



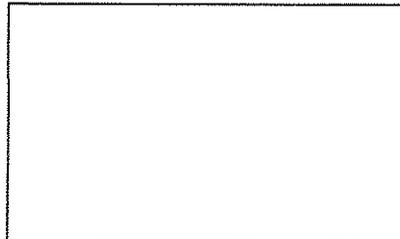
GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS

TUESDAY, August 31, 2010

7:00 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2010-020



FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

COUNCILLOR'S REQUESTS TO THE MAYOR

CONFIRMATION OF APPOINTMENTS

Joel Favazza Capital Improvements Advisory Board TTE 02/14/2013

EXECUTIVE SESSION

To discuss litigation, strategy re: Charter School

PRESENTATIONS

Mr. Ken Hanover, President and CEO Northeast Health Systems - Update of Addison Gilbert Hospital

Sunny Robinson - Overview & highlights of "The Gloucester Coalition for the Prevention of Domestic Abuse"

CONSENT AGENDA

ACTION

• **MAYOR'S REPORT**

1. Memorandum from Police Chief re: acceptance of two grants from the Commonwealth of Massachusetts (E911 Salaries Grant \$61,795.00 and Training Grant \$10,987.00) **(Refer B&F)**

2. Memorandum from Community Development Director re: HUD Sustainable Communities Challenge Grant **(Refer B&F)**

3. Appointments:
Cultural Council (Terms to expire 02/14/2013) -Thomas Hauck, Martin Ray, Hans Pundt **(Refer O&A)**
Newell Stadium Committee, ad hoc - Jim Duggan, Bill Sanborn, Joe Guzzo, Mark Cole, Mike Carrigan,

Dick Wilson, J D MacEachern, Dr. Bill Goodwin **(Info Only)**

4. Memorandum from Community Development Director re: Cape Ann Conservation Planning Project-Technical Assistance Request **(Info Only)**

• **APPROVAL OF MINUTES**

1. City Council Meeting 08/17/10 **(Approve/File)**

2. Standing Committee Meetings: O&A 08/23/10, P&D 08/25/10, B&F 08/26/10 (under separate cover) **(Approve/File)**

• **APPLICATIONS/PETITIONS**

1. SCP2010-011: Hesperus Avenue #82, GZO Sec. 3.1.6(b) Building Heights in Excess of 35 Feet **(Refer P&D)**

2. PP2010-004: Installation of UG conduit re: 80 Middle Street **(Refer P&D)**

• **COMMUNICATIONS**

1. Letter from City Clerk re: Court Relocation Committee and Gloucester District Court **(Info Only)**

2. Letter from Mayor re: Court Relocation Committee and Gloucester District Court **(Info Only)**

3. Letter from FEMA re: Digital Flood Insurance Rate Map and Flood Insurance Study Report for Essex County **(Refer P&D)**

• **ORDERS**

1. CC2010-061 (Hardy) Enact Ordinance as required by Ch. 217 of the Acts of 2010 re: Linkage Exaction Program **(Refer O&A & General Counsel)**

2. CC2010-062 (Verga) Amend CGO Sec. 22-270.1 "Resident sticker parking only" and Sec. 22-270 "Parking Prohibited at all times" re: Rafe's Chasm parking area/lot off Hesperus Avenue **(Refer O&A, TC, DPW & POLICE)**

3. CC20210-063 (Mulcahey) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Oak and Maple Streets **(Refer O&A & TC)**

4. CC2010-064 (Mulcahey) Proposed amendment to GCO Sec. 22-267 "One Way Streets - Generally" re: Mt. Vernon St. **(Refer O&A & TC)**

5. CC2010-065 (Hardy) Request to Senator Tarr and Representative Ann-Margaret Ferrante secure state money to study the feasibility for a bypass road **(City Council)**

(City Council)

ACTION

SCHEDULED PUBLIC HEARING

1. PH2010-065: SCP2010-009: Holly Street #70, GZO Sec. 2.3.6(4)

(TBC)

2. PH2010-060: Amend Chapter 17 "Police" Article II re: the non-civil service process of selecting the Police Chief

3. PH2010-066: Amend GCO at Appendix C, the "Personnel Ordinance", Article 4 "Classification and Compensation Plans" re: reclassification of Director of the Department of Public Works from M10 to M12

4. PH2010-067: Amend GCO at Appendix C, the "Personnel Ordinance", Article 4 "Classification and Compensation Plans" re: Facilities Manager - M8

5. PH2010-068: Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of the City Charter and proposed amendment to GCO Chapter 4, Animals, Article II Dogs by adding new section 4-16(d)

COMMITTEE REPORTS

O&A 08/23/10, P&D 08/25/10, B&F 08/26/10

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

ROLL CALL - Councillor Joe Ciolino

Linda T. Lowe, City Clerk

State Primary Election on September 14, 2010 - no City Council Meeting

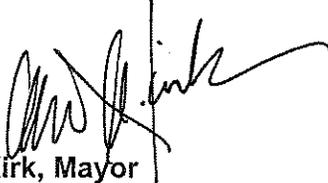
NEXT REGULAR CITY COUNCIL MEETING, September 28, 2010

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council 
FROM: Carolyn A. Kirk, Mayor
DATE: August 20, 2010
RE: Mayor's Report for the August 31, 2010 City Council Meeting

Enclosure 1 is a memorandum from Police Chief Michael Lane requesting City Council acceptance of two grants from the Commonwealth of Massachusetts (FY2011 State 911 Department Support and Incentive Grant program). The E911 Salaries Grant amount is \$61,795.00 and the Training Grant is \$10,987.00. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Chief Lane, or his designee, will be available to answer questions and provide further information as required.

Enclosure 2 is a memorandum from Community Development Director Sarah Garcia regarding a HUD Sustainable Communities Challenge Grant. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Sarah Garcia will be available to answer questions and provide further information as required.

Boards, Committees & Commissions:

I am respectfully requesting that the City Council approve the following new appointments:

Cultural Council ~ three years – term to expire 2/14/2013:

- Thomas Hauck
- Martin Ray
- Hans Pundt

Capital Advisory Improvement Board:

Janet Rice ~ three years – term to expire 2/14/2013

Included as **Enclosure 3** are copies of letters of interest from Messrs. Hauck, Ray and Pundt and Ms. Rice's resumé. *Please refer this matter to the Ordinance and Administration subcommittee for review and approval.*

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

For your information, I am pleased to announce that I have appointed the following individuals to the *ad hoc* Newell Stadium Committee:

- Jim Duggan
- Bill Sanborn
- Joe Guzzo
- Mark Cole
- Mike Carrigan
- Dick Wilson
- J D MacEachern
- Dr. Bill Goodwin

For Information Only:

Enclosure 4 is a memorandum *for your information only* from Sarah Garcia, Community Development Director, regarding a Cape Ann Conservation Planning Project-Technical Assistance Request.

ENCLOSURE 1

Chief Michael W. Lane

**Gloucester Police
Department**

MEMO

To: Jim Duggan, Chief Administrative Officer
From: Chief Michael W. Lane
CC:
Date: August 17, 2010
Re: Request Acceptance of E 911 Salaries and Training Grant

RECEIVED
AUG 17 2010
Mayor's Office

Jim,

Within the last week, the Gloucester Police Department has been notified of its award of both the State E911 Salaries Grant and State E911 Training Grant. The Salaries grant is \$ 61, 795.00 and the Training grant is for \$ 10,987.00.

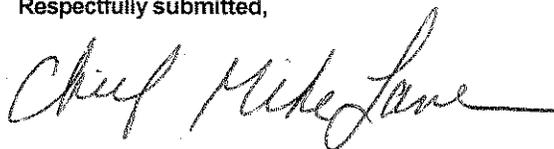
The Salaries grant is used to pay the salaries of those Officers who dispatch full-time. The E911 training grant is used to pay for training of those officers who routinely dispatch and for the training of new officers who must attend e911 training for the first time. In addition, Officers have received additional training in subjects such as customer service, handling domestic violence phone calls, bomb threats, etc.

Last year, 6 full time dispatchers received a 40 hour course in handling all types of E911 calls with the assistance of this grant.

I am requesting the the Budget and Finance SubCommittee recommend to the full City Council that these grants be accepted as they are vital to the operation of the Police Department. There is no cash match or "in-kind" match required for this grant. These awarded funds come from a tax on the monthly cellphone bills of Massachusetts residents.

Please contact me if you have any questions. Thank you.

Respectfully submitted,





The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C ~ Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



DEVAL L. PATRICK
Governor

MARY ELIZABETH HEFFERNAN
Secretary of Public Safety
and Security

TIMOTHY P. MURRAY
Lieutenant Governor

FRANK POZNIAK
Executive Director

August 11, 2010

Chief Michael W. Lane
Gloucester Police Department
197 Main Street
Gloucester, MA 01930

Dear Chief Lane:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the FY2011 State 911 Department Training Grant program.

For your files, please find attached a copy of the contract signed by both parties. Please note your contract start date is **August 11, 2010** and will run through June 30, 2011. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services MUST be received on or before June 30, 2011.

We have made the reimbursement request forms available on our website www.mass.gov/e911. For any questions related to the reimbursement process, please contact Michelle Hallahan at 508-821-7216.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911deptgrants@state.ma.us. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before May 15, 2011

Sincerely,

Frank P. Pozniak
Executive Director

cc: State 911 Department FY 2011 Training Grant File



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT

1380 Bay Street, Building C ~ Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



DEVAL L. PATRICK
Governor

MARY ELIZABETH HEFFERNAN
Secretary of Public Safety
and Security

TIMOTHY P. MURRAY
Lieutenant Governor

FRANK POZNIAK
Executive Director

August 10, 2010

Chief Michael W. Lane
Gloucester Police Department
197 Main Street
Gloucester, MA 01930

Dear Chief Lane:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the FY 2011 State 911 Department Support and Incentive Grant program.

For your files, please find attached a copy of the contract signed by both parties. Please note your contract start date is **August 10, 2010** and will run through June 30, 2011. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2011.

We have made the request for payment forms available on our website www.mass.gov/e911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us.

Sincerely,

Frank P. Pozniak
Executive Director

cc: FY 2011 Support and Incentive Grant File



COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

This form, to be used for New Contracts and Contract Amendments/Renewals, is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "→". For Instructions and hyperlinks (italics), please view this form at: www.mass.gov/osc under *Guidance For Vendors - Forms* or at www.mass.gov/osd under *OSD Forms*.

→ Contractor Legal Name (and d/b/a): CITY OF GLOUCESTER	Department MMARS Alpha Code and Name: State 911 Department/EPS	
→ Legal Address (from W-9): 9 DALE AVE	Business Mailing Address: 1380 Bay Street Bldg. C Taunton, MA 02780	
→ Payment Remittance Address (from W-9): 9 DALE AVE, GLOUCESTER, MA 01930	Billing Address (if different):	
→ Contract Manager: MICHAEL W. LANE, CHIEF OF POLICE	Contract Manager: Marilyn Godfrey	
→ E-Mail Address: MLANE@GLOUCESTER-MA.GOV	→ Phone: 978-281-9775	E-Mail Address: 911DeptGrants@state.ma.us
→ Fax: 978-282-3026	→ TTY:	Phone: (508) 821-7299
→ State of Incorporation (if a corporation) or "N/A": N/A	Fax: (508) 828-2585	
→ Vendor Code: VC6000192096	TTY: (508) 828-4572	
MMARS Object Code: P01	MMARS Doc ID(s): CT EPS GRNT	
	RFR/Procurement or Other ID Number (if applicable): Training Grant	
	Account(s) Funding Contract: 8000-0911	

X NEW CONTRACT

COMPENSATION (Check only one):

Total **Maximum Obligation** of this Contract \$ 10,987.00

Rate Contract (Attach details of rate(s) units and any calculations):

The following **COMMONWEALTH TERMS AND CONDITIONS** for this Contract has been executed and filed with CTR (Check only one):

Commonwealth Terms And Conditions

Commonwealth Terms And Conditions For Human And Social Services

PROCUREMENT OR EXCEPTION TYPE (Check one option only):

Single Department Procurement/Single Department User Contract

Single Department Procurement/Multiple Department User Contract

Multiple Department Procurement/Limited Department User Contract

Statewide Contract (OSD or an OSD-designated Department)

Grant (as defined by 815 CMR 2.00)

Emergency Contract (attach justification)

Contract Employee (Complete *Employment Status Form*)

Collective Purchase (attach OSD approval)

Legislative/Legal Exemption (attach authorizing language)

Other (Specify and attach documentation):

ANTICIPATED START DATE: 8-11-10 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)

CONTRACT END DATE: 06/30/2011

CONTRACT AMENDMENT/RENEWAL

ENTER **CURRENT CONTRACT START and END DATES** (prior to amendment)

Current Start Date: _____ Current End Date: _____

COMPENSATION: (Check Either, "No Compensation Change", "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.)

NO Compensation Change (Skip to "OTHER" section below and select change)

Redistribute Budget Line Items (No Maximum Obligation Change)

Maximum Obligation Change.

a) **Current Total Contract Maximum Obligation:** \$ _____
(Total Contract Maximum Obligation, including all prior amendments).

b) **Amendment Amount** ("+" or "-"): \$ _____

c) **NEW TOTAL CONTRACT MAXIMUM OBLIGATION:** \$ _____

Rate Changes to Rate Contract

OTHER: (Check option, explain under "Brief Description" below, and attach documentation.)

Amend **Duration Only** (No Compensation or Performance Change)

Amend **Scope of Services/Performance Only** (no budget impact.)

Interim Contract (Temporary Extension to complete new Procurement)

Other: (Describe Details and Attach documentation):

ANTICIPATED START DATE: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)

NEW CONTRACT END DATE: _____

→ **PROMPT PAYMENT DISCOUNTS:** Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See *Prompt Payment Discount Policy*.

% Within 10 Days % Within 15 Days % Within 20 Days % Within 30 Days **OR**, Check off the following if:

Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient):

For reimbursement, under the State 911 Department Training Grant Program, of training related costs associated with the 9-1-1 system per grant guidelines and response as submitted by Grantee. (Please see attached grant documents.)

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached *Contractor Certifications*, and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at www.mass.gov/osc under *Guidance For Vendors - Forms* or at www.mass.gov/osd under *OSD Forms*, the terms of the attached *Instructions*, the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. **THE PARTIES HEREBY ALSO CERTIFY THAT** (Check one option only):

1. the Contractor has NOT incurred any obligations triggering a payment obligation for dates prior to the Effective Date of this Contract or Amendment; OR

2. any obligations incurred by the Contractor prior to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final **Settlement and Release** of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: Michael W. Lane Date: 7-14-10
(Signature and Date Must Be Handwritten At Time of Signature)

→ Print Name: Michael W. Lane

→ Print Title: Chief of Police

AUTHORIZING SIGNATURE FOR THE DEPARTMENT

X: Frank Pozniak Date: 8/11/10
(Signature and Date Must Be Handwritten At Time of Signature)

Print Name: Frank Pozniak

Print Title: Executive Director

COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

This form, to be used for New Contracts and Contract Amendments/Renewals, is jointly issued and published by the *Executive Office for Administration and Finance (ANF)*, the *Office of the Comptroller (CTR)* and the *Operational Services Division (OSD)* for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "→". For instructions and hyperlinks (italics), please view this form at: www.mass.gov/osc under *Guidance For Vendors - Forms* or at www.mass.gov/osd under *OSD Forms*.

→ Contractor Legal Name (and d/b/a): CITY OF GLOUCESTER → Legal Address (from W-9): 9 DALE AVE → Payment Remittance Address (from W-9): 9 DALE AVE, GLOUCESTER, MA 01930 → Contract Manager : MICHAEL W LANE, CHIEF OF POLICE → E-Mail Address : MLANE@GLOUCESTER-MA.GOV → Phone: 978-281-9775 → Fax: 978-282-3026 → TTY: → State of Incorporation (if a corporation) or "N/A": N/A → Vendor Code : <u>VC6000192096</u> MMARS Object Code: P01	Department MMARS Alpha Code and Name: State 911 Department- EPS Business Mailing Address: 1380 Bay Street Bldg. C Taunton, MA 02780 Billing Address (if different): Contract Manager: Marilyn Godfrey E-Mail Address: 911DeptGrants@state.ma.us Phone: (508) 821-7299 Fax: (508) 828-2585 TTY: (508) 828-4572 MMARS Doc ID(s): CT EPS SUPG RFR/Procurement or Other ID Number (if applicable): S & I Grant Account(s) Funding Contract: 8000-0911
<p style="text-align: center;"><u> X </u> NEW CONTRACT</p> COMPENSATION (Check only one): X Total Maximum Obligation of this Contract \$ <u>61,795⁰⁰</u> ___ Rate Contract (Attach details of rate(s) units and any calculations): The following COMMONWEALTH TERMS AND CONDITIONS for this Contract has been executed and filed with CTR (Check only one): X Commonwealth Terms And Conditions ___ Commonwealth Terms And Conditions For Human And Social Services PROCUREMENT OR EXCEPTION TYPE (Check one option only): ___ Single Department Procurement/Single Department User Contract ___ Single Department Procurement/Multiple Department User Contract ___ Multiple Department Procurement/Limited Department User Contract ___ Statewide Contract (OSD or an OSD-designated Department) X Grant (as defined by <u>815 CMR 2.00</u>) ___ Emergency Contract (attach justification) ___ Contract Employee (Complete <u>Employment Status Form</u>) ___ Collective Purchase (attach OSD approval) ___ Legislative/Legal Exemption (attach authorizing language) ___ Other (Specify and attach documentation): ANTICIPATED START DATE : <u>8-16-10</u> (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.) CONTRACT END DATE : <u>06/30/2011</u>	<p style="text-align: center;"><u> </u> CONTRACT AMENDMENT/RENEWAL</p> ENTER CURRENT CONTRACT START and END DATES (prior to amendment) Current Start Date: _____ Current End Date: _____ COMPENSATION : (Check Either, "No Compensation Change", "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.) ___ NO Compensation Change (Skip to "OTHER" section below and select change) ___ Redistribute Budget Line Items (No Maximum Obligation Change) ___ Maximum Obligation Change. a) Current Total Contract Maximum Obligation : \$ _____ (Total Contract Maximum Obligation, including all prior amendments). b) Amendment Amount ("+" or "-"): \$ _____ c) NEW TOTAL CONTRACT MAXIMUM OBLIGATION : \$ _____ ___ Rate Changes to Rate Contract OTHER : (Check option, explain under "Brief Description" below, and attach documentation.) ___ Amend Duration Only (No Compensation or Performance Change) ___ Amend Scope of Services/Performance Only (no budget impact) ___ Interim Contract (Temporary Extension to complete new Procurement) ___ Other: (Describe Details and Attach documentation): ANTICIPATED START DATE : _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.) NEW CONTRACT END DATE : _____
→ PROMPT PAYMENT DISCOUNTS . Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See <u>Prompt Payment Discount Policy</u> . ___ % Within 10 Days ___ % Within 15 Days ___ % Within 20 Days ___ % Within 30 Days OR, Check off the following if: X Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient): For disbursement of funds under the State 911 Department PSAP and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.	
CERTIFICATIONS : Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached <u>Contractor Certifications</u> , and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at www.mass.gov/osc under <u>Guidance For Vendors - Forms</u> or at www.mass.gov/osd under <u>OSD Forms</u> , the terms of the attached <u>Instructions</u> , the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. THE PARTIES HEREBY ALSO CERTIFY THAT (Check one option only): 1. X the Contractor has NOT incurred any obligations triggering a payment obligation for dates prior to the Effective Date of this Contract or Amendment, OR 2. ___ any obligations incurred by the Contractor prior to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final Settlement and Release of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR : → X: <u>Chief Michael W Lane</u> Date: <u>7-14-10</u> (Signature and Date Must Be Handwritten At Time of Signature) → Print Name: <u>Michael W. Lane</u> → Print Title: <u>Chief of Police</u>	AUTHORIZING SIGNATURE FOR THE DEPARTMENT X: <u>Frank Pozniak</u> Date: <u>8/12/10</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Frank Pozniak</u> Print Title: <u>Executive Director</u>

ENCLOSURE 2

City Hall Annex
Three Pond Road
Gloucester, MA 01930



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

CITY OF GLOUCESTER
COMMUNITY DEVELOPMENT DEPARTMENT

RECEIVED

AUG 13 2010

Mayor's Office

MEMORANDUM

TO: Mayor Carolyn Kirk
FROM: Sarah Garcia, Community Development Director *Sarah Garcia*
RE: HUD Sustainable Communities Challenge Grant
DATE: August 13, 2010

The Department of Housing and Urban Development (HUD) has announced \$100 million in funding for grant programs that include a Sustainable Communities Challenge Grant. The purpose of the grant is to assist communities with creating integrated, sustainable development. The applications will be reviewed not only by HUD, but also by the U.S. Department of Transportation and the Environmental Protection Agency.

With a clear city center, Gloucester already has the bones of the sustainable communities that these grants are designed to encourage. The City has recently completed several targeted plans including the Economic Development Plan, the Facilities Capital Management Report, the 5-Year Consolidated Plan, and the Open Space Plan. The Sustainable Communities Challenge Grant is designed to allow the community to look at how to integrate and advance these targeted needs and recommended actions.

Our goal is to develop a plan to encourage someone to get off the train, go to Good Harbor Beach or Stage Fort Park, come back to downtown for dinner and a stroll along the waterfront, and then go home. Not only would this provide a phenomenal boost to the downtown, it will strengthen linkages between marine-based industries (in Gloucester) and major institutions of research (in Boston and Cambridge.)

The other goal is to develop the water transportation links: to the passengers coming in by cruise ship, for harbor shuttle support for commercial redevelopment opportunities on the water, and for facilities for transient boaters coming into the City.

The grant application is due August 23, 2010. Please forward our request to City Council so that they may initiate their review. By the end of next week, we will have drafted the specific scope and budget for the grant, so that it will be available for the subcommittee review. We are able to provide the required local matching funds from in-kind services and other grant sources so there is no requested obligation from the General Fund.

ENCLOSURE 3

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 24, 2010

Mr. Thomas Hauck
22 Plum Street
Gloucester, MA 01930

Dear Mr. Hauck:

Thank you for your interest in serving on the Cultural Council. 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 31, 2020 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Cultural Council. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
JoeAnn Hart, Gloucester Cultural Council

EFFECTIVE AUGUST 24, 2010

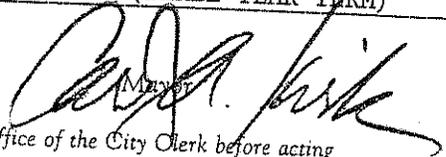
The City of Gloucester, Massachusetts

Dear Thomas Hauck, 22 Plum Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the CULTURAL COUNCIL _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE 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: _____

THCS

THOMAS HAUCK COMMUNICATIONS SERVICES

22 PLUM STREET

GLOUCESTER, MA 01930

thomashauck@hotmail.com • (978) 283-3910 • www.thomashauck.net

Ideas Into Words

August 13, 2010

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

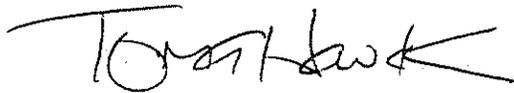
RECEIVED
AUG 13 2010
Mayor's Office

Dear Mayor Kirk:

Please accept my application to become a volunteer member of the Gloucester Cultural Council.

Thank you for your very kind consideration,

Sincerely,



Thomas Hauck

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 24, 2010

Mr. Hans Pundt
969 Washington Street
Gloucester, MA 01930

Dear Mr. Pundt:

Thank you for your interest in serving on the Cultural Council. 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 31, 2020 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Cultural Council. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,

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

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
JoeAnn Hart, Gloucester Cultural Council

EFFECTIVE AUGUST 24, 2010

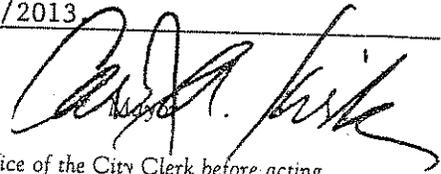
The City of Gloucester, Massachusetts

Dear Hans Pundt, 969 Washington Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the CULTURAL COUNCIL _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013

Respectfully,



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

Sworn in _____ By: _____

Cultural Council

August 4, 2010

To whom it may concern,

I am writing you this brief note regarding an invitation I received recently to become a member of the Gloucester Arts Council. It was an honor to be asked and I am hopefully not too late to submit my application letter. I have been a life long resident of this great city and I would like to be considered to be able to work with these great friends and fellow creative people. I myself have been the past president of Local Colors, the president of The North Shore Horticultural Society, and have been involved with the Boston Flower Show among other endeavors. Thank you for your time and I look forward to serving this great artistic city.

Sincerely,



Hans Pundt
969 Washington Street
Gloucester MA.
Hanspundt@mac.com

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 16, 2010

Mr. Martin Ray
22 Rockwood Lane
Gloucester, MA 01930

Dear Martin:

Thank you for your interest in serving on the Cultural Council. 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 31, 2020 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Cultural Council. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,

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

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
JoeAnn Hart, Gloucester Cultural Council

EFFECTIVE AUGUST 24, 2010

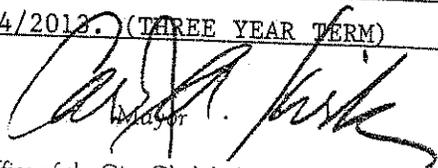
The City of Gloucester, Massachusetts

Dear Martin Ray, 22 Rockwood Lane, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the CULTURAL COUNCIL _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE 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: _____

RECEIVED

JUN 30 2010

Mayor's Office

22 Rockwood Lane
Gloucester, MA 01930
June 29, 2010

Mayor Carolyn Kirk
City Hall
Gloucester, MA 01930

Re: Appointment to Gloucester Cultural Council

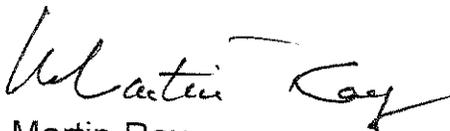
Dear Mayor Kirk:

At the invitation of the Gloucester Cultural council I would like to apply to you for appointment to this committee.

For the past ten years, as Treasurer of North Shore Veterans for Peace, I have interfaced with various Cultural Councils in funding the Peace Poetry Contest in our school systems. They have impressed me with their commitment to support worthwhile community projects.

I would be pleased to join the local effort.

Sincerely yours,



Martin Ray

(978) 283-4585

Gloucester Cultural Council
P.O. Box 176
Gloucester, MA 01931

RECEIVED

JUL 13 2010

Mayor's Office

June 29, 2010

Mayor Carolyn Kirk
City of Gloucester
9 Dale Avenue
Gloucester, Ma. 01930

Dear Carolyn,

The Gloucester Cultural Council would like to endorse Martin Ray for appointment to membership in our Council.

Mr. Ray has been a participant and a supporter of the arts on Cape Ann for many years. He has contributed culturally to our beautiful city through the creation and design of several areas of our parks and historically significant landmarks, including, but not limited to, the Fitz Henry Lane Park on Harbor Loop.

We have met and talked with Mr. Ray and he is extremely pleased to be invited to join us. We highly recommend him and would look forward to working with him on cultural venues.

He will soon be writing you a letter of request to appointment.

Thank you for your consideration in this matter.

Best wishes,



JoeAnn Hart
Chair, Gloucester Cultural Council

JoeAnn Hart, Chair, Lois Budrose, Secretary, Mary Weissblum, Treasurer, Saira Austin, Mary John Boylan, Barbara Dyer, Susie Field, Barbara Gale, Thomas Hauck, Linda Walcott,

The General Laws of Massachusetts

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General Court Home
Mass.gov

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE II. EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH

CHAPTER 10. DEPARTMENT OF THE STATE TREASURER

EMERGENCY FINANCE BOARD

Chapter 10: Section 58. Local and regional cultural councils

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without

compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts. Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 12, 2010

Ms. Janet Rice
15 Starknaught Road
Gloucester, MA 01930

Dear Janet:

Thank you for your interest in serving on the City of Gloucester's **Capital Improvement Advisory Board (CIAB)**. I have issued you a 90-day temporary appointment to serve on this board 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 31, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the CIAB. I truly appreciate the hard work and dedication you and your colleagues on this important board offer on behalf of the City of Gloucester.

Sincerely,



Carolyn A. Kirk
Mayor

Enclosure

cc: Mayor's Report to the City Council
Donald Fryklund, Chair-CIAB

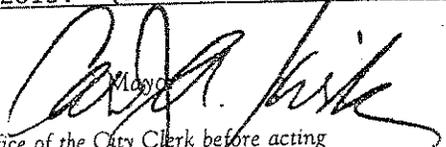
EFFECTIVE AUGUST 12, 2010

The City of Gloucester, Massachusetts

Dear Janet Rice, 15 Starknaught Road, Gloucester, MA 01930
It is my pleasure to inform you that I have this day appointed you
to the CAPITAL ADVISORY IMPROVEMENT BOARD _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE 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: _____

RECEIVED

AUG 12 2010

Mayor's Office

Janet Rice

15 Starknought Road
Gloucester, MA 01930
978-282-5406
Rishays@Verizon.net

Objective:

I would be honored to serve the City as a Member of Gloucester's Capital Improvement Advisory Board. Thus, I am submitting my name for consideration.

Education:

1975 University of Kansas, Bachelors in Psychology and Human Development
1980 Brandeis University, Masters of Human Service Management
1990 Bentley College, Post Graduate Coursework in Human Resources

Relevant Experience, Gloucester, MA:

PTO President, East Gloucester School
Site Based Management Team, East Gloucester School
Site Base Management Team, Gloucester High School
Volunteer, Gloucester Maritime Heritage Center
Volunteer, Gloucester Stage Company

Other Experience:

Mother of two Boys
Career in Education and Health Services
Life long Volunteer
Strong history of Community service
Background in financial management and operational control
Team player; expertise in working with people at all levels
Designed and facilitated the construction of two houses
Ability to set goals, prioritize and move projects forward
Positive, optimistic, attitude regarding the future of the City of Gloucester.

References Available Upon Request

(3) The charges for any material or service shall not be in excess of cost price or prevailing hourly wage scale;

(4) No department shall be expected to perform a service for any other department while or when the necessary personnel or equipment is available in the department making the request;

(5) In its weekly work progress report, a department having had service performed or material supplied shall, in each instance, show proper credit to the performing or supplying department.

(Code 1970, § 2-247)

Secs. 2-577--2-584. Reserved.

DIVISION 3. CAPITAL IMPROVEMENTS

Sec. 2-585. Annual planning; capital improvements advisory board established.

A long range plan to serve as guidelines for capital improvements in the city shall be prepared each year in writing by the mayor subject to approval by the city council. Development of the plan shall take into account the recommendations made by a capital improvements advisory board, which is hereby established.

(Code 1970, § 2-18)

Sec. 2-586. Capital improvements advisory board--Function, composition, appointment, terms of office.

(a) The capital improvements advisory board shall consist of seven (7) members appointed by the mayor from the community at large with due care for providing an optimum mix of background and expertise, whose terms of three (3) years shall be staggered. The mayor shall designate a chairman of the board, who shall serve for a term of one (1) year and may be reappointed. All the members of the board shall elect a vice chairman from the membership, again on a yearly basis. No member of the city council shall serve as a member of the board.

(b) The board shall be appraised of the preparation of the ten-year capital improvements program developed by the community development department on a continuing basis, shall review the final ten-year program and shall submit a report on its review to the mayor.

(c) Minutes of each meeting of the capital improvements advisory shall be forwarded forthwith to each member of the city council.

(Code 1970, § 2-21; Ord. of 8-6-85, § I; Ord. No. 6-1991, § I, 2-26-91)

Sec. 2-587. Capital improvement plan.

(a) The capital improvement plan shall be concerned with physical facilities, such as land, buildings or other structures, or pieces of equipment, which require a relatively large investment and have a relatively long useful life.

(b) The capital improvement plan shall specify a detailed program of capital expenditures over a period of ten (10) fiscal years from the date on which it becomes effective and shall specify the methods of financing the proposed capital improvements.

(c) Guidelines for the planning process, specifying minimum cost and useful life of capital improvements to be considered in the capital improvement plan, the maximum proportion of total budget to be devoted to capital improvements, and any restrictions on methods of financing, shall be established on recommendation of the mayor and approval by the city council.

(d) The capital improvement plan shall be submitted by the mayor to the city council no later than ninety (90) days before the first day of the fiscal year in which it is to take effect. The plan shall be updated annually during the time it is in effect.

(Code 1970, §§ 2-19, 2-20; Ord. No. 6-1991, § I, 2-26-91)

Sec. 2-588. Scope of division.

Nothing in this division shall be construed as preempting or diminishing the statutory prerogatives of the city council or the mayor.

(Code 1970, § 2-22)

Secs. 2-589--2-594. Reserved.

DIVISION 4. TRUST FUNDS

Sec. 2-595. Custodian.

The city treasurer shall be the custodian of all trust funds given or bequeathed for the benefit of the city or the inhabitants thereof and securities of such funds. He shall invest and reinvest them and expend therefrom moneys as directed by the board. The treasurer shall furnish a bond satisfactory to the board for the faithful performance of his duties.

(Code 1970, § 2-259)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 46.

Sec. 2-596. Board of commissioners of trust funds--Creation; membership; purpose; officers.

(a) There is hereby created and established the board of commissioners of trust funds consisting of three (3) persons who are residents of the city at the time of their appointment. The board shall have the management of all trust funds given or bequeathed for the benefit of the city or the inhabitants thereof, unless the donor, in making the gift or bequest, shall otherwise provide.

(b) The members of the board of commissioners of trust funds shall be appointed by the mayor and confirmed by the city council. All members of the

ENCLOSURE 4

City Hall Annex
Three Pond Road
Gloucester, MA
01930



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

CITY OF GLOUCESTER
COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Mayor Carolyn Kirk
FROM: Sarah Garcia, Community Development Director *SG*
RE: Cape Ann Conservation Planning Project – technical assistance request
FOR INFORMATION ONLY
DATE: August 24, 2010

The National Park Service offers technical assistance to communities through their Rails, Trails and Conservation Program. Please see the attached application for a description of our proposed Cape Ann Conservation Planning Project and our request for technical assistance from the National Park Service.

Please convey this information to the City Council. Since the grant does not require any matching funds, this memo is for information only.



Application Form for NPS RTCA Assistance

Steps for applicant:

- ✓ Contact RTCA staff at least two weeks before applying for assistance;
- ✓ Send Applicant Information and Project Description to RTCA_Application@nps.gov by August 1 or by U.S. Mail to appropriate Program Manager postmarked by August 1.
- ✓ We recommend sending maps, large background documents and support letters by U.S. Mail to appropriate Program Manager postmarked by August 1.

Project Name: Cape Ann Conservation Planning **Date:** 07/30/2010

Project Location:

City, County and State: Gloucester & Rockport; Essex County Massachusetts

Congressional District(s): 6th Congressional District

Applicant organization: City of Gloucester Community Development Department

Primary Contact:

Name: Sarah Garcia **Title:** Community Development Director

Street Address: 3 Pond Road
Gloucester MA 01930

City: Gloucester **State:** MA **Zip Code:** 01930

Email: sgarcia@gloucester-ma.gov **Daytime Phone:** (978) 261-9781

Project Description:

1. Describe the goals of your project and any tangible conservation or outdoor recreation results expected. Quantify the expected results in terms of miles of trail or protected river, acres of open space, parkland, habitat, etc. Briefly describe any prior activity or history, if any, on the project and its current status. What aspects of projects are going well, aspects you think need the most help. Include expected completion date if known.

The City of Gloucester has over 5,773 acres of open space and recreation lands. Over decades of shrinking city budgets, these spaces have been lightly managed, with only fire lanes and watershed needs actively attended to. The number one recommendation from our first Open Space and Recreation Plan in 12 years is for better management of our open spaces.

As the city's Community Development Department seeks new management practices, we look to those who have expertise in this area. Locally this includes our excellent nonprofit land management agencies – the Trustees of Reservations, the Mass Audubon Society, Essex County Greenbelt Association – that also have land interests in our city and on Cape Ann. We also include our neighboring Town of Rockport, for we share a border, and perhaps more importantly access and ownership of the interior lands known as Dogtown (mostly publicly owned and much in watershed) as well as encompassing the North Gloucester Woods, northerly contiguous to Dogtown, but without the public interests thereto previously examined or analyzed. In addition, Rockport has been very capable and forward-looking with its Rights of Way Committee over the past 10-20 years. Many historic public ways have been carefully and discreetly protected, whereas the City of Gloucester has not done this kind of work.

Historically, the coastal settlements on the perimeter of Cape Ann have accessed the interior in a low key way for a myriad of uses: from blueberry picking, quarry dipping, and exploring to mountain biking and rock climbing. However, new media outlets have spread the knowledge about these areas, especially the attractive mountain biking opportunities and the swimmable quarries in the northern portions of Dogtown. While increased demand for use is challenging, it is also an opportunity to clarify the public interests and potential ways to meet them.

The City believes the added contribution of technical assistance from the National Park Service will contribute to collaboration and thoughtful solutions for policies that maximize public enjoyment as well as safety.

The expected result will be defined public interests, a set of policies to guide usage of the open space lands in Gloucester and Rockport, specific actions that support the kinds of expected and desired uses. These policies will protect the historic integrity of the public pathways and rights of ways, the three essential watersheds of Cape Ann, and the recreational and social value of the natural lands to the people of Cape Ann and beyond. The project is expected to last 12 months.

2. Describe how your project will protect or improve important natural resources and/or enhance outdoor recreation opportunities.

The creation of an effective management plan should find ways to balance the essential preservation of the cultural and environmental quality of the resources with the exceptional outdoor recreational opportunities offered in these areas. Recreational activities now occurring ad hoc include rock climbing at Red Rocks and Mount Ann, mountain biking throughout, swimming in numerous rock quarries, hiking and walking, blueberry picking, dog walking, bird watching, and wild flower hunts. Historically the paths in the interior also provided effective transportation corridors. Potentially those could be enhanced if not at the expense of the historic integrity of the area.

This project seeks to identify best practices and build partnerships to support open space management and use.

3. List the partners involved and describe how they are actively and substantively involved in the project. Identify those partners that embrace any of the current strategic themes for RTCA. Briefly summarize the existing or anticipated role and contribution of each. (Three support letters from partners required)

The City of Gloucester: (see letter of support, Mayor C.A. Kirk)

- The Community Development Department – including the Director, the Planning Director, and the Mass in Motion Senior Project Manager, GIS Technical Specialist
- The Dogtown Advisory Committee
- The Open Space and Recreation Committee – in charge of a new 2010 Open Space and Recreation Plan with better management of lands as the number one priority (see letter of support)
- The Department of Public Works – Manager in charge of watershed lands with experience in forestry management in the New England North Woods.

The Town of Rockport (see letter of support, Board of Selectmen)

- Open Space and Recreation Committee – in charge of new 2009 Open Space and Recreation Plan with identified priority on land management
- the Rockport Rights of Way Committee, and
- the Rockport Watershed Protection Committee.

Land Conservation and Management Associations

- Massachusetts Audubon Society and
- the Trustees of Reservations

In preparation for this project, members of Gloucester's Community Development Department and Rockport's Rights of Way Committee and Conservation Commission have met to discuss how the towns could work together to achieve common goals. Rockport's G.I.S. Committee has been kind enough to share their town's G.I.S. data with Gloucester's Community Development Department, allowing for accurate mapping and viewing of both towns open spaces in one information system.

The Gloucester Community Development Department has been spearheading a Get Fit Gloucester Partnership, funded by the Department of Public Health, in which the Trustees of Reservations has been one of a dozen active members, looking at strategies for making physical activity and nutrition a more integrated part of daily life.

The Dogtown Advisory Committee, the Community Development Department, and a summer intern have met over the summer and defined the North Gloucester Woods area, mapped the trails and historic roads, and proposed a list of public interests for further discussion.

The Manager in charge of Gloucester watersheds has sought out the Community Development Department to talk about how to collaborate for better management policies. The City Councilor for Ward 4, North Gloucester, has been bringing forth ordinances for parking management on roads near woods access points. The police have been coping with an influx of strangers coming in to town to use the quarries -- recent articles in the Gloucester Daily Times.

We anticipate representatives of each of the partners to be active participants in defining public interests, recommending approaches, and working toward resolution for effective management.

4. Provide other examples of support for the project including: supporting language in local, regional and state plans, endorsements from elected officials and boards, supportive votes or public survey results, other grants or awards received, or examples of media coverage. *Letters of support are welcome.* Describe public participation, if any, in the project so far, and any future public participation plans.

The Open Space and Recreation Plans that Rockport and Gloucester developed in 2009 and 2010, respectively share a number of overlapping goals. First and foremost, both plans emphasize the protection and management of critical natural and cultural resources. Secondly, Gloucester and Rockport each recognize the importance of strategically preserving open land for both conservation and recreational use. Finally, each is concerned with either creating or preserving key connections between and through their open spaces, recreational and cultural areas. In addition, Rockport's plan specifically mentions the importance of enhancing wildlife habitat protection. Part of that process will involve identifying and monitoring vernal pools throughout the town's open spaces. Gloucester's plan, on the other hand, has a section supporting the protection and improvement of access points to open spaces and recreational areas.

Both municipalities seek to engage youth. The Rockport Open Space Committee plans to partner with Rockport High School to involve students in the implementation of an open space management and stewardship plan. In Gloucester, the Get Fit Gloucester partnership has included the schools, the YMCA, teen groups, and the Trustees of Reservations all looking to bring youth into programs involving open spaces.

This proposed collaboration is in its infancy, but responds to a deep need in these communities to manage resources that have significant recreational attraction, yet are part of small communities ill-equipped to handle significant volumes of visitors in the remote woods. (See newspaper articles: from Feb 2007 <http://www.gloucestertimes.com/local/x645258278/Skating-tradition-ends-in-Lanesville> to July 2010 <http://www.gloucestertimes.com/local/x1255111914/Police-charge-4-turn-away-100-from-quarry-pits/stripped?device=mobile>)

5. Describe the kind of assistance you are seeking from RTCA staff. *For examples of the kinds of assistance RTCA staff can provide go to "What we do" on our website. www.nds.gov/rtca*

In applying for NPS assistance, Gloucester and Rockport are asking that the RTCA staff assist in organizing both community and internal meetings, designed to develop a general consensus on the cities' values associated with their open spaces and what can be done to protect and improve the resources associated with those values. After determining what is important to these towns and their residents, the RTCA staff will help to craft a comprehensive plan to manage Gloucester's and Rockport's open spaces and promote values of stewardship. The Plan will also map out key connection routes between the natural and cultural areas of Gloucester and Rockport.

Current strategic themes: (check boxes that apply)

- Project provides physical connection among resources.
- Project includes both outdoor recreation and natural resource conservation goals.
- Project partners with an NPS area and/or connects communities to NPS areas parks; NPS areas include: National Parks and Monuments; National Heritage Areas; National Trails and Wild & Scenic Rivers.
- Project partners with a health organization (active and substantial).
- Project engages youth partners.

www.nps.gov/rtca

Submit by Email

2010 RTCA Application Form

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

July 30, 2010

Steve Golden, Program Manager
National Park Service
Rivers, Trails, and Conservation Assistance Program
15 State Street, Boston, MA 02109

Re: Request for Technical Assistance for *Cape Ann Conservation Planning*:

Dear Mr. Golden:

On behalf of the City of Gloucester, I am pleased to submit this request to the National Park Service's Rivers, Trails, and Conservation Assistance Program for technical assistance for the *Cape Ann Conservation Planning* project. Gloucester is pleased to be supported by the Town of Rockport and many local land conservation organizations in submitting this project to your program.

The *Cape Ann Conservation Planning* project will identify best practices and build partnerships to support open space management and stewardship, which will protect public interests in Gloucester's and Rockport's open spaces, while still encouraging responsible recreational use. The assistance that the National Park Service's program provides will be a significant factor in facilitating public discussion as to the values associated with Cape Ann's natural resources, what needs to be protected, and what must be done to ensure their protection.

The City of Gloucester and its residents have taken several key preliminary steps to show our City's renewed commitment to protecting open spaces including passing the Community Preservation Act to provide more resources for open space protection, creating a standing Open Space and Recreation Committee and drafting our first Open Space and Recreation Plan in over 12 years. Gloucester's great wealth of natural resources often exceeds our small community's capacity to adequately manage. The National Park Service's experience and expertise in developing conservation strategies for our national parks as well as assisting regional conservation projects will be of great value in helping Cape Ann residents to identify the key interests in our adjoining open spaces and ways to protect those interests.

Thank you for your consideration. We look forward to working with you.

Sincerely yours,

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

Carolyn Kirk
Mayor Carolyn Kirk

cc: Sarah Garcia, Community Development Director

SARAH J. WILKINSON
ELLEN CARAVAN

ANDREW HEINZE, CHAIRMAN

WENDELL F. JACQUES, JR.
FRANCES M. FLEMING

BOARD OF SELECTMEN

Town of Rockport

MASSACHUSETTS 01966-1537

TOWN OFFICE BUILDING
34 BROADWAY

PHONE (978) 546-6786
FAX (978) 546-2881

LINDA SANDERS
TOWN ADMINISTRATOR

July 23, 2010

Steve Golden, Program Manager
National Park Service
Rivers, Trails, and Conservation Assistance Program
15 State Street, Boston, Massachusetts 02109

Dear Mr. Golden:

We are pleased to inform you of Rockport's participation in the Cape Ann Conservation Planning project and whole-heartedly support the grant application of the Gloucester Community Development Department for technical assistance for the National Park Service's Rivers, Trails, and Conservation Assistance Program. It is a great pleasure to join other regional land conservation organizations, such as the City of Gloucester, in submitting this project to your program.

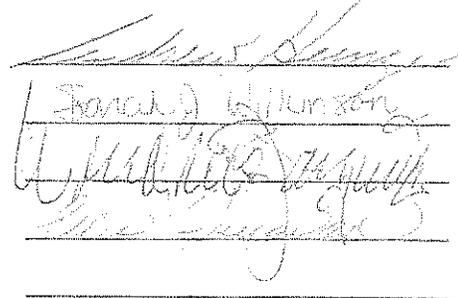
By partaking in this project, the technical assistance received will be able to guide Rockport in choosing best practices and in building the necessary partnerships in supporting open space management and stewardship. Not only will this project protect the public interests in Rockport, but also encourage responsible recreational use. Overall, this program will be significant in facilitating public awareness of Cape Ann's natural resources and by learning what needs to be protected and how to sustain that protection.

Please feel free to contact Larry Neal, Co-Chairman of the Open Space and Recreation Committee at 978-546-7433, or lneal33@gmail.com with any questions or for further information.

Thank you so much for your serious consideration of our joint application with the City of Gloucester.

Sincerely,

Board of Selectmen



The image shows four handwritten signatures on a set of four horizontal lines. The signatures are written in dark ink and appear to be the names of the four members of the Board of Selectmen mentioned in the header: Sarah J. Wilkinson, Ellen Caravan, Andrew Heinze, and Wendell F. Jacques, Jr. The signatures are somewhat cursive and overlapping.

cc: Lawrence Neal, Co-Chairman of the Open Space and Recreation Committee
Eric Hutchins, Open Space Committee and Watershed Protection Committee



CITY OF GLOUCESTER
OPEN SPACE AND RECREATION
ADVISORY COMMITTEE

Daniel Morris (Chair)

Noel Mann

Charles Crowley

Susan Hedman

John McElhenny

Dean Murray

July 30, 2010

Sarah Garcia
Community Development Department
3 Pond Road
Gloucester, MA 01930

Letter of Support for *Cape Ann Conservation Planning*:

On behalf of Gloucester's Open Space & Recreation Committee, I am pleased to support the *Cape Ann Conservation Planning* project, which is applying for assistance from the National Park Service's Rivers, Trails, and Conservation Assistance program.

Our Committee's central goal is to improve stewardship of the City's open spaces. In our Open Space & Recreation Plan, we have identified key steps to achieve this goal, including development of more accurate open space land inventories, clear identification of which city department is responsible for the management of each area, forging of partnerships with local and statewide groups, such as Essex County Greenbelt Association, Massachusetts Audubon, and The Trustees of Reservations, and finally, development of a curriculum that supports youth involvement by encouraging classes to visit and learn about Gloucester's natural environment. Other key goals include the creation of strategic connections between the City's open spaces and the protection and improvement of our gateways to open spaces and recreational areas. The assistance that the National Park Service's program provides will be invaluable in identifying best practices and building partnerships to support open space management and stewardship in Gloucester's and Rockport's open spaces, while simultaneously encouraging responsible recreational use. Gloucester's Open Space & Recreation Committee is willing to work with the RTCA staff and other project partners to accomplish these goals, thereby ensuring the effective stewardship of Cape Ann's vital natural resources.

Sincerely,

Daniel Morris, Chairman



Doyle Conservation Center
464 Abbott Avenue
Leominster, MA 01453

tel 978.840.4446
fax 978.537.5835

www.thetrustees.org

July 15, 2010

Sarah Garcia
Community Development Department
3 Pond Road
Gloucester, MA 01930

Re: Letter of Support for *Cape Ann Conservation Planning*:

Dear Sarah:

On behalf of The Trustees of Reservations, I am pleased to support the *Cape Ann Conservation Planning* project, which is applying for assistance from the National Park Service's Rivers, Trails, and Conservation Assistance program. The Trustees are nonprofit organization funded entirely by our visitors, supporters and more than 40,500 member households. Our mission is to preserve, for public use and enjoyment, properties of exceptional scenic, historic, and ecological value in Massachusetts, including 5 properties, totaling 837 acres, located on Cape Ann. We have recently opened the Cape Ann Discovery Center, at Ravenswood Park in Gloucester, where families, volunteers and casual visitors can learn about the history and ecology of this extraordinary property and the surrounding area.

The work of private non-profits, such as The Trustees, can be multiplied several-fold by involving the broader community in appreciation and stewardship of the area's natural resources. *Cape Ann Conservation Planning* is designed to identify best practices and build partnerships to support open space management and stewardship in order to further protect public interests in Gloucester's and Rockport's open spaces while simultaneously encouraging responsible recreational use. The assistance that the National Park Service's program provides will be a significant factor in facilitating public engagement in identifying the values associated with Cape Ann's natural resources, what needs to be protected, and what must be done to ensure that protection. The Trustees will be happy to work with the RTCA staff and other project partners to develop strategies for responsible stewardship and public use of the best of Cape Ann.

We wish you and your Cape Ann colleagues every success in your application for funding from the National Park Service's Rivers, Trails, and Conservation Assistance Program.

Sincerely yours,

A handwritten signature in cursive script that reads "Peg Wheeler".

Margaret K. Wheeler
Land and Community Conservation Specialist
mwheeler@ttor.org
978-840-4446 x 1916
617-838-4889 (cell)



Mass Audubon

Advocacy Department

Six Beacon Street, Suite 1025 - Boston, Massachusetts 02108
tel 617.962.5187 . fax 617.523.4183 . email jclarke@massaudubon.org
Protecting the Nature of Massachusetts

July 12, 2010

Sarah Garcia
Community Development Department
3 Pond Road
Gloucester, MA 01930

Re: Letter of Support for Cape Ann Conservation Planning

Dear Ms. Garcia:

On behalf of Mass Audubon, I am pleased to support the Cape Ann Conservation Planning project, which is applying for assistance from the US National Park Service's (NPS) Rivers, Trails, and Conservation Assistance (RTCA) program.

It is my understanding that the project purpose is to identify best practices and build partnerships to support open space management and stewardship in order to further protect the public interests of Gloucester's and Rockport's open spaces while simultaneously encouraging responsible recreational use. Based on my experience, the assistance that the NPS program could provide to Cape Ann would be a significant factor in facilitating public discussion as to the values associated with Cape Ann's natural resources, the identification of those areas in need of protection, and how that protection will best be achieved. Mass Audubon, as a state-wide non-profit conservation organization, owns 55 acres of conservation land in the City of Gloucester, and 46 acres within the Town of Rockport. As neighbors, we look forward to working with the RTCA staff and other project partners to further develop management, land conservation, and stewardship strategies.

Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 34,000 acres of conservation land, provide educational programs for 225,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Mass Audubon's mission and actions have expanded since our beginning in 1896 when our founders set out to stop the slaughter of birds for use on women's fashions. Today we are the largest conservation organization in New England. Our statewide network of wildlife sanctuaries, in 90 Massachusetts communities, welcomes visitors of all ages and serves as the base for our work.

Sincerely,

John J. Clarke
Director of Public Policy and Government Relations

CAPE ANN MUSEUM

ART HISTORY CULTURE

17 PLEASANT STREET GLOUCESTER, MA 01930

July 30, 2010

Ms. Sarah Buck Garcia, Director
Department of Community Development
City of Gloucester
3 Pond Road
Gloucester, MA 01930

Dear Ms. Garcia,

On behalf of the Cape Ann Museum, I am pleased to write in support of the *Cape Ann Conservation Planning Project* and its application for assistance from the National Park Service's Rivers, Trails, and Conservation Assistance program. I am particularly encouraged to see that the plan addresses not only open space management and stewardship, but includes a focus on connecting Cape Ann's natural resources to its cultural resources.

Cape Ann's cultural and natural resources are inextricably intertwined. Cape Ann has been a maritime powerhouse, the source of granite for many major building projects up and down the East Coast, and a leading center for artists since the 18th century. The area's natural resources served as magnets for the fishing and quarrying industries, as well as for artists. Artists have memorialized the areas' natural beauty and its history in paint and in stone. They continue to do so.

The assistance that the National Park Service's program can provide will be a significant factor in facilitating public discussion as to the values associated with Cape Ann's cultural and natural resources, identifying what needs to be protected, and determining what can be done to better connect these resources. Please look favorably upon this proposal.

Sincerely,



Ronda Faloon, Director
Cape Ann Museum

The Cape Ann Museum tells multiple stories, all relating to a singularly remarkable place. The Museum's collections relate to the area's rich cultural heritage, from its extensive selection of maritime paintings and landscapes by American artists such as Fitz Henry Lane, Milton Avery and John Sloan to its ship models and quarrying artifacts. The Museum is committed to fostering an appreciation of the quality and diversity of life on Cape Ann, past and present, furthering the knowledge and enjoyment of Cape Ann history and art; collecting and preserving significant information and artifacts; and encouraging community involvement with its programs and holdings.



23 Harbor Loop, Gloucester, MA 01930 phone: 978-281-0470 fax: 978-281-0327
email: hwebster@gloucestermaritimecenter.org

July 29, 2010

President
Geoffrey Richon

Vice Presidents
William Taylor
Nancy Sullivan

Treasurer
William Dyer, III

Secretary
John McGlennon

Executive Director
Harriet Webster

Board of Directors
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Gino Mondello

Melanie Murray-Brown

Greg Neal

Stephen Sacca

Timothy Thurman

David Warner

Sarah Garcia
Community Development Department
3 Pond Road
Gloucester, MA 01930

Dear Ms. Garcia:

I am writing to voice the Gloucester Maritime Heritage Center's enthusiasm for the Gloucester Community Development Department's application for support from National Park Service's Rivers, Trails, and Conservation Assistance program. While Gloucester is fortunate in having a wealth of natural resources, the city is challenged by the demands of protecting its extensive open spaces. The Park Service's experience in nurturing the development of resource management plans will provide the city with the guidance and expertise it needs in order to maximize the potential of its resources.

Having been a part of several appointed and elected bodies involved in determining land use policies in the city over the past two decades, I am convinced that Gloucester and Rockport residents care deeply about their natural resources. The *Cape Ann Conservation Planning* project will provide a clear path to the development of a management and stewardship plan that respects the voices of the city's many constituencies while at the same time embracing best practices in resource protection.

The mission of the Gloucester Maritime Heritage Center is to promote Gloucester's maritime heritage as a platform for teaching maritime skills and marine sciences, and for encouraging environmental stewardship. As a major cultural resource that also provides extensive public access to Gloucester's most spectacular resource – its harbor – the Heritage Center is committed to the protection of both natural and cultural resources. This project will represent an opportunity to create a plan that acknowledges the diverse voices that share a deep affection for Cape Ann, while at the same time articulating a well structured approach to protecting those resources.

We urge you to act favorable on the Gloucester Community Development Department's application. This project could not be more timely.

Sincerely yours,

Harriet Webster
Executive Director

Get Fit Gloucester! Partnership

June 29, 2010

Sarah Garcia
Community Development Office
3 Pond Road
Gloucester, MA 01930

Letter of Support for *Cape Ann Conservation Planning* Project:

Our organizations support the Cape Ann Conservation Planning project, designed to develop a comprehensive open space management and stewardship plan. This project will help to create standards and regulations for open space management and use, which will protect public interests in Gloucester's and Rockport's open spaces, while still allowing for responsible recreational use. The assistance that the National Park Service's Rivers, Trails, and Conservation Assistance program provides will be a significant factor in facilitating public discussion as to the values associated with Cape Ann's natural resources, what needs to be protected, and what must be done to ensure their protection.

Name:

Organization:

Goullet Rivers

Ann Marie Jordan

Jessie Blaulieu

Chasen Gold Robinson

Linné Hojby

JACK VONRAS

Chris Malaguida

Mikelle Sweet

John Whiting

Julia Brown

Frank Casella

Ed J...

City...

Tina Kucapula

Chill Zone Youth Program / Ringdale Park

Gloucester Public Schools

Science Consultant to Gloucester Schools

Public Health Nurse, Gloucester Health Department

Senior Care, Inc.

Gloucester Health Dept.

Gloucester Family Health Center

Gloucester School Committee member

Duvernoy Substance Abuse Prevention Svc, (SAS)

Tufts University School of Medicine

Council on Aging

YMCA of the North Shore

Cape Ann YMCA

address Richard Hoop...

Get Fit Gloucester!

Our Vision for a fit-friendly Gloucester:

Opportunities for fitness and access to healthy foods will start in our backyards, as we step out of our homes, as we walk down the street, visit a park, tend a community garden plot, go to a local business or hike a local trail.

Our children can safely walk or bike to school...and to the library, the park or local store. At lunchtime, we can take a relaxing walk or go for a bike ride or run, returning to a shower and refreshed for the afternoon. We can combine our errands with easy access to a harbor walk or the neighborhood park on the way home where our children can let off steam and we relax. There are clearly-marked bike trails for family outings as well as safe round the Cape routes for the teenagers and adults.

We find healthy and affordable foods are available from local farmers and fishermen, the farmers' market, multiple supermarkets and the food pantry. The school lunch program provides healthy foods for our children that keep them fit and alert in class. Our children grow and taste vegetables and visit local farms and fishermen. The restaurants in the City offer us healthy options and fit-friendly portions.

Our medical community engages us in monitoring and improving our health and wellness and helps guide us to appropriate and engaging health and fitness options offered by community organizations and businesses. Insurance carriers and businesses work co-operatively to create work environments that support health & wellness.

Get Fit Gloucester! Participants

City of Gloucester, Mayor Carolyn Kirk
 Community Development and Health Departments
 Gloucester Public Schools
 Addison Gibbon Hospital / Northeast Health System
 Cape Ann Chamber of Commerce
 Cape Ann Farmer's Market
 Cape Ann YMCA • CATA Operating Company
 Chill Zone • Riverdale Residents
 Council on Aging • Gloucester Family Health Center
 Gloucester Fishermen's Wives Association
 Gordon's • MAC Fitness
 The Open Door / Cape Ann Food Pantry
 Pathways for Children • SeniorCare, Inc.
 The Trustees of Reservations

Get Fit Gloucester! Local Physical Activity Resources for Kids and Teens

Activity	Resource	Location	Cost	Contact Info
Parks	1. Stage Fort Park (ADA)	1. Western Ave	Free	For parks in your neighborhood see the City Web site: www.ci.gloucester.ma.us for the complete list of our 10 beaches, 16 playgrounds and 16 athletic fields! 1. (978) 283-0470 2. (978) 283-2698 3. (978) 281-5241 4. (978) 283-9251
	2. Science Park (ADA)	2. West Parish School, Concord St		
	3. Cripple Cove Playground	3. East Main Street		
	4. Skate Park	4. O'Malley School, Cherry Street		
Dance	1. Zumba Classes	1. Cape Ann YMCA, 71 Middle Street	1. Free for Members (FA) 2-4: Annual Fees 1. \$175/wk (FA) 2. Free 3. ~\$245/wk	1. (978) 283-0470 2. (978) 283-2698 3. (978) 281-5241 4. (978) 283-9251
	2. Cape Ann Center for Dance	2. 26 Emerson Avenue		
	3. Nadine's Dance Center	3. 63 Rogers St, Suite 1		
	4. Dawn's Studio of Dance	4. 271 Main Street		
Camps & Clubs	1. YMCA Summer Camp	1. Camp Spindrift, 45 Atlantic St.	1. For PAC also see: http://www.northshoreymca.org/download/FA_Camp_Summer_2010_Final.pdf 3. (978) 283-5300	1-2. Courtney Milligan at 978-283-0470 2. For PAC also see: http://www.northshoreymca.org/download/FA_Camp_Summer_2010_Final.pdf 3. (978) 283-5300
	2. Physical Activity Club (sponsored by Northeast Hlth. Sys.) for Ages 10-14 & Parent/Mentor	2. Cape Ann YMCA 71 Middle St		
	3. Project Adventure (Girls 1-4; 5-9)	3. Gloucester Museum School (varies)		
Bicycle	1. Goose Cove Reservoir	1. Gee Avenue	Free	GO! Wheels - Facebook 978-281-9781 swinslow@gloucester-ma.gov
	2. Back Shore Loop	2. East Math and Atlantic		
	3. Magnolia	3. Shore Road Loop		
Swim	1. YMCA Pool	1. Cape Ann YMCA, 71 Middle Street	1-2. Free to Members (FA) 3. Free by foot or bike (p)	1. 978-283-0470 2. 978-526-8900 3. see: www.ci.gloucester.ma.us (p. 525 for resident parking sticker)
	2. Manchester Athletic Club	2. 8 Atwater Avenue, Manchester		
	3. Beaches	3. City Recreation Department		
Youth Sports	1. Cape Ann Lacrosse	1. Gloucester, Essex, Rockport	1-3: Reg. Fees 4. Registration Fee (FA)	1. Thom Falzarano 978-526-4914 2. Dean Sidell 978-281-1031 3. www.ci.gloucester.ma.us 4. 978-283-0470
	2. Fisherman Youth Soccer	2. 522 Western Ave		
	3. Gloucester Little League	3. Multiple Locations		
	4. YMCA Sports Lessons/Leagues	4. 71 Middle Street		
Walk the Dog	1. Ravenswood Park	1. The Trustees of Reservations	Free	1. Ramona Latham: 978-526-8687 2-3: see: www.ci.gloucester.ma.us
	2. Goose Cove Reservoir	2. Gee Avenue		
	3. Beaches (Sept to April)	4. Multiple Locations		
Gym, Water or other Recreation	1. YMCA	1. Cape Ann YMCA, 71 Middle Street	1-3: Low Kids Fees (FA) 4. \$50/season 5. Class Fees 6. \$195	1. (978) 283-0470 2. (978) 283-8900 3. (978) 283-0470 4. www.gloucestergymnastics.com 5. (978) 283-5558 6. www.eteamz.com/CAYH/
	2. MAC Fitness XI (Ages 7-13)	2. 6 Whistler Stop Way, Gloucester		
	3. Sailing Lessons (Summer)	3. Cape Ann YMCA, 71 Middle Street		
	4. GIG Teen Rowing (April-Nov.)	4. Maritime Heritage Ctr., Harbor Loop		
	5. Martial Arts Unlimited	5. 284 Main Street (near Gordon's)		
	6. Learn to Ice Skate/Play Hockey	6. Cape Ann Youth Hockey, O'Malley Rink		

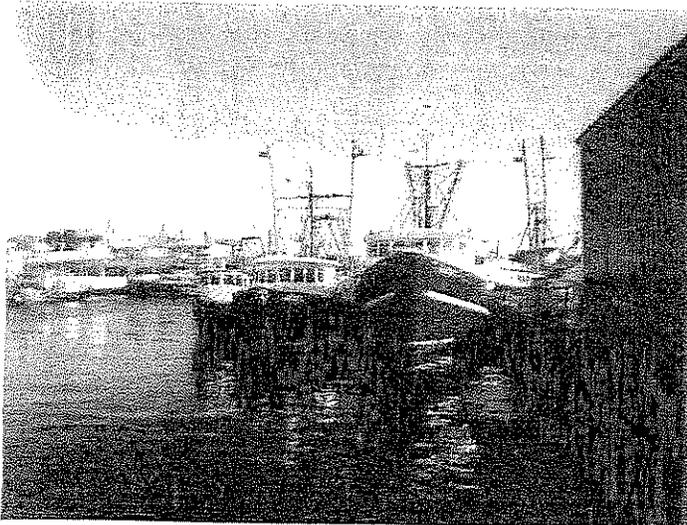
(ADA) - Wheel chair accessible (FA) = Financial Aid Available
 Disclaimer: The listing of a business or service on this sheet is not intended to be an endorsement or recommendation (7/2010)

PORT OF GLOUCESTER

Carolyn A. Kirk,
Mayor



A DIVERSE MARITIME ECONOMY



\$54 million Fishing Industry

- #1 Ground fishing Port of New England
- Feeding America since 1623*
- 477 licensed commercial vessels
- 120 million lbs annual landings
- \$54 million annual gross
- Gloucester Seafood Display Auction
- State Fish Pier -
 - 50+ berths accommodating vessels to 140' length.
- Port Services serving the Gulf of Maine.

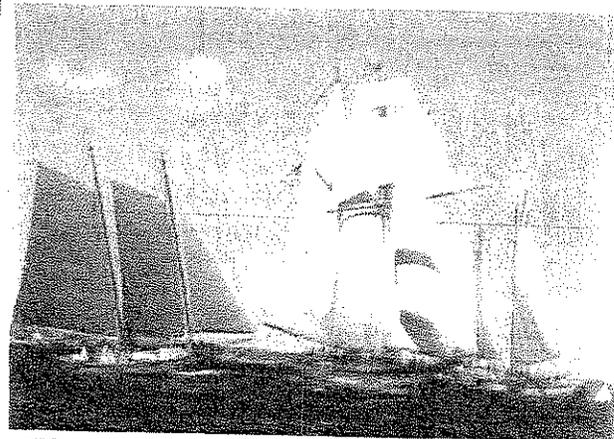
Visitor-based Economy on the Waterfront

- Deep Sea Fishing and Fishing Charters
- Whale Watch Excursions - Naturalist Narrations
- Historic Schooner Trips
- Tour Boats and River Cruises
- Custom Sailing and Yacht Charters
- Diving Operations

Festivals:

- International Dory Races 2nd Week in June
- St. Peters Fiesta 3rd Week in June
- Blackburn Challenge July
- Waterfront Festival August
- Triathlon August
- Schooner Festival Labor Day Weekend

<http://www.gloucesterma.com/>



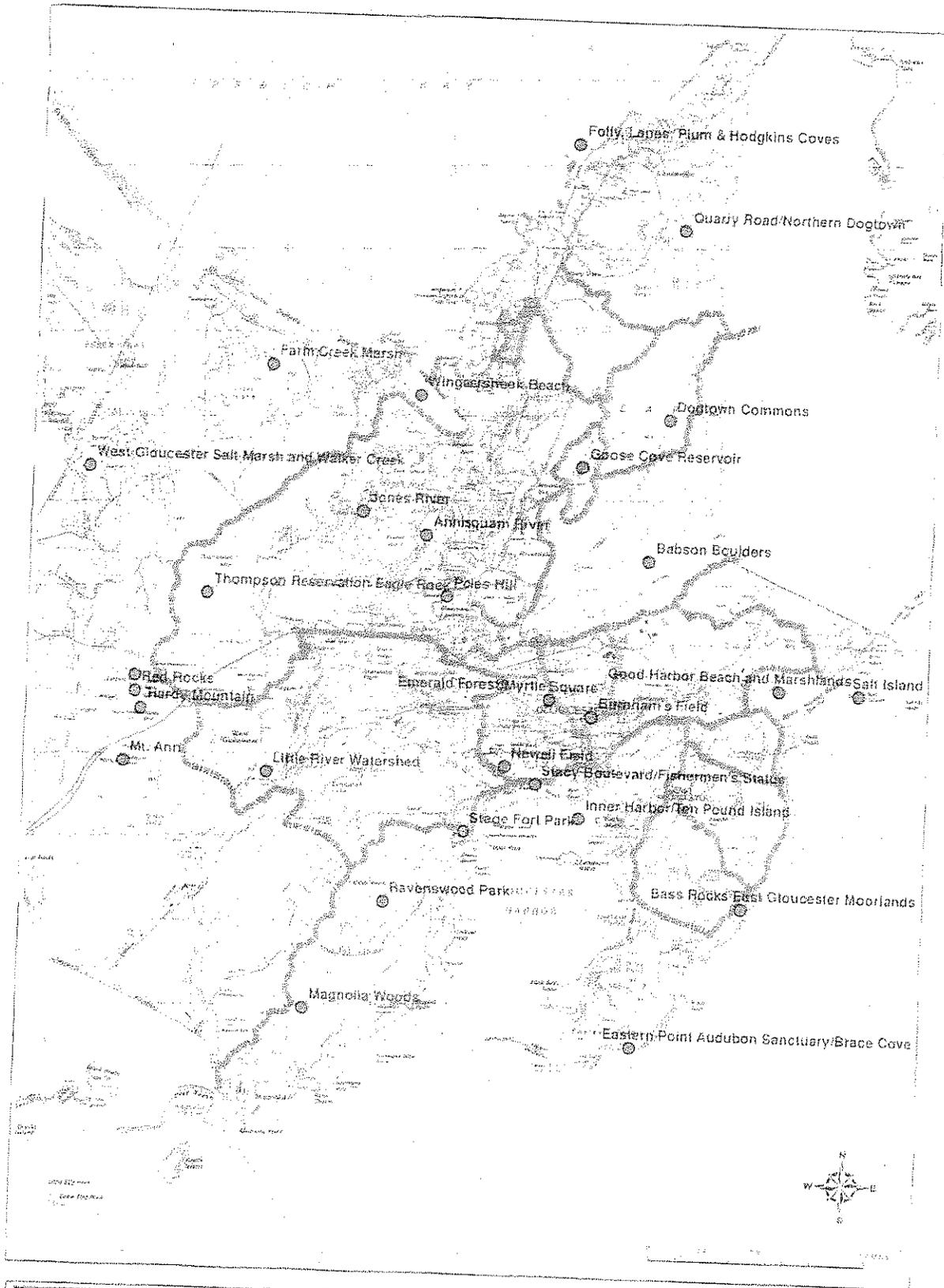
Maritime Economy

- Marine Research Centers
 - Whale Center of New England
 - Ocean Alliance
 - Large Pelagic Research Center
- Marine Field Stations
 - Salem State Aquaculture Laboratory
 - MIT Seagrant Laboratory
 - MA Division of Marine Fisheries
 - Annisquam River Field Station 30
 - Gloucester Maritime Heritage Center
 - Alternative Energy Free Flow Power
 - NOAA Northeast Regional Offices
 - Coastal Zone Management
 - Northeast Regional Office
 - U.S. Coast Guard Station and heliport



Harbor Contacts:

Sarah Garcia, Director, Community Development,
978-281-2430 sgarcia@gloucester-ma.gov
Jim Caulkett, Harbormaster, 978-282-3012



Conceptual Green Path Network

Figure
22

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 17, 2010

7:00 p.m.

Kyrouz Auditorium – City Hall

Council Meeting 2010-19

Present: Council President, Jacqueline Hardy; Vice President, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Paul McGeary; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Robert Whynott

Absent: Councilor Tobey

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Police Chief Michael Lane; Sarah Garcia; Gregg Cademartori; Steven Winslow; Tom Markham; Dean Murray; Daniel Morris

The meeting was called to order at 7:02 p.m.

Flag Salute and Moment of Silence

Oral Communications:

Marina Evans, 81 Western Avenue, spoke regarding surveillance cameras installed in and around Gloucester's harbor expressing her surprise and nervousness to read in the Gloucester Daily Times of their positions ("four or five near my house") and installation feeling "violated" a bit by them. She believed the citizens of the community were not made aware that they were being installed until that article was published; although she noted the initiative was begun in 2007. She found many people felt the same as she - a feeling of violation; that they were not able to take a walk on the Boulevard without feeling like they're being watched all the times. She was heartened by an article that day in which Mayor Kirk said she would set up a review process on the purchase and installation of these cameras. She believed she spoke on behalf of others, that they should put the issue to a public referendum to allow the citizenry to voice their concern and to vote on the matter to decide it. She believed they do have a right to their privacy even in a public space. She expressed her awareness that this was a controversial idea; and those she spoke with didn't necessarily share that particular view; but that the best way for the citizenry to agree or decide that it is in their best interest to be "surveilled everywhere" is to bring the matter to a public referendum.

Councilors' Requests to the Mayor: All Councilor requests have been received in writing and forwarded to the office of the Mayor.

Councilor McGeary asked the Council to suspend the Council Rules of Procedure in order to take the Committee Report from the Special Budget & Finance Meeting held just prior this evening's City Council meeting as their first order of business of the Council. By unanimous consent the Rules were suspended.

Special Budget & Finance Meeting – August 17, 2010:

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-3) of funds of \$150,000.00 from DPW Snow/Ice Removal, Salt/Sand Road, Unifund Account #101000.10.423.554.10.0000.00.000.00.054 to DPW Work Order Account, Unifund Account #101000.10.472.54307.4200.00.200.00.054 to pay for emergency school opening maintenance items as outlined in the Mayor's Memorandum dated August 6, 2010 with attachments in the amount of \$195,500.00.

Discussion:

Councilor Curcuru stated this was part of the emergency list of maintenance repairs forwarded by the Administration to satisfy the maintenance needs in order to open school August 31st. This was one of three motions that will satisfy the amount that the Administration was looking for.

Councilor McGeary observed that he asked for at the Special B&F meeting and had received assurances from the Administration that should they be certified with sufficient free cash that the first priority would be to repay the Snow & Ice account; with a second priority to build up the Stabilization Fund. He felt it was a wise decision to go to the Snow & Ice account and not "raid" the Stabilization Fund and applauded the Administration for doing that.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (2011-SBT-3) of funds of \$150,000.00 from DPW Snow/Ice Removal, Salt/Sand Road, Unifund Account #101000.10.423.554.10.0000.00.000.00.054 to DPW Work Order Account, Unifund Account #101000.10.472.54307.4200.00.200.00.054 to pay for emergency school opening maintenance items as outlined in the Mayor's Memorandum dated August 6, 2010 with attachments in the amount of \$195,500.00.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-4) of funds of \$22,797.00 from Building Use Rental Account, Unifund Revolving Account #283007 to DPW Work Order Account, Unifund Account #101000.10.472.54307.4200.00.200.00.054 to pay for emergency school opening maintenance items as outlined in the Mayor's Memorandum dated August 6, 2010 with attachments in the amount of \$195,500.00.

Discussion:

Councilor Curcuru noted this was a continuance of the emergency repairs. This money came from the School Department. He thanked them for being a part of this process and helping to find the funds to do this emergency work.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (2011-SBT-4) of funds for \$22,797.00 from Building Use Rental Account, Unifund Revolving Account #283007 to DPW Work Order Account, Unifund Account #101000.10.472.54307.4200.00.200.00.054 to pay for emergency school opening maintenance items as outlined in the Mayor's Memorandum dated August 6, 2010 with attachments in the amount of \$195,500.00.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-5) of funds for \$20,000.00 from School Department MO Contingency, Unifund Account #101000.21.370.53800.2305.00.052 to DPW Work Order Account, Unifund Account #101000.10.472.54307.4200.00.200.00.054 for the specific purpose of providing funds for the School Department School Food Service Point of Service System software (reference the School Committee 08/12/10 vote).

Discussion:

Councilor Curcuru explained that this was to pay for the Food Service Point of Service software, and the School Department is going to be transferring the money so it can be paid for.

Councilor Hardy stated the \$20,000.00 from the School Department is paying for the Point of Service system for Food Services, and it was not coming from Snow & Ice account on the City side.

Councilor Curcuru confirmed that to be the case.

Councilor Ciolino stated he would support this and would like the School Department or their Food Services Department to report back to the City Council after it was installed in a month or so to let them know how it was working and whether it was on budget.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (2011-SBT-5) of funds for \$20,000.00 from School Department MO Contingency, Unifund Account #101000.21.370.53800.2305.00.052 to DPW Work Order Account, Unifund Account #101000.10.472.54307.4200.00.200.00.054 for the specific purpose of providing funds for the School Department School Food Service Point of Service System software (reference the School Committee 08/12/10 vote).

Presentations:

1 of 2: Update of Community Development by Sarah Garcia, Community Development Director

Sarah Garcia, Community Development Director reviewed for the City Council the activities of her department, thanking the Councilors for their support and asked for their input. She noted the two-page outline of her department's activities that was in the Mayor's packet. She noted they organized their priorities around the Mayor's priorities of economic development; aging infrastructure; and fiscal responsibility. Economic development was noted as a priority specifically around the harbor. Last year they got the 2009 Harbor Plan approved and this week the draft Economic Development Plan was up on the City website which she noted as a "wonderful milestone". Mt. Auburn Associates, Carl Seidman, Vine Associates collaborated to produce a document about what they all know about the harbor and most importantly, what should be done with the steps to make it happen. She noted some of the points in the document were not radically different; support for the visitor-based economy and the emerging maritime industry. What were different were the steps to accomplish them. They are looking forward to the Seaport Advisory Council with their economic development money to have someone manage half time the implementation of this plan so it doesn't go on a shelf. "It was not a paperweight" with more information coming forward. Ms. Garcia harkened back to her start with the City at the time that the Phase 1 expansion of Blackburn Industrial Park was taking place; the road was built and the funds were secured and yet it took a long time to sell the lots of the industrial park; and concern was expressed that who would want to come to Gloucester and that the park would never fill. She was impressed by the Phase 3 build out of the industrial park. They're down to the last few lots "which is a huge success for the City of Gloucester". Having their focus turn to the downtown was not inappropriate now because it, in the meantime, was languishing. She believed there was good reason why people will want to invest on the City's waterfront. The Harbor Economic Plan lays that out. The Harbor Walk idea is to make this a place people want to invest; having been told by businesses if there was a harbor walk they wanted to be there. She noted the economic development list, with the purchase of I4-C2 central to that list. She felt even not yet redeveloped, I4-C2 has been an asset; just by taking down the fences and clearing the lot, more people are commenting on how the downtown just looks different. They have new site plan review which facilitated the release of the Doyon's Appliance building on the waterfront, long vacant; will now be the new home of the Cape Ann Brewery. The Harbor Plan is having the effect they'd hope for with supporting activities like the Maritime Development Fund which they established with CDBG money. They are trying to help property owners if they need someone to fit out their building, as long as they're creating a job, they can lend them small amounts of money, \$35,000 to \$50,000. They will make the funds available for the harbor area to help make it easier for people to be located there. Gregg

Cademartori, Planning Director; the Planning Board, and her department have been working through the proposal for the Birdseye Mixed Use Overlay District rezoning; evaluating it; and holding public meetings. Since their update from the Mayor's packet, they did receive \$400,000.00 in new loan funds for the Brownfields program. Their Grants Administrator, Sharon Dubois, hired one year ago, brought those funds into the City. The fund had been down to its last \$100,000.00 which meant that the \$800,000.00 they had before has been moving. \$350,000.00 is supporting the Paint Factory redevelopment. Under aging infrastructure she noted their completion of the Facilities Capital Management Plan which contains the square footage of the City's structures, their condition and incorporated the Police and Fire Department's facilities survey from the management audits. They look forward to citizen's proposals which help to give them guidance with values expressed in meetings. The Open Space and Recreation Plan will be presented tonight, the first in a long time. They don't always have the capacity and staff to manage these many wonderful open spaces. They need new strategies and clear rules to manage them. There is the Mass in Motion Action Plan on the website which encompasses physical activity and nutrition in the community and Steve Winslow will discuss that as to how the neighborhoods can get out and around and moving and how to initiate better nutrition for the community (mostly the nutrition piece is focused on the schools). Fiscal responsibility equates with how to make do with less money and be positioned to do that. That was why they're looking at the wind turbine proposal which has been a focus for two years. The \$50,000.00 grant for the feasibility study will be done in the fall; and they'll look for design funds by the end of the year; and coming to the Council as to how to structure the ownership/management of the turbine. They also run good housing programs to help people to be able to afford to live in Gloucester. She pointed to their housing rehab program, a first-time homebuyer's fund. They continue to run those programs with CDBG funds. The Affordable Housing Trust continues to meet being local and caring and have supported several applications which have come before it and were a great resource. The plans that have come out of Community Development she felt would position the City for the future when there is an economic turnaround and State funding flows more freely it will set them up to be ready when the monies become available. They have the draft economic plan; the Open Space and Recreation Plan; the Facilities Capital Management Plan; the HUD Five-Year Consolidated Plan is required for CDBG and home funding which was put together by the CDBG group. It is before HUD now for approval. They've had new hires from grant funding like Steve Winslow stating that was why the Open Space and Recreation plan was produced by City staff, along with the Open Space and Recreation Committee. She noted an in-house study of a section of the harbor from St. Peter's Square to Harbor Loop to look at the different connections they could make in order to identify each section in order to estimate the cost of the Harbor Walk. She pointed out normally you'd go out and hire consultants to do this for about \$30,000.00 to \$50,000.00. She felt it moves them forward faster. The Mass in Motion Action Plan was done with 18 partners, a mix of organizations and people, shepherded by Mr. Winslow. She mentioned Mr. Cademartori, Ms. DuBois, Susan St. Pierre and Matt Lustig; and the roles they have played in many of her department's successes and that of the City. She applauded their efforts and that of the Council.

Councilor Hardy asked for an update on the status of the municipal campus and where the Administration and Community Development are in making a determination as to where they are in that process.

Ms. Garcia stated they received community values from the public meetings. They have a draft list of community values statement. The next step will be for the Administration to advance proposals consistent with these values. The role of the committee was to develop the status of the buildings; to look into the kinds of options; and now will be looking at what kinds of proposals are out there that are consistent with the values. Several people have approached the Administration in that regard, and she was letting that work its way out to see whether there are viable options before bringing it back to the committee. She noted what a good committee they had which met throughout the year and expected to reconvene the committee to craft the draft values to final ones.

Councilor Hardy asked had the Administration made any steadfast rules as to the location of the municipal campus in the future.

Ms. Garcia stated no. She knew the Mayor feels she heard strong sentiment to keep the campus downtown. What they heard from the values was that they had to look at fiscal responsibility, long-term maintenance, city ownership of the assets and their fitness for use, which are all real concerns. There were no hard and fast decisions yet.

Councilor Hardy asked at what point in time it would come to the Council.

Ms. Garcia stated that no decision on City leases, purchases get made without Council involvement.

Councilor Hardy asked when the Council would make their own outreach via public hearings, or round table discussions of their own.

Ms. Garcia stated when the Administration advanced any sort of a proposal or the committee itself but ultimately any proposal would come from the Administration.

Councilor Hardy replied that the Council was anxious to move forward on the issue.

Councilor Verga hoped they do something sooner than that based on Ms. Garcia's statement of the Mayor hearing sentiment of a downtown municipal campus. He noted his recent letter to the editor of the Gloucester Daily Times, that at the neighborhood meetings it was 23 out of 30,000 who spoke in favor of a downtown campus. He told the Council he had more than that number, three or four times as many, tell him quite the opposite. He hoped that doesn't mean, "let's go work on a proposal based on those two dozen people; then comes to the Council because it's "tens of millions of dollars". He expressed he would not vote for something not accountable for how they got to that point. He hoped the Council "picks up the ball" and doesn't wait for something that's a predetermined conclusion.

Councilor Hardy stated she would be pleased to work with Councilor Verga on the matter to determine when they can get it before the Council and involve the public as well.

Ms. Garcia stated they used the example of the Fuller School versus the City Hall campus as they seemed to be the most logical choices. Their goal through the City listening posts was to gain the values to guide them not to let the public make the decision. It wasn't going out for public referendum. There was a clear role for the Council in any deliberation for a real proposal but that they want to be consistent with public values.

Councilor Verga agreed; however, he felt public values as presented by 23 people wasn't enough information yet. Regardless of whether it was a decision of Fuller versus City Hall by those 23 people, or these are the values by those 23 people, they aren't there yet, "and they need to get there".

Councilor Whynott agreed with Councilor Verga, feeling the same way asking that they look at the practicality of the issue and not just sentiment.

Councilor Ciolino stated that the 30,000 other people had their opportunity to come forward to express their views on the subject, and they didn't come. He didn't feel that could be used as a gauge as to whether something was good or not.

Councilor Mulcahey stated the meetings she had been to that many were there to keep this building (City Hall) and maybe to go partly over to Fuller School, but ultimately seemed torn. On the particular meeting she attended she felt no one wanted anything downtown. She felt elderly folks wanted the convenience of paying their bills where they'd always had, downtown; and the majority wanted the Fuller School location.

2. of 2: Open Space and Recreation Plan by Steve Winslow, Senior Project Manager and Gregg Cademartori, Planning Director

Gregg Cademartori, Planning Director and **Steve Winslow, Senior Project Manager** reviewed for the City Council the extensive draft document of the Open Space and Recreation Plan for their review (Power Point presentation submitted prior to the City Council Meeting and on file). The Open Space and Recreation Committee is chaired by Daniel Morris, which includes Noel Mann, Charles Crowley, Susan Hedman, John McElhenny, Kathryn Leahy (now resigned and noted the recent vacancy), and Dean Murray; Patty Amaral has also been in attendance (who was a member on the now defunct Clean City Commission), to many of their meetings and hoped she would possibly become a member at some point. He opened his Power Point presentation to the Council by reviewing the history/timeline of how they

came to the draft Open Space and Recreation Plan and the planning process to meet the needs and wants of the community, as well as upcoming grants with provisional approval coming forward from the Department of Conservation Services. The Draft Open Space and Recreation Plan is posted on the City's web site for community review and comment on broken down into various pieces, and was a very large document. He noted the contribution of Dan Morris, Chair of the Committee and their representative to the CPA Committee. Sarah Garcia was a collaborative contributor to the plan. Steve Winslow was the master "drafter", incorporating all the comments from all the directions they came from and importantly being cognizant of what was required to be in the plan. David Sargent, Shellfish Warden was also an important contributor, working for the City but also as a citizen. Mr. Cademartori noted this plan was 12 years in the making. There were lost opportunities because a plan was not in place as it has been tied to how the State looks at the community for other grant opportunities, not necessarily dealing with open space grants. They now have a comprehensive list of open space and recreation lands and facilities. They have all this information encapsulated in the City's GIS mapping system so they can not only answer questions but use it as a planning tool for analysis and project development. They have provisional status at this point. One of the requirements of the plan is that they have an ADA Assessment of all the facilities. Additionally, they need research in defining the protected status of some of the open spaces which will take some deed research and assistance in "chasing down" owner unknown properties; there are over 13,000 parcels. He noted the attendance at their meetings and thanked the Council for their enactment of the ordinance for the Open Space and Recreation Committee.

Daniel Morris, 363 Essex Avenue, Chair of the Open Space and Recreation Committee, echoed praise of the Community Development staff, lauding their leadership, expertise and efforts in helping the Committee and the community come to this point. He reviewed how members of the Committee became members due to their family and personal experiences from interaction in the community, their needs and interests. While they all came to the Committee with their specific interests, they needed to know where their interests fit into the needs of the community and how they could help to improve these spaces. He enumerated questions they looked to have answers for (see Power Point presentation). He noted there was a long "to do" list from his Committee and hoped to advise the Community Development Department as a start of a conversation and what the priorities are and should be.

Steve Winslow, Project Manager stated he enjoyed his participation with the Community Development Department to learn more about Gloucester. He realized that Gloucester is rich in resources like the ones enumerated in their draft plan. It is hard to understand all the facets of the City's open spaces because of their vast array. They tried to have a geographical diversity also in the representation on the Committee. He spoke of the five main goals, the first of which was to improve stewardship which meant completing inventories, making a plan for responsible management and who is responsible for them and rules to run them. He noted the non-profits who own large tracts of land in Gloucester like the Audubon Society, the Essex Greenbelt Association and working with them and others to develop stewardship partnerships. He spoke of the complexity of the inventory process. Knowing who manages these properties was also important. Not all are in the City ordinances which focus more on fields rather than places like Dogtown. They've asked for National Park Service assistance in stewardship issues. Improving existing recreational facilities and to create new areas as needed; they're now eligible for PARCs grants to fund improvements, e.g. Burnham's Field, support Newell Stadium improvements and partner with other organizations to improve existing fields. They'll look for partners to help meet matches in grants. He spoke of improvement of gateways to open spaces; and to answer the question, is there public ownership of these access points. Access by emergency services is also key in these areas. They looked at interconnecting open spaces like Magnolia to Stage Fort Park, as an example. Strategic preservation was also touched upon. In the next five to seven years there may be opportunities for these kinds of interests in development activities focusing on acquisitions to enhance existing open spaces and to work with funding partners, on projects such as the Harbor Walk. They want to move forward with actions to maintain open space in face of climate change also. In reviewing the GIS map of land, he noted there was over 16,000 acres of open space in Gloucester; 5,500 acres are officially dedicated open space, about 35%.

Ms. Garcia closed by noting the ambitious nature of these goals. But having a Committee there to take this on was a step forward for the City. Anything of substance will come forward to the Council e.g. easements, acquisitions, funding and ordinances. Comments from the public on the draft plan are invited until September 30th then the Committee will respond to comments from the State and submit the final draft plan to be in compliance. She asked the Council to look for anything they may have missed that has been brought up by their constituents, particularly for long-term thinking for the Committee to consider. **Councilor Hardy** asked how the public may deed their property over to a charitable organization in order to preserve it as open space. She knew there were citizens who had come forward over the last couple of years who have done just that.

Ms. Garcia stated there are many different methods, ways to take tax deductions for giving charitable donations; easements for access where you don't give up your land by giving a right of way to people who have always used it and never have bothered them and think it's important they continue to access there or if you actually want to give the land outright to the City.

Mr. Cademartori noted there were a number of ways that donation could be done; if someone had the idea of wanting to give it directly to the City with care and custody to the Conservation Commission is one avenue. They are in an area that has very active non-profit organizations like Green Belt and Trustees of the Reservation. They are often approached before someone comes to the City because sometimes it involves lot line changes or defining easements on a plan. They can come to their department to gain a sense of what they're looking for. Very often if it is in proximity to other lands owned by non-profits might be the best custodian or steward to annex a larger conglomeration of parcels together or open space purposes.

Councilor Hardy stated if someone was interested in doing this, they could go to Pond Road to the Community Development Department office for assistance and they'll guide them through it.

Mr. Cademartori responded they would.

Councilor Hardy pointed to the actual draft plan in the hands of Councilor Ciolino at the dais stating the amount of work that had gone into the document was "phenomenal". For some it may be difficult to read the document on the web site and that there were paper copies available for review.

Ms. Garcia noted that the library and her office had copies of the draft Open Space and Recreation Plan.

Councilor Hardy also made note a copy would soon be at the City Clerk's office for reference.

Councilor Ciolino noted that his Committee wished to wait until after this presentation to the Council before taking up the matter. It will be on the agenda where P&D can ask their questions. The matter was continued. He noted that to get standards for their draft plan, they used the National Parks and Recreation Association Standards (See page 83 of the draft plan) which points to what they need for the future. It was a short list that states these standards against which Gloucester falls below. He asked for the five areas to be enumerated and the plan to move forward.

Mr. Winslow responded that they looked at and counted up the facilities, and out of that it came down to five. One was a shortage of Little League fields, which was Dean Murray's motivation to become involved with the Committee. It's hard to find practice fields, and felt they were 25% short. The Little League has come up with some suggestions to help remedy this situation. They technically have a shortage of soccer practice fields because there are so many competition fields at Magnolia Woods, which can be used as practice fields when not in use for games; and also noted a slight shortage of basketball courts. A community of this size normally has a dog park, and there is a petition for one now. Community gardens are not a part of the current Gloucester fabric, and will look to see if that can't be added. They do have school yard gardens and will talk with that group to see if there is an interest to expand them beyond that. This analysis was made against the national standards to come up with this list.

Councilor Ciolino thought by using the National Parks Recreation Standards to see how Gloucester measures up with other communities believed it was a valuable asset. He had been asking for the Committee to regain vibrancy and felt the Mayor and the people on the Committee were doing a terrific job. There is a lot of information in the draft plan and felt sure going forward it would be used as a "bible" for the City going forward.

Consent Agenda:

- **MAYOR'S REPORT**
- 1. Special Budgetary Transfer Request (#2011-SBT-3) from the Legal Department Refer B&F
- 2. Special Budgetary Transfer Request (#2011-SBT-4) from the Treasurer's Department Refer B&F
- 3. Special Budgetary Transfer Request (#2011-SBT-5) from the Personnel Department Refer B&F
- 4. Memorandum from the Fire Chief re: permission to spend \$35,935.40 from Fire Stations-Design & Repair Accounts for repairs Refer B&F
- 5. Memorandum from Police Chief re: approval to pay EMT expenses incurred during FY2010 with FY2011 funds Refer B&F
- 6. Report from City Auditor re: accounts having expenditures which exceed their authorizations Refer B&F
- 7. Appointments to Capital Improvement Advisory Board:
 - Joel Favazza TTE 02/14/2013 Refer O&A
 - Kersten Lanes TTE 02/14/2013 Refer O&A
- 8. Assessor's Department Quarterly Report Info Only
 - **APPROVAL OF MINUTES**
 - 1. City Council Meeting Minutes: 08/03/10 Approval/File
 - 2. Special City Council Meeting Minutes: 08/10/10 Approval/File
 - 3. Standing Committee Meetings: O&A 08/09/10, B&F 08/10/10 (under separate cover), P&D 08/11/10, B&F 08/17/10 Approval/File
 - **APPLICATIONS/PETITIONS**
 - 1. SCP2010-010: 15 Middle Street, GZO Sec. 2.3.1.7, Sec. 1.10.1, Sec. 3.1.6, Sec. 3.2.2.a Refer P&D
 - **ORDERS**
 - 1. CC2010-058 (Ciolino) Amend Gloucester Code of Ordinances §9-1 and §9-2(A) Refer O&A
 - 2. CC2010-059 (Theken) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: 2 Harvard St. 1 handicapped space Refer O&A
 - 3. CC2010-060 (Mulcahey) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Ciaramitaro/Gemellaro Playground Refer O&A

Items to be Added/Removed from the Consent Agenda:

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

For Council Vote:**1. Warrant for State Primary Election – September 14, 2010**

The City Council voted by unanimous consent to approve the Commonwealth of Massachusetts Warrant for State Primary of September 14, 2010.

The Council then signed the warrant.

Scheduled Public Hearings:**1. PH2010-060: Amend Chapter 17 "Police" Article II re: the non-civil service process of selecting the Police Chief (Continued to 08/31/10)**

Councilor Hardy opened the public hearing and stated the matter would be continued to the August 31, 2010 meeting of the City Council so that the Personnel Director, currently on vacation, can be present at that meeting to answer Council questions.

2. PH2010-061: Amend Gloucester Zoning Map and Zoning Ordinance re: 33 & 47 Commercial Street (Birdseye Mixed Use Overlay District) (Continued to 10/26/10)

Councilor Hardy opened the public hearing and stated the matter as agreed to by the applicant's attorney, Lisa Mead, was to be continued to the October 26, 2010 meeting of the City Council. However, after agreeing to the October 26th date, Attorney Mead's client asked that the matter be brought back for public on September 28, 2010, and the request of Attorney Mead's client was received in writing. Therefore the matter was continued to the September 28, 2010 City Council meeting.

3. PH2010-062: CC2010-016(A) (Verga) Reinitiated Order to amend Gloucester Zoning Map and Zoning Ordinance re: Rezone 71 Concord Street from Extensive Business to General Industrial and R-20 Medium Density Residential

This public hearing is opened.

Those speaking in favor:

Kathy Hurlburt, 6 Causeway Street stated a few years prior the neighbors were told there would be a rezoning of the properties in question and were against that. Then there was a Memorandum of Agreement that if DeMoulas didn't build there, it would change back to the original zoning. She brought it to former Councilor Devlin when DeMoulas opened up in September 2009 their Market Basket Supermarket in their new location and asked him to start the rezoning process the previous year after the Market Basket opened. She was told DeMoulas' hadn't withdrawn their application at that point. She then reinitiated the effort to revert the parcels, all three – the small house, the open meadow and the residential buffer which is the woodland; all one parcel. That way they could block the rezoning to go back in April of 2009. She asked Councilor Verga to reinitiate the reversion of the lots to their original zoning stating the neighbors would like to have it back to where it was originally, that they were promised. She didn't know what the Council felt about DeMoulas trying to block the process to revert the zoning but reiterated that the neighbors want it changed back.

Those speaking in opposition:

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council for the lot on the corner of Concord Street and Rt. 128 to be rezoned back to Residential 2 (R2) [current designation R20] and General Industrial (GI) agreed upon in the Memorandum of Agreement between DeMoulas Supermarket and the City of Gloucester dated January 3, 2007; and therefore to amend the Gloucester zoning map and corresponding districts in the Gloucester Zoning Ordinance by rezoning the 12.95 acre parcel of land located at 71 Concord Street, Map 234, Lot 38 from Extensive Business (EB) to 7.9 acres, formerly shown as Assessors Map 234 lot 42, General Industrial (GI) district and approximately 5 acres formerly shown as Map 234, Lot 38 and 39 Low Medium Residential (R-20) respectively.

Discussion:

Councilor Ciolino explained the Council back in 2007 made a promise to the neighborhood that if the project didn't come to pass that the zoning would go back to where it existed before the project came forward. It was the feeling of P&D that this City Council should honor the promise made by a former City Council and why they unanimously agreed that it should go back to its previous zoning; an honorable thing to do and urged his fellow Councilors to vote in the affirmative.

Councilor Whynott stated it wasn't that just the Council had promised the neighborhood; DeMoulas' stood before them and stated they would also revert the zoning and had no reason not to revert it back to its original rezoning. He felt it was a "double promise" and should be fulfilled that evening.

Councilor Verga agreed with Councilors Ciolino and Whynott. He felt one of the big things people needed to keep in mind was that citizens brought forward a petition which educated him on the matter as it was before his time on the Council. It was straightforward that DeMoulas had made this promise. They made a few attempts to get DeMoulas to come to their meetings or to respond to them and that they didn't respond to their outreach efforts. Since they weren't fighting it, their Committee didn't have much of a conflict in voting to endorse this and urged his fellow Councilors to do so that evening.

Councilor Theken asked about the turning of the lots from three to one, and was it legally appropriate.

Councilor Verga stated he was not an expert on the matter but believed that there were 3 different distinct zonings parcels that DeMoulas owned or eventually owned; believing they bought the house. Councilor Theken asked if P&D went through to see what is legal or not legal.

Councilor Ciolino noted the motion brought forward from P&D was written by Suzanne Egan, Legal Counsel.

Mr. Cademartori responded in his capacity as Planning Director for the City and related that the report of the Planning Board and their recommendation that one of the items being brought up now was a fine point. DeMoulas did come forward to the Planning Board in April, 2009; and the property that they owned was 3 lots; one small residential lot on the street as well as the two larger parcels - the former drive in use and the wetland to the north of the property and wanted to combine them into one. The effect of that combing of the lots is it preserves the zoning in effect at the time for three years from the endorsement of that plan. The Council could vote to rezone or revert to the older zoning. But for a period of time from that endorsement, about 21 months, anyone who owns that property can continue to file for a permit under the EB designation or what you proposed to rezone it to this evening. It was brought up at the Planning Board's public hearing that it was not contemplated in the agreement they put forward. The course of action of the initiation of the rezoning by the citizen petition didn't also follow the sequence of the agreement. DeMoulas is not taking any particular stance should the City pursue a rezoning was coincident that if an ANR had progressed that they were denied by the City Council for obtaining the Special Council Permit for the shopping center and didn't prevail on appeal, that was the condition they said if a year from that time the City moves forward with rezoning; the Planning Board moves forward with a rezoning or the applicant would potentially move to rezone the parcel back to the General Industrial. He believed they were in a position where the course of action did not "follow to a T" the agreement laid out but at the same time it did not contemplate the idea they would combine the lots and preserve the EB district for a period of time by an ANR freeze. There's nothing in the agreement, should the City chose to rezone the property less than a year, and they'd have the ability to do that as well. The language that is in that agreement is reiterates the process they are going through now by having a rezoning proposal, referring it to public hearing, and then taking action on it. There is nothing in that the agreement that could have prohibited the exact same scenario they have in front of them.

Councilor Theken stated if this passes, they or any purchaser of the property still have 21 months to go by the current zoning.

Mr. Cademartori stated yes; they could file a Special Council Permit application for certain uses with the City Council or act under as "of rights" in the EB district. The protection of the EB district will sunset with that three year period (when the "freeze" ends).

Councilor Ciolino noted after the 21 months if someone wants to develop that property, the neighbors would again have the opportunity to work with that zoning and go through that process again. He felt it was such a congested area that the neighbors should have an opportunity to provide their input.

Council President Hardy stated that she was among the Councilors that approved the initial rezoning of these parcels with the understanding that the Memorandum of Agreement would come into play if the development did not go forward as represented. She said that she could see Atty. McKenna standing right there (at the microphone) agreeing that DeMoulas/Market Basket would not stand in the way or appeal the reversion of the rezoning of the property if the development of the Demoulas/Market Basket grocery store did not go forward. She quoted from page 3, paragraph 4 of the Memorandum of Understanding:

..... Demoulas will not oppose or appeal the Reversion and if such Reversion is not instituted by Gloucester, the Planning Board, Board of Appeals, the Regional Planning Agency or by petition of ten registered voters of the City of Gloucester, within one (1) year of the date of the occurrence of the completion of the events described above... then Demoulas shall file a petition to accomplish the Reversion.

For these reasons she stated, she would support this petition; but wanted to make sure that the lead proponent, Ms. Hurlburt, was clear on a couple of points. Ms. Hurlburt was asked if she understood clearly what she was asking for and is this what she really wanted - did the proponent(s) understand that they were giving up one set of zoning use protections for another set of zoning use protections and that they understand the ramifications of that. Councilor Hardy stated that she believed the Planning Board asked those questions also, but she wanted to ask herself so that she would feel comfortable with her vote. **Ms. Hurlburt** felt until they knew who was going to develop the property there was nothing to understand and that there had been no protection before. She noted the rock crushing entity which was "illegal" and that a car dealership which was already in the neighborhood and parking on that property. They would once again have a buffer along Causeway Street with the reversion to the previous zoning. **Councilor Hardy** stated that it was her understanding that in April of 2009 the property owner (Demoulas) was before the Planning Board for an ANR and that it was granted - and that the current zoning stays in place (also known as "freezes") for three years from that date; therefore, even if the Council approves the rezoning tonight that it would not become effective until 3 years from the date the ANR was granted; which would put the date the property to be rezoned back to GI and R-20 to April of 2012 which is approximately 20 months from now. She stated that she was not an attorney, but questioned whether or not an "implied waiver" of the ANR freeze was in play here, because if there is an implied waiver, the effective date of a positive vote this evening would mean that the rezoning was not frozen and was effective after the appeal period runs on this vote - and she reminded all that according to the MOU the DeMoulas promise it would not stand in the way of the rezoning. **Councilor McGeary** asked if the City solicitor would look into the matter for further clarification which as to the rezoning, whether the 2007 rezoning is "frozen" until April 2012 due to the 2009 ANR or did DeMoulas "waive" the freeze impliedly.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed for the lot on the corner of Concord Street and Rt. 128 to be rezoned back to Residential 2 (R2) [current designation R20] and General Industrial (GI) agreed upon in the Memorandum of Agreement between DeMoulas Supermarket and the City of Gloucester dated January 3, 2007; and therefore to amend the Gloucester zoning map and corresponding districts in the Gloucester Zoning Ordinance by rezoning the 12.95 acre parcel of land located at 71 Concord Street, Map 234, Lot 38 from Extensive Business (EB) to 7.9 acres, formerly shown as Assessors Map 234 lot 42, General Industrial (GI) district and approximately 5 acres formerly shown as Map 234 Lot 38 and 39 Low Medium Residential (R-20) respectively.

Committee Reports:

Ordinances & Administration: 08/09/2010

There were no matters to be brought forward for action by the City Council. She wished to take the reorganization off but is going forward with the advertisement of the position but not the reorganization plan at this time. The plan will not yet be advertised for public hearing.

MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted 8 in favor, 0 opposed to advertise for public hearing for the position of Facilities Manager.

Councilor Hardy stated they'd try for a public hearing on the "Facilities Manager" on August 31st.

Special Budget & Finance Committee: 08/10/2010

Councilor Curcuru noted there was no matter bring forward for action by the Council from this meeting.

Planning & Development: 08/11/10

Councilor Ciolino added a disclaimer prior to the voting below from Planning & Development making clear he represents Santa Claus for the Downtown Christmas Parade, which was to be one of the beneficiaries of the Celebrate Gloucester Concert.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to endorse the Van Ness Group, Inc. production of the event known as the “Celebrate Gloucester” Concert to take place on Sunday, September 5, 2010 at 65 Rogers Street (also known as I4-C2) between the hours of 3 p.m. to 10 p.m., with net proceeds to benefit the Gloucester Fund which satisfies the requirement for public benefit.

Discussion:

Councilor Ciolino explained in addition to the endorsement of the Planning & Development Committee, the Mayor had submitted a memorandum also expressing the Administration’s support of the event. The public benefit exists as people can vote on the Downtown revitalization project they want to receive the funds from the proceeds; and the Gloucester Fund will distribute it for the top three vote getters. He believed this was a good event and hoped it would be successful. Councilor Hardy reiterated that the fishermen have the right to their parking there and it was to be kept open and available to them during the event; and assured that those rights will always be protected.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to endorse the Van Ness Group, Inc. production of the event known as the “Celebrate Gloucester” Concert to take place on Sunday, September 5, 2010 at 65 Rogers Street (also known as I4-C2) between the hours of 3 p.m. to 10 p.m., with net proceeds to benefit the Gloucester Fund which satisfies the requirement for public benefit.

Councilors’ Requests Other than to the Mayor:

Councilor McGeary noted the GFAA 7 Mile. Run on the 22nd of August a brand new event. They hope it will be one of three “Cape” road races, the Falmouth Road Race, the Cape Elizabeth, ME Road Race, and the Gloucester Road Race. It’s for the GFAA, and encouraged everyone to come out and support the event.

Councilor Ciolino stated Planning & Development Committee will be taking up the double pole issue and have decision-makers coming in to help solve the problem, which is to be held as a workshop. He reminded that downtown on Saturday night is another Block Party.

Councilor Mulcahey reminded the community to attend the Kevin Riley fundraising baseball game. The proceeds will be going to Kevin Riley Cancer fund. It will take place Thursday evening, 6 p.m. Stage Fort Park at Boudreau Field. She will be playing in the game along with Councilor Hardy and Councilor Theken will be the umpire.

Councilor Theken noted the Kevin Riley fundraising baseball game was a good cause and will be a lot of fun. She noted she’s never umpired before! She also noted that the Ordinances & Administration Committee will be this coming Monday at 6:30 p.m. at City Hall. There will be many traffic issues taken up in that meeting. She encouraged interested parties who have items pending to check with the Traffic Commission, view the agenda on the City’s website or call their Ward Councilors with any questions they may have on any of their pending matters and expressed her regret that due to the volume of traffic requests some matters were taking longer than usual.

Councilor Whynott asked the Council President to place on the next joint School Committee meeting agenda as to how vandalism is handled by the schools, as they were told on their recent tour of the schools to view maintenance issues, that it was an internal matter.

Councilor Hardy noted that she had recently spoken with Chairwoman Gilman who informed her that the School Committee would soon be reviewing their policies related to this matter and that the subject would be on the next joint meeting agenda.

Councilor Verga added that he, too, will be playing in the Kevin Riley baseball game. He also asked that the citizens voice their opinions one way or the other on the Fuller versus Downtown campus and the values to call the Mayor, or your Ward Councilor and let their voice be added to the other 23 people.

Councilor Curcuru thanked the people who showed up on the Washington Street corridor Joint Ward Meeting and asked if there are any further issues or ideas to please to contact him or Councilor Mulcahey or their respective Ward Councilor, and they will be glad to help them out.

Councilor Hardy requested a site visit noting inquiries she'd had since that meeting, and added she thought it was a well run meeting. The site visit would allow Community Development can mark where the 'nubbins' are going to be. She felt people were confused as to whether or not it's going to be a marking on the ground for a bump out or whether it will be an elevated pavement with a sidewalk coming out.

Councilor Curcuru understood the preliminary design was just that. All those discussions on the actual design will take place after they put forward the "go ahead" to do that part of the project. He didn't think there was anything "cut in stone" at the moment.

Councilor Hardy felt so they could get to that 25% degree, there would be more consensuses if they could view it in person to see where those nubbins are and hoped a site visit could be arranged soon.

A motion was made, seconded, and voted unanimously to adjourn the meeting at 8:52 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTATION/ITEMS SUBMITTED DURING MEETING: None.

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, August 23, 2010 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

Present: Vice Chair, Councilor Ann Mulcahey; Councilor Steven Curcuru (Alternate); Councilor Paul McGeary (Alternate)

Absent: Councilor Theken; Councilor Tobey

Also Present: Councilor Hardy; Councilor Verga; Robert Ryan; Roslyn Frontiero; Russell Hobbs; Gail Darrell; Sandra Thoms; Bruce Maki; Damon Cummings; Carmine Gorga; Ann Rhineland; Dave Lincoln

The meeting was called to order at 6:30 p.m. Items were taken out of order.

1. Continued Business

- A) CC2010-026 (Hardy) Adoption of Ordinance under GCO Chap. 2, Art. V, Sec. 2-400 re: Responsibilities of designated member of their Board, Commission or Committee (Cont'd from 05/03/10)

Councilor Mulcahey announced the matter would be continued to the September 20, 2010 meeting when Linda T. Lowe, City Clerk could be in attendance.

- B) CC2010-033 (Hardy) Amend Sec. 22-292 (Fire Lanes) of the GCO by ADDING Andrews Street from Lanes Cove Seawall et. al. (Cont'd from 07/26/10)

Robert Ryan, Chair of the Traffic Commission stated at the July 29th meeting of the Commission that they voted to recommend the order that the GCO be amended adding Andrews Street, both sides from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from pole #511. They met with 10-15 residents of the affected area and Councilor Hardy. There was a question whether or not the City had jurisdiction over private ways, and they received a ruling from Suzanne Egan, General Counsel who stated they do; citing GCO Sec. 22-152 which allows the City Council the authority to designate private ways. The Commission recommended the fire lane from Lanes Cove Road to Pole #511.

Councilor McGeary asked for a definition of a fire lane.

Mr. Ryan clarified it is no parking either side. The question came about because even though you own the property opposite each other across a road, you still would not be able to park on the street. Mr. Ryan also noted they would be designating two other areas, one for vehicle parking only and another for vehicle boat/trailer parking to assure orderly parking areas right after pole #511.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-292 (Fire Lanes) by ADDING Andrews Street, both sides, from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from pole #511 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Andrews Street, both sides, from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a

point 95 feet in a northeasterly direction from pole #511 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Mr. Ryan stated at their July 29th meeting of the Traffic Commission and subsequent to a site visit, meeting with the residents, there was much confusion – vehicles parked all over, boat trailers in the way obstructing the fire lanes to the homes at the ends of Andrews Street. The Commission felt by designating the northerly side being vehicle parking and the southerly side for vehicle boat and/or trailer parking, it would make it safer and more orderly. This leaves the middle open for a fire lane and a clear roadway to the homes there. This will make it safer and more organized. The neighbors are all in agreement with the proposed designation of the parking.

Councilor McGeary confirmed the parking of the trailers was on the side opposite from the boat ramp with Mr. Ryan.

Councilor Hardy stated this allows people to drop off their trailers and then park their vehicles on the other side so vehicles could get out. Some of the cars were being blocked in by trailers.

Russell Hobbs, 1166 Washington Street stated during that meeting there was talk of time limits on the boat trailers because they didn't want the boats to be put in for long periods of time; and wanted to know if this was proposed to be put in the ordinance, limiting parking to 24 hours.

Mr. Ryan stated they didn't have an ordinance to address a time limit. That's not to say they couldn't do it, but they would need a request for an ordinance change for that to be put in place.

Councilor McGeary stated this would be appropriate to pass this and then come back to amend the ordinance to have no overnight parking in that area.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-288 (Off Street Parking) by ADDING Lanes Cove Lot (situated at the end of Andrews Street) northerly side (Seawall side) to be designated "VEHICLE PARKING ONLY" with the southerly side (bushes) to be designated "VEHICLE BOAT AND/OR TRAILER PARKING" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Mr. Ryan stated the following ordinance amendment was a result of the narrowness of coming down off of Langsford Street down Andrews Street heading into the Cove. Cars are parked on the right side of the street and making visibility difficult for drivers the parking on both sides making vehicle passage difficult as well.

Councilor Hardy noted it was difficult to see coming out of Lanes Cove Road and that part of Andrews Street, especially on a snowy day is hard to get momentum to the top of the hill. This will help in both directions.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Prohibited parking at all times) by ADDING Andrews Street, westerly side from its intersection with Langsford Street, in a northerly direction to its intersection with Lanes Cove Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Hardy stated this next amendment will allow the police to take action on illegally parked cars.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Andrews Street, westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

The Committee also agreed with the recommendation of the Traffic Commission that once the above orders are physically in place that signs reinforcing the "NO PARKING" within 20 feet of the intersection be installed on both the Langsford Street and Andrews Street ends to make the intersection more visible for drivers coming out of Andrews Street by the DPW. They recommend that the DPW remove the sign. "NO PARKING HERE TO CORNER" on the southeasterly corner of Andrews Street and Langsford Street.

Councilor McGeary asked who ensures that the signs are removed/erected once the GCO is amended. **Dana Jorgenson**, Clerk of Committees informed the Councilors that once the City Council passes the ordinance changes, the Certificate(s) of Vote are forwarded to the DPW with true copy attested minutes showing any instructions by the Council for signage pertaining directly to those Certificate(s) of Vote out of the City Clerk's office.

Councilor Mulcahey added that if the Councilor wanted a sign saying, "no parking here to the corner" from a distance of 20 ft., that was simply a matter of calling the DPW and making that request.

Councilor Hardy also noted as long as it is in the minutes it is something she can follow up with the DPW.

- C) CC2010-034 (Hardy) Amend Sec. 22-267 (One Way Streets-Generally) of the GCO by DELETING Washington Street from Andrews Street to Butman Avenue in a northerly direction et. al and ADDING GCO Sec. 22-270 (Parking Prohibited at all times) Washington Street, southerly side in an easterly direction to Langsford Street

Mr. Ryan related that the Traffic Commission after discussions with Councilor Hardy and approximately 15 residents from the area, the consensus was that the requested No Parking area was too long on Washington Street. After a site visit with residents and Councilor Hardy the Traffic Commission at their July 29th meeting, they concurred that the current one way ordinance be deleted and to prohibit parking at all times on Washington Street southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street. The Traffic Commission felt that the Sunday parking on both sides of the street was making driving hazardous and hard for emergency vehicles to get through. The Commission recommended that the parking be on one side of the street. There was only one individual at the time of the site visit who did not agree with the concept.

Councilor Mulcahey noted an email dated 8/20/10 from Anni Melancon, 181 Washington Street and read it for the record (on file).

Mr. Ryan responded that the concern of the Traffic Commission were cars on a Sunday morning parked on both sides of the street, on the sidewalk making it very difficult to get through. They are recommending they prohibit parking on one side, allowing parking on the northerly side which is the church side. That way no one crosses the street; there's adequate room for emergency vehicles to pass and for residents to access their homes, rather than making it one way and having to go all the way around. This was after walking the area with residents, with only one individual who was expressing concern at that time and then with the unanimous decision of the Traffic Commission.

Sandra Thoms, 1174 Washington Street stated the Congregational Church had no interest in seeing that the parking is only on one side beyond McCullough Street going easterly on Washington Street. Extending this for the entire length of Washington Street to where it meets Langsford Street wasn't a request of the church but rather the wisdom of the Traffic Commission during that site visit.

Mr. Hobbs stated there is an ordinance already in place (but that the signs are gone) that prohibits parking on Ms. Thoms side of the street from Leverett Street to Langsford Street from May 1 to September 15. No one could park there anyway if the signs were up. They were removed during the North Gloucester sewer project and never replaced. He would like to see the ordinance put all the way through as per the Traffic Commission now. The street will be very narrow if parking is allowed on both sides along that corridor. Noting the lack of fire protection in Lanesville, they need the security that

emergency vehicles can get through that area at any time as every second counts. There are many events that cause the streets to be blocked regularly. He felt it was very dangerous and was in full agreement with the Traffic Commission's recommendation.

[Councilor Verga entered the meeting at 6:45 p.m. There was now a quorum of the City Council.]

Councilor Hardy stated this came forward at a Ward meeting attended by approximately 60 people with two people speaking in opposition to this at the time. This came forward so that they could get emergency vehicles through as Mr. Hobbs said. They worked with the church also. The compromise was that parking would be restricted on at least one side of the street and chose the church side of the street because of many anticipated athletic use of the grounds with the installation of basketball courts and hoops. Rather than having children running to the opposite side of the street, it was better this way. Because they don't have the Bay View Fire Station open all the time, rather than having the emergency vehicles go all the way around Langsford to get there, it did not make sense. She believed it to be a good compromise.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-267 by DELETING Washington Street from Andrews Street to Butman Avenue, in a northerly direction, during church services including special functions such as funeral services and special services, with portable signs to be placed by members of the church with police to be notified for other than Sunday mornings between 9:30 a.m. and 1:00 p.m. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally), by DELETING Washington Street southerly side from Leverett Street easterly to junction of Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at All Times) by ADDING Washington Street, southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

D) CC2010-041 (Hardy) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING Holly Street, both sides from its intersection with Dennison Street et. al. (Cont'd from 07/26/10)

Mr. Ryan reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented because the roads are very narrow and the way it winds around warrants that there be no parking on both sides of Holly Street from its intersection with Dennison Street.

Councilor Hardy noted this was a recommendation as they were in discussion with the Traffic Commission. She had requested from the Police Department that the speed sign go up there.

Councilor McGeary asked how far down pole #1095 was.

Mr. Ryan noted pole #1095 is on Holly Street. They're asking to prohibit parking on Holly Street at its intersection with Dennison, which is about 600-700 ft, just before the very winding section of the street as you come up from the Willow Rest area.

Councilor Hardy asked if the prohibited parking extended to the end of Holly Street and where was that located?

Mr. Ryan stated their recommendation was that it ends at pole #1095 which he believed was about 600-700 feet on the northerly side of Holly Street just before the intersection with Dennison. They're starting from the other end, the narrow end right where it intersects with Dennison coming back towards Holly.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING Holly Street, both sides from its intersection with Dennison Street in a southerly direction to pole #1095 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- E) CC2010-042 (Hardy) Amend Sec. 22-291 (Tow Away Zones) by ADDING Holly Street both sides from its intersection with Dennison Street from its intersection with Dennison Street in a southerly direction to pole #1095.

Mr. Ryan reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented. The Commission also recommended if this order is passed that the City Clerk forward a request to the Gloucester Police Department for a preliminary study to be done and then forwarded to the MassHighway district office.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Holly Street, both sides from its intersection with Dennison Street in a southerly direction to pole #1095 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- F) CC2010-043 (Hardy) Ordered that the Speed Limit on Holly Street from its intersection with Dennison Street in a southerly direction to Pole #1095 be posted at 20 m.p.h.

Mr. Ryan reported that the Traffic Commission recommended at their July 29, 2010 meeting and after speaking with Councilor Hardy, to approve the order amending it to read for the entire length of Holly Street in both directions. Mr. Ryan added that if you do not see a sign posted, then it is automatically 30 m.p.h. speed limit. It was noted that requests for changes of a speed limit once approved by the Council then are referred to the Police Department for a preliminary study and then go to Mass Highway's district office for approval.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Speed Limit on Holly Street for its entire length be posted at 20 m.p.h. in both directions.

- G) CC2010-047 (Curcuru) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING from #5 Wells Street to intersection of Beacon Street (Cont'd from 07/12/10)

Mr. Ryan reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order and that there be no parking on both sides with of Wells Street with one sign installed on pole #5078 pointing towards Beacon Street and another sign in front of 5 Wells Street also point towards Beacon Street or "NO PARKING EITHER SIDE" signs be used and placed where appropriate. This is for safety reasons to prohibit parking on both sides especially with trash trucks trying to get there. The Committee discussed the no parking signage in order to clarify the order further. It was also recommended that there be signage for "No Parking from Here to Corner" be placed 20 feet from the intersection on either side of Wells Street. Presently there is a "No Parking" sign on the corner with an

arrow. Mr. Ryan also recommended that the signage for the street itself with the following motion contain "No Parking Either Side" signage where appropriate.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING No parking on BOTH SIDES of Wells Street with "NO PARKING EITHER SIDE" signs, where appropriate, for both sides of the street. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING from #5 Wells Street to its intersection with Beacon Street on both sides AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

H) CC2010-048 (Verga) Amend Sec. 22-270 (Resident Sticker Parking Only) of the GCO by ADDING areas of Lexington Avenue/Shore Road (Cont'd from 07/12/10)

Mr. Ryan reported that Councilor Verga had discussed with him as well as with the Traffic Commission that there is a problem on Shore Road and Lexington Avenue. Going down towards the water, people are parking on Lexington and Shore Road making it difficult for residents to leave their driveways due to other vehicles obstructing them. In order to control the situation, it was the Traffic Commission's recommendation at their July 29, 2010 meeting to approve the order to state "RESIDENTIAL STICKER PARKING ONLY be amended to be SEASONAL May 1 – Sept. 15, Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road). In discussion with the Councilor, they suggested making it seasonal, giving the residents of the area some relief. The whole idea was to restrict out-of-town vehicle parking during the summer months.

Councilor Verga noted when this came through originally to O&A, the residents who attended the meeting submitted photographs of Winnebagos, literally coming in caravan, arriving 8:00 a.m. or 9:00 a.m., staying all day in the area, all from out of state. There were updated shots which he forwarded to the Committee members showing the congestion of RV's continuing to date. He believed it was a fair thing making it resident sticker parking only on a seasonal basis to alleviate tremendous congestion. Noting the summer was winding down, he wondered if perhaps at Council it could be done on an emergent basis to be effective for the final days of the season.

Councilor Hardy noted the previous emergency orders for some of the recent Lanesville street, the necessary signage had yet to go as they had to be ordered and had only just been received in by the DPW.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15- Generally) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Mr. Ryan clarified for the Committee that by designating the area as a tow away zone that if a vehicle was in violation, whatever the ordinance was, resident sticker parking on a seasonal basis or otherwise, that the vehicles in violation of the ordinance governing the parking there would then be able to be ticketed and then towed.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- I) CC2010-049 (Verga) Amend Sec. 22-287 (Disabled veteran, handicapped parking) of the GCO re: Lexington Avenue (Cont'd from 07/26/10)

Councilor Verga asked that this order go through as soon as possible. The handicapped person's mother recently emailed informing him that this person's mobility was rapidly deteriorating. This would literally mean moving a sign two spaces up from where it is currently located on the street. It will make a huge difference for this person.

Councilor Hardy suggested that since the Traffic Commission was meeting in three days, on August 26th, that the Committee could add the wording, "pending the Traffic Commission's recommendation" so that it could be addressed for advertising and get it going to the Council for public hearing.

Mr. Ryan stated they have looked at it and didn't see any problem, pending their affirmation at their Thursday meeting to approve the order. He confirmed it was a matter of moving the space up and making it more convenient and accessible for the individual.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING Lexington Avenue westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction and further by ADDING Lexington Avenue westerly side beginning at a point one hundred fifty (150) feet from its intersection with Shore Road for a distance of approximately twenty-two (22) feet more or less, in a northerly direction pending the Traffic Commission's recommendation and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

A recess was called at 7:44 p.m.

[Councilor Verga left the meeting at 7:48 p.m. There was no longer a quorum of the City Council.]
The Committee reconvened at 7:49 p.m.

- J) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones) re: 6 Elm Street (Cont'd from 07/26/10)

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

- K) COM-33: Letter from Citizen Group "Who Decides" (Continued from 07/12/10)

Councilor Mulcahey noted that the Committee had received language from General Counsel as to a possible ordinance for the protection of the public water supply for the City of Gloucester and shared it with the Citizen Group members of "Who Decides" in attendance at the meeting. She read as follows:

"Section 1. Purpose

In recognition of the City of Gloucester's ownership of its public water supply and infrastructure and growing pressures to privatize the infrastructure, this ordinance is

enacted to declare and affirm Gloucester's commitment to retain its ownership interest in the public water supply and infrastructure.

Section 2. Declaration

The public water supply, system and infrastructure necessary for the distribution of water within the City of Gloucester and owned by the City of Gloucester shall be retained and not conveyed to any other entity. The City of Gloucester shall retain all rights of ownership and control over the public water supply, water system and infrastructure."

Russell Hobbs, 1166 Washington Street and member of "Who Decides" noted they came forward with an ordinance worked on for many months (presented at the O&A meeting of 7/12/10 and on file previously), stated with due respect to General Counsel, she had "watered down" the ordinance feeling he and his group would believe that this doesn't protect the residents of the City of Gloucester at all. He read the descriptive paragraph Ms. Egan wrote in her memorandum: "Below please find a proposed and edited ordinance regarding the public water supply. I have not included a provision in the ordinance regarding a public referendum, as the charter authorizes the city council with the approval of the mayor to amend an ordinance, and an ordinance enacted by the city council may not restrict that authority." He stated Ms. Egan didn't include a provision for a referendum and believed there would be no protection in that ordinance of keeping the water in the hands of the City because another City Council or another Mayor in the future could change it. A referendum vote by the people would "seal its fate". He contended the people are who own this water; that it doesn't belong to the City Council or the Mayor. This was about the rights of the people. He reiterated the ordinance as proposed by the City Solicitor doesn't protect the rights of the people. It only states that the City retain the rights.

Councilor Curcuru stated they are recommending a referendum on the ballot then the only way it could be eliminated is also by referendum.

Mr. Hobbs responded that the only way it could come on and off was by referendum, in their language as proposed by "Who Decides". As this ordinance was written, there was no statement of law and read the "Who Decides" language of their proposed ordinance, "**Section 3. Statement of Law:** Public water systems and the infrastructure necessary for distribution of public water supplies within the City of Gloucester shall be owned by the City of Gloucester or a municipal authority of the City, held as part of the public trust for the residents of the City of Gloucester and the ecosystems within the City of Gloucester. **Section 4. Statement of Law:** It shall be unlawful for public water systems and/or public water system infrastructure within the City of Gloucester to be owned by any entity other than the City of Gloucester, unless a proposed transfer of an ownership or other financial interest in that system or infrastructure is submitted to a referendum vote of the people of the City of Gloucester, and approved by them."

Councilor Curcuru believed in order to put this ordinance in their language as proposed that it would have to go to a public hearing.

Councilor Mulcahey felt the reason Ms. Egan wrote as she did was there that a number of grants tied up with the Gloucester water system and that it may be a restriction of ownership. There was much money tied to it.

Councilor Curcuru didn't believe that would have any bearing.

Councilor Hardy noted that she and Councilor Mulcahey were the only two Councilors, of those present, at the last meeting of O&A when the "Who Decides" matter was first taken up. One of the things that the group was striving for was to put this on a referendum ballot; that if they didn't, any City Council could change the ordinance. If it was on a referendum that it could only be changed by referendum by the people. The people put it on so the only way it can come off is by referendum by the people. This would be like the same way they did the Police Department. The Police Chief was put on by referendum and the only way he can be taken off was by referendum. It passed and went to the Statehouse.

Councilor McGeary noted the “Who Decides’ language only says that it can be repealed by referendum. **Councilor Hardy** stated that if you put it in place, its automatic you can only take it off by referendum. If you put it in this way (as proposed by the language from General Counsel), the next City Council can take it off

Councilor McGeary stated “Who Decides” language says that it is put in place by ordinance of the Council and repealed by referendum.

Mr. Hobbs concurred.

Councilor McGeary noted that you can’t make it subject to a referendum unless you’ve adopted this by referendum.

Councilor Hardy stated it goes to the people as a referendum and then the Council (should it pass) then adopts it.

Councilor Curcuru added it has to get on the ballot and be voted in.

Mr. Hobbs stated they want their language put in place for a referendum vote.

Councilor Hardy expressed that the language would need more work to refine it.

Councilor Curcuru felt at the next meeting of O&A General Counsel should be present to be a party to the conversation.

Councilor Hardy stated the way in which it should appear on the referendum that language needs to be worked on also. There should be a clear goal of what the end result would be and to formulate the ordinance and work backwards, and then formulate the language, so the matter can go for a referendum on next year’s ballot.

Councilor Curcuru asked what precipitated the generation of this proposal.

Mr. Hobbs stated at one time some people came into the Mayor’s office and offered to buy the City water supply; and the Mayor refused. He reiterated “Who Decides” believes that the City should not sell the water supply or infrastructure to anyone. It belongs to the people of the City of Gloucester. No Mayor or City Council should have the authority to give up the City’s water supply or infrastructure, any part of it, to anyone, any corporation, willing to purchase it. It belongs to the residents of the City of Gloucester.

Councilor Curcuru asked if this was an on-going trend in the United States and was there legislation with other municipalities trying to put these kinds of ordinances in place now.

Councilor Hardy felt other municipalities have been reactive, and our community was looking to be proactive and get this on the books.

Mr. Hobbs stated there have been communities who have sold their water supplies and regretted it. There have been privatizations of water systems. They want to maintain that this (the water supply and infrastructure) belongs to the people which he maintained this was what “Who Decides” proposed ordinance language was about.

Councilor McGeary asked if this would preclude the City from joining in a regional water authority because when a municipality joins a regional water authority, they are giving them an interest in it. He was concerned with the language proposed by Mr. Hobbs’ group in that regard.

Mr. Hobbs responded by reading their Sections 3 and 4. Statement of Law again to the Committee of their proposed ordinance language (on file and noted above).

Councilor McGeary noted then that Gloucester could not join a regional water authority unless there is a vote of the people, according to their language. When a municipality joins a regional water authority, they take control of the pipes. The concern was when you transfer ownership to a regional water authority, they could then privatize. That language says that if the City wanted to, say, form a Rockport, Gloucester, Manchester, Essex Water Authority, it would have to be submitted to the people for referendum.

Ann Rhineland, 16 Pine Street responding to the question of patterns globally and nationally with regards to privatization of water supplies, stated there are patterns of relinquishing control of water supplies to private businesses. The prelude to the process is the breaking down of communities, with one crisis after another, until they’re declared beyond help and then go to receivership. After that pattern is initiated, often by a single mayor, then almost immediately there is a massive escalation of costs and an

immediate reduction of quality, as these companies cut back on chemicals, labor. Then the municipality loses control. There are not many happy privatized municipalities' water supplies. Atlanta, GA was one such community.

Roslyn Frontiero, 12 Beacon Street, noted they had invited a guest from Barnstead, NH who had this happen in her community and began working with other communities to stop the privatization and the actual legal extracting of water in NH and ME and introduced Ms. Gail Darrell.

Gail Darrell, 180 Shatford Corner Road, Center Barnstead, NH, noted her involvement began working with the community environmental defense fund when a community two towns over from hers had their town council approve permitting for a bottling plant right in their community. The community is at the headwaters of the watershed that provides all of the water for the seacoast of New Hampshire. Despite several attempts by the community to bring scientific, geological and hydrological studies and information forward, the selectmen agreed to allow the USA Springs Corporation to come into the community under a State permit to build a water bottling plant there. When a local ordinance to not allow water bottling in the community was rescinded by their selectmen, she worked with them to pass a local water rights and local self-governance ordinance that they drafted at the legal defense fund allowing the people to maintain control and ownership of the water; and to be "the determiners" of if ever that water is to be sold. She related that most New Hampshire people are on wells; so they don't have the same situation in Gloucester where a public water supply is managed by a municipal water department. But they have found several cities are faced with this difficulty where the infrastructure is crumbling. They're faced with having to repair their infrastructure and provide water for their community. Oftentimes, business entities come in and offer what looks like a good deal and will take over control and ownership of their water supply, repair that damage and provide water for the city. She noted she had never seen a case where it worked well for the community. She now full time assists communities to draft language to protect them from any corporate entity who might wish to "snatch control" from the communities.

Carmine Gorga, 87 Middle Street added if a private corporation comes in they aren't "a white knight" to come save a community from a tremendous amount of expense. Once they come in, we have to conceive of them as making a loan to us. It's not a grant. It is a loan which means we have to repay with interest because in addition to the normal costs, they have to recover that money and make a profit on it.

David Lincoln, 7 Amero Court reviewed for the Committee patterns developed in a number of communities, like Cincinnati, Atlanta and Cleveland. They see infrastructure declining and an offer from a company is made to help the municipalities to manage their infrastructure in a joint venture. Gradually the company takes over more and more responsibility for the maintenance of the infrastructure; the building and monitoring of the infrastructure. Over time they see the corporations have a tendency to lay off a number of workers. They go to the federal and state governments and bring in money which the municipalities should have access to but which the corporations lobby and focus their efforts to channel that money in a way that "involves short-term gain and long term pain". He pointed to Atlanta, Georgia's collapse of their water infrastructure. They not only had to fire their operator but to "literally buy back their own infrastructure". They're now facing drought and infrastructure issues, and federal and state money is not very available; that the money was already channeled to the corporation to benefit them and their investors instead. They will present to this Committee a series of documented cases which show cities lose control of their water and control of their future to maintain a quality and safe water system.

Councilor Mulcahey noted while they couldn't say what will happen in the future; they're proud how far they've come with the City's water supply and infrastructure. The DPW has done a fantastic job to make everything in excellent working order. Looking towards the future, she felt the City should protect the water supply and wished to continue the matter to their next meeting to further explore it.

Councilor Curcuru again reiterated that it would be appropriate to have Ms. Egan, General Counsel at their next meeting when this matter is taken up again.

Ms. Rhineland noted a parallel process is going on a new piece of legislation the Water Infrastructure Financing Commission headed by State Senator Eldridge. The Commission made up of 16 people who have some privatization interests. Others have private companies that work with municipalities. The outcome of that commission's charge to be completed by December is to come up with either a

recommendation of privatization “to get the whole load off the Commonwealth’s back” or some equitable financing of the infrastructure throughout the state. They’re trying to keep an eye on the State. The governor has said he has a parallel system and that this is unnecessary; but Senator Eldridge disagreed and felt there was a need for this. She believed there was an opportunity to watch the process closely that is going to affect all of them. The Commission’s first meeting had a presentation by the DEP and EPA of all the needs. There is new federal legislation to implement more financing for safe water.

Councilor Curcuru asked who appointed the Commission members and who was on it.

Ms. Rhineland pointed out it was the Governor who made the appointments, and Bruce Tobey is on the Commission.

Ms. Frontiero understood that Councilor Tobey was on two of the governmental working groups.

Mr. Hobbs reread Councilor Tobey’s endorsement of the proposed ordinance from “Who Decides” (on file from the minutes of the 7/12/10 meeting).

Councilor Hardy noted the first paragraph of the ordinance needs to be rethought. As Council President she invited “Who Decides” to use the Kyrouz Auditorium when no one else is using it and have them put on a presentation of their documentary which tells a great deal on the subject. It would be open to all Councilors and would try to get CATV to broadcast it.

This matter was continued to September 20, 2010.

2. *Appointments*

Joel Favazza, Capital Improvements Advisory Board (CIAB), TTE 02/14/2013

Councilor Mulcahey asked if Mr. Favazza had taken his bar exam and asked what he also would bring to the Capital Improvement Advisory Board and what attracted him to it.

Joel Favazza, 10A Luzitania Avenue replied that he had taken them but wouldn’t know until November if he passed. He became aware of the board a few weeks ago when he saw an editorial by the Mayor mentioned the Board was under staffed, and was soliciting citizens to step forward to volunteer. For the last seven years he has been attending undergraduate school (Brandeis University) and law school (Boston University) in the greater Boston area. He returned full-time to Gloucester upon law school graduation this past May. He wanted to get involved in the community and felt he could bring a view of a younger generation, a fresh face to the Board to help the City move forward feeling he would be here a long time.

Councilor Mulcahey explained that the Board works with the Community Development Department on a continuing basis and explained briefly what the Board does. She appreciated his stepping forward.

Councilor Curcuru asked if Mr. Favazza was familiar with the Board and what he would be doing as a member.

Mr. Favazza stated he had gathered from the Code of Ordinances and the one report currently on line and related the CIAB works with various departments, the School Committee when they are looking to make improvements of a capital nature for buildings, land, equipment prior to their going to the City Council. They come to the Board who researches and reviews the request to help provide an opinion on the merits of the request for the City Council and the Mayor.

Councilor Curcuru noted this Board had previously been very dominant for quite some time. Their last report was 2-1/2 years ago. CIAB will have a big job ahead of it. The Council was looking forward to its revitalization as there was much work to be done on City buildings and hoped he was up to the task.

Councilor McGeary asked if Mr. Favazza had any particular skills in construction or finance.

Mr. Favazza stated he did not, necessarily, aside from general handyman intuition.

Councilor McGeary explained, as Councilor Curcuru had pointed out, there was a very long list [of projects] and it will be the CIAB’s job to prioritize that list. The problem will be that there are many good things and many worthy projects and will have to pick out the ones that are most urgently needed.

He warned it will be a lot of work because there are a lot of worthy projects out there to be done with limited funds and done as effectively as possible. He didn't envy him the task.

Councilor Curcuru added that there will be things Mr. Favazza may see as a Board member would like to see put forward a lot quicker than some of the items that need to be done and won't have any choice in the matter.

Councilor Hardy stated she had spoken to Joel a few moments before the meeting and asked if he would kindly provide the Council with a resume which appeared to have been omitted from the Mayor's Report; and he would do so. She also reiterated the importance of the CIAB. She had hoped to get someone with more of a background and expertise with the trades and/or the area of finance; and would look forward to reviewing his resume with that in mind. She asked Mr. Favazza to include any background at all that may fit those two criteria.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Joel Favazza to the Capital Improvements Advisory Board, TTE 02/14/2013.

3. CC2010-058 (Ciolino) Amend Gloucester Code of Ordinances §9-1 and §9-2(A)

Councilor Mulcahey noted that the matter would be continued to September 20, 2010.

**4. CC2010-059 (Theken) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking)
re: 2 Harvard Street, one handicapped street**

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

**5. CC2010-060 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking)
re: Ciaramitaro/Gemellaro Playground**

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:20 p.m.

**Respectfully submitted,
Dana C. Jorgenson, Clerk of Committees**

DOCUMENTATION/ITEMS SUBMITTED DURING MEETING: None.

CITY COUNCIL STANDING COMMITTEE

Planning & Development

Wednesday, August 25, 2010 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

Present: Chair, Councilor Joseph Ciolino; Councilor Greg Verga, Councilor Jacqueline Hardy (Alternate)

Absent: Councilor Whynott

Also Present: Councilor Jacqueline Hardy; Fire Chief Phil Dench; Charles Mahoney, Electrical Inspector; Mark Cole, DPW Operations Manager; John Upham, National Grid; Jane Lyman, Comcast; Stan Usovicz, Verizon

The meeting was called to order at 6:30 p.m.

Councilor Ciolino thanked the guests in attendance for coming to the meeting to work towards solving the problem of double poles in the City of Gloucester. It was the goal of this meeting to open lines of communication and to work towards removing all double poles from City streets and sidewalks and working within the parameters of the City's Pole ordinances (see Sec. 23-77 et. al.). He noted Councilor Hardy, the previous Planning & Development Chair, thought that it might be wise to put all the parties in one room to solve the problem of double poles. He passed out copies of the Gloucester Code of Ordinances sections which covered the rules and regulations on poles and wires.

Councilor Hardy thanked Councilor Ciolino for taking the matter up and to put it on course. The new City Council picked a few items to tackle proactively this year, and this was one of them feeling everyone needed to understand the policies. The previous Council heard several different stories; and now the Council wanted to know how they can work proactively with the utilities to solve the double pole dilemma.

Councilor Ciolino asked who owns the poles. He had heard many versions of who owns them. One such story was that years ago one side of the tracks that run through Gloucester was owned by AT&T, and the other Mass Electric. He wanted to know how it all was sorted out.

John Upham, National Grid Coordinator-Community Relations/Economic Development NE stated they're jointly is designated as the maintenance party, which means they actually set the poles. If the telephone company had a project in Gloucester, and needed a pole set, National Grid (NG) would set the poles; unless it was a solely owned pole, then they would set their own, and the same for NG. In Gloucester, the electric company is responsible for setting poles. If they need to extend a line for a new customer, or refurbish an existing line for a customer along the street, NG would set the poles. Sometimes NG does it for their own benefit. Those Gloucester Avenue and Hawthorne Street were some of the areas he'd looked at prior to coming to the meeting. Those were areas that they've set poles that they've transferred off. The progression on a pole is: electric is on top, then communications (fire alarms, telecoms. They're normally the first off then they cut and the rest transfer over time. The last person off normally "takes the dead wood". Sometimes the pole is set in the existing hole, and that's called a "cut and kick". They'll take the old pole and pull the butt out; set the new pole in; and then the poles are lash the old pole to the new pole until all parties transfer onto the new pole. Those are the normal two ways you would find a double pole situation.

Councilor Ciolino stated then that NG owns the poles.

Mr. Upham responded they're jointly owned. But NG is responsible for setting any new poles. Half the pole is theirs (Verizon), and half is for NG. Comcast and others lease space on the poles.

Stanley J. Usovicz, Regional Director-External Affairs, Verizon stated if the pole is cut, and they're the last one off, they take the 'dead wood'. If it's in the same hole, and it's not cut, then they have to contact NG.

Councilor Hardy asked is there a set order on the pole.

Mr. Usovicz stated typically it is electric and street light (NG) first in Gloucester. Fire alarm is next after the street light has been removed; then cable, Comcast; and then finally telephone. As much as the electric company is first off first on; telephone is last on, last off. Everything trickles down on the data base so that all the 'players' know what the status of each pole is, and who is next.

Jane Lyman, Senior Manger- Government & Community Relations, Comcast noted the term was "ball in court". So they'll communicate to each other, 'how many BIC's do you have

Councilor Verga asked about fire alarm wires, which now is no longer in use.

Chief Dench stated they haven't completely shut down the system yet. They're close with Stop 'n' Shop Supermarket and the Hovey School condos off of Summer Street remaining to go wireless. Those are two privately owned buildings. They're contracted and are in the process of receiving equipment and getting installation of equipment or they have the equipment and are waiting to install.

Councilor Verga asked how the new system would work.

Chief Dench explained it is part of their alarm system. Right now it runs on wires that are either on the telephone poles or in manholes. They're switching over to a wireless system and eliminate the use of the wires; and use a radio box. In addition to those two privately owned buildings, there are three buildings owned by the City; Fitz Henry Lane House, Maplewood School and Magnolia School that they have to get the money in place to switch them over. They've already shut down a portion of the system, certain branches of it. Those areas have had their hard-wire systems shut down from the fire station. Their problem is they have no money to take them off the poles to pay L.W. Bills to physically remove the wires.

Councilor Verga followed that the City would be responsible for those alarm wires.

Charles Mahoney, City Electrical Inspector stated once everybody's off that system they need to find someone to take the wires down. There is a lot of it to come down. He didn't know how much copper was in the wires but felt it could be worth something.

Chief Dench had asked L.W. Bills to give him an estimate. There's so much of it throughout the City, they're reluctant to even try to do that. The feeling is anyone would be reluctant to make a guess on what it would cost.

Councilor Ciolino wondered if "we were our own problem".

Mr. Mahoney replied there are 15 poles on the list (produced by NG and on file) that the City owns; that's holding up poles to move to the next step.

Councilor Hardy realized that unless the fire alarm wires come down, Comcast and telephone can't come down.

Mr. Upham clarified numbers on the list stated he checked the three highest streets (in terms of number of double poles) where it said the BIC for the electric company; he assumed the paperwork is in someone's in box because it didn't get updated in the database. The numbers were for 46 for the electric company, and now it's 21 as of today's date. As soon as NG sets the pole, they transfer it. They want to get off the old pole and get the new circuit working. The old circuit gets in their way to get the new circuit installed.

Chief Dench noted this year in his budget proposal they had \$25,000.00 in the account to take care of for fire alarms which included \$9,600.00 that went to L.W. Bills for emergency alarm work, and the rest was going to go towards removing wires this year. The other \$15,000.00 was intended to start the wire removal but was cut out of the budget. They had to pay LW Bills for emergency work and now have \$300 in that account left.

Mr. Upham understood the objective is to eliminate double poles. He felt it was hard because they're always upgrading their system, as is Comcast and Verizon. There's always going to be double poles. He offered to the Councilors and the others in attendance that if they have a double pole that's there a long time – the dead wood, he asked that they call him and in turn he can call Mr. Usovicz; and they can get rid of it. He was not 100% sure the data base was accurate from what he's seen. If there are certain locations, where constituents are calling them; they can make the extra effort to get them out of the way, on the sidewalks etc. He urged them to call any of the three of them (Ms. Lyman, Mr. Usovicz or himself).

Councilor Ciolino noted the some narrow sidewalks with double poles, in particular one on Bass Avenue, right at the terminus of Rt. 128 that he knew to have been there for years, making the sidewalk inaccessible. He felt above all else, those double poles are the ones that are a serious problem.

Mr. Upham stated that pole wasn't on their list, but he would check immediately on it.

Mr. Usovicz asked for the troubled areas from the Committee. Some of those poles they have he'll go back to their construction and ask them to take the dead wood that's listed there.

Ms. Lyman noted that it's nearly impossible to end this process completely. The poles get old and dry out and need to be replaced, struck by vehicles; equipment is added. There will be new reasons for them to go through the double pole process.

Councilor Hardy noted what was disconcerting to them is that they're looking at the same poles for years and years.

Mr. Upham reiterated those are the nuisance poles they really want to take care of.

Councilor Hardy asked if Mr. Mahoney could tell by looking at the pole who is next BIC.

Mr. Mahoney stated yes with the help of the list. It's a rotating list. Poles get fixed; poles get deleted and added all the time.

Councilor Hardy made note of many double poles in Lanesville that didn't appear on the list they had in their packet.

Mr. Mahoney stated he had a completely different updated list given to him by another NG employee, Doug Wagner, and didn't have the most up-to-date list Mr. Upham kept referring to.

Mr. Usovicz stated if you know there are poles that aren't on the list they can verify it if they can provide an address and a pole number and enter them onto the list.

Councilor Verga noted it seemed small percentages of these poles are for the City BIC; the majority say not attached to pole. "We're not our worst enemy" for the vast majority on the list provided to the Committee. He asked the utilities representatives what was the hold up if it's not the City, what they have to do to get the double poles removed. Most don't have the fire alarm wires on there.

Mr. Upham there's 20 for National Grid. Gloucester Avenue has 10, Gross Street has 6, and Hawthorne Street there was 9 with BIC for NG. He checked them before the meeting and noted they are transferred off of them. It's about 20. They're always going to be changing poles. There will always be a number of poles but cautioned that they need to be location specific.

Councilor Verga understood that NG has identified their issues and asked for the plans from Verizon and Comcast.

Ms. Lyman noted as of that meeting, Comcast had 9 poles in Gloucester. Sometimes it is a matter of justifying hiring a crew or contractor to come into the City to do the work. They hire contractors who are paid by the pole. Nine poles isn't a full day's work. It depends. If they have any pole they'd like them to address let them know. They like a certain number to send a crew to any city or town. Nine isn't a large enough a number to them.

Councilor Verga replied "but for Gloucester it is. He felt it was one of "those obvious things". He appreciated this was a constantly evolving list but didn't think it looked much different from the last list several months ago. He'd like to see it all cleaned up on the current list they have and then move forward from that.

Councilor Hardy read into the record the following from the Gloucester Code of Ordinances, Sec. 23-77, **Pole** specifications: "All poles for telegraph, telephone and electric lines shall be straight, properly trimmed and painted, in all respects, to the satisfaction and acceptance of the city engineer. Such poles shall not be less than twenty-five (25) feet in height from the ground, shall be, if of wood, not less than six (6) inches in diameter at the smaller end, and ten (10) inches in diameter at the ground. Such poles shall be properly set in the ground to a depth of at least five (5) feet and shall be octagonal in shape whenever the city council shall so require. When it shall be necessary during the installation of a new pole to temporarily maintain a double pole, the permanent repairs shall be rendered forthwith and the superfluous pole be removed within thirty (30) days. Failure to comply with the ordinance shall be punishable by a fine of not more than one hundred dollars (\$100.00) per instance to the owner(s) of record the pole or poles in question. This amendment shall become effective as of May 1, 1997.

She asked if the specifications in this section of the ordinance governing poles were at the current standard and wondered if the City needs to update the ordinance.

Mr. Upham stated the diameters vary as do the heights. There are different voltages on the top of poles, 34,000 volts, 13,000 volts or 4,000 volts. They stipulate how high they have to be because everyone has to be away from them. That's why they have a separate corridor at the top of the pole. Depending on the voltage and where they're putting the pole - if on a corner does it need a guy wire; if it's in a straight shot - what are the stressors on the pole. There are a lot of variables on size and class or the diameter (thickness) of the pole. They exceed those limits (in the ordinance) in most cases unless it's a very old pole set years ago and had no reason to touch it.

Councilor Hardy thought they should rework the ordinance, then to be more reflective of the current usages. She asked how deep they now plant the poles, is it still 5 ft.

Mr. Upham stated it varies by height; it's a percentage of the pole that goes into the dirt. Twenty percent of the pole goes into the ground. It's five percent of the pole. If it's a 30 ft. pole, then 5% of the pole would be in the ground. He could send the exact wording of how they do it so as to assist the Councilor in the reworking of the wording of the ordinance so it would comply with the class pole, diameter, planting depth, etc.

Councilor Hardy asked about the superfluous poles "when we say years, we mean years."

Ms. Lyman reminded the Committee to keep in mind that at least four different parties have to coordinate to do the work within 30 days which is extremely difficult to accomplish.

Councilor Hardy stated it's who owns the poles. National Grid should tell them to get off if they're a tenant.

Ms. Usovicz stated its data base driven.

Councilor Hardy asked that they do their job so that they don't have to constantly hear from their constituents.

Chief Dench noted the fire alarm wires are hung on hooks and asked was there some liability issue that the wires couldn't be re-hung by National Grid.

Mr. Upham stated it's that and a union issue. They've been asked that in multiple communities.

Councilor Hardy asked when a new pole petition comes to the City, whose office processes the application.

Mr. Upham stated it was National Grid. They set the poles so they petition the City. When they see them asking for Verizon and National Grid it is because they're jointly owned poles.

Councilor Hardy asked for a photograph of what type of a pole they're asking to put in so they know what it is.

Councilor Ciolino stated they don't know, for instance, what a "J" pole is. When large poles go in, people get upset.

Mr. Upham stated an air brake pole (or "J" pole) helps them to isolate a problem, energize as many customers as they can and repair the broken wire. He urged the P&D Committee if get a pole petition they aren't comfortable with, and they have questions that aren't being answered by their representative present at their meeting, they can always continue the matter and contact him to get the answers they need in order to approve the petition.

Councilor Ciolino stated Councilors should go through their wards to note the double that have been there for years and give that list to Mr. Mahoney, and who will check it against their data base.

Councilor Hardy was pleased to have a good beginning to a working relationship.

Councilor Ciolino stated they'll make a list and pass it on and meet in six months and see how they've done with the list. If there's movement they won't have to have a meeting.

Mr. Usovicz asked if it was possible to circulate any changes to the ordinance, so that those present would be able to review a draft.

Councilor Ciolino remarked that downtown during the windstorms the arm and the head went away on a particular street light. They have been trying to get the arm replaced with the light since that time. The last they heard was that they didn't have any parts. He found that very hard to believe that it's taken months, and a large chunk of the downtown is dark. He asked Mr. Upham to expedite it.

Mr. Upham indicated he'll get it done.

Councilor Hardy noted there were a few problems on the lights in the West End of the downtown as well and noted a light on Church Street that was dark (#3241 across from #9 Church Street). The resident was told that the light was "turned off to save electricity" at the request of the City.

Mr. Upham noted if they "red cap" it, then it is shut off. They only shut a light off if the party that's paying for it asks for it to be shut off. There is a photo cell at the top of the pole; you have the round glass on the bottom and aluminum on the top and on the very top of the pole is an actual red cap which can be seen from the ground.

Councilor Ciolino didn't believe the City would do such a thing.

Councilor Hardy thanked the group for their joining the Councilors and City employees and they'll call them if they need to.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to request the amendment of the Gloucester Code of Ordinances, Sec. 23-77 Pole Specifications, and to refer the matter to the Ordinances & Administration Committee for further action.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:06 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

BUDGET AND FINANCE MINUTES

08/26/10

UNDER SEPARATE COVER

SPC 2010-011



CITY OF GLOUCESTER

GLOUCESTER, MASSACHUSETTS - 01930

City of Gloucester Special Council Permit - Application

CITY CLERK
GLOUCESTER, MA
10 AUG 20 PM 12:18

10/22/10
(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) 3.1.6 (b)

Applicant's Name: Joseph M. Amicone and Mary Ellen Amicone

Owner's Name same
(if different from applicant)

Location 82 Hesperus Avenue Map # 192 Lot # 14
(Street Address)

Zoning Classification: RC-40

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.8.3(b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action	
Fee:	<u>\$350.00 cash #444</u>
City Clerk (received):	<u>8/20/10</u>
City Council (received):	<u>8/31/10</u>
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

Applicant:
 Name (Signature) Mary Ellen Amicone
 Address 18 Shore Rd Magnolia Ma 01930
 Telephone 978-525-2852

Certified for completeness:
 Building Inspector: [Signature] Date: 8/19/10
 Planning Director: [Signature] Date: 8/19/10

Section 1.8.3(e) - (Use additional sheets, if necessary)

NOT APPLICABLE

1. Social, Economic, or community needs served by the proposal:

2. Traffic flow and safety :

3. Adequacy of utilities and other public services :

4. Neighborhood character and social structure :

5. Qualities of the natural environment :

6. Potential fiscal impact:

The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.

Application For Special Permit

The undersigned applicant hereby applies for a special permit under M.G.G., Ch. 40A, § 9 as follows.

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: Joseph M. Amicone and Mary Ellen Amicone

Address: 82 Hesperus Avenue, Gloucester, MA 01930

Tel. #: Days _____ Evenings 978-525-2852

_____ Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: same

Address: _____

Tel. #: Days _____ Evenings _____

3. Property:

Street address: 82 Hesperus Avenue

Assessor's map: 192 Lot: 14

Registry of deeds where deed, plan, or both records:

Essex South District

Deed recording: Book 28829 Page 16

Plan recording: Plan # 742 of 1951

Property is location in the RC-40 zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 3.1.6(b) of the
Zoning Ordinance/By-Law which authorizes City Council to permit
building heights in excess of 35 feet.

Detailed explanation of request:

Seeking a special permit to allow elevation of 37.6 feet.

5. Evidence to support grant of special permit:

Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-Law:

The increased height is consistent with the neighborhood character. The parcel abuts the Hammond Castle on the south side and other large scale homes are found to the west of the parcel on the ocean side of Hesperus Avenue. Additionally, the home is deeply set back from the road. The proposed home will not be detrimental to the neighborhood because due to the large size of the lot, the topography of the lot and the placement of the home on the lot, there will be no view obstruction or overshadowing of other properties. Additionally there is no impairment of utilities or other adverse impacts.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

Due to large lot size and the placement of the house on the lot all other dimensional requirements are either satisfied or exceeded.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: J. Michael Faherty

Address of Representative: 111 Main St. Gloucester, MA 01930

Tel. #: Days 978-283-9233 Evenings

Relationship of representative to owner or equitable owner:

attorney

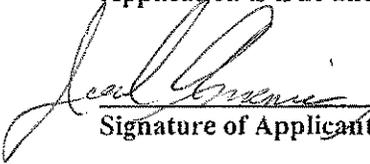
I hereby authorize J. Michael Faherty to represent my interests before the

Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)

John A. ... May Ella ...

I hereby certify under the pains and penalties of perjury that the information contained in this Application is true and complete.


Signature of Applicant


Date

8/20/10

Signature of Owner, if other than Applicant

Date

Signature of Equitable Owner Who is filing Application to satisfy condition of Purchase and sales agreement

Date

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.

Get Directions My Maps

Print Send Link



City of Gloucester, Abutters List

Report Description:

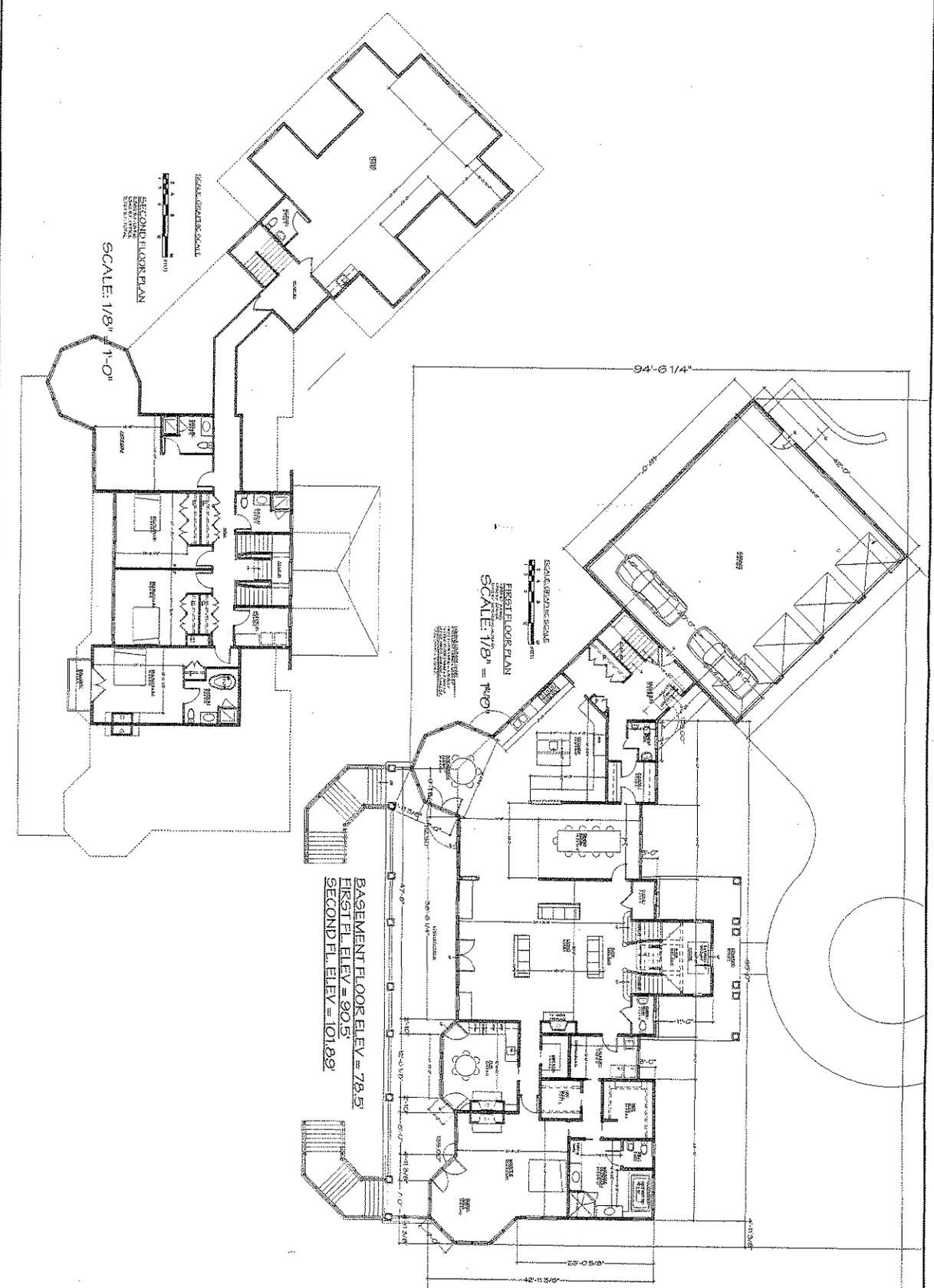
Abutters To Parcel... Map 192 Lot 14 82 Hesperus Av

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

Abutter	Street Address	Parcel No.	Mailing Address
1 HAMMOND MUSEUM INC	76 HESPERUS AV	191 50	74 HESPERUS AV GLOUCESTER MA 01930
2 HAMMOND MUSEUM INC	78 HESPERUS AV	191 51	C/O BELLISSIMO WILLIAM J & FOGARTY JEAN 197 8TH ST UNIT 319 CHARLESTOWN MA 02129-4230
3 MCCARTHY MILDRED N	95 HESPERUS AV	192 10	95 HESPERUS AV GLOUCESTER MA 01930
4 MCCARTHY WILLIAM J	91 HESPERUS AV	192 12	91 HESPERUS AV GLOUCESTER MA 01930
5 AMICONE JOSEPH M & MARY ELLEN	82 HESPERUS AV	192 14	82 HESPERUS AV GLOUCESTER MA 01930
6 FENSTER KERIN D	86 HESPERUS AV	192 15	86 HESPERUS AV GLOUCESTER MA 01930
7 FENSTER KERIN D	86R HESPERUS AV	192 16	86 HESPERUS AV GLOUCESTER MA 01930
8 FENSTER KERIN D	88 HESPERUS AV	192 17	86 HESPERUS AV GLOUCESTER MA 01930
9 LAUENSTEIN MILTON C & HELEN S TRS	90R HESPERUS AV	192 19	86 HESPERUS AV GLOUCESTER MA 01930
10 SHEKROT BONNIE E	92 HESPERUS AV	192 45	THE LAUENSTEIN REALTY TRUST 90R HESPERUS AV GLOUCESTER MA 01930

JUL 14 2010
[Signature]

BOARD OF ASSESSORS
CITY HALL
9 DALE AVENUE
GLOUCESTER, MA 01930



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

BASEMENT FLOOR ELEV = 78.5'
FIRST FL. ELEV = 90.5'
SECOND FL. ELEV = 101.89'

NO.	REVISION	DATE

SCALE: 1/8" = 1'-0"
AS NOTED
DATE: 08/10/10
DRAWN BY: JCS
CHECKED BY: JCS

DWG. NO. A-3
FIRST FLOOR

PROPOSED AMICONE RESIDENCE
Joe & Mary Ellen Amicone
62 Hesperus Avenue
Gloucester, MA 01930

integration
ARCHITECTS, ARCHITECTS, AIA

Joe Gore PRINCIPAL
577
5 Acorn Lane, Gloucester, MA 01930
577

CITY CLERK
GLOUCESTER, MA
10 AUG 24 AM 10:50

August 19, 2010

City Council
City Hall
Gloucester, MA 01930

Enclosed please find the following:

One (1) copy of Petition and two copies of Order for the installation for approximately 300' of UG conduit to serve a customer at # 80 Middle Street, Gloucester, MA.

If granted, please retain your copy and return the others to this company.

Sincerely,


Craig Spinale
Supervisor Distribution Design
Tel: 1-978-725-1601

CS/mg

Enclosures

Petition of National Grid of 170 Medford Street, Malden, Massachusetts
for Electric Conduit Locations:

To the City Council – Gloucester, Massachusetts

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

Wherefore it prays that after due notice and hearing as provided by law, it may be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity. Said underground conduits to be located substantially in accordance with the plan filed herewith marked National Grid, UG-WR# 7662344 08/05/10.

The following are the streets and highways referred to:

MIDDLE STREET - Installation for approximately 300' of UG conduit to serve a customer at #80.

National Grid

BY Craig Spinale (v.g)
Craig Spinale-Supervisor Distribution Design

Dated this 19th day of August, 2010

Dale Ave.

LEGEND

-  Existing JO pole
-  Switchgear on private property
-  Proposed conduit
-  Existing manhole



14-69

14-68

14-64

14-65

14-66

14-67

7-60

7-61

Center St.

4-130

7-65

7-66

Middle St

School St.

15-17

15-1

Mason St

existing P.755

nationalgrid

A sketch to accompany a petition for approximately 300' of UG conduit to serve a customer at 80 Middle St, Gloucester, MA

Scale: NTS
 Date: 09/05/2010
 Drawn By: MCM
 Approved By:

Addr Drawing Number
7662344

City of Gloucester, Abutters List

Report Description: Map 14 Lots 67 & 68 80 & 86 Middle St
 Abutters To Parcel...

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

Abutter	Street Address	Parcel No.	Mailing Address
1 CAPE ANN COMM, CENTER LIM, PAR	67 MIDDLE ST	7 60	71 MIDDLE ST GLOUCESTER MA 01930
2 SGT REALTY LLC	65 MIDDLE ST	7 61 1	65 MIDDLE ST UNIT 1 GLOUCESTER MA 01930
3 BODIN FREDRIK D	65 MIDDLE ST	7 61 2	65 MIDDLE ST UNIT 2 GLOUCESTER MA 01930
4 WELCH G DUDLEY TR	65 MIDDLE ST	7 61 3	65 MIDDLE ST UNIT 3 GLOUCESTER MA 01930
5 FOGHORN PROPERTIES INC	63 MIDDLE ST	7 65	63 MIDDLE ST GLOUCESTER MA 01930
6 GRONDIN KEVIN J & PATRICIA A TR	61 MIDDLE ST	7 66	GRONDIN FAMILY REVOCABLE TRUST 61 MIDDLE ST GLOUCESTER MA 01930
7 GLOUCESTER LYCEUM AND SAWYER FREE LIB3 MASON ST		14 64	2 DALE AV GLOUCESTER MA 01930
8 GLOUCESTER LYCEUM & SAWYER FREE LIBRA7 SCHOOL ST		14 65	2 DALE AV GLOUCESTER MA 01930
9 GLOUCESTER LYCEUM & SAWYER FREE LIBRA5 SCHOOL ST		14 66	2 DALE AV GLOUCESTER MA 01930
10 80 MIDDLE ST PARTNERS LLC	80 MIDDLE ST	14 67	C/O ROSANO ASSOCIATES 210 BROADWAY SUITE 103 LYNNFIELD MA 01940
11 CONG CHEVRAS AHAVATH ACHIM	86 MIDDLE ST	14 68	86 MIDDLE ST GLOUCESTER MA 01930

7/30/2010 9:29:20AM

City of Gloucester, Abutters List

Report Description:
 Abutters To Parcel ... Map 14 Lots 67 & 68 80 & 86 Middle St

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

Abutter	Street Address	Parcel No.	Mailing Address
12 GLOUCESTER LYCEUM & SAWYER FREE LIBRA2 DALE AV		14 69	SAWYER FREE LIBRARY 2 DALE AV GLOUCESTER MA 01930 0000
13 GLOUCESTER CITY OF	8 SCHOOL ST	15 1	8 SCHOOL ST GLOUCESTER MA 01930
14 TRINITY CONGREGATIONAL CHURCH	70 MIDDLE ST	15 17	70 MIDDLE ST GLOUCESTER MA 01930 0000

JUL 30 2010


 BOARD OF ASSESSORS
 CITY HALL
 9 DALE AVENUE
 GLOUCESTER, MA 01930

217
August 19, 2010

By the City Council – Gloucester, Massachusetts

ORDERED:

Notice having been given and a public hearing held as provided by law, that National Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition of said company dated the 19^h day of August, 2010.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked National Grid, UG-WR#7662344 08/05/10.

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

MIDDLE STREET - Installation for approximately 300' of UG conduit to serve a customer at #80.



OFFICE OF THE CITY CLERK

9 Dale Avenue • Gloucester, Massachusetts 01930

Office (978) 281-9720

Fax (978) 282-3051

E-mail: llove@gloucester-ma.gov

August 13,2010

Honorable Lynda Connolly,Chief Justice
Administrative Office: District Court Dept.
2 Center Plaza ,suite 200
Boston ,MA 02108

Honorable Steven D.Pierce,Chief Justice
Housing Court Dept.
Brooke Courthouse,6th fl.
24 New Chardon St.
Boston,MA 02114

Re: Court Relocation Committee and Gloucester District Court

Dear Chief Justice Connolly and Chief Justice Pierce,

I am contacting the Court Relocation Committee on behalf of and at the request of the Gloucester City Council. While the Council understands and appreciates the serious budget problems facing the state court system for the reasons stated below the Council does not support the relocation of the Gloucester District Court to Salem . The proposed relocation would be a hardship for and a great disservice to the diverse, working class population of Gloucester.

The Gloucester District Court and the Probation office located at the district court serves the communities of Gloucester, Rockport, and Essex with a combined population of approximately 41,264. The Salem District Court serves the communities of Beverly, Danvers, Manchester, Middleton, and Salem with a combined population of approximately 122,259. Combining the two facilities would thus increase the population served in Salem by more than 1/3 without any concomitant increase to the size of the facility. This could only succeed if Salem District Court is not a busy court.

The Gloucester District Court is centrally located on Cape Ann having been housed together with the City of Gloucester Police Dept. on Main Street for many years. This central location is easily reached by public transportation since the regional CATA busses have regular Main St. routes. In contrast the Salem District Court is however not easily accessible from Cape Ann. It is a 35 mile round trip from the location of Gloucester district Court to the Salem District Court (45 miles from Rockport), a trip which during weekday business hours often takes 35 to 40 minutes one way. Many persons who must appear in Gloucester District Court do not, of course have a motor vehicle for this trip to Salem. There is no regular public bus service and the MBTA train service from

Gloucester to Salem during business hours M-F is limited to three trains with a cost of approximately \$12 round trip.

Clearly the relocation of the Gloucester District Court will cause considerable hardship to the regular "clientele" of that court. This is perhaps most striking when the matter of CHINS(Child in Need of Services)cases are considered . The Gloucester School Dept. will now have to spend considerably more funds and time to assure that children and necessary school staff attend these proceedings. Since this will now entail as much as 1.5 hours of travel to Salem on school days the children will lose valuable time away from school and will have their already difficult lives made more so.

The Gloucester District Court also works closely with the Gloucester Police Department to prosecute criminal matters. Working within the same building allows these matters to be handled more efficiently and expeditiously. Clearly the costs and time needed to pursue these matters will increase significantly if the GPD is required to pursue justice long distance.

In the limited explanation which the CRC has given for its recommendations thus far the Committee asserts that the recommendations are based on "lease terms, expenses, personnel impact and staffing levels, the condition of facilities ,building functions, caseloads, geography and transportation issues as well as access to justice. It would seem that "access to justice" is the most critical factor to be considered and it is clear that the proposed relocation will make "access to justice" for Cape Ann very difficult for the many reasons referenced herein including geography and transportation. Gloucester is a busy civil and criminal court facility which is run in a reasonably cost effective manner especially since it allows for such close cooperation between the court and the police. While relocating this court to Salem may generate some "savings" for the state court system any such savings will be achieved by causing significant harm to the Cape Ann population served by the Gloucester District Court. The Gloucester City Council therefore respectfully urges you to reconsider and reject any recommendation to close the Gloucester District Court. The Council thanks you for the opportunity to express their position to the Committee.

Sincerely,



Linda T.Lowe, City Clerk

Copy to:
City Council

City Hall
Nine Dale Ave
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

CITY CLERK
GLOUCESTER, MA
10 AUG 18 PM 1:51

Written Testimony of Carolyn A. Kirk

**Oral Testimony Delivered at Public Hearing August 11, 2010
Brooke Courthouse in Boston with a focus on Essex, Middlesex, and Suffolk Counties**

Chief Justices and members of the Court Relocation Committee, my name is Carolyn A. Kirk. I am the Mayor of the city of Gloucester, and I write to you on behalf of the citizens of Gloucester on the matter of the closure of the Gloucester District Court. A Mayor knows firsthand the fiscal challenges you are dealing with and the difficult choices you face, and we in Gloucester have closed an elementary school and have closed fire stations – decisions as difficult as having to close courts.

During the public hearings, you've heard from many people who are concerned about the Gloucester court closure for many different reasons. My testimony focuses on the current relationship between the city and the Gloucester District Court. In addition, I ask the Committee to work with the city in reaching a different outcome than the recommendation that has been made by the Court Relocation Committee.

Currently, the Gloucester District Court is a tenant in a city-owned building. There is a 100-year lease in place, with about 60 years left in the term. The Court pays no rent to the city. Our agreement includes a condition that the city may charge the Court for up to \$10,000 per year in buildings repairs or maintenance. If the city does not bill the court, then the \$10,000 is kept by the state in its budget. Rarely has the city billed the full \$10,000 in any fiscal year, and in fact, over the past 10 years the state has retained about \$80,000.

In addition, the utility expense for the city-owned building in which the court is a non-paying tenant amount to approximately \$60,000 of which the court pays one-third or about \$20,000. Further our understanding is that there is a cleaning contract for the portion of the building occupied by the Court that costs about \$22,000 annually. Please note that the city also has custodial staff in the building.

These court expenses, along with a modest amount for prisoner food for which the city also chips in on, bring the bottom line cost for the Gloucester District Court to about \$42,000 per year to be located in Gloucester. Our understanding is that there is no savings in personnel costs as all employees would be relocated to Salem under the current plan.

The Gloucester Police Department has run some numbers on the expense increase to the city should the court relocate to Salem. There will be an increase in overtime for police officers to travel to Salem to be a witness or take care of other business in a court that is currently up the stairs. Additional overtime will be incurred in order to back fill the positions so as to maintain staffing levels while officers are out of town for longer periods of time.

This increased expense for the Gloucester Police Department is estimated to be approximately \$25,000 - \$40,000 per year. The city of Gloucester would much rather pick up the cleaning, utility and prisoner food expense to keep the court in the city than to pay the police overtime associated with the court being out of the city. Either way, there will be an expense burden placed on the city.

The city of Gloucester respectfully asks that the court work with us to hammer out a no-cost arrangement with the city in order to keep the court here.

Thank you.



FEMA

CITY CLERK
GLOUCESTER, MA
10 AUG 25 PM 1:37

August 17, 2010

The Honorable Carolyn Kirk
Mayor, City of Gloucester
City Hall
9 Dale Avenue
Gloucester, Massachusetts 01930

RE: Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) Report for
Essex County, Massachusetts (All Jurisdictions)

Dear Mayor Kirk:

Thank you for your interest and engagement with us through the floodmap revision process. As you recall, preliminary Essex County, Massachusetts (All Jurisdictions) Digital Flood Insurance Rate Maps (DFIRMs) and Flood Insurance Study (FIS) report were provided to your community on May 28, 2009. We recognize the impact the revised flood mapping could have on the community and have devoted close and serious attention to the matter. The purpose of this letter is to provide you with a status update and describe the next steps in the process.

As you are aware, the initial appeal period for Essex County, Massachusetts (All Jurisdictions) opened on September 18, 2009, and closed on December 17, 2009. Over the past several months FEMA has reviewed your preliminary DFIRMs and has determined that there will be additional new or modified Base Flood Elevations (BFEs) in Essex County, Massachusetts (All Jurisdictions). As a result, FEMA has opened a new statutory 90-day appeal period for the new or modified BFEs.

As there were no new or modified BFEs for your community, your community is not eligible for a formal appeal; however, comments are encouraged throughout the map update process. This letter is to provide you with the most up-to-date versions of your community's DFIRM panels for your review and comment. FEMA has re-initiated the appeal period for those communities eligible, which opened on August 12, 2010, and will close on November 10, 2010. You can submit comments at any time during this appeal period.

The floodmap gives your community the means to mitigate flood risk through improved floodplain management policies and tactics and enables your citizens to mitigate their risk through implementing flood-resistant building techniques and/or buying flood insurance. These

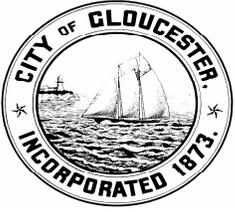
maps can also play an important part of your community's disaster planning. It is important to FEMA that we collaborate with you to develop the most accurate flood maps possible. If you have any questions about the flood map update process, have suggested areas for improvement, or are interested in discussing the enclosed data, please contact Kerry Bogdan with FEMA Region I, at (617) 956-7576 or David Mendelsohn with FEMA Region I, at (617) 832-4713.

Sincerely,



Michael J. Goetz, Branch Chief
Risk Analysis Branch, Mitigation Division

cc: Richard Zingarelli, NFIP State Coordinator
Gregory Cefalo, Local Building Inspector/Zoning Enforcement Officer, City of Gloucester
Sarah Buck, Community Development Director, City of Gloucester
Gregg M. Cademartori, Planning Director, City of Gloucester
Nancy Ryder, Conservation Agent, City of Gloucester
Jim Dugan, Chief Administrative Officer, City of Gloucester
Michael Hale, Director of Public Works, City of Gloucester
Jackie Hardy, Chairperson, Planning & Development, City of Gloucester
James P. Movalli, Chairperson, Zoning Board of Appeals, City of Gloucester
Bruce Tobey, President, Town Councilors, City of Gloucester
Kerry Bogdan, FEMA Region I
David Mendelsohn, Consultation Coordination Officer, FEMA Region I
Tim Hillier, CDM
Laura Keating, Regional Support Center, FEMA Region I



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-061
Councillor	Jackie Hardy

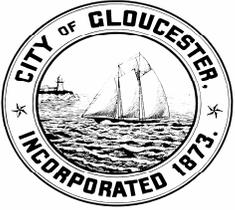
DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	O&A
FOR COUNCIL VOTE:	

Ordered that the City Council enact an ordinance as required by Chapter 217 of the Acts of 2010 to “An act establishing a linkage exaction program in the City of Gloucester”.

And further

Ordered that this matter be referred to the Ordinances and Administration Committee and General Counsel for proper language, which follows the requirements of Chapter 217 of the Acts of 2010.

Councillor Jackie Hardy



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-062
Councillor	Greg Verga

DATE RECEIVED BY COUNCIL: 08/31/10
REFERRED TO: O&A, TC, DPW & POLICE
FOR COUNCIL VOTE:

Ordered that the Code of Ordinances Sec. 22-270.1 “Resident sticker parking only” be amended by

ADDING: Rafe’s Chasm parking area/lot off Hesperus Avenue adjacent to the entrance to Rafe’s Chasm

And Further

Ordered pursuant to Code of Ordinances Sec. 22-125 “Duty of director of public works to place and maintain; conformity to state standards”, to post signs at Rafe’s chasm “No Littering or Dumping” per Gloucester Code of Ordinances Sec. 9-8, and Sec. 1-15, Sec. 9-10 “violators to be fined \$300.00”

And Further

Ordered that pursuant to Code of Ordinances Sec. 22-270 “Parking prohibited at all times” signs be posted on Hesperus Avenue including “Tow Away Zones” and “No Parking” all as provided in Gloucester Code of Ordinances adopted September 24, 2002.

And Further

Ordered that the Police (once signs are posted) enforce “No Parking and Tow Away Zones”.

And Further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Greg Verga



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-063
Councillor	Ann Mulcahey

DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

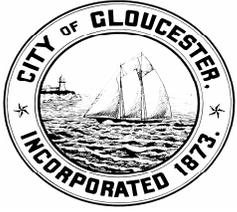
Ordered that Code of Ordinances Sec. 22-270 “parking prohibited at all times” be amended by

ADDING: prohibited parking on one side of the street on Oak Street and Maple Street

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Ann Mulcahey



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-064
Councillor	Ann Mulcahey

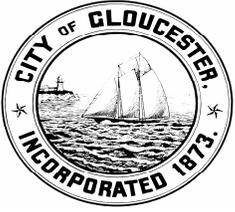
DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

Ordered that the Traffic Commission and the Ordinances and Administration Committee review, the parking situation and traffic flow along the entire length of Mt. Vernon Street to address the accidents occurring because the street is so narrow, and to take into consideration the following:

Ordered that the Code of Ordinances Sec. 22-267 “One Way Streets – Generally” be amended by

ADDING: Mt. Vernon Street, for its entire distance

Councillor Ann Mulcahey



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-065
Councillor	Jackie Hardy

DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	City Council
FOR COUNCIL VOTE:	

Ordered that the Gloucester City Council send a letter to Senator Bruce Tarr and Representative Ann-Margaret Ferrante requesting that they secure state money to study the feasibility of a bypass road either linking Nugent Stretch in Rockport to Blackburn Circle in Gloucester or exploring the possibility of another route to establish the link.

Further, that the Gloucester City Council invite the Rockport Selectpersons and our State delegation to a joint meeting to engage in a comprehensive discussion about a possible joint venture related to the issues involved with the proposed linkage.

This order is put forth with the condition that protection to Gloucester's natural resources including, but not limited to, its watershed and reservoirs are of the highest priority and with the understanding that there will be no compromise related to the protection of same.

Jacqueline Hardy
City Council President



GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2010-065
SUBJECT: SCP2010-009: 70 Holly Street, GZO Sec. 2.3.6(4)
DATE OPENED: 08/31/10
CONTINUED TO:
CONTINUED FROM:
COMMITTEE MEETING P&D 08/11/10

70 HOLLY ST., GLOUCESTER LEGAL NOTICE

In accordance with the provisions of MGL Chapter 40A, Section 11, the **Gloucester City Council** will hold a public hearing on **Tuesday, August 31, 2010 at 7PM in the Kyrouz Auditorium, City Hall** relative to the following Special Council Permit Application:

APPLICANT: Mace and Mary Ann Wenniger
LOCATION: 70 Holly Street, Map #123, Lot 70

TYPE OF PERMIT: City Council Special Permit pursuant to GZO 2.3.6(4) Other Principal Uses – Arts, crafts and sale of arts or crafts if made on the premises.
PRESENTLY ZONED: R20

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public Hearing all interested persons will have the opportunity to be heard.

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

TO BE CONTINUED

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, August 11, 2010 – 6:30 p.m.
1st Fl. Council Conference Rm. – City Hall

Present: Chair, Joseph Ciolino; Vice Chair, Robert Whynott; Councilor Greg Verga

Absent: None

Also Present: Councilor McGeary; Mark Cole; Peter Van Ness; Mary Ann & Mace Wenniger; Joseph Grace

The meeting was called to order at 6:31 p.m. Items were taken out of order.

1. Continued Business

- A) CC2010-019 (Hardy/Verga) Process of shifting appropriate private streets onto the public street ledger and to establish process et. al. (Continued from May 5, 2010)

Councilor Ciolino noted this matter would be continued when Councilor Hardy could be available to present findings on the matter with the Committee.

2. 2010-2015 Draft Open Space and Recreation Plan: Plan Summary & Action Plan

Councilor Ciolino stated in conversation with Sarah Garcia, Community Development Director that she will be doing a full presentation to the City Council on the Draft Open Space and Recreation Plan. Therefore, the Committee will continue the matter until after the City Council presentation and schedule their discussion accordingly.

3. SCP2010-009: 70 Holly Street Gloucester Zoning Ordinance, Sec. 2.3.6(4)

Councilor Ciolino noted they were hearing the SCP2010-009 for 70 Holly Street for GZO 2.3.6(4) which involves permitting arts and crafts sale and having a gallery. The applicants are Mace and Mary Ann Wenniger. The property was noted to be Map #123, Lot#70. The submitted documentation was current. All the neighbors have been duly notified.

Mace Wenniger noted both he and his wife are artists and plan to exhibit their artwork in their house. The application for the Special Council Permit is to have a small room to display their work, and for people who come by invitation only to view their artwork. He explained it is a home occupation. They provide parking with two spaces. However, the Building Inspector, Mr. Sanborn, told them to change the site map which they did and gave to him and thought they had submitted a second parking plan. (There was no full scale map on file with the Council).

Councilor Ciolino noted that the only parking plan that they have submitted was the initial one that went with the application. He asked about the planned studio

Mary Ann Wenniger stated this was not going to be a "shop". It would be a 'by appointment only' gallery, with art on the wall. She also submitted a letter from a neighbor endorsing the gallery (submitted at the meeting and on file). She described the artwork that would be on display explaining while they worked in a medium that used a print-like process, it was not like a printing shop or anything of that nature. She showed pictures of the interior of the home with the room that she and her husband proposed to be a gallery (Photographs were submitted and made a part of the Special Council Permit file).

Councilor Ciolino stated that if they changed this to a storage room, and if they initialed the plan of the house, then it would be acceptable to the changes, according to the Building Inspector, Mr. Sanborn. The Building Inspector said they had a display room and the studio; and the display room has to be changed to a storage room. That will be the official plan.

Mrs. Wenniger noted Mr. Sanborn told them they should consider the parking for the studio. She doesn't have people come to the studio who are just coming off the street.

Councilor Whynott stated the studio would be where they do their painting; and the gallery would be where you display your art.

Mrs. Wenniger confirmed that and stated they will have a sign that says "Private Art Studio".

Councilor Verga asked about the signage being clear to prevent people pulling in without an appointment.

Mrs. Wenniger assured the Councilor they would.

Councilor Ciolino clarified that this 2.3.6 which is other principal uses in section 4, that arts and crafts or sale of such if made on the premises would be permitted under that section. Arts and crafts is generally the person who runs it, it is their crafts. A commercial gallery is that which sells others artwork. They can only sell the artwork made in this gallery.

Mrs. Wenniger noted her understanding and confirmed that would be the case.

Joseph Grace, 75 Holly Street asked if there was any signage proposed for this place.

Mr. Wenniger stated one small sign and that they're allowed to do a sign.

Councilor Ciolino noted the Committee will do a site visit. He asked the Wennigers to consider what size sign they want to do and what it would look like which would be incorporated into the conditions of the Special Council Permit. It was noted by the Committee that it was to be no larger than two square feet.

Mr. Grace was against the sign as he felt it may lead to more people parking at the property believing it would be dangerous. He further believed that the representation of the parking on the submitted maps were erroneous; that, in fact, the cars shown on the street side of the property would end up on the public way.

Mr. Grace reiterated his belief that the actual parking for 'guests' was not on their property.

Councilor Ciolino asked if their property boundaries were marked.

Mr. Grace showed the Committee a City map and showing the property lines on it pointing out the differences between the maps submitted with the application and the one he presented to the Committee.

Councilor Ciolino felt there was more room for them to go further into their property in order to park the vehicles.

Mrs. Wenniger thought there was room for four cars because it was quite a long property.

Councilors Verga stated the plan was drawn by a licensed engineer, and suggested they slide the proposed spaces up into the property to make them appropriate.

Mrs. Wenniger noted the erosion of the roadway that may have made an issue.

Councilor Verga stated they need to determine where the four spaces can be completely on their property. That particular matter would need to be proven (to the Committee).

Councilor Ciolino asked for an engineering drawing and the markings to show the property lines feeling it had to be clear for the Committee to see it.

Mrs. Wenniger spoke to the issue regarding the Building Inspector's memorandum (on file) that they should have 3.5 parking spaces not four which was predicated on the fact that the studio is a display space open to the public, stating it was not. The only thing they're concerned about is 100 square feet and believed they had sufficient parking space.

Councilor Whynott noted when it was originally presented to the Building Inspector this was what the situation was. They need to go back to the Building Inspector.

Mrs. Wenniger stated if the difficulty is they have a garden which was very important to them on the front of the property. They're willing to put in one more space in case they say they have to but would not wish to disturb the mature plantings already in place.

Councilor Ciolino noted that according to what the Building Inspector said it is two spaces. Plus the residence is 1.5 spaces.

Councilor Whynott stated the display area is only 100 square feet, and thought the studio was 400 square feet.

Councilor Verga stated they want to make sure they're totally legal.

Councilor Ciolino reiterated that their studio is part of the display area.

Mrs. Wenniger stated in no way could the studio be used as a display area.

Councilor Ciolino wanted to continue the matter to allow Mr. & Mrs. Wenniger to go back to the Building Inspector to reassess the parking places and the studio versus the display space. Then they can go to their engineer to redo the drawing to move the parking spaces further into the property according to the Building Inspector's determination. Then the Committee will have their site visit. They also need to look into the sign, and what it would say and how big it would be.

Councilor Whynott suggested the Councilors research the same information and would make that effort for the Committee.

At the request of the applicants and the agreement of the Committee, the matter is continued to September 22, 2010.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed, to advertise for public hearing on the matter of SCP2010-009, 70 Holly Street, GZO Sec. 2.3.6(4).

4. I4-C2 "Celebrate Gloucester" Concert, September 5, 2010

Peter Van Ness, Co-Producer, Celebrate Gloucester and owner of Van Ness Group, Inc., told the Committee of the plans for the upcoming "Celebrate Gloucester" Concert (press release on file) to take place on Sunday, September 5, 2010 (Schooner Festival Sunday) on I4-C2, City-owned property, which was duly permitted through the Department of Public Works. He discussed the idea with the Mayor prior to the purchase of I4-C2, and she endorsed the idea of it even at that time which he promised he would produce an even better concert if they bought I4-C2. The Liquor Licensing Board the previous evening had approved a one-day liquor license for the event. Mark Cole, Operations Manager, DPW, signed off on a contract for the use of the property. The Mayor also submitted a memo to the Committee of endorsement (on file). The plan is to use the concert as a fund raiser, and will ask the public decide who should receive the funds. BankGloucester, one of the sponsors, suggested that during August people could go to CelebrateGloucetsr.com to nominate a charity that helps to revitalize Gloucester. Beginning September 1st - 30th they can return to the website to vote for the top three charities, and they will split the money. The entity that will receive the net proceeds is the Gloucester Fund. They distribute almost 100% of the proceeds that they get. The net proceeds from beer and wine sales will also be put in as well. **Mark Cole, DPW Operations Manager** explained the plans for the site itself during the Celebrate Gloucester event and was behind it 100%.

Councilor Ciolino noted the DPW has the responsibility over the property. He asked if Mr. Van Ness had conversations with the Police and Fire Departments regarding their plans for the event.

Mr. Van Ness stated he had spoken with the Fire Chief and Lt. Aiello of the Police Department who will help determine how many police should be at the event. Beaport Ambulance will be parked on site. There will be food served as well as a seafood throw down. They've applied for a permit for the tent, which will be 30' x 40'. They have liquor licensing insurance because the Gloucester Fund is receiving the proceeds which name the City of Gloucester as the insured. The Van Ness Group has also obtained insurance and named the City as the insured.

Mr. Cole asked to have a copy of the Van Ness Group insurance and was assured he would receive it.

Councilor Whynott asked the hours, which were 3 p.m. to 10 p.m. He also asked if the servers were TIPS trained and certified.

Mr. Van Ness stated all the servers were TIPS certified. He distributed a venue plan to the Committee (on file).

Councilor Verga asked about the security plans for the venue.

Mr. Van Ness noting the design of the stage which had its back to Rogers Street. "You can't see the concert for free." The music to be played is blues and jazz; and because it's not that loud, he believed it



**GLOUCESTER CITY COUNCIL 2010
PUBLIC HEARING**

PUBLIC HEARING NUMBER: PH2010-060
SUBJECT: Amend Chapter 17 "Police" Article II re: the non-civil service process of selecting the Police Chief
DATE OPENED: 07/20/10
CONTINUED TO: 8/31/10
CONTINUED FROM:
COMMITTEE MEETING O&A 01/11/10, 01/25/10, 02/08/10, 02/22/10, 03/15/10, 05/03/10, 06/14/10.

POLICE

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, July 20, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to the following changes to Gloucester Code of Ordinances:

Amend Chapter 17 "Police", Article II "Police Department" regarding the non-civil service process of selecting the Police Chief by amending Chapter 17 Sections 17-16 through 17-21 adding new sections. (complete text on file with City Clerk's Office)

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

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

AD#12286615
CX 7/2/10

CONTINUED FROM 7/20/10

LAW DEPARTMENT

CITY CLERK
GLOUCESTER, MA

10 JUN -4 AM 9:55

MEMORANDUM

TO: Ordinance and Administration Committee

FROM: Suzanne P. Egan *SPE*
General Counsel

RE: Chapter 17 Police

DATE: June 4, 2010

Please find attached for the O&A meeting on June 14, 2010 the amendment to Chapter 17 of the Code of Ordinances pertaining to the selection of Police Chief. As discussed at the Committee meeting, I have incorporated the changes requested. I also changed sections 17-19, 17-20 and 17-21 to reflect the fact that the position of Police Chief is no longer subject to the civil service laws.

Should you have any questions prior to the public hearing, please do not hesitate to contact me.

Enclosure

Chapter 17 POLICE

ARTICLE II. POLICE DEPARTMENT

Amend Article II Police Department in its entirety as follows:

17-16 Police Chief

a) The mayor shall appoint the police chief who shall hold the office for a term of three years. The appointment of the police chief shall be subject to confirmation by the city council as provided in section 2-10 of the charter. The police chief is exempt from the provisions of chapter 31 of the General Laws.

b) Within thirty days of the position of the chief of police being declared vacant, the mayor shall appoint a temporary police chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.

17-17 Selection of police chief; qualifications.

The chief of police shall be selected by the mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in section 17-18 (b):

(a) The chief of police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;

(b) The chief of police shall have a master's degree

(d) Preference shall be given to candidates who have experience with the following:

- i) in a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents, possess managerial experience, as defined in paragraph (a), in the command structure of the Gloucester Police Department,
- ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester,
- iii) possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment.
- iv) a nationally recognized police leadership programs, such as the Senior Management Institute for Police, and the FBI National Academy;
- v) financial management, innovations in police operations, and information technology as it pertains to law enforcement;

- vi) labor relations, community relations, mediation and facilitation skills; and including staff development, training, community policing and use of crime data for deployment and decision-making.

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

(a) The candidates for chief of police shall be reviewed by a selection committee consisting of the following individuals:

- (1) The personnel director, who shall serve as the chair of the selection committee;
- (2) One member of the City Council to be appointed by the president of the City Council;
- (3) Two members of the general public to be appointed by the president of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;
- (4) Two members of the general public to be appointed by the mayor with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments; and
- (5) Two sworn officers of the Gloucester Police Department, one of whom shall be a member of the union representing patrol officers, elected by that body, and one of whom shall be a member of the union representing superior officers, elected by that body.

The mayor may appoint appropriate support personnel to facilitate the operations of the selection committee.

(b) In consultation with the selection committee and the purchasing agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for chief of police. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; and administer the selection process. The process shall consist of, without limitation, a written exam, an assessment center and a psychological evaluation.

(c) The selection committee shall hold public interviews of the finalists. The committee shall vote a list of no more than five and no less than three unranked qualified candidates for chief of police and shall submit such list to the mayor. All votes taken by the selection committee shall be by majority vote of those present. If the selection committee determines that there are fewer than three candidates for chief of police, the selection committee shall nonetheless send the names of the candidate(s) to the mayor. The mayor may choose to commence a new selection process if the selection committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the mayor, as well as a complete report of those candidates who applied and were deemed less qualified. The contract may not be

subsequently amended without the approval of the City Council. The term of the contract shall be for at least three years, but no longer than five years.

(e) Upon such time as the mayor shall become aware of a vacancy in the office of chief of police, the mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.

17-19 Powers and duties of police chief

The police chief shall manage the police department. He/she shall be responsible for the discipline and efficiency of the department. The police chief shall act as the city marshal. He/she shall have control of the department, its officers and members, the care of the police station, the care and custody of all the property of the department and shall keep a record of its business.

17-20 Appointment and removal of officers

The mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Chief of Police is exempt from civil laws and the terms of the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by chapter 41 section 99A of the General Laws.

17-21 Composition

The police department shall consist of the police chief, and as many lieutenants, sergeants and patrolman as may be deemed necessary. The department shall also include supporting administrative staff.

Consecutively renumber the remainder of Article II Police Department as follows:

- 17-22 Unlawful use of insignia, etc.
- 17-23 Firefighters appointed as police officers
- 17-24 Chief of Police to act as dog constable
- 17-25 Chief to receive complaints and prosecute
- 17-26 Records of persons arrested and disposal of cases
- 17-27 Powers and duties of police officers
- 17-28 Acceptance of gifts, etc., by officers
- 17-29 Officers acting as bail or surety
- 17-30 Return of city property when member leaves office
- 17-31 Suspension of police officers
- 17-32 Mutual aid program

Councilor Theken said she won't vote for an additional 2% increase. She said she might consider 1%. She believes the Mayor when she said she made a commitment.

A motion was made and withdrawn to amend the local room occupancy excise tax at a rate of a 2% increase.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the provision of Massachusetts General Laws, Chapter 64G, Section 3A to impose the local room occupancy excise at a rate of 5 percent and to advertise for public hearing.

- b) Orders: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police (Continued from November 23, 2009)

Councilor Ciolino asked that the Committee hear what City Clerk, Linda T. Lowe had gathered for information.

Mr. Duggan suggested that General Council for the City be asked to draft an ordinance.

Linda T. Lowe, City Clerk reported to the Committee that she gave the Committee the last time she was here information about Somerville. She did on line research and a lot of municipalities don't have much accessibility. In conversation with David Bain, Personnel Director for the City, he suggested a few communities where she could contact to get more information. She asked to report at the next meeting of O&A if she could give the Committee more information on several more communities. That would be then a good stage for General Counsel to start drafting an ordinance.

Councilor Theken said it would be continued until January 25th at the next meeting of O&A.

Councilor Ciolino said this is something they need to take time on and doesn't wish see the matter rushed.

Councilor Theken said many member of the community have expressed to her that they didn't understand the vote itself and were confused. She said she agrees there's not reason to rush. She asked that the new Councilors on the Committee to receive the information on Somerville.

Councilor Hardy took exception that the ballot question was not worded properly. An explicit explanation to the voters of the City making the issue very clear in a variety of media was done appropriately and the vote was conducted correctly as well.

- c) Update by General Counsel on Commercial/Non-Commercial Plates in a Loading Zone (Continued from December 7, 2009)

Councilor Hardy said she's encouraged about the statements about the interest in keeping and expanding the local vocational programs.

Councilor Mulcahey said there are a number of subjects that the students who go to North Shore Technical High School can take. Are there more popular programs for our Gloucester students than some others?

Ms. Teixeira showed Councilor Mulcahey a list of the breakdown of students from Gloucester who are currently enrolled in programs at North Shore Technical High School. In their freshman and sophomore year students can change their 'major' but once they get to a certain point they don't have the ability to change. There are waiting lists on some of the popular programs within the North Shore Technical High School. She noted that programs change as student interest's wax and wane. These are the kind of statistics the Steering Committee will look at to help make their analysis.

Ms. Gilman said in her conversations with the School Committee Chairs in Rockport and Manchester that if Gloucester were to add a culinary arts program in Gloucester they thought there are some of their students who would choice into Gloucester. Also, when they had their tour at North Shore Vocational High School, one of the nice things was that they have a curriculum director who can go in and develop these programs. There is a willingness to share this information, in terms of helping us to succeed here in Gloucester, to take advantage of grants, etc. We can build and partner and allow our students to take advantage of their 19 courses.

Councilor Theken noted that at the local program so much of the items in the machine shop were donated. Maybe they could help us to help our local programs. She said their being before the O&A Committee has alleviated many concerns.

Ms. Teixeira said if there is one thing that has happened out of this situation, the fact that she is on their regional school committee and Gloucester's, this has brought an immense amount of attention to Gloucester's programs. She said in her conversations with Gloucester's partners that they now more fully understand of our situation. If the merger does happen, they realize our equipment is outdated; and they want to help. There is no competition between the two schools. There is no truth to their looking to squelch competition. They will be the first to say, 'what we can do to help you; do you need our assistance'. She believes they are completely sincere. Gloucester's students can only benefit from this.

MOTION: On motion by Councilor Tobey, seconded by Councilor Theken, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to continue COM2010-001 (Tobey/Ciolino) Order that the City Council continue to Consider becoming a member of Essex North Shore Agricultural and Technical School District until March 8, 2010.

B) Orders: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police (Cont'd from 01/11/10)

Councilor Theken noted that the City Clerk, Linda T. Lowe submitted a memo to the Committee dated 1/25/2010 that provided the Committee with some background research on different Massachusetts communities regarding the selection of Police Chief who are not using the Civil Service to appoint them (a copy is on file).

Councilor Tobey felt it would be useful to have General Counsel and Chief Lane at the meeting also.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to continue the matter of Orders: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police to February 8, 2010.

C) Letter from Inspector General re: Timekeeping Practices Police Department: Update from the City Auditor (Cont'd from 01/11/10)

Marcia McInnis, City Auditor gave the members of the Committee a report on the process (a copy is on file).

A moment was taken for the Councilors to read the memo.

Councilor Theken asked about the payroll process in the Fire Department

Ms. McInnis said that converting the payroll system at the Fire Department to the Firehouse software, a proprietary software system that they currently have in the department but have not been utilizing which is specific to the operations of a fire department. One of the difficult things with the Police Department is that it has a very specific mission; and it has very unique manning and scheduling and overtime and union contracts; it is a very complicated formula.

Councilor Theken asked if the Fire Department is meeting with success with the new software system.

Ms. McInnis said they are utilizing it. She said due to the complexity of the payroll problems with the Police Department, the Unifund software used by the City doesn't accommodate the Police Department. They are using antiquated systems to do scheduling and manning their shifts and patrols. Ideally that software they can use to manage their personnel, to manage their shift work and to accumulate hours worked will be integrated to feed their payroll costs. It should be for both. Firehouse does do that but the current system at the Police Department doesn't have that capability. They don't have that option.

Councilor Tobey said it seemed to him that the crux of the issue in the middle of the second page of Ms. McInnis' memo is that a project committee should be established to 1) redesign the payroll process and it's procedures. 2) selecting appropriate software and

CITY COUNCIL AND
CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, February 8, 2010- 6:00 PM
Council Conference Room-1st Fl., City Hall

Present: Chair, Sefatia Theken; Vice Chair, Ann Mulcahey, Councilor Bruce Tobey
Absent: None

Also Present: Mayor Kirk; Councilor Jacqueline Hardy; Councilor Curcuro; Councilor Greg Verga; Councilor Joseph Ciolino; Councilor Whynott; Suzanne Egan; Linda T. Lowe; David Bain; Bill Sanborn; Nancy Papows; Jeff Towne; Mike Hale; Donna Compton; John McElhenny; Ed Parks

The meeting was called to order at 6:00 p.m. Items were taken out of order.

1. Unfinished Business

A) Orders: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police (Continued from 01/25/10)

Ms. Lowe spoke of the previously submitted documentation (on file) on other communities she submitted with ordinances regarding that do not use the Civil Service to appoint Police Chiefs. She submitted another memo (on file) with more communities who all go about it in different ways with Somerville as the most complicated procedurally. The commonality is appointing a Chief for a term of 3-5 years. Some communities suggest that if the term is five years then there are no more terms after that. Selection panels are used in the process. Qualifications are by educational degrees as well as experience.

Councilor Theken summarized by saying we need to look at these examples, and find the best options within the scope of these examples to best fit our City's needs. She asked General Counsel and the Personnel Director for their opinions.

Ms. Egan hadn't received any copies and was unaware of the content of tonight's submission.

Mr. Bain said he has spoken with Ms. Lowe but hasn't met yet with her.

Councilor Taken asked they meet as a group and review this documentation.

Councilor Tobey asked for a working draft to emerge from their meeting with options for the O&A to examine framework similarities and areas that can be worked on such as selection criteria models. Their opinions could then be used to make a working draft.

The Committee agreed with Councilor Tobey's suggestion, and by unanimous consent placed the matter on agenda for next meeting on 2/22/2010.

2. Appointments:

John McElhenny

Councilor Theken thanked him for volunteering.

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, February 22, 2010 – 6:00 p.m.
Council Committee Room – 1st Floor
City Hall, 9 Dale Avenue

Present: Chair, Sefatia Theken; Vice Chair, Ann Mulcahey, Councilor Bruce Tobey
Absent: None.
Also Present: Councilor Ciolino; Jim Duggan, Linda T. Lowe, Suzanne Egan, Donna Compton, Bob Ryan; Dean Murray

The meeting was called to order at 6:00 p.m. Items were taken out of order.

1. *Unfinished Business*

A) Appointment: Dean Murray, Open Space Committee, TTE 02/14/2013

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances and Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council to appoint Dean Murray to the Open Space Committee, TTE 02/14/2013.

B) Order: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police (Cont'd from 02/08/2010)

By unanimous consent, the matter was continued to March 8, 2010.

C) Memo from Operations Manager-Public Properties re: Proposed changes to Beach and Stage Fort Park Regulations (Cont'd from 02/08/2010)

By unanimous consent, the matter was continued to March 8, 2010.

D) Memo from General Counsel: Amendment to GCO Sec. 2-577 (Cont'd from 02/08/2010)

Councilor Tobey thanked General Counsel for the memo (on file), saying it answered the outstanding questions and would like to see matter move forward.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council Article VI Finance, Division 2, Section 2-577 be amended by deleting the bidding requirements for designer services and adding Article VI Finance, Division 2, Section 2-577: The purchasing agent shall keep a record of all contracts entered into by any department of the City for designer services. The purchasing agent shall provide the record to the City Council on a semi-annual basis AND TO ADVERTISE FOR PUBLIC HEARING.

E) CC2010-003 (Mulcahey) Amend GCO Sec. 22-269 "Stop Intersections re: Flanagan Square
Councilor Theken noted a memo from the Director of the DPW, Mike Hale (on file).

Councilor Curcuru stated that the Mayor wanted to put the tuition onto the School side.

Councilor Verga declared an interest prior to addressing the Committee. He asked when talking about the 10% decrease is it 10% less qualified and or 10% not interested. So they don't know the number of students applied and how many were rejected. He wanted to know if interest is down or if more qualified students got in.

Ms. Teixeira noted she would try and get that information for the Councilor.

Mr. Farmer spoke of other districts where the service committee has the debt service in their budget.

Councilor Ciolino noted the transference of the vocational debt is not a done deal. It's on the City side to protect it. It was set up that way to keep an eye on it.

Councilor Hardy asked hypothetically if 75 students and 5 drop out and choice back to the district, is the cost credited back, or pro-rated.

Ms. Teixeira stated it probably depends on when they return to the district. She didn't know but believed there must be some regulation guiding it. If one student leaves in November, they could likely fit in another student from another district and could probably pro-rate the cost to that new student's district. The new rules are being written up now. You really want someone at the table to raise these concerns and protect Gloucester's interest. The new school doesn't exist until that agreement is signed. It is being presented in the first or second week in May to the new school committee. She's not been appointed to the new one. Regardless if it's her or someone else, if the decision is to join, someone needs to be appointed immediately to be at that table.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council that the City become a member of the Essex North Shore Agricultural and Technical School District.

B) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to Consolidate polling locations (Cont'd from 02/08/2010)

Ms. Lowe presented a map of the City of the existing wards showing the precincts. She noted there is a state law for cities who want to consolidate, and it is clear the City can't go down to one polling place. The consolidation of polling places doesn't have anything to do with population of the wards; but the geographic locations, which would save time and money. She reviewed for the Committee how a consolidation works and the way in which it was to be done, with precincts being consolidated by 'touch'.

Councilor Theken wondered if it was redesigned, would the City continue to have the same wards.

Ms. Lowe stated yes, you still continue to have the same wards and precincts.

Councilor Mulcahey questioned how the wards would be put together in order to make the consolidations.

Ms. Lowe believed that it comes down to efficiencies and cost. She noted that the City pays \$400 per year for facility rental and payment to poll workers. Using elementary schools hasn't worked very well. She had concerns regarding safety issues and parking, paying the custodians, etc. She felt it made sense to re-evaluate the situation and perhaps go to the larger schools [O'Maley and the High School].

Councilor Curcuru noted combining wards who touch, but that might not be workable.

Ms. Lowe noted that each one has to touch each one. It could be discussed, and then send it in for an opinion to the State's election division.

Ms. Lowe and the Councilors reviewed the map and discussed the point of "touching". She also noted a written description of the map.

Councilor Theken asked that the Committee receive a copy of the written description and Councilor Verga asked for the description to be posted on the website for the public to be aware of the process.

By unanimous consent the matter was continued to April 5, 2010.

C) Order: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure and

Procedure for Selection of Chief of Police (Cont'd from 02/22/2010)

Language for the proposed change in ordinance was submitted by General Counsel to the Committee for their consideration (on file)

Ms. Egan stated there aren't specific requirements for hiring in City ordinances. A couple of years after an ordinance is passed like that, they're no longer followed by the Administration because the times or circumstances have changed. She felt it was more helpful to have a broader description in the ordinance and have the specifics in the job description. That is in the difference with Somerville. They even have whether police are given a clothing allowance. That is in our collective bargaining agreements.

Councilor Hardy noted an ordinance is approved by the City Council. That was their focus when they asked the public to vote on that. And so we felt it was best to determine what the criteria are and to see that it's as specific as possible in the ordinance.

Councilor Theken stated her fear was that whoever the Mayor is gets to rule. The model Councilor Tobey forwarded is a very fine example. She likes the model very much. The Councilors wanted to add or take away that which didn't apply to the City. A few years down the line the changes can be made through the Council if they're needed.

Ms. Egan felt the collective bargaining 'trumps' the ordinance.

Councilor Theken stated it is important that the Chief answers to the whole community.

Councilor Curcuru asked about the requirement a chief live within a 15 mile limit.

Ms. Egan stated that is by State law.

Councilor Curcuru noted that if a person accepts this job they must comply with those criteria.

Ms. Egan stated she is trying to make things consistent and helpful for people to understand the Code of Ordinances and to make them clear. She felt there were contradictions in the Somerville ordinances.

The Councilors agreed that they wanted the specifics in the description in the ordinance.

Councilor Mulcahey spoke to the question of someone with a great deal of experience versus degrees.

Councilor Ciolino stated this is new for them. He didn't feel more detail would be a hindrance. To start out it should be there. What the Somerville did is pretty accurate. A lot of our best Chiefs have been experienced without college degrees.

Councilor Hardy felt the Councilors didn't like what was presented and wanted to see a model more like Somerville. She noted that this is a working document, and right now they needed something in front of them that is a possible Gloucester ordinance.

Chief Lane stated he felt that Councilor Grow wanted someone who would come in with Chief experience. The vote was not necessarily representative of the entire City.

Councilor Theken noted that she respected Chief Lane's comment, but that the Council has to work with the way the citizen's voted. It is up to these Councilors to work this through to come up with an appropriate ordinance. It will take time. It will be tweaked to make sure it is something that can be worked with.

Councilor Curcuru stated it is just ultimately to get the best candidate possible.

Ms. Egan stated the criteria set out leaves room for a very subjective decision on who's hired. If that's the case, is it helpful.

Councilor Theken had an email submitted by Councilor Tobey, who could not be in attendance this evening, read into the minutes, as well as the attachments to be made part of the record as follows:

"Because I will be at the National League of Cities in Washington, DC conference on Monday, I will miss the O&A meeting scheduled for March 15th. I ask that this message be read into the record, that it and its enclosure be attached to and included within the minutes of the meeting, and that the committee amend the draft ordinance in the manner I will be requesting momentarily.

In my opinion, the draft ordinance is grossly insufficient -- it specifies no educational or professional criteria for the selection of a chief, provides no structure through which a selection shall occur, and leaves the matter of citizen participation completely unresolved. The City Clerk has previously provided us with a number of model ordinances, and I am reattaching her summary memo on those models.

I personally believe the Somerville ordinance is an excellent model. It fills all the gaps I raised a moment ago, and it is at work literally now to govern that City's process for selecting its next chief -- read the following press release from Somerville's Mayor, Joe Curtatone, which issued today:

http://www.somervillema.gov/NewsDetail.cfm?instance_id=1573

Accordingly, I ask that the following provisions, largely similar to those found in the Somerville ordinance, be inserted within the proposed ordinance; thank you.

Bruce Tobey

Section to be numbered: Selection of police chief; qualifications.

Upon removal of the position of chief of police from civil service status, the chief of police shall be selected by the mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in section _____:

- (a) The chief of police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;
- (b) The chief of police shall have a master's degree or a four-year degree in criminal justice or a related field;
- (c) The requirements for formal education provided in (b) above can be waived for candidates with a minimum of 15 years of progressively responsible law enforcement management experience as long as they possess an associate's degree, or with a minimum of 20 years progressively responsible law enforcement experience as long as they possess a high school diploma;
- (d) Preference shall be given to candidates who have experience in a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents, and/or possess managerial experience, as defined in paragraph (a), in the command structure of the Gloucester Police Department and/or are bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester, and/or possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment and/or who have successfully completed any of the nationally recognized police leadership programs, such as the Senior Management Institute for Police, and the FBI National Academy;
- (e) The chief of police shall have experience in financial management, budgeting, innovations in police operations, and information technology, as it pertains to law enforcement;
- (f) The chief of police shall have strong leadership and supervisory skills, excellent interpersonal skills to include labor relations, community relations, mediation and facilitation skills; and
- (g) The chief of police shall have excellent management and supervisory skills, and familiarity with state-of-the-art law enforcement practices, including staff development, training, community policing and use of crime data for deployment and decision-making.

Section to be numbered: Selection of police chief; manner of appointment.

(a) The candidates for chief of police shall be reviewed by a selection committee consisting of the following individuals:

- (1) The personnel director, who shall serve as the chair of the selection committee;
- (2) One member of the City Council to be appointed by the president of the City Council;
- (3) Two members of the general public to be appointed by the president of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;
- (4) Two members of the general public to be appointed by the mayor with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments; and
- (5) Two sworn officers of the Gloucester Police Department, one of whom shall be a member of the union representing patrol officers, elected by that body, and one of whom shall be a member of the union representing superior officers, elected by that body.

The mayor may appoint appropriate support personnel to facilitate the operations of the selection committee.

(b) The mayor, in consultation with the selection committee and the procurement officer, shall select a qualified recruitment and assessment contractor to analyze candidates for chief of police. Such recruitment and assessment contractor shall be charged with development of selection criteria, after consultation with members of the public at community meetings, with an effort to invite representatives of diverse populations within the community; recruitment of qualified candidates; and administration of a selection process consisting of, without limitation, a written exam, an assessment center and a psychological evaluation. The community meetings required above shall provide interpretative services for the hearing-impaired and non-English speaking, as requested and otherwise shall comply with the Americans with Disabilities Act.

(c) The selection committee shall vote a list of no more than five and no less than three unranked qualified candidates for chief of police and shall submit such list to the mayor. All votes taken by the selection committee shall be by majority vote of those present. There shall be a public interview process conducted for the finalists by the selection committee prior to the appointment of the chief of police by the mayor. If the selection committee determines that there are fewer than three candidates for chief of police, the selection committee shall nonetheless send the names of the candidate(s) to the mayor. If the selection committee should submit to the mayor a list of fewer than three candidates for chief of police, or for any reason designated in writing, the mayor may choose to commence a new selection process, in the manner prescribed herein.

(d) The mayor shall make the final appointment from the list, subject to confirmation of the final appointment by the City Council. Prior to confirmation of the final appointment, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the mayor, as well as a complete report of those candidates who applied and were deemed less qualified. The contract may not be subsequently amended without the approval of the City Council. The length of such contract of chief of police shall be for a period of at least three years, but no longer than five years.

(e) Upon such time as the mayor shall become aware of a vacancy in the office of chief of police, the mayor shall within a reasonable period of time, but by no later than the next regularly scheduled meeting of the City Council, notify the City Council that a vacancy has occurred. The mayor shall in a timely manner thereafter commence the process to fill the vacancy, in the manner prescribed herein."

And received by email from Councilor Tobey on 03/15/2010 (on file) further:

"Councilors,

One further note for consideration when this matter comes up at O&A tonight -- I've discussed this matter with Mayor Curtatone down here at the NLC meeting; he and his interim police chief are ready and willing to come before us to speak on behalf of the ordinance model I have proposed below given their great satisfaction with its use in the City of Somerville.

bt"

By unanimous consent, the Committee continued the matter to their May 3, 2010 meeting to have a two item agenda.

D) Memo from Operations Manager-Public Properties re: Proposed changes to Beach and Stage Fort Park Regulations (Cont'd from 02/22/2010)

Mr. Cole presented to the Committee with Mr. Park the requested revisions to the proposed changes to the Beach and Stage Fort Park regulations previously reviewed by the Committee on February 22, 2010. They did withdraw the increase from \$20 to \$25 for resident stickers. The Senior Citizen they proposed a \$5 annual fee. That will stay that for the five year sticker effective 2011. It would be pro-rated over the five years. The only change is the pro-ration and is effective 2011.

Councilor Curcuru asked about raising the parking fee on the weekends for people just visiting as non-residents.

Mr. Cole stated he would prefer not to raise the rates past \$25.00.

Councilor Ciolino noted the issue on the non-resident senior citizen regarding the property owner and wanted to know why they aren't paying \$5 like anyone else.

Mr. Park stated they are. If they want to get in addition to that a resident sticker, they will pay the \$20 just like any other resident.

Mr. Cole stated the senior citizen who owns property here but doesn't live here still qualify for a senior citizen sticker. What this is saying is that if they want to buy a resident sticker so they don't have to be in the car.

The Councilors agreed to add resident "senior" sticker to the language to make it very clear.

Mr. Cole noted the part related to trusts under "E". They have to be listed as the beneficiary of the property listed in the trust, according to General Counsel.

The Committee again discussed the matter and the specifics.

Mr. Park noted that Appendix A was changed regarding the numbers to be consistent all the way through.

Councilor Ciolino noted he had a problem with charging the seniors any fee whatsoever.

Councilor Verga would like a report next year of what kinds of stickers were sold per each type.

Mr. Cole stated they could try and do that.

Councilor Hardy wondered about the reissue fee if you sell your car and the sticker remains on the vehicle.

Mr. Cole stated they would reissue the sticker for \$5. The old sticker will be caught, as they won't match up.

MOTION: On motion of Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council approval of the proposed changes to the Beach and Stage Fort Park Regulations pursuant to Section 7-16 of the City Charter and any amendments to relevant sections in the Gloucester Code of Ordinances AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Mr. Park recapped the CY2008 and CY2009 for the Committee (on file). It was noted that they may open the beaches a bit earlier this year. He also noted some of the improvements. He noted a darker area on the new stickers this year where the plate numbers go. When someone tries to take off the number to alter the sticker, it will make it extremely difficult to do.

Councilor Curcuru stated that he spoke with Mike Hale regarding electronic signage on Rt. 128 again this year. The signs would direct people to other beaches who may have room in the lots, like Stage Fort Park. Pavilion Beach is now starting to be used by the locals. The fact that there are locals shouldn't deter the fact that there aren't lifeguards. We do need them there.

GLOUCESTER CITY COUNCIL AND
CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, May 3, 2010 – 6:30 p.m.
1st. Fl. Council Conference Room – City Hall

Present: Chair, Sefatia Theken; Vice Chair, Ann Mulcahey; Councilor Bruce Tobey

Absent: None

Also Present: Councilor Jacqueline Hardy; Councilor Joseph Ciolino; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Whynott; Linda T. Lowe; Jim Duggan; Jeff Towne; Suzanne Egan; Peter Jenner; Sgt. David Quinn; Mike Hale; Mark Cole; Nancy Papows; Patty and Michael Thibodeau, Alan Bell; John Geary; Paul Shea, Jr.; Joan Viator; Sarah Roderich; Joan Reynolds; Owen Freeman; Katie Moore;

The meeting was called to order at 6:30 p.m. Items were taken out of order. Councilor Ciolino sat as alternate for Councilor Tobey at 6:30 p.m. There was a quorum of the City Council present.

1. *Unfinished Business*

- A) Order: CC02009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police (Continued from 02/22/10)

The Committee and Ms. Egan discussed the merits of the of the Somerville ordinance they were using as a reference to make the City's new ordinance. Ms. Egan noted her concern regarding the depth of the description of the Chief of Police's job description captured in it. They agreed that the point was to capture the intent. There was also a discussion on the type of education that would be required. With input from Sgt. David Quinn of the Gloucester Police Department, attending the meeting for Police Chief Lane, they agreed they prefer that a candidate have a minimum of a Bachelor's degree with a preference for a Master's level. They discussed also the subjective language noted in the Somerville ordinance: The Committee agreed that it was better to leave out the subjective and hold to the objective skills. They also discussed the desired composition of a search committee, with the Somerville ordinance having two persons appointed by the Mayor, 3 by the President of the City Council, the union 2 members. Then that list is given to the Mayor and then can only select from that list or rejects them all. In the Charter, Gloucester's Mayor is the appointing authority.

Councilor Tobey felt this was objectionable, that Somerville has a strong model. This was the kind of choice that is so important to the community and should have as an inclusive process as possible.

Ms. Egan wanted it to be consistent with the Gloucester City Charter and the Code of Ordinances. Somerville's Code of Ordinances are very specific that are controlled by collective bargaining and isn't consistent with Gloucester's.

Councilor Tobey noted they've always had a closely defined structure in place for Civil Service selection. This would be in lieu of that and so it is its own thing.

Ms. Egan felt that was a perspective of it. She wasn't advocating one way or another. She looked at it from how the rest of the City's department heads are appointed. She heard that one of the issues under the Charter is that the Mayor is the appointing authority, and you're taking it away.

Councilor Theken felt it wasn't taking anything away. This is how the people wanted it. She had no qualms, nor did Councilor Theken, as to how Somerville's ordinance composed the Committee.

Sgt. Quinn asked how the Committee would make their recommendations as how a candidate would come forward.

Councilor Tobey responded it would be unranked and prefers it that way. Civil Service has always been about who's first or second. He didn't want to create that perception.

Councilor Hardy asked if there was a length of contract.

Councilor Tobey noted it was a period of three up to five years.

Councilor Mulcahey stated you can be reappointed in the fourth year, and then you're renewed at five years which Ms. Egan felt gives flexibility.

Councilor Hardy posed, say, they appointed a Gloucester Police Department officer, and they decided they didn't want to continue in that position; what would happen.

Sgt. Quinn stated you still retain your Civil Service.

Councilor Curcuru asked what happens if you fill that slot; then what.

Ms. Egan stated that's what a contract is for. You're talking about two different things. If someone chooses to apply for Chief of Police; the contract can be written that you can't go back.

Sgt. Quinn expressed concern on that point and Councilor Tobey asked Counsel and the Personnel Director work on that matter.

Councilor Theken wanted it noted that the Police Department has a lot of capable officers. Why would they apply if they're not being able to get their jobs back? If they can't go back, the City might lose a very good candidate in terms of Civil Service.

Ms. Egan's suggestion was that a contract could be drafted to state you give up your rights.

Councilor Hardy asked how would this affect that person's retirement when they come out of Civil Service to take the contract.

The Committee agreed there were many matters that needed to still be defined; and therefore continued the matter to their meeting of June 14, 2010.

Councilors Whynott, Ciolino and Verga left the meeting at 8:13 pm.

B) Traffic Matters:

1. CC2010-005 (McGeary) Amend GCO Sec. 22-287 re: one handicapped space in front of 12 Webster Street (Continued from 04/05/2010)

Councilor Mulcahey noted that the person at 12 Webster Street does have a legitimate need for this space and encouraged the passage of this motion.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-287 re: one handicapped parking space in front of 12 Webster Street with signage to be placed as close to the address as possible AND TO ADVERTISE FOR PUBLIC HEARING.

2. CC2010-010 (Verga) Amend GCO Sec. 22-269 "Stop Intersections" and/or Sec. 22-269.1 Yield Intersections" re: Intersection of Hesperus Circle and Hesperus Avenue (Continued from 04/05/2010)

Councilor Verga stated that there was a request from a constituent asking for this stop sign due to a dangerous situation. He noted a stop sign has appeared since the order went in and didn't know who or why it had been done, but that it seems to be working. It should be made official, if that's the case, and asked if the Traffic Commission had had the matter referred.

Councilor Theken noted this had been referred to the Traffic Commission, and they had approved the placement of a stop sign at the intersection of Hesperus Circle and Hesperus Avenue. She asked that past ordinances be checked to see if this had already been done, but that the Committee would entertain a motion to amend the ordinance and advertise for public hearing. If it was found that it had been done previously they wouldn't proceed with the public hearing.

that going forward Ms. Beaubien will help to bring unity to the Commission. She noted a new CATA bus service of a trolley that will take you around the downtown areas. She wanted the Commission to focus on things other than a brochure.

Councilor Mulcahey thanked Ms. Beaubien for her stepping forward, and thought she'd bring some fresh, new ideas to the Tourism Commission encouraging her not to be afraid to speak up.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Alisa de Gaspe Beaubien to the Tourism Commission, TTE 02/14/2013.

Lorre Anderson in response to the question why she wished to serve on the Tourism Commission stated she was a business owner on Main Street (The Black Swan) and previously had owned a business in York, ME, another tourist town. She noted once people are here, they're very impressed with the City and want to come back and bring their friends. She felt the greatest issue was getting more exposure for the City and bringing more people here believing she could help with that.

Councilor Hardy spoke of the different groups involved in tourism; that there has been some conflict as to who sits on what board. She asked if there was some affiliation with another group that would deter Ms. Anderson going forward in the best interest of the City of Gloucester serving on the Tourism Commission.

Ms. Anderson felt that would not be the case, feeling she could help with that issue. She put together a group downtown to represent the businesses called "Gloucester Downtown". She felt it was a normal process to have all of these people who are bright and active speaking up to create interest in tourism and now was the time to blend these groups together into one voice.

Councilor Hardy stated Ms. Anderson, then, would be enforcing the belief that we should be pulling in the same direction and not recreating what someone else has already done or is going to do.

Ms. Anderson reiterated they could all work together to coordinate, communicate and move forward.

Councilor Theken reviewed her comments on the Visitor Welcome Center to Ms. Anderson as she had with Ms. Gaspe Beaubien.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Lorre Anderson to the Tourism Commission, TTE 02/14/2011.

Robert Stewart expressed his desire to continue to serve the City of Gloucester, citing his familiarity with the City's zoning ordinances and with the kinds of cases they review noting his flexibility to deal with the kinds of complicated issues the City has before them.

The Committee and Councilors Hardy, McGeary, Ciolino expressed their support for the reappointment of Mr. Stewart and thanked him for his continuing service to the City.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Robert Stewart to the Zoning Board of Appeals, TTE 02/14/2013.

B) Order: CC2009-046 (Grow) Amend Chapter 17 of GCO re: Civil Service Ballot Measure & Procedure for Selection of Chief of Police

Ms. Egan briefly reviewed the updated draft amendment to Chapter 17, Article II Police Department numbered 17-16 through 17-32 with the Committee, noting the changes incorporated from suggestions of the Councilors.

Councilor Theken noted the concerns of Councilor Tobey were addressed in this current version.

MOTION: On motion by Councilor Curcuro, seconded by Councilor Mulcahey the Ordinances & Administration committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Gloucester Code of Ordinances Chapter 17 POLICE, Article II POLICE DEPARTMENT in its entirety with language as provided by General Counsel AND TO ADVERTISE FOR PUBLIC HEARING.

C) CC2010-015 (Ciolino/Mulcahey) Amend GCO Sec. 290 "Parking meter zone-Off Street Parking Areas" re: Manuel F. Lewis Street (Continued from 05/03/2010)

Councilor Theken noted parking on Manuel Lewis Street would be first-come, first-served to the parking spaces for seniors on the street with a current Gloucester Senior beach parking sticker. Parking will know not to ticket those vehicles without a Gloucester Senior beach parking sticker if they do not feed the meters on Manuel Lewis Street. There will be no signs placed on the street.

Councilor Ciolino suggested that a sign be placed in the Senior Center to alert the seniors of this change. He noted they do have the mechanism that when people get stickers that you could park in that area. It's the same principal on I4-C2. He believed this was the right thing to do.

Councilor Theken stated they'd be sure that the seniors were notified in their bulletin each week over the next several issues to let them know of these changes.

Councilor Ciolino noted that the concept of using the current Gloucester beach parking stickers will also be employed for the special event overflow parking for I4-C2 where people can park for free with Gloucester beach parking stickers and felt they could build on this. He believed that allowing seniors to park for free with a Gloucester senior beach parking on Manuel F. Lewis Street was the right thing to do for the City's senior citizens and was all for it.

Councilor Hardy asked if this was Monday through Friday or seven days per week. She also wondered if there would be lost meter revenue.

Councilor Theken noted this would be for the seniors at any time a meter would be in effect just on Manuel F. Lewis Street, and that this was on a first-come, first-serve and that Gloucester seniors would not have to 'pump' the meter. However, if a vehicle didn't have a current Gloucester senior beach parking sticker, they'd have to feed the meter or be ticketed. She noted the continuance of the matter to this meeting to see if the abutters would come regarding the center area of the parking lot for 9 spaces be reserved for the Senior Center from 9 a.m. to 3 p.m. Monday through Friday. Abutters were sent a letter notifying them of this meeting of O&A's intentions. All the surrounding area around the Senior Center will be by Gloucester Senior Beach parking sticker. Guests of the Senior Center will have to sign in and get a temporary parking pass. She did note that business owners she had spoken with prior to the meeting had no issues with the proposed changes.

Wayne Campbell, owner of the Liquor Locker, 287 Main Street felt this was fine for the parking spaces to be designated in the lot; however, they can't park on his private property which is a continuing problem. He also noted the parking lot was not well maintained. The lines need repainting very badly. People park their vehicles inappropriately. He hoped the City would label the lot properly.

Councilor Hardy wanted to remind the Chair that during the discussions on the matter they had asked the Administration would be kind enough to go to the Center on a few of their busy days to sell senior beach parking stickers.

The Committee agreed they would request that the DPW post signs at specific locations in the Manuel F. Lewis Parking Lot for the existing 9 spaces parallel to the eight spaces adjacent to Rogers Street with signage to read as follows:

"Parking for Rose Baker Senior Center Monday through Friday, 9:00 a.m. to 3:00 p.m. Only";

1. **There will be no filling station on the property;**
2. **That a stop sign be at the exit on Old County Road and Eastern Avenue;**
3. **That dumpsters be screened and maintained from view by either vegetation or fencing;**
4. **That the Planning Board conditions made during their June 17, 2010 Site Plan Review as in accordance with Section 5.8 of the Gloucester Zoning Ordinance become part of the conditions of this permit as follows:**
 - a) **that the curb line on the eastern side of the entrance to Eastern Avenue be round to no greater than 25' curb radius;**
 - b) **that the vegetation be cut back and controlled to the east of the site to improve visibility of the entrance for traffic flow from the east;**
 - c) **that the applicant obtains approval from the Engineering Department to install a new catch basin and connection to the Eastern Avenue drainage system prior to construction.**

The Council recessed at 8:32 p.m. and reconvened at 8:40 p.m.

8. **PH2010-060: Amend Chapter 17 "Police" Article II re: the non-civil service process of selecting the Chief of Police**

This public hearing is now open.

Those speaking in favor:

Suzanne Egan, City Solicitor stated the ordinance before them went before O&A. There were a number of discussions about it. The amendments this ordinance reflect those discussions out of O&A. The ordinance lays out the specificity of the selection process for the Police Chief. The ordinance sets out the qualifications of the Police Chief; the education, training and background. It also discusses a selection committee; the appointment of its members and qualifications of the members; the process of the selection committee to review candidates (Section 17-18); the selection committee makes a recommendation to the Mayor of at least three candidates. They Mayor can choose to accept or can reject all three potential candidates and start the process over again. The length of the term of the employment contract for the selected Police Chief would be no less than 3 years. The City Council reviews the contract and any amendments to the contact have to be approved by the City Council. Section 17-19 discusses the here powers and duties of the Police Chief which was essentially contained in the Code of Ordinances presently; but it was amended a bit because the Police Chief position is no longer covered by the Civil Service laws. Section 17-20 also is an amendment to the existing Code of Ordinances to the language deleting the language which discusses the Police Chief is covered by Civil Service which was changed to reflect that the Chief is no longer covered by Civil Service law and that is the same as 17-21. The other portion of the amendment is that the entire Article II has to be renumbered.

Those speaking in opposition: None.

Communications:

Councilor Bruce Tobey via email dated July 18, 2010:

"I regret that a long-scheduled obligation to speak at the annual Kentucky-Tennessee Water Professional Conference in Nashville requires that I miss the July 20, 2010 City Council meeting. If I were present at the meeting, I would vote enthusiastically for the proposed ordinance regarding the process for selecting a police chief now that the voters of our City have chosen to remove that position for the provisions of the Civil Service law. I urge each of my Council colleagues to support the proposed ordinance. It is modeled on the example of the Somerville ordinance. That ordinance has been tested and proven in that City, and the strengths it has offered there are exactly the strengths we need for Gloucester and our police department – transparency and the opportunity for full access for all interested parties; the community a new chief must serve, the bodies of city government with which a new chief must work, and the men and women of the department a new chief must lead. It precludes no qualified candidate, either local or from

over the bridge, and promises that professionalism and experience will be the 3 benchmarks against which each candidate will be assessed. Thank you.”

Councilor Hardy had a great deal of questions to ask Chief Lane who was unable to attend due to illness, and David Bain, Personnel Director and her inclination was to continue the public hearing itself to the August 17, 2010 meeting of the City Council with people who could be here to answer those questions.

Councilor Ciolino asked if the questions could be asked this evening and then have them answered in advance of that meeting.

Councilor Hardy stated she would like to ask them face to face and that the questions could be submitted to the City Clerk to be forwarded prior to the continued hearing.

Councilor Theken stated they will continue the hearing and that there will be a chance to speak in favor of and in opposition to the matter will be available to the public at that August meeting.

Councilor Hardy confirmed the Councilor’s statement.

It was moved, seconded and voted unanimously to continue the public hearing to amend Chapter 17 “Police” Article II re: the non-civil service process of selecting the Chief of Police to the August 17, 2010 City Council meeting.

Committee Reports:

Ordinances & Administration: 07/12/2010

There were no motions to come forward for action by the City Council.

Budget & Finance: 07/15/2010

MOTION: On motion by Councilor Hardy seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommended to the City Council to authorize the City Auditor’s Department to create a new Department 472 within the Public Works section and all the personal services, ordinary services required to account for the transfer of the school custodial and maintenance department facilities to the City side, formerly Department 368.

Discussion:

Councilor Curcuru explained this was a housekeeping matter related to the Council’s previously having approving the merger of the School and City maintenance function to set up the department for the DPW so they can transfer money into it.

Councilor Hardy stated during the budget review there were monies that were taken from the School side of the budget to the City side of the budget. They were temporarily held in a DPW account. Now that the budget has been entered into the computer system and it’s become part of the program, they need a department to transfer out so that those monies can be identified clearly as having come originally from the School Department so that they know what they are actually expending against the schools, in order to maintain and support the schools. This way there will be a paper trail; everything coming out of this department will be directly attributable to the School Department. She noted the Committee had thought this had already been taken care of over a month ago. As it didn’t appear in the minutes, they are correcting this matter now.

MOTION: On motion by Councilor Curcuru seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed to authorize the City Auditor’s Department to create a new Department 472 within the Public Works section and all the personal services, ordinary services required to



GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2010-066

SUBJECT:

Amend GCO at Appendix C, the "Personnel Ordinance", Article 4
"Classification and Compensation Plans" re: reclassification of
Director of the Department of Public Works from M10 to M12
8/31/10

DATE OPENED:

CONTINUED TO:

CONTINUED FROM:

COMMITTEE MEETING

O&A 08/09/10

ORDINANCE CHANGE
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, August 31, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to the following changes to Gloucester Code of Ordinances:

Amend Code of Ordinances at Appendix C, the "Personnel Ordinance", Article 4 "Classification and Compensation Plans" to change Appendix A (Appendix C) the Personnel Ordinance by changing the Classification Plan as follows:

1) Director of the Department of Public Works from M10 to M12

and by changing

Compensation Plan, Appendix B to Appendix C – The Personnel Ordinance as follows:

1) Director of the Department of Public Works \$98,329.14 to \$116,252.01 (from \$81,465.93 to \$96,374.25)

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

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

AD#12322759
Cape Ann Beacon 8/20/10

MOTION: On motion by Councilor McGeary, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend the City Council to amend Gloucester Code of Ordinances, The Personnel Ordinance, Appendix C, Classification Plan, Appendix A for the job description for a Facilities Manager in the Department of Public Works as presented AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

4. Memo regarding the upgrade of the Director of Public Works pay grade

Councilor Theken stated this is not to decide the pay itself but the pay grade.

Mr. Duggan reviewed for the Committee the recent changes as noted previously in this meeting of the centralization of the City and School Department's maintenance function, as well as the Director of Public Works' many accomplishments, his background and certifications. He referenced a list compiled by him to the Council of salaries of comparable communities with the Committee; the average salary coming to \$108,533.00. He urged the Committee to recommend to the City Council the upgrade of the position from a Grade M10 in a salary range of \$81,465.93 to \$96,374.25 to an M12 pay grade with a salary range of \$98,329.14 to \$116,252.01. He noted the added responsibilities of the position particularly in light of the merger of the maintenance function of the city and school building grounds and maintenance.

Councilor Theken asked if this was in the budget.

Mr. Duggan stated it was, and they budgeted the average salary. He related that if the Mayor feels it should be more than the average, there was money within the budget to accommodate it.

Councilor Theken confirmed with Mr. Duggan they would not be coming back to them looking for more money for this position upgrade. She commented it was she who asked to have this put forward in consideration of what she has observed as well as the most recent changes to the responsibilities to the position of DPW Director. It wasn't just the degrees. It was about keeping someone that good. She couldn't say enough of the particular person now in the position. Mr. Hale stepped into Mr. Parisi's shoes, even for a time was doing both sides, Engineering and DPW Director. He took over; gained the respect of all the DPW workers. There are no more phone calls, "do you know where your yellow trucks are". There will always be complaints about pot holes, etc. But she noted she was even hearing less from other City employees and departments complaining about the DPW. Mr. Hale stepped in and is doing a "fabulous" job. She felt there was always room for improvement; but he has solved so many problems and has made the department work so much more smoothly. It takes a highly skilled director to know he needs help and ask for it and put it in place. If we want the position of the director to take on more burdens, they should increase the pay grade. She exclaimed she'd be the first one to say it has to be done.

Councilor Verga stated there was an international stereotype of DPW workers. Mr. Hale has stepped into the shoes and done a fine job.

Councilor Mulcahey agreed that Mr. Hale was doing an excellent job.

Mr. Duggan noted what helps him the most is that he has been in the ditch, literally. He's dug the holes; knows what it's like to be covered in mud and water. He had seen him first hand jump into a hole with a shovel and relieve one of his own workers. He's admired by many of his employees.

Councilor Mulcahey spoke of the CSO project and issues some additional flooding in areas in the Fort, and Myrtle Square which she believed was caused by the CSO project with Mr. Duggan responding it was a work in progress.

Councilor McGeary took the point of divorcing the person from the position. He was concerned if and when Mr. Hale moved on they'd be starting the new person at that new pay grade, with a base pay of \$98,000.00. He asked if there was an M11 pay grade and if it had been considered.

Mr. Duggan responded there was an M11 pay grade. But the Administration has been very consistent, setting the bar high. They won't go backwards. When and if they do have to fill Mr. Hale's shoes they wouldn't accept anyone of a lesser caliber who would be worth an M12 pay grade; and that was the Administration's philosophy moving forward.

Councilor Theken noted she understood the Councilor's concern, as with the CFO's position, the City Auditor's position. Gloucester has paid so low for so long the position of DPW Director should have been an M11 along anyway to keep current with other communities, and felt that was why they had to jump two grades now. Even if they go to the minimum of the M12 pay grade or at the average, it was still below what some of the cities are currently paying. Two grades seem a lot. She did the research on the CFO's position and reminded Mr. Duggan how she had asked how many millions of dollars did the CFO save the City. Mr. Hale, when it comes to public hearing will have to do the same, but just by examining the position and how it has progressed, where the position is now based on responsibilities, will make the case for the justification of the jump in pay grade.

Councilor McGeary stated given the responsibilities, he didn't think the pay grade is out of line.

Mr. Duggan stated many of the comparable communities were looked at to see where they came in with pay noting they don't have "one-tenth" of the issues Gloucester has with infrastructure as just one example.

Councilor Theken felt it was important that they respect the person who has been particularly through the CSO situation and hasn't quit on the City yet, and put Mr. Duggan on notice she will ask about the justification for the two grade jump at the public hearing for the sake of the public and City employees' understanding.

MOTION: On motion by Councilor McGeary, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Director of the Department of Public Works from M10 to M12, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7: 44 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTATION/ITEMS SUBMITTED DURING MEETING: None.



GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2010-067
SUBJECT: Amend GCO at Appendix C, the "Personnel Ordinance", Article 4
"Classification and Compensation Plans" re: Facilities Manager – M8
8/31/10
DATE OPENED:
CONTINUED TO:
CONTINUED FROM:
COMMITTEE MEETING O&A 08/09/10

ORDINANCE CHANGE
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, August 31, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to the following changes to Gloucester Code of Ordinances:

Amend Code of Ordinances at Appendix C, the "Personnel Ordinance", Article 4 "Classification and Compensation Plans" to change Appendix A (Appendix C) the Personnel Ordinance by inserting in the Classification Plan the position as follows:

1) Facilities Manager – M-8

and by inserting in the

Compensation Plan, Appendix B to Appendix C – The Personnel Ordinance as follows:

1) Facilities Manager - \$63,798.84 to \$75,473.37

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

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

AD#12322753
Cape Ann Beacon 8/20/10

MOTION: On motion by Councilor McGeary, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend the City Council to approve the Reorganization Plan for Department of Public Works Management Structure under the City Charter § 7-2(b), AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

3. Job Description – Facilities Manager

Councilor McGeary noted the length of the job description saying the position supervises crafts personnel as well. They will have more than just custodians under their direction. He felt it was conceivable the reorganization chart would do that.

Mr. Duggan confirmed that to be the case. The director of the department will give the direction to the managers.

Councilor Theken noted they will work under the direction of the Director of Public Works.

Mr. Duggan also confirmed the director of the department provide direction to their middle managers. That is how they operate any City department. That language is standard.

Councilor Theken stated she read the job description and spoke to others hearing their concerns about the academic qualifications of a bachelor's degree with a strong mathematics background.

Councilor Verga stated this was an important position; and thought it was a good job description. For the 8 years he was on the school committee, for three of them they had a facilities director. It was in every budget cycle it was in the budget but in the last round they would have to cut the position. A parent would show up and say don't cut a teacher, cut somewhere else. The Assistant Superintendent, who doesn't specialize in this, was the direct report for these people. The tradesmen, craftsmen and custodians need supervision on a daily basis along with planning the maintenance projects on a weekly basis.

Councilor Mulcahey stated they would institute a preventative maintenance program, and the facilities manager would supervise it.

Councilor Verga stated he had worked in manufacturing companies in quality control and that was the biggest and most important part of their job to have a preventative maintenance program in place. Everything has fallen by the wayside. As the former Superintendent Farmer used to say, "The urgent pushes out the important".

Councilor Theken stated she had to get some expert advice on this. She asked several who thought if they didn't need a bachelor's degree would they qualify. You can have many years experience and be considered without a degree. As long as that's there, everyone has a chance; they won't be overlooked. Other than that, the comments were good. Noting they all want the best for the City, she didn't want to focus just on outsiders but to look internally also. She felt right now the job market was "theirs". The City's pay grades are moving up. Other people are losing their jobs. Now there are people out there who are highly, in some cases overqualified applying for an open position like this that may cause an internal candidate to be overlooked.

Mr. Duggan commenting on the Councilor's comment that the job market was theirs stated the pool of qualified candidates they got for the City Engineer position was phenomenal. They're coming from all over New England to relocate, exclaiming it was amazing the credentials some of these people have now.

Councilor Theken stated with this job market has many people who are over qualified applying for these jobs. She just wanted to be sure that equivalent service was in the description so that someone with an Associates degree, and working for the department for 20 years, going to school here and there, and has been a good employee would be able to apply and be considered. She pointed out Mr. Hale was in engineering with the City and went from there to DPW Director.

Mr. Duggan added Mr. Hale, in addition to an undergraduate degree has a Masters from UMass in Planning and is a certified planner. He agreed that he "grew up" into the position.

Councilor Theken stated many thought when the merger happened that people would lose their jobs. No one from the school side has gone. However, she cautioned them they may have to multi-task and reminded them that past and present City Councilors have always felt that everyone should multi-task.

MOTION: On motion by Councilor McGeary, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend the City Council to amend Gloucester Code of Ordinances, The Personnel Ordinance, Appendix C, Classification Plan, Appendix A for the job description for a Facilities Manager in the Department of Public Works as presented AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

4. Memo regarding the upgrade of the Director of Public Works pay grade

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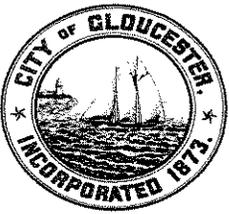
Councilor Mulcahey agreed that Mr. Hale was doing an excellent job.

Mr. Duggan noted what helps him the most is that he has been in the ditch, literally. He's dug the holes; knows what it's like to be covered in mud and water. He had seen him first hand jump into a hole with a shovel and relieve one of his own workers. He's admired by many of his employees.

Councilor Mulcahey spoke of the CSO project and issues some additional flooding in areas in the Fort, and Myrtle Square which she believed was caused by the CSO project with Mr. Duggan responding it was a work in progress.

Councilor McGeary took the point of divorcing the person from the position. He was concerned if and when Mr. Hale moved on they'd be starting the new person at that new pay grade, with a base pay of \$98,000.00. He asked if there was an M11 pay grade and if it had been considered.

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GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2010-068
SUBJECT: Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1
"Free Petition" of the City Charter and proposed amendment to GCO
Chapter 4, Animals, Article II Dogs by adding new section 4-16(d)
8/31/10

DATE OPENED:
CONTINUED TO:
CONTINUED FROM:
COMMITTEE MEETING P&D 07/28/10

ORDINANCE CHANGE
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **Tuesday, August 31, 2010** at 7:00 pm in the Kryouz Auditorium, City Hall, relative to the following changes to the Gloucester Code of Ordinances:

Amend Code of Ordinances, Chapter 4, Animals, Article II. Dogs by **ADDING:** new section 4-16(d) as follows – Dogs permitted in certain city-owned off-leash areas as approved by DPW Director and pursuant to DPW regulations.

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

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

AD#12323205
Cape Ann Beacon 8/20/10

Mr. Burke stated if they're moving signs, they can put in seven trees. If signs stay, then the trees in the spaces five would work; and they use the larger eastern white pines. You don't want to crowd them.

Councilor Ciolino stated they'll stick with seven trees, that they'll be evergreens. There will be curbing.

Mr. Burke stated they had discussed at the site meeting he was at as putting in a Cape Cod berm. It's a rolled soft curb put in parking lots. It helps to keep run off from going into the beds and helps with plowing. They're made of asphalt.

Councilor Hardy stated they talked about a raised bed so when the salt and sand is on the road and gets kicked up it wouldn't go over. It would lift the trees up higher and not have to excavate so deep for the plantings. They shook hands on this at the site; and have now gone through two iterations since then. It was less expensive to rip up that whole side than dig a hole and drop a tree. At the time it was said that the roots would probably come up and get under it. She showed the Committee a picture she drew of what it should be, as they agreed to at their meeting.

Mr. Giacalone didn't dispute what the Councilor said and described. He could do what he was asked to do.

Councilor Ciolino stated they have now agreed on seven trees. There will be a raised berm and the signs go to the ends.

Mr. Bertolino agreed.

Mr. Giacalone also agreed.

Councilor Ciolino stated that it will be nice when completed which Councilor Hardy also concurred.

Mr. Giacalone cautioned they were moving towards the end of the planting season.

Mr. Burke stated he'd like to look at mid- to late September for the installation or early October. **Mr. Giacalone** asked what the timeframe would be.

Councilor Hardy stated they'd be looking at the end of September; and they need the Council permission on the modification for the plantings.

Councilor Ciolino stated that they submit all this.

Mr. Giacalone asked if they could submit a landscaping plan and if that would be satisfactory.

Councilors Ciolino and Hardy stated that would be all right.

MOTION: On motion of Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to require the owners/developers of 85-89 Bass Ave to immediately submit a request for modification of the City Council Special Permit issued January 5, 2005 for 85-89 Bass Avenue under the Gloucester Zoning Ordinances, section 5.2, Earth, Fill, and Removal, and to include with the request a written statement by the owners or their representatives of the agreement reached with the neighbors/abutters (the petitioners) and with this Committee concerning additional, new tree plantings and concerning the wall referenced in the 2005 Special Permit. The request for modification shall also include a revised, current plan updating all previous plans submitted to the Council for the 2005 Special Permit and the March 2006 rezoning, relating to the wall and landscaping.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to advertise for a public hearing for Modification of Special Permit for 85-89 Bass Avenue concerning wall and landscaping, trees, and plantings.

2. Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter

Steve Winslow, Project Manager-Community Development; Mark Cole, Operations Manager-DPW; Daniel Morris, Chair and John McElhenny – Open Space Committee; Judy Masciarelli and Mary Lou Maraganis, Dog Park proponents were introduced by Councilor Ciolino.

Councilor Ciolino stated they are starting the process for starting an 'off-leash' dog park. He's been working with them and a petition will come before the City Council. They'll come before the City Council to present their intentions. What the Committee's intentions for this evening was to give this matter to the Open Space Committee that they work with the Dog Park committee to try and come up with some locations where the park could be placed. Mark Cole of the DPW was there because he was the keeper of all the public properties, and felt there was a need for his involvement. There is a need to change the Gloucester Zoning Ordinance because there is no mention of a Dog Park or a definition. You can't have any dogs running loose on any City property or in parks. That will need to be amended. There are a lot of little things that need to change to make this happen. P&D will be referring the matter out to the Open Space Committee for their suggestions. If they need more time, they should let the Committee know how much more time they need.

Mary Lou Maraganis and Judy Masciarelli made a short presentation to the Committee on behalf the Dog Park proponents (Documentation presented at meeting on file). She gave the group's reasons for the need for a fenced in, off-leash dog park: environmentally conscientious using green technology; envisioning this as a community project in partnership with the City of Gloucester designed to help satisfy the recreational needs of dog-guardians and non-dog guardians. It would also promote animal welfare and rescue; and help promote tourism with 15% of visitors to the City bringing their dogs. She reiterated the area would be fenced in. She noted there were 1,000 dog parks currently, in airports, parks. Beverly, Swampscott and Newburyport are in the process of establishing dog parks. Salem is the closest dog park. It is one big open space. There are no segments for different kinds of dogs. They wish to be proactive to learn from other dog parks. They learned to have separate areas for small dogs, large dogs. Salem Dog Park has a fee, \$25.00 because they were having issues with people not having licensed dogs. It is a yearly fee paid when you get your dog license. It is an option for Gloucester. There are pros and cons to that. If anyone is to use public space for recreation, under Mass laws, whoever owns that property is not liable for anything that happens on that property. Brookline utilizes all their open space and parks – if the facility is not being used at certain times they're allowing dogs and their guardians to use the areas. It has caused complaints to drop against dog owners and about dog waste. They're making good use of all of their parks. Somerville has a similar program as are others. They form a task force with dog owners, then a liaison for the City and create dog friendly areas in the City. When you go to membership, there is a liability issue and then they have to sign a liability waiver. She noted that the Provincetown Dog Park is rated one of the best dog parks in the country. They would like to see more of what they installed created by artists for dog amenities. They define it as an area to exercise and socialize well-behaved dogs in a safe, off-leash setting and supplement other leashed and off-leashed dog areas. They cited the importance of socialization and exercise dogs in a friendly environment. The dog parks bring a vast array of people together because of their dogs. They got over 1,000 signatures in three weeks for their petition. They also want to educate people on picking up after their dog and on dog behavior. They want it to be ADA accessible. Many elderly don't get pets which this will give them a venue to possibly give them an opportunity to exercise their pets. Many dog parks have benches outside for people who don't have dogs to observe them. They suggested sample layouts of a "well thought out" park, components of a dog park such as shrubs, curved lines and different play areas. Dogs with similar play styles play together. There has to be a section where they go in, lock the gate then release their dog into the park off-leash and that it is repeated at the exit. They discussed sanitation, funding; lights, security; buffer zones, parking. It was important to have crushed stone or decomposed granite. That needs no water to manage. Some need proper drainage. They have to look at and address. It is supposed to be devoid of all organic material to keep bacteria from taking hold. The soil would be underneath. They didn't know how far down the stone has to be but couldn't say yet. Maintenance is annually around \$2,000 to \$7,000 annually. It is self-policing. They hope for trash removal by the DPW. There would need to be detailed dog park rules. There would need to be a minimum of an acre. They did find out that you can't use CPA money on existing owned public property. With the passage of bill 90, hopefully by month end, it would eliminate that restriction. They hope if that does pass they would be able to apply during the next application process in November. And they proposed possible sites. They can't do it

alone. The City collected around \$42,000 for dog licenses and may be helpful to divert some of that money towards maintenance of a dog park. They have received donations for design of the park, and many others who have approached them to offer goods and services including the Boy Scouts. The Chamber of Commerce, Bob Hastings that once they get the approval he could tap his membership to help them establish the park. And they proposed possible sites. They pointed to two spots in Stage Fort Park, which they felt was the ideal location behind the tennis courts up the hill towards the playground. People on the Boulevard are trying to have people pick up after their dogs. It will be much more encouraged to get debris off the Boulevard. Dog owners would prefer to run their dogs than walk them. What's nice about the area behind the tennis courts is the terrain, the landscaping and parking. The second location is up by the basketball courts which have the same things going for it with more acreage. They are underutilized areas of the park. Many cities and towns, when their developing their community spaces, similar to Stage Fort Park, are now including dog parks. Fuller Field is also a fenced in area near Gloucester Crossing. Green Street Playfield as a possible location but was not as ideal. Swinson Park was a possibility to identify as a smaller neighborhood dog park as there are 10,000 dogs in Gloucester. **Mr. McEachern** pointed out that behind the tennis courts at Stage Fort Park is used by the cross country teams.

Mr. McElhenny asked what the main reason for the dog parks was.

Ms. Maraganis stated there is no fenced in area where dogs can run and play with other dogs. There's been talk for a long time but no driving force to get it in place. It is important for dogs to socialize and exercise. It was tried seven years ago to start one, but it got no where.

Ms. Masciarelli noted that in summer months then they can't go to the beaches. If they had another place to go it would solve many issues.

Ms. Maraganis stated many dogs can't be off leash because they run off. It is also for people. They love going there. They form a close bond over their dogs.

Ms. Masciarelli noted that just walking dogs is not enough exercise. By having the right behavior in a dog park carries outside of the dog parks; less issues of barking and aggression.

Councilor Ciolino stated they want to reclaim parts of Gloucester where there are problems with dogs and dog owners. There is a need for a place for dogs and their owners to go. He would rather bring his dog to a nice clean area. Wherever there is a community where there is a leash law there should be a dog park. A few years ago there was an issue to get dogs off the beaches. So where do you run the dogs.

Mark Cole, DPW asked who'd be in charge of the dog park. If there is an issue who do they call; the dog officer, the DPW?

Councilor Ciolino stated there is one in Salem, and they'll have to find out how they operate. They're not reinventing the wheel and will find out how other communities do it.

Mr. Cole expressed his concern as to who deals with these issues.

Councilor Whynott felt it should be the dog officer.

Councilor McGeary stated this would have to be worked out in an ordinance with the consequences, etc.

Ms. Masciarelli stated they're hoping to have enough volunteers who would have keys to the supply cabinets and monitoring the park and dogs.

Mr. Cole stated if they have a dog park would they be banning dogs from the beaches.

Councilor Ciolino stated they'd be banned for the summer.

Mr. Cole responded they're still on the beaches, regardless. It's not going to solve the dogs on the beaches.

Ms. Masciarelli stated if there was a regular place they could go dog owners/guardians would use it. Perhaps neighborhood dog parks are a solution.

Councilor Whynott didn't feel the dog park would solve the problem of using the beaches.

Mr. Cole asked if this would stop dog owners not picking up after their pets.

Ms. Maraganis stated the Dog Park would be a place of education and help let the public know about it.

Councilor Verga stated there is peer pressure in an enclosed area for owners to pick up after their dogs. He felt **Mr. McEachern**, however, made an important point. They don't want to displace anybody.

Councilor Ciolino stated they should look at many venues.

Mr. Cole would be happy to help them look for appropriate spots in the City. He noted on the upper levels at Magnolia Woods were playing fields was already burdened with regards to parking for all the sports taking place there and was out of the way; and the possible usage of the Stage Fort Park.

Mr. Winslow noted the Open Space Committee was in the midst of an open space plan and they will see it in their next packet from the Mayor. They did an informal survey at a health fair; walking their dog is a big reason why people use recreational facilities. They did look at numbers from Virginia Beach, a community of 50,000 having one dog park. He worked in Somerville and his colleagues there were working on the creation of a dog park. Initially they fenced in 10,000 square ft. there. Somerville is very dense, and it got overused very quickly. They eventually put in stone dust and were very successful. Rice stone was the best surface. The DPW has to be involved. There are dog conflicts that the dog officer has to be involved in. Some of these locations are good as they are away from residential areas. Somerville's latest dog park is full fledged which cost an enormous amount. They are in this process of identifying priorities for Gloucester, and they'll see when they get this plan that there's a lot the City has: 70% is open space and not a lot of resources to cover that. The Committee needs to work this into the other priorities. They are looking for public comment. Parks and playgrounds need resources; and the City doesn't have many of them. They have to deal with competing uses. It is something they have to work on. He spoke of the financial collaboration in Somerville that helped get the dog park there off the ground.

Councilor Ciolino asked if Mr. Winslow if he could get them information from Somerville; how they do it there; their ordinances. Their next task will be to have a written ordinance.

Mr. Winslow stated he spoke to the Building Inspector about zoning and Gregg Cademartori, Planning Director. If it's on municipal land he didn't think there was a need for any zoning changes. This would be a recreational use. There's a leash law which would have to be modified; and there is no definition.

Councilor Whynott stated the police don't get involved unless a person is in danger; it's in their contract; they don't have to respond to dog issues. So you have only one person, and that's the Dog Officer.

Councilor Ciolino asked if they could put a fee, perhaps an extra \$1 on dog licenses.

Councilor Whynott stated the fee for a dog license is \$22.50 now which was higher than most other area municipalities. The City can raise could raise the price of dog licenses any time they want which could help pay for it. You'd have to create a revolving account. It could be done.

Mr. Winslow and **Mr. Cole** reminded everyone as to who will have to maintain and take away debris.

Councilor Whynott stated every time they raise the

Councilor Verga asked who would check to see if there were dogs with licenses.

Mr. Cole asked if it was self-policing would you tell him he couldn't bring his dog in.

Ms. Maraganis stated there would be signage to state that rule.

Mr. Cole stated what if they're not.

Ms. Maraganis stated generally people in the park say something and don't want to put themselves in those kinds of situation.

Mr. Cole wanted the DPW doesn't want to be the policing entity on the dog park.

Councilor Verga asked then who would be checking the license and wished to see what other communities do.

Ms. Maraganis stated it was from self-policing and peer pressure and also the membership to the park helps as well.

Mr. Cole was skeptical that someone would approach him to tell him he couldn't take his dog into the Dog Park because they didn't see a tag. How would they stop him? He could ignore that person and just go in anyway.

Ms. Maraganis stated there would be signage stating that only licensed dogs would be allowed at the entrances and exits.

Councilor Ciolino understood the DPW position and didn't want it to become a burden to their department. This was a start. This will take some time just to get the legalities done.

Councilor Ciolino again stated this was a beginning, their first formal meeting on the matter. There were a lot of pieces that needed to come together. It may take a year before they get through it all. He asked Mr. Cole to be part of the process. He asked if the Open Space Committee if they could do that.

Councilor Whynott stated in deference to Mr. Cole, some of the matters he brought up about the park need to be addressed now. They didn't want these things to happen the night they're voting at City Council.

Mr. Winslow stated that there was a Dog Owner Task Force in Somerville that ultimately dealt with their dog park. They may be able come up with some aspects and possibly have a site recommendation. A task force would need to be in place once a site was located and to have legal definition of what a dog park is. He didn't know if they'd be able to report back in 30 days. He suggested 45 days due to their meeting schedule.

Councilor Ciolino believed that once a site was located, that a Task Force would be in place.

Mr. McElhenny asked if they would just like a site recommendation not whether the Committee feels one way or another about the idea itself.

Councilor Ciolino asked that P&D would like both a site recommendation and the Open Space Committee's opinion on the matter.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to forward the matter of a proposed "off-leash" dog park concept to the Open Space Committee in order that they and the proponents of the Dog Park may come back in 45 days with a report and suggested sites for it.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga the Planning and Development Committee voted 3 in favor, 0 opposed to receive language from General Counsel to amend the Gloucester Zoning Ordinances for its definition, creation, location, upkeep of any other necessary rules and regulations to govern the park itself.

The matter was continued to the September 22, 2010.

3. *Request from National Grid re: Electric Easement Goose Cove Lane*

Councilor Ciolino announced National Grid needs to demonstrate for their request for an easement on Goose Cove Lane, a private way; verification of who owns the land in question and the agreement of the abutters before it can grant the City Council permit per Gloucester Code of Ordinances Sec. 23-105. The Committee also asked for a representation of the kind of pole to be erected, a photo. National Grid will be appraised as soon as possible so that the matter can come back to the Committee upon presentation of the documentation to move forward.

4. *Request from Magnolia Road Race Committee re: September 2, 2010 Magnolia Road Race*

Mr. McEachern, a member of the Magnolia Road Race Committee informed the Committee about the 34th running of the Magnolia Road Race which raises funds for the Magnolia Library. He stated they have successfully run this race without incident for many years, and asked the Committee for their permission under the new formalized process. There are some road closures from the Dunkin Donuts on Lexington Avenue to the Blyman School. These are rolling closures. Everyone in Magnolia knows what's going on; they walk the route with handouts for the affected neighbors. It is a strictly a community event. It is well known. If there is any inconvenience to their Magnolia neighbors, it is short lived.

Councilor Verga asked how many runners they anticipated.

Mr. McEachern stated about 300 runners. They'd like more to make more money for the library.

Councilor Whynott noted that any well run event like this is a good thing for Gloucester.