



# City of Gloucester City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930  
Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL  
AND  
CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
**Monday, August 17, 2009 – 7:00 PM**  
**Kryouz Auditorium**  
**City Hall, 9 Dale Avenue**

1. Appointments to Clean Energy Commission:

Jill Buchanan	(TTE 02/14/2010)
Linda Stout-Saunders	(TTE 02/14/2010)
Michelle Dyer	(TTE 02/14/2010)
Linda Brayton	(TTE 02/14/2011)
John Moskal	(TTE 02/14/2011)
Samuel Cleaves	(TTE 02/14/2011)

2. Cabo Drive Meeting Minutes for review and correction (referred to O&A from 7/28/09 City Council Meeting)
3. West Gloucester Firing Range (sent back to O&A CCM 08/11/09)
4. Department of Revenue re: Local Option Excises (cont'd from 8/3/09)
5. Proposed Storm Water Management Utility Ordinance (cont'd from 8/3/09)

**COMMITTEE**  
**Councilor John "Gus" Foote, Chair**  
**Councilor Sefatia A. Romeo, Vice Chair**  
**Councilor Bruce Tobey**

C: Mayor  
Jim Duggan  
Suzanne Egan  
Mike Hale  
Marcia McGinnis  
Jeff Towne  
Jill Buchanan  
Linda Stout-Saunders  
Michelle Dyer  
Linda Brayton  
John Moskal  
Samuel Cleaves  
Attorney Sal Frontiero

DIVISION 11

SECTION 2-514 CLEAN ENERGY COMMISSION

Be it enacted by the City Council assembled and by the authority of the same as follows:

Sec. 2-514 The Gloucester Clean Energy Commission is created to promote clean energy options in Gloucester, including energy efficiency, conservation and the development of clean and renewable energy.

Sec. 2-515 The Commission shall pursue the following tasks:

- a) Propose and develop strategies to reduce energy costs of city-owned facilities and vehicles through energy conservation, efficiency and renewable energy measures. The strategies may include electricity, vehicle fuel, natural gas and oil conservation and may identify innovative cost-saving measures.
- b) Recommend city-wide programs including participation in federal or state-wide energy initiatives, such as the Green Communities Program, to promote and facilitate smart energy strategies for Gloucester citizens on both public and private real property.
- c) Work with appropriate city departments to track energy usage and costs associated with key assets and operations of the City.
- d) Identify climate adaptation and mitigation issues and strategies to safeguard the long-term economic and cultural vitality of the City.
- e) Follow emerging federal and state mandates, as well as initiatives and funding opportunities for energy conservation, renewable energy, or climate adaptation and mitigation strategies. Recommend strategies to comply with applicable mandatory or voluntary standards.
- f) Provide guidance, in the form of education or information, to the Mayor, City Council and key city departments and personnel, to support their decision-making on recommended strategies and clean energy opportunities.
- g) Serve as a communications and information resource on clean energy issues and city initiatives for the public through:
  - i) Meetings and sponsored events;
  - ii) Maintenance of an active web site;
  - iii) Regular communications to interested parties; and
  - iv) Public/private partnerships.

Sec. 2-516

a) The Commission shall consist of seven (7) members. Members shall be appointed by the Mayor and approved by the City Council, subject to the provisions of the City Charter. Appointees shall serve staggered terms of two years beginning at the date of appointment and ending on February 14 as required by the city charter. Commission members shall be Gloucester residents and may include representation by appropriate city employees as determined by the Mayor. Members will be selected based on relevant experience and knowledge in energy management strategies, renewable and alternate energies, energy efficiency and/or community sustainability. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

b) The terms of the members shall be staggered, as such, the initial members shall be for the following terms:

- i. Three members for one year;
- ii. Four members for two years.

c) The Commission shall:

- i. Meet on a monthly basis and retain meeting minutes;
- ii. Report to the Mayor on a quarterly basis; and
- iii. Beginning six months after its initial formation, the Commission shall submit to the Council on a semi-annual basis a report of its activities and its progress in achieving its mission.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 23, 2009

Ms. Jill Buchanan  
21R Stanwood Avenue  
Gloucester, MA 01930

Dear Jill:

Thank you for your interest in serving on the **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their August 11, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the City Clerk's office as to the date on which O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Sarah Buck, Community Development Director  
Enclosure  
CAK/c

Jill,  
Thanks for your  
patience & help  
on this.  
(Carol)

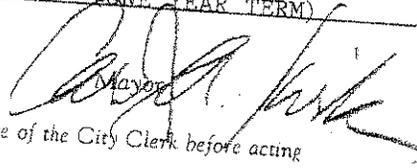
EFFECTIVE JULY 23, 2009

**The City of Gloucester, Massachusetts**

Dear Jill Buchanan, 21R Stanwood Avenue, Gloucester  
It is my pleasure to inform you that I have this day appointed you  
to the Clean Energy Commission \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2010. (ONE 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: \_\_\_\_\_

-----Original Message-----

From: Jill Buchanan <djbuchanan@verizon.net>

To: carolynakirk@aol.com <carolynakirk@aol.com>; Sarah Buck <sbuck@ci.gloucester.ma.us>;  
ckirk@ci.gloucester.ma.us

Sent: Tue, Jun 16, 2009 11:13 am

Subject: Letter of interest

Hello!

Well, I hope I am not too late to submit an official letter of interest in participating on the City's Energy Committee. I believe I would be a strong team member, and bring to the task a good general understanding of the opportunities for the city as well as the organizational skills to help bring them to fruition.

I have been an active member of the Cape Ann Energy Network for several years. In that role, I organize and carry out events such as energy workshops and the farmers market education table. I also took the lead on applying for two successful grants for the group to help further our goals. While others bring strength in technical issues around energy technologies, I bring the ability to keep an organization (especially one made up of volunteers) moving ahead. Over a decade of experience as a staff/consultant for Essex County Greenbelt have strengthened my skills in that area.

Gloucester has tremendous opportunities with this energy commission and I'm very excited to see it going forward.

I will be happy to serve in whatever way makes most sense- whether it be as an official member of the committee or as a continued leader in the CAEN. Congratulations, and thanks for the good work.

Best,

Jill Buchanan

Save energy, paper and money -- get the Green Toolbar.

6/23/2009

## **Jill Buchanan**

21R Stanwood Avenue  
Gloucester, MA 01930  
(978) 283-4539  
djjbuchanan@verizon.net

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### **EMPLOYMENT**

**1/2003 – Present; Marketing Consultant**

**Essex County Greenbelt Association Essex, Massachusetts**

**Hours per week: 25**

- Designed and continue to implement a formalized marketing and communications strategy to increase awareness and support for the organization. This includes ongoing research into the demographic and personality profiles of our potential constituent pool, as well as ongoing analysis of our marketing/communications efforts.
- Established and continue to foster relationships with local and regional newspaper and cable television outlets. Work with editors and other staff to insure coverage of relevant topics. For the past year, have had a regular column in the weekly papers and several daily papers called "On Nature". Create, send and follow-up on at least two press releases per month to local and media press outlets.
- Write, edit, design and do layout for organizational publications and marketing products, including: the newsletter, brochures, displays, public presentations, and 2 books, Wild Plants I Have Known... and Eaten and The Greenbelt Guidebook.
- Have created organizational Public Service Announcements and commercials for local cable outlets.
- Created and maintain organizational web site.
- Plan and help carry out organizational events.
- Continuously foster relationships between Greenbelt and organizations, institutions and individuals throughout the region.
- Overhauled the design of organizational newsletter, annual report and organizational logo.

**3/1998 - 12/2002- ongoing; Freelance writer/marketing and communications consultant  
Self, Massachusetts**

**Hours per week: 40+**

- Design, write and produce web sites for nonprofits and companies
- Researched and wrote medical fact sheets for EBSCO publishing, a high profile informational clearinghouse.
- Researched and wrote annual report for Massachusetts Audubon Society.
- Researched and wrote feature articles for high profile newsletters produced by Mount Sinai and Cornell Universities, including Women's Health Advisor, Focus on Healthy Aging, and Food and Fitness.
- Composed in-depth, analytical reports of pharmaceutical products for the international pharmaceutical business community.
- Wrote, produced regular newsletters, press releases and a series of organizational fact sheets as the Public Relations Associate for the Massachusetts Bays Program.
- Wrote, produced annual report, edited regular newsletter for EcoLogic Development Fund.
- Have written feature articles for Orion Afield, AMC Outdoors, Sanctuary, and Conservation Sciences Quarterly magazines.

10/1997 - 8/2000 Director of Development  
Essex County Greenbelt Association  
Essex, Massachusetts US

Hours per week: 40

- Wrote and produced annual letter campaigns; oversaw and implemented organizational events; successfully obtained 5-7 grants per year (90% success rate); launched \$2.5 million capital campaign; established corporate sponsorship program; managed all public relations activities; wrote, edited and published regular newsletters and annual report, brochures, press releases and educational materials; instituted speakers bureau program; managed and updated the organizational web site; represented Greenbelt at public events; managed activities of five volunteer committees and over 30 volunteers, including mailing, speakers bureau, education, development, events and field trip committees.

1995-1997 Communications Associate, The Nature Conservancy, MA  
Chapter; Hours per week: 21

- Wrote, produced quarterly newsletter and annual report; directed volunteer committee to lead monthly field trips; managed organizational web site; directed speakers bureau program and oversaw volunteer crew.

1992-1994 Production Assistant, WGBH, The Closed Caption Center

- Acted as chief liaison between the Caption Center and the WCVB newsroom; edited, transcribed and monitored captions for live and prerecorded news programs.

1990-1991 Community Development Worker, Habitat for Humanity,  
Nicaragua

- Managed and assisted in the construction of local housing project; facilitated women's committee in construction of local housing project; facilitated construction of a potable water system; hosted several Habitat for Humanity work brigades.

**Computer Skills:** Proficient in PC and Mac applications; InDesign; Quark; Illustrator; Photoshop; Dreamweaver, Joomla, PowerPoint; FileMaker Pro; Adobe Acrobat, Excel and more.

EDUCATION Boston University  
Boston, Massachusetts US  
Master's Degree - 5/2005  
52 Semester Hours  
Major: Science Journalism  
GPA: 3.6 out of 4.0

Relevant Coursework, Licensures and Certifications:  
Focus was on environmental and health-related journalism.

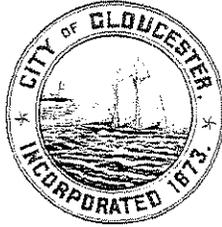
University of New Hampshire  
Durham, New Hampshire US  
Bachelor's Degree - 5/1990  
132 Semester Hours

Major: Communications  
GPA: 3.4 out of 4.0

LANGUAGES Spanish  
Spoken: Intermediate  
Written: Intermediate  
Read: Intermediate

AFFILIATIONS  
Cape Ann Farmers Market: volunteer board member  
Cape Ann Energy Network: volunteer team member

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 23, 2009

Ms. Linda Stout-Saunders  
52 Bennett Street  
Gloucester, MA 01930

Dear Linda:

Thank you for your interest in serving on the **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their August 11, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the City Clerk's office as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carolyn A. Kirk  
Mayor

cc: Sarah Buck, Community Development Director  
Enclosure  
CAK/c

EFFECTIVE JULY 23, 2009

**The City of Gloucester, Massachusetts**

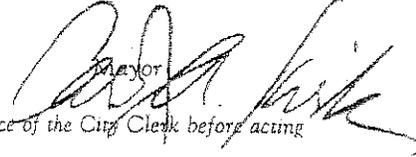
Dear Linda Stout-Saunders, 52 Bennett Street, Gloucester

It is my pleasure to inform you that I have this day appointed you  
to the Clean Energy Commission \_\_\_\_\_ of the City of

Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2010. (ONE 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: \_\_\_\_\_

**From:** saunders1957@comcast.net [mailto:saunders1957@comcast.net]  
**Sent:** Friday, May 01, 2009 3:04 PM  
**To:** Carolyn Kirk  
**Subject:** Clean Energy Committee

As I mentioned on Thursday at the Annisquam meeting, I am interested in volunteering for this proposed Committee.  
Attached is a summary of my background.

Look forward to hearing from you.  
Sincerely,

Linda Stout-Saunders  
52 Bennett Street  
Gloucester, MA 01930  
Office: 978-281-3985  
Cell: 978-290-3308  
EMail: saunders1957@comcast.net

6/23/2009

Linda Stout-Saunders  
52 Bennett Street South  
Gloucester, MA. 01930  
Day Phone: 978-281-3985  
Mobile: 978-290-3308  
Email :saunders1957@comcast.net

**Work Experience: Cogenex Corporation 8/1990 – 5/2005** (subsidiary of Alliant Energy, Madison, WI)

**Director of Project Finance and Contract Administration**

Negotiation of long-term energy cost reduction contracts and various types of lending instruments (average 10 to 25 years) for a multiple of industry sectors including commercial, industrial, federal and municipal government, higher education, health care. These negotiations were primarily with the legal representatives and Chief Financial Officers of these entities. Directly responsible for the sourcing of funds for multi-million dollar projects (average of \$5 million), sell-off of project portfolios financed by Cogenex (average of \$25 million) and development of unique off-balance sheet financial structures with nationally recognized lenders, venture capitalists, non-profit investors and equipment financing firms.

Negotiation of instruments with contractors to provide the equipment and installation requirements for the completion of energy conservation projects, credit analysis of project applicants, review of multiple public utility agreements under which Cogenex was a participant, and liaison between project engineers and sales professionals.

Responsible for the due diligence process throughout 3 acquisitions of the firm from Eastern Utilities to National Grid, to Alliant Energy Corporation and to Constellation Energy

Reported directly to the Chief Financial Officer and Treasury Department of the parent Company  
Managed staff of up to 10 contract administrators in our Massachusetts, New York and Colorado office

**Accomplishments**

- Placed first financing of a Federal energy project Forestal Bldg., Washington D.C. through GE Capital, \$3 Million.
- Established financing programs for independent energy services companies, which resulted in sales of \$80 million.
- Negotiated directly with Dupont Canada multiple projects totaling \$34 Million; placed financing
- US Army Garrison/National Cancer Institute projects totaling \$35 million; placed financing
- Sold off portfolio of Cogenex projects to Fleet Capital, \$90 Million

**Job Related Training**

- Continuing Legal Education: Multiple courses relative to contract law, financing and corporate structures; Federal Acquisition Regulations
- Dunn & Bradstreet: various courses relative to financial/credit due diligence
- CT Corp.: Courses relative to UCC Law and contract compliance
- National Association of Energy Services Companies – Member

**Education**

- Paterson State, NJ, Political Science
- Relevant Coursework and Certifications:
- Marin Community College: Accounting

**Prior Experience, 1972-1990**

- Diversified equipment financing and contract negotiation; Manager of law office, Sausalito, CA
- Manager of distribution for Mattel Toys, New York City; Administration Assistant, Rockefeller Center Inc. construction division, New York City

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ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 23, 2009

Ms. Michelle Dyer  
288 Essex Avenue  
Gloucester, MA 01930

Dear Michelle:

Thank you for your interest in serving on the **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their August 11, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the City Clerk's office as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive.

Carolyn A. Kirk  
Mayor

cc: Sarah Buck, Community Development Director  
Enclosure  
CAK/c

EFFECTIVE JULY 23, 2009

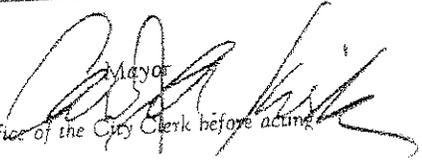
The City of Gloucester, Massachusetts

Dear Michelle Dyer, 288 Essex Avenue, Gloucester

It is my pleasure to inform you that I have this day appointed you  
to the Clean Energy Commission \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2010. (ONE 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: \_\_\_\_\_

Michelle Dyer  
288 Essex Avenue  
Gloucester, MA 01930

June 7, 2009.

Mayor Carolyn A. Kirk  
City of Gloucester  
City Hall  
9 Dale Avenue  
Gloucester, MA 01930

Dear Mayor Kirk,

Tom Balf has brought to my attention that you are in the process of forming a Clean Energy Commission for the City of Gloucester, and I am writing to volunteer to serve as part of this committee.

With experience in the energy sector, renewables, sustainability and strategic planning, I believe I would be a good fit for this role. I would be delighted to contribute to the community in support of your vision for a clean energy future for Gloucester. Attached is a brief biography; if you would like to discuss this further, I can be reached at 978-578-3796 or michelleddyer@gmail.com.

Warm regards,



Michelle Dyer

# MICHELLE DYER

288 ESSEX AVENUE, GLOUCESTER MA 01930 | 978.578.3796 | MICHELLEDYER@GMAIL.COM

## EXPERIENCE

6/1/2008 TO PRESENT

Vice President

Boston, MA

### VICE PRESIDENT, SECOND NATURE

Senior Executive at a non-profit with a mission to accelerate movement toward a sustainable future by serving and supporting senior college and university leaders in making healthy, just, and sustainable living the foundation of all learning and practice in higher education.

Lead strategy and operations of the organization, including developing organizational vision and strategy for achieving it, managing twenty team members and budgets, coordinating with members of the board, etc.

Grew the team from four to twenty staff members, and annual budget from \$400K to \$2M annual in less than one year during the worst economic recession in modern history

Co-managed outreach (communication with presidents and other senior executives) and implementation (signatory reporting and capacity building) for the American College & University Presidents' Climate Commitment (ACUPCC), growing the group of colleges and universities committed to climate action from 12 founding members to a current total of 638 signatories (over 30% of the US student body)

Advised the Campuses and Carbon Offsets Working Group of the ACUPCC in the development of a formal protocol to guide offset purchases by higher education institutions

Present frequently on key sustainability topics at higher education events (see below for details)

6/19/2006 TO 6/1/2008

Sustainability Consultant

Boston, MA

### PARTNER, GREENLAND ENTERPRISES

Founding partner of a sustainability consultancy that works with organizations to achieve their sustainability objectives by providing strategies and solutions for the unique social and environmental challenges of today's world, helping organizations profit in their move toward sustainability.

Developed strategic plan for Second Nature, a non-profit organization with a mission to accelerate movement toward a sustainable future by serving and supporting senior college and university leaders in making healthy, just, and sustainable living the foundation of all learning and practice in higher education

Developed program capacities and managed project to support financial, intellectual and social capacity development of the Master's in Strategic Leadership toward Sustainability program at the Blekinge Institute of Technology

Carried out a sustainability assessment of an amusement park development in Kigali, Rwanda, identifying potential negative social, environmental, and economic impacts of the project, as well as concrete measure to avoid them, while creating previously unconsidered business opportunities

9/6/2004 TO 8/12/2005

Independent Management Consultant - Vancouver, BC

### OUTSOURCING NEGOTIATION PROGRAM MANAGEMENT OFFICE COORDINATOR, BC HYDRO

Part of team that negotiated an amended \$1 billion outsourcing deal between BC Hydro, one of the largest electric utilities in Canada, and Accenture, a global management consulting, technology services and outsourcing company.

Coordinated the program management office during the negotiation of an amended deal outsourcing all non-core services, including IT support, customer service, etc.

Supported the Director of Business Development as advisor during negotiations and moderated clear

communications between working groups and organizations

Managed the re-development of the BC Hydro Outsourcing intranet site, creating a clear architecture and concise content, facilitating inter-organizational communication

CHANGE MANAGER, BC HYDRO

Part of team that re-structured the transmission line of business and created British Columbia Transmission Corporation, a new organization with a mandate to manage BC Hydro's 500kV bulk transmission system, with \$3 billion in assets.

Advised on and implemented management of change elements of transition, including communications management and training coordination

Coached employees in both organizations on defining, mapping and implementing procedures to deal with process changes

Facilitated strategy sessions for the Outsourcing Department and the Office of the Chief Information Officer

PROJECT COORDINATOR & TECHNICAL WRITER, UNIVERSITY OF BRITISH COLUMBIA DEPT OF ORTHOPEDICS

Interpreted scientific research, conducted additional research for, and wrote *Action Schools! BC*, a funding report to the government of British Columbia covering a study on the impact of physical activity on bone development and weight in school-age children

2/1/1998 TO 9/5/2004

Film Production Crew Member

Vancouver, BC  
Los Angeles, CA

EXECUTIVE ASSISTANT TO KEENEN IVORY WAYANS, WAYANS BROS. PRODUCTIONS

ASSISTANT TO PRODUCER/DIRECTOR & PRODUCTION MANAGER, VARIOUS FILM & TV PRODUCTIONS

Provided support to visiting film & television producers and directors on film and television projects and subsequently as a staff member of Wayans Bros. Productions. Managed production for independent film projects.

Identified and implemented investment opportunities, leveraging the Wayans Bros. brand identity and Mr. Wayans' entertainment earnings into a multi-dimensional corporate entity, including real estate properties worth over \$15 million

Represented Mr. Wayans in public relations, including a promotional tour of top-tier media outlets including: *The Oprah Winfrey Show*, *The Tonight Show with Jay Leno*, etc.

Pre-screened scripts, advised on changes to and viability of, provided production support during filming and post-production of film and television projects for Mr. Wayans as part of the Wayan Bros. team, as well as for a variety of visiting producers and directors on projects including: *Insomnia*, *Smallville*, *Phenomenon*, etc.

Coordinated the legal trademark and intellectual property clearances and permissions, resulting in one hundred percent impediment-free screening

Assembled, negotiated with, and supervised teams of up to one hundred fifty crew members for independent film projects

Developed and managed filming schedules and budgets, including negotiating supplier contracts

Production managed *Come Together*, an independent film that won Best Romantic Comedy and Best Actress awards at the New York independent Film Festival



Presenter and Panel Member: "The American College & University Presidents' Climate Commitment," Ohio Climate and Energy Workshop. Ohio University, OH (2007)

Presenter: "Introduction to Strategic Sustainability," Resident Advisors Orientation. Bridgewater State University, MA (2007)

Keynote: "Introduction to Strategic Sustainability," Speaker Series, Phillips Exeter Academy, NH (2007)

Presenter and Panel Member: "Creating Consortia for Sustainability," Institute for Community College Development Leadership Series. Cornell University, NY (2007)

Keynote: "The American College & University Presidents' Climate Commitment," National Association of Educational Buyers New England Chapter. Holy Cross College, MA (2007)

Presenter: "Creating Market Opportunities through Strategic Sustainable Development," Make Markets Work for Climate. Amsterdam, Netherlands (2006)

Poster Presenter: "Carbon Dioxide Stabilization Wedges: Synergistic strategies for addressing the energy challenge in China," World Bioenergy Conference. Jönköping, Sweden (2006)

#### PUBLICATIONS

Self Hattan A et al. 2009 (contributor). "Education for Climate Neutrality and Sustainability: Guidance for ACUPCC Institutions." Boston: Second Nature and the American College & University Presidents' Climate Commitment

Haies D et al. 2008 (contributor). "Investing in Carbon Offsets: Guidelines for ACUPCC Institutions." Boston: Second Nature and the American College & University Presidents' Climate Commitment.

Dyer G and McKay M. 2008. "Organizational Development" in *The Sustainable Enterprise Report*. Vancouver, Canada: Kyoto Planet.

Waldron D, Robert, K, McKay M, Dyer G, Blume, R, and Khaleeli R. 2007. "A Guide to the Five-Level Planning Framework and its Applications." Karlskrona, Sweden: Blekinge Institute of Technology.

Dyer G, McKay M, Mira M. 2006. *From Clean Development to Strategic Sustainable Development*. Karlskrona, Sweden: Blekinge Institute of Technology.

#### RELEVANT EXPERIENCE, SKILLS & INTERESTS

##### ADVISORY & VOLUNTEER WORK

Issues Expert, Global Philanthropy Group (2009-present)

Green Advisory Council Member, Green Realty Trust, LLC (first "green" REIT registered with the SEC) (2007-present)

National Expert Advisory Group Member, Green Schools Alliance (2007-present)

Volunteer, Stratleade Sustainability Education (2007-present)

Member, Society for Organizational Learning Sustainability Consortium (2006-present)

##### SKILLS & EXPERIENCE

*Languages:* fluent English; advanced French & Spanish; beginner Italian, Mandarin Chinese & Swedish

*International Experience:* worked & studied in Canada, Mexico, Europe, Australasia; personal travel throughout the United States, Canada, Mexico, Europe, Kenya, India, Thailand and Japan

*Computer Skills:* PC and Apple platforms, MS Office suite, MS Visio, MS Project, Salesforce

*Hobbies:* trapeze artist, avid reader, amateur gourmet chef, aspiring gardener

##### REFERENCES AVAILABLE ON REQUEST

**Michelle Dyer**  
**Vice President, Second Nature**

Michelle Dyer is Vice President of Second Nature, a non-profit organization based in Boston with a mission to advance sustainability in higher education. As Vice President, Ms. Dyer leads strategic planning and operations for the organization, manages the twenty members of the Second Nature team, and represents the organization at speaking engagements around the United States. In addition to her duties as Vice President, Ms. Dyer is an *ex-officio* member of the board, serving as Clerk and sitting on the board finance committee.

Ms. Dyer has fifteen years of experience in management consulting and project management, specializing in transformational change and negotiation in the energy, health, higher education and entertainment (film, television, and music) industries. Before joining Second Nature, Ms. Dyer was a founding partner of Greenland Enterprises, a strategic sustainability consultancy firm. Prior founding Greenland Enterprises, she worked in the energy sector, and was part of a team that negotiated an amended \$1 billion outsourcing deal between BC Hydro, one of the largest electric utilities in Canada, and Accenture, a global management consulting, technology services and outsourcing firm. She also worked on the re-structuring of BC Hydro's transmission line of business, a project which created a new organization to manage a \$3 billion, 500kV bulk transmission system.

Ms. Dyer is a member of the National Expert Advisory Board of the Green Schools Alliance, an Issues Expert for the Global Philanthropy Group, and serves on the Green Advisory Council of TSG Real Estate's Green Realty Trust, which has registered an offering with the SEC for the first all-green real estate investment trust. She is a member of the U.S. Partnership for the Decade of Education for Sustainable Development, the Society for Organizational Learning's Sustainability Consortium, and a volunteer for Stratleade Sustainability Education.

Ms. Dyer's graduate research focused on carbon reduction projects under the Kyoto Protocol and EU Emissions Trading Scheme, and she holds a Master of Strategic Leadership toward Sustainability from Blekinge Institute of Technology in Karlskrona, Sweden, and a Bachelor of Arts with a major in Art and Culture Studies from Simon Fraser University in Vancouver, Canada. Ms. Dyer lives in Gloucester, MA with her husband Georges and dog Kai. In her spare time, she enjoys reading, gardening and trapeze training.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 23, 2009

Ms. Linda Brayton  
527 Washington Street  
Gloucester, MA 01930

Dear Linda:

Thank you for your interest in serving on the **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their August 11, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the City Clerk's office as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive.

Carolyn A. Kirk  
Mayor

cc: Sarah Buck, Community Development Director  
Enclosure  
CAK/e

EFFECTIVE JULY 23, 2009

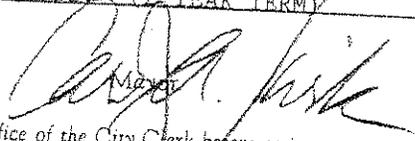
The City of Gloucester, Massachusetts

Dear Linda Brayton, 527 Washington Street, Gloucester

It is my pleasure to inform you that I have this day appointed you  
to the Clean Energy Commission \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2011. (2 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: \_\_\_\_\_



**ENERGY SERVICES**

47 Washington Street  
Gloucester, MA 01930  
Fax 978-283-3567  
www.actioninc.org

May 6, 2009

Carolyn A. Kirk, Mayor  
City Hall  
9 Dale Avenue  
Gloucester, MA 01930

RE: Clean Energy Commission – Letter of Interest

Dear Mayor Kirk,

Thank you for allowing me the opportunity to talk with you recently about my interest in the newly forming Clean Energy Commission.

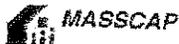
As I mentioned, I am employed at Action, Inc. Energy. Action Energy has weatherized some 1300 to 1400 homes in Gloucester alone, and because of its decades long experience in promoting energy efficiency and conservation, it also acts as the lead agency for 20 weatherization agencies throughout Massachusetts and New Hampshire. Also, Action Energy's weatherization program budget (through the state Department of Energy Resources) has recently nearly quadrupled, and thus the agency is assuming an even more significant leadership role now and in the future.

Elliott Jacobson, Energy Director, Rita Carvalho, Assistant Energy Director, and I have discussed my keen interest in becoming a member of the Clean Energy Commission, and I am grateful that they are in full support of my application. Part of my work at Action has been to act as a "liaison" to such groups as Cape Ann Energy Network (CAEN), the Metropolitan Area Planning Council (MAPC) North Shore Task Force, the former Gloucester Renewable Energy Committee. I also attend miscellaneous workshops and seminars on such relevant subjects as the Green Communities Act, the American Reinvestment and Recovery Act, green buildings, etc. I would be delighted to be able to continue this role in a larger way.

I have enclosed my resume which will give you a broad picture of my background. I have also summarized below some representative experiences which should be helpful in carrying out the tasks of Clean Energy Commission as described in the draft ordinance.

- Employment at Action Energy ( see above)
- Member of Cape Ann Energy Network (CAEN)
- Member of former Gloucester Renewable Energy Committee (GREC) from its inception
- Chair of Lighting Ordinance sub-committee, GREC.
- Project management experience for such projects as Gloucester's Sewer/Septic Loan program
- Professional grant-writing experience; for example, PWED grant for road extension in Blackburn Industrial Park, MBLC grant for Gloucester Lyceum and Sawyer Free Library
- Master of Public Administration degree, finance and budgeting concentration and some dozen or so years in government administration

• FUEL ASSISTANCE 978-281-3900 • WEATHERIZATION / UTILITY PROGRAMS / HEATING SYSTEMS 978-283-2131

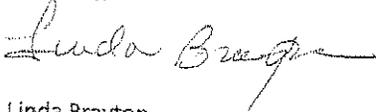


• Advocacy & Housing • Employment & Training • Energy Services  
• Elder Home Care Services • Compass Youth Program

- City of Gloucester Grants Office, Sr. Project Manager – knowledge of City structure, personnel, regulations and issues.
- Member of Plan 2001 committee (newsletter editor) and current member of the Plan Implementation Review committee (PIRC)
- Involvement with other civic projects for Gloucester over the past two decades; e.g. establishment of the Committee for the Arts (also see resume)
- Solar panels are installed on my own house
- Acting Island Manager (relief staff) for Shoals Marine Laboratory, Appledore Island (a Cornell/UNH field station) in the eighties
- Aquacultural Engineering Assistant, UMass – Amherst
- Had an organic “subsistence” farm for several years in the seventies

Hopefully I have demonstrated my long-time commitment to both environmental concerns and our community here. I would be honored to be chosen as a member of the new Clean Energy commission, and I thank you for your consideration.

Sincerely,



Linda Brayton

(encl)

## **Linda L. Brayton, MPA**

527 Washington St. Gloucester, MA 01930  
(978) 283-2334  
lbrayton@comcast.net

**Objective:** To make full use my professional skills, experience and interests in a way that benefits people and the environment.

### **Summary of Qualifications**

- Master of Public Administration degree (3.72 GPA) with a core concentration in finance and budgeting.
- Extensive experience in business management; finance and budgeting; contract oversight, monitoring, and compliance; program evaluation; meeting reporting requirements; grant research and writing, proposal writing and evaluation and community education.
- Equally extensive experience in providing case management, social work and counseling services for diverse populations, including low income individuals and families; Licensed-Certified Social Worker.
- A long record of accomplishment with community projects, many involving energy use and the environment.
- Long-time resident of Cape Ann.

**Education**      **Master of Public Administration** (finance & budgeting concentration), Northeastern University  
**Bachelor of Science** (psychology), University of Massachusetts at Amherst  
**Licensed Certified Social Worker** (Class II license)

### **Employment History**      **ON TRACK / FUEL ASSISTANCE CASE MANAGER**

Action, Inc. Gloucester, MA (2007 - present)

Assistance, through education and advocacy, for low income individuals and families who are enrolled in energy assistance programs. Organization and maintenance of program records and statistics. Attendance at selected energy efficiency and renewable energy events as liaison to energy community.

### **CONSULTANT, WRITER, COUNSELOR, TEACHER**

Linda Brayton, MPA, Gloucester, MA (1990 -2007)

*Grant writing and administrative services* for such clients as the City of Gloucester; Northeast Health System Community Relations & Marketing and Performance Measurement Associates.

*Private practice.* Over 250 individuals assisted to date in personal and professional change through private consultation and the teaching of over 100 workshops.

### **SENIOR PROJECT MANAGER, GRANTS OFFICE**

City of Gloucester, Gloucester, MA (2000 - 2002)

A Department of Housing and Urban Development position involving grant-writing and project management in health and human services, the environment, housing and historic preservation. Monitoring and implementation of a variety of City grants and loan programs. Collaborative work with other City departments, private agencies and foundations. Assistance to low and low moderate income individuals with applications and access to resources. Technical assistance and funding research.

### **BUSINESS MANAGER**

Massachusetts Department of Mental Health, North Shore Area Office (1981 - 1989)

Fiscal management of an \$8 million mental health budget, contract management of 50 program contracts with vendor agencies, and personnel management for 80 state employees. Supervision of 10 staff members. Facilities and operations management.

### **CONTRACTS OFFICER**

Massachusetts Department of Mental Health, North Shore Area Office (1979 - 1981)

Processing, monitoring and evaluation of 75 program and consultant contracts; technical assistance to staff and vendor agencies.

Other Work

Massachusetts Department of Mental Health, Beverly, MA. Elderly Services  
Beacon Clinic, Franklin County Public Hospital, Greenfield, MA. Alcoholism Services  
Massachusetts Department of Public Welfare, Greenfield, MA. All categories of assistance.  
Pioneer Valley Nursing Home, Northampton, MA. Department Head, 120-bed nursing home

Relief Island Manager, Shoals Marine Laboratory, Appledore Island, ME. & Cornell University.  
Historical Research Assistant/Oral Historian, Gloucester Arts and Humanities. Created Sawyer Free  
Library oral history collection that features fishing, arts, tourism, immigrant groups and quarrying.  
Aquacultural Engineering Assistant & Science Library Assistant, UMass Amherst

Civic &  
Community

Volunteer work for Gloucester

- Plan Implementation and Review Committee (Plan 2001 comprehensive master plan) - member
- Plan 2000 Committee - newsletter editor and arts section chairperson.
- Gloucester Renewable Energy Committee - member and Chair of Lighting Conservation Ordinance sub-committee. (Ordinance successfully passed and serving as model to other communities.)
- Cape Ann Animal Aid - grant and funding research consultant.
- Committee for the Arts - founding member (worked on the establishing ordinance), web site content editor and publicity liaison.
- Community Preservation Act Campaign Committee, 2001 - member
- Sawyer Free Library - successful grant application for oral history preservation, newsletter editor.
- The Learning Umbrella. Founder and Vice-Chairperson. Board of Directors, Established an educational organization promoting the arts and learning vacations on Cape Ann.
- Gloucester Daily Times - numerous published editorials

Memberships: Massachusetts Audubon Society, Cape Ann Animal Aid, Friends of Sawyer Free Library, Maritime Heritage Center, SEArts

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 23, 2009

Mr. Thomas Balf  
15 Brierwood Court  
Gloucester, MA 01930

Dear Tom:

Thank you for your interest in serving on the **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their August 11, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the City Clerk's office as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Sarah Buck, Community Development Director  
Enclosure  
CAK/c

Tom -  
Thanks for  
all your  
help. This  
pulls  
together.  
Carol

EFFECTIVE JULY 23, 2009

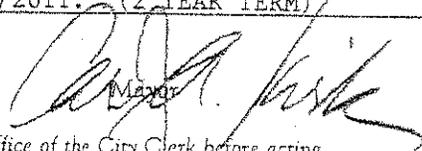
The City of Gloucester, Massachusetts

Dear Thomas Balf, 15 Brierwood Court, Gloucester

It is my pleasure to inform you that I have this day appointed you  
to the Clean Energy Commission \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2011. (2 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: \_\_\_\_\_

## Thomas Balf Biography

15 Brierwood Court

Gloucester, MA

978-283-4874

978-204-1475 (cell)

tbalf@nexusep.com

### PROFESSIONAL

- President, Business Owner, Nexus Environmental Partners, Gloucester. An environmental consulting firm that offers strategic, regulatory, management systems and performance assessment services to colleges and universities, life science corporations and governmental agencies.
- Co-founder and Principal, Creative Resolutions, Inc., a Boston consulting firm offering facilitation and mediation services, with particular expertise in environmental issues.
- Executive Director, the Campus Consortium for Environmental Excellence, or C2E2, a not-for-profit organization of leading colleges and universities committed to improving environmental performance on campus.
- Strategic environmental advisor for many years to the Massachusetts Biotechnology Council. In this capacity, Tom provides strategic and regulatory guidance with respect to environmental issues in the development of legislative and economic development strategies for this key sector in the Commonwealth.

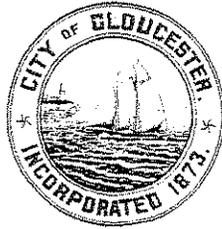
### COMMUNITY ACTIVITIES

- Coordinator, Cape Ann Climate Action Network, a community group focused on addressing climate change impacts by promoting energy conservation and the use of renewable energy on Cape Ann. Liaison to Massachusetts Climate Action Network (MCAN)
- Citizen Member of Harbor Listening Panel, an innovative process to elicit citizen's vision for Gloucester Harbor and distill these disparate voices into common principles, values and themes
- Former Member, Mayor's Renewable Energy Task Force
- Board of Directors, Treasurer, Community Land Trust of Cape Ann (promotes affordable housing through ownership)
- Served as member of the North Gloucester Sewer Citizen Advisory Task Force that provided strategic direction and review of the auditor's findings of the work and costs associated with the North Gloucester ("STEP") Sewer Project
- Coached soccer and basketball youth sports in Gloucester

### PERSONAL

- Gloucester resident, married, two children in the Gloucester Schools
- Grew up on Cape Ann
- BS, Tufts University & MS Limnology/Zoology from the University of New Hampshire

City Hall  
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Gloucester, MA 01930



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FAX 978-281-9738  
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 23, 2009

Mr. John F. Moskal  
16 Leonard Street  
Gloucester, MA 01930

Dear John:

Thank you for your interest in serving on the **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their August 11, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the City Clerk's office as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive.

Carolyn A. Kirk  
Mayor

cc: Sarah Buck, Community Development Director  
Enclosure  
CAK/c

EFFECTIVE JULY 23, 2009

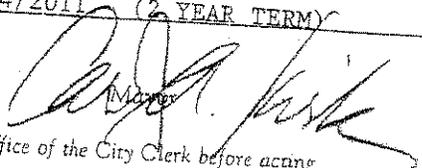
The City of Gloucester, Massachusetts

Dear John F. Moskal, 16 Leonard Street, Gloucester

It is my pleasure to inform you that I have this day appointed you  
to the Clean Energy Commission \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2011 (2 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: \_\_\_\_\_

## Sarah Buck

---

From: Carolyn Kirk [ckirk@ci.gloucester.ma.us]  
Sent: Monday, June 22, 2009 1:24 PM  
To: 'Sarah Buck'; 'Chris Pantano'  
Subject: FW: Clean Energy Commission

Attachments: Final Clean Energy Ordinance 03\_31\_09.doc



Final Clean Energy  
Ordinance 0...

-----Original Message-----

From: Moskal.John@epamail.epa.gov [mailto:Moskal.John@epamail.epa.gov]  
Sent: Thursday, May 28, 2009 10:20 AM  
To: ckirk@ci.gloucester.ma.us  
Subject: FW: Clean Energy Commission

Dear Mayor Kirk,

Please accept this note as a statement of my interest in serving on the City of Gloucester's newly created Clean Energy Commission. As a resident of Gloucester, and a practicing professional in the energy field for 25 years, I am excited about the potential to use my professional expertise to assist the city in this important area. A short bio follows.

Mr. Moskal has spent 25 years in the private and public sectors in the energy and environmental fields. He currently works at the New England regional office of the EPA where he specializes in analyzing environmental impacts associated with restructured energy markets, energy efficiency and renewable energy technologies. Over the course of his career, he has been a developer, entrepreneur, investor, consultant and public official. He is a frequent speaker at professional forums on these topics as well as guest lecturer at several New England Universities. He is an engineer by training.

Also - for the lawyer's sakes here, I have to state that if selected, any work I would do on the behalf of the commission would in no way conflict with my current responsibilities at the EPA, nor would any work I do represent the position of the agency. I would be acting solely in my capacity as a resident.

Thanks for your consideration in this matter.

Best,  
John,

----- Forwarded by John Moskal/R1/USEPA/US on 05/28/2009 10:14 AM -----

moskalsfour@comcast.net

05/21/2009 07:32 PM

John Moskal/R1/USEPA/US@EPA

To  
cc

**John F. Moskal**  
16 Leonard Street  
Gloucester, MA 01930  
(978) 281-6125

### **Work Experience**

**U.S. Environmental Protection Agency**  
Regional Office, Boston, MA 1998 - Present

SENIOR ENERGY POLICY ADVISOR

Develop and coordinate regional policies related to energy and environment with a focus on restructured energy markets and their implications for air quality and climate change, coordinate reviews of large scale renewable and fossil fuel energy projects, assess environmental impacts of energy efficiency programs, and emerging energy technologies.

Frequent speaker at professional forums on energy and climate change as well as guest lecturer at several New England Universities.

**KLD & Company, Cambridge, MA 1995 - 1997**

INVESTMENT ANALYST

Assisted large institutional investors in targeting their investments towards companies with excellent environmental records as well as those developing sustainable energy and water production technologies. Specialty was the oil & gas, and utility sectors.

**Arthur D. Little, Inc. Cambridge, MA 1990 - 1995**

ENERGY/ENVIRONMENTAL CONSULTANT

Consulted to numerous public and private sector clients in developing environmental auditing and risk management programs to minimize environmental risks and liabilities. Much of the risk management work was focused on managing emerging risks of climate change, particularly the potential regulatory and business implications for large energy companies.

**Ultrasystems Engineers and Constructors, Inc., Irvine, CA 1986 - 1988**

STAFF ENGINEER

Junior level engineer for large scale cogeneration power plant development projects for industrial applications in the oil and petrochemical sectors.

### **Education**

Tufts University, Medford MA - MS Civil Engineering, 1990

NY State Board of Regents - BS Chemistry (Minor - Mechanical Engineering), 1987

U.S. Military Academy, West Point NY - 1981 - 1984

### **References**

Available upon request

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 23, 2009

Mr. Samuel D. Cleaves  
1111 Washington Street  
Gloucester, MA 01930

Dear Sam:

Thank you for your interest in serving on the **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their August 11, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the City Clerk's office as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Sarah Buck, Community Development Director  
Enclosure  
CAK/c

Sam -  
Thanks for all  
your efforts  
on this.  
Carolyn

EFFECTIVE JULY 23, 2009

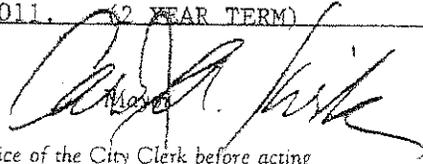
**The City of Gloucester, Massachusetts**

Dear Samuel D. Cleaves, 1111 Washington Street, Gloucester

It is my pleasure to inform you that I have this day appointed you  
to the Clean Energy Commission \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2011. (2 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: \_\_\_\_\_

**Sarah Buck**

**From:** Cleaves, Sam [SCleaves@MAPC.ORG]  
**Sent:** Friday, June 26, 2009 10:01 AM  
**To:** Sarah Buck; Sarah Buck  
**Cc:** Carolyn Kirk  
**Subject:** Letter of interest for Clean Energy Commission and resume  
**Attachments:** Samuel Dow Cleavesupdated resume2009.docx

Dear Mayor Kirk,

I am writing to express my interest in serving on the newly approved Gloucester Clean Energy Commission. As you know, I am a member of the Cape Ann Energy Network and helped to draft the ordinance which created the GCE Commission this past May. In addition, I did serve on Mayor Bell's ad-hoc Renewable Energy Committee when it was formed in 2006 and helped to draft the City's outdoor lighting and wind turbine siting ordinances. At MAPC, I am currently serving as one of our renewable energy coordinators, serving to assist metropolitan Boston communities to apply for funding under the federal Energy Efficiency Conservation Block Grant program and helping MAPC and to become certified Green Communities under the MA DOER Green Community Program. My resume is attached. Thank you for considering my application.

Sincerely,

Sam

Sam Cleaves, AICP  
Senior Regional Planner  
MAPC  
617-451-2770 x2013

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 89 § 10.

7/10/2009

Samuel Dow Cleaves, AICP  
60 Temple Place  
Boston, MA 02111  
617-451-2770 x 2013  
scleaves@mapc.org

### **Education**

Antioch New England Graduate School, Keene, NH  
Master of Science, Resource Management and Administration

University of Massachusetts  
Bachelor of Arts, Social Thought and Political Economy, Cum Laude

### **Qualifications**

- Experienced municipal and regional planner with extensive experience working for and with town and city governments, businesses and state agencies developing, implementing and coordinating land use and environmental planning projects within eastern Massachusetts
- Comprehensive knowledge of Massachusetts environmental and land use planning regulations and standards concerning renewable energy, zoning, subdivision control, wetlands, dredging activities, flood control and storm water management
- Strong project development and grant writing skills and a proven record of working successfully within nonprofit and government -work settings
- Proficient in outreach and public presentations, excellent communication and computer skills
- Demonstrated ability to successfully manage a wide range of tasks with varying deadlines
- Solid supervisory management experience and interpersonal skills

### **Present Position**

2000- Present  
Senior Environmental and Land Use Planner, North Shore Task Force Regional Task Force  
Coordinator, Metropolitan Area Planning Council, Boston, MA

### **Project Management/ Committees include:**

Danvers Mixed Use Industrial-1 Study : zoning options study for I-1 zoned areas in downtown  
Danvers and Danversport neighborhoods 2007- 2009

MAPC Regional Renewable Energy Strategy and Municipal Energy Technical Coordinator  
2008- present

APA Environment, Natural Resources and Energy Division Member, 2006- present

Cape Ann Energy Network 2007 - present

Gloucester Renewable Energy Committee, 2006 – 2007: Gloucester Wind Turbine and Dark  
Skies Outdoor Lighting Ordinances

MAPC MetroFuture Plan, Conserve Natural Resources Strategy, 2008

Essex County Forum Steering Committee, 2003- present

MEMA Natural Hazard Mitigation Plans for six MetroWest Communities, 2008

Ipswich Stormwater Bylaw and Regulations, 2008

I/495 MetroWest Water Resources Strategy Project, Water Reuse, 2007

North Shore Wind Project- 10 community study opportunities and obstacles to siting land-based,  
municipally owned wind turbines in coastal North Shore, 2004- 2005

Planning Director, Gloucester, MA, Community Development Department 1996-2000

Environmental Planner, Gloucester, MA Community Development Department 1996

Program Coordinator, Salem Sound 2000 Local Governance Committee, The Massachusetts  
Bays Program, Salem, MA 1993-1996

Eight Towns and a Bay Local Governance Committee, The Massachusetts Bays  
Program, Rockport Open Space Plan revision, Editor/Coordinator 1996-1996

Rockport Water Quality Task Force, Eight Towns and a Bay Local Governance  
Committee, The Massachusetts Bays Program, Rockport, MA, Coordinator 1993- 1994

Conservation Commissioner, Rockport, MA 1992 -1996

November 1, 2006

City Council Meeting

3. Memo from Rep. Verga's office re: Refiling Legislation (Refer O&A)
4. Memo from resident regarding Scuba Diving Flags (Refer O&A)

**ADDENDUM TO MAYOR'S REPORT**

1. Letter of understanding between Gloucester Firefighter's Local 762, Fire Chief Barry McKay, and Mayor John Bell.

**ITEMS REMOVED FROM CONSENT AGENDA**

Councilor Hardy requested removal of Information Only item #2

**MOTION:** The consent agenda is adopted by UNANIMOUS consent of the full City Council including the Addendum to the Mayor's Report, minus Information Only item 2 update on Councilor's request on water utility billing status.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor Romeo the City Council voted 7 in favor, 0 opposed to refer Information Only item #2, Update on Councilor's request on water utility billing status to B&F along with current water and sewer billing.

**DECISIONS TO ADOPT**

1. SCP- 37 Causeway Street (Omnipoint) under 5.13

Councilor Hardy noted corrections made to the document. The document was voted upon with the corrections.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor Romeo the City Council voted by ROLL CALL 7 in favor, 0 opposed to adopt the special council permit decision for Omnipoint (T-Mobile) 37 Causeway Street, pursuant to Section 5.13 (PWSF).

2. SCP-55 Great Republic Drive (NOAA) under 3.2

**MOTION:** On motion of Councilor Romeo, seconded by Councilor Grow the City Council voted by ROLL CALL 7 in favor, 0 opposed to adopt the special council permit decision for JDL Castle Corp for National Oceanographic and Atmospheric Administration, (NOAA), Blackburn Industrial Park, Lot 6A, 55 Great Republic Drive, pursuant to Section 3.2 for a height exception.

**SCHEDULED PUBLIC HEARINGS**

1. Amend Section 22-273 "Cabo Drive..."

The public hearing is opened.

Speaking in favor.

Robert Ryan, Chair of Traffic Commission stated he spoke to the neighbors and a compromise was agreed upon to amend Sec. 22-272 to prohibit parking from May 1 to

November 1, 2006

City Council Meeting

September 15, Saturday, Sundays and holidays on the easterly side of Cabo Drive for its entire length.

**James Frontiero, 178 Essex Avenue** speaking for his parents who live on the corner of Cabo Drive thanked Councilor Grow for speaking to the residents and coming up with this comparable solution.

**Councilor Romeo** cautioned the Council that they are speaking in favor of an amendment that hasn't been brought forward yet.

**Speaking in opposition. No one spoke in opposition.**

**Communications. No communications.**

**Questions. No questions.**

**The public hearing is closed.**

**MOTION:** The Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to amend Gloucester Code of Ordinances, Sec. 22-273 by ADDING Cabo Drive on both sides for its entire length and to request confirmation from the Engineering Department that this is a public way.

**Amendment to the Main Motion:** On motion of Councilor Romeo, seconded by Councilor Grow the City Council voted 7 in favor, 0 opposed to amend the main motion by STRIKING Sec. 22-273 and INSERTING Sec. 22-272, Parking Prohibited from May 1 through September 15, Saturdays, Sundays and holidays to include Cabo Drive, easterly side, for its entire length.

**Discussion on Main Motion as amended.** Councilor Grow stated the original order was put forth to eliminate parking on Cabo Dr because of beach goers who parked there being the only street in the area without parking restrictions.

**MOTION:** On motion of Councilor Romeo, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed to amend Gloucester Code of Ordinances, Section 22-272, Parking Prohibited from May 1 through September 15, Saturdays, Sundays and holidays to include Cabo Drive on both sides, for its entire length.

2. Amend Section 22-273 "Sayward Street..."

**The public hearing is opened.**

**Speaking in favor.** Robert Ryan, Traffic Commission stated we went back and spoke with the neighbors and the Traffic Commission would like to propose a distance of 150' to pole #2283 instead of the 300' originally proposed. This will still provide visibility both sides and there will be sufficient parking for the neighbors.

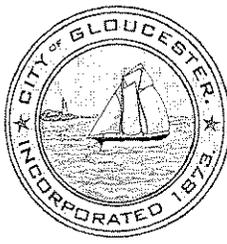
**Tim Nolan, 24 Sayward Street** thanked Councilor Grow, Councilor Romeo and Mr. Ryan for coming up with a solution accommodate safety and parking – wasn't addressing lane markings and noting single lane on the first half closest to E. Main Street.

**Speaking in opposition. No one spoke in opposition.**

**Communications. No communications.**

**Questions. No questions.**

**The public hearing is closed.**



## CITY OF GLOUCESTER

### Certificate of Vote

The Gloucester City Council, at a meeting held on, **WEDNESDAY, NOVEMBER 1, 2006**, at 7:00 p.m. In the Fred J. Kyrouz Auditorium, City Hall voted to approved the following action:

**MOTION:** On motion of Councilor Romeo, seconded by Councilor Hardy the City Council voted 7 in favor, 0 opposed to amend Gloucester Code of Ordinances, Section 22-272, Parking Prohibited from May 1 through September 15, Saturdays, Sundays and holidays to include Cabo Drive on both sides, for its entire length

By Vote of the City Council

*Robert D. Whynott*

---

Robert D. Whynott, City Clerk

APPROVAL OF THE MAYOR

*J. P. Bell*

---

John P. Bell, Mayor

VETOED BY THE MAYOR

---

John P. Bell, Mayor

Dated:

Section XX-XX West Gloucester Firing Range

1. This article shall govern the use and maintenance of the West Gloucester Firing Range located at the terminus of Forest Lane in West Gloucester ("the Range"). The implementation of this article shall be under the control of the Director of the Department of Public Works.
2. Use of the Range shall be limited to firearms training for active and retired members of the Gloucester Police Department (GPD) and any unit of the armed forces, which is permanently stationed in the city as required by Mass. General Law c. 33 sec. 121.
3. The Range shall be open for such training for not more than fifteen days each year, all of which shall be held in the month of March and all of which are subject to the notice provisions set forth herein. The hours of operation shall be limited to 9:00 A.M. to 5:00 P.M., except that one of the fifteen days may be used for evening firearms called "low light" training, to be conducted between the hours of 5:00 P.M. and 10:00 P.M. All training days shall be scheduled only after reasonable pre-scheduling approval by the DPW Director after consultation with the GPD.
4. No shooting is permitted on Saturday or Sunday or Massachusetts recognized holidays.
5. Not less than seven days prior to each scheduled shooting, the GPD shall provide notice, including identification of the specific date for the evening shoot, if applicable, in the following manner: (1) written notice to the Mayor, the councilor for the ward wherein the range is located and such other city officials as may be designated by the DPW Director, (2) a posting on the GPD's official web page, and (3) email notification to any citizen of Gloucester who elects to receive such notice in accordance with procedures to be prescribed by the DPW Director.
6. The Range shall at all times be secured by fencing, with a locked gate, adequate to deter illegal use of the range, as determined by the DPW Director. The entrance and both sides of the Range shall be posted with signage, the exact size and location of which shall be determined by the DPW Director, indicating that the range is for use by the GPD only and that trespassers are subject to arrest.
7. The entrance and both sides of the Range shall be posted with the following signs:

**POLICE FIRING RANGE  
KEEP OUT  
NO TRESPASSING BEYOND THIS POINT  
TRESPASSERS SUBJECT TO ARREST IN ACCORDANCE WITH M. G.L. CH \_\_\_, SEC**

8. The DPW shall be responsible for maintenance of the Range and shall implement a maintenance plan the same or substantially similar to the "Environmental Stewardship Plan for Management of Lead Shot/Bullets," as suggested by the United States Environmental Protection Agency. The Range shall be maintained in accordance with the foregoing at least once every two years.
9. There shall be no use of the firing range, unless, until and for so long as the above described conditions are in place and maintained.



# Bulletin

2009-15B

## LOCAL OPTION EXCISES

TO: Assessors, Accountants, Auditors, Clerks, Mayors, Selectmen, City/Town Managers, Finance Directors, City/Town Councils, City Solicitors and Town Counsels

FROM: Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

DATE: July 2009

SUBJECT: New Local Meals Excise and Amended Local Room Occupancy Excise Rate

This *Bulletin* provides preliminary information about the procedures for implementing sections of the Fiscal Year 2010 state budget regarding local option excises on restaurant meals and room occupancies. The Department of Revenue (DOR) collects the local excises in addition to the state taxes on the occupancies or meals and distributes the collections on a quarterly schedule.

The FY10 state budget:

- Adds a new local option excise of .75 percent on sales of restaurant meals originating within the municipality.
- Increases the maximum rate of the existing local option room occupancy excise from four to six percent (four and one-half to six and one-half percent for Boston).

Local excises become operative only if accepted by a city or town. Acceptance is by majority vote of the municipal legislative body, subject to local charter. G.L. c. 4, § 4. Questions about the charter requirements in your community should be referred to municipal counsel. As further explained in this *Bulletin*, acceptance of either local excise, or amendment of the local room occupancy excise rate, must occur at least 30 days in advance of the first day of a calendar quarter in order to become operative for that quarter. Communities must report their acceptance or amendment of these local excises to the Division of Local Services (DLS) in the manner prescribed by this *Bulletin*.

Additional guidance on implementation issues and procedures will be issued in the future.

If you have questions about these notification requirements, please contact the Municipal Data Bank at [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us).

**LOCAL OPTION MEALS EXCISE**  
Chapter 27, §§ 60 and 156 of the Acts of 2009  
Adding General Laws Chapter 64L  
Effective for sales of restaurant meals on or after October 1, 2009

A city or town may now impose an excise of .75% on the sales of restaurant meals originating within the municipality by accepting G.L. c. 64L, § 2(a). As with the existing local option room occupancy excise, the DOR will collect the local meals excise at the time it collects the state tax on the sale. Therefore, the local excise applies to all meals subject to the state sales tax. A community may not vary the rate or the meals subject to the excise.

The DOR will distribute the collections to the city or town on the same quarterly schedule that applies to the local room occupancy excise. G.L. c. 64L, § 2(b). The distribution schedule is found in Attachment A. A community may dispute its distribution by notifying the DOR, in writing, within one year of the distribution. G.L. 64L, § 2(b).

To assist in the administration of the excise, the DOR may provide cities and towns with certain information, including the total collections in the prior year and the identity of vendors collecting the tax locally. G.L. c. 64L, § 2(d).

**Acceptance Procedure**

Acceptance of the local option meals excise is by majority vote of the municipal legislative body, subject to local charter. To accept G.L. c. 64L, § 2(a), the following or similar language may be used:

\* VOTED: That the city/town of gloucester accept G.L. c. 64L, § 2(a) to impose a local meals excise. \*

**Acceptance Effective Date**

A community's acceptance of the local meals excise becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept. If not, the acceptance becomes operative on the first day of the second quarter after the vote. As a result, October 1, 2009 is the earliest an acceptance can become operative for FY10. A community must accept on or before August 31, 2009 in order for the DOR to begin collecting the excise on that date.

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance operative at the start of a later quarter by including the later start date in the vote ("to take effect on January/April /July/October 1, 2\_\_\_.")

## Notification Requirements

### (1) Notice of Acceptance

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded. ("Notification of Acceptance/Rescission—Meals Excise"). The notice is to be submitted within 48 hours of the vote. Without timely notice, the DOR cannot begin collecting the excise for the city or town.

### (2) List of Restaurants

After the clerk notifies the DLS of the community's acceptance, the local licensing board or official will be asked to verify the restaurants or other establishments that serve meals in the community. The verified information will be used by the DOR to notify vendors of their obligations to collect and pay over the local excise and to ensure that sales are properly sourced to the community. More detailed instructions will be provided, but local officials should be prepared to review and verify this information on an expedited basis.

## Revenue Estimates

Within the next few weeks, the DOR expects to release estimates of the amounts each city or town could collect from imposing the local meals excise. At that time, we will provide further information about the use of meals excise revenue as an estimated receipt in the FY10 tax rate. No community will be allowed to use new local meals excise revenues in the FY10 tax rate, however, unless it has accepted the statute before the rate is set.

LOCAL OPTION ROOM OCCUPANCY EXCISE  
Chapter 27, §§ 51, 52 and 154 of the Acts of 2009  
Amending General Laws Chapter 64G, § 3A  
Effective for occupancies on or after August 1, 2009

A city or town may impose, up to a maximum rate, a local excise on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments by accepting G.L. c. 64G, § 3A. The maximum rate communities may now impose is 6% (6.5% for Boston). Previously, the maximum rate was 4% (4.5% for Boston). The local excise applies to all room occupancies subject to the state room occupancy excise. A community may not vary the occupancies subject to the excise, but may adopt any rate up to the maximum. A city or town that accepts the local room occupancy excise may also amend its excise rate, but it can only revoke or amend the rate once a year.

Acceptance or Amendment Procedure

Acceptance of the local option room occupancy excise, or amendment of the local excise rate, is by majority vote of the municipal legislative body, subject to local charter. To accept, the city or town must vote to accept G.L. c. 64G, § 3A and specify the local excise rate. The following or similar language may be used:

VOTED: That the city/town of \_\_\_\_\_ accept G.L. c. 64G, § 3A to impose a local room occupancy excise at the rate of \_\_\_\_\_ percent.

The following or similar language may be used to amend the local rate:

VOTED: That the city/town of \_\_\_\_\_ impose the local room occupancy excise under G.L. c. 64G, § 3A at the rate of \_\_\_\_\_ percent.

or

VOTED: That the city/town of Gloucester amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of 6% percent.



Acceptance or Amendment Effective Date

A community's acceptance of the local room occupancy excise, or amendment of its excise rate, becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept or amend. If not, the acceptance or amendment becomes operative on the first day of the second quarter after the vote. As a result, October 1, 2009 is the earliest an acceptance or amendment can become operative for FY10. A community must accept or amend on or before August 31, 2009 in order for the DOR to begin collecting the excise or new excise rate on that date.

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance or amendment operative at the start of a later quarter by including the later start date in the vote (" to take effect on January/April /July/October 1, 2 \_\_\_\_.")

### Notification Requirements

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded, ("Notification of Acceptance/ Rescission-Room Occupancy") or the excise rate is amended ("Notification of Acceptance-Room Occupancy Rate Change"). The notice is to be submitted within 48 hours of the vote. Without timely notice, the DOR cannot begin collecting the excise or new excise rate for the city or town.

### Revenue Estimates

Within the next few weeks, the DOR expects to release estimates of the amounts each city or town could collect from imposing or increasing the local room occupancy excise. At that time, we will provide further information about the use of room occupancy excise revenue as an estimated receipt in the FY10 tax rate. No community will be allowed to use new local room occupancy excise revenues in the FY10 tax rate, however, unless it has accepted the statute or amended its excise rate before the tax rate is set.

ATTACHMENT A

LOCAL OPTION EXCISE TIMETABLE

FY QUARTER	QUARTER START DATE	ACTION DEADLINE	DISTRIBUTION DATE	REVENUE COLLECTED DURING
Q1	July 1	May 31 <sup>1</sup>	September 30	June, July, August
Q2 <sup>2</sup>	October 1	August 31	December 31	September, October, November
Q3	January 1	December 1	March 31	December, January, February
Q4	April 1	March 1	June 30	March, April, May

<sup>1</sup> Latest date to accept or amend in order to implement for full fiscal year. In first year, community will receive collections from July – May (11 months). Community will receive full year collections thereafter.

<sup>2</sup> Earliest Quarter acceptances or amendments can become operative for FY10. If community implements in this quarter, it will receive collections from October – May (8 months) during FY10.

## CHAPTER 64L.

### Local Option Meals Excise

Section 1. As used in this chapter, the following words shall have the meaning assigned to them in paragraph (h) of section 6 of chapter 64H: "honor snack tray", "meals" and "restaurant".

"Commissioner", the commissioner of revenue.

"Sale", a sale of meals by a restaurant for any purpose other than resale in the regular course of business.

"Vendor", shall have the meaning assigned to it in section 1 of chapter 64H.

Section 2. (a) A city or town which accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon the sale of restaurant meals originating within the city or town by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a municipality on the first day of the calendar quarter following 30 days after its acceptance by the municipality or on the first day of a later calendar quarter that the city or town may designate.

(d) Notwithstanding any provisions in section 21 of chapter 62C to the contrary, the commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section including, but not limited to, a report of the amount of local option sales tax on restaurant meals collected in the aggregate by each city or town under this section in the preceding fiscal year, and the identification of each individual vendor collecting local option sales tax on restaurant meals collected under this chapter.

Section 3. Except as provided herein, a sale of a meal by a restaurant is sourced to the business location of the vendor if (1) the meal is received by the purchaser at the business location of the vendor or (2) if the meal is delivered by the vendor to a customer, regardless of the location of the customer. A vendor with multiple business locations in the commonwealth must separately report sales sourced to each location in a manner prescribed by the commissioner. Restaurant meal delivery companies that purchase meals for resale must source their sales to the delivery location indicated by instructions for delivery to the purchaser and shall separately report sales by municipality in a manner prescribed by the commissioner. The commissioner may also adopt by rule or regulation destination sourcing and reporting rules for caterers or other vendors with a high volume of delivered meals, as the commissioner may determine, in order to mitigate any anti-competitive impact of the local meals tax.

Section 4. Reimbursement for the tax imposed by this chapter shall be paid by the

purchaser to the vendor, and each vendor in the commonwealth shall add to the sales price and shall collect from the purchaser the full amount of the tax imposed by this chapter and such tax shall be a debt from the purchaser to the vendor, when so added to the sales price, and shall be recoverable at law in the same manner as other debts.

Section 5. Upon each sale of a meal by a restaurant taxable under this chapter, the amount of tax collected by the vendor from the purchaser shall be stated and charged separately from the sales price and shown separately on any record thereof at the time the sale is made or on any evidence of sale issued or used by the vendor, but in the instance of the sale of alcoholic beverages for on premises consumption, the tax collected need not be stated separately.

Section 6. Every person who fails to pay to the commissioner any sums required by this chapter shall be personally and individually liable therefor to the commonwealth. The term "person", as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership or limited liability company, who as an officer, employee or member is under a duty to pay over the taxes imposed by this chapter.

SECTION

Estimated Local Receipt if Local Option Meals Excise  
or Room Occupancy Excise is adopted

DOR Code	Municipality	Estimated Meals Tax Revenue if Adopted by 8/31/2009	Estimated Room Tax Revenue per percentage point adopted
5	AGAWAM	142,952	0
7	AMESBURY	80,775	0 **
16	ATTLEBORO	261,459	0
30	BEVERLY	281,765	0 **
35	BOSTON	11,339,380	7,143,335
40	BRAINTREE	566,977	161,525
44	BROCKTON	642,384	62,012
49	CAMBRIDGE	1,971,084	1,270,859
57	CHELSEA	211,994	0 **
61	CHICOPEE	316,883	49,449
87	EASTHAMPTON	72,408	0
93	EVERETT	183,774	0 **
95	FALL RIVER	591,710	0 **
97	FITCHBURG	283,426	0 **
103	GARDNER	108,743	0 **
107	GLOUCESTER	267,210	46,920
114	GREENFIELD	109,376	29,313
128	HAVERHILL	427,520	0 **
137	HOLYOKE	411,293	46,007
149	LAWRENCE	234,990	7,613
153	LEOMINSTER	401,580	47,486
160	LOWELL	549,178	51,922
163	LYNN	302,326	0 **
165	MALDEN	221,255	16,269
170	MARLBOROUGH	450,623	221,296
176	MEDFORD	175,364	0 **
178	MELROSE	69,749	0 **
181	METHUEN	248,950	10,201
201	NEW BEDFORD	570,523	0 **
206	NEWBURYPORT	211,994	14,772
207	NEWTON	970,140	197,552
209	NORTH ADAMS	123,216	25,922
214	NORTHAMPTON	378,182	61,437
229	PEABODY	651,458	153,440
236	PITTSFIELD	338,868	67,721
243	QUINCY	706,645	162,474
248	REVERE	289,725	169,495
258	SALEM	506,424	65,259
274	SOMERVILLE	480,311	70,202
281	SPRINGFIELD	983,237	170,233
293	TAUNTON	284,729	0 **
308	WALTHAM	825,676	388,020
325	WEST SPRINGFIELD	442,116	124,225
329	WESTFIELD	169,800	6,302
336	WEYMOUTH	269,382	0 **
347	WOBURN	467,990	262,561
348	WORCESTER	1,491,679	165,729

Oct. to May  
per 1%

NEW + Current

as of  
7/21/09

DOR will only accept  
these figures.  
Per R. Nunes, DOR  
7/21/09

(CAK) MMA

\*\* Estimate has been removed to protect taxpayer privacy in communities with 2 or less establishments.

City Hall  
Nine Dale Ave  
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ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

MEMORANDUM

**TO:** City Council  
**FR:** Mayor Kirk  
**RE:** Updated approach to enacting local option taxes in Gloucester  
**DT:** August 3, 2009

As you are aware, the Administration has put forward a request to the City Council to adopt the newly allowable local option taxes. (Mayor's Report for July 28<sup>th</sup>, 2009 Council meeting).

Since that time, the Administration has met with leaders from the Cape Ann Chamber of Commerce, the Seaport Gloucester Destination Marketing Organization, and many individual owners of restaurants and lodging establishments in the city of Gloucester.

Some of the issues raised in these discussions include the following concerns:

- Desire to have some of the tax money earmarked for promoting the city;
- Optimize promotion of the city by procuring services from an outside professional public relations agency, direct purchases of air/radio time in target markets, consistent branding of the city, etc. There was a consensus that hiring outside professionals rather than adding to city staff was the preferred way to go.
- Assurances that whatever promises are made today are also met by future Administrations and City Councils.

In effort to address these concerns, the Administration would like to pursue a structure with the City Council in the implementation of the local option taxes that results in a win-win. Elements of the structure include:

1. Establishment of a revolving account similar to the arrangement in the community of Sandwich, MA where a special revolving account was established with the proviso that a portion of the hotel/motel tax would be deposited in the account and used only for purposes related to tourism.
2. The Administration's recommendation is that a minimum of 25% and a maximum of 50% of new revenues associated with local option taxes be placed in the special revolving account. The specific proposal, finetuning of the recommendation, and steps on implementing a revolving fund will be put forward to the Council in a separate Mayor's Report.

Establishing a revolving account ensures that into the future, local option taxes will be used to promote the city.

3. Revolving account funds would be overseen by the already-established city Tourism Commission. The Tourism Commission would hold the responsibility of making recommendations to the Administration and the City Council on the expenditures out of the revolving fund.
4. The balance of the new revenue associated with the local option taxes could be earmarked for other purposes through the reserve for appropriation mechanism already used by the City Council. The Administration's priorities as stated previously is funding for the Rose Baker Senior Center, Sawyer Free Library, and snow and ice removal services.

If the local options are enacted by August 31, 2009, in this arrangement the breakdown would be as follows:

**Maximum revenue budget for FY10 allowed by DOR: \$ 361,050**

**Scenario at 25%**

Minimum earmark for promotion of Gloucester: 25% or \$90,262

Balance available for other municipal purposes: \$270,788

**Scenario at 50%**

Maximum earmark for promotion of Gloucester: 50% or \$180,525

Balance available for other municipal purposes: \$180,525

The DOR did not issue guidance on full fiscal year estimates. The Administration hopes the members of the City Council find this information helpful, and we look forward to working cooperatively in a manner that results in a win-win for the city and the industry impacted by local option taxes.

LAW DEPARTMENT

Memorandum to: President of the City Council and its Members

From: Suzanne Egan, General Counsel *SE*

Date: August 6, 2009

Re: Stormwater Ordinance

---

This is in response to the discussion at the Ordinance and Administration meeting on August 3, 2009 regarding the fee structure of the stormwater ordinance. It was proposed that the ordinance should be amended to include language which would cap the residential rate so that it does not exceed the commercial rate. However, after reviewing the ordinance, I advise not to include the language regarding the fee structure, but rather include it in the regulations establishing the rate. The ordinance provides general authority to impose the fee and authorizes the city to change its structure from time to time, thus, to keep the ordinance internally consistent; the cap on the fees should not be included.

LAW DEPARTMENT

MEMORANDUM

TO: Joanne Senos, Acting City Clerk

FROM: Suzanne P. Egan *SPE*  
General Counsel

RE: Stormwater Utilities Management

DATE: July 24, 2009

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Please find attached the draft ordinance pertaining to the Stormwater Utilities Management.

Enclosure

BE IT ORDAINED, by the City Council of Gloucester, as follows:

That Chapter 23 of the Ordinances of the City of Gloucester, Massachusetts, which chapter relates to Utilities, be amended as follows:

Section 1.

By inserting in said Chapter, a new Section 23-200, to read as follows:

Sec. 23-200 Storm water Fee

Water quality in the watersheds within and surrounding the City, are potentially threatened by pollutants associated with existing land use and future development; and that poor water quality in the watershed can threaten public health, safety, and welfare.

The City is implementing a combined sewer overflow program that is requiring a significant investment by the City and the existing stormwater management system is deteriorating and may be inadequate to meet existing and future needs, and flooding concerns may arise. The U.S. Environmental Protection Agency ("EPA") demands a comprehensive approach to municipal stormwater management.

In order to establish, operate, and maintain the stormwater infrastructure of the City, ensure the future usefulness of the existing system through additions and improvements, and provide other services associated with stormwater and watershed management, sufficient and stable funding is required for the operation, maintenance and improvement of the Stormwater Management Programs, Services, Systems, and Facilities of the City; and to equitably fund the CSO Abatement Program. A stormwater utility service fee based on impervious surface area consistent with the Massachusetts General Laws is the most appropriate and equitable method of allocating the cost of Stormwater Management Programs and CSO abatement programs among residents and businesses in the City.

Authority and Jurisdiction

- (a) Under the authority of the Massachusetts General Laws Chapter 83, Section 16, the City hereby establishes the Gloucester Impervious Fee or Stormwater Fee to pay the costs of the City's stormwater management and combined sewer overflow abatement program.
- (b) The utility or its designee is authorized to assess and collect service fees from all persons owning land within the municipality that benefit from the City's stormwater management and CSO abatement programs.
- (c) The fee will fund services provided through the Department of Public Works for stormwater management and CSO abatement programs.

Definitions:

*Credit:* Credit shall mean a conditional reduction in the amount of the stormwater service fee to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or other service or activity that reduces the stormwater management utility's cost of providing services.

*Customers of the Stormwater Utility:* Customers of the stormwater utility shall include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

*Developed Land:* Developed land shall mean property altered from its natural state by removal of vegetation, construction, or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events (agricultural and forestry operations that do not create impervious surface area excepted).

*Equivalent Residential Unit (ERU):* A measure used to standardize the utility service fees for residential properties, or classes of residential properties, and based on the average amount of impervious area of a base residential parcel. The ERU shall also be used as the basis for standardizing and determining the equivalent size of non-residential properties and Other Developed Lands.

The ERU is defined as the average amount of impervious area on residential parcels in land use classes 101, 104, 105, and 111. These classes are defined by the Assessor's Department as (101-Single Family Residential; 104-Two Family Residential; 105-Three Family Residential; 111-Four to Seven Family Residential).

*Impervious Surfaces:* Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

*Other Developed Lands:* Other developed lands shall mean, but not be limited to, mobile home parks, apartment buildings with more than six dwelling units, residential condominium developments, mixed use buildings, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, governmental facilities, colleges, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces and lands in other uses which alter the hydrology of the property from that which would exist in a natural state.

*Residential Property:* Residential property shall mean developed land assigned land use code 101, 104, 105, or 111 by the City's Office of the Assessor. (101-Single Family Residential; 104-Two Family Residential; 105-Three Family Residential; 111-Four to Seven Family Residential).

*Stormwater Service Fees:* Stormwater service fees shall mean the periodic service fee imposed pursuant to this article for the purpose of funding costs related to Stormwater

Management Programs, Services, Systems, Facilities, Debt, Operations, Maintenance, Capital Improvements, and any related costs.

*Undeveloped Land:* Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted dirt or gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur naturally.

*City Utility:* The City of Gloucester Department of Public Works.

#### Establishment of Stormwater Fund

(a) The City shall establish a dedicated Stormwater Fund in the City budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the utility. All revenues and receipts of the utility shall be placed in the Stormwater fund, which shall be separate from all other funds, and only the expenses of Stormwater Management Programs, Services, Systems, Facilities, and CSO abatement of the City shall be paid by the fund.

(b) The utility and the Stormwater fund may also accept loans, state, federal and private grants, and allocations of funds from the City's General Fund or special purpose funds.

(c) Stormwater Service Fees will be set at a rate that covers the costs necessary to carry out the Stormwater Management Programs, Services, Systems and Facilities approved by the City as necessary to carry out the functions of the utility. Expenditure of funds from the Stormwater Fund is limited to the following:

- Operating expenses;
- Non-operating expenses, such as equipment and supplies;
- Payment on principal and interest on debt obligations including those for combined sewer overflow abatement facilities;
- Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants and other amenities to support stormwater management alternatives utilizing vegetation);
- Reserve expenses; and
- Other costs as deemed necessary by the Department of Public Works.

#### Service Area:

The service area of the utility will include all areas within the municipal boundaries of the City of Gloucester.

#### Stormwater Utility Service Fees

(a) The City may determine and modify from time to time the service fees of the Utility in order that the funds generated correspond to the cost of Stormwater Management Programs, Services, Systems, and Facilities of the City. In general, funding for the stormwater utility shall be equitably derived based on methods that establish a link between the fees and degree of impact imposed on the stormwater management system and facilities.

(b) Rate studies may be conducted periodically by the utility to determine all changes and future updates to the Storm water Utility Use Fee Schedule. Any revision to the Storm water Service Fee Schedule will be approved by the City Council prior to implementation.

Right to Enforcement and Violations

(a) The Director of the Department of Public Works, or his authorized designee is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

(b) The City has the right to utilize the lien processes to enforce provisions of this article and for non-payment of stormwater fees.

(c) Delinquent Fees. The City has the right to use all legal means as authorized within Chapter 74 of the Ordinances and any other legal processes under local, State, and Federal Regulations.

Severability

Each section of this ordinance is severable from all other sections. If any part of this ordinance is deemed invalid by a court or competent jurisdiction, remaining portions of the ordinance shall not be affected and shall continue in full force. Whenever this ordinance conflicts with any other ordinance of the City, Commonwealth of Massachusetts, or federal government, the stricter standard shall apply, except as limited by state or federal law.

Applicability

This ordinance and the fees, obligations and requirements identified herein shall apply to all use of and benefit from the City's Stormwater Management Systems and Facilities, occurring on or after . All persons owning land within the municipality that benefit from the services provided by the utility shall be subject to service fees for their use of the Stormwater Management Systems and Facilities occurring on or after. Property with less than 100 square feet of impervious area will be exempted from the fee. This ordinance shall not apply to any property which does not add stormwater to the city's stormwater collection system.

Storm water Fee

(1) Effective \_\_\_\_\_, the equivalent residential unit (ERU) shall be defined \_\_\_\_\_ square feet of impervious area.

(2) Residential parcels (ERU) will be assessed \_\_\_\_\_ per year, or \_\_\_\_\_ per quarter.

(3) All other developed parcels will be assessed \_\_\_\_\_ for each \_\_\_\_\_ square feet of impervious area rounded to the nearest 100 square feet.