

CITY CLERK  
GLOUCESTER, MA  
15 SEP 10 AM 9:42



GLOUCESTER CITY COUNCIL  
**Ordinances & Administration Committee**  
Monday, September 14, 2015 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**AGENDA**

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

1. **A. *New Appointment:*** Zoning Board of Appeals - Mark Mahan (filling unexpired term of Virginia Bergmann who has resigned) TTE 02/14/17  
**B. *Reappointment:*** EDIC Rebecca Bernie, Barry Pett, R. Billings Bramhall, J. Ronald Ross  
TTE 07/01/18 (Reappointment of Barry Pett TBC to 10/05/15)
2. ***Memorandum from General Counsel & pertinent material re: proposed Ordinance for the creation of the Stage Fort Dog Park Commission (Cont'd from 08/03/15)***
3. ***Memorandum from General Counsel & pertinent material re: proposed changes to the Acts of 1956 relative to the Gloucester Fisheries Commission (Cont'd from 08/31/15)***
4. ***CC2015-024 (LeBlanc/Verga) Request that Traffic Commission review parking from intersection of Western Ave. & Middle St. to Joan of Arc statue at intersection of Middle St. & Washington St. on even numbered side of Middle St. & send written recommendation to O&A Committee on whether any traffic ordinance amendments are recommended***
5. ***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***
6. ***City Council Vote of November 18, 2014 regarding GCO Article 2 "Dogs" Section 4-15, 4-16 4-19 and 4-20***
7. ***Outstanding Parking Issues remaining for Atlantic Road referred back to the O&A Committee from the September 8, 2015 City Council Meeting***
8. ***CC2015-032 (Stewart) Amend Chapt 4, Art. II "Dogs" as most recently amended in 2014 by deleting Sections 4-15, 4-15(a), 4-16(b), 4-16(c) and 4-21(c); renumber Sec. 4-22 through 4-23; and adding new Sec. 4-22 "Enforcement and Penalties," and adding new Sections 4-15, 4-16(a) Rules and conditions for all dogs," 4-16(b) "Additional rules and conditions for large dogs," 4-16(c) "Locations where dogs must be leashed or at large with restrictions," 4-21(c), and 4-22 "Enforcement and Penalties"***
9. ***CC2015-031 (LeBlanc) Request Traffic Commission to conduct speed study & investigate whether Kent Circle should be a one-way street and to amend GCO Sec. 22-270.1 "Resident Sticker Parking" re: Kent Circle (TBC to 10/05/15)***

10. ***CC2015-033 (Cox) Request to amend GCO Sec. 22-269 "Stop Intersection" by adding a stop sign on Shepherd Street for eastbound drivers on Shepherd Street at its intersection with Pleasant Street (TBC to 10/05/15)***
11. ***CC2015-034 (McGeary) Amend GCO Sec. 22-145 "General Prohibitions" by deleting paragraph (a) in its entirety and adding a new paragraph (a) and amend Sec. 22-291 "Tow-away zones" re: Wise Place (TBC to 10/05/15)***

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

CC: Mayor Theken  
Jim Destino  
Linda T. Lowe  
Chip Payson  
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



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

August 31, 2015

Mr. Marc Mahan  
718 Heights at Cape Ann  
Gloucester, MA 01930

Dear Marc:

Thank you very much for agreeing to serve on the City of Gloucester's **Zoning Board of Appeals**. I am pleased to appoint you to fill the unexpired term of Virginia Bergmann with an expiration date of February 14, 2017.

Your appointment will be sent to the City Council for their meeting of September 8, 2015 and will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work 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 printed name.

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

EFFECTIVE AUGUST 25, 2015

**The City of Gloucester, Massachusetts**

Dear Marc Mahan, 718 Heights at Cape Ann, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the Zoning Board of Appeals \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90 day temporary appointment. After City Council  
approval, term to expire 2/14/2017. (FILLING UNEXPIRED TERM OF  
VIRGINIA BERGMANN)

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: \_\_\_\_\_

**Christine Pantano**

---

**From:** noreply@civicplus.com  
**Sent:** Tuesday, July 21, 2015 12:11 PM  
**To:** Christine Pantano  
**Subject:** Online Form Submittal: Mayor Contact Us

If you are having problems viewing this HTML email, click to view a [Text version](#).

**Mayor Contact Us**

**If you have a question or concern you would like the Mayor's Office to address, please submit this form. We will try to address your request in a timely manner.**

**Personal Information**

Name*	Marc Mahan	City*	Gloucester
Phone Number*	978-239-6204	State*	MA
Email Address	<a href="mailto:mqmahan@gmail.com">mqmahan@gmail.com</a>	Zip*	01930

**Staff Members**

Which staff member would you like to contact?\*

- Sefatia Romeo Theken - Mayor  Christine Pantano - Executive Secretary  
 Jim Destino - Chief Administrative Officer

**Questions & Concerns**

What is the nature of your request?\*

I would like to express my interest in serving on the Economic Development and Industrial Corporation. I am a new resident of Gloucester, but a life long resident of the North Shore. I have a background in politics and nonprofits as well as the private sector. I have a Master's Degree in Political Science from Suffolk University. I look forward to the opportunity to help shape the future of economic development in Gloucester as the economics of the city evolve. Thank you.

Would you like to be contacted concerning your request?\*

- Yes  No

\* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:  
<http://gloucester-ma.gov/Admin/FormHistory.aspx?SID=8586>

The following form was submitted via your website: Mayor Contact Us

Name: Marc Mahan

City: Gloucester

Phone Number: 978-239-6204

State: MA

Email Address: [mqmahan@gmail.com](mailto:mqmahan@gmail.com)

Zip: 01930

Which staff member would you like to contact?: Christine Pantano - Executive Secretary

What is the nature of your request?: I would like to express my interest in serving on the Economic Development and Industrial Corporation. I am a new resident of Gloucester, but a life long resident of the North Shore. I have a background in politics and nonprofits as well as the private sector. I have a Master's Degree in Political Science from Suffolk University. I look forward to the opportunity to help shape the future of economic development in Gloucester as the economics of the city evolve. Thank you.

Would you like to be contacted concerning your request?: Yes

**Additional Information:**

Form submitted on: 7/21/2015 12:11:18 PM

Submitted from IP Address: 73.143.252.222

Referrer Page: <http://gloucester-ma.gov/index.aspx?NID=440>

Form Address: <http://gloucester-ma.gov/Forms.aspx?FID=45>

**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE VII CITIES, TOWNS AND DISTRICTS****CHAPTER 40A ZONING****Section 12** Boards of appeal; membership; rules

Section 12. Zoning ordinances or by-laws shall provide for a zoning board of appeals, according to the provisions of this section, unless otherwise provided by charter. The mayor subject to confirmation of the city council, or board of selectmen shall appoint members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals, the city council or board of selectmen shall act as the board of appeals. Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen, for terms of such length and so arranged that the term of one member shall expire each year. Each zoning board of appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Zoning ordinances or by-laws may provide for the appointments in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section.

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with section thirteen said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

## **1.4 ORGANIZATION AND ADMINISTRATION OF THE ZONING BOARD OF APPEALS**

### **1.4.1 Membership**

In accordance with MGL Chapter 40A there shall be a Zoning Board of Appeals, which shall consist of five members and two associate members, all of whom shall be residents of the City of Gloucester and who shall be appointed by the Mayor, subject to confirmation by the City Council. Each member and associate member shall have been a resident of the City of Gloucester for at least three years prior to his or her appointment to the board. Members shall be appointed for a term of three years; associate members shall be appointed for a term of two years. Members and associate members may be reappointed to successive terms. Vacancies on the board shall be filled in the same manner as other appointments, except that any member or associate member appointed to fill the unexpired term of a member or associate member who has resigned or who otherwise is no longer on the board shall serve only for the duration of said unexpired term, following which such member or associate member shall be eligible for reappointment as specified herein.

### **1.4.2 Duties of Associate Members**

The chairperson of the Zoning Board of Appeals shall designate one of the board's associate members to act as a member of the board in the case of the absence, inability to act or conflict of interest of another member. The chairperson shall designate an associate member to act as a member in the event of a vacancy on the board, until said vacancy is filled.

### **1.4.3 Quorum**

A quorum of the Zoning Board of Appeals shall consist of four members and associate members. No more than five members and associate members shall vote on any matter before the board. No member or associate member may vote on a matter before the board unless he or she has attended all board hearings at which evidence was presented on said matter. Provided, however, that a board member shall not be disqualified from voting on the matter solely due to that member's absence from a single session of the hearing at which testimony or other evidence was received. Before any such vote, the member shall certify in writing that he or she has examined all testimony or other evidence received at the missed session, by review of an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing in accordance, with MGL Chapter 39 Sec 23D.

### **1.4.4 Conflict of Interest**

No member or associate member of the Zoning Board of Appeals shall appear before the board on behalf of any party in any matter pending before it.

### **1.4.5 Officers**

The members of the Zoning Board of Appeals shall annually elect one member as chairperson, who shall preside at all meetings. The members shall also elect a vice chairperson to act in the absence of the chairperson, and a secretary, and shall prescribe rules for the conduct of board affairs.

### **1.4.6 Removal for Cause**

A member or associate member of the Zoning Board of Appeals may be removed by the Mayor, but only for cause, and only after written charges have been filed and a public hearing held.

### **1.4.7 Minutes**

The Zoning Board of Appeals shall keep minutes of its meetings, which shall show the vote of each member upon each question. All such minutes shall be public records, and shall be filed with the City Clerk.

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 31, 2015

Ms. Rebecca Bernie  
4 Gerring Road  
Gloucester, MA 01930

Dear Becky:

I am pleased to reappoint you to a three year term on the **EDIC**. Your appointment will be sent to the City Council for their meeting of September 8, 2015. 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 continue voting 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 continuing to work 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,

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

Sefalia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council  
Enclosure

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 31, 2015

Mr. Barry Pett  
45 Middle Street  
Gloucester, MA 01930

Dear Barry:

I am pleased to reappoint you to a three year term on the **EDIC**. Your appointment will be sent to the City Council for their meeting of September 8, 2015. 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 continue voting 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 continuing to work 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,

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council  
Enclosure

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

August 31, 2015

Mr. R. Billings Bramhall  
One Cedar Lane  
Gloucester, MA 01930

Dear Mr. Bramhall:

I am pleased to reappoint you to a three year term on the **EDIC**. Your appointment will be sent to the City Council for their meeting of September 8, 2015. 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 continue voting 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 continuing to work 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,

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  
Enclosure

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

August 31, 2015

Mr. J. Ronald Ross  
243 Atlantic Road  
Gloucester, MA 01930

Dear Ron:

I am pleased to reappoint you to a three year term on the **EDIC**. Your appointment will be sent to the City Council for their meeting of September 8, 2015. 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 continue voting 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 continuing to work 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,

Sefana Romeo Theken  
Mayor

cc: Mayor's Report to the City Council  
Enclosure

**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE XVII PUBLIC WELFARE****CHAPTER 121C ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATIONS**

**Section 3** Economic development and industrial corporation; authority to organize; consolidations; members of board of directors; surety bonds; compensation and reimbursements

Section 3. There is hereby authorized in each municipality in the commonwealth the organization of an economic development and industrial corporation, a public body politic and corporate, hereinafter referred to as the corporation. No such corporation, however, shall be organized, transact any business, employ any personnel or exercise any powers until the city council with the approval of the city manager, in a city having a Plan D or Plan E form of charter, or with the approval of the mayor in any other city, or a town at an annual town meeting or a special town meeting called for the purpose, shall by vote declare a need for such a corporation because unemployment or the threat thereof exists in the city or town or that security against future unemployment and lack of business opportunity is required and that attracting new industry into the municipality and substantially expanding existing industry through an economic development project or projects financed under this chapter and implemented by such a corporation would alleviate the unemployment and lack of business opportunity problems.

In the event that two or more municipalities wish to consolidate their economic development and industrial corporations, each such municipality desirous of such a consolidation shall so vote as a city or town in the manner hereinbefore described. Such a vote may be made at the same time as the vote to organize the corporation or may be made at a time subsequent thereto.

There shall be seven members of the board of directors of the corporation who shall be appointed by the municipality. At least one member shall be experienced in industrial development, one in financial matters, one in real estate matters, one in municipal government, at least one member representative of low income people who shall be chosen from a list of three submitted by the regional or local community action agency or, where there is no such agency, from a list of three submitted by the department of housing and community development. The appointing municipality shall designate one of the seven members as chairman and another as vice-chairman. Each of the seven members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the seven directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be

deemed to be an authority established by the general court to serve a public purpose in the commonwealth. Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date, and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the municipality for malfeasance, misfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived, and after approval by MOBD. For purposes of chapter two hundred sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the legal counsel of the municipality and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

## Fisheries Commission Amendments

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)

NEW 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. 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)

NEW 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. 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)

NEW Section 3. Members of the commission shall be appointed by the mayor with approval of the city council. Said commission shall consist of 9 members, one of whom shall be the mayor or his or her designee, one of whom shall be a current city councilor, four of whom shall be engaged either directly or indirectly in the business of commercial fishing to the extent possible otherwise additional at-large members may be appointed, and three of whom are other persons residing in the city. The commission may designate alternate positions upon recommendation by the commission and approval by the mayor. A Chair and Vice Chair shall be selected by and from among the 9 members of the commission annually.

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)

NEW Section. 3A. The Mayor may appoint an Executive Director who shall receive such compensation as may be determined by the Mayor with the approval of the City Council."

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)

AS 8/26/15  
M.R. 8/26/15

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)

AS 8/26/15  
M.R. 8/26/15



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: CC#2015-024**  
**COUNCILLORS: Steve LeBlanc and Greg Verga**

**DATE RECEIVED BY COUNCIL: 08/11/15**  
**REFERRED TO: Traffic Commission**  
**FOR COUNCIL VOTE:**

**ORDERED** that the City Council request that the Traffic Commission review parking from the intersection of Western Avenue and Middle Street to the Joan of Arc statute at the intersection of Middle Street and Washington Street on the even numbered side of Middle Street.

**FURTHER ORDERED** that the Traffic Commission make a written recommendation to the Ordinance & Administration Committee on the findings of their review including whether any Traffic Ordinance amendments are recommended.

**Steve LeBlanc**  
**Ward 3 Councillor**

**Greg Verga**  
**Councillor at Large**

**CITY OF GLOUCESTER  
TRAFFIC COMMISSION**

**A meeting was held on Thursday August 27th, 2015 at 6:00 p.m.  
in the third floor Conference Room  
at Gloucester City Hall**

**The meeting was opened by Chairman Robert B. Ryan at 6:00 p.m. Also attending were members Larry Ingersoll and Michael Mulcahey, City Councilors Paul McGeary and Steven LeBlanc, and Herrick Court residents Gerri Goode, Judy Blumfield, Ron & Sonia Goulart, and Middle Street residents Bill Webber, Todd & Nikki Tierney and Lorre Anderson.**

**AGENDA**

**Approval of the minutes from the 6/25/15 meeting**

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

**Handicap Parking request: 98 Centennial Avenue**

***Councilor LeBlanc spoke for the requestor who was unable to attend. After a discussion a MOTION was made, seconded and PASSED to APPROVE the request.***

**ORDER #CC2015-024 (Councilors LeBlanc and Verga) ORDERED that the City Council request that the Traffic Commission review parking from the intersection of Western Avenue and Middle Street to the Joan of Arc statute at the intersection of Middle Street and Washington Street on the even numbered side of Middle Street.**

**FURTHER ORDERED that the Traffic Commission make a written recommendation to the Ordinance & Administration Committee on the findings of their review including whether any Traffic Ordinance amendments are recommended.**

***After a discussion and speaking to residents and Councilor LeBlanc, a MOTION was made, seconded and PASSED to APPROVE the following RECOMMENDATION:***

***DELETE a current ordinance GCO 22-270 (Parking Prohibited at ALL Times) Middle Street, westerly side, from the easterly corner of Riggs Street, in an easterly direction to the property line of #20 Middle Street. (Ordinance was on the books but no signs were present)***

***And by ADDING:***

***GCO Sec. 22-270.1 (Residential Sticker Parking Only) Middle Street, westerly side, (even numbers) from the intersection of Riggs Street, in a northeasterly direction to the westerly property line of #28 Middle Street.***

***The area in question is city owned and is a parking area, sometimes angled, off the sidewalk, but not on the street. The area neighbors have maintained the area over the winters.***

**ORDER #CC2015-025 (Councilor McGarry) 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:

**\$50.00 per month; or  
\$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:**

**\$50.00 per month; or  
\$600.00 annually.**

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

***After a discussion, a MOTION was made, seconded and PASSED to SUPPORT the Order.***



## 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



**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 Wingaersheek 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 Wingaersheek 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  
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#2015-032  
**COUNCILLORS:** Robert Stewart

**DATE RECEIVED BY COUNCIL:** 09/08/15  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that Chapter 4, Art. II “Dogs” as most recently amended in 2014 be further amended by **DELETING**:

Sections 4-15 “Running at Large Prohibited”; 4-16(a) “Dogs allowed on Beaches at Certain Times”; 4-16(b) “Dogs prohibited in City Owned Cemeteries”; 4-16(c) “Dogs Prohibited on Athletic Fields” and 4-21(c) “Dog Fouling”.

And by **RENUMBERING** Sec.4-22 to Sec.4-23 and by:

**ADDING** a new sec.4-22 “Enforcement and penalties” and by **ADDING** new Sections 4-15; 4-16(a); “Rules and conditions for all dogs”; 4-16(b) “Additional rules and conditions for at large dogs”; 4-16(c) “Locations where dogs must be leashed or at large with restrictions”; 4-21(c); and 4-22 “Enforcement and Penalties.

The complete text of the new proposed amendments are attached to this Order.

**FURTHER ORDERED** that the Ordinances & Administration Standing Committee shall seek public input on these proposed amendments before any changes are made to the “Dogs” ordinance.

Robert Stewart  
Ward 4 Councillor

Gloucester Code of Ordinances, Article II DOGS, proposed changes to Sections 4-15, 4-16a, 4-16b, 4-16c and 4-21.

- I. Section 4-15 is hereby deleted and replaced with the following:

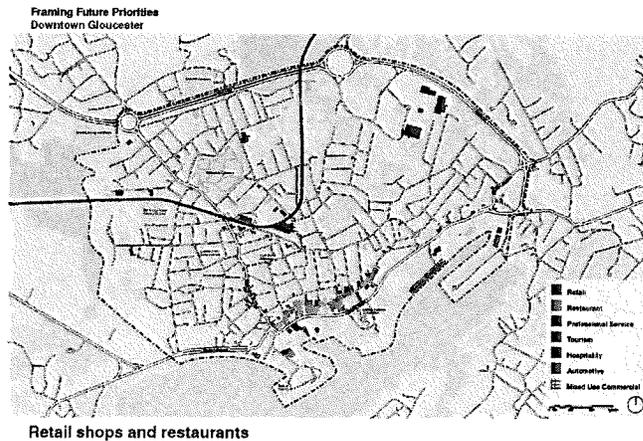
**Sec 4-15 Dogs Running At Large Restrictions**

(a) No person owning or keeping a dog in the City shall permit such dog at any time to run at large on public property other than as set forth in Sections 4-16a through 4-16c, or to run at large on private property without authorization by the owner.”

(b) Definitions: for purposes of Sections 4-15, 4-16a, 4-16b and 4-16c, the following terms shall have the following meanings:

1. “Leashed” attached to a leash not exceeding 12 feet in length.
2. “At large” without a leash on and in the hands of the owner or another competent person.
3. “Owner” as the term pertains to a dog, the legal owner or one of the legal owners of the dog;
4. “Owner” as the term pertains to property, the legal owner or one of the legal owners of the property, or the person or one of the persons in possession of the property, including but not limited to a tenant of the owner thereof.
5. “Guardian” a competent individual accompanying a dog in the place of the owner
6. “Competent person” an individual who is physically and mentally capable of controlling a dog on its leash.
7. “Direct control of dog” the voice, leash, electronic or other means of preventing a dog from leaving the immediate vicinity of the owner or guardian thereof or returning a dog which has left that immediate vicinity to that immediate vicinity.
8. “School athletic fields” - athletic fields regularly used by schools for formal athletic contests and practices
9. “Play areas” - areas designed for children to play.
10. “Dog Areas” or “Dog Parks” Specific lands or areas which are designated by Ordinance, or are designated by the Director of the Department of Public Works pursuant to Section 4-16(d), as off-leash dog areas.

11. "Downtown" is defined as within the blue-hashed areas in the map below



16

Source: The map is from July 10 2013 presentation "Framing Future Priority Downtown Gloucester."

II. Section 4-16a is deleted and replaced with the following:

**Sec 4-16a...Rules and conditions for all dogs:**

- (1) Dogs are not allowed on city owned athletic fields during periods where such fields are generally used for athletic contests or practices, or during periods when such fields are in fact being used for athletic contests or practices. For this purpose, grandstand or other normal viewing areas for athletic events are not considered to be on the athletic field, but dogs in those areas immediately before, during and immediately after an athletic event must be leashed. Dogs are permitted on leash or off-leash on athletic fields during periods not generally used for athletic contests and practices unless there is in fact an athletic contest or practice in progress.
- (2) Dogs must be leashed in any play area where children, other than those of or with the owner or guardian of the dog, are present
- (3) The owner/guardian of any dog on public or private property shall remove all feces of the dog from that property and dispose of it as set forth in Section 4-21.
- (4) Dogs must be up to date on all legally required vaccinations.
- (5) Dogs who have been determined by an Animal Control Officer to have a history of being a danger to the public or to themselves, including but not limited to chasing or attacking other animals or people, chasing vehicles, or doing damage to private or public property, or create a nuisance through excessive barking or repeated trespassing, must be managed by its owner or guardian, including leashing, muzzling or any other controls determined by an Animal Control Officer.

- (6) Dogs with contagious diseases must be leashed at all times and shall not be permitted to be in contact with other animals or humans in public areas.
- (7) At all times off the property of the owner or guardian and not under the care of veterinary personnel, dogs must have a collar on them with current license and rabies vaccination tags attached. For purposes of this provision, if proof of rabies vaccinations are a requirement for obtaining the current license, the license tag shall be deemed to also be a vaccination tag.
- (8) Dogs must have on their collar or otherwise on or in their bodies some means to contact the owner of the dog.
- (9) Dogs may not be left unattended, except for short intervals but then only if secured.
- (10) Dogs younger than 4 months of age must be leashed at all times except in Dog Parks or Dog Areas.
- (11) No more than three dogs may be under the control of one owner or guardian without an additional competent person in attendance for each one to three additional dogs.
- (12) Owners or guardians must fill in any holes dug by any dog under their stewardship.
- (13) Dogs are not permitted at any time in city owned cemeteries.

III. Section 4-16b is deleted and replaced with the following:

**Sec 4-16b Additional rules and conditions for at large dogs.**

- (1) Dogs must be direct control of owner/guardian at all times.
- (2) Dogs are not permitted to be at large if not under direct control of owner/guardian.
- (3) The owner or guardian of a dog must carry a leash for each dog under its auspices who is off of the property of the owner or guardian
- (4) If an at large dog is on a public way or sidewalk with its owner or guardian and another individual with a leashed dog is on the same public way or sidewalk and requests the owner or guardian to leash the dog, the owner or guardian shall retrieve and leash the dog until the requesting individual has left the proximity or rescinds the request. If an at large dog is on a beach or public park or other area of congregation by the public, and the dog is acting aggressively toward another individual or leashed dog, the individual or the owner or guardian of the leashed dog and requests the owner or guardian of the at large dog to leash the dog, the owner or guardian of the at large dog shall retrieve and leash the dog until the requesting individual has left the immediate vicinity of the owner or guardian or rescinds the request.

III. Section 4-16c is deleted and replaced with the following:

**Sec 4-16c Locations where dogs must be leashed or at-large with restrictions:**

(1) Dogs must be leashed:

- (A) In high activity areas, other than areas designated as “Dog Parks” or “Dog Areas” or like terms by the Director of the Department of Public Works
- (B) Downtown, except for areas designated as “Dog Parks” or “Dog Areas” or like terms and except for otherwise designated as off-leash by the Director of the Department of Public Works.
- (C) Stacy Boulevard
- (D) Stage Fort Park in the vicinity of gatherings of more than twelve (12) people (other than Dog Parks or Dog Areas
- (E) Shopping malls and other areas having a significant concentration of commercial activity.
- (F) Sidewalks and foot paths with high volume pedestrian traffic or adjacent to high-speed automobile traffic.

(2) Dogs may be at large with restrictions as follows:

(A) Stage Fort and other city-owned parks: Leashed from May 1 through September 30, except between sunrise and 9:00 am; off-leash permitted at all times from October 1 through April 30

(B) Beaches .

- (i) From May 15 through September 15, off leash dogs are prohibited on Good Harbor Beach, Half Moon Beach, Niles Beach, Plum Cove Beach, and Wingaersheek Beach.
- (ii) From September 15 through May 14, off leash dogs are permitted on Half Moon Beach, Niles Beach, and Plum Cove Beach.
- (iii) From April 15 through May 14, and from September 15 through October 14, off leash dogs are permitted on even numbered days on Good Harbor Beach and on odd numbered days on Wingaersheek Beach, and from October 15 through April 14 on all days on those two beaches.
- (iv) From October 15 through April 14, off leash dogs are permitted on Good Harbor Beach and Wingaersheek Beach on all days.
- (v) Dogs are permitted off leash at all times on Pavillion Beach, Boulevard Beach and Cressy Beach.

(C) All of the off leash permissions in this Paragraph (2) are also subject to the requirements of Sections 4-16a and 4-16b.

IV Section **4-21(c)** shall be deleted and replaced by the following new section 4-21(c):

For the purposes of this section, the means of removal of canine feces shall be any tool, implement, bag, glove or other device suitable for picking up and containing feces without leaving significant remnants at the location. Disposal shall be accomplished by EITHER placing the contained feces in a public disposal bin in the immediate vicinity unless the bin indicates that it is not suitable for deposit of animal feces. OR transported to another facility or device designed for the disposal of animal or human feces, including, but not limited to a private or public toilet facility, or designated as appropriate by regulations of, or notices from, the City Health Department or City or State Board of Health.

V Present Section 4-22 is renumbered 4-23, and a new 4-22 is inserted to read as follows:

**"4-22 Enforcement and penalties.**

- (a) Sections 4-15, 4-16a, 4-16b and 4-16c shall be enforced as set forth in Section 4-20
- (b) Each violation of Section 4-16a(3) shall be subject to a fine of \$200 for each offense.
- (c) Each violation of the provisions of Sections 4-15, 4-16a, 4-16b or 4-16c other than Section 4-16a(3) shall be subject to a fine of \$50.00 for each offense, provided that, for purposes of the fines set forth in this clause (c), a single occurrence that violates more than one of the provisions whose fines are set forth in this clause (c) shall be deemed to be a single violation.



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: CC#2015-031**  
**COUNCILLORS: Steve LeBlanc**

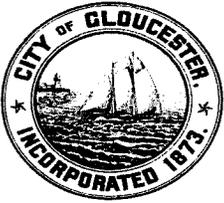
**DATE RECEIVED BY COUNCIL: 09/08/15**  
**REFERRED TO: O&A & TC**  
**FOR COUNCIL VOTE:**

**ORDERED** that the City Council request the Traffic Commission to conduct a speed study on Kent Circle and investigate whether Kent Circle should be a one way street; and that the Traffic Commission make a written recommendation to the Ordinance & Administration on the findings of their review including whether any Traffic Ordinance amendments are recommended.

**FURTHER ORDERED** that the GCO Sec. 22-270.1 "Resident Sticker parking only" be amended by **ADDING** Kent Circle.

**FURTHER ORDERED** that this matter be referred to the Ordinances and Administration Standing Committee and the Traffic Commission for review and recommendation.

Steve LeBlanc  
Ward 2 Councillor



## CITY OF GLOUCESTER 2015 CITY COUNCIL ORDER

**ORDER:** CC#2015-033  
**COUNCILLORS:** Melissa Cox

**DATE RECEIVED BY COUNCIL:** 09/08/15  
**REFERRED TO:** O&A & TC  
**FOR COUNCIL VOTE:**

**ORDERED** that the GCO Sec. 22-269 "Stop Intersections" be amended by **ADDING** a stop sign on Shepherd Street for eastbound drivers on Shepherd Street at its intersection with Pleasant Street and in accordance with Sec. 22-128 with the official stop sign thereon facing traffic proceeding in the direction indicated above.

**FURTHER ORDERED** that this matter be referred to the Ordinances and Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox  
Ward 2 Councillor



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER:** CC#2015-034  
**COUNCILLORS:** Paul McGeary

**DATE RECEIVED BY COUNCIL:** 09/08/15  
**REFERRED TO:** O&A & TC  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Code of Ordinances Sec. 22-145 “General Prohibitions” be **AMENDED** by **DELETING** from paragraph (a) in its entirety and **REPLACING** it with:

Sec. 22-145. - General prohibitions.

- (a) “No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way, highway, road or parkway under the control of the city, including land under the supervision and/or control of the Conservation Commission, in violation of this chapter or other traffic ordinances or orders adopted by the city council, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police official or traffic sign or signal; and in particular, in any of the following places:”

**FURTHER ORDERED** that Gloucester Code of Ordinances Sec. 22-291 “Tow-away zones” be **AMENDED** by **ADDING**:

Wise Place, the entirety of the land under the supervision of the Conservation Commission extending from the edge of the Wise Place Right of Way between and easterly of 3 and 5 Wise Place. The foregoing notwithstanding, within the confines of the two-space parking area designated by the City with permanent or semi-permanent markers, the provisions of this subsection shall be applicable only between the hours of 6 P.M. and 7 A.M. or at any time when more than two cars are parked in the designated area.

**FURTHER ORDERED** that this matter be referred to the Ordinances and Administration Standing Committee and the Traffic Commission for review and recommendation.

Paul McGeary  
Ward 1 Councillor