

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
Monday, February 14, 2011 – 6:30 p.m.  
1<sup>st</sup> 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; Councilor Verga; Councilor Curcuru; Linda T. Lowe, Suzanne Egan;  
Police Chief Lane; Cate Banks; Waterways Board; Peter Bent, Waterways Board;

The meeting was called to order at 6:30 p.m. There was a quorum of the City Council.

**1. Old Business:**

- A) Amending GCO Chap. 11 Hawkers and Peddlers and Transient Vendors Sec. 11-5 (6) (2) Fixed Vending; site specific locations

**Councilor Hardy** noted the agenda was misleading and reference to Rogers and Washington Streets should be deleted.

**Councilor Mulcahey** stated the Traffic Commission would be looking at three possible new locations.

**Councilor Tobey** would ask the Traffic Commission for their opinion on the pros and cons as to traffic safety at the corner of Rogers Street and Washington Street and request that opinion in writing.

**Councilor Curcuru** asked that the accident reports for that location for the last 12 months be assessed as well.

In addition, **Police Chief Michael Lane** and the Committee briefly discussed the corner of Rogers and Washington Streets regarding complaints in the surrounding area on parking issues.

**By unanimous consent the O&A Committee asks that the Traffic Commission provide in writing a summary of the traffic safety issues at the corner of Washington Street and Rogers Street (on or around the former vending site there) as well as an assessment of the traffic accident reports for the last 12 months in that location as well.**

**This matter is continued to February 28, 2011.**

**2. Continued Business:**

- A) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to Consolidate polling locations (Cont'd from 09/20/10)

**Linda T. Lowe, City Clerk** stated there has been some progress. Councilor Verga has spoken with his constituents as did Councilor McGeary in seeking alternative polling places as well; and believed it would be helpful to have that information from other Ward Councilors to keep it on track. She spoke of the Secretary of State's office information recently forwarded by her to the Council on re-precincting which has to be carried out by law. This is not the polling place shifts the Council is looking into but is related; therefore, they would want to coordinate them. Along with that information the State also sent something on redistricting which is strictly federal, related to congressional districts. The gentlemen in charge of re-precincting with the Secretary of State will come to the next Council meeting of February 22<sup>nd</sup> to give a presentation on what it means and the votes the Council will need to take. She noted that there are maps of tentative redrawing of lines; however none were yet able to be made into individual size for distribution for the meeting. The 2010 Federal Census data has not been formally released to everybody; but it is anticipated that this will be done by March. They have started to redraw the lines which she felt

it made sense to wait and see what the precinct lines will be before the polling place consolidations are proposed. For instance one of the preliminary shifts the State had drawn was in Precinct 3-1; they took the Gloucester Avenue Baptist Church and actually shifted it out of the precinct. That was a polling place; and we informed them as such. They are flexible and work with the community if there are issues like that. She encouraged the Committee to review those materials the State forwarded and hopes that the process will go on and perhaps have things accomplished by the local election in November.

**Councilor Mulcahey** expressed on behalf of her constituents at McPherson and Sheedy Park that they are concerned of possible shifts that might take their polling place out of their immediate area creating difficulties in getting to the polls.

**Ms. Lowe** stated that is one of the things that have to be spoken about. Councilor Whynott in his former capacity as City Clerk when the matter of polling consolidation had come up had talked with CATA preliminarily where they could work out some kind of shuttle system with handicapped accessible vehicles to assist in getting citizens to the polls that need transportation of that nature as a possible solution.

**Councilor Hardy** added that it is a preliminary plan the State is coming forward with on the 22<sup>nd</sup> as the State census has not been finalized yet. What they'll explain at the Council meeting next week is where they've been to date and what is still in front of them to be decided upon before they finally draw the lines. It is not formal yet; there is still a lot of work to be done.

**This matter is tabled and will be brought back when the City Clerk has more information for the Committee.**

- B) 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 01/31/11)

**Deputy Chief Stephen Aiello** stated the language for the ordinance the Committee sent earlier in the day. He also passed out "Exhibit A": Mitigation Rates Based on Per Hour for types of accidents (received at meeting and on file) created to show as a proposal for cost recovery and that this was not itemized billing, which was a question raised when this matter was before the B&F Committee. He spoke to the Fire Chief in Quincy whose City had adopted their ordinance last spring; and while there had been some initial "bumps in the road in getting the program up and running", they are recovering costs at this time. The Quincy Fire Chief as well as the Chiefs in Wenham and Andover had nothing but positive things to say. **Councilor Tobey** appreciated what they are doing but his concern was "what did people pay taxes for if they're going to start getting bills for Fire Department responses." He didn't know what the commercial organization, the company that is promoting this, is thinking when it contends this money is already there; that it's not going to cause any new costs. As soon as insurance companies see that their claim rates go up because they have to pay bills on homeowners' coverage, rates will go up and we'll all pay. That's the nature of insurance." He believed this is a company looking to make money and a "ready source" of money to draw upon until the insurance companies come around and start raising premiums. While he appreciated what the Deputy Chief was doing, and understood his quandry, he wouldn't vote for this "under any set of circumstances," unless they were going to give people rebates on their real estate tax bill by way of credit for the charges levied against them.

**Councilor Hardy** asked if there were any legal challenges in Massachusetts or other like states to this and wished for some information on that matter. She expressed concerns as the Ward 4 representative, with their on-again off-again fire service in their ward but mostly off. They're already paying through their taxes for services they're not receiving. She stated she was not in favor of approving this until she received more information.

**Councilor Verga** stated when this was discussed at B&F the Deputy Chief mentioned 'at-fault charges'. He noted there is a difference between drunk driver who has an accident versus someone who has a medical emergency behind the wheel and has an accident. He believed there was a distinction.

**Deputy Chief Aiello** stated homeowners and commercial property owners in all municipalities in the State are required to pay a line item for Fire Department response. The insurance companies are collecting the premiums; but if they don't bill for the response, that money falls to the bottom line of the insurance companies. They're neglecting to collect the revenue or to cover those costs for which the money is already there available to them. In the proposed ordinance it says that it would only be for negligent, reckless or malicious actions of owners of property or vehicles. A person who had a medical issue and was involved in a motor vehicle accident, there would be no bill forthcoming. For the person who ran a stop sign and caused an accident, a drunk driver, there may be a bill forthcoming.

**Councilor Verga** noted examples of home fires with negligence such as smoking in bed.

**Deputy Chief Aiello** gave an example that if there is an act of negligence on the electrician's part which causes a fire, why should the municipality pay for the cost of the response, when it was an act of negligence or if a homeowner did work without pulling permits. In the case of a lightning strike which is an act of nature, there would be no bill.

**Councilor Tobey** stated while he appreciated that when the bottom line of the insurance company shrinks because the pool of money shrinks, and then they'll look for another way to 'replenish that pool'. There will be rate increases, he believed. He again asked and acknowledged it was a philosophical question, what are they paying taxes for. Noting an example of a community in Ohio where there was a private fire company and since the insurance wasn't in place they let the home burn; are they going to be obligated "knock on the door" to see the homeowner's insurance. He didn't believe that would be the case, but felt it was a "slippery slope."

**Councilor Mulcahey** asked where this potential recovered money would go.

**Deputy Chief Aiello** noted 100% of the costs recovered would go back into the Fire Department. Previously, Jim Duggan, CAO had stated he supported it. Chief Dench had stated he supported that as well and reiterated the Administration supports 100% of the costs recovered going back to the Fire Department.

**Councilor Mulcahey** asked if that money could be used to put more firefighters on.

**Deputy Chief Aiello** stated, "Yes, it could be used for any Fire Department purpose, such as training, staffing, whatever the Council and the Administration sees fit, and the Fire Chief."

**Councilor Curcuru** asked if a cost analysis was run of anticipated revenue.

**Deputy Chief Aiello** said they had a conservative estimate of \$60,000 annually from one company that is more reliable in their estimates. On inquiry from **Councilor Curcuru**, the Deputy Chief knew of four cities in the State doing this. This is relatively new in the Northeast, although has been in practice in the West and Mid-West for some time, in some areas over 20 years.

**Councilor Curcuru** asked if there is a way to find out if there is a spike in insurance costs once such billing recovery ordinances were put into place.

**Deputy Chief Aiello** responded the cost recovery companies they've discussed this with have all claimed there've been no historical spikes in rates due to cost recovery billing. He reminded the Committee that in order for insurance companies to seek an increase in auto insurance rates that increase has to be approved by the State legislature. He also noted the person that came before B&F from the recovery company has not been before O&A and that they could get them to come before them. He knew of three companies and would ask them to be at the next meeting when this matter is scheduled again.

**Councilor Theken** asked the Deputy Chief to do that and she also wished to have Steve Dexter of Carroll Steele Insurance and Rudi Macchi to be asked to attend also and give their opinion as members of the insurance business community as to whether homeowners and motor vehicle insurance would rise because of this proposed ordinance initiative. She was not in favor of it at this time either. She would like to have these people before them. She wasn't comfortable with who decides who's at fault.

**Deputy Chief Aiello** stated emphatically in the State of Massachusetts that when you cause an accident; your rates go up if you make a claim whether they send a bill or not; if you have a fire in your house, your rates go up if you make a claim. The City doesn't decide who is at fault. With a motor vehicle accident, the billing company sends the bill to both insurance companies. It is the insurance companies who determine who is at fault, and therefore, which insurance company pays the bill.

**Councilor Tobey** stated this is a business action, and these are salesmen. The conversation has focused on insurance so far. This ordinance before them doesn't differentiate between insured and uninsured people. He espoused that in hard economic times there are probably more than a few instances where folks have lost their insurance.

**Councilor Theken** reminded the Committee that in New Hampshire, they are not required to have motor vehicle insurance. If a New Hampshire registered vehicle caused an accident in the City, who would be billed, potentially. She then asked where in the ordinance it stated where the recovered money goes, and while she realized it goes to the General Fund, she didn't see where it was designated to the Fire Department and so needs to be worked on.

**Deputy Chief Aiello**, addressing **Councilor Tobey's** concern noted under Section 8-30 Procedure for Recovering Costs, "There shall be no procedure which allows for cost recovery directly from individuals." In the instance when someone was uninsured, or under-insured, there would be no procedure for them to collect from that individual.

**Councilor Tobey** thought this would, therefore, be a fee of limited applicability and wondered if it was legal. He assumed it would have to be applicable 'across the board'.

**Deputy Chief Aiello** stated this is what is in place in other communities and has not been challenged yet.

**Suzanne Egan**, City Solicitor stated this is draft ordinance that is taken directly from the Quincy ordinance. That specific sentence goes towards the collection procedures. This allows for billing and recovery of costs and how you can go to the extent of law for the collection procedures to go forward and says there will not be a collection procedure against individuals. With **Councilor Tobey** adding, "We can bill them but we just can't chase them to small claims court." Attorney Egan stated, "Exactly". Her research showed ordinances have been enacted in a number of states, mainly in the West and Mid-West. There was a great deal of controversy regarding homeowners being billed directly after a fire. What this ordinance does is that the bill will go to the insurance company; and if an uninsured individual receives a bill and can't afford to pay it, and doesn't have the insurance to pay it, they would not have to pay it. "That is the limiting factor in this ordinance."

**Councilor Tobey** speaking to fairness asked that if the State's Division of Insurance had a consumer advocate on staff; he would like to know if there is policy guidance of the wisdom of going down this path and asked the City Clerk to make that inquiry on behalf of the Committee.

**This matter is continued to March 14, 2011.**

C) CC2010-080 (Curcuru) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 197 Washington Street (Cont'd from 01/31/11)

**Councilor Curcuru** informed the Committee he wished to withdraw his Council Order 2010-080.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, voted 3 in favor, 0 opposed Ordinances & Administration Committee consented to the withdrawal of CC2010-080, Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 197 Washington Street at the request of Councilor Steven Curcuru.**

**No further action was deemed necessary by the O&A Committee. CC2010-080 is withdrawn.**

**3. Memo from Police Chief and Fire Chief re: adoption of MGL Chap. 31 §58A pertaining to hiring Full-time Police and Firefighter positions (referred from B&F Committee 02/03/11)**

**Police Chief Michael Lane** related he and Chief Dench noted there is a state law allows cities and towns to limit hiring police and fire applicants to the age of 32 years and younger. However, if you've been in the service for up to four years credible service, it allows to age 36 years and younger. Saying it is a "young persons' game", the Chiefs feel that this is something the City Council should consider. They

have just now put on three women and three veterans well under that age. He felt if the City adopts this they'll still get good quality veterans and doesn't see anyone denied their chance. He spoke to David Bain in Personnel who informed the Chiefs he believes this to be a good idea; and Mr. Duggan and the Mayor also is in support of this. Chief Dench is also in favor as well. A counter argument is this is age discrimination. To that end, he spoke with Attorney Egan who informed him there was federal case law that supports this statute, that police and fire are within their rights to limit age of hiring. It is not considered age discrimination as physical conditioning or age is somewhat of a consideration. They've had a 51 year old hired at the Police Department. A recent hire was 44 years old who when he went to his physical to go to the academy became injured and is no longer with the department. He asked again for support in the adoption of this law for both police and fire.

**Attorney Egan** added that this type of law was challenged in federal court. The court found it is related to a State interest to ensure there is longevity on a police force by hiring younger people who also help ensure physical fitness of officers and also reducing strain on the pension system. That is why the court upheld this law.

**Councilor Tobey** asked in their list of eligible candidates for appointment to his department would there be anyone adversely affected by this change and expressed he "pretty much agreed with it."

**Chief Lane** replied he'd have to research that. He knew they'd recently put on three women, one of whom will be attending the academy at the end of the month. None of them are near the age of 36 years. They have just put on three veterans who are all late 20's. As to the remaining people on the list, he would have to check it. They've pretty much expired the current veterans on the current eligibility list.

**Councilor Tobey** asked that Mr. Bain give them an answer on that.

**Councilor Curcuru** asked about a State layoff list of police men and women.

**Chief Lane** stated they have to go to a layoff list first before they can put someone new on the police department, and send them to the academy. That list is composed of police men and women from around the State that have been laid off from their departments. They go on one State list and have first refusal before they can go to their own "reserve" or eligibility list. The last three or four times, they've offered it to the people on the reemployment list and none have ever expressed an interest. On inquiry by

**Councilor Curcuru**, Chief Lane stated that would not change the fact that those on the re-employment list still get first "crack" at it and are "grandfathered" because they're already officers.

**Councilor Verga** asked what the current age limit is which he believed was up to 65 years who then can still apply. If someone of 65 years of age does apply, gets through the academy, is hired, they can then retire.

**Chief Lane** confirmed that would be the case.

**Councilor Hardy** thought the age was always 35 years old.

**Chief Lane** stated there is no age limit. In 2000 there was someone hired who was 50 years old. He thought years ago there was a limit, and they did away with it.

**Councilor Hardy** asked if this affects Civil Service

**Chief Lane** stated "yes". On inquiry by **Councilor Mulcahey** he responded that there is no height and weight requirement. That's what was found to be discriminatory. But a candidate has to pass the academy requirements which are quite stringent.

There was a brief discussion of language of an ordinance amendment reflecting adoption of this law with **Councilor Hardy** asking that "Civil Service" is noted in the ordinance.

**Ms. Egan** stated this is to accept the statute, MGL Ch. 38§58A and not the adoption of the ordinance. If the Committee would like them to draft an ordinance and put it before the Council, they can do it. What is before the Council right now doesn't require a public hearing.

**Councilor Theken** didn't wish to request ordinance language yet. They would wait to hear from Chief Lane the ages of those who were on the eligibility list and get Mr. Bain's response and then make that decision at their next meeting.

**The matter is continued to February 28, 2011.**

**[Attorney Suzanne Egan left the meeting at this time.]**

#### **4. Memorandum and Information regarding proposed changes to Gloucester City Ordinance Chapter 10-Waterways Administration**

**Councilor Tobey** stated that they are here to speak about the Waterways Board issues and the subcommittees structure they would address that. He has a brief statement of the Board regarding the composition of the board. He wished for the Administration to come before them as well to discuss their changes.

**Mr. Bent** read as follows:

“The Waterways board was notified of a potential change to the composition of the Board proposed by the Administration at their monthly meeting in February. Following a brief discussion, it was noted that: “The Administration needs to propose changes to the mission and responsibilities of the Waterways board prior to changing the composition of the Board.”

**Mr. Bent** noted Councilor Tobey was around when they had a similar workshop that involved how the Waterways Board would work with the Police Department and came up with a list of things in common and those more specific to the Board and the Police Department. That has been a working document for about 20 years and both entities seem to be working well together.

**Councilor Tobey** thought O&A could deal tonight with all the proposals from the Waterways Board as relates to some of the internal workings but suggested that the dialog that the Chair of their Board recommended takes place with the Administration. He encouraged the Administration to redefine the mission. He compared the Waterways Board to the Harbor as the EDIC (Economic Development and Industrial Corp.) is to the industrial park. He felt there is a need for a sharper mission statement that pulls them into a more action-oriented mode in turning the harbor into an economic engine; more moorings, more transient moorings; more access to get service. If that intransigence requires a redefining of the mission statement he wanted to see them do that. They haven't fulfilled their expectations when they enacted that ordinance to get them up in running to get more moorings, more transient moorings and a more welcoming place for visiting recreational boaters. He thought they could accomplish that but need to redefine the Board.

**Councilor Curcuru** agreed with Councilor Tobey. All of them take votes sometimes which they think would help the entire City.

**Tony Gross**, Waterways Board member stated they have the DPA which prohibits recreational boating dockage. The discussion is ongoing. The City doesn't own much of the land in the DPA. That is a big stumbling block in the recreational piece.

**Ms. Banks** added there is 62 miles of water beyond the harbor.

**Councilor Tobey** stated it is the harbor that people want to come to. If they need the Council or the Administration to help he urged the Board to come to them.

**Mr. Gross** stated on the amount of moorings, in southeast harbor, there were very few takers.

**Councilor Curcuru** believed that was because they spread the moorings further apart.

**Mr. Gross** stated that was done in order to harvest the natural resources there.

**Councilor Curcuru** expressed his concern that in other communities that there are moorings that are not that far apart.

**Mr. Gross** stated it is millions of dollars that come into this economy. It was felt if the moorings were closer together in the outer harbor it would be more hazardous.

**Ms. Banks** stated that one of the things they're trying to do is get a handle on their moorings to increase them without conflicts; they're trying to satisfy both commercial and recreational groups.

**Councilor Theken** thought they were doing pretty well on the moorings. It is not just for a few. Their local small fishermen are what the port is about. This allows for fishing and “no fighting” and felt the situation had calmed.

**Councilor Mulcahey** noted there aren't any places to take boats to get parts, for instance. There's not a place to dock.

**Ms. Banks** pointed out that it is a function of the DPA.

**Mr. Bent** stated the mooring regulations were written a long time ago, and they've come a long way. The regulations themselves are a tool that the harbormaster really needs. Each mooring is a plus. They've taken all these regulations and "wordsmithed" them so the harbormaster can use them. That department is more sophisticated now. The regulations need to go to the next level. They need this tool tomorrow to be able to run that department with the regulations and the people it is affecting because they're using yesterday's regulations.

**Ms. Lowe** clarified that the regulations (as posted on the Harbormaster website) are **not** before O&A. The ordinance amendments to Chapter 10, Article IV are before the Committee.

**Councilor Tobey** would like to see a comparison of numbers when they started in '94 and now 2011 what is the census of moorings by sector.

**Mr. Bent** stated they would give them the numbers. When they started there were no transient moorings. This town has been recognized in several publications, and Gloucester is considered to be a friendly port for people to come into. They have a public landing where people can come in and drop people off; and around Cripple Cove as well. They have four places that they're close doing like Cripple Cove. It is hard to get from A to B. They're dealing with properties they don't own.

**Ms. Banks** stated the big picture is really worth looking at. However, they need to get these changes in place so they can finalize the regulations to mail out renewals by the end of the year. The existing and proposed regulations have been on the website, they had a public hearing last August.

**Councilor Hardy** heard they need this tomorrow, and considering that the proposed ordinance amendments (to Chapter 10, Article IV) were just introduced to the Council and just got a red-lined copy, she asked how long has this revised version been around.

**Ms. Banks** stated it was submitted in the middle of November 2010 to the Mayor's office. The renewal permits have gone out. The permittees are coming back to them now. They can't send a letter out about the regulations yet. They can send a letter when it's done.

**Councilor Theken** stated they wouldn't be ready to do anything yet. She then asked about the Board membership as noted by proposed changes in Sec. 10-2.

**Mr. Bent** stated they would table that part of the discussion; that it is a separate letter from the Mayor. What is before the Council is what was forwarded to the Mayor (proposed amendments to Chapter 10, Article IV), the November 2010 version. The administration changed Sec. 10-1 and Sec. 10-2.

**The Committee recessed at 7:36 p.m.**

**Councilors Curcuru and Verga left the meeting. There was no longer a quorum of the City Council present.**

**The Committee reconvened at 7:39 p.m.**

**Mr. Gross** stated the mooring list is 16 pages long now. He discussed some of the issues with transient moorings. They're mindful of managing moorings. Towards the end of the summer they did a mooring inventory and this spring they'll make sure the moorings exist and the boat that should be on it is. In looking into economy of the different mooring fields, they'll see how they can fit more moorings in, and try to avoid controversy. If a permittee buys a bigger boat, they have to come before the Board and have that cleared up, or if they downsized. He assured they're treated equally. On **Councilor Hardy's** inquiry

**Mr. Gross** stated they're trying to get more management of the moorings in place.

**Councilor Hardy** asked regarding a possible conflict with Mr. Gross' recent election as a member of the School Committee.

**Mr. Gross** stated since the Board is appointed and that the School Committee is an elected Committee it was not a conflict. Attorney Egan had been consulted and stated this was allowed.

**Councilor Hardy** suggested soon they could do a site presentation for the different water areas.

Moving into the section by section review of the draft changes, **Councilor Hardy** noted in GCO Sec. 10-2 that there should be a reference to the City Charter as having some influence to the composition of the Waterways Board with regard to appointments, and address this at a later time. It also addresses the Waterways Board's "Rules of Procedure". She asked they be filed with the City Clerk's Office, as should

all Rules of Procedure. She also asked if everyone on the Board was a year round resident, and was told yes.

**Councilor Theken** felt it was appropriate to continue Sections 10-1 and 10-2 to their first meeting in April so that the Waterways Board had an opportunity to discuss it fully.

**Councilor Hardy** noted that on other parts of the Waterways Board ordinance they could go back later and make other changes.

The Board members stated they had no problem with that. Their objective was to put these regulations into the Harbormaster's hands to give him the ability to move forward this spring and early summer.

**Ms. Banks** stated the mooring regulations are what the boaters and the Harbormaster use. To make them complete and more user-friendly and clear it came to parts where they wanted to quote the code but they couldn't because they had to clean it up first. She and Mr. Bent and Mr. Gross also assured that public landings are still public landings. In Section 10-4 they're proposing to reduce the subcommittees from three to two; to roll safety into finance and have three members on each subcommittee and propose the Chair of the Waterways Board to be able to be an alternate.

**Mr. Bent** added in 1994 it worked on paper but not after 17 years. Safety is an issue but operations and finance can more than handle duties of safety, and they have a fall back situation.

**Mr. Gross** pointed out there are several other members of the community involved.

**Ms. Banks** stated when she was first on the board she was chair of the public facilities committee.

Someone from DPW, Tourism and Public Landings are supposed to be on the committee. The tourism person never came. She would like to have three advisory people come to the meeting. There isn't a public landings person any more. There could be someone who could be chosen by the Administration,

**Councilor Hardy** pointed out the Mayor would be the one to appoint someone and a member of the Tourism Commission as needed.

**Mr. Bent** responded if the Board is discussing something related to tourism they would invite them. Some of what they discuss can be mundane to an outside person.

**Mr. Gross** felt they need someone representing tourism.

The Committee eliminated "as needed" for that tourism person in 10-4(c).

**Councilor Tobey left the meeting at 8:09 p.m.**

**Ms. Banks** stated they would take out all the "as needed" references within all sections. Section 10-5(d) was now city owned commercial marinas. Section 10-22(i) they would insert city owned versus public. In Section 10-23 fix the spelling of the word "judgment". 10-40(d) same "city owned commercial". Section 10-51 Regulation of moorings, (c) has a great many changes. She passed out "blue line" copies of the current regulations (document received and on file). The dates of mooring applications were restrictive and should be able to come in any time of the year to apply. Mr. Caulkett has no numbers on his forms. There was a typographical error also corrected and found that having a date of the last day of the month as a deadline caused the Harbormaster's office a great deal of issues if it fell on a Sunday. They requested it be the last business day of the month and then the waiting list posted at the City Clerk's office would be once a year. They now have a simple explanation regarding applications and fees. No fees are being changed. They like to quote the Code of Ordinances in their regulations to clarify their regulations. This is all code they are looking at. In 10-51(d) they have always had personal, transient (these are owned by marinas for example) and public moorings. They thought the public moorings should be called city moorings. The use of the word "public" is confusing. These are moorings that are for use by the Fire Department, Police, and Harbormaster. To call them public mooring is misleading.

**Councilor Hardy** asked they be called "municipal" instead.

**Mr. Bent** stated they were approached to provide moorings for the high school adventure program. They needed a way to put those moorings to have them available to them. They couldn't call them public moorings but could call them city moorings. This is for an option if the city needed it for specific purposes. If there was a need for a purpose of commerce, they need the ability to say that it is a 'special purpose'. This is then in the control of the Harbormaster.

**Councilor Hardy** asked Ms Lowe if referring to moorings as "city" or "municipal" would have an added liability.



**Ms. Lowe** didn't think that would be the case.

**Mr. Bent** stated the ordinance allows for this type of mooring. It was agreed they would use "municipal". In subsection (e) it would be used as "municipal" as well. Fees would be inserted into the ordinance. They felt 10-51(e) needed to be reworded so that it is clear what the permit holder's responsibilities are. All agreed this was clearer. Section 10-54 also has "city owned" versus public.

**Ms. Banks** would create a revised copy of the Code of Ordinances, Waterways ordinance, sections 10-3 through to the end for the next O&A meeting.

- **GCO Chapter 10 – Waterways Administration Section 10-3 to the end is continued to February 28, 2011.**
- **GCO Chapter 10 – Waterways Administration Section 10-1 and 10-2 is continued April 4, 2011.**

**5. CC2011-006 (Mulcahey) Amend GCO Chapter 21 "Streets" by adding new Section 21-18(b)  
Re: private snow contractors**

**Councilor Mulcahey** asked that CC2011-006 be withdrawn without prejudice after a brief discussion.

**By unanimous consent, CC2011-006 is withdrawn without prejudice.**

**6. City's submission to the EPA on the Public Comment: Tentative 201(h) Waiver Decision Document; Draft NPDES Permit (referred from City Council 02/08/11)**

**This matter is tabled.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:43 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTATION/ITEMS SUBMITTED AT MEETING:**

- "Exhibit A": Mitigation Rates based on Per Hour provided by Deputy Fire Chief Stephen Aiello
- Statement read by Peter Bent for the record by the Waterways Board
- "Blue-Line" copy of Waterways Board ordinance.