

**GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS**

**TUESDAY, March 12, 2019**

**7:00 P.M.**

**KYROUZ AUDITORIUM, CITY HALL**

**COUNCIL MEETING #2019-005**

**MEETINGS ARE RECORDED**

CITY CLERK  
GLOUCESTER, MA

2019 MAR -8 AM 10:10



**FLAG SALUTE & MOMENT OF SILENCE**

**ORAL COMMUNICATIONS**

**PRESENTATIONS/COMMENDATIONS**

1. Heidi Riccio, Superintendent-Director and Marie Znamierowski School Business Manager re: Essex North Shore Agricultural & Technical School
2. Ken Whittaker, Conservation Agent re: Plover Protection Plan

**CONFIRMATION OF NEW APPOINTMENTS**

None

**CONSENT AGENDA**

**ACTION**

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**

1. Management Appointment:  
Police Chief (TTE 4/1/2024) Edward C. Conley III (Refer City Council)
2. New Appointments:  
Archives Committee (TTE 2/14/2022) Susan Roberts-Wright, Lois A. Hamilton, Sandy Williams (Refer O&A)  
Shellfish Advisory Commission (TTE 2/14/2022) Francena Monell-Simard (Refer O&A)
3. Memorandum from City Clerk re: acceptance of donations to the Archives Committee in the amount of \$175 (Refer B&F)
4. Memorandum from CFO re: requesting approval to credit the General Fund, via Home Rule Petition, with the Fuller School sale proceeds (Refer B&F)
5. Memorandum from CFO re: loan authorization request in the amount of \$900,000 for the demolition and reconstruction of the Magnolia Pier (Refer B&F)
6. Supplemental Appropriation-Budgetary Request (#2019-SA-31) from the CFO (Refer B&F)
7. Invitation from the North Shore Association of REALTORS regarding the North Shore Mayor's Housing Panel I on March 14, 2019 (Info Only)
  - **COMMUNICATIONS/INVITATIONS**
  - **INFORMATION ONLY**
  - **APPLICATIONS/PETITIONS**
  1. Special Events Application: request to hold the 2019 Gloucester Block Parties on July 13, August 10 and August 30 (Refer P&D)
  2. PP2019-002: Petition by National Grid to relocate 1 JO Pole on School House Rd. (P5) w/anchor; anchor on P4, all near 4 School House Road with P5 to be relocated 25' east off existing location with sustaining and protecting fixtures (Refer P&D)
  - **COUNCILLORS ORDERS**
  1. CC2019-009(Hecht): re: amend GCO by prohibiting the use and distribution of single use plastic straws, stir sticks & hotstoppers in food service establishments (Refer O&A, Bd. of Health, Clean City Commission)
  - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
  1. City Council Meeting: 2/26/2019 (Approve/File)
  2. Standing Committee Meetings: B&F 3/7/2019 (no meeting), O&A 3/4/2019 (cancelled), P&D 3/6/2019 (Approve/File)

**STANDING COMMITTEE REPORTS**

**ACTION**

B&F 3/7/2019, O&A 3/4/2019 (cancelled), P&D 3/6/2019

**Individual items from committee reports may be consolidated into a consent agenda**

**SCHEDULED PUBLIC HEARINGS**

None

**FOR COUNCIL VOTE**

1. Decision to Adopt: SCP2019-002: School House Road #2, #3 & #4, Map 262, Lots 14 & 37, and Gloucester Crossing Road #7, Map 43, Lots 4 & 5, for the modification of Condition #18 of SCP2017-012, pursuant to GZO Sec. 1.5.13 "Compliance with Approved Plans; Modification of Plans" (FCV)

**OTHER BUSINESS**

1. Discussion regarding 2019 permitting of the Gran Prix Gloucester Cyclo Cross event at Stage Fort Park
2. Discussion regarding Boards, Committees and Commissions, meeting scheduled for April 27, 2019

**UNFINISHED BUSINESS**

**INDIVIDUAL COUNCILLOR'S DISCUSSION INCLUDING REPORTS BY APPOINTED COUNCILLORS TO COMMITTEES:**

Update of the Fisheries Commission by City Council Representative, Councillor Scott Memhard

**COUNCILLOR'S REQUESTS TO THE MAYOR**

**ROLL CALL** – Councillor Sean Nolan



\_\_\_\_\_  
City Clerk

Meeting dates are subject to change. Check with City Clerk's Office

**NEXT REGULAR CITY COUNCIL MEETING, March 26, 2019**

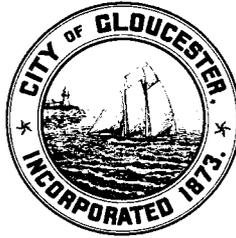
**Minutes filed in City Clerk's Office of other Boards and Commissions February 22, 2019 thru March 7, 2019**

Dogtown Advisory Committee 12/19/2019, 1/16/19

**NOTE: The Council President may rearrange the Order of Business in the interest of public convenience.**

The listing of matters is those reasonably anticipated by the Chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

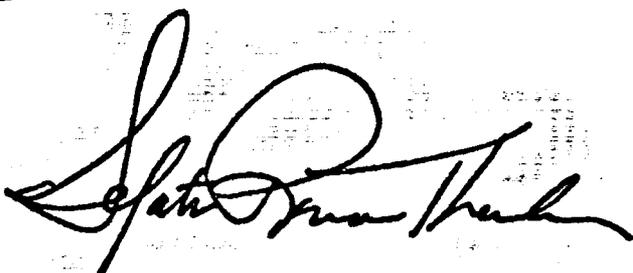
City Hall  
Nine Dale Avenue  
Gloucester, MA 01930  
CITY CLERK  
GLOUCESTER, MA



TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

2019 MAR -7 AM 8: 08

**TO:** City Council  
**FROM:** Sefatia Romeo Theken, Mayor  
**DATE:** March 6, 2019  
**RE:** Mayor's Report for the March 12, 2019 City Council Meeting



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Members of the City Council:

**Police Chief** - Over the past several months pursuant to GCO Ch. 17 Sec. 17-18, my administration, working with Resource Management Associates, has invested significant amounts of time and resources in conducting a thorough, nationwide search for a new Gloucester police chief.

I am pleased to submit Edward Conley, currently the Chief of Police in Manchester-by-the-Sea, for confirmation as Chief of the Gloucester Police Department. Chief Conley brings a wealth of knowledge, experience and a distinguished record of service that will benefit Gloucester in the years to come. It was Conley's demonstrated leadership abilities, broad experience, local and regional police knowledge and network, and most importantly his strong ties to the Cape Ann community that led to my selection.

During his tenure as Chief in Manchester-by-the Sea he modernized the Department's policies and internal affairs processes and under his leadership the Department obtained the Massachusetts Police Accreditation Commission (MPAC) Certification. The MPAC certification process is a self-initiated evaluation considered to be the best measure for a police department to compare itself against established best practices around the country and the region.

Please join me in thanking the City Selection Committee for their diligence in the search and for identifying the best candidates. The Committee brought a breadth of perspective and experience to the search process that was valuable and necessary and their collective efforts have yielded a great outcome for this City.

After notifying Chief Conley of his selection, my office, along with the Human Resources and the Legal Departments, negotiated the terms of his contract. That signed contract is included herein and subject to City Council funding after Chief Conley's confirmation. We believe that Chief Conley's contract is fair to both the Chief and the City while remaining competitive with

other municipalities. While much of the contract is fairly standard, I would like to share a couple of highlights with you.

The Police Chief Employment Agreement shall be for five years beginning on April 2, 2019 and ending on April 1, 2024. It may be extended for two additional one year periods at the City and the Chief's discretion. In considering a three year contract versus a five year contract, a five year contract made the most sense for several reasons:

- A five year contract will, first and foremost, provide stability and continuity within the Gloucester Police Department, which is needed given the separation from the City of the last permanent police chief;
- A five year contract will be financially beneficial with long-term budgeting and planning;
- A five year contract is consistent with industry standards which vary between three and five year agreements;
- A five year contract is allowed by the recently amended ordinance; and
- There will be no need to conduct this expensive and difficult process for at least another five years.

The salary range for this position was set at \$155,000 - \$175,000. We have agreed to a \$170,000 salary which is commensurate with Chief Conley's background and skill set. It is consistent with labor market standards for similar positions in other communities and aligns with other comparable City positions. Finally, we anticipate cost savings as Chief Conley has declined health insurance through the City.

Funding for this contract through the end of the fiscal year can be managed with the Police Department's FY19 budget. The full contract amount will be included in the City's FY20 budget proposal for your review and approval.

I very much look forward to you meeting the City's next Police Chief. I am confident that you will agree that his experience and progressive approach will serve the City well.

**Seaport Economic Council Grant** - Last week, Gloucester was awarded a \$1 million grant from the Seaport Economic Council. The grant will be used to improve the Harbormaster's facilities and create a visiting boater center. These amenities will allow for enhanced public safety functions, continued public access to the harbor, support for the transient boating community and promotion of the local coastal tourism economy. This endeavor is part of continued efforts to put into action the recommendations of the City's Harbor Plan/DPA Master Plan adopted in 2014 and the Rereactional Boating Ad Hoc Committee. This substantial investment allows Gloucester to provide safe, efficient, and critical harbor operations while increasing economic opportunities in our thriving downtown.

**Recent Snow Storm** - This past weekend we had our biggest winter storm of the season. Gloucester got hit with much more snow than expected. As a result, Gloucester issued its second parking ban of 2019 and closed schools and city offices/buildings. Our sincere thanks

to all, Police, Fire and especially the DPW, for their assistance during the storm. Spring is just two weeks away!

***In This Report*** - This Mayor's Report includes the appointments of Susan Roberts-Wright, Lois Hamilton and Sandy Williams to the Archives Committee and Francena Monell-Simard to the Shellfish Advisory Commission. I hope you will confirm these appointments and agree that their experience will serve the City well on these Committees. As always, I greatly appreciate all the volunteers for their dedication to public service and look forward to working with them in the coming years to help make Gloucester a better place for all of us.

Enclosed matters included herein that are being referred to the Budget and Finance Standing Committee are as follows: request to accept donations in the amount of \$175 to the Archives Committee; request to credit the General Stabilization Fund, via Home Rule Petition, with the Fuller School sale proceeds; a loan order request in the amount of \$900,000 for the reconstruction of Magnolia Pier; and a supplemental appropriation budgetary request (FY2019 SA - #31) to fund a feasibility study for School Pre-K and Administration offices relocation.

#### ***Mayoral Appointment***

- Police Chief
  - Edward Conley III, five year term, expires 4/1/2024

**Enclosure 1** contains a copy of City ordinance relative to the recruitment and appointment of the police, police chief job description, Chief Conley's resume, and employment contract.

***Please refer this matter to the Ordinance and Administration and Budget and Finance Standing Committees for review and approval.*** I and other appropriate personnel, will be available to answer questions and provide further information.

#### ***Boards, Committees & Commissions Appointments***

- Archives Committee
  - Susan Roberts-Wright, three year term, expires 2/14/2022
  - Lois Hamilton, three year term, expires 2/14/2022
  - Sandy Williams, three year term, expires 2/14/2022
- Shellfish Advisory Commission
  - Francena Monell-Simard, three year term, expires 2/14/2022

**Enclosure 2** contains the relevant information regarding the above mentioned appointment requests. ***Please refer these matters to the Ordinance and Administration Standing Committee for review and approval.***

## ***Financial Matters***

- **Enclosure 3** is a memo from City Clerk Joanne Senos, requesting approval to accept donations to the Archives Committee in the amount of \$175. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** City Clerk Joanne Senos, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 4** is a memo from CFO John Dunn requesting approval to credit the General Stabilization Fund, via Home Rule Petition, with the Fuller School sale proceeds. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Chip Payson, Legal Counsel, and John Dunn, CFO, will be available to answer questions and provide further information.
- **Enclosure 5** is a memo from CFO John Dunn requesting a loan order in the amount of \$900,000 for the reconstruction of Magnolia Pier. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Mike Hale, DPW Director, and John Dunn, CFO, will be available to answer questions and provide further information.
- **Enclosure 6** is a Supplemental Appropriation Budgetary Request (FY2019 SA - #31) to fund a feasibility study for School Pre-K and Administration offices relocation. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Mike Hale, DPW Director, or appropriate personnel will be available to answer questions and provide further information.

## ***Informational Items***

- **Enclosure 7** is an invitation by the North Shore Association of REALTORS regarding a North Shore Mayors Housing Panel I will be participating in on Thursday, March 14 at the Salem Waterfront Hotel.
- A reminder that the Seafood Expo North America will take place March 17-19 at the Boston Convention & Exhibition Center. The City of Gloucester will be at Booth 1881. For more information visit the expo's website - <https://www.seafoodexpo.com/north-america/>.

As always, we encourage the City Council to contact us for any questions or comments regarding this submission but we will continue to offer updates and insights across all these matters as they move forward.

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A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large initial "S".

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Sefatia Romeo Theken, Mayor

# **ENCLOSURE 1**



# Gloucester City Council CERTIFICATE OF VOTE Certificate Number: 2018-038

The Gloucester City Council, at a meeting held on **Tuesday, March 27, 2018** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

### IN CITY COUNCIL:

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to amend GCO Ch. 17 "Police", Art. II "Police Department", Sec. 17-18 "Selection of Police Chief; manner of appointment" by **DELETING** Section 17-18 "Selection of Police Chief; manner of appointment" in its entirety and **ADDING** new Section 17-18 "Selection of police chief; manner of appointment as follows:

"17-18. Selection of police chief; manner of appointment.

(a) Upon such time as the mayor shall become aware of a vacancy in the office of police chief, the mayor shall commence the process to fill the vacancy in the manner prescribed in this section. The mayor may select an interim police chief to serve until a permanent police chief is hired.

(b) The mayor shall select a qualified recruitment and assessment consultant. The consultant shall establish an assessment process that shall include a screening committee appointed by the mayor. The consultant and the screening committee shall hold at least one public meeting to discuss the process and the candidates. At the conclusion of the assessment process, the screening committee, with guidance and input from the consultant, shall select three candidates to forward to the mayor for consideration.

(c) The mayor shall make a selection from the three candidates and negotiate a contract with the successful candidate; the term of said contract shall be for at least three years but no longer than five years. The mayor shall appoint a candidate from the list subject to a comprehensive background investigation conducted by the consultant as well as the funding of the contract and confirmation of the candidate by the city council.

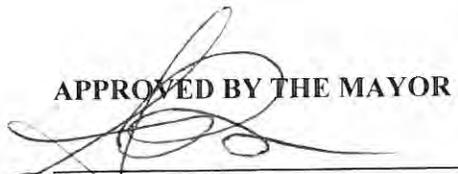
(d) The mayor may reappoint the police chief for subsequent contractual terms of at least three years but no longer than five years subject to confirmation by the city council.

(Ord. of 9-28-2010(01); Ord. of 3-27-2012(03); Ord. of 9-10-2013(216))"

  
Joanne M. Senos, City Clerk

Date: **March 29, 2018**

**APPROVED BY THE MAYOR**

  
Sefatia Romeo Theken

**VETOED BY THE MAYOR**

\_\_\_\_\_  
Sefatia Romeo Theken

SIGNED THIS 29<sup>th</sup> DAY OF MARCH, 2018

All Ordinances shall become effective 31 days after passage except  
Emergency Orders and Zoning Amendments shall become effective the next day

# CITY OF GLOUCESTER

## Job Description

**Title:** Police Chief

**Supervisor:** Mayor

**Civil Service:** exempt

**Union:** N/A

### **Supervision**

**Exercised:** Commanding Officer of Gloucester Police Department. The Chief provides direct supervision of Operations Commander, Lieutenant in charge of Investigations, and civilian Financial Coordinator. Indirectly supervises all department staff

### **Responsibilities:**

The Police Chief plans, organizes, directs and evaluates the activities of the Department. This position ensures that the departmental mission, the protection of life and property, is carried out. This position provides leadership in developing and implementing department sponsored programs and services and in developing and administering the department's budget.

### **Duties:**

- ♦ Plans and directs the Department's short and long term goals, objectives, and strategies.
- ♦ Plans and directs all administrative and technical activities in the Police Department; develops and implements internal policies, procedures, schedules and other operating practices, rules and regulation police operations.
- ♦ Selects personnel; plans organizes, coordinates, directs and evaluates the subordinate personnel; provides training and opportunities for employee development; oversees departmental personnel policy, reviews and approves pay and/or disciplinary decisions of subordinate supervisors.
- ♦ Assumes command of cases of major importance which present new, unusual, or particularly sensitive problems.
- ♦ Inspects and analyzes crime trends, juvenile delinquency, traffic conditions, vice and narcotic conditions, and related police problems; determines appropriate actions to take and implement.
- ♦ Hears public complaints demanding police action and determines best action. Directly handles all complaints against police personnel; assures that they are dealt with in a timely, proper and fair manner.
- ♦ Oversees the management of the facility's jail.
- ♦ Prepares annual or special equipment and operating budgets; controls expenditures within budget appropriations; continuously plans and acts to reduce costs and

- increase effectiveness.
- ◆ Maintains positive working relationship with the court system and other law enforcement agencies.
- ◆ Works closely with other City departments to maintain harmonious relationships throughout the organization and to ensure efforts are directed toward common City goals.
- ◆ Oversees the management of Emergency Dispatch Center (E-911) which serves Gloucester Police and Fire departments.
- ◆ Serves as the City's representative on various committees related to improvements in the profession, exchanges of information, public relations and public support, and other similar activities; maintains appropriate liaison with new media.
- ◆ Assures proper maintenance and availability of equipment, apparatus, buildings, and other facilities.

**Qualifications:**

- ◆ Masters degree in police science or related field.
- ◆ Graduate of a nationally recognized Police Leadership program (i.e. FBI National Academy, or Senior Management Institute for Police).
- ◆ A minimum of fifteen years experience in municipal, state, federal or military policing with three years of supervisory experience at the rank of Lieutenant or higher.
- ◆ Valid Massachusetts state drivers license with a good driving record.
- ◆ Extensive knowledge of all phases of police department work, including principles and practices of modern crime prevention, criminal and traffic investigations, safe apprehension procedures and management and operations of telecommunications center.
- ◆ Knowledge and expertise in Massachusetts laws, criminal procedure and rules of evidence
- ◆ Knowledge of management and administration practices and principles including budgeting, planning and forecasting.
- ◆ Knowledge of effective managerial principles and practices.
- ◆ Knowledge of the organization and function of County, State and Federal agencies concerned with enforcement regulations, licensing, safety, and related investigation activities.
- ◆ Knowledge of and familiarity with labor relations as it applies to police departments.
- ◆ Knowledge of and familiarity with the concepts of Community Policing and the ability to use statistical data in planning
- ◆ Ability to analyze situations and to act quickly, calmly, and effectively under emergency and other stressful circumstances.
- ◆ Ability to establish and maintain effective working relationships with other employees, officials, and the general public.
- ◆ Ability to prepare and supervise the accurate preparation and maintenance of comprehensive reports and records.
- ◆ Ability to maintain moral integrity and to lead others.
- ◆ Ability to plan, organize, coordinate, direct and evaluate the work of departmental

staff.

- ♦ Ability to communicate effectively both orally and in writing.
- ♦ Demonstrated commitment to improving Police Department operations and to the Gloucester Community as a whole.

## Edward G. Conley III

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### Manchester by-the-Sea Police Department Chief of Police

Principled innovative leader with experience in strategic planning, team building, organizational design, workflow management, building capacity through leveraged relationships with nongovernmental agencies, crime reporting and analysis, grant writing and Massachusetts Accreditation. Strong qualifications in organizational leadership, personnel management, criminal investigations, task force management, fiscal controls and public safety. Excellent research and problem-solving skills with a focus on data-driven, outcome intensive decision making. Confident public speaker with experience in media and civic relations. Reputation for steadfast work ethic and devotion to realizing collective goals.

#### SPECIFIC SKILL AREAS

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- Massachusetts Police Accreditation Commission Assessor
- MPTC Certified Instructor (Procedural Justice, Fair and Impartial, Mental Illness, ICAT, Narcotics)
- Coordination of Law Enforcement Operations with Community Based Organizations
- Policy and Procedure development
- Internal Affairs Investigations, Discipline and Accountability
- Harbor and Public Beach Operations
- Civil Service Law and Process
- Forecasting, Budgeting and Managing Resources
- Federal and State grant acquisition and management
- Crime Analysis and Problem Oriented Policing
- All aspects of Criminal and Narcotics Investigations

#### AWARDS & RECOGNITION

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Chelsea City Council recognition for the impact counter-drug operations had on quality of life (2007)  
Chelsea Police Department Life Saving Award, Exceptional Arrest Award (2000)  
Recognized by Chelsea City Council for addressing neighborhood issues (1999)  
Chelsea Rotary Club for outstanding service award (1998)  
Chelsea City Council commendation for success in partnering with neighborhood crime watches (1997)

#### PROFESSIONAL EXPERIENCE

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Manchester by-the-Sea Police, Manchester, MA

2016-Present

**Chief of Police**

**Emergency Management Director (2018-Present)**

## Edward G. Conley III

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The Manchester by-the Sea Police Department (MPD) has 13 sworn officers, 12 reserve officers, 1.5 Harbormasters, 1 Animal Control officer and operates the Town's Emergency Dispatch Center (PSAP). MPD has an annual budget of 1.8 million dollars.

### **Selected Accomplishments:**

- Modernized Department's policies and internal affairs process
- Obtained MPAC Certification within 16 months of becoming police chief. MPAC Accreditation expected in February 2019
- Hired Town's first full-time female police officers
- Supervised the adoption of Fire Department dispatch responsibilities
- Initiated public data sharing effort pursuant to the Police Data Initiative (PDI)
- Established web-based roll call training program
- Instituted first police officer wellness program and fitness test
- Co-developed Statewide Inservice Procedural Justice curriculum (2017-2018)

Chelsea Police Department- Chelsea, MA

1994-2016

**Lieutenant- Office of the Chief, Internal Affairs (2013-2016)**

**Lieutenant- Safe and Successful Youth Initiative (2011-2013)**

**Sergeant-Detective Drug Control Unit (2003-2011)**

**Sergeant-Detective Criminal Investigations (2002-2003)**

**Patrol Sergeant (2001-2002)**

**U.S. Marshal Fugitive Task Force (1999-2000)**

**Patrolman (1994-2001)**

### **Selected Accomplishments:**

- As the Internal Affairs Investigator for the Chelsea Police, gained experience relative to internal disciplinary investigations, remediation, sanctions and the Civil Service disciplinary process. Conducted over 60 internal investigations including citizens' complaints, internal supervisory complaints, sick time abuse, excessive force, officer involved shooting, arrestee death and officer suicide. Experienced in evaluating fitness for duty, instituting discipline and initiating termination within rules established by M.G.L. c. 31, c. 111F and c. 150E.
- 2011 implemented partnership between the Chelsea Police Department and community organizations as part of the City's 1.2 million dollar Safe and Successful Youth Initiative. Responsible for coordinating activities, establishing objectives and managing funding between the police and local non-profits in a collaborative effort to reduce violence. Precursor to the HUB model.

## Edward G. Conley III

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- Fair and Impartial Policing instructor for the Reading Police Academy, local police departments and MPTC in-service training.
- Experienced multiple facets of patrol operations and patrol supervision. Promoted to detective supervisor, case management and major case investigations. 13 years of experience supervising 3 detectives conducting undercover narcotics investigations. Refocused narcotics unit from large, long-term complex investigations to smaller more frequent community driven investigations.
- Applied for and awarded State JAG funding to study PTSD as a variable between sex workers and drug abuse.
- Leveraged assets of local, state and federal narcotics agencies along with health clinic to implement successful strategies at reducing open-air drug distribution in and around business district.

Suffolk County Sheriff's Department

1991-1994

**Deputy Sheriff (1993-1994)**

**Corrections Officer (1991-1993)**

### **EDUCATION & TRAINING**

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#### **Master of Arts, Criminal Justice**

Anna Maria College, Paxton MA, (2002)

#### **Bachelor of Arts, Sociology**

Curry College, Milton, MA (2000)

#### **Associates Degree, Law Enforcement**

Bunker Hill Community College, Boston, MA (1996)

#### Law Enforcement Management Training

Senior Management Institute for Police (SMIP) (2015)

3<sup>rd</sup> Next Generation Leadership Summit (2013)

Senior Leadership Principles (2013)

FBI (LEEDA) 46<sup>th</sup> Supervisor Leadership (2012)

DEA Drug Unit Commanders Academy (Quantico) (2005)

Massachusetts Police Leadership Institute (2001)

#### Specialized Training

Massachusetts Police Training Council Instructors Course (2016)

Certified Massachusetts Accreditation Assessor MPAC (2015)

Certified Internal Affairs Investigator (2013)

Certified Scuba Diver (1988)

## **Edward G. Conley III**

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A comprehensive list of specialized training will gladly be provided upon request

### **AFFILIATIONS & CIVIC INVOLVEMENT**

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Massachusetts Chiefs of Police Legislative Committee (2016-Present)  
Essex County Chiefs of Police Association, Executive Board elect (2016-Present)  
International Association of Chiefs of Police (2016-Present)  
Investment Manager- Chelsea Police Relief Association (2016-Present)  
Member- Jordan's Boys and Girls Club 5K Planning Committee (2011-2016)  
President- Chelsea Police Relief Association (1995-2016)  
Member- Roca's Strategic Planning Committee (2011-2014)  
President -Chelsea Superior Officers' Association (2008-2012)  
President - Chelsea Patrol Officers' Association (1996-2000)

### **MILITARY EXPERIENCE**

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1/75 Ranger Battalion Savannah, GA (1987-1990)  
Airborne Ranger, E-4

173<sup>rd</sup> Long Range Surveillance East Greenwich, RI (1992-2000)  
LRS Team Leader, E-6

### **MILITARY TRAINING**

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U.S. Army Infantry School, Ft Benning, GA, 1987  
U.S. Army Airborne School, Ft Benning, GA, 1987  
Ranger Indoctrination Program, Ft Benning, GA, 1987  
Ranger School, Ft Benning, GA, 1989  
Special Forces Pre-Scuba Course, Ft Bragg, NC 1989  
Primary Leadership Development Course, Ft Indiantown Gap, PA 1993  
Basic Non-Commissioned Officer Course I, Narragansett, RI, 1994  
Basic Non-Commissioned Officer Course II, Camp Johnson, VT, 1996  
Advanced Non-Commissioned Officer Course, Narragansett, RI, 1997  
U.S. Border Patrol Counter-Narcotics Course, El Paso, TX 1997

### **MILITARY AWARDS & RECOGNITION**

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Ranger Tab, Parachutist Badge with Combat Jump Star, Combat infantryman Badge, Jordanian Parachutist Badge, British Parachutist Badge, Expert Rifleman, Army Achievement Medal w/3 Oak Leaf Clusters, Meritorious Service Medal, Armed Forces Expeditionary Medal w/Arrowhead, Good Conduct Medal, Army Service Ribbon, Certificate of Appreciation Jordanian Special Forces, Commandant's Award BNOC II Vermont NG

## POLICE CHIEF EMPLOYMENT AGREEMENT

Agreement made this 5<sup>th</sup> day of March, 2019, by and between the City of Gloucester, (hereinafter the "City"), Massachusetts, and Edward G. Conley of North Reading, Massachusetts (hereinafter the "Chief" or "Chief of Police").

WHEREAS, the City is desirous of the services of the Chief of Police in the administration of the Police Department ("Department"); and

WHEREAS, the Chief is willing to perform the services and duties of the position of Chief of Police according to the job description and the terms and conditions of this Agreement; and

WHEREAS, the Chief shall furnish the Mayor with evidence of professional training accomplishments and maintain such qualifications as may be required by the Commonwealth of Massachusetts and/or the Mayor to hold the position of Chief of Police.

NOW, THEREFORE, the City and the Chief hereby agree, subject to confirmation by the City Council, that the following terms and conditions shall govern the salary and benefits payable under this Agreement to which the Chief shall be entitled as Chief of Police.

### 1. DUTIES

Under the direction of the Mayor, the administrative control of the Police Department for the City shall be the responsibility of the Chief.

The Chief's duties shall include, without limitation, the following and shall be carried out in consultation with and under the direction of the Mayor and in accordance with the attached job description:

- A. Supervision of the daily operation of the Department.
- B. Supervision of all Departmental personnel.
- C. Preparation and submission of the Department budget.
- D. Manage the Department within the established budget.
- E. Submission of reports to the City either orally or in writing when requested or required in order to ensure the proper communication between the administration, the City Council and the Department.
- F. Responsibility for all Departmental expenditures, as well as the receipt of funds and property in the custody of the Department.
- G. Supervision and control of all Departmental equipment and motor vehicles belonging to or used by the Department.
- H. Establishment of weapons, ammunition, uniforms, equipment and vehicle specifications for the Department.
- I. Being in charge of all special, auxiliary and/or reserve police officers, if any.
- J. Supervision and control of all training programs for Department personnel and the assignment of personnel to such programs.

- K. Maintaining the discipline of Department personnel; the issuing of orders, rules, regulations, policies and procedures; and the assignment to shifts and duties of all Departmental personnel.
- L. Being reasonably available for hearings before any board or commission of the City at which the Department is required to appear and before the City Council when necessary.
- M. Being responsible for planning, organizing, directing, staffing and coordinating Department operations, including so-called "paid details", mutual aid, regional task force or similar enforcement efforts, and coordination with the State Police or other agencies where the Chief deems it appropriate.
- N. Being responsible for communications with the public, including the media, on matters related to crime, police operations and Department policy.
- O. Representing the City in a professional manner and performing all additional duties as the Mayor shall reasonably direct and informing the Mayor of all policies and plans of the Department in a timely manner.
- P. And any such duties as the Mayor from time to time may legally assign the Chief.

## 2. HOURS OF WORK

The Chief agrees to devote that amount of time and energy which is reasonably necessary for the Chief to faithfully perform his duties under this Agreement. It is recognized that the Chief must devote a great deal of time outside the normal office hours to the business of the City. To that end, the Chief shall be allowed to accumulate and take up to eighteen (18) days of administrative leave each calendar year where such time shall not be carried over into the next calendar year. With the approval of the Mayor, the Chief may take administrative leave for the hours accumulated and reflected in the payroll records of the City.

## 3. INDEMNIFICATION

The City agrees that it shall defend, hold harmless and indemnify the Chief against any tort, professional liability claim or demand or other civil or criminal legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Chief's duties.

## 4. INSURANCE

### A. Professional Liability

The City agrees to furnish at its expense professional liability insurance for the Chief with liability limits of no less than One Million Dollars (\$1,000,000.00).

### B. Health and Life Insurance

The Chief shall maintain all health insurance through his spouse however the City shall provide all health and life insurance benefits, for which other non-bargaining unit, general government employees are eligible, to the Chief should he desire the same.

C. Injured on Duty

As a sworn police officer, the Chief shall be entitled to injured-on-duty benefits as provided in Chapter 41, Section 111F of the Massachusetts General Laws.

5. AUTOMOBILE

The City shall provide a vehicle for the use by the Chief. The vehicle shall be maintained through the City's vehicle maintenance program. In acknowledgement that the Chief is on call at all times in the event of an emergency, the vehicle may be used by the Chief at all times, including vacation, except for periods during which the Chief would not be reasonably expected to respond to an incident.

6. COMPENSATION

The City agrees as follows:

- A. To pay the Chief an annual salary of one hundred and seventy thousand dollars (\$170,000.00) payable bi-weekly in accordance with the terms of this Agreement.
- B. The Police Chief's salary shall be adjusted annually in accordance with the parameters specified for any merit pay increase or cost of living increase applicable to members of the Gloucester Municipal Administrators Association (GMAA).
- C. The City agrees that it shall not at any time during the term of this Agreement reduce the salary, compensation, or any benefits of the Chief.

7. BENEFITS

The City agrees that the Chief shall receive any and all benefits agreed to in this Agreement.

- A. Sick Leave: Accrues fifteen (15) days at the start of each calendar year and is cumulative. Upon termination of employment by the City or the Chief for reasons other than a material breach of the terms of this Agreement, just cause or voluntary resignation for other employment, the City agrees to pay the Chief for any unused sick time up to sixty (60) days at the Chief's current per diem rate at the time of separation of employment.
- B. Vacation Days: Twenty-eight (28) days at the start of each calendar year; seven (7) of those days may be carried forward to the new calendar year. Upon termination of employment by the City or the Chief for reasons other than a material breach of the terms of this Agreement, just cause or voluntary resignation for other employment, the City agrees to pay the Chief for any unused vacation time up to thirty-five (35) days at the Chief's current per diem rate at the time of separation of employment.
- C. Personal Days: Three (3) days at the start of the calendar year; such days are non-cumulative. Upon termination of employment by the City or the Chief for reasons other than a material breach of the terms of this Agreement, just cause or voluntary resignation

for other employment, the City agrees to pay the Chief for any unused Personal Days up to three (3) days at the Chief's current per diem rate at the time of separation of employment.

- D. Funeral Leave: Shall be consistent with those described in the Gloucester Police Superiors Association Agreement.
- E. Understanding that it is necessary for the Chief to be available for telephone access at all times, the City shall issue and pay for a cellular telephone for the Chief's use whereby said telephone and any and all information contained thereon is the property of the City.
- F. The City shall issue a lap top computer or similar device to the Chief for his professional use whereby said lap top computer and any and all information contained thereon is the property of the City.

#### 8. PROFESSIONAL DEVELOPMENT

Subject to available funding, with prior approval, and at the discretion of the Mayor, which shall not be unreasonably withheld, the Chief may attend conferences, continuing education courses, and training and other professional development courses with expenses to be paid by the City.

The Chief may teach, provide instruction and/or consult outside of his duties outlined in Section 1 with the prior approval and at the discretion of the Mayor which shall not be unreasonably withheld.

#### 9. DUES AND SUBSCRIPTIONS

The City agrees to budget and pay for the professional dues and subscriptions of the Chief for his continuation and full participation in national, international, regional, state, and local associations and organizations necessary and desirable for his continued professional growth and advancement, and for the good of the City, including but not limited to the International Association of Chiefs of Police, the Massachusetts Chiefs of Police, the Police Executive Research Forum, the New England Chiefs of Police Association, and all applicable regional police chief associations.

#### 10. DEATH DURING TERM OF EMPLOYMENT

If the Chief dies during the term of his employment, the City shall pay to the Chief's estate all the compensation that would otherwise be payable to the Chief up to the date of the Chief's death, including, but not limited to, payment for any unused leave days as outlined in this agreement.

## 11. LENGTH OF AGREEMENT

- A. To align this Agreement with the City's budgetary needs, the term of this Agreement shall be five (5) years, commencing on April 2, 2019, through April 1, 2024; however, this Agreement may be extended as provided by its terms.
- B. In the event that the Mayor wishes to extend or renew this Agreement for an additional term, the Mayor shall on or before April 1, 2023, notify the Chief, in writing, as to whether or not she/he wishes to commence negotiations for a successor agreement.
- C. If the decision is to renew, then either the Chief or the Mayor may request that the provisions be renegotiated. It is expressly understood and agreed by the parties that a decision not to renew is not to be construed as a dismissal.
- D. In the event both the Chief and the Mayor give notice indicating their desire to commence negotiations for a successor agreement, the parties hereto shall meet and shall attempt to conclude negotiations by January 31, 2022.
- E. This Agreement may be extended for two (2) additional one (1) year periods. The terms and conditions of such an extension shall be agreed upon in writing by the Mayor and the Chief. Any such extension shall be preceded by notice as outlined in section B above.

## 12. TERMINATION

- A. This Agreement may be terminated by written notice from the City before the expiration of the five (5) year term as follows:
  - 1. Incapacity (inability to perform duties due to physical or mental impairment) of the Chief to perform his duties for a continuous period of over ninety (90) calendar days; or as determined by medical documentation pursuant to the provisions of Sec. 5-4 of Appendix C in the Gloucester Code of Ordinances; or
  - 2. Material breach by the Chief of any provisions of this Agreement after notice and opportunity to cure is provided where such opportunity to cure shall be no more than thirty (30) days; or
  - 3. For just cause as determined by the Mayor, and encompassed in this Agreement after due process including notice, a hearing at which the Chief may be represented by counsel, and the ability of the Chief to present and cross-examine any witnesses.
- B. The Chief may terminate this Agreement by giving ninety (90) days' prior written notice to the Mayor, and upon such termination all rights and obligations under this Agreement shall cease. Prior to said termination, the City agrees to pay the Chief any and all accrued benefits according to the terms of this Agreement.

13. DISCIPLINE OR DISCHARGE

The Mayor may suspend and/or discharge the Chief under the terms and conditions of this Agreement and in accordance with Massachusetts General Laws.

14. DISPUTES ARISING OUT OF THIS AGREEMENT

For any dispute arising out of this Agreement, regarding termination for just cause or material breach of the terms of employment, the parties agree to submit the dispute to mediation. The parties shall propose and agree upon a neutral and otherwise qualified mediator. In the event that the Parties fail to agree upon a mediator either Party may request the American Arbitration Association (the "AAA") to appoint a mediator. In the event that the dispute is not resolved through mediation, the parties agree to submit the dispute to final binding arbitration.

15. MODIFICATION

No change or modification of this Agreement shall be valid unless it shall be in writing and signed by both of the parties.

16. LAW GOVERNING

This Agreement shall be construed and governed by the Laws of the Commonwealth of Massachusetts.

17. SEVERABILITY OF PROVISIONS

If any clause or provision of this Agreement shall be determined to be illegal by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby.

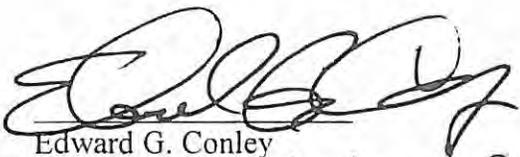
IN WITNESS WHEREOF, the parties hereunto have set their hands and seals to this instrument the date and year first above written.

FOR THE CITY

THE CHIEF OF POLICE

By its Mayor

  
Sefalia Romeo Theken

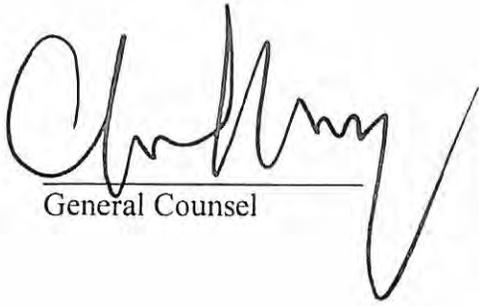
  
Edward G. Conley

Date:

3/5/2019

3/5/2019

Approved as to Form:



General Counsel

# **ENCLOSURE 2**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 21, 2019

Ms. Susan Roberts-Wright  
29 School Street  
Gloucester, MA 01930

Dear Susan:

I am pleased to appoint you to a three year term to the **Archives Committee**. Your appointment will be sent to the City Council for their meeting of March 12, 2019. Confirmation of your appointment will be referred out to the next Ordinance and Administration standing committee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

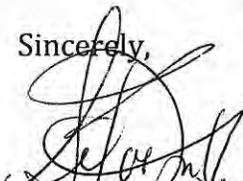
In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's Office to pick up your appointment card and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,



Stefania Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

February 14, 2019

Mayor Sefatia Romeo Theken  
City Hall  
9 Dale Ave.  
Gloucester, MA. 01930

Subject: Archives Committee Vacancy

Dear Mayor Romeo Theken:

I would like to be considered for an appointment to the City of Gloucester's Archives Committee.

I have been a volunteer for the Archives department in City Hall for the past 3 years.

During this time I have:

Re- indexed their Peterson File

Worked with the past Archivist in posting FINDING AIDS for the City's Website

Currently I am creating a searchable data base of early Deeds from 1897

I am a DAR member with the Cape Ann Chapter of the DAR which has a history of supporting the Gloucester Archives & the re-binding of vital records books;

I served as their Chapter Historian, Registrar & Vice Regent .

I am dedicated and committed to my volunteerism to the Archives Department and I do hope that you will consider me for a position of the Archives Committee.

Sincerely,

A handwritten signature in cursive script that reads "Susan Roberts-Wright". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Susan Roberts-Wright  
29 School St.  
Gloucester, MA. 10930  
978 885-5843

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 21, 2019

Ms. Lois A. Hamilton  
46 Grove Street  
Gloucester, MA 01930

Dear Lois:

I am pleased to appoint you to a three year term to the **Archives Committee**. Your appointment will be sent to the City Council for their meeting of March 12, 2019. Confirmation of your appointment will be referred out to the next Ordinance and Administration standing committee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's Office to pick up your appointment card and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you.

Sincerely,



Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

Mayor Sefatia Romeo Theken  
City of Gloucester  
9 Dale Avenue  
Gloucester, MA 01930

February 14, 2019

Subject: Archives Committee Vacancy

Dear Mayor Romeo Theken:

I would like to join the City of Gloucester's Archive Committee.

My volunteerism at the Archives Department began twenty-two years ago. Since 1997, I have found it to be a very rewarding experience in assisting and fulfilling countless archival requests made by the public and various city departments.

Additionally, I am an active RSVP volunteer with the Senior Care's Nutrition Program and the current Registrar of the Daughters of the American Revolution, Cape Ann Branch.

My past and present projects at the Archives Department have included researching, assisting and working on the following:

1. Lost at Sea Cenotaph- gathering names and information
2. Gloucester Historical Time Line Book
3. WWII Memorial - names
4. Index Books /Park Commissioner minutes
5. City of Gloucester's 375<sup>th</sup> Anniversary
6. Gathering information on various properties and old houses throughout the City
7. Entering information into several of the City's cemetery databases.

I feel I would be a great asset to the Archives Committee.

Respectfully,



Lois A. Hamilton

46 Grove Street

Gloucester, MA 01930

[hamilton.loisann@gmail.com](mailto:hamilton.loisann@gmail.com)

(978)879-9909

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 21, 2019

Ms. Sandy Williams  
39 Commonwealth Avenue  
Gloucester, MA 01930

Dear Sandy:

I am pleased to appoint you to a three year term to the **Archives Committee**. Your appointment will be sent to the City Council for their meeting of March 12, 2019. Confirmation of your appointment will be referred out to the next Ordinance and Administration standing committee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

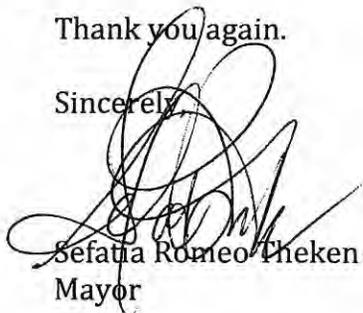
In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's Office to pick up your appointment card and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,



Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

Mayor Sefatia Romeo Theken  
City Hall  
9 Dale Avenue  
Gloucester, MA 01930

February 14, 2019

Subject: Archives Committee Vacancy

Dear Mayor Romeo Theken:

I would like to be considered for an appointment to the City of Gloucester's Archives Committee.

As a lifelong resident of Gloucester and through spending countless hours of genealogy research covering over forty years I have been able to trace our family tree back to the early 1600's settlers of Cape Ann. Much of that success was a result of the assistance and experience from using the records maintained in the City's Archives Department.

Approximately fourteen years ago I began volunteering at the Archives Department one to two days per week. The past 2 ½ years I have volunteered and served the Archives Department as the assistant office manager, five days per week (Monday-Friday 0830-1200 hrs).

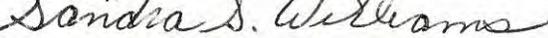
Over the years, I have worked on and assisted with numerous time consuming projects involving the organizing and preservation of our archival records and improving storage environments.

Some of the more recent projects in which I was involved in include:

1. Creating a searchable database and entering all available data for the Park Street Cemetery which covered internments, families and relocations. Other searchable databases worked on included the Oak Hill, Dolliver, Mount Pleasant and Wesleyan Cemeteries.
2. Assisting the Veteran's Office with researching and finding missing data for Veterans interned in the Beechbrook Cemetery
3. Researching and completing a single Family Tree request submitted by a citizen which encompassed over three hundred pages.

I am dedicated and committed to my volunteerism to the Archives Department and I do hope that you will consider me for a position on the Archives Committee.

Sincerely,



Sandy Williams

39 Commonwealth Avenue  
Gloucester, MA 01930  
(978)290-1901

Sec. 2-754. - Archives committee; appointment; duties.

- (a) Members of the archives committee shall be appointed by the mayor for three-year terms (or the unexpired portion thereof) expiring on February 15, such appointments to be confirmed by the city council.
- (b) The committee shall assist the city clerk and the departments in the performance of such tasks as are mutually agreeable to the committee, the city clerk and the departments as applicable. The committee shall have no independent authority.
- (c) One member of the committee may be appointed to serve also on the records management advisory board.
- (d) All members of the committee shall serve without compensation. They shall be deemed special municipal employees under section 2-44 for the purposes of M.G.L. c. 268a.

(Ord. No. 15-1994, § 3, 8-23-1994; Ord. of 11-13-2001(01), § I; Ord. of 7-8-2003(01), § II(2-754))

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 6, 2019

Ms. Francena Monell-Simard  
25 Hodgkins Street  
Gloucester, MA 01930

Dear Francena:

I am pleased to appoint you to a three year term to the **Shellfish Advisory Commission**. Your appointment will be sent to the City Council for their meeting of March 12, 2019. Confirmation of your appointment will be referred out to the next Ordinance and Administration standing committee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's Office to pick up your appointment card and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive.

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

November 30, 2018

Mayor Sefatia Romeo Theken

cc: Gloucester Harbormaster, Thomas Ciarametaro

Dear Mayor,

It has come to my attention that the City of Gloucester is going to reinstate the Shellfish Advisory Council.

I have worked for 12 years for the Greater Atlantic Regional Fisheries Office under National Oceanic and Atmospheric Administration, in Gloucester as the Contracting officer and as a Federal Program Officer handling a number of both contracts and grants related to fisheries, aquaculture, and shellfish.

As a lifelong resident of Gloucester, and having had a recreational shellfish permit since roughly 2006, I have an interest in the North Shore shellfish habitat and population. I understand that this Advisory Council may be seeking stakeholders such as myself. I would like to offer any assistance or expertise that I may be able to contribute to this council.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Francena Monell-Simard". The signature is fluid and cursive, with a large, stylized initial "F" and "M".

Francena Monell-Simard  
25 Hodgkins Street  
Gloucester MA 01930  
Email: [francenam@hotmail.com](mailto:francenam@hotmail.com)  
Cell: 207-310-8392  
Home : 978-281-5397

# FRANCENA MONELL-SIMARD

25 Hodgkins Street  
Gloucester, MA 01930  
francenam@hotmail.com  
978-281-5397  
Cell:207-310-8392

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## EXPERIENCE

**JAN 2005-APRIL 2017**

**ACQUISITION MANAGEMENT SPECIALIST, CONTRACTING OFFICER,  
FEDERAL PROGRAM OFFICER,  
DEPT OF COMMERCE, NOAA FISHERIES, GREATER ATLANTIC REGIONAL  
FISHERIES OFFICE, GLOUCESTER, MA (ZA-1101 III)**

I was the Contracting Officer handling purchasing of supplies and services for the Region. I was the liaison between the Greater Atlantic Regional Fisheries Office and the NOAA contracting offices nationwide. I was a Federal Program Officer on a number of Saltinstall Kennedy federal grants.

**JAN 2000-JAN 2005**

**SUPPORT SERVICES SPECIALIST,  
DEPT OF AGRICULTURE, WHITE MOUNTAIN NATIONAL FOREST,  
CONWAY, NH**

Was lead procurement Agent, and property manager for supplies and services at the Saco Ranger District. Worked in timber sale contracts. Was the Federal Archaeologist for the District.

## EDUCATION

**Jan 2000- April 2017**

Continuous training and certifications in my fields of expertise in order to maintain professional and Federal credentials.

**May 1982**

Bachelor of Arts, University of Massachusetts Amherst  
Major: Anthropology  
Minors: Spanish, Latin American Studies

# Shellfish Advisory Commission

Sec. 20-2. - Shellfish advisory commission.

- (a) *Created; membership; appointment; compensation.* There is hereby created and established in the city a commission to be known as the shellfish advisory commission. The commission shall consist of five members of all whom shall be citizens of the city and shall be appointed by the mayor, subject to confirmation by the city council, and shall be unpaid.
- (b) *Terms of members; chairperson.* All members of the shellfish advisory commission shall be appointed for three-year terms. The commission shall choose one of their members to be chairperson.
- (c) *Compensation.* The shellfish advisory commission shall consist of three persons from the shellfish industry, the chairperson of the conservation commission or his designee and a marine biologist, if available.
- (d) *Duties.* The shellfish advisory commission shall advise the mayor and city council on all matters pertaining to shellfish, seaworms and eels. The commission may establish, subject to approval by the city council, a management plan with rules and regulations relating to the issuance of permits and taking of shellfish, seaworms and eels.

(Ord. No. 49-95, § 1, 12-29-1995)

**Cross reference—** Boards, commissions, councils, and committees, § 2-400 et seq.

# **ENCLOSURE 3**



**OFFICE OF THE CITY CLERK**  
9 Dale Avenue • Gloucester, Massachusetts 01930  
Office (978) 281-9720 Fax (978) 282-3051  
E-mail: [jsenos@gloucester-ma.gov](mailto:jsenos@gloucester-ma.gov)

TO: Mayor Sefatia R. Theken and City Council

FROM: Joanne M. Senos, City Clerk 

DATE: March 5, 2019

RE: Acceptance of donations to the Archives Committee in the amount of \$175

The following donations were made to the Archives Committee:

1. Donation in the amount of \$75 by Barbara B. Berman
2. Donation in the amount of \$100 by Christopher J. McCarthy

On behalf of the Archives Committee, I am requesting that this matter be placed on the next Mayor's Report for referral to the Budget & Finance Committee for approval and recommendation to the City Council for acceptance of said donations.

I will be available to answer questions and provide further information as required.

Thank you.

5-7515/110 6294

**BARBARA B. BERMAN**  
164 E MAIN ST.  
GLOUCESTER, MA 01930

DATE 2/20/19

PAY TO THE ORDER OF Gloucester Archives \$ 75.00

Seventy-five dollars and 00/100 DOLLARS

 **Santander**  
Santander Bank, N.A.

MEMO Barbara Berman

DELUXE ONLINE CHECKS SAFETY PAPER

Security Features Details On Back

5563  
53-7022/2113

Christopher J. McCarthy DBA  
McCarthy Realty Trust  
978-283-0001  
166 Bray St  
Gloucester, MA 01930

DATE 2/27/19

PAY TO THE ORDER OF Gloucester Archives Committee \$ 100.00

One Hundred DOLLARS

Security Features Details On Back



Christopher McCarthy

FOR

MP

# **ENCLOSURE 4**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9707  
FAX 978-281-8472  
jdunn@gloucester-ma.gov

**CITY OF GLOUCESTER**  
**OFFICE OF THE TREASURER/COLLECTOR**

To: Sefatia Romeo Theken, Mayor  
From: John P. Dunn, CFO   
Date: March 4, 2019  
Re: Fuller School Sale Proceeds

As you know we have completed the sale of the Fuller School site to Fuller Mixed Use Ventures, LLC and have received the sale proceeds. Massachusetts General Law Chapter 44, Section 63 requires that the proceeds from the sale of real estate be credited to a Special Revenue Fund. In general, the proceeds can then be appropriated for "...any purpose or purposes for which the city, town or district is authorized to incur debt for a period of five years or more...". Such a fund already exists in our general Ledger and that is where the sale proceeds will sit for now.

We have discussed, that from our perspective, a better treatment of the sale proceeds would be to credit our General Stabilization Fund. This would give us increased flexibility in the future appropriation of the funds and also enhance our General Fund Balance sheet because of the accounting treatment of stabilization fund assets versus special revenue fund assets. The accounting treatment would receive favorable review from the credit rating agencies.

Attached is a memo from General Counsel Charles J. Payson outlining the objective and proposing Home Rule Petition Language to allow us to credit a Stabilization Fund with the sale proceeds.

If you are in agreement with this treatment, please submit this request to the City Council in your next Mayor's Report.

Thank you.

## Home Rule Petition (Gloucester)

### Objective

The City of Gloucester (City) is seeking relief from the requirement of MGL chapter 44, section 63, so that it may credit a Stabilization Fund, either existing or to be established, with either the total proceeds of the sale of the former Fuller School (\$4.1 million). Such a treatment will allow for flexibility in use of the funds as well as make a substantial difference on the presentation of the City's financial position to the ratings agencies and the outside world.

*MGL Chapter 44, Section 63: Sale or other disposal of realty; disposition of proceeds*

*Whenever the proceeds of the sale or other disposal of real estate, including the taking by eminent domain by another governmental unit, but other than that acquired through tax title foreclosure, by a city, town, or district, exceed five hundred dollars, the same shall be applied to the payment of indebtedness incurred in acquiring such real estate or shall be added to the sinking fund, if any, from which said indebtedness is payable, or if no such indebtedness is outstanding may be used for any purpose or purposes for which the city, town or district is authorized to incur debt for a period of five years or more or be applied to the payment of indebtedness incurred under clause (3) of section seven, except that the proceeds of a sale in excess of five hundred dollars of any park land by a city, town, or district shall be used only by said city, town, or district for acquisition of land for park purposes or for capital improvements to park land.*

### Draft Home Rule Petition Language

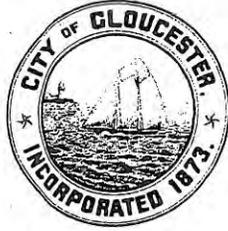
Section 1. The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Section 2. Notwithstanding any general or special law to the contrary, the city of Gloucester may, upon approval by the city council and mayor, credit the total proceeds from the sale of the former Fuller School property to a stabilization fund to be used for municipal purposes.

Section 3. The act shall take effect upon passage.

# **ENCLOSURE 5**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9707  
FAX 978-281-8472  
jdunn@gloucester-ma.gov

**CITY OF GLOUCESTER**  
**OFFICE OF THE TREASURER/COLLECTOR**

To: Sefatia Romeo Theken, Mayor  
From: John P. Dunn, CFO   
Date: March 4, 2019  
Re: Loan Order - Magnolia Pier Reconstruction

Michael Hale, Director of Public Works, is requesting \$900,000 to fund the demolition of the current Magnolia Pier structure and reconstruction of a new Pier. As per the attached Condition Assessment, estimated costs are \$884,808. I have rounded such amount up to \$900,000 to be on the safe side and have attached a form of loan order to appropriate the funds for the project.

If you are in agreement with this request, please forward this information to the City Council for action in your next Mayor's Report.

Thank you.

## Magnolia Pier Condition Assessment

54 Shore Road, Gloucester, MA

Preliminary Engineer's Cost Estimate

June 2018

<b>Alternate 1: Improved Pier/ Full Replacement</b>						
	Items	QTY	Unit	Unit Price	Total	
1	Mobilization and Demobilization	1	LS	\$100,000	\$100,000	
2	Demolition/Disposal	1	LS	\$75,000	\$75,000	
3	Remove and Reset Stone Revetment	1	LS	\$25,000	\$25,000	
4	Timber Plumb Piles	52	EA	\$3,500	\$182,000	
5	Timber Batter Piles	16	EA	\$3,800	\$60,800	
6	Additional Timber Batter Piles	20	EA	\$3,800	\$76,000	
7	Timber Pier Structure					
	a	Pile Caps	936	BF	\$10	\$9,360
	b	Stringers	3,240	BF	\$10	\$32,400
	c	Blocking	2,550	BF	\$10	\$25,500
	d	Bracing	2,700	BF	\$10	\$27,000
	e	Additional Bracing	1,350	BF	\$10	\$13,500
	f	Decking	3,240	BF	\$12	\$38,880
	g	Railings (including post, mid, top rail, infi	540	LF	\$100	\$54,000
8	Hardware Allowance	1	LS	\$8,000	\$8,000	
9	Gangway to Pier Connection	1	LS	\$3,500	\$3,500	
10	Ladders	8	EA	\$800	\$6,400	
<b>Subtotal</b>					<b>\$737,340</b>	
<b>Engineering, Design, Supervision and Administration 15%</b>					<b>\$110,601</b>	
<b>Contingency 20%</b>					<b>\$147,468</b>	
<b>Total Preliminary Construction Cost Estimate</b>					<b>\$884,808</b>	

\*Work includes:

- 1) Full replacement of the structure with improvements including all timber piles, framing members, decking and railings

Ordered: That the City of Gloucester appropriates Nine Hundred Thousand Dollars (\$900,000) to pay costs of the demolition of the existing and reconstruction of a new Magnolia Pier, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

# **ENCLOSURE 6**

**City of Gloucester**  
**SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST**  
**Fiscal Year 2019**

\*\*\*\*CITY COUNCIL APPROVAL- 6 VOTES NEEDED\*\*\*\*

APPROPRIATION # 2019-SA- 31 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ Treasurer/Collector

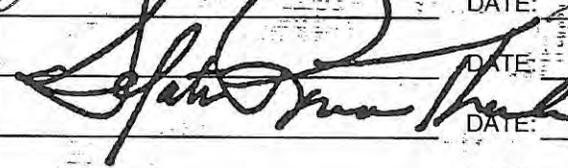
APPROPRIATION AMOUNT: \_\_\_\_\_ \$35,000.00

Account to Appropriate from: <i>MUNIS ORG - OBJECT</i>	7700/359000
<i>MUNIS ACCOUNT DESCRIPTION</i>	<b>Building Stab Fund - Undesignated Fund Balance</b>
Balance Before Appropriation	\$1,312,225.00
Balance After Appropriation	\$1,277,225.00

Account Receiving Appropriation: <i>MUNIS ORG - OBJECT</i>	770006/530006
<i>MUNIS ACCOUNT DESCRIPTION</i>	<b>School Pre-K and Admin Relocation Study</b>
Balance Before Appropriation	\$ -
Balance After Appropriation	\$ 35,000.00

DETAILED ANALYSIS OF NEED(S): Feasibility Study for School Pre-K and Administration Offices Relocation

**APPROVALS:**

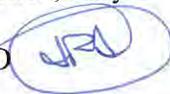
DEPT. HEAD:		DATE: <u>3/4/2019</u>
ADMINISTRATION:		DATE: <u>3/6/2019</u>
BUDGET & FINANCE:		DATE: _____
CITY COUNCIL:		DATE: _____

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9707  
FAX 978-281-8472  
jdunn@gloucester-ma.gov

**CITY OF GLOUCESTER**  
**OFFICE OF THE TREASURER/COLLECTOR**

To: Sefatia Romeo Theken, Mayor  
From: John P. Dunn, CFO   
Date: March 4, 2019  
Re: Feasibility Study School Pre-K and Administration Relocation

Michael Hale, Director of Public Works, is requesting \$35,000 to fund a Feasibility Study for School Pre-K and Administrative Offices Relocation to either the High School or O'Maley. Such work will be performed by Dore & Whittier, our on call Architects. In order to fund such project, I would recommend an appropriation within our Building Improvement Stabilization Fund. And have attached the required Supplement Appropriation form.

If you are in agreement with this request, please forward tis information to the City Council for action in your next Mayor's Report.

Thank you.



**Work Order Authorization**  
**Gloucester On-Call Architectural Services**  
**Contract # 18152**

**Work Order # :** 3  
**Date:** January 11, 2019  
**Description:** Feasibility Study District Office & Pre-K Relocation (O'Maley and/or GHS)  
**Contracting Method:** T&M per contract  
**Upset Limit:** \$35,000.00 / 350 Hours

<b>Scope of Service:</b>	Field Investigation	X
	Design Recommendation	X
	Concept Drawings (not stamped)	X
	Construction Drawings (stamped)	-
	Bidding	-
	Construction Administration	-

<b>Design Discipline:</b>	Architectural	X
	Structural	-
	Mechanical	-
	Electrical	-
	Plumbing	-
	Fire Protection	-
	Civil	-
	Landscape	-
	Technology	-
	Other	-

<b>Testing:</b>	HazMat	-
	Concrete	-
	Geotechnical	-
	Geo-environmental	-
	Other	-

**Comments:**

Documentation prepared is for review and comment only. Any subsequent construction drawings to be prepared at Owners direction. Other design disciplines if necessary, to be determined based upon field investigation.

**Owner Authorization:**

By \_\_\_\_\_

Date \_\_\_\_\_

**Scope of Work:**

Study the feasibility of relocating the District Offices and District-wide pre-kindergarten program to a new location or locations.

**Task List:**

1. District-Office Programming meeting – 2 hours
  - a. Documentation of existing space use
  - b. Define idealized programming need – Draft Space Summary
  - c. Define idealized spatial relationships – Overall spatial relationship diagram
2. Pre-Kindergarten Programming meeting – 2 hours
  - a. Documentation of existing space use
  - b. Define idealized programming need – Draft Space Summary
  - c. Define idealized spatial relationships – Overall spatial relationship diagram
3. Develop Conceptual Options – 3-4 weeks
  - a. Explore spatial possibilities at Gloucester High School
    - i. May require detailed space use analysis
  - b. Explore possibilities of including Pre-Kindergarten with East Gloucester Building Project
4. Develop Conceptual Cost Estimates 2 weeks
5. Publish Report – 2 Weeks

**Timeline:**

6-8 weeks from authorization to proceed

# **ENCLOSURE 7**



north shore  
association of REALTORS®

398 ESSEX STREET  
BEVERLY, MA 01915

T 978 232-9410  
F 978 232-9414

January 29, 2019

The Honorable Sefatia Romeo Theken  
Office of the Mayor  
Gloucester City Hall  
9 Dale Avenue  
Gloucester, MA 01930

Dear Mayor Romeo Theken:

On behalf of the leadership and 1,300 members of the North Shore Association of REALTORS®, I would like to invite you to speak on a **North Shore Mayors Housing Panel** at our **March Membership Meeting on Thursday, March 14<sup>th</sup> from 8:30 – 11:00 A.M. at the Salem Waterfront Hotel.**

As a past NSAR speaker, you know that we are a leading member-based trade association representing over 1,200 REALTORS® in 23 cities and towns across the North Shore, including Gloucester. Our Association brings together diverse perspectives from the real estate community and beyond including buyer and seller agents, appraisers, mortgage brokers, attorneys, home inspectors, and other service professionals.

NSAR is also dedicated to protecting the rights of property owners, promoting the development of affordable housing, and providing resources to guarantee every citizen the right to share in the dream of homeownership. Our membership would appreciate hearing an update from you on your Administration's housing agenda and other real estate-related priorities in Gloucester.

This annual event brings together NSAR's most civically-engaged REALTOR® members from across the region to hear from political and industry leaders. This is our opportunity to highlight and recommit ourselves to NSAR's ongoing local advocacy efforts in support of private property rights and homeownership on the North Shore.

Should you have any questions about this invitation or to reply, please contact our Government Affairs Manager Kristian Hoysradt at [kristian@northshorerealtors.com](mailto:kristian@northshorerealtors.com) or 978-232-9410.

Thank you so much for your consideration as we eagerly await your response.

Sincerely,

Susan J. Kline, RCE, CAE  
Chief Executive Officer  
North Shore Association of REALTORS®

CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT

NAME OF EVENT: Gloucester Block Parties DATE OF EVENT: 7.13, 8.10, 8.30.19

Special Events

Permitting is required for all types of special events taking place in the City of Gloucester. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and granted a special event permit. Furthermore, special events are also governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the **City Clerk** first to arrange to be placed on the Special Events Advisory Committee agenda. The applicant **must complete** a Special Events Application form in advance which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations for the following: all American with Disabilities Act (ADA) accessibility; pedestrian and fire access; dimensions of stages & tents; type of equipment or generators and the placement of any vendors and any portable toilet facilities; site plan/map must be 8-1/2 x11 inches and be legible – capable of copy reproduction;
- If the site of the event is privately owned, a letter from the landlord or property owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list **all** rides & games;
- If this is the "first year" for your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is to be used. Vendors will need state or city vending license before date of event and Health Department approvals unless they are excluded under state laws or regulations;
- Certificate of Insurance Listing City as the insured (Certificate Holder).

CITY CLERK  
GLOUCESTER, MA

7:19 FEB 20 PM 2:01

The applicant is to submit the completed permit form (download at: Gloucester-ma.gov or available in City Clerk's Office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations (non-profit organizations must submit a 501(c) (3) form with application), \$50.00 for-profit organizations, at the City Clerk's Office. At that time, an appointment for review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk in order to begin the approval process. **All first time applicants must file completed application and permitted at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing deadlines may result in denial of the application.**

Some applicants will appear before the Council's Planning & Development Committee who will give the applicant a list of conditions which **must** be met. If the completed application doesn't require P&D Committee approval, then the application including the checklist should be considered complete upon the applicant's appearance before the Special Events Advisory Committee.

Joanne M. Senos, City Clerk  
Gloucester City Hall, 9 Dale Avenue  
Gloucester, MA 01930  
PHONE: 978-281-9720x8  
EMAIL: jsenos@gloucester-ma.gov

Hours of Service:  
Monday through Wednesday: 8:30 a.m.-4:00 p.m.  
Thursday: 8:30 a.m. to 6:30 p.m.  
Friday: 8:30 a.m. to 12:30 p.m.

Completed copy filed: Date: 2/20/19 Initial: JMS Copy to Applicant: Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
Fee Paid: \$ 25.00

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event Gloucester Block Parties

1. Date: 7.13, 8.10, 8.30.19 Time: from 6pm to 10pm

Rain Date: — Time: from — to —

2. Location: Main St, from Pleasant/Duncan to Washington St

3. Description of Property & Name of Owner: public street, downtown  
Public  Private

4. Name of Organizer: Cape Ann Chamber/City City Sponsored Event: Yes  No   
Contact Person: Susan Gould Coriello  
Address: 33 Commercial St. Telephone: 978-283-0101  
E-Mail: scoriello@hotmail.com Cell Phone: 978-837-8273  
Day of Event Contact & Cell Phone: Susan, 978-837-8273  
Official Web Site: capeannchamber.com

5. Are street closures required:  Yes  No If yes, where: Main St/Duncan, Washington

6. Number of Attendees Expected: 3000 per Number of Participants Expected: 150

7. Is the Event Being Advertised? yes ? Where? social media, newspaper, radio, email

7. (a) Is there a fee charged for tickets/attendance for event participation? Yes  No  List all fees if yes.

8. What Age Group is the Event Targeted to? All ages, families welcome

9. Have You Notified Neighborhood Groups or Abutters? Yes  No  Who? Main St. merchants  
Attach a copy of the notification to the abutters to this application.

10. Are you or Profit Organization:  Non-Profit Organization:  Who will benefit financially from this event? CACC, Main St. Businesses

Activities: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments:

A. Vending: Food  Beverages  Alcohol  Goods  Total No. of Vendors\* 150+-  
(\*Local or State license required)

B. Entertainment: (Subject to City's Noise Ordinance) Live Music  DJ  Radio/CD   
Performers  Dancing  Amplified Sound  Stage

C. Games/Rides: Adult Rides  Kiddie Rides  Games  Raffle (requires City permit\*)   
Other:  Total No.

Name of Carnival Operator (requires permit and inspection of rides): Buskers as street performers  
Address: —  
Telephone: —

D. Tents:  Yes  No. If yes, how many +-20 What are the tent sizes: 10x10 (May require permits)

E. Clean Up: No. of additional trash receptacles required 8 No. of additional recycling receptacles required —  
(To be provided by and removed by applicant at their expense.) cooperation with DPW

F. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)

No.: — standard No.: public toilets ADA accessible Gloucester House  
Police Station  
Rose Baker  
Maritime Center

N/A

FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALK-A-THON \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event: \_\_\_\_\_  
\_\_\_\_\_

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above: \_\_\_\_\_  
\_\_\_\_\_

3. Locations of Water Stops (if any): \_\_\_\_\_

4. Will Detours for Motor Vehicles be required? \_\_\_\_\_ If so, where and what length of time: \_\_\_\_\_

4A. Are street closures required? \_\_\_\_\_ (This is determined by the Police Department)  
Where? \_\_\_\_\_  
\_\_\_\_\_

5. Start Location & Time for Participants: \_\_\_\_\_

6. Dismissal Location & Time for Participants: \_\_\_\_\_

7. Number of Participants: \_\_\_\_\_

8. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Location of Viewing Stations: \_\_\_\_\_  
\_\_\_\_\_

• Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: \_\_\_ No \_\_\_

• Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: \_\_\_ No \_\_\_

8. Name and Address of Insurer: \_\_\_\_\_

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

NAME OF EVENT: Gloucester Block Parties DATE OF EVENT: July 13, Aug 10 + 30 2019

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE:** Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

**Approvals Required:** Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of  
Dept. Head/  
Designee

Notes by Department Head or Designee

- 1. Special Events Advisory Committee \_\_\_\_\_
- 2. Planning & Development Committee yes
- 3. Gloucester Police Department \_\_\_\_\_  
Is Police Detail Required? off watch No. of Details \_\_\_\_\_  
Traffic, Parking & Transportation \_\_\_\_\_ Street Closure: \_\_\_\_\_
- 4. Health Department \_\_\_\_\_
- 5. Building Inspector \_\_\_\_\_
- 6. Electrical Inspector \_\_\_\_\_
- 7. Department of Public Works: \_\_\_\_\_  
Use of City Property: Yes/No Location if yes: \_\_\_\_\_ Permits: \_\_\_\_\_
- 8. Gloucester Fire Department officer will walk through  
Is a Fire Detail Required?  No. of Details  EMS \_\_\_\_\_ Use of Propane: ?  
(Attach EMS Memo)
- 9. Licensing Commission (includes vendors) (Through City Clerk: \_\_\_\_\_
- 10. Licensing Board (Alcohol): \_\_\_\_\_
- 11. Harbormaster: \_\_\_\_\_
- 12. Tourism: \_\_\_\_\_

The Departments or Committees listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

Signature of Applicant



219 . 2019

### RESPONSIBILITIES OF APPLICANT

1. All members of the organizing committee and performers/concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application or revocation of permits.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission. Concessions using tents must have Building Inspector approval.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. **All applicants are responsible for filing their applications in a timely manner; First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
8. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. The applicant is responsible for any damage to public property caused by the event. Applicant shall also provide a **Certificate of Insurance** at the time of approval by the Special Events Advisory Committee.
10. **The City of Gloucester reserves the right to deny the application at any time.**

*I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.*

Signature of Applicant



2.19, 2019

**nationalgrid**

CITY CLERK  
GLOUCESTER, MA  
2019 MAR -7 AM 9:48

March 4, 2019

City of Gloucester

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

Please notify National Grid's Vincent LoGuidice of the hearing date / time at 978-725-1392 or [Vincent.LoGuidice@NationalGrid.com](mailto:Vincent.LoGuidice@NationalGrid.com).

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,



Name: Distribution Design Supervisor  
Supervisor, Distribution Design

Enclosures

Questions contact – Paul Hegan 978-725-1481

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the City Council  
Of Gloucester, Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

School House Road - National Grid to relocate 1 JO Pole on School House Road. National Grid to relocate one existing pole (P5) and install (2) sets of anchors on P4 all near 4 School House Road. Pole 5 will be relocated approximately 25ft east off existing location.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – School House Road - Gloucester – Massachusetts.

No.# 23866895 January 31, 2019

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID  
BY \_\_\_\_\_  
Engineering Department



VERIZON NEW ENGLAND, INC.  
BY \_\_\_\_\_  
Manager / Right of Way

Gloucester

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council - Gloucester, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 31st day of January 2019.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – School House Road - Gloucester – Massachusetts.

January 31, 2019. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

School House Road - National Grid to relocate 1 JO Pole on School House Road. National Grid to relocate one existing pole (P5) and install (2) sets of anchors on P4 all near 4 School House Road. Pole 5 will be relocated approximately 25ft east off existing location.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the  
of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

Massachusetts

City/Town Clerk.  
20 .

Received and entered in the records of location orders of the City/Town of  
Book Page

Attest:  
City/Town Clerk

I hereby certify that on 20 , at o'clock, M  
at a public hearing was held on the petition of  
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and  
that we mailed at least seven days before said hearing a written notice of the time and place of said  
hearing to each of the owners of real estate (as determined by the last preceding assessment for  
taxation) along the ways or parts of ways upon which the Company is permitted to erect  
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of  
hearing with notice adopted by the of the City of  
Massachusetts, on the day of 20 , and recorded with the  
records of location orders of the said City, Book , Page . This certified copy  
is made under the provisions of Chapter 166 of General Laws and any additions thereto or  
amendments thereof.

WGRFD

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council - Gloucester, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 31st day of January 2019.

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January 31, 2019. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

School House Road - National Grid to relocate 1 JO Pole on School House Road. National Grid to relocate one existing pole (P5) and install (2) sets of anchors on P4 all near 4 School House Road. Pole 5 will be relocated approximately 25ft east off existing location.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the  
of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

Massachusetts

City/Town Clerk.  
20 .

Received and entered in the records of location orders of the City/Town of  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
at \_\_\_\_\_ a public hearing was held on the petition of  
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and  
that we mailed at least seven days before said hearing a written notice of the time and place of said  
hearing to each of the owners of real estate (as determined by the last preceding assessment for  
taxation) along the ways or parts of ways upon which the Company is permitted to erect  
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of  
hearing with notice adopted by the \_\_\_\_\_ of the City of  
Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and recorded with the  
records of location orders of the said City, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy  
is made under the provisions of Chapter 166 of General Laws and any additions thereto or  
amendments thereof.



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 32-11

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters within 300ft as required by the City's City Council and it reflects the abutters to the Parcel known as Map 32 Lot 11 as further shown on the attached map dated 1/14/2019.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
262-14 GLOUCESTER CITY OF	4 SCHOOL HOUSE RD	262-14	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930
262-15 OLSON GUSTAVE JR & SANDRA TRS ET AL OLSON ESSEX COUNTY REALTY TRUST	41 TRASK ST	262-15	OLSON GUSTAVE JR & SANDRA TRS ET AL OLSON ESSEX COUNTY REALTY TRUST 1 MALLARD WY GLOUCESTER, MA 01930
262-35 GLOUCESTER CITY OF	5 SCHOOL HOUSE RD	262-35	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930
262-36 GLOUCESTER CITY OF	7 SCHOOL HOUSE RD	262-36	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930
32-11 BOYD JOSHUA	38 TRASK ST	32-11	BOYD JOSHUA 38 TRASK ST GLOUCESTER, MA 01930
32-9 TOWNE SHANE & MAGGIE	36 TRASK ST	32-9	TOWNE SHANE & MAGGIE 36 TRASK ST GLOUCESTER, MA 01930
43-5 GLOUCESTER COMMONS LLC C/O DSM REALTY	2 SCHOOL HOUSE RD	43-5	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBURY, MA 01876



# City of Gloucester Abutters Report

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ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA  
Gary I. Johnstone, MAA  
Bethann Brousseau, MAA  
GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

1/14/2019



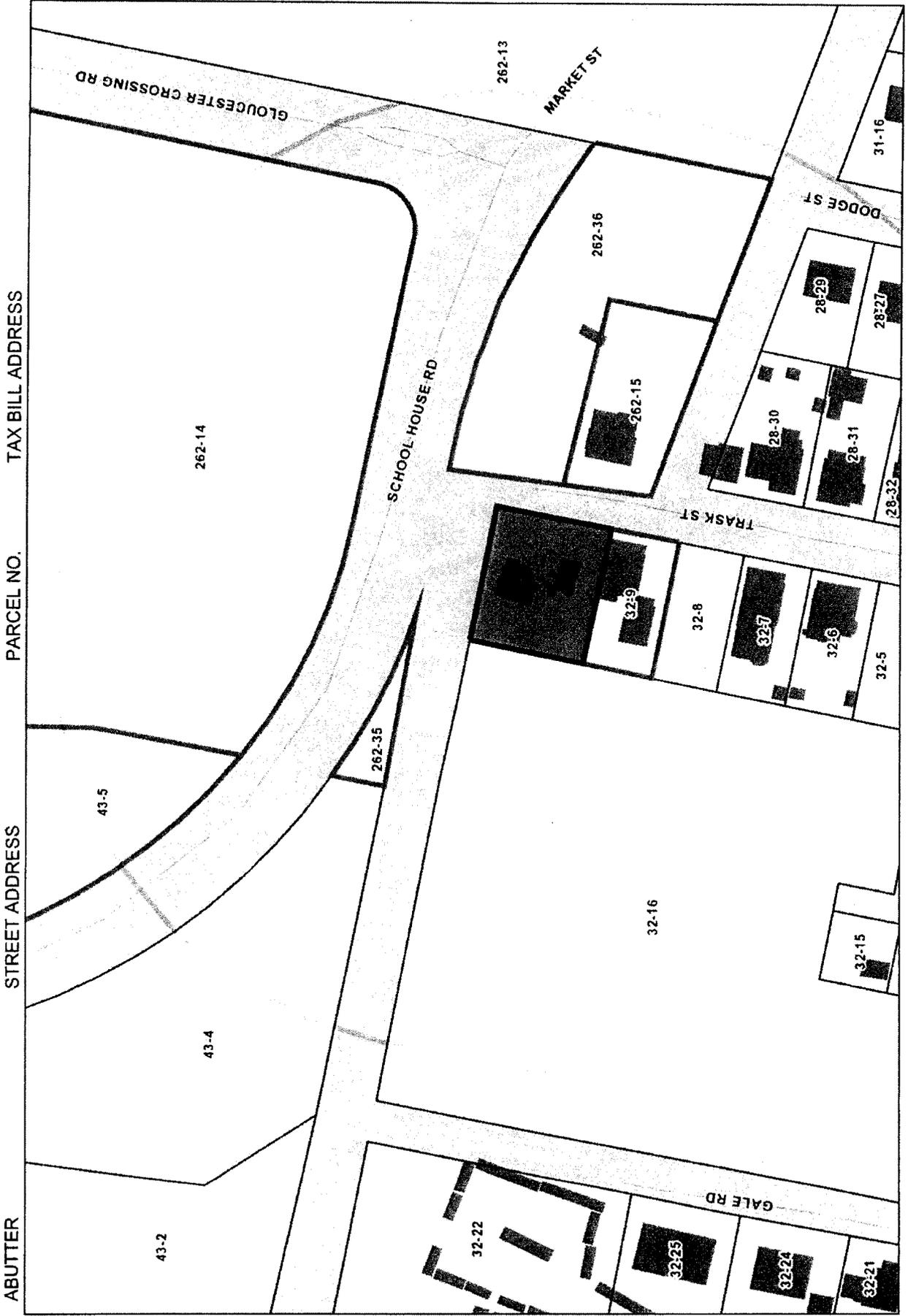
# City of Gloucester Abutters Report

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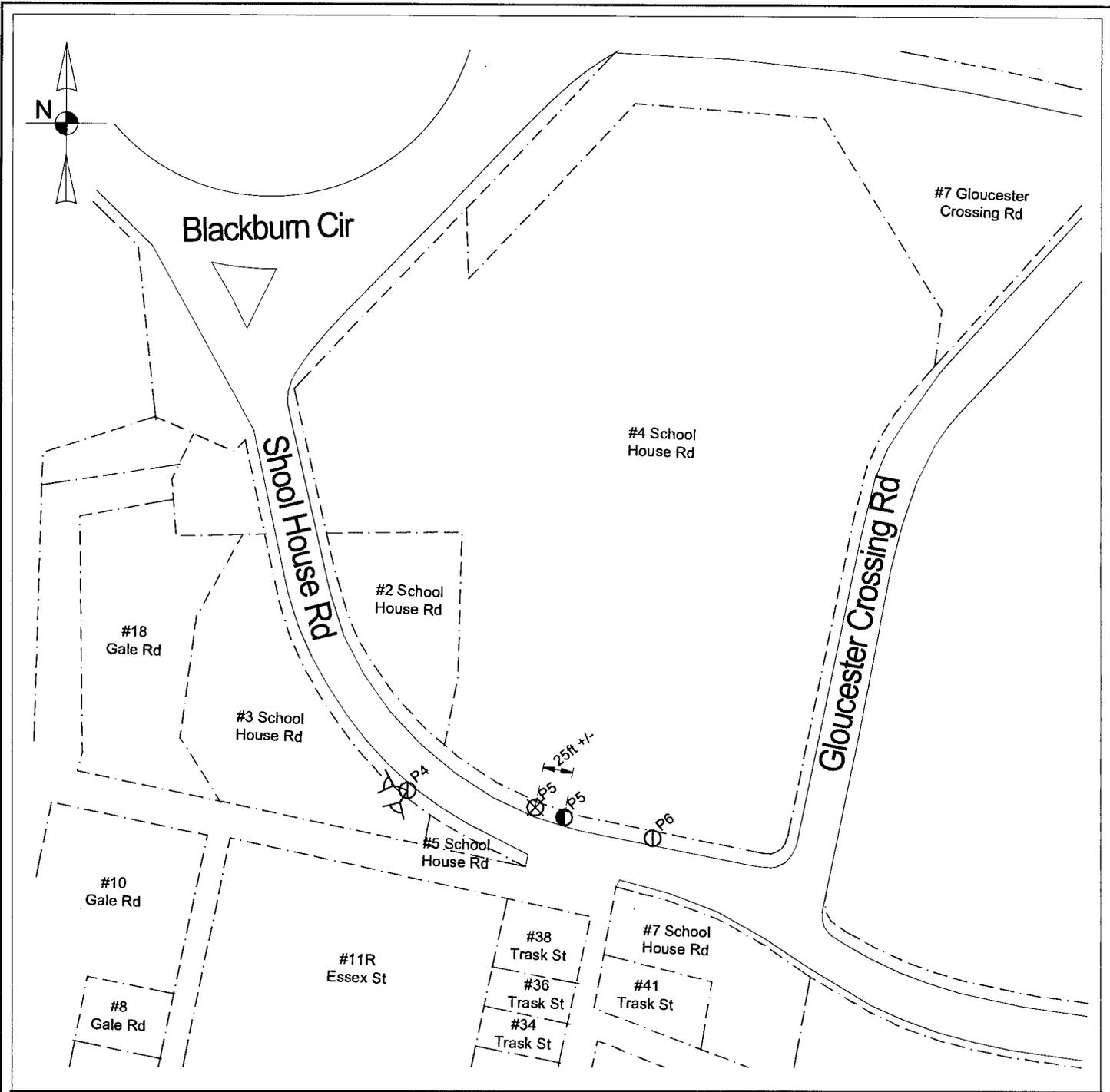


ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS



<b>JOINT OWNED POLE PETITION</b>		<b>nationalgrid</b> And <b>Verizon New England, Inc.</b>	
● Proposed NGRID Pole Locations	▲ Riser off pole	Date: 01-14-2019	
○ Existing NGRID Pole Locations		Work Request Number: 23866895	
● Proposed J.O. Pole Locations		To Accompany Petition Dated:	
⊖ Existing J.O. Pole Locations		To The: City / Town                      Of Gloucester	
▲ Anchor		For Proposed:                      Pole:5                      Location: 4 School House Rd	
— Proposed (2 - 4" PVC Conduits, Encased in Concrete)			
⊗ Existing Pole Locations To Be Removed			
DISTANCES ARE APPROXIMATE			

. Department of Public Works  
28 Poplar Street  
Gloucester, MA 01930



TEL (978)281-9785  
FAX(978)281-3896  
mhale@gloucester-ma.gov

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS  
MEMORANDUM

Date: 8 March 2019

To: Councilor Valarie Gilman, Chair, Planning and Development Committee  
Councilor Jen Holmgren, Vice Chair  
Councilor Paul Lundberg, Member

From: Michael B. Hale, Director of Public Works MBH

Re: Application (PP2019-002): National Grid to relocate 1 JO Pole on School House Road National Grid to relocate on existing pole (P5) and install (2) sets of anchors on P4 all near 4 School House Road. Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections

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Councilors:

The Department of Public Works has reviewed the above mentioned application by National Grid to relocate 1 JO Pole on School House Road National Grid to relocate on existing pole (P5) and install (2) sets of anchors on P4 all near 4 School House Road. Pole 5 will be relocated approximately 25 feet east off existing location. Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections

In an attempt to maintain the quality of City roadways and the sensitivity of the area, the Department of Public Works requests the following be required of the applicant:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule and resurfacing plan will be prepared by the applicant for review and acceptance by the Department of Public Works prior to construction.
2. Proposed excavation may only occur during accepted road opening and construction season, 15 March – 15 November. No winter construction shall be permitted.
3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day, to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2- inches, totaling 4- inches.



**CITY OF GLOUCESTER 2019  
CITY COUNCIL ORDER**

**ORDER: CC#2019-009**  
**COUNCILLORS: Ken Hecht**

**DATE RECEIVED BY COUNCIL: 3/12/2019**  
**REFERRED TO: O&A, BOH,**  
**Clean City Commission**  
**FOR COUNCIL VOTE:**

**SINGLE USE PLASTIC STRAW, STIR STICK & HOTSTOPPER BAN ORDINANCE**

A new ordinance for the City of Gloucester prohibiting the use and distribution of disposable plastic straws, stir sticks and hotstoppers in food service establishments and requiring the use and distribution of compostable or reusable products or materials in their place.

**ORDERED** that the Gloucester Code of Ordinances be AMENDED to regulate the use of single-use plastic straws, single use plastic stir sticks, and single use hotstoppers within the town, and to promote the use of reusable or biodegradable options.

Chapter 9.-Trash, Recycling and Litter by ADDING ARTICLE III – “Prohibition on SINGLE USE PLASTIC STRAW, STIR STICK & HOTSTOPPER

Sec. 9-22.- Definitions

The following words, terms and phrases shall, when used in this article, have the following meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Plastic Straw means any straw made of polypropylene, polyethylene, or polystyrene provided by a retail establishment to a customer.

Plastic Stir Stick means any stir stick, hollow or otherwise, made from polypropylene, polyethylene, or polystyrene used to stir beverages.

Hotstopper means any device also known by the name “splash-stick” which is used to block the hole in coffee lids, intended for single use, and made from plastic materials including but not limited to those made from polypropylene, polyethylene, or polystyrene.

Biodegradable means any materials that will completely degrade and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

ASTM D6400 means the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics.”

Compostable means a stirrer, straw, and hotstopper designated as compostable as it meets the ASTM D6400 Standard.

Customer means any person purchasing goods from a retail establishment.

Person means any natural person, firm, corporation, partnership, or other organization or group however organized.

Recyclable means any material that can be sorted, cleansed, and reconstituted using available recycling collection programs in the City of Gloucester for the purpose of using the altered form

in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

Food & Retail establishment means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "Food Establishment" for purposes of this ordinance.

Beverage Provider means any business, organization, entity, group, or individual located in the City of Gloucester that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

Director means the Director of the Public Health Department or his/her designee.

Department means the City of Gloucester's Public Health Department.

Sec. 9.23.- Regulations, Recommendations, Exemptions, and Prohibitions.

- (a) No food establishment, retail establishment, or beverage provider in the City of Gloucester shall provide single-use, non-biodegradable plastic straws, stir sticks or hotstoppers to customers.
- (b) If a retail establishment provides straws, stir sticks or hotstoppers, they must be one of the following:
  - i. Compostable and made from compostable materials (meeting the specifications of ASTM D6400 or equivalent standard, as defined herein) including but not limited to paper, wooden, bamboo, straw, etc.
  - ii. Reusable and made from reusable materials including glass, stainless steel, bamboo, ceramic, etc.
- (c) Nothing in this chapter prohibits customers from using straws or stir sticks of any type that they bring to the retail establishment themselves in lieu of using straws, stir sticks, or hotstoppers provided by the retail establishment.
- (d) Nothing in this section precludes food establishments, retail establishments, or beverage providers from using or making non-plastic alternatives, such as those made from paper, Compostable Plastic, sugar cane, or bamboo, available to customers.
- (e) A retail establishment may provide or sell reusable straws, stir sticks, or hotstoppers to its customers or to any person.

(f) A reusable straw, stir stick, or hotstopper must be constructed out of stainless steel or other material deemed reusable and not single-use.

(g) In the case of handicapped persons who require plastics straws in order to ingest liquids, establishments may provide plastics straws upon request. Hospitals, nursing homes, and other establishments predominantly serving the elderly, infirmed or handicapped individuals are exempt from this ordinance.

Sec. 9-24.- Enforcement; Violations and Penalties.

(a) If it is determined that a violation has occurred the Director shall issue a warning notice to the Food and Retail Establishment or Beverage Provider for the initial violation.

(b) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.

(c) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

- i. Warning for the first offense
- ii. \$100 for the second offense.
- iii. \$200 for the third offense and each subsequent offense.

(d) No more than one (1) penalty shall be imposed upon a Retail Establishment within a five (5) calendar day period.

(e) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty or the total amount of the penalty payable shall be doubled. All fines shall be payable to the City of Gloucester.

Sec. 9-25. Severability; Effective Date.

(a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.

(b) This chapter shall take effect as of January 1, 2020

**FURTHER ORDERED** that this matter be referred to the Ordinances & Administration Standing Committee, the Board of Health and the Clean City Commission for review and recommendation to the City Council.

Councillor Ken Hecht  
Ward 2 Councillor

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, February 26, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor James O'Hara

**Absent:** Councilor Nolan

**Also Present:** Joanne M. Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Vanessa Krawczyk; Grace Poirier

The meeting was called to order at 7:00 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

**Flag Salute & Moment of Silence.****Oral Communications:**

**Name:** John Feener, Community Preservation Committee (CPC) member

**Address:** 45B Warner Street

**Subject:** The CPC is now accepting CPA Grant funding eligibility applications for the next funding cycle due by March 1, 2019. With the city's 400<sup>th</sup> celebration around the corner, new wording has been added to the application that certain projects will be eligible to make the celebration better than ever for the community. Members of the community were urged to submit their applications for consideration by the CPC.

**Presentations/Commendations:** None.

**Confirmation of New Appointments:** None.

**Consent Agenda:**

- **CONFIRMATION OF REAPPOINTMENTS**
  - **MAYOR'S REPORT**
1. Memorandum from Fire Chief re: acceptance of a Student Awareness or Fire Education Grant in the amount of \$4,354, and a Senior SAFE grant in the amount of \$2,600 (Refer B&F)
    - **INFORMATION ONLY**
    - **COMMUNICATIONS/INVITATIONS**
    - **APPLICATIONS/PETITIONS**
  1. PP2019-001: Request by Comcast to install UG conduit from existing sidewalk Comcast vault 27 ft. to 4 Bass Rocks Road (Refer P&D)
    - **COUNCILORS ORDERS**
  1. CC2019-007 (Nolan): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places", Art. II. "-Laying out, Altering or Discontinuing Streets", Sec. 21-35. "-General authority of city council" be AMENDED to designate from Concord Street to Salt Marsh Lane as a walking path, with signage to preserve and protect the road while restricting motor vehicle traffic (Refer O&A)
  2. CC2019-008 (Memhard): Amend GCO Ch. 22 "Traffic and Motor Vehicles" Art. VI "Traffic Schedules" Sec. 22-269 "Stop Intersections" by adding Hillside Road at its intersection with Grapevine Road (Refer O&A & TC)
    - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
  1. City Council Meeting: 02/12/2019 (cancelled), 2/13/2019 (Approve/File)
  2. Standing Committee Meetings: B&F 02/21/19 (under separate cover), O&A 02/18/19 (no meeting), Special O&A 02/19/19, P&D 02/20/19 (Approve/File)

**Unanimous Consent Calendar:**

1. Communication from Councilor Gilman regarding her recusal from P&D's review of the Dogtown nomination to the National Register of Historic Places to avoid a potential conflict of interest (Info Only)

**Items to be added/deleted from the Consent Agenda and Unanimous Consent Calendar:**

**Councilor O'Hara** asked to remove Item #1 under Councilor Orders, "CC2019-007 Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places", "Art. II.-Laying out, Altering or Discontinuing Streets", Sec. 21-35 "General authority of city council" be AMENDED to designate from Concord Street to Salt Marsh Lane as a walking path, with signage to preserve and protect the road while restricting motor vehicle traffic" and asked that it be withdrawn at the request of Councilor Nolan who was unable to attend this evening's meeting. **By unanimous consent of the Council CC2019-007 was withdrawn**

**By unanimous consent of the Council the Consent Agenda was accepted as amended; and by unanimous consent of the Council the Unanimous Consent Calendar was accepted as presented.**

**Committee Reports:**

**Budget & Finance: February 21**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a donation from Joseph C. Baillageon in the amount of \$100.00 for the Gloucester Archives Department for the purpose of funding the Gloucester Archives Department Vault Construction Project in Fund 3318.

**DISCUSSION:**

Councilor Cox thanked Mr. Baillageon for his donation.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to accept under MGL c. 44, §53A, a donation from Joseph C. Baillageon in the amount of \$100.00 for the Gloucester Archives Department for the purpose of funding the Gloucester Archives Department Vault Construction Project in Fund 3318.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A ½, a tangible donation from Joseph Orlando of Orlando & Associates Law Firm; Jamie Mathison on behalf of One Ocean, One Love Shop; Elizabeth DeAngelis on behalf of Cape Ann Power Yoga; Tom Schauer on behalf of Friends of the Gloucester Dog Park and Aaron Weagle with a total value in the amount of \$495.00 for 5 Sidewalk Buttler cigarette receptacles to be installed in high foot traffic areas for the purpose of reducing cigarette litter.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to accept under MGL c. 44, §53A ½, a tangible donation from Joseph Orlando of Orlando & Associates Law Firm; Jamie Mathison on behalf of One Ocean, One Love Shop; Elizabeth DeAngelis on behalf of Cape Ann Power Yoga; Tom Schauer on behalf of Friends of the Gloucester Dog Park and Aaron Weagle with a total value in the amount of \$495.00 for 5 Sidewalk Buttler cigarette receptacles to be installed in high foot traffic areas for the purpose of reducing cigarette litter.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice for the maintenance agreement with Konica Minolta Business Solutions for servicing municipal copiers, Invoice #247809016 dated 09/30/2017 for a total of \$1,036.88 from FY2018 and \$675.93 is the portion of the invoice to be paid with FY2019 General Fund, Information Technology-Repair & Maintenance, Office Equipment Account budgeted funds.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, that in accordance with MGL c. 44, §64 approve payment of a prior year invoice for the maintenance agreement with Konica Minolta Business Solutions for servicing municipal copiers, Invoice #247809016 dated 09/30/2017 for a total of \$1,036.88 from FY2018 and \$675.93 is the portion of the invoice to be paid with FY2019 General Fund, Information Technology-Repair & Maintenance, Office Equipment Account budgeted funds.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2019-SA-29 in the amount of \$20,000.00 (Twenty Thousand Dollars) from the Building Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to GHS and O'Maley Security Upgrades, Engineering & Architectural Services, Account #770005-530006 for the purpose of designing security upgrades to Gloucester High School and the O'Maley Innovation School security systems.

**DISCUSSION:**

**Councilor Cox** explained that this is the second step to a three step process to better secure the High School and the O'Maley Innovation Middle School. The first step was a study; the second step is the design of the system upgrades, and the third step is implementation, so the Council isn't done hearing about the cost of the project, she indicated.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Nolan) absent, to approve Supplemental Appropriation 2019-SA-29 in the amount of \$20,000.00 (Twenty Thousand Dollars) from the Building Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to GHS and O'Maley Security Upgrades, Engineering & Architectural Services, Account #770005-530006 for the purpose of designing security upgrades to Gloucester High School and the O'Maley Innovation School security systems.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted in 3 favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2019-SA-30 in the amount of \$63,000 (Sixty Three Thousand Dollars) from the General Stabilization Fund, Undesignated Fund Balance Account #7500-359000 to CIP17 Haskell Dam Reconstruction Project, Infrastructure-Seawall Reconstruction, Account #50475-588009 for the purpose of funding a final change order for the Haskell Dam Reconstruction Project.

**DISCUSSION:**

**Councilor Cox** explained that this appropriation from the General Stabilization Fund is for a remainder of items that came in over bid for the Haskell Dam Reconstruction Project.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Nolan) absent, to approve Supplemental Appropriation 2019-SA-30 in the amount of \$63,000 (Sixty Three Thousand Dollars) from the General Stabilization Fund, Undesignated Fund Balance Account #7500-359000 to CIP17 Haskell Dam Reconstruction Project, Infrastructure-Seawall Reconstruction, Account #50475-588009 for the purpose of funding a final change order for the Haskell Dam Reconstruction Project.**

**Ordinances & Administration: February 18 (holiday-no meeting)  
February 19 (Special)**

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 under MGL c. 268A, §20(b) appoint Ann Aiello to fill the position of Police Department Matron, not to exceed 500 hours per calendar year.

**DISCUSSION:**

**Councilor LeBlanc** explained the following: The Human Resources Director reported to the O&A Committee that there is a provision under the Conflict of Interest Law that a municipal employee cannot hold more than one position for a municipality unless certain exemptions apply. The position of part-time Matron with the Police Department became open with primary responsibility for the care of the safety and well-being of female prisoners in the Police Department's custody; the position is gender specific. A School Department paraprofessional, Ann Aiello, has stepped forward to fill this open position. Ms. Aiello will perform this job outside of her normal working

hours as a paraprofessional for the School Department and may be compensated for matron duties up to 500 hours per calendar year. This action by the Council will allow Ms. Aiello to take up this part-time position as proscribed under the law by the State Ethics Commission.

He added that he knows Ms. Aiello very well, also noting that her husband is a Gloucester firefighter.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, under MGL c. 268A, §20(b) to appoint Ann Aiello to fill the position of Police Department Matron, not to exceed 500 hours per calendar year.**

**Planning & Development: February 20**

**There are no matters under this heading for Council action.**

**Scheduled Public Hearings:**

1. **PH2019-010: SCP2019-003: Washington Street #742, Map 116, Lot 33 pursuant to GZO Sec. 5.5 "Lowland requirements" and Sec. 5.5.2 construction on land less than 10 feet elevation above U.S.G.S. datum**

**This public hearing is opened at 7:15 p.m.**

**Those speaking in favor:**

**Robert Gulla**, Architect, 593 Essex Avenue, explained that he was present on behalf of Rick and Lisa Accardi, property owners (also present), but made no statements related to the Special Council Permit to the Council although he noted that he was available to answer any Councilor questions on the application should they arise. **Council President Lundberg** advised that the Council would proceed through its public hearing process and when the Committee Report was brought forward if there are any Councilor questions they would call upon Mr. Gulla.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:16 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2019-003) to Rick and Elisabeth Accardi, 1 Fair Street, Newburyport, MA, pursuant to GZO Sec. 5.5.2 Lowlands Requirement for a property at Washington Street #742, Map 116, Lot 33, owned by Rick and Elisabeth Accardi for the purpose of constructing a principal building on less than 10 feet elevation above U.S.G.S datum to be built at Elevation 10 pursuant to a plan set (A1, A-3, A-4, A-5) submitted with the application dated January 16, 2019 rendered by Robert Gulla Architecture, signed by Robert S. Gulla, RA, dated 12/20/18. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance and poses no hazard to the health or safety of the occupants thereof.

**DISCUSSION:**

**Councilor Gilman** explained that the parameters for the approval of this Special Council Permit are very narrow under the Zoning Ordinance Sec. 5.5.2, and it was the unanimous estimation of the P&D Committee that the applicant met those parameters, as well as the six criteria under the Zoning Ordinance Sec. 1.8.3. She added that the lowland portion of the property as to the topography remains unchanged. All permitting has been received from the necessary boards, she pointed out, noting that the property is under Elevation 10. The new dwelling will be moved three feet from the water towards the leeward side of the property. She reported the current dwelling has deteriorated beyond repair, and the owner will make all the necessary renovations. She pointed out that the Applicants, having worked with the neighbors as much as possible, did make some concessions. She asked for the Council's support.

**Council President Lundberg** noted this lowland permit is an arcane part of the Zoning Ordinance having not been used in about 12 years. Everything else the applicant has needed to do, with the ZBA, the Mass. Department of Environmental Protection, they have done. The Zoning Ordinance, he explained, requires the City Council to certify that the occupants will be safe -- if the tide comes up too high their water and sewer won't be inundated by the tides.

He suggested that this section of the Zoning Ordinance should be eliminated as it is superseded by other regulations. He asked that the Council endorse this application for a Special Council Permit

**MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Nolan) absent, to grant a Special Council Permit (SCP2019-003) to Rick and Elisabeth Accardi, 1 Fair Street, Newburyport, MA, pursuant to GZO Sec. 5.5.2 Lowlands Requirement for a property at Washington Street #742, Map 116, Lot 33, owned by Rick and Elisabeth Accardi for the purpose of constructing a principal building on less than 10 feet elevation above U.S.G.S datum to be built at Elevation 10 pursuant to a plan set (A1, A-3, A-4, A-5) submitted with the application dated January 16, 2019 rendered by Robert Gulla Architecture, signed by Robert S. Gulla, RA, dated 12/20/18. This Special Council Permit is in harmony, intent and purpose of the Zoning Ordinance and poses no hazard to the health or safety of the occupants thereof.**

2. PH2019-011: Amend GCO Ch. 4 “Animals” by AMENDING Sec. 4-2 “Disturbing and/or feeding coyotes, gulls and pigeons” by renaming section to “Feeding or disturbing wildlife”; AMEND Sec. 4-3 “Giving away live animals as prize or award” by renumbering to “Sec. 4-4”; ADD new section 4-3 “Endangered/Threatened Wildlife Buffer Zone”; Sec. 4-16a “Dogs allowed on public beaches at certain times” by striking certain language; DELETE Sec. 4-16d, subsection (c) and add language of subsection (c) and add language of subsection (c) to Sec. 4-16a AND amend GCO Ch. 9 “Trash, Recycling and Litter” Sec. 9-8 “Littering prohibited” by AMENDING subsection (a)

**This public hearing is opened at 7:23 p.m.**

**Those speaking in favor:**

**Alicia Pensarosa**, Chair of the Animal Advisory Committee (AAC) conveyed the following information (written statement placed on file):

- A brief review of AAC history of involvement with the issue of piping plovers on Good Harbor Beach was touched on. Dogs off leash were observed entering roped off nesting areas. Due to disturbances from animals, high storm tides, etc., the nesting plovers moved to the Good Harbor Beach parking lot, but it had been suggested dogs were the main reason the birds moved off the beach.
- Dog ordinance amendments were considered necessary to protect this endangered species;
- Trash is also a disturbance to the nesting plovers;
- Dogs are recommended to be off Good Harbor Beach as of April 1 each year;
- Changes to the city’s trash ordinance is also recommended;
- Updates to the wildlife feeding ordinance are recommended as are violations be raised to \$300 per incident/violation.
- Ken Whittaker, Conservation Agent has made a comprehensive plan for the city to manage the plovers; City Administration has taken this plan and the AAC recommendations seriously;
- Piping plover monitors were diligent in their observation to protect the nesting plovers;
- Amendments to Sec. 4-2 are recommended to prevent predators being attracted to the nesting area;
- Amendments to Sec. 4-3 to create a buffer zone is recommended to prevent activities too close to the nesting area;
- Amendments to Sec. 4-16a are recommended to remove off leash dogs on Good Harbor Beach and Wingersheek Beach (added for consistency) by April 1<sup>st</sup>. It was noted the largest sighting of nesting plovers is adjacent to Wingersheek Beach, and the roll back of the off leash dates to April 1 was noted as a loss of 15 days given the even-odd day schedule of the two beaches;
- Amendment to Sec. 9-8 Littering Prohibited is recommended, not only to protect the piping plovers but also for the citizens of Gloucester, pets and other wildlife.

**Council President Lundberg** noted the significant work done by Councilor Holmgren, the Council’s liaison to the AAC to whom he offered his thanks. He reported that the Administration has convened a management group to come up with a Plover Protection Plan (the Plan) which is still being worked on. He pointed out the Council wasn’t voting on the Plan; the Council’s focus is on the changes to the Code of Ordinances related to littering and dogs off leash on city beaches.

**Jim Destino**, CAO, conveyed that when plovers showed up last spring the situation presented the city with some challenges. He thanked Councilor Holmgren who joined the (management) group, the DPW, the Police Department, the AAC and the volunteers who spent many hours at the beach monitoring the plovers to ensure their

safety. He highlighted the work of the city's Conservation Agent, Ken Whittaker who did an "outstanding job" coordinating the volunteers and other agencies involved. He reported the city had a meeting with U.S. Wildlife and the Mass. Division of Fisheries & Wildlife and the Essex County Greenbelt Association, Mr. Whittaker and he. He noted they have put together a comprehensive Plan for the upcoming nesting season which was called a thoughtful document by federal and state representatives and that the city is on the right track. He noted the plan covers issues such as education, better signage, better enforcement, better scheduling for volunteers, etc. He pointed out that the regulating authorities commented on and offered suggestions to the Plan, and it has already been updated -- the suggestions mostly referenced state and federal regulations. He advised that those same authorities pointed out the city were in conflict with their regulations regarding dogs, and that this is something they felt strongly needed to be rectified. He further conveyed that the Administration supports the adoption of this evening's amendments to the dog ordinances. The city will monitor and continue to evolve the Plan, and he expressed it is hoped they'll have the same robust group of volunteers as monitors this year. He noted that the DPW is already working on signage. He reported that ECGA advised they would play a major role assisting the city in its efforts. He added that the city is committed to doing a better job this spring for a successful piping plover season through education and enforcement of the amended ordinances.

**Council President Lundberg** offered his thanks to the volunteers.

**Kim Smith**, 22 Plum Street, lauded the AAC for the job they've done and their recommendations. She called the Plan admirable with worthy points in it. She mentioned sending photos to the Council showing many dogs disrupting the nesting area taken April 28 and 29, 2018 and expressed concern as to the disruption the animals caused to the nesting area.

**Cara Walker**, Coastal Water Bird Specialist for the Mass. Division of Fisheries & Wildlife, 1 Rabbit Hill Road, Westboro, expressed the support of Mass. Wildlife for the ordinance amendments to bring the city into line with state and federal guidelines for the management and protection of piping plovers. She explained that by the institution of these amendments it will protect the city from liability or potential "take" of piping plovers (NOTE: "Take" is defined under state and federal species laws as not just direct harm but also harassment or interference of normal breeding or feeding activities). There are penalties associated with take both for individuals and land owners, in this case the city, she added. They are supporting the changes for both Good Harbor and Wingersheek Beaches as there is nesting history at both, noting as recently as 2012 a plover did nest on the public section of Wingersheek Beach, and continue to nest the adjacent private Coffins Beach with many nests. She pointed out she was attending the public hearing at the request of Councilor O'Hara.

**Maureen Vallis**, 2 King Philip Road, spoke in support of the ordinance amendments.

**Jennie Meyer**, 15 Great Ledge Lane, urged support of banning dogs at both Good Harbor and Wingersheek Beaches as of April 1<sup>st</sup> (written statement previously submitted with update to statement placed on file).

**Heather Hall**, 9 Essex Avenue and **Deborah Cramer**, 318 Concord Street speaking for Ms. Hall, asked that the Council limit dog access beginning April 1<sup>st</sup> from Good Harbor and Wingersheek Beaches (written statement placed on file).

**Julie Wyman**, 947 Washington Street, as a dog owner she is in support of the ordinance amendments to protect the piping plovers on both Good Harbor and Wingersheek Beaches. She noted she was a volunteer to observe and protect the plovers at Good Harbor Beach (written statement placed on file).

**Catherine Ryan**, 17 High Rock Road, a beach piping plover volunteer 2016-2018, along with her entire family in 2018 speaking to that benefit, and expressed her support of the proposed ordinance amendments (document showing examples of family's monitoring log placed on file).

**David Amero**, 3 Harbor Road, urged passage of the ordinances highlighting that enforcement and removal of trash from beach areas was critical and noted his frequent observations of dogs on the beach every day off leash.

**Preston Curtis**, 21 Haskell Street, expressed concern for dogs off leash not only on dogs on days permitted but on days when they're supposed to be on leash. He urged enforcement to uphold the ordinances.

**Fara Bates**, 10 Davis Street, spoke of her negative interaction with off-leash dogs on the beach, expressing her support of the ordinance amendments and asked for better enforcement of the ordinances.

**Cruz Ferreras**, 3 Haskell Street #2, noted she is a dog owner that stopped taking her dog to the beach because of unruly dogs and dog owners and expressed her support of the ordinance amendments.

**Hazel Hewitt**, 16 Haskell Street, a piping plover volunteer, spoke in support of the ordinance amendments.

**Cindy Dunn**, 93 Wheeler Street, recounted her involvement with the previous two Dog Ad Hoc Committees and added her support of enhanced enforcement of the ordinance sections applicable to the issue of dogs and litter. She advised she was not in favor of rolling back the spring date for off leash dogs on Wingersheek Beach. She reminded the Council they can always revisit the ordinance if they find plovers are nesting on Wingersheek Beach and to amend it accordingly.

**Linda Brayton**, 527 Washington Street, spoke to changes to the dog ordinances and the protection of the plovers. She urged focusing on the larger issue of human disturbance of the plovers' nesting areas by utilizing clear simple, accurate visible signs. She spoke to enforcement of ordinances (written statement placed on file).

**Cheryl Reed**, 12 Middle Street, expressed concern for the "us against them" mentality regarding dogs and their owners. She conveyed she didn't support the roll back of the date to ban off leash dogs from Wingersheek Beach. She expressed support for clear signs, higher fines and better enforcement (written statement placed on file).

**Leontine Hartzell**, 10 Hammond Street, added her support for the ordinance amendments, signs that are clear, and better enforcement. She expressed support for the roll back of the date of the ban for off leash dogs for both Good Harbor and Wingersheek Beaches.

**Those speaking in opposition:**

**Tom Shower**, 302 Cobblestone Lane, expressed he never viewed a problem between dogs and the plovers with dog owners being respectful and saw no reason to roll back the date ban for off leash dogs on Wingersheek Beach.

**Peter Cooney**, 36 Warner Street, voiced his objection to the date roll back for dogs banned on Wingersheek Beach off leash but expressed support for the ordinance amendment on litter. He showed a picture of Good Harbor Beach in May with trash strewn about not caused by dogs (photo placed on file).

**Kathleen Clancy**, 78 High Popples Road, expressed that she was not in support of Wingersheek Beach banning off leash dogs April 1, and also urged better signage.

**Brook Welty**, 15 Allen Street, #1, expressed support for the roll back date for off leash dogs banned on Good Harbor Beach but not for Wingersheek Beach. She urged improvements to signage at the beaches.

**Catherine Gunn**, 44 Pleasant Street, expressed support for the protection of piping plovers, mentioning areas for off-leash dogs not on beaches such as Ravenswood Park noting those areas' weather dependency for use. She suggested that there aren't that many opportunities for dogs to run off leash. She urged the compromise to leave Wingersheek Beach alone for dogs' off-leash.

**Communications:**

**In Favor of Amendments but exclude Wingersheek Beach - by email:**

Nicole Andrade, 3 Haskell Court

Brooke Welty, 15 Allen Street, #1

Hugo Burnham, 24 Edgemoor Road, exclude Wingersheek and other beaches

Stephen Sacca, 20 Edgemoor Road

George & Chantal Hackford, 371 Western Avenue

**In Favor of Amendments by email:**

Bob Roland, 18 Marina Drive

Marcia Schloss, 7 Prospect Terrace

Jennie Meyer, 15 Great Ledge Lane

Barbara Kelley, 23 Folly Point Road

Brenda Malloy, 43 Rocky Neck Avenue

Bill Thoms, 1174 Washington Street

James Liebmann, 10 Folly Point Road

Elaine Mosesian, 8 Salt Island Road

Kim Smith, 22 Plum Street

Deborah Cramer, Concord Street

Margaret Quinn, 45 Shore Road

Jochem O. Struppe, Ph.D., 5 Blake Court

Colleen Murdock, Pew Avenue

Christopher Anderson, Michelle Barton, Meadow Anderson, Atticus Anderson, 24 Highland St.

Stacy Fisher, 320 Concord Street

Larry Oakes, 4 Clay Court

Ann Jo Jackson, 21 Salt Island Road

M.J. Boylan, 85 Mt. Pleasant Avenue

Jay Featherstone, 13 Prentiss Road

**Opposed to Amendments by emailed letter:**

Eileen Murphy, 6 Mason Court - no action should be taken until plovers return & choose to nest at Good Harbor Beach

**Councilor Questions: None.**

**This public hearing is closed at 8:45 p.m.**

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 Code of Ordinances, Chapter 4 "Animals" as follows:

Sec. 4-2. - ~~Disturbing and/or feeding of coyotes, gulls and pigeons.~~ Feeding or disturbing wildlife.

- (a) No person shall disturb harass, harbor or feed directly or indirectly ~~any~~ gulls, pigeons, ~~terns or~~ waterfowl, coastal shorebirds, or crows on any streets, beach or ~~sidewalk on~~ other public property or anywhere in the downtown area unless properly permitted by the appropriate state and federal wildlife authorities. Violation shall be subject to a \$300 fine per incident/violation.
- (b) No person shall feed either directly or indirectly any coyotes on any public or private property. Violation shall be subject to a \$300 fine per incident/violation.

Sec. 4-3. - Endangered/Threatened Wildlife Buffer Zone.

Buffer zone of 50 feet around an area will be established around any area designated as protected for wildlife. Prohibited activities in the buffer zone include whiffle ball, Frisbee, soccer, volleyball, paddle ball, kites, inflatable balls and any other activities that involve objects that can fly or roll into the restricted area. Violation shall be subject to a \$300 fine per incident/violation.

Sec. 4-~~34~~ - Giving away live animals as prize or award.

No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

**Sec. 4-5-4-14.-Reserved.**

#### **DISCUSSION:**

**Council Cox** moved to amend the main motion by striking the phrase "anywhere in the downtown area" and in its place adding the phrase "anywhere in the city." The amendment was seconded by **Councilor LeBlanc** with **Councilor Hecht** adding his endorsement of the amendment.

**The amendment to Sec. 4-2(a) to strike the phrase, "anywhere in the downtown area" and in its place adding the phrase, "anywhere in the city" was approved by the City Council on a vote by a vote of 8 in favor, 0 opposed, 1 (Nolan) absent.**

**Councilor Gilman** raised an objection to increasing the fine for violations to \$300 saying it seemed high, noting it was imperative for Sec. 4-3 but for subsections (a) and (b) she viewed it as excessive. She offered an amendment to Sections 4-2(a) and 4-2(b) by striking the phrase, "\$300 fine per incident/violation" and adding the phrase in its place, "\$100 fine per incident/violation" which was seconded by **Councilor Holmgren**.

**Councilor Cox** asked what the fine was before the original proposed amendment. **Councilor Gilman** expressed her belief it was \$100. **Councilor Holmgren** advised she found the fine in the city's Beach Regulations, Sec. M, "...punishable by fines up to \$100 per violation." **Joanne M. Senos**, City Clerk, confirmed that the Code of Ordinances lists the fine currently as \$100 per incident/violation

**Councilor LeBlanc** advised he wouldn't support the amendment. Citing the number of permits he's held through the state and the city to hunt, fish and clam for many years, he conveyed that he and many like-minded sportsmen have to know what the rules and regulations are in order to legally hunt, fish and clam before they undertake that activity. Just as a permit holder has to know the rules, he pointed out, so do dog owners, be they residents or visitors to the city alike. He put forward that a \$300 fine per violation sends a clear message and is a preventative measure.

**The amendment to revert the fine per incident/violation to \$100 was defeated on a City Council majority voice vote.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to AMEND the Code of Ordinances, Chapter 4 “Animals” as follows:**

Sec. 4-2. - ~~Disturbing and/or feeding of coyotes, gulls and pigeons.~~ Feeding or disturbing wildlife.

- (a) No person shall disturb harass, harbor or feed directly or indirectly ~~any~~ gulls, pigeons, ~~terns or~~ waterfowl, coastal shorebirds, or crows on any streets, beach or ~~sidewalk on~~ other public property or anywhere in the city unless properly permitted by the appropriate state and federal wildlife authorities. Violation shall be subject to a \$300 fine per incident/violation.
- (b) No person shall feed either directly or indirectly any coyotes on any public or private property. Violation shall be subject to a \$300 fine per incident/violation.

Sec. 4-3. – Endangered/Threatened Wildlife Buffer Zone.

Buffer zone of 50 feet around an area will be established around any area designated as protected for wildlife. Prohibited activities in the buffer zone include whiffle ball, Frisbee, soccer, volleyball, paddle ball, kites, inflatable balls and any other activities that involve objects that can fly or roll into the restricted area. Violation shall be subject to a \$300 fine per incident/violation.

Sec. 4-~~34~~ - Giving away live animals as prize or award.

No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

**Sec. 4-5-4-14.-Reserved.**

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 Code of Ordinances, Chapter 4 “Animals” as follows:

Sec. 4-16a. - Dogs allowed on public beaches at certain times.

~~Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper. In addition, unleashed dogs shall be allowed on Good Harbor Beach and Wingersheek Beach, Plum Cove Beach and Cressy Beach on consecutive days in the off season from: October 1 to April 30, annually, subject to the following conditions:~~

~~Off leash all day on even numbered days at Good Harbor Beach and odd numbered days at Wingersheek Beach.~~

**Good Harbor and Wingersheek Beaches:** Dogs shall be prohibited from Good Harbor Beach and Wingersheek Beach from April 1st -Sept 30th annually. In addition, unleashed dogs shall be allowed on Good Harbor Beach and Wingersheek Beach, from: October 1st to March 30th annually, subject to the following conditions: Off leash on even-numbered days of the month at Good Harbor Beach and odd-numbered days of the month at Wingersheek

Beach. Plum Cove and Cressy Beaches: Unleashed dogs shall be allowed on Plum Cove Beach and Cressy Beach in the off season from October 1st to April 30th annually.

Plum Cove and Cressy Beaches: Unleashed dogs shall be allowed on Plum Cove Beach and Cressy Beach in the off season from October 1st to April 30th annually.

Sec. 4-16d “Off-leash dog areas” by ADDING: “(c) Dogs shall be allowed on “Crab Beach” off-leash at all times subject to the enumerated conditions contained in Sec. 4-16a.”

Crab Beach: Dogs shall be allowed on “Crab Beach” off-leash at all times subject to the enumerated conditions contained in section 4-16a.

All other public beaches: Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper.

Fine of \$300 per violation. Fines for violations will be double in season for beaches and other off-leash areas as determined.

#### **DISCUSSION:**

**Councilor LeBlanc** moved to amend the main motion, seconded by **Councilor Holmgren**, to GCO Ch. 4, Sec. 4-16a - Dogs allowed on public beaches at certain times” by striking the first paragraph and adding the following language:

“Good Harbor Beach: Dogs shall be prohibited from Good Harbor Beach from April 1<sup>st</sup> - September 30<sup>th</sup> annually. In addition, unleashed dogs shall be allowed on Good Harbor Beach from October 1<sup>st</sup> to March 31<sup>st</sup> annually, subject to the following conditions: Off-leash on even-numbered days of the month at Good Harbor Beach.

Wingaersheek Beach: Dogs shall be prohibited from Wingaersheek Beach from May 1<sup>st</sup> - September 30<sup>th</sup> annually. In addition, unleashed dogs shall be allowed on Wingaersheek Beach from October 1<sup>st</sup> to April 30<sup>th</sup> annually, subject to the following conditions: Off-leash on odd-numbered days of the month at Wingaersheek Beach.”

**Councilor Gilman** expressed her support for Councilor LeBlanc’s amendment and cited her review of 31 letters she received on the issue, briefly recounting the results. She pointed out that no one made a statement this evening that a leashed dog was okay, which is a provision under the 1993 Division of Fisheries & Wildlife (regulations). She highlighted information that had been conveyed that a nesting plover hasn’t been spotted on Wingaersheek Beach since 2012. She expressed that this amendment was a fair compromise.

**Councilor Hecht** expressed concern that dogs are a possible deterrent to the nesting of plovers. He asked how many years Crane Beach has been closed to dogs that there is major nesting of plovers at that beach, and whether there could be the same result from a ban on dogs at Wingaersheek Beach.

**Councilor Holmgren** advised she and Ms. Pensarosa visited with the Trustees of the Reservation, in November, and believed she had that information and would seek it out now.

**Councilor LeBlanc** advised the Council isn’t here to create wildlife habitat but to protect “what’s in front of us.”

**The amendment to Sec. 4-16a regarding dates for off-leash dogs on Good Harbor and Wingaersheek Beaches by ROLL CALL passed on a vote of 5 in favor, 3 (Memhard, O’Hara, Cox) opposed, 1 (Nolan) absent.**

**Councilor LeBlanc** offered an amendment to Sec. 4-16a.--Dogs allowed on public beaches at certain times” by including as the second to the last paragraph, the following: “Unless renewed or made permanent by the city

council and signed by the mayor, the provisions of this section shall expire on the occasion of the last scheduled meeting of the Ordinances & Administration Committee during the month of December 2019.” The amendment was seconded by **Councilor O’Hara**.

After a brief discussion on the actual language of the sunset clause by the Council and confirming the date as December 2019, **the amendment to Sec. 4-16a for a sunset clause under Sec. 4-16a passes on a majority voice vote of the City Council.**

**Councilor Holmgren** offered the following amendment:

**Wingaersheek Beach: Dogs shall be prohibited from Wingaersheek Beach from May 1<sup>st</sup> - September 30<sup>th</sup> annually. In addition unleashed dogs will be allowed on Good Harbor Beach and Wingaersheek Beach from October 1<sup>st</sup> - April 1<sup>st</sup> annually and dogs may be allowed from on Wingaersheek Beach April 1<sup>st</sup> - April 30<sup>th</sup> off leash on consecutive days annually.”** **Councilor Gilman** seconded the motion for the purpose of Council discussion.

**Councilor LeBlanc** advised that he wouldn’t support the amendment this year, as the sunset clause will allow the Council to revisit this matter in December 2019 saying that there has been a compromise. At the time of the revisit in December they can consider such a suggestion.

**Councilor Hecht** spoke to the odd-even scheme of dogs off leash at Wingaersheek and Good Harbor Beaches, he suggested his support.

**Councilor Gilman** expressed empathy for those who don’t appreciate being approached by unleashed dogs, and for people afraid of dogs or owners who have dogs that are unapproachable by another dog on unleashed days, this would create more issues. She advised she wanted people to be able to use the beaches in harmony and being respectful to each other’s rights and wouldn’t support the amendment.

**Councilor Memhard** expressed appreciation for Councilors Hecht and Gilman’s opinions, asking if and when nesting piping plovers are observed at Wingaersheek Beach prior to the date to be put in place regarding off leash dogs, what the plan of action is in place, and would the state regulations kick in. **Council President Lundberg** advised the city doesn’t have discretion, they have to take action, and all the restrictions on the nesting of piping plovers for Good Harbor would have to be placed on Wingaersheek Beach right away.

**Councilor Holmgren** withdrew her amendment based on the discussion of the Council expressing her thanks.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O’Hara, the City Council voted 8 in favor, 0 opposed, 1 (Nolan), absent, to AMEND the Code of Ordinances, Chapter 4 “Animals” as follows:**

Sec. 4-16a. - Dogs allowed on public beaches at certain times.

Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper. In addition, unleashed dogs shall be allowed on Good Harbor Beach and Wingaersheek Beach, Plum Cove Beach, and Cressy Beach on consecutive days in the off season from: October 1 to April 30, annually, subject to the following conditions:

~~Off leash all day on even numbered days at Good Harbor Beach and odd numbered days at Wingaersheek Beach.~~

Good Harbor Beach: Dogs shall be prohibited from Good Harbor Beach from April 1<sup>st</sup> - September 30<sup>th</sup> annually. In addition, unleashed dogs shall be allowed on Good Harbor Beach from October 1<sup>st</sup> to March 31<sup>st</sup> annually, subject to the following conditions: Off leash on even-numbered days of the month at Good Harbor Beach.

Wingaersheek Beach: Dogs shall be prohibited from Wingaersheek Beach from May 1<sup>st</sup> - September 30<sup>th</sup> annually. In addition, unleashed dogs shall be allowed on Wingaersheek Beach from October 1<sup>st</sup> to April 30<sup>th</sup> annually, subject to the following conditions: Off leash on odd-numbered days of the month at Wingaersheek Beach.

Plum Cove and Cressy Beaches: Unleashed dogs shall be allowed on Plum Cove Beach and Cressy Beach in the off season from October 1st to April 30th annually.

Sec. 4-16d "Off-leash dog areas" by ADDING: "(c) Dogs shall be allowed on "Crab Beach" off-leash at all times subject to the enumerated conditions contained in Sec. 4-16a."

Crab Beach: Dogs shall be allowed on "Crab Beach" off-leash at all times subject to the enumerated conditions contained in section 4-16a.

All other public beaches: Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper.

Unless renewed or made permanent by the city council and signed by the mayor, the provisions of this section shall expire on the occasion of the last scheduled meeting of the Ordinances & Administration Committee during the month of December 2019.

Fine of \$300 per violation. Fines for violations will be double in season for beaches and other off-leash areas as determined.

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 Code of Ordinances, Chapter 9 "Trash, Recycling and Litter" as follows:

Sec. 9-8. - Littering prohibited.

(a) No person shall throw, ~~drop, release, or deposit litter in or upon any street, sidewalk or other public place in the city.~~ otherwise dispose of directly or indirectly into any harbor, river, or pond or on to any beach, or any public property garbage, refuse, rubbish, bottles, cans, containers, paper, cigarette butts, balloons, wrapping material, glass, filth or any noxious or dangerous liquid or solid. Violation shall be subject to a \$300 fine per incident/violation.

#### DISCUSSION:

**Councilor LeBlanc** thanked the Animal Advisory Committee and the plover volunteers for the time they've invested on this issue, to Councilors Holmgren, Cox, Lundberg and Memhard. Recounting that compromises are difficult and don't always make everyone happy, he conveyed that what has been done this evening will please the majority which he indicated was a start.

**Councilor Gilman** offered a Request that the Mayor through the DPW Director consider placing sawhorses with warning signs at the entrance of the footbridge on Good Harbor Beach, beach's parking lot entrance; the beach entrance next to the Good Harbor Beach Motor Inn and between the private and public sections of the beach consistent with the requirements noted on page 11 of the 1993 Mass. Division of Fisheries & Wildlife regulations pursuant to piping plover areas to better inform the beach-going public.

**Councilor Holmgren** thanked the AAC for their hard work; the Administration and Councilors for taking this issue seriously; and to especially thank all the volunteers and those that came to speak. She expressed that she was encouraged by the comprehensive management plan put forward by the Administration and department heads. An ordinance change supports this management plan which she conveyed was why she supported the April 1<sup>st</sup> date for Good Harbor Beach. She expressed that the protection plan includes better and more prominent signage at beach entrances. She let the volunteers know that they should call the police if they see people littering, plovers being disturbed or for dogs on the beach when they shouldn't be there. She pointed out that there were only 11 calls to the Animal Control Officer compared to the concern expressed this evening. She expressed her agreement that enforcement was an issue and advised she had reached out to Governor's Council member Eileen Duff asking why animal ordinance tickets are so frequently dismissed on appeal. She in turn spoke with the Gloucester District Court

Clerk Magistrate who conveyed that: 1) the city's signage (dog ordinance) is not clear. Recognizing that the city has gone through many adjustments to the dog ordinance over the past five years it is time for the city to install clear and easy-to-follow signs for residents and tourists in light of prioritizing accommodations to make the city more appealing to tourists; 2) Many cases have been dismissed at the District Court level because repeat offenders who live in the city have refused to pay the dog ordinance fines; and the District Attorney's Office has not been willing to prosecute so the Court's hands are tied. She conveyed it is arbitrary and unfair saying that it doesn't support the thousands of law-abiding taxpaying citizens of the city, citing that it must be addressed -- the same for litter and for other beach violations. She pointed out that the ordinances are on the books; they must be enforced or they are "worth nothing." She highlighted this is a "disservice" to the city's Police Department who work very hard on everyone's behalf. She advised she'd submit a Request to the Mayor on both of these matters.

**Councilor Hecht** expressed appreciation for the sunset clause to aid him being able to vote in favor because they're dealing with nature -- avian nature, dog nature and human nature. He advised he will follow the issue closely this season and look forward to the review at the end of the year.

**Councilor O'Hara** explained that the issue has come about because of a potential violation the city was exposed to last year. The city has to follow the laws be they state or federal, and have no choice but to protect the plovers, he pointed out. He noted he appreciates dogs, but they owe it to protect an endangered species and in turn find a place for dogs to run.

**Council President Lundberg** noted that enforcement is a common theme, saying that it is the obligation of the city to enforce this. He advised that budget season is soon upon the city administration and Council, and it is anticipated that there will be meaningful resources dedicated to enforce the ordinance which will be part of the Council's discussion. He gave the example of the Sawyer Free Library's recent security issue which was solved creatively. He advised he would anticipate the same creativity from the Administration to solve the enforcement issue. He again expressed his thanks to the AAC and the volunteers for their dedication.

**MOTION: On a motion by LeBlanc, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend the Code of Ordinances, Chapter 9 "Trash, Recycling and Litter" as follows:**

Sec. 9-8. - Littering prohibited.

(a) No person shall throw, ~~drop, release, or deposit litter in or upon any street, sidewalk or other public place in the city.~~ otherwise dispose of directly or indirectly into any harbor, river, or pond or on to any beach, or any public property garbage, refuse, rubbish, bottles, cans, containers, paper, cigarette butts, balloons, wrapping material, glass, filth or any noxious or dangerous liquid or solid. Violation shall be subject to a \$300 fine per incident/violation.

3. **PH2019-012: Amend GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events" by AMENDING Article I – "In General" Sec. 11-1 "Definitions"; Article II "Hawkers and Peddlers" Sec. 11-3 "Local license/permit requirement for fixed vending locations; procedure to obtain"; Sec. 11-6 "Conduct of Business"; Sec. 11-7 "Business prohibited between certain hours"; Sec. 11-9 "Revocation and expiration of permit"; Sec. 11-10 "Fixed vendors during special events; parades"; Sec. 11-11 "Permit required; fee"; DELETE Sec. 11-12 "Special event permit fees for fixed vending locations" and AMEND and RENUMBER the following sections: Sec. 11-12 "Books, magazines and other publications; licensing, registration required"; Sec. 11-13 "Meats, butter, certain other food products – Licensing"; Sec. 11-14 "Same - Inspection of products"; Sec. 11-15 "Same – penalty for possession, use of unsealed or false weighing or measuring device"; Sec. 11-16 "Temporary permits to sell articles for charitable purposes"; Section 11-17 "Violations; fines"; DELETE Article III "Transient Vendors" Sec. 11-18 "Application"**

**This public hearing is opened at 9:26 p.m.**

**Those speaking in favor:**

**Chip Payson**, General Counsel, advised that these amendments to the Hawkers and Peddlers ordinance have gone through a number of iterations. He highlighted that Councilor Cox started this process several years ago. The Municode review brought this matter to the forefront. With members of the Administration and Councilor Cox they have a fine draft of updates to language for Chapter 11 before the Council for their consideration.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:29 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Advisory Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events" as follows:

**AMEND "ARTICLE I. - IN GENERAL Sec. 11-1. - Definitions" by ADDING:**

*"Schedule of Fees means any fee schedule or list of fees as periodically updated and provided by the city clerk's office."*

**AND AMEND "ARTICLE II. - HAWKERS AND PEDDLERS" as follows:**

Sec. 11-3. - Local license/permit requirement for fixed vending locations; procedure to obtain.

(a) Anyone either principal or agent that sells from a fixed location and not licensed or required to be licensed under the definition in M.G.L. c. 101 as a transient vendor or hawker and peddler must first procure a permit from the local licensing authority for the sale of goods, wares, or merchandise allowed to be sold under the provisions of M.G.L. c. 101, § 16. A local permit is required for vendor holding only a state license.

(b) Applicants for a fixed location permit for those areas established by this chapter within the city, shall follow the sealed bid procedure, as outlined in subsection (c) of this section. The cost for such permit shall be not less than \$200.00 annually with no maximum, established by the city council. Permits will be issued for up to ~~seven~~ six specific locations throughout the city, as approved by the city council. The city council shall have the right to adopt and implement further lawful regulations and restrictions consistent with this article.

(1) Prior to bidding for a fixed location, a vendor shall be required to provide proof of valid, current cityhawkers and peddlers license and proof that they are a disabled veteran as defined in section 11-1.

(2) Vendors shall disclose general scope of sales.

Approved permits and assigned locations shall be chosen by sealed bid procedure by the city's purchasing department, ~~city~~ on or before the first business day in February, 9:00 a.m., of each year.

(c) Sealed bid procedure will be as follows: Sealed bids will be submitted to the city's purchasing department, ~~city~~, following public notice and from the first secular day in January to the last business day in January, each year. Further, all bids received to be opened by the purchasing department, will be accompanied by a certified or cashier's check in the amount of the bid, payable to the city. Unsuccessful bidders' checks will be returned immediately following the bid opening. The sealed bid will be date and time stamped in the purchasing department. The purchasing department will open the sealed bids and if there is a tie between two or more vendors on the bid amount, then the bidder/vendor who is a disabled veteran shall be given preference over all other bidders provided they meet all other bid requirements.

Sec. 11-6. - Conduct of business

(5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3 or those permitted by the special events committee under section 11-10, shall be moving at all times other than when servicing a customer. For vendors on foot or animal, moving shall be walking in a normal manner along a street, path or way with all goods, wares, merchandise or services. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.

(6) No one shall sell or offer for sale on any public street, way or public place in the city, within 2,000 feet of any school in the city, between the hours of 8:00 a.m. and 4:00 p.m. on days when ~~the school~~ of the city are in session.

Sec. 11-7. - Business prohibited between certain hours.

(b) Door-to-door solicitations require pre-approval by the chief of police; no door-to-door vendor shall sell or offer for sale their goods, wares services or merchandise door-to-door after 6:00 p.m.

The usage of all public parking spaces must adhere to the Code of Ordinances and shall be allowed during business hours only.

(c) Fixed vendors may continue to sell or offer for sale their goods, wares, services or merchandise from their fixed locations during special events.

Sec. 11-9. - Revocation and expiration of permit.

(a) Any permit granted by the licensing commission and/or the city clerk's office under this ~~section~~chapter may be revoked by the licensing commission and/or the city clerk's office for good cause after reasonable notice to the permittee and a hearing upon the grounds of the revocation. Any permittee who violates any provisions of this article on three occasions shall be deemed to have provided sufficient cause for revocation of that permit. Unless sooner revoked, any permit granted by the licensing commission under this section shall be valid for the stated period and upon ~~or expiration of any permit, such permit,~~ shall revert to the city licensing commission.

(b) The enforcing agent shall be the police department, the health department and/or the building department. Said enforcing agent shall have the authority to issue tickets with fines consistent with this chapter.

(c) The police department, the health department and/or the building department shall have the authority to remove, and/or shut down or arrest vendors who are in violation of this chapter; the police department shall also have the authority to arrest vendors who are in violation of this chapter.

Sec. 11-10. — ~~Fixed~~Special events; transient vendors ~~during special events~~; parades.

(a) There shall be a Special Events Committee comprised of the following city staff: the city clerk or his designee, the building inspector or his designee, the department of public works director or his designee, the chief of police or his designee, the fire chief or his designee, the emergency medical services director, the health department food inspector, the harbor master or his designee and the community development director or his designee. The Committee shall meet monthly and shall post notices of its meetings.

(b) The Special Events Committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council.

The Committee may in its own discretion refer any application to the city council for consideration. If city council approval is required due to the proposed closure of any road, the application shall be referred directly to the planning & development committee who shall have the authority to approve the special event permit.

~~(ac) Vending from fixed locations, other than those specified in section 11-5 may be granted by the licensing commission, upon recommendations made by event organizers. City sanctioned~~ Special events/parades shall be designated with restricted vending areas based on public safety considerations. Transient vendor permits shall be approved by the city clerk's office and the chief of police. For the purpose of this article, special events/parades shall be limited to:

- (1) Fishtown Horribles Parade.
- (2) St. Peters Fiesta Procession.
- (3) Labor Day fireworks.
- (4) First Night Celebration-Middle Street Walk.
- (5) Gloucester Schooner Festival.
- (6) Sidewalk Bazaar.
- (7) Downtown block parties.
- (8) All annual city council approved events.

~~(bd)~~ No vending willshall be allowed on the Memorial Day Parade route.

~~(ee)~~ No vending willshall be allowed within 300 feet of a cemetery within the city during Memorial Day or other special observance ceremony.

~~(df)~~ The Special Events Committee and/or the licensing commission may recommend and the City Council may approve additional special events, parades relevant to this section.

~~(eg)~~ ThirtyForty-five days prior to any event, the event organizing committee shall submit their application for a special event permit, an application for transient vendor permits and a list of fixed vending locations alongsaid transient vendors along with all applicable application fees with their specific permit to for the city clerk's office for referral to and review by the licensing commissionspecial events advisory committee for approval. Fixed locations shall be within the restricted areas relevant to the event as approved by the licensing commission.

~~(f)~~ Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the city clerk, the building inspector, the assistant department of public works director, the assistant chief of police, the assistant fire chief, the emergency medical services director, the health department food inspector, the harbormaster and the community development tourism manager. The committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council as referenced in section 11-10(a)(5). If city council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the special event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.

Sec. 11-11. — Special event Ppermit; transient vendor permit required; fee.

Permits will be issued to approved fixed vendors within the restricted areas of special events by the licensing commission. The fee for a permit issued shall not exceed \$100.00.

(a) Permits shall be issued for the special event/parade date and/or rain date only in each calendar year by the special events committee.

(b) Permits shall be issued for one transient vendor in one location and cannot be duplicated or transferred.

(c) All applicants for permits must complete applications provided by the city clerk's office and the police department and pay all application fees to the special event organizer prior to receipt of a permit.

~~(1) Site specific vendor submitting photograph and application receives two free badges. For each additional badge, the cost will be: \$25.00 per badge.~~

~~(2) Special event vendor submitting photograph and application receives one free badge. For each additional badge, the cost will be: \$25.00 per badge.~~

~~Sec. 11-12. Special event permit fees for fixed vending locations:~~

~~Fees generated by the issuing of permits for fixed vending locations relating to special events listed in section 11-10, shall be paid directly to the events organizing/sponsoring committee for the event, subject to all limitations as stated in the vending ordinance or as shall be, at any time, enacted by the city council.~~

Sec. 11-12~~3~~. - Books, magazines and other publications; licensing, registration required. Before doing any business in the city, any hawker, peddler or transient vendor of magazines, publications, books, or magazine or book subscriptions must be duly licensed by the director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his name and residence with the chief of police of the city and receive a record number and a solicitor residence with the chief of police of the city, which must be carried on his person at all times, in addition to any permits/licenses issued by the licensing commission or director of standards.

Sec. 11-13~~4~~ ("4" is struck). - Meats, butter, certain other food products—Licensing.

(a) *Required; exception.* Before selling any meats, butter, cheese, fish and fresh fruit or vegetables, any hawker, peddler or transient vendor must either be duly licensed by the director of standards of the commonwealth or permitted by the licensing commission; provided, however, that this section shall not apply to any person who peddles only fish obtained by his own labor or his family or to any person who peddles only fruits, vegetables or other farm products produced or raised by himself or his family.

(b) *Qualifications of applicant; inspection, sealing of weighing, measuring devices.* The licensing commission shall have authority to grant a permit under this section to any person of good moral character. No such permit shall be issued until a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used have been duly inspected and sealed. The health department shall have authority to grant a food permit under this section for all food (including meat, butter and cheese) except fish, fruits, vegetables and honey.

(c) *Fee; issuance.* Any permit issued by the licensing commission under this section shall be issued by and signed by the city clerk, as clerk of the commission, upon payment of a permit fee ~~of \$54.00~~. Every hawker, peddler and transient vendor, so permitted shall be assigned a number by the city clerk, who shall keep a record of all permits issued.

Sec. 11-14~~5~~. - Same—Inspection of products.

Any meats, butter, cheese, fish and fresh fruit or vegetables offered for sale by ~~any hawker, peddler or transient a~~ vendor must be inspected by the ~~board of~~ health department.

Sec. 11-156. - Same—Penalty for possession, use of unsealed or false weighing or measuring device.

Any hawker, peddler or transient vendor of any meats, butter, cheese, fish and fresh fruit or vegetables who use, or possesses with intent to use, any false, condemned or unsealed weighing or measuring device shall be subject to a penalty not to exceed:

(1) \$50.00 for each use or possession of a false or condemned measuring device; and

(2) \$20.00 for each use of an unsealed measuring device.

Sec. 11-167. - Temporary permits to sell articles for charitable purposes.

The licensing commission shall, under such conditions as it may deem proper, grant to any organization engaged exclusively in charitable work, or to a part of any incorporated organization of veterans who served in the military services of the United States in time of war or insurrection, a special permit authorizing it, upon a particular day and for a charitable purpose named in such permit, to sell, through its accredited agents in the streets and other public places within the city, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs, and similar small articles; provided that no person under age 16 years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles, a badge provided by such organization or post and approved by the licensing commission, bearing upon it the name of such organization or post the date on which the permit is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant thereof. The exercise of the permits hereby provided for shall be subject to the provisions of all statutes, ordinances, bylaws, rules and regulations not inconsistent herewith. ~~The fee for such a permit shall be \$5.00.~~

~~Sec. 11-17. - Violations; fines.~~

~~(a) Penalties for failure to adhere to this chapter shall be as follows:~~

~~(1) The penalty for the first violation shall be a written warning.~~

~~(2) The penalty for the second violation shall be \$50.~~

~~(3) The penalty for the third violation shall be \$100.~~

~~(4) The penalty for the fourth and subsequent violations shall be \$200.~~

~~(5) Each day or part thereof that such violation occurs or continues shall constitute a separate offense.~~

~~(b) Further, any event organizing committee found to have misrepresented the number of transient vendors or failed to include all transient vendors in the list of transient vendors required under section 11-10 may be fined under subsection (a)(4) of this section, shutdown or barred from holding said event in the future.~~

### ~~ARTICLE III. — TRANSIENT VENDORS~~

~~Sec. 11-18.— Application.~~

~~Every person before commencing business as a transient vendor within the city shall file with the chief of police, on a form issued by the police department, a written application signed under the penalties of perjury containing the following information:~~

~~(1) Name of applicant.~~

~~(2) Address of applicant.~~

- ~~(3) Applicant's height, weight, eye and hair color.~~
- ~~(4) Applicant's social security number.~~
- ~~(5) The length of time for which the right to do business is desired.~~
- ~~(6) A brief description of the nature of the business and the goods to be sold.~~
- ~~(7) The name and home office address of the applicant's employer. If self-employed, it shall so state.~~
- ~~(8) If operating a motor vehicle: the year, make, model, registration number and owner's address.~~

**By unanimous consent of the Council the reading of the amendment language were waived.**

**DISCUSSION:**

**Councilor Cox** offered her appreciation to the Administration, Mr. Payson in particular along with Ms. Senos the Building Inspector and Health Department. She noted it was a collaborative effort that came down to her, Mr. Destino, Ms. Senos and Mr. Payson in order to produce the final product. She pointed out that many parts of this chapter intertwine regulations with special events -- who pays, how much, and when. Removed from the ordinance was any opportunity for subjective decision-making and replacing it with an objective review process. She noted that there is now a clean, concise ordinance for the Special Events Advisory Committee to follow.

**Councilor LeBlanc** offered his support, noting all the amendments were vetted at the O&A Committee. Citing that Councilor Cox, Mr. Payson and Ms. Senos went through the ordinance chapter thoroughly, he conveyed these amendments make it clear what can and can't be done by tightening parameters.

**Council President Lundberg** expressed agreement with Councilor LeBlanc, and offered his thanks to Councilor Cox for guiding these amendments through the revision process.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events" as follows:**

**AMEND "ARTICLE I. - IN GENERAL Sec. 11-1. - Definitions" by ADDING:**

*"Schedule of Fees means any fee schedule or list of fees as periodically updated and provided by the city clerk's office."*

**AND AMEND "ARTICLE II. - HAWKERS AND PEDDLERS" as follows:**

Sec. 11-3. - Local license/permit requirement for fixed vending locations; procedure to obtain.

(a) Anyone either principal or agent that sells from a fixed location and not licensed or required to be licensed under the definition in M.G.L. c. 101 as a transient vendor or hawker and peddler must first procure a permit from the local licensing authority for the sale of goods, wares, or merchandise allowed to be sold under the provisions of M.G.L. c. 101, § 16. A ~~E~~ local permit is required for vendor holding only a state license.

(b) Applicants for a fixed location permit for those areas established by this chapter within the city, shall follow the sealed bid procedure, as outlined in subsection (c) of this section. The cost for such permit shall be not less than \$200.00 annually with no maximum, established by the city council. Permits will be issued for up to ~~seven~~ six specific locations throughout the city, as approved by the city council. The city council shall have the right to adopt and implement further lawful regulations and restrictions consistent with this article.

(1) Prior to bidding for a fixed location, a vendor shall be required to provide proof of valid, current [cityhawkers and peddlers](#) license and proof that they are a disabled veteran as defined in section 11-1.

(2) Vendors shall disclose general scope of sales.

Approved permits and assigned locations shall be chosen by sealed bid procedure by the [city's](#) purchasing department, ~~city~~ on or before the first business day in February, 9:00 a.m., of each year.

(c) Sealed bid procedure will be as follows: Sealed bids will be submitted to the [city's](#) purchasing department, ~~city~~, following public notice and from the first secular day in January to the last business day in January, each year. Further, all bids received to be opened by the purchasing department, will be accompanied by a certified or cashier's check in the amount of the bid, payable to the city. Unsuccessful bidders' checks will be returned immediately following the bid opening. The sealed bid will be date and time stamped in the purchasing department. The purchasing department will open the sealed bids and if there is a tie between two or more vendors on the bid amount, then the bidder/vendor who is a disabled veteran shall be given preference over all other bidders provided they meet all other bid requirements.

#### Sec. 11-6. - Conduct of business

(5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3 [or those permitted by the special events committee under section 11-10](#), shall be moving at all times other than when servicing a customer. For vendors on foot or animal, moving shall be walking in a normal manner along a street, path or way with all goods, wares, merchandise or services. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.

(6) No one shall sell or offer for sale on any public street, way or public place in the city, within 2,000 feet of any school in the city, between the hours of 8:00 a.m. and 4:00 p.m. on days when ~~the school~~ [of the city are](#) in session.

#### Sec. 11-7. - Business prohibited between certain hours.

[\(b\) Door-to-door solicitations require pre-approval by the chief of police; no door-to-door vendor shall sell or offer for sale their goods, wares services or merchandise door-to-door after 6:00 p.m.](#)

[The usage of all public parking spaces must adhere to the Code of Ordinances and shall be allowed during business hours only.](#)

[\(c\) Fixed vendors may continue to sell or offer for sale their goods, wares, services or merchandise from their fixed locations during special events.](#)

#### Sec. 11-9. - Revocation and expiration of permit.

(a) Any permit granted by the licensing commission [and/or the city clerk's office](#) under this ~~section~~[chapter](#) may be revoked by the [licensing](#) commission [and/or the city clerk's office](#) for good cause after reasonable notice to the permittee and a hearing upon the grounds of the revocation. Any permittee who violates any provisions of this article on three occasions shall be deemed to have provided sufficient cause for revocation of that

permit. Unless sooner revoked, any permit granted by the licensing commission under this section shall be valid for the stated period and upon ~~or expiration of any permit, such permit,~~ shall revert to the city licensing commission.

(b) The enforcing agent shall be the police department, the health department and/or the building department. Said enforcing agent shall have the authority to issue tickets with fines consistent with this chapter.

(c) The police department, the health department and/or the building department shall have the authority to remove, and/or shut down or arrest vendors who are in violation of this chapter; the police department shall also have the authority to arrest vendors who are in violation of this chapter.

Sec. 11-10. ~~Fixed~~Special events; transient vendors ~~during special events;~~ parades.

(a) There shall be a Special Events Committee comprised of the following city staff: the city clerk or his designee, the building inspector or his designee, the department of public works director or his designee, the chief of police or his designee, the fire chief or his designee, the emergency medical services director, the health department food inspector, the harbormaster or his designee and the community development director or his designee. The Committee shall meet monthly and shall post notices of its meetings.

(b) The Special Events Committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council. The Committee may in its own discretion refer any application to the city council for consideration. If city council approval is required due to the proposed closure of any road, the application shall be referred directly to the planning & development committee who shall have the authority to approve the special event permit.

(~~ac~~) Vending from fixed locations, other than those specified in section 11-5 may be granted by the licensing commission, upon recommendations made by event organizers. City sanctioned Special events/parades shall be designated with restricted vending areas based on public safety considerations. Transient vendor permits shall be approved by the city clerk's office and the chief of police. For the purpose of this article, special events/parades shall be limited to:

- (1) Fishtown Horribles Parade.
- (2) St. Peters Fiesta Procession.
- (3) Labor Day fireworks.
- (4) First Night Celebration-Middle Street Walk.
- (5) Gloucester Schooner Festival.
- (6) Sidewalk Bazaar.
- (7) Downtown block parties.
- (~~58~~) All annual city council approved events.

(~~bd~~) No vending ~~will~~shall be allowed on the Memorial Day Parade route.

(~~ee~~) No vending ~~will~~shall be allowed within 300 feet of a cemetery within the city during Memorial Day or other special observance ceremony.

(~~df~~) The Special Events Committee and/or the licensing commission may recommend and the City Council may approve additional special events, parades relevant to this section.

(~~eg~~) Thirty-Forty-five days prior to any event, the event organizing committee shall submit their application for a special event permit, an application for transient vendor permits and a list of fixed vending locations along said transient vendors along with all

~~applicable application fees with their specific permit to for the city clerk's office for referral to and review by the licensing commission special events advisory committee for approval. Fixed locations shall be within the restricted areas relevant to the event as approved by the licensing commission.~~

~~(f) Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the city clerk, the building inspector, the assistant department of public works director, the assistant chief of police, the assistant fire chief, the emergency medical services director, the health department food inspector, the harbormaster and the community development tourism manager. The committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council as referenced in section 11-10(a)(5). If city council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the special event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.~~

~~Sec. 11-11. — Special event permit; transient vendor permit required; fee.~~

~~Permits will be issued to approved fixed vendors within the restricted areas of special events by the licensing commission. The fee for a permit issued shall not exceed \$100.00.~~

~~(a) Permits shall be issued for the special event/parade date and/or rain date only in each calendar year by the special events committee.~~

~~(b) Permits shall be issued for one transient vendor in one location and cannot be duplicated or transferred.~~

~~(c) All applicants for permits must complete applications provided by the city clerk's office and the police department and pay all application fees to the special event organizer prior to receipt of a permit.~~

~~(1) Site specific vendor submitting photograph and application receives two free badges. For each additional badge, the cost will be: \$25.00 per badge.~~

~~(2) Special event vendor submitting photograph and application receives one free badge. For each additional badge, the cost will be: \$25.00 per badge.~~

~~Sec. 11-12. — Special event permit fees for fixed vending locations.~~

~~Fees generated by the issuing of permits for fixed vending locations relating to special events listed in section 11-10, shall be paid directly to the events organizing/sponsoring committee for the event, subject to all limitations as stated in the vending ordinance or as shall be, at any time, enacted by the city council.~~

~~Sec. 11-123. - Books, magazines and other publications; licensing, registration required.~~

~~Before doing any business in the city, any hawker, peddler or transient vendor of magazines, publications, books, or magazine or book subscriptions must be duly licensed by the director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his name and residence with the chief of police of the city and receive a record number and a solicitor residence with the chief of police of the city, which must be carried on his person at all times, in addition to any permits/licenses issued by the licensing commission or director of standards.~~

~~Sec. 11-13 4 (“4” is struck). - Meats, butter, certain other food products—Licensing.~~

~~(a) *Required; exception.* Before selling any meats, butter, cheese, fish and fresh fruit or vegetables, any hawker, peddler or transient vendor must either be duly licensed by the director of standards of the commonwealth or permitted by the licensing commission;~~

provided, however, that this section shall not apply to any person who peddles only fish obtained by his own labor or his family or to any person who peddles only fruits, vegetables or other farm products produced or raised by himself or his family.

(b) *Qualifications of applicant; inspection, sealing of weighing, measuring devices.* The licensing commission shall have authority to grant a permit under this section to any person of good moral character. No such permit shall be issued until a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used have been duly inspected and sealed. The health department shall have authority to grant a food permit under this section for all food (including meat, butter and cheese) except fish, fruits, vegetables and honey.

(c) *Fee; issuance.* Any permit issued by the licensing commission under this section shall be issued by and signed by the city clerk, as clerk of the commission, upon payment of a permit fee ~~of \$54.00~~. Every hawker, peddler and transient vendor, so permitted shall be assigned a number by the city clerk, who shall keep a record of all permits issued.

Sec. 11-145. - Same—Inspection of products.

Any meats, butter, cheese, fish and fresh fruit or vegetables offered for sale by any hawker, peddler or transient a vendor must be inspected by the ~~board of health department~~.

Sec. 11-156. - Same—Penalty for possession, use of unsealed or false weighing or measuring device.

Any hawker, peddler or transient vendor of any meats, butter, cheese, fish and fresh fruit or vegetables who use, or possesses with intent to use, any false, condemned or unsealed weighing or measuring device shall be subject to a penalty not to exceed:

(1) \$50.00 for each use or possession of a false or condemned measuring device; and

(2) \$20.00 for each use of an unsealed measuring device.

Sec. 11-167. - Temporary permits to sell articles for charitable purposes.

The licensing commission shall, under such conditions as it may deem proper, grant to any organization engaged exclusively in charitable work, or to a part of any incorporated organization of veterans who served in the military services of the United States in time of war or insurrection, a special permit authorizing it, upon a particular day and for a charitable purpose named in such permit, to sell, through its accredited agents in the streets and other public places within the city, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs, and similar small articles; provided that no person under age 16 years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles, a badge provided by such organization or post and approved by the licensing commission, bearing upon it the name of such organization or post the date on which the permit is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant thereof. The exercise of the permits hereby provided for shall be subject to the provisions of all statutes, ordinances, bylaws, rules and regulations not inconsistent herewith. The fee for such a permit shall be \$5.00.

Sec. 11-17. - Violations; fines.

(a) Penalties for failure to adhere to this chapter shall be as follows:

- (1) The penalty for the first violation shall be a written warning.
- (2) The penalty for the second violation shall be \$50.
- (3) The penalty for the third violation shall be \$100.
- (4) The penalty for the fourth and subsequent violations shall be \$200.
- (5) Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

(b) Further, any event organizing committee found to have misrepresented the number of transient vendors or failed to include all transient vendors in the list of transient vendors required under section 11-10 may be fined under subsection (a)(4) of this section, shutdown or barred from holding said event in the future.

### **ARTICLE III. TRANSIENT VENDORS**

#### **Sec. 11-18. Application.**

~~Every person before commencing business as a transient vendor within the city shall file with the chief of police, on a form issued by the police department, a written application signed under the penalties of perjury containing the following information:~~

- ~~(1) Name of applicant.~~
- ~~(2) Address of applicant.~~
- ~~(3) Applicant's height, weight, eye and hair color.~~
- ~~(4) Applicant's social security number.~~
- ~~(5) The length of time for which the right to do business is desired.~~
- ~~(6) A brief description of the nature of the business and the goods to be sold.~~
- ~~(7) The name and home office address of the applicant's employer. If self-employed, it shall so state.~~
- ~~(8) If operating a motor vehicle: the year, make, model, registration number and owner's address.~~

4. PH2019-013 Amend GCO 2 "Administration", Sec. 2-429; Ch. 3 "Amusements" Sec. 3-30; Ch. 4 "Animals", Sec. 4-16(a); Ch. 6 "Cemeteries", Sec. 6-4; Ch. 12 "Marshlands" Sec. 12-23 and 12-24"; Ch. 13 "Noise", Sec. 13-2; Ch. 14 "Offenses and Miscellaneous Provisions", Sec. 14-13 and 14-16; Ch. 18 "Schools", Sec. 18-6; Ch. 19 "Secondhand Goods", Sec. 19-53; Ch. 21 "Streets, Sidewalks and Other Public Places", Sec. 21-87; Ch. 22 "Traffic and Motor Vehicles" Sec. 22-1 Sec. 22-2, Sec. 22-56, Sec. 22-57, Sec. 22-58, Sec. 22-59, Sec. 22-60, Sec. 22-61, Sec. 22-64, Sec. 22-90, Sec. 22-92, Sec. 22-93, Sec. 22-94, Sec. 22-93; Ch. 23 "Utilities", Sec. 23-19

**This public hearing opened at 9:34 p.m.**

**Those speaking in favor:**

**Mr. Payson** conveyed that before the Council is the second and final round of the Municode Code of Ordinances changes. The first changes made last year were "low hanging fruit" with little or no drafting involved. These changes required some minimal drafting of new language or amending of language. He touched on the engagement of Municode which is the website company that houses the city's Code of Ordinances, and the Zoning Ordinance for a top to bottom review, and then made recommendations how to tweak the city's Ordinances so that they are up to date and in compliance with state and federal law.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:35 p.m.**

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 Code of Ordinances as presented through a memorandum from General Counsel dated January 10, 2019, pages 1 through 18.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend the Code of Ordinances as presented through a memorandum from General Counsel dated January 10, 2019, pages 1 through 18.**

**Other Business:**

**1. Discussion of procedure for the City Council's confirmation of the Police Chief candidate**

**Council President Lundberg** conveyed the following information: The Council passed a revision to the ordinance last year governing the selection of the Police Chief, and that (selection) process is about done. The Mayor is considering two finalists, and she will come forward to recommend the final candidate. The revised ordinance now in place was noted in part. Councilor Cox, Chair of B&F, and Councilor LeBlanc, Chair of O&A, and he have discussed that it would have been B&F reviewing the contract and O&A reviewing the appointment. Instead of Councilors and the final candidate for Police Chief attending two meetings, when the Council knows there are a final candidate and a contract, they will refer these two matters to the Committee of the Whole. The Council will sit as a Committee and ask questions of the candidate and the Administration on the contract at a Special Meeting.

He noted that he'd circulated some vetted questions the Council may want to ask of the final candidate. The meeting of the Committee of the Whole won't be a public hearing; he pointed out, and encouraged members of the public to submit their questions to Councilors or to the City Clerk to be asked at the meeting.

**Councilor Cox** advised that the most fair and equitable way to go about this process was to convene a Committee of the Whole and not have multiple Standing Committee meetings. She asked that each Councilor ask one question at a time, move to the next Councilor until all have asked one full round of single questions, and then return to the first Councilor and ask a second round of individual questions, and so on.

**Councilor LeBlanc** expressed his understanding of the question methodology. This is an Administrative hiring and a confirmation through the Council, he pointed out. If they're going to ask questions, he suggested that the questions need to be submitted first to Human Resources Director to ensure they are appropriate to be raised in a public venue and that there needs to be guidelines as to the kinds of questions that can be asked. **Council President Lundberg** noted that he had circulated questions several months ago to the Council that were all based on the MRI Report so if there are other questions, he agreed they should be vetted.

**Mr. Destino** suggested that this should be handled as they do for any other department head, with "general decorum." Because of the timing of this appointment, the Administration is managing their money in the Police Department FY19 budget; the new Chief could start in FY19 and be paid with budgeted funds. The "real" funding, he pointed out, will be in the next fiscal year cycle -- confirmation may be first and the funding may be discussed and then voted on through the FY20 budget process. **Councilor Cox** advised this makes good sense so that the candidate doesn't come before multiple committees if they don't need a funding request for FY19.

**Council President Lundberg** noted that he and Mr. Destino briefly discussed they would hold a Special Council meeting for the Committee of the Whole and will work out the date. **Mr. Destino** noted the final interviews were yesterday, and it is hoped for a decision very soon.

**Councilor Memhard** expressed appreciation to Mr. Destino and Ms. Krawyck for circulating interview videos of the candidates terming it, "helpful insight." **Mr. Destino** noted an additional exercise before the Mayor and he had the final interviews yesterday. They had the Committee and key department heads sit down with the candidates to have a discussion not only about interaction through their departments with the new Chief but how they work as a team, which he termed as a successful and worthwhile process.

**Councilor Hecht** clarified the Council question process at the Committee of the Whole meeting with **Council President Lundberg**.

**Councilor Cox** expressed concern for scheduling with the budget season coming forward. **Mr. Destino** noted that the Administration has to offer the job to the candidate, negotiate the contract, and then put forward the candidate for confirmation. One candidate is from out of state, and each candidate has a different scenario when they would be able to start the job in the city. It is hoped to wrap this up before the budget review starts, he added.

**For Council Vote: None.**

**Unfinished Business: None.****Individual Councilor's Discussion including Reports by Appointed Councilors to Committees:**

**Update of the Waterways Board by City Council Representative, Councilor Steven LeBlanc**, who highlighted the following matters:

- Several members of the Waterways Board were recently before O&A for reappointment.
- The Harbormaster will go before the Seaport Economic Council tomorrow for \$1 million grant to fund the Harbormaster's Office building renovation.
- Mooring and mooring float permitting is now entirely on line.
- The building and installation of kayak racks at strategic points in the city is starting this year at different public landings.
- Plans are being finalized with the Army Corps of Engineers for the dredging of the Annisquam River.
- Preparation for the upcoming boating season is underway -- it is anticipated that this year will be the busiest season yet for the city's waterways and the Harbormaster's Office.
- Marketing of the city's water sheet amenities is continuing through Discover Gloucester.

**Councilors' Requests to the Mayor:**

**Councilor Memhard** announced that from March 17 to March 19 is the International Seafood Expo in Boston.

**Councilor Cox** noted that Thursday, Feb. 28 she will take her turn as the celebrity bartender at the Cape Ann Brewery, benefitting Cape Ann Animal Aid.

**Councilor LeBlanc** expressed his appreciation for a great City Council meeting.

**Councilor Hecht** noted that on Feb. 28 there is a Harbormaster's building design meeting; and touched on the designing and installation of wrought iron planters for Main Street.

**Councilor Gilman** expressed appreciation for the DPW's efforts working in conjunction with National Grid for cutting back vegetation and trees from power lines to prevent outages. She mentioned on March 12 at the Council meeting the Essex North Shore Superintendent and the Business Manager will be making a presentation to the Council.

**Councilor O'Hara** announced another blood drive at the Magnolia Library on March 11 (call 1-800-Red-Cross).

**A motion was made, seconded and voted unanimously to adjourn the meeting at 10:00 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:****PH2019-011 Written Statements:**

- Alicia Pensarosa, 38 Derby Street
- Maureen Vallis, 2 King Philip Road
- Jennie Meyer, 15 Great Ledge Lane
- Deborah Cramer, 318 Concord Street
- Julie Wyman, 947 Washington Street
- Catherine Ryan, 17 High Rock Road
- Hazel Hewitt, 16 Haskell Street
- Linda Brayton, 527 Washington Street
- Peter Cooney, 36 Warner Street - Photograph of Good Harbor Beach, 5/4/18

**Planning & Development Committee**  
Wednesday, March 6, 2019 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present:** Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Lundberg  
**Absent:** None.

**Also Present:** Vanessa Krawyck

The meeting was called to order at 5:30 p.m.

1. ***PP2019-001: Request by Comcast to install +/-27 Ft. UG Conduit from Comcast vault in sidewalk to provide service to 4 Bass Rocks Road - to be held as a Public Hearing***

**This public hearing is opened at 5:30 p.m.**

**Those speaking in favor:**

**David Flewelling**, Specialist 2 Construction, Comcast, explained that about two years ago the vault referenced in the application was built into the sidewalk on Bass Rocks Road in order for Comcast to service a customer on Atlantic Road. This new request by Comcast is to extend one 2" PVC underground conduit from that vault +/-27 feet onto 4 Bass Rocks Road in order to provide service to that customer.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 5:31 p.m.**

**MOTION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit Comcast starting at a Comcast vault in the sidewalk to place one (1) 2" PVC Conduit 27' +/- and continuing onto private property at 4 Bass Rocks Road including the necessary sustaining and protecting fixtures as shown on "Proposed Comcast Underground Conduit Plan to Service 4 Bass Rocks Road, Gloucester, MA" dated February 13, 2019 with the following conditions:**

1. **Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule and resurfacing plan will be prepared by the applicant for review and acceptance by the Department of Public Works.**
  2. **Proposed excavation may only occur during accepted road opening and construction season, 15 March - 15 November. No winter construction will be permitted.**
  3. **In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.**
  4. **All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2 (two) inches totaling 4 (four) inches.**
2. ***RZ2019-001: Rockport Road #28, Map 178, Lot 28 from EB (Extensive Business to R-10 (Medium/Nigh Density Residential) - Also referred to the Planning Board (Cont'd from 02/20/2019) (TBC 04/03/19)***

It was noted by **Councilor Gilman** that the Attorney for the Applicant confirmed notices were sent to abutters advising them of this automatic continuation. This matter will return to the P&D Committee's agenda April 3, 2019.

3. ***CC2019-003(Gilman): refer MGL Ch. 40, §8J to the P&D & O&A Committees to consider the establishment of a Disabilities Rights Commission and members to be appointed by the Mayor (Cont'd from 02/06/19 to 2/20/19 to current date)***

**Councilor Gilman** asked why the Councilor Order was referred to both the O&A and P&D Committees, noting typically any amendments to the Code of Ordinances goes to O&A. **Councilor Lundberg** suggested that in viewing the Council Order, they've set aside for the time being for discussion because of the message they received from the

Mayor about the Human Rights Commission which already exists in the Code of Ordinances, a Commission currently defunct. The Mayor conveyed it is her wish to revive the Commission in order to move it forward to take up issues of the disabled community as they arise. He conveyed his reason for the Council Order going to both Standing Committees was that the Order would establish a new entity in the city of wide-ranging impact and have enforcement authority under the state statute. He added that it's also something from a planning and operations standpoint that would be a significant addition to the city. He recounted that **Donna Leete**, Human Resources Director, wrote a memo covering the existing ordinance (on file) which will be discussed at O&A's next meeting and at that time they'll hear from the Administration as to their plans to move the Commission forward.

**Councilor Gilman** conveyed she would submit a Request to the Mayor to be allowed to meet with Ms. Leete to share with her information and how this issue would fall as a subset under the Human Rights Commission.

**Councilor Lundberg** offered his agreement. **Councilor Holmgren** pointed out that disability rights are human rights.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 5:38 p.m.**

Respectfully submitted,

*Dana C. Jorgensson*

Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**

**In Re:**

<b>Application of Fuller Mixed Use Venture, LLC</b>	)	
<b>for a Modification of Special Permit</b>	)	
	)	
<b>Pursuant to the</b>	)	<b>DECISION OF THE CITY</b>
<b>City of Gloucester Zoning Ordinance</b>	)	<b>COUNCIL OF THE CITY</b>
<b>Section 1.5.13</b>	)	<b>OF GLOUCESTER</b>
	)	
<b>SCP 2019-002 and</b>	)	
<b>SCP 2017-012</b>	)	

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The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision (“Decision”) with regard to the application of Fuller Mixed Use Venture, LLC (“FMUV”) for a Modification of Special Permit No. 2017-012, to modify Condition #18, which prohibited a building permit for construction of the FMUV project to be issued until the off-site sewer design improvements were permitted and construction contract was awarded.

**PLANNING AND DEVELOPMENT COMMITTEE**

On January 16, 2019, the Planning and Development Committee (“P&D”) held a meeting. Attorney Deborah A. Eliason represented the Applicant. Attorney Eliason explained that the condition prohibiting the issuance of a building permit until the off-site sewer design improvements were permitted and construction contracts awarded is no longer needed as the off-site improvements are completely within the City’s control due to the award of the MassWorks grant. Eliminating the condition will also allow FMUV to move forward with the closing with the City without waiting for this condition to be satisfied. As required under GZO section 1.5.13, there is cause to remove the condition as it does not impair the interests of the neighborhood or city to do so. The requirements for a Special Permit set forth in GZO section 1.8.3 are also not impacted by the removal of the condition. The MassWorks grant allows the utilities and other infrastructure in the neighborhood of the Site to be improved based on the City’s own schedule, design and construction team.

Mr. Jim Destino advised P&D that the City Administration is in favor of the requested modification.

Councilor Lundberg also spoke and noted that the off-site improvements necessary to accommodate the development when the City Council approved the Special Permit were not in hand yet so that is why it was included as a condition. He stated that

the funding for those off-site improvements has been secured and the condition is no longer necessary.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant under SPC2019-002 a Modification of Special Council Permit SCP2017-012 to Fuller Mixed Use Venture, LLC for the properties known as School House Road #2, #3, #4, Map #262, Lots 14 and 27, and Gloucester Crossing Road #7, Map 43, Lots 4 and 5, pursuant to Section 1.5.13 and 1.8.3 that Condition #18 is modified as follows:

“18. The Project shall be connected to the City of Gloucester sanitary sewer lines upon substantial completion of any element of the Project. The Applicant shall pay all applicable sewer connection fees related to the installation and inspection of on-site sewer infrastructure to the City of Gloucester. The schedule of fees shall be that in effect on September 11, 2018, the date of this Special Permit was issued.”

The modification to SCP2017-012 through SCP2019-002 is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

## **CITY COUNCIL**

On February 13, 2019 at 9:03p.m., the City Council opened the public hearing on the Application.

Attorney Deborah Eliason 63 Middle Street, representing the Applicant, accompanied by Peter Gourdeau (present) of Windover Construction. Attorney Eliason explained that Condition #18 prohibited a building permit for the construction of the FMUV project to be issued until after the off-site sewer design improvements were permitted and a construction contract was awarded. This was included as a condition as a placeholder because the MassWorks grant had not yet been awarded to the City. Now that the grant has been awarded, the condition is no longer needed. The off-site improvements are completely within the City’s control. Eliminating the condition will allow the FMUV to finalize the closing with the City without waiting for this condition to be satisfied.

As required under GZO, section 1.5.13, there is cause to remove the condition because it does not impair the interests of the neighborhood or City to do so. All six criteria of GZO section 1.8.3 were explained and satisfied in the prior Special Council Permit application and will not be impacted under this modification. As to utilities, it was noted that the off-site improvements will be improved with the MassWorks grant, which has been obtained. All other utilities and services are adequate to complete the project. No other amendments are requested to the Special Permit.

There were no Councilor questions and no one spoke in opposition to the proposal. The public hearing ended at 9:07 p.m.

The City Council reviewed the recommendation of the P&D Committee. Councilor Gilman conveyed that because of the MassWorks grant award, Condition #18 is no longer needed. The Administration has expressed its support of this modification as well.

### **FINDINGS OF THE CITY COUNCIL**

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant under SPC2019-002 a Modification of a Special Council Permit SP2017-012 to Fuller Mixed Use Venture LLC for the properties known as School House Road #2, #3, & #4, Map # 262, Lots 14 and 27, and Gloucester Crossing Road #7, Map 43, Lots 4 and 5, pursuant to Sections 1.5.13 and 1.8.3 that Condition #18 is modified as follows:

“18. The Project shall be connected to the City of Gloucester sanitary sewer lines upon substantial completion of any element of the Project. The Applicant shall pay all applicable sewer connection fees related to the installation and inspection of on-site sewer infrastructure to the City of Gloucester. The schedule of fees shall be that in effect on September 11, 2018, the date of this Special Permit was issued.”

The modification to SCP2017-012 through SCP2019-002 is found to be in harmony with the purpose and intent of the Gloucester Zoning Ordinance.

### **GENERAL CONDITIONS**

1. The minutes of the Planning and Development Committee and City Council public hearings and all documents and testimony received during the hearings are incorporated into this Decision.
2. Each finding, term and condition of this Decision is intended to be severable. Any invalidity in any finding, term or condition of this Decision shall not be held to invalidate any other finding, term or condition of this Decision.

On \_\_\_\_\_, 2019, the City Council adopted this Decision.

Pursuant to Rule 25 of the City Council Rules of Procedure, the President of the City Council and the City Clerk have signed this decision demonstrating that it is a true and accurate reflection of the February 13, 2019 vote of the City Council sitting as the special permit granting authority.

\_\_\_\_\_  
Paul Lundberg  
President, Gloucester City Council

\_\_\_\_\_  
Joanne Senos  
City Clerk

Dated: \_\_\_\_\_, 2019