

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, February 6, 2012 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Robert Whynott; Councilor Steven LeBlanc, Jr.

Absent: None.

Also Present: Councilor Tobey; Councilor Hardy; Councilor Cox; Councilor Verga; Linda T. Lowe; Tony Gross; Paul Keene; Jim Caulkett

The meeting was called to order at 6:00 p.m. Items were taken out of order. There was a quorum of the City Council.

1. Continued Business – All items continued from 01/30/12

- A) New Appointee:
Downtown Development Commission Jane Fonzo TTE 02/14/14

The Committee briefly discussed with Ms. Fonzo her background, experience and desire to serve on the Downtown Development Commission. She acknowledged her awareness of the Open Meeting Laws and will take the State Ethics Exam and that she wished to step forward now at this time to volunteer on behalf of the City in this capacity having no known conflict with any other City board, committee or commission. She and her spouse are property and business owners in the downtown. She wanted to keep the downtown looking good, and expressed she has the time to invest as a member of the DDC. **Councilors Verga** and **Whynott** expressed their thanks for her stepping forward. **Councilor Hardy** stated she knew Ms. Fonzo for some time. However, with multiple properties in the downtown area, she asked how Ms. Fonzo would vote being a multiple property owner; would she abstain from a vote that may affect her properties. **Ms. Fonzo** felt she could vote free of bias but would recuse herself should there appear to be a conflict. **Councilor Theken** appreciated what she has done with her business downtown and hoped that with her connections she brings more tourism to the area. She urged her to keep an open mind. She urged Ms. Fonzo to bring any concerns to their attention; that there needs to be a partnership with the downtown committees and the Council. She also urged that there are other business areas in the City like the Lexington Avenue corridor and in Lanesville; she suggested the DDC could look at how they can help make these other business areas as vital.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Jane Fonzo to the Downtown Development Commission, TTE 02/14/14.

Ms. Fonzo's appointment would come before the Council on February 28th.

- B) Management Reappointees:
City Engineer Paul Keene TTE 02/14/13

Councilor Verga expressed how impressed he was with Mr. Keene through work with the Newell Stadium Committee. **Councilor Hardy** noted before Mr. Keene came on board there was an issue with the Willow Rest area summarizing the complex matter relative to the road layouts to him. She thought this would be re-addressed when he came on board. She wished now to bring the matter forward on behalf of her constituents who complained to her a while back, looking to Mr. Keene for assistance. Mr. Keene knew the DPW Director had asked for a survey to be done and meet with the Councilor. **Councilor Theken** asked about his involvement with the CSO project. Mr. Keene responded he had little to do with it with **Jim Duggan**, CAO adding that Mr. Hale is overseeing the project himself. **Councilor Tobey** pointed out Mr. Keene is a P.E., and asked if he has been involved in sewer and water projects previously. He felt as the CSO project is complex, the Administration should seriously consider involving Mr. Keene and his professional expertise. The Councilor asked if he had been involved in a CSO separation project. **Mr. Keene** stated it was many years ago in Boston. He knew there was a recent project bid regarding Gloucester's CSO project. **Councilor Tobey** urged the Administration to involve Mr. Keene much more in the CSO project. He

noted he has asked the Administration for a CSO update to the Council and also to use the opportunity to look at other utility work being done in the City; and to see if they should be extending sewer in the heart of the City. He reiterated that request and urged Mr. Keene to become involved. **Mr. Keene** stated he can only do so under the direction of the DPW Director who is his boss. **Councilor Theken** mentioned the CSO as it is a big project in order to express her concern that if something happens to Mr. Hale they need someone who can step in and be fully knowledgeable on the project. She asked if a project manager would be assigned to it (the CSO). She was not pleased that Mr. Hale was not available to the Committee. She knew of no issues with Mr. Keene's work. She also urged that Mr. Keene be fully familiar with the CSO project. **Councilor Whynott** agreed with what the Councilors said regarding Mr. Keene's needed involvement with the CSO. **Councilor Hardy** wondered if Mr. Keene could be involved in the sewer work on lower Essex Avenue. **Mr. Keene** stated he was very involved with that project explaining there is a consulting engineering firm preparing a proposal to address the issues. **Mr. Duggan** stated that was addressed in a recent meeting with the DEP and is being drafted with a Scope of Services by the company CDM-Smith (an engineering firm) to start addressing it as part of the ACO (DEP Administrative Consent Order). Once they have a DEP approval on the Scope of Service, they'll move forward. **Councilor Tobey** asked how the Administration is using the City Engineer. **Mr. Duggan** pointed out there used to be three staff engineers and now there is one requiring a balancing act. He gave the example of Mr. Keene's recognition of the deficiencies with Newell Stadium design plans and brought it to another level of examination to put it on the right track. **Councilor Tobey** expressed his concern for the DPW Director stating he is only as good as his team. There has never been more than one P.E. in the Engineering office. By Mr. Keene being a professional engineer (P.E.), the City is getting that value. **Mr. Duggan** responded the examination of the lower Essex Avenue sewer issues that they looked at it to fix the problem and concluded as a result of Mr. Keene's professional expertise to take the project one section at a time to address the shortcomings; examine the pump stations, etc. He reminded the Committee that there is no other professional staff; Mr. Keene does it all. **Councilor Tobey** pointed out the City has always relied on outside engineering firms; and they're paying for that. He suggested that full-time professional staff in the Engineering staff has enormous value suggesting it may be time to examine bringing staff back. With Mr. Keene's status as a P.E., the CSO job is the biggest project coming forward which will cause great difficulty; and noted Mr. Hale is not an engineer. **Mr. Duggan** stated they would have to fund the position to add staff. **Councilor Theken** stated Mike Hale as DPW Director has an assistant, giving Mr. Hale coverage. If Mr. Keene is called away on something, then he has no replacement. She felt he needs to be involved; and they either need an assistant engineer or another full engineer. **Mr. Duggan** stated he would address this immediately the following day. **Councilor Hardy** asked was the delay lower Essex Avenue holding up the Special Council Permit for the hotel to be built there. **Mr. Keene** stated it is not; that it was due to litigation issues. **Mr. Duggan** stated this happens all over the City for so many different departments, the lack of staffing in key areas from the City Clerk's office to the Treasurer's office. They do the best they can. **Councilor Verga** stated the Special Council Permit for the hotel had the condition of the sewer line be able to handle the volume. **Mr. Keene** stated the hotel has a sewer permit. They could hook up tomorrow. **Councilor Verga** asked if they did hook up would there be a problem. Mr. Keene stated they have to do something special on their site; it is not a City line issue. There is a way they can hook up without hampering the neighborhood.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Paul Keene City Engineer TTE 02/14/13.

Harbormaster

James Caulkett

TTE 02/14/15

[**Note:** Prior to the meeting, Mr. Caulkett submitted to the Committee a one page description of his job duties as well as highlights of his departmental accomplishments which was placed on file]

Councilor Whynott and LeBlanc endorsed Mr. Caulkett's reappointment. **Councilor Hardy** asked about the hours actually worked on weekends and holidays. Mr. Caulkett responded he is on call on weekends and holidays with the exception of Peter's Fiesta and Labor Day weekend. **Councilor Hardy** expressed she had inquiries as to why the Harbormaster didn't work more on-the-water hours during the summer season. **Mr. Caulkett** responded that he has Assistant Harbormasters on duty during the summer season, May to end October. They are on duty 2 p.m to 6 p.m. and on the weekends they have someone always on duty from 8 a.m. to sunset. **Councilor Hardy** noted there was report of an occasion where there was an unpleasant discussion with a transient boater on the radio. **Mr. Caulkett** had not had a complaint. **Mr. Gross** stated that he knew of the incident from several people who had

heard the transmission; that it was cordial until the end when it was reported the Assistant Harbormaster made an unnecessary negative quip which was refuted. This has prompted the Harbormaster's Department to work diligently to work towards a transient boater shuttle service. They do not have dockage but do have transient moorings. Mr. Gross reported the Harbormasters have dispute resolution handling classes coming forward but stated it did not stem from that radio conversation (for customer service). **Councilor Hardy** noted she and two other Councilors went on the harbormaster's boat and were impressed with the tour of the City's coastline; and the amount of time it takes for an emergency to be responded to in many outlying areas. She encouraged other Councilors to take a ride on it also. **Councilor Theken** asked how the Waterways Board co-exists with the Harbormaster. **Mr. Gross** stated they are endorsing the Harbormaster's reappointment. They are working to move the office forward and make it a model on the North Shore. The Harbormaster is supportive of the floating marina to make Gloucester a more visitor friendly port. **Councilor Theken** asked what they're doing to get more moorings. **Mr. Caulkett** stated they're continually looking at the mooring fields, understanding they have to be sensitive to environmental issues such as the shellfish beds and fisheries. They increased Smith Cove and inner Harbor by five moorings each. They increased the river moorings by 10 and other areas by 15. Southeast Harbor, which is a mooring field, is challenging due to the conditions and exposure, but they are filling it. **Councilor Theken** spoke to the dockage issue, of which there is a lack of. She asked why they can't do transient dockage in front of the Building Center, for instance. **Mr. Caulkett** stated they would have to negotiate this with the property owners; it is in their deeds. **Mr. Gross** added the DPA doesn't allow for recreational boating. They're looking to have a representative from the DEP in for a discussion regarding the proposal for a floating marina and they'll ask that question. **Councilor Theken** asked they work on this specific issue. **Mr. Gross** stated the amount they'll create will be very expensive, however, under these current conditions. **Councilor Theken** made the suggestion that Mr. Gross and Mr. Caulkett appear on Cape Ann TV to discuss waterfront issues; to get information out to the public. She also heard Mr. Caulkett works well with the recreational and commercial boaters. His personnel and he are friendly yet firm in their dealings with the public. She spoke of Mr. Caulkett's responsiveness. **Mr. Duggan** stated the Administration finds the Harbormaster very responsive, who works diplomatically and is available at all times to them. **Councilor Theken** noting many issues that will be coming forward concerning the waterfront, that working closely with the Waterways Board is very important. She appreciated in recent public informational meetings on the possible floating marina that Mr. Caulkett handled himself very well and acted in a professional manner.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whycott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint James Caulkett Harbormaster TTE 02/14/15.

- D) CC2012-002 (Ciolino) Request Legislative Delegation to file legislation re: naming of Gloucester Route 128 Extension (Grant Circle to East Main Street) to a "Purple Heart Killed in Action Veteran Highway"

Councilor Theken noted Councilor Ciolino was unwell and could not attend. She explained that the process for this Order is for it to be approved in Committee, then at the Council; and then it will be forward to the State legislators. **Councilor Hardy** asked who would maintain the sign once erected on the highway and also urged a strategic placement of it to be less visually confusing to vehicular traffic. **Councilor Whycott** expressed his concern agreeing that there are too many signs, particularly at the Grant rotary that are very confusing visually also. He pointed out that any sign that can be seen from a State highway requires a permit from the Outdoor Advertising Division of the Secretary of State's office.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whycott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to request on behalf of the City of Gloucester that a length of highway (currently referred to as the Route 128 Extension) between Grant Circle at Washington Street in an easterly direction for a distance of 1.6 miles to its intersection with East Main Street and Bass Avenue in Gloucester, MA to: "Purple Heart Killed in Action Veteran Highway"; and to that end petition the State Department of Transportation through the offices of State Senator Bruce Tarr and State Representative Ann-Margaret Ferrante on behalf of the City of Gloucester to make this request.

- E) CC2012-001 (Hardy) Review salary of the office of the Mayor as in accordance with City Charter, Article 3, Sec. 3-1(c) and amend GCO Sec. 2-54 accordingly

Councilor Hardy stated for a number of years the Council has been over the issue of mayoral pay. Under the City Charter, any amending of the Code of Ordinances in that regard would not apply until the next legislative term, beginning January 1, 2014. She explained she did not attach a dollar amount to her Council Order. However, in a companion order, CC2012-005, Councilor Tobey offered a salary suggestion of \$100,000 and with it a salary comparison of 39 surrounding communities. The ordinance would need to be amended to enact a raise in salary for the Mayor. **Councilor Verga** commented it was not a good time to do this and was not sure that it was important what neighboring communities pay their Mayors. He was not supportive of a mayoral raise at this time. **Councilor Theken** stated they're discussing whether they want to change the ordinance. **Linda T. Lowe**, City Clerk stated if the Council decides on a particular dollar amount they must include that in amending the ordinance. **Councilor Verga** didn't believe there was a formula in looking at the community comparisons; to jump to say, \$100,000 was too big a jump in his estimation. When the Council was voting to raise City employees' salaries, they voted, rather, for a range (not a firm number). **Councilor Theken** felt the Mayor runs an entire City; and is receiving compensation of \$75,000 which was not necessarily considered a good living wage. **Councilor Tobey** reviewed for the Councilors a brief Mayoral salary history from the time of Mayor Leo Alper through to present. He felt this was an exercise of a "self-worth analysis" likening the City to a corporate entity needing to decide if their CEO with \$100 million budget with multi-million dollar capital expenditure budgets who lobbies on Wall Street, to the Federal Government; oversees a school system; a sewer system, a water system; a trash system is worthy of a more appropriate salary. The position, he believed, is worth \$100,000. He stated for the record he would not be Mayor ever again, that this was not about him. **Councilor LeBlanc** commented that there was no pattern of pay in the 39 cities he looked at on Councilor Tobey's salary comparison by community. He would support a pay increase because of the 39 communities; Gloucester is ranked #36 out of 39. It is something to look into and didn't feel it was a lot of money. They do need to figure out the right number. They could have a better pool of candidates come forewarned for the position [with a pay increase]. **Councilor Theken** expressed her opinion from the perspective of being involved with the City for many years, that they took the Police and Fire Chiefs out of Civil Service to broaden the pool of candidates. As a City Councilor, they can still work a full-time job. But if you are Mayor, you would likely need to give up your job in the private sector as it was a 24/7 job. **Councilor Hardy** thought there was a legal position taken to the contrary several years ago. **Ms. Lowe** said Councilor Hardy is referring to a 2007 legal opinion that said the Mayor must do the job every day but could do something else to a limited extent. She read from the City Charter, Article 3, Sec. 1(a), "...The Mayor shall devote his full time to the office, that is, he shall not hold any other elective public office, nor shall he actively engage in any other business, occupation or profession during his service as Mayor." **Councilor Theken** stated it is a position that you want to be able to give 100% to the City but at the same time be able to support a family, and that \$75,000 is not enough. Other City department heads make more than the Mayor. To not give a raise at all, she felt, is inappropriate. **Councilor Whynott** expressed his agreement with Councilor Verga's position. The only qualification to be Mayor is to be a registered voter of the City in order to run for the office. People that work for the City have qualifications that as Mayor they don't have to have. He believed in citizen politicians. There should be incentive to go back to the private sector, in a sense, like in term limits. He pointed out in Woburn the Mayor makes \$73,000; but the city Clerk makes \$90,000. They require their City Clerk to be a lawyer; to do that they have to pay more. He would support a reasonable raise; say \$5,000 to \$80,000 only at most. **Councilor Hardy** stated they have to look at budgets; if the revenue isn't there it's not there. The first year of a salary raise for the Mayor, which would, if the ordinance was amended, take affect with six months of a budget. She felt they could work it out and that the salary would be raised in stages. **Councilor Verga** would agree to a five year plan, not a one lump sum increase which would have to be clear. **Councilor Theken** pointed to the increases for the department heads. Whether they like what certain staff got, they did approve increases; and it was up to the Mayor and the Personnel Director to assign an increment of the pay grade increase. It was not arbitrary. **Councilor Tobey** asked they look at other communities and how they value their leadership, urging the Councilors to think outside the City boundaries. The role of Mayor has evolved greatly over the years. He believed it to be a professional position and is about a life skills orientation. **Councilor Hardy** reiterated if there was to be a change in the ordinance, and this City Council does it in the first 18 months of its term it would impact FY14 budget from Jan 1, 2014, then in FY15 and FY16. It would not happen right away and can't by ordinance. This matter is before the Budget & Finance Committee at their February 9th meeting as well.

This matter is continued to March 5, 2012.

Councilor Theken stated that Councilors Ciolino and Cox have advised the Committee they wish to withdraw CC2012-004 Amend GZO Sec. 22-287 (Disabled veteran, handicapped parking) re: adding two (2) spaces near

intersection of Middle and School Street located near the apartment building at School St. #1 which appeared on the January 30, 2012 O&A agenda. By unanimous consent the Committee agreed to the Council order's withdrawal without prejudice.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:17 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.