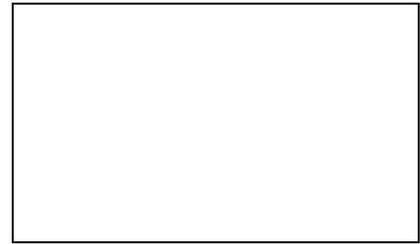




GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS
TUESDAY, September 25, 2012
7:00 P.M.
KYROUZ AUDITORIUM, CITY HALL
COUNCIL MEETING #2012-019



FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

Senator Bruce Tarr, State Representative Ann Margaret Ferrante, Paul Stedman and Patricia Leavenworth – MassDot re: Status of ongoing repairs/maintenance of the A. Piatt Andrew Bridge

City Auditor – Kenny Costa re: City's FY2013 Chapter 70 allocation re: Charter School

CONFIRMATION OF NEW APPOINTMENTS

Gloucester Cultural Council	Mary Rhinelander McCarl	TTE 02/14/12
Director of Veterans' Services/Veterans' Agent	Richard E. Barbato	TTE 02/14/14
Chief of the Gloucester Police Department	Leonard Campanello	TTE 09/30/15

CONSENT AGENDA

ACTION

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**
 1. Memorandum from Harbor Planning Director requesting a City Council appointee to ad hoc Harbor Planning Group when created **(Council President)**
 2. Memorandum from Chief Financial Officer requesting to pay invoices from the IT Department without a purchase order in place **(Refer B&F)**
 3. Memorandum and Supplemental Appropriation-Budgetary Request (#2013-SA-4) from Chief Financial Officer **(Refer B&F)**
 4. Special Budgetary Transfer Request (#2013-SBT-1) from Police Department **(Refer B&F)**
 5. Special Budgetary Transfer Request (#2013-SBT-2) from Police Department **(Refer B&F)**
 6. Memorandum, Grant Application and Checklist from Acting Community Development Director requesting acceptance of a grant award in the amount of \$195,109 (Essex Community Revitalization and Restoration Projects) **(Refer B&F)**
 7. Special Budgetary Transfer Request (#2013-SBT-3) from Department of Public Works **(Refer B&F)**
 8. Special Budgetary Transfer Request (#2013-SBT-4) from the Department of Public Works **(Refer B&F)**
 9. Memorandum from Chief Administration Officer re: acceptance of a donation in the amount of \$246,000 from Gloucester Fishermen Athletic Association **(Refer B&F)**
 10. Memorandum from the Engineering Department regarding proposed street naming and numbering plans and request for review of the GCO Section 21-3, Street Names **(P&D and O&A)**
 11. New Appointment: Committee for the Arts (TTE 02/24/16) Catherine Ryan **(Refer O&A)**
- **COMMUNICATIONS/INVITATIONS**
- **INFORMATION ONLY**
 1. Letter from Senator Tarr in support of the \$375,000 LAND grant application re: Good Harbor Gateway Project **(Info Only)**
- **APPLICATIONS/PETITIONS**
 1. PP2012-003: Installation of Underground Conduits re: Atlantic Road **(Refer P&D)**
 2. Application for License of Flammable and Combustible Liquids, Flammable Gases and Solids re: 27-37 Harbor Loop **(Refer P&D)**
- **COUNCILLORS ORDERS**
 1. CC2012-054(McGeary) Resolution re: Constitutional Amendment to restore the First Amendment and Fair Elections to the People **(FCV 10/09/12)**
 2. CC2012-055(Cox) Change polling location for Ward 2 Precinct 2 **(Refer O&A)**
 3. CC2012-056(Verga) Request letter to Mass DOT to allow placement of directional sign on Rte. 127(Western Avenue) re: Magnolia Woods **(Refer TC & FCV 10/23/12)**
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Minutes 09/11/12 **(Approve/File)**
 2. Standing Committee Meetings: B&F 09/20/12(**under separate cover**), O&A 09/17/12, P&D 09/19/12 (**no meeting**), Joint Meeting P&D & PB 09/20/12 (**under separate cover**) **(Approve/File)**

STANDING COMMITTEE REPORTS

ACTION

B&F 09/20/12, O&A 09/17/12, P&D 09/19/12 (**no meeting**)

SCHEDULED PUBLIC HEARINGS

1. PH2012-034: Rezoning #2012-003: Atlantic Road #107 and #125, Amend GZO to create a new Existing Hotel Overlay District **(Cont'd to 10/23/12)**
2. PH2012-066: GCO Article IV, Repair of Private Ways, Sec. 21-83 and 21-84 re: Petition for road repairs Norseman Avenue Extension **(TBC)**
3. PH2012-067: Addendum to Mayor's Report of July 24, 2012 re: request that certain school property be repurposed for use as part of Newell Stadium - Transfer of Lot A

FOR COUNCIL VOTE

UNFINISHED BUSINESS

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

COUNCILLOR'S REQUEST TO THE MAYOR

ROLL CALL – Councillor Melissa Cox

Linda T. Lowe, City Clerk

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

NEXT REGULAR CITY COUNCIL MEETING, October 9, 2012

Minutes filed in City Clerk's Office of other Boards and Commissions September 7, 2012 through September 20, 2012:

Board of Registrars 09/07/12, City Hall Restoration Committee 09/10/12, 09/17/12, Downtown Development Commission 06/25/12, Fisheries Commission 07/1/812, Gloucester Shellfish Advisory Commission 08/14/12, Lane's Cove Fish Shack 08/25/12, 09/10/12, Waterways Board Operation & Finance/Safety Committee 08/22/12, Waterways Board Public Facilities 08/20/12, Waterways Board ad hoc Trans Boart Access 08/01/12

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



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council

FROM: Carolyn A. Kirk, Mayor 

DATE: September 13, 2012

RE: Mayor's Report for the September 25, 2012 City Council Meeting

12 SEP 19 AM 8:34
CITY CLERK
GLOUCESTER, MA

Councillors:

The City of Gloucester's current Harbor Plan expires on December 15, 2012. To assist in renewing the Plan, I will be appointing an ad hoc Harbor Planning Group to manage the process. This ad hoc Harbor Planning Group will include a representative from the City Council, Waterways Board, Fisheries Commission, Planning Board and citizens representing various viewpoints for development. Included as **Enclosure 1** is a memorandum from Harbor Planning Director Sarah Garcia requesting a City Council appointee to the soon to be formed ad hoc Harbor Planning Group. *Please refer this matter to **Council President Hardy** for consideration.* We would like to have the committee in place by November 1, 2012.

Other matters requiring your attention and review are as follows:

Enclosure 2 is a memorandum from Chief Financial Officer Jeff Towne requesting permission to pay invoices from the IT Department for services procured and purchases made without a Purchase Order in place. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Jeff Towne, or his designee, will be available to answer questions and provide further information as required.

Enclosure 3 is a memorandum and Supplemental Appropriation-Budgetary Request (**#2013-SA-4**) from Chief Financial Officer Jeff Towne. *Please refer **#2013-SA-4** to the **Budget and Finance** subcommittee for review and approval.* Jeff Towne, or his designee, will be available to answer questions and provide further information as required.

Enclosure 4 is a Special Budgetary Transfer Request (**#2013-SBT-1**) from the Police Department. *Please refer **#2013-SBT-1** to the **Budget and Finance** subcommittee for review and approval.* Chief Michael Lane, or his designee, will be available to answer questions and provide further information as required.

Enclosure 5 is a Special Budgetary Transfer Request (**#2013-SBT-2**) from the Police Department. *Please refer **#2013-SBT-2** to the **Budget and Finance** subcommittee for review and approval.* Chief Michael Lane, or his designee, will be available to answer questions and provide further information as required.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

Enclosure 6 is a memorandum and Grant Application and Checklist from Acting Community Development Director Gregg Cademartori requesting acceptance of a grant award (Essex County Community Revitalization and Restoration Projects) in the amount of \$195,109. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Gregg Cademartori, or his designee, will be available to answer questions and provide further information as required.

Enclosure 7 is a Special Budgetary Transfer Request (**#2013-SBT-3**) from the Department of Public Works. *Please refer **#2013-SBT-3** to the **Budget and Finance** subcommittee for review and approval.* Mike Hale, or his designee, will be available to answer questions and provide further information as required.

Enclosure 8 is a Special Budgetary Transfer Request (**#2013-SBT-4**) from the Department of Public Works-Facilities. *Please refer **#2013-SBT-4** to the **Budget and Finance** subcommittee for review and approval.* Mike Hale, or his designee, will be available to answer questions and provide further information as required.

Enclosure 9 is a memorandum from Chief Administrative Officer Jim Duggan requesting acceptance of a donation in the amount of \$246,000 from the Gloucester Fishermen Athletic Association. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Jim Duggan will be available to answer questions and provide further information as required.

Enclosure 10 is a memorandum from Karen Andrews of the City's Engineering Department regarding proposed street naming and numbering plans, as well as a request for review of the Code of Ordinance Section 21-3, Street Names. *Please refer this matter to the **Planning and Development and Ordinance and Administration** subcommittees for review and approval.* Karen Andrews will be available to answer questions and provide further information as required.

Boards, Committees & Commissions:

I am respectfully requesting City Council approval of the following **new** appointment:

Catherine Ryan ~ Committee for the Arts – four years, term to expire February 24, 2016

Included as **Enclosure 11** are copies of Ms. Ryan's appointment letter and other pertinent information. *Please refer this matter to the **Ordinance and Administration** subcommittee for review and approval.*

ENCLOSURE 1

City Hall
Three Pond Road
Gloucester, MA 01930



CITY OF GLOUCESTER
HARBOR PLANNING

TEL 978-282-8017
FAX 978-281-9779
sgarcia@gloucester-ma.gov

RECEIVED

SEP 15 2012

Mayor's Office

To: Jackie Hardy, Council President
Members of the City Council
for submission to 9/25/12 CC meeting via Mayor's Report
From: Sarah Garcia, Harbor Planning Director
Re: Commencement of renewal process for Harbor Plan
Date: September 14, 2012

Dear Councilor Hardy,

The Executive Office of Environmental Affairs has notified us that our current Harbor Plan expires on December 15, 2012. To renew the Plan, the Mayor will be appointing an ad hoc Harbor Planning Group to manage the process. This planning process is our city's opportunity to continue to shape the community voice into practical development guidance for the port.

In the past three years, the City has put in place the building blocks for the diverse working port envisioned in the 2009 Plan. There has been both public and private investment in the port and changes in how the city agencies approach management of the port. This is essential work to develop the resources and framework needed for a diversified and thriving maritime economy.

The volume of properties that remain underutilized compels the community to identify realistic development opportunities. The formation of a Harbor Planning Group that includes a representative from the City Council, Waterways Board, Fisheries Commission, and Planning Board as well as citizens who understand the harbor and represent various viewpoints for development, will ensure continued development of an effective, well-thoughtout plan that delivers results to the community.

I ask you for an appointee from the City Council for the Harbor Planning Group. Thank you.

Best regards,

Sarah Garcia

ENCLOSURE 2

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9707
FAX 978-282-4113
jtowne@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE CHIEF FINANCE OFFICER

MEMORANDUM

To: Mayor Kirk
From: Jeffrey C. Towne, City CFO/Treasurer/Collector 
Date: September 13, 2012
Re: Request for permission to pay invoices without a purchase order

I am submitting this request on behalf of John Blanchard, Director of Information Technology. Due to the increased level of activity towards year end and at the beginning of this fiscal year there was confusion on John's part over what constituted a carry-over purchase order and what the requirements were regarding ordering off the state bid list for goods and services. A few of these invoices were for monthly operating costs that John just opened purchase orders for this month. Attached please find a list of invoices that do not have a purchase order that we respectfully request authorization to pay.

On behalf of the IT Department I apologize for this request. We will do better. Thank you.

Vendor	Invoice Number	Invoice Amount	Account number to charge
American Lazer	49484	246.22	101000.10.155.52610.0000.00.000.00.052
American Lazer	49723	155.59	101000.10.155.52610.0000.00.000.00.052
AT&T	287248015067X08242012	\$ 1,968.26	101000.10.155.58700.0000.00.000.00.058
Comcast	8773106100344632	\$ 134.78	101000.10.155.53180.0000.00.000.00.052
GovConnection, Inc	49402330	\$ 1,770.00	101000.10.155.54240.0000.00.000.00.054

INVOICE

American Lazer Services, Inc
PO Box 376
Beverly, MA 01915



Invoice Number: 49723
Invoice Date: 7/24/2012
Terms: Net 15
Sales Code:
Ship Via:
BPO Number:
P.O. Number: 1200723

Bill To: GLOU2

City of Gloucester
9 Dale Avenue
Gloucester, MA 01930

Attn: * (978) 281-9706

Make: Hewlett Packard
Model: LaserJet 4250

Ship To:

City of Gloucester
City Hall
9 Dale Avenue
Gloucester, MA 01930
Attn: * (978) 281-9706

Serial Number: CNGXG30483
Machine ID: 1555

Service

Service Problem

message to perform printer maintenance

Reset maintenance counter. Replaced tray 3 feed rollers. Cleaned printer. Tested OK.

Payroll Dept Cliff

Call Date	Meter	Tech	Qty	Ext Price
7/24/2012	532,710	022	1	\$109.00

Parts

Part Number	Order	BO	Ship	Make	Model	Description	Disc%	Unit Price	Ext Price
RM1-0036	1	0	1	Hewlett Packard	LaserJet 4200/	Hewlett Packard 4200/4300 Pickup	0.00%	\$15.53	\$15.53
RM1-0037	2	0	2	Hewlett Packard	LaserJet 4200/	Sep & Paper Feed Tire, Hewlett Pa	0.00%	\$15.53	\$31.06

101000 10.155.52610.

000000 .000.

00.052

OK to pay

Telephone: (978) 922-9003
Facsimile: (978) 921-2772

Sub Total:	\$155.59
Shipping & Handling:	\$0.00
Applicable Sales Tax:	\$0.00
Payment:	\$0.00
Balance Due:	\$155.59

Unopened supplies may be returned within 180 days with approval. There will be a 15% restocking fee.

This Invoice Is Due and Payable By 8/8/2012

The customer guarantees payment within the specified terms and agrees to reimburse seller for all expenses incurred in collecting the amount of this invoice. A service charge of 1.5 % per month will be added to all past due amounts.

Thank You For Choosing American Lazer Services, Inc



at&t

CITY OF GLOUCESTER
ATTN: JOHN BLANCHARD
3 POND RD
GLOUCESTER, MA 01930-1834

Page: 1 of 9
Bill Cycle Date: 08/09/12 - 08/16/12
Account: 287248015067
Foundation Account: FAN 03193547
Invoice: 287248015067X082420

Visit us online at: www.att.com/business

Wireless Statement

Bill At-A-Glance

Previous Balance	\$0.00
Payment	\$0.00
Adjustments	\$0.00
Balance	\$0.00
New Charges	\$1,968.26
Total Amount Due	\$1,968.26
Amount Due in Full by	Sep 11, 2012

Service Summary

Service	Page	Total
Wireless		\$1,968.26
781 570-9910	\$48.02	1
978 290-7347	\$317.26	7
978 491-0939	\$801.49	7
978 491-1801	\$801.49	8
Total New Charges		\$1,968.26

How to Contact Us:

For questions about your account: 1 800 331-0500
or 611 from your cell phone
For Deaf/Hard of hearing TTY: 1 866 241-6567
Visit us online at www.att.com



For Important Information about your bill, please see the **News You Can Use** section (Page 9).

**Family savings,
family solutions.**



FamilyTalk® lets you share Rollover Minutes® and more

AT&T FamilyMap™ lets you locate family members

AT&T Smart Limits for Wireless™ lets you block calls and limit phone use

Add a line today!

**1-855-667-3288, att.com/familysolutions
or visit your local AT&T retail store.**



781 570-9910
CITY OF GLOUCESTER

Nation Unlimited - Includes Unlimited Anytime Minutes, Nationwide Long Distance & Roaming, Call Forward Feature, Caller ID, Call Wait, Conference Call Feature, Mobile Purchases & Downloads Detail, Basic Voice Mail Feature.

CRU Detail Bill ZC - BAN - Includes CRU Detail Bill ZC - BAN.

Monthly Charges - Aug 9 thru Aug 16

1. National Account Discount	2.17CR
------------------------------	--------

Other Charges and Credits

Account Activity

Added 08/13

2. Nation Unlimited	9.33
<i>This plan is \$69.99 per month. Adding this plan on 08/13 resulted in the new plan rate being charged from 08/13 - 08/16.</i>	
3. CRU Detail Bill ZC - BAN	0.00
4. Data Unlimited for iPhone 4S with Unl Messaging Ent	8.67
<i>This plan is \$65.00 per month. Adding this plan on 08/13 resulted in the new plan rate being charged from 08/13 - 08/16. The qualifying National Account Discount is included in the Monthly Charges section.</i>	

Total Account Activity 18.00



Account Number	8773 10 610 0344632
Billing Date	07/12/12
Unpaid Balance	\$67.39 - Due Now
New Charges	\$67.39 - Due 07/26/12
Total Amount Due	\$134.78

Page 1 of 2

Contact us: www.comcast.com 1-800-391-3000

Mike Wells

For service at:
12 EMERSON AVE
GLOUCESTER MA 01930-2555

News from Comcast

Have you forgotten your payment? We had not received it as of the date this statement was printed. If payment has already been made, thank you.



Watch your favorite ESPN networks live through your computer, tablet and smart phone. Download the WatchESPN app or visit xfinity.com/tv...now included with your XFINITY TV service.

Please ask us about our convenient and easy automated payment methods.

Previous Balance	67.39
Payment	0.00
Unpaid Balance - Due Now	67.39
New Charges - Due by 07/26/12	67.39
<i>See below for more information</i>	
Total Amount Due	\$134.78

New Charges Summary

Comcast High-Speed Internet	66.95
Taxes, Surcharges & Fees	0.44
Total New Charges	\$67.39

Thank you for being a valued Comcast customer!

ok to pay

101000.10, 155.53180, 000090, 000.00, 052

Detach and enclose this coupon with your payment. Please write your account number on your check or money order. Do not send cash.



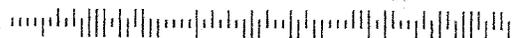
BOX 6505 CHELMSFORD MA 01824-0000
8633 0100 NO RP 12 07132012 NNNNNYNN 01 000662 0002

MIKE WELLS
3 POND RD
GLOUCESTER IT DEPT
GLOUCESTER, MA 01930-1834

Account Number	8773 10 610 0344632
Payment Due By	Due Now
Total Amount Due	\$134.78
Amount Enclosed	\$

Make checks payable to Comcast

COMCAST
PO BOX 1577
NEWARK NJ 07101-1577



877310610034463200134783

GovConnection, Inc.
7503 Standish Place
Rockville MD 20855

PLEASE ENCLOSE ATTACHED REMITTANCE
 RECEIPT WITH YOUR PAYMENT

REMIT TO ADDRESS
 GOVCONNECTION, INC.
 PO Box 382810
 PITTSBURGH PA 15250-8810

Federal ID No.	Invoice No.	Invoice Date
52-1837891	49402330	08/27/2012

Company retains a purchase money security interest in
 equipment until payment is made in full.

Sold To: 1oz - #10 - 153 - 207 - 231

CITY OF GLOUCESTER
 CITY HALL/ ACCOUNTS PAYABLE
 9 DALE AVE
 GLOUCESTER MA 01930-3009

Shipped To:

CITY OF GLOUCESTER MA
 3 POND RD
 ATTN: JOHN BLANCHARD
 GLOUCESTER MA 01930



Corp. Sales (800)800-0019

Credit Dept (888)294-0268

Cust. Serv. (800)800-0019

Date of Order	Order No.	Customer Purchase Order No.	Account No.	Terms	Date Shipped	Shipped Via	
08/27/2012	48196444	08242012	29499	NET 30	08/27/2012	SMALL PKG	
Quantity		Item No.	Description	Unit Price	Extension		
Ordered	Back Ordered					Shipped	
10		12267001 12267001	2TB 7200RPM 64MB SATA 6GB/S Mfg# WD2002FAEX	177.0000	\$1,770.00		
<p>-----PLEASE NOTE EFT INSTRUCTIONS----- For electronic funds transfers, please remit to Citizens Bank: - ACH Payments: ABA # 2110-70175, Account # 1310873272 - WIRE Payments: ABA # 0115-00120, Account # 1310873272 Please include invoice number(s) in the transmitted information.</p> <p>"We provide more timely and accurate information to the business community by sharing our accounts receivable information with credit bureaus."</p> <p style="text-align: right;"><i>101000, 10.155, 54240.0000.00, 000.00, 054</i></p>							

Backordered items will be shipped and
 invoiced to you as soon as they are available.

Merchandise	Sales Tax	Shipping/Packaging

Page 1 of 1



Invoice Total
\$1,770.00

Ordered by: JOHN BLANCHARD

Order No.	Company	Account No.	Invoice No.	Invoice Total
48196444	00005	29499	49402330	\$1,770.00

GOVCONNECTION, INC.
 PO Box 382810
 PITTSBURGH PA 15250-8810

PLEASE ENCLOSE THIS REMITTANCE
 RECEIPT WITH YOUR PAYMENT.

00005 29499 494023300000177000

ENCLOSURE 3

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9707
FAX 978-282-4113
jtowne@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE CHIEF FINANCE OFFICER

MEMORANDUM

To: Mayor Kirk
From: Jeffrey C. Towne, City CFO/Treasurer/Collector 
Date: September 13, 2012
Re: Supplemental Appropriation

Please find attached a supplemental appropriation request to purchase office furniture and file cabinets for my office. As you may recall, in Fiscal Year 12, I asked for the funds to be placed in the Capital Projects Stabilization Fund because I wasn't ready to finalize the order until my office was fully staffed. I am requesting to use only a small portion of what was placed in the fund at the end of last year. The remaining amount may be used for other capital related items as is deemed necessary by the Administration.

I respectfully request that you submit the supplemental appropriation request to the City Council for referral to Budget & Finance for their consideration. Thank you.

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

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

APPROPRIATION # 2013-SA- 4 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

APPROPRIATION AMOUNT: \$ 5,800.00

Account to appropriate from:

Unifund Account # 850000.10.991.59600.0000.00.000.00.059

Account Description Cap Proj Stab Fund - Transfer to GF

Balance Before Appropriation	\$	<u>80,577.82</u>
Balance After Appropriation	\$	<u>74,777.82</u>

Account Receiving Appropriation:

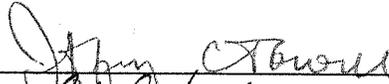
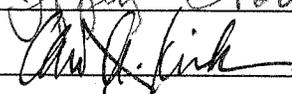
Unifund Account # 101000.10.145.58710.0000.00.000.00.058

Account Description Treasurer/Collector, Capital Equipment

Balance Before Appropriation	\$	<u>-</u>
Balance After Appropriation	\$	<u>5,800.00</u>

DETAILED ANALYSIS OF NEED(S): To purchase file cabinets and office furniture. Was put off from Fiscal Year 12 until office was fully staffed. Still leaves \$53,950 remaining that can be used for other purposes.

APPROVALS:

DEPT. HEAD:	<u></u>	DATE: <u>9/13/12</u>
ADMINISTRATION:	<u></u>	DATE: <u>9/18/12</u>
BUDGET & FINANCE:	_____	DATE: _____
CITY COUNCIL:	_____	DATE: _____

ENCLOSURE 4

ENCLOSURE 5

City of Gloucester Special Budgetary Transfer Request Fiscal Year 2013

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

TRANSFER # 2013-SBT- 2 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: POLICE

DATE: 9/6/2012 BALANCE IN ACCOUNT: \$ 54,310.56 ✓

(FROM) PERSONAL SERVICES ACCOUNT # 101000.10.211.51100.0000.00.000.00.051
Unifund Account #

(FROM) ORDINARY EXPENSE ACCOUNT # _____
Unifund Account #

Police-Uniform, Sal/Wage-Perm Pos
Account Description

DETAILED EXPLANATION OF SURPLUS: Account in surplus due to officer replacement not starting until 8/20/2012

(TO) PERSONAL SERVICES ACCOUNT # _____
Unifund Account #

(TO) ORDINARY EXPENSE ACCOUNT # 101000.10.211.55010.0000.00.000.00.054
Unifund Account #

Police-Uniform, Safety Supp/Equip
Account Description

DETAILED ANALYSIS OF NEED(S): Funds necessary

TOTAL TRANSFER AMOUNT: \$ 1,000.00 ✓ NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 53,310.56
 TO ACCOUNT: \$ 2,102.00

APPROVALS: jet

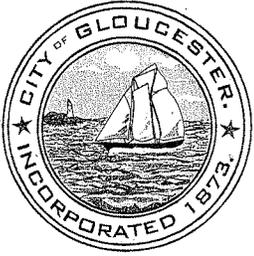
DEPT. HEAD: Chris Mich Lane DATE: 9-7-12

ADMINISTRATION: Carl G. Pike DATE: 9/18/12

BUDGET & FINANCE: _____ DATE: _____

CITY COUNCIL: _____ DATE: _____

ENCLOSURE 6



CITY OF GLOUCESTER
COMMUNITY DEVELOPMENT DEPARTMENT
3 POND ROAD, GLOUCESTER, MA 01930

MEMORANDUM

DATE: September 10, 2012

TO: Mayor Carolyn Kirk

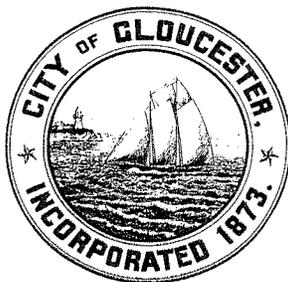
FROM: Gregg Cademartori, Acting Community Development Director *GMC*

CC: Stephen Winslow, Senior Project Manager, Noreen Burke, Health Director

Re: Burnham's Field
MA Department of Environmental Protection Natural Resource Damage Program
Essex County Community Revitalization and Restoration Projects Grant

The Community Development Department is pleased to report that Massachusetts Department of Environmental Protection's Natural Resource Damages Program has awarded the City a \$195,109 Essex County Community Revitalization and Restoration Projects Grant.

Please submit the attached Grant Application and Check List package to the City Council so this award can be accepted. Staff will be available to answer any questions of the City Council.



City of Gloucester
Grant Application and Check List

Granting Authority: State XX Federal _____ Other _____

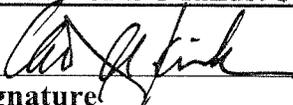
Name of Grant: Essex County Community Revitalization and Restoration Projects

Department Applying for Grant: Community Development Department

Agency-Federal or State application is requested from: MA Dept of Environmental Protection

Object of the application: \$195,109 in funds to rehabilitate Burnham's Field

Any match requirements: \$150,000 in CDBG funds: \$50,000 FY 2013, \$100,000 FY 2014

Mayor's approval to proceed:  9-10-2012
Signature Date

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

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

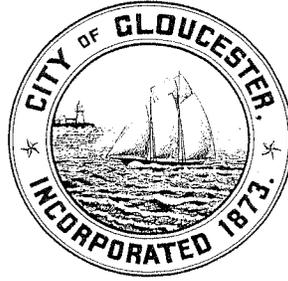
City Council's Approval or Rejection: _____
Vote Date

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



**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 - Attached
2. Grant Award Letter/Standard Contract Approval Form - Attached
3. Council Order Approval
4. Original Grant Account Budget as approved by Grantor - Attached
5. Amended Grant Account Budget as approved by Grantor (n/a)
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: Community Development

ACCOUNT NAME: MA DEP Essex NRD Grant - Burnham's

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

CFDA # (Required for Federal Grants):

DATE PREPARED: 9/10/2012

APPROVED
AMENDED BUDGET

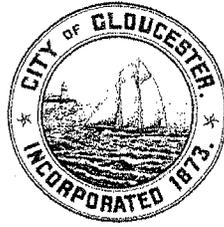
OBJECT	ORIGINAL BUDGET	(IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (4_____)				
	\$195,109.00			\$195,109.00
				\$0.00
				\$0.00
Total:	\$195,109.00			\$195,109.00
EXPENSE (5_____)				
Personnel				\$0.00
Consultants	\$195,109.00			\$195,109.00
Operating Expenses				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	\$195,109.00	\$0.00	\$0.00	\$195,109.00

DEPARTMENT HEAD SIGNATURE _____

DATE ENTERED (AUDIT) _____

AUDITING DEPARTMENT INITIALS _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

June 6, 2011

Karen Pelto
Massachusetts Department of Environmental Protection
NRD Coordinator
One Winter Street, 6th Floor
Boston, MA 02108

Re: Request for Responses (RFR) BWSC 2011 NRD 01 Dated: MAY 5, 2011
Natural Resource Damages Fund
Community Revitalization and Restoration Projects

Dear Ms. Pelto:

The City of Gloucester is pleased to submit this application funds to revitalize and restore Burnham's Field in Downtown Gloucester. The grant application represents a renewed commitment by the citizen's of Gloucester and my administration to the wealth of open space and recreation areas in our City.

I hereby authorize Sarah Garcia the City's Community Development Director to be the City's lead contact for the grant application. If you have any further questions regarding this application please contact Ms. Garcia or Stephen Winslow, *Get Fit Gloucester* Project Manager at 978-281-9781.

Sincerely yours,



Mayor Carolyn Kirk

cc: Sarah Garcia, Director of Community Development

**Natural Resource Damages Fund
 Community Revitalization and Restoration Projects
 Distribution of Proceeds from the Receivership Account for the Rubchinuk
 Landfill Site, Middleton, Massachusetts, for Essex County Projects**

Project Proposal Form

APPLICANT AND PROJECT INFORMATION.

Type of Entity Check the box that best describes the applicant.

- Private individual
- Non-profit organization
- State government
- Federal government
- Tribal government
- Municipal government
- Corporation or Business
- County government
- Academic Institution
- Other (explain)

Authorized Representative of Applicant

Carolvn Kirk

Name

Mavor

Title

9 Dale Avenue

Address

Address

Gloucester	MA	01930
------------	----	-------

City

State

Zip

Phone:

978-281-9700

Email:

ckirk@gloucester-ma.gov

Contact Person (if different)

Sarah Garcia / Stephen Winslow

Name

Community Development Department

Title

3 Pond Road

Address

Address

Gloucester	MA	01930
------------	----	-------

City

State

Zip

Phone:

978-281-9781

Email:

swinslow@gloucester-ma.gov

Authorized Signature:



Project Name Provide a brief working name:

Burnham's Field Restoration Project

Community Revitalization and Restoration Priority Categories Check all relevant boxes.

- Community cleanup of unauthorized or illegal dumping of solid waste on abandoned, idled or underutilized properties to reclaim and revitalize them as neighborhood assets
- Creation of "neighborhood open spaces" (pocket parks, community gardens, small-scale children play areas, community green spaces) to transform blighted lots into neighborhood resources for passive and active social and recreational uses

List specific benefits to the community and/or neighborhood as well as benefits to land resources and/or the services they provide:

Burnham's Field is the largest green space in Downtown Gloucester. The 6.7-acre field sits in a dense neighborhood of multi-family houses, primarily homes of low and moderate income residents that comprise 63.3% of the 3 surrounding census tracts. For many neighbors, Burnham's Field is the only convenient place for many of these residents to enjoy a grassy field, open sky and air. The field has traditionally hosted city-wide sports leagues, drawn teen basketball players from downtown and attracted young children to play on swings and slides.

Like many heavily-used urban parks, Burnham's Field has been plagued by trash and vandalism. Broken glass often covers the basketball courts and graffiti can usually be found scrawled on the courts, on the play equipment or on a garage bordering the field. Trash is common across Burnham's Field, from liquor and drink bottles to syringes. The four basketball goals are often damaged or missing, despite the City's best efforts to frequently replace them. A lack of adequate lighting and access create safety fears. Burnham's Field has no lights in the field's interior, inviting rowdy behavior after dark. The lack of access for motorized vehicles makes it difficult for Gloucester police cruisers to patrol the field and enforce the field's posted 9 p.m. curfew or to watch for drug-use or open drinking during low-use weekday hours.

Trash, vandalism, alcohol and drug use have led some parents to prohibit their young children from playing at Burnham's Field (see news articles in Attachment F). The field lacks activities that would attract senior citizens and residents without young children thus limiting the range of residents who can enjoy it.

A strong desire exists among neighborhood residents to improve Burnham's Field and generate greater neighborhood pride for this green "diamond in the rough" in the city's urban core. Neighbors have organized numerous clean-ups to pick up trash and trim the hedges behind which vagrants gather at night. Recently, neighbors working with the City's Community Development Department floated the idea of creating a community garden in Burnham's Field. The response was overwhelming, with nearly 60 people expressing interest in tending 20 garden plots as part of an effort to beautify the field. The first phase of the community garden is now up and running, and the gardeners recently met with Gloucester police to learn how they could serve as the Police Department's "eyes and ears" in making Burnham's Field a more welcoming place to families. Plans are under way to create a Facebook page for friends of the garden and field to upload photos, post comments, organize to-do lists and create a supportive online community.

The City will use CDBG funds to develop a design for the entire 6.7-acre site and 100% design plans for the first phase of Burnham's Field's rehabilitation, focusing on improving access to the field for police and other vehicles and improving lighting – two key problems with the field right now – as well as replacing the vandalized play equipment that's now in place. The City seeks the Natural Resource Damages Funds to construct the first phase. It's important to point out that the improvements in access for police vehicles and lighting aren't just one-time fixes. They would go a long way in ensuring that Burnham's Field becomes a safer, more welcoming recreational area for a wide range of residents for the foreseeable future.

The neighborhood envisions that Burnham's Field will allow neighbors of any age and ability to enjoy activities whether its playing or watching games or dog-walkers gathering each morning, afternoon and evening to socialize. Neighborhood children will learn to ride bikes on basketball courts that are not spattered with broken glass. Immigrants will assemble every evening to play soccer. Parents will fly kites and remote-controlled airplanes with their kids. St. Ann School, located just across Pleasant Street, sends classes of elementary school students to the field for calisthenics, running races and kickball games or to till their garden plot without encountering vagrants. Seniors citizens and others with mobility impairments will use the ADA accessible pathways to enjoy the field and gardens. Additional space will be identified to add more community garden beds to accommodate the overwhelming community interest to date.

Parcel Access and Control

Is the property where your project is to occur owned by the community or organization requesting this grant?

YES NO

Is the property where your project is to occur owned by a project partner?

YES NO

If not, has the property owner given long-term permission to the community or organization requesting this grant or a project partner to access the property where your project is to occur? YES NO

If so, are the rights of access granted by:

Easement Long-term lease Written permission

If not, who will be responsible for working with the property owner to obtain written permission?

Or, what steps are being taken to secure the rights of access to and control over the parcel?

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

Project Narrative:

- ❑ *Project Abstract: Provide a concise (not to exceed 250 words) description of the proposed restoration project and its benefits to injured natural resources and/or natural resource services. Include a general summary of project tasks, costs, schedule and partners. This project abstract as submitted may be widely distributed to inform reviewers and the public.*

For many years, neighbors of Burnham's Field have advocated to city councilors, staff and local media for its clean-up and renovation. Trash and vandalism are high due to inadequate lighting and the difficulty in patrolling the 6.7 acre site. Play equipment is covered with graffiti. The basketball court is in good shape but hoops are often broken. Sections of fence are missing or collapsing. The field attracts drunks and drug-users.



Volunteers clean up trash in Burnham's Field on Earth Day 2011.



Volunteers collected 13 bags of trash and recyclables at Burnham's field on Earth Day 2011.

This project will clean up and renovate Burnham's Field. Located in downtown Gloucester, the field serves surrounding densely-settled neighborhoods, including two environmental justice areas. The community garden built in May 2011 will be expanded. Vandalized play equipment and an old swing set will be replaced. A water play area will be added. Paved and stone dust paths will improve ADA and police access. Old fencing will be recycled and replaced with new

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

fencing. Lighting improvements, waste receptacles and security cameras will increase safety and discourage vandalism and dumping.

The City of Gloucester seeks \$195,109 from the Natural Resources Damage Trust to pay for a portion of the \$345,109 costs to clean-up the field and complete the renovations. A final design will be developed with neighborhood input in Fall 2011 with construction set to begin in Spring 2012 and completed by Fall 2012. The project will be led by the City of Gloucester with the support of the Get Fit Gloucester! Partnership, The Clean City Initiative, the Food Project, the Cape Ann Farmers' Market, St. Ann's Catholic School and Gorton's Seafood.

▪ Site Description:

Burnham's Field is located at 75 Pleasant Street in Gloucester, Massachusetts, one of the 9 Essex County communities that are eligible for this grant. Burnham's Field sits in downtown Gloucester in the center of some of the City's most densely-populated neighborhoods. (See **Map 1: USGS Map**)

Environmental Justice

Burnham's Field is centrally located among the most densely-populated neighborhoods in Gloucester. The Field's southwest corner borders one of Gloucester's Environmental Justice Areas bounded by Pleasant and Washington Streets (See **Map 2: Proximity EJ Area**). According to the 2011 estimates from the Department of Housing and Urban Development, 63.3% of residents living within the Census Block tracts surrounding Burnham's Field are low-to-moderate income, including two of the three highest low/mod income tracts in the City. Sixteen percent of these residents spoke a language other than English at home. The City's highest concentrations of Hispanic or Latino residents live within these downtown Census Tracts.

Burnham's Field last underwent major renovations in 1984, funded in part by an Urban Self-Help grant. Current recreation facilities include two softball fields at one end with a play structure, swing set and basketball courts at the other end. The Field sits in a lowland area surrounded by a dense residential neighborhood. A gravel parking lot provides 20 spaces for vehicles.

For many years, neighbors of Burnham's Field have advocated to city councilors, staff and local media for its clean-up and renovation (see attached news articles). Trash and vandalism are high due to inadequate lighting and the difficulty in patrolling the 6.7-acre site. Play equipment is covered with graffiti. The basketball court is in good shape but covered with broken glass and the hoops are often broken. Sections of fence are missing or collapsing. The field attracts drunks and drug-users.

The Open Space and Recreation Committee publicized and has held public meetings focused on Burnham's Field in this EJ Neighborhood in March 2010 and again in February 2011. Several families with children attended the meetings and spoke about the need to improve the Field and positively responded to a conceptual plan that had been developed. A more attractive, accessible and well-lit gateway from the Pleasant Street side of Burnham's Field will encourage more EJ

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

neighbors to visit. The fences along the Pleasant Street entrance are rusted and falling down and will be replaced with more attractive fencing.

Neighbors regularly clean up litter and landscaping waste that ends up in Burnham's Field. This project will continue those efforts to clean-up litter and landscape debris and implement improvements that will permanently discourage such activities from reoccurring.

The City has acquired title to the bulk of land in 1921 and has expanded the Field by purchasing additional lots through the 1950's. Prior to the City's acquisition, the field had been a swampy area that residents routinely dumped waste into.

According to a 1978 report on Burnham's Field prepared by the environmental consultants Weston & Sampson, in the early 20th century, part of Burnham's Field was used as a dump site. The dump was in operation for at least 30 to 40 years. The material dumped on the field would disappear by settling into the wet unstable soils. After World War II, a housing project for returning war veterans was built in Burnham's Field. Major settling of the buildings occurred, requiring their removal in the 1950s.

Burnham's Field sits 4/10 of a mile from the Rose Baker Senior Center, a central stop for the Cape Ann Transportation Association (CATA) bus service and ¼ mile from the Gloucester MBTA Commuter Rail Station (**See Map 3: Proximity to CATA and the MBTA**). These services operate hourly during rush hour and every two hours mid-days and weekends. The St. Ann elementary school is located across Pleasant Street. Gloucester's Main Street Business District is ¼ mile away.

□ Map 2: Proximity of Burnham's Field to EJ Area

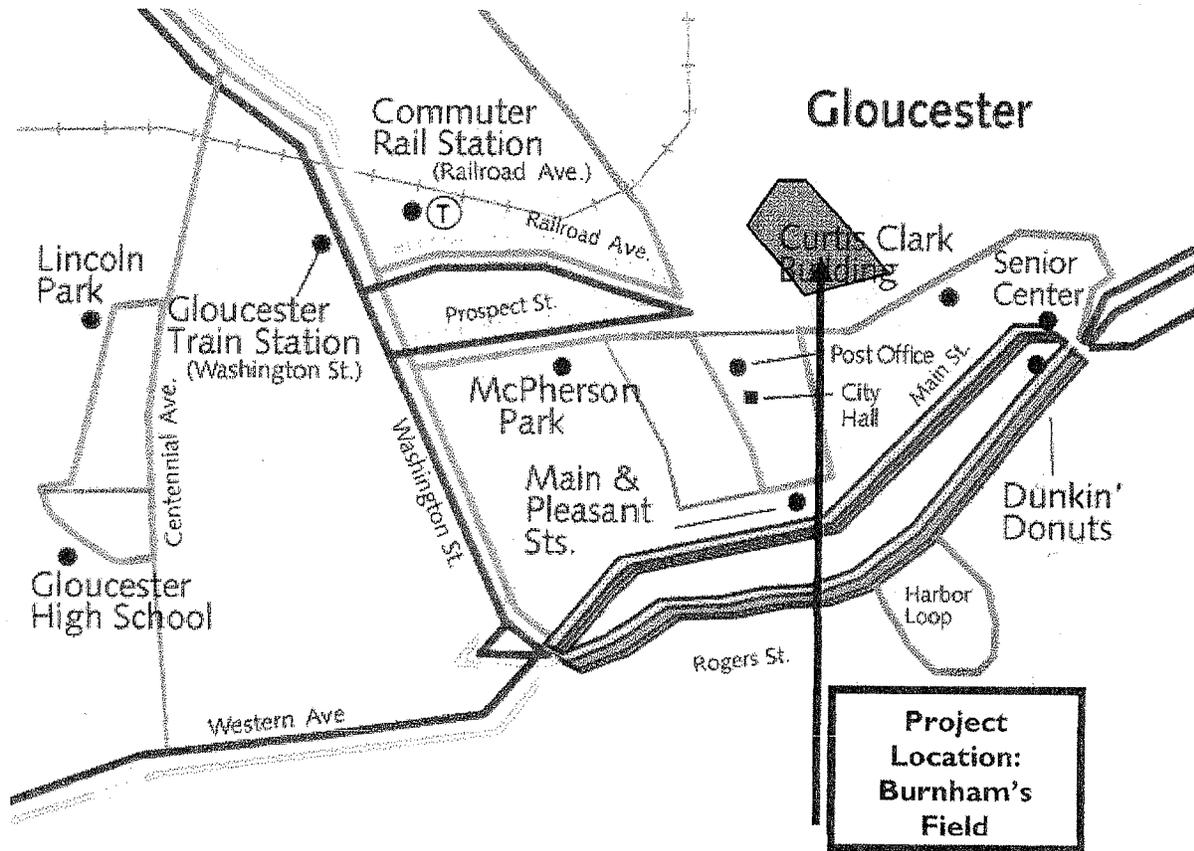


Downtown
Environmental
Justice
Area



MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

□ Map 3: Proximity to Cape Ann Transit Bus Lines and the
□ MBTA Commuter Rail



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Identified Need

The City of Gloucester's Open Space and Recreation Committee has identified improvements to Burnham's Field as a major priority in the 2010 update to the City's Open Space and Recreation Plan. The project is consistent with the community vision outlined in the OSRP to support the "improvement and maintenance of existing recreational parks, fields and playgrounds so that they are safe, clean and well-maintained." The proposed improvements will make Burnham's Field play structures ADA-compliant.

Burnham's Field has many deficiencies. Dirt paths provide access to either end of the site. These paths do not allow handicap access nor do they allow police to patrol the site in a police cruiser. The ball fields do not drain well and are not irrigated. The backstops are deficient. A football tackling dummy has stood abandoned for years.

The fields, courts and play equipment have been spread across the large site in a haphazard fashion making access for the disabled and police patrols difficult and creating "hang-out" spots that shelter unwelcome activities such as littering, dumping, drinking and drug use.

Potential space exists for amenities that would draw favorable uses such as a community garden. The community garden will be a central spot for neighbors to learn more about gardening. Information from community partners such as the Food Project, Cape Ann Farmer's Market and from backyard gardeners will educate neighbors about the health and environmental benefits of local, fresh foods. This strategy has proven successful at Riverdale Park, a public housing project in another Environmental Justice Area in Gloucester. The City's Get Fit Gloucester! program is working with the Food Project, Cape Ann Farmer's Market, Open Door Food Pantry and the local backyard gardening program to develop support for the garden and recruit neighborhood gardeners to use and maintain it.

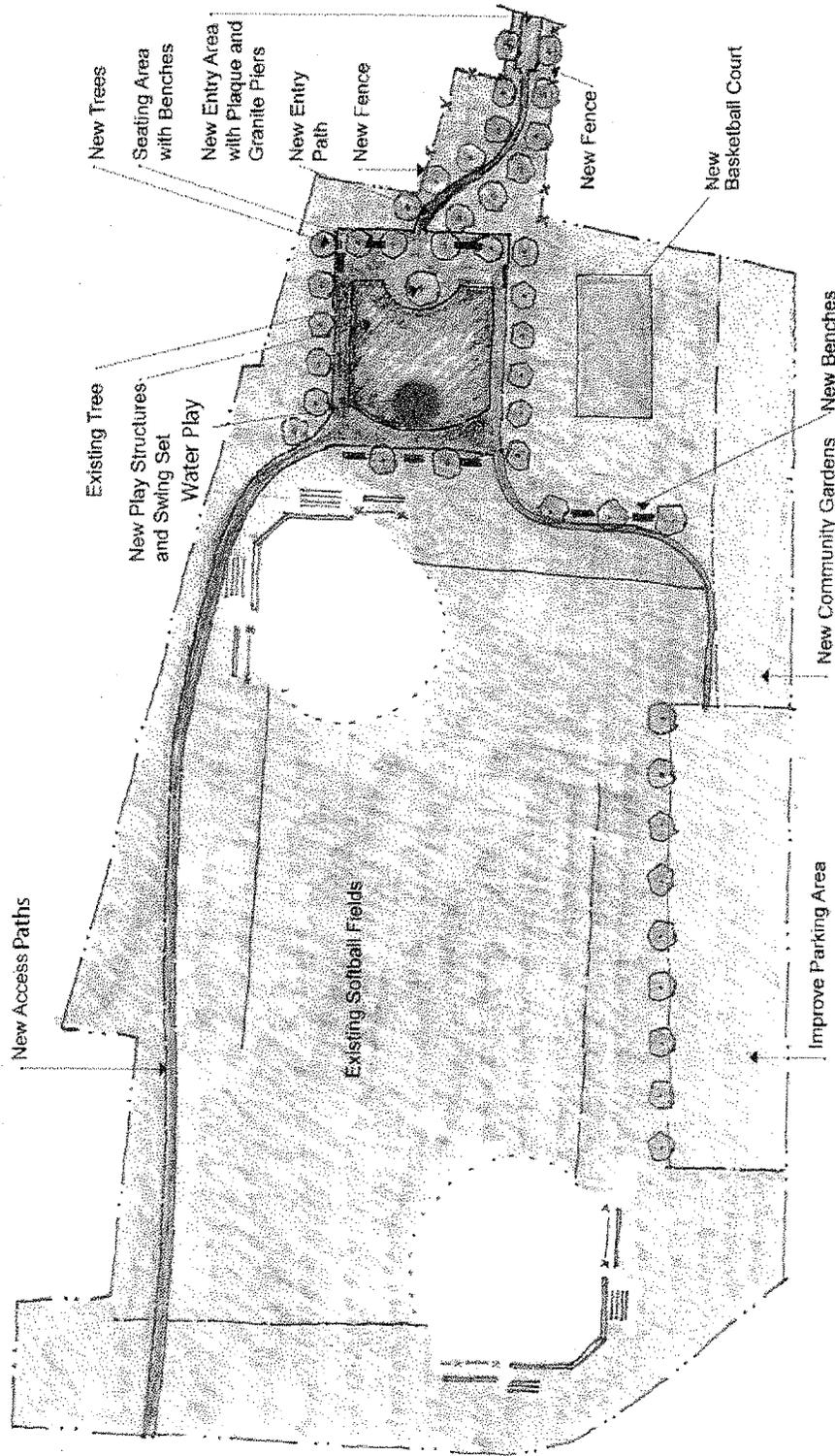
Neighbors joined together this year to create 20 garden plots. Another 40 interested people have been put on a waiting list for the next round of garden plots.

Public Accessibility

Burnham's Field is a municipally owned and maintained park open to all. The proposed renovations will improve accessibility for physically-challenged residents and provide a more attractive environment for all residents to utilize and enjoy the park. Gloucester has a high percentage of residents with a physical disability. 2010 Census estimates indicate that 4,533 Gloucester residents over age 5 are physically disabled. Burnham's Field is located within Census Tract 2216 and directly borders Tract 2217. High concentrations of persons with a disability in the City (22%) live within the three Census Tracts including and surrounding Burnham's Field.

As mentioned above, this project will substantially improve accessibility for the disabled. Portions of the site will be re-graded to allow ADA compliant paved and stone pathways to be installed. These pathways will allow access to the play equipment, basketball courts, spectator area of the ball fields and the community gardens. Play equipment will include accessible play decks and a new accessible swing. A portion of the parking lot will be paved and handicap space(s) will be designated to allow access to the pathways from the parking lot.

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester



BURNHAM'S FIELD
Gloucester, Massachusetts
CONCEPTUAL PLAN

Not to Scale
Shopflick Associates Landscape Architecture Modified by SPW1-27-2011



MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

Gloucester is a community surrounded by water recreation opportunities including beaches within walking distance of Burnham's Field. The development of the conceptual design will explore neighborhood interest and the feasibility of installing misting water play areas in Phase I if possible or as part of future phases.

Healthy Living: Gloucester has received a Mass in Motion grant from the Department of Public Health to fund the Get Fit Gloucester! Partnership. This Partnership envisions a fit-friendly Gloucester where opportunities for fitness and access to healthy foods will start in our backyards, as we step out of our homes, as we walk down the street, visit a park, tend a community garden plot, go to a local business or hike a local trail. The rehabilitation of Burnham's Field has been identified as one of the goals of the Get Fit Gloucester! Community Action Plan. The rehabilitation will improve recreational opportunities to Gloucester residents and the community garden will allow neighbors the opportunity to grow local, fresh produce and expand the network of residents interested in community and backyard gardening.

Sustainability: New features of the Field will require little additional maintenance. Community gardeners will maintain their plots, use composted plant material and serve as "eyes and ears" on the Field to encourage positive activities. Trash and recycling cans will reduce litter. DPW will have better access for maintenance. The Police will have better access to patrol the Field, will be better able to see illegal activities in lighted areas, and will have a security camera at their disposal as well. Plans include recycled bedding material under play structures.

Community Support: Improving Burnham's Field enjoys strong public support, particularly from neighborhood residents, several of whom engaged the Open Space and Recreation Committee throughout the Open Space and Recreation Plan planning process. Residents expressed strong support for improving park accessibility and safety at three advertised neighborhood meetings held on Feb, 12, 2009 (12 attendees), March 25, 2010 (14 attendees) and March 2011 (30 attendees) as well as through several opinion pieces (See Attachment F: Community Support).

Environmental Impact: The new landscaping and community gardens will positively affect the environment by removing airborne pollutants and improving air quality, removing carbon dioxide, and mitigating stormwater runoff. By improving an existing park, the project minimizes impact to natural resources. Reducing the need for neighborhood residents to travel by car to other City parks and playgrounds conserves energy and reduces airborne pollution.

The proposed lighting improvements at Burnham's Field will comply with the City Lighting Ordinance and include full cutoff shields to eliminate light directed skyward, reduce energy costs and reduce consumption of fossil-based fuels.

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

Attachment A: Budget Summary Form and Budget Narrative Form

The budget form indicates that grants funds will be almost entirely spent on construction, with a limited amount of funds being dedicated to site assessment and survey. The City will provide \$150,000 in CDBG funds as a match. The City will engage the services of a landscape architect and a landscape construction company to do the work. Table I provides a project breakdown of those costs. Costs for the items include the cost to purchase the materials and install them.

TABLE I: BUDGET: SOURCES AND USES

<u>Sources</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>Total</u>
CDBG Funds FY 2012	\$50,000	\$0	\$50,000
CDBG Funds FY 2013		\$100,000	\$100,000
NRD Funds (56%)	<u>\$4,200</u>	\$186,709	\$190,909
			\$0
Total Funding Sources	\$50,000	\$286,709	\$336,709

<u>Improvement</u>	<u>Quantity</u>	<u>Unit</u>	<u>Cost/per Unit</u>	<u>Item Cost</u>
Mobilization/ Solid Waste Removal	1	Each	\$6,500	\$6,500
Demolition	5	Crew – Days	\$200	\$1,000
Accessible Play Structure & Swings	1	Structure	\$52,000	\$52,000
ADA Play Surface - Rubber Mulch	1600	Square Foot	\$13	\$20,800
Paved Seating Area	2400	Square Feet	\$4	\$9,600
Asphalt Walk - 8-foot wide	750	Linear Foot	\$42	\$31,500
Crushed Stone Walk 8-feet wide	720	Linear Foot	\$24	\$17,280
Replace Fence - 4-foot High	140	Linear Feet	\$80	\$11,200
Water Play Feature	1	Installation	\$16,000	\$16,000
Trees	12	Tree 2-3" Caliper	\$1,000	\$12,000
Fence for Garden	150	linear feet	\$80	\$12,000
Security System	1	Camera	\$3,000	\$3,000
Lighting Improvements	12	Units	\$1,800	\$21,600
Lighting Conduit	1470	Linear Feet	\$12	\$17,640
Plaque	1	Stone	\$2,000	\$2,000
Secure Trash / Recycling Barrels	3	Each	\$1,000	\$3,000
<u>Parking Lot - ADA Surface, 6" deep**</u>	<u>7280</u>	<u>Square Feet</u>	<u>\$3.75</u>	<u>\$27,300</u>
Construction Total				\$264,420
Contingency (~10%)				\$26,489
Survey/Design*				\$50,000
Site Assessment				<u>\$4,200</u>
Project Total				\$345,109

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

- Project Work Plan: Provide a specific list of all activities or tasks necessary to complete the project. Describe these activities and tasks and the timeframe that will be required to complete them. Relate these tasks and activities to the evaluation criteria described in section 3A of this RFR as appropriate. If the respondent intends to apply for multi-year funding for a project, this description should reflect the project in its entirety and identify those tasks and activities that will occur each state fiscal year (July 1 through June 30) – these should correspond with the project budget and budget narrative as described in this section.

The first step will be removal of litter and landscape debris by the community with assistance from the City DPW and the Clean City Initiative. Bottles and cans will be recycled and landscape debris will be taken to the City compost facility. A landscape contractor will remove any heavy branches and chip them. The contractor will then dig foundations for lights and trenches for water service requiring removal of any waste from 4 – 6 feet deep in the ground. Buried waste will likely be taken to a landfill unless significant metal debris is encountered. Chain link fencing material will be recycled.

Once site preparation has been completed, ADA-accessible paths into and across the site will be installed. Preliminary lay-outs call for 750 feet of paved paths connecting the parking lot, basketball courts and play structures and 720 feet of stone paths that will create a connection from Pleasant to Burnham's Street across the site. Prominent and secure entry gateways will be laid out and an estimated 12 pedestrian scale light poles will be installed along the pathways. Secure trash and recycling barrels will be installed along with a security camera. A new expanded play structure will be purchased that will have an ADA-compliant surface made out of recycled material and accessible play decks. The Food Project and local residents will help install and plant the new phase of community garden in the Field -- 16 garden plots, 4 x 8 feet in size, in addition to the 20 that the community built this year. Fencing will be installed around the garden and water service will be connected.

The City does not anticipate any permits will be required for this work. This fall the City will hire a landscape design firm to work with the neighborhood to refine and development specifications based on the conceptual design including at least three meetings. The City owns the property and has unfettered access to the site.

DPW will be responsible for maintenance of the paths, lighting and play structure. The gardeners have committed to fund their activities with a small fee. Each gardener signs an agreement that commits them to actively garden and participate in garden clean-up activities. The increased neighborhood presence as a result of the gardens, paths, play equipment and lighting will help prevent vandalism and dumping. New trash and recycling barrels will help prevent litter. The Gloucester Police will more readily patrol the area through direct access on the improved paths and the security camera.

As additional funds become available, work can be done to improve the playing fields as well.

The neighbors will benefit from a cleaner, more active public space. Children and adults will be more physically active on the play equipment and paths. The gardens have already started to

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

create more neighborhood cohesion and expanding them will increase this. Students from St. Ann school will benefit from using the garden and play area. Seniors will have access to pathways and gardens.

ATTACHMENTS

- Proposal Application Form:** In front of Project Narrative
- Attachment A:** Budget Summary Form and Budget Narrative Form
- Attachment B:** Supplier Diversity Program Plan Form
- Attachment C:** Site Characterization Form
- U.S. Geological Survey topographic** of proposed project site: See Map 1.
- Attachment D:** Resumes of professional or consulting project staff
- Attachment E:** Letters of commitment: See City's Application form. City is the primary organization providing the match so see the Budget Summary.
- Attachment F:** Community Need and Support

BWSC 2011 NRD 01 BUDGET SUMMARY FORM
DEP NRD Community Revitalization and Restoration Projects: Rubchinuk Landfill Site Receivership Funds
RUBCHINUK NRD FUNDING ALLOCATION BY FISCAL YEARS ¹

PROJECT TITLE:	Burnham's Field			
APPLICANT NAME:	City of Gloucester			
EXPENSE CATEGORY	FISCAL YEAR 1	FISCAL YEAR 2		
	Rubchinuk NRD Funds	Rubchinuk NRD Funds		
A. SALARIES	\$0	\$0		
B. CONTRACTED SERVICES	\$54,200	\$100,000		
C. SUPPLIES, MATERIALS AND EQUIPMENT	\$0	\$0		
D. TRAVEL	\$0	\$0		
E. SITE CONTROL	\$0	\$0		
F. OPERATION/MAINTENANCE	\$0	\$0		
G. OTHER				
TOTAL BY FISCAL YEAR	1	2		
	\$54,200	\$140,909		
GRAND TOTAL (sum of boxes 1+2)			\$195,109	
[This sum is the total NRD fund request]				

¹ The fiscal year is July 1 – June 30. If the proposed project will be completed in one year, fill in only the column titled "Fiscal Year 1."

BWSC 2011 NRD 01 BUDGET SUMMARY FORM
DEP NRD Community Revitalization and Restoration Projects: Rubchinuk Landfill Site Receivership Funds

RUBCHINUK NRD PROJECT BUDGET SUMMARY BY TASK AND FUNDING SOURCE

PROJECT TITLE:	Burnham's Field						
	APPLICANT NAME:	City of Gloucester					
TASK ²	RUBCHINUK NRD FUNDS	OTHER CONTRIBUTIONS (CASH OR IN-KIND)		TOTAL COST BY TASK			
		COMMITTED	NOT COMMITTED				
A. Complete Design and Master Plan	\$0	\$50,000		\$50,000			
B. Site Assessment and Survey	\$4200	\$0		\$4200			
C. Park Construction	\$190,909	\$100,000		\$290,909			
D.							
E.							
F.							
G.							
TOTAL BY FUNDING SOURCE	5 \$195,109	6 \$150,000	7	8 \$345,109	GRAND TOTAL		

² The listed tasks should correspond with information provided in the Project Narrative.

Attachment B: Supplier Diversity Program Plan Form

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

- ❑ **Project Goals and Objectives:** Describe and quantify benefits to the community and/or neighborhood as well as benefits to land resources and/or the services they provide that will result from implementation of the proposed project. How does the proposed project contribute to your neighborhood's broader plans for improving its quality of life? Describe what you wish to accomplish in completing this project by listing measurable targets, and/or objectives that must be met on the way to attaining your goal. Examples include, but are not limited to: improvements to public health and safety and/or the environment; recycling and/or reuse of recovered materials; restoration of land to beneficial uses; implementation of methods to prevent or minimize reoccurrence of problems corrected by this project. Use supporting graphics, maps, figures and tables as necessary (these do not count toward the 10-page limit of the project narrative). Any additional noteworthy environmental, social, or economic benefits should also be described.

The goal of the project is to improve safety and accessibility at Burnham's Field and provide enhanced amenities for a wider range of residents. A pathway system with improved lighting will improve access and allow better patrolling of the area. Children will enjoy new, graffiti-free play areas, including a water playground for hot summer days. Trees will create more shade for spectators. Dedicated community garden space will provide multiple neighborhood benefits including an increased presence adults and seniors who can serve as "eyes on the park" to help monitor and care for park amenities. Neighborhood gardens will also provide an opportunity for residents to enjoy being outdoors and to grow flowers, plants, fruits and vegetables. All these improvements will increase use and enjoyment of the Field and improve the quality of life for neighbors and all who visit the Field.

These goals will be accomplished by completing the following steps:

- new site fencing and permanent fencing for the community garden
- an ADA-accessible play structure, a swing set with ADA-compliant poured in place surfaces and a water playground
- a paved asphalt pedestrian path, and crushed stone pedestrian path
- security improvements including solar lighting and a security camera
- expanding the newly created community garden, and
- new landscaping including at least nine new trees.

The City will provide CDBG funds to complete the master plan for the entire 6.7-acre site and 100% construction plans for the first phase of rehabilitation that is focused on improving access, security and lighting, replacing vandalized play equipment, and adding community garden space. (see Burnham's Field Conceptual Plan).



Supplier Diversity Program (SDP) Plan Form

Contract/RFR Document Number: BWSC NRD 01

Instructions: Completing all parts of this form is mandatory. Please read instructions in the SDP section of the solicitation. **Complete one form for each Supplier Diversity Office (SDO) Certified M/WBE Partner Business.** For a complete list of certified vendors please go to <http://www.somwba.state.ma.us/BusinessDirectory/BusinessDirectory.aspx>.

Part I Bidder/Contractor Information

[Help with Part I](#)

Business Name: City of Gloucester

Full Address: number, street, and apt. or suite no., city, state, zip

9 Dale Avenue, Gloucester MA 01930

Contact Name: Sarah Garcia

Phone # (978) 281 - 9781

Email address: sgarcia@gloucester-ma.gov

Check one of the following if applicable:

MBE WBE M/WBE M/W Non-Profit

If not yet certified, check here if you have applied for Certification:

Certification Expiration Date If Applicable (copy of the SDO certification letter must be attached):

Part II SDP Partner (Cannot be the same company as the Bidder/Contractor or an affiliate)

[Help with Part II](#)

M/WBE Business Name: Note: The City has engaged any financial partners or hired any contractors at this time. The City will seek SDP contractors in bidding for design and construction services and submit an updated form at that time.

Full Address: number, street, and apt. or suite no., city, state, zip

Contact Name:

Phone # () - x

Email address:

Check one of the following if applicable:

MBE WBE M/WBE M/W Non-Profit

If not yet certified, check here if your partner has applied for Certification:

Certification Expiration Date If Applicable (copy of the SDO certification letter must be attached):

Part III Description of Business Relationship

[Help with Part III](#)

Check a minimum of one of these options that best describe the business relationship between Bidder/Contractor and SDP Partner:

- Subcontract:** include a copy of the written agreement between the Bidder and Subcontractor.
- Ancillary:** include a copy of the written agreement between the Bidder and Ancillary Partner.
- Growth & Development:** enclose plan for education, training, sponsorship, mentoring, resource sharing, and/or other initiatives.

Briefly describe the products and/or services the SDP Partner will provide your business:

Part IV Financial Commitment

[Help with Part IV](#)

Provide information on the committed amount (as a percentage of Bidder/Contractor gross revenue derived from this contract or as an exact dollar figure) to be spent with the certified SDP Partner as part of this relationship.

Annual Amount or Percentage	or separately for each contract year	Year 1 Amount or Percentage	Year 2 Amount or Percentage	Year 3 Amount or Percentage	Year 4 Amount or Percentage	Year 5 Amount or Percentage
		10%	10%			

Part V Past Performance

[Help with Part V](#)

Have you had past relationships/spending with this SDP partner Yes No

If yes, please provide total spending in previous two years \$

Sign Here:	Print Name ▶ <i>Carolyn A. Kirk</i>	Title ▶ <i>Mayor</i>
	Authorized Signature ▶ <i>[Signature]</i>	Date ▶ <i>June 3rd, 2011</i>



Supplier Diversity Program (SDP) Plan Form Instructions

Part I

Bidder/Contractor Information: Business name, full address, contact name, phone #, email address and your SDO certification status, if you have one, i.e. if you are SDO certified, please put in the expiration date of your certification. Please be aware you will not receive additional points based on your certification status. Submit a copy of your SDO certification, if applicable.

Part II

SDP Partner must be a Women Owned (WBE), Minority Owned (MBE) or Minority and Woman Owned (M/WBE) Business Enterprise or Woman Nonprofit (WNP) or Minority Nonprofit (MNP) certified by the State Office of Minority and Women Business Assistance (SOWMBA). You must include the partner's business name, full address, contact name, phone #, email address and SDO certification status. You must also submit a copy of the partner's SDO certification or check the applicable box stating that they have applied for Certification. For a complete list of SDO certified vendors please visit their website at www.mass.gov/SDO. Please note that if you are a SDO certified vendor you cannot put yourself as the SDP partner or an affiliate but will be required to partner with another SDO certified business. SDO certified vendors responding to Requests for Response (RFR) are not exempt from this requirement.

Part III

Description of Business Relationship: In this section the prime Bidder/Contractor must provide a description of the business relationship with the SDP Partner. Please refer to the SDP section of the solicitation (RFR) to determine if any of these options are required in your response and to determine how many options you can use for your SDP plan. For example, unless the RFR requires otherwise, you can select Subcontracting and Growth and Development or you can select Ancillary Services and Growth and Development. However, you must select at least one business relationship and provide a description of the services rendered.

- 1) Subcontracting: submit SDP Plan form, a partnership agreement and SDP partner's certification.
- 2) Ancillary: submit SDP Plan form, a partnership agreement (if available) and SDP partner's certification.
- 3) Growth and Development: submit SDP Plan form, growth and development plan (please use a separate sheet) and SDP partner's certification.

Definitions and examples of the three components can be found at:
<http://www.mass.gov/Eoaf/docs/osd/sdo/sdp/subcontracting.doc>

The Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings are located on the SDP website at www.mass.gov/SDP.

Part IV

Financial Commitment: provide the minimum amount you will spend with the SDP partners as a percentage of the gross revenue derived from the contract or an exact dollar amount. If you select the same percentage or dollar amount for each contract year, please input this information in the Annual Amount or Percentage field(s). If the committed amount is different each contract year, input the percentage or dollar amount in the field that corresponds with the appropriate contract year.

Part V Past Performance: Historical spending with the SDP partner. If you have a previous relationship with this partner provide the total for the past two years

Resources available to assist Prime Bidders in finding potential M/WBE partners can be found at:
<http://www.mass.gov/Eoaf/docs/osd/sdo/sdp/20guidance.doc>

Attachment C: Site Characterization Form

DEP NRD Community Revitalization and Restoration Projects: Rubchinuk Landfill Site Receivership Funds

SITE CHARACTERIZATION FORM

I. Site Information		
Site Name: Burnham's Field		
Street Address: 75 Pleasant Street		
City: Gloucester MA	Zip: 01930	
Land Owner Name: City of Gloucester		
Legal Address: 9 Dale Avenue		
City: Gloucester	State: MA	Zip: 01930

II. Site Activity			
Active Dumping: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Buried Waste: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> SUSPECTED	
Comments: Active Dumping is primarily litter and is cleaned up on a regular basis. Suspected buried waste results from pre-1971 land-filling of area with waste of unknown origin			
TYPE OF WASTE	ESTIMATED QUANTITY OF WASTE	UNITS (square feet, tons, cubic yards)	DETAILS
Burn Ash	None		
Garbage-Trash-Refuse	Yes	Under a ton, occasionally cleaned up	Landfilling pre-1920's
Construction/Demolition	Yes		Landfilling pre-1920's
Appliances (White Goods)	Probably Not		Landfilling pre-1920's
Vehicles	Probably Not		
Misc. Scrap Metals	Probably Not		
Wood Waste	Possible		
Green/Landscape Waste	Yes	Under a ton, occasionally cleaned up	Branches and leaves
Tires	No		
Hazardous Waste	Unknown		
Asbestos	No		
Pesticides	No		
Other (describe):			

III. Site Map and Sketch	
Site Map: Attach a U.S. Geological survey topographic map or a municipal assessor's map showing the project location	
Site Sketch or Photos: Attach a drawing and/or photos to show the following information:	
Access points to the site and on-site Waste locations	Utilities (phone poles, water/sewer manholes, natural gas lines)
On-site structures (buildings, drainage)	Site security (fences, barriers)
Monitoring wells	Natural features (trees, wetlands, rivers/brooks)

IV. Site Access

Describe how the access to the site will be secured during cleanup and the type of equipment that will be allowed and able to access the site to assist with cleanup:

Burnham's Field is a public park that can be accessed via a gate off Sargent Street

IV. Nearby Land Use

Land Use	Within (Check Applicable Boxes)		Comments
	1,000 feet	1 Mile	
Residential	Yes	Yes	
Commercial	Yes	Yes	
Industrial	No	No	
Parks and Recreational	Yes	Yes	
Agricultural	No	No	
Water Supply	No	Yes	Babson Reservoir
Surface Waters	No	Yes	Babson Reservoir
Wetlands	No	Yes	Gloucester Harbor/Atlantic Ocean/Annisquam River
Other			

V. Enforcement Actions

If known, provide a list of enforcement actions and results for addressing solid waste on the property.

Date	Type of Action	Agency (e.g. local Board of Health, state Department of Environmental Protection)	Results
N/A			

Comments:

Prepared By: Stephen Winslow
 Organization: City of Gloucester Date: 5-18-2011

Attachment D: Resumes of professional or consulting project staff

Biography

Sarah Garcia, Community Development Director, City of Gloucester

Work Description

Reporting to the Mayor, Ms. Garcia directs the ten person department that manages harbor development, planning, economic development, conservation and open space and recreation planning for this city of 30,000 residents. The department manages approximately \$2 million in grant funded projects each year, including two entitlement grants totaling \$1 million. Recent achievements include developing consensus amongst multiple, polarized stakeholder groups for a new 2009 Harbor Plan, directing the 2010 Harbor Economic Development Plan and the 2010 Open Space and Recreation Plan, overseeing the purchase and redevelopment of a key waterfront parcel, and the design and construction of a downtown Harbor Walk. Ms. Garcia's public sector work has been in planning and community development, including serving as Commissioner to the Merrimack Valley Planning Commission. Prior experience includes construction management and community organizing.

Education Description

Master in Public Policy, Tufts University.

Bachelor of Arts, Government, Harvard University.

Past Assignments

2010 Presenter, Putting the Working Port Back to Work, Working Waterways and Waterfronts National Symposium, Portland Maine.

2009 Advisory Committee member to Executive Office of Energy and Environmental Affairs on regulatory revisions to Designated Port Areas

2009 Featured in case study for Managing Risk: Helping Cities in MA Adapt to Climate Change, publication of MIT-USGS Science Impact Collaborative

2004 Featured case study for Essex County Community Foundation Smart Growth: Way to Grow: Take the Train.

STEPHEN P. WINSLOW
83 JACOB STREET, MALDEN, MA 02148
781-397-6893 (home)
781-738-2835 (cell)
swinslow4152@gmail.com

Work Experience and Accomplishments

Senior Project Manager, City of Gloucester (2009 to Present) Project Manager for the Get Fit Gloucester! Partnership funded through MA Department of Public Health's Mass in Motion program. Completed a community health needs assessment related to obesity prevention and developed a Community Action Plan based on the results.

Accomplishments:

- Developed City's 1st Open Space and Recreation Plan since 1998
- Secured additional funds for key sidewalk improvements
- Developed project funding plan for \$3.5 million Newell Stadium Reconstruction
- Secured Funds for new Community Garden
- Developed presentations for MA Public Health Asc and MA Municipal Asc Conferences

Senior Planner/Project Manager, City of Somerville (2004 to 2009). Planner/Project Manager for the Somerville Community Path and staff to the Conservation Commission. Managing three projects related to the Path including coordination with a MassHighway project to improve the existing path. Project Manager for the 3 park and garden projects including the Somerville Junction Park.

Accomplishments:

- Leading Mayor's Pedestrian and Bicycle Safety Task Force
- Secured \$3.3 million in transportation funds and over \$500,000 grants
- Donation of 1.5 acres of land by Cambridge Health Alliance for the Community Path
- Healthy Motion Award, State Smart Growth Conference 2007
- Bicycle Lane Policy and Bicycle Parking Ordinance Adopted
- Co-coordinator of Robert Wood Johnson Active Living Grant with Health Department

Attorney, Brown & Green LLC, Malden Massachusetts (April 2003 to 2010). Attorney and Principal for an Environmental Law Practice focusing on brownfield and greenway development.

Accomplishments:

- Development of a Brownfields Policy Paper for the Massachusetts Department of Environmental Protection and a national paper with Rails to Trails Conservancy
- Successfully assisting the Massachusetts Bicycle Coalition receive a US EPA grant related to brownfields and rail trail development
- Negotiating trail development and design agreements for several communities
- Wrote and passed Legislation to resolve liability issues.

Site Coordinator, TeleCom City Project, Malden, Medford and Everett Massachusetts (1998 - 2003)
Project coordinator for an innovative R&D campus on brownfield site.

Job Duties:

- Coordinated acquisition of 30 acres of land
- Reviewed site designs for transportation, building design and environmental impacts. Ensured plans include parkland to replace areas used in local school building projects.

- Liaison with MA DEP, US EPA, US DOE, MassHighway and other federal, state and local agencies.
- Applied for and administer federal and state grants.
- Represent the Commission before local planning boards and conservation commissions.

Accomplishments:

- Coordinated acquisition of 30 acres, demolition of 10 buildings and environmental permit applications necessary to build a \$7.1 million road.
- Successfully advocated to then EPA Administrator Carol Browner for the project to be selected as one of 12 National Showcase Communities.
- Successfully applied for \$1.2 million in federal and state grants.
- Made presentation at 2002 National Brownfields Conference.

Massachusetts Department of Environmental Protection, Boston (1988-1998)
Held three positions handling various legal, policy and technical matters

Procurement Planner, Auto Inspection Program (1998)

Job Duties:

- Drafted parts of an RFP for a \$200 million Auto Inspection Contract.
- Managed the procurement process and contractor selection.

Audit and Enforcement Coordinator, Bureau of Waste Site Cleanup (1993-1997)

Established and trained a team of 20 staff to audit implementation of the private hazardous waste clean-up program throughout the Commonwealth.

Job Duties:

- Established and trained a team of 20 staff to audit implementation of the new program throughout the Commonwealth.
- Wrote Monthly Agency Speaks column for professional newsletter.
- Developed statewide audit and enforcement strategies.

Deputy General Counsel, (1988-1992).

Handled various legal matters of increasing complexity throughout the Commonwealth.

Job Duties:

- Wrote portions of nationally recognized hazardous waste clean-up laws (M.G.L. Chapter 21E) and regulations.
- Lead Attorney on numerous State and Federal Superfund Clean-up matters

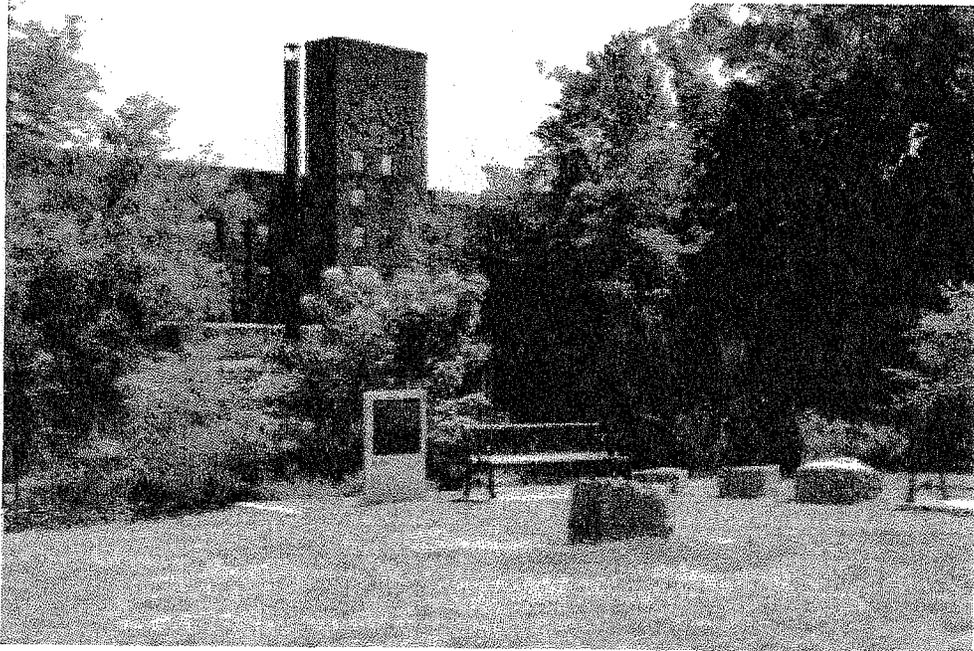
Accomplishments:

- Developing the 21E Audit Team and Program.
- Writing portions of nationally recognized hazardous waste clean-up revisions to the 21E regulations.
- Recovering over \$2.3 million from polluters.
- Negotiating a DEP-EPA MOA to investigate the PCB- contamination of the Housatonic River.
- Presenting the new MA hazardous waste clean-up program to a national working group.

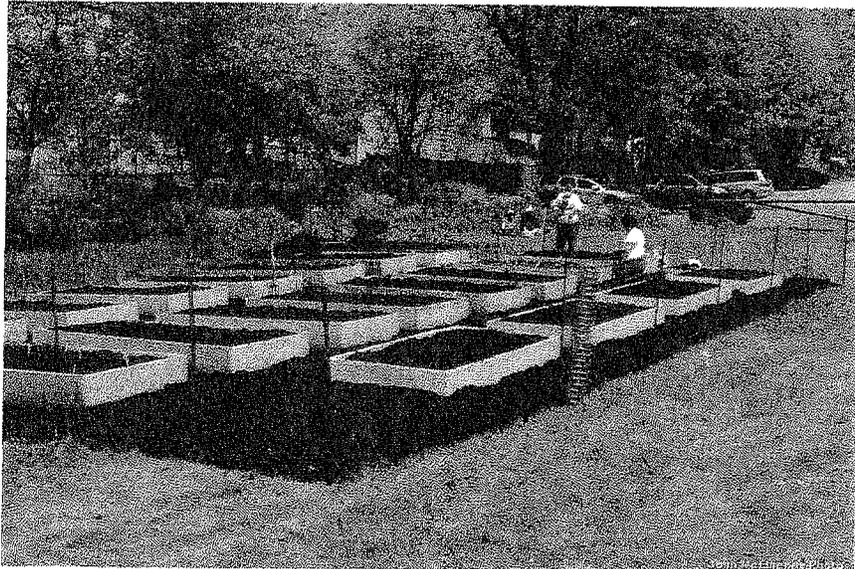
Education Juris Doctorate, University of California, Davis
Bachelor of Science, Chemical Engineering, U.C. Berkeley (1982 - top 10% of class)

Examples of Projects Managed by Stephen Winslow

Somerville Junction Park



Gardens at Burnham's Field



MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

City Hall Annex
Three Pond Road
Gloucester, MA
01930



TEL 978-281-9781
FAX 978-281-9779
swinslow@gloucester-ma.gov

CITY OF GLOUCESTER
COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Mayor Carolyn Kirk
THRU: Sarah Garcia, Community Development Director *Sarah Garcia*
FROM: Stephen Winslow, Senior Project Manager
RE: Burnham's Field – Request to Submit Grant Applications

DATE: May 16, 2011

The Community Development Department seeks your assent to submit requests for grants of up to \$190,909 in order to fund focused recreational, accessibility and public safety improvements at Burnham's Field. These grant applications if successful will require a \$150,000 match from the City which can be funded over the course of two years with Community Development Block Grant Funds.

The Department plans to prepare grant applications to:

- The PARCs grant program run by the Massachusetts Division of Conservation Services, and
- The Natural Resource Damages (NRD) Fund run by the Massachusetts Department of Environmental Protection for the Community Revitalization and Restoration Projects in Essex County Projects¹.

Proposal Description

Burnham's Field is a 6.7 acre park located off Pleasant Street in Downtown Gloucester between Saint Ann's School and Burnham Street. Pedestrian access is from Pleasant Street and from Burnham Street on un-paved dirt paths that cross the grass. DPW vehicles access the field via a gate from the parking lot. Major renovations to the grass field were completed in 1984. The field currently has two softball/baseball diamonds, 2 basketball courts, a swing set and a play structure. The field area includes an unpaved parking lot and several lampposts that surround the play structure. Wood chips make up the surfaces beneath the swing set and play structure. These areas are not compliant with ADA standards.

Neighborhood residents have regularly complained about vandalism, trash and unruly activity in the field. Police have a difficult time patrolling the area due to their inability to readily see or enter the area in a cruiser.

¹ The Community Development Staff also assessed whether the Newell Renewal project would be eligible under the NRD Fund grant. The NRD Fund grant emphasized the desire to focus on trashy areas that can be improved for neighborhood recreation. After discussion with the NRD grant manager, Newell did not appear to meet the NRD Fund grant eligibility criteria while Burnham's Project may.

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

The project will allow the City to design and construct targeted improvements at Burnham's field to replace damaged fences and play equipment, improve accessibility for all residents and enhance the ability of the City and the neighborhood to maintain a safe park environment.

The City will hire a landscape design consultant to work with the neighborhood and Police Department to develop a list of affordable improvements that will:

1. enhance the play area including an ADA accessible structure and a water play area
2. create accessible pathways that will also improve police access to patrol the field
3. encourage greater neighborhood use and oversight of the area through the inclusion of garden plots or other amenities.

The project budgets \$50,000 for survey and design and \$290,909 for construction. A preliminary budget that lists possible improvements and a security camera system is included below.

MA DEP NRD Grant: Community Revitalization and Restoration Projects – City of Gloucester

Attachment E: Letters of commitment



GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS
 TUESDAY, MAY 24, 2011
 7:00 P.M.
 KYROUZ AUDITORIUM, CITY HALL
 COUNCIL MEETING #2011-010



FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

Senator Bruce Tarr – Update from the Senate

CONFIRMATION OF NEW APPOINTMENTS

Angela Sanfilippo, David Bergeron, Francesco Paolo Vitale Fisheries Commission (TTE 02/14/14)
 Craig W. Herrmann City Hall Restoration Committee (TTE 02/14/14)

CONSENT AGENDA

- | | <u>ACTION</u> |
|---|----------------|
| • MAYOR'S REPORT | |
| 1. Special Budgetary Transfer Request (#2011-SBT-36) from Information Services Department | (Refer B&F) |
| 2. Special Budgetary Transfer Request (#2011-SBT-37) from Mayor's Office | (Refer B&F) |
| 3. Special Budgetary Transfer Request (#2011-SBT-38) from DPW | (Refer B&F) |
| 4. Special Budgetary Transfer Request (#2011-SBT-39) from DPW | (Refer B&F) |
| 5. Special Budgetary Transfer Request (#2011-SBT-40) from Treasurer/Collector's Office | (Refer B&F) |
| 6. Memorandum from CAO re: payment of invoices without a contract for the Green Repair Project | (Refer B&F) |
| 7. Memorandum from DPW Director re: request for funding for athletic and recreational facilities | (Refer B&F) |
| 8. Memorandum from Police Chief re: grant available from the U.S. Dept of Justice, Office of Community Oriented Policing Services | (Refer B&F) |
| 9. Memorandum from Community Dev. Director re: permission to apply for \$500,000 grant for Newell Stadium Renewal Project | (Refer B&F) |
| 10. Memorandum from Community Dev. Director re: permission to apply for grants up to \$190,909 to fund focused recreational, accessibility and public safety improvements at Burnham's Field | (Refer B&F) |
| 11. Memorandum from Community Dev. Director re: City Council acceptance of additional grant funds in the amount \$30,000 for the Mass in Motion/Get Fit Gloucester program | (Refer B&F) |
| 12. Memorandum from Community Dev. Director re: City Council acceptance of Seaport Bond funds expected to be in the amount of \$50,000 for the Harbor Plan Implementation | (Refer B&F) |
| 13. Memorandum from Community Dev. Director re: City Council acceptance of Seaport Advisory Council grant funding in the amount of \$700,000 for design and construction of the downtown and waterfront Harborwalk | (Refer B&F) |
| 14. Memorandum from Engineering Department re: proposed street naming for Pantry Way | (Refer P&D) |
| • COMMUNICATIONS/INVITATIONS | |
| 1. Daughters of the American Revolution re: Ceremony Commemorating the 150 th Anniversary of the Civil War | (Info Only) |
| 2. Relief Association of the Gloucester Fire Department re: Firefighter's Memorial Services on June 12, 2011 | (Info Only) |
| 3. Communication from Board of Directors of Beth Israel Deaconess Medical Center re: support to City of Gloucester's Resolution of March 22, 2011 | (Info Only) |
| 4. Response from General Manager and Rail & Transit Administrator MassDOT to City Council's letter of April 15, 2011 re: Deterioration in Rail Service to North Shore | (Info Only) |
| 5. Response from General Manager and Rail & Transit Administrator MassDOT to Newburyport City Councilor Barry Connell re: Newburyport's letter of March 14, 2011 regarding the Deterioration in Rail Service to North Shore | (Info Only) |
| 6. Communication from Senator Tarr to Joint Committee on Municipalities and Regional Government re: Senate Bill 1059 | (Info Only) |
| 7. Communication from Executive Director of MMTA re: Ban transport of hazardous materials | (File) |
| 8. Massachusetts Cultural Council re: Massachusetts Cultural Districts Information Session June 6, 2011 | (Info Only) |
| • APPLICATIONS/PETITIONS | |
| 1. SCP2011-003: Dolliver's Neck #9, GZO Sec. 5.5.2 Lowlands | (Refer P&D) |
| 2. SCP2011-004: Gloucester Crossing #1 and #341, GZO Sec. 2.3.2(9) Animal Hospital and Sec. 2.3.4(6) Animal Grooming | (Refer P&D) |
| • COUNCILLORS ORDERS | |
| 1. CC2011-024(Whynot/Ciollino) Request that the Harbor Patrol Boat be named after Patrolman Stephen J. Amaral | (Refer O&A) |
| 2. CC2011-024(Verga) Report on adequacy of public water supply from Fire Chief and DPW Director re: Becker Lane area | (FCV 06/14/11) |
| • APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS | |
| 1. City Council Meeting 05/10/11 | (Approve/File) |
| 2. Standing Committee Meetings: O&A 05/16/11, P&D 05/18/11, B&F 05/19/11 (under separate cover) | (Approve/File) |

STANDING COMMITTEE REPORTS

O&A 05/16/11, P&D 05/18/11, B&F 05/19/11

ACTION

SCHEDULED PUBLIC HEARINGS

- PH2011-022: Amend GCO Chapter 12 "Wetlands"
- PH2011-023: Amend GCO Chapter 25 "Vehicles for Hire"
- PH2011-024: Approval of Reorganization Plan of Department of Public works under City Charter Sec. 7-2
- PH2011-025: Amend GCO Appendix C "the Personnel Ordinance" at Appendix A "the Classification Plan" and amend Appendix B "the Compensation Plan"
- PH2011-026: Approval by City Council of a Re-Precincting Plan and Map based on 2010 US Census

Attachment F: Community Need and Support

June, 1 2011

Sarah Garcia
Community Development Director
City of Gloucester
3 Pond Road
Gloucester MA 01930

Re: *Grant to Support Revitalization and Restoration of Burnham's Field*

Dear Sarah:

The Food Project would like to express our whole-hearted support for the effort to clean-up and revitalize Burnham's Field in Gloucester. The Food Project has been working closely with the City of Gloucester to help a group of neighbors and community members to build a new community garden at Burnham's, and think that there is tremendous potential to expand and further develop this project as a community resource.

The mission of The Food Project is to grow a thoughtful and productive community of youth and adults from diverse backgrounds who work together to build a sustainable food system. We produce healthy food for residents of the city and suburbs and provide youth leadership opportunities. Most importantly, we strive to inspire and support others to create change in their own communities.

By leveraging our 15 years of urban farming experience, and providing technical and material support for the community garden, we have been pleased to be able to support the development of this wonderful community resource and productive growing space at Burnham's Field. This project is the perfect example of what is possible when local individuals, city government and non-profit organizations work together, and I hope the community garden serves as a catalyst for further improvements to the park.

Sincerely yours,



James Harrison
North Shore Regional Director



GloucesterTimes.com, Gloucester, MA

October 30, 2006

Fence at Burnham Field vandalized

By Julio Choy, Staff writer

Not long ago, it took several hours for employees of the Department of Public Works to put up a chain-link fence to divide Burnham Field from the parking lot.

After recent vandalism to the fence, it will take them several more hours to repair the damage.

"This is something that is happening all too often," DPW Director Joseph Parisi said.

Parisi reported to police Friday that the fence near the Sargent Street extension was vandalized. The fence separates the parking area and the field.

The damage happened sometime last week, according to police.

On Friday, the fence was hanging by both ends and metal poles were bent.

"It appears someone tore the fence down by hand," according to the police report.

Parisi said it will cost a few hundred dollars to fix the fence but the most important issue is the hours spent by his department repairing the damage.

"This vandalism adds to the difficulty we already have of keeping our budget together," he said. "It takes away from other things we need to do."

He said the recent vandalism is the latest issue with the field, where his workers have constantly found broken bottles and tipped trash barrels.

He understands that police cannot patrol the area every minute of the day but encourages neighbors to call police if they see vandalism occurring.

"It's obviously important to keep (the field) clear and free of hazard. And in the grass, you can't always see the glass. Some kids could get hurt," Parisi said.

GloucesterTimes.com, Gloucester, MA

March 8, 2008

Parent outraged by trash at Burnham's Field

By Dan Dourian

To take advantage of Wednesday's warm weather, Doug Shatford of Magnolia brought his two children to Burnham's Field in the late afternoon to enjoy a day in the park.

When he arrived with his daughter, Faithe, 7, and son, Michael, 2, he was shocked to find the area was littered with broken glass, empty beer cans, dog excrement, cigarette butts and discarded condoms.

While his children were playing in the park, Shatford noticed dog waste and glass were mixed into the wood chips spread around the ground. He started picking up the glass from the wood chips, but noticed there were no trash barrels in the area, so he proceeded to pile the glass away from the playground.

"This is the most glass I've ever seen in a park," Faithe said.

After finding several condoms in the wood chips, Shatford decided to move his kids over to the basketball courts, but he found the courts were covered with glass as well.

"I had to stop them from playing because it wasn't safe," Shatford said.

Shatford said he called Mayor Carolyn Kirk's office, but was told nothing could be done at the time because the Department of Public Works had closed for the day.

"When you start getting warmer weather, it should be automatic to come out and take a look," Shatford said.

A visit to the field revealed that area was littered with a dangerous and inappropriate material. There were no trash barrels on the premises.

"If we get a call, (regarding trash in parks) we go out and pick it up," said Joseph Parisi, director of Public Works. According to Parisi, during the spring and summer Public Works employees maintain the city's parks on a regular basis.

"If we had enough people, we would do year-round maintenance," Parisi said.

Parisi said that the department collects most of the trash barrels before winter because people don't go to the park as much during the colder months. He said that there should still be a few barrels at all of the parks, though.

Parisi also said that every spring the department readies all the parks and fields for the season. "We add more wood chips and perform tree maintenance," Parisi said.

Shatford believes that teenagers are responsible for the mess.

According to a Public Works employee who wishes to remain anonymous, Burnham's Field has become a hangout for teenagers over the past few years.

"Cops chase kids out of there all the time," he said.

For more than two years Shatford has been president of Citizens for Public Safety, a group of residents who discuss safety issues, particularly concerning the closed fire stations. Shatford said that if the city can't afford to maintain the parks then it's up to the community to help out.

"People should get together to come up with a solution if the city doesn't do anything," Shatford said.

GloucesterTimes.com, Gloucester, MA *October 7, 2009*

Letter to the editor: A sad day at Gloucester's beleaguered Burnham's Field

Last week, I took my niece to Burnham's Field to teach her how to ride her bike without training wheels.

I live right around the corner and thought it would be better for her to ride in the grass.

Now, I know the field is not without its troubles, but I was saddened by its condition all the same.

You see, we had just had a one-pitch tournament a couple of weeks before and had to clean up under the bleachers and the surrounding areas before we even played.

Yet, as we approached the entrance this time, it was hard to even make it around the gate area because the grass was so high. Trash was everywhere — plastic bottles, beer cans, wine bottles, cigarette packs, dog poop and a stripped bike — and I had not even made it to the playground area yet.

I am a litter freak, but I was with my niece and I was there to teach her to ride her bike, not pick up trash. After working on her skills of riding for a bit, she wanted to play on the playground. So as she was playing, I started to clean. I just could not see children playing in trash.

A couple of girls were playing with their toys in the mulch area and they were surrounded by trash. I asked if it was their trash and they said no and proceeded to help me pick up. You see, kids are like that, not like most adults that will just ignore trash, they started to help me pick it up.

We even had a race to see how fast one of the girls could race to the barrel with a plastic bottle. So I am writing this letter as one person that would like to help Burnham's Field, and I know there are more out there.

I have some suggestions:

First, a cleaning of the trash. I am willing to put this together with help from everyone who uses the field. Covers on all the barrels will help, too. Weed-whacking around the fence and under the bleachers and around the playground equipment will make it easier to clean, and it just makes the field look kept up.

Fix any broken equipment (there is a broken swing), and the mulch could use a raking.

A sweep of the field from the police every hour or other hour with the flood lights to catch all the illegal activity going on down there after the sun goes down. And the most important part of the solution is for all of us, the people who use the field, if there is trash around, pick it up.

If something is broken, call the city to fix it. There are great activities going on down there every season — softball, football, cheering, soccer, and everyone deserves to do it without being surrounded by trash.

Please contact me 978-421-4201 or e-mail me at cleancity.us, as I would like to put together a cleanup and perhaps start to give Burnham's Field the respect it deserves.

Patti Amaral, Gloucester Clean City Initiative



Letter to the editor: Burnham's Field awash in signs of disrespect

October 24, 2009 05:30 am

—To the editor:

The recent letters about Burnham's Field by Patti Amaral and Mike Pallazola struck a chord with me because Burnham's Field is (practically) in my front yard.

My son, now 3, took some of the first steps of his life in the field, following the chalk of the football sidelines with his tiny feet. Two winters ago, he rode a sled for the first time down a snowbank at the field's edge. My daughter, who is 1, learned to slide on the jungle gym, which we can see from our front window. She loves to watch the soccer players every summer evening. Sometimes, they roll a ball in her direction and she pushes it around the basketball court.

My family's experiences are by no means unique. Hundreds of homes are within a Frisbee toss of Burnham's Field, and every day of the week the field is full of activity.

Kids playing football, chasing dogs, riding bikes, having picnics, flying kites, playing softball, kicking a soccer ball, shooting hoops, cheerleading, riding the swings. On weekends, literally hundreds of people use Burnham's Field, many of them children.

Located near the city's geographic center, Burnham's Field is a well-loved and very well-used Gloucester treasure.

It's also a disgrace.

The jungle gym is usually surrounded by trash and covered with graffiti. Stolen bikes and shopping carts dot the field most weekends. The basketball courts seem always to be covered with broken glass.

A neighbor stopped walking there when his son learned to read the profanity spray-painted on the courts. We all share responsibility for keeping the field clean but I'd like to join the call for help from the city in cleaning up Burnham's Field.

When one of our city's most visited outdoor spaces is rundown and litter-filled, it sends a message to all who visit there — and particularly the children — that it's OK to disrespect our parks and public spaces.

Is that the message we want to send?

John McElhenny, Gloucester

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Bringing back Burnham's Field in Gloucester

Courtesy photo

Volunteers gather to clean up Burnham's Field, located between Shepherd and Pleasant streets in downtown Gloucester.

By Jane Fosberry

Enos/capcann@cnc.com

GateHouse News Service

Posted Nov 06, 2009 @ 03:46 PM

Gloucester —



Brian Aiello grew up in the neighborhood surrounding Burnham's Field in Gloucester and attended St. Ann's School, playing sports in the basketball courts and football field during physical education classes.

Today, Aiello still lives in the neighborhood with his wife and three young children. But he stopped going to Burnham's Field a long time ago.

"I never go down there because I know it's a mess," said Aiello, who has been an officer with the Gloucester Police Department for three years. "It's been vandalized a lot, hoops and swings are broken. There's graffiti, swastikas, gang symbols, obscene pictures. Bottles of booze, and here and there you'll find a needle."

The problem has been long-standing: Vagrants use the park's overgrown bushes as a place to sleep or drink, teenagers vandalize the bleachers and throw trash on the ground. The city's budget cuts mean less money is being spent to maintain the field.

"Due to the budget it's just been neglected," said Aiello. "It shouldn't be that bad."

Burnham's Field might once again be a functioning community hub for parents and their children if recent efforts by both citizens and civil service people such as Aiello gain momentum.

Indeed, community members are rallying to clean up the field, fix the basketball hoops, the swings, the lights, and cut back the bushes in the hopes that other citizens and city government will follow their lead.

Two weeks ago, for example, Patti Amaral, founder of Gloucester's Clean City Initiative, brought a crew of volunteers and their children to the field to pick up trash and glass. John McKeown, utilities operations manager at the Department of Public Works, has brought crews of workers to fix swing sets and deal with the overgrown brush.

Aiello has spoken with the city's prosecutor to figure out ways they can deter vandalism and litter by giving community service hours to teenagers rather than enforcing a \$50 fine, which he suspects parents end up paying and is ineffective.

June 2, 2011

Sarah Garcia
Community Development Director
City of Gloucester
3 Pond Road
Gloucester MA 01930

Re: *Grant to Support Revitalization and Restoration of Burnham's Field*

Dear Sarah:

The Clean City Initiative expresses our whole-hearted support for the effort to clean-up and revitalize Burnham's Field in Gloucester. We're happy to be part of the effort by neighborhood residents to "take back" Burnham's Field and restore pride in this green "jewel" in the city's urban core.

The Clean City Initiative is a group of volunteers dedicated to bringing respect and awareness back to our neighborhoods through education and community activism. Many of our community projects involve cleaning up blighted areas of our city.

We organize and participate in events such as Earth Day, Coastsweep and area cleanups throughout the year. We also provide an outlet for individuals requiring community service through the schools and court system. Members of our organization were instrumental in the planning and implementation of the current Carry in Carry out Program at our local beaches. We support the community gardens and have noticed a renewed interest by neighbors and visitors.

Our organization has already taken part in these efforts by working with the Open Space Committee helping with garden meetings and sponsoring field cleanups we expect to continue to work with neighbors in a similar fashion in the future.

Sincerely yours,
Patti Amaral
Clean City Initiative
14 Myrtle Square
Gloucester, MA 01930

June 3, 2011

Sarah Garcia
Community Development Director
City of Gloucester
3 Pond Road
Gloucester MA 01930

Re: *Grant to Support Revitalization and Restoration of Burnham's Field*

Dear Sarah:

I'm chairman of the City of Gloucester's Open Space and Recreation Committee. The committee recently completed an Open Space and Recreation Committee plan for Gloucester – the first in over a decade. The revitalization of Burnham's Field, a 6.7-acre green space in the heart of Gloucester's urban core, was mentioned repeatedly and prominently in the plan.

Improvement of Burnham's Field is the reason I joined the committee a year and a half ago. As chairman, I will do all I can to continue to keep the field front and center on the committee's agenda. In fact, the effort to improve Burnham's Field is already gaining momentum. We've held several community meetings about Burnham's Field, including preparation meetings for a 20-plot community garden in the field. Nearly 60 people applied to participate in the Burnham's Field Community Garden.

As you know, the Burnham's Field Community Garden broke ground last month. Twenty garden plots are now being cultivated, including by a local Girl Scout troop and a group of teachers from the nearby St. Ann School, who are working the garden into their teaching curriculum. Plans are under way to involve Art Haven, a local youth arts organization, to incorporate works of art created and painted by local children into the garden fence.

On the social media front, a Twitter group has been set up to communicate about and support Burnham's Field. A Facebook page is planned to encourage people to post photos and rally friends of Burnham's Field.

Burnham's Field is a green jewel in the heart of Gloucester, a grassy open refuge for many inner-city residents without yards of their own. I'm excited to take part in and build on the already-growing momentum to revitalize Burnham's Field and create Gloucester's most beautiful open space.

Sincerely,

John McElhenny
Chairman, Gloucester Open Space and Recreation Committee

June 2, 2011

Sarah Garcia
Community Development Director
City of Gloucester
3 Pond Road
Gloucester MA 01930

Re: ***Grant to Support the Revitalization and Restoration of Burnham's Field***

Dear Sarah:

Girl Scout Troop 523 in Gloucester is excited to be taking part in the revitalization of Burnham's Field. Our troop recently obtained a plot at the new Burnham's Field Community Garden, and our troop members have been busy planting beans, celery, carrots and other vegetables. We've also begun painting our plot's wood frame in bright colors to add some of our own personality to our garden plot and add to the garden's physical beauty.

Even before the garden was built, several of our troop members braved freezing rain to pick up litter during an Earth Day clean-up of Burnham's Field. We're thinking about leading another Burnham's Field clean-up this summer.

The Girl Scouts allow girls to take part in field trips, community service projects, environmental projects and other activities that help girls discover the fun, friendship and power of girls together. Our participation in the revitalization of Burnham's Field is part of that. We're proud to play a role in the effort to "take back" Burnham's Field.

Sincerely,

Girl Scout Troop 523 of Gloucester:

Emma Thomas, 15
Courtney Ashwell, 16
Kelly Biondo, 14
Sage Frankenstein, 15
Emily Moore, 15
Jessi Silva, 15
Diane Wolff-Thomas, Troop Leader

June 3, 2011

Sarah Garcia
Community Development Director
City of Gloucester
3 Pond Road
Gloucester MA 01930

Re: ***"Taking Back" Burnham's Field***

Sarah:

As members of The Burnham's Field Community Gardeners, we express our whole-hearted support for the effort to clean up and revitalize Burnham's Field in Gloucester. We're happy to be part of the effort by residents and city officials to "take back" Burnham's Field and restore pride in this green "jewel" in the city's urban core.

Many of us spend a lot of time in our community garden so we know firsthand how widely enjoyed Burnham's Field is by many different groups – young families on the playground, kids riding bikes, dog-walkers, young men playing soccer, high school girls playing softball, kids playing basketball. The list of activities and participants is nearly endless. On a typical weekend day, hundreds of people enjoy Burnham's Field.

Many of the people who enjoy Burnham's Field live in the center of Gloucester near the field. Without it, many would have no alternative green space to exercise and enjoy a walk or other activity in the park.

The Burnham's Field Community Gardeners have already helped revitalize Burnham's Field by cleaning up litter and brush and building a 20-plot community garden there. We look forward to continuing the revitalization of Burnham's Field in partnership with neighbors of the field and the City in the future.

Sincerely,

Burnham's Field Community Gardeners:

Gina Curcuru
Heather Fraelick
Mary Kay Filos
Kellie Frank
Mary Lou Pascucci
Paula Shevenell
Becky Thompson
Elizabeth Alexander
Todd Bowser
Susan Only
John Recroft
Sean Recroft
Sheila Doerfler
Aria McElhenny
Jenna Howard



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

August 24, 2012

Stephen Winslow
Community Development Department
City of Gloucester
3 Pond Road
Gloucester, Massachusetts 01930

**Re: RFR BWSC 11 NRD 01
Community Revitalization and Restoration Projects in Essex County**

Dear Mr. Winslow:

I am pleased to notify you that the City of Gloucester's response to the above referenced RFR has been reviewed favorably by the Natural Resource Damages Assessment and Restoration Program and its review team. I am pleased to provide this notification of grant award in the amount of \$195,109 for the Burnham's Field Restoration Project. I will be working with you to develop the Scope of Services and Budget based on your proposal and review.

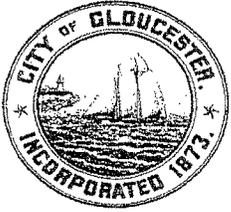
You may not move forward with your approved project until a Massachusetts Standard Contract has been executed by both your organization and the MassDEP. **Please be advised that the Contract Effective Start Date shall be no earlier than the date this contract is signed by the MassDEP authorized signatory.** Any project costs incurred prior to the Contract Effective Start Date will not be eligible for reimbursement. Your Contract Manager will receive a Notice to Proceed once the contract has been executed.

If you have specific questions, please feel free to call me at 617-292-5785. We look forward to working with you.

Sincerely,

Karen I. Pelto
NRD Program Coordinator

Cc: Procurement file

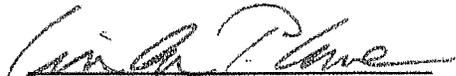


Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2011-118

The Gloucester City Council, at a meeting held on **Tuesday, June 14, 2011** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following actions:

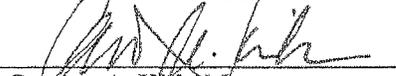
IN CITY COUNCIL

MOTION: On motion by Councilor Curcuro, seconded by Councilor Ciolino, the City Council voted 7 in favor, 0 opposed, 2 (Hardy, Tobey) absent, that the Community Development Department be permitted to apply for grant requests from the PARCs grant program through the MA Division of Conservation Services, and the Natural Resources Damages (NRD) Fund through the MA Department of Environmental Protection for the Community Revitalization and Restoration Projects in Essex County Projects for up to \$190,909 in order to fund focused recreational, accessibility and public safety improvements to Burnham's Field.


Linda T. Lowe, City Clerk

Date: JUN 20 2011

APPROVED BY THE MAYOR


Carolyn A. Kirk, Mayor

VETOED BY THE MAYOR

Carolyn A. Kirk, Mayor

SIGNED THIS 21 DAY OF June 2011

All Ordinances shall become effective 31 days after passage except:
Emergency Orders and Zoning Amendments shall become Effective the Next Day

A TRUE COPY ATTEST



ENCLOSURE 7

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

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

TRANSFER # 2012-SBT- 3 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ **DPW** _____

DATE: 9/13/2012 BALANCE IN ACCOUNT: \$ _____ **33,000.00**

(FROM) PERSONAL SERVICES ACCOUNT # _____ *Unifund Account #*

 (FROM) ORDINARY EXPENSE ACCOUNT # _____ *Unifund Account #*
 _____ **294015**
 _____ **Highway Force Acct**
 _____ *Account Description*

DETAILED EXPLANATION OF SURPLUS: **Funds available for transfer**

(TO) PERSONAL SERVICES ACCOUNT # _____ *Unifund Account #*

 (TO) ORDINARY EXPENSE ACCOUNT # _____ *Unifund Account #*
 _____ **101000.10.470.58415.0000.00.000.00.058**
 _____ **Public Services paving**
 _____ *Account Description*

DETAILED ANALYSIS OF NEED(S): **Funds needed for various small paving jobs throughtout the City**

TOTAL TRANSFER AMOUNT: \$ 32,000.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 1,000.00
 TO ACCOUNT: \$ 32,000.00

APPROVALS: [Signature]
 DEPT. HEAD: [Signature] DATE: 13 SEPT 2012
 ADMINISTRATION: [Signature] DATE: 9/18/12
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 8

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

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

TRANSFER # 2012-SBT- 4 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: DPW Facilities

DATE: 9/12/2012 BALANCE IN ACCOUNT: \$ 409,614.00

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
 (FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.472.52000.0000.00.000.00.052
DPW Facilities Contract Services
Account Description

DETAILED EXPLANATION OF SURPLUS: Funds available due to decision not to continue with SJ Services' janitorial contract.

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
101000.10.472.51100.0000.00.000.00.051
 (TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
DPW Facilities Permanent Positions
Account Description

DETAILED ANALYSIS OF NEED(S): Funds needed to hire new janitorial staff.

TOTAL TRANSFER AMOUNT: \$ 140,000.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 269,614.00
 TO ACCOUNT: \$ 140,000.00

APPROVALS: [Signature]
 DEPT. HEAD: [Signature] DATE: 13 SEPT 2012
 ADMINISTRATION: [Signature] DATE: 9/18/12
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

ENCLOSURE 9

City Hall
Nine Dale Ave
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

Memorandum

To: City Council President Hardy and Members of the Gloucester City Council

From: Jim Duggan, Chief Administrative Officer 

Date: September 17, 2012

Re: **Gloucester Fisherman Athletic Association Donation's**

As outlined in a letter dated September 12, 2011, from Mayor Kirk to Jonathan Pope, President of the Gloucester Fisherman Athletic Association (GFAA), the GFAA is scheduled to turn over all cash assets attributed to the Newell Stadium fundraising effort to the city.

The Agreement further stipulates that the GFAA will continue to aggressively pursue their fundraising and annually present an accounting of outstanding pledges, along with schedule of payments until the fundraising goal is achieved and all pledges are paid.

Lastly, the GFAA will make an annual payment of its cash assets attributable to the Newell Stadium project to the city sixty (60) days prior to the annual debt payment of the city for the project.

Attached is an accounting from the GFAA of the pledges outstanding along with the expected schedule of payments (excluding the Title Sponsorship and PARC Grant which was paid directly to the city) for your review.

I respectfully request that the City Council accept the donation of \$246,000 from the GFAA towards the reconstruction of Newell Stadium.

Please refer this matter to the Budget and Finance sub-committee of the city council for further discussion.

Thank you.

Gloucester Fishermen Athletic Association

GFAA Board
of Directors

Renewal of Newell Stadium

Richard Wilson
Chairman
Renewal of Newell
Stadium Committee

Project Cost (Base Bid plus Alternative 1)	\$ 3,500,000
Less: Public/Title Sponsor Portion	
City of Gloucester bond funds	(1,500,000)
Parc Grant	(500,000)
New Balance	<u>(500,000)</u> (Direct to City)

Jonathan Pope
GFAA President

GFAA Commitment **\$ 1,000,000**

Linda Rogers
Vice President

Timothy Philpott
Treasurer

Schedule 1 - Cash Provided / Available	
Cash Provided to City	(346,000)
Cash Available	(159,199)

Ellen Preston
Secretary

Schedule 2 - Pledges Outstanding (131,301)

Clare MacDonald

Current Fundraising Deficit \$ 363,500

Robert Parsons

Jay Somers

June Steel

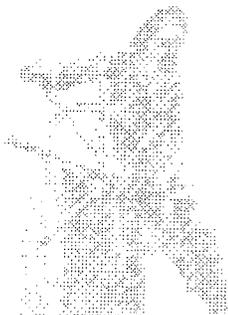
Kristin Michel

Schedule 1 - Newell Fund Bank Activity

Fundraising proceeds thru 9/17/12	535,324
Disbursements:	
Cash turned over to City	(346,000)
Field expenditures (Pilings)	(6,669)
Fundraising costs	<u>(23,456)</u>
Cash Available for turnover	159,199

Sched 2 - Pledges Outstanding

	Total Pledge	Amount Received	Pledge Due	**Estimated Year of Receipt**		
				2013	2014	2015
Newell \$1000	163,000	107,430	55,570	19,000	19,000	17,570
CASB	50,000	20,602	29,398	20,000	9,398	-
Gortons	50,000	33,667	16,333	16,333	-	-
Rockport Mortgage	30,000	10,000	20,000	10,000	10,000	-
Sudbay	15,000	5,000	10,000	5,000	5,000	-
	<u>308,000</u>	<u>176,699</u>	131,301	70,333	43,398	17,570



P.O. Box 3010 - Gloucester, MA 01931

www.GloucesterAthletics.com

ENCLOSURE 10

City of Gloucester - Office of the City Engineer

Telephone: 978-281-9773

Fax: 978-281-9725

To: Mayor Carolyn Kirk
From: Karen Andrews, Engineering
Date: September 10, 2012
Subject: Proposed Street Naming and Numbering Plans

Attached please find 3 proposed street naming and/or numbering plans to be forwarded to the City Council for approval.

1. Georgia Way - currently a portion of Tolman Avenue.
2. Cripple Cove Lane - currently a portion of Parker Street.
3. Kettle Cove Lane - businesses currently using Western Avenue addresses.

I am also requesting that the Code of Ordinance Section 21-3, Street Names, be reviewed.

PROPOSED STREET NAMING & NUMBERING PLAN FOR GEORGIA WAY

OWNER OR RESIDENT & MAILING ADDRESS	# ON HOUSE	ASSESSORS DATABASE	VOTER REGISTRAR DATABASE	PROPOSED STREET NAME/ NUMBER	ASSESSOR MAP/LOT #
Cupboard of Gloucester, Inc c/o Carter Grover 2nd 6731 Clyattville Lake Park Rd Valdosta, GA 31601	41	41 Hough Avenue		41 Hough Avenue (Cupboard) 4 Georgia Way	216-75
Scott Barracough 7R Tolman Ave Gloucester, MA 01930	7R	7R Tolman Avenue	Scott Barracough Susan Barracough	6 Georgia Way	216-83
William Scholfield 9R Tolman Avenue Gloucester, MA 01930	9R	9R Tolman Avenue	William Scholfield	8 Georgia Way	216-82

April 3, 2012

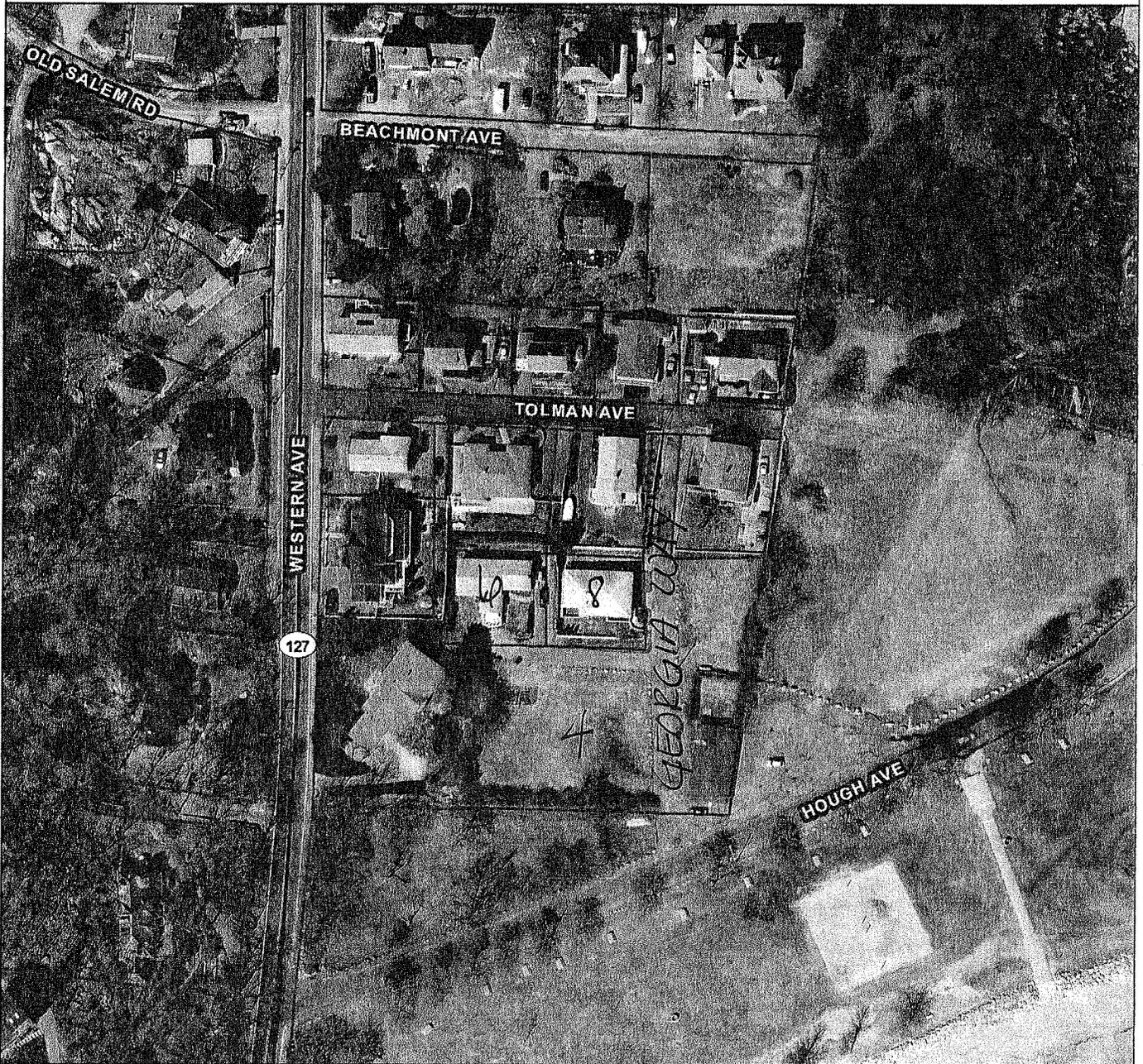
Dear Ms. Andrews,

Thank you for your letter of March 27, 2012, informing us of the City of Gloucester's Engineering Department's naming and numbering plan for the road behind the Cupboard, in Stage Fort Park, which we own. We like the proposed name, Georgia Way, and wish to state our approval of your plan.

If you have any questions, please feel free to call us at: 229-559-7272 or 229-539-1487

Sincerely,
Ginger & Cynthia Carter

Proposed Georgia Way



Transportation

— State Highway

□ Image Parcels

Proposed Georgia Way



- Building Footprint
- Transportation
- StreetCenterlines
- Display Parcels

PROPOSED STREET NUMBERING PLAN FOR KETTLE COVE LANE

OWNER OR RESIDENT & MAILING ADDRESS	# ON HOUSE	ASSESSORS DATABASE	PROPOSED STREET NAME/ NUMBER	ASSESSOR MAP/LOT #
William McCarthy 95 Hesperus Avenue Gloucester, MA 01930	vacant lot	739 Western Avenue	739 Western Avenue (1 Kettle Cove Lane)	194-75
William McCarthy 95 Hesperus Avenue Gloucester, MA 01930	vacant lot	0 Kettle Cove Lane	3 Kettle Cove Lane	194-81
B & S Investments LLC 18 Witham Street Gloucester, MA 01930		0 Kettle Cove Lane	7 Kettle Cove Lane	194-89
B & S Investments LLC 18 Witham Street Gloucester, MA 01930		0 Kettle Cove Lane	9 Kettle Cove Lane	194-86
Robert & Carmel Normand 8 Highland St Gloucester, MA 01930		0 Kettle Cove Lane	11 Kettle Cove Lane	194-88
Robert & Carmel Normand 8 Highland St Gloucester, MA 01930		0 Kettle Cove Lane	13 Kettle Cove Lane	194-87
Various owners of condo units **		15-23 Kettle Cove Lane	15-23 Kettle Cove Lane	194-10
Top Dog Studio LLC 6 Eveleth Road Gloucester, MA 01930	vacant lot	0 Kettle Cove Lane	24 Kettle Cove Lane	194-85
Top Dog Studio LLC 6 Eveleth Road Gloucester, MA 01930		0 Kettle Cove Lane	22 Kettle Cove Lane	194-84

PROPOSED STREET NUMBERING PLAN FOR KETTLE COVE LANE

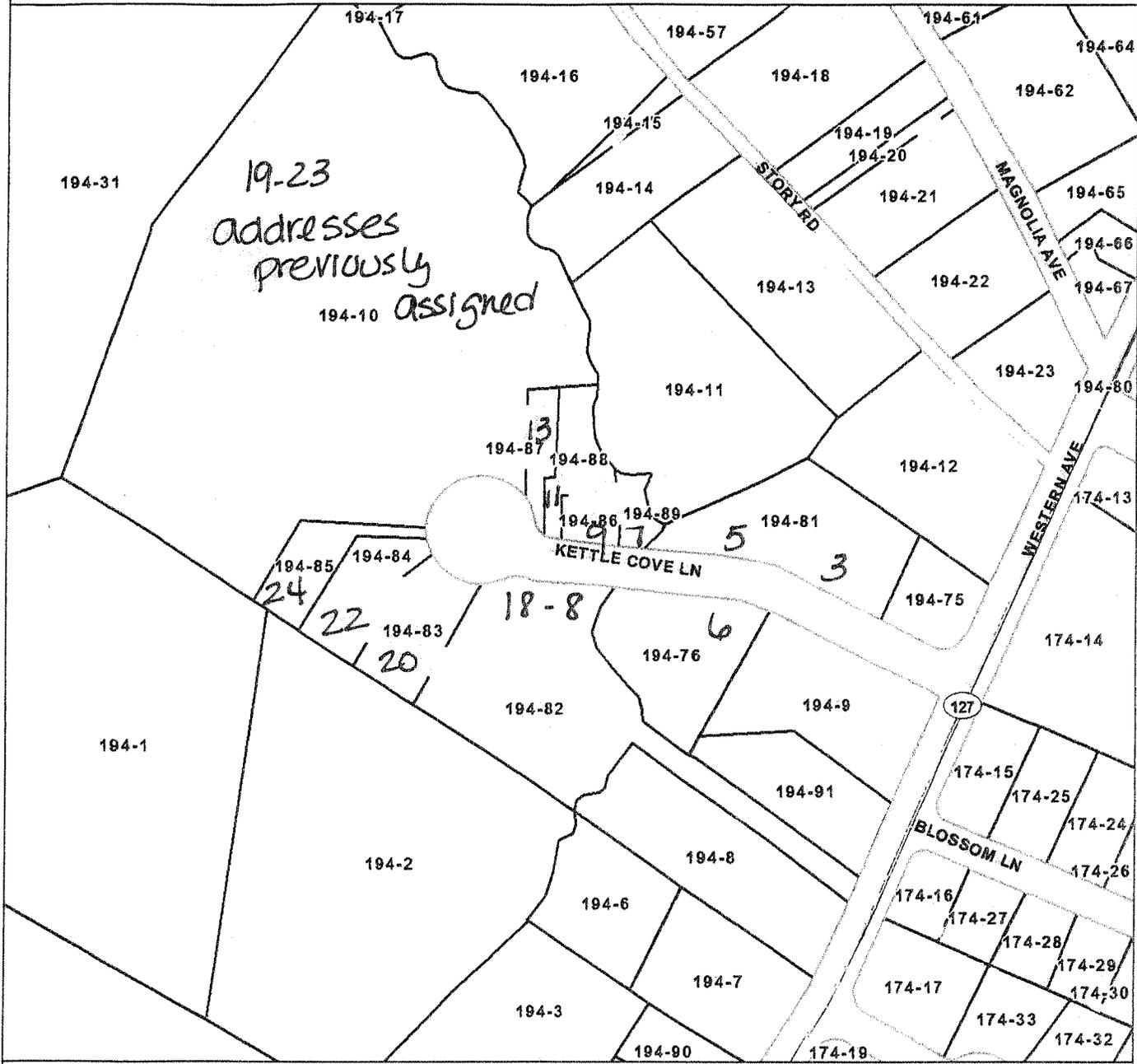
OWNER OR RESIDENT & MAILING ADDRESS	# ON HOUSE	ASSESSORS DATABASE	PROPOSED STREET NAME/NUMBER	ASSESSOR MAP/LOT #
Dennis Whittemore 743 Western Avenue Gloucester, MA 01930		0 Kettle Cove Lane	20 Kettle Cove Lane	194-83
Donald Robbins 132 Western Avenue Gloucester, MA 01930		0 Kettle Cove Lane	8-18 Kettle Cove Lane	194-82
William McCarthy 95 Hesperus Avenue Gloucester, MA 01930	vacant lot	743 Western Avenue	6 Kettle Cove Lane	194-76
** - Kettle Cove Lane addresses have already been assigned to these buildings				

Kettle Cove Lane



- Transportation
- State Highway
 - Image Parcels

Proposed Street Numbering for Kettle Cove Lane

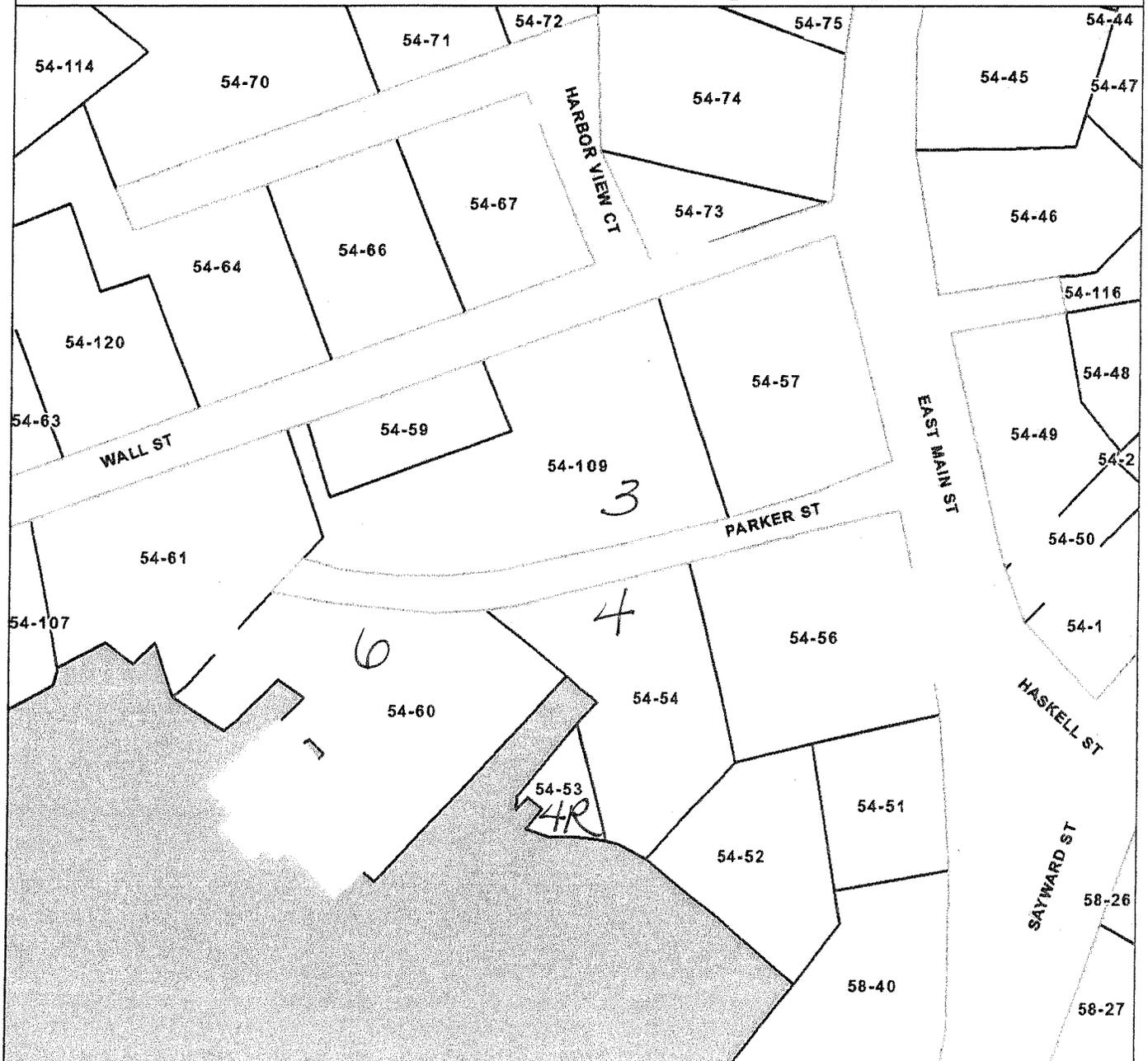


-  Building Footprint
-  Transportation
-  Street Centerlines
-  Display Parcels

PROPOSED STREET NUMBERING PLAN FOR CRIPPLE COVE LANE

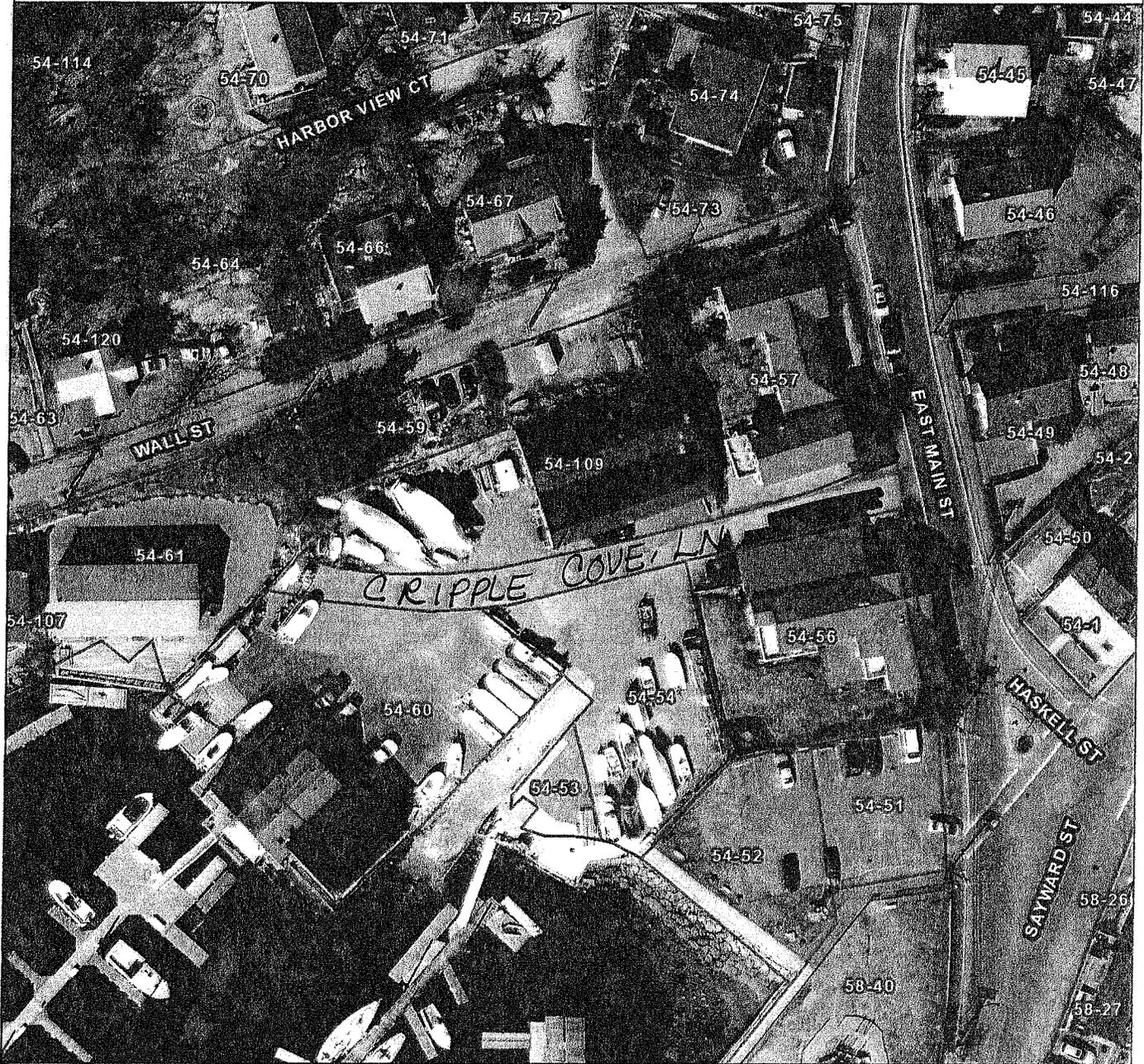
OWNER OR RESIDENT & MAILING ADDRESS	# ON HOUSE	ASSESSORS DATABASE	PROPOSED STREET NAME/ NUMBER	ASSESSOR MAP/LOT #
J. Eric Bornhoff 59 Parker Street		61R East Main Street	3 Cripple Cove Lane	54-109
J. D.'s Realty Trust 51 Parker Street		51 Parker Street	6 Cripple Cove Lane	54-60
J. Eric Bornhoff 59 Parker Street		59 Parker Street	4 Cripple Cove Lane	54-54
J. Eric Bornhoff 59 Parker Street		59R Parker Street	4R Cripple Cove Lane	54-53

Proposed Street Naming & Numbering of Cripple Cove Lane



- Building Footprint
- Transportation
- StreetCenterlines
- Display Parcels

Proposed Cripple Cove Lane



Transportation

— State Highway

□ Image Parcels

ENCLOSURE 11

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

September 11, 2012

Ms. Catherine Ryan
17 High Rock Terrace
Gloucester, MA 01930

Dear Catherine:

Thank you for agreeing to serve as the Mayor's representative on the **Committee for the Arts**. Your appointment to a four year term on the Committee for the Arts will be sent to the City Council for their meeting of September 25, 2012. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

We are aware that you have already been sworn in for a 90 day temporary appointment. After City Council approval, your term will expire on February 14, 2016.

Again, thank you for your dedication to public service. I look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you require any additional information, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Judith Hoglander, Chair-Committee for the Arts

EFFECTIVE SEPTEMBER 11, 2012

The City of Gloucester, Massachusetts

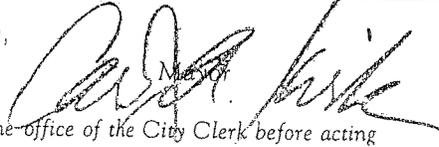
Dear Catherine Ryan, 17 High Rock Terrace, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you

to the Committee for the Arts _____ of the City of
Gloucester, Massachusetts _____

This is a 90 day temporary appointment. After City Council
approval, term to expire 2/14/2016. (FOUR YEAR TERM)

Respectfully,



MAYOR

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

September 11, 2012

Judith Hoglander, Chair
Committee for the Arts
52 Shore Road
P. O. Box 5
Gloucester, MA 01931

Dear Judith,

I am so pleased to see the Committee moving forward with the process for commissioning art on the HarborWalk. To assist the Committee for the Arts at this important time, I am appointing Catherine Ryan to be my representative for the Committee.

Catherine has worked closely with Cambridge Seven Associates during the development of the story moments and other design processes for the HarborWalk, and can provide background and perspective on design intent when that is helpful to CFTA. I believe you will also find her experience with art commissions and selections to be exceptionally helpful to you during your current process.

I thank Sharon DuBois for her service to CFTA these past years as the city representative.

Sincerely,

Carolyn A. Kirk
Mayor

cc: Catherine Ryan
Sharon DuBois
Sarah Garcia

Gloucester, Massachusetts, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE V. - BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES >> DIVISION 10. - COMMITTEE FOR THE ARTS >>

DIVISION 10. - COMMITTEE FOR THE ARTS

Sec. 2-508. - Created.

Sec. 2-509. - Composition; appointment and terms of members.

Sec. 2-510. - Qualifications of members; city officers not eligible except as mayoral designee from time to time.

Sec. 2-511. - Chairperson.

Sec. 2-512. - Assistance of city officials, board and employees.

Sec. 2-513. - Duties.

Sec. 2-514. - Poet laureate established.

Secs. 2-515—2-519. - Reserved.

Sec. 2-508. - Created.

- (a) This is hereby created and established a committee to be known as the committee for the arts.
- (b) No municipal structure shall be erected and no work of art, or ornament, or object of utility except authorized structures of public service corporations and public drinking fountains not constituting works of art or ornament, shall be placed on any public ways or on any public lands other than cemeteries and no work of art or object of decoration shall be placed in or upon any public or municipal building or be removed, relocated or altered unless the design thereof or the action to be taken therewith shall have been reviewed by the committee for the arts. The committee shall make a written recommendation to approve or disapprove within 30 days after its submission.

(Ord. No. 112-2000, § 1, 11-28-2000; Ord. of 5-16-2006(04))

Sec. 2-509. - Composition; appointment and terms of members.

The committee for the arts shall consist of a minimum of five members and a maximum of seven members, one to be the mayor or his designee from time to time acting in his stead and the other four to be residents of the city appointed by the mayor to serve staggered terms of four years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Ord. No. 112-2000, § 1, 11-28-2000)

Sec. 2-510. - Qualifications of members; city officers not eligible except as mayoral designee from time to time.

- (a) At least three of the appointed members of the committee for the arts shall have had experience in the arts by reason of vocation, avocation, or by membership in a private or public entity devoted to the arts.
- (b) None of the appointed members of the committee for the arts shall hold any elected office.

(Ord. No. 112-2000, § 1, 11-28-2000)

Sec. 2-511. - Chairperson.

The chairperson of the committee for the arts shall be elected by majority vote of the membership.

(Ord. No. 112-2000, § 1, 11-28-2000)

Sec. 2-512. - Assistance of city officials, board and employees.

The committee shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the committee. Further, the committee may request the services and assistance of any of the officials, boards, and through the mayor, employees of the city at all reasonable times when the committee determines that it requires the assistance and advice of such officials and employees in the performance of its duties.

(Ord. No. 112-2000, § 1, 11-28-2000)

Sec. 2-513. - Duties.

It shall be the duty of the committee for the arts:

- (1) To promote the arts, visual, written, performed and spoken;
- (2) To foster within the community, a knowledge and appreciation of artistic endeavors, commercial or otherwise;
- (3) To seek out private or public assistance by way of donations or grants;
- (4) To do all appropriate acts that encourage the continuation of artistic endeavors within the city; and
- (5) To establish premises and offices and to spread the fame of local artists and educate the public.

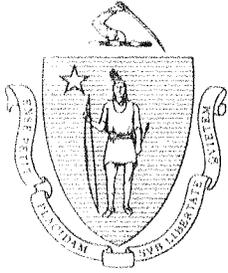
(Ord. No. 112-2000, § 1, 11-28-2000)

Sec. 2-514. - Poet laureate established.

- (a) The city shall designate a poet as the official poet laureate of the city. The poet laureate shall be designated by the mayor and confirmed by the city council. A poet laureate selection committee shall review applications and make a recommendation to the mayor for the designation. The committee shall be comprised of the following:
 - (1) One member of the committee for the arts.
 - (2) The mayor or one representative appointed by the mayor.
 - (3) A member of city council or one representative appointed by the city council.
 - (4) Two members chosen by the committee for the arts who have a demonstrated substantial expertise and knowledge of poetry and reside in the city.
- (b) The committee for the arts shall set forth the criteria for the selection of the poet laureate to the selection committee.
- (c) The selection committee will then review the applications and make a recommendation to the committee for the arts for the poet laureate candidates.
- (d) The committee for the arts shall forward the selection committee's recommendation for the position to the mayor for appointment with approval by the city council.
- (e) The responsibilities of the poet laureate shall be established by the committee for the arts and may include, but not be limited to, providing public poetry readings, encouraging poetry appreciation within the city, and composing and publishing poems. The poet laureate shall be an honorary title and shall not receive any monetary compensation from the city.
- (f) The committee for the arts shall assist and support the poet laureate whenever possible and both parties should meet on an annual basis.
- (g) The poet laureate shall be a domiciled resident of the city and shall serve a four-year term.

(Ord. of 12-15-2009(01))

Secs. 2-515—2-519. - Reserved.



COMMONWEALTH OF MASSACHUSETTS
SENATE MINORITY LEADER
STATE HOUSE, BOSTON 02133-1053

SENATOR BRUCE E. TARR
FIRST ESSEX AND MIDDLESEX

ROOM 308, STATE HOUSE
(617) 722-1600

CITY CLERK
GLOUCESTER, MA
12 SEP 17 AM 11:21

September 10, 2012

Secretary Richard K. Sullivan, Jr.
Executive Office of Energy & Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Sullivan:

I am writing to express my enthusiastic support for the \$375,000 LAND grant application that was recently submitted to your office by the Gloucester Conservation Commission on behalf of the Good Harbor Gateway Project.

The requested LAND grant funding represents the crucial missing piece in the efforts of those in Gloucester seeking to restore and preserve the Good Harbor salt marsh and wetlands. Specifically, this funding will facilitate the planned acquisition of a prime salt marsh property located near the entrance to Good Harbor Beach at 70-74 Thatcher Road so it can be protected from future development and preserved as open space and a salt marsh habitat for generations to come.

The acquisition of this property is contingent upon financial commitments from five funding sources, both public and private, four of which have already been secured. These funding commitments include \$150,000 in Community Preservation Act funding; \$125,000 pledged by the current owner of the property, Brierneck Realty; \$50,000 pledged by a private foundation; and \$50,000 in donations from the Friends of Good Harbor, for a total of \$375,000. This represents exactly half of the funding needed to cover the \$720,000 purchase price and \$30,000 in closing costs, with the LAND grant representing the key funding component of this project.

I firmly believe that Gloucester's LAND grant application warrants exceptional consideration from your office. Not only does the project promote EEA's mission to "protect, conserve and restore the natural resources of the Commonwealth," but it also represents a unique opportunity to transform the Good Harbor area in a way that will ensure numerous environmental benefits not only for Gloucester, but all of Cape Ann, Essex County and the Commonwealth as a whole.

The Good Harbor Gateway Project has garnered widespread support throughout the community, and has brought together parties that were once adversarial but are now united in their common goal to see this project through to completion. A narrow window of opportunity exists to complete this transaction, however, as all five funding commitments must be in place by January of 2013 before the city of Gloucester will move forward with the purchase of the property. Given these time constraints, I

would appreciate you giving Gloucester's LAND application an expedited review and your strongest possible consideration.

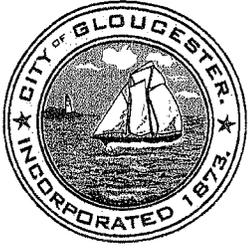
Thank you in advance for your attention to this matter. If I can provide you with any additional information in support of Gloucester's funding request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Tarr', written over the word 'Sincerely,'.

Bruce Tarr
Minority Leader

cc: State Representative Ann-Margaret Ferrante
Mayor Carolyn Kirk
Gloucester City Council
Gloucester Conservation Commission
Friends of Good Harbor
The Dusky Foundation
Brierneck Realty LLC



OFFICE OF THE CITY CLERK

9 Dale Avenue • Gloucester, Massachusetts 01930
Office (978) 281-9720 Fax (978)282 3051

MEMORANDUM

September 20, 2012

To: Councillor Bruce Tobey
Planning & Development Chr.
From: Linda T.Lowe, City Clerk *LTL*

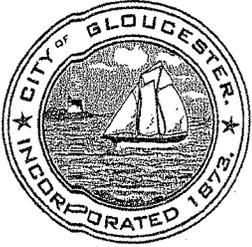
Re: National Grid Pole Petition/Conduit Application for 149 Atlantic Rd.

The Council received a pole petition from National Grid on around August 13, 2012 requesting approval under Code of Ordinances Chap. 23 sec.105 to 112 for poles/conduits to be installed for 149 Atlantic Rd. In response to this petition and upon recommendation of the Council President a letter dated August 24, 2012 was sent to National Grid advising them that the petition would not be accepted for processing until such time as National Grid paid in advance the applicable permit fees for 149 Atlantic Rd.(\$1800).

On September 14 this office received a reply to the August 24th letter from National Grid with two \$100 checks enclosed stating that National Grid was refusing to pay the full \$1800 for Atlantic Rd and was refusing to pay the delinquent fees of \$1050 on a previously granted Dennison St. permit but was paying the base \$100 permit fee for both properties. (These checks are being held and have not been processed.) National Grid did not pay the remaining \$1700 on Atlantic Rd. and the delinquent \$950 on Dennison St. and further stated that they were "currently discussing those fees with the City's General Counsel".

The Atlantic Rd .application will be referred to the committee on September 25th. We will await direction from the P&D Committee before taking any further action on the Atlantic Rd application and the delinquent Dennison St fees.

Copy to: Greg Verga, Vice Chr.P&D
Jackie Hardy, P&D member
Suzanne Egan



CITY of GLOUCESTER CITY COUNCIL

City Hall ~ 9 Dale Avenue, Gloucester, Massachusetts 01930
Office 978 281 9720 Fax 978 282 3051

August 24, 2012

Rosemary Caredeo
Mary Anne Ryan
National Grid
1101 Turnpike St.
N. Andover, MA.01845

Re: Petition of National Grid to Install Poles/Conduits on Atlantic Rd.

Dear Ms. Caredeo and Ms. Ryan:

The office of the City Clerk has received a Petition from National Grid requesting approval by the City of the installation of 850 ft. of conduit and 2 heavy duty Hand Holes in reference to property located at Gloucester Assessors Map 73 Lot 34/ 149 Atlantic Rd. [Please note your petition incorrectly references Atlantic Ave.]

As National Grid is aware from previous petitions submitted to the city, under the authority of Gloucester Code of Ordinances, Chap.23, sections 105 to 112, and based on fees established by the City Council, the City assesses a pole/conduit fee of \$100 and a linear foot conduit fee of \$2. The above referenced petition therefore requires a payment of a total fee of \$1800 (\$2 x 850 and \$100).

It is now the practice of the City Council, as with other permits granted by the Council, to require that the fees be paid when the petition is filed ;therefore we have enclosed a pro forma invoice for the fees in the amount of \$1,800. When this payment is received by the office of the City Clerk, to the attention of the undersigned, we will then file your application for review by the Council.

Please call the undersigned with any questions.

Sincerely,


Linda T. Lowe, City Clerk

Enclosure: Invoice for 149 Atlantic Rd. Installation

Copy to: Council President Jackie Hardy

nationalgrid

Lauren Peloquin
Counsel

September 13, 2012

VIA UPS

Linda Lowe
City Clerk
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

Re: Massachusetts Electric Company d/b/a National Grid

Dear Ms. Lowe:

Enclosed please find two checks in the amount of \$100.00 intended to cover the base permit fee (pole/conduit fee) for the Dennison Street grant of location and the Atlantic Road grant of location petition. Massachusetts Electric Company d/b/a National Grid is in receipt of invoices for related fees and is currently discussing those fees with the City's General Counsel, Suzanne P. Egan.

Thank you for your attention to this matter.

Sincerely,



Lauren Peloquin

Enclosures:

cc:

Suzanne P. Egan, General Counsel, City of Gloucester

12 SEP 14 AM 10:28
CITY CLERK
GLOUCESTER, MA

LAW DEPARTMENT

MEMORANDUM

TO: City Clerk's Office
FROM: Suzanne P. Egan *SPE*
General Counsel
RE: Mass. Electric/National Grid
Linear Foot Charge
DATE: September 17, 2012

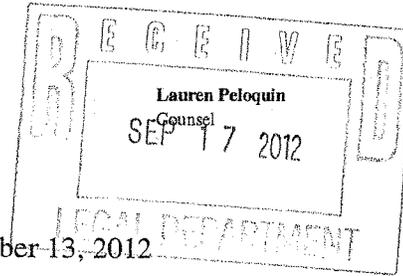
12 SEP 17 PM 3:42
CITY CLERK
GLOUCESTER, MA

Please find attached correspondence from National Grid regarding the imposition of a charge of \$2 per linear foot of underground conduit in Dennison Street. Please share this correspondence with the City Council.

Thank you for your attention to this matter.

Enclosure

nationalgrid



September 13, 2012

VIA UPS

Suzanne P. Egan
General Counsel
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

Re: Massachusetts Electric Company d/b/a National Grid per Linear Foot Charge

Dear Attorney Egan:

I would like to thank you and DPW Director, Michael Hale, for meeting with representatives of Massachusetts Electric Company d/b/a National Grid (“National Grid” or the “Company”) on July 25, 2012 to discuss Gloucester’s imposition of a charge of \$2 per linear foot of underground conduit in Dennison Street (the “Inspection Fee”). Mr. Hale explained that the Inspection Fee for this grant of location, totaling \$950.00, covers the cost his department incurs in conducting field inspections to confirm that National Grid is installing its conduit in the location approved by the City Council. As detailed below, National Grid believes that the Inspection Fee is pre-empted by state law and also constitutes an impermissible tax. As such, the Inspection Fee is invalid and unenforceable. As a regulated utility company in the state of Massachusetts, National Grid’s permit fees are recovered directly through the electricity rates of our customers. Therefore, National Grid takes very seriously its obligation to ensure that impermissible fees are not borne by our customers in Gloucester and throughout our service territory.

I would like to acknowledge at the outset that National Grid has received the City’s invoices for two location petitions along with the City’s note that it will not review any applications until all application fees and Inspection Fees are paid. While both of those petitions relate to the provision of service to Gloucester residents, one of them has not yet been processed by the City and the customer’s service will be delayed as a result. In order not to impose any additional hardship on Gloucester residents, National Grid asks that the City process its location petitions while we attempt to work out an amicable resolution to this dispute. In the meantime, the Company will pay, at the time of filing, the undisputed “base permit fee” of \$100 per petition. Because National Grid does not dispute the City’s \$100.00 base permit fee, I have provided to the City Clerk under separate cover, two checks for that amount, one for the Dennison Street grant of location and one for the Atlantic Road petition.

1

I. The Inspection Fee Is Pre-empted by State Law

It is well-settled that “[m]unicipalities may not adopt by-laws or ordinances that are inconsistent with State law.” Boston Gas Co. v. City of Newton, 425 Mass. 697, 699 (1997) (“Newton”). In Massachusetts, public utilities are comprehensively regulated by G.L. c. 164, the purpose of which “is to ensure uniform and efficient utility service to the public.” Id. Consequently, the authority of municipalities to pass on costs to comprehensively regulated public utilities is “severely circumscribed,” and the Supreme Judicial Court (“SJC”) has routinely invalidated ordinances and bylaws that impose fees on utilities beyond the administrative costs incurred in the issuance of permits. See id. at 706. See also Boston Gas Co. v. Somerville, 420 Mass. 702 (1995).

The Newton case is particularly relevant here. In Newton, like Gloucester, the City established a new regime to inspect street excavations and then charged the costs of those inspections to the utility as a precondition for obtaining a permit. The SJC held that such an inspection fee was inconsistent with the state’s comprehensive regulation of utilities and therefore preempted. The SJC rejected the City’s argument that it was impliedly authorized to impose the inspection fee, holding instead that even though “the statute does not expressly forbid the inspection process established by the city . . . [g]iven [G.L. c. 164’s] comprehensive nature . . . the Legislature intended to preempt local entities from enacting legislation in this area.” Id. at 702. According to the Court, because the statute placed the burden of street repair “squarely on the shoulders of the public utility,” the utility, not the City, “has the obligation to inspect excavation sites after the necessary repairs.” Id. at 701. Moreover, because the statute “vests with the [Department of Public Utilities], not the City, the authority to oversee the [utility],” id., the imposition of inspection costs, “which in essence attempts to exert more control over the [utility] than exercised by the department, may not stand.” Id. at 703. Indeed, citing its prior holding in Boston Gas Co. v. Somerville, 420 Mass. 702 (1995), the Court indicated that *any* ordinance or bylaw that “regulated street and sidewalk openings” was preempted.

Like Boston Gas, National Grid is a public utility comprehensively regulated by the D.P.U. under G.L. c. 164, and specifically regulated with respect to grants of location in public ways. See G.L. c. 166, § 22.¹ This statutory obligation to obtain a grant of location specifying where the line may be placed imposes on National Grid, not the City, the burden of adhering to

¹ As a comprehensively regulated utility, National Grid believes that the Newton holding is applicable to its electrical operations in public ways. Indeed, in response to the Newton and Somerville decisions, the D.P.U. (formerly known as the D.T.E.) promulgated standards applicable to *all* utilities (electric and gas) within the Commonwealth to:

[Ensure that all utilities under the [D.P.U.]’s jurisdiction adopt, as part of their operating procedures, a recognized, uniform standard and associated procedures for backfill, compaction and resurfacing public ways. The Standards are consistent with and conducive to the fundamental State policy of ensuring uniform and efficient utility services to the public for excavation and resurfacing openings in public ways.]

Standards To Be Employed by Public Utility Operators When Restoring any of the Streets, Lanes and Highways in Municipalities, (D.T.E. 98-22), at 4-6 (1998).

that location. The imposition of the Inspection Fee intended to reimburse the City for a second layer of inspection is impermissible insofar as it goes beyond what is required by the applicable statute and regulations and jeopardizes the consistent regulation of utilities. Newton, 425 Mass. at 703, n.13 (“Clearly, the differences between the municipalities in assessing costs impede the uniformity of gas distribution; moreover, where the system becomes less uniform, such balkanization is likely to lead to less efficient services.”). Moreover, the SJC has established the simple principle regarding public utilities that “the Legislature intended to preempt local activity on the subject absent an affirmative grant.” Boston Edison Company, 444 Mass. at 782. The Legislature has not affirmatively granted municipalities the power to impose inspection fees.²

Tellingly, National Grid’s records show that no other community on the North Shore imposes an inspection fee upon the Company for grants of location, nor any fee in excess of \$100.00. Gloucester’s Inspection Fee, therefore, is impermissible since it “create[s] . . . a burden for the Company additional to those which it carries elsewhere” and thereby interferes with “the uniformity desirable in the regulation of utilities throughout the Commonwealth.” New England Tel. & Tel. Co. v. City of Lowell, 369 Mass. 831 (1976).³

For these reasons, the Company believes the Inspection Fee is preempted by state law.

II. The Disputed Charge May Be a Tax, Not a Permissible Fee

The Company further believes that the Inspection Fee is an invalid tax, not a permissible fee. Fees “share common traits that distinguish them from taxes: [1] they are charged in exchange for a particular governmental service which benefits the party paying the fee in a manner not shared by other members of society; [2] they are paid by choice, in that the party paying the fee has the option of not utilizing the governmental service and thereby avoiding the charge; and [3] the charges are collected not to raise revenues but to compensate the governmental entity providing the services for its expenses.” Emerson College v. Boston, 391 Mass. 415, 424-425 (1984) (quotations and citations omitted).⁴

² Indeed, the only fees that the Legislature has authorized municipalities to assess public utilities for grants of location are set forth in G.L. c. 166, s. 22, entitled “Lines for Transmitting Electricity - Location; Fees.” Section 22 provides that “[t]he company or companies in whose favor the [grant of location] is made shall pay for such record the fees provided by clause (62) of section thirty-four of chapter two hundred and sixty-two,” which in turn required a fee equal to \$3.00 per petition plus \$0.50 for each street. The fact that the Legislature has actually spoken on permissible fees makes the preemption argument in this instance even stronger than in Newton, including even for the base permit fee of \$100, which National Grid nonetheless will not dispute.

³ Given the conclusion that National Grid bears the burden of ensuring compliance with the locations, “it is likely that the ordinance, by imposing a fee for a second inspection by city officials, is inconsistent with department regulations mandating that the [utility] pursue a ‘least-cost’ approach to providing gas service to its customers.” Newton, 425 Mass. at 703, n.11. See also Boston Edison Company, 444 Mass. at 784 (deferring to DPU finding that municipal costs and fines that in turn increase utility rates frustrate uniform and efficient service).

⁴ The Emerson College decision also established that simply labeling a charge a “fee” is not determinative – “the nature of a monetary exaction must be determined by its operation rather than its specially descriptive phrase.” Emerson College, 391 Mass. at 424 (quotation omitted).

The Inspection Fee fails all three prongs of this Emerson College test. First, the City's inspection regime is not a service provided to National Grid or for its particular benefit, but rather, imposes an additional burden that is inconsistent with state law. Second, National Grid has no choice in whether or not to pay the Inspection Fee since it is obligated to provide electricity to all residents who request service. Finally, based on the City's representation that the Inspection Fee generally exceeds the costs of inspections for longer installations the Inspection Fee does not appear to be "used exclusively to meet expenses incurred in providing the [municipal] service" Emerson College, 391 Mass. at 427; cf. Southview Co-operative Housing Corp. v. Rent Control Bd. of Cambridge, 396 Mass. 395, 401 (1985) (fees must be "reasonably calculated to do nothing more than compensate a governmental agency for its services").⁵

Additionally, the Company believes that the SJC's recent holding in Denver Street LLC vs. Town of Saugus, 462 Mass. 651 (2012), which was referenced at our meeting, is distinguishable from the current situation. In Denver, the SJC upheld a City sewer connection fee to cover the costs of improvements to the system required by an Administrative Consent Order (ACO) between the City of Saugus and the Department of Environmental Protection. Id. at 653. The SJC held that because the ACO "put a moratorium on new sewer connections until the system was repaired," the developers who paid the fee did receive a particularized benefit of immediate access to the sewer system where they otherwise would have had to wait a number of years. Id. at 657. By contrast, in Gloucester there is no ACO and the Company does not have the luxury of waiting to make connections; it is obligated to provide reliable service to its customers and, by extension, to petition for grants of location. Moreover, the Company is not receiving any benefit from the field inspections. Therefore, the Denver holding and reasoning are not applicable here.

III. The Language of the Grant of Location Orders Issued to National Grid by Gloucester Allows for Flexibility in the Placement of Conduit

National Grid also notes that the grants of location issued to National Grid by the City of Gloucester require that the installations be located "substantially in accordance" with the plans filed with its permit petition. This language is included in grant of location orders to provide some flexibility to enable National Grid to work around unexpected field conditions, such a rock ledge, within a reasonable distance of the line shown on the filed plans. The Company believes that it has complied with this requirement and has never purposefully installed underground conduit outside of the granted location without good cause, e.g., rock ledge that prevented trenching, and without notifying the City. National Grid takes its obligation seriously and if the City has specific examples to the contrary please provide them so that we can analyze the cause and ensure that it does not happen again.

I hope that the foregoing demonstrates that National Grid has a good faith objection to

⁵ Further questions would arise if the City deposits the Inspection Fees into its general fund. See Berry v Town of Danvers, 34 Mass. App. Ct. 507, 513 (1993) (holding sewer charges "are tax, rather than fee-like, since they are deposited into the general fund and are available to be used for many other sewer projects than improvements and capacity expansion" for which the charge was imposed).

the City's Inspection Fee. If Gloucester is able to provide specific and detailed documentation of how the \$2 per linear foot charge relates to the administrative costs of issuing a grant of location, National Grid would be happy to review those materials and reconsider payment of the charge. However, based on its current understanding of the purpose of the Inspection Fee, National Grid cannot justify payment at this time.

While the Inspection Fee is not permissible for the reasons described above, National Grid takes seriously the concerns expressed by Mr. Hale at the July 25, 2012 meeting. National Grid would like to suggest that the concerns of Gloucester can be more appropriately and cost-effectively addressed through better communication regarding field conditions at the time of construction. National Grid would like to continue a discussion with Mr. Hale, and other interested parties, to develop a mutually agreeable process to address the reality of the occasional need to re-route installations due to field conditions in the hope that this would eliminate the need for and cost of field inspections by Gloucester's Department of Public Works. However, should Gloucester choose to continue to inspect the location of the lines, those inspection costs should be borne solely by the City.

I look forward to discussing this further and working together to resolve this matter without any disruption in service to the residents of Gloucester.

Thank you for your attention to this matter.

Sincerely,



Lauren Peloquin

Enclosures:

cc:

Bess Gorman, Esq., National Grid, Assistant General Counsel and Director
Christopher Aronson, Esq., National Grid, Senior Counsel
Daniel Cameron, National Grid
Michael Hale, Gloucester DPW Director

PP 2012-003

nationalgrid

August 10, 2012

**OFFICE OF THE CITY CLERK
9 DALE AVE
GLOUCESTER, MA 01930**

12 SEP 18 AM 11:11
CITY CLERK
GLOUCESTER, MA

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

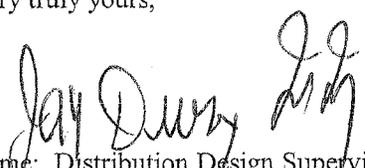
If you have any questions regarding this permit please contact:

MaryAnne Ryan-781-907-3513

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Rosemary Caredeo; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,



Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

Questions contact – Joel Glynn -978-524-2256

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To The City Council of Gloucester, Massachusetts

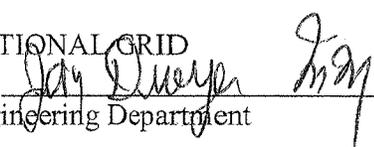
Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Atlantic Ave- Gloucester Massachusetts

The following are the streets and highways referred to:

12350270 Atlantic Road-Customer to install 850' of 2-3" conduit and also 2 heavy duty Hand Holes. National Grid will take ownership after.

Location approximately as shown on plan attached

NATIONAL GRID
BY 
Engineering Department

Dated: August 10, 2012

City

ORDERED:

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 10th day of August 2012.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked -Atlantic Ave-Gloucester Massachusetts #12350270

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Atlantic Road-Customer to install 850' of 2-3" conduit and also 2 heavy duty Hand Holes. National Grid will take ownership after.

I hereby certify that the foregoing order was adopted at a meeting of the
....., held on the day of, 20
....., 20

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

Attest:
.....

..... hereby certify that on20....., at o'clock, ...M
at, a public hearing was held on the petition of
NATIONAL GRID for permission to construct the underground electric conduits described in the
order herewith recorded, and that I mailed at least seven days before said hearing a written notice
of the time and place of said hearing to each of the owners of real estate (as determined by the last
preceding assessment for taxation) along the ways or parts of ways upon which the Company is
permitted to construct the underground electric conduits under said order. And that thereupon said
order was duly adopted.

.....
.....

Electric

ORDERED:

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 10th day of August 2012.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked -Atlantic Ave-Gloucester Massachusetts #12350270

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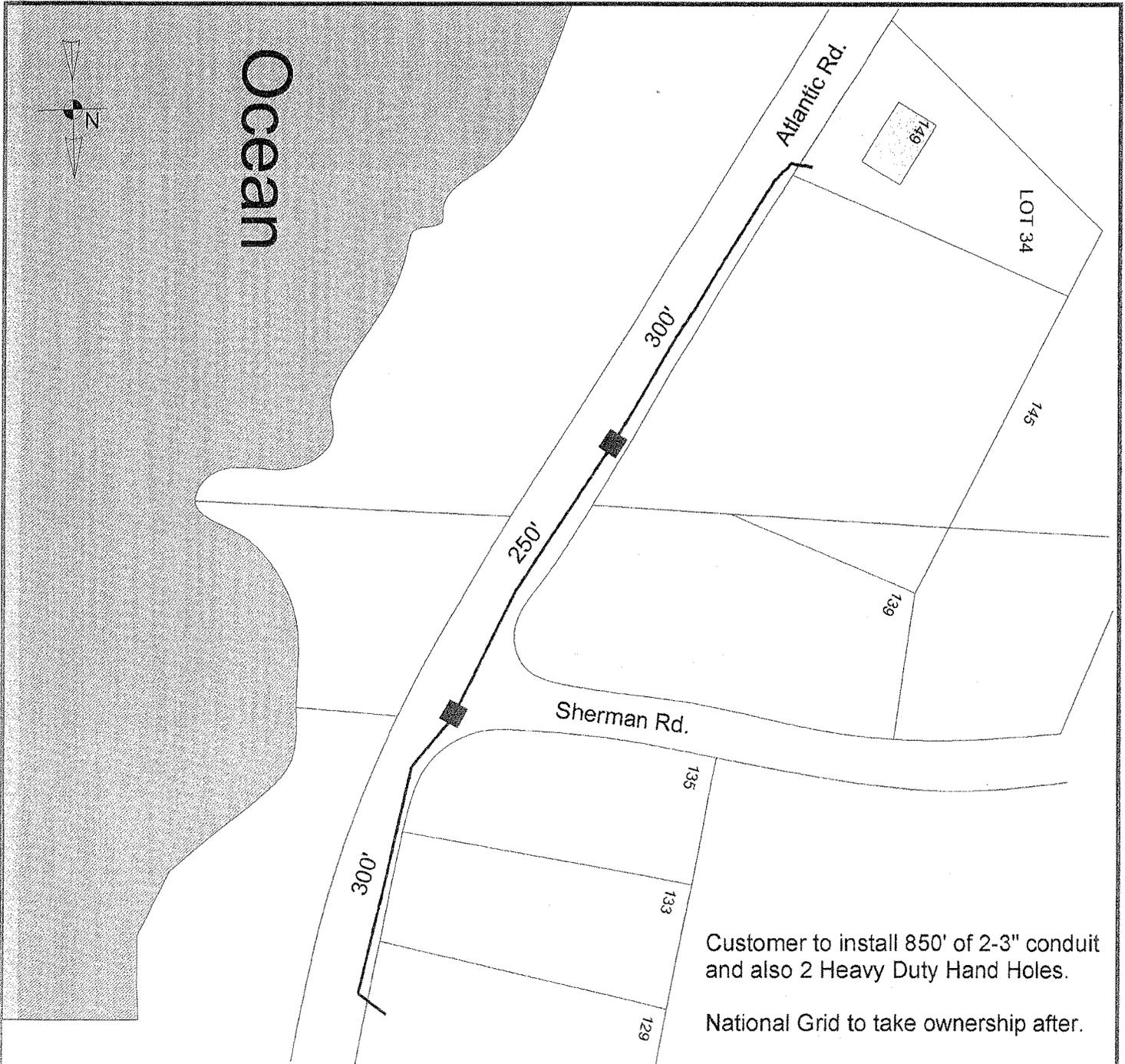
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permitted to construct the underground electric conduits under said order. And that thereupon said
order was duly adopted.

.....
.....



UNDERGROUND PETITION

nationalgrid

	Urd Pole		3-Phase Pad
	Manhole		Xfmr Foundation
	Pull Box		Primary Ug Wire
	Heavy Duty Hand Hole		Secondary Ug Wire
			Street Light Wire
	Single Phase Pad		Service Arrow

Date: 3/29/2012

Plan Number: WR# 12350270

To Accompany Petition Dated:

To The: City _____ Of Gloucester

For Proposed: Conduit _____ Location: Atlantic Rd.

Date Of Original Grant: _____

DISTANCES ARE APPROXIMATE



City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 73-34

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters within 500ft as required by the City's City Council and it reflects the abutters to the Parcel known as Map 73 Lot 34 as further shown on the attached map dated 3/12/2012.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
73-2 BASS ROCKS GOLF CLUB	R ATLANTIC RD	73-2	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
71-16 BASS ROCK LLP C/O CAVALLARO PETER	85 ATLANTIC RD	71-16	BASS ROCK LLP C/O CAVALLARO PETER 8 SMITH HILL RD LINCOLN, MA 01773
71-18-4 APOSHIAN H VASKEN & MARY M TRS C/O APOSHIAN H VASKEN TR	87 ATLANTIC RD 4	71-18	APOSHIAN H VASKEN & MARY M TRS C/O APOSHIAN H VASKEN TR 87 ATLANTIC RD UNIT 4 GLOUCESTER, MA 01930
71-18-1 GILSON BLAKE P TR BLUEWATERS TRUST C/O GILSON RONALD & JOAN	87 ATLANTIC RD 1	71-18	GILSON BLAKE P TR BLUEWATERS TRUST C/O GILSON RONALD & JOAN 87 ATLANTIC RD #1 GLOUCESTER, MA 01930
71-18-3 MCCANNEL DANA DEAN C/O DONOVAN PAUL D & ELIZABETH K	87 ATLANTIC RD 3	71-18	MCCANNEL DANA DEAN C/O DONOVAN PAUL D & ELIZABETH K 4 ISABELLA DR LONDONDERRY, NH 03053-3051
71-18-5 MOSCHELLA DAVID & DANIS ALEV	87 ATLANTIC RD 5	71-18	MOSCHELLA DAVID & DANIS ALEV 75 CHESTNUT ST BOSTON, MA 02108
71-18-2 JASPER JOHN R & CHRISTINE C	87 ATLANTIC RD 2	71-18	JASPER JOHN R & CHRISTINE C 6712 WOLF RUN SHOALS RD FAIRFAX STATION, VA 22039
71-18-6 HILL KATHLEEN TR C/O NORTH ATLANTIC REALTY TRUST	87 ATLANTIC RD 6	71-18	HILL KATHLEEN TR C/O NORTH ATLANTIC REALTY TRUST 50 NASHUA RD SUITE 209 A LONDONDERRY, NH 03053
71-19 DEPINO JOSEPH J & LOUISE	93 ATLANTIC RD	71-19	DEPINO JOSEPH J & LOUISE 93 ATLANTIC RD GLOUCESTER, MA 01930
71-22 DERMENJIAN CHARLES N	95 ATLANTIC RD	71-22	DERMENJIAN CHARLES N 374 LAKE ST BELMONT, MA 02478



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
71-20 GLOU LODGE OF ELKS 892	101 ATLANTIC RD	71-20	GLOU LODGE OF ELKS 892 P O BOX 86 GLOUCESTER, MA 01931-0086
72-1 BASS ROCKS OCEAN INN INC	107 ATLANTIC RD	72-1	BASS ROCKS OCEAN INN INC 107 ATLANTIC RD GLOUCESTER, MA 01930 0000
72-12 BASS ROCKS OCEAN INN INC	108 ATLANTIC RD	72-12	BASS ROCKS OCEAN INN INC 107 ATLANTIC RD GLOUCESTER, MA 01930 0000
72-11 GLOUCESTER CITY OF	112 ATLANTIC RD	72-11	GLOUCESTER CITY OF CITY HALL GLOUCESTER, MA 01930 0000
72-3 BONMAL INC	125 ATLANTIC RD	72-3	BONMAL INC 125 ATLANTIC RD GLOUCESTER, MA 01930 0000
72-10 FONZO JANE A & MICHAEL A ET AL TRS ATLANTIC ROAD DECLARATION OF TRUST	126 ATLANTIC RD	72-10	FONZO JANE A & MICHAEL A ET AL TRS ATLANTIC ROAD DECLARATION OF TRUST 129 ATLANTIC RD GLOUCESTER, MA 01930
72-13 FONZO MICHAEL A & JANE A	129 ATLANTIC RD	72-13	FONZO MICHAEL A & JANE A 129 ATLANTIC RD GLOUCESTER, MA 01930
72-9 FONZO JANE A & MICHAEL A ET AL TRS ATLANTIC ROAD DECLARATION OF TRUST	130 ATLANTIC RD	72-9	FONZO JANE A & MICHAEL A ET AL TRS ATLANTIC ROAD DECLARATION OF TRUST 129 ATLANTIC RD GLOUCESTER, MA 01930
72-14 ROWLEY-WILLIAMS SALLY MILL COTTAGE	131 ATLANTIC RD	72-14	ROWLEY-WILLIAMS SALLY MILL COTTAGE APPLEFORD RD OXON, UK OX14 4NH
72-15 BURGER THOMAS M & ROBERT ANDREE M TBYE C/O BURGER THOMAS M & ROBERT ANDREE M TR	133 ATLANTIC RD	72-15	BURGER THOMAS M & ROBERT ANDREE M TBYE C/O BURGER THOMAS M & ROBERT ANDREE M TR 133 ATLANTIC RD GLOUCESTER, MA 01930-4331



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
72-16 KELLEY LEAH & BARRETT THOMAS J TRS	135 ATLANTIC RD 135 ATLANTIC RD GLOUCESTER, MA 01930	72-16	KELLEY LEAH & BARRETT THOMAS J TRS 135 ATLANTIC RD GLOUCESTER, MA 01930
72-8 TRODELLA JOSEPH E & FATTA CAROL L TRS	138 ATLANTIC RD 138 ATLANTIC RD GLOUCESTER, MA 01930-4331	72-8	TRODELLA JOSEPH E & FATTA CAROL L TRS 138 ATLANTIC RD GLOUCESTER, MA 01930-4331
72-5 TRODELLA JOSEPH E & FATTA CAROL L TRS	139 ATLANTIC RD 139 ATLANTIC RD GLOUCESTER, MA 01930-4331	72-5	TRODELLA JOSEPH E & FATTA CAROL L TRS 139 ATLANTIC RD GLOUCESTER, MA 01930-4331
73-30 BAUMANN SOLANGE R	140 ATLANTIC RD	73-30	BAUMANN SOLANGE R 141-147 ATLANTIC RD GLOUCESTER, MA 01930 0000
73-29 BAUMANN SOLANGE R	145 ATLANTIC RD	73-29	BAUMANN SOLANGE R 145 ATLANTIC RD GLOUCESTER, MA 01930 0000
73-31 GLOUCESTER CITY OF	148 ATLANTIC RD	73-31	GLOUCESTER CITY OF CITY HALL GLOUCESTER, MA 01930 0000
73-34 LADD ROBERT C & ROSA	149 ATLANTIC RD	73-34	LADD ROBERT C & ROSA 130 MT PLEASANT AV GLOUCESTER, MA 01930
73-37 BERSHAD PETER & LAURENCE TRS	161 ATLANTIC RD	73-37	BERSHAD PETER & LAURENCE TRS 171 ATLANTIC RD GLOUCESTER, MA 01930
73-26 BERSHAD PETER & LAURENCE TRS	171 ATLANTIC RD	73-26	BERSHAD PETER & LAURENCE TRS 171 ATLANTIC RD GLOUCESTER, MA 01930
73-20 BASS ROCKS GOLF CLUB	5 LINKS RD	73-20	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
73-17 THE HISTORIC CAPE ANN LLC	16 LINKS RD	73-17	THE HISTORIC CAPE ANN LLC 20 LINKS RD GLOUCESTER, MA 01930
73-16 MCMANUS DORENE F	18 LINKS RD	73-16	MCMANUS DORENE F 20 LINKS RD GLOUCESTER, MA 01930
73-14 MCMANUS CHARLES H JR	20 LINKS RD	73-14	MCMANUS CHARLES H JR 20 LINKS RD GLOUCESTER, MA 01930
73-15 KASDON WILLIAM L & MAUREEN A TRS THE FOREVER4 REALTY TRUST	30 LINKS RD	73-15	KASDON WILLIAM L & MAUREEN A TRS THE FOREVER4 REALTY TRUST 30 LINKS RD GLOUCESTER, MA 01930
73-8 TILLOTSON JOSHUA G & GENINE A	33 LINKS RD	73-8	TILLOTSON JOSHUA G & GENINE A 117 WEST NEWTON ST BOSTON, MA 02118-1204
71-24 WISHOSKI STEPHEN M & CAROL M	4 MOORLAND RD	71-24	WISHOSKI STEPHEN M & CAROL M 4 MOORLAND RD GLOUCESTER, MA 01930
71-12 BASS ROCK LLP C/O PETER CAVALLARO	7 MOORLAND RD	71-12	BASS ROCK LLP C/O PETER CAVALLARO 7 MOORLAND RD GLOUCESTER, MA 01930
71-17-3 HANSON DOUGLAS J & ROWE LINDA J	8 MOORLAND RD 3	71-17	HANSON DOUGLAS J & ROWE LINDA J 8 MOORLAND RD UNIT 3 GLOUCESTER, MA 01930
71-17-1 BRAUN LINDA A	8 MOORLAND RD 1	71-17	BRAUN LINDA A 11 PARKER RD ARLINGTON, MA 02414
71-17-2 FAVA SHARON J	8 MOORLAND RD 2	71-17	FAVA SHARON J 11 SOUTH GATE RD WATERBURY, CT 06708



City of Gloucester Abutters Report

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
71-17-4 KEILT JOHN F & KAREN	8 MOORLAND RD 4	71-17	KEILT JOHN F & KAREN PO BOX 2412 CAREFREE, AZ 85377
71-10 BASS ROCKS GOLF CLUB	9 MOORLAND RD	71-10	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
71-11 BASS ROCKS GOLF CLUB	11 MOORLAND RD	71-11	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
73-1 BASS ROCKS GOLF CLUB	12 MOORLAND RD	73-1	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
74-7 BASS ROCKS GOLF CLUB	18 MOORLAND RD	74-7	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
72-7 BASS ROCKS GOLF CLUB	SHERMAN RD	72-7	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
72-6 BAUMANN HAROLD R TBYE & SOLANG	8R SHERMAN RD	72-6	BAUMANN HAROLD R TBYE & SOLANG 141-147 ATLANTIC ROAD GLOUCESTER, MA 01930 0000



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ABUTTER STREET ADDRESS PARCEL NO. TAX BILL ADDRESS

I hereby certify that the above identifies the assessed owner of record and the mailing information for the parcel listed, as shown on the most recent tax list of the City of Gloucester Massachusetts.

Signed: 
Name: Hollie Devlin
Title: Director, Clerk - Assessors
Date: MAR 12 2012

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



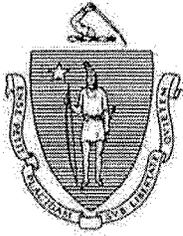
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FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts
City/Town of Gloucester

Application For License

Massachusetts General Law, Chapter 148 §13

New License Amended License

GIS Coordinates

LAT:

LONG:

License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 27-37 Harbor Loop, Gloucester, MA 01930
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Cape Ann Fuel & Ice, Inc. (Kristensen Realty, Inc.)

Address of Land Owner: 27-37 Harbor Loop, Gloucester, MA 01930

Use and Occupancy of Buildings and Structures: Marine fuel center

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments
03/20/1952 03/06/1979 - Please see attached -
Attach a copy of the current license

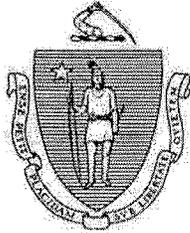
Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14;
Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet gallons	CONTAINER UST, AST, IBC, drums AST (2)
Diesel Fuel	II	19,800		

Total quantity of all flammable liquids to be stored: None
Total quantity of all combustible liquids to be stored: 19,800 gallons
Total quantity of all flammable gases to be stored: None
Total quantity of all flammable solids to be stored: None

12 SEP 20 AM 9:02
CITY CLERK
GLOUCESTER, MA



FP 293F
REVENUE CODE 0693

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services



P.O. Box 1025 ~ State Road
Stow, Massachusetts 01775
(978) 567-3100 Fax: (978) 567-3199

Fixed Facility Application for Marine Fueling Permit (527 CMR 15.00)

For the lawful keeping, handling, or transporting for resale of flammable and combustible liquids within the harbors or on other waters of the Commonwealth. Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws and 527 Code of Massachusetts Regulations, for a permit authorizing the "Keeping, Handling and Transportation of Flammable and Combustible Liquids and the Disposition of Crude Petroleum or any of its Products in Harbors or Other Waters of the Commonwealth."

Application for Permit is hereby made in accordance with 527 Code of Massachusetts Regulations (CMR) 15.04 by for the calendar year 2012 by:

NAME OF FACILITY: Cape Ann Fuel & Ice, Inc.
Full Name of Firm, Corporation, Person

LOCATION OF FACILITY Gloucester FACILITY TELEPHONE 978-360-7048

MAILING ADDRESS FOR FACILITY 27-37 Harbor Loop
Street Number / P.O. Box
Gloucester 01930
City/Town Zip code

BUSINESS EMAIL zeuspacking@live.com

NAME OF OWNER Kristensen Realty, LLC

ADDRESS OF OWNER 27-37 Harbor Loop, Gloucester, MA OWNER TELEPHONE 978-360-7048

FORMER OWNER IF THIS IS A NEW BUSINESS: Star Fisheries/Star Realty

FORMER MAILING ADDRESS:
27-29 Harbor Loop Gloucester 01930
Street Number / P.O. Box City/Town Zip code

RESPONSIBLE PARTY OPERATING THIS FACILITY Cape Ann Seafood Exchange, Inc.

I have read and understand the provisions of 527 Code of Massachusetts Regulations (CMR) 15.00. Yes (X) No ()

- ❖ Facility is **FIXED** (X)
- ❖ Facility is **YEAR ROUND** (X) **SEASONAL** (), if seasonal include dates of operation _____
- ❖ Facility is **NEW** (X) **RENEWAL** (), if renewal please provide previous year's MF Permit 004176
- ❖ Flammable/Combustible Liquid to be dispensed is: Class I () Class II (X) Class III ()
- ❖ Number of Class I Tanks: _____ Total Capacity of Class I Tanks: _____
- ❖ Number of Class II or III Tanks: 2 Total Capacity of Class II or III Tanks: 19,980 gallons

❖ Storage is: Above Ground (X) Under Ground ()

- You must submit a photocopy of your current Storage Tank Permit (Form FP 290-Part 3) for underground storage tanks, or a Form FP-6 for aboveground storage tanks, your license (Form FP 2) and Registration (Form FP 5), if applicable, for the storage of flammables and combustibles, issued in accordance with section 13 of Chapter 148, of the Massachusetts General Law.

I have 4 2A or 20 BC or equivalent fire extinguishers present at the facility.
Number

Fire extinguishers are located 15 feet from the flammable liquid dispenser.
Number

All dispensing nozzles have the latch open devices defeated: Yes (X) No ()

Approved fuel hoses are product resistant, reinforced with continuous static ground, with no single length in excess of thirty (30) feet: Yes () No (X)

If no explain: Approval from City of Gloucester Fire Department to use hoses in excess of 30 feet dated December 17, 2011

Requires fire department approval if in excess of thirty (30) feet:

527 CMR 15 requires marine wharfs greater than 200 feet in length to have a minimum of four (4) manual flammable liquid shutoff valves which are located: at the dispenser, four feet (4) from the dispenser, fifteen feet (15) from the dispenser, and on the shore side of the metering unit at a point where the fuel piping extends over the water.

Please indicate whether you comply with this section.

Yes (X) No ()

Does marine wharf require approval from U.S. Army Corp of Engineers?

Yes () No (X)

If yes, attach documentation.

All flammable and combustible liquid shut-off valves are easily accessible, readable and plainly marked "EMERGENCY FUEL SHUT OFF" in two (2) inch red block capital letters: Yes (X) No ()

I have installed a manual flammable and combustible liquid shut-off valve on the upstream side of each piping system connection, as required to control the flow of fuel: Yes (X) No ()

In accordance with **527 CMR 9.05B (8)**, I have a fuel line anti-siphon device installed for each fuel line serving a metering unit. This device is capable of protecting fuel system components from thermal expansion: Yes (X) No ()

I intend to fuel during the hours of darkness:

Yes (X) No ()

If yes, list hours that you intend to fuel during darkness: 4-8 PM

I have Night lighting:

Yes (X) No ()

I have clearly identified dispensing unit electrical switches on each wharf, so interlocked so as to shut power off to all pump motors from any individual location that will only reset from a master switch: Yes (X) No ()

All wiring for power and lighting installed on marine fuel wharf's is on opposite sides from the flammable and combustible liquid piping system: Yes (X) No ()

I have caused a review of the electrical wiring of the facility by the community electrical inspector and it complies with the Massachusetts Electrical Code (527 CMR 12.00) for high hazard marine installations: Yes (X) No ()

I have conspicuously posted, at the dispensing area, Before, During and After, fueling warning signs as described in 527 CMR 15.09(7), and the posting as described by 527 CMR 15.09(8): Yes (X) No ()

The facility has an approved, operational standpipe system, installed in accordance with 527 CMR 15.09, which is approved by the head of the fire department: Yes (X) No ()

I hereby attest that the following individuals have been designated Fueling Facility Operations Supervisor(s) and are responsible employees who I have trained and consider to be competent in the handling of flammable and combustible liquids and are familiar with and understand the contents of 527 CMR 15.00, and the operation, mechanics and hazards inherent to the handling of flammable and combustible liquids and the fueling of vessels:

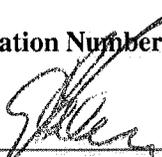
<u>Erik Strong</u>	<u>8 Caledonia Place, Gloucester, MA</u>	<u>8/27/69</u>
<i>Name</i>	<i>Address</i>	<i>Date of Birth</i>
<u> </u>	<u> </u>	<u> </u>
<i>Name</i>	<i>Address</i>	<i>Date of Birth</i>
<u> </u>	<u> </u>	<u> </u>
<i>Name</i>	<i>Address</i>	<i>Date of Birth</i>

() Check here and attach a separate piece of paper labeled "F1" if additional space is required.

I hereby certify under the penalties of perjury that (1) to the best of my knowledge and belief the above statements and attachments are true and accurate, (2) this application is made upon the express condition that any and all other applicable authorizations necessary have been secured and (3) I have filed all Massachusetts tax returns and paid all Massachusetts taxes required by law. (Authority: Chapter 62C, s. 49A, MGL as amended by Chapter 233, Acts of 1983).

Print Name: Kristian Kristensen Date: 09/19/12
(X) Officer of Corporation () Owner

Social Security or Federal Employee Identification Number of the Business: 45-5253414

Signature of Applicant: 

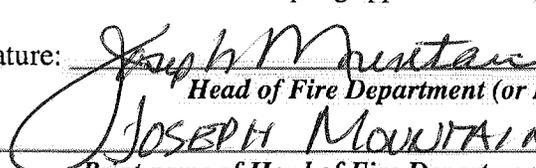
FIRE DEPARTMENT NOTIFICATION AND APPROVAL

I certify that I have inspected or caused to be inspected the above fueling facility (site) and found it to comply with the Provisions of 527 CMR 15.00. The facility plans and specifications have been reviewed and are on file within my Department.

I am directing that the following restrictions shall apply:

() Check here and attach a separate piece of paper labeled "F2" if additional space is required.

I am accepting approved fueling hose in excess of thirty (30) feet: ()

Signature:  Date: 9/20/12
Head of Fire Department (or Designee)
JOSEPH MOUNTAIN GLOUCESTER F.D.
Print name of Head of Fire Department or Designee and name of Fire Department

2-9,900 gal diesel; 40,000 gal #2 diesel

4/30/12
p. 111
Ch.# 4324



The Commonwealth of Massachusetts
Department of Fire Services
Office of the State Fire Marshal
PO Box 1025, State Road, Stow, MA 01775
CERTIFICATE OF REGISTRATION

GLOUCESTER 4/12/2012

**NOTE: Complete top of form and forward both sections and fee to local licensing authority (City Clerk).
Do not return form to Department of Public Safety.**

In accordance with the provisions of Chapter 148, Section 13, of the General Laws, the undersigned hereby certifies that

Star Fisheries

Address 27-29 Harbor Loop

is the holder of the license granted 03/20/1952 03/06/1979

for the lawful use of the building(s) or other structure(s) situated or to be situated at 27 Harbor Loop
Street and number

as related to the KEEPING, STORAGE, MANUFACTURE OR SALE OF FLAMMABLES OR EXPLOSIVES.

NOTE: This application for certificate of registration must be signed by the holder of the license if said license was granted prior to July 1, 1936, otherwise by the owner or occupant of the land licensed.

Received 4/30/12
Date

Submitted by Star Fisheries / Star Realty
Signature

by Frank J. Jove
Name

owner
State whether owner, occupant or holder

City Clerk

27-29 Harbor Loop - Gloucester
Address



The Commonwealth of Massachusetts
Department of Fire Services
Office of the State Fire Marshal
PO Box 1025, State Road, Stow, MA 01775

REGISTRATION

GLOUCESTER: May 1, 2012 to April, 2013

This is to certify that Star Fisheries
License holder

has, in accordance with the provisions of Chapter 148, Section 13,

of the General Laws, filed with me a certificate of registration setting forth that Star Fisheries

A TRUE COPY ATTEST
[Signature]

is the holder of the license granted 03/20/1952 03/06/1979

JUL 12 2012

for the lawful use of the building(s) or other structure(s) situated or to be situated at 27 Harbor Loop
Street and number

as related to the KEEPING, STORAGE, MANUFACTURE OR SALE OF FLAMMABLES OR EXPLOSIVES.

[Signature] City Clerk
Signature and Printed Title

Note: A certificate of registration must be filed on or before April 30th of each year.

THIS REGISTRATION MUST BE CONSPICUOUSLY POSTED ON THE PREMISES

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 6)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____
❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____
❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____
❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____
❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____
❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____
❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____
❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kristian Kristensen, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature [Signature] Date 9/19/12 Name Kristian Kristensen

Fire Department Use Only

I, JOSEPH MOUNTAIN Head of the GLOUCESTER Fire Department endorse this application with my

Approval Disapproval

Joseph Mountain
Signature of Head of the Fire Department

9/20/12
Date

Recommendations: _____



The Commonwealth of Massachusetts
 Department of Fire Services - Office of the State Fire Marshal



PERMIT

To Maintain an Existing/New Storage Tank Facility for Storage Tanks Regulated under 527 CMR 9.00

In accordance with the provisions of 527 CMR 9.00 this permit to maintain an existing/new storage tank facility is granted to:

Location of property: 27-37 HARBOR LOOP
Street address

Owner of property: KRISTENSEN REALTY
Full name of person, firm or corporation

Number of storage tanks: 2 aboveground 0 underground

Facility to be maintained in accordance with the restrictions described below:

CMR 9, CMR 15

CK# 2128

Fee paid: \$ 100 (M.G.L. Chapter 148, section 10A)

PERMIT, Insp. PERS this permit will expire 9/20/13
Date

Joseph Mountain
Signature of Head of Fire Department or appointed designee

(Owner's copy - To be posted at the storage facility)



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER: CC#2012-054
COUNCILLOR: Paul McGeary

DATE RECEIVED BY COUNCIL: 09/25/12
REFERRED TO: City Council
FOR COUNCIL VOTE: 10/09/12

RESOLUTION IN COUNCIL

WHEREAS, FOR THE PAST THREE DECADES, A DIVIDED UNITED STATES SUPREME COURT HAS STRETCHED THE LIMITS OF THE FIRST AMENDMENT TO ALLOW FOR CORPORATIONS, UNIONS, POLITICAL ACTION COMMITTEES AND SUPER POLITICAL ACTION COMMITTEES TO INFLUENCE THE POLITICAL PROCESS AND DEMOCRATICALLY-ENACTED REFORMS; AND

WHEREAS, THE FIRST AMENDMENT HAS BEEN GREATLY IMPACTED BY THE UNITED STATES SUPREME COURT'S RECENT RULING IN CITIZENS UNITED V. THE FEDERAL ELECTIONS COMMISSION; AND

WHEREAS, THE UNITED STATES SUPREME COURT'S RULING IN CITIZENS UNITED OVERTURNED LONGSTANDING PRECEDENT PROHIBITING THESE INTERESTS FROM SPENDING GENERAL TREASURY FUNDS IN DEMOCRATIC ELECTIONS; AND

WHEREAS, THE UNITED STATES SUPREME COURT'S RULING IN CITIZENS UNITED WILL ALLOW SPECIAL INTERESTS LIMITLESS AND UNPRECEDENTED CAMPAIGN SPENDING AND THUS DISPROPORTIONATE INFLUENCE, THREATENING THE FAIRNESS OF THE DEMOCRATIC PROCESS; AND

WHEREAS, THE PEOPLE OF THE UNITED STATES HAVE PREVIOUSLY USED THE CONSTITUTIONAL AMENDMENT PROCESS TO OVERTURN SUPREME COURT DECISIONS THAT PRESENT A RISK TO THE DEMOCRATIC PROCESS AND SELF GOVERNMENT; NOW THEREFORE BE IT

RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF GLOUCESTER, MASSACHUSETTS, HEREBY MEMORIALIZES THE 112TH CONGRESS OF THE UNITED STATES TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO RESTORE THE FIRST AMENDMENT AND FAIR ELECTIONS TO THE PEOPLE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CITY CLERK TO THE PRESIDENT OF THE UNITED STATES, TO THE PRESIDING OFFICER OF EACH BRANCH OF CONGRESS AND TO THE MEMBERS OF THOSE BRANCHES FROM THE COMMONWEALTH OF MASSACHUSETTS."

Respectfully submitted,

Paul McGeary

Ward 1 Councillor



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER:	CC#2012-055
COUNCILLOR:	Melissa Cox

DATE RECEIVED BY COUNCIL:	09/25/12
REFERRED TO:	O&A
FOR COUNCIL VOTE:	

ORDERED that the City Council, for the November 6, 2012 election, relocate the polling place for Ward 2 Precinct 2 from the McPherson Park Building at 31 Prospect Street to Our Lady of Good Voyage Church Youth Center at 140 Prospect Street so that Ward 2 polling places shall be consolidated to one location, pursuant to MGL Chapter 54 Sec. 24 and City Charter Sec. 8-6; and further

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

Melissa Cox
Ward 2 Councillor



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER:	CC#2012-056
COUNCILLOR:	Greg Verga

DATE RECEIVED BY COUNCIL:	09/25/12
REFERRED TO:	TC
FOR COUNCIL VOTE:	10/23/12

ORDERED that the City Council, through the City Clerk, send a written request to the Massachusetts DOT, Highway Division, to allow placement of a sign on Rte. 127 (Western Avenue) approximately 500 feet before the entrance to the City of Gloucester facility known as Magnolia Woods which shall advise motorists of the location of the entrance to Magnolia Woods; and further

ORDERED that this matter be referred to the Traffic commission for their recommendation of the council and to the City Council for vote.

Greg Verga
Ward 5 Councillor

GLOUCESTER CITY COUNCIL MEETING

Tuesday, September 11, 2012 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whyntott

Absent: None

Also Present: Linda T. Lowe, Noreen Burke

The meeting was called to order at 7:00 p.m.

Flag Salute & Moment of Silence.

Oral Communications: None

Presentations/Commendations: None.

Consent Agenda:

- **MAYOR'S REPORT**

1. Appointment of Veterans' Services/Veterans' Agent Richard E. Barbato TTE 02/14/14 (Refer O&A)
2. Memorandum from Director of Public Works requesting permission to pay an invoice from FY12 with FY13 funds (Refer B&F)
3. Memorandum from Police Chief re: City Council acceptance of E911 Grant in the amount of \$61,795 from State Dept. of E911 (Refer B&F)
4. Memorandum, Grant Application & Checklist from Harbor Planning Director re: grant in amount of \$125,000 from Seaport Advisory Council (Refer B&F)
5. Memorandum, Grant Application & Checklist from Harbor Planning Director re: a portion of Seaport Advisory Council Grant For the replacement of the Gloucester High School Sailing Program floats (Refer B&F)
6. Memorandum from CFO requesting approval to pay a prior year (FY11) invoice with FY13 funds (Refer B&F)
7. Memorandum from CFO and Supplemental Appropriation-Budgetary Request (#2013-SA-1) (Refer B&F)
8. Memorandum from CFO and Supplemental Appropriation-Budgetary Request (#2013-SA-2) (Refer B&F)
9. Memorandum from CFO and Supplemental Appropriation-Budgetary Request (#2013-SA-3) (Refer B&F)
10. Letter to Governor Patrick requesting release of funds from the Transportation Bond Bill for sidewalk repairs & installation on Rt. 127 and 133 around the elementary schools and on Railroad Avenue leading to and from the train station (Info Only)

- **COMMUNICATIONS/INVITATIONS**

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

1. SCP2012-012: Kondelin Road #16, GZO Sec. 5.13.3.1(a) and Sec. 5.13.7 (PWSF) (Refer P&D)
2. SCP2012-013: Great Republic Drive, GZO Sec. 5.13.3.1(a) and Sec. 5.13.7 (PWSF) Modification (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2012-050(Tobey) Request that City Council develops policy, rules or ordinance re: governing City Councilors Communications (Refer O&A)
2. CC2012-051(LeBlanc) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Summer Street #44 (Refer O&A & TC)
3. CC2012-052(LeBlanc) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Lincoln Avenue (Refer O&A & TC)
4. CC2012-053(Tobey) Request presentation from City Auditor re: City's FY13 Chapter 70 allocation re: Charter School (Refer City Auditor)

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

1. City Council Minutes: 08/28/12 (Approve/File)
2. Special City Council Minutes 09/05/12 (Approve/File)
3. Standing Committee Meetings: Special B&F 09/05/12, B&F 09/06/12 (no meeting); O&A 09/03/12 (no meeting); Joint Meeting P&D & PB (08/20/12 (under separate cover), P&D 09/05/12 (Approve/File)

Unanimous Consent Calendar

1. Addendum to Mayor's Report for the September 11, 2012 City Council Meeting re: appointment of Leonard Campanello as Police Chief for the City of Gloucester (Refer B&F & O&A)

Items to be added/deleted from the Consent Agenda:

Councilor Tobey asked to remove for brief discussion Council Order #1, 2012-050 under Council Orders. He explained that he had filed Council Order #050 as a request that City Council develop a policy, rules or some City ordinance that governs City Council communications. They have now embarked, for example, on a very sensitive and important special council permit review process regarding Beauport LLC and some of them have already been tested by outsiders looking to weigh in on us one at a time through various channels. When City Councilors proceed to review a special council permit, they do so in a manner such that they are behaving in a quasi judicial role that means extreme limitations on how, with whom, and when they communicate regarding this matter.

Communications take all forms, its oral, its letters, its emails, its tweeter, its facebook. They cannot be communicating about things like a special council permit application through these mediums unless they want (a) to be subjected to personal liability and (b) jeopardize the action upon which they are expending their effort. He asked that this be expedited and believed the Chair is considering a special workshop on a general review of their rules of procedure. They need General Counsel working with the City Clerk as a team to engage this quickly, so that hopefully no later than the first Council meeting in October, they can have what he would see amendments to council rules of procedure, that set very clear standards and make certain that there are no slip ups of any matters of consideration before this Council. **Councillor Tobey** asked that this be referred to **O&A, General Counsel and City Clerk** for prompt action to accomplish amendments to City Council's Rules of Procedure. **Council President Hardy** stated that they have a unanimous consent calendar for an addendum submitted by the Mayor regarding the Mayor's appointment of Leonard Campanello as the Chief of the Gloucester Police Department. The Mayor is requesting that this be referred to the O&A and B&F committees. **The matter of the addendum to the Mayor's Report was unanimously added to the Consent Agenda and referred to the O&A and B&F Committees.**

By unanimous consent the Consent Agenda and Unanimous Consent Calendar was accepted as amended.

Council President Hardy announced that there was a request made to move the for council vote regarding the two matters for the Board of Health grant acceptances out of order so that they can be heard now and let the Board of Health Department move along for the evening. **Council President Hardy** asked if there was any objection, and without objection asked **Councillor Tobey** if he would like to proceed where they had left off at the last meeting.

DISCUSSION:

Councillor Tobey thanked Health Agent and Board members that were here this evening. His concern was simply what is being bought with this grant money; what the program is and that it isn't some new fangled security theatre measure that seemed all the rage out of Homeland Security coming out of the tragedy of 9/11 or is this something real and substantive that has been around for a while. **Councillor Tobey** requested some background on this. **Noreen Burke, Health Director**, introduced Claudia Schweitzer, Chair of BOH, Rich Sagall, Vice Chair, and Karen Carroll, who is the Emergency Preparedness Coordinator for the North Shore and Cape Ann. Ms. Burke stated that The Medical Reserve Corp is a staple of public health preparedness work and has been for quite a few years. In the post 911 world, all 2,700 local public health departments in the country were required to have medical and non medical volunteers ready to assist in public health preparedness and emergency response. The situations that they would have a key role in is sheltering, if there is a need to shelter in a public health emergency, or if there is a need to distribute some counter medical measures, such as an anthrax attack. There are two grants that are at stake here tonight. One is from NACHO, which is the National Association of City and Health Officials, of which all of those 2,700 health departments are a member, as Gloucester is, and that \$5,000 is a capacity building grant on top of the \$14,000 which is the second grant on the list here. The \$14,000 comes originally from the CDC, the Centers for Disease Control in Atlantic, through the Bureau of Emergency Preparedness at the State Public Health Department, and then it is distributed. Ms. Burke went on to explain that the fiscal agent for Region 3 of which Gloucester is a part of, is the Westford Board of Health. There is an MRC in every part of the state, and Gloucester is one of Region 3 MRC coalitions. She stated that it is important for people to know this really helps Gloucester and Cape Ann. They have over 40 active medical reserve corps volunteers on Cape Ann, and they assist with the delivering of flu clinics. When they deliver the flu vaccine every year, they use the flu vaccine as an opportunity to practice the delivery of the services using volunteers. The flu clinic is where they try to practice their drills and call downs. There are another 100 plus volunteers in the medical practice database, who are already CORI'd and SORI'd, and have over 300 active and inactive in their database enhancing the capacity to respond to emergencies as a regional entity. This funding, in particular, pays for the Medical Reserve Corp Coordinator, and she keeps volunteers engaged, keeps credentials updated and provides trainings. Several scenarios she gave i.e. if people show up at shelter with pets, how you keep pets separate from humans and how do you keep everyone safe; if someone shows up with a substance abuse or mental health issue, what kind of credentialed or trained behavioral health professional would you need to interact with that person. **Councillor Tobey** thanked Ms. Burke and stated that the information to be very helpful and to the whole community. Given the fact that they live in an era where newspapers don't share this kind of information because they have their own resource issues, he encouraged Ms. Burke and other department heads to take advantage of these kinds of financial trigger events to come before the Council, and let the community know what is going on, as there is a Cable TV camera here and people watch it. This is important information and appreciated Ms. Burke sharing it.

For Council Vote:

Councillor McGeary placed the two continued motions (from 8/28/12) back on the floor:

1. Board of Health grant acceptance in amount of \$5,000

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept a \$5,000 grant from the National Association of County & City Health Officials.

MOTION: On motion by Councilor McGeary, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A to accept a \$5,000 grant from the National Association of County & City Health Officials.

2. Board of Health grant acceptance in the amount of \$14,285

MOTION: On motion by Councilor Cox, seconded by Councilor McGeary, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept a \$14,285 grant from the Public Health Emergency Preparedness Bureau through the Mass. Department of Public Health. Funding is to be used to enhance the Medical Reserve Corps capacity to prepare and respond to public health emergencies.

MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed under MGL c. 44, §53A to accept a \$14,285 grant from the Public Health Emergency Preparedness Bureau through the Mass. Department of Public Health. Funding is to be used to enhance the Medical Reserve Corps capacity to prepare and respond to public health emergencies.

Council President Hardy announced that **Councilor Whynott** is asking for permission, while the Health Director and some of the Board members were still present, to address a very important health matter that is surrounding Cape Ann at the moment. Without objection, **Councilor Whynott** stated that in view of the Triple E virus, all the diseases and all the spraying, in tonight's paper, he understood there is a case of Triple E in Manchester. Manchester and Essex are spraying. Is Gloucester going to have any spraying for mosquitoes this year? **Ms. Burke** replied that Gloucester is not part of the Northeast Mosquito Control Spraying Program and hasn't been for quite a few years. The assumption this year is that all mosquitoes are all potential carriers for West Nile and Triple E, so they are encouraging consistency with the State guidelines, and that the Councilor is correct that there have been more cases announced this week. The entire State, not just for Gloucester, the threat level has gone to moderate. This is an epidemic in some parts of the country. They know that spraying is not the be all and end all. There is a significant financial responsibility on each of the municipalities. They know there are precautions of the Mass. Dept. of Public Health which are applying repellent, removal standing water, repairing screens, etc. At this point, it is all around us and spraying has modest results. Gloucester has not been part of that program, and perhaps they should reconsider it for future years. At this point, it is late in the season. She was aware that mosquitoes tested positive for West Nile but wasn't aware if there was a human case. **Councilor Whynott** stated that he hoped money was not the reason for not joining the group and that Gloucester should definitely join the group. **Ms. Burke** stated she would look into this, but is too late for this year. She stated that talking with her predecessors this year, historically she knows that the salt water mosquitoes, that are prevalent in Gloucester, are not the vectors for carrying the West Nile. She thought that good thinking went into Gloucester not being part of this program in the past. **Council President Hardy** stated that it seems to her that the West Nile virus is becoming more prominent year after year. It is now in their neighbor's town, and questioned Ms. Burke on what it would take to reconsider and join the region and apply for grant money. **Ms. Burke** replied that it is determined by land mass and population, i.e. Peabody is paying around \$60,000 to \$80,000 per year to be part of the program. **Council President Hardy** stated that Manchester is smaller and they belong to the program. **Ms. Burke** replied that Essex and Rockport along with Gloucester are among a number of communities that are not part of the program. **Council President Hardy** replied that they want to be on the right side of this and will join **Councilor Whynott** in a request to the Mayor to report back to City Council in writing as to what it is going to take to join and to look at the financial issues. **Council President Hardy** commented that if Gloucester is occasionally playing football in Manchester, and our children are there after 6:30 when the sun goes down, they have to be concerned for them also.

Councilor Tobey stated that there is a lot of speculation based on sound science that these growing outbreaks are also attributable to something that a lot of folks wrongfully scoff at the notion of climate change and asked Ms. Burke for her thoughts on this. **Ms. Burke** replied that this was not her area of expertise, but heard various researchers talk on NPR, and she didn't think the linkages are clear yet. She has heard the same but hasn't read any papers on it and said that they should be thoughtful of the sources of the information that they promote.

Committee Reports:

Councilor McGeary stated they have no motions. August 23rd was dealt with at Council and September 5th was dealt with at the Special City Council meeting the same night. The only things they had were the two motions for the Board of Health and those have been met. There was no meeting on September 6, 2012 – State Primary

Ordinances & Administration: August 20, 2012

Councilor Theken explained that the O&A did make a motion and was seconded by Councilor LeBlanc to recommend to the City Council the Remote Participation Procedures for the City Council dated September 11, 2012, but they are going to do a workshop immediately to get this done per **Councilor Tobey's** request and concerns. They did go over the issues and asked the City Solicitor to help with some of the concerns and questions. She sent out e-mails to the Councilors for any other comments regarding this. She didn't receive any response back, but O&A did take this matter up. **Council President Hardy** stated that she is working with General Counsel, Suzanne Egan, to get a date for this workshop in coordination with the City Clerk and John, from the IT department, as quickly as possible. Hopefully, next week and they will be getting an e-mail from her shortly.

Ordinances & Administration: September 3, 2012 - No Meeting – Federal Holiday

Planning & Development: September 5, 2012

Councilor Tobey stated that there are no motions to be considered at this point. He noted for the Council's benefit that there will be a site visit at 132 Wingersheek Road on Saturday, September 22nd at 8:00 a.m. regarding their height and reconstruction issues. He also noted that they engaged in the discussion of the Varian Wind Turbine situation. They were advised that only one turbine is to be built rather than two, and given issues of topography and difficult ground, that underground transmission lines will not be built. In conjunction with that one turbine, they will be above ground and that is being dealt with. This is something that the Council does not formally have to embrace, rather is being construed by staff appropriately as a field change. The Planning and Development Committee did vote to accept that field change for the record.

Scheduled Public Hearings:

1. PH2012-034: Rezoning 2012-003: Atlantic Road #107 & #125, Amend GZO to create a new Existing Hotel Overlay District (Cont'd from August 14, 2012)

Linda T. Lowe, City Clerk advised that the Council was in receipt of a letter from the applicants' attorney requesting and agreeing to a continuance of this hearing to September 25, 2012.

Council President Hardy then opened and continued the public hearing on Rezoning 2012-003: Atlantic Road #107 & #125, Amend GZO to create a new Existing Hotel Overlay District to September 25, 2012 at the request of the applicant.

This matter is continued to September 25, 2012.

2. PH2012-038: Modification to Special Council Permit granted to Cape Ann Brewing Company on December 7, 2012 re: Rogers Street #9-11 (Cont'd from July 24, 2012)

Linda T. Lowe, City Clerk advised that the Council was in receipt of a letter from the applicants' attorney requesting and agreeing to a continuance of this hearing to November 13, 2012.

Council President Hardy then opened and continued the public hearing to November 13, 2012 on the Modification to Special Council Permit re: Rogers Street #9-11.

This matter is continued until November 13, 2012.

3. PH2012-059 Amend Chapter 2 “Administration,” Article V. “Boards, Commissions, Councils and Committees,” Division 15 “Gloucester Water Advisory Board

This public hearing is opened.

Those speaking in favor:

Joan Kimberley residing at 546 Washington Street, Gloucester, presently on the ad hoc water committee, and has been for two years. She stated that this ordinance is to make them a more formal committee. Since this year is the 40th year anniversary of the Clean water Act, she thought the City should have some citizen representation looking into the matters of water. Gloucester has been, in the past two years, the forefront for both updating the water infrastructure, and hopefully let citizens know what it means to them and their precious water supply. The committee is to serve as an advisory committee reporting to the Mayor. By interfacing with city agencies and generally educating and informing themselves, they can become more expert on matters of water, water protection, water quality. In general, and those specifically, affecting Gloucester. The matters that they would be interfacing with the Mayor would be water quality, protection of water resources, watersheds and any issues raised by citizens. Hopefully, they can also work on separating some of the myths and fictions from the facts i.e. the water costs in Gloucester are the most expensive in the nation. Although they are certainly high and everyone would like them to be lower, they are not the most expensive in the nation nor are they the most expensive in the state. In considering Gloucester’s geographical size versus its population size and the infrastructure, it is amazing on what Gloucester has been able to do and continues to improve upon. Water is a complex issue, particularly in Gloucester, and this committee is to take an active role on all matters relating to that especially education and protection, which should be encouraged. In looking at the general board water committees and advisory committees, she found that they have been in effect since the 1800’s in all kinds of places, and in some places have a much more active role than this committee would be. For example in Davis, California, their water committee is in charge of prioritizing the budget for infrastructure so they decide what happens and in what order. A lot of water committees take an active role on budgetary and matters that really fall within the purview of the Mayor and even the DPW. What the committee is looking for is to find out more about the quality of the water, how to protect our water and give that information to the Mayor, and to inform the citizens to make them aware of all the good things that are happening, the money they are spending, where it is going and what it does for them. She thanked the Council for their indulgence.

Those speaking in opposition: None.

Communications: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to create and AMEND the Gloucester Code of Ordinances, Chapter 2, Administration, Article V, Boards, Commissions, Councils and Committees to ADD the following new subsections 2-560 to 2-561 Gloucester Water Advisory Committee:

Division 15 – Gloucester Water Advisory Committee:

Sec. 2-560 Created:

The Gloucester Water Advisory Committee is created to advise and recommend to the Mayor and the City Council policies on the management, protection, improvement and conservation of Gloucester’s water supply, watersheds, storm water and wastewater infrastructure.

Sec. 2-561 Membership:

1. The Committee shall consist of seven (7) members. As required by the City Charter, members shall be appointed by the Mayor and approved by the City Council. Members shall serve staggered two-year terms beginning at the date of appointment and ending on February 14 as required by the City Charter. Committee members shall be City residents. Members will be selected based on relevant experience and knowledge. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

2. The terms of the members shall be staggered, as such, three initial members' terms shall be for one year and four initial members' terms shall be for two years.
3. The Committee shall:
 - a. Meet on a monthly basis and retain meeting minutes;
 - b. Report to the Mayor on a quarterly basis; and
 - c. Beginning six months after its initial formation the Committee shall submit to the City Council on a semi-annual basis a report of its activities and its progress achieving its mission.

DISCUSSION:

Councilor Theken explained that this was brought forward by the Mayor to the O&A for an advisory board like the Traffic Commission and the Fisheries Commission. Some of the hot topics the Mayor gave i.e. were the Rockport Road or the trespassing of Klondike Reservoir. This would help to ask for a recommendation and forward it to City Council to take the burden off the City Engineer, who is involved in the water infrastructure phase and upgrades. This committee would be set up so that Council can have discussions. **Council Theken** stated that Mr. Orange, who has been so great in doing a wonderful job on our reservoirs and our sheriff, can have someone to go to and help to investigate and bring things forward. This was a concern from everyone, and thanked **Councilor Tobey** for years ago and still continues saying, this is a major concern. The people of Gloucester citizen's group that made up the water committee, is actually a committee that's really needed at this time in the City of Gloucester. **Councilor Whynott** had one concern at the O&A meeting about the committee, and that was where they get the subjects they discuss. If they are given to them by the Mayor or the City Council, he had no problem with that. He wouldn't like to see them take up, i.e. if someone wrote a letter from Rockport, and have them take up a vote of the watershed, which he agrees with **Councilor Tobey** is a nonstarter. He wouldn't like to see it even discussed on a committee like this. This was his only concern. **Councilor McGeary** stated that he was also in attendance at the O&A meeting, and while he appreciates **Councilor Whynott's** concern, he did ask that the language specifically not limit the committee to things referred to them by either the Administration or the Council. That as people concerned about water issues in the City with particular expertise and a volunteer organization, they have the right to explore and conduct their own inquires into water quality issues. He was assured that the language does not preclude that. **Councilor McGeary** didn't think anyone would want, as an advisory committee having its own agenda forever and forever, but he thought it would be important because they are so sensitive to this issue that they have some freedom of action within their charter.

Council President Hardy commented that a committee is a committee. It is not a board. It's not a commission. It's a committee, it's an advisory committee. They do not have the legislative power to enact anything. They would have to come to Council for enactment. She did, however, have one amendment that she would like to offer to Section 2-561 regarding membership number 3(a). Currently it reads "3. The Committee shall: "Meet on a monthly basis and retain meeting minutes;" She would like to amend, through the Chair, to read "Meet on a monthly basis and file timely meeting minutes with the City Clerk".

MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor 0 opposed to amend Section 2-561 Membership, 3(a) to read as follows: "3. The Committee shall: a. Meet on a monthly basis and file timely meeting minutes with the City Clerk;"

MOTION: On motion by Councilor Theken, seconded by Councilor Hardy, the City Council voted 9 in favor and 0 opposed to waive the reading of the entire ordinance itself.

**MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to create and to AMEND the Gloucester Code of Ordinances, Chapter 2, Administration, Article V, Boards, Commissions, Councils and Committees to ADD the following new subsections 2-560 to 2-561 Gloucester Water Advisory Committee:
Sec. 2-560 Created:**

The Gloucester Water Advisory Committee is created to advise and recommend to the Mayor and the City Council policies on the management, protection, improvement and conservation of Gloucester's water supply, watersheds, storm water and wastewater infrastructure.

Sec. 2-561 Membership:

1. **The Committee shall consist of seven (7) members. As required by the City Charter, members shall be appointed by the Mayor and approved by the City Council. Members shall serve staggered two-year terms beginning at the date of appointment and ending on February 14 as required by the City Charter. Committee members shall be City residents. Members will be selected based on relevant experience and knowledge. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.**
2. **The terms of the members shall be staggered, as such, three initial members' terms shall be for one year and four initial members' terms shall be for two years.**
3. **The Committee shall:**
 - a. **Meet on a monthly basis and file timely meeting minutes with the City Clerk;**
 - b. **Report to the Mayor on a quarterly basis; and**
 - c. **Beginning six months after its initial formation the Committee shall submit to the City Council on a semi-annual basis a report of its activities and its progress achieving its mission.**
4. **PH2012-060 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-1 "Definitions" by adding a new parking control device**

The public hearing is opened.

Councilor McGeary explained that the Administration has requested that this hearing and the five subsequent hearings be continued for 30 days while they finish up some preparations specifically having to do with the requirement. If they are going to put a parking lot at I4-C2, it may require a DEP permit. Since the summer tourist is now gone by, as the maker of the motions, **Councilor McGeary** had no problem with that. **Council President Hardy** asked the Councilors on whether there were any objections to continuing the next five or six public hearings until October 9, 2012.

Council Discussion: **Councilor Tobey** didn't have an objection; although, he expressed concern that they had been receiving assurances from the Administration that this was an allowable temporary use under the DEP standards and asked if anyone was here from the Administration. Seeing none, **Councilor Tobey** requested some discussion of this ahead of time in writing. Ms. Garcia sensibly was all over this, for example, and they are entitled to know as is the community "what's up" For the record, the City Council requests of the Mayor to file a memo with City Council as to why the delay, what is the situation as **Councilor Tobey** has asked. **Councilor Cox** stated that she was also puzzled about this because she didn't know how it got this far if it wasn't allowable use. She didn't know why they wasted so much time and energy on this single subject when they didn't even know if it is an allowable use. **Councilor Cox** stated why is there one of those fancy meters down there wasting away? Why were we allowed to put this revenue in their current budget if this is not an allowable use? This has thrown off everything the Budget and Finance has worked on with the budget. **Councilor McGeary** apologized that the Administration was not here, but he did have a conversation with the Chief Administrative Officer. It is not that it is not an allowable use. It needs a permit, and however, the permit process has not been completed. It is a permitted use as a temporary use, and as **Councilor Cox** will recall or maybe it was at O&A, they did add a sunset clause on this so that it could not go for more than five years or one year. He couldn't recall, but in any case, it is an allowable use, and they just need to go through the process of getting the DEP permit. They are hopeful it is a very short process to get it done. That was their response to **Councilor McGeary**. **Councilor Ciolino** stated that, during the budget process as **Councilor Cox** stated, B&F took a higher figure for meter revenues as they thought that the new parking kiosk would go into effect and would increase the revenues because they couldn't reuse the money. It has taken so long to put it all together and that line item needs to be watched. At the rate they are going, they are certainly not going to make the goal that they thought it was going to be. **Councilor Tobey** stated that it is not just about the money. They have to get pass this notion, especially when it comes to parking, that people who drive cars and machines like PEZ devices, you push them and out comes money. It isn't just about hitting a line item. It is about giving the community a sense of confidence when it comes to the future of the I4-C2 lot bought 20 months ago that the gang is going to shoot straight. They were also promised at P&D, a promised reiterated in this room at that podium that they would receive tonight at this meeting the draft RFP for second bite at the apple for development of the site. They do not have it and it is as if it wasn't said. Now they have, and he apologized if he overstated, that it is not an allowable use, but it is an allowable use only if you get a permit that no one ever talked about it before. **Councilor Tobey** stated that we have to get this stuff right the first time starting now. **Councilor Cox** stated that even if it is an allowable use, the permit should have been thought about before the money was put in the budget and before they

put this fancy meter down there. This is the prime example of cart before the horse. It is a trickle down effect that affects so many different things. It is not just about the money. It is about appearances, it's about we look, how the administration looks with doing things completely and absolutely out of order. **Council President Hardy** stated for the record that the e-mail that went to **Councilor McGeary** appeared to have gone to her as well. Unfortunately, she was not home at 5:44 pm this evening before the City Council meeting to receive it. It came late to the Council. It was a complete astonishment to her that they are requesting a continuance on these items and she had spoken to the Administration at least six times on the phone today. This was the first she heard of it. They are totally frustrated with it and directed the Assistant City Clerk to work with her later so that we can get this to the Mayor first thing in the morning to tell her the urgency of the matter.

MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor and 0 opposed to continue public hearing until October 9, 2012.

Councilor McGeary stated that Councilor Cox was concerned because the lot was not striped for parking. In talking to the Administration, Mr. Duggan assured him that they will be striping the lot for the Block Party this week so that it is not at least a 'free for all' there. **Councilor President Hardy** commented that they scheduled quite a few public hearings based on the number of public hearings scheduled for this evening. Now they do not have all those public hearings and they delayed other people from coming before them because of this. It is unacceptable, and this should have been cleared with the City Council President before the meeting by early afternoon.

This PH2012-060 is opened and continued to October 9, 2012.

5. PH2012-061 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-220 "Deposit to extend parking Time beyond maximum legal time prohibited"

This public hearing is opened and continued to October 9, 2012.

6. PH2012-062 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-288 "Off-street parking areas"

This public hearing is opened and continued to October 9, 2012.

7. PH2012-063 Amend GCO Chapter 22, Sec. 22-289 "Parking meter zones-On streets"

This public hearing is opened and continued to October 9, 2012.

8. PH2012-064 Amend GCO Chapter 22 Traffic and Motor Vehicles, Sec. 22-290 "Same-off-street parking areas"

This public hearing is opened and continued to October 9, 2012.

9. PH2012-065 Amend GCO Chapter 22, Art. V, Div. 2 City-owned Off Street Parking Areas, Sec. 22-191 "Established"

This public hearing is opened and continued to October 9, 2012.

FOR COUNCIL VOTE:

3. CC2012-047 (Verga) Request Letter to Mass DOT to allow placement of directional sign on Rte. 133 at the intersection of Lincoln Street & Essex Avenue

Councilor Verga explained that there is no signage. He had a call from someone, who has family out of town, who could not find the cemetery. We cannot put a sign on Rte 133 without State permission.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed to direct the City Clerk to forward a letter to Mass DOT asking that the City be allowed to place a directional sign on Rte. 133 at the intersection of Lincoln Street & Essex Avenue for the City cemetery known as Dolliver Memorial Cemetery located at Lincoln Street.

4. Decision to Adopt: SCP2012-007: New Way Lane #50, GZO Sec. 5.13.7 (PWSF) Modifications

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to ADOPT the SCP2012-007 decision for New Way Lane #50 pursuant to Sec. 5.13.7 (PWSF) Modifications of the Gloucester Zoning Ordinances.

5. Decision to Adopt: SCP2012-008: Maplewood Avenue #89, GZO Sec. 2.3.1(7) Conversion to or new multi-Family apartment dwelling

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to ADOPT the SCP2012-008 decision for Maplewood Avenue #89 pursuant to Sec. 2.3.1(7) Conversion to or new multi-family apartment dwelling of the Gloucester Zoning Ordinances.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Whynott commented that he heard the question that's on the City website regarding the use of Fuller School is not quite unbiased in the way it is place, and he thought this was too bad, and hoped people will ask questions.

Councilor Verga stated that he agreed with **Councilor Whynott**.

Councilor Cox thanked the Administration for repairing the City sidewalks, however, upon completing the work it is very important to replace the meters in a timely manner. She has also noticed some missing meters. With all the new machines and the removal of old meters, they should have plenty of pieces to fix this problem. The lost revenue should be calculated and taken out of next year's budget from the DPW. **Councilor Cox** announced that on Sunday, September 23rd at 9:00 a.m. is the registration for a 5K organized by a Gloucester teenager. Her goal is to raise \$5,000 for cancer research. It is at Stage Fort Park at the Gazebo There is also a benefit to fund the Phyllis A. Restoration on the Schooner Lannon on Monday, September 17th from 5:30 pm to 7:30 pm and is \$50.00 per person. Contact anyone on the committee for tickets.

Councilor Tobey wanted to piggyback on the backs of fellow Councilors about the inadequacy of the facility survey. The bone he would pick is a deliberate exclusion for reuse as a school. He would argue that single potential reuse should be on the table particularly when we are considering substantial expenditures for elementary school construction. He would also like to discuss his decision to resign from the Fisheries Commission, which was shared with the Council President, given professional travel obligations that are consistently in the way. He is grateful for the opportunity the Chair gave him and saluted the commission for the work that is already undertaken.

Councilor McGeary wanted to call the citizen's attention for a forum tomorrow afternoon from 3-5 p.m. at the new Endicott College facility at 33 Commercial Street on medical marijuana. There will be a ballot question on this year's November ballot legalizing marijuana for personal medicinal use. This forum doesn't necessarily take a position on that, but it is important that people understand implications of legalizing marijuana. There will be people from both sides of the issue present including former White House advisor on marijuana. Free and open to public and encouraged everyone to attend.

Councilor Ciolino stated that the Purple Heart Highway designation has passed. He is working with State Senator Tarr and State Rep. Ann-Margaret Ferrante for a ceremony when the signs are installed. Possibly Veteran's Day or thereabouts for the ceremony to be held on the Main Street side of the 128 Extension to be closed off for the ceremony. He will email everyone when he has more information. This Saturday is the last block party and encourages everyone to come down and celebrate. On Sunday morning, the Eurodam cruise ship will be arriving with 2,000 passengers plus 700 crew members. There is a lot going on in Gloucester this weekend, and it is final salute to the summer.

Councilor LeBlanc announced that the Gloucester High School groundbreaking for Newell Stadium will take place this Friday morning at 9:00 am, and is looking forward to seeing this project up and running.

Councilor Theken announced that time for open enrollment again for Medicare RD plans on October 16th at 10:00 am at the Rose Baker Senior Center that the SHINE Director and Elder Affairs will come down for presentation. Lydia Bertolino is now certified new SHINE representative.

Council President Hardy announced that it is with regret that she had accepted the resignation of Councilor Tobey from the Fisheries Commission and thanked him for his service. She was pleased to announce that Councilor Verga has accepted her appointment to serve out balance of Councilor's Tobey's term. She thanked Councilor Verga, and looked forward to hearing from him in the future.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:52 p.m.

**Respectfully submitted,
Joanne Senos
Assistant City Clerk & Substitute Recorder**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

BUDGET & FINANCE
MINUTES

09/20/12

UNDER SEPARATE COVER

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, September 17, 2012 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
-Minutes-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Robert Whynott; Councilor Steven LeBlanc, Jr.

Absent: None.

Also Attending: Councilor Ciolino; Councilor Cox; Councilor Verga; Councilor McGeary; Mayor Kirk; Linda T. Lowe; Leonard Campanello; Richard Barbato; Jim Duggan

The meeting was called to order at 6:00 p.m. Items were taken out of order. There was a quorum of the City Council.

1. Continued Business:

- A) CC2012-039 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 8, Art. II Fire Department, Sections 8-16, 8-17 & 8-18 (Cont'd from 07/16/12)

This matter was continued to October 1, 2012.

- B) CC2012-037 (Verga) Amend GCO c. 22, Sec. 22-287 “Disabled veteran, handicapped parking” re: Ocean Avenue #2 (Cont'd from 08/06/12)

Councilor Verga explained that the Traffic Commission voted 2-1 in support of the creation of this handicapped space. The requestor lives in the condos on Ocean Avenue; and there is not adequate handicapped parking available in that condominium complex.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space on the southerly side of Ocean Avenue at a point beginning 200’ from Flume Road for a distance of 22’ in a westerly direction in front of Ocean Avenue #2; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- C) CC2012-041 (Cox/Whynott) Amend GCO Chapter 22, Sec. 22-280 “Fifteen Minute Parking” re: 242 Main Street (Cont'd from 08/06/12)

Councilor Whynott explained the Traffic Commission at their last meeting did not recommend this order for 15 minute parking in front of 242 Main Street, but he urged his fellow Committee members to vote in favor of this change to the ordinance. He noted there are several 15 minute parking spaces along Main Street and nearby streets to accommodate various businesses in the City. He did not agree that it was “unenforceable.” Most citizens do respect the law.

Councilor Theken while agreeing with Councilor Whynott expressed her understanding of the enforcement issue from the Traffic Commission’s perspective. **Councilor Verga** noted the creation of the 15 minute space at this location would be beneficial to other businesses there. **Councilor Cox**, co-author of the Council Order commented she had spoken to several other businesses in the immediate area, and they did not have a problem with this change.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-280 (Fifteen Minute Parking) by ADDING: “in front of 242 Main Street on the northerly side of Main Street for a distance of 22 feet, 9:00 a.m. to 6:00 p.m. Monday through Saturday;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- D) CC2012-044 (McGeary) Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” re: ADDING One space at Harrison Avenue #2 (Cont'd from 08/20/12)

Councilor McGeary noted the Traffic Commission approved this order and that the requestor was present this evening to answer any questions from the Committee. **Councilor Theken** pointed out that a handicapped parking space was for the use of any person with a handicap placard/license plate as are all handicapped spaces throughout the City. **Councilor Whynott** asked whether this person lived on the first floor and was informed they did.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space in front of Harrison Avenue #2; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. *New Appointment:* *Gloucester Cultural Council* TTE 02/14/15 *Mary Rhinelander McCarl*
Director of Veterans' Services/Veterans Agent TTE 02/14/14 *Richard E. Barbato*
Chief of Gloucester Police Department TTE 09/30/15 *Leonard Campanello*

The Committee reviewed Ms. McCarl's qualifications and hearing of her desire to commit to this additional volunteer position with the City. **Ms. McCarl** commented that her main concern has been with the City Hall Restoration Commission, and is a member of it, TTE 02/14/13. **Councilor Theken** checked as to whether the appointment would comply with City Charter Sec. 2-10(b) which provides that no appointee may serve on one or more than one board, committee or commission "unless said board, committee or commission is interrelated." It was agreed that the Cultural Council and the City Hall Restoration are interrelated. **Ms. McCarl** stated she looked forward to working with various areas of the City's cultural life to support those entities. She has yet to attend meetings of the Cultural Council. **Councilors Theken, Whynott, Ciolino and McGeary** all voiced their appreciation for Ms. McCarl's commitment to the City.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Mary Rhinelander McCarl to the Gloucester Cultural Council, TTE 02/14/15.

Mayor Carolyn Kirk put forward Richard Barbato as a distinguished United States military veteran, to be appointed as Director of Veterans' Services/Veterans' Agent (resume on file). She noted Mr. Barbato relocated to the area to take care of a family member. During this time back he volunteered his services with different veterans' organizations in the area and is very familiar with the operations and programs offered through the Office Veterans' Affairs. The Administration is fortunate to have him on staff. **Councilor Ciolino** endorsed Mr. Barbato's appointment having met him previously and understood he had good people skills which is important in this position. **Councilor Theken** expressed her expectation that Mr. Barbato would pursue grants for the City's veterans first before expending City funds and to work with local and State agencies first. **Attorney Mark Nestor**, a member of the interview committee stated Mr. Barbato is a fine candidate for appointment and has already done a great deal in the last three weeks on the job demonstrating his energy, enthusiasm and the Veterans' Council is behind his appointment 100 percent, calling Mr. Barbato a "breath of fresh air."

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Richard E. Barbato as Director of Veterans' Services/Veterans Agent, TTE 02/14/14.

Mayor Kirk put forward the appointment of Leonard Campanello for Police Chief who is currently an Assistant Chief of Police for the City of Saugus. She noted there was an "exhaustive" search which started with over 40 candidates. The search committee did their due diligence, narrowing the pool of candidates to four which were presented to her office. Mr. Campanello performed exceedingly well in the assessment center testing; during the public interviews with the search committee and her interviews as well. His combination of municipal experience and performance through the assessment process, including the interviews, placed him as her first choice for the position of Police Chief. **Councilor Ciolino** expressed concern there is no longer a "beat cop" present in the downtown area; and hoped that the new Chief could put this into the Police Department's future budget. He also commented about skateboarders on Main Street and asked the ordinances prohibiting that activity be enforced. **Councilor Whynott** commented if there was a qualified candidate in the City, they should hire that person before looking to hire from the outside. If a candidate lives and works in the City, that should take precedence. He had, however, heard good things about Mr. Campanello and would support his appointment. **Councilor Theken** added

she had done her own research on Mr. Campanello and that through those inquiries she learned Mr. Campanello will need to be more of a “people” person; and will need to be frequently visible to the public in order to gain the their confidence, as well as that of the Council. She agreed with Councilor Ciolino that there needs to be a foot patrol in the downtown. On inquiry by **Councilor Ciolino** as to whether Mr. Campanello would move to the City, he informed them he lives in Ipswich and did not know if he would move to Gloucester. **Councilor Cox** added that she, too, was in favor of a foot patrol for the downtown area. She welcomed Mr. Campanello to the City as did **Councilor LeBlanc**. **Mayor Kirk** noted the swearing in would be sometime between September 26th and the 28th, should the Council confirm his appointment at their September 25th meeting.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Leonard Campanello permanent Police Chief for a contracted term of three (3) years, commencing September 30, 2012 through September 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 17 Police, Article II. Police Department, Sec. 17-16(a) and City Charter Sections 3-3 and 2-10 and to the written contract on file with the City Council.

3. CC2012-048 (Whynott) Amend GCO Chapter 25, Article III, Division 1, Sec. 25-15, 25-57, Sec. 25-58(b)(c)(d)(e), Sec. 25-63 re: licensing taxicab operators

Councilor Whynott explained these amendments were written by Linda Lowe, City Clerk and reviewed and approved by him in order to update this ordinance. **Linda Lowe**, City Clerk stated this ordinance hasn't been amended since 1970 when CORI checks didn't even exist. She does the CORI checks for taxicab licensees. The current ordinance states the Police Chief is going to investigate the taxi driver's moral character, for instance. She set up with the current Police Chief that as the City Clerk does the CORI check, the majority come back “no CORI report”, meaning there is no issue, and a license is issued. If the report comes back with a report which indicates something inappropriate, say, a lengthy criminal record, she immediately forwards the CORI report to the Chief, he reviews it and gives her his professional opinion whether the license should be issued to that individual. With these amendments to the ordinance, it would modernize it and reflect the system that is now in place. She further indicated through discussion with Councilor Whynott that if there is any gray area regarding an individual, it is the call of the law enforcement professional to determine whether the license should be issued. She suggested that they could review these changes with the new Police Chief and see if he had any further suggestions for additional amendments to the ordinance based on his experience in a larger community.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the GCO by ADDING a new definition “CORI” as follows: “CORI” shall mean an official report obtained from the Mass. Criminal Offender Record Information System and shall be a confidential report as required by State law. A CORI report received for the purposes of Chapter 25 shall not be disseminated beyond the authorized requestor and the City Police Chief or his designee;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 25-57 by DELETING Sec. 25-57 in its entirety and ADDING new Sec. 25-57 as follows: “No license shall be issued under this division until the City Clerk, on behalf of the Licensing Commission, and as an authorized CORI representative, has requested and received as satisfactory State CORI report on the applicant. If there is any question as to whether the CORI report is satisfactory, the City Clerk shall refer the CORI to the Chief of Police or his designee for a determination of whether the CORI report is satisfactory. The decision of the Police Chief shall be final and shall determine if a license shall be approved or denied;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sections 25-58(b), 25-58(c), 25-58(d) and 25-58(e) DELETING Sections 25-58(b), 25-58(c), 25-58(d) and 25-58(e) in their entirety and ADDING NEW subsection 25-58(b) as follows: “No license shall be issued to the applicant who has been denied and that they may, within three (3) business days of such notice, request in

writing a hearing before the Licensing Commission, or otherwise the denial shall be final;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 25-63 (Licensee's identification card) by DELETING in Sec. 25-63(b) the statement, "the City Manager, the inspector of motor vehicles;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

4. *CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated (TBC until O&A Committee receives recommendation from P&D Committee)*

This matter returns to the O&A Agenda for their consideration upon receipt of a recommendation by the Planning & Development Committee.

5. *CC2012-050(Tobey) Request that City Council develops policy, rules or ordinance re: governing City Councilors Communications*

This matter is continued pending the results of a City Council Workshop to be held on September 18, 2012.

6. *CC2012-051(LeBlanc) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Summer Street #44 (TBC 10/01/12)*

This matter is continued to October 1, 2012.

7. *CC2012-052(LeBlanc) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Lincoln Avenue (TBC 10/01/12)*

This matter is continued to October 1, 2012.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:39 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

JOINT MEETING PLANNING BOARD &
PLANNING & DEVELOPMENT
MINUTES

09/20/12

UNDER SEPARATE COVER



GLOUCESTER CITY COUNCIL 2012 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2012-034
SUBJECT: Rezoning#2012-003: Atlantic Road #107 and #125, Amend Gloucester Zoning Ordinance to create a new Existing Hotel Overlay District
DATE OPENED: 0925/11
CONTINUED TO:
CONTINUED FROM: 05/22/12, 06/26/12, 09/11/12
COMMITTEE: Planning Board & Planning and Development

Legals

NOTICE OF PUBLIC HEARING

In accordance with the provisions of City of Gloucester Zoning Ordinance Section 1.11 and MGL Chapter 40A, Section 5, the **Gloucester City Council** will hold a public hearing on **Tuesday, May 22, 2012 at 7PM in the Kyrouz Auditorium, City Hall** relative to the following:

AMEND GLOUCESTER ZONING ORDINANCE - by ADDING new section 5.26 to create an Existing Hotel Overlay District at 107 Atlantic Road (Map 72 Lot 1) and 125 Atlantic Road (Map 72 Lot 3) consisting of approximately 3 acres, said new section to be entitled "Existing Hotel Overlay District" and to allow certain uses and expansion by right and to allow certain expansions and certain accessory uses by special permit obtained from the City Council.

The complete application for the proposed zoning amendments for 107 and 125 Atlantic Road and the accompanying map are available for review at the office of the City Clerk at City Hall during regular business hours.

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

By Vote of the City Council
Linda T. Lowe, City Clerk

GT - 5/4, 5/11/12

THIS PUBLIC HEARING WILL BE OPENED AND CONTINUED UNTIL
THE OCTOBER 23, 2012 CITY COUNCIL MEETING

Hotel Overlay Atlantic Road

Ann McKay [ann@jmflawoffice.com]

Sent: Thursday, September 20, 2012 4:45 PM

To: Linda Lowe

Jackie Hardy

City Council President

Nine Dale Avenue

Gloucester, MA 01930

CITY CLERK
GLOUCESTER, MA
12 SEP 20 PM 5:46

RE: CITY COUNCIL PUBLIC HEARING - EHOD

Dear President Hardy:

The purpose of this letter is to confirm that my clients Bass Rocks Ocean Inn, Inc. and Bonmal Inc d/b/a Atlantis Motel agree to have the scheduled public hearing re the EHOD continued from September 25, 2012 until October 23, 2012 in order for the Planning and Development Standing Committee to complete its review of the proposed zoning amendment.

Sincerely,

J. Michael Faherty

JMF/am



GLOUCESTER CITY COUNCIL 2012 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2012-066
SUBJECT: GCO Article IV, Repair of Private Ways, Sec. 21-83 and Sec. 21-84
Re: Petition for Road Repairs Norseman Avenue Extension
DATE OPENED: 09/25/12
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: N/A

PRIVATE WAYS
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

In accordance with the provisions of Code of Ordinances Article IV, Repair of Private Ways, Sec. 21-83 and Sec. 21-84, the Gloucester City Council will hold a public hearing on Tuesday, September 25, 2012 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall, relative to the following:

Petition for road repairs Norseman Avenue Extension (fka Edgeway Road)

At the Public Hearing, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12812902
Cape Ann Beacon 9/14/12

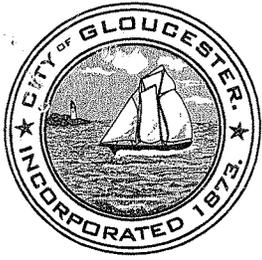
PROPERTY OWNERS PETITION FORM

We, the undersigned, being the owners of property having frontage on NORSEMAN AVENUE EXTENSION AKA EDGEWAY Rd. a private way which has been opened to the public for at least six (6) years, request the City of Gloucester to repair said road using the full powers vested with the City. We agree to provide all easements, rights of way, designs, permits and legal certifications necessary for the said improvements. The cost resulting from the improvements to be carried out are described in Section 21-83, "Funding for approved Construction and Repair". Code of Ordinances. The full cost of this project is understood to be not in excess of TO BE DETERMINED.

NAME	ADDRESS	PHONE	FRONTAGE	MAP AND LOT
Ronald & Ellen Fleet	37 NORSEMAN	978-283-7755	20'	145/27
Rita Johnson	35 NORSEMAN	617-285-4447	137'	145/28
Donald Clark	31 NORSEMAN	978-283-9080	100'	145/29
DEANNA PENN	16 NORSEMAN	UNLISTED	92'	145/42
PHILIP GOLDSMITH	17 WISHANT	617-763-3310	83'	145/30
★ (SEE ATTACHED LETTER)				

12 AUG -3 PM 12:50

CITY CLERK
GLOUCESTER, MA



OFFICE OF THE CITY CLERK

9 Dale Avenue • Gloucester, Massachusetts 01930

Office (978) 281-9720

Fax (978) 282-3051

MEMORANDUM

Date: August 13, 2012

To: Mayor Carolyn Kirk
Michael Hale, DPW Director

From: Linda T. Lowe, City Clerk *LTL*

RE: Permanent Repair of Private Way – Norseman Ave. Extension (fka Edgeway Rd)
and Code of Ordinances sec.21-84 Petition of Abutting Property Owners

Mayor Kirk and Director Hale, as required by Code of Ordinances sec.81-83 and 81-84 the Office of the City Clerk, on behalf of the City Council, is notifying you of the enclosed petition received from abutting property owners on Norseman Avenue Extension, a private road, for permanent repairs to this private road. We request that under Sec.21-84 (g) you review the petition and submit your recommendations “concerning the necessity and feasibility of the project, the appropriate priority to be assigned to the project, and the availability of funding.” Please submit the report to the City Council within 30 days of the August 3, 2012 filing date with this office as required by sec.21-84(h). The City Council will schedule a public hearing within 60 days of the filing date (October, 2 2012) unless it is continued for an additional 30 days as allowed by sec. 21-84(h). It is requested that the Director submit his report as provided for under the ordinance to the Council prior to the September 25th Council meeting. Thank you for your attention to and consideration of this matter.

Enclosure: Norseman Avenue Abutters Petition for Repairs (8/03/2012)

Copy to: Jackie Hardy, Council Pres.
Joanne Senos, Asst.City Clerk



GLOUCESTER CITY COUNCIL 2012 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2012-067
SUBJECT: Addendum to Mayor's Report of July 24, 2012 re: request that certain school property be repurposed for use as part of Newell Stadium – Transfer of Lot A
DATE OPENED: 09/25/12
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: P&D 08/22/12

PUBLIC HEARING
NEWELL STADIUM
9/25/2012

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on Tuesday, September 25, 2012, at 7:00 p.m. in Kyrouz Auditorium, City Hall to determine whether the City Council, under MGL Chapter 40 §15A, should approve the transfer of control of a 26,499 square foot parcel, more or less, of land adjacent to the Leslie O'Johnson Road from the Gloucester School Department to the City of Gloucester for purposes of being included in the Newell Stadium property.

Plan of land is on file at the office of the City Clerk.

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

By Vote of the City Council
Linda T. Lowe, City Clerk

AD#12812909
Cape Ann Beacon 9/14/12

would support this zoning change. **Councilor Hardy** expressed her support of the zoning change also, noting the previous commercial uses of the property and said it would improve the neighborhood. **Councilor Tobey** also supported the change in the zoning. **Mr. Morgan** and **Ms. Ericson**, his partner, assured the Committee they would improve the property and make it something the community would be proud of.

MOTION: On motion by **Councilor Verga**, seconded by **Councilor Hardy**, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to grant a zoning change for the property at Prospect Street #76, Assessors Map #26, Lot #45 from its present zoning classification of R-5 (High Density) to NB (Neighborhood Business), and to amend the Zoning Map accordingly.

The Committee recessed at 9:05 p.m. and reconvened at 9:07 p.m. **Councilor Tobey** left the meeting at this time [due to family issues]; **Councilor Verga** took over the Chair with **Councilor Ciolino** stepping in as an alternate.

5. *Addendum to Mayor's Report re: request that certain school property be repurposed for use as part of Newell Stadium*

Michael Carrigan, chair of the Newell Stadium Building Committee spoke to why they need to expand the area of property for Newell Stadium to include Lot A. They have gone out to bid on the project of rebuilding Newell Stadium, are awarding the contract, and wish to start the reconstruction as soon as possible. To accomplish it there is a need for a property line shift taking Lot A from the School Department oversight to the City's oversight.

Property Description: The property in question was shown shaded yellow on the plan shown to the Committee. Lot A is located at Newell Stadium (on Leslie O. Johnson Road) on the northerly side of the current stadium. The property line now runs westerly down to a point and then back northerly which is the existing property line. It goes directly through what will be the new bleachers. The property line will go northerly first then westerly to the same point. There is a little bit of parking that gets changed. The lot is still there; but the line shifts. The spots will become parallel versus perpendicular as they are now. There will be a new design for parking lot layout under with the revitalized stadium. There will be new handicap spots in the new layout. There are currently six handicap spaces, and they will remain. They are not increasing seating in the stadium, but actually decreasing it.

Committee Input: **Mr. Carrigan**, on inquiry by **Councilor Hardy** stated the City owns and controls the stadium, track and field. The School controls the parking lot. That is essentially where the shift is. As they go towards the canal between the track and canal, that is controlled by the City. At some point between the softball field and the canal it would be owned by the school. This will not be detrimental to the school. The School Committee endorsed this land line change (on file). **Ms. Lowe** added that she had a discussion with Stephen Winslow (Senior Project Manager, Community Development Dept.), that the Council should also reference MGL c. 40, §15A; they are changing the purpose of the land which is dedicated to school purpose currently, and this is a shift of purpose. This state law authorizes the Council to take this action. **Councilor Ciolino** asked about the storm drain on the plot plan which **Mr. Carrigan** stated the plan shows it as proposed, and that work will be done. **Councilors Verga** and **LeBlanc** added that some of the storm drain work would piggyback on the water infrastructure work to be done simultaneously by the City. There is storm drainage under the bleachers now that will be worked on through the upgrade to the stadium. **Councilor Hardy** expressed her endorsement of the proposal.

MOTION: On motion by **Councilor Ciolino**, seconded by **Councilor Hardy**, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council as follows:

Whereas the School Committee on July 9, 2012 has given notice of their determination that "Lot A" is no longer needed for school purposes, said notice and description of "Lot A" is incorporated into this motion. Wherefore the City Council, under MGL c. 40, §15A, hereby transfers "Lot A" to the care, custody and management of the City's Department of Public Works' Public Property Division.

Shown on a plan entitled, "Approval-Not-Required, Plan of Land, Gloucester High School, Newell Stadium, Gloucester, MA" dated July 2, 2012, prepared by Surveying and Mapping Consultants, 324 Wood Road, Suite 109, Braintree MA 02184; and whereas "Lot A" is more particularly described as:

"A certain parcel of land situated on Leslie O. Johnson Road beginning at the northeasterly corner of said parcel at a point in the southwesterly sideline of Leslie O. Johnson Road turning and running S32°00'48"E, a distance of 84.30 feet by the westerly boundary of Leslie O. Johnson Road and land now or formerly the City

of Gloucester to a point turning and running S76°38'52"W, a distance of 345.27 feet along the northerly line of said land now or formerly the City of Gloucester to a point, turning and running N13°21'08"W, a distance of 79.87 feet to a point, turning and running N76°38'52"E, a distance of 318.29 feet to the point of beginning, containing approximately 26,499 square feet more or less or 0.61 acres, more or less, according to said Plan; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

6. *Compliance by businesses holding DEP Chapter 91 licenses pursuant to City Council discussion of 07/24/12 and a Councilor Request to the Mayor dated week of 07/23/12: Review by Building Inspector regarding posting of signage for public restrooms*

Councilor Verga informed the Committee they are in receipt of an email from the Building Inspector stating he has requested a list of businesses that are required to provide bathroom facilities under their Department of Environmental Protection (DEP) Chapter 91 licenses and is awaiting their response. He asked this matter be continued to the next regularly scheduled P&D meeting.

This matter is continued to September 5, 2012.

7. *CC2012-045 (Tobey/Hardy) Review of outdoor portable toilets & consideration of new regulations or new Ordinance*

Councilor Hardy asked this be referred to General Counsel and the Building Inspector with an eye to constructing an ordinance; and that they will look at other communities to seek a model. **Ms. Lowe** noted her research for Councilor Tobey's order showed there are no other communities who have an ordinance on this matter.

This matter is continued to October 3, 2012.

8. *CC2012-046 (Hardy) Review of outdoor dumpsters & consideration of new regulations or new ordinance*

Councilor Hardy asked this, too, be continued and that they work cohesively with the Board of Health.

This matter is continued to October 3, 2012.

9. *Discussion on possible creation of Planning & Development Advisory Committee re: Special Events permitting, etc. pursuant to City Charter Sec. 2-9(c)*

Councilor Hardy commented that many special event application submissions are incomplete and shouldn't be received in the City Clerk's office until an advisory committee has given their stamp of approval and can attest that all departmental sign-offs and insurance matters, etc. are done, and the package is ready to go to the Council for approval, much like the Traffic Commission, an advisory commission to the O&A Committee. This would be an ad hoc committee through P&D which appoints who sits on it. With a busy Council schedule, this will be helpful. Ideally this advisory committee would be up and running by early spring when many of these special events applications come forward for approval by the Council. P&D will work with Ms. Lowe on the matter and also seek input from the Licensing Commission and department heads. **Ms. Lowe** suggested they think of a parallel process also, that of updating the ordinance governing vendors because so many special events have vendor issues, and would work in concert with this process.

This matter is continued September 5, 2012.

10. *Request & Application from Gloucester Fund to hold Labor Day Concert on Stacy Boulevard on September 1, 2012 as a "Special Event"*

Brent Tarr, 18 Timothy Drive speaking for the Gloucester Fund explained the annual Boat Light parade has not gelled, so they are looking to hold a concert on the Boulevard instead. This is a late submission; it will be right to the end to know whether they can do it. They have a Police Department endorsement and are awaiting the Fire Department endorsement; and are working to get a Certificate of Insurance. This has been done successfully on July 3rd. There is to be a stage 75 feet off the old pump house. It is no where near the Fisherman's Statue. The stage