

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, March 5, 2012 – 6:00 p.m.
Kyrouz Auditorium – City Hall
-Minutes-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Robert Whycott; Councilor Steven LeBlanc, Jr.

Absent: None.

Also Present: Councilor Ciolino; Councilor Cox; Linda T. Lowe; Jim Duggan; David Bain; Suzanne Egan; Jim Duggan; Donna Compton; William Sanborn; Carol Gray; Jeff Towne; Noreen Burke

The meeting was called to order at 6:00 p.m. Items were taken out of order with appointments and reappointments being taken as the first order of business. There was a recess at 7:13 p.m. and the Committee reconvened at 7:15 p.m. to continue their agenda.

There was a quorum of the City Council.

1. Continued Business

- A) CC2011-057 (Curcuro) amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Lloyd St. #5 (Cont'd from 01/30/12)

Councilor Theken explained that this order had been reviewed at the February 16, 2012 meeting of the Traffic Commission who did not recommend the creation of a handicap space at this location as it is a private property issue. **Councilor Whycott** stated this is a private street and that the Traffic Commission's recommendation was appropriate.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whycott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to adopt the Traffic Commission recommendation to reject the creation of a handicap parking space at Lloyd Street #5.

- B) 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 (Cont'd from 01/30/12)

Suzanne Egan, City Solicitor explained to the Committee that the water betterment ordinance language was before the B&F Committee; and their recommendations are included in the final version before the Committee (on file). Section 23-68 was the pertinent section regarding whether the City is going to contribute to any of these projects; and sets essentially the same criteria as for sewer betterment assessments. There are four criteria: whether the City's debt service expenditures exceed 10% of the General Fund revenue; whether the project is consistent with the City's facilities master plan as adopted by the City Council; whether the project provides a clear environmental benefit and resolves existing neighborhood wide water pressure and water quality issues; and whether the project is required under federal or state mandate through an administrative or court action and finally whether the Fire Chief certifies that the water pressure and quality in the neighborhood may hamper firefighting abilities and that installation of water pipes will enhance their firefighting capability. It also states that the City contribution shall not exceed 20% of the total project or \$6,000 per residential dwelling unit; and it requires at least one criterion to be met. **Councilor Theken** confirmed with **Ms. Egan** this came from a discussion held at O&A and then was forwarded to B&F for their consideration. Further, **Ms. Egan** stated this is a mechanism that the City can better a property with regards to water pipes. The issue before O&A was whether or not there would be a contribution; and the question of the "City share" was why it went before B&F. The compromise worked out was that the criteria (if any) have to be met in order for the betterment to go forward. **Councilor Ciolino** thanked Ms. Egan for her work on the ordinance. He added that B&F worked to ensure there is a fair process that must be gone through for the water betterment stating his belief this was a good compromise and hoped O&A would move the matter forward.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO c. 23 "Utilities", Article III by ADDING Sections 23-64 to 23-70 as follows:

CHAPTER 23 - UTILITIES

Article III - Water

Sec. 23-64 - Assessments

(1) Every person owning land abutting upon any way in which a public or private water line has been laid out, and who may benefit from the laying of water pipes or has benefited from a particular water line, or who by more remote means receives benefit of the supply of water to his land or buildings, shall be assessed under the provisions of G.L. c. 40, § 42G. The director of public works or the designee or designees of the director shall have the power as set forth in G.L. c. 40, § 42K, when ascertaining assessments as a betterment for construction, to apply a rate based upon a uniform unit method. A uniform unit method shall be based upon the construction costs divided among the total number of existing and potential water units to be served after having proportioned the cost of special (specific unit) and general benefit facilities. Each water unit shall be equal to a single family residence. Potential water units shall be calculated on the basis of zoning in effect on the date of assessment. Existing and potentially existing multi-family, commercial, industrial and semi-public uses shall be converted into water units on the basis of residential equivalents.

(2) Assessments under this section shall be ascertained, assessed, certified and committed to the city treasurer by the director of public works or his designee. Such assessments may be made for all water pipes and appurtenant works. Water betterment assessments and any water betterment policies which are adopted by the city council pursuant to G.L. c. 80 and G.L. c. 40, § 42K, for particular public water construction projects shall follow the procedures set out in section 23-68.

Sec. 23-65 - Disposition of receipts from assessments

(1) The receipts from assessments for particular water lines shall be applied to the payment of the cost of particular water lines.

(2) The receipts from assessments and charges under section 23-64 shall be applied to the payment of interest upon bonds or notes issued for water purposes and to the payment or redemption of such bonds or notes.

Sec. 23-66 - Plans for water lines

The location of all water lines and other structures and works used in connection therewith, which constitute part of the water line laid out or constructed by the department of public works shall be shown on plans on file at all times with the department of public works, and a duplicate of the plans shall be filed by the department with the city engineer. Both sets of plans shall be open to inspection by the citizens of the city.

Sec. 23-67 - Land not built upon; extension of time for assessment

Any land not built upon at the time of a water betterment assessment may upon application of the land owner receive an extension of time for the payment of the assessment and interest at a rate of four percent (4%) until it is built upon. Interest at the rate of four percent per year shall be charged annually. The assessment shall be paid within three months after such land is built upon.

Sec. 23-68 - Method of assessment: uniform unit

(1) The city shall assess water betterments based upon a uniform unit method. Each unit shall be equal to a single-family residence. Multiple-family buildings and nonresidential buildings as described herein shall

be converted into units on the basis of residential equivalents. The total assessment for a particular water construction project shall not be based on or limited by an estimated betterment. Revenue generated by said betterment assessment shall be equal to or shall cover the total project costs associated with design and construction of the water station lines and appurtenant work less the city share.

(2) The city shall levy assessments against all properties abutting a street in which water pipes have been laid or improved after acceptance of the entire pertinent construction contract including finalization of all pertinent contractual documents. The date of acceptance shall be determined by the DPW director. In the order of assessment, the city shall designate the owner of each parcel on the preceding January 1 as liable for assessment under the provisions of the general laws.

(3) The city council may approve water betterments with a city contribution if any of the following conditions have been met:

- a. The city's debt service expenditures, as documented by the chief financial officer, do not exceed ten percent of its general fund revenue as indicated in the currently adopted budget.**
- b. The project is consistent with the city's facilities master plan as adopted by the city council.**
- c. The project provides a clear environmental benefit and resolves existing neighborhood-wide water pressure and water quality issues.**
- d. The project is required under a state or federal mandate through an administrative or court action.**
- e. The fire chief certifies that the water pressure or quality in the neighborhood may hamper fire fighting abilities and that the installation of water pipes may enhance its fire fighting capabilities.**
- f. The city contribution shall not exceed twenty percent of the total project costs and shall not exceed \$6,000.00 per residential dwelling unit.**

(4) There shall be no city contribution for projects on either ways created through the subdivision approval process as approved by the planning board, or on ways with two or more abutting lots or two or more lots within two thousand feet of each other that were created through the approval not required process.

(5) For assessment purposes, all properties receiving direct benefit from the water system shall be converted into water units. Properties receiving direct benefit, either developed or undeveloped, shall be designated a number of water units under the following guidelines:

- a. Single-family dwellings shall comprise one water unit.**
- b. Two-family dwellings shall comprise two water units.**
- c. Three-family dwellings shall comprise three water units.**
- d. Four-family dwellings shall comprise four water units.**

(6) Multiple-family dwellings in excess of four units shall comprise a number of water units based on the following methodology:

- a. Rental residential properties such as apartments shall be assessed one water unit for each apartment with more than one bedroom. Rental properties shall be assessed one-half of one water unit for each one-bedroom or studio apartment.**

b. **Residential condominium complexes shall be assessed one water unit for each dwelling unit.**

(7) **Nonresidential buildings, which shall include all industrial, commercial and municipal properties, shall comprise the number of water units based upon water consumption as follows: nonresidential water usage equals one unit per each 300 gallons per day (gpd) used (rounded up to the next whole number). Nonresidential buildings not metered for water use shall be assigned a water consumption volume based on title 5 (part 2, section 13) of the state environment code of the commonwealth's minimum requirements for the subsurface disposal of sanitary sewage.**

(8) **When a single structure or building contains a nonresidential use and a residential use and neither use is accessory to the other and the nonresidential use does not receive city water service, such mixed use structure shall be charged a betterment only for the residential unit or use. This provision shall not apply in the following zoning districts as defined in the city zoning ordinance:**

- a. **BP, Business Park;**
- b. **GI, General Industrial;**
- c. **MI, Marine Industrial;**
- d. **EB, Extensive Business.**

(9) **Undeveloped residential lots shall be converted into dwelling units on the basis of calculating the frontage and area requirements for a buildable lot as directed in the zoning ordinance in effect at the time of assessment. Each potential dwelling unit shall then comprise one water unit. The owner of an undeveloped lot may apply pursuant to MGL c. 40 § 42I, to extend the time for payment. In addition, land classified as agricultural, horticultural, recreational or forest land, upon the application of the owner, may have the betterment assessment suspended for so long as the land is devoted to that use pursuant to G.L. c. 61A, § 18, G.L. c. 61B, § 13, and G.L. c. 61, § 5.**

(10) **Undeveloped nonresidential lots shall be converted into the number of units for the maximum potential water consumption on the basis of the zoning ordinance. An equivalent number of water units shall then be determined utilizing the formula described for nonresidential developed properties (rounded up to the next whole number).**

Sec. 23-69 - Betterment payment

(1) **Except as provided herein, the provisions of the general laws relative to the assessment, apportionment, division reassessment, abatement and collection of water assessments shall apply. The tax collector of the city shall have all of the powers conveyed by the general laws. In accordance with G.L. c. 80, § 12, assessments made shall constitute a lien upon the land assessed until the full balance is paid.**

(2) **At the time of assessment, a property owner may select a payment schedule over a period of 10 years or 20 years or another term of years less than 20 if they so specifically request. Once a selection has been made, the payment method may not be changed at a later date; however, the balance of the principal due on any lien may be paid in full at any time.**

(3) **Upon the transfer of title to a new owner, the seller/transferor shall immediately notify the city treasurer/collector and city assessor. After transfer of title, the betterment lien may be transferred. The betterments may be paid in full to the collector's office without interest or charges within 30 days of the date of assessment.**

(4) **With regard to apportionment, the interest rate charged by the city shall be the project bond rate paid by the city for the water project.**

Sec. 23-70 - Abatements and Deferrals

(1) **Unbuildable lot.** A property owner may defer the betterment assessment with interest as provided in G.L. c. 40, § 42I.

(2) **Age and income.** A property owner may defer the betterment assessment with interest as provided in G.L. c. 80, § 13B, which has been accepted by the city, if they are 65 years of age or older and qualify under G.L. c. 59, § 4, clause 41A. However, the lien may not be transferred upon conveyance of property. The deferred betterment plus interest must be paid upon transfer of property in compliance with G.L. c. 80, § 13B; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

C) CC2012-001 (Hardy) Review salary of the office of the Mayor as in accordance with City Charter, Art. 3, Sec. 3-1(c) and amend GCO Sec. 2-54 accordingly (Cont'd from 02/06/12)

The Committee determined that they would await the findings of the B&F Committee before taking this matter up and determined they would continue the matter.

This matter is continued to March 19, 2012.

2. New Appointments:

Councilor Theken stated that there is no Board or Commission or Committee that is more important than the other. Each volunteer for the City is highly valued. Appointees and reappointees are asked questions as to their qualifications; professional background, whether they'd taken their Ethics Test, and as to why they wished to step forward and commit to volunteer in their respective role, to the satisfaction of the Committee.

Board of Registrars (TTE 02/14/15) Mark Nestor

Councilor Whynott commented on some of the duties of the members of the Board of Registrars and as to the commitment needed, working in conjunction with the City Clerk's office which **Mr. Nestor** indicated he was willing and able to take on those duties as required. **Councilor Ciolino** endorsed Mr. Nestor's appointment.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Mark Nestor to the Board of Registrars, TTE 02/14/15.

Downtown Development Commission (TTE 02/14/15) Suzanne Silveira

Councilor Ciolino noted he has worked with Ms. Silveira for many years as a former City employee and with her on the DDC and recommended her appointment.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Suzanne Silveira to the Downtown Development Commission, TTE 02/14/15.

Cable TV Advisory Committee (TTE 02/14/15) Karen Favazza Spencer

Ms. Spencer explained to the Committee her belief that this Committee will need to look at the whole infrastructure regarding Cable TV as they now provide not only television feeds but also other forms of communication to the community. **Councilor Whynott** commented on the work of this committee and about his years as a member. **Councilor LeBlanc** asked if there will be a cable office in the City again. **Ms. Spencer** indicated she didn't have that information available to her.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Karen Favazza Spencer to the Cable TV Advisory Committee, TTE 02/14/15.

Magnolia Woods Oversight & Advisory Committee (TTE 02/14/13) James Cooke, Jane Porter*

Councilor Theken asked Mr. Cooke about his background for this Committee. **Mr. Cooke** noted his 35 year involvement with the landfill and the closure committee. He also served in the 1970's on the Mayor's Ad Hoc Committee on the landfill. The Committee expressed their thanks to Mr. Cooke for his many years of volunteer service already to the City and looked forward to his continuing involvement.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint James Cooke to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/13.

Magnolia Woods Oversight & Advisory Committee (TTE 02/14/14) Thomas Falzarano, Alexander Monell

Mr. Falzarano offered that he felt he had some expertise as to the use of the Magnolia Woods as the President of Cape Ann Youth Lacrosse and was able to offer some insight as to the continuing use of the fields for youth sports.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Thomas Falzarano to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/14.

Mr. Monell stated he was nominated as a member of a model airplane flying club who use Magnolia Woods weekly. Their club hopes to become more of an educational type of club moving forward. **Councilor Whynott** expressed his approval of a representative from the model airplane club on the new Committee.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Alexander Monell to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/14.

Magnolia Woods Oversight & Advisory Committee (TTE 02/14/15) Dean Sidell, Christine Rasmusen

Mr. Sidell is a member of the Cape Ann Youth Football and expressed his interest in seeing the Magnolia Woods maintained for years to come for youth sports.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Dean Sidell to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/15.

Ms. Rasmusen stated she was a member of the landfill closure committee. It has been 10 years since then and she stated it was time to view how it is working and what oversight needs to be in place as well as to examine future uses of Magnolia Woods. **Councilor LeBlanc** understood there were plans to make a loop road and expand parking there. **Ms. Rasmussen** commented it would likely be one of the roles of the Committee to address such issues as well as the maintenance of the fields. **Councilor Ciolino** and **Ms. Rasmussen** discussed the actual declaration of closure of the former landfill; as well as the easement in the area. **Ms. Rasmussen** added that the Committee will be looking into all these details; but they have yet to meet. **Councilor Ciolino** expressed his appreciation to the Mayor for her thoughtful composition of this Committee that the Mayor as did **Councilor Theken** who added that she anticipated they would see good solutions for Magnolia Woods come forward. **Councilor Whynott** endorsed Ms. Rasmussen's appointment.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Christine Rasmusen to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/15.

Councilor Theken gave a special thank you to Mr. Cooke and Ms. Porter (not in attendance) for their years of hard work to protect Magnolia Woods.

Waterways Board

(TTE 02/14/15)

(TTE 02/14/15)

(TTE 02/14/15)

(TTE 02/14/13)

Tom Hovey-Economic Development Mbr.

David McCauley-At Large Member

Ralph Pino – Economic Development Mbr.

Patti Page-Fishing Industry Mbr.

Councilor Theken commented that this will be a difficult year for this Board. **Mr. Hovey** stated he has spent his life on the water; and that the harbor is a critical part of the City; and it has to be more integrated economically to help the City. **On inquiry of Councilor Theken, Mr. Hovey** did not think the fishing industry was dead and hoped the DPA situation could be worked more to the City's advantage. **Councilor Whynott** asked if Mr. Hovey felt if one of the roles of this Board was to look for illegal floats. **Mr. Hovey** thought it all should be reviewed and should be squared away.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint to the Waterways Board, TTE 02/14/15, Tom Hovey, Economic Development Member.

On inquiry by **Councilor Theken, Mr. McCauley** stated professionally he has worked with community groups and government; and for 15 years ran the American Friends Service Committee in Vermont working with non-profits and for eight years was a Chief of Staff for a Massachusetts State Senator involved in regulations and legislation. His most recent position was with the State Board of Higher Education. He understood there were enormous challenges facing the waterfront; and knew there needed to be a multi-faceted approach with the various interest groups to reach consensus or positions that have a lot of traction. He commented the harbor also needs a fresh look. On further inquiry by **Councilor Theken, Mr. McCauley** did not believe the fishing industry was dead and commented anyone who would serve on the Waterways Board would want to make sure to develop policies and procedures not only to protect the fishing industry but to protect the ancillary industries that support the fishing industry as well as recreational boating. **Councilor Theken** asked if Mr. McCauley thought the DPA should be lifted. **Mr. McCauley** responded he would be interested to see what the review reveals as to why there were no bidders on I4-C2 and whether the DPA impacted that situation. A general statute doesn't cover all situations. Gloucester is evolving into a new situation. While he realizes the primary function of the Board is to work on waterways policy; they also need to look at the "superstructure" to see if it still works and decide what to do about it.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint to the Waterways Board, TTE 02/14/13, David McCauley, At-Large Member.

Councilor Theken commented this appointment is a new role for Mr. Pino who usually appears before the Council representing applicants in zoning matters and asked what he can bring to the Waterways Board as an attorney. **Mr. Pino** stated his belief of the importance of the relationship between the harbor and layers of regulations whether it be the zoning regulations, Chapter 91 regulations, DPA which he has worked with for many years in his work doing municipal permitting but stated more often he has had to tell people why they can't do something because of those regulations. He commented that I4-C2 wasn't developed because of the separation between the harbor and the land area – land that has a zoning layer and secondly as filled land and Chapter 91 and it's in the DPA. With those elements, there is not much one can do. **Councilor Theken** asked if he believed the fishing industry was dead, and further did he feel he could protect some of the interests of the fishing industry also without bias. **Mr. Pino** did not think the fishing industry was dead, and stated he felt he could protect those interests. He also stated the DPA is critical to the City, and generally supports it, not necessarily for the fishing industry. He commented in the long term, it is critical to maintain the industrial spaces and critical to not put things in like condos as they are counterproductive and proven to be so. However, he added that was not to say there weren't parcels that can't be changed in the DPA. **Councilor Ciolino** knew Mr. Pino from his time as Chair of the P&D Committee and that Mr. Pino had a tremendous knowledge of the Chapter 91 regulations and the waterfront rezoning and viewed Mr. Pino's appointment as an asset to the Board.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint to the Waterways Board, TTE 02/14/15 Ralph Pino, Economic Development Member.

Ms. Page, on inquiry by **Councilor Theken** stated she has been an active in attendance at Waterways Board meetings for five years; is an active advocate for public access; and her "product" has been the High School Sailing Team, as founder and administrator over six years. She has worked closely with the Harbormaster. She expressed that she had a unique understanding and interest in the fisheries industry from her employment background working for the National Marine Fisheries Service and NOAA. **Councilor Theken** asked if her being employed by this federal

regulatory agency would be in conflict with her position on the Waterways Board. **Ms. Page** stated, “No”, that it was not a conflict nor did she think that her employer would pressure her in any way. **Councilor Theken** asked Ms. Page if she could honestly say that she would do what is best for the community and would do so. **Ms. Page** responded, “Absolutely”. On further inquiry by **Councilor Theken**, **Ms. Page** didn’t believe the fishing industry was dead. In terms of the DPA, she viewed herself as an advocate for industry enhancement rather than industry displacement. She stated asset mapping of what the City currently has will allow them to see where they can maneuver and where they need to go for the future. **Councilor Whynott** inquired if her job was to look for those persons with illegal moorings, floats, etc. **Ms. Page**, noting she had been in attendance at many Board meetings, she knew that over the past two years mapping and documentation of moorings and floats has been done via the City’s GIS system. However, the Waterways Board is involved; but that enforcement is the purview of the Harbormaster, and to some degree with the Board. Those aspects are being looked at very critically. **Councilor Whynott** expressed his opinion that the enforcement needed to be done on an even-handed basis. **Councilor Cox** knew of Ms. Page’s involvement with the community and with the sailing club and other community activities; and wished to be sure that those lines are not blurred with this appointment; and that Ms. Page would conduct herself appropriately when representing the Waterways Board. **Ms. Page** indicated her full understanding of the Councilor’s concerns. She added that part of the purview of the Waterways Board is to promote public access; and understood fully what Councilor Cox meant about the two programs, but this is part of their job too. **Councilor Ciolino** knew of Ms. Page’s commitment to the Waterways Board as a regular attendee. He commented the Board as it was currently composed worked very hard to change the ordinances and is all coming together. He also expressed his feeling that this would be a much enhanced board with the addition of these new appointees. **Councilor Theken** thanked all the members of the Waterways Board as well as the new members. She was pleased with the frank nature of the appointees’ answers, their wishing to preserve the fishing industry, making sure they can co-exist and appreciated their stepping forward to volunteer. **Ms. Page** added that part of the purview of the Waterways Board is to promote public access; and she understand fully what Councilor Cox meant about the two programs, but this is part of the Waterways Board’s job.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint to the Waterways Board, TTE 02/14/15 Patti Page, Fishing Industry Member.

Reappointments:

Affordable Housing Trust (TTE 02/14/14) Betsy Works Cook*, George Sibley, Mary John Boylan

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Affordable Housing Trust George Sibley and Mary John Boylan, TTE 02/14/14.

Board of Health (TTE 02/14/15) Richard Sagall, MD*, Robert Harris

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Robert Harris to the Board of Health, TTE 02/14/15.

Clean Energy Commission (TTE 02/14/14) Jill Buchanan, Linda Stout-Saunders, Candace Wheeler

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Clean Energy Commission Jill Buchanan, Linda Stout Saunders and Candace Wheeler, TTE 02/14/14.

Committee for the Arts (TTE 02/14/16) Dale Brown, Marcia Hart

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Committee for the Arts Dale Brown, TTE 02/14/16.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Committee for the Arts Marcia Hart, TTE 02/14/16.

Community Preservation Committee (TTE 02/14/15) David C. (J.J.) Bell, Sandra Dahl Ronan

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Community Preservation Committee David C. (“J.J.”) Bell and Sandra Dahl Ronan, TTE 02/14/15.

Conservation Commission Representative to CPC (TTE 02/14/15) Robert Gulla

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint as Conservation Commission representative to the Community Preservation Committee Robert Gulla, TTE 02/14/15.

Historical Commission Representative to CPC (TTE 02/14/15) Thomas O’Keefe

Note: Mr. O’Keefe was not in attendance; however, he had indicated his wish to continue on the Historical Commission and as a representative to the CPC from the Historical Commission. The Committee agreed to move both of his reappointments forward.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint as Historical Commission representative to the Community Preservation Committee Thomas O’Keefe, TTE 02/14/15.

Conservation Commission (TTE 02/14/15) Charles Anderson, Jr., Barry Gradwohl

Councilor Ciolino expressed his appreciation to Mr. Anderson and Mr. Gradwohl and asked they pay particular attention to citizens who come before them, to help to make City government more user friendly. **Councilor Whynott** endorsed Mr. Anderson’s re-appointment.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Conservation Commission, Charles Anderson, Jr. and Barry Gradwohl, TTE 02/14/15.

Council on Aging (TTE 02/14/15) Selma Bell, Barry McKay, Frederick Cowan, Lee Harty, Jay Gustafarro

Councilor Theken thanked this particular board as she has first hand knowledge as Council liaison to the Council on Aging as well as in her professional capacity; and appreciated the work they do on behalf of the City’s seniors and the support they lend to Lucy Sheehan, Director of the Rose Baker Senior Center. **Councilor Cox** expressed her appreciation for the COA and their work as did **Councilor Ciolino**. **Councilor Whynott** stated his endorsement of the reappointees.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Council On Aging Selma Bell, Barry McKay, Frederick Cowan, Lee Harty and Jay Gustafarro, TTE 02/14/15.

Historic District Commission (TTE 02/14/15) Robert Chandler

Note: Mr. Chandler was not in attendance, but the Committee knew of Mr. Chandler’s desire to be reappointed to the Historic District Commission and moved his reappointment forward.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Historic District Commission Robert Chandler, TTE 02/14/15.

Historical Commission (TTE 02/14/15) Amanda Nash, Jeff Crawford, Thomas O’Keefe

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Historical Commission Amanda Nash, Jeff Crawford and Thomas O’Keefe, TTE 02/14/15.

Open Space & Recreation Advisory Committee (TTE 02/14/15) **Noel Mann, Patricia Amaral**

Ms. Mann commented her Committee is moving forward with their mandate; and stated she wished to continue on the Committee. She knew Ms. Amaral was also eager to continue (Ms. Amaral was in attendance, but had stepped away at that moment.) her appointment as well.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Open Space & Recreation Advisory Committee Noel Mann and Patricia Amaral, TTE 02/14/15.

Traffic Commission (TTE 02/14/15) **Robert Francis**

Mr. Francis' reappointment was moved forward as **Councilor Theken** knew of Mr. Francis' desire to continue as a member of the Commission although he was unable to attend this evening.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted in favor, opposed to recommend to the City Council to reappoint Robert Francis to the Traffic Commission, TTE 02/14/15.

Waterways Board (TTE 02/14/13)
(TTE 02/14/15) **Cate Banks - Recreational Boating Mbr.**
Phil Cusumano – At Large Member

Councilors LeBlanc, Whynott, Cox and Ciolino expressed their endorsement of Mr. Cusumano. Although Ms. Banks was not present, the Committee knew of her commitment to the Waterways Board and that she had expressed her wish to continue on the Board. The Committee would move her reappointment forward.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to Cate Banks to the Waterways Board, Recreational Boating Member, TTE 02/14/13.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Waterways Board Captain Phil Cusumano as At-Large, TTE 02/14/15.

Zoning Board of Appeals (TTE 02/14/15) **James Movalli, Michael Nimon**

Note: Mr. Nimon had completed all steps to be reappointed, and had expressed his desire to continue as a member of the ZBA. His reappointment was moved forward along with Mr. Movalli's reappointment, who was in attendance.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint to the Zoning Board of Appeals James Movalli and Michael Nimon, TTE 02/14/15.

* Continued to March 19, 2012

The Committee recessed at 7:13 p.m. and reconvened at 7:15 p.m.

2. A) Management Reappointment: Sarah Garcia Community Development Director 02/14/14

Councilor Theken explained to the Committee that at the request of the Chief Administrative Officer, the reappointment of the Community Development Director, Sarah Garcia is being withdrawn at this time by the Administration.

This matter is closed.

3. Memorandum from Chief Administrative Officer re: Resubmission of Proposed Reorganization Plan of the Community Development Department

Councilor Ciolino expressed his belief this matter was intended to be discussed at a joint Committee meeting of O&A and P&D in order to have the matter taken up once, and was assured there would be a joint meeting. **Councilor Theken** stated she wished to hear the information from the Administration. In fairness, this matter had already been on the O&A agenda, although the matter of the referral had been explored at the City Council meeting of February 28th.

Jim Duggan, CAO reviewed the proposed reorganization of the Community Development Department, noting that the position of Harbor Planner had a title change in the amended organizational chart dated March 1, 2012 (on file) now reads "Harbor Planning Director"; however, the position and responsibilities are the same. He then started with background on the history of the department in 2008 and referred to that organizational chart (on file) showing a limited staff. There was no leadership in the department because there was no Community Development Director; no funding in place to fill that position. When Mayor Kirk took office in January 2008, they utilized \$50,000 of Seaport Advisory Council grant funds; and because it was mid-fiscal year, they were able to take those funds and hire a Director who had a strong harbor planning background with a mission of getting the Harbor Plan completed which was successfully done and approved in 2009. In 2011, the Community Development Director acts as a funnel with all projects going right to that Director; with too many direct reports to that one position. There are potential gaps in delivery of service. The funding source for the Community Development Director's priorities were driven by the Seaport Advisory money that pays for a large part of that salary leaving imbalance between the harbor planning and development and the economic development side of the department; a gap in the support for the tourism, maritime/fishing industry. The Community Development Director position as currently structured is spread too thinly in certain strategic areas. He referred to Councilor Ciolino's pointing out the need for event planning and marketing coordination for the City. They've been successful in promoting activities and events, and really need those events coordinated. Council President Hardy and many other Councilors have been advocating for grant development and grant management support, not necessarily for CDBG eligible activities but for the priorities for the City. He then noted the more streamlined approach for the 2012 Community Development Department, with four components: City Planning, Harbor Planning, Economic Development and Grant Development Management which will provide four strong middle managers who will be able to report directly to the Community Development Director (Job descriptions for the proposed new positions are on file). The Community Development Director, he proposed, should be a two year appointment; he will also look at the other senior managers to make their appointment terms for an off year of elections but would do so in the future. It was his stated belief a two year term would attract stronger professional candidates for these management positions. **Councilor Theken** urged Mr. Duggan to bring the term of appointment change for the Community Development position is brought forward with a management reappointment term change proposal at another time and not be included with the reorganization, as she did not wish to see the reorganization stalled. **Mr. Duggan** expressed his appreciation for the Councilor's guidance and withdrew the request to expand the term from one year to two years. He continued by stating the Administration and City Council has invested in the financial staff of the City, the DPW; and now need to invest in the economic arena. One of the four new positions is that of Economic Development Director. That person will market the City to new businesses and industry and bring new investment in available properties and target strategic industries to move into the City.

Mr. Duggan and **Councilor Theken** discussed the past division of positions when Mr. Duggan was involved as a Community Development staff member. They also mentioned that Sarah Garcia was still currently the Community Development Director; Gregg Cademartori as Planning Director; Lisa Press as Conservation Agent; Stephen Winslow as Senior Project Manager; Sharon DuBois as CDBG Grant Coordinator; Principal Clerk is Marie Demick; Debbie Laurie as Senior Project Manager; Project Manager Housing is Sandy Shea; John Rockwell is Housing Rehab Project Manager; and a part-time bookkeeper who is relatively new and was not named.

Mr. Duggan then named the new positions: Economic Development Director; Marketing and Event Project Manager; Grant Development Manager; and Senior Planner. They need a more seasoned professional for the demands of that job description. There are many projects about to come forward; and this staff person will be valuable to help shepherd these projects forward. The Harbor Planner is in the ordinance; they're just changing the title to Harbor Planning Director. Funding mechanisms are listed on the reorganization chart (on file) which will go before Budget & Finance. These changes are to be phased in over several years and will not be absorbed in one year. The first position they will address is the Community Development Director. They will aggressively seek out a new person as soon as they can, should the reorganization be adopted, to get someone in the position by June 30th; but if not, then right after the new fiscal year so that they would have input into the hiring of a new Economic Development Director. In order to attract seasoned professionals they need to show these positions with the titles as noted on the documentation. On inquiry by **Councilor Whynott**, **Mr. Duggan** noted that there are more staff that are not managers; pointing out 10 positions under the middle managers. Their priority is to attract seasoned professionals to these positions with strong qualifications and strong experience which will benefit the City. Councilor Whynott

pointed out the previous organization of the department had three direct reports but that this new reorganization chart shows four. He understood Mr. Duggan as saying there were too many direct reports and wondered how this was reducing the staff reporting directly to the Community Development Director. **Mr. Duggan** responded that all the projects, even the conservation agent reports directly currently to the Community Development Director, as does the CDBG Grants manager and so forth.. This new reorganization has the staff spread out to four middle managers who in turn report to the Community Development Director. **Councilor Ciolino** noted the Grant Development Manager would not be actively seeking grants. **Mr. Duggan** stated the CDBG funds had a \$100,000 cut this year; and they will not be able to retain all the positions that work in the grants office. They recognize that there is a need to attract grants for the Administration's priorities. The person who will be in that position will not be "handcuffed" by CDBG regulations. Right now that person can only look for CDBG eligible projects. **Councilor Ciolino** stated his belief that the person who is managing grants should be the one applying for all grants. **Mr. Duggan** responded that position will have a priority to go after grants but with a priority list for the City. **Councilor Theken** stated she felt they need a person to go after grants, not department heads. This person should also be able to sustain some of their salary through grants administration; and wanted to know if this person would be allowed to help City departments [seek grant opportunities]. **Mr. Duggan** stated if this professional can offer help to a department head who asks for it, then he would hope they would be able to do so. He commented there is not enough staff to go after all the grant opportunities available.

Councilor Ciolino spoke to the Marketing & Events Project Manager, stating this was a position he has advocated being added. He wished to add to the duties that this position be the contact person for the State Film Office. Currently there is no contact person for the City. Also, there are a lot of specific grants from the State and other sources that the City can take part in for the visitor-based economy; and that this position should also have the duty to apply for such grants. This position should also oversee the composition of the City's website and asked that this also be added to the job description. **Councilor Theken** noted the Boards and Committees and Commissions they would interact with. She asked about the Waterways Board involvement. **Mr. Duggan** stated that anything that would be initiated by the Waterways Board and Fisheries Commission, such as the Maritime Summit would be a part of their interaction. **Councilor Ciolino** stated it is important that this person as the liaison to be sure there is not duplication of effort between the boards, committees or commissions involved. He also suggested with regards to qualifications, that the bachelor's degree in marketing and planning would be fine but that also a candidate should have experience in the visitor/maritime economy and is preferable; especially if they are not from Cape Ann. **Councilor Whynott** agreed with Councilor Ciolino's additions to the job description. **Councilor Ciolino** expressed his further belief that the visitor economy is critical to the City. **Mr. Duggan** added this position helps to make sure marketing and event planning for the City is a coordinated effort. **Councilor Ciolino** expressed concern that this person will be sitting at the City Hall annex and not going out into the community. **Mr. Duggan** responded this person would be out in the community involved in many activities rather than strictly an administrator. **Mr. Duggan** then asked the Committee move forward the Community Development reorganization to a public hearing.

Councilor Theken expressed she was pleased to see the reorganization come forward. She appreciated some of the adjustments on the job descriptions. She hoped they would find the funding for these positions; and that this effort here would help to grow the City's tax base; economic development being so important for the City's future. She appreciated the division of the middle managers. **Councilor Whynott** would vote to send this to public hearing but didn't agree with all of the reorganization necessarily. **Councilor Ciolino** pointed out the hotel/motel taxes, the beach revenue which goes to the General Fund; saying that some of that revenue could go to support the economic development of the City and would support the reorganization plan when it comes to Council.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the Community Development Department Reorganization Plan based on the chart dated March 1, 2012 in accordance with the City Charter §7-2 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan be amended by adding the positions of "Economic Development Director";
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position

At the level of M9;

3. That the said Ordinance in all other respects remains the same; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan be amended by adding the positions of “Grant Development Manager”;
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position At the level of M8;
3. That the said Ordinance in all other respects remains the same; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan be amended by adding the positions of “Senior Planner”;
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position At the level of M5;
3. That the said Ordinance in all other respects remains the same; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the Gloucester Code of Ordinances as follows:

1. That Appendix A, Classification Plan be amended by adding the positions of “Marketing & Event Project Manager”;
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position At the level of M5;
3. That the said Ordinance in all other respects remains the same; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

4. *Comprehensive Report reflecting recommended reclassifications*

Mr. Duggan explained to the Committee that this comes forward from a request of the City Council; as the Administration had previously brought forward some but not all the senior level management positions for reclassification. The Council asked they bring them back as one, not one at a time. This is expanded list accompanied by a comprehensive analysis of senior level managers which was requested by Councilor Tobey in 2011. The previous reclassification was done 11 years ago, for the entire City. This was narrowed as requested, to senior management. The research showed that the positions in Gloucester compared to the other communities in their survey are not “cookie cutter” replicas from other communities. Every single community had different roles and different responsibilities encompassed with each management position. These management positions have become increasingly complex over the years; rules and regulations and laws have expanded, placing even greater demands on these senior level managers; and the demands for service has also increased as well. He acknowledged the presence of David Bain and the work he and his staff did on the documentation before them (on file). He noted the documentation showing the comparables on positions, and that the proposed reclassifications are behind on compensation from other communities. He expressed there was no room for growth once the individual gets to the top of the grade scale. On inquiry by **Councilor Theken, Mr. Duggan** stated with regard to the compensation, should the reclassification be enacted on all non-union senior level managers, the Administration wished to make

these raises retroactive to January 1, 2012 and request the use free cash to fund that. There have been no expectations set with any department heads on where they will fall within the proposed new ranges. He assured that no position would go right to the top of the new pay grade; there would be multiple years of growth allowed in the reclassification. The two public safety chiefs will go to M12; that reclassification will be used as a guide for individual contract negotiations. **Councilor Whynott** asked if they pass the reclassifications their intention is to give raises to this past January 2012 out of free cash, which is something they don't have available every year. **Mr. Duggan** stated this reclassification is a priority of the Administration; that the only reason they have free cash is because they now have the best financial team in the State. Having the strong team in place allowed them to have that free cash; and keeping that team in place is important. They will make these reclassifications a part of the upcoming budget as a priority. **Councilor Theken** asked that all contracts outstanding will be met. **Mr. Duggan** confirmed that is the case. He also would wait until after the public hearing, should the reclassification be accepted as well as the 30 day waiting period, to have a discussion with department heads. He would still put this forward even if B&F wished not to do a retroactive grade increase. **Councilor Theken** commented money is set aside for contracts. There may be more funds coming available from Snow & Ice due to the mild winter. Regardless, she stated, "you get what you pay for". She wanted to retain the staff they have and say thank you by approving these upgrades. She then went through the list (on file) of the proposed positions to be upgraded. **Councilor Whynott** had no problem with these positions going forward; but expressed concern in sustaining the funding for these raises. **Councilor Theken** stated they have to answer to the City; and are concerned; and need to make sure of the funding sources, agreeing with Councilor Whynott. **Mr. Duggan** stated that these raises are sustainable. **Councilor Ciolino** suggested there are jobs in the City that have not been filled because of budget constraints such as the Assistant Librarian for instance and these gaps put a burden on the managers and asked what the Administration would do about these gaps in staffing. **Mr. Duggan** stated the management positions need to be reclassified to retain the strong team; and when there is a vacancy they will be able to attract a strong qualified candidate. He asked they look at the benefits of the impact of the managerial staff. **Councilor Theken** pointed out these managers do the work of these vacant positions that go unfilled. The Library is one such department; but there are others too. **Mr. Duggan** added the management team does daily fiscal reality checks, and went from a negative \$3.8 million to coming off the DOR watch list. They are slowly reinvesting in the City workforce and the City's departments. They're trying to expand the public safety departments and Community Development. They do know they have to invest in the Library as well. **Councilor Ciolino** expressed his support for the reclassifications but asked for the added element for the consideration of filling these empty positions. **Councilor Theken** reiterated her wanting to see the raises be sustainable.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Fire Chief from M10 to M12; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Police Chief from M10 to M12; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of General Counsel from M10 to M11; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Chief Administrative Officer from M9 to M11; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Community Development Director from M9 to M10; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Building Inspector from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Health Director from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Environmental Engineer from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Library Director from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Personnel Director from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Purchasing Agent from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of IT Director from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of City Clerk from M8 to M9; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the

Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Harbormaster from M7 to M8; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance, The Personnel Ordinance, Appendix C., Compensation, Appendix B to change the pay grade for the position of Confidential (5) from 7-8A to 8-8B; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

5. *CC2012-017 (Theken) Amend GCO Chapter 8 “Fire”, Art. V, Sec. 8-18 and GCO Chapter 17 “Police”, Art. II “Police Department” Sec. 7-18*

Councilor Theken explained that the reason for this proposed amendment is that the Ethics Commission has said members of the Fire Chief Selection Committee must be “appointed” by the Mayor as the appointing authority which came about during the search process with a member having a possible conflict of interest. **Ms. Egan** explained members appointed to the Fire Chief Selection Committee who, because they were appointed through the union, there was a question put to the State Ethics Commission as to whether or not there would be a conflict because they’re members of the department. It was the recommendation of the State Ethics Commission to make sure the members of the Search Committee were appointed to the Committee by a public official as the “appointing authority” who could make the determination as to whether or not there was a conflict; that the person would be able to act independently. Linda T. Lowe, City Clerk composed this amendment to the ordinances which is before them this evening. It says that the member from the fire union is elected by the union and appointed by the Mayor. Therefore, that member of the department can submit any potential conflicts to the Mayor; and the Mayor can make the determination whether or not there is a conflict. **Ms. Lowe** had a question from Councilor Hardy that if this ordinance is amended did they want to say that it is retroactive since this is for public policy; and it can be done retroactively. Councilor Hardy was concerned about the need to cover current Committee members. **Ms. Egan** agreed but making this retroactive could be slightly difficult. There is a procedural step that has to occur. She suggested the Council can pass these ordinance amendments; then all the affected union members could be “appointed”, and the Mayor can reappoint them so that they can continue to serve on their respective Selection Committees.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 8 “Fire” Article II “Fire Department”, section 8-18 “Selection of Fire Chief, manner of Appointment”, subsection (a) (v) “selection committee” be AMENDED by DELETING “to be elected by the union representing members of the fire department” and ADDING “to be appointed by the Mayor after they have been elected by the union representing members of the Fire Department”; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 17 “Police”, Article II “Police Department”, section 7-18 “Selection of Police Chief; manner of appointment”, subsection 17-18 (a)(5) “selection committee” to be AMENDED by DELETING “one of whom shall be a member of the union representing patrol officers, elected by that body; and one of whom shall be a member of the union representing superior officers, elected by that body” and ADDING “to be appointed by the Mayor, one of whom shall be a member of the union representing patrol officers who has been elected by that body; and one of whom shall be a member of the union representing superior officers who has been elected by that body; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

6. *Review of Ordinance Change under GCO Sec. 22-270 (Parking Prohibited at All Times) re: Eastern Avenue Passed by City Council on August 23, 2011*

The Committee reviewed the findings of the Traffic Commission regarding the ordinance change under GCO Sec. 22-270 (Parking Prohibited at all times) re: Eastern Avenue. **Councilor Whynott** had looked into this; as he had an acquaintance who didn’t wish to see it revert to 40 ft. He had only seen one person parked there once in that 20 ft.

space to the corner. He didn't see this as an issue. He didn't wish to put this person's business in jeopardy by further amending the ordinance. The Committee agreed to leave the ordinance as is.

This matter is closed.

7. CC0212-010 (McGeary) Amend GCO Chapter 21, Article IV entitled "Repair of Private Ways"

Councilor Theken acknowledged the B&F Committee had taken up this matter and vetted it thoroughly. She had spoken with Councilor McGeary about it as well. The Committee agreed with the B&F Committee's recommendation, and moved the matter forward to public hearing as follows:

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 21, Article IV entitled "Repair of Private Ways" by DELETING Sec. 21-80 in its entirety as follows: 2 (c) "Excluded also from the terms of this article are private roadways created after 1960 through the subdivision process, MGL c. 40, §81K et. seq." and FURTHER to AMEND by DELETING IN PART AND ADDING IN PART Sec. 21-85(a) as follows: DELETE: "by registered mail, return receipt requested. Submission of such receipts" and ADD: "certified mail, return receipt requested. A receipt by electronic mail or other proof of certified mailing;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

8. CC2012-007 (Tobey/Verga) Establishment of ordinance for process to review and accept proposed donations to or installations of public art in the City of Gloucester

Councilor Theken noted she spoke with **Marcia Hart**, Committee for the Arts, during the Committee's recess, and that her Committee is working on a policy how to receive public art. **Ms. Hart** stated that part of the ordinance that states works of public art will come before the Committee for the Arts who will be involved in the process of figuring out whether the donation of the art is appropriate for the City. She stated their belief that there needs to be a more in-depth policy that details how a committee of people are chosen; what are the things they'd look into, etc. **Councilor Theken** would continue the matter so that Councilor Tobey and/or Councilor Verga can come before O&A to further discuss their order. If the City would receive gifts of artwork or money for the same, they need to establish that process to channel donations to the City by amending the Code of Ordinances. The Councilor suggested Ms. Hart contact Councilor Tobey prior to the meeting when the Committee next takes this matter up to better understand what he is looking to do.

This matter is continued to April 16, 2012.

The following agenda items are continued to March 19, 2012:

- 10. CC2012-011(Verga/Hardy) Review GCO Sec. 22.270.1 "Resident sticker parking only" for creation of "Resident Sticker"**
- 11. CC2012-013 (McGeary) Amend GCO Sec. 22-159 "Parking prohibited between certain hours and on certain days" re: Davis Street Extension**
- 12. CC2012-014 (Verga) Amend GCO Chapter 22, Sec. 22-269 "Stop intersections" re: Castle View Drive at the intersection of Sea Fox Lane**

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

ITEMS/DOCUMENTS SUBMITTED AT MEETING: None.