

GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS

TUESDAY, April 9, 2019

7:00 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2019-007

MEETINGS ARE RECORDED

CITY CLERK
GLOUCESTER, MA
2019 APR -5 AM 9:44



FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

CONFIRMATION OF NEW APPOINTMENTS

Capital Improvement Advisory Board	Howard "Ted" Costa	TTE 2/14/2022
Records Management Advisory Board	Carol A. Kelly	TTE 2/14/2021
Tourism Commission	Kimberly Voltero	TTE 2/14/2022

CONSENT AGENDA

ACTION

• **CONFIRMATION OF REAPPOINTMENTS**

• **MAYOR'S REPORT**

1. New Appointments:

Licensing Board (TTE 5/31/2025) Melissa Teixeira Prince (Refer O&A)

Zoning Board of Appeals (from alternate to full member) (TTE 2/14/2022) Adria Pratt (Refer O&A)

2. Memorandum from City Auditor re: City's FY18 Comprehensive Annual Financial Report (CAFR) (Refer B&F)

3. Memorandum from City Auditor re: Gloucester Public School's End of Year Financial Report – Independent Accountant's Report (Refer B&F)

4. Memorandum from the Mayor re: request acceptance of donation of 46 World War II Veterans' Framed Portraits, with an estimated value of \$34,500 - \$46,000 (Refer B&F)

5. Special Budgetary Transfer Request (#2019-SBT-8) from the Gloucester Public Schools (Refer B&F)

6. Special Budgetary Transfer Request (#2019-SBT-9) from the Gloucester Public Schools (Refer B&F)

7. Memorandum from School Department CFO re: request to pay FY18 expenses with FY19 funds (Refer B&F)

8. Memorandum from School Department CFO re: request that Preschool revolving fund expenditure limit be increased from \$135,000 to \$150,000 to accommodate an increase in enrollment (Refer B&F)

9. Supplemental Appropriation – Budgetary Request (#2019-SA-34) from the DPW (Refer B&F)

10. Memorandum from Planning Director re: request acceptance of additional grant funding from Coastal Zone Management to support the ongoing Gloucester High School Flood Mitigation Design Project; \$17,000 increase to grant with a 25% match (Refer B&F)

11. Memorandum from CFO re: loan authorization request in the amount of \$1,850,000 to abate various asbestos containing materials from the boiler room at Plum Cove School, and to fund improvements to the Gloucester High School Field House (Refer B&F)

12. Memorandum from CFO re: loan authorization request in the amount of \$650,000 for improvements to the Stage Fort Park Visitor Center (Refer B&F)

• **INFORMATION ONLY**

• **APPLICATIONS/PETITIONS**

1. Special Events Application: request to hold the National Safety Day on May 18, 2019 with a rain date of May 25, 2019 (Refer P&D)

2. Special Events Application: request to hold the Concerts on the Boulevard on July 3 and August 31, 2019 (Refer P&D)

3. Special Events Application: request to hold the Harbor Loop Concert Series on July 4, 11, 18 and 25; August 1, 8, 15, 22, and 29, 2019, with a rain date of September 5, 2019 (Refer P&D)

4. Special Events Application: request to hold the Gloucester Schooner Festival August 26 – September 2, 2019 (Refer P&D)

• **COUNCILLORS ORDERS**

1. CC#2019-014(Lundberg, O'Hara, Nolan): request City Council amend GCO Ch. 11, Sec. 11-10(f) "Special Events; Transient Vendors; Parades" re: Special Events Committee and/or licensing commission shall refer all special events/parades requests that involve the use of Stacy Boulevard or Stage Fort Park to the City Council for final approval (Refer O&A)

2. CC#2019-015(LeBlanc): request City Council amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-281 "Ten-Minute Parking" by DELETING Angle Street, southerly side, beginning at a point 42 feet from its intersection with Middle Street for a distance of 22 feet in an easterly direction." (Refer O&A)

3. CC#2019-016(Memhard, LeBlanc): request City Council amend GCO Ch. 22 "Traffic and Motor Vehicles" Article II, Division 2 "Traffic Commission" by ADDING new Sec. 22-38 "Commission's authority to approve stop intersections" (Refer O&A & TC)

• **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 3/26/2019 (Approve/File)

2. Standing Committee Meetings: B&F 4/4/2019, O&A 4/1/2019, P&D 4/3/2019 (Approve/File)

STANDING COMMITTEE REPORTS

ACTION

B&F 4/4/2019, O&A 4/1/2019, P&D 4/3/2019

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

SCHEDULED PUBLIC HEARINGS

1. PH2019-015: RZ2019-001: Rezoning of property located at 28 Rockport Road, Assessors Map 178, Lot 28 from EB (Extensive Business) to R-10 (Medium/High Density Residential) (TBC 4/23/2019)
2. PH2019-016: Loan Order 2019-002: Loan Authorization in the amount of \$190,000 to pay costs of permanent repairs, including paving to Souther Road, a private way in the City
3. PH2019-017: Amend GCO Ch. 10 "Waterways" Sec. 10-52 "Use of public landings" by ADDING new subsection (c) "Kayak and Paddle Board Storage" AND reletter the remaining subsections and insert the language "and storage of kayaks and paddle boards" in relettered subsection (h)
4. PH2019-018: Amend GCO Ch. 2 "Administration" Division 8 "Human Rights Commission", Sec. 2-499 "Purposes" subsection (2) and Sec. 2-500 "Powers and duties" subsection (3)
5. PH2019-019: Whether or not to endorse the application of the Gloucester Historical Commission to submit the City of Gloucester properties collectively known as "Dogtown," for consideration for listing as a National Register of Historic Places
6. PH2019-020: Amend GCO Ch. 24 "Vegetation", Article II "City Plantings Committee" by DELETING Article II "City Plantings Committee" in its entirety

FOR COUNCIL VOTE

1. Decision to Adopt: 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 (FCV)

UNFINISHED BUSINESS

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

Update of the Downtown Development Commission from City Council Representative, Councillor Melissa Cox

COUNCILLOR'S REQUESTS TO THE MAYOR

ROLL CALL – Councillor Melissa Cox



City Clerk

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

NEXT REGULAR CITY COUNCIL MEETING, April 23, 2019

Minutes filed in City Clerk's Office of other Boards and Commissions March 22, 2019 thru April 4, 2019

Bd. of Assessors 3/14/2019, 3/21/2019, 3/28/2019; Bd. of Health 2/25/2019; Dogtown Advisory Committee 2/27/2019; EDIC 3/5/2019; Fisheries Commission 2/21/2019; School Committee 1/2/2019; Traffic Commission 1/24/2019

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 OF GLOUCESTER, MA

2019 APR -4 AM 9:54



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stheken@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council
FROM: Sefatia Romeo Theken, Mayor
DATE: April 3, 2019
RE: Mayor's Report for the April 9, 2019 City Council Meeting

Members of the City Council:

In this Mayor's Report you'll find some updates and information on department budget review meetings, Board, Committees & Commission appointments, several financial matters for consideration, and an overview of last week's Cape Ann Caucus.

FY20 Budget - Department budget review meetings are underway. Budget guidance from the Mayor's Office requested level service budget submittals. Initial healthcare projections are higher than expected. Additionally, we are currently reviewing and analyzing the preliminary results of a comprehensive facilities assessment that will be the foundation for a multi-year capital plan. Together, we will work towards finalizing a balanced budget that reinforces prudent and necessary fiscal practices. We look forward to presenting the FY20 budget to you for review, discussion and approval early next month.

Appointments – I submit for your consideration the appointments of Melissa Teixeira Prince to the Licensing Board and Adria Pratt as a member the Zoning Board of Appeals. Ms. Teixeira Prince will be assuming the role temporarily held by Edward Pasquina, Esquire. I'd like to thank Mr. Pasquina for stepping up and serving on this Board. His help moving things forward during the busy seasonal license period was greatly appreciated. I hope you will confirm these appointments and agree that their experience will serve the City well. 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.

Financial Matters – Enclosed matters included herein that are being referred to the Budget and Finance Standing Committee are as follows: the City of Gloucester's Independent Auditor's Report on the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2018; the City of Gloucester's Independent Accountant's Report on Applying-Agreed Upon Procedures Over Compliance Applicable to Massachusetts School Districts' End-of-Year

Financial Report; request to accept a donation of World War II Veterans framed portraits; Special Budgetary Transfer Request (2019 SBT-8) in the amount of \$60,000 to fund the Gloucester High School Resource Officer for FY19; Special Budgetary Transfer Request (2019 SBT-9) in the amount of \$349,549 to fund out of district Special Education Tuition for students enrolled in School Choice; request to approve payment of three FY18 expenses with FY19 funds; request that the Preschool revolving fund expenditure limit be increased to \$150,000; Supplemental Appropriation Budgetary Request (2019 SA-34) in the amount of \$45,000 for funds needed for engineering services; a request to accept additional grant funding in the amount of \$17,000 from Coastal Zone Management to support the ongoing Gloucester High School Flood Mitigation Design Project; a loan order in the amount of \$1,850,000 to provide funding to abate various asbestos containing materials from the boiler room at Plum Cove Elementary School and for improvements to the Gloucester High School Field House; and a loan order in the amount of \$650,000 for architectural costs, structural work and compliance costs, and roof work for improvements to the Stage Fort Park Visitors' Center.

Boards, Committees & Commissions Appointments

- Licensing Board
 - Melissa Teixeira Prince – six year term – expires 5/31/2025
- Zoning Board of Appeals
 - Adria Pratt (*alternate member to full member*) – three year term – expires 2/14/2022

Enclosure 1 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 2** is a memo from Kenny Costa, City Auditor, that the City of Gloucester's Independent Auditor's Report on the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2018 will be available for discussion at the next Budget & Finance Standing Committee meeting. ***Please refer this matter to the Budget and Finance Standing Committee for review and discussion.*** Kenny Costa, City Auditor, will be available to answer questions and provide further information.
- **Enclosure 3** is a memo from Kenny Costa, City Auditor, transmitting the City of Gloucester's Independent Accountant's Report on Applying-Agreed Upon Procedures Over Compliance Applicable to Massachusetts School Districts' End-of-Year Financial Report. ***Please refer this matter to the Budget and Finance Standing Committee for review and discussion.*** Kenny Costa, City Auditor, will be available to answer questions and provide further information.

- **Enclosure 4** is a memo from Mayor Sefatia Romeo Theken requesting acceptance of a donation of World War II Veterans framed portraits. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Mayor Sefatia Romeo Theken, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 5** is a Special Budgetary Transfer Request (2019 SBT-8) in the amount of \$60,000 to fund the Gloucester High School Resource Officer for FY19. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Gary Frisch, Chief Financial Officer, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 6** is a Special Budgetary Transfer Request (2019 SBT-9) in the amount of \$349,549 to fund out of district Special Education Tuition for students enrolled in School Choice. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Gary Frisch, Chief Financial Officer, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 7** is a request for approval to pay three FY18 expenses with FY19 funds: \$889.44 for wages owed to a teacher due to an incorrect original placement on the salary scheduled; \$1,000 appropriation for an incentive payment per union contract that was not previously made to a teacher; and \$5,611 for wages owed to an administrative assistant due to an incorrect original placement on the salary schedule. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Gary Frisch, Chief Financial Officer, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 8** is a request that the Preschool revolving fund expenditure limit be increased from \$135,000 to \$150,000 to accommodate an increase in enrollment. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Gary Frisch, Chief Financial Officer, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 9** is a Supplemental Appropriation Budgetary Request (2019 SA-34) in the amount of \$45,000 for funds needed for engineering services. ***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.
- **Enclosure 10** is a memo request from Gregg Cademartori, Planning Director, to accept additional grant funding in the amount of \$17,000 from Coastal Zone Management (CZM) to support the ongoing Gloucester High School Flood Mitigation Design Project. ***Please refer this matter to the Budget and Finance Standing Committee for review***

and approval. Gregg Cademartori, Planning Director, or appropriate personnel, will be available to answer questions and provide further information.

- **Enclosure 11** is a memo from John Dunn, CFO, requesting a loan order in the amount of \$1,850,000 for funding to abate various asbestos containing materials from the boiler room at Plum Cove Elementary School and for improvements to the Gloucester High School Field House. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Mike Hale, DPW Director, John Dunn, CFO, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 12** is a memo from John Dunn, CFO, requesting a loan order in the amount of \$650,000 for improvements to the Stage Fort Park Visitors' Center. ***Please refer this matter to the Budget and Finance Standing Committee for review and approval.*** Mike Hale, DPW Director, John Dunn, CFO, or appropriate personnel, will be available to answer questions and provide further information.

Informational Items

- Last week, Gloucester's Chief Administrative Officer, Jim Destino, along with Town Administrators from Essex, Manchester-by-the-Sea, Rockport and Cape Ann's legislative team participated in the Cape Ann Caucus. The Cape Ann Caucus is a twice yearly meeting sponsored by the Cape Ann Chamber of Commerce's Government Affairs Council which convenes Chamber members, Cape Ann's legislative delegation, local officials and school leaders for information sharing and dialogue on key issues of regional and statewide importance. The focus topic for last week's meeting was housing - *Local and State Perspectives on Housing Needs, Initiatives and Challenges*. Jim spoke about the challenges the City struggles with regarding affordable housing and how recommendations from the Housing Production Plan will soon be ready for City Council review.

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.

###



Sefatia Romeo Theken, Mayor

ENCLOSURE 1

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

April 3, 2019

Ms. Melissa Teixeira Prince
467 Western Avenue
Gloucester, MA 01930

Dear Melissa:

Thank you for your interest in serving on the **Licensing Board**. I am pleased to appoint you to a six year term as a **member** on the Board. So that you may attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment.

Your appointment will be forwarded to the City Council for their meeting of April 9, 2019, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's Office at your earliest convenience to pick up your appointment card and be sworn in.

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 stylized and cursive.

Sefatia Romeo Theken,
Mayor

CC: Mayor's Report to the City Council

Melissa Joy Teixeira Prince

467 Western Avenue, Gloucester, MA 01930

mjtex@comcast.net

April 2, 2019

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

Honorable Mayor Sefatia Romeo Theken of Gloucester,

I am interested in the opportunity to volunteer and serve as member to the City of Gloucester's Licensing Board, working to promote opportunities that would be an asset to our community while ensuring rules and regulations are adhered to in order to protect the health and safety of Gloucester.

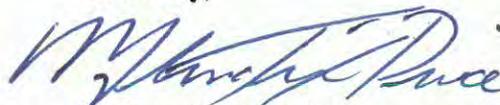
I am a lifelong resident of Gloucester and registered Democrat. I am currently employed at the Commonwealth of Massachusetts, Gloucester District Court for more than 26 years where my responsibilities include assisting the public with application of the law, regulations and procedures. I have extensive committee experience serving as an elected member to the Gloucester School Committee for more than 11 years and I recently resigned as appointed member as Gloucester representative to the Essex North Shore Agricultural & Technical School Committee where I served for approximately 9 years, with over 2 years' service as Chairperson to the 20-member board. In addition, I participated in community outreach serving on the City's Marijuana Task Force and I currently serve as member of the Gloucester Public Employee Committee (PEC).

I am a graduate of the Business Management Program at Lesley University and obtained my Juris Doctorate degree from Massachusetts School of Law. I am in good standing as member to the Massachusetts Bar Association, BBO # 669849. I have much experience working with the public advocating what is best for our City. I am a good listener, have a good work ethic and respect the opinion of others. I have reviewed the regulations of Massachusetts General Laws Chapters 138 and 140, the mission and objectives of the Licensing Board and reviewed the Board's actions in the published minutes and believe my skill set would be a good fit for the position.

My resume, an opinion from the State Ethics Commission, and my Certificates of Completion of the Conflict of Interest Law are enclosed with this letter for your review. I would appreciate the opportunity to serve as member to the Licensing Board.

Thank you for your consideration.

Sincerely,



Melissa Teixeira Prince

Enclosures (3)

MELISSA JOY TEIXEIRA PRINCE

467 Western Avenue, Gloucester, Massachusetts 01930

mjtex@comcast.net

Objective A position as member to the Gloucester Licensing Board

Profile



- Attorney, Admitted, Commonwealth of Massachusetts, November 2007, BBO# 669849
- Considerable (26+ yrs.) experience of public service within the Trial Court and municipal government.
- Goal oriented, organized, highly motivated, flexible and detail-directed problem solver.
- Thorough knowledge of court procedures, appeal procedures, legal documents, terminology, State and Federal laws, rules and functions of the Trial Court.
- Experience in business management using essential knowledge and skills effectively and efficiently, with a strong moral responsibility utilizing technology to achieve organizational goals.
- Ability to develop and implement new procedures responding to changes in administrative policies and statutes.
- Proven ability to work in unison with staff, attorneys, law enforcement personnel and various governmental agencies.

Education

Massachusetts School of Law, North Andover, MA, *Juris Doctorate*, May 2007
Lesley University, Cambridge, MA, *Bachelor of Science*, Business Management, May 2004
North Shore Community College, *Associates Degree in Science*, Paralegal Studies, Honors, May 2002

Employment

Office Manager/Administrative Assistant

1993 - present

Gloucester District Court, Commonwealth of Massachusetts

- Supervise all and perform a full range of case processing duties within the Criminal and Civil Division and other areas in the Magistrates Office assuring accuracy of court records.
- Assist the public with legal matters, application of law, regulations and procedures.
- Provides assistance and direction to subordinate staff. Perform case processing activities using MASSCOURTS in all types of cases.
- Serves as Benefits Coordinator in addition to processing matters in HR/CMS and MMARS.
- Responsible for update of Internal Controls Plan and assists in preparation and maintenance of the office budget.
- Responsible for reviewing and preparing service contracts, vendor transaction documents and reviewing and preparing encumbrance documents. Serves as back-up to Bookkeeping responsibilities.
- Provide services consistent with court policies of confidentiality, preparing administrative reports and composing correspondence for Judge's review and signature.
- Supervise the management and destruction of court records.
- Responsible for processing of sealed records within the established guidelines.
- Trains staff in the use of automated systems and word processing software, introduce new versions or functions, trouble shoots a variety of problems providing technical support to both the Magistrate's Office and Judge's Lobby.

Community Involvement

Gloucester School Committee, City of Gloucester, MA, Elected position

2008 - present

Chairwoman of Personnel sub-committee

- Chief negotiator for the Gloucester School District, responsible for collective bargaining of many groups.
- Policy development in the areas of various personnel matters including State & Federal Leave Acts, Workers Compensation, workplace policies, etc.
- Development and oversight of school department budget, approving appropriations, expenditures, and transfers, making sound policy decisions striving for budget transparency and accountability.
- Strategic planning to establish visionary goals that advocate and provide appropriate services to meet the educational needs of children in a safe and thriving environment, complying with State and Federal Mandates.
- Established collaborative relationships with other community groups and agencies working within a culturally diverse community.

Affiliations

- Massachusetts Association of School Committees
- Past appointed member and Chairwoman to Essex North Shore Agricultural & Technical School Committee
- Member to City of Gloucester Public Employee Committee (PEC)

Other

- Notary Public
- Commissioner to Swear in Public Officials
- OPEIU Local 6 Union Stewart

LETTERS OF RECOMMENDATION AVAILABLE UPON REQUEST

From: "Mallam, Norah (ETH)" <norah.mallam@state.ma.us>

Date: January 31, 2019 at 11:30:25 AM EST

To: "Mjtex@comcast.net" <Mjtex@comcast.net>

Subject: Your inquiry

Dear Ms. Teixeira,

Per your request, I am writing to confirm the advice that I provided to you during our telephone conversation earlier today pursuant to G.L. c. 268A, the conflict of interest law. This advice is based on the facts that you provided to me during our telephone conversation.

You are employed as an Office Manager for the Gloucester District Court. You also serve as an elected member of the School Committee ("SC") in the City of Gloucester ("City"). You are interested in serving as an appointed member of the City Licensing Board. Members of the Licensing Board do not receive any compensation.

You have asked whether the conflict of interest law will prohibit you from serving as an uncompensated member of the Licensing Board if you continue to serve as a member of the SC and continue to serve as a Gloucester District Court employee.

As a District Court employee you are a state employee for purposes of the conflict of interest law. In a July 7, 1998 letter to the Ethics Commission from the Gloucester City Clerk, the Clerk listed School Committee members and Licensing Commission members as positions that have been designated as special municipal employees for purposes of the conflict of interest law. Therefore, for purposes of this advice, I will assume that you are a special municipal employee for purposes of the conflict of interest law as a member of the SC and that you will be a special municipal employee if you are appointed to the Licensing Board. However, I recommend that you confirm with the City Clerk that SC members and Licensing Board members are designated as special municipal employee positions.

The conflict of interest law will not prohibit you from serving as an uncompensated member of the Licensing Board. As we discussed, you will not need to obtain an exemption to G.L. c. 268A, section 20 to serve as both an elected SC member and as an appointed uncompensated member of the Licensing Board. However, you will need to continue to comply with the restrictions under the conflict of interest law that apply to both municipal and state employees. For example, pursuant to § 17, you may not act on behalf of the Court in connection with any particular matters that are of a direct and substantial interest to the City and in which: (1) you have participated in as a member of the SC or Licensing Board, or (2) are or within the last year have been under your official responsibility as a member of the SC or Licensing Board. Pursuant to § 4, you may not act on behalf of the SC or the Licensing Board in connection with any particular matters that are within the purview of the District Court. You must also take care to comply with the restrictions under the standards of conduct section of the conflict of interest law, § 23. You may not use Court time or resources in connection with your SC or Licensing Board work. If any matters come before you as a municipal employee involving an individual or entity who you know through your work for the Court, then you should file a section 23(b)(3) disclosure form prior to participating in the matter, or if you are unable to be fair and impartial, then you must abstain. Similarly if a matter comes before you in your Court position involving an individual or entity who you know through your work as a SC member or as a member of the Licensing Board, then you

must either file a 23(b)(3) disclosure form, or abstain if you are not able to be fair and impartial in your participation in the matter. For additional information regarding the standards of conduct section of the conflict of interest law, please see [Advisory 05-01](#).

The following educational information and links on the Commission's website may also be helpful to you:

- [Summary of the Conflict of Interest Law for Municipal Employees](#);
- [Summary of the Conflict of Interest Law for State Employees](#);
- [Explanation of the Law for Special Municipal Employees](#);
- [Advisory 88-01: Municipal Employees Acting As Agent](#)
- [§ 23\(b\)\(3\) disclosure form and instructions](#)

I hope that this advice is helpful. Both this email and your request for advice are confidential by statute. The Commission may not disclose your identity or any other identifying information without your prior consent. You are, however, free to disclose this advice to anyone you wish, but if you publicly disclose that you have requested or received advice from the Commission, the Commission could make the full text of this letter public without your consent.

Very truly yours,

Norah K. Mallam
Staff Attorney
State Ethics Commission
One Ashburton Place, Room 619
Boston, MA 02108
[617-371-9500](tel:617-371-9500)

The information contained in this communication, including any attachments, is confidential, is intended for the use of the recipient(s) named above, and may be exempt from public disclosure or subject to the attorney/client or work product privileges. If the reader of this message is not an intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please delete it and destroy all copies.



Certificate of Completion

Conflict of Interest Law

Melissa Joy Teixeira Prince

School Committee member
Gloucester Public School Committee
City of Gloucester

**has completed the Conflict of Interest Law
online training program on**

1/23/2019



[Print
Certificate](#)

[Return to Data Form](#)



Certificate of Completion Conflict of Interest Law

Melissa Teixeira Prince

Office Manager

Commonwealth of MA/Gloucester District Court

State Employee

has completed the Conflict of
Interest Law
online training program on
3/5/2019



[Print
Certificate](#)

[Return to Data Form](#)



PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 138 ALCOHOLIC LIQUORS

Section 4 Licensing boards; appointments; membership

Section 4. In each city which is not exempt by the provisions of section ten there shall be a licensing board appointed by the mayor, subject to confirmation by the board of aldermen or, if there is no such board, by the city council, consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the city in which they are appointed for at least two years immediately preceding their appointment. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties. If any member of said board engages directly or indirectly in such manufacture or sale, his office shall immediately become vacant.

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

April 3, 2019

Ms. Adria L. Pratt
108 Dennison Street
Gloucester, MA 01930

Dear Adria:

I am pleased to appoint you as a **member** from an **alternate member** to a three year term to the **Zoning Board of Appeals**. Your appointment will be sent to the City Council for their meeting of April 9, 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.

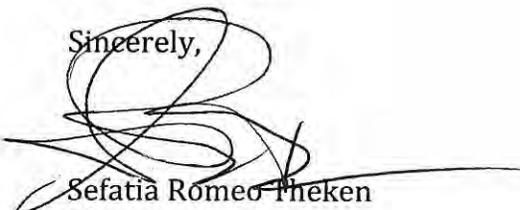
In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's Office to pick up your appointment card and be sworn in at your earliest convenience.

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



PART I ADMINISTRATION OF THE GOVERNMENT

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40A ZONING

Section 12 Boards of appeal; membership; rules

Section 12. Zoning ordinances or by-laws shall provide for a zoning board of appeals, according to the provisions of this section, unless otherwise provided by charter. The mayor subject to confirmation of the city council, or board of selectmen shall appoint members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals, the city council or board of selectmen shall act as the board of appeals. Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen, for terms of such length and so arranged that the term of one member shall expire each year. Each zoning board of appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Zoning ordinances or by-laws may provide for the appointments in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section.

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with section thirteen said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

1.4 ORGANIZATION AND ADMINISTRATION OF THE ZONING BOARD OF APPEALS

1.4.1 Membership

In accordance with MGL Chapter 40A there shall be a Zoning Board of Appeals, which shall consist of five members and two associate members, all of whom shall be residents of the City of Gloucester and who shall be appointed by the Mayor, subject to confirmation by the City Council. Each member and associate member shall have been a resident of the City of Gloucester for at least three years prior to his or her appointment to the board. Members shall be appointed for a term of three years; associate members shall be appointed for a term of two years. Members and associate members may be reappointed to successive terms. Vacancies on the board shall be filled in the same manner as other appointments, except that any member or associate member appointed to fill the unexpired term of a member or associate member who has resigned or who otherwise is no longer on the board shall serve only for the duration of said unexpired term, following which such member or associate member shall be eligible for reappointment as specified herein.

1.4.2 Duties of Associate Members

The chairperson of the Zoning Board of Appeals shall designate one of the board's associate members to act as a member of the board in the case of the absence, inability to act or conflict of interest of another member. The chairperson shall designate an associate member to act as a member in the event of a vacancy on the board, until said vacancy is filled.

1.4.3 Quorum

A quorum of the Zoning Board of Appeals shall consist of four members and associate members. No more than five members and associate members shall vote on any matter before the board. No member or associate member may vote on a matter before the board unless he or she has attended all board hearings at which evidence was presented on said matter. Provided, however, that a board member shall not be disqualified from voting on the matter solely due to that member's absence from a single session of the hearing at which testimony or other evidence was received. Before any such vote, the member shall certify in writing that he or she has examined all testimony or other evidence received at the missed session, by review of an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing in accordance, with MGL Chapter 39 Sec 23D.

1.4.4 Conflict of Interest

No member or associate member of the Zoning Board of Appeals shall appear before the board on behalf of any party in any matter pending before it.

1.4.5 Officers

The members of the Zoning Board of Appeals shall annually elect one member as chairperson, who shall preside at all meetings. The members shall also elect a vice chairperson to act in the absence of the chairperson, and a secretary, and shall prescribe rules for the conduct of board affairs.

1.4.6 Removal for Cause

A member or associate member of the Zoning Board of Appeals may be removed by the Mayor, but only for cause, and only after written charges have been filed and a public hearing held.

1.4.7 Minutes

The Zoning Board of Appeals shall keep minutes of its meetings, which shall show the vote of each member upon each question. All such minutes shall be public records, and shall be filed with the City Clerk.

ENCLOSURE 2



CITY OF GLOUCESTER CITY AUDITOR'S OFFICE

MEMORANDUM

TO: Honorable Mayor Sefatia Romeo Theken and City Council
FROM: Kenny Costa, City Auditor
RE: City's FY 2018 Comprehensive Annual Financial Report (CAFR)
Date: March 22, 2019

The City of Gloucester's Independent Auditors' Report on the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2018 will be available for discussion at the next Budget & Finance Committee Meeting. We are pleased to acknowledge that the City of Gloucester has completed its second installment of the CAFR. We are proud to be one of only about 40 communities in Massachusetts to accomplish this achievement in financial reporting. At the close of each fiscal year, state law requires the City of Gloucester to publish a complete set of financial statements in conformity with accounting principles generally accepted in the United States of America (GAAP), and that are audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

The CAFR report is designed to be used by the elected and appointed officials of the City and others who are concerned with its management and progress such as bond analysts, banking institutions and rating agencies as well as the residents and taxpayers of Gloucester.

The City's CAFR has been audited by Roselli, Clark & Associates a firm of licensed certified public accountants, who report to the Gloucester City Council.

I've included a copy of the cover page of the CAFR. A copy of the entire report will be on file in the City Auditor's Office and City Clerk's Office.

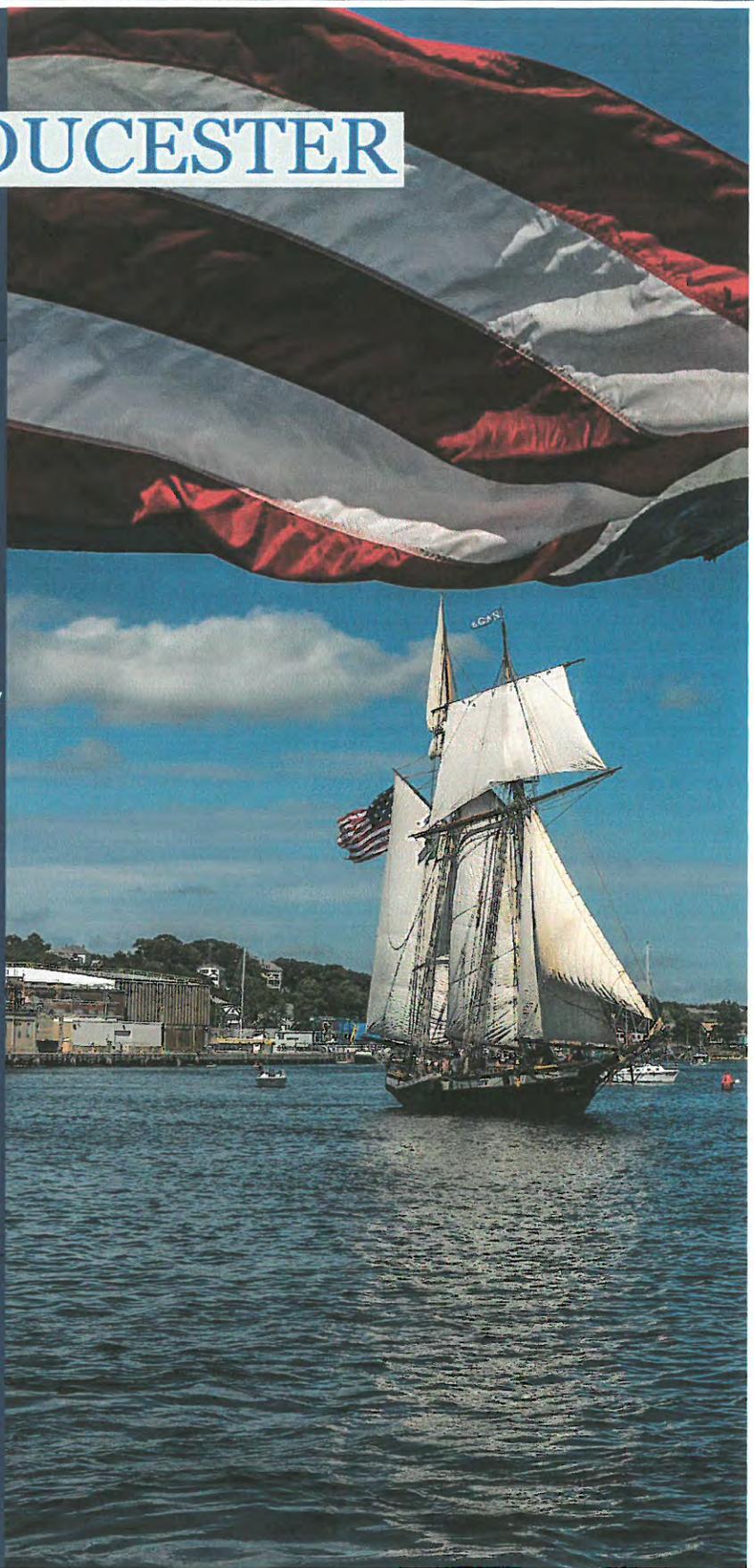
Please refer this matter to the Budget and Finance subcommittee for review and discussion.

CITY OF GLOUCESTER

*City of
Gloucester,
Massachusetts*

*Comprehensive
Annual Financial
Report*

*For the Fiscal
Year Ended
June 30, 2018*



ENCLOSURE 3

City Hall
Nine Dale Avenue
Gloucester, MA. 01930



TEL 978 281 9730
FAX 978 281 8472

CITY OF GLOUCESTER CITY AUDITOR'S OFFICE

MEMORANDUM

TO: Honorable Mayor Sefatia Romeo Theken and Gloucester City Council
FROM: Kenny Costa, City Auditor
RE: Gloucester Public School's End of Year Financial Report – Independent Accountant's Report
Date: March 22, 2019

I am pleased to transmit to you the City of Gloucester's Independent Accountant's Report on Applying Agreed-Upon Procedures Over Compliance Applicable to Massachusetts School Districts' End-of-Year Financial Report. The School's End-of-Year Financial Report (EOYR) was prepared and reviewed in-house by the City and School Finance Team. The City and School Finance Team worked well together in the planning and preparation of the EOYR report. The team approach resulted in one compliance finding item that has been reported. The School Business Office has successfully filed an amendment with the Massachusetts Department of Elementary and Secondary Education (DESE) related to compliance item #2 as referenced in the report.

A copy of the entire report is attached to this memo.

Please refer this matter to the Budget and Finance subcommittee for review and discussion.

ROSELLI, CLARK & ASSOCIATES
Certified Public Accountants

CITY OF GLOUCESTER, MASSACHUSETTS

**Report On Applying Agreed-Upon Procedures Over
Compliance Applicable To Massachusetts
School Districts' End-of-Year Financial Report**

Year Ended June 30, 2018



CITY OF GLOUCESTER, MASSACHUSETTS
REPORT ON APPLYING AGREED-UPON PROCEDURES
OVER COMPLIANCE APPLICABLE TO
MASSACHUSETTS SCHOOL DISTRICTS'
END-OF-YEAR FINANCIAL REPORT
YEAR ENDED JUNE 30, 2018

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ROSELLI, CLARK & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS

500 West Cummings Park
Suite 4900
Woburn, MA 01801
Telephone: (781) 933-0073
www.roselliclark.com

**Independent Accountants' Report on Applying Agreed-Upon
Procedures Over Compliance Applicable to Massachusetts
School Districts' End-of-Year Financial Report**

To the Honorable School Committee
City of Gloucester, Massachusetts

We have performed the procedures specified in the Massachusetts Department of Elementary and Secondary Education's (ESE) Compliance Supplement applicable to the Massachusetts School Districts to the End-of-Year Financial Report (EOYR) prepared by the City of Gloucester, Massachusetts (the "City") for the fiscal year ended June 30, 2018. We performed these procedures solely to assist the City and ESE in evaluating the management's assertion that the City has complied with the ESE requirements applicable to the preparation and filing of a Massachusetts School Districts' End-of-Year Financial Report. This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specified users of the report.

Consequently, we make no representation regarding the sufficiency of the procedures specified in the Massachusetts Department of Elementary and Secondary Education's Compliance Supplement applicable to Massachusetts School Districts' End-of-Year Financial Report for the purpose for which this report has been requested or for any other purpose.

The associated findings with regards to the procedures performed are as follows:

Schedule 1 – Revenue and Expenditure Summary

Compliance Item #2. Trace revenue from state aid, federal grants, state grants, and revolving and special funds to the detail in the District's accounting ledgers.

- School Aid (Chapter 70) reported on EOYR Line 481, Column 2 was \$293,120 lower than the amount on the City's accounting ledger.

We were not engaged to, and did not, perform an audit, the objective of which would be the expression of an opinion on the End-of-Year Financial Report for the fiscal year ended June 30, 2018. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of the City's School Committee, management, and the ESE and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

Roselli Clark & Associates

Roselli, Clark & Associates
Certified Public Accountants
Woburn, Massachusetts
January 4, 2019

ENCLOSURE 4

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**

TO: City Council
FROM: Sefatia Romeo Theken, Mayor
DATE: March 27, 2019
RE: World War II Veterans Framed Portraits Donation

Members of the City Council:

The City of Gloucester has been offered, and is currently displaying, a collection of black and white, framed portraits of Gloucester World War II veterans. There are 46 portraits in the collection. The framed prints are estimated at \$750-\$1,000 each for a total value of the collection \$34,500 - \$46,000.

The portraits were photographed and donated by local photographer Jason Grow. He hopes that these photographs serve as a recognition of the service these veterans gave to their country and their history of our city.

The donation is only for the actual, framed prints. Mr. Grow retains all copyright to the images and intellectual property rights.

Both the Committee of Arts and I respectfully request your approval to accept this donation.

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is written in a cursive style and is positioned above a horizontal line.

Sefatia Romeo Theken, Mayor

December 18, 2018

Dear Mayor Romeo Theken & Ms Hoglander,

I would like to formally offer to the community of Gloucester, a collection of 46 black and white, framed portraits, photographed by me, of Gloucester World War II veterans. These are the photographs that were exhibited in City Hall in 2015 and again at the Cape Ann Museum in 2017 celebrating Cape Ann WWII veterans. Since the two exhibitions, the collection has been divided and distributed to the various communities where these veterans live: Gloucester, Rockport, Essex and Manchester.

It is my hope that these photographs would serve as an enduring, publicly displayed, recognition of the service these men and women gave to their country and their place in the fabric and history of our city. They are given with the intent that they find some measure of public display and access, though clearly not as a single unit. I would leave the disposition/display decisions to the City, through the Mayor's office and the Committee for the Arts, but my personal preference would be that they be in publicly accessible locations such as city offices, public schools, the library, veterans offices, senior center et cetera (for instance, at least two of the portraits are of former residents of Central Grammar — perhaps that would be an appropriate place for them to be displayed) - as space allows. Any of the portraits that can't be hung should be carefully stored as part of the City's historical record.

I understand that this donation needs to be accepted by the City Council, with recommendation by both the Mayor's office and the Committee for the Arts. It should be noted that the donation is only of the actual, framed prints. I retain, as the creator, all copyright to the images and intellectual property rights. The images are not meant to be copied, reproduced or otherwise distributed without permission. The images have been released, by the subjects, for public display and copies of those releases will be provided to the City. I would put a dollar value on the prints of between \$750-\$1000 each - or a total value for the collection of \$34,500-\$46,000.

If there's anything else you need from me to expedite this process, or have any questions, by all means, let me know.

Best

Jason Grow

www.jasongrow.com

jason@jasongrow.com

cel: 978.884.7964

ENCLOSURE 5

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2019**

INTER-departmental requiring City Council Approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2019-SBT- 8 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Gloucester Public Schools

DATE: 11/27/2018 BALANCE IN ACCOUNT: \$60,000.00

(FROM) PERSONAL SERVICES ACCOUNT # MUNIS ORG - OBJECT
S1102505-511101

(FROM) ORDINARY EXPENSE ACCOUNT # MUNIS ORG - OBJECT
GHS - Leadership Professional Salaries

DETAILED EXPLANATION OF SURPLUS: MUNIS ACCOUNT DESCRIPTION
Transfer funds for the purpose of funding the GHS Resource
Officer to the Gloucester Police Department for FY 2019

(TO) PERSONAL SERVICES ACCOUNT # MUNIS ORG - OBJECT
0121151-513000

(TO) ORDINARY EXPENSE ACCOUNT # MUNIS ORG - OBJECT
Overtime
MUNIS ACCOUNT DESCRIPTION

DETAILED ANALYSIS OF NEED(S): _____

TOTAL TRANSFER AMOUNT: _____ FROM ACCOUNT: _____
TO ACCOUNT: _____

APPROVALS:
DEPT. HEAD: [Signature] DATE: 11/27/2018
ADMINISTRATION: [Signature] DATE: 4/1/19
BUDGET & FINANCE: _____ DATE: _____
CITY COUNCIL: _____ DATE: _____



The GLOUCESTER PUBLIC SCHOOLS
Business Office

2 Blackburn Drive
Gloucester, Massachusetts 01930

T: 978-281-9812
F: 978-281-9899
www.gloucesterschools.com

March 25, 2019

Honorable Mayor Sefatia Romeo Theken and Gloucester City Council,
9 Dale Avenue
Gloucester, MA 01930

Re: Request the following:

- Special Budgetary Transfers
- Appropriate FY 2018 Expenses in FY 2019
- Increase the expenditure limit on the Preschool revolving Fund

1. I am requesting the following transfers:

- a. A Special Budgetary Transfer in the amount of \$60,000 from Account # S1102505 511101 Salary GHS to account 0121151-513000 Overtime, for the purpose of funding the Gloucester High School Resource Officer for Fiscal Year 2019.

This an annual entry made to fund the GHS Resource Officer. The attached transfer request transfers the \$60,000 from the School Department to the Police Department.

- b. A Special Budgetary Transfer in the amount of \$349,549 from

S4193992-530100	SPED Tuition – Non Public	\$164,312
S4191992-530100	SPED Tuition – MASS	\$73,854
S4194992-530100	SPED Tuition – Collaborative	\$111,283
	Total	\$349,549

To account:

0182052-565004 (State & County Assessment – School Choice Sending Tuition).

2. I am also requesting the City Council approval to pay the following FY 2018 charges with FY 2019 funds:

- a. Appropriate \$889.44 for wages owed to a teacher due to an incorrect original placement on the salary schedule.

Our Mission is for all Students to be Successful, Engaged, Lifelong Learners

- b. Appropriate \$1,000. for an incentive payment per union contract that was not previously made to a teacher.
 - c. Appropriate \$5,611 for wages owed to an administrative assistant due to an incorrect original placement on the salary schedule.
3. I am requesting that the Preschool revolving fund expenditure limit be increased from \$135,000 to \$150,000 to accommodate an increase in enrollment.

Sincerely,



Gary Frisch
Chief Financial Officer



The GLOUCESTER PUBLIC SCHOOLS
Business Office

2 Blackburn Drive
Gloucester, Massachusetts 01930

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F: 978-281-9899
www.gloucesterschools.com

November 27, 2018

Building and Finance Committee

I am requesting a Special Budgetary Transfer in the amount of \$60,000 from Account # S1102505 511101 Salary GHS to account 0121151-513000 Overtime, for the purpose of funding the Gloucester High School Resource Officer for Fiscal Year 2019.

This an annual entry made to fund the GHS Resource Officer. The attached transfer request transfers the \$60,000 from the School Department to the Police Department. The Finance Committee needs to approve this transfer and be followed by the School Committee and finally the City Council.

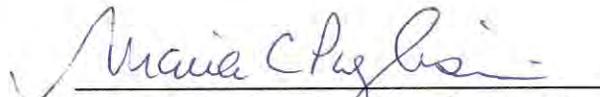
December 17, 2018

I, Maria C. Puglisi, Recording Secretary, hereby state that the Gloucester School Committee took the following vote on December 12, 2018:

On a motion by Melissa Teixeira Prince, seconded by Kathy Clancy, it was unanimously

VOTED: 6 in favor, 0 opposed to authorize the CFO to request permission from City Council to transfer \$60,000.00 from the Gloucester Public Schools to the Gloucester Police Department for the GHS School Resource Officer for FY19.

Signed under the pains and penalties of perjury this 17th day of December, 2018.



Maria C. Puglisi, Recording Secretary
Gloucester School Committee

ENCLOSURE 6



The GLOUCESTER PUBLIC SCHOOLS
Business Office

2 Blackburn Drive
Gloucester, Massachusetts 01930

T: 978-281-9812
F: 978-281-9899
www.gloucesterschools.com

February 15, 2019

Request approval from the B & F Committee for a Special Budgetary Transfer to the City's budget for Out of District Tuition (ODT). The ODT is charged to the City from the Massachusetts School Choice Program. The School Department will reimburse the City for this charge as it has in the past years.

The amount of \$349,549 will be transferred from the accounts as shown below:

S4193992-530100	SPED Tuition –Non Public	\$164,312
S4191992-530100	SPED Tuition – MASS	\$73,854
S4194992-530100	SPED Tuition - Collaborative	\$111,283
	Total	\$349,549

To account:

0182052-565004 (State & County Assessment – School Choice Sending Tuition).

Please refer this request to the City Council subcommittee for Budget and Finance once it is approved by the B&F Committee as well as the School Committee.

Respectfully,

Gary Frisch
Director of Finance and Operations

March 19, 2019

I, Maria C. Puglisi, Recording Secretary, hereby state that the Gloucester School Committee took the following votes on February 27, 2019:

After discussion, on a motion by Kathy Clancy, seconded by Chairman Pope, it was unanimously

 **VOTED:** 5 in favor, 0 opposed to authorize the CFO to request from the City Council a special budgetary transfer in the amount of \$349,549.00 for out-of-district expenses to be paid through the school choice program.

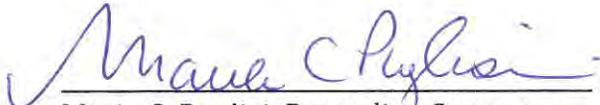
On a motion by Kathy Clancy, seconded by Melissa Teixeira Prince, it was unanimously

VOTED: 5 in favor, 0 opposed to authorize the CFO to request approval from the City Council to pay back pay to a teacher in the amount of \$889.44 from FY19 funds to rectify her placement on the incorrect step in FY18.

On a motion by Melissa Teixeira Prince, seconded by Kathy Clancy, it was unanimously

VOTED: 5 in favor, 0 opposed to authorize the CFO to request approval from the City Council to raise the preschool revolving fund spending limit to \$150,000.00.

Signed under the pains and penalties of perjury this 19th day of March, 2019.



Maria C. Puglisi, Recording Secretary
Gloucester School Committee

ENCLOSURE 7



The GLOUCESTER PUBLIC SCHOOLS
Business Office

2 Blackburn Drive
Gloucester, Massachusetts 01930

T: 978-281-9812

F: 978-281-9899

www.gloucesterschools.com

March 25, 2019

Honorable Mayor Sefatia Romeo Theken and Gloucester City Council,
9 Dale Avenue
Gloucester, MA 01930

Re: Request the following:

- Special Budgetary Transfers
- Appropriate FY 2018 Expenses in FY 2019
- Increase the expenditure limit on the Preschool revolving Fund

1. I am requesting the following transfers:

- a. A Special Budgetary Transfer in the amount of \$60,000 from Account # S1102505 511101 Salary GHS to account 0121151-513000 Overtime, for the purpose of funding the Gloucester High School Resource Officer for Fiscal Year 2019.

This an annual entry made to fund the GHS Resource Officer. The attached transfer request transfers the \$60,000 from the School Department to the Police Department.

- b. A Special Budgetary Transfer in the amount of \$349,549 from

S4193992-530100	SPED Tuition – Non Public	\$164,312
S4191992-530100	SPED Tuition – MASS	\$73,854
S4194992-530100	SPED Tuition – Collaborative	\$111,283
	Total	\$349,549

To account:

0182052-565004 (State & County Assessment – School Choice Sending Tuition).

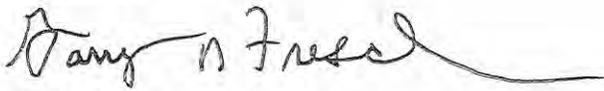
2. I am also requesting the City Council approval to pay the following FY 2018 charges with FY 2019 funds:

- a. Appropriate \$889.44 for wages owed to a teacher due to an incorrect original placement on the salary schedule.

Our Mission is for all Students to be Successful, Engaged, Lifelong Learners

- b. Appropriate \$1,000. for an incentive payment per union contract that was not previously made to a teacher.
 - c. Appropriate \$5,611 for wages owed to an administrative assistant due to an incorrect original placement on the salary schedule.
3. I am requesting that the Preschool revolving fund expenditure limit be increased from \$135,000 to \$150,000 to accommodate an increase in enrollment.

Sincerely,

A handwritten signature in black ink that reads "Gary Frisch". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Gary Frisch
Chief Financial Officer



The GLOUCESTER PUBLIC SCHOOLS
Business Office

2 Blackburn Drive
Gloucester, Massachusetts 01930

T: 978-281-9812
F: 978-281-9899
www.gloucesterschools.com

February 15, 2019

Request approval from the B & F Committee for an authorization to appropriate \$889.44 from the Main Office Contingency FY 19 as monies owed to Carolyn Doolin for FY 18. This amount was owed to her due to her original placement was recorded on an incorrect step and lane in fiscal year FY 18. Ms Doolin was hired on January 2, 2018 and worked 102 days during FY 18. This will need to be approved by the City Council as well since it is from a previous fiscal year (FY 18).

GTA BA Step 3	GTA MA Step 2	Amounted Owed
24,710.52	\$25,599.96	\$889.44

Respectfully,

Gary Frisch
Director of Finance and Operations

March 19, 2019

I, Maria C. Puglisi, Recording Secretary, hereby state that the Gloucester School Committee took the following votes on February 27, 2019:

After discussion, on a motion by Kathy Clancy, seconded by Chairman Pope, it was unanimously

VOTED: 5 in favor, 0 opposed to authorize the CFO to request from the City Council a special budgetary transfer in the amount of \$349,549.00 for out-of-district expenses to be paid through the school choice program.

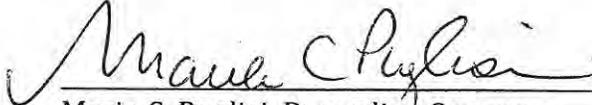
On a motion by Kathy Clancy, seconded by Melissa Teixeira Prince, it was unanimously

 **VOTED:** 5 in favor, 0 opposed to authorize the CFO to request approval from the City Council to pay back pay to a teacher in the amount of \$889.44 from FY19 funds to rectify her placement on the incorrect step in FY18.

On a motion by Melissa Teixeira Prince, seconded by Kathy Clancy, it was unanimously

VOTED: 5 in favor, 0 opposed to authorize the CFO to request approval from the City Council to raise the preschool revolving fund spending limit to \$150,000.00.

Signed under the pains and penalties of perjury this 19th day of March, 2019.



Maria C. Puglisi, Recording Secretary
Gloucester School Committee

January 30, 2019

I, Maria C. Puglisi, Recording Secretary, hereby state that the Gloucester School Committee took the following vote on January 9, 2019:

After discussion, on a motion by Tony Gross, seconded by Kathy Clancy, it was unanimously

VOTED: 6 in favor, 0 opposed to authorize the CFO to appropriate \$1,000.00 from the Main Office contingency account for a missed retirement incentive payment to a teacher.

Signed under the pains and penalties of perjury this 30th day of January, 2019.



Maria C. Puglisi, Recording Secretary
Gloucester School Committee

March 15, 2019

I, Maria C. Puglisi, Recording Secretary, hereby state that the Gloucester School Committee took the following vote on March 13, 2019:

After discussion, on a motion by Michelle Sweet, seconded by Kathy Clancy, it was unanimously

VOTED: 7 in favor, 0 opposed to authorize the CFO to request approval from the City Council to pay an FY18 settlement payment in the amount of \$5,611.00 with FY19 funds.

Signed under the pains and penalties of perjury this 15th day of March, 2019.

A handwritten signature in blue ink, reading "Maria C. Puglisi", written over a horizontal line.

Maria C. Puglisi, Recording Secretary
Gloucester School Committee

ENCLOSURE 8



The GLOUCESTER PUBLIC SCHOOLS

Business Office

2 Blackburn Drive
Gloucester, Massachusetts 01930

T: 978-281-9812

F: 978-281-9899

www.gloucesterschools.com

March 25, 2019

Honorable Mayor Sefatia Romeo Theken and Gloucester City Council,
9 Dale Avenue
Gloucester, MA 01930

Re: Request the following:

- Special Budgetary Transfers
- Appropriate FY 2018 Expenses in FY 2019
- Increase the expenditure limit on the Preschool revolving Fund

1. I am requesting the following transfers:

- a. A Special Budgetary Transfer in the amount of \$60,000 from Account # S1102505 511101 Salary GHS to account 0121151-513000 Overtime, for the purpose of funding the Gloucester High School Resource Officer for Fiscal Year 2019.

This an annual entry made to fund the GHS Resource Officer. The attached transfer request transfers the \$60,000 from the School Department to the Police Department.

- b. A Special Budgetary Transfer in the amount of \$349,549 from

S4193992-530100	SPED Tuition – Non Public	\$164,312
S4191992-530100	SPED Tuition – MASS	\$73,854
S4194992-530100	SPED Tuition – Collaborative	\$111,283
	Total	\$349,549

To account:

0182052-565004 (State & County Assessment – School Choice Sending Tuition).

2. I am also requesting the City Council approval to pay the following FY 2018 charges with FY 2019 funds:

- a. Appropriate \$889.44 for wages owed to a teacher due to an incorrect original placement on the salary schedule.

Our Mission is for all Students to be Successful, Engaged, Lifelong Learners

- b. Appropriate \$1,000. for an incentive payment per union contract that was not previously made to a teacher.
 - c. Appropriate \$5,611 for wages owed to an administrative assistant due to an incorrect original placement on the salary schedule.
3. I am requesting that the Preschool revolving fund expenditure limit be increased from \$135,000 to \$150,000 to accommodate an increase in enrollment.

Sincerely,

A handwritten signature in black ink that reads "Gary Frisch". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Gary Frisch
Chief Financial Officer

March 19, 2019

I, Maria C. Puglisi, Recording Secretary, hereby state that the Gloucester School Committee took the following votes on February 27, 2019:

After discussion, on a motion by Kathy Clancy, seconded by Chairman Pope, it was unanimously

VOTED: 5 in favor, 0 opposed to authorize the CFO to request from the City Council a special budgetary transfer in the amount of \$349,549.00 for out-of-district expenses to be paid through the school choice program.

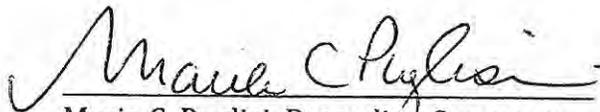
On a motion by Kathy Clancy, seconded by Melissa Teixeira Prince, it was unanimously

VOTED: 5 in favor, 0 opposed to authorize the CFO to request approval from the City Council to pay back pay to a teacher in the amount of \$889.44 from FY19 funds to rectify her placement on the incorrect step in FY18.

On a motion by Melissa Teixeira Prince, seconded by Kathy Clancy, it was unanimously

VOTED: 5 in favor, 0 opposed to authorize the CFO to request approval from the City Council to raise the preschool revolving fund spending limit to \$150,000.00.

Signed under the pains and penalties of perjury this 19th day of March, 2019.



Maria C. Puglisi

Maria C. Puglisi, Recording Secretary
Gloucester School Committee

ENCLOSURE 9

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

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

APPROPRIATION # 2019-SA- 34 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ DPW _____

APPROPRIATION AMOUNT: _____ \$45,000.00 _____

Account to Appropriate from:	MUNIS ORG - OBJECT	_____	32085-596001
	MUNIS ACCOUNT DESCRIPTION	_____	Highway Force Receipts
Balance Before Appropriation	\$	_____	54,553.65
Balance After Appropriation	\$	_____	9,553.65

Account Receiving Appropriation:	MUNIS ORG - OBJECT	_____	0147052-520000
	MUNIS ACCOUNT DESCRIPTION	_____	Public Services Contract Services
Balance Before Appropriation	\$	_____	32,451.98
Balance After Appropriation	\$	_____	77,451.98

DETAILED ANALYSIS OF NEED(S): Funds needed for engineering services for street completion.

APPROVALS:

DEPT. HEAD: [Signature] DATE: 28 MAR 19

ADMINISTRATION: [Signature] DATE: 3/29/19

BUDGET & FINANCE: _____ DATE: _____

CITY COUNCIL: _____ DATE: _____

ENCLOSURE 10

City Hall Annex
Three Pond Road
Gloucester, MA 01930



GREGG M. CADEMARTORI
Planning Director
tel 978-325-5242
gcademartori@gloucester-ma.gov

**CITY OF GLOUCESTER
Community Development Department
Planning Division**

Date: April 3, 2019
To: Mayor Sefatia Romeo Theken
From: Gregg Cademartori, Planning Director *GM*
CC: Jill Cahill, Community Development Director
Michael Hale, Director of Public Works

Re: Acceptance of Additional Grant Funding from Coastal Zone Management (CZM) to support the ongoing Gloucester High School Flood Mitigation Design Project

In the course of the assessment and design of measures to protect the Gloucester High School campus from current and future flooding, it has become apparent that additional modelling work is needed to validate the design. This was relayed to the staff at CZM through regular project review meetings. It was indicated that it may be possible to request additional funding to complete the design. Such a request was filed on March 21, 2019, and I am pleased to report that CZM has awarded the City of Gloucester the additional funding needed to complete an amended scope of work with our design engineers, GZA.

The original grant award (Attachment A) was \$63,345 which will be increased by \$17,000 for a total award of \$80,345.00 (Attachment B). The grant requires a 25% match, which will be made up of staff time, already committed funds from DPW and an addition of Community Development Planning and Design funds in the amount of \$5352. Please forward this grant acceptance to the City Council for review and approval. Staff will be available to answer any questions.

COMMONWEALTH OF MASSACHUSETTS ~ STAND Attachment A

This form is jointly issued and published by the [Executive Office for Administration and Finance \(ANF\)](#), the [Office of the Comptroller \(CTR\)](#) and the [Operational Services Division \(OSD\)](#) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under [Guidance For Vendors - Forms](#) or www.mass.gov/osc under [OSD Forms](#).

CONTRACTOR LEGAL NAME: City of Gloucester		COMMONWEALTH DEPARTMENT NAME: Executive Office of Energy & Environmental Affairs MMARS Department Code: ENV	
Legal Address: (W-9, W-4, T&C) City Hall Annex, 3 Pond Road, Gloucester, MA 01930		Business Mailing Address: CZM, 251 Causeway Street, Room 800, Boston, MA 02114	
Contract Manager: Gregg Cademartori		Billing Address (if different):	
E-Mail: gcademartori@gloucester-ma.gov		Contract Manager: Patricia Bowie	
Phone: 978-325-5242	Fax:	E-Mail: Patricia.Bowie@mass.gov	
Contractor Vendor Code: VC6000192096		Phone: 617 626-1186	Fax: 617-626-1240
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): CT ENV 0730180000000000275	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input checked="" type="checkbox"/> NEW CONTRACT ___ Statewide Contract (OSD or an OSD-designated Department) ___ Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) ___ Emergency Contract (Attach justification for emergency, scope, budget) ___ Contract Employee (Attach Employment Status Form, scope, budget) ___ Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)		CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20__. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) ___ Amendment to Scope or Budget (Attach updated scope and budget) ___ Interim Contract (Attach justification for Interim Contract and updated scope/budget) ___ Contract Employee (Attach any updates to scope or budget) ___ Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions ___ Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. ___ Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or <i>new</i> Total if Contract is being amended). \$63,345.00			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: X ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications. FY19 Coastal Resilience Program Grant. The City of Gloucester will evaluate, design, and permit a flood protection project to protect the Gloucester High School campus.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ___ 2. may be incurred as of ____, 20__, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ___ 3. were incurred as of ____, 20__, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>06/30/2019</u> with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions , this Standard Contract Form including the Instructions and Contractor Certifications , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: _____ Print Title: _____		Print Name: <u>William Nichols</u> Print Title: <u>Finance Director</u>	



ATTACHMENT B
Project Budget

The City of Gloucester shall be paid an amount of **\$63,345.00** for work done in association with the FY19 Coastal Resilience Grant program. Payment will be made in accordance with the following schedule:

FY 2019	\$63,345.00	Upon reimbursement request after partial and/or final completion of work, from funds available in Appropriation Account Number 2000-7026
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COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM Attachment B

This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

CONTRACTOR LEGAL NAME: City of Gloucester		COMMONWEALTH DEPARTMENT NAME: Executive Office of Energy & Environmental Affairs MMARS Department Code: ENV	
Legal Address: (W-9, W-4, T&C) City Hall Annex, 3 Pond Road, Gloucester, MA 01930		Business Mailing Address: CZM, 251 Causeway Street, Room 800, Boston, MA 02114	
Contract Manager: Gregg Cademartori		Billing Address (if different):	
E-Mail: gcademartori@gloucester-ma.gov		Contract Manager: Patricia Bowie	
Phone: 978-325-5242	Fax:	E-Mail: Patricia.Bowie@mass.gov	
Contractor Vendor Code: VC6000192096		Phone: 617 626-1186	Fax: 617-626-1240
Vendor Code Address ID (e.g. "AD001"): AD001 <small>(Note: The Address Id Must be set up for EFT payments.)</small>		MMARS Doc ID(s): CT ENV 0730180000000000275	
		RFR/Procurement or Other ID Number: ENV 18 CZM 02	
<p align="center">NEW CONTRACT</p> <p>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</p> <p><input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department)</p> <p><input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget)</p> <p><input type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation)</p> <p><input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget)</p> <p><input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u>, scope, budget)</p> <p><input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)</p>		<p align="center"><input checked="" type="checkbox"/> CONTRACT AMENDMENT</p> <p>Enter <u>Current Contract End Date</u> <u>Prior</u> to Amendment: _____, 20____.</p> <p>Enter <u>Amendment Amount:</u> \$ <u>17,000</u> _____ (or "no change")</p> <p>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)</p> <p><input checked="" type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget)</p> <p><input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget)</p> <p><input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget)</p> <p><input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)</p>	
<p>The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract.</p> <p><input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services</p>			
<p>COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.</p> <p><input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)</p> <p><input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new</u> Total if Contract is being amended). \$80,345.00</p>			
<p>PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (G.L. c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)</p>			
<p>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications. FY19 Coastal Resilience Program Grant. The City of Gloucester will evaluate, design, and permit a flood protection project to protect the Gloucester High School campus.</p>			
<p>ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:</p> <p><input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and no obligations have been incurred prior to the <u>Effective Date</u>.</p> <p><input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the <u>Effective Date</u> below and no obligations have been incurred prior to the <u>Effective Date</u>.</p> <p><input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.</p>			
<p>CONTRACT END DATE: Contract performance shall terminate as of <u>06/30/2019</u> with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.</p>			
<p>CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u>, this Standard Contract Form including the <u>Instructions and Contractor Certifications</u>, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.</p>			
<p>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</p> <p>X: _____ Date: _____</p> <p align="center"><small>(Signature and Date Must Be Handwritten At Time of Signature)</small></p> <p>Print Name: _____</p> <p>Print Title: _____</p>		<p>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</p> <p>X: _____ Date: _____</p> <p align="center"><small>(Signature and Date Must Be Handwritten At Time of Signature)</small></p> <p>Print Name: <u>William Nichols</u></p> <p>Print Title: <u>Finance Director</u></p>	



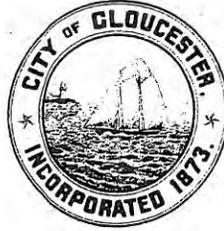
ATTACHMENT B
Project Budget

The City of Gloucester shall be paid an amount of **\$80,345.00** for work done in association with the FY19 Coastal Resilience Grant program. Payment will be made in accordance with the following schedule:

FY 2019	\$80,345.00	Upon reimbursement request after partial and/or final completion of work, from funds available in Appropriation Account Number 2000-7026
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ENCLOSURE 11

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: April 3, 2019
Re: School Building Improvements

Michael Hale, Director of Public Works, is recommending action on two school building projects. The first is to abate various asbestos containing materials from the boiler room at Plum Cove Elementary School with a total estimated cost of \$225,000. The second, both more complicated and more costly, is for improvements to the Gloucester High School Field House. The proposed improvements will include replacement of the existing bleachers and the athletic flooring as well as electrical upgrades. Total estimated costs for the Field House project are \$1,625,000. I have attached a form of Loan Order in the amount of \$1,850,000 to provide funding for both projects. I have also attached materials provided by Dore & Whittier, our on-call architects

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.

Ordered: That the City of Gloucester appropriates One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000) to pay costs of improvements to the Plum Cove Elementary School and Gloucester High School, 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, 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.



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

Work Order # : 4
Date: January 11, 2019
Description: Boiler Room Abatement (Plum Cove Elementary School)
Contracting Method: T&M per contract
Upset Limit: \$20,000.00 / 120 Hours

Scope of Service:

Field Investigation	X
Design Recommendation	-
Concept Drawings (not stamped)	-
Construction Drawings (stamped)	X
Bidding	X
Construction Administration	X

Design Discipline:

Architectural	X
Structural	-
Mechanical	X
Electrical	-
Plumbing	X
Fire Protection	-
Civil	-
Landscape	-
Technology	-
Other	-

Testing:

HazMat	X
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

26 MAR 19



March 26, 2019

Michael Hale, AICP, Director
City of Gloucester
Department of Public Works
c/o City Hall
9 Dale Avenue
Gloucester, MA 01930

Project: Boiler Room Abatement (Plum Cove Elementary School)

Subject: Project Recommendation and ROM pricing (revised 3/26/19)

Dear Michael;

We appreciate the opportunity to work with the City of Gloucester to facilitate improvements at the Plum Cove Elementary School. We have reviewed the existing conditions and recommend the following.

Architecture

- Demolish and abate existing VAT flooring tile and mastic in corridors
- Abate existing thermal insulation around piping in boiler room

MEP

- Re-insulate existing boiler feed water tank with 2" fiberglass insulation.
- Allowance for miscellaneous repairs \$20,000

Rough Order of Magnitude Construction Cost

VAT abatement corridor	\$48,000.00
New VCT flooring corridor	\$30,000.00
Abatement Insulation Boiler Room	\$45,000.00
Demolition and abatement incinerator	\$5,000.00
MEP insulation	\$5,500.00
MEP allowance for misc. repairs	\$20,000
Soft Costs 20%	\$30,700.00
Subtotal	\$184,200.00
Contingency 10%	\$18,420.00
Total	\$202,620.00

**ARCHITECTS
PROJECT MANAGERS**

260 Merrimac Street Bldg 7
Newburyport, MA 01950
978.499.2999 ph
978.499.2944 fax

212 Battery Street
Burlington, VT 05401
802.863.1428 ph
802.863.6955

www.doreandwhittier.com

We look forward to working with you and the City of Gloucester on this project.

Sincerely,

Bethany Beck, RA, NCARB
DORE & WHITTIER ARCHITECTS, INC.
Architects • Project Managers

Cc: D&W dist.
file



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

Work Order # : 9 – Field House Phase II
Date: March 26, 2019
Description: Field House Design – Gloucester High School
Contracting Method: T&M per contract
Upset Limit: \$71,300.00

Scope of Service:

Field Investigation	–
Design Recommendation	–
Concept Drawings (not stamped)	–
Construction Drawings (stamped)	X
Bidding	–
Construction Administration	–

Design Discipline:

Architectural	X
Structural	–
Mechanical	–
Electrical	X
Plumbing	–
Fire Protection	–
Civil	–
Landscape	–
Technology	–
Estimating	X
Other	–

Testing:

HazMat	–
Concrete	–
Geotechnical	–
Geo-environmental	–
Other (Moisture Testing)	X

Comments:

This scope of service is for the preparation of design documents in anticipation of bidding and construction of a floor and track renovation at Gloucester High School. A construction estimate will be provided at the conclusion of design at the end of this phase. Also, see D&W project recommendation dated 3/18/2019 attached. Bidding and CA design services are not included as part of this Work Order.

Owner Authorization:

By

Date

19 MAR 19



DORE & WHITTIER
ARCHITECTS, INC.

March 18, 2019

Michael Hale, AICP, Director
City of Gloucester
Department of Public Works
c/o City Hall
9 Dale Avenue
Gloucester, MA 01930

Project: Field House Investigation – Gloucester High School

Subject: Project Recommendation

Dear Michael:

We appreciate the opportunity to work with the City of Gloucester to facilitate improvements at the Gloucester High School Field House. We have reviewed the existing conditions and recommend the following:

Architectural

1. Abate and demolish the existing gymnasium floor down to concrete slab.
2. Test the existing slab for moisture using RH probe testing (7 test probes)
3. Flooring
 - The exhibition basketball court will be replaced with a performance wood floor on sleepers with newly painted lines and school logo at center court.
 - The flanking track and secondary courts will be replaced with a resilient performance sport court with new court lines and lane lines for the track. Mondo 12 mm Super X Performance
 - Any in existing in floor stanchions will be replaced in kind.
 - Court line layouts based on existing layouts and custom graphic at center court for the performance court.
4. Replace existing bleachers in kind with new, motorized telescoping bleachers

Electrical

1. Replace (4) floor boxes that provide power and communication to scoreboard and shot clocks.
2. Provide power to new motorized bleachers (4 sections)
3. We would recommend as an alternate replacing the existing fluorescent fixtures with higher output LED with integral sensors. Existing fixtures are roughly 18 years old and do not provide recommended 50 foot candles on floor.

**ARCHITECTS
PROJECT MANAGERS**

260 Merrimac Street Bldg 7
Newburyport, MA 01950
978.499.2999 ph
978.499.2944 fax

212 Battery Street
Burlington, VT 05401
802.863.1428 ph
802.863.6955

www.doreandwhittier.com

Rough Order of Magnitude Construction Cost

Bleacher Replacement (2) 15 tier x 26'-0" (2) 14 tier x 24'-6" (1) 15 Tier x 74'-0" (1) 15 Tier x 72'-6"	\$353,000.00
Removal and abatement of existing floor	\$142,000.00
New athletic flooring system (includes subfloor)	\$570,000.00
RH testing of concrete slab (7 test probes)	\$1,050.00
Electrical upgrades for floor boxes and bleachers	\$32,000.00
Electrical upgrades to lighting	\$62,100.00
Soft Costs 20%	\$220,310.00
Subtotal	\$1,321,860.00
Contingency 10%	\$115,915.00
Total	\$1,454,046.00

Alternate:

Electrical upgrades to lighting	\$62,100.00
Soft Costs 20%	\$12,420.00
Subtotal	\$74,520
Contingency 10%	\$7,452.00
Total	\$81,972.00

We look forward to working with you and the City of Gloucester on this project.

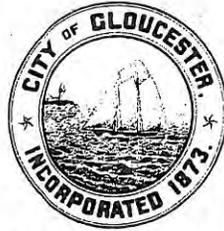
Sincerely,

Bethany Beck, RA, NCARB
DORE & WHITTIER ARCHITECTS, INC.
 Architects • Project Managers

Cc: D&W dist.
 file

ENCLOSURE 12

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: April 3, 2019
Re: Stage Fort Park Visitors' Center - Improvements

Michael Hale, Director of Public Works, is requesting \$650,000 to make improvements to the Stage Fort Park Visitors' Center. Such improvements will include architectural costs estimated at \$76,300, structural work and compliance costs estimated at \$449,000 and roof work estimated at \$120,000. In order to fund such project, I would recommend that we ask the City Council to approve the attached Loan Order. Also attached is information on the project from Dore & Whittier, our on-call architects.

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.

Ordered: That the City of Gloucester appropriates Six Hundred Fifty Thousand Dollars (\$650,000) to pay costs of improvements to the Stage Fort Park Visitors' Center, 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, 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.



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

Work Order # : 10- Visitor's Center Phase 2
Date: March 26, 2019
Description: Demo/Rebuild Existing Porch, Repair Cantilevered Corners and Soft Spots at Roof, and Provide Emergency Lighting (Visitors Center)
Contracting Method: T&M per contract
Upset Limit: \$76,300

Scope of Service:

Field Investigation	-
Design Recommendation	-
Concept Drawings (not stamped)	-
Construction Drawings (stamped)	X
Bidding	-
Construction Administration	-

Design Discipline:

Architectural	X
Structural	X
Mechanical	-
Electrical	X
Plumbing	-
Fire Protection	-
Civil	-
Landscape	-
Technology	-
Estimating	X
Other	-

Testing:

HazMat	-
Concrete	-
Geotechnical	-
Geo-environmental	-
Other	-

Comments:

This scope of service is for the preparation of design documents in anticipation of bidding and construction to renovate the Gloucester Visitor's Center as described in D&W project recommendation dated 3/19/2019 attached. A construction estimate will be provided at the conclusion of design at the end of this phase. Bidding and CA design services are not included as part of this Work Order.

Owner Authorization:

By

Date

3/26/19



March 19, 2019

Michael Hale, AICP, Director
City of Gloucester
Department of Public Works
c/o City Hall
9 Dale Avenue
Gloucester, MA 01930

Project: Visitor's Center Structural Upgrades

Subject: Project Recommendation

Dear Michael;

We appreciate the opportunity to work with the City of Gloucester to facilitate improvements at the Gloucester Visitor's Center. We have reviewed the existing conditions and recommend the following:

Structural

Based on the extent of deterioration, the existing porch should be demolished and reconstructed with new framing members.

- Remove and replace entire porch including joists and decking. Replace with P.T. joists and cedar decking.
- Temporarily shore the deck structure as required remove and replace the beams
- The four cantilever corners of the main roof are sagging. Reinforce framing members.
- Repoint the nine stone masonry piers.

Architectural

Based on the structural work above the following items are recommended for architectural improvements

- Inspect roof for soft spots or rot.
- Remove rotted rim joists and cover trim while deck is being replaced

The following code upgrades are recommended

- Bring guardrails at porch up to current code requirements
- Add code compliant handrails to front entrance
- Upgrades to accessible staff toilet room

If funding allows, we would recommend replacing the entire asphalt shingle roof. This pricing is carried as an alternate.

Electrical

ARCHITECTS
PROJECT MANAGERS

260 Merrimac Street Bldg 7
Newburyport, MA 01950
978.499.2999 ph
978.499.2944 fax

212 Battery Street
Burlington, VT 05401
802.863.1428 ph
802.863.6955

www.doreandwhittier.com

- Upgrade and install emergency lighting in office and at exterior doors
- Upgrade all receptacles within 6 feet of a water source or exterior location with GFI protected receptacles.

Plumbing

- Provide accessible drinking fountain, required by code.

Accessibility Requirements

The Visitor’s Center was constructed in 1925, obviously well before the existence of accessibility rules. However, over the last decade, accessibility features and improvements have been incorporated, providing accessible routes to, around, and within the building. Impressively for an older building, most interior features and amenities are accessible, including public spaces inside and out, toilet rooms, and work areas.

If the cost of any proposed work exceeds \$100,000, the code requires that an accessible entrance, toilet room, drinking fountain, and telephone (if drinking fountains and telephones are provided) be provided, in addition to the compliance requirements of the proposed work. When the cost of work exceeds 30% of the full and fair cash value of the building (see previous), then the entire facility will be required to comply with the MAAB Rules. For the Visitor’s Center, this 30% threshold dollar value would be \$205,380.

Rough Order of Magnitude Construction Cost

Structural	\$250,250.00
Architectural	\$23,500.00
Architectural code compliance requirements	\$38,400.00
Electrical scope	\$20,450.00
Plumbing	\$7,500.00
Soft Costs 20%	\$68,020.00
Subtotal	\$408,120.00
Contingency 10%	\$31,730.00
Total	\$448,932.00

Alternate:

New asphalt roof	\$91,000.00
Soft Costs 20%	\$18,200.00
Subtotal	\$109,200.00
Contingency 10%	\$10,920.00
Total	\$120,120.00

We look forward to working with you and the City of Gloucester on this project.

Sincerely,

Bethany Beck, RA, NCARB
DORE & WHITTIER ARCHITECTS, INC.
Architects • Project Managers

Cc: D&W dist.
file

CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT

NAME OF EVENT: National Safe Boating Day DATE OF EVENT: 18 May 2019

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

2019 MAR 11 PM 12:15

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: 3-11-19 Initial: JS Copy to Applicant: Date: _____ Initial: _____
Fee Paid: \$ n/c

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event Vertical Scale Boating Day / Open House

1. Date: 18 May 2019 Time: from 1000 to 200

Rain Date: 25 May 2019 Time: from 1000 to 200

2. Location: Harbor Loop into CG Station

3. Description of Property & Name of Owner: US Coast Guard
Public Private

4. Name of Organizer: BMI Michael Palelli City Sponsored Event: Yes No
Contact Person: Same as above
Address: 17 Harbor Loop Telephone: 603-395-5776
E-Mail: Michael.J.Palelli@uscg.mil Cell Phone: 603-395-5776
Day of Event Contact & Cell Phone: Same as above
Official Web Site: _____

5. Are street closures required: Yes No If yes, where: Just front of Loop

6. Number of Attendees Expected: 500 Number of Participants Expected: 30

7. Is the Event Being Advertised? Yes? Where? local, radio to show

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? 14 under

9. Have You Notified Neighborhood Groups or Abutters? Yes No Who? _____
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? _____

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

A. Vending: Food Beverages Alcohol Goods Total No. of Vendors* _____
(*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): _____

Address: _____

Telephone: _____

D. Tents: Yes No. If yes, how many _____ What are the tent sizes: _____ (May require permits)

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

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.: _____ ADA accessible

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: National Cube Parking DATE OF EVENT: 18/May 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

gob

1. Special Events Advisory Committee _____

2. Planning & Development Committee _____

EBC

3. Gloucester Police Department _____

Is Police Detail Required? none No. of Details N/A

Traffic, Parking & Transportation _____ Street Closure: _____

PN

4. Health Department _____

AI

5. Building Inspector _____

AI

6. Electrical Inspector _____

7. Department of Public Works: _____

Use of City Property: Yes/No Location if yes: _____ Permits: _____

ad

8. Gloucester Fire Department _____

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): _____

coj

11. Harbormaster: _____

PL

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.

Mr. Peck
Signature of Applicant

01 March, 2019

CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT

NAME OF EVENT: Concerts on the Boulevard

DATE OF EVENT: July 3rd / AUG 31

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

2019 FEB 19 AM 9:33

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: 2/19/19 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 Concerts on the Boulevard

1. Date: July 3rd / AUG 31 Time: from 5 pm to 10:35 pm labor day 10pm
Rain Date: _____ Time: from _____ to _____
2. Location: Stacey Boulevard
3. Description of Property & Name of Owner: City of Gloucester
Public Private _____
4. Name of Organizer: The Gloucester Fund City Sponsored Event: Yes No _____
Contact Person: Ringo Tarr
Address: 18 Timberview Drive Gloucester Telephone: 978-490-0001
E-Mail the gloucester fund@yahoo.com Cell Phone: _____
Day of Event Contact & Cell Phone: Ringo Tarr 978-490-0001
Official Web Site: the gloucesterfund.org
5. Are street closures required: Yes _____ No _____ If yes, where: Western ave @the Boulevard
6. Number of Attendees Expected: 800 Number of Participants Expected: 10
7. Is the Event Being Advertised? yes _____? Where? press signs
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
9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No Who? _____
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? _____

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

- A. Vending: Food _____ Beverages _____ Alcohol _____ Goods _____ Total No. of Vendors* _____
(*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): _____
Address: _____
Telephone: _____
- D. Tents: Yes _____ No _____ If yes, how many 1 What are the tent sizes: 10x20 (May require permits)
- E. Clean Up: No. of additional trash receptacles required 5 No. of additional recycling receptacles required 2
(To be provided by and removed by applicant at their expense.)
- 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.: 3 standard No.: 1 ADA accessible

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: Concerts on the Boulevard DATE OF EVENT: July 3rd / AUG 31

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

- | | |
|------------|--|
| <u>JAB</u> | 1. Special Events Advisory Committee _____ |
| _____ | 2. Planning & Development Committee _____ |
| <u>EBC</u> | 3. Gloucester Police Department _____
Is Police Detail Required? <u>yes</u> No. of Details <u>TBD</u>
Traffic, Parking & Transportation _____ Street Closure: _____ |
| <u>RW</u> | 4. Health Department _____ |
| <u>BJ</u> | 5. Building Inspector <u>Inspect Stage Area</u> |
| <u>DL</u> | 6. Electrical Inspector <u>"</u> <u>"</u> |
| _____ | 7. Department of Public Works: _____
Use of City Property: Yes/No Location if yes: _____ Permits: _____ |
| <u>JA</u> | 8. Gloucester Fire Department <u>ced</u> _____
Is a Fire Detail Required? <u>N</u> No. of Details _____ EMS <u>Ø</u> Use of Propane: <u>Ø</u>
(Attach EMS Memo) |
| _____ | 9. Licensing Commission (includes vendors) (Through City Clerk: _____ |
| _____ | 10. Licensing Board (Alcohol): _____ |
| <u>CEJ</u> | 11. Harbormaster: _____ |
| <u>JH</u> | 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.

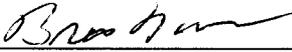
Brian
Signature of Applicant

2/19, 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

CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT

NAME OF EVENT: Harbor Loop DATE OF EVENT: July 4th, 18, 25

Special Events

Summer Concert Series

Aug 1, 8, 15, 22, 29

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.

RAIN Date: Sept 5.

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
2019 MAR 20 PM 1:58

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: 3/22/19 Initial: JCM Copy to Applicant: Date: _____ Initial: _____
Fee Paid: \$ n/c

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event Harbor Loop Summer Concert Series

1. Date: July 4, 11, 18, 25 Aug 1, 8, 15, 22, 29 Time: from 5 to 9 PM

Rain Date: Sept 5 Time: from 5 to 9 PM

2. Location: Harbor Loop

3. Description of Property & Name of Owner: at Fitz Hugh Lane House City of Gloucester

4. Name of Organizer: Glom Fund City Sponsored Event: Yes No Contact Person: Carol Pallazolla + Chris Silva Address: 103 Taylor St Glom Telephone: 978 879-7652 E-Mail: cpallazolla@elementcare.org Cell Phone: christophersilva1968@gmail.com Day of Event Contact & Cell Phone: Carol 978-879-7652 Chris 978-509-1717 Official Web Site:

5. Are street closures required: X Yes ___ No If yes, where: at ends of Harbor Loop near stage area

6. Number of Attendees Expected: 200 Number of Participants Expected: 200

7. Is the Event Being Advertised? YES ? Where? Newspaper, facebook, flyers

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

8. What Age Group is the Event Targeted to? All Ages

9. Have You Notified Neighborhood Groups or Abutters? Yes ___ No X, Who? Attach a copy of the notification to the abutters to this application.

10. Are you or Profit Organization: Non-Profit Organization: X Who will benefit financially from this event? Glom Fund - Barry Pett

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

A. Vending: Food X Beverages X Alcohol ___ Goods X Total No. of Vendors* 2-3

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

D. Tents: ___ Yes X No. If yes, how many ___ What are the tent sizes: ___ (May require permits)

E. Clean Up: No. of additional trash receptacles required ___ No. of additional recycling receptacles required 3-4 please (To be provided by and removed by applicant at their expense.)

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.: ___ ADA accessible NO

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: Harbor Loop Summer Concert Series DATE OF EVENT: all Thursdays July + August

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

J.S.

1. Special Events Advisory Committee _____

2. Planning & Development Committee _____

EGL

3. Gloucester Police Department _____

Is Police Detail Required? none No. of Details _____

Traffic, Parking & Transportation _____ Street Closure: _____

RN

4. Health Department _____

BJ

5. Building Inspector _____

BJ

6. Electrical Inspector _____

7. Department of Public Works: _____

Use of City Property: Yes/No Location if yes: _____ Permits: _____

ED

8. Gloucester Fire Department X _____

Is a Fire Detail Required? _____ No. of Details _____ EMS _____ Use of Propane: _____

(Attach EMS Memo)

9. Licensing Commission (includes vendors) (Through City Clerk: _____

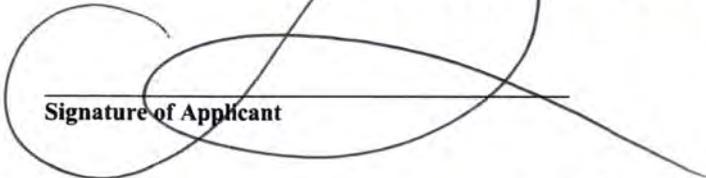
10. Licensing Board (Alcohol): _____

CEJ

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 

3-20, 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

3-20, 2019

CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT

NAME OF EVENT: GLOUCESTER DATE OF EVENT: AUGUST 26 -
SCHOONER FESTIVAL SEPT 2, 2019

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
2019 FEB 28 PM 3:46

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: 2/25/19 Initial: JS Copy to Applicant: Date: _____ Initial: _____
Fee Paid: \$ 25.00 Cash JS

Revised: 01/27/17

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 SHOONER FESTIVAL - 35TH ANNUAL

1. Date: AUG 26 - SEPT 2, 2019 Time: from 8:00 AM to 11:00 PM - DAY DEPENDING

Rain Date: N/A Time: from — to —

2. Location: 14CZ, MARITIME GLOUCESTER, BOULEVARDS, HARBOR

3. Description of Property & Name of Owner: MARITIME GLOUCESTER, PIER & BUILDINGS
Public X Private X

4. Name of Organizer: MARITIME GLOUCESTER City Sponsored Event: Yes No
Contact Person: MICHAEL DE KOSTER
Address: 23 HARBOR LOOP Telephone: 978 381-5059
E-Mail MDEKOSTER@MARITIMEGLOUCESTER.ORG Cell Phone: SAME
Day of Event Contact & Cell Phone: SAME
Official Web Site: MARITIMEGLOUCESTER.ORG

5. Are street closures required: X Yes No If yes, where: IN FRONT OF 23 HARBOR LOOP USCG TO CAPT GARLOS

6. Number of Attendees Expected: 4000+ Number of Participants Expected: 25-300

7. Is the Event Being Advertised? YES? Where? EVERYWHERE!

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

9. Have You Notified Neighborhood Groups or Abutters? Yes X No Who? HARBORMASTER & USCG
Attach a copy of the notification to the abutters to this application.

10. Are you or Profit Organization: X Non-Profit Organization: Who will benefit financially from this event? MARITIME GLOUCESTER SPECIFICALLY, ALL BUSINESSES GENERALLY

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

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

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

C. Games/Rides: Adult Rides Kiddie Rides Games Raffle (requires City permit*) Other: Total No. 0

Name of Carnival Operator (requires permit and inspection of rides): Address: Telephone:

D. Tents: X Yes No. If yes, how many 3 What are the tent sizes: 20x30 (May require permits)

E. Clean Up: No. of additional trash receptacles required 16 No. of additional recycling receptacles required 6 (To be provided by and removed by applicant at their expense.)

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.: 3 standard No.: 1 ADA accessible

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

NAME OF EVENT: SCHOOLER FESTIVAL DATE OF EVENT: ~~Aug 26~~ Aug 26 - SEPT 2

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

- | | |
|------------|--|
| <u>HL</u> | 1. Special Events Advisory Committee _____ |
| _____ | 2. Planning & Development Committee _____ |
| <u>EGC</u> | 3. Gloucester Police Department _____
Is Police Detail Required? <u>none</u> No. of Details <u>—</u>
Traffic, Parking & Transportation _____ Street Closure: _____ |
| <u>BW</u> | 4. Health Department _____ |
| <u>JK</u> | 5. Building Inspector <u>Tent permits + inspection both six</u> |
| _____ | 6. Electrical Inspector _____ |
| _____ | 7. Department of Public Works: _____
Use of City Property: Yes/No Location if yes: _____ Permits: _____ |
| <u>ad</u> | 8. Gloucester Fire Department _____
Is a Fire Detail Required? <input checked="" type="checkbox"/> No. of Details <input checked="" type="checkbox"/> EMS <input checked="" type="checkbox"/> Use of Propane: <u>?</u>
(Attach EMS Memo) |
| _____ | 9. Licensing Commission (includes vendors) (Through City Clerk: _____ |
| _____ | 10. Licensing Board (Alcohol): _____ |
| <u>CG</u> | 11. Harbormaster: _____ |
| <u>JK</u> | 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

FEB 28, 2019

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.

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

FEBRUARY 26, 2019



**CITY OF GLOUCESTER 2019
CITY COUNCIL ORDER**

ORDER: CC#2019-014
COUNCILLORS: Paul Lundberg, James O'Hara,
Sean Nolan

DATE RECEIVED BY COUNCIL: 04/09/19
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 11, Sec. 11-10(f) "Special Events; transient vendors; parades" be **AMENDED** by **ADDING** the following sentence:

"Further, the Special Events Committee and/or licensing commission shall refer all special events/parades requests that involve the use of Stacy Boulevard or Stage Fort Park to the City Council for final approval."

FURTHER ORDERED that this matter be referred the Ordinances and Administration Standing Committee for review and recommendation to the City Council.

Paul Lundberg
Councillor at Large

James O'Hara
Councillor at Large

Sean Nolan
Ward 5 Councillor



**CITY OF GLOUCESTER 2019
CITY COUNCIL ORDER**

ORDER: CC#2019-015
COUNCILLORS: Steve LeBlanc

DATE RECEIVED BY COUNCIL: 04/09/2019
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, Sec.22-281. Ten-Minute Parking be **AMENDED** by **DELETING** as follows:

“Angle Street, southerly side, beginning at a point 42 feet from its intersection with Middle Street for a distance of 22 feet in an easterly direction.”

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee for review and recommendation to the City Council.

Steve LeBlanc
Ward 3 Councillor



**CITY OF GLOUCESTER 2019
CITY COUNCIL ORDER**

ORDER: CC#2019-016
COUNCILLORS: Scott Memhard & Steve LeBlanc

DATE RECEIVED BY COUNCIL: 04/09/2019
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22 "Traffic and Motor Vehicles" Article II, Division 2 "Traffic Commission" be **AMENDED** as follows:

By ADDING new section 22-38:

Sec. 22-38. - Commission's authority to approve stop intersections.

- (a) The traffic commission may, after conducting a duly noticed public meeting, promulgate regulations to approve stop intersections.
- (b) A request for a stop intersection shall be filed with the commission through the city clerk's office. At the close of the public meeting, the Commission may, by majority vote, approve the stop intersection. The commission shall file notice of its decision to promulgate such regulation with the office of the city clerk. All approved stop intersections shall be published as regulations known as the "List of Stop Intersections in the City of Gloucester" and enforced when official signs are in place. As of the effective date, hence forth, all new stop intersections shall be published in the "List of Stop Intersections in the City of Gloucester."
- (c) The city council committee on ordinances and administration may review the regulation approving the stop intersection. The committee's approval or disapproval of the Traffic Commission's decision shall be considered final action and shall not be subject to further review. The request for review shall be filed by an aggrieved party within 30 days of the traffic commission's filing its decision with the city clerk's office.

Sec. 22-39-22-49. Reserved

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation to the City Council.

Scott Memhard
Ward 1 Councilor

Steve LeBlanc
Ward 3 Councilor

GLOUCESTER CITY COUNCIL MEETING

Tuesday, March 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 Sean Nolan; Councilor James O’Hara

Absent: None.

Also Present: Joanne Senos; Jim Destino; John Dunn; Amit Chhayani; Dr. Richard Safier; Jonathan Pope; Kathy Clancy; Melissa Teixeira; Fire Chief Eric Smith; 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: Joseph Orlando, Jr.

Address: 6 Angle Street

Subject: 1. Concern that the Building Department is being both the enforcement arm and the administrator for determining that prima facie evidence has been made for a ZBA hearing which creates hesitancy in people coming forward. He recounted that the Council had discussed that a separate person would take on that role under the ZBA expressing it may be beneficial to name a person within the Administration to undertake that role to present evidence before the ZBA.

2. Concern for lack of a sidewalk from the corner of Western Avenue and Angle Street to the intersection of Angle and Middle Streets. Noting his family owns #1 Western Avenue, and his home is directly behind it on Angle Street with no sidewalk on that side of the street. He described the blind corner that pedestrians are crossing through creating a concerning public safety issue. Mentioning that this is one of the city’s busiest intersections, and noting there had been a previous working plan to address that area, he asked the Council to discuss a solution as well as send it to the Traffic Commission for its recommendation along with the installation of a sidewalk from Angle Street and Western Avenue to Middle Street along the southerly side of Angle Streets.

Presentations/Commendations:

Michele Rogers & Brad Dore of Dore & Whittier, Architects re: East Gloucester School Project

Mr. Dore, a principal of Dore & Whittier Architects and **Ms. Rogers**, Project Manager, conveyed the following information with a Power Point presentation (on file) regarding the East Gloucester Elementary School (EGES) Project:

- There is a partnership between the Mass. School Building Authority (MSBA), the Designer, the Owner’s Project Manager and the Owner (the city of Gloucester School District), the Building Committee and members of the community. This is a highly proscribed process by the MSBA and that this is very early times -- no decisions have been made during a formal, transparent process with the state. The MSBA is a significant partner in the process as it is the state reimbursement funding agency for this project, and as with West Parish Elementary School, the city could be reimbursing up to possibly 48% to 50% for this new proposed project;
- The goals are to identify the educational and facility needs of the district and whether more buildings are suiting those needs looking at both the EGLS and the Veterans’ Memorial Elementary School (VMES) because the MSBA okayed a determination also for a combined school and view two different enrollments; and from those assessments they then develop options to resolve the needs and goals that have been identified by the district - from those assessments there are ten different possible options because the MSBA has given them two options and the city has three proposed sites;
- Goals in understand the needs: Overcrowding; outdated facilities; lack of technology; failing facilities (building condition, old systems); options to be developed for EGES only-- combined EGES & VMES--

- VMES only: existing sites, new sites; renovation for additions/renovation or new; then pick a preferred solution. Solutions won't be chosen for several more months.
- Overcrowding: EGES and VMES are about the same square footage; existing EGES according to MSBA guidelines would house 149 students --currently there are 210 students there. Previous projections showed 245 in that school. The MSBA shows 230 in their long-range projections. Conclusion is that the current EGES cannot support that enrollment. With 210 students, the MSBA would be looking between 37,000 sq.ft. to 42,000 sq.ft. It is a similar situation at VMES which can house 175 students as it is currently configured. A previous projection for that school was 208 students and current enrollment is 217.
 - Appropriate facility size: EGES gym is 50% undersized and serves also as a cafeteria; no art or music rooms; administration space is 20% of MSBA guideline and undersized Special Education space; students are being pulled out to do work in the hallways at both EGES and VMES;
 - Veterans School has a gym 50% undersized used also as a cafeteria and auditorium; no art room; Administration space is 25% of MSBA guideline and undersized Special Education space;
 - Existing Facility Conditions were reviewed - building envelope, architectural elements, structural, mechanical, electrical, plumbing, fire protection, site/civil, hazardous materials, technology & communication, security, fixtures & food services equipment, code compliance, accessibility, functional use of the building;
 - Structural - any major renovation or addition(s) will require that the structure be updated to meet current Code for New Construction;
 - Life Safety - Any major addition or renovation will require the **entire building** be equipped with an automatic fire alarm and suppression system - EGES has no fire suppression system currently;
 - Accessibility - Any major addition or renovation estimated by a dollars per square foot threshold it is required that the structure be updated to meet the current Code for New Construction - in EGES there is a variety of accessibility issues which is triggered even by the smallest of renovations of the building;
 - Potential site options: The MSBA requires that they look at a capital improvements only; renovations/additions and renovations and new construction either on the existing footprint or within the site which has to be done for each of the design elements they were given by the MSBA: 230 for the EGES only; EGES/VMES combined at 440 students; for the EGES site they'd look at all options; with the VMES site, they would look at only the options for 440 students -- additions and renovation to house 440 students and new construction for 440 students.
 - New construction is being explored for other sites -- the only site is the Green Street site off of School House Road and would look at both design enrollments -- 230 students and 440 students;
 - Site Review - East Gloucester site by aerial photograph was shown described as having wetlands on it; a new school would be 1.5 times larger than the current school for 230 students and about two times as large for 440 students, with topography an issue as there is a steep hill;
 - Veterans Memorial site is similar size comparison for 440 students, about two times larger as they are only looking at an enrollment of 440 students for that site, and there is the issue of the existing ballfield;
 - Green Street site is about 18-20 acres which would be accessed from Gloucester Crossing Road. They don't have a lot of information on the site yet;
 - Work to date: Update on educational space summary/program; educational guiding principles developed by a leadership group of the district; initial building diagrams; identified site constraints; sustainability objectives (noted that the MSBA will grant two extra percentage points by meeting certain sustainability goals); conducting the existing conditions investigations; several public meetings have been held to date including meeting with both schools' PTO's;
 - Next Steps: Gather more information about sites; traffic designs and patterns; site tests of buildings; soil testing; parking, drop offs and bus turnaround and to divide the building to provide public access to the cafeteria, auditorium and gymnasium while keeping other portions of the school solely for students and staff so it is more secure; development MSBA submissions and continue public meetings;
 - Schedule: Preliminary Design Program (PDP) to be delivered August 19, 2019; Preferred Schematic Design Report December 23, 2019; Schematic Design July 2020 (estimated date), and then back to the city for funding -- if all goes well the building would be completed around September 2023.

Council President Lundberg recognized that Dr. Safier, Superintendent of Schools was present along with School Committee Chair, Jonathan Pope, and School Committee members Melissa Teixeira and Kathy Clancy. He

noted the invitation from the School Committee for the Council to come to their meeting the previous week with this presentation and expressed appreciation for the offer to present to the Council.

COUNCILOR QUESTIONS:

Councilor Cox, noting the \$1.0 million authorized for this study, asked what it would cost to add another site to possibly locate a school. **Mr. Dore** advised that the city authorized \$1 million to proceed with the feasibility schematic design phase; that funding breaks down as: a portion is earmarked for Dore & Whittier; a portion is earmarked for the Owner's Project Manager (OPM), and another portion goes into some of the geotechnical work and other necessary tests. As to the addition of another site, he indicated what they are trying at a high level to screen some of these sites for feasibility before spending money to do "nitty gritty detail." He advised that the EGES site is "tight" site and topography is challenging with existing wetlands and narrow if it is feasible or does make sense to do all of the options MSBA will require for that site. He conveyed they're attempting to narrow down if it is feasible from a cost perspective to do all of the options that the MSBA will require for that site. They'll create a subset as to the type of schools, size of schools and whether they have all the proper title and deed for Green Street. With that they'll determine for Green Street if they have one site or up to three sites for that location. He pointed out that the VMES site to have 440 students at that site without impinging on the ballfield will be challenging. He noted that there is no additional cost from Dore & Whittier's perspective and expressed he wasn't aware of other sites that are "out there" saying there is not a lot of open land the city already owns. The MSBA doesn't reimburse cities and towns for site acquisitions. He suggested that if they found a suitable site and had to acquire it, the city wouldn't be reimbursed. **Councilor Cox** questioned whether Dore & Whittier had been told of another site that the city owns an entire lot of land that could fit all of the city's elementary schools. **Mr. Dore** responded, "No, not at this point." **Councilor Cox** asked how the MSBA views neighborhood pushback. She advised she received a lot of emails and phone calls about pushback on the Green Street site as a possible location for a new school. **Mr. Dore** advised he can't speak for the MSBA but suggested that the MSBA would say that they're in the business of creating successful projects. He offered his personal opinion saying that having done a number of these types of projects, pushback has to do with not understanding what is happening. He noted that they don't know what is happening yet. The benefit of the process is to go through all these steps on what the potential options are which they're required to do. If ultimately there is a particular reason that a site doesn't make sense as to other options on the table that will come out through the proscribed process. They can only identify what makes the most sense, he pointed out, and adding that the School District defines what is acceptable and not acceptable as to functionality, educationally and politically.

Councilor Holmgren asked if the process is accounting for possible increases in population if more young families' move here noting that housing is being built in the district. **Mr. Dore** advised as part of the process the School District submitted to the MSBA a Statement of Interest and was invited into the eligibility period. He noted as part of that period they sit down and negotiate what enrollments are and those are defined on a scientific basis for a ten year period. He pointed out that student enrollment has moved a little bit over time in the last four years but not by much.

Councilor Nolan asked about traffic and parking in formulation of plans are special evening school events taken into consideration for parking which he noted is a concern from past experience. He advised he wanted to make sure that it is being taken into account for future plans. **Mr. Dore** advised that issue has been raised saying that it is a balancing act and a compromise struck to objectives. Parking is in terms of the analysis. They know how many staff, and reasonable projection for visitors and know what the day to day numbers are and have to look for school plays and how many parents and cars for the event. Usually it is more significant than what is a daily basis. It becomes a cost question in terms of picking out the design point for the few events versus the additional cost and is a discussion for the city as the owner. The harder part is pick-up and drop off. When they looked into West Parish he noted they knew the constraints. They were able to accommodate some but not all of it, he conveyed, saying that they looked at purchasing an adjoining property for access but it became a cost issue. They are good about being aware of the issues, he highlighted, and have to figure out what is the right balance - cost versus dynamics. **Councilor Nolan** expressed his hope that the design is more favorable to the people and parents involved.

Councilor Gilman asked how competitive it was for the MSBA round and how communities put in their Statement of Interest at the time Gloucester did. **Mr. Dore** advised there were 92 applicants at the time of the city's Statement of Interest of which only 17 were accepted, or about 1 in 5. He pointed out that the number of applications being accepted has been going down because of the number of large project and volume of funding capacity being taken up. He noted that the process itself is much proscribed, and once the option is selected and the

vote on the funding is done, the MSBA approves it first then the city has 120 days to approve and fund the city's portion -- if not approved by the city, Gloucester would go to the back of the line and start over. Responding to an additional question regarding renovation versus new school by **Councilor Gilman, Mr. Dore** advised that the MSBA will require a capital improvement program that encompasses if the city doesn't start knocking down walls even if the space in those areas is below the MSBA guidelines, they will still allow the consideration so long as it meets the district's educational program objectives. He pointed out that it may be undersized, but it would still be something the MSBA would consider. The building still needs to be compliant with Code requirements as previously outlined; and what will be done they'll evaluate what that may be like and what the associated costs are; they'll look at renovation only to meet educational program objectives; and will also look at a renovation/addition and look at new construction. The pros and cons will be weighed and presented and will determine costs based on total project cost, the MSBA reimbursement for eligible costs and how the incentive points add up. Then they'll compare them all, and ultimately a preferred option is chosen the city can then chose to move forward to present to the MSBA for their approval, he concluded. **Councilor Gilman** asked where the public can view this presentation and the minutes of the Building Committee. **Dr. Richard Safier** conveyed the school district's website has information on frequently asked questions, and are in the process of placing the minutes up on their website. For more illustrative information about the project go to: <https://eastgloucesterbuildingproject.weebly.com>

Councilor Hecht, noting that he represents Ward 2, where VMES is located, and that Councilor Cox is the former Ward 2 Councilor, now Councilor At Large, he explained that the Green Street property is formerly an approved subdivision and asked what it means for title and survey and geotechnical work. He advised they both are getting a lot of pushback from the constituency. He asked what the next steps are for the Green Street site, and how this may not be feasible as a site. **Mr. Dore** explained that there are a number of parcels within the boundary of Green Street site. The city is investigating the ownership and titles within the boundary exists and is in order; and he explained that if they found out there is a glitch there, they would have to reconsider the situation to understand whether that location is something they can legitimately use as a school site. They're trying to go through this in rational manner and not start geotechnical testing if they don't have the opportunity to actually utilize the site. It is an on-going process, he advised, which is being worked on right now. **Councilor Hecht** asked if there was a timeframe. **Mr. Dore** advised there is a fair amount of research to be done to make it all come together. **Councilor Hecht** noted on the "left side" of the site there are electrical wires and asked if the lots are excluded because of that fact. **Mr. Dore** conveyed there is an easement issue and grade issues, but it's likely a sufficient area to site a school.

Councilor Memhard, thanking the Building Committee and Ms. Rogers and Mr. Dore, he indicated it's an exciting time for East Gloucester to think of having a school become as great as the West Parish School. He asked what practical and functional flexibility they have to incorporate non-city owned parcels that abut the East Gloucester School site, and to what extent are they incorporating acquisition of vacant abutting land to make the site more functional. They've made it work at the Davis Street Extension, and would be great to see the site utilized for a "new" school. **Mr. Dore** noted the biggest challenge at the East Gloucester site is grade; they are "chasing" a lot of grade on the site and are looking on test bits how they can make that accommodation and whether it is feasible or whether the city should consider those additional parcels. They haven't drawn any final conclusions, he noted. **Councilor Memhard** advised flexibility. **Mr. Dore** conveyed they have to think about getting in and out of the site, where cars will be parked, the grading, the accessibility of the building and whether or not the adjoining parcels are an option.

Confirmation of New Appointments:

Archives Committee

Susan Roberts-Wright, Lois Hamilton, Sandy Williams

TTE 02/14/22

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Susan Roberts-Wright to the Archives Committee, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Susan Roberts-Wright to the Archives Committee, TTE 02/14/22.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Lois Hamilton to the Archives Committee, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Lois Hamilton to the Archives Committee, TTE 02/14/22.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Sandy Williams to the Archives Committee, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Sandy Williams to the Archives Committee, TTE 02/14/22.

Shellfish Advisory Committee Francena Monell-Simard TTE 02/14/22

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Francena Monell-Simard to the Shellfish Advisory Commission, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Francena Monell-Simard to the Shellfish Advisory Commission, TTE 02/14/22.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
- 1. Downtown Development Commission Robert K. Whitmarsh TTE 02/14/22
- **MAYOR'S REPORT**
- 1. New Appointments:
 - Records Management Advisory Board Carol A. Kelly TTE 02/14/21 (Refer O&A)
 - Tourism Commission Kimberly Voltero TTE 02/14/22 (Refer O&A)
- 2. Memorandum from Director of Veterans Services re: acceptance of donations in the amount of \$387 (Refer B&F)
- 3. Memorandum, Grant Application & Checklist from the Planning Director re: FY2020 Green Communities Competitive Grant in the amount of \$144,331 with a \$50,000 match from the City of Gloucester (Refer B&F)
- 4. Memorandum from CFO re: loan authorization request in the amount of \$190,000 for the Souther Road paving betterment (Refer B&F)
- 5. Supplemental Appropriation-Budgetary Request (2019-SA-32) from the CFO (Refer B&F)
- 6. Supplemental Appropriation-Budgetary Request (2019-SA-33) from the CFO (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 - 1. SCP2019-004: Fuller Street #35, Map 168, Lot 14, GZO Secs. 1.9, 3.1.6, 3.2.2 and 1.7 for a special permit to exceed the maximum allowable building height, decrease the minimum lot area per dwelling unit and decrease the minimum open space per dwelling unit in the NB/R-20 District (Refer P&D)
 - **COUNCILORS ORDERS**
 - 1. CC2019-011 (LeBlanc): Amend GCO Ch. 4 "Animals" Sec. 4-22 "Fees and penalties" re: payment of past due dog licenses (Refer O&A)
 - 2. CC2019-012(O'Hara/Nolan/LeBlanc): request that the city Council request that the General Counsel and Board of Health, through the Mayor, describe the legislative and/or administrative steps necessary for the City of Gloucester to cease the addition of sodium fluoride into the city's public water supply (Refer Mayor, General Counsel & Bd. of Health)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 03/12/2019 (Approve/File)
 - 2. Special City Council Meeting 03/19/2019 (Approve/File)
 - 3. Joint P&D & Gloucester Historical Commission Meeting 03/13/2019 (Approve/File)
 - 3. Standing Committee Meetings: B&F 03/21/19 (under separate cover), O&A 03/18/19, P&D 03/20/19 (Approve/File)

Unanimous Consent Calendar:

1. Update on the City of Gloucester Beach Parking and Traffic Ad Hoc Committee report of January 24, 2017 (Refer O&A)
2. CC2019-013 (Lundberg): Establishment of an Ad Hoc Advisory Committee re: Assisted Living Residence at Gloucester Crossing (Refer P&D)

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

Council President Lundberg asked to remove Item #1 under Confirmation of Reappointment, “Robert K. Whitmarsh, Downtown Development Commission, TTE 02/14/22.” He noted that under Sec. 2-10(b) of the City Charter it says that no unelected appointee shall be appointed to more than one multiple member body unless said board or commission is interrelated. He noted that he holds great respect to Mr. Whitmarsh’s service to the city who also sits on the city’s Historic Commission. He asked that when the O&A Committee deliberates such appointees and reappointees they take the Charter section into consideration.

By unanimous assent of the Council, the Consent Agenda was accepted as amended, and by unanimous assent of the Council the Unanimous Consent Calendar was accepted as presented.

Committee Reports:

Budget & Finance: March 21

Councilor Cox prefaced the first two matters, grants from the Mass. Department of Fire Safety saying that they are annual grants that Fire Captain Barbagallo writes, obtains these valuable grant funded outreach programs for the most vulnerable in the community - children and seniors.

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 FY2019 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,354 for the purpose of providing fire and life safety education to school-aged children.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2019 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,354 for the purpose of providing fire and life safety education to school-aged children.

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 FY2019 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,600 for the purpose of providing fire and life safety education to seniors.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2019 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,600 for the purpose of providing fire and life safety education to seniors.

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 FY2019 Earmark Grant line item #8000-0313, through the Mass. Executive Office of Public Safety and Security, in the amount of \$75,000 for the purpose of upgrading the Police Department’s communication infrastructure through the purchase of new public safety radio equipment. There is no match and grant expires June 30, 2019.

DISCUSSION:

Councilor Cox explained that every year the city sends its state legislators a wish list for the state budget, and one of the items the city asked for was for the Police Department to receive funds in order to upgrade their radios and some radio equipment for \$75,000 which the state funded by an earmark grant.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2019 Earmark Grant line item #8000-0313, through the Mass. Executive Office of Public Safety and Security, in the amount of \$75,000 for the purpose of upgrading the Police Department's communication infrastructure through the purchase of new public safety radio equipment. There is no match and grant expires June 30, 2019.

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, cash donations from Barbara B. Berman in the amount of \$75.00 and from Christopher J. McCarthy in the amount of \$100.00 for a total of \$175.00 for the Gloucester Archives Committee for the purpose of funding the Gloucester Archives Committee Donation Projects in Fund 3305.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, cash donations from Barbara B. Berman in the amount of \$75.00 and from Christopher J. McCarthy in the amount of \$100.00 for a total of \$175.00 for the Gloucester Archives Committee for the purpose of funding the Gloucester Archives Committee Donation Projects in Fund 3305.

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 request that the city of Gloucester's state legislators file a Home Rule Petition on behalf of the city and based on said petition, that the General Court approve and enact a Special Act substantially as follows:

"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."

DISCUSSION:

Councilor Cox explained that a Home Rule petition is necessary in order to put the money (proceeds from the sale of the Fuller School property) in a Stabilization Fund. It would normally go to the General Fund (in a specific account). **John Dunn**, CFO, advised that state statute says what they can do with proceeds from the sale of municipal real estate. What is proposed through the Home Rule Petition is to give the city more flexibility and for the presentation of the proceeds of the \$4.1 million to appear on the city's balance sheet at the end of the fiscal year. The city, he noted, is asking that the proceeds be allowed to be placed in the city's General Stabilization Fund and by appearing in the General Fund balance it makes the city more financially viable. He pointed out that ratings agencies such as Moody's and Standard & Poor's appreciate that. He advised this action is recommended.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to request that the city of Gloucester's state legislators file a Home Rule Petition on behalf of the city and based on said petition, that the General Court approve and enact a Special Act substantially as follows:

"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.”

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-31 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the Building Maintenance Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to School Pre-K and Administration Relocation Study, Account #770006-530006 for the purpose of funding a feasibility study for the relocation of the School Pre-K and Administration Offices.

DISCUSSION:

Councilor Cox conveyed that this \$35,000 appropriation from the Building Maintenance Stabilization Fund is for a further investigation as to what the best location for the School Pre-K Program and School Department Offices for either the High School or O'Maley Innovation Middle School and associated costs for renovation of the space or if the option to buy the current leased building is a better option. There are two more years left on the lease for the building now being used in the Blackburn Industrial Park, she pointed out which is why the timing is right to learn about the options for the future.

Council President Lundberg commended the B&F Committee and Councilor Cox for getting out ahead of this issue.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-31 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the Building Maintenance Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to School Pre-K and Administration Relocation Study, Account #770006-530006 for the purpose of funding a feasibility study for the relocation of the School Pre-K and Administration Offices.

Ordinances & Administration: March 18

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 approve the Application of James Santapaola and Andrew Santapaola to construct and maintain a weir, pound net or fish trap in the tidal waters within the limits of the City of Gloucester.

DISCUSSION:

Councilor LeBlanc explained that the Santapaolas' application has been vetted extensively, having been reviewed by the O&A Committee, the Waterways Board and the Fisheries Commission, all of whom approved it. All the details were explained to the O&A Committee. The Santapaola family has been utilizing this fishing method for the purpose of catching bait fish.

Councilor Gilman confirmed with **Councilor LeBlanc** that the trap is about 600 feet long. **Councilor LeBlanc** advised the trap will be marked extensively for visual identification for boaters and fishermen to avoid it. The trap will be located at Black Bess, a rock pile between Ten Pound Island and the Breakwater directly off of Eastern Point.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to approve the Application of James Santapaola and Andrew Santapaola to construct and maintain a weir, pound net or fish trap in the tidal waters within the limits of the City of Gloucester.

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 permit the withdrawal of CC2019-010 to Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places" by

DELETING Sec. 21-19 "Removal of snow from sidewalks" and Sec. 21-20 "Removal or covering of ice on sidewalks" without prejudice.

DISCUSSION:

Councilor LeBlanc explained that there was a discussion at O&A about this Council Order which was intended to prompt a discussion with the Administration which transpired; and with a lack of support to move it forward for Council consideration, the Councilor decided to withdraw his Council Order.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2019-010 to Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places" by DELETING Sec. 21-19 "Removal of snow from sidewalks" and Sec. 21-20 "Removal or covering of ice on sidewalks" without prejudice.

Planning & Development: March 20

There were no matters for Council action under this heading.

Scheduled Public Hearings:

1. **PH2019-014: Loan Order 2019-001: Loan Authorization Request in the amount of \$900,000 for the demolition and reconstruction of the Magnolia Pier**

This public hearing is opened at 8:09 p.m.

Councilor Gilman left the dais at 8:09 p.m. and returned at 8:11 p.m.

Those speaking in favor:

Jim Destino, CAO, advised that although he was before the Council to advocate for the rebuilding of the Magnolia Pier, he wanted to express his thanks especially to Councilor Nolan for leading the charge for the pier's rebuilding, to the Magnolia Pier Advisory Committee, and to the people of Magnolia who rallied to help the city "get this done." He noted there is a good plan and had the city look at other surrounding issues such as the kayaks on the beach, moorings in that harbor; talking to the town of Manchester which strengthened the bond between the city and town. He pointed out this is a great thing for the city.

Mark Nestor, 15 Long Hill Road, advised Magnolia is a great village in which to raise his family, citing that Magnolia Pier is a vital part of growing up for the children of Magnolia and Manchester. It is a project that benefits the entire city. It is an outstanding project, he conveyed, which showed how the citizens of Magnolia can come together. He gave the example of the fire on Ocean Avenue when 40 units burned to the ground recounting that Magnolia residents banded together, collected money, clothing, and made sure everyone burned out had a place to stay within a few short hours of the fire. That is the spirit of Magnolia, he highlighted, and requested the Council grants this application so his children and grandchildren can enjoy Magnolia Pier as everyone else has.

Doug Shatford, 22 Flume Road, extended his thanks to the Administration for their support as well as for the support and hard work by Councilor Nolan.

Colby Doran, 13 Oakes Avenue, noted he moved to Magnolia two years ago, advising that the Pier gave him the opportunity to develop friendships. He pointed out that the Pier is a chance to have a fun time for families and for the residents of Gloucester.

Leslie Beaulieu, 10 Emily Lane, noted that her eldest wrote a college essay entitled, "The Pier" which spoke of an amazing night she brought her mother to Magnolia Pier to view in the water sparkling luminescent diatoms. She recounted that another daughter also wrote about the Pier for her college essay saying how it was important to the community. These are important stories, she pointed out.

Thirty-one members of the audience raised their hands in support of the loan authorization.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Hecht asked about design features of the Pier. **Mr. Destino** noted that in the end the final design is the same as the previous Pier design. He touched on the extensive conversations had between the Town of Manchester and the city regarding moorings in the harbor, and the installation of the kayak racks to get them off the beach.

Councilor Gilman asked about preventative maintenance. **Mr. Destino** advised that the Pier is a city asset and as such the city will take care of any necessary repairs.

Councilor Memhard noted that GZA did an extensive engineering review and were able to explore a range of materials that were cost effective and supported the Pier's longevity which **Mr. Destino** confirmed.

Councilor Cox and **Mr. Destino** touched on the mutual issues for the city and the Town of Manchester and how the conversations with Manchester have led to a greater understanding between the two municipalities and a higher level of cooperation. **Councilor Cox** suggested the Town of Manchester may be able to apply for their own CPA funding for their needs as to the recreational area.

This public hearing is closed at 8:29 p.m.

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 the following a loan authorization of \$900,000 as follows:

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.

DISCUSSION:

Councilor Cox conveyed her appreciation for those who contributed private funds in support of the Magnolia Pier rebuilding and to Councilor Nolan for working through the red tape for everyone to be able to make donations. She offered her thanks to the committee and everyone who donated at the recent special event. It is an amazing feat to pull together so much money in such a short period of time, she added.

Councilor LeBlanc conveyed that Councilor Nolan did a great job and offered his support, adding his thanks to Mr. Shatford.

Councilor Hecht expressed that he was appreciative of the passion of the community for the Pier, offering his support.

Councilor Gilman noted she attended the fundraiser at the Manchester Bath & Tennis Club, meeting many people from Ward 5, as well as the fundraising through Councilor Nolan's stint as a celebrity bartender at the Cape Ann Brewery. She acknowledged the folks present that came out in support of the Pier's rebuilding. She offered her support also.

Councilor O'Hara conveyed his support for the loan authorization, pointing out that the Pier is a city asset, not just a Magnolia asset, saying that it is something very special that people enjoy year round. He thanked the Administration, Councilor Nolan and DPW Director, Mike Hale for their support.

Councilor Holmgren expressed she was pleased to support the vote for the loan authorization and thanked everyone for their support demonstrated this evening.

Councilor Memhard, noting that Gloucester is blessed with unique geographic assets such as Lane's Cove, the quarries, the beaches, Dogtown, Magnolia Pier to name a few, saying such assets build the community's character and spirit. He noted it was appropriate they come together to take care of them.

Council President Lundberg expressed his support conveying that this is a great example of a public/private partnership that they talk about in the city, but more importantly the sense of community, and pointing out that everyone knew their role to get this done. He offered his thanks to the Magnolia Pier Advisory Committee.

Councilor Nolan, while acknowledging kudos from residents and Councilors alike, expressed his thanks to Gloucester citizens and the Administration for working together. He recounted that while attending the fundraiser

held at the Manchester Bath & Tennis Club he saw generations of families present, seeing people who hadn't been back to the city for years that came back just to support the rebuilding of the Pier. This project is special he highlighted, and thanked everyone for their support and participation.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve the following a loan authorization of \$900,000 as follows:

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.

For Council Vote:

- 1. Decision to Adopt: SCP2018-005: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a retail drive-through pursuant to GZO Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District**

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to adopt the decision (SCP2018-005) for Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a retail drive-through pursuant to Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District of the Gloucester Zoning Ordinance.

- 2. Decision to Adopt: SCP2018-006: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a coffee shop drive-through pursuant to GZO Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District**

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to adopt the decision (SCP2018-006) for Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a coffee shop drive-through pursuant to Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District of the Gloucester Zoning Ordinance.

- 3. Decision to Adopt: SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 17, for the modifications and reconfigurations of Building C and Building E, the replacement of the proposed hotel with additional retail, a reconfiguration of the parking fields to eliminate underground parking and to comply with the requirements of two proposed drive-through facilities, pursuant to Secs. 1.5.3(c) "CCS" Special Permits and (d) "Major Projects" and 5.7 "Major Project" of the Gloucester Zoning Ordinance.**

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to adopt the decision (SCP2018-007) for Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for the modifications and reconfigurations of Building C and Building E, the replacement of the proposed hotel with additional retail, a reconfiguration of the parking fields to eliminate underground parking and to comply with the requirements of two proposed drive-through facilities,

pursuant to Secs. 1.5.3(c) “CCS” Special Permits and (d) “Major Projects” and 5.7 “Major Project” of the Gloucester Zoning Ordinance.

Council President Lundberg noted that on the Unanimous Consent Agenda was his Council Order 2019-013 to establish an Ad Hoc Committee to look at the Assisted Living Residence that was part of the original Gloucester Crossing proposal. That Ad Hoc Committee initiative will go forward through the P&D Committee and get a status on what has been done by Sam Park & Co. to date and what the potential is for such a facility, he advised.

Unfinished Business: None.

Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:

Update on the Stage Fort Park Advisory Committee and Magnolia Woods Oversight & Advisory Committee by City Council Representative, Councilor Nolan, highlighted the following matters:

- Stage Fort Park Advisory Committee: There has been acceptance of different materials for the restoration of cannons; grants have been written; the DPW is working on a project by the tennis courts for redoing the landscaping in preparation for the Avis Murray Tennis Court renovation;
- Magnolia Woods Oversight & Advisory Committee: The Committee is working to get a second gate for winter entry to the Woods and is hoped to go through for next year; there are issues of drainage that are being examined and getting closer to closure.

Councilors’ Requests to the Mayor:

Councilor Holmgren wished Council President Paul Lundberg a Happy Birthday, presenting him with a card; and **Councilor Gilman** offered a birthday treat for him. **Councilor Holmgren** noted that 2019 marks the North Shore Health Project’s 30th anniversary, and announced that on Monday, May 13 at the Beauport Hotel the Health Project is honoring Gov. Baker as its 10th Annual Community Activist.

Councilor Memhard noting that the piping plovers have arrived at Good Harbor Beach. He offered thanks to the Mayor’s office for the Piping Plover Plan, and highlighted that on Saturday at the Sawyer Free Library there is an educational program on the birds.

Councilor Nolan reported the North Shore Health Project is a great community asset. He thanked Rev. Rona Tyndall for all she’s done with the Grace Center and the city.

Councilor Cox noted the following evening she’s been asked to speak on CATV regarding elected women in office, sharing the segment with Denise Donnelly, member of the Board of Selectmen from Rockport and two women from neighboring communities.

Councilor LeBlanc requested that the Mayor through the DPW Director install a sidewalk on Angle Street from its intersection with Western Avenue on southerly side to its intersection with Middle Street. The DPW is out doing potholes; he noted, and encouraged them to keep up the good work.

Councilor Hecht requested that the Mayor through the Administration to install security cameras at Burnham’s Field at a cost of \$35,000. He then offered the following:

- The Boston Seafood Expo was a great success for the city and spoke to events that led to the city’s success offering thanks to Director of Community Development, Jill Cahill and Director of Economic Development, Sal DiStefano;
- Seaside Sustainability has asked him to serve on its Board;
- The Lobster Trap Christmas Tree fundraiser held at the Cape Ann Brewery which successfully raised over \$1,000;
- Thirty-nine wrought-iron planters on Main Street are moving forward with the okay of the Mayor, and fundraising will be done for the project;
- Thanks were offered for those who attended the Gloucester Dog Park fundraiser held in his home;
- Discover Gloucester had their annual meeting last evening;
- Attendance at a recent Life Sciences Symposium by GMGI.

Councilor Gilman announced the reinstatement under the City Charter of Student Government Day which will take place on May 28, asking Councilors volunteer to take on students so that they can shadow the Councilors; activities and offered a description of some of the plans for the Gloucester High School students that day. She announced that during May and June there will be a rebuilding of the sidewalk on the odd-numbered side of Reynard Street. She requested that the Mayor through the DPW Director along with other members of city staff, including but not limited to the Conservation Agent, Planning Director, several volunteer leaders on the Dogtown

Advisory Commission, and Ward 4 City Councilor Gilman, form a working group to address various Dogtown matters, such as:

- Developing an updated Dogtown Management Plan and Ordinances
- Reviewing relevancy of outstanding issues identified in the North Gloucester Woods Study of 2012
- Recommending action plans on ways to protect and preserve Dogtown
- Exploring alternative venues/sites for municipal services as well as cost implications for the City.

Councilor O'Hara noted the following:

- The City Clerk on his behalf sent to Councilors an article about what the city of Quincy is doing to alleviate the problem for seniors about snow removal in front of their homes which may be something for Gloucester to consider.
- The issue of private roads repairs and paving is ongoing. A thank you was extended to the DPW Director, Mike Hale who spoke to the abutters of Strawberry Cove. He asked that Councilors put their heads together with the city's state legislators to clarify statute issues which he termed problematic for private road abutters to get their roads repaired and repaved.
- A lengthy letter in the Gloucester Daily Times recently was noted about the issues surrounding the city's harbor -- a plan needs to be made to start making progress to fully utilize this city asset.
- Dogs are no longer welcome on Good Harbor Beach leashed or unleashed with the piping plovers now nesting.
- Thanks were extended to retiring Interim Police Chief John McCarthy.

Council President Lundberg noted the observations voiced about three city assets that the Council should be addressing and advised they will come up with some ideas to approach the issues in a meaningful way.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:02 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

Budget & Finance Committee
 Thursday, April 4, 2019 – 5:30 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Vice Chair, Scott Memhard; Councilor Ken Hecht

Absent: Councilor Cox

Also Present: Councilor Lundberg (entered the meeting at 5:48 p.m.); Amit Chhayani; Jim Destino; John Dunn; Mike Hale Adam Curcuru; Vanessa Krawyck

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

1. Memorandum from Director of Veterans Services re: acceptance of donations in the amount of \$387

Adam Curcuru, Director of Veterans' Services, advised that Cape Ann Veterans' Services is in receipt of two donations, noting that they have great support from the community for a total of \$387.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council accept under MGL c. 44, §53A, donations from members and business partners to the Cape Ann Office of Veterans' Services for the purpose of supporting on-going efforts to serve Veterans and Active Duty military for a total of \$387.00 as follows:

<u>Name/Entity</u>	<u>Dollar Amount</u>	<u>Date Received</u>
Andrew and Ann Kouletis	\$100.00	02/01/2019
Third Annisquam Parish	\$287.00	01/14/2019
TOTAL:	\$387.00	

2. Memorandum, Grant Application & Checklist from the Planning Director re: FY2020 Green Communities Competitive Grant in the amount of \$144,331 with a \$50,000 match from the city (Grant Application)--for information only

The application documentation for the FY2020 Green Communities Competitive Grant is for information only and was placed on file.

3. Memorandum from CFO re: loan authorization request in the amount of \$190,000 for the Souther Road paving betterment

John Dunn, CFO, advised that this loan authorization is funding for the road paving betterment project for Souther Road which is the final part of the Ordinance process. He noted that as is his practice, he rounded up the dollar amount for the loan authorization to allow leeway for any contingencies. He reminded the Committee that even though the city may allow betterment repayments up to a 10-year period, the city must pay the loan back over a five-year period which has to do with the change in borrowing laws. A number of abutters involved in these projects pay up front, about 30% to 50%, depending on the size of the assessment, he confirmed to **Councilor Hecht**.

Mike Hale, DPW Director, responding to a series of questions from **Councilor Hecht**, advised that about ready to close out is the betterment project for Nashua Avenue at a cost of \$200,000, Englewood Road and Lake Avenues are next up in the betterment queue at a cost of \$300,000. He noted that Souther Road is joining the queue, and the Brier Neck neighborhood is still going through planning efforts to determine what needs to be done, which is complicated for a number of reasons, a few of which he touched on briefly. Additionally, **Mr. Dunn** described the complexity of the city's role in betterment financing noting that the city pays the cost up front. There are tax implications for the city on the back end of these projects, and that from an accounting standpoint, betterments are difficult to process and track. He cautioned the Committee about the number of projects they've opened a door to as there will be a point where the city will have to reexamine just how many projects they can oversee and finance because of the accounting and financial implications for the city. **Mr. Destino** also participated in the conversation.

Councilor Memhard conveyed the concern of the Souther Road abutters that the loan order was for \$190,000 as they approved a project estimated at \$157,000. **Mr. Hale** responded by saying that the original request was for a price for Souther Road and for a portion of Brier Road, the section of Brier Road that goes towards the water. His department provided an itemized price for Souther Road and then an add-on for Brier Road. He advised that all the correspondence he received from this group refers to the Souther Road/Brier Road project. Noting he was not at the meeting for the vote and not knowing that the abutters didn't take up Brier Road at all, the price would be \$168,000 for Souther Road -- \$158,000 for construction costs and \$10,000 for contingencies, about 8% over the base cost which is the traditional "hold" for all paving projects. **Mr. Dunn** added that the betterment that gets assessed to the property owners is whatever the project costs. He pointed out that if they wanted it was okay for the Council to amend the loan order and reduce it to \$168,000 but that means it's all the funding the city has for the project. If for any reason they're short of money, and several feet remain to be paved, they're done and it can't be helped. He reminded the Committee that he doesn't borrow the funds until Mr. Hale advises that a project is finished. If at the end of the project it comes to the total of \$168,000 that is what he goes out and borrows for the final debt. The betterments will be \$168,000. **Councilor Memhard** clarified that Mr. Hale and Mr. Dunn won't know what the final cost is until it is completed. The first bill to abutters will go out nine months to a year from completion, he indicated. **Mr. Hale** conveyed that in his estimation that abutters likely won't receive the betterment payment request until the first tax bill of 2021 based on the timing of this two-season project -- with binder laid down this year and the top laid next year. **Mr. Dunn** explained that the first betterment bill doesn't appear until the third-quarter tax bill of each year, which is by law. By way of example, the project ends in January; the first bill will be a year from then. It depends on the timing of when the project ends and when the recording is done at the Registry of Deeds, as well as how it works on the tax billing cycle. Betterments are difficult to administer from an administrative standpoint, he pointed out, but assured that the Treasurer/Collectors Office has it well in hand.

Councilor Memhard noted these betterment projects reflect a great deal of work in terms of constituent meetings, management meetings, "hands-on" by city senior management because each road and neighborhood is unique and different for a variety of reasons. He expressed concern for the number of meetings that they'll be pulled into as this process expands and the demands made on city management moving forward. **Mr. Destino** also expressed several concerns, as well as the administrative burden the betterments entail.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council approve the following a loan authorization of \$190,000 as follows:

Ordered: That the City of Gloucester appropriates One Hundred Ninety Thousand Dollars (\$190,000) to pay costs of permanent repairs, including paving to Souther Road, a private way in the City, 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(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one hundred percent (100%) of the amount needed to repay any borrowing pursuant to this order shall be raised in the first instance through the assessment of betterments upon the abutters of the private way, in accordance with MGL Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the city are authorized to take any and all actions necessary to assess the betterments described above, the term of which will not exceed 10 years, or such shorter time as proscribed by Massachusetts General Law. 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.

This matter is advertised for the City Council meeting of April 9, 2019.

4. Supplemental Appropriation-Budgetary Requests (2019-SA-32 & -33) from the CFO

Mr. Hale reported that the O'Maley Innovation Middle School building requires a fully functioning cooling system as the school has all fixed windows. He described the system as having two separate chillers. He reported that when the DPW took over the maintenance of the city's schools one of the O'Maley chillers didn't work, with the other chiller only working at one quarter of its capacity. The DPW rehabilitated the functioning chiller only to have other issues within the system. This past year through a loan authorization the DPW replaced all the pumps, controls and motors in the school's HVAC system. This last piece is for a new chiller which will come on line as soon as this loan authorization is approved before the warm weather starts. They can't run the school without the system, he pointed out.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council approve Supplemental Appropriation 2019-SA-32 in the amount of \$90,000.00 (Ninety Thousand Dollars) from the Building Maintenance Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to O'Maley Innovation Middle School HVAC System – Building Improvements, Account #770007-582003 for the purpose of funding building maintenance improvements to the O'Maley Innovation Middle School HVAC System.

Mr. Dunn advised this request for appropriation came through the DPW Director which is presented in one appropriation due to timing for garden improvements and an ADA (Americans with Disabilities Act) assessment. **Mr. Hale** noted that the western portion of Stacy Boulevard seawall project is now completed; the newly dedicated Avis Murray tennis courts are being reconstructed, and Generous Gardeners is taking over the Elizabeth Gordon Smith Garden, fundraising to redo the gardens. The city is offering labor to move trees and have obligated the city to install new walkways from the seawall up to Garden along with irrigation which is \$50,000.

He described the second piece at a cost of \$40,000, for the completion of a "504 Transition Plan." He explained that the city is mandated by the federal government to have an ADA Transition Plan which reviews areas to see what is non-compliant and create a plan to bring them into ADA compliance. He advised that the city funded the first part of the study through Chapter 90 money last year which looked at areas in the downtown, some places of worship and some schools. The second part through this appropriation will get the city its completion of the plan. This plan will qualify the city for grant funding annually of up to \$500,000 to aid in retrofitting some of these crosswalk ramps to make them compliant. With the plan, it makes the city a good candidate for the funding, he added, along with protection from lawsuits.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Cox) to recommend that the City Council approve Supplemental Appropriation 2019-SA-33 in the amount of \$90,000.00 (Ninety Thousand Dollars) from the Capital Projects Stabilization Fund-Undesignated Fund Balance, Account #7600-359000, to Stacy Boulevard Capital Projects Improvements – Site Improvements, Account #760023-584000 for the purpose of funding various capital improvements that includes Stacy Boulevard walkway improvements, ADA assessment and garden irrigation.

5. *Memo from City Auditor regarding accounts having expenditures which exceed their authorization & Auditor's Report and other related business*

Amit Chhayani, Assistant City Auditor, reviewed the previously submitted documentation with the Committee.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:58 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

Councilor Memhard recounted that this installation of a stop sign at the intersection of Hillside Road and Grapevine Road was a request by neighborhood residents as it is a public safety concern. He conveyed that the Traffic Commission reviewed this safety issue at its last meeting. He suggested streamlining the process for posting stop signs in the city by removing that action from the Code of Ordinances rather than having a three-step process of the Traffic Commission, then O&A and then to a Council public hearing with a 31 day waiting period after the Council's vote. He mentioned this was also a suggestion of the DPW Director.

Councilor LeBlanc advised that that if the Councilor wished to make a change in the Ordinance he can put in a Council Order to do so. He expressed agreement that this was a sensible installation of a stop sign.

Councilor Nolan noted he was at the location the previous evening observing the traffic, and highlighted that both roads are private which spoke to parking enforcement, but that the stop sign was clearly needed. **Councilor LeBlanc** pointed out it was a matter of public safety than parking. **Councilor Nolan** advised that he was in favor of the stop sign installation as it is needed.

Joanne M. Senos, City Clerk, reminded the Councilors that speed limits have been posted on private ways, and there are stop signs that assist in directing traffic. **Councilor Lundberg** suggested that private ways that are open to the public is something the Council, on matters of public safety, can control. **Mr. Destino** expressed agreement that private ways used by the public as through streets in matters of public safety enable the Council to take action.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO 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".

This matter will be advertised for public hearing.

3. CC2019011 (LeBlanc): Amend GCO Ch. 4 "Animals", Sec. 4-22 "Fees and penalties" re: payment of past due dog licenses

Councilor LeBlanc advised that in consultation with the City Clerk he put in this order with dog licensing season now underway.

Ms. Senos conveyed that what is before the Committee is modeled from the city of Salem's ordinance. She recounted the following: The City Clerk's office has issues with collecting on past due licenses, in this case from 2018. The dog licensing year runs April 30th to April 30th annually. She highlighted that after the summer season Animal Control does a great job giving warnings and citations to dog owners not licensing their dogs on time. There are still a few dog licenses that "fall through the cracks." By the time those dog owners come in to license their dogs, it is January or February. Those owners refuse to pay for a 2018 license when there are only a few scant months before the 2019 licenses are issued. For 2019, a ruling was made to not issue those new licenses before March 1st in an attempt to get those reluctant dog owners to obtain their late 2018 licenses. It was indicated that some dog owners complied, but others complain asking where does this fall within the Code of Ordinances that they have to get a 2018 license before they're issued a 2019 license. It was pointed out that Salem goes back three years before a current license can be issued, learned through a study through the Mass. Municipal Clerks. Some cities and towns charge a monthly late fee for any late licensed dogs. It was also noted that there was some success with dog owners paying the \$50 fine for not licensing their dog, those owners seemed to think that included their 2018 dog license fee, which, in fact, it did not. That \$50 goes to the Police Department account.

She advised she was requesting that the Council amend the Code of Ordinances so that she can refer dog owners to the Code of Ordinances, so that thereafter the City Clerk's office will not be issuing a new dog license until they pay for a dog license for the previous year.

Councilor LeBlanc pointed out this will keep people "honest" saying it is a good idea, saying that responsible dog owners will comply with the Ordinance. **Ms. Senos** noted that her office receives complaints that there are a lot of unlicensed dogs in the city, and this will aid her office in ensuring dogs are consistently licensed in the city.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 4 "Animals", Sec. 4-22 "Fees and penalties" subsection (b) by adding a second sentence as follows:

“(b) Late penalty, effective April 30, 1993. The owner shall pay a penalty of \$10.00 for any dog whose license fee has not been paid by April 30 of the current licensing renewal year. Any dog not licensed for the previous year will need to pay for a previous year’s license as well as the late fee of \$10.00.”

This matter will be advertised for public hearing.

4. Update on the City of Gloucester Beach Parking and Traffic Ad Hoc Committee Report of January 24, 2017

Mr. Destino submitted to the Committee a document entitled, “City of Gloucester Beach Parking and Traffic Ad Hoc Committee of the City Council’s Ordinances and Administration Committee, Established on 4/05/16, Draft of Recommendations developed from 4/29/16 through 11/26/16” which was placed on file (placed on file). He noted the Administration took all the recommendations seriously, and noted the responses of the Administration are viewed in red print, Items 1 through 38. He advised the city was able to implement a number of the suggestions; some are not feasible due to the costs involved. Most of the issues that make the most impact are around enforcement and having a police presence around certain areas at certain times. He conveyed the Administration has a meeting next week with the new Police Chief on this issue. He suggested that the majority of issues are at the height of the summer season, about 10 days. He highlighted that there is a limit to what they can do especially on Concord Street, and placement of police officers on overtime at locations such as the lights at Eastern Avenue, to assist traffic flow. He advised they’d like to place a patrolman on Concord and Atlantic Streets to get people to turn around, but pointed out that they can’t make vehicle owners turn around on a public street if they want to keep going even after they’ve been told a beach parking lot is full. He conveyed the city sent out over 30 Cease and Desist Orders for people who were parking cars at Long Beach, and up in the Wingaersheek Beach area. They do what they can with the city’s budget they have and put patrolmen where they can when they can, he pointed out. He advised that there was an audit on how they park cars, on how money is collected, noting the suggestion of allowing the use of credit cards for beach parking payment would speed the cars through the lines, but learned it would not. They will take another “hard look” at beach parking fees which were noted has not having been raised since 2016 (\$25 per vehicle weekdays, \$30 per vehicle weekends) suggesting a \$5 increase may be appropriate, and that they will take another look at the Ad Hoc Committee’s recommendations as well as they do every year, he assured.

Councilor LeBlanc mentioned the possibility the pre-purchase of parking passes for beach parking lots. **Mr. Destino** suggested that could cause more issues than it may be worth by creating the impression of a parking pass that entitles beachgoers to a reserved parking spot. As far as utilizing a shuttle, they don’t see it as a viable option. The beaches are full, he pointed out especially during high tides -- when the parking lot is full, the beach is full, he pointed out. They followed up, he added, and will continue to talk about this; but it is about getting patrolmen out on the road and that people need to understand that when the parking lots are full there just isn’t anywhere else to park. He mentioned former Ad Hoc Committee member Jeffrey Stonberg who resides near the bridge on Nautilus Road to Good Harbor Beach, a main entry way, who doesn’t want anyone to park there. He suggested even banning parking in and around that spot or severely limiting it, without stationing a parking enforcement officer there at all times, it wouldn’t happen. People will drop off and pick up in that location. He assured they followed up on these recommendations and would continue to do so.

Councilor O’Hara noted Item #26 regarding the large LED lighted sign asked to move it further south over the guardrail into the former Mt. Ann parking area to enable drivers to see the beach parking advisories sooner. **Mr. Destino** advised they look into it and ask MassDOT. He noted that the city now opens the beach parking lots earlier which help the situation.

Councilor Lundberg advised he asked to review the Beach Parking Ad Hoc Committee recommendations this now, in light of a group of residents who came forward and spoke under Oral Communications last July 10th. He noted the answer the Administration gave was that they had the Ad Hoc Committee’s recommendations and that some of them were implemented. He suggested what was implemented didn’t work based on the number of residents who spoke about traffic. He conveyed he wanted to ensure that the city has done everything they can, so that Ward Councilors with the beaches in their wards can say to the citizens everything that can be done has been done. **Mr. Destino** suggested that there were a number of things implemented that did work. He pointed out that Concord Street is a long, winding roadway to a beach, and that the only thing they can do is to station someone there to tell drivers to turn around when the beach is full, place signage but that the road will not be widened nor made one way. He noted that it is an issue of traffic control. He pointed out that they are trying to shut down illegal beach parking lots, implement a higher level of traffic control in that area.

Councilor O’Hara brought up the matter of the non-resident fee for a seasonal beach parking pass, Item #28. **Mr. Destino** advised they are considering raising that fee.

J.D. McEachern, former member of the Ad Hoc Committee, noted they came to a lot of conclusions, and that some people have to be realistic. He mentioned Cressy Beach at Stage Fort Park is a beach covered in ballast stones and suggested the stones could be removed because they're not indigenous which would make that beach a more popular place to go. **Mr. Destino** highlighted that there would be a lot of permitting, especially with MassDEP, in order to remove those stones.

Councilor LeBlanc highlighted the bulk of the issues are residents who live near the beaches being unable can't reasonably travel to and from their homes during the summer season. He agreed that busing people to the beach is a difficult proposition. **Councilor O'Hara** pointed out that for Crane's Beach there are satellite parking lots in the Town of Ipswich and they shuttle beachgoers to that beach.

Councilor Nolan pointed out that the issue is not Concord Street but Atlantic Street. The turnaround area is difficult, he conveyed. As to the private section of the Wingersheek Beach area utilizing them as a throughway (part of the Ad Hoc recommendations), he advised he had spoken to four of the five associations, and that it will never happen. Referring to the turnaround concrete areas at the base of Concord and Atlantic Streets to remove them would make it more cost effective for traffic flow which in essence creates four traffic islands, he pointed out. **Mr. Destino** conveyed if there was a police officer to direct traffic it would help. They discussed the turnaround situation and how vehicles could be better directed at Concord Street. It was suggested they tell people before reaching Causeway Street that the parking lot is full which will give people more options. **Councilor Nolan** also talked about raising the fees for parking which he conveyed may make a difference.

Councilor Memhard noted that progress has been made highlighting the increased penalties for on-street beach parking violations. Speaking to Mr. Stonberg's concerns, he described the two properties he owns adjacent to Nautilus Road, advised the gentleman witnesses some of the safety issues with drop off and pick up, children approaching ice cream trucks, etc., saying that a "No standing zone," may make a difference for that area. Proper signage, communication, amendments to the Ordinance and enforcement were essential, he pointed out.

Councilor Lundberg agreed that by providing the Councilors the opportunity to submit their suggestions and questions now, the Administration will be able have the opportunity to respond, and to decide if the suggestions can be implemented. **Councilor O'Hara** pointed out that most of what may be suggested or implemented likely wouldn't happen until the following summer season.

Councilor Memhard highlighted that the new Police Chief will perhaps offer a fresh perspective on these issues.

At the request of the Chair, an email would be sent to the City Council with the documentation provided by Mr. Destino soliciting the Council's suggestions and questions to be submitted to Mr. Destino by April 30th so that he may address those matters at the next O&A Committee meeting on Monday, May 6th.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:48 p.m.

Respectfully submitted,
Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **City of Gloucester Beach Parking and Traffic Ad Hoc Committee of the City Council's Ordinances and Administration Committee, Established on 4/05/16, Draft of Recommendations developed from 4/29/16 through 11/26/16**

Planning & Development Committee
Wednesday, April 3, 2019 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Sean Nolan (Alternate)

Absent: Councilor Lundberg

Also Present: None.

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

1. ***RZ2019-001: Rockport Road #28, Map 178, Lot 28 from EB (Extensive Business to R-10 (Medium/High Density Residential) - Also referred to the Planning Board (Cont'd from 03/06/19 & TBC 04/17/19)***

This matter is continued to April 17, 2019.

2. ***SCP2019-004: Fuller Street #356, Map 168, Lot 14, GZO Secs. 1.9, 3.1.6, 3.2.2 & 1.7 for a special permit to exceed the maximum allowable building height; decrease the minimum lot area per dwelling unit, and decrease the minimum open space per dwelling unit in the NB/R-20 district***

Attorney Mark Nestor, 45 Middle Street, representing the applicant, Beauport Shores, LLC, managers: Frank Rossetti, Tom Ciulla and John Frassica, who were present, made the following presentation with the managers' assistance:

This application is to raise the permissible height to 40 feet, and to reduce the open space and lot area per dwelling unit. Pointed out in submitted documentation on file was the status of the current condition of the structure that burned four years ago. At this location was a pizza take-out and eat-in restaurant at street level, and an office, and second and third floor apartments and a small shed on the property used for storage. There was a septic system at the back of the property along with some parking spaces. The applicants are seeking to rebuild the structure.

The prior plan had no off-street parking; a Zoning Board of Appeals decision allowed on-street parking for commercial and no off-street parking for residential. There was a ZBA decision from about 15 years ago that allows for the commercial space to utilize on-street parking and residential. The Board of Health proposed a complete renovation of the septic system which has been approved by the Board. The applicants went before the ZBA about two years ago and received permission to rebuild the premises with four condominium units above and two commercial spaces at street level. What is now proposed under a new plan is 12 parking spaces off street at the back of the property which will address all the parking for tenants and for the employees of the commercial business. There will still be on-street parking for customers, but access will be limited which means less pressure on Fuller Street parking.

The proposed structure will be a mixed use building. It was recounted that there was a meeting two months ago with the neighbors where the applicants presented their plan. A concern was expressed that the building should fit in with the historical nature of the area. As a result, before the Committee is a new rendering of the exterior of the building which showed recessed balconies on the Fuller Street side of the building (front elevation) with a new ADA compliant access. The left elevation of the building is on Norman Avenue which will have the take-out access for the pizza shop, whereas before there was only one access to the pizza shop from Fuller Street for both sit-down and take-out. It was suggested that this will reduce some of the traffic issues for pizza pick-up. Tony's Pizza was confirmed as returning to the ground floor of the new building to be a 20 seat restaurant. The ground floor now has one retail unit which is the restaurant. Instead of the former office space on the ground floor on the Fuller Street side of the building it will be replaced with two one-bedroom condominium units, about 600 square feet (sq.ft.) each. The first floor has two, two-bedroom units, about 1,300 sq.ft. with recessed balconies. There is a common stairway and an elevator. The second floor has two, two-bedroom units of about the same size as the first floor.

The Zoning Ordinance calls for 30 ft. height in that area, and it was pointed out that the building was previously on or about 35.8 feet. The applicant is seeking to have the new structure's height raised to a maximum of 40 feet. An issue raised by the neighbors was that they didn't want the building to appear "boxy." It is now an elevated, clear roof line. The former building, constructed about 1900 had lower ceilings, according to what was known, and so ceilings are raised to accommodate current heights. The building will have a new sprinkler system.

Tom Ciulla, contractor and applicant, advised the rendering (on file) shows a 40 ft. height with a pitched roof, making a better quality building for weather and aesthetics. At the former height, he suggested, it would likely force

them to use a flat roof in a signature area. **Mr. Nestor** conveyed that the applicant's engineer, John Judge, shot the current church behind the 35 Fuller Street, viewing from the corner of Norman Avenue and Fuller Street. The base elevation was 32.44 ft.; the peak elevation of the chapel was 77.47 ft. The new Fuller Street structure will come to 72', 44" when complete which is below the roofline of the church. He further conveyed for clarity sake at the request of **Councilor Gilman** that there is an accessory building which is being torn down per the 2018 ZBA decision. The building will go from the corner of Norman Avenue and Fuller Street to approximately the center of where that accessory building was located. He recounted that the project has the approval of the Board of Health, and the Planning Board. The number of dwelling units is increasing from four to six units which can be done by right, and the applicant is asking for some small relief for the lot area and open space per dwelling unit.

Frank Rossetti, Partner, noted that this building will be six to eight feet lower in height than the church which suggesting it will be a nice view for the people who will live in the building. **Mr. Nestor** noted that as a result of the neighborhood meeting their comments were taken into consideration and that this building now is more in conformance with the neighborhood.

Mr. Ciulla advised they see this location as important to Magnolia saying that they want to do this project right which is why they are asking for the relief through the Special Council Permit. By building a "hard lot" above the septic system designed to take vehicle weight, although costlier, it will be better for the neighborhood, he noted.

Mr. Nestor highlighted that this project will remove blight in a key intersection in Magnolia and a building will be built in conformance with the historic area, and adding six residential units in Magnolia.

Councilor Gilman asked how the applicant plans to limit the access to the parking on Fuller. **Mr. Nestor** noted under the old building there was one entrance on Fuller for the retail and take outs. Parking would be fought for on Fuller Street and so now they redesigned to channel take-out customers onto Norman Avenue and residents and retail won't compete with take-out parking. That traffic flow will now be on Norman Avenue. When Magnolia House of Pizza first opened, there were two 15-minute parking spaces. The problem is that the new owners of the variety store have significant customer traffic especially in the summer, and the customers are jockeying with Fuller Street residents for parking. It also causes issues with the turning radius for fire apparatus. Locating the dwelling units' parking at the rear of the Fuller Street property will help to reduce the struggle for on-street parking on Fuller Street as well as help minimize the impact of the restaurant parking. **Councilor Gilman** questioned the parking plan. **Mr. Nestor** advised that the dwelling units parking will be behind the building, entering and existing at Norman Avenue. The variety store customers "live park" on Fuller Street. He pointed out there are two 15-minute parking spaces. The nearest neighbor at 33 Fuller Street, about 300 ft. down the street, he noted, and they have a large yard on the left hand side of the building.

Mr. Nestor highlighted that the pizza shop will now contain 16 seats for customers in keeping with the limits of the Board of Health approved septic system. The septic permit expires in 2022, **Councilor Gilman** noted, and is enough for 12 bedrooms. **Mr. Rossetti** pointed out that it is 10 bedrooms and the restaurant's 16 seats. It was also pointed out that the plan was approved by the ZBA with no parking on the lot at all, and not with the septic system replaced. The changes were a decision of the partners, he conveyed. Parking over the approved septic system is allowed, designed to handle the weight of trucks, he noted. **Mr. Nestor** noted that the off-street parking went from four spaces to 12 spaces. There were a lot of questions asked but not a lot of concerns were expressed at the neighborhood meeting, he reported, on an inquiry by **Councilor Gilman**. The majority of the neighbors' concern was that the exterior design be in keeping with the historic nature of this Magnolia area. They changed the exterior and changed the roof line which is different from when they presented to the neighbors; the balconies are not overhanging but recessed, and architectural details such as molding and trim have been added to create more of a craftsman style look.

At the request of **Councilor Gilman**, **Mr. Nestor** reviewed the six criteria under GZO Sec. 1.8.3 of a Special Council Permit:

Social, economic and community needs: There will be six new residential units; the Magnolia House of Pizza will return to its former location;

Traffic Flow and Safety: There will be no impact on traffic flow as all parking will be off street which is a positive improvement over the former building's configuration which only had on-street parking;

Adequacy of Utilities and Public Services: The septic system will be new and improved and the building will be sprinkled;

Neighborhood Character & Social Structure: There are six new residential units to the neighborhood. The building is designed to complement the neighborhood character and will bring back the Magnolia House of Pizza (Tony's);

Qualities of the Natural Environment: With an improved drainage system and off-street parking it will improve the environment;

Fiscal Impact: Six additional dwelling units with the tax impact that goes with that, and a commercial restaurant which will also bring the city tax revenue, sales and excise tax.

Councilor Gilman asked if there had been a consideration to make one of the dwelling units affordable. **Mr. Nestor** noted he was an advocate for veterans' housing but that they are not required to create affordable housing units due to it being six units. He briefly touched on some of the affordable housing projects in the city, saying that the city really needs downtown veterans' housing units.

Councilor Gilman then allowed members of the public to ask questions only to the applicant through the Chair, reminding those in attendance this was not a public hearing.

QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

Attorney Meredith Fine, 46 Middle Street, representing Jerry McCarthy, owner of 31 & 33 Fuller Street, asked if the applicant would compare the square footage of the old building to the square footage of the new building. Counting the accessory building being removed, it is about another 3,000 sq. sf., and they addressed the issue of the project being too close to his property line. He conveyed it is 100 ft. from the new building to the property line and another 120 ft. from Mr. McCarthy's boundary line. The applicant agreed to provide arborvitae as screening at six ft. in height at installation and that will grow at least one ft. per year, which was Mr. McCarthy's preference over a stockade fence, he recounted. Parking would now be at the back of the building and as previously noted vehicles will enter and exit on Norman Avenue. **Ms. Fine** clarified her question to learning what the square footage of the original main building was. She asked to learn about the reduction of the minimum lot size per unit, and the application recounts that the proposed lot area per dwelling is 10,000 sq.ft. and the proposal is for 9,583 sq.ft. **Mr. Nestor** responded that was on the advice of the Building Inspector as what he needed for their calculations in requesting the reduction of square footage of lot space per dwelling unit, and the Building Inspector reviewed the application before submittal. **Ms. Fine** asked if the Committee would consider following up on that estimate suggesting it was a questionable calculation. She then asked if this were a new restaurant what would the required minimum parking for it.

The Committee recessed at 6:10 and resumed at 6:15 p.m.

Mr. Nestor conveyed that the best estimate for all three floors of the former building was 5,611 sq. ft. and the developers plan on taking out the accessory building of 282 sq. ft. Therefore, to answer Ms. Fine's previous question, the prior existing building was approximately 6,000 feet in total. The square footage for the new building is approximately 8,400 sq. ft. He then addressed the parking for the restaurant. He advised they are only required to have parking for one space per dwelling unit. The restaurant will be 18 seats. They are grandfathered in a ZBA decision of May 26, 1983 which allowed them to have on-street parking to service the restaurant. There is no requirement to calculate the restaurant for off-street parking, he pointed out.

Isabella Jackson, 4 Norman Avenue, asked how much bigger the footprint is than the previous building. **Mr. Ciulla** noted the original dwelling was approximately 6,000 square feet and was 35.8 ft. in height. **Frank Rossetti**, partner, noted the former footprint is about 1,870 sq. ft. is the footprint plus the 282 sq. ft. of the accessory building which is 2,152 sq. ft. **Mr. Ciulla** advised the old footprint would have been 40 ft. deep on Norman Avenue and 50 feet on Fuller Street. The new building will be 70 ft. on Fuller Street and on Norman Avenue the footage remains unchanged at 40 ft. on Norman Avenue, making it an overall 20 ft. increase to the footprint to the building at the front elevation. **John Frassica**, partner, with **Mr. Ciulla**, advised while the building extends 20 ft. further, it only extends part way through the existing accessory building that is being removed. While the length of the building is increasing, the total length from the Norman Avenue side to the right-hand side of the existing elevation of the accessory building on Fuller Street will be shortened. The additional 20 ft. is from a gap that existed to the left-hand elevation of the still existing accessory building and that building would extend 20 ft. approximately to its right-hand elevation on Fuller Street. The new building will only go an additional 20 ft. from where the prior building was, only partially of the way through the footprint of the existing accessory building that will be removed. Overall the length is actually shrinking about 7-10 ft. **Ms. Jackson** asked if there would be two or one entrances to the parking lot. The entrance and exit to the parking lot will be from Norman Avenue and is the only access to it.

Susan Dalton, 5 Norman Avenue, submitted to the Committee a 8½" picture from her property towards 35 Fuller Street and asked why the building has to be higher than it formerly was suggesting the new building will shadow her house and compromise her view. **Mr. Nestor** noted the Dalton residence is on Norman Avenue. The Congregational Church is between the proposed building on the corner of Fuller Street and Norman Avenue. The Church when shot from the street is standing 77 feet so that the new building is less the height of that building and it is the Church that would shadow Ms. Dalton's property which is two lots past the applicants' property. He conveyed that normally in dealing with shadowing, it is for a building right next to the subject building is two lots down, about

100 feet from Ms. Dalton's dwelling. He suggested that shadowing of Ms. Dalton's residence two lots "down" would be an issue.

Jean McCafferty, 26 Fuller Street, asked for the elevation of the church to be pointed out in comparison to the elevation of the new proposed building. **Mr. Ciulla**, using a laser pointer, highlighted the Church roof elevation and noted a rough estimate for the height of 35 Fuller Street would be just above the gutter line of the Church. **Mr. Nestor** noted the elevation of 35 Fuller Street to be 5.47 feet lower than the peak of the Union Congregational Church. The Congregational Church "looms over" the proposed building. The original building height was about 35.8 ft., it was noted, and the difference to the new height of 40 feet is then a difference of 4.2 ft. **Mr. Rossetti** noted the roof line will show sky above the building. If lowered to 35 feet they would see trees and have no view other than the top of the tree. It is not much of a change, he noted.

Leslie Hickey, 1 Magnolia Avenue, noted that there six dwelling units, of which are two bedroom, and asked if there any stipulation that the restaurant will always be Tony's, and are they accommodating all the take-out of the restaurant with on-street parking. **Councilor Gilman** advised no one can make a firm commitment it will always be Tony's. **Mr. Nestor** noted the property is zoned Neighborhood Business. He confirmed it is their expectation that it will be Tony's that goes into the commercial restaurant space.

Councilor Holmgren noted that if at some point Tony's closes, will the current restrictions apply to another restaurant in the current space. **Mr. Nestor** conveyed that the 1983 ZBA decision allowed for on-street parking for the restaurant. **Ms. Hickey** asked that because of where the take out is, would they expect that the Kettle Cove parking lot be affected. **Mr. Nestor** suggested it wouldn't because they are diverting take-out parking away Hesperus Avenue and Kettle Cove parking; the amount of standing traffic is only there for five to ten minutes. They are trying to divert traffic as much as they can to keep the front of Fuller Street for sit-down retail customers. He highlighted that they are down to 16 seats for the restaurant, which is a 25% drop in seats from the former restaurant installation. **Lisa DiMecurio**, 8 Bradley Road, Danvers, co-owner of the pizza restaurant, noted that the parking where the take out will restrict parking for take-out traffic only. Previously those parking spaces were taken up by employees who parked in them all day and suggested this situation would be much better than before.

Ms. Fine asked for clarification of the number of seats of the restaurant. **Mr. Nestor** advised a schematic of the restaurant (on file) shows 16 seats, with eight tables. **Ms. Fine** asked when the number of dwelling units was increased from two to four units. She conveyed that Mr. McCarthy researched the building records it was his impression the previous building was only permitted for two dwelling units. **Mr. Nestor** advised it was his understanding there were always four dwelling units in the building on the first and second floors. He recounted that when they went before the ZBA in 2016 they converted those dwelling units into condominiums and then in conversation with the Building Inspector because they are under the seven dwelling unit limit, the applicant by right can go from four to six dwelling units per the Building Inspector.

Ms. Dalton, noting the 12 parking spaces, asked if there is any consideration for run off from the paving of the new parking area. **Mr. Nestor** advised that they went before the Planning Board and addressed that issue. The Board was satisfied that the applicants were addressing all the run-off from the property which is incorporated into the plan, and so received the Board's approval for it (on file).

COUNCILOR QUESTIONS AND DISCUSSION:

Councilor Nolan advised he was listening to the new questions from residents dealing with height and other concerns, saying that he has had no calls expressing concerns from constituents of Ward 5 about this project. He expressed his opinion that this will be a better situation with more off-street parking, noting that Fuller Street and Norman Avenue are 24 hours a day on-street parking which has always worked. He conveyed he didn't see that this will cause more traffic than a function at the Church. Speaking to the concern of Ms. Dalton about her view, he noted he grew up at 8 Norman Avenue, even if the building went to 35 ft. which the ZBA could approve, Ms. Dalton is losing a view that she only had since the building burned. With the four ft. difference that could be the difference of seeing the flat roof of Ocean Terrace or from something that is architecturally consistent with the area. He pointed out he met with neighbors and has spoken with the developers and had no further questions. Councilor Holmgren offered her agreement with Councilor Nolan's expressed view.

Councilor Gilman expressed she would appreciate a site visit in order to better view the subject property and the requested relief, including observing the neighborhood character. The Committee agreed there would be a Site Visit on Thursday, April 11 at 3:00 p.m., meeting at the corner of Norman Avenue and Fuller Street, rain or shine.

Councilor Gilman noted that the Committee would not be deliberating at the site visit, only asking questions of the applicant for clarification. She welcomed members of the public to join the site visit if there was an interest.

This matter is continued to April 17, 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 03/06/19)*

Councilor Gilman noted she spoke with Councilor Lundberg regarding her Council Order, advising that at the last O&A Committee meeting progress was made, and to continue this matter on the P&D agenda is a duplication of effort. She advised they agreed that this matter will now go forward to be solely vetted by the Ordinances & Administration Committee.

This matter is closed.

4. *CC2019-013 (Lundberg): Establishment of an Ad Hoc Advisory Committee re: Assisted Living Residence at Gloucester Crossing*

Councilor Gilman advised that Councilor Lundberg asked that his order be withdrawn.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2019-013 (Lundberg): Establishment of an Ad Hoc Advisory Committee re: Assisted Living Residence at Gloucester Crossing without prejudice.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:53 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- 8½" x 11" photographic rendering from 5 Norman Avenue towards 35 Fuller Street submitted by Susan Dalton, of 5 Norman Avenue



GLOUCESTER CITY COUNCIL 2019 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2019-015
SUBJECT: RZ2019-001: Rezoning of property located at 28 Rockport Road, Assessors Map 178, Lot 28 from EB (Extensive Business) to R-10 (Medium/High Density Residential)

DATE OPENED: 4/9/2019
CONTINUED TO: 4/23/2019
CONTINUED FROM:
COMMITTEE: P&D 2/20/2019, 3/6/2019, 4/3/2019

**REZONING/28 ROCKPORT ROAD
LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

Pursuant to MGL.Ch. 40A, Section 5, and Section 1.11 of the Gloucester Zoning Ordinance, the Gloucester City Council will hold a public hearing on **Tuesday, April 9, 2019 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall, 9 Dale Avenue**, to consider the following petition to amend the Zoning Map and Zoning Ordinance as follows:

Rezoning of property located at 28 Rockport Road (Assessors Map 178, Lot 28) from EB (Extensive Business) to R-10 (Medium/High Density Residential).

The complete application is available for review during regular business hours at the City Clerk's Office, 9 Dale Avenue, and at the Community Development Office, 3 Pond Road. At the public hearing, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Joanne M. Senos, City Clerk

AD#13780555
Cape Ann Beacon 3/22, 3/29/19

THIS PUBLIC HEARING WILL BE OPENED & CONTINUED TO THE APRIL 23, 2019 CITY COUNCIL MEETING



GLOUCESTER CITY COUNCIL 2019 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2019- 016
SUBJECT: Loan Order 2019-002: Loan Authorization in the amount of \$190,000 to pay costs of permanent repairs, including paving to Souther Road, a private way in the City

DATE OPENED: 4/9/2019
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: B&F 4/4/2019

NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **Tuesday, April 9, 2019 at 7:00 p.m.** in the Kyrouz Auditorium, City Hall, relative to the following **Loan Authorization:**

ORDERED That the City of Gloucester appropriates One Hundred Ninety Thousand Dollars (\$190,000) to pay costs of permanent repairs, including paving to Souther Road, a private way in the City, 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(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one hundred percent (100%) of the amount needed to repay any borrowing pursuant to this order shall be raised in the first instance through the assessment of betterments upon the abutters of the private way, in accordance with M.G.L. Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the city are authorized to take any and all actions necessary to assess the betterments described above, the term of which will not exceed 10 years, or such shorter time as proscribed by Massachusetts General Law. 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.

At the public hearing, all interested persons will have the opportunity to be heard. All written communications to the Council must be received by the office of the City Clerk no later than 3 business days (excluding holidays and weekends) prior to the scheduled hearing date or any continuation by the Council of such date in order to be considered by the Council as part of the public hearing.

By Vote of the City Council
Joanne M. Senos, City Clerk
GT - 3/29/19

Budget & Finance Committee
 Thursday, April 4, 2019 – 5:30 p.m.
 1st Fl. Council Conference Room – City Hall
 -Minutes-

Present: Vice Chair, Scott Memhard; Councilor Ken Hecht

Absent: Councilor Cox

Also Present: Councilor Lundberg (entered the meeting at 5:48 p.m.); Amit Chhayani; Jim Destino; John Dunn; Mike Hale Adam Curcuru; Vanessa Krawyck

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

1. *Memorandum from Director of Veterans Services re: acceptance of donations in the amount of \$387*

Adam Curcuru, Director of Veterans' Services, advised that Cape Ann Veterans' Services is in receipt of two donations, noting that they have great support from the community for a total of \$387.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council accept under MGL c. 44, §53A, donations from members and business partners to the Cape Ann Office of Veterans' Services for the purpose of supporting on-going efforts to serve Veterans and Active Duty military for a total of \$387.00 as follows:

<u>Name/Entity</u>	<u>Dollar Amount</u>	<u>Date Received</u>
Andrew and Ann Kouiletis	\$100.00	02/01/2019
Third Annisquam Parish	\$287.00	01/14/2019
TOTAL:	\$387.00	

2. *Memorandum, Grant Application & Checklist from the Planning Director re: FY2020 Green Communities Competitive Grant in the amount of \$144,331 with a \$50,000 match from the city (Grant Application)--for information only*

The application documentation for the FY2020 Green Communities Competitive Grant is for information only and was placed on file.

→ 3. *Memorandum from CFO re: loan authorization request in the amount of \$190,000 for the Souther Road paving betterment*

John Dunn, CFO, advised that this loan authorization is funding for the road paving betterment project for Souther Road which is the final part of the Ordinance process. He noted that as is his practice, he rounded up the dollar amount for the loan authorization to allow leeway for any contingencies. He reminded the Committee that even though the city may allow betterment repayments up to a 10-year period, the city must pay the loan back over a five-year period which has to do with the change in borrowing laws. A number of abutters involved in these projects pay up front, about 30% to 50%, depending on the size of the assessment, he confirmed to Councilor Hecht.

Mike Hale, DPW Director, responding to a series of questions from Councilor Hecht, advised that about ready to close out is the betterment project for Nashua Avenue at a cost of \$200,000, Englewood Road and Lake Avenues are next up in the betterment queue at a cost of \$300,000. He noted that Souther Road is joining the queue, and the Brier Neck neighborhood is still going through planning efforts to determine what needs to be done, which is complicated for a number of reasons, a few of which he touched on briefly. Additionally, Mr. Dunn described the complexity of the city's role in betterment financing noting that the city pays the cost up front. There are tax implications for the city on the back end of these projects, and that from an accounting standpoint, betterments are difficult to process and track. He cautioned the Committee about the number of projects they've opened a door to as there will be a point where the city will have to reexamine just how many projects they can oversee and finance because of the accounting and financial implications for the city. Mr. Destino also participated in the conversation.

Councilor Memhard conveyed the concern of the Souther Road abutters that the loan order was for \$190,000 as they approved a project estimated at \$157,000. **Mr. Hale** responded by saying that the original request was for a price for Souther Road and for a portion of Brier Road, the section of Brier Road that goes towards the water. His department provided an itemized price for Souther Road and then an add-on for Brier Road. He advised that all the correspondence he received from this group refers to the Souther Road/Brier Road project. Noting he was not at the meeting for the vote and not knowing that the abutters didn't take up Brier Road at all, the price would be \$168,000 for Souther Road -- \$158,000 for construction costs and \$10,000 for contingencies, about 8% over the base cost which is the traditional "hold" for all paving projects. **Mr. Dunn** added that the betterment that gets assessed to the property owners is whatever the project costs. He pointed out that if they wanted it was okay for the Council to amend the loan order and reduce it to \$168,000 but that means it's all the funding the city has for the project. If for any reason they're short of money, and several feet remain to be paved, they're done and it can't be helped. He reminded the Committee that he doesn't borrow the funds until Mr. Hale advises that a project is finished. If at the end of the project it comes to the total of \$168,000 that is what he goes out and borrows for the final debt. The betterments will be \$168,000. **Councilor Memhard** clarified that Mr. Hale and Mr. Dunn won't know what the final cost is until it is completed. The first bill to abutters will go out nine months to a year from completion, he indicated. **Mr. Hale** conveyed that in his estimation that abutters likely won't receive the betterment payment request until the first tax bill of 2021 based on the timing of this two-season project -- with binder laid down this year and the top laid next year. **Mr. Dunn** explained that the first betterment bill doesn't appear until the third-quarter tax bill of each year, which is by law. By way of example, the project ends in January; the first bill will be a year from then. It depends on the timing of when the project ends and when the recording is done at the Registry of Deeds, as well as how it works on the tax billing cycle. Betterments are difficult to administer from an administrative standpoint, he pointed out, but assured that the Treasurer/Collectors Office has it well in hand.

Councilor Memhard noted these betterment projects reflect a great deal of work in terms of constituent meetings, management meetings, "hands-on" by city senior management because each road and neighborhood is unique and different for a variety of reasons. He expressed concern for the number of meetings that they'll be pulled into as this process expands and the demands made on city management moving forward. **Mr. Destino** also expressed several concerns, as well as the administrative burden the betterments entail.

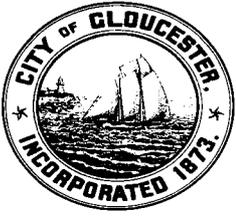
COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council approve the following a loan authorization of \$190,000 as follows:

Ordered: That the City of Gloucester appropriates One Hundred Ninety Thousand Dollars (\$190,000) to pay costs of permanent repairs, including paving to Souther Road, a private way in the City, 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(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one hundred percent (100%) of the amount needed to repay any borrowing pursuant to this order shall be raised in the first instance through the assessment of betterments upon the abutters of the private way, in accordance with MGL Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the city are authorized to take any and all actions necessary to assess the betterments described above, the term of which will not exceed 10 years, or such shorter time as proscribed by Massachusetts General Law. 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.

This matter is advertised for the City Council meeting of April 9, 2019.

4. Supplemental Appropriation-Budgetary Requests (2019-SA-32 & -33) from the CFO



GLOUCESTER CITY COUNCIL 2019 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2019-017
SUBJECT: Amend GCO Ch. 10 "Waterways" Sec. 10-52 "Use of public landings" by ADDING new subsection (c) "Kayak and Paddle Board Storage" AND reletter the remaining subsections and insert the language "and storage of kayaks and paddle boards" in relettered subsection (h)

DATE OPENED: 4/9/2019
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 3/18/2019

NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, April 9, 2019**, at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

→ **AMEND GCO Ch. 10 "Waterways" Sec. 10-52 "Use of public landings" by:** ADDING new subsection (c) "Kayak and Paddle Board Storage. The Harbormaster may permit the seasonal storage of kayaks and paddle boards of appropriate size to be stored in racks provided by the Waterways Board at portions of any Public Landing so designated by the Waterways Board, provided that the fee set forth below has been paid. Such permitted vessels shall be marked by an official sticker on the aft, top portion of the kayak or paddle board." AND reletter the remaining subsections and insert the language, "and storage of kayaks and paddle boards" in relettered subsection (h).

AMEND GCO Ch. 2 "Administration" Division 8 "Human Rights Commission" as follows:

"Sec. 2-499. - Purposes.

(2) Assist persons in the city who believe that their human or civil rights, as defined by existing local, commonwealth and federal law, have been violated in the city, by providing offering voluntary and independent mediation for all parties concerned in a confidential setting, and informing such people of the local, commonwealth and federal agencies available to address their grievances; and...."

Sec. 2-500. - Powers and duties.

(3) To provide a public forum in which citizens may identify specific barriers that may prevent them from taking advantage of city programs, policies, and facilities. The commission may advise the mayor on any recommended corrective actions, for hearing complaints and answers thereto in matters of alleged discrimination, and to resolve such complaints by mediation. No party to any alleged discrimination shall be compelled to appear before the commission, nor such party be compelled to submit to mediation."

Amend GCO Ch. 24 "Vegetation", Article II "City Plantings Committee" by: DELETING Article II "City Plantings Committee" in its entirety.

At the public hearings, all interested persons will have the opportunity to be heard based on procedures determined by the Council.

By Vote of the City Council
Joanne M. Senos, City Clerk

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Francena Monell-Simard to the Shellfish Advisory Commission, TTE 02/14/22.

Reappointments to Boards, Committees & Commissions:

Downtown Development Commission

Robert K. Whitmarsh (Cont'd from 01/14/19)

TTE 02/14/22

Mr. Whitmarsh acknowledged he wish to continue as a member of the Downtown Development Commission, mentioning that the DDC hadn't been meeting as frequently of late due to several factors over the winter. He touched on several aspects that are evolving for the DDC with more city involvement. He recounted that the DDC brings merchants together on issues, beautifies the downtown by working with the DPW on banner installation on light poles as well as seasonal hanging floral baskets. He noted he is a business owner in the downtown also. He expressed concern for a lack of funding for projects that they may want to take on moving forward.

Councilor Nolan noted that Mr. Whitmarsh has been involved with the city for many years, thanking him for his service.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Robert K. Whitmarsh to the Downtown Development Commission, TTE 02/14/22.

→ **2. Memorandum from Harbormaster re: request amendment to GCO Ch. 10 "Waterways Administration" Section 10-52 "Use of public landings" re: kayaks**

Assistant Harbormaster Chad Johnson reviewed Code of Ordinances Ch. 10 amendments for the Council's consideration regarding the placement of new kayak racks at various public landings. He reported that three kayak racks are built to be installed at Magnolia Beach (across from the Fire Station), Rocky Neck/Smith Cove and Lane's Cove. Depending on interest, he advised, the Harbormaster's Department will go to a lottery system to issue the decals if there is more interest than space in the racks. He noted a kayak slot in the racks will cost \$100 per kayak per season. A decal like the city's mooring decal will be issued which must be affixed to the kayaks, and owners will be given a packet of information upon receipt of the decal, available through the Harbormaster's office, he noted.

Councilor Nolan noted that if kayaks aren't stored in the racks and left, those kayaks are subject to confiscation by the Harbormasters as noted in the amended ordinance, and the owner fined. **Mr. Johnson** confirmed that will be the case as it says in the language and that the Harbormasters will bring the confiscated kayak to their Harbor Loop office. Responding to an inquiry by **Councilor LeBlanc**, **Mr. Johnson** assured signage for this new feature will be posted appropriately.

Councilor LeBlanc, the Council's liaison to the Waterways Board, advised that this matter was vetted by the Board and expressed his support saying it was a great idea. The lumber was paid for by the Harbormaster's Department and the racks were built by the GHS carpentry shop, he noted.

Councilor Gilman asked about the lottery for a decal. **Mr. Johnson** advised that once the ordinance is approved, they'll advertise for a certain period of time for the kayak racks availability and ask people to register. If there are more people registered than available space, they will move to a randomized lottery system. Those who don't get a spot will go on a waiting list and be handled just like the mooring permit list per the ordinance, first right of refusal, as well as all other issues that may arise.

Jim Destino, CAO, advised they are starting out with only three kayak racks to see how it goes. Speaking about the kayak rack for Magnolia Beach, he pointed out this is a partnership with Manchester saying that kayaks will not be allowed to be left on that beach or randomly in the water when not in use. This will allow better access for mooring holders and provide a safe and secure storage for kayak owners. **Mr. Johnson** advised on an inquiry by **Councilor LeBlanc** as to whether these spots on the racks are limited to Gloucester residents only, that the kayak ordinance follows the same process as the ordinance for moorings -- they can't restrict who can apply for a mooring. **Councilor Gilman** asked if the Harbormaster's office will be allowed to fine kayaks that don't have a registration decal. **Mr. Johnson** advised it is in the ordinance. **Councilor LeBlanc** clarified that the fine will be for only kayaks registered for the kayak storage racks. There is no federal or state statute that requires kayaks be registered, **Mr. Johnson** added.

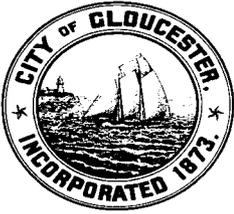
COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 10 "Waterways Administration", Sec. 10-52. - "Use of public landings." as follows:

"Sec. 10-52. - Use of public landings.

- (b) *Tie-up period.* No owner nor anyone else in charge of or operating a vessel of any description, shall use the head of any float moored or attached to any public landing for any greater period of time than ordinarily and reasonable required to load or unload the passengers or occupants of any such vessel, together with whatever merchandise might accompany or be in the possession of the persons or passengers alighting therefrom. In no case shall any vessel be tied to the head of a public landing float for more than 30 minutes except by permission of the harbormaster. However, dinghies, tenders and other auxiliary vessels less than 12 feet in length, used by mooring holders or transient boaters, may be tied up at the sides of undedicated floats at public landings for up to four hours while the owners thereof are purchasing goods and services. No such auxiliary vessel shall block the head of a float or interfere with permitted activities. The harbormaster may permit the seasonal tie-up of dinghies, tenders or other auxiliary vessels less than 12 feet in length at portions of any public landing so designated by the waterways board, provided that the fee set forth in subsection (~~g~~) (h) of this section has been paid. Such permitted vessel shall be marked by an official sticker on their transoms.
- (c) *Kayak and Paddle Board Storage.* The Harbormaster may permit the seasonal storage of kayaks and paddle boards of appropriate size to be stored in racks provided by the Waterway Board at portions of any Public Landing so designated by the Waterways Board, provided that the fee set forth below has been paid. Such permitted vessels shall be marked by an official sticker on the aft, top portion of the kayak or paddle board.
- (ed) *Conducting business or soliciting.* It shall be unlawful for any person to conduct any business, including vending on or from a public landing. The sale of tickets or the solicitation of passengers in any other manner for boat or fishing trips from any public landing is prohibited. However, any person operating a harbor sail, ferry, excursion vessel, vessel livery or party fishing vessel but maintaining a wharf headquarters or principal place of business elsewhere, may use a public landing as a port-of-call and may discharge or take-on passengers. The vessels engaged in such ventures shall not lie at any float at a public landing longer than shall be ordinarily and reasonable necessary for their occupants, passengers or customers to board or alight therefrom, and shall not block or otherwise interfere with other permitted activities.
- (de) *Other prohibited activities.* No person shall clean fish, or leave ropes, lobster pots, barrels, rocks, bricks, boards or any other material on any public landing, or launching ramps, floats or piers thereof, for longer than is reasonable necessary in the act of loading or unloading the same onto or from vessels, unless authorized by the harbormaster. No person shall load or unload lobster pots, bait, or other gear on or from any public landing, or floats, wharfs or piers thereof, except those designated by the waterways board. No vessels, vehicles or trailers may be stored on any public landing.
- (ef) *Encroachment.* No person shall encroach upon a public landing in any way.
- (fg) *Restrictions on hours.* Stone Pier and Long Wharf shall be closed to prohibit all activities between the hours of 10:00 p.m. and 4:00 a.m. Any use of this area between the prohibited hours shall constitute trespassing, a violation of section 14-6. Any person who violates said ordinance shall be subject to arrest under section 14-6 and/or fined pursuant to section 1-14. The city will use reasonable and practicable means to inform the public of such curfew. Further, this section is not intended to conflict with or supersede the authority of the conservation commission or any rules enacted by them under their M.G.L. c. 40, § 8C, powers.
- (gh) *Fees.* The annual fee for the seasonal tie-up of dinghies, tenders or other auxiliary vessels, less than 12 feet in length, and storage of kayaks and paddle boards at designated areas of public landings shall be \$100.00.

This matter will be advertised for public hearing for April 9, 2019.

3. Application of James Santapaola & Andrew Santapaola for a Floating Fish Trap Permit



GLOUCESTER CITY COUNCIL 2019 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2019-018
SUBJECT: Amend GCO Ch. 2 "Administration" Division 8 "Human Rights Commission," Sec. 2-499 "Purposes" subsection (2) and Sec. 2-500 "Powers and duties" subsection (3)

DATE OPENED: 4/9/2019
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 3/18/2019

NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, April 9, 2019**, at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

AMEND GCO Ch. 10 "Waterways" Sec. 10-52 "Use of public landings" by: ADDING new subsection (c) "*Kayak and Paddle Board Storage*. The Harbormaster may permit the seasonal storage of kayaks and paddle boards of appropriate size to be stored in racks provided by the Waterways Board at portions of any Public Landing so designated by the Waterways Board, provided that the fee set forth below has been paid. Such permitted vessels shall be marked by an official sticker on the aft, top portion of the kayak or paddle board." AND reletter the remaining subsections and insert the language, "and storage of kayaks and paddle boards" in relettered subsection (h).

→ **AMEND GCO Ch. 2 "Administration" Division 8 "Human Rights Commission" as follows:**

"Sec. 2-499. - Purposes.

(2) Assist persons in the city who believe that their human or civil rights, as defined by existing local, commonwealth and federal law, have been violated in the city, by ~~providing~~ offering voluntary and independent mediation for all parties concerned in a confidential setting, and informing such people of the local, commonwealth and federal agencies available to address their grievances; and...."

Sec. 2-500. - Powers and duties.

(3) ~~To provide a public forum in which citizens may identify specific barriers that may prevent them from taking advantage of city programs, policies, and facilities. The commission may advise the mayor on any recommended corrective actions, for hearing complaints and answers thereto in matters of alleged discrimination, and to resolve such complaints by mediation. No party to any alleged discrimination shall be compelled to appear before the commission, nor such party be compelled to submit to mediation.~~

Amend GCO Ch. 24 "Vegetation", Article II "City Plantings Committee" by: DELETING Article II "City Plantings Committee" in its entirety.

At the public hearings, all interested persons will have the opportunity to be heard based on procedures determined by the Council.

By Vote of the City Council
Joanne M. Senos, City Clerk

James Santapaola, Applicant, (and **Andrew Santapaola**, Co-Applicant), explained that this is one of the oldest methods of fishing there is today. He described it as a “fence” that runs out with a trap that funnels fish into it, similar in construction to a lobster pot, and is hauled up with a dory. He advised the trap is anchored to the bottom, with the trap being tended every day. As these are live fish, any fish caught that shouldn’t be taken can be tossed back. This trap will be off of Black Bess (located in the outer harbor off of Eastern Point), and will be not only anchored but buoyed by at least 15 small high flyers to make the area of the trap highly visible. **Mr. Destino** engaged in a brief discussion with **Mr. Santapaola** on the particulars of the trap dimensions, location of the trap and types of fish being caught. **Assistant Harbormaster Johnson** advised the location has to be registered, but that this is a historical site for fish traps and is charted. **Mr. Santapaola** pointed out the biggest problem is when someone anchors in the trap, adding his father fished by this method and that he grew up doing this type of fishing.

Joanne M. Senos, City Clerk, advised that through research she did find a similar application in 1945. She added that even though the Council approves this application, the Santapaolas’ must still go to the state for the final permitting for the location.

Councilor LeBlanc noted that this matter was referred out to the Waterways Board that approved this application with two conditions: 1) correct the coordinates on the application, which has been done; and 2) that the Fisheries Commission reviews this application as well. He noted that the Commission will take up this matter on Thursday, March 21st. He urged the Committee to approve the application, and that they’ll have the Fisheries Commission recommendation in hand by the time this matter comes before the Council on March 26.

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 approve the Application of James Santapaola and Andrew Santapaola to construct and maintain a weir, pound net or fish trap in the tidal waters within the limits of the City of Gloucester with the condition that a positive recommendation of the Fisheries Commission is in hand by Tuesday, March 26, 2019.

This matter will come forward under the O&A Committee Report.

→ 4. *Memorandum from Human Resources Director re: re-activation of the city’s Human Rights Commission*

Donna Leete, Human Resources Director, provided the Committee with the following narrative: Last summer she and the Mayor had a student intern assigned to Human Resources to investigate a proposal received from a Gloucester citizen regarding the establishment of a new disabilities rights ordinance. In doing their research and evaluating the provisions of state statute that supported the disabilities rights ordinance, it was realized that they wanted to put the whole issue of disability rights under the umbrella of Human Rights. There is a Human Rights Commission under the Code of Ordinances that hadn’t been activated in many years. The Mayor wanted to make a firm statement regarding her belief in equal rights for all city services and programs for all citizens in the community which became the highest priority. The ordinance needs to be clear on all members of the community in protected classes who are entitled to enjoy all of the rights and services with no discrimination, including race, color, national origin, age, religion, gender, sexual orientation, gender identity, genetic information, marital status, and veteran status, all protected by federal law. The Mayor is committed to build city values in a workplace culture based on dignity respect and tolerance for all. These were the goals in 1994 when Mayor Tobey sponsored the Human Rights Commission -- to foster a greater understanding for diversity -- having tolerance for those with different opinions. The city has a “proud” history of protecting the rights of those with disabilities but they want this to be for the rights of all.

Ms. Leete recounted that last year the Mayor had her coordinate training on preventing harassment in the workplace which continues this year with a hope to expand the training to boards and commission and elected officials. By the reactivation of the Human Rights Commission, the city would have a way for such initiatives to come forward and be activated throughout the community. She advised they want an atmosphere that eliminates intolerance, prejudice or discrimination as well as to have a public forum where people could identify specific barriers that might have come forward to prevent their access to any city service or program. She pointed out that the Commission will be advising the Mayor on any corrective action that needs to be taken.

The proposed revisions for the Human Rights Commission (on file) ordinance was then reviewed as follows by **Ms. Leete**:

Sec. 2-499. - Purposes.

(2) Assist persons in the city who believe that their human or civil rights, as defined by existing local, commonwealth and federal law, have been violated in the city, by ~~providing~~ offering voluntary and independent mediation for all parties concerned in a confidential setting, and informing such people of the local, commonwealth and federal agencies available to address their grievances; and..."

Ms. Leete conveyed the amendments to subsection (2), in Sec. 2-499 stemmed from her concern that the Human Rights Commission might be seen as the place to go to provide voluntary mediation which would happen in a public meeting which "flies in the face" of the purpose of any successful mediation. This would be for the purpose of referring people to appropriate services in a private, confidential setting which would be most effective.

Sec. 2-500. - Powers and duties.

(3) To provide a public forum in which citizens may identify specific barriers that may prevent them from taking advantage of city programs, policies, and facilities. The commission may advise the mayor on any recommended corrective actions. for hearing complaints and answers thereto in matters of alleged discrimination, and to resolve such complaints by mediation. No party to any alleged discrimination shall be compelled to appear before the commission, nor such party be compelled to submit to mediation.

Ms. Leete advised that discrimination complaints wouldn't be necessarily heard by the Commission but that the Commission would be a referral source for such allegations for discrimination. What would be more useful, she conveyed, was the substitute language to provide a public forum, as the revised language indicates. This is clearly an advisory committee which would advise the Mayor of any corrective actions needed rather than taking them on themselves. She asked for the Committee's approval.

Councilor Gilman expressed her agreement with the "overarching premise" and support for the proposed changes.

Councilor LeBlanc advised he had no issue with Ms. Leete's proposal nor with the reactivation of the Human Rights Commission saying it is a good idea for an advisory commission moving forward.

Councilor Nolan clarified that the advisory Commission won't be responsible for hearing complaints that function would fall under Personnel. **Ms. Leete** advised that her job would be to hear any employment-related complaint. The scope of this ordinance might apply to other issues problems about issues related to accessing city services such as housing, education, or public accommodations -- it is not just city employment -- people might have other employment complaints. This is about an advisory Commission giving referrals where someone can take their complaints rather than solving each individual complaint. **Councilor Nolan** expressed concern that these Commission members may be hearing a confidential complaint that the person is uncomfortable conveying in a public forum. He asked if this advisory Commission would be bound to keep confidential information confidential. **Ms. Leete** advised they want to empower the Commission as to how to come up with bylaws to navigate the issue of public meeting law and confidentiality. She noted that is why she is recommending these language changes to the ordinance. The pointed out the way the Commission is structured is for a public meeting forum and that in the bylaws the appointees will work on that avenue as to how they can protect confidentiality in the most immediate case before it becomes public record. She agreed it is a difficult issue and that the Commission will need bylaws, she reconfirmed.

Councilor O'Hara expressed his agreement with the ordinance amendments that this is a good thing to do.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 2 "Administration", DIVISION 8-HUMAN RIGHTS COMMISSION, Sec. 2-499. - Purposes. Subsection (2) and Sec. 2-500. - "Powers and duties" subsection (3) as follows:

"Sec. 2-499. - Purposes.

(2) Assist persons in the city who believe that their human or civil rights, as defined by existing local, commonwealth and federal law, have been violated in the city, by ~~providing~~ offering voluntary and independent mediation for all parties concerned in a confidential setting, and informing such people of the local, commonwealth and federal agencies available to address their grievances; and...."

Sec. 2-500. - Powers and duties.

~~(3) To provide a public forum in which citizens may identify specific barriers that may prevent them from taking advantage of city programs, policies, and facilities. The commission may advise the mayor on any recommended corrective actions. for hearing complaints and answers thereto in matters of alleged discrimination, and to resolve such complaints by mediation. No party to any alleged discrimination shall be compelled to appear before the commission, nor such party be compelled to submit to mediation.”~~

This matter will be advertised for public hearing for April 9.

5. CC2019-003 (Gilman): refer MGL Ch. 40, §8J to the P&D & O&A Committee to consider the establishment of a Disabilities Rights Commission and members to be appointed by the Mayor (Cont'd from 02/04/19)

Councilor Gilman addressed the matter of her Council Order with the Committee explaining that this started with Ch. 40, §8J, highlighting the start of the statute which states, "...a city which accepts the provision..." She clarified that it isn't a mandate to accept but an opportunity to for a city to approve. She reported that she and Ms. Leete agree, consistent with the Mayor's suggestion that the Disability Rights Commission should fall under the umbrella of the Human Rights Commission. She recounted that in a meeting with Ms. Leete they agreed there are components of the state statute section, but that there were components they didn't like. She further reviewed hers and Ms. Leete's thought process to come to a group of objectives for a Disabilities Rights Commission saying that it is important that it be known this also would be an advisory Commission. She advised she and Ms. Leete would then work to develop ordinance language for the review of the Committee. The objectives are: 1) This Commission should be advisory in nature with seven appointed members with one member an elected official of the city or an appointed official of the city. It was noted that the Mayor will appreciate a person that is a member of both this Commission and the Human Rights Commission; 2) the Commission shall research local problems and challenges of people with disabilities; once information is brought forward to the attention of the Commission; 3) assist in public awareness and inclusion of persons with disabilities through participation of public events, including but not limited to city sponsored recreational, educational and development activities; 4) work closely with the ADA Coordinator (DPW Director, Mike Hale); inventory all of the programs and services that the city currently have in place for people with disabilities and promote public awareness of such services; 5) advise municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; 6) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of Gloucester as they affect people with disabilities; 7) make referrals only for guidance and technical assistance; 8) receive donations and gifts of property in the name of the city, subject to approval of the Mayor and City Council, consistent with the city's gift acceptance ordinance; 9) the majority of the Commission members shall consist of people with disabilities, one member may be a member of the immediate family of a person with a disability and one member of the Commission shall be either an elected or appointed official of the city of Gloucester; 10) staggered terms are optimal; 11) annually there should be an election of a chair, vice chair and a secretary/recorder.

Councilor Gilman reviewed that she and Ms. Leete don't agree with certain provisions of the state statute that: 1) members of this Commission, may, after a public hearing, if so requested, be removed for cause by the appointing authority; 2) they don't agree with all of the Commission responsibilities outlined in Chapter 40, §8J but agree with the concept of this Commission; and 3) it is not recommended that the city create an enterprise account for this Commission which is too complicated to administer as agreed by the Mayor and the CFO. She asked that if the O&A Committee is in agreement with the outline, she and Ms. Leete will work further define the ordinance, and will present this to the Mayor and General Counsel for review and then return it to O&A for their consideration.

Councilor LeBlanc asked what the difference is between the Human Rights Commission, already in the ordinances, and the Disabilities Rights Commission. **Ms. Leete** advised that the Human Rights Commission is overarching commitment to protect the rights of every member of a protected class which protects those with disabilities, but also age, race religion, sexual identity, etc., which is far bigger. Disability rights are a subset of a protected class. She added that there is no reason why the two can't work in tandem with parallel responsibilities and best practices.

This matter is continued to May 6, 2019.



GLOUCESTER CITY COUNCIL 2019 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2019-019
SUBJECT: Whether or not to endorse the application of the Gloucester Historical Commission to submit the City of Gloucester properties collectively known as "Dogtown," for consideration for listing as a National Register of Historic Places

DATE OPENED: 4/9/2019
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: P&D 12/5/2018, 2/20/2019, 3/20/2019
Nomination of Dogtown to the National Register of Historic Places
Application: <http://gloucester-ma.gov/documentcenter/view/5374>

Dogtown

**LEGAL NOTICE I
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **Tuesday, April 9, 2019**, at 7:00 PM in the Kyrrouz Auditorium, City Hall, relative to the following:

On whether to endorse the application of the Gloucester Historical Commission to submit the City of Gloucester properties collectively known as "Dogtown," for consideration for listing as a National Register of Historic Places as an area of historical significance through the U.S. National Park Service.

At the public hearing, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Joanne M. Senos, City Clerk

AD#13782902
CAB 3/29/19



CITY OF GLOUCESTER

Health Department

3 Pond Road, City Hall Annex
Gloucester, Massachusetts 01930

PHONE: 978-325-5260

EMAIL: healthdepartment@gloucester-ma.gov

WEBSITE: www.gloucester-ma.gov



Public Health
Prevent. Promote. Protect.

MEMO

February 20, 2019

TO: RICHARD NOONAN, CHAIR, GLOUCESTER PLANNING BOARD

TO: GREGG CADEMARTORI, CITY PLANNER

FROM: KARIN CARROLL, DIRECTOR, HEALTH DEPARTMENT

RE: DOGTOWN HISTORIC AND ARCHAEOLOGICAL DISTRICT

Dear Chairman Noonan:

The Gloucester Board of Health and Health Department stand in support of the City's application to list the area known as "Dogtown" on the National Register of Historic Places.

Aside from its historic importance and consideration as an area of cultural significance for our Cape Ann communities, Dogtown is an area rich in natural beauty and therefore a center for healthy living activities such as hiking, biking, snowshoeing, cross-country skiing and nature observation.

It is our hope that the National Register designation of Dogtown will provide an important stepping stone in the community's efforts to gain funding for increasing public outreach and education initiatives, improving trail systems, supporting natural resource restoration efforts and adding public amenities encouraging safe and healthy use of the area.

Please feel free to contact me, should you have any further questions.

Regards,

Karin Carroll, MPH

Director

Gloucester Health Department

Cc: File



Gregg Cademartori <gcademartori@gloucester-ma.gov>

Nomination of Dogtown to the National Register

Eric Smith <esmith@gloucester-ma.gov>

Wed, Feb 20, 2019 at 8:52 AM

To: Gregg Cademartori <gcademartori@gloucester-ma.gov>

Cc: Michael Hale <mhale@gloucester-ma.gov>, Larry Durkin <ldurkin@gloucester-ma.gov>, Ryan Marques <rmarques@gloucester-ma.gov>, Ken Whittaker <kwhittaker@gloucester-ma.gov>, Bill Sanborn <bsanborn@gloucester-ma.gov>, Karin Carroll <kcarroll@gloucester-ma.gov>, Max Schenk <mschenk@gloucester-ma.gov>, Jeremy Price <jprice@gloucester-ma.gov>, Joe Aiello <jaiello@gloucester-ma.gov>, Andrew McRobb <AMcRobb@gloucester-ma.gov>

Gregg,

The Fire Department has no objection to this nomination. Any increased use of this property by Citizens and Visitors to the area I view as a positive. Most people that would be drawn to this area based on this type of addition to the Historic Register are most likely the type of people that comply with the Codes and Ordinances currently in place to protect these areas from fire and these area and provides more "eyes and ears" of people that report illicit and inappropriate uses of this area. I see this as a positive impact for public safety overall versus a negative impact on public safety and cannot find any data to suggest otherwise.

Best Regards,

Eric

Eric L. Smith
Fire Chief
City of Gloucester Fire Department
8 School Street
Gloucester, MA 01930
(W) 978-325-5311
(C) 978-491-9854

[Quoted text hidden]

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

4 April 2019

Paul Lundberg, President
Gloucester City Council
9 Dale Avenue
Gloucester, MA 01930

CITY CLERK
GLOUCESTER, MA
2019 APR -4 PM 4:01

Dear President Lundberg:

As you are aware, the Gloucester Historical Commission is requesting the City Council support the nomination of Dogtown to the National Register of Historic places. As the Director of Public Works, and custodian of all public lands, I do not support this endeavor. The establishment of the National Register of Historic Places, part of the National Historic Preservation Act of 1966 is essentially a list of properties that meet national criteria of historical significance and are deemed worthy of preserving. There should be no question that Dogtown is historical and worthy of protection. The efforts by the Gloucester Historical Commission and Dogtown Advisory Committee should not be ignored. This is a special place that in many ways defines and reminds us of the ruggedness of the early settlers of Cape Ann. I believe strongly that it is in the City's best interest to protect and preserve this open space for future generations.

Gloucester Historical Commission describes the National Register status as one that carries no restrictions, requirements, or demands for any change of use. The purpose and expectations of this nomination remain unclear to me. The literature submitted to the City Council refers to the listing as an *honor and something to be proud of*. In multiple places in the *Dogtown Q & A*, the GHC ties the nomination to funding sources for projects such as habitat restoration, invasive species mitigation, fire safety measures, wetland protection, public education, protection of the water supply, and maintenance. Please keep in mind that the acceptance of federal grants for projects like these do come with restrictions, requirements, and demands. As seen in a similar National Parks grant for Stage Fort Park, the contract required the City forgo its jurisdiction over parking fees. The daily parking fee program that ensures residents have access to the park would have been eliminated.

Defining Dogtown simply as 3,000 acres of undeveloped land in the center of Cape Ann fails to recognize that roughly two-thirds of these acres are watershed to Goose Cove and Babson's Reservoirs. These reservoirs are critical infrastructure, worthy of the highest level of protection alone. Dogtown's watershed is not appropriate for a dedicated tourist destination. The land grant by Roger W. Babson in 1931, dedicating 1,150 acres reads: "(t)his reservoir,

watershed and reservation are for the people of Gloucester. The land having been given in memory of my father and grandfather who roamed over these rocky hills. They had the vision that some day it should be conserved for the uses of the city and as an inspiration to all lovers of God and nature." I believe Mr. Babson's purpose and expectations were clear—this tract of land was intended to remain untouched, appreciated, and shared by the residents of this community.

The Department of Public Works does recognize a number of issues that must be addressed—and actions taken—in the short-term in order to protect and preserve in the long-term (with the overall purpose being the protection of this and other open spaces in the City of Gloucester, especially our watershed lands). The issues and actions are as follows:

- An inventory of parcel ownership is needed in and around the area known as Dogtown to determine what, if any, measures are in place to truly protect this land. If it is determined that more protection is necessary, the Administration and City Council should take the appropriate action with community input.
- Address the issue of past grant acceptance and what the City's obligation is for past grants. All corrective action should be viewed openly, while using caution when considering future grant funding.
- There has been a long discussion about the appropriateness of the current location of the municipal composting operation. Public Works is not interested in noncompliance with a grant used for the purchase of the property, but also recognizes the need for this community service. The Administration, City Council, and citizens of the community should determine the appropriateness of its current location and if necessary, work to develop a potential exit and relocation plan for this facility.

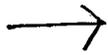
In closing, Public Works respectfully does not support the nomination of Dogtown to the National Register of Historic places. We do agree Dogtown is a valuable historic and environmental asset to Cape Ann, and must receive the appropriate level of attention, protection, and perpetual care. The development of a strong management plan is crucial to this endeavor. I would like to suggest the development of working group, made up of representatives of the City Council, Community Development, Fire Department, Mayor's Office, Police Department, Public, and the appropriate citizen's groups. All decision-making is done locally and based on the values this community holds dear.

Respectfully Submitted,



Michael B. Hale, AICP
Director of Public Works

Copy: Office of the Mayor
File



3. *Nomination of Dogtown to the National Register of Historic Places Application (Also referred to the Planning Board) (Cont'd from 02/20/19)*

Councilor Gilman advised she would recuse herself under MGL Ch. 268A as she is a direct abutter to the boundary of Dogtown and left the Committee table. **Councilor Nolan** took his place at the Committee table as Alternate Committee Member at 5:39 p.m.

Councilor Holmgren Acting Chair recognized Mary Ellen Lepoinka, Co-Chair of the Gloucester Historical Commission. Recognized Charles Crowley and Cindy Dunn of the Dogtown Advisory Committee were also present.

Ms. Lepoinka recounted the following: The Historical Commission applied for and received a grant for an archeological survey of Dogtown for the purpose of nominating Dogtown for the National Register of Historic Places. The archaeological survey was to determine whether or not Dogtown met the National Register criteria according to the National Park Service, which it did. The report is on the city's website (<http://gloucester-ma.gov/index.aspx?NID=960>). In doing that the Historical Commission then allied itself with the Rockport Historical Commission, involving interested parties in that town as Dogtown is a Cape Ann resource. It was suggested that the Historical Commission is delayed in a decision of moving towards the nomination of Dogtown, as the Planning Board chose not to hear the matter and the Council has yet to vote on the matter. The Committee's decision is to whether or not the Council will hear this matter and conduct a public hearing. A Q&A grid was provided to answer objections to the nomination of Dogtown's to the National Register of Historic places (on file and part of the meeting's packet). **Ms. Lepoinka** indicated there is broad public support for the nomination, although with some objections being voiced.

Councilor Holmgren asked what the positive gain is for the city and users of Dogtown from a National Registry designation. **Ms. Lepoinka** conveyed that the city gains pride in having a property that is accepted for National Register status saying that it instills in citizens a renewed love of the place and a desire to keep it up through more involvement in its care. A designation, she mentioned, does make Dogtown more attractive to grant funders if there are projects to be undertaken in Dogtown; for example, funds for restoration of wetlands, forestry management, clearing trails; the funding may be forthcoming to the benefit of Dogtown.

Councilor Lundberg noted the P&D Committee will be voting to recommend to the City Council on this matter; and whether they vote to not or to recommend, there would still be a full public hearing with the public able to voice their opinions. This is not the end of the line by any means, he pointed out. He asked how the National Registry listing affects the buying, selling and/or insuring of properties in the Dogtown district. **Ms. Lepoinka** advised it should have no effect at all; nothing would change as a consequence. Being on the National Register doesn't protect Dogtown from anything, she highlighted. She added that the Commission saw it as a way to raise interest in Dogtown that may lead to its better protection. **Councilor Lundberg** expressed concern for those parts of Dogtown that are part of the city of Gloucester's watershed, Babson Reservoir, and wanted to confirm that being on the National Register doesn't impede the city's ability to protect the Babson Watershed. **Ms. Lepoinka** stated, "Certainly not." She indicated it would encourage the city to protect the Babson Watershed.

Councilor Holmgren, suggesting her question may be better responded to by General Counsel, noted her understanding that the Conservation Commission (ConCom) is directly responsible for +/- 200 acres in Dogtown and asked if the ConCom would have to vote an approval on this matter as well. Being on the National Register wouldn't have any impact on ConCom's ability to carry out the programs they are responsible for which are wetland and water acts, **Ms. Lepoinka** advised.

Charles Crowley, 19 Biskie Head Point, Dogtown Advisory Committee member, advised there are about 200 acres that were purchased through two grants in 1985 and 1986 through "Self-Help Grants" (Self Help #4 & Self Help #5). He indicated that conditions of those grants are that the land needs to be held, managed and operated by ConCom. He suggested technically the Council and the DPW Director don't control that land, further suggesting that such exertion of control by either is a violation of the grants as it constitutes a "disposition of the land" which triggers in a policy by the Department of Environmental Protection (DEP) standards because a change of management is a change of disposition. He noted that the city isn't allowed to initiate action but the city can't speak for that land. Having spoken to the Administrator of those grants, it was made clear that the Council or the Mayor doesn't speak for the land; that the land is to be held, managed and operated (by ConCom). He pointed out that there is municipal compost on that land. He added his suggestion that moving this step to ConCom will avoid the issue of delegitimizing this vote by the Council. **Mike Hale**, DPW questioned how an appointed board has the authority own or control any municipal land. **Mr. Crowley** touched on the matter of ConCom having its overarching power from the state, as do cities and towns. **Councilor Lundberg** advised that P&D is considering whether the Council endorses the Historical Commission's application for for Dogtown to be nominated for a National Register

designation. Within that framework, once there's a nomination made, landowners are advised this is occurring. Whoever owns this land, they will be notified, he pointed out. It should be the city of Gloucester through ConCom who owns these two parcels of land, **Mr. Crowley** advised.

Councilor Holmgren, noting questions she'd received from the Sportsmen's Club, asked if the designation would have any impact on their outdoor ranges. **Ms. Lepoinka** advised that it would have no impact; that their land is not in Dogtown, and nothing about the National Register listing would change the use of Dogtown; the status doesn't call for any change of use. **Councilor Holmgren** confirmed there is no effect on hunting in Dogtown either which is overseen by the state. **Mr. Crowley** suggested that there is a conflict of the rifle range which he touched on briefly with the Committee. **Councilor Holmgren** asked if there are any impending traffic issues or any proposed improvements to Dogtown Road. **Ms. Lepoinka** conveyed that whether the road is improved is up to the city and being on the National Registry would not hamper that. She noted a study done by the Historical Commission of cities and towns around Gloucester with similar situations with National Registry districts, and found there was no traffic impact. The only way to change that is to advertise for tourism or another purpose which she suggested would attract attention. She pointed out there was never a visitor's center planned for Dogtown, she noted, although it's been conveyed as an idea which didn't originate with the Historical Commission. Being on the National Register would have no impact on ideas unless they were using federal funds to do it, then it would trigger a review to ensure whatever is being done is not impacting the historical integrity of Dogtown, she explained.

Eric Hutchins, 45 Pooles Lane, Rockport, owner of 13 acres on the Rockport side of the Dogtown district, who advised he works for the federal government doing historic reviews as part of his work, conveyed that any activity that takes place on Dogtown, such as a wind turbine, anything the city wants to do in the future with or without this designation, the same level of review exists -- if there is a federal action, funding, management, anything, an FAA permit, federal review requires a Sec. 106 review with or without the designation; that this is not a new regulatory overlay that comes with the designation. **Ms. Lepoinka** expressed agreement with Mr. Hutchins that there are no regulations attached with being listed on the National Register.

Councilor Nolan noted the third-party review if they needed to do something on the property for municipal purposes which could be anything; he suggested that the city is opening itself up for this third-party review. He expressed concern that if the city had to build a pump station, a concrete structure for moving drinking water, that may change the historical nature of the park. **Ms. Lepoinka** advised if it isn't destroying the historical integrity of Dogtown; that if it was for municipal purposes for installation of a pump station for drinking water, then it would be necessary and okay to do that. She put forward even if they were to build the pump station there is nothing in the National Register designation that would hinder the city from building it, even if they were destroying the historical integrity of something within Dogtown. She mentioned that the Commission frequently receives requests for 106 reviews, giving an example of the railroad bridge (over the Annisquam River) which simply was taking photographs to completely document the bridge for posterity.

Mike Hale, DPW Director, expressed that he didn't object to the concept to the preservation and viewing Dogtown as a resource that Gloucester and Rockport share but conveyed concern for the purpose of the application as expectations are difficult to manage long-term. In reading to the minutes that this allows opportunities for grants and asked what the grants would go to; what would be the source and what is the local match. There is no place to cut in his budget to give more attention to be given to this (matter), he indicated. There have been volunteer groups for trail clearing noting they've not had seasonal help in the watersheds in about 18 years. He highlighted that there are stipulations that go along with accepting these grants which they ran into with Stage Fort Park where a federal grant would have limited the city's ability to control over parking. He conveyed he didn't know if this designation would increase visitors, but that even if it only increases local and regional visitors, there is very limited parking, eight spaces on Dogtown Road and people will stack along the road on weekends. He suggested if that becomes a local issue, and with accepted grant funding, the city may not be able to restrict who can and can't park there. He recounted that with the Stage Fort Park grant the city wouldn't be able to charge for daily parking any more had they followed through with the grant acceptance because if residents got in free everyone had to get in for free. He further highlighted that it was important to recognize that 1,500 acres in Dogtown is watershed, and they don't want a lot of activity there. The idea it may become more than trail walkers and bike riders in and around the watershed, that additional activity in that area wasn't something they wanted to encourage. He advised he didn't see the city funding constables or wardens or a visitors center for Dogtown either, saying that there could be some loss of local control. If there is no extra protection provided through this designation, and the No. 1 feature is pride, he indicated there are other ways to accomplish that. He pointed to the land grant from the Babson family -- over 1,100 acres of land that not many Gloucester or Rockport school children recognize how the city received this land which very few people recognize as watershed. He conveyed there are abuses perpetrated around the reservoirs, and expressed caution for

the designation and what it means for the future. He concluded his remarks by saying that a lot of work went into this matter, and that the concept is great but that they don't know if it fits for this area.

Councilor Lundberg confirmed that Mr. Hale was speaking as a chartered custodian of all public lands in the City of Gloucester, and that Mr. Hale was conveying information to add to the Committee's information base.

Councilor Lundberg noted he had read the archeological study and indicated that it was comprehensive and sets out what might be considered a historical property. He advised he's in favor of endorsing this for the City Council's consideration and public hearing since the actual yes or no is up to the Council.

Councilor Nolan advised he wasn't convinced there was an overriding need to change the status on something that is already protected. He recounted that Councilor Tobey at one point had brought up looking into adding more protections for Dogtown, but what he found was that Dogtown was already very well protected. The fact that being historic, he advised he had no issue of Dogtown being thought of as historic but that anything that brings on a third-party review outside of the people of Gloucester is very concerning. He conveyed he would be greatly concerned to limit what the city could or couldn't do on that land. He advised that at this time he can't support the application for the National Register application, and that until he hears from the public on which way they want to this go he will reserve his final decision.

Councilor Holmgren advised she would endorse this matter to go to the Council for a public hearing as it was time for formal input from the public.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Nolan, the Planning & Development Committee voted 2 in favor, 1 (Nolan) opposed, to recommend that the City Council endorse the application of the Gloucester Historical Commission to submit the city of Gloucester properties collectively known as "Dogtown," for consideration for listing as a National Register of Historic Places as an area of historical significance through the U.S. National Park Service.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:15 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

11. All peddlers, canvassers and solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee are to be considered trespassers and to be in violation of Gloucester Code of Ordinances, Ch. 14, Sec. 14-6 "Trespass."

- 2. ***Nomination of Dogtown to the National Register of Historic Places Application (Also referred to the Planning Board) (Cont'd from 12/05/2018) – (TBC 03/20/19)***

This matter will return to the P&D Committee's agenda March 20, 2019.

3. ***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 (TBC 03/06/19)***

This matter will return to the P&D Committee's agenda March 6, 2019.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:40 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

damage caused to the park. Their greatest concern of the SFPAC is that that all these areas that get reseeded are out of commission for eight months of the year, and didn't see the value against what the perceived benefit is to the city's visitor-based economy and the city's financial gain. He pointed out that this represents another year that parts of the park will be "torn up" until June.

Councilor Gilman confirmed there was grass seed put down on the ball field. **Mr. Cole** confirmed grass there is just laid down and will come back in the spring. **Councilor Gilman** confirmed with Mr. Cole in November about the park's landscaping issue, saying it was her understanding that a reseeding this late in the season wouldn't have sprouted.

Councilor Lundberg noted this issue comes forward every year. The city hosts the event and spends the rest of the year repairing the park and has a continuing discussion about the repairs to it. The citizens who use the park year round are left with a deficient park and suggested he was unsure if it is worthwhile. He asked to determine how the Council can raise the issue to gain public input to make a determination whether it is a good idea to continue to permit the event to go forward at Stage Fort Park. He added that the damage to the park is never really completely repaired.

Councilor Holmgren expressed agreement for public input beyond this meeting, noting the letters exchanged, and suggested a public forum. Councilor Gilman suggested this be referred to the Council for a discussion and to listen to the public. **Councilor Lundberg** further suggested it be done soon, so that if it is the decision of the Council this event would no longer be allowed to be permitted at Stage Fort Park the event organizer has adequate notice. **Councilor Gilman** offered that the event organizer is very cooperative and that seeking public opinion will be helpful.

Frederick Geisel, SFPAC member, confirmed that events such as these are organized in February and that they need to do the public hearing sooner rather than later because of that and suggested involving the 400th Anniversary Committee also. Councilor Gilman pointed out as the 400th Anniversary of the city approaches (holding the event at Stage Fort Park) could be problematic.

Jill Cahill, Community Development Director, member of the Special Events Advisory Committee and the 400th Committee advised she had this discussion with the event organizer about the city's upcoming 400th Anniversary with Stage Fort Park being a centerpiece of the city's celebrations, and he is aware of it; this won't be new information to him.

Chairperson Gilman asked Councilor Lundberg in his role as Council President to take this matter under advisement and arrange for an opportunity to hear public opinion on this matter at the Council level. This matter is closed.

→ **3. *Nomination of Dogtown to the National Register of Historic Places Application (Also referred to the Planning Board) See Application link here:***

<http://gloucesterma.gov/DocumentCenter/View/5374?fbclid=IwAR2vJtqnsueTaysOdI7TgoA3nVII TuiF1GKIXYC Fn26W46hiEL3zx722PpU>

Councilor Gilman reviewed the Committee's process for this segment of the agenda of the Committee process on the matter of the Nomination of Dogtown to the National Register of Historic Places. She expressed the Committee's positive sentiment that the Gloucester Historical Commission (GHC) agreed to a joint action plan between them and the Committee to be developed at an annual meeting which is affirmed by the City Charter. This will allow them to look forward as to the nominations in the queue, deciding which need further support, which projects will require grants for archeological studies, and determine which are non-impactful and may move forward independent of a more in-depth process. A letter from the GHC (dated November 29, 2018 and on file) was forwarded to the Committee. At the joint meeting that there was consensus on the place and the nomination process which she reported was after the PAL report was finalized, an archeological survey which she suggested may need to be revisited. She advised they aren't ready to speak to the details of the Dogtown nomination this evening. There are expectations that Gregg Cademartori, Planning Director; Rick Noonan, Planning Board Chair, and Jill Cahill, Community Development Director, can outline some of the processes necessary for them because the Dogtown nomination was referred to the Planning Board and will first be vetted by them to make a recommendation, and then return to the P&D Committee.

Councilor Gilman then announced that her property at 75 Revere Street abuts a parcel of land that is in the boundary (of Dogtown) and disclosed she has no financial Conflict of Interest as required under MGL Ch. 268A, § 23B3 and has filed a report in the City Clerk's office.

Gregg Cademartori, Planning Director, advised that this (the vetting of the Dogtown nomination) will be a new activity for the Planning Board, suggesting the Planning Board would benefit from a presentation from the GHC. He recounted that last November there was a comprehensive presentation from a Mass. Historical Commission representative on this matter (available on YouTube). He noted that the questions from the audience were difficult to hear, and suggested that it might be helpful to “get at” some of those questions for people to understand what such a designation would mean to the city; whether there are limitations and what the opportunities are by a designation. It is clear from the presentation the assets within the bounds are substantial and of great value from a preservation perspective. He suggested that representatives that would be reviewing applications for nominations said when you put this together the likelihood to get the designation are very high. He added that now with the ‘substantiation’ through the archeological investigation and the historic package that’s been put together, it’s well on its way.” He advised that he anticipates the Board would appreciate a presentation from the GHC to the extent that there’s an opportunity to present in the context of how the reviewers might see it. He conveyed this will make sure that stakeholders have been reached out to in building a consensus for a great application for registration. He advised he would discuss this with the Board, and will want questions answered; there will be special time on the Board’s agenda for the presentation. He put forward that the last piece from a municipal perspective are the different departments that may or may not be impacted, mentioning that there is a learning curve as this isn’t a frequent occurrence.

Councilor Lundberg mentioned that the Zoning Ordinance is specific as to the purview and process of the Planning Board. It details what the Board is supposed to do, and he suggested that there’s no detail about this particular kind of matter and associated process. What are they asking the Board to do -- how can the Board contribute to the overall process. He pointed out that the applicable state law only refers to the City Council not any other Board or Committee. **Mr. Cademartori** pointed out this would be another public venue and opportunity to gain a better understanding of what the nomination means; that when an application comes to the Board there is not just a referral to the Board, there’s a referral to municipal staff for recommendations. To have a comprehensive summation from the perspectives from the Administration as to the impact to city departments and having another public venue where a seven-member board will hear this information and make a recommendation. He expressed agreement there isn’t a set of criterion that are outlined for the Board to measure applications against.

Richard Noonan, Chair of Planning Board, after a brief outlining of the “asks” previously from the Council to the Planning Board and their different formats, he asked for parameters from the P&D Committee as to how the Board should approach the Dogtown nomination.

Councilor Holmgren noted this is a precedent sending the nomination to the Planning Board, and asked if it is because the area is so vast or because it is a concerning issue for the community. **Councilor Lundberg** advised that the application by the city through the GHC has had public impact that they hadn’t planned for describing this past summer’s proposal by the GHC for the possible creation of an Annisquam historic district and recounted there was notification to property owners within the proposed district and that the proposal came as a surprise to them and was rejected -- it wasn’t that the project wasn’t worthy but the process was “a surprise.” He suggested that it wouldn’t be the Planning Board who would determine the worthiness of the nomination which is the role of the GHC. **Councilor Gilman** noted she watched the YouTube video and agreed it was hard to hear the questions the answers were heard and the majority of questions were answered. She commented that with no minutes of the informational meeting taken, the opportunities to see the results of it were missed. She explained based from what they’re hearing in the community perhaps it may be advisable to have the MHC come to the community and make a general presentation about what the nomination is and isn’t, and to have questions answered which may negate the need for a Planning Board review.

Mary Ellen Lepionka, Co-Chair, Gloucester Historical Commission, stated the GHC’s charter under state “charter” is that the work that a historical commission is to assist the Planning Department or any municipality giving them information for use in city planning for the future of the community. She suggested it may be that the Planning Department could be interested to consider some of the GHC projects as part of the joint P&D and GHC annual meeting to bring the Board into that process. **Mr. Cademartori** expressed his agreement. **Ms. Cahill** noted that if the nomination doesn’t go to the Planning Board, she reminded the Committee that they can request a general municipal review as Dogtown is important watershed land which in turn makes it important for the DPW, the city’s Planning Division and Community Development weigh in.

Councilor Gilman suggested a joint Planning Board meeting to which **Mr. Destino** advised that the Council is to make a recommendation to the MHC whether this should happen or not. He conveyed that the Planning Board can vet the nomination, but the Committee has to give parameters to the Board -- they’ll give a recommendation after absorbing all the presented information. He advised that there is not a need for more process talk, and that having a representative of the MHC to come to go over process is also unnecessary. **Ms. Cahill** added that the question of

impact has to be consistent throughout. **Councilor Lundberg** asked if this project is historically significant and what is the impact is to the community. **Ms. Lepionka** highlighted there is historical significance associated with Dogtown. **Councilor Lundberg** noted that while that may be one person's opinion and it may be true; the purpose of having the City Council approve this nomination is to determine that it is something that is in the city's interest to do and to determine if it is significant. He pointed out that they have an archeological study that may lead them to that conclusion but they haven't reached that conclusion yet -- they're are now figuring out the process to approve the nomination and to understand the impact to the community.

Councilors then discussed process -- and the criteria for the Planning Board to embrace. It was suggested at the end of a brief discussion that they are asking the Board to weigh in on the historic significance of Dogtown; the community and environmental impact; as well as a municipal review. **Councilor Lundberg** pointed out that the GHC has weighed in already saying that Dogtown is historically significant. He pointed out that concern has been expressed that this designation will increase the attraction of Dogtown to the world in general and will attract tourists, suggesting that there has to be a way to assess such an impact. He highlighted that there are letters from Rockport Boards of support for Dogtown as an honorary designation and maybe that is a less impactful designation. Mr. Noonan touched upon the municipal review that may be undertaken briefly, and advised the Board would want a well-rounded, not one-sided presentation. He expressed, as one member of the Board, has a great deal of questions.

This matter is continued to February 20, 2018.

4. *SCP2018-005: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, GZO Secs. 1.5.3(g) "Drive-Through Facilities" (retail drive-through facility) and 5.17 "Special Regulations; Drive-Through Facility" in the EB district (Cont'd from 11/07/18)(TBC 01/02/19)*

This matter is continued to January 2, 2018.

5. *SCP2018-006: Gloucester Crossing Road #1 & #7, Map 262 Lots 13 & 37, GZO Secs. 1.5.3(g) "Drive-Through Facilities" (coffee shop drive-through facility) and 5.17 "Special Regulations; Drive-Through Facility" in the EB district and 5.17 "Special Regulations; Drive-Through Facility" in the EB district (Cont'd from 11/07/18)(TBC 01/02/19)*

This matter is continued to January 2, 2018.

6. *SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262 Lots 13 & 37, GZO Secs. 1.5.3(c) "CCS" Special Permits" & (d) "Major Projects" and 5.7 "Major Projects" in the EB district (Cont'd from 11/07/18)(TBC 01/02/19)*

This matter is continued to January 2, 2018.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:23 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.



GLOUCESTER CITY COUNCIL 2019 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2019-020
SUBJECT: Amend GCO Ch. 24 "Vegetation", Article II "City Plantings Committee"
by DELETING Article II "City Plantings Committee" in its entirety

DATE OPENED: 4/9/2019
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 3/18/2019

NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, April 9, 2019**, at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

AMEND GCO Ch. 10 "Waterways" Sec. 10-52 "Use of public landings" by: ADDING new subsection (c) "*Kayak and Paddle Board Storage*. The Harbormaster may permit the seasonal storage of kayaks and paddle boards of appropriate size to be stored in racks provided by the Waterways Board at portions of any Public Landing so designated by the Waterways Board, provided that the fee set forth below has been paid. Such permitted vessels shall be marked by an official sticker on the aft, top portion of the kayak or paddle board." AND reletter the remaining subsections and insert the language, "and storage of kayaks and paddle boards" in relettered subsection (h).

AMEND GCO Ch. 2 "Administration" Division 8 "Human Rights Commission" as follows:

"Sec. 2-499. - Purposes.

(2) Assist persons in the city who believe that their human or civil rights, as defined by existing local, commonwealth and federal law, have been violated in the city, by ~~providing~~ offering voluntary ~~and independent~~ mediation for all parties concerned ~~in a confidential setting~~, and informing such people of the local, commonwealth and federal agencies available to address their grievances; and...."

Sec. 2-500. - Powers and duties.

(3) ~~To provide a public forum in which citizens may identify specific barriers that may prevent them from taking advantage of city programs, policies, and facilities. The commission may advise the mayor on any recommended corrective actions for hearing complaints and answer thereto in matters of alleged discrimination, and to resolve such complaints by mediation. No party to any alleged discrimination shall be compelled to appear before the commission, nor such party be compelled to submit to mediation.~~

→ **Amend GCO Ch. 24 "Vegetation", Article II "City Plantings Committee" by:** DELETING Article II "City Plantings Committee" in its entirety.

At the public hearings, all interested persons will have the opportunity to be heard based on procedures determined by the Council.

By Vote of the City Council
Joanne M. Senos, City Clerk

- 6. *CC2019-005 (LeBlanc): request City Council amend GCO Ch. 24 "Vegetation" by DELETING Article II "City Plantings Committee" with the approval of the Mayor*

Councilor LeBlanc explained that the City Plantings Committee has not met for some time now and is defunct. Additionally, with the advent of other groups, such as Generous Gardeners, the city has not relied on the City Plantings Committee. He advised the Mayor is in agreement.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 24 "Vegetation" by DELETING Article II "City Plantings Committee" in its entirety.

This matter will be advertised for public hearing.

7. *CC2019-008 (Memhard): Amend GCO Ch. 22 "Traffic and Motor Vehicles", Art. VI "Traffic Schedules" Sec. 22-269 "Stop Intersections" by adding Hillside Rd. at its intersection with Grapevine Rd. (TBC 04/01/19)*

This matter is continued to April 1, 2019.

8. *CC2019-009 (Hecht): Amend GCO by prohibiting use and distribution of single use plastic straws, stir sticks & hotstopper in food service establishments (also referred to Board of Health)*

NOTE: *This matter was not only referred to the O&A Committee but to the Clean City Commission and the Board of Health, neither of whom has forwarded their recommendations on this amendment to the Code of Ordinances to date.*

Councilor LeBlanc advised that the Committee will continue this matter pending receipt of recommendations of the Clean City Commission and Board of Health and to give Councilor Hecht the opportunity to address the Committee.

This matter is continued to May 6, 2019.

9. *CC2019-010 (O'Hara): Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places" by DELETING Sec. 21-19 "Removal of snow from sidewalks" and Sec. 21-20 "Removal or covering of ice on sidewalks"*

Councilor O'Hara explained that this was precipitated by the recent storm event of 14 inches of snow. Many people didn't shovel their sidewalks. Seniors can't or have the financial ability to afford to hire someone for snow removal. He noted he spoke with the Mayor, met with the DPW Director, and supplied the information to the Mayor for what the DPW would need to do the job to clear sidewalks, taking the responsibility from the public. The DPW Director had advised they had to remove the snow from the sidewalks in certain areas because of safety issues.

Councilor Nolan noted that removing snow on every sidewalk in the city is daunting. Some question may be on the fines, who get fined, who gets their sidewalks cleared; or city property, etc. Realistically the city can't afford to maintain all the city's sidewalks and snow removal on public streets, a cost of which, he pointed out, would be very high. The question of the fines and who gets fined is not acting as a deterrent, he added.

Councilor O'Hara conveyed that a senior citizen got a warning letter, a senior citizen about lack of clearing of snow for sidewalks. He advised that seniors take this very seriously but are unable to do anything about snow removal whether it is because physical inability, disability or lack of finances to hire someone to do that for them. Mr. Destino advised the city does issue the warning letters. He suggested that this ordinance is an ordinance that the Council passes that really never gets enforced, and suggested the unlikelihood a ticket had ever been written. He talked to the Mayor after being away from the office, during which time Councilor O'Hara had spoken to the Mayor on this subject. He conveyed that the Mayor's interpretation was that the Councilor had already put in an order for the purchase of new equipment for the DPW, and this was follow up for the need to get better sidewalk cleaning equipment. He advised they do clear snow around city schools, the downtown and around the Senior Center. The effect of this action will give people a false hope the city will clear their sidewalks. He reiterated it is an ordinance that is not enforced, and that they do send letters for sidewalks that need to be cleared that haven't been in some time. Doing away with the ordinance isn't going to have the desired effect, highlighted. They need to do a better

In Re:)	
)	
Application of Rick and Elisabeth Accardi for a Special Council Permit)	
)	
Pursuant to the City of Gloucester Zoning Ordinance Sections 1.8.3 and 5.5.2)	DECISION OF THE CITY COUNCIL OF THE CITY OF GLOUCESTER
)	
SCP 2019-003)	

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 Rick and Elisabeth Accardi (“Applicant”) for a Special Council Permit to allow the construction of a principal building on land that is less than Elevation 10 above U.S.G.S datum on the property located at 742 Washington Street pursuant to Sections 1.8.3 and 5.5 of the City of Gloucester Zoning Ordinance (“GZO”).

On or about January 16, 2019, the Applicant filed an application for a Special Council Permit to allow for the demolition of the existing home and the construction of a new home three (3) feet back from the shoreline and at a higher elevation but still under Elevation 10 (“Project”). The Applicant had previously obtained favorable decisions from the Gloucester Zoning Board of Appeals and the Conservation Commission for the Project.

The property is located at 742 Washington Street, Gloucester and is shown on Assessor’s Map 116, as Lot 33 (“Site”). The Site is located in the R-20 zoning district. The Applicant seeks a Special Council Permit pursuant to Sections 1.8.3 and 5.5.2, which detail the standards for issuing a Special Permit.

PLANNING AND DEVELOPMENT COMMITTEE

On February 6, 2019, the Planning and Development Committee (“P&D”) held a meeting. Robert Gulla, Architect, appeared representing the Applicant. He explained that there is an existing approximately 1,000 square foot (“SF”) home on the Site that is in poor condition and will be taken down. A new home will be built in keeping with the architecture of the neighborhood and situated farther back from the water and at a higher elevation. About half of the property is under Elevation 10, but the lowland portion will not change as to topography or flooding.

He further explained that due to the current structure’s instability, there is a concern that should a substantial storm event occur the building could come down. The

new construction will have no effect to the waterway and to flooding. Rather, by taking volume out, it should increase flood capacity. The new construction will also be a nice addition to the neighborhood, increase local valuations and create more off street parking.

Councilor Lundberg stated the requirement for a Lowlands Special Permit under Section 5.5.2: “No building permit for a principal building shall be issued for construction on land less than 10 feet elevation above U.S.G.S datum except on approval of a Special Permit for an exception by the City Council. Such Special Permit shall be issued only if it is demonstrated by the applicant that the proposed development will pose no hazard to the health or safety of the occupants thereof.”

Mr. Gulla confirmed that none of hazardous criteria stated in Section 5.5.3 exist under the Project:

- a. *Floor level of any structure for human occupancy less than 12 feet elevation.* There is nothing less than 12 feet elevation for human occupancy on this Site.
- b. *Individual sewage disposal systems subject to inundation in the event of coastal flooding to ten feet elevation.* The property has a sealed system, not a septic system; it is step sewer system.
- c. *Methods of filing or excavation subject to displacement by coastal flooding to ten feet elevation.* There will be excavation, but there will be a decrease in volume, not an increase.
- d. *Water supplies subject to interruption or contamination in the event of coastal flooding to ten feet elevation.* There is no well and the property is on public water.

Councilor Gilman asked about the height of the structure and Mr. Gulla explained that it was originally proposed to be over 30 feet, but due to concerns from a neighbor the height has been reduced to under 30 feet. Councilor Gilman also inquired about the need for dry conditions when the Project is under construction and whether any work would be done from a barge. Mr. Gulla responded that four piles are in the water now that will be moved and will either be pile driven or dropped onto concrete platforms. It should not take more than a few days to do the work from the water and the process for the barge work has been submitted to the Conservation Commission.

Paul Hadley and Diane Papows, 740R Washington Street, asked if there were any changes to the construction plan/design. Both Mr. Gulla and Mr. Accardi said there are no changes.

Mr. Gulla then reviewed the GZO, sec. 1.8.3 criteria as follows to further demonstrate that the Special Permit should be issued:

1. Social, economic or community need to be served by the Project. He explained the existing structure has had deferred maintenance for an extended period of time to which the building could be considered unsafe and a hazard to the neighborhood. The new home will be moved three feet closer to shore and should, although minimally, improve water access and navigation. The new structure will be out of the flood zone, improve flood capacity, and all areas under Elevation 12 will remain at their existing contours.
2. Traffic flow and safety. One new additional off street parking space is provided for a total of two spaces.
3. Adequacy of utilities and other public services. All utilities are already on site and will be adequate to serve the new home.
4. Neighborhood character and social structure. The new home fits with the character of Lobster Cove and will be an improvement upon the existing structure.
5. Qualities of the natural environment. This will improve with the new structure being further set back from the water, out of the flood zone and provide for increased flood capacity. The removal of the current hazardous structure will also be an improvement.
6. Potential fiscal impact. The new home will increase the value of the property and the neighborhood and have a positive impact.

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 property located 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 building at Elevation 10 pursuant to a plan set (A-1, 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 Permit is in harmony, intent and purpose of the Zoning Ordinance and poses no hazard to the health or safety of the occupants thereof.

CITY COUNCIL

On February 26, 2019 at 7:15 p.m., the City Council opened the public hearing on the Application.

Robert Gulla, Architect, appeared representing the Applicants who were also present. Council President Lundberg advised that the Council would proceed through its

public hearing process and when the Committee Report was brought forward if there were any questions, they would call upon Mr. Gulla.

There was no one speaking in opposition, no communications or councilor questions. The public hearing closed at 7:16 p.m.

The councilors then began their discussion. Councilor Gilman explained that the parameters for this Special Council Permit are narrow under GZO, sec. 5.5.2, and it was the unanimous consent of the P&D committee that the applicant met those parameters, as well as the six criteria under GZO, 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 indicated that the new dwelling will be moved three feet from the water towards the leeward side of the property. She reported the current dwelling is in disrepair and the owners will make all the necessary renovations. She pointed out that the owners have worked with the neighbors as much as possible and made some concessions. She asked for the Council's support.

Council President Lundberg noted that the lowland permit is an arcane part of the Zoning Ordinance having not been used in about twelve (12) years. Everything else the applicant has needed to do with the other boards, they have done. The Zoning Ordinance requires the City Council certify that the occupants will be safe in the event of high tide. He suggested that this provision being eliminated and asked for Council support of this Special Permit.

FINDINGS OF THE CITY COUNCIL

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 property located 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 (A-1, 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 Permit is in harmony, intent and purpose of the Zoning Ordinance and poses no hazard to the health or safety of the occupants thereof.

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 26, 2019 vote of the City Council sitting as the special permit granting authority.

Paul Lundberg
President, Gloucester City Council

Joanne M. Senos
City Clerk

Dated: _____, 2019