

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Committee
 Monday, December 5, 2011 – 7:00 p.m.
 1st Fl. Council Committee Rm. – City Hall
-MINUTES-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Greg Verga (Alternate)

Absent: Councilor Tobey

Also Present: Councilor Ciolino; Councilor Verga; Suzanne Egan; Linda T. Lowe; Harbormaster Jim Caulkett; Tony Gross; Mike Hale

The meeting was called to order at 7:00 p.m. Councilor Verga sat in for Councilor Tobey.

Councilor Theken expressed her thanks to Councilor Mulcahey for her service to the Committee during her tenure with the Council over the last two years.

Councilor Ciolino entered the meeting at 7:03 p.m.

1. Continued Business:

- A) CC2011-043 (Tobey) Generate Request for Proposals seeking non-profit cultural partner re: City Hall (Cont'd from 11/14/11)

This matter is continued to a meeting of the O&A Committee on January 30, 2012.

- B) CC2011-053 (Verga/Tobey) Establishment of City Ordinance re: Securing and Maintaining Vacant Properties and Properties in the Process of Foreclosure

This matter is continued to a meeting of the O&A Committee on January 30, 2012.

2. New Appointments:

<i>Community Preservation Committee</i>	<i>(TTE 02/14/13)</i>	<i>Charles Crowley</i>
<i>Conservation Commission</i>	<i>(TTE 02/14/14)</i>	<i>Hugh Prichard</i>
<i>(Cont'd to January 30, 2012)</i>	<i>(TTE 02/14/13)</i>	<i>John Montoni</i>

The Committee questioned Mr. Crowley and Mr. Prichard, appointees to their respective Committee and Commission on their experience, background, professional affiliations as well as asking them to be familiar with the Open Meeting Laws and to file their proof of having taken the State Ethics Commission test with the City Clerk's office. They were asked also if they had any possible conflicts if they were on another Board, Committee or Commission in the City. As to a possible conflict, **Mr. Crowley** expressed he was already a member of the Open Space Committee and would be the Open Space & Recreation Committee representative for the CPC which is the designated position he is being appointed to. **Councilor Theken** wished to have clarified if Mr. Crowley's appointment to the CPC is in conflict with his being on the Open Space Committee. **Suzanne Egan**, City Solicitor in response to the question of conflict noted she believed there was no conflict. **Linda T. Lowe**, City Clerk noting the ordinance itself stated that there are four members of the CPC who are representatives to other committees and it further states they are appointed and do have to go through this process.

Speaking about his qualifications, **Mr. Crowley** noted one of the grant categories required of the CPC is open space; and so they have to fund a percentage of their money towards open space. It is effective to have someone from the Open Space Committee on the CPC. He is able to bring his expertise forward here; and as well as in his professional life he is involved with open space as well. **Councilor Verga** expressed his endorsement of Mr. Crowley's appointment to the Community Preservation Committee as a dedicated member of the Open Space Committee and thought he was a good addition. **Councilor Theken** expressed her respect for Mr. Crowley's work on Open Space doing what is good for all.

Hugh Prichard, appointee to the Conservation Commission (ConCom) explained he had gone before ConCom for a project regarding his home in West Gloucester to seek approval for utility connections. It was a fairly long process

but left him with an abiding interest in conservation and wished to help out in some way and wished to serve the City in this capacity. **Councilor Ciolino** inquired as to Mr. Prichard's qualifications. **Mr. Prichard** reiterated his experience is having gone through the ConCom process as an applicant. He is also reading recommended books and doing his research in preparation for this new role. He expressed a strong appreciation of conservation and nature and wished to serve the City in this capacity. **Councilor Mulcahey** commented sometimes all it takes is a spark of interest, likening it to her own experience that brought her to the Traffic Commission and to the Council. **Councilor Verga** also felt anyone who was willing to step forward to volunteer deserves to be taken seriously even without a specialized degree but being a citizen representative is a very good thing. **Councilor Theken** acknowledged ConCom is a difficult Commission to serve on. The City has many wetlands, ponds, etc. that have to be preserved. However, she would give Mr. Prichard a chance to move forward. She stated this was a very important Commission that takes up serious matters and can find itself involved in litigation. The decisions of this Commission are far reaching. **Councilor Ciolino** noted the work of ConCom is very important as the Council relies on the information they put forward through their recommendations. He asked he not forget what it is like to be an applicant before that Commission. They are there to help citizens through the process not act as obstacles. **Councilor Mulcahey** added there are people already on the Commission who would be willing to mentor Mr. Prichard to help him along and to avail himself of that.

The Committee expressed their appreciation for both of the appointees' willingness to step forward and volunteer on behalf of their City and thanked them for their commitment.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Charles Crowley to the Community Preservation Committee, TTE 02/14/13.

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

3. Memorandum from Harbormaster re: proposed change to GCO Chapter 10, Sec. 10-51(e) Fees

Tony Gross, Chair of the Waterways Board explained they are looking to increase their 10A float fees from \$50.00 annually for all size floats which seemed disproportionate to mooring fees (a 12.5 ft. boat would pay \$50). The Board voted to send forward that every 10A float permit annually gets permitted 200 sq. ft. is increased from \$50 to \$100. Then there is a \$50 increase ever 100 sq. ft. above that. These fees are lower when compared to surrounding communities. They are charging more for a mooring than a float attached to land. **Councilor Ciolino** asked about other communities. **Harbormaster Jim Caulkett** responded as far as 10A floats they did not do a comparison. **Councilor Ciolino** requested they have something for the Council when it comes forward for public hearing. **Mr. Gross** noted they only started charging for 10A floats 8 years ago. He knew them to be several dollars less expensive than Manchester on moorings per foot. **Councilor Theken** asked what would the income be generated from this increase in fees. **Mr. Gross** stated the preliminary figures are around \$14,000 annually. **Councilor Mulcahey** confirmed the docks are measured in square feet, not linear feet as with boats. On inquiry from **Councilor Ciolino**, **Mr. Gross** noted marinas who don't have a c. 91 would qualify. Bickfords was a 10A but have not reapplied for it. The market in Lobster Cove will be affected. They've been asked to get a c. 91 license. Cape Ann Marina has their c. 91 and would not be affected. There are a couple of larger private owners that will be affected, however.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 10, Sec. 10-51(e) Fees BY DELETING "Fee for 10A Float Permits shall be in the amount of \$50.00 per season" and further AMEND BY ADDING "10A Float Permits for float systems 299 square feet or less in size shall be in the amount of \$100.00 per season. For every 100 square foot increase, the fee shall increase by \$50.00 per season;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

By unanimous consent this matter was referred to the Budget & Finance Committee for their review. It was anticipated that the B&F Committee would hear the matter after the first of the year.

4. *CC2011-054 (Mulcahey) Amend GCO Sec. 22-287 (Disabled Veteran, handicapped parking) re: across from Central Grammar Apartments driveway in front of Mason Street #6-8 (TBC to 1st meeting in January)*

This matter is continued to a meeting of the O&A Committee on January 30, 2012.

5. *CC2011-055 (Verga/Ciolino) Possible Adoption of MGL re: assessment of water betterments and deferral of such betterments; and Amend GCO Chapter 23 "Utilities" Article III accordingly*

Councilor Verga explained that at Council in late summer they spoke about the Becker Lane area and their lack of adequate water supply and lack of water pressure in that area. Currently City ordinances don't allow the DPW to what needs to be done and to assess the costs associated with it. This is the first step to look at how to modify the ordinance to help alleviate the situation. **Councilor Ciolino** recalled at the time of the late summer Council conversation, they determined there was a fire hazard there; and they asked the DPW Director to look into it. After the DPW reviewed this situation, and a discussion was had with the Administration, it was found they needed an ordinance put in place in order to assess water betterments for water line construction. So he and Councilor Verga moved forward to see if they could make an ordinance change. After it becomes an ordinance, the DPW Director would do some preliminary estimates to see what would be done there. He thought the 'split' between the City and the neighbors might be a 50:50 split, similar to when the City by ordinance assesses construction costs to a group of abutters on a private way in a paving project. **Attorney Egan** explained the process is that the City has to accept the statute first which is different than creating an ordinance, MGL c. 40, sec. 42G-K as a full City Council. Then they would enact an ordinance to put in the water pipes and assess the costs. Until they accept the statute, they don't have the authority to enact the ordinance which provides for assessments. **Councilor Theken** asked for clarification on accepting the statute, what would it do. **Attorney Egan** explained it authorizes the City to enact the ordinance. Right now the City does not have the authority to assess the costs of laying the water pipes on public and private ways. **Councilor Theken** postulated they adopt the statute, amend the Code of Ordinances, then what streets would be done and what the ordinance would look like. **Attorney Egan** explained it would be similar to what they do now for sewer betterments, and be of similar language. **Mike Hale**, DPW Director stated as with sewer, it is usually on a needs basis. They're doing water mains needs analysis City-wide currently; looking at all the neighborhoods. Becker Lane/Circle is just one of a number of neighborhoods that need it. He acknowledged fires have driven water main projects in the past citing a fire in Magnolia 10 years ago. Magnolia was unique because the whole village area had inadequate water getting to it. This neighborhood in question has a new water main off of Concord Street where the firefighting would begin; a fire hydrant wouldn't necessarily be placed at the end of Becker Lane/Circle and fighting fires from that point. Crafts Road and Crafts Island is all seasonal water; from this point until spring there is no firefighting capability. The nearest deep main is at Lobsta Land. The water study will assess these neighborhoods and then there would be authorizations for the funds, and a public hearing with it before the Council. **Councilor Verga** asked about the scenario as to how it would work. It is not like paving a private road. **Mr. Hale** responded there is an ordinance that says they can have a public/private paving split, 50% City, and 50% private for street paving. Their current sewer betterment policy is 75% to property owners; 25% or no more than \$6,000 to the City. The most recent sewer project the Council voted to assess it at 100% betterment under a sewer betterment policy/ordinance approved four years ago to the homeowners. The decision is made during the drafting of the ordinance. **Councilor Verga** asked how it would work as betterment. On inquiry by **Councilor Verga**, **Mr. Hale** stated betterment language would fall to the ordinance. Right now sewer it is paid by units; not frontage or how big the house is. As an example saying 100% - 10 houses if all single family for a \$100,000 for a project, that is \$10,000 per unit. If there was a two family there, that is 11 units divided into the \$100,000. Betterments are 10 or 20 years. If you don't choose a payment plan the City chooses it for them and typically that choice is 20 years. **Steven Herrick**, 8 Becker Circle, stated he has lived there since 1976. He wondered if his efforts tonight would help the residents of Becker Lane/Circle or would they then choose other neighborhoods over them. He advocated for a water line system for his neighborhood to be a high priority. He realizes in working with the neighbors they are not necessarily enthusiastic towards betterment, and that it may affect this project being done. He asked if all the neighbors have to vote in on the project to have a proposed water line done; was there a ratio. **Councilor Theken** stated it would go to a public hearing after being heard at the Committee level. Whoever is for or against it would have their opportunity to speak before the Council to convince their City Councilors as they wish to see it voted. She explained how she would listen to the DPW Director, the Fire Chief, listen why the road needs to be done or

not; take into consideration the wishes of the neighbors, consideration of cost, etc. in order to do what is best for the neighborhood. She felt sure her fellow Councilors would do the same at that time. **Councilor Ciolino** stated this came about because of Becker Lane and Circle. He thought once this ordinance gets put together he would expect their area would be a high priority. **Councilor Theken** expressed caution in supposing what neighborhood might be placed in a high priority situation at this time. **Mr. Herrick** understood it was a proposal. He wished to point out Becker Circle is a right of way. On paper it is a 35 ft. road but it doesn't exist physically as they use it and didn't know if it would create a problem. **Mr. Hale** stated a right of way is a way. **Mr. Herrick** stated 35 ft. on paper goes behind Annie's Variety and 12 ft. right of way goes between 86 Concord Street and the superette. **Councilor Mulcahey** thought the previous year they were making private roads public roads. **Mr. Hale** stated they did two roads recently. Some roads have very defined layouts. St. Anthony's Lane was one such private way and was taken as a public way. **Attorney Egan** was not familiar with the layout [of Becker Lane/Circle] but didn't think it met the standards typically expected in a making of a road public they need in order to do so. **Kelly Linehan**, 9 Whites Mountain Road off of Becker Circle who had a house fire earlier in the year expressed there is nothing up there to do anything with. She asked if her road would be in any plan. **Councilor Theken** explained they are trying to decide as to how this will go forward. They would want to see all these roads done; but it has to go through a process with the DPW Director and the Fire Chief making a decision as to what would be done when and how. She didn't wish to make promises at this time that may not be kept going forward. She didn't want them to think that because this goes through it would happen immediately either; but it was a start. **Mr. Hale** explained if Becker Lane and Circle was done, then her road would make sense to be included as it was a part of that immediate area. **Councilor Ciolino** encouraged all those present to attend future meetings. **Councilor Theken** asked City Solicitor Egan to work on the ordinance language that they can take up at their next regularly scheduled meeting tentatively scheduled for January 30, 2011.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt MGL c. 40, §42G, §42H, §42I, §42K concerning assessment of water betterments and MGL c. 40, §42J concerning the deferral of such betterments.

The matter of the water assessments ordinance is continued to the first meeting of the O&A Committee on January 30, 2012.

6. *Addendum to Mayor's Report re: Memorandum regarding Health Insurance Reform – Adoption of Legislation*

This matter is to be taken up at a Special Meeting of the Ordinances & Administration Committee on Monday, December 12, 2011 at 6:00 p.m. in the 1st Fl. Council Committee Room at City Hall.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:56 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

None.