

Ordinances & Administration Committee
Monday, June 20, 2016 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Steve LeBlanc; Vice Chair, Councilor Jamie O’Hara; Councilor Sean Nolan
Absent: None.

Also Present: Mayor Sefatia Theken; Councilor Ciolino, Councilor Lundberg (left meeting at 6:30 p.m.); Councilor Cox (left the meeting at 6:54 p.m.); Councilor Gilman (entered meeting at 6:23 p.m.); Donna Leete; Dan Smith; Chip Payson

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.

1. A. New Appointments:

Waterways Board

Liam O’Connell

TTE 02/14/18 (Cont’d from 6/6/16)

Mr. O’Connell advised he has been a Gloucester resident since he was 11 years old. He highlighted he is a graduate of the Massachusetts Maritime Academy, and served in the U.S. Coast Guard (active and reserve 11 years). He said he worked in the maritime industry and then segued into attending and graduating from law school. He now works as a lawyer specializing in litigation and maritime matters in Gloucester.

Both **Councilors Nolan** and **O’Hara** offered their endorsement of Mr. O’Connell’s appointment. **Councilor LeBlanc** informed Mr. O’Connell he is coming onto the Waterways Board at a time when that Board has a renewed membership and a palpable energy. He said found it very encouraging as the Council’s liaison to the Board. It was noted that Mr. O’Connell would be an At Large member of the Waterways Board.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Liam O’Connell to the Waterways Board (At Large), TTE 02/14/18.

B. Management Appointments:

Chief Administrative Officer

Dan Smith

TTE 02/14/17

Mayor Sefatia Theken said that Mr. Smith has an outstanding record, having worked for the city in the Department of Public Works and Community Development previously, and most recently has worked for the state. She said while no one can replace Jim Destino, Mr. Smith represents a younger generation with municipal and state government experience. She said while the Chief Administrative Officer position wasn’t posted it didn’t mean she wasn’t actively seeking qualified candidates. She pointed out that when potential candidates learned that there was only a one-year appointment it was off-putting and would back away. She said Mr. Smith is born and raised in Gloucester and ready to meet the challenges the city faces. She indicated the same is true for the next appointee, Donna Leete -- she worked for some time as the city’s Human Resources Director and left to work at the state level and is now returning to take up the reins again. She said both these appointments will bring the city forward to help it thrive. She mentioned the overlap period where Mr. Smith was shadowing Mr. Destino to learn the job, which she assured the Committee that he has.

Councilor LeBlanc said the CAO is the Mayor’s right-hand man, and that he respects the Mayor’s choice. He said he’s gotten to know Mr. Smith over the last several months and found him a good colleague.

Councilor Nolan mentioned that Mr. Smith will be an asset to the city.

Councilor O’Hara said he graduated high school with Mr. Smith, and that his resume speaks for itself. He pointed out that Mr. Smith managed the North Gloucester Step Program which was very complicated. He offered his support to Mr. Smith’s appointment.

Councilor Ciolino added that they have seen people be appointed as CAO that have long learning curves, making it difficult to bring them up to speed. Mr. Smith is not such an appointee, he said, adding that Mr. Smith will be a great asset and knows the city, a very important factor, which will lead to a smooth transition, he said.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Daniel Smith as Chief Administrative Officer, TTE 02/14/17.

Director of Human Resources Donna Leete TTE 02/14/17

Mayor Theken said that Ms. Leete has been in this position before. She said Ms. Leete will bring employees up to speed, work with the colleges here to do hospitality classes, do needed job descriptions reviews. She is the person to move the department forward, she said.

Councilor LeBlanc said Ms. Leete hit the ground running in her first week back on the job by providing assistance to the Committee with the City Clerk's job description and pay grade. He said he would support Ms. Leete's appointment noting that they are on the same page, and that he is able to have honest and open conversations on issues with her.

Councilor Nolan expressed his confidence Ms. Leete will do a fine job for the city.

Councilor O'Hara said the position of Personnel Director is very difficult as they have to negotiate with the employee unions which aren't easy. In keeping the city lean, both sides will have to understand that there will have to be give and take to keep the city operating in a cost-effective manner. He said he would support Ms. Leete's appointment as she is a major part of that effort.

Councilor Ciolino also offered his endorsement of Ms. Leete's appointment.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Donna Leete as Director of Human Resources, TTE 02/14/17.

2. *CC2015-044 (Verga, Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont'd from 05/16/16)*

This matter is continued to July 18, 2016.

3. *CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted (Cont'd from 05/16/16)*

Councilor Cox said she would resubmit amended language for the Committee's review in the next few weeks, and wants to go to the businesses with the amended language first for their input. She said she didn't want to disturb businesses during the high season and will want to bring the matter back fully after Labor Day.

This matter is continued to July 18, 2016.

4. *Council President's Request to Review City Clerk Job Description (Cont'd from 06/06/16)*

Councilor LeBlanc advised that the City Clerk job description has been reviewed by the Committee, and he and Ms. Leete have reviewed the draft of the City Clerk's job description. He said the job description is now amended to include the changes the Committee asked for, so that it is now ready to be voted on.

Donna Leete, Human Resources Director, said that connected with the job description the format revised slightly to make clearer the major duties of the position and changed some of the language, and reordered some of the items, but the substantive content is much the same. She said she did expand the job description a bit having heard from the O&A Councilors with their vision for the job which is reflected in the section on responsibilities: The City Clerk will be looking at systems to maximize efficient office operations; communications particularly using media outlets and electronics that are available; and excellent customer service skills.

Ms. Leete said that from her meeting with the Committee is the proposal for the pay grade to be returned to a Pay Grade M9 down from a Pay Grade 10 (which requires an ordinance change), raised up via the City Clerk's Department reorganization several years ago. She said it was her recommendation the position is reclassified as a Grade M9.

Councilor LeBlanc pointed out that Gloucester's City Clerk's position was on the higher compensation end of the pay scale based on other surrounding North Shore communities. The compensation at Grade M9 is more than adequate, he said.

Responding to **Councilor Ciolino's** inquiry, Ms. Leete confirmed that a Grade M9 salary range is \$80,314.92 to \$94,602.06.

Councilor LeBlanc expressed his appreciation to Ms. Leete saying she has already been a great resource for the Committee.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C, Compensation, Appendix B to change the pay grade for the position of City Clerk from Pay Grade M10 to M9.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the job description of the City Clerk as submitted to the City Council on June 17, 2013 as part of the City Clerk's Department reorganization plan and as presented to the City Council on June 20, 2016 through the Ordinances & Administration Committee.

These matters will be advertised for public hearing.

5. *Communication from Councilor Steve LeBlanc to City Council re: review of MGL c. 140, §147, license stipend for City Clerk*

Councilor LeBlanc explained that he met with Chip Payson, General Council, Dan Smith, CAO and Ms. Leete the previous week on this matter. He said he'd like to see the dog license stipend stay in the City Clerk's office budget but not paid out to the City Clerk. He said the money should stay in the city clerk's office as department revenue and is better spent on personnel, supplies or whatever the department needs and not deposited in someone's pocket.

Councilor Nolan asked if there were any issues Mass. General Law. **Chip Payson**, General Counsel, said the language is ambiguous. He read from MGL c. 140, §147 second sentence, "The clerks of cities and towns, except the city of Boston....," and suggested that the Council needs to add an ordinance to the Code of Ordinances which clarifies what happens to the \$.75 cents stipend for each issued dog license. He advised he'd spoken to CFO, John Dunn who said they could put a special revenue fund in place under the control of the City Clerk in their official capacity as opposed to a revolving fund.

Councilor Ciolino offered a suggestion of the stipend monies used to support city to archival work and asked the stipend funds be placed through a budget line item so that there is no question where it would go. **Councilor LeBlanc** said it should be at the discretion of the City Clerk so as not to handcuff them if there is a departmental need. He asked Mr. Payson to draw up language so that the Committee can institute an ordinance amendment.

Councilor Cox said since it is the issuance of a dog license the stipend is dependent upon and the department staff is doing the work, the spending of the stipend should be dog related. There is a group of volunteers refilling the mutt mitts although the city is paying to purchase them through the DPW, she pointed out, and adding that \$0.75 per license should go to purchase the mutt mitts. She added that the Council should fund the City Clerk's Department budget properly so they aren't relying on funds that fluctuate year to year. **Councilor Ciolino** said there is some literature that needs to be printed as to the dog ordinance that should accompany all dog licenses issued, and the stipend could be used to pay for that too.

6. *CC2016-027 (Lundberg) Amend GCO c. 4, Art. II "Dogs" by adding a new section entitled, "Dogs prohibited from all city-owned flower beds at all times" and amend Sec. 1-15 "Penalty for violation of certain specified sections of Code*

Councilor Lundberg said that the Generous Gardeners is a preeminent volunteer group in the city, who voluntarily purchase, plant and manage gardens on city-owned property, particularly Stacy Boulevard but also many traffic islands, Gus Foote Park, and other areas as well. Generous Gardener's alerted him that they are having an issue with dogs on leashes but being allowed by dog owners to despoil the gardens by doing their business. When the Gardner's asked the Animal Control Officers about what can be done to stop dogs from despoiling the gardens,

the officers said it is not prohibited in the ordinance which essentially ties their hands. He said there are extensive regulations about beaches, on playgrounds and cemeteries but not in city-owned gardens. He asked that the Committee support the amendment to ban dogs from city-owned gardens not only to the Dog Ordinance, but to the section related to penalties to stop dog owners from allowing their pets to defile the gardens.

Susan Kelly, 23 Biskie Head Point, said Generous Gardeners started volunteering five years ago with the Fishermen's Wives Memorial and slowly were asked to take care of more, now consisting of 22 areas in the city including the Sawyer Free Library, the slope behind the Police Station, the American Legion, Gus Foote Park, and many others. She advised all the Generous Gardeners' work is completely free and all plants are donated paid by private donations. Animal Control asked they do this so they can have tools to stop dog owners from allowing their dogs from despoiling the beautiful gardens the city is so proud of. She said dog waste simply kills the plants. She asked that the amendment be moved forward.

Councilor Lundberg noted that the language for the ordinance amendment was crafted with the help of the City Clerk's office and said it is felt that it will get the job done.

Councilor LeBlanc said this is a problem. Enforcement will be an issue because they can't catch every dog in the act, but if it is known that there is now an ordinance and penalties involved, it will have an inhibiting effect.

Councilor Nolan lauding the work of Generous Gardeners, he said that this ordinance amendment makes sense and will put some consequences in place.

Councilor O'Hara said dog owners should be responsible and have respect for the work Generous Gardeners do for the city and have respect city property. He offered his support for the amendment as this is clearly something that needs to be added to the ordinance.

On an inquiry by **Councilor Ciolino, Ms. Kelly** reviewed briefly the plan for improving the Boulevard by showing the design drawn up by a member of Generous Gardner's. She indicated 13,000 flowering plants will be installed. She noted that there will be fundraising to support this effort. She offered a copy of the fundraising brochure to the Committee (placed on file) and noted they had already raised \$35,000 for this project.

Councilor Cox cautioned that regardless if something is done to amend the ordinance; she said at the 22 gardens that Generous Gardeners looks after, but there are more than those 22 in the city. She made clear that there must be Gloucester signage produced and posted by the DPW in front of these locations should the ordinance amendments pass, she said. She noted that the DPW needs their budget supported as their sign budget is reduced year after year and there is an endless list of signs to be renewed or added around the city. Any signage that is posted at these 22 locations must be city sanctioned and not produced and/or posted by Generous Gardeners, she said when it is attached to a city ordinance.

It was noted for the Generous Gardeners present that should the Council vote to amend the Code of Ordinances upon the closure of a City Council public hearing that it takes 31 days before an ordinance is on the books and enforceable.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c. 4, Art. II "Dogs" by ADDING a new Section 4-16(e) entitled, as follows:

"Sec. 4-16(e) Dogs prohibited from all city-owned flower beds at all times.

Dogs shall be prohibited from all city-owned flower beds at all times. The animal control officer shall issue to the owner or keeper of any such dog a citation for the violation of this article a fine of \$50.00 for each offense."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c.1, Sec. 1-15 "Penalty for violation of certain specified sections of Code" by ADDING as follows:

"Chapter 4, Sec. 4-16(e) "Dogs prohibited from all city-owned flower beds.

Penalty:

Each offense: \$50.00"

These matters will be advertised for public hearing.

7. ***Amend GCO Sec. 22-265 "Turning movements-Generally," Sec. 22-159 "Same-Between certain hours & on school days," & Amend Sec. 22-291 "Tow-away zones" relative to traffic patterns & parking in the area of former St. Ann's School (West Parish Elementary School)(TBC 07/18/16)***

Councilor Cox said this action is to remove the traffic ordinances put in place when St. Ann's was used as the Swing School for West Parish.

This matter is continued to July 18, 2016 pending a recommendation from the Traffic Commission.

8. ***For Council Vote referred by Council on 6/6/16: Request by Councilors O'Hara & Memhard to petition MassDOT & State Sen. Tarr & State Rep. Ferrante to eliminate a left-hand turn from Route 128 extension on Bass Avenue to Eastern Avenue***

Councilor O'Hara said as a driver in the city his whole life, when heading north coming down from Gloucester Crossing and come to the traffic lights at Eastern Avenue, the left lane turns to Rockport and the center lane to East Gloucester and the right-hand turn onto the start of Eastern Avenue to its intersection with Main Street. He noted in the opposite direction or south bound from Bass Avenue, the right lane turns towards Rockport and center two lanes head south on the Rte. 128 extension. Then there is a far left-hand lane that turns towards Eastern Avenue terminating at Main Street. He said from time to time there is a vehicle that takes a left turn that then typically turns from Eastern Avenue onto Webster Street. That vehicle activating the left-hand turn lane takes about 35-40 seconds in his estimation from his observations, he said. If that turn was eliminated, the vehicle's option would be to go onto Eastern Avenue from Main Street and then turn left to Webster Street. The idea is to improve beach and visitor traffic by eliminating that left-hand turn, he said, and will give other vehicles just that much more time to flow consistently through the intersection.

Councilor LeBlanc said he just did a job at that neighborhood and has been going through that light frequently. The situation is triggered not just at the light, but people coming from the Blackburn rotary as those vehicles are turning left going to Rockport and people opposite going towards Eastern Avenue to Webster Street. It would still hold up traffic going towards Blackburn rotary. He said while he didn't believe the elimination of the left-hand turn that Councilor O'Hara wants eliminated would make a big difference, when it comes to the Council vote he would support a request moving forward to MassDOT. **Councilor Ciolino** added his agreement to Councilor LeBlanc's.

Councilor Cox said she disagreed -- that the Council should save the requests to MassDOT for important changes, and this turn is necessary to avoid certain areas of the city during peak travel times, and during the summer heavy traffic -- and it helps her and many her many neighbors on Portuguese Hill that use that turn as well. It is a lot quicker than traversing Rogers Street, she pointed out. She questioned what will happen to the void in the street.

This matter will return to the City Council on June 28, 2016 under "For Council Vote."

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:55 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Generous Gardeners Fund-Raising Brochure submitted by Susan Kelly**