

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, June 20, 2011 – 7:00 p.m.
3rd Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino (Alternate); Councilor Greg Verga (Alternate)

Absent: Councilor Tobey; Councilor Mulcahey

Also Present: Councilor Robert Whynott; Linda T. Lowe; Cate Banks; Michele H. Harrison; Jim Caulkett; Officer Scott Duffany; Tony Gross; Chief Michael Lane; Jim Duggan

The meeting was called to order at 6:57 p.m. Items were taken out of order.

1. Old Business

- A) Memorandum and Information regarding proposed changes to Gloucester City Ordinance Chapter 10-Waterways Administration Sections 10-1 and 10-2

Tony Gross, Chair of the Waterways Board spoke to the Committee about the proposal by the Administration to add two new members via ordinance amendment (This matter had been voted out of Committee on 5/16/11 for public hearing but was returning before them to correct/amend the motion language.) believing it diminishes the commercial fishing roles and was to maintain the commercial fisheries ratio on the Board as is. The Board hadn't heard a compelling reason from the Administration as to what type of individual they want to put on the Board. **Mr. Duggan** could not name at this time whom the economic development nominees might be. [Note: Mr. Duggan left the meeting at this time to attend an ongoing B&F Budget Review meeting] **Councilor Theken** recounted when the proposal to change the ordinance for Sections 10-1 and 10-2 was first in front of O&A the Mayor had wanted to take two fishermen off the board to put in two members representing economic development. However, she discussed with the Mayor the importance of leaving the fishermen slots on the Board and asked her instead to add two positions to the Board for economic development. There was a discussion between the Committee and Ms. Banks and Mr. Gross as to the composition of the Board with three positions opening up in February 2012. Members of the Board's assigned to the roles per the ordinance in place now are: Peter Bent and David Murray, recreational boating; Phil Cusumano and Cate Banks, At Large; Arthur "Sooky" Sawyer, Vito Calomo and Mr. Gross represent the fishing industry. He then read Sec. 10-1 and noted they haven't had a lot of cooperation with City staff but **Councilor Ciolino** countered there hasn't been much cooperation on the Board's side either. **Mr. Gross** agreed. But he asked for a chance first to allow the Board to move forward with himself now at the helm before making these changes to the composition of the Board. As an example he pointed out he met with the Community Development Director regarding 10-A floats and the DPA, and received something in writing from her. Much of the waterfront isn't used for commercial fishing. They're thinking and trying all the time for ways to change that. They've been working for two years on regulations. Further, he felt they're working hard and are looking for ways for the entire City to succeed all around for the fishing industry. He asked the Mayor and asked the Committee to postpone putting Waterways Sec. 10-1 and 10-2 out for public hearing in order to give them some time to prove this was a well motivated and dynamic board. On inquiry from **Councilor Theken**, **Mr. Gross** felt the new ratio would skew the Board and also make the subcommittees unwieldy. **Councilor Theken** asked how the Board would be diminished if they had two economic development persons added. **Ms. Banks** noted there are three fishermen right now on the Board; four are not. She pointed out she most always votes with the fishermen; and that at this time with this composition of the Board, the fishermen have a chance to "swing" a vote. She agreed with Mr. Gross that a nine member Board skews the ratio and assured the Committee she is not opposed to economic development. She requested that they not make it a nine member board. Instead, she proposed to make these two positions as alternates. **Mr. Gross** agreed with Ms. Banks' suggestion. **Linda T. Lowe**, **City Clerk** noted the reason this matter was reappearing on the O&A agenda was that when she went to advertise for public hearing the motions didn't match up with what was meant to go forward, confirming that in a meeting with Ms. Banks. They can take the "cleaned up" motions (memorandum on file dated 6/20/11) or start over. **Councilor Theken** thought it may be warranted to give the Waterways Board the leeway of some time first as Mr. Gross had indicated earlier. **Mr. Duggan**, who had returned to the meeting at the Chair's request, was brought up to date with the on-going discussion. He then stated these two new people would need to have a background in economic development. They need to have experience and a grasp on those kinds of projects and as an example; a person with an economic

development background could be a bank president. **Councilor Theken** also suggested instead of the permanent positions to create two alternates and then put them in for one or two years. When another term comes up for expiration then that person would be experienced with a working knowledge of the Waterways Board and available to fill that position. An alternate would allow them to have continuity. **Mr. Duggan** stated there had to be a balance especially now with several potentially large waterfront projects about to come forward making it all the more important. **Mr. Gross** asked for a chance as the new Chair of the Waterways board. The Board wants to prove they can do the work with seven. **Mr. Duggan** asked the Committee that the proposed amendments be allowed to go forward to public hearing before the Council. There was a discussion of whether alternates would work and what happens when positions become vacant. **Councilor Verga** agreed with the alternate concept. There was a discussion of removing members; and **Ms. Lowe** stated removal has to be for cause or to wait for the term to be completed. **Councilor Verga** also asked that they give the Board time to work before they go forward. **Councilor Ciolino** felt they should move the amendments forward believing it will make for a better Board. **Mr. Duggan** stated they'd not suggest putting anyone on the Board to make it difficult but rather to bridge the gap for economic development. **Mr. Gross** felt there was a lack of communication by the Waterways Board to City administration and the Council in the past. They're trying to change that, and felt they'll get the best work done if the Committee could table this matter for now. **Mr. Duggan** reiterated the economic development people will be subject matter experts. **Mr. Gross** understood the goal was to make this a better Board but felt this is what the At Large seats are for. **Councilor Ciolino** noted the previous lack of cooperation from the Waterways Board and did not wish to see that to continue. **Councilor Theken** wanted to talk again to the Mayor. It was noted that Dave Murray, Cate Banks and Phil Cusamano's terms expire in February 2012, and the following year Vito Calomo, Peter Bent and Sooky Sawyer's terms are up. **Ms. Banks** added the Board is finally working the way it should. **Ms. Lowe** clarified this matter came before the Committee to clean up the amendments but that is not what transpired. If it is tabled, she pointed out for the record they are tabling what was set out in the June 20th memo to the Committee from her regarding language clarification.

Councilor Theken concluded the discussion by stating this matter will now be tabled by the Committee. She did agree there should be economic development representation; but they need to do this correctly with a well thought-out plan for a working Board; and in the interim she would speak to the Mayor.

This matter is tabled until the August 1, 2011 meeting of the Committee.

- B) CC2011-024 (Whynott/Ciolino) Request that the Harbor Patrol Boat be named after the late Patrolman Stephen J. Amaral

Councilor Whynott who with Councilor Ciolino brought forward the Council Order on the matter explained he knew Officer Stephen Amaral for many years, well before he was a policeman and knew the family. The Councilor recounted that Officer Amaral crewed the patrol boat each summer for many years. Stating that it is boat owned by the City of Gloucester, he felt it was appropriate to name the boat in Officer Amaral's memory. He explained Councilor Hardy had discussed with after the order was filed that there was some objection from the Harbormaster. He spoke to Harbormaster Jim Caulkett, but didn't hear anything that changed his mind about the boat naming and decided not to withdraw the order. **Councilor Theken** asked what would happen if this boat were retired and replaced. **Councilor Whynott** stated Officer Amaral's name would be on the boat as long as it was on the water. A new replacement Harbor Patrol boat would be named for someone else. **Chief Lane** added he spoke to Harbormaster Caulkett and Lt. Aiello both of whom were instrumental in applying for the funding from the Dept. of Homeland Security with 20% made up from the City funds. The patrol boat was to be used as a shared asset between the departments. He expressed that his department will never man a police boat fully in the future. He also expressed that he believed protocol indicated it was inappropriate to name a shared asset for one department feeling it could be perceived as a snub to the Harbormaster's Department. He suggested that some kind of plaque be installed on the control panel or somewhere on the interior of the boat dedicated to Officer Stephen Amaral which he believed he could fund through his department which he offered this as an alternative to Officer Amaral's name being placed on the boat's hull. **Harbormaster Jim Caulkett** explained to the Committee small working boats generally are not named. This was discussed that it was a shared resource, and as such it was the "27441"; further, it was decided prior to the boat's delivery it would be the harbor patrol boat. He agreed with the Chief and didn't wish to force the issue but to dedicate the boat in Officer Amaral's memory would be appropriate. A nice plaque inside the cabin will be seen by whoever is operating the boat. **Officer Scott Duffany** expressed that he and Officer Stephen Amaral were not only fellow Police officers but close friend. He asked the Councilors to name the patrol boat in honor of Officer Amaral's service to the City. **Councilor Ciolino**, indicating respect for the Chief's and

Harbormaster's opinions, he was on the B&F Committee when they voted the shared asset. However, he pointed out the patrol boat belongs to the City of Gloucester; this officer worked on the water and felt it was an appropriate tribute to him to put his name on it. **Councilor Verga** agreed with Councilor Ciolino that this was a way to honor someone who did a lot for the City. **Councilor Whynott** noted yachts and pleasure boats have their names on the stern; and working boats on the stern and at times the bow and believed there must be some way to put a name on the boat. **Councilor Theken** felt if they put a name on the patrol boat it would possibly be confusing, that it could be misconstrued as a pleasure boat versus a patrol boat. **Ms. Banks**, Waterways Board stated it depends where you put the name. Traditionally it is on the stern and the bow on commercial boats. **Councilor Theken** thought a plaque on the boat was appropriate. The boat will eventually be replaced. The plaque could be moved from one boat to another. She will go with whatever the Council will want to do but reiterated the plaque would be worthwhile because it would go from boat to boat and be forever. She recounted so many people in the community knew and cared for Officer Amaral. **Councilor Whynott** thought a plaque was nice but the only people who would see are those on the boat; but a name on the hull of the boat can be seen by everyone. **Councilor Theken** expressed her disagreement with Councilor Whynott's opinion and reiterated she wanted to see a plaque placed on the boat and feeling the naming of the boat was appropriate as well. **Mr. Caulkett** recalled through the B&F process that when Lt. Aiello came to him and the Waterways Board knowing the Police Department didn't have the funds to maintain the boat, they had wanted to keep it "on the center line", that is a shared asset. **Mr. Gross** stated the Waterways Board has no position on this matter.

Councilor Theken stated the motion passed on June 6, 2011 to name the Harbor Patrol Boat in memory of Stephen Amaral will go forward now to City Council for their approval. **Councilor Theken** hoped that a plaque also would be installed which Chief Lane indicated he felt his department would be able to fund such a plaque and further added that Officer Amaral served the City admirably by his service for many years.

2. *Continued Business:*

- A) Emergency Order (Tobey) Amend GCO §22-242 "Parking Prohibition, Towing, Immobilization, Signs" by ADDING sub-part (14) re: Magnolia Woods

Councilor Theken explained that Councilor Tobey conveyed his wish for O&A to now make this Emergency Order into a permanent amendment to the Code of Ordinances. She also noted it was left to the discretion of the Police Department to have the handicapped persons be able to park in or around the field used by the model airplane group however; it was no more than two vehicles at a time. **Councilor Verga** noted that coming forward at the special City Council meeting the following day there is a Council order coming forward to O&A to amend the GCO in order to institute a Magnolia Woods Oversight Committee. [Note: Emergency Order expires 7/23/11.]

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND §22-242 "Parking Prohibition, Towing, Immobilization, Signs" by ADDING sub-part (14), "No Parking at Magnolia Woods east and south of the turnaround on the entrance road. This prohibition extends to all playing fields and surrounding slopes and to all paved walkways, with parking allowed only in designated parking areas, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- B) CC2011-008 (Hardy) Creation of language for ballot question re: recently enacted Water Ordinance and Pending Home Rule Petition related to same

Councilor Theken announced that since Councilors Tobey and Hardy were unable to attend this evening's meeting, at their request this matter will be continued to the next regularly scheduled O&A Committee meeting.

This matter is continued to July 18, 2011.

2. *Appointments:*

Licensing Board

TTE 05/31/2017

Michele Holovak Harrison

The Committee questioned Attorney Harrison regarding her reasons for wishing to be appointed to the Licensing Board as well as touching upon her experience, background, professional affiliations as all three members were well acquainted with Ms. Harrison and her work in the City. She expressed her familiarity with the Open Meeting Laws

would file proof of having taken the State Ethics Commission test and reviewing and signing the Open Meeting Law certificate. She did not have a conflict with any other board, committee or commission. The Committee expressed their appreciation at Attorney Harrison's willingness to step forward and volunteer on behalf of their City and thanked her for their commitment.

Councilor Theken noted Councilor Tobey had questioned the affiliation of Ms. Harrison as to political party with regard to the composition of the Board and was found to be appropriate since the State law did not require the third member to be of a certain political party. She also asked if she was still the attorney for Sam Parks, developer and owner of Gloucester Crossing; and further, if so was there an ulterior motive for her seeking this appointment.

Attorney Harrison noted she was retiring from law practice and was not representing Gloucester Crossing any more. Attorney Deborah Eliason assumed her practice and didn't think that would be a conflict; and if it did, she would recuse herself from any deliberations that might involve Mr. Park. In her practice of law she recounted she had appeared before just about every board and commission in her practice. Now that she's retiring she felt it was time to give back wanting to treat applicants and applications with the same fairness and respect shown her. She felt there was a delicate balance between economic development for restaurants with alcohol and entertainment but to also make sure that they're following the laws related to alcohol and ABCC regulations. She served as chair of the Licensing Board in the '80's but did not choose to serve further. The issue of underage drinking is a major issue in Gloucester; and having worked with the Healthy Gloucester Collaborative she wanted to see point of purchase being watched over with more scrutiny and looked forward to working with law enforcement on that. **Councilor Verga** thanked Attorney Harrison for her professional manner which he experienced during his time as a School Committee member. **Councilor Ciolino** noted that while it is not a requirement, it is traditional to have an attorney on this Board and in his view was good practice stating Attorney Harrison is a welcome addition to the Board. He had conversed with the Licensing Board Chair, John Rando, and informed the Committee that Mr. Rando fully endorsed Attorney Harrison's appointment that he believed would bring a new professionalism to the Board as well as be a good working combination with himself and Allison O'Conner. **Councilor Whynott** expressed he had watched her before various boards and the Council for 17 years during his term as City Clerk and appreciated her even temper and professionalism and recommended her highly. **Councilor Theken** appreciated Attorney Harrison as a mentor. Mr. Rando did call her also expressing his endorsement of Attorney Harrison for the open position on the Licensing Board. The Councilor also endorsed Attorney Harrison's appointment and recommended her highly.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Michele Holovak Harrison to the Licensing Board, TTE 05/31/2017.

3. *Request by Purchasing Agent for the Appointment of a Building Committee for the School Roof Replacement Project under City Charter §5.5, City Building Committee*

Councilor Theken noted that the members of this proposed Building Committee are all people they are familiar with and are already serving on other committees and within the City. She felt this is a well put together team and wished to move this forward the Building Committee needed to be in place as soon as possible. Each of these folks has been before them for one board or another as well as the Newell Stadium Building Committee and so it was well known they had taken their State Ethics exam and had knowledge of the State's open meeting laws. She would endorse their appointment as did Councilors Ciolino and Verga.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint the following members for a School Roof Replacement Project Building Committee:

Jim Hafey, Facilities Manager, City of Gloucester	TTE 06/08/14
Bill Sanborn, Building Inspector, City of Gloucester	TTE 06/08/12
Kristin Michel, Public At Large	TTE 06/08/12
Mike Carrigan, Public At Large	TTE 06/08/12
Chris McCarthy, Public At Large	TTE 06/08/13
David Anderson, Building Trades	TTE 06/08/13
Mark Cole, DPW Operations Manager, City of Gloucester	TTE 06/08/14
Jim Duggan, CAO, City of Gloucester, Ex Officio	TTE 06/08/14

NOTE: The following **four matters** are all continued to the July 18th meeting of the O&A Committee (with a renumbering as a numeric assignment on the agenda was left off for Order #CC2011-026):

4. *Memorandum from Community Development Director re: Request for City Council to Amend GCO §22-288 and §22-291 (Off Street Parking) – Harbor Walk and Harbor Parking Lot*
5. *Memorandum from Police Chief re: School Zone Speed Limit in the area of 384 Washington Street*

Councilor Theken noted the Traffic Commission has not met and forwarded their recommendation on this matter. However, there being in the audience concerned citizens regarding this matter she asked to hear their views. **Donna Southworth** 16 Reservoir Road, Faith Christian School at 384 Washington Street requested that they have a school zone made at this address along with a blinking caution light. They see traffic “flying” by. At the crossing one month ago they witnessed a parent nearly being struck by a speeding vehicle. She noted an 8th grade student who walks to school, Abbey Francis, who was present, along with other children; and that the parents, teachers and students risk their lives crossing Washington Street at that location, even at the crosswalk. They use a (portable) stop sign which is frequently disregarded. **Councilor Theken** noted the presence of six other people: Diane Beauparlant, 6 Beacon Street; Christen Peterson, 81 Wheeler Street; Abigail Francis, 4 Sargent Street Extension; Laurie Francis, 4 Sargent Street Extension; Jean Lodge, 16B Reservoir Road. **Chief Lane** had requested and Bob Ryan of the Traffic Commission did utilize the JAMAR speed recorder; and there is his recommendation (on file in Agenda packet for this meeting) that it be set as a school zone at the Traffic Commission’s next meeting. There was a brief discussion with the Chief and the Committee about a flashing light. He thought the best solution is a flashing yellow light but signage could be improved in the meantime. **Ms. Francis** stated that the school is very small and that it is hard to notice. **Councilor Verga** noted school is out for the summer and that it gives them time to accomplish erecting improved signage. **Councilor Theken** noted that they will work towards improved signage and work with the Police Department on enforcement in the interim.

6. *CC2011-026 (Hardy) Set Speed Limit for Gee Avenue*
7. *CC2011-027 (McGeary) Amend GCO §22-270 (Parking Prohibited at all Times) by DELETING “Eastern Ave., Southerly side from Hartz Street, westerly for a distance of forty (40) feet*

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:26 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.