

## CITY COUNCIL STANDING COMMITTEE

**Ordinances & Administration**

Monday, August 1, 2011 – 7:00 p.m.

1<sup>st</sup> Fl. Council Committee Room – City Hall**-MINUTES-****Present:** Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Bruce Tobey**Absent:** None.**Also Present:** Councilor Hardy; Councilor Curcuru; Linda T. Lowe; Sarah Garcia; Mike Hale; Mark Cole**The meeting was called to order at 7:00 p.m. Items were taken out of order.****Councilor Curcuru sat in for Councilor Tobey as an alternate. Councilor Tobey entered the meeting at 7:08 p.m., and Councilor Curcuru stepped away from the table. There was then a quorum of the City Council.****1. Continued Business:**

- A) Memorandum from Community Development Director re: Request for City Council to Amend GCO §22-288 and §22-290 (Off Street Parking) – Harbor Walk and Harbor Parking Lot (Cont'd from 07/18/11)

**Sarah Garcia**, Community Development Director showed the Committee a revised map of the Harbor Public Parking Lot dated 8/1/11 for the amendment of the ordinance for the elimination of three parking spaces (memorandum dated July 29, 2011 on file). The lot is between Rogers Street and the Gloucester House Restaurant. **Councilor Theken** asked if St. Peter's Park will have any parking spaces removed as discussed at the O&A meeting of 7/18/11. **Ms. Garcia** stated they are not affecting the parking at St. Peter's Park; no parking spaces are to be removed; and are no longer requesting the Council to amend the ordinance for the St. Peter's Park lot. Addressing other concerns expressed by Councilors at the previous O&A meeting as to the involvement and investment of the neighborhood there, they are continuing that discussion the following day at 4:30 p.m. at St. Peter's Park with neighbors and stakeholders. As to the Harbor lot discussion, she stated the design calls for a pathway between I4-C2 and Gus Foote Park. In doing so one parking space is lost each on either side of a row in the lot and one in an interior parking space, totaling a loss of three parking spaces and wishes to amend the ordinance accordingly. **Councilor Theken** asked about the fishermen/lobstermen parking. **Ms. Garcia** stated parking and access for fishermen will be maintained and will be untouched with the Harbor Walk, not even in the redesign of I4-C2. "Access will be maintained; it is a City priority." **Councilor Tobey** asked if there was any consideration of recreational boating facilities being added to the lobster marina on Harbor Cove at I4-C2 which **Ms. Garcia** stated "no". **Councilor Theken** asked with the loss of these three spaces was there enough handicap spaces in the Harbor Lot. **Ms. Garcia** stated they have retained the six handicapped spaces in the lot in the same positions. The three spaces proposed to be eliminated are not handicapped spaces. **Councilor Tobey** asked how much was the design contract with Cambridge Seven. **Ms. Garcia** stated it is \$100,000. They approved one change order for a media company who is doing some of the links; and one change order was also approved for a local landscape designer, Kim Smith Designs, and also to source granite locally for benches. **Councilor Tobey** followed up with the changes to the base contract of \$100,000, what is the total expenditure on the design services. **Ms. Garcia** pointing out none of that goes to Cambridge Seven Associates, is \$23,500, bringing the total to for design services to \$123,500. They expect to issue a change order for Cambridge Seven Associates to supervise the construction phase of the Harbor Walk which was not originally included but can now since they are receiving new monies from the Seaport Advisory Council, and believed it would make for a better project, although this has not been executed yet. **Councilor Tobey** recognizing the Harbor Walk is not funded by Gloucester taxpayers but from State funds expressed his concern if there will be dollar for dollar benefit for what is spent on this project. **Councilor Hardy**, referencing the three parking spaces to be eliminated, asked if they were looking to find three replacement spaces in the downtown area. **Ms. Garcia** noted Bob Ryan, Traffic Commission chair and Gregg Cademartori, Planning Director have started to look for additional spaces and thought if the Committee wished for them to pursue that they could do so. **Councilor Hardy** asked if the construction portion of the Harbor Walk contract would be put out to a new bid or was it all under the same umbrella of the same contract feeling this was a big jump. **Ms. Garcia** stated the Purchasing Agent, Donna Compton felt it was acceptable to do construction review services with the original design contract and is within that scope. That would be about \$41,000. She reiterated of the \$23,500, none of that is going directly to Cambridge Seven Associates, but is being paid to their sub-contractors. **Councilor Hardy** expressed her concern with this change and wished for more discussion on that specific matter suggesting it be

forwarded to B&F for a review of the financial aspects. **Councilor Tobey** added that it has been already under review by B&F and is a part of their continuing jurisdiction because B&F had to accept the grants in the first place feeling that the oversight responsibility is as per the Charter. **Councilor Curcuru**, B&F Chair concurred. **Mr. Hale** noted that he would also be looking at parking at the request of Mr. Cademartori. They picked up four parking spaces on Main Street last summer just by restriping. Once the parking lines in the Harbor Lot are reshuffled they may actually pick up more spaces. **Councilor Mulcahey** added at one time there was a plan to put a crosswalk in at Harbor Loop, and to move one of the truck areas. There were extra spaces from the embankment to the Coast Guard Station in that plan. She suggested Mr. Ryan may still have the plan from that time. **Councilor Theken** expressed her concern with all the parking taking place now at I4-C2. She also expressed her belief that by advertising the City, people will come. She recalled when they would attend trade shows with volunteers; working the Seafood Festivals. They built bridges with various groups. "What good is a Harbor Walk if there is no working harbor?" She hoped some of the suggestions made at the City Council to the designer and Ms. Garcia would be incorporated. She reminded her about the parking at Stage Fort Park and the water shuttle which hasn't been mentioned yet and other omissions. **Ms. Garcia** introduced to the Committee Catherine Ryan and Elise Green, formerly with the Brooklyn Museum of Art, working with David Rhineland all of whom assisted with the story moments. **Councilor Tobey** asked if they expect to need any other approvals from the City Council before this project can go forward. **Ms. Garcia** responded, "No."

The Committee suggested that B&F take up, and was agreed by their Chair, Councilor Curcuru to look over the scope of the Seaport Advisory Council grants and the contract for Harbor Walk which would appear on their August 18<sup>th</sup> agenda.

**The O&A Committee by unanimous consent asked that a memo go to the Traffic Commission chair to work with the DPW Director to report back to the Committee on adding parking spaces to downtown.**

**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 to AMEND GCO Sec. 22-290 (Same – Off street parking areas) by DELETING under Harbor parking lot, for the entire year "spaces one through 65" and ADD "spaces one through 62" and DELETING "spaces 66 through 71" and ADD "spaces 63 through 68" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**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 to AMEND GCO Sec. 22-288 (Off-street parking areas) by ADDING a new sentence after the introductory phrase as follows: "All parking lot plans shall be filed with the City Engineer and the Office of the City Clerk;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**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 to AMEND GCO Sec. 22-288 (Off-street parking areas) by ADDING under "Harbor Lot": "as further amended to 68 parking spaces as shown on the drawing entitled "Harbor Lot" prepared by Cambridge Seven Associates, Inc. dated August 1, 2011, a copy of which is on file in the office of the City Clerk; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

2. *New Appointments:* Planning Board

(TTE 02/14/16)

Joseph M. Orlando, Esq.

The Committee questioned Attorney Orlando as to his experience, background, professional affiliations as well as asking him to be familiar with the Open Meeting Laws and to have filed proof of having taken the State Ethics Commission test with the City Clerk's office. Attorney Orlando had submitted his proof via mail to the Clerk prior to the meeting. Attorney Orlando was asked also if he had any possible conflicts if he was on another Board, Committee or Commission in the City, which he did not. **Attorney Orlando** expressed the Mayor asked him to step forward to volunteer for the Planning Board believing he has something to offer the City and the Board to move it forward into the future. On inquiry by **Councilor Theken**, **Attorney Orlando** stated he is a maritime law and personal injury specialist. If he believed there was a conflict of interest, his office would not take the case. **Councilor Hardy** asked if he resided in Gloucester full time which he confirmed he did, although he did own a home out of state spending time there also. The Committee expressed their appreciation for Attorney Orlando's willingness to step forward and volunteer on behalf of their City and thanked him for his commitment. **Ms. Lowe** pointed out to **Councilor Theken**

who had inquired that there is nothing in the ordinance or in the City Charter that states there is a specific type of professional background or training that limits who can fill a position on the Board.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Joseph M. Orlando, Esq. to the Planning Board, TTE 02/14/16.**

### **3. Discussion only on Noise Factor at Stage Fort Park**

**Councilor Theken** explained that at a meeting of the P&D Committee in June, Dr. & Mrs. John Wolfe had asked for a re-examination of the noise ordinance as they have had their enjoyment of their home and property marred in the last five years or so by loud events/parties held at Stage Fort Park, a City-owned public park. Dr. John Wolfe and wife, Susanna brought to the Committee's attention the high level of noise emanating of Stage Fort Park. **Councilor Theken** noted some nights when the wind is in the right direction she can hear the sound at her home on Magnolia Avenue. **Susanna Wolfe** stated there has an increase of amplified music over the last five years. She and her husband, Dr. John Wolfe live at 3 Old Salem Road a fair distance from Stage Fort Park. The Committee heard from Dr. and Mrs. Wolfe about their experiences with loud events impeding their enjoyment of their home and immediate environs. Dr. Wolfe has measured the sound with his own decibel measurer. **Councilor Tobey** stated the ordinance tends to be enforced after the fact with a decibel meter. He noted Sec. 7-16(b) of the charter shows where the DPW Director proposes rules and regulations for the City parks. He asked if they could amend their rules for the use of the park. **Mark Cole**, DPW Operations Director stated they could come up with certain guidelines but enforcement would be the crux of the issue. **Councilor Tobey** stated when folks come for a permit, they can give them parameters that if they are standing, say, on Hough Avenue at Western Avenue, if it is heard at that point they will be shut down and not welcome back. A copy of the permit should go to the desk sergeant at the Police Department so they are aware. **Ms. Lowe** stated the noise ordinance exempts approved special events from daytime noise and that would need to be modified. She also noted P&D is discussing the multiplying special events, and no one is sure who is in charge of them, expressing there needs to be much better coordination. She pointed to the City of Cambridge which has an events committee that is made up of several different officials and suggested this may be a way for the City to move forward to help alleviate confusion. **Councilor Curcuru**, whose ward Stage Fort Park is part of, stated people come here because we have a beautiful City; and if the sound is carrying because the wind is blowing the wrong way, he didn't want it to stifle the use of the park. He pointed out Dr. and Mrs. Wolfe were the only two people to complain in his experience as a City Councilor. These events come to Gloucester for a reason; but he understood this could be disturbing during the evenings. **Mr. Cole** only received a complaint a couple of years ago and that was the Waterfront Festival where vendors with compressors running at night. **Councilor Theken** noted the Relay for Life stated they did have a quiet time and shut down the music after a certain time. She agreed with Councilor Curcuru – where do you put the limit. You'd have to stifle the Fiesta; the Relay for Life to name two. When you have private parties at the Park and put up their boom boxes while having a picnic she realized can be very disturbing. There is an ordinance; there are park rules. **Councilor Tobey** citing park rules for New York City's Central Park noted if there is a party of more than 20 people, they need a permit from the parks department; and have to go to the local precinct to get an amplified sound permit from the police who are now on notice. **Councilor Theken** didn't wish to stifle or stop local groups and their events. The DPW issues the permits. They can set up something – to set up rules on amplification in the parks. Walking the park she found that almost all the folks who live in the area have learned to live with it. **Councilor Tobey** asked if there is a plan. **Mr. Hale** pointed out the enforcement officer for the noise ordinance is the Building Inspector who doesn't work on the weekends; the police don't have a decibel meter; and felt the ordinance is cloudy. **Councilor Curcuru** suggested they should go to some of these events and check the levels with a decibel meter so they can compare them from consistent spots. They need to know what 75 decibels is, etc. **Councilor Mulcahey** noted in the Fort their decibel level is around 70 (MI-2). A company bought newer equipment that went to 73 decibels; they were able to do something about it then. She never hears music from Stage Fort Park; but just the other night she did; the wind blowing in their direction. She does see boom boxes on boom boxes set up in the park. **Dr. Wolfe** asked how do people know when they need a permit and what is required. **Mr. Cole** stated it is advertised on the website, but is not posted at the park that any group over 20 people must have a permit. **Councilor Tobey** suggested the Committee ask the City Clerk to prepare a road map to guide them to a solution or a range of solutions. **Mr. Hale** offered to work with Ms. Lowe on the roadmap. **Councilor Theken** stated they should be able to have a quiet zone unless permitted. It is still enforcement that is an issue. **Councilor Curcuru** agreed with Councilor Theken for a need for a quiet zone unless permitted.

**This matter is continued to October 3, 2011.**

**Councilor Curcuru left the meeting at 8:00 p.m. There was no longer a quorum of the City Council.**

**4. Discussion of Distribution of Water; payment of costs by special assessment (ref'd from 7/26/11 City Council Mtg.)**

**Mr. Hale** showed the Committee a line map showing Becker Lane and explained that the City mains were renewed in the 1990s. Since the mid-1960's there have been seventeen divisions of land with no requirement to improve utilities. There are no hydrants up there. If you were going to be fighting a fire on Becker Lane they'd have to start from Concord Street. This water service continues to break. They run through yards, etc. and are "a mess". The City could take property by eminent domain to put water mains there. To put in a water main is \$185 per linear foot just for pipe; and he estimated it would cost about \$800,000 to \$900,000 to do. It's all granite there; and there are wetlands issues. This isn't the only neighborhood like this nor is it the most vulnerable. There are those neighborhoods that have "summer water", like Rust Island – all of it is fed by summer water or wells. There is no way to fight a fire in a traditional manner there. They'd have to relay pump to fight a fire from Sudbay's (automotive dealership). They couldn't have this project in the ground at Becker Lane until the spring even if he had the money with design, permitting and right of way taking. They better sewer projects all the time. The residents of Way Road and Page Street couldn't do a sewer project on their own. They were willing to pay for it if the City would manage the project. He showed the Committee the MGL that relates to water betterment (on file).

**Councilor Tobey** stated the betterment authority is the DPW Director. The problem here is that the water service is not adequate and wondered would this project be eligible for betterment treatment. **Ms. Lowe** stated most germane is that it is not part of the public system. The introduction of a new public system would be a 'betterment'. It is considered an "unwatered place". **Councilor Tobey** asked if it is enough of a distinction. **Ms. Lowe** believed that to be the case. She pointed out in their packet the MGL sections (c. 40, §42G, H, I and K) that if adopted locally, they could do 100% betterment. **Mr. Hale** stated it would need close review but they're looking at other tools also, as this is a big ticket project, prohibitive to some neighborhoods financially. It would be at a cost of about \$35,000 per household on Becker Lane for a water project. **Councilor Theken** pointed out that this would be an option to be examined. **Mr. Hale** stated they're coming forward with water projects quickly as it is time now to invest in the City's infrastructure. **Councilor Theken** asked they come back in October with other problem roads/areas of the City so that they know where they are so they can have a better picture of the situation. **Mr. Hale** stated they have a Water Master Plan under development now and hope to have it done by the first of the year, and confirmed they'll have a "snapshot in the fall."

**By unanimous consent by the O&A Committee a request by Councilor Tobey is forwarded to the City Solicitor as follows: To obtain an opinion from General Counsel as to whether the water betterment procedures in MGL c. 40, §42 G, H, I, and K apply once accepted by the City if the City constructs a public distribution system in an area thereby replacing the preexisting private water system.**

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

**5. Vehicle Traffic Speed Rates on Woodward Avenue (ref'd from 7/26/11 City Council Mtg.)**

**Councilor Theken** explained that this matter is with the Traffic Commission for a JAMAR study. The matter will be continued to September 19, 2011 to give the Traffic Commission time to make their recommendation.

**This matter is continued to September 19, 2011.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:22 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Map of Becker Lane and Becker Circle submitted by Mike Hale, DPW Director