

Jim Destino, Chief Administrative Officer recounted that members of the board of the Friends of the Gloucester Dog Park came to the Mayor asking that the Dog Park be placed under the city's insurance umbrella and to do that the Mayor said they should be a city Commission which prompted the request by the Administration to create the Stage Fort Dog Park Commission appointed by the Mayor, confirmed by the City Council. Since that time other related issues with the Dog Park arose. For the two years of the Dog Park's existence the Friends of the Gloucester Dog Park have taken care of the maintenance and operation of the facility. The Administration indicated to them that would still be the case. They agreed, he reported. Just before this matter was to be first taken up on the O&A agenda, the Dog Park board said they couldn't maintain or operate the park any more. He said the Administration pulled its proposal back to look for solutions and while that was going on another issue arose about non-resident parking access to the Dog Park during the summer season. They didn't think it was right that folks who come from Rockport, Essex or Ipswich should have to pay the beach parking fee of \$15 per visit for parking just to use the Dog Park. He said he came up with a solution to take care of all three problems, the maintenance and operation issue, bringing the Dog Park under the city's insurance umbrella, and the non-resident parking. However, with the construction of the Stacy Boulevard seawall and several other reasons, it didn't work out.

Mr. Destino said the Administration is formally asking to withdraw the proposal at this time but also addressed the matter non-resident parking access to the Dog Park during the summer season. He said the Administration will be proposing a seasonal pass based on a flat fee running from May through September that should give non-resident dog park users a break rather than paying the parking per visit parking fee for each time they want to use the Dog Park during summer months, at perhaps \$100. He suggested the fees from the seasonal pass could perhaps offset some of the Dog Park maintenance, and anticipated that seasonal parking pass will be instituted next year which after one season could be reassessed.

He advised the Committee that the DPW Director had said at the time that the Dog Park was created and voted on to create it that he didn't have the manpower or budget to farm out the maintenance and the operation of the Gloucester Dog Park. He pointed out that the Friends of the Dog Park had said they were going to take care of that since the beginning and are now withdrawing their support for its maintenance and operation which is problematic. The Dog Park will remain open, he assured. It was built on volunteerism and for that group to stand away from it after two years is premature, he said.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administrative Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Administration to withdraw the request for a proposed Ordinance for the creation of the Stage Fort Dog Park Commission without prejudice.

3. 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 Greg Verga reviewed for the Committee the recommended changes they wish to see put forward to Rep. Ann-Margaret Ferrante for consideration by the State Legislature. They proposed changes that were most recently forwarded for review by the Committee as of August 26, 2015 (on file). **Councilor Verga** noted the few changes recommended by the Fisheries Commission. He highlighted the strike through, "and three of who are other persons residing in the city." **Chip Payson**, General Counsel said it is problematic -- in looking at the make-up of the Commission is nine members, one appointed by the Mayor, one is a current City Councilor, four of whom shall be engaged either directly or indirectly in the business of commercial fishing bringing the membership to six members leaving out three members in this latest revision. He said there needs to be some designation of where those three other Commission members come from. He recalled from previous Committee discussions that there was an issue raised that some of these folks should reside in Gloucester and was the basis of those particular three members.

Councilor Verga said in his opinion the reason for striking out that particular phrase is because that requirement already exists in city ordinance, noting it is the same concept as with other boards, committees or commission. If they put the line back in it still doesn't say what category these three members fall under. He suggested the composition of the Fisheries Commission to accommodate the stricken three members should be combined with the four already named in the section as "at large" bringing that total number of "at large" members to seven. Preference would be given to those who would be involved in some way to the city's waterfront industries. There was general agreement that this was acceptable to change from four at large members to seven at large members. **Councilor Verga** added that when the Mayor is looking at applications from the public for the Fisheries Commission that preference will be given to those persons who are connected in some way to the fishing

industry. **Mark Ring**, Co-Chair of the Fisheries Commission expressed his agreement with Councilor Verga's suggestion of seven at large members and give the membership flexibility.

Councilor Stewart discussed further the statement, "...whom shall be engaged either directly or indirectly in the business of commercial fishing to the extent possible..." **Councilor Verga** said it is an appropriate language as constructed to give some flexibility for membership to the Fisheries Commission and is why the language "...to the extent possible..." was inserted into the Section 3.

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 approve and forward the proposed amendments to the Acts of 1956 and subsequent Acts relating to the Gloucester Fisheries Commission to the City of Gloucester State Legislative Representatives as follows:

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.

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.

New: Section 3. Members of the commission shall be appointed by the mayor with approval of the city council. Said commission shall consist of nine (9) members, one of whom shall be the Mayor or his or her designee, one of whom shall be a current city councilor, seven 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. 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 nine (9) members of the commission annually.

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.

- 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***

Councilors LeBlanc said that this action is a result of having spoken to residents of Middle Street about the area coming up from Western Avenue from the corner of Riggs Street on the monument side to the Joan of Arc Statue, there is no parking allowed which is already in the Code of Ordinances. People who live there have been parking in and around the monument illegally for years and came forward to ask for some parking and that it be restricted to resident parking only because people from all over the country have been parking in and around the monument. Lucia Amero is in agreement (assistant to the Veteran's Agent). This is to ease overall parking for residents in that area and clean up the ordinance. The residents of the area understand they will need a multi-year resident sticker or beach sticker to park in this area now.

Councilor Ciolino noted residents of this neighborhood were present and reiterated the information about a resident or beach sticker necessary to park clarified that they would need a resident sticker for their vehicle or if they have a current yearly beach sticker that would also prove residency to park on Middle Street in the area indicated.

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 GCO Sec. 22-270 (Parking prohibited at all Times), be Amended by DELETING: "Middle Street, westerly side, from the easterly corner of Riggs Street, in an easterly direction to the property line of #20 Middle Street."

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 GCO Sec. 22-

270.1 (Resident Sticker Parking Only), be Amended by ADDING: “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.”

This matter will be advertised for public hearing.

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

Mr. Destino said he talked to the managers and the Mayor, and that they want to have a clean city and advocate for that the best way possible. One of the questions asked of him was how many tickets for littering have been written in the last 12 months, and he said none had been written. There has been one criminal complaint and two warnings given during that same time period. The DPW does write tickets for illegal dumping which isn't the same as littering and is a much more serious and separate issue. He said that there was general consensus amongst the managers who should be writing the tickets especially if the fine is raised. If it is a \$300 fine and someone litters and a ticket is written the managers believed it should be police officer not a civilian employee such as the Recycling Coordinator or Building Inspector writing such a ticket. He said they felt it was dangerous for a civilian to write that ticket for that much money because violators would be angry when ticketed.

Councilor Stewart said the State of Massachusetts has the second lowest littering fines in the country, with 48 states having fines of up to \$1,000 for littering for the first and subsequent offenses. **Mr. Destino** said that it is not that he is objecting to the increase in the fine, only that he is providing feedback from the managers.

Councilor Whynott pointing out that no one will leave trash beside a trash receptacle for more than a day because they are cleaned every day. **Mr. Destino** said he'd make the fine \$1,000 if it would stop littering. The issue is the enforcement. **Councilor Whynott** also noted that someone has to pick through the litter to determine who dumped it or catch the litterer in the act because otherwise it is dumping to which **Mr. Destino** agreed.

Councilor Whynott said he'd like to try a lower fine first and that \$50 would be reasonable to which **Councilor Stewart** agreed. He said when this comes before the Council they could amend the fine to \$100 if they see fit.

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 Chapter 9 by DELETING in Sec. 9-1 the definition of “litter” in its entirety and ADDING a new definition as follows:

“Litter means any waste material, including but not limited to tobacco products or parts thereof (other than the ashes), and waste material deposited on or near a waste receptacle which cannot accommodate more waste, and which waste material, if thrown or deposited in a manner prohibited by this Article 9, tends to create a danger to the public health, safety or welfare, or tends to create a danger to the quality of life including an unsightly appearance that would reasonably discourage others from using the property for its intended purpose.”

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 Chapter 9, Sec. 9-8 “Littering prohibited” by ADDING a new subsection (e) as follows:

“(e) No person shall deposit litter in or near any waste receptacle that cannot accommodate additional waste.”

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 Chapter 9, Sec. 9-10 “Penalty for violation of Sec. 9-10” by DELETING Sec. 9-10 in its entirety and ADDING new Section 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 \$50 per day continuing for each day that the violation remains.”

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 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 \$50 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 ADDING after “Enforcing persons:” the words, “Building Inspector.”

These matters will be advertised for public hearing.

6. *City Council Vote of November 18, 2014 to sunset on December 18, 2015 regarding GCO Article 2 “Dogs” Section 4-15, 4-16 4-19 and 4-20*

This matter is continued to October 5, 2015.

7. *Outstanding parking issues remaining for Atlantic Road referred back to the O&A Committee from the September 8, 2015 City Council Meeting*

NOTE: Paul McGeary, Ward 1 Councilor, unable to attend this evening’s meeting submitted via email dated Sept. 14 a renewal of his opposition to the plan to carve out “lay-bys” or pull-offs with 30 minute time limits on Atlantic Road. A complete text of his email is on file.

Councilor Whynott announced there would be a site visit by the O&A Committee on Saturday, Sept. 19, 8 a.m. and that Councilors would meet at the Ocean View Inn parking lot which is adjacent to High Popples Road where it intersects with Atlantic Road.

Councilor Whynott said that original motion that came out of O&A was for 30-minute parking to extend the entire landward side from Moorland Road to Farrington Avenue. He explained that in actuality he was only looking to create several scenic lay-bys which he said he had seen many times driving on Atlantic Road that would be appropriate spots for residents and tourists alike to pull cars over that could hold two cars each in order to admire the view and take photographs.

Gary Johnstone, Assessor, said he pulled the property record cards and the deeds for the properties along Atlantic Road from Moorland Road. He noted there are pins in stone walls or on the property which shows the property lines are and properties end. He advised that much land on the water side of Atlantic Road is privately owned and associated with landward properties except for two parcels which are city parcels on the water side. He reviewed his documentation with the Committee noting he had started at Land’s End which he described

Councilor Stewart said this is only to create small parking areas for on-street parking within the public right of way of Atlantic Road on city property. **Mr. Johnstone** then reviewed where demarcation of the property lines for properties fronting Atlantic Road where potential lay-bys may be created. He acknowledged bolts or stakes delineating lot lines for 29 Harriet Road; 31 Harriet Road; 191 Atlantic Road and 189 Atlantic Road; 37 Harriet Road; 185 and 183 Atlantic Road; the old Twin Lights Hotel and the Ocean View Inn; and adjacent is where one of the city lots is located and there is a section where there is wetlands which would he suggested may not be objectionable. He noted that he pulled documentation for the Councilors that went all the way down to the Atlantis Oceanfront Inn and Hotel. He said he would make a copy of the documentation for the Committee.

Councilor Whynott said that there are known spots that people park because of the wear on the side of the road and displacement of gravel. He said they need to find the least objectionable two or three spots to create the lay-bys with 30-minute parking seven days a week. **Councilor Ciolino** said this will be putting two or three parking spaces in front of someone’s home with 30-minute parking, which he suggested it would be extended and voiced his objection saying that this is trying to fix something that isn’t broken.

Councilor Stewart said he is sympathetic to Councilor Ciolino’s viewpoint, noting that living in Annisquam that during the summer he can barely get out of his own driveway, but that if it weren’t for all the summer visitors seasonally dependent businesses would be out of business. He said these people support the city’s economy.

Councilor Ciolino said it is a big deal to put parking spaces in front of people's homes where previously there were none. There has been no problem previously with the current parking scheme.

This matter is continued to October 5, 2015.

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"*

Councilor Whynott announced that this matter will be taken up as a one item agenda on October 19.

Councilor Verga asked about Niles Beach as it is leased and inquired whether it is an issue. He clarified that his order is if looks like this version of the dog ordinance amendments will take too long, his order will allow for the dog ordinance vote not to sunset and keep an ordinance on the books.

This matter is continued to October 19.

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)*

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:55 p.m.

Respectfully submitted,
Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.