

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, January 31, 2011 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

-- Minutes --

PRESENT: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Bruce Tobey

Absent: None.

ALSO PRESENT: Councilor Hardy; Mayor Carolyn Kirk; Linda T. Lowe; Larry Ingersoll; Mark Cole; Jim Duggan; Suzanne Egan; Jeff Towne; Donna Compton; Sarah Garcia; David Bain; Bill Sanborn; Rose LoPiccolo; Chief Michael Lane; Chief Phil Dench; Deputy Chief Steve Aiello

The meeting was called to order at 6:30 p.m. Items were taken out of order. Councilor Tobey entered the meeting at 7:26 p.m.

1. Continued Business:

A) CC2010-068 (Hardy) Review parking and traffic flow, Leonard Street (Cont'd from 01/03/11)

Larry Ingersoll of the Traffic Commission expressed on the Commission's behalf that at their December meetings they recommended that appropriate "No Parking" signs be posted from Nashua Avenue to Bridgewater Street as called for in the existing ordinance (currently there is only one sign on Leonard Street for a distance of a half mile). The Commission also recommended "No Turn Around for Large Trucks" should be erected also.

By unanimous consent the Committee requested the DPW follow the recommendations of the Traffic Commission to erect a "No Turn Around for Large Trucks" sign be erected near the beginning of Leonard Street.

The matter is considered resolved and that the DPW will receive a request for the signage to be erected.

B) CC2010-080 (Curcuro) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 197 Washington Street (Cont'd from 01/03/11)

Mr. Ingersoll stated at the Traffic Commission meeting of January 20th the Commission voted unanimously to not recommend CC2010-080 for the creation of a handicapped parking space in the vicinity of 197 Washington Street. The Commission learned that although the area near Myrtle Square requested for a handicapped space is on City-owned property (a dirt gravel strip); there is no parking on Washington Street; nor could they find a suitable spot for this. Also, the requestor has not appeared before the Committee to discuss the request either at their December or January meeting. Further, it was noted that the request is not consistent with typical requests for handicapped spaces, i.e. in front of a home.

This matter is continued to February 14, 2011 awaiting the disposition of the order from Councilor Curcuro.

C) Memorandum from Operations Manager-DPW re: rules and regulations for proposed dog park in the City of Gloucester (Cont'd from 01/03/2011)

See Item #3 for a combined discussion.

- D) CC2010-083 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 4B Summit Street (Cont'd from 01/03/11)

Mr. Ingersoll informed the Committee that at their January 20, 2011 meeting the Traffic Commission had no handicapped placard provided to them at the time of their meeting nor as the Commission aware who was requesting the handicapped spot. It was noted the name and address of the requestor as well as the placard was provided to the Commission following their meeting. They would take up the matter at their next meeting.

This matter is continued to February 28, 2011.

- E) CC2010-084 (Mulcahey/Curcuru) Review traffic flow and directions to alleviate congestion on Washington Street (Cont'd from 01/03/11)

Councilor Mulcahey stated this order was placed to get an idea what the Commission thought about on the matter.

Mr. Ingersoll stated at the Traffic Commission meeting of January 20, 2011 the Commission discussed with Councilors Curcuru and Mulcahey the issues surrounding the traffic flow in and around the Washington Street corridor in order to start to work towards trying to alleviate the traffic congestion particularly from the intersection of Railroad Avenue to Grant Circle. The Commission felt this was a major issue that needs professional analysis and/or consultation; and that the scope of the request is beyond the expertise and reach of the Commission. They also expressed their awareness at their January 20th meeting, that there is a traffic issue on Washington Street but were unsure if changing the flow of side streets would help to alleviate the problem. The Commission noted any changes would adversely affect the other main streets (Maplewood Avenue/Centennial Avenue) in the area.

Councilor Theken asked if this was due to the construction changes to the Washington Street corridor.

Councilor Mulcahey stated there would be a need to alleviate the congestion from the construction and thought this would be a good way to get a head start into helping the traffic congestion in that area. She expressed her belief that Derby Street needs to be one way due to it being so narrow as just one change that could be made.

Councilor Hardy suggested that Community Development could have funds for a consultant to help assist in this process.

This matter is tabled. The Committee recommended that Councilors Curcuru and Mulcahey get together with their wards; then with that input may decide to bring forward the order again.

- F) Follow up on Survey of Parking lot area around Rose Baker Senior Center in connection with Amendments to the Traffic Ordinance for Manuel Lewis Road and Senior Center lot (Matter Concluded at City Council September 28, 2010)

Paul Keane, City Engineer explained a survey was done as requested by the Committee. He reviewed the new map (copy on file) with the Councilors with particular attention to which parts of the parking lot are public.

Councilor Theken stated what they're trying to realize more parking for the Senior Center and see that the spaces are repainted with appropriate signage in place which was why they asked for this survey.

Mr. Duggan noted that once the lot is relined when the snow season is over, they'll be able to enforce the parking for the immediate area around the Rose Baker Senior Center.

By unanimous consent the plan dated January 5, 2011 for the official layout of the existing parking spaces in the City Manuel F. Lewis Parking Lot in the vicinity of Rose Baker Senior

Center at the Intersection of Rogers Street and Manual F. Lewis Street was accepted by the Ordinances & Administration Committee and is placed on file in the Office of the City Clerk, the Engineering Department and also recorded at the Registry of Deeds [as required by City Ordinance.

This matter is continued to May 2, 2011 for a status update to the Committee on the matter of the restriping of parking lot spaces.

- G) Letter and documentation from Deputy Fire Chief Aiello re: enactment of ordinance to bill for Certain Fire Dept. responses (Referred from B&F Committee on 11/29/10)

Deputy Chief Stephen Aiello, Gloucester Fire Department noted there were many improvements needed within the Fire Department according to the recent audit of their department. In order to make those improvements and given current fiscal conditions, they have looked for ways to find new sources of revenue in order to afford these improvements by recovering costs. They looked at the 55%-60% of motor vehicle accidents in the City are caused by non-residents; and 12% of structure fires in the City are caused by negligence. They are looking to recover costs in responding to these two types of occurrences. In the Commonwealth of Massachusetts, it is mandated that you carry supplemental insurance on your homeowners and commercial insurance policies. It pays for a minimum of \$500 for residential structure fires for fire department responses; \$1,000 on commercial policies for structure fires. The premium is being paid for this bill, yet they don't bill for this money that is available. The Fire Department is asking to be allowed, as they do with the ambulance billing, to enact an ordinance so that they can hire a billing company (who would be paid for through a percentage of receipts) and recover some of these costs related to car accidents and fires in specific instances, creating revenue to improve technology and increase training for the Fire Department.

Ms. Egan, on inquiry of **Councilor Theken**, said she would work with the Deputy Chief to draft specific language for an ordinance.

Councilor Mulcahey asked for a definition of negligence according to insurance companies; and what would the process be once negligence was determined for the billing process to start.

Deputy Chief Aiello stated negligence would be clearly defined in the billing policy. If an ordinance is enacted by the Council, the City and the billing company would "iron out" what would and would not be billed. The Chief and he are proposing that homeowners not be "balance billed". The City would accept whatever the insurance company pays towards the cost of the bill. He gave the example for a response, say to the Lorraine Apartments. That bill would be significantly higher than \$500, and that would likely involve some negotiations between the insurance company and the billing company. He assured the Committee that homeowners would not pay out of pocket. He acknowledged the biggest concern is what this does to insurance rates. He contended anyone who has a structure fire, their rates will go up. The billing by the City would have no affect on the insurance rates. But this type of billing has been going on for 20 years or longer across the United States with no history of insurance rates being increased solely due to this type of billing by municipalities.

Councilor Mulcahey noted several instances that might trigger a billing for a motor vehicle such as a car fire, or leaking gas from a vehicle's gas tank.

Deputy Chief Aiello replied that would be billed for and added it would have to have some sort of negligence involved for them to send a bill out and would be up to the insurance company and the billing company. The City would not be involved in the billing or recovery process. He also made clear the City would not be involved in determining who was at fault.

Councilor Theken expressed while she always supports the Fire Department, she needed to be convinced this was appropriate for the City. She inquired whether this involved a "menu" of services.

Deputy Chief Aiello stated in Mass municipalities have to have an ordinance on the books similar to the EMS billing. EMS uses a line-item billing. He stated emphatically that in this instance that would not be the case. If the Fire Department responds with the pumper truck, that will be what they're billed for.

Councilor Theken asked who determines who's at fault in an accident.

Deputy Chief Aiello replied that is up to the billing company who sends a bill to both insurance companies and whoever is at fault; their insurance company will pay the bill.

Councilor Hardy wanted to see the ordinance come back for review by O&A.

Mr. Duggan commended Deputy Chief Aiello for taking the initiative in researching this matter and submitting it to the Mayor. He stated for the record they would dedicate 100% of this revenue to the Fire Department within the General Fund.

Councilor Theken asked what guarantee there was to keep the revenues dedicated beyond this Administration.

Mr. Towne stated it has to go to the General Fund.

Mr. Duggan added it is the same for ambulance revenue. Each year they would predict the revenue level during the budget process with the Chief and Deputy Chief providing good back up as to why it would go to that level, then take it through the process and put in a recommendation as an investment into the Fire Department.

Suzanne Egan, City Solicitor stated they will work on the language remarking it is a complicated issue.

Mr. Duggan noted when they met with the Chief and Deputy Chief; he was told there would not be an ala carte menu.

Deputy Chief Aiello noted different municipalities use different billing ideas, like an ala carte menu. But the Gloucester Fire Department, he assured, would not go that route.

Councilor Theken stated she would not want an ala carte menu method of billing.

[**Councilor Tobey entered the meeting at 7:26 p.m.**]

Deputy Chief Aiello stated the ala carte menu shows the depreciation of the equipment in reality.

Councilor Theken asked that Ms. Egan to insert in the ordinance language a percentage of the total realized revenue to go back to the Fire Department.

This matter is continued to February 14, 2011.

2. Appointment & Reappointments:

Appointments:

The Committee questioned the new appointees to their respective committees on their experience, background, professional affiliations as well as asking them to be familiar with the Open Meeting Laws and to file their proof of having taken the State Ethics Commission test with the City Clerk's office. They also expressed their appreciation at each of the appointees' willingness to step forward and volunteer on behalf of their City and thanked them for their commitment.

Newell Stadium Building Committee

TTE 12/31/2011

Kristin Michel

Councilor Hardy noted she recommended Ms. Michel for this position and will be the one woman on the Committee and can address the Title 9 issues that come before the Building Committee.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the appointment of Kristin Michel to the Newell Stadium Building Committee, TTE 12/31/2011.

Committee for the Arts

TTE 02/14/2015

Eric Schoonover

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the appointment of Eric Schoonover to the Committee for the Arts, TTE 02/14/2015.

Historical Commission

TTE 02/14/2014

Susan Albiero

The Committee acknowledged Ms. Albiero's previous experience with City committees. Ms. Albiero expressed her desire to see the Historical Commission look to broaden their scope.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the appointment of Susan Albiero to the Historical Commission, TTE 02/14/2014.

Reappointments:

Mayor Carolyn Kirk joined the Committee to introduce the slate of City reappointments and began by relating everything accomplished this past year was because of the strength of the team; and that they'd like to keep that team together. She was looking for Council approval of each of the following individuals. She noted the teamwork of the CAO, the CFO, the City Solicitor, the Community Development Director and the City Council brought the purchase of I4-C2 to fruition. She spoke of Donna Compton being an essential member of the team in addition to the engineers and the DPW Director because of the number of contracts that had to go through the office, many of which were of an emergent nature which was a testament to her skill and expertise. People are responsible for their own individual areas; but most everything requires a multifaceted, multifunctional effort. She referred the Committee to her memo submitted to the Council (see file) in their most recent agenda packet which highlighted some of the team's accomplishments.

Jim Duggan, Chief Administrative Officer:

Councilor Mulcahey noted that she'd worked with Mr. Dugan on many issues; that he did his job in a thorough manner and appreciated his help.

Councilor Tobey expressed that Mr. Duggan had a steady year and that sometimes he was "trying too hard." He asked Mr. Duggan to outline how he categorically allocated his time.

Mr. Duggan thought a lot had to do with priorities at the time. Things come out of the blue; and as much as a good game plan can be in place working on a variety of issues with the team, then there's another 20 inches of snow. "You have to focus on the priority of that day. Unfortunately ... matters can get pushed off to the side a bit too long, he said, but it wasn't the intention."

Councilor Tobey understood much of Mr. Duggan's job is about the 'crisis of the day'. Recognizing there are "abiding" priorities when the crises are over, he asked Mr. Duggan to list the top three priorities in a year he'd want to accomplish.

Mr. Duggan responded one would be looking at the operations of the City in the departments where improvements can be made; where he can help and support those operations as well as the department heads. Another would be having a greater understanding and pulse on the budget of different departments. He expressed the third priority to be constituent and Council issues to try and resolve them.

Councilor Tobey asked what the proportion of time was spent on economic issues against the backdrop of dealing with crises of the moment and dealing with those two big priorities.

Mr. Duggan replied he looks at the economic development issues about 30% of the time. For instance, one of the seeds planted by the Councilor for the creation of the Economic Development Area he would look at how they can do that and what the options are. He's looking at companies wanting to come into the City; relocations of companies; trying to work with developers to find what exactly they're looking for. He gave the example of a company looking to move their business from New Hampshire, with the potential over the next 3-5 years of 350 jobs. These are solid engineering jobs, trade jobs, which could be established in Gloucester. Also he would be looking at waterfront issues, Birdseye as an example.

Councilor Tobey expressed his concern that the Community Development Director's position which he believed Ms. Garcia was "ably performing it", had turned more into a project manager's position rather than a comprehensive "overseer" of economic development for the City. He expressed his understanding of why; that they agreed after a conversation that spoke about Charter intent, the financial realities were that they had a Seaport Bond funding a large portion of the position. He also expressed concern that this was "usurping best practices and uses of that position as proven by decades of experience with it." While he appreciated Mr. Duggan being a "backstop" and a "supporter" and what his job is about regardless, he hoped the Administration would be fully funding the position out of the General Fund for the next fiscal year so that the position can be restored to where he believed it should be. He believed it was about utilization; that they need it for jobs creation for "a more sustained, multifaceted approach". There is a concern in the tourism community, he related, about the "plethora" of committees and competing groups. He acknowledged Ms. Garcia's accomplishments but "they're all on the harbor". He would want to see a substantive engagement with the tourism community. There is also the factor of directly engaging the Main Street and Middle Street area commercial and professional offices. Naming the four sectors of the economics of the community: tourist, industrial, commercial/professional and waterfront, he explained he raised these points because he believed there needed to be a change and expected that they measure in six months time. He also mentioned the Master Plan concerns; the Planning Board is doing "their thing"; Plan Implementation Review Committee (PIRC) is "trying hard" but that Ms. Garcia is not going to their meetings but she is a designated ad hoc member. To that end he felt they need to see a re-envisioning of the Community Development Director's position.

The Mayor and **Mr. Duggan** agreed the Councilor's suggestions regarding the Community Development Director's position made sense to them.

Councilor Theken stated they believed that this job would be a partnership, noting there was a good performance as the Mayor let the team move forward in their respective areas of expertise. There were many crises in the City in the last two years; and when the Mayor needed her team, they stepped up and proved themselves. She complimented the Mayor for bringing her Administrative team together.

Councilor Hardy noted as Council President she appreciated that Mr. Duggan now is not afraid to say he doesn't know an answer and then gets back to them with the requested information in a timely manner. Mayor Kirk, Mr. Duggan and she had a recent conversation similar to the points Councilor Tobey brought up as well as with Ms. Garcia separately. In her role as Council President in order to get more Community Development issues in front of the City Council, she would invite Ms. Garcia to present to them some of the land-side developments within the community. She encouraged the Mayor's entire team to come before the Council when they felt they had things they could share.

Councilor Tobey stated the Council could play a useful role. In the previous Council they had a presentation from a variety of sectors. Regarding the Master Plan issue with the Planning Board and PIRC and would like them to update the Council on the Master Plan review which would assist in "complete transparency". This, he believed, should help Ms. Garcia to be a more substantive participant.

Councilor Theken stated Mr. Duggan has "earned his title". He has protected the Mayor; defended his department heads, and she appreciated that. She sees teamwork; and always expects improvement. She felt Mr. Duggan needed the 30% effort on economic development to increase also.

Mr. Duggan appreciated the kind words but added that the Council support was key, and couldn't have accomplished what they had without them.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Jim Duggan as Chief Administrative Officer, TTE 02/14/2012.

Jeff Towne, Chief Financial Officer:

Mayor Kirk stated the biggest accomplishment of the CFO this year was free cash after 10 year decline to a -\$3.8 million came to be a positive. This was a "concerted effort" with the team, led by the CFO, the

City Auditor who was a “huge part of it”, Councilor Steven Curcuru. She believed the accomplishment of the positive free cash is the accomplishment that tells the story of the many things being done well by Mr. Towne.

Councilor Mulcahey never completely understood the finances of the City until she had listened to Mr. Towne even though in her professional life she is a bookkeeper. He made things very clear, “done elegantly”. He has done a stupendous job.”

Councilor Tobey stated, “There isn’t a finer CFO in the Commonwealth.”

Councilor Hardy stated the biggest mistake she ever made was voting present when Mr. Towne was first appointed and would try to make amends. As a member of B&F, she noted he does over and above to make sure they all understand the City side of things. She noted it was a pleasure work with him.

Councilor Theken stated in the past she had been confused with budget issues but he has helped to change that. He has a good team and acknowledges them which impressed her. He cares, and doesn’t let money be wasted. She appreciated his statements regarding Newell Stadium about the bond financing; making her job a bit easier. Mr. Towne, she felt, goes beyond what needs to be done. “Your office helps the citizens well.”

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Jeff Towne as Chief Financial Officer, TTE 02/14/2012.

Suzanne Egan, City Solicitor:

Mayor Kirk stated the City Solicitor is the “wolf in sheep’s clothing.” All you have to do “is look at her track record in wins for the City” expressing Ms. Egan’s ‘story’ is told in her results.

Councilor Mulcahey agreed but felt there were a couple of areas that have not been satisfactory to her. She stated she has to ask several times to get information; and then when they go to a meeting, there was an abundance of information that she had never received even though she’d requested it prior to that time, feeling that she had gone into a meeting “blind”. There have been several times that they’ve asked Ms. Egan to be at a meeting, and she has not shown. It places the Committee at a disadvantage. Even at City Council they’d have to put things off because they didn’t have information necessary from Ms. Egan in a timely fashion.

Councilor Theken stated she wanted to see a “bit of the wolf, instead of the sheep”. Some of the Council Committee meetings on current complex land issues some things couldn’t be disclosed, which she understood; but felt that when a question is asked, they need the City Solicitor to defend them; and that the Solicitor needs to personify confidence especially in a public meeting. Further, when Ms. Egan was asked to be at a meeting, that she should be familiar with what the meeting content will be about so as to be prepared to respond with affirmative statements, firm in her responses.

Ms. Egan stated she doesn’t hesitate to tell a Board or Commission not to do something, and she would write a legal opinion to not do that particular thing. If she is in court trying a case and the Board or Commission does the exact opposite of what she has advised, the legal opinion could be taken up showing her opposite recommendation and then she “has to backpedal”. She believes this places her in a position of where she “cannot go on the public record when its something before the City Council, before the Planning Board, before the ZBA; she contended “it’s your decision to make.” Her position is that she would not go on the record where it could hurt “your decision” in court.

Councilor Theken expressed her better understanding and a respect for Ms. Egan’s answer which **Councilor Mulcahey** echoed Councilor Theken’s sentiment.

Councilor Tobey asked why he or the Councilors shouldn’t feel that on occasion she’s representing an agenda rather than the City.

Ms. Egan expressed surprise at the Councilor’s statement. She spoke of a complex land issue where she became involved initially for an opinion on a small portion of the larger issue. By speaking back and forth with the Planning Director; and she got a request from the Chair of a Standing Committee and other

members of the Committee came in looking for a shortened version of the initial rezoning presentation basing much of it on the Planning Board recommendations. She believed that she was doing something "really good" for the City; spending a great deal of time coming up with a condensed version. Then everyone "blew up". She pointed out that she helps to write ordinances all the time which is "perfectly legal", as well as to condense ordinance language where she listened to the Standing Committee, listened to a particular Board and was able to produce something within the City zoning ordinance. She didn't do it because she "had any agenda". Her agenda, she contended, is that she does what is asked within the scope of practice. It is a part of the process and not an agenda.

Councilor Tobey asked Ms. Egan what her take-away was from this issue.

Ms. Egan understood they feel she is not responsive enough to the Councilors. She also felt if she does try to do what she's been asked to do, that they're not satisfied with it. She contended in representing the Council, and give them the legal advice they want; it couldn't be a "guessing game". She is one person and there are many people asking for her advice and asking a great deal of her. People need to be "up front" with her, telling her what they want to a date certain and that they expect her presence at a meeting so there is a clear understanding.

Councilor Tobey commented that when the next complex land use issue comes before the Council, they have to deal with what is in front of them and then revisit alternative approaches. He asked if Ms. Egan ever told the Mayor she couldn't do something.

Ms. Egan stated "yes", and **Mayor Kirk** confirmed that was the case also.

Councilor Tobey thought that important and then asked if Ms. Egan had the resources she needed.

Ms. Egan stated there is too much work for one person; that the outside counsel budget needs to be "beefed up."

Councilor Tobey asked if they should return to the Assistant City Solicitor as a part time counsel [position].

Ms. Egan stated she has brought it up.

Mr. Towne expressed he relies on Ms. Egan and her paralegal, Kathy Lane to assist him in doing his job whether it's employee matters, tax titles, foreclosures, stormwater, etc. He believed her to be one of the most valuable resources he has available to him noting her approachability and calming influence. He relies on her expertise as well as that of Ms. Lane. He appreciated her guidance and wisdom.

Mr. Bain reiterated Mr. Towne's sentiments; and that the City was lucky to have her.

Councilor Theken expressed her respect for Ms. Egan's professional capabilities and would like to continue the relationship. She thought it would be helpful if they could get someone part time in the Legal Department to be an added assist.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Suzanne Egan as City Solicitor, TTE 02/14/2012.

Sarah Garcia, Community Development Director

Mayor Kirk noted Ms. Garcia has 2/3 salary as Waterfront Coordinator. To get the reach from the position as it is designed she felt it should be funded completely under the General Fund; and the Waterfront Coordinator portion be spun off agreeing that it needs to be re-examined.

Councilor Mulcahey stated that she and Ms. Garcia have been agreeing a great deal as she is very protective of the waterfront area which is her ward. Ms. Garcia calls her to look at issues and work on them together. She liked the Harbor initiatives Ms. Garcia has made, liked her process, and keeps her informed of her activities.

Councilor Tobey asked if she "got" the economic development aspects, which Ms. Garcia affirmed.

Councilor Hardy made note of a recent conversation regarding the wards with Ms. Garcia. If something is going on in a Ward, she asked Ms. Garcia to let the City Councilor whose ward it is to know what is

going on so that they can work together to help let the neighbors be a part of a solution. The Ward Councilors could really help her to do her job.

Councilor Theken supported Ms. Garcia and appreciated her efforts and hard work. The ability she would have being able to work full time on more matters other than the waterfront she felt would benefit the whole City. People feel they can talk to her. She has developed her "open door".

Councilor Mulcahey asked if she now gets the feeling for the Fort.

Ms. Garcia made note of the struggle to find workable solutions for that area.

Councilor Hardy quoted the Charter, Section 5-3(d), "...shall be appointed by the Mayor after review and recommendation by the Planning Board and confirmed by the City Council."

Mayor Kirk stated the initial appointment goes through the Planning Board but reappointments go through this Committee.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Sarah Garcia as Community Development Director, TTE 02/14/2012.

David Bain, Personnel Director

Mayor Kirk stated Mr. Bain had one of the lowest profiles in the City which "is a good thing". Mr. Bain, with Ms. Egan, had the lead in terms of Civil Service compliance on the termination of a firefighter for cause and the "City" to have prevailed with a 39 page arbitration decision in the City's favor and Mr. Bain's guiding them through that process "was a testament to his experience as a municipal personnel director." "...Without his guidance on that, the City would have had risk and liability exposure."

Councilor Mulcahey noted the good work Mr. Bain has done. He is important to the Mayor's team and makes their job easier.

Councilor Hardy noted she has a greater interaction with his staff whom she felt were "marvelous" and that Mr. Bain has he has given the tools to his staff to do their job well.

Mr. Bain stated the City is dynamic and moving forward and is meshing. The workforce is great and he's proud to be part of it.

Councilor Theken asked about the city insurance.

Mr. Bain stated they are talking with Harvard Pilgrim. They will look at other plans. It is a difficult time right now.

Councilor Theken asked about the networking – a three tiered system (including workers who are not City employees) that other municipalities are looking at. Had anyone come to them?

Mr. Bain stated they had. Rates are looking favorable. He was cautiously optimistic.

Councilor Theken confirmed that he does have a wonderful staff. She would like to see more recognition for employees, to start something different to boost morale and say thank you.

Mr. Bain stated department heads do put letters into files when employees do their job well. He felt they could work on something appropriate and initiate it in a short period of time in a public manner.

[Councilor Tobey stepped out of the room at 9:14 p.m.]

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the reappointment of David Bain as Personnel Director, TTE 02/14/2012.

[Councilor Tobey returned at 9:16 p.m.]

Donna Compton, Purchasing Agent:

Mayor Kirk noted that Donna Compton's department has gone from 3 to 2 people but the workload has not diminished. Ms. Compton stepped into the "very big" shoes of the previous Purchasing Agent, and has done the job "incredibly well". A lot of the water crises was emergency waivers through the State and some of the purchasing steps to accelerate that project and was very complicated. She did it with great aplomb and we're really proud of her." They have millions of dollars of contracts in that office. There are no complaints from bidders or contractors. "It is a squeaky clean operation."

Councilor Hardy thanked her for her assistance on several matters she needed research on.

The Committee thanked Ms. Compton for her fine work in a difficult position.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Donna Compton as Purchasing Agent, TTE 02/14/2012.

Bill Sanborn, Building Inspector:

Mayor Kirk expressed Mr. Sanborn is a "great example" of responding to candid feedback from the Council several years ago; that he is professional, consistent and has adjusted some of his practices to the wishes and feedback of the Council. His department has been understaffed also. She noted the unfortunate death of a valued staff member, yet his department "maintained and pulled through" the workload. The Mayor noted, "They don't have a lot of things blowing up in his department or any other department; that's not always been the case."

Councilor Mulcahey stated that she is a stickler for safety issues. He has been responsive; he does his job and looks forward to continuing the working relationship.

Councilor Tobey told Mr. Sanborn, "good job". He thought it was clear Mr. Sanborn's office had been just as busy despite the economic downturn, surprisingly so.

Mr. Sanborn agreed saying his department hadn't seen a downturn in workload. "Permits are up and continue to be up." They've met their projections each year and continue to do so. His department has not seen a slow down; that there've been major projects that have kept things moving steadily along.

Councilor Hardy worked with him previously when she was on the Planning & Development Committee. In her role as Council President he has ably assisted her.

Councilor Theken also thanked Mr. Sanborn for his responsiveness as well as that of his staff.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Bill Sanborn as Building Inspector, TTE 02/14/2012.

3. List of Suggestions for Dog Park Rules of Use as provided by Jamie Levie, Animal Control Officer

At **Councilor Tobey's** suggestion since the Committee did not have a location designated by the DPW Director, Mike Hale in their hands, that they make an assumption that the park will be at Stage Fort Park for the sake of their discussion.

In reviewing the parking rules at Stage Fort Park, **Police Chief Michael Lane** suggested closing might be dusk, rather than 9:00 p.m. for the closing as in April and May it is dark earlier.

Judy Masciarelli, a dog park proponent stated there will be lights for the dog park. The parking lot rules and addendum for fees are all existing regulations for Stage Fort Park.

Councilor Theken then reviewed the general rules with the Committee.

Mark Cole, Operations Manager-DPW noted the gates to the lots are open 8 a.m. to 9 p.m. After 9 p.m. people can park on the street, on the boulevard. The park closes at 10 p.m.

Ms. Egan confirmed she had reviewed the regulations and that they "seemed fine".

Councilor Theken asked about the City's liability insurance coverage for the dog park.

Mr. Towne stated he had contacted the City's insurer and it would not add any cost to cover the dog park.

Ms. Egan stated the City is covered 100% by the City's insurance policy; and that is sufficient.

Mr. Towne stated it was already part of their coverage. He has a confirming email from the insurance company reiterating the coverage for a dog park which was forwarded to the DPW Director. It is the same coverage policy and did not cost the City anything extra.

Councilor Hardy asked if the City's liability covers any breed of dog.

Ms. Egan stated if the insurance company has given a determination of the dog park is covered; therefore they are completely covered.

Jamie Levie, Animal Control Officer in response to an inquiry from **Councilor Mulcahey** stated the City has no specific breeds' prohibitions; they only distinguish dog owners and their dangerous dogs specifically. No matter the breed, any dog that has had problems in the past would likely not be permitted. This was not 'Dog Park specific'.

Chief Lane added who decides a dog is dangerous, ultimately it is his call based to ban a dog on Mr. Levie's recommendation. If there is an incident and Mr. Levie found the dog dangerous, and it is not destroyed, he will make a recommendation that the dog be banned; and would serve an order to the dog owner.

Mr. Levie stated that if the dog is a loud barking dog; and if the complaints keep coming, they file police reports; then there is a certified letter that he gives to the Chief stating why the dog is dangerous due to excessive barking which is in the statute, and then it goes to the owner. On inquiry from **Councilor Theken**, he confirmed he worked 7 a.m. to 3 p.m.

Chief Lane stated they will not come out for barking dogs. He felt there should be a sign posted for non-life threatening dog complaints with hours and a telephone number.

Councilor Hardy asked about visiting dogs from other communities.

Ms. Masciarelli confirmed all dogs must be licensed in order to use the park which is a public park.

Councilor Mulcahey asked where the money is coming from to pay for the park.

Ms. Masciarelli stated there would be a great deal of fund raising.

Councilor Hardy asked if dogs would be able to continue to be walked on City streets.

Ms. Maraganis stated the park is just one of many places.

Mr. Towne asked if the lights would be on more than they were now.

Judy Maraganis, a dog park proponent stated that they would be on more because the dog park hours are slightly longer than that of the park.

Councilor Hardy suggested exploring energy conservation for the lighting, and asked who would be responsible for removing the waste receptacles year round.

Mr. Cole stated it would be the DPW. They will not pick up directly inside the dog park, just the barrels.

Mr. Levie noted they don't have any fines or citations for breaking the rules in the dog park in response to a question by **Councilor Hardy**. That would have to be created as they have none currently. He suggested they strike citations and fines from the proposed rules, as there are none for violation of rules.

In the summer he issues 10-12 citations for ordinance violations; and in the winter perhaps one or two and that it varies year to year.

Councilor Theken felt they could come back and add the citations and fees if it looked like they need them.

Mr. Levie stated the Chief had suggested that also.

Chief Lane thought these rules were sufficient to get the park up and running. They can fine tune them as time progresses; they were satisfied with them.

Councilor Theken noted both Legal and the DPW was satisfied with the rules and regulations.

Councilor Tobey asked if the recommended location by the DPW Director require "Council acquiescence or is it independently effective, and the Council doesn't have to say yes or no."

Councilor Theken stated the DPW Director can pick a location independently.

Ms. Egan stated the regulations did not have to go to public hearing. The DPW Director can designate a location. They have 90 days to confirm them (under the Charter §7-16).

Ms. Lowe believed it would be 90 days from the date of submission of the revised dog park rules received January 31, 2011.

Councilor Theken asked what the process is for the Council to receive the location.

Ms. Egan stated the Council established the dog park ordinance; [under the ordinance] the DPW Director has the authority to name the location which he has now done. They have the rules and regulations now also (and the timetable to approve by the City Council) which 'run' when they are filed with the City Council.

Councilor Tobey stated the Ward Councilors have a little longer than two months to have their meetings with their constituents, but it would be good for it to come back before the Council in order for them to say they actually agree with it "rather than just letting the clock run out on it. He would like to see those meetings accomplished by the first City Council meeting in March.

Ms. Masciarelli wanted to know if the dog park proponents could start their fundraising.

Councilor Tobey stated it's not approved until the 90 days run out unless the Council first says yes. He moved that the O&A Committee request Councilors Curcuro and Verga report back to the City Council no later than the second meeting in February any concerns of the neighbors; simultaneously this matter is referred for full Council review. [There was no second on the motion and no vote on his proposed motion.]

Councilor Theken responded given the weather situation and volume of snow on the ground in the park which would hamper a site visit to the actual location now designated, she felt the dog park proponents could fundraise now as all the pieces were basically in place; and that the last meeting in February wasn't enough time for the Councilors to hold their meetings.

Councilor Tobey noted they were told it would take a year, year and a half from the onset. He wanted to be sure that they "cross the T's dot the I's" and that the Ward Councilors have their meetings so that it was a publicized process.

Councilor Theken knew if she lived in that area of the proposed dog park she would want to hear about the plans and see them as well.

Ms. Masciarelli and **Ms. Maraganis** showed the Committee, with input from Mr. Cole, a "rough" preliminary plan for the dog park which they reviewed with the Committee; where it was sited in relation to landmarks in Stage Fort Park.

Councilor Theken suggested this was something the Ward Councilors should have for their meeting(s).

Councilor Hardy also wanted to be sure the abutters notified.

The Committee recognized that while it was not a legal obligation, they believed it to be appropriate that the Council should notify the abutters regardless. It was also felt Councilors Verga and Curcuro should have a standard letter to be used by them both to be sent to all the abutters for their joint ward meeting.

Ms. Masciarelli explained to the Committee that the dog park proponents are going through the Gloucester Fund; therefore, all donations coming to the City would come through that fund. They'll have an account set up and all the money raised will go there. Then that money will be donated to the City.

Mr. Towne stated the money, once funds are raised, would come through the Mayor's Report for a donation to the City and go before the City Council for acceptance.

Ms. Lowe noted the Council might wish to have Public Notice of the Rules even though it is not required.

MOTION: On motion by Councilor Mulcahey, seconded Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to accept the Revised Dog Park Regulations dated January 31, 2011.

The Committee asked that the matter of the location be placed on the City Council Agenda for March 22, 2011 and that the approval of the Rules and the location be Advertised.

4. CC2011-002 (Theken) Amend GCO Sec. 22-270(Parking Prohibited at All Times) be amended by

ADDING Magnolia Avenue from under the train bridge to its intersection with Essex Avenue both sides

This matter is continued to the February 28, 2011 meeting.

5. *CC2011-004 (Mulcahey) Traffic Commission be requested to investigate a new location for a Vending site and make their Recommendation to the O&A Committee et. al.*

This matter is continued to the February 28, 2011 meeting.

6. *Memo from Recycling Coordinator re: revisions to GCO Sec. 9-1 and 9-2(a) (Trash & Recycling Containers)*

Rose LoPiccolo, Recycling Coordinator explained to the Committee the Trash & Recycling ordinance is in need of updating. She reviewed the definitions she wished to add (document received and on file) in Section 9-1 as well as edits to plastic containers and recyclables definitions already in the Code of Ordinances. She also went over the proposed revision to Section 9-2(a) Trash/recycling containers.

Councilor Mulcahey understood the pick up of regular trash but that it could not be done for domiciles of four or more units and wondered why that couldn't be the same for recycling.

Ms. LoPiccolo responded it was not a part of the actual contract noting Councilor McGeary had already brought this issue up with **Councilor Theken** noting it couldn't be done until the next contract comes up in 2013.

Councilor Hardy asked who issues the penalties for violations.

Ms. LoPiccolo responded that under the ordinance the Police Department and the DPW Director may do so as well as herself.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 9-1 and 9-2(a) as submitted by the City Recycling Coordinator (on file), and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Recommendations for the Amendments to the GCO Sec. 9-1 and 9-2(a) from the Legal Department are to be forwarded to the Council before the scheduled public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Dog Park location map from DPW Director via Jim Duggan, CAO
- Definitions for Item #6 Trash & Recycling from Recycling Coordinator
- GCO Chapter 9 Trash, Recycling and Litter from Rose LoPiccolo