

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
Monday, August 23, 2010 – 6:30 p.m.  
1<sup>st</sup> Fl. Council Conference Room – City Hall

**Present:** Vice Chair, Councilor Ann Mulcahey; Councilor Steven Curcuru (Alternate); Councilor Paul McGeary (Alternate)

**Absent:** Councilor Theken; Councilor Tobey

**Also Present:** Councilor Hardy; Councilor Verga; Robert Ryan; Roslyn Frontiero; Russell Hobbs; Gail Darrell; Sandra Thoms; Bruce Maki; Damon Cummings; Carmine Gorga; Ann Rhineland; Dave Lincoln

**The meeting was called to order at 6:30 p.m. Items were taken out of order.**

**1. Continued Business**

- A) CC2010-026 (Hardy) Adoption of Ordinance under GCO Chap. 2, Art. V, Sec. 2-400 re: Responsibilities of designated member of their Board, Commission or Committee (Cont'd from 05/03/10)

**Councilor Mulcahey** announced the matter would be continued to the September 20, 2010 meeting when Linda T. Lowe, City Clerk could be in attendance.

- B) CC2010-033 (Hardy) Amend Sec. 22-292 (Fire Lanes) of the GCO by ADDING Andrews Street from Lanes Cove Seawall et. al. (Cont'd from 07/26/10)

**Robert Ryan, Chair of the Traffic Commission** stated at the July 29<sup>th</sup> meeting of the Commission that they voted to recommend the order that the GCO be amended adding Andrews Street, both sides from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from pole #511. They met with 10-15 residents of the affected area and Councilor Hardy. There was a question whether or not the City had jurisdiction over private ways, and they received a ruling from Suzanne Egan, General Counsel who stated they do; citing GCO Sec. 22-152 which allows the City Council the authority to designate private ways. The Commission recommended the fire lane from Lanes Cove Road to Pole #511.

**Councilor McGeary** asked for a definition of a fire lane.

**Mr. Ryan** clarified it is no parking either side. The question came about because even though you own the property opposite each other across a road, you still would not be able to park on the street. Mr. Ryan also noted they would be designating two other areas, one for vehicle parking only and another for vehicle boat/trailer parking to assure orderly parking areas right after pole #511.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-292 (Fire Lanes) by ADDING Andrews Street, both sides, from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from pole #511 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Andrews Street, both sides, from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a

**point 95 feet in a northeasterly direction from pole #511 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Mr. Ryan** stated at their July 29<sup>th</sup> meeting of the Traffic Commission and subsequent to a site visit, meeting with the residents, there was much confusion – vehicles parked all over, boat trailers in the way obstructing the fire lanes to the homes at the ends of Andrews Street. The Commission felt by designating the northerly side being vehicle parking and the southerly side for vehicle boat and/or trailer parking, it would make it safer and more orderly. This leaves the middle open for a fire lane and a clear roadway to the homes there. This will make it safer and more organized. The neighbors are all in agreement with the proposed designation of the parking.

**Councilor McGeary** confirmed the parking of the trailers was on the side opposite from the boat ramp with Mr. Ryan.

**Councilor Hardy** stated this allows people to drop off their trailers and then park their vehicles on the other side so vehicles could get out. Some of the cars were being blocked in by trailers.

**Russell Hobbs**, 1166 Washington Street stated during that meeting there was talk of time limits on the boat trailers because they didn't want the boats to be put in for long periods of time; and wanted to know if this was proposed to be put in the ordinance, limiting parking to 24 hours.

**Mr. Ryan** stated they didn't have an ordinance to address a time limit. That's not to say they couldn't do it, but they would need a request for an ordinance change for that to be put in place.

**Councilor McGeary** stated this would be appropriate to pass this and then come back to amend the ordinance to have no overnight parking in that area.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-288 (Off Street Parking) by ADDING Lanes Cove Lot (situated at the end of Andrews Street) northerly side (Seawall side) to be designated "VEHICLE PARKING ONLY" with the southerly side (bushes) to be designated "VEHICLE BOAT AND/OR TRAILER PARKING" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Mr. Ryan** stated the following ordinance amendment was a result of the narrowness of coming down off of Langsford Street down Andrews Street heading into the Cove. Cars are parked on the right side of the street and making visibility difficult for drivers the parking on both sides making vehicle passage difficult as well.

**Councilor Hardy** noted it was difficult to see coming out of Lanes Cove Road and that part of Andrews Street, especially on a snowy day is hard to get momentum to the top of the hill. This will help in both directions.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Prohibited parking at all times) by ADDING Andrews Street, westerly side from its intersection with Langsford Street, in a northerly direction to its intersection with Lanes Cove Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Councilor Hardy** stated this next amendment will allow the police to take action on illegally parked cars.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Andrews Street, westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

The Committee also agreed with the recommendation of the Traffic Commission that once the above orders are physically in place that signs reinforcing the "NO PARKING" within 20 feet of the intersection be installed on both the Langsford Street and Andrews Street ends to make the intersection more visible for drivers coming out of Andrews Street by the DPW. They recommend that the DPW remove the sign. "NO PARKING HERE TO CORNER" on the southeasterly corner of Andrews Street and Langsford Street.

**Councilor McGeary** asked who ensures that the signs are removed/erected once the GCO is amended. **Dana Jorgenson**, Clerk of Committees informed the Councilors that once the City Council passes the ordinance changes, the Certificate(s) of Vote are forwarded to the DPW with true copy attested minutes showing any instructions by the Council for signage pertaining directly to those Certificate(s) of Vote out of the City Clerk's office.

**Councilor Mulcahey** added that if the Councilor wanted a sign saying, "no parking here to the corner" from a distance of 20 ft., that was simply a matter of calling the DPW and making that request.

**Councilor Hardy** also noted as long as it is in the minutes it is something she can follow up with the DPW.

- C) CC2010-034 (Hardy) Amend Sec. 22-267 (One Way Streets-Generally) of the GCO by DELETING Washington Street from Andrews Street to Butman Avenue in a northerly direction et. al and ADDING GCO Sec. 22-270 (Parking Prohibited at all times) Washington Street, southerly side in an easterly direction to Langsford Street

**Mr. Ryan** related that the Traffic Commission after discussions with Councilor Hardy and approximately 15 residents from the area, the consensus was that the requested No Parking area was too long on Washington Street. After a site visit with residents and Councilor Hardy the Traffic Commission at their July 29<sup>th</sup> meeting, they concurred that the current one way ordinance be deleted and to prohibit parking at all times on Washington Street southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street. The Traffic Commission felt that the Sunday parking on both sides of the street was making driving hazardous and hard for emergency vehicles to get through. The Commission recommended that the parking be on one side of the street. There was only one individual at the time of the site visit who did not agree with the concept.

**Councilor Mulcahey** noted an email dated 8/20/10 from Anni Melancon, 181 Washington Street and read it for the record (on file).

**Mr. Ryan** responded that the concern of the Traffic Commission were cars on a Sunday morning parked on both sides of the street, on the sidewalk making it very difficult to get through. They are recommending they prohibit parking on one side, allowing parking on the northerly side which is the church side. That way no one crosses the street; there's adequate room for emergency vehicles to pass and for residents to access their homes, rather than making it one way and having to go all the way around. This was after walking the area with residents, with only one individual who was expressing concern at that time and then with the unanimous decision of the Traffic Commission.

**Sandra Thoms**, 1174 Washington Street stated the Congregational Church had no interest in seeing that the parking is only on one side beyond McCullough Street going easterly on Washington Street. Extending this for the entire length of Washington Street to where it meets Langsford Street wasn't a request of the church but rather the wisdom of the Traffic Commission during that site visit.

**Mr. Hobbs** stated there is an ordinance already in place (but that the signs are gone) that prohibits parking on Ms. Thoms side of the street from Leverett Street to Langsford Street from May 1 to September 15. No one could park there anyway if the signs were up. They were removed during the North Gloucester sewer project and never replaced. He would like to see the ordinance put all the way through as per the Traffic Commission now. The street will be very narrow if parking is allowed on both sides along that corridor. Noting the lack of fire protection in Lanesville, they need the security that

emergency vehicles can get through that area at any time as every second counts. There are many events that cause the streets to be blocked regularly. He felt it was very dangerous and was in full agreement with the Traffic Commission's recommendation.

**[Councilor Verga entered the meeting at 6:45 p.m. There was now a quorum of the City Council.]**

**Councilor Hardy** stated this came forward at a Ward meeting attended by approximately 60 people with two people speaking in opposition to this at the time. This came forward so that they could get emergency vehicles through as Mr. Hobbs said. They worked with the church also. The compromise was that parking would be restricted on at least one side of the street and chose the church side of the street because of many anticipated athletic use of the grounds with the installation of basketball courts and hoops. Rather than having children running to the opposite side of the street, it was better this way. Because they don't have the Bay View Fire Station open all the time, rather than having the emergency vehicles go all the way around Langsford to get there, it did not make sense. She believed it to be a good compromise.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-267 by DELETING Washington Street from Andrews Street to Butman Avenue, in a northerly direction, during church services including special functions such as funeral services and special services, with portable signs to be placed by members of the church with police to be notified for other than Sunday mornings between 9:30 a.m. and 1:00 p.m. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally), by DELETING Washington Street southerly side from Leverett Street easterly to junction of Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at All Times) by ADDING Washington Street, southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

D) CC2010-041 (Hardy) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING Holly Street, both sides from its intersection with Dennison Street et. al. (Cont'd from 07/26/10)

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented because the roads are very narrow and the way it winds around warrants that there be no parking on both sides of Holly Street from its intersection with Dennison Street.

**Councilor Hardy** noted this was a recommendation as they were in discussion with the Traffic Commission. She had requested from the Police Department that the speed sign go up there.

**Councilor McGeary** asked how far down pole #1095 was.

**Mr. Ryan** noted pole #1095 is on Holly Street. They're asking to prohibit parking on Holly Street at its intersection with Dennison, which is about 600-700 ft, just before the very winding section of the street as you come up from the Willow Rest area.

**Councilor Hardy** asked if the prohibited parking extended to the end of Holly Street and where was that located?

**Mr. Ryan** stated their recommendation was that it ends at pole #1095 which he believed was about 600-700 feet on the northerly side of Holly Street just before the intersection with Dennison. They're starting from the other end, the narrow end right where it intersects with Dennison coming back towards Holly.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING Holly Street, both sides from its intersection with Dennison Street in a southerly direction to pole #1095 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- E) CC2010-042 (Hardy) Amend Sec. 22-291 (Tow Away Zones) by ADDING Holly Street both sides from its intersection with Dennison Street from its intersection with Dennison Street in a southerly direction to pole #1095.

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented. The Commission also recommended if this order is passed that the City Clerk forward a request to the Gloucester Police Department for a preliminary study to be done and then forwarded to the MassHighway district office.

**MOTION: On motion by Councilor Curcuro, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Holly Street, both sides from its intersection with Dennison Street in a southerly direction to pole #1095 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- F) CC2010-043 (Hardy) Ordered that the Speed Limit on Holly Street from its intersection with Dennison Street in a southerly direction to Pole #1095 be posted at 20 m.p.h.

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting and after speaking with Councilor Hardy, to approve the order amending it to read for the entire length of Holly Street in both directions. Mr. Ryan added that if you do not see a sign posted, then it is automatically 30 m.p.h. speed limit. It was noted that requests for changes of a speed limit once approved by the Council then are referred to the Police Department for a preliminary study and then go to Mass Highway's district office for approval.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Speed Limit on Holly Street for its entire length be posted at 20 m.p.h. in both directions.**

- G) CC2010-047 (Curcuro) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING from #5 Wells Street to intersection of Beacon Street (Cont'd from 07/12/10)

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order and that there be no parking on both sides with of Wells Street with one sign installed on pole #5078 pointing towards Beacon Street and another sign in front of 5 Wells Street also point towards Beacon Street or "NO PARKING EITHER SIDE" signs be used and placed where appropriate. This is for safety reasons to prohibit parking on both sides especially with trash trucks trying to get there. The Committee discussed the no parking signage in order to clarify the order further. It was also recommended that there be signage for "No Parking from Here to Corner" be placed 20 feet from the intersection on either side of Wells Street. Presently there is a "No Parking" sign on the corner with an

arrow. Mr. Ryan also recommended that the signage for the street itself with the following motion contain "No Parking Either Side" signage where appropriate.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING No parking on BOTH SIDES of Wells Street with "NO PARKING EITHER SIDE" signs, where appropriate, for both sides of the street. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING from #5 Wells Street to its intersection with Beacon Street on both sides AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

H) CC2010-048 (Verga) Amend Sec. 22-270 (Resident Sticker Parking Only) of the GCO by ADDING areas of Lexington Avenue/Shore Road (Cont'd from 07/12/10)

Mr. Ryan reported that Councilor Verga had discussed with him as well as with the Traffic Commission that there is a problem on Shore Road and Lexington Avenue. Going down towards the water, people are parking on Lexington and Shore Road making it difficult for residents to leave their driveways due to other vehicles obstructing them. In order to control the situation, it was the Traffic Commission's recommendation at their July 29, 2010 meeting to approve the order to state "RESIDENTIAL STICKER PARKING ONLY be amended to be SEASONAL May 1 – Sept. 15, Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road). In discussion with the Councilor, they suggested making it seasonal, giving the residents of the area some relief. The whole idea was to restrict out-of-town vehicle parking during the summer months.

Councilor Verga noted when this came through originally to O&A, the residents who attended the meeting submitted photographs of Winnebagos, literally coming in caravan, arriving 8:00 a.m. or 9:00 a.m., staying all day in the area, all from out of state. There were updated shots which he forwarded to the Committee members showing the congestion of RV's continuing to date. He believed it was a fair thing making it resident sticker parking only on a seasonal basis to alleviate tremendous congestion. Noting the summer was winding down, he wondered if perhaps at Council it could be done on an emergent basis to be effective for the final days of the season.

Councilor Hardy noted the previous emergency orders for some of the recent Lanesville street, the necessary signage had yet to go as they had to be ordered and had only just been received in by the DPW.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15- Generally) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

Mr. Ryan clarified for the Committee that by designating the area as a tow away zone that if a vehicle was in violation, whatever the ordinance was, resident sticker parking on a seasonal basis or otherwise, that the vehicles in violation of the ordinance governing the parking there would then be able to be ticketed and then towed.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- I) CC2010-049 (Verga) Amend Sec. 22-287 (Disabled veteran, handicapped parking) of the GCO re: Lexington Avenue (Cont'd from 07/26/10)

**Councilor Verga** asked that this order go through as soon as possible. The handicapped person's mother recently emailed informing him that this person's mobility was rapidly deteriorating. This would literally mean moving a sign two spaces up from where it is currently located on the street. It will make a huge difference for this person.

**Councilor Hardy** suggested that since the Traffic Commission was meeting in three days, on August 26<sup>th</sup>, that the Committee could add the wording, "pending the Traffic Commission's recommendation" so that it could be addressed for advertising and get it going to the Council for public hearing.

**Mr. Ryan** stated they have looked at it and didn't see any problem, pending their affirmation at their Thursday meeting to approve the order. He confirmed it was a matter of moving the space up and making it more convenient and accessible for the individual.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING Lexington Avenue westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction and further by ADDING Lexington Avenue westerly side beginning at a point one hundred fifty (150) feet from its intersection with Shore Road for a distance of approximately twenty-two (22) feet more or less, in a northerly direction pending the Traffic Commission's recommendation and FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

A recess was called at 7:44 p.m.

[Councilor Verga left the meeting at 7:48 p.m. There was no longer a quorum of the City Council.]  
The Committee reconvened at 7:49 p.m.

- J) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones) re: 6 Elm Street (Cont'd from 07/26/10)

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

- K) COM-33: Letter from Citizen Group "Who Decides" (Continued from 07/12/10)

**Councilor Mulcahey** noted that the Committee had received language from General Counsel as to a possible ordinance for the protection of the public water supply for the City of Gloucester and shared it with the Citizen Group members of "Who Decides" in attendance at the meeting. She read as follows:

*"Section 1. Purpose*

*In recognition of the City of Gloucester's ownership of its public water supply and infrastructure and growing pressures to privatize the infrastructure, this ordinance is*

*enacted to declare and affirm Gloucester's commitment to retain its ownership interest in the public water supply and infrastructure.*

## *Section 2. Declaration*

*The public water supply, system and infrastructure necessary for the distribution of water within the City of Gloucester and owned by the City of Gloucester shall be retained and not conveyed to any other entity. The City of Gloucester shall retain all rights of ownership and control over the public water supply, water system and infrastructure."*

**Russell Hobbs, 1166 Washington Street** and member of "Who Decides" noted they came forward with an ordinance worked on for many months (presented at the O&A meeting of 7/12/10 and on file previously), stated with due respect to General Counsel, she had "watered down" the ordinance feeling he and his group would believe that this doesn't protect the residents of the City of Gloucester at all. He read the descriptive paragraph Ms. Egan wrote in her memorandum: "Below please find a proposed and edited ordinance regarding the public water supply. I have not included a provision in the ordinance regarding a public referendum, as the charter authorizes the city council with the approval of the mayor to amend an ordinance, and an ordinance enacted by the city council may not restrict that authority." He stated Ms. Egan didn't include a provision for a referendum and believed there would be no protection in that ordinance of keeping the water in the hands of the City because another City Council or another Mayor in the future could change it. A referendum vote by the people would "seal its fate". He contended the people are who own this water; that it doesn't belong to the City Council or the Mayor. This was about the rights of the people. He reiterated the ordinance as proposed by the City Solicitor doesn't protect the rights of the people. It only states that the City retain the rights.

**Councilor Curcuru** stated they are recommending a referendum on the ballot then the only way it could be eliminated is also by referendum.

**Mr. Hobbs** responded that the only way it could come on and off was by referendum, in their language as proposed by "Who Decides". As this ordinance was written, there was no statement of law and read the "Who Decides" language of their proposed ordinance, "**Section 3. Statement of Law:** Public water systems and the infrastructure necessary for distribution of public water supplies within the City of Gloucester shall be owned by the City of Gloucester or a municipal authority of the City, held as part of the public trust for the residents of the City of Gloucester and the ecosystems within the City of Gloucester. **Section 4. Statement of Law:** It shall be unlawful for public water systems and/or public water system infrastructure within the City of Gloucester to be owned by any entity other than the City of Gloucester, unless a proposed transfer of an ownership or other financial interest in that system or infrastructure is submitted to a referendum vote of the people of the City of Gloucester, and approved by them."

**Councilor Curcuru** believed in order to put this ordinance in their language as proposed that it would have to go to a public hearing.

**Councilor Mulcahey** felt the reason Ms. Egan wrote as she did was there that a number of grants tied up with the Gloucester water system and that it may be a restriction of ownership. There was much money tied to it.

**Councilor Curcuru** didn't believe that would have any bearing.

**Councilor Hardy** noted that she and Councilor Mulcahey were the only two Councilors, of those present, at the last meeting of O&A when the "Who Decides" matter was first taken up. One of the things that the group was striving for was to put this on a referendum ballot; that if they didn't, any City Council could change the ordinance. If it was on a referendum that it could only be changed by referendum by the people. The people put it on so the only way it can come off is by referendum by the people. This would be like the same way they did the Police Department. The Police Chief was put on by referendum and the only way he can be taken off was by referendum. It passed and went to the Statehouse.

**Councilor McGeary** noted the “Who Decides” language only says that it can be repealed by referendum. **Councilor Hardy** stated that if you put it in place, its automatic you can only take it off by referendum. If you put it in this way (as proposed by the language from General Counsel), the next City Council can take it off

**Councilor McGeary** stated “Who Decides” language says that it is put in place by ordinance of the Council and repealed by referendum.

**Mr. Hobbs** concurred.

**Councilor McGeary** noted that you can’t make it subject to a referendum unless you’ve adopted this by referendum.

**Councilor Hardy** stated it goes to the people as a referendum and then the Council (should it pass) then adopts it.

**Councilor Curcuru** added it has to get on the ballot and be voted in.

**Mr. Hobbs** stated they want their language put in place for a referendum vote.

**Councilor Hardy** expressed that the language would need more work to refine it.

**Councilor Curcuru** felt at the next meeting of O&A General Counsel should be present to be a party to the conversation.

**Councilor Hardy** stated the way in which it should appear on the referendum that language needs to be worked on also. There should be a clear goal of what the end result would be and to formulate the ordinance and work backwards, and then formulate the language, so the matter can go for a referendum on next year’s ballot.

**Councilor Curcuru** asked what precipitated the generation of this proposal.

**Mr. Hobbs** stated at one time some people came into the Mayor’s office and offered to buy the City water supply; and the Mayor refused. He reiterated “Who Decides” believes that the City should not sell the water supply or infrastructure to anyone. It belongs to the people of the City of Gloucester. No Mayor or City Council should have the authority to give up the City’s water supply or infrastructure, any part of it, to anyone, any corporation, willing to purchase it. It belongs to the residents of the City of Gloucester.

**Councilor Curcuru** asked if this was an on-going trend in the United States and was there legislation with other municipalities trying to put these kinds of ordinances in place now.

**Councilor Hardy** felt other municipalities have been reactive, and our community was looking to be proactive and get this on the books.

**Mr. Hobbs** stated there have been communities who have sold their water supplies and regretted it. There have been privatizations of water systems. They want to maintain that this (the water supply and infrastructure) belongs to the people which he maintained this was what “Who Decides” proposed ordinance language was about.

**Councilor McGeary** asked if this would preclude the City from joining in a regional water authority because when a municipality joins a regional water authority, they are giving them an interest in it. He was concerned with the language proposed by Mr. Hobbs’ group in that regard.

**Mr. Hobbs** responded by reading their Sections 3 and 4. Statement of Law again to the Committee of their proposed ordinance language (on file and noted above).

**Councilor McGeary** noted then that Gloucester could not join a regional water authority unless there is a vote of the people, according to their language. When a municipality joins a regional water authority, they take control of the pipes. The concern was when you transfer ownership to a regional water authority, they could then privatize. That language says that if the City wanted to, say, form a Rockport, Gloucester, Manchester, Essex Water Authority, it would have to be submitted to the people for referendum.

**Ann Rhinelander**, 16 Pine Street responding to the question of patterns globally and nationally with regards to privatization of water supplies, stated there are patterns of relinquishing control of water supplies to private businesses. The prelude to the process is the breaking down of communities, with one crisis after another, until they’re declared beyond help and then go to receivership. After that pattern is initiated, often by a single mayor, then almost immediately there is a massive escalation of costs and an

immediate reduction of quality, as these companies cut back on chemicals, labor. Then the municipality loses control. There are not many happy privatized municipalities' water supplies. Atlanta, GA was one such community.

**Roslyn Frontiero**, 12 Beacon Street, noted they had invited a guest from Barnstead, NH who had this happen in her community and began working with other communities to stop the privatization and the actual legal extracting of water in NH and ME and introduced Ms. Gail Darrell.

**Gail Darrell**, 180 Shatford Corner Road, Center Barnstead, NH, noted her involvement began working with the community environmental defense fund when a community two towns over from hers had their town council approve permitting for a bottling plant right in their community. The community is at the headwaters of the watershed that provides all of the water for the seacoast of New Hampshire. Despite several attempts by the community to bring scientific, geological and hydrological studies and information forward, the selectmen agreed to allow the USA Springs Corporation to come into the community under a State permit to build a water bottling plant there. When a local ordinance to not allow water bottling in the community was rescinded by their selectmen, she worked with them to pass a local water rights and local self-governance ordinance that they drafted at the legal defense fund allowing the people to maintain control and ownership of the water; and to be "the determiners" of if ever that water is to be sold. She related that most New Hampshire people are on wells; so they don't have the same situation in Gloucester where a public water supply is managed by a municipal water department. But they have found several cities are faced with this difficulty where the infrastructure is crumbling. They're faced with having to repair their infrastructure and provide water for their community. Oftentimes, business entities come in and offer what looks like a good deal and will take over control and ownership of their water supply, repair that damage and provide water for the city. She noted she had never seen a case where it worked well for the community. She now full time assists communities to draft language to protect them from any corporate entity who might wish to "snatch control" from the communities.

**Carmine Gorga**, 87 Middle Street added if a private corporation comes in they aren't "a white knight" to come save a community from a tremendous amount of expense. Once they come in, we have to conceive of them as making a loan to us. It's not a grant. It is a loan which means we have to repay with interest because in addition to the normal costs, they have to recover that money and make a profit on it.

**David Lincoln**, 7 Amero Court reviewed for the Committee patterns developed in a number of communities, like Cincinnati, Atlanta and Cleveland. They see infrastructure declining and an offer from a company is made to help the municipalities to manage their infrastructure in a joint venture. Gradually the company takes over more and more responsibility for the maintenance of the infrastructure; the building and monitoring of the infrastructure. Over time they see the corporations have a tendency to lay off a number of workers. They go to the federal and state governments and bring in money which the municipalities should have access to but which the corporations lobby and focus their efforts to channel that money in a way that "involves short-term gain and long term pain". He pointed to Atlanta, Georgia's collapse of their water infrastructure. They not only had to fire their operator but to "literally buy back their own infrastructure". They're now facing drought and infrastructure issues, and federal and state money is not very available; that the money was already channeled to the corporation to benefit them and their investors instead. They will present to this Committee a series of documented cases which show cities lose control of their water and control of their future to maintain a quality and safe water system.

**Councilor Mulcahey** noted while they couldn't say what will happen in the future; they're proud how far they've come with the City's water supply and infrastructure. The DPW has done a fantastic job to make everything in excellent working order. Looking towards the future, she felt the City should protect the water supply and wished to continue the matter to their next meeting to further explore it.

**Councilor Curcuru** again reiterated that it would be appropriate to have Ms. Egan, General Counsel at their next meeting when this matter is taken up again.

**Ms. Rhineland** noted a parallel process is going on a new piece of legislation the Water Infrastructure Financing Commission headed by State Senator Eldridge. The Commission made up of 16 people who have some privatization interests. Others have private companies that work with municipalities. The outcome of that commission's charge to be completed by December is to come up with either a

recommendation of privatization “to get the whole load off the Commonwealth’s back” or some equitable financing of the infrastructure throughout the state. They’re trying to keep an eye on the State. The governor has said he has a parallel system and that this is unnecessary; but Senator Eldridge disagreed and felt there was a need for this. She believed there was an opportunity to watch the process closely that is going to affect all of them. The Commission’s first meeting had a presentation by the DEP and EPA of all the needs. There is new federal legislation to implement more financing for safe water.

**Councilor Curcuru** asked who appointed the Commission members and who was on it.

**Ms. Rhineland** pointed out it was the Governor who made the appointments, and Bruce Tobey is on the Commission.

**Ms. Frontiero** understood that Councilor Tobey was on two of the governmental working groups.

**Mr. Hobbs** reread Councilor Tobey’s endorsement of the proposed ordinance from “Who Decides” (on file from the minutes of the 7/12/10 meeting).

**Councilor Hardy** noted the first paragraph of the ordinance needs to be rethought. As Council President she invited “Who Decides” to use the Kyrouz Auditorium when no one else is using it and have them put on a presentation of their documentary which tells a great deal on the subject. It would be open to all Councilors and would try to get CATV to broadcast it.

This matter was continued to September 20, 2010.

## **2. *Appointments***

Joel Favazza, Capital Improvements Advisory Board (CIAB), TTE 02/14/2013

**Councilor Mulcahey** asked if Mr. Favazza had taken his bar exam and asked what he also would bring to the Capital Improvement Advisory Board and what attracted him to it.

**Joel Favazza, 10A Luzitania Avenue** replied that he had taken them but wouldn’t know until November if he passed. He became aware of the board a few weeks ago when he saw an editorial by the Mayor mentioned the Board was under staffed, and was soliciting citizens to step forward to volunteer. For the last seven years he has been attending undergraduate school (Brandeis University) and law school (Boston University) in the greater Boston area. He returned full-time to Gloucester upon law school graduation this past May. He wanted to get involved in the community and felt he could bring a view of a younger generation, a fresh face to the Board to help the City move forward feeling he would be here a long time.

**Councilor Mulcahey** explained that the Board works with the Community Development Department on a continuing basis and explained briefly what the Board does. She appreciated his stepping forward.

**Councilor Curcuru** asked if Mr. Favazza was familiar with the Board and what he would be doing as a member.

**Mr. Favazza** stated he had gathered from the Code of Ordinances and the one report currently on line and related the CIAB works with various departments, the School Committee when they are looking to make improvements of a capital nature for buildings, land, equipment prior to their going to the City Council. They come to the Board who researches and reviews the request to help provide an opinion on the merits of the request for the City Council and the Mayor.

**Councilor Curcuru** noted this Board had previously been very dominant for quite some time. Their last report was 2-1/2 years ago. CIAB will have a big job ahead of it. The Council was looking forward to its revitalization as there was much work to be done on City buildings and hoped he was up to the task.

**Councilor McGeary** asked if Mr. Favazza had any particular skills in construction or finance.

**Mr. Favazza** stated he did not, necessarily, aside from general handyman intuition.

**Councilor McGeary** explained, as Councilor Curcuru had pointed out, there was a very long list [of projects] and it will be the CIAB’s job to prioritize that list. The problem will be that there are many good things and many worthy projects and will have to pick out the ones that are most urgently needed.

He warned it will be a lot of work because there are a lot of worthy projects out there to be done with limited funds and done as effectively as possible. He didn't envy him the task.

**Councilor Curcuru** added that there will be things Mr. Favazza may see as a Board member would like to see put forward a lot quicker than some of the items that need to be done and won't have any choice in the matter.

**Councilor Hardy** stated she had spoken to Joel a few moments before the meeting and asked if he would kindly provide the Council with a resume which appeared to have been omitted from the Mayor's Report; and he would do so. She also reiterated the importance of the CIAB. She had hoped to get someone with more of a background and expertise with the trades and/or the area of finance; and would look forward to reviewing his resume with that in mind. She asked Mr. Favazza to include any background at all that may fit those two criteria.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Joel Favazza to the Capital Improvements Advisory Board, TTE 02/14/2013.**

**3. CC2010-058 (Ciolino) Amend Gloucester Code of Ordinances §9-1 and §9-2(A)**

**Councilor Mulcahey** noted that the matter would be continued to September 20, 2010.

**4. CC2010-059 (Theken) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking)  
re: 2 Harvard Street, one handicapped street**

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

**5. CC2010-060 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking)  
re: Ciaramitaro/Gemellaro Playground**

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:20 p.m.**

**Respectfully submitted,  
Dana C. Jorgenson, Clerk of Committees**

**DOCUMENTATION/ITEMS SUBMITTED DURING MEETING: None.**