

Ordinances & Administration Committee
 Monday, March 20, 2023 – 6:00 p.m.
Harbormaster’s Conference Room, 19 Harbor Loop
and via Zoom
 -Minutes-

Present (in person): Chair, Councilor Sean Nolan; Councilor Frank Margiotta

Present (remotely): Vice Chair, Councilor Jamie O’Hara

Other Councilors present (in person): Council President Val Gilman

Other Councilors present (remotely): Councilor Tracy O’Neil

Also Present (in person): City Clerk, Joanne Senos; Clerk of Committees, Sherry White

Also Present (remotely): General Counsel, Suzanne Egan; Director of Constituent Services, Pam Tobey

The meeting was called to order at 6:02 p.m.

This meeting was conducted in person and remotely through ZOOM. All votes conducted by ROLL CALL.

Chairman, Councilor Nolan announced: “If you are calling in on a phone, you can press Star 9 (*9) to request to speak. If you are watching on a computer or device there is a “raise hand” button that you can tap or press to request to speak. Please use either of these options to be recognized to speak.”

Councilor Nolan announced the names of City councilors and City staff in attendance.

1. Boards, Committees and Commissions

New Appointments

Waterways Board	Brian Clark (fulfilling unexpired term)	TTE 2/14/24
------------------------	--	--------------------

Summary of Discussion: **Mr. Brian Clark** stated that he is a resident of Magnolia and that he is a prosthetist/orthotist. He gave a brief overview of his familial background. He stated that he is honored to be appointed to the Waterways Board.

The **Members of the O&A Committee** thanked **Mr. Clark** for his willingness to serve.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council appoint Brian Clark (fulfilling unexpired term) to the Waterways Board, TTE 2/14/24.

2. Memorandum from Assistant General Counsel to amend GCO Ch. 16, Article V. - Historic District, Sec. 16-62. - Historic District Commission

Summary of Discussion: The **General Counsel, Suzanne Egan**, stated that this matter is for an amendment to the Historic District Commission to bring the ordinance consistent with the statutory authority of the City. She explained that previously the section of the ordinance provided that the Cape

Ann Historical Association would have to nominate one member; ch. 40C, Sec. 4 provides that it is a local historic district society that provides a nomination. She explained that language has been deleted and that the statutory language that reflects historic district commissions has been added to the ordinance for adoption by the City Council. **Councilor Nolan** stated that the proposed change is cleaning up the ordinance.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Ch. 16, Article V. – Historic District, Sec. 16-62. – Historic District Commission as requested and described in the document attached to the Assistant General Counsel's February 8, 2023 memorandum.

This matter will be advertised for Public Hearing for the April 11, 2023, City Council meeting.

3. CC#2023-002: (Gilman/Nolan): Amend GCO Ch. 21 “Streets, Sidewalks and Other Public Places,” Art. IV – Repair of Private Ways, Sec. 21-82 “Temporary Repair” by ADDING new subsections (d) and (e) (Cont. from 3/6/23)

Summary of Discussion: Councilor Nolan explained that there was a scrivener’s error on the January 10, 2023 City Council Agenda where the Section was referenced as Sec. “21-83;” the correct section is Sec. 21-82.

Attorney Egan explained that the proposed amendments to the ordinance are consistent with the Private Road Working Group’s recommendations. She stated that she worked closely with **Councilor Gilman** in making the changes. **Councilor Gilman** stated that she believes that the most important change is subsection (d) which states: “Temporary repair to private roads that are connector streets between two public roads or roads leading to a public area or place of interest shall be prioritized for temporary repairs.” She stated that the connector streets become thoroughfares and should be prioritized for temporary repairs. **Councilor Nolan** expressed concern about the language included in subsection (e) regarding adding a one-year timeframe because, he stated, the process can take more than one year. He stated that he wished to remove that language. **Attorney Egan** explained that subsection (e) was designed to ensure that the City will continue to make temporary repairs provided that the abutters come up with a plan for permanent repair. **Councilor Nolan** stated understanding and agreed that the language should stay. **Councilor Margiotta** stated that he believes that the City is trying to help within the confines of the law.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Chapter 21 “Streets, Sidewalks and Other Public Places,” Article IV.-Repair of Private Ways, Sec. 21-82 “Temporary Repair” by ADDING new subsections (d) and (e) as follows:

- (d) Temporary repair to private roads that are connector streets between two public roads or roads leading to a public area or place of interest shall be prioritized for temporary repairs.**
- (e) If making temporary repairs to a private road, the City shall notify the abutters that if the road is unsafe due to the condition of the road, the abutters shall, within one year of the receipt of the notice, provide the City with a plan to make permanent improvements to the road whether by private road repairs or through a betterment process. If the plan is submitted, the City will continue to make temporary repairs for one calendar year.**

This matter will be advertised for Public Hearing for the April 11, 2023, City Council meeting.

- 4. CC#2023-003 (Gilman/Nolan): Amend GCO Ch. 21 “Streets, Sidewalks and Other Public Places,” Article IV – Repair of Private Ways, Sec. 21-81 “Permanent Construction or repair” by ADDING “Consistent with Massachusetts General Law (MGL), the city cannot make permanent repairs to private roads using public funds” (Cont. from 3/6/23)**

Summary of Discussion: Councilor Gilman stated that private road repair has become a contentious issue within the City and wished to re-inform the public that this is not a local law; it is a Massachusetts General Law, and that all 351 municipalities within the State have the same issue with private road repairs. She stated that the Private Road Working Group felt that it would be helpful to add this language to the ordinance for additional clarity.

Councilor O’Hara suggested that the City send out a scout to survey the condition of roads so that a professional temporary repair can be made in the early stages of a pothole to help maintain the integrity of the road.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Chapter 21 “Streets, Sidewalks and Other Public Places,” Article IV.-Repair of Private Ways, Sec. 21-81 “Permanent construction or repair” by ADDING as follows:

“Consistent with Massachusetts General Law (MGL), the city cannot make permanent repairs to private roads using public funds.”

This matter will be advertised for Public Hearing for the April 11, 2023, City Council meeting.

- 5. CC#2023-004 (Gilman/Nolan): Amend GCO Ch. 21 “Streets, Sidewalks and Other Public Places,” Art. I – In General, Sec. 21-1 “Prerequisites to acceptance of ways” (Cont. from 3/6/23)**

Summary of Discussion: Attorney Egan stated that this matter is also a result of the recommendations of the Private Road Working Group. She explained that the proposed amendment sets specific criteria for adopting private roads as public ways. Councilor Gilman stated that one of the important parts of this matter is the consensus of the abutters because private roads are typically deeded and 100% harmony is needed with all of the neighbors. She outlined the criteria included in the proposed amendment and stated that the current ordinance is silent on the criteria.

The Members of the O&A Committee thanked Councilor Gilman and Attorney Egan for their work on this matter.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Chapter 21 “Streets, Sidewalks and Other Public Places,” Article I.-In General, Sec. 21-1 “Prerequisites to acceptance of ways” as follows:

No ways shall be accepted as public ways of the city unless the order for acceptance is accompanied by a petition signed by 100% of the abutters. Petition which includes the number of abutting parcels on the road and the length of the road. In addition, the MapGEO location of the road and, a statement in writing, signed by the director of public works, the mayor and the city auditor, stating

that sufficient funds are on hand and will be allocated for placing such way in safe condition for travel, and a statement as to how the road meets any or all of the following criteria:

- a. A connection to public park, playground, public landing, or other similar public property which is open to the public
- b. A cross road or has cross roads between public roads
- c. A connection road to a private attraction or public venue
- d. The fastest and most effective thoroughfare for public safety vehicles to access other streets
- e. A road that has the capacity for installation of public utilities
- f. The unanimous commitment of abutters to better the cost of installing public utilities simultaneous to the City's commitment to permanently pave the street.

This matter will be advertised for Public Hearing for the April 11, 2023, City Council meeting.

6. CC#2023-016 (Worthley): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places," Art. I "In General," Sec. 21-1 "Prerequisites to Acceptance of Ways" by deleting it in its entirety and adding a new Sec. 21-1 "Prerequisites to Acceptance of Ways" (cont. from 3/6/23)

Summary of Discussion: As Councilor Worthley was not in attendance, this matter was continued to the May 1, 2023, O&A meeting.

7. CC#2023-017 (Gilman): Review of the annual salary of City Councilors pursuant to City Charter Sec. 2-to determine if it be increased from \$11,500 per/yr. to \$xxx per/year effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article II "City Council" Sec. 2-28 "Council Salary" be amended by DELETING \$11,500 effective January 1, 2014 and ADDING \$XXX per/yr. beginning January 1, 2024 (cont. from 3/6/23)

Summary of Discussion: Councilor Gilman stated that this Council Order (as well as the CC#2023-018) came out of two public comments made by a resident (Steve Aiello) who suggested that the salaries had not been reviewed in many years. She stated that the City Charter discusses the position and not the person in the position. She read the language of Sec. 2-3 of the City Charter: "The city council shall, by ordinance, establish an annual salary for its members. No ordinance establishing or increasing such salary shall be effective, however, unless it shall have been adopted by a two-thirds vote during the first eighteen months of the term for which councilors are elected and it provides that such salary is to be effective at the commencement of the term of office of the next city council to be elected."

Councilor Gilman stated that she does not have an opinion on the matter and asked that the salary data that she compiled of like communities be shared.

CITY	POPULATION	MAYOR	BENEFITS	CITY COUNCIL MIN	CITY COUNCIL MAX	CITY COUNCIL OTHER	BENEFITS	SCHOOL COMMITTEE MIN	SCHOOL COMMITTEE MAX	BENEFITS	NOTES
Melrose	28,113	\$132,000.00	Y	\$5,000.00			Y	\$0.00			Mayor's salary include \$7,000 stipend, Council includes \$1,000 stipend, used to cover misc School Committee is unpaid.
Northampton	28,516	\$92,500.00	Y	\$9,000.00	\$9,500.00	\$10,000.00	Y	\$5,000.00	\$5,500.00	Y	At Large \$9,500/ Chair \$10,000/ At Large \$5,500
West Springfield	28,609	\$127,500.00	Y	\$10,000.00	\$12,500.00		Y	\$5,000.00		Y	President \$12,500
Agawam	28,854	\$110,000.00	Y	\$10,000.00	\$12,000.00		Y	\$5,000.00		Y	President \$12,000
Marlborough	39,736	\$107,707.41	Y	\$10,770.74			Y	\$3,000.00		X	
Woburn	40,304	\$121,000.00	Y	\$12,000.00	\$14,000.00		Y	\$5,500.00		Y	President \$14,000
Beverly	41,885	\$119,999.88	Y	\$11,733.00			Y	\$5,886.56		Y	
Pittsfield	42,766	\$102,525.75	Y	\$6,000.00			Y	\$4,000.00		X	
Salem	43,252	\$150,000.00	Y	\$15,000.00			Y	\$9,000.00		X	
Leominster	43,782	\$91,957.39	Y	\$12,308.11			X	\$4,000.00		X	
Attleboro	44,789		Y				Y			Y	
Peabody	52,906	\$122,399.94	Y	\$11,015.94			Y	\$5,099.90		Y	
Weymouth	56,734	\$140,000.00	Y	\$10,000.00	\$11,000.00	\$12,000.00	Y	\$6,000.00	\$7,000.00	Y	President \$12,000, Chair, Budget Mgmt. Comm. \$11,000.00/Chair \$7,000
Medford	57,637										
Malden	60,984	\$104,999.96	Y	\$17,500.08			Y	\$7,000.24		X	*Mayor rec's stipend \$6,999 Sch. Comm. Chair
Waltham	62,777	\$145,159.00	Unk	\$23,135.00			X	\$12,114.00		X	
Newton	88,593										
AVERAGE		\$119,267.81		\$11,818.78	\$11,800.00	\$11,000.00		\$5,967.75	\$6,250.00		
Gloucester	29,789	\$100,000.00	Y	\$11,900.00			Y	\$5,000.00		Y	

Mayor's last increase January 2014
School Committee last increase January 2001

Councilor Margiotta stated that this is a sensitive topic and that all councilors work many hours. **Councilor O’Hara** stated that he believes that the position should have a reasonable salary for the benefit of potential candidates going forward. He stated that councilors do not do this job for the money and that he does not have a suggestion for what the salary should be. **Councilor Nolan** agreed with the thoughts of **Councilors Margiotta and O’Hara**. He stated that he is not in favor of an increase and that O&A should vote on the matter to send to full Council for debate.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 0 in favor, 3 (Margiotta, Nolan, O’Hara) opposed, to recommend that the City Council review the annual salary of the City Councilors, pursuant to City Charter section 2-3, to determine if it shall be increased from \$11,500 per/yr. to \$xxx per/yr. effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article II “City Council” Sec. 2-28 "Council Salary" be amended by DELETING \$11,500 effective January 1, 2014 and ADDING \$XXX per/yr. beginning January 1, 2024.

The motion fails.

This matter will be advertised for Public Hearing for the April 25, 2023, City Council meeting.

- 8. CC#2023-018 (Gilman): Review of the annual salary of the Mayor pursuant to City Charter Sec. 3-1(c) to determine if it be increased from \$100,000 per/yr. to \$115,000 per/yr. effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article III “Officers and Employees,” Division 2 – Mayor, Sec. 2-54 "Compensation" be amended by DELETING \$100,000 effective January 1, 2014 and ADDING \$115,000 per/yr. effective January 1, 2024 (cont. from 3/6/23)

Summary of Discussion: Councilor Gilman stated that a mayor’s salary was last reviewed and increased ten years ago. The salary data compiled by Councilor Gilman was again shared.

CITY	POPULATION	MAYOR	BENEFITS	CITY COUNCIL MIN	CITY COUNCIL MAX	CITY COUNCIL OTHER	BENEFITS	SCHOOL COMMITTEE MIN	SCHOOL COMMITTEE MAX	BENEFITS	NOTES
Melrose	28,113	\$132,000.00	Y	\$5,000.00			Y	\$0.00			Mayor's salary include \$7,000 stipend, Council includes \$1,000 stipend, used to cover misc School Committee is unpaid.
Northampton	28,516	\$92,500.00	Y	\$9,000.00	\$9,500.00	\$10,000.00	Y	\$5,000.00	\$5,500.00	Y	At Large \$9,500/ Chair \$10,000/ At Large \$5,500
West Springfield	28,609	\$127,500.00	Y	\$10,000.00	\$12,500.00		Y	\$5,000.00		Y	President \$12,500
Agawam	28,854	\$110,000.00	Y	\$10,000.00	\$12,000.00		Y	\$5,000.00		Y	President \$12,000
Marlborough	39,736	\$107,707.41	Y	\$10,770.74			Y	\$3,000.00		X	
Woburn	40,304	\$121,000.00	Y	\$12,000.00	\$14,000.00		Y	\$5,500.00		Y	President \$14,000
Beverly	41,885	\$119,999.88	Y	\$11,733.00			Y	\$5,886.56		Y	
Pittsfield	42,766	\$102,525.75	Y	\$6,000.00			Y	\$4,000.00		X	
Salem	43,252	\$150,000.00	Y	\$15,000.00			Y	\$9,000.00		X	
Leominster	43,782	\$91,957.39	Y	\$12,308.11			X	\$4,000.00		X	
Attleboro	44,789		Y				Y			Y	
Peabody	52,906	\$122,399.94	Y	\$11,015.94			Y	\$5,099.90		Y	
Weymouth	56,734	\$140,000.00	Y	\$10,000.00	\$11,000.00	\$12,000.00	Y	\$6,000.00	\$7,000.00	Y	President \$12,000, Chair, Budget Mgmt. Comm. \$11,000.00/Chair \$7,000
Medford	57,637										
Malden	60,984	\$104,999.96	Y	\$17,500.08			Y	\$7,000.24		X	*Mayor rec's stipend \$6,999 Sch. Comm. Chair
Waltham	62,777	\$145,159.00	Unk	\$23,135.00			X	\$12,114.00		X	
Newton	88,593										
AVERAGE		\$119,267.81		\$11,818.78	\$11,800.00	\$11,000.00		\$5,967.75	\$6,250.00		
Gloucester	29,789	\$100,000.00	Y	\$11,900.00			Y	\$5,000.00		Y	

Mayor's last increase January 2014
School Committee last increase January 2001

Councilor Gilman stated that the average mayoral salary for like communities is \$119,267. She also wished to point out that the City's population is 29,789 but stated that Gloucester is a tourist destination unlike other like communities. She reread Sec. 2-3 of the City Charter again and stated that it is her recommendation to increase the salary for the position to \$115,000.

Councilor Margiotta stated that there has not been a salary increase in over a decade and that he is in favor of the increase. **Councilor O'Hara** stated that the Mayor is essentially the head of a \$150 million corporation and that he believes the position is underpaid. By increasing the salary to \$115,000, he stated it will be money well spent.

Councilor Nolan stated that he believes that the Council needs to seek the opinion of the current Mayor. He stated that he believes that an increase in the salary may be "used against" the current Mayor. He also stated that the position deserves at least \$115,000. He suggested amending the language to read "...up to \$115,000 per/yr." or sending the matter to full Council for discussion. **Councilor Gilman** stated that per the City Charter the salary rates are independent of whom the incumbent is and stated that the Council is making a statement through the Council Order in terms of what the position should pay.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council review the annual salary of the Mayor, pursuant to City Charter section 3-1(c), to determine if it shall be increased from \$100,000 per/yr. to \$115,000 per/yr. effective January 1, 2024 and that the Code of Ordinances Chapter 2, Article III "Officers and Employees," Division 2 – Mayor, Sec. 2-54 "Compensation" be amended by DELETING \$100,000 effective January 1, 2014 and ADDING \$115,000 per/yr. effective January 1, 2024.

This matter will be advertised for Public Hearing for the April 25, 2023, City Council meeting.

9. CC#2022-028 (Worthley): Amend GCO Ch. 5 "Building and Building Regulations" Article IV "Construction of City-Owned Buildings" by adding a new Sec. 5-62 (cont. from 3/6/23)

Summary of Discussion: **Councilor Nolan** explained that the Clean Energy Commission is meeting March 22, 2023, instead of March 15, 2023. This matter was continued until April 3, 2023.

MOTION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the O&A Committee voted by ROLL CALL 3 in favor, 0 opposed to take a brief recess.

The O&A Committee took a brief recess at 7:14 p.m.; the Committee reconvened at 7:17 p.m.

10. CC#2023-023 (Nolan): Amend GCO Ch. 4 "Animals," Article 1 "In General"

Summary of Discussion: **Attorney Egan** provided a brief overview of the proposed changes to the ordinance. She stated that the ordinance has not been updated in many years and that the General Laws have changed and are specific as to what type of ordinance the city has to adopt in terms of animal control. She stated that many of the definitions within the ordinance are from the statute, ch. 140, Sec. 151. She stated that the other large change was adding Sec. 4-7. "Conduct of Animals" which now gives the Animal Control Officers enforcement authority if certain criteria are met. **Attorney Egan** explained that Sec. 4-21 has been added and that the language was taken out of the statute and sets out the process and procedure for if an animal is a nuisance animal or a dangerous animal.

The **City Clerk** stated that dog owners currently can opt into paying a \$2.50 processing fee which includes mailing of the license; otherwise, the license can be picked up. Under Mass General Law, the tag has to be

on the dog and stated that over 200 licenses each year are never picked up. She stated that the proposed amendment will assess each license a \$2 processing fee and that all dog licenses will be mailed with no option for license pickup.

Attorney Egan confirmed that all dogs need to be licensed and leashed which can be found under Sec. 4-15 "Running at large prohibited."

Councilor O'Hara thanked **Attorney Egan** for her work on this matter.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the Gloucester Code of Ordinances Ch. 4 "Animals," as included in the proposed draft ordinance with an amendment to Sec. 4-25 (f) to change the processing fee to \$2.00 per license.

This matter will be advertised for Public Hearing for the April 25, 2023, City Council meeting.

11. CC#2023-025 (Memhard/Nolan): Amend GCO Ch. 23 "Utilities," Article III "Water" re: Water Betterment Assessment

Summary of Discussion: **Attorney Egan** stated that the proposed ordinance amendment will allow the City to assess a betterment process for laying new water pipes to bring public water supply to individual landowners. She stated that the Council first has to adopt the statutes which authorizes the City to then adopt the ordinance. She added that once the statutes are adopted, then the ordinance reflects the language that is in the statute. She explained that it is essentially the same process that is done currently for sewer betterment assessments.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council adopt Massachusetts General Law ch. 40, Sec. 42G-42K.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the Gloucester Code of Ordinances Ch. 23 "Utilities," Art. III "Water" by ADDING:

Water Betterment Assessments

23-65. STATUTORY AUTHORITY. This article is adopted pursuant to M.G.L. c. 40, §§ 42G-42I, 42K.

23-67. PURPOSE. The purpose of this section is to allow the city to levy a special assessments to meet the whole or part of the cost thereafter incurred of laying pipes in public and private ways for the conveyance or distribution of water to its inhabitants.

23-68 APPLICABILITY. An owner of land which receives benefit from the laying of water pipes in public and private ways upon which their land abuts or which by more remote means receives benefit through the supply of water to their land or buildings shall pay a proportionate part of the cost not already assessed of extending such water supply to their land.

23-69. CHARGES. The amount to be charged against each parcel of land receiving such benefit shall include the cost of the pipes and other material and of the labor in laying them and other expenses incidental thereto and shall be ascertained, assessed and certified by the Department of Public Works.

23-70. ASSESSMENT. The assessment for the cost of providing and laying water pipes thereafter in public and private ways shall be made upon the several parcels of land receiving benefit from the laying of such pipes by a fixed uniform rate in accordance with the provisions of chapter eighty for the construction and connection of water mains and services by a uniform unit method which shall be based upon the common main construction costs divided among the total number of existing and potential water units to be served after having allocated the town contribution, if any, and after having proportioned the cost of special (specific unit) and general benefit facilities. Each water unit shall be equal to a single family residence. Potential water units shall be calculated on the basis of zoning in effect at the date of assessment. Existing and potentially and potentially multi-family, commercial, industrial and semi-public uses shall be converted into water units on the basis of residential equivalents.

23-71. PROCEDURE. Whenever the Department of Public Works decides to lay water pipes in public and private ways, assessments may be made pursuant to General Law c. 40, § 42G for the construction of such improvement, they shall forthwith cause to be recorded in the Essex South Registry of Deeds a statement of their action, which specifies the ways in which such water pipes are to be laid and shall describe such land as does not abut upon any such way which is to be assessed for such improvement, and which shall designate as the owner of each parcel upon which a lien is to be imposed by this section the person who was liable to assessment therefor on the preceding January first under the provisions of chapter fifty-nine. All assessments imposed under [sections forty-two G](#) and [forty-two H](#) upon any land which abuts upon any such ways in which such water pipes are to be laid or is included in such description shall constitute a lien upon such land from the time such statement is recorded. The provisions of chapter eighty relative to the apportionment, division, reassessment, abatement and collection of assessments, and to interest, shall apply to assessments under this chapter. No assessment shall be levied under [sections forty-two H](#) to [forty-two I](#), inclusive, in excess of the benefit to the land assessed from the laying of the water pipes for which the assessment is levied, and if any assessment is found to exceed such benefit, it shall be abated. The Director of the Department of Public Works shall, if the order for assessment is upon land not built upon, extend the time of payment of the assessment and interest thereon at the rate of four per cent until it is built upon or for a fixed time; and the assessment and interest shall be paid within three months after such land is built upon or at the expiration of such fixed period.

23-72. DEFERRAL. Water betterment charges may be deferred pursuant to the procedures and requirements set out in General Law c. 40, sec. 42J.

Secs. 23-73-23-74. Reserved.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 7:38 p.m.

Submitted by Sherry White, Clerk of Committees

Documents submitted at the meeting: None.

Meeting Recording: <http://gloucester-ma.gov/1097/Past-Remote-Public-Meetings>