

CITY CLERK
GLOUCESTER, MA

2016 JUN -2 AM 8: 36



GLOUCESTER CITY COUNCIL
Ordinances & Administration Committee
Monday, June 6, 2016 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
AGENDA

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

1. A. New Appointments:

Waterways Board Liam O’Connell TTE 02/14/18 (Cont’d from 5/16/16)

2. *CC2015-044 (Verga, Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont’d from 05/16/16)*
3. *CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted (Cont’d from 05/16/16)*
4. *CC2016-002 (Cox) City Council requests the Traffic Commission to conduct a study of tractor trailer parking on Rogers Street (Cont’d from 02/01/16)*
5. *CC2016-021 (Cox) Amend GCO Sec. 22-280 “Fifteen-minute parking” re: Maplewood Avenue*
6. *CC2016-024 (Memhard) Request Traffic Commission perform a speed study on Beach Road to determine whether to reduce the speed limit and whether the city should petition MassDOT for approval*
7. *CC2016-026 (Gilman) Amend GCO by adding new sections 22-161.1 & Sec. 22-275.1 and amending Sec. 22-275.1, Sec. 22-291 and Sec. 270.1 re: Washington St. southerly side of the intersection of Tucker Street for a certain distance*
8. *Council President’s Request to Review City Clerk Job Description (Cont’d from 05/16/16)*
9. *Update to O&A Committee on Dog Ordinance Ad Hoc Committee by Chair, Councilor O’Hara*

COMMITTEE

Chair, Councilor Steven LeBlanc
Vice Chair, Councilor Jamie O’Hara
Councilor Sean Nolan

CC: Jim Destino
Joanne Senos
Chip Payson

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

May 3, 2016

Mr. Liam O'Connell
7 Cardinal Lane
Gloucester, MA 01930

Dear Liam:

Thank you for your interest in serving on the City of Gloucester's **Waterways Board**. I am pleased to appoint you to a two year term as an At Large member of the Board, with a term to expire February 14, 2018. Your appointment will be forwarded to the City Council for their meeting of May 10, 2016, at which time it 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 the O&A Committee will review your appointment.

In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment effective May 3, 2016. 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 any additional information, please feel free to contact my office.

Thank you again.

Sincerely,

Sefatja Romeo Theken
Mayor

cc: Mayor's Report to the City Council
Ton Gross, Chair-Waterways Board

Name: Liam O'Connell

City: Gloucester

Phone Number: 978-309-9243

State: MA

Email Address: liam@ltolaw.com

Zip: 01930

Which staff member would you like to contact?: Sefatia Romeo Theken - Mayor

What is the nature of your request?: Dear Mayor Romeo Theken,

I am inquiring about serving on the Gloucester Waterways Committee, as I noticed there are vacancies opening up soon. I am a former US Merchant Marine Officer, US Coast Guard Officer, and maritime attorney. I recently opened a law office on Middle Street, after finishing a 2-year military activation out of state with the US Navy. I appreciate your time and look forward for the opportunity to discuss this further and explain why I am the right person for this board.

Best regards,

Liam O'Connell, Esq.

Sec. 10-2. - Composition and term.

- (a) *Composition.* The city waterways board shall consist of nine citizens of the city appointed by the mayor and confirmed by the city council. The appointees shall include three persons who are directly involved with the fishing industry, two persons who are recreational boaters, two persons who are directly involved with economic development of the city, and two persons at large who need not be involved with any marine-related activity.
- (b) *Term.* The term of all members shall be three years except that the initial terms shall be staggered so that the terms of no more than three members shall terminate in any one year. If a member resigns or is removed for any reason before his term expires, the mayor shall appoint a replacement within one month of the vacancy. Said appointment must be confirmed by the city council. Members of the waterways board and its standing committees shall be volunteers who are not compensated.
- (Ord. No. 17-1993, 12-14-1993; Ord. of 9-27-2011)



**CITY OF GLOUCESTER 2015
CITY COUNCIL ORDER**

**ORDER: #CC2015-044
COUNCILLOR: Greg Verga & Melissa Cox**

**DATE RECEIVED BY COUNCIL: 11/17/15
REFERRED TO: O&A
FOR COUNCIL VOTE:**

ORDERED that the Ordinances & Administration Committee shall review the matter of the use of plastic checkout bags and shall propose banning them or reducing them by creating the following ordinance:

AMEND the Code of Ordinances Ch.9 Sec. 9-12 by **ADDING** new sec. 9-12 as follows:

- (a) "Checkout Bag" is a carry out bag provided by a store to a customer for the point of sale.
- (b) "Compostable Plastic Bag" a plastic bag that (1) conforms to the current ASD6400 for the compostability; (2) is certified as meeting the ASTM D6400 standard specification by a recognized verification entity, and conforms to any other standards deemed acceptable by this section.
- (c) "Retail Establishment" means any retail store that satisfies at least one of the following requirements: a retail space of 2500 square feet or larger or at least 3 locations in the City of Gloucester totaling 2500 square feet or more.
- (d) If a retail establishment provides plastic checkout bags to customers the plastic bags shall comply with the requirements of being compostable bags. Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags.

AMEND sec. 9-13 by adding a new sec. 9-13 as follows:

Each retail establishment comply with this law. If a violation has occurred a warning notice shall be issued for the first offense. The penalty for each violation that occurs after the initial violation shall be: \$50 for the first offense and \$100 for each offense thereafter.

Further Ordered that this matter be referred to the City Council that it adopt the above ordinance.

Greg Verga
Councilor at Large

Melissa Cox
Ward 2 Councilor



**CITY OF GLOUCESTER 2016
CITY COUNCIL ORDER**

**ORDER: CC#2016-015
COUNCILLORS: Melissa Cox**

**DATE RECEIVED BY COUNCIL: 04/12/16
REFERRED TO: O&A
FOR COUNCIL VOTE:**

ORDERED that the Ordinances & Administration Standing Committee shall review and recommend the matter of prohibiting the use of polystyrene food and beverage containers or serving items from food service establishments if the packaging takes place on the premises of food service establishments, and further that waivers may be granted for no more than six months if this poses an economic hardship. This ordinance amendment shall take into account CC2015-044 concerning plastic checkout bags.

ORDERED that a new Code of Ordinances Chapter 9, "Art. II" be **ADDED** and titled "Prohibition on Polystyrene-Based Disposable Food Serving Items" "Sec. 9-20 Effective _____ 2016 polystyrene food and beverage containers or serving items (such as utensils or straws) shall not be used in the City of Gloucester to package or serve food or beverages if that packaging takes place on the premises of "food service establishments" as defined in sec. 9-21.

In the event that compliance with this ordinance is not feasible for a food establishment because of either unavailability of alternative non-polystyrene containers or economic hardship, the Director of Health may grant a waiver of not more than six months upon application of the owner or owner's representative."

"Sec.9-21 Definitions;"

"Food Service Establishments shall mean those establishments which serve food or beverages which they have packaged on the premises."

And by **ADDING** at Sec. 1-15 of the Code of Ordinances that "Violations of sec. 9-20 of the Code of Ordinances shall be subject to civil ticketing by agents of the Health Department" by a fine of : _____."

FURTHER ORDERED that the O&A shall recommend to the Council that the ordinance on Polystyrene Food and Beverage Containers be adopted.

Melissa Cox
Ward 2 Councillor

CITY OF GLOUCESTER TRAFFIC COMMISSION

*A meeting was held on Thursday May 26th, 2016 at 6:00 p.m.
in the first floor Conference Room
at Gloucester City Hall*

The meeting was opened at 6:00 p.m. by Chairman Robert B. Ryan. Also present were members Larry Ingersoll and Robert Francis, Phyllis Curcuru, Bruce Gordon (HP request) and Washington Street Lanesville business owners Tom Prybot and Meredith Glaser.

AGENDA

Approval of minutes from the 4-28-16 and 5-12-16 meetings

*A MOTION was made, seconded and PASSED to **APPROVE** the minutes of both meetings.*

Handicap Parking requests:

- One space at 12 Washington Street.

*After a discussion and speaking to the requestor, a MOTION was made, seconded and PASSED to **APPROVE** the request. The sign can be placed in front of #12 Washington Street.*

The TC has found that there conflicting ordinances concerning parking in that area and will speak to Councilor LeBlanc about correcting the wording.

For purposes of the ordinance, the Handicapped space would be on Washington Street, westerly side, beginning 155 feet from its intersection with Mansfield Street for 22 feet in a southerly direction.

- One space at 11 Perkins Road

*(April Meeting) After a discussion and speaking to the requestor, a MOTION was made, seconded and PASSED to **CONTINUE** the matter until a ruling can be received from the **City Solicitor** concerning Perkins Road. Evidently, parking on Perkins Road is in spaces on the street which are assigned by a parking committee headed by Brenda Wasnick (#6 Perkins Road). The requestor is asking that the handicapped space be designated for her use only. The TC believes that handicapped spaces can NOT be assigned to one specific person and that the granting of a space on Perkins Road would not be in accordance with the law.*

*May Meeting: After speaking with the City Solicitor, it was learned that due to Perkins Road being a private road, the association can put up any type of handicapped parking sign they desire, The requestor was notified and informed of this decision. This space will **not** be part of the city ordinance concerning handicapped parking.*

*Because of that, **NO ACTION** will be taken on the request as it will be withdrawn.*

ORDER #CC2016-021 (Councilor Cox) ORDERED that the Ordinance & Administration Committee consider whether the Code of Ordinances Sec. 22-280 “Fifteen-minute parking” should be amended by **deleting** “Maplewood Avenue, easterly side from a point 58 ft. from its intersection with Cleveland Street in a southerly direction for a distance of 22 ft.”

FURTHER ORDERED that the O&A Committee request the Traffic Commission to consider whether Sec. 22-280 should be deleted concerning Maplewood Avenue since the business has moved.

*After a discussion, a MOTION was made, seconded and PASSED to **APPROVE** the order.*

Order #CC2016-024 (Councilor Memhard) ORDERED that the Ordinances & Administration Standing Committee request that the Traffic Commission perform a speed study on Beach Road to determine whether to reduce the current speed limit due to hazardous speeding posing a serious risk to pedestrians walking to and from Good Harbor Beach.

FURTHER ORDERED that the O&A, depending on the results of the speed study, shall recommend to the City Council that the Council petition the MassDOT to approve the reduced speed limit recommended by the Traffic Commission.

*After a discussion and review of the speed study, a MOTION was made, seconded and PASSED to **APPROVE** the order.*

Although the speed study showed that speed is not an issue, the TC feels that because the street has no sidewalks and lots of foot traffic walking to the beach, that safety can be improved with a 20 mph limit.

The section limited to 20 mph would be Beach Road between Nautilus Road and Atlantic Road.

Order #CC2016-026 (Councilor Gilman) ORDERED that the Gloucester Code of Ordinances be amended by **ADDING** a new section 22-161.1 entitled “**Same—From May 1 to September 15 and certain days**” as follows: “Upon the following streets or parts thereof, described section 22-275.1 and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two hours at any one time, during the period from May 1 to September 15 of each year, between the hours and on the days so described;” and further

ORDERED that the Gloucester Code of Ordinances be amended by **ADDING** a new section 22-275.1 entitled “**Same—Between certain hours, from May 1 to September 15 and certain days**” as follows: “Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two hours at any one time, during the period from May 1 to September 15 of each year, between the hours of 9:00 a.m. and 5:30 p.m. on any business day, and including Saturdays, Sundays and holidays in accordance with Section 22-161.1; and amend by **ADDING** Washington Street, southerly side at the intersection of Tucker Street for a distance of 135 feet in a westerly direction; and amend by **ADDING** Washington Street, southerly side from a point beginning 260 feet from Tucker Street for a distance of 100 feet; and further

ORDERED that Sec. 22-291 “**Tow-away zones**” be amended **ADDING** Washington Street, southerly side at the intersection of Tucker Street for a distance of 135 feet in a westerly direction; and amend Sec. 22-291 “**Tow-away zones**” by **ADDING** Washington Street, southerly side, from a point beginning 260 feet from Tucker Street for a distance of 100 feet; and further

ORDERED that Sec. 22-270.1 “**Resident sticker parking**” be amended by **ADDING** Washington Street, southerly side, at a point beginning 135 feet in a westerly direction for a distance of 125 feet, May 1-September 15;

After a discussion, a site visit with Councilor Gilman, (who also submitted an e mail but could not be present for our meeting) and speaking to two business owners of that section of Washington Street, a MOTION was made, seconded and PASSED to APPROVE the order.

The owner of the package store suggested the starting time be changed to 8:00 am and if Councilor Gilman wishes to amend her order, the TC would find no issue with the time change.

The meeting was adjourned at 6:30 p.m.

ROBERT B. RYAN, Chairman

LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2016
CITY COUNCIL ORDER**

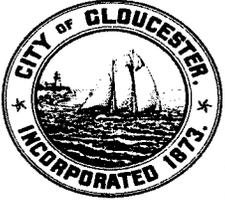
**ORDER: CC#2016-002
COUNCILLOR: Melissa Cox**

**DATE RECEIVED BY COUNCIL: 01/12/16
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:**

ORDERED that the City Council request that the Traffic Commission conduct a study of the tractor trailer parking on Rogers Street, and that their study include (1) what areas are currently tractor trailer parking; (2) what areas are currently tractor trailer parking but are not being used as such; and that the Traffic Commission make a written recommendation to the Ordinance & Administration Standing Committee on the findings of their review including whether any traffic ordinance amendments are recommended.

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 2016
CITY COUNCIL ORDER**

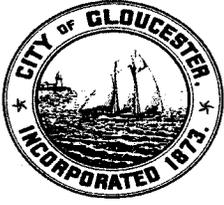
ORDER: CC#2016-021
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 04/26/16
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinance & Administration Committee consider whether the Code of Ordinances Sec. 22-280 "Fifteen-minute parking" should be amended by **deleting** "Maplewood Avenue, easterly side from a point 58 ft. from its intersection with Cleveland Street in a southerly direction for a distance of 22 ft."

FURTHER ORDERED that the O&A Committee request the Traffic Commission to consider whether Sec. 22-280 should be deleted concerning Maplewood Avenue since the business has moved.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2016
CITY COUNCIL ORDER**

ORDER: CC#2016-024
COUNCILLORS: Scott Memhard

DATE RECEIVED BY COUNCIL: 04/26/16
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinances & Administration Standing Committee request that the Traffic Commission perform a speed study on Beach Road to determine whether to reduce the current speed limit due to hazardous speeding posing a serious risk to pedestrians walking to and from Good Harbor Beach.

FURTHER ORDERED that the O&A, depending on the results of the speed study, shall recommend to the City Council that the Council petition the MassDOT to approve the reduced speed limit recommended by the Traffic Commission.

Scott Memhard
Ward 1 Councillor



CITY OF GLOUCESTER 2016 CITY COUNCIL ORDER

ORDER: CC#2016-026
COUNCILLORS: Val Gilman

DATE RECEIVED BY COUNCIL: 05/24/16
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances be amended by **ADDING** a new section 22-161.1 entitled "**Same—From May 1 to September 15 and certain days**" as follows: "Upon the following streets or parts thereof, described section 22-275.1 and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two hours at any one time, during the period from May 1 to September 15 of each year, between the hours and on the days so described," and further

ORDERED that the Gloucester Code of Ordinances be amended by **ADDING** a new section 22-275.1 entitled "**Same—Between certain hours, from May 1 to September 15 and certain days**" as follows: "Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two hours at any one time, during the period from May 1 to September 15 of each year, between the hours of 9:00 a.m. and 5:30 p.m. on any business day, and including Saturdays, Sundays and holidays in accordance with Section 22-161.1; and amend by **ADDING** Washington Street, southerly side at the intersection of Tucker Street for a distance of 135 feet in a westerly direction; and amend by **ADDING** Washington Street, southerly side from a point beginning 260 feet from Tucker Street for a distance of 100 feet; and further

ORDERED that Sec. 22-291 "**Tow-away zones**" be amended **ADDING** Washington Street, southerly side at the intersection of Tucker Street for a distance of 135 feet in a westerly direction; and amend Sec. 22-291 "**Tow-away zones**" by **ADDING** Washington Street, southerly side, from a point beginning 260 feet from Tucker Street for a distance of 100 feet; and further

ORDERED that Sec. 22-270.1 "**Resident sticker parking**" be amended by **ADDING** Washington Street, southerly side, at a point beginning 135 feet in a westerly direction for a distance of 125 feet, May 1-September 15; and

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

Val Gilman
Ward 4 Councillor