

CITY CLERK
GLOUCESTER, MA
2016 JUL 27 AM 9:39



GLOUCESTER CITY COUNCIL
Ordinances & Administration Committee
Monday, August 1, 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. Appointments & Reappointments

A) New Appointments:

Stage Fort Park Advisory Committee TTE 02/14/19 William R. Schofield (At Large)*
To fill unexpired term of a member)

B) Reappointments:

EDIC TTE 07/01/19 Ruth Pino, Michael DeLascio
(Cont'd from 07/18/16)

2. CC2016-020 (Cox) Request O&A determine whether GCO c. 11, Sec. 1-11 "Permit required; fee" be amended by deleting, "The fee for a permit issued shall not exceed \$100.00" (referred back to Committee by Council on 06/28/16) (Cont'd from 07/18/16)

3. CC2016-033 (LeBlanc) Amend GCO c. 4, Sec. 4-22 "fees and penalties" by ADDING "(c) Pursuant to MGL a special revenue fund to be designated for use by the City Clerk for City business only"

4. CC2016-034 (Gilman) Request Traffic Commission conduct a site visit at the intersection of Holly & Washington Streets and make a written recommendation to O&A as to whether to amend the GCO for safe traffic flow patterns and parking (TBC 08/15/16)

5. CC2016-035 (Nolan) Request that the Council vote to move the Ward 5, Precinct 2 polling place from Magnolia Library to the West Parish School effective with the November 8, 2016 Presidential Election

6. Review of Vote of the O&A Committee of July 17, 2016 pursuant to possible amendment of GCO Sec. 4-16(a) regarding expansion of off-leash areas for dogs

7. Update and Report of the Beach Traffic Ad Hoc Committee through Chair, Councilor O'Hara

COMMITTEE
Chair, Councilor Steven LeBlanc
Vice Chair, Councilor Jamie O'Hara
Councilor Sean Nolan

CC: Dan Smith
Joanne Senos
Chip Payson
Kenny Costa

WILLIAM R. SCHOFIELD
GEORGIA WAY
GLOUCESTER, MA 01930

JULY 15, 2016

Dear Mayor Sefatia Romeo Theken,

Please give consideration to my request to be appointed to the Stage Fort Park Advisory Committee.

With your support of my request I will fill the vacancy of a resident of the neighborhood abutting the Park. I live at 8 Georgia Way, possibly the closest resident to the Park.

My life qualifications give me the ability to be an asset to the committee. My typical daily activity prior to retirement would be to personally (hands on) manage my commercial/industrial real estate holdings and general construction activities. My experience will allow me to identify opportunities and methods to improve conditions in the Park. In addition, I see and hear everything happening in the Park. As a result, the "centerpiece" of the City's celebration of its 400th anniversary will benefit from my background and location.

Qualifications: self-employed---1969 to present, commercial/industrial real estate development, management and general contracting.

I have lived in above address for 9 years and not a day goes by that I don't look out at the beautiful Park and outer harbor and appreciate how lucky I am to have this view.

Thank you,



Bill Schofield

978-360-5369

wmrschofield@gmail.com

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

July 6, 2016

Mrs. Ruth Pino
82 Wheeler Street
Gloucester, MA 01930

Dear Ruth:

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 July 12, 2016. 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.

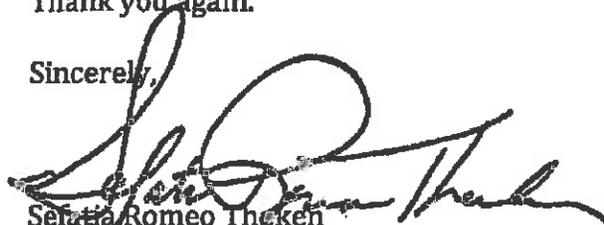
In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card and be sworn in at your earliest convenience.

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,



Senata Romeo Theken
Mayor

cc: Mayor's Report to the City Council

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

July 6, 2016

Mr. Michael DeLascio
7 Gerring Road
Gloucester, MA 01930

Dear Mr. DeLascio:

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 July 12, 2016. 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



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.



**CITY OF GLOUCESTER 2016
CITY COUNCIL ORDER**

**ORDER: CC#2016-020
COUNCILLORS: Melissa Cox**

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

ORDERED that the Ordinance & Administration Committee review Chapter 11 of the Code of Ordinances Sec. 11-11 "Permit required; fee" to determine if it shall be amended by **DELETING** "The fee for a permit issued shall not exceed \$100.00."

FURTHER ORDERED that the O&A Committee shall recommend to the City Council they amend Sec. 11-11 as referenced herein.

Melissa Cox
Ward 2 Councillor

Sec. 11-10. - Fixed vendors during special events; parades.

- (a) Vending from fixed locations, other than those specified in section 11-5 may be granted by the licensing commission, upon recommendations made by event organizers. Special events shall be designated with restricted vending areas based on public safety considerations. For the purpose of this article, special events shall be limited to:
- (1) Fishtown Horribles Parade.
 - (2) St. Peters Fiesta Procession.
 - (3) Labor Day fireworks.
 - (4) First Night Celebration.
 - (5) All annual city council approved events.
- (b) No vending will be allowed on the Memorial Day Parade route.
- (c) No vending will be allowed within 300 feet of a cemetery within the city during Memorial Day or other special observance ceremony.
- (d) The licensing commission may recommend and approve additional special events, parades relevant to this section.
- (e) Thirty days prior to any event, the event organizing committee shall submit their list of fixed vending locations along with their specific permit to for the licensing commission for approval. Fixed locations shall be within the restricted areas relevant to the event as approved by the licensing commission.
- (f) Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the city clerk, the building inspector, the assistant department of public works director, the assistant chief of police, the assistant fire chief, the emergency medical services director, the health department food inspector, the harbor master and the community development tourism manager. The committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council as referenced in section 11-10(a)(5). If city council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the special event permit.

The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.

→ • **Sec. 11-11. - Permit required; fee.**

Permits will be issued to approved fixed vendors within the restricted areas of special events by the licensing commission. The amount of the fee for a permit issued by the licensing commission shall not exceed ~~\$100.00~~500.00. Permits shall be issued for the event/parade date and/or rain date only in each calendar year. Permits shall be issued for one vendor in one location and cannot be duplicated or transferred.

(1)

Site specific vendor submitting photograph and application receives two free badges. For each additional badge, the cost will be: \$25.00 per badge.

(2)

Special event vendor submitting photograph and application receives one free badge. For each additional badge, the cost will be: \$25.00 per badge.

• **Sec. 11-12. - Special event permit fees for fixed vending locations.**

Fees generated by the issuing of permits for fixed vending locations relating to special events listed in section 11-10, shall be paid directly to the events organizing/sponsoring committee for the event, subject to all limitations as stated in the vending ordinance or as shall be, at any time, enacted by the city council.



**CITY OF GLOUCESTER 2016
CITY COUNCIL ORDER**

ORDER: CC#2016-033
COUNCILLORS: Steven LeBlanc

DATE RECEIVED BY COUNCIL: 07/26/16
REFERRED TO: O&A & B&F
FOR COUNCIL VOTE:

ORDERED that GCO Chapter 4, Sec. 4-22 "Fees and penalties" be amended by **ADDING** "(c) Pursuant to MGL Chapter 140, §147, the City Clerk shall retain \$.75 for each dog license issued and said money shall be placed in a special revenue fund to be designated for use by the City Clerk for city business only."

Steve LeBlanc
Ward 3 Councillor



CITY OF GLOUCESTER 2016 CITY COUNCIL ORDER

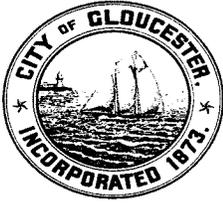
ORDER: CC#2016-034
COUNCILLORS: Valerie Gilman

DATE RECEIVED BY COUNCIL: 07/26/16
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Traffic Commission conduct a site visit in order to make recommendations of safe traffic flow patterns and parking at the intersection of Holly Street and Washington Street; 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 to the Gloucester Code of Ordinances are recommended.

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

Valerie Gilman
Ward 4 Councillor



**CITY OF GLOUCESTER 2016
CITY COUNCIL ORDER**

ORDER: CC#2016-035
COUNCILLORS: Sean Nolan

DATE RECEIVED BY COUNCIL: 07/26/16
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the City Council pursuant to MGL c.54 §24 vote to move the Ward 5, Precinct 2 polling place from the Magnolia Library, 1 Lexington Avenue back to the West Parish School, 10 Concord Street, to become effective with the November 8, 2016 Presidential Election.

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

Sean Nolan
Ward 5 Councillor

Background: On June 24, 2014, City Council voted to move the Ward 5, Precinct 2 polling place to the Magnolia Library due to the construction of a new West Parish School.

Recommendations of the Ad Hoc Committee

- 1) Modify Sec. 4-16a to expand unleashed areas for dogs on public beaches at certain times.
- 2) Modify Section 4-16(d) to clarify small and large dog areas in the Gloucester Dog Park

Draft



Sec. 4-16a. - Dogs allowed on public beaches at certain times.

Dogs shall be prohibited from public beaches from May 1 to September 30 annually with the following exceptions: 1) Dogs are allowed leashed and unleashed at Cressy Beach. 2) Dogs are allowed leashed and unleashed at Plum Cove Beach and Niles Beach from 5:30 pm to Sunset and Sunrise to 8:00 am.

Dogs shall be allowed leashed and **unleashed** on public beaches from October 1st to April 30th subject to the following exceptions: 1) Dogs are allowed unleashed only on even-numbered days at Good Harbor Beach. 2) Dogs are allowed unleashed only on odd-numbered days at Wingersheek Beach.

Sec. 4-16d(a)(2) should be amended to ADD subsections k and l

- k. Dogs that weigh 25 pounds or less are not allowed in area designated for large dogs.
- l. Dogs that weigh 26 pounds or more are not allowed in the area designated for small dogs.



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2016-012

The Gloucester City Council, at a meeting held on **Tuesday, January 12, 2016** 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 LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to AMEND GCO Chapter 4, Article II, Sec. 4-16(a) "Dogs allowed on public beaches at certain times," by ADDING the words, "and Plum Cove Beach on consecutive days in the off season" after the words, "Wingaersheek Beach."

Linda T. Lowe, City Clerk

Date: JAN 14 2016

APPROVED BY THE MAYOR

Sefatia Romeo Theken

VETOED BY THE MAYOR

Sefatia Romeo Theken

SIGNED THIS 14th DAY OF JANUARY, 2016

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



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 Wingsheek 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 Wingsheek 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.

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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:

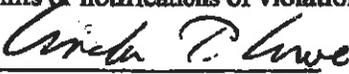
(1) For the first and subsequent offenses: \$50.00

(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.

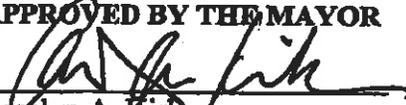

Linda T. Lowe, City Clerk

11/24/14

Date:

NOV 24 2014

APPROVED BY THE MAYOR


Carolyn A. Kirk

VETOED BY THE MAYOR

Carolyn A. Kirk

SIGNED THIS 24 DAY OF NOV, 2014

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