

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, April 4, 2011 – 7:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Greg Verga
Absent: Councilor Tobey
Also Present: Linda T. Lowe

The meeting was called to order at 7:00 p.m. Items were taken out of order.

1. Continued Business:

- A) Memorandum and Information regarding proposed changes to Gloucester City Ordinance Chapter 10- Waterways Administration Sections 10-1 and 10-2 (Cont'd from 02/14/11)

Councilor Theken explained that at the request of the Administration, this matter will be continued to the May 2, 2011 meeting.

This matter is continued to May 2, 2011.

- B) CC2011-007 (Hardy) That O&A review the following City Ordinances: ARTICLE II. Chapter 8-16(b) FIRE DEPARTMENT and ARTICLE II. Chapter 17-16(b) POLICE DEPARTMENT(Cont'd from 03/14/11)

This matter is continued to May 2, 2011.

- C) CC2011-008 (Hardy) Creation of language for ballot question re: recently enacted Water Ordinance and pending Home Rule Petition related to same (Cont'd from 03/14/11)

Councilor Theken stated she reviewed the minutes of previous O&A meetings regarding the Water Ordinance and considered the opinion of the City Solicitor. She also acknowledged that while the Committee did state they would put this matter to a vote on the ballot at the November 2011 local elections, the Committee recognized it was not absolutely necessary. They did, though, while not voting directly on the matter in Committee, give the sense this would be the next action of placing a question on the ballot regarding the Water Ordinance.

Councilor Verga stated what happens if the legislature said no. While it may be redundant, he didn't see the harm in putting the matter on the ballot. Noting the ordinance is in place, the Council can vote to put in on the ballot in order to put it before the voters. Then it goes through the legislature as well. WHO DECIDES, a grassroots organization, would likely take up the task of educating the public on the matter if it would go onto the ballot. He pointed out a no vote doesn't mean "let's sell the water"; if it doesn't pass. **Linda T. Lowe**, City Clerk stated the ordinance is there and the home rule petition is moving forward. Rep. Ferrante's office did acknowledge it might take as long as a year.

It was never officially voted by the O&A Committee that it would be a three pronged approach but that there was a sense that they would put the matter onto a ballot for the upcoming election.

The Committee voted by unanimous consent that the Legal Department provide exact language for a ballot question by Friday, April 29, 2011 to be voted on by the Committee at their next regularly meeting of May 2, 2011.

This matter is continued to May 2, 2011.

- D) Letter and documentation from Deputy Fire Chief Aiello re: enactment of ordinance to bill for Certain Fire Dept. responses (Cont'd from 03/14/11)

The Committee briefly discussed the matter including some concerns expressed by Steven Dexter of Carroll K. Steele Insurance Agency to **Councilor Theken** and would continue the matter only once more to their regularly scheduled meeting of May 16, 2011.

This matter is continued to May 16, 2011.

- E) CC2011-009 (Mulcahey) Amend GCO 22-287 (Disabled Veteran, handicapped parking) re: 6 Oak Street (Cont'd from 03/14/11)

This matter is continued to May 2, 2011 pending a recommendation from the Traffic Commission.

- F) CC2011-010 (Hardy) Amend GCO Chapter 22, subsection 22-93 by adding new subsection 22-93(c) "Crosswalks" (Cont'd from 03/14/11)

The Committee briefly discussed that the report of the Traffic Commission from their March 24th meeting was sufficient to move forward on this matter.

MOTION: On motion by Councilor Theken, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Chapter 22, subsection 22-93 by ADDING new subsection 22-93(c) "Crosswalks" as follows:

"The City Council together with the Traffic Commission, and after consultation with the Department of Public Works, shall establish the process by which the City shall designate the location of crosswalks in public ways. All crosswalks shall comply with state requirements of the Massachusetts Department of Transportation;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. *Re-appointments and Appointments:*

The Committee questioned the new appointees and reappointees to their respective Committees, Boards and Commissions 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 were asked also if they had any possible conflicts if they were on another Board, Committee or Commission in the City. The Committee 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.

- **Reappointments** continued from 03/14/11: Michael Luster, Affordable Housing Trust TTE 02/14/13; Susan Hedman, Open Space Committee TTE 02/14/14; Lorre Anderson & William Samenfink, Tourism Commission, TTE 02/14/14

Affordable Housing Trust, TTE 02/14/13 Michael Luster was continued to May 2, 2011.

After a discussion with Ms. Headman regarding the City's website as to Parks and Recreation, they asked that an email be sent to Mike Hale, DPW Director and Sarah Garcia, Community Development Director to help make the City's website more user friendly in finding information on the City's parks and recreation areas and to put the contact information in an area that is easily accessed there. The Councilors thanked Ms. Headman for her participation.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Susan Hedman to the Open Space Committee, TTE 02/14/14.

The Committee discussed some of the strong points and weaknesses with the Tourism Commission issues with Ms. Anderson. **Councilor Theken** expressed that the Tourism Commission represents all parts of the City and that it isn't just the downtown. Ms. Anderson was in agreement. They spoke in particular regarding the welcoming of the cruise ships to Gloucester and the coordination effort involved. **Councilor Mulcahey** offered that she appreciated being able to participate in the welcoming of guests to Gloucester from the cruise ships with **Councilor Theken**. Councilor Verga thanked Ms. Anderson for her enthusiasm.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Lorre Anderson to the Tourism Commission, TTE 02/14/14.

William Saminfink, TTE 02/14/14 Tourism Commission was continued to May 2, 2011.

- **NewAppointments continued from 03/14/11**: David Bergeron, Lawrence Ciulla, Capt. Joseph Orlando, Fisheries Commission TTE 02/14/14; Lawrence A. Gyllenhaal, Zoning Board of Appeals (Alternate) TTE 02/14/14

Councilor Theken noted that the Administration submitted in writing the withdrawal of the appointment of Lawrence Ciulla to the Fisheries Commission.

Fisheries Commission, TTE 02/14/14 David Bergeron was continued to May 2, 2011.

Councilor Theken noted that the Fisheries Commission is not a new Commission but one that is being brought back. She was pleased that the Mayor has put this forward and that Captain Orlando, a well-respected fisherman, an asset to the community would be willing to volunteer to be on the Commission and thanked him. **Captain Orlando** expressed that there was so much going on in the fishing industry and wanted to participate. He believed there was an ability to have fishermen work hand in hand with tourism and co-existing, and believed they needed to, knowing the way the industry is going in order to survive. **Councilor Mulcahey** noted she had known Captain Orlando for many years and knew him to be very knowledgeable and endorsed his appointment. Councilor Verga thanked Captain Orlando for stepping forward. Captain Orlando would express to the Mayor's office the names of some interested fishermen for the Commission.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Capt. Joseph Orlando to the Fisheries Commission, TTE 02/14/14.

Mr. Gyllenhaal noted that he had been visiting Gloucester for about 40 years as a summer resident and moved here two years ago permanently. He had previously been on another town's Zoning Board of Appeals. Having made a presentation to the Gloucester Zoning Board of Appeals, he was asked by them if he would be interested to serve which he said he would. He was concerned regarding views and also felt it important to listen to the abutters who come forward with their concerns. He noted he knew several members of the Board and had attended several meetings. He has served at one meeting as an alternate. He also made note of his research and reading of the State's open meeting law. **Councilor Theken** expressed she was impressed with Mr. Gyllenhaal's background and appreciated his viewpoint. She noted that it is important to work with neighbors to reach compromises in order to get things done. **Councilor Mulcahey** also appreciated Mr. Gyllenhaal's opinions and appreciated his viewpoint. **Mr. Gyllenhaal** expressed that he wished to institute documentation that the applicant did give notice with the onus on the applicant but wished it to be registered mail in order to prove it. If the abutters don't respond then the onus is on them. **Linda T. Lowe** clarified for **Councilor Verga** that the abutters who receive this notice are the property owners, not leasers. **Councilor Verga** appreciated the homework Mr. Gyllenhaal did and said that made him feel comfortable with his being appointed to the Zoning Board of Appeals.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Leonard A. Gyllenhaal to the Zoning Board of Appeals as an Alternate, TTE 02/14/14.

- **New Appointments:**

Helen C.P. Farr Conservation Commission TTE 02/14/13

Ms. Farr expressed that she had attended meetings of ConCom and that she has worked in coastal management for 20 years and is near to her heart. She has done it on a federal level and considers this a natural extension when she moved to Gloucester. She cares very much about the environment and conserving the remaining wetlands. She'll be able to add to ConCom her particular expertise, with a broad knowledge of coastal management through her work with NOAA involving public access, hazard management, etc. Councilor Mulcahey thanked Ms. Farr for stepping forward to volunteer.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Helen C.P. Farr to the Conservation Commission, TTE 02/14/13.

Mark W. Ring Fisheries Commission TTE 02/14/14

Mr. Ring stated he wishes to participate that this is what he does as a lobsterman and a former ground fisherman. He felt this was a privilege to just be asked. He would be representing all the fisheries of Gloucester. **Councilor Theken** expressed she knew Mr. Ring personally. She noted the separation of sectors of fisheries and what happens with one sector has a ripple effect on the others. She expressed he had the respect of so many in the industry and that he would be able to make a good contribution. She also noted she was unsure as to how the Mayor wishes to proceed and would be in contact with her to discuss the matter. She hoped to see there was a rounded representation of the industry. She thought someone like Bill Stride of Good Harbor Fillet would be a possibly good contributor to the Commission, as an example. **Mr. Ring** also noted that the crew members are the ones who are left out and have no say in matters. **Councilor Mulcahey** expressed that fishermen are going out shorthanded because of the economics now affecting them all. In response to **Councilor Theken's** question regarding the fishing industry not necessarily being open to change, Mr. Ring responded they're not talking to the fishermen. The mixed use is already upon them and has worked for ten years already and it can work it is done properly and the fishermen aren't afraid of it. **Councilor Verga** thought Mr. Ring had an open mind, a good background and was a good fit for the Commission.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Mark W. Ring to the Fisheries Commission, TTE 02/14/14.

3. *CC2011-011 (Verga) Traffic Commission to review traffic flow of four (4) way traffic areas of Lexington Avenue, Fuller Street and Flume Road and amend GCO Sec .22-269 and/or Sec. 22-269.1 upon Traffic Commission Recommendations (TBC 05/02/11)*

This matter is continued to May 2, 2011.

4. *CC2011-012 (Hardy) Amend GCO Sec. 23-57 "Discontinuance of service for failure to pay water Charges*

The Committee discussed with Ms. Lowe that this order recognizes that such a fee had previously been approved by the Council as requested by the DPW Director under the Charter; and therefore, this ordinance amendment is for ordinance "housekeeping" purposes. This was brought to Ms. Lowe's attention by the people at Muni-Code. The DPW has this under their rules and received more substantial fees.

MOTION: On motion by Councilor Verga, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that in §23-57 of the Gloucester Code of Ordinances, "Discontinuance of service for failure to pay water charges" be Amended by DELETING the reference to a \$2.00 fee to reinstate water after shutoff

and by ADDING “except upon payment of a fee determined by the DPW Director pursuant to his authority under Charter §7-16(a) AND TO ADVERTISE FOR PUBLIC HEARING.

5. *CC2011-013 (Tobey) That O&A and Administration develop and implement management system re: City data*

Councilor Theken stated that this matter, due to Councilor Tobey’s absence this evening would be continued to the next regularly scheduled meeting of the Committee.

This matter was continued to May 2, 2011.

6. *Memorandum from Director of Public Works re: Public Works Reorganization for FY2012*

Councilor Theken explained that at the request of the Administration, this matter will be continued to the May 2, 2011 meeting.

This matter was continued to May 2, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:13 p.m.

Respectfully submitted,

Dana C. Jorgenson, Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.