

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, January 3, 2011 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

-- Minutes --

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Ann Mulcahey; Councilor Bruce Tobey
Absent: None.
Also Present: Councilor Greg Verga; Linda T. Lowe

The meeting was called to order at 6:31 p.m.

Councilor Theken made note that she had received an email that Mark Cole would not be in attendance this evening, but that they would still take up the matter of the proposed dog park and discuss other aspects. On the matter of CC2010-068 (Hardy) related to Leonard Street was inadvertently left off the agenda and that it would be taken up at the regularly scheduled meeting of the Committee on January 31, 2011.

- A) CC2010-080 (Curcuru) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 197 Washington Street (Cont'd from 11/29/10)

This matter will be continued to January 31, 2011.

- B) CC2010-082 (Verga) Speed limit signs and “Slow Children” sign re: Fuller Street (Cont'd from 11/29/10)

Linda T. Lowe, City Clerk stated that records showed that in mid-September 2009 there were several different speed limit matters that came before O&A: Woodward Avenue, Beach Road, Fuller Street and Harrison Avenue. The Committee voted to approve the speed limits for these streets as requested and to be forwarded to the Police Department for a traffic study. It went before the City Council September 21, 2009 for a vote. The Council voted to adopt the recommendations for these streets and to await the receipt of State approval. Her office received traffic studies on Beach Road and Harrison Avenue during 2010, and forwarded them recently to the State for their approval. To her knowledge Woodward Avenue and Fuller Street never had the traffic studies done; and there's been no word as to their status from the Police Department although studies were requested. She reiterated the votes had been taken all ready and that the Committee did not need to vote on the matter now. She suggested another reminder be sent to the Police Department.

Councilor Verga stated this is on a parallel track at B&F noting their minutes from their last regularly scheduled meeting they discussed trying to find funds for the Police Department to buy some traffic speed study equipment. The minutes indicate the entire Committee was behind it for the Chief to go ahead and find the funds. It was about \$5,000.00 for purchase of the appropriate electronic equipment. Chief Lane related the equipment saves tying up a police officer all day doing a study and that it produces a more realistic study in that people don't slow down when they see the cruiser. He knew that the speed study request had been heard and that the Police Department was trying to find the funds for this in the department's next budget.

Councilor Tobey recalled some time ago they had to get speed limit signage on Dory Road [in Blackburn Industrial Park] and that Joe Orange called people and stepped in to do the speed study. He suggested perhaps Mr. Orange would volunteer to do a traffic study again. He recalled also that Mr. Orange is a constable and thought the Clerk's office could follow up and see if he'd volunteer to do it as he was a very community spirited individual.

Councilor Theken asked that an inquiry as to the status of this speed study be made to the Police Chief and that the City Clerk inquire if Mr. Orange was willing to undertake a traffic study once again. On inquiry by Councilor Verga, she reminded him he did not need a vote of the Committee to have a “Slow Children” sign posted on Fuller Street, that it was a matter of submitting it through the “Requests to the Mayor”, which Councilor Verga confirmed that it had.

- C) Memorandum from Operations Manager-DPW re: rules and regulations for proposed dog park
In the City of Gloucester (Cont'd from 11/29/2010)

Councilor Theken acknowledged the receipt of an email forwarded by Councilor Verga from Glen Bresnahan, 514 Essex Avenue regarding questions of the parking, and funding for maintenance and upkeep for the proposed dog park. Also, the Councilor mentioned that an email was received from Councilor Hardy stating that Councilors Curcuru and Verga have yet to organize a meeting of abutters to Stage Fort Park as they did not have a specific site recommendation for the proposed dog park yet. Once they did, they would then be able to move forward with their joint ward meeting with the abutters to the proposed site. She further asked that the Committee receive information from Jeff Towne and Suzanne Egan on the liability insurance, assuring that the dog park would be covered under the City's insurance policy and what that coverage would consist of and from Suzanne Egan concerning liability in general. **Councilor Tobey** recalled that not only did Councilor Theken ask for Attorney Egan's guidance on the liability, but that he believed they'd not received anything from the CFO on insurance, which Councilor Theken confirmed they'd not received anything; and the Councilor asked that to be highlighted to Attorney Egan and Mr. Towne.

Dana Jorgenson, Clerk of Committees informed the Committee that General Counsel, the CFO, Mr. Hale and Mr. Cole as well, were sent an email reminding them of the items the Committee required information on from their November 29, 2010 meeting to be made available for this meeting.

Councilor Theken requested to once again email all concerned that the Committee was still looking for this information.

Councilor Theken noting that the Committee had received none of the requested information to date, she explained Mr. Hale had to make his recommendation for the site of the dog park and to submit it through the Mayor. They are assuming it is a site at Stage Fort Park; but they need official notification of the site. Since they have nothing 'official', it was counterproductive for the Councilors have their ward meeting (referring to Councilors Curcuru and Verga, Wards 3 and 5 respectively). Furthermore, if the site is on City property and someone is injured at the off leash dog park, the City is liable.

Judy Masciarelli, dog park proponent stated when she spoke to Mark Cole after the last meeting she was informed that the DPW would be forwarding a site recommendation.

Councilor Tobey believed they'd have better feedback on concerns when it is focused on location.

Ms. Masciarelli asked if the current City liability insurance covered the dog park.

Councilor Mulcahey noted that the proposed rules say that the dog owner is responsible for any injury caused by their animal.

Ms. Lowe responded that the statement in the rules was not necessarily sufficient. While the rules say that the owner is responsible, they need to go back to the insurance company advising what they intend to do on City property and would the insurer then cover it; and if they would, at what cost. Further, any time you have anything on public property where you change the use on the property or you add distinctive functions to that property, it would be unwise to not go back to the insurance company to be sure of appropriate liability coverage.

Councilor Mulcahey referring to the regulations under parking noted a discrepancy between the times the park is open and the times for the parking lot was not in sync.

Councilor Tobey stated this was supposed to go to General Counsel for correct language on the rules and regulations.

Ms. Lowe confirmed there was supposed to be a meeting between Mr. Cole and Attorney Egan adding she knew Police Chief Lane and Mr. Levie, Animal Control Officer did meet to discuss the dog park

regulations as the Dog Officer had advised the Clerk of the meeting.

Ms. Masciarelli referring to the discrepancies on parking that the police open the parking lot at 8 a.m. and lock it at 9 p.m. seasonally. The park itself is open from 6 p.m. to 10 p.m. You can park in the Visitor's Center or in the Little League field.

Councilor Theken stated there was concern regarding the parking by dog owners' intent on using the dog park at the Little League field and that there may need to be something worked out seasonally. It is an opportunity to discuss this further collegially. She believed once they know exactly where the proposed dog park will be located which is their "#1 priority", the Committee can move forward with all the other issues such as parking, rules and regulations, etc.

Councilor Tobey added that these items need to be worked out by City staff so that it comes back to the Committee resolved and encouraged Ms. Masciarelli to do what she can to move matters forward as well.

Councilor Theken directed the Clerk of Committees to remind the DPW Director, Mike Hale; DPW Operations Manager, Mark Cole; and Suzanne Egan, General Counsel as well as Jeff Towne, CFO what is needed from them before their next meeting in order to move forward with the dog park. She asked they provide this information to the Committee as soon as possible for the Committee's consideration, as had been already requested at the November 29, 2010 meeting of O&A [as follows]:

- A) A specific site recommended by the DPW Director be made and forwarded through Mayor's Report;**
- B) The materials referred to the O&A Committee from the November 23, 2010 City Council meeting regarding dog park rules be converted into regulatory language through a meeting with Mark Cole, DPW Operations Manager, and Suzanne Egan, General Counsel;**
- C) That the CFO be requested to obtain information from the City's existing insurance company if the liability insurance will extend to a dog park and that Attorney Egan provide guidance on the extent of the City's existing liability as to how it will extend to a dog park.**

Once the above is obtained by the Committee and reviewed at their January 31, 2011 meeting Ward 3 & 5 Councilors (Curcuro and Verga) can then reach out to the abutters of the proposed site assumed to be in Stage Fort Park.

[Note: Chief Lane and Jamie Levie did not arrive to participate in the above discussion.]

This matter is continued to January 31, 2011.

- D) CC2010-083 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 4B Summit Street (**Cont'd to January 31, 2011**)

This matter is continued to January 31, 2011.

- E) CC2010-084 (Mulcahey/Curcuro) Review traffic flow and directions to alleviate congestion on Washington Street (**Cont'd to January 31, 2011**)

This matter is continued to January 31, 2011.

Ms. Lowe mentioned that in the minutes of the November 29, 2010 meeting minutes of O&A there were errors noted on page 10 of 12. In the motion passed by the Committee for the items required to move forward on the dog park issue, "Ward 4" should read "Ward 3". Under Item #5 CC2010-082 (Verga) Speed limit signs and "Slow Children" sign re: Fuller Street (TBC to 12/13/10), the comment by Councilor Verga reads "...put submitted 2005" and should have read..."order submitted in 2009".

By unanimous consent the Committee approved the change to page 10 of 12 as stated above of the November 29, 2010 Ordinances & Administration Committee minutes.

Councilor Theken asked that a letter be sent to former City Councilors Ab Khambaty and Jeff Worthley, who had graciously volunteered to assist in the review of the City Charter, to let the City Clerk know if they are still interested in embarking on the Temporary Charter Task Force (TCTF) (under Charter §10-1(b)). If they were willing, she would like them to meet with Ms. Lowe to begin that review.

Councilor Tobey suggested asking IT Director, Mike Wells to post on the City's website a request for interested volunteers to join the TCTF, to contact the City Clerk's office and also provide a summation of the duties of that review as well as the link to the charter itself. He also suggested that a deadline may be appropriate for the TCTF in order for it to be on the ballot for the election in November 2011.

Ms. Lowe stated not all changes to the charter need to be done by referendum. She believed, however that any referendum needed those changes to be ready for the ballot several weeks in advance of the November election, ideally no later than early fall.

Councilor Theken suggested June 30th as an appropriate deadline which the Committee agreed with, noting that major changes were not anticipated.

Councilor Verga requested if they are putting something on the website that there be a link to the City Charter so that citizens can see what it takes to make major changes.

Ms. Lowe stated she would write something to encompass the possible changes so that there is a way to show what a citizen could expect in volunteering on a TCTF and what would require a Charter Commission versus what a TCTF encompasses.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:01 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.