

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, October 4, 2010 – 6:30 p.m.
1st Fl. Council Conference Rm. – City Hall

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

Absent: None

Also Present: Councilor Curcuru; Councilor Hardy; Councilor McGeary; Linda T. Lowe; Jim Duggan; Michael Hale; Nancy Papows; Mike Wells; David Bain; Patti Amaral; Michael Nimon; Christine Rasmusen; Suzanne Egan; Steven Malboeuf

The meeting was called to order at 6:33 p.m. There was a quorum of the City Council (all members from Budget & Finance Committee were present).

1. Continued Business:

- A) CC2010-036 (Tobey) (a) Rescinding for FY12 Budget Cycle the CSO debt shift enacted on May 25, 2010, and (b) instituting a stormwater fee system pursuant to the ordinance enacted September 2009 (Cont'd from 08/09/2010)

Jim Duggan, CAO noted the task force team was in attendance with the exception of Mr. Towne who was ill and unable to attend. He handed out a draft document entitled, Stormwater Management Fee (received at meeting and on file), an overview. He stated in the first year they anticipate a budget of \$800,000.00 and would explain how they came to that conclusion. The improved properties he believed to be self-explanatory; exempt properties would be City of Gloucester properties and those with no impervious areas at all. The fee applies to all other tax-exempt properties, including federal, state and non-profit organizations. They would identify residential versus commercial/industrial base on use. Split use calculation would be based on an "ERU" (Equivalent Residential Unit) formula. There is no credit for those properties that have a septic system or "green"/on-site stormwater treatment. He acknowledged that through Councilor Tobey's guidance, they were directed to a community in Florida that has simplified a way of applying the stormwater fee.

Mr. Hale stated the fee is based off the single family impervious square footage. They took an average of what a single family residence looks like in the community. Anything that was a non-residential parcel, they calculated the true impervious nature of those lots. Therefore, to use round numbers, if your average single family residence was 2,000 sq. ft. of impervious area, that equals one Equivalent Residential Unit, or 1 ERU. If someone had a small market downtown, say, and that building was a similar size to a residential single family, they could have the equivalent of one residential unit or if a bit bigger it could have a fraction, as 1.2 or 1.3 ERU's. With multi-families, they are given a fraction of one ERU. In a particular case they looked at .6 of a whole for each unit of a multi-family. So people that have a two-family, had 1.2 ERU; slightly larger than a single family; and in no case would it be less than a half because you wouldn't want a two-family charged less than one single residential [unit]. A three-family at a half rate would get 1.5 times the fee. Basically, you have a budget of X number of dollars, and a total number of ERU's, and you divide the budget by the number of ERU's, you come up with a dollar amount for each residential unit, and then assign that to the number of residential units. Each residential unit has a dollar figure attached to it; and it is multiplied by the number of residential units assigned to each parcel. A single family is assigned 1; a two family is assigned 1, or maybe it's 1.1 or 1.2, say. If you own a big box store, a very impervious building and parking area, you could pay ten times what a single family could pay. But if you own a small 'Mom & Pop' coffee shop, you may pay only the average for a single family unit.

Councilor Curcuru asked what they base the definition of units on; was it square footage.

Mr. Hale stated the imperviousness is a square footage number; and the unit is a one-family, a two-family, a three-family, and four-family. They propose to use condos in the multi-family rather than charge each condo a single fee. They are a single family unit as they are assessed. They wouldn't charge each condo one whole fee; they would get a proportionate share just as a multi-family would.

Councilor Curcuru gave the example of Harbor Heights – some are apartments; some are condos.

Mr. Hale stated they would be treated as multi-family buildings. You would forget about the fact that they are condos. Say there were 10 units in a building. It would be 10 multiplied by whatever fraction they choose to assign to a multi-family. If it's half, they'd get five ERU's. Whatever it is, it is the number of units multiplied by the assigned fraction.

Councilor Tobey reviewed that the primary building block is a residential unit. The Councilor understood that they have done some calculations so that there's an average of the properties that are single residential in the City that sets the size of the first building block based on GIS data that they have complied with the Assessor's office, working with IT. The single family residential unit is the standardized; "one-size fits all" is based on some good data, which was working off the models of some other communities, in this case the Boca Raton model. He understood they want to have the second building block be the multi-family homes and come up with a standard fraction of the first building block to capture the fairness factor, so it averages it out to "catch a fair yardstick", and gets them through the residential side of it.

Mr. Hale affirmed Councilor Tobey's summary.

Councilor Curcuru understood that and felt it made sense, but when they get to a larger single family property which is where the square footage comes into play on impervious area; all residential properties are different in size.

Mr. Hale stated they're taking an average single family residential. You may live on a two acre parcel and made a bigger driveway and relatively have less impervious area than a 4,000 sq. ft. lot next to them that is all driveway. You come up with one number that is the average for a single family in the City of Gloucester. That is by far the largest group – 7,000 single family houses. Multi-family and non-residential are the smaller portion.

Councilor Curcuru stated he had concerns in the beginning of their meetings regarding multi-families. Many of his and Councilor Mulcahey's constituents live in multi-families that are family owned and is related to the 'fairness factor'. Besides trash pick up, how else are they basing multi-families, four and over as a single unit; and three and under on trash pick up. They're basing this on each unit.

Mr. Hale stated they're basing this on an average of the City of Gloucester single family lots. It is still the same yardstick; they're still coming up with a number on a single family unit and then take up the number of units that are in a multi-family. Some they'll come up with a fraction – a half unit for each building, say 0.6. It can't be a half which they believed would be unfair. Even if they say it's a half, a two family will pay the same as a one family because most of your two families in the City look like a one family. There are some houses that are connected by a breezeway; but those are far fewer than upstairs/downstairs apartments. So they pay the same or close to the same as a single family. A three family likely has a bigger parking area, a bigger home; so they're going to pay a half of a single family unit. They're 1-1/2, a half times greater.

Councilor Curcuru understood and noted there are homes on Granite Street, two- and three-families that look the same – the same square footage of land because there are a three family they're going to end up being penalized, maybe 1-1/2. He posed why not base it on the trash fees, 3 units and under is considered a single family. Why do they change the rules here for this? Why not base this on trash pick up because he didn't think there was anything else.

Mr. Hale didn't think trash pick up was a good "measuring stick" for stormwater. They spoke numerous times of the trash number for their basis. The only thing they measure is whether you have private or public trash collection. With this [stormwater management fee], you're trying to be as equitable as possible in saying that the average single family home in Gloucester is 2,000 sq. ft. A three family is

probably greater than that. They should be paying slightly more; it's not three times as much. It's only ½ of one greater.

Councilor Curcuru stated when this fee is instituted would it be [billed] annually, quarterly.

Mr. Hale stated it would follow the sewer/water billing cycle, whatever that is; if quarterly it would be four times. They looked at models with new software his office has for meter reading; and could possibly do six bills a year; every other month if that was desired. They can't do 12 (monthly) bills, however.

Councilor Curcuru stated that earlier a figure of \$800,000.00 was mentioned in first year because they don't know all the associated costs which would change as the costs change.

Mr. Hale responded just as with the water and sewer enterprise funds, they would build a budget for personnel, ordinary and any debt service they carry for that year. That's what they would base their budget on. They don't base a budget on that they want to have a \$10 or \$12 per 1,000 gallon water pr sewer fee, they base it on need. This reflects the equivalent of six full time employees which is a little less than a third of the utility basis today; their benefits, the personnel costs; ordinary costs. They looked at 20% of the operating budget for sewer minus the contract with Veolia; putting in pipe, buying the pipe and repairing the roads after the drain work is done. Those numbers will change as benefits change and payroll increases. They aren't showing any debt on this, other than they're carrying money for new flyovers [for GIS mapping].

Councilor Tobey thought they were "making a mistake" beginning at the end point. The end point was the amount of money they're going to raise with this fee. They knew well that he felt the CSO debt shift was bad public policy and a bad move by the City Council. He thought they need to look at what the system was going to look like and then figure out what they're going to fund with it. He disagreed with Mr. Hale; the \$800,000 figure was not the right figure. They need to move some of the CSO debt, which is stormwater management off of tax payers and back on the rate payers, realizing they didn't need to discuss that now; but believed the \$800,000 was a "red herring".

Councilor Curcuru was trying to get at the figure of the associated costs would be per household and was the only reason he brought that up. They don't know that now because they're only talking of residential and haven't gotten to the commercial aspect.

Mr. Hale stated they didn't know the number of the areas which will take some time to do; a bit of data is aged data. They'll have to go into it in Year #1 knowing some of that data is aged. They're proposing to do another fly over which would benefit this plus dozens of other parts of their GIS [data base].

Councilor Theken stated this was a round table discussion to explain that it can be done because at first it was said they couldn't do it, and arguing how it could be done; commercial vs. non-commercial; trash pick up vs. not trash pick up per family. This is a scenario to see if they can implement, to see if it can work here in Gloucester. She believed this to simply be the first step in a process.

Mr. Duggan stated they have to educate the community; walk everyone through it; look at equity and how they're going to approach it.

Councilor Theken stated this was not a quick process. She noted she was on the task force committee with Councilor Curcuru even before the debt shift. She understood Councilor Tobey's frustration, but that the Administration is going forward looking to make this equitable and fair.

Councilor Tobey asked to speak to the commercial side, as they now have the rough beginnings of the residential piece.

Councilor Hardy asked about the City of Gloucester property and properties with no impervious areas to be exempt and asked how often they look at a property to see that it remains impervious or not.

Mr. Hale stated they will need to come up with a time line to revisit that whether it is every three, four or five years. That would be a part of the new regulations they would craft on how it is calculated. It would be fairly burdensome annually because the data's not going to shift. They'll have to take a look at some of the new building. Even in the last few years there haven't been a significant number of new buildings. There's been one major development.

Councilor Hardy spoke to the residential portion stating that many people in her ward have pea stone, etc. because they live so close to the water they can't pave. Those who may decide to pave certain areas of their yard would there then be a difference.

Mr. Hale stated for the residential portion they are looking at an average anyway. They'll look at 2005 and fly over this winter, and look at the 2011 data. It will be average single family residential has "X" number of square feet.

Councilor Hardy stated she understood that; but if it's zero, it's zero. There's a big difference between zero and one if they start to put in a driveway or something of that nature, don't they then kick it to an ERU.

Mr. Hale replied he didn't think one driveway would sway the average. It is that the whole footprint of the home is impervious. The unimproved lot that would be something without imperviousness, a wooded lot or a green lot. The footprint with the house and driveway is reasonable to say 2,000 sq. ft. Commercial would be an actual number. They would have to take a look at all the non-residential properties. They would take a look at the actual amount of imperviousness of a lot and divided by the single family residential number of 1 ERU. For example 2,000 sq. ft. for each ERU and you have a factory that has 10,000 sq. ft. imperviousness; you have the equivalent of 5 ERU's. A small coffee shop that was the same size as a small home, when calculating it out, the small coffee shop has just about 2,000 sq. ft. The coffee shop would be assessed 1 ERU. Every non-residential would be calculated so it would be a true number. If you were a small shop, you'd still get charged 1 ERU. They would never go below that number. They would pay their actual share. The bigger it is, the more you pay. It would not penalize a small business, nor would it overly burden the large businesses either.

Councilor McGeary wondered if the same logic would be used for non-profit entities, actual calculation of areas.

Mr. Hale stated assuming they were non-residential, yes.

Councilor McGeary stated churches have large parking lots.

Mr. Hale responded they would be assessed the same way. They would take a look at the actual impervious nature of the lot.

Councilor Theken noted right now they're not paying taxes, or the CSO debt shift.

Mr. Hale replied they do pay sewer and water.

Councilor Curcuru asked how they determine business, small business.

Mr. Hale stated if you run a business out of your home, for instance. They talked about some of the split and believe there are still questions under the equity there; but it may be simpler just to categorize them as non-residential, and get a "fair shake" at what they truly are. Say you run your shop out of your home; and you're the same size as the average home in your neighborhood, you'd be charged 1 ERU versus something greater; you wouldn't be charged 2 [ERU's].

Councilor Tobey stated philosophically from a policy point of view, would they differentiate between types of businesses.

Mr. Hale stated they would have to categorize mixed use properties in village business districts. For example, a liquor store and with an owner-occupied apartment; what should they assess for this, regardless of what they're selling? It's mixed use. The best classification may be non-residential. Those are some of the details that have to be worked out.

Councilor Tobey stated they looked at a lot of models. The models he looked at were either residential or non-residential. They don't differentiate between types of commercial and asked if they had found any that differentiate between types of commercial or was it all the same based on impervious area for commercial properties.

Mr. Hale stated they've seen a graduated scale. He didn't think they were trying to differentiate between the types of commercial.

Mr. Duggan stated once you incorporate any type of a commercial business with residential then it immediately takes it out of the residential calculation and goes into the commercial from the models the Councilor has seen.

Councilor Tobey stated "residential is as residential does". If people live in it, it's residential.

Mr. Hale added he didn't think the Assessor's data truly defines things as neatly as they'd like them for this. It's going to be a lot of work on their part; and however they can help to put everything in the right slot.

Councilor Theken asked could they calculate it when they do their taxes.

Ms. Papows stated on the mixed use properties they do get part residential part commercial. It's based on the value of each piece. The way that the property record card works is that it allows you to know the exact value of a residential portion that's private, residential tax, rate and the same with commercial.

With the split it could be 50:50; if you're going to put part in residential and part commercial; those are some of the things they considered. If they did go on the commercial side, at least they were being calculated for what they had; there would be less problems of equity as to who got put into what category.

Councilor Theken questioned if Ms. Papows believed if this would place an undue burden on her office.

Ms. Papows didn't feel that would be the case, other than they'd be using Assessors' data. She will be working to help get an export out of their valuation software that will help to put these parcels where they need to go in terms of the number of units; whether they're residential; whether they're commercial.

There are use codes they can use that clearly define them. She'll be working to help provide data, making sure it is accurate to help the billing process. She didn't believe it would really affect her office in terms of tax billing because it will be on the utility bill.

Councilor Mulcahey asked what the classification is for a Bed & Breakfast (B&B).

Ms Papows replied those were the types of things that there were "idiosyncrasies" they've been coming across. They've been discussing this; and they are in the residential in terms of the use code and what they pay for a tax rate. That is one type of category to be looked at closely and determine how they want to look at them. They may not necessarily have multiple units. They may have bedrooms they rent out but don't necessarily have separate units that are kitchen, bathroom, and bedroom. They might have to involve Bill Sanborn, Inspector of Buildings, in their discussions as well. That is one example of one that is not so clear cut.

Councilor Mulcahey stated when someone opens a B&B, didn't they have to categorize it and be established as a business.

Ms. Papows stated they may have a business license and while they may be considered a B&B in the Building Inspector's office, she didn't know if the Building Inspector considered them a commercial building. There will have to be a discussion on assessed use versus legal use. They are assessed as residential in her office. If they use their data, they'll have to determine what is fair in determining their stormwater fee.

Councilor Mulcahey and Curcuru went back to trash pick up with non-profits stating it was the only yardstick they have, and was a confusing issue and noted that under trash pick up, a B&B is classified as a commercial property.

Ms. Papows stated the decision of how they want to look of that type of property has to be made. Do we think it is multi- or commercial and we want to do it on an actual calculation regardless of how she assesses it, they could still do that? She has a use code for those properties; put them into a certain "bucket"; but maybe they're going to be calculated the same as commercial.

Councilor Theken stated this is new, and they can construct the ordinance how they see fit. She asked they not look at trash because it is already situated. They're looking at taxes. Even if they're residential or commercial they're paying their taxes on that property accordingly. They're already paying their sewer and water. This was totally different. Some of the scenarios Councilor Tobey has discussed, they'll have to set the rates. Sewer and water is already being billed and taxes are being paid. Everyone is already paying. Everyone is already setting their categories. Now, this a category they need to set. Everyone is saying just do it evenly. Residential is one rate, commercial one rate; and figure it out from there. If the B&B is then considered residential, not commercial, then they'll be charged accordingly. And there is a formula for a two- or three-family. The fact is, they shouldn't emphasize trash pick up or non-profits. In her opinion, they keep going over and over who should and who shouldn't pay. At the last hearing quite a few people stated they would pay even through they didn't get anything from the City they would pay it because they use the roads. Just make it fair. She felt they should complete this first round table discussion in order to move forward. All the scenarios they've brought up, they'll take a look at them. This is a major step, and they'll do another round table. She urged the Councilors to ask for input.

Councilor Tobey noted he and Councilor Curcuru sat in on the last meeting of the task force; and that they're boiling it down to real language. With the concept at least on the table, the single unit; the multiplier approach, the multi-families, the commercial. The commercial represents, say the square footage of the single family held to be 1,000 square feet and go to a business on Main Street, and found out their roof and pavement is 5,000 sq. ft., the formula would be that they would pay 5 ERU's. There is a real "elegance and simplicity" to it. This is all driven by GIS data. They're comfortable with the concept. Maybe the next round they will come back with the actual language and start wrestling with the details. This is something they can learn from things they don't like, for example on trash or non-profits, and build this one right.

Councilor McGeary gave the example of the old axiom; a meat axe is a great tool, but not right for every kitchen to preface his two concerns – about the non-profits. The reason they are tax exempt is because we presume they provide public services that the City would otherwise have to provide. It is true rain falls on non-profits and profits alike. Perhaps, some sort of rate abatement or a different set of rates could be had for non-profits. Secondly, right now as he understood Mr. Hale, they would not be putting the CSO indebtedness onto tax rates which he wanted to see preserved. He didn't want to see indebtedness put back on the rate payers. He felt that was infrastructure they all pay for. Those were two broad-scope concerns he had as the ordinance is crafted.

Councilor Curcuru stated yes it's a new ordinance; but this is not new fees. They're shifting from sewer onto a stormwater fee, and how much new money they were talking, possibly. The rest of it is actually sewer money that's on the rate payers that's going to be shifted.

Mr. Hale replied they're diverting this year's sewer budget, a portion of it to cover stormwater today because whether they're on Magnolia Avenue doing a storm drain or on Cherry Street and the Magnolia Avenue properties don't have sewer but the Cherry Street properties do, it's the sewered properties that are supplementing the work they're doing on Magnolia Avenue. It's perfectly legal and an enterprise fund allows them to do that. This is moving some of the sewer enterprise money to a separate enterprise. They did include some tools they need to make the data fresh. The impervious data is from the state from 2005. They have to update their data. They need more advanced system and a way to enhance that update. This is stormwater opportunity to contribute to it going forward.

Councilor Curcuru noted his point is this is rate payers' money being shifted to the entire tax base. So they pay a fee that's being shifted to the tax base. He gave an example of an additional cost like monitoring [which would likely be required under the federal stormwater permit].

Mr. Hale stated they are carrying what would be the Phase 2 stormwater regulation compliance. Right now it's going by the sewer rate. It's not on this year's sewer because the regulations haven't come forward. In the upcoming months, the federal stormwater regulations have requirements for monitoring.

Councilor Mulcahey acknowledged Councilor Theken's statement that this is new and a new ordinance; the reason she asked her questions was she wanted them to keep it as clean as possible. They can't do that if they can't streamline the definitions all the way through for everything that is connected to it, like the trash, taxes and water. She noted the complaints regarding categorization from past experiences. She felt they should apply the same thing for each piece of property all the way through, saying it has to be one or the other. She cited the example of a B&B as either residential or commercial feeling it all has to be even and uncomplicated; and everyone has to know where they are.

Councilor Tobey told them all to be "very, very afraid". He stated this pool of costs, regardless of how they deal with the debt shift issue, will go up. If people are angry, they need to look to the EPA headquarters in Boston and Washington. They'll get past the MS4 permit; they'll collect data and monitor and study the scope of the problem; and the costs will only increase because they'll require construction of facilities; close adherence to new sets of standards on water quality. He "bet" within 10 years [they'll be requiring] end of pipe treatment. "We will live to regret as a community having done combined sewer separation rather than storage and treatment for the treatment plant, bleeding it into the plant during dry weather". He warned that the brand new outfall just built, for example, running down Mansfield Street, will need a treatment facility. They'll have to build it, operate it and pay for it. This fee is going to have to absorb it or some fee. He warned those in attendance to be afraid of this. He also

shared some data which he had already shared with the Administration, from a power point on stormwater management financing (which was forwarded to the Councilors via email for distribution, copy on file) from 2007. This came from other communities wrestling with this same issue.

Councilor Mulcahey spoke of flooding and where the water goes – why when it rains and floods the water suddenly disappears.

Mr. Hale felt each place was different. He explained since March 2010 there has been 25 year or 100 year rain events. Storm drains are sized for 10 year events. If they designed and installed them for 100 year events pipes would be 24” or 30”. During normal rain they don’t function as well because they’re isn’t enough flow to carry water through them. There is surcharging during peak storms; and these pipes not designing for the 100 year storm. You couldn’t put that type of pipe in the ground. With the models they use, the 25 year storm equates to 5.5 inches of rain. The Cornell model is predicting climate change rain amounts. Now they’re saying you need to add 1.5 inches to that, which Mr. Hale noted to “incredible numbers” but also stated that drain size wouldn’t exceed a 10 year event.

Christine Rasmusen, 82 Woodward Avenue stated after listening to the Committee speaking about the CSO, the vision she keeps seeing is that people who are zoned for 20,000, 40,000, 10,000 (sq. ft.) all have very different amounts of impervious surfaces and didn’t hear recognition of zoning districts where you have an 40,000 sq. ft. zone and one single family house on it. She felt that is not creating the run-off that you would have from a 10,000 sq. ft. lot with maybe three families and a lot of asphalt and driveways and cars. She also felt that was something that needed to be thought about if they are talking about equity is to realize where the stormwater is coming from. She asked they look at the zoning districts as they look to their fee formulas.

Steve Malboeuf, 25 Overlook Avenue stated he started this ‘journey’ two years ago he was willing to compromise then. He expressed his disappointed with where things ended up. He was willing to compromise but felt that if they were going to go this route and this system was not going to be fair he would push back against it. However, he was happy to see the draft that was presented this evening because he saw the fairness now. They started out with simple. This shows unit to unit fairness. He owns commercial property that is 100% impervious. On the other hand they’ll treat his 6.5 acres fairly. Mr. Hale described his 6.5 acres with one house as fair and believed they were on the right track. But he wondered where the CSO debt is. They didn’t start by creating a new division of the DPW. He felt Mr. Hale does a great job and understood this has to be paid for. He can’t explain this if CSO debt isn’t taken care of and doesn’t belong on his tax bill. If CSO isn’t on here, then he’ll “push back”. He doesn’t contribute to this at his home. He urged the Committee to keep it on track; keep it simple, and people might begin to understand it.

Mr. Hale stated regardless of where the CSO debt falls – if you look at the draft and the first three bullets, the only thing the operating budget covers is personnel costs – the CSO debt could be added to it. Three categories go on their budget. It is set up that it could be done however they chose. They’re assuming they’re not going to do it, but is a decision of the Administration.

Councilor Tobey noted as relates to the first part of his original order on the debt shift that this is the avoidance of Prop 2-1/2 by using the debt shift. He thanked Mr. Malboeuf for bringing that matter back up.

Councilor Curcuru related if their tax bill has gone up, their sewer bill has gone down. They’re getting back into fairness.

Councilor Theken stated the shift was about having the bill go down fairly. Its here they have to deal with it and to set something up to be fair. She was glad with the first draft for something to go by. This is something she can explain and looked forward to seeing the second stage. She thanked everyone who participated.

This matter would be continued to a special meeting of the O&A Committee for a one item agenda for a joint meeting with Budget & Finance on Monday, November 22, 2010.

The Committee recessed at 7:42 p.m.

The Committee reconvened at 7:45 p.m.

- B) CC2010-061 (Hardy) Enact Ordinance as required by Ch. 217 of the Acts of 2010 re: Linkage Exaction Program

Ms. Egan stated the Committee asked her to draft an ordinance to allow Gloucester to impose a linkage fee. She noted the legislation didn't give her anything to base writing an ordinance. Back in the 2008 O&A minutes was a request from Councilor Hardy to contact the City of Medford, which she did, and spoke to them about their program, about what they have done. They sent a packet of information on their linkage ordinance and program, sent to the Councilors (on file), which lay out their zoning ordinance establishing their linkage program; and the rules and regulations their Community Development Board has enacted (the equivalent of Gloucester's Planning Board). It also sets out the declaration of trusts, where the linkage payments would go into. She related that the first thing that Gloucester has to do before they can enact an ordinance is to do the study because that's what the legislation says. Three new members of the Capital Improvement Advisory Board (CIAB) have been appointed; and believed this would be the place to start to look at the build out of the City, and what is going to be the increase in the capital improvements the City would need to make (the costs) in order to come up with an equation as to how much they would charge for a linkage fee. Once they have the equation, then they can go back and make an ordinance and decide what an improvement project is. In Medford it is triggered by a project 10,000 sq. ft.; in a residential development it is a certain number of units and over that number. You have to determine what the triggering mechanism is. There is a lot of work to be done to put this program in place. She thought what would be the most helpful would be to put this to the different places that can do the work, and to get a lot of the work done and then come back with an ordinance. The Medford system for linkage works. There have been other ordinances that have passed with impact fees and have been challenged. Medford's linkage program has never been challenged. She believed in emulating a program that works. Ordinances that have been passed that have impact fees have been challenged; and the biggest factor with that was they didn't have the special legislation which Gloucester has. She suggested working with the CIAB to come up with a plan; working with the Planning and Community Development Departments to craft an ordinance, learn what our build out would be, and then look at the triggering mechanism. All three would come back to her and would inform her of what needs to be done and then she would come back with the recommendations and craft an ordinance.

Councilor McGeary wondered if there is a need to put a budget aside to do as there appears to be a significant amount of research based on how the City of Medford developed this. Should the CIAB do this as a volunteer board or should they have the ability to hire a consultant.

Councilor Tobey stated when they tie it all together with the Charter, the Planning Director is charged with doing this and has the staff to do it. What Planning Directors have done with CIAB is they put out a capital needs questionnaire to all the operating departments and ask them to state what, how much, etc., and then it is all sifted together through the CIAB and they in turn report without ever having to use consultants. The City staff provides the expertise. He expressed he was pleased Ms. Egan had brought this forward because the CIAB will now have a good project to move on.

Councilor Mulcahey stated this would be for commercial and residential to which she was informed that to be the case.

Councilor Hardy stated that there are certain people who come before them (the Council) for permit granting opportunities and criticize the City Council for not being able to extract impact fees and different things throughout the community and this legislation will now give them the vehicle to do it. She also asked if they had any idea how long it would be before they expected to have something concrete would come of this.

Ms. Egan stated it would depend on the CIAB. She knew that Mr. Cademartori has already been working closely with them and is aware of it; and interested and motivated to get this done.

Councilor Hardy asked would this pending ordinance affect anyone who is filing a new application for a major project.

Ms. Egan stated it didn't affect any pending application because there is no ordinance filed.

The Clerk of Committees will forward the documentation received by General Counsel to the CIAB, the Planning Director and the Community Development Director.

This matter will be placed on the agenda as soon as General Counsel notifies the Chair of the Committee that they are ready to come forward with an ordinance.

2. *Appointments:*

The Committee questioned all potential appointees to their respective Boards, Councils and Committees as to their background and qualifications, desire to serve the community as well as their familiarity with the Open Meeting Laws. They were also asked if they had taken their State Ethics exam, and filed it appropriately with the City Clerk's office.

Open Space and Recreation Committee TTE 02/14/2012 Patty Amaral

Councilors Mulcahey, Tobey and Theken welcomed and endorsed Ms. Amaral's appointment.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Patti Amaral to the Open Space and Recreation Committee, TTE 02/14/2012.

Zoning Board of Appeals TTE 02/14/2011 Michael Nimon

Mr. Nimon stated he was an alternate to the Committee and now is being made a permanent member who stated he wanted to continue to give back to the community and feels he can continue to contribute to the Zoning Board of Appeals. He also noted that he is a building contractor. **Councilor Hardy** appreciated Mr. Nimon's contribution. She noted that it was difficult to hear the members of the ZBA due to their not speaking into the microphones. **Councilors Theken and Tobey** extended their appreciation to Mr. Nimon for his contribution of his time to the City.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Michael Nimon to the Zoning Board of Appeals, TTE 02/14/2011.

In addition, **Councilor Theken** stated that the appointment of Hans Pundt, Gloucester Cultural Council, TTE 02/14/2013, would be continued to November 1, 2010 as he was unavailable until that time, which was not noted in the September 20, 2010 meeting minutes.

3. *Schedule for a Comprehensive Salary Review of Non-Union Senior Managers (and other non-union employees as necessary) (Referred by City Council 8/31/10)*

Mr. Bain presented to the Committee a draft Management Salary Survey (received at meeting and on file) as it relates to the Gloucester Code of Ordinances Personnel Ordinance, Appendix A, Sec. 4-3(e) "Review the classification system every two years", under Classification Plan within Appendix A. He noted that the position of City Auditor was inadvertently left off the survey and would added back in on the second iteration. The position of Chief Administrative Officer, which he informed the Committee being unique to the City, will need to be researched further to be able to show where it should actually be situated. He also would be providing further information on the position of General Council as it, too,

needed more research. **Councilor Hardy** asked Mr. Bain, when preparing the second iteration, to include for the cities and towns being used for comparative analysis their population, median income, number of square miles of the municipalities and roadway miles. **Councilor Theken** asked also to be included was to see the upgrade information – when each position’s grade last changed and by how much in dollars. **Councilor Tobey** discussed with Mr. Bain that the Management Salary Survey was done all in house by his staff without the assistance or cost of an outside consultant. **Councilor Tobey** also asked that the Management Salary Survey as submitted 10/04/2010 be included as a part of the minutes.

The Committee accepted the first iteration of the Management Salary Survey for 2010 and would look to it’s being updated by Mr. Bain and then would await a recommendation from the Administration before returning the matter to the O&A Agenda.

Councilor Tobey asked the Management Salary Survey as submitted 10/04/2010 be included as a part of the minutes.

This matter would await a recommendation from the Administration before returning to the O&A Agenda.

CORRECTION MADE FOR THE RECORD BY THE COMMITTEE:

Councilor Theken stated the following motion was voted at the August 23, 2010 meeting of O&A:

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15- Generally) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

The section of the Ordinance as referenced is incorrect and so the Committee needs to revote as follows:

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance Sec. 22-270.1 “residential sticker parking only”(Seasonal-May 1 to September 15) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oaks Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:26 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT THE MEETING:

- Submitted by David Bain, Personnel Director: Draft Schedule for a Comprehensive Salary Review of Non-Union Senior Managers
- Submitted by Jim Duggan, CAO, Draft Stormwater Maintenance Fee overview