

GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS

TUESDAY, August 22, 2017

7:00 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2017-016

MEETINGS ARE RECORDED



FLAG SALUTE & MOMENT OF SILENCE

1. Joint Proclamation of Mayor and City Council condemning hatred, racism and violence

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

1. Update on Ward Meetings from the Recreational Marijuana Task Force

CONFIRMATION OF NEW APPOINTMENTS

None

CONSENT AGENDA

ACTION

- **CONFIRMATION OF REAPPOINTMENTS**

- **MAYOR'S REPORT**

1. New Appointments: Licensing Board (TTE 5/18/18) Brian Hamilton (serving remainder of term for previous member) (Refer O&A)
Zoning Board of Appeals (TTE 2/14/20) Adria Reimer-Nicholosi (Refer O&A)
2. Memorandum, Grant Application and Checklist from Assistant Emergency Management Director re: Emergency Management Performance Grant (EMPG) (Refer B&F)
3. Memorandum from Interim Chief of Police re: acceptance of donation of a lease of two BMW i3 Electric Vehicles from Lyon-Waugh Auto Group and BMW of Peabody (Refer B&F)
4. Memorandum from Assistant DPW Director re: Request to pay FY17 invoices with FY18 funds, and payment of invoices without a PO in place (Refer B&F)
5. Memorandum from Interim Chief of Police re: application for the FY18 State 911 Support & Incentive Grant (Refer B&F)
6. Memorandum from Acting Community Development Director re: acceptance of Essex National Heritage Commission Grant through the Visitor Grant Program (Refer B&F)
7. Memorandum from CFO re: acceptance of donation to be used specifically by the Gloucester Archives Committee (Refer B&F)
8. Memorandum from CFO re: Loan Authorization for the repair and improvements of Brooks Road (Refer B&F)
9. Memorandum from Fire Chief re: September 11th Observance Ceremony on September 11, 2017 (Info Only)

- **COMMUNICATIONS/INVITATIONS**

1. City Council vote of August 9, 2016 regarding renewal of Rogers Street Parking Lot at #65 Rogers Street (FCV 9/12/2017)
2. Invitation to Fishermen's Memorial Service on August 26, 2017 (Info Only)

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

1. PP2017-005: Petition by Comcast to install underground conduit and manhole extensively from Dory Road & Blackburn Circle (Refer P&D)

- **COUNCILLORS ORDERS**

1. CC#2017-034 (Gilman): Amend GCO Ch. 8 "Fire Prevention and Protection" by ADDING section 8.6 entitled "Use of Sky Lanterns" (Refer O&A & Fire Dept.)

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

1. City Council Meeting: 8/8/2017 (Approve/File)
2. Standing Committee Meetings: B&F 8/17/17 (no meeting), O&A 8/14/17 (no meeting), P&D 8/16/2017 (Approve/File)

STANDING COMMITTEE REPORTS

ACTION

B&F 8/17/17 (no meeting), O&A 8/14/17 (no meeting), P&D 8/16/2017

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

SCHEDULED PUBLIC HEARINGS

1. PH2017-038: Repurpose of funds in Loan Authorization #2013-003 (amended March 28, 2017) for the repair and renovation of municipal buildings and purchase of equipment in the amount of \$2,475,000
2. PH2017-039: Petition for road repairs in accordance with GCO Article IV, "Repair of Private Ways" Sec. 21-80 et seq re: Brooks Road
3. PH2017-040: Citizens Petition to change Williams Court from one-way to two-way traffic, and Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-267 "One Way Streets – Generally" by DELETING Williams Court from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length in an easterly direction
4. PH2017-035: Amend GZO by ADDING Section 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 1.8.8,

- 2.2.1, and 2.3.1 accordingly; and AMEND Section V to add a new section 5.29 "Certain Pre-Existing Multi-Family Use" (Cont'd from 8/8/17)
5. PH2017-041: Amend GCO Ch. 21, Article IV "Repair of Private Ways", Sec. 21-80 through 21-86
6. PH2017-037: Local adoption of MGL Ch. 272, §80F which prohibits giving live animals as prizes or awards (Cont'd from 8/8/17)
7. PH2017-042: Amend GCO Ch. 4 "Animals" Article I "In General" by ADDING a new subsection 4-3 re: prohibition of giving live animals as prizes or awards
8. PH2017-043: Amend GCO Ch. 9 "Trash, Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12 which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12 (TBC 9/12/17)
9. PH2017-044: Amend GCO Ch. 9 "Trash, Recycling and Litter" by ADDING a new Article II, Sec. 9-20 "Prohibition of Polystyrene-Based Disposable Service Items", and ADDING a new Sec. 9-21 "Definitions" and AMENDING Ch. 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code." (TBC 9/12/17)
10. PH2017-029: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.8.3, 1.5.3(c), and 5.7 "Major Project" and 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" (TBC 9/12/17)

FOR COUNCIL VOTE

1. Warrant for Preliminary Election September 19, 2017 (FCV)
2. Decision to Adopt: Denial of SCP2017-009 River Road #36, Map 118, Lot 55 Use Table Special Permit for an Art Gallery (FCV)

UNFINISHED BUSINESS

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

Update of the Fisheries Commission by City Council Representative, Councillor Scott Memhard

COUNCILLOR'S REQUESTS TO THE MAYOR

ROLL CALL – Councillor Steve LeBlanc



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

NEXT REGULAR CITY COUNCIL MEETING, September 12, 2017

City Clerk

Minutes filed in City Clerk's Office of other Boards and Commissions filed August 4, 2017 thru August 17, 2017

Bd. of Health 7/19/2017; Council on Aging 6/6/17; Downtown Development Commission 6/5/17; Licensing Board 7/11/17; Sawyer Free Library 7/5/17; Special Events Advisory Committee 6/1/17; Zoning Board of Appeals 7/13/17

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.

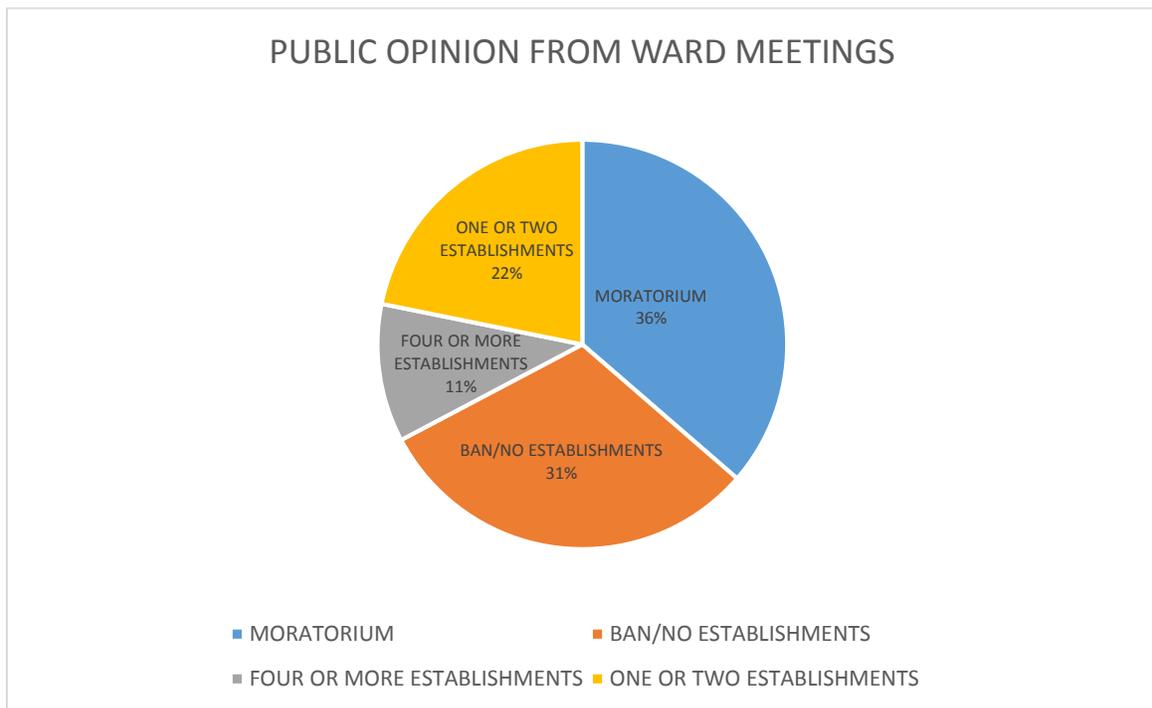
SUMMARY

Informational Recreational Marijuana Ward Meetings on Retail Establishments

August 13th thru 21st 2017

PRESENTED BY WARD COUNCILLORS AND THE RECREATIONAL MARIJUANA TASK FORCE

<i>WARD</i>	<i>DATE</i>	<i>RESIDENTS</i>	<i>CITY REPRESENTATIVES</i>
<i>1</i>	<i>8/16/2017</i>	<i>11</i>	<i>14</i>
<i>2 & 3</i>	<i>8/13/2017</i>	<i>14</i>	<i>8</i>
<i>4-1</i>	<i>8/21/2017</i>	<i>23</i>	<i>6</i>
<i>4-2</i>	<i>8/15/2017</i>	<i>23</i>	<i>7</i>
<i>5</i>	<i>8/17/2017</i>	<i>24</i>	<i>9</i>
		<i>Total: 95*</i>	
		<i>*several attended more than one session</i>	



The intent of the informational ward meetings was to seek public opinion from the residents of wards 1 through 5 regarding their stand on recreational marijuana establishments in Gloucester. The meetings were NOT related to medical use of marijuana (Chapter 369 of the Acts of 2012). At each meeting, a Ward Councillor and members of the Recreational Marijuana Task Force presented informational slides on the current law (voted on November 8, 2016) allowing recreational marijuana in Massachusetts. Members of the Task Force provided slides to all attendees with information regarding the *current law*, the *status of recreational marijuana retail establishments in other local communities*, *FAQs on recreational marijuana* the *effects of recreational marijuana retail establishments on youth*, and *public safety concerns*.

After the presentation, there was an open discussion between residents, ward and at large councillors, and the Mayor’s Recreational Marijuana Task Force serving as a panel. During the discussions, residents were asked for their opinion on whether or not the City should enact a *moratorium (until 12/31/18)*, impose a *ban on all retail establishments*, *allow the maximum number of retail establishments*, or *limit the number of retail establishments*. Attendees were also asked to comment on where they would prefer retail establishments be zoned.

OPTION 1: MORATORIUM (CITY COUNCIL ACTION)

*40 residents gave the following reasons for a **moratorium**:*

ZONING/BYLAWS/ORDINANCES

Comments:

- Moratorium will give the City more time to plan zoning and bylaws. All ordinance and legal foundations need to be in place prior to retail shops being open
- Let the State sort out their regulations and build a framework in Gloucester. We need to be prepared with by-laws and zoning
- Although Gloucester sometimes likes to be the leader, we need to get everything in order and in place
- Once you open the spigot and let the water flow, you can't go back - let's go slow and cautiously, there's a lot at stake
- Wait to see what other communities are doing. It's a concern if Gloucester is the only North Shore community selling recreational marijuana

EDUCATION/MARKETING

Comments:

- Branding issues: labels need to alert parents to underage safety issues
- There needs to be more time to address the problems of marketing retail marijuana and edibles to children
- Parents need to be educated
- Need to see the comparison of alcohol related issues vs. marijuana, particularly with youth
- Packaging needs to be secure. There are branding issues
- There is a pitfall of marketing to children

CCC REGULATIONS

Comments:

- Concern with allowing shops to open without knowing all of the regulations yet (Note: not finalized until 3/15/18)
- We need to wait until CCC determines definitions of testing and cultivation
- Need to wait until the CCC determines definitions of testing, cultivation, etc.
- A moratorium is wise so that the CCC can get things like driving tests in order and making sure packaging and advertising is safe
- Waiting for the CCC to finalize packaging and safeguards is wise - this should be thought of as a community issue, not a revenue issue, our kids matter

EDIBLES

Comments:

- Edibles are a concern
- Packaging needs to be secure and this will take time

LAW ENFORCEMENT TRAINING

Comments:

- Unknown how the State will test driving under the influence. This is another reason why a moratorium will help us get things in place first

TESTING

Comments:

- Testing should be in place before retail stores are opened

OPTION 2: ALLOW 4 OR MORE RETAIL ESTABLISHMENTS (CITY BALLOT VOTE)

12 Residents gave the following reasons for the maximum number of retail establishments:

ECONOMIC OPPORTUNITY

Comments:

- A benefit to being an early adopter is that people will come to Gloucester spending money that can't be spent on marijuana elsewhere
- Tax revenue can improve local infrastructure
- Economic opportunities will be lost if we hesitate with a moratorium
- We need the revenue

ALCOHOL IS PERMITTED, AND IT'S MORE DANGEROUS THAN MARIJUANA

Comments:

- Marijuana shops won't cause the problems that bars do
- Alcohol & tobacco kills, but marijuana does not
- Alcohol is more dangerous than marijuana
- Isn't alcohol more harmful?

WON THE VOTE

Comments:

- This was voted for a while ago
- Council should not get in the way and obstruct retail establishments, like what happened in Colorado
- Why is it complicated? We voted for this
- Gloucester should take a leadership role. This was voted for in 2016 and those who smoke pot follow the law
- This is what we voted for, there is a need here - there is a benefit of not having a black market

CAN BE USED FOR MEDICAL PURPOSES

Comments:

- Recreational marijuana can be used for people who can't get a medical card to get medical marijuana

DECREASE IN BLACK MARKET SALES/PERSONAL GROWING

Comments:

- The sooner recreational shops are opened, the less need there will be for people to grow it on their own and buy it on the black market

OPTION 3: RESTRICT TO 3 OR FEWER RETAIL ESTABLISHMENTS (CITY BALLOT VOTE)

24 Residents gave the following reasons for 3 or fewer retail establishments:

TEST WITH ONE ESTABLISHMENT

Comments:

- Try it and add more if it's working
- Zone one at Blackburn. Let's go slowly
- One at Blackburn is wise and an economic boost to Gloucester
- Could be a benefit to one or two, learn first and then decide to increase
- Start conservatively before expanding
- Start with one in an easy to access location (not a neighborhood, but off the highway, like New Hampshire's liquor stores)

REDUCTION IN BLACK MARKET SALES

Comments:

- If pot is legitimized, we are saving those wishing to partake from the black market

CAN BE USED MEDICALLY

Comments:

- Having topical products/cannabis for medical use available locally would be helpful. A medical card is too expensive

OPTION 4: BAN ALL RETAIL RECREATIONAL ESTABLISHMENTS (CITY BALLOT VOTE)

34 Residents gave the following reasons for a ban on all retail establishments:

PROTECTION OF CHILDREN

Comments:

- What are kids getting? Gloucester has an epidemic of controlled substances, opioids and heroin and there is crime associated
- Recreational Marijuana impairs the thinking of our youth. There is a huge social cost. Our kids are seeing this and the community need to influence their thinking
- We need to protect our kids. This is a huge issue with underage usage

EDIBLES

Comments:

- Edibles don't hit you until they are in your system for 45 minutes and then it hits hard. Sometimes youths keep eating more because they feel nothing at first. Hope that the CCC can improve guidance
- Concern about those 21 and under having access to edibles
- Edibles can be an addictive gateway drug
- The law [voted on] was not well articulated because we didn't understand the youth impact of edibles and underage usage

EDUCATION

Comments:

- We need to do education in our schools for parents and student on dangers of gummies and other edibles

DRIVING UNDER THE INFLUENCE

Comments:

- Concern that lots of people will be driving under the influence of marijuana to and from Gloucester, particularly if we are the only North Shore community with marijuana retail shops

SAFETY

Comments:

- This will require more law enforcement training
- Unclear how the CCC will require security access to retail stores
- It is tough to monitor traffic and people coming and going from a law enforcement standpoint. If people are coming into Gloucester, it's a problem

COST

Comments:

- How much is this going to cost us? 3% seems small and it can't be increased

WHERE SHOULD SHOPS BE LOCATED?

- Blackburn Industrial Park (frequently suggested)
- Downtown
- Not downtown
- Gloucester Crossing
- Wherever package stores are allowed
- Not in neighborhood convenience stores
- Not near school bus stops
- Not in Riverdale
- The Old Drive-In off 128
- A strip on 133
- Near the highway
- Near the train
- A place where parking is readily available

EMAIL COMMUNICATIONS SUBMITTED TO CITY CLERK TO DATE REGARDING RECREATIONAL MARIJUANA RETAIL ESTABLISHMENTS

Email received on 8/21/17 from D.C. who supports **no retail establishment** (and if there is to be retail establishments, supports not more than one, which includes the facility for dispensing medical marijuana) for the following reasons:

- A retail presence would corrode the progress Gloucester has and continues to make in improving the perception and the reality of drug use in the City
- One retail establish would afford the City an opportunity to gather data points that could be learned from - starting small would enable to the city to make necessary adjustments on multiple fronts

Email received on 8/16/17 from C.W., who supports **4 or more recreational marijuana retail establishments** for the following reasons:

- Take pot off the black market

Email received on 8/16/17 from D.C. who supports **legal action within the framework** that was voted on. Requests that city officials keep the legislation that passed by referendum in mind while implementing local rules.

Email received on 7/16/17 from J.M.T. who **supports recreational marijuana retail establishments** [number not specified] for the following reasons:

- Marijuana is not linked to deaths, unlike guns and alcohol, which are legal

Common questions that were brought up at these five forums will be submitted to the Recreational Marijuana Task Force for inclusion in the September 28, 2017 educational forum

August 16, 2017 – Notes for Recreational Marijuana Ward 1 Meeting

Attendance

City Representatives: Jim Destino, CAO; Karin Carrol, Health Director; John McCarthy, Interim Chief of Police; Joe Ciolino, Councillor at Large and Council President; Jaimie O’Hara, Councillor at Large; Paul Lundberg, Councillor at Large; Val Gilman, Ward 4 Councillor; Scott Memhard, Ward 1 Councillor; Melissa Teixeira, School Committee; Kathleen Clancy, School Committee; Dr. Richard Safier, Superintendent of Schools; Joel Favazza, School Committee; Rick Nonan, Planning Board; Grace E. Poirier, Assistant City Clerk

Residents: 11

Opening remarks were made by Councillor Memhard. Ms. Carroll reviewed the slides with attendees and answered questions with Mr. Destino and Chief McCarthy.

Constituent Questions and Concerns:

1. Unclear detail: regardless of the number of licenses permitted, there is still a zoning component and a special council permit is necessary, which means a store can’t open without going before City Council/City Board
2. Alcohol and tobacco kills, but marijuana does not, and marijuana is being compared to those, which isn’t fair
3. Questions about the results of the Colorado study
4. Question about financial impact in Colorado
5. Comparing Massachusetts and Colorado, in Massachusetts, growers can have their marijuana tested (this can’t be done in Colorado). Framingham is ready to do this
6. Will backpacks be searched in High Schools?
7. A concern is that edibles will get in the hands of teens
8. Marijuana should be located wherever liquor stores can open
9. Will smoke shops be allowed to sell marijuana? Why are the current smoke shops even here?
10. Facilities should be everywhere, but to ease into it, Blackburn would be a good place
11. In stores out west, you can’t through the door without valid ID
12. Is there a limit as to how much marijuana a person can purchase?
13. What communities are allowing it? What’s Salem doing?
14. Facilities should be downtown, and they should be treated like package stores.
15. Has there been discussion teaching parents what the edible marijuana looks like?
16. Is there a deadline to extend the moratorium?
17. Can the City impose a local option on the tax?
18. The sooner stores are opened, the less need for people to grow it on their own. If delayed, it will cause black market sales to increase. ‘Excess’ from growers should be made available to stores and not wind up on the black market
19. As recreational marijuana was voted a while ago, it is not a good idea to fear monger. Marijuana shops won’t cause the problems bars to
20. There is a benefit to being early adopters. People come here spending money that they can’t spend on marijuana elsewhere.
21. There needs to be time to address problems of marketing to kids
22. Concern about allowing shops to open without knowing all the regulations yet.
23. Edibles are a concern, and parents need to be educated

24. While we don't want to move faster than the State, 3% of nothing is nothing, and it would be good if Gloucester could be first
25. Can we reach out to Oregon?

After the question and answer session, Ms. Carroll took an **opinion tally** on options for a recreational marijuana retail establishments:

- 9 attendees were for a Moratorium
- 3 attendees were for a ballot questions for no establishments
- 4 attendees were for four or more shops being opened

08/13/17 – Notes on Recreational Marijuana Ward 2 & 3 Meeting.

Attendance – City Representatives: Jim Destino, Joan Whitney, Councilors Melissa Cox, Steve LeBlanc, Val Gilman, Paul Lundberg, School Committee Member Melissa Texeira, City Clerk Joanne Senos

14 Gloucester Residents and 1 out of town resident who is a teacher at Veteran's School were in attendance

Opening remarks were made by Councilors Cox and LeBlanc and they went through the presentation of the slides.

Jim Destino explained the law and the formation of the Marijuana Task Force. He also stated that Colorado has a blood test for driving impaired and Massachusetts does not have any mechanism in place at this time to test for driving impaired for recreational marijuana and edibles cannot be detected.

Constituent questions:

1. Where and what will the 3% local tax go to?
2. Whether a medical marijuana facility can also sell recreational marijuana by right and would that license count towards the 4 licenses that Gloucester is allowed to have?
3. Constituent questioned why there wasn't a member of the public or a doctor on the Marijuana Task Force?

The question was asked to the audience by Councilor Cox by show of hands whether to ban or vote for a moratorium. The majority of those in attendance would prefer a ban. (9)

A former high school football coach shared his personal experience and opinion that recreational marijuana should be banned.

There was a discussion with a constituent and Joan Whitney in regard to the potency and risks of today's marijuana on youth.

Ward 4-1 Forum on Recreational Marijuana Retail Establishments

Monday, August 21, 2017 United Methodist Church

Hosted by Val Gilman Ward 4 City Councilor

City Task Force Members in Attendance:

- Jim Destino (CAO), Joan Whitney (Healthy Gloucester Collaborative) Melissa Teixeira (School Committee) and Val Gilman (City Council)

Public Officials in Attendance:

- Paul Lundberg (At Large Councilor), and Jamie O'Hara (At Large Councilor)

Total attendees excluding Task Force and Public Officials:

23 attendees 80 % from Ward 4-1 and 4-2, 15% from Ward 5, and 5% from Ward 1 and 3. One attendee did not live in Gloucester but is seeking full time residency in Gloucester. She did not participate in the straw poll.

Introductory Remarks: Ward 4 Ward Councilor Val Gilman began the meeting by thanking Ward 4-1 residents, Julie and Bill Kesterson, as well as the entire Board of the United Methodist Church for graciously offering this welcoming community venue to hold this meeting. She asked the elected officials to introduce themselves in addition to the Recreational Marijuana Task Force members. She was clear that the forum was about getting input on Retail Establishments NOT medical marijuana which was voted on in 2012.

Presentation /Slides: Councilor Gilman reviewed slides 1-7 and referenced several back up slides in the packets to explain how many communities in MA have opted out (30 to date) and 80 doing moratoriums. When asked to what local communities are doing, she gave the following examples on slide 8.

Rockport 9/11 FULL BAN OR MORATORIUM;

Manchester 10/16 vote MORATORIUM;

Essex VOTED ZONING RESTRICTIONS;

Beverly, Danvers, Georgetown MORATORIUM;

Ipswich, Wakefield and Peabody BAN;

Councilor Gilman noted that she had researched other cities in MA similar in size of Gloucester and recently learned that Holyoke City Council just voted a MORATORIUM and New Bedford is in the process of Voting for a MORATORIUM and it is between subcommittee and full committee.

She also highlighted on slide 3 that per the law, a city or town cannot ban or modify edible marijuana sales from retail shops. Colorado has 50% of sales based on edibles.

She passed around examples of products including hemp pills, powders for hot drinks, incense, vapes, nasal sniffs, white chocolate with raspberry fruit, and gummy bears. It was noted by an attendee that the distributed samples were not authentic THC infused products. Councilor Gilman acknowledged that this was the case with the examples, but similar products with a similar look are offered with THC in states where recreational marijuana is legal.

Questions that came up during the session included the following:

1. If we vote for no to establishments initially, could we revote at a later date? YES.
2. Gloucester receives 3%. How about medical? How is that taxed? Jim Destino commented that we get 5% of gross sales was negotiated. Having said that, this 3% will not cover the costs of enforcement, legal, administrative support, board of health, education in our schools, etc. Retail shops and retail traffic will affect the budgets of all city departments who are already lean.
3. Does City have the ability to add additional tax? NO.
4. Where does this marijuana come from? Jim Destino explained that it is seed to sale. There will be various licenses available at the state including cultivation, recreational and medical.

Each option was discussed, including;

Option 1: A Moratorium

Option 2: Allow 4 or more retail establishments in Gloucester (NO VOTER ACTIONS) Council can zone to cap retail establishments after 4. Note: This would require a public hearing prior to the vote.

Option 3: Restrict to 3 or less retail Establishments CITY BALLOT VOTE on November 7, 2017. Wording needs to be determined by October 3, 2017.

Option 4: Ban all retail recreational establishments in Gloucester CITY BALLOT VOTE.

It was also noted by CAO Jim Destino, when asked, that zoning ordinances or by-laws shall not operate to prevent the conversion of a medical marijuana establishment licensed on or before July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment engaged in the same type of activity under this chapter. We have such a medical marijuana establishment now that is going through special permitting in Blackburn Industrial Park. Note: Medical Marijuana was approved by the voters in 2012. Several attendees questioned the legitimacy of this option.

It was explained by panel that the CCC won't have their policies codified until March 15, 2018 and it is challenging for cities and towns to develop bylaws and zoning without knowledge of the regulations set for the state.

Val Gilman reviewed the ground rules on brainstorming/sharing opinions and asked Joan Whitney (Healthy Gloucester Collaborative) and Jim Destino (CAO) to run this feedback session so she could assume the role of the note taker. She told those in attendance that notes of all five meetings will be available in the Council Packet for August 22nd as well as a cumulative summary of these forums that were held from August 13-August 21st in all five wards.

I. OPTION ONE MORATORIUM (14 in support one opposed)

Comments/Questions that were generated that show Moratorium support

This option was supported by 14 of the 23 attendees. One voted against a moratorium and three were undecided. The rest did not vote. It was noted that some voted for BOTH a moratorium AND a vote to consider fewer than 4 retail establishments in Gloucester.

NOTE: Councilor Gilman introduced this moratorium option and noted that a vote for this option is on the agenda for a public hearing and City Council vote at the Sept. 26th City Council Meeting. An attendee asked if the council was already committed to this option. Councilor Gilman said that all council votes are always predicated on public hearings. Our local volunteer boards make recommendations only. Councilors vote. Here are the comments that were voiced supporting this moratorium vote.

- If we opted for a moratorium initially, in order to see what the CCC determines and regulate, could we put an opt out on any annual city ballot? *Yes. (Jim Destino)*
- So then, if the Council voted a moratorium on 11/7/18, at that point we could still have an additional vote to opt out or have less than 4 establishments on the ballot. *Yes.*
- Once you open the spigot, and let the water flow, you can't go back. Let's go slow and cautiously here. There is a lot at stake.
- Not a bad idea to wait until we see what other local communities are doing. A moratorium allows that to happen. If Gloucester is the only one on the North Shore selling recreational marijuana at local stores, that is a concern.
- The pitfall of marketing to kids is not a good thing here. Waiting for the CCC to finalize packaging and safeguard is wise. Let's think about this matter as a community issue not a revenue issue. Our kids matter.

II. OPTION 2 Those in support of the maximum amount of retail stores (1 vote)

- Gloucester should take a leadership role here. We voted for it in November 2017 and those who smoke pot follow the law. Please don't condemn all the good folks who enjoy marijuana and who voted in favor.

- Has a philosophical disagreement with Monday morning quarterbacks challenging the state wide vote. This is what we voted for. There is a need here. There is a benefit of not having a black market.

III. **OPTION 3 Supporting 1, 2 or 3** (Voted by 7 residents)

- 2 voted for 3 shops, 1 voted for 2 shops and 4 voted for one shop.
- I like the idea of one, not in a neighborhood but in an easy to access locations, so that folks out of town can come in, buy recreational marijuana and leave. Similar to the NH State liquor stores that are lined up on highways and the traffic is not interrupting the neighborhoods and towns.
- Start conservatively before expanding.
- I need easy accessibility to topical products/cannabis for medical issues and a card is too expensive. Having these products available locally would be helpful. Currently I have to drive to Beverly Smoke Shop to purchase these products because local shops said that they were not allowed to sell them. This is the recreational marijuana trend in Colorado as well.

IV. **OPTION 4 Supporting None** (Vote by 7 residents, 5 opposed, and 3 voted undecided)

- Big concern for me is the proliferation of our kids. What are they getting? We have an epidemic in Gloucester of controlled substances, opioids and heroin problems and there is crime associated.
- I have witnessed shootings for Adderall. It is tough to monitor traffic and people coming and going from a law enforcement standpoint. If people are coming into our City, this is a problem. Recreational Marijuana impairs thinking of our youth. There are huge social costs here in Gloucester. Our kids are seeing this and our community needs to influence their thinking.
- Huge problem if we are the only one on North Shore selling recreational marijuana. The law was not well articulated because we didn't understand the youth impact of edibles and underage usage. I vote to ban all.
- We need to protect our kids. This is a huge issue with underage usage.
- Let it happen someplace else.
- How much is this going to cost us? 3% seems small and we can't increase this like we did with meals and hotel taxes.
- Retail establishments do not belong at the end of the line. We go up the line now to get good buys on liquor. Let's do the same with retail shops. For those who enjoy cannabis, you have enjoyed it for years and continue to do so. But why does it have to go in storefronts in Gloucester?

Brainstorming Zoning: CAO Jim Destino asked for opinions on zoning:

1. Gloucester Crossing an option but it is crowded.
2. Blackburn if zoned o.k. (3) But what would the different industries think about this?
3. Old Drive in off 128
4. Strip on 133. (out of town folks won't need to come over the bridge)
5. Some place near the train and highway.
6. A place where parking is readily available. Downtown is too congested.
7. Let's think of a place that won't interrupt things... like the out of state package stores in NH.
8. If we have to have them, do not go downtown or in neighborhoods please.

At 7:30 Councilor Gilman thanked the members of city administration and our task force, Joan Whitney and Jim Destino for attending the session and Melissa Teixeira (School Committee and Task Force Member.) She thanked Jim Destino for attending ALL five sessions as well as Melissa Teixeira. It is a huge commitment to work all day and then to attend meetings 5 nights out of 7 until 8:00 p.m. It is a testimony to our city and our desire to hear from its people. She thanked Councilors Lundberg and O'Hara for attending to hear from constituents.

She encouraged participants to remain involved and to review the timetable on slide 9. She encouraged everyone to write letters to jenos@gloucester-ma.gov to voice concerns. Joanne will send your emails voicing your opinions to all nine councilors, listed on slide 7. Finally, she again thanked Julie and Bill Kesterson for hosting the session and their warm hospitality welcoming community members from Gloucester. She thanked everyone who participated in the dialogue for being both passionate and respectful to contrary opinions.

These notes were taken by Val Gilman, Ward 4 City Councilor.

Ward 4-2 Forum on Recreational Marijuana Retail Establishments Tuesday, August 15, 2017 LCC

Hosted by Val Gilman Ward 4 City Councilor

City Task Force Members in Attendance:

- Jim Destino, Karin Carroll, Melissa Teixeira and Val Gilman

Public Officials in Attendance:

- Paul Lundberg (At Large Councilor), Joel Favazza (School Committee) * and disclosed that he is counsel to Happy Valley Medical Marijuana Business Entity and Rick Noonan (Director of Planning Board)

Total attendees excluding Task Force and Public Officials:

24 attendees 75 % from Ward 4, 23% from Ward 2 and 3 and one BOH Director from Manchester.

Introductory Remarks: Councilor Gilman began the meeting by thanking the Board of the LCC for allowing us to have this meeting at their community venue. She also thanked Frank Garrison for helping set up tonight. She was clear that the session was about getting input on Retail Establishments NOT medical marijuana which was voted on in 2012. She thanked Jennifer and CATV for videotaping tonight's session.

Ice Breaker: Why am I here? Councilor Gilman wanted to establish expectations and some of these questions that weren't answered in the session will be discussed at an educational forum planned for September 28th grant funded by the Healthy Gloucester Collaborative/Joan Whitney and the Board of Health/Public Health Director Karin Carroll

- To become more informed (3 responses)
- Learn more about possibly business and consulting opportunities for those businesses in progress and possible business/consulting opportunities for the future (3 responses)
- Follow through on what we voted for in November 2016 (4 responses)
- Listen to the opinions of others (2 responses) Councilors Gilman and Lundberg
- Learn what other communities are doing (2 responses) including BOH member from Manchester who noted that they are voting in a possible moratorium on 10/16/17.
- Learn more about what the City will do with 3% Tax Dollars received vs. what the state will do with their 17% tax dollars.

Presentation /Slides: Councilor Gilman reviewed slides 1-7 and referenced several back up slides in the packets to explain how many communities in MA have opted out (30 to date) and 80 doing

moratoriums. When asked to what local communities are doing, she gave the following examples on slide 8.

Rockport 9/11 FULL BAN OR MORATORIUM;

Manchester 10/16 vote MORATORIUM;

Essex VOTED ZONING RESTRICTIONS;

Beverly, Danvers, Georgetown MORATORIUM;

Ipswich, Wakefield and Peabody BAN;

Councilor Gilman noted that she had researched other cities in MA similar in size of Gloucester and recently learned that Holyoke City Council just voted a MORATORIUM and New Bedford is in the process of Voting for a MORATORIUM and it is between subcommittee and full committee.

She also highlighted on slide 3 that per the law, a city or town cannot ban or modify edible marijuana sales from retail shops. Colorado has 50% of sales based on edibles.

She passed around samples or products including hemp pills, powders for hot drinks, incense, vapes, nasal sniffs, and gummy bears. It was noted by several marijuana experts in the group that the distributed samples were not authentic THC infused products.

Each option was discussed, including;

Option 1: A Moratorium

Option 2: Allow 4 or more retail establishments in Gloucester (NO VOTER ACTIONS)

Option 3: Restrict to 3 or less retail Establishments CITY BALLOT VOTE on November 7, 2017. Wording needs to be determined by October 3, 2017.

Option 4: Ban all retail recreational establishments in Gloucester CITY BALLOT VOTE.

It was also noted that zoning ordinances or by-laws shall not operate to prevent the conversion of a medical marijuana establishment licensed on or before July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment engaged in the same type of activity under this chapter. We have such a medical marijuana establishment now that is going through special permitting in Blackburn Industrial Park. Note: Medical Marijuana was approved by the voters in 2012.

It was explained by panel that the CCC won't have their policies codified until March 15, 2018 and it is challenging for cities and towns to develop bylaws and zoning without knowledge of the regulations set for the state.

Val Gilman reviewed the ground rules on brainstorming/sharing opinions and asked Director of Public Health, Karin Carroll to run this session so Councilor Gilman could be the note taker.

I. OPTION ONE MORATORIUM

Comments/Questions that were generated that show Moratorium support

These comments came from about 6 of attendees and although we didn't do an official straw poll, about 25% of those in attendance.

NOTE: Councilor Gilman introduced this conversation and noted that this is on the agenda for a public hearing and City Council vote at the Sept. 26th City Council Meeting. It is being brought forward by the Planning Board. Rick Noonan, Planning Board Chair and Ward 4 resident, encouraged the public to also come to Planning Board meetings and share their opinion on a possible moratorium. She emphasized that these listening sessions and our notes would be presented to the full council at our August 22nd meeting. Summaries of these forums will be available to the public and she promised to post the ward 4 forum notes on www.facebook.com/valgilmanward4.

- Are their legal consequences with leaving the proposed date on the table for a moratorium as 12/30/18 if someone submits an application on July 1, 2018?
- CITY SLIDE: A reason for a moratorium on the slide is to provide time to study public health and safety issues, particularly for those under the age of 21.

Can you explain more? Karin Carroll explained the need for child tamper free containers and restricted advertising that does not appeal to underage minors, all tasks assigned to the CCC and not finalized until March 2018.

- The CCC charge to develop tamper free packaging needs to also be mindful to dogs. Comment: Although her vet said that the chocolate is worse for dogs than the THC/Cannabis.
- The DRE training required for police is a major requirement before retail stores open.

Will the state fund this or the city with our 3%? Note: Val Gilman explained that there are 120 officers in MA trained and none in Gloucester. Each officer trained will cost the state or city 12-14K for this course. The state should definitely pay for this training. (2 comments)

- Moratorium would give the city more time to plan zoning and by laws, all ordinance and legal foundations needed to be in place in Gloucester prior to open retail shops because the state approves the licenses, not the city. These sessions will help us identify where residents wish them to go. (2 comments)

- Not sure if she is against it yet even after hearing all the opinions. Thinks we should slow down, even with a moratorium so we don't rush. Our city already suffers from bad publicity.
- Moratorium is wise/let State sort out their regulations and build a framework in Gloucester. We need to have this in place before we start licensing shops. The State approves the licenses but we have to be prepared with by-laws and zoning. Planning Board Director suggests citizens attend their meetings as well as City Council meetings to be heard.
- What is in place for testing? Shouldn't this be in place before we open retail stores? In Colorado, you need to be a licensed provider to get tested. (2 comments)
- It would be timely to see the comparison of alcohol related issues vs. marijuana particular with our youth. Would be interesting to see what these numbers are in Colorado. NOTE: Karin Carroll said that recent surveys at O'Maley and GHS show that tobacco use is going down compared to state averages and marijuana and drinking have increased and we are now higher than the state average.

II. **OPTION 2 Those in support of the maximum amount of retail**

stores NOTE: Although we didn't do a straw poll, these comments predominately from from 7 of 24 attendees, or about 30 – 35% of those in attendance.

- Alcohol is more dangerous than marijuana. 30K accidents a year are related to DUI. Pot is a small issue compared to what alcohol has done in Gloucester. Do we have data that shows how many people who have broken the law are under the influence of pot? One researcher in the session suggested we look at this website, called SAFER. Note: I couldn't find it after the session but I did find the LEAP site that she suggested. <http://www.drugpolicy.org/resource/law-enforcement-against-prohibition-leap> (3 comments)
- Some people who need recreational marijuana for medicinal reasons can't get a medical card. Recreational will help them with their symptoms.
- Council should not get in the way and obstruct retail establishments like what happened in Colorado. Some shops were forced to close because zoning was brought in after shops opened.
- Let's just start with 4 and see how it goes before we increase it.
- Limit to 4.

- Why is this so complicated? We voted for this.
- We need the revenue. Colorado has too much money now earmarked for new schools, bridges and roads.
- We will lose economic opportunities if we hesitate with a moratorium
- Isn't alcohol more harmful? Suggested we go to a website called, SAFER and LEAP. LEAP is <http://www.drugpolicy.org/resource/law-enforcement-against-prohibition-leap>

III. **OPTION 3 Supporting 1 or 2** (Comments came from 5 residents or about 20% of attendees)

- One is sufficient to start/try it and add to it if it is working
- One is recommended initially, zoned at Blackburn Industrial Park. Let's go slowly.
- One at Blackburn is wise, people from out of town drive in, get their marijuana, and leave. Economic boost to Gloucester. We should test this out first and we don't want to be overwhelmed with too many strangers coming in and out of the community. NOTE: This was a suggestion from a person who was strongly in favor of retail establishments.
- Not in my backyard please. Riverdale.
- Could be a benefit to open 1 or 2 only. Learn first and then decide to increase to 3.

IV. **OPTION 4 Supporting None** 2 of 25 or about 8%

- If we have a ban, can't we still have it at home? YES.
- Attendee has a CDL and it is concerning to have a lot of people driving under the influence of marijuana to and from Gloucester.

Brainstorming Zoning : CAO Jim Destino asked for opinions on zoning:

1. Not in Riverdale
2. Blackburn (3)
3. No restrictions
4. Not in window fronts. We need guidelines in place proactively.
5. Not in my back yard. When medicinal marijuana was considered for Kondelin Road, a huge amount of residents came to speak up against this zoning proposal.

At 7:45 Councilor Gilman thanked the members of city administration, Karin Carroll and Jim Destino for attending the session and Melissa Teixeira (School Committee and Task Force Member.) She also thanked CATV for videotaping and the LCC, once again for providing the venue.

She encouraged participants to tell their friends to attend one of the remaining sessions including:

8/15 East Gloucester Elementary School Ward 1 6:00

8/16 Magnolia Library Ward 5 6:00

8/21 United Methodist Church Ward 4-1 6:00

These notes were taken by Val Gilman, Ward 4 City Councilor.

Ward 5 Forum on Recreational Marijuana Retail Establishments

Thursday August 17, 2017 Magnolia Library 6:00 p.m.

Hosted by Sean Nolan Ward 5 Councilor

Councilor Nolan asked At Large Councilor Jamie O'Hara to kick off the meeting on behalf of the Board of the Magnolia Library. Councilor O'Hara welcomed the task force and residents and explained some of the community benefits of the Magnolia Library.

City Recreational Task Force Members in Attendance:

- Jim Destino (CAO), Karin Carroll (Director of Public Health and Chair of Task Force), Melissa Teixeira (School Committee) and Val Gilman (City Council)

Public Officials (City Councilors) in Attendance:

- Ward 5 Councilor Sean Nolan, At Large Councilors Paul Lundberg, Joe Orlando, Jamie O'Hara, Ward 4 Councilor Val Gilman, Ward 2 Councilor Melissa Cox and Manchester Selectman Tom Kehoe

Total attendees excluding Task Force and Public Officials:

24 attendees 80 % from Ward 5, one from Ward 4, three from Salem, two on the Governor's new CCC advisory board, one from Ipswich, and one selectman from Manchester.

Note: Manchester Selectman commented that they are voting on 10/16 for a moratorium and was interested in learning how Gloucester was handling retail establishments.

Introductory Remarks: Councilor Gilman began the meeting by thanking Councilor Nolan for hosting the forum. She thanked Task Force members for attending, Jim Destino, Karin Carroll, and Melissa Teixeira.

She clarified that this forum was to seek community input on Retail Establishments NOT medical marijuana which was voted on in 2012. She said that she would review the first 7 slides and then allow for the majority of the listening section of the forum to be led by City Recreational Task Force Chair, Karin Carroll.

Presentation /Slides: Councilor Gilman reviewed slides 1-7 and referenced several back up slides in the packets to explain how many communities in MA have opted out (30 to date) and that (80 to date) are planning moratoriums. When asked what local communities are doing, she gave the following examples on slide 8.

Rockport 9/11 FULL BAN OR MORATORIUM;

Manchester 10/16 vote MORATORIAUM;

Essex VOTED ZONING RESTRICTIONS;

Beverly, Danvers, Georgetown MORATORIUM;

Ipswich, Wakefield and Peabody BAN;

Councilor Gilman noted that she had researched other cities in MA similar in size of Gloucester and recently learned that Holyoke City Council just voted a MORATORIUM and New Bedford is in the process of Voting for a MORATORIAUM and it is between subcommittee and full committee.

She also highlighted on slide 3 that per the law, a city or town cannot ban or modify edible marijuana sales from retail shops. Colorado has 50% of sales based on edibles.

She passed around samples or products including hemp pills, powders for hot drinks, incense, vapes, nasal sniffs, and gummy bears. She added to the samples three packaging samples from Oregon. She read section 29 of the 75 page House/Senate Bill approved in late July 2017 to highlight all of the packaging, advertisement and child resistant initiatives that need to be in place before the state begins accepting license applications in April 2018.

Each option was discussed, including;

Option 1: A Moratorium (This is on the City Council agenda for a public hearing and vote on September 26th) Please refer to the timetable in your slide package. The Planning Board Chair, Rick Noonan, who has attended two forums, is also encouraging residents to speak at the Planning Board public hearing on this matter. Check the city website for dates and times.

Option 2: Allow 4 or more retail establishments in Gloucester (NO VOTER ACTIONS) CITY COUNCIL CAN RESTRICT VIA ZONING IF OVER 4. This number is set at 20% of liquor licenses for a municipality.

Option 3: Restrict to 3 or less retail Establishments (CITY BALLOT VOTE) on November 7, 2017. Wording needs to be determined by October 3, 2017.

Option 4: Ban all retail recreational establishments in Gloucester (CITY BALLOT VOTE.) Wording needs to be determined by October 3, 2017

It was also noted by CAO, Jim Destino, that zoning ordinances or by-laws shall not operate to prevent the conversion of a medical marijuana establishment licensed on or before July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment engaged in the same type of activity under this chapter. We have such a medical marijuana establishment now that is going through special permitting in Blackburn Industrial Park. Note: Medical Marijuana was approved by the voters in 2012.

It was explained by the panel that the CCC won't have their policies codified until March 15, 2018 and it is challenging for cities and towns to develop bylaws and zoning without knowledge of the regulations

set for the state. Slide 15 further explains that on April 1, 2018, Chapter 94G requires CCC to begin to accept certain licenses, which include retail, manufacturing, cultivator, and testing licenses.

Val Gilman reviewed the ground rules on brainstorming/sharing opinions and asked Director of Public Health, Karin Carroll and CAO Jim Destino to run this session so she can take notes.

- **OPTION ONE MORATORIUM (11 of 24 voted in favor)**

Need to get zoning and bylaws in order (4 comments)

*Although Gloucester sometimes likes to be the leader, we need to get everything in order and in place.

* Right now we need to wait until CCC determines definitions of testing, cultivation... all this is currently under review.

* We don't know how the state will test driving under the influence. This is another reason why a moratorium will help us get things in place first.

*Packaging needs to be secure and this will take time. There is branding issues and labels to alert parents to underage safety issues. Recommended parents get lock boxes no different than locking their alcohol cabinets.

Will allow us to see what our neighboring communities are doing. (1 comment)

*What happens if everyone bans it around us? We can't handle beach traffic right now.

- **OPTION 2 Those in support of the maximum amount of retail stores** (0 were in favor of 4 or more)

- **OPTION 3 Supporting 1 or 2** (2 voted in favor of this option)

- If pot is legitimized, then we are saving those wishing to partake from the black market. People are finding it everywhere. Having said that, I also think that a moratorium is wise so that the CCC can get things like driving tests in order and making sure packaging and advertising is safe.

- **OPTION 4 Supporting None** (8 voted in favor)

Concerns about underage consumption of edibles (4 comments)

- There are no positive things for Gloucester to set up retail shops. It can be addictive/gateway drug. Big concern for parents and a problem in our schools
- Nothing positive here. Not sure what good it is. One thing for medicinal purposed but recreational is different. Concerns about those 21 and under having easy access to edibles.
- We need to do education in our schools for parents and students on dangers of gummy worms and edibles.
- Having been to Colorado, I learned that edibles don't hit you until they are in your system for 45 minutes and then it hits hard. Sometimes youth keeps eating more because they feel nothing at first. Hope that the CCC can provide guidance.

Concerns about city safety issues (1 comment)

- There are safety concerns that will need to be planned with a cash only business. This will require more law enforcement planning. Unclear about how the CCC will require security access to retail stores. Currently medicinal facilities have strict security and have locked doors throughout. Will recreational shops be secure? Lots of concerns.

Brainstorming Zoning: CAO Jim Destino asked for opinions on zoning:

1. Blackburn
2. Gloucester Crossing/Empty storefronts and adequate parking
3. Downtown near trains (comment from a Salem resident who is on the Governor's CCC Advisory Board)
4. Not in neighborhood convenience stores
5. Not near school bus stops

Questions that came up and were answered by the panel included:

Can we have a moratorium and a ballot vote? YES. The Council can vote on a moratorium but the voters still would need to vote in November for less than 4 retail shops.

Where does the 17% vs. the 3% for the City go? The state has not yet determined the budget for this program but realized that this was going to cost a lot more than they expected. Just the training for the Drug Resource Experts is 5 figures. The 3% our city will get won't even come close to all of the side issues that we are responsible for.

Will there be more than one type of retail license to obtain? Yes, an operator could have several licenses including retail, manufacturing, cultivator, and testing licenses.

At 7:00 p.m. Councilor Gilman thanked the members of City Administration, Karin Carroll and Jim Destino for attending the session and Melissa Teixeira (School Committee and Task Force Member.) She encouraged those in attendance to refer to slide 7 for the names and emails for the 9 City Councilors and asked that they send letter in support or against retail establishments in Gloucester. If residents wish to send one email to our City Clerk, Joanne Senos, she will send it to all councilors. Her email is jsenos@gloucester-ma.gov.

She encouraged participants to tell their friends to attend the last session on Monday 8/21 at 6:00 p.m. at the United Methodist Church on 436 Washington Street.

The summative results of the five forums will be reported to the City Council at the August 22nd meeting at 7:00 at Kyrouz Auditorium. A public hearing is scheduled for a possible moratorium until December 31, 2018 on September 26th. Finally, she reminded everyone that an educational forum will be offered in our city on September 28th, grant funded by the Healthy Gloucester Collaborative in conjunction with the Board of Health. All are encouraged to attend.

These notes were taken by Val Gilman, Ward 4 City Councilor.

City Hall
Nine Dale Avenue
Gloucester, MA 01930
CITY OF GLOUCESTER
GLOUCESTER, MA

2017 AUG 17 PM 3:41



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

TO: City Council
FROM: Sefatia Romeo Theken, Mayor
DATE: August 17th, 2017
RE: Mayor's Report for the August 22nd, 2017– City Council Meeting

Councilors:

Please see the below Mayor's Report representing the last August submission and among the final summer packets. As we look ahead to the fall season, we wish our students, parents, teachers, school administration and staff our best as they have been hard at work preparing for another fruitful academic season. Also ahead are Gloucester's local elections, including a preliminary election in September. The administration is grateful that our friends on the City Council attempted to save thousands of dollars by offering a general election only but appreciate the Clerk's Office in providing a fair democratic process. Otherwise, we are pleased to showcase a new appointment for the Licensing Board, an amazing donation from BMW and grant award monies within this report. As always, our full administration is here to help with any questions or ideas that the Council may have.

Boards, Committee & Commissions:

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

New Appointments

LICENSING BOARD

- Brian Hamilton (serving remainder of previous member term), 5/18/2018

ZONING BOARD OF APPEALS

- Adria L. Reimer-Nicholosi, three-year member to expire 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.*

Financial Matters:

- **Enclosure 2** is a memo from Carol McMahon, Assistant Emergency Management Director & CERT Program Manager, for the annual Emergency Management Performance Grant (EMPG) program application designed to partially fund costs associated with the new Smart911 software by Rave, otherwise known as Gloucester Emergency Alerts (CodeRED was retired earlier this summer). The total matching grant for Council consideration is \$7,096 with full details contained within the application. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Carol McMahon or Chief Smith will be present to answer any questions.
- **Enclosure 3** is a memo from John McCarthy, Interim Police Chief, regarding acceptance of two (2) BMW i3 Electric Vehicles, as offered through Lyon-Waugh Auto and BMW USA as part of a national awareness campaign. The total value of the cars is calculated to be \$65,000 for one-year lease but full details are contained within this section. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* John McCarthy, Interim Police Chief or appropriate personnel will be present to answer any questions.

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

- **Enclosure 4** is a memo from Mark Cole, Assistant Director Public Works regarding unpaid invoices for FY2017 – FY2018. **Please refer this matter to the Budget and Finance subcommittee for review and approval.** Mark Cole or appropriate personnel will be present to answer any questions.
- **Enclosure 5** is a memo from John McCarthy, Interim Police Chief regarding an application for the FY2018 State 911 Support & Incentive Grant. **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 6** is a memo from Greg Cademartori, Acting Community Development Director regarding the awarded Essex National Heritage Commission Grant through their Visitor Center Grant Program. **Please refer this matter to the Budget and Finance subcommittee for review and approval.** Acting Community Development Director or appropriate personnel will be present to answer any questions.
- **Enclosure 7** is a memo from John Dunn, Chief Financial Officer regarding a donation specifically to be used by the Gloucester Archives Committee in connection with the maintenance, and the creation of a building fund. **Please refer this matter to the Budget and Finance subcommittee for review and approval.** Chief Financial Officer John Dunn or appropriate personnel will be present to answer any questions.
- **Enclosure 8** is a memo from John Dunn, Chief Financial Officer regarding Appropriation for Brooks Road Repairs and improvements and to authorize a form of Loan Order. **Please refer this matter to the Budget and Finance subcommittee for review and approval.** Chief Financial Officer John Dunn or appropriate personnel will be present to answer any questions.

INFORMATION ONLY

- **Enclosure 9** is information relative to upcoming city plans for our annual remembrance of September 11th, 2017 with program details designed by GFD Fire Chief Eric Smith, Veterans Affairs Director Adam Cucuru, and other community leaders with an invitation for the days event seen within said memo.

###

Sefetia Romeo Theken, Mayor

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

August 8, 2017

Mr. Brian Hamilton
6 Lawrence Mountain Road
Gloucester, MA 01930

Dear Brian:

Thank you for your interest in serving on the City of Gloucester's **Licensing Board**. I am pleased to appoint you as a **member** of the Board to serve for Mike Lane, whose term expires on May 31, 2018. So that you may attend and vote at meetings, if necessary, 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 August 22, 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

Brian Hamilton
6 Lawrence Mountain Road
Gloucester, MA 01930
August 7, 2017

Christopher Sicuranza
Office of the Mayor
9 Dale Avenue
Gloucester, MA 01930

Dear Christopher Sicuranza:

I am writing to you to express my interest in filling the vacant seat on the Licensing Board created by the early resignation of Michal Lane who held the "Unenrolled" seat with a term set to expire May 18th of 2018.

This board currently has enough members to satisfy a quorum, but in the even that either of the members would have to recuse themselves, without a third member, they would not be able to vote on some matters. This is going to become very important in November/December when most of the alcohol licenses are up for renewal and historically the each of the remaining current board members have had to recuse themselves from voting on particular renewal applications because of either their business transactions or memberships in private organizations.

I regularly attend the licensing board meetings and have been for the last couple of years, which gives me a distinct advantage over other candidates. I am already up to date on most of the current matters that the board has had to work through and am familiar with the times in which the board has decided that license renewals were the appropriate time to deal with certain issues brought up while discussing other matters. My regular attendance at meetings also allows me to know that I would not have to recuse myself from voting on any of the same matters that other members would have to recuse themselves from thus allowing there to be at least two voting members on all issues/renewals.

I bring to the table experience in the industry. I have about 7 years of experience in hospitality management here in Gloucester and several years of experience in restaurant consulting outside of Gloucester. I am not currently employed at any establishment that this board oversees and have not been since the beginning of December 2016.

I am and always have been registered to vote unenrolled in any political party which is one of the requirements of Mr. Lane's seat. I do work for the City of Gloucester in the IT department, but because neither the board nor the department oversees or influences the other, there is not conflict as is stated in the Conflict of Interest Law training that I have taken as a city employee.

Michael Lane has served the board and this city with a high level of dedication. I feel very confident that I would be able to continue to provide that same service to the city in this role. I also know that Mr. Lane felt that I could also because he told me that he thought that I would be a good replacement for him and that he was planning on recommending me for the position with his resignation.

Thank you for your consideration of my appointment to the Licensing Board to fill this vacancy.

Sincerely,

Brian Hamilton

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 138 ALCOHOLIC LIQUORS

Section 4 Licensing boards; appointments; membership

Section 4. In each city which is not exempt by the provisions of section ten there shall be a licensing board appointed by the mayor, subject to confirmation by the board of aldermen or, if there is no such board, by the city council, consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the city in which they are appointed for at least two years immediately preceding their appointment. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties. If any member of said board engages directly or indirectly in such manufacture or sale, his office shall immediately become vacant.

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

August 15, 2017

Ms. Adria L. Reimer-Nicholosi
108 Dennison Street
Gloucester, MA 01930

Dear Ms. Reimer-Nicholosi:

Thank you for your interest in serving on the City of Gloucester's **Zoning Board of Appeals**. I am pleased to appoint you as a **member** of the Board. Your appointment will be sent to the City Council for their meeting of August 22, 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 services 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
William Sanborn, Inspector of Buildings

Adria L Reimer-Nicholosi

108 Dennison Street • Gloucester MA 01930 • (978) 879-9929 • areimer7@gmail.com

August 16, 2017

James Destino
Chief Administrative Officer
City of Gloucester
9 Dale Avenue
Gloucester, MA 01930

Dear Mr. Destino,

I would like to express my sincere interest in becoming a member of the Gloucester Zoning Board of Appeals. As an interested member of our community, I would like to volunteer my time, skills, and talents to help facilitate the health, safety and welfare of our City and its residents.

I grew up in Gloucester and have lived on Cape Ann for the majority of my life. While I left for college and a job in Washington, D.C. for a brief period of time, I always knew that I would return to my hometown, not only to make a life here, but also to have the opportunity to give back to my community.

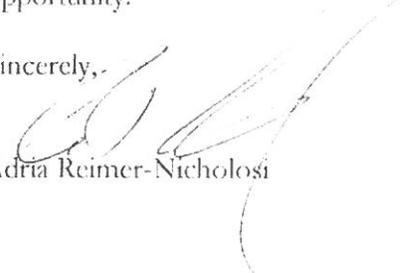
I have worked as a legal assistant in a general practice law office in Rockport since 2011, and my passion for real estate law and land use has only continued to grow since then. I have had the opportunity of working with many different types of people, and have come across many different types of land use issues over the years. As a recent law school graduate, I believe that my educational and professional experiences, coupled with my analytical, diplomatic and organizational skills make for a perfect fit to serve as a member of the Zoning Board of Appeals.

I also fully appreciate that the City and its residents are our ultimate focus. I am dedicated to work with other board members to create a shared vision for our City; build strategic partnerships; sustain the City's progress through continuous improvement; maintain strong ethical standards; work with applicants to achieve a mutual goal; and objectively seek answers to questions and challenges as they arise.

Further, and perhaps most importantly, I yearn for the opportunity to serve my City. While my time has been dedicated to a full-time job and law school for the past several years, I am now ready and eager to get involved and give back. I believe this would be an excellent opportunity to develop my interest and passion in land use, a field I wish to study and pursue professionally in the future.

Thank you for your time and consideration. I look forward to your decision about this exciting opportunity.

Sincerely,



Adria Reimer-Nicholosi

Adria L Reimer-Nicholosi

108 Dennison Street • Gloucester MA 01930 • (978) 879-9929 • areimer7@gmail.com

PROFESSIONAL EXPERIENCE

Law Office of Robert L. Visnick, Rockport, MA

Legal Assistant, June 2011- Present

- Completely manage and direct all administrative, organizational and operational aspects of a busy Practice
- Assist in the collection, organization and preparation of pertinent records, motions, depositions and settlements/trials of all Civil, Criminal and MVI cases
- Efficiently research, file, record and navigate through the Essex County Court systems and Registry of Deeds
- Responsible for residential, corporate and commercial real estate transactions from the creation of the file through post- closing disbursement and follow up
- Extensive communication with Lenders, Title Companies, Brokers, Attorneys and Clients on a daily basis to insure an efficient and seamless transfer of title
- Preparation and execution of MUPC filings for all Estate and Probate matters
- Primary and direct communicator with clients in all areas of the Practice

Public Defender Service for the District of Columbia, Washington, D.C.

Fellow Investigator: Parole/Criminal Trial Divisions, September 2008- March 2011

Intern Investigator: Juvenile Trial Division, September 2007- December 2007

- Assisted and supported up to three attorneys at once in managing multiple cases
- Performed extensive criminal background checks, gathered and prepared crucial mitigation documents and prepared memoranda of all investigative activities
- Assisted in trial by conducting law research, photographing and diagramming crime scenes, strategizing on case development, preparing courtroom exhibits, serving subpoenas, gathering clients and witnesses, and testifying
- Requested, analyzed and outlined essential records
- Located, interviewed and prepared detailed statements of witnesses
- Interviewed clients and witnesses in the D.C. Department of Corrections
- Assisted chairman of the Sex Offender Community Supervision Committee

EDUCATION

Suffolk University Law School, Boston, MA

J.D., May 2017

University of New Hampshire, Durham, NH

Bachelor of Arts in Justice Studies and Sociology

- University Scholar, Cum Laude



PART I ADMINISTRATION OF THE GOVERNMENT

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40A ZONING

Section 12 Boards of appeal; membership; rules

Section 12. Zoning ordinances or by-laws shall provide for a zoning board of appeals, according to the provisions of this section, unless otherwise provided by charter. The mayor subject to confirmation of the city council, or board of selectmen shall appoint members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals, the city council or board of selectmen shall act as the board of appeals. Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen, for terms of such length and so arranged that the term of one member shall expire each year. Each zoning board of appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Zoning ordinances or by-laws may provide for the appointments in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section.

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with section thirteen said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

ENCLOSURE 2

GLOUCESTER EMERGENCY MANAGEMENT

8 School Street

Gloucester, MA 01930

978-281-9760

8/17/2017

Mayor Romeo,

Please see attached the City of Gloucester Emergency Management Emergency Preparedness Performance Grant (EMPG) application.

The Gloucester Emergency Management Director and first responders identified that the previous Public Information and Warning system was not capable of delivering the level of information and warnings this community needed. Also, there was no capacity for people with disabilities and others with access and functional needs to effectively register any pertinent information with EM and first responders. The Smart 911 system will assist in addressing this need. This improvement in our operations will assist not only in better public information and warning, but also in our planning for disasters, an increase in community resilience and enhancement of our EMS response capabilities

Smart 911 will enable all our residents to opt in information to assist in a better response to 911 calls as well as the ability to better target emergency notifications to all citizens including our people with disabilities and others with access and functional needs. It will also enable facilities to self-identify Hazardous materials as well as other important information first responders need to know when responding to an emergency.

Thank you for your attention to this important grant.

Sincerely,

Carol McMahan

Assistant Emergency Management Director



**City of Gloucester
Grant Application and Check List**

Granting Authority: State _____ Federal Other _____

Name of Grant: _____ Emergency Management Performance Grant __FFY 2016 - EMPG_____

Department Applying for Grant: _____ Fire Department for Civil Defense_____

Agency-Federal or State application is requested from: _____ MEMA_____

Object of the Application: _____ Emergency Operations Center improvement

Any match requirements: _____yes , 100% in kind, utilizing the Assistance Emergency Management Directors contract amount

Mayor's approval to proceed: _____
Signature **Date**

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

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

City Council's Approval or Rejection: _____
Vote **Date**

City Clerks Certification of Vote to City Auditor: _____
Certification **Date**

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

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

NOTE: A copy of all grant paperwork must be submitted to the Auditors Office



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

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

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

Note: All documents must be complete signed copies.

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

Appendix G

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

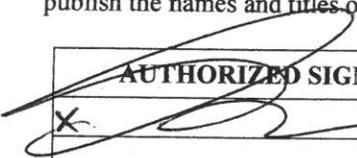


CONTRACTOR LEGAL NAME:
CONTRACTOR VENDOR/CUSTOMER CODE:

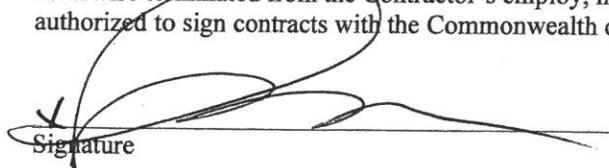
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
X  Selatic Romeo Tuckin	X Mayor, City of Gloucester

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

 Date: August 10, 2017

Title: Mayor Telephone: 978-264-9700
 Fax: Email: sttuckin@gloucester-ma.gov

[Listing cannot be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department

2017 EMPG Application

1. Entity submitting this Application

Community(s)/Tribe(s): Gloucester, MA

Point of Contact Name (*only one POC for joint applications*): Eric Smith

Title: EMD

Telephone: 978-281-9780

Email: esmith@gloucester-ma.gov

Organization DUNS Number (*required*): 073827214

Fiscal Point of Contact Name (*if different than above*): John P. Dunn

Telephone: 978-281-9707

Email: jdunn@gloucester-ma.gov

2. Project Description

In order for MEMA to ensure all costs and activities are reasonable, allowable, and support the National Preparedness Goal and State Homeland Security Strategy, please provide clear and comprehensive responses to items a-e below:

- a) Provide a description of your project, to include how the funds will be used and a description of the objective(s):

The city of Gloucester recently updated their public notification system from the Code Red notification system to the Rave Notification system. The EMPG funds will be used to augment this system by adding the Smart 911 function.

- b) Identify the gap and/or capability you are seeking to address, sustain, or build;

The Gloucester Emergency Management Director and first responders identified that the previous Public Information and Warning system was not capable of delivering the level of information and warnings this community needed. Also, there was no capacity for people with disabilities and others with access and functional needs to effectively register any pertinent information with EM and first responders. The Smart 911 system will assist in addressing this need. This improvement in our operations will assist not only in in better public information and warning, but also in our planning for disasters, an increase in community resilience and enhancement of our EMS response capabilities

- c) Provide detail on how this project will enhance all-hazards preparedness, emergency management, or otherwise benefit your community (the anticipated outcomes);

Smart 911 will enable all our residents to opt in information to assist in a better response to 911 calls as well as the ability to better target emergency notifications to all citizens including our people with disabilities and others with access and functional needs. It will also enable facilities to self-identify Hazardous materials as well as other important information first responders need to know when responding to an emergency.

- d) Please identify below one (or more) of the 32 FEMA Core Capabilities that your project supports. Additional information about FEMA's Core Capabilities may be found on their website here: <https://www.fema.gov/core-capabilities>

Planning	x	Housing	
Cybersecurity		Forensics & Attribution	
Mass Care Services		Community Resilience	x
Infrastructure Systems		Critical Transportation	
Situational Assessment		Economic Recovery	
Operational Coordination		Interdiction & Disruption	
Fire Management and Suppression		Risk Management for Protection Programs & Activities	
Fatality Management Services		Health & Social Services	
Operational Communications		Natural & Cultural Resources	
Screening, Search & Detection		Physical Protective Measures	
Threats & Hazard Identification		Supply Chain Integrity & Security	
On-Scene Security, Protection & Law Enforcement		Intelligence & Information Sharing	
Public Information & Warning	x	Long-Term Vulnerability Reduction	
Mass Search & Rescue Operations		Access Control & Identity Verification	
Logistic & Supply Chain Management		Risk & Disaster Resilience Assessment	
Environmental Response/Health & Safety		Public Health, Healthcare, Emergency Medical Services	x

- e) Please identify below one (or more) of the six Massachusetts State Homeland Security Strategy (SHSS) Goals that your project supports. Additional information about the SHSS may be found on the EOPSS website here: <http://www.mass.gov/eopss/home-sec-emerg-resp/>

Engage Stakeholders to Maintain, Enhance, Formalize, and Integrate the Various Components of the Homeland Security System into a Structure that Identifies and Guides Implementation of Homeland Security Strategy.	
Increase the ability to effectively provide prompt and accurate public information and alerts.	x
Protect the Commonwealth from Intentional Acts of Violence and Terrorism.	
Enhance Resilience across the Commonwealth by Preparing for & Mitigating Against Acts of Terrorism, and Natural, Technological, & Intentional Hazards.	
Increase Capacity across the Commonwealth to Effectively Respond to Acts of Terrorism, and Natural, Technological, & Intentional Hazards.	x
Enhance Capacity across the Commonwealth to Recover from Acts of Terrorism, and Natural, Technological, & Intentional Hazards.	

3. Funding Amount

Please refer to the NOFO's Appendix E on pages 17-18 for your community's proposed award amount.

Insert amount of Community/Tribe FFY 2017 EMPG funding: **\$ 6,460.00**

4. Budget Detail

All costs must be identified below. Insert additional rows if needed.

Complete this budget table to itemize all proposed grant expenditures from contract start date through 6/30/2018

Description of Each Proposed Expenditure	AEL # (as applicable)	For Equipment, Fixed or Portable	Quantity	Total Cost
Enhanced 911 software			1	6,460.00
			TOTAL	6,460.00

As needed, complete this budget table to itemize proposed grant expenditures from 7/1/2018 - 9/30/2018

Description of Each Proposed Expenditure	AEL # (as applicable)	For equipment, Fixed or Portable	Quantity	Total Cost
			TOTAL	

5. Match

Per FEMA, the EMPG requires a dollar-for-dollar match. The provided match must be verifiable (i.e.; adequate back-up documentation must be maintained) and relate to an allowable cost under the EMPG. In order for MEMA to ensure each sub-recipient can provide and account for the required match, and to expedite processing of reimbursement requests, please provide responses to each question below as applicable:

a) Insert match amount to be provided (must equal the amount of the grant): **\$ 6,460.00**

b) Please complete the Table below as applicable:

Proposed Match Source	Dates Match will be provided	AEL # (if applicable)	Quantity (if applicable)	Total Match Amount to be Provided
Contract for Smart 911	9/1/2017 through 6/30/2018			6460.00
TOTAL				6460.00

c) If salary is to be used as Cash match, please provide confirmation that federal funds are NOT used toward this salary:

No federal funds are used for the assistant EM position.

d) How will you document (track) your match (e.g., invoice, cancelled check, payroll report showing EM stipend, meeting sign-in sheets, etc.)?

Warrant report for payment to Smart 911. Total cost of first year service and installation is \$13,555.00.

e) For In-Kind match, how will you determine the hourly rate and/or value of service?
none

ENCLOSURE 3



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

Chief John McCarthy
(978)281-9775

Memorandum

August 16, 2017

To: Mayor Sefatia RomeoTheken

From: Chief John McCarthy

RE: Acceptance of two 2017 BMW i3's

Mayor Romeo Theken,

The Gloucester Police Department requests that this letter along with attached documentation be presented to the City Council for acceptance. Lyon-Waugh Auto Group & BMW of Peabody have donated two 2017 BMW i3's to the Gloucester Police Department for the duration of one year and up to a maximum of 10,000 miles per vehicle. The date of the lease term is 7/20/17-7/19/18 at which time the vehicles will be returned to BMW of Peabody in reasonable condition.

Please see attached award letter and lease documents.

Please contact me should you have any questions.

Respectfully,

John McCarthy
Chief of Police

BMW of Peabody



July 20, 2017

City of Gloucester
Gloucester City Office
10 Concord St.
Gloucester MA.
01930

Dear Sir or Madam,

I am writing to confirm the details of Warren Waugh, Managing Partner of the Lyon-Waugh Auto Group, and BMW of Peabody's donation of the use of two 2017 BMW i3s to the City of Gloucester for a period of one year. The two vehicles will be leased through BMW Financial Services for a one year period and up to a maximum of 10,000 miles per vehicle. Lyon-Waugh Auto Group and its affiliate, Peabody Motor Sports will be named as Lessee on the documents and will pay the payments, registration costs etc. The City of Gloucester will provide insurance on the vehicles to the satisfaction of BMW Financial Services. At the end of the one year term the vehicles will be returned to BMW of Peabody in reasonable condition.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Pirotte'.

John Pirotte
General Manager
BMW of Peabody
221 Andover St.
Peabody Ma. 01960

BMW of Peabody

221 Andover Street
Peabody, MA 01960

Telephone
978-538-9900

Fax
978-538-9911

Internet
www.bmwpeabody.com

Lyon-Waugh

AUTO GROUP
www.lyonwaugh.com



BMW OF PEABODY
221 ANDOVER ST. RT. 114
PEABODY, MA 01960
T 978.538.9900 F 978.538.9911

**MOTOR VEHICLE
PURCHASE CONTRACT**

FOR CONSUMER USE ONLY

DATE <u>Jul 20</u> <u>17</u>		ORDER NO. <u>N/A</u>	STOCK NO. <u>B44530</u>	SALESPERSON <u>HOUSE SALES REP</u>	
PURCHASER'S NAME(S) <u>PEABODY MOTOR SPORTS INC</u>			STREET ADDRESS <u>221 ANDOVER STREET</u>		
CITY/STATE/ZIP <u>PEABODY, MA 01960</u>			HOME PHONE <u>(978) 538-9900</u>	BUSINESS PHONE <u>N/A</u>	
ENTER MY [<u>1</u>] NEW <input checked="" type="checkbox"/> FORMER USE <input type="checkbox"/>		DEMONSTRATOR <input type="checkbox"/>		POLICE CAR <input type="checkbox"/>	
ORDER FOR (QUANTITY) USED <input type="checkbox"/> (if applicable)		FORMER LEASED CAR <input type="checkbox"/>		FORMER DAILY RENTAL <input type="checkbox"/>	
				REBUILT INSURANCE TOTAL <input type="checkbox"/>	
				TAXICAB <input type="checkbox"/>	
Year <u>2017</u>	Make <u>BMW</u>	Model Name <u>I3 REX</u>	Body Style/Type <u>SEDAN</u>	Model No.	Transmission Standard <input type="checkbox"/> Automatic <input checked="" type="checkbox"/>
Vehicle Identification No. <u>WBY1Z8C38HV892414</u>		Color 1st <u>N/A</u>	Color 2nd <u>PLATINUM</u>	Color 3rd <u>SILVER</u>	Top
		Odometer mi. <input checked="" type="checkbox"/> km. <input type="checkbox"/>		Approx. Delivery Date <u>07/20/17</u>	
TRADE-IN Year <u>N/A</u> Make <u>N/A</u>	WARRANTY INFORMATION		Social Security No.		
Model Type Color	<input type="checkbox"/> This vehicle carries an express warranty. You may obtain a copy of such warranty from the dealer upon request.		Date of Birth		
V.I.N.	<input type="checkbox"/> This vehicle does not carry an express warranty. (Initial Applicable Statement)		Employer ID No.		
Odometer (mi. <input type="checkbox"/> km. <input type="checkbox"/>)			Other		
Transmission <input checked="" type="checkbox"/> Standard (Speeds) <input type="checkbox"/> Auto			Price of Unit \$ <u>49,995.00</u>		
No. of Cyl. <u>N/A</u> Pass. <u>N/A</u> Doors <u>N/A</u>	REGISTRATION FEE/TITLE FEE SALES TAX		Additional Equipment/Items		
Salvage Title Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application for Title <input type="checkbox"/>		SECURITY DEPOSIT		
PREVIOUS OWNER	Application for Reg. <input type="checkbox"/> New <input type="checkbox"/> Transfer		ACD FEE <u>925.00</u>		
City/State/Zip	Registration No.		TOTAL INCEPTION FEES <u>1,557.27</u>		
LIENHOLDER	Registration Fee \$		CAP REDUCTION TAX <u>N/A</u>		
Address	Title Fee \$		VEHICLE TO BE DRIVEN		
City/State/Zip	Mass. Sales Tax \$		CITY OF GLOUCESTER		
Acct. No.	Additional Information-Vehicle Purchased		Dealer Installed Accessories		
Check No.	LIENHOLDER <u>FINANCIAL SERVICES VEHICLE TRUST</u>		TITLE <u>N/A</u>		
Balance Due \$	Address <u>5550 BRITTON PKWY</u>		1. Total Price \$		
	City/State/Zip <u>HILLIARD, OH 43026</u>		2. Discount \$		
	INSURANCE CO. <u>N/A</u>		3. Trade-In Allowance \$		
	Agent/Branch <u>N/A</u>		4. Trade Difference (line 1 - lines 2 & 3) \$		
	Address/City <u>N/A</u>		5. *Mass Sales Tax (% of line 4) \$		
<p>In the event I fail to take delivery of the vehicle purchased by me within forty-eight (48) hours after I have been notified by you that it is ready for delivery and pay the total contract price in the manner indicated, my deposit in the amount of \$ <u>N/A</u> may, at your option, be retained by you to compensate you in whole or in part for any loss sustained by you. Your right to retain my deposit shall be in addition to and not instead of any other right or remedy provided by applicable law including, without limiting the generality of the foregoing, the sale of the car of truck I agree to purchase. If the amount of my deposit exceeds actual damages sustained by you, you will promptly refund the difference to me.</p> <p>Purchaser's Initials []</p> <p>ALL REBATES AND SALES INCENTIVES OFFERED BY THE MANUFACTURER OR DISTRIBUTOR ARE HEREBY ASSIGNED TO THE DEALER.</p> <p>Purchaser's Initials []</p> <p>This contract is not binding upon either dealer or purchaser until signed by dealer or its authorized representative. PURCHASER MAY CANCEL THIS CONTRACT AND RECEIVE A FULL REFUND AT ANY TIME UNTIL S/HE RECEIVES A COPY OF THIS CONTRACT SIGNED BY AN AUTHORIZED DEALER REPRESENTATIVE. PURCHASER MUST GIVE WRITTEN NOTICE OF CANCELLATION TO THE DEALER.</p>			6. Title Preparation \$		
<p>The front and back of this order comprise the entire agreement between the dealer and purchaser and no other agreement of understanding has been made or entered into. Purchaser represents and warrants that no credit other than that stated above has been extended to him/her by dealer. Purchaser represents and warrants that s/he has read and understands the materials printed on this motor vehicle purchase contract. Purchaser acknowledges receipt of a signed copy of this motor vehicle purchase contract.</p>			7. Documentary Preparation (itemize) \$		
			8. Other \$		
<p>Co-Purchaser's Signature _____</p> <p>Purchaser's Signature _____</p> <p>Approved Authorized Dealer Representative _____</p>			9. TOTAL CONTRACT PRICE (total of lines 4,5,6,7, and 8) \$		
			10. Balance Due on Trade-In \$		
			11. Total lines 9 and 10 \$		
			12. Deposit \$		
			13. Rebate(s) \$		
			14. Amount to be Financed \$		
			15. Cash due on delivery \$ <u>1,981.00</u>		
			16. TOTAL PAYMENT (total of lines 12,13, 14, and 15) (line 16 must equal line 11) \$ <u>9,481.00</u>		

PEABODY MOTOR SPORTS INC

B44530

CUSTOMER'S NAME

STOCK NO.

ODOMETER DISCLOSURE STATEMENT

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and / or imprisonment.

I, PEABODY MOTOR SPORTS INC (transferor's name, Print)

state that the odometer now reads 14 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

(1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.

(2) I hereby certify that the odometer reading is NOT the actual mileage.

WARNING-ODOMETER DISCREPANCY.

MAKE BMW	MODEL 13 REX	BODY TYPE SEDAN
VEHICLE IDENTIFICATION NUMBER WBY1Z8C38HV892414		YEAR 2017

X
TRANSFEROR'S SIGNATURE
PEABODY MOTOR SPORTS INC

PRINTED NAME
221 Andover St

TRANSFEROR'S ADDRESS (STREET)
Peabody, MA 01960

CITY 07/20/17 STATE ZIP CODE

DATE OF STATEMENT

X
TRANSFeree'S SIGNATURE
PEABODY MOTOR SPORTS INC

PRINTED NAME
PEABODY MOTOR SPORTS INC

TRANSFeree'S NAME
221 ANDOVER STREET

TRANSFeree'S ADDRESS (STREET)
PEABODY, MA 01960

CITY STATE ZIP CODE

ORIGINAL

Massachusetts Department of Transportation
Registry of Motor Vehicles
RMV-1 Application Form
 www.massrmv.com

1. REG. EFF. DATE _____ 2. REG. EXP. DATE _____

3. Number of Documents _____

4. ST (Salvage Title) TO (Title Only) RO (Registration Only) RX (Registration Transfer) RT (Registration & Title) SW (Summer/Winter Swap) TAR (Title Add Registration) SS (Surviving Spouse)

Registration/Vehicle

5. Plate Type _____ 6. Registration Number _____ 7. Previous Title # _____ 8. State _____

9. Type of Registration: Trailer Auto Home Passenger Bus Taxi Livery Commercial Motorcycle Other _____

10. Vehicle Identification Number: WJBIY1Z18JC38HV8921414

11. Year: 2017 12. Make: BMW 13. Model Name: I3 REX 14. Model #: 17IB 15. Body Style: SEDAN

16. Circle Color(s) of Vehicle: 0-Orange 1-Black 2-Blue 3-Brown 4-Red 5-Yellow 6-Green 7-White 8-Gray 9-Purple

17. # of Cylinders/Passengers/Doors/Wheels: 2 / 4 / 4 / 4

18. Transmission: Automatic Manual

19. Total Gross Weight (Laden) _____

20. Motor Power: Gasoline Diesel Hybrid Propane Electric Other _____

21. Bus: Regular DTE Livery Taxi School Pupil

If carrying passengers for hire, max no of passengers that can be seated: _____

If school bus, is it used exclusively for city, town, or school district? Yes No

Owner

22. Owner 1 License # / ID# / or SSN _____ 23. Owner 2 License # / ID# / or SSN _____

25. Owner # 1 Name (Last, First, Middle) _____ 25a. Height _____ Ft _____ In 25b. Sex MALE FEMALE 26. Owner # 1 Date of Birth _____

27. Owner # 2 Name (Last, First, Middle) _____ 27a. Height _____ Ft _____ In 27b. Sex MALE FEMALE 28. Owner # 2 Date of Birth _____

30. City/Town Where Vehicle is Principally Garaged: GLOUCESTER

31. Mailing Address: 5550 BRITTON PKWY HILLARD, OH 43026 City: _____ State: _____ Zip Code: _____

32. Residential or Corp/Co/Organization Address (see block 24 and 29) City: _____ State: _____ Zip Code: _____

33A. Lessee's MA License Number or EIN/FID Number. If out-of-state Lessee, use SSN and date of birth. 1 _____

33B. Lessee's Name: PEARBODY MOTOR SPORTS INC

34. Lessee's Address, City, State, and Zip Code: 721 ANDOVER STREET DEARBODY, MA 01960

Title

35. Date of Purchase: 07/20/17 36. Odometer Reading: 14

37. New Vehicle Used Vehicle

38. Title Type: Clear Salvage Reconstructed Owner Retained Theft Prior Owner Retained

39. Primary Salvage Title Brands: Repairable Parts Only

40. Secondary Salvage Brand(s) _____

Lienholder

I/we certify that all liens on this vehicle are listed below

41. Date of 1st Lien _____ 42. Date of 2nd Lien _____

43. First Lienholder Code _____ 44. Name _____

45. Lienholder's Address _____

46. Second Lienholder Code _____ 47. Name _____

48. Lienholder's Address _____

Insurance Certification

The company signatory hereto hereby certifies that it has or will insure or guarantee performance by the applicant hereinbefore named with respect to the motor vehicle hereinbefore described for a period at least coterminous with that of such registration under a motor vehicle liability policy, binder or bond which conforms to the provisions of general laws, Chapter 175, Section 113A, and that the premium charge and classification on the effective date of registration are as established by the commissioner of insurance under Chapter 175, Section 113B, 113H and Chapter 175E.

49A. Policy Effective Date: _____

Policy Change Date: _____

49B. Manual Class: _____ 49C. Ins. Company & Code: _____

Insurance Co's Authorized Representative's Signature (Original Only) _____

Signatures

I/We the applicants hereby certify under the penalties of perjury that there are no outstanding excise tax liabilities on the vehicle described above that have been incurred by the applicant(s), any member of the applicant's immediate family who is a member of the applicant's household or the business partner of the applicant(s). I/We hereby further certify that all information contained in this application is true and correct to the best of my knowledge and belief. I/We understand that false statements are punishable by fine, imprisonment or both.

50. Signature of Owner From Block 25 or 29. If owner is listed in Block 29, signer must also print name. _____

51. Signature of 2nd Owner From Block 27. _____

52. Authorized Dealer's Signature _____ 53. Dealer Reg. No. _____

54. Seller's Name (Please Print) PEARBODY MOTOR SPORTS INC

55. Seller's Address _____

Sales or Use Tax Schedule

26A. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26B. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26C. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26D. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26E. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26F. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26G. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26H. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26I. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26J. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26K. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26L. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26M. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26N. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26O. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26P. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26Q. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26R. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26S. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26T. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26U. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26V. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26W. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26X. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26Y. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

26Z. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

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99. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

100. SALES TAX DEDUCTIONS MOTOR VEHICLE DEATH TAX

Fee Info.

58. Batch No: _____

BMW Financial Services NA, LLC

Motor Vehicle Lease Agreement (Closed End)

1. PARTIES		
Lessor (Center) Name and Address	Lessee and Co-Lessee Name and Address	Vehicle Garaging Address (if Different)
PEABODY MOTOR SPORTS INC 221 Andover St Peabody, MA 01960	PEABODY MOTOR SPORTS INC 221 ANDOVER STREET PEABODY, MA 01960	
		Billing Address (if Different)

2. Agreement to Lease. This Motor Vehicle Lease Agreement ("Lease") is entered into between the lessee and co-lessee ("Lessee") and the lessor ("Lessor" named above. Unless otherwise specified, "I," "me" and "my" refer to the Lessee and "you" and "your" refer to the Lessor or Lessor's assignee. "Vehicle" refer to the leased vehicle described below. "Assignee" refers to BMW Financial Services NA, LLC ("BMW FS") or, if this box is checked to Financial Services Vehicle Trust. BMW FS will administer this Lease on behalf of itself or any assignee. The consumer lease disclosures contained in this Lease are made on behalf of Lessor and its successors or assignees.

3. Date of Lease, Lease Term and Scheduled Maturity Date. This Lease is entered into on 07/20/17 for the scheduled Lease Term of 07/19/18 months with a Scheduled Maturity Date of 12.

4. VEHICLE DESCRIPTIONS						
A. Leased Vehicle	Model Year	Make & Model	VIN	Odometer	Primary Use:	<input checked="" type="checkbox"/> Personal, Family or Household <input type="checkbox"/> Business, Commercial or Agricultural <input type="checkbox"/> * If Personal Use is checked above, this is Consumer Paper.
<input checked="" type="checkbox"/> New <input type="checkbox"/> Demo <input type="checkbox"/> Used	2017	BMW I3 REX	WBY1Z8C38HV892414	14		
<input type="checkbox"/> Telephone	<input type="checkbox"/> CD Player	<input type="checkbox"/> _____ (specify)	<input type="checkbox"/> _____ (specify)	<input type="checkbox"/> _____ (specify)		
B. Trade-In	Model Year	Make	Model	Agreed Upon Value	Prior Credit or Lease Balance	Net Trade-In Value
	N/A	N/A	N/A	N/A	N/A	0.00

5. AMOUNT DUE AT LEASE SIGNING OR DELIVERY (Itemized in Section 9)	6. MONTHLY PAYMENTS	7. OTHER CHARGES (Not part of my Monthly Payments)	8. TOTAL OF PAYMENTS (The amount I will have paid by the end of the Lease Term)
\$ 9,481.02	My first monthly payment of \$ <u>509.77</u> is due on <u>07/20/17</u> followed by <u>11</u> payments of \$ <u>509.77</u> due on the <u>19</u> day of each month. The total of my monthly payments is \$ <u>6,117.24</u>	A. Disposition Fee (if I do not purchase the Vehicle) \$ <u>350</u> B. <u>N/A</u> \$ <u>N/A</u> TOTAL \$ <u>350</u>	\$ <u>15,438.49</u>

9. AMOUNT DUE AT LEASE SIGNING OR DELIVERY	10. MY MONTHLY PAYMENT IS DETERMINED AS SHOWN BELOW
A. Amount Due at Lease Signing or Delivery <ul style="list-style-type: none"> 1. Capitalized Cost Reduction \$ <u>7,500.00</u> 2. First Monthly Payment \$ <u>509.77</u> 3. Refundable Security Deposit \$ <u>N/A</u> 4. Initial Title Fees \$ <u>N/A</u> 5. Initial Registration Fees \$ <u>132.50</u> 6. Initial License Fees \$ <u>N/A</u> 7. Sales/Use Tax \$ <u>78.75</u> 8. Acquisition Fee (if not capitalized) \$ <u>925.00</u> 9. Sales Tax on Capitalized Cost Reduction \$ <u>N/A</u> 10. GA New Vehicle Arb Fee \$ <u>N/A</u> 11. DOC FEE \$ <u>335.00</u> 12. <u>N/A</u> \$ <u>N/A</u> 13. <u>N/A</u> \$ <u>N/A</u> 14. <u>N/A</u> \$ <u>N/A</u> TOTAL \$ <u>9,481.02</u> 	A. Gross Capitalized Cost. The agreed upon value of the Vehicle (\$ <u>44,495.00</u>) and any items I pay for over the Lease Term (such as taxes, fees, service contracts, insurance, and any outstanding prior credit or lease balance) (Section 13 for an itemization of this amount), \$ <u>44,495.00</u> B. Capitalized Cost Reduction. The amount of any net trade-in allowance, rebate, noncash credit, or cash I pay that reduces the Gross Capitalized Cost. -\$ <u>7,500.00</u> C. Adjusted Capitalized Cost. The amount used in calculating my Base Monthly Payment. = \$ <u>36,995.00</u> D. Residual Value. The value of the Vehicle at the end of the Lease used in calculating my Base Monthly Payment. -\$ <u>32,496.75</u> E. Depreciation and any Amortized Amounts. The amount charged for the Vehicle's decline in value through normal use and for other items paid over the Lease Term. = \$ <u>4,498.25</u> F. Rent Charge. The amount charged in addition to the Depreciation and any Amortized Amounts. + \$ <u>1,259.11</u> G. Total of Base Monthly Payments. The Depreciation and any Amortized Amounts plus the Rent Charge. = \$ <u>5,757.36</u> H. Lease Payments. The number of payments in my Lease. ÷ <u>12</u> I. Base Monthly Payment. = \$ <u>479.78</u> J. Monthly Sales/Use Tax. + \$ <u>29.99</u> K. <u>N/A</u> + \$ <u>N/A</u> L. Total Monthly Payment
B. How the Amount Due at Lease Signing or Delivery Will Be Paid <ul style="list-style-type: none"> 1. Net Trade-In Allowance \$ <u>N/A</u> 2. Rebates and Noncash Credits \$ <u>7,500.00</u> 3. Amount to be Paid in Cash \$ <u>1,981.02</u> TOTAL \$ <u>9,481.02</u> 	

TOTAL

\$ 9,481.02

K. N/A

+ \$ N/A

L. Total Monthly Payment.

= \$ 509.77

Early Termination. I may have to pay a substantial charge if I end this Lease early. The charge may be up to several thousand dollars. The actual charge will depend on when the Lease is terminated. The earlier I end the Lease, the greater this charge is likely to be.

11. **Excessive Wear and Use.** I may be charged for excessive wear based on your standards for normal use and for mileage in excess of total miles over the scheduled Lease Term of 15,000 miles, at the rate of 29 cents per mile.

12. **Purchase Option at End of Lease Term.** I have an option to purchase the Vehicle ("as is") at the Scheduled Termination of the Lease for its Residual Value of \$ 32,496.75. The purchase option price does not include official fees, such as those for taxes, title, registration and license/tags. See Section 30 for more information.

Other Important Terms. See the front and back of this Lease for additional information on early termination, purchase options, and maintenance responsibilities, warranties, default charges, insurance, and any security interest, if applicable.

IF I DO NOT MEET MY OBLIGATIONS UNDER THIS LEASE, YOU MAY REPOSSESS THE VEHICLE.

13. ITEMIZATION OF GROSS CAPITALIZED COST

A. Agreed Upon Value of Vehicle	\$ 44,495.00	I. Prior Credit or Lease Balance*	\$ N/A
B. Initial Title, License & Registration Fees	\$ N/A	J. GA New Vehicle Arb Fee	\$ N/A
C. Sales/Use Tax	\$ N/A	K. Acquisition Fee	\$ N/A
D. Federal Luxury Tax	\$ N/A	L. Other	\$ N/A
E. Sales Tax on Capitalized Cost Reduction	\$ N/A	M. Other	\$ N/A
F. Maintenance Agreement	\$ N/A	N. Other	\$ N/A
G. Mechanical Breakdown Protection	\$ N/A	TOTAL	\$ 44,495.00
H. Extended Warranty	\$ N/A		

*Leave blank unless Lessor has paid prior credit or lease balance.

14. ESTIMATED OFFICIAL FEES AND TAXES

\$ 2,201.94 This is an estimate of the total amount I agree to pay for official and license fees, registration, title and taxes (including personal property taxes) over the Lease Term including any extensions of the Lease Term, whether included in my Monthly Payment, Amount Due at Lease Signing or Delivery, or separately billed. The actual total of Official Fees and Taxes may be higher or lower, depending on the tax rates in effect or the value of the Vehicle at the time a fee or tax is assessed. This estimate is based on my Garaging Address and may increase if I move or if tax rates change. For some of these items, we may invoice you after the taxing authority has billed us, sometimes after the lease terminates.

15. OPTIONAL PRODUCTS AND SERVICES

I am not required to buy any of the optional products and services listed below. These products and/or services will not be provided unless I check the appropriate box, fill in all necessary information, initial below and I am accepted by the provider. Because these products and or services are not provided by the Lessor, I understand that I must pursue all related matters, including refunds, through the listed Provider. By initialing below, I agree that I have received and read a notice of the terms of the product or service and I want to obtain the product or service for the charge shown. A portion of the charge may be retained by Lessor (Center).

<input type="checkbox"/> Maintenance Agreement	Provider	Term (Months)	Charge	Lessee/Co-Lessee Initials
	N/A	N/A	\$ N/A	
<input type="checkbox"/> Mechanical Breakdown Protection	Provider	Term (Months)	Charge	Lessee/Co-Lessee Initials
	N/A	N/A	\$ N/A	
<input type="checkbox"/> N/A	Provider	Term (Months)	Charge	Lessee/Co-Lessee Initials
	N/A	N/A	\$ N/A	

Mileage Allowance/Refund.

15,000 I agree to this Mileage Allowance for the term of this Lease. My Monthly Payment and Residual Value for this Lease have been calculated, in part, by using this Mileage Allowance.

If this box is checked, I have elected a high Mileage Allowance. I may receive a refund of N/A cents per unused mile for the unused miles between N/A miles and N/A miles, unless (a) the Vehicle is destroyed or stolen, (b) I default or terminate this Lease early, (c) I purchase the Vehicle, or (d) the refund is less than \$1. Any refund will be reduced by any amount I owe under this Lease at the Scheduled Termination.

16. WARRANTIES

The Vehicle is subject to the following express warranties. If the Vehicle is new, the Vehicle is subject to the standard manufacturer's new vehicle warranty. The Vehicle is also covered by the following, if checked:

Remainder of the standard manufacturer's new vehicle warranty if the Vehicle is not a new vehicle.

UNLESS A LESSOR'S WARRANTY IS DISCLOSED ABOVE, LESSOR, TO THE EXTENT PERMITTED BY LAW, (1) MAKES NO WARRANTIES OR REPRESENTATIONS, EITHER EXPRESSED OR IMPLIED, AS TO THE VEHICLE OR ANY OF ITS PARTS OR ACCESSORIES AND (2) MAKES NO WARRANTY OF MERCHANTABILITY OR FITNESS OF THE VEHICLE FOR ANY PARTICULAR PURPOSE. I ACKNOWLEDGE THAT I AM LEASING THE VEHICLE FROM THE LESSOR "AS IS."

17. INSURANCE VERIFICATION

I agree to maintain the insurance coverage described in Section 23. I affirm that such insurance is in force on the date of this Lease. I authorize Lessor and its assignees to

17. INSURANCE VERIFICATION

I agree to maintain the insurance coverage described in Section 23. I affirm that such insurance is in force on the date of this Lease. I authorize Lessor and its assignees to speak to my insurance agent or company, and any future insurance agents or companies, about my coverage for the leased Vehicle.

Insurance Company _____ Policy No. _____ Coverage Verified (Center Employee's Initials) _____

Agent Name _____ Address _____ Phone No. _____

All matters regarding insurance should be sent by e-mail to insuranceinfo@bmwfs.com; or faxed to 888-725-8456.

18. LESSEE NOTICES AND SIGNATURES

By signing below, I acknowledge that:

- This Lease is completely filled out;
- I have no ownership rights in the Vehicle unless and until I exercise my option to purchase the Vehicle;
- I have read both sides of this Lease carefully and agree to all of its terms; and
- I have received a completely filled in copy of this Lease.

X _____
Lessee PEABODY MOTOR SPORTS INC

By (Print Name & Title if Corporation)

X _____
Lessee N/A

By (Print Name & Title if Corporation)

19. GUARANTY

I jointly and severally guarantee payment and performance of all promises contained in this Lease. Upon default, Lessor may proceed immediately against me without first proceeding against the Lessee. My liability will be unconditional and will not be affected by any settlement, extension, renewal or modification of this Lease whether or not by operation of law. I waive all right to notices of every kind, including rights to demand and presentment. I agree to pay all expenses (including reasonable attorney's fees and legal expenses) you incur if you have to enforce this Guaranty.

Guarantor's Signature: X _____
N/A

Name _____
N/A

Address _____

Guarantor's Signature: X _____
N/A

Name _____
N/A

Address _____

20. LESSOR'S ACCEPTANCE AND ASSIGNMENT

By signing below, Lessor (1) accepts the terms, conditions and obligations of this Lease and (2) assigns all right, title and interest in the Vehicle and this Lease to the Assignee listed in Section 2 above. This Lease, including all amounts to become due under it, and any guaranty, are subject to the provisions of the Center Agreement between Lessor and BMW FS.

Lessor Name PEABODY MOTOR SPORTS INC

Signature of Authorized Representative _____

BMW Financial Services NA, LLC

Motor Vehicle Lease Agreement (Closed End)

1. PARTIES		
Lessor (Center) Name and Address	Lessee and Co-Lessee Name and Address	Vehicle Garaging Address (if Different)
PEABODY MOTOR SPORTS INC 221 Andover St Peabody, MA 01960	PEABODY MOTOR SPORTS INC 221 ANDOVER STREET PEABODY, MA 01960	
		Billing Address (if Different)

2. Agreement to Lease. This Motor Vehicle Lease Agreement ("Lease") is entered into between the lessee and co-lessee ("Lessee") and the lessor ("Lessor") named above. Unless otherwise specified, "I," "me" and "my" refer to the Lessee and "you" and "your" refer to the Lessor or Lessor's assignee. "Vehicle" refers to the leased vehicle described below. "Assignee" refers to BMW Financial Services NA, LLC ("BMW FS") or, if this box is checked to Financial Services Vehicle Trust. BMW FS will administer this Lease on behalf of itself or any assignee. The consumer lease disclosures contained in this Lease are made on behalf of Lessor and its successors or assignees.

3. Date of Lease, Lease Term and Scheduled Maturity Date. This Lease is entered into on 07/20/17 for the scheduled Lease Term of 07/19/18 months with a Scheduled Maturity Date of 12.

4. VEHICLE DESCRIPTIONS							
A. Leased Vehicle	Model Year	Make & Model	VIN	Odometer	Primary Use:	<input checked="" type="checkbox"/> Personal, Family or Household <input type="checkbox"/> Business, Commercial or Agricultural	
<input checked="" type="checkbox"/> New <input type="checkbox"/> Demo <input type="checkbox"/> Used	2017	BMW I3 REX	WBY1Z8C32HV891856	14		* If Personal Use is checked above, this is Consumer Paper.	
<input type="checkbox"/> Telephone	<input type="checkbox"/> CD Player	<input type="checkbox"/> _____ (specify)		<input type="checkbox"/> _____ (specify)		<input type="checkbox"/> _____ (specify)	
B. Trade-In	Model Year	Make	Model	Agreed Upon Value	Prior Credit or Lease Balance	Net Trade-In Value	
	N/A	N/A	N/A	N/A	N/A	0.00	

5. AMOUNT DUE AT LEASE SIGNING OR DELIVERY (Itemized in Section 9)	6. MONTHLY PAYMENTS	7. OTHER CHARGES (Not part of my Monthly Payments)	8. TOTAL OF PAYMENTS (The amount I will have paid by the end of the Lease Term)
\$ 9,460.91	My first monthly payment of \$ <u>489.66</u> is due on <u>07/20/17</u> followed by <u>11</u> payments of \$ <u>489.66</u> due on the <u>19</u> day of each month. The total of my monthly payments is \$ <u>5,875.92</u>	A. Disposition Fee (if I do not purchase the Vehicle) \$ <u>350</u> B. <u>N/A</u> \$ <u>N/A</u> TOTAL \$ <u>350</u>	\$ <u>15,197.17</u>

9. AMOUNT DUE AT LEASE SIGNING OR DELIVERY	10. MY MONTHLY PAYMENT IS DETERMINED AS SHOWN BELOW																														
A. Amount Due at Lease Signing or Delivery <table border="0"> <tr><td>1. Capitalized Cost Reduction</td><td>\$ 7,500.00</td></tr> <tr><td>2. First Monthly Payment</td><td>\$ 489.66</td></tr> <tr><td>3. Refundable Security Deposit</td><td>\$ N/A</td></tr> <tr><td>4. Initial Title Fees</td><td>\$ N/A</td></tr> <tr><td>5. Initial Registration Fees</td><td>\$ 132.50</td></tr> <tr><td>6. Initial License Fees</td><td>\$ N/A</td></tr> <tr><td>7. Sales/Use Tax</td><td>\$ 78.75</td></tr> <tr><td>8. Acquisition Fee (if not capitalized)</td><td>\$ 925.00</td></tr> <tr><td>9. Sales Tax on Capitalized Cost Reduction</td><td>\$ N/A</td></tr> <tr><td>10. GA New Vehicle Arb Fee</td><td>\$ N/A</td></tr> <tr><td>11. DOC FEE</td><td>\$ 335.00</td></tr> <tr><td>12. N/A</td><td>\$ N/A</td></tr> <tr><td>13. N/A</td><td>\$ N/A</td></tr> <tr><td>14. N/A</td><td>\$ N/A</td></tr> <tr><td>TOTAL</td><td>\$ 9,460.91</td></tr> </table>	1. Capitalized Cost Reduction	\$ 7,500.00	2. First Monthly Payment	\$ 489.66	3. Refundable Security Deposit	\$ N/A	4. Initial Title Fees	\$ N/A	5. Initial Registration Fees	\$ 132.50	6. Initial License Fees	\$ N/A	7. Sales/Use Tax	\$ 78.75	8. Acquisition Fee (if not capitalized)	\$ 925.00	9. Sales Tax on Capitalized Cost Reduction	\$ N/A	10. GA New Vehicle Arb Fee	\$ N/A	11. DOC FEE	\$ 335.00	12. N/A	\$ N/A	13. N/A	\$ N/A	14. N/A	\$ N/A	TOTAL	\$ 9,460.91	A. Gross Capitalized Cost. The agreed upon value of the Vehicle (\$ <u>43,739.00</u>) and any items I pay for over the Lease Term (such as taxes, fees, service contracts, insurance, and any outstanding prior credit or lease balance) (Section 13 for an itemization of this amount). \$ <u>43,739.00</u> B. Capitalized Cost Reduction. The amount of any net trade-in allowance, rebate, noncash credit, or cash I pay that reduces the Gross Capitalized Cost. - \$ <u>7,500.00</u> C. Adjusted Capitalized Cost. The amount used in calculating my Base Monthly Payment. = \$ <u>36,239.00</u> D. Residual Value. The value of the Vehicle at the end of the Lease used in calculating my Base Monthly Payment. - \$ <u>31,944.25</u> E. Depreciation and any Amortized Amounts. The amount charged for the Vehicle's decline in value through normal use and for other items paid over the Lease Term. = \$ <u>4,294.75</u> F. Rent Charge. The amount charged in addition to the Depreciation and any Amortized Amounts. + \$ <u>1,235.57</u> G. Total of Base Monthly Payments. The Depreciation and any Amortized Amounts plus the Rent Charge. = \$ <u>5,530.32</u> H. Lease Payments. The number of payments in my Lease. ÷ <u>12</u>
1. Capitalized Cost Reduction	\$ 7,500.00																														
2. First Monthly Payment	\$ 489.66																														
3. Refundable Security Deposit	\$ N/A																														
4. Initial Title Fees	\$ N/A																														
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11. DOC FEE	\$ 335.00																														
12. N/A	\$ N/A																														
13. N/A	\$ N/A																														
14. N/A	\$ N/A																														
TOTAL	\$ 9,460.91																														
B. How the Amount Due at Lease Signing or Delivery Will Be Paid <table border="0"> <tr><td>1. Net Trade-In Allowance</td><td>\$ <u>N/A</u></td></tr> </table>	1. Net Trade-In Allowance	\$ <u>N/A</u>																													
1. Net Trade-In Allowance	\$ <u>N/A</u>																														

B. How the Amount Due at Lease Signing or Delivery Will Be Paid

1. Net Trade-In Allowance	\$	N/A
2. Rebates and Noncash Credits	\$	7,500.00
3. Amount to be Paid in Cash	\$	1,960.91
TOTAL	\$	9,460.91

and any Amortized Amounts plus the Rent Charge.	= \$	5,500.00
H. Lease Payments. The number of payments in my Lease.	+	12
I. Base Monthly Payment.	= \$	460.86
J. Monthly Sales/Use Tax.	+	28.80
K.	+	N/A
L. Total Monthly Payment.	= \$	489.66

Early Termination. I may have to pay a substantial charge if I end this Lease early. The charge may be up to several thousand dollars. The actual charge will depend on when the Lease is terminated. The earlier I end the Lease, the greater this charge is likely to be.

11. Excessive Wear and Use. I may be charged for excessive wear based on your standards for normal use and for mileage in excess of total miles over the scheduled Lease Term of 15,000 miles, at the rate of _____ cents per mile.

12. Purchase Option at End of Lease Term. I have an option to purchase the Vehicle ("as is") at the Scheduled Termination of the Lease for its Residual Value of \$31,944.25. The purchase option price does not include official fees, such as those for taxes, title, registration and license/tags. See Section 30 for more information.

Other Important Terms. See the front and back of this Lease for additional information on early termination, purchase options, and maintenance responsibilities, warranties, default charges, insurance, and any security interest, if applicable.

IF I DO NOT MEET MY OBLIGATIONS UNDER THIS LEASE, YOU MAY REPOSSESS THE VEHICLE.

13. ITEMIZATION OF GROSS CAPITALIZED COST

A. Agreed Upon Value of Vehicle	\$	43,739.00	I. Prior Credit or Lease Balance*	\$	N/A
B. Initial Title, License & Registration Fees	\$	N/A	J. GA New Vehicle Arb Fee	\$	N/A
C. Sales/Use Tax	\$	N/A	K. Acquisition Fee	\$	N/A
D. Federal Luxury Tax	\$	N/A	L. Other	\$	N/A
E. Sales Tax on Capitalized Cost Reduction	\$	N/A	M. Other	\$	N/A
F. Maintenance Agreement	\$	N/A	N. Other	\$	N/A
G. Mechanical Breakdown Protection	\$	N/A	TOTAL	\$	43,739.00
H. Extended Warranty	\$	N/A			

*Leave blank unless Lessor has paid prior credit or lease balance.

14. ESTIMATED OFFICIAL FEES AND TAXES

\$2,210.50 This is an estimate of the total amount I agree to pay for official and license fees, registration, title and taxes (including personal property taxes) over the Lease Term including any extensions of the Lease Term, whether included in my Monthly Payment, Amount Due at Lease Signing or Delivery, or separately billed. The actual total of Official Fees and Taxes may be higher or lower, depending on the tax rates in effect or the value of the Vehicle at the time a fee or tax is assessed. This estimate is based on my Garaging Address and may increase if I move or if tax rates change. For some of these items, we may invoice you after the taxing authority has billed us, sometimes after the lease terminates.

15. OPTIONAL PRODUCTS AND SERVICES

I am not required to buy any of the optional products and services listed below. These products and/or services will not be provided unless I check the appropriate box, fill in all necessary information, initial below and I am accepted by the provider. Because these products and/or services are not provided by the Lessor, I understand that I must pursue all related matters, including refunds, through the listed Provider. By initialing below, I agree that I have received and read a notice of the terms of the product or service and I want to obtain the product or service for the charge shown. A portion of the charge may be retained by Lessor (Center).

<input type="checkbox"/> Maintenance Agreement	Provider	N/A	Term (Months)	N/A	Charge	N/A	Lessee/Co-Lessee Initials
<input type="checkbox"/> Mechanical Breakdown Protection	Provider	N/A	Term (Months)	N/A	Charge	N/A	Lessee/Co-Lessee Initials
<input type="checkbox"/> _____	Provider	N/A	Term (Months)	N/A	Charge	N/A	Lessee/Co-Lessee Initials

Mileage Allowance/Refund.

15,000 I agree to this Mileage Allowance for the term of this Lease. My Monthly Payment and Residual Value for this Lease have been calculated, in part, by using this Mileage Allowance.

If this box is checked, I have elected a high Mileage Allowance. I may receive a refund of _____ cents per unused mile for the unused miles between _____ miles and _____ miles, unless (a) the Vehicle is destroyed or stolen, (b) I default or terminate this Lease early, (c) I purchase the Vehicle, or (d) the refund is less than \$1. Any refund will be reduced by any amount I owe under this Lease at the Scheduled Termination.

16. WARRANTIES

The Vehicle is subject to the following express warranties. If the Vehicle is new, the Vehicle is subject to the standard manufacturer's new vehicle warranty. The Vehicle is also covered by the following, if checked:

- Remainder of the standard manufacturer's new vehicle warranty if the Vehicle is not a new vehicle.
- _____

UNLESS A LESSOR'S WARRANTY IS DISCLOSED ABOVE, LESSOR, TO THE EXTENT PERMITTED BY LAW, (1) MAKES NO WARRANTIES OR REPRESENTATIONS, EITHER EXPRESSED OR IMPLIED, AS TO THE VEHICLE OR ANY OF ITS PARTS OR ACCESSORIES AND (2) MAKES NO WARRANTY OF MERCHANTABILITY OR FITNESS OF THE VEHICLE FOR ANY PARTICULAR PURPOSE. I ACKNOWLEDGE THAT I AM LEASING THE VEHICLE FROM THE LESSOR "AS IS."

17. INSURANCE VERIFICATION

I agree to maintain the insurance coverage described in Section 23. I affirm that such insurance is in force on the date of this Lease. I authorize Lessor and its assignees to speak to my insurance agent or company, and any future insurance agents or companies, about my coverage for the leased Vehicle.

Insurance Company Policy No. Coverage Verified (Center Employee's Initials)
Agent Name Address Phone No.

All matters regarding insurance should be sent by e-mail to insuranceinfo@bmwfs.com; or faxed to 888-725-8456.

18. LESSEE NOTICES AND SIGNATURES

By signing below, I acknowledge that:

- This Lease is completely filled out;
I have no ownership rights in the Vehicle unless and until I exercise my option to purchase the Vehicle;
I have read both sides of this Lease carefully and agree to all of its terms; and
I have received a completely filled in copy of this Lease.

X Lessee PEABODY MOTOR SPORTS INC X Lessee N/A
By (Print Name & Title if Corporation) By (Print Name & Title if Corporation)

19. GUARANTY

I jointly and severally guarantee payment and performance of all promises contained in this Lease. Upon default, Lessor may proceed immediately against me without first proceeding against the Lessee. My liability will be unconditional and will not be affected by any settlement, extension, renewal or modification of this Lease whether or not by operation of law. I waive all right to notices of every kind, including rights to demand and presentment. I agree to pay all expenses (including reasonable attorney's fees and legal expenses) you incur if you have to enforce this Guaranty.

Guarantor's Signature: X Guarantor's Signature: X
Name N/A Name N/A
Address Address

20. LESSOR'S ACCEPTANCE AND ASSIGNMENT

By signing below, Lessor (1) accepts the terms, conditions and obligations of this Lease and (2) assigns all right, title and interest in the Vehicle and this Lease to the Assignee listed in Section 2 above. This Lease, including all amounts to become due under it, and any guaranty, are subject to the provisions of the Center Agreement between Lessor and BMW FS.

PEABODY MOTOR SPORTS INC
Lessor Name Signature of Authorized Representative

Lyon-Waugh
 AUTO GROUP
 www.lyonwaugh.com



BMW of Peabody
 221 Andover St.
 Peabody, MA 01960
 Tel: 978-538-9900 Fax: 978-538-9911

INVOICE

SOLD TO: FINANCIAL SERVICES VEHICLE TRUST
 ADDRESS: 5550 BRITTON PKWY DATE: 07/20/17
 HILLARD, OH 43026

SALESMAN: HOUSE SALES REP

NEW OR USED	YEAR & MAKE 2017 BMW	MODEL I3 REX	IDENTIFICATION NO. WBY1Z8C32HV891856	COLOR BLUE	STOCK NO. B44832
				KEY NO. N/A	TITLE NO. N/A
MILEAGE OF VEHICLE AT TIME OF SALE IS				14	
<u>INSURANCE COVERAGE INCLUDES</u> <input type="checkbox"/> FIRE AND THEFT <input type="checkbox"/> COLLISION AMOUNT DEDUCTIBLE <input type="checkbox"/> PUBLIC LIABILITY AMOUNT <input type="checkbox"/> PROPERTY DAMAGE AMOUNT				PRICE OF CAR	43,739.00
<u>OPTIONAL EQUIPMENT AND ACCESSORIES</u> PEABODY MOTOR SPORTS INC				SALES TAX	28.80
				FEDERAL LUXURY TAX	
				REGISTRATION, TITLE	132.50
				TOTAL CASH PRICE	
				FINANCE CHARGE INCL. INSURANCE	
				TOTAL TIME PRICE	
				<u>SETTLEMENT</u>	
				DEPOSIT	
				CASH ON DELIVERY	N/A
				USED CAR	N/A
				TYPE N/A N/A	
				SERIAL NO. N/A	
				1ST LIENHOLDER N/A	
				PAYMENTS 12 @ 489.65	13,375.92
				TOTAL	43,739.00
				ANNUAL PERCENTAGE RATE	% 5.90

ALWAYS SHOW SERIAL MOTOR AND KEY NUMBER

PEABODY MOTOR SPORTS INC

B44832

CUSTOMER'S NAME

STOCK NO.

ODOMETER DISCLOSURE STATEMENT

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

I, PEABODY MOTOR SPORTS INC (transferor's name, Print)

state that the odometer now reads 14 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

(1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.

(2) I hereby certify that the odometer reading is NOT the actual mileage.

WARNING-ODOMETER DISCREPANCY.

MAKE BMW	MODEL 13 REX	BODY TYPE 94 AH W/RANGE
VEHICLE IDENTIFICATION NUMBER WBY1Z8C32HV891856		YEAR 2017

X
TRANSFEROR'S SIGNATURE
PEABODY MOTOR SPORTS INC

PRINTED NAME
221 Andover St

TRANSFEROR'S ADDRESS (STREET)
Peabody, MA 01960

CITY 07/20/17 STATE ZIP CODE

DATE OF STATEMENT

X
TRANSFEREE'S SIGNATURE
PEABODY MOTOR SPORTS INC

PRINTED NAME
PEABODY MOTOR SPORTS INC

TRANSFEREE'S NAME
221 ANDOVER STREET

TRANSFEREE'S ADDRESS (STREET)
PEABODY, MA 01960

CITY STATE ZIP CODE

BMW Group Financial Services

Lease Financing Program Worksheet



Dealer Number	Dealer Phone Number	Approval Number
---------------	---------------------	-----------------

Lessor Name PEABODY MOTOR SPORTS INC		GARAGING INFORMATION		Dealer Name PEABODY MOTOR SPORTS INC	
Co-Lessee Name		Driver Name		Contact Name	
Address 221 ANDOVER STREET		Address		Address 221 Andover St	
City PEABODY	State MA	City	State	City Peabody	State MA
County	Zip Code	County	Zip Code	County	Zip Code 01860

Check here if billing address is different than above, and include billing address on reverse side.

VEHICLE DESCRIPTION	Year 2017	Make BMW	Model 13 REX	VIN # WBY1Z8C32HV891856	Odometer 14
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TRADE-IN DESCRIPTION	Year	Make	Model	VIN #	Odometer
----------------------	------	------	-------	-------	----------

1. CAPITALIZED COST

A. Selling Price (including Options and Accessories)	\$	43,739.00	
B. Federal Luxury Tax	\$	N/A	
C. MBP/Maintenance Contract	\$	N/A	
D. Up-Front Sales/Use Tax ____%	\$	N/A	
E. FS Assignment Fee	\$	N/A	
F. Negative Trade-in Balance (Provide Documentation)	\$	N/A	
G. Gross Capitalized Cost (Sum of 1A through 1F)	\$		43,739.00
H. Positive Trade-in Balance (Provide Documentation)	\$	N/A	
I. Cash Down Payment	\$	7,500.00	
J. Capitalized Cost Reduction (1H + 1I)	\$		7,500.00
K. Adjusted Capitalized Cost (1G - 1J)	\$		36,239.00

2. RESIDUAL VALUE

A. Vehicle MSRP	\$	49,145.00	
B. Residualizable Options (See Handbook)	\$	N/A	
C. Residual Basis (2A + 2B)	\$	49,145.00	
D. Base Residual $65.00\% + \text{____}\%$ (Low Mileage) = 65.00%	\$		31,944.25
E. High Mileage Adjustment	\$	N/A	
F. Residual Value (2D - 2E)	\$		31,944.25

3. MONTHLY PAYMENT

A. Lease Term	12	MONTHS	
B. Monthly Lease Charge $[(1K + 2F) \times 0.0015100 \text{ Rate Factor}]$	\$	102.96	
C. Monthly Depreciation $(1K - 2F)/3A$	\$	357.90	
D. Base Monthly Payment (3B + 3C)	\$		460.86
E. Monthly Sales/Use Tax 0.25%	\$	28.80	
F. Other _____	\$	N/A	
G. Other _____	\$	N/A	
H. Total Monthly Payment (Sum of 3D through 3G)	\$		489.66
I. Total of All Monthly Payments (3H x 3A)	\$		5,875.92

4. AMOUNT DUE DEALER

A. Adjusted Capitalized Cost (Line 1K)	\$	36,239.00	
B. First Monthly Payment/Advance Payment	\$	489.66	
C. Security Deposit/Last Monthly Payment	\$	N/A	
D. Tax on Capitalized Cost Reduction	\$	N/A	
E. FS Assignment Fee	\$	925.00	
F. Federal Luxury Tax	\$	N/A	
G. Other _____	\$	N/A	
H. Dealer Reserve (see reverse)	\$	7,500.00	
I. Net Amount Due to Dealer (Sum of 4A through 4H)	\$		42,324.34



Vehicle Inquiry Report

B44832

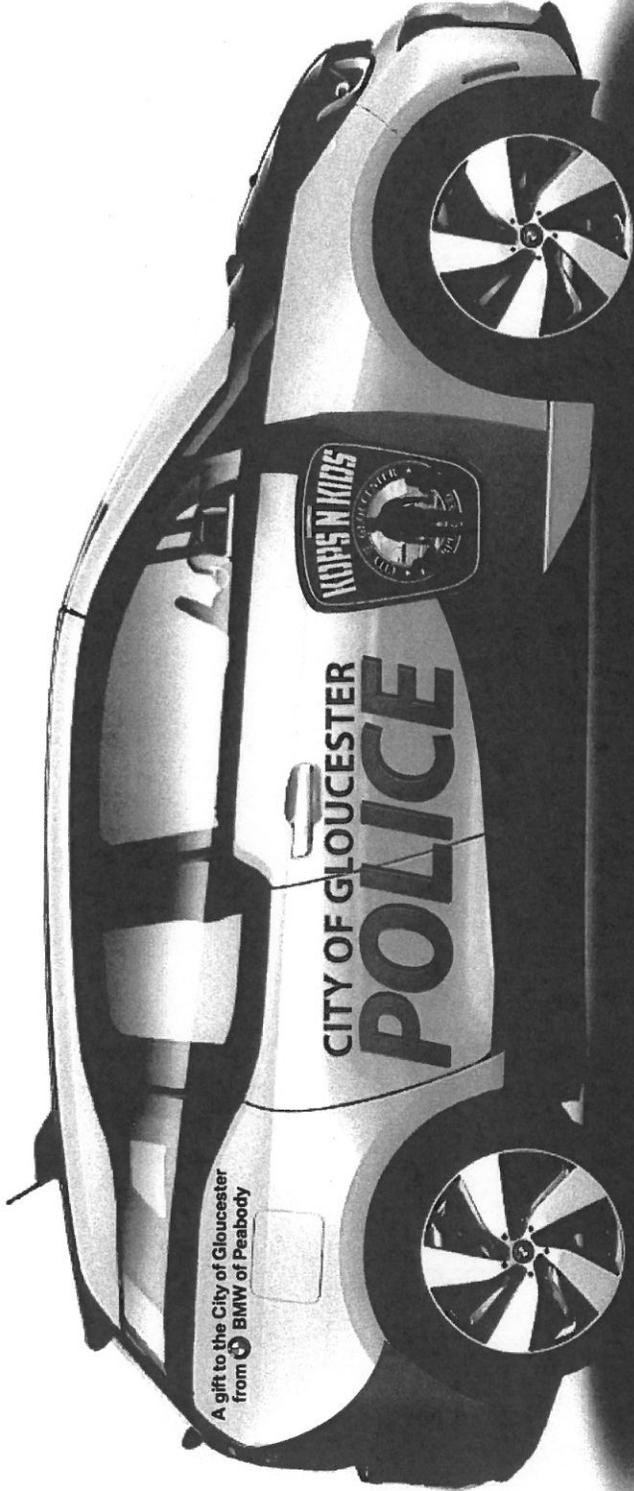
VIN: WBY1Z8C32H V891856 Priority: 1 - Customer "sold" Assigned to: E - 10 - 56568
 Prod. No.: 0546366 Customer: peabody BMW Gallery
 Order Status: Dealer Inventory Alt Ship To:
 Act. Prod. Date: 3/9/17 Salesperson:
 Model: 171B i3 Rex Dlr Srch. Code: S03
 Dlr. Notes: Port Loc.: NYCPOA
 Dest. Loc.: 00056568
 In-Service Date: Trans. Flag: T
 Holds: Mod. Block: N

Invoiced to:	56568 on 4/11/17	Auction/Bid:	N	Price Block:	N	Mileage:	0.0
Invoice:	24074683	Wholesale Block:	N				
Description	Wholesale	MSRP					
Model Code 171B i3 Rex	USD 44,630.00	USD 47,450.00					
Color C01 Protonic Blue Metallic w/Frozen Grey accent	645.00	700.00					
Upholstery BHG1 Deka Dark Cloth	N/C	N/C					
Options ZKK Deka World	N/C	N/C					
2G6 19" BMW i Light Alloy Turbine wheel s style 429 w/all-season	N/C	N/C					
925 Shipping package	N/C	N/C					
927 All-season tires	N/C	N/C					
9AA Transport protection	N/C	N/C					
Net Total	45,275.00	48,150.00					
Destination Charge	995.00	995.00					
Training/Service Fee	180.00	N/C					
Total Suggested Price	46,450.00	49,145.00					

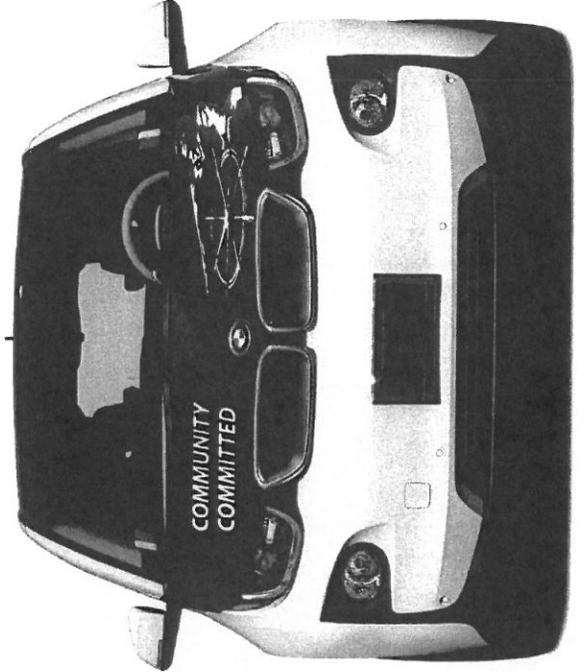
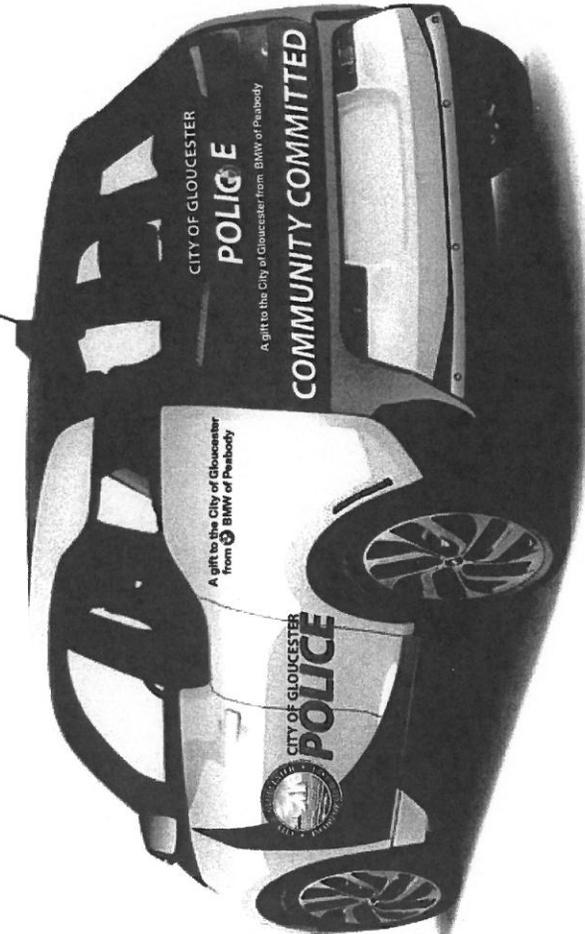
\$ 43,739

Total MSRP excludes all taxes, title/documentary fees, registration, tags, BMW center preparation charges, BMW center installed options, insurance, certificate of compliance or non-compliance fees, and finance charges. Prices may vary by BMW center.

† Alternate Option



BMW OF PEABODY & THE CITY OF GLOUCESTER POLICE



ENCLOSURE 4

Public Works
28 Poplar Street
Gloucester, MA 01930



TEL 978-281-9785
FAX 978-281-3896
mcole@gloucester-ma.gov

CITY OF GLOUCESTER
DEPARTMENT OF PUBLIC WORKS

TO: Michael Hale, Director Public Works
FR: Mark Cole, Asst. Director Public Works
DT: August 16, 2017
SUBJ: Unpaid Invoices

Please submit the following invoices to the City Council with the next Mayor's Report for the next City Council meeting. We are unable to pay for these invoices without approval from the City Council.

DPW Water ORG 600052 OBJECT 52000 Contract Service

Waste Management Invoice #1734140-0209-2 Dated 6/26/2017 \$180.73
(Not enough carry over FY17, partial payment made \$264.73) **Total \$180.73**

Waste Management Invoice #2188166-2192-2 Dated 7/17/2017 \$1,185.52
Waste Management Invoice #1738372-0209-7 Dated 7/26/2017 \$489.28
(FY18 Purchase order not in place for these two invoices) **Total \$1,855.53**

Hiltz Waste Disposal, Inc. Invoice #7808 Dated 8/1/2017 \$249.60
Hiltz Waste Disposal, Inc. Invoice #9758 Dated 8/1/2017 \$484.64
(FY18 Purchase order not in place for these two invoices) **Total \$734.24**

DPW Solid Waste Disposal ORG 140352 OBJECT 520000 Contract Services

JRM Hauling & Recycling Invoice #00006898921 Dated 6/30/2017 \$3,181.68
JRM Hauling & Recycling Invoice #0000002530 Dated 6/30/2017 \$1,255.71
(Paid \$40,617.33 of original amount)
Total \$4,437.39

DPW Public Services ORG 147052 OBJECT 520000 Contract Service

Ipswich Police Department Invoice #17-128-DV Dated 7/03/2017 \$384.00
(Date of Service 6/28/2017)
Ipswich Police Department Invoice #17-121-DV Dated 6/24/2017 \$192.00
(Date of Service 6/24/2017)
Total \$576.00



INVOICE

Customer ID:

11-85068-42009

Customer Name:

CITY OF GLOUCESTER

Service Period:

06/01/17-06/30/17

Invoice Date:

06/26/2017

Invoice Number:

1734140-0209-2

How to Contact Us

Visit **wm.com**

To setup your online profile, sign up for paperless statements, manage your account, view holiday schedules, pay your invoice or schedule a pickup



Customer Service:
(800) 972-4545

Your Payment is Due

Jul 25, 2017

Your Total Due

\$445.46

If payment is received after
07/25/2017: **\$ 452.14**

If full payment of the invoiced amount is not received within your contractual terms, you may be charged a monthly late charge of 2.5% of the unpaid amount, with a minimum monthly charge of \$5, or such late charge allowed under applicable law, regulation or contract.

See Reverse for Important Messages

Previous Balance	+	Payments	+	Adjustments	+	Current Charges	=	Total Due
895.34		(895.34)		0.00		445.46		445.46

Details for Service Location: Gloucester Wpcf 4yd Trash, 50 Essex Ave, Gloucester MA 01930-4901
 Customer ID: 11-85068-42009
 PO#: 1500942

Description	Date	Ticket	Quantity	Amount
Container service plan	06/01/17		1.00	9.95
4 Yard dumpster service	06/01/17		1.00	334.00
Fuel / environmental charge				86.03
Regulatory cost recovery chrg				15.48
Total Current Charges				445.46

partial payment

----- Please detach and send the lower portion with payment ----- (no cash or staples) -----

Waste Management
 WASTE MANAGEMENT OF MASSACHUSETTS
 PO BOX 42090
 PHOENIX, AZ 85080
 (800) 972-4545

06/26/2017	1734140-0209-2	11-85068-42009
Total Due by 07/25/2017	\$445.46	
If Received after 07/25/2017	\$452.14	267.73

0209000118506842009017341400000004454600000044546 1

0036475 01 AB 0.400 **AUTO TO 0 7177 01930-491301 -C01-P36511-11
 CITY OF GLOUCESTER
 50 ESSEX AVE
 GLOUCESTER MA 01930-4913

I0447C36

WASTE MANAGEMENT OF MASSACHUSETTS
 PO BOX 13648
 PHILADELPHIA PA 19101-3648

THINK GREEN.



INVOICE

Customer ID:

11-85068-42009

Customer Name:

CITY OF GLOUCESTER

Service Period:

07/01/17-07/31/17

Invoice Date:

07/26/2017

Invoice Number:

1738372-0209-7

How To Contact Us

Visit wm.com

To setup your online profile, sign up for paperless statements, manage your account, view holiday schedules, pay your invoice or schedule a pickup



Customer Service:
(800) 972-4545

Your Payment Is Due

Aug 24, 2017

If full payment of the invoiced amount is not received within your contractual terms, you may be charged a monthly late charge of 2.5% of the unpaid amount, with a minimum monthly charge of \$5, or such late charge allowed under applicable law, regulation or contract.

Your Total Due

\$934.74

If payment is received after 08/24/2017: **\$ 948.76**

See Reverse for Important Messages

Previous Balance	445.46	+	Payments	0.00	+	Adjustments	0.00	+	Current Charges	489.28	=	Total Due	934.74
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Details for Service Location: Gloucester Wpcf 4yd Trash, 50 Essex Ave, Gloucester MA 01930-4901

Customer ID: 11-85068-42009

PO#: 1500044

Description	Date	Ticket	Quantity	Amount
Container service plan	07/01/17		1.00	9.95
4 Yard dumpster service	07/01/17		1.00	367.40
Fuel / environmental charge				94.93
Regulatory cost recovery chrg				17.00
Total Current Charges				489.28

----- Please detach and send the lower portion with payment ----- (no cash or staples) -----

WASTE MANAGEMENT
 WASTE MANAGEMENT OF MASSACHUSETTS
 PO BOX 42090
 PHOENIX, AZ 85080
 (800) 972-4545

Invoice Date	Invoice Number	Customer ID
07/26/2017	1738372-0209-7	11-85068-42009
Payment Terms	Total Due	Amount
Total Due by 08/24/2017	\$934.74	
If Received after 08/24/2017	\$948.76	

0209000118506842009017383720000004892800000093474 0

0017115 01 AB 0.400 **AUTO TO 0 7207 01930-491301 -C01-P17132-11
 CITY OF GLOUCESTER
 50 ESSEX AVE
 GLOUCESTER MA 01930-4913

I0447C38



WASTE MANAGEMENT OF MASSACHUSETTS
 PO BOX 13648
 PHILADELPHIA PA 19101-3648

THINK GREEN.



209-0038373-0209-4



INVOICE

Customer ID:
Customer Name:
Service Period:
Invoice Date:
Invoice Number:

18-60770-93005
CITY OF GLOUCESTER
07/01/17-07/15/17
07/17/2017
2188166-2192-2

How To Contact Us

Visit **wm.com**

To setup your online profile, sign up for paperless statements, manage your account, view holiday schedules, pay your invoice or schedule a pickup



Customer Service:
(800) 847-5303

Your Payment Is Due

08/15/2017

If full payment of the invoiced amount is not received within your contractual terms, you may be charged a monthly late charge of 2.5% of the unpaid amount, with a minimum monthly charge of \$5, or such late charge allowed under applicable law, regulation or contract.

Your Total Due

\$1,185.52

See Reverse for Important Messages

Previous Balance	+	Payments	+	Adjustments	+	Current Charges	=	Total Due
0.00		0.00		0.00		1,185.52		1,185.52

Details for Service Location: City Of Gloucester, 50 Essex Ave, Gloucester MA 01930-4901
Customer ID: 18-60770-93005

Description	Date	Ticket	Quantity	Amount
Liner	06/20/17	407695	2.00	100.00
Del w/container				0.00
Delivery 20 yd open top			1.00	385.00
De:1-20s				0.00
Ticket Total				485.00
Container usage charge daily	07/15/17	M31426	1.00	600.00
20S:06/22-07/15/17				0.00
Ticket Total				600.00
Fuel/environmental charge				75.36
Regulatory cost recovery chrg				20.16
Administrative charge				5.00
Total Current Charges				1,185.52

----- Please detach and send the lower portion with payment ----- (no cash or staples) -----

WASTE MANAGEMENT
 WASTE MANAGEMENT OF
 ROCHESTER NH HAULING
 PO BOX 42090
 PHOENIX, AZ 85080
 (800) 847-5303
 (800) 972-4545

Invoice Date	Invoice Number	Customer ID
07/17/2017	2188166-2192-2	18-60770-93005
Payment Terms	Total Due	Amount
Total Due by 08/15/2017	\$1,185.52	1,185.52



2192000186077093005021881660000011855200000118552 5

0039816 01 AB 0.400 **AUTO TO 0 7198 01930-491301 -C01-P39855-11
 CITY OF GLOUCESTER
 50 ESSEX AVE
 GLOUCESTER MA 01930-4913

I0447043



WASTE MANAGEMENT OF
 ROCHESTER NH HAULING
 PO BOX 13648
 PHILADELPHIA PA 19101-3648

THINK GREEN®



276-0066108-2192-5



Purchase Order

Fiscal Year 2018

Page: 1 of: 1

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **1801050**

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

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WASTE MANAGEMENT OF MA INC
26 PATRIOT PLACE - SUITE 300
FOXBORO, MA 02035-1375

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DEPARTMENT OF PUBLIC WORKS
CITY OF GLOUCESTER
28 POPLAR STREET
GLOUCESTER, MA 01930
Email: shendrickson@gloucester-ma.gov
ATTN: Larry Durkin

Date Ordered	Vendor Number	Req Number	Department/Location	Gloucester's Tax Exempt Number	
08/01/2017	3383	811265	WATER	E046001390	
Item#	Description/PartNo	QTY	UOM	Unit Price	Extended Price
1	Special Waste Dumpster Special Waste Dumpster & Vactor Pad Dumpster @ WWTP- 30b exempt GL Account: 600052 - 520000	1.0		\$20,000.00	\$20,000.00
	***** GL SUMMARY ***** 600052 - 520000			\$20,000.00	

APPROVAL SIGNATURES

By: *Kenny Costa*
City Auditor

By: *Tom Condon*
Purchasing Agent

Total Ext. Price	\$20,000.00
PO Total	\$20,000.00

Statement

HILTZ WASTE DISPOSAL, INC
24 KONDELIN RD
GLOUCESTER, MA 01930
RETURN SERVICE REQUESTED
978-283-3335

Tue Aug 1, 2017

7808

Please Pay: \$249.60

LOCATION:

Page 1

CITY OF GLOUCESTER @ BABSON TREATMENT
CITY OF GLOUCESTER - DPW
9 DALE AVE
GLOUCESTER, MA 01930-3009

CITY OF GLOUCESTER @ BABSON TREATMENT
19 RUSSELL AVE
GLOUCESTER, MA 01930

Pay your bill Online at
www.trashbilling.com
ID#: 425220078083

Terms: NET 10 DAYS
HILTZ WASTE DISPOSAL, INC

PO#: 1000174

Acct# 7808

Location: 19 RUSSELL AVE, GLOUCESTER, MA

7/1/17	MONTHLY TRASH 4YD	7/1 - 7/31		\$120.00
7/1/17	FUEL SURCHARGE	4.% 7/1 - 7/31		\$4.80
8/1/17	MONTHLY TRASH 4YD	8/1 - 8/31		\$120.00
8/1/17	FUEL SURCHARGE	4.% 8/1 - 8/31		\$4.80
Balance Due:				\$249.60

up to 30	31 to 60	61 to 90	Over 90	Total
\$124.80	\$124.80	\$0.00	\$0.00	\$249.60

30 DAYS OVERDUE

Pay your bill and see account information Online at www.trashbilling.com ID#: 425220078083

PLEASE INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK. TO APPLY
PAYMENT TO THE CORRECT ACCOUNT

ANY ACTIVITY FROM 6/30 WILL BE ON THE 8/1/17
STATEMENT.

Statement

HILTZ WASTE DISPOSAL, INC
24 KONDELIN RD
GLOUCESTER, MA 01930
RETURN SERVICE REQUESTED
978-283-3335

Tue Aug 1, 2017

9758

Please Pay: \$484.64

LOCATION: Page 1

CITY OF GLOUCESTER-WATER TREATMENT PLANT
CITY OF GLOUCESTER - DPW
9 DALE AVE
GLOUCESTER, MA 01930-3009

CITY OF GLOUCESTER-WATER TREATMENT PL
372 MAGNOLIA AV
GLOUCESTER, MA 01930

Pay your bill Online at
www.trashbilling.com
ID#: 425220097589

PO#: 1000174

Terms: NET 10 DAYS

HILTZ WASTE DISPOSAL, INC

Acct# 9758

Location: 372 MAGNOLIA AV, GLOUCESTER, MA

7/1/17	MONTHLY TRASH 4YD	7/1 - 7/31	\$233.00
7/1/17	FUEL SURCHARGE	4.% 7/1 - 7/31	\$9.32
8/1/17	MONTHLY TRASH 4YD	8/1 - 8/31	\$233.00
8/1/17	FUEL SURCHARGE	4.% 8/1 - 8/31	\$9.32
Balance Due:			\$484.64

up to 30	31 to 60	61 to 90	Over 90	Total
\$242.32	\$242.32	\$0.00	\$0.00	\$484.64

30 DAYS OVERDUE

Pay your bill and see account information Online at www.trashbilling.com ID#: 425220097589

PLEASE INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK. TO APPLY
PAYMENT TO THE CORRECT ACCOUNT

ANY ACTIVITY FROM 6/30 WILL BE ON THE 8/1/17
STATEMENT.



Purchase Order

Fiscal Year 2018

Page: 1 of: 1

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order # **1801231**

B I L L T O

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

V E N D O R

HILTZ WASTE DISPOSAL INC
24 KONDELIN ROAD
GLOUCESTER, MA 01930

S H I P T O

DEPARTMENT OF PUBLIC WORKS
CITY OF GLOUCESTER
28 POPLAR STREET
GLOUCESTER, MA 01930
Email: dbishop@gloucester-ma.gov
ATTN: J. Lucido

Date Ordered	Vendor Number	Req Number	Department/Location	Gloucester's Tax Exempt Number		
08/11/2017	1424	811430	WATER	E046001390		
Item#	Description/PartNo	QTY	UOM	Unit Price	Extended Price	
1	trash pickup Water filtration plant trash pickup GL Account: 600052 - 520000	1.0		\$5,000.00	\$5,000.00	
	***** GL SUMMARY ***** 600052 - 520000			\$5,000.00		

APPROVAL SIGNATURES

By: *Kenny Costa*
City Auditor

By: *Ben M. Condon*
Purchasing Agent

Total Ext. Price	\$5,000.00
PO Total	\$5,000.00



265 Newbury Street
 Peabody, MA 01960-1315
 Tel: (978) 536-2500
 Fax: (978) 536-2501
 www.jrmhauling.com

AMOUNT OF REMITTANCE **3,181.68**

INVOICE

INVOICE NO.	0000689821
PAGE	1
DATE	Jun-30-17
CUSTOMER NO.	9998
SITE NO.	1
REFERENCE NO.	

CITY OF GLOUCESTER - CITY HALL
 PO # 1701067
 9 DALE AVENUE
 GLOUCESTER, MA 01930

To ensure proper credit, detach and return this portion with your payment.

SERVICE DATE	CODE	DESCRIPTION	REFERENCE	QTY.	AMOUNT
	(0001)	CITY OF GLOUCESTER DPW 28 POPLAR STREET, GLOUCESTER MA			
		Serv #002 Self Contained Compactor 35.00			
05 - Jun		Trash Compactor Pick-up W.O# 283086		1.00	\$150.00
05 - Jun		Trash Disposal Charge	31905	11.59	\$788.12
16 - Jun		Trash Compactor Pick-up W.O# 283466		1.00	\$150.00
16 - Jun		Trash Disposal Charge	46562213	9.03	\$614.04
30 - Jun		Trash Compactor Pick-up W.O# 283467		1.00	\$150.00
30 - Jun		Trash Disposal Charge	32330	7.73	\$525.64
		Serv #006 Roll-off 30.00			
13 - Jun		Pick Up & Remove W.O# 284299		1.00	\$150.00
13 - Jun		Trash Disposal Charge	32024	3.73	\$253.64
30 - Jun		Pick Up & Return W.O# 286475		1.00	\$150.00
30 - Jun		Trash Disposal Charge	32331	3.68	\$250.24

Payment due upon receipt of this invoice. 1.5% per month (18% per annum) late charge on balances over 30 days from date of invoice.
 Payments received after invoice date are not reflected.

TOTAL THIS INVOICE **\$3,181.68**

CURRENT	31 - 60 DAYS	61 - 90 DAYS	OVER 90 DAYS
\$ 3,181.68	\$ 1,801.56	\$ 0.00	\$ 0.00

PLEASE PAY THIS AMOUNT \$4,983.24

We reserve the right to suspend waste removal service without notice on any past due account.

INVOICE NO.	0000689821
PAGE	1
DATE	Jun-30-17
CUSTOMER NO.	9998
SITE NO.	1
REFERENCE NO.	



265 Newbury Street
 Peabody, MA 01960-1315
 Tel: (978) 536-2500
 Fax: (978) 536-2501
 www.jrmhauling.com

*ok to pay
 7-12-17
 [Signature]*

REMARKS
 MA DEP Regulations restrict JRM from collecting recycling material with trash.
 Please contact JRM for recycling services



265 Newbury Street
 Peabody, MA 01960-1315
 Tel: (978) 536-2500
 Fax: (978) 536-2501
 www.jrmhauling.com

AMOUNT OF REMITTANCE **\$41,873.04**

INVOICE

INVOICE NO.	0000002530
PAGE	1
DATE	Jun-30-17
CUSTOMER NO.	1026
SITE NO.	1
REFERENCE NO.	

CITY OF GLOUCESTER - CITY HALL
 PO # 1701067
 9 DALE AVENUE
 GLOUCESTER, MA 01930

To ensure proper credit, detach and return this portion with your payment.

SERVICE DATE	CODE	DESCRIPTION	REFERENCE	QTY	AMOUNT
30 - Jun	(0001)	CITY OF GLOUCESTER DPW - MSW 28 POPLAR STREET, GLOUCESTER MA MUNICIPAL SOLID WASTE June 1, 2017 - June 30, 2017	640	615.78	\$41,873.04 ✓

*paying
 40,617.33
 owe 1,255.71*

*OK to pay
 Michael B. Hale 7/12/17*

Payment due upon receipt of this invoice. 1.5% per month (18% per annum) late charge on balances over 30 days from date of invoice. Payments received after invoice date are not reflected.

TOTAL THIS INVOICE **\$41,873.04**

CURRENT	31 - 60 DAYS	61 - 90 DAYS	OVER 90 DAYS
\$ 41,873.04	\$ 40,959.12	\$ 0.00	\$ 0.00

PLEASE PAY THIS AMOUNT \$82,832.16

We reserve the right to suspend waste removal service without notice on any past due account.

INVOICE NO.	0000002530
PAGE	1
DATE	Jun-30-17
CUSTOMER NO.	1026
SITE NO.	1
REFERENCE NO.	



265 Newbury Street
 Peabody, MA 01960-1315
 Tel: (978) 536-2500
 Fax: (978) 536-2501
 www.jrmhauling.com

REMARKS

Ipswich Police Department
15 Elm St
Ipswich, MA 01938

Invoice For Details

CITY OF GLOUCESTER
9 DALE AVE
GLOUCESTER, MA 01930

Today's Date	07/03/2017
Page	1 of 1
Billing Date	06/30/2017
Invoice #	17-128-DV
Total	384.00

Please Make Checks Payable to Town of Ipswich

ID/Name: AJD - Special Police Offic Albert J DiGregorio					
Worked: 06/28/2017		Entered: 06/30/2017		Comments: Concord @ Atlantic Nocella	
Hours: 8.00	Cost: 384.00	Admin Fee: 0.00	Other Fee: 0.00	Total: 384.00	
All Charges For This Invoice		Cost: 384.00	Admin Fee: 0.00	Other Fee: 0.00	Total: 384.00

Public Services
M. White

Ipswich Police Department

15 Elm St
Ipswich, MA 01938

Invoice For Details

CITY OF GLOUCESTER
9 DALE AVE
GLOUCESTER, MA 01930

Today's Date	06/24/2017
Page	1 of 1
Billing Date	06/24/2017
Invoice #	17-121-DV
Total	192.00

Please Make Checks Payable to Town of Ipswich

ID/Name: ABW - Patrolman Aaron B Woodworth				
Worked: 06/22/2017	Entered: 06/24/2017	Comments: Rogers St (DPW)		
Hours: 4.00	Cost: 192.00	Admin Fee: 0.00	Other Fee: 0.00	Total: 192.00
All Charges For This Invoice	Cost: 192.00	Admin Fee: 0.00	Other Fee: 0.00	Total: 192.00

Town of Ipswich
Public Services

ENCLOSURE 5



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

Chief John McCarthy
(978)281-9775

Memorandum

August 8, 2017

To: Mayor Sefatia RomeoTheken

From: Chief John McCarthy

RE: FY18 State 911 Support & Incentive Grant

Mayor Romeo Theken,

Please find our application for the FY18 State 911 Support & Incentive Grant in the amount of \$61,795.00. This is a yearly grant and I respectfully ask that it be approved to accept.

Respectfully,

John McCarthy
Chief of Police



City of Gloucester
Grant Application and Check List

Granting Authority: State Federal _____ Other _____

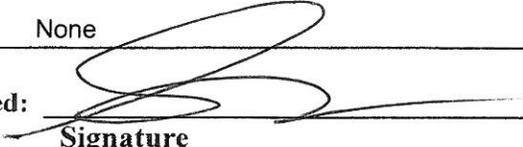
Name of Grant: FY18 Support & Incentive Grant

Department Applying for Grant: Police

Agency-Federal or State application is requested from: State 911 Department

Object of the application: Porvides funding for E911 salaries/overtime/equipment

Any match requirements: None

Mayor's approval to proceed:  8/18/17
Signature Date

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

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

City Council's Approval or Rejection: _____
Vote Date

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

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

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

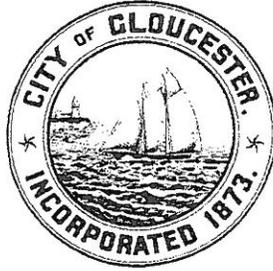
NOTE: A copy of all grant paperwork must be submitted to the Auditor's Office

FORM: AUDIT GRANT CHECKLIST – V.1

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www.iceni.com/unlock.htm





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

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

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

Note: All documents must be complete signed copies.

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

CITY OF GLOUCESTER

ACCOUNT BUDGET

DEPARTMENT NAME: Police

ACCOUNT NAME: FY18 Support & Incentive Grant

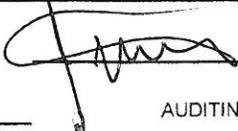
FUND NUMBER AND NAME: (N/A FOR NEW FUND) N/A

CFDA # (Required for Federal Grants): _____

DATE PREPARED: 6/5/2017

APPROVED
AMENDED BUDGET

OBJECT	ORIGINAL BUDGET	(IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (4_____)	\$61,795.00			
				\$0.00
				\$0.00
				\$0.00
Total:	\$0.00	\$0.00	\$0.00	\$0.00
EXPENSE (5_____)				
				\$0.00
Sal/Wages	\$34,755.00			\$0.00
				\$0.00
Equipment	\$27,040.00			\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	\$61,795.00 \$0.00	\$0.00	\$0.00	\$0.00

DEPARTMENT HEAD SIGNATURE 

DATE ENTERED (AUDIT) _____ AUDITING DEPARTMENT INITIALS _____

Commonwealth of Massachusetts

**Executive Office of Public Safety and Security
State 911 Department**



State 911 Department

**Public Safety Answering Point and Regional Emergency Communication Center
Support and Incentive Grant Application**

Fiscal Year 2018

All applications shall be mailed or hand delivered.

All applications must be received by 5:00 P.M. on Friday, February 2, 2018.

Application Checklist

- Signed and Dated PSAP and RECC Support and Incentive Grant Application Page
- Completed Budget Summary Page
- Completed Budget Narrative

Personnel: Include the amount you are requesting in this category.

HVAC: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

CAD: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Radio Console: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Console Furniture/Chairs: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Fire Alarm Receiving & Alerting Equipment: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Other Equipment: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Regional PSAPs and RECCs only:

Public Safety Radio Systems: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Regional Secondary PSAPs only:

CPE Maintenance: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

- Quotes
- Appendix A – Personnel Costs, if applicable, include name(s), hourly rate(s), and overtime rate(s)
- Detailed Departmental Budget (current and prior fiscal year) and an organizational chart
- Completed Contractor Authorized Signatory Listing Page signed by a City or Town Official
- Completed and Notarized Proof of Authentication of Signature Page for each Signatory
- Signed and Dated Standard Contract Page

**DO NOT SUBMIT DOUBLE-SIDED APPLICATIONS
OR
INCLUDE BLANK PAGES FOR WHICH NO FUNDING IS REQUESTED**

All applications with original signatures shall be submitted to:

**State 911 Department
151 Campanelli Drive, Suite A
Middleborough, MA 02346**

FY2018 Support and Incentive Grant

Type of PSAP: (please check one)

- Primary Regional Regional Secondary
 Regional Emergency Communication Center

1. **Name of City/Town/Municipality** City of Gloucester Police Department
 Address 197 Main Street
 City/Town/Zip Gloucester, MA 01930
 Telephone Number 978-281-9775
 Fax Number 978-282-3026
 Website www.gloucester-ma.gov

2. **Name of Applicant** City of Gloucester Police Department
Name /Title of Authorized Signatory Chief John McCarthy
 Address (if different from above)
 Telephone Number
 Fax Number
 Email Address jmccarthy@gloucester-ma.gov

3. **Name/Title of Program/Contract Manager** Stacie Nicastro Financial Coordinator
 Telephone Number 978-281-9775 ext. 2
 Fax Number 978-282-3026
 Email Address snicastro@gloucester-ma.gov

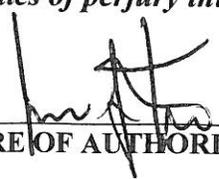
4. **Total Grant Program funds requested.** \$61,795.00

5. **Goal and Desired Outcome**

Through its submission of this application to the State 911 Department, the applying governmental entity affirms that the primary goal of the State 911 Department PSAP and RECC Support and Incentive Grant Program is to assist PSAPs and RECCs in providing enhanced 911 service and to foster the development of regional PSAPs, regional secondary PSAPs and RECCs.

6. *Sign below to acknowledge having read and agreed to the grant conditions and reporting requirements listed in the application packet.*

Signed under the penalties of perjury this 5 day of June, 2017



ORIGINAL SIGNATURE OF AUTHORIZING SIGNATORY

(In blue ink)

Primary PSAP, Regional PSAP, Regional Secondary PSAP, & RECC	
CATEGORY	AMOUNT
A. Enhanced 911 Telecommunicator Personnel Costs	\$34,755.00
B. Heat, Ventilation, Air Conditioning, and Other Environmental Control Equipment	\$
C. Computer-Aided Dispatch Systems	\$27,040.00
D. Radio Console	\$
E. Console Furniture and Dispatcher Chairs	\$
F. Fire Alarm Receiving and Alerting Equipment Associated with Providing Enhanced 911 Service	\$
G. Other Equipment	\$
TOTAL*	\$61,795.00

*Total amount must exactly match amount requested on application page

REGIONAL PSAP and RECC ONLY	
CATEGORY	AMOUNT
H. Public Safety Radio Systems	\$
TOTAL*	\$

*Total amount must exactly match amount requested on application page

REGIONAL SECONDARY PSAP ONLY	
CATEGORY	AMOUNT
I. PSAP Customer Premises Equipment Maintenance	\$
TOTAL*	\$

*Total amount must exactly match amount requested on application page

**PRIMARY PSAP, REGIONAL PSAP, REGIONAL SECONDARY PSAP, & RECC
DETAIL NARRATIVE**

Please make sure that every item listed in the above Budget Worksheet is listed in below narrative with a detailed description including category of item, price per unit, quantity, brand, model and any other pertinent and available information. Please include any and all quotes to support the budget narrative. For personnel costs, please note for each individual to be funded, the anticipated hourly rate, cost of benefits if applicable, and anticipated overtime rate if applicable. Please use additional pages if needed.

A. Enhanced 911 Telecommunicator Personnel Costs –to defray the costs of salary for enhanced 911 telecommunicator personnel, including enhanced 911 telecommunicators who are emergency communications dispatchers or supervisors. In order to be eligible for such funding, a grantee shall show that the personnel costs to be reimbursed: (1) cover only personnel who are trained and certified as an enhanced 911 telecommunicator in accordance with the requirements of the State 911 Department, or are in the process of obtaining such certification, in accordance with the requirements of the State 911 Department; and (2) except as otherwise approved by the State 911 Department, are solely for hours in which such personnel are working in the capacity of an enhanced 911 telecommunicator as their primary job function. Reimbursement may be allowed for straight time costs for on the job training for new telecommunicators who are in the process of obtaining certification as an enhanced 911 telecommunicator, in accordance with the requirements of the State 911 Department. Reimbursement for personnel costs related to training may be allowed only for training courses that have been approved by the State 911 Department under the Fiscal Year 2018 State 911 Department Training Grant, or with the prior written approval of the State 911 Department. Reimbursement for personnel costs for individuals who have other primary job duties not directly related to enhanced 911 service, such as firefighters or police officers who may occasionally be assigned PSAP enhanced 911 telecommunicator duty, may be allowed only for the documented hours in which the employee is acting primarily in the capacity of an enhanced 911 telecommunicator. For example, if a police officer or firefighter is assigned to work as an enhanced 911 telecommunicator 1 day a week, funding from these grants may only be used to cover the portion of such firefighter or police officer’s salary for the 1 day a week that he or she is assigned to enhanced 911 telecommunicator duty. Funding awarded through these grants shall be assigned to specific identified personnel, and the funding shall be applied to the personnel costs associated with such specific identified personnel.

All wage reimbursements authorized under this Program shall be allocated by the grantee in adherence with applicable collective bargaining agreements. However, the State 911 Department is not bound by or required to adhere to grantee collective bargaining agreements when determining allocations or reimbursements.

Attach Appendix A

Total Category A

\$34,755.00_____

B. Heat, Ventilation, Air Conditioning and Other Environmental Control Equipment – to defray costs associated with the acquisition and maintenance of heat, ventilation and air-conditioning equipment and other environmental control equipment. Such funds may only be used to purchase, install, replace, maintain, operate and/or upgrade such equipment used in the physical space used for the provision of enhanced 911 service.

B. Heat, Ventilation, Air Conditioning and Other Environmental Control Equipment

Description:

Vendor:

Attach Quote and mark with letter B

Total Category B

\$ _____

C. Computer-aided Dispatch Systems – to defray costs associated with the purchase, installation, replacement, maintenance and/or upgrade of CAD hardware and software used by emergency communication dispatchers, call takers, and 911 operators in primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs to initiate public safety calls for service and dispatch, and to maintain the status of responding resources in the field. Funds may be used for mobile devices that are linked to a CAD system. Primary PSAPs may not use funding for records management systems, whether or not part of a CAD system. Regional PSAPs and RECCs may apply for funding for records management systems.

C. Computer-aided Dispatch Systems

Description: Contract with Delphi Technology Solutions, Inc. 280 Merrimack St., Suite 308 Lawrence, MA 01843. For IT support directly related to “enhance and maintain computer aided dispatch systems through current and developing dispatch related technology needs.”

Are the requested items linked to CAD? Please see attached proposed contract.
 Where will the requested items be located?
 What will be displayed on monitors, if requested?

Vendor: Delphi Technology Solutions, Inc.
 280 Merrimack St., Suite 308
 Lawrence, MA 01843

Attach Quote and mark with letter C

Total Category C

\$27,040.00

D. Radio Consoles – to defray costs associated with the purchase, installation, replacement, maintenance, and/or upgrade of radio consoles to be used at primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs. Such funds may only be used to purchase, install, replace, maintain, and/or upgrade such radio consoles used in the physical space used for the provision of enhanced 911 service. All radio systems shall comply with EOPSS Statewide Inter-Operability Emergency Communications (“SIEC”) special conditions, as may be amended from time to time.

The State 911 Department will submit requests for such funding to the SIEC and/or the Statewide Interoperability Coordinator (“SWIC”) for review and confirmation that the requested item(s) comply with the SIEC special conditions. The SIEC special conditions are available at:

<http://www.mass.gov/eopss/docs/ogr/homesec/sdsiecspecialconditionsradiofrequenciesdec09.pdf>. Questions relating to the SIEC special conditions should be directed to the SWIC. You may e-mail the SWIC at MA.SWIC@state.ma.us.

D. Radio Consoles

Description:

Vendor:

Attach Quote and mark with letter D

Total Category D

\$ _____

E. Console Furniture and Dispatcher Chairs – to defray costs associated with the purchase, installation, replacement, maintenance, and/or upgrade of console furniture and dispatcher chairs necessary for enhanced 911 telecommunicators working at primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs to perform their jobs effectively and in an ergonomically appropriate manner. Such funds may only be used to purchase, install, replace, maintain, and/or upgrade such console furniture and dispatcher chairs, including shelving, storage cabinets, and rotary resource files, used in the physical space used for the provision of enhanced 911 service.

E. Console Furniture and Dispatcher Chairs

Description:

Have you previously applied for funding for dispatcher chairs?
If so, what year?
Are they under warranty?

Vendor:

Attach Quote and mark with letter E

Total Category E

\$ _____

F. Fire Alarm Receiving and Alerting Equipment Associated with Providing Enhanced 911 Service – to defray costs associated with the purchase, installation, replacement, maintenance, and/or update of fire alarm receiving and alerting equipment used at primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs. Funding may be used to purchase, install, replace, maintain, and/or update systems used by such PSAPs to alert remote station personnel of emergency responses, including hardware and components installed within remote station locations. Funding for street or structure based cable or radio fire alarm boxes and related hardware is not permitted.

F. Fire Alarm Receiving and Alerting Equipment Associated with Providing Enhanced 911 Service

Description:

Vendor:

Attach Quote and mark with letter F

Total Category F

\$ _____

G. Other Equipment and Related Maintenance Associated with Providing Enhanced 911 Service – to defray costs associated with the purchase, installation, replacement, and/or maintenance of other equipment used in the physical space used for the provision of enhanced 911 service, except as otherwise approved by the State 911 Department, based on supporting documentation that the physical space used for the provision of enhanced 911 service is inadequate to house the equipment, or except as otherwise approved by the State 911 Department based on supporting documentation. Funding may be used for, but is not limited to: support technology (such as printers, headsets, and call recorders); supplies (such as disc and printer cartridges); hardware and support costs (excluding monthly recurring telephone service costs) for telephones; acoustic wall coverings; ESD-resistant flooring; lighting; and security equipment used for securing access to the PSAP to prevent entry by the public or unauthorized personnel.

G. Other Equipment and Related Maintenance Associated with Providing Enhanced 911 Service

Description:

Please include **use and location** of the requested item(s).

Vendor:

Attach Quote and mark with letter G

Total Category G

\$ _____

REMINDER: Disposal of Equipment Purchased with Grant Funding: Grantees may replace and/or dispose of equipment purchased with funds under the State 911 Department grant programs only if such equipment has reached the end of its useful life, in accordance with the manufacturer’s warranty or industry expected useful life, whichever is longer. Disposal shall be in compliance with municipal guidelines, and equipment may be transferred to public entities for public municipal purposes only.

All goods and/or services shall be received on or before June 30, 2018 to be eligible for reimbursement under the Fiscal Year 2018 State 911 Department Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants.

**REGIONAL PSAP & RECC ONLY
DETAIL NARRATIVE**

Please make sure that every item listed in the above Budget Worksheet is listed in below narrative with a detailed description including category of item, price per unit, quantity, brand, model and any other pertinent and available information. Please include any and all quotes to support the budget narrative. Please use additional pages if needed.

H. Regional PSAPs and RECCs ONLY:

Public Safety Radio Systems – to defray costs associated with the acquisition and maintenance of radio systems (including circuit costs for connectivity) used for police, fire, emergency medical services, and/or emergency management communications. Only Regional PSAPs and RECCs are eligible for funding in this category. All radio systems shall comply with EOPSS Statewide Inter-Operability Emergency Communications (“SIEC”) special conditions, as may be amended from time to time. The State 911 Department will submit requests for such funding to the SIEC and/or the Statewide Interoperability Coordinator (“SWIC”) for review and confirmation that the requested item(s) comply with the SIEC special conditions. The SIEC special conditions are available at:

<http://www.mass.gov/eopss/docs/ogr/homesec/sdsiecspecialconditionsradiofrequenciesdec09.pdf>. Questions relating to the SIEC special conditions should be directed to the SWIC. You may e-mail the SWIC at MA.SWIC@state.ma.us.

Description:

Vendor:

Attach Quote and mark with letter H

Total Category H

\$ _____

All goods and/or services shall be received on or before June 30, 2018 to be eligible for reimbursement under the Fiscal Year 2018 State 911 Department Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants.

**REGIONAL SECONDARY PSAP ONLY
DETAIL NARRATIVE**

Please make sure that every item listed in the above Budget Worksheet is listed in below narrative with a detailed description including category of item, price per unit, quantity, brand, model and any other pertinent and available information. Please include any and all quotes to support the budget narrative.

I. Regional Secondary PSAPs ONLY:

Regional Secondary PSAP 911 Customer Premises Equipment Maintenance – to defray costs associated with maintaining PSAP 911 customer premises equipment. ONLY regional secondary PSAPs are eligible for funding in this category.

(The Department assumes the responsibility of all costs for maintenance of CPE at all primary PSAPs and regional PSAPs and RECCs). Note: Regional Secondary PSAPs are eligible for the purchase, installation and/or upgrade of CPE equipment under the State 911 Department Regional PSAP and Regional Secondary PSAP and RECC Development Grant.

Description:

Vendor:

Attach Quote and mark with letter I

Total Category I

\$ _____

All goods and/or services shall be received on or before June 30, 2018 to be eligible for reimbursement under the Fiscal Year 2018 State 911 Department Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants.



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

151 Campanelli Drive, Suite A ~ Middleborough, MA 02346
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



CHARLES D. BAKER
Governor

DANIEL BENNETT
*Secretary of Public Safety
and Security*

KARYN E. POLITO
Lt. Governor

FRANK POZNIAK
Executive Director

August 8, 2017

Chief John McCarthy
Gloucester Police Department
197 Main Street
Gloucester, MA 01930

Dear Chief McCarthy:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY 2018 State 911 Department Support and Incentive Grant** program.

For your files, attached please find a copy of the executed contract and the final approved Appendix A: Personnel List for your grant. Please note your contract start date is **August 8, 2017** and will run through June 30, 2018. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2018.

Reimbursement requests should be submitted to the Department within **thirty (30) days** of the date on which the cost is incurred. We have made the request for payment forms available on our website www.mass.gov/E911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than three (3) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before March 31, 2018.

Sincerely,

Frank P. Pozniak
Executive Director

cc: FY 2018 Support and Incentive Grant File

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 under [Guidance For Vendors - Forms](#) or www.mass.gov/osd under [OSD Forms](#).

CONTRACTOR LEGAL NAME: City of Gloucester (and d/b/a): Gloucester Police Department		COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS	
Legal Address: (W-9, W-4, T&C): 9 Dale Ave. Gloucester, MA 01930		Business Mailing Address: 151 Campanelli Drive, Suite A, Middleborough, MA 02346	
Contract Manager: Chief John McCarthy		Billing Address (if different):	
E-Mail: jmccarthy@gloucester-ma.gov		Contract Manager: Cindy Reynolds	
Phone: 978-261-9775	Fax: 978-282-3026	E-Mail: 911DeptGrants@state.ma.us	
Contractor Vendor Code: VC6000192096		Phone: 508-821-7299	Fax: 508-828-2585
Vendor Code Address ID (e.g. "AD001"): AD_001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): CT SUPG	
		RFR/Procurement or Other ID Number: FY2018 SUPG	

<p style="text-align: center;"><input checked="" type="checkbox"/> NEW CONTRACT</p> <p>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</p> <p><input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department)</p> <p><input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget)</p> <p><input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation)</p> <p><input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget)</p> <p><input type="checkbox"/> Contract Employee (Attach <u>Employment Status Form</u>, scope, budget)</p> <p><input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)</p>	<p style="text-align: center;"><input type="checkbox"/> CONTRACT AMENDMENT</p> <p>Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____.</p> <p>Enter Amendment Amount: \$ _____ (or "no change")</p> <p>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)</p> <p><input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget)</p> <p><input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget)</p> <p><input type="checkbox"/> Contract Employee (Attach any updates to scope or budget)</p> <p><input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)</p>
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The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract.

Commonwealth Terms and Conditions Commonwealth Terms and Conditions For Human and Social Services

COMPENSATION: (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.

Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)

Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ 61,795.00

PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated 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 (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (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.) For the reimbursement / disbursement of funds under the State 911 Department FY 2018 PSAP and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:

1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.

2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.

3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date 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.

CONTRACT END DATE: Contract performance shall terminate as of June 30, 2018, 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.

CERTIFICATIONS: 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 Contractor Certifications (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 Commonwealth Terms and Conditions, this Standard Contract Form including the Instructions and Contractor Certifications, 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 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.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

X: _____ Date: 6/5/17

(Signature and Date Must Be Handwritten At Time of Signature)

Print Name: John McCarthy

Print Title: Chief of Police

AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:

X: _____ Date: 6/8/17

(Signature and Date Must Be Handwritten At Time of Signature)

Print Name: Frank Pozniak

Print Title: Executive Director

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Contractor Legal Name: City of Gloucester Police Department
Contractor Vendor/Customer Code: VC6000192096

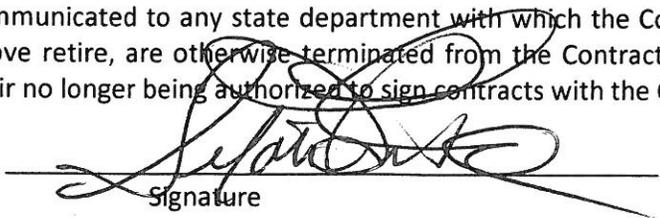
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
John McCarthy	Chief of Police

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.



 Signature

Date: 6/5/17

Name & Title: Sefatia Romeo Theken

Telephone: 978-281-9700

Fax: 978-281-9738

Email: sromeotheken@gloucester-ma.gov

[Listing cannot be accepted without all of this information completed.]
 A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Contractor Legal Name: City of Gloucester Police Department

Contractor Vendor/Customer Code: VC6000192096

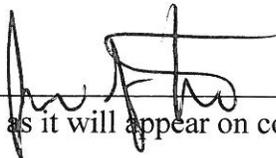
PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures. It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing. STATE 911 DEPARTMENT REQUIRES THIS FORM FOR EACH AUTHORIZED SIGNATORY LISTED ON THE CONTRACTOR AUTHORIZED SIGNATORY LISTING FORM.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): John McCarthy

Title: Chief of Police

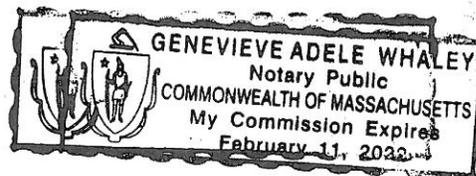
X 
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Genevieve Adele Whaley (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

SSEX COUNTY, MASSACHUSETTS

JUNE 5, _____, 20 17 _____.



My commission expires on: FEBRUARY 11, 2022

AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20 _____.

AFFIX CORPORATE SEAL

C.



Delphi
Technology Solutions

Network Administration and Maintenance Agreement FY18

The Client:

Gloucester Police Department
197 Main Street
Gloucester, MA 01931

Contact Information:

Contact Name:	Stacie Nicastro
Contact Phone:	(978)283-1212
Contact Email:	snicastro@gloucester-ma.gov

Confidentiality

The information put forth in this document shall not be disclosed outside of the intended organization listed above and shall not be duplicated, used or disclosed in whole or in part without the express permission of Delphi or The Client for protection of intellectual property. This agreement is subject to the Public Records Laws.

Statement of Work

This Statement of Work (SOW) defines the scope of work to be performed by Delphi Technology Solutions, Inc. or its assignees under the terms and conditions of Delphi *and The Client*. This SOW defines the tasks, provides an estimated schedule, and explains the responsibilities of both Delphi and The Client.

General Assumptions

Estimates included in this SOW are based upon certain key assumptions. The following General Assumptions are standard to each SOW. An additional section entitled Project Specific Assumptions appears later in this document. Any deviations to these General Assumptions and/or Project Specific Assumptions that arise during the proposed project will be managed according to the procedures described in the Project Change Control Procedure.

Hardware/Software

Hardware and Software components are not included in this SOW, except where otherwise indicated.

Service Periods

Delphi will provide services during standard business hours, 8:30AM to 5:00PM, Monday through Friday. Services performed outside of the standard service hours will be considered 'non-standard' hours, and will be performed only at the request of the client. These hours will be billed at 1.5 times the standard hourly rate.

Any additional professional services required outside of this agreement will be billed on a time and material basis and must be mutually agreed upon by Delphi and The Client.

Scope of Services

Delphi will provide qualified network administrators and consultants to work with the client's staff members to administer and maintain the network infrastructure as it relates to any Computer Assisted Dispatch (CAD) systems as directed by the Client.

Delphi Technology Solutions is not responsible for hardware or software that is not related to providing network infrastructure. Examples include financial software, payroll software, everyday use applications like word processors, non-functioning peripherals and the like.

Delphi Technology Solutions will make every effort to assist with hardware and software that are not related to network infrastructure, however, the support of this hardware or software lies primarily with the manufacturer. At the request of the client, Delphi will work on its own or with the manufacturer in order to resolve issues with these items or assist employees with use of these items. In all cases, Delphi's usual charges will apply.

Delphi Technology Solutions, Inc. Responsibilities

Delphi will:

Complete network administration, maintenance and troubleshooting tasks and projects as directed by the designee of the client. Tasks completed as time allows within the monthly, pre-scheduled maintenance agreement hours.

Client Responsibilities

The Client agrees to designate a representative who will be the focal point for all communication with us relative to this Statement of Work and:

1. Will have the authority to act on The Client's behalf in matters regarding this Statement of Work
2. Provide suitable workspace with telephone, e-mail and internet access for our consultants while working on your premises
3. Provide access to servers and workstations during the hours we agree upon
4. Provide the consultant the user ID parameters, passwords and other related information which is required to enable us to complete this service
5. Provide suitable and sufficient storage media for the protection of the programs and others tasks that the Delphi consultants will be working on

6. Provide client staff members to test the implementation and provide a statement that the implementation works as outlined in this statement of work.

Usual Charges

Delphi will invoice the client on an hourly basis for those professional services performed/products supplied under this Statement of Work.

All support calls to Microsoft or any other company are billed to The Client at actual cost.

The professional charges for this consulting engagement are:

\$130.00/hour for each Delphi consultant for on-site work during the agreed pre-scheduled maintenance hours.

\$130.00/hour for each Delphi consultant for any on-site work during standard hours that are not part of the weekly, pre-scheduled maintenance hours.

\$195.00/hour for each Delphi consultant for any on-site work during non-standard hours.

\$95.00/hour for any Delphi consultant engaged in telephone technical support.

Minimum onsite billable time is 1 hour. Minimum remote billable time is 0.5 hour.

Payment Terms

This agreement will be invoiced in one invoice for a total of 208 hours to be used at the discretion of Gloucester Police Department. The total cost outlined in this statement of work is \$27,040.00.

Project Change Control Procedure

1. Neither party shall be liable in damages or have the right to terminate this Agreement for any delay or default in performing hereunder if such delay or default is caused by conditions beyond its control including, but not limited to Acts of God, Government restrictions (including the denial or cancellation of any export or other necessary license), wars, insurrections and/or any other cause beyond the reasonable control of the party whose performance is affected.
2. Neither party shall be liable for any failure or delay in performance under this Agreement to the extent said failures or delays are proximately caused by causes beyond that party's reasonable control and occurring without its fault or negligence, including, without limitation, failure of suppliers, subcontractors, and carriers, or party to substantially meet its performance obligations under this Agreement, provided that, as a condition to the claim of non-liability, the party experiencing the difficulty shall give the other prompt written notice, with full details following the occurrence of the cause relied upon. Dates by which performance obligations are

scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

Employee – Non-Compete

During the duration of this Statement of work, neither party will approach or engage in activities to recruit employees, sub-contractors or others involved in this activity by either company.

Schedule

Prescheduled maintenance hours shall be determined by the Client and Delphi. The actual day of the week and time of day when services will be rendered will be mutually agreed upon by Delphi Technology Solutions and the Client at the time of contract execution. Modifications to this maintenance schedule shall be mutually agreed to in advance by the Delphi Project Manager or consultant and the client.

Scheduling or services provided outside the above maintenance hours shall be mutually agreed to in advance by the Delphi Project Manager or consultant and the client.

Upon signing and sending this document to Delphi, the Client agrees to the conditions put forth herein, and services to be performed by the following completion date:

Expire date: **June 30, 2018**

Delphi maintenance contracts are renewed at at 1.5% increase, unless Delphi Technology Solutions, Inc. is notified 60 days in advance of revised renewal date of record.

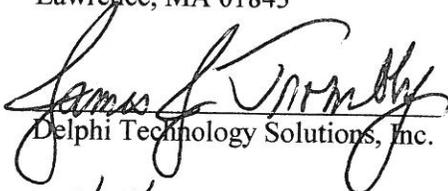
Agreed To:
City of Gloucester
197 Main Street
Gloucester, MA 01931



City of Gloucester Designee

6-5-17
Agreed Date

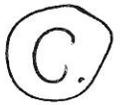
Agreed To:
Delphi Technology Solutions, Inc.
280 Merrimack Street, Suite 308
Lawrence, MA 01843



Delphi Technology Solutions, Inc.

6/5/17
Agreed Date

Below you will find your recent quote request. If you have any additional questions or concerns regarding this quote, please feel free to contact me at your earliest convenience.



Thanks,
Jonathan Gaudet

Inside Account Manager
Jonathan_Gaudet@shi.com
Office - 732 652 6404
Fax - 732 652 6405



Pricing Proposal

Quotation #: 13585783

Description: DELPHI TECHNOLOGY SOLUTIONS - Network Maintenance

Created On: Jun-06-2017

Valid Until: Jun-30-2017

Gloucester Police Department

Stacie Nicastro

197 Main Street
Gloucester, MA 01930
United States
Phone: (978)283-1212
Fax:
Email: snicastro@gloucester-ma.gov

Inside Account Manager

Jonathan Gaudet

290 Davidson Avenue
Somerset, NJ 08873
Phone: 732-652-6404
Fax: 732-652-6405
Email: Jonathan_Gaudet@shi.com

All Prices are in US Dollar(USD)

Product	Qty	Your Price	Total
1 DELPHI TECHNOLOGY SOLUTIONS - Network Maintenance Delphi Technology Solutions - Part#: NPN-DELPH-NETWO-A Contract Name: Software Reseller Contract #: ITS58 Coverage Term: Jul-01-2017 – Jun-30-2018 Note: This agreement will be invoiced in one invoice for a total of 208 hours to be used at the discretion of Gloucester Police Department.	1	\$27,040.00	\$27,040.00
		Total	\$27,040.00

Additional Comments

Retrieve your quote:

<https://www.shi.com/Quotes/Quoteinfo.aspx>

The Products offered under this proposal are subject to the SHI Return Policy, unless there is an existing agreement between SHI and the Customer.

ENCLOSURE 6



CITY OF GLOUCESTER
COMMUNITY DEVELOPMENT
3 Pond Road, Gloucester, MA 01930
Tel 978-281-9781

Memorandum

Date: August 10, 2017

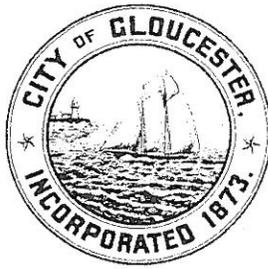
To: Mayor Sefatia Romeo Theken

From: Gregg Cademartori, Acting Community Development Director *gmc*
Marie Santos, Community Development Department *MS*

RE: Essex National Heritage Commission Grant

The Community Development Department is pleased to report that the Essex National Heritage Commission awarded the City of Gloucester a \$2,500.00 grant through their Visitor Center Grant Program. (Contract and grant check sheet attached).

The Grant is used to support the Visitor's center operation.



City of Gloucester
Grant Application and Check List

Granting Authority: State Federal _____ Other _____

Name of Grant: Essex National Heritage Area visitor center grant

Department Applying for Grant: Community Development

Agency-Federal or State application is requested from: Essex National Heritage Commission

Object of the application: Welcome center grant

Any match requirements: none

Mayor's approval to proceed: [Signature] 8/10/2017
Signature Date

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

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

City Council's Approval or Rejection: _____
Vote Date

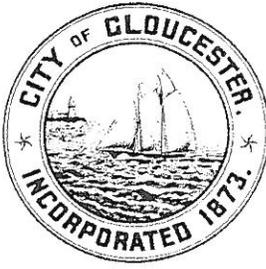
City Clerk's Certification of Vote to City Auditor: _____
Certification Date

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

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

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

FORM: AUDIT GRANT CHECKLIST – V.1



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

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

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

Note: All documents must be complete signed copies.

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

CITY OF GLOUCESTER

ACCOUNT BUDGET

DEPARTMENT NAME: Community Development

ACCOUNT NAME: Essex National Heritage Center grant

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

CFDA # (Required for Federal Grants):

DATE PREPARED: July 31, 2017

APPROVED
AMENDED BUDGET
(IF APPLICABLE)

OBJECT	ORIGINAL BUDGET	AMENDED BUDGET (IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (4_____)				
ENH grant	\$2,500.00			\$0.00
				\$0.00
				\$0.00
Total:	\$0.00	\$0.00	\$0.00	\$0.00
EXPENSE (5_____)				
				\$0.00
Operating expenses	\$2,500.00			\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	\$2,500.00 \$0.00	\$0.00	\$0.00	\$0.00

DEPARTMENT HEAD SIGNATURE

BPM Codemaster

DATE ENTERED (AUDIT)

AUDITING DEPARTMENT INITIALS



ESSEX NATIONAL HERITAGE COMMISSION

10 Federal Street • Suite 12 • Salem, MA 01970
978.740.0444 tel ~ 978.744.6473 fax
www.essexheritage.org

August 7, 2017

Ms. Marie Santos
Community Development Dept.
City of Gloucester
3 Pond Road
Gloucester, MA 01930

Dear Marie:

Enclosed please find the City of Gloucester – Visitor Center’s first disbursement check from the 2017 Essex Heritage Visitor Center Grant in the amount of \$1,250.00. The second disbursement will be mailed in September after we receive your visitation and volunteer numbers.

We have also enclosed a copy of the signed 2017 ENHC Visitor Center Contract for your records.

If you have any questions, please don’t hesitate to contact me.

Sincerely,

Debbie Forman
Financial Assistant

Enclosures



ESSEX NATIONAL
HERITAGE AREA

ESSEX HERITAGE VISITOR CENTER GRANT CONTRACT

This contract is effective from July 1, 2017 to June 30, 2018.

This contract is between the

Essex National Heritage Commission, Inc., a nonprofit corporation organized under the laws of the Commonwealth of Massachusetts, of 10 Federal Street, Suite 12, Salem, Massachusetts, hereafter referred to as "Essex Heritage."

and the

City of Gloucester, a government agency, of 3 Pond Road, Gloucester, Massachusetts, hereafter referred to as "Grantee."

For valuable consideration, the parties agree as follows:

The Grantee will perform the duties and fulfill the responsibilities as they relate to its operation of a designated Essex Heritage visitor center as described in Attachment B, which is incorporated herein (Memorandum of Understanding signed and submitted to Essex Heritage by Grantee).

The amount of the 2017 Essex Heritage Visitor Center Grant is \$2,500.

PAYMENT:

Essex Heritage will make payment in two equal installments. The first disbursement of 50% will be provided after July 1 and following Essex Heritage's receipt of the grant contract signed by the Grantee and the Grantee's final actual expense report for the year ending December 31, 2016 or June 30, 2017. The second and final disbursement of 50% will be sent in September as long as your visitor numbers and volunteer hours are current.

NOTE: All of the following contract requirements are per an Agreement between the National Park Service and the Essex National Heritage Commission, Inc.

ARTICLE I. PRIOR APPROVAL

Post award changes in budgets and projects shall require prior written approval of the Essex Heritage if any of the following apply:

1. Any revision of the scope or objectives of the project.
2. Any substantial revisions to the project budget.
3. Any changes to key personnel.
4. Any extension of the grant period.

ARTICLE II. TERMINATION

While it is the express intent of both parties that the activities described under this agreement continue uninterrupted, this agreement may be terminated or suspended in accordance with the provisions set forth with 43CFR Part 12 which provides as follows:

Awards to state and local governments may be terminated in whole or in part only as follows:

1. By the awarding agency with the consent of the grantee or sub grantee in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or
2. By the grantee or sub grantee upon written notification to the awarding agency, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the awarding agency may terminate the award in its entirety.

ARTICLE III. GENERAL AND SPECIAL PROVISIONS

A. GENERAL PROVISIONS

1. This agreement shall be subject to the following provisions, which are incorporated herein by reference:
 - a. If the cooperator is an agency of a **state or local government**:
 - i. OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments"
 - and
 - ii. OMB Circular A-133, "Audits of State, Local Governments and Non-Profit Organizations"
 - and
 - iii. OMB Circular A-87, "Cost Principles for State and Local Governments".
 - b. If the cooperator is an **institution of higher education, hospital, and/or other nonprofit organization**:
 - i. OMB Circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations"
 - and
 - ii. OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations"
 - and
 - iii. OMB Circular A-21, "Cost Principles for Educational Institutions"
 - or
 - iv. OMB Circular A-122, "Cost Principles for Nonprofit Organizations".
2. Additional Provisions that apply to all cooperators include:
 - a. 43 CFR Part 12 including
 - (1) Applicability of various OMB circulars
 - (2) Administrative requirements
 - (3) Government Debarment and Suspension

- (4) Drug-Free Workplace Requirements
 - (5) Buy American Requirements for Assistance Programs (found in Subpart E and re-authorized via PL 104-134, Section 307 [signed April 26, 1996])
 - b. 43 CFR Part 18, Restrictions on Lobbying Disclosure Requirements
 - c. MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Other Federal Assistance Agreements, 505 DM 3.1 - 3.5C(1)(A) or 5.1 - 5.6E(1), as appropriate.
 - d. Limitations on Payments to Influence Certain Federal Transactions, FAR 52.203-12.
 - e. Non-discrimination Requirements. All activities pursuant to this Agreement and the provisions of Exec. Order No. 11246, 3 CFR 339 (1964-65) shall be in compliance with the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 USC Section 2000d et seq.); Title V, Section 504 of the Rehabilitation Act of 1973 (87 Stat. 394; 29 USC Section 794); the Age Discrimination Act of 1975 (89 Stat. 728; 42 USC Section 6101 et seq.); and with all other Federal laws and regulations prohibiting discrimination on the grounds of race, color, national origin, handicap, religion or sex in providing for facilities and service to the public.
3. The following certifications are required in accordance with the above provisions and are attached hereto and made a part of this agreement (the attached pages must be filled out, signed as appropriate, and returned with the signed contract):
- a. Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying (Attachment A, DI-2010, 3 pages). Note various segments and alternatives: Part A should be prepared by each partner plus Part B by any "Lower Tiered Party" (sub-contractors, sub-consultants, NOT employees) to this agreement; Part C, if other than an individual or Part D, if an individual; plus Part E for all agreements which will exceed \$100,000 Federal assistance.

B. SPECIAL PROVISIONS

1. Public Information

The Grantee and Essex Heritage recognize and support each party's requirements to develop appropriate materials and programs to inform the public. All parties agree:

- a. The Grantee shall include key Essex Heritage officials in notifications, mailings, meeting announcements and other programs of public information.
- b. Essex Heritage and the Grantee shall review collaboratively drafts and final copies of materials produced in partnership prior to distribution and will refer in publications to the opinions or positions of another party only upon prior approval. Such documents shall give due credit to all parties.

2. Direct Benefit Clause

No Member of, Delegate to, or Resident Commissioner in, Congress shall be admitted to any share or part of this Agreement or to any benefit to arise there from, unless the share or part or benefit is for the general benefit of a corporation or company.

3. Anti-Lobbying Clause

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by the Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of

any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section shall be fined not more than \$500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

4. Indemnification

This Agreement is in consideration of and upon the express condition that Essex Heritage, the National Park Service, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury to any person or property of any kind whatsoever, whether to the person or property of the grant recipient or third parties, from any cause(s) whatsoever arising from any act or omission undertaken pursuant to their Agreement, and that the grant recipient hereby covenants and agrees to release, indemnify, defend save and hold harmless Essex Heritage, the National Park Service, its agents and employees from all such liabilities, expenses and costs on account of or by reason of any injuries, deaths, liabilities, claims suits or losses however occurring or damages arising out of the same.

5. Insurance and Related Liability

The grant recipient accepts responsibility for any property damage, injury, or death caused by the acts or omissions of their employees, acting within the scope of their employment, to the fullest extent permitted by law. To the extent work is to be provided by nongovernmental entities or persons, the grant recipient will require that entity or person to:

- a. Procure and maintain during the term of the agreement, insurance in a form satisfactory to Essex Heritage and by an insurance company acceptable to the Essex Heritage. The policies shall name the National Park Service as an additional insured, shall specify that the primary insured shall have no right of subrogation against the National Park Service for payments of any premiums or deductibles due thereunder, and shall specify that the insurance shall be assumed by, be for the account of, and be at the primary insured's sole risk. The amounts of the insurance shall not be less than as follows:
 - (1) Workman's Compensation and Employer's Liability Insurance: Compliance with applicable Federal and State worker's compensation and occupational disease statutes shall be required. Employer's liability coverage in the minimum amount established by state law.
 - (2) General Liability Insurance: General liability insurance in the minimum amount of one million dollars (\$1,000,000) per person for any one claim and an aggregate limitation of three million dollars (\$3,000,000) for any number of claims arising from any one incident.
 - (3) Automobile Liability Insurance: This insurance shall be required on the comprehensive form of the policy and shall provide for bodily injury and property damage liability covering the operation of all licensed motor vehicles used in connection with performing the agreement. The minimum limits of two hundred thousand dollars (\$200,000) per person and five hundred thousand dollars (\$500,000) per occurrence for bodily injury and twenty thousand dollars (\$20,000) per occurrence of property damage shall be required.
- b. Pay the National Park Service the full value for all damages to the lands to other property of the National Park Service caused by such person or organization, its representatives, or employees; and
- c. Indemnify, save and hold harmless, and defend the National Park Service against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any omission or activity of such person organization, its representatives, or employees.

6. Modification

No modification of this contract will be effective unless it is in writing and is signed by both parties. This contract binds and benefits both parties and any successors. This document, including any attachments, is

the entire agreement between both parties. The laws of the Commonwealth of Massachusetts govern this contract.

ARTICLE IV. NOTICES, COMMUNICATIONS

All notices and communications in writing required or permitted hereunder shall be delivered personally to the respective representatives of Essex Heritage, or shall be mailed or faxed.

To Essex Heritage: Essex National Heritage Commission, 10 Federal Street, Suite 12, Salem, MA 01970
Tel: 978-740-0444 Fax: 978-744-6473 Email: debbief@essexheritage.org

ARTICLE V. ATTACHMENTS AND APPENDICES

This agreement shall be subject to the following appendices, which are attached hereto and incorporated herewith by reference, except as amended or waived by joint agreement:

1. Attachment A - Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying, DI-2010 (3 pages).
2. Attachment B – Memorandum of Understanding
3. Appendix A – Contract Provisions

SIGNATORIES

For: **City of Gloucester**



(Signature)

Aug 1, 2017

(Date)

Greg Cademartori
(Printed name of authorized Grantee representative)

acting Community Dev. Director
(Title)

For: **Essex National Heritage Commission, Inc.**



(Signature)

8/7/17

(Date)

Annie C. Harris

Chief Executive Officer

(Printed name of authorized Essex Heritage representative)

(Title)

ENCLOSURE 7

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9707
FAX 978-281-8472
jdunn@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE TREASURER/COLLECTOR

To: Sefatia Romeo Theken, Mayor
From: John P. Dunn, CFO 
Date: August 18, 2017
Re: Acceptance of Distribution from Norma L. Andrews Living Trust

As per the attached, we are in receipt of a distribution in the amount of \$50,000 from the Norma L. Andrews Living Trust. The donation is specifically "...to the City of Gloucester to be used by the Gloucester Archives Committee in connection with the maintenance, and the creation of a building fund (if applicable) for the Gloucester Archives of Gloucester, Massachusetts."

Such donation will have to be accepted for the City by the City Council.

If you are in agreement with the acceptance of this donation for the purposes specified, please forward this information to the Council in your next Mayor's Report.

Thank you.



CAPE ANN SAVINGS
TRUST & FINANCIAL SERVICES
PLANNING ♦ ADVISING ♦ INVESTING

July 24, 2017

City of Gloucester
Gloucester Archives Committee
9 Dale Avenue
Gloucester, MA 01930

RE: Norma L. Andrews Living Trust u/i/d 5/2/2007, as amended

Ladies and Gentlemen,

Cape Ann Savings Bank, Trustee of the *Norma L. Andrews Living Trust u/i/d 5/2/2007, as amended*, is pleased to deliver the enclosed check which represents the full distribution of property to which your organization is entitled pursuant to the provisions (see enclosed) of Mrs. Andrews' trust.

Also enclosed is a Receipt and Release form for the distribution that we ask an authorized individual to kindly sign and return to us in the pre-addressed, postage paid envelope provided for your convenience.

Thank you for your attention to this matter, if you have any questions please contact me at telephone number 978-283-7079.

Sincerely,

Michael Sanborn
Trust Officer

Enc.

109 MAIN STREET
GLOUCESTER, MA 01930
PH: 978.283.7079
TOLL-FREE 888.283.CASB
FX: 978.281.9501
WWW.CAPEANNSAVINGS.COM

A DEPARTMENT OF CAPE ANN SAVINGS BANK

2.

3.

ARTICLE VI

SPECIFIC LEGACIES

A. **Charitable Legacies:** Upon the death of the Donor, the Trustee shall Distribute the following sums of money to the following charities, free of all Trusts:

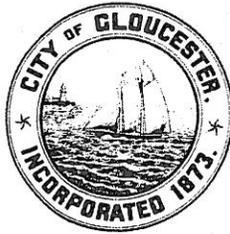
1.

2.

3. The sum of Fifty Thousand (\$50,000.00) Dollars to the City of Gloucester to be used by the Gloucester Archives Committee in connection with the maintenance, and the creation of a building fund (if applicable) for the Gloucester Archives of Gloucester, Massachusetts;

ENCLOSURE 8

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9707
FAX 978-281-8472
jdunn@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE TREASURER/COLLECTOR

To: Sefatia Romeo Theken, Mayor
From: John P. Dunn, CFO 
Date: August 18, 2017
Re: Appropriation for Brooks Road Repairs and Improvements

At its July 20, 2017 meeting, the Budget & Finance Committee voted to recommend that the City Council, under Section 21-83 of the Gloucester Code of Ordinances, approve the repairs and repaving of the Brooks Road private way in an amount not to exceed \$130,000. This matter is scheduled for a hearing at the August 22, 2017 City Council meeting.

In order to fund the project, if approved by the City Council, I am attaching a form of Loan Order that must then be approved by the Committee and the Council.

If you are in agreement with this proposed action, please forward this information to the Council in your next Mayor's Report.

Thank you.

Ordered: That the City of Gloucester appropriates One Hundred Thirty Thousand Dollars (\$130,000) to pay costs of temporary repairs, including paving to Brooks Road, a private way in the City, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(5), or pursuant to any other enabling authority. Although any borrowing by the City to meet this appropriation shall constitute a general obligation of the City and a pledge of its full faith and credit, one hundred percent (100%) of the amount needed to repay any borrowing pursuant to this order shall be raised in the first instance through the assessment of betterments upon the abutters of the private way, in accordance with M.G.L. Chapter 80, and any other applicable authority. The Mayor and any other appropriate official of the city are authorized to take any and all actions necessary to assess the betterments described above, the term of which will not exceed 10 years, or such shorter time as proscribed by Massachusetts General Law. 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.

ENCLOSURE 9



Office of the Fire Chief
Eric L. Smith
CITY OF GLOUCESTER FIRE DEPARTMENT
8 School St.
Gloucester, MA 01930
978-281-9760 office



Memorandum

TO: Mayor Romeo Theken, Police Chief McCarthy, Mr. Curcuru Veterans Agent, USCG
Commander Morgan and All Hands of the Gloucester Fire Department

FROM: Chief Smith

RE: September 11th Observance Ceremony

DATE: 8/9/17

On September 11, 2017 the observance schedule below will be followed to honor those lost in the attacks on September 11th 2001 and to honor those we have lost since in our war on terrorism.

GFD, GPD, Veterans Office and USCG will be part of the formation and Color Guards are invited to participate. Appropriate Dress or Duty uniform is requested of all attending Departments/Units.

GFD Uniform Order:

Color Guard – Class A w/Color Guard accessories, white gloves

On duty personnel - Class B with button up shirt/badge. No Polo shirts

Off duty personnel - Class A uniform and white gloves if you will be forming up

Observance Schedule

- 9:00** - FD Apparatus will be positioned per GFD Color Guard Commander. GPD to manage traffic in the area. FD Women's Auxiliary and Mayor's office to set up reception at City Hall.
- 9:30** - All personnel should arrive at FD HQ.
- 9:35** - Department and Unit Commanders will meet in the Training room (2nd floor FD HQ) and determine the formation based on the turnout of uniformed personnel.
- 9:50** - Announcement over FD PAGE ALL **"All personnel, report to your Department or Unit Commander in front of FD HQ to form up."**
- 9:55** - Department/Unit Commanders will form up all personnel in front of FD HQ.



Office of the Fire Chief
Eric L. Smith
CITY OF GLOUCESTER FIRE DEPARTMENT
8 School St.
Gloucester, MA 01930
978-281-9760 office



9:56 - Welcoming statement to assembly by Chief Smith.

9:57 - Announcement over the FD RADIO and FD PAGE ALL **"The City of Gloucester will observe a moment of silence for all those who died in the attacks that occurred on September 11th 2001."**

Announce over the FD RADIO and FD PAGE ALL (coordination reasons) **"Officers, bring your personnel to Attention."**

9:58-9:59 - Moment of silence observed.

9:59 - Announce over the FD RADIO and FD PAGE ALL **"Officers, bring your personnel to Present, Arms"**

Announcement by FD Dispatcher on FD RADIO and FD PAGE ALL **"The Gloucester Fire Department will in the tradition of the Fire Department of New York, strike alarm 5-5-5-5 to honor all public safety personnel killed in the line of duty on September 11th, 2001."**

Strike two rounds of Alarm 5-5-5-5 on ceremonial bell.

Announce order over the FD RADIO and FD PAGE ALL **"Officers, bring your personnel to Order, Arms."**

10:00 - GFD Color Guard Commander to announce **"This concludes the 9-11 observance. We thank all of you for attending and invite you all to City Hall for a reception and to socialize and enjoy the company."**

Fire Chief Eric L Smith



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2016-156

The Gloucester City Council, at a meeting held on **Tuesday, August 9, 2016** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

IN CITY COUNCIL:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to renew an amendment to GCO Sec. 22-288 "Off Street Parking Areas" by ADDING Rogers Street Parking Lot at #65 Rogers Street and a description of the lot as 74 parking spaces and 4 handicapped parking spaces for a total of 78 parking spaces as shown on a plan submitted by the Department of Public Works for 65 Rogers Street Parking Lot dated 7/29/13 to expire one year from 08/09/16 and to be followed by one further one-year renewal subject to a City Council review.

Joanne M. Senos, Interim City Clerk

Date: **AUG 11 2016**

APPROVED BY THE MAYOR

Sefatia Romeo Theken

VETOED BY THE MAYOR

Sefatia Romeo Theken

SIGNED THIS 11 DAY OF AUGUST, 2016

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

Fishermen's Memorial Service

A Ceremony to Honor and Remember Fishermen Lost at Sea

Saturday, August 26, 2017

5:00 P.M. procession leaves American Legion Square and
proceeds to the Monument of the Fisherman on the
George O. Stacy Boulevard to the ceremony

Guest Speaker Candace Unis

Vocalist Alexandra Grace

Accompanied by Josh Cominelli

~flowers cast to the sea in remembrance~

In case of inclement weather, the ceremony will be held in the
function hall of the Lester S. Wass Post 3 American Legion

2017 AUG - 9 AM 11:39
CITY CLERK
GLOUCESTER, MA

CITY CLERK
GLOUCESTER, MA

2017 AUG 15 PM 2:06



Comcast
David R. Flewelling
Specialist 2 Construction
9 Forbes Road, Suite 9B
Woburn, MA 01801
Cell – 617-279-7864
dave_flewelling@cable.comcast.com

August 15, 2017

Ms. Joanne M. Senos
City Clerk
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

RE: Blackburn Circle Project
Grant of Location-Petition

Dear Ms. Senos:

Enclosed please find materials supporting Comcast request for a grant of location from the City of Gloucester. The work associated with the attached petition is for the purpose of installing a new underground conduit system on Blackburn Circle and Dory Road. This project is for the purpose of providing a diverse path and network upgrade for the city of Gloucester. For a more detailed description of the work please refer to the attached construction plan.

I look forward to the opportunity to address this matter in further detail at the next available Gloucester City Council Meeting.

Should you have any questions or concerns, please feel free to contact me at (617) 279-7864.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Flewelling", is written over a faint, larger version of the same signature.

David R. Flewelling
Comcast
Specialist 2, Construction

Enclosure (6)

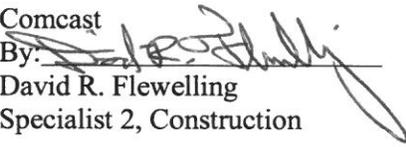
PETITION OF COMCAST FOR LOCACTION FOR CONDUITS AND MANHOLES

To the City Council for the City of Gloucester, Massachusetts:

Respectfully represents Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC. A company incorporated for the distribution of telecommunications services that it desires to construct a line for such telecommunications under the public way or ways hereinafter specified.

Dory Road: Continuing with conduit installation from the MassDot Layout. Excavating and placing (2) 4" PVC Conduits 675' +/- to a proposed 36"x 60" Manhole. From manhole continuing with (2) 4" PVC Conduits 588' +/- to Utility Pole No. 443/4.

Wherefore, your petition prays that, after due notice and hearing as provided by law, the City Council may by Order grant your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by Dewsnap Engineering, dated August 8, 2017, and filed here with, under the following public way or ways of said City of Gloucester:

Comcast
By: 
David R. Flewelling
Specialist 2, Construction

Dated this August 15, 2017

City of Gloucester Massachusetts

Received and filed _____, 2017

ORDER FOR CONDUIT LOCATION

In the City Council for the City of Gloucester, Massachusetts.

ORDERED:

That permission be and hereby is granted to Comcast of Connecticut/Georgia/Massachusetts / New Hampshire/New York/North Carolina/Virginia/Vermont, LLC., to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated August 15, 2017.

Dory Road: Continuing with conduit installation from the MassDot Layout. Excavating and placing (2) 4" PVC Conduits 675' +/- to a proposed 36"x 60" Manhole. From manhole continuing with (2) 4" PVC Conduits 588'+/- to Utility Pole No. 443/4.

Substantially as shown on plan marked - Proposed Comcast Underground, filed with said petition.

Also that permission be and hereby is granted said Comcast to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the City Council or to such officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the City when the work is completed.
2. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred Thousand Dollars (\$100,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.
4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the City Council for the City of Gloucester, Massachusetts, held on the _____ day of _____ 2017.

(over)

City Clerk

ORDER FOR CONDUIT LOCATION

In the City Council for the City of Gloucester, Massachusetts.

ORDERED:

That permission be and hereby is granted to Comcast of Connecticut/Georgia/Massachusetts / New Hampshire/New York/North Carolina/Virginia/Vermont, LLC., to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated August 15, 2017.

Dory Road: Continuing with conduit installation from the MassDot Layout. Excavating and placing (2) 4" PVC Conduits 675' +/- to a proposed 36"x 60" Manhole. From manhole continuing with (2) 4" PVC Conduits 588' +/- to Utility Pole No. 443/4.

Substantially as shown on plan marked - Proposed Comcast Underground, filed with said petition.

Also that permission be and hereby is granted said Comcast to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the City Council or to such officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the City when the work is completed.
2. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred Thousand Dollars (\$100,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.
4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the City Council for the City of Gloucester, Massachusetts, held on the _____ day of _____ 2017.

(over)

City Clerk

We hereby certify that on _____, 2017, at _____ o'clock _____ M., at Gloucester, Massachusetts a public hearing was held on the petition of the Comcast for permission to lay and maintain underground conduits, manholes and connections, with the wires and cables to be placed therein, described in the order herewith recorded, that we mailed at least seven days before said hearing a written notice the time and place of said hearing to each of the owners of real estate determined by the last preceding assessment for taxation along the ways parts of ways upon which the Company is permitted to construct the lines said Company under said order. And that thereupon said order was duly adopted.

Gloucester City Council; Gloucester, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with the notice adopted by the City Council for the City of Gloucester, Massachusetts, on the _____ day of _____ 2017, recorded with the records of location orders of said City, Book _____, Page _____. This certified copy is made under the provision of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk



City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 262-14

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's City Council and it reflects the abutters to the Parcel known as Map 262 Lot 14 as further shown on the attached map dated 8/14/2017.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
262-26 EIP DORY ROAD LLC	R DORY RD	262-26	EIP DORY ROAD LLC 145 ROSEMARY ST STE E NEEDHAM, MA 02494
262-16 EIP DORY ROAD LLC	11 DORY RD	262-16	EIP DORY ROAD LLC 145 ROSEMARY ST STE E NEEDHAM, MA 02494
262-32 EIP DORY ROAD LLC	17 DORY RD	262-32	EIP DORY ROAD LLC 145 ROSEMARY ST STE E NEEDHAM, MA 02494
43-2 SARGENT ST CORP C/O LINSKY	18 GALE RD	43-2	SARGENT ST CORP C/O LINSKY PO BOX 761 GLOUCESTER, MA 01931-0761
42-1 BOMCO INC	115 GLOUCESTER AV	42-1	BOMCO INC 115 GLOUCESTER AV GLOUCESTER, MA 01930
43-1 SARGENT ST CORP C/O LINSKY	131R GLOUCESTER AV	43-1	SARGENT ST CORP C/O LINSKY PO BOX 761 GLOUCESTER, MA 01931-0761
262-37 GLOUCESTER COMMONS LLC C/O DSM REALTY	7 GLOUCESTER CROSSING RD	262-37	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBURY, MA 01876
296-1 GLOUCESTER CITY OF CITY HALL	19 RUSSELL AV	296-1	GLOUCESTER CITY OF CITY HALL 9 DALE AV GLOUCESTER, MA 01930
262-34 GLOUCESTER CITY OF	1 SCHOOL HOUSE RD	262-34	GLOUCESTER CITY OF 9 DALE AV GLOUCESTER, MA 01930
43-5 GLOUCESTER COMMONS LLC C/O DSM REALTY	2 SCHOOL HOUSE RD	43-5	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBURY, MA 01876



City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 262-14

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's City Council and it reflects the abutters to the Parcel known as Map 262 Lot 14 as further shown on the attached map dated 8/14/2017.

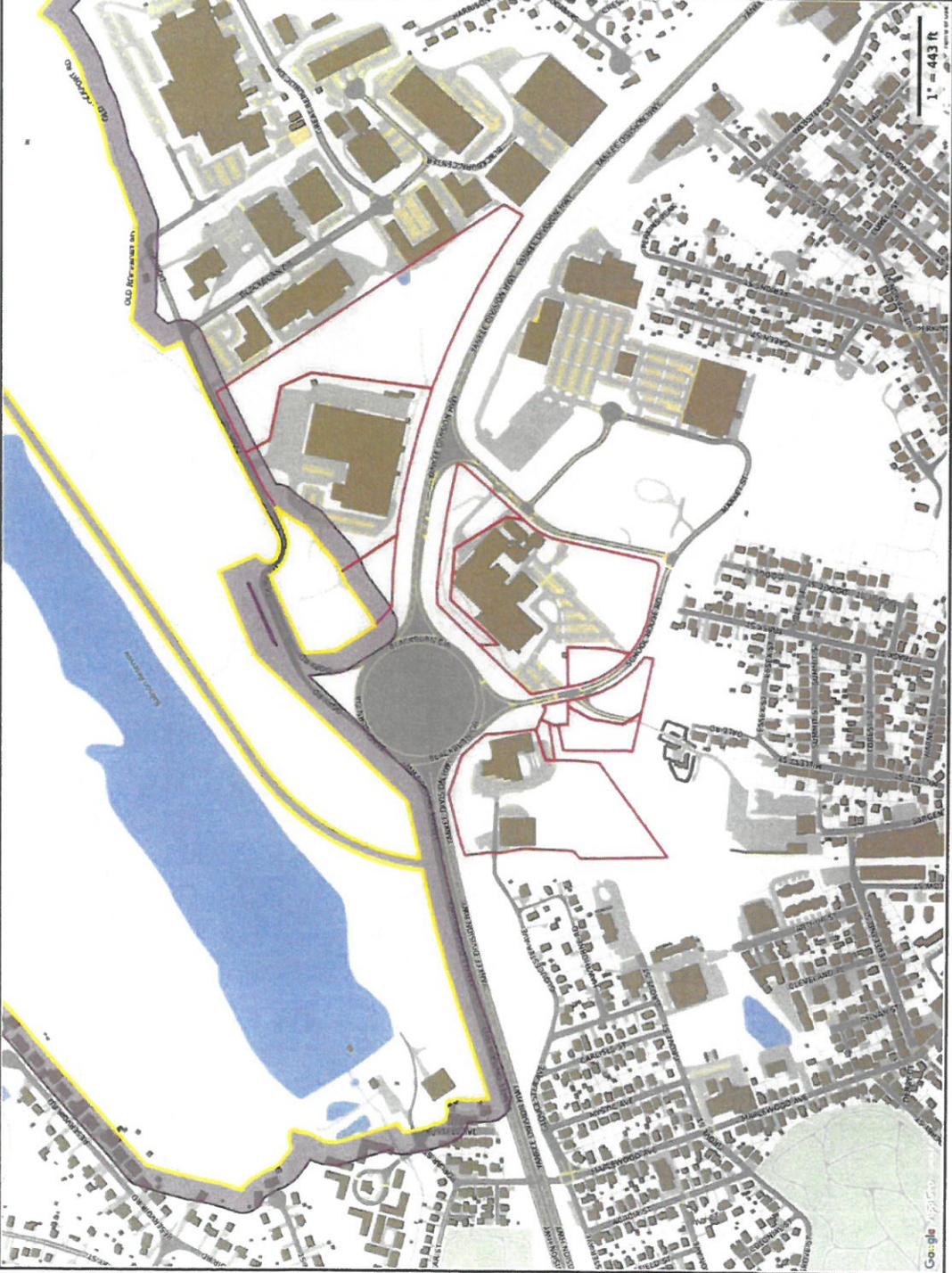
ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
43-4 GLOUCESTER COMMONS LLC C/O DSM REALTY	3 SCHOOL HOUSE RD	43-4	GLOUCESTER COMMONS LLC C/O DSM REALTY 875 EAST ST TEWKSBURY, MA 01876

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA
Gary I. Johnstone, MAA
Bethann B. Godinho, MAA
GLOUCESTER BOARD OF ASSESSORS

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

8/14/2017



Property Information
Property ID 296-1
Location 19 RUSSELL AV
Owner GLOUCESTER CITY OF

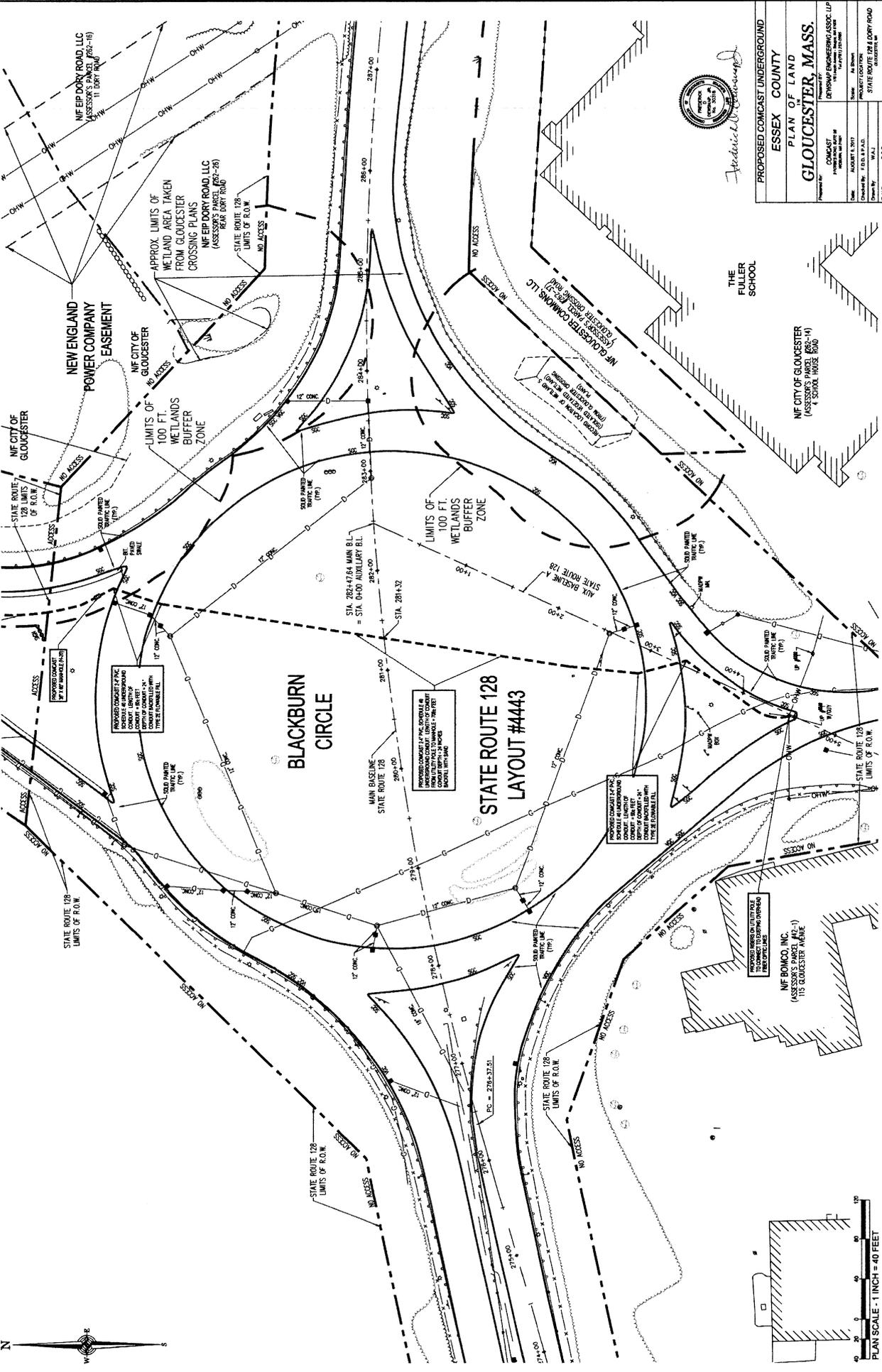


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Gloucester, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 1/15/2016
Properties updated 01/15/2016

FOR CONTINUATION SEE SHEET 2 OF 3



PROPOSED COMCAST UNDERGROUND	
ESSEX COUNTY	
PLAN OF LAND	
GLOUCESTER, MASS.	
Prepared by:	COMCAST
Drawn by:	ANGEL'S 2011
Checked by:	FIELD 2012
Scale:	N.T.S.
Date:	10/20/11
Project No.:	STATE ROUTE 128 & DORRY ROAD
Sheet No.:	1 OF 3

THE FULLER SCHOOL

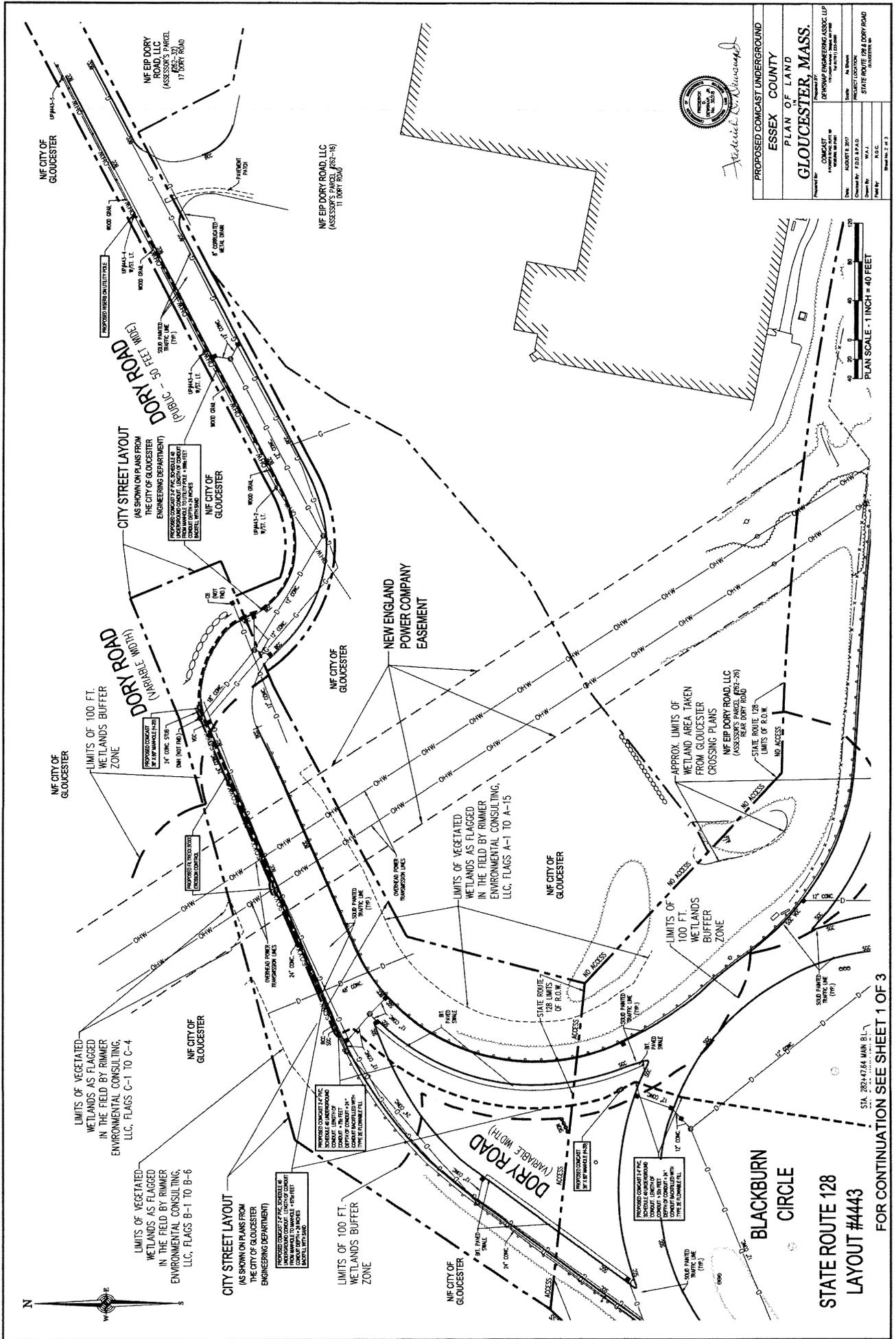
NF CITY OF GLOUCESTER
(ASSESSOR'S PARCEL #82-14)
1. FULLER HOUSE (82-14)

NF BOMCO, INC.
(ASSESSOR'S PARCEL #82-14)

PROPOSED COMCAST UNDERGROUND
SCHEDULE 40 INTERFERING
CONDUIT - 12" DIA.
DEPTH OF CONDUIT - 18"
CONDUIT SPACING - 24" ON CENTER
TYPE B E-DRAINABLE FILL

PROPOSED COMCAST UNDERGROUND
SCHEDULE 40 INTERFERING
CONDUIT - 12" DIA.
DEPTH OF CONDUIT - 18"
CONDUIT SPACING - 24" ON CENTER
TYPE B E-DRAINABLE FILL

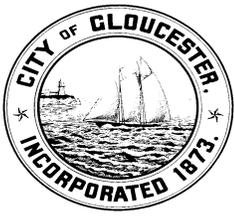
PROPOSED COMCAST UNDERGROUND
SCHEDULE 40 INTERFERING
CONDUIT - 12" DIA.
DEPTH OF CONDUIT - 18"
CONDUIT SPACING - 24" ON CENTER
TYPE B E-DRAINABLE FILL



PROPOSED COMCAST UNDERGROUND	
ESSEX COUNTY	
PLAN OF LAND	
GLOUCESTER, MASS.	
Prepared by:	COMCAST
Project No.:	STATE ROUTE 128 & DORY ROAD
Date:	NOVEMBER 2011
Drawn by:	[Name]
Check by:	[Name]
Scale:	AS SHOWN
Sheet No.:	2 of 3

STATE ROUTE 128
LAYOUT #4443

FOR CONTINUATION SEE SHEET 1 OF 3



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-034
COUNCILLORS: Valerie Gilman

DATE RECEIVED BY COUNCIL: 08/22/17
REFERRED TO: O&A & Fire Department

ORDERED that the Gloucester Code of Ordinances, Chapter 8 “Fire Prevention and Protection” be **AMENDED** by **ADDING** section 8.6 entitled “Use of Sky Lanterns” as follows:

Sky lanterns, using an open flame (or any similar object or devise), are not permitted in the City of Gloucester.

Sec. 8-7-8-14. Reserved.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Fire Department for review and recommendation.

Valerie Gilman
Ward 4 Councillor

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 8, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.

Absent: None.

Also Present: Mayor Sefatia Theken; Joanne Senos; Jim Destino; John Dunn; Amit Chhayani; Chris Sicuranza; Grace Poirier

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.**Oral Communications:**

Richard Clark, 4 Duck Pond Road #213, Beverly, said that a lot of progress has been made in the last year in Clark Cemetery. He said he was pleased that the DPW has now included the cemetery in its mowing schedule. He cited the efforts of Councilors O’Hara and Orlando as well as volunteers who have worked hard to bring the cemetery back to good repair. He advised the gravestones will need maintenance as well as “eradicating” knotweed. He said he submitted two “SeeClickFix” about the cemetery’s fence line between the “Oval” and Clark Cemetery clogged with invasive weeds and another to clear between the railroad tracks and Clark Cemetery to in order to increase visibility into the cemetery. He noted 27 of his direct relatives are buried in the cemetery and 24 are military veterans also buried there, saying that the city has a “moral, legal and ethical obligation” to take care of them. He further expressed his concern that progress to clean up and maintain the cemetery will continue.

Maureen McGrain, 164 Washington Street, said she has walked through town and the Boulevard for many years and was asking why so many trash barrels have been removed from city streets. She submitted photographs she took of the Boulevard over a week’s time showing the trash on view, as well as the beach entrance there. She mentioned the scarce number of trash barrels in the downtown, pointing out there is two trash bins on one side of the street in the middle of the downtown only. She asked when the trash barrels that had been removed would be replaced.

Peter Favazza, 3 Doane Road, owner of 10 Fort Square, expressed concern about on-street parking in the area of his rental property. He asserted that because of this situation he’s lost two tenants. He said in speaking with people who park in that immediate area they say there’s no signs, therefore they can do what they want. He noted on several occasions he’s asked for assistance from the police. He conveyed he spoke with the Beauport Hotel staff that have been “nice” but said many of the employees park on the street. He said where there is dedicated hotel parking there is plenty of parking but employees choose to park in front of his 10 Fort Square property and surrounding streets. He expressed concern for the aggressive nature of the people parking in front of the property on Fort Square and asked for assistance in this matter.

Presentations/Commendations:**Recognition of Gloucester Little League Williamsport All-Star Team and coaches for placing second in the state championship game**

Councilor Joseph Orlando, Jr. said as a former Gloucester High School baseball player he was pleased to see the future of Gloucester baseball in good hands with such talented young baseball players. He said what this team of young men accomplished was “truly amazing.” He pointed out that before this particular All-Star team, no other Gloucester Little League Williamsport All-Star Team had ever done what this team had. He then read the City Council citation honoring each of the members Gloucester Little League Williamsport All-Star Team and their Manager and Coaches for their dedication and outstanding effort in reaching state championship game and placing second overall. He said the team, guided by their Manager and Coaches accomplished that which no other Gloucester or Cape Ann Little League All Star Team had ever accomplished. He lauded the team saying they serve as a shining example for all in the effort to work as a team to serve the city.

Gloucester Little League Williamsport All-Star Team, Manger & Coaches:

Manager: Jarrod Harwood

Coaches: Tom Abbott and Wayne Morris

The All-Star Team members: Adam Borowick; Tommy Elliott; Ryan Francis; Daniel Hafey; Carson Harwood; Jared Healey; Jared Lucido; Drew Macchi; Emerson Marshall; Zach Morris; Joseph Orlando; Bryan Swain, and Max Viera.

The team presented the City Council with an autographed baseball to commemorate the occasion.

Mayor Sefatia Theken, mentioning that Chief Administrative Officer, Jim Destino, held the record for most Little League home runs (15), she learned that All-Star team member Joe Lucido had beaten that long-standing record. She then read a mayoral citation honoring the Gloucester Little League Williamsport All-Star Team, Coaches and Manager for placing second in the 2017 Williamsport Little League State Tournament on behalf of all the citizens of Gloucester. She also expressed her congratulations and thanks to all the parents and grandparents who supported the team as well.

The Council recessed at 7:24 p.m. and reconvened at 7:27 p.m.

New Appointments:

Fisheries Commission David Leveille (Alternate to Full Member) TTE 02/14/20

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 David Leveille as a full member to the Fisheries Commission, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc said that Mr. Leveille is looking forward to continuing with the Fisheries Commission from alternate to full member, and that the O&A Committee knowing he'd recently been before the Council for appointment as an alternate member excused his appearance before the Council this evening.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint David Leveille as a full member to the Fisheries Commission, TTE 02/14/20.

Mariners Medal Committee Vito Calomo TTE 02/14/18

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 Vito Calomo to the Mariners Medal Committee, TTE 02/14/18.

DISCUSSION:

Councilor LeBlanc said Mr. Calomo needs no introduction as the city well knows him, and that he would be a great fit for the Mariners Medal Committee. **Mr. Calomo** thanked the Council for reconstituting the Mariners Medal Committee. He said the new members will broaden the scope of the Committee and that he wanted to see the parameters for awarding the Mariners Medal outward. He said he would seek the opinion of the citizens of Gloucester. He noted with the diminished number of fishing vessels on the city's waterfront, there are other people on the waterfront and city that could qualify for this medal.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Vito Calomo to the Mariners Medal Committee, TTE 02/14/18.

Thomas Ellis TTE 02/14/19

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 Thomas Ellis to the Mariners Medal Committee, TTE 02/14/19.

DISCUSSION:

Councilor LeBlanc advised that Mr. Ellis wasn't able to attend as he has a new grandchild. He said the O&A Committee wished to see him appointed without requiring his appearance before the Council.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Thomas Ellis to the Mariners Medal Committee, TTE 02/14/19.

Capt. Arthur Sawyer, Jr.

TTE 02/14/20

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 Capt. Arthur Sawyer, Jr., to the Mariners Medal Committee, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc conveyed that Capt. Sawyer has been on the water his whole life and was doing a great job following in his father's footsteps. **Capt. Sawyer** said his father received the Mariners Medal in the 1970's and sat on the very same Committee. He said he wished his father could see him be appointed this evening to the Mariners Medal Committee.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Capt. Arthur Sawyer, Jr., to the Mariners Medal Committee, TTE 02/14/20.

Stefan Edick

TTE 02/14/21

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 Stefan Edick to the Mariners Medal Committee, TTE 02/14/21.

DISCUSSION:

Councilor LeBlanc said that Mr. Edick will be a great addition to the Committee, noting that CAO, Jim Destino had great things to say about his appointment at the O&A meeting, and that the O&A Committee agreed.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Stefan Edick to the Mariners Medal Committee, TTE 02/14/21.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum from Clean Energy Commission re: Boosting Participation in Gloucester Green Program (Info Only)
2. Ad-hoc Recreational Marijuana Task Force flyer with dates of upcoming Council Ward informational meetings (Info Only)
3. Press release from Fire Chief re: "Fill the Boot" Campaign to benefit the Muscular Dystrophy Association (Info Only)

• **COMMUNICATIONS/INVITATIONS**

1. Memorandum from the Planning Board re: Initiation of Zoning Amendments to GZO Sec. VI "Definitions." by adding "Recreational Marijuana Establishments" and "Sec. 5.31 Temporary Moratorium on Recreational Marijuana Establishments" (Refer P&D & PB)

• **APPLICATIONS/PETITIONS**

1. Special Events Application: Request to hold the Mayor's Halloween Party, Saturday/Sunday, October 29, 2017 (Refer P&D)
2. SCP2017-011: Calder Street #1, Map 167, Lots 72 & 39, GZO Sec. 3.1.6(b) for a building height in excess of 35 feet (Refer P&D)

• **COUNCILORS ORDERS**

1. CC2017-027 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" and Ch. 22, Sec. 22-291 "Tow-away zones" re: Fort Square #46 (Refer O&A & TC)
2. CC2017-028 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" – "Fort Square" by DELETING Commercial Street in its entirety after the words, "eastern boundary of #10" and by ADDING "Fort Square" (Refer O&A & TC)
3. CC2017-029 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" – "Fort Square" by DELETING "to the Merrimack-Essex pole 1917 and/or" in its entirety after the words "southeasterly and easterly" and ADDING "to the" before the words "westerly boundary of number 26." (Refer O&A & TC)
4. CC2017-030 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" – "Fort Square" be amended by DELETING "Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries." (Refer O&A & TC)
5. CC2017-031 (Cox) Amend GCO Ch. 22, Sec. 22-290 "Same-off-Street parking areas" re: Fort Square (Refer O&A & TC)

6. CC2017-032 (Cox) Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" re: Commercial Street (Refer O&A & TC)
7. CC0217-033 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING "Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street from utility pole #976 to #978 (Refer O&A & TC)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: July 25, 2017 (Approve/File)
2. Standing Committee Meetings: B&F 08/03/17 (under separate cover), O&A 07/31/17, P&D 08/02/17 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Lundberg asked to remove Item #1 under "Communications/Invitations" "1. Memorandum from Planning Board re: Initiation of Zoning Amendments to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments." He explained that given that notice to all abutters in the city in this situation is impracticable, and then moved that the City Council waive the notice to abutters under GZO Sec. 1.11.4(b) pursuant to the Initiation of Zoning Amendments through a Memorandum of the Planning Board to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments" in that the Council is asked to amend the Zoning Ordinance accordingly; to set the public hearing for that matter as September 26, 2017, and to refer the matter to the Planning & Development Committee and the Planning Board."

The motion was seconded by **Councilor Cox**.

DISCUSSION:

Councilor Lundberg conveyed that the Planning Board, pursuant to the state law, has recommended that the Council examine adopting what the state law provides -- a moratorium, until the end of 2018 on the issuance of zoning regulations to govern retail recreational marijuana facilities. He reiterated this is provided for in state law which gives the city an opportunity to thoughtfully consider the rules, regulations and Zoning changes they need to make. Because the change in the Zoning Ordinance affects the whole city, this action is done routinely to waive the notification as it would be noticing the entire population of Gloucester, he said.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to waive the notice to abutters under GZO Sec. 1.11.4(b) pursuant to the Initiation of Zoning Amendments through a Memorandum of the Planning Board to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments" in that the Council is asked to amend the Zoning Ordinance accordingly; to set the public hearing for that matter as September 26, 2017, and to refer the matter to the Planning & Development Committee and the Planning Board."

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: August 3

Councilor Memhard noted that Vice Chair, Councilor Orlando would present the B&F Committee Report as both he and Councilor Ciolino were unable to attend the August 3 meeting of the Committee.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A accept federal grants in the amount of \$600,968 for the Community Development Block Grant from the U.S. Department of Housing and Urban Development for Program Year 2017/Fiscal Year 2018 and the HOME Grant from the North Shore HOME Consortium for Program Year 2017/Fiscal Year 2018 in the amount of \$59,520.

DISCUSSION:

Councilor Orlando explained the following: The Council is being asked to accept the city's annual Community Development Block Grant Entitlement Allocation in the amount of \$600,968 from Housing & Urban

Development, reprogramming \$113,449 of program income and unprogrammed CDBG funds from prior years and utilize \$10,000 of anticipated program income for PY17 for a total of \$724,417 of CDBG funds, and approximately \$59,520 of HOME funds (for creating affordable housing but the project yet to be identified) for PY17/FY18 beginning July 1, 2017 and ending June 30, 2018. A table of activities as to the proposed project to use these funds was previously provided to the Council and is on file. Of the worthy organizations and low/moderate income support programs funded through these grants, of note is the Grace Center funding with which it is hoped will assist the center's programming to expand to five days a week at the Unitarian Universalist Church -- previous funding was used to remodel that kitchen for the Grace Center. The Stage Fort Park improvement project headed by Stephen Winslow, Senior Project Manager, will receive funding but that it only is used for ADA access at the park under this grant program.

MOTION: On a motion by Councilor Orlando, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept federal grants in the amount of \$600,968 for the Community Development Block Grant from the U.S. Department of Housing and Urban Development for Program Year 2017/Fiscal Year 2018 and the HOME Grant from the North Shore HOME Consortium for Program Year 2017/Fiscal Year 2018 in the amount of \$59,520.

Councilor Orlando advised what follows are two motions for two invoices for the Law Department that came in after the close of the fiscal year. The first is an invoice for a supplement to the Handbook of Mass. Land Use & Planning Law and another invoice for legal services rendered in FY17 by a Boston law firm. Both invoices are to be paid through the Law Department's FY18 budget. It's hard to control when these invoices arrive but need to be paid, he said.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice for the Handbook of Massachusetts Land Use & Planning Law 2017 Supplement through Wolters Kluwer Legal & Regulatory U.S., Chicago, IL, in FY17, Invoice No. 08090068, dated 06-22-17, to be paid with FY2018 funds from the current FY2018 General Fund, Law Department Account #0115152-573000 for \$260.98.

DISCUSSION: None.

MOTION: On a motion by Councilor Orlando, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 approve payment of a prior year invoice for the Handbook of Massachusetts Land Use & Planning Law 2017 Supplement through Wolters Kluwer Legal & Regulatory U.S., Chicago, IL, in FY17, Invoice No. 08090068, dated 06-22-17, to be paid with FY2018 funds from the current FY2018 General Fund, Law Department Account #0115152-573000 for \$260.98.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice for legal services rendered in FY2017 by Brody, Hardoon, Perkins & Kestin, Boston, MA, Invoice No. 57830 dated 06/29/2017 to be paid with FY2018 funds from current FY2018 General Fund, Law Department Account #0115152-530010 for \$132.96.

DISCUSSION: None.

MOTION: On a motion by Councilor Orlando, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 approve payment of a prior year invoice for legal services rendered in FY2017 by Brody, Hardoon, Perkins & Kestin, Boston, MA, Invoice No. 57830 dated 06/29/2017 to be paid with FY2018 funds from current FY2018 General Fund, Law Department Account #0115152-530010 for \$132.96.

Planning & Development: August 2

There are no matters for Council action under this heading from the August 2, 2017 P&D meeting.

Ordinances & Administration: July 31

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

DISCUSSION:

Councilor LeBlanc said this Council Order from 2015 is being withdrawn at the request of Councilor Cox.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to permit the withdrawal of CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted, without prejudice.

DISCUSSION:

Councilor LeBlanc advised this is a similar withdrawal of a Council Order from 2016.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted, without prejudice.

Scheduled Public Hearings:

1. PH2017-029: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.8.3, 1.5.3(c), and 5.7 "Major Project" and 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities"

This public hearing is opened at 7:44 p.m.

Council President Ciolino opened the public hearing and announced that it was continued with the assent of the applicant.

This public hearing is continued to August 22, 2017 at 7:44 p.m.

2. PH2017-0 23: Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 06/27/17)

This public hearing is opened at 7:45 p.m.

Council President Ciolino announced that this matter is opened and continued to August 22, 2017.

This public hearing is continued to August 22, 2017 at 7:45 p.m.

3. PH2017-037: Local Adoption of MGL Ch. 272, §80F which prohibits giving live animals as prizes or awards

This public hearing is opened at 7:45 p.m.

Council President Ciolino said this matter is still pending at the Committee level and will be continued to August 22, 2017.

This public hearing is closed at 7:45 p.m.

For Council Vote:

1. **Decision to Adopt SCP2017-007: Main Street #63, Map 7, Lot 34, GZO Sec. 3.2.2 to decrease the minimum open space and lot area requirement for the conversion of office space on the 2nd and 3rd floors into apartments**

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision (SCP2017-007) for Main Street #63 pursuant to Sec. 3.2.2 of the Gloucester Zoning Ordinance.

Unfinished Business: None.

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

Update on the Council on Aging Board by City Council Representative, Councilor Valerie Gilman who highlighted the following Council On Aging (COA) matters:

- Last evening about 130 seniors from the Rose Baker Senior Center and Rockport Council on Aging attended the Annisquam Village Player's dress rehearsal for the Broadway musical, Singin' in the Rain.
- There is a fundraiser for the Senior Center by collecting mercury button cell batteries, and when 100 lbs. of batteries is collected the Council on Aging can earn up to \$1,000 a year. The public is asked to drop their button cell batteries at the Senior Center in the receptacle provided.
- The restrooms have been renovated at the Senior Center.
- Workers at the Senior Center have updated their CPR training.
- The COA Board is looking at how different parts of the city handle their emergencies with the city's seniors. The Board proposed a meeting with the Mayor and her team to discuss how the city can "replicate" the Annisquam Good Neighbors Program where everyone reaches out to homebound seniors with each senior assigned to those neighbors who have generators and a bed for them in a storm-related or electrical emergency and ensure their safety. As they look at the emergency preparedness program at the Rose Baker Senior Center, the COA Board will work with the Mayor to ensure the city's seniors stay well and safe in weather related and power outage emergencies in the outlying areas of the city.
- Drivers are now being certified to drive the new Senior Center van.

Councilors' Requests to the Mayor:

Councilor Cox requested through the Mayor that the DPW use a street sweeper on all city streets that don't allow parking saying that one of the arguments is that street sweeping is difficult because people can't or won't get their cars off the streets. She indicated at least the street sweeping can be done on city streets where no parking is allowed or only parking on one side of the street is allowed. She announced the Gloucester Rotary Club will hold its annual fundraising Pancake Breakfast Saturday, August 19 concurrently with the annual Waterfront Festival.

Note: The fundraiser runs from 7:30 a.m. to 11:00 a.m. at Stage Fort Park. Tickets for the Pancake Breakfast are available for \$8 from any Gloucester Rotarian and select local businesses. For more information see link here:

<https://capeanncommunity.com/2017/08/08/gloucester-rotary-pancake-breakfast-2/>

Councilor Lundberg announced that at 4:30 p.m. on Thursday, August 10 at Beverly City Hall Council Chambers, Governor Baker's administration is holding a listening meeting with Secretary of Housing and Economic Development, Jay Ash, to receive input from constituents who would be affected by the dredging of the Annisquam River and why it's dredging is important. He advised Rep. Ann-Margaret Ferrante asked that he reach out to some constituents which he has done. He noted that the city will be represented by himself, Harbormaster T.J. Ciarametaro and Tony Gross, Waterways Board Chair at this meeting. He said that the state will ultimately have to contribute funds towards the dredging of the river if the federal funds are approved. He highlighted that on the way into this Council meeting outside of City Hall there was a group giving out pins imprinted with, "Yes in My Back Yard," a group vocal in support of creating more affordable housing in the city. He said they assured the group that this issue is a top priority on the city's agenda and that of the Council. He thanked the "YIMBY" members or coming out this evening to express their views.

Councilor Memhard expressed his thanks along with Council President Ciolino to the DPW for trimming back shrubbery on the Atlantic Road sidewalk. He also highlighted the DPW's innovative improvement at the Good Harbor Beach footbridge of the installation of an outdoor shower, a new park bench and bike racks which he expressed his hope more racks would be installed. He offered his thanks to Councilors O'Hara and Cox who joined him at a constituents meeting of the residents of Williams Court, Marian Way, Hartz Street and Tolman Street attended by 30 people, many of whom will come before the Council at a public hearing on August 22 on the matter of whether Williams Court should be a one- or two-way street. He said he was looking forward to the assistance of Administration on behalf of himself and Councilor O'Hara to address the noise issues surrounding the Americold/National Fish & Seafood facility in East Gloucester affecting area residents. He also highlighted the documentary, "Dead in the Water," by David Wittkower. He conveyed he'd previewed the movie with the Mayor, Angela Sanfilippo and John Bell that morning. He described the documentary as depicting the challenges of Gloucester's fishing fleet have recently dealt with and an optimistic view of what can be done to move forward. He said featured in the film were Gloucester ground fishermen, Al Cottone and Paul Vitale.

Councilor Gilman welcomed City Clerk, Joanne Senos, back from vacation and thanked Grace Poirier, Assistant City Clerk for her job well done during the City Clerk's absence. She also thanked Chris Sicuranza for doing the posters for the upcoming city Ward forums on Recreational Marijuana. She touched upon Councilors' preparatory materials for the Ward meetings briefly. She mentioned that the Mayor had an opportunity to meet with the city's state legislators, Sen. Bruce Tarr and Rep. Ann-Margaret Ferrante with city department heads for a round table discussion. She suggested that perhaps the Council can invite the city's legislators to a roundtable meeting to express their concerns for funding at the state level and hear about state initiatives that would help to move the city forward under Governor Baker's leadership.

Councilor O'Hara thanked the Mayor Theken and Fire Chief Eric Smith for staffing outlying Fire Stations with paramedics. He advised that the fire apparatus are fitted out with the same equipment at all stations so that when emergency medical calls are made that residents will get fast and "first-class treatment" regardless of their location.

Councilor LeBlanc requested that the Mayor through the DPW Director paint a crosswalk on Emerson Avenue from Pathways leading towards the Open Door Food Pantry. He noted that children from Pathways often cross the street to the Food Pantry and there is no crosswalk for the children to make the trip safely.

Council President Ciolino said that the previous week's Sidewalk Bazaar was very successful. He said the city departments worked very well together with the event organizers to help make it a great success. He thanked Councilor Cox for helping out at the Bazaar on Friday. He noted that since Mayor's office hadn't included the Council in her recent meeting with the city's state legislatures, he proposed the Council should arrange its own round table discussion, as suggested by Councilor Gilman, to update the Council on legislative initiatives. He said he would put together some dates and reach out to the Council. **Councilor Cox** expressed she was in support of a roundtable discussion as proposed.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:02 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Six photographs of trash on city streets from Maureen McGrain, 164 Washington Street

Planning & Development Committee
Wednesday, August 16, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Gilman
Absent: None.

Also Present: Councilor Orlando; Chip Payson; Gregg Cademartori

The meeting was called to order at 5:30 p.m.

1. *Special Event Application: Request to hold Halloween Festival on October 29, 2017*

Roseanne Cody, 23 Stanwood Point, member of the Organizing Committee for the mayoral-sponsored Halloween Festival scheduled for Sunday, October 29 at City Hall, explained the duration of the event is shorter this year, 1:00 p.m. to 4:00 p.m., and food and activities are scaled back for logistical purposes but that it will still be a great celebration for youngsters at City Hall. There will be no prizes given out although a bag of goodies will be given to children upon their leaving the event. There will be a hayride once again pulled by Police trucks. Associated road closures will be Dale Avenue in its entirety on the day of the event, along with Warren Street and the portion of Middle Street from Dale Avenue to Pleasant Street. She briefly reviewed several of the activities planned. She confirmed that the Special Events Committee had reviewed all aspects of the event.

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the Mayor of the City of Gloucester to hold a city-sponsored Halloween Party on Sunday, October 29, 2017 from 1:00 p.m. to 4:00 p.m. Additionally, the Planning & Development Committee hereby permits a “hayride” to commence on or around 1:30 p.m. on Sunday, October 29 to conclude on or around 3:30 p.m. on a route starting at the Gloucester City Hall employees’ parking lot entrance, out onto Dale Avenue, turning left onto Middle Street, turning left onto Pleasant Street, and left onto Warren Street. Those portions of Dale Avenue, Middle Street from Dale Avenue and Warren Street will be closed to all vehicular traffic. Parking is to be banned on Dale Avenue and Warren Street for their lengths and on Middle Street from Dale Avenue to Pleasant Street from 8:00 a.m. to 6:00 p.m. Sunday, October 29. Traffic control during the road closures will be overseen by the Gloucester Police Department. As this is a city-sponsored event, it is covered under the city’s liability insurance through MIIA.

2. *SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 “Major Project” and Sec. 5.27 “Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities” (Cont’d from 08/02/17)*

Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing Happy Valley Ventures for a Major Projects Special Council Permit for a Medical Marijuana Treatment Center and Cultivation Facility at 38 Great Republic Drive offered at the request of the Committee the following update as to the application’s status in the permitting process:

This project restarted in the spring of 2017 when the applicant filed to amend the existing Special Council Permit which was withdrawn because of a legal matter. In late April a new application for a completely changed new Special Permit for a Major Project was filed to construct a Medical Marijuana Cultivation Facility and Dispensary at 38 Great Republic Drive. This Committee and the Planning Board heard the matter; there were departmental meetings, and the consensus was that there were inconsistencies between plan sets that needed clarification before a review leading to recommendations from department heads could be completed. The applicant drew up plans with detailing acceptable not only for a Special Council Permit but for “pulling” building permits. Submitted was a 164 page supplement on August 3 to the Council and Planning Board. Conservation Commission (ConCom) approval for this project had already been obtained. It is hoped on August 17 that the Planning Board will complete its Site Plan Review which would enable the applicant to make a full presentation to the Committee at its September 6 meeting and move the application forward for public hearing.

Mr. Favazza concluded his remarks by saying that due to “construction-related concerns, his clients hope to move this project along to enable breaking ground in early fall.

Councilor Cox asked if HVV plans to offer recreational marijuana sales at 38 Great Republic Drive. **Mr. Favazza** said there are “no plans right now” to sell recreational marijuana out of the dispensary that is proposed. He advised that HVV has 58 Great Republic Drive under contract to purchase, anticipated to close the middle of September. He said it is HVV’s intention at this time to permit an approximately a 100,000 square foot production facility for recreational marijuana at that location. He said he’s seen nothing that indicates that his client will be in the retail consumer-facing side of this business “as of yet.” He advised there are on-going discussions as to how the city is going to deal with allowing or not allowing retail recreational marijuana establishments, but that at this time, he said that the applicant is only forwarding plans designed around a Medical Marijuana production facility and dispensary at 38 Great Republic Drive. He added that future plans for 58 Great Republic Drive is still under development.

This matter is continued to September 6, 2017.

3. SCP2017-011: Colburn Street #1, Map 157, Lots 72 & 39, GZO Sec. 3.1.6(b) Special Permit for Building Heights in Excess of Sec. 3.2 Limits – Building Heights in Excess of 35 ft.

Councilor Lundberg advised this is a public meeting for the applicant to present their plans to the P&D Committee for a Special Council Permit and the Committee will make a recommendation to the City Council. At that time there will be a public hearing when neighbors can address the Council and make comments for or against this proposal.

Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, representing Sam Avola, applicant of 9 Trueman Dr., Malden, MA, regarding an application (and purchaser of 949 Washington Street and 1 Colburn Street) for a Special Permit for Building Heights in Excess 35 feet, under GZO Sections 1.8.3, 3.1.6(b) and 3.2, as purchaser of Colburn Street #1 utilizing and Washington Street #929 in order to access and build a duplex at Colburn Street #1 (addendum to Purchase & Sale Agreement for both properties on file with application). Also present was Sam Avola, purchaser of the properties and Chad Ketchopulos, builder, Rockport, MA. He conveyed the following information:

The lot is considered restrictive in that it is filled tidelands and is under control of the Mass. Chapter 91 Waterways Division (of Coastal Zone Management or “CZM”) and that they need to apply to that entity for a permit. That state entity wants all local and state permits in place first before building. The applicant has a Conservation Commission (ConCom) Order of Conditions in hand for the application before the Committee, and they will seek drainage and curb cut permits further in the process. There is a presumptive line of fill further back into the property which was the line of the original cove, filled over 150 years ago. There were buildings previously on the site -- a granite processing building and a railroad leading to it from the quarries, which was briefly described. Much of the fill including along the banks of the cove are “chunks” of granite.

FEMA (Federal Emergency Management Agency) established that this property is in a velocity flood Zone VE (El. 20), requiring that the lowest structural member of the dwelling be a minimum of two feet above the Flood Zone (El. 22). CZM has reviewed this project as part of the MEPA (Massachusetts Environmental Policy Act) process and recommended that the structure be raised an additional two feet higher (bottom of lowest structural member at El. 24) (Opinion of CZM on file with application). Under NOAA’s (National Oceanographic & Atmospheric Administration) moderate predictions for sea level rise over 50 years it is just over two feet. To meet those recommendations, the first floor have would be 10 feet above existing grade and the total height of the structure would be 38 feet.

PROPOPOSED STRUCTURE:

This residential dwelling will be in reality a 1-1/2 story building. Plans for the first and second floor (not a full story) where noted (on file). The lower level is open space for parking with garage doors that can be left open in a flood period. He pointed out the average grade, the Flood Zone height at 20 feet; above that is 22 feet which is the minimum structural member and then 24 feet which is CZM’s recommended minimum horizontal structural member. This then takes the total height from existing grade to the peak of the roof to 37 feet, 10 inches which is rounded to 38 feet. Without the flood zone, if it was just a normal lot, there would be nine feet of clearance from “15 to 24” which would have made the dwelling a total height of 29 feet, therefore

negating the need for a height exception. The foundation plan is a varied spread footing wall with square/rectangular piers coming from that which are finished off; the structure is built on top of that.

A floor plan of the first floor of the building was shown and described (all plans on file). The proposed dwelling is a duplex. The units were described as having a moderate amount of living space, each with three bedrooms upstairs. Water, sewer electrical, telephone and gas come right to the property line on Washington Street, and the gas line can be extended to serve the new dwelling.

Councilor Lundberg noted that this was the former site of the High Line House Restaurant which burned down in 1966 and that the lot(s) have been vacant since that time.

Mr. Geisel pointed out the closest adjacent buildings on a map (on file) of the neighborhood, saying that the first floor level of the proposed dwelling is approximately equal to "their first floor level" which is on Quarry Street. Houses surrounding the property were noted to be positioned substantially on higher ground and uphill. Referring back to the site plan, **Mr. Geisel** conveyed that zoning restrictions, because this is a corner lot require, 30 feet frontage from Washington Street, 30 feet from Colburn Street; 20 feet side yard, and 30 feet in the rear. The applicant is further restricted to be 100 feet away from mean high water, he noted, and pointed out on the site plan -- the dwelling is restricted to where it is shown positioned on the plans.

Councilor Lundberg reiterated that the City Council's role in this particular development is limited to granting the Special Permit for a height exception. Other exceptions are granted by other Boards or Commissions.

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

1. Social, Economic, or community need served by the proposal: This project would provide a duplex housing unit on a property that has sat vacant for 50 years. The site has been over-run by invasive trees, brush and vines and became a dumping ground for trash. Developing the site will remove this dumping ground and provide an aesthetically pleasing landscape.
2. Traffic Flow and Safety: Access to the site will be through a single drive at the northwest corner of the property onto Washington Street. Sight line visibility exceeds 300 feet in each direction. A curb cut permit from MassHighway will be required.
3. Adequacy of Utilities and other public services: There are pressure sewer and an eight inch water main on Colburn Street. Both have more than adequate capacity. Natural gas ends at the property line on Washington Street and will be extended to the dwelling with an easement to serve #3 Colburn Street (not part of this Special Council Permit). Electrical and communications utilities are by overhead service -- they will be connected to the proposed building via underground conduit if allowed by Waterways, otherwise it remains overhead.
4. Neighborhood character and social structure: The neighborhood is a mixture of housing types. The neighborhood character is comprised of long-term residents with independence and community pride. This proposed project will not adversely affect the neighborhood character or values.
5. Qualities of the natural environment: The natural environment is dominated by moderate to heavy tree stands with invasive species removed. Overflow from the Klondike Reservoir feeds a nearby pond which goes to a stilling basin and is then piped to the cove. The proposal is to replace the entire pipe to keep the area from flooding. The open ocean of Hodgkins Cove and Essex Bay dominate the westerly landscape. Significant changes to the natural environment will not result from this project.
6. Potential fiscal impact: The duplex building will generate significant tax revenues. It is estimated the final assessed value will be over \$1,000,000.

COUNCILOR QUESTIONS:

Councilor Gilman said that she attended the ConCom site visit of Colburn Street #3 and viewed the water issues there, and walked this piece of property as well. She said she didn't see dumping of trash on Colburn Street #1 but rather across the street from it. **Mr. Geisel** said when surveying Colburn Street #1 they had to be careful where they stepped because there were abandoned car parts, old pipes, and some may have been left and buried from the burned down restaurant. He pointed out that this property was used as a staging area by the city during the sewer construction and some of the 'trash' may be discarded items from that time. **Councilor Gilman** said there was a great deal of overgrown brush and weeds. She asked if these plans have been shared with the neighbors. **Mr. Geisel** said they had and even before they went before ConCom and noted they'd have to come before the Council for height, and didn't skirt that issue with the neighbors. **Councilor Gilman** asked if **Mr. Geisel** would be willing to speak with neighbors before the public hearing because when a tall

house goes up, and a FEMA issue, concerns are raised when it is a height issue in light of the expansive water views across the street. **Mr. Geisel** said that what is blocked is a view of the bridge but not of the water or the cove area or out to Essex Bay by a dwelling as proposed to be situated on the Colburn Street #1 lot. He suggested that perhaps slightly on an angle but the vast majority of homeowners' views will be maintained. **Councilor Gilman** asked if garages with pilings are acceptable to FEMA. **Mr. Geisel** confirmed that was the case. She confirmed with Mr. Geisel that all abutters on the submitted Certified Abutters List with the application were notified of the P&D Committee's public meeting.

Councilor Cox said that this is straightforward height exception, noting that views are not protected. She noted that the Special Council Permit has to be taken as it is.

Councilor Gilman advised those interested parties who were present that this is the recommendation of the P&D Committee now but that at the public hearing they will hear the public's opinions after a presentation of the applicant and encouraged participation in the public discourse on the application in that venue.

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 Sam Avola, purchaser, 91 Truman Drive, Malden, MA, through property owner Jean O'Gorman, a Special Council Permit (SCP2017-011), for the property located at Colburn Street #1 (Assessor's Map 157, Lot 72), and Washington Street #929 (Assessor's Map 157, Lot 39) zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 3.1.6(b) and 3.2 for a building height in excess of 35 feet, for a home to be 38 feet (for a total height increase of 3 feet over 35 feet) for a Special Council Permit. This permit is made on the basis of the plans and elevations dated 3/16/2017 by Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, MA, submitted to the City Clerk on July 27, 2017, entitled, "Site Development Permit Plan, 1 Colburn Street, Gloucester, MA for Sam Avola." This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

4. Memorandum from Planning Board re: Initiation of Zoning Amendments to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments" (TBC 09/20/17)

Councilor Lundberg advised that this matter is currently with the Planning Board for a public hearing. The Committee will continue this matter to September 20 when it is anticipated that the Committee will have the Board's recommendation.

This matter is continued to September 20, 2017.

5. CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 08/02/17)

Councilor Orlando said that there was a meeting the previous week with Gregg Cademartori, Acting Community Development Director; Matt Coogan, Senior Planner; Frank Wright, Zoning Board of Appeals (ZBA) Chair, to address areas of concerns raised about the proposed zoning amendments. He said they met halfway on many of the issues and came up with satisfactory ordinance amendments to work as intended that the ZBA will be more comfortable with. He explained that rather than the Zoning Administrator being the "ultimate decision maker," that the Zoning Administrator will now be appointed by the ZBA, as always intended, and will have the responsibility of gathering required documentation and certifying to the ZBA that an applicant meets the requirements. The ZBA, if necessary, will hold a public hearing after notice to abutters and take testimony on any issues of neighborhood concern and be the ultimate permit granting authority. The Zoning Administrator will have the same function but that there is a public hearing before the ZBA. This will streamline the ZBA's usual process down to only one meeting which was a goal of the amendments.

Highlighting the "Purpose" section of the proposed amendments, **Councilor Orlando** said it was agreed that once the Zoning Administrator has certified that the applicant has produced all the required documentation, that it is prima facie evidence that it is a "go" unless there are neighbor issues. The goal was to

have these applications be pro forma in front of the ZBA as much as possible which is why the purpose section is stricter, he noted. Evidence of continuous occupancy and use is much the same as in previous iterations, he reported, as is much of what was initially drafted, but that the procedure is different. Officially the previous drafts didn't contain a sunset clause, and now it is placed in this draft that is before the Committee from when the amendment are enacted and sunsets three years from that date. He noted that the Administration advised that some sections of the city in the R-5 and R-10 districts have sewer betterments and that there may be need for a compensatory betterment fee to be paid for someone who is getting more units in the same building that weren't otherwise previously classified. That is addressed in Sec. 5.30.4(g), he pointed out. He also pointed out that here is more language about the Affordable Housing restriction about the paperwork required to bring to the ZBA meeting to obtain the relief sought.

Gregg Cademartori, Planning Director, said that the evolution of these draft Zoning Ordinance amendments started out as a word document which he and the Planning Board worked on. Frank Wright, ZBA Chair, worked on it also, he said. He highlighted some minor housekeeping matters of naming and syntax which he offered for clarity and were incorporated by the Committee into the final draft of the amendments.

Councilor Lundberg, speaking to Sec. 5.30 (a), asked for confirmation that there have been Memorandums of Agreement of this nature previously (between a Board or Commission and the Council). He said if not, he was okay with such a construct. **Mr. Cademartori** said it was a bit different, but that it was an "overt" way to set the system up. **Frank Wright**, ZBA Chair, explained much of that came from a disconnect with the statute which says that, "the ZBA may," and the original draft that says, "The ZBA shall." He highlighted that they want to make this process as expeditious as possible, but the ordinance can't say that the ZBA will move such matter along expeditiously, rather that belongs in an agreement. **Councilor Lundberg** offered he was fine with that. **Councilor Orlando** said they tried to make it as strong as they could. **Councilor Lundberg** said that from his time on the Planning Board and going through matters such as this over the years, they did a great job to come up with something workable for everyone. He expressed his appreciation for the efforts that were made. If it has its desired effect it will be a great thing for the city with a mechanism in place and added his thanks to Councilor Orlando.

Councilor Gilman questioned that once an Affordable Housing restriction is in place on a particular unit, how would it be handled for an existing tenant in that unit whose salary may be higher than what the requirement is for that restriction and what is done to make sure they're qualified. **Councilor Orlando** said it is for a landlord to deal with and expressed his hope that a landlord would work this out with their tenant who may fall into that situation. **Councilor Lundberg** expressed his agreement that it would be a landlord issue. **Mr. Cademartori** said there are guidelines from the state and agreed the biggest challenge is the changeover, which is called "buy down." or "market-rate conversion." From the start of the restriction the tenant has to be income qualified. Once they are in the unit, he explained that there are guidelines that they have to certify each year through W-2 review that the tenant income qualifies. The state has room if during the lease agreement for a year that if a tenant goes up to 110% of the area median income guideline they are then given one year to relocate. There is a lot of process on the other end, with a lot of policing, **Mr. Cademartori** said, and is why most of the subsidy programs are geared to new construction. Converting from market rate to affordable housing will require that the tenant is income eligible, he reiterated. **Councilor Gilman** suggested that the Committee should follow up in a year and a half to see how these amendments are working. She lauded the work of Councilor Orlando and all involved.

Mr. Wright asked if anyone has thought any further as to who would be the Zoning Administrator. **Councilor Orlando** said Administration representatives conveyed to him they don't want to hire anyone that is not currently within the Administration or city government to create a new position. He said it would be someone coming from within an existing city board, committee or commission. He said it makes sense for someone who is a member of the ZBA to take on that role. That would be a conversation with the CAO for budgetary reasons, **Chip Payson**, General Counsel said. The Committee expressed their agreement.

Councilor Cox said the Zoning Administrator will help put the paperwork together to present to the ZBA, and the goal is to not only to streamline a process but to make it easier, but that is dependent upon an applicant moving forward quickly and providing documentation in a timely fashion. She asked what the action plan is for complaints that the process took too long to accomplish the end goal. **Councilor Orlando** said he envisions a checklist with directions for applicants which he said he would work through with the ZBA and the Administration, contained on one page to show the steps needed to be taken and what is required for each step.

This is significant relief, he pointed out; and said that the applicant should have to do some work, but not to make it so cumbersome that it acts as a roadblock. He said he didn't want applicants to have to hire a lawyer to get through this process. **Councilor Cox** said they talked about waiving fees noting she'd not received an answer on whether it is possible for them to offer. **Councilor Orlando** said it is but not within the Zoning Ordinance amendments. **Mr. Cademartori** said fees are in Appendix B of the Zoning Ordinance and is not the actual Zoning Ordinance. He advised that by majority vote the Council can change those fees and expanded upon what would be needed within the Appendix. He said there is an administrative cost to this process, and assigning additional responsibilities to a person, and the fee is \$250. If they want, the Council can do that with specificity and touched briefly on how that would transpire to zero the fee out. **Councilor Cox** advised that after thinking about the fee waiver further and seeing the unfairness to people who are legally permitting their housing units, she wouldn't support a fee waiver. **Councilor Orlando** said that they should see what happens, and if they need another enticement to encourage property owners/landlords to step forward, then they can make that suggestion of a waiver of fee at that time. **Councilor Gilman** said people who spoke to her about this matter expressed a concern about a fee waiver, and she said she agreed it should go forward without a waiver in a "spirit of fairness." She said she was pleased with the overall initiative.

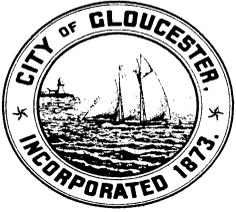
COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the Gloucester Zoning Ordinance pursuant to the document, "PROPOSED REDRAFT OF ZONING ADMINISTRATOR AMENDMENTS, 8/15/17," as submitted to the Planning & Development Committee on August 15, 2017 and attached hereto by incorporation and reference.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:25 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-038
SUBJECT: Repurpose of funds in Loan Authorization #2013-003 (amended March 28, 2017) for the repair and renovations of municipal buildings and the purchase of equipment.
DATE OPENED: 08/22/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: B&F 8/3/2017

Loan Order #2013-003

LEGAL NOTICE NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **Tuesday, August 22, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following **Loan Order #2013-003**:

ORDERED that the Order of this Council approved on September 24, 2013 and amended on March 28, 2017 authorizing the borrowing of \$2,475,000 is amended to provide as follows:

ORDERED: That up to **\$2,475,000** be appropriated for the following purposes in the following amounts:

Amount	Purpose
\$ 100,000	DPW Building Addition
\$ 500,000	Financial Software Purchase/Installation
\$ 350,000	Salt Shed
\$ 250,000	City Hall Boiler Replacement
\$ 240,000	Street Sweeper
\$ 335,000	Repairs to Fire Stations
\$ 700,000	Various Municipal Building Improvements

including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the mayor is authorized to borrow \$2,475,000 under Chapter 44 of the Massachusetts General Laws or any other enabling legislation; that the Mayor and any other appropriate City official is authorized to contract for and expend any federal, state or private aid available for the project; any premium received 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; and 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 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.

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

AD#13597846
CAB 8/11/17

Massachusetts Land Use & Planning Law 2017 Supplement through Wolters Kluwer Legal & Regulatory U.S., Chicago, IL, in FY17, Invoice No. 08090068, dated 06-22-17, to be paid with FY2018 funds from the current FY2018 General Fund, Law Department Account #0115152-573000 for \$260.98.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice for legal services rendered in FY2017 by Brody, Hardoon, Perkins & Kestin, Boston, MA, Invoice No. 57830 dated 06/29/2017 to be paid with FY2018 funds from current FY2018 General Fund, Law Department Account #0115152-530010 for \$132.96.



3. *Memorandum from CFO re: request to repurpose balance of funds in Loan Authorization #2013-003 (amended 3/28/17) for the repair/renovation of municipal buildings*

Mr. Dunn recounted the following: that in September 2013 the Council approved Loan Order 2013-003 in the amount of \$2.475 million for six capital projects. Included in this authorization was \$1.0 million for a building addition at the DPW. Approximately \$93,000 on engineering and architectural costs was expended, and revealed that the project would cost much more than the preliminary cost estimates which exceeded the appropriated amount, and so that project is on indefinite hold, he explained. He added that some of that money was borrowed long-term but the rest was borrowed on a short-term BAN (Bond Anticipation Note) basis. Loan Order 2013-003 was amended in March 2017 to repurpose \$200,000 of the \$1 million earmarked for the DPW building project for additional work to the Central Fire Station to fund renovations to the watch/dispatch function. That project encompasses equipment but also requires a great deal of carpentry and electrical work as well, he noted.

He explained that with funds still left over from the DPW Building Project, a request was made by DPW Director Mike Hale who identified two building repair projects that he'd like to complete this summer -- the first is the completion of the heating project at the Police Station for an estimated \$80,000 and the second is lavatory renovations at the O'Maley Innovation Middle School estimated at \$65,000.

Mr. Dunn explained that initially it was thought to repurpose the needed funds from the balance of the DPW building addition appropriation as had been done previously with the Fire Watch/Dispatch project. He said that in a discussion with Bond Counsel, noting that funds had already been borrowed, and that the DPW building project is on indefinite hold, Bond Counsel recommended that the city repurpose the \$700,000 balance of the funds not used for the DPW Building Project. He recounted that \$200,000 of that \$1 million was already repurposed which leaves \$700,000 to be repurposed to fund the repair/renovation needs of any municipal building including the two projects as mentioned.. He explained the city has to spend the borrowed funds within a certain period of time under IRS regulations and briefly discussed that administrative process associated. He conveyed that in speaking with Mr. Hale, and Assistant DPW Director Mark Cole as to what other projects that could come forward and the timing (summer and moving into the early fall) they wanted to earmark the funds for building improvements as the funds were initially purposed for. Additionally, they were looking for improvements that would carry a 20 year life expectancy or more. He briefly discussed a list of potential projects for municipal building use including schools. He reiterated that the funds were already borrowed and that the DPW Building Project will not go forward.

Councilor Orlando said that elementary schools have to be maintained until it is determined how to replace them. Mr. Dunn said that these projects are for maintenance of the facilities. He said that even if they were to figure a way to afford the next elementary school in the nearby, there's the MSBA process, the planning process, the swing space process which is a five-year minimum to moving into a new school building and isn't happening at this time. Mr. Dunn and Councilor Orlando the schools do need to be kept up. Mr. Dunn suggested that even if they were to declare one of the school buildings surplus, it's still in the city's best interest to have the building in the best condition possible so that the buildings are safe for students and staff alike.

Councilor Orlando asked on behalf of Councilor Gilman why they are looking to repeat loans for the same items they borrowed for in 2013. Mr. Dunn reiterated that this is amending the original loan order. The Council is rescinding what was proposed for the use of the funds and repurposing the funding for other similar capital projects.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council (i) RESCIND the order amending Loan Order 2013-003 voted by the City Council on March 28, 2017 and (ii) AMEND Loan Order 2013-003 voted by the City Council on September 24, 2013 so that it reads as follows:

Ordered: That up to \$2,475,000 is appropriated for the following purposes in the following amounts:

<u>Amount</u>	<u>Purpose</u>
\$ 100,000	DPW Building Addition
\$ 500,000	Financial Software Purchase/Installation
\$ 350,000	Salt Shed
\$ 250,000	City Hall Boiler Replacement
\$ 240,000	Street Sweeper
\$ 335,000	Repairs to Fire Stations
\$ 700,000	Various Municipal Building Improvements

including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor is authorized to borrow \$2,475,000 under Chapter 44 of the Massachusetts General Laws or any other enabling legislation; that the Mayor and any other appropriate City official is authorized to contract for and expend any federal, state or private aid available for the project; any premium received 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; and 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.

4. *Memo from City Auditor regarding accounts having expenditures which exceed their authorization & Auditor's Report and other related business*

Amit Chhayani, Assistant City Auditor, briefly reviewed the City Auditor's report with the Committee (on file).

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:52 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: PH2017-039
SUBJECT: **Petition for road repairs in accordance with GCO
Article IV, "Repair of Private Ways" Sec. 21-80 et seq
re: Brooks Road .**

DATE OPENED: 08/22/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: B&F 7/20/2017

Brooks Road Repairs
**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

In accordance with the provisions of Code of Ordinances Article IV, Repair of Private Ways, Sec. 21-80 et seq, the Gloucester City Council will hold a public hearing on **Tuesday, August 22, 2017 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall**, relative to the following:

Petition for road repairs Brooks Road

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**

AD#13597868
CAB 8/11/17

diagnostics and repairs. By making these repairs, he said, it results in efficiencies and subsequent savings because of those efficiencies. He reiterated that the Beeman project will be adding control technology that doesn't exist there now but is already in place at the Middle and High School. He explained that in addition to working with Siemens on this project, the city will work with National Grid in order to receive rebates for the work, which will bring about \$40,000 back to the city, so the savings are immediate. The city pledged to reduce energy consumption by 20%, he said, and at present the city is at 17% as of FY16, and FY17 data is anticipated to show that the LED streetlight conversion will help to meet that 20% threshold, he said.

Councilor Memhard asked if solar arrays could be installed on school rooftops. Hitting the 20% really helps with the grant studies, **Mr. Coogan** noted. He mentioned a study done several years ago on solar arrays for the city. He pointed out that the two wind turbines dedicated to the city power the needs of all the municipal buildings. The private sector already has a number of solar arrays, he added. There was a discussion of the Committee with **Mr. Destino** about wind turbines.

Mr. Destino reminded the Committee about the city's electric vehicle fleet which was also funded through grants along with two charging stations, and said that the city's fleet is anticipated to expand with another possible charging station installation. He lauded **Mr. Coogan's** management of the city's Green Community program.

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 under MGL c. 44, Sec. 53A accept a Mass. Department of Energy Resources-Green Communities Competitive Grant for \$207,443 for the purpose of retro-commissioning projects at Gloucester High School (\$91,671.43), the O'Maley Innovation Middle School (\$85,860.26) and the Beeman Elementary School (\$29,911.31) which will also receive an Energy Management System installation. This grant has no City match funding requirements and the grant contract end date is through May 31, 2018.



5. *Petition for road repairs in accordance with GCO Article IV "Repair of Private Ways" Sec. 21-80 et. seq.
Re: Brooks Road*

Mr. Destino said this is likely a last repair of a private way petition under the current ordinance. The new ordinance is sitting with the O&A Committee for review and will be taken up at their July 31 meeting. Because this petition is under the current ordinance the acceptance into the program comes first and the funding piece would come after the acceptance. He highlighting that the new ordinance will be much more streamlined with acceptance and funding coming forward at the same time. He said Councilor Nolan did a great job shepherding this project with the abutters and through Council under the current ordinance. This is a betterment paving project for Brooks Road that was agreed to by the vast majority of abutters with the abutters bettered at 100%, he said.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, recommends that the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Brooks Road. The abutters of Brooks Road agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$130,000; one hundred percent of the costs shall be borne by abutters and assessed as betterments.

6. *Memo from City Auditor regarding accounts having expenditures which exceed their authorization & Auditor's Report and other related business*

Mr. Costa briefly reviewed the City Auditor's report with the Committee (on file).

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:04 p.m.

Respectfully submitted,
Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-040
SUBJECT: Citizens Petition to change Williams Court from one-way to two-way traffic, and Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-267 "One way Streets – Generally" by DELETNG Williams Court from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.
DATE OPENED: 8/22/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 6/19/2017, 7/17/2017, 7/31/2017

GCO

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, August 22, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

Amend Chapter 21, Article IV "Repair of Private Ways", Sec. 21-80 through 21-86 (full text on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing).

→ Amend Chapter 22, "Traffic and Motor Vehicles" Sec. 22-267 "One Way Streets – Generally" by **DELETING** Williams Court from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.

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

By Vote of the City Council
Joanne M. Senos

AD#13597807
CAB 8/11/17

CITY CLERK
GLOUCESTER, MA
2017 JUN -1 PM 12:46
Survey

- Williams Court -

One Way / 2 Way

	<u>Name</u>	<u>Address</u>	<u>Phone/email</u>	<u>? ONE way / 2 way</u>
1	MAEIE SILVA	- 11 Williams Ct Glou.	978-283-7820	✓
2	Maeie Silva			
3	Carl Silva	- 11 Williams Ct Glou	978-283-7820	✓
4	Ethel Vadala	8 Williams Ct Glou.	283-4749	✓
5	John Silva Jr	9 Williams Ct Gloucester	978-283-3491	✓
6	Wm McKeedy	13 Williams Court	978-283-9950	✓
7	Pauline McKeedy	13 Williams Court	978-283-9950	✓
8	E Scott	10 Williams Ct		✓
9	Meredith Lockwood	7 1/2 Williams Ct.	978-290-6873	✓
10	Kory Curcuru	7 1/2 Williams Ct	978-943-2182	✓
11	Paulette Silva	6 Williams Ct.	978-283-3491	✓
12	Kimberly Parsons	15 Williams Ct.	978-283-3649	✓
13	Kimberly Parsons	(Brad Parsons) 15 Williams Ct.	"	✓
14	Roger Duchane	5 WILLIAMS CT., GLOUC.	978-283-2885	✓
15	Brian H. Auburn	9 Williams Ct. Glou.	978-281-4892	✓
16	Jennifer Anderson	9 Williams Ct Glou	978-281-6192	✓
17	Lilly Anderson	9 Williams Ct	978-281-6192	✓
18	Mary Kathy Carter	3 Marion Way	978-879-8059	✓
19	Thomas Bell	4 Marion Way	978-675-7755	✓
20	Abigail Stroven	9 Marion Way	616-401-8016	✓
21	Joey Kilm	34 HARTZ ST	978-491-9234	✓
22	Eric Green	9 Williams Ct	978-985-5644	✓
23	Jeffrey Ann	49 HARTZ ST	978-281-4644	✓

petition. He reiterated there will be a need to draft some documents to be available for the petitioners. **Councilor LeBlanc** said these amendments are better than what is in the ordinance currently given the Council's experience over the past several years with private way paving petitions.

Councilor Memhard asked for clarification that the proposed ordinance doesn't in any way entitle abutters/residents of having their road accepted as a public way. **Mr. Payson** said, "No." **Councilor Memhard** reiterated that it is a separate and distinct process. **Mr. Payson** added that that just going through the petition process doesn't automatically entitle abutters to get their private road paved anyway. He pointed out that the amended ordinance leaves it to the Mayor's discretion after "a lot" of these steps have taken place -- it rests with the Executive. He said the clarity remains that it doesn't entitle the abutters to have a private road made public, just as there's similar language in the current ordinance. That is a separate, distinct process governed by statute, he noted.

Mr. Destino highlighted when these project are done now, the project has to go before B&F has to approve the private way project and then to approve separately the funding upon the approval of the project -- a separate process. He pointed out that now the project and funding come together at once to be approved by the Council. He noted with the new ordinance there is a bigger buy-in as 75% of abutters have to vote in favor rather than the current 51% which previously has caused neighborhood concern. He said a table will be put in place which will delineate that if a project for road repair is \$25,000 the betterment to the abutters is for five years with larger, more costly projects having a betterment of 10 years. Most of the betterments, he advised, will be between five and 10 years so that the city isn't carrying the debt longer than it has to.

Councilor Nolan said the old language made the ordinance hard to understand on a variety of levels. This takes it all out, he noted. He highlighted that there is a buy-in for the abutters, which by having the three-fourths vote makes it more fair not only for the abutters but for the city who has to put time and effort into the administrative process and the paving project itself. Questions that have come up previously are answered through the new ordinance language, he said. He said in all this will make it easier for the Council, Administration and for residents.

Councilor LeBlanc said there have been issues with this ordinance recently and this rewrite answers many of those issues. **Mr. Payson** expressed his agreement saying that those issues highlighted the ordinance's deficiencies which prompted these changes to ensure the abutters are in full support of the paving of their private way by the city and understand clearly the betterments to be placed on them for the paving project by the city.

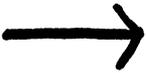
Councilor O'Hara said that most of the private ways are on the outer perimeter of the city and those roads are breaking down -- this is something residents need answers on, and this ordinance is in responsive to that need.

COMMITTEE RECOMMENDATION: On 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 Article IV, Sections 21-80 through 21-86 "Repair of Private Ways by STRIKING Sections 21-80 through 21-86 and ADDING new Sections 21-80 through 21-86 as presented by General Counsel in a memorandum dated July 6, 2017.

Councilor Nolan thanked the Administration, Acting Community Development Director, Gregg Cademartori; Public Works Director, Mike Hale; General Counsel, Chip Payson and Mr. Destino for their hard work to assist in drafting this updated ordinance language.

3. *CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One Hour parking-Generally" re: Washington Street (TBC 09/18/17)*

This matter is continued to September 18, 2017.

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4. *Communication regarding Williams Court traffic pattern, and Citizens Petition to change Williams Court from one-way to two-way traffic (Cont'd from 06/19/17) and CC2017-023 (Memhard) Amend GCO Ch. 22, Sec. 22-267 "One-way streets-Generally" re: Williams Court*

Councilor LeBlanc explained that Councilor Memhard put in a Council Order (consistent with the Citizen's Petition) to take Williams Court from a one-way roadway to two-way roadway. **Councilor Memhard** noted the Council Order asked that recommendations be obtained from the Police and Fire Chiefs, the DPW Director and the Traffic Commission (which the Committee did at its last meeting prior to the Council Order being filed). **Councilor LeBlanc** reported the Traffic Commission had voted pursuant to the Citizen's Petition to keep Williams Court one way at their June meeting (minutes on file). Noting the Committee hadn't yet heard back from the DPW, he

suggested that it was likely the DPW Director would be in agreement with Chiefs. He then read the memo from the Police Department (on file) dated July 31, 2017 which did not support Williams Court being made one way in light of the existing street being narrow, and concluded it is too narrow for two-way traffic in light of the existing parking configurations traffic. The Police Chief said it was a safety concern to make the road two ways. He noted the Fire Chief's lack of endorsement to take the street two-way: "... Williams Court in my opinion cannot support two-way traffic. This is supported by the Mass. Fire Safety Code 527 CMR 1.00 Ch. 18 (attached to the memo on file).

Councilor O'Hara said he spoke with neighbors -- which this seems to be a neighborhood issue. While noting Williams Court is a public way, he said he reviewed the recommendations of the Chiefs as well as the Traffic Commission. He noted his understanding that the road was two-way for some time, and there seems to be an issue related to two children playing in the street which he suggested may have forced this issue. He said that it was two way previously regardless of whether it was correct or not. He said he respected the opinions of the Chiefs but that there were no major issues previously when Williams Court was two way. He reiterated it is a neighborhood issue and needs to go to a public hearing to give the neighbors an opportunity to offer their opinion. **Councilor LeBlanc** pointed out that the Traffic Commission recommended that if the road were to revert to two ways that there would have to be removal of all on-street parking for the length of the road which will be a consideration in a neighborhood where parking is very limited.

Councilor Nolan said this has been one way legally since the 1980's. Whether the signs were taken down for whatever reason, it remains that the street is very tight and narrow which he noted he has observed on many occasions. He said he'd like to hear a bit more from the neighbors to see what they have to say. He said he spent time seeing cars backing up to allow another car to pass on the road. No parking on Eastern Avenue by Jeff's Variety doesn't appear to be 20 feet from the corner and is more of a safety hazard and makes it difficult to get vehicles into Eastern Avenue traffic from Hartz Street. He said based on the standards set out by the Fire Chief he'd have to support Williams Court staying one way but will hear about the issue at public hearing, and that his vote was subject to change.

Councilor LeBlanc said this matter needs to go to public hearing as it is a Citizen's Petition, although he pointed out he supports the Chiefs' recommendations at this time. He said the vote can change after the public hearing but that the Committee is making a recommendation from the Committee and that the matter will still go to the public hearing.

John Silva, 6 Williams Court, said when he moved here Williams Court 47 years ago wasn't a one-way street and no signs were posted. He recounted the Council said it would do a 45-day trial period, and pointed out that minutes were provided (on file with the Citizen's Petition) and yet the road remained a one-way street and asked why did they have a 45 day trial period then and put it back to a one-way street. He said the past 42 years there have been no signs posted on Williams Court. **Councilor Nolan** noted that the only change in the traffic ordinance on the roadway was done in the 1980's. **Councilor Memhard** pointed out that this review prompted by the Citizen's Petition has triggered the application of state standards to this roadway, noting a similar situation occurred with ADA parking at the Town Landing parking lot. He suggested a sensitivity to the practical concerns of the residents especially if they live on the "bottom" of end of Williams Court, that another alternative to consider is to make Tolman Street one way from Hartz Street into Williams Court so that people who live on that part can at least come in because of the one-way configuration. He noted the Police Chief saw vehicles parked on Williams Court the wrong way at his site visit. He said it has become a difficult situation for people who have lived on these streets for many years. He said the important question for these neighbors is whether they are willing to give up on-street parking because parking is very limited in this area and would be the only way to justify making Williams Court two-ways. People have reported an improvement in a reduction of cut-through traffic with the posted one-way signs. He also mentioned the on-street parking at the intersection of Hartz Street and Eastern Avenue with poor sight lines currently as did Councilor Nolan. **Councilor LeBlanc** pointed out that the Eastern Ave./Hartz Street issue isn't part of what is before the Council at this time.

Councilor Memhard expressed his agreement that this is a neighborhood issue and pointed out the work of the neighbors as a valuable thing to do, but that the Council has to observe the law but not wanting to create a hardship.

Councilor O'Hara said he doesn't support what is before the Committee, that this is a neighborhood issue that prompted this matter going forward. He reviewed that the road has been operational and that there is increased traffic with the density increasing with no prior problems; the neighbors want Williams Court two-way.

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 1 (O'Hara) in favor, 2 opposed to recommend that the City Council AMEND GCO Ch. 22, Sec. 22-267 "One Way Streets-Generally" by DELETING Williams Court

from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.

This matter, pursuant to the Citizen's Petition, will be advertised for public hearing.

5. *CC2015-044 (Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont'd from 07/18/16) (Cont'd from 06/19/17) TO BE WITHDRAWN*

Councilor Cox requested that Council Order 2015-044 be withdrawn.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

6. *CC2017-026 (Cox) Request O&A review & recommend the matter of regulating the use of plastic & paper checkout bags & recommend whether an ordinance regulating the use of plastic & paper checkout bags be adopted*

Councilor LeBlanc expressed his thanks to the Clean City Commission members who were present to discuss both the proposed plastic bag ban and the polystyrene container ban with the O&A Committee after a brief discussion with Councilor Cox as to the process of taking up those two matters.

Councilor Cox recounted that someone came to her with a concern on plastic bags asking that a ban be introduced in the city. This process involved a great deal over the past two years, she advised, and that the previous order didn't now meet the standards of current bag bans in the state. She noted the previous Council Order had a retailer's requirement based on square footage which was removed as local orders are now "all encompassing." She pointed out that there are options for a 10 cent/5 cent buy in, which some communities have left in place as a tax which goes back to the city or town. Councilor LeBlanc asked who would track such a tax. Councilor Cox said she didn't necessarily agree with that method, but that the idea was to introduce the standard language of the local bans. She said she would vote to withdraw that subsection of the plastic bag ban agreeing with Councilor LeBlanc it would be extremely difficult to track by the city. She noted that she didn't want to give her opinion in the form of the Order and that the ordinance proposal is introduced at 100% saying that she is willing to offer and/or accept amendments to it. The effort put forth for the last year, the Clean City Commission has done its due diligence, giving handouts to all merchants with contact information, and she said she has received one phone call to date opposing the bag ban. She pointed out that she's received several compliments for the bag ban and received good feedback from merchants. There is a phase-in effort for the ban and gives businesses an opportunity to use up what they have on hand.

Councilor LeBlanc asked how many merchants were contacted. Eric Magers, 7 Marchant Street, Clean City Commission member, said the Commission picked brick and mortar establishments and those retailers that would potentially be putting goods in bags or polystyrene and contacted 166 merchants, including supermarkets. Councilor LeBlanc asked if the Commission had heard back from the supermarkets. Councilor Cox said they didn't hear from the supermarkets. Councilor Cox said almost all of the "bigger merchants" are already doing this in other communities -- Gloucester isn't the first community to consider or institute a plastic bag ban, of which there are 55 communities' already banning plastic bags -- Market Basket and Marshalls, are already affected by bag bans. Mr. Magers said their feedback from retailers was that they thought the ban was already happening and expressed they were accepting of it.

Councilor LeBlanc said while this bag ban ordinance has been in the works for some time, yet there wasn't much in the way of communications from the store owners this will affect and from consumers who may be paying this tax and purchasing their own checkout bags. He noted subsection (d), "Recyclable Paper Bag" A paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400." He asked what it meant and the difference between a brown paper bag that is in city grocery stores now and the specifications of the ASTM Standard D6400. Mr. Magers said they used the Mass. Green Network and the Sierra Club standards to base the ordinance on. He advised there are a lot of products in the market that exist for organizations to "potentially get around ordinances in a very creative way," and that this has very strict guidelines that shows what is compostable. Councilor LeBlanc

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Catlin A. Pszeny to the Tourism Commission, TTE 02/14/18.

Zoning Board of Appeals

H. Sage Walcott (to full member)

TTE 02/14/20

Mr. Walcott explained that he is moving from alternate member on the Zoning Board of Appeals (ZBA) to full member and that things on the Board are going well. He noted that as a member he gets to see parts of the city he's never viewed before. **Councilor LeBlanc** reminded Mr. Walcott his Board is one that applicants do need their hand held which he said he knew Mr. Walcott understood. He advised that Mr. Walcott didn't need to attend the Council meeting as he was simply being moved from Alternate to Full Member of the ZBA, already being on the Board.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint H. Sage Walcott as a full member to the Zoning Board of Appeals, TTE 02/14/20.

2. Memorandum from General Counsel re: Amendments to GCO Art. IV, Sec's 21-80 thru 21-86 "Repair of Private Ways" (TBC 07/31/17)

Councilor LeBlanc advised that Chip Payson, General Counsel wasn't available this evening to discuss the matter of amendments to Sec. 21-80 through 21-86 and has asked that this matter be continued.

This matter is continued to July 31, 2017.

3. Communication regarding Williams Court traffic pattern, and Citizens Petition to change Williams Court from one-way to two-way traffic (Cont'd from 06/19/17)

Scott Memhard, Ward 1 Councilor, conveyed the following information to the Committee: Williams Court is between Hartz Street and Eastern Avenue, a close neighborhood that has had confusion over traffic direction on its roadway. He said historically Williams Court has been two-way traffic. Constituents expressed concern over the narrowness of the roadway, children playing in the road, the dangerous conditions of vehicles using Williams Court as a cut through from Eastern Avenue to Hartz Street. The Code of Ordinances lists Williams Court, in fact, as a one-way roadway. Some years ago residents had asked that Williams Court be two-way seasonally in summer and then change during the off season. Williams Court is a small, very narrow road with on-street parking and there isn't room for vehicles to pass. The Traffic Commission says that Williams Court should be one-way based city ordinance and state regulations governing the width of roadways.

Councilor LeBlanc said there would be a public hearing on the matter, that the Committee will make a recommendation, but advised it doesn't mean the Council will vote by majority to either keep the roadway one-way or take it to two-ways after the public hearing is closed, in response to an unidentified member of the public's inquiry on process. **Councilor Memhard** noting the petition submitted to the City Clerk's office (on file) although some people prefer the road to remain one-way, the majority of residents of Williams Court, Marion Way and Tolman Street want Williams Court to be made two-way.

Councilor Cox urged that the Committee to reach out to the Fire Chief and Interim Police Chief get their recommendation on the roadway along with the Public Works Director. The Traffic Commission has made their recommendation and that before Councilor Memhard submits a Council Order that information should be in hand. She recommended the order be for a two-way street to allow people to speak on the matter at public hearing but that the recommendations of the city's Public Safety Officials would help guide the Committee's and Council's actions.

Joanne Senos, City Clerk, reminded the Committee that there is a citizen's petition and that they would then need to add Councilor Memhard's Council Order to co-join the matters so that the Committee and the Council can have both matters taken up simultaneously.

Councilor LeBlanc said he wanted a recommendation from the Police Chief, Fire Chief and DPW Director on the matter if Williams Court should be kept one way or be made a two-way roadway. He then reviewed Council public hearing and subsequent voting process for a member of the public in attendance.

Attorney Mark Nestor, 45 Middle Street, recounted that the Traffic Commission says that if Williams Court were to be made a two-way street on-street parking would need to be removed as a potential alternative it remaining one-way. **Councilor Cox** said that was why she wanted the Chiefs and DPW Director to weigh in on the matter –

the width of the roadway has to be measured with cars parked on the road as well as without and their opinions on the matter based on public safety and emergency access.

Councilor Memhard said he needs to submit a Council Order to make Williams Court a two-way street under the Code of Ordinances and would do so to allow it to be referred out to O&A and taken up at its July 31 meeting. **Councilor Cox** pointed out that the Chair has already requested that the Interim Police Chief, Fire Chief and Public Works Director make their recommendation(s) to the Committee in time for their next regularly scheduled meeting as to what they believe street can support in terms of traffic.

Gillian Amero, 45 Hartz Street, suggested that only a part of the roadway needs to be made two-way -- to the right-hand turn onto Tolman Street, where Williams Court intersects with Hartz Street if the rest of Williams Court is kept one way.

This matter is continued to July 31, 2017.

4. *CC2017-011 (Cox) Request Traffic Commission review parking spots & traffic flow on Pleasant St. from Franklin Sq. to 32 Pleasant St. to address safety issue of 2-way traffic & depending on review recommend to Council possible GCO amendments (Cont'd from 06/05/17)*

Councilor Cox advised that she just got the map of the area last week from Engineering, in order to hold a neighborhood meeting with constituents, a meeting that hasn't taken place yet. She asked that this matter be continued to August 14.

This matter is continued to August 14, 2017.

5. *CC2017-015 (Memhard) Request that Traffic Commission perform speed study on Hartz St. to determine whether there should be a reduced speed limit of 20 mph and whether the city should petition MassDOT to approve said speed limit (Cont'd from 06/19/17)*

Councilor Memhard said the Hartz Street traffic study was reviewed at the Traffic Commission meeting where it was noted Hartz Street carries a high volume of traffic and that the majority of vehicles exceed the posted speed limit. He said that a lot of this vehicular volume is due to cut throughs from Bass Avenue to Eastern Avenue and vice versa and for the beaches. **Councilor LeBlanc** expressed his agreement the speed limit should be lowered on Hartz Street.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council forward a letter to MassDOT accompanied by the Traffic Commission Speed Study and the Certificate of Vote of the City Council to approve a speed limit of 20 mph on Hartz Street.

This matter will come forward under Committee Report.

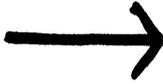
6. *CC2017-016 (Memhard/O'Hara) Request that the city adopt the Commonwealth of Mass DEP Noise Regulation (310 CMR 7.10) and after adoption amend GCO Ch. 13 "Noise" (Cont'd from 06/19/17)*

Councilor Memhard said Council Order is in response to a specific issue to the Americold East Gloucester facility in the Marine Industrial (MI) district and the Designated Port Area (DPA), an area surrounded by a high density residential neighborhood. He explained what is proposed is to "align" the local noise ordinance with the state's 1990 noise regulations. In this case, he pointed out, the state's regulations are stricter than the local ordinance now. The city, he said, is subject to state standards but pursuant to enforcement, it is difficult because the Board of Health or the Building Inspector enforce the local ordinance. MassDEP used to actively do enforcement of state (noise) regulations in the city, which he said is essentially any residential neighborhood or house that is impacted by noise more than 10 dB above background in nighttime. He said it respects the most sensitive receptor and doesn't take into account whether one is in the MI district, in the DPA or a neighborhood business zone. He reiterated that the adoption of the State regulation is an attempt to align the local ordinance with state standards and make clear paths of enforcement so that the neighborhood on East Main Street can have a reduction of noise that hasn't been successfully achieved to this point.

Tourism Commission

Catlin A. Pszenny (TBC 07/17/17)

TTE 02/14/22

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2. *Communication regarding Williams Court traffic pattern & Citizens Petition to change Williams Court from one-way to two-way traffic (TBC 07/17/17)*

It was noted for the record by **Councilor LeBlanc** that this matter was referred to the Traffic Commission, and that the Committee will await the Commission's recommendation before taking up a discussion on it. Therefore, this matter is continued to July 17, 2017.

3. *CC2015-044 (Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont'd from 05/15/17)*

Councilor LeBlanc announced this matter will be continued to July 31, 2017.

4. *CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted (Cont'd from 05/15/17)*

Councilor LeBlanc announced this matter will be continued to July 31, 2017.

5. *CC0217-015 (Memhard) Request that Traffic Commission perform speed study on Hartz St. to determine whether there should be a reduced speed limit of 20 mph and whether the city should petition MassDOT to approve said speed limit (TBC 07/17/17)*
6. *CC2017-016 (Memhard/O'Hara) Request that the city adopt the Commonwealth of Mass DEP Noise Regulation (310 CMR 7.10) and after adoption amend GCO Ch. 13 "Noise" (TBC 07/17/17)*
7. *CC2017-017 (Nolan) Amend GCO Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zones" re: Magnolia Ave. (TBC 07/17/17)*
8. *CC2017-018 (Cox) Request amendment to GCO Ch. 22, Sec. 22-288 "Off-street parking areas" re: Town Landing parking lot (St. Peter's Square) re: parking spaces*

Councilor LeBlanc explained this is a housekeeping matter, that when the Town Landing parking lot was bricked in or around 1979/1980, and the parking lot plan was changed from 118 parking spaces to 73 parking spaces in total, but the ordinance wasn't updated. The appropriate map is on file related to the updating of the ordinance, it was noted.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council Amend GCO Ch. 22, Sec. 22-288 "Off-street parking areas" by DELETING "118 parking spaces as shown on Drawing No. 30003, dated August 27, 1957 and ADDING "73 parking spaces as shown on Drawing No. 30003 revised and dated January 15, 1979.

This matter will be advertised for public hearing.

9. *CC2017-013 (O'Hara) Request that O&A & the Traffic Commission review the beach no parking areas for possible expansion; and that Sec. 22-176 "Penalties for parking violations" "Prohibited area (beach district)" be amended to increase the penalty to the maximum penalty permissible by law (Cont'd from 06/05/17)*

Chip Payson, General Counsel, said that he reached out Councilor O'Hara advising him that that the statute governing the caps for the ticket fines for beach parking which is \$50, and in Gloucester is currently \$45. To charge beyond that as a fine, the city would have to reach out to the state through its state legislators to put forward a Home Rule Petition to raise ticket fines higher than \$50, he said. He noted that in GCO Ch. 22 Section 22-176 (b) has a list of streets which constitute beach parking zone streets. He noted that when Councilor O'Hara asked him to look into this matter which included expansion of the beach parking zones, the Councilor hadn't indicated which streets he wanted to



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-035
SUBJECT: Amend GZO by **ADDING** Section 1.5.4.1 "Zoning Administrator" and **AMEND** Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1, and 2.3.1 accordingly; and **AMEND** Section V to add a new section 5.29 "Certain Pre-Existing Multi-Family Use."
DATE OPENED: 08/22/2017
CONTINUED TO:
CONTINUED FROM: 08/08/2017
COMMITTEE: P&D 4/5/2017, 4/19/2017, 5/3/2017, 6/7/2017, 6/21/2017, 7/19/2017, 8/2/2017, 8/16/2017
City Council 5/23/2017, 6/27/2017, 7/11/2017, 7/25/2017, 8/8/2017

NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, §5, and the Gloucester Zoning Ordinance, Section 1.11 and 1.11.4(b), the Gloucester City Council will hold a public hearing on **Tuesday, May 23, 2017**, at 7:00 P.M. in the Kyrouz Auditorium, City Hall, to consider the following petition to amend the Gloucester Zoning Ordinance:

ADD Section 1.5.4.1 "Zoning Administrator", and **AMEND** Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1, and 2.3.1 accordingly;

And **AMEND** Section V to add a new section 5.29 – Certain Pre-Existing Multi-Family Use

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.**

The complete application is available for review at the office of the City Clerk at City Hall and the Community Development Office at 3 Pond Road during regular business hours.

By Vote of the City Council
Joanne M. Sanos, City Clerk
GT – 5/8, 5/15/17

- (e.g. apartment or unit numbers) or differentiated billing names for the billing period;
- Voter registration data for each year, identifying the voters at each of the designated units;
- Leases or other rental agreements for each year;
- Vehicle excise tax records.

5.30.3 Procedures Relating to Special Permits Issued Pursuant to this Section

- (a) Upon adoption of this section, the City Council and the Zoning Board of Appeals shall enter into a Memorandum of Understanding providing for the appointment, pursuant to GL c. 40A, § 13, of a Zoning Administrator and other such matters pertaining to the expeditious review of permit applications pursuant to this section.
- (b) The Zoning Administrator shall review special permit applications submitted pursuant to this section, which applications shall include all of the documents and affidavits required by Section 5.30.4
- (c) If the Zoning Administrator determines that an application and its supporting documents are complete and accurate, he/she shall so certify to the Zoning Board of Appeals.
- (d) The Zoning Board of Appeals shall promptly conduct a hearing on said application, following public notice as required by Section 1.5.10
- (e) Certification by the Zoning Administrator shall be prima facie evidence as to the accuracy of the permit application and its supporting documentation. Provided, however, that in rendering its decision on said application the Zoning Board of Appeals may take into consideration such additional testimony as it deems relevant to the criteria set forth at Section 1.8.3.
- (f) Issuance of a special permit pursuant to this section shall exempt the subject property from the dimensional requirements set forth at Section 3.2. Provided, however, that this Section 5.30.3(f) shall not apply to:
 - (1) the off-street parking requirements of Section 4.1;
 - (2) those exterior portions of the subject property that were constructed for the purpose of adding an unpermitted or improperly permitted apartment.

5.30.4 Special Permit Application Requirements

In addition to the information required on the application form prescribed by the Zoning Board of Appeals, an application for a special permit pursuant to this section shall include the following:

- (a) Current Health Department inspection certificates for each rental unit sought to be permitted;
- (b) Current Building Department inspection certificates for each rental unit sought to be permitted;
- (c) An affidavit by the record owner, property manager, or tenant, sworn under the penalties of perjury, that the number of units sought to be permitted have existed on the property since at least January 1, 2007. If said owner has not been the record owner since January 1, 2007, the affidavit shall attest that the number of units sought to be permitted have existed on the property throughout his/her period of ownership;
- (d) Certification by the Building Department that no complaints have been filed against the subject property within the five years prior to application;
- (e) Evidence of continuous use, as defined at Section 5.30.2, for the number of units sought to be permitted;
- (f) Fully executed Affordable Housing Rental Unit Restriction, in the form prescribed by the Community Development Department, along with certification by the department that the property owner has complied with all relevant provisions of Section 5.11. At least one rental unit shall be restricted in the case of three and four unit properties and at least two rental units shall be restricted in the case of five and six unit properties. Such Affordable Housing Restriction shall have a term of no less than 30 years. Failure to comply with the

requirements of such restriction may be grounds for revocation of any issued multi-family special permit under Section 5.30.

(g) Compensatory sewer privilege fees shall be assessed for additional permitted units as determined by article II, division 1, section 23-23 of the Gloucester Code of Ordinances, as applicable.

CITY OF GLOUCESTER
LEGAL DEPARTMENT

Memorandum

2017 AUG 15 PM 4: 08
CITY CLERK
GLOUCESTER, MA

TO: Joe Orlando, Jr, City Councilor
FROM: Chip Payson, General Counsel
RE: Appeals of zoning administrator decisions
DATE: August 14, 2017

You have requested a memorandum from the Legal Department as to the appeals process for a decision of a zoning administrator.

Chapter 40A, section 13 of the Massachusetts General Laws (MGL) creates and governs the position of zoning administrator. Section 13 states, in relevant part:

A zoning ordinance... may authorize the appointment of a zoning administrator, who... shall be appointed by the board of appeals, subject to confirmation by the city council... to serve at the pleasure of the board of appeals pursuant to such qualifications as may be established by the city council ... The board of appeals may delegate to said zoning administrator some of its powers and duties by a concurring vote... ***Any person aggrieved by a decision or order of the zoning administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the board of appeals, as provided in section fourteen,*** within thirty days after the decision of the zoning administrator has been filed in the office of the city or town clerk.

While section 13 explicitly outlines the appeals process for a decision of the zoning administrator, section 17 of chapter 40A provides an appeals process for decisions of the zoning board of appeals or any other special permit granting authority as follows, in relevant part:

Any person aggrieved by a decision of the board of appeals or any special permit granting authority... may appeal to the land court department, the superior court department in which the land concerned is situated...

I read section 17 as an extension of section 13. In other words, a decision of the zoning administrator may first be appealed to the zoning board of appeals and then may be appealed to the courts. The legislature was explicit in its language creating zoning administrators in section 13; section 17s existence does not negate that intent or language. Instead, I believe that both sections should be read together.

Should you have any further questions, please let me know. Thank you.



CITY OF GLOUCESTER ZONING BOARD OF APPEALS

Memo To: Planning and Development Committee; Councilors Paul Lundberg, Melissa Cox, Valerie Gilman and Sean Nolan
CC: Gregg Cademartori
From: Zoning Board of Appeals
Date: July 13, 2017
Re: proposed amendments to Zoning Ordinance; creation of zoning administrator

You have asked the Zoning Board of Appeals to comment upon the proposed amendments to the Zoning Ordinance relating to creation of a zoning administrator. The Board has reviewed the amendments and is opposed to adoption in their present form, for the following reasons.

1. Elimination of neighborhood input

Our principal objection to the amendments is that they significantly undercut those provisions of the Zoning Ordinance designed to protect neighborhood interests and well-being. A review of the criteria set forth at proposed Section 5.29.4 demonstrates the thoroughly circumscribed nature of the new permitting process: the Zoning Administrator is directed to issue a special permit legitimating one or more illegal apartments upon no more than submission and verification of the following documents:

- a. current certificates of rental dwelling issued by the Health Department for each unit sought to be permitted;
- b. a current inspection certificate issued by the Building Department indicating the number of units sought to be permitted;
- c. an affidavit by the current owner that the units sought to be permitted have existed on the property since at least January 1, 2007, or for a more recent owner, that the units sought to be permitted have existed on the property throughout his/her period of ownership;
- d. certification by the Building Department that no complaints have been filed against the property during the prior five years;
- e. evidence of continuous use for number of units sought to be permitted; and
- f. executed paperwork restricting at least one rental unit as "affordable" in three- and four-unit properties and at least two rental units as "affordable" in five- and six- unit properties.

Thus the Zoning Administrator's function is confined to a completeness review of paperwork prepared or initiated by the property owner. At no place in the amendments is the Zoning Administrator required to take testimony as to the concerns of neighbors; as drafted, affected neighbors may appear at proceedings before the zoning administrator but may only speak to deficiencies in the submitted documents.

The amendments' sole recognition of the fact that a neighborhood might be stressed by illegal overuse of a building is a requirement that the building department certify that in the preceding five years no complaints against the subject building have been filed. Once again, however, this is a paperwork exercise that relies exclusively on department files, files which the department itself will acknowledge are not always complete. Of more significance, it is our experience that for a variety of reasons neighbors often endure much that is bothersome rather than pursuing their complaints with the Building Inspector. (This is especially true in R-5 neighborhoods, one of the two zoning districts to which these amendments apply.) In

many cases, we find that unhappy neighbors are finally motivated to come forward with their concerns only upon written notice of a pending ZBA hearing.

If there is any doubt that the proposed amendments constitute a sharp departure from the present protection of neighborhoods, consider the permitting process which is currently in place. When a building owner seeks to legitimate one or more illegal apartments, a special permit for change in use must issue from either the ZBA (for buildings with up to three units) or the City Council (for buildings over three units). In addition, the building owner must also apply to the ZBA for whatever variances are needed from the dimensional and on-site parking requirements of the Zoning Ordinance.^{1/} For each type of zoning relief, the ZBA and the City Council must consider the impact on the affected neighborhood pursuant to the following sections of the ordinance:

Section 1.7.2: [variances are to be granted by the ZBA only upon a determination that] “the desired relief [can] be granted without substantial detriment to the public good. . . .”

Section 1.7.3: “A variance may contain such conditions, safeguards and limitations as the ZBA deems necessary to protect the neighborhood and the city. . . .”

Section 1.8.3: “A special permit . . . shall be granted only upon a written determination . . . that the proposed use . . . will not adversely affect the neighborhood, the zoning district or the city to such an extent as to outweigh the beneficial effects of said use. . . .” (Emphasis added)

The above underlined language highlights our concern. How can neighborhood interests and the goals of the proposed amendments ever be meaningfully balanced if no neighborhood testimony is allowed, and its sentiments divined only upon the chance that a prior complaint may have made it into building department files? In our opinion, the proposed amendments elevate the interests of noncompliant landowners well above the city’s responsibility to its neighborhoods.

2. The blanket annulment of all the Zoning Ordinance’s dimensional and off-street parking requirements

We also note that under the proposed amendments the only zoning relief needed for a building with illegal apartments is a change in use special permit. In other words, it is no longer of any significance whether the building violates the dimensional and off-street parking requirements of the Zoning Ordinance.^{2/}

Under the present process, the landlord must also obtain variances for those aspects of the building that are in violation of such requirements.^{3/} With respect to dimensional requirements, it has been the board’s policy to defer to the neighborhood impact review underlying issuance of the change in use special permit; the building is where it is, and unless an illegal apartment has been added by exterior changes (rarely if ever the case), the board accepts its nonconformities as given.

It is another matter, however, if a building with illegal apartment(s) violates minimum off-street parking requirements. In such cases, the board must consider whether there is sufficient on-street parking in the

Fn. 1 Given the zoning districts to which the amendments apply (R-5 and R-10), multiple variances are almost always needed. Thus the ZBA is automatically involved, and its first step is a site visit to get a feeling for neighborhood circumstances. In contrast, as noted above, the Zoning Administrator’s function would be essentially confined to his desk, reviewing paperwork.

Fn. 2 See proposed Section 5.29.1 Purpose: “It is the purpose of this section to [provide noncompliant building owners with a path to compliance] “acknowledging that such properties might not otherwise meet the dimensional requirements set forth in the Zoning Ordinance for existing multi-family use nor meet the statutory requirements to be granted for variances for such shortcomings.” (Emphasis added)

Fn. 3 See Part II, Section 2(d) of the City Council’s Rules on Special Permit Procedures: “. . . If it is determined . . . that the project cannot be built unless a zoning variance is granted [the application shall be deemed incomplete and returned] “to the applicant without prejudice, so that the applicant may either appeal to the ZBA for the grant of such variance . . . or revise the plans to eliminate the need for a variance.”

neighborhood, and where there is not the board has required that more of the subject property be devoted to on-site parking or that the existing parking area be reconfigured so as to accommodate more cars.

3. Appeal from the zoning administrator's decision

Because the proposed amendments vest the authority of a Special Permit Granting Authority in the zoning administrator, appeal from the permit decision can only be taken to Superior or Land Court. Thus any kind of local administrative review, by the City Council or the ZBA, is circumvented. If neighbors are aggrieved, they will have to incur the expense of going to court and the burden of proving that the administrator acted beyond his authority. Given the two zoning districts to which the amendments apply, as a practical matter the administrator's decisions will be effectively unreviewable.

4. Vesting of permit granting authority in one individual, without meaningful review

At present, both the ZBA and City Council make critical discretionary decisions relating to impact on affected neighborhoods, and under Chapter 40A any zoning relief given must be by vote of a supermajority, further ensuring that the decision will not be lightly made. We question the wisdom of concentrating all such authority in one individual, especially where the demographics of the affected zoning districts virtually guarantee that there will be no further review of the decision.

5. Enforcement of Affordability Requirements

The proposed amendments provide that in return for amnesty for illegal apartments, the property owner must place a thirty year Affordable Housing Restriction on at least one of the units in a three or four unit building and two of such restrictions on a five or six unit building. To ensure that units created pursuant to Section 5.11 of the ZO, Inclusionary Housing Requirements, remain restricted, the city requires yearly filings and certifications, which are complex and time-consuming, both for the property owner and the Department of Community Development. At present, enforcement of the affordability requirements relies to a large extent upon the mission and good faith of enterprises such as Action, Inc. Given the fact that the property owners who will be seeking relief under the proposed amendments have been in long-standing violation of city ordinances, significantly more city resources will have to be dedicated to making sure that the required filings are timely made and that the designated units continue to remain in compliance with affordability requirements. The proposed amendments make no provision for ramped-up enforcement capacity; thus there is a real possibility that compliance with affordability requirements will in short order be a spotty thing.

6. Other concerns

In our opinion, the proposed amendments have yet to undergo a real vetting by city officials, both with respect to substantive issues and textual inconsistencies.

a. Proposed amendment VII would add a use category "continuation of pre-existing multi family, one to six dwelling units" while proposed amendment VIII adds Section 5.29.2, Definitions, which defines "qualifying properties" as three to six dwelling units. See also the same problem with proposed Section 5.29.4(f)

b. Proposed Section 5.29.4 Special Permit Requirements, subsections (a) and (b): it is unclear whether BoH and BD inspection certificates need to be obtained for the entire building or just for the illegal units.

c. Proposed Section 5.29.4 requires that the building owner submit an affidavit stating that the unpermitted units have been in existence since at least January 1, 2007, or if the owner acquired the building after that date, for the period of his/her ownership. Shouldn't this provision address the possibility, for example, that illegal apartments had been added in 2014 and the building sold in 2016?

d. The draft submitted to the P&D Committee does not contain two provisions that were added during the Planning Board hearings: that there be a three year sunset provision and that the affordable housing restriction be for 30 years. The ZBA supports the three year sunset provision; any noncompliant landlords left after that period can revert to the existing process, which contrary to some comments noted in the June 21st Committee minutes is not particularly expensive (\$250 for the ZBA; \$350 for the City Council) nor is it particularly time-consuming (in almost all noncontested cases the ZBA's hearing is concluded the very night it opened; in contested cases, more time is taken, as it should be). With respect to attorneys' fees, it is possible that as much legal time will be spent collecting and reviewing the required documents and negotiating the affordability restriction than is spent in a public hearing that rarely takes more than an hour.

With respect to the 30-year limitation, it is our opinion that more thinking should go into why the affordability requirement shouldn't be in perpetuity, as is required by the city's Inclusionary Housing Ordinance, Section 5.11.

7. An alternative proposal

Putting the above concerns aside, the ZBA has no objection to appointing a Zoning Administrator to serve as a master who would review all the material required by the amendments and certify to either the City Council or ZBA that the paperwork is in order. With the certification becoming part of the decisional record, the only outstanding issue would be neighbor impacts, thus significantly streamlining the permitting process.^{4/} The requirement of dedicating a unit or units to affordable housing could be retained, thus satisfying the goal of the proposed amendments

8. A final comment

The committee's minutes indicate that during the June 21st hearing the statement was made that "the ZBA was concerned about losing authority". This is not the case; as the above comments should amply demonstrate, our concerns focus totally on what we see as the tipping of the scales much too far in favor of noncompliant landlords, to the detriment of neighborhoods.

We also note that your committee discussed the formation of a working group that might resolve differences over the amendments, consisting of representatives of P&D, PB and ZBA, as well as Councilor Orlando and city staff. The ZBA would be pleased to join such an effort.

Fn. 4 This is more in line with the practice of other ZBAs who have used their Chapter 40A authority to appoint zoning administrators. Prior to commencement of an evening's hearings, the administrator meets informally with the parties and gains a quick understanding of the cases. On those that are complicated, significant or contested, the administrator goes no further and a full hearing takes place. On the others, the board is briefed on the application and the applicant's position, following which the board hears testimony, if any, from others. In this manner a great deal of time is saved that otherwise would be spent while the applicant, usually without any prior experience of board proceedings, struggles to make his case.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
Planning Board

RICHARD NOONAN
Chairman
planning@gloucester-ma.gov

CITY CLERK
GLOUCESTER, MA
JUN 19 AM 10:37

Date: June 19, 2017
To: City Council
From: Planning Board
Memo: Planning Board Review and Recommendation: Proposed Amendment to the Gloucester Zoning Ordinance Section 5.30 Certain Pre-Existing Multi-Family Use

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester Planning Board was referred a petition to amend the Zoning Ordinance as follows:

Add Section Add Section 1.5.4.1 "Zoning Administrator", and amend Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1, and 2.3.1 accordingly;

And amend Section V to add a new section 5.29 – Certain Pre-Existing Multi-Family Use

The Planning Board opened a public hearing on the proposed amendments on June 1, 2017, at which the full membership of the Zoning Board of Appeals was in attendance. After an initial detailed presentation and discussion, the matter was continued to June 15, 2017 meeting of the Planning Board.

At the second public hearing session held on June 15th, the Planning Board reviewed a technical memorandum prepared by the Planning Division along with a revised draft of the proposed ordinance amendments. The draft ordinance was revised to address outlined questions and concerns raised by the Planning Board in the public hearing.

The public hearing was closed on June 15th, and the Planning Board voted three (3) in favor, two opposed (2) to recommend to the City Council the adoption the attached revised draft proposed zoning amendments to Sections 1.5.4.1, 1.8.1, 1.8.2, 1.8.8, 2.2.1, 2.3.1, and new section titled "Section 5.30 Certain Pre-Existing Multi-Family Use with the header "Draft with Revisions as Recommended by the Planning Board 6/15/17".



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-009
COUNCILLORS: Joseph M. Orlando, Jr.

DATE RECEIVED BY COUNCIL: 03/28/2017
REFERRED TO: P&D & Planning Board
FOR COUNCIL VOTE:

ORDERED that the Gloucester Zoning Ordinance shall be **AMENDED** as follows:

I. AMEND section 1.5.1 to **ADD**:

(d) Zoning Administrator: An application to the Zoning Administrator for a special permit may be submitted at any time to the City Clerk, who shall time-stamp it. Copies of said application, with the City Clerk's time-stamp, shall forthwith be filed by the applicant with the Building Department and shall be accompanied by an application fee in the amount as set forth at Appendix B, Schedule of Fees Under the City of Gloucester Zoning Ordinance, payable by check or money order to the order of the City of Gloucester.

***NOTE- This is not currently a position we have, but could be appointed by the Zoning Board of Appeals and confirmed by the City Council.**

II. ADD a section 1.5.4.1 above 1.5.5

1.5.4.1 ZONING ADMINISTRATOR: Application Form and Content

- (a) General: Applications for a special permit shall be in writing, on forms prescribed by the Zoning Board of Appeals and issued by the Building Department. The original application and all supporting documents shall be submitted with an original and one physical copy of the entire application package along with a digital copy thereof in PDF format emailed to ZoningAdmin@gloucester-ma.gov. The application shall refer to the pertinent provisions of this ordinance and all other applicable statutes, ordinances, and regulations, and shall set forth (1) the name, address and telephone number of the applicant, (2) the name, address and telephone number of the record owner of the lot, if different, (3) the street address of the lot, (4) the assessors map and lot number of the lot, (5) the zoning district in which the lot and all abutting property is located, and (6) such other information as the Zoning Board of Appeals may specify in the prescribed form. In addition, applications for a special permit shall contain the following information:*
- (b) "ZA" Special Permits: Where so indicated by "ZA" in Section 2.3, Use Tables, an application for a special permit pursuant to Sections 2.2.1 and 2.3 shall be accompanied by (see Section 5.30):*

Draft with Revisions as Recommended by the Planning Board 6/15/17

- i. *Unexpired certificates of rental dwelling duly issued by the City of Gloucester Health Department for every unit seeking to be permitted;*
- ii. *Unexpired multi-family inspection certificate issued pursuant to 780 CMR 1.00 matching the number of units seeking to be permitted;*
- iii. *Certification as to lack of complaints by Building Department;*
- iv. *Owner affidavit;*
- v. *Evidence of at least 10 years of continuous use at current unit count;*
- vi. *Completed Affordable Housing Restriction for Rental Units paperwork; and*
- vii. *Filing fees made payable to Southern Essex District Registry of Deeds for permit and restriction.*

III. **AMEND** section 1.8.1 to **DELETE** “and” before “*the Planning Board*” and to **ADD** at end of paragraph: “; *and the Zoning Administrator shall review and approve or deny applications for a special permit for those uses identified as “ZA” in the Use Tables.*”

IV. **AMEND** section 1.8.2 to **DELETE** and **ADD** new to read: “*When acting pursuant to this Section 1.8, the City Council, the Zoning Board of Appeals, the Planning Board, and the Zoning Administrator shall each be referred to as the Special Permit Granting Authority (hereinafter, “SPGA”).*”

V. **AMEND** section 1.8.8 to **DELETE** “or” before “*at least two-thirds*” and to **ADD** at end of paragraph: “; *or by positive finding by the Zoning Administrator.*”

VI. **AMEND** section 2.2.1 to **ADD**:

“ZA – A use which may be authorized by Special Permit issued by the Zoning Administrator pursuant to Section 1.8 of this ordinance, the application for which shall comply with the filing requirements of Section 1.5.4.1.”

VII. **AMEND** section 2.3.1 (residential use table) to **ADD** a line:

22. Continuation of pre-existing multi-family, one to six dwelling units

This line would have a new footnote (#9) in the footnote column and “N”s in all columns except for R-5 and R-10 (high density, and medium-high density residential), which would have “ZA”.

*Footnote 9 below the table would say “*See Section 5.30*”

VIII. **AMEND** Section V to **ADD** a new section 5.30 – Certain Pre-Existing Multi-Family Use

5.30 – Certain Pre-Existing Multi-Family Use

5.30.1 Purpose

It is the purpose of this section to provide the owners of long-standing but improperly permitted / unpermitted multi-family properties in the high and medium-high density residential districts a path on an interim basis to bringing these properties into compliance with the GZO, acknowledging that such properties might not otherwise meet the dimensional requirements set

Draft with Revisions as Recommended by the Planning Board 6/15/17

forth in the GZO for their existing multi-family use nor meet the statutory requirements to be granted for variances for such shortcomings.

It is also the purpose of this section to encourage the owners of long-standing but improperly permitted / unpermitted multi-family properties in the high and medium-high density residential districts to obtain the required inspectional certificates from the City of Gloucester Health Department and Building Department for multi-family uses.

It is also the purpose of this section to encourage the owners of long-standing but improperly permitted / unpermitted multi-family properties to contribute rental units to the City of Gloucester's stock of affordably priced rental units to assist the City in increasing the number of units available.

The effective period of this interim shall be three (3) years from the date of its adoption. Such effective period may only be extended by amendment of the Zoning Ordinance pursuant to the provisions of Section 1.11 of the Zoning Ordinance.

5.30.2 Definitions

Qualifying Property. *A property located in the R-5 or R-10 district on which three to six dwelling units, located in one or multiple structures on the property, have existed without any interruption(s) or discontinuation(s) lasting for one year or more at a time, or more than two years total, from no later than January 1, 2007, to present, and for which current certificates of rental dwelling issued by the City of Gloucester Health Department and a current multi-family inspection certificate pursuant to 780 CMR 1.00 for all units have been obtained*

5.30.3 Administration

The Special Permit Granting Authority shall be the Zoning Administrator, who may grant a multi-family special permit for a Qualifying Property based on the criteria below

5.30.4 Special Permit Requirements

- (a) The record owner must obtain current certificates of rental dwelling issued by the City of Gloucester Health Department for each unit sought to be permitted;*
- (b) The record owner must obtain current inspection certificate issued by the City of Gloucester Building Department pursuant to 780 CMR 1.00 indicating the number of units sought to be permitted;*
- (c) An affidavit by the record owner, sworn under the penalties of perjury, that the number of units sought to be permitted have existed on the property since at least January 1, 2007, and, if they have not been the record owner since January 1, 2007, that the number of units sought to be permitted have existed on the property throughout their period of ownership;*
- (d) Certification by the Building Department that no complaints have been filed against the property within five years prior to application;*

Draft with Revisions as Recommended by the Planning Board 6/15/17

- (e) *The record owner must provide evidence of continuous use for number of units sought to be permitted pursuant to Section 5.30.5; and*
- (f) *Fully executed Affordable Housing Restriction for Rental Units paperwork in the form prescribed by the Zoning Board of Appeals to restrict at least one rental unit as “affordable” in three- and four-unit properties and at least two rental units as “affordable” in five- and six-unit properties. Such Affordable Housing Restriction shall have a term of no less than 30 years. Failure to comply with the requirements of such restriction may be ground for revocation of any issued multi-family special permit under Section 5.30.*

5.30.5 Evidence of Continuous Use

An applicant must provide at least two of the following items as proof of continuous use of a property for a certain number of units:

- (a) *Assessors’ records showing consistent “occupancy” count;*
- (b) *Utility bills for each unit (at least one bill per unit from each year), showing differentiated addresses (e.g. apartment or unit numbers) or differentiated billing names for same billing period;*
- (c) *Voter registration data indicating multiple families at single address each year;*
- (d) *Leases or other rental agreements for each year;*
- (e) *vehicle excise tax records.*

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

Joseph M. Orlando, Jr.
Councillor at Large

City Hall Annex
Three Pond Road
Gloucester, MA 01930



GREGG M. CADEMARTORI
Planning Director
tel 978-325-5242
gcademartori@gloucester-ma.gov

**CITY OF GLOUCESTER
Community Development Department
Planning Division**

Date: June 14, 2017
To: Planning Board
From: Gregg Cademartori, Acting Community Development Director
Memo: Draft Zoning Amendment - Proposed Section 5.30 Certain Pre-Existing Multifamily Use

Since the last meeting the Planning Division has revised the draft ordinance to address concerns that were raised during the public hearing. The following specific questions were raised and they are presented in order of occurrence in the draft ordinance:

- The question was asked as to how long one could utilize this ordinance, or alternatively whether it was the intention for this to be offer for a limited timeframe to incentivize its use. Therefore, the following language is suggested to be added to the Section 5.30.1 Purpose, if it is to be allowed on an interim basis:

The effective period of this interim ordinance shall be three (3) years from the date of its adoption. Such effective period may only be extended by amendment of the Zoning Ordinance pursuant to the provisions of Section 1.11 of the Zoning Ordinance.

- The question was raised as to the form and duration of the required affordable housing restriction for the allowance of the new unit. It was also asked how such restriction could be enforced and its relationship to an issued special permit. The following language is suggested to be added to Section 5.30.4(f) to make the requirement more explicit, and based on the provided term, approved units may be eligible for inclusion on the City's Subsidized Housing Inventory:

Such Affordable Housing Restriction shall have a term of no less than 30 years. Failure to comply with the requirements of such restriction may be grounds for revocation of any issued multi-family special permit under Section 5.30.

If there are any further outstanding concerns, please do not hesitate to contact our offices.



CITY OF GLOUCESTER

Commonwealth of Massachusetts

COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL ANNEX

2ND FLOOR

3 POND ROAD

GLOUCESTER, MA 01930

PHONE: 978- 281-9781 FAX: 978-281-9779

Date: May 31, 2017
To: Planning Board
From: Gregg Cademartori, Planning Director
RE: Review of Proposed Zoning Amendment Section 5.29 Certain Pre-Existing Multi-Family Use Referred by the City Council, originated by Council Order by City Councilor Joe Orlando

The Planning Board has been referred a proposed zoning amendment that originated through a Council Order on March 28, 2017 by Councilor Joe Orlando:

Add Section 1.5.4.1 "Zoning Administrator, and amend Sections 1.8.1, 1.8.2, 2.2.1, and 2.3.1 accordingly; and amend Section V to add a new section 5.29 – Certain Pre-Existing Multi-Family Use.

The Gloucester Zoning Ordinance (GZO) already contains a Section 5.29 for the Mixed-Use Overlay District. The draft ordinance will need to be renumbered as Section 5.30. This memorandum acknowledges this change and references the proposed amendment as Section 5.30.

The intention of this proposal is to provide a new path to bring existing dwelling units within multifamily structures in the high density R-5 and R-10 zoning districts into compliance. This new permitting would provide a streamlined process for property owners of existing "unpermitted" apartments. In return for the simplified zoning ordinance permitting process, property owners would be required to deed restrict the permitted units as affordable, to be added to the City's Subsidized Housing Inventory (SHI).

The proposed zoning amendment would require the Zoning Board of Appeals to appoint a Zoning Administrator who, as a Special Permit Granting Authority (SPGA), would determine whether improperly permitted or unpermitted dwelling units can be brought into compliance through the proposed special permitting process. To qualify under this ordinance, these units are limited to properties located in the R-5 or R-10 districts, in structures containing three to six dwelling units. These units would have to have existed without any interruptions or discontinuations lasting for one year or more at a time, or no more than two years total, from no later than January 1, 2007 to present. In addition, current certificates of rental dwelling from the City's Health Department and a current multi-family inspection certificates pursuant to 780 CMR 1.00 for all units would need to be obtained. These conditions, in addition to the Special Permit Requirements outlined in 5.30.4 and evidence of continuous use outlined in 5.30.5, would allow the Zoning Administrator, as SPGA of Section 5.30, to make a positive finding to bring the unit or units into compliance.

Currently to permit additional apartment units within a multifamily dwelling, one would follow either a Zoning Board or City Council Special Permit process depending on the number of units. This process, due to the current multifamily dimensional requirements, often necessitates relief in the form of variances from the Zoning Board of Appeals (ZBA). Both processes include public hearings

and notice to abutters. As mentioned in the 5.30.1 "Purpose" section, multi-family properties within the R-5 and R-10 districts commonly do not meet the dimensional requirements in the GZO. Needed dimensional variances often include minimum lot area per dwelling unit, minimum open space per dwelling unit, and front, side, and rear yard setbacks. The burden of an applicant on a request for a variance requires the demonstration of a hardship related to a specific circumstance.

The Planning Division has invited the Zoning Board of Appeals to attend the June 1, 2017 Planning Board meeting to hear the presentation of the proposed Zoning Amendment, as well as discuss its experience granting dimensional variances for multi-families in the R-5 and R-10 district, specifically when units are requested to be added to existing multifamily dwellings. The identification of unpermitted units is often triggered when properties are to be conveyed or refinanced, when during the due diligence period that includes deed research, it is discovered that one or more units within a multifamily were not properly permitted. Multiple applications have been in front of the ZBA concerning such apartment units within a multifamily, and in at least one case the ZBA has conditioned a variance requiring an affordable deed restriction. It should also be mentioned that, according to the GZO, only the ZBA has the authority to create a Zoning Administrator. Therefore, the Planning Division believes it is important to include ZBA in the discussion of the proposed amendment as the ZBA is integral to its success and implementation.

The City recently completed a Housing Production Plan, and this zoning proposal would be a creative way for the City to add units to the SHI without constructing units. However, for the benefit of the Board, and potential future applicants, clarification may be needed in order to formulate a recommendation. The first concern is whether the ordinance as proposed eliminates any needed evaluation of proposed additional apartment units in a multifamily structures and neighborhoods. For some time, the City has had requirements for multifamily dwellings with of three or more units, with highly restrictive dimensional requirements. The GZO was created to reflect the community's vision for development, and it was designed to restrict density and provide the public multiple opportunities for involvement. Unpermitted units have not been subject to this review, and there may be instances when it is needed. It may be worthwhile to further refine the timeframe a unit must have been in existence to ensure that any potential impacts, such as lack of required parking that new units are otherwise required to provide, may be addressed. It may be helpful to hear from the Zoning Board of Appeals if there are common issues that still need to be addressed or conditioned or whether or not they believe the current process is adequate or could be modified, in the consideration of a new process.

It should be noted that the City has been reassessing how multi-family dwellings are permitted, and has taken steps to reduce restrictions to permit higher density, multifamily housing in high density neighborhoods downtown. For example, in 2015 the City changed the Zoning Ordinance to allow three-family through a ZBA special permit rather than a City Council Special Permit. During this process the Planning Division analyzed the lot sizes of properties within the high density residential districts. Assessing and GIS data show that there are approximately 250 existing three families located within the R-5 District. Less than 15 percent of these properties comply with the minimum dimensional standards for the district. For multi-family with more than three units, the dimensional standards can be even more restrictive. The City has also completed a Downtown Work Plan, the Railroad Ave Transit Oriented Development (TOD) study, and most recently a Housing Production Plan, and all have identified a need to increase multi-family housing production and recommended a more streamlined permitting approach. While the proposed ordinance may address a certain

number of units and needs around affordability, a holistic approach will be needed to meet the Housing Production Plan goals.

There are additional clarifications needed surrounding the administration of affordable units that would be created under this ordinance. Again, for the permitting of these units, a deed restriction must be placed on the additional unit. There are currently various types of affordable deed restrictions in the City, which range from five (5) years to perpetual restrictions. If it is the intention for units permitted under this ordinance to comply with the existing Inclusionary Housing Ordinance, the deed restrictions will need to be perpetual. There are also several administrative issues that relate to affordable deed restrictions. Property owners are responsible for completing annual reporting to confirm the units are rented to or occupied income qualified tenants. In addition, all units to be included on the SHI must create and use an Affirmative Fair Housing Marketing and Resident plan, approved by the MA Department of Housing and Community Development (DHDC) to recruit tenants. The unit would have to be marketed and available through a lottery system approved by the state. The property owner would be responsible for the administration related to the affordable deed restriction, including resident selection, drafting the resident selection plan, marketing, administering the initial lottery process, and determining the qualification of potential tenants.

The proposed ordinance may help to address some of the discrepancies surrounding affordability identified in the Housing Production Plan. Consistent with the HPP the proposed ordinance identifies that the current permitting process and that the dimensional requirements do not encourage multi-family housing in the appropriate higher density zoned neighborhoods in the City's core. In addition, there's the potential for existing housing units to be converted to needed deed restricted affordable units to be added to the City's SHI. The ordinance also encourages safer, healthy housing options by providing a means to eliminate potential health and safety hazards in existing multifamily housing units that may not meet current codes or ever have been inspected for safety. Staff will be prepared to answer questions of the Board and conduct additional research if needed in order to prepare the Board to make a recommendation.

Memo To: Councilor Joseph Orlando, Jr., Planning Board (individual members), Zoning Board of Appeals (individual members), Gregg Cademartori, Matt Coogan, William Sanborn, Joel Favazza, Esq.

From: Francis Wright, Chairman ZBA

Date: June 11, 2017

Re: proposed amendments to Zoning Ordinance; creation of zoning administrator

Since our 6/1 meeting I've done some research and a lot of thinking about the proposed amendments, and have come to the following conclusions. They are strictly my own, and do not represent the formal position of the ZBA, which has yet to take a vote on the matter.

1. At present, when a property owner needs to legitimate his illegal apartments, he must apply to the ZBA for variances from the dimensional and on-site parking requirements of the Zoning Ordinance. Given the neighborhoods in which such properties are usually located, multiple variances are almost always required. If the height of the building exceeds thirty feet, the owner will also need a special permit from the ZBA. Finally, the owner will need a change in use special permit, which issues from the ZBA [if the building contains up to three units] or the City Council [over three units]. *

For each type of zoning relief, both the ZBA and the City Council make critical discretionary decisions relating to impact on the affected neighborhood:

Variances [ZBA only]:

Section 7.2 of the ZO: the ZBA must determine that the desired relief [can] be granted without substantial detriment to the public good. . . .”

Section 7.3: “A variance may contain such conditions, safeguards and limitations as the ZBA deems necessary to protect the neighborhood and the city. . . .”

Special permit for change in use [ZBA or City Council]:

Section 1.8.3: “A special permit . . . shall be granted only upon a written determination. . . .that the proposed use . . . will not adversely affect the neighborhood”

* Coincidentally, just last week such a case came before the board, involving a building containing three units. The owner, who has decided to sell the building, needed to legitimate an illegal third unit, which status the owner had been well aware of for years. The proceeding was swift and nonrecriminatory, and although the owner had retained counsel he could have done just as well without one.

Not only are such discretionary decisions largely driven by close consideration of neighborhood impacts, but under both the Zoning Ordinance and Chapter 40A any relief granted must be by vote of a supermajority, further ensuring that it is not lightly given.

For the ZBA, the first step in such cases is to visit the neighborhood. Because notice by mail goes out to all abutters and abutters to abutters, they often attend our hearings, if only to find out just what is going on. Typically, if concerns are raised and cannot be resolved to all parties' satisfaction at the hearing, the board continues the matter for another site visit, which also gives the parties a chance to meet privately on the issues. If resolution is achieved, it is often memorialized in the form of conditions to our decision.

The proposed amendments would concentrate all this authority in one individual, who is charged only with paperwork determinations that interior inspections by the building and health departments are up to date. At no place in the amendments is the Zoning Administrator directed to take into consideration the neighborhood situation. The only acknowledgement of the relevance of neighborhood wellbeing is the requirement that the ZA determine whether any complaints have been filed with the Building Department. Once again, however, this is a paperwork exercise that relies exclusively on department files, files which may or not be complete. Of more significance, it is the board's experience that for a variety of reasons neighbors often endure much that is bothersome rather than going to the Building Department. It is only notice of a pending board hearing that finally brings these conditions to light.

In short, and with all respect to Councilor Orlando, I feel that these amendments accommodate noncompliant landlords to the detriment of the city's responsibility to neighborhoods.

2. If the ZA, acting as an SPGA, grants the necessary zoning relief, appeal therefrom can only be taken to the Superior Court or Land Court, Chapter 40A, § 17. Thus all ZBA authority over the case is circumvented, and anyone aggrieved by the ZA's decision will have to incur the expense of going to court. Even if a way could be found to circumvent this problem, why should the burden and expense of filing an appeal with the ZBA be placed on neighbors who have not as yet even been consulted on the issues?

3. All that said, I have no personal objection to the ZBA appointing a ZA to serve as a master who would review all the material required by the amendments and certify to the board that the paperwork is in order. Meetings with the ZA could probably occur without public notice, very much like the informal discussions that occur daily between Building Department personnel and persons seeking permission to build. The results of this document review could then be certified to the ZBA and become part of the decisional record. This approach could be

accomplished by adding a single subsection to Section V, Special Regulations, thus avoiding the complicated process of taking the Zoning Ordinance apart, inserting pieces of the proposed amendments in a variety of places and then putting it all back together again.

4. Affordability requirements, both procedural and substantive, are complex and time-consuming, both for the property owner and Community Development. Gregg can correct me if I'm wrong, but I suspect that at present, enforcement of the affordability requirements relies to a large extent upon the mission and good faith of enterprises such as Action, Inc. Given the fact that the property owners seeking relief under the proposed program have by definition been in long-standing violation of city ordinances, significantly more city resources will have to be dedicated to making sure that affordability certifications are timely made and accurate.

5. I do worry about the precedent set by giving one individual such broad authority over matters which are at the heart of the whole concept of zoning. My understanding of the board's authority to appoint a zoning administrator is more in line with that which is done in a number of communities. Prior to commencement of that evening's hearings, the ZA meets informally with the parties and gains a quick understanding of the cases. On those that are complicated, significant or contested, he goes no further and a full hearing takes place. On the others, he briefs the board on the application and the applicant's position, following which the board questions the applicant, if necessary. This avoids a great deal of time being spent as the applicant, usually without any prior experience of board proceedings, struggles to make his case.

house goes up, and a FEMA issue, concerns are raised when it is a height issue in light of the expansive water views across the street. **Mr. Geisel** said that what is blocked is a view of the bridge but not of the water or the cove area or out to Essex Bay by a dwelling as proposed to be situated on the Colburn Street #1 lot. He suggested that perhaps slightly on an angle but the vast majority of homeowners' views will be maintained. **Councilor Gilman** asked if garages with pilings are acceptable to FEMA. **Mr. Geisel** confirmed that was the case. She confirmed with Mr. Geisel that all abutters on the submitted Certified Abutters List with the application were notified of the P&D Committee's public meeting.

Councilor Cox said that this is straightforward height exception, noting that views are not protected. She noted that the Special Council Permit has to be taken as it is.

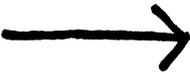
Councilor Gilman advised those interested parties who were present that this is the recommendation of the P&D Committee now but that at the public hearing they will hear the public's opinions after a presentation of the applicant and encouraged participation in the public discourse on the application in that venue.

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 Sam Avola, purchaser, 91 Truman Drive, Malden, MA, through property owner Jean O'Gorman, a Special Council Permit (SCP2017-011), for the property located at Colburn Street #1 (Assessor's Map 157, Lot 72), and Washington Street #929 (Assessor's Map 157, Lot 39) zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 3.1.6(b) and 3.2 for a building height in excess of 35 feet, for a home to be 38 feet (for a total height increase of 3 feet over 35 feet) for a Special Council Permit. This permit is made on the basis of the plans and elevations dated 3/16/2017 by Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, MA, submitted to the City Clerk on July 27, 2017, entitled, "Site Development Permit Plan, 1 Colburn Street, Gloucester, MA for Sam Avola." This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

4. Memorandum from Planning Board re: Initiation of Zoning Amendments to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments" (TBC 09/20/17)

Councilor Lundberg advised that this matter is currently with the Planning Board for a public hearing. The Committee will continue this matter to September 20 when it is anticipated that the Committee will have the Board's recommendation.

This matter is continued to September 20, 2017.

 **5. CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 08/02/17)**

Councilor Orlando said that there was a meeting the previous week with Gregg Cademartori, Acting Community Development Director; Matt Coogan, Senior Planner; Frank Wright, Zoning Board of Appeals (ZBA) Chair, to address areas of concerns raised about the proposed zoning amendments. He said they met halfway on many of the issues and came up with satisfactory ordinance amendments to work as intended that the ZBA will be more comfortable with. He explained that rather than the Zoning Administrator being the "ultimate decision maker," that the Zoning Administrator will now be appointed by the ZBA, as always intended, and will have the responsibility of gathering required documentation and certifying to the ZBA that an applicant meets the requirements. The ZBA, if necessary, will hold a public hearing after notice to abutters and take testimony on any issues of neighborhood concern and be the ultimate permit granting authority. The Zoning Administrator will have the same function but that there is a public hearing before the ZBA. This will streamline the ZBA's usual process down to only one meeting which was a goal of the amendments.

Highlighting the "Purpose" section of the proposed amendments, **Councilor Orlando** said it was agreed that once the Zoning Administrator has certified that the applicant has produced all the required documentation, that it is prima facie evidence that it is a "go" unless there are neighbor issues. The goal was to

have these applications be pro forma in front of the ZBA as much as possible which is why the purpose section is stricter, he noted. Evidence of continuous occupancy and use is much the same as in previous iterations, he reported, as is much of what was initially drafted, but that the procedure is different. Officially the previous drafts didn't contain a sunset clause, and now it is placed in this draft that is before the Committee from when the amendment are enacted and sunsets three years from that date. He noted that the Administration advised that some sections of the city in the R-5 and R-10 districts have sewer betterments and that there may be need for a compensatory betterment fee to be paid for someone who is getting more units in the same building that weren't otherwise previously classified. That is addressed in Sec. 5.30.4(g), he pointed out. He also pointed out that here is more language about the Affordable Housing restriction about the paperwork required to bring to the ZBA meeting to obtain the relief sought.

Gregg Cademartori, Planning Director, said that the evolution of these draft Zoning Ordinance amendments started out as a word document which he and the Planning Board worked on. Frank Wright, ZBA Chair, worked on it also, he said. He highlighted some minor housekeeping matters of naming and syntax which he offered for clarity and were incorporated by the Committee into the final draft of the amendments.

Councilor Lundberg, speaking to Sec. 5.30 (a), asked for confirmation that there have been Memorandums of Agreement of this nature previously (between a Board or Commission and the Council). He said if not, he was okay with such a construct. **Mr. Cademartori** said it was a bit different, but that it was an "overt" way to set the system up. **Frank Wright**, ZBA Chair, explained much of that came from a disconnect with the statute which says that, "the ZBA may," and the original draft that says, "The ZBA shall." He highlighted that they want to make this process as expeditious as possible, but the ordinance can't say that the ZBA will move such matter along expeditiously, rather that belongs in an agreement. **Councilor Lundberg** offered he was fine with that. **Councilor Orlando** said they tried to make it as strong as they could. **Councilor Lundberg** said that from his time on the Planning Board and going through matters such as this over the years, they did a great job to come up with something workable for everyone. He expressed his appreciation for the efforts that were made. If it has its desired effect it will be a great thing for the city with a mechanism in place and added his thanks to Councilor Orlando.

Councilor Gilman questioned that once an Affordable Housing restriction is in place on a particular unit, how would it be handled for an existing tenant in that unit whose salary may be higher than what the requirement is for that restriction and what is done to make sure they're qualified. **Councilor Orlando** said it is for a landlord to deal with and expressed his hope that a landlord would work this out with their tenant who may fall into that situation. **Councilor Lundberg** expressed his agreement that it would be a landlord issue. **Mr. Cademartori** said there are guidelines from the state and agreed the biggest challenge is the changeover, which is called "buy down." or "market-rate conversion." From the start of the restriction the tenant has to be income qualified. Once they are in the unit, he explained that there are guidelines that they have to certify each year through W-2 review that the tenant income qualifies. The state has room if during the lease agreement for a year that if a tenant goes up to 110% of the area median income guideline they are then given one year to relocate. There is a lot of process on the other end, with a lot of policing, **Mr. Cademartori** said, and is why most of the subsidy programs are geared to new construction. Converting from market rate to affordable housing will require that the tenant is income eligible, he reiterated. **Councilor Gilman** suggested that the Committee should follow up in a year and a half to see how these amendments are working. She lauded the work of Councilor Orlando and all involved.

Mr. Wright asked if anyone has thought any further as to who would be the Zoning Administrator. **Councilor Orlando** said Administration representatives conveyed to him they don't want to hire anyone that is not currently within the Administration or city government to create a new position. He said it would be someone coming from within an existing city board, committee or commission. He said it makes sense for someone who is a member of the ZBA to take on that role. That would be a conversation with the CAO for budgetary reasons, **Chip Payson**, General Counsel said. The Committee expressed their agreement.

Councilor Cox said the Zoning Administrator will help put the paperwork together to present to the ZBA, and the goal is to not only streamline a process but to make it easier, but that is dependent upon an applicant moving forward quickly and providing documentation in a timely fashion. She asked what the action plan is for complaints that the process took too long to accomplish the end goal. **Councilor Orlando** said he envisions a checklist with directions for applicants which he said he would work through with the ZBA and the Administration, contained on one page to show the steps needed to be taken and what is required for each step.

This is significant relief, he pointed out; and said that the applicant should have to do some work, but not to make it so cumbersome that it acts as a roadblock. He said he didn't want applicants to have to hire a lawyer to get through this process. **Councilor Cox** said they talked about waiving fees noting she'd not received an answer on whether it is possible for them to offer. **Councilor Orlando** said it is but not within the Zoning Ordinance amendments. **Mr. Cademartori** said fees are in Appendix B of the Zoning Ordinance and is not the actual Zoning Ordinance. He advised that by majority vote the Council can change those fees and expanded upon what would be needed within the Appendix. He said there is an administrative cost to this process, and assigning additional responsibilities to a person, and the fee is \$250. If they want, the Council can do that with specificity and touched briefly on how that would transpire to zero the fee out. **Councilor Cox** advised that after thinking about the fee waiver further and seeing the unfairness to people who are legally permitting their housing units, she wouldn't support a fee waiver. **Councilor Orlando** said that they should see what happens, and if they need another enticement to encourage property owners/landlords to step forward, then they can make that suggestion of a waiver of fee at that time. **Councilor Gilman** said people who spoke to her about this matter expressed a concern about a fee waiver, and she said she agreed it should go forward without a waiver in a "spirit of fairness." She said she was pleased with the overall initiative.

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 Amend the Gloucester Zoning Ordinance pursuant to the document, "PROPOSED REDRAFT OF ZONING ADMINISTRATOR AMENDMENTS, 8/15/17," as submitted to the Planning & Development Committee on August 15, 2017 and attached hereto by incorporation and reference.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:25 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

Ordinances & Administration: July 31

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

DISCUSSION:

Councilor LeBlanc said this Council Order from 2015 is being withdrawn at the request of Councilor Cox.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to permit the withdrawal of CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted, without prejudice.

DISCUSSION:

Councilor LeBlanc advised this is a similar withdrawal of a Council Order from 2016.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted, without prejudice.

Scheduled Public Hearings:

1. PH2017-029; SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.8.3, 1.5.3(c), and 5.7 "Major Project" and 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities"

This public hearing is opened at 7:44 p.m.

Council President Ciolino opened the public hearing and announced that it was continued with the assent of the applicant.

This public hearing is continued to August 22, 2017 at 7:44 p.m.

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2. PH2017-023: Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 06/27/17)

This public hearing is opened at 7:45 p.m.

Council President Ciolino announced that this matter is opened and continued to August 22, 2017.

This public hearing is continued to August 22, 2017 at 7:45 p.m.

3. PH2017-037: Local Adoption of MGL Ch. 272, §80F which prohibits giving live animals as prizes or awards

This public hearing is opened at 7:45 p.m.

betterment project or otherwise, to have the road taken public requires some detailed engineering plans, title work. He noted that the last roadway taken by the city as a public way was St. Anthony's Lane in 2011 which had recent subdivision plans on file with the city -- prior to that there had only been two other public road takings in the prior 12 years. He said it is an uphill climb for residents to have their private roads accepted as public ways and does take time and proper documentation.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways, without prejudice.

Scheduled Public Hearings:

1. **PH2017-032: SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 35, GZO Sec. 1.9, Sec. 1.10.1(a), Sec. 2.4.4(a) & 3.1.6(b) for a non-conforming residence on a non-conforming lot, and a building height in excess of 35 feet (To be withdrawn)**

Councilor Orlando stepped away from the dais.

This public hearing is opened at 7:46 p.m.

Council President Ciolino announced that the application pertaining to SCP2017-008 Sleepy Hollow Road #28, a letter was filed by the applicant's attorney asking that the matter be withdrawn; therefore, this matter is rendered moot.

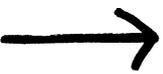
This public hearing is closed at 7:46 p.m.

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 permit the withdrawal of SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 3, GZO Sec. 1.9; Sec. 1.10.1(a)1; Sec. 2.4.4(a) and 3.1.6(b) for a non-conforming residence on a non-conforming lot and a building height in excess of 35 feet without prejudice.

DISCUSSION: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Orlando) absent, to permit the withdrawal of SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 3, GZO Sec. 1.9; Sec. 1.10.1(a)1; Sec. 2.4.4(a) and 3.1.6(b) for a non-conforming residence on a non-conforming lot and a building height in excess of 35 feet without prejudice.

Councilor Orlando returned to the dais.

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2. **PH2017-035: Amend GZO by ADDING Section 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 18.8., 2.2.1 and 2.3.1 accordingly; and AMEND Sec. V to add new Section 5.29 "Certain Pre-Existing Multi-Family Use" (TBC 08/08/2017)**

This public hearing is opened at 7:48 p.m.

Council President Ciolino opened the public hearing and continued it to August 8, 2017 noting that the matter was still under discussion with the Planning & Development Committee.

This public hearing is continued at 7:48 p.m.

3. **PH2017-036: Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" re: Magnolia Avenue**

This public hearing is opened at 7:48 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

From Account: 0151051 511000	Board of Health Salaries	To Account: 0114151 511000	Assessor's, Salaries	\$ 7,000.00
From Account: 0151051 511000	Board of Health, Salaries	To Account: 0115151 511000	Legal, Salaries	\$ 4,000.00
From Account: 0116151 511000	City Clerk, Salaries	To Account: 0115551 511000	MIS, Salaries	\$ 4,000.00
From Account: 0118151 511000	Community Development, Salaries	To Account: 0117151 511000	Con. Comm., Salaries	\$ 2,400.00
From Account: 0121151 511000	Police Uniform, Salaries	To Account: 0121051 511000	Police Admin. Salaries	\$ 28,000.00
From Account: 0121151 511000	Police Uniform, Salaries	To Account: 0121251 511000	Police CID, Salaries	\$ 6,000.00
From Account: 0121151 511000	Police Uniform, Salaries	To Account: 0121651 513000	Police Harbor, Overtime	\$ 4,000.00
From Account: 0129252 520000	Animal Control, Purchase of Svc.	To Account: 0129251 511000	Animal Control, Salaries	\$ 2,000.00
From Account: 0151051 511000	Board of Health, Salaries	To Account: 0129651 511000	Shellfish, Salaries	\$ 1,500.00
From Account: 0147051 513002	DPW Public Service, OT-Labor	To Account: 0142151 511000	DPW Admin., Salaries	\$ 1,500.00
From Account: 0147051 511000	DPW Public Service, Salaries	To Account: 0142351 513002	DPW S&I, OT-Labor	\$ 6,100.00
From Account: 0147051 512000	DPW Public Service, S&W Temp.	To Account: 0147251 511000	DPW Facilities, Salaries	\$ 19,000.00
From Account: 0161051 511000	Library Admin., Salaries	To Account: 0154351 511000	Veterans, Salaries	\$ 2,400.00
From Account: 0156342 534007	Tourism, Telephone - Usage	To Account: 0156351 511000	Tourism, Salaries	\$ 2,000.00
			TOTAL:	\$ 98,000.00

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 Special Budgetary Transfer 2017-SBT-39 in the amount of \$27,725.00 from Account #0190151-517003, Health Insurance-Expenses, to Account #0001-328000, General Fund Balance-Reserved for Special Purposes, for the purpose of reserving Fiscal Year 2017 retroactive pay for Police Superiors' contract settlement as of June 30, 2017.

DISCUSSION: None.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-39 in the amount of \$27,725.00 from Account #0190151-517003, Health Insurance-Expenses, to Account #0001-328000, General Fund Balance-Reserved for Special Purposes, for the purpose of reserving Fiscal Year 2017 retroactive pay for Police Superiors' contract settlement as of June 30, 2017.

Council President Ciolino acknowledged the hard work of City Auditor, Kenny Costa and John Dunn, CFO, and the Administration for what was just accomplished with the city's finances. This year the city changed from one financial software program to another and the Treasurer's Office, the City Auditor's Office and the IT Department had to juggle the changeover and close out the fiscal year while balancing both systems. He lauded their efforts which he said was done with great patience.

Planning & Development: July 8 – No meeting
Ordinances & Administration: July 3 – No Meeting

Scheduled Public Hearings:

1. PH2017-032: SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 35, GZO Sec. 1.9; Sec. 1.10.1(a)1, Sec. 2.4.4(a), and 3.1.6(n) for a non-conforming residence on a non-conforming lot and a building height in excess of 35 feet (Note: the Council's 6/27/17 agenda reflects PH2017-023 in error)

This public hearing is opened at 7:15 p.m.

Council President Ciolino announced that this matter with the assent of the applicant is continued to July 25, 2017.

This public hearing is continued at 7:15 p.m.



2. PH2017-033: Amend GZO by ADDING Sec. 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1 and 2.3.1 accordingly and AMEND Sec. V to add a new Sec. 5.29 "Certain Pre-Existing Multi-Family Use"

This public hearing is opened at 7:16 p.m.

Council President Ciolino opened and continued this matter to the July 25, 2017 City Council Meeting.

This public hearing is continued at 7:16 p.m.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-29 in the amount of \$17,000 from Account# 0161051-511000, Library Administration, Salaries to Account# 0156351-511000, Tourism, Salaries, for the purpose of funding account deficits.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-30 in the amount of \$31,850 from Account# 0116151-511000, City Clerk, Salaries, to Account# 0121051-519011 Police Administration, Retirement Sick Leave Buyback, for the purpose of funding an account deficit.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-31 in the amount of \$32,000 from Account# 0118151-511000, Community Development, Salaries, to Account# 0112151-511000, Executive-City Mayor, Salaries for the purpose of funding an account deficit.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-32 in the amount of \$1,000 from Account# 0151051-511000, Public Health, Salaries, to Account# 0116551-511300 Licensing Board, Wages – Hourly Permanent, for the purpose of funding an account deficit.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the Budget & Finance Committee voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-33 in the amount of \$11,000 from Account# 0151051-511000, Public Health, Salaries, to Account# 0117651-511300 Zoning Board of Appeals, Wages – Hourly Permanent, for the purpose of funding an account deficit.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-34 in the amount of \$8,200 from Account# 0161051-513000, Library Administration, Wages – Hourly Permanent, to Account# 0154352-577001 Veterans, Veterans Benefits - Medical, for the purpose of funding an account deficit.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-35 in the amount of \$26,881 from Account# 0192151-517004, Pension, Pension Retirement Fund, to Account# 0194552-574001 Liability Insurance, Building Insurance, for the purpose of funding an account deficits in various liability insurance accounts.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2017-SBT-36 in the amount of \$10,000 from Account# 0194252-569001, Regional School, Vocational School Assessment, to Account# 0194552-574001, Liability Insurance, Building Insurance to fund deficits in various liability insurance accounts.

* * * END BUDGET & FINANCE UNANIMOUS CONSENT AGENDA * * *

Ordinances & Administration: June 19

There were no matters for Council action from this meeting under this heading.

Planning & Development: June 21

There are no matters for Council action from this meeting under this heading.

Scheduled Public Hearings:

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1. PH2017-023: Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 “Zoning Administrator” and 5.29 “Certain Pre-Existing Multi-Family Use;” and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: “Administration and Procedures” and “Use Regulations” (TBC 07/11/17)

(Note: This public hearing is shown as a duplicate number with public hearing related to SCP2017-004: Commercial Street #33)

This public hearing is opened at 7:21 p.m.

Council President Ciolino announced that this public hearing is continued to July 11, 2017.

This public hearing is closed at 7:22 p.m.

2. **PH2017-029: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3 (c), 5.7 “Major Project” and 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities” (TBC 08/08/17)**

This public hearing is opened at 7:22 p.m.

Council President Ciolino announced that this public hearing is opened and continued to the City Council meeting of August 8, 2017.

This public hearing is closed at 7:22 p.m.

This public hearing is continued to August 8, 2017.

3. **PH2017-030: Loan Order request to fund DPW & Goose Cove Sewer Pumping Stations & Bayview Odor & Hydrogen Sulfide Dosing Station upgrade projects in the amount of \$6,150,000**

This public hearing is opened at 7:23 p.m.

Those speaking in favor:

Mike Hale, Public Works Director, asked the Council to support a loan authorization for two sewer related projects for a total of \$6,150,000. He referenced the detailed description conveyed by Larry Durkin, City Environmental Engineer to the Budget & Finance Committee (June 8, 2017 B&F minutes on file). He explained in brief the loan authorization as follows: The main (capital) project is just under \$5 million related to wastewater pumping stations, two that are larger than most in the city -- Goose Cove Sewer Pumping Station along Washington Street described as the first pumping station that intercepts all sewer from the North Gloucester STEP area from about Dennison Street to the Rockport line. The second pump station is located off of Poplar Street known as the DPW Pump Station that handles everything north of Poplar Street, then pumping up Maplewood Avenue and ending at the Wastewater Treatment Plant. Both these station have 30 years of infrastructure that needs improvement, odor control and mechanical pieces. Included in this portion of the funding was described as: Part of the maintenance of the STEP system is being able to manage the corrosive gases that create odor at the Goose Cove Station. There is a point at the Bayview Fire Station where the DPW adds a chemical that aids in minimizing odor, but there also needs to be odor control at the stations as well. The last project (\$1,200,000) is a planning related project for wastewater and stormwater which fall under a similar permit with the federal government as well as the state. This will create a planning document to look forward for the next 20 years, to create a “capital plan” which will also ‘blueprint’ permitting requirements as the city moves forward with its wastewater permitting.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Gilman asked if the reason it frequently “smells” just before going over the Dennison Street causeway is because of the sewer pump station. **Mr. Hale** said the reason is very septic wastewater from the STEP system -- the transition point from the pressure sewer to the gravity sewer is just over the Dennison Street Bridge causeway. The odor is from wastewater “gone septic,” which is the reason the Councilor is detecting that odor when travelling across the causeway. It is odor from the North Gloucester sewer, **Mr. Hale** confirmed, saying that there wasn’t much odor control at the Goose Cove Pump Station. He said they’ve only recently discovered that a product, Bioxide (see B&F minutes of 06/08/17), which they add at the Bay View Fire Station is used to help manage the odor but that the system to put the additive into it wasn’t installed correctly in the 1990’s. He said that was remedied in the last year. He advised the odor has been better since that fix, but said that on occasion depending on use right after a busy weekend or a popular time of year in that area it can increase odor because of volume so dosages have to be increased to help with odor control. This, he said, will aid that issue. **Councilor Gilman** asked if this project will affect area traffic when it is underway. **Mr. Hale** suggested there may be deliveries but that the station is relatively off the edge of Washington Street with a good parking area to lay equipment. It wouldn’t be

This matter is closed at the Committee level. The public hearing will be opened on the matter, application withdrawn and then closed.

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4. *CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 07/05/17 from cancelled P&D meeting)*

Councilor Lundberg said the last time this matter was discussed substantively no vote was taken as the Committee requested to hear from the Zoning Board of Appeals (ZBA) and obtained the pertinent Planning Board minutes (on file) of June 1 and a summary of the June 15 minutes (on file). He said there is a memo from the ZBA (on file) dated July 13 (on file). He noted that the Planning Director had pointed out to him that the substantive discussion by the Planning Board on these amendments took place at the June 1 Board meeting. He said the Committee is now ready to analyze and discuss the Planning Board recommendation pursuant to CC2017-009.

Frank Wright, ZBA Chair, explained that the primary concern of the ZBA on the present amendments as structured provide for no neighborhood input at all. The closest the amendments come to consideration of neighborhood concerns is the requirement that the Building Department certify complaints issued against the subject building in the last five years. It was suggested that the Building Inspector would likely show that his files when it comes to neighborhood complaints more often than not there aren't any write ups. The ZBA has learned, he indicated, having done a number of similar permittings, that it is surprising to hear the claim that this eliminates the burden on effected landlords/building owners, that it is difficult for them because the ZBA handles these types of cases one every other month which are permitted promptly with no issues on zoning violations, dimensional non-conformities. For a building of three- or under dwelling units, the ZBA also issues the necessary Special Permits. The ZBA has is a two-step process which it doesn't consider burdensome. By sacrificing neighborhood input, values and concerns for the sake of an unknown number of non-conforming building owners/landlords, it is tipping the scales in their favor to the detriment of the city, he said. If some kind of scheme is to be developed, where these owners could be induced to be more forthcoming, **Mr. Wright** said he is willing to work to rewrite the amendment that would guarantee neighborhood input. It was noted that an earlier draft said that appeals could be taken from the Zoning Administrator to the ZBA was "in error." If the Zoning Administrator acts as the Special Permit Granting Authority (SPGA) the only appeal that can be taken from his decision is to the Superior Court. He said it means that neighbors are shut out of any discussion on their concerns, and if they want to pursue the matter, the burden is on them to go to Superior Court and bear that cost. The demographics of the situation are that it isn't a reviewable situation. The ZBA has found that many times people have complaints but don't move on them. They're dissatisfied with the situation and are too worried to put their name to a complaint with the Building Department and instead "put up with things." **Mr. Wright** recounted that many times when the ZBA conducts its hearings -- neighbors stand up and complain about parking problems, loud parties, etc. The ZBA will ask the person testifying if they registered their complaints with the Building Inspector, and oftentimes the response is that they'll relay that they didn't want to put themselves in a difficult position.

Mr. Wright said all the constraints found in Sec. III of the Zoning Ordinance that pertain to setbacks, building height, adequacy of parking, are by merit. He enumerated that statute if someone wants to build something or legitimize something that is "sitting in the front yard," the ZBA has to issue a variance. He said that the dimensional tables are long and detailed and broken down by various dimensional concerns -- side yard, back yard, etc., and zoning district, that shows what is required for each district's setbacks. He suggested that in order for these amendments to be a complete package they have to do something about the non-conforming. He suggested that they put in the R-5 & R-10 districts (dimensional tables) asterisks that say, for instance, that you must have 10 feet in the front yard unless you're the owner of an illegal building looking for amnesty but was not sure that would be appropriate to the Zoning Ordinance language. Only the ZBA can give variances, neither the Zoning Administrator nor the City Council.

Mr. Wright then read from the July 13 memo under item #4: "At present the ZBA and City Council make critical discretionary decisions relating to impact on affected neighborhoods, and under Chapter 40A any zoning relief given must be by vote of a supermajority, further ensuring that the decision will not be lightly made. We (ZBA) question the wisdom of concentrating all such authority in one individual, especially where the demographics of the affected zoning districts virtually guarantee that there will be no further review of the decision." He said one of the ways to reconcile these amendments and the ZBA's purview is that instead of a Zoning Administrator that they could appoint or the Council, a Zoning Administrator not vested with as a SPGA. He said, instead, this position would act as a master that certifies to the ZBA or the Council that the six criteria have all been met. That eliminates the processing time of these matters to one narrow issue -- is the neighborhood being served well by the amnesty.

Councilor Orlando asked if the idea is to appoint someone who is vested with certain authority but wouldn't include Special Permit granting. That position would review all the documentation, certify as an expert in the field then the matter goes to the ZBA for a public hearing. **Mr. Wright** said, "Yes." He suggested that in the "worst case" that report would go to either the City Council or the ZBA depending on what is indicated by the findings.

Speaking to the affordable housing aspect of the proposed zoning amendments, **Mr. Wright** said that his sense of the affordability system in place mostly depends on good faith and the mission of non-profit organizations such as Action, Inc. that they won't start inserting surreptitiously market rate apartments into an affordable housing project. He said he wasn't sure who enforces this requirement, but if they start with a group of people who have been breaking the law for a number of years, in order to ensure those apartments remain affordable it would be another expense to the city. There are some minor drafting issues also contained within the memo, he noted.

Chip Payson, General Counsel, said it is helpful to understand that this is statutorily created, that the parameters of what the Zoning Administrator can and can't do. He pointed out that under MGL Ch. 40A, §13, it says that the ZBA, "may delegate some of their powers and duties." He said to the degree that the Chair of the ZBA was referring to what those powers and duties might look like, the statute empowers the ZBA to do that. He also noted that the statute also says that, "any person aggrieved by the decision or order of the Zoning Administrator ... may appeal to the Board of Appeals." He said there isn't a requirement that they go to Superior Court. Bobrowski's Handbook of Mass. Land Use and Planning Law said that, "The Zoning Administrator may serve the following functions where such powers are delegated by the Board of Appeals: 1) to hear administrative appeals pursuant to 40A, §8, 2) to decide applications for special permits, 40A, §9, and 3) decide petitions for variances, 40A, §10. He pointed out that this is a statutory construct utilized in other cities and towns in the Commonwealth, suggesting perhaps not as much as it could be, and that there is guidance. If a position to be created this way, he suggested it not be called a Zoning Administrator because it has statutory significance. He said that there is flexibility in what the ZBA can do what the Zoning Administrator can do to potentially achieve what Councilor Orlando has suggested.

Councilor Orlando said in working group meetings with city staff – Jim Destino, CAO; Bill Sanborn, Building Inspector; Nancy Papows, Principal Assessor; Max Schenk, Assistant Health Director; and several others, and talked about if a Zoning Administrator decision has to be appealed. They wanted to put something into the amendments to ensure the appeal went to the ZBA, but he pointed out that it is by operation by law that it goes to the ZBA and therefore it didn't require enumeration in the amendments. He said that the idea is that if the Zoning Administrator position is to be created with authority vested by the ZBA, they are as a Zoning Administrator to grant Special Permits and a variance, that the ZBA can have the oversight of that position, invest them with that authority. He pointed out that if a mistake made or appeal made it goes to the ZBA. He said that should allay the concern as concept is the same but that the Zoning Administrator is conducting the public hearing, noticing the abutters and taking testimony because they are a SPGA. **Mr. Wright** acknowledged the Councilor's statement but said that the issue is that there are only six criteria that are to be satisfied to obtain amnesty, and says nothing about testimony and neighborhood consideration. He said that under this ordinance that would be immaterial and the Zoning Administrator could make the determination that it is unnecessary. He noted that if a concerned neighbor comes to the ZBA, they have to file for the appeal and carry the burden to convince the ZBA that the Zoning Administrator is wrong. He pointed out that all the ZBA can do is look at those six criteria because there is nothing enumerated about taking further testimony. He said that was why the master concept is better because then the matter goes to public hearing before the ZBA. If neighbors do show up they will have the authority at the ZBA to take in their concerns before issuing a Special Permit. He gave an example of neighborhood parking issues that may be in play because of the illegal apartment(s) which when heard provide the opportunity to work with the neighbors and the project proponents to ameliorate the situation. He gave the example of a Bass Avenue property where extra parking was instituted because of just such an issue.

Councilor Orlando said that the amendments overlay the already existing portions of the Zoning Ordinance. He said that Sec. 1.8.3 applies because it is a Special Permit and those six criteria apply. He pointed out that, just because it isn't written into the amendment doesn't mean it doesn't happen. There isn't nullification of the requirements -- they are still there, he said. Speaking to the dimensional requirements, he said that the applicants already have an existing apartment in an existing building, and there would be no setbacks to inspect. These buildings exist, units exist within them. Parking is addressed as this is not adding to the dwelling units that already exist. He gave the example if there is a permitted two family dwelling is zoned, with a third unit to be made legal, and that the third unit is designated, have someone already living there, parking there, and there's been no complaints for five years, nothing changes. He said that it all stays the same. The Zoning Administrator will send a notice and concerned neighbors can tell him their concerns. He reiterated that just because something isn't enumerated in the amendments, he assured it does exist.

Addressing the first concern in the ZBA memo of the "Elimination of neighborhood input," that there is no sworn testimony, that there's no neighborhood input, he said ignores the construct of the amendments. He acknowledged that **Mr. Wright** pointed out that if there were no complaints in last five years that makes the owner/landlord eligible (for

amnesty) and aren't changing dimensional requirements and parking and the apartment has been in continuous use he asked what are they asking people for. If someone has been bothered by something so badly that they haven't contacted the Building Inspector as to how much the neighborhood is aggrieved and that they would get notice, show up, allowed to give testimony -- that isn't eliminated by concept -- the matter just doesn't go to the ZBA, he said. There has to be a public hearing, he said, and this is a streamlined version. Sec. 1.8.3 requirements that are often addressed have to be addressed by SPGA, is always there and always triggered with a Special Permit. He assured that neighborhood will have input. **Mr. Wright** said that if you list six criteria, they are excluding all others. He reiterated his interpretation of the SPGA and that the only recourse a neighbor might have is to go back to the ZBA again which is a burden. There is no statute where abutters carry the burden of the appeal, and they now have to hire a lawyer. **Councilor Orlando** said all the criteria for a Special Council Permit are adhered to in these amendments and is there by operation of law.

Councilor Orlando, referring to item #4 in the ZBA memo, "Vesting of permit granting authority in one individual, without meaningful review" said that is opinion based. The Zoning Administrator's 'package' and "mini-public hearing" will be comprehensive with testimony, sworn affidavits and information from appropriate city departments is significant and meaningful. He cited that criteria will be created by the ZBA which is the next step once these amendments are and passed by the Council. He addressed Item #5 "Enforcement of Affordability Requirements. **Gregg Cademartori**, Acting Community Development Director and the city's Planning Director said that it would be his office that would enforce and that folks have to file affidavits about their tenants, lease agreements and so forth. **Councilor Orlando** said that if they violate those provisions, they are violating their Special Permit, and the city can take action which **Mr. Cademartori** confirmed that his department can take action as to the affordability violations. **Councilor Orlando** said that the idea that these amendments haven't been vetted by city officials he took issue with. He reiterated that there was a working group that including the Building Inspector, the Planning Director, the Assistant Health Director, the Principal Assessor, the CAO, General Counsel who addressed many of these issues in two to three meetings, two Planning Board meetings with members of the ZBA present.

Councilor Lundberg said that he didn't consider that there was a working group on this matter, expressing his understanding that Councilor Orlando convened meetings with department heads. He said the Committee has a proposed ordinance before them, the actual ordinance language. He cited that the Council has a memo from ZBA saying that there are significant issues; a split decision vote by the Planning Board of 3 in favor, 2 opposed, 2 absent. He said there isn't consensus on this proposal. What the Council would get from a working group properly represented by the city departments who come to the City Council and say that they now have a consensus of all interested parties on this issue -- we (P&D and the Council) don't have that. He said that was the basis for his concerns on the proposed amendments

Councilor Cox highlighted that the city doesn't have the money in its budget for the Zoning Administrator, and asked what would happen if the idea, a three-year idea (referring to the sunset clause on the ordinance amendments), if they keep the same process in place now, with the exceptions that are proposed to encourage the illegal use to stop and get affordable housing on the books. She said that's the goal -- to eliminate (illegal apartments) and add (affordable housing units). She pointed out that if they eliminate the Zoning Administrator and allow the ZBA conduct their business but have this caveat of if apartments are illegal during this particular period of time, the requirements are there for a public hearing, neighborhood input, notices, the same as being done now, but allow for the elimination of the application fee and the consideration of the things outlined in the amendments -- that if the unit(s) have been in place for 10 years with no complaints, etc. She indicated that this proposal is trying to make what could be an easy idea very complicated. **Councilor Orlando** said eliminating application fee(s) to encourage people to come forward he would support. He said the current system for seeking such variances and the like, from his perspective, is onerous and expensive. He said the idea is to streamline the process to make it cheaper; eliminate need for an attorney and/or architect; and is a way to take a new "influx" of work so it won't be backlogged on the ZBA's docket. He pointed out it is hoped that with these amendments that a lot of people will want to do this and get properly permitted and zoned and would be something that wouldn't have to take a long time to get through. He said this isn't about stripping authority. **Councilor Cox** said it isn't so much about eliminating authority, but was considering it solely from a budget standpoint there isn't the money to hire a Zoning Administrator. **Councilor Orlando** said the Administration would vest the authority in someone already on staff. **Councilor Cox** emphasized that the city staff is already overburdened with responsibility. She said she would like to keep the ZBA responsible for this process, but try to eliminate "some of the hurdles" to legitimize these apartments. She asked if it was possible to eliminate the Zoning Administrator, keep the power and authority with the ZBA and public hearing aspect. She expressed her concern with investing one person with so much power in the city. She said that it was more appropriate for such matters to be taken up by a board of seven individuals to offer different opinions. She also expressed concern that the Building Department files might not have all that was necessary to show complaints on a particular property. **Councilor Orlando** said he was hesitant to eliminate the Zoning Administrator as it eliminates the "entire purpose" and adding back the expense they are trying to eliminate. She said there are other ways to eliminate costs while still keeping the current structure intact. She said she liked

Councilor Orlando's idea of encouraging owners/landlords to come forward and legitimize illegal units, but didn't like the concept of a Zoning Administrator reiterating that she didn't want to vest that much power to one person.

Councilor Gilman said the Committee can now put aside Item #3 in the ZBA memo (Appeal from the zoning administrator's decision) as General Counsel has said that the appeal would be with the ZBA and not the Superior Court. **Mr. Cademartori** said he didn't necessarily agree in that then there would be a conflict within MGL Ch. 40A, highlighting that §17 talks about where an appeal of the SPGA goes and pointed out that this is a "unique scenario" where they're suggesting that a Zoning Administrator would be that SPGA. He said that there aren't a lot of examples, as it says that any SPGA it goes to Superior Court. **Mr. Payson** pointed out that §13 governs Zoning Administrator says when a Zoning Administrator serves as an SPGA that an appeal of that decision goes to the ZBA, and the section specifically addresses the Zoning Administrator. He said consistent with Mr. Cademartori's statement that everything else in terms of SPGA is governed by another part of the statute. **Councilor Orlando** added that this creates a plausible scenario to appeal because they don't have to go to Superior Court.

Councilor Cox asked if an aggrieved party has to file an application with the city and pay a fee to appeal a decision. She was told that they did, and said, "No." **Councilor Orlando** suggested that fee could be waived as well. **Councilor Lundberg** said at issue is the Committee can't waive the fees -- they can't rewrite the Zoning Ordinance, in that it is what it is, and that the three Councilors of the Committee aren't qualified to do that and add and delete language. He said a working group is. He added that it was why he was concerned by deficiencies, and that they shouldn't be having an argument about state law at P&D. He added that this draft proposed change to the City's Zoning Ordinance is not yet ready for a P&D and Council vote.

Councilor Gilman, referring to the ZBA memo of July 13, Item #2, "The blanket annulment of all the Zoning Ordinance's dimensional and off-street parking requirements," said that as to dimensional requirements there is nothing to change. They're only thinking parking is an issue, but she said there could there be dimensional issues interiorly that could be a fire code problem such as too many units with not enough exits. They're only going by what neighbors are seeing from the outside, and expressed concern that perhaps there was a need to also look closely at what is happening dimensionally on the inside, the appropriate due diligence. **Councilor Orlando** pointed out that to be eligible for this type of relief there has to be a certificate of rental of dwelling with sign-offs from the Building Department and those concerns would be addressed by such a certificate. He said this is not for people building new units that this is about apartments that have existed 10 years.

Councilor Gilman noted on item #4 of the ZBA memo, "Vesting of permit granting authority in one individual, without meaningful review." Responding to the Councilor's inquiry, **Councilor Orlando** explained that the Zoning Administrator is a position created through the authority of the ZBA that vests certain powers of their choosing. In his amendment, the Zoning Administrator would be a SPGA. He cited that any SPGA, has to have a public hearing and that public hearing would not be quite as formal as Council but would be simpler, notices to neighbors, abutters, would go out and that the public hearing is in front of one person instead of nine which he said was his understanding as to how this is crafted. It is the ZBA with the Zoning Administrator under them with the appeal going back to the ZBA. It is required by operation of law, that if it doesn't happen it is deficient. **Mr. Wright** said it is quite awkward if the Council were to adopt these amendments and then tells the ZBA to run with it. He reiterated the process and all the complexities that go into it from his perspective. He and Councilor Orlando then discussed the changes the amendments would make with **Councilor Orlando** pointing out that the only people who are going to take advantage of the overlaid zoning amendments are those looking to legitimize illegal units and make them affordable units.

Councilor Cox reiterated that the city doesn't have the money to pay a Zoning Administrator; that the city's departments are already overburdened and didn't want to invest that much power in one person. **Mr. Cademartori**, asked by Councilor Orlando said that when someone comes across this situation they gather as much evidence as they can to build a case for adding an additional unit. He spoke to testimony at the Planning Board meeting of examples that were given highlighting how years ago recordkeeping wasn't what it is today. Many of these properties are passed down three or four generations and then someone thinks about selling the property. The difficulty he said, is that there isn't a paper trail, and a lender will look in askance that while you may say you have a six family dwelling but legitimately you have a four family dwelling, and then that owner still has to go through the ZBA to legitimize those two additional units. He explained when that happens there is a new dimensional standard and relief has to be granted. The applicant then has to go the Council where some of those issues, parking and otherwise, are raised and folded into the Council process. Some of those issues are minimized in this process when the structure of the building is not being changed and could potentially simplify some of the process.

Councilor Gilman pointed out the excerpt of the draft June 15 Planning Board minutes noting that what Mr. Cademartori says in the minutes is that the current draft of the ordinance doesn't address the concerns of the ZBA Chair; however it will mechanically function and did he feel that way now. **Mr. Cademartori** said that as long as the Zoning Administrator is appointed by the ZBA and these duties are provided to them, some of the concerns were raised in the

first hearing, and questions on length of restriction and idea whether this would be an interim ordinance -- there were a few things that were changed but that he can't change that concern. He said it could function; that there is a use schedule, additional criteria under GZO 5.30 (new) but that can it work, "technically." Even if they are diverting to another body of one, it is a process, he highlighted. It all has to be followed as outlined now. **Councilor Cox** said they eliminated the Council, and give it to the ZBA. **Mr. Cademartori** pointed out that two years ago three family dwellings were ceded by the Council to the ZBA. He said that the question of what happens in buildings that aren't being changed externally and what is required for permitting is important and what are the impacts that need to be examined. He said that for a three family dwelling to go to a four family dwelling, the owner has to go to the ZBA for relief and has to go to the Council which can't be done concurrently. It is a long process for doing internal work on a property, he said. He highlighted that the "backbone" of the city's Housing Production Plan (HPP) is that these are safe units and is the number one goal.

Councilor Gilman said they are close to getting to "yes" particularly if they eliminate the Zoning Administrator and suggested that Councilor Orlando work together with the ZBA because it appeared to her that here are concepts that the ZBA agrees with and that have merit. She pointed out there are some good ideas to make it easier to report more affordable units and have it above board. She asked that Councilor Orlando to tweak his ordinance amendments, and bring it back to P&D with clear amendments to get to yes. **Mr. Wright** suggested that they could likely delegate to one of their members the responsibility of making sure those six requirements are satisfied, and would be their own internal master rather than hiring someone and look at neighborhood requirements which wouldn't be more difficult than most of their cases. **Councilor Gilman** asked that Councilor Orlando incorporate the six criteria under GZO Sec. 1.8.3 into the ordinance amendments as a layperson reading the ordinance wouldn't know of those six criteria.

Councilor Lundberg expressed his agreement saying that he wanted the ordinance language to be reworked and presented wholly and not have changes on the fly, so that then the Committee and ultimately the Council can vote. **Councilor Gilman** asked that the matter be continued so that there is time to fully redevelop the ordinance amendment language. **Councilor Cox** suggested there be a workshop to better understand the ordinance amendments and have the ZBA and Planning Board there with appropriate city staff to try to come to consensus. The idea is "brilliant," she said but the single person authority is discomfoting.

Councilor Orlando said he would make amendments and bring it back to the Committee. **Councilor Cox** said that for the same three year period, for those building owners who come forward with legitimate dwelling units, the filing fees should be waived to be fair. **Councilor Gilman** expressed her agreement. The Committee said they would need to also know by waiving all these fees what the financial impact would be to the city.

This matter is continued to August 2, 2017

5. *CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways (Cont'd from 06/07/17)*

Councilor Lundberg noted that the Committee still doesn't have the necessary paperwork in hand to move this matter forward to the Council and that as a result the Committee would have to continue this matter.

Councilor Cox recommended that Councilor Memhard withdraw his Council Order until the proper paperwork is ready. **Councilor Memhard** agreed and made a request to withdraw his Council Order advising that he would resubmit it at a later date.

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 permit the withdrawal of CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways without prejudice.

6. *CC2017-019 (Gilman) Request review of the feasibility of amending the GZO to allow dwellings under 500 square feet AKA "tiny houses" to be permitted in certain zones*

Mr. Cademartori advised that there is only one community on Nantucket that has any Zoning Ordinance pertaining to "tiny houses." There were specific reasons why it happened which was one person who built a tiny house and was in violation of that Zoning Ordinance. He said there still are some issues from a Building Code perspective and are some movements to get some amendments at the state level. He gave an overview of the challenges of creating an ordinance and what some of the stumbling blocks were. He pointed out that the city would

said that he anticipates that restaurant goers would visit his gallery. **Councilor Cox** said that people at the restaurant parked in their lot can't stay in that lot to shop at his art gallery. She noted the secondary artist is not domiciled at 36 River Road which is also another requirement that the artist live and produce art at that domicile and has to be taken into account as well. Councilor Lundberg said this is before the Committee to recommend to the City Council and that there will still be a public hearing where Mr. Pagnotti can make his case to that body.

Mr. Pagnotti confirmed for Councilor Nolan the proposed art gallery would be on the ground level of a two-story building on the property at 36 River Road.

COMMITTEE RECOMMENDATION: On motion by Councilor Cox, seconded by Councilor Nolan, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council grant a Special Council Permit (SPC2017-009) under the Gloucester Zoning Ordinance, Section 1.8, and 2.3.6(4), Other Principal Uses, for Arts, crafts and sale of art or crafts if made on premises, for 36 River Road, Assessors Map 118, Lot 55, Zoned R-20, to the owner and applicant, Anthony Pagnotti, to operate a gallery for the sale of art objects, which is 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 36 River Road 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 Anthony Pagnotti;
- 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 Anthony Pagnotti and shall expire when the applicant ceases to operate this gallery as approved.

This Special Council Permit application will be advertised for public hearing.

6. *SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" (Cont'd from 06/07/17)*

Councilor Lundberg conveyed that this matter would need to be continued to the Committee's August 2 meeting. He advised that the attorney for Happy Valley Ventures has indicated in writing that he would assent to a continuance as the Planning Board had yet to finish its review and deliberations on this Major Project. He noted that the matter wouldn't return to the Planning Board agenda until its July 20 meeting.

This matter is continued to August 2, 2017.

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7. *CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 06/07/17)*

Councilor Lundberg noted that the Planning Board recommended by a vote of 3 in favor and 2 opposed a revised Ordinance from what Councilor Orlando asked for in his original Council Order

Councilor Orlando said there is a lot heard about affordable housing, and is an issue for the city which is raised any time a developer wants to build housing in the city. State law says the city has to reach an affordable housing stock in the city of 10 percent. What this proposal does is to offer a partial solution, he said. He advised there has been one significant change and is a sunset clause for relief in these amendments which is three years. The actual Council Order filed is that GZO Sec. 5.29 is changed to 5.30 because there was something added in the interim as GZO 5.29. This addresses the question of the Special Permit Granting Authority (SPGA) they'd be calling upon to examine these applications. In order to streamline the process and make it cheaper for the applicant so there isn't a deterrent of expense and cost so as not to add costs, a position is being created of a Zoning Administrator.

Councilor Lundberg asked what problem Councilor Orlando hoped to solve by this Zoning Ordinance. **Councilor Orlando** said affordable housing stock problem. One portion of that issue is not counting stock that would be considered affordable by price and dimension because there is no deed restriction. Prices are perhaps where they should be for a one-, two- or three-bedroom apartment, meeting all other requirements but aren't counted because they're not deed restricted so they don't count as affordable housing units. **Councilor Cox** asked why the

units aren't counted that way to which **Councilor Orlando** said the units aren't deed restricted and not classified as an affordable housing unit because of it and can't be counted. **Councilor Lundberg** pointed out these units aren't legal apartments either. This is a solution to a counting problem not a capacity problem, and doesn't increase housing stock. **Councilor Orlando** noted this is about units already in place at least 10 years. One of the restrictions is that the applicant has to prove the unit has been there at least 10 years and in continuous use by providing certificates of rental; Building Inspector Certificates, etc. and in continuous 10 year use on the property. There is currently a mechanism for seeking relief if a property owner wants it, he advised, which doesn't require any affordable housing units to be deed restricted which is one of the things being offered. Owners can seek relief, get their sign offs which is time consuming and expensive and the city wouldn't get an affordable housing unit out of the process. This is a mechanism for a trade, he said, and done in a streamlined process so that applicants aren't paying so much for attorneys and architects to get there.

Councilor Cox said through this Zoning Amendment they'd be asking people to come forward that possibly have illegal apartments, bring them to code and deed restrict them to affordable housing units and asked what is the city giving back. These property owners are getting relief they wouldn't necessarily get, **Councilor Orlando** said. **Councilor Lundberg** asked what the city gets. **Councilor Orlando** said the city gets an affordable housing unit for thirty years which the city badly needs, higher property assessments, more tax revenues and resolving many problems. They get a bunch of problems solved.

Councilor Cox asked how the process is being streamlined -- were fees being waived. **Councilor Orlando** as outlined in the proposed ordinance that he said he had assistance from Attorney Joel Favazza and Attorney J. Michael Faherty, local real estate attorneys, is creating position of Zoning Administrator (ZA) that some cities and towns use as the Special Permit Granting Authority (SPGA), to whom the Zoning Board of Appeals (ZBA) through their authority delegates power to the ZA. He explained that the ZA would hold mini-public hearings as needed and address all of the questions for the significant requirements to "fit into the box" for one of these units. If all the requirements are met, checked, the ZA would have the power to grant that special permit and grant the permit or zoning relief as long as the deed restriction is on the property unit and is in place for 30 years. He said that the benefit to owner is now having a legal unit they wouldn't otherwise have and their property value increases. He described that in turn the city in reassessing property gets more significant value and gets more tax revenue from that property. He reiterated that the city gets a badly needed affordable housing unit to be counted towards its 10% affordable housing stock goal. This solves a counting problem, he pointed out and was one of the matters when round-tableing with key city staff in several meetings about this very issue he got great feedback on this and then from the Planning Board had some suggestions from the ZBA.

Councilor Cox said it is also safety issue, which **Councilor Orlando** agreed with noting that some illegal units don't have certificates of occupancy; the units may not have appropriate egress; or fire suppression systems in place and people are living in them. An additional benefit, he pointed out, is that these now legitimate units will be safer.

Councilor Lundberg asked why these owners don't do that now. **Councilor Orlando** said it is an expensive process now as it exists.

Councilor Cox said she likes the idea but wasn't seeing the encouragement for these owners to come forward because it is such an expensive process. She suggested that the process might end up being that the owner loses that apartment they're currently getting revenue from because of lack of ability to provide a second parking space, or no second egress, and other ordinance issues, trash removal issues with more than four units a dumpster and a private hauler is required. She said this is a good idea but it needs to give more encouragement -- that if it's just these conditions such as proving the unit has been viable and in use for 10 years, then they need to add more incentive in the form of cutting fees. **Councilor Orlando** said reason for the creation of the position of the ZA is to streamline that process. **Councilor Cox** said the position of ZA is another issue in that positions had to be cut this year because the FY18 budget was so tight -- the city doesn't have the money for this position. **Councilor Orlando** said according to the Administration, that person already exists in city staff that would be vested with that authority.

Councilor Lundberg asked why the ZBA would want to cede this authority to a ZA. **Councilor Orlando** said the ZBA should have the same goals they all have, that of seeing more affordable housing units on the city's rolls. **Councilor Cox** said if they cut that person out because they can't afford them anyway and have the ZBA hear the appeals, with a caveat that the fees can be waived to encourage people to come forward. She said she didn't see people taking this avenue. **Councilor Orlando** said the incentive to do it is not within their control and can do what they can to make it attractive as possible to potential applicants/property owners to make it as attractive as possible adding that he was open to suggestions.

Councilor Lundberg cited that the city just when through Housing Production Plan exercise which was approved after a long process with a knowledgeable committee with guidance from a professional consultant, which gives a list of strategies; and when the HPP is approved by the state the city will be charged to implement those

strategies, one of which is to change the Zoning Ordinance to make it easier to get affordable housing. He asked why they wouldn't go through that process of having this issue before the Task Force that did the HPP and have them consider this as part of their implementation strategy process. He said that he was on the Planning Board for six years, two years as Chairman; a member of the Planning & Development Committee in his second term now its Chair, and pointed out there is technical issues that are unsolved and the Council can't solve it, and pointed out it takes six votes to pass a Zoning Amendment. He expressed concern that the Planning Board didn't come to a unanimous decision which he said is unusual for a zoning change, and noted two Board members were absent when the vote was taken.

Councilor Cox expressed agreement that they need to think about some of the technical "ins and outs" of the proposed amendment, and suggested perhaps a joint meeting of the ZBA, Planning Board and Planning & Development Committee meeting in a workshop setting may be appropriate. She suggested that Councilor Orlando didn't understand her objection saying that she thought the proposal was a great idea, but that agreed with Councilor Lundberg that it should be in conjunction with the other things. She suggested that in order to get more people to come in to utilize this new process they need to cut the fees somehow and that fee is something they can control but she didn't want to cut any further requirements. **Councilor Orlando** said he wouldn't object to the fee cuts. **Councilor Lundberg** said for them to understand what the right fee would be they'd need to have some further input and well as what is the right mechanism, whether it is the ZA and expressed he was unsure whether they want to add another job to the city rolls when they have a ZBA that if they gave them additional criteria they could then apply that.

Councilor Orlando said the working group he'd mentioned earlier was made up of a cross section of city staff, General Counsel, Chip Payson; Acting Community Development Director, Gregg Cademartori; Assistant Director of Public Health, Max Schenk; Principal Assessor, Nancy Papows, and CAO, Jim Destino. He advised that the original version of the proposed Zoning amendment was changed, and he assured it is something that has been vetted. He said he liked a waiver or reduction of an application fee to entice owners to come forward and would entertain an amendment which they can do as a Council. This is not mutually exclusive with the HPP, and its strategies, and he said he didn't see the downside in making such amendments to the Zoning Ordinance to provide this opportunity to people because there are safer apartments, more affordable apartments and added tax revenues. He pointed out there is a requirement that there can't have been complaints for the past five years. What they're doing taking existing units not counted, making safer and up to spec and counting them for 30 years as affordable housing and landlords get a valuable property and a unit couldn't publically count and now can. It provides mechanism that is less costly for them, he said. He said he didn't want people to spend \$15,000 to \$20,000 just to get relief.

Councilor Nolan said that anyone who has an illegal apartment right now knows it. Egress is a huge issue, be it a basement apartment with inadequate windows; square footage for the second door, etc. They won't come forward if it costs \$20,000 to \$30,000 to make it legal and then charge cheaper rent for affordable housing unit for thirty years. He said there may be some people interested in this and could save some money and give deeded rights. He said he liked the idea of where this proposal is moving towards. Anyone with a safety concern with an apartment won't be changed by spending a lot of money. If they can get 30 people to do something legally and give the city low income housing it is a great idea, even five more people. **Councilor Orlando** said the deed restriction is 30 years and is, essentially the life of a mortgage. The affordable rates being what they are a lot of apartments that will be under those rates currently, he pointed out. He said it wouldn't change much for the landlords with the restriction who are getting the same amount in rent or more. If there is egress that has to be corrected it is adding another cost to the already \$15,000 to \$20,000 to go through the process as it stands now, he reiterated.

Councilor Nolan said at Top of the Harbor, and the Heights at Cape Ann, those rental units are below market value and considered low income housing and not considered affordable housing. He asked is there any way to incentivize these owners to keep the rents at a lower rate and deed restrict some of their units. **Councilor Orlando** said mechanism outlined is in this proposal is meant for two-three-four- up to six-housing unit domiciles and that it wouldn't apply to such large housing developments. The idea is that some units that fit into this scheme very well, he added, and this mechanism is a small piece of the puzzle of solving the affordable housing in the city.

Councilor Lundberg highlighted that this proposal doesn't increase the city's housing stock. **Councilor Orlando** said they take units not on rolls and puts them on it. **Councilor Lundberg** urged that this go back to Planning Board and have the Board come back with a unanimous decision. **Councilor Orlando** said this was two separate hearings and ZBA members were present. At the first hearing seven Planning Board members were present and at the second five members were present. It isn't required to have a unanimous decision, he noted. **Councilor Lundberg** said that if it goes back to Board reworked with a unanimous decision it will pass. He said he was troubled not having a clear view because this amendment is as intricate as to what it changes and what the impacts of those changes are and expressed he would be more comfortable with a clear decision of the Planning Board.

Councilor Cox said she understood Councilor Orlando was hoping to move this forward to City Council and asked if he was amenable to try to get a joint Planning Board, P&D and ZBA meeting together. She said that she couldn't attend the Planning Board meetings because of budget meetings. She said she would like to know why there were two dissenting votes. **Councilor Lundberg** added that it was known members of the ZBA were at the Planning Board public hearing, but there is no record in the decision about what their feelings are. He explained that one of the differences between this ordinance amendment and past amendments, is the Council is not the last stop. The ZBA then has to take up the task of appointing a ZA and set the criteria and oversee it; and P&D hasn't heard from them as to how they feel about it. **Councilor Orlando** said the ZBA was at the June 1st public hearing of the Board. Some had some interesting questions. **Mr. Wright**, ZBA Chairman did a memo based on his personal beliefs, **Councilor Lundberg** noted (on file) and said that is an incomplete opinion as it doesn't represent the entire ZBA. When they're changing zoning they want to ensure it is used, effective and everyone signs off on it, he pointed out. **Councilor Orlando** said the working group was important; that the ZBA and Planning Board added to input that prompted changes, but he asked they not send this back to the beginning. **Councilor Cox** said it can be workshop.

Gregg Cademartori, Acting Community Development Director conveyed the following: that everyone began with there is initiative here. Where they are in terms of an accounting and the state mandate --it is a counting issue. They know from experience of ZBA 40B reviews of such applications, many owners and landlords and seeing rents "affordable" rents that their rents are much lower than what the state suggests what the city's affordable rents should be. The issue of counting is that if you don't have a deed restriction the state doesn't look at it. When they look at need identified, there is need, but there is more affordable housing than is recognized. There is an identified need associated with the need for additional units, but they're not "painting the best picture" of what the city's affordable housing stock is and how a unit is qualified to the state. His inviting the ZBA to the Planning Board meeting was because they are integral in the success of this ordinance. If the ZBA doesn't have buy in to the approach of appointing a ZA there will be an issue. Sib Wright, Chair of the ZBA expressed his concern as did other members as they review each additional unit of housing in these districts because of dimensional relief and may go to the Council because of it there are things that come up that they may include as a condition and asked if there was a way to build it in. There was a time, he pointed out, when Gloucester had a multi-family district. A lot of the concern expressed by some Planning Board members and ZBA members was more process oriented not how do they create safer housing by identifying these units and providing a means to get them inspected having safety issues addressed. Some was similar to the questions raised by Councilor Cox as is it enough of an incentive to come forward. The back side is owners get a deed restriction but what if a unit doesn't qualify. Counter of that are those situations where people may not come forward. There is an enforcement side too. The approach piece of how it is to be administered is a good question for the entire Zoning Board. If they don't agree to that then, he said that, "this amendment is toothless," and said that is significant. He discussed with **Councilor Cox** about where is the equity for who has not gone through that process in the 1990's, to 2007 but have a market rate unit. With the point of the affordability piece, this approach is that the "penalty" is a deed restriction for 30 years. **Councilor Cox** said the two processes aren't equal but neither are the requirements. She said that the whole component of the 10 year continuous use is the process here. If I don't have the 10 years continuous then they still have to go through the whole permitting process. **Councilor Orlando** added said that when a 40B project comes sometimes it's friendly sometimes not. There is exposure, and the city's been lucky so far and might not always be the case. This is a mechanism to increase stock and get more control in the future. These are units not being counted at all for anything. It is one affordable unit without the market rate units on the other side.

Councilor Cox discussed the possibility again of a workshop before the Council takes up this matter at a public hearing with the three public bodies involved at one time with **Mr. Cademartori**, saying however, that she was willing to vote on this matter tonight. Councilor Cox said she'd be amenable to receiving something in writing from the ZBA.

Councilor Lundberg said he won't vote in favor of the amendment as drafted as he remains troubled by split decision and the lack of answers to some of these questions. He said this is an amended ordinance without narrative that discusses these issues, as well as the objections he made previously. **Councilor Cox** asked that they continue this matter. **Mr. Cademartori** said the Committee is in an unusual place in that the Planning Board has had their public hearings, made their deliberations and voted to forward their recommendations, and the Council has a scheduled public hearing to open on June 27. **Councilor Orlando** said is the idea to seek ideas and opinions to seek amendments. **Councilor Lundberg** said it is about seeking unanimity which is the right thing to do. He said it isn't right to proceed on a split decision of the Planning Board where almost half of that Board disagrees with it and isn't right. **Councilor Orlando** pointed out it isn't required to have a unanimous decision. **Councilor Lundberg** said with amending the Zoning Ordinance there should be any dissenting, but be unanimity on the process as this is mechanical and has to be fair to all the citizens. There are people who have gone through the existing process who

will be disadvantaged, but be making it easier on others moving forward. They have to weigh that and haven't had a chance to do so, he said. **Councilor Orlando** pointed out that it isn't something that is forever, as it has a sunset clause which isn't free with the deed restriction. He said the idea is to entice people to do this and come forward but that this isn't free or forever. If they go through the proposed process they still have some kind of penalty as this isn't the exact same process and outcome. **Councilor Lundberg** said they don't have the clarity of vote and the narrative. **Councilor Cox** said that unanimity doesn't bother her but that she doesn't seem to have what she feels she needs to make a good decision. **Councilor Orlando** said there was a long meeting with good ideas and concerns laid out and that he thought he responded to the concerns having gone through the working group process for a month. He said he encouraged the Committee to look at the minutes from the Planning Board and that the ZBA was there mostly and asked questions and made their opinions known. He suggested the Board's vote would have been 5 in favor, 2 opposed had all members been present. **Mr. Cademartori** said they can get a formal opinion from ZBA. **Councilor Cox** said she'd like to hear from the two Planning Board members not there when the Board voted and it is questions about the Planning Board and ZBA input. She said she likes everything about the amendment.

Mr. Cademartori said the issues are things of unknowns of whether someone will take advantage of this ordinance or not and will someone accept a deed restriction and is it practical for smaller projects. This is focusing on creation of units that are not counted and don't really exist, so to speak. The point is trying to address the safety concerns that this would address if someone comes forward, he said and that deference was given to opinions of the ZBA about the framework and whether they were comfortable with one person making a decision. **Councilor Cox** said that is why she wants a ZBA opinion. What is offered is an enticement and whether the property owners take the city up on the offer is not her concern. She said what Councilor Orlando proposed is thinking outside the box and on that merit she'd be willing to vote. What she heard is that they would like a bit more information on the how the ZBA would handle it. **Mr. Cademartori** said the Planning Board recording clerk wasn't able to prepare the minutes from the last two sessions and doesn't know what the time frame is to get them.

Councilor Lundberg said in the interest of getting this right the Committee should continue this matter. **Councilor Orlando** encouraged the Committee to read the Planning Board minutes from the two public hearings. **Councilor Lundberg** reiterated the P&D Committee doesn't have those minutes.

Councilor Nolan said he likes the idea and supports it.

Councilor Orlando added that while this zoning amendment is narrow in scope, it is and is something worth passing; that if doesn't work it goes away in three years, and if found to be flawed they can change it or strike it.

Councilor Lundberg said the ZBA would appoint ZA and cede authority to that person who becomes a permit granting authority and that he would want their input. **Councilor Orlando** said the ZBA was concerned about losing authority which he said it is rather investing some of their authority to a single entity. **Councilor Cox** asked what the permit cost is for such an application to go before the ZBA. **Mr. Cademartori** confirmed it was \$250.

MOTION: On a motion by Councilor Cox, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed to request that the Zoning Board of Appeals make a recommendation as to how that Board would hand the implementation of this proposed Zoning Ordinance Amendment.

This matter is continued to July 5, 2017.

8. ***CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways pursuant to GCO Sec. 21-1 and Sec. 21-2 (Cont'd from 06/07/17)***

Councilor Lundberg indicated that the Committee has yet to receive the recommendation of the Public Works Director and the Mayor, and there is no layout plan which is the responsibility of the abutters. **Mr. Payson** advised that the statute requires notice of the Council's intention to lay out the road as a public way and action can be taken within a certain period of time.

This matter is continued to July 19, 2017.

9. ***CC2017-019 (Gilman) Request review of the feasibility of amending the GZO to allow dwellings under 500 square feet AKA "tiny houses" to be permitted in certain zones***

This matter is continued to July 19.

2. Special Events Applications:

- A. Request to hold Around Cape Ann 25K Road Race on September 4, 2017 and Request to hold Run the Goose Road Race on September 4, 2017

It was noted by **Councilor Lundberg** that both events were approved by the Special Events Advisory Committee. However, questions were posed by **Councilors Cox and Gilman** as to whether or not there would be a police detail, and how the dangerous traffic areas of the route would be made safe for runners. As there were no representatives from the Cape Ann YMCA/YMCA North Shore in attendance, the Committee continued the matter so that representatives could be present to answer questions.

The matter was continued to June 21, 2017.

3. **SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" (Cont'd from 05/17/17) (TBC 06/20/17)**

SCP2017-006: Great Republic Drive #38 is not yet ready to be heard and is still before the Planning Board. At the request of the applicant the Committee assented to continue the matter to its June 21, 2017 meeting. This matter will have a public hearing opened on Tuesday, June 13 at the City Council meeting and continued to June 27, 2017.

This matter is continued to June 21, 2017.

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4. **CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 05/03/17)**

The Planning Board has yet to finish with the review of this Council Order which would amend the Zoning Ordinance and so hasn't forwarded a recommendation; therefore, the Planning & Development Committee will continue this matter to June 21, 2017.

This matter is continued to June 21, 2017.

5. **CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways pursuant to GCO Sec. 21-1 and Sec. 21-2**

Per the Code of Ordinance the City Clerk has forwarded a memorandum to the Public Works Director, the Mayor and the City Auditor for their written recommendations. As documentation has not yet been received the Committee continued this matter to its June 21, 2017 meeting.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:49 p.m.

Respectfully submitted,

Grace E. Poirier

Assistant City Clerk as Substitute Recorder

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None

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 Special Budgetary Transfer 2017-SBT-23 in the amount of \$171,068.15 from Account #S4193992-530100, SPED-Tuition Public Schools-District Wide-SPED-Professional & Technical, to Account #0182052-565004, State & County Assessment, School Choice Sending Tuition, for the purpose of funding School Choice Sending Tuition for out of district placement of Gloucester School District students.

DISCUSSION:

Councilor Memhard said that this transfer is needed because the state has changed how this charge is assessed as previously Out of District Placement tuition for Special Education students on IEP's was paid directly to the third party by a school district. He said it is now put through the Cherry Sheet and shows up as a charge on the city side. This represents a transfer from the school Department budget into the city's Cherry Sheet Assessments account.

MOTION: On motion by Councilor Memhard, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Orlando) absent, to approve Special Budgetary Transfer 2017-SBT-23 in the amount of \$171,068.15 from Account #S4193992-530100, SPED-Tuition Public Schools-District Wide-SPED-Professional & Technical, to Account #0182052-565004, State & County Assessment, School Choice Sending Tuition, for the purpose of funding School Choice Sending Tuition for out of district placement of Gloucester School District students.

COMMITTEE RECOMMENDATION: On motion by Councilor , seconded by Councilor , the Budget & Finance Committee voted in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-37 in the amount of \$18,700 (Eighteen Thousand Seven Hundred Dollars) from the CIP10-Road Improvements Atlantic/Bray, Account #5015-596003 to Private Way Betterments Capital Projects, Fund #5048 for the purpose of funding the anticipated costs of the repair/paving betterment to Park Lane.

DISCUSSION:

Councilor Memhard conveyed that this Supplemental Appropriation is taking funds from an old capital project paving fund that has had no activity since 2011 due to the relatively small amount needed to fund the Park Lane betterment paving project. The Council approved the Park Lane betterment in April, but no funding mechanism had been proposed at that time, which this is transfer now accomplishes. CFO, John Dunn, had indicated at the B&F Committee meeting that this is preferable than utilizing a loan order for such a small project, he said.

MOTION: On motion by Councilor Memhard, seconded by Councilor Lundberg, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Orlando) absent, to approve Supplemental Appropriation 2017-SA-37 in the amount of \$18,700 (Eighteen Thousand Seven Hundred Dollars) from the CIP10-Road Improvements Atlantic/Bray, Account #5015-596003 to Private Way Betterments Capital Projects, Fund #5048 for the purpose of funding the anticipated costs of the repair/paving betterment to Park Lane.

Planning & Development: May 17

There are no action items under this heading for City Council consideration.

Ordinances & Administration: May 15

There are no action items under this heading for City Council consideration.

Scheduled Public Hearings:

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1. PH2017-023: Amend GZO by ADDING Section 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1 and 2.3.1 accordingly; and AMEND Section V to add a new Section 5.29 "Certain Pre-Existing Multi-Family Use" (TBC 06/27/17)

This public hearing is opened at 7:33 p.m.

Council President Ciolino announced that this matter is continued to the June 27 City Council meeting.
This public hearing is continued at 7:33 p.m. to June 27, 2017.

2. PH2017-0 24: Amend GCO Art. III “Officers and Employees,” Article IV “Departments,” Article VI “Finance” and Appendix C “Personnel Ordinance”

This public hearing is opened at 7:34 p.m.

Those speaking in favor:

Donna Leete, Director of Human Resources, conveyed the following information:

Following the recent reappointment process for city department heads, Mayor Theken requested an administrative review of the provisions of the City Charter and Code of Ordinances pursuant to lengths of terms of appointment for all city department heads. The Charter was found to not specify length of term for the executive branch but does for the legislative branch. Research was done by Human Resources in conjunction with the legal department, the Mayor’s Office and with the assistance of Councilor Sean Nolan. Gloucester’s location and one-year terms have acted as a barrier to recruiting quality professional individuals for key department head positions.

Eight positions in city government had one-year terms: five were specified by the GCO, and three with terms dictated only by past practice not ordinance (positions of CAO, Community Development Director and Personnel Director). It was noted there was a need for unity and fairness and appropriateness to assure stability in city operations as the city’s location and one-year terms have acted as a barrier to recruiting quality professional individuals for key department head positions. The Administration is recommending and asking the Council approve amendments to the Code of Ordinances for two-year terms as the minimum term of appointment for all city department heads which will assist in ensuring a professional workplace, and in the recruitment and retention of professionally qualified individuals in light of the city’s geographic barriers.

The variety of terms of appointment for the current group of department heads are: four had no terms, three of whom were board appointments (Council On Aging, Board Of Health and Library); there was no term specified for the Information Technology (IT) Director. The Police and Fire Chiefs could serve for three to five years by employment contract. Four department heads are impacted by three-year terms: the Board of Assessors and the Harbormaster. Four department heads have two-year terms as specified by the City Charter: the Public Works Director, the City Clerk, the City Auditor and the Veterans’ Agent. The five department heads that had one-year terms specified by the GCO are: the Building Inspector, the CFO/Treasurer-Collector, the City Engineer, General Counsel and the Purchasing Agent. The recommendation for two-year terms is to create equity by setting a minimum standard of two-year terms.

Ms. Leete then conveyed that: Two-year terms will operate by the Mayoral appointment process -- it is proposed that three managers be coterminous with the Mayor: the CAO, CFO/Treasurer-Collector and the Community Development Director. For the rest of the department heads in the executive branch it is recommended to ensure stability in governance that these positions are reappointed in “off” years. It was conveyed that the geographic issue was a factor in the search for a new Community Development Director, a CAO and a Personnel Director. Neighboring communities similar in size, Peabody, Salem, Beverly, have all migrated to three-year terms of appointment for their department heads, it was noted.

Ms. Leete explained that in the case of a department head position vacancy mid-term of office that a newly hired department head would fill out the remainder of that term plus serve another new two-year term which she said would be a helpful as a recruitment tool especially when people are leaving positions with job security and come to Gloucester to work. **Ms. Leete** said that these proposals come forward by way of the Mayor’s commitment to professional management and that they are moving forward with professional managerial training development and a commitment to best practices. She said this is a straightforward and collaborative management approach which allows managers to work without distraction and develop a proactive team.

She explained that the IT Director is a key manager whose role has evolved over the years. Initially this position was incorporated into the CFO’s office and reported to that department head. Because there now is the need for more technology across the city it requires that the IT Director’s position be designated as a managerial position -- this new position is one example of what should rightfully be acknowledged for reappointment every two years. The position of Purchasing Agent reports directly to the CFO and not then have a need to come before the Council for reappointment, as would Director of Engineering who reports to and is part of the Department of Public Works (DPW).

Ms. Leete reported that some managerial positions are in the Gloucester Municipal Administrator’s Association (GMAA) and there was concern for a potential conflict with an annual reappointment process and hope was

as the city's legal representative, he was advising that the city didn't want to be involved in such a lawsuit. He pointed out that if the easement didn't exist this matter wouldn't be an issue; but if the issues surrounding the agreement become resolved with the conflicting parties, he said that then he would not have an issue with the Council (moving forward). He reiterated his concern about the Council moving forward on this application given the current circumstances and cautioned that this is also a risk of resources that the city would have to expend.

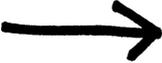
William Mondello, 60 Western Avenue, Essex, applicant for a Special Council Permit to operate a privately owned open-air parking lot in the MI District, at 33 Commercial Street, conveyed that his understanding is that this agreement may exist after the purchase and sale of a property and its subdivision and said he wasn't aware of the agreement or of the Hotel using the property after hours. He advised he had knowledge of complaints of use by the Hotel of the property from the building's tenants. He asked that this matter be postponed so that he has an opportunity to confer with his lawyer and General Counsel. He reiterated he was told by the property owner what he has conveyed about it. **Mr. Payson** said the conversation is between the Hotel's legal representative and Mr. Mondello's lawyer to resolve this issue, pointing out this is a private business matter. If that can be resolved then he said the Council could act.

Councilor Cox advised that Mr. Mondello should not withdraw his Special Council Permit application, and suggested that the public hearing could be continued (to a date certain) when reopened on May 9 to give all parties a chance to resolve their issues.

This matter is continued to June 21, 2017.

3. **SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" (TBC 05/17/17 for sole purpose of Overview of Major Project by Applicant & then TBC to 06/07/17 pending departmental reviews and Planning Board recommendation)**

This matter is continued to May 17, 2017 when the applicant will make an overview presentation. Following that, the Committee will continue this matter to June 7, 2017 when it anticipates having in hand departmental reviews and recommendations and a recommendation of the Planning Board.

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4. **CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (TBC 0/17)**

This matter is continued to June 7, 2017 pending a Planning Board recommendation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:50 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

TRUE COPY ATTEST
Jeanne M. Senoo

CITY CLERK

Map 262, Lot 14; 2 Schoolhouse Road, Assessors Map 43, Lots 4 and 5; and 7 Gloucester Crossing, Assessors Map 262, Lot 37 as shown on the plan entitled, "Exhibit to Accompany an Amendment to the Gloucester Zoning Ordinance, Mixed Use Overlay District," to accompany an amendment to the Gloucester Zoning Ordinance, plan dated December 28, 2016, which is attached hereto and is herein incorporated by reference.

3. *SCP2017-005: Amendment to SCP granted on March 20, 2017 re: Great Republic Drive #38, Map 263, Lot 54, GZO Sec.1.5.3 (c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Cultivation Facilities" (TBC 05/17/17)*

Councilor Lundberg advised that the Committee was in receipt of a letter from Attorney Joel Favazza dated April 19, 2017 (on file) representing Happy Valley Ventures MA, Inc. with regard to an amendment of a previously permitted Special Council Permit is asking to withdraw the application under SCP2017-005.

MOTION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit the withdrawal of SCP2017-005 amendment to SCP granted on March 20, 2017 re: Great Republic Drive #38, Map 263, Lot 54, GZO Sec. 1.5.3 (c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Cultivation Facilities" without prejudice.

This matter is closed.

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4. *CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations"*

This matter is continued to May 3, 2017 pending a Planning Board recommendation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:41 p.m.

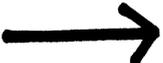
Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

of property at Commercial Street 44, Mac Bell for 1907, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing commercial building by tenant and/or owner use at any one time is limited to 40 with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking;
 - b. Number of cars allowed by the permit;
 - c. Hours of operation;
 - d. Specify for which businesses and places patrons may utilize parking lot for;
 - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
9. The City of Gloucester's shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

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4. *CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (TBC 04/19/17)*

This matter is continued to April 19, 2017 pending a Planning Board recommendation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:13 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: PH2017-041
SUBJECT: Amend GCO Ch. 21, Article IV "Repair of Private Ways", Sec. 21-80 through 21-86.
DATE OPENED: 08/22/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 7/17/2017, 7/31/2017

GCO

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, August 22, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

→ **Amend Chapter 21, Article IV "Repair of Private Ways", Sec. 21-80 through 21-86** (full text on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing).

Amend Chapter 22, "Traffic and Motor Vehicles" Sec. 22-267 "One Way Streets - Generally" by **DELETING** Williams Court from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.

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

By Vote of the City Council
Joanne M. Senos

AD#13597807
CAB 8/11/17

CITY OF GLOUCESTER
LEGAL DEPARTMENT

Memorandum

TO: Mayor Sefatia Romeo Theken
FROM: Chip Payson, General Counsel 
CC: Councilor Sean Nolan
Jim Destino, CAO
John Dunn, CFO
Mike Hale, DPW Director
Gregg Cademartori, Planning Director
RE: Re-draft of Article IV, Sections 21-80 through 21-86 Repair of Private Ways
DATE: July 6, 2017

As you are aware, over the past couple of years we have encountered some substantive issues with the ordinance that governs the repair of private ways.

Several months ago, Councilor Sean Nolan led an effort to revise this ordinance in order to make it easier to follow and to correct some of the problems that had arisen in the past.

Councilor Nolan along with Jim Destino, John Dunn, Mike Hale, Gregg Cademartori and I met several times and reviewed multiple re-drafts before finally settling on the attached.

This new ordinance will streamline the process while making it easier for members of the public to follow it should they want to have the City repave their private roads.

Accordingly, attached hereto, for your and the City Council's consideration, please find an ordinance re-draft for article IV Repair of Private Ways.

NOTE: A red lined version of this ordinance will be made available prior to its first hearing in Committee.

Thank you.

Attachment

ORDINANCE RE-DRAFT

JULY 6, 2017

Gloucester Code of Ordinances

Article IV. – REPAIR OF PRIVATE WAYS

Sec. 21 – 80. – Purpose; definitions; exclusions; city not required to maintain.

- (a) Purpose. The purpose of this article is to provide for the permanent or temporary construction or repair of private ways in the interest of public safety.
- (b) Definitions. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning.

Abutter and abutting owner means all persons holding ownership rights in property abutting a private way and all persons holding ownership rights in any property the access to which, by necessity, requires travel over such private way.

Abutting parcel means any property actually abutting the private way regulated by this article and any property the access to which, by necessity, requires travel over such private way.

Private way.

- (1) The term “private way” includes, within the scope of this article, statutory private ways and dedicated private ways.

- a. The term “statutory private ways” means those ways which have been laid out pursuant to M.G.L. c. 82, § 21 and are subject to M.G.L. c. 84, §§ 23, 24. Such ways are open to the same type and extent of use as public ways.

- b. The term “dedicated private ways” are those ways that were not laid out under statutory authority but are open to free public use of a nature and extent sufficient to constitute evidence of the permanent intention of abutting property owners to abandon private rights in the ways.

- (2) The term “private ways” within the scope of this article does not include permissive private ways or unconstructed (paper) ways.

- a. The term “permissive private ways” means those ways that have not been laid out by a public authority or dedicated to public use and are wholly the subject of private ownership. A permissive private way is open to public use solely by the continuing permission or license of the owner or abutter where such owner or

abutter displays a continuing intent to exercise dominion over the way and may, for example, post the way with signs limiting or prohibiting public use.

b. The term "unconstructed" or "paper ways" means those ways or portions thereof that have been created on paper by a deed, easement, plan or other instrument or by subdivision or approval not required (ANR) plan under the Subdivision Control Act, but have not yet been paved, improved or otherwise constructed on the ground.

c. Pursuant to chapter 325 of the Acts of 2002 and M.G.L. c. 84, § 12 and c. 40, § 6N, this article is intended to establish the process by which temporary and permanent repairs may be made to private ways.

d. In order to qualify for permanent or temporary construction or repair under this article, all private ways otherwise eligible must have been open to the public for six or more years and must abut four or more occupied residences or operating businesses.

e. None of the ways described in this section are of the type of which the city has an existing duty of maintenance or repair for which the city is liable in damages for defects. Abutters to private ways are responsible for the maintenance of such ways. Constructed private ways must be maintained so that there are no defects to impede the safe passage of emergency vehicles. Nothing in this article is intended to create any duty to maintain or repair such private ways or to subject the city to any liability for defects therein.

Sec. 21 – 81. – Permanent construction or repair.

- (a) Permanent construction or repair may be performed by the city in accordance with the procedures set forth in section 21-84.

Sec. 21 – 82. – Temporary repair.

- (a) Temporary repair shall include the filling of potholes in the subsurface of private ways and repairs to the surface materials, but shall not include significant excavation, regrading, drainage work, or the resurfacing thereof.
- (b) Temporary repair may be performed by the city upon a determination by the director of public works that the condition of a way adversely affects the safety of the inhabitants and that repair of a permanent nature is unnecessary to cure the condition, or upon a determination that the condition of the way constitutes an emergency which requires immediate repair in order to protect the health or safety of the inhabitants of the city.

- (c) Such temporary repair shall not be considered as maintenance of the private way nor shall the way be considered a public way as the result of any repair.

Sec. 21 – 83. – Funding for approved construction or repair.

- (a) The total cost of the approved permanent construction or repair work shall be paid by the abutting owners, the amount to be paid will be divided by the number of abutting parcels and assessed to the owners thereof.
- (b) Betterments shall be assessed and collected for such work in accordance with the provisions of M.G.L. c. 80, § 1 et. seq. and other applicable laws.
- (c) In the case of temporary repairs, the city shall pay the total cost.

Sec. 21 – 84. – Permanent construction or repair.

- (a) Any performance of permanent construction or repair to a private way as set forth in this article is subject to the availability of funding and the authorization for said funding must be made by recommendation of the mayor and a two-thirds vote of the city council.
- (b) Abutters to a private way shall begin the process of seeking permanent repair to the private way by submitting a petition to the city clerk signed by not less than seventy-five percent of all abutting owners to the private way. Petitioners shall use only official petition forms, available from the city clerk's office upon request. Petitioners shall agree in writing that (1) the city may not accept the road as public as a result of the permanent repair process outlined herein; (2) city employees shall be allowed on each abutting parcel in order to repair the private way; (3) any deviation from the current road layout of the existing travelled way as a result of the repair of the private way shall be done at the discretion of the director of public works; and (4) a non-refundable fee shall be assessed with the petition of \$1.00 per linear foot of the private way at the discretion of the director of public works. Petitioners shall include the name and contact information for no less than three primary contact persons who shall also be abutting owners. In order to proceed, the city clerk must certify all signatures on the petition as submitted.
- (c) The city clerk shall refer the petition to the mayor's office with a request for a feasibility determination.
- (d) The mayor's office shall refer the petition to the department of public works for a feasibility determination whereby the department of public works shall (1) consult with the fire department, police department, conservation commission, chief financial officer/treasurer, and the city engineer; (2) determine the parameters of the project; and (3) set a price range for the project. The director of public works shall then

respond to the primary contact persons with, among other things, a memorandum outlining the determinations and an official abutters' list to be used in noticing a meeting of all abutters' as outlined in section 21-84(e).

- (e) Three or more abutting owners shall call and hold a meeting of abutting owners. Notice of such meeting shall include the date, time and location thereof and shall be given at least seven days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by certified mail, return receipt requested. A receipt of the certified mailing shall be required as evidence that notice has been provided to all abutting owners.
- (f) At the meeting as outlined in section 21-84(e), the abutting owners shall vote to determine whether certain repairs are to be sought according to (1) the project parameters and (2) the price range as provided by the director of public works. Seventy-five percent of all abutting owners on the private way must be present at the meeting; sixty-six percent of all abutting owners on the private way must vote in favor in order to qualify for permanent repair under this article. No proxy votes shall be allowed.
- (g) An official record of the meeting as outlined in section 21-84(f), including the attendees' names, addresses and signatures, as well as evidence of the votes cast shall be submitted to the city clerk within seven days of the meeting.
- (h) The city clerk shall file a copy of the official record with the mayor's office.
- (i) The mayor's office may submit the petition and official record with a recommendation to the city council for funding consideration.
- (j) Upon the Mayor's submission of the petition, the city council shall hold a public hearing within sixty calendar days except that, by a two-thirds vote thereof, the deadline for the hearing may be extended by no more than thirty days. Review of the petition by the city council shall include a vote on (1) a determination that the construction or repair is required by public necessity and (2) an authorization of funding for the project.
- (k) Notice of the city council's decision shall be posted and a copy thereof shall be provided to all abutting owners.

Sec. 21 - 85. - Petition submission schedule.

- (a) All petitions requesting permanent construction or repair pursuant to section 21-84 shall be submitted annually to the city clerk no later than December 31st in order to be scheduled for completion the following year.

- (b) Should the city fail to complete a project in any given year, the project shall automatically be re-scheduled for the following year.
- (c) Should the abutters fail to secure the appropriate and necessary approval, the project shall be eligible for re-submission in no less than two years.

Sec. 21 – 86. – Municipal liability for construction or repair.

- (a) The city shall not be liable for any damage whatsoever caused by construction or repair performed pursuant to this article.
- (b) No term or provision of this article shall be interpreted or construed to constitute the acceptance by the city of any duty, responsibility or liability for the enforcement of any private right of any petitioner or abutting owner, including without limitation any right to improve or maintain a private way or to keep a private way free from encroachment.

Councilor LeBlanc indicated he would support Mr. Ellis' appointment saying that he knew him personally. The Committee agreed to move Mr. Ellis' appointment forward and voted as follows:

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 Thomas Ellis to the Mariners Medal Committee, TTE 02/14/19.

Capt. Arthur Sawyer, Jr.

TTE 02/14/20

Capt. Arthur "Sookie" Sawyer said his father was awarded a Mariners Medal in the 1970's and served on the Mariners Medal Committee for some time. He said his father was very proud of his medal and service. He said this is a family heritage and is a big deal. He said his father saved a father and daughter fishing off of a dock and a few months later saved a man from a burning lobster boat and put out the fire. **Mr. Destino** said Capt. Sawyer has been involved on the Waterways Board for about 20 years with Mr. Calomo and is an active lobsterman.

Councilor Nolan expressed his thanks to Capt. Sawyer for his years of service saying that he knew the Mariners Medal Committee would choose wisely and award medals to those that deserve it.

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 Capt. Arthur Sawyer, Jr., to the Mariners Medal Committee, TTE 02/14/20.

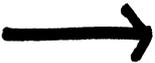
Stefan Edick

TTE 02/14/21

Mr. Edick explained that he is currently Executive Director and captain of the Schooner Adventure, noting he was in the middle of his third renewal for 500 ton Ocean-level licensure, working commercially since 1993 and a full-time captain since 1996. He said he is honored to be appointed to the Committee, that it was important to honor those who risk their lives to help others. He noted that he had to rescue his engineer on a trip at sea in the middle of the night and said he understood that recognition of such lifesaving is important especially in light of the risks at sea.

Councilor LeBlanc said this is a good group of appointees who will bring this Committee back. **Councilor O'Hara** added this thanks to all the Mariners Medal appointees for their energy and commitment.

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 Stefan Edick to the Mariners Medal Committee, TTE 02/14/21.

 **2. Memorandum from General Counsel re: Amendments to GCO Art. IV, Sec's 21-80 thru 21-86 "Repair of Private Ways" (Cont'd from 07/17/17)**

Chip Payson, General Counsel, reviewed the proposed Amendments to GCO, Art. IV, Sections 21-80 through 21-86 "Repair of Private Ways" as follows:

There have been challenges with GCO 21-80 through 21-86 "Repairs of Private Ways" as currently constructed. Working with Councilor Nolan, city staff and the CAO, they tried to simplify and streamline the related ordinance. The crux of the governing section is in Sec. 21-84 in the new draft whereas before Sec.'s 21-84 & -85 had the bulk of the ordinances, and it was out of order. The new Sec. 21-84 guides residents through the process and is simplified and strengthened in a way that will prove to be beneficial moving forward.

In addition to streamlining Sec. 21-84 there are now timeframes for submitting applications which will give the Public Works Dept. (DPW) an opportunity to look forward for planning for the coming year. Additionally, there are safeguards in place that if the city isn't able to get to an approved private way paving project within that year it will carry forward to the next year. Further, if there is an issue where neighborhood opposition causes problems, that application will be removed and the abutters will have to reapply after a two-year hiatus.

Councilor LeBlanc said the City Clerk's office upon requests gives the petition forms out now under the ordinance and asked if there are new petition forms or does that form need redrafting. **Mr. Payson** said his office will draft new petition form to meet the changes to the ordinance. **Councilor LeBlanc** discussed with **Mr. Payson** signatures of abutters who attend the abutters meeting as proof of their attendance and vote. **Mr. Payson** pointed out that the requirement remains that after a vote is taken by abutters that a signed document by all who voted will have to be submitted to ensure that the requisite number of abutters did in fact attend and vote in favor of the

petition. He reiterated there will be a need to draft some documents to be available for the petitioners. **Councilor LeBlanc** said these amendments are better than what is in the ordinance currently given the Council's experience over the past several years with private way paving petitions.

Councilor Memhard asked for clarification that the proposed ordinance doesn't in any way entitle abutters/residents of having their road accepted as a public way. **Mr. Payson** said, "No." **Councilor Memhard** reiterated that it is a separate and distinct process. **Mr. Payson** added that that just going through the petition process doesn't automatically entitle abutters to get their private road paved anyway. He pointed out that the amended ordinance leaves it to the Mayor's discretion after "a lot" of these steps have taken place -- it rests with the Executive. He said the clarity remains that it doesn't entitle the abutters to have a private road made public, just as there's similar language in the current ordinance. That is a separate, distinct process governed by statute, he noted.

Mr. Destino highlighted when these project are done now, the project has to go before B&F has to approve the private way project and then to approve separately the funding upon the approval of the project -- a separate process. He pointed out that now the project and funding come together at once to be approved by the Council. He noted with the new ordinance there is a bigger buy-in as 75% of abutters have to vote in favor rather than the current 51% which previously has caused neighborhood concern. He said a table will be put in place which will delineate that if a project for road repair is \$25,000 the betterment to the abutters is for five years with larger, more costly projects having a betterment of 10 years. Most of the betterments, he advised, will be between five and 10 years so that the city isn't carrying the debt longer than it has to.

Councilor Nolan said the old language made the ordinance hard to understand on a variety of levels. This takes it all out, he noted. He highlighted that there is a buy-in for the abutters, which by having the three-fourths vote makes it more fair not only for the abutters but for the city who has to put time and effort into the administrative process and the paving project itself. Questions that have come up previously are answered through the new ordinance language, he said. He said in all this will make it easier for the Council, Administration and for residents.

Councilor LeBlanc said there have been issues with this ordinance recently and this rewrite answers many of those issues. **Mr. Payson** expressed his agreement saying that those issues highlighted the ordinance's deficiencies which prompted these changes to ensure the abutters are in full support of the paving of their private way by the city and understand clearly the betterments to be placed on them for the paving project by the city.

Councilor O'Hara said that most of the private ways are on the outer perimeter of the city and those roads are breaking down -- this is something residents need answers on, and this ordinance is in responsive to that need.

COMMITTEE RECOMMENDATION: On 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 Article IV, Sections 21-80 through 21-86 "Repair of Private Ways by STRIKING Sections 21-80 through 21-86 and ADDING new Sections 21-80 through 21-86 as presented by General Counsel in a memorandum dated July 6, 2017.

Councilor Nolan thanked the Administration, Acting Community Development Director, Gregg Cademartori; Public Works Director, Mike Hale; General Counsel, Chip Payson and Mr. Destino for their hard work to assist in drafting this updated ordinance language.

3. *CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One Hour parking-Generally" re: Washington Street (TBC 09/18/17)*

This matter is continued to September 18, 2017.

4. *Communication regarding Williams Court traffic pattern, and Citizens Petition to change Williams Court from one-way to two-way traffic (Cont'd from 06/19/17) and CC2017-023 (Memhard) Amend GCO Ch. 22, Sec. 22-267 "One-way streets-Generally" re: Williams Court*

Councilor LeBlanc explained that Councilor Memhard put in a Council Order (consistent with the Citizen's Petition) to take Williams Court from a one-way roadway to two-way roadway. **Councilor Memhard** noted the Council Order asked that recommendations be obtained from the Police and Fire Chiefs, the DPW Director and the Traffic Commission (which the Committee did at its last meeting prior to the Council Order being filed). **Councilor LeBlanc** reported the Traffic Commission had voted pursuant to the Citizen's Petition to keep Williams Court one way at their June meeting (minutes on file). Noting the Committee hadn't yet heard back from the DPW, he

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Catlin A. Pszeny to the Tourism Commission, TTE 02/14/18.

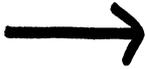
Zoning Board of Appeals

H. Sage Walcott (to full member)

TTE 02/14/20

Mr. Walcott explained that he is moving from alternate member on the Zoning Board of Appeals (ZBA) to full member and that things on the Board are going well. He noted that as a member he gets to see parts of the city he's never viewed before. **Councilor LeBlanc** reminded Mr. Walcott his Board is one that applicants do need their hand held which he said he knew Mr. Walcott understood. He advised that Mr. Walcott didn't need to attend the Council meeting as he was simply being moved from Alternate to Full Member of the ZBA, already being on the Board.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint H. Sage Walcott as a full member to the Zoning Board of Appeals, TTE 02/14/20.



2. Memorandum from General Counsel re: Amendments to GCO Art. IV, Sec's 21-80 thru 21-86 "Repair of Private Ways" (TBC 07/31/17)

Councilor LeBlanc advised that Chip Payson, General Counsel wasn't available this evening to discuss the matter of amendments to Sec. 21-80 through 21-86 and has asked that this matter be continued.

This matter is continued to July 31, 2017.

3. Communication regarding Williams Court traffic pattern, and Citizens Petition to change Williams Court from one-way to two-way traffic (Cont'd from 06/19/17)

Scott Memhard, Ward 1 Councilor, conveyed the following information to the Committee: Williams Court is between Hartz Street and Eastern Avenue, a close neighborhood that has had confusion over traffic direction on its roadway. He said historically Williams Court has been two-way traffic. Constituents expressed concern over the narrowness of the roadway, children playing in the road, the dangerous conditions of vehicles using Williams Court as a cut through from Eastern Avenue to Hartz Street. The Code of Ordinances lists Williams Court, in fact, as a one-way roadway. Some years ago residents had asked that Williams Court be two-way seasonally in summer and then change during the off season. Williams Court is a small, very narrow road with on-street parking and there isn't room for vehicles to pass. The Traffic Commission says that Williams Court should be one-way based city ordinance and state regulations governing the width of roadways.

Councilor LeBlanc said there would be a public hearing on the matter, that the Committee will make a recommendation, but advised it doesn't mean the Council will vote by majority to either keep the roadway one-way or take it to two-ways after the public hearing is closed, in response to an unidentified member of the public's inquiry on process. **Councilor Memhard** noting the petition submitted to the City Clerk's office (on file) although some people prefer the road to remain one-way, the majority of residents of Williams Court, Marion Way and Tolman Street want Williams Court to be made two-way.

Councilor Cox urged that the Committee to reach out to the Fire Chief and Interim Police Chief get their recommendation on the roadway along with the Public Works Director. The Traffic Commission has made their recommendation and that before Councilor Memhard submits a Council Order that information should be in hand. She recommended the order be for a two-way street to allow people to speak on the matter at public hearing but that the recommendations of the city's Public Safety Officials would help guide the Committee's and Council's actions.

Joanne Senos, City Clerk, reminded the Committee that there is a citizen's petition and that they would then need to add Councilor Memhard's Council Order to co-join the matters so that the Committee and the Council can have both matters taken up simultaneously.

Councilor LeBlanc said he wanted a recommendation from the Police Chief, Fire Chief and DPW Director on the matter if Williams Court should be kept one way or be made a two-way roadway. He then reviewed Council public hearing and subsequent voting process for a member of the public in attendance.

Attorney Mark Nestor, 45 Middle Street, recounted that the Traffic Commission says that if Williams Court were to be made a two-way street on-street parking would need to be removed as a potential alternative it remaining one-way. **Councilor Cox** said that was why she wanted the Chiefs and DPW Director to weigh in on the matter –



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-037
SUBJECT: Local adoption of MGL Ch. 272, §80F concerning the prohibition of giving live creatures as prizes or awards.
DATE OPENED: 8/22/2017
CONTINUED TO:
CONTINUED FROM: 8/8/2017
COMMITTEE: O&A 7/17/2017
City Council 8/8/2017

PUBLIC HEARING
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing **on Tuesday, August 8, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to:

Local adoption by the Gloucester City Council of MGL c. 272, §80F concerning the prohibition of giving living creatures as prizes:

"No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars."

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

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

AD#13593112
CAB 7/28/17

Ordinances & Administration: July 31

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

DISCUSSION:

Councilor LeBlanc said this Council Order from 2015 is being withdrawn at the request of Councilor Cox.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to permit the withdrawal of CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted, without prejudice.

DISCUSSION:

Councilor LeBlanc advised this is a similar withdrawal of a Council Order from 2016.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted, without prejudice.

Scheduled Public Hearings:

1. PH2017-029: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.8.3, 1.5.3(c), and 5.7 "Major Project" and 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities"

This public hearing is opened at 7:44 p.m.

Council President Ciolino opened the public hearing and announced that it was continued with the assent of the applicant.

This public hearing is continued to August 22, 2017 at 7:44 p.m.

2. PH2017-0 23: Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 06/27/17)

This public hearing is opened at 7:45 p.m.

Council President Ciolino announced that this matter is opened and continued to August 22, 2017.

This public hearing is continued to August 22, 2017 at 7:45 p.m.

- 
3. PH2017-037: Local Adoption of MGL Ch. 272, §80F which prohibits giving live animals as prizes or awards

This public hearing is opened at 7:45 p.m.

Council President Ciolino said this matter is still pending at the Committee level and will be continued to August 22, 2017.

This public hearing is closed at 7:45 p.m.

For Council Vote:

- 1. Decision to Adopt SCP2017-007: Main Street #63, Map 7, Lot 34, GZO Sec. 3.2.2 to decrease the minimum open space and lot area requirement for the conversion of office space on the 2nd and 3rd floors into apartments**

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision (SCP2017-007) for Main Street #63 pursuant to Sec. 3.2.2 of the Gloucester Zoning Ordinance.

Unfinished Business: None.

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

Update on the Council on Aging Board by City Council Representative, Councilor Valerie Gilman who highlighted the following Council On Aging (COA) matters:

- Last evening about 130 seniors from the Rose Baker Senior Center and Rockport Council on Aging attended the Annisquam Village Player's dress rehearsal for the Broadway musical, Singin' in the Rain.
- There is a fundraiser for the Senior Center by collecting mercury button cell batteries, and when 100 lbs. of batteries is collected the Council on Aging can earn up to \$1,000 a year. The public is asked to drop their button cell batteries at the Senior Center in the receptacle provided.
- The restrooms have been renovated at the Senior Center.
- Workers at the Senior Center have updated their CPR training.
- The COA Board is looking at how different parts of the city handle their emergencies with the city's seniors. The Board proposed a meeting with the Mayor and her team to discuss how the city can "replicate" the Annisquam Good Neighbors Program where everyone reaches out to homebound seniors with each senior assigned to those neighbors who have generators and a bed for them in a storm-related or electrical emergency and ensure their safety. As they look at the emergency preparedness program at the Rose Baker Senior Center, the COA Board will work with the Mayor to ensure the city's seniors stay well and safe in weather related and power outage emergencies in the outlying areas of the city.
- Drivers are now being certified to drive the new Senior Center van.

Councilors' Requests to the Mayor:

Councilor Cox requested through the Mayor that the DPW use a street sweeper on all city streets that don't allow parking saying that one of the arguments is that street sweeping is difficult because people can't or won't get their cars off the streets. She indicated at least the street sweeping can be done on city streets where no parking is allowed or only parking on one side of the street is allowed. She announced the Gloucester Rotary Club will hold its annual fundraising Pancake Breakfast Saturday, August 19 concurrently with the annual Waterfront Festival.

Note: The fundraiser runs from 7:30 a.m. to 11:00 a.m. at Stage Fort Park. Tickets for the Pancake Breakfast are available for \$8 from any Gloucester Rotarian and select local businesses. For more information see link here: <https://capeanncommunity.com/2017/08/08/gloucester-rotary-pancake-breakfast-2/>

Councilor Lundberg announced that at 4:30 p.m. on Thursday, August 10 at Beverly City Hall Council Chambers, Governor Baker's administration is holding a listening meeting with Secretary of Housing and Economic Development, Jay Ash, to receive input from constituents who would be affected by the dredging of the Annisquam River and why it's dredging is important. He advised Rep. Ann-Margaret Ferrante asked that he reach out to some constituents which he has done. He noted that the city will be represented by himself, Harbormaster T.J. Ciarametaro and Tony Gross, Waterways Board Chair at this meeting. He said that the state will ultimately have to contribute funds towards the dredging of the river if the federal funds are approved. He highlighted that on the way into this Council meeting outside of City Hall there was a group giving out pins imprinted with, "Yes in My Back Yard," a group vocal in support of creating more affordable housing in the city. He said they assured the group that this issue is a top priority on the city's agenda and that of the Council. He thanked the "YIMBY" members or coming out this evening to express their views.

city would have to do a Home Rule Petition to raise the fine any higher than that. **Ms. Senos** pointed out with late fees \$50 would be the most the city could charge because the state law says overall the fines can't go over \$75. **Interim Chief McCarthy** suggested that the beach district should extend to a one-mile radius rather than picking and choosing particular streets.

Councilor Cox noted off season that the Wingersheek Beach gate is closed to the lot and there is on-street parking from Camp Spindrift moving forward towards the beach with vehicles parked on both sides of the street which is illegal. **Interim Chief McCarthy** advised that when they see a day very warm day in the spring before beach season or in the fall after the close of the season, they will do their best to open the gates, recounting they did so this past May when the city experienced some very warm weather. **Mr. Destino** said the city opened up the Little League Field at Stage Fort Park to paid parking this past weekend which was the busiest weekend ever to date for the city.

Ms. Senos said that General Counsel reached out to Councilor O'Hara conveying that once the roads for the beach district were named or a one-mile distance was outlined and those streets listed, that a Home Rule Petition could be drafted. **Councilor Cox** said that a Home Rule Petition should be put forward as soon as possible. **Mr. Destino** said that the dollar amount named in the petition should be chosen to act a deterrent. **Councilor O'Hara** said that a high dollar ticket plus a tow fee will be a good deterrent. It was noted that the cost to the city to raise the fine to the limit of \$50 (which keeps the fees for late payment to the \$75 limit by state law per ticket) would be greater than the income given that the Code of Ordinances would have to be updated as well as tickets reprinted, etc. The Committee agreed that the Home Rule Petition was the right way to go. **Councilor Gilman** suggested that other Councilors should be included to discuss whether other areas in the city should be included after taking a careful look at beach district mapping.

Councilor LeBlanc confirmed that Councilor O'Hara would meet with the Traffic Commission to complete the beach district mapping and will consult with other Councilors whose Wards are or could be affected. **Mr. Destino** suggested caution in mapping and to limit areas to beach districts. He also suggested that the city's state legislators be contacted to make them aware of the city's desire to submit a Home Rule Petition for beach district parking fines.

This matter is continued to September 18, 2017.

→ 10. *CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval"*

Councilor LeBlanc pointed out that there is already a state law that prohibits giving away any live animal as a prize which was overlooked. **Councilor Cox** said the incident that precipitated this matter has already been dealt with by her and assured it wouldn't happen again. **Ms. Senos** said that the Licensing Commission doesn't know what the specific prizes that are given away by vendors. There was a discussion on this matter as to previous issues although infrequent of live animals being given as prizes. **Councilor Cox** suggested that Councilor O'Hara withdraw his Council Order then the Committee could move to adopt the pertinent state law. It was noted the state law fine is \$100. **Councilor LeBlanc** asked that it be clarified by the time of the public hearing whether the fine is per animal or in general.

Rowan Trainor, 15 Chapel Street, said she got a fish at Fiesta as a prize and gave it a good home, even naming it. Three days later the fish was dead which she said made her very sad. She expressed her concern for all the fish given away as prizes and didn't want other children to go through what she had.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council adopt M.G.L. Ch. 272, §80F as follows: "No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 4 "Animals" Art. I "In General" by ADDING new Sec. 4-3 as follows:

“No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Secs. 4-4 – 4-14 Reserved.”

This matter will be advertised for public hearing

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:10 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-042
SUBJECT: Amend GCO Ch. 4 "Animals" Article I "In General" by ADDING a new subsection 4-3 re: prohibition of giving live animals as prizes or awards.
DATE OPENED: 08/22/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 7/17/2017

NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **Tuesday, August 22, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendment to the Gloucester Code of Ordinances:

Amend Chapter 4 "Animals" Article I "In General" by ADDING a new subsection 4-3 as follows:

"No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance.

The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Secs. 4-4 – 4-14 Reserved."

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

By Vote of the City Council
Joanne M. Senos

GT – 8/11/17

city would have to do a Home Rule Petition to raise the fine any higher than that. **Ms. Senos** pointed out with late fees \$50 would be the most the city could charge because the state law says overall the fines can't go over \$75. **Interim Chief McCarthy** suggested that the beach district should extend to a one-mile radius rather than picking and choosing particular streets.

Councilor Cox noted off season that the Wingersheek Beach gate is closed to the lot and there is on-street parking from Camp Spindrift moving forward towards the beach with vehicles parked on both sides of the street which is illegal. **Interim Chief McCarthy** advised that when they see a day very warm day in the spring before beach season or in the fall after the close of the season, they will do their best to open the gates, recounting they did so this past May when the city experienced some very warm weather. **Mr. Destino** said the city opened up the Little League Field at Stage Fort Park to paid parking this past weekend which was the busiest weekend ever to date for the city.

Ms. Senos said that General Counsel reached out to Councilor O'Hara conveying that once the roads for the beach district were named or a one-mile distance was outlined and those streets listed, that a Home Rule Petition could be drafted. **Councilor Cox** said that a Home Rule Petition should be put forward as soon as possible. **Mr. Destino** said that the dollar amount named in the petition should be chosen to act a deterrent. **Councilor O'Hara** said that a high dollar ticket plus a tow fee will be a good deterrent. It was noted that the cost to the city to raise the fine to the limit of \$50 (which keeps the fees for late payment to the \$75 limit by state law per ticket) would be greater than the income given that the Code of Ordinances would have to be updated as well as tickets reprinted, etc. The Committee agreed that the Home Rule Petition was the right way to go. **Councilor Gilman** suggested that other Councilors should be included to discuss whether other areas in the city should be included after taking a careful look at beach district mapping.

Councilor LeBlanc confirmed that Councilor O'Hara would meet with the Traffic Commission to complete the beach district mapping and will consult with other Councilors whose Wards are or could be affected. **Mr. Destino** suggested caution in mapping and to limit areas to beach districts. He also suggested that the city's state legislators be contacted to make them aware of the city's desire to submit a Home Rule Petition for beach district parking fines.

This matter is continued to September 18, 2017.

→ 10. *CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval"*

Councilor LeBlanc pointed out that there is already a state law that prohibits giving away any live animal as a prize which was overlooked. **Councilor Cox** said the incident that precipitated this matter has already been dealt with by her and assured it wouldn't happen again. **Ms. Senos** said that the Licensing Commission doesn't know what the specific prizes that are given away by vendors. There was a discussion on this matter as to previous issues although infrequent of live animals being given as prizes. **Councilor Cox** suggested that Councilor O'Hara withdraw his Council Order then the Committee could move to adopt the pertinent state law. It was noted the state law fine is \$100. **Councilor LeBlanc** asked that it be clarified by the time of the public hearing whether the fine is per animal or in general.

Rowan Trainor, 15 Chapel Street, said she got a fish at Fiesta as a prize and gave it a good home, even naming it. Three days later the fish was dead which she said made her very sad. She expressed her concern for all the fish given away as prizes and didn't want other children to go through what she had.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council adopt M.G.L. Ch. 272, §80F as follows: "No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 4 "Animals" Art. I "In General" by ADDING new Sec. 4-3 as follows:

“No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Secs. 4-4 – 4-14 Reserved.”

This matter will be advertised for public hearing

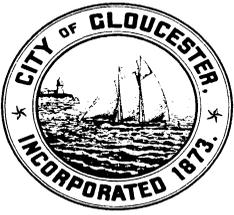
A motion was made, seconded and voted unanimously to adjourn the meeting at 7:10 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-043

SUBJECT: Amend GCO Ch. 9 "Trash, Recycling and Litter" by ADDING a new Sec. 9-12 re: Prohibition of Plastic Checkout Bags, 8/22/2017

DATE OPENED:

CONTINUED TO:

CONTINUED FROM:

COMMITTEE:

O&A 7/31/2017

GCO

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold a public hearing on **Tuesday, August 22, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

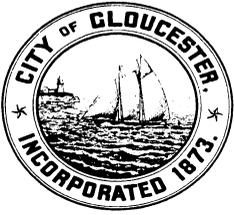
Amend Chapter 9 "Trash, Recycling and Litter" Sec. 9-12 (reserved) by ADDING a new Sec. 9-12 as follows:

- (a) "Carryout Bag" A bag provided by a retail establishment to a customer at the point of sale for the purpose of removing products purchased therein.
- (b) "Compostable Plastic Bag" A plastic bag that (1) conforms to the current ASTM D6400 specifications for compostability; and (2) is certified and labeled as meeting the ASTM D6400 standard specifications by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "compostable."
- (c) "Marine Biodegradable Plastic Bag" A plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "marine degradable."
- (d) "Recyclable Paper Bag" A paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400.
- (e) "Retail Establishment" means any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors, selling clothing, food, and personal items, and dry cleaning services.
- (f) No retail establishment shall provide single-use plastic bags to customers.
- (g) If a retail establishment provides carryout bags to customers, the bags must comply with the requirements of being compostable bags. Nothing in this section shall prohibit customers from using bags of any type that they bring to the retail establishment or from carrying away goods that are not placed in a bag, in lieu of bags provided by the retail establishment.

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

By Vote of the City Council
Joanne M. Senos

AD#13597851
CAB 8/11/17



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-044
SUBJECT: Amend GCO Ch. 9 "Trash, Recycling and Litter" by **ADDING** a new Article II "Prohibition on Polystyrene-Based Disposable Food Serving Items".
DATE OPENED: 8/22/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 7/31/2017

GCO
LEGAL NOTICE
NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold a public hearing on **Tuesday, August 22, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

Amend Chapter 9 "Trash, Recycling and Litter" by **ADDING** a new Article II, "Prohibition on Polystyrene-Based Disposable Food Serving Items" "Sec. 9-20" as follows:

"Effective September 01, 2018 polystyrene food and beverage containers shall not be used in the City of Gloucester to package or serve food or beverages if that packaging takes place on the premises of "food establishments" as defined in Sec. 9-21. In the event that compliance with this ordinance is not feasible for a food establishment because of either unavailability or alternative non-polystyrene containers or economic hardship, the Director of Health may grant a waiver of not more than six months upon application of the owner or owner's representative."

And by **ADDING** "Sec. 9-21 Definitions" as follows:

- (a) "Food Establishment" shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.
- (b) "Polystyrene" means and includes blown polystyrene and expanded and extruded foams, also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques including, but not limited to, fusion of polymer spheres, injection molding, form molding, and extrusion-blown molding; in this section references as "Foam Polystyrene." Foam Polystyrene is generally used to make cups and clamshell containers. The term also includes clear or solid polystyrene, which is also known as "oriented", and referenced in this section as "Rigid Polystyrene." Rigid Polystyrene is generally used to make clear clamshell containers.
- (c) "Compostable" means materials that will completely degrade into, or otherwise become part of, usable compost in a safe and timely manner. Compostable, disposable food service ware must meet ASTM- Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled.
- (d) "Biodegradable" means materials that will completely degrade and return to nature.
- (e) "Recyclable" means a material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product.
- (f) "Reusable" means any material that will be used more than once in its same form by a food establishment.

And by **AMENDING** GCO Ch. 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code" by **ADDING** as follows:

"Violations of Sec. 9-20 of the Code of Ordinances shall be subject to civil ticketing by agents of the Health Department". If a violation has occurred a warning notice shall be issued for the first offense. The penalty for each violation that occurs after the initial violation shall be: \$50.00 for the first offense and \$100.00 for each offense thereafter."

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

By Vote of the City Council
 Joanne M. Senos

AD#13597862
 CAB 8/11/17



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-029
SUBJECT: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 “Major Project” and Sec. 5.27 “Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities”.

DATE OPENED: 8/22/2017
CONTINUED TO: 9/12/2017
CONTINUED FROM: 8/8/2017
COMMITTEE: P&D 5/3/2017, 5/17/2017, 6/7/2017, 8/2/2017, 8/16/2017
City Council 6/13/2017, 6/27/2017, 8/8/2017

38 Great Republic Drive
LEGAL NOTICE
NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, Section 11, the **Gloucester City Council** will hold a public hearing on **Tuesday, June 13, 2017 at 7:00 PM** in the **Kyrouz Auditorium, City Hall**, relative to the following Special Council Permit Application:

SCP2017-006: The Application of Seaside Legal Solutions, P.C., Attorney Joel Favazza, on behalf of Applicant, Happy Valley Ventures MA, Inc., and Owner, Great Republic, LCC, for a Special City Council Permit to construct and allow a Medical Marijuana Treatment Center and Medical Marijuana Cultivation Facility pursuant to Gloucester Zoning Ordinance Sec. 1.8.3, Sec. 1.5.3 (c), Sec. 5.7 and Sec. 5.27 located at 38 Great Republic Drive, Assessor's Map 263, Lot 64 in the BP (Business Park) District.

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.**

The complete application is available for review at the office of the City Clerk at City Hall during regular business hours.

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

AD#13571064
CAB 5/26, 6/2/17

**WARRANT FOR THE CITY OF GLOUCESTER
PRELIMINARY ELECTION
TUESDAY, SEPTEMBER 19, 2017**

ORDERED, that due notice in the manner provided by law be given to all the voters of the City of Gloucester, qualified to vote, to meet in the ten Precincts of the City, **TUESDAY, THE NINETEENTH DAY OF SEPTEMBER, 2017** then and there between the hours of **7:00 o'clock** in the forenoon and **8:00 o'clock** in the evening to give in their votes for candidates for the following offices:

MAYOR.....VOTE FOR NOT MORE THAN ONE

BE IT FURTHER ORDERED, that the following locations be and are hereby designated for the meeting of such qualified voters on the **19th day of September 2017**.

WARD & PRECINCT

- 1-1 East Gloucester School
- 1-2 Veterans Memorial School
- 2-1 Our Lady of Good Voyage Church Youth Center
- 2-2 Our Lady of Good Voyage Church Youth Center
- 3-1 Gloucester High School Field House
- 3-2 Gloucester High School Field House
- 4-1 Beeman Memorial School
- 4-2 Lanesville Community Center
- 5-1 Magnolia Library Center
- 5-2 West Parish Elementary School

LOCATION

- 8 Davis Street Extension
- 11 Webster Street
- 140 Prospect Street
- 140 Prospect Street
- 36 Leslie O. Johnson Rd.
- 36 Leslie O. Johnson Rd.
- 138 Cherry Street
- 8 Vulcan Street
- 1 Lexington Avenue
- 10 Concord Street

Given under our hands this **22nd** day of **August, 2017**.

By Vote of the City Council: _____
Joanne M. Senos, City Clerk

Date _____

In Re:

Application of Anthony Pagnotti)	
for a Special Council Permit)	
for 36 River Road)	
Pursuant to the)	DECISION OF THE CITY
City of Gloucester Zoning Ordinance)	COUNCIL OF THE CITY
)	OF GLOUCESTER
Section 1.8.3)	
Section 2.3.6(4))	
SCP 2017-009)	

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 Anthony Pagnotti (“Mr. Pagnotti”) for a Special Council Permit (“Special Permit”) for 36 River Road pursuant to Sections 1.8.3 and 2.3.6 (4) of the City of Gloucester Zoning Ordinance (“GZO”).

The property is located at 36 River Road, Gloucester and is shown on Assessor’s Map 118, as Lot 55 (“Site”). The Site is located in a Low/Medium Density Residential (R-20) zoning district. Mr. Pagnotti seeks a Special Permit as required by Sections 1.8.3 and 2.3.6(4) of the GZO. Section 1.8.3 of the GZO lays out the standard for issuing a Special Permit; Section 2.3.6(4) lays out the conditions for arts, crafts and the sale of arts or crafts if made on premises in each zoning district.

On June 7, 2017, Mr. Pagnotti filed an Application for a Special Permit to permit art, crafts and the sale of arts or crafts at 36 River Road. The application is incorporated herein by reference.

PLANNING AND DEVELOPMENT COMMITTEE

On June 21, 2017, the Planning and Development Committee (“P&D”) held a properly noticed meeting. Anthony Pagnotti, owner and applicant asked that he be permitted to open an art gallery on his property.

Councilor Lundberg and Councilor Cox noted that Mr. Pagnotti’s application indicates that art from another artist would be on display. Mr. Pagnotti stated that an artist from Rockport would display work. The ordinance requires that the artist live at the address. Councilor Lundberg also asked about the six criteria under GZO 1.8.3. Mr. Pagnotti had no comment.

Councilor Cox expressed concern about traffic flow and safety criteria. Mr. Pagnotti indicated that he will park his personal vehicles on the street which will allow for off street parking for visitors. Councilor Cox stated that there should be off street parking for both Mr. Pagnotti and visitors. Councilor Lundberg also expressed concern about increased traffic on an already congested River Road.

After discussion, P&D voted 0 in favor, 3 opposed, to recommend that the City Council issue a Special Permit under GZO Section 2.3.6(4) for arts, crafts and sale of art or crafts if made on premises for 36 River Road, Assessors Map 118, Lot 55, Zoned R-20 to the owner and applicant Anthony Pagnotti, to operate a gallery for the sale of art objects with the following conditions:

- 1) The art gallery is to be located on the residential premises of 36 River Road 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 Anthony Pagnotti;
- 3) The parking for the gallery visitors shall be entirely off-street as shown on plans submitted to and approved by the City Council; and
- 4) The granting of this permit is restricted to the applicant and current owner Anthony Pagnotti and shall expire when the applicant ceases to operate this gallery as approved.

CITY COUNCIL

On July 11, 2017, the City Council opened the public hearing on the Application at 7:32 p.m. Mr. Pagnotti did not appear.

One neighbor spoke in opposition to the Special Permit. She expressed concern regarding increased traffic on an already busy road. She submitted photographs of traffic congestion and unsafe pedestrian conditions. She also expressed concerns about Mr. Pagnotti operating a beauty parlor at his residence in violation of the ordinance.

Nine other communications stated that the residents were concerned about traffic and congestion, limited parking and safety issues.

The City Council closed the public hearing at 7:39 p.m.

The City Council then read the recommendation of the Planning and Development Committee.

Councilor Lundberg stated the Planning and Development Committee was concerned that Mr. Pagnotti intended to sell art other than his own in violation of the ordinance and was concerned about traffic and congestion. Councilor Gilman stated that she was also concerned about these issues.

FINDINGS OF THE CITY COUNCIL

MOTION: The City Council voted by ROLL CALL 0 in favor, 9 opposed, to grant the Special Council Permit under GZO Section 2.3.6(4) for arts, crafts and sale of art or crafts if made on premises for 36 River Road, Assessors Map 118, Lot 55, Zoned R-20 to the owner and applicant Anthony Pagnotti, to operate a gallery for the sale of art objects with the following conditions:

- 1) The art gallery is to be located on the residential premises of 36 River Road 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 Anthony Pagnotti;
- 3) The parking for the gallery visitors shall be entirely off-street as shown on plans submitted to and approved by the City Council; and
- 4) The granting of this permit is restricted to the applicant and current owner Anthony Pagnotti and shall expire when the applicant ceases to operate this gallery as approved.

The Special Permit is denied.

In denying this Special Permit, the City Council has relied upon the oral and written representations made by the applicant in documents submitted in support of his application and in his appearance at the Committee meeting on the application.

Each finding and term of this Decision is intended to be severable. Any invalidity in any finding or term of this Decision shall not be held to invalidate any other finding or term of this Decision.

The minutes of the June 21, 2017 Planning & Development Committee meeting and the July 11, 2017 City Council public hearing and all documents and testimony received during the meetings and the hearings are incorporated into this Decision.

Accordingly, by said City Council Vote of July 11, 2017, the Special Council Permit application for arts, crafts and the sale of arts or crafts if made on premises at 36 River Road is hereby **DENIED**.

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 July 11, 2017 vote of the City Council sitting as the special permit granting authority.

Joseph Ciolino
President, Gloucester City Council

Joanne M. Senos
City Clerk

Dated: _____, 2017