

GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS

TUESDAY, November 26, 2019

7:00 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2019-022

MEETINGS ARE RECORDED



CITY CLERK
GLOUCESTER, MA

2019 NOV 22 AM 8:41

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

CONFIRMATION OF NEW APPOINTMENTS

Clean Energy Commission	Samuel Ziergiebel <i>(fulfilling an unexpired term)</i>	TTE 2/14/21
Council on Aging	Felicia Webb	TTE 2/14/23
Dogtown Preservation Commission	Charles Crowley	TTE 2/14/21
	Richard Quateman	TTE 2/14/22
	Christopher Leahy	TTE 2/14/23
Gloucester Cultural Council	Rebecca Nagle	TTE 2/14/23
Gloucester Historical Commission	Lillian Olmsted <i>(fulfilling an unexpired term)</i>	TTE 2/14/21
Human Rights Commission	Sarah Mitchell Peck	TTE 2/14/22

CONSENT AGENDA

ACTION

• **CONFIRMATION OF REAPPOINTMENTS**

• **MAYOR'S REPORT**

1. New Appointments:

Human Rights Commission	(TTE 2/14/22)	Toni Borge	(Refer O&A)
	(TTE 2/14/21)	Amanda Kesterson	(Refer O&A)
Gloucester Disabilities Rights Commission	(TTE 2/14/23)	Michael McDermott	(Refer O&A)

2. Memorandum from General Counsel re: Inter-Municipal agreement between Gloucester and Essex regarding the sale and purchase of wastewater treatment and disposal capacity (Refer O&A)

3. Memorandum from General Counsel re: Sewer Force Main Easement for the Fuller Project (Refer P&D)

4. Memorandum, Grant Application & Checklist from the Police Chief re: application for FY20 MED-Project Grant in the amount of \$650 (Refer B&F)

5. Memorandum from Police Chief re: request City Council acceptance of a FY19 Bulletproof Vest Grant in the amount of \$12,716.86 (Refer B&F)

6. Flyer re: list of establishments offering free Thanksgiving Dinners on November 28, 2019 (Info Only)

7. Flyer re: Breakfast with Santa and Friends at the Rose Baker Senior Center on December 15, 2019 (Info Only)

• **COMMUNICATIONS/INVITATIONS**

1. Letter from the Executive Director of PERAC re: Appropriation for Fiscal Year 2021 (for Information Only) (Refer B&F)

• **INFORMATION ONLY**

• **APPLICATIONS/PETITIONS**

• **COUNCILLORS ORDERS**

1. CC#2019-041(Gilman): request amendment to GZO Appendix A – Rule 25: Rules of Procedure – Special Permit Procedures (Refer P&D & Planning Bd.)

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

1. City Council Meeting: 11/12/2019 (Approve/File)

2. Standing Committee Meetings: B&F 11/21/2019 (under separate cover), O&A 11/18/2019, P&D 11/20/2019 (Approve/File)

STANDING COMMITTEE REPORTS

ACTION

B&F 11/21/2019, O&A 11/18/2019, P&D 11/20/2019

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

SCHEDULED PUBLIC HEARINGS

1. PH2019-058: SCP2019-008 Fuller Street #35, Map 168, Lot 14, GZO Sec. 1.8.3 "Standard to be applied," Sec. 2.3.1(7), "Conversion to or new multi-family or apartment dwelling, four to six dwelling units" and Sec. 3.2.2, "Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)" by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of 6 units (Cont. from 11/12/2019)

FOR COUNCIL VOTE

UNFINISHED BUSINESS

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

Update of the Downtown Development Commission & Update of the Poet Laureate Selection Committee by City Council Representative, Councillor Melissa Cox

COUNCILLOR'S REQUESTS TO THE MAYOR

ROLL CALL – Councillor Jamie O'Hara



City Clerk

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

NEXT REGULAR CITY COUNCIL MEETING, December 10, 2019

Minutes filed in City Clerk's Office of other Boards and Commissions November 8, 2019 thru November 21, 2019

Animal Advisory Committee 8/29/19, 9/12/19; Bd. of Assessors 11/6/19; Bd. of Health 11/7/19; Conservation Commission 9/4/19, 10/2/19, 10/16/19; Gloucester Housing Authority 10/9/19, 10/30/19; Retirement Board 9/25/19; Licensing Bd. 8/26/19; Records Management Advisory Bd. 10/8/19; School Committee 6/10/19, 6/12/19; ZBA 8/29/19, 9/12/19, 10/24/19

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

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

City Hall
Nine Dale Avenue
Gloucester, MA 01930

2019 NOV 20 PM 2:42



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council
FROM: Mayor Sefatia Romeo Theken
DATE: November 20, 2019
RE: Mayor's Report for the November 26, 2019 City Council Meeting

Members of the City Council:

In this Mayor's Report you'll find several appointments, an administrative matter, a planning and development item, and a few financial matters for consideration.

Thanksgiving Message and Reminders – I would like to take this opportunity to thank you all for your hard work and wish you a happy and safe Thanksgiving! Enjoy the time with your families.

I am thankful for my family and so appreciative of the opportunity to serve as the Mayor of our wonderful city. I'm also thankful for our City employees, who work hard every day to provide Gloucester residents with superior services and amenities. I am thankful that we have active and caring citizens who are involved in their community.

In observance of the Thanksgiving holiday city offices will be closed Thursday, November 28 and Friday, November 29. Additionally, trash will not be collected on Thursday, November 28.

Offices will reopen at normal business hours on Monday, Dec. 2. Trash collection will resume on Friday, November 29 where Thursday's collection will occur on Friday and Friday's collection will occur on Saturday

A reminder that the Gloucester Police Department will be partnering with The Open Door for this year's "Stuff our Cruiser" food drive. Please join us for the food drive on Saturday, November 23 from 9 AM – 3PM at Market Basket at Gloucester Crossing. Most needed items include: peanut butter, canned tuna/chicken, healthy snack items, 100% juice/juice boxes, and breakfast cereal.

MMA Annual Meeting and Trade Show – A reminder that the Massachusetts Municipal Associations Annual Meeting and Trade Show is scheduled for January 24-25, 2020 at the Hynes Convention Center in Boston. This is the largest regular gathering of Massachusetts

local government officials, featuring workshops, a Trade Show, seminars, and business meetings. I urge you all to consider attending. For registration and schedule information please visit: <https://www.mma.org/mma-annual-meeting-and-trade-show/>.

Appointments – I submit for your consideration the appointments of Toni Borge and Amanda Kesterson to the Human Rights Commission and Michael McDermott to the Gloucester Disabilities Rights Commission.

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.

Board, Committee & Commission Appointments

- Human Rights Commission
 - Toni Borge – two year term, expires 2/14/2022
 - Amanda Kesterson – one year term, expires 2/14/2021

- Gloucester Disabilities Rights Commission
 - Michael McDermott – three year term, expires 2/14/2023

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.***

Ordinance & Administration Matter

- **Enclosure 2** is a memo from General Counsel Chip Payson regarding an inter-municipal agreement between Essex and Gloucester regarding the sale and purchase of wastewater treatment and disposal capacity. ***Please refer this matter to the Ordinance and Administration Standing Committee for review and approval.*** General Counsel Chip Payson, or appropriate personnel will be available to answer questions and provide further information.

Planning & Development Matter

- **Enclosure 3** is a memo from General Counsel Chip Payson regarding a sewer force main easement that is necessary for the ultimate completion of the Fuller Project. ***Please refer this matter to the Ordinance and Administration Standing Committee for review and approval.*** General Counsel Chip Payson, or appropriate personnel will be available to answer questions and provide further information.

Financial Matters

- **Enclosure 4** is a memo, grant application and checklist from Police Chief Ed Conley requesting the acceptance of the FY20 MED Project Pharmaceutical Take Back Program Grant in the amount of \$650 for the management and disposal of unwanted household opioids and benzodiazepine medications. **Please refer this matter to the Budget and Finance Standing Committee for review and approval.** Police Chief Ed Conley, or appropriate personnel, will be available to answer questions and provide further information.
- **Enclosure 5** is a memo, grant application and checklist from Police Chief Ed Conley requesting the acceptance of the FY19 Bulletproof Vest Grant in the amount of \$12,716.86 to provide thirteen vests for officers. **Please refer this matter to the Budget and Finance Standing Committee for review and approval.** Police Chief Ed Conley, or appropriate personnel, will be available to answer questions and provide further information.

Informational Items

- **Enclosure 6** is a flyer listing establishments offering free Thanksgiving Dinners in Gloucester, Salem, Middleton, Peabody, and Lynn. Please share.
- **Enclosure 7** is a flyer for an upcoming children’s holiday event. Please share.

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

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Sefatia Romeo Theken

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**

November 20, 2019

Ms. Toni F. Borge
8 Wheelers Point Road
Gloucester, MA 01930

Dear Toni:

Thank you for your interest in serving on the Human Rights Commission. I am pleased to appoint you to a two year term to the commission. So that you may attend and vote at meetings until your appointment confirmation is finalized, I have issued a 90-day temporary appointment.

Your appointment will be sent to the City Council for their meeting of November 26, 2019, which at this 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.

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 again.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and somewhat stylized, with a long horizontal line extending to the right.

Sefatia Romeo Theken
Mayor

cc: Mayor's Report to the City Council

September 3, 2019

Toni F Borge
8 Wheelers Point Road
Gloucester, MA 01930

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

Dear Mayor Romeo Theken,

I am interested and would like to be considered to serve on the City's new Human Rights Commission. I have worked and advocated my entire life to protect and provide a voice for the human and civil rights of all people. I have always believed that we are morally bound to work to ensure all people are granted their human and civil rights. These are inalienable and indelible rights. The opportunity to serve on the Human Rights Commission will allow me to continue to work towards that goal.

I recently retired from Bunker Hill Community College where I served for 24 years as the director of the Adult Education and Transition Program. This program offers classes for immigrant adults to learn English, both immigrant and American born adults to obtain their high school credential, be prepared to succeed in college, and advocate for themselves and their communities. This job was so rewarding; it provided me the gift to see adults gain the skills and confidence to be successful in becoming active in their children's education, learn to read and write, go to college and get jobs. It was also difficult to listen to the student stories of their experience coming to this country and the fright they feel in this current political climate that does not value immigrants. Yet, these adults continue to persevere to achieve their goals to provide a better life for their children and families.

Prior to my coming to Bunker Hill Community College, I served as a Peace Corps volunteer in Sierra Leone. I lived and worked in a fishing village (my undergraduate degree is in fisheries biology.) After completing my volunteer service, I worked for the Peace Corps agency as staff in Washington DC and overseas. My Peace Corps experience reinforced my belief to make my career in public service.

I was born and raised in Gloucester. My family has lived in Gloucester for three generations. Gloucester has given my family so much I would like to have the opportunity to give service and give back for those gifts.

I ask for your kind consideration of my application for appointment to the Human Rights Commission. I can be contacted by phone: 508-284-0473 or by email: toni.borge@gmail.com. Thank you.

Regards,



Toni F Borge

Toni F Borge
8 Wheelers Point Road
Gloucester, MA 01930
508-284-0473 * toni.borge@gmail.com

Experience

- Bunker Hill Community College – Boston MA 1995-2019
Director Adult Education and Transition Program
- Managed and administered Massachusetts Department of Elementary Education (DESE) grant funded adult education program to provide education services for immigrants and adults without high school credentials. Classes offered four levels of ESOL, GED in English and Spanish, health care job preparation, and transition to college. Student enrollment: 350.
 - Responsibilities included: Supervised teachers, advisors, and support staff. Oversaw curriculum and staff professional development. Liaised with community-based organizations. Communicated with DESE staff. Monitored grant activities to ensure compliance with grant policies and requirements. Wrote grants. Development and monitor grant budgets.
- Adjunct faculty English Department 2007 – present
- Taught developmental reading courses designed to raise student reading levels to college level.
 - Teach college writing I and II (required courses) Curriculum includes the writing genres: explaining a concept, argument, problem solutions and research skills.
- Peace Corps Washington D.C. 1987-1992
- Training Officer – Vladivostok Russia 1991-1992
- Responsible for setting up training site for the new Peace Corps program. Duties: locate training site, hiring Russian technical instructors for business development, language and culture instructors, support and counsel Peace Corps volunteers.
- Training Officer – Eastern Europe, Near East and Pacific Region 1990-1991
- Responsible for hiring administrative Peace Corps country oversee program training staff, organizing professional development for oversee Peace Corps program staff.
 - Managed contract to recruit and hire language specialists to develop language training manuals for newly opened programs. Language manuals developed for: Russian, Ukrainian, Albanian, Moldovan, Latvian, Estonian, and Lithuanian.

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

November 12, 2019

Ms. Amanda Kesterson
5 Western Avenue
Gloucester, MA 01930

Dear Amanda:

Thank you for your interest in serving on the **Human Rights Commission**. I am pleased to appoint you to a one year term to the commission. So that you may attend and vote at meetings until your appointment confirmation is finalized, I have issued a 90-day temporary appointment.

Your appointment will be sent to the City Council for their meeting of November 26, 2019, which at this 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.

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 again.

Thank you again.

Sincerely,

Sefatia Romeo Theken
Mayor

cc: Mayor's Report to the City Council



Sefatia Romeo Theken <sromeotheken@gloucester-ma.gov>

Resume Submission for Anti-Discrimination Board

2 messages

Amanda Kesterson <kestersona@yahoo.com>

Thu, Mar 14, 2019 at 4:46 PM

To: Sefatia Theken <stheken@gloucester-ma.gov>, Jim Destino <jdestino@gloucester-ma.gov>

Cc: "James W. O'Hara" <johara@gloucester-ma.gov>, Sean Nolan <snolan@gloucester-ma.gov>, Steve LeBlanc <sleblanc@gloucester-ma.gov>

Mayor Theken, Mr. Destino, and Members of the Ordinance & Administration Subcommittee:

I am writing to express my interest in serving the city of Gloucester as a member of the Anti-Discrimination Board. I'm attaching my resume for your review.

As you can see from my resume, I spent five years as a high school teacher on Cape Ann. When I was studying to earn my Master's Degree, I took several classes in encouraging diversity in our public schools as well as serving diverse learners in the classroom. Additionally, I served as the MCAS coordinator for the Manchester Essex Regional High School for two years, and in that capacity was responsible to ensure that all student needs were met as they took the mandatory exam. Last, one of the requirements of the accreditation process I participated in as a member of the New England Schools and Colleges accreditation team, was to analyze each high school's ability to serve diverse needs-including those of race, religion gender, and learning needs.

As this committee will make recommendations to the public schools, I feel my background in public education, and being a mother of three school age children, makes me an asset to this board. In my role as a political representative, I also feel that I can bring a much needed voice to ensure that all viewpoints get equal hearing in our city.

Please contact me with any questions or concerns.

Amanda O. Kesterson

 **Amanda Orlando Kesterson Resume.doc**
32K

Amanda Kesterson <kestersona@yahoo.com>

Mon, Apr 22, 2019 at 10:28 AM

To: "stheken@gloucester-ma.gov" <stheken@gloucester-ma.gov>, Jim Destino <jdestino@gloucester-ma.gov>

Cc: "James W. O'Hara" <johara@gloucester-ma.gov>, Sean Nolan <snolan@gloucester-ma.gov>, Steve LeBlanc <sleblanc@gloucester-ma.gov>

Hello Everyone,

I'm just following up on my email(below), and my resume submission, as to the Anti-Discrimination board. Is there any update?

Thank you,

Amanda O. Kesterson

Amanda Orlando Kesterson
5 Western Avenue Gloucester, MA 01930
978-559-9404
kestersona@yahoo.com

Education

Salem State College Master of Arts in Teaching English	Class of 2005
Boston College Bachelor of Arts in English Minor in Secondary Education	Class of 2001

Employment

Orlando & Associates Office Manager Responsibilities include preparation and filing of legal documents, organization of files, marketing, networking, and communication with clients	January, 2006-present
Manchester Essex Regional High School English Teacher British and American literature, MCAS and SAT preparation	September 2001-November, 2005
Revere High School Student Teacher	January-May, 2001

Additional Professional Experience

Massachusetts Republican Party State Committeewoman	June 2017 -present
Gloucester Republican City Committee Chairwoman Treasurer	February, 2015-present August, 2013-February 2015
Manchester Essex Regional High School Yearbook Advisor	September, 2003-June, 2006

Amanda Orlando Kesterson
5 Western Avenue Gloucester, MA 01930
978-559-9404
kestersona@yahoo.com

PAGE TWO

Manchester Essex Regional High School MCAS Coordinator	May, 2003-May 2005
New England Schools and Colleges Member of Accreditation Team	Spring, 2004
Boston College Yearbook Editor	September, 2000-May, 2001

Volunteer Positions

Cape Ann Wreaths Across America Chairwoman	2016-present
Rotary Club of Gloucester, MA	June, 2015-present
Boy Scouts of America Den Leader, Pack 56 Gloucester, MA	September 2012-2017

References available upon request

Sec. 2-496. - Policy.

It is hereby declared to be the public policy of the city, including its employees, agents and officials, to protect and promote the constitutional, civil and human rights of all people within the city. Further, the city asserts that:

- (1) All people have certain inalienable rights, including the right to life, liberty, the pursuit of happiness and equal justice under the laws of the United States, the commonwealth and the city;
- (2) No person in our city shall have these rights constrained, reduced, ignored or violated;
- (3) All people in our city shall be protected in the exercise of these human and civil rights; and
- (4) No person in our city shall be unlawfully discriminated against in matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of: age, ancestry, citizenship, color, disability, economic status, ethnicity, family or marital status, gender, military status, national origin, race, religion, sexual orientation or source of income.

(Ord. No. 22-1994, § I, 11-1-1994)

Sec. 2-497. - Established; terms; compensation.

- (a) There shall be in the city a commission known as the "Gloucester Human Rights Commission" hereinafter called the commission, which shall consist of seven members appointed by the mayor and approved by the city council, to serve without compensation. The commission may have in addition one ex-officio member selected by the majority vote of the commissioners.
- (b) The commissioners shall be appointed from a list developed by the mayor through an application process which shall include public notice as provided in the Charter, § 7-6. Said list shall be updated as vacancies on the commission occur. All such appointments by the mayor shall be confirmed by the city council pursuant to the Charter, § 2-10(a).
- (c) The commissioners shall serve a term of three years; provided, however, that of the members first appointed to the commission, two shall be appointed to a term of one year, two shall be appointed to a term of two years, and three shall be appointed to a term of three years. Thereafter, the mayor shall appoint each successor to a term of three years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which the member has been appointed.
- (d) The loss of office by a commissioner due to excessive absence shall be governed by Charter, § 7-14.

(Ord. No. 22-1994, § I, 11-1-1994)

Sec. 2-498. - Election of chairperson; rules of procedure; quorum.

- (a) The members of the commission shall elect annually a chairperson from among its members who shall not hold that office for more than three consecutive terms.
- (b) Subject to the approval of the mayor, the commission shall adopt rules of procedure for its administration which are consistent with the laws of the commonwealth and ordinances of the city.
- (c) Four members shall constitute a quorum for the purpose of conducting business.

(Ord. No. 22-1994, § I, 11-1-1994)

Sec. 2-499. - Purposes.

The purposes of the commission shall be to:

- (1) Improve the life of city by enlisting individuals and community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations and the peaceful enjoyment of life in our diverse community;
- (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 voluntary mediation for all parties concerned, and informing such people of the local, commonwealth and federal agencies available to address their grievances; and
- (3) Work with all city departments, including the school department, commissions and boards, to increase compliance with appropriate local, commonwealth and federal laws and to raise the level of awareness and sensitivity to human rights issues in municipal business with the public.

(Ord. No. 22-1994, § I, 11-1-1994)

Sec. 2-500. - Powers and duties.

The powers and duties of the commission shall include the following:

- (1) To support and assist all city departments, including the school department, commissions and boards, in their efforts to celebrate the diversity of the city, promote tolerance, and comply with appropriate local, commonwealth and federal laws;
- (2) To publish reports and other documents;
- (3) To provide a public forum 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;

- (4) To refer complaints to the appropriate local, commonwealth or federal agency to address their grievances;
- (5) To publish an annual report of the state of human rights in the city drawn from its own resources as well as records of other city departments, including the school department; and
- (6) To render to the mayor, the city council and the school committee a full written report of its activities and its recommendations, not less than once a year.

(Ord. No. 22-1994, § I, 11-1-1994)

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

November 18, 2019

Mr. Michael McDermott
158 Magnolia Avenue
Gloucester, MA 01930

Dear Michael:

Thank you for your interest in serving on the **Gloucester Disabilities Rights Commission**. I am pleased to appoint you to a three year term to the commission. So that you may attend and vote at meetings until your appointment confirmation is finalized, I have issued a 90-day temporary appointment.

Your appointment will be sent to the City Council for their meeting of November 26, 2019, which at this 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.

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 again.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Theken", written over a horizontal line.

Sefatia Romeo Theken
Mayor

cc: Mayor's Report to the City Council



Enza Taormina <etaormina@gloucester-ma.gov>

[Mayor] Disability Rights Commission

1 message

Michael McDermott <michaelpmcdermott@gmail.com>

Mon, Sep 9, 2019 at 1:47 PM

Reply-To: michaelpmcdermott@gmail.com

To: mayor@gloucester-ma.gov

Dear Mayor Sefatia,

My name is Michael McDermott I am a Gloucester Resident and am looking for an opportunity to serve the Disability Rights Commission. I am a Special Educator with 13 years of experience working in schools, assisting students find employment and transitioning students from schools to adult service providers.

I have attached my resume and would appreciate an opportunity to learn more about the Commission.

Thank You,

-Michael McDermott
158 Magnolia Ave.

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You received this message because you are subscribed to the Google Groups "Office of the Mayor" group. To unsubscribe from this group and stop receiving emails from it, send an email to mayor+unsubscribe@gloucester-ma.gov.

To view this discussion on the web visit <https://groups.google.com/a/gloucester-ma.gov/d/msgid/mayor/CAK148DJswO0G3QLBFt0Z3K%3DFMAD1QuOCv%3DNFWBDMm2UsQZp6GA%40mail.gmail.com>.

 **Michael_Paul_McDermott (1).doc**
28K

Michael Paul McDermott, M.Ed.
158 Magnolia Ave.
Gloucester, MA 01930
michaelpmcdermott@gmail.com
(781) 454-6469

Work Experience:

SEEM Collaborative

Vocational Coordinator-Community Work Program at SEEM Prep September 2012 to Present
SEEM Prep is a special education school that works with students with various cognitive, behavioral and social emotional needs. The goal is to teach students functional academics, Independent Living Skills and Vocational skills so that they can have positive transitions from school to the adult world.

Roles and Responsibilities: *The Vocational Coordinator oversees the Community Work Program as well as the pre-vocational training, soft skill workshops and vocational curriculum for the SEEM Prep. Provides supervision to Job Coaches as well as training on collecting data and best practices. The Vocational Coordinator is also responsible for creating IEP goals, transition planning and vocational assessments.*

Norwood Public Schools

Special Education Teacher-LEAD Program September 2009 to June 2012

The LEAD Program provides the opportunity for Special Education students between the ages of 18-22 years of age with vocational exploration and training, Functional Academics supported by a Community Life Skills Curriculum, transitional guidance and community integration.

Roles and Responsibilities: *The teacher coordinates the delivery of vocational, academic, speech and language and transitional goals outlined in each student's IEP. Provides Supervision and training of paraprofessionals and aides on collecting student performance data as well behavioral data. The teacher is also required to create IEP's, Transition Plans and three-year re-evaluations, as well as perform vocational and academic assessments.*

The May Institute

Coordinator of Transitional Education- July 2008 to August 2009

Transition Specialist December 2007 to July 2008

The May Institute's Transitional Education Department provides services to students ages 14-22 with career/job exploration, job searching skills, on and off campus vocational training, social skill development, ADL training and travel training.

Roles and Responsibilities: *The Coordinator of Transitional Education provides oversight of the Transitional Education Department. The Department maintains a caseload of students between the ages of 14-22. The Coordinator is in charge of writing and the collection of data for IEP/ITP goals and objectives, providing staff training, job placement, maintaining relationships with businesses in the community, as well as hiring of staff. The Coordinator also has administrative duties including being on the on-call rotation to help with staffing needs, as well as student and staff emergencies. Transition Specialists work as job coaches and assist in developing transitional IEP goals.*

Perkins School for the Blind

Assistant Houseparent- Deaf Blind October 2006 to September 2007

Program Aide September 2005 to October 2006

The Perkins School for the Blind Residential Program offers residential opportunities for students who need additional support in behavioral management, ADL training and Life Skills Instruction.

Roles and Responsibilities: *The Assistant Houseparent manages and oversees the daily schedule of activities, dispenses medication, oversees menu planning and food preparation, assigns staffing for*

students, helps train employees on student behaviors, medical issues, blind and deaf related needs, and helps provide communication with parents and guardians. Program Aides work with small groups of students within the residential program providing direct care to the students in the residence.

Education:

UMass Boston, Boston, MA: Graduate Certificate in Special Education with a Concentration in Transition Leadership

Bridgewater State University, Bridgewater, MA: M.Ed Severe Special Education (MA Initial License Severe Special Education)

Stonehill College, Easton, MA: B.A. Cultural Studies

Litchfield High School, Litchfield, CT



Gloucester City Council

CERTIFICATE OF VOTE

Certificate Number: 2019-118

The Gloucester City Council, at a meeting held on Tuesday, June 25, 2019 at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

IN CITY COUNCIL:

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Gilman, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend GCO Ch. 2 "Administration," Div. 8-"Human Rights Commission," by ADDING following sections: 2-502 "Disabilities Rights Commission Established; Terms," 2-503 "Election of chairperson; rules of procedure", 2-504 "Purposes," 2-505 "Definition of person with disability," 2-506 "powers and duties," and 2-507 "Records" as follows:

Sec. 2 – 502. - Disabilities Rights Commission Established; Terms.

- (a) There shall be a sub-commission under the Human Rights Commission known as the "Gloucester Disabilities Rights Commission," which shall consist of seven members appointed by the mayor and approved by the city council, to serve without compensation. A majority of said commission members shall consist of people with disabilities, one member may be a member of the immediate family of a person with a disability, one member shall be either an elected or appointed official of the city, and one member shall also serve as a member of the Human Rights Commission to ensure consistent goals and practices.
- (b) The commissioners shall be selected and appointed from a list developed by the mayor through an application process which shall include public notice as provided in section 7-6 of the Charter. Said list shall be updated as vacancies on the commission occur. All such appointments by the mayor shall be confirmed by the city council pursuant to section 2-10(a) of the Charter.
- (c) The commissioners shall serve a term of three years; provided, however, that of the members first appointed to the commission, two shall be appointed to a term of one year, two shall be appointed to a term of two years, and three shall be appointed to a term of three years. Thereafter, the mayor shall appoint each successor to a term of three years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which the member has been appointed.
- (d) The loss of office by a commissioner due to excessive absence shall be governed by section 7-14 of the Charter.
- (e) Said commission shall follow all applicable laws including, without limitation, Section 504 of the federal Rehabilitation Act of 1973, which requires inclusion and integration of persons with disabilities in the programs, services and employment opportunities of organizations and agencies that receive federal money; Amendment Article 114 of the Massachusetts Constitution, which prohibits discrimination on the basis of disability under any service or program within the Commonwealth; and the regulations of the Architectural Access Board, which require access in newly built and renovated buildings.

Sec. 2 – 503. - Election of chairperson; rules of procedure.

- (a) The members of the commission shall annually elect a chairperson from among its members who shall not hold that office for more than three consecutive terms.
- (b) Subject to the approval of the mayor, the commission shall adopt rules of procedure for its administration which are consistent with the laws of the commonwealth, ordinances of the city and Parliamentary Authority.

Sec. 2 – 504. - Purposes.

The purposes of the commission shall be to promote the full integration and participation of people with disabilities in the City of Gloucester's activities, services and employment opportunities or the community and to coordinate or carry out programs in coordination with programs of the Massachusetts Office of Disability. The commission shall:

- (1) Research local problems and challenges of people with disabilities.
- (2) Advise municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities.
- (3) Work closely with the ADA Coordinator, inventory all of the programs and services that are currently in place in the City for people with disabilities and promote public awareness of such services to bring about maximum participation of people with disabilities.
- (4) Recommend to the mayor and the ADA Coordinator new programs and services needed to meet the problems and challenges of people with disabilities and to ensure equal access by persons with disabilities.
- (5) Review and make recommendations to the mayor about current policies, procedures, services, activities and facilities of departments, boards and agencies of Gloucester as they affect people with disabilities.
- (6) Provide information and referrals for guidance and technical assistance in all matters pertaining to disability to individuals, public agencies, businesses and organizations in the city.

Sec. 2 – 505. - Definition of person with a disability.

For the purpose of this ordinance a person with a disability shall be defined as any person who (1) has a

Physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairment.

Sec. 2 – 506. - Powers and duties.

The powers and duties of the commission shall include the following:

- (1) To ensure the equal status of persons with disabilities in the areas of education, employment, the economy, politics, housing, and health.
- (2) To acquire, analyze, use and store disability related statistics and related materials for program planning and evaluation purposes.
- (3) To keep and make public records of its meetings and actions and to publish reports and other documents.
- (4) To provide a public forum in which citizens with disabilities may identify specific barriers that may prevent them from taking full advantage of city programs, initiatives, and facilities. The commission may advise the mayor on any recommended corrective actions.
- (5) To assist in public awareness and inclusion of persons with disabilities through participation in public events, including but not limited to, City sponsored recreational, educational and development activities.
- (6) To refer complaints or grievances to the appropriate local, state or federal agency for resolution.
- (7) To receive donations in the name of the city, subject to the approval of the mayor and city council, consistent with the city's gift acceptance ordinance.
- (8) To provide the mayor, the city council and the school committee with a complete annual report of its activities and its recommendations, which shall be included in the City's Annual Report.

Sec. 2 – 507. – Records.

All commission records shall be public except those that are necessary to ensure privacy rights under other local, state or federal laws.”


Joanne M. Senos, City Clerk

Date: June 27, 2019

APPROVED BY THE MAYOR


Sefatia Romeo Theken

VETOED BY THE MAYOR

Sefatia Romeo Theken

SIGNED THIS 27th DAY OF JUNE, 2019

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

ENCLOSURE 2

**CITY OF GLOUCESTER
LEGAL DEPARTMENT**

Memorandum

TO: Sefatia Romeo Theken, Mayor
FROM: Chip Payson, General Counsel
RE: Essex Inter Municipal Agreement
DATE: November 19, 2019

As you may be aware, on June 6, 2000, Gloucester entered into an Inter Municipal Agreement (IMA) with the town of Essex whereby Gloucester agreed to sell and Essex agreed to buy wastewater treatment and disposal capacity from Gloucester.

In 2017, there arose a dispute regarding certain language in the 2000 IMA and Gloucester brought suit against Essex for certain damages that included, among other things, breach of contract.

As a direct result of that law suit, Gloucester and Essex recently engaged in successful mediation and reached a settlement agreement. That settlement agreement required, among other things, that Gloucester and Essex re-negotiate a new IMA.

Attached for your review is a draft copy of that new IMA. It is my understanding that, in the past day or so, the Essex Board of Selectmen voted to approve the new IMA. Please forward this memo and attachment to the City Council for their review and action.

Please let me know if you have any questions. Thank you.

JULY 1, 2020

INTERMUNICIPAL AGREEMENT
FOR
WASTEWATER COLLECTION, TREATMENT AND DISPOSAL
BETWEEN
CITY OF GLOUCESTER, MASSACHUSETTS
AND
TOWN OF ESSEX, MASSACHUSETTS

Preamble

THIS AGREEMENT made and entered this ____ day of _____ 2019, and executed in quadruplicate (each executed copy constituting an original) between the City of Gloucester (hereinafter "Gloucester") and the Town of Essex (hereinafter "Essex").

WITNESSETH:

WHEREAS, the City of Gloucester owns and operates a wastewater treatment system; and

WHEREAS, Essex has constructed a sewer system in Essex to the Essex Gloucester line that connects with the Gloucester sewer system; and

WHEREAS, Gloucester, in and under the terms and conditions as listed herein, desires to sell wastewater treatment and disposal capacity to Essex; and

WHEREAS, Essex, in and under the terms and conditions as listed herein, desires to purchase wastewater treatment and disposal capacity from Gloucester; and

WHEREAS, the parties recognize that Gloucester must implement and enforce a pretreatment program to control discharges from certain users of its wastewater treatment system under the Clean Water Act, 42 U.S.C. §1251 et seq. and requirements set forth at 40 CFR Part 403; and

WHEREAS, the parties are authorized by Chapter 40, Section 4 and 4A of the General Laws to enter into an Intermunicipal Agreement for the purpose of the City of Gloucester

supplying wastewater treatment and disposal to the Town of Essex, subject to authorization by the Gloucester City Council and the Essex Town Meeting and Board of Selectmen; and

WHEREAS, A Final Judgment was entered in Commonwealth of Massachusetts v. Town of Essex, Suffolk Superior Court C.A. No. 96-2209B; and

WHEREAS, Gloucester and Essex acknowledge that remediation of wastewater issues on Cape Ann, which in the past required that Essex undertake the program that Essex contemplates by this agreement which in turn required that Gloucester undertake the construction of the Little River sewer project;

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

1. Term/Purpose/Intent

1.1 The term of this Agreement shall be for a period of twenty-five (25) years from July 1, 2020 to June 30, 2044, unless sooner terminated as herein provided. The parties intend that the municipal corporations entering into this Agreement are the sole and exclusive beneficiaries of the Agreement. Subject to the terms and limits of this Agreement and of applicable state and federal law, the City of Gloucester acting through its Department of Public Works will provide sewer service to the Town of Essex in consideration for payment of applicable sewer use rates and fees. The City and Town shall meet at a minimum; of at least once every five years beginning in the year 2025 to discuss the contract including but not limited to capital forecasts.

1.2 Gloucester shall use its best efforts to be at all times in compliance with the NPDES permit issued for the facility and to comply with all state and federal laws, regulations, water quality standards, orders, decrees of any state and/or federal governmental authority having jurisdiction over the treatment and disposal of waste waters.

1.3 Characteristics of waste delivered to the facility by or from Essex shall at all times conform to standards set by Rules and Regulations of the EPA and the MA DEP and Gloucester's Sewer Use Ordinance, all as issued and amended from time to time.

1.4 Gloucester shall amend its sewer ordinance to the extent necessary to incorporate the pertinent terms of this agreement.

2. Amendments

2.1 No officer, official, agent, or employee of Gloucester or Essex shall have the power to amend, modify or alter this Agreement or waive any of its provisions or to bind Gloucester or Essex by making any promise or representation not contained herein except by an amendment, in writing, executed by both municipal corporations in the same manner as this Agreement is executed. Neither party may rely on any conduct, statements, action, inaction or course of conduct of the employees, agents or officers of the other party as having changed, modified or amended this Agreement. Neither party shall be construed as waiving any provision of the Agreement unless the waiver is executed in writing as an amendment to this Agreement. No waiver by either party of any default or breach shall constitute a waiver of any subsequent default or breach. Forbearance or indulgence in any form or manner by either party shall not be construed as waiver of any term or condition hereto nor shall it limit the legal or equitable remedies available to that party.

3. Assignment

3.1 This Agreement shall not be assigned or transferred by either party, without the express written consent of the other party given with the same formalities as are required for the execution of this Agreement.

4. Hold Harmless/Indemnification

4.1 To the extent permitted by law, Essex hereby agrees to indemnify and save harmless Gloucester or its agents against any and all liability or claims arising from the negligent or willful acts or omissions of Essex or its agents or employees relating to Essex's performance under this Agreement, including but not limited to liability deriving from state and federal environmental administrative findings or orders or actions or claims for damages on account of injury to person, or property or the environment caused by any act or omission of Essex, its agents or employees or any fine, penalties or monetary awards which arise out of Essex's acts or omissions under the terms of this Agreement.

4.2 To the extent permitted by law, Gloucester hereby agrees to indemnify and save harmless Essex or its agents against any and all liability or claims arising from the negligent or willful acts or omissions of Gloucester or its agents or employees relating to Gloucester's performance under this Agreement, including but not limited to liability deriving from state and federal environmental administrative findings or orders or actions or claims for damages on account of injury to person, or property or the environment caused by any act or omission of

Gloucester, its agents or employees or any fine, penalties or monetary awards which arise out of Gloucester's acts or omissions under the terms of this Agreement.

5. Force Majeure

5.1 No failure or delay in performance shall be deemed to be a breach of this Agreement when such failure or delay is occasioned by or due to any Act of God, strike, lockout, war, riot, epidemic, explosion, sabotage, breakage or accident to machinery or lines or pipe, the binding order of any court or governmental authority, or any other cause whether of the kind herein enumerated or otherwise not within the control of the party against whom a breach is alleged.

6. Reports/Records/Rate Schedules

6.1 Annually, during the first week of January, Essex and Gloucester shall mutually exchange records pertinent to the flows from each municipality. The records shall include the average daily flow for each month. The annual flow data will be reconciled against the allocated treatment capacity for the Town and the City. The Town and the City shall also, at this time, furnish data on the expected flows for the upcoming year, the amount of committed but unconnected capacity, and uncommitted capacity.

6.2 Upon Gloucester's request, Essex shall provide reports and records giving the names and addresses of all Essex's customers and showing the location from which sewage is being accepted, character of occupancy, and amount of sewage produced on a monthly basis by each customer and any other reports, records or data reasonably required by Gloucester.

6.3 Essex shall furnish sewer system plans as Gloucester may request from time to time.

6.4 Essex shall notify Gloucester in writing and keep Gloucester informed of the name and title of its official or officials responsible for sewage services in Essex and for implementation of the terms of this Agreement.

7. Inspections

7.1 Gloucester has the right to inspect and test any equipment which Essex is required to install and/or maintain under the Agreement. Gloucester can require Essex to repair and replace any such equipment if it is demonstrated not to perform. If Essex fails to replace or repair any such item, within a reasonable time under the circumstances and as set

forth in written notice to Essex, Gloucester may do so and bill Essex for the cost thereof. Payment shall be due within thirty days after Gloucester mails or delivers a billing statement to Essex.

7.2 Gloucester has the right to inspect facilities and equipment in Essex which may affect the sewage system. These inspections and any inspections permitted under this Agreement may include any and all reasonable tests Gloucester deems necessary. Essex hereby consents to Gloucester's entry onto or into property of Essex for the purpose of any inspection or repair, installation or maintenance which Gloucester may require under this Agreement. Gloucester will not, except as expressly set forth in this Agreement, perform any work in Essex but will require work, as needed to be performed by Essex, to Gloucester's specifications for all extensions of sewer lines.

8. Remedies

8.1 In addition to the remedies, power and authority which the Department of Public Works has under ordinances of the City of Gloucester, the following remedies apply:

a) If either party fails to fulfill any material obligation or condition of this Agreement, the other party has the right to terminate this Agreement by giving ninety (90) days notice, in writing, of its intent to do so. Upon receipt of such notice the party shall have the right to prevent termination by curing the default within sixty (60) days. Termination shall not release Essex from its obligation to pay all bills or sums due in accordance with this Agreement.

b) Both parties reserve the right, either in law or equity, by suit, and complaint in the nature of mandamus, or other proceeding, to enforce or compel performance of any or all covenants herein.

c) Any bill remaining unpaid after the thirtieth day from the date of billing or the due dates as specified in this Agreement, whichever is later, shall bear interest at the rate of prime plus 2% annually computed from the end of the governing period.

d) If an administrative agency, board, commission or division of the state or federal government or any court impairs, alters, restricts or limits, directly or indirectly Gloucester's rights, powers or authority to maintain, sell, contract for, or permit sewage disposal as described in this Agreement, Gloucester, in its sole discretion, may terminate and void this Agreement by written notice to Essex. Termination under this clause shall not release Essex from its obligation to pay any sums due and all bills owed for services

previously rendered unless to do so would be in violation of a final administrative or judicial decree, order or ruling. The notice of termination under this subsection shall be given within five business days after the appropriate Gloucester official receives written notice as set forth in Section 22.1 of the action or decision of such agency, board, commission, division or court. It is the intent of this notice provision to give Essex as much advance notice as possible consistent with Gloucester's need to terminate. Gloucester will notify Essex of the formal institution of any proceedings or the issuance of any formal order which clearly could interfere with the terms of this Agreement so that Essex may, if it chooses, seek to participate in such proceedings or challenge any such order.

e) If either party fails to perform any obligation under this Agreement, the other party may perform on behalf of the defaulting party and charge the reasonable costs thereof, including administrative time, to the defaulting party as a sum due under the Agreement provided written notice is given to the defaulting party allowing it a reasonable time to cure the default.

f) Gloucester may terminate this agreement: 1) if Essex fails to cure any default within sixty (60) days after written notice as provided in paragraph 8.1(a); or (2) if Essex or any consumer utilizing Essex's access to Gloucester's sewer system, by intent violates or fails to comply with any notice, ordinance, regulation or order of the City permitted or required under EPA's pretreatment regulations or violates any requirement imposed by the EPA regulating wastewater discharge or treatment. This paragraph shall not apply in the event that Essex promptly initiates and diligently prosecutes appropriate enforcement action against the Essex consumer(s) as a result of such violation(s).

g) The remedies set forth in this Agreement are cumulative. The election of one does not preclude use of another.

h) In the event that Gloucester terminates this Agreement for any reason, other than a threat of imminent harm to Gloucester wastewater treatment plant, Gloucester shall be obligated to continue to accept and treat wastewater from Essex until such time as Essex is able to implement an alternative wastewater treatment disposal plan. Essex shall use its best efforts to adopt such an alternative plan as soon as practicable. The failure of Essex to pursue such an alternative plan shall be a separate ground for default.

9. Emergencies

9.1 Each party shall notify the other of any emergency or condition in either party's system which may affect sewer disposal system in either municipality. Notice shall be given as soon as practicable after the proper municipal official has knowledge of said emergency or condition.

10. Meter Readings

10.1 Essex has installed a tamperproof meter at the Gloucester-Essex town line to measure and accumulate wastewater flow. The metering device was approved by Gloucester prior to installation. The Town of Essex and the City of Gloucester jointly will read the meters quarterly. An invoice will be generated and sent to Essex within thirty (30) days.

10.2 If Gloucester determines that a sewer meter has registered incorrectly, the DPW Director shall prepare an estimate of the amount of sewage accepted through the faulty meter for the purposes of billing Essex. Gloucester shall present evidence to Essex demonstrating that the meter is reading incorrectly, justifying its estimate of sewage flow for the billing period from such sources as previous and undisputed readings for previous similar periods of time. When less than three (3) correct readings are available, fewer readings, including some obtained after the period of incorrect registration, may be used. If the Town determines that a sewer meter reading has registered incorrectly, the Town, in like manner, may present evidence to Gloucester justifying the Town's estimate of sewage flow for the billing period. In the event a dispute arises under this paragraph, the parties agree to meet in good faith to resolve the dispute.

10.3 Gloucester may perform periodic inspections and/or tests of meters. The master meter is to be calibrated annually each spring by a third party certified in the specific meter type calibration. Representatives from both municipalities are free to observe said calibration.

11. Essex/Gloucester Employees

11.1 Employees, servants, or agents of either municipality shall not be deemed to be agents, servants or employees of the other municipality for any purpose including but not limited to either Workers' Compensation or unemployment insurance purposes.

12. Method of Supply

12.1 Essex agrees to purchase sewage and wastewater disposal services and capacity from Gloucester in accordance with the terms and conditions of this Agreement. Essex shall be entitled to discharge no more than a total of 225,000 gallons per day of Normal Strength Wastewater into Gloucester's sewer collection system at one or more metered location(s) at the City of Gloucester line. This limit shall not include the contents of tight tanks hauled to Gloucester's wastewater plant for disposal. Discharges in excess of this limit shall constitute grounds for default and shall be subject to a penalty of \$5,000.00 per day under Gloucester Ordinance sec. 23-41.

12.2 In order to ensure that the Town never exceeds the total discharge limit of 225,000 gallons per day, the Town has limited the total number of connections to its sewer collection system in accordance with the limitations set forth in Exhibit A and the map attached to Exhibit A entitled "Draft Proposed Sewer Service Area" dated March 9, 2000, as amended by Town Meeting action in 2001 and corresponding approval by the City Council. In addition, the Town has established and shall maintain an inflow and infiltration program, which shall be subject to the approval of the City of Gloucester, to ensure that the total discharge limit of 225,000 gallons per day is not exceeded. The Town has also established a program to ensure storm water is not discharged to the system. The City agrees that no penalty for violation of the 225,000 gal/day limit shall be imposed if said discharge violation is caused by an infiltration and inflow event so long as the Town promptly takes action to rectify the infiltration and inflow which caused the excess discharge. Gloucester has approved all connections by Essex to the Gloucester wastewater system. Essex has constructed and shall maintain a flow measuring station at each approved connection, suitable to continuously measure and record all flows entering the Gloucester sewer system. Gloucester shall have the right of access to said metering stations for purposes of inspection and data acquisition.

12.3 All sewerage (wastewater) flows expressed or referred to within this Agreement (unless otherwise noted) are monthly average flows, and are computed based upon the most recent calendar month total flow measured at the metered connection, divided by the number of days in the month.

13. Use Restriction

13.1 Subject to applicable law, Essex shall use the sewage capacity furnished under this Agreement solely for its municipal wastewater and for wastewater generated by

residential properties, restaurants, industrial users, or municipal uses within Essex's corporate limits. No commercial or industrial Essex property shall be exempt from the City of Gloucester pretreatment requirements and standards. Essex shall not permit any sewage capacity furnished hereunder to be used by any person outside of Essex's territorial limits without the express written consent of Gloucester in each instance.

14. Reserved Capacity

14.1 Gloucester agrees to permit Essex to discharge flows up to 225,000 gallons per day through connections with the Gloucester sewer system during the term of this Agreement. Discharges in excess of this limit shall be grounds for default.

15. Funding and Appropriations

15.1 Essex agrees to appropriate annually sufficient money to pay for its obligations under this Agreement.

16. Capacity Purchase Price and CSO Debt Service

16.1 Essex has paid a Capacity Purchase Price of \$1,120,000 to the City of Gloucester. The City of Gloucester shall not, as a precondition for renewal of this Agreement, require the Town to pay an additional Capacity Purchase Price or any other fee for the privilege of renewing this Agreement.

16.2 Notwithstanding any provision of this Agreement that may arguably be to the contrary, and in addition to all other sums which Essex is obligated to pay to Gloucester thereunder, Essex shall pay to Gloucester the sum of One Million, Six Hundred Sixty-Four Thousand, One Hundred Thirty-Four Dollars and Seventy-Five Cents (\$1,664,134.75) in equal, annual installments of Sixty-Six Thousand, Five Hundred Sixty-Five Dollars and Thirty-Nine Cents (\$66,565.39) each over a period of twenty-five (25) years, each such installment to be made on or before the 31st day of July in each fiscal year, commencing in Fiscal Year 2021 (i.e., by July 31, 2020) and concluding in Fiscal Year 2045 (i.e., by July 31, 2044). Said sums shall be accepted in full satisfaction of any amounts owed or that may be owed by Essex for the 2001 CSO Project, as defined in the November 4, 2019 Settlement Agreement which is attached hereto and incorporated herein. Should it be necessary in order to fulfill this section, payments made by Essex may continue beyond the term of this Agreement.

17. Sewer Construction by Essex in Gloucester

17.1 Title to the sewers in Gloucester constructed by Essex and the operation and maintenance of said lines shall be assumed by Gloucester. Gloucester is permitted at its convenience to restrict or permit sewer connections to the said sewers.

17.2 Gloucester will seek special legislation to allow it to control whether and how future connections to and extensions of the main constructed by Essex within Gloucester shall occur.

18. Capital Improvement Provision

18.1 In the event that the Gloucester Department of Public Works performs capital improvements on a portion of the City system affected by Essex effluent, or if Gloucester is directed or ordered by EPA, DEP or any other Agency or Court of the state or federal government to provide a higher degree of treatment at the facility in the future, or otherwise to modify the process from that used or in place at the time of execution of this Agreement, the total cost of such replacement or additional facilities shall be apportioned between the parties as set forth in paragraph 18.2 of this Agreement.

18.2 Essex shall be liable for capital costs either through payment of the IMA - Wholesale Rate (as defined in Section 18.5) or, if not included in the sewer rate charged to all sewer users, Essex will pay at a rate of 3.125%. Capital costs shall not include the initial cost of new construction of sewer line extensions to properties not served on September 19, 2019, unless such extensions are paid through the sewer rate. As of the date of this Agreement, there are no previously constructed sewer line extensions that Essex is responsible for funding.

18.2.1 If in any year Gloucester resumes the practice of financing all or any portion of the 2001 CSO Project debt service by assessing the same to sewer users as part of the residential rate, Gloucester and Essex agree the annual payments called for in Section 16.2 shall be adjusted for the impact of such shift to the residential sewer rate over the remaining term of the Agreement; provided, however, that in no event shall Essex be required to pay more than the total amount set forth in Section 16.2, whether the charge is by separate bill or on the rate. Each time any such adjustment is made, Gloucester shall provide or make available to Essex backup documentation sufficient to calculate the adjustment amount.

18.2.2 Gloucester will instruct its City Clerk that with respect to any new City Council vote for sewer-related loan orders, a copy of the certificate of such vote is to be sent with reasonable promptness to the Essex Town Administrator.

18.3 The Town of Essex shall upon advance notice have the right to inspect and audit any and all cost records of the City relating to the construction, expansion, replacement, modification, operation and maintenance of the plant and facilities as stated in this Article, at the City of Gloucester's offices.

18.4 In the event that this Agreement is not renewed or renegotiated at the expiration of the twenty-five (25) year term of this contract or if this Agreement is terminated through no fault of the Town, Essex shall be entitled to reimbursement for its proportionate share of the capital improvement costs paid over the term of the contract minus an amount which reflects the depreciation of value of the capital improvements. In the event that this Agreement is terminated through no fault of the Town, Essex shall also be reimbursed for a proportionate share of the Capital Purchase Price.

18.5 User Rate/Rate Setting. Notwithstanding any provision of this Agreement to the contrary, and commencing with flows occurring at the beginning of the quarter in which the execution and delivery of this Agreement as defined in §§ 3 and 4 of the November 3, 2019 Settlement Agreement, attached, shall then have occurred, the sewer rate to be charged to Essex under this Agreement shall be set at a rate that is fourteen percent (14%) less than the sewer rate charged to Gloucester's residential users as may be amended from time to time. This special rate for Essex shall be known as the "IMA - Wholesale Rate." Said reduction of fourteen percent (14%) shall continue in effect for the entire term of this Agreement.

19. Sewer use Ordinance

19.1 Essex's sewer use regulations shall be no less stringent in every particular and, as broad in scope as, or stricter than the current Gloucester Sewer Ordinance. The Essex regulations shall in any event be consistent with and meet all requirements of the EPA as presently codified at 40 CFR part 403 and as the same may from time to time be amended. For purposes of this section and related sections the term "regulations" shall also mean by-law.

19.2 Whenever Gloucester amends its sewer use ordinance, it will forward a copy of the amendments to Essex. Essex will adopt amendments to its sewer regulations that are at least as stringent in every particular and as broad in scope as those adopted by Gloucester. Essex will submit its proposed amendments to Gloucester for review within thirty days of its receipt of

Gloucester's amendments and will adopt its amendments within sixty (60) days of receiving approval from Gloucester.

19.3 If Gloucester makes any revisions or additions to its local limits, it will forward those revisions to Essex which will adopt such revisions within 30 days after receipt thereof.

20. Enforcement Authority

20.1 Gloucester may to the extent permitted by federal and state statutes and regulations including special acts: (1) enforce the terms and conditions of all permits issued by it under this Agreement; (2) issue permits only to all industrial users required to obtain a permit by Essex's pre-treatment regulations; (3) conduct inspections, sampling and analysis of permitted users; (4) take all enforcement actions against industrial users subject to pretreatment requirement, as set forth in Gloucester's enforcement response plan and as provided in Essex's sewer use regulation; and (5) perform any other technical or administrative duties it deems appropriate. In addition, Gloucester may, as agent of Essex, take emergency action to stop, prevent or lessen any discharge which presents, or may present an imminent or immediate threat or danger to the health, safety or welfare of human beings or which reasonably appears, in its discretion, to threaten the environment or which threatens to cause interference, pass through or sludge contamination.

20.2 Essex shall have the duty to administer and enforce its sewer regulations. Upon Essex's failure to enforce, Gloucester may to the extent permitted by federal and state statutes and regulations and Gloucester Ordinances take any enforcement action which it deems necessary or which is necessary to enforce or compel compliance with EPA pretreatment standards, regulations and policies. Gloucester may, upon such failure, to the extent allowed by applicable laws take any action under Essex's sewer use regulations which Essex could take including but not limited to enforcement by administrative fines, or civil or criminal enforcement in any appropriate court. Essex's regulations shall restate this agency and shall require any Essex consumer to consent formally to the provisions of this agency. All administrative and judicial civil penalties and fines assessed by or for Gloucester pursuant to this agency authority shall be the property of, and paid, to Gloucester.

20.3 Before an industrial user or any other user subject to pretreatment standards discharges into Essex's sewer system any wastewater which will be discharged into

Gloucester's system under the terms of this Agreement the user shall obtain a permit from Gloucester in accordance with the Gloucester and Essex sewer use ordinances or by-laws.

20.4 Essex will reimburse Gloucester for all Gloucester's reasonable costs incurred in implementing and enforcing Essex's sewer use regulations within thirty days after receipt of an accounting of all such costs.

20.5 A repeated failure by Essex to enforce its regulations and the terms of this Agreement shall constitute grounds for default.

20.6 The parties will review and revise this Agreement to ensure compliance with the United States Clean Water Act, 42 U.S.C. §1251 et seq. and the rules and regulations promulgated thereunder as necessary, but at least once every three years on a date to be determined by the parties.

21. Definitions of Terms

"EPA" shall mean the United States Environmental Protection Agency or where appropriate the Regional Water Management Division Director or other authorized official of the agency.

"Gloucester" or "City" shall mean the City of Gloucester or where appropriate the City of Gloucester acting by and through its Department of Public Works.

"Essex" or "Town" shall mean the Town of Essex.

"Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act as amended, 33 U.S.C. §1251, et seq.

"DEP" or "MA DEP" shall mean the Massachusetts Department of Environmental Protection.

"Discharge" or "indirect discharge" shall mean the introduction of pollutants into the public owned treatment works from any non-domestic source regulated under the Act.

"BOD" or "Biochemical Oxygen Demand" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 deg. centigrade expressed as a concentration (e.g. As mg/L).

"Person" shall mean every individual, partnership, corporation, municipal corporation, water district, firm, association or group of individuals.

"Essex's customer or consumers" shall mean those persons in Essex to whom Essex sells or distributes sewage disposal from Gloucester under this Agreement.

"Normal Strength Sewage (Wastewater)" as expressed or referred to in this Agreement shall be defined as sewage having a five day biochemical oxygen demand (BOD) less than or equal to 250 mg/L and a total suspended solids concentration less than or equal to 300 mg/L based upon a 24 hour composite sample comprised of at least 6 discrete samples, notwithstanding that in no case shall Essex discharge in excess of 470 pounds per day of BOD or 560 pounds per day TSS.

"User" as used herein shall mean a source discharge or indirect discharge.

"TSS" or Total Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Any word or phrase used in this Agreement not otherwise expressly defined herein shall have the meaning assigned to them as set forth in the Gloucester Sewer Ordinance.

22. Service of Notice

22.1 All notices or communications permitted or required by this Agreement must be in writing except in emergencies, and shall:

As to Gloucester, be delivered or mailed by certified mail, return receipt requested, to the Department of Public Works Director, at the office of the Department of Public Works, Poplar Street, Gloucester, MA 01930.

As to Essex, be delivered or mailed by certified mail, return receipt requested, to the Board of Selectmen's Office, Town Hall, 30 Martin Street, Essex, MA 01929, and the office of the official designated by Essex pursuant to Section 6.4 of this Agreement.

23. Extension of Term

23.1 The parties during the 23rd year of this Agreement, unless it is sooner terminated, shall meet to negotiate in good faith for an extension or renewal of this Agreement subject to authorizations that may be required by then applicable law. This acknowledgment that the term of the Agreement, including any new terms or conditions, may be extended, does not impose on either party any express or implied obligations with regard to the potential negotiations or Agreement. Neither party has any added or implied obligation to extend or renew the terms of the Agreement (with or without modifications).

24. Forum and Choice of Law

24.1 This Agreement and any performance under it shall be interpreted and governed in accordance with the laws of the Commonwealth of Massachusetts except for those requirements, terms, duties and conditions regulated by federal law. Any and all proceedings or actions relating to the subject matter herein shall be brought and maintained in the courts of the Commonwealth which shall have exclusive jurisdiction thereof. Any term or word used herein not otherwise defined shall have the same meaning as the term or word is defined in the Gloucester Sewer Ordinance.

25. Regulatory Authority

25.1 This Agreement is subject to the lawful rules, regulations, decisions, order or directives of the EPA and of any agency of the state and federal government with jurisdiction over the parties or subject matter of the Agreement. Any and all conditions, rules, regulations, orders or other requirements heretofore or hereafter placed upon Gloucester or Essex by the EPA or by the DEP or any other agency, division, office or department of the United States or the Commonwealth of Massachusetts or by any court of competent jurisdiction and by any other applicable Federal, state or county agency, shall be construed to become a part of this Agreement unless the Agreement is terminated hereunder. Further, any additional costs placed upon Gloucester as a result of any orders of the above-referenced court or agencies in

connection with the supplying of sewage disposal to Essex by Gloucester shall be borne by Essex.

26. Severability. Headings. Integration

26.1 If any provision of this Agreement is declared or found illegal, unenforceable or void, then both parties shall be relieved of all obligations under that provision. The remainder of the Agreement shall be enforced to the fullest extent permitted by law. The headings are used for reference only and shall not be a factor in the interpretation of this Agreement. This Agreement shall supersede all other verbal and written Agreements and negotiations by the parties relating to performance of the obligations under this Agreement and contains the full and complete and integrated agreement of the parties on the subject matters referred to herein. Any doubt as to meaning, any interpretation issue or any question as to intent of the parties shall be resolved to make this Agreement and the obligations of the parties under it, conform to the letter purpose and intent of the EPA pre-treatment standards and the Act.

IN WITNESS WHEREOF, on the date first mentioned, the officials of the City of Gloucester and the Town of Essex hereto execute this Agreement, in quadruplicate copies.

When executed, the Agreement shall be recorded in the office of the Clerk of each municipality.

CITY OF GLOUCESTER

By its CITY COUNCIL

As voted on _____

By: _____

Approved as to form and legality

CITY OF GLOUCETSER

By MAYOR SEFATIA ROMEO THEKEN

By: _____

TOWN OF ESSEX
By its BOARD OF SELECTMEN,

Approved as to form and legality

EXHIBIT A
ESSEX SEWER UNITS

1. Background Information and Assumptions

The total design flow for the sewer area in Essex is 225,000 gallons per day (average daily flow). This sewage flow estimate is based on actual water consumption rates in the proposed sewer service area. The average water consumption in the Town of Essex for a single family home is 141 gallons per day. Sewage flow estimate calculations are presented in the Town of Essex, Task 2 Report; Sewage Facility Plan/MEPA Special Procedures Report.

2. Sewer Unit Calculations

• Single Family Homes	1 Sewer Unit
• Two Family Homes	2 Sewer Units
• Three Family Homes	3 Sewer Units
• Four Family Homes	4 Sewer Units
• Condominiums	1 Sewer Unit per Condominium
• Commercial	$[\text{Water Consumption (1998 Water Year)}/141 \text{ gpd}] * 1 \text{ Sewer Unit}$
• Municipal	$[\text{Water Consumption (1998 Water Year)}/141 \text{ gpd}] * 1 \text{ Sewer Unit}$
• Undeveloped Land	1 Sewer Unit per Undeveloped Parcel
• Infiltration/Inflow	$[(\text{Total Infiltration/Inflow})/141 \text{ gpd}] * 1 \text{ Sewer Unit}$

Conversion of sewage flow volumes to sewer units was based on the average daily water consumption for a single family home. A summary of the sewer unit calculation for the sewer service area is presented in Table 1.

3. Allocation of Sewer Units for New Sewer Connections or Change in Use Existing undeveloped parcels in the sewer area are allocated one (1) sewer unit per parcel. Sewer units for these parcels are specifically accounted for in the sewer unit totals.

New sewer connections or change of use of existing facilities that increase sewage generation will be accounted for by the following schedule:

• Single Family Homes	1 Sewer Unit
• Two Family Homes	2 Sewer Units
• Three Family Homes	3 Sewer Units
• Four Family Homes	4 Sewer Units
• Condominiums	1 Sewer Unit per Condominium
• Infiltration/Inflow	$[(\text{Total Infiltration/Inflow})/141 \text{ gpd}] * 1 \text{ Sewer Unit}$

Sewer units for new sewer connections other than listed above will be calculated based on the following formula:

$$\text{Number of New Units} = \text{Title 5 Design Flow (gpd)} / 330 \text{ gpd}$$

In which the Title 5 design flow will be calculated in accordance with 310 CMR 15.000, Title 5, latest revision.

Upon expansion of a building served by the sewer system, the additional sewage generated due to the expansion shall be calculated based on the schedule and formula above. In applying the formula, only the additional area, seats, units, etc., shall be used in calculating the increase in sewer units.

4. Total Connected Sewer Units

The original *Total Connected Sewer Units* is 1,311.65 sewer units. The total number of sewer units shall not exceed 1,601.76 sewer units.

5. Adjustment of Total Connected Sewer Units

The Town shall adjust its total number of connected sewer units each time a new sewer connection is made, a change of use occurs, or a building is expanded that causes an increase in the sewage flow. The *Total Connected Sewer Units* shall be adjusted as follows:

- New Sewer Connection: Add the number of new sewer units to the *Total Connected Sewer Units* as calculated above.
- Change in Use: Subtract original number of sewer units for the service (see attached list) from the *Total Connected Sewer Units* and add the recalculated number of sewer units per Section 3 to the *Total Connected Sewer Units*.
- Expansion of Building: Add the number of additional sewer units as calculated in Section 3 to the *Total Connected Sewer Units*.

6. Reporting of Total Connected Sewer Units

The Town shall supply the City of Gloucester an accounting of the *Total Connected Sewer Units* annually in January or upon request.

Table 1 Estimated Sewage Flows				
Type of Service	Number of Services	Flow per Service, gallons	Total Flow per Type of Service	Gloucester Sewer Units
Single Family Residential	528	141	74,448	528
Two Family Residential	93	282	26,226	186
Three Family Residential	7	423	2,961	21
Condominiums	29	141	4,089	29
Churches	6	200	1,200	6
Future Single Family homes	65	141	9,165	65
Subtotal Residential	693		116,889	833
Commercial	65		35,234	249.89
Municipal	5		2,460	17.45
Future Municipal	4		16,000	113.48
121A Corp.	1	141	141	1
Subtotal Non-Residential	78		53,835	381.82
Total Estimated Sewage Flow			170,724	1,216.82
Estimated Infiltration and Inflow			13,371	94.83
Total Existing Demand			184,095	1,311.65
Total Design Flow			225,000	1,601.76
Total Reserve Capacity			40,905	290.11

c:\Gloucester\Essex-IMA-GloucesterRevision11.18.19

ENCLOSURE 3

**CITY OF GLOUCESTER
LEGAL DEPARTMENT**

Memorandum

TO: Mayor Sefatia Romeo Theken
FROM: Chip Payson, General Counsel
RE: Sewer Force Main easement for the Fuller Project
DATE: November 13, 2019

Attorney Deb Eliason has requested on behalf her client that the City grant to Fuller Residential Holdings, LLC, and the YMCA of the North Shore, Inc., a sewer force main easement that is necessary for the ultimate completion of the Fuller Project. Mike Hale has reviewed this easement and supports it.

Accordingly, attached hereto, for your and the City Council's consideration, please find a copy of a draft easement.

Thank you.

Attachment

SEWER FORCE MAIN EASEMENT AGREEMENT

Property
Address:

Gloucester,
MA

This Easement Agreement (“Agreement”) is entered into this ____ day of _____, 2019 by and between **CITY OF GLOUCESTER**, a municipal corporation duly organized under the laws of Commonwealth of Massachusetts, with a principal place of business at City Hall, 9 Dale Avenue, Gloucester, MA 01930 (hereinafter “City”), **FULLER RESIDENTIAL HOLDINGS, LLC**, a Delaware limited liability company having an address of 150 Presidential Way, Suite 220, Woburn, Massachusetts 01801 (hereinafter “FRH”), **GX-PH4, LLC**, a Massachusetts limited liability company having an address of in care of Sam Park & Company, LLC, 333 School Street, Suite 200, Mansfield, Massachusetts 02048 (hereinafter “GX”), and **YOUNG MEN’S CHRISTIAN ASSOCIATION OF THE NORTH SHORE, INC.**, a Massachusetts corporation having an address of 245 Cabot Street, Beverly, Massachusetts 01915 (hereinafter “YMCA”), successors in title to FULLER MIXED USE VENTURE, LLC (collectively referred to herein as “Grantees”);

WHEREAS, FRH owns the property located at Lot A, 2 School House Road, Gloucester, Essex County, Massachusetts described in a deed recorded with the Essex South District Registry of Deeds at Book 37448, Page 353 (“FRH Property”);

WHEREAS, GX owns the property located at Lot B, 4 School House Road, Gloucester, Essex County, Massachusetts described in a deed recorded with the Essex South District Registry of Deeds at Book 37448, Page 358 (“GX Property”);

WHEREAS, YMCA owns the property located at Lot C, 7 Gloucester Crossing Road, Gloucester, Essex County, Massachusetts described in deeds recorded with the Essex South District Registry of Deeds at Book 37448, Page 361 (“YMCA Property”);

WHEREAS, the City owns the property located at _____, Gloucester, Massachusetts described in a deed recorded with the Essex South District Registry of Deeds in Book _____, Page _____ and shown on the plan entitled “_____” dated _____, 2019 recorded herewith (“Easement Sketch Plan”), which property contains the existing sewer force main that serves the FRH Property, the GX Property and the YMCA Property;

WHEREAS, Special Council Permit #SCP2017-012 as modified by #SCP 2019-002 and #SCP 2019-007 requires the Grantees’ properties to connect to the City of Gloucester sanitary sewer lines, which connection will be through a newly installed sewer force main passing through the City Property;

WHEREAS, the parties desire to establish a sewer force main access and maintenance easement encumbering the City Property for the benefit of the FRH Property, the GX Property and the YMCA Property;

WHEREAS, FRH, GX and the YMCA desire the right and the City desires to grant FRH, GX and the YMCA, jointly and severally, a perpetual, non-exclusive 20' wide easement in, under, upon, through, and above the City Property generally in the area depicted on the Easement Sketch Plan as "Prop Sewer Easement," for the benefit of and as appurtenant to the FRH Property, the GX Property and the YMCA Property, to become established by and upon the final installation of improvements therein by the Grantees (referred to herein as "Sewer Force Main Easement");

NOW THEREFORE, the parties grant, reserve, covenant and agree, in consideration of One (\$1.00) Dollar and other good and valuable consideration, the receipt of which in hand is hereby acknowledged by each of the parties hereto, as follows:

The City hereby grants to FRH, GX and the YMCA, jointly and severally, a perpetual, non-exclusive 20' wide easement appurtenant to and for the benefit of FRH, GX and the YMCA, jointly and severally, and each of their successors and assigns, in, under, upon, through, and above the City Property generally in the Sewer Force Main Easement area, the specific location of which is to become established by and upon the final installation of improvements therein by the Grantees with said main to be in the center of the 20' wide easement, for the purpose of installation, construction, replacement, reconstruction, inspection, maintenance and repair, and the use and enjoyment of, a sewer force main, and all appurtenant facilities to transport sewerage together with the right to perform such excavation, grading, and general earth disturbing activities necessary or incidental to the easement rights granted herein in accordance with the terms hereof. The Sewer Force Main Easement granted herein shall include the necessary easements and rights for ingress and egress over the City Property and the access ways located within the City Property as the same now exist or may be relocated or created in the future, but shall not include the right to park within the Sewer Force Main Easement area or access ways, except when FRH, GX and/or YMCA or their contractor(s) are involved in the installation, construction, replacement, reconstruction, inspection, maintenance or repair of the sewer force main or appurtenant facilities. No equipment or materials shall be stored in the Sewer Force Main Easement area except on a temporary basis when FRH, GX and/or YMCA or their contractor(s) are involved in the installation, construction, replacement, reconstruction, inspection, maintenance or repair of the sewer force main or appurtenant facilities.

Upon completion of any excavation, grading, and general earth disturbing activities, FRH, GX and/or the YMCA shall restore the surface area and all disturbed landscaping, paving, utilities and other improvements to the same condition as existed before such disturbance of the area. Any such restoration shall be in a workman like manner. All such rights and obligations of FRH, GX and YMCA stated herein shall be

performed at their sole cost and expense. The parties agree that all rights set forth herein may be exercised jointly or severally by FRH, GX and/or YMCA and the City agrees to look solely to the party or parties exercising the rights in the event obligations set forth herein are not met.

FRH, GX and the YMCA agree that they shall each exercise their rights under this Agreement at their own risk, and the City shall not be liable to FRH, GX and/or the YMCA for any injury or death to persons entering the Sewer Force Main Easement area pursuant to this Agreement, or loss or damage to equipment or other personal property of any nature whatsoever of FRH, GX and/or the YMCA, or of anyone claiming by or through FRH, GX and/or the YMCA, that are brought upon the Sewer Force Main Easement area pursuant to this Agreement, specifically excluding any loss or damage caused by the gross negligence of the City. FRH, GX and the YMCA further each agree that they shall be responsible for obtaining any and all governmental permits and/or approvals prior to exercising their rights under this Agreement.

FRH, GX and/or the YMCA shall also carry insurance and require any third-party contractors to carry insurance, including workers compensation insurance, in amounts sufficient to cover its obligations under this Agreement, which insurance shall name the City (or any fee, leasehold, or condominium owner of the City Property) as an additional insured party.

The Sewer Force Main Easement is subject to easements and restrictions of record, if any, insofar as the same are in force and applicable.

All rights and privileges herein granted or reserved, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed, acknowledged and delivered on the date first written above.

CITY OF GLOUCESTER, a municipal corporation

By: Sefatia Romeo Theken
Its: Mayor

THE COMMONWEALTH MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2019 before me, the undersigned Notary Public, personally appeared, **Sefatia Romeo Theken, Mayor** of the **City of Gloucester** proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory to be the person whose name is signed above, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed this document voluntarily for its stated purpose before me on behalf of said municipality.

Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed, acknowledged and delivered on the date first written above.

**FULLER RESIDENTIAL HOLDINGS,
LLC**, a Massachusetts limited liability
company

By:
Its: Manager

COMMONWEALTH MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2019 before me, the undersigned Notary Public, personally appeared, _____, **Manager of Fuller Residential Holdings, LLC**, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory to be the person whose name is signed above, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed this document voluntarily for its stated purpose before me on behalf of said company.

Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed, acknowledged and delivered on the date first written above.

GX-PH4, LLC, a Massachusetts limited liability company

By:
Its: Manager

COMMONWEALTH MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2019 before me, the undersigned Notary Public, personally appeared, _____, **Manager of GX-PH4, LLC**, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory to be the person whose name is signed above, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed this document voluntarily for its stated purpose before me on behalf of said company.

Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed, acknowledged and delivered on this ____ day of _____, 2019.

**YOUNG MEN'S CHRISTIAN
ASSOCIATION OF THE NORTH
SHORE, INC.**, a Massachusetts non-profit
corporation

By: _____
Name: Jennifer Buras
Title: President

By: _____
Name: Kim Meader
Title: Treasurer

COMMONWEALTH MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2019 before me, the undersigned Notary Public, personally appeared, _____, **President of Young Men's Christian Association of the North Shore, Inc.**, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory to be the person whose name is signed above, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed this document voluntarily for its stated purpose before me on behalf of said company.

Notary Public
My Commission Expires: _____

COMMONWEALTH MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2019 before me, the undersigned Notary Public, personally appeared, _____, **Treasurer of Young Men's Christian Association of the North Shore, Inc.**, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory to be the person whose name is signed above, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed this document voluntarily for its stated purpose before me on behalf of said company.

Notary Public

My Commission Expires: _____

ENCLOSURE 4



GLOUCESTER POLICE DEPARTMENT
Office of the Chief of Police
197 Main Street
Gloucester, MA 01930

Chief Edward Conley
(978)281-9775

Memorandum

November 7, 2019

To: Mayor Sefatia RomeoTheken

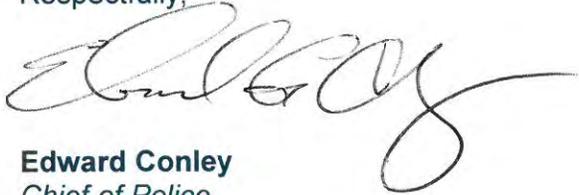
From: Chief Edward Conley

RE: FY20 MED-Project Grant

Mayor Romeo Theken,

Please find our application for the FY20 MED-Project Grant in the amount of \$650.00. This is a drug stewardship program for the management and disposal of unwanted household opioids and benzodiazepine medications. This is a private grant and I respectfully ask that it be approved to accept.

Respectfully,



Edward Conley
Chief of Police



City of Gloucester
Grant Application and Check List

Granting Authority: State _____ Federal _____ Other X

Name of Grant: MED-Project Pharmaceutical Take Back Program

Department Applying for Grant: Police

Agency-Federal or State application is requested from: _____

Object of the application: Dispose of unwanted household opioids etc.

Any match requirements: None

Mayor's approval to proceed: [Signature] 11/12/19
Signature Date

City Council's referral to Budget & Finance Standing Committee: _____
Vote Date

Budget & Finance Standing Committee: _____
Positive or Negative Recommendation Date

City Council's Approval or Rejection: _____
Vote Date

City Clerk's Certification of Vote to City Auditor: _____
Certification Date

City Auditor:
Assignment of account title and value of grant: _____
Title Amount

Auditor's distribution to managing department: _____
Department Date sent

NOTE: A copy of all grant paperwork must be submitted to the Auditor's Office

FORM: AUDIT GRANT CHECKLIST – V.1



**City of Gloucester
Grant Application and Check List (Continued)**

The following are documents needed by the Auditing Office for grant account creation:

1. Grant Application
2. Grant Award Letter/Standard Contract Approval Form
3. Council Order Approval
4. Original Grant Account Budget as approved by Grantor
5. Amended Grant Account Budget as approved by Grantor (if applicable)
6. Any additional information as requested by the Auditing Department

Note: All documents must be complete signed copies.

Please attach the following documents with the Grant Application and Check List and send to the Auditors' Office.

CITY OF GLOUCESTER

ACCOUNT BUDGET

DEPARTMENT NAME: Police

ACCOUNT NAME: MED-Project Grant

FUND NUMBER AND NAME: (N/A FOR NEW FUND) N/A

CFDA # (Required for Federal Grants): _____

DATE PREPARED: 11/7/2019

APPROVED
AMENDED BUDGET

OBJECT	ORIGINAL BUDGET	(IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (4 _____)				
	\$650.00			\$0.00
				\$0.00
				\$0.00
Total:	\$0.00	\$0.00	\$0.00	\$0.00
EXPENSE (5 _____)				
				\$0.00
Overtime	\$650.00			\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	\$650.00 \$0.00	\$0.00	\$0.00	\$0.00

DEPARTMENT HEAD SIGNATURE 

DATE ENTERED (AUDIT) _____ AUDITING DEPARTMENT INITIALS _____

Signed On: <https://med-project.org/>

Massachusetts Grant Application - Edward Conley

PHARMACEUTICAL TAKE-BACK PROGRAM

The Commonwealth of Massachusetts approved the MED-Project drug stewardship program (the "Program"), as submitted in the Product Stewardship Plan by MED-Project LLC (the "Plan") for the management and disposal of unwanted household generated opioids and benzodiazepine medications, as regulated by the Massachusetts Department of Public Health (the "Department").

Enrollment in MED-Project's Program is now open to all Law Enforcement Agencies ("LEAs") within the Commonwealth of Massachusetts to apply and receive grants for the collection and disposal of unwanted household medications.

PROGRAM OVERVIEW

LEAs may choose from one of three options as described below:

Option 1 (Funding-Only Grant):

MED-Project will provide an annual funding grant of \$1300 in support of the LEAs existing program for unwanted household medicine collection kiosk at the LEA site where unwanted medicine is collected and subsequently disposes of at a disposal site. The purpose of this grant is to pay for disposal of unwanted household medicines where the LEA will manage the disposal vial LEA staff. MED-Project will provide \$1300 to LEAs who submit a complete application by July 1. Any complete applications received after July 1 will receive \$650. Funding grants will be renewable each year provided a new complete application is submitted.

or

Option 2 (Kiosk and Funding Grant):

MED-Project will provide an unwanted medicine kiosk and an annual funding grant of \$1300. The purpose of this grant is to pay for disposal of unwanted household medicines where the LEA will manage the disposal via LEA staff. Any complete applications received after July 1 will receive \$650. Funding grants will be renewable each year provided a new complete application is submitted.

or

Option 3 (Service Grant):

MED-Project will fund up to 12 unwanted household medicine collection box and liner kits per year. All box and liner shipping and disposal is including in the service grant. LEAs may request additional box and liner kits by entering into a separate self-paid agreement with the vendor. To qualify for the service grant the LEA will operate an unwanted household medicine collection kiosk, and package and ship full unwanted household medicine collection kiosk box and liner to authorized disposal facilities.



Applicants accepted to participate in this stewardship program will need to accept some responsibilities and compliance with the steps listed below.

PROGRAM ESSENTIALS

To complete the application, an authorized official will need to electronically sign a certification statement that:

- He or she, on behalf of the law enforcement agency, understands the information and responsibilities for participating in the Massachusetts MED-Project Service or Funding Grant program;
- The law enforcement agency will fulfill the responsibilities for participating in the Massachusetts MED-Project Service or Funding Grant program;
- The application is complete, true and accurate;
- The law enforcement agency will comply with all applicable laws, rules and regulations; and
- The law enforcement agency acknowledges that MED-Project LLC is the organization implementing the Massachusetts Opioid and Benzodiazepine Product Stewardship Plan.
- The law enforcement agency will sign standard service agreement with vendor. (Service Grant Only)

Law Enforcement Agency:

Gloucester Police Department
197 Main Street

Gloucester, Massachusetts 01930

Tax ID: 046001390

Chief of Police or Responsible Party:

Full Name: Mr. Edward Conley
Title: Chief of Police
Phone: 978-283-1212 Ext.
Email: econley@gloucester-ma.gov
Fax:

Person managing the medication disposal program at law enforcement agency:

Full Name: Mr. Michael Gossom
Title: Police Lieutenant
Phone: 978-281-9753 Ext.
Email: mgossom@gloucester-ma.gov
Mobile:
Fax:

Person completing application:

Full Name: Mr. Joseph Fitzgerald



Title: Polcie Lieutenant
Phone Number: 978-283-1212
Ext. 245
Email: jfitzgerald@gloucester-ma.gov
Mobile:978-290-7962
Fax Number

Additional Details:

Existing Kiosk at Site: Yes
Selected grant option: Funding-Only Grant

Application Acceptance

Full Name: Edward Conley
Email: econley@gloucester-ma.gov

Edward Conley

Signed By Edward Conley
Signed On: October 9, 2019



Signature Certificate

Document name: Massachusetts Grant Application - Edward Conley

Unique Document ID: C73EBBEAB3CCB2D503886E789909EA290FDB6FCE

LEGALLY SIGNED USING
WPsignature
Build. Track. Sign Contracts.



Edward Conley
Party ID: bbf93b2e-f145-4cb7-b0c4-5219cccc45d9
IP Address: 173.166.92.33
Security Level: E-mail

Digital Signature:
Edward Conley

Multi-Factor

Digital Fingerprint Checksum **1fcf63f52275a49f07b050e391d7c01**
2



Timestamp

October 9, 2019 8:55 am PDT

October 9, 2019 8:55 am PDT

October 9, 2019 8:56 am PDT

October 9, 2019 8:56 am PDT

October 9, 2019 8:56 am PDT

Audit

Massachusetts Grant Application - Edward Conley Uploaded by Bradley MacDonald - massachusetts@med-project.org IP 72.188.228.153

Document viewed by Edward Conley - econley@gloucester-ma.gov IP 173.166.92.33

Signer name Edward Conley was changed to Edward Conley by econley@gloucester-ma.gov IP: 173.166.92.33

Document signed by Edward Conley - econley@gloucester-ma.gov IP 173.166.92.33

The document has been signed by all parties and is now closed.



This audit trail report provides a detailed record of the online activity and events recorded for this contract.

Page 4 of 4

ENCLOSURE 5



GLOUCESTER POLICE DEPARTMENT
Office of the Chief of Police
197 Main Street
Gloucester, MA 01930

Chief Edward Conley
(978)281-9775

Memorandum

November 14, 2019

To: Mayor Sefatia RomeoTheken

From: Chief Edward Conley

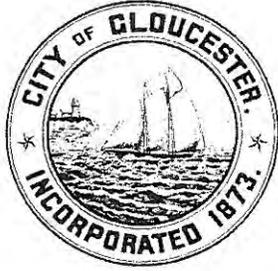
RE: City Council Acceptance of FY19 Bullet Proof Vest Grant

Mayor Romeo Theken,

Please find attached the FY19 Bullet Proof Vest Grant. We ask that it be accepted by City Council so that we may provide ballistic vests to 13 Officers. It is the same as in previous years, there is no cost to the city and there is no match.

Respectfully,

Edward Conley
Chief of Police



City of Gloucester
Grant Application and Check List

Granting Authority: State Federal Other _____

Name of Grant: FY19 Bulletproof Vest Program

Department Applying for Grant: Police

Agency-Federal or State application is requested from: USDOJ & EOPSS

Object of the application: Provide 13 vests for officers

Any match requirements: 0 \$6,358.43 State \$6,358.43 Federal =\$12,716.86 total

Mayor's approval to proceed: _____
Signature Date

City Council's referral to Budget & Finance Standing Committee: _____
Vote Date

Budget & Finance Standing Committee: _____
Positive or Negative Recommendation Date

City Council's Approval or Rejection: _____
Vote Date

City Clerk's Certification of Vote to City Auditor: _____
Certification Date

City Auditor:
Assignment of account title and value of grant: _____
Title Amount

Auditor's distribution to managing department: _____
Department Date sent

NOTE: A copy of all grant paperwork must be submitted to the Auditor's Office

FORM: AUDIT GRANT CHECKLIST – V.1



**City of Gloucester
Grant Application and Check List (Continued)**

The following are documents needed by the Auditing Office for grant account creation:

1. Grant Application
2. Grant Award Letter/Standard Contract Approval Form
3. Council Order Approval
4. Original Grant Account Budget as approved by Grantor
5. Amended Grant Account Budget as approved by Grantor (if applicable)
6. Any additional information as requested by the Auditing Department

Note: All documents must be complete signed copies.

Please attach the following documents with the Grant Application and Check List and send to the Auditors' Office.

CITY OF GLOUCESTER

ACCOUNT BUDGET

DEPARTMENT NAME: Police

ACCOUNT NAME: FY19 Bulletproof Vest Program

FUND NUMBER AND NAME: (N/A FOR NEW FUND) N/A

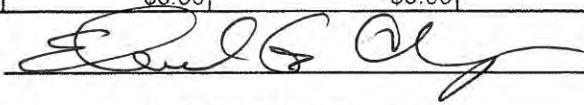
CFDA # (Required for Federal Grants): 16.607

DATE PREPARED: 11/14/19

APPROVED
AMENDED BUDGET

OBJECT	ORIGINAL BUDGET	(IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (4_____)				
	\$12,716.83			\$0.00
				\$0.00
				\$0.00
Total:	\$0.00	\$0.00	\$0.00	\$0.00
EXPENSE (5_____)				
	\$12,716.83			\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	\$12,716.83 \$0.00	\$0.00	\$0.00	\$0.00

DEPARTMENT HEAD SIGNATURE



DATE ENTERED (AUDIT) _____

AUDITING DEPARTMENT INITIALS _____

APPLICATION SUMMARY

Date Submitted to BVP: 05/02/19

Application Status: Approved by BVP

APPLICATION PROFILE

Participant GLOUCESTER CITY

Fiscal Year 2019

Number of Agencies Applied 0

Total Number of Officers for Application 67

Number of Officers on Approved Applications 67

APPLICATION PROFILE

Fiscal Year 2019

Vest Replacement Cycle 5


Number of Officers 67

Number of Stolen or Damaged Emergency Replacement Needs 0

Number of Officer Turnover 0


APPLICATION SUMMARY FOR FY 2019 REGULAR FUND

Applicant	Quantity	Total Cost	Date Submitted	Status
GLOUCESTER CITY	13	\$14,651.00	05/02/19	Approved by BVP View Details
Grand Totals:	13	\$14,651.00		

AWARD SUMMARY FOR FY 2019 REGULAR FUND

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$14,651.00	\$6,358.43	09/24/19	Approved by BVP
Grand Totals:	\$14,651.00	\$6,358.43		

ENCLOSURE 6

Thanksgiving Dinners on November 28, 2019

Salem, Peabody, Middleton, Lynn, and Gloucester

All meals are free of charge & ALL ARE WELCOME!



- * **The Derby restaurant** (189 Washington St, *Salem*, MA 978-740-2337) will be offering a free Thanksgiving dinner for those in need. Doors open at 11:00am to 1:30pm. Any volunteers who would like to donate their time from may call The Derby at: 978-740-2337.
- * **Haven from Hunger** (71 Wallis St, *Peabody* 978-531-1530) will be serving a Thanksgiving dinner at 12:00 noon to 1:00pm on Thanksgiving Day. Doors open at 11:00 am for soup and hors d'oeuvres.
- * **Lifebridge** (56 Margin St, *Salem* 978-744-0500) will be serving a Thanksgiving dinner from 12:30pm to 1:30pm and a "leftovers" dinner from 6:30pm to 7:00pm on Thanksgiving day.
- * **Brother's Deli** (41 Market St, *Lynn* 781-581-3363) will provide a Thanksgiving meal served from 8:00am to 2:00pm on Thanksgiving Day.
- * **My Brother's Table** (98 Willow St, *Lynn* 781-595-3224) is serving a Thanksgiving dinner to individuals and families from 1:00pm to 4:00pm; a brunch meal will be also served from 10:30am to 12:00 noon. Volunteer space is limited, so please call as soon as possible if you are interested in volunteering.
- * **The Moose** (50 Grove St, *Salem*) will be serving Thanksgiving dinner at 12:00 noon; doors open at 11:30am. Registration required: call the Salem Council on Aging (SCOA) (978-744-0924 x43006 -Rosanna) and give your name and the number of people attending, by Monday, November 25th. Transportation is available for Salem Seniors: please inform when you call to register. Homebound Salem residents who are seniors or disabled can call the SCOA at (978-744-0924 x43006) to arrange for a home delivered meal.
- * **Ma Dukes and Friends** (American Legion, 69 River St, *Middleton* 978-578-4718) will serve their 13th annual Thanksgiving meal from 10am to 6pm. If you are homebound and would like a meal delivered to you, please call 978-578-4718 to sign up. *Any volunteers who would like to donate their time or food contact the above number. To make a monetary donation, please go to: www.gofundme.com/f/madukes2019
- * **Gloucester American Legion** (8 Washington St, *Gloucester* 978-283-9710 or 978-283-7117 (leave a message)) is serving a Thanksgiving meal from 11:30am to 12:30pm. Meals are also delivered to homebound Cape Ann residents (including Essex & Ipswich), who may call the Legion at 978-283-9710 (call after 3pm) or 978-283-7117 (anytime and leave a message), or email nestorlaw@aol.com, by 6:00 pm on Monday, November 25 to sign up by leaving your name, address, phone number, and number of meals. Volunteer servers and drivers are welcome; as well as monetary donations, turkeys & pies.

ENCLOSURE 7



BREAKFAST WITH SANTA AND FRIENDS

**\$10
PER PERSON**

SUNDAY, DECEMBER 15TH

10:00AM (1 SEATING ONLY)

**AT THE ROSE BAKER SENIOR CENTER HALL
6 MANUEL F. LEWIS STREET, GLOUCESTER**



**JOIN SANTA, MICKEY, MINNIE,
PAW PATROL AND FRIENDS**

**FOR TICKETS PLEASE CONTACT
ROSEANNE CODY (978) 335-0755
ROSALIE NICASTRO (978) 491-9175**



**SCRAMBLED EGGS, BACON, SAUSAGE, PANCAKES, BAGLES AND DONUTS
ORANGE JUICE, APPLE JUICE AND COFFEE**

To benefit the Rose Baker Senior Center Van

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

JOHN W. PARSONS, ESQ., *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. McCARTHY | JENNIFER F. SULLIVAN

MEMORANDUM

TO: Gloucester Retirement Board
FROM: John W. Parsons, Esq., Executive Director
RE: Appropriation for Fiscal Year 2021
DATE: November 12, 2019



Required Fiscal Year 2021 Appropriation: **\$10,905,035**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2021 which commences July 1, 2020.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2021 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is due to be updated by Fiscal Year 2021.

If you have any questions, please contact PERAC's Actuary, John Boorack, at (617) 666-4446 Extension 935.

JWP/jfb
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk

2019 NOV 18 AM 10:26
CITY CLERK
GLOUCESTER, MA

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Gloucester Retirement Board

Projected Appropriations

Fiscal Year 2021 - July 1, 2020 to June 30, 2021

Aggregate amount of appropriation: **\$10,905,035**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2021	\$10,983,374	\$10,905,035	\$0	\$10,905,035	\$10,905,035	\$0	\$78,339
FY 2022	\$11,426,600	\$11,668,387	\$0	\$11,668,387	\$11,426,600	\$241,787	\$0
FY 2023	\$11,887,597	\$12,485,174	\$0	\$12,485,174	\$11,887,597	\$597,577	\$0
FY 2024	\$12,367,076	\$13,359,136	\$0	\$13,359,136	\$12,367,076	\$992,060	\$0
FY 2025	\$12,865,779	\$14,294,276	\$0	\$14,294,276	\$12,865,779	\$1,428,497	\$0

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Gloucester Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2021 - July 1, 2020 to June 30, 2021

Aggregate amount of appropriation: **\$10,905,035**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Gloucester	94.67%	\$10,323,797	\$0	\$10,323,797
Gloucester Housing Authority	5.33%	\$581,238	\$0	\$581,238
UNIT TOTAL	100%	\$10,905,035	\$ 0	\$10,905,035

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.



**CITY OF GLOUCESTER 2019
CITY COUNCIL ORDER**

ORDER: CC#2019-041
COUNCILLORS: Val Gilman

DATE RECEIVED BY COUNCIL: 11/26/19
REFERRED TO: P&D & Planning Board
FOR COUNCIL VOTE:

ORDERED that the Gloucester Zoning Ordinances Appendix A – Rule 25: Rules of Procedure shall be **AMENDED** as follows:

SPECIAL PERMIT PROCEDURES

PART I: STATUTORY REQUIREMENTS

The following summary of the provisions of Chapter 40A of the General Laws of Massachusetts that govern the City Council's actions on Special Permits is included for the convenience and information of applicants for Special Permits and other interested citizens. The Council cannot depart from the following prescribed procedures in its handling of such Special Permits as are assigned to it for decision by the Zoning Ordinance.

These rules are adopted by the City Council in compliance with Section 9, Chapter 40A, M.G.L.

GENERAL PROCEDURE:

Special Permits by the City Council shall only be issued following a public hearing(s) held within sixty-five (65) days after the filing of an application with the City Council. The date of filing shall be considered the date a complete application is received by the City Clerk's Office. A complete application will contain all the information required under Section ~~4.4.2.2~~ **1.5.5 Planning Board: Application Form and Content** of this Ordinance, and "Major Projects" as defined herein shall be submitted in conformance with the additional requirements of Section 5.7.2. Personal Wireless Service Facilities, as defined herein shall be submitted in conformance with Section ~~4.4.4.2~~ **1.5.5 Planning Board: Application Form and Content** of the Ordinance and the additional requirements of Section 5.13.5. All reference to Special Permits, without specifying type (i.e., "CC", "CCS", or "Major Projects") shall be considered a "CC" permit.

The required public hearing may be held before a Committee of the City Council, or before the entire City Council, as the Council so chooses. The entire City Council shall vote on the Special Permit application within ninety (90) days following the close of the public hearing, after receiving a report by the Committee, if any, that held the public hearing. The vote to grant a Special Permit will be by two-thirds vote of all members of the City Council. Failure by the City Council to take final action upon any application for a Special Permit within said ninety (90) days following the close of the public hearing shall be deemed to be a grant of the permit applied for. The Council shall follow the Council Rules on Special Permit Procedures set forth in Part II of this section.

NOTICE:

Notice of the public hearing shall be published in the local newspaper of general circulation in each of two successive weeks, the first publication at least fourteen (14) days before the day of the hearing, and by posting such notice in the City Hall for a period of not less than fourteen (14) days before the day of said hearing.

Notice shall also be mailed, postage prepaid, to:

- (a) The applicant, or petitioner;
- (b) The Planning Board;
- (c) The owners of land abutting the applicant's property, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recently applicable tax list;
- (d) The owners of land directly opposite on any public or private street or way;
- (e) The owners of all other property deemed by the City Council to be affected;
- (f) The Planning Boards of all abutting cities or towns.

The Assessor's Department shall certify to the City Council the names and addresses of parties in interest as defined above and such certification shall be conclusive for all purposes.

The notice shall contain the name of the applicant, the location of the area or premises for which the permit is applied, the street address, if any, the subject matter of the hearing, the nature of the action or relief being sought, and the date and place of the public hearing.

PUBLIC HEARING:

The presiding officer at the hearing may administer oaths, summon witnesses, and call for the production of papers.

All hearings shall be open to the public.

DECISION:

There must be a detailed record of the Council's proceedings, showing the vote of each member on each question (or if absent or failing to vote). This record must set forth clearly the reasons for the Council's decisions. City Council decision shall be based upon the written determination of the impact on the items of consideration listed in Section ~~1.4.2.2(e)~~ **1.5.5 Planning Board: Application Form and Content** of this Ordinance. Copies of the record are to be filed with the City Clerk and the Planning Board. Notice of the decision shall be mailed to all parties in interest, and also to each person at the public hearing who so requests.

The Council shall issue to the landowner a certified notice of the granting of any Special Permit, containing the name and address of the landowner, identifying the land affected, and stating that a Special Permit has been granted as set forth in the decision on file with the City Clerk. The permit does not take effect until this decision has been recorded in the Registry of Deeds, with the recording fee paid by the owner.

If an application has been denied by the City Council it may not be again considered on its merits within two (2) years of the decision except with the consent of all but one of the members of the Planning Board.

APPEALS:

Any person aggrieved by a decision of the City Council on a Special Permit, whether or not previously a party to the proceeding, or any Municipal Officer or Board may appeal to the Superior Court Department of

Essex County, by bringing action within twenty (20) days after the decision has been filed in the Office of the City Clerk. Appeal procedures shall conform to Section 17 of Chapter 40A, M.G.L.

PART II: COUNCIL RULES ON SPECIAL PERMIT PROCEDURES

As required by Chapter 40A of the General Laws, the Gloucester City Council adopts the following rules for its procedure in acting on Special Permits assigned to the City Council for decision by the Zoning Ordinance:

1. Preliminary Informal Review

To promote better communication and avoid misunderstanding, applicants for Special Permits are encouraged to submit preliminary materials for informal review by the City Council or its standing committee, the Planning Board, the Building Inspector, the City Planner, and any other City officials or agency that the applicant considers likely to be considered in the decision. On all major projects, in addition to preliminary informal review, an applicant is encouraged at the 25% design stage, to submit materials for an informal interim review; said materials should show the location, height, density, and architectural treatment of buildings, traffic, environmental and utility considerations and the fiscal impact to the City. It is important, however, for applicants to realize that these preliminary informal reviews are not to be thought of as preliminary approvals, and interim informal reviews are in no way binding on the City Council in its action on the final application.

2. Applications for Council Special Permits

- a. The Application shall be submitted on forms available at the City Clerk's Office, which have been prescribed and approved by the City Council.
- b. The Special Permit shall include a description of whatever criteria are or may be listed in ~~1.4.2.2(e)~~ **1.5.5 Planning Board: Application Form and Content**; for Major Projects there shall be an additional form listing the criteria in 5.7.5.
- c. City staff shall be available to assist applicants in preparing the applications, including when appropriate the Building Inspector and the City Planner.
- d. No application shall be received by the City Clerk and placed on the City Council agenda unless it is complete, including the materials required by ~~1.4.2.2(b)~~ **1.5.5 Planning Board: Application Form and Content**, 5.7.2 for a Major Project, and 5.13.5 for Personal Wireless Service Facilities. The City Clerk, in determining the completeness of an application, may at his discretion refer it to the Building Inspector, the City Planner, or other City officials. If it is determined through such review that the project cannot be built unless a zoning variance is granted, the City Clerk shall rule that the application is not complete and return it to the applicant without prejudice, so that the applicant may either appeal to the Board of Appeals for the grant of such variance prior to reapplying to the City Council, or revise the plans to eliminate the need for a variance.
- e. The City Clerk shall affix the date of receipt of a complete application for Special Permit on the application form. Such date shall constitute the date of filing as set forth in Chapter 40A, M.G.L.

3. First Action by City Council

- a. When a completed special permit application, including a report and recommendation from the City Staff Review Committee, is received by the City Council, the Council shall refer same to its Planning & Development Committee for their initial review, to make a date for a site visit and set a date for public hearing before the full City Council.
- b. The Planning & Development Committee after review may also make a recommendation to the full City Council on disposition of the application, to be read after the City Council's public hearing.
- c. Proper notification of the public hearing before the full City Council (as required by State Statute) to the abutters shall be handled by the City Council. However, the applicant shall be responsible for sending out

notices to abutters and parties of interest of the date(s) of Planning & Development Standing Committee Review(s).

- d. The public hearing date shall be set within sixty-five (65) days of the filing of the application with the City Clerk.

4. **Public Hearing**

- a. The first order of business at the public hearing shall be the reading of the notice of the hearing and a determination that the hearing is being properly held.
- b. The second order of business shall be a description of the proposed project and the presentation of arguments in favor of the application by the applicant and by any others who wish to speak in favor of the application. There shall be provided by the applicant and displayed within view of the Council and of those attending the hearing such maps, drawings, models, or other graphic materials required to have been submitted with the application as are necessary to explain the proposal.
- c. The third order of business shall be presentation of all advisory reports requested or required under 3.c. above. These reports shall have been submitted in writing, but may be presented and summarized orally either by a representative of the reporting agency if one is present or by the City Planner. For Major Projects, the Council may request the presence of representatives of one or more of the reporting agencies.
- d. The fourth order of business shall be arguments opposed to the application. This shall be followed by presentation of all communications not covered in Paragraph 4.c., then by brief opportunities for rebuttal by the proponents and counter-rebuttal by the opponents.
- e. With all testimony complete, and all questions concerning the proposal answered to the satisfaction of the Council, the public hearing shall be closed. If testimony is not complete, or questions remain to be answered by the applicant(s), opponent(s) or other source(s) of information, as directed by the City Council, the public hearing shall be continued to a time and date certain, and the record shall remain open for additional written communications. Upon reopening the public hearing, such additional testimony or information shall be presented as set forth in 4.b., 4.c. and 4.d. above. At the conclusion of such additional testimony or presentation of information and all rebuttals as stated in 4.d. above, the public hearing shall be closed.
- f. The final order of business shall be Council action, either final or preliminary. (See 5 below)

5. **Council Action**

- a. Final action by City Council on a request for Special Permit shall be taken within ninety (90) days following the public hearing. Failure to take action within said ninety (90) day period shall be considered a grant of the permit applied for.
- b. If in the course of the public hearing it appears that the project cannot be built unless a zoning variance is granted, the Council shall rule that the application is not complete and therefore is not properly before it; and the application shall be returned to the applicant without prejudice for such action or revision as he may choose.
- c. Final Council action on an application for a Special Permit shall be by adoption, by a two-thirds roll call vote, of a written document which shall have been available to every member of the Council prior to the vote, and subject to normal procedures of debate, amendment, and action.
- d. This document shall include a specific finding and judgment, in relation to the case in hand, on each of the considerations listed in ~~1.4.2.2(e)~~ **1.5.5 Planning Board: Application Form and Content** and, where applicable, each of the criteria listed in 5.7.5, 5.13.3 and 5.13.4. It shall conclude with a summary evaluation of the findings and judgments, supporting one of the following actions:
 - (1) Denial of the Special Permit;
 - (2) Approval, subject to specified conditions or modifications;

- (3) Approval as submitted, without conditions or modifications.
- e. Drafts of this document to be considered by the Council may have been prepared by any member of the Council, or by any City official or employee upon instruction by the Council. Written material may be submitted by either proponents or opponents prior to the close of the public hearing, as set forth under Section 4 of these rules.
 - f. For a simple or non-controversial case, an acceptable draft of this document may be available to the Council at the time of the public hearing. When this is applicable, the Council will take final action on the application at the close of the public hearing.
 - g. For a complex or controversial case, the Council at the close of the hearing may or may not be ready to make a decision. If the decision is already clear, the Council may pass a motion instructing a specific official or employee to prepare a document in support of the decision for consideration at the next Council meeting. If the decision is not clear, the Council will defer action to its next meeting, but no additional information will be received or considered in addition to the testimony and information obtained during the course of the public hearing and constituting the record of same.
 - h. The City Council, on each permit granted, shall specify a time period, of not more than two years, within which substantial use thereof must commence, or in the case of construction, that the construction must commence, except for good cause, including such time required to pursue or await appeals proceedings as provided for in state law.
 - i. The successful applicant shall be required to provide documentary evidence to the City Council proving that any and all conditions specified by the Council in the Special Council Permit issued have been complied with and there upon, the Council will issue a "Certificate of Conditions Complete" or Occupancy Permit for the premises until the City Council has issued said certification of completion.

Modification of Application of Rules

In a specific case the Council may find it necessary or desirable to depart from the letter of one or other of these rules. If or when this is done, the departure will be noted in the record together with the reason for it.

(Ord. of 11-29-2011(1))

FURTHER ORDERED that this matter be referred to the Planning and Development Committee and the Planning Board for review and recommendation.

GLOUCESTER CITY COUNCIL MEETING

Tuesday, November 12, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox (left the meeting at 9:03 p.m.); Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Sean Nolan; Councilor James O’Hara (left the meeting at 9:33 p.m.)

Absent: Councilor Memhard

Also Present: Mayor Theken; State Sen. Bruce Tarr; Joanne Senos; Jim Destino; Chip Payson; John Dunn; Nancy Papows; Gary Johnstone; Bethann Brousseau; Tim Good; Jill Cahill; Vanessa Krawczyk; Tony Gross; Grace Poirier

The meeting was called to order at 7:01 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. Council President Lundberg asked members of Boy Scout Troop 60 present at the meeting to lead the City Council in the Flag Salute.

Oral Communications:

Name: Lynn Parisi
Address: 40 Roger Street, 3C
Subject: Steering Committee member of the Gloucester 400th Celebration and Outreach Chair, invited the Councilors, the Mayor and her Administration and the public to the first 400th celebration event leading up to 2023 on Sunday, Nov. 24th at the Gloucester Unitarian Universalist Church, 10 Church Street, with two guest speakers, Mary Ellen Lepionka and Stephanie Buck, both of whom will speak to issues of the city’s first 100 years of the history.

Members of Boy Scout Troop 60: Henry Jacques, Eagle Scout, as the main spokesperson of Troop 60 highlighted his Eagle Scout community project working on the First Parish Burial Ground restoration, and the hundreds of hours he and his fellow scouts have dedicated to that project and to the community at large. He recounted that scouting is a way to improve character, gain life and communication skills. He pointed out that having a facility to meet has been important to Gloucester scouting, noting the city has played a critical role in giving the scouts that honor for many years (at 35 Concord Street). Other members of Troop 60 present expressed their thanks individually to the Council for their support: Evan Wood, Caleb Kent, Owen Parsons, Kadin Lewis, Alan Lewis, Daniel Puglisi, Gavin Harris and Ryan Lewis. In conclusion, Mr. Jacques, on behalf of Troop 60, invited the Council and the Mayor to join his fellow scouts on Saturday, Nov. 16th at 6:00 p.m. at the Gloucester Fraternity Club for a “Turkey Cook.”

Presentations/Commendations:

1. Magnolia Pier Fundraising Committee re: presentation of a check from their fundraising efforts to date

Ted Costa, Chair of the Magnolia Pier Fundraising Committee, advised the Council that their Committee has raised \$182,688.77, and a “life-size” check was brought forward by members of Troop 60 accompanied by members of the Fundraising Committee to present the check to the Council. Recounting that the Pier was destroyed in March 2018, he offered the thanks of the Committee to the Mayor and the CAO for their leadership and to the Council for their support. This, he conveyed, demonstrates to the rest of the city a fine example of taking leadership and ownership in a public/private project to benefit the entire community. He mentioned the work of Noreen Gillis, Treasurer of the Fundraising Committee, associated with the Cape Ann Savings Bank, and Robert Gillis, President of the Bank. He cited Sen. Bruce Tarr whom he conveyed was a great help to the Committee.

Mayor Theken offered her thanks to the Magnolia Pier Fundraising Committee. She noted that the replacement of the Magnolia Pier was necessary, and that these folks came forward to offer their assistance by working with the city to bring the Magnolia Pier back for now and future generations. She highlighted the public/private effort to benefit the entire community. She highlighted that the Village of Magnolia has the same zip code -- 01930, saying that it is one Gloucester.

State Sen. Bruce Tarr conveyed his congratulations to the Magnolia Pier Fundraising Committee, as well as the leadership of the Council, commending Councilors Nolan, O'Hara and Holmgren for their efforts. This has created a lasting city asset where more memories can be made, he noted, saying that this is a reminder that they can get things done with a dedicated group effort.

Confirmation of New Appointments: None.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
 - **MAYOR'S REPORT**
1. **Appointments**

Animal Advisory Committee	Lynn R. Jackson, DVM	TTE 02/14/23	(Refer O&A)
Clean Energy Commission	Samuel Ziergiebel (fulfilling unexpired term)	TTE 02/14/21	(Refer O&A)
Council on Aging	Felicia Webb	TTE 02/14/23	(Refer O&A)
Dogtown Preservation Commission	Charles Crowley	TTE 02/14/23	
	Christopher Leahy	TTE 02/14/23	
	Richard Quateman	TTE 02/14/22	(Refer O&A)
Gloucester Cultural Council	Rebecca Nagle	TTE 02/14/23	(Refer O&A)
Gloucester Historical Commission	Lilian Olmsted (fulfilling unexpired term)	TTE 02/14/21	(Refer O&A)
Human Rights Commission	Sarah Mitchell Peck	TTE 02/14/22	(Refer O&A)
 2. Memorandum from Human Resources Director re: request to amend Personnel Ordinance for job classification, AFSCME B (Refer O&A)
 3. Memorandum from Community Development Director re: Land Disposition Committee Recommendation: 206 Main Street (Refer P&D)
 4. Memorandum from Community Development Director re: Land Disposition Committee Recommendation: 32 Harbor Loop (Refer P&D)
 5. Memorandum from Veterans Services Director re: request acceptance of donations to support Cape Ann Veterans Services in the Amount of \$2,020 (Refer B&F)
 6. Memorandum from Police Chief re: request acceptance of disbursement of donations received from Public Safety Day in the Amount of \$2,156.20 (Refer B&F)
 7. Memorandum from Assistant Fire Chief re: request acceptance of a FEMA Emergency Management Performance Grant in the Amount of \$8,500 (Refer B&F)
 8. Memorandum from Council on Aging Director re: request acceptance of the FY20 Title III B Older American's Provider Services Grant in the amount of \$9,841 (Refer B&F)
 9. Memorandum from CFO re: request the rescission of authorized but unissued debt in the amount of \$3,214,452 (Refer B&F)
 10. Memorandum and Supplemental Appropriation-Budgetary Request (2020-SA-8) from the Treasurer/Collector (Refer B&F)
 11. Request from the Mayor for an Executive Session re: update the City Council on ongoing litigation regarding the 2001 Combined Sewer Overflow project with the Town of Essex (Refer City Council)
 12. Copy of the recently unveiled Transportation Vision for the North Shore Coalition (Info Only)
 - **INFORMATION ONLY**
 - **COMMUNICATIONS/INVITATIONS**
 - **APPLICATIONS/PETITIONS**
 1. Special Events Application: Request to hold the Lobster Trap Tree Lighting on December 14, 2019 (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2019-039 (LeBlanc): request review of GCO Ch. 21 "Streets, Sidewalks and Other Public Places" Art. V, "West Gloucester Firing Range" and determine whether certain sections of Art. V be amended (Refer O&A & Police Chief)
 2. CC2019-040 (Memhard): Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-271 "Parking prohibited from May 1 to September 15 – Generally" by DELETING "Salt Island Road, both sides, from Witham Street to Barbery (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 10/22/2019 (Approve/File)
 2. Standing Committee Meetings: B&F 11/07/19 (under separate cover), O&A 11/04/19 (no meeting), P&D 11/06/19 (Approve/File)

Items to be added/deleted from the Consent Agenda:

By unanimous consent of the City Council the Consent Agenda was accepted as presented.

Committee Reports:

Budget & Finance: November 7

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve the Budget & Finance Committee Unanimous Consent Agenda dated November 12, 2019 as follows:

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to accept under MGL c. 44, § 53A, a federal grant from the U.S. Department of Justice, Drug Enforcement Administration (DEA) FY20 Organized Crime Drug

Enforcement Task Force Grant for \$18,649.00, reimbursing the City of Gloucester Police Department (GPD) for overtime by a GPD officer. The grant period is from October 1, 2019 through September 30, 2020 and there is no required local match.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to accept under MGL c. 44, §53A a state grant from the Massachusetts Cultural Council in the amount of \$10,400 to the Gloucester Cultural Council for the purpose of supporting FY20 local cultural projects in the City of Gloucester by the Gloucester Cultural Council. The grant period is from July 1, 2019 through June 30, 2020 and there is no required local match.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve Special Budgetary Transfer 2020-SBT-1 in the amount of \$3,000 from Account #0192151-517004, Pension/Regular Contributory, Pension Retirement Fund, to Account #0121851-511000, Police Parking, Salaries, for the purpose of funding a projected account deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve Special Budgetary Transfer 2020-SBT-2 in the amount of \$1,500 from Account #0192151-517004, Pension/Regular Contributory, Pension Retirement Fund, to Account #0121851-511300, Police Parking, Wages-Hourly Permanent, for the purpose of funding a projected account deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve Special Budgetary Transfer 2020-SBT-3 in the amount of \$8,000 from Account #0192151-517004, Pension/Regular Contributory, Pension Retirement Fund, to Account #0129251-511000, Police - Animal Control, Salaries, for the purpose of funding a projected account deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve Special Budgetary Transfer 2020-SBT-4 in the amount of \$2,000 from Account #0192151-517004, Pension/Regular Contributory, Pension Retirement Fund, to Account #0129651-513000, Shellfish Control, Overtime, for the purpose of funding an actual account deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve Special Budgetary Transfer 2020-SBT-5 in the amount of \$50,000 from Account #0192151-517004, Pension/Regular Contributory, Pension Retirement Fund, to Account #0194552-574001 Liability Insurance, Building Insurance, for the purpose of funding an actual account deficit.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve Special Budgetary Transfer 2020-SBT-6 in the amount of \$10,000 from Account #0192151-517004, Pension/Regular Contributory, Pension Retirement Fund, to Account #0194552-574002 Liability Insurance, Flood Insurance, for the purpose of funding an actual account deficit.

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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 2020-SA-7 for \$680.00 (Six Hundred Eighty Dollars) from Account #32145-596001, City Clerk Dog License Receipts Reserved for Appropriation, Transfers to the General Fund to Account #0116152-578000, City Clerk, Other Expenses, for the purpose of purchasing two additional cast iron City Seals to replace the old existing City Seal.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve 2020-SA-7 for \$680.00 (Six Hundred Eighty Dollars) from Account #32145-596001, City Clerk Dog License Receipts Reserved for Appropriation, Transfers to the General Fund to Account #0116152-578000, City Clerk, Other Expenses, for the purpose of purchasing two additional cast iron City Seals to replace the old existing City Seal.

Ordinances & Administration: October 15-Special Meeting

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 request that the State Legislators file a Home Rule Petition; and based on said Petition, the General Court approve and enact a Special Act substantially as follows:

"Home Rule Petition (Gloucester)

In accordance with Section 4 of Article LXXXIX of the Massachusetts Constitution¹, the City of Gloucester (City) is seeking to amend the following section of its Charter:

Section 2-10. - Appointments to City Offices.

- (a) *Confirmation — The mayor shall submit to the city council the names of all persons he desires to appoint to any city office, as a department head or as a member of a multiple-member body, except a position which is covered by the state civil service law or except as otherwise provided by this charter. The city council shall refer all such names as are submitted to the standing committee on ordinances and administration which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not less than seven nor more than twenty-one days following such referral. If the city council has taken no other action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council. The provisions of section 2-11(c) shall not apply to this section.*
- (b) *No un-elected appointee shall be appointed to more than ~~one~~ one/two multiple member bodies, ~~unless said board or commission is inter-related, unless said~~ said board or commission is inter-related.*

Background/Objective

The current language in section 2-10(b) of the Gloucester city charter provides an arguably needless limitation on candidate selection for boards and commissions within the City. The new language will allow the City to select from a list of excellent volunteers who have offered to serve on two boards or commissions but have been barred from doing so under the current section 2-10(b) language.

Draft Home Rule Petition Language

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

Section 2. Notwithstanding any general or special law to the contrary, the city of Gloucester may, upon approval by the city council and mayor, amend Section 2-10(b) of the city charter such that it shall say: "No un-elected appointee shall be appointed to more than two multiple member bodies."

Section 3. The act shall take effect upon passage."

DISCUSSION:

Councilor Cox explained that the City Charter says an appointee can hold no more than two positions which must be complimentary in subjective language. This Home Rule Petition will allow an appointee to be able to hold a maximum of two appointments but aren't necessarily complimentary. She noted that rather than waiting for a Charter Commission revision, the Council is seeking this remedy now through the state legislature.

Council President Lundberg advised that this action the Council is taking is for unelected citizens that serve the city as volunteers on city boards, committees and commissions. This, he noted, was something the Council came across in recent months that didn't add up; but because it's in the City Charter, it can only be remedied a Home Rule Petition through the state legislature -- it isn't something the Council can do on its own.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to request that the State Legislators file a Home Rule Petition; and based on said Petition, that the General Court approve and enact a Special Act substantially as follows:

“Home Rule Petition (Gloucester)

In accordance with Section 4 of Article LXXXIX of the Massachusetts Constitutionⁱⁱ, the City of Gloucester (City) is seeking to amend the following section of its Charter:

Section 2-10. - Appointments to City Offices.

- (a) *Confirmation — The mayor shall submit to the city council the names of all persons he desires to appoint to any city office, as a department head or as a member of a multiple-member body, except a position which is covered by the state civil service law or except as otherwise provided by this charter. The city council shall refer all such names as are submitted to the standing committee on ordinances and administration which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not less than seven nor more than twenty-one days following such referral. If the city council has taken no other action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council. The provisions of section 2-11(c) shall not apply to this section.*
- (b) *No un-elected appointee shall be appointed to more than ~~one~~ one or two multiple member bodies, ~~unless said board or commission is inter-related, unless said~~ said board or commission is inter-related.*

Background/Objective

The current language in section 2-10(b) of the Gloucester city charter provides an arguably needless limitation on candidate selection for boards and commissions within the City. The new language will allow the City to select from a list of excellent volunteers who have offered to serve on two boards or commissions but have been barred from doing so under the current section 2-10(b) language.

Draft Home Rule Petition Language

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

Section 2. Notwithstanding any general or special law to the contrary, the city of Gloucester may, upon approval by the city council and mayor, amend Section 2-10(b) of the city charter such that it shall say: “No un-elected appointee shall be appointed to more than two multiple member bodies.

Section 3. The act shall take effect upon passage.”

November 4 – Meeting Cancelled

Planning & Development: November 6

There were no matters for Council action under this heading, however, **Councilor Gilman** advised there will be a Site Visit for 35 Fuller Street is set by agreement of the Committee and the Applicant for Saturday, Nov. 16th at 9:00 a.m., meeting at the corner of Fuller Street and Norman Avenue.

Scheduled Public Hearings:

1. **PH2019-058: SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Sec. 1.8.3 “Standard to be applied,” Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units” and Sec. 3.2.2 “Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)” by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of 6 units**

This public hearing is opened at 7:28 p.m.

Council President Lundberg announced that this public hearing is continued to November 26, 2019, noting a site visit by the Planning & Development Committee on Saturday, Nov. 16th at 9:00 a.m. which is the reason for the public hearing continuance.

This public hearing is continued at 7:28 p.m.

2. **PH2019-059: Tax Classification in accordance with MGL c. 40, §5 and GCO Ch. 2, Sec. 2-26 to determine the percentage of the local tax levy for the Fiscal Year 2020 to be borne by each class of real and personal property**

This public hearing is opened at 7:28 p.m.

Those speaking in favor:

Nancy Papows, Principal Assessor, gave her annual overview on Tax Classification and noted that assessed values and new growth for FY20 were certified by the Department of Revenue on October 23rd enabling the start of the Tax Classification process. As indicated in the Mayor’s memo, there is only one action item which is adopting a residential factor. The residential factor determines the share of the tax levy that each class of property will bear; it doesn’t change the total tax levy.

Ms. Papows then reviewed the Tax Classification Information for Fiscal Year 2020 (on file) with the Committee as follows:

Page 4 – A Comparison of Fiscal 2020 Values by Class: The Residential class this year represents 90.58% of the total value of the City, and Commercial/Industrial/Personal Property (CIP) class represents 9.42%. The taxable value of the city increased by 6.48% from FY19. Based on sales analysis, the residential class as a whole saw an increase of 6.0%. Property types within that class varied from 2% to 14% with higher increases for two-, three- and multi-families and apartments. The Commercial and Industrial classes increased approximately 1% apiece.

Pages 5 – Fiscal Year Parcel Counts, Values, and percent of Total Taxable City Value: The table on this page shows the parcel counts and the assessed values of each class from 2007 to present.

Page 6 – Previous Classification Factors and Resulting Tax Rate: The table shows the historic shift factors adopted over the years, and the associated underlying residential shift factors. NOTE: The 1.03 shift factor was adopted last year (as it had since 2017) which shifts a portion of the residential tax burden to the CIP classes.

Page 7 – Calculating the Maximum Allowable Levy: The table shows the calculation of the maximum allowable levy for FY20. It starts with the levy limit from the prior year and added to that is the Prop 2-1/2 increase and new growth from Residential and CIP classes which results in the FY20 levy limit. Added to that is the CSO debt exclusion, and the water debt exclusion, which results in the maximum FY20 allowable levy at \$87,135,101. That figure divided by the total value of all parcels in the city results in the FY20 tax rate at a factor of 1.0 which is a tax rate of \$12.37, down 36 cents from FY19. The tax rate at a factor of 1.0 would result in all properties paying the same rate for all classes of property. At a factor above 1.0, a portion of the residential tax levy would shift to a different class.

Page 8 – FY20 Tax Rate at a Factor of One = \$1, Shift in Tax Rate: This shows approximate tax rates that will result from the various shifts to the CIP class. The maximum shift allowed by the state is 1.5 percent (represented by 150%).

Page 9 – Comparison of Levy by Class at Various Shift Factors: This further shows the comparison -- levy by class and approximate shift of the levy and also shows the approximate excess levy capacity that results which is approximate based on a rounding of the tax rates when the tax recap is completed.

Page 10 – Change in Tax Dollars at Various Shifts: This shows changes in tax dollar for properties valued at different levels at various shifts. The average single-family home for FY20 is 618,553, the median is \$445,500. For instance, a property value at \$500,000 is the closest to the average single family home in Gloucester which is \$618,553 this year. At last year's shift factor of 1.03 that would save the residential taxpayer \$20 per year while the CIP taxpayer would pay an additional \$185. The extreme as shown at the bottom of the page shows that a \$500,000 property at a maximum 1.5 shift saves the residential taxpayer \$320 while the CIP taxpayer would see an increase of \$3,095.

Page 11 – Open Space Discount and Residential Exemptions; Page 12 Residential Exemptions and Page 13 – Small Commercial Exemption: The remainder are not viable options for FY20.

Those speaking in opposition or in favor of tax classification:

Ken Reihl, CEO, Cape Ann Chamber of Commerce, the largest business association on the North Shore advocated for a Tax factor of 1.0 for FY20. He reviewed that the impact of a 1.03 shift, for instance, is higher on the CIP Classes. Neighboring communities shift less to their CIP classes, and that a 1.0 Tax Classification Factor would signal that Gloucester is business friendly and be a strong selling point to encourage businesses to move here. He cited the establishment of the Beauport Hotel and GMGI as examples of a positive new business. He pointed to Gloucester's island geography as an impediment to attracting new businesses as are the high water/sewer rates. He conveyed that the city's business tax base has decreased over the last 25 years with the biggest decline in recent years. Municipalities such as Beverly, Salem and Peabody have a much larger commercial/industrial tax base, well over Gloucester's 9.5%. He touched several successful business collaborations of neighboring communities that the Cape Ann Chamber wants to bring to the city, mentioning the "Blue Economy." Progress is being made for Gloucester's business prospects, he indicated, but asked that the B&F recommendation of a Tax Classification Factor of 1.0 for FY20 be adopted, urging tax classification parity. (Written statement was placed on file).

Carl Gustin, Chair, Gloucester Economic & Industrial Development Corporation (EDIC), noting that the city prides itself in being business friendly he pointed out that there are multiple challenges in turning an attitude into results to strengthen its tax base. He highlighted several positive business successes, particularly in the Blue Economy. However, he cited concerns of employers ranging from transportation to broadband, power supply to housing. These concerns have an impact to the city's economy as do concerns about transportation and housing, touching on those issues briefly as well as highlighting a chart from the city's 2017 Housing Production Report, , and three charts showing CIP comparisons – Gloucester and all municipalities; Assessed Value: Salem and Beverly, and Assessed Value: Danvers and Peabody. He conveyed that the EDIC Board of Directors joins with the Chamber of Commerce in opposing the 1.03 tax classification factor and urged the Council to adopt a factor of 1.0 for all classifications (Written statement placed on file).

Caitlin Pszeny, 30 Dodge Street, owner with Nic Pszeny of the Cape Ann Lanes, reviewed her statement regarding the expenses to businesses in Gloucester and its impact. She mentioned she was the co-chair of Next Generation Cape Ann, a young professionals networking group that discusses the issues of attracting young families and potential business to the city. In order to continue to be business friendly, she urged that the Council adopt the Budget & Finance Committee's recommendation (Written statement placed on file).

Jerrold Oppenheim, 57 Middle Street, EDIC Board member representative of low income, pointed out that businesses depend on the city increasing its volume of low income worker housing which is of prime concern to the EDIC. The lowering of the city's tax factor, he pointed out, hasn't yielded the hoped for results in attracting new business. The CIP ratio has been essentially unchanged for 16 years, he highlighted, saying that economic development depends on other factors. He concluded his remarks by conveying that they should be debating balanced policy alternatives to foster improvement in employment, wages, affordable housing and economic development in the city, not changing tax rates that do little or nothing to address those concerns while creating a perception that is anti-residential (Written statement placed on file).

Dan Ottenheimer, city homeowner and businessman at 79 Western Avenue, noted this issue affects him on both sides. He suggested that the better approach this evening would be to increase the tax burden on the businesses. He mentioned many years of federal and state policies that have targeted the lower and middle classes at large, resulting in a shrinking middle class which he indicated isn't healthy for the country or for the health of the city. With middle and lower income classes being challenged financially, he highlighted that in 2018 businesses were provided with a 20% tax break. He put forward that it was appropriate for the Council, and at the state and federal levels, to provide balance for a more stable society by strengthen the middle class. He urged relief to the middle class in Gloucester.

Robert Gillis, 31 Sayward Street, urged adoption of a Tax Classification Factor of 1.0. He advised it is about fairness.

Communications: None.

Councilor Questions:

Councilor Cox noted there is a potential debt exclusion coming for a new school and asked how would that affect city taxes and if it would affect the residential and commercial sectors evenly. **Ms. Papows** advised it would be added to the levy limit and paid by all taxpayers. **Councilor Cox** asked would this be a factor for this year's tax rate. **John Dunn**, CFO, advised it wouldn't be. If it is a debt exclusion, an override, it won't go into the tax levy until they move into debt service until principle is paid, about three years after ground breaking.

Councilor Hecht noted that assessed values have gone up for residential versus commercial and asked about the respective rates. **Ms. Papows** advised that residential as a whole is a more volatile market; the commercial/industrial sector is more stable. In an increasing market, a residential values increases at a faster rate and if decreasing, it is the same, residential decreases at a faster rate than commercial/industrial, she added.

This public hearing is closed at 8:07 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox , seconded by Councilor Memhard , the Budget & Finance Committee voted 2 in favor, 1 (Hecht) opposed, to recommend that the City Council adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF 1.0 for Fiscal Year 2020.

DISCUSSION:

Councilor LeBlanc offered an amendment to the main motion to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF 1.03 for Fiscal Year 2020. The motion was seconded by **Councilor Hecht**.

Councilor LeBlanc pointed out they've heard from business owners advocating for a level tax base. A rate of 1.06 was in place for 11 or 12 years, he recounted, showing consistency which businesses could count on. Over the past few years it has shifted almost to 1.0, going back to 1.03. That, he highlighted is an unstable trend, and urged that the Council to keep the rate at 1.03 for the sake of stability.

Councilor Holmgren expressed thanks to those attending the public hearing and offered their opinions. As a Councilor and resident, she advocates for mixed use development and business development as well as more affordable housing. Shifting the levy limit for those who can afford it isn't much, but for those who can't she would her support of the amendment.

Councilor Gilman also offered her support for the amendment.

Councilor Hecht pointed out that from a business perspective Gloucester competes with Peabody and Danvers, and noted the geographical issues of the city. On a tax basis where their tax might be a \$1/ft., but the city offers 50 cents/ft. which is attractive to businesses. As Ward 2 Councilor, he pointed out that residential values have risen precipitously, yet commercial property values remain stable. He mentioned his ward's multi-family homes, and that residential property owners are paying more money every year, especially impactful to his ward, many of whom are struggling to maintain their homes. He voiced his support for the amendment.

Council President Lundberg offered his support for the 1.03 rate. He pointed out that Gloucester is unique amongst its peer communities in that they're on the ocean, and residential property values rise consistently which impacts residential property taxes disproportionately in comparison to Gloucester's neighbors. There are a lot of tax burdens for residents, he highlighted, and is why he's always been in favor of a differential.

Councilor O'Hara offered that the price per square foot (of commercial property) is so low in the city because there isn't the demand for the commercial space, noting issues such as the transportation costs and frustrations of congested roadways in and out of the city that are in poor condition. These issues are then passed on to local businesses in Gloucester, he highlighted. He urged that the Council show that the city is business friendly and open for business. He advised he wouldn't support a rate of 1.03.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Hecht, the motion to amend the main motion by adopting a RESIDENTIAL TAX CLASSIFICATION FACTOR of 1.03 for Fiscal Year 2020 was voted by ROLL CALL 6 in favor, 2 (O'Hara, Cox) opposed, 1 (Memhard) absent.

MOTION PASSES TO AMEND THE MAIN MOTION.

Councilor Gilman noted that although sympathetic to local businesses, single family median values are up 5.3% for 7,000 units; a two-family is similar, whereas commercial/industrial buildings are up .9% for 317 units. She reminded the Council that they'll be asking Gloucester residents in a special election or state election to consider a debt exclusion override to finance a new school. With a school costing about \$45 million, if you own a \$500,000 house it will add about \$12.50 in taxes a month for 20 years. Saying that new schools are a major attraction for businesses, she conveyed they'll need the support of voters to gain the override to finance a new school. She mentioned that in order to do so, by adding a further burden onto the taxpayers it will inhibit support for a successful override. Because of this issue, she urged the Council to hold firm with a tax classification factor of 1.03, as much for its symbolism those who are financially needy.

Councilor Cox noted that the shift for residents is \$20 but for commercial it is much more. This is giving a business a reason to increase their fees to increase their bottom lines to cover an increase. She offered that its likely consumers that will pay more than the \$20 in savings because of an increase in taxes to a business. A tax shift isn't necessary, she advised speaking as a resident. And as a resident she conveyed she doesn't want to pay more taxes, but highlighted that Gloucester taxpayers don't pay enough to cover all the city services that every resident believes they deserve or does deserve. She pointed out that the city pays an enormous portion of the trash collection bill, and people still complain about the cost of purple trash bags. People just don't like paying the government, she remarked.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Hecht, the City Council voted by ROLL CALL 6 in favor, 2 (O'Hara, Cox) opposed, 1 (Memhard) absent, to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF 1.03 for Fiscal Year 20120.

After a short recess later in the meeting to confer with the City Auditor, the Council returned from that recess and acted as follows:

MOTION TO RECIND: On a motion by Councilor Cox, seconded by Councilor Hecht, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to rescind the adoption of a RESIDENTIAL TAX CLASSIFICATION FACTOR OF 1.03 for Fiscal year 2019.

MOTION: On a motion by Councilor Cox, seconded by Councilor Hecht, the City Council voted by ROLL CALL 6 in favor, 2 (O'Hara, Cox) opposed, 1 (Memhard) absent, to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF .996900 that equates to a CIP Shift of 1.03 for Fiscal Year 2020.

MOTION PASSES.

3. PH2019-060: Loan Authorization to amend Loan Order 2018-007 to \$2,500,000 for the improvements to the Harbormaster Facilities

This public hearing is opened at 8:27 p.m.

Those speaking in favor:

John Dunn, CFO, asked for an increase from the previous loan authorization for the Harbormaster facility renovations. He reported that there was a good result on the bidding process receiving five bids, but as with other recent projects, the bids all came in higher than expected. With the higher construction cost more than expected, and an alternate bid for the second floor renovation which needs to be done, that added \$200,000 to the total. That new total triggered, by state law, the need to hire an Owner's Project Manager at a cost of \$150,000 and confirm a contingency of \$140,000. He mentioned that there were also other matters which drove cost of the Harbormaster's building renovations, such as what was behind the walls and ceilings. He cautioned the Council that if they don't do the proper renovations now, it can lead to problems in the future, citing city projects that were shorted and 10 years later had to be redone. He asked for the Council's support saying this is where the construction business is right now.

Tony Gross, 18 Nashua Avenue, Waterways Board Chair, noted the Board has worked a long time on this project. The city has already made a substantial investment on the city's water sheet to ensure Gloucester is a welcoming port. As priorities were made for the Harbormaster's facility, they're now looking to reorganize the mooring fields to make room for more transient moorings. He reported that the city's launch service is a great success which will be built on, and that they anticipate investing in another launch asset. Noting he is on the Harbormaster Facility Building Committee, he conveyed the Committee urged the project's architects to be

circumspect in their plans but encouraged functionality. He assured this will bring two public bathrooms to the downtown, one handicap accessible. This is planned as a multi-use facility housing Discover Gloucester and the Shellfish Constable, along with the Harbormaster's Department. He confirmed it was unexpected that the bids would come in so high. They are asking for more help from the Seaport Economic Council also, and he added that this renovation project will help the city capture more revenue; that this updated facility is something the city needs.

Patti Page, 3 Tidal Cove Way, expressed an alternative vision for investment in a waterfront facility saying that this should be about neighborhood character and be a public access project. She asked why this is so narrow for visitors only and is focused on tourism not on community use. The project should be inclusive, she pointed out, as a dual-purpose facility as a public boating facility as well as a visiting boaters center. She expressed support for a welcoming port for transient boaters, but that it is \$2.5 million for renovations doesn't reflect the true cost of the facility, naming the cost of the 30-year lease, taxes and other expenses. She expressed a preference for a boating center that serves the community, and a center for the downtown wards. She lauded the work of the Harbormaster and its staff, but expressed concern for true public access of the building (written statement placed on file).

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Gilman noted that at a SailGHS race, the team and its supporters were welcome to use the new dock, and asked what is defined as a visitor and will resident boaters be welcomed the same as boaters from other communities to use the renovated facilities. **Mr. Gross** assured there is no residency requirement to be able to use the newly renovated facilities, saying that there are no exclusions. Those who live in other sections of the city can tie up and go to downtown stores and restaurants. There is a \$1.0 million grant from the Seaport Economic Council, he pointed out, to defray the cost for the renovations, and public access is part of that grant. **Councilor Gilman** asked if a community boating group wanted to hold safe boating class could they use the community room for that purpose. **Mr. Gross** confirmed they could and is what it is for.

Councilor LeBlanc noted the community room would be open to all groups not just boaters, which he confirmed with **Mr. Gross**. There would be issues of security meaning that some areas of the facility will have to be closed to the public, but there is no restriction to residents to access the Harbormaster, **Councilor LeBlanc** confirmed also.

Councilor O'Hara asked about the role of Discover Gloucester in the Harbormaster's facility and how much space they use. **Mr. Destino** advised it is a temporary situation using one small office where they were formerly at the City Hall Annex, and highlighted that Discover Gloucester has had discussions of possibly moving to the new Chamber of Commerce office or somewhere else, and are looking at alternate space. He noted they are entertaining alternative spaces to house the organization, and if it makes sense and is feasible, the city could sign a long-term lease with Discover Gloucester for space in the Harbormaster's facility.

This public hearing is closed at 8:48 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 loan authorization as follows:

Ordered: That Loan Order 2018-007, Certificate of Vote 2018-129 of this Council approved July 24, 2018 authorizing the borrowing of \$1,600,000 to pay costs of improvements to the Gloucester Harbormaster facilities and establish a visiting boater center, including costs incidental or related thereto, is amended in its entirety to provide as follows:

Ordered: That the City of Gloucester appropriates Two Million Five Hundred Thousand Dollars (\$2,500,000) to pay costs of improvements to the Gloucester Harbormaster facilities and establish a visiting boater 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.

DISCUSSION:

Councilor Gilman noted that it is important for the community that this renovation move forward, as it is a major access point for people to come ashore, talk to the Harbormaster and to visit the city. She expressed she can't say enough about the professionalism of the Harbormaster, his team and the Waterways Board.

Councilor Holmgren also offered her support for the loan authorization thanking the Waterways Board, the Administration and the entire team.

Councilor LeBlanc advised his support for the loan authorization. Years ago the city's water sheet was overlooked by visiting boaters for a variety of reasons, but that with the revamped Harbormaster's Department and the Waterways Board, boaters now have more access to the city, he recounted. He indicated that this is a great step forward which will bring more boaters, be they residents or transient, to the Gloucester Community Boating Center.

Councilor Hecht offered his support of the loan authorization as a positive for the city despite the cost.

Councilor O'Hara noted this (renovation) is a step forward for the city to be business friendly. Highlighting that the Harbormaster has expanded the mooring fields and revenue is increasing as a result, he expressed he's hopeful they'll see a return for city businesses.

Councilor Cox conveyed that the Harbormaster facility is a permanent home for Discover Gloucester which ties into the city's tourism economy, saying that Discover Gloucester works well in conjunction with the Harbormaster's Department. She reported that Discover Gloucester is excited about this new facility as well.

Council President Lundberg advised this project is an example of a long-term strategic plan and increases access to the water for citizens and visitors. He offered his support of the loan authorization as well.

MOTION: On a motion by Councilor Cox, seconded by Councilor Hecht, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to approve the following loan authorization as follows:

Ordered: That Loan Order 2018-007, Certificate of Vote 2018-129 of this Council approved July 24, 2018 authorizing the borrowing of \$1,600,000 to pay costs of improvements to the Gloucester Harbormaster facilities and establish a visiting boater center, including costs incidental or related thereto, is amended in its entirety to provide as follows:

Ordered: That the City of Gloucester appropriates Two Million Five Hundred Thousand Dollars (\$2,500,000) to pay costs of improvements to the Gloucester Harbormaster facilities and establish a visiting boater 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.

VOTE TO RECONSIDER:

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 0 in favor, 8 opposed, 1 (Memhard) absent, to Reconsider the Vote for Loan Authorization to amend Loan Order 2018-007 to \$2,500,000 for the improvements to the Harbormaster Facilities.

MOTION FAILS.

The City Council recessed at 8:56 p.m. and reconvened at 9:01 p.m. Upon reconvening the City Council returned to the Tax Classification vote (see above) for recension and revote.

4. PH2019-061: Renewal of Special Permit pursuant to MGL c. 48, §56 and GCO Sec. 22-153 re: Pratt Outdoor Parking Permit at Beachland Avenue #2

This public hearing is opened at 9:04 p.m.

Those speaking in favor:

Attorney Mary Jo Montagnino, 186 Main Street, representing Richard Pratt, current permit holder since 1956, for an Outdoor Parking Permit for an open air parking lot located at 2 Beachland Avenue adjacent to Long Beach which is a public access point. She recounted that 2 Beachland Avenue is at Long Beach which has no municipal parking, and Mr. Pratt's parking lot services the Gloucester side of the beach open to residents and visitors. She reported that Mr. Pratt for decades has provided not only outdoor parking, but shower and restrooms facilities, and attendants at all hours the lot is opened, with trash barrels that he takes responsibility for. She pointed out Mr. Pratt puts up signs advising the public when the lot is full to avoid vehicle congestion which is also a service for local residents. She mentioned that at the P&D Committee meeting a seasonal neighbor of the parking lot drove from Boston to offer his support for the application, she reported, and asked that Mr. Pratt's license be renewed.

Leonard Gyllenhaal, 32 Rockport Road, noted that the parking lot is directly behind his lot. He expressed he's known Mr. Pratt since 1978 when he bought his property. He mentioned the issue of traffic in that when the Good Harbor Beach parking lot is full, and the Pratt lot is close to full, traffic can back up which lasts about an hour but happens only a few times during the entire summer season. Saying that Mr. Pratt's operation is well run, he highlighted that Mr. Pratt hires local teenagers as attendants who also pick up beach trash. He advised he is in favor of the license renewal.

Those speaking in opposition: None.

Communications: Kieran McAllen, 30A Rockport Road, **Bill McLaughlin**, 30B Rockport Road, both in favor of the license renewal, by email and **Gina Razel**, 22 Rockport Road in favor of the license received by U.S. Mail.

Councilor Questions: None.

This public hearing is closed at 9:09 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council renew the License for Richard Pratt for an open air parking lot at 2 Beachland Avenue under GCO Sec. 22-153, with the conditions and restrictions as follows:

1. The lot will hold no more than 225 cars as per the Site Plan on file with the City Clerk's Office dated October 31, 2014; and that the number of vehicles allowed by this license shall be posted;
2. The following information shall be posted:
 - A) Hours of operation;
 - B) Hours restroom is open;
 - C) Fees charged for parking;
 - D) A sign that says "Parking Lot Full" is to be placed at the corner of Thatcher and Rockport Roads;
3. An attendant shall be on duty for those hours that the lot is in operation;
4. Shrubs along the front of the property shall be maintained;
5. Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
6. Current approval of the Board of Health (toilet facilities) and the Fire Chief must be on file with the City Clerk's office;
7. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;
8. A counter is to be used to count the number of cars coming into the parking lot and a daily log be signed and maintained by the applicant to be made available to city officials upon request;
9. Grass to be cut in and around the parking lot at all times at the permit holder's expense;
10. Barrels to be brought in at the end of the day and brought out in the morning during the season of operation of the open air parking lot;
11. That the Automated Teller Machine (ATM) on the lot be in operation during business hours only.

12. This license runs from 05/01/2020 to 04/30/2025.

DISCUSSION:

Councilor Gilman conveyed that there was a good conversation with the applicant at the P&D Committee meeting, highlighting the new condition added that a daily log be kept, agreed to by the applicant, as well as placing signage that the lot is full at the corner of Thatcher and Rockport Roads to ensure the sign is prominently displayed. She also mentioned the gentleman who drove from Boston to show support for the license renewal application who was present at the P&D meeting.

Councilor LeBlanc offered his support of the license renewal, saying he's heard no complaints or issues from the running of this parking lot. He expressed that the owner provides a great service to the community.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to renew the License for Richard Pratt for an open air parking lot at 2 Beachland Avenue under GCO Sec. 22-153, with the conditions and restrictions as follows:

1. The lot will hold no more than 225 cars as per the Site Plan on file with the City Clerk's Office dated October 31, 2014; and that the number of vehicles allowed by this license shall be posted;
 2. The following information shall be posted:
 - A) Hours of operation;
 - B) Hours restroom is open;
 - C) Fees charged for parking;
 - D) A sign that says "Parking Lot Full" is to be placed at the corner of Thatcher and Rockport Roads;
 3. An attendant shall be on duty for those hours that the lot is in operation;
 4. Shrubs along the front of the property shall be maintained;
 5. Prior to the issuance of the license by the City Clerk, the applicant shall pay over to the Cape Ann Motor Inn the sum of \$100.00 for the maintenance of the Gloucester portion of Long Beach;
 6. Current approval of the Board of Health (toilet facilities) and the Fire Chief must be on file with the City Clerk's office;
 7. The City of Gloucester will not be held liable for any claims incurred by the parking lot operation;
 8. A counter is to be used to count the number of cars coming into the parking lot and a daily log be signed and maintained by the applicant to be made available to city officials upon request;
 9. Grass to be cut in and around the parking lot at all times at the permit holder's expense;
 10. Barrels to be brought in at the end of the day and brought out in the morning during the season of operation of the open air parking lot;
 11. That the Automated Teller Machine (ATM) on the lot be in operation during business hours only.
 12. This license runs from 05/01/2020 to 04/30/2025.
5. PH2019-062: Amend GCO Ch. 2 "Administration," Art. IV, "Boards, Commissions, Councils and Committees" Div. 4, "Council on Aging" by amending Sec. 2-440, "Established; composition; appointment and terms of members" and Sec. 2-442, "Designation of officers"; DELETING Sec. 2-444, "Mission," and renumbering the reserved sections

This public hearing is opened at 9:15 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:17 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 2 "Administration," Art. IV, "Boards, Commissions, Councils and Committees," Div. 4 "Council on Aging" by amending Sec. 2-440, Established; composition; appointment and terms of members" and Sec. 442, "Designation of officers" as follows:

DIVISION 4. - COUNCIL ON AGING

Sec. 2-440. - Established; composition; appointment and terms of members.

- (a) There is hereby established a council on aging governed by a board of directors of up to ~~11~~ eleven members.
- (b) The mission of the Council on Aging shall be to:
 - 1. ~~Identify the needs of the elder population in the community;~~
 - 2. ~~Educate the community regarding issues facing seniors and advocate on their behalf;~~
 - 3. ~~Promote the development of programs and activities as well as the coordination of existing services to fulfill identification needs;~~
 - 4. ~~Maintain a working relationship with governmental and private agencies and organizations;~~
and
 - 5. ~~Be cognizant of relevant legislative initiatives and work to respond accordingly.~~
- (c) The director of public works and the chairperson of the board of health or their respective representatives as well as a member of the City Council appointed by the City Council President shall serve as non-voting ex officio members of the board of directors. ~~The board of directors are further governed by the council on aging by laws created in November of 2004.~~
- (d) Members shall be appointed by the mayor on a rotating basis so that not more than three new members shall be confirmed annually for a three year term.
- (e) All appointed members shall serve at the pleasure of the mayor and be free from professional conflicts of interest.

Sec. 2-441. - Members not compensated.

The members of the council on aging shall serve without compensation.

Sec. 2-442. - Designation of officers.

The officers of the council on aging shall consist of a chairperson, co-chairperson or vice-chairperson; and secretary ~~and treasurer.~~

Sec. 2-443. - Supervision.

The council on aging shall be under the administrative supervision of the mayor.

~~Sec. 2-444. — Mission.~~

~~It shall be the mission of the council on aging to serve as a focal point where seniors and their families can access the local, state and federal network of elder services, while providing an integrated array of health, educational recreational, and social programs for older men and women.~~

~~Sees. 2-445 — 2-449. — Reserved.~~

Sec. 2-444—449. Reserved

DISCUSSION:

Councilor Gilman moved to amend the main motion by DELETING in Sec. 2-440(c) “chairperson of Board of Health” and ADDING “Public Health Director.” **Councilor LeBlanc** seconded the motion to amend.

By unanimous vote of the Council, the motion to amend carried.

Councilor Gilman thanked Chip Payson, General Counsel who assisted with this project to ensure the ordinance was consistent with the Council on Aging bylaws. She highlighted the changes made, that the mission previously referenced the bylaws which shouldn't be in the GCO. The Public Health Director and Public Works Director are all appointed as Ex Officio non-voting members which came out a discussion with the O&A Committee. This was added to keep the Council on Aging on par with other city boards. She highlighted another change, that the Council President appoints the Ex Officio member from the Council.. The Council on Aging Board reviewed the

amendments, she reported, giving their input, and are in support of these changes. She asked the Council for their support.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to Amend GCO Ch. 2 “Administration,” Art. IV, “Boards, Commissions, Councils and Committees,” Div. 4 “Council on Aging” by amending Sec. 2-440, Established; composition; appointment and terms of members” and Sec. 442, “Designation of officers” as follows:

DIVISION 4. – COUNCIL ON AGING

Sec. 2-440. – Established; composition; appointment and terms of members.

(a) There is hereby established a council on aging governed by a board of directors of up to ~~11~~ eleven members.

(b) The mission of the Council on Aging shall be to:

1. Identify the needs of the elder population in the community;
2. Educate the community regarding issues facing seniors and advocate on their behalf;
3. Promote the development of programs and activities as well as the coordination of existing services to fulfill identification needs;
4. Maintain a working relationship with governmental and private agencies and organizations; and
5. Be cognizant of relevant legislative initiatives and work to respond accordingly.

(c) The director of public works and the public health director or their respective representatives as well as a member of the City Council appointed by the City Council President shall serve as non-voting ex officio members of the board of directors. The board of directors are further governed by the council on aging by laws created in November of 2004.

(d) Members shall be appointed by the mayor on a rotating basis so that not more than three new members shall be confirmed annually for a three year term.

(e) All appointed members shall serve at the pleasure of the mayor and be free from professional conflicts of interest.

Sec. 2-441. - Members not compensated.

The members of the council on aging shall serve without compensation.

Sec. 2-442. - Designation of officers.

The officers of the council on aging shall consist of a chairperson, co-chairperson or vice-chairperson, and secretary and treasurer.

Sec. 2-443. - Supervision.

The council on aging shall be under the administrative supervision of the mayor.

~~Sec. 2-444. – Mission.~~

~~It shall be the mission of the council on aging to serve as a focal point where seniors and their families can access the local, state and federal network of elder services, while providing an integrated array of health, educational recreational, and social programs for older men and women.~~

~~Sees. 2-445 – 2-449. – Reserved.~~

~~Sec. 2-444–449. Reserved”~~

6. PH2019-063: Amend GCO Ch. 9, “Trash, Recycling and Litter,” Art. III – “Prohibition on Single use Plastic Straw, Stir Stick & Hotstopper” Sec. 9-25, “Severability; Effective Date” subsection (b) by DELETING, “This chapter shall take effect as of July 1, 2021” and ADDING “This chapter shall take effect as of July 1, 2020”

This public hearing is opened at 9:22 p.m.

Those speaking in favor: None.
Those speaking in opposition: None.
Communications: None.
Councilor Questions: None.
This public hearing is closed at 9:23 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 9 "Trash, Recycling and Litter," Article III – "Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper," Sec. 9-25 "Severability; Effective Date" subsection (b) by DELETING "This chapter shall take effect as of July 1, 2021" and ADDING "This chapter shall take effect as of July 1, 2020"

DISCUSSION:

Councilor Gilman thanked Councilor Hecht for his efforts.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 6 in favor, 1 (LeBlanc) opposed, 2 (Memhard, Cox) absent, to Amend GCO Ch. 9 "Trash, Recycling and Litter," Article III – "Prohibition on Single Use Plastic Straw, Stir Stick & Hotstopper," Sec. 9-25 "Severability; Effective Date" subsection (b) by DELETING "This chapter shall take effect as of July 1, 2021" and ADDING "This chapter shall take effect as of July 1, 2020"

For Council Vote:

- 1. Decision to Adopt: SCP2019-005: Chestnut Street #6-#8, Map 13, Lot 53, GZO Sec. 3.2.2(a) for the decrease in minimum open space per dwelling unit**

Councilor LeBlanc recused himself from the adoption of the Decision for Chestnut Street #6-#8 under MGL Ch. 268A, noting that he's done work to the property in question, and left the dais.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 2 (Memhard, Cox) absent, 1 (LeBlanc) recused, to adopt the Special Council Permit Decision (SCP2019-005) for Chestnut Street #6-#8 pursuant to Section 3.2.2(a) of the Gloucester Zoning Ordinance.

Councilor LeBlanc returned to the dais.

Unfinished Business: None.

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

Update on the Stage Fort Park Advisory Committee and the Magnolia Woods Oversight & Advisory Committee by City Council Representative, Councilor Sean Nolan. He reported that at this time the Stage Fort Park Visitor's Center is under construction for needed renovations, and anticipated there'd be more updates in the future.

Councilors' Requests to the Mayor:

Councilor Gilman announced a Ward 4-2 meeting the following evening and a Ward 4-1 meeting scheduled for Thursday, Nov. 21st at the Gloucester United Methodist Church. She mentioned an event to celebrate the one-year anniversary event of the Virginia Lee Burton Little House Writing Cottage at the Lanesville Community Center on Saturday, Nov. 16th and noted several events that are slated for the event. She reminded that this Cottage was underwritten by some CPA Grant funding.

Councilor Holmgren announced that tomorrow is World Kindness Day and Jalapeno's Restaurant will hold a celebration dinner the same evening in honor of the Day to benefit the non-profit Kindness Project the same evening, starting at 4:00 p.m. She highlighted her participation on a panel for a community symposium on Saturday, Nov. 16th, entitled "Gloucester's Housing-From Crisis to Opportunity at the Middle Street Unitarian Universalist Church. She mentioned that the featured speaker is Andrew DeFranza of Harborlight Community Partners.

Councilor Nolan noted that on Englewood and Lake Roads, and Ocean Avenue the city is finishing up the installation of new water lines and completing a betterment paving project. He offered his thanks for everyone's patience and to the Council for their assistance in making this project happen.

Executive Session:

1. Update to the City Council on ongoing litigation regarding the 2001 Combined Sewer Overflow project with the Town of Essex

Council President Lundberg stated in order for the City Council to go into executive session, the Council must adhere to strict Massachusetts General Laws in order to do so. "As Council President I declare that the November 12, 2019 meeting of the City Council has been duly posted and has been called to order. We are now in open session, and there is a quorum present. Before the Council can vote to go into Executive Session, the purpose of said Executive Session must be stated: "I declare the purpose of the Executive Session as follows is to discuss litigation strategy in a legal matter; and to discuss this in an open meeting may have a detrimental effect on the litigating position of the City. I further declare that it is the intent of the Council will not reconvene into open session after the Executive Session but will adjourn the City Council meeting from that point. Motions to go into Executive Session are by roll call vote and require a majority vote of the Council. Therefore, I will entertain a motion: That the City Council and its staff go into Executive Session to discuss strategy with respect to an update on ongoing litigation regarding the 2001 Combined Overflow project with the Town of Essex."

MOTION: On a motion by Councilor Holmgren, seconded by Councilor Gilman, the City Council BY ROLL CALL voted 7 in favor, 0 opposed, 2 (Memhard, Cox) to call the City Council and City Council staff, to enter into Executive Session (in accordance with MGL Chapter 30A, §21(a) (3) to discuss litigation strategy with respect to an update on ongoing litigation regarding the 2001 Combined Overflow project with the Town of Essex.

This portion of the meeting recessed at 9:33 p.m. for the purpose of entering into Executive Session. Councilor O'Hara departed the meeting at 9:33 p.m.

Council President Lundberg then stated, "I hereby announce that the roll call vote is 7 in favor, 0 opposed, 2 (Memhard, Cox) absent. The Council shall now convene into Executive Session and will not reconvene back into open session to close the City Council meeting

A motion was made, and seconded, to recess the City Council meeting at 9:33 p.m. Upon a Roll Call Vote to end Executive Session at 9:55 p.m., which was the only vote taken in that portion of the meeting, the City Council then voted unanimously to adjourn the November 12, 2019 City Council Meeting at 9:55 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **PH2019-060: Loan Authorization to amend Loan Order 2018-007 to \$2,500,000 for the improvements to the Harbormaster Facilities – Written statements:**
 - **Ken Reihl, CEO, Cape Ann Chamber of Commerce in support of a 1.0 Tax Classification Factor**
 - **Carl Gustin, Chair-Economic and Industrial Development Corporation, 9B Curlew Court, in support of a 1.0 Tax Classification Factor**
 - **Caitlin Pszenny, 30 Dodge Street, owner of Cape Ann Lanes, in support of a 1.0 Tax Classification Factor**
 - **Jerrold Oppenheimer, EDIC member, 57 Middle Street, saying lowering Gloucester's tax classification factor doesn't have the desired impact**
- **PH2019-060: Loan Authorization to amend Loan Order 2018-007 to \$2,500,000 for the improvements to the Harbormaster Facilities**

- **Patti Page**, 3 Tidal Cove Way voicing a differing vision for the renovation of the Harbormaster Facility, neither for or against.
-

DRAFT

BUDGET & FINANCE MEETING MINUTES

11/21/2019

(UNDER SEPARATE COVER)

Ordinances & Administration Committee
 Tuesday, November 18, 2019 – 6:00 p.m.
1st Fl. Council Conference Room - City Hall
 -Minutes-

Present: Chair, Councilor Steve LeBlanc; Vice Chair, Councilor Jamie O’Hara; Councilor Sean Nolan

Absent: None.

Also Present: Councilor Holmgren (entered the meeting at 6:11 p.m.); Councilor Gilman (entered the meeting at 6:35 p.m.); Joanne Senos; Donna Leete; Vanessa Krawczyk

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

1. Appointments:

Animal Advisory Committee	Lynn R. Jackson (DVM) (Cont’d to 12/2/19)	TTE 02/14/23
Clean Energy Commission	Samuel Ziergiebel (fulfilling unexpired term)	TTE 02/14/21

Mr. Ziergiebel advised that his passion is sustainability, having studied mechanical engineering and energy alternatives such as wind turbines. He noted he runs a solar power company based in Gloucester. Citing that he’s good at solving complex problems he voiced his willingness to help out. He noted he regularly attends state Dept. of Energy Resources meetings to keep up to date on developments and issues on the solar industry. The Committee voiced their approbation of Mr. Ziergiebel’s appointment saying that the Commission is a groundbreaking group concentrating on renewable energy for 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 appoint Samuel Ziergiebel to the Clean Energy Commission, TTE 02/14/21.

Council on Aging	Felicia Webb	TTE 02/14/23
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Ms. Webb noted she works for the Cape Ann Transportation Authority (CATA) as an administrator and that she’s been in the city five years. She reviewed that she’s been a part of the senior and disabled transportation industry for some time now and expressed a desire to contribute by utilizing her experience with the Council on Aging (COA) to benefit the city’s senior population. **Councilor LeBlanc** asked if there was a possible conflict of interest with Ms. Webb working for CATA and the COA’s senior population. **Ms. Webb** conveyed she believed there wasn’t a conflict. **Councilor LeBlanc** expressed he was confident that with Ms. Webb’s background, the COA was a good fit, possibly in a role as a liaison between the two entities. **Councilor O’Hara** noted Ms. Webb would be a great asset to the COA as did **Councilor Nolan**.

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 Felicia Webb to the Council on Aging, TTE 02/14/23.

Dogtown Preservation Commission	Charles Crowley	TTE 02/14/21
	Richard Quateman	TTE 02/14/22
	Christopher Leahy	TTE 02/14/23

Mr. Crowley, well known to the Committee for his work formerly on the Dogtown Ad Hoc Committee as well as his membership in the Open Space & Recreation Committee, advised that as a member of the Dogtown Ad Hoc Committee he was tasked to accumulate data, figuring out the composition and ownership of the parcels that comprise the entirety of Dogtown. He expressed that his intent as a member of the Commission is to continue this work to firm up the outline of Dogtown thereby finishing the task he started with the Ad Hoc Committee. **Councilor LeBlanc** endorsed Mr. Crowley’s appointment as did **Councilor Nolan** who advised that Mr. Crowley is very thorough in everything he does.

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 Charles Crowley to the Dogtown Preservation Commission, TTE 02/14/21.

Mr. Quateman conveyed that his background is in natural resources management starting in the 1970's with national park planning; and in the mid-1980's lived and worked in Gloucester at that time and was part of the Dogtown Ad Hoc Committee. He advised that he and his wife just moved back to the city, and he wanted to be part of the preservation of Dogtown, in order to make the best use of it for residents and visitors.

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 Richard Quateman to the Dogtown Preservation Commission, TTE 02/14/22.

Mr. Leahy explained that he is recently retired after 45 years with the Mass. Audubon Society. He has been a resident for 40 years and was on the Dogtown Ad Hoc Committee and part of the Friends of Dogtown. He expressed that the Commission will allow members to work more closely with city officials giving Dogtown the management it needs and deserves. Councilor Nolan advised this will be a strong Commission, saying he was impressed with Mr. Leahy's credentials.

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 Christopher Leahy to the Dogtown Preservation Commission, TTE 02/14/23.

Gloucester Cultural Council

Rebecca Nagle

TTE 02/14/23

Ms. Nagel conveyed that she moved to Gloucester five years ago reviewing that she's a member of the U.S. Figure Skating Committee, experienced in planning and marketing as well as event planning. She highlighted that she is an artist, frequently working with high school and college students. On an inquiry by Councilor LeBlanc, she advised she has observed several meetings of the Cultural Council saying that she appreciates the dynamics of the group, expressing her willingness to serve. Councilors O'Hara and Nolan offered their thanks Ms. Nagel for stepping forward.

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 Rebecca Nagle to the Gloucester Cultural Council, TTE 02/14/23.

Gloucester Historical Commission

Lillian Olmsted (fulfilling unexpired term)

TTE 02/14/21

Ms. Olmsted explained that she purchased and restored a historic home across from Niles Beach, a home associated Captain Albert Lewis of Lewis Wharf in Boston, detailing briefly some of the things she encountered during the restoration process. Because of this restoration, she mentioned she became very interested in Gloucester's history, developing a desire to preserve its historic aspects as well as pursuing an interest in historic educational outreach. Councilor LeBlanc touched on the difficulties of historic restoration and the types of applicants that come before the Commission and some of their needs with Ms. Olmsted briefly.

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 Lillian Olmsted to the Gloucester Historical Commission, TTE 02/14/21.

Human Rights Commission

Sarah Mitchell Peck

TTE 02/14/22

Ms. Peck advised that she was pleased to see the call for members of the Human Rights Commission advising that she started immediately upon graduation with her Master's Degree doing international work in Human Rights. She cited her work in West Africa and work for a series of international Human Rights organizations. Mentioning that she lives in Gloucester, she noted she wants to contribute to the community. Councilor Nolan expressed he was pleased to see this Commission brought forward, voicing his appreciation for Ms. Peck's Human Rights background.

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 Sarah Mitchell Peck to the Human Rights Commission, TTE 02/14/22.

2. Memorandum from Human Resources Director re: request to amend Personnel Ordinances for job classification, AFSCME B

Donna Leete, Human Resources Director, noted that before the Committee is what she cited as an achievement to gain a classification plan for the Library and the city’s administrative personnel. She expressed her confidence that this classification plan places the city in a competitive position given the geographic challenges to hiring in the city along with retaining talented employees. She called this effort a true joint labor/management initiative. She advised this is a more streamlined classification plan moving away civil service titles.

She also touched on the ordinance requirement that there be copies of pay scales for various union contracts, a section that follows the Classification Ordinance. She reported that they keep the pay scales in the City Clerk’s office which serves as Appendix B of the Personnel Ordinance citing that with all the small frequent changes to that section, it becomes a cumbersome process to enact those changes.

The Committee thanked Ms. Leete for her dedication in seeing this matter through.

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, Appendix C, Personnel Ordinance, Appendix A-Classification Plan as follows:

DELETE THE FOLLOWING:

Alphabetical Listing of Fulltime and Parttime Position Classes and Allocation to Compensation Grade and/or Schedule		
Position	Schedule	Compensation Grade
Account Clerk	AFSCME	V
Account Specialist		XIII-A
Archivist/Records Clerk	AFSCME	VII
Art Coordinator, Council on Aging, PT		IV
Asphalt Raker	AFSCME	V
Asst. to Animal Control, Police		VI
Asst. Buyer	AFSCME	V
Asst. Department of Public Works Director		

Asst. Fire Chief		
Asst. Harbormaster	AFSCME	VI
Asst. Registrar of Voters	AFSCME	VII
Asst. Sanitary Inspector		
Asst. Skating Rink Manager		
Asst. Supt. Fire Alarm and Police Signal System		
Asst. Traffic Sign Erector	AFSCME	V
Asst. Water Registrar	AFSCME	V
Attendant		
Audio-Visual Librarian	AFSCME	VI
Backflow Prevention Device Tester	AFSCME	VIII
Board Secretary		
Bookkeeper, Community Development		VII
Bookkeeper, DPW		VII
Bookkeeper, Treasurer/Collector		VII
Building Custodian (Junior)	AFSCME	VI
Buyer	AFSCME	VIA
Cafeteria Helper		
Cafeteria Manager		
Carpenter	AFSCME	VI

Cataloguer	AFSCME	VI
Children's Librarian	AFSCME	VI
Circulation Librarian, Library		VI
Civil Service Director		
Clerk of Committees		VIII A
Clerk—Personnel	AFSCME	IV
Clerk-Typist	AFSCME	IV
Collection Specialist		VII
Code Enforcement Inspector	AFSCME	VIII
Commissioner of Public Safety		
Confidential Secretary (OPW)	Mgt.	VIII A
Confidential Secretary (Police Dept.)	AFSCME	V
Custodian (Junior)	AFSCME	VI
Data Control Clerk		
Deputy Collector	AFSCME	VII
Deputy Fire Chief	Fire	IV
Deputy Sealer Wts. and Measures		
Director of Communications and Constituent Services		
Drillman	AFSCME	V
Electrician		

Electrician Helper	AFSCME	V
Executive Secretary		
Executive Secretary to Mayor	AFSCME	VIIIA
Executive/Confidential Secretary		VIIIA
Facilities Manager (Department of Public Works)		
Financial Secretary		
Fire Captain	Fire	III
Firefighter	Fire	I
Firefighter and Asst. Mechanic	Fire	II
Fire Inspector		
Fiscal Analyst		
Forestry Maintenance Man		
Grants Accounting Specialist	AFSCME	VIII
Grounds Maintenance Man		
Head Lifeguard		
Head Pumping Station Operator	AFSCME	VII
Head Treatment Plant Operator	AFSCME	VII
Heavy Motor Equipment Operator	AFSCME	VI
House Worker		
Junior Clerk Typist	AFSCME	IV

Junior Draftsman	AFSCME	VI
Junior Engineering Aid	AFSCME	VIA
Junior Library Assistant	AFSCME	V
Junior Planner	AFSCME	VIII
Laborer	AFSCME	V
Laundry Worker		
Legal Secretary (Mayor's Office)	Mgt.	VIIIA
Library Administrative Aid	AFSCME	V
Lifeguard		
Lineman	AFSCME	VI
Mason	AFSCME	VI
Master Mechanic		
Master Mechanic, Fire Department	Fire	III
Medical Worker		
Meter Installers	AFSCME	VI
Meter Reader	AFSCME	VI
Milk Inspector		
Motor Equipment Maintenance Man	AFSCME	V
Motor Equipment Operator	AFSCME	V
Motor Equipment Repair Foreman	AFSCME	VII

Motor Equipment Repairman	AFSCME	VIA
Office Manager		
Oil Burner Maintenance Man		
Operations Manager: Public Properties		XII
Painter		
Park Maintenance Man	AFSCME	V
Park Police Officer		
Parking Control Officer	AFSCME	V
Parking Meter Repairman	AFSCME	VI
Pensions Clerk	AFSCME	VI
Personnel Assistant, Personnel		VI
Pipelayer, Engineering		VI
Plumbing and Gas Fitting Inspector	AFSCME	VIII B
Police Captain	Police	
Police Lieutenant	Police	III
Police Matron		
Police Officer	Police	I
Police Sergeant	Police	II
Principal Account Clerk, Auditors		VII
Principal Clerk	AFSCME	VI

Principal Clerk and Secretary		
Principal Clerk and Typist		
Public Works Foreman	AFSCME	VII
Public Works Maintenance Man	AFSCME	V
Pumping Station Operator	AFSCME	VI
Recreation Leader, PT		V
Reference Librarian	AFSCME	VI
Revenue Manager, Engineering	Mgt.	XII
Sanitary Inspector	AFSCME	VIII
Secretary (Mayor's Office)	Mgt.	VI-A
Secretary (City Clerk's Office)	AFSCME	VI-A
Secretary to Community Dev. Director	AFSCME	VI
Senior Account Clerk		VII
Senior Bookkeeper		
Senior Building Custodian		
Senior Building Maintenance Craftsman	AFSCME	VIA
Senior Clerk	AFSCME	V
Senior Clerk-Stenographer	AFSCME	V
Senior Clerk-Typist	AFSCME	V
Senior Engineering Aide		

Senior Library Asst.		
Senior Meter Reader	AFSCME	VIA
Senior Planning Aide	AFSCME	VII
Sewer Foreman	AFSCME	VII
Sewer System Maintenance Craftsman	AFSCME	VIA
Shellfish Warden	AFSCME	VII
Sign Painter	AFSCME	VI
Signal Maintainer	AFSCME	VIII
Signal Maintainer Helper		
Skating Rink Equipment Operator		
Skating Rink Maintenance Man		
Social Worker, Council on Aging	AFSCME	VIII
Special Motor Equipment Operator	AFSCME	VI
Storekeeper	AFSCME	VI
Stores Delivery Man		
Supervisor of Payroll Systems	Mgt.	IX
Telecommunications Technician		VIII
Telephone Operator		
Tree Warden		VIII
Traffic Sign Erector	AFSCME	VI

Traffic Supervisor		
Treatment Plant	AFSCME	VIA
Tree Climber		
Tree Surgeon		
Tourism Coordinator, Community Development	Mgt.	IX
Wastewater Engineering/Financial Coordinator		XII
Watchman	AFSCME	V
Water Meter Foreman	AFSCME	VII
Water Meter Repairman	AFSCME	VI
Water System Foreman	AFSCME	VII
Water System Maintenance Man		
Working Foreman Craftsman	AFSCME	VII
Working Foreman Forestry Maintenance Man	AFSCME	VIA
Working Foreman Heavy Motor Equipment Operator	AFSCME	VIA
Working Foreman Laborer	AFSCME	VIA
Working Foreman Motor Equipment Operator	AFSCME	VIA
Working Foreman Motor Equipment Repairman	AFSCME	VIA
Working Foreman Public Works Maintenance Man	AFSCME	VIA
Working Foreman Sewer Craftsman		VII
Working Foreman Skating Rink Maintenance Man	AFSCME	VIA

Working Foreman Signal Maintainer	AFSCME	VIA
Working Foreman Special Motor Equipment Operator	AFSCME	VIA
Working Foreman Tree Surgeon	AFSCME	VIA
Working Foreman Water Meter Repairman	AFSCME	VIA
Working Foreman Water System Maintenance Man	AFSCME	VIA
Workman's Compensation/Benefits Agent	AFSCME	VII
Young Adult Librarian Assistant	AFSCME	V
Youth Services Coordinator	Mgt	X

New Grade	Position Title	Current Grade
M-12	Chief Financial Officer	M-9
M-12	Director of Public Works	M-10
M-12	Fire Chief	M-10
M-12	Police Chief	M-10
M-11	Asst. Fire Chief	
M-11	Chief Administrative Officer	M-9
M-11	General Counsel	M-10
M-10	Community Development Director	M-9
M-9	Admin. Assistant to the Mayor	M-14

M-9	Asst. Department of Public Works Director	
M-9	Building Inspector	M-8
M-9	City Engineer	M-14
M-9	Economic Development Director	
M-9	Principal Assessor	M-8
M-9	Public Health Director	M-8
M-8	Assistant CFO/Treasurer/Collector	
M-8	Assistant General Counsel	M-7
M-8	Auditor	M-13
M-8	City Clerk, Management	M-7
M-8	City Planner	M-12
M-8	Director of Information Services	
M-8	Facilities Manager (Department of Public Works)	
M-8	Grant Development Manager	
M-8	Library Director	M-12
M-8	Personnel Director	M-12
M-8	Purchasing Agent	M-12
M-8	Treasurer/Collector	M-13
M-7	Administrator	M-12
M-7	Assistant Auditor	M-5

M-7	Assistant City Engineer	M-13
M-7	Computer Network	
M-7	Environmental Engineer	M-13
M-7	Grants Administrator	M-12
M-7	Grants Compliance Manager	
M-7	Harbormaster	M-11
M-6	Assessor	M-12
M-6	Computer Technician City/School	
M-6	Council on Aging Director	M-11
M-6	Fiscal Analyst, confidential	
M-6	General Ledger Accountant	M-4
M-6	Master Mechanic	
M-6	Operations Mgr. - Central Services	M-12
M-6	Operations Mgr. - Public Property	M-12
M-6	Operations Manager, Water, Sewer & Highway	
M-6	Public Health Sanitarian - Supervisor	M-10
M-5	Asst. Library Director	M-10
M-5	Civil Engineer	
M-5	Computer Technician	
M-5	Fisheries Director	

M-5	Information Support Specialist	
M-5	Jr. Civil Engineer	M-10
M-5	Marketing and Event Project Manager	
M-5	Pretreatment Coordinator	M-10
M-5	Public Health Nurse	M-4
M-5	Senior Planner	
M-5	Technical Support Specialist	
M-5	Youth & Recreation Director	
M-4	Conservation Agent	
M-4	Electrical Inspector	M-11
M-4	Financial Coordinator, Police	
M-4	Inspector of Engineering	M-9
M-4	Local Building Inspector	M-9
M-4	Payroll Supervisor	M-3
M-4	Sanitarian	M-10
M-4	Sr. Project Manager	M-10
M-4	Veterans Agent	M-3
M-3	Assistant Purchasing Agent	M-10
M-3	Assistant City Planner	M-9
M-3	Assistant City Clerk	M-9

M-3	Housing Rehab. Specialist	M-10
M-3	Recycling Coordinator	M-9
M-3	Sealer of Weights & Measures	M-9
M-3	Supervisor of Payroll	M-9
M-3	Tourism Coordinator	M-2
M-2	Assistant Assessor	M-9
M-1	None	

AND ADD TO GCO APPENDIX C, PERSONNEL ORDINANCE, APPENDIX A – CLASSIFICATION PLAN AS FOLLOWS:

Administrative Assistant 1	AFSCME B	B
Administrative Assistant 2	AFSCME B	D
Administrative Assistant 3	AFSCME B	E
Administrative Assistant 4	AFSCME B	H
Financial Specialist 1	AFSCME B	C
Financial Specialist 2	AFSCME B	D
Financial Specialist 3	AFSCME B	F
Financial Specialist 4	AFSCME B	J
Library Assistant 1	AFSCME B	B
Library Assistant 2	AFSCME B	D
Library Supervisor	AFSCME B	G
Librarian	AFSCME B	L
LS1 – Art Instructor	AFSCME B	E
LS2 – Elections Specialist	AFSCME B	F
LS3 – Outreach Coordinator	AFSCME B	G
LS3 – Veterans Benefits Administrator	AFSCME B	G
LS4 – Clerk of Committees	AFSCME B	H
LS4 – Human Resources Analyst	AFSCME B	H
LS5 – Health Inspector	AFSCME B	J
LS5 – Food Inspector	AFSCME B	J
LS6 – Assistant Human Resources Director	AFSCME B	K
LS6 – Confidential Secretary DPW	AFSCME B	K
LS6 – Paralegal	AFSCME B	K
LS7 – Plumbing & Gas Inspector	AFSCME B	N

This matter will be advertised for public hearing.

3. *CC2019-039 (LeBlanc): request review of GCO Ch. 21, "Streets, Sidewalks and Other Public Places" Art. V, "West Gloucester Firing Range" and whether certain sections of Art. V be amended*

Councilor LeBlanc conveyed that he and Councilor Nolan discussed this matter and Councilor Nolan would like to meet with the neighborhood and have a representative from the Police Department at that meeting to talk to the residents about the range's use.

This matter is continued to December 2, 2019.

4. *CC2019-038 (Hecht) Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-280 "Fifteen-minute parking" by DELETING "Prospect Street, easterly side, from a distance of 15' from its intersection with Friend Street in a southerly direction for a distance of 33"; and amend Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by ADDING "Prospect Street, easterly side, from its intersection with Friend Street in a southerly direction to its intersection with Fears Court" (TBC 12/2/19)*

This matter is continued to December 2, 2019.

5. *CC2019-040 (Memhard): amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-271 "Parking prohibited from May 1 to September 15-Generally" by DELETING "Salt Island Road, both sides from Witham Street to Barberry Way"*

Ms. Senos explained that this Council Order came about from some research that the Traffic Commission Chair, Bob Ryan, and Councilor Memhard undertook. Back in July of 1998 the parking prohibition from May 1 to September 15 went into effect on Salt Island Rod, both sides from Witham Street to Barberry Way. In September of the same year, another measure was passed adding a different measurement for the parking prohibition which created a conflict in the Ordinance. This action is to rid the Code of that administrative conflict.

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," Sec. 22-271 "parking prohibited from May 1 to September 15-Generally" by DELETING "Salt Island Road, both sides, from Witham Street to Barberry Way."

This matter will be advertised for public hearing.

6. *CC2019-034 (LeBlanc/Nolan): request O&A and Traffic Commission review the parking at all times of motor vehicles and RV's on Western Avenue from the County Way Landing to the Avis R. Murray Tennis Courts (Cont'd from 10/15/19)*

Councilor LeBlanc advised that this is continued to December 2, 2019.

The Committee recessed at 6:32 p.m. and reconvened at 6:35 p.m.

7. *CC2019-033 (Gilman): request the Police and Fire Departments, the DPW and the Traffic Commission review and comment on Art. V, "Stopping, standing and parking," Sec. 22-145(a), (b) and (c) specifically as it pertains to the question whether additional ordinances and/or signage is needed to improve public safety and public safety enforcement of said ordinance (Referred also to Police & Fire Departments, DPW and Traffic Commission) (Cont'd from 09/16/19)*

Councilor Gilman reviewed that the Traffic Commission took this Council Order up, noting the Commission thought there could be informational Facebook posts to the community about different traffic laws such as not blocking a driveway, no parking 20 feet to a corner, etc., all covered under MGL and city ordinance (summary on file). The Commission also talked about warnings to violators. She advised that in speaking with Police Chief Conley she learned that warnings aren't the right way to deal with traffic enforcement. Staff is now talking about enforcement holistically which was one of the main purposes of this order. She suggested a possible withdrawal of her Council Order in that she had accomplished much of what she aimed for, that is, to create a conversation on traffic law and its enforcement, and public education.

Councilor Nolan recommended the Order be withdrawn and suggested outreach to driving schools in the city on this issue and through social media posts through the Police Department and Councilors. Expressing agreement that educational outreach is important he also cited that a warning to a car owner who has violated the law isn't effective. He mentioned the issue of idling vehicles, especially on certain city ways, as just one of the laws that is consistently ignored by drivers. **Councilor LeBlanc** expressed agreement with Councilor Nolan. He suggested Councilors could reach out to the Gloucester Daily Times, 1623 Studios, and the Cape Ann Beacon to share information on this issue. **Councilor Gilman** voiced her agreement that withdrawal of the Order was appropriate and that the educational outreach and enforcement was essential.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to permit the withdrawal of CC2019-033 (Gilman): request the Police and Fire Departments, the DPW and the Traffic Commission review and comment on Art. V, "Stopping, standing and parking," Sec. 22-145(a), (b) and (c) specifically as it pertains to the question whether additional ordinances and/or signage is needed to improve public safety and public safety enforcement of said ordinance without prejudice.

8. *CC22019-032 (Gilman/Holmgren): request City Council adopt MGL Ch. 90, 17C re: establishing a speed limit of 25 mph on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway*

Councilor Gilman reviewed she spoke with the City Clerk and then developed a GHS Student Volunteer Work Instructions document (placed on file) for a project in assisting the Council on archival research as background regarding the adoption of Ch. 90, Sec. 17C as proposed in this Council Order. She advised she spoke with the High School Principal who approved of the student project and will disseminate it to the department heads who oversee the community service programs for the GHS Interact Club, National Honor Society and the ROTC. She highlighted that the result of the research would be information the City Clerk and the Council should have regardless from a historical perspective.

Ms. Senos advised that while the Archives Department are restricted and may not work with student schedules, they can make arrangements for obtaining research materials for use in her department and ensure their security. She touched on the Council minutes compilations kept in the City Clerk's department vault that can be used for this research also.

Councilor Gilman mentioned that the Traffic Commission took this matter up and agreed that all the city needs as to signage are exactly like the signs the Town of Rockport posted when they adopted this same state law.

This matter is continued to January 21, 2020.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:56 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Student Work Project Outline from Councilor Gilman re: CC22019-032 (Gilman/Holmgren): request City Council adopt MGL Ch. 90, 17C re: establishing a speed limit of 25 mph on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway

Planning & Development Committee
Wednesday, November 20, 2019 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

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

Also Present: Councilor O’Hara; Chip Payson; Jill Cahill; Gregg Cademartori; Vanessa Krawczyk

The meeting was called to order at 5:33 p.m.

1. *Special Event Application: Request to hold the Lobster Trap Lighting on December 14, 2019*

Shawn Henry, co-organizer of the Lobster Trap Tree Lighting Ceremony, 14 Pleasant Street, conveyed that the event is held each year on the Police Department’s property, and runs the same as always. Traps are donated by Three Lanterns once again, and they’ll start to build the tree the weekend after Thanksgiving. The Police Department closes Main Street from Elm Street to Duncan Street, and reopens the streets after the tree is lit.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Lobster Trap Tree Lighting to take place at 197 Main Street adjacent to the Gloucester Police Station from about 4:30 p.m. to 6:00 p.m. on Saturday, Dec. 14, 2019 with a rain date of Sunday, Dec. 15, 2019. Sign-offs from city departments is on file. As this is a sanctioned event by the city of Gloucester, it falls under the city’s General Liability Insurance.

2. *Memoranda from Community Development Director re:*

A. Land Disposition Committee recommendation – 206 Main Street

Jill Cahill, Community Development Director, explained that 206 Main Street (and 5 Elm Street, Map 113, Lots 23 and 24), known as Harbor Village (by 206 Main Street Limited Partnership, c/o North Shore Community Development Coalition for low-income housing). The Land Disposition Committee through the Mayor is recommending an air easement. The ZBA had recommended a design review and this was a recommendation that came out of the review because of bay window bump outs.

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 perpetual easement to 206 Main Street Limited Partnership to construct and maintain bay windows, cornices and canopies which will be part of the mixed use building to be constructed at the Property at 206 Main Street over the easement area. It is the responsibility of the Grantee to file the granted easement at their expense with the Essex South Registry of Deeds.

B. Land Disposition Committee recommendation – 32 Harbor Loop

Ms. Cahill reviewed that the city was approached by the Cape Ann Chamber of Commerce looking to relocate to Harbor Loop. In order to do so they need handicap access to the building which requires space across public land to build out that ramp, which totals 48 sq. ft. The easement is conditioned that it will expire if the building is no longer used as a Chamber of Commerce. She pointed out this easement has a public use in that it will see the addition of more public bathrooms to the downtown area, and have a centrally located visitor’s center.

Councilor Lundberg highlighted that this area of the downtown will be a better neighborhood with the renovations to the Harbormaster facility and now the addition of the Chamber of Commerce along with Maritime Gloucester. He noted that this will be the P&D Committee’s recommendation to the Council only; it is the Council that votes to grant Land Disposition matters. **Councilor Holmgren** expressed she was pleased the Chamber offices will be closer to the city’s hub.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Holmgren, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant an easement at 32 Harbor Loop, Assessor’s Map 9, Lot 24 Loop Realty trust for the purpose of accessing the renovated building across a five (5) foot by eight (8) foot strip of city-owned land. This easement

is granted on the condition that the easement shall expire if the building is no longer used for the purpose of housing the offices of a Chamber of Commerce. It is the responsibility of the Grantee to file the granted easement at their expense with the Essex South Registry of Deeds.

3. *SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Secs. 1.8.3 “Standard to be applied,” Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units”, and 3.2.2 “Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)” by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of six units (Cont’d from 11/06/19)*

Councilor Gilman recounted the Committee’s proceedings to date reviewing that before the Committee are three components of a Special Council Permit application as follows

- GZO 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units” for which the applicant is asking for four 2-bedroom and two 1-bedroom residential units;
- The property, Fuller Street #35, is in the Neighborhood Business (NB) district, R-20 (low/medium residential);
- GZO Sec. 3.2.2(a) to decrease minimum lot area per dwelling unit, 10,000 sq. ft. per unit is required; applicant is requesting 9,792 sq. ft. in total.
- GZO Sec. 3.2.2(a) to decrease minimum open space per dwelling unit, 7,500 sq. ft. per unit is required; and the applicant is asking for 4,835 sq. ft. in total. The related definition from the Zoning Ordinance on open space was noted.

She pointed out that at the site visit (conducted Saturday, Nov. 16th) that seven out of nine City Councilors attended with about 25 members of the Magnolia community. She then opened the Committee discussion up for comments on matters resulting from the site visit.

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- 4 Magnolia Avenue is a garage noted for lot size versus open space;
- 33 Fuller Street is to the east of 35 Fuller St., which was termed a three-apartment complex; the Minimum lot area required is 20,000 sq. ft., with 9,583 sq. ft. in actual; minimum lot area/dwelling unit required is 30,000 sq. ft. and actual is 9,583 sq. ft.; minimum open space required is 15,000 sq. ft. and actual is 8,645 sq. ft.

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Mr. Cademartori pointed out that the Planning Board focused on the project's mechanics -- drainage design and parking layout. There were modifications to what was originally proposed to have the maximum width of an apron to the street in order to preserve as much of the sidewalk access as possible which was "necked" down from the original proposal. The design is now compliant for a parking lot with movement in both directions at 24 ft. There will be restoration of the handicap accessible ramping on both sides. A major point worked through with the Engineering Department was stormwater runoff making sure that as much of the volume generated from the site is retained on site. To that end there were some grading changes to the parking lot as well as the addition of a catch basin and another collection infrastructure near the intersection of Norman Avenue. He expressed this is consistent with the ZBA decision; there were screening requirements to ensure that they were memorialized on the Planning Board site plan. The Board granted its approval on March 19, 2019. **Councilor Gilman** questioned a new 26 ft. wide curb cut. **Mr. Cademartori** clarified that it was 24 ft., not 26 ft., and it is for the purpose of two-way traffic. **Councilor Gilman** asked if the vehicles will have to back out onto Norman Avenue. **Mr. Cademartori** pointed out that there is a low wall protecting the walkway, and the parking lot is laid out to allow appropriate "aisle width" for vehicular turning movements, typically as seen in any lot such as this for mixed use.

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Councilor Gilman suggested that the Committee may wish to consider the addition of several conditions to the Special Council Permit such as that the dumpster should be permanently screened and maintained, and that the HVAC condensers will be above the third floor under the roof. **Mr. Ciulla** informed the Committee that the HVAC condensers will be housed above the third floor outside out of view permanently screened and maintained. It was agreed between the Committee and the Applicant that these two conditions were reasonable and acceptable.

Councilor Gilman noted GZO Sec. 1.8.3 was reviewed at the P&D meeting on Nov. 6th. **Mr. Nestor** conveyed that from the last meeting when there was a discussion of the six factors, and the review at the site visit in looking at the surrounding buildings, the six factors have been addressed. A number of questions were fielded at the site visit, he pointed out, and these concerns were addressed -- citing the new location of the HVAC condensers and the dumpsters which are to be permanently screened and maintained, as well as assuring regular trash removal. He conveyed that with a Condo Association, he suggested the owners will be more concerned with maintenance or their (property) values will fall. He added that the size of the restaurant is reduced in half and will be more take out and walk out patrons.

Mr. Nestor, in response to a prompt by **Councilor Gilman**, recounted that the second one-bedroom unit will be a permanently designated low income housing, deeded in perpetuity which the ZBA has directed that this is coordinated with the Planning Director as to the language. **Councilor Holmgren** asked what was the basis for the calculation for low income housing, as low income versus affordable can be different. **Mr. Nestor** advised this went with the median low income for the Greater Boston Metro Area. **Councilor Holmgren** advised that definition is technically not low income. **Mr. Nestor** reiterated he got that from the Planning Director, and pointed out the developer is under no obligation to create an affordable housing unit, but they are doing so regardless, in perpetuity with **Mr. Ciulla** also adding his confirmation of their commitment.

Councilor Holmgren advised she appreciated the sprinkler system, insulation and the elevator for the building, because things like that allow people to age in place, which in turn adds to community character. She expressed her assumption the Applicant will follow the Stretch Codes and Building Code to keep the building green. **Mr. Ciulla** assured that everything will be built to appropriate standards or exceed them. **Councilor Holmgren** added that in doing so that the HVAC system will have to work less often keeping the building envelope more secure and green.

Councilor O’Hara asked if fryolators will be used in the restaurant and will there be a grease dumpster; and will the commercial unit be a restaurant in perpetuity. **Mr. Nestor** advised that unit is going to be a commercial unit. As to the dumpster, there are grease traps built into the kitchen system which is supposed to address that issue.

Councilor Holmgren pointed out the grease trap location on the plan which was confirmed as connected to the septic tank which **Mr. Nestor** also confirmed (See Engineering Plans 1 of 3 and 2 of 3).

Attorney Meredith Fine, representing Jerry McCarthy, owner of 31 and 33 Fuller Street, expressed concern that Exhibit 7A Revision 1, was misleading and inaccurate. **Councilor Gilman** advised that if Ms. Fine has information to the contrary of what is part of the application as presented, she should forward it in advance of the public hearing so that the Council can review it.

Councilor Lundberg reviewed that after the P&D Committee acts on this matter, it goes to a public hearing before the City Council which will be open for public comment and questions in favor or against the application. He highlighted that the application submitted did have a petition in favor of the application with 130 signatures which is in the record. He added that the Council will take into account, and consider, all the evidence on neighborhood character. He highlighted that the Council will focus on what is before them, that is, the relief sought and the criteria and is what the Council will be listening for. He cautioned speakers should not venture too far from what will be in front of the Council for its consideration.

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 (SCP2019-004) to Beauport Shores, LLC, for a property at 35 Fuller Street, Map 168, Lot 14, zoned NB/R-20 (Neighborhood Business/Low-Medium Density Residential) to erect a structure under GZO Sections 1.8.3, Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units consisting of four (4) two-bedroom and two 1 bedroom residential condominium units, with one of the 1- bedroom condominium units in perpetuity a deed restricted affordable housing unit; under Sec. 3.2.2(a) minimum lot space per dwelling unit and Sec. 3.2.2(a) minimum open space per dwelling unit as follows:

	<u>Total Allowed</u>	<u>Total Proposed</u>	<u>Granted</u>
Minimum Lot Area per dwelling unit:	10,000 sq. ft./ea. unit	9,792 sq. ft.	50,208+/- sq. ft.
Minimum Open Space per dwelling unit:	7,500 sq. ft./ea. unit	4,835 sq. ft.	40,165+/- sq. ft.

pursuant to amended plans received by the Gloucester City Clerk dated October 29, 2019, rendered by Gateway Consultants, Inc., Gloucester, MA, as signed by John Judd, P.E. and Red Barn Architects, Ipswich, MA signed by Ryan McShera, R.A. This Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance with the following conditions:

1. The dumpster should be permanently screened and maintained.
2. HVAC condensers will be housed above the third floor permanently screened and maintained.

This matter had been duly advertised for a public hearing which was opened on Nov. 11th and continued to Nov. 26th. There was a brief discussion prompted by Mr. Nestor as to whether due to the City Council meeting of Nov. 26th falling during the week of Thanksgiving should the public hearing be continued to Dec. 10th. The Committee responded it was ready to have the Council consider the application and that all agreed the date of Nov. 26th was appropriate.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:30 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.



GLOUCESTER CITY COUNCIL 2019 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2019-058
SUBJECT: SCP2019-008 Fuller Street #35, Map 168, Lot 14, GZO Sec. 1.8.3
“Standard to be applied,” Sec. 2.3.1(7), “Conversion to or new multi-family or apartment dwelling, four to six dwelling units” and Sec. 3.2.2, “Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)” by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of 6 units

DATE OPENED: 11/12/2019
CONTINUED TO: 11/26/2019
CONTINUED FROM:
COMMITTEE: P&D 11/6/2019, 11/20/2019
CC 11/12/2019

35 Fuller Street
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, Section 11, the Gloucester City Council will hold a public hearing on **Tuesday, November 12, 2019 at 7:00 p.m. in the Kyrouz Auditorium, City Hall**, relative to the following Special Council Permit application:

SCP2019-008: The application of Mark L. Nestor, Esquire, on behalf of Beauport Shores, LLC, for a Special Council Permit to increase the number of residential condominium units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of 6 units, pursuant to GZO Sec. 1.8.3, 2.3.1(7) and 3.2.2 at 35 Fuller Street, Assessors Map 168, Lot 14 in the NB (R-20), Neighborhood Business district.

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

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

AD#13842731
CX 10/25, 11/1/19

is granted on the condition that the easement shall expire if the building is no longer used for the purpose of housing the offices of a Chamber of Commerce. It is the responsibility of the Grantee to file the granted easement at their expense with the Essex South Registry of Deeds.

- 3. *SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Secs. 1.8.3 “Standard to be applied,” Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units”, and 3.2.2 “Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)” by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of six units (Cont’d from 11/06/19)*

Councilor Gilman recounted the Committee’s proceedings to date reviewing that before the Committee are three components of a Special Council Permit application as follows

- GZO 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units” for which the applicant is asking for four 2-bedroom and two 1-bedroom residential units;
- The property, Fuller Street #35, is in the Neighborhood Business (NB) district, R-20 (low/medium residential);
- GZO Sec. 3.2.2(a) to decrease minimum lot area per dwelling unit, 10,000 sq. ft. per unit is required; applicant is requesting 9,792 sq. ft. in total.
- GZO Sec. 3.2.2(a) to decrease minimum open space per dwelling unit, 7,500 sq. ft. per unit is required; and the applicant is asking for 4,835 sq. ft. in total. The related definition from the Zoning Ordinance on open space was noted.

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Councilor O'Hara asked if there is a snow storage area planned if there is a large snow event. **Mr. Nestor** suggested that the front area of the Fuller Street property, not covered by the building, will have plantings, and behind that are two spots that can be used temporarily where snow can be pushed into and can remain until the snow can be removed off site.

Councilor Gilman suggested that the Committee may wish to consider the addition of several conditions to the Special Council Permit such as that the dumpster should be permanently screened and maintained, and that the HVAC condensers will be above the third floor under the roof. **Mr. Ciulla** informed the Committee that the HVAC condensers will be housed above the third floor outside out of view permanently screened and maintained. It was agreed between the Committee and the Applicant that these two conditions were reasonable and acceptable.

Councilor Gilman noted GZO Sec. 1.8.3 was reviewed at the P&D meeting on Nov. 6th. **Mr. Nestor** conveyed that from the last meeting when there was a discussion of the six factors, and the review at the site visit in looking at the surrounding buildings, the six factors have been addressed. A number of questions were fielded at the site visit, he pointed out, and these concerns were addressed -- citing the new location of the HVAC condensers and the dumpsters which are to be permanently screened and maintained, as well as assuring regular trash removal. He conveyed that with a Condo Association, he suggested the owners will be more concerned with maintenance or their (property) values will fall. He added that the size of the restaurant is reduced in half and will be more take out and walk out patrons.

Mr. Nestor, in response to a prompt by **Councilor Gilman**, recounted that the second one-bedroom unit will be a permanently designated low income housing, deeded in perpetuity which the ZBA has directed that this is coordinated with the Planning Director as to the language. **Councilor Holmgren** asked what was the basis for the calculation for low incoming housing, as low income versus affordable can be different. **Mr. Nestor** advised this went with the median low income for the Greater Boston Metro Area. **Councilor Holmgren** advised that definition is technically not low income. **Mr. Nestor** reiterated he got that from the Planning Director, and pointed out the developer is under no obligation to create an affordable housing unit, but they are doing so regardless, in perpetuity with **Mr. Ciulla** also adding his confirmation of their commitment.

Councilor Holmgren advised she appreciated the sprinkler system, insulation and the elevator for the building, because things like that allow people to age in place, which in turn adds to community character. She expressed her assumption the Applicant will follow the Stretch Codes and Building Code to keep the building green. **Mr. Ciulla** assured that everything will be built to appropriate standards or exceed them. **Councilor Holmgren** added that in doing so that the HVAC system will have to work less often keeping the building envelope more secure and green.

Councilor O’Hara asked if fryolators will be used in the restaurant and will there be a grease dumpster; and will the commercial unit be a restaurant in perpetuity. **Mr. Nestor** advised that unit is going to be a commercial unit. As to the dumpster, there are grease traps built into the kitchen system which is supposed to address that issue. **Councilor Holmgren** pointed out the grease trap location on the plan which was confirmed as connected to the septic tank which **Mr. Nestor** also confirmed (See Engineering Plans 1 of 3 and 2 of 3).

Attorney Meredith Fine, representing Jerry McCarthy, owner of 31 and 33 Fuller Street, expressed concern that Exhibit 7A Revision 1, was misleading and inaccurate. **Councilor Gilman** advised that if Ms. Fine has information to the contrary of what is part of the application as presented, she should forward it in advance of the public hearing so that the Council can review it.

Councilor Lundberg reviewed that after the P&D Committee acts on this matter, it goes to a public hearing before the City Council which will be open for public comment and questions in favor or against the application. He highlighted that the application submitted did have a petition in favor of the application with 130 signatures which is in the record. He added that the Council will take into account, and consider, all the evidence on neighborhood character. He highlighted that the Council will focus on what is before them, that is, the relief sought and the criteria and is what the Council will be listening for. He cautioned speakers should not venture too far from what will be in front of the Council for its consideration.

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 (SCP2019-004) to Beauport Shores, LLC, for a property at 35 Fuller Street, Map 168, Lot 14, zoned NB/R-20 (Neighborhood Business/Low-Medium Density Residential) to erect a structure under GZO Sections 1.8.3, Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units consisting of four (4) two-bedroom and two 1 bedroom residential condominium units, with one of the 1- bedroom condominium units in perpetuity a deed restricted affordable housing unit; under Sec. 3.2.2(a) minimum lot space per dwelling unit and Sec. 3.2.2(a) minimum open space per dwelling unit as follows:

	<u>Total Allowed</u>	<u>Total Proposed</u>	<u>Granted</u>
Minimum Lot Area per dwelling unit:	10,000 sq. ft./ea. unit	9,792 sq. ft.	50,208+/- sq. ft.
Minimum Open Space per dwelling unit:	7,500 sq. ft./ea. unit	4,835 sq. ft.	40,165+/- sq. ft.

pursuant to amended plans received by the Gloucester City Clerk dated October 29, 2019, rendered by Gateway Consultants, Inc., Gloucester, MA, as signed by John Judd, P.E. and Red Barn Architects, Ipswich, MA signed by Ryan McShera, R.A. This Special Council Permit is deemed to be in harmony with the intent and purpose of the Zoning Ordinance with the following conditions:

1. The dumpster should be permanently screened and maintained.
2. HVAC condensers will be housed above the third floor permanently screened and maintained.

This matter had been duly advertised for a public hearing which was opened on Nov. 11th and continued to Nov. 26th. There was a brief discussion prompted by Mr. Nestor as to whether due to the City Council meeting of Nov. 26th falling during the week of Thanksgiving should the public hearing be continued to Dec. 10th. The Committee responded it was ready to have the Council consider the application and that all agreed the date of Nov. 26th was appropriate.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:30 p.m.

Respectfully submitted,
Dana C. Jorgensson
 Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

There were no matters for Council action under this heading, however, **Councilor Gilman** advised there will be a Site Visit for 35 Fuller Street is set by agreement of the Committee and the Applicant for Saturday, Nov. 16th at 9:00 a.m., meeting at the corner of Fuller Street and Norman Avenue.

Scheduled Public Hearings:

- 1. **PH2019-058: SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Sec. 1.8.3 “Standard to be applied,” Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units” and Sec. 3.2.2 “Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)” by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of 6 units**

This public hearing is opened at 7:28 p.m.

Council President Lundberg announced that this public hearing is continued to November 26, 2019, noting a site visit by the Planning & Development Committee on Saturday, Nov. 16th at 9:00 a.m. which is the reason for the public hearing continuance.

This public hearing is continued at 7:28 p.m.

2. **PH2019-059: Tax Classification in accordance with MGL c. 40, §5 and GCO Ch. 2, Sec. 2-26 to determine the percentage of the local tax levy for the Fiscal Year 2020 to be borne by each class of real and personal property**

This public hearing is opened at 7:28 p.m.

Those speaking in favor:

Nancy Papows, Principal Assessor, gave her annual overview on Tax Classification and noted that assessed values and new growth for FY20 were certified by the Department of Revenue on October 23rd enabling the start of the Tax Classification process. As indicated in the Mayor’s memo, there is only one action item which is adopting a residential factor. The residential factor determines the share of the tax levy that each class of property will bear; it doesn’t change the total tax levy.

Ms. Papows then reviewed the Tax Classification Information for Fiscal Year 2020 (on file) with the Committee as follows:

Page 4 – A Comparison of Fiscal 2020 Values by Class: The Residential class this year represents 90.58% of the total value of the City, and Commercial/Industrial/Personal Property (CIP) class represents 9.42%. The taxable value of the city increased by 6.48% from FY19. Based on sales analysis, the residential class as a whole saw an increase of 6.0%. Property types within that class varied from 2% to 14% with higher increases for two-, three- and multi-families and apartments. The Commercial and Industrial classes increased approximately 1% apiece.

Pages 5 – Fiscal Year Parcel Counts, Values, and percent of Total Taxable City Value: The table on this page shows the parcel counts and the assessed values of each class from 2007 to present.

Page 6 – Previous Classification Factors and Resulting Tax Rate: The table shows the historic shift factors adopted over the years, and the associated underlying residential shift factors. NOTE: The 1.03 shift factor was adopted last year (as it had since 2017) which shifts a portion of the residential tax burden to the CIP classes.

Page 7 – Calculating the Maximum Allowable Levy: The table shows the calculation of the maximum allowable levy for FY20. It starts with the levy limit from the prior year and added to that is the Prop 2-1/2 increase and new growth from Residential and CIP classes which results in the FY20 levy limit. Added to that is the CSO debt exclusion, and the water debt exclusion, which results in the maximum FY20 allowable levy at \$87,135,101. That figure divided by the total value of all parcels in the city results in the FY20 tax rate at a factor of 1.0 which is a tax rate of \$12.37, down 36 cents from FY19. The tax rate at a factor of 1.0 would result in all properties paying the same rate for all classes of property. At a factor above 1.0, a portion of the residential tax levy would shift to a different class.

Page 8 – FY20 Tax Rate at a Factor of One = \$1, Shift in Tax Rate: This shows approximate tax rates that will result from the various shifts to the CIP class. The maximum shift allowed by the state is 1.5 percent (represented by 150%).

Page 9 – Comparison of Levy by Class at Various Shift Factors: This further shows the comparison -- levy by class and approximate shift of the levy and also shows the approximate excess levy capacity that results which is approximate based on a rounding of the tax rates when the tax recap is completed.

Planning & Development Committee
 Wednesday, November 6, 2019 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
 -Minutes-

Present: Chair, Councilor Valerie Gilman; Vice Chair, Councilor Jen Holmgren; Councilor Lundberg

Absent: None.

Also Present: Councilor Nolan

The meeting was called to order at 5:31 p.m.

- 1. **SCP2019-008: Fuller Street #35, Map 168, Lot 14, GZO Secs. 1.8.3 “Standard to be applied,” Sec. 2.3.1(7) “Conversion to or new multi-family or apartment dwelling, four to six dwelling units”, and 3.2.2 “Dimensional requirements for multi-family dwelling and their accessory uses (other than signs)” by increasing the number of residential units from two 3 bedroom units to four 2 bedroom units and two 1 bedroom units for a total of six units**

Councilor Gilman announced that this is a public meeting, and not a public hearing. She added that there will be a site visit to be scheduled. She explained the reason for the site visit was that there have been a number of changes made by the Applicant since the last site visit, expressing that the Committee wanted to be fair to all parties. The site visit scheduling will be discussed at the end of the Applicant’s presentation for a time that is acceptable to both the Committee and the Applicant, she added.

Attorney Mark Nestor, 45 Middle St., #1, Gloucester, was present representing Beauport Shores LLC, Boston, MA, owner of 35 Fuller Street, for a new Special Council Permit application to rebuild a structure located at Fuller Street #35 destroyed by fire. **Councilor Gilman** expressed that the Committee wanted to hear the merits of the application including the six factors of a Special Council Permit. **Mr. Nestor** then conveyed the following information based on the Chair’s request:

The Applicant is asking to increase the number of residential building units from two 3-bedroom residential units to four 2-bedroom residential units, and two 1-bedroom residential units -- these will be condominium units. The Applicant also seeks to decrease the minimum lot area per dwelling unit and to decrease the minimum open space per dwelling unit.

He then reviewed corrections to the SCP2019-008 application as follows:

- Pg. 4 shows GZO Sec. 1.3.8 and should be corrected to GZO 1.8.3.
- Pg. 4 nature of relief, “5. Evidence to support grant of special permit”... “(See continuation sheet)” – the number of units are confirmed under “1. INCREASE IN USE”.
- Page 1 of Continuation Sheet under, “TYPE OF PERMIT:” §3.2.2.1;” should have read, “§3.2.2(a)” and to remove the reference to “§1.7” in the same paragraph.

The Clerk of Committees confirmed the Committee was in receipt prior to the meeting of documentation from Mr. Nestor of proof of Notice to Abutters from the Certified Abutters List (on file) of this public meeting.

Mr. Nestor then showed three photographs: of the building prior to the fire at 35 Fuller Street, during the fire, and a present-day view of the site with an out building (282 sq. ft. shed on the side of the property).

- A new septic system approved by Board of Health (letter from BOH on file) will be installed.
- The site plan (on file) shows planned 12 off-street parking spaces at the rear of the proposed building only for the residential units; the requirement is 1.5 spaces per unit per residential unit.
- There is a new stormwater management plan to prevent stormwater run-off from the lot which was noted to be a vehicular hazard on surrounding streets, especially during the colder weather. The approved new system will be self-contained, and the water will go to a catch basin. These plans were approved by the Conservation Commission.

An artist’s rendering of the proposed building was shown from Fuller Street (main entrance to the building) and Norman Avenue (side door for restaurant take-out) (on file).

- The original ZBA application was for a 40’ building comprised of three stories – commercial unit(s) on the first floor with two 1- bedroom units on the south side along the right side of Fuller Street. The second floor will contain two 2-bedroom units and the same for the third floor. Based on neighbors’ input, the Applicant reduced the height of the building to 35 feet which was the height of original roof line (approved by ZBA).

Noting that the plans being viewed were stamped and signed by an architect (on file), a plan was shown of the first floor layout:

- Seating of the commercial unit (restaurant) was reduced from 32 seats to 16 seats. On the right-hand side of the building along Fuller Street are the two one-bedroom condominium units.
- The Applicant has dedicated one of the 1-bedroom condominium units as a deed-restricted affordable housing unit in perpetuity which was part of the ZBA Decision which will be up to the Planning Director as to how that will be facilitated. This was volunteered by the Applicant and is not a requirement of the Zoning Ordinance.
- The second and third floors, in addition to stairs, an elevator will be installed. The layout of the condominium units are: one 2-bedroom unit to the left (to the west) on the Fuller Street side and to the right (to the east) is another 2-bedroom condominium unit. The third floor has the same layout.

Dimensional Comparisons (On file as Exhibit 7):

Attorney Nestor then reviewed Exhibit 7, a columned document showing columns titled: "Current" – Pre-fire; "2016 Approved Plan" (for comparison only); "2019 Initial Proposal" (Submitted 6/5/19); and "Amended Proposal" (Submitted 8/1/19) with a final column entitled, "Difference". It was noted square footage for the 1st Floor Footprint was per Assessors Card, including a 282 ft. separate building, and the notation on the commercial area under the Current column was shown to include the same. He touched briefly on the history of the application with the ZBA and approved plans, past proposals and changes to bring the Committee to the current proposal. It was pointed out that the current proposal will take away the shed and expand the footprint of the new building, equating to about 275 sq. ft. increase in mass.

Mr. Nestor then reviewed GZO Sec. 1.8.3 as follows:

1. Social, Economic or community need served by the proposal: There will be six residential condominium units with homeownership assuring maintenance, and will increase housing opportunities for Gloucester. One 1-bedroom unit is to be deed restricted as an affordable housing unit in perpetuity. This designation was voluntary on the part of the Applicant. A large vacant lot eyesore will be removed. Changes have been made to the exterior of the proposed building based on community input at an April 2019 meeting to blend in better with the village. The proposed retail space will bring back the Magnolia House of Pizza, a decades-old part of the village square.

Referring to Exhibit 7A (on file), he gave the Committee a revised Exhibit 7A (placed on file) showing property comparisons -- 33 Fuller, 31 Fuller, 3, 4, 6, 7, 9 Norman Avenue, 2 and 3 Raymond Avenue, 1, 2, 4 Magnolia Avenue and 35 Fuller Street. The revisions were to the "Required" columns only to be reflective of the Zoning Ordinance. He pointed out that almost all surrounding properties are non-conforming lots with non-conforming buildings. It was noted that the document highlighted in red how the properties/buildings are non-conforming. He conveyed that 35 Fuller Street wouldn't be the only building and property in the vicinity that was non-conforming.

Referencing back to #1 under Sec. 1.8.3, Mr. Nestor added that this project will create short-term construction jobs, eliminate water flow onto Norman Avenue, and bring a significant increase in taxes.

2. Traffic flow and safety: There will now be off-street parking, and only one business in the building. The off-street parking entrance will be from Norman Avenue. Commercial units are reduced from three to one. It was pointed out that the commercial units surrounding 35 Fuller Street rely on on-street parking. A few commercial units were noted as a health center, a variety store and gas station. Restaurant seating is reduced to 16 seats which is suggested as reducing customer vehicle parking on-street. The restaurant take-out service entrance will be on Norman Avenue which has parking, and was indicated as not impacting traffic or parking. A large portion of businesses patrons are from pedestrian traffic in the village, especially during the summer months. Over time businesses have closed in this area, and with those closures, traffic has reduced, and it was put forward the traffic generated from the building would be accommodated due to the area's decreased traffic flow. Safety is enhanced with the entire building sprinkled and its proximity to the Magnolia Fire Station, now open full time.

3. Adequacy of utilities and other public services: The utilities and other public services that serviced the prior building are considerably improved. There will be a new on-site wastewater system approved by the Board of Health, a Stormwater Management System as well as a sprinklered building and will not be impactful

4. Neighborhood character. Design to blend in with surrounding buildings and is in keeping with what was previously on the spot. The restaurant will bring more activity and social interaction to Magnolia Square. It was noted there was a variety of residential and commercial units/buildings in the area.

A petition with 130 signatures was submitted by Attorney Nestor (placed on file), in addition to petitions attached as exhibits to the application, and noted that these signatories are mostly of the Village of Magnolia which he asked be taken into consideration.

5. Qualities of the natural environment: With a new on-site wastewater system and a new Stormwater Management System, the qualities of the natural environment will improve.

6. Potential fiscal impact: There will be an increase to the real estate tax base and employment opportunities with the new restaurant.

Mr. Nestor conveyed that the Applicant seeks to increase the number of residential units from two to six; build in a quality manner and to have a condominium association that will maintain the building, rather than having apartment dwellers who would have to reach out to landlord(s) for maintenance. Costs are increased through installation of a new parking lot; and new wastewater and stormwater systems.

He touched on the dimensional requirements: The Council can decrease by Special Permit minimum lot size and open space only after finding the lesser lot area and/or open space is in keeping with the neighborhood character. Minimum lot area is 10,000 sq. ft. per dwelling unit and minimum open space is 7,500 sq. ft. per dwelling unit. Open space was defined as remaining lot area after excluding buildings, driveways and parking. Citing Continuation sheet 1, he conveyed that the open space area of the building is reduced because of the paved parking at the rear of the building plus the square footage of the building which is why there is only 4,000 sq. ft. of open space. Parking wasn't included in Exhibit 7A, he pointed out, but for 35 Fuller Street he included the parking in the back along with the entrance to the parking, so that's why the open space appears as it does. He highlighted that this property is in a mixed-use, diverse neighborhood – a church, market, professional offices with attached apartments, multi-family and single family dwellings. The proposal is for six units totaling 10 bedrooms; prior was two units with six bedrooms. The proposed building is in keeping with the density of the neighborhood and addresses the two criteria of the Council for dimensions.

Councilor Gilman inquired on the reasons for the Revision of Exhibit 7A. She confirmed that the Property Comparisons has dimensional information from the Assessor's Office. **Mr. Nestor** pointed out that no numbers that were from the Assessor's Office were altered, only numbers under the "Required" columns to reflect the Zoning Ordinance to ensure accuracy which he touched on briefly. **Councilor Gilman** asked that this revised document be referred to as "Exhibit 7A, Revision #1).

DISCUSSION OF SITE VISIT:

Councilor Holmgren asked that the retention areas locations be delineated to show where it is located on the site. She mentioned a possible balloon for showing the height of the building. A brief discussion ensued on the use of balloons to depict the proposed building height at a site visit with **Mr. Nestor** and **Councilor Gilman**. **Councilor Lundberg** pointed out that the matter of building height was not before the Committee and asked why they were discussing a depiction of height. He suggested it will be helpful to see the minimum lot area per dwelling unit/minimum open space per dwelling unit and to use the comparison (Revised Exhibit 7A) at the site visit. **Councilor Gilman** offered her agreement. She then asked that the lot be staked showing the former footprint and new footprint of the building. **Councilor Gilman** confirmed that the boundaries are to be marked out. She then framed for the Committee what they'll be looking for when they go to the site as follows: GZO Sec. 2.3.1 (7) conversion to or new multi-family or apartment dwelling, four to six residential units, Neighborhood Business (NB), R-20 (low/medium residential). The property is located in a NB district and the residential use follows the nearest residential standard, in this case, it is R-20. Under GZO Sec. 3.2.2(a) to decrease the minimum lot area per dwelling unit, and that is 10,000 sq. ft. and the applicant is requesting 9,572 sq. ft. When the Committee returns, in discussion they will talk about if this proposal is in keeping with the neighborhood and structural density. Under the same section is the request to decrease the minimum open space per dwelling unit, and the minimum open space of 7,500 sq. ft.; the applicant is asking for 4,835 sq. ft. The Zoning Ordinance defines Open Space as the remaining lot areas after excluding driveways, buildings and parking areas. The Committee will also want to consider at the site visit to better understand how this fits into the decision.

When questioned by two members of the public, one of whom identified herself as in opposition to the project about what was being asked to be depicted at the Site Visit, as well as submissions to the Committee of models, **Councilor Gilman** reminded both that they can state their concerns at the public hearing. If there was documentation they wished to convey to the Council they were urged to do so in advance of that advertised public hearing for the Council's consideration. **Councilor Lundberg** advocated a concentration on the Zoning Ordinance citing that the two specific areas of zoning, and Sec. 1.8.3 which speaks to neighborhood character.

At the request of an audience member, **Councilor Gilman** reviewed the parameters of a Site Visit briefly highlighting that before the Committee were adding that at the next P&D meeting she advised the Committee will discuss their findings

The Site Visit was set by agreement of the Committee and the Applicant for Saturday, Nov. 16th at 9:00 a.m., meeting at the corner of Norman and Fuller Street, rain or shine.

This matter is continued to November 20, 2019.