

GLOUCESER CITY COUNCIL AND
CITY COUNCIL STANDING COMMITTEE

Ordinances & Administration

Monday, May 3, 2010 – 6:30 p.m.

1st. Fl. Council Conference Room – City Hall

Present: Chair, Sefatia Theken; Vice Chair, Ann Mulcahey; Councilor Bruce Tobey

Absent: None

Also Present: Councilor Jacqueline Hardy; Councilor Joseph Ciolino; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Whynott; Linda T. Lowe; Jim Duggan; Jeff Towne; Suzanne Egan; Peter Jenner; Sgt. David Quinn; Mike Hale; Mark Cole; Nancy Papows; Patty and Michael Thibodeau, Alan Bell; John Geary; Paul Shea, Jr.; Joan Viator; Sarah Roderich; Joan Reynolds; Owen Freeman; Katie Moore;

The meeting was called to order at 6:30 p.m. Items were taken out of order. Councilor Ciolino sat as alternate for Councilor Tobey at 6:30 p.m. There was a quorum of the City Council present.

1. *Unfinished Business*

A) Order: CC02009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure &

Procedure for Selection of Chief of Police (Continued from 02/22/10)

The Committee and Ms. Egan discussed the merits of the of the Somerville ordinance they were using as a reference to make the City's new ordinance. Ms. Egan noted her concern regarding the depth of the description of the Chief of Police's job description captured in it. They agreed that the point was to capture the intent. There was also a discussion on the type of education that would be required. With input from Sgt. David Quinn of the Gloucester Police Department, attending the meeting for Police Chief Lane, they agreed they prefer that a candidate have a minimum of a Bachelor's degree with a preference for a Master's level. They discussed also the subjective language noted in the Somerville ordinance. The Committee agreed that it was better to leave out the subjective and hold to the objective skills. They also discussed the desired composition of a search committee, with the Somerville ordinance having two persons appointed by the Mayor, 3 by the President of the City

Council, the union 2 members. Then that list is given to the Mayor and then can only select from that list or rejects them all. In the Charter, Gloucester's Mayor is the appointing authority.

Councilor Tobey felt this was objectionable, that Somerville has a strong model. This was the kind of choice that is so important to the community and should have as an inclusive process as possible.

Ms. Egan wanted it to be consistent with the Gloucester City Charter and the Code of Ordinances. Somerville's Code of Ordinances are very specific that are controlled by collective bargaining and isn't consistent with Gloucester's.

Councilor Tobey noted they've always had a closely defined structure in place for Civil Service selection. This would be in lieu of that and so it is its own thing.

Ms. Egan felt that was a perspective of it. She wasn't advocating one way or another. She looked at it from how the rest of the City's department heads are appointed. She heard that one of the issues under the Charter is that the Mayor is the appointing authority, and you're taking it away.

Councilor Theken felt it wasn't taking anything away. This is how the people wanted it. She had no qualms, nor did Councilor Theken, as to how Somerville's ordinance composed the Committee.

Sgt. Quinn asked how the Committee would make their recommendations as how a candidate would come forward.

Councilor Tobey responded it would be unranked and prefers it that way. Civil Service has always been about who's first or second. He didn't want to create that perception.

Councilor Hardy asked if there was a length of contract.

Councilor Tobey noted it was a period of three up to five years.

Councilor Mulcahey stated you can be reappointed in the fourth year, and then you're renewed at five years which Ms. Egan felt gives flexibility.

Councilor Hardy posed, say, they appointed a Gloucester Police Department officer, and they decided they didn't want to continue in that position; what would happen.

Sgt. Quinn stated you still retain your Civil Service.

Councilor Curcuru asked what happens if you fill that slot; then what.

Ms. Egan stated that's what a contract is for. You're talking about two different things. If someone chooses to apply for Chief of Police; the contract can be written that you can't go back.

Sgt. Quinn expressed concern on that point and Councilor Tobey asked Counsel and the Personnel Director work on that matter.

Councilor Theken wanted it noted that the Police Department has a lot of capable officers. Why would they apply if they're not being able to get their jobs back? If they can't go back, the City might lose a very good candidate in terms of Civil Service.

Ms. Egan's suggestion was that a contract could be drafted to state you give up your rights.

Councilor Hardy asked how would this affect that person's retirement when they come out of Civil Service to take the contract.

The Committee agreed there were many matters that needed to still be defined; and therefore continued the matter to their meeting of June 14, 2010.

Councilors Whynott, Ciolino and Verga left the meeting at 8:13 pm.

B) Traffic Matters:

1. CC2010-005 (McGeary) Amend GCO Sec. 22-287 re: one handicapped space in front of
12 Webster Street (Continued from 04/05/2010)

Councilor Mulcahey noted that the person at 12 Webster Street does have a legitimate need for this space and encouraged the passage of this motion.

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. 22-287 re: one handicapped parking space in front of 12 Webster Street with signage to be placed as close to the address as possible AND TO ADVERTISE FOR PUBLIC HEARING.

2. CC2010-010 (Verga) Amend GCO Sec. 22-269 "Stop Intersections" and/or Sec. 22-269.1
Yield Intersections" re: Intersection of Hesperus Circle and Hesperus Avenue (Continued
from 04/05/2010)

Councilor Verga stated that there was a request from a constituent asking for this stop sign due to a dangerous situation. He noted a stop sign has appeared since the order went in and didn't know who or why it had been done, but that it seems to be working. It should be made official, if that's the case, and asked if the Traffic Commission had had the matter referred.

Councilor Theken noted this had been referred to the Traffic Commission, and they had approved the placement of a stop sign at the intersection of Hesperus Circle and Hesperus Avenue. She asked that past ordinances be checked to see if this had already been done, but that the Committee would entertain a motion to amend the ordinance and advertise for public hearing. If it was found that it had been done previously they wouldn't proceed with the 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. 22-269 by ADDING intersection of Hesperus Circle and Hesperus Avenue as a STOP intersection AND TO ADVERTISE FOR PUBLIC HEARING.

3. CC2010-013 (Mulcahey) Amend GCO Sec. 22-269 "Stop Intersections" re: Intersection of Smith St. and Maplewood Avenue (Continued from 04/05/2010)

Councilor Mulcahey stated there have been several collisions at this intersection for a lack of a stop sign.

Ms. Lowe noted that she would check to make sure that the stop signs are needed or just need to be put back and would confirm the information to the Committee.

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. 22-269 "Stop Intersections" by ADDING intersection of Smith Street and Maplewood Avenue as a STOP intersection AND TO ADVERTISE FOR PUBLIC HEARING.

4. CC2010-014 (Mulcahey) Amend GCO Sec. 22-269 "Stop Intersections" re: Intersection of Shepherd and Maplewood Avenues (Continued from 04/05/2010)

Councilor Theken recalled there used to be stop sign at this intersection and noted this is another stop sign that the City Clerk would look into this.

Councilor Whynott felt this was one place that needed to have a stop sign.

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. 22-269 “Stop Intersections” by ADDING intersection of Shepherd Street and Maplewood Avenue as a STOP intersection AND TO ADVERTISE FOR PUBLIC HEARING.

5. CC2010-015 (Ciolino/Mulcahey) Amend GCO Sec. 22-290 “Parking meter zone-Off Street Parking areas” re: Manuel F. Lewis Road (Continued from 04/05/2010)

[Note: the correct address is Manuel F. Lewis Street]

Councilor Ciolino noted he and Councilor Mulcahey brought this order forward because Manuel F. Lewis Street is a parking problem for the seniors who use the Senior Center. They used to use the Walgreen’s Parking lot but are now not able to park there. Many seniors can’t afford to feed the meters. It was proposed that if you have a Senior Citizen beach parking sticker that they could park on Manuel F. Lewis Street for free during the restricted hours of 9 a.m. to 3 p.m. Monday through Friday; but he noted this would be on a ‘first come, first serve’ basis. Someone not a senior could park at those meters, but they would have to feed those meters. The Senior Center is in a place where parking is difficult. This is an opportunity to give our senior citizens a break.

Councilor Theken read the Traffic Commission’s findings to the Committee and noted if they enact this ordinance change, this would be a loss of revenue to the City and warned of possible abuses.

Councilor Ciolino felt it was worth a try.

Councilor Theken noted there was parking violations in the designated spaces already put aside for the Senior Center by people who patronize the businesses surrounding the Center. She suggested perhaps the Center could talk to Gorton’s about using a portion of their lot for designated parking for the seniors within the limited timeframe of 9 a.m. to 3 p.m. also.

Councilor Ciolino also suggested that maybe meter enforcement could go into that parking lot and check on possible violations – that if you didn’t have a sticker, you would be ticketed.

Peter Jenner, 2 Harbor Heights stated he was very active with the Senior Center and told the Councilors that there are folks who park in the designated spaces for the Center that should not. When he heard about the proposal, they would encourage the senior citizens to get their beach stickers, which is \$5 for five years.

Councilor Hardy spoke with Jeff Towne, CFO, and he is willing to go to the Senior Center during certain hours to sell the Senior Citizen beach parking stickers there to them.

Councilor Verga asked how the sign might read which the O&A Committee noted it would be for Gloucester Senior Sticker Parking Only Mon-Fri 9 a.m. to 3 p.m. as proposed by the Traffic Commission.

A discussion ensued regarding the parking and the way the sign would read and how it would work.

Councilor Ciolino suggested that this be revisited. It is something that hasn't been done before. They can re-discuss this and tweak it.

Councilor Theken stated she wanted the matter continued so that the Traffic Commission could come and the two Councilors who brought this forward and come again before the Committee.

Councilor Tobey commended the two Councilors who brought this forward feeling it was consistent with the matter he would be bringing forward later in the meeting regarding the removal of all the parking meters on Main Street; that this is a small step. Have two hour free parking like in so many other communities across the country with a shuffle ordinance so that people don't move from one space to the next all day long. This is small, targeted to a small portion of the population. By extension, he felt they should do it for all of Main Street. It would not be just for the benefits of the seniors, but for those who live and shop downtown and for people who work in businesses downtown. If they can work out the bugs, it's a good thing. There is a fundamental problem with parking meters as being 'hooked' on the money. Lots of places have senior centers in downtown areas that have this same issue, and suggested reaching out to Peabody, for instance. Lucy Sheehan, Senior Center Coordinator would be helpful in that regard.

The matter is continued to May 17, 2010 and asked that a letter be sent to Lucy Sheehan, Senior Center Coordinator.

6. CC2010-017 (Hardy) Amend GCO Sec. 22-291 Tow-away zone" re: Hickory Avenue

(Continued from 04/05/2010)

Councilor Hardy noted that this matter was brought back because the signs don't run the entire length of Hickory Street. They are now proposed to be the entire length of Hickory Street on both sides and a tow zone. This is precipitated by the heavy use of the 'pits' in the summertime. The Traffic Commission did a site visit, met with 25-30 residents about a week ago, and took up the matter at their last Commission meeting. Because you are pushing the traffic off of Hickory Street, it will move to other nearby streets. The successive streets will be dealt with a few at a time by the Traffic Commission, High Street, Langsford Street, Buttman Avenue, and others. There will be a community center meeting the week after next on the matter. The Administration is trying to work an assignment of police and/or meter maids to tag and tow. She acknowledged Lanesville neighborhood members present at the meeting that evening.

Kristen Ward, 27 High Street noted there is a lot of police activity in the area and is a constant issue. **Councilor Theken** noted this is for 'no parking' that will help address the issue of traffic, which is the purview of this Committee only. They are not able to address those people using the 'pit'. This is not to address people using the 'pit'. The Traffic Commission noted this was a seasonal change. Their conclusion was that this should be done. She read aloud the Traffic Commission's findings.

Councilor Hardy thanked the neighbors for working together on this issue. Through compromise, this has been made seasonal.

John Geary, 7 Sawyer Avenue reiterated this is for the entire length of Hickory Street.

Councilor Whynott visited the area with Councilor Hardy during the campaign this past fall and noted how difficult it was there at that time of year and could well understand how much worse it was in the summer.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-291 "Tow Away Zone" by DELETING Sec. 22-291 (Tow Away Zone) Hickory Street both sides, beginning at a point 100 feet from its intersection with Sawyer Avenue for a distance of 260 feet in a southerly direction and ADDING Sec. 22-291 (Tow Away Zone) and Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally) Hickory Street, both sides, beginning at its intersection with High Street for its entire length in a southerly direction. Signs should state No Parking May 1 to September 15 Tow Away Zone AND TO ADVERTISE FOR PUBLIC HEARING.

7. CC2010-018 (Hardy) Amend GCO Sec. 22-291 "Tow Away zone" re: Sawyer Avenue

(Continued from 04/05/2010)

Councilor Theken again noted this was endorsed by the Traffic Commission.

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. 22-291 "Tow Away Zone and GCO Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally) by ADDING Sawyer Avenue, from its intersection with Hickory Street, both sides for its entire length in a westerly direction. Signs should state No Parking May 1 to September 15 Tow Away Zone AND TO ADVERTISE FOR PUBLIC HEARING.

Councilor Tobey suggested maybe they use this area as a pilot, a test, and then there would be a discussion at a Ward meeting with Councilor Hardy.

C) CC2010-011 (Hardy) Order that City Council review the current Rules of Procedure in order to bring them up to date (Continued from 04/05/2010)

Councilor Theken asked the Councilors send to bring their suggestions to Councilor Hardy as soon as possible, to conclude the matter as soon as possible.

The matter was continued to May 17, 2010 for the changes to be presented to O&A for voting purposes.

D) CC2010-018 (Hardy) Order in accordance with Sec. 2.7(a) of the City Charter that the City Council review reappointment of the City Clerk (Continued from 04/05/2010)

Councilor Hardy asked about what is kept confidential and what is not on such a matter.

Councilor Theken noted there is no going through personal matters. A general review was had by the Councilors. She gave an overview of how this would proceed.

Councilor Tobey asked what are the individual rights are.

Ms. Lowe stated this is a performance review and that it should not be done in public. You're entitled to discuss more than that. She shouldn't be a party to a performance review in public. They go into a personnel folder and are permanent.

Councilor Theken noted she met with the City Clerk, met with members of her office periodically from when she first began, ending 30 days ago. She emailed the City Councilors. She spoke with some of them but no one filled out a performance review except for this Committee and Councilor Hardy. She brought her concerns to Ms. Lowe. They learned together what the goals and objectives were. They discussed them several times. She didn't order anything. She was waiting to see what Ms. Lowe's objectives and goals are. She is willing to learn and getting all that needs to get done. She is a team player; she knows her role and what needs to be done for the City. She needs to be visible, be a go-getter and an inspiration to her staff.

Councilor Mulcahey commented she met with Ms. Lowe and made her suggestions. Ms. Lowe understood her critique and was working on those matters. She felt the office is running more smoothly, and that she's doing a great job.

Councilor Tobey stated he agreed.

Councilor Hardy spoke to Ms. Lowe personally and felt they were fortunate to have someone of her caliber in the position.

Councilor Theken noted they have learned together and thanked her for meeting with her.

Ms. Lowe worked up a list of goals and objectives, stating she's now been in her position for six months. There was hiring of new people due to huge turnover, and the office was seriously understaffed at the start of her term. She used some of the money available to hire a temporary clerk, hiring Grace Poirier as a temporary. She did a

superior job. There was a lot of competition for the permanent job for Senior Clerk as well as for the open position of Assistant Registrar. They were able to promote from within for the Assistant Registrar's position (Marie Giambanco). They were able to keep Ms. Poirier full time who has proven to be an asset to the department. It is a good group of people along with two temporary (retired) part time clerks who are invaluable to the department. She had requested that the Council appoint a liaison to the State Ethics Commission, as required by State law and that she offered to serve as liaison. She tried to notify all Boards and Commissions through the Personnel Director regarding changes in the State ethics laws, noting the response was good and the need to take an on-line State ethics test. There was a need to now go back and get the people who hadn't completed their tests and/or turned the proof the completion into the Clerk's office. This exercise has shown up the weaknesses of the connection between the Council and the Boards and Commissions. She felt the Boards and Commission education should be done in conjunction with the City Council as the Council has certain obligations to do under the Charter. There's still a lot of work to be done in that area. When she started this job she wanted to improve the access to the Clerk's office and access to information through the City's web site. She volunteered on the Web Site selection committee feeling it was critical to the City Clerk's office and the Council. To that end she invited Councilor Hardy to be on the Committee as well. Deadlines are looming for the construction on the web site. All Boards and Commissions need to have a presence on the web site; however, the Clerk's office can't take on the task of developing the web sites for all the Boards and Commissions web pages, however. People in Gloucester need to know what's happening, what's being done. It needs to have historical information and to allow for the ability for the public to get better information by Boards and Commissions much more quickly. She's learning as she's doing, and wants to see it done right. She is updating the Code of Ordinances which was started by June Budrow before she left which has not had a complete update since 2001. This is everything enacted in the last 9 years. It will give the City a Muni-Code link making it quick work to what you need within the Code of Ordinances. It will be one of her priorities to see it's kept current. She has made a point to come to the O&A meetings believing attendance is fundamental to what goes on in her office. She hoped to spend more time on the process of the 2010 review of the City Charter. She believed it could be done very well within the limits to make some significant changes. She's pleased and gratified to be the City Clerk, and she would like the Council to approve her reappointment of the Assistant City Clerk.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the City Clerk be elected for an additional two year term.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of the Assistant City Clerk, Joanne Senos, with a term to run concurrently with that of the City Clerk.

E) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations (Continued from 04/05/2010)

Councilor Whynott stated he'd wish to review the MGL governing 'contiguous' precincts.

Ms. Lowe spoke to her memo dated May 3, 2010 regarding consolidation of polling places (on file). She noted it was just one section of Chapter 54. The 'magic' word is adjacent. She noted the interesting findings of those precincts that are contiguous. There are parts of 5-1 and 5-2 that are contiguous with 3-1. There are little bits that are adjacent.

Councilor Theken noted that there is a formula that has to be done. When the Ward Councilors can make their recommendations they can come back to the O&A Committee.

Councilor Curcuru asked if there is a way to petition to the State about this matter.

Ms. Lowe noted by doing this in this manner, there is not a need to petition the State. It's clear that you can have more than two precincts in one building. You can take 4 or 5 precincts and put them into Gloucester High School making it more efficient, safe and cost effective.

Councilor Tobey asked what provision of State law that requires that our city of 30,000 have 10 polling places.

Ms. Lowe stated there is no provision of State law. The polling places have to be convenient and accessible.

Councilor Whynott noted that a precinct can't be more than 3,000 people and they all have to be within 5% in population of each other, with a maximum of 10,000 per ward.

Councilor Tobey asked if there can be a consolidation to have each ward be equal to one precinct.

Ms. Lowe stated you probably could not do that.

Councilor Whynott stated the biggest benefit is that we have to have a HAVA (Handicapped Accessible Voting Apparatus) machine at each polling place. It is \$1,000 apiece to program that machine each election, and this would be a tremendous cost savings.

Councilor Tobey asked if the City Clerk's office with Legal Counsel could look at this in other ways with the same results.

Councilor Theken asked the Ward Councilors to work on this as well.

This matter is continued to June 28, 2010.

2. Reappointments

Note: All reappointees whether taken together as a group by Board, Commission, or Trust, were asked by the Councilors if they had taken the State's ethics test and turned in their certification to the City Clerk's office, as well as confirming that their minutes were being taken at each meeting and also being placed on file.

Ms. Boylan noted this is a new body in the City meeting for a year and a half, set up statutorily, and using funding set aside from various projects. They work cooperatively with other communities. Her professional background is also in Affordable Housing, and is an attorney, stating this is work that is ‘near and dear to her heart’.

Ms. Boylan stated they rotate that role and submit the minutes to Ms. Garcia who files them and are compliant with all the Open Meeting Laws. She will be doing ‘house’ training for her group on it.

Ms. Boylan believed her group, and that she had done it also and would submit that proof to the City Clerk’s office. She also noted George Sibley was Chair of the Trust and at Councilor Hardy’s request would submit his email address at that time as well.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Mary John Boylan to the Affordable Housing Trust, TTE 02/14/2012.

[NOTE: Ms. Works Cooke’s reappointment was taken up later in the meeting due to her entering late after the Committee had moved on from reappointments. This motion was placed here for good order sake.]

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 the reappointment of Mary Elizabeth Works Cooke to the Affordable Housing Trust, TTE 02/14/2012.

Mr. Fryklund noted their Chair, Peg Murtaugh, quit in protest as a result of the inactivity of the Capital Improvement Advisory Board. They are down to 3 people having last met a year ago. They are required by Charter, but not used, and in his opinion, under utilized. He noted on rare occasions the Budget & Finance Committee calls upon them. They did form a technical advisory group for the CSO and provided valuable technical advice. That had been back-burnered again.

Councilor Theken informed Mr. Duggan that the Capital Advisory Improvement Board was once a very large presence, of great importance, and has a dwindling membership because of under utilization. There used to be a wealth of knowledge within that Advisory Board. This Board is in the Charter. She requested that the Mayor make sure this is up and running, utilized, and to recruit more members for the vacant seats.

Councilor Ciolino felt that when any capital investment is being made for the City it could be brought to this group for analysis that the Board would be helpful with the CSO process they’re going through now, with Councilor Mulcahey agreeing,

Councilor Theken felt capital improvements are not just buildings. It is for a wide range of goods and services, and they're willing to help.

Councilor Hardy noted reports from this Board are very helpful to the City Council for decision-making processes. She wondered if the Administration consulted with the Capital Improvement Advisory Board on the Facilities Report, which Mr. Fryklund noted they were not.

Councilor Tobey commented that over the years some of the most valuable service the community's received from any volunteer board has been from the Capital Improvement Advisory Board. It was the work of this Board who helped the City climb out of the depths of the late '80's, early '90's when it was chaired by Constantine Maletskos during this Councilor's tenure as Mayor. It was and is a critical part of the long-term financial planning for the City, and for bond rating presentations. It's only as good as it's being listened to. It's for the Administration to commit to this group. This is a really good group of advisors. If they fail to take their advice, they do so at their own peril.

Councilor Whynott stated he'd known Mr. Fryklund for forty years; he is an outstanding individual; if anyone can breathe life into this board, it would be him.

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 the reappointment of Donald Fryklund to the Capital Improvement Advisory Board, TTE 02/14/2013.

Ms. Rosa reviewed the responsibilities and activities of the City Hall Restoration Commission for the O&A Committee, most notably the strengthening and renewing of the tower on City Hall. Currently they are working on a project to get the clock and the bells noting they're working towards them being able to chime on the hour once again. They've raised about \$80,000 privately in the past year. Ms. McCarl has been very involved with getting this building a National Historical Landmark. It doesn't qualify for that designation, not being historically important enough under the current guidelines. However, with that not being possible, the National Historic Landmark program run by the National Parks Service, is very interested in Gloucester and want to make a "discontiguous" area historical landmark district that would incorporate City Hall, and various other sites including the Fitz Henry Lane House, the Fisherman's Statue; and as many structures as can be identified that were important to our maritime history of the 1840-1945 periods. This could raise the City's profile at the federal level; and hopefully when federal funds become available, buildings like City Hall will have a better shot at that funding in the future.

The Committee lauded the work of the City Hall Restoration Commission.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of David ("J.J.") Bell to the City Hall Restoration Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Janis R. Bell to the City Hall Restoration Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 0 in favor, 0 opposed to recommend to the City Council the reappointment of Steven Dexter to the City Hall Restoration Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Stephen Pardee to the City Hall Restoration Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Mary Rhinelander McCarl to the City Hall Restoration Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Margaret Rosa to the City Hall Restoration Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of William Sanborn, Building Inspector, to the City Hall Restoration Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Mark Cole, Operations Manager-Public Properties to the City Hall Restoration Commission, TTE 02/14/2013.

Councilor Tobey entered the meeting at 6:48 p.m., and Councilor Ciolino stepped away as an Alternate.

It was noted that Jill Buchanan, a re-appointee to the Clean Energy Commission had informed the Clerk of Committees of her pending resignation. Ms. Dyer thought Ms. Buchanan could be continuing and was not here this evening and may yet come before the O&A Committee at a later date for reappointment.

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 the reappointment of Michelle Dyer to the Clean Energy Commission, TTE 02/14/2012.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor , the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Paul Shea to the Historic District Commission, TTE 02/14/2013.

Mr. Jacobs noted their Commission was short handed by several members at times. Some of their meetings can't be official because certain members might not make them. They have been discussing the possibility of the creation of a position on the Commission of an alternate member who can act as voting substitute member.

Councilor Theken asked the Mayor to please look into making sure the membership of the Shellfish Advisory Commission is a full one and that if possible, the appointment of an alternate member if allowable under the Charter.

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 the reappointment of Russell Jacobs to the Shellfish Advisory Commission, TTE 02/14/2013.

Mr. Fleming informed the Committee they are involved in the distribution of requested funds from the City trust documents to make sure the requests adhere to the terms and conditions of the trusts. They meet regularly to entertain these requests. They've done recent outreach with the City Treasurer to see if they can bring the trusts that they manage into the community to make them more aware of what they do and possibly solicit more requests from the trusts.

Councilor Mulcahey stated that they're beneficial trusts; they are specifically earmarked for certain things.

Mr. Fleming confirmed Councilor Mulcahey's assertions and that there are a variety of purposes. They're job is to be sure the requests comply exactly with the terms of the trusts in their care.

Councilor Hardy asked for an accounting of the trusts.

Mr. Fleming stated all the funds are under management of the Cape Ann Savings Bank Trust Department; and they get a monthly statement which he can get and forward to the City Clerk's office for distribution for the City Council.

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 the reappointment of John Fleming to the Trust Fund Commission, TTE 02/14/2013.

Councilor Theken noted that the issues the Waterways Board deals with are more complex than most Boards and Commissions. She asked the reappointees of the Waterways Board if they would be going for more funding from the Seaport Advisory Council and what are their plans.

Mr. Calomo felt this was an aggressive group wanting to do more for the harbor, not just with money, but for more public access to the waterways, and felt the group that he serves with is one of the finest Boards he's ever served on, having been on about 15-20 boards. It is a diverse group that devotes their time to the betterment of the waterways, whether it is the commercial or recreational working hand in hand for betterment of the waterways for Gloucester. He was placed on this Board to make sure that the commercial fishermen always had dockage and to keep an eye on the commercial aspects of the issues before the Board. He is retired and serves only on the MA Fishing Commission and stated he is unpaid in his position as Vice Chair. The next day he was going to Washington, DC to receive an Award of Excellence by the Atlantic States Marine Fisheries Commissions, noting he no longer serves on that Commission. He's also on the Port Professionals, appointed by the Governor in a non-paying position as well.

Mr. Gross stated they were in favor of I4-C2 project. The money from the Seaport Advisory Council (SAC) that they were going to use to rebuild Solomon Jacob's pier, there were still a lot of environmental hurdles overcome by National Grid. That was still a few years out. They'll go forward aggressively for more funding to resolve the issues there, if in fact that money is used to help purchase I4-C2. They're in the process of reviewing their regulations and ordinance, and correcting things and making it more user friendly, more on line. It's a good working board. He's on for one year replacing a member who was deceased who represented the fishing industry. In their regulations you can only have three up at once. It was either a one year or four year reappointment, and the four year reappointment was not an option under their ordinance.

Mr. Sawyer weighed in agreeing with Mr. Gross regarding the Board's goals. He also represents the commercial fishing industry. The review of the ordinances is on-going and needs to have more heft to it and tighten things up.

Councilor Theken asked about more moorings.

Mr. Gross stated they'll be doing a more aggressive moorings inventory. They'll be sending out letters and be user friendly as possible, but also trying to look for turnover. There is electronic technology available that allows you to plot the inventory and to help them see what they can do with their mooring fields which is not expensive to do. They're working on the existing areas. When asked about enlarging the areas for more moorings, Mr. Gross stated Gloucester Harbor puts out a lot of lobster product, and when you start encroaching in those areas, lobstering around moorings is very difficult enough, and if you add many more moorings it will make it all the more difficult. They did do Southeast Harbor and expanded them so they could fish in between. They're looking at all options as well as trying to protect resources.

Mr. Calomo noted Gloucester is the largest landing port in Massachusetts for lobsters, and they work hand and hand with the Harbormaster to put moorings in places that would not inhibit the lobstermen. **Councilor Mulcahey** asked about moorings and boats that break away in the storms. She also asked about the Harbormaster and the Board working together on the issue.

Mr. Sawyer responded that the outer harbor moorings have issues of trying to get boat owners to maintain their mooring gear. One of the main reasons for these break-away situations is the failure of poorly maintained mooring gear during storms.

Mr. Gross stated they have just finished their review of their review of the section on mooring inspections in their sub-committee. They have inspections every three years by a qualified person now but it is difficult to say how you determine what a qualified person is. They've set out a schedule of what the bare minimums are, weight of chain, length, how much weight has to be on the bottom, etc, which were not in the regulations before. They're reinforcing the three year inspection.

Councilor Ciolino asked about maintenance projects on the front burner.

Mr. Sawyer noted access of Wonson's Cove at the end of the seawall is being looked at to make a ramp making it user friendly for kayakers. They're trying to open up for that. The Conservation Commission is involved with this also. They're hoping to have it finished before the end of the boating season.

Councilor Ciolino commented that this Board would have an important role in the planning regarding I4-C2, with Mr. Gross and Mr. Calomo agreeing that they would be involved with the process.

Councilor Hardy asked who pays the rent of the Harbormaster's Building and if the mooring fees are comparable to those in area communities.

Mr. Gross noted it's a long-term lease that the Waterways Board pays for and that the mooring fees are on the low end of the comparables.

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 the reappointment of Peter Bent to the Waterways Board, TTE 02/14/2013.

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 the reappointment of Vito Calomo to the Waterways Board, TTE 02/14/2013.

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 the reappointment of Anthony Gross to the Waterways Board, TTE 02/14/2011.

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 the reappointment of Arthur “Sooky” Sawyer to the Waterways Board, TTE 02/14/2013.

The following persons had their reappointments continued:

Lorre Anderson	Tourism Commission	TTE 02/14/2011 (Cont’d to 5/17/2010)
Debra Ryan	Tourism Commission	TTE 02/14/2013 (Cont’d to 5/17/2010)
Robert Stewart	Zoning Board of Appeals	TTE 02/14/2013 (Cont’d to 6/14/2010)

3. CC2010-022 (Hardy) Amend GCO Sec. 2-44 re: Listing Special Municipal Employees to add

Boards and Commissions

Ms. Lowe that the State Ethics law provides that appointments on municipal committees have the protections of being a municipal employee. Code of Ordinance, Sec. 2-44 has a list of various boards and commissions which isn’t complete. She recommended that the O&A look at the Boards and Commissions and add them to that list so that all people who work for the City on Boards and Commissions have the same protection as the employees.

Councilor Theken asked about volunteers to the City.

Ms. Lowe noted, for example, one individual is on multiple boards and commissions and is also on the Historic Museum’s Board of Directors and the Historic Commission and had to go to the Ethics Commission regarding all the possible conflicts. He was asked if he was a special municipal employee and that he should be. He was told by Ms. Lowe you’re not, but you will be. It helps to prevent conflicts.

Councilor Theken cautioned that they have to be sure when someone says they represent a Board or Commission, that they are sure they actually are.

There was a discussion as to how to proceed on the matter. Ms. Lowe said she will provide more information to the Committee.

Councilor Hardy proposed having a meeting on a Saturday with the Boards and Commissions to update them on the Open Meeting Laws.

This matter was continued to June 28, 2010. There will be a complete list of all Boards, Commissions and Committees is to be submitted for that meeting in order to update the ordinance

4. CC2010-023 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits

Councilor Tobey requested the Committee seek advice from the Traffic Commission, Tourism Commission, Chamber of Commerce, a new group representing the merchant community, to ask them for an opinion on the merits of repealing the requirements for parking meters on Main St. only with a free two hour limit parking and to make the practice of shuffling illegal. The reason meters are on Main Street is to ration parking spaces. He asserted that the other reason we use parking meters is because we're addicted to money. His research showed that the City can't know what is gathered from each meter. The impact, then, is unknown. A new store is going vacant each week on Main Street. We can't change the course of what is happening there. But we can make a powerful gesture to make our downtown more inviting. We should seek input from others, share it with the Committee; and take another look at this.

Councilor Theken asked if the Councilor intended this should be from Flanagan Square to the intersection of Washington and Main Streets.

Councilor Tobey stated yes and that it would be strictly enforced.

Councilor Mulcahey noted years ago that bags were put on the meters. She walked down Main Street when it was raining. There wasn't anyone in the stores, but the streets had no empty parking spaces.

Councilor Tobey stated there are many devices to monitor this. There are computerized systems to track parking spaces. Meter enforcement walks down the street; they note the license plate and in two hours they ticket and can use chalk even.

Councilor Mulcahey noted there are 3 meter enforcement personnel covering every meter in the City. They'd have to add more people, and we're taking the meters away.

Councilor Tobey didn't bring shuffling forward to reinforce meters. Meters feed the problem. This is decades old. If the City Council in 1991 hadn't been one vote shy on a parking garage behind the police department it would be paid for by now. If we want to have a friendly downtown, we have to get rid of the meters. It's not about residents or non-residents.

Mr. Towne noted they don't track each individual meter. They're emptied Monday through Thursday into one huge hopper.

Councilor Theken asked if they could have Main Street done separately.

Mr. Towne stated they could try to do that and put them in separately numbered bags. He suggested a trial of three weeks. There hadn't been a need to separate this up to now, and would do so for the Committee's information.

Councilor Curcuru asked what communities are not charging.

Councilor Tobey noted Newburyport was a good example.

Councilor Theken stated she does see shuffling from one meter to another downtown.

Mr. Towne noted the new technology for meter enforcement coming on line July 1st has a chalking mechanism.

Councilor Tobey stated they could do a period of time and see what happens with one month afterwards with no collections. 60% of the parking revenue comes from meters, 40% comes from ticketing. A percentage will go away. The enforcement piece with the chalking device will pick up more ticket revenues. It's not all parking meter revenue.

Mr. Towne noted their new system is a hand held electronic device tying right into the RMV records. Parking enforcement will walk to the vehicle and issue a ticket. They can scan the inspection sticker, giving them the information on the vehicle. It will tell them whether they are a scofflaw. They can mark the stem valve, note its position on the 'clock', and go back two hours and check the position of the stem valve again. Then they can issue a ticket if it's warranted. From a collections perspective, they can download it right away or uploaded at the end of their shift simultaneously into the system. It will be a tremendous time saver. The training takes place in May and June. He can start this project on Monday.

The matter will be taken up on June 14, 2010 for the data to be presented – tickets issued on Main Street and the collections from the CFO, as well as the results from the outreach to the various groups involved on Main Street.

5. CC2010-024(Hardy) Request from the Engineering Department of the DPW a copy of the City's

Official 'layout of the road' at the intersection of Washington Street, Holly Street, Goose Cove

Lane and Vine Street

Councilor Hardy noted over the years there's been discussion of the traffic and safety issues at this intersection "the Willow Rest". There is a traffic island there, and it has been questioned as to whether it rests on City property. There's a problem with parking in front of dumpsters, with the gas tanks still there; the speed of the traffic at Holly Street up and down. They'd like to be able to work some solution but don't know what the official layout is. These are things that have been going on for years. With an official layout, the Traffic Commission would be able to know when they can get involved.

Mr. Hale understood it was a priority, and asked for understanding that it is not their top priority. There is a layout for Holly Street; and they need to compile their plans and make one master plan.

Councilor Theken felt there is a lot of concern regarding the school buses stopping there. She understands this is not a first priority. It needs to be worked on. She wanted to see something in July.

Mr. Hale stated they would do everything they could to have it by July.

Councilor Mulcahey noted that when she was on the Traffic Commission they looked at all the markers and drew up a plan and the DPW may want to look at it.

Councilor Tobey asked what the sources they'd look to for the plans.

Mr. Hale stated they'd compile deed references, with metes and bounds. They'd have to compile the plans and overlap them to make a single plan, wanting to make sure there aren't contradictions in the plans. They have a professional land surveyor on staff and will use him when they can.

Councilor Tobey wondered to what extent with the Sewer project in North Gloucester that the survey may have already been done by Weston & Sampson.

Mr. Hale stated they used a lot of assessor maps and can't use those. It's cursory planning. They don't want to make assumptions. They want a professional survey so that it's done properly.

Councilor Tobey understood the concerns for dumpsters on public property. These may be neighborhood disputes. We don't want to put the DPW in an awkward position.

Councilor Hardy stated no; it wasn't just that limited and Councilor Tobey realized that would be too narrow and indicated he was satisfied.

Mr. Hale didn't think there was anything changing between now and September. He understands that maybe some signage. They can come up with some suggestions. Geometry was tough there.

Councilor Theken asked about the gas tanks and Mr. Hale stated there are State agencies that regulate that.

This matter was continued to July 12, 2010.

6. CC2010-025 (Hardy) Amend GCO Sec. 270.1 "Resident Parking Only" and Sec. 22-291 "Tow Away Zones" re: entire length of High Street as well as all side streets

Councilor Theken noted this has been referred to the Traffic Commission and will take up that matter on June 14, 2010.

7. CC2010-026 (Hardy) Adoption of Ordinance under GCO Chap. 2, Art. V, Sec. 2-400 re: Responsibilities of designated member of their Board Commission or Committee

Ms. Lowe stated that because of all the difficulties of reaching everyone on the Boards and Commissions, the thinking was to put this in the Code of Ordinances to designate someone on each board and Commission to minimally keep their information up to date. If a web page is established for their Board or Commission, the IT Department will never be big enough to support this kind of thing. They have to do all their minutes. They have to post their agenda. They could be asked to update their web page.

Councilor Theken cautioned that some of the Commissions may not have someone who is up to date enough to do something like this. Do we want to put this in an ordinance.

Ms. Lowe noted the previous discussion by O&A on the CPPI Committee and if it is formalized in the Code, they could be like a 'super' committee and look back to them to help them get it done and have oversight on this function.

Councilor Theken thought this was a good way to go, to have someone have oversight over this.

Councilor Hardy noted that this could be designated that the Chairs of the Commissions and Boards could have it and they could work within their groups to designate someone within their Board or Commission.

Ms. Lowe stated what will happen is that it will all be filed on line and there has to be someone on each Committee to see that this gets done.

Councilor Theken noted the Zoning Board of Appeals brings them to the City Clerk's office.

Councilor Hardy suggested that they ask Ms. Egan to work on some language.

Councilor Theken doesn't want to push people away from volunteering for the City. She wanted the CPPI Committee contacted as well, and shift it to them.

Ms. Lowe noted the minutes have to get done; there are drastic changes for the Open Meeting Laws.

Councilor Theken asked Councilor Hardy and Ms. Lowe to put together a meeting on this matter with the Boards and Commissions.

Ms. Lowe noted they could bring this matter up at such a meeting, and she would contact CPPI about it.

This matter was referred to General Counsel for language; and continued to August 23, 2010.

8. *Memo from Chief Administrative Officer re: Debt Exclusion for all CSO Related Debt*

Councilor Theken stated she was not supportive of anything going to sewer. She wanted a bill to pay. She didn't want it on her taxes. Because of the details that came from their meetings, it's not going to happen quickly. She doesn't have a sewer bill. But the water bill can't go up another \$3.00.

Mr. Duggan noted this is a request for debt exclusion of \$1.75 million for the CSO. Currently the sewer rate is \$12.90 per 1,000 gallons. Such a debt shift would result in a reduction of the sewer rate from \$12.90 to approximately \$10.60. The debt would be shifted to reflect an increase of 33 cents for residential and 35 cents for commercial/industrial. They've been meeting regularly weekly with the Chairs of B&F and O&A and appropriate City personnel to establish a stormwater utility. They're not opposed to it whatsoever. What the Committee is trying to do is draft a Stormwater utility that is both equitable and defensible, program costs and a rate structure.

Currently they can't come up with either. Therefore, it's the recommendation of that Committee to continue their exploration on such issues as pervious area vs. impervious area, GIS layer to identify the impervious area, implement a whole new database, whether they will bill not-for-profits (hospitals, churches, government property, housing authority, etc.), determine who already has a stormwater treatment system on their property and whether they would get a credit; calculation of a fee; methodology; determine a billing calculation so the utility would not go into a deficit; determine whether they're going to bill the owners vs. the tenants, like water and sewer is; determine program costs (labor, debt, capital, ordinary expenses); and how they're going to educate the public in moving forward with this.

Mr. Towne stated when the ordinance was passed in September of 2009 is trying to determine what it would take to actually move forward with a stormwater fee structure from his perspective, assuming they get the impervious surface equivalent residential units. They started looking all the data bases they presently have, the assessment data base which would include all properties; but not all them get a tax bill. That wasn't considered the best place to start. They looked at water and sewer figuring it would go on the water and sewer bill, but you haven't as many water customers as you have tax bill customers and you have even less sewer customers in the data base. They determined right from the beginning they'd have to work off of the property tax and develop a whole new data base associated with who would get a stormwater bill once created. That's when they came to the non-profits – the hospitals, churches – who would actually get a bill. They have over 900 tax exempt properties right now which is a lot for a City of this size. Building and enterprise fund through the software system isn't as complicated. They built the CPA fund, the water fund, the sewer fund. It's not the accounting code structure but the receivable end of it and the collections portions of it that they'd have recreate as you're going forward with a whole new enterprise fund as they plan on still doing. Once they create the data base, what department is going to have the staffing in order to maintain that data base and enter the detail? Would it be DPW who does water and sewer, the Assessor's office who do the tax bills; how to go about doing that? They determined they can lien them. They determined they can collect them as water and sewer if they're unpaid and got answers to that. They spoke about public properties such as schools, City Hall and any other types of things. Some communities looked at roadways; the pavement of the sidewalks and roadways whether or not they would charge the general fund for those things. The key factor is not to put this fund into a deficit to start. This is an unusual fund where it's not starting with \$100,000 or \$200,000. They're starting with \$34 million almost outstanding fully in terms of long-term debt not including the operating budget they've talked about at other meetings. His concern is to bill enough to make sure to pay the debt payments. The debt payments are definitely going to happen. They'll have half paid by each September 15th and half the debt paid by each March 15th, and they'd only have billed three quarters by then. If they didn't bill properly, and they didn't do this well and think it all though, would they put this fund in the deficit position at the end of the very first fiscal year which is what they're trying to avoid. There are permit costs in there as well. The aerial mapping is not up to date for the GIS staff member to go from. It would be impossible to get this done for FY11. There will be more collections, but believed they can handle this in his office. They'll be in the same timeframe for billing as water and sewer; and while it will increase the volume of work, he believed they could accommodate that increase. From his perspective as Chief Financial Officer, Tax Collector and Treasurer, and that of his department, these are some of the key considerations to make this a reality of going forward with the Stormwater vs. debt shift in the future.

Mr. Hale echoed some of Mr. Duggan and Mr. Towne's comments that there has to be something that is equitable and defensible. You don't want to have legal challenges that arise immediately from a new stormwater tax. It's not like water and sewer where you can measure consumption. You're contributing a certain proportion to the maintenance of the Stormwater Utility. What proportion you contribute is determined by them. We need to calculate the impervious average of residential properties. How do you divide those residential properties and choose? Single family and two family is considered one, you can pass that the multiples of residential units... and the thing that he ran into on this aspect with Ms. Papows (Principal Assessor) is you create ones and two s, and 3's, 4's and 5's and lump together more than 8. We don't even have a database that separates the multiple family houses as carefully as they'd like to. Then there's legal and assessed uses assessed to the properties.

Ms. Papows noted there is a use code for 2's and 3's cut and dry that's exported but 4's to 8's have one use code. There's an occupancy code that they haven't maintained because they don't necessarily need it for other things they do in terms of their billing or valuation. That's something they'd look at to bring up to speed in terms of maintaining that which would help in the 4's to 8's and above. They might be able to somehow export into something where they would know the number of units. The legal use vs. the assessed use, that's probably going to be an issue because they assess on use. If you have a 3 family that's what you're assessed for. It doesn't mean it's a legal 3 family. If that's the case, it's really only Building that can determine what the legal use of the property is. They need to look at that with Ms. Egan about which way to go on that. Do you go with legal or do you go with what's assessed. Her data base is probably the most complete vs. building.

Mr. Hale believed they weren't talking the same dollars as they were talking about late last summer or early fall. They were talking that maybe it was \$75.00 or \$80.00 per year. \$12.50 a quarter was mentioned. If you take that \$34 million, and divide it up amongst the number of units that we have, you're talking hundreds of dollars a year, not a small nominal fee. That's just the debt. That doesn't even begin to take into account that if you're going to have a true enterprise fund for Stormwater you have to have staff that's dedicated, at least a portion of their salaries. For instance, if you are a water or sewer craftsman, you're paid 50% water and 50% sewer. The expectations are that you work half the time on water, half on sewer over the course of the year. They have other people who are split one third who are split between general fund and utilities depending on what their job is. Their street sweeper gets 10% out of the sewer enterprise because their discharge permit allows them to take into account street sweeping as a stormwater issue. They had to look at operational costs. It's about \$100,000 per year to manage the next Phase 2 discharge permit which is expected to come through sometime later this year and is a five year permit. From the previous permit to this permit it's grown exponentially. He is not opposed to a stormwater utility. He believed it would be a great resource for his department to have. His reluctance was to start that utility already \$34 million in debt. Part of his fear was people who can least afford to pay it will pay the most. You start looking at multi-families that may or may not have a huge assessed value, but they could be paying more than a single family home in a better part of the City. It's not about pitting classes against each other, but just from the nature of how you calculate your pervious area is going to hit some of our downtown multi-families harder than others. It has to be done carefully. We want to make sure we don't want to rush to judgment on a policy that's going to add such a high value. Again, we're starting this with \$34 million of debt. It's a huge number. It does help sewer enterprise by doing a debt shift immediately. It divides that cost with the CSO amongst the whole City. As a sewer user in West Gloucester, he shares the cost of the CSO debt, but he pointed out that for someone like Councilor Theken, she is not. Their benefits are equal. Both share the same benefits that downtown being improved. But she's not because it's on the sewer price today. He believed there was some inequity in that. By doing some sort of shift it will make it more equitable. Gloucester is a very unique community. We have 26 square miles. We have huge infrastructure, but very few customers. Why are water and sewer rates so high? We don't sell enough units of either. We pay for the luxury of open space and broad area. If we were a smaller community like Salem which is 6 or 8 square miles with a population greater than ours, they have more users. Their charges are different. It's an economy of scale - we pay more because less pay into it.

Mr. Towne stated as they got through the tax rate setting time and started going through the process of preparing what they were going to need to implement this, they came up with items of a larger magnitude, which they thought they could handle with the current staffing that they had and the resources that they had. That's when they called in the Chairs of B&F and O&A, and others, to think this matter through very carefully.

Councilor Tobey asked Mr. Duggan about his memo to the Council dated April 15th (on file in City Council Packet), he read, "...it would be prudent to propose a debt exclusion for all CSO related debt to the full Council...." and asked to the extent there is \$34 million debt now outstanding, the request of this Council from the Administration, is to put this on the tax rate for all time.

Mr. Duggan responded yes it is.

Councilor Tobey stated he wanted the Committee to understand that's the context their dealing with here. \$1.7 million per year for 20 years will pay it off.

Mr. Towne interjected it would be a little higher.

Councilor Tobey continued that the scope of what they're being asked to do, is that this would be done without a referendum, the City Councilors would be voting to tell the taxpayers of the City that we're going to increase your tax bill and divide amongst you \$1.7 million this year, and more over the years until the \$34 million is paid off.

Mr. Hale noted Councilor Tobey gave him a contact for 495 Metro West, an association of municipal employees of engineers, and stormwater professionals. There was a workshop that the EPA spoke and Hoyle & Tanner, a Stormwater consultant based out of Vermont. Their message was clear - don't rush this. If you rush you'll wind up with something that you won't be able to defend and will be open to challenge. Make sure you truly find out what your City needs and how it fits. Hoyle & Tanner actually came to speak here in Gloucester at his invitation because he wanted Mr. Duggan and Mr. Towne to hear what they had to say. Again, they reiterated that you need to take a close look at your community. Don't take another community's stormwater management plan and just change Newton into Gloucester. Those communities are different than yours. It takes 12 to 18 months to come up with something that is equitable. It is a lot of money for the taxpayers to pick up, but someone has to pick it up. It's either the sewer users or the taxpayers. He was all for an ordinance. He was concerned putting \$34 million on to start with or putting a couple of hundred dollars on a stormwater utility bill annually.

Mr. Duggan stated there are only 400 communities in the nation that have adopted this. Everyone is going at a snail's pace. In Massachusetts there are only 3; Newton, Reading and Chicopee. They stressed that you take it slow to look at the whole thing.

Mr. Towne noted the company that came down actually did four studies, two of which never went forward after they ended up studying the communities. They spent the time; they spent the money and ended up saying, 'this doesn't work for us'. There were communities that were interested that said no. One community has adopted it, South Burlington, VT; and the other is Manchester, NH. They have all the information, and are just waiting on when to go forward, but were ready to do so.

Councilor Mulcahey noted that one of the scenarios is to a utility and bill and asked if they have a figure for that.

Mr. Hale stated it would be no different than setting up your water and sewer rates. You need to know what your debt obligation would be on that given year as well as your operational costs. It didn't make sense to him to just have stormwater utility. It should be there as an operational utility, just like the water enterprise or the water debt and water operation. Sewer does the same as well. Stormwater utility would fund salaries for staff that work on stormwater issues, capital improvements.

Councilor Mulcahey asked if Mr. Hale was talking about \$500 a year per household.

Mr. Hale stated you're putting \$34 million worth of debt and putting it into this utility and on top of that your operational costs. He believed it was \$600,000 a year for operational costs, \$100,000 would be managing the permit, then personnel costs, and capital maintenance – new drainage through downtown Gloucester, not just cleaning of catch basins but heavy cleaning of drain lines. Half the flooding in the City is because the drain lines aren't adequately maintained or are too small or corrugated metal pipes that are rusted because they're long past their life expectancy. There's quite a bit of that. So to operate that utility, and they've estimated a reasonable amount of money, they divided up "x" number of staff members into 1/3 figured their personnel costs and ordinary costs mentioning the \$100,000 previously a few meetings ago that the Phase 2 permit expected to cost the City \$100,000 annually. It's \$600,000 plus \$1.7 million, so you're talking \$2 million plus on a utility.

Mr. Towne noted in code 101 to 109, which are the 1-3 family units; there are 10,800 units in Gloucester. Beyond on that he was estimating on Ms. Papows' information because they didn't have the ability to go through it at that time. He tried to build a formula of if they did 429 commercial units, based on what he could glean from the data. And of that for over half of them, the value of the commercial property is less than \$500,000. It's almost the equivalent to the value of a residential property. The next 92 or so were between \$500,000 and \$1 million and about 85 properties are above \$1 million. At a \$200 residential unit, and given that it's hard to quote numbers, even at 11,000 total units, if you bill \$200 [per unit], then you're raising \$2.2 million. That's if you bill \$200 and collect \$200 for every billing that you did for the year at 100% collections rate.

Councilor Mulcahey noted they actually have to collect \$1.7 million a year which Mr. Towne clarified is just for the debt not covering the operational costs and that the following year it would be over \$2 million for the debt.

Councilor Theken asked what about those who didn't get abatements. What about those people who got all those betterment taxes, in Ward 4 and Ward 5. Do you leave it on your water bill; and if we do how much would the water bill go up.

Mr. Towne stated it would be on the sewer bill and it would be about \$14.00 per thousand gallons from \$12.90 per thousand gallons which it is currently in FY10.

Mr. Hale stated the sewer enterprise includes personnel, ordinary, operational and debt service.

Councilor Theken stated that would include everything else.

Councilor Tobey asked who is surprised at that given everything that's already been done and discussed; and the Committee agreed they were not.

Mr. Towne noted that at one time it was estimated that the sewer would go up \$62.00.

Councilor Theken stated they need to have a Stormwater bill whether they like it or not.

Mr. Hale agreed with Councilor Theken.

Councilor Tobey stated you have to, it's a matter of law; you're required to have one. We didn't say you can set up. We said you shall set one up. You have an ordinance, whether you like it or not, which passed 6-3 at Council. Councilor Curcuru said this was the only way to be fair to the rate payers, in September. He then read the ordinance to the Committee, "The City shall establish a dedicated stormwater fund" which he felt was a good thing. They also established an impervious fee or stormwater fee that "will be set at a rate that covers the costs necessary to carry out the stormwater management programs, services, systems and facilities approved by the City as necessary to properly manage the stormwater runoff in the City. The Director of Public Works shall promulgate regulations permitting the stormwater utility use fee". The Administration is under a legal obligation, which it accepted in September, to do it. None of us should be surprised because this was done in the context of trying to figure out the least inequitable way to pay for this. The problem he had with their analysis, and understood that it was only partial and a work in progress was when you talk about valuations of commercial properties, you're looking at real estate value rather than impervious areas. They were talking numbers. We went through a long, long public process. Whether intended or not, this is just a bait and switch. They went through extensive conversations; numerous O&A meetings; numerous Council workshop meetings all set up as public open forums, not public hearings in the sense of legally mandated. This was where folks came up with the initial question being, shall we put this \$34 million on the tax rate as the City Council has this loophole that they can do that. His memory was that all heck broke loose. There was enormous resistance which yielded the stormwater management fee with assurances that the scope of the cost would be something like \$12.50 per quarter for the single family home is typically \$354,000, ipso facto, \$115 is more than \$50. You'll be socking single family

homeowners, more than twice what we told them we would be doing with the fee. That's not equitable. What you've ended up doing is 'running the game clock out'. Now we're going to do that with less than six weeks to go before we have to execute on a budget that's been put forward premised on this basis. He couldn't anticipate what would happen if the public went to the Council and raised Cain as they did during the numerous workshops.

Councilor Theken noted there won't be a public hearing.

Councilor Tobey countered what is the legal process? How can there not be a public hearing. How can we not hear from the public on this? He asked the Council Chair, Councilor Hardy if she'd be expecting a public hearing on the matter.

Councilor Hardy stated they've done public hearings on lesser matters. This was a huge impact.

Councilor Theken stated there doesn't have to be a public hearing legally.

Councilor Tobey responded he would argue that point, and move that evening for the O&A Committee recommend a public hearing be held on this proposal being voted on by the Council. We'll see who comes out, and what they have to say. He had a feeling they'll be coming to "hang" them. No one wants to pay sewer rates that are high. No one wants to pay tax bills that are high. We went through an exhausting process as to what was the least objectionable way. And now they've run the clock out.

Councilor Theken stated the clock's going to be run out. You're going to hold a public hearing, and by the time it happens, you're already looking at the fact that the sewer bills will go out which Mr. Towne confirmed do go out in July. So it's going to go on the sewer bill. Because by the time you have the public hearing, Budget & Finance have their meeting, etc., it's not going to happen

Councilor Tobey inquired as to what the vote would have to be at City Council to enact this and asked for clarification on that matter from General Counsel.

Mr. Duggan noted Councilor Tobey stated the clock has run out. They had every intention to move forward; but as they looked at this more closely, clearly, they had to make something that is equitable and defensible. The fact that the clock ran out, there's only so much that City staff can do. He noted tax title collections have been aggressive. He pointed out a variety of major issues confronted by City staff in recent months such as all the capital projects with the waste water treatment plant and water treatment plant(s), meeting all the deadlines with DEP, establishing the CPA, which was a walk in the park compared to this, setting the tax rate, the boil water order that took their lives for so long, budget separation, deficits they've been working on in the capital fund they've been working on for the past three months; no full time auditor for two months; the new web site, installing new servers, on-line billing and more.

Councilor Tobey understood it's hard and that people are working hard and are stretched to the max. There's a thread of conversation out in the community that says that this is just meant to be a one year thing while the program gets figured out. But a lion's share of the cost has already been moved out to the tax rate. It's not a one year handling of the debt on a tax inclusion basis and then moves to a new recalculated rate. It's gone forever.

Mr. Duggan asked do you want to start from behind the 8 ball. Don't you want to start fresh without looking over your shoulder with \$34 million in debt?

Councilor Tobey said he didn't hear this from Mr. Duggan before and wished he'd heard this the night of September 8th.

Mr. Duggan stated he was absolutely right. This was a lot more complicated than what was originally anticipated.

Councilor Theken noted the meetings she and Councilor Curcuru attended, and how they couldn't agree on the main basis. Who are they going to bill.

Councilor Tobey agreed the issue is huge but asked why is there no willingness to do the \$13.90 rate for one year to give them 12 months to get the calculations done. And then a year from now we can say we fixed it. That was the premise.

Councilor Theken felt sewer can't keep going up. We have to do something. We have to take a cut and share. She felt for her neighbors who just paid a betterment of \$20,000 who get nothing back as well as for those who have their own wells and their own filtering system. But we do use the beaches, we drive on our street. We all benefit from it.

Councilor Tobey noted the CSO has brought benefits – a sewer plant with increased capacity; there is a cleaner harbor; we can all drive on the roads because they're not all flooding [every time it rains]. However, someone who lives on the back side of Eastern Point doesn't use the sewer system and doesn't overlook the harbor. The only real benefit that accrues to that property owner is he can drive on the roads. There's no kind of stormwater drainage system, public or private, on Eastern Point. There's a real skewing of the cost on to some of the high-end neighborhoods who don't have sewer, that don't have stormwater management, that don't even look out over the harbor. Is that most fair? What about Varian. The problem is we've done things like build buildings and paved roads so that the water hits the ground and doesn't sink in because the ground's covered.

Councilor Theken stated then how do we make it fair. During one recent storm she couldn't even drive through West Gloucester to her home after a meeting due to flooding. She doesn't even have sewer. She was willing to do the \$200 a year. People won't be able to afford this if it keeps going up every year. You're saying it's going to be a year, and we're going to do this again.

Councilor Mulcahey noted landlords will raise their rents as they pass this cost on to their tenants. Using an example of her own situation she stated the landlord will have to pass on the cost to her and the four other units and yet the City doesn't pick up their trash. That's added to their rent already.

Councilor Tobey reminded them when they ended this discussion on September 8th, they were left with the questions, how do you treat multiple family units; how do you measure the impervious space.

Mr. Hale stated there's been a lot of time spent working on this. Whose staff does it? He has two people that do water and sewer bills five days a week, 52 weeks a year. Stormwater is a different dynamic. We have to make sure we calculate impervious, it's not a one-time deal. We're not doing every single lot, saying Councilor Theken's lot is more impervious than Councilor Mulcahey's. It's an average of residential units.

Councilor Tobey replied that the impervious area piece had to nothing to do with the single or multiple family homes but with the commercial industrial sector where you have bigger buildings and non-profits, like hospitals, churches. It may be a House of God, but it's still putting water on the street.

Mr. Hale stated they have to defend the calculation so that it's perceived as a fee not a tax. There's been a lot of discussion on a flat fee. Everyone pay \$10 a quarter and be done with it. There's no way to defend that. Is someone discharging more? Is a multi-family unit discharging more than a single family unit? There's more to it than just making it look like a tax.

Mr. Duggan added that either way it's not defensible. [Councilor Tobey] was defending the more fortunate. Let's look at the flip side. The people that aren't as wealthy can poke holes in your argument also and visa versa.

Councilor Tobey responded that the way those folks were accommodated in 2009 was with representations of a single family unit fee of \$50 per year, \$12.50 per quarter which is now on a median family value of \$340,000 of up to \$115 which is \$65 more; and we're hurting the low and middle income as well.

Mr. Hale stated this has the potential to put the burden of those who can afford it the least. He reiterated that those numbers were always meant to be just discussion numbers, and that fact was stated multiple times by him. They were workshop numbers to carry a number through 'x' number of meetings.

Mr. Towne stated they hadn't even looked at the numbers in great depth at that time. In estimating debt he believed they were using a figure of \$1 million then.

Mr. Hale stated looking further down the road, they have a new \$13 million borrowing that he believed wasn't reflected under this year's sewer rate. There's no question that they'll either be battling or agreeing to secondary treatment in the very near future, and another \$25 to \$35 million.

Councilor Tobey noted that Mr. Hale is tracking the stormwater closely as the solid professional that he is and knows that the burden is only going to get bigger. In the next 10 years you'll be looking at point of discharge treatment requirements. You're going to have to do it sooner or later. Every calculation that they're talking about being difficult will be mandated before much longer.

Mr. Hale agreed noting that as the stormwater enterprise management requirements grow, five years from now is a short period of time. When that second Phase 2 permit expires and the new one comes on, it will be daunting. The difference between the Phase 1 and Phase 2 permit has grown significantly. At that rate, what will the stormwater utility bill look like on that date? Will it be as high as the sewer rate? He's afraid that people who can ill afford all these bills of water and sewer and stormwater bill right now, and in a few years we're going to be looking at \$30 per 1,000 equivalent for those utilities.

Councilor Tobey made a point of stating that he didn't hold any of the staff at the table that evening accountable for this situation. This matter could have been resolved when the CSO project was begun in the first place. The kinds of options now being weighed were never put before the Council, nor was it any serving Councilors at the time's fault. They were, in his eyes, blameless. It could have been put on the tax rate then. The difficult part of this now is that at the time folks didn't recognize that there was this City Council capacity to vote the exemption. The expectation was that there had been a referendum. You're going to pay one way or another. It's either going to be a new fee or the water or sewer rate or this tax override or we're going to go for another round. That would have been a completely different set of circumstances.

Mr. Towne suggested that if they went with a stormwater management fee for the whole thing; they still have the same staff, and run their regular departments as they are now, how are they going to accomplish this with the help of the Council and the help of the Administration to make it happen? He didn't want to be back here 12 months from now saying the same thing or they have to contract it out.

Councilor Theken suggested they may have to add another employee.

Councilor Tobey stated the difficult thing now is that there'd been a referendum. You have to pay one way or another or this tax is done by override. That would have been a completely different set of circumstances. He noted this is an untenable situation. Decisions have already been made and bills that have to be paid.

Mr. Towne confirmed that the debt shift was planned to be presented as part of the FY11 budget.

Councilor Theken noting if that was the case it wouldn't be a balanced budget to which Councilor Tobey replied that it would have to be one way or the other. It's either shifted or has to go on a fee ready to be assessed or be on the sewer.

Mr. Towne assured that it can be transferred to the sewer without too much difficulty.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council a public hearing on whether the City Council should accept MGL Chapter 59, sec. 21C(n) for purposes of a debt exclusion for all CSO related debt to be scheduled as expeditiously as possible AND TO ADVERTISE FOR PUBLIC HEARING.

Councilor Tobey also asked that the City Council be provided in the packet for its next regular meeting of May 11, 2010 a statement from General Counsel for the vote required for the City Council to accept MGL Chapter 59, sec. 21C(n).

Councilor Tobey left the meeting at 10:34 p.m.

9. Memo from Police Chief re: Amend GCO Sec. 1-15 to add Recycling Coordinator to the List of

Enforcing Persons

Sgt. David Quinn, Gloucester Police Department stated this is for civil violations and that the Recycling Coordinator now has to go to the Police Department for help which takes time to issue the civil violation. This way she can write her own tickets from her own ticket book and issue them herself.

Councilor Hardy asked if she had a camera which Sgt. Quinn was unsure of.

Councilor Theken noted has taken pictures before and brought them to the Board of Health for violations to protect her and that the Coordinator should also take pictures to document the ticketing.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to amend Sec. 1-15, sub paragraph entitled Chapter 9 (Trash, Recycling and Litter) section 9-8 (littering prohibited):

Enforcing persons: Police officers, board of health members or their agents AND RECYCLING COORDINATOR, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

10. Memo from Chief Administrative Officer re: Reclassification of Principal Assessor Position

Mr. Duggan stated they are strategically looking at different positions throughout the City and to examine each position. Clearly the principal assessor is a key component in our financial team. Not to personalize it, he provided the Committee with the different communities with comparable populations.

The page grade M8 range for salary is \$63,798.84 to \$75,473.37 to an M9 range for salary of \$72,732.87 to \$86,051.70. The average salary range is \$78,155.00 for like communities in the area. He noted they have budgeted for this anticipated increase for FY11.

Councilor Theken asked about these increases.

Mr. Duggan noted they are aware of the message this sends. The Principal Assessor is a key member of the financial team.

Councilor Hardy was encouraged that the Administration is tackling this issue. She felt by taking this little by little it will encourage staff to stay and look forward to this.

Councilor Theken noted the recent classification upgrades. She wanted them to be sure to bring forward the value of the Principal Assessor and the expanded job responsibilities when they go before the City Council.

Mr. Duggan commended the Committee and the Council for their support noting pay upgrades will pay dividends for the City for years to come.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the reclassification of the Principal Assessor position from a Grade M8 to Grade M9 AND TO ADVERTISE FOR PUBLIC HEARING.

11. Other Business: None.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees