

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, September 20, 2010 – 5:30 p.m.
1st Fl. Council Conference Room – City Hall

Present: Chair, Councilor Sefatia Theken; Steven Curcuru (Alternate) Councilor Greg Verga (Acting Alternate); Councilor Ann Mulcahey

Absent: Councilor Tobey

Also Present: Councilor Hardy; Councilor McGeary, Councilor Verga, Councilor Ciolino; Linda T. Lowe; Jim Duggan; Suzanne Egan; Larry Ingersoll; Russell Hobbs; Roslyn Frontiero; Ed Dahlmer; Janet Rice; Martin Ray; Kersten Lanes; David Lincoln; Ann Rhineland; Sandra Sanfilippo; Kasha Gula; Marsha Perkins; Bruce Maki; Damon Cummings; Patricia Towler; Kathryn Noonan; Betsy Works; Diane Usevich; Lucille LePage; Ann Banks; Amanda Nash; Marcia Hart; Beverly Feinberg-Moss; Carol Berluman; Jess Semeraro; Linda Maki; Paul Sander; Timothy Perkins; Doug Smith

The meeting was called to order at 5:33 p.m. Items were taken out of order. There was a quorum of the City Council.

1. Continued Business:

- A) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations (Continued from 07/12/10)

Ms. Lowe informed the Committee that she was awaiting word from some Ward Councilors although she believed the consolidation was well supported by them. Efforts have been made by them to inform their constituents. The consolidation would not happen this year, but would perhaps be in place for the next year's local elections.

Councilor Hardy expressed she would be willing to go to the people in her ward but would like to wait for the Council presentation by Ms. Lowe to the City Council in October to take back a consistent message to her constituency.

This matter is continued to February 2011.

- B) CC2010-023 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits (Continued from 07/26/10)

Councilor Tobey communicated prior to the meeting that he would appreciate this matter being continued to the October 18, 2010 meeting when he can be in attendance.

Councilor Theken stated she would continue this matter only once more; to either take action to move it forward to the Council or drop the matter.

Councilor Ciolino asked if the parking meter issue can be separated from the shuffling ordinance.

Councilor Theken asked that there be language for the shuffling ordinance be presented again in the packet for the Councilors' review.

This matter is continued to the October 18, 2010 meeting.

- C) CC2010-024 (Hardy) Request from Engineering Department of the DPW a copy of the City's Official 'layout of the road' at the intersection of Washington St., Holly St., Goose Cove Lane and Vine St. (Cont'd from 07/26/10)

Councilor Hardy stated she will be meeting with Michael Hale, DPW Director, Mr. Grace and Mr. Foley the following day at the DPW regarding this matter. She will have more information shortly.

This matter is continued to October 18, 2010.

- D) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones) of the GCO re: 6 Elm Street (Cont'd from 08/23/10)

Larry Ingersoll, Co-Chair of the Traffic Commission stated at their August 26, 2010 meeting, the Commission recommended that the Order be approved as amended after speaking to the owner of the Common Crow and Councilor Mulcahey. He explained the particulars of the measurements to the Committee. He noted this vote was not unanimous. Mr. Bertolino was concerned that this was a loss of yet another parking space, but the rest of the Commission disagreed and passed the motion to recommend the order.

The Councilors all agreed this loading zone was appropriate to the area.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the GCO Sec. 22-284 (Service or Loading Zones) to create a loading zone at the beginning of Elm Street at its intersection with Main Street (across from #6 Elm Street) approximately 20 feet from the intersection of Main Street on the easterly side, northerly direction, for a distance of 40 feet (to the entrance of Cameron's rear lot) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- E) CC2010-053 (McGeary) Amend GCO Sec. 22-265 Re: Old County Rd. restricting turns onto Eastern Avenue

Mr. Ingersoll stated at their August 26, 2010 meeting of the Traffic Commission recommended that CC2010-053 to amend the GCO Sec. 22-265 (Turning Movements) as relates to Old County Road to prohibit right turns onto Old County Road from the rear of the property of 168 Eastern Avenue and was approved as amended at their August 26, 2010 meeting.

Councilor Hardy asked for a diagram of the area to be available for the Council at the public hearing. **Councilor McGeary** explained he understood the concern of residents in the area was that people taking a right onto Old County Road would find themselves on a dead-end street and be turning to return to exit out at Old County Road and Eastern Avenue. This was to force people to make a left in order to not turn onto a dead end.

MOTION: On motion by Councilor Verga, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed. 1 (Curcuru) recused, to recommend to the City Council to amend the GCO Sec. 22-265 (Turning Movements) by ADDING restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

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- F) CC2010-054 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 21 Main Street

Mr. Ingersoll noted that at the August 26, 2010 meeting of the Traffic Commission amended the order to read: Main Street, one (1) handicapped parking space in the vicinity of #21, near the Mystery Train. However, after discussion and speaking to Councilor Mulcahey, the Traffic Commission tabled the matter until businesses in the area could be consulted before again taking this matter up. Mr. Ingersoll had

suggested the space be in front of Valentino's Restaurant. There was a concern raised of not having it too close to the former St. Peter's Club.

The Councilors asked Mr. Ingersoll to look more carefully at the area, particularly to the way that is to the side of Virgilio's. This would be a possible place for a handicapped parking space at the top of the way. There was a question as to whether the way was owned by the City; and the Committee also asked that the information as to that way's ownership be clarified.

This matter was continued to the October 18, 2010 meeting of O&A.

- G) CC2010-055 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 287 Main St.

Mr. Ingersoll noted that at the August 26, 2010 meeting of the Traffic Commission amended the order to read: Main Street, one (1) handicapped parking space in the vicinity of #287. The Commission expressed their concern about the number of meters that are being eliminated with every handicap space and loading zone that is requested and approved for the downtown area.

The Committee felt this matter should be tabled to have another look taken at the immediate area, in particular the Main Street lot in that area. The City Clerk would look into the ownership of that lot. It was suggested this lot would help alleviate parking issues in that area.

The matter was continued to the October 18, 2010 meeting of O&A.

- H) CC2010-056 Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Arnold Way

Mr. Ingersoll noted that the requestor or their representative for this handicapped space was unable to attend their August 26th meeting. At the request of Councilor McGeary the matter was tabled by the Traffic Commission to their September 23, 2010 meeting.

The matter was continued to the October 18, 2010 meeting of O&A.

Councilor Mulcahey entered the meeting at 6:16 p.m. Councilor Verga stepped away as an acting alternate.

- I) CC2010-057 Amend GCO Sec. 22-273f (Parking prohibited between certain hours on certain days) and Sec. 22-270.1 (Resident sticker parking only) re: Haskell Street

Mr. Ingersoll stated at the August 26, 2010 meeting of the Traffic Commission that the order was amended to be more reflective of what Councilor McGeary was intent upon accomplishing for his constituents in that area. Therefore, the order was amended and the motions before the Committee were what they came up with to satisfy all parties.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-273f (Parking Prohibited between certain hours on certain days) by DELETING Haskell Street, on the southerly side from its intersection with Rocky Pasture Road between May 1 and September 15, annually from 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays and Holidays AND TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec 22-270-1 (Resident Sticker Parking Only)) Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO by ADDING: Sec 22-271 (Parking Prohibited Between May 1 – September 15), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND FURTHER ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO by ADDING: Sec 22-273 (Parking Prohibited Between Certain Hours on Certain Days), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND FURTHER ADVERTISING FOR PUBLIC HEARING.

K) CC2010-059 (Theken) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 2 Harvard Street, one handicapped space (Continued from 08/23/10)

Mr. Ingersoll stated at the August 26, 2010 meeting of the Traffic Commission there was a communications mix up between the Commission and the applicant and had to table the matter until their September meeting.

This matter was continued to the October 18, 2010 meeting of O&A.

L) CC2010-060 (Mulcahey) Amend GCO Sec. 22-287(Disabled veteran, handicapped parking) re: Ciaramitaro/Gemellaro Playground (Continued from 08/23/10)

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped space at the last parking space on the easterly side of the playground parking lot (closest to house) at the Ciaramitaro/Gemellaro Playground at Fort Square AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

M) CC2010-015 (Ciolino/Mulcahey) Amend GCO Sec. 290 “Parking meter zone-Off Street Parking Areas” re: Manuel F. Lewis Street (Continued from 06/14/2010)

Ms. Lowe explained to the Committee that since the last time Manuel F. Lewis Street was in front of the Committee she researched all the Code of Ordinance references to Manuel F. Lewis Street and the Manuel F. Lewis off-street parking lot in order to straighten out the matter as to what was already on the books. It is Manuel F. Lewis Street not Road and the GCO needs correction. The Committee had wanted to amend the section on off street parking areas, 22-288. That parking lot is one of the designated off-street parking lots located around the Rose Baker Senior Center building. The Code of Ordinances refers

to the Manuel Lewis parking lot having 59 parking spaces. The original parking lot map (on file in the Engineering Department) was located and predates the construction of the Rose Baker Senior Center. It would warrant a review of the actual parking spaces as it exists now since there are certainly no longer 59 spaces. There aren't that many spaces to work with. She had Mr. Benson of the DPW check on the number of handicapped spaces, as one of the changes was to add more. He walked the building and the parking lot and identified five marked handicapped parking spaces directly around the building. These spaces are not listed in Sec. 22-288 so that section must be amended.

Councilor Theken thought they were all done with the inside of the parking lot. The main concern of the Councilors was to facilitate the allowance of a senior citizen with a senior beach parking sticker to be able to park on Manuel F. Lewis Street and park for free at the meters with no signage being added. She spoke of having the signage that stated senior parking in the lot.

Ms. Lowe noted they have to make sure that whatever signage is erected that it matches the Code of Ordinances. The Code should say five spaces and the signs should indicate five. She also pointed out the official street name is Manuel F. Lewis Street not "Road" and that the street is listed under the Code of Ordinances section parking meters zoned on streets. That ordinance has to be amended to allow for free parking at the meters with a senior beach parking sticker. Even if you don't have the signs, you have to have it in the ordinance. All of those items were advertised for City Council hearing on September 28, 2010. She stated that when they get to a hearing that was advertised they can simply open and close the hearing with no action taken on those matters needing no change.

Councilor Hardy suggested the new City Engineer take a look at the situation (revising the parking lot map); and the Council could continue the hearing until he can weigh in on the matter.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to ask for the new City Engineer to review the delineation of the parking spaces at the Rose Baker Senior Center and surrounds and for its remapping of the Manuel F. Lewis off street parking lot.

MOTION: On motion of Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the designation of a total of five (5) handicapped parking spaces surrounding the Rose Baker Senior Center under GCO Sec. 22-287 (Disabled veteran, handicapped parking) parking spaces AND TO ADVERTISE FOR PUBLIC HEARING.

The Committee recessed at 6:45 p.m.

The Committee reconvened at 6:48 p.m.

N) COM-33: Letter from Citizen Group "Who Decides" (Continued from 08/23/10)

Councilor Theken stated she had received a request for this portion of the meeting to be videotaped by "Who Decides"; and that to her knowledge no one had objected, therefore, she would allow for that recording. The Committee had received a memorandum from Suzanne Egan, General Counsel previously in the day (copy on file). She asked Roslyn Frontiero and members of "Who Decides" to review the language as presented. She also made note that she was not at the last meeting of O&A where this matter was discussed.

Russell Hobbs, 1166 Washington Street, a member of "Who Decides" read into the record the Human Rights Commission Ordinance, Chapter 2, Art. V, Division 8: Human Rights Commission, Section 2-496 et seq. He stated his group brought forth an ordinance to protect their rights to water and to keep water in their control. He also read Ms. Egan's memo to the Committee (copy on file). Mr. Hobbs then noted they need a referendum vote to maintain control of the water supply.

Ms. Egan stated yes; that the City Council has the authority to enact an ordinance now attempting to restrict the City Council's and the City's authority to act. That ordinance can always be amended to change that restriction.

Mr. Hobbs continued they made one change in their ordinance which he passed out to the Committee (a copy was received and placed on file). He clarified they made a change when he found in City Charter, Sec. 2-11 procedures in general regarding the adoption of a measure and its timing. Because they had the wording of referendum in the ordinance, the ordinance would not go into effect, if accepted, until after a referendum vote.

Ms. Egan stated that was incorrect. The ordinance as submitted can go into effect without referendum; the one section in paragraph 4 which attempts to state to require the City Council to get voter approval before it can act. That was not laid out in the City Charter. The City Council can act on measures without seeking voter approval. That was the part that is not enforceable. This ordinance can go into affect if the City Council votes to adopt it. She cautioned that it is a policy position, a statement, a declaration. In 30 years down the road if there is a Mayor or a Council who wants to enter into an agreement to sell the water system; it says you can't do that because there's an ordinance on the books that says you have to put it to a referendum vote. The City Council or Mayor could propose an ordinance that deletes that provision and switch out the language saying they can agree to sell the water system. They can do that. This ordinance can't prohibit the City Council to enact that ordinance. You could change that by requiring a referendum that the voters vote currently to say that the water system could not be sold without going to a referendum. The problem is that it is in the state law and the charter which provides how the City can act. You can change the charter; you can change state law by getting special legislation that says the City of Gloucester is restricted from selling its water system until a voter referendum.

Councilor Theken asked how they then protect the water. This is what the people want that they don't want the Mayor or Council to do anything with their water unless they have a voice. How do they put it that they put it into law so that the City Council or the Mayor does not have this special right so that they can make it a sure thing?

Ms. Egan felt the best way to do it was to enact this ordinance and ask for special legislation from the State to limit the ability of the City to sell its water supply.

Councilor Hardy asked about Section 6, Repealer and asked for a definition. It was her understanding the City didn't have any ordinances with a Repealer in them.

Ms. Egan stated there were quite a few, but it is not necessarily called a Repealer. She noted in most instances when an ordinance or regulation is passed, if there is a conflict with a newly enacted ordinance with one that is already 'on the books', the new ordinance would then pre-empt or supersede it.

Councilor Hardy offered the following change of language in Section 6 which she felt clarified the issue further as directly related to the matter before them, that of the water supply regulations; limiting this clause strictly to the ordinance at hand, not to all other ordinances:

Section 6. All inconsistent provisions of these Ordinances related to water adopted by the City of Gloucester are superseded to the extent necessary to remedy the inconsistency.

Gail Darrell, 180 Shatford Corner Road, Barnstead, NH, Community Environmental Defense Fund stated if that was the concern, the language Repealer says what you're trying to secure and all inconsistent provisions of prior ordinances – that language would indicate that anything that is inconsistent would have to be about water because that is the subject matter of the ordinance. It would cover any provisions of prior ordinances; and only those provisions would have to be repealed in order to comply with this ordinance.

Ms. Egan stated both languages have the same intent.

Councilor Mulcahey wanted to be sure this ordinance is only to prevent the sale of the water system of the City. This does not apply to anything else.

Mr. Hobbs noted the statement “water system” meant the infrastructure, the reservoirs, and all parts of the system itself. In section 4, Statement of Law, they were now proposing:

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.

They were also asking for a referendum vote of the people:

It shall be unlawful for public water systems and /or public water system infrastructure within he City of Gloucester held in public trust, 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.

Mr. Hobbs asked that the referendum language be placed in Section 4. Statement of Law; if the Council passes the ordinance; and the matter goes to referendum and is passed [by the voters].

Ms. Egan stated that the Council by Charter and by State law has particular authority to act. That authority to act since it is granted by the State law and by Charter, a referendum doesn’t necessarily take that authority away. What they really wanted to do in this was, and was up to the City Council and the Mayor, was to determine did they really want to restrict the authority of the City of Gloucester to act; the elected officials to act on a certain issue. If that was their will then you want to do that the most effective way possible, and she recommended obtaining special legislation.

Councilor Theken recounted that first they do the ordinance; then they do the language. Once the language is voted what stops the City Council from going through Home Petition Rule and blocking it completely. Once they get the vote by the people, they can go to a Home Rule Petition and lock it in and seal it.

Ms. Egan noted they could do the referendum asking for Home Rule; however, she felt some changes to the language in that case [would be necessary].

Councilor McGeary wondered if this referendum would effectively be a Charter change or was it just a referendum under the Charter.

Ms. Egan stated it was just a referendum. There are procedures under the City Charter as to how a referendum is done. The City Council can vote to put a referendum to the people; it can be done as an advisory question or a non-advisory measure or as a Citizen’s Petition which is 10% of the voters filing a petition to the City Council. She felt the easiest way was for the Council to vote on it, and a simple majority was sufficient.

Councilor Curcuru noted a referendum would have to be in a local election which would take place next fall. They could still petition the State, which could take a great deal of time. He felt the referendum language had no bearing at this time.

At this juncture there was a discussion amongst the Councilors, Mr. Hobbs and Ms. Darrell regarding the final ordinance language before the Committee. Mr. Hobbs then signed and dated the changes to the proposed ordinance language for the record (on file).

David Lincoln, 7 Amero Court stated he is a geologist of 25 years in the oil business and made a statement to the Committee regarding multinational corporations and their strategizing to gain increasing access to natural resources (A copy of his statement is on file as received at this meeting.).

Ann Rhineland, 16 Pine Street noted when they first received Ms. Egan’s response, her concern was in terms of a challenge to the Council, the Charter’s, and the Mayor’s authority. She noted the extent that the Councilors and the Mayor, and the members of “Who Decides” are residents of Gloucester and that they are on same side. She also was concerned about getting the legal language, which she believed was very easy to lose track of. “The smaller the target, the faster the sell out.” The towns that have privatized their water systems have regretted it. She cautioned this infrastructure will be very desirable once it is

fixed. She encouraged taking responsibility for the defense of the water system as is; whatever it takes; and to make the baseline as large as possible.

Marcia Perkins, 16 Sadler Street stated she wished to see the Repealer clause as it was presented.

Councilor Theken appreciated Ms. Perkins wanting the clause unchanged; but if they wanted the full support of the City Council to vote for the ordinance and wanted the Home Rule Petition to pass and the Councilors to stand behind it, it was to all their benefit to compromise at this juncture. They all want the same thing. She urged they get the Home Rule Petition, in order to “do it right”. She agreed with Councilor Hardy to allow it to move forward.

Kasha Gula, 37 Washington Street was concerned about possible manipulation of the language but was “curious” about the statement of “public trust” was clearly enough defined.

Councilor Theken stated she believed that public trust was clearly defined.

Mr. Hobbs re-read Section 6 of the proposed ordinance with the changes agreed upon to the Committee.

Ms. Egan suggested that what this is designed to do is to supersede other ordinance provisions when you state water regulations; you’re not going into the regulations. What this ordinance wants to do is other provisions of the GCO which may be inconsistent with this. This doesn’t go back to DPW water regulations and suggested they take out the word “regulations”.

The Committee recessed at 7:25 p.m.

The Committee reconvened at 7:28 p.m.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Chapter 23, Art. III Water, new Section 23-64 as follows:

Section 1. Name. The name of this Ordinance shall be the “Gloucester Public Water Systems Ordinance”.

Section 2. Preamble and Purpose. The People of the City of Gloucester declare that access to clean and affordable water is essential for life, liberty and the pursuit of happiness – both for the health of the people and for the ecological systems which support human and natural communities – and therefore, that it is a right belonging to the people of the City of Gloucester. We believe that our rights are threatened when public water systems which guarantee that access are controlled by a corporate few, rather than by our community. We believe that privatization of that infrastructure constitutes a usurpation of our democratic right to make decisions about that infrastructure, and therefore, that we are duty bound under the Massachusetts Constitution to prohibit such action.

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.

Section 5. Effect. This Ordinance shall be effective immediately upon its enactment.

Section 6. All inconsistent provisions of prior Ordinances related to water adopted by the City of Gloucester are superseded to the extent necessary to remedy the inconsistency; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Ms. Egan recommended some changes in the referendum language as to the ownership issue and suggested that the language needed work before going on the ballot at the local election.

Mr. Hobbs asked about the procedure to put it before the Council, handing out to the Committee “Who Decides” language for a Resolution (copy received at the meeting and on file).

Councilor Curcuru suggested they could bring the referendum, Home Rule Petition and special legislation to the Council and they could be brought up at the same time.

Councilor Theken stated that these three ways would be good protection for the future.

Councilor Curcuru asked about the procedure to institute a Home Rule Petition.

Ms. Egan explained the City Council would vote to request a Home Rule Petition that would be presented to the Mayor and would then be presented to the City’s representatives to the State legislature. She suggested that the citizens come up with the language on the Home Rule Petition and legislation and have it introduced to the City Council; then it would be referred to O&A; go back to the City Council and does not require a public hearing.

Mr. Hobbs and **Ms. Egan** agreed to discuss the Home Rule petition and the Resolution language and arrange a mutually agreeable time to do so.

Councilor Hardy felt it would be a more streamlined process by putting it through the Council rather than putting it out to the public for them to get the required signatures.

Councilor McGeary stated he would support the ordinance as presented this evening but also stated “to my friends who feel strongly about this” that he had “grave reservations about the referendum question”. He emphasized that government by referendum was not the trail they want to go down; that they should think long and hard on the matter. He noted having recently spent two weeks in California and saw how government by plebiscite works, and “it doesn’t”. He understood that by putting a referendum in place you make it much more difficult to sell this public trust; and he believed it to be a public trust. But he also believed there was recourse at the polls. He noted this is a representative democracy. If he voted to sell the water system, “I would vote against me.” That is their recourse; that is how the system is supposed to work. By going to a referendum he believed they were essentially saying the system doesn’t work; that government officials can’t be trusted. He spoke of Gloucester suffering since Proposition 2-1/2 under a “distrust and mistrust” of government to the point where they cannot exercise their proper functions. They cannot fund the City schools and City infrastructure because their hands are tied. He believed this is one more way to tie elected official’s hands. He understood the political logic to create an obstacle; but he cautioned to be careful to create these obstacles because other people will have the same idea; and they may create obstacles in front of something that is good.

Councilor Verga stated his concern being against the referendum was that the people can vote them out; but if they signed a 40 year commitment to Suez or someone else; they get the satisfaction that they’re gone. But then they have 39 more years to deal with the water [supply].

Councilor McGeary felt that it was up to the voters to be informed and to vote the issues. He believed that governing by referendum occurred because people weren’t paying attention, and then things happened that they didn’t want to have happen.

Councilor Theken agreed with Councilor McGeary that it is up to the people to be informed. But as far as trusting the Council, and being a long term Councilor, she quipped, she “didn’t trust us”. She understood the importance of the matter. But she also believed Councilor Verga was correct; that they need protection. On that language, she recalled how it could come back and haunt them and cited the creation of Gloucester’s Community Preservation Act which came back three times because the people weren’t educated as to the matter itself. Home Rule Petition was just in case. She congratulated “Who Decides” on their bringing the matter forward.

Roslyn Frontiero, 12 Beacon Street stated this was democracy in action. Many communities do not have the kind of support and core group to bring something like this to a municipality. They have a team going forward to protect the community as best as they can. Regardless of the outcome, they have 100% cooperation to have the discussion which she believed was half the battle in most communities dealing with this same issue. She congratulated those in the room and urged moving forward together.

Ed Dahlmer, 607 Essex Avenue stated he just completed 200 hours of research on water ownership, public vs. private for his thesis for his MBA. He noted this has precedence of several local communities who all had selectmen or mayors who signed over their water systems either by outright sale or through long-term leases/contracts. He stated some of these same elected officials after these agreements were signed then left office and went to work for the new water supply owner. He felt this was something they all needed to be careful of. This is to protect the people against the future city councilors and mayors that may be willing to be bought out.

Councilor Hardy thanked everyone for their spirit of cooperation, and as noted earlier, this was what government was all about. There was compromise reached here today and came to an agreement. She felt proud to be a member of this City Council and thanked "Who Decides" for bringing the matter forward. She urged that it was up to them to get the word out; as Councilor Theken had stated, keep it simple so that people understand what they were trying to accomplish. She believed the ordinance as proposed was a good way to start, and will go forward getting it on a referendum. And referring to Councilor McGeary's statements, she agreed with portions of what he said stating she also didn't think a City Council government should be run strictly by referendum. However, in this particular matter rises to the level that when she was no longer a City Councilor she would be proud to have been part of this initiative and can be confident that the water supply will not be able to be taken over by anyone. She would be supporting this before the City Council.

Sandra Sanfilippo, a Gloucester resident stated this is similar to what is happening with the fishing industry, noting that Wall Street is waiting to buy the fishing permit and was concerned that the same thing could happen to the Gloucester water supply. It was important to keep on the good work.

Councilor Theken noted this is the first step. There is a public hearing. She urged all to make sure they come to the public hearing to make their opinions heard. There will be people who will speak against this measure also.

Councilor McGeary stated to be clear that he was "absolutely opposed irrevocably to his dying breath" to selling off the water system but believed the governmental system in place was the way it is supposed to be. There are two "social goods here" that were important to him. He was torn because he couldn't envision a scenario in which they would sell off the water system. He emphasized that he was very concerned about government by plebiscite and was the issue he was raising this evening.

Bruce Maki, 37 Western Avenue noted that in passing out flyers people were shocked that the water supply could be sold. He believed there is tremendous support on this issue.

Ms. Rhineland appreciated what the Committee had done. She was concerned between now and when the ordinance is fully enacted. Referring to the City's contracted water management company, she stated when the Veolia contract is up that was when she wanted to see the "strongest barricades".

2. Appointments

The Committee questioned all potential appointees to their respective Boards and Councils as to their background and qualifications, desire to serve the community as well as their familiarity with the Open Meeting Laws. They were also asked if they had taken their State Ethics exam, and filed it appropriately with the City Clerk's office.

Kersten Lanes Capital Improvement Advisory Board (CIAB) TTE 02/14/2013

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Kersten Lanes to the Capital Improvement Advisory Board (CIAB), TTE 02/14/2013.

Janet Rice Capital Improvement Advisory Board (CIAB) TTE 02/14/2013

MOTION: On motion by Councilor Curcuro, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Janet Rice to the Capital Improvement Advisory Board (CIAB), TTE 02/14/2013.

Thomas Hauck Gloucester Cultural Council TTE 02/14/2013

MOTION: On motion by Councilor Verga, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Thomas Hauck to the Gloucester Cultural Council, TTE 02/14/2013.

Martin Ray Gloucester Cultural Council TTE 02/14/2013

MOTION: On motion by Councilor Curcuro, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Martin Ray to the Gloucester Cultural Council, TTE 02/14/2013.

Newell Stadium Committee ad hoc: Jim Duggan; Bill Sanborn; Joe Guzzo; Mark Cole; Mike Carrigan; Dick Wilson; J.D. MacEachern; Dr. Bill Goodwin

The Committee wished for a memo to be sent to the Administration that this should not be an ad hoc Committee but should be a sworn in Building Committee under the Charter due to the construction being on City-owned land and possibly with City funds.

3. *CC2010-061 (Hardy) Enact Ordinance as required by Ch. 217 of the Acts of 2010 re: Linkage Exaction Program*

Ms. Lowe suggested that what was passed in that special act tells what should go in an ordinance almost exactly. There's very little drafting to be done for one. They would simply have to fashion the introductory language.

Councilor Hardy asked for language to be made up so it can be voted on which she will provide to the Committee for their next meeting.

This matter was continued to October 4, 2010.

4. *CC2010-062 (Verga) Amend GCO Sec. 22-270.1 (Resident sticker parking only) and Sec. 22-270 (Parking Prohibited at all Times) re: Rafe's Chasm parking area/lot off Hesperus Avenue*

This matter is continued to October 18, 2010 pending the Traffic Commission's recommendation.

5. *CC2010-063 (Mulcahey) Amend GCO Sec. 22-270 (Parking Prohibited at All Times) re: Oak & Maple Streets*

This matter is continued to October 18, 2010 pending the Traffic Commission's recommendation.

6. *CC2010-064 (Mulcahey) Proposed amendment to GCO Sec. 22-267 (One Way Streets-Generally) re: Mt. Vernon Street*

This matter is continued to October 18, 2010 pending the Traffic Commission's recommendation.

7. *Amend Gloucester Code of Ordinances, Sec. 23-77 Pole Specifications*

This matter is continued until draft specifications are received from National Grid, and will return to the agenda at that time.

8. *Letter from Mayor re: Court Relocation Committee and Gloucester District Court*

This matter was continued until such time as a lease is forthcoming from the Administration for the Committee's review.

9. *Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter-review from City Council Public Hearing of August 31, 2010 to Amend Code of Ordinances, Chapter 4, Art. II, Sec. 4-15 by adding new subsection 4-15(c) notwithstanding subsections 4-15(a) and 4-16(b)*

Ms. Lowe explained to the Committee that the proposed language allows for an off-leash dog park to be created. The rest of the particulars including the site would come out of DPW regulations.

MOTION: On motion by Councilor Curcuro, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Chapter 4, Art. II, Sec. 4-15 by adding new subsection 4-16(d) (as amended at the October 12, 2010 City Council meeting) as follows:

The DPW 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 Sec. 7-16(b) of the City Charter, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTATION/ITEMS SUBMITTED AT MEETING:

- The following were submitted by Russell Hobbs, a "Who Decides" member:
Amendment(s) to the proposed Gloucester Public Water Systems Ordinance
Resolution of the City of Gloucester (as relates to the Gloucester Public Water Systems Ordinance)
- Statement read by David Lincoln, a "Who Decides" member