of the street. He offered that the neighbors would paint the roadway if the city would want it. **Councilor McGeary** said they would start with the signage and see how that works first.

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 AMEND GCO Section 22-270 "Parking prohibited at all times" by DELETING 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 Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Section 22-270 "Parking prohibited at all times" by ADDING Herrick Court on the concrete entrance to the public stairs, a five-foot wide pathway, from the railing on the westerly side in a northerly direction for a distance of 15 feet."

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 AMEND GCO Section 22-291 "Tow-away zones" by DELETING 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 Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Section 22-291 "Tow-away zones" by ADDING Herrick Court on the concrete entrance to the public stairs, a five-foot wide pathway, from the railing on the westerly side in a northerly direction for a distance of 15 feet."

These matters will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:00 p.m.

**Respectfully submitted,
Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.