



# City of Gloucester City Council

CITY CLERK  
GLOUCESTER, MA

11 FEB 24 AM 8:34

CITY HALL @ GLOUCESTER @ MASSACHUSETTS

## CITY COUNCIL STANDING COMMITTEE Ordinances & Administration Monday, February 28, 2011 – 6:30 p.m. KYROUZ AUDITORIUM – City Hall

### AGENDA

#### 1. *Old Business:*

- A) Amending GCO Chap. 11 Hawkers and Peddlers and Transient Vendors Sec. 11-5 (6) (2) Fixed Vending; site specific locations (Cont'd from 02/14/11)

#### 2. *Continued Business:*

- A) CC2011-004 (Mulcahey) Traffic Commission be requested to investigate a new location for a vending site and make their Recommendation to the O&A Committee et. al. (Cont'd from 01/31/11)
- B) CC2011-002 (Theken) Amend GCO Sec. 22-270(Parking Prohibited at All Times) be amended By ADDING Magnolia Avenue from under the train bridge to its intersection with Essex Avenue both sides (Cont'd from 01/31/11)
- C) Memo from Recycling Coordinator re: revisions to GCO Sec. 9-1 and 9-2(a) (Trash & Recycling Containers) (Cont'd from 01/31/11)
- D) CC2010-083 (Mulcahey) Amend GCO Sec. 22-287. (Disabled veteran, handicapped parking) re: Vicinity of 4B Summit Street (Cont'd from 01/31/11)
- E) Memo from Police Chief and Fire Chief re: adoption of MGL Chap. 31 §58A pertaining to Hiring full-time Police and Firefighter positions (Cont'd from 02/14/11)
- F) Memorandum and Information regarding proposed changes to Gloucester City Ordinance Chapter 10-Waterways Administration Sections 10-3 to end (Cont'd from 02/14/11)
- G) Stormwater Utility Fee Structure (referred from 02/15/11 City Council Meeting)

#### 2. *Re-Appointments:*

Affordable Housing Trust	TTE 02/14/13	Ruth Pino, Michael Luster
Board of Health	TTE 02/14/14	Claudia Schweitzer, Fred Cowan
Board of Registrars	TTE 02/14/14	Lucia Sheehan
Cable TV Advisory Committee	TTE 02/14/14	Margaret Lecco, Briggs Longbotham, Robert McGillvray
Conservation Commission	TTE 02/14/14	Arthur Socolow, Robert Gulla
Downtown Development Comm.	TTE 02/14/14	John Orlando, Douglas Cook, Katherine Cuddyer
Historic Downtown District	TTE 02/14/14	David Porper, Nancy Goodick
Historical Commission	TTE 02/14/14	David Rhineland
Mariners Medal Committee	TTE 02/14/14	Paul Frontiero
Open Space Committee	TTE 02/14/14	Charles Crowley, Susan Hedman
Shellfish Advisory Commission	TTE 02/14/14	David Roach, Bruce Maki
Tourism Commission	TTE 02/14/14	Lorre Anderson, William Samenfink, Peter Jenner, Jeanne Boland

Traffic Commission TTE 02/14/14 Larry Ingersoll  
Waterways Board TTE 02/14/14 Anthony Gross  
Zoning Board of Appeals Virginia Bergmann, David Gardner (Alternate) Francis Wright

3. ***CC2011-007 (Hardy) That O&A review the following City Ordinances: ARTICLE II. Chapter 8-16(b) FIRE DEPARTMENT and ARTICLE II. Chapter 7-16(b) POLICE DEPARTMENT (Referred from Special City Council Meeting of 02/15/11)***
4. ***CC2011-008 (Hardy) Creation of language for ballot question re: recently enacted Water Ordinance and pending Home Rule Petition related to same (Referred from Special City Council Meeting of 02/15/11)***
5. ***Group Petition for reconsideration and amendment of GCO Sec. 22-220(c) "Anti-Shuffling" ordinance***

## COMMITTEE

Councilor Sefatia Theken, Chair  
Councilor Ann Mulcahey, Vice Chair  
Councilor Bruce Tobey

*Committee members – Please bring relevant documentation*

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Carolyn Kirk  
Jim Duggan  
Linda T. Lowe  
Robert Ryan/Larry Ingersoll  
Fire Chief Phil Dench/Deputy Chief Steve Aiello  
Police Chief Michael Lane  
Suzanne Egan  
Rose LoPiccolo  
David Bain

**CITY OF GLOUCESTER  
TRAFFIC COMMISSION**

**A meeting was held on Thursday February 17th, 2011 at 6:00 p.m.  
at the third floor conference room at Gloucester City Hall**

The meeting was opened at 6:00 p.m. by Chairman Robert B. Ryan. Also attending were members Larry Ingersoll, Anthony Bertolino and Michael Mulcahey. Also present were City Councilor Ann Mulcahey and Robert Brooks Sr.

***AGENDA***

The following was tabled at our last meeting:

Order #2010-083 (Councilor Mulcahey) Ordered that the GCO Sec. 22-287 (Handicapped Parking) be amended by ADDING:

Summit Street, one handicapped parking space in the vicinity of #4B

*(January Meeting) A MOTION was made, seconded and PASSED to TABLE this request as no handicapped placard has been provided and the TC isn't aware of who is requesting the space.*

*(February Meeting) After a discussion and speaking to the requestor, a MOTION was made, seconded and PASSED (3-0 vote, one abstention [B Ryan]) to APPROVE the order as requested. The sign can be placed in front of 4 Summit Street.*

***NEW ORDERS***

Order #CC2011-002 (Councilor Theken) Ordered that the GCO Sec 22-270 (Parking Prohibited at all Times) be amended by ADDING:

Magnolia Avenue from under the train bridge to its intersection with Essex Avenue, both sides.

*After a discussion and an e mail from Councilor Theken A MOTION was made, seconded and PASSED to APPROVE the order. The TC also recommends that the order be amended to add Sec 22-291 (Tow Zone) to better enforce the 'No Parking' ordinance.*

Order #CC2011-004 (Councilor Mulcahey) Ordered that the TC be requested to investigate a vending site and make their recommendation to the O&A; and further ordered that upon approval of this site, that the GCO Chapter 11, Art II sec 11-5 (Fixed vending; site specific locations) be amended to reflect same.

*As requested by the O&A Committee, the TC reviewed 13 months of police department records and found that there was only one very minor reported motor vehicle accident at the intersection of Commercial Street and Rogers Street. The traffic issues in the area consist of heavy congestion, stop sign violations at the end of Commercial Street and large vehicles parked for long periods in the 'Loading Zone' along the north side of Commercial Street. These exist regardless of any specific vending site. The previous vending site added to this problem due to an extension of the vending area and vehicles double parking or parking in the crosswalk to speak to the vendor. The vendor was also discouraging other vehicles from parking in the metered space nearby, so as to increase his area.*

*The TC suggests three vending sites and stresses that any conditions added to them be enforced, (although the TC is unsure of what specific city agency would do the enforcing). They are (in no particular order):*

*The former 'Duck Boat' area on Rogers Street in front of the Fitz H. Lane parking lot and at the southwest corner of the east entrance to Harbor Loop.*

*Main Street, southerly side, by the boatyard and in the area across from the area of Scott Street and 360 Main Street. (This area is sometimes used for vending now)*

*Rogers Street, southerly side, in a metered area (meter #2) that currently exists between the two entrances of St. Peter's Park. Some of the issues mentioned with the previous vending spot would not exist here as the location would force customers to use St. Peter's Park if they wanted to use the vendor.*

*The TC also recommends that an ordinance be created for a 'Yield' sign to be installed on the northeast corner of Rogers Street where it intersects with Washington Street (on the corner with the Bank of America ATM). This would inform drivers who may be considering traveling from Rogers to Commercial Street that they should yield to the vehicles coming down Washington Street and turning onto Rogers Street.*

The meeting was adjourned at 6:57 p.m.

ROBERT B. RYAN, Chairman

LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2011  
CITY COUNCIL ORDER**

**ORDER:** #CC2011-004  
**Councillor** Ann Mulcahey

**DATE RECEIVED BY COUNCIL:** 01/25/11  
**REFERRED TO:** TC & O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that the Traffic Commission be requested to investigate a vending site and make their recommendation to the Ordinances and Administration; and further

**ORDERED** that upon approval of this site that the GCO Chapter 11 Article II Sec. 11-5 "Fixed vending; site specific locations(6)" be amended to reflect the same.

Ann Mulcahey  
Councillor – Ward 2



**CITY OF GLOUCESTER 2011  
CITY COUNCIL ORDER**

**ORDER:** #CC2011-002  
**Councillor** Sefatia Theken

**DATE RECEIVED BY COUNCIL:** 01/25/11  
**REFERRED TO:** TC & O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that the GCO Sec. 22-270 "Parking prohibited at all times" be amended by

ADDING: Magnolia Avenue from under the train bridge to its intersection with Essex Avenue both sides, and further

**ORDERED** that this matter be referred to the Traffic Commission and Ordinances and Administration standing committee for review, recommendation and measurements.

Sefatia Theken  
Councillor At Large

CITY CLERK  
GLoucester, MA  
11 FEB 11 AM 11:32

LAW DEPARTMENT

MEMORANDUM

TO: City Council

FROM: Suzanne P. Egan *SE*  
General Counsel

RE: Recycling/Trash Ordinance Amendments  
Code of Ordinances Sections 9-1 and 9-2(a)

DATE: February 11, 2011

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The Ordinance and Administration Committee requested this office review the proposed changes to sections 9-1 and 9-2(a) of the Code of Ordinances. The proposed changes are consistent with the solid waste contract and will serve to clarify the definitions contained within the ordinance.

Cc Rose LoPiccolo, Recycling Coordinator

**Revisions to City Code Of Ordinances:**

9-1 Definitions

**Add:**

1. **Household** – The single residential unit within a single or multi-family complex,
2. **Municipal Collection Program** – The program that collects solid waste and recyclable materials including yard waste, white goods (freon and non freon bearing), all televisions and all computer displays from all eligible residents, mixed use buildings, municipal facilities, locations and schools.
3. **Residential Unit** – A dwelling within the corporate limits of the city occupied by a person or group of persons comprising of not more than four (4) units.
4. **Solid Waste** – Household trash generated within the **home** and bulky items such as furniture, not including recyclable material, construction materials or hazardous waste material, or construction & demo materials from remodeling.
5. **Pay As You Throw (PAYT) Program** – The City's Pay As You Throw trash collection program whereby residential trash must be contained in and official PAYT trash bag or bear a bulky item sticker.
6. **Bulk Item Sticker** - sticker required for curbside bulky item pick up.
7. **Bulky Item** – Furniture predominately non-metallic, weighing over 50 pounds not fitting into Official PAYT Bag.

**Edits:**

**Plastic containers** – shall mean PET polyethylene terephthalate, HDPE High Density Polyethylene, *plastics #1 thru #7*, not including oil or any other hazardous materials with a chemical residue.

**Recyclables** – shall mean glass containers, *plastics #1 thru #7*, “junk mail”, newspapers, clean corrugated cardboard, and tin/steel containers.

**Sec. 9-2 Trash/recycling containers:**

(a) All households who are eligible for the Municipal Collection Program, are required to place solid waste in official Gloucester PAYT (Pay As You Throw) bags, either in or out of barrels. Any bag and/or barrel weighing more than fifty (50) pounds will not be picked up by the contractor who holds a permit for the collection of trash from the board of health. Any owner of a building with five (5) or more residential units, business, non-profit, and private school shall provide private trash collection. Official Gloucester PAYT bags, either in or out of a barrel shall be placed at the curb not later than 7 a.m. on the day of collection.

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GLoucester, MA  
CITY CLERK

**Proposed Revisions to City Code Of Ordinances:**

**9-1 Definitions**

**Add:**

1. **Household** – The single residential unit within a single or multi-family complex,
2. **Municipal Collection Program** – The program that collects solid waste and recyclable materials including yard waste, white goods (freon and non freon bearing), all televisions and all computer displays from all eligible residents, mixed use buildings, municipal facilities, locations and schools.
3. **Residential Unit** – A dwelling within the corporate limits of the city occupied by a person or group of persons comprising of not more than four (4) units.
4. **Solid Waste** – Household trash generated within the **home** and bulky items such as furniture, not including recyclable material, construction materials or hazardous waste material, or construction & demo materials from remodeling.
5. **Pay As You Throw (PAYT) Program** – The City's Pay As You Throw trash collection program whereby residential trash must be contained in and official PAYT trash bag or bear a bulky item sticker.
6. **Bulk Item Sticker** - sticker required for curbside bulky item pick up.
7. **Bulky Item** – Furniture predominately non-metallic, weighing over 50 pounds not fitting into Official PAYT Bag.

**Edit:**

**Plastic containers** – edit plastics 1 and 2 only to: plastics #1 thru #7

**Recyclables** – edit plastics 1 and 2 to: 1 thru 7.

**Revisions:**

**Sec. 9-2 Trash/recycling containers:**

(current)

(a) Trash should be placed in a private container for collection by a contractor who holds a permit for the collection of trash from the board of health, except however, any owner of a building with five (5) or more residential units shall provide private weekly trash collection for that building. (Ord. 01-38 10/9/2001)

Any such container should be constructed of metal or plastic and shall be covered at all times to prevent trash from being scattered. Approved containers shall be placed curbside no later than 7:00 a.m. on the day of collection.

**(Proposed)**

*(a) All households who are eligible for the Municipal Collection Program, are required to place solid waste in official Gloucester PAYT (Pay As You Throw) bags, either in or out of barrels. Any bag and/or barrel weighing more than fifty (50) pounds will not be picked up by the contractor who holds a permit for the collection of trash from the board of health. Any owner of a building with five (5) or more residential units, business, non-profit, and private school shall provide private trash collection. Official Gloucester PAYT bags, either in or out of a barrel shall be placed at the curb not later than 7 a.m. on the day of collection.*

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**Article I OVERVIEW**

**A. Description of Contract**

The Contractor shall provide the City of Gloucester with municipal solid waste and recyclable materials collection, solid waste disposal, and recyclable materials marketing. The term will be for a five-year period commencing June 29, 2009, except as otherwise provided herein, and ending June 30, 2014, and will also include a two (2) year renewal option until June 30, 2016. It will be at the sole discretion of the City of Gloucester to exercise the renewal option.

**B. Community Profile**

The City of Gloucester is a diverse community with a population of approximately 30,300 people living in roughly 12,300 households including seasonal homes. In fiscal year 2008 the City collected approximately 9,374 tons of solid waste, 1,778 tons of mixed paper and 826 tons of commingled materials as listed in Appendix A. There are currently 166 miles of road in the City of Gloucester, which occupies an area of approx. 26 square miles.

**C. Description of Solid Waste & Recycling Collection Program**

The City collects solid waste and recyclable materials from residential units up to and including four (4) units and specified mixed use and public housing units as listed in Appendix A, and 8 schools and municipal facilities and locations as listed in Appendix B. The schools, certain public housing complexes, and municipal facilities are serviced with dumpsters for solid waste collection, unless otherwise noted. Recyclable materials are collected from municipal facilities, public housing units and schools using 96-gallon wheeled carts or dumpsters, if indicated.

**D. Definitions**

**BAG** - Official PAYT plastic bags designed to store solid waste with sufficient wall strength to maintain physical integrity when lifted by the top. Volume shall not exceed 35 gallons and total weight of a bag and its contents shall not exceed 50 lbs.

➤ **BULKY ITEM** - Furniture predominantly non-metallic, weighing over 50 pounds or not fitting into Official PAYT bag.

➤ **BULKY ITEM STICKER** - sticker required for curbside bulky item pick-up

**CHRISTMAS TREES** - Christmas trees free of decorations and lights, no artificial trees or plastic bags.

**CITY** - The City of Gloucester.

**COMPUTER DISPLAYS** - all computer displays including monitors, cathode ray tubes (CRT's), laptops and flat screens

**COMPUTER DISPLAY STICKER** - sticker required for curbside computer display pick-up

**DPW Director** - DPW Director and his or her designee.

**CONSTRUCTION DEBRIS** - Waste building materials resulting from construction, remodeling, repair or demolition operations.

**CONTRACT DOCUMENTS** - This Contract, the Contractor's Technical Proposal documents, Contractor's Performance Bond, and any addenda or changes to the foregoing documents agreed to by the City and the Contractor.

**CONTRACTOR** - The Corporation identified herein receiving the Contract for Municipal Solid Waste Services and Recycling Services with the City of Gloucester.

**HAZARDOUS MATERIALS** - As defined in Article 3-S.

**DISPOSAL FACILITY** - A Solid Waste depository including but not limited to sanitary landfills, transfer stations, incinerators and waste processing and/or separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals to receive Solid Waste from the City of Gloucester for processing or final disposal.

**HOLIDAY** - The term "holiday" when used in connection with days of collection, shall include Sundays in addition to the following eleven Holidays: New Years Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day and such other holidays as determined by the City.

➤ **HOUSEHOLD** - The single residential unit within a single or multi-family complex.



**MANAGING AGENT** - A dedicated employee of the Contractor who shall work with the City to address resident complaints, educate residents about recycling, identify unacceptable waste placed at curbside and other duties outlined in Contractor's response to the City's Request for Proposal.

**MANDATORY RECYCLING** Recycling is mandatory in the City of Gloucester. The City shall provide a staff person to assist the Contractor's managing agent in educating, monitoring and enforcing a mandatory recycling program. Unless otherwise agreed by the parties, the Contractor shall not collect and dispose of any visible recycling at any location.

**MUNICIPAL COLLECTION PROGRAM** - Program that collects solid waste and recyclable materials, including yard waste, white goods (Freon bearing and non Freon) all televisions and all computer displays from eligible residents, mixed use buildings, municipal facilities, locations and schools.

**MUNICIPAL FACILITIES** - The municipal locations listed in Appendix B.

**PAYT PROGRAM** - The City's Pay as you Throw trash collection program whereby residential trash must be contained in an official PAYT trash bag or bear a bulky item sticker. The contractor shall collect trash only set out in official printed bags designated by the City or bulky items bearing a bulky item sticker. Service recipients may place official PAYT bags inside barrels.

**RECYCLABLE MATERIAL** - Material that has the potential to be recycled and is identified, listed and accepted as such by a recycling processing facility and which is not commingled with non-recyclable solid waste or contaminated by significant amounts of toxic substances as per 310 CMR 19.006.

**RECYCLING CONTAINER** - A receptacle for recycling. For the purposes of curbside collection, a container shall mean a receptacle with a capacity no greater than 36 gallons constructed of plastic, metal, or fiberglass, having handles or construction to provide adequate strength for lifting. The mouth of the container for curbside collection of recycling shall have a diameter greater than or equal to that of the base. The weight of the container and its contents shall not exceed 50 lbs unless automated collection.

**RECYCLING REBATE** - The revenue the City receives for its recyclables based on a specified formula tied to a specified market index

**REFUSE/RUBBISH** - Solid waste, not including recyclable material.

**RESIDENTIAL UNIT** - A dwelling within the corporate limits of the City occupied by a person or group of persons comprising of not more than four (4) families. Dwellings within specified and public housing complexes, whether of single or multi-level construction, shall be treated as a Residential Unit.

**SCHOOLS** - The schools listed in Appendix B.

**SOLID WASTE** - Household trash generated within the home, and bulky items such as furniture, not including recyclable materials or construction materials or hazardous waste material or construction and demolition material from remodeling.

**TELEVISIONS** - All televisions including cathode ray tubes and flat screens

**TELEVISION STICKER** - sticker required for curbside television pick-up

**TRASH LIMIT** - Participating households will have no limit to bulky items bearing a bulky item sticker per week. There shall be no limit to the number of official PAYT trash bags weighting less than 50 pounds that a participating household can put out on the curb each week. The City shall provide a staff person to assist the contractor's managing agent in educating, monitoring and enforcing bulky item limit. Unless otherwise agreed by the parties, the Contractor shall not collect and dispose of any solid waste at any location in excess of the trash limit.

**UNACCEPTABLE WASTE** - Any waste not in official City of Gloucester PAYT bag or bearing bulky waste sticker. All hazardous waste, those items banned from disposal as per 310 CMR 19.017, those items covered under the mercury disposal prohibition 310 CMR 76.00, all solid waste rejected from a disposal facility, ineligible commercial trash, stones, rocks, automobile parts, sewage wastes, construction and demolition debris.

**YARD WASTE** Yard waste shall include leaves only in paper leaf bags or loose in marked barrels

**WHITE GOODS** - Stoves, refrigerators, dishwashers, clothes dryers, washing machines, freezers, air conditioners, humidifiers, dehumidifiers, hot water tanks. White Goods shall be classified as either freon containing or non freon containing types.



**Article 2. CONTRACT TERMS**

**A. Recycling and Solid Waste Collection**

**Solid Waste Collection** - The Contractor shall provide for the collection of municipal solid waste from all eligible residential units, municipal and school facilities and specified locations within the City of Gloucester in compliance with all applicable laws, as set forth herein. The Contractor shall be responsible for collecting all acceptable solid waste at each property incorporated within the Contract. The contractor shall receive title to all waste upon its collection. The city shall not be considered the generator for any purpose. The Contractor shall provide a dedicated managing agent who shall assist the City in monitoring and enforcement.

**Recyclable Materials Collection** - The Contractor shall provide for the collection of recyclable materials from all eligible residential units, municipal facilities, schools and specified locations within the City of Gloucester in compliance with all applicable law, as determined by the DPW Director. The Contractor shall receive title to all recyclable material upon its collection. The City shall not be considered the generator for any purpose. The Contractor shall provide a dedicated Managing Agent who shall assist the City in monitoring and enforcement.

**Recyclable Materials to be collected shall include, as a minimum:**

**Commingled containers**

- Glass: clear, brown and green bottles and jars
- Aluminum: cans, foil and trays
- Metal: steel, tin, cans, and lids
- Plastic Containers: #1 through #7

**Mixed Paper**

Newspapers and advertisement inserts, magazines, telephone books, paperback books, catalogues, junk mail, white and colored office paper, brown paper bags, boxboard, and corrugated cardboard.

**Residential and Mixed use Buildings:**

The Contractor shall provide weekly collection of solid waste and weekly collection of recyclable materials from all eligible residential units and mixed use buildings. Should there be a change in the recycling collection program, the parties agree to work cooperatively to educate and provide notice of any changes in the City's recycling program and/or collection schedule.

**Municipal Facilities, Locations & Schools:**

The Contractor shall provide collection of solid waste and recyclable materials from Municipal Facilities and Schools as listed in Appendix B.

The Contractor shall be responsible for supplying and maintaining appropriately sized rubbish and recycling containers for Municipal Facilities, locations and Schools at no additional cost. The Managing Agent shall work with the City's Recycling Coordinator to improve recycling at the schools and develop an educational program for the students.

At any time and from time to time during the term of this Contract, the City may request a different size container, or add or delete pickups from containers located at municipal facilities and schools, and may delete entirely pickup from any or all locations listed in Appendix B.

**B. Solid Waste Disposal (if contractors responsibility)**

The Contractor shall secure sufficient disposal capacity for solid waste collected for the duration of this contract. The disposal cost shall be part of the Contractor's lump sum bid, except as otherwise provided herein.

The Contractor shall provide the City, in writing, with the name, address and other information reasonably requested by the City for the Disposal Facility(ies) where solid waste is taken. The Contractor shall notify the City in writing of any changes in the disposal locations. If due to government regulation ruling, the Disposal Facility is not available to dispose of the City's solid waste, the Contractor shall be responsible for providing alternative disposal facilities at no additional cost to the City.

**C. Recyclable Materials Marketing**

The Contractor shall receive title to all recyclable material upon its collection. The City shall not be considered the generator for any purpose. The Contractor shall be responsible for the marketing of all recyclable materials collected pursuant to this contract.

The Contractor shall be entitled to dispose, at the Contractor's sole expense, any individual load of recyclable material not acceptable to the secondary market due to contamination, provided that the Contractor shall notify the City of the dates, disposal sites and tonnage of unacceptable recyclable material.

**D. Christmas Trees Collection**

The Contractor providing solid waste collection shall provide collection of Christmas trees from Gloucester residents for a 1 week period in January. The collection week shall be mutually determined by the City and the Contractor. The Contractor shall deliver the collected trees to a composting facility or other site designated by the DPW Director.

**E. Yard Waste Collection**

The Contractor shall provide 1 week of yard waste collection from residents in late Fall and one week in late Spring. The collection weeks shall be mutually determined by the City and the Contractor. The Contractor shall deliver the collected yard



waste to a site designated by the DPW Director. The Contractor shall be required to collect yard waste only if it is placed in yard waste bags or loose in marked barrels.

**F. White Goods (Freon and non-freon containing)**

The Contractor shall be required to pick up white goods from eligible residences on a monthly basis. White goods will be put on the collection schedule once a sticker has been purchased from the City. The Contractor shall receive title to all specified items upon its collection. The City shall not be considered the generator for any purpose. Proper Disposal and extraction of Freon of these items shall be the responsibility of and at the sole expense of the Contractor.

**G. Bulky Items**

The Contractor shall be required to pick up bulky items bearing a bulky item sticker from each participating household as part of the weekly solid waste collection.

**Article 3- GENERAL INFORMATION**

**A. Start Date**

The Contractor shall commence work under the terms of this Contract as of June 29, 2009, except as otherwise provided herein. If a delay in the start date is caused by Force Majeure, as defined herein, the Contractor shall be entitled to additional time to commence this contract as the DPW Director shall certify in writing to be just.

**B. Collection Route**

The Contractor shall provide the City with its collection route prior to the start of the work. There shall be no changes in the collection route or schedule without the prior written consent of the DPW Director, which consent shall not be unreasonably withheld.

Throughout the life of the Contract the Contractor is expected to service residents in more or less the same order each week. The parties acknowledge the time of collection will vary from location to location, week to week. It is the Contractor's responsibility to return for any missed pickups if materials were missed due to change in time of collection that was not approved by the DPW Director.

Should the Contractor at any time receive consent from the DPW Director for an alteration in routes or schedules, it shall be the sole responsibility of the Contractor to notify all affected service recipients of the changes. The method of notifying service recipients must be approved by the City.

In the event a portion of the collection route is impassible due snow and narrow streets, the Contractor shall have an alternative collection method if such impasse is longer than two days, e.g. smaller collection truck.

**C. Communication with Residents**

Unless otherwise agreed, the Contractor shall provide, at Contractor's expense, written notice of any changes in the route, schedule or collection of materials, made at the request of the Contractor and approved by the DPW Director, to all service recipients. The content of any notice must be approved by the City.

**D. Preparation of Materials**

**a. Solid Waste**

All residents are required to place solid waste in official Gloucester PAYT bags, or other City-approved containers. (e.g. dumpsters). Any bag that weighs over fifty (50) pounds will not be picked up. Only bulky items bearing a bulky item sticker (not fitting into Gloucester PAYT bags) will be picked up.

The Contractor shall not commingle recyclable materials intended for recycling with solid waste.

The Contractor shall not commingle leaves and yard waste with solid waste collected under the contract.

The Contractor shall be required to pick up separately white goods, all computer displays and all televisions from residents. Proper disposal of these items shall be at the sole expense of the Contractor and is not to be commingled with solid waste and recyclable materials collected under this contract. The Contractor's obligation to pick up such items at the curb when properly marked with stickers does not preclude the City from offering also to accept such items on designated collection days or on an on-going basis at a designated drop-off location.

**b. Recyclable Materials**

As required currently, recyclable materials shall be separated by residents at the point of generation and shall not be the responsibility of Contractor. The following current categories are subject to change based on changes in collection, technology or regulation:



### **Commingled**

Glass: clear, brown and green bottles and jars  
Aluminum: cans, foil and trays  
Metal: steel, tin cans, and lids  
Plastic Containers: #1- #7

### **Mixed Paper**

newspapers and advertisement inserts, magazines, catalogues, junk mail (with and without plastic windows and labels), white and colored office paper, telephone books, paperback books, brown paper bags, boxboard, corrugated cardboard, etc.

All residents are required to place recyclable materials in City-approved containers and set clearly apart from regular solid waste.

There shall be no limits to the amount of recyclable materials collected from service recipients as long as it is generated at that location.

The Contractor shall not commingle recyclable materials intended for recycling with solid waste.

A chart describing the methods for household preparation of recyclable materials is included at Appendix C.

### **E. Municipal Facilities, Locations and Schools Collection**

The Contractor will collect, remove, and properly dispose of all garbage, refuse, rubbish, solid waste and recyclable material that may be produced or exist upon the premises from each of the containers and facilities listed in Appendix B, subject to the requirements set forth herein.

The Contractor agrees to make collections from each of the Municipal Facilities, Locations and Schools at the frequency specified in Appendix B. This schedule shall not be changed without the prior written consent of the City Engineer, which consent shall not be unreasonably withheld. At any time during the term of the Contract, the City may, add or delete pickups from containers listed on Appendix B, and may delete entirely pickup from any or all locations listed on Appendix B.

The Contractor shall provide, at no additional cost to the City, dumpsters, compactors and wheeled recycling carts for municipal facilities and schools as described in Appendix B. As necessary, the Contractor shall adjust the number and/or size of containers at any given site to accommodate solid waste and recyclable materials.

The Contractor shall provide dumpsters or compactors for the collection of corrugated cardboard at each of the schools and municipal facilities as indicated in Appendix B. Collection from Schools shall be made at least one-half hour before the start of the school day. In the event that collection must be conducted at another time, collection may not occur within one-half hour of arrival or dismissal time. No collection from Schools or Municipal Facilities shall occur before 6:00 am or after 5:00 pm without prior approval of the DPW Director.

No later than seven (7) days prior to the commencement of work, the Contractor shall provide agreed upon, water-tight containers for school and municipal collection of both solid waste and recyclable materials - either dumpsters or containers of galvanized steel or heavy duty plastic equipped with a tight-fitting lid and capable of being locked. The Contractor shall be responsible for the maintenance and repair of all containers provided.

All containers shall be kept in a neat, clean, and relatively odor-free condition. Tops of the containers should be cleaned by the Contractor as needed. Any broken, damaged or missing receptacles must be repaired or replaced immediately. It is the Contractor's responsibility to wash or otherwise clean the containers, if such condition arises, at no additional cost to the City. All containers are to be deodorized upon request.

Any refuse or recyclable materials within a four-foot radius of dumpsters/containers shall be considered refuse or recyclable material to be collected.

The Contractor may place the company logo on Contractor-supplied containers.

The Contractor will take reasonable precautions to protect all property (buildings, shrubs, lawn, pavement, vehicles, or other items or areas) from any damage and will be responsible for any such damage caused by its failure to do so.

### **F. Holiday Collection**

When a scheduled collection day falls on one of the following holidays: New Years Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, or any other Holiday determined by the City, there shall be no collection on that day. Collection for those days and all remaining days of the week shall occur one day late.

## Chapter 9 TRASH, RECYCLING AND LITTER\*

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\***Cross reference(s)**--Power of department of public works pertaining to garbage, refuse and waste, § 2-283; demolition of pier, wharf or buildings along the waterfront, § 10-84; unlawful deposits in harbor and related tidal waters, § 10-85.

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### ARTICLE I. IN GENERAL\*

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\***Editor's note**--Ord. No. 115-1998, § I, adopted Aug. 3, 1998, repealed the former Art. I, §§ 9-1--9-10, and enacted a new Art. I as set out herein. The former Art. I pertained to similar subject matter and derived from Code 1970, §§ 10-12--10-16, 10-19, 10-23--10-26, and 10-28.

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#### Sec. 9-1. Definitions.

*Appliances* - refrigerators, ranges, dishwashers, water heaters, freezers, air conditioners, washing machines, dryers, dehumidifiers, and trash compactors, that were originally intended for residential dwelling application. (Ord. 04-06 5/25/2004)

*Automotive Recyclables* - Tires (no including large truck tires), motor oil (not contaminated with any other liquid, dirt or leaves), oil filters car and boat batteries. (ord. 5/25/2004)

*CRT's* - Cathode Ray Tubes- are the leaded glass picture tubes found in televisions, computer monitors and video games . Ord. 04-06 5/25/2004)

*Commingled collection* shall mean collection program in which residents are required to place glass, metal, and plastic containers in recycling receptacle.

*Composting* shall mean recovering discarded organic materials for processing into a soil amendment, fertilizer and/or mulch.

*Corrugated cardboard* shall mean paper in which a portion has been made to have wavy surface (ridges and grooves) and is placed between to flat surfaces for the sake of strength and is commonly used to form cartons.

*Flattened paper board* - cereal boxes, other non-corrugated boxes. (Ord. 04-06 5/25/02004)

*Glass* shall mean unbroken clean jars and bottles, but not including: dishes, ceramics, plate glass and flat glass (commonly known as window glass), pyrex, light bulbs, drinking glasses, crystal and mirrored glass.

*Hard and Soft cover books* - (With hard covers removed) (Ord 04-06 5/25/2004)

*Litter* shall mean any waste material which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to public health, quality of life, safety and welfare.

*Newspapers, magazines and junk mail* shall mean advertisements, newspapers, and comics. Magazines include all periodicals and catalogs. "Junk mail" as used herein shall include materials received in the mail which are made of paper.

*Park* shall mean and include park, reservation, playground, beach, recreation center or other public area in the city, owned or used by the city and devoted to active or passive recreation.

*Plastic containers* shall mean PET polyethylene terephthalate, HDPE High Density Polyethylene, plastics 1 and 2 only. Containers used for packaging soda, milk, juices, drinks and water, but not including oil or any other hazardous materials with a chemical residue.

*Private premises* shall mean and include any yard, grounds, walk, driveway, porch, steps, dock, wharf or mailbox belonging to or appurtenant to any dwelling, house, building or other structure.

*Public place* shall mean and include any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.

*Recyclables* shall mean glass containers, plastics 1 and 2, "junk mail", newspapers, clean corrugated cardboard, and tin/steel cans.

*Recycling* shall mean any method, technique or system authorized to process or treat discarded materials so that its components, materials or substances may be beneficially used or reused.

*Tin/steel cans* shall mean tin and steel food cans, cleaned and flattened or nested if desired, but not included are paint cans or any product with a hazardous chemical residue.

*Trash* shall mean material considered worthless, unnecessary or offensive that is usually thrown away. Generally defined as dry waste material, but in common usage it is a synonym for garbage, rubbish or refuse, but not to include recyclables or yard waste.

*Vehicle* shall mean every device in, or upon which any person or property is or may be transported or drawn upon a highway, or public way.

*Yard waste* shall mean vegetation that includes grass clippings, leaves, twigs, branches, brush (including Christmas trees), weeds and all organic material that can be composted but not including railroad ties or other yard related materials that has been treated with chemical preservatives.

(Ord. No. 115-1998, § I, 8-3-98)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

## **Sec. 9-2. Trash/recycling containers.**

- (a) Trash should be placed in a private container for collection by a contractor who holds a permit for the collection of trash from the board of health,

except however, any owner of a building with four (4) or more residential units shall provide private weekly trash collection for that building. Ord. 01-38 Deleted 10/9/2001)

(a) Trash should be placed in a private container for collection by a contractor who holds a permit for the collection of trash from the board of health, except however, any owner of a building with five (5) or more residential units shall provide private weekly trash collection for that building. (Ord. 01-38 10/9/2001)

Any such container should be constructed of metal or plastic and shall be covered at all times to prevent trash from being scattered. Approved containers shall be placed curbside no later than 7:00 a.m. on the day of collection.

(b) Homeowners and tenants will be required to clean up immediately all trash/recyclables spilled on the ground due to torn bags or overturned containers.

(c) Trash/recycling receptacles shall not be put out for collection before 4:00 p.m. the day proceeding the day of collection and shall be removed from curbside location and returned to their proper place on the same day of collection.

(d) The City of Gloucester shall provide each resident with one (1) recycling container per residential unit which receives municipal trash pick-up. Residents of each premise shall:

(1) Take proper care to protect such container from misuse, loss or damage.

(2) Recycling container must remain with the premises for use by subsequent when unit is vacated.

(3) Residents are responsible for the replacement of containers which are lost, or damaged beyond normal wear and tear. The City of Gloucester is not obligated to replace lost, stolen or damaged containers. Residents may purchase a replacement or additional bin from the DPW business office.

(Ord. No. 115-1998, § I, 8-3-98)

### **Sec. 9-3. Independent trash haulers; permits.**

(a) All persons collecting trash in the City of Gloucester shall obtain a permit from the board of health.

(1) Trash hauling permit shall be valid for one (1) calendar year, renewable annually on the first day of January subject to review and approval from the board of health.

(2) No permit shall be transferable except with approval from the board of health.

(3) Any application which fails to include all information requested in the board of health regulations shall be deemed incomplete and shall be denied.

(4) As part of the application, each applicant shall submit to the board of health a list of customers served, time of day and frequency of collection, tons of solid waste and recyclables handled on a regular basis.

(b) Each permittee shall provide recycling services in compliance with the Commonwealth of Massachusetts Solid Waste Plan and DEP regulations. Each permittee shall submit monthly reports listing the tonnage of refuse and recyclables that has been collected. Said report shall include a list of customers served, time of day and frequency of collection, and a process for resolving residential complaints or permit violations. All permitted haulers are required to provide weight slips or vendor receipts to document tons of recyclables collected and trash collected. Said report shall be submitted to the department of public works beginning one (1) month from the application approval date and continuing each month during which the applicant holds a valid permit. Failure to provide this required information may result in a revocation, suspension of the permit.

(c) Any member of the board of health or its agents or DPW director or designated person shall enforce this section. Any violation of the ordinances, the department of environmental protection regulations or of the Massachusetts General Laws by the permittee shall be grounds for suspension, modification or revocation of the permit.

(Ord. No. 115-1998, § I, 8-3-98)

#### **Sec. 9-4. Transportation of trash.**

(a) No person shall transport in any truck or other vehicle, or in any other manner, through public streets of the city to which the public has access, or over any land owned or controlled by the city, trash, boxes, barrels, or other containers of merchandise or discarded material of any kind or description, consigned to any destination, unless the same is conveyed or transported in a truck, vehicle or other manner entirely covered or enclosed so that material cannot escape while being transported. Any such material shall be transported in an entirely enclosed truck, vehicle or otherwise, being transported shall be covered by a canvas, or a covering of similar nature securely fastened so as to prevent the material from escaping from the truck, vehicle or other wise onto the streets, sidewalks, ways, public land or private property.

(b) It shall be the duty of every person transporting any such materials to stop and recover the same, in the event of any escape or loss thereof, irrespective of the cause of escape or loss.

(Ord. No. 115-1998, § I, 8-3-98)

**State law reference(s)**--Permit required for transportation of garbage, M.G.L.A. c. 111, § 31A; municipal authority to regulate removal of garbage, M.G.L.A. c. 111, § 31B.

#### **Sec. 9-5. Leaf and yard waste composting program.**

(a) Yard waste shall not be mixed with any household waste or trash nor any hazardous or toxic material.

(b) Yard waste shall not be set out with regular trash for collection. It may be composted on the property on which it was generated or it may be transported to

the municipal composting facility or any approved private composting facility at the owner or occupant's expense.

(c) Yard waste delivered to the designated location of the municipal composting facility at a designated location shall have any bag or container removed prior to depositing such bag or container at the facility.

(d) A schedule for leaf and brush collection or municipal composting facility opening shall be determined by the DPW director and public notice will be given.

(e) Any person shall bring leaf and yard waste into the composting facility.

(Ord. No. 115-1998, § I, 8-3-98)

**Sec. 9-6. Unlawful use of litter receptacles.**

No person shall deposit household trash in public litter receptacles.

(Ord. No. 115-1998, § I, 8-3-98)

**Sec. 9-7. Duty to maintain private property free of litter.**

(a) The owner or person in control of any private property shall, at all times, maintain his premises free of litter so that the same does not constitute a danger to the public health, safety and public welfare. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(b) The board of health, or its agents, police officers, building inspector, or DPW director is hereby authorized and empowered to request the owner of any open or vacant private property within the city or agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Any such request shall be by registered mail, addressed to the owner at his last registered address.

(Ord. No. 115-1998, § I, 8-3-98)

**Sec. 9-8. Littering prohibited.**

(a) No person shall throw or deposit litter in or upon any street, sidewalk or other public place in the city.

(b) No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or any litter from any public or private sidewalk or driveway.

(c) No person shall throw or deposit litter on any occupied private property within the city, in such a manner that it tends to create a danger to the public health, safety and welfare, whether owned by such person or not except the owner or person in control of private property may maintain private receptacles for collection, as authorized by this article. Litter will be prevented from being carried or deposited by the elements from any such occupied private property, to the street, sidewalk or other private place or upon any private property.

(d) No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not, so that the same shall create a danger to the public health, safety and welfare.

(Ord. No. 115-1998, § 1, 8-3-98)

**Cross reference(s)**--Streets, sidewalks and other public places, Ch. 21.

**State law reference(s)**--Littering in or near public highways, M.G.L.A. c. 270, § 16.

**Sec. 9-9. Dismantled, wrecked, etc, motor vehicles.**

No person in charge or in control of any real estate within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked or junked motor vehicles to remain on his property longer than sixty (60) days, without a valid state inspection sticker issued and displayed in accordance with the requirements of the general laws of the Commonwealth. This section shall not apply to a vehicle in an enclosed building, nor to a vehicle on the property of a lawful business or farming enterprise necessary to such operation, nor to motor vehicles at the place of business of a holder of a class license under M.G.L.A. c. 140.

This section shall be enforced by the building inspector or by police officers.

(Ord. No. 115-1998, § 1, 8-3-98)

**Cross reference(s)**--Junk dealers, antique dealers and dealers in used goods, § 19-15 et seq.

**Sec. 9-10. Penalty for violation of section 9-8.**

Upon finding violation of section 9-8, the district court shall fine the violator according to the severity of the violation of up to three hundred dollars (\$300.00) for each offense.

(Ord. No. 115-1998, § 1, 8-3-98)

**Cross reference(s)**--Penalty for violation of sections 9-1 and 9-9, § 1-15.

**Sec. 9-11. Mandatory Recycling**

**Regulations for Curbside Collection of Recyclable Material**

**Mandatory Recycling**

*A. Purpose and Goal* - The goal of this ordinance is to promote recycling in the City of Gloucester and to comply with state mandated waste bins and to assist in cost reduction for residential waste collection.

*B. Separation of recyclable Material from Trash* - Each residential unit which receives municipal waste disposal services shall separate recyclables from their trash. Recyclables are defined in Section 9-1; which includes but is not limited to: Newspapers, magazines, junk mail, glass, plastics, tin/steel, corrugated cardboard, CRT's, appliances and automotive recyclables.

No recyclables shall be placed in the same container as trash. All trash and recyclables shall be set out for collection in accordance with Section 9-2 of this Ordinance.

If it is determined that there is more than negligible quantities of recyclable materials in trash set out for collection, the trash may be deemed rejected for collection and left uncollected.

Trash that has not been separated for recyclable material and deemed rejected for collection shall be considered litter and subject the owner to a fine of not more than \$300.00 if it is not removed from the curbside within 24 hours. (Ord. 04-09 6/22/2004)

Secs. 9-12--9-19. Reserved.

## **ARTICLE II. RESERVED\***

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\***Editor's note**--Ord. No. 153-1999, § I, adopted March 16, 1999, repealed Art. II in its entirety. Art. I, §§ 9-20, and 9-30--9-35, pertained to dumping areas and derived from 10-1, 10-39--10-42, 10-45 and 10-46; section 1 of an ordinance adopted Oct. 2, 1975; section I of an ordinance adopted Nov. 13, 1984; and section I of an ordinance adopted Aug. 4, 1987.

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Secs. 9-20--9-35. Reserved.

## **Chapter 10 WATERWAYS ADMINISTRATION\***

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\***Editor's note**--Ord. No. 17-1993, adopted Dec. 14, 1993, amended former Ch. 10, Arts. I--III, relative to the harbor and related waters, in its entirety to read as herein set out. The substantive provisions of former Ch. 10 derived from Code 1970. Sections 4-3, 10 1/2-17--10 1/2-25, 10 1/2-27, 10 1/2-29, 12-8, 12-18--12-21, 16-14, 16-16; and ordinances of Dec. 6, 1977; Jan. 10, 1978; Nov. 4, 1979; Feb. 3, 1983; Oct. 28, 1986; Aug. 4, 1987; Dec. 22, 1987; July 19, 1988; and April 4, 1989.

**Cross reference(s)**--Marshlands, Ch. 12; shellfish, seaworms and eels, Ch. 20.

**State law reference(s)**--Waterways, M.G.L.A. c. 91; provisions relating to Gloucester harbor, M.G.L.A. c. 102, §§ 3, 4; harbors and harbormasters, M.G.L.A. c. 102, § 17 et seq.

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## **ARTICLE I. MANAGEMENT**

### **Sec. 10-1. Waterways board.**

The purposes of the waterways board is to provide a broad-based citizen management organization that guides the use and development of Gloucester's



**CITY OF GLOUCESTER 2010  
CITY COUNCIL ORDER**

**ORDER:** #CC2010-083  
**Councillor** Ann Mulcahey

**DATE RECEIVED BY COUNCIL:** 12/07/10  
**REFERRED TO:** TC & O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that the GCO Sec. 22-287 entitled "Disabled veteran, handicapped parking" be amended by adding:

Summit Street, one handicapped parking space in the vicinity of #4B

And further

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

Councillor Ann Mulcahey



# CITY OF GLOUCESTER

POLICE DEPARTMENT  
197 MAIN STREET  
GLOUCESTER, MA 01930

1180108/11  
0&A.

RECEIVED

JAN 10 2010

Mayor's Office

To: Mayor Carolyn Kirk  
From: Michael Lane, Chief of Police  
Phil Dench, Fire Chief  
Date: January 6, 2011  
Subject: Adoption of MGL Ch.31 Sec.58A

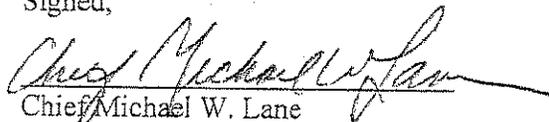
I would like to request that the City Council consider the adoption of Massachusetts General Laws Chapter 31, Section 58A as allowed by law. If adopted, this would require the City of Gloucester to hire persons age 32 or younger for full time police and fire fighter positions. As it currently stands, candidates may be considered for appointment up to age 65. Recent changes in the law have allowed consideration for veterans for up to four years of credible service time above age 32, thus allowing a veteran to be considered for appointment until age 36.

Fire Chief Phil Dench and I feel that the adoption of this law is in the best interest of the City in obtaining the best possible candidates for the Police and Fire Departments.

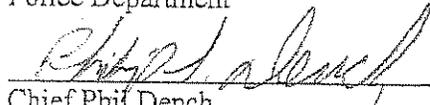
I respectfully ask that this matter be offered to the full City Council for referral to the Ordinance and Administration sub-committee for discussion.

Attached please find a copy of Massachusetts General Laws Chapter 31, Section 58A.

Signed,

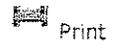


Chief Michael W. Lane  
Police Department



Chief Phil Dench  
Fire Department

Approved  
C. Kirk  
1/14/11



**PART I ADMINISTRATION OF THE GOVERNMENT**  
(Chapters 1 through 182)

**TITLE IV CIVIL SERVICE, RETIREMENTS AND PENSIONS**

**CHAPTER 31 CIVIL SERVICE**

**Section 58A** Municipal police officers and firefighters; maximum age restrictions

Section 58A. Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

**Sec. 10-3. Authority and responsibilities.**

The Gloucester Waterways Board is hereby empowered, and authorized to:

- (a) Promote implementation of the City of Gloucester Harbor Plan, dated 1992, and, in cooperation with the appropriate city bodies, amend said plan from time-to-time as circumstances warrant;
- (b) Establish policies, rules and regulations for the use of Gloucester's waterways and waterfront facilities, including but not limited to, mooring areas, public launch ramps, public landings, and public city owned commercial marinas;
- (c) Recommend to the city council fee schedules for moorings, launch ramps, slips at public city owned commercial marinas, and other waterfront public facilities and a schedule of fines for violations of waterways rules and regulations;
- (d) Oversee the operation and maintenance of all public launch ramps and related facilities, the public Lobster Marina at St. Peter's Square city owned commercial marinas, and all other public marinas, landings, floats or access ramps;
- (e) Review and oversee the work programs, budget, staffing, training, effectiveness, management techniques and policies of the harbormaster's office and related city staff;
- (f) Work cooperatively with the harbormaster's office and related city staff on harbor management issues, enforcement of waterways rules and regulations and waterways development projects;
- (g) Review all waterfront development projects or zoning changes and report its findings and recommendations to the mayor, city council or other relevant board. The waterways board may required drawings, plans or other supporting documentation from project proponents for its review;
- (h) Act as the policy liaison between the City of Gloucester and the Army Corps of Engineers, U.S. Coast Guard, the State Department of Environmental Protection, the Massachusetts Office of Coastal Zone Management and other government agencies concerned with waterways;
- (i) Work with the harbormaster's office and related city staff to plan, design and undertake new projects such as dredging, mooring fields and access facilities;
- (j) Plan and encourage the development of signage and facilities for transient boaters and promote Gloucester as a well-equipped and hospitable port-of-call;
- (k) Work cooperatively with the harbormaster's office, police and fire departments, environmental police and other public safety agencies to ensure that Gloucester's waterways policies, rules and regulations and operating practices will protect the rights and property of waterways users and waterfront land owners, while maximizing public safety;
- (l) Delegate any of its responsibilities to a standing committee, the harbormaster or other staff person assigned by the mayor;
- (m) Investigate new sources of revenue for waterways management and development.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-4. Standing committees.**

- (a) *Designation.* There shall be ~~three (3)~~ two (2) advisory standing committees of the waterways board, appointed by the chairman; a ~~waterways safety committee~~; a ~~public facilities committee~~; and an ~~operations and finance committee~~/safety committee. The committees shall review, research, investigate and make recommendations on matters referred to them by majority vote of the full board. The committees shall

reviewed @ 2/14/11  
O&A Mtg

send their reports and recommendations only to the full board which shall review them and take appropriate action. The harbormaster shall be an ex-officio member of each committee. Every member of the board except the chairman shall be on at least one standing committee, and each committee shall elect its own chairman. The chairman shall be an alternate member of all committees.

~~(b) Waterways safety committee. This committee may be referred any matter dealing with: enforcement of boating laws and regulations; other law enforcement activities including the need and nature of police patrols during various times of the year and during special waterfront events; fire prevention and suppression needs; hazardous materials; emergency medical services; hazards to navigation; rules and regulations regarding use of the city's waterways; city ordinances dealing with the waterways or waterfront; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; the police and fire chiefs or their designees; and a representative of Coast Guard Station Gloucester.~~

(c) Public facilities committee. This committee may be referred any matter dealing with moorings; public launch ramps, including Dun Fudgin; public landings; public city owned commercial marinas, including the Lobster Marina at St. Peter's Square and Harbor Cove; signage; public access, including but not limited to, walkways to the water, access ramps and floats and dinghy floats, sewage pump-out facilities, waste oil recycling facilities; harbormaster floats and offices; and any other matter deemed appropriate by the board. This committee shall consist of: ~~two (2)~~ three (3) members of the board; an advocate of public landings appointed by the mayor; the director of public works, or his designee; and a member of the tourist commission as needed.

(d) Operations and finance/Safety committee. This committee may be referred any matter dealing with harbor planning, design, engineering or construction; budgets; intergovernmental relations; the harbormaster's office, including but not limited to, staffing, training, vessels and equipment, work and education programs; fees and fines; . In matters of safety, the committee may be referred any matter dealing with enforcement of boating laws and regulations; other enforcement activities including the need and nature of police patrols during various times of the year and during special waterfront events; fire prevention and suppression needs; hazardous materials; emergency medical services; hazards to navigation; rules and regulations regarding use of the City's waterways; city ordinances dealing with the waterways or waterfront; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) three (3) members of the board; a member of the fisheries commission and a member of the city council as needed for matters concerning operations and finance. For matters of safety, the three (3) board members shall be advised as needed by the Chief of Police or his designee, the City Fire Chief or his designee, and by a representative of Coast Guard Station Gloucester.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-5. Relationship to the harbormaster and city staff.**

(a) The waterways board shall work cooperatively with the harbormaster and other assigned city staff to implement the City of Gloucester Harbor Plan, as amended, and pursue the policies and goals of the board. In addition, the harbormaster and the board shall work together closely to ensure that the harbormaster's office is efficient, effective, and fair to all waterway users through review of work programs, plans operating procedures and budgets.

(b) The waterways board shall work cooperatively with the harbormaster and other assigned city staff including police officers, such that the following duties are performed by the designated official or employee.

(1) Harbormaster:

- a. Operate, maintain, manage equipment and vessels assigned (harbormaster boat).
- b. Assign and oversee moorings.
- c. Coordinate with and report to waterways board--Meetings, staff, grants, etc.
- d. Operate and manage public launch ramps, landings, city owned commercial marinas and other public waterways facilities around the city.
- e. Gather information and make recommendations relative to the harbor--Commissioner's line, Chapter 91, permits, CZM regulations and other waterways issues.
- f. Promote Gloucester as a hospitable port of call--Provide information to visitors, provide water transport as directed by the mayor.
- g. Manage and maintain a harbormaster's office.
- h. Report to the mayor on administrative matters; report to board on policy matters.

(2) *Police department:*

- a. Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.
- b. Operate, maintain and manage equipment and vessels assigned (police boat/fire boat).
- c. Investigate, prosecute criminal activity on waterways and waterfront in cooperation with other members of the Gloucester Police Department and other law enforcement agencies, USCG, etc.
- d. Make arrests on water.
- e. Report to the chief of police.
- f. Assist the fire department, US Coast Guard with fire prevention and suppression, law enforcement, hazardous materials investigations and emergency medical services.
- g. Check on lobster violations under the city ordinance and State Laws. Enforce MGL Chapter 130, Sections 31, 17, 18, 18a, 39, 41, 41a, 43, 44--Marine fisheries laws: Destruction of weir-fish trap; lobster and crab licenses; markings on buoys--exhibition of license; display of license numbers and buoy colors; hours of tending traps; taking of female lobsters with eggs; possession of short lobsters.
- h. Check properties on islands not accessible from land.

(3) *Joint duties:*

- a. Enforce waterways laws, ordinances and rules and regulations (MGL Chapter 40, Section 21D (Fines and Ticketing) and Gloucester Code section 1-15 and MGL Chapter 90B, Sections 1--19 (Motorboats and other vessels) and other enforcement per MGL Chapter 102, Sections 17--28 (Shipping and Seaman, Harbor and Harbormasters).

*Police:* Plus all other applicable city and state laws.

- b. Patrol city waterways.  
*Police:* Enforce all Massachusetts laws.
- c. Respond to emergencies within scope, training and resources.
- d. Operate, maintain and manage equipment and vessels

assigned (police boat/fire boat--police; harbormaster boat--harbormaster).

e. Coordinate with other agencies and assist within scope, training and resources.

f. Observe water quality, assist appropriate agencies.

g. Assist in keeping navigation channels clear, keep harbor free of debris.

*Harbormaster:* Primary responsibility.

h. Patrol major events to promote and protect public safety--Fiesta, 4th of July, Schooner Races, etc.

*Police:* Other occasions as directed by chief of police.

i. Issue citations on water.

j. Enforce the BWI, make arrests and bring complaints to court.

(Ord. No. 17-1993, 12-14-93; Ord. No. 21-1995, § I, 3-7-95)

**Cross reference(s)**--Police duties and joint duties concerning harbor management, § 17-1.

Secs. 10-6--10-19. Reserved.

## **ARTICLE II. ENFORCEMENT**

### **Sec. 10-20. Harbormaster appointment, qualifications and authority.**

*(a) Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed annually by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council. Ord. 02-50 Deleted 11/12/2002)

The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

*(a) Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed for a term of three (3) years by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council.

(Ord. 02-50, 11/12/2002) The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

*(b) Qualifications.* The harbormaster shall possess the following skills, knowledge or experience: small boat handling in heavy weather; navigation; rules of the road; waterways laws, rules and regulations and their enforcement; budget preparation; and staff management. Desirable skills or knowledge include water safety and life-saving; marine fire prevention and suppression; emergency medical care at the EMT level; waterfront construction techniques; the waterways permitting process; waterfront facilities management; water pollution control techniques and grant writing.

*(c) Authority.* The harbormaster shall have all authority set forth in: the Massachusetts General Laws, including but not limited to Chapters 102, 90B and 91; the Code of Massachusetts Regulations; applicable federal laws and regulations; and the City of Gloucester Code of Ordinances.

(Ord. No. 17-1993, 12-14-93)

### **Sec. 10-21. Fines.**

The harbormaster and assistant harbormasters shall have the authority to enforce any section of this chapter by way of the ticketing procedures set forth in Massachusetts General Laws, c. 40, § 21D and Gloucester Code of Ordinances, Section

1-15. Each day of violation shall constitute a separate offense.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-22. Responsibilities.**

The harbormaster shall be responsible for the following tasks unless otherwise assigned by the mayor;

- (a) Enforce all laws, ordinances and rules and regulations within the authority set forth above;
- (b) Patrol all waterways within the city's jurisdiction during the entire year with more intense patrolling from May first to November first, and provide a continuous radio watch during patrol hours;
- (c) Respond to all emergencies on Gloucester's waterways, and provide all reasonable assistance within the scope, training and resources provided;
- (d) Operate, maintain and manage vessels and related equipment used for harbor patrols;
- (e) Assign and oversee all moorings in the city's waterways;
- (f) Cooperate with, and report to, the waterways board and its committees by: attending all board meetings; providing staff, technical support and advice; preparing reports and other documents, including budget proposals and grant applications; representing the commission; and enforcing the board's policies, rules and regulations;
- (g) Cooperate with other boards, commissions and other departments, including but not limited to, the Fisheries, Conservation, and Tourist Commissions, and the Community Development and Public Works Departments;
- (h) Assist the Gloucester Fire Department, U.S. Coast Guard and other relevant agencies with fire prevention and suppression, law enforcement, hazardous materials, investigations and management, and emergency medical services by providing technical and staff assistance, sharing information, joint training, and the loaning of vessels and equipment for operations or investigations;
- (i) Operate and manage the maintenance of all public launch ramps, public landings, ~~public~~ city owned commercial marinas and other public waterways facilities owned by the City of Gloucester;
- (j) Observe the water quality of all waterways, take immediate steps to stop or contain pollution on an emergency basis, notify appropriate government agencies, and enforce all relevant city ordinances;
- (k) Monitor and clear navigation channels and prevent encroachments beyond the harbor commissioner's line;
- (l) Promote Gloucester as a hospitable port-of-call for transient boaters by advertising the city's facilities, welcoming visiting boaters, and providing them with directions, technical assistance and advice as they operate on the city's waterways;
- (m) Conduct educational programs that teach all boaters safe boating practices, rules of the road, hazardous areas of local waters, and the value of Gloucester's waterways.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-23. Relocation of vessels.**

(a) *Harbormaster's authority.* The harbormaster may station and regulate all vessels in Gloucester waterways and may remove any vessel to new location, or cause it to be so removed, if in his or her judgment any one of the following

Deleted: judgement

circumstances exists:

(1) If the vessel is improperly or illegally moored as described in section 10-51 herein;

(2) If a vessel occupying a berth at a wharf or pier is not removed within a reasonable period after notice from the owner of said wharf or pier to the master or owner of said vessel, and wharf or pier owner makes a complaint to the harbormaster; and

(3) If a vessel not discharging cargo or receiving cargo or services stands in the way of another vessel waiting to carry out any of these activities and the master or owner of the latter vessel complains to the harbormaster.

(b) *Removal at expense of owner.* The harbormaster may, at the expense of the master or owner thereof, cause the removal of any vessel which is not moved when directed by him or her. Upon the neglect or refusal of any such master or owner to pay on demand the expense of such removal, the harbormaster may recover the same from the master or owner in contract for use of the city. If the master or owner of the vessel cannot be found or located within the jurisdiction of the harbormaster, the harbormaster may proceed in rem directly against the vessel.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-24. Harbormaster's office.**

(a) *General.* There shall be a division within the city named the harbormaster's office. It shall be managed by the harbormaster and assist in the carrying out of his or her duties as well as those of the waterways board. The harbormaster's office shall have an annual operating budget and shall prepare an annual report. The harbormaster shall ensure that all staff members are adequately trained for their jobs, especially those that include boat operation.

(b) *Permanent staff.* The harbormaster's office shall have a small, permanent staff to assist in the operation and maintenance of records, boats, equipment, and public facilities.

(c) *Seasonal staff.* The harbormaster's permanent staff may be augmented by seasonal personnel who may be used for such tasks as safety patrols, launch ramp operation, mooring fee collection, and maintenance and repairs.

(d) *Assistant harbormasters.* In accordance with M.G.L.A. c. 102, § 19, the mayor, upon the recommendation of the harbormaster, may appoint permanent or seasonal staff as assistant harbormasters. Such assistants shall be subject to the direction and control of the harbormaster and shall have all authority given to, and be subject to all the duties required of harbormasters, assistant harbormasters shall receive no stipends.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-25. Budgeting.**

The annual budget of the harbormaster's office shall include all operating expenses of the waterways board such as legal advertising. The budget shall be developed by the harbormaster in consultation with the operations and finance committee of the waterways board and shall be approved by the full board before it is transmitted to the mayor. The board shall assist the harbormaster at budget reviews by the mayor and city council. The budget shall not exceed the projected revenues of the Waterways Enterprise Fund.

The harbormaster, in consultation with the public facilities committee of the waterways board, shall prepare and submit project descriptions, justifications and budgets to the capital improvements advisory board for any applicable waterway project

to be funded by the Waterways Enterprise Fund. The waterways board shall assist the harbormaster during project reviews.

(Ord. No. 17-1993, 12-14-93)

Secs. 10-26--10-39. Reserved.

### **ARTICLE III. WATERWAYS FUNDING**

#### **Sec. 10-40. Waterways enterprise fund.**

(a) *Creation.* In accordance with M.G.L.A. §§ 5(72) and 39K, there shall be a Waterways Enterprise Fund. Said fund shall be used to support the operations of the waterways board and all waterways management and enforcement activities, including the purchase of equipment, the planning, design and construction of public waterways facilities, such as mooring fields, ramps, piers and pump-out facilities. The fund shall have two (2) distinct accounts each of which shall receive a portion of the receipts listed in section 10-40(d) herein.

(b) *Waterways management account.* Funds from this account shall be used for management and enforcement operating expenses as well as for equipment and repairs which do not have to be included in the city's capital improvements program. The funds from this account shall be managed by the mayor in cooperation with the waterways board and harbormaster.

(c) *Waterway improvements account.* Funds from this account shall be used for purchase of vessels, large equipment and the planning, design, construction or major repair of any public waterway facility. As required, expenditures from this account shall be included in the city's capital improvements program. This account shall be managed by the mayor in cooperation with the waterways board and harbormaster.

(d) *Receipts.* The Waterways Enterprise Fund shall receive the following receipts: mooring fees, both annual and transient; dockage and slip fees from public city owned commercial marinas, launch ramp fees; all boat excise taxes; fines; and any other income derived from public waterways facilities including dedicated grants or gifts.

(Ord. No. 17-1993, 12-14-93)

Secs. 10-41--10-49. Reserved.

### **ARTICLE IV. MOORINGS, PUBLIC LANDINGS AND PUBLIC CITY OWNED COMMERCIAL MARINAS**

#### **Sec. 10-50. Definitions.**

In construing the provisions of this article, the following words shall have the meanings given below unless a contrary intention clearly applies:

(a) *Gloucester waterways:* All tidal waters within the boundaries of the city, its harbors, bays and coves, and the whole of the Annisquam River and its outlets, coves and bays;

(b) *Harbormaster:* That city official duly appointed in conformance with section 10-20, herein;

(c) *Public landing:* Any area including uplands, ramps, floats, wharfs, piers, parking areas and water that has been set aside by the city for the landing of vessels to discharge or take on passengers or supplies, or for the launching of vessels, and for public access and recreation as set forth in M.G.L.A. c. 88, § 14;

(d) *Mooring:* A relatively permanent arrangement of an anchor, chain and floating buoy to which a vessel may be tied for extended periods;

(e) *Permittee:* A person to whom a permit has been granted for landing or mooring;

- (f) *Public waters*: All waters beyond the mean low water mark;
  - (g) *Recreational vessel*: A vessel used for personal, non-commercial enjoyment, recreation or sport;
  - (h) *Recreational boater*: An individual who owns and/or operates a recreational vessel;
  - (i) *Vessel*: Shall include ships, boats, steamers, barges, or any other type of watercraft powered or under sail or tow, as well as such floating structures as buoys and rafts;
  - (j) *Vessel length*: for the purposes of determining the amount of the mooring fee, the length overall (LOA) of a vessel exclusive of bowsprits, main boom, and boomkins. For the purposes of mooring assignments, the length shall include bowsprits, main boom and boomkins.
- (Ord. No. 17-1993, 12-14-93)

**Sec. 10-51. Regulation of moorings.**

(a) *Regulations*. The waterways board shall make regulations regarding the application process, size, type, construction and placement of all moorings within Gloucester waterways. All moorings shall be placed under the direction of the harbormaster and are subject to inspection by the harbormaster prior to their initial placement and at intervals of three (3) years.

(b) *Permits*. No person shall establish a mooring within Gloucester waterways without first obtaining a permit from the harbormaster to do so. Mooring permits shall be renewable each calendar year.

(c) *Applications*. ~~Applications for new permits shall be submitted between January 1 and April 15, on numbered forms provided by the harbormaster. Applicants shall be placed on waiting lists by location preferred, in order of the of their receipt. The harbormaster shall keep the waiting lists updated and shall post them publicly at the harbormaster's office and at the city clerk's office.~~

~~(e) The Harbormaster shall keep the waiting list updated and shall post the lists(s) publicly at the harbormaster's office and at the city clerk's office. (Ord. 04-14 DELETE 08/10/04)~~

~~(e) The Harbormaster shall keep the waiting lists updated by requiring applicants to file before December 31st of each year his/her annual renewal to maintain his/her position on the waiting lists.~~

~~The fee for such renewals shall be \$10.00. Failure to timely file the annual renewal shall result in the applicant's removal from the waiting list, provided however that an applicant may, prior to March 1st of the following year request reinstatement to his/her previous position on the waiting lists by filing with the Harbormaster a request for reinstatement together with a late fee of \$50.00 for a total of \$60.00.~~

~~The Harbormaster shall publicly post the waiting lists at the Harbormaster's Office and shall file a copy of same with the City Clerk's Office on April 30<sup>th</sup> of year. (Ord. 04-15 8/10/04)~~

Applications for new permits shall be submitted on forms provided by the Harbormaster. Applicants shall be placed on waiting lists by location preferred, in order of their receipt. The Harbormaster shall keep the waiting lists updated by requiring applicants who wish to maintain their position on the waiting list to file an annual renewal prior to the last business day of December of each year. The Harbormaster shall publicly post the waiting lists at the Harbormaster's office and shall file a copy of same with the City Clerk's office on April 30<sup>th</sup> of each year.

The fee for such renewals shall be \$10.00. Failure to timely file the annual renewal shall result in the applicant's removal from the waiting list, provided however that an applicant may, prior to

the last business day of February of the following year, request reinstatement to his/her previous position on the waiting lists by filing with the Harbormaster a request for reinstatement together with a late fee of \$50.00 for a total of \$60.00.

*municipal*

(d) *Types of moorings.* The harbormaster may issue permits for three (3) types of moorings:

*Personal moorings* for sole use by the single vessel of an individual and his or her immediate family;

*Public City moorings* which may be approved by the waterways board for public purposes; and

*Transient moorings* which may be used by waterfront businesses or yacht clubs for transient vessels.

(e) *Fees.* The fee for each type of mooring shall be established by the city council. Fees for personal moorings shall be charged by the length of vessel at the rate of three dollars (\$3.00) per foot for Gloucester non-residents. The fee for transient moorings shall be two hundred dollars (\$200.00) each. A daily fee of twenty dollars (\$20.00) shall be charged every vessel that utilizes a public mooring, used for transient boats, operated by the harbormaster. Ord. 02-16 Delete 4/16/02)

(e) *Fees.* The fee for each type of mooring shall be established by the city council. Fees for personal moorings shall be charged by the length of vessel at the rate of four dollars (\$4.00) per foot for Gloucester residents and taxpayers and at the rate of six dollars (\$6.00) per foot for non-residents. The fee for transient moorings shall be two hundred (\$200.00) each. A daily fee of twenty-five dollars (\$25.00) shall be charged every vessel that utilizes a public city mooring, used for transient boats, operated by the harbormaster. Fee for 10A Float Permits shall be in the amount of \$50.00 per season.

(Ord. 02-16 4/16/2002)

(e) A completed renewal application by each mooring permit holder, including the renewal fee and proof of ownership, shall be returned to the Harbormaster's office on or before the last business day in February 28<sup>th</sup> of each year. After that time the mooring holder may renew the permit by filing a completed application, including the regular fee per foot, plus a late fee of \$50.00, prior to the last business day of May of that same year. Failure to do so will result in the mooring permit being revoked.

~~However, such mooring holder may request reinstatement of such permit by filing a completed renewal application, including the regular fee per foot, plus a late fee of \$50.00, prior to May 31<sup>st</sup> of that same year. (Ord 04-15 ADDED TO ORIGINAL LANGUAGE OF (e) 8/10/04)~~

(f) *New mooring areas.* The waterways board may, after a public hearing, designate new mooring areas. Moorings in those areas may be installed, maintained and operated by the harbormaster's office or by private businesses under license from the waterways board. The selection process for private operators shall include requests for proposals by the waterways board, submission of proposals and bids in conformance with M.G.L.A. c. 30B, and review of proposals and bids consistent with that law.

(g) *Public chart.* The harbormaster shall maintain a chart which clearly indicates the location, permittee, LOA of each moored vessel, and number of moorings in Gloucester's waterways. A copy of this chart shall be publicly posted in the harbormaster's office and in the city clerk's office.

(h) *Suspension and revocation.* A mooring permit may be suspended or revoked by the harbormaster whenever, in his or her opinion, the vessel and/or mooring unduly threatens the safety of the mooring area or the reasonable use of that area by other vessels. Placing a mooring at a location other than that specified on the mooring permits will be grounds for revocation. Any person aggrieved by the action of the harbormaster in denying, revoking, suspending or imposing restrictions on a mooring permit may appeal the harbormaster's decision to the State Division of Waterways, provided the person files application for such appeal within thirty (30) days after receiving notice of the harbormaster's decision. Failure to fully pay vessel excise taxes for the previous fiscal year(s) shall be grounds for suspension or revocation;

(i) *Violations.* Whenever the harbormaster considers a mooring to be in violation of harbor regulations or to be a hazard to navigation, he or she may, after due notification of the owner, in person or by registered mail to the address of record, order the removal of the mooring, together with any vessel attached to it, to a new location. Such action may be taken without notification to or reply from the owner only, if in the determination of the harbormaster, the owner cannot be contacted within seventy-two (72) hours or if emergency conditions required immediate action. Any expenses incurred in the removal or relocation of such mooring or any damages resulting shall be the responsibility of the owner. Floats, rafts and moorings held by anchors or bottom moorings, if installed in the public waters of the city without permission from the harbormaster, shall be considered a public nuisance, and may be removed by the harbormaster at the expense of the owner in the event he or she fails to remove same after notice in writing.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-52. Use of public landings.**

(a) *General use.* All public landings, along with the ramps and floats attached thereto, shall be used primarily for the landing of people from vessels, the docking of vessels while people are alighting or boarding, and by persons tying their vessel thereto while making purchases ashore. Public landings shall also provide public access for passive recreational activities. Where public landings have no floats, vessels may be pulled up on shore for the purposes set forth above. Parking areas at public landings shall be for the exclusive use of landing users unless otherwise designated by the waterways board.

(b) *Tie-up period.* No owner nor anyone else in charge of or operating a vessel of any description, shall use the head of any float moored or attached to any public landing for any greater period of time than ordinarily and reasonable required to load or unload the passengers or occupants of any such vessel, together with whatever merchandise might accompany or be in the possession of the persons or passengers alighting therefrom. In no case shall any vessel be tied to the head of a public landing float for more than thirty (30) minutes except by permission of the harbormaster. However, dinghies, tenders and other auxiliary vessels less than twelve (12) feet in length, used by mooring holders or transient boaters, may be tied up at the sides of undedicated floats at public landings for up to four (4) hours while the owners thereof are purchasing goods and services. No such auxiliary vessel shall block the head of a float or interfere with permitted activities.

The harbormaster may permit the seasonal tie-up of dinghies, tenders or other auxiliary vessels less than twelve (12) feet in length at portions of any public landing so designated by the waterways board, provided that the fee set forth below has been paid. Such permitted vessel shall be marked by an official sticker on their transoms.

(c) *Conducting business or soliciting.* It shall be unlawful for any person to conduct any business, including vending on or from a public landing. The sale of tickets or the solicitation of passengers in any other manner for boat or fishing trips from any public landing is prohibited. However, any person operating a harbor sail, ferry, excursion vessel, vessel livery or party fishing vessel but maintaining a wharf headquarters or principal place of business elsewhere, may use a public landing as a point of call and may discharge or take on passengers. The vessels engaged in such ventures shall not lay at any float at a public landing longer than shall be ordinarily and reasonable necessary for their occupants, passengers or customers to board or alight therefrom, and shall not block or otherwise interfere with other permitted activities.

(d) *Other prohibited activities.* No person shall clean fish, or leave ropes, lobster pots, barrels, rocks, bricks, boards or any other material on any public landing, or launching ramps, floats or piers thereof, for longer than is reasonable necessary in the act of loading or unloading the same onto or from vessels, unless authorized by the harbormaster. No person shall load or unload lobster pots, bait, or other gear on or from any public landing, or floats, wharfs or piers thereof, except those designated by the waterways board. No vessels, vehicles or trailers may be stored on any public landing.

(e) *Encroachment.* No person shall encroach upon a public landing in any way.

(f) *Restrictions on hours.* Stone Pier and Long Wharf shall be closed to prohibit all activities between the hours of 10:00 p.m. and 4:00 a.m. Any use of this area between the prohibited hours shall constitute trespassing, a violation of City of Gloucester, Code of Ordinances, section 14-6. Any person who violates said ordinance shall be subject to arrest under City of Gloucester, Code of Ordinances, section 14-6 and/or fined pursuant to section 1-14, City of Gloucester, Code of Ordinances. The city will use reasonable and practicable means to inform the public of such curfew. Further, this section is not intended to conflict with or supersede the authority of the conservation commission or any rules enacted by them under their Massachusetts General Laws Chapter 40, Section 8C, Powers.

(g) *Fees.* The annual fee for the seasonal tie-up of dinghies, tenders or other auxiliary vessels, less than twelve (12) feet in length, at designated areas of public landings shall be fifty (\$50.00) dollars.

(Ord. No. 17-1993, 12-14-93; Ord. No. 16-1996, § J, 5-28-96; Ord. No. 6-1999, § I, 6-22-99)

**Sec. 10-53. Use of public ramp at Dun Fudgin.**

(a) *Fees.* The fees for launching vessels at the Dun Fudgin public access ramp shall be as follows:

Daily fee for all users except commercial boat haulers, per vessel launched . . . \$ 5.00

Season pass for any vessel up to and including 18' in length, per season . . . 35.00

Season pass for any vessel more than 18' in length, per season . . . 50.00

(Daily fee for commercial boat haulers, per vessel launched . . . 25.00 Ord. 02-17 Delete 4/16/2002)

(Daily fee for commercial boat haulers, per vessel launched . . . 50.00 (Ord. 02-17 4/16/2002) Ord. 03-25, Delete, 6/10/2003)

Daily fee for commercial boat haulers, per vessel launched . . . 35.00 (Ord. 03-25, 6/10/2003)

(Season pass for commercial boat haulers, per season . . . 250.00 Ord. 02-17 Delete 4/16/2002)

(Season pass for commercial boat haulers, per season . . . 500.00 (Ord. 02-17 4/16/2002)

Ord. 03-25, Delete, 6/10/2003)

Season pass for commercial boat haulers, per season . . . 350.00 (Ord. 03-25, 6/10/2003)

(b) Failure to pay fee as posted shall result in the issuance of a violation as specified in Sec. 10-21 and Sec. 1-15. (Ord. 03-25, 6/10/2003)

(Ord. No. 31-1997, § I, 3-4-97)

**Sec. 10-54. Use of public city owned commercial marinas--Reserved.**

Secs. 10-55--10-79. Reserved.

#### **ARTICLE V. OTHER WATERWAY REGULATIONS**

**Sec. 10-80. Federal and state jurisdiction.**

Nothing contained in this chapter shall be construed to conflict with the jurisdiction of the federal government with respect to enforcement of the navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation or law of the Commonwealth of Massachusetts and its agencies.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-81. Scuba and skin diving.**

(a) *Driver's flag.* Scuba or skin divers within the Gloucester waterways shall display a diver's flag consisting of a white diagonal stripe on a red field not less than twelve by fifteen inches (12 X 15) in size. The flag shall be displayed upright on a float or similar device at a height sufficient to be seen by passing vessels. The diver shall trail this flag while submerged, unless the harbormaster grants permission to do otherwise, and shall surface within twenty-five (25) feet of the flag.

(b) *Distance from buoys.* The diver shall maintain a distance of at least twenty-five (25) feet and stay clear when vessels are hauling traps in the immediate area.

(c) *Prohibition.* The harbormaster may prohibit scuba or skin diving in areas within Gloucester waterways where such diving cannot, in the harbormaster's opinion, be carried out safely without undue inconvenience to vessel operations.

(d) *Beach regulations.* Scuba or skin divers must comply with beach regulations promulgated by the director of public works.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-82. Lobstering.**

No lobstering by any method shall be allowed in designated mooring areas, or within the confines of harbor channels or travel lanes in and out of the city.(Ord. No. 17-1993, 12-14-93)

**Sec. 10-83. Fishing vessels unloading fish.**

Fishing vessels unloading fish, by use of open containers such as mesh or canvas baskets, at piers in the city, shall place a net of sufficient size and mesh between the vessel and the pier or wharf to prevent fish from falling into the harbor waters and polluting same.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-84. Demolishing a pier, wharf or building along the waterfront.**

Anyone demolishing a pier, wharf or buildings adjacent to or extending into Gloucester's waterways shall install a boom around the pier, wharf or buildings for the purpose of containing debris, before commencing demolition. If said boom extends into navigable waters it shall display warning flags during daylight hours and warning lights

during periods of darkness.  
(Ord. No. 17-1993, 12-14-93)

**Sec. 10-85. Littering and pollution.**

(a) *General prohibition.* No person shall throw or deposit, intentionally or otherwise, in Gloucester's waterways any litter, rubbish, filth, human waste, petroleum products, plastics, fuel or lubricating oil, fish oil or other greasy substance, dead animals or fish, fish waste, or any other foul or offensive substance. The term "litter" shall include, but not be limited to: bottles, glass, cans, wood, trash, tires, scrap metal, junk, paper, garbage, tuna heads, trees, brush and grass clippings.

(b) *Discharge of oils.* No land-based concern or vessel shall discharge, intentionally or otherwise, in Gloucester's waterways oil in any of its forms: animal; vegetable; or mineral.

(c) *Pumping enginerooms and bilges.* No owner, operator or crew member of a vessel located in Gloucester's waterways shall pump overboard engine room bilge water or engine compartment bilge water containing petroleum products or throw overboard any crankcase or lubricating oil or petroleum products except in extreme emergencies such as to prevent a vessel from sinking.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-86. Vessel operation.**

(a) *Speed limit.* No vessel shall exceed five (5) miles per hour or cause a disturbing wake within the confines of mooring or anchorage areas and other areas posted by the harbor master.

(b) *Swimming areas.* No person shall operate a power vessel including jet skis, within one hundred fifty (150) feet of any beach or swimming area without the permission of the harbor master.

(c) *Water skiers, aquaplanes, etc.* No person shall operate a vessel towing water skiers, aquaplanes or similar devices within three hundred (300) feet of any beach or swimming area.

(d) *Operation near scuba or skin divers.* No person shall operate a power vessel in excess of three (3) miles per hour when within one hundred (100) feet of a diver or his flag or marker. No person shall operate a power vessel within fifty (50) feet of a diver or his flag or marker unless said vessel is being operated by a person identified with, working with, or rendering assistance to such scuba or skin diver.

(Ord. No. 17-1993, 12-14-93)

# STORMWATER UTILITY REGULATIONS

11 FEB 10 PM 2:00  
CITY CLERK  
GLOUCESTER, MA

## Sec. I - Purpose

Pursuant to the City of Gloucester Code of Ordinances section 23-2, the city has established a stormwater utility. These regulations are promulgated by the Director of Public Works under the authority of section 23-4(c) of the Code of Ordinances and the City Charter. The regulations establish the utility fees and the administration of the utility.

## Sec. II - Definitions

- (1) City: shall mean city government, including staff and elected officials.
- (2) Equivalent residential unit (ERU): The representative impervious area of single family residential property located in the city. The value of one ERU will be established based on the median impervious area size of the City's single family residences, as determined from aerial photography. It will be re-computed periodically as new data becomes available.
- (3) ERU rate: The charge per year for a single ERU. This to be calculated by dividing the budget of the Stormwater Utility by the number of chargeable ERUs.
- (4) Impervious area: Any part of any parcel of land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. This includes areas that have been covered with structures. Excluded are all lawns, landscape areas but not excluding any hardscaped area.
- (5) Impervious surface: any material or structure on or above ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks and rooftops.
- (6) Director: The Department of Public Works Director or designee.
- (7) Multifamily property: All residential development not classified as single-family residential or accessory.
- (8) Nonresidential property: All property not zoned or used as residential property as defined in this article.
- (9) Single-family property: All single-family residential dwelling structures. All other residential development shall be classified as multifamily.

- (10) Stormwater: That part of precipitation that travels over natural, altered, or improved surfaces to the nearest stream or channel or impoundment and may appear in surface waters. Including stormwater runoff, snowmelt runoff, and surface water runoff and drainage.
- (11) Stormwater management plan: An approved plan for receiving, handling, and transporting storm and surface waters within the city stormwater management system.
- (12) Stormwater management systems: All natural and manmade elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable outlet location internal or external to the boundaries of the city. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, detention/retention basins, ponds, and other stormwater conveyance and treatment facilities, whether public or private.
- (13) Stormwater Management Utility (SMU): the utility created pursuant to the Gloucester Code of Ordinances chapter 23-2.
- (14) SMU director: The Department of Public Works Director or designee is responsible for implementing the SMU function.

Sec. III - Stormwater management utility program established

A stormwater management utility (SMU) program is established to provide the operational means of implementing and carrying out the functional requirements of the stormwater management system. The SMU program shall be part of the overall utility systems of the city.

Sec. IV - Customer base

All real property within the jurisdictional boundaries of the city shall be subject to SMU fees unless specifically exempted by the section 23-6 of the code of ordinances. The fees shall also apply to all tax-exempt properties, including properties of federal, state, and county agencies and nonprofit organizations, with the exception of properties owned by the City of Gloucester.

Sec. V - Utility fee categories

The following utility fee categories are established for the purpose of calculating the stormwater fee.

- (1) Single-family property: Each single-family property shall be considered one ERU for billing purposes.

- (2) Multifamily: The Director of the Department of Public Works (Director) may establish the number of units in a single property above which properties will be charged as a multi-family unit. At or beneath this number a multifamily will be charged as a single-family property (a single ERU). Each multifamily unit shall be charged a fixed portion of the ERU rate.

NUMBER OF UNITS x MULTI-OCCUPANCY FACTOR x ERU RATE

The multi-occupancy factor will be established by the Director.

- (3) Residential lots with structures and or uses which are accessory to residential uses shall be charged as follows:

ERU RATE X MULIT-OCCUPANCY FACTOR

- (4) Each condominium unit shall be charged as follows:

ERU RATE x MULTI-OCCUPANCY FACTOR

- (5) Nonresidential property: The annual utility fee for all nonresidential properties shall be billed and calculated in accordance with the following formula:

IMPERVIOUS AREA / ERU size = Number of ERUs

- (6) The Director may set a minimum and maximum number of ERUs for nonresidential or residential property.

Sec. VI - Fee schedule

- (1) ERU fees shall be billed and collected as a separate line item on utility account bills. Separate accounts for stormwater services may be established if other utilities are not furnished to property.
- (2) ERU fees shall be billed as often as other utility accounts are billed.

Sec. VII - Exemptions

Pursuant to section 23-6 of the Code of Ordinances, the following real property located in the city shall be exempt from the imposition of SMU fees:

- (1) Property that is owned by the City of Gloucester.

- (2) Property that is vacant and unimproved and with no impervious area, however, the Director may determine that the land may contain an amount impervious surface which is de minimus and therefore exempt.
- (3) Paved improved public or private right-of-way.

Sec. VIII - Remedies of aggrieved property owners

All requests to abate the stormwater utility fee shall be submitted to the Director of the Department of Public Works and shall be reviewed and processed in the same manner as an appeal of a sewer bill. The provisions of MGL c. 83, section 16E, and all available remedies under MGL c. 165, section 10, may apply. The petition for an abatement must be filed within the time allowed for an abatement of real estate tax, or for exempt properties the time within which a real estate tax would be filed if not tax exempt. If the DPW Director finds that the charge was for more than was properly due, an abatement shall be made. If the appeal is denied, the petitioner may appeal to the appellate tax board upon the same terms as a person aggrieved by the refusal of the assessors of a city to abate a tax.

Sec. IX - Enforcement and penalties

- (1) Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth in Massachusetts General Law chapter 83 section 16 for sewer bills. Nonpayment of any portion of the stormwater utility fee shall be considered as nonpayment of all other city utilities appearing on the bill and may result in the city's termination of all services appearing on the bill.
- (2) Pursuant to Massachusetts General Laws, the city shall have a lien for delinquent or unpaid stormwater management services charges, which lien shall be prior to all other liens on such property except for tax liens. Enforcement and foreclosure of said liens shall be as provided by law. Interest on the unpaid balance shall be the highest rate as authorized by state law.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 10, 2011

Ms. Ruth Pino  
82 Wheeler Street  
Gloucester, MA 01930

Dear Ruth:

I am pleased to reappoint you to a two year term as Trustee of the **Affordable Housing Trust**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

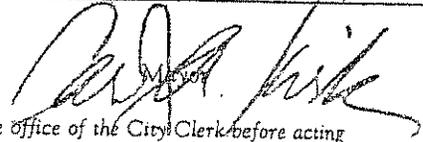
*The City of Gloucester, Massachusetts*

Dear Ruth Pino, 82 Wheeler Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
as Trustee of the Affordable Housing Trust \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

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

Respectfully,



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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 10, 2011

Mr. Michael J. Luster  
69 Bond Street  
Gloucester, MA 01930

Dear Mike:

I am pleased to reappoint you to a two year term as Trustee of the **Affordable Housing Trust**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

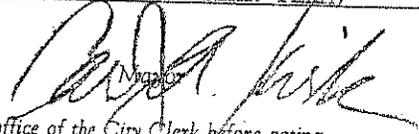
**The City of Gloucester, Massachusetts**

Dear Michael J. Luster, 69 Bond Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
as Trustee of the Affordable Housing Trust of the City of  
Gloucester, Massachusetts

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

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

An Ordinance Creating the Gloucester Affordable Housing Trust Fund  
Article VI, Division 4, Sections 2-601 - 2-615

Sec. 2-601. Gloucester Affordable Housing Trust Fund - Purpose.

The Commonwealth of Massachusetts has recently enacted legislation clarifying the ability of municipalities to create Affordable Housing Trust funds by enacting Section 55C of Chapter 44 of the Massachusetts General Laws; and

due to the high cost of housing, it is becoming harder to maintain economic diversity in the housing stock of the City of Gloucester; and

this rising cost affects the ability of all ages of Gloucester residents to remain in Gloucester as well as affecting the ability of the City to attract new residents of all age ranges; and

the City of Gloucester is dedicated to providing diversity in housing, which diversity includes economic diversity; and

by adopting this Affordable Housing Trust Fund ordinance, it will allow flexibility in addressing the needs of the city in a regulatory and problematic fashion.

Section 2-602. Same - Policy of the City of Gloucester.

It is the policy of the City of Gloucester to support the creation, preservation and maintenance of affordable housing. In doing so, it is also the policy of the City of Gloucester to protect, preserve, and enhance the economic and social diversity of the City, to provide affordable rental and homeownership options for people of all ages and income levels, and to accommodate the changing housing needs of families and individuals. The Gloucester Affordable Housing Trust Fund is created to promote this policy.

Section 2-603. Same - Establishment of the Gloucester Affordable Housing Trust Fund.

There is hereby created the Gloucester Affordable Housing Trust Fund in accordance with Massachusetts General Laws Chapter 44, Section 55C, as now or hereafter amended or superseded. The Gloucester Affordable Housing Trust Fund shall hereinafter be known as the Trust.

Section 2-604. Same - Definition.

For the purposes of Sections 2-601 through and including 2-615, as well as for the Declaration of Trust for the Trust or any other documents, Board shall mean the Board of Trustees of the Trust. Board Members and Trustees shall both mean members of the Board of the Trust, which terms maybe used interchangeably.

Section 2-605. Same - Membership.

Acting under the authority of M.G.L. Chapter 44 Section 55C, there is hereby created a Board of Trustees for the Trust established pursuant to Sections 2.604 through 2.615 of the Code of Ordinances of the City of Gloucester, Massachusetts for the purposes set out in the M.G.L. Chapter 44, Section 55C. The Board shall include no fewer that five (5) Trustees, including the Mayor, ex officio, or his or her written designee, ex officio. The remaining Trustees shall be appointed by the Mayor and approved by the City Council for a term not to exceed two years.

The Board Members shall have knowledge or expertise in areas including, but not limited to, affordable housing, real estate, real estate finance, or housing construction. The Mayor, however, shall not be required to appoint Board Members from all of these areas of knowledge or expertise, but shall only be required to make his or her best effort to find persons that meet this requirement. In addition, the City of Gloucester Community Development Director shall serve as an ex officio Trustee.

Section 2-606. Same - Terms of the Board Members; Election of Officers.

- (A) The terms of the Board Members set out in Sections 2-605 and 2-606 shall be two (2) year terms; provided, however, that for the appointment of the initial Board Members, three (3) members shall be appointed for one (1) year, and the remaining Trustees for two (2) years. The Board Members shall serve until their successors have been appointed and qualified. The Mayor, however, shall serve for his or her entire term of office as Mayor. The Mayor's written designee shall serve for the term of his or her written designation, which may be amended or revoked at any time in writing. The Community Development Director shall serve for the entire term of his or her employment as Community Development Director.
- (B) Pursuant to Section 7.5 of the Charter of the City of Gloucester, Massachusetts, every appointment to the Trust shall begin on the fifteenth day of February for the term specified in this Article and shall continue until a successor is chosen and qualified as specified in this Article, but in no case longer than six (6) months when the office shall be declared vacant.
- (C) The Board shall, annually, elect a Chairman and Vice-Chairman of the Board at the first regularly scheduled meeting after February 15.

Section 2-607. Same - City Board.

The Trust is a board of the City for purposes of M.G.L. Chapter 30B (Uniform Procurement Act) and Section 15A of M.G.L. Chapter 40 (Transfers of Land); but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City shall be exempt from said Chapter 30B.

Section 2-608. Same - Removal of Trustees.

Pursuant to Section 7.14 of the Charter of the City of Gloucester, Massachusetts, any Trustee may be removed from the Board and have his or her place declared vacant for the reasons set out in and under the procedures set out in said Section 7.14.

Section 2-609. Same - Meetings of the Trust; Notice; Quorum.

- (A) The Trust shall meet monthly as long as there is business requiring the attention of the Trust; provided, however, that the Trust shall meet at least on a quarterly basis. The meetings of the Trust shall be at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, M.G.L. Chapter 39, Sections 23A, 23B and 23C.
- (B) A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 2-610. Same - Powers and Duties.

The Trust, acting through the Trustees, shall have the powers and duties set out in M.G.L. Chapter 44, Section 55C, as now or hereafter amended or superseded, which include but are not limited to the following:

(A) General Powers

- (1) with the approval of the City Council, to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation, grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or any other ordinance. Acceptance or receipt of funds shall require City Council approval pursuant to M.G.L. Chapter 44, Section 55C;
- (2) with the approval of the City Council to the extent required by ordinance and M.G.L. Chapter 30B, to purchase and retain real or personal property, including without restriction, investments that yield a high rate of income or no income;
- (3) with the approval of the City Council, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- (4) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- (5) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- (6) with the approval of the City Council, to comprise, compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of M.G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;

(B) Real Estate Related Powers:

- (1) with the approval of the City Council to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust; and
- (2) to own, manage or improve real property and, with the approval of the City Council, to sell or transfer any property which the Trustees determine not to be worth retaining;

(C) Financial Powers:

- (1) with the approval of the City Council, to disburse trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in the City of Gloucester upon such terms as the Trustees shall deem most appropriate to carry out such purposes;
- (2) to incur debt;
- (3) to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

- (4) with the approval of the City Council, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (5) with the approval of the City Council, to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board, with the approval of the City Council, may deem necessary and appropriate;
- (6) to carry property for accounting purposes other than acquisition date values;
- (7) with the approval the City Council, to borrow money on such terms and conditions and from such sources as the Trust deems advisable, and to mortgage and pledge trust assets as collateral;
- (8) to make distributions or divisions of principle in kind;
- (9) to hold all or part of the trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- (10) to extend the time for payment of any obligation to the Trust.

Section 2-611. Same - Funds Paid into the Trust.

Pursuant to M.G.L., Chapter 44, 55C.(d), and notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with the Gloucester Zoning Ordinance, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 2-612. Same - Custodian of the Funds.

The City Treasurer will be the custodian of the funds.

Section 2-613. Same - Taxes.

The Trust is exempt from M.G.L. Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereto.

Section. 2-614. Same - Governmental Body.

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of M.G.L. Chapter 39.

Section 2-615. Same - Reports to the Mayor and City Council; Annual Audits.

- (A) The Trust shall, on a quarterly basis, provide written reports to the Mayor and City Council on each and every aspect of the business conducted by the Trust. The reports shall be provided on or before the 15th day of the month following the first day of a calendar quarter.

(B) Pursuant to M.G.L. Chapter 44, Section 53C(h), the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. The Trust shall forward a copy of the audit to both the City Council and the Mayor. The auditor shall work for the City Treasurer. However, the costs of the audit shall be paid from the Trust.

Secs. 2-616 - 2-649. Reserved.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 10, 2011

Ms. Claudia Schweitzer  
25 High Street  
Gloucester, MA 01930

Dear Claudia:

I am pleased to reappoint you to a three year term on the **Board of Health**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Jack Vondras, Director of Public Health

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 15, 2011

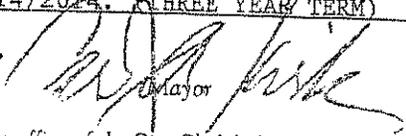
**The City of Gloucester, Massachusetts**

Dear Claudia Schweitzer, 25 High Street, Gloucester, MA 01930

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

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

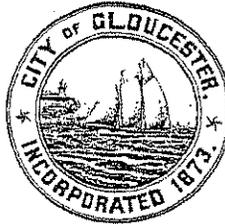
Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 10, 2011

Mr. Fred Cowan  
660R Washington Street  
Gloucester, MA 01930

Dear Fred:

I am pleased to reappoint you to a three year term on the **Board of Health**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Jack Vondras, Director of Public Health

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 15, 2011

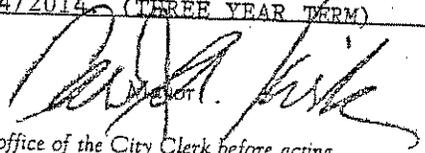
*The City of Gloucester, Massachusetts*

Dear Fred Cowan, 660R Washington Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the BOARD OF HEALTH \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

(Code 1970, § 2-187)

State law reference(s)--Selection of board chairman, M.G.L.A. c. 41, § 24.

**Sec. 2-417. Duties of secretary.**

The secretary of the board of assessors shall keep a full and complete record of the doings of the board, and shall have in his custody the official records to be kept by assessors and he likewise shall perform the duties required of a secretary of a board of assessors by law or as may be required by the commissioner of the department of revenue of the commonwealth.

(Code 1970, § 2-188)

State law reference(s)--Selection of secretary, M.G.L.A. c. 41, § 24.

**Sec. 2-418. Books and records.**

The board of assessors shall cause to be carefully protected and preserved all books, records and papers belonging to the assessor's department and a detailed and accurate record in permanent form shall be kept relating to all the official acts of the board of assessors.

(Code 1970, § 2-189)

Secs. 2-419--2-424. Reserved.

**DIVISION 3 BOARD OF HEALTH\***

\*State law reference(s)--City and town boards of health generally, M.G.L.A. c. 111, §§ 26--32.

**Sec. 2-425. Composition; appointment, term and removal of members.**

The board of health shall consist of five (5) members all of whom shall be appointed by the mayor, subject to the approval of the city council, staggered terms of three (3) years each.

(Code 1970, § 2-297; Ord. No. 4-1991, § 1, 2-26-91)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 26.

**Sec. 2-426. Members not compensated.**

Members of the board of health shall receive no compensation for their services.

(Code 1970, § 2-298)

State law reference(s)--Members of board of health to receive such compensation as council determines, M.G.L.A. c. 111, § 26.

**Sec. 2-427. Selection of chairman.**

The board of health shall organize annually by the selection of one (1) of its members as chairman.

(Code 1970, § 2-299)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

**Sec. 2-428. Rules and regulations.**

The board of health may make rules and regulations for its own government and for the government of its officers, agents, and assistants.

(Code 1970, § 2-303)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

**Sec. 2-429. Appointment of physician to take and examine cultures and school physician.**

The board of health may appoint a physician to the board, who shall take and examine all cultures, and shall appoint a school physician, neither of whom shall be a member of the board. Such physicians shall hold their offices according to the provisions of the civil service laws and regulations governing such offices.

(Code 1970, § 2-300)

Cross reference(s)--Duty of school physician relative to vaccination of pupils, § 18-4.

State law reference(s)--Appointment of physician to board, M.G.L.A. c. 111, § 27; appointment of school physician, M.G.L.A. c. 71, § 53.

**Sec. 2-430. Employment of clerk and other assistants.**

The board of health may appoint a clerk according to the provisions of the civil service laws and regulations governing such an office, which clerk shall not be a member of the board. The board may also employ the necessary officers, agents and assistants to execute the health laws and the board's regulations.

(Code 1970, § 2-301)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

**Sec. 2-431. Compensation of clerk and assistants.**

The board of health may fix the salaries or compensation of its clerk and other agents and assistants.

(Code 1970, § 2-302)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Secs. 2-432--2-439. Reserved.

**DIVISION 4. COUNCIL FOR THE AGING****Sec. 2-440. Established; composition; appointment and terms of members.**

There is hereby established a council for the aging consisting of the director of public works, the chairman of the board of health, or their respective representatives, and not less than three (3) nor more than seven (7) additional members appointed by the mayor from the voters and residents of the city. Appointees shall serve staggered terms of three (3) years, commencing at the date of the appointment.

(Code 1970, § 2-343; Ord. of 2-22-77, § 1; Ord. of 5-27-86, § 1)

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 10, 2011

Ms. Lucia Sheehan  
3 Blueberry Lane  
Gloucester, MA 01930

Dear Lucy:

I am pleased to reappoint you to a three year term on the **Board of Registrars**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Linda T. Lowe, City Clerk

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 15, 2011

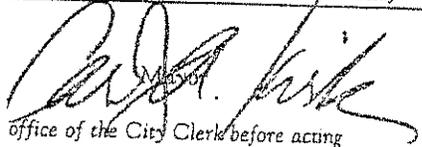
*The City of Gloucester, Massachusetts*

Dear Lucia Sheehan, 3 Blueberry Lane, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the BOARD OF REGISTRARS \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

# The General Laws of Massachusetts

Search the Laws

## PART I. ADMINISTRATION OF THE GOVERNMENT

### TITLE VIII. ELECTIONS

#### CHAPTER 51. VOTERS

#### REGISTRARS OF VOTERS

Go To:  
Next Section  
Previous Section  
Chapter Table of Contents  
MGL Search Page  
General Court Home  
Mass.gov

Chapter 51: Section 15. Board of registrars in certain cities and towns; appointment; term of office

Section 15. Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one, two and three years, beginning with April first following. In February or March in every year after the original appointment, one registrar shall be appointed for the term of three years, beginning with April first following.

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 14, 2011

Ms. Margaret Leeco  
21 Riggs Point Road  
Gloucester, MA 01930

Dear Peg:

I am pleased to reappoint you to a three year term on the **Cable T.V. Advisory Committee**. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBURARY 14, 2011

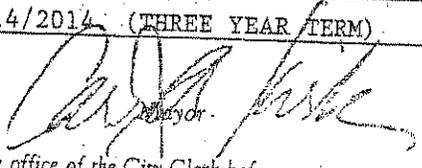
**The City of Gloucester, Massachusetts**

Dear Margaret Leeco, 21 Riggs Point Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CABLE TV ADVISORY COMMITTEE of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

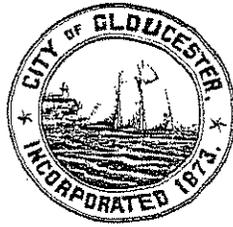


Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 14, 2011

Mr. Briggs Longbothum  
1 Wesley Street  
Gloucester, MA 01930

Dear Briggs:

I am pleased to reappoint you to a three year term on the **Cable T.V. Advisory Committee**. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

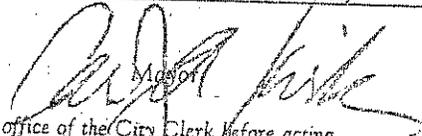
**The City of Gloucester, Massachusetts**

Dear Briggs Longbothum, 1 Wesley Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CABLE TV ADVISORY COMMITTEE \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 14, 2011

Mr. Robert McGillvray  
49 Lincoln Park  
Gloucester, MA 01930

Dear Bob:

I am pleased to reappoint you to a three year term on the **Cable T.V. Advisory Committee**. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

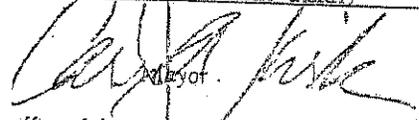
**The City of Gloucester, Massachusetts**

Dear Robert McGillvray, 49 Lincoln Park, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CABLE TV ADVISORY COMMITTEE of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 11, 2011

Mr. Thomas Balf  
15 Brierwood Court  
Gloucester, MA 01930

Dear Tom:

I am pleased to reappoint you to a two year term on the **Clean Energy Commission**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

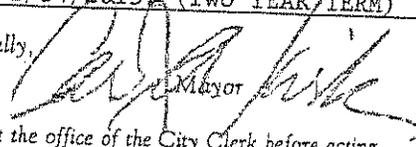
*The City of Gloucester, Massachusetts*

Dear Thomas Balf, 15 Brierwood Court, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CLEAN ENERGY COMMISSION of the City of  
Gloucester, Massachusetts

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

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 11, 2011

Ms. Linda Brayton  
527 Washington Street  
Gloucester, MA 01930

Dear Linda:

I am pleased to reappoint you to a two year term on the **Clean Energy Commission**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

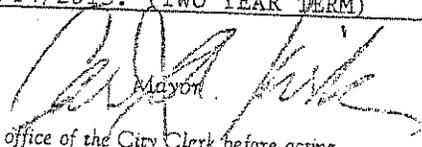
**The City of Gloucester, Massachusetts**

Dear Linda Brayton, 527 Washington Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CLEAN ENERGY COMMISSION of the City of  
Gloucester, Massachusetts

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

Respectfully,

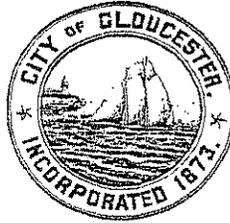


Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 11, 2011

Mr. John Moskal  
16 Leonard Street  
Gloucester, MA 01930

Dear John:

I am pleased to reappoint you to a two year term on the **Clean Energy Commission**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

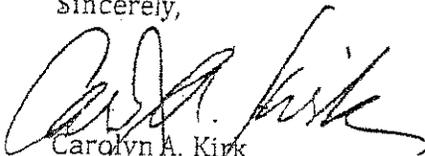
In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

  
Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBURARY 14, 2011

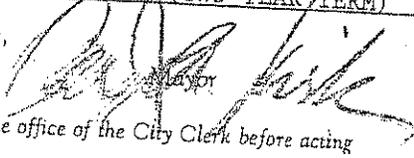
The City of Gloucester, Massachusetts

Dear John Moskal, 16 Leonard Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CLEAN ENERGY COMMISSION \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

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

Respectfully,



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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 11, 2011

Mr. Samuel Cleaves  
1111 Washington Street  
Gloucester, MA 01930

Dear Sam:

I am pleased to reappoint you to a two year term on the **Clean Energy Commission**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBURARY 14, 2011

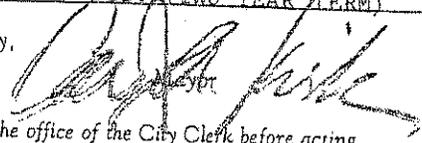
The City of Gloucester, Massachusetts

Dear Samuel Cleaves, 1111 Washington Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the CLEAN ENERGY COMMISSION \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

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

Respectfully,



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

Sworn in \_\_\_\_\_

By: \_\_\_\_\_

DIVISION 11

SECTION 2-514 CLEAN ENERGY COMMISSION

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

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

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

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

Sec. 2-516

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

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

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

c) The Commission shall:

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

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 14, 2011

Mr. Arthur Socolow  
26 Salt Island Road  
Gloucester, MA 01930

Dear Mr. Socolow:

I am pleased to reappoint you to a three year term on the **Conservation Commission**. Your appointment will be sent to the City Council at their meeting of February 22, 2011 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of Committees as to the date on which your appointment will be discussed by the committee.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

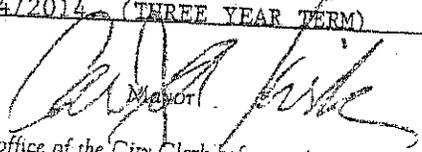
**The City of Gloucester, Massachusetts**

Dear Arthur Socolow, 26 Salt Island Road, Gloucester, MA 01930

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

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014 (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 14, 2011

Mr. Robert Gulla  
593 Essex Avenue  
Gloucester, MA 01930

Dear Mr. Gulla:

I am pleased to reappoint you to a three year term on the **Conservation Commission**. Your appointment will be sent to the City Council at their meeting of February 22, 2011 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of Committees as to the date on which your appointment will be discussed by the committee.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

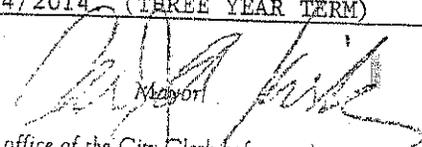
**The City of Gloucester, Massachusetts**

Dear Robert Gulla, 593 Essex Avenue, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CONSERVATION COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

### ARTICLE III. CONSERVATION COMMISSION\*

\*Cross reference(s)--Boards, commissions, councils and committees, § 2-400 et seq.; conservation commission to promulgate rules and regulations relating to marshlands, § 12-19.

#### Sec. 16-30. Created.

There is hereby created a conservation commission under the authority of M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-328)

#### Sec. 16-31. Composition; appointment; terms of members.

The conservation commission shall consist of seven (7) members, all of whom shall be residents of the city and all of whom shall be appointed by the mayor, subject to approval of the city council, to staggered terms of three (3) years.

(Code 1970, § 2-329)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

#### Sec. 16-32. Powers and duties.

The conservation commission shall have all the duties and powers given to conservation commissions by M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-330)

#### Sec. 16-33. Condemnation of land or water upon commission's request.

(a) For the purposes of this article, the city may, upon the written request of the conservation commission, take, by eminent domain under M.G.L.A. c. 79, the fee or any lesser interest in any land or waters located in the city, provided the taking has first been approved by two-thirds vote of the city council, which land and water shall thereupon be under the jurisdiction and control of the conservation commission.

(b) No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by M.G.L.A. c. 252, or restrict any established public access.

(c) Lands used for farming or agriculture, as defined in M.G.L.A. c. 128, § 1A shall not be taken by eminent domain under the authority of this section.

(Code 1970, § 2-331)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

#### Sec. 16-34. Rules and regulations; penalty for violations thereof.

The conservation commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars (\$100.00), for any violation thereof.

(Code 1970, § 2-332)

**State law reference(s)**--Similar provisions, M.G.L.A. c. 40, § 8C.

Secs. 16-35--16-44. Reserved.

#### ARTICLE IV. RESERVED\*

**\*Editor's note**--An ordinance of May 27, 1986, § 1, repealed Art. IV, §§ 16-45--16-48, pertaining to the downtown development commission, as derived from Code 1970, §§ 2-414--2-417.

Secs. 16-45--16-59. Reserved.

#### ARTICLE V. HISTORIC DISTRICT\*

**\*State law reference(s)**--Historic districts, M.G.L.A. c. 40C.

##### Sec. 16-60. Purpose.

The purpose of this article is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history or architecture of the city, and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

(Ord. of 5-24-77, § 2)

**State law reference(s)**--Similar provisions, M.G.L.A. c. 40C, § 2.

##### Sec. 16-61. Created.

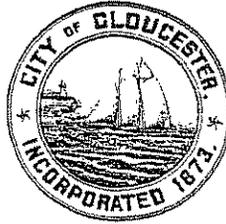
There is hereby established under the provisions of M.G.L.A. a historic district to be known as the Gloucester Historic District, which district shall include the area as shown on the plan on file in the city clerk's office.

(Ord. of 5-24-77, § 3)

**State law reference(s)**--Municipal authority to establish historic districts, M.G.L.A. c. 40C, § 3.

**Sec. 16-62. Historic district commission**--Established; membership; term of office; office.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 15, 2011

Mr. John Orlando  
112 Essex Avenue  
Gloucester, MA 01930

Dear John:

I am pleased to reappoint you to a three year term on the Downtown Development Commission. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

*The City of Gloucester, Massachusetts*

Dear John Orlando, 112 Essex Avenue, Gloucester, MA 01930

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

to the DOWNTOWN DEVELOPMENT COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. Douglas Cook  
11 Oakes Avenue  
Gloucester, MA 01930

Dear Doug:

I am pleased to reappoint you to a three year term on the Downtown Development Commission. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

The City of Gloucester, Massachusetts

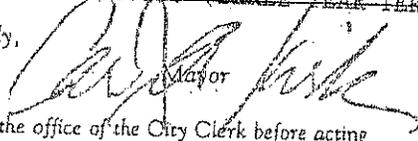
Dear Douglas Cook, 11 Oakes Avenue, Gloucester, MA 01930

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

to the DOWNTOWN DEVELOPMENT COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014 (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Ms. Katherine Cuddyer  
53 Grapevine Road  
Gloucester, MA 01930

Dear Kathy:

I am pleased to reappoint you to a three year term on the Downtown Development Commission. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

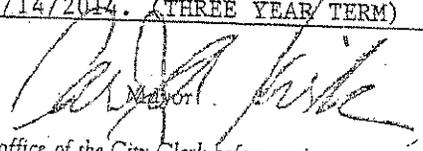
*The City of Gloucester, Massachusetts*

Dear Katherine Cuddyer, 53 Grapevine Road, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the DOWNTOWN DEVELOPMENT COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_



## CERTIFICATE OF VOTE

The Gloucester City Council, at a meeting held on, **TUESDAY**,  
September 04, 2007, at 7:00 p.m. In the Fred J. Kyrouz Auditorium, City  
Hall voted to approve the following action:

### IN CITY COUNCIL:

MOTION: On motion of Councilor Tobey, seconded by  
Councilor Hardy the City Council voted 9 in favor, 0 opposed  
that Division 7, entitled "Downtown Development Commission",  
Section 2-492, entitled "Created; membership; terms" be  
amended by DELETING: (a) There is hereby recreated and  
reestablished in the City of Gloucester a commission to be known  
as the downtown development commission consisting of seven (7)  
members, all of whom shall be appointed by the mayor of the  
city and shall be confirmed by the Gloucester City Council and  
by ADDING: (a) There is hereby recreated and reestablished in  
the City of Gloucester a commission to be known as the  
downtown development commission consisting of nine (9)  
members, one (1) member shall be a City Councilor, who shall  
serve ex officio, all of whom shall be appointed by the mayor of  
the city and shall be confirmed by the Gloucester City Council.

*Robert D. Whynott*

Robert D. Whynott, City Clerk

APPROVAL OF THE MAYOR

*John P. Bell*  
John P. Bell, Mayor

VETOED BY THE MAYOR

John P. Bell, Mayor

SIGNED THIS 6 DAY OF Sept, 2007

All Ordinances shall become effective 31 days after passage except:  
Emergency Orders shall become Effective Next Day  
Zoning Changes shall be Effective Next Day.

purpose of filling a vacancy for any other reason, the appointment of the unexpired term immediately shall be made by the mayor and forwarded to the city council for their approval.

(Ord. No. 21-1991, 6-18-91)

**Sec. 2-475. Assistance of city officials, boards and employees.**

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

(Ord. No. 21-1991, 6-18-91)

**Sec. 2-476. Semi-annual reports.**

The tourism commission shall submit semi-annually a report to the mayor and the city council of its activities.

(Ord. No. 21-1991, 6-18-91)

Secs. 2-477--2-490. Reserved.

**DIVISION 7. DOWNTOWN DEVELOPMENT COMMISSION\***

\*Editor's note--Inasmuch as Ord. No. 28-1991, adopted July 7, 1991, did not specify manner of codification, inclusion herein as Division 7, §§ 2-491--2-495, was at the discretion of the editor.

**Sec. 2-491. Purpose.**

In recognition of the continuing need for preservation, revitalization and improvement of Gloucester's central business district and its environs, a downtown development commission is hereby recreated and reestablished.

(Ord. No. 28-1991, 7-7-91)

**Sec. 2-492. Created; membership; terms.**

(a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of seven (7) members, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council. Upon the establishment of this commission the mayor shall appoint three (3) members for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year; and as each term expires the mayor in like manner shall appoint members to serve for three (3) years.

(b) In the case of resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, the appointment for the unexpired term shall immediately be made by the mayor.

(Ord. No. 28-1991, 7-7-91)

**Sec. 2-493. Mission.**

It shall be the mission of the downtown development commission to encourage economic revitalization within a context of historic preservation, community involvement and activities, a strong identity and tourism. The commission shall undertake, but not be limited to, the following activities:

- (1) Examine and evaluate conditions on an on-going basis.
- (2) Propose and promote physical improvements.
- (3) Coordinate public and private efforts.
- (4) Encourage, in cooperation with the Cape Ann Chamber of Commerce, a creative marketing plan, coordinated advertising, promotions and special events.
- (5) Promote the establishment of new businesses.
- (6) Encourage the establishment of special committees, composed of municipal officials, bankers, merchants, industrialists, preservationists, chamber of commerce officials, downtown residents, design professionals, developers, real estate brokers, and others concerned with downtown.
- (7) Promote and encourage the proper mix of goods, services, housing, recreation and entertainment.
- (8) Coordinate, through the community development department, the activities related to downtown of the historical commission, the historic district commission, the waterways commission, the planning board, the tourism commission, the economic development and industrial corporation, the redevelopment authority, and the housing authority.

(Ord. No. 28-1991, 7-7-91)

**Sec. 2-494. Assistance of city officials, boards and employees.**

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

(Ord. No. 28-1991, 7-7-91)

**Sec. 2-495. Annual report.**

The downtown development commission shall submit an annual report of its activities to the city council.

(Ord. No. 28-1991, 7-7-91)

**DIVISION 8. HUMAN RIGHTS COMMISSION****Sec. 2-496. Policy.**

It is hereby declared to be the public policy of the city, including its employees, agents and officials, to protect and promote the constitutional, civil and human rights of all people within the city. Further, the city asserts that:

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. David Porper  
6 Poplar Street  
Gloucester, MA 01930

Dear David:

I am pleased to reappoint you to a three year term on the Historic District Commission. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is written in a cursive, flowing style.

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

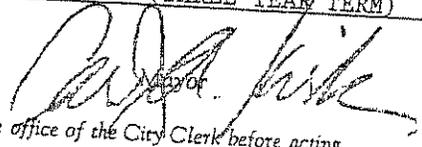
**The City of Gloucester, Massachusetts**

Dear David Porper, 6 Poplar Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the HISTORIC DISTRICT COMMISSION \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_

By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Ms. Nancy Goodick  
21 Shore Hill Road  
Gloucester, MA 01930

Dear Nancy:

I am pleased to reappoint you to a three year term on the Historic District Commission. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

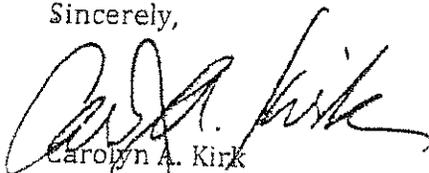
In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

  
Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

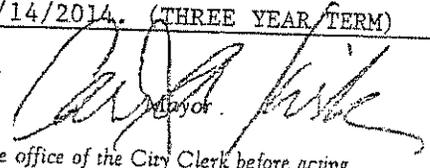
**The City of Gloucester, Massachusetts**

Dear Nancy Goodick, 21 Shore Hill Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the HISTORIC DISTRICT COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

The conservation commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars (\$100.00), for any violation thereof.

(Code 1970, § 2-332)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Secs. 16-35--16-44. Reserved.

#### ARTICLE IV. RESERVED\*

\*Editor's note--An ordinance of May 27, 1986, § 1, repealed Art. IV, §§ 16-45--16-48, pertaining to the downtown development commission, as derived from Code 1970, §§ 2-414--2-417.

Secs. 16-45--16-59. Reserved.

#### ARTICLE V. HISTORIC DISTRICT\*

\*State law reference(s)--Historic districts, M.G.L.A. c. 40C.

##### Sec. 16-60. Purpose.

The purpose of this article is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history or architecture of the city, and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

(Ord. of 5-24-77, § 2)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 2.

##### Sec. 16-61. Created.

There is hereby established under the provisions of M.G.L.A. a historic district to be known as the Gloucester Historic District, which district shall include the area as shown on the plan on file in the city clerk's office.

(Ord. of 5-24-77, § 3)

State law reference(s)--Municipal authority to establish historic districts, M.G.L.A. c. 40C, § 3.

Sec. 16-62. ~~Historic district commission~~ Established; membership; term of office; office.

(a) There is hereby established, under M.G.L.A. c. 40C, a historic district commission with all the powers and duties of a historic district commission specified in M.G.L.A. c. 40C.

(b) The historic district commission shall consist of seven (7) regular members and two (2) alternate members, appointed by the mayor, subject to confirmation by the city council who shall serve staggered terms of three (3) years. The commission shall include one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Historical Association, one (1) regular member appointed from two (2) nominees submitted by the Boston chapter of the American Institute of Architects and one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Board of Realtors. Two (2) regular members of the commission shall be owners of property within a historic district in the city. All members of the commission, with the exception of that member nominated by the Boston chapter of the American Institute of Architects, shall be residents of the city. Vacancies shall be filled by appointment for the unexpired term. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.

(c) The historic district commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

(Ord. of 5-24-77, § 4)

**Cross reference(s)**--Boards, commissions, councils and committees, § 2-400 et seq.

**State law reference(s)**--Municipal authority to establish historic district commission, M.G.L.A. c. 40C, § 4.

#### **Sec. 16-63. Same--Duties.**

(a) In passing upon matters before it, the historic district commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable Code section, ordinance or by-law. The commission shall not consider interior arrangements or architectural features not subject to public view.

(b) The historic district commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

(Ord. of 5-24-77, § 5)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 7.

**Sec. 16-64. Same--Limitations on authority.**

(a) Notwithstanding any contrary provision of this article, the authority of the historic district commission shall not extend to control of the following categories of buildings, structures, or exterior architectural features:

- (1) Terraces, walks, driveways, sidewalks, and other similar structures, provided the structure is at grade level;
- (2) Storm doors and windows, screen doors and windows, window air conditioners, lighting fixtures, antennas, and similar appurtenances;
- (3) The color of paint;
- (4) Temporary signs and structures, provided, however, that the commission shall have authority to define "temporary signs" and "temporary structures;"
- (5) The repair or reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided that: the exterior design is found by the commission to be substantially similar to the original and the repair or reconstruction is begun within one (1) year after the damage occurred and is carried on with due diligence.

(b) The authority of the historic district commission shall, however, extend to parking areas used by three (3) or more vehicles, provided any such area is visible from any public or private way within the district.

(Ord. of 5-24-77, § 7; Ord. of 1-22-80, § 1; Ord. of 2-21-84, § 1)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 8.

**Sec. 16-65. Appeals from determinations of historic district commission.**

Any applicant aggrieved by a determination of the historic district commission may, within twenty (20) days after the filing of the notice of the determination contested with the city clerk, file a written request with the commission for a review by a person of competence and experience in such matters, designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the city clerk within forty-five (45) days after the filing of the request and shall be binding on the applicant and on the commission, unless an appeal is sought in court as provided in M.G.L.A. c. 40C, § 12A.

(Ord. of 5-24-77, § 6)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 12.

**Chapter 17 POLICE\***

\*Cross reference(s)--Offenses generally, § 14-1 et seq.; alarm systems, § 14-26 et seq.; Ch. 14; traffic and motor vehicles, Ch. 22.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. David Rhineland  
16 Pine Street  
Gloucester, MA 01930

Dear David:

I am pleased to reappoint you to a three year term on the **Historical Commission**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure

CAK/c

EFFECTIVE FEBRUARY 14, 2011

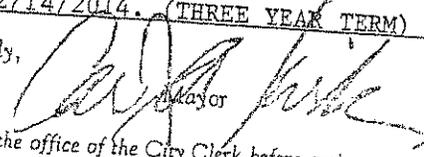
The City of Gloucester, Massachusetts

Dear David Rhinelander, 16 Pine Street, Gloucester, MA 01930

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

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

# The General Laws of Massachusetts

Search the Laws

## HISTORICAL COMMISSION

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### PART I. ADMINISTRATION OF THE GOVERNMENT

#### TITLE VII. CITIES, TOWNS AND DISTRICTS

#### CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS

#### PURPOSES FOR WHICH TOWNS MAY APPROPRIATE MONEY

#### Chapter 40: Section 8D. Historical commission; establishment; powers and duties

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Captain Paul Frontierro  
216 Washington Street  
Gloucester, MA 01930

Dear Captain Frontierro:

I am pleased to reappoint you to a four year term on the **Mariners Medal Committee**. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure

CAK/c

EFFECTIVE FEBRUARY 14, 2011

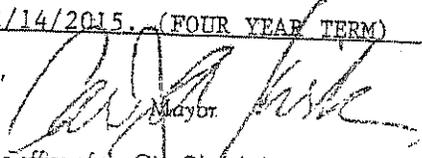
**The City of Gloucester, Massachusetts**

Dear Paul Frontierro, 216 Washington Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the MARINERS MEDAL COMMITTEE of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2015. (FOUR YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

## **DIVISION 5. MARINERS MEDAL COMMITTEE**

### **Sec. 2-450. Created.**

There is hereby created and established a committee to be known as the mariners medal committee.

(Code 1970, § 2-385)

### **Sec. 2-451. Composition; appointment and terms of members.**

The mariners medal committee shall consist of five (5) members, one to be the mayor and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Code 1970, § 2-386)

### **Sec. 2-452. Qualifications of members; city officers not eligible.**

(a) At least three (3) of the appointed members of the mariners medal committee shall have had experience on the high seas as master of some commercial vessel.

(b) None of the four (4) appointed members of the mariners medal committee shall hold any elective or appointive office within the government of the city when appointed, and should they later hold such an office, their membership on the committee shall be declared vacated.

(Code 1970, § 2-387)

### **Sec. 2-453. Chairman.**

The chairman of the mariners medal committee shall be elected by majority vote of the membership.

(Code 1970, § 2-388; Ord. of 3-4-86, § 1)

### **Sec. 2-454. Duties.**

It shall be the duty of the mariner's medal committee to establish and seek to maintain high standards for the awarding of a mariner's medal to any person or persons performing an act of heroism and extraordinary seamanship on the high seas. Such an act must have taken place within a six (6) month period from date of notification. The committee, after investigation and consideration of all the facts, shall recommend to the city council the awarding of the mariner's medal to such person or persons as the committee deems deserving to receive the award.

(Code 1970, § 2-389; Ord. of 6-15-82, § 1)

## **DIVISION 6. YOUTH SERVICES COMMISSION**

### **Sec. 2-455. Established; composition; appointment and terms of members.**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. Charles Crowley  
6 Eveleth Road  
Gloucester, MA 01930

Dear Mr. Crowley:

I am pleased to reappoint you to a three year term on the Open Space Committee. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to the City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

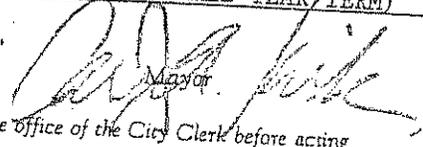
**The City of Gloucester, Massachusetts**

Dear Charles Crowley, 6 Eveleth Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the OPEN SPACE COMMITTEE \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 15, 2011

Ms. Susan Hedman  
86 Bond Street  
Gloucester, MA 01930

Dear Ms. Hedman:

I am pleased to reappoint you to a three year term on the Open Space Committee. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to the City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

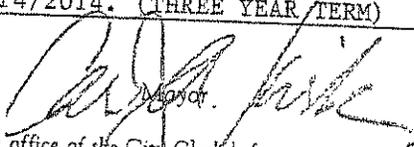
*The City of Gloucester, Massachusetts*

Dear Susan Hedman, 86 Bond Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the OPEN SPACE COMMITTEE of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_



Gloucester City Council  
CERTIFICATE OF VOTE  
Certificate Number: 2009-183

The Gloucester City Council, at a Special City Council meeting held on, **TUESDAY, AUGUST 25, 2009** at 7:00 p.m. in Fred J. Kyrrouz Auditorium, City Hall, voted to approve the following action:

IN CITY COUNCIL:

**MOTION:** On motion of Councilor Foote, seconded by Councilor Devlin, the City Council voted 8 **IN FAVOR** 0 **OPPOSED** to **AMEND** Chapter 2 "Administration" by **ADDING** "Open Space and Recreation Advisory Committee" Sections 2-517 through 2-520 as follows:

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

Section 2- 517 – Establishment; composition; appointment and terms of members

There is hereby established an Open Space and Recreation Committee which is created to formulate and implement an Open Space and Recreation Plan (OSRP) for the City of Gloucester. The Open Space and Recreation Committee will assist the city in its future actions with regard to open space parcels within the city. The committee shall consist of seven (7) members who shall be appointed by the Mayor from the residents of the city and confirmed by the City Council. The members shall serve for three-year staggered terms beginning on the date of appointment and ending on February 14 as required by City Charter.

Section 2 – 518 Purpose

The Committee shall create and implement an OSRP which shall:

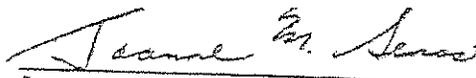
- a. Ensure the existence, smart use and access to open space in perpetuity.
- b. Ensure that contiguous areas and functions and values that depend on them are maintained
- c. Propose a process for agreements with abutters with shared use/conservation interests for enhancing open space.
- d. Recommend planned city growth and business development in a way that fully contemplates and strives to maintain the functions, values, uses and vision for open space in Gloucester.
- e. Establish a criteria and process for ceding open space to development or dedicated use
- f. Promote awareness and use of open spaces through a descriptive inventory of open spaces.

Section 2 - 519 Process

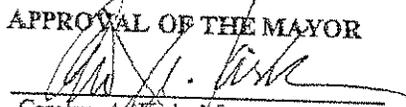
The former open space plans shall be used to create the plan which shall be submitted to the Commonwealth.

Section 2-520 Authorities and Responsibilities

- a. The Open Space and Recreation Committee shall act as an advisory committee to the Mayor, City Council, municipal boards, and the general public on matters concerning open space and recreation and shall have no budgetary powers.
- b. A majority of appointed members serving on the committee shall constitute a quorum and no meeting shall be continued without a quorum being present, unless a subcommittee has been established.
- c. The committee shall submit a summary of its activity and its progress on semiannually basis in the months of September and April.
- d. The Open Space and Recreation Committee may promote ad-hoc committees to develop stewardship for public open spaces. Such activities shall be coordinated with the Parks Department and Conservation Commission.

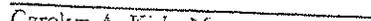
  
Joanne M. Senos, Interim City Clerk

APPROVAL OF THE MAYOR

  
Carolyn A. Kirk, Mayor

SIGNED THIS 13 DAY OF Aug, 2009

VETOED BY THE MAYOR

  
Carolyn A. Kirk, Mayor

*All Ordinances shall become effective 31 days after passage except:  
Emergency Orders shall become Effective Next Day  
Zoning Changes shall be Effective Next Day.*

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 15, 2011

Mr. David Roach  
16 Cleveland Place  
Gloucester, MA 01930

Dear Mr. Roach:

I am pleased to reappoint you to a three year term on the Shellfish Advisory Commission. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to the City Council  
David Sargent, Shellfish Constable

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

*The City of Gloucester, Massachusetts*

Dear David Roach, 16 Cleveland Place, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the SHELLFISH ADVISORY COMMISSION \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

*[Signature]*  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. Bruce Maki  
14 Salt Island Road  
Gloucester, MA 01930

Dear Mr. Maki:

I am pleased to reappoint you to a three year term on the Shellfish Advisory Commission. Your appointment will be sent to the City Council at their meeting of February 22, 2011. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office at City Hall to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

If you have any questions or if you require additional information, please feel free to call this office at 978-281-9700.

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to the City Council  
David Sargent, Shellfish Constable

Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

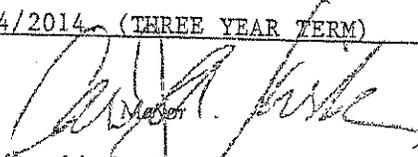
*The City of Gloucester, Massachusetts*

Dear Bruce Maki, 14 Salt Island Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the SHELLFISH ADVISORY COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

# SHELLFISH ADVISORY COMMISSION

		<del>4-13-82</del>	<del>16-1991</del>		<del>5-28-91</del>
		<del>5-18-82</del>	<del>17-1991</del>		<del>5-28-91</del>
		<del>11-9-82</del>	<del>26-1992</del>		<del>7-7-92</del>
		<del>4-19-83</del>			

Cross reference(s)--Animals, Ch. 4; harbors and related tidal waters, Ch. 10.

State law reference(s)--Marine fish and fisheries, M.G.L.A. c. 120; local control of shellfisheries, M.G.L.A. c. 130, §§ 52-56.

## ARTICLE I. IN GENERAL

### Sec. 20-1. Shellfish constable; deputy shellfish constables.

The mayor shall appoint a shellfish constable in accordance with M.G.L.A. c. 130, § 98, and may appoint two (2) full-time or part-time deputy shellfish constables. Each shellfish constable shall be paid such salary as is established by ordinance. The mayor also may appoint as many unpaid deputy shellfish constables as he deems necessary.

(Ord. No. 49-95, § 1, 12-29-95)

Cross reference(s)--Officers and employees generally, § 2-140 et seq.

State law reference(s)--Shellfish constables, M.G.L.A. c. 130, § 98.

### Sec. 20-2. Shellfish advisory commission.

(a) *Created; membership; appointment; compensation.* There is hereby created and established in the city a commission to be known as the shellfish advisory commission. The commission shall consist of five (5) members of all whom shall be citizens of the city and shall be appointed by the mayor, subject to confirmation by the city council, and shall be unpaid.

(b) *Terms of members; chairman.* All members of the shellfish advisory commission shall be appointed for three (3) year terms. The commission shall choose one (1) of their members to be chairman.

(c) *Compensation of commission.* The shellfish advisory commission shall consist of three (3) persons from the shellfish industry, the chairman of the conservation commission or his designee and a marine biologist, if available.

(d) *Duties.* The shellfish advisory commission shall advise the mayor and city council on all matters pertaining to shellfish, seaworms and eels. The commission may establish, subject to approval by the city council, a

management plan with rules and regulations relating to the issuance of permits and taking of shellfish, seaworms and eels.

(Ord. No. 49-95, § 1, 12-29-95)

reference(s)--Boards, commissions, councils, and committees, § 2-400 et seq.

### **Sec. 20-3. Definitions.**

*Bushel*: A unit of measure, equivalent to four (4) pecks or sixty (60) pounds.

*City*: City of Gloucester.

*Commonwealth*: Commonwealth of Massachusetts.

*Full-time student*: A student submitting proof of full-time student status, providing school transcript showing full course load, proof of age and parental consent if under age of seventeen (17).

*Private grant*: A time limited lease of a specified shellfish growing area to one or more individuals.

*Resident*: A person whose primary residence is the City of Gloucester.

*Seaworm*: Invertebrate animals belonging to the Phylum Annelida. Specifically, sea worms, sometimes called blood worms or clam worms.

*Seed clam*: Juvenile shellfish.

*Shellfish*: Invertebrate animals belonging to the Phylum Mollusca. Specifically, soft shell clam, blue mussel, horse mussel, quahog, ocean quahog, oyster, razor clam, surf clam, bay scallop, sea scallop.

*Shellfish industry*: Activities involving the cultivation, harvest, processing, selling of shellfish.

*Temporary resident*: A person who owns real estate in the City of Gloucester or possesses a year-round lease on real estate in the City of Gloucester and who occupies that real estate on at least a seasonal basis.

(Ord. No. 49-95, § 1, 12-19-95; Ord. No. 11-96, § 1, 4-2-96)

### **Sec. 20-4. Area set aside for noncommercial taking of shellfish.**

The city council does hereby set aside the area of tidal flats located in the city, commencing from a point west of No. 10 nun buoy bordering Annisquam River, thence in a northerly direction to the sand bar opposite Annisquam Light. From this area, shellfish may be taken, for their own family use, by any resident of the commonwealth holding the permit mentioned in section 20-22, and from which area the commercial taking of shellfish is hereby prohibited in accordance M.C.L.A. Chapter 130, Section 52.

(Ord. No. 49-95, § 1, 12-29-95)

### **Sec. 20-5. Taking shellfish from contaminated areas.**

No person shall dig or take shellfish from "prohibited" areas as defined by the Massachusetts Division of Marine Fisheries. No person shall dig or take shellfish from

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Ms. Lorre Anderson  
122 Main Street  
Gloucester, MA 01930

Dear Lorre:

I am pleased to reappoint you to a three year term on the Tourism Commission. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure

CAK/c

EFFECTIVE FEBRUARY 14, 2011

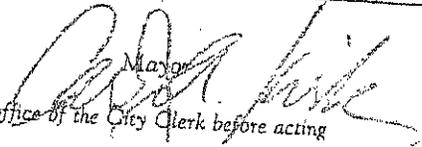
The City of Gloucester, Massachusetts

Dear Lorre Anderson, 122 Main Street, Gloucester, MA 01930

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

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

Mayor  


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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. William Samenfink  
6A Riverview Way  
Gloucester, MA 01930

Dear Mr. Samenfink:

I am pleased to reappoint you to a three year term on the Tourism Commission. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is written in a cursive style.

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

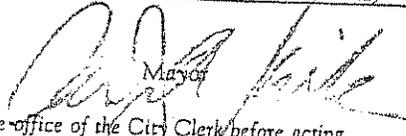
**The City of Gloucester, Massachusetts**

Dear William Samenfink, 6A Riverview Way, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the TOURISM COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. Peter Jenner  
80 Prospect Street  
Gloucester, MA 01930

Dear Peter:

I am pleased to reappoint you to a three year term on the Tourism Commission. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure

CAK/c

EFFECTIVE FEBRUARY 14, 2011

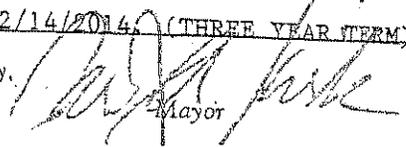
*The City of Gloucester, Massachusetts*

Dear Peter Jenner, 80 Prospect Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the TOURISM COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 15, 2011

Ms. Jeanne Boland  
30 Haskell Street  
Gloucester, MA 01930

Dear Jeanne:

I am pleased to reappoint you to a three year term on the Tourism Commission. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

The City of Gloucester, Massachusetts

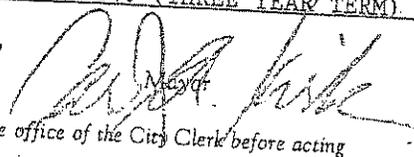
Dear Jeanne Boland, 30 Haskell Street, Gloucester, MA 01930

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

to the TOURISM COMMISSION \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

# TOURISM COMMISSION

There is hereby established a youth services commission consisting of seven (7) members, who shall be appointed by the mayor from the residents of the city and confirmed by the city council. Appointees shall serve staggered terms of three (3) years, beginning at the date of appointment.

(Ord. No. 16-1993, § I, 12-14-93)

**State law reference(s)**—Municipal authority to establish youth services commission, M.G.L.A. c. 40, § 8E.

**Sec. 2-456. Reserved.**

**Sec. 2-457. Election of chairperson.**

The chairperson of the youth services commission shall be elected from the membership annually.

(Ord. No. 16-1993, § I, 12-14-93)

**Sec. 2-458. Supervision.**

The youth services commission shall be under the administrative supervision of the mayor.

(Ord. No. 16-1993, § I, 12-14-93)

**Sec. 2-459. Duties.**

It shall be the duty of the youth services commission to advocate for youth related activities and programs. The youth services commission will work in conjunction with the city as well as new and existing groups to provide and seek funding to meet the opportunities, challenges and problems of the youth of the city.

(Ord. No. 16-1993, § I, 12-14-93)

Secs. 2-460–2-470. Reserved.

DIVISION 6A. **TOURISM COMMISSION\***

**\*Editor's note**—Inasmuch as Ord. No. 21-1991, adopted June 18, 1991, did not specify manner of codification, inclusion herein as Division 6A, §§ 2-471–2-476, was at the editor's discretion.

**Sec. 2-471. Purpose.**

In recognition of the continuing need for tourism in the City of Gloucester as a means to encourage economic revitalization and the promotion of history, culture and recreation, a tourism commission is hereby recreated and reestablished.

It shall be the purpose of the tourism commission to encourage and promote tourism throughout the year and throughout the city. The commission shall undertake but not be limited to the following activities:

- (1) Recommend an overall coordinated tourism program that is related to the city's community and economic development activities, historical resources, recreational opportunities and natural and scenic attractions.
- (2) Recommend the organization, creation and maintenance of tourist attractions.
- (3) Recommend and implement an advertising program for the city.
- (4) Coordinate public and private efforts.

(Ord. No. 21-1991, 6-18-91)

**Sec. 2-472. Tenure; composition.**

The tourism commission shall consist of seven (7) members, all of whom shall be appointed by the mayor of the city for the terms listed below, and shall be confirmed by the Gloucester City Council.

- (1) One (1) member for one (1) year;
- (2) Three (3) members for two (2) years;
- (3) Three (3) members for three (3) years.

(Ord. No. 21-1991, 6-18-91; Ord. No. 18-1996, § J, 6-25-96)

**Sec. 2-473. Requirements.**

- (a) *Residency requirements.* All members shall be residents of the City of Gloucester.
- (b) *Membership requirement.* One (1) member of the commission shall be a member of the Cape Ann Chamber of Commerce.

(Ord. No. 21-1991, 6-18-91)

**Sec. 2-474. Vacancies.**

In case of resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, the appointment of the unexpired term immediately shall be made by the mayor and forwarded to the city council for their approval.

(Ord. No. 21-1991, 6-18-91)

**Sec. 2-475. Assistance of city officials, boards and employees.**

The commission shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the commission. Further, the

commission may request the services and assistance of any of the officials, boards; and through the mayor, employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

(Ord. No. 21-1991, 6-18-91)

**Sec. 2-476. Semi-annual reports.**

The tourism commission shall submit semi-annually a report to the mayor and the city council of its activities.

(Ord. No. 21-1991, 6-18-91)

Secs. 2-477-2-490. Reserved.

**DIVISION 7. DOWNTOWN DEVELOPMENT COMMISSION\***

*\*Editor's note--Inasmuch as Ord. No. 28-1991, adopted July 7, 1991, did not specify manner of codification, inclusion herein as Division 7, §§ 2-491-2-495, was at the discretion of the editor.*

**Sec. 2-491. Purpose.**

In recognition of the continuing need for preservation, revitalization and improvement of Gloucester's central business district and its environs, a downtown development commission is hereby recreated and reestablished.

(Ord. No. 28-1991, 7-7-91)

**Sec. 2-492. Created; membership; terms.**

(a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of seven (7) members, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council. Upon the establishment of this commission the mayor shall appoint three (3) members for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year; and as each term expires the mayor in like manner shall appoint members to serve for three (3) years.

(b) In the case of resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, the appointment for the unexpired term shall immediately be made by the mayor.

(Ord. No. 28-1991, 7-7-91)

**Sec. 2-493. Mission.**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. Larry Ingersoll  
20 Macomber Road  
Gloucester, MA 01930

Dear Larry:

I am pleased to reappoint you to a three year term on the Traffic Commission. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure

CAK/c

EFFECTIVE FEBRUARY 14, 2011

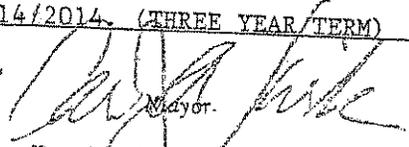
*The City of Gloucester, Massachusetts*

Dear Larry Ingersoll, 20 Macomber Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the TRAFFIC COMMISSION of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR/TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

For purposes of trial, the city vehicle may make temporary rules regulating traffic. No such experimental rule regulating traffic shall remain in effect for a period of time longer than thirty (30) days.

(Code 1970, § 21-5)

Secs. 22-24--22-29. Reserved.

**DIVISION 2. TRAFFIC COMMISSION\***

\*Cross reference(s)--Boards, commissions, councils and committees, § 2-400 et seq.

**Sec. 22-30. Created; purpose.**

As a continuation of planning board work and for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the city, to lessen congestion and confusion in the streets, to lessen the danger from fire and assist the fighting of it and to facilitate the creation of more adequate provision for transportation and parking, there is hereby created a traffic commission. The commission shall have as its primary purpose the making of studies and presenting of recommendations to the mayor in the matter of regulating traffic and parking in the city.

(Code 1970, § 21-22)

**Sec. 22-31. To act in official capacity under control of mayor.**

The traffic commission shall act in an official capacity for the city and shall be under the over-all control and authority of the mayor.

(Code 1970, § 21-25)

**Sec. 22-32. Composition; appointment; terms of members.**

The traffic commission shall consist of five (5) members appointed by the mayor and confirmed by the city council. Appointments to the commission shall be for terms of three (3) years. In case of the resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, an appointment for the unexpired term shall immediately be made by the mayor.

(Code 1970, § 21-23)

**Sec. 22-33. Organization meeting; officers.**

As soon as possible after the membership of the traffic commission is determined in each year, the commission shall meet and elect from its own membership a chairman and secretary-treasurer to serve for the term of one (1) year. The secretary-treasurer shall give official notice in writing to the mayor that the commission has organized, giving the names of the chairman and secretary-treasurer.

(Code 1970, § 21-24)

**Sec. 22-34. Duties.**

It shall be the duty and responsibility of the traffic commission to make detailed studies of the motor vehicle and all other forms of traffic within the city, its present and future parking needs and related matters, and to determine, on a community-wide basis, an over-all long-range plan to meet the city's needs. As such needs are determined, recommendations for the improvement of conditions, accompanied by such maps, graphs and charts as may have been prepared, shall be submitted to the mayor.

(Code 1970, § 21-26)

**Sec. 22-35. Assistance of city officials, boards and employees.**

The traffic commission may request the services and assistance of any of the officials, boards and employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

(Code 1970, § 21-27)

**Sec. 22-36. Annual report.**

The traffic commission shall make an annual written report of its activities to the mayor.

(Code 1970, § 21-28)

Secs. 22-37--22-49. Reserved.

**ARTICLE III. OPERATION OF VEHICLES\***

\*State law reference(s)—Driving precautions for safety of other travellers, M.G.L.A. c. 90, § 14.

**DIVISION 1. GENERALLY**

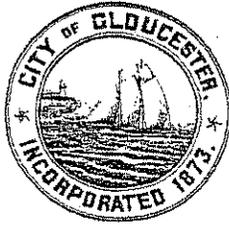
**Sec. 22-50. Care in starting, stopping, turning or backing.**

(a) The driver of any vehicle, before starting, stopping, turning from a direct line or backing shall first see that such movement can be made in safety. If the movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, the driver shall wait for a more favorable opportunity to make the movement.

(b) If the operation of another vehicle should be affected by a stopping or turning movement, the driver of the other vehicle shall be given a plainly visible signal, as required by M.G.L.A., chapter 90, section 14B.

(Code 1970, § 21-54)

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. Anthony Gross  
18 Nashua Avenue  
Gloucester, MA 01930

Dear Tony:

I am pleased to reappoint you to a three year term on the Waterways Board. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure

CAK/c

EFFECTIVE FEBRUARY 14, 2011

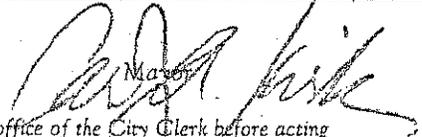
*The City of Gloucester, Massachusetts*

Dear Anthony Gross, 18 Nashua Avenue, Gloucester, MA 01930

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

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

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

No recyclables shall be placed in the same container as trash. All trash and recyclables shall be set out for collection in accordance with Section 9-2 of this Ordinance.

If it is determined that there is more than negligible quantities of recyclable materials in trash set out for collection, the trash may be deemed rejected for collection and left uncollected.

Trash that has not been separated for recyclable material and deemed rejected for collection shall be considered litter and subject the owner to a fine of not more than \$300.00 if it is not removed from the curbside within 24 hours. (Ord. 04-09 6/22/2004)

Secs. 9-12--9-19. Reserved.

## ARTICLE II. RESERVED\*

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\*Editor's note--Ord. No. 153-1999, § I, adopted March 16, 1999, repealed Art. II in its entirety. Art. I, §§ 9-20, and 9-30--9-35, pertained to dumping areas and derived from 10-1, 10-39--10-42, 10-45 and 10-46; section 1 of an ordinance adopted Oct. 2, 1975; section I of an ordinance adopted Nov. 13, 1984; and section I of an ordinance adopted Aug. 4, 1987.

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Secs. 9-20--9-35. Reserved.

## Chapter 10 WATERWAYS ADMINISTRATION\*

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\*Editor's note--Ord. No. 17-1993, adopted Dec. 14, 1993, amended former Ch. 10, Arts. I--III, relative to the harbor and related waters, in its entirety to read as herein set out. The substantive provisions of former Ch. 10 derived from Code 1970. Sections 4-3, 101/2-17--101/2-25, 101/2-27, 101/2-29, 12-8, 12-18--12-21, 16-14, 16-16; and ordinances of Dec. 6, 1977; Jan. 10, 1978; Nov. 4, 1979; Feb. 3, 1983; Oct. 28, 1986; Aug. 4, 1987; Dec. 22, 1987; July 19, 1988; and April 4, 1989.

Cross reference(s)--Marshlands, Ch. 12; shellfish, seaworms and eels, Ch. 20.

State law reference(s)--Waterways, M.G.L.A. c. 91; provisions relating to Gloucester harbor, M.G.L.A. c. 102, §§ 3, 4; harbors and harbormasters, M.G.L.A. c. 102, § 17 et seq.

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## ARTICLE I. MANAGEMENT

### Sec. 10-1. Waterways board.

The purposes of the waterways board is to provide a broad-based citizen management organization that guides the use and development of Gloucester's

waterways and public waterfront facilities. The waterways board shall be the city body which establishes policies and regulations for Gloucester's waterways. It is intended that the board adopt clear, concise and fair policies and regulations that promote improved access to the water for all citizens, including commercial fishermen, business owners and recreational boaters. In cooperation with the harbormaster and other city staff, the board is intended to ensure that our waterways are well planned and maintained, utilized to the maximum extent possible, safe, and reflect positively upon the City of Gloucester.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-2. Composition and term.**

(a) *Composition.* The Gloucester Waterways Board shall consist of seven (7) citizens of Gloucester, appointed by the mayor and confirmed by the city council. The appointees shall include three (3) persons who are directly involved with the fishing industry, two (2) persons who are recreational boaters, and two (2) persons, at large, who need not be involved with any marine-related activity. The board shall observe Robert's Rules of Order, shall annually select a chairman from its membership and establish its rules of procedure. The board shall have non-voting advisory members, as set forth in section 10-4 herein.

(b) *Term.* The term of all members shall be three (3) years except that the initial terms shall be staggered so that the terms of no more than three (3) members shall terminate in any one year. If a member resigns or is removed for any reason before his or her term expires, the mayor shall appoint a replacement within one (1) month of the vacancy. Said appointment must be confirmed by the city council. Members of the waterways board and its standing committees shall be volunteers who are not compensated.

(Ord. No. 17-1993, 12-14-93)

**Sec. 10-3. Authority and responsibilities.**

The Gloucester Waterways Board is hereby empowered, and authorized to:

(a) Promote implementation of the City of Gloucester Harbor Plan, dated 1992, and, in cooperation with the appropriate city bodies, amend said plan from time-to-time as circumstances warrant;

(b) Establish policies, rules and regulations for the use of Gloucester's waterways and waterfront facilities, including but not limited to, mooring areas, public launch ramps, public landings, and public marinas;

(c) Recommend to the city council fee schedules for moorings, launch ramps, slips at public marinas, and other waterfront public facilities and a schedule of fines for violation of waterways rules and regulations;

(d) Oversee the operation and maintenance of all public launch ramps and related facilities, the public Lobster Marina at St. Peter's Square, and all other public marinas, landings, floats or access ramps;

(e) Review and oversee the work programs, budget, staffing, training, effectiveness, management techniques and policies of the harbormaster's office and related city staff;

- (f) Work cooperatively with the harbormaster's office and related city staff on harbor management issues, enforcement of waterways rules and regulations and waterways development projects;
- (g) Review all waterfront development projects or zoning changes and report its findings and recommendations to the mayor, city council or other relevant board. The waterways board may require drawings, plans or other supporting documentation from project proponents for its review;
- (h) Act as the policy liaison between the City of Gloucester and the Army Corps of Engineers, U.S. Coast Guard, the State Department of Environmental Protection, the Massachusetts Office of Coastal Zone Management and other government agencies concerned with waterways;
- (i) Work with the harbormaster's office and related city staff to plan, design and undertake new projects such as dredging, mooring fields and access facilities;
- (j) Plan and encourage the development of signage and facilities for transient boaters and promote Gloucester as a well-equipped and hospitable port-of-call;
- (k) Work cooperatively with the harbormaster's office, police and fire departments, environmental police and other public safety agencies to ensure that Gloucester's waterways policies, rules and regulations and operating practices will protect the rights and property of waterways users and waterfront land owners, while maximizing public safety;
- (l) Delegate any of its responsibilities to a standing committee, the harbormaster or other staff person assigned by the mayor;
- (m) Investigate new sources of revenue for waterways management and development.

(Ord. No. 17-1993, 12-14-93)

#### **Sec. 10-4. Standing committees.**

- (a) *Designation.* There shall be three (3) advisory standing committees of the waterways board, appointed by the chairman; a waterways safety committee; a public facilities committee; and an operations and finance committee. The committees shall review, research, investigate and make recommendations on matters referred to them by majority vote of the full board. The committees shall send their reports and recommendations only to the full board which shall review them and take appropriate action. The harbormaster shall be an ex-officio member of each committee. Every member of the board except the chairman shall be on at least one standing committee, and each committee shall elect its own chairman.
- (b) *Waterways safety committee.* This committee may be referred any matter dealing with: enforcement of boating laws and regulations; other law enforcement activities including the need and nature of police patrols during various times of the year and during special waterfront events; fire prevention and suppression needs; hazardous materials, emergency medical services; hazards to navigation; rules and regulations regarding use of the city's waterways; city ordinances

dealing with the waterways or waterfront; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; the police and fire chiefs or their designees; and a representative of Coast Guard Station--Gloucester.

(c) *Public facilities committee.* This committee may be referred any matter dealing with moorings; public launch ramps, including Dun Fudgin; public landings; public marinas, including the Lobster Marina at St. Peter's Square; signage; public access, including but not limited to, walkways to the water, access ramps and floats and dinghy floats, sewage pump-out facilities, waste oil recycling facilities; harbormaster floats and offices; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; an advocate of public landings appointed by the mayor; the director of public works, or his designee; and a member of the tourist commission.

(d) *Operations and finance committee.* This committee may be referred any matter dealing with harbor planning, design, engineering or construction; budgets; intergovernmental relations; the harbormaster's office, including but not limited to, staffing, training, vessels and equipment, work and education programs; fees and fines; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; a member of the fisheries commission and a member of the city council.

(Ord. No. 17-1993, 12-14-93)

#### **Sec. 10-5. Relationship to the harbormaster and city staff.**

(a) The waterways board shall work cooperatively with the harbormaster and other assigned city staff to implement the City of Gloucester Harbor Plan, as amended, and pursue the policies and goals of the board. In addition, the harbormaster and the board shall work together closely to ensure that the harbormaster's office is efficient, effective, and fair to all waterway users through review of work programs, plans operating procedures and budgets.

(b) The waterways board shall work cooperatively with the harbormaster and other assigned city staff including police officers, such that the following duties are performed by the designated official or employee.

(1) *Harbormaster:*

a. Operate, maintain, manage equipment and vessels assigned (harbormaster boat).

b. Assign and oversee moorings.

c. Coordinate with and report to waterways board--Meetings, staff, grants, etc.

d. Operate and manage public launch ramps, landings, marinas and other public waterways facilities around the city.

e. Gather information and make recommendations relative to the harbor--Commissioner's line, Chapter 91, permits, CZM regulations and other waterways issues.

f. Promote Gloucester as a hospitable port of call--Provide information to visitors, provide water transport as directed by the mayor.

g. Manage and maintain a harbormaster's office.

h. Report to the mayor on administrative matters; report to board on policy matters.

(2) *Police department:*

a. Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.

b. Operate, maintain and manage equipment and vessels assigned (police boat/fire boat).

c. Investigate, prosecute criminal activity on waterways and waterfront in cooperation with other members of the Gloucester Police Department and other law enforcement agencies, USCG, etc.

d. Make arrests on water.

e. Report to the chief of police.

f. Assist the fire department, US Coast Guard with fire prevention and suppression, law enforcement, hazardous materials investigations and emergency medical services.

g. Check on lobster violations under the city ordinance and State Laws. Enforce MGL Chapter 130, Sections 31, 17, 18, 18a, 39, 41, 41a, 43, 44--Marine fisheries laws: Destruction of weir-fish trap; lobster and crab licenses; markings on buoys--exhibition of license; display of license numbers and buoy colors; hours of tending traps; taking of female lobsters with eggs; possession of short lobsters.

h. Check properties on islands not accessible from land.

(3) *Joint duties:*

a. Enforce waterways laws, ordinances and rules and regulations (MGL Chapter 40, Section 21D (Fines and Ticketing) and Gloucester Code section 1-15 and MGL Chapter 90B, Sections 1-19 (Motorboats and other vessels) and other enforcement per MGL Chapter 102, Sections 17-28 (Shipping and Seaman, Harbor and Harbormasters).

*Police:* Plus all other applicable city and state laws.

b. Patrol city waterways.

*Police:* Enforce all Massachusetts laws.

c. Respond to emergencies within scope, training and resources.

- d. Operate, maintain and manage equipment and vessels assigned (police boat/fire boat—police; harbormaster boat—harbormaster).
- e. Coordinate with other agencies and assist within scope, training and resources.
- f. Observe water quality, assist appropriate agencies.
- g. Assist in keeping navigation channels clear, keep harbor free of debris.

*Harbormaster: Primary responsibility.*

- h. Patrol major events to promote and protect public safety—Fiesta, 4th of July, Schooner Races, etc.

*Police: Other occasions as directed by chief of police.*

- i. Issue citations on water.
- j. Enforce the BWI, make arrests and bring complaints to court.

(Ord. No. 17-1993, 12-14-93; Ord. No. 21-1995, § 1, 3-7-95)

**Cross reference(s)**—Police duties and joint duties concerning harbor management, § 17-1.

Secs. 10-6--10-19. Reserved.

## ARTICLE II. ENFORCEMENT

### Sec. 10-20. Harbormaster appointment, qualifications and authority.

((a) *Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed annually by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council. Ord. 02-50 Deleted 11/12/2002) The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

(a) *Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed for a term of three (3) years by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council. (Ord. 02-50, 11/12/2002) The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

(b) *Qualifications.* The harbormaster shall possess the following skills, knowledge or experience: small boat handling in heavy weather; navigation; rules of the road; waterways laws, rules and regulations and their enforcement; budget preparation; and staff management. Desirable skills or knowledge include water

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Ms. Virginia Bergmann  
396 Essex Avenue  
Gloucester, MA 01930

Dear Ms. Bergmann:

I am pleased to reappoint you to a three year term on the Zoning Board of Appeals. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

**The City of Gloucester, Massachusetts**

Dear Virginia Bergmann, 396 Essex Avenue, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the ZONING BOARD OF APPEALS \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

*[Handwritten Signature]*  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 15, 2011

Mr. David Gardner  
96 Middle Street  
Gloucester, MA 01930

Dear David:

I am pleased to reappoint you to a three year term as an Alternate on the Zoning Board of Appeals. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure  
CAK/c

EFFECTIVE FEBRUARY 14, 2011

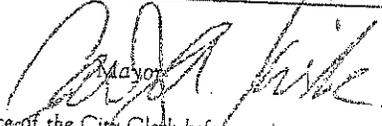
The City of Gloucester, Massachusetts

Dear David Gardner, 96 Middle Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
as an ALTERNATE on the ZONING BOARD OF APPEALS of the City of  
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,

  
Mayor

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

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

February 15, 2011

Mr. Francis Wright  
12R Sunset Point Road  
Gloucester, MA 01930

Dear Sib:

I am pleased to reappoint you to a three year term on the Zoning Board of Appeals. Your appointment will be sent to the City Council for their meeting of February 22, 2011. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective February 14, 2011, the date on which your current term expired. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Enclosure

CAK/c

EFFECTIVE FEBRUARY 14, 2011

**The City of Gloucester, Massachusetts**

Dear Francis Wright, 12R Sunset Point Road, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the ZONING BOARD OF APPEALS \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2014. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in \_\_\_\_\_

By: \_\_\_\_\_



**PART I ADMINISTRATION OF THE GOVERNMENT**

(Chapters 1 through 182)

**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.



**CITY OF GLOUCESTER 2011  
CITY COUNCIL ORDER**

**ORDER:** #CC2011-007  
**Councillor** Jackie Hardy

**DATE RECEIVED BY COUNCIL:** 02/15/11  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** so that the Council and Administration can review the time frame by which the Mayor will declare the vacancies in the positions of (interim) Fire Chief and (interim) Police Chief, I propose that O&A review the following City Ordinances and make a report back to the full Council.

**ARTICLE II. CHAPTER 8-16 (b) FIRE DEPARTMENT**

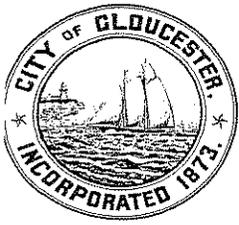
*Within thirty days of the position of the Chief of Police being declared vacant, the Mayor shall appoint a temporary Police Chief who shall serve until a permanent chief is selected in accordance with the provision hereof.*

**ARTICLE II. CHAPTER 17-16 (b) POLICE DEPARTMENT**

*Within thirty days of the position of the Fire Chief being declared vacant, the Mayor shall appoint a temporary Fire Chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.*

O&A should not be limited in its review of Chapter 8 to only the above, and may expand their review to additional subsections thereof.

Jackie Hardy  
Councillor - Ward 4



**Gloucester City Council**  
**CERTIFICATE OF VOTE**  
**Certificate Number: 2010-207**

The Gloucester City Council, at a meeting held on, **Tuesday, September 28, 2010** at 7:00 p.m. in the Kroyuz Auditorium, City Hall, voted to approve the following action: **IN CITY COUNCIL:**

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 8** in favor, 1 (Whynott) opposed to **AMEND** the Gloucester Code of Ordinances Chapter 17 **POLICE**, Article II **POLICE DEPARTMENT** in its entirety as follows:

**Chapter 17 POLICE**  
**ARTICLE II. POLICE DEPARTMENT**

**17-16 Police Chief**

- a) The Mayor shall appoint the Police Chief who shall hold the office for a term of three years. The appointment of the Police Chief shall be subject to confirmation by the City Council; as provided in Section 2-10 of the Charter. The Police Chief is exempt from the Provisions of Chapter 31 of the General Laws.
- b) Within thirty days of the position of the Chief of Police being declared vacant, the Mayor shall appoint a temporary Police Chief who shall serve until a permanent chief is selected in accordance with the provision hereof.

**17-17 Selection of Police Chief; qualifications.**

The Chief of Police shall be selected by the Mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in Section 17-18(b):

- (a) The Chief of Police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;
- (b) The Chief of Police shall have a master's degree in Police Science or related fields;
- (c) Preference shall be given to candidates who have experience with the following:
  - i) possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment;
  - ii) a nationally recognized police leadership program(s), such as the Senior Management Institute for Police, and the FBI National Academy;

- iii) financial management, innovations in police operations, and information technology as it pertains to law enforcement;
  - iv) labor relations, community relations, mediation and facilitation skills; and including staff development, training, community policing and use of crime data for deployment and decision-making.
- (d) Preference may also be given to candidates who have experience with the following:
- i) in a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents; possess managerial experience, as defined in paragraph (a), in the command structure of the Gloucester Police Department;
  - ii) bilingual, with the second language reflecting the linguistic diversity of the City of Gloucester.

**17-18 Selection of Police Chief; manner of appointment.**

(a) The candidates for Chief of Police shall be reviewed by a Selection Committee consisting of the following individuals:

- (1) The Personnel Director, who shall serve as the Chair of the Selection Committee;
- (2) One member of the City Council to be appointed by the President of the City Council;
- (3) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the City's socio-economic and racial and ethnic segments; and,
- (4) Two members of the general public to be appointed by the Mayor, with at least one of said members being a representative of the City's socio-economic and racial and ethnic segments; and,
- (5) Two sworn officers of the Gloucester Police Department, one of whom shall be a member of the union representing patrol officers, elected by that body; and one of whom shall be a member of the union representing superior officers, elected by that body;
- (6) A public safety official appointed by the Mayor, who shall be the Emergency Management Director, if such position shall exist at that time.

The Mayor may appoint appropriate support personnel to facilitate operations of the Selection Committee.

(b) In consultation with the Selection Committee and the Purchasing Agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for Chief of Police. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists and administer the selection process to these candidates. The process shall consist of, without limitation, a written examination, a professional assessment center and a psychological evaluation.

(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Chief of Police

and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Chief of Police, the Selection Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the Mayor. The contract may not be subsequently amended without the approval of the City Council. The term of the contract shall be three (3) years. The Mayor may reappoint said Chief for subsequent contractual terms of three (3) years subject to City Council confirmation.

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

#### 17-19 Powers and duties of Police Chief

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

#### 17-20 Appointment and removal of Officers

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

#### 17-21 Composition

The Police Department shall consist of the Police Chief, and as many lieutenants, sergeants and patrolmen as may be deemed necessary. The department shall also include supporting administrative staff.

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

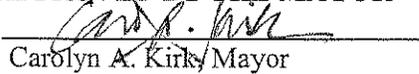
- 17-22 Unlawful use of insignia, etc.
- 17-23 Firefighters appointed as police officers
- 17-24 Chief of Police to act as dog constable
- 17-25 Chief to receive complaints and prosecute
- 17-26 Records of persons arrested and disposal of cases
- 17-27 Powers and duties of police officers
- 17-28 Acceptance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



Linda T. Lowe, City Clerk

Date: September 30, 2010

APPROVED BY THE MAYOR

  
Carolyn A. Kirk, Mayor

VETOED BY THE MAYOR

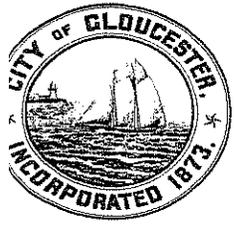
Carolyn A. Kirk, Mayor

SIGNED THIS 1 DAY OF Oct, 2010

*All Ordinances shall become effective 31 days after passage except:*

*Emergency Orders shall become Effective Next Day*

*Zoning Changes shall be Effective Next Day*



**Gloucester City Council**  
**CERTIFICATE OF VOTE**  
**Certificate Number: 2011-009**

The Gloucester City Council, at a meeting held on **Tuesday, January 11, 2011** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following actions:

**IN CITY COUNCIL:**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 7 in favor, 1 (Theken) opposed to Amend the Gloucester Code of Ordinances, "Article II. Fire Department, Chapter 8 Fire Department, Article II Fire Department" as follows:

Chapter 8 FIRE

ARTICLE II. FIRE DEPARTMENT

Amend Article II Fire Department as follows:

Delete sections:

8-16 Composition  
8-17 Appointments

Add new Section 8-16 a-b as follows:

8-16 Fire Chief

a) The Mayor shall appoint the Fire Chief who shall hold the office for a term of three years. The appointment of the Fire Chief shall be subject to confirmation by the City Council as provided in section 2-10 of the charter. The Fire Chief is exempt from the provisions of chapter 31 of the General Laws.

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

Add new: Section 8-17 Selection of Fire Chief; qualifications.

The Fire Chief shall be selected by the Mayor and shall have the following minimum qualifications:

(a) The Fire Chief shall be a fire safety professional with a minimum of 15 years experience in federal, state, county, municipal or military firefighting, no less than five of which shall be in a progressively responsible fire safety management and emergency medical services position;

(b) The Fire Chief shall have an Associates Degree in Fire Sciences or related field and hold a minimum rank of Deputy Chief or higher for a minimum of three years in a fire fighting environment;

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

- i) certification from the National Fire Academy Executive Officer Program;
- ii) financial management, innovations in fire operations, and information technology as it pertains to fire safety;
- iii) labor relations, community relations, mediation and facilitation skills; and including staff development and training.

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

- i) in a multi-lingual and multi-cultural urban fire safety environment from municipalities with a population of 30,000 or more residents, possess managerial experience in a similar structure as the Gloucester Fire Department,
- ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester.

[Subsections 8-18 (b) and (c) shall remain in effect and be renumbered as 8-21 (b) and (c).]

Delete section 8-18(a) and add new 8-18 (a) – (e):

8-18 Selection of Fire Chief; Manner of Appointment.

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

- (i) The Personnel Director, who shall serve as the Chair of the Selection Committee;
- (ii) One member of the City Council to be appointed by the President of the City Council;
- (iii) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;
- (iv) Two members of the general public to be appointed by the Mayor with at least one of said members being a representative of the City's socioeconomic and racial and ethnic segments;
- (v) Two sworn firefighters of the Gloucester Fire Department to be elected by the union representing members of the Fire Department.
- (vi) A public safety official appointed by the Mayor, who shall be the Emergency Management Director if such position exists at that time.

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

(b) In consultation with the selection committee and the purchasing agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for Fire Chief. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; and select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists and administer the selection process to these candidates. The process shall consist of, without limitation, a written exam, a professional assessment center and a psychological evaluation.

(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Fire Chief and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Fire Chief, the Selection

Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the Mayor. The contract may not be subsequently amended without the approval of the City Council. The term of the contract shall be three years. The Mayor may reappoint said Chief for subsequent contractual terms of three (3) years subject to City Council confirmation.

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

Add new section: 8-19 Powers and duties of Fire Chief

The Fire Chief shall manage the Fire Department. He/she shall be responsible for the discipline and efficiency of the department. He/she shall have control of the department, its officers and members, the care of the fire stations, the care and custody of all the property of the department and shall keep a record of its business.

Add new: 8-20 Composition

The Fire Department shall consist of the Fire Chief, who is not subject to the civil service laws, and as many deputy Fire Chiefs, captains, mechanics, inspectors and firefighters subject to the civil service laws in such numbers as are provided by contract and approved by the City Council. The department may also include supporting administrative staff.

Delete subsection 8-18(a) and add new: section 8-21 Qualifications and appointment of firefighters

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

[Consecutively renumber sections 8-19 to 8-25 of Chapter 8, Article II Fire Department as follows:]

- 8-22 Physical examination of firefighters (old sec. 8-19)
- 8-23 Appointees must signify willingness to obey rules (old sec. 8-20)
- 8-24 Firefighters to have motor vehicle license (old sec. 8-21)
- 8-25 Military substitutes (old sec. 8-22)
- 8-26 Fire chief to act as forest warden (old sec. 8-23)
- 8-27 Aid to other cities, towns or fire districts (old sec. 8-24)
- 8-28 Destruction of building to prevent spread of fire (old sec. 8-25)



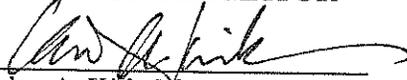
Linda T. Lowe, City Clerk

Date:

JAN 21 2011

APPROVED BY THE MAYOR

VETOED BY THE MAYOR

  
\_\_\_\_\_  
Carolyn A. Kirk, Mayor

\_\_\_\_\_  
Carolyn A. Kirk, Mayor

SIGNED THIS 24 DAY OF Jan, 2011

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



**CITY OF GLOUCESTER 2011  
CITY COUNCIL ORDER**

<b>ORDER:</b>	<b>#CC2011-008</b>
<b>Councillor</b>	<b>Jackie Hardy</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>02/15/11</b>
<b>REFERRED TO:</b>	<b>O&amp;A</b>
<b>FOR COUNCIL VOTE:</b>	

**ORDERED** that O&A take up the matter of creating language for a ballot question to appear on our next municipal ballot reflective of the recently enacted Water Ordinance and the pending Home Rule Petition related to same that has been fostered through the Council with the assistance of WHO DECIDES.

Jackie Hardy  
Councillor - Ward 4

---

**From:** Teetshorn, Erin (SEN) [mailto:Erin.Teetshorn@masenate.gov]  
**Sent:** Friday, February 11, 2011 10:14 AM  
**To:** Linda Lowe  
**Subject:** RE: City of Gloucester Proposed Special Legislation for Charter Amendment on Water System

Dear Ms. Lowe,

The filing and co-sponsorship period just ended last Friday, so all of the bills are still working their way to committee and thus do not have bill numbers yet. It is currently Senate Docket (SD) 182, and should be assigned to a committee and given a bill number in the next two weeks. Please let me know if I can help with anything else!

Erin

---

**From:** Linda Lowe [mailto:llowe@gloucester-ma.gov]  
**Sent:** Thursday, February 10, 2011 4:30 PM  
**To:** 'Bruce Tarr'  
**Cc:** Teetshorn, Erin (SEN); 'jackie hardy'  
**Subject:** City of Gloucester Proposed Special Legislation for Charter Amendment on Water System

Senator Tarr and Representative Ferrante, on behalf of the Gloucester City Council I am checking on the status of the proposed special legislation which we forwarded to you on January 14, 2011 which would amend the Gloucester Home Rule Charter to require a referendum on the question of a sale of the public water system. Could you please advise us of the bill number(s) assigned to this proposed legislation and whether the legislation has been assigned to committee(s). As always, thank you for your assistance.

Linda Thomas Lowe  
City Clerk  
City of Gloucester  
City Hall  
Gloucester, MA. 01930 978 281 9720

2/11/2011

The following residents and voters of Gloucester would like the City Council to reconsider the recent ordinance that was enacted that prohibits 'shuffling' between parking meters in downtown Gloucester. When the ordinance was created, there was no consideration given to the many hair salons on Main Street that have clients that use services that take more time than the Main Street meters provide. A lot of these customers are elderly and unable to walk from the longer meters on Rogers Street.

CITY CLERK  
 GLOUCESTER, MA  
 FEB - 9 AM 10:42

Name Address

- N Jennifer Clark 32 Witham St Gloucester
- V Susan Tocco 23 Lookout St
- N Rosalinda 13 main st
- N Jessica Collins 13 main street
- W Janice Brown 15 Hickory Hill Rd Manchester
- 7 ~~Wendy~~ 7 Fallside Rd Gloucester
- 2 Denise DeLaCorte wife Hill Glou
- 7 Jim Madden 226 Bray St, Glouc.
- 2 Rich Kleinsch 6 sea Fox Lane
- 7 Jennifer Noble 5 Helen way Gloucester
- 2 Alan McGlashan 64 Bond St Gloucester
- V Magua A-Wood 144 Bray Street Gloucester
- W Carol Hayes 3 Penn Rd Rockport
- 7 Helen B. Joseph 9 Orchard Rd. Gloucester
- 7 Lois Fasso 395 Western Ave
- 7 Dana Karcher 429 Essex Ave
- 7 Judy Sumner 3 Fairmount Rd
- 9

# Board of Registrars Office of the City Clerk

9 Dale Avenue • Gloucester, Massachusetts 01930

Office (978) 281-9720

Fax (978) 282-3051

Office Hours: Monday, Tuesday, Wednesday 8:30 AM to 4:00 PM

Thursday 8:30 AM to 6:30 PM

Friday 8:30 AM to 12:30 PM

RECEIVED FROM: *Shelly Cossom* DATE/TIME STAMP: *2/19/11*

*Home: 978-283-6113*

*10:42 am.*

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Petition to Reconsider enacted ordinance that prohibits "shuffling" between parking meters in downtown Gloucester

13 PAGES

263 SIGNATURES

CERTIFIED: 13 PAGES: 171 SIGNATURES

*2/10/2011 6:12pm*  
*(MR)*

BY: LINDA T. LOWE, BOARD OF REGISTRARS

The territory of the city shall be divided into five wards so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each ward shall be divided into voting precincts in accordance with state statutes. The city council shall from time to time review such wards to insure their uniformity in number of inhabitants.

**Code reference**--Wards and precincts generally, § 7-15 et seq.

### Section 8-7. Application of State Laws.

Except as expressly provided in the charter and authorized by state law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular, and special elections, the submission of charter amendments and other propositions, the counting of votes, and the declaration of results.

**State law reference(s)**--Applicability of state election laws, M.G.L.A. c. 43B, § 17.

## ARTICLE 9. FREE PETITION; INITIATIVE; REFERENDUM\*

\*Code reference--Elections generally, Ch. 7.

### Section 9-1. Free Petition.

(a) *Individual Petitions, Action Discretionary* -- The city council and the school committee shall receive all petitions signed by one or more voters and addressed to either of them and may, in their discretion, take such action in regard to such petitions as they deem necessary and advisable.

➔ (b) *Group Petitions, Action Required* -- The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it and which is signed by at least one hundred-fifty voters. The hearing shall be held by the city council or the school committee, or in either case, by a committee or subcommittee thereof, and the action by the city council or school committee shall be taken not later than three months after the petition is filed with the clerk of the council or secretary of the school committee. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten petitioners whose names first appear on each such petition at least seven days before the hearing. The city council or the school committee shall publish in one or more local newspapers a general summary of the subject matter of such petitions and a notice stating: (1) the times and places where copies of the citizen petitions are available for inspection by the public, and (2) the date, time, and place not less than two weeks after such publication, when a public hearing on said petitions will be held by the city council or school committee.

### Section 9-2. Citizen Initiative Measures.

(a) *Commencement of Proceedings* -- Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or [the] secretary of the school committee[,] as may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for passage of a particular measure set forth in the petition, and shall be signed by not less than ten per cent of the total number of voters. Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the registrars of voters as one instrument, with the endorsement thereon of the name and address of the person designated as filing the