

**GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS**

**Monday, March 20, 2017 – postponed from March 14, 2017**

**7:00 P.M.**

**KYROUZ AUDITORIUM, CITY HALL**

**COUNCIL MEETING #2017-005**

**MEETINGS ARE RECORDED**

**CITY CLERK  
GLOUCESTER, MA**

**2017 MAR 13 PM 2:07**



**FLAG SALUTE & MOMENT OF SILENCE**

**ORAL COMMUNICATIONS**

**PRESENTATIONS/COMMENDATIONS**

Ralph R. Willmer, MAPC Principal Planner re: Gloucester Housing Production Plan Presentation

**CONFIRMATION OF NEW APPOINTMENTS**

Waterways Board

Peter Yung

TTE 02/14/2020

**CONSENT AGENDA**

**ACTION**

**• CONFIRMATION OF REAPPOINTMENTS**

Affordable Housing Trust	Michael Luster	TTE 02/14/2019
Clean Energy Commission	John Moskal	TTE 02/14/2019
Zoning Board of Appeals	David B. Gardner	TTE 02/14/2020

**• MAYOR'S REPORT**

1. Mayor's request for the appointment of a council member as a recreational marijuana designee (Refer to Council President)

2. New Appointments:

Animal Advisory Commission	(TTE 02/14/2020)	Jennifer Jackman, Beth Klinefelter, Alicia Pensaros, Jennifer Schmorrow, Jodi Swenson	(Refer O&A)
Archives Committee	(TTE 02/14/2020)	Juanita Rivera Melanson	(Refer O&A)
Cable TV Advisory Commission	(TTE 02/14/2020)	Robert McGillvray	(Refer O&A)
Clean City Commission	(TTE 02/14/2020)	Zackary Thomas	(Refer O&A)
Capital Improvement Advisory Board	(TTE 02/14/2020)	Bob Alves	(Refer O&A)

3. Supplemental Appropriation-Budgetary Request (#2017-SA-19) from the Department of Public Works (Refer B&F)

4. Supplemental Appropriation-Budgetary Request (#2017-SA-20) from the Department of Public Works (Refer B&F)

5. Special Budgetary Transfer Request (#2017-SBT-16) from the Police Department (Refer B&F)

6. Special Budgetary Transfer Request (#2017-SBT-17) from the Fire Department (Refer B&F)

7. Memorandum from Harbormaster re: requesting new equipment, salaries and repairs for the office from the earnings/stabilization account (Refer B&F)

8. Memorandum from Economic Development Director re: Glass Tech Boat Servicing LLC TIF (Refer B&F)

9. Memorandum from Economic Development Director re: acceptance of grant in the amount of \$13,000 from the Massachusetts Department of Marine Fisheries (Refer B&F)

10. Memorandum from General Counsel regarding Open Meeting Law complaints (Info Only)

**• COMMUNICATIONS/INVITATIONS**

1. Response from Mayor's Office to Oral Communications of February 14, 2017 City Council Meeting to Jerry McCarthy (Info Only)

2. Response from Mayor's Office to Oral Communications of February 14, 2017 City Council Meeting to Carol Berkman (Info Only)

**• INFORMATION ONLY**

**• APPLICATIONS/PETITIONS**

1. Special Event Permit Application: Request to hold Concert on the Boulevard July 3, 2017 & September 2, 2017 (Refer P&D)

2. Special Event Permit Application: Request to hold Gloucester Block Parties July 15, August 12, & September 1, 2017 (Refer P&D)

**• COUNCILLORS ORDERS**

1. CC#2017-008 (Nolan) Request Traffic Commission perform speed study on Sumner Street to determine whether there should be a speed limit of 20 mph and whether the City Council should petition the MassDOT to approve said speed limit (Refer O&A & TC)

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

1. City Council Meeting: 02/28/2017 (Approve/File)

2. Standing Committee Meetings: B&F 03/09/2017 (under separate cover), O&A 03/06/2017, P&D 03/08/2017 (Approve/File)

**STANDING COMMITTEE REPORTS**

**ACTION**

B&F 03/09/2017, O&A 03/06/2017, P&D 03/08/2017

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

**SCHEDULED PUBLIC HEARINGS**

- 1. PH2017-013: RZ2017-001: GZO Amendment Sec. 1.11(c) re: creation of a Mixed Use Overlay District including properties #2 & #4 School House Road and #7 Gloucester Crossing Road
- 2. PH2017-014: Loan Order 2017-001: Loan Authorization in the amount of \$5,000,000 for the Gloucester High School Roof Project
- 3. PH2017-015: Loan Order 2017-002: Loan Authorization in the amount of \$1,800,000 for the Haskell Dam Upgrade

(TBC 3/28/17)

**FOR COUNCIL VOTE**

- 1. Decision to Adopt: SCP2016-004: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities"

(FCV)

**UNFINISHED BUSINESS**

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

Update of the Stage Fort Park Advisory Committee and the Magnolia Woods Oversight & Advisory Committee by City Council Representative, Sean Nolan

**COUNCILLOR'S REQUESTS TO THE MAYOR**

**ROLL CALL** – Councillor Joe Orlando

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

NEXT REGULAR CITY COUNCIL MEETING, March 28, 2017



City Clerk

**Minutes filed in City Clerk's Office of other Boards and Commissions from February 24, 2017 thru March 9, 2017**

Bd. of Assessors 2/15/2017, 2/22/2017; Bd. of Health 2/2/2017; City Hall Restoration Commission 2/6/2017; Council on Aging 2/7/2017; Downtown Development Commission 1/25/2017; Special Event Advisory Commission 2/2/2017; Stage Fort Park Advisory Commission 2/2/2017; Traffic Commission 1/19/2017

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

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

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**7:00 P.M.**

**KYROUZ AUDITORIUM, CITY HALL**

**COUNCIL MEETING #2017-005**

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City Hall  
Nine Dale Avenue  
Gloucester, MA 01930  
CITY CLERK  
GLOUCESTER, MA  
2017 MAR -9 PM 1:57



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

**TO:** City Council  
**FROM:** Sefatia Romeo Theken, Mayor  
**DATE:** March 8<sup>th</sup>, 2017  
**RE:** Mayor's Report for the March 15<sup>th</sup>, 2017– City Council Meeting

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Councilors:

Our administration continues to build up all boards and commission vacancies, as they are the backbone of our community and critical to our future success. These efforts are reflected in this report through new appointments within the Cable Television Advisory Committee, Animal Advisory Committee, Clean City Commission and other key appointments. Echoing the sentiments from the Mayor's State of the City Address, we will soon deliver our municipal annual report which outlines each departments' accomplishments and highlights over the past year.

### Mayor's Request to Council President

- A memo from Mayor Sefatia Romeo Theken to the Council President requesting the appointment of a council member as a recreational marijuana designee.

### Boards, Committee & Commissions:

We are respectfully requesting that the City Council approve the following new appointments and reappointments:

#### New Appointments

##### Animal Advisory Commission

- Jennifer Jackman, three-year term, expires 2/14/2020
- Beth Klinefelter, three-year term, expires 2/14/2020
- Alicia Pensarosa, three-year term, expires 2/14/2020
- Jennifer Schmorrow, three year term, expires 2/14/2020
- Jodi Swenson, three year term, expires 2/14/2020

##### Archives Committee

- Juanita Rivera Melanson, three-year term, expires 2/14/2020

##### Cable Television Advisory Commission

- Robert McGillvery, three-year term, expires 2/14/2020

##### Clean City Commission

- Zackary Thomas, three-year term, expires 2/14/2020

##### Capital Improvements Advisory Board

- Bob Alves, three-year term, expires 2/14/2020

Included as **Enclosure 1** is all relevant material pertaining to these appointments. *Please refer the matter of these new appointments and reappointments to the Ordinance and Administration subcommittee for review and approval.*

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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FAX 978-281-9738  
sromeotheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

**Financial Matters:**

- **Enclosure 2** is a Supplemental Appropriation-Budgetary Request (#2017 SA-19) from the Department of Public Works for funds needed for sign supplies and for sign repair/replacement throughout the City. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** DPW Director Mike Hale or appropriate personnel will be present to answer any questions.
- **Enclosure 3** is a Supplemental Appropriation-Budgetary Request (#2017 SA-20) from the Department of Public Works for Spring Public Service Paving. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** DPW Director Mike Hale or appropriate personnel will be present to answer any questions.
- **Enclosure 4** is a Special Budgetary Transfer Request (#2017-SBT-16) from Gloucester Police Department to pay for nurse Cindy Junker to provide CPR/Narcan Training. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Interim Police Chief, John McCarthy or appropriate personnel will be present to answer any questions.
- **Enclosure 5** is a Special Budgetary Transfer Request (#2017-SBT-17) from Gloucester Fire Department to continue to keep stations open. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Fire Chief Eric Smith or appropriate personnel will be present to answer any questions.
- **Enclosure 6** is a memo from Gloucester Waterways Board requesting new equipment, salaries and repairs for the Harbormaster's office from the earnings/stabilization account. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Harbormaster TJ Ciarametaro or appropriate personnel will be present to answer any questions.
- **Enclosure 7** is a memo from Sal DiStefano, Economic Development Director providing committee notes as it relates to a proposed TIF agreement with Glass Tech Boat Service LLC of 8 Kondelin Road to support the construction of a new building which will expand boat repair, maintenance, storage and future manufacturing. The committee recommend approval of this arrangement, with a vote to approve a 7-year term and 50% discount of the future tax increase after construction starting FY 2019. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Sal DiStefano or appropriate personnel will be present to answer any questions.
- **Enclosure 8** is a memo from Sal DiStefano, Economic Development Director stating that the Massachusetts Department of Marine Fisheries has selected Gloucester to receive a grant of \$13,000 for continued marketing and outreach efforts for the Gloucester Fresh Seafood campaign. The grant funds will be used to support outreach, promotion and new seafood product development by the Gloucester Fishermen's Wives Association in partnership with the City of Gloucester. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Sal DiStefano or appropriate personnel will be present to answer any questions.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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FAX 978-281-9738  
sromeotheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

Information Only:

- **Enclosure 9** is a memo from Charles J. Payson, General Counsel that contains two letters regarding Open Meeting Law Complaints for information only. ***Please refer this matter to the City Council review.***

###

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

Sefatia Romeo Theken, Mayor

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

**TO: Joe Ciolino, City Council President**  
**FROM: Sefatia Romeo Theken, Mayor**  
**DATE: March 8<sup>th</sup>, 2017**  
**RE: Request for Councilor Designee**

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Dear Council President:

As the administration collects input from stakeholders associated with regulation and policies relating to recreational marijuana, our team continues to attend public forums in the region, review related municipal ordinances as they are filled, and hearing expert testimonials within health, public safety and businesses communities to best prepare decisions for Gloucester's future.

These efforts have largely been led through Karin Carroll, Health Director and John McCarthy, Interim Police Chief with additional support from Jim Destino, Chief Administrative Officer; Chip Payson, City Solicitor; Joanne Senos, City Clerk; Bill Sanborn, Inspectional Director; Gregg Cademartori, Planning Director; Joan Whitney, Director of Substance Abuse Prevention Services and other supporting staff.

To that, an informational packet will be produced by the Health Department for City Council review containing timelines of important policy milestones, potential public forums that are tentatively being prepared, legislative updates and other related matters that will best provide background to guide the city's next steps.

As such, I formally submit a request to the Council President the appointment of a council member as a recreational marijuana designee.

Thank you,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive.

Sefatia Romeo Theken  
Mayor, City of Gloucester

# **ENCLOSURE 1**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 1, 2017

Ms. Jennifer Jackman, Ph.D.  
19 Saint Louis Avenue  
Gloucester, MA 01930

Dear Ms. Jackman:

I am pleased to appoint you to a three year term on the **Animal Advisory Committeet** to represent **Ward 1**. Your appointment will be sent to the City Council for their meeting of March 14, 2017. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Befatia Romeo Theken".

Befatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

Ward 1

19 Saint Louis Ave.  
Gloucester, MA 01930  
February 7, 2017

Mayor Sefatia Romeo Theken  
City Hall  
Gloucester, MA 01930

Dear Mayor Romeo Theken,

I would like to submit my name for consideration as a member of the new Animal Advisory Board either as a ward or at-large member. I reside at 19 Saint Louis Ave in Ward 1. I have attached my curriculum vitae.

While I am relatively new to Gloucester, I have a substantive background in the field of animals and public policy. I am a tenured member of the faculty in Salem State University's Department of Political Science where I teach courses in the field of law and public policy. I also teach a graduate course in public policy analysis at the Center for Animals and Public Policy at the Cummings School of Veterinary Medicine at Tufts University as an adjunct faculty member. I hold a Ph.D. in social welfare policy from Brandeis University and an M.S. in Animals and Public Policy from Tufts University.

For the past 12 years, my applied research has focused on human-wildlife conflict, particularly in urban and coastal areas. Between 2005 and 2012, I conducted two surveys of voter attitudes and experiences with coyotes on Cape Cod, where I resided until last spring. I have published and presented findings from this study related to attitudinal shifts during this period and the relationship between pet ownership and attitudes toward coyotes. More recently, my work has focused on attitudes toward and experiences with seals along the Massachusetts coast. In 2016, I co-founded the Human Dimensions of Wildlife Unit at Salem State University, which is housed in the Bates Center for Public Affairs. The Unit seeks to collaborate with non-profits and government agencies in the region to understand how people interact with and are influenced by experiences with wildlife and to promote coexistence with wildlife.

I would like to lend my volunteer efforts and whatever expertise that I may have in the field of animals and public policy to the Animal Advisory Committee. Please let me know if I can provide any additional information. I can be reached at 508-410-0929.

Sincerely,

Jennifer Jackman, Ph.D.

Jennifer Jackman, Ph.D.  
Associate Professor  
Department of Political Science  
Salem State University  
Salem, MA 01970  
[jjackman@salemstate.edu](mailto:jjackman@salemstate.edu)

### **Education**

- 2005 M.S. (Animals and Public Policy) Cummings School of Veterinary Medicine, Tufts University, Grafton, MA
- 1994 Ph.D. (Social Policy) Heller School for Social Policy and Management, Brandeis University, Waltham, MA
- 1983 B.A. (Government) Smith College, Northampton, MA

### **Teaching Positions**

**COURSES TAUGHT:** Introduction to American Politics; Introduction to Public Policy; American National Government; Introduction to Political Science Research Methods; Introduction to Political Science; Grassroots Politics; American State and Local Government; Public Administration; Public Policy Analysis; Civil Liberties and Civil Rights; Gender, Law and Policy; Issues in American Politics and Policy; Animals & Society; Animals and Public Policy

- 2014 - present Associate Professor, Salem State University, Salem, MA
- 2008 - 2014 Assistant Professor, Salem State University, Salem, MA
- 2010 - present Adjunct Professor, Cummings School of Veterinary Medicine at Tufts University, Center for Animals & Public Policy, North Grafton, MA
- 2009 - 2011 Chair and Adjunct Professor, Department of Animal Policy and Advocacy, Humane Society University, Washington, D.C.
- 2006 - 2010 Adjunct Professor, School of Leadership and Professional Advancement, Duquesne University, Pittsburgh, PA
- 2005 - 2006 Adjunct Professor, Westfield State College, Westfield, MA

### **Selected Departmental and University Service, Salem State University**

- Co-chair, Civic Responsibility Task Force, University Strategic Plan (2017-present)
- Co-coordinator, Human Dimensions of Wildlife Research Unit (2015-present)
- Member, President's Advisory Committee on Civic Engagement (2010-present)
- Member, Service Learning Designation Committee (2014-2015)
- Member, Search Committee for Civic Engagement Center Director (2014-2015)
- Member, University Research Advisory Committee (2012-2014)
- Member, Search Committee for Associate Dean, School of Social Work (2012-2013)
- Advisor, Pre-Law Society (2011-present)
- Advisor, Political Science Academy (2010-2012)
- Co-Chair (2012-present) and Member (2010-present), Earth Day Planning Committee
- Coordinator, Political Issues Roundtable Series (Spring 2009; Fall 2010; Spring 2012; Spring 2013)
- Member, Library/Media Development Committee (2011-2012)
- Coordinator, Gender, Law and Policy Lecture Series (2012)
- Member, NEASC Standards Committee on Students (2009 - 2010)
- Member, All-College Contract Curriculum Committee (Spring 2010)

**Recent Grants and Awards**

- 2016 Elizabeth A. Lawrence Endowed Fund, Tufts University Center for Animals and Public Policy
- 2016 American Political Science Association Research Grant
- 2015 Elizabeth A. Lawrence Endowed Fund, Tufts University Center for Animals and Public Policy
- 2015 Seed Grant, Salem State University
- 2014 Awarded funding for Graduate Research Assistant Position, Salem State University
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- 2013 Phi Kappa Phi Society Initiate, Salem State University
- 2013 Civic Engagement Hall of Fame Faculty Inductee, Salem State University
- 2013 Marion and Jasper Whiting Foundation Travel Fellowship
- 2012 Elizabeth A. Lawrence Endowed Fund, Tufts University Center for Animals and Public Policy
- 2012 Advisor of the Year, Salem State University
- 2012 Service Learning Seed Grant, Center for Teaching Innovation, Salem State University
- 2012 Summer Research & Creative Activity Grant, Salem State University
- 2011 Council on Teaching and Learning Summer Grant, Salem State University

**Selected Faculty Development Program Participation**

- Research and Writing Initiative (2014)
- Writing Intensive Curriculum (2013-2014)
- GIS for Community Planners (2013)
- Faculty Seminar in Stewardship of Public Lands: Politics and the Yellowstone Ecosystem, American Association of State Colleges and Universities (2013)
- Faculty Learning Community on Service Learning (2011-2012)
- Faculty Learning Community on PowerPoint Plus (2010-2011)
- Writing Across the Curriculum (2010)
- Center for Teaching Innovations Program for Hybrid and Online Course Design (2009)

**Policy and Research Positions**

- 2015 - Principal Investigator, “Seals, Conflicts and Public Policy: A Study of Voter, Angler and Tourist Attitudes Toward Seals on the Massachusetts Coast”
  
- 2005 - Principal Investigator, “Human-Wildlife Conflict on Cape Cod: A Survey of Voter Attitudes, Experiences and Policy Preferences Regarding Coyotes”
  
- 2012 - 2013 Consultant, Humane Society University
  
- 2006 - 2008 Project Manager, Humane Society of the United States, Gaithersburg, MD  
  
Oversaw preparation of successful 30-volume application to the District of Columbia Education and Licensure Commission for licensing of Humane Society University as a degree-granting higher education institution, including formulation of curriculum for interdisciplinary bachelors and graduate certificate programs, faculty recruitment, course development, and establishment of academic policies and procedures.  
Coordinated project to enhance evaluation of animal assisted interventions for youth-at risk, including a best practices survey and a national technology assessment conference.
  
- 2004 - 2006 Research Director, The WAGE Project, Boston, MA  
  
Conducted preliminary content analysis of sex discrimination in employment consent decrees and co-developed proposal for qualitative consent decree study, which received funding from the Ford Foundation. Directed website development for new organization.

2004 Research and Policy Advisor, Afghanistan Independent Human Rights Commission, Kabul, Afghanistan

Conducted institution-wide assessment of policy development and human rights research needs. Trained AIHRC staff in qualitative and quantitative research methods and report writing. Developed work plan and procedures for newly established research and policy unit.

1993 - 2004 Director of Policy and Research, Feminist Majority and Feminist Majority Foundation, Arlington, VA

**Policy Development, Advocacy, and Program Management**

Designed and implemented public education campaigns to promote domestic and global women's rights issues. Drafted and critiqued legislation; wrote testimony; developed advocacy strategies; prepared recommendations for and met with policy makers including President of United States, Secretary of State, and members of Congress; and directed grassroots, lobbying, visibility and coalition-building campaigns.

**Research**

Conducted qualitative and quantitative research related to women's health care, gender gap, women's political participation, refugee women, and women's rights.

**Conference Coordination/Delegation Leadership**

Served as Program Director for Feminist Expo 2000 and 1996. Led NGO delegation to 1994 United Nations International Conference on Population and Development in Cairo, Egypt and 1995 Fourth World Conference on Women in Beijing, China.

**Financial Development and Fundraising**

Prepared grant proposals and funder reports. Wrote direct mail and other fundraising materials. Administered small grant program, including reviewing grant proposals, making funding recommendations, and monitoring and evaluating programs on-site in Pakistan and Afghanistan.

**Communications and Publications**

Wrote and edited publications, news releases, reports, and website content. Provided media interviews as organizational spokesperson. Served as co-editor-in-chief of *Feminist Majority Report* from 1993-2004. Provided leadership in the development of award-winning [www.feminist.org](http://www.feminist.org) website.

**Personnel Management and Leadership Training**

Recruited, selected, trained, and supervised professional, program, research, technical, and administrative staff. Participated in panels and delivered speeches to train women's rights advocates about domestic and global women's issues at meetings and conferences. Oversaw intern program development, including supervision of intern coordinator, intern recruitment, selection of projects, and training.

1990 - 1993 Director, Feminist Majority Foundation, Cambridge, MA

Established and ran Boston office of Feminist Majority Foundation. Launched Campaign for RU 486 and Contraceptive Research. Co-directed statewide election day project in Oregon to defeat two anti-abortion ballot measures, including supervision of organizers and recruitment, training, and deployment of 1,200 volunteers. Participated in design and data analysis for post-election surveys in Oregon and Iowa.

1986 - 1989 President, Massachusetts National Organization for Women

Served as chief executive officer for statewide women's rights organization. Led campaigns for municipal pay equity initiatives, reproductive health, recruitment of women candidates, and welfare rights. Organized marches, rallies, press conferences, and speaking tours. Published statewide newsletter and coordinated state conferences.

1983 - 1986 Senior Research Assistant, Murray Research Center, Radcliffe College, Cambridge, MA

**Appointed and Elected Positions**

Board Member, CLAWS Cat Shelter, Marstons Mills, MA (2008-present)  
Commissioner, Spencer Conservation Commission, Spencer, MA (2005-2006)  
Co-chair, Global Task Force, National Council of Women's Organizations (2003-2004)  
Steering Committee, Global Women's Issues Scorecard on the Bush Administration (2003-2004)  
Commissioner, City of Boston Comparable Worth Commission (1989-1991)  
Delegate, Massachusetts Democratic State Convention (1990)  
Massachusetts NOW President (1986 -1989)  
Steering Committee Member, Massachusetts Coalition for Pay Equity (1987-1990)  
Steering Committee Member, Massachusetts Coalition for Choice (1987-1990)  
Boston NOW President (1984-1986)

**Additional Community Service**

Volunteer, Land Steward, Mashpee Conservation Commission (2013-present)  
Volunteer, Friends of Santuit Pond, Masphee, MA (2009-present)  
Volunteer, CLAWS Cat Shelter, Marston Mills, MA (2008-present)  
Volunteer, Shuhada Organization, Kabul, Afghanistan/Quetta, Pakistan (1999-present)  
Volunteer, Cape Wildlife Center, Cummaquid, MA (2006-2007)  
Volunteer, A Symposium on Captive Elephants: Science and Well-Being (April 2006)  
Volunteer, Ministry of Women's Affairs, Kabul, Afghanistan (2002)  
Volunteer, Arlington Animal Welfare League (1995-2000)  
Policy Advisor on Women's Issues, Lt. Governor Evelyn Murphy Campaign for Governor, MA (1989-1990)  
Chair, Massachusetts NOW Political Action Committee (1987-1990)  
Volunteer, Alice Wolf for Cambridge City Council (1983-1991)

**Professional Affiliations**

Member, American Political Science Association  
Member, International Association for Society and Natural Resources  
Member, New England Political Science Association  
Member, Northeast Political Science Association

**Selected Publications and Presentations**

Jackman, J. and Rutberg, A. (2015). Shifts in attitudes toward Coyotes on the urbanized East Coast: The Cape Cod Experience, 2005-2012. *Human Dimensions of Wildlife*, 20:4, 333-348.

Jackman, J. (2015). Endangered species, habitat protection, and politics. *American Political Culture: An Encyclopedia*. Santa Barbara, CA: ABC-CLIO.

Jackman, J. (2015). Addressing perception vs. reality: How data (or lack of data) affects public perceptions and management decisions. Panel Participant. Northwest Atlantic Seal Research Consortium Meeting on Seals and Ecosystem Health. Salem State University, May 2.

Jackman, J., Chenault, T. G. & J. Winkler. (2015). Bringing organizations back in: Perspectives on service learning, community partnership, and democratic thinking in a voter engagement project. *Partnerships: A Journal of Service Learning and Community Engagement*, 6:1, 77-99.

Jackman, J. (2015) Coyotes & bobcats & bears, Oh my!: Why public policy matters to wildlife in Massachusetts. Darwin Festival, Salem State University, February 12.

Jackman, J. & Bridgers, J. (2014). The other animal: Human-coyote conflict, pet ownership and the 'pet gap' in attitudes among Cape Cod, MA voters. Pathways 2014: Integrating Human Dimensions into Fisheries and Wildlife Management, Estes Park, CO.

Jackman, J. (2014). Treating coyotes like Cape Codders: The increasing acceptance of coyotes as part of the social and ecological landscape of Cape Cod, 2005-2012. 20<sup>th</sup> International Symposium on Society and Natural Resources, Hannover, Germany.

Jackman, J. & Martell, P. (2014). Mapping human-coyote interactions on Cape Cod: An interdisciplinary endeavor. Faculty and Graduate Research Symposium, Salem State University. May 2.

Jackman, J. & Martell, P. (2014). Landscape factors and human-coyote interactions on Cape Cod." Cape Cod Natural History Conference, Barnstable, MA.

Jackman, J. (2013). "The mystique about the Feminine Mystique: 50th anniversary panel discussion." Salem State University, September 30.

Jackman, J. (2013). Human-wildlife conflicts on Cape Cod: A survey of voter experiences, attitudes and policy preferences." 18<sup>th</sup> Annual Cape Cod Natural History Conference, Barnstable, MA.

Jackman, J. (2013). Coexisting with coyotes? Findings from the Cape Cod wildlife survey. Cape Wildlife Center Lecture Series, Cummaquid, MA.

Jackman, J. (2012). Experiential learning and political engagement in online courses. Paper presented at Northeast Political Science Association 2012 Meeting, Boston, MA.

Jackman, J. (2012). When virtuality and reality meet: Online courses, experiential learning and political engagement. Paper presented at 2012 American Political Science Association Teaching and Learning Conference, Washington, DC.

Jackman, J. (2012). Benefits and challenges of a short-duration experiential learning opportunity. *Political Science Educator*, 16(1), pp. 11-15.

Jackman, J. (2011). The gender gap and animal policy: New directions for political science and animal studies. Paper presented at Annual Meeting of the New England Political Science Association, Hartford, Connecticut.

Jackman, J. (2011). Mini-Internships, public administration and civic engagement: The benefits and challenges of a short-duration experiential learning opportunity. Paper presented at 2011 American Political Science Association Teaching and Learning Conference, February 11-13, Albuquerque, New Mexico.

Jackman, J. (2010). Interest groups, citizen participation mechanisms, and institutional bias in state wildlife policy. Paper presented at Northeast Political Science Association 2010 Meeting, Boston, MA.

Jackman, J. (2010). Animal policy and the gender gap. In *Encyclopedia of Animal Rights and Animals Welfare*, ed. Marc Bekoff. Westport, CT: Greenwood Press.

Jackman, J. & A. Rowan, eds. (2009.) *Proceedings from the National Technology Assessment Workshop on Animal Assisted Programs for Youth At Risk, December 6-7, 2007*. Washington, DC: Humane Society of the United States.

Jackman, J. (2009). Current and best practices of dog training programs for at risk youth: Survey report. In *Proceedings from the National Technology Assessment Workshop on Animal Assisted Programs for Youth At Risk*, ed. J. Jackman and A. Rowan. Washington, DC: Humane Society of the United States.

Jackman, J. & A. Rowan. (2007). Free-roaming dogs in developing countries: The public health and animal welfare benefits of capture, neuter, and return programs." In *State of the Animals 2007*, eds. Deborah Salem and Andrew Rowan. Washington, D.C.: Humane Society Press.

Jackman, J. & M. Copeland. (2006). "Confronting cruelty: Gender, empathy, and the animal protection movement." Center for Animals and Public Policy. Tufts University School of Veterinary Medicine.

Jackman, J. (2006). "Coyotes and conflict on Cape Cod: Attitudes toward coyotes in Barnstable County. Cape Cod Natural History Conference. Cape Cod Community College.

Jackman, J. (2005). Bear baiting, ballot measures, and bucks: The 2004 Defeat of Question #2 in Maine, Tufts University School of Veterinary Medicine.

Jackman, J. (2002). Anatomy of a feminist victory: Winning the transfer of RU 486 patent rights to the United States, 1988-1994. *Women & Politics*. Washington, D.C.: Haworth Press.

Jackman, J. (1999). 1997 National clinic violence survey report: A five-year analysis of anti-abortion violence trends. In *Conference Proceedings of Women's Progress: Perspectives on the Past, Blueprint for the Future, Institute for Women's Policy Research Fifth Women's Policy Research Conference*, June 12-13, 1999.

Jackman, J. (1999). Releasing a medical breakthrough for women: Feminist movement strategies to bring RU 486 to the United States. In *Conference Proceedings of Women's Progress: Perspectives on the Past, Blueprint for the Future, Institute for Women's Policy Research Fifth Women's Policy Research Conference*.

Jackman, J. (1997). Blue smoke, mirrors, and mediators: The symbolic contest over RU 486. In *The Politics of Agenda Denial*, eds. Roger Cobb and Marc Howard Ross. Kansas: University of Kansas Press.

Jackman, J. (1988). The emergence and subversion of comparable worth in the 1940s: A study of the Massachusetts Equal Pay Act. Received Law and Society Association Award for Excellence in Graduate Scholarship.

Jackman, J. (1985). NOW and the Equal Rights Amendment: An examination of Strategy Choices. Paper presented at American Women and Social Reform Panel, Social Science History Association, Chicago, Illinois.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 1, 2017

Ms. Beth Klinefelter  
2 Middle Street  
Gloucester, MA 01930

Dear Ms. Klinefelter:

I am pleased to appoint you to a three year term as an **At Large** member on the **Animal Advisory Committee**. Your appointment will be sent to the City Council for their meeting of March 14, 2017. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large initial "S".

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

Beth Klinefelter  
2 Middle St  
Gloucester, MA 01930  
443.745.0762  
bak1213@live.com

February 1, 2017

Dear Mayor Romeo Theken,

I am writing to express my interest in joining the Animal Advisory Board in Gloucester. As a motivated biologist with strong experience in wildlife research and public engagement, I am confident that I can positively contribute to current wildlife management challenges in Gloucester. I am an enthusiastic team player and effective leader with over six years of experience in the wildlife field and in public engagement.

My job experiences have combined my passions for both wildlife and public engagement. I served as a Research Biologist with The Whale Center of New England on over 100 whale watch trips per summer for three years. I spotted for whales, directed interns, recorded data, and took photographs. I enthusiastically presented whale facts to passengers of all ages. Each trip was different; I learned to adapt to guarantee a positive trip experience. I enjoyed fostering an appreciation for marine environments. As an Aerial Observer for Florida Fish and Wildlife (FWC), I worked with a team to research endangered whales. I was responsible for identifying whales, photographing individuals, collecting real-time data, and communicating directly with local mariners and law enforcement to facilitate awareness. My detail-oriented nature and ability to collect and collate data in accordance with strict standards contributed to the continued success of FWC endangered species programs.

As Engagement Coordinator for The Open Door in Gloucester, I increased community engagement by 18%. I was responsible for scheduling and supervising over 23,000 hours of volunteer time per year. Each year, I designed meaningful volunteer experiences for over 200 individuals and groups of all ages. I represented the organization at over forty annual speaking engagements. I designed an innovative service learning program and worked with a team to further the mission of the organization. I refined my leadership skills and further expanded upon my ability to thrive in challenging situations.

My goal is to engage all parties involved in wildlife conflict to foster successful management outcomes. I am passionate about community-based conservation and engaging the public through citizen science or hands-on research to find creative solutions.

I've attached my CV for your reference. Thank you in advance for your time. I look forward to hearing from you.

Sincerely,

Beth Klinefelter

# Beth Klinefelter | Curriculum Vitae

2 Middle St Gloucester, MA 01930 443-745-0762 bak1213@live.com

Research Biologist with 5 years of work experience in field research and public engagement, who is prepared to actively contribute to current wildlife management challenges. Proven leader with effective communication skills, adaptability, and a positive attitude who demonstrates initiative to complete tasks independently or collaborate with a team.

## Education

**B.S. Zoology—*summa cum laude*** — North Carolina State University, Raleigh, NC Fall 2008- Spring 2011  
**Relevant coursework:** Animal Anatomy and Physiology, Wildlife Management, Human-Animal Interaction, Animal Behavior, Environmental Ethics, Captive Animal Biology, Ecology, Animal Phylogeny and Diversity, Primate Ecology

## Experience

**Substitute Teacher** — Gloucester Public Schools, Gloucester, MA October 2016-Present

- Responsible for the supervision and safety of students
- Engage the students in varied learning environments, implement daily academic plan
- Adapt to new classrooms, teachers and students daily
- Practice effective classroom management skills

**Naturalist/Research Biologist** — Captain Bill and Son's Whale Watch/Blue Ocean Society, Gloucester, MA July 2016-October 2016

- Served as a naturalist on over 25 whale watch excursions, educated the public about cetacean behavior and local marine environments
- Collected, managed, and interpreted data collection in the field
- Trained new hires and interns in collection methods and data entry, provided guidance and feedback
- Organized, analyzed, and submitted data to the research organization

**Engagement Coordinator** — The Open Door, Gloucester, MA November 2013- July 2016

- Coordinated over 23,000 yearly volunteer hours, maintained volunteer schedules to ensure the consistent operation of the organization's hunger relief programs
- Developed outreach strategies to increase community involvement by 18%
- Designed meaningful volunteer experiences for over 200 individuals and 50 groups of all ages per year and supervised intern program
- Represented the organization at over 40 conferences and speaking engagements each year

**Lead Naturalist/Research Biologist** — Captain Bill and Son's Whale Watch/Provincetown Center for Coastal Studies, Gloucester, MA May 2013-November 2013

- Fostered a new research partnership that equally benefited both parties
- Served as lead researcher, naturalist, and data manager for over 100 whale watch trips
- Restructured the research program, created new research protocols, trained and scheduled new hires on updated collection methods and data entry
- Collected, managed, and interpreted data in the field

**Data/Research Assistant** — Provincetown Center for Coastal Studies, Provincetown, MA March 2013-May 2013

- Responsible for maintaining the scientific integrity of the humpback whale data collection
- Utilized a matching database to identify unknown individuals
- Collaborated with the research team to successfully sequence, photograph, and tag endangered whale species

**Endangered Species Observer** — Coastwise Consulting, Norfolk, VA January 2013-March 2013

- Independently maintained the endangered wildlife management program during the ship's assignment
- Responsible for identifying marine mammal species, requiring proficiency in region-specific species identification
- Responded to endangered species take incidents, accurately recorded and reported the data

**Naturalist/Research Biologist** — The Whale Center of New England, Gloucester, MA May 2012-December 2012, May 2011-October 2011

- Served as a naturalist on over 100 whale watch excursions per season, educated the public about cetacean behavior and local marine environments
- Collected, managed, and interpreted data in the field
- Trained new hires and interns in collection methods and data entry, provided guidance and feedback
- Organized, analyzed, and entered data into a research database

**Aerial Observer** — Florida Fish and Wildlife Conservation Commission, Jacksonville, FL November 2011-April 2012

- Conducted research as a part of a team focusing on endangered species conservation
- Individually responsible for identifying whales, photographing individuals, collecting real-time data, and communicating directly with local mariners, U.S. Navy, and law enforcement to facilitate awareness
- Collated data so that it was concise in accordance with consortium standards
- Supervised aerial teams from the ground, coordinated with team members to ensure successful aerial and boat based survey trips

**Research Intern** — The Whale Center of New England, Gloucester, MA May 2010-August 2010

- Collected behavioral data on cetacean species in the Gulf of Maine
- Compiled data in organized computer files, utilized matching programs to identify photographs taken of the whales
- Represented the organization on over 80 data collection trips, educated over 400 individuals daily on cetacean behavior and ocean conservation

**Volunteer** — Orphanage Outreach, Dominican Republic March 2010

- Collaborated with a team to develop and implement English lessons that were engaging for elementary school students
- Responsible for the supervision of the youth in the classrooms as well as those living at the orphanage
- Initiated an education program by designing materials to foster ongoing English learning
- Independently organized a donation collection event, responsible for inventorying and transporting over 100 items to the Dominican Republic

- Animal Care Center Intern** — National Aquarium in Baltimore, Baltimore, MD May 2009-August 2009
- Maintained daily behavior and husbandry records for over 100 collection animals
  - Performed daily water quality tests and maintenance on over 30 fresh and salt water tank systems
  - Prepared and offered daily diets in accordance with species specific feeding protocols
  - Member of a management team initiated to monitor quarantined animals
  - Independently operated the Animal Care Center

- Lead Volunteer** — Moholoholo Rehabilitation Center, Nelspruit, South Africa July 2007, January-March 2008
- Managed the Center's aviary, maintained and scheduled volunteer shift coverage
  - Appointed as Group Leader of 10-15 volunteers; directed and instructed new students on how to properly care for all animals at the Center
  - Assisted with the capture and release of a variety of local animal species
  - Performed daily animal husbandry tasks and medical procedures

## Honors/Awards

- Dean's List**, North Carolina State University Fall 2008-Spring 2011
- Most Outstanding Brother Award**, Alpha Phi Omega Fall 2010
- Musgrave Scholarship for International Travel**, Musgrave Family Foundation Spring 2010
- Flaherty Scholarship for International Travel**, Flaherty Family Foundation Spring 2010
- Schulte Scholarship for International Travel**, Schulte Family Foundation February 2008

## Service

- Vice President** — Alpha Phi Omega, North Carolina State University Fall 2010

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FAX 978-281-9738  
stheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 1, 2017

Ms. Alicia Pensarosa  
38 Derby Street  
Gloucester, MA 01930

Dear Ms. Pensarosa:

I am pleased to appoint you to a three year term on the **Animal Advisory Committee** to represent **Ward 2**. Your appointment will be sent to the City Council for their meeting of March 14, 2017. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large initial "S" and "T".

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

ward 2

Alicia Pensarosa  
38 Derby Street, Gloucester, MA 01930  
e: alicia.pensarosa@gmail.com c: 860-302-8486

February 1, 2017

Dear Mayor Mayor Sefatia Romeo Theken,

I am interested in being a part of the Animal Advisory Committee. I am a current Gloucester resident, residing in Ward 2-2 for the past 8 years. I am a homeowner, pet owner and care about the animal welfare issues that our city faces today.

I understand there is public concern over the balance of domestic and wild animals including the coyote population in Gloucester and how that is effecting animal-human relationships. I believe with further research and public education we can balance the human-animal and domestic-wild animal interaction to create more positive relationships.

I have 12 years of experience in marketing communications. Currently, I am an Account Director for an international recruitment advertising firm. I have gained valuable experience in marketing communications, research projects and consultancy. My experience with research assignments and presenting key findings to executive level stakeholders would be an added benefit to the committee. Along with my onsite client consultancy experience, and strategic thinking.

Some of the key strengths that I can offer as a committee member are:

- Excellent communication and presentation skills
- Experience in desk research, moderating focus groups and conducting surveys
- Analysis of research and presentation of findings
- Strategy development
- Implementing KPIs and metrics
- Team collaboration and leadership

I have plans to continue my education and putting my experience to work for animals via a M.S. in Animals and Public Policy through Tufts University Cummings School of Veterinary Medicine. I will be applying to the MAPP program for the April 1<sup>st</sup> deadline. While still early in my animal public policy career, I feel this added concentration, along with my professional experience would be a great balance for the committee.

I look forward to meeting with you to learn more about the committee plan and goals and how I can contribute to our continued City success.

Sincerely,

Alicia Pensarosa

# Alicia Pensarosa

38 Derby Street, Gloucester, MA 01930  
e: alicia.pensarosa@gmail.com c: 860-302-8486

## Overview

Account Director with 11+ years of marketing & advertising experience. Proficient in creating marketing strategies, building relationships and project management.

## Experience

### **Account Director, US Client Services | Talent Works International, March 2016-Present**

- Responsible for global client accounts based in the US
- Manage a team of two direct reports, with growing team
- Collaborate with global creative service, research and sourcing teams to meet set objectives
- Provide onsite consultation for tier one clients
- Prepare sales projections to develop accounts and increase revenue
- Lead focus groups, stakeholder interviews and surveys for research projects
- Analyze research data to develop insight based solutions
- Present strategies and research data to senior stakeholders
- Establish KPIs and metrics for campaigns

### **Vice President, Account Services | Mittcom, October 2015-March 2016**

- Managed one direct report, by delegating tasks to nurture skill set and fulfill clients' needs
- Grew and serviced client accounts, with over \$10 million in gross revenue
- Experienced in new brand development, re-branding, retail, b2b, and children's advertising
- Created advertising campaigns and assets for local nonprofit clients as pro bono work
- Advised the creative team to ensure consistent and accurate brand messaging and new ideas
- Directed and manage photo, video, radio and TV shoots and pre-production meetings
- Collaborated with media teams to build broadcast, digital, out of home and print media plans
- Worked in partnership with digital account team to develop websites, SEM, SEO, social and online influencer campaigns

### **Brand Director | Mittcom, March 2014-October 2015**

- Managed accounts in retail, service, real estate, and b2b industries
- Cultivated innovative ideas to create brand advantage for clients and agency
- Managed websites, social media, influencer, SEM and SEO campaigns
- Provided strategic direction to creative team for execution of brand strategy
- Ensured all media objectives will be met within the allocated budget and exceed goals
- Collaborated with clients to define marketing materials
- Lead and directed client meetings, new business presentations, events and production

### **Brand Manager/Media Supervisor | Mittcom, October 2006-March 2014**

- Managed strategies in broadcast, print, out of home, SEM, SEO, social media
- Singularly planned and purchases print media for national b2b campaign
- Launched viral video and guerilla campaigns resulting in national press coverage
- Collaborated with copywriting and design teams for effective brand messaging
- Researched client industry and competitive environments for brand advantage
- Analyzed advertising campaigns and made recommendations to optimize

### **Account Coordinator/Media Buyer | Mittcom, December 2005-October 2006**

- Planned and purchased print media for large restaurant chain and b2b client
- Prepared PowerPoint presentations for client and new business presentations
- Launched new brand with creative out of home programs and broadcast media
- Processed and reconciled client billing

### **Account Coordinator | Buyer Advertising, October 2004-December 2005**

- Assisted account executives with over 100 client accounts, 40-50 requests daily
- Outlined recruitment advertisement requests and work directly with creative
- Coordinated media placement, print insertion orders, confirm rates
- Trafficked creative from creative department to clients and media

### **Education**

**Salve Regina University**, B.S.in Marketing, 2004

GPA: 3.50, Cum Laude

**CDIA at Boston University**, Graphic Design Certificate 2007

### **Skills/Interests**

- Software: Microsoft Office, Adobe Creative Suite, Synergist
- Contributor for Good Morning Gloucester
- Post weekly Pet of the Week for Cape Ann Animal Aid
- Active Runner
- American Red Cross Blood Donor
- Co-Designed *Faces of Hope* for Boston Children's Hospital, published April 2008
- Placed second in American Marketing Association Conference, March 2004
- Academic Member of Alpha Mu Alpha, Sigma Beta Delta, Delta Epsilon Sigma
- Study Abroad Trip to Cuba 2003
- Target internship, 2003

City Hall  
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stheken@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 1, 2017

Ms. Jennifer Schmorrow  
8 Neptune Place  
Gloucester, MA 01930

Dear Ms. Schmorrow:

I am pleased to appoint you to a three year term as an **At Large** member on the **Animal Advisory Committee**. Your appointment will be sent to the City Council for their meeting of March 14, 2017. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large initial "S".

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

ward 1

Dear Mayor Romeo Theken,

It would be a privilege to be considered for appointment to the new Animal Advisory Committee.

I am a lifelong Gloucester resident who has always felt a deep connection to animals and the natural world here on Cape Ann. My childhood was spent in Ward 5, and I shared my life with dogs, cats, horses, rabbits, birds and other species. Since 1996 my residence has been in a woody, marshland area of Ward 1.

Throughout these later years, I have owned small dogs and so I am very concerned with providing the fairest, safest practices for my own pets, the wildlife, our City's environment, fellow animal owners and also for those residents who are not animal lovers as well. I firmly believe that we need regulations and laws that are fair to all concerned.

Currently, I am an active volunteer with the Cape Ann Animal Aid. By attending City meetings and participating in the Facebook page Dog Friendly Gloucester I have encountered numerous points of views from our community, and I recognize the challenges that are involved when taking into account the diversity of the people and the natural world in our community.

Also, in my employment at Action, I often need to use "people skills", sometimes in contentious situations, and have developed useful creative problem-solving skills.

I am very thankful to our City for taking on the work that it has, for acknowledging the significance of animals, both the domesticated ones and the wildlife despite the fact that this has been a difficult task in many ways. The diligence shown by the City of Gloucester, our Animal Control Officers, and our residents has not gone unnoticed by me. Hopefully, I can be a helpful addition to the process.

Thank you very much for your consideration.

Sincerely,

Jennifer Schmorow  
8 Neptune Place  
978-281-6197

Cc. Christopher Sicuranza, Director of Communications & Constituent Services  
Joanne Senos, City Clerk

# Jennifer Schmorrow

---

8 Neptune Pl. Gloucester, MA. 01930 | 978-281-6197 | JSchmorrow75@outlook.com

## Objective

- Lifelong City resident seeking an opportunity to share my vast experience in creating solutions for challenging situations. I am empathetic and passionate about all life in our community, human and animal, and wish to be a part of the process that will lead all of us to coexist peacefully together.

## Education

**HIGH SCHOOL DIPLOMA | 6/12/1994 | GLOUCESTER HIGH SCHOOL**

**ASSOCIATE | 4/30/2007 | BAY STATE COLLEGE**

- Major: Social Sciences

## Experience

- Comfortable with educating, assisting, and most of all listening to people due to years of customer service, job training, and client advocacy positions I have held.
- Able to be tactful, as well as diplomatic in rooms of various positions on highly sensitive topics.
- Volunteer at Cape Ann Animal Aid since October, 2011.
- Have continually had personal experiences with domestic and wildlife animals as I have been lifelong City resident of properties that have abutted our beautiful marsh and woodlands.
- I am fortunate to have shared my life with a large range of animals. Horses, cats & dogs, rabbits, birds, etc.

**ADVOCACY & CASE MANAGEMENT | ACTION INC. | 1/16/2002-PRESENT**

Assist clients in negotiating with utility providers, attend various meetings, certify and process applications.

**CUSTOMER SERVICE SUPERVISOR | STOP & SHOP | 9/12/2011-PRESENT**

Supervise shift crews, do reporting, and in charge of providing customer service during shift.

**ASST HEAD TELLER | BANK GLOUCESTER | 10/30/2002-1/15/2006**

Oversaw the vault, provided customer service, compliancy reporting, and trained employees as needed.

**STORE TRAINER | AMES DEPT. STORE | 6/30/1994-10/20/2002**

Held multiple positions such as Customer Service, Cash Office, and then Store Trainer.

**REFERENCES AVAILABLE UPON REQUEST**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 1, 2017

Ms. Jodi Swenson  
34 Patriot's Circle  
Gloucester, MA 01930

Dear Ms. Swenson:

I am pleased to appoint you to a three year term on the **Animal Advisory Committee** to represent **Ward 4**. Your appointment will be sent to the City Council for their meeting of March 14, 2017. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive.

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

---

**Jodi Swenson**

34 Patriot's Circle  
Gloucester, MA 01930  
(978) 325-2501  
psychobirds@hotmail.com

21st January 2017

**Sefatia Romeo Theken**

Mayor of the City of Gloucester  
9 Dale Ave.  
Gloucester, MA 01930

Dear Ms. Romeo Theken,

I am very concerned about the recent incidents involving residents of Gloucester and coyotes. I understand the outcry regarding the coyote population and the concern for public safety, as well as the position of those interested in preserving the ecological balance on Cape Ann.

I would like to participate in discussions about solutions regarding these and other issues regarding wildlife and other animals. As a state and federally permitted wildlife rehabilitator, I have a unique vantage point in helping to bridge the divide between people and wildlife, and I believe I can be an asset to the potential Animal Advisory Board that you may be requiring.

Because of my work in wildlife rehabilitation, I have a wide network with others around the world who are also involved in solving similar issues, and can take those ideas with me to our brainstorming sessions. Human and coyote conflicts are a concern across the country, but there are peaceable solutions that can respect both the needs of our residents in terms of safety, and the needs of our environment.

Please see my attached resume for further qualifications for the position on the Animal Advisory Board.

Sincerely,



**Jodi Swenson**

# Jodi Swenson

34 Patriot's Circle  
Gloucester, MA 01930  
(978) 325-2501  
psychobirds@hotmail.com

Interested in helping to find solutions for animal issues in the city of Gloucester, using unique perspective and experience in keeping people and our diverse wildlife's interests in mind.

## EXPERIENCE

### **Cape Ann Wildlife, Inc. — President**

2005 - PRESENT

*Cape Ann Wildlife, Inc. is dedicated to rescuing and providing the necessary rehabilitative care to all injured, orphaned or otherwise impaired wildlife during their confinement and adjustment period with Cape Ann Wildlife to ensure their survival upon release back into their natural environment. CAW, Inc is a 501 (c)3 non-profit organization.*

### **Swenson-Schroeder Restoration — Owner, Conservator**

1993 - PRESENT

Restoration and conservation of fine china, porcelain and pottery.

### **New England Wildlife Center - Volunteer Animal Caregiver**

2006 - 2007

Internship for hands-on training in cage cleaning, administering medical care, husbandry, and identification of species. Provided transportation of animals to various wildlife rehabilitators regionally.

## CONTINUING EDUCATION AND CONFERENCE

### **National Wildlife Rehabilitators Association Annual Symposium - 2014** Nashville, TN

Focused on avian bandaging techniques, microscopy, wound management, and fecal analysis.

### **National Wildlife Rehabilitators Association Annual Symposium - 2011** Albany, NY

### **Wildlife Rehabilitators Association of Massachusetts Annual Conference - Attending annually since 2003 at Tufts' University Cummings School of Veterinary Medicine**

## WEBSITE

Cape Ann Wildlife, Inc — <http://www.valentine-design.com/Birds/>  
Cape Ann Wildlife, Inc Facebook - [facebook.com/CapeAnnWildlifeInc](https://www.facebook.com/CapeAnnWildlifeInc)

## QUALIFICATIONS

State and federally permitted wildlife rehabilitator.

## AWARDS

**Daughter of the American Revolution Conservation Award - 2014**

## PROFESSIONAL ASSOCIATIONS

Wildlife Rehabilitators Association of Massachusetts  
- Member since 2003

National Wildlife Rehabilitators Association -  
Member since 2010



City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 2, 2017

Juanita Rivera Melanson  
4 Lendall Street  
Gloucester, MA 01930

Dear Ms. Melanson

I am pleased to appoint you to a three year term on the **Archives Committee**. Your appointment will be sent to the City Council for their meeting of March 14, 2017. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large initial "S".

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

Juanita Rivera Melanson  
4 Lendall Street  
Gloucester, MA 01930  
978-281-9434 home  
508-284-4564 cell

February 27, 2017

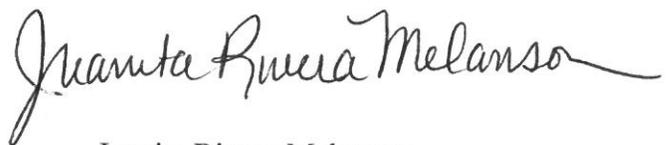
Mayor Sefatia Romeo-Theken  
9 Dale Avenue  
Gloucester, MA 01930

Dear Mayor Romeo-Theken:

As a resident of Gloucester since 1997, I have enjoyed the many benefits of living in this amazing community with my family. I would like an opportunity give back to our community by serving on a city committee.

My experience as a history teacher and a lifelong interest in local history, combined with my education in liberal arts make serving on either the Archives or Tourism Committee very attractive. Our city has, as you well know, a vast rich and varied history. I believe the collection, maintenance and preservation of our records to be important for our residents, as well as researchers outside our community. In a similar fashion, promoting the historical, natural and scenic attractions that we are blessed with is of equal interest to me. Attached please find my resume for your consideration. I hope that you will consider me a suitable candidate for either committee.

Sincerely,

A handwritten signature in cursive script that reads "Juanita Rivera Melanson". The signature is fluid and extends to the right with a long tail.

Juanita Rivera Melanson

Enc.

4 Lendall Street  
Gloucester, MA 01930  
Cell: 508-284-4564  
twinlights12@gmail.com

## JUANITA RIVERA MELANSON

### SKILLS

- Strong computer literacy: presentation and interactive software; Microsoft Windows & Office, Google+, SAP as well as LMS platforms
- Excellent drafting, revision, and editing skills, Engaging public speaking and presentations
- Committed to client and customer satisfaction
- Demonstrated ability to motivate, train and supervise employees and diverse learners

### WORK HISTORY

#### **MIDDLE SCHOOL TEACHER GRADES 6-8 ENGLISH LANGUAGE ARTS, HISTORY, SPANISH 1**

- Our Lady of Assumption School, Lynnfield, MA 2003-2016
- St. Mel Independent Day School, Gloucester, MA 2001-2003

Provided multiple content instruction, participated in principal search committee and NEASC school accreditation. Taught professional development classes to staff on grading and communications software. Certified Edmodo Ambassador. Acted as teacher liaison for NWEA standardized testing software and procedures. Provided computer software support to staff.

#### **EXECUTIVE ADMINISTRATIVE ASSISTANT**

- **Varian Semiconductor, Gloucester 1997-1999**

Provided administrative assistance to Chief Information Officer/Vice President, and Vice President of Customer Operations. Revised and edited procedure and policy manuals. Updated weekly machine progress reports for inventory. Scheduled department meetings, generated agendas and kept minutes. Issued and tracked IT work tickets.

#### **ADMINISTRATIVE ASSISTANT**

- **Hamilton Wenham Regional School District 1995 -1997**

*SPED Office Assistant:* Updated student individualized education plans in compliance with state guidelines. Set up IEP meetings and maintained calendar. Processed IEP meeting minutes and filing.

*Middle School Secretary.* Provided assistance to principal. Assisted parent and vendor visitors. Wrote and published emergency procedures manual. Set up staff meetings, generated report cards, maintained attendance records, and calendar.

**OFFICE MANAGER**

- **PEBSCO/Nationwide Insurance Corp, Salem MA 1989-1994**

Hired, conducted performance reviews, and managed office staff. Tracked sales quotas and coordinated data collection of annuity sales staff. Provided administrative assistance to Northeast Regional Vice President.

**EDUCATION**

**BACHELOR OF ARTS JOURNALISM/ENGLISH** University of Massachusetts, Amherst

**MASTERS OF ARTS ENGLISH** Salem State College

+30 credits in Professional development

**REFERENCES**

**AVAILABLE UPON REQUEST**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 6, 2017

Mr. Robert McGillvary  
49 Lincoln Park  
Gloucester, MA 01930

Dear Robert:

I am pleased to reappoint you to a three year term on the **Cable TV Advisory Committee**. Your appointment will be sent to the City Council for their meeting of March 14, 2017. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 28, 2017

Mr. Zackary Thomas  
32 Taylor Street  
Gloucester, MA 01930

Dear Mr. Thomas:

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

Your appointment will be forwarded to the City Council for their meeting of March 14, 2017, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large initial "S".

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

January 13, 2017

Dear Mayor Romeo Theken,

I am writing to indicate my interest in joining the Clean City Commission. Originally hailing from Richmond, Virginia, I have lived in Gloucester for the past 18 months as a member of USCG Station Gloucester. This is the first time in my career my wife and I have considered a city outside of Richmond our home. We have fallen for this city, and have been active in cleaning its beaches and streets as volunteers for some time now. It has become more and more difficult to swallow the sight of trash blowing down my street on pick up day and finding trash on our incredible beaches. Gloucester is already a leader in the green economy and I think the cleanliness of our communities should be a direct reflection on our attitude toward green power and efficiency. A few weeks ago, I approached NOAA, Maritime Gloucester, Ocean Alliance, One Ocean One Love, and my command here at the station, to form a committee to accomplish the installation of Gloucester's first Seabin (a device that collects marine debris). That committee is full steam ahead at this point, but I realized my enthusiasm and positivity was also found in those serving on Gloucester's Clean City Commission. I respectfully request to be a part of such a wonderful group so that I can take a lead in this city's efforts to fight back against pollution.

I am currently in senior standing at American Military University. I have been a member of the U.S. Coast Guard for five years, and the last two years as a boatswain's mate. I fully understand both positive and negative impacts a coastal city can have on the environment. I am eager to join the Clean City Commission, and bring my enthusiasm, ideas and strong work ethic to the team. I look forward to speaking with you and local leadership while my appointment is considered. Thank you for your time and consideration.

Sincerely,

Zach Thomas

ThomasZD11@gmail.com

804-647-7551

# ZACHARY THOMAS

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32 Taylor St, Gloucester, MA 01930

Ph: 8046477551

ThomasZD11@gmail.com

## Professional Summary

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Accomplished and energetic boatswains mate with a solid history of achievement in the United States Coast Guard. Motivated leader with strong organizational and prioritization abilities. Areas of expertise include maritime emergency support, Motor Lifeboat operations and navigation.

## Skills

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- Complex Problem Solving
- Budgeting
- Operational Management
- Navigation
- Team Coordination
- First Aid Certified

## Experience

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*Boatswains Mate*

*May 2015-Present*

*United States Coast Guard - Gloucester, MA*

Command and operate 47' Motor Lifeboats for the purpose of search and rescue, and law enforcement operations.

*Storekeeper*

*Jan 2013-May 2015*

*United States Coast Guard - Seattle, WA*

Contracting Officer for the Coast Guard Cutter Mellon with a \$5,000 contract maximum. Maintained control on a 2 million dollar engineering department inventory and was property custodian for all supply department valuable assets.

*Honor Guardsman*

*Nov 2011-Jan 2013*

*United States Coast Guard - Alexandria, VA*

Paul Bearer for the United States Coast Guard at Arlington Cemetery. Participated in 120 active and retired Coast Guardsman funerals.

## Education

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*BBA: Entrepreneurship*

*Dec 2016*

*American Military University - Manassas, VA*

Sec. 2-503. - Established; terms; compensation.

- (a) There shall be in the city a commission known as the "Gloucester Clean City Commission," hereinafter called the commission, which shall consist of seven members and two alternates appointed by the mayor and approved by the city council, to serve without compensation.
  - (b) The commissioners shall be appointed from a list developed by the mayor through an application process, which shall include public notice as provided in Charter, § 7-6. Said list shall be updated as vacancies on the commission occur. All such appointments by the mayor shall be confirmed by the city council.
  - (c) The commissioners shall serve a term of three years; provided, however, that of the members first appointed to the commission, one shall be appointed to a term of one year, two shall be appointed to a term of two years, and two shall be appointed to a term of three years. Thereafter, the mayor shall appoint each successor to a term of three years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which the member has been appointed.
  - (d) The loss of office by a commissioner due to excessive absence shall be governed by Charter, § 7-14.
- (Ord. No. 20-1996, § 1, 7-9-1996; Ord. of 10-9-2001(01), § 1)

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 28, 2017

Mr. Bob Alves  
55 Perkins Street  
Gloucester, MA 01930

Dear Mr. Alves:

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

Your appointment will be forwarded to the City Council for their meeting of March 14, 2017, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

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

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again,

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large initial "S" and "T".

Sefatia Romeo Theken  
Mayor

Cc: Mayor's Report to the City Council

To: Mayor Sefatia Romeo Theken  
From: Bob Alves  
Re: Capital Improvements Advisory Board  
Date: 02/21/17

I am writing to express my interest in becoming a member of the Mayor's "Capital Improvements Advisory Board".

Pursuant to a successful 30 career selling within the highly competitive software industry, I feel my background selling multi-tier, multi-million dollar proposals to Fortune 500 Sr Level Executives provides the experience necessary to be a positive addition to the committee.

You will see within the attached resume I dealt with SVP Level Executives at Norwest Airlines, AT&T Wireless, K-Mart, JP Morgan Invest, etc. The only common denominator in selling to these Fortune 100 companies was the need to connect the dots between the various silos and the net-net ability to write a competitive business proposal mapped to the challenges aligned to the need, timing, budget and return on investment.

Ancillary to the above, my true strength lies in my experience to review and prioritize the process of analyzing and budgeting capital resources mapped to the future of Gloucester's Waterfront.

Look forward to the possibility of being a member of the CIAB.

Respectfully

Bob Alves  
55 Perkins Street  
Gloucester, MA 01930  
C 617 899 3075



**Jan 2002 – Dec 2003**

Traveled throughout Europe satisfying a lifelong dream to experience other cultures and countries

**Jan 1987 – Nov 2001**

**BMC SOFTWARE**

**Waltham, MA**

Leading provider of enterprise-management solutions enabling system-wide availability and "what-if" capacity planning solutions. BMC Software purchased BGS Systems in 1995

**Exceeded sales quota annually "10" consecutive years in multiple domestic territories**

AT&T Wireless National Account Manager 1997 - 2001

- Starting at ground level grew AT&T Wireless sales \$800K (1997), \$1.5M (1998), \$1.9M (1999), \$21M AT&T Wireless ELA (2001)
- "Senior Vice President Sales Award" (1999), (2001) In addition to President Club, given to top 5% of overall BMC Sales Executives Worldwide
- Selected to join AT&T National Account Sales Team

National Account Manager 1993 - 1996

- Ranked #2 Sales Executive 1993, 1994 (22 Sales Executives)
- Ranked #1 Sales Executive 1995, 1996 (22 Sales Executives)
- Averaged 150% of 1M+ Quota

Account Manager 1987-1992

- Tele-marketing Minnesota, Wisconsin / Florida
- Opened and developed sales regions via cold-calling and mailing campaigns
- Exceeded Quota Annually 100%

**EDUCATION**

**Boston College**

**Bachelor Arts Degree**

**Chestnut Hill, MA**

**INTERESTS**

**Boating, Skiing, Karate, Cooking, Yoga, Travel**

**References furnished upon request**

**CAPITAL IMPROVEMENTS  
ADVISORY BOARD**

Sec. 2-585. - Advisory board—Established; annual planning.

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. - Same—Function; composition; appointment; terms of office.

- (a) The capital improvements advisory board shall consist of seven 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 years shall be staggered. The mayor shall designate a chairperson of the board, who shall serve for a term of one year and may be reappointed. All the members of the board shall elect a vice-chairperson 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 apprised 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 8-6-1985, § 1; Ord. No. 6-1991, § 1, 2-26-1991)

# **ENCLOSURE 2**

**City of Gloucester**  
**SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST**  
**Fiscal Year 2017**

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

APPROPRIATION # 2017-SA- 19 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ DPW

APPROPRIATION AMOUNT: \_\_\_\_\_ \$15,000.00

Account to appropriate from: MUNIS ORG - OBJECT \_\_\_\_\_ 32085-596001  
MUNIS ACCOUNT DESCRIPTION \_\_\_\_\_ Highway Force Acct.

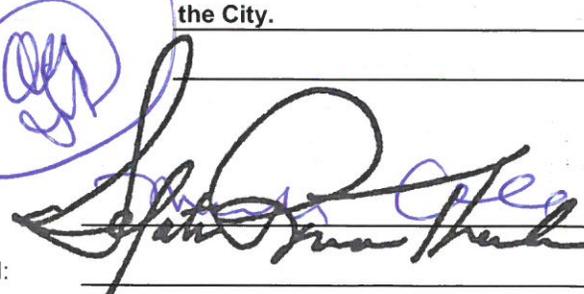
Balance Before Appropriation	\$	55,961.00
Balance After Appropriation	\$	40,961.00

Account Receiving Appropriation: MUNIS ORG - OBJECT \_\_\_\_\_ 147052-553001  
MUNIS ACCOUNT DESCRIPTION \_\_\_\_\_ Public Services - Signs

Balance Before Appropriation	\$	367.52
Balance After Appropriation	\$	15,367.52

DETAILED ANALYSIS OF NEED(S): Funds needed for sign supplies for sign repair/replacement throughout  
the City.

**APPROVALS:**

DEPT. HEAD:  DATE: 2/28/2017

ADMINISTRATION: \_\_\_\_\_ DATE: 2/28/2017

BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 3**

**City of Gloucester  
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST  
Fiscal Year 2017**

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

APPROPRIATION # 2017-SA- 20 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ DPW \_\_\_\_\_

APPROPRIATION AMOUNT: \_\_\_\_\_ \$25,000.00 \_\_\_\_\_

Account to Appropriate from:	MUNIS ORG - OBJECT	32085-596001
	MUNIS ACCOUNT DESCRIPTION	Highway Force Acct.
Balance Before Appropriation	\$	80,961.00
Balance After Appropriation	\$	55,961.00

Account Receiving Appropriation:	MUNIS ORG - OBJECT	147058-588003
	MUNIS ACCOUNT DESCRIPTION	Public Service- Paving
Balance Before Appropriation	\$	-
Balance After Appropriation	\$	35,000.00

DETAILED ANALYSIS OF NEED(S): Funds needed for spring paving projects.

**APPROVALS:**

DEPT. HEAD: [Signature] DATE: 27 Feb 17

ADMINISTRATION: [Signature] DATE: 2/28/2017

BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 4**

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2017**

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

TRANSFER # 2017-SBT-  16  Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER:  Police

DATE:  2/28/2017  BALANCE IN ACCOUNT:  \$2,711.36

(FROM) PERSONAL SERVICES ACCOUNT #  MUNIS ORG - OBJECT   
   
(FROM) ORDINARY EXPENSE ACCOUNT #  MUNIS ORG - OBJECT   
 0121152 520000   
 Police Uniform - Purchase of Services   
 MUNIS ACCOUNT DESCRIPTION

DETAILED EXPLANATION OF SURPLUS:  Funds available

(TO) PERSONAL SERVICES ACCOUNT #  MUNIS ORG - OBJECT   
 S0141995 511101   
(TO) ORDINARY EXPENSE ACCOUNT #  MUNIS ORG - OBJECT   
   
 Salary - District Nurse Leader   
 MUNIS ACCOUNT DESCRIPTION

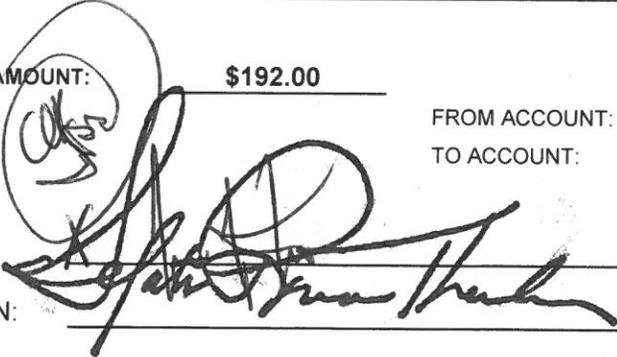
DETAILED ANALYSIS OF NEED(S):  To pay for nurse Cindy Junker to provide CPR/Narcan training

TOTAL TRANSFER AMOUNT:  \$192.00

FROM ACCOUNT:  \$2,519.36

TO ACCOUNT:

**APPROVALS:**

DEPT. HEAD:    DATE:  2/28/2017

ADMINISTRATION:   DATE:  2/28/2017

BUDGET & FINANCE:   DATE:

CITY COUNCIL:   DATE:

Cindy N Juncker, RN, NCSN  
48 Jerden's Lane  
Rockport, MA 01966  
978-546-9387

978 281 9838

INVOICE

**Michael Scola**  
**GPS Resource Officer**  
**Gloucester High School**  
**32 Leslie O'Johnson Rd**  
**Gloucester, MA 01930**

**American Heart Assoc. Heartsaver CPR/AED, Chokesaver and Narcan Training  
for Adults – held @ GHS on 12/12/16**

Student Roster:

Claudia Lopes  
Makenzie Lovasco  
Aurora Billante  
Zariah Billante  
Lexy Lucas  
Taylor Hunt  
Sarah Orlando  
Talia Sanfilippo  
Tatiana Candelaria  
Alexandra Figueiredo

~~Instructors Fee: 4 hours x \$48.00 = \$192.00~~

Certification cards: \$5 x 10 = \$50.00

Practice one-way valves \$2 x 10 = \$20.00

# **ENCLOSURE 5**

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2017**

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

TRANSFER # 2017-SBT-   17   Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ **FIRE DEPARTMENT** \_\_\_\_\_

DATE:   2/28/2017   BALANCE IN ACCOUNT: \_\_\_\_\_ **\$38,196.00** \_\_\_\_\_

(FROM) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_ *MUNIS ORG - OBJECT* \_\_\_\_\_

(FROM) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_ *MUNIS ORG - OBJECT* \_\_\_\_\_  
**0122052/558015** \_\_\_\_\_

**SUPPLIES FOR MEN/WOMEN**  
*MUNIS ACCOUNT DESCRIPTION* \_\_\_\_\_

DETAILED EXPLANATION OF SURPLUS: **AVAILABLE FUNDS**  
\_\_\_\_\_  
\_\_\_\_\_

(TO) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_ *MUNIS ORG - OBJECT* \_\_\_\_\_  
**0122051/513000** \_\_\_\_\_

(TO) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_ *MUNIS ORG - OBJECT* \_\_\_\_\_

**FIRE DEPARTMENT, SAL/WAGE-OVERTIME**  
*MUNIS ACCOUNT DESCRIPTION* \_\_\_\_\_

DETAILED ANALYSIS OF NEED(S): **TO CONTINUE TO KEEP STATIONS OPEN.**  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL TRANSFER AMOUNT: \_\_\_\_\_ **\$10,000.00** \_\_\_\_\_

FROM ACCOUNT: \_\_\_\_\_ **\$28,196.00** \_\_\_\_\_  
TO ACCOUNT: \_\_\_\_\_ **\$52,711.78** \_\_\_\_\_

**APPROVALS:**  
DEPT. HEAD: \_\_\_\_\_  
ADMINISTRATION: \_\_\_\_\_  
BUDGET & FINANCE: \_\_\_\_\_  
CITY COUNCIL: \_\_\_\_\_

DATE: \_\_\_\_\_   2/28/2017   \_\_\_\_\_  
DATE: \_\_\_\_\_   3/2/17   \_\_\_\_\_  
DATE: \_\_\_\_\_ \_\_\_\_\_  
DATE: \_\_\_\_\_ \_\_\_\_\_

# **ENCLOSURE 6**



Nineteen Harbor Loop  
Gloucester, MA 01930

TEL 978-282-3012

FAX 978-978-281-4188

[tciametaro@gloucester-ma.gov](mailto:tciametaro@gloucester-ma.gov)

<http://gloucester-ma.gov/harbormaster>

CITY OF GLOUCESTER  
HARBORMASTER'S OFFICE

**MEMORANDUM**

From: Gloucester Waterways Board  
To: Sefatia Theken  
Date: March 7, 2017  
Subject: Mayor's Report to Council

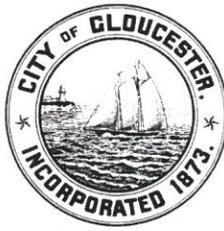
Mayor Theken,

I request you forward in your next Report to Council the attached retained earnings/stabilization account requests for new equipment, salaries and repairs for the Harbormasters office.

Retained earnings for equipment/repairs was approved 8 to 0 vote.

I4C2 Stabilization account for repairs to commercial marinas was approved 8 to 0 Vote.

Respectfully



Nineteen Harbor Loop  
Gloucester, MA 01930

TEL 978-282-3012

FAX 978-978-281-4188

[tciametaro@gloucester-ma.gov](mailto:tciametaro@gloucester-ma.gov)

<http://gloucester-ma.gov/harbormaster>

CITY OF GLOUCESTER  
HARBORMASTER'S OFFICE

**MEMORANDUM**

From: Gloucester Waterways Board  
To: Gloucester City Council  
Date: March 7, 2017  
Subject: Retained Earnings

Council,

During the scheduled monthly Waterways Board meeting of March 7, 2017 the Waterways Board voted 8 in Favor and 0 Against, to use retained earnings and stabilization account monies for new equipment, repairs and uniforms as follows. Please consider this in your next council meeting.

1. \$2,700 for new uniforms.
2. \$5,500 for seasonal personnel salaries.
3. \$3,200 for new PC, printer, Laptop and 40 inch PC monitor
4. \$2,000 to be taken from the I4C2 stabilization account and used for repairs to city owned marina.
5. \$11,000 from the sale of the harbormasters 18ft parker, monies to be used for new equipment and boat/ trailer repairs. (This money is in a surplus equipment sales account)

Respectfully  
Thomas P. Ciarametaro Jr  
Harbormaster

# **ENCLOSURE 7**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

**TO:** City Council  
**FROM:** Sefatia Romeo Theken, Mayor  
**DATE:** March 8<sup>th</sup>, 2017  
**RE:** Mayor's Report for March 14<sup>th</sup> – City Council Meeting

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Councilors:

A TIF Committee meeting was convened on October 8th with Jim Destino acting as Chair. It is the recommendation of the committee that the City consider entering into a local TIF agreement with Glass Tech Boat Service LLC, 8 Kondelin Road, to support the construction of a new building to expand their boat repair, maintenance, storage and future manufacturing. The committee voted to approve a 7 year term and 50% discount of the future tax increase after construction starting FY 2019. The business intends to hire at least 3 additional full-time employees over the time period of the proposed TIF.

Please refer this matter to the Budget and Finance subcommittee for review and recommendation. Appropriate City Staff will be available to answer questions and provide further information as required.

City Hall Annex  
3 Pond Road  
Gloucester, MA 01930



SALVATORE DI STEFANO  
ECONOMIC DEVELOPMENT DIR.  
TEL 978-325-5236  
sdistefano@gloucester-ma.gov

**CITY OF GLOUCESTER  
COMMUNITY DEVELOPMENT DEPARTMENT**

**Memo**

Date: 3/08/2017

To: Mayor Sefatia Romeo Theken

Re: Glass Tech Boat Service LLC Increment Financing (TIF) application

Mayor,

Glass Tech Boat Servicing LLC (located at 8-10 Kondelin Road) has requested a Local Incentive Only TIF to support the expansion of their fiber glass boat repair, maintenance and storage. They have indicated that they intend to construct at 60' X 120' building to not only expand their current business but to start a 19' boat manufacturing line for their new "Gloucester 19" boat line. They hope to add at least 3 new jobs to their current staff of 3 employees. Their estimated investment will be at least \$550,000. The TIF will help them continue to invest in their business and hire locally.

Yesterday they met with the Gloucester TIF committee and made a presentation on their plans for the company. The committee deliberated after the presentation. On behalf of the Gloucester Tax Increment Financing (TIF) Committee we recommend the consideration of granting a TIF to Glass Tech Boat Service LLC for a period of 7 years with a 50% TIF. If you approve, we will move forward with finalizing the TIF agreement.

Please feel free to contact me if you need any further information.

Respectfully Submitted,

Salvatore Di Stefano, Sr.

# **ENCLOSURE 8**

City Hall Annex  
Three Pond Road  
Gloucester, MA 01930



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

**CITY OF GLOUCESTER**  
COMMUNITY DEVELOPMENT DEPARTMENT

**MEMORANDUM**

To: Mayor Romeo Theken

From: Dan Smith, Community Development Director  
Sal Di Stefano, Sr., Economic Development Director  
Stephen P. Winslow, Sr. Project Manager

Copy: John Dunn, Treasurer  
Kenny Costa, Auditor

Re: Massachusetts Department of Marine Fisheries-(DMF) \$13,000 grant award to support Gloucester Fresh Seafood outreach and promotion

Date: March 8<sup>th</sup>, 2017

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The Community Development Department is pleased to report that the Massachusetts Department of Marine Fisheries has selected Gloucester to receive a grant of \$13,000 for continued marketing and outreach efforts for the Gloucester Fresh Seafood campaign. The grant funds will be used to support outreach, promotion and new seafood product development by the Gloucester Fishermen's Wives Association in partnership with the City of Gloucester.

We request that you forward the attached preliminary selection letter to the Council so the City can accept the award and move forward on the project.

The grant does not require an additional city match.



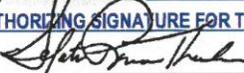
						\$0.00
						\$0.00
						\$0.00
Total:	\$13,000.00	\$0.00	\$0.00	\$0.00	\$13,000.00	
DEPARTMENT HEAD SIGNATURE						
DATE ENTERED (AUDIT)						
AUDITING DEPARTMENT INITIALS						
<b>FORM: AUDIT ACCOUNT BUDGET - V1</b>						



# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

<b>CONTRACTOR LEGAL NAME:</b> City of Gloucester (and d/b/a):	<b>COMMONWEALTH DEPARTMENT NAME:</b> Dept of Fish & Game, Div Marine Fisheries <b>MMARS Department Code:</b> FWE
<b>Legal Address:</b> (W-9, W-4,T&C): 3 Pond Ave, Gloucester, MA 01930	<b>Business Mailing Address:</b> 251 Causeway Street, Suite 400, Boston, MA 02114
<b>Contract Manager:</b> Sai Di Stefano	<b>Billing Address (if different):</b>
<b>E-Mail:</b> <a href="mailto:sdistefano@gloucester-ma.gov">sdistefano@gloucester-ma.gov</a>	<b>Contract Manager:</b> Wendy Zisson
<b>Phone:</b> 978-282-8017 <b>Fax:</b>	<b>E-Mail:</b> <a href="mailto:wendy.mainardi@state.ma.us">wendy.mainardi@state.ma.us</a>
<b>Contractor Vendor Code:</b>	<b>Phone:</b> 617 6261525 <b>Fax:</b>
<b>Vendor Code Address ID</b> (e.g. "AD001"): AD_001 (Note: The Address Id Must be set up for <a href="#">EFT</a> payments.)	<b>MMARS Doc ID(s):</b>
<b>RFR/Procurement or Other ID Number:</b> BD-17-1046-DMF-FWE03-11978	
<p style="text-align: center;"><input checked="" type="checkbox"/> <b>NEW CONTRACT</b></p> <b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only) <input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department) <input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <b>Department Procurement</b> (includes State or Federal grants <a href="#">815 CMR 2.00</a> ) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach <a href="#">Employment Status Form</a> , scope, budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><input type="checkbox"/> <b>CONTRACT AMENDMENT</b></p> Enter Current Contract End Date <b>Prior</b> to Amendment: _____ 20____ Enter Amendment Amount: \$ _____ (or "no change") <b>AMENDMENT TYPE:</b> (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <b>Amendment to Scope or Budget</b> (Attach updated scope and budget) <input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification and updated scope and budget)
The following <b>COMMONWEALTH TERMS AND CONDITIONS</b> (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
<b>COMPENSATION:</b> (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <b>Rate Contract</b> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <b>Maximum Obligation Contract</b> Enter Total Maximum Obligation for total duration of this Contract (or <b>new</b> Total if Contract is being amended). \$ <u>13,000.00</u>	
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through <a href="#">EFT</a> 45 days from invoice receipt. Contractors requesting <b>accelerated</b> payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___ % PPD; Payment issued within 20 days ___ % PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments ( <a href="#">G.L. c. 29, § 23A</a> ); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See <a href="#">Prompt Pay Discounts Policy</a> .)	
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) FY2017. Title: Seafood Marketing Pilot Grant Program. The deliverable is "Product development for various locally caught species such as Red Fish, Whiting, Pollock, Hake, and Yellowtail Flounder in order to market seafood better to buyers in restaurants, hotels, hospitals, and universities," as outlined in the grant proposal.	
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <b>Effective Date</b> (latest signature date below) and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <b>LATER</b> than the <b>Effective Date</b> below and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date <b>PRIOR</b> to the <b>Effective Date</b> below, and the parties agree that payments for any obligations incurred prior to the <b>Effective Date</b> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30</u> , 20 <u>17</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <a href="#">Contractor Certifications</a> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <a href="#">Commonwealth Terms and Conditions</a> , this Standard Contract Form including the <a href="#">Instructions and Contractor Certifications</a> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <a href="#">801 CMR 21.07</a> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b> X:  Date: 03/08/2017 (Signature and Date Must Be Handwritten At Time of Signature) Print Name: Sefatia Romeo Theken Print Title: Mayor, City of Gloucester	<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b> X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: Kevin Creighton Print Title: Chief Fiscal Officer

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



## INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS

The following instructions and terms are incorporated by reference and apply to this Standard Contract Form. Text that appears underlined indicates a "hyperlink" to an Internet or bookmarked site and are unofficial versions of these documents and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Using the Web Toolbar will make navigation between the form and the hyperlinks easier. Please note that not all applicable laws have been cited.

**CONTRACTOR LEGAL NAME (AND D/B/A):** Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions. If Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

**Contractor Legal Address:** Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions, which must match the legal address on the 10991 table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

**Contractor Contract Manager:** Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on COMMBUYS, the name of the Contract Manager must be included in the Contract on COMMBUYS.

**Contractor E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

**Contractor Vendor Code:** The Department must enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the Vendor File and W-9s Policy for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

**Vendor Code Address ID:** (e.g., "AD001") The Department must enter the MMARS Vendor Code Address Id identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the Bill Paying and Vendor File and W-9 policies.

**COMMONWEALTH DEPARTMENT NAME:** Enter the full Department name with the authority to obligate funds encumbered for the Contract.

**Commonwealth MMARS Alpha Department Code:** Enter the three (3) letter MMARS Code assigned to this Commonwealth Department in the state accounting system.

**Department Business Mailing Address:** Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for legal notice.

**Department Billing Address:** Enter the Billing Address or email address if invoices must be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

**Department Contract Manager:** Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

**Department E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

**MMARS Document ID(s):** Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc Ids.

**RFR/Procurement or Other ID Number or Name:** Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

## NEW CONTRACTS (left side of Form):

Complete this section ONLY if this Contract is brand new. (Complete the **CONTRACT AMENDMENT** section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

**PROCUREMENT OR EXCEPTION TYPE:** Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See State Finance Law and General Requirements, Acquisition Policy and Fixed Assets, the Commodities and Services Policy and the Procurement Information Center (Department Contract Guidance) for details.

**Statewide Contract (OSD or an OSD-designated Department).** Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

**Collective Purchase approved by OSD.** Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

**Department Contract Procurement.** Check this option for a Department procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

**Emergency Contract.** Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

**Contract Employee.** Check this option when the Department requires the performance of an Individual Contractor, and when the planned Contract performance with an Individual has been classified using the Employment Status Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

**Legislative/Legal or Other.** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

## CONTRACT AMENDMENT (Right Side of Form)

Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) "See Amendments, Suspensions, and Termination Policy."

**Enter Current Contract End Date:** Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

**Enter Amendment Amount:** Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

**AMENDMENT TYPE:** Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. **Amendment to Scope or Budget.** Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

**Interim Contracts.** Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an interim Contractor when a current Contractor is unable to complete full performance under a Contract.

**Contract Employee.** Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

**Legislative/Legal or Other.** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



posted.

## COMMONWEALTH TERMS AND CONDITIONS

Identify which [Commonwealth Terms and Conditions](#) the Contractor has executed and is incorporated by reference into this Contract. This Form is signed only once and recorded on the Vendor Customer File (VCUST). See [Vendor File and W-9s Policy](#).

## COMPENSATION

Identify if the Contract is a **Rate Contract** (with no stated Maximum Obligation) or a **Maximum Obligation Contract** (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as [available and encumbered](#) prior to incurring obligations. If a Contract includes both a Maximum Obligation component and Rate Contract component, check off both, specific Maximum Obligation amounts or amended amounts and Attachments must clearly outline the Contract breakdown to match the encumbrance.

## PAYMENTS AND PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth [Bill Paying Policy](#) for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payments is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under [G.L. c. 29, s. 23A](#)). See [Prompt Pay Discounts Policy](#). PPD are identified as a percentage discount which will be automatically deducted when an accelerated payment is made. Reduced contracts rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify that the Contractor agrees to the standard 45 day cycle; a statutory/legal exemption such as Ready Payments ([G.L. c. 29, § 23A](#)); or only an initial accelerated payment for reimbursements or start up costs for a grant, with subsequent payments scheduled to support standard EFT 45 day payment cycle. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

## BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the [Expenditure Classification Handbook](#)) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2012" or "FY2012-14"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

## ANTICIPATED START DATE

The Department and Contractor must certify WHEN obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the [Effective Date](#) (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2012" or "FY2012-14") in the Brief Description section. Performance starts and encumbrances reflect the default [Effective Date](#) (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to fiscal year. Option 3 is used in lieu of the [Settlement and Release Form](#) when the Contract/Amendment is signed late, and obligations have already been incurred by the Contractor prior to the [Effective Date](#) for which the Department has either requested, accepted or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility, and approximate costs. Any obligations incurred outside the scope of the [Effective Date](#) under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth from further obligations for the identified performance. All settlement payments require justification and must be under same encumbrance and object codes as the Contract payments. Performance dates are subject to [G.L. c.4, § 9](#).

## CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. If the **Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here**. A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to [G.L. c.4, § 9](#).

## CERTIFICATIONS AND EXECUTION

See [Department Head Signature Authorization Policy](#) and the [Contractor Authorized Signatory Listing](#) for policies on Contractor and Department signatures.

**Authorizing Signature for Contractor/Date:** The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "[Anticipated Contract Start Date](#)". Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. **Rubber stamps, typed or other images are not acceptable.** Proof of Contractor signature authorization on a [Contractor Authorized Signatory Listing](#) may be required by the Department if not already on file.

**Contractor Name /Title:** The Contractor Authorized Signatory's name and title must appear legibly as it appears on the [Contractor Authorized Signatory Listing](#).

**Authorizing Signature For Commonwealth/Date:** The [Authorized Department Signatory](#) must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "[Anticipated Start Date](#)". **Rubber stamps, typed or other images are not accepted.** The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See [Department Head Signature Authorization](#). The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an [approved Interdepartmental Service Agreement \(ISA\)](#). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

**Department Name /Title:** Enter the Authorized Signatory's name and title legibly.

## CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contractor or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein:

**Commonwealth and Contractor Ownership Rights.** The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

**Qualifications.** The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability; and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the [Secretary of State's website](#) as licensed to do business in Massachusetts, as required by law.

**Business Ethics and Fraud, Waste and Abuse Prevention.** The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

**Collusion.** The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

**Public Records and Access** The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under [Executive Order 195](#) and [G.L. c. 11, s.12](#) seven (7) years beginning on the first day after the final payment

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under [950 C.M.R. 32.00](#).

**Debarment.** The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including, [Executive Order 147](#); [G.L. c. 29, s. 29F](#) [G.L. c.30, § 39R](#), [G.L. c.149, § 27C](#), [G.L. c.149, § 44C](#), [G.L. c.149, § 148B](#) and [G.L. c. 152, s. 25C](#).

**Applicable Laws.** The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable [Massachusetts General Laws](#); the Official [Code of Massachusetts Regulations](#); [Code of Massachusetts Regulations](#) (unofficial); [801 CMR 21.00](#) (Procurement of Commodity and Service Procurements, Including Human and Social Services); [815 CMR 2.00](#) (Grants and Subsidies); [808 CMR 1.00](#) (Compliance, Reporting and Auditing for Human And Social Services); [AICPA Standards](#); confidentiality of Department records under [G.L. c. 66A](#); and the [Massachusetts Constitution Article XVIII](#) if applicable.

**Invoices.** The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth [Bill Paying Policy](#). Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15<sup>th</sup> for performance made and received (goods delivered, services completed) prior to June 30<sup>th</sup>, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15<sup>th</sup> or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

**Payments Subject To Appropriation.** Pursuant to [G.L. c. 29 § 26, § 27](#) and [§ 29](#), Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by [G.L. c. 29, § 9C](#). A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

**Intercept.** Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to [G.L. c. 7A, s. 3](#) and [815 CMR 9.00](#). Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

**Tax Law Compliance.** The Contractor certifies under the pains and penalties of perjury tax compliance with [Federal tax laws](#); [state tax laws](#) including but not limited to [G.L. c. 62C](#), [G.L. c. 62C, s. 49A](#); compliance with all state tax laws, reporting of employees and contractors, withholding and remitting of tax withholdings and child support and is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under [G.L. c. 62E](#), withholding and remitting [child support](#) including [G.L. c. 119A, s. 12](#); [TIR 05-11: New Independent Contractor Provisions](#) and applicable [TIRs](#).

**Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts.** The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing **at least 45 days prior** to filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is **any risk** to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal

services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

**Federal Anti-Lobbying and Other Federal Requirements.** If receiving federal funds, the Contractor certifies compliance with federal anti-lobbying requirements including [31 USC 1352](#); [other federal requirements](#); [Executive Order 11246](#); [Air Pollution Act](#); [Federal Water Pollution Control Act](#) and [Federal Employment Laws](#).

**Protection of Personal Data and Information.** The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under [G.L. c. 93H](#) and [c. 66A](#) and [Executive Order 504](#). The Contractor is required to comply with [G.L. c. 93I](#) for the proper disposal of all paper and electronic media, backups or systems containing personal data and information, provided further that the Contractor is required to ensure that any personal data or information transmitted electronically or through a portable device be properly encrypted using (at a minimum) [Information Technology Division \(ITD\) Protection of Sensitive Information](#), provided further that any Contractor having access to credit card or banking information of Commonwealth customers certifies that the Contractor is PCI compliant in accordance with the [Payment Card Industry Council Standards](#) and shall provide confirmation compliance during the Contract, provide further that the Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to [G.L. c. 214, s. 3B](#).

**Corporate and Business Filings and Reports.** The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the [Secretary of the Commonwealth](#), the [Office of the Attorney General](#) or other Departments as related to its conduct of business in the Commonwealth; and with its incorporating state (or foreign entity).

**Employer Requirements.** Contractors that are employers certify compliance with applicable state and [federal employment laws](#) or regulations, including but not limited to [G.L. c. 5, s. 1](#) (Prevailing Wages for Printing and Distribution of Public Documents); [G.L. c. 7, s. 22](#) (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); [minimum wages and prevailing wage programs and payments](#); [unemployment insurance](#) and contributions; [workers' compensation and insurance](#), [child labor laws](#), [AGO fair labor practices](#); [G.L. c. 149](#) (Labor and Industries); [G.L. c. 150A](#) (Labor Relations); [G.L. c. 151](#) and [455 CMR 2.00](#) (Minimum Fair Wages); [G.L. c. 151A](#) (Employment and Training); [G.L. c. 151B](#) (Unlawful Discrimination); [G.L. c. 151E](#) (Business Discrimination); [G.L. c. 152](#) (Workers' Compensation); [G.L. c.153](#) (Liability for Injuries); [29 USC c. 8](#) (Federal Fair Labor Standards); [29 USC c. 28](#) and the [Federal Family and Medical Leave Act](#).

**Federal And State Laws And Regulations Prohibiting Discrimination** including but not limited to the [Federal Equal Employment Opportunity \(EEO\) Laws](#) the [Americans with Disabilities Act](#); [42 U.S.C. Sec. 12,101, et seq.](#), the [Rehabilitation Act](#), [29 USC c. 16 s. 794](#); [29 USC c. 16 s. 701](#); [29 USC c. 14, 623](#); the [42 USC c. 45](#); (Federal Fair Housing Act); [G.L. c. 151B](#) (Unlawful Discrimination); [G.L. c. 151E](#) (Business Discrimination); the Public Accommodations Law [G.L. c. 272, s. 92A](#); [G.L. c. 272, s. 98](#) and 98A, [Massachusetts Constitution Article CXIV](#) and [G.L. c. 93, s. 103](#); [47 USC c. 5, sc. II, Part II, s. 255](#) (Telecommunication Act; Chapter 149, [Section 105D](#), [G.L. c. 151C](#), [G.L. c. 272, Section 92A](#), [Section 98](#) and [Section 98A](#), and [G.L. c. 111, Section 199A](#), and [Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities](#), and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also [MCAD](#) and [MCAD links and Resources](#).

**Small Business Purchasing Program (SBPP).** A Contractor may be eligible to participate in the SBPP, created pursuant to [Executive Order 523](#), if qualified through the SBPP COMMBUYS subscription process at: [www.commbuys.com](#) and with acceptance of the terms of the SBPP participation agreement.

**Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized).** The [Information Technology Mandatory Specifications](#) and the [IT Acquisition Accessibility Contract Language](#) are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U75, U98 object codes in the [Expenditure Classification Handbook](#) or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



"other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

**Northern Ireland Certification.** Pursuant to [G.L. c. 7 s. 22C](#) for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

**Pandemic, Disaster or Emergency Performance.** In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

**Consultant Contractor Certifications** (For Consultant Contracts "HH" and "NN" and "U05" object codes subject to [G.L. Chapter 29, s. 29A](#)). Contractors must make required disclosures as part of the RFR Response or using the [Consultant Contractor Mandatory Submission Form](#).

**Attorneys.** Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to [G.L. c. 30, s. 65](#), and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

**Subcontractor Performance.** The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

## EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable [Executive Orders](#) (see also [Massachusetts Executive Orders](#)), including but not limited to the specific orders listed below. A breach during period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

**Executive Order 481. Prohibiting the Use of Undocumented Workers on State Contracts.** For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

**Executive Order 130. Anti-Boycott.** The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See [IRC § 999\(b\)\(3\)-\(4\)](#), and [IRS Audit Guidelines Boycotts](#)) or engages in conduct declared to be unlawful by [G.L. c. 151E, s. 2](#). A breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

**Executive Order 346. Hiring of State Employees By State Contractors.** Contractor certifies compliance with both the conflict of interest law [G.L. c. 268A specifically s. 5 \(f\)](#) and this order; and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed

to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

**Executive Order 444. Disclosure of Family Relationships With Other State Employees.** Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

**Executive Order 504. Regarding the Security and Confidentiality of Personal Information.** For all Contracts involving the Contractor's access to personal information, as defined in [G.L. c. 93H](#), and personal data, as defined in [G.L. c. 66A](#), owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth [Information Technology Division's Security Policies](#). Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's "Security Policies"; (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the [Commonwealth's Terms and Conditions](#), withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under [G.L. c. 214, § 3B](#) for violations under M.G.L. c. 66A.

**Executive Orders 523, 524 and 526.** Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes [Executive Order 478](#)), [Executive Order 524](#) (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390), [Executive Order 523](#) (Establishing the Massachusetts Small Business Purchasing Program.) All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

# **ENCLOSURE 9**

**CITY OF GLOUCESTER  
LEGAL DEPARTMENT**

Memorandum

TO: Mayor Sefatia Romeo Theken  
FROM: Charles J. Payson, General Counsel   
RE: Open Meeting Law Complaints  
DATE: March 2, 2017

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On December 13, 2016, I appeared before the City Council and discussed two open meeting law complaints that had been filed with the Massachusetts Attorney General's Office, the first from Reverend Richard Emmanuel and the second from Loren French.

At that meeting, I provided the facts of the complaints and my opinion that there had been no violations. Subsequently, my office provided letters to the Attorney General's office stating the same. Recently, we received response letters indicating that the Attorney General's office agrees with the Legal Department's assessment.

Accordingly, I have attached the two letters for your, and the City Council's, information. Please include the same in the next Mayor's Report.

Thank you.

Attachments

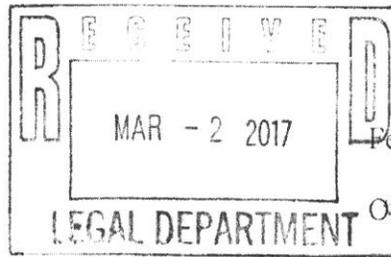


THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
www.mass.gov/ago



February 28, 2017

OML 2017 - 31-

Krisna Basu, Esq.  
Assistant General Counsel  
City of Gloucester Legal Department  
Nine Dale Avenue  
Gloucester, MA 01930

**RE: Open Meeting Law Complaint**

Dear Attorney Basu:

This office received a complaint from Rev. Richard Emmanuel on December 29, alleging that the Gloucester City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.<sup>1</sup> The complaint was originally filed with the Council on or about November 10, and you responded on behalf of the Council in a letter dated December 15. In his complaint, Rev. Emmanuel alleges that, by limiting the public to three minutes each to speak, the Council "dismissed" members of the public who expressed opposition to an agreement between the City and a company during its November 7 meeting.

After reviewing the complaint, the Council's response, the request for further review filed with our office, and the November 7 meeting minutes, we resolve this complaint by **informal action** in accordance with 940 CMR 29.07(2)(a). We find that the Council did not violate the Open Meeting Law.

The Open Meeting Law states that "[n]o person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent." G.L. c. 30A, § 20(f). It is within the Chair's discretion to limit public participation during a meeting, and thus the Council did not violate the Open Meeting Law by limiting public comment to three minutes each during the November 7 meeting. However, we encourage public bodies to allow public participation whenever possible. See OML 2015-12; OML 2014-129; OML 2012-59.<sup>2</sup>

<sup>1</sup> All dates in this letter refer to the year 2016.

<sup>2</sup> Open Meeting Law determinations may be found at the Attorney General's website, <http://www.mass.gov/ago/openmeeting>.



For the reasons stated above, we find that the Council did not violate the Open Meeting Law. We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

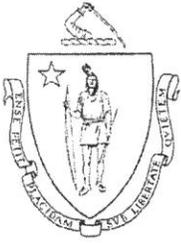
Sincerely,



Hanne Rush  
Assistant Attorney General  
Division of Open Government

cc: Rev. Richard Emmanuel  
Gloucester City Council

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.**



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
www.mass.gov/ago

February 2, 2017

FEB - 6 2017

Loren French  
183 East Main Street  
Gloucester, MA 01930

Dear Ms. French:

We understand that on November 18, 2016, you filed a complaint with the Gloucester City Council ("Council"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Council is required to notify our office of the complaint and any remedial action taken to address the complaint. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Our office received notification and a response from the Council on December 15, 2016.

Under the Open Meeting Law, a complaint is ripe for review by our office when the complainant files a copy of the initial complaint with the Division of Open Government, provided that at least 30 days have passed since that complaint was filed with the public body. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). We sent you a letter on December 19, 2016 stating that if we did not receive the original complaint from you by Wednesday, January 18, 2017, we would presume the action taken by the Council was sufficient and would close this file. Our office currently has no record of a complaint filed by you in this matter. Therefore, we now consider this matter closed.

Please feel free to contact me if you have any questions or believe anything stated in this letter to be inaccurate.

Sincerely,

Kevin Manganaro  
Assistant Attorney General  
Division of Open Government

cc: Krisna M. Basu, Esq., Gloucester Assistant General Counsel  
Gloucester City Council Budget and Finance Committee

CITY CLERK  
GLOUCESTER, MA  
2017 FEB 28 AM 10:53

CITY MEMORANDUM

**TO:** JERRY MCCARTHY (61 GRAPEVINE ROAD)  
**FROM:** OFFICE OF THE MAYOR, GLOUCESTER CITY HALL  
**SUBJECT:** RESPONSE TO ORAL COMMUNICATIONS, FEBRUARY 14TH, 2017  
**DATE:** FEBRUARY 25TH, 2017  
**CC:** JOANNE SENOS, GLOUCESTER CITY CLERK

*This memorandum is in response to Oral Communications to City Council on Tuesday, February 14th, 2017 regarding concerns of coyote sightings in the Grapevine Road area and abutting properties therein.*

Dear Jerry,

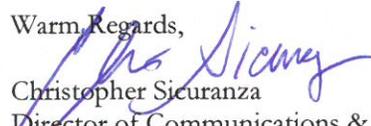
Thank you so much for coming to our last City Council meeting and offering your personal testimony and concerns about recent coyote sightings. As you are aware, the City has been hosting educational forums and working with state partners to help inform the public on both best practices and federal regulations.

Some of the new materials that the Massachusetts Wildlife agency provided does highlight points that may be useful to you, especially regarding effective ways to disperse coyotes near your home. These materials are included with this letter for review, but we recommend visiting the agencies website directly for the latest tips as they are updating materials more frequently (seen at: [www.mass.gov/eea/agencies/dfg/dfw/](http://www.mass.gov/eea/agencies/dfg/dfw/))

Otherwise, we are hopeful the newly created Animal Advisory Board will help collect citizen reports for more meaningful data collection to help offer a more comprehensive study for consideration by state officials. Again, because state and federal laws protect this coyote species, our current options for engagement are very limited. To that, if you have more questions about the Animal Advisory Board, please contact Councilor Steve LeBlanc ([sleblanc@gloucester-ma.gov](mailto:sleblanc@gloucester-ma.gov)) or Board Member Jen Holmgren ([jenglo27@yahoo.com](mailto:jenglo27@yahoo.com)) for how the board plans on educating and reporting on the coyotes here in Gloucester.

In the meantime, please know that we take your claims seriously and we understand your concerns. If you ever feel in jeopardy, do not hesitate to contact our local police department who will find the best animal control or patrol officer to immediately help. We thank you for your remarks and if you have further questions or concerns, please do not hesitate to reach out to our office.

Warm Regards,

  
Christopher Sicuranza  
Director of Communications & Constituent Services  
Office of the Mayor, Gloucester City Hall  
9 Dale Ave, Gloucester MA, 01930  
P: (978) 281-9700  
E: [csicuranza@gloucester-ma.gov](mailto:csicuranza@gloucester-ma.gov)

CITY MEMORANDUM

**TO:** CAROL BERKMAN (8 CENTENNIAL AVE)  
**FROM:** OFFICE OF THE MAYOR, GLOUCESTER CITY HALL  
**SUBJECT:** RESPONSE TO ORAL COMMUNICATIONS, FEBRUARY 14TH, 2017  
**DATE:** FEBRUARY 25TH, 2017  
**CC:** JOANNE SENOS, GLOUCESTER CITY CLERK

CITY CLERK  
GLOUCESTER, MA  
2017 FEB 28 AM 10:53

*This memorandum is in response to Oral Communications to City Council on Tuesday, February 14th, 2017 regarding a request to the Council to better support immigrant issues and hateful acts being displayed in the public after the election season.*

Dear Carol,

Thank you so much for coming to our last City Council meeting and offering your remarks on immigration policies. Typically, a member of the administration or staff within my office helps to respond in a more formal fashion, but I wanted to write back to you personally with my thoughts on the subject as I, too, remain passionate about support for all within our community.

Gloucester has always welcomed immigrants and so for me, I believe we have been acting as a sanctuary city for many years. We have always been there for our working class, especially our immigrant friends, and I continue to assist those in need get health insurance or medical assistance. I have done this for years and I still volunteer to this day with open office hours every Friday afternoon.

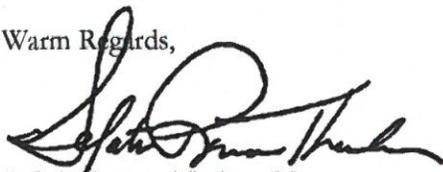
I am proud that our city continues to showcase our diversity and openness through age friendly initiatives, LGBTQ awareness efforts, women's rights events, and so much more through our non-profits and volunteer groups. More recently, the City Council joined the Mayor's Office for a Civility Resolution, which outlines our stand against discrimination, our commitment to respectfulness and equality, and keeping all of our people safe. We have made tremendous progress in showcasing our love and equality stewardship, but our doors are always open to those who want to help or simply be heard.

Our Police Department is also continuing community policing efforts and checking in with different stores and businesses to make sure we can make meaningful connections and to follow-up directly on any claims that do not represent our values. However, we are not on a witch-hunt looking for illegal immigrants as our police department has much higher priorities to keep this community safe.

While I understand the recent efforts by many communities to become a sanctuary city, I know that we have always been welcoming to all, we are still welcoming today and as long as I'm mayor, we will always embrace a welcoming approach. Any policy on this subject may divide our community further, so do we really need another government document to say what we already know? We know that Gloucester is a special place that embraces all people and we will always help those in need.

I know there are many points of discussion on this subject, so if you want to talk with me further please feel free to come by our office or give us a call and we can chat more personally. We always welcome public input, so I thank you again for your remarks and thoughts.

Warm Regards,



Sefatia Romeo Theken, Mayor

CITY CLERK  
GLOUCESTER, MA

2017 FEB 27 AM 9:34

**CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT**

NAME OF EVENT: CONCERT ON THE BOULEVARD DATE OF EVENT: JULY 3 & SEPT 2

**Special Events**

Permitting is required for all types of special events taking place in the City of Gloucester. A “Special Event” is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and granted a special event permit. Furthermore, special events are also governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the **City Clerk** first to arrange to be placed on the Special Events Advisory Committee agenda. The applicant **must complete** a Special Events Application form in advance which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations for the following: all American with Disabilities Act (ADA) accessibility; pedestrian and fire access; dimensions of stages & tents; type of equipment or generators and the placement of any vendors and any portable toilet facilities; site plan/map must be 8-1/2 x 11 inches and be legible – capable of copy reproduction;
- If the site of the event is privately owned, a letter from the landlord or property owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list **all** rides & games;
- If this is the “first year” for your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is to be used. Vendors will need state or city vending license before date of event and Health Department approvals unless they are excluded under state laws or regulations;
- Certificate of Insurance Listing City as the insured (Certificate Holder).

The applicant is to submit the completed permit form (download at: Gloucester-ma.gov or available in City Clerk’s Office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations (non-profit organizations must submit a 501(c) (3) form with application), \$50.00 for-profit organizations, at the City Clerk’s Office. At that time, an appointment for review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk in order to begin the approval process. **All first time applicants must file completed application and permitted at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing deadlines may result in denial of the application.**

Some applicants will appear before the Council’s Planning & Development Committee who will give the applicant a list of conditions which **must** be met. If the completed application doesn’t require P&D Committee approval, then the application including the checklist should be considered complete upon the applicant’s appearance before the Special Events Advisory Committee.

Joanne M. Senos, City Clerk  
Gloucester City Hall, 9 Dale Avenue  
Gloucester, MA 01930  
PHONE: 978-281-9720x8  
EMAIL: jsenos@gloucester-ma.gov

Hours of Service:  
Monday through Wednesday: 8:30 a.m.-4:00 p.m.  
Thursday: 8:30 a.m. to 6:30 p.m.  
Friday: 8:30 a.m. to 12:30 p.m.

Completed copy filed: Date: 2/27/17 Initial: JMS Copy to Applicant: Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
Fee Paid: \$ 25.00

Revised: 01/27/17

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event CONCERT

1. Date: JULY 3, SEPT 2 Time: from 5:00 pm to 10:30 pm

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: STACEY BOULEVARD, EAST OF BRIDGE

3. Description of Property & Name of Owner: CITY OF GLOUCESTER  
Public  Private \_\_\_\_\_

4. Name of Organizer: THE GLOUCESTER FUND City Sponsored Event: Yes  No \_\_\_\_\_  
Contact Person: BRENT TARR  
Address: 18 TIMBERVIEW DRIVE Telephone: 978-490-0001  
E-Mail: theglooucesterfund@yahoo.com Cell Phone: 978-490-0001  
Day of Event Contact & Cell Phone: BRENT TARR 978-490-0001  
Official Web Site: theglooucesterfund.org

5. Are street closures required:  Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, where: WESTERN AVE

6. Number of Attendees Expected: 2000 Number of Participants Expected: 15

7. Is the Event Being Advertised?  ? Where? RADIO, PRINT, ONLINE

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

8. What Age Group is the Event Targeted to? ALL AGES

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

10. Are you or Profit Organization:  Non-Profit Organization:  Who will benefit financially from this event? \_\_\_\_\_

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

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

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

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

Name of Carnival Operator (requires permit and inspection of rides): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

E. Clean Up: No. of additional trash receptacles required 5 No. of additional recycling receptacles required 2  
(To be provided by and removed by applicant at their expense.)

F. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)

No.: 3 standard No.: 1 ADA accessible

**FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY**

**PARADE** \_\_\_\_\_

**ROAD RACE** \_\_\_\_\_

**WALK-A-THON** \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:  
\_\_\_\_\_  
\_\_\_\_\_

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:  
\_\_\_\_\_  
\_\_\_\_\_

3. Locations of Water Stops (if any): \_\_\_\_\_

4. Will Detours for Motor Vehicles be required? \_\_\_\_\_ If so, where and what length of time:

4A. Are street closures required? \_\_\_\_\_ (This is determined by the Police Department)  
Where? \_\_\_\_\_

5. Start Location & Time for Participants: \_\_\_\_\_

6. Dismissal Location & Time for Participants: \_\_\_\_\_

7. Number of Participants: \_\_\_\_\_

8. Additional Parade Information:
- Number of Floats: \_\_\_\_\_
  - Location of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried (If "Yes", Police approval may be required: Yes: \_\_ No \_\_  
\_\_

• Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: \_\_ No \_\_

8. Name and Address of Insurer: \_\_\_\_\_

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

**CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):**

NAME OF EVENT: Concerts on Ball & Main DATE OF EVENT: July 3 Sept 2

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE:** Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

**Approvals Required:** Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of  
Dept. Head/  
Designee

Notes by Department Head or Designee

- |            |  |
|------------|--|
| <u>Jms</u> | 1. Special Events Advisory Committee _____   |
| <u>JM</u>  | 2. Planning & Development Committee _____  |
| <u>JM</u>  | 3. Gloucester Police Department _____<br>Is Police Detail Required? <u>off shift</u> No. of Details _____<br>Traffic, Parking & Transportation _____ Street Closure: _____ |
| <u>BN</u>  | 4. Health Department _____   |
| <u>af</u>  | 5. Building Inspector _____  |
| <u>ah</u>  | 6. Electrical Inspector _____ <u>Inspection Required</u>   |
| <u>WL</u>  | 7. Department of Public Works: _____<br>Use of City Property: Yes/No Location if yes: <u>Boulevard</u> Permits: _____  |
| <u>SJS</u> | 8. Gloucester Fire Department _____<br>Is a Fire Detail Required? <u>Yes</u> No. of Details <u>4</u> EMS <u>4</u> Use of Propane: <u>Yes</u><br>(Attach EMS Memo)          |
| _____      | 9. Licensing Commission (includes vendors) (Through City Clerk: _____  |
| _____      | 10. Licensing Board (Alcohol): _____   |
| <u>cej</u> | 11. Harbormaster: _____  |
| _____      | 12. Tourism: _____   |

The Departments or Committees listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

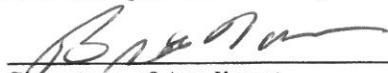
Brian  
Signature of Applicant

2/27, 2017

**RESPONSIBILITIES OF APPLICANT**

1. All members of the organizing committee and performers/concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application or revocation of permits.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission. Concessions using tents must have Building Inspector approval.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
8. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. The applicant is responsible for any damage to public property caused by the event. Applicant shall also provide a **Certificate of Insurance** at the time of approval by the Special Events Advisory Committee.
10. **The City of Gloucester reserves the right to deny the application at any time.**

*I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.*

  
\_\_\_\_\_  
Signature of Applicant

2/27, 2017



CITY CLERK  
GLOUCESTER, MA

2017 FEB 22 PM 12:12

February 22, 2017

Joanne, City Clerk  
Gloucester City Hall  
9 Dale Avenue  
Gloucester, MA 01930

Re: 2017 Block Parties-Three

Dear Joanne,

I am writing on behalf of the Cape Ann Chamber of Commerce and the City of Gloucester to submit a Special Event Permit application for the **Gloucester Block Parties, Saturday, July 15 and August 12, and Friday September 1, 2017, from 6-10:00pm (with a road closure 5-11:00pm).**

This event has happened for at least six years, this being the second year the Chamber has been involved in the planning and implementing of the Parties. Elements of the Block Parties will remain very similar to those in years past. The event will feature the Main Street shops and Restaurants expanding their businesses on to the street, as well as various booths of crafters, artisans, food and beverage vendors, Street Performers, etc.

We would request that Main Street be blocked off from the intersection of Pleasant and Duncan Streets to Washington Street from 5-11:00pm. Attached please find a Special Event application, notice to abutters, a memorandum from the Mayor's office regarding insurance and a map of the area of the event.

If you have any questions or comments, please let me know. I can be reached at: 978-283-1601 or by email at: [kerry@capeannchamber.com](mailto:kerry@capeannchamber.com).

Thank you,

A handwritten signature in black ink, appearing to read "Kerry McKenna".

Kerry McKenna  
Director of Event Planning

**CAPE ANN CHAMBER OF COMMERCE**

*Serving Essex, Gloucester, Manchester-by-the-Sea, and Rockport*

33 Commercial Street, Gloucester, MA 01930 ~ 978-283-1601 ~ 978-283-4740 (fax)  
capeannchamber.com ~ capeannvacations.com ~ rockportusa.com

Block Party

CITY CLERK  
GLOUCESTER, MA

2017 FEB 22 PM 12:13

CITY OF GLOUCESTER - SPECIAL EVENTS PERMIT

NAME OF EVENT: Gloucester Block Parties DATE OF EVENT: July 15, August 12, September 1, 2017

Special Events

Permitting is required for all types of special events taking place in the City of Gloucester. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and granted a special event permit. Furthermore, special events are also governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the City Clerk first to arrange to be placed on the Special Events Advisory Committee agenda. The applicant **must complete** a Special Events Application form in advance which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations for the following: all American with Disabilities Act (ADA) accessibility; pedestrian and fire access; dimensions of stages & tents; type of equipment or generators and the placement of any vendors and any portable toilet facilities; site plan/map must be 8-1/2 x 11 inches and be legible – capable of copy reproduction;
- If the site of the event is privately owned, a letter from the landlord or property owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list all rides & games;
- If this is the "first year" for your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is to be used. Vendors will need state or city vending license before date of event and Health Department approvals unless they are excluded under state laws or regulations;
- Certificate of Insurance Listing City as the insured (Certificate Holder).

The applicant is to submit the completed permit form (download at: Gloucester-ma.gov or available in City Clerk's Office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations (non-profit organizations must submit a 501(c) (3) form with application), \$50.00 for-profit organizations, at the City Clerk's Office. At that time, an appointment for review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk in order to begin the approval process. **All first time applicants must file completed application and permitted at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing deadlines may result in denial of the application.**

Some applicants will appear before the Council's Planning & Development Committee who will give the applicant a list of conditions which **must** be met. If the completed application doesn't require P&D Committee approval, then the application including the checklist should be considered complete upon the applicant's appearance before the Special Events Advisory Committee.

Joanne M. Senos, City Clerk  
Gloucester City Hall, 9 Dale Avenue  
Gloucester, MA 01930  
PHONE: 978-281-9720x8  
EMAIL: jsenos@gloucester-ma.gov

Hours of Service:  
Monday through Wednesday: 8:30 a.m.-4:00 p.m.  
Thursday: 8:30 a.m. to 6:30 p.m.  
Friday: 8:30 a.m. to 12:30 p.m.

Completed copy filed: Date: 2/22/17 Initial: Jms Copy to Applicant: Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
Fee Paid: \$ 25.00

**CITY OF GLOUCESTER SPECIAL EVENT APPLICATION**

**SPECIAL EVENTS**

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

Name and Type of Event Gloucester Block Parties

1. Date: Saturday July 15, August 12 + September 1, 2017 Time: from 6 PM to 10 PM

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Main Street - from Mason/Dunham to Washington St.

3. Description of Property & Name of Owner: Public Street in downtown  
Public  Private \_\_\_\_\_

4. Name of Organizer: Cape Ann Chamber of Commerce City Sponsored Event: Yes  No \_\_\_\_\_  
Contact Person: Kerry McKenna  
Address: 33 Commercial St Gloucester Telephone: 978-283-1601  
E-Mail: Kerry@capeannchamber.com Cell Phone: 603-475-2601  
Day of Event Contact & Cell Phone: Kerry -> 603-475-2601  
Official Web Site: capeannchamber.com

5. Are street closures required:  Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, where: Main Street Dunham to Washington St

6. Number of Attendees Expected: 3000/per Number of Participants Expected: 150 (vendors etc)

7. Is the Event Being Advertised? Yes ? Where? local press, social media, radio, chamber list

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

8. What Age Group is the Event Targeted to? Families - 3 mos - 100 yrs!

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No  Who? Will send into flyer to all businesses & abutters to Main St.  
Attach a copy of the notification to the abutters to this application.

10. Are you or Profit Organization:  Non-Profit Organization:  Who will benefit financially from this event? Cape Ann Chamber & the downtown businesses.

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

A. Vending: Food  Beverages  Alcohol \_\_\_\_\_ Goods  Total No. of Vendors 150  
(\*Local or State license required)

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

C. Games/Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games  Raffle (requires City permit\*) \_\_\_\_\_

Other: YMCA will do kids town Total No. Similar to last year. No arcades just street games

Name of Carnival Operator (requires permit and inspection of rides): \_\_\_\_\_  
Address: We would like to invite buses & street performers  
Telephone: \_\_\_\_\_

D. Tents:  Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, how many 15-20 What are the tent sizes: 10x10 (May require permits)

E. Clean Up: No. of additional trash receptacles required 8 No. of additional recycling receptacles required \_\_\_\_\_  
(To be provided by and removed by applicant at their expense.) We will work with the streets

F. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)  
No.: \_\_\_\_\_ standard No.: Public Toilets, Maritime & Inlander ADA accessible

Fitz Henry Lane  
Library  
Rose Baker  
Lat 43  
Gloucester House  
Police Station  
Cape Ann Bazaar

N/A

**FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY**

**PARADE** \_\_\_\_\_

**ROAD RACE** \_\_\_\_\_

**WALK-A-THON** \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:  
\_\_\_\_\_  
\_\_\_\_\_
2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:  
\_\_\_\_\_  
\_\_\_\_\_
3. Locations of Water Stops (if any): \_\_\_\_\_
4. Will Detours for Motor Vehicles be required? \_\_\_\_\_ If so, where and what length of time:
- 4A. Are street closures required? \_\_\_\_\_ (This is determined by the Police Department)  
Where? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Start Location & Time for Participants: \_\_\_\_\_
6. Dismissal Location & Time for Participants: \_\_\_\_\_
7. Number of Participants: \_\_\_\_\_
8. Additional Parade Information:
  - Number of Floats: \_\_\_\_\_
  - Location of Viewing Stations: \_\_\_\_\_  
\_\_\_\_\_
  - Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: \_\_ No \_\_  
\_\_
  - Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: \_\_ No \_\_
8. Name and Address of Insurer: \_\_\_\_\_
9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

**CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):**

NAME OF EVENT: Gloucester Block Party DATE OF EVENT: July 16, August 17 & September 1, 2017

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE: Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.**

**Approvals Required:** Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of  
Dept. Head/  
Designee

Notes by Department Head or Designee

- JMS 1. Special Events Advisory Committee \_\_\_\_\_
- JMS 2. Planning & Development Committee \_\_\_\_\_
- JMS 3. Gloucester Police Department \_\_\_\_\_  
Is Police Detail Required? NO No. of Details \_\_\_\_\_  
Traffic, Parking & Transportation \_\_\_\_\_ Street Closure: \_\_\_\_\_
- RE 4. Health Department \_\_\_\_\_
- RE 5. Building Inspector \_\_\_\_\_
- RE 6. Electrical Inspector \_\_\_\_\_
- NE 7. Department of Public Works: \_\_\_\_\_  
Use of City Property:  Yes  No Location if yes: MAIN ST Permits: \_\_\_\_\_
- STG 8. Gloucester Fire Department \_\_\_\_\_  
Is a Fire Detail Required? NO No. of Details NO EMS NO Use of Propane: NO  
(Attach EMS Memo)
- \_\_\_\_\_ 9. Licensing Commission (includes vendors) (Through City Clerk): \_\_\_\_\_
- \_\_\_\_\_ 10. Licensing Board (Alcohol): \_\_\_\_\_
- CEJ 11. Harbormaster: \_\_\_\_\_
- \_\_\_\_\_ 12. Tourism: \_\_\_\_\_

The Departments or Committees listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

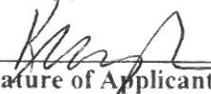
[Signature]  
Signature of Applicant

2/22, 20 14

**RESPONSIBILITIES OF APPLICANT**

1. All members of the organizing committee and performers/concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application or revocation of permits.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission. Concessions using tents must have Building Inspector approval.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
8. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. The applicant is responsible for any damage to public property caused by the event. Applicant shall also provide a **Certificate of Insurance** at the time of approval by the Special Events Advisory Committee.
10. **The City of Gloucester reserves the right to deny the application at any time.**

*I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.*

  
\_\_\_\_\_  
Signature of Applicant

2/22, 2016

# **The Block Parties are back and they are going to be Better than Ever!**



Hello Main Street Neighbor!

If you have not heard yet, we are happy to inform you that the Chamber has partnered with the City to make the 2017 Block Parties better than ever!

We look forward to bringing a renewed energy to the Parties and to working with you to help bring exciting and fun Festivities to the Downtown area!

Our goal is to help bring awareness- and customers- to the wonderful shops and businesses we are so fortunate to have here in Gloucester.

**Save the dates for the 2017 Block Parties: Saturday, July 15; Saturday, August 12 and Friday, September 1.**

**Main Street will be shut down between 5:00PM and 11:00PM,**

**with the hours of the Block Parties being 6-10:00PM**

To all businesses: we will be in contact with you soon to let you know how you can participate and help to make this year's Parties the most successful yet. To all neighbors/abutters: if you have any questions or concerns, please feel free to contact me at: [Kerry@capeannchamber.com](mailto:Kerry@capeannchamber.com), 978-283-1601.



City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

MEMORANDUM

TO: City Council President Joe Ciolino and members of the Gloucester City Council

FROM: Jim Destino, Chief Administrative Officer

Cc: Cape Ann Chamber of Commerce

DATE: February 22, 2017

RE: Downtown Block Parties 2017

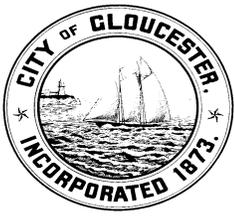
2017 FEB 22 PM 2:45  
CITY CLERK  
GLOUCESTER, MA

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Three of Gloucester's exciting summer events, the Downtown Block Parties, are scheduled for July 15, August 12 and September 1, 2017. The Cape Ann Chamber of Commerce will be meeting regularly and working with various city departments to make sure these are again successful events.

I have confirmed with the Massachusetts Interlocal Insurance Association (MIIA) that since these Downtown Block Parties are city-sponsored events, they are covered under the City's general liability insurance.

Thank you,



**CITY OF GLOUCESTER 2017  
CITY COUNCIL ORDER**

**ORDER: CC#2017-008**  
**COUNCILLORS: Sean Nolan**

**DATE RECEIVED BY COUNCIL: 03/14/17**  
**REFERRED TO: O&A & TC**  
**FOR COUNCIL VOTE:**

**ORDERED** that the Ordinances & Administration Standing Committee request that the Traffic Commission perform a speed study on Sumner Street to determine whether there should be a speed limit of 20 mph; and

**FURTHER ORDERED** that the O&A Committee, depending on the results of the speed study, shall recommend to the City Council that the Council request that the MassDOT approve a 20 mph speed limit for Sumner Street; and

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

Sean Nolan  
Ward 5 Councillor

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, February 28, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox (departed the meeting at 9:21 p.m.); Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.

**Absent:** None.

**Also Present:** Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Donna Leete; James Pope; Donna Compton; Nancy Papows; Chris Sicuranza; Fire Chief Eric Smith; Lucy Sheehan; Mark Cole; Police Chief John McCarthy; Dr. Richard Safier; Grace Poirier; Karin Carroll; Adam Curcuru

The meeting was called to order at 7:00 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

**Flag Salute & Moment of Silence.** Council President Ciolino noted the passing of Marilyn Foster, family member of “Fosters of Gloucester.” He said that she and her husband, Charles, were pillars of the community, quietly supporting the Cape Ann Chamber of Commerce, the Addison Gilbert Hospital and many other civic endeavors. He called her a good woman.

**Oral Communications: None.**

**Mayor Sefatia Theken** delivered her 2017 State of the City address which is excerpted here (full text on file):

- The city has been strengthened through honest and transparent policies, meetings and forums;
- The Administration has with the state and federal delegations to ensure relief money is received and high value grants are awarded;
- New businesses are expanding and new initiatives are designed to support and benefit the city’s workforce;
- The administration is committed to operating within a balanced budget while limiting the use of one-time revenue for salary increases and unsustainable budget policies for the first time in a decade.
- The fiscal policy is one that guarantees the city lives responsibly today, maintains existing assets and saves for the needs of the future;
- The city’s bond rating is once again “Double A.”
- Planning efforts through the Community Development team are considered innovative, forward-thinking and action oriented with such projects pending as the Fuller School site development, which will bring in new tax revenue with additional housing and a state-of-the-art YMCA; to a renewed Maplewood School project and a Housing Production Plan to help with the city’s housing needs;
- Significant financial assistance for future schools will flow through the Mass. School Building Authority (MSBA), helping to ensure another landmark school like West Parish may be built in the community in the near future;
- Each city department and their contribution to the enhancement of the entire community was touched upon and the important work they do for the citizens to support them and improve their environment and experiences. Departments named were: Human Resources, Harbormasters, Health, Fire and Police, Planning and Community Development and City Clerk;
- Tourism support and development of new initiatives to find new markets for the city’s fisheries and support of the tourism sector was also touched upon.

The Mayor expressed that she remains committed to an open city with open communications. She pointed out her administration is a team as well as a Gloucester family. She said she was honored to continue her leadership as Gloucester’s Mayor but that the city only moves forward by working as a team as well as a family. She cited that the state of the city is strong and the future is brighter now more than ever.

**Presentations/Commendations:**

1 of 2: Maggie Rosa, Chairperson of the City Hall Restoration Commission re: ADA Parking at City Hall

**Maggie Rosa**, Chairperson of the City Hall Restoration Commission (CHRC), reviewed a Power Point presentation (on file) to the Council regarding a mandated Americans with Disabilities Act (ADA) Parking

remediation for City Hall. She acknowledged three members City Hall Restoration Commission present: Stephen Dexter; Craig Herrmann, and Richard Luecke Highlights of the review are noted below:

- City Hall restoration has been an on-going project and some of the many improvements to the exterior of the building such as historically appropriate rehabilitated windows as an example were noted. In 2012 the project triggered compliance with the Mass. Architectural Access Board (MAAB) for accessibility;
- The MAAB recognizing the exorbitant expense and destruction of the building's visual integrity in bringing the building to full compliance granted significant cost-saving variances and for a phased in time schedule to do the required work;
- First phase is the provision of two on-site accessible parking spaces by November 2016, and the MAAB stood fast in terms of not permitting on-street parking spaces;
- The CHRC working with the architectural firm McGinley, Kalsow & Associates, the city's Engineering and Public Works Department and drew up plans that have been approved by the Gloucester Historical Commission, and the Mass. Historical Commission for this renovation;
- The project is funded through a Community Development Block Grant (CDBG) of \$180,000;
- Work is scheduled to begin in the spring of 2017 and will be done by the DPW.
- The project involves digging out and reconfiguring a portion of the lawn that faces Dale Avenue and parking area on the "back" side of City Hall (adjacent to the U.S. Post Office) for the creation of two ADA parking spaces where the driveway accesses Dale Avenue;
- Plans call for rebuilding of the walls alongside City Hall's ADA entrance on Dale Avenue and landscaping the area upon completion of the parking spaces.

Three mature trees on the City Hall property were noted as having to be removed but one will remain. Three views of project plans showing the details of the work were shared with the Council and described briefly by **Ms. Rosa**.

**Mayor Theken** highlighted that projects such as these couldn't be done without the entire cadre of dedicated city volunteers to make them happen.

**Council President Ciolino** asked if there was more work to be completed for City Hall's ADA accessibility. **Ms. Rosa** said with this project the city should be in full compliance with the MAAB. She spoke briefly to an electrical issue being managed to install automatic door openers at City Hall.

2 of 2: Update from School Committee Chairperson, Jonathan Pope re: MSBA process of a new school building

**Jonathan Pope**, Chairperson of the Gloucester School Committee joined by Dr. Richard Safier, Superintendent, reviewed the Massachusetts School Building Authority (MSBA) process the city must follow in order to be approved for a reimbursement of monies laid out to build a new school, now proposed – a consolidated school for East Gloucester and Veterans' Memorial Elementary Schools. Highlights included from the presentation (on file) were:

- A Statement of Interest (SOI) was submitted to the MSBA in April 2016 and on Feb. 15, 2017 the city was accepted into eligibility by a vote of the MSBA Board. Eighty nine applicants for major construction projects were put forward and only 17 were accepted. It is notable that the MSBA accepts applications on need not on geographic, demographic or any similar parameters. The MSBA made a site visit to the East Gloucester Elementary School and determined that of all the applicants, East Gloucester needed to be replaced.
- During the Eligibility Period (the stage that follows submission and approval of an SOI) the city must prove to the MSBA their intentions to move forward towards a new school.
- Eligibility Timeline: The city has 270 days to complete this process. The time starts April 3. The city has to fill out an initial compliance certificate signed by the Mayor, Mr. Pope and Dr. Safier. A Building Committee has to be formed. Have to provide an educational profile which describes the district's program, what it is expected the new school to achieve, whether they are considering consolidation and what programs they intend to put in the school along with enrollment projections. The MSBA will do their own enrollment projections and there is a certain amount of time to contest the MSBA enrollment projections. The DPW will have to submit a maintenance document as they did for West Parish, and at the end they have to get local authorization for funding for a Feasibility Study – the district and team collaborate with MSBA to document educational program, generate an initial space summary, document existing conditions, establish design parameters, establish alternatives and recommend the most cost effective and educationally appropriate solution for the MSBA Board of Directors to consider and approve which takes up to a year and a half.

- The plan is then submitted to the MSBA as a Schematic Design which they approve. Once approved, then the city would move forward towards funding the project in total.

**Mr. Pope** conveyed to the Council that all they're doing is proving to the MSBA that the city is willing and able to move forward.

**COUNCILOR QUESTIONS:**

**Councilor Orlando** said he understood this project would replace two schools, East Gloucester and Veterans', and asked if there had been any thought of consolidating four schools into two at one time. **Mr. Pope** said there has been discussion about it, but that the way in which the MSBA works, they only consider schools one at a time, and although Beeman Memorial Elementary School was submitted with East Gloucester, the MSBA prioritized East Gloucester Elementary School as a higher priority. Beeman Elementary School is a known commodity on a 40 acre site with fewer questions to create a new school at that location. If they can't consolidate East Gloucester and Veterans' schools for lack of a site it would be an issue and the School District would have to start from scratch.

**Council President Ciolino** asked for a recounting of how the West Parish School funding from the School Committee to the Council moves forward. **Mr. Pope** described the following: Gloucester's MSBA reimbursement rate is 59 percent of eligible expenses and there is a dollar cap on site work. Swing space is not reimbursable. The Feasibility Study is reimbursable --the West Parish Feasibility Study was \$500,000. The average cost for a project's study is \$500,000 to 750,000. Manchester-by-the-Sea is currently one step ahead of Gloucester for replacing the Memorial Elementary School, a comparable project and appropriated \$650,000 for their study. Ipswich is also in process and will do a similar project combining two elementary schools. Other ineligible expenses were briefly described such as the creation of a full-size gym was at the allowable limit and no extra space was installed for seating because the city would have had to pay 100 percent of that expense with West Parish School. There are ways to increase reimbursement rate by building a "green" school and the West Parish is a lead Gold Certified School which got the city two extra percentage points on reimbursement.

**Council President Ciolino** said using a figure of \$500,000 for a Feasibility Study, the city's expectation would be a reimbursement rate 59 percent of eligible expenses and wouldn't have to absorb the entire cost of the Feasibility Study and the new school.

**Councilor Gilman** pointed out that during the pre-construction and construction of the new West Parish School there was an on-going Q&A on the School District's website as a way for interested citizens to have an easy way to get answers about the project. Accurate and timely information makes a difference, she pointed out. **Mr. Pope** said they would do everything they can to expand on that concept and expressed his agreement with Councilor Gilman.

**Councilor Cox** asked if the Administration had identified where funds for the Feasibility Study are to come from. CAO, **Jim Destino**, said possible sources are: Stabilization Funds, Free Cash, or a loan authorization. The most important thing to remember, he said, is that there were 89 schools evaluated and 17 schools were chosen by the MSBA based on need. This is the first phase and another vote to come, he pointed out. He said that the Administration has yet to fully define the funding source.

**Councilor Memhard** said it is encouraging to know they can bring Ward 1 up to the same standard as Ward 5. He asked about how the consolidation fits into the district's new schools program -- is it a given at this point, he asked. **Mr. Pope** said it is not written in stone, but a number of factors went into the decision by the School Committee to put East Gloucester School before the MSBA first and to look to create a consolidated school. He said it is being financially responsible noting the difference between building two individual facilities versus one consolidated facility. A consolidated school will get the most students into a new facility the quickest, he pointed out.

**Councilor Gilman** said if it is the plans of the School Committee to combine two schools why is the application going in as the timeline for the East Gloucester School. **Mr. Pope** said they applied for East Gloucester because it showed the most need. They told the MSBA if an appropriate site can be identified they would consider consolidation of East Gloucester and Veterans'. **Councilor Gilman** noted at the point of where they were hoping to have added extra headcount to meet the capacity at West Parish they were restricted to do that because of what was in the initial application. She asked if a similar situation will occur to inhibit the city's ability to get a larger school because they are entering into the process as just East Gloucester. **Mr. Pope** said in the discussions with the MSBA they indicated they are in favor of consolidation. The reason they couldn't build a bigger West Parish School was "convoluted" because it was the year that saw the closing of the Charter School and St. Ann's School and the district had an unexpected influx of students as a result which was the district's argument when they said they needed to build a bigger school. They did get a compromise from the MSBA for a bigger school and reimbursed the city for a bigger school than enrollment projections showed but

not substantially bigger. The capacity for that school is about 400 students with an enrollment projection of 365 students. There is no issue in combining schools.

**Councilor O'Hara** asked for clarification as to the site location. **Mr. Pope** responded by saying that: a site for the new school isn't finalized and that the MSBA wants them to look at all sites available including a renovation at either sites or off site, city or private property. There is a report that is submitted on all sites to be considered and will be done by professionals. Each will be monetized to get a better sense of what can actually be done. There is land available in East Gloucester perhaps, privately owned and unoccupied, and there is a cost to that but it remains to be seen if it is viable. Any other city-owned property will be considered also. This is what the Feasibility Study is for.

**Councilor Memhard** said the site issues aren't going to be addressed during the Eligibility Period but thereafter. **Mr. Pope** said in November when all other requirements are met for that period, the city will then ask for an appropriation and then the Feasibility Study will take place and then hire an Owners Project Manager.

**Councilor Orlando** asked about the possible need to purchase a site; the purchase of the property is not reimbursable by the MSBA which was confirmed by **Mr. Pope** as well as reiterating a cap on site work.

**Council President Ciolino** suggested a joint meeting in early summer to continue the flow of information.

### Consent Agenda:

- **CONFIRMATION OF NEW APPOINTMENTS**
  - **MAYOR'S REPORT**
1. New Appointment: Fisheries Commission TTE 02/14/2020 Joseph B. Jurek (Refer O&A)
  2. Memorandum from Public Health Director re: request permission for increase in spending limit on the Vaccine Revolving Fund (Refer B&F)
  3. Memorandum from Harbormaster re: request acceptance of a grant from the Seaport Economic Council in the amount of \$80,000 (Refer B&F)
  4. Memorandum from Gloucester Public Schools' Director of Operations re: request creation of a new revolving fund for the West Parish School Before School Program and increasing spending limit on the Preschool Revolving Account (Refer B&F)
  5. Memorandum from Fire Chief re: request acceptance of a FY17 Mass Decontamination Unit (MDU) Deployment & Training Grant in the amount of \$2,000 (Refer B&F)
  6. Memorandum from CFO re: request Loan Order to fund the Gloucester High School Roof Project in the amount of \$5,000,000 (Refer B&F)
  7. Memorandum from CFO re: request Loan Order to fund Phase One of upgrades to the Haskell Dam in the amount of \$1,800,000 (Refer B&F)
  8. Memorandum from Senior Planner re: approval of final draft of the Housing Production Plan (HPP) (Refer P&D)
    - **COMMUNICATIONS/INVITATIONS**
    - **APPLICATIONS/PETITIONS**
  1. SCP2017-002: Wingersheek Road #105, Map 261, Lot 31, GZO Sec. 1.5.3(b); 3.1.6(b), and 3.2 for a building height over 35 feet (Refer P&D)
    - **COUNCILORS ORDERS**
    - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
  1. City Council Meeting: 02/14/17 (Approve/File)
  3. Standing Committee Meetings: B&F 02/23/17; O&A 02/20/17 (no meeting); P&D 02/22/17 (Approve/File)

### Items to be added/deleted from the Consent Agenda:

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

### Committee Reports:

#### **Budget & Finance: February 23, 2017**

**Councilor Memhard** explained the following three Supplemental Appropriations to the Council for their approval are all being funding from the same Water Enterprise Fund account:

- 2017-SA-19 is for police details related to ongoing CSO work. Money is budgeted for this purpose but is hard to predict exactly how many details are needed for any given project.
- 2017-SA-20 is for a long-time employee who has retired, a Utility Clerk, and this transfer will cover the sick buyback payout.
- 2017-SA-21 is for additional dam inspections and repairs. There was a three-year contract with a company for city dam inspections and have had some repairs made, but every time a dam is repaired it triggers additional inspections. The Committee was advised for FY18 funds by the Public Works Assistant Director that it is the department's intent to budget for some of this firm's work and inspections, but this transfer represents above and beyond what the Water Enterprise Fund had in its budget for FY17.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-19 in the amount of \$12,659.48 (Twelve Thousand Six Hundred Fifty Nine Dollars Forty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of paying for police detail(s) for the Water Enterprise Fund portion of the Combined Sewer Overflow (CSO) project.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2017-SA-19 in the amount of \$12,659.48 (Twelve Thousand Six Hundred Fifty Nine Dollars Forty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of paying for police detail(s) for the Water Enterprise Fund portion of the Combined Sewer Overflow (CSO) project.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-20 in the amount of \$6,906.38 (Six Thousand Nine Hundred Six Dollars Thirty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Retirement Sick Leave Buy Back, Account #600051-519011 for the purpose of paying out retirement expenses not budgeted in the FY17 Water Enterprise Fund budget.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2017-SA-20 in the amount of \$6,906.38 (Six Thousand Nine Hundred Six Dollars Thirty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Retirement Sick Leave Buy Back, Account #600051-519011 for the purpose of paying out retirement expenses not budgeted in the FY17 Water Enterprise Fund budget.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-21 in the amount of \$56,443.50 (Fifty Six Thousand Four Hundred Forty Three Dollars Fifty Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of covering a contract addendum for dam repairs not budgeted in the FY17 Water Enterprise Fund budget.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-21 in the amount of \$56,443.50 (Fifty Six Thousand Four Hundred Forty Three Dollars Fifty Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of covering a contract addendum for dam repairs not budgeted in the FY17 Water Enterprise Fund budget.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A a state grant that is a one-year Massachusetts Working on Wellness Seed-Funding Grant from the Massachusetts Department of Public Health passed through the Health Resources in Action in the amount of \$10,000. The term of the grant is from October 1, 2016 to September 30, 2017.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A a state grant that is a one-year Massachusetts Working on Wellness Seed-Funding Grant from the Massachusetts Department of Public Health passed through the Health Resources in Action in the amount of \$10,000. The term of the grant is from October 1, 2016 to September 30, 2017.**

**Councilor Lundberg** stepped away from the dais at 8:01 p.m.

**Councilor Memhard** said that the Council is being asked to accept two grants from the Department of Fire Services for the FY17 Student Awareness of Fire Education (S.A.F.E.) and Senior S.A.F.E. grants with no match. He recounted for the Councilors that these two grants have been awarded to the city for three years now and are part of the department's community fire prevention educational outreach. Lt. Barbagallo is the department's outreach coordinator for these programs, he noted. Fire Chief Smith informed the B&F Committee that the results of these programs have already yielded results statistically for the department and a better informed citizenry.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a FY2017 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,540 for the purpose of providing fire and life safety education to school-aged children.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to accept under MGL c. 44, §53A, a FY2017 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,540 for the purpose of providing fire and life safety education to school-aged children.**

**Councilor Lundberg** returned to the dais at 8:02 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a FY2017 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,796 for the purpose of providing fire and life safety education to seniors.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2017 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,796 for the purpose of providing fire and life safety education to seniors.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53, to appropriate \$20,981.56 for a Fire Department vehicle from insurance proceeds received from the city's insurer, Massachusetts Interlocal Insurance Association (MIIA) in the amount of \$20,981.56 for a loss payment for the Gloucester Fire Department's Engine #3, a model 2005 Sutphen.

**DISCUSSION:**

**Councilor Memhard** said that this is a payment for damages to Engine #3 from the city's insurer but exceeds the allowable total of \$20,000 -- total damages came to \$21,981. There is a \$1,000 deductible plus \$981 will be funded out of an account the city maintains for this purpose, he added.

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53, to appropriate \$20,981.56 for a Fire Department vehicle**

**from insurance proceeds received from the city's insurer, Massachusetts Interlocal Insurance Association (MIIA) in the amount of \$20,981.56 for a loss payment for the Gloucester Fire Department's Engine #3, a model 2005 Sutphen.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council, in accordance with MGL c. 44, §64 to approve payment of a FY15 invoice from Verizon Security Subpoena Compliance of San Angelo, TX, Invoice #2015207336 dated 06/10/2015 for the purpose of a specialized computer search to be paid with FY17 funds from the current FY2017 Police Department Budget account for a total of \$200 without a purchase order in place.

**DISCUSSION:**

**Councilor Memhard** recounted that the B&F Committee was informed by Interim Police Chief, John McCarthy that the Police Department needs to pay an invoice dated 06/10/2015 for \$200 for a specialized computer search by Verizon Security Subpoena Compliance of San Angelo, TX. He recounted a hostage situation that transpired at a motel on the Back Shore that ended with all parties safe, and there was a need for an emergency trace on a telephone which this bill reflects.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 to approve payment of a FY15 invoice from Verizon Security Subpoena Compliance of San Angelo, TX, Invoice #2015207336 dated 06/10/2015 for the purpose of a specialized computer search to be paid with FY17 funds from the current FY2017 Police Department Budget account for a total of \$200 without a purchase order in place.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A donations from the Cape Ann Women's Softball of up to \$100,000 for improvements to Mattos Field including, among other things: lighting, scoreboard and landscape improvements; and for payment of all other costs incidental thereto; the mayor is authorized to contract for and expend any donations and federal or state aid available for the improvements and to take other action necessary to carry out the improvements including the acceptance of any private grants or gifts received by the city on account of these improvements without further authorization of the City Council.

**DISCUSSION:**

**Councilor Memhard** said that explained that the Cape Ann Women's Softball League has put forward funds for donations to improve Mattos Field through their fundraising efforts, and this action transfers the funds to begin the work to light up Mattos Field.

**MOTION: On motion by Councilor Memhard, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A donations from the Cape Ann Women's Softball of up to \$100,000 for improvements to Mattos Field including, among other things: lighting, scoreboard and landscape improvements; and for payment of all other costs incidental thereto; the mayor is authorized to contract for and expend any donations and federal or state aid available for the improvements and to take other action necessary to carry out the improvements including the acceptance of any private grants or gifts received by the city on account of these improvements without further authorization of the City Council.**

**Ordinances & Administration: No Meeting-Holiday**

**Planning & Development: February 22, 2017**

**Councilor Lundberg** reported there were no matters for Council action from this meeting. He advised the Committee permitted the 2017 St. Peter's Fiesta and permitted a Pole Petition for underground conduit at 86 Middle Street for Comcast to service the Temple.

**Scheduled Public Hearings:**

1. **PH2017-010: Off-cycle recommendation from the Community Preservation Committee to appropriate \$9,500 from the CPA funds for the purpose of rehabilitation/restoration of the Legion Memorial Building at Washington Street #8**

**This public hearing is opened at 8:07 p.m.**

**Those speaking in favor:**

**Mary Ellen Lepionka**, Historical Commission member, conveyed the following information about the Community Preservation Committee's (CPC) request that the Council appropriate \$9,500 from the CPA funds for the purpose of rehabilitation/restoration of the Legion Memorial Building at Washington Street #8. This funding will allow for the assessment of the architectural condition of the American Legion building at 8 Washington Street which is a historically significant city landmark. The building's history was recounted briefly starting in 1804 as a meeting hall, the becoming the city's first Town Hall, and ultimately the Legion Building. She advised that the building is in great disrepair on the exterior. Grants available to the Historical Commission from the National Park Service and from the Mass. Historical Commission are off cycle from the city's grants and programs. Prior attempts to do something for the Legion were thwarted due to lack of a professional architectural assessment which is an important gateway and first step allowing for application to other grant funding sources. This is why the Historical Commission has applied for this off-cycle grant funding. The grant for the capital is the Mass. Preservation Planning Fund which is available because the Historical Commission has become certified as a local governmental body in the eyes of the State Historical Commission and now have access to this new source of funding. That grant deadline is March 24 and they are working with the Planning and Community Development Department to get the application completed and submitted by the deadline. The assessment will be done by a top rated preservation architect, William Remsen, who will assess what the current damage is and how to remediate it, but will also do a contextual analysis to look at historic factors and how a regular maintenance schedule might benefit the building. This documentation will be used for all future grant applications, and his work will provide a basis for the Legion Post to apply for grants for work on the building's interior. In addition, the American Legion building is a central monument in the city -- the city's first town hall and is a prominent place. She expressed appreciation for the CPC and their willingness to consider this off-cycle application.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 8:12 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appropriate up to \$9,500 (Nine Thousand Five Hundred Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, to the Gloucester Historical Commission, for the purpose of the restoration and preservation of the American Legion Building at 8 Washington Street (also known as Old Town Hall) in order to restore and preserve an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #4500. The project will be tracked in the Community Preservation Fund – Historic Preservation Capital Projects Fund #5806.

**DISCUSSION:**

**Councilor LeBlanc** offered his support and thanked Ms. Lepionka for her dedication. He recounted the Legion being worked on over 20 years ago when at that time he noted the city did a thorough job but the building is now in desperate need of renovation and preservation. He said he would support the CPC recommended funding.

**Councilor Orlando** commented this is one of the city's jewels, noting he had grown up around the corner from the Legion building. He said he would vote in favor of the application as this is a great use of off-cycle CPA funds.

**MOTION:** On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to appropriate up to \$9,500 (Nine Thousand Five Hundred Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, to the Gloucester Historical Commission, for the purpose of the restoration and preservation of the American

**Legion Building at 8 Washington Street (also known as Old Town Hall) in order to restore and preserve an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #4500. The project will be tracked in the Community Preservation Fund – Historic Preservation Capital Projects Fund #5806.**

**2. PH2017-011: SCP2017-001: Lindberg Drive #8, GZO Sec. 2.3.6(4) for arts, crafts and sale of arts or crafts if made on the premises**

**This public hearing is opened at 8:16 p.m. 1:15:05**

**Those speaking in favor:**

**HongWei Jin**, owner and applicant for a Special Council Permit (on file), Lindberg Drive #8, Map 123, Lot 84, and zoned R-80 asked that he be permitted to create an art gallery on his property, and to realign the parking configuration on this property to accommodate the proposed art gallery. He recounted that he and his wife came to Gloucester having been married at an inn on the Back Shore some years ago and returned to Gloucester having fallen in love with the natural beauty of the area as the right place for their home and art gallery business.

**Mr. Jin** reviewed the six criteria for a Special Council Permit under GZO Sec. 1.8.3 as follows:

1. Social, Economic or community need serviced by the proposal: This gallery will enrich the varieties of local art markets, boost the local art economy, attract more tourism and enhance art cultural exchange between the West and China. This gallery will provide a free, once a year Chinese Fine Art History exhibition for local middle and high school students. The gallery can also provide a scholarship for a local high school student who wishes to study Chinese fine art in China the summertime.
2. Traffic flow and safety: Lindberg Drive is a private drive, and traffic flow is very low. It is very safe.
3. Adequacy of utilities and other public services: Electrical service and city water are already in place, and the private septic system is already in place.
4. Neighborhood character and social structure: There is only one neighbor that is within 100 foot distance at 6 Lindberg Drive. Other three neighbors are about 500 feet away. It was mentioned that the neighborhood is comprised of seniors, with a clarification that the use of the word “white” as a descriptor of the composition of the neighborhood was used as a demographic description specifically by Mr. Jin. He described his neighbors as all being friendly (a Google map of the neighborhood was shown to the Council and placed on file).
5. Qualities of the Natural Environment: The area is wooded near Goose Cove with a good natural environment.
6. Potential fiscal impact: This gallery will generate notable tax revenue, but that further work will need to be undertaken to understand that full impact.

In response to neighbor’s concern, **Mr. Jin** said the previous owner used the property as “Magnolia Farm” to grow sprouts. His business, he pointed out, is completely through the internet and will not cause added noise to the neighborhood, and that all the visitors to his gallery are to be scheduled by appointment only. He advised there are two off-street visitor parking spaces on the property as approved by the Building Inspector. This property, this business will not cause any disruption to the neighbors, he added.

**Those speaking in opposition:**

**Julie Taliadoros**, 6 Lindberg Drive, speaking for herself and her husband, Jim, said this is a quiet neighborhood and the previous business at 8 Lindberg Drive caused tractor trailer trucks to come through the private drive regularly and caused the drive to become in poor repair which is maintained by the residents. She highlighted that during the P&D Committee’s Feb. 8 meeting there was a stalemate vote and that the art would be limited to being created by Mr. Jin’s family, all visitor parking would be entirely off-street parking, and that a granting of the permit would be to only and limited to Mr. Jin. If this is an on-line business, she pointed out that there has to be delivery trucks going to and from the home-based business. She expressed concern that this is a private way that won’t be able to withstand increased traffic caused by gallery patrons, tourists, and delivery trucks. She added that an unknown factor is how many family members will be on site to work on the business. The undue upkeep incurred by the increased traffic on Lindberg Drive will be borne by the other Lindberg Drive residents. The main reason for Councilor Cox voting in favor was noted to be the precedent of the 2010 permitting of a 70 Holly Street art gallery. She said this doesn’t mean that the entire neighborhood should be allowed to have home-based art galleries because of that one gallery permitting and isn’t a reason to permit another gallery. She expressed concern that the 70 Holly Street gallery has caused traffic concerns nearby and highlighted the narrowness and blind corners on Holly Street which leads to Lindberg Drive. This is a strictly residential area, she highlighted, saying that there are many areas of the city where art galleries are very welcomed, but Lindberg Drive is not the place for it. She expressed further concern that this permitting will incur issues for the entire residential neighborhood surrounding Lindberg Drive.

**Joan Lindberg**, 76 Holly Street, highlighted the traffic issues leading to Lindberg Drive on Holly Street especially the narrowness of Holly Street. She pointed out in some places cars must pull over to let another one go by driving in the opposite direction. She cited that there are no sidewalks for pedestrians either. A gallery is not welcome as it will create unsafe conditions, she said. She noted this is a business in a residentially zoned area, and that this is a private road kept up by the residents. Lindberg Drive is a place for children to be able to use for play and have a sense of safety, she said, and that there shouldn't be an increase of traffic. She said this isn't the right place for another art gallery business.

**Communications: Joanne M. Senos**, City Clerk, summarized three communications in opposition of the Special Council Permit as follows:

- Julie & James Taliadoros, 6 Lindberg Drive, cited traffic and parking concerns and the disruption of the quiet, wooded area on a small private cul-de-sac in a residential zoning district (submitted at P&D 2/8/17 meeting);
- Burton & Karen Cutler, 65A Holly Street expressed concern for permitting of another art gallery in a neighborhood with limited parking on a narrow part of Holly Street (submitted at P&D 2/8/17 meeting);
- Joseph Grace, 75 Holly Street, expressed concern for vehicle and pedestrian safety in that while there is precedent set by a Special Council Permit for an art gallery at 70 Holly Street, that portion of Holly Street where Lindberg Drive enters Holly Street as does his driveway is very narrow just below a steep hill, adding another gallery in the residentially zoned neighborhood will only make traffic issues worse.

**Councilor Questions:**

**Councilor Orlando** asked how many cars are expected on a daily or weekly basis. **Mr. Jin** said that two visitor parking spaces are sited on the property at 8 Lindberg Drive and visitors to the gallery would only be allowed by scheduled appointment. **Councilor Orlando** asked if there is an expected increase of vehicles by adding the gallery to the property. **Mr. Jin** said that the gallery will not cause much traffic with heavy trucks, and anticipated low traffic to his property. All parking is contained on the property, he reconfirmed. **Councilor Orlando** noted that a comment by a woman speaking in opposition expressed concerns about trucks coming to and from the property. **Mr. Jin** said he would convey the art to the place where it would be shipped.

**Councilor Gilman** expressed her welcome to Mr. Jin to the community. She then noted the description of an internet business; and expressed her assumption that a UPS truck will come into the neighborhood to pick up the art for shipment. **Mr. Jin** said he would deliver the art to the UPS, FedEx pick up sites or the U.S. Post Office himself. **Councilor Gilman** noted the Zoning Ordinance under which this application falls speaks to art work made at the gallery, "... crafts and sale of arts or crafts if made on premises..." and asked how much of this artwork will be made on the premises. **Mr. Jin** said that the majority of the art is created there and takes time to create and is limited production.

**Councilor LeBlanc** noted Ms. Taliadoros asked about the number of family members working for Mr. Jin and asked how many people will work for him in his home and parking for them -- will there be enough additional parking for them. **Mr. Jin** said there are three people at the residence -- his wife and son, who is in high school, and that is all. He said he didn't anticipate hiring anyone to supplement his family members. The two visitor parking spaces, he reiterated, are more than adequate even in the future.

**Councilor Nolan** noted there is off street parking, and open with a business license to operate out of his home. He asked how Mr. Jin would control or work in a situation where 25 people coming to the gallery at the same time. **Mr. Jin** said, "No." All visitors must come by a scheduled appointment only and that he will accept no visitors otherwise which controls the flow of traffic, he conveyed. Only two vehicles are allowed at a time, he pointed out.

**Councilor Orlando** noted that a comment by a woman speaking in opposition expressed concerns about trucks coming to and from the property. **Mr. Jin** said he would convey the art to the place where it would be shipped on his way to work which will also save him money.

**This public hearing is closed at 8:39 p.m.**

COMMITTEE RECOMMENDATION: On motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 1 in favor, 1 (Gilman) opposed, 1 (Lundberg) absent, to recommend that the City Council grant a Special Council Permit (SPC2017-001) under the Gloucester Zoning Ordinance, Section 2.3.6(4), Other Principal Uses, for Arts, crafts and sale of art or crafts if made on premises, for 8 Lindberg Drive, Assessors Map 123, Lot 84, Zoned R-80, to the owner and applicant, Hongwei Jin, to operate a gallery for the sale of art objects with a plan, and found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

- 1) The art gallery is to be located on the residential premises of 8 Lindberg Drive where the applicant resides and within the structures currently in existence;

- 2) The art to be offered for sale at the gallery shall be limited to the artwork created by the family of HongWei Jin;
- 3) The parking for gallery visitors shall be entirely off-street as shown on plans submitted to and approved by the City Council;
- 4) The granting of this permit is restricted to the applicant and current owner Hongwei Jin and shall expire when the applicant ceases to operate this gallery as approved.

#### **DISCUSSION:**

**Councilor Lundberg** explained he was absent at the P&D's meeting of Feb. 8, but said that he is not in favor of this application for several reasons, the first being Criteria #2 traffic flow and safety under GZO Sec. 1.8.3 for Special Council Permits. He explained that the real issue is Holly, Dennison and Bennett Streets which are like many roads in that area -- very narrow and not conducive to any kind of commercial activity. While it seems that an art gallery is a benign activity it is a commercial activity, in point of fact it is a commercial activity. The City Council previously approved an art gallery at 70 Holly Street, and according to some it hasn't worked out well, and the applicant may not be abiding by the parking conditions, which is a separate issue. In Ward 4 there are several art gallery owners who have decided that their particular residences are not suited to being used as a gallery and have relocated to places that are more conducive such as Jane Deering who lives in Annisquam on Arlington Street but established a small gallery on Pleasant Street as did Michael Wall another Ward 4 resident, who has a maritime gallery space on Pleasant Street in the Arts District. Having a business on Holly Street is detrimental to the neighborhood and asked Councilors to consider that part of the application has not been met, he concluded.

**Councilor Orlando** said the Council should not vote on this application based on any other nearby permitted gallery and any issues pertaining to it although citing there had been precedent set as indicated by Councilor Cox at P&D. He cautioned the Council to look at the merits of this application only. He expressed his appreciation for the efforts by the applicant to minimize the overall concern of the neighborhood such as access by appointment only to the gallery in a residential district. This is not Rocky Neck and its inherent traffic and on that aspect Councilor Orlando said he agreed with the neighbors. He said that this is why this type of application, unless there is a compelling reason against, why they should allow someone to improve their life and property. He said he would vote in favor of the application while reminding the applicant he should strictly adhere to the rules of parking off street and that if the business grows to where he wants to expand it maybe if additional employees are added that he consider moving the gallery off of his residential property suggesting a possible condition to that effect.

**Councilor Nolan** said he believed they should be able to do what with their own property, but this is a business and won't support this because while you should be able to what you want to do, in this instance this business will interfere with the neighborhood and the neighbors' piece of mind and so will not support the application.

**Councilor LeBlanc** said has weighed both sides of the issues pertaining to this application. He said he agrees with the opposition but also agrees that with internet shopping it is convenient and causes delivery trucks to enter every residential neighborhood frequently in the city because of it at all hours of the day. He spoke to living on a cul-de-sac with children playing in the area of the roadway in a perfect situation. With the restrictions placed for parking at the property to limit traffic by appointment only and that if adhered to it will be adequate but if not adhered to the Council can take another look at the permit. He said he would support the application should be judged on its own merits not on another neighborhood business. Mr. Jin will be a good citizen and good businessman for the neighborhood, he added.

**Councilor Gilman moved to amend the main motion by ADDING "Condition 5. The gallery owner, HongWei Jin, will be responsible for his own shipping of his own artwork at an off-site location," which was seconded by Councilor Orlando.**

#### **DISCUSSION ON THE AMENDMENT TO THE MAIN MOTION:**

**Councilor Gilman** said that delivery trucks driving in and out of this private drive is a major concern for the neighbors. She said she understood the limitations of a private drive owned by the residents. It would create less of a hardship to the neighbors, she pointed out, and recounted that Mr. Jin said he would be planning to bring his artwork to an off-site location for shipment without trucks on the drive. She said this would be a fair compromise and while it may be hard to enforce it would go a long way as a good faith measure.

**Councilor Cox** suggested that what if Mr. Jin orders from Amazon.com every day and receives frequent deliveries which have no relation to his business and asked how such a condition would be enforced as she said she didn't see how it could be enforced. She said she didn't agree with the motion to amend.

**Councilor Lundberg** expressed his agreement with Councilor Cox that this condition is unenforceable.  
**Councilor Gilman** withdrew her motion to amend with the assent of the Council.

**MOTION TO AMEND IS WITHDRAWN.**

**Councilor Cox** expressed that the Council should not punish this applicant for permit issues with a nearby gallery. She noted living downtown she has UPS, Tally's Fire trucks and mail trucks on her street on a daily basis. She said she understood it is a private drive and the neighbors have to improve their road, but this won't be a daily occurrence of delivery trucks greater than any other household. If there is a speeding issue on Holly Street the residents should be addressing that issue through their Ward Councilor. She pointed out that the Ward Councilor has already sought relief through city agencies for any violations for the nearby gallery's permit, and the same can be said for this application should it be permitted and have problems in the future. She said the Council's role is to also give people a chance to better themselves and improve their lives and so she is in favor of the application.

**Councilor Gilman** noted a comment made by the Building Inspector that if a neighbor thinks something is not compliant with Special Council Permit conditions, it is requested that the person submits a request directly to the Building Inspector.

**Councilor Orlando** said there is lots of different ways something can be enforced through the Building Inspector, the Council and civil courts, all are ways to remedy issues that may arise. As Councilor Cox said having grown up downtown with traffic and heavy trucks traversing the streets he was still able to ride his bicycle safely and freely as a youngster in that district despite the heavy traffic.

**Councilor Memhard** noted the enforcement aspect saying that the Council has to ensure that what they are creating is compatible with a residential neighborhood. Businesses change and evolve but with the current circumstances the request is reasonable and need to ensure the permit is enforceable.

**Councilor Lundberg** noted the application only speaks to Lindberg Drive but pointed out this is about the amount of the traffic that will be added to Holly Street, the main way to access Lindberg Drive. He said this application doesn't meet Criteria #2 of the six criteria under GZO Sec. 1.8.3 and is why he is against this application.

**Councilor Gilman** said she has to consider that when one of the neighbors, Ms. Taliadoros, in particular, had mention a past situation next door that had expanded beyond what was initially permitted became a hardship. She pointed out that these two neighbors have had a good dialog, there being only two neighbors on Lindberg Drive. She expressed sensitivity to what has gone on before, and that it is a residential neighborhood and wouldn't want extra traffic on the cul-de-sac. She said she will not be able to vote to support the application.

**Councilor Orlando** noted that Councilor Lundberg said that the application doesn't meet criteria #2 but that the Council needs to take the six criteria in its totality and five of the criteria are met.

**Councilor O'Hara** said this is a difficult situation -- Mr. Jin's artwork is beautiful but that this is in a residential neighborhood, and while he, personally, is business friendly, this isn't a business zone. The neighbors have concern as witnessed during the public hearing, he pointed out, noting also that other artists have their galleries away from their residences. He said he will not support the application but wished Mr. Jin the best in his endeavor selling his artwork.

**Council President Ciolino** noted Condition #2 contained in the main motion and expressed concern about it. He said his main concern is that it is a private road. Having driven by the location which is a private road, he said those residents have an expectation of privacy and likely wouldn't have purchased a home in a residential neighborhood next to a business had they known one existed. This is an imposition to the people who live there, he said. He noted he lived on a private road and wouldn't want to have a business next to his home, either. He said he agreed with the neighbors that this is the wrong location to grow a business and would vote against this application.

**MOTION: On motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 4 in favor, 5 (O'Hara, Ciolino, Gilman, Lundberg, Nolan) opposed, to grant a Special Council Permit (SPC2017-001) under the Gloucester Zoning Ordinance, Section 2.3.6(4), Other Principal Uses, for Arts, crafts and sale of art or crafts if made on premises, for 8 Lindberg Drive, Assessors Map 123, Lot 84, Zoned R-80, to the owner and applicant, Hongwei Jin, to operate a gallery for the sale of art objects with a plan , and found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:**

- 1) **The art gallery is to be located on the residential premises of 8 Lindberg Drive where the applicant resides and within the structures currently in existence;**

- 2) **The art to be offered for sale at the gallery shall be limited to the artwork created by the family of HongWei Jin;**
- 3) **The parking for gallery visitors shall be entirely off-street as shown on plans submitted to and approved by the City Council;**
- 4) **The granting of this permit is restricted to the applicant and current owner Hongwei Jin and shall expire when the applicant ceases to operate this gallery as approved.**

**MOTION FAILS (Note: A Special Council Permit must have six votes in favor to pass).**

3. **PH2017-012: Amend GCO Sec. 4-2 “Disturbing and/or feeding seagulls and pigeons” by ADDING subsections (a) and (b) re: disturbing and/or feeding of coyotes, gulls and pigeons**

**This public hearing is opened at 9:05 p.m.**

**Those speaking in favor:**

**Jennifer Holmgren**, 385 Magnolia Avenue, said she supported this measure for the safety of the citizens and their pets and wild animals.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:06 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 4-2 “Disturbing and/or feeding seagulls and pigeons” by striking the word “seagulls” and replacing it with the word, “gull(s),” throughout Sec. 4-2 including its title, and by ADDING subsections (a) and (b) as follows:

“Sec. 4-2. Disturbing and/or feeding of coyotes, gulls and pigeons.

- (a) No person shall disturb or feed any gulls, pigeons, terns or waterfowl on any streets or sidewalk on public property or anywhere in the downtown area.
- (b) No person shall feed either directly or indirectly any coyotes on any public or private property.”

This matter will be advertised for public hearing.

#### **DISCUSSION:**

**Councilor LeBlanc** explained these ordinances are in place because of those folks who feed gulls and pigeons creating a private nuisance, but feeding coyotes that should not be fed.

**Councilor Gilman**, acknowledging her co-sponsor of the Council Order, Councilor Memhard, pointed out that the reason “...public or private property.” was added was at the suggestion of Interim Police Chief McCarthy. Knowing several places where baiting of coyotes was an issue it is why it was added. She also noted that the use of the term “gull(s)” is appropriate through the state Department of Recreation and Conservation. She noted she’s only heard support for this amendment.

**Councilor Memhard** said this action is a reasonable safe and prudent step for public health and safety.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Sec. 4-2 “Disturbing and/or feeding seagulls and pigeons” by striking the word “seagulls” and replacing it with the word, “gull(s),” throughout Sec. 4-2 including its title, and by ADDING subsections (a) and (b) as follows:**

“Sec. 4-2. Disturbing and/or feeding of coyotes, gulls and pigeons.

- (a) No person shall disturb or feed any gulls, pigeons, terns or waterfowl on any streets or sidewalk on public property or anywhere in the downtown area.

**(b) No person shall feed either directly or indirectly any coyotes on any public or private property.”**

**For Council Vote:**

**Note – This matter was taken up after “Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees” by the assent of the Council.**

**1. Proposed amendments to City Council Rules of Procedure**

**Council Vice President LeBlanc** called for and accepted a motion from **Councilor Lundberg**, seconded by **Councilor Nolan**, to accept the Council Rules of Procedure amendments as presented.

**Council President Ciolino** noted that there was a question of the Charter and Rules of Procedure and noted that Roberts Rules of Order shall prevail on all matters not specifically covered by these Council Rules of Procedure.

**REVIEW OF CHANGES TO COUNCIL RULES OF PROCEDURE**

**Councilor Gilman** noting that under Rule #4, Item #E and #F. Communications and Rebuttals respectively should be reversed and sought a definition of rebuttals and it is about two people talking to each other and it would be odd to rebut something that is being read as it is not a dialog and that this, she said, is a correct order. She said this made sense to her. **Councilor Orlando** after briefly describing a similar issue in a courtroom setting expressed his agreement the reversal of order of these two subsections of Rule #4 were appropriate.

**Council President Ciolino** noted the complete rewriting of Rule #11 for the hiring of the vacancies in the positions of City Clerk or City Auditor. He then pointed out Rule #15, item #3 to only have a roll call vote on the school budget only if there is a dissenting vote.

Rule #16 is concerning Council citations proposed by **Councilor Cox** who noted it was contained in the Council packet. **Council President Ciolino** noted that there is an additional rule, #17.

**Councilor Gilman** reviewed a new Rule #17 (mis-labeled Rule #16) “Use of Social Media for Communication of City Information, tweeting and facebook and briefly described why she was asking that the Council not change the wording as issued by city departments but rather share the same information as it was originally presented.

**Councilor LeBlanc** thanking Councilor Gilman for making this suggestion and instigating a healthy discussion on the matter. He then suggested that Rule #17 as proposed will be difficult to be adhered to because of updating issues through city departments and School Department. Social media is an instant form of communication with instant response expected when information is being shared with constituents, he noted.

**Councilor Orlando** said he understood the spirit of Rule 17 being offered but that it relies on each department to create something the Councilors can share on social media but it can’t always be done in a timely manner. He said when there is an existing post he duly notes it and shares it onto his web page but sometimes it doesn’t happen and suggested it is difficult to create a rule in this vein.

**Councilor Gilman moved to strike Rule #17, seconded by Councilor Nolan which was voted unanimously to be struck by the Council.**

**Council President Ciolino** noted there is flexibility in that if there is something that doesn’t work for the Council they can revisit the Rules of Procedure.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept the Council Rules of Procedure as amended.**

**Unfinished Business: None.**

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

**Update of the Poet Laureate Selection Committee by City Council representative, Councilor Paul Lundberg as follows:**

The ordinance requires a committee made up of representatives of a City Council representative, a member from the Committee for the Arts, a representative appointed by the Mayor, and two representatives from city literary organizations. The five member committee is now constituted; they are: John Ronan, Mayor Theken’s appointee, Judith Hoglander, member of the Committee for the Arts, Chris Anderson from the Eastern Point Literary House and Amanda Cook from the Gloucester Writers Center. The Poet Laureate Selection Committee will be sending out call for applications for Poet Laureate in the first part of March and the applications will be closed at the end of that month. The Selection Committee will deliberate and then make a recommendation to have a new Poet Laureate in

place by April 27 which is Poetry in your Pocket Day. He said this is an important city post and added he was sure the Selection Committee would find a good Poet Laureate candidate.

**Councilors' Requests to the Mayor: None.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:29 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Google map of Lindberg Drive by SCP2017-001 Applicant, Hongwei Jin

DRAFT

**BUDGET & FINANCE MEETING MINUTES**

**03/09/2017**

**(UNDER SEPARATE COVER)**

**Ordinances & Administration Committee**  
Monday, March 6, 2017 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**-Minutes-**

**Present:** Chair, Councilor Steve LeBlanc; Vice Chair, Councilor Jamie O’Hara; Councilor Nolan  
**Absent:** None.

**Also Present:** Jim Destino; Chip Payson; Meredith Fine

The meeting was called to order at 6:00 p.m.

**1. Appointments and Reappointments**

**A. Management Appointment**

Community Development Director	Daniel Smith	TTE 02/14/18
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Mr. Smith’s appointment is continued to 3/20/17.

**B. Appointment to Board, Committee, Commission or Council:**

Fisheries Commission	Joseph B. Jurek	TTE 02/14/20
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Mr. Jurek’s appointment is continued to 3/20/17.

Waterways Board	Russell Sherman, Peter Yung	TTE 02/14/20
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**Mr. Yung** explained that he was on the waterfront committee at the Annisquam Yacht Club and sits on three committees there. He noted he is a member of CERT. He said he wishes to see more revenue raised for the waterfront and entice transient boaters to the city. Councilor LeBlanc said they have to find a happy medium between commercial fishing and recreational boaters. He noted he sits on the Waterways Board as well as the Council’s liaison.

Both **Councilors Nolan** and **O’Hara** expressed their thanks to Mr. Yung for stepping forward to volunteer.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Peter Yung to the Waterways Board, TTE 02/14/20.**

Mr. Russell’s appointment is continued to 3/20/17.

Capital Improvements Advisory Board	Leonard Gyllenhaal	TTE 02/14/20
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Mr. Gyllenhaal’s appointment is continued to 05/15/17.

**C. Boards, Committees, Commissions & Councils Reappointments** (Cont’d from 02/06/17):

Affordable Housing Trust	Michael Luster	TTE 02/14/19
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**Mr. Luster** conveyed that matters for the Affordable Housing Trust are slow, but they are meeting on a quarterly basis. They have awarded some funds over the last eight years, and expressed his desire to serve another term on the AHT.

**Councilor LeBlanc** briefly discussed the various city projects that affordable housing is associated with coming forward with Mr. Luster.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Michael Luster to the Affordable Housing Trust, TTE 02/14/19.**

Clean Energy Commission	John Moskal	TTE 02/14/19
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**Mr. Moskal** explained that there are several more grants expected for the city's Green Community status. He mentioned that the DPW has been a great partner highlighting the recent conversion of city street lights to LED.

**Councilors Nolan** and **O'Hara** expressed their appreciation for Mr. Moskal's volunteerism.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint John Moskal to the Clean Energy Commission, TTE 02/14/19.**

Fisheries Commission

Angela Sanfilippo

TTE 02/14/20

**Ms. Sanfilippo** expressed to the Committee her desire to continue to serve on the Fisheries Commission. The entire Committee thanked Ms. Sanfilippo for her tireless advocacy on the behalf of the city's fishing industry with **Councilor LeBlanc** calling her the hardest working woman on the waterfront in a near tie with Mayor Theken.

**Ms. Sanfilippo** said there is a lot of excitement on the Fisheries Commission with the upcoming Seafood Expo in Boston, and many projects are in the offing.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Angela Sanfilippo to the Fisheries Commission, TTE 02/14/20.**

Open Space & Recreation Committee

Charles Crowley, Susan Hedman

TTE 02/14/20

Both Mr. Crowley and Ms. Hedman's reappointments were continued to 03/20/17.

Zoning Board of Appeals

David B. Gardner

TTE 02/14/20

**Mr. Gardner** conveyed that the Zoning Board of Appeals is doing well, meeting once a month. He said the Board does its best to make fair and equitable decisions. **Councilor LeBlanc** mentioned that from time to time applicants that appear before the ZBA need their hands held to which **Mr. Gardner** expressed his agreement indicating that the ZBA is sensitive to those situations.

**Councilor Nolan**, saying that Mr. Gardner is an asset to the Board, and was joined by **Councilors LeBlanc** and **O'Hara** in expressing their thanks to Mr. Gardner's for his dedication to the ZBA.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint David B. Gardner to the Zoning Board of Appeals, TTE 02/14/20.**

2. *CC2017-002 (Orlando) Request third party audit to determine whether the consolidation of the following departments for the city, school and Police departments would achieve benefits/cost savings to the city: Human Resources, Payroll and IT (Cont'd from 02/06/17)*

**Councilor LeBlanc** recounted as this matter was taken up at City Council at its 02/14/17 meeting and a Request to the Mayor was forwarded by the Council the, and so this matter is considered closed.

**Jim Destino**, CAO, updated the Committee recounting that they have already had a meeting on this matter which is progressing which he said will take a little time, but it is progressing.

This matter is closed.

3. *CC02017-004 (Gilman) Amend GCO Sec. 22-277 "One-hour parking-Generally" re: Holly Street (Cont'd from 02/06/17)*

**Councilor LeBlanc** conveyed that Councilor Gilman, unable to attend the meeting due to a prior commitment, had forwarded a statement by email (on file) which he read into the record: "Having attended the Traffic Commission meeting on 2/23/17, I support their recommendation as stated on their draft minutes (on file) of their recent meeting. Initially my reasons for submitting the one-hour parking order was to support the parking needs for

those patrons using the post office and restaurant. Restaurant General Manager, Melissa Donati, was observing a pattern that some members of the public would leave their cars in one of those six premium parking spots all day and car pool to the quarries, beach, or hiking paths. At the meeting on 2/23/17 the Traffic Commission, in addition to the Willow Rest landlord, Audra Dainora and I, thought that adding a time of day to my initial order consistent with the hours of the post office AND the busy hours of the Willow Rest, would allow the public to use these spots for overnight parking.

I have checked in with Postal Carrier/Officer, David White, and he supports this one-hour parking as well, with time restrictions, for similar reasons as the Willow Rest. If it is the will of the O&A Committee, the wording on my proposed order CC2017-004 should be amended to state the following: "Holly Street, westerly side (easterly side of the traffic island) from its intersection with Washington Street, beginning at a distance of 35 feet in a northerly direction, for a distance of 50 feet. Hours of restriction to be 8:00 a.m. to 5:00 p.m."

**Councilor LeBlanc** said Councilor Gilman has been extremely proactive about traffic issues in the area of the Willow Rest, part of her ward, pointing out she has really stepped up to clearly define what it should be done to alleviate residents and business's concerns. He said that thanks to her efforts, traffic conditions in the area of the intersection of Holly and Washington Streets has vastly improved. He expressed his support of her Council Order as recommended by the Traffic Commission with a few minor changes.

**Councilor O'Hara** said he had spoken to Councilor Gilman today, as did Councilor Nolan. Both Councilors said that they would support this Council Order as recommended by Councilor Gilman and the Traffic Commission pointing out she made a great effort to reach out to her constituencies to come to consensus with all the traffic changes instituted in the area over the last year. **Councilor Nolan** called it a win/win situation for everyone.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-277 "One-hour parking-Generally" by ADDING: "Holly Street, westerly side (easterly side of the traffic island) from its intersection with Washington Street, beginning at a distance of 35 feet in a northerly direction for a distance of 50 feet. Hours of restriction to be 8:00 a.m. to 5:00 p.m.)."**

This matter will be advertised for public hearing.

**4. CC2017-006 (LeBlanc) Request the O&A Committee work with General Counsel to propose amendments to the City Council re; displaying of bongs, pipes and other smoking paraphernalia in storefront windows (Cont'd from 02/06/17)**

**Councilor LeBlanc** introduced the three proprietors of local smoke shops/paraphernalia sellers: Tyler Palm, Cape Ann Vapors; Sunny Patel, Sunny's Smoke Shop; and Mark Lundgren, manager of the Gloucester location of the Boston Smoke Shop. **Councilor LeBlanc** said there have been complaints from residents regarding window displays of paraphernalia, and so the Committee wanted to hear from these business owners. He highlighted that the Committee doesn't want to implement anything that would discourage business but rather wants to find an equitable solution for the businesses and satisfy residents at the same time. The main complaint is that displays in windows are, "in people's faces." He said he spoke to the owner of the Boston Smoke Shop about some recommendations to tone down that business's window displays. He pointed out that the Committee isn't looking to reduce displays to the point of giving a business an illicit look. He said he believed it was possible to set some kind of framework as to how paraphernalia products may be displayed, for instance. He mentioned visiting Mr. Palm's business which he indicated was discrete, in his opinion. He noted that the Boston Smoke Shop has been responsive to neighborhood concerns as has Sunny's Smoke Shop, and their willingness to be good business citizens of Gloucester.

**Chip Payson**, General Counsel, suggested that the Council needs to consider that there is a body of law that deals with the possession and usage of marijuana as things change over the next 12 months (pursuant to the legalization of the sale of recreational marijuana and its propagation). That is somewhat of a cloudy issue, he said. Under the statute there are some parameters, some of which the city can act on and may or may not wish to take. The Council may have an ability to put ordinances in place or craft something that deals with advertising or the appearance of the businesses. This whole area deals not just with the legalization of marijuana. He advised caution. Everything should be on the table, but a meaningful discussion with proprietors and the Council should be undertaken without legislation at this time. There may be options out there, he pointed out. He said Karin Carroll, the city's Public Health Director could not be here this evening. She is trying to come up to speed with the legalization of recreational marijuana and is at a forum on that subject this evening, he said.

The three businesses will only handle transactions with people 21 years of age and over, it was noted. **Mr. Lundgren** said Boston Smoke Shops took the model of the City of Boston regulations and adapted it to all their shops which includes no one under the age of 21 is not allowed in the store regardless if they are with an adult. All shop visitors are required in the Boston to be ID'd within 45 seconds of entering the business – and the business can be fined if that doesn't happen. He said that the Boston Smoke Shops try to go above and beyond, even hiring a commissioner to educate their employees. A large sign is posted at all locations saying that no one under the age of 21 is to enter stores. Their employees are trained to ID on the spot and how to handle that transaction appropriately. Most of their shops are in the Boston city limits, he advised.

**Mr. Palm** said if he thinks people visiting his shop are underage he cards them. He said if someone comes in with a child they can do so as he doesn't restrict it, and that there aren't such restrictions on their business through regulations set up by the city's Public Health Department that he was aware of. **Mr. Patel** said that ID must be provided to come in the store to conduct transactions and is the law for tobacco products. If kids come in to his store, they must show ID, he noted.

**Councilor LeBlanc** engaged in a discussion with **Mr. Payson** briefly about regulations and the state law with **Mr. Payson** expressing that this is a fluid situation with the state to be handing down regulations which may say you can't enter a business if you are under 21 years of age which may also apply to businesses selling marijuana paraphernalia. The state regulations and law may change and the city doesn't know yet, he pointed out. **Councilor LeBlanc** confirmed this evening's discussion is just about paraphernalia at this point. He reported that most of the Council received emails of concern about the Boston Smoke Shop display in the windows. He said it is about setting a standard, adding that it is an issue for most folks about discretion given the area that the Boston Smoke Shop and Sunny's Smoke Shop. This isn't about putting anyone out of business but to be supportive, he said.

**Mr. Lundgren** said on behalf of Boston Smoke Shop they want to be a part of the community and be active in it. He explained that the reason so many pipes were in the windows of his store was because that those window shelving units comprise most of their shelf space to hold their products. He mentioned the company's website where people can contact the store directly, find information and ask questions. He suggested that whatever parents explain to children about alcohol, they should explain the same about marijuana and its paraphernalia and how to be responsible. He said he's received positive emails from the community but doesn't want to make anyone upset, and want to hear from the public directly of their concerns.

**Councilor LeBlanc** said he was impressed having visited all three shops with the well-lit, professional, clean environments. He said they want to ensure these businesses stay in Gloucester. **Mr. Payson** said there are certain limitations that municipalities can place on commercial speech, in referencing limiting displays to the public for paraphernalia; they can categorize commercial speech if that the Committee and the Council want to go and is something they can look to craft along those lines. **Mr. Payson**, responding to an inquiry by **Councilor LeBlanc**, advised that vaping and paraphernalia is different than selling marijuana paraphernalia or for tobacco paraphernalia that can be used for marijuana. That, he said, becomes a bit more uncertain as to what may or may not be coming from the state in terms of the regulations. Zoning is an option, he pointed out, narrower restrictions on commercial speech in terms of what can be advertised; on how things are presented – there are avenues to restrict commerce and businesses within the city. It is done now with certain entities to be able to conduct their business only sited at the Blackburn Industrial Park and some types of businesses allowed at Kondelin Road, he noted.

**Councilor LeBlanc** asked if this is something that should be a licensing issue. **Meredith Fine**, Chair of the Licensing Board, said the Board discussed this issue briefly at their last meeting in February about paraphernalia. Just as the state is looking at new regulations on marijuana, the State Treasurer is also looking hard at liquor licensing. She reported that it is the sense of the Licensing Board that this matter seems like a Board of Health issue as much as it is a licensing issue. The Board has no expertise in this area, she said. She added that the underlying question is in terms of permitting, and what the permitting process is supposed to be solving. She said it is not the same underlying issues with alcohol, briefly recounting the history as to why alcohol permitting is as it is today, as it is with recreational marijuana. If they are trying to solve a public health issue, then it belongs with the Board of Health. If it is about Zoning, it belongs to the Planning Board, she suggested.

**Councilor Nolan** said he is not one to advocate interrupting business or deterring it. There is nothing before them that is a pressing situation, he cited. He said he wouldn't mind looking at the city of Boston's regulations. He touched upon children being brought into shops by parents. He said when complaints keep coming in, there always is a way to remedy situations. He urged self-policing by the businessmen, and to limit displays of paraphernalia in their shop windows but yet not hide things either. They want them all to work together, he said. He said he, too, received complaints about the Boston Smoke Shop window displays. He reiterated that there is nothing to act on at this juncture, he noted. He asked that **Mr. Lundgren** look into what he can do to limit/tone down his shop's window displays. **Mr. Lundgren** said the Council won't hear the support they get in general whether directly from

customers or through their various media accounts, but only the complaints. He pointed out that their business is surviving and doing well and says something about community acceptance. He said he would meet with the Boston Smoke Shop owners to discuss this matter. He highlighted that what is on display in his shop is well represented on the internet in all formats with no limitations as to who may view it. He welcomed the public to speak with him to hear their concerns.

**Councilor O'Hara** said when the business opened he was impressed with the lighting, and that the windows were spotless, speaking of the Boston Smoke Shop, but that lighting during the winter only served to highlight that business's products to the public as they passed by, pointing out that Washington Street is one of the city's main gateways, and so it is on many people's mind.

**Mr. Payson** reiterated to the business owners that recreational marijuana regulations are very fluid at this time and the city is waiting for the state to put forward regulations to determine what action to take.

**Councilor LeBlanc** said this is just a first step towards awareness of the issues. He said moving forward they will look to stay focused on a lower level and are willing to sit down with the businesses and with General Counsel to set up some guidelines, numbering the amount of shops that can be permitted, zoning, etc., for sale of paraphernalia when state guidelines become available in the near future. He said they will follow up with each of the owners as deemed necessary.

This matter is continued to May 1, 2017.

5. ***CC2017-007 (Memhard): Amend GCO Sec. 22-265 re: no right hand or left hand turn onto Eastern Avenue at its intersection with Rt. 128 for trucks 2 ½ tons or greater***

**Councilor LeBlanc** said that Councilor Memhard sent an email last week to him, noting that his order was asking to require the posting of signage that delineates a clear path for all trucks 2.5 tons or greater in the area of the intersection of Main Street and Eastern Avenue in for that area because of concerns raised by the residents of that immediate area. The Clerk of Committees reported that the Traffic Commission at its Feb. 23 meeting discussed the matter with the input of Barrett Pett, Administrative Aide to Sen. Bruce Tarr, that State DPW rules on Heavy Traffic Exclusions learning that MassDOT rules state that, "Numbered routes are ineligible for heavy commercial vehicle exclusions." This also applies to streets that intersect a numbered state highway. As Eastern Avenue is State Rte. 127, Mr. Pett had conveyed that he knew of absolutely no exceptions or waivers ever being made by MassDOT for this purpose. As a result, the recommendation of the Traffic Commission is that the City Council and the Mayor's Office work with the city's state legislative team and MassDOT to have signs installed that would suggest a "Truck Rote" informing trucks from Exit 14 to the East Main Street exit of Route 128 of the preferred route. The signs should be big enough to be seen by trucks. Additionally it was recommended that a sign should be posted at Exit 14 informing trucks that it is the exit for the Cape Ann Industrial Park (Kondelin Road).

**Councilor LeBlanc** said having observed the traffic; he said it is a difficult issue and needs to be addressed. He suggested that the big trucks need to be kept out of that neighborhood, which **Councilors O'Hara** and **O'Hara** agreed with.

By a unanimous vote of the Committee, a Request to the Mayor would be formatted and forwarded by the Clerk of Committees adding Councilor Memhard to that request, to be reflective of the suggestions of the Traffic Commission from its 02/23/17 meeting to work towards some kind of equitable resolution for trucks travelling lower Eastern Avenue and to address the expressed concerns of area residents.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:00 p.m.**

**Respectfully submitted,**

*Dana C. Jorgenson*  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**

**Planning & Development Committee**  
Wednesday, March 8, 2017 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-Minutes-

**Present:** Chair, Councilor Paul Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Valerie Gilman  
**Absent:** None.

**Also Present:** Gregg Cademartori; Matt Coogan

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

**1. Memorandum from Senior Planner re: approval of final draft of the Housing Production Plan (HPP)**

**Matt Coogan**, Senior Planner, introduced the city's Housing Production Plan consultant, Ralph Willmer, FAICP, Principal Planner, with the Metropolitan Area Planning Council (MAPC) who provided technical assistance for the drafting of the city's Housing Production Plan (HPP). He conveyed that the Council will need to adopt the HPP before it goes to the state's Department of Housing & Community Development (DHCD). He reviewed the two public forums in January and October 2016 briefly as well as a working group comprised of Councilor Paul Lundberg, city staff from the Planning and Grants divisions of the Community Development Department, representatives of the Affordable Housing Trust (AHT), the Planning Board, and a member of the Community Preservation Committee. The HPP is available for viewing on the city's website, he noted. He mentioned demographic information and how the city's housing stock accommodates what will happen in the city's future both for market rate and affordable housing needs as well as addressing the state affordability requirements.

**Mr. Coogan** noted that the HPP was pointed out as a way to address 40B\* requirements. If there is a HPP that outlines how a municipality is going to reach its 10% affordable housing goal and if reached that is considered "Safe Harbor" which means that if a 40B project came in, the ZBA has more leeway in approving or denying that application because the city has that plan. The Community Development Dept. has been focused on housing based on the Downtown Work Plan of 2013, all the CDBG projects, and a market TOD study done recently for the Railroad Avenue transit area. This Plan is a continuation of where the market is right now, whether there needs to be calibrations in the city's Zoning Ordinance to accommodate the city's future that goes beyond 40B and what the state requirements are.

*\*NOTE: The Comprehensive Permit Act is a state law which allows developers of affordable housing to override certain aspects of municipal zoning bylaws and other requirements. It consists of Massachusetts General Laws (M.G.L.) Chapter 40B, Sections 20 through 23, along with associated regulations issued and administered by the Massachusetts Department of Housing and Community Development. Chapter 40B was enacted in 1969 to address the shortage of affordable housing statewide by reducing barriers created by local municipal building permit approval processes, local zoning, and other restrictions. Its goal is to encourage the production of affordable housing in all communities throughout the Commonwealth. For the purposes of this statute, affordable housing is defined as a unit which could be purchased or rented by a household making up to 80% of the median income of the area. Such housing must be subject to affordable housing restrictions to preserve affordability in the long term.*

**Mr. Willmer** highlighted were the following items from the city's Housing Production Plan (HPP) (on file) as excerpted from a presentation document from the March 2 Planning Board Meeting (on file):

- This is a final draft out for review; the Planning Board adopted the plan last Thursday; then the Plan goes to Council, and the Council needs to adopt it, and then it goes to the state Department of Housing & Community Development for its review and approval.
- There are more than 100 communities that have approved on-the-books HPP's. This helps the city figure out how to get to the 10% goal but also what the real housing needs are for the city.
- **HPP:** Guides the production of housing -- A comprehensive housing needs assessment; establish affordable housing goals and objectives; analysis of development constraints (zoning and infrastructure were mentioned) as well as identify opportunities, and implementation strategies.
- Data came from the US Census Bureau and the MAPC on population trends. In 2010 the city's total population was just under 29,000 and, is expected to fall under 28,000 by 2030. In 2030 Gloucester will likely have a smaller population based on population decline by nearly 5% between 2000-2010 and is expected to decline further through 2030. Additional decrease in population between 2010-2030 is projected to be 4% but number of households is expected to grow 6% (12,500 to 13,218 in 2030). The average household size has declined from 2.38 persons/household in 2000 to 2.27 in 2010; and it is projected to

- further decrease to 2.13 persons/household in 2020 and 2.05 in 2030. This means 434 more housing units will be needed.
- Charts on Age of Householder, Age of Housing Stock (Note: about 50% of the city's housing stock was built before 1939) which leads to a focus on housing rehabilitation, and Types of housing units (less single family households and dwellings in Gloucester compared to local areas municipalities) were touched upon and that the city has more multi-family dwellings; 62% of households are owner occupied and 38% are renters; 1/3 of all households are comprised of renters over 65 years old. These trends are being seen across the country not just the Commonwealth. A 2014 market study for downtown Gloucester projected a need for additional for multi-family units in the range of 266 and 533 additional units, and is consistent with the 434 units projected in the HPP, which is designed to promote urban living among smaller households for which there is a higher demand which jives with the decrease in household size.
  - Gloucester's median household income is just over \$60,000; according to census data about 10% of the city's population is living in poverty -- that meets federal poverty guidelines.
  - Housing Cost Burden: A household is cost burdened if they pay more than 30% of their household income on housing. If households pay more than 50% then they are considered severely cost burdened. For Gloucester 43% of all households are cost burdened; 19% are severely cost burdened; 41% of owner-occupied households are cost burdened and 45% of renters are cost burdened; 65% of all low-income households (less than 80% Area Median Income or AMI) are cost burdened and 35% are severely cost burdened and 48% of households with people over 62 are cost burdened. Low income households and a significant number of households with head of household are over 62 need of some affordable housing than what is being seen now.
  - Housing Need by MAPC estimate for the city production: 434 new multi-family units and 192 new single family units are needed and are more significant in production than seen since 2010. Since 2010 there have been built 67 new multi-family unit and 168 new single-family units in actual production.
  - Subsidized Housing Inventory: The city sits at 7.2% now. The DHCD wants to see the city demonstrates it is producing additional housing units that get closer to the 10% goal for "Safe Harbor" to have more control over 40B projects – and need to see that progress either equal to ½ % a year or 1% every year. The ½ % number represents 66 units per year or 1% would be 133 units per year that would be affordable and are the target numbers for the city to strive for moving forward.
  - Rental and sales prices are in the plan; median sale prices. Rental costs: Gloucester is part of the Greater Boston Statistical Metropolitan Area. The numbers are skewed because it includes the higher cost market areas within this statistical metropolitan area. The figures show fair market rent and anecdotal data was also considered and is shown in comparison which gives the Plan benchmarks.
  - The HPP goes over in detail as to what the city is doing now, and the city has a strong housing plan which should be capitalized on and made aware to the public, in providing assistance to residents for financial or physical assistance – housing rehab programs, lead hazard control program, first-time home buyer programs; inclusionary housing; loan programs; and other resources available through the city and regional area non-profits and foundations.
  - DEVELOPMENT CONSTRAINTS: Zoning; Sewer/Water; Wetlands/Floodplain/Conservation/Coastal Vulnerability: It is a lengthy process for developers to build multi-family housing. Water and sewer infrastructure issues are more significant in some parts of the city than in others. There are some areas because of wetlands or conservation land can't be built upon, and be aware of climate change and future vulnerability.
  - There were two public forums were briefly touched upon, one last January, where they reviewed goals and objectives such as constraints. There is a list of comments received at that forum in the presentation documentation. At the second public forum in October 2016 they went into specifics of demographics and looked at strategies of the plan and identified people's priorities to identify specific sites for housing. Housing opportunity sites includes school sites being redevelopment, the downtown area, around the mass transit hub in city.
  - Zoning 5.2 Identifies and minimizes barriers to housing in the Zoning Ordinance which will entail a review of zoning regulations and complex special permit process; look for ways dimensional requirements could be tweaked to make it more friendly and parking requirements. Looking for ways to encourage mixed use to specifically encourage housing as an option in mixed use structures and looking at more ways to encourage accessory apartments; Explore modifications to the inclusionary housing ordinance to create incentives of the production of more inclusionary units while discouraging payments in lieu of building units; review

formula for how fee charged in lieu of construction of ownership and rental dwelling units is calculated. How the Affordable Housing Trust and CPA funds can be better used to leverage with other funds to figure out how that money should be used proactively going forward to either rehab units or help with financing of first homes or help developers finance Affordable Housing projects.

Responding to an inquiry by **Councilor Cox**, **Mr. Coogan** reviewed that at the Planning Board meeting, the Board approved adoption of the HPP, but that the Board asked to make clear that the city falls within the Greater Boston area and that the median income of Boston is \$98,500, significantly higher than Gloucester's median income which skews the city's numbers to some degree. He conveyed that one of the strategies is to hit the city's 10% goal which are all based on the Boston AMI and if the city meets that there are benefits to it -- the city can then dictate where 40B projects can go. They also want to make sure the HPP shows local need that goes beyond what Boston is showing. They should also look at 80% of the city's median income is in the \$40,000 range and the rentals are significantly higher for affordable. **Councilor Cox** mentioned this was a large part of the discussion at the second forum as to how skewed this number was for Gloucester. **Gregg Cademartori**, Planning Director, said they found examples that are calculated differently across the state, statistical areas are done individually and have found several communities that are in the same statistical range as Gloucester. While they may be compliant for the 10% mandate they may have a deeper need than is identified in that plan.

**Councilor Gilman** noted she attended at the March 2 Planning Board meeting. She expressed concern as to why they are looking at rates with the 80% that are so much higher than what the community is able to pay. She said they have a good sense of how the MAPC operates and asked if they have opportunities to influence how those rates could be adjusted so that it takes into account greater consideration for municipalities like Salem and Gloucester. The rates, she pointed out, are skewed. If the rates aren't considered realistic, this will lose its luster and forward movement. She asked if that 80% can be further adjusted so that Gloucester and Salem can have the right market rate for the local income. **Mr. Willmer** said those numbers are set by the federal Housing and Urban Development Department (HUD) and is what the numbers are associated. They try when doing these plans to fall within that same Boston/Cambridge/Quincy Metro Area. That number is usually reported, but frequently they try to tweak the plan to ensure that the analysis for Gloucester will include what the numbers should be for this city as opposed for numbers for the federal guidelines. They need to report it because those are the benchmarks that HUD uses, he pointed out. **Councilor Gilman** said if staying true to the city's actual numbers and not the 80% numbers because they're trying to be fair and reasonable, she asked how does that affect the city with Salem if they're doing Gloucester's adjustment to be true and Salem isn't. So a builder who is looking to put in, for example, a 40 unit development, and has to choose between the two cities, and following the true rate, she expressed her supposition that the developer will want to build in Salem because they won't make as much money in Gloucester. **Mr. Willmer** said he didn't have a good answer how to deal with that given these numbers come out of HUD and that drives the financing. **Mr. Cademartori** said as to competitiveness to site selection, Gloucester doesn't have policy in place right now that requires that, and so both communities are on the same playing field at this time, but it will depend on what direction policy wise the city chooses to take. He noted that Fitchburg is fairly close to Gloucester statistically, and they'd be talking about fair market rent for a one bedroom in the high \$700's versus what's the current FY17 data for Gloucester which is around \$1,350, a significant difference and would have to be carefully weighed in defining affordability. He cited that there are recommendations to look at the impact of an inclusionary ordinance to how to best serve the community but also looking at how it is being dealt with in other communities. The stronger the housing markets in general, the greater ability to have inclusionary. The example of the city of Cambridge was touched upon, a community that is able to dictate a lot more of the rental market and have requirements for 80% median as well as 120% median income, which in essence is rent control. It goes back to the strength of the local housing market, he added. **Mr. Willmer** said that other option incentives can be offered in the inclusionary ordinance so that there are density bonuses if there are more units that are provided to address some of those lower income needs. This may lead a developer to do projects in the city. He noted that the MAPC urges that the city take a hard look at their inclusionary ordinance and make it attractive to developers.

**Councilor Gilman** asked that in all other municipalities MAPC works do municipalities won't accept Affordable Housing Trust contributions in lieu of building affordable housing units, is it common; and how does that affect the HPP goals. **Mr. Willmer** said they've been doing several projects doing these comprehensive reviews of by-laws and inclusionary ordinances. Many have an option to make a payment in lieu of development of units. The formula that's used to calculate that payment varies widely. Gloucester's it is pretty lenient and so it acts as an incentive for developers to make the contribution rather than develop units because it costs them less. The payment is so low compared to what they think it should be because it doesn't give the city the tools financially to do something significant. So while this may see several hundred thousand dollars go into an Affordable Housing fund, that won't subsidize the cost of building one affordable housing unit. If the will is there, the preference is to eliminate the

alternative and leave it to either build on site or build off site concurrent with the rest of the development of market rate units. If for some reason there is still a desire to create a third alternative where pay into a fund, that dollar figure has to be more realistic – that it be based on construction costs not on the delta of the market and the affordable rent or the building of a market unit versus an affordable unit. If the developer is constrained by the site parameters, if they make a payment into the fund it is a more realistic number or else if it is such a disincentive, then the developer finds the way to build the affordable housing on site. Another way if the developer is to offer a density bonus rather than paying into a fund to incentivize. A density bonus is that for every affordable unit built, a developer gets to build another market unit which helps subsidize an affordable unit. Another approach would be that the project moves forward by right if built on site but becomes a special permit if the in-lieu-of option is chosen. That alone could be an incentive to build units, he suggested

**Councilor Lundberg** said these are questions that could be addressed by the housing goals and strategies of the 10 goals. After this the HPP is adopted by the Council and it goes to the DHCD and is approved he asked who is responsible to seeing the HPP goals are addressed. **Mr. Cademartori** said this is a policy document, and the city hasn't had a good snapshot of the city's needs in quite some time. It is recommended to be adopted. A lot of the zoning piece in terms of impediments and creating an environment of incentives and holding developers accountable to meeting the city's needs and goals is a part of it. He explained that the Planning Board has adopted the HPP, and the ZBA, with the Mayor taking it very seriously on the provisions identified to create a policy that is consistent with this effort. They have the arms of the CPA and AHT whom they will meet with in the coming weeks and are part of the implementation process. He touched upon possible use of CPA funds more proactively more than Affordable Housing Trust funds, and suggested they could move forward with soliciting project to come forward to be tailored more along the lines of suggested within the HPP. He said the responsibility will fall to the Community Development Department, and will involve all aspects of the city to implementation. **Mr. Willmer** said the working group should get together and parse out who should be the responsible parties to deal with it. **Councilor Lundberg** said doing something about the in-lieu-of contribution is a great idea but is complicated but suggested that the working group could make some proposals. He said given what the Council is facing with the Fuller Mixed Use Project in the offing that would be something great to have as a tool and would be high up on the list. **Councilor Cox** commented it didn't seem they'd have it in place in time for that particular project.

**Councilor Gilman** said she liked the idea of going back to the Housing Work Group and fine tuning the action items for them all, and suggested they should come up with smart goals for the Council that they'll have to tackle and push forward. She suggested that she'd like to see things identified and broken out that the Council is responsible for and by function who else is responsible and that Councilor Lundberg bring back the Council goals and work forward from that there and have the same accountability for all groups. She pointed out the document was "wonderful" with an a high level of buy in, a lot of good process and wants to assure that it is a good document that is utilized.

**Councilor Cox** said pointed out that the Council will see that with the CPC recommendations coming forward next year for applications to try to do more housing if they utilize recommendations from the HPP to try to do more housing.

**Councilor Lundberg** said there are strategies that may require changing the Zoning Ordinance, and that would be where the Council comes in, but mostly this is driven by Community Development. Having the 10 goals is a good place to start, he said. They've just begun with the other groups, **Councilor Cox** pointed out. This is the document that starts to help set policy and acts as the basis for it, **Mr. Cademartori** reminded the Committee. He said it is something they're all recognizing this plan's importance to the city and its goals. **Councilor Cox** said the biggest step is to adopt this plan and to put the Council's weight behind the Community Development Department and to check in with the Planning Director as to any forward movement. **Mr. Cademartori** said there may be people who don't want to see change in their neighborhood but he pointed out that this is about creating housing to serve the needs of the entire community not just pockets within it. He advised that most of the recommendations the Council can expect to see will be about density, where that density will be positioned, and the processes.

The Committee lauded the HPP and the diligence of the Housing Production Plan Working Group, but especially Mr. Cademartori and Mr. Coogan.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council adopt the February 2017 Draft of the Gloucester Housing Production Plan, prepared for the City of Gloucester by the Metropolitan Area Planning Council.**

2. *SCP2017-002: Wingersheek Road #105, Map 261, Lot 31, GZO Sec. 1.5.3(b); 3.16(b) and 3.2 for building height over 35 feet*

**Attorney Wilhelmina Sheedy**, 76 Main Street, Rockport, representing Lawrence P. Costa, applicant and purchaser of Wingersheek Road #105, for a Special Council Permit for a height exception for a dwelling to be demolished at that address and reconstructed, that the new structure will be taller in excess of 35 feet in height triggering the need for this application reviewed the Special Council Permit application under GZO Sections 1.5.3(b); 3.1.6(b) and 3.2 as follows:

**OVERVIEW OF NEIGHBORHOOD:**

The neighborhood area where Wingersheek Road #105 is sited extends from the gatehouse off of Atlantic Avenue and extends beyond the end to the "Castles." The area is mix of small cottages to larger contemporary residences. The area is now subject to FEMA (Federal Emergency Management Agency) regulations which require any new buildings must be built upon pilings. It was conveyed that the applicant's, "hands are tied," and has to go up 9½ feet before even beginning construction. Regardless of the size of the property, it is the height that is the requirement under the FEMA regulations.

**SITE DESCRIPTION:**

The property is a double lot that could be subdivided with two larger homes on it. The applicant was concerned by subdividing the property it have a higher impact on the neighborhood and the environment with additional utilities, septic systems, driveways, cars, utilities and more people and so opted to develop property into a single residence. This will be a five bedroom home on the property now and the proposed new residence to be built will also proposed be a five bedroom home. The applicant is a Gloucester native and graduate of Gloucester High School who wants to come back and build this home. The home is designed to utilize geothermal, solar and other green initiatives with many considerations for the environment including the planning of 13,000 square feet (s.f.) of dune grass; building of a boardwalk to cross over the dunes (for access to Coffin's Beach) so the dunes aren't impacted by people. This proposed building meets all the city's zoning regulations. The applicant is allowed to build over 25 % of the site and the proposed building only covers 7.5 % of the site.

**PERMITTING THROUGH OTHER PERMITTING AUTHORITIES:**

The proposed building has gone through a Conservation Commission (ConCom) review on siting of the property and received an Order of Conditions. The Board of Health approved the septic system design, and the city's Engineering Department approved the drainage and grading plan for the property.

**REVIEW OF ELEVATION PLAN:**

**Ms. Sheedy** explained that despite meeting all the zoning regulations and approvals, because of the federal regulations, the height of the proposed residence has to go up 9.5 feet in order to make up for the increase that they have to start with. She then reviewed the elevation plan with the Committee (on file) as follows:

Sea level is considered at 00.00'; average grade is at 13.00'. Because the property is sited in a FEMA Flood Elevation, the applicant must start at 19.00' elevation. FEMA regulations also require that there can be no building within two feet of a FEMA Velocity Zone which raises the base height to 21.00', and then a steel girder has to be put in place with crossbeams before anything can be built. Therefore from 13' to 22' the building comes up 9½ feet. From that point, the 30' structure that would be built would reach the 39' 6" height. If the applicant went by right 30' from the 13' elevation at the bottom, they would be at the roof line.

**Ms. Sheedy** added that rather than building a structure that was bunker-like with a flat roof, it would be more traditional and in character with the neighborhood to put in a multi-gabled (hip) roof. Therefore the applicant is before the Council for the 9½ feet height differential. She conveyed it is the feeling of the applicant that he doesn't believe there is any obstruction of views by the height of the proposed structure or the overshadowing of abutting properties. She pointed out that in the design of the building there are two wings incorporated to help promote the views of the abutters. The abutters will see out of the front of their house and that isn't affected by this proposed project.

She then reviewed the six criteria found under GZO Sec. 1.8.3 as follows:

1. Social, Economic or community need served by the proposal: The property is located in an area of homes which are now required under FEMA regulations to be built on pilings. The residential structure will be consistent with the existing neighborhood and has been designed so that it will not impact any abutters' views. The project will limit future development and potential subdivision of the lot which would result in an additional house and more impact to the neighborhood and the environment.
2. Traffic flow and safety: There is no traffic flow and safety concerns as the building will be replacing an existing single family home.
3. Adequacy of utilities and other public services: There are adequate utilities and there will be no additional burden on other public services as it will remain a single family home. Already has city water and the BOH has approved the septic design.

4. Neighborhood character and social structure: This project is consistent with the character of the surrounding neighborhood and social structure. City Council has permitted several other properties in that neighborhood to exceed 35 feet.
5. Qualities of the natural environment: There will be no adverse impact to the natural environment. An Order of Conditions has been obtained from the Conservation Commission. The additional height will not affect the environment.
6. Potential fiscal impact: The construction of this house will not adversely impact schools or public safety and will provide tax revenue to the city as well as significant permitting fees.

**Councilor Lundberg** said that the Committee and Council is just the height exception and that the other dimensions under the Zoning Ordinance are met by right in terms of this proposal. He asked for the applicant's comment that the FEMA regulations have come in and require that the bottom of the structure be up that doesn't really require the city to require a height exception but has to come within the Special Council Permit process. Because of the FEMA flood maps, he added, they'll start seeing these types of residential proposals more frequently because it significantly changes what could have been built prior to the current federal FEMA regulation.

**Ms. Sheedy** added that under the FEMA regulations that if more than 50% of the building value is affected by renovation, the FEMA regulations requires that a house be placed on piling. **Mr. Cademartori** said this application is one of the more extreme cases. The ZBA has already ruled on several cases of a zone construction where the delta between ground surface and where a foundation has to end and where the habitable space can begin is on the order of several feet, but he reiterated that this is one of those cases where it is fairly extreme.

**Rob Gulla**, Architect for the applicant, 593 Essex Avenue, reviewed that: the property is sited in a valley which causes this extreme situation where anyone's "tabletop" starts at 21.00' FEMA Velocity Zone. They are forced to go up for 9½ feet and asked that the Council take into consideration this action is being taken because it is being driven by the FEMA regulations, and so they are taking the 9½ feet at the top. He said he suggested that his client build up more than out, that by stacking the floors there is an environmental efficiency and that the environmental impact is less. He noted that this is very linear structure giving the client better views by pulling the structure's "wings" back which was a consideration.

**Councilor Gilman** asked if the proposed new structure is in the same position as the existing house. **Mr. Gulla** said it is but that the new structure is being pulled further by 11 feet away from the existing footprint of the house from the ocean which was pointed out on the large plan to the Councilor. **Councilor Gilman** asked that by moving the house it would benefit the views of the neighbors. **Mr. Gulla** said, "Yes," that the impact is de minimus, and gives the neighbors a little bit more of an angle of view and will see piers to a deck but it wouldn't be two story structure to the edge which is the same principal as why the wings of the home are pulled back.

**Councilor Gilman** asked if they have consulted with the neighbors. **Mr. Gulla** said he had consulted with one neighbor who expressed concern to him about the project. He said met with the gentleman at ConCom when this matter was before that body for which he had to recuse himself because he serves on the Commission. The issue this gentleman had was the closeness to their property. He asked the neighbor if they could do vegetation or fencing to help with that neighbor's privacy at the ConCom level and explained the basic principles. He said the neighbor was still concerned. **Ms. Sheedy** said she spoke with an abutter who contacted her several days prior who expressed concern about looking at piers, and she advised she offered that perhaps the applicant could put up breakaway walls so they're not looking at piers. The gentlemen, she said, indicated he didn't want to look at anything at all and asked if the applicant would be interested in purchasing his property for \$2 million. This abutter said his property is right up against the property line because it is preexisting non-conforming, but that the applicant meets the zoning setbacks she said, and there is nothing more she said she could suggest or that the neighbor offered to address his concerns. **Councilor Gilman** pointed out it isn't the purview of the Council to speak to the size of the structure but only to its height. **Councilor Lundberg** added that the applicant is well within their right to be within the footprint of the Zoning Ordinance as it exists.

**Councilor Gilman** said before the public hearing she would like to visit the site. **Councilor Lundberg** said he was there today and viewed the site and suggested the Councilor do the same as he found it helpful. **Ms. Sheedy** pointed out that if they built a flat roof it would be offensive to those who pass by it either by water or by land. The attic is uninhabitable, **Mr. Gulla** said. **Councilor Gilman** confirmed it is basically the roof that is 9½ feet up. **Mr. Gulla** framed it as building a 30 foot house but then FEMA requires it be higher and be built on pilings and are asking for relief for what FEMA took away from the applicant. If you are an abutter, **Councilor Gilman** said they could see through the house. **Mr. Gulla** confirmed one abutter would likely see under the house as that particular abutter's home also is sited in the same valley, and another abutter sited slightly higher will be viewing a high dune.

**Councilor Cox** said a view is not by right. The Council tries to be respectful of that but is not something they can govern, she said. Across the street is Essex County Greenbelt land, **Ms. Sheedy** noted. **Councilor Gilman**

asked how many houses are on pilings in the Wingaersheek vicinity. Over 35 foot the Council has already permitted, **Mr. Gulla** said 25, 27 Wingaersheek Road is situated on piers, and there are several more in the immediate area. He reiterated that anyone who spends more than 50% of their home's value to renovate will fall under the FEMA regulations, and that the FEMA regulations are pushing everything higher. He also mentioned preservation of dunes, why boardwalks are important to preserve barrier beaches versus footpaths through the dune barrier area and described the situation of storm erosion in the area in the past.

**Councilor Gilman** said she would vote in favor of the application at this time and will go to view the site carefully, listen to those in favor and in opposition to the Special Council Permit and reserves the right to possibly change her vote at the close of the public hearing on the matter. **Councilors Lundberg** said this is the Committee's recommendation and reconfirmed there will be an advertised public hearing.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Lawrence Costa, through owners, William S. Hathaway, Craig H. Hawley and Virginia H. Raylean, Manager of 1928 Coffin's Beach Cottage LLC, for the property located at Wingaersheek Road #105 (Assessor's Map 261, Lot 31), zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 1.5.3(b), 3.1.6(b) for a building height in excess of 35 feet, and 3.2, for a home to be 39 feet 6 inches (for a total height increase of 4 feet 6 inches over 35 feet) for a Special Council Permit (SCP2017-002). This permit is made on the basis of the plans and elevations dated 2/22/17 by Robert Gulla Architecture, R.A., Gloucester, MA, submitted to the City Clerk on February 23, 2017. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.**

This matter will be advertised for public hearing.

3. *RZ2017-001: GZO Amendment Sec. 1.11(c) re: Creation of a Mixed Use Overlay District including properties at #2 and #4 School House Road and #7 Gloucester Crossing Road (Cont'd from 02/22/17)*

**Councilor Lundberg** advised that the Planning Board continued their public hearing on the rezoning matter and that the P&D Committee hasn't yet received the Board's recommendation and as such this matter is continued to March 22.

**This matter is continued to March 22, 2017**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:00 p.m.**

Respectfully submitted,

*Dana C. Jorgenson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**



## GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2017-013  
**SUBJECT:** RZ2017-001: GZO Amendment Sec. 1.11(c) re: creation of a Mixed Use Overlay District including properties #2 & #4 School House Road and #7 Gloucester Crossing Road

**DATE OPENED:** 03/14/2017  
**CONTINUED TO:** 03/28/2017  
**CONTINUED FROM:**  
**COMMITTEE:** P&D and Planning Board

### PUBLIC NOTICES

#### NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, §5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester City Council will hold a public hearing on Tuesday, March 14, 2017 at 7:00 p.m. in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Zoning Ordinance as follows:

**ADD** Section 5.29 "Mixed Use Overlay District (MUOD)" for the purpose of allowing a combination of retail, commercial, business, residential and/or community service uses benefiting the residents of the City of Gloucester. Such uses shall only be allowed by the issuance of a Special Permit granted by the Gloucester City Council.

And by amending the Gloucester Zoning Map by creating the Mixed Use Overlay District over the following area:

4 Schoolhouse Road, Assessor's Map 262, Lot 14,

2 Schoolhouse Road, Assessor's Map 43, Lots 4 & 5, and

7 Gloucester Crossing Road, Assessor's Map 262, Lot 37

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

A copy of the proposed amendment is available for viewing at the City Clerk's Office during regular business hours.

By vote of the City Council  
Joanne M. Senos, City Clerk  
GT - 2/23, 3/2/17

THIS PUBLIC HEARING WILL BE OPENED AND CONTINUED TO THE MARCH 28, 2017  
CITY COUNCIL MEETING



# GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2017-014  
**SUBJECT:** Loan Order to fund the Gloucester High School Roof Project in the amount of \$5,000,000

**DATE OPENED:** 03/14/2017  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** B&F 03/09/2017

## PUBLIC NOTICES

### NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **Tuesday, March 14, 2017 at 7:00 p.m. in the Kyrouz Auditorium, City Hall**, relative to the following loan order:

**ORDERED:** That the City of Gloucester appropriates the amount of **Five Million (\$5,000,000) Dollars** for the purpose of paying costs of roof repairs on the Gloucester High School located at 32 Leslie O. Johnson Road in Gloucester, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the GHS Roof Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty-Eight and Nineteen Hundredths Percent (58.19%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA and that, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

**FURTHER ORDERED:** That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**FURTHER ORDERED:** That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

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

**By Vote of the City Council**  
**Joanne M. Senos, City Clerk**  
GT - 3/3/17



## GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2017-015  
**SUBJECT:** Loan Order to fund Phase One of upgrades to the Haskell Dam in the amount of \$1,800,000

**DATE OPENED:** 03/14/2017  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** B&F 03/09/2017

### PUBLIC NOTICES

#### NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **Tuesday, March 14, 2017 at 7:00 p.m. in the Kyrouz Auditorium, City Hall**, relative to the following loan order:

**ORDERED** that **One Million Eight Hundred Thousand Dollars (\$1,800,000)** to pay costs of Phase 1 of the Haskell Dam upgrade project, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Sections 7 or 8, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any and all grants or gifts that may be available to the City to pay costs of this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**FURTHER ORDERED:** That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

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

**By Vote of the City Council**  
**Joanne M. Senos, City Clerk**  
GT - 3/3/17

LAW DEPARTMENT

MEMORANDUM

TO: Joanne M. Senos  
City Clerk

FROM: Krisna M. Basu *KMB*  
Assistant General Counsel

DATE: March 7, 2017

RE: City Council Decision  
38 Great Republic Drive

CITY CLERK  
GLOUCESTER, MA  
2017 MAR - 7 PM 1: 17

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Please find attached the decision for the above-mentioned property, as well as your file.

**In Re:**

<b>Application of Happy Valley Ventures</b>	)	
<b>for a Special Council Permit</b>	)	
<b>for 38 Great Republic Drive</b>	)	
<b>Pursuant to the</b>	)	
<b>City of Gloucester Zoning Ordinance</b>	)	<b>DECISION OF THE CITY</b>
<b>Section 1.5.3 (c)</b>	)	<b>COUNCIL OF THE CITY</b>
<b>Section 1.8.3</b>	)	<b>OF GLOUCESTER</b>
<b>Section 5.7</b>	)	
<b>Section 5.27</b>	)	
	)	
<b>SCP 2016-004</b>	)	

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The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision (“Decision”) with regard to the application of Happy Valley Ventures MA, Inc. (“HVV”) for a Special Council Permit (“Special Permit”) for 38 Great Republic Drive pursuant to Sections 1.5.3(c), 1.8.3, 5.7 and 5.27 of the City of Gloucester Zoning Ordinance (“Ordinance”).

The property is located at 38 Great Republic Drive, Gloucester and is shown on Assessor’s Map 263, as Lot 64 (“Site”). The Site is located in a Business Park (BP) zoning district. HVV seeks a Special Permit as required by Sections 1.5.3(c), 1.8.3, 5.7 and 5.27 of the Ordinance. Section 1.5.3(c) of the Ordinance sets out the documentation required for a Special Permit application; Section 1.8.3 lays out the standard for issuing a Special Permit; Section 5.7 outlines the criteria for Major Projects; and Section 5.27 outlines the criteria for Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities.

On September 7, 2016, HVV filed an Application for a Special Permit to construct and operate a medical marijuana treatment center and cultivation facility. The application is incorporated herein by reference.

On September 13, 2016, the City Council consented unanimously to remove this application from the agenda so that it could be reviewed by the Planning Board.

**PLANNING BOARD**

The Planning Board reviewed this Application on October 6, 2016 and October 24, 2016 and there was a Planning Board site visit on October 13, 2016.

On November 10, 2016, the Planning Board voted unanimously (6-0) to recommend to the City Council that it grant a Major Project Special Permit to HVV for a

Medical Marijuana Treatment Center and Medical Marijuana Cultivation Facility at 38 Great Republic Drive (Assessor's Map 263, Lot 64). The Planning Board stated that in the event that the Planning Board did not have the opportunity to issue a site plan approval prior to the issuance of a Special Permit, such Special Permit decision shall include the following condition: "The work described herein requires the approval of a site plan by the Gloucester Planning Board pursuant to Section 5.8 of the Zoning Ordinance. Any conditions imposed in such site plan approval shall be incorporated by reference."

### **PLANNING AND DEVELOPMENT COMMITTEE**

On September 21, 2016, the Planning and Development Committee ("P&D") voted to continue the hearing on HVV's application until October 5, 2016.

On October 5, 2016, P&D held a properly noticed meeting. Attorney Joel Favazza, representing HVV, explained that HVV is seeking to be permitted for a Registered Medical Marijuana Dispensary at 38 Great Republic Drive. The application was continued until October 19, 2016 to allow department heads time to issue recommendations. On October 19, 2016, the application was continued until November 2, 2016. This meeting was later continued to November 16, 2016. On November 16, 2016, the application was continued until December 7, 2016.

On December 7, 2016, P&D held a properly noticed meeting. Attorney Joel Favazza, represented HVV. Attorney Favazza stated that he met with the City's Chief Administrative Officer, Community Development Director, Police and Fire Chiefs, General Counsel and Planning Director. Attorney Favazza also stated that HVV hosted an open house to explain details and benefits of registered medical marijuana dispensaries (RMDs) to residents. Attorney Favazza further explained that HVV would develop a vacant parcel of land that will remain fully taxable, work closely with police, building and planning departments on protocols, code compliance and public safety, employ 50-60 people, and assist patients in the community who currently must travel to Salem to obtain medical marijuana.

P&D discussed the need for approvals from specific departments and that more detail was needed on various issues. P&D discussed adding conditions to make sure the requirements of specific departments are met.

After discussion, the Committee voted 3 in favor, 0 opposed to recommend that the City Council issue a Special Permit for Major Project for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. at 38 Great Republic Drive, Map 263, Lot 64 pursuant to Sec. 1.5.3(c), Sec. 1.8.3, Sec. 5.7 and Sec. 5.27.

## CITY COUNCIL

The public hearing was continued to December 13, 2016. On December 13, 2016, the City Council opened the public hearing on the Application at 8:09 p.m.

Attorney Joel Favazza appeared on behalf of HVV and stated that HVV is seeking to be permitted for a Registered Medical Marijuana Dispensary (RMD) at 38 Great Republic Drive. Michael Reardon, Chair and founding partner of HVV stated that they have a provisional certificate from the Department of Public Health. Attorney Favazza stated that HVV and the City entered into a Community Benefit Agreement. The Community Benefit Agreement allows for the City to participate in a growth revenue sharing plan receiving five percent of gross revenue by year three for a minimum of \$100,000 a year in addition to any assessed real estate taxes. The Community Benefit Agreement was entered into on May 23, 2016 between the City of Gloucester and Happy Valley Ventures MA, Inc. and is incorporated herein by reference.

Kris Krane of 4Front Ventures, Boston, MA explained that his firm has been retained by HVV to assist with protocols for RMDs. He explained the training and registration practices for all employees. David Hunt of American Alarm and Communications of Arlington, MA explained that his company was working with local law enforcement on HVV security plans.

Attorney Favazza explained that a Conservation Commission review is required before a building permit can issue as the property is in a buffer zone to a wetland resource area. The requirements for a Notice of Intent for the Conservation Commission are very detailed and costly. As a result, HVV decided to apply for a Special Permit first. He also stated that state law requires all other permits to be obtained prior to filing with the Conservation Commission.

Attorney Favazza stated that the requirement of GZO 5.27 have been complied with. Specifically, the proposed facility is 1,500 feet from schools, churches, playgrounds and other RMDs and 500 feet from residentially zoned property.

No one spoke in opposition to the Application. The City Clerk's Office received five communications in support of the Application and one communication opposed to the Application. By an informal show of hands at the request of Council President Ciolino, the majority of the members of the audience showed support for the Application; three audience members raised their hands in opposition to the Application. A representative from Mayflower Medicinals, a competing medical marijuana dispensary, advised that his client has no objection to both HVV and their dispensary going forward.

The City Council closed the public hearing at 9:11 p.m.

The City Council then read the recommendation of the Planning and Development Committee recommending that the City Council grant the Special Permit.

Councilor Lundberg made a motion to add an amendment with the following conditions; (1) require the approval of a site plan by the Gloucester Planning Board; (2) require the approval of an Order of Conditions from the Gloucester Conservation Commission; (3) require an “as built” site plan to be filed with the City Council, Planning Board, Engineering Department and Building Department; and (4) require a sewerage connection and discharge permit issued by the Department of Public Works. The amendment was seconded by Councilor Gilman.

The Council discussed whether these conditions are already required by statute and ordinance. The Council voted 3 in favor 6 opposed to amend the main motion. The amendment failed.

Councilor LeBlanc stated that he supports the application as it will ease the residential tax burden and will be beneficial for local contractors who are hired to build and maintain the facility. It is also the most secure site in the city. Councilor Orlando also supported the application and stated that it will increase tax revenue; the tax assessment will increase for the property and five percent of gross sales at a minimum of three years of \$100,000 will increase city revenue. Increased jobs will mean employees spending money in the City. Councilor Memhard also supported the application as a wonderful addition to the City’s industrial/commercial tax base. Councilor Gilman indicated that she supported the application as it will allow residents to obtain medical marijuana in Gloucester without driving to Salem. She also stated that pursuant to Section 1.8.3 or the Ordinance, there is a social and economic impact due to hiring local contractors and employees. Councilor O’Hara also supported the application due to the increased jobs and taxes. Councilors Nolan, Cox, Lundberg and Council President Ciolino also expressed support for the special permit.

### **FINDINGS OF THE CITY COUNCIL**

MOTION: The City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant the Special Council Permit for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures, Inc. Map 263, Lot 64 at 38 Great Republic Drive pursuant to Sec. 1.5.3(c), Sec. 1.8, Sec. 5.7, and Sec. 5.27 of the Zoning Ordinance.

### **GENERAL CONDITIONS**

1. The minutes of the Planning and Development Committee meetings and the December 13, 2016 City Council public hearing and all documents and testimony received during the hearings are incorporated into this Decision.

2. Each finding, term and condition of this Decision is intended to be severable. Any invalidity in any finding, term or condition of this Decision shall not be held to invalidate any other finding, term or condition of this Decision.

On \_\_\_\_\_, 2017, the City Council adopted this Decision.

Pursuant to Rule 25 of the City Council Rules of Procedure, the President of the City Council and the City Clerk have signed this decision demonstrating that it is a true and accurate reflection of the December 13, 2016 vote of the City Council sitting as the special permit granting authority.

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Joseph Ciolino  
President, Gloucester City Council

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Joanne M. Senos  
City Clerk

Dated: \_\_\_\_\_, 2017