



CITY CLERK
GLOUCESTER, MA
11 SEP 16 AM 8:23

GLOUCESTER CITY COUNCIL
9 Dale Avenue, Gloucester, MA 01930
Office (978) 281-9720 Fax (978) 282-3051

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, September 19, 2011 – 7:00 p.m.
1st Fl. Council Conference Rm. – City Hall
AMENDED AGENDA

(Items May be taken out of order at the discretion of the Committee)

1. **Continued Business:**
 - A) Communication from Christopher M. Sallah re: Cordials & Liqueur Permit Option under MGL c.13, §1, Paragraph 15 (Cont'd from 7/18/11)
 - B) Vehicle Traffic Speed Rates on Woodward Avenue (ref'd from 7/26/11 City Council Mtg. (Cont'd from 8/1/11)
 - C) Memorandum from CAO re: establishment of the Emergency Management Department (Cont'd from 8/15/11)
 - D) CC2011-033 (Mulcahey) Speed Study re: Taylor Street & Friend Street (Cont'd from 8/15/11)
 - E) CC2011-034 (Hardy) Amend GCO §22-270 (Parking Prohibited at all Times) & GCO §22-291 (Tow-Away Zones) Re: Leonard Street (Cont'd from 8/15/11)
 - F) CC2011-036 (Curcuro) Amend GCO §22-287 (Disabled veteran, handicapped parking) re: Clifford Ct. #8 (Cont'd from 8/15/11)
2. **Reappointments & New Appointments**

Fisheries Commission	William "BG" Brown	TTE 02/14/14 (Cont'd from 8/15/11)
Archives Committee	Marion Goodwin	TTE 02/14/14
3. **Letter from Citizens for Gloucester Harbor**
4. **CC2011-038 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: across from Prospect Street #122**
5. **Charter Task Force Report Re: §10-1(b) – Periodic Review & Recommendations of City Charter**
6. **Memo from Mayor re: Updates regarding City's Emergency Management Dept and Special Budgetary Transfer (#2012- SBT-3) in the amount of \$4,800 (referred from CCM 09/13/11)**

THE FOLLOWING MATTERS ARE CONTINUED TO OCTOBER 3, 2011:

7. **CC2011-039 (Mulcahey) Amend GCO §22-270 (Parking Prohibited at All Times) re: Green & Perkins Sts.**
8. **CC2011-040 (Mulcahey) Amend GCO§22-291 (Tow Away Zones) Green & Perkins Sts.**
9. **CC2011-041 (Verga) Speed Limit for Woodward Avenue area**
10. **CC2011-042 (Verga) Revisit of 4-way stop signs at intersection of Magnolia Avenue, Shore Road and Raymond Street**

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 Dench/Deputy Miles Schlichte
Michelle Harrison

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

Christopher M. Sallah
Sugar Magnolias
112 Main Street
Gloucester MA 01930
978.281.5310

Gloucester City Council
Councillor at Large
Joseph Ciolino
28 High Popples Road
Gloucester MA 01930

CITY CLERK
GLOUCESTER, MA
11 JUN 29 AM 10:44

Dear Mr. Joseph Ciolino:

I am writing to ask you to support a Cordials & Liqueur Permit option for current Common Victualler Beer & Wine license holders and/or as a separate and distinct license type. At this time, Gloucester does not have this option and the last time it was voted on was in 1994. The purpose of this permit is to help responsible local businesses to increase revenue possibilities, particularly in these difficult economic times.

Under the MGL Chapter 138, Section 12 this addition is subject to written approval and a vote must be taken to accept the provisions of the law. Under MGL Chapter 4, Section 4 a vote of the City Council which is subject to the provisions of the charter of the City of Gloucester is necessary.

I think that this is valuable business legislation and it will benefit the community at large.

If you have any questions please do not hesitate to contact me.

Sincerely,



Christopher M. Sallah, JD/MA
978.491.8604 (c)

→ [See Page 3]



Print

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

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 138 ALCOHOLIC LIQUORS

Section 12 Licenses authorizing sale of beverages to be drunk on premises; license to farmer-winery to serve wine on premises of winery located on the premises of farm; veterans' organizations, corporations, etc.; suspension or revocation; hours of sale; liqueurs and cordials; liquor legal liability insurance requirement

Section 12. A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a pub brewer and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel only in the dining rooms and such other public rooms or areas deemed reasonable and proper by the local licensing authority shall not be deemed to preclude the restaurant or hotel from allowing a patron to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further, that the bottle shall be resealed in accordance with regulations promulgated by the commission and transported in a manner authorized in section 24/ of chapter 90 when carried in a motor vehicle, as defined in section 1 of said chapter 90; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee as the local licensing authorities may deem reasonable and proper, and approve in writing. Such sales may be made by a restaurant licensee at such stands or locations in a sports arena, stadium, ball park, race track, auditorium or in any one building at an airport as the local licensing authority may deem reasonable and proper, and approve in writing. A local licensing authority may grant a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages at any location on the grounds of a golf course as it deems reasonable and proper. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be vested in the local licensing authorities; provided, that if a person applies for the renewal of both a common victualler's license or an innholder's license under said chapter one hundred and forty and a hotel or a restaurant license, as the case may be, under this section and the local licensing authorities refuse to grant said common victualler's or innholder's license or fail to act on the applications therefor within a period of thirty days, such applicant may appeal therefrom to the commission in the same manner as provided in section sixty-seven and all the provisions of said section relative to licenses authorized to be issued by local licensing authorities under this chapter shall apply in the case of such common victualler's license or innholder's license.

[Paragraph inserted following first paragraph by 2010, 240, Sec. 139 effective August 1, 2010. See 2010, 240, Sec. 206.]

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, notwithstanding any limitation on the number of licenses the city or town is authorized to grant in section 17, may grant a

license to the holder of a farmer-winery license under section 19B or from any other state for service to travelers, strangers, and other patrons and customers who are at least 21 years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may deem reasonable and proper. For purposes of this section, a farm shall have the meaning ascribed to it in section 1A of chapter 128.

If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for further cause, in case such disposition is in favor of the appellant. Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others.

The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, for a tavern license or for any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages, and provided that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing such sale on secular days only. If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. Before issuing a license to any applicant herefor under this section, or before a renewal of such license, the local licensing authority shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.

The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen.

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing; provided further, that a local licensing authority, subject to the approval of the commission, may grant a license notwithstanding section 17 to sell wine for

consumption on the winery premises to a winegrower authorized to operate a farmer-winery under section 19B, to sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer-brewer under section 19C and to sell spirits for consumption on the distillery premises to a farmer-distiller authorized to operate a farmer-distillery under section 19E; and provided further, that such licensees may sell for on premises consumption wines, malt beverages and spirits produced by the winery, brewery or distillery or produced for the winery, brewery or distillery and sold under the winery, brewery or distillery brand name.

No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of sections eighteen or nineteen shall be granted a license under this section.

In cities and towns which vote to authorize under section eleven the granting of licenses for the sale of all alcoholic beverages, specific licenses may nevertheless be granted under this section for the sale of wines or malt beverages only, or both. The licensing authorities may refuse to grant licenses under this section in certain geographical areas of their respective cities or towns, where the character of the neighborhood may warrant such refusal.

All malt beverages sold by a licensee under this section containing not more than three and two tenths per cent of alcohol by weight shall be expressly sold as such.

No malt beverage shall be sold on draught from a tap, faucet or other draughting device, unless there shall plainly appear on or attached to such device, in legible letters, the brand or trade name of the malt beverage so sold therefrom.

In any city or town wherein the granting of licenses under this section to sell alcoholic beverages or wines and malt beverages is authorized, a person may be granted a general on-premise license by the local licensing authorities, subject to the prior approval of the commission, authorizing him to sell alcoholic beverages without food to patrons and customers subject to all other relevant provisions of this chapter, provided that such beverages shall be sold and drunk in such rooms as the licensing authorities may approve in writing. The annual license fee for such general on-premise license shall be determined by the local licensing authority. For the purposes of section eleven an affirmative vote on subdivision A or B shall be considered an authorization for the granting of general on-premise licenses in a city or town.

A common victualler who holds a license pursuant to this section may provide on premises sample wine or malt beverage tasting; provided however, that such licensee shall not solicit orders for wine or malt for off premises consumption; and provided further, that any such wine tasting shall be limited to one ounce per serving and any such malt beverage tasting shall be limited to two ounces per serving and food shall be served in conjunction with any such wine or malt beverage tasting.



In any city or town which votes to accept the provisions of this paragraph, a common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.

A common victualler who holds a license for the sale of all alcoholic beverages or holds a license for the sale of wines and malt beverages and who also holds pursuant to this section written approval to sell liqueurs and cordials pursuant to his license may provide on-premises sample liqueurs and cordials tasting; provided however, that a licensee shall not solicit orders for liqueurs and cordials for off-premises consumption; and provided, further, that any such liqueurs and cordials tasting shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any liqueurs and cordials tasting.

A common victualler who holds a license for the sale of all alcoholic beverages may provide on premises sample alcoholic beverages tasting; provided, however, that a licensee shall not solicit orders for alcoholic beverages for off-premises

consumption; and provided further, that any tasting of alcoholic beverages, other than wines and malt beverages, shall be limited to 1/4 of an ounce per serving and food shall be served in conjunction with any alcoholic beverages tasting.

[Paragraph added by 2010, 116, Sec. 1 effective August 26, 2010.]

No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority. The insurance shall be subject to sections 5 and 6 of chapter 175A of the General Laws.

(3) Recommend programs and activities which can generate revenue streams which can be dedicated to the maintenance or improvement of any of the facilities or property contained within the Magnolia Woods.

Section x-xx2. – Tenure; composition; requirements.

The Magnolia Woods Oversight and Advisory Commission shall consist of nine (9) members, three of whom one will be the Gloucester School System Athletic Director (or his/her designee), two of whom shall be the Director of Public Works (or his/her designee) and the ward councilor representing Ward 5, who shall serve so long as they hold the aforementioned positions. The six remaining members shall initially be appointed by the mayor of the city and approved by the city council under §2-10 of the city charter for the terms listed below and shall be residents of Gloucester:

- (1) Two(2) member for one (1) year;
- (2) Two (2) members for two (2) years; and
- (3) Two (2) members for three (3) years.

The successors to these initial appointees shall serve for a term of three years. The six appointed members shall represent the following interests:

- (1) The Cape Ann Youth Soccer Association;
- (2) The Cape Ann Youth Lacrosse Association;
- (3) The Cape Ann Model Airplane Flying Association;
- (4) The neighborhood abutting the Magnolia Woods; and
- (5) The Magnolia community at large provided, however, that this member shall be a resident in Ward 5 of the City;
- (6) A representative from the community at large, provided that this member, however, will be a registered voter of the City.

Section x-xx3. – 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 a new member to fill the unexpired term of such previous member immediately shall be made by the mayor and forwarded to the city council for its approval.

Section x-xx4. – Assistance of city officials, boards and employees.

The commission shall receive regular support and assistance from the Department of Public Works.

4. *Communication from Christopher M. Sallah re: Cordials & Liqueur Permit Option under MGL c.138 §12*

Christopher Sallah of Sugar Magnolias Restaurant on Main Street (a beer and wine licensee), noted in Massachusetts most cities have three distinct licenses: beer and wine, beer, wine and cordials (Kailua, Frangellico, Lemoncello, Bailey's, etc.) and all alcohol. Then there are seasonal, all year, single day licenses, etc. which the Licensing Board governs and manages. In 1994 the Council rejected this option so there is only beer and wine and all alcohol. Considering the City and its Italian roots, he wished to add this option. This is a small after-dinner aperitif and doesn't infringe on other businesses offerings. He has the support of 9 of the 10 beer and wine license holders. He would like this to be added to the licensing choices that they do not currently have. **Councilor Theken** asked if this adds or take away from the licenses. **Attorney Michele H. Harrison**, Chairwoman of the Licensing Board stated MGL c. 138 §12 is what governs on-premises liquor licenses for restaurants. They have all alcohol licenses and beer and wine licenses (actually called beer and malt). If the City Council accepts this section of c. 138, §12, if you hold a beer and wine license they could also serve cordials and liqueurs. She gave the example that one could have a Campari & soda before dinner, and have a brandy after dinner which could be now done if you only have a beer and wine license. This would affect places like Sugar Magnolias, and Passports for instance. It is something Gloucester has never accepted before. The statute says that the City Council has to accept this section of c. 138, §12, paragraph 15. **Councilor Verga** asked if they vote it would it be automatic for beer and wine license

holders to have this privilege. **Attorney Harrison** stated it is not. If the Council accepts this and a beer & wine license holder wishes to serve cordials, the license holder must get the written approval from the Licensing Board. Beer and wine licenses are limited. But seasonal licenses are not; however, they are at the discretion of the Board. She also stated the 1994 Council minutes are vague on the matter and could not discern the reason for the rejection of the law then. **Councilor Hardy** asked if they could have just a cordials license. **Attorney Harrison** stated no. This would be an enhancement for the beer and wine license holders. She also commented the Board have not looked yet into how many cities and towns have accepted this part of c. 138, §12. The Board also didn't think there will be over consumption. One tends not to over consume something like Lemoncello. **Councilor Tobey** asked if the Licensing Board would like to review this first. **Attorney Harrison** stated they spoke with Mr. Sallah and suggested he come before the O&A Committee. She suggested they continue this matter, and the Board could get that information or they could go to public hearing and then give them the information at that time. **Councilor Theken** asked that the Board review this first and get the information to them. **Councilor Hardy** asked if this would be an additional fee. **Attorney Harrison** stated they would have to amend the newly passed fees. The Licensing Board supports this change but needed to do their research. They would need to find out what other communities charge and how many communities have an additional license for their beer & wine license holders.

This matter is continued to September 19, 2011.

Councilor Mulcahey reported the Charter Committee is continuing their review and are up to Article IX. They would request when finished with their review to have a meeting with O&A.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:11 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Harbor Walk: Two maps/plans of proposed changes to St. Peter's Square Parking Lot; one map/plan of Harbor Parking Lot (Gloucester House) Parking layout**
- **Letter of endorsement signed by nine beer and wine license holders regarding Item #4, Communication from Christopher M. Sallah re: Cordials & Liqueur Permit Option under MGL c. 138, §12**

consultation with the veterinarian and a third party contractor is hired to collect and appropriately dispose of deceased animals. The contractor holds all necessary licenses and disposes of deceased animals in accordance with all federal, state and local laws.

3. Decision to Adopt: SCP2011-002: Eastern Avenue #53, GZO §2.3.1.6 conversion to or new multi-family Dwelling units; three dwelling units, §1.10.1 and §3.1.6 building height over 35', §3.2.2(a) decrease in the Minimum lot area and open space per dwelling unit

MOTION: On motion by Councilor Hardy, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 9 in favor, opposed to adopt SCP2011-002 decision for Eastern Avenue #53 pursuant to §2.3.1.6, §1.10.1, §3.1.6 and §3.2.2(a).

Unfinished Business: None.

Individual Councilors' Discussion including Reports by Appointed Councilors to Committees: None.

Councilors' Requests to the Mayor:

Councilor Whynott thanked the DPW for fixing broken concrete on Stacy Boulevard, but that there another portion in the vicinity of the Fisherman's Wives Memorial statue and asked if they would take care of that matter.

Councilor Verga expressed there have been reports by residents of Woodward Avenue regarding speeding issues there and asked the matter to be referred to O&A and the Traffic Commission to have a JAMAR speed study done, as well as have the signage, speed limits reviewed in order to make a recommendation to O&A. **The Council referred the matter of speeding on Woodward Avenue to the O&A Committee and Traffic Commission by unanimous consent.**

Councilor Theken reminded the community of the Harbor Loop concerts on Sundays. She thanked the sponsors of that concert series.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:11 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Power Point presentation by Chris Muskopf of Cambridge Seven Associates, Inc. on the Harbor Walk
- Copy of Mullin Act documentation, signed and notarized, to enable Councilors Theken and Tobey to participate in PETCO Motions to reconsider votes and discussions filed in the City Council Special Permit File 2011-004

**CITY OF GLOUCESTER
TRAFFIC COMMISSION**

CITY CLERK
GLOUCESTER, MA
11 SEP -7 AM 8:32

**A meeting was held on Thursday, September 1st, 2011 at 6:00 p.m.
in the third floor conference room at Gloucester City Hall.**

The meeting was opened at 6:01 p.m. by Chairman Robert B. Ryan. Also attending were members Anthony Bertolino, Larry Ingersoll, Robert Francis and Michael Mulcahey. Also present were City Councilor Ann Mulcahey, Cora Brown and Carole Gilardi

AGENDA

Order #CC2011-033 (Councilor Mulcahey) Ordered that the TC and Police Department conduct a (JAMAR) study on Taylor Street and Friend Street regarding speeding issues and report their recommendations to the O&A Committee.

These streets were put on the list for a JAMAR study and when the results are complete they will be forwarded to the O&A Committee and Councilor Mulcahey.

Order #CC2011-034 (Councilor Hardy) Ordered that the GCO Sec 22-270 (Parking Prohibited at All Times) and GCO Sec 22-291 (Tow Away Zones) be amended by:

DELETING: Leonard Street, westerly side, from its intersection of Bridgewater Street, north, to its intersection of Nashua Avenue, opposite the Village Church on Washington Street and

ADDING: Leonard Street, westerly side, from its intersection with Nashua Avenue, opposite the Village Church, north, to its intersection with Dennis Court, and from a distance of 100 feet from Dennis Court to its intersection with Bridgewater Street.

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the request.

Order #CC2011-036 (Councilor Curcuru) Ordered that GCO Sec 22-287 (Handicapped Parking) be amended by ADDING:

One handicapped parking space in front of #8 Clifford Court

After a discussion and speaking to the requestor, a MOTION was MADE, SECONDED and PASSED to APPROVE the request. The sign should be placed on utility pole #255/5071 at 8 Clifford Court.

Order #2011-038 (Councilor Mulcahey) Ordered that the GCO Sec 22-287 (Handicapped Parking) be amended by ADDING:

One handicapped parking space across from #122 Prospect Street

After a discussion and speaking to the requestor, a MOTION was MADE, SECONDED and PASSED to APPROVE the request. This was a slightly different request as the placement of the sign would have been across the street from the requestor and in front of another home. Due to this, the TC suggests that the sign be placed in front of 115 Prospect Street which is a business that has its own off street parking area. This will allow the people across from the requestor to still have public spaces available in front of their home.

The issue of signage on Maple and Oak Streets was brought up after the Fire Department had a problem there while recently responding to a call. The signage currently states 'Parking Prohibited At All Times/Tow Away Zone' as the ordinance reads but the TC believes that it should read 'No Parking This Side/Tow Away Zone' which should help clear up some confusion. Also, better enforcement of the ordinance by the police would be appreciated as the neighbors continue to park on the prohibited side or on the sidewalks.

The TC also requests that signage stating 'No Parking Either Side' be placed on the lower end of Hancock Street (Between Main & Rogers) as signs were removed during building construction and have not been replaced.

The meeting was adjourned at 7:02 p.m.

ROBERT B. RYAN, Chairman LARRY INGERSOLL, Secretary

This matter is continued to October 3, 2011.

Councilor Curcuru left the meeting at 8:00 p.m. There was no longer a quorum of the City Council.

4. Discussion of Distribution of Water; payment of costs by special assessment (ref'd from 7/26/11 City Council Mtg.)

Mr. Hale showed the Committee a line map showing Becker Lane and explained that the City mains were renewed in the 1990s. Since the mid-1960's there have been seventeen divisions of land with no requirement to improve utilities. There are no hydrants up there. If you were going to be fighting a fire on Becker Lane they'd have to start from Concord Street. This water service continues to break. They run through yards, etc. and are "a mess". The City could take property by eminent domain to put water mains there. To put in a water main is \$185 per linear foot just for pipe; and he estimated it would cost about \$800,000 to \$900,000 to do. It's all granite there; and there are wetlands issues. This isn't the only neighborhood like this nor is it the most vulnerable. There are those neighborhoods that have "summer water", like Rust Island – all of it is fed by summer water or wells. There is no way to fight a fire in a traditional manner there. They'd have to relay pump to fight a fire from Sudbay's (automotive dealership). They couldn't have this project in the ground at Becker Lane until the spring even if he had the money with design, permitting and right of way taking. They better sewer projects all the time. The residents of Way Road and Page Street couldn't do a sewer project on their own. They were willing to pay for it if the City would manage the project. He showed the Committee the MGL that relates to water betterment (on file).

Councilor Tobey stated the betterment authority is the DPW Director. The problem here is that the water service is not adequate and wondered would this project be eligible for betterment treatment. **Ms. Lowe** stated most germane is that it is not part of the public system. The introduction of a new public system would be a 'betterment'. It is considered an "unwatered place". **Councilor Tobey** asked if it is enough of a distinction. **Ms. Lowe** believed that to be the case. She pointed out in their packet the MGL sections (c. 40, §42G, H, I and K) that if adopted locally, they could do 100% betterment. **Mr. Hale** stated it would need close review but they're looking at other tools also, as this is a big ticket project, prohibitive to some neighborhoods financially. It would be at a cost of about \$35,000 per household on Becker Lane for a water project. **Councilor Theken** pointed out that this would be an option to be examined. **Mr. Hale** stated they're coming forward with water projects quickly as it is time now to invest in the City's infrastructure. **Councilor Theken** asked they come back in October with other problem roads/areas of the City so that they know where they are so they can have a better picture of the situation. **Mr. Hale** stated they have a Water Master Plan under development now and hope to have it done by the first of the year, and confirmed they'll have a "snapshot in the fall."

By unanimous consent by the O&A Committee a request by Councilor Tobey is forwarded to the City Solicitor as follows: To obtain an opinion from General Counsel as to whether the water betterment procedures in MGL c. 40, §42 G, H, I, and K apply once accepted by the City if the City constructs a public distribution system in an area thereby replacing the preexisting private water system.

This matter is continued to November 14, 2011.

 **5. Vehicle Traffic Speed Rates on Woodward Avenue (ref'd from 7/26/11 City Council Mtg.)**

Councilor Theken explained that this matter is with the Traffic Commission for a JAMAR study. The matter will be continued to September 19, 2011 to give the Traffic Commission time to make their recommendation.

This matter is continued to September 19, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:22 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

City Hall
Nine Dale Ave
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

Memorandum

To: City Council President Hardy and Members of the Gloucester City Council
From: Jim Duggan, Chief Administrative Officer 
Date: July 29, 2011
Re: **Establishment of the Emergency Management Department**

One of the goals of the Administration has been to provide the citizens of Gloucester with an improved method of preparing for, responding to and building capacity to recover from small and large disasters.

With the support of the city council, we have taken the first step to fulfill that goal by renaming the Civil Defense position to an Emergency Management Director (EMD). As we have appreciated over the course of recent weather related events, an experienced and trained EMD has been vital in:

- Coordinating the emergency management efforts of the multiple local and state agencies, as well as local health care providers; and
- Providing consistent information to the general public and private businesses, which is essential to ensuring the safety of the citizens.

The proposed next step is to replace the existing language in the Code of Ordinances for the "Civil Defense" Department (Part II GCO Chapter 2 - Administration, Article VII) with the Emergency Management Department. I have attached for your review the existing language in the Code of Ordinances for the Civil Defense Department and the proposed language for the Emergency Management Department. As you will discover, the language changes are minimal.

I request that this matter be referred to Ordinance and Administration Committee for their review and recommendation to the full City Council.

Appropriate personnel will be available to answer any questions.

Thank you.

Director shall mean the director of the city office of civil defense, appointed as prescribed in this article.

Mayor shall mean the mayor or the acting mayor as provided in Charter, § 3-10(a), except that the acting mayor shall assume such office immediately upon the mayor's becoming unable to perform the duties of the office.

Regulations shall include plans, programs and other emergency procedures.

Volunteer shall mean contributing a service, equipment or facilities to the civil defense organization without remuneration.

(Ord. of 1-15-1996 § 3)

Sec. 2-653. - Organization and appointments.

- (a) The mayor is authorized and directed to establish an organization for civil defense in accordance with the commonwealth civil defense plan and program. Said organization is to be known as the city office of civil defense.
- (b) The organization shall be constituted as follows:
- (1) There shall be a director who shall be appointed by the mayor and who shall have direct responsibility for the organization, administration and operation of the city office of civil defense, subject to the direction and control of the mayor.
 - (2) Every agency and all members of every department and division of the government of the city may be employed as part of the civil defense organization.
 - (3) Whenever the federal government or any agency or officer thereof, or any person, firm or corporation, shall offer to the city services, equipment, supplies, materials or funds, by way of gift, grant or loan for purposes of civil defense, the city, acting through its city council, may accept such offer, and upon acceptance, the city council may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(Ord. of 1-15-1996 § 4)

Sec. 2-654. - Emergency powers and duties.

- (a) *The mayor.*
- (1) The mayor may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in the city Charter, article 3. The city council may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to civil defense activities. Nothing in that article shall be construed as abridging or curtailing the powers or restrictions of the city council as defined in the city Charter, article 2.
 - (2) During any period when disaster threatens or when the city has been struck by disaster, within the definition of this article, the mayor may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:
 - a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil defense forces, or to facilitate the mass movement of persons from critical areas within or without the city.
 - b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
 - c. Such other regulations necessary to preserve public peace, health and safety.
 - d. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of ordinance when duly filed with the city clerk.
 - (3) The mayor may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the city for fair value thereof.
 - (4) The mayor may require emergency services of any city officer or employee. If regular city forces are determined inadequate, the mayor may require the services of such other personnel as he is able to obtain, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to such privileges and immunities as are provided by commonwealth law, the city Charter and ordinances for regular city employees and other registered and identified civil defense and disaster workers.
 - (5) The mayor shall cause to be prepared the basic plan herein referenced, shall exercise his ordinary powers as mayor, all of the special powers conferred upon him by the city Charter and this Code, and all powers conferred upon him by any commonwealth statute, or other lawful authority.

(b) *Director of the office of civil defense.*

- (1) The director, under the supervision of the mayor, shall be responsible for the planning, coordination and operation of the civil defense activity in the city. He shall maintain liaison with the commonwealth and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the civil defense plan. The director's duties shall include, but shall not be limited to, the following:
- a. Developing or causing to be developed, in collaboration with other public and private agencies, mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.
 - b. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for civil defense purposes.
 - c. Developing and coordinating plans for the immediate use of all of the facilities, equipment, manpower and other resources of the city for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
 - d. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the civil defense purposes and designating suitable buildings as public shelters which comply with standards for shelters promulgated by the commonwealth director of civil defense.
 - e. Educating the civilian population, through public informational programs, as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.
 - f. Conducting public practice alerts to ensure the efficient operation of the civil defense forces and to familiarize residents with civil defense regulations, procedures and operations.
 - g. Coordinating the activity of all other public and private agencies engaged in any civil defense activity.
 - h. Assuming such authority and conducting such activity as the mayor may direct to promote and execute the civil defense plan.

(Ord. 2000-100)

Sec. 2-655 - Civil defense and disaster basic plan.

- (a) A comprehensive civil defense and disaster basic plan shall be adopted and maintained by resolution of the council upon the recommendations of the mayor. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The basic plan shall be considered supplementary to this article and have the effect of law whenever a disaster, as defined in this article, has been proclaimed.
- (b) The mayor shall prescribe in the basic plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the mayor a current list of three persons as successors to this position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.
- (c) Each service chief and department head assigned responsibility in the basic plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned city employees and volunteers. Each chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the basic plan.
- (d) Amendments to the basic plan shall be submitted to the mayor. If approved, the mayor will submit the amendments to the city council with his recommendations for their approval. Such amendments shall take effect 30 days from the date of approval unless action is taken by the council disapproving the mayor's submission. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this article, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the council.
- (e) When a required competency or skill for a disaster function is not available within the city government, the mayor is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties in reasonable anticipation, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the city on a volunteer basis. Such citizens shall be enrolled as civil defense volunteers in cooperation with the heads of city departments affected.
- (f) Some of the duties ascribed to the mayor in this section will ordinarily be handled as a matter of routine by the director, but the responsibility and authority stem from and remain with the mayor.

(Ord. of 1-19-1988, § 6)

Sec. 2-656. - No municipal or private liability.

- (a) This article is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city nor agents and representatives of said city, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof in good faith and in the absence of gross negligence, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this article, shall be liable for any damage sustained by persons or property as the result of said activity. The provisions of this section shall not affect the right of any person to benefits to which he would otherwise be entitled under the State Civil Defense Act, Workmen's Compensation Act, pension and other similar law.
- (b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

(Ord. of 1-19-1988, § 6)

Sec. 2-657. - Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil defense organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

(Ord. of 1-19-1988, § 6)

Sec. 2-658. - Penalty.

Any person, firm or corporation violating any provision of this article, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than \$300.00 and costs of prosecution or imprisonment in the county jail for a period of not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

(Ord. of 1-19-1988, § 6)

Sec. 2-659. - Severability.

Should any provision of this article be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this article, as a whole, it being the legislative intent that the provisions of this article shall be severable and remain valid notwithstanding such declaration.

(Ord. of 1-19-1988, § 6)

Sec. 2-660. - Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. of 1-19-1988, § 6)

Secs. 2-661—2-700. - Reserved.

FOOTNOTE(S):

⁽²⁸⁾ Editor's note-- Ordinance 1-19-1988, a nonamendatory ordinance adopted January 19, 1988, has been included herein at the discretion of the editor as Ordinance VII, §§ 2-650--2-660. (Back)

ARTICLE VII. – Emergency Management ⁽²⁸⁾

Sec. 2-650. - Short title.

Sec. 2-651. - Intent and purpose.

Sec. 2-652. - Definitions.

Sec. 2-653. - Organization and appointments.

Sec. 2-654. - Emergency powers and duties.

Sec. 2-655. - Emergency management and disaster basic plan.

Sec. 2-656. - No municipal or private liability.

Sec. 2-657. - Violation of regulations.

Sec. 2-658. - Penalty.

Sec. 2-659. - Severability.

Sec. 2-660. - Conflicting ordinances, orders, rules and regulations suspended.

Secs. 2-661—2-700. - Reserved.

Sec. 2-650. - Short title.

This article shall be known and may be cited and referred to as the "Emergency Management Ordinance of the City of Gloucester."

Sec. 2-651. - Intent and purpose

(a)

It is the intent and purpose of this article to establish a department that will ensure the complete and efficient utilization of all the city's facilities and combat disasters resulting from attack or other emergency situations.

(b)

The city department of Emergency Management will be the coordinating agency for all activity in connection with emergency management and will be the instrument through which the mayor may exercise the authority and discharge the responsibilities vested in him/her in the appendix of to M.G.L. c. 33, as amended, and this article.

Sec. 2-652. - Definitions.

The following definitions shall apply in the interpretation of this article:

Emergency management shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces other than the National Guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action; or by riot or other civil disturbance; or by fire, flood, earthquake or other natural causes. Said functions shall include specifically, but without limiting the generality of the foregoing, firefighting and police services other than the actual control or suppression of riot or other civil disturbance, medical and health services, rescue, engineering and air raid warning services, evacuation of persons from stricken areas, emergency welfare services, communications, radiological, chemical and other special weapons of defense, emergency transportation, existing or property assigned functions of plant protection, temporary restoration of public utility services and other functions.

Emergency management forces shall mean the employees, equipment and facilities and all city departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

Emergency management volunteer shall mean any person duly registered, identified and appointed by the director of the department of emergency management and assigned to participate in the emergency management activity.

Director shall mean the director of the city department of emergency management, appointed as prescribed in this article.

Mayor shall mean the mayor or the acting mayor as provided in Charter, § 3-10(a), except that the acting mayor shall assume such office immediately upon the mayor's becoming unable to perform the duties of the office.

Regulations shall include plans, programs and other emergency procedures.

Volunteer shall mean contributing a service, equipment or facilities to the emergency management organization without remuneration.

Sec. 2-653. - Organization and appointments.

(a)

The mayor is authorized and directed to establish an organization for emergency management in accordance with the commonwealth emergency management plan and program. Said organization is to be known as the city office of emergency management.

(b)

The organization shall be constituted as follows:

(1)

There shall be a director who shall be appointed by the mayor and who shall have direct responsibility for the organization, administration and operation of the city department of emergency management, subject to the direction and control of the mayor.

(2)

Every agency and all members of every department and division of the government of the city may be employed as part of the emergency management organization.

(3)

Whenever the federal government or any agency or officer thereof, or any person, firm or corporation, shall offer to the city services, equipment, supplies, materials or funds, by way of gift, grant or loan for purposes of emergency management, the city, acting through its city council, may accept such offer, and upon acceptance, the city council may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

Sec. 2-654. - Emergency powers and duties.

(a)

The mayor.

(1)

The mayor may exercise the emergency power and authority necessary to fulfill his/her general powers and duties as defined in the city Charter, article 3. The city council may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to emergency management

activities. Nothing in that article shall be construed as abridging or curtailing the powers or restrictions of the city council as defined in the city Charter, article 2.

(2)

During any period when disaster threatens or when the city has been struck by disaster, within the definition of this article, the mayor may promulgate such regulations as he/she deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

a.

Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of persons from critical areas within or without the city.

b.

Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

c.

Such other regulations necessary to preserve public peace, health and safety.

d.

Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of ordinance when duly filed with the city clerk.

(3)

The mayor may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the city for fair value thereof.

(4)

The mayor may require emergency services of any city officer or employee. If regular city forces are determined inadequate, the mayor may require the services of such other personnel as he/she is able to obtain, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to such privileges and immunities as are provided by commonwealth law, the city Charter and ordinances for regular city employees and other registered and identified emergency management and disaster workers.

(5)

The mayor shall cause to be prepared the basic plan herein referenced, shall exercise his/her ordinary powers as mayor, all of the special powers conferred upon him/her by the city Charter and this Code, and all powers conferred upon him/her by any commonwealth statute, or other lawful authority.

(b)

Director of the department of emergency management.

(1)

The director, acting under the authority of the mayor, shall be responsible for the planning, coordination and operation of the emergency management activity in the city. He/she shall maintain liaison with the commonwealth and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the emergency management plan. The director's duties shall include, but shall not be limited to, the following:

- a. Developing or causing to be developed, in collaboration with other public and private agencies, mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted.
- b. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes.
- c. Developing and coordinating plans for the immediate use of all of the facilities, equipment, manpower and other resources of the city for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- d. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the emergency management purposes and designating suitable buildings as public shelters which comply with standards for shelters promulgated by the commonwealth director of emergency management.
- e. Educating the civilian population, through public informational programs, as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.
- f. Conducting public practice alerts to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.
- g. Coordinating the activity of all other public and private agencies engaged in any emergency management activity.
- h. Assuming such authority and conducting such activity as the mayor may direct to promote and execute the emergency management plan.

Sec. 2-655. - Emergency management and disaster basic plan.

(a)

A comprehensive community emergency management plan shall be adopted and maintained by resolution of the council upon the recommendations of the mayor. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The basic plan shall be considered supplementary to this article and have the effect of law whenever a disaster, as defined in this article, has been proclaimed. Such plan shall be electronic in accordance with MEMA standards and updated annually.

(b)

The Emergency Management Director shall prescribe in the basic plan those positions within the City, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person for each city organization will provide when asked, a current list of three persons as successors to his/her position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(c)

Each public safety chief and department head assigned responsibility in the basic plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned city employees and volunteers. Each public safety chief and each department head shall formulate the operational plan for his/her service or department which, when approved, shall be an annex to and a part of the basic plan.

(d)

Amendments to the basic plan shall be submitted by the Emergency Management Director to the mayor. If approved, the mayor will submit the amendments to the city council with his/her recommendations for their approval. Such amendments shall take effect 30 days from the date of approval unless action is taken by the council disapproving the mayor's submission. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this article, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the council.

(e)

When a required competency or skill for a disaster function is not available within the city government, the mayor is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties in reasonable anticipation, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the city on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of city departments affected.

(f)

Some of the duties ascribed to the mayor in this section will ordinarily be handled as a matter of routine by the Emergency Management Director, but the responsibility and authority stem from and remain with the mayor.

Sec. 2-656. - No municipal or private liability.

(a)

This article is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city nor agents and representatives of said city, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof in good faith and in the absence of gross negligence, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this article, shall be liable for any damage sustained by persons or property as the result of said activity. The provisions of this section shall not affect the right of any person to benefits to which he would otherwise be entitled under the State Emergency management Act, Workmen's Compensation Act, pension and other similar law.

(b)

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice community emergency shall not be civilly liable for the death of, or injury

to, any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

Sec. 2-657. - Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

Sec. 2-658. - Penalty.

Any person, firm or corporation violating any provision of this article, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than \$300.00 and costs of prosecution or imprisonment in the county jail for a period of not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

Sec. 2-659. - Severability.

Should any provision of this article be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this article, as a whole, it being the legislative intent that the provisions of this article shall be severable and remain valid notwithstanding such declaration.

Sec. 2-660. - Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Secs. 2-661—2-700. - Reserved.

DRAFT



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER:	#CC2011-033
Councillor	Ann Mulcahey

DATE RECEIVED BY COUNCIL:	08/09/11
REFERRED TO:	O&A, TC & Police Dept

ORDERED that the Traffic Commission and the Police Department conduct a Radar Recorder study on Taylor Street and Friend Street regarding speeding issues and report their recommendations to the Ordinances and Administration.

Councillor Ann Mulcahey
Ward 2



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER:	#CC2011-034
Councillor	Jackie Hardy

DATE RECEIVED BY COUNCIL:	08/09/11
REFERRED TO:	O&A & TC

ORDERED that GCO Sec. 22-270 (Parking Prohibited at All Times) and GCO Sec. 22-291 (Tow-Away Zones) be amended by

DELETING: Leonard Street, westerly side, from its intersection of Bridgewater Street, north, to its intersection of Nashua Avenue, opposite the Village Church on Washington Street and

ADDING: Leonard Street, westerly side, from its intersection with Nashua Avenue, opposite the Village Church, north, to its intersection with Dennis Court and from a distance of 100' from Dennis Court to its intersection with Bridgewater Street; and further

ORDERED this matter be referred to the traffic Commission and Ordinances and Administration Standing Committee for review, recommendation and measurements

Councillor Jackie Hardy
Ward 4



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER:	#CC2011-036
Councillor	Steve Curcuru

DATE RECEIVED BY COUNCIL:	08/09/11
REFERRED TO:	O&A & TC

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

one (1) handicapped parking space in front of Clifford Court #8

And further

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

Councillor Steve Curcuru
Ward 3

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 1, 2011

Mr. William "BG" Brown
4 Pigeon Lane
Gloucester, MA 01930

Dear Mr. Brown:

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

Your appointment will be forwarded to the City Council for their meeting of August 9, 2011 and will be referred out to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

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.

Sincerely,

Carolyn A. Kirk
Mayor

cc: David Bergeron, Chair-Gloucester Fisheries Commission
Mayor's Report to City Council

Enclosure
CAK/c

EFFECTIVE AUGUST 1, 2011

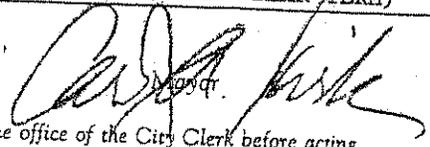
The City of Gloucester, Massachusetts

Dear William "BG" Brown, 4 Pigeon Lane, Gloucester, MA 01930

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



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

Sworn in _____ By: _____

BG Brown
4 Pigeon Ln.
Gloucester, MA 01930
Fishing Vessel Kathryn Leigh
Telephone: (978) 879-9110
Email: wgbvbrown@yahoo.com

July 21, 2011

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

Via fax: (978) 281-9738

Dear Mayor Kirk:

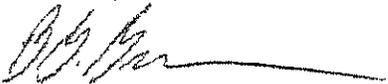
I am writing to express my interest in serving as a volunteer member of the Gloucester Fisheries Commission. I have been a commercial fisherman in Gloucester all of my professional life, and I grew up in a Gloucester fishing family. My father was one of the first Gloucester gillnet fisherman, and my mother served on the board of the Gloucester Fishermen's Wives Association for many years. As a gillnet fisherman like my father, I am a member of the board of the Gloucester-based Fixed Gear Sector 3. I have also participated in collaborative research with scientists. I own and operate the 31-foot F/V Kathryn Leigh.

I am interested in serving on the Fisheries Commission because I am greatly concerned about the future of our historical fishing fleet. Gloucester's fishing fleet has always been made up of both large and small vessels using a wide variety of fishing methods to survive. I would like to help ensure the future of our diverse fleet any way that I can.

I take great pride being a Gloucester fisherman and would like many more generations to come to feel the same way. Please consider naming me to the Fisheries Commission.

Thank you.

Sincerely,



BG Brown

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

September 1, 2011

Ms. Marion L. Goodwin
2 Colonial Street
Gloucester, MA 01930

Dear Ms. Goodwin:

First, please accept our apologies for the delay in responding to your request for appointment to the Archives Committee. We appreciate your interest in serving.

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

Your appointment will be forwarded to the City Council for their meeting of September 13, 2011 and will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

We suggest that you contact Sarah Dunlap, Co-Chair to the Archives Committee, to see how you might assist in the Archives Department. Sarah can be reached by e-mail at archives@gloucester-ma.gov or by telephone at 978-282-3043.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service.

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 Dunlap, Co-Chair-Gloucester Archives Committee

Enclosure
CAK/c

EFFECTIVE SEPTEMBER 1, 2011

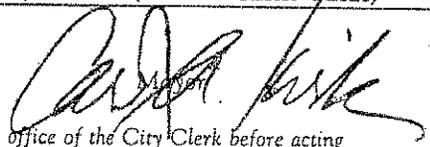
The City of Gloucester, Massachusetts

Dear Marion Goodwin, 2 Colonial Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the ARCHIVES 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: _____

Marion L. Goodwin
2 Colonial Street
Gloucester, MA 01930
Tel: 978-283-9635
Email: mlg101642@aol.com

April 7, 2011

The Honorable Carolyn A. Kirk, Mayor
Office of the Mayor
City of Gloucester
9 Dale Avenue
Gloucester, MA 01930

Dear Madam:

I would like to be considered for a volunteer position on the Archive Committee for the City of Gloucester. I had recently taken a genealogy course to research my own family and found that it is something I enjoy doing.

Thank you for your consideration.

Very truly yours,



Marion L. Goodwin

- e) implement retention and disposition schedules (see Sec.2-756, 757);
- f) receive from City agencies for permanent archival storage records scheduled for permanent retention and those records which have an enduring historical value, when those records are no longer necessary for conducting current business;
- g) plan, establish and operate an archives repository in order to store, secure, process and conserve said records and to make them available for governmental reference and public use;
- h) in consultation with agencies having custody, identify the records most vital to the operation of the City, which records shall be preserved in protected storage in order to survive disaster;
- i) prepare plans and schedules relative to the retention, disposition and preservation of records, and insure the compliance with Commonwealth regulations governing them;
- j) prepare inventories, indexes, guides and other resource aids to facilitate the use of the public records of the City;
- k) establish procedures for identifying the authoritative copy of record of documents, reflecting all amendments made during the approval process and identifying the office responsible for retaining the copy of record.

In order to carry out the above duties and procedures, the City Clerk may request advice from the Records Management Advisory Board and/or the Archives Committee.

Sec. 2-753. Archivist; appointment; duties.

- a) There shall be within the office of the City Clerk, an archives and records clerk, appointed by the City Clerk, and hereinafter called the Archivist. Said Archivist shall oversee the City Clerk's program (see Sec. 2-752) for the administration and preservation of the records of the City of Gloucester under the provisions of M.G.L.A. c. 66.
- b) The Archivist shall be the liaison between the City Clerk and the various agencies of the City regarding the safekeeping and administration of City records.
- c) The City Clerk may employ, within budget constraints, temporary professional and technical assistance to the Archivist as may be required in the performance of the duties of that office.

Sec. 2-754. Archives Committee; appointment; duties.

- a) Members of the Archives Committee shall be appointed by the Mayor for three-year terms (or the unexpired portion thereof) expiring on February 15, such appointments to be confirmed by the City Council.
- b) The Committee shall assist the City Clerk and the departments in the performance of such tasks as are mutually agreeable to the Committee, the City Clerk and the departments as applicable. The Committee shall have no independent authority.
- c) One member of the Committee may be appointed to serve also on the Records Management Advisory Board.

- d) All members of the Committee shall serve without compensation. They shall be deemed special municipal employees under the Code of Ordinances, Section 2-44 for the purposes of M.G.L.A. c. 268a.

Sec. 2-755. Records Management Advisory Board established; appointments; duties.

- a) In order to promote adequate assurance of the long-term storage, security, preservation and accessibility of all records held by the City of Gloucester, there shall be in the City of Gloucester a Records Management Advisory Board hereinafter called the Board.
- b) The Board shall consist of seven (7) persons, one of whom may be a member of the Archives Committee, appointed by the Mayor and confirmed by the City Council. Members shall be appointed for three-year terms (or the unexpired portion thereof) expiring on February 15. In making such appointments the Mayor shall give preference to persons with broad management experience and familiarity with the care and custody of records and with the use of archival materials.
- c) The chairperson, vice-chairperson and recorder shall be elected by the members of the Board. The City Clerk shall serve as a non-voting consultant. Department representatives may be invited as consultants when needed. Minutes of meetings of the Board shall be submitted to the office of the City Clerk on a regular basis.
- d) All members of the Board shall serve without compensation. They shall be deemed special municipal employees under the Code of Ordinances, Section 2-44 for the purposes of M.G.L.A. c. 268a.
- e) The Board shall continually review and assess the records storage and preservation systems of the City and advise the Administration, the City Council and the City Clerk about records management issues. The Board shall render annually to the Mayor and City Council a report regarding the development and status of municipal archives and records management and the adequacy of planning therefor.
- f) The Board shall, at intervals chosen by the members, review its mission and suggest changes in the ordinances that govern its actions.

Sec. 2-756. Agencies of the City, custody and preservation of records.

Unless otherwise provided for by law, records shall be kept in the custody of the manager of each City agency, or his/her designee. The manager of each City agency shall:

- a) make and preserve public records containing proper documentation of its organization, functions, policies and procedures;
- b) establish and maintain effective controls over the creation, maintenance and use of records and guard against the loss or the unauthorized or unlawful removal of City records;
- c) apply the provision of approved records retention schedules to execute the orderly disposition of records including transfer to the City's records center or archives repository of noncurrent or inactive records;
- d) designate a liaison between the agency and the City Clerk on all matters relating to the department's records and record-keeping practices; and

Citizens for Gloucester Harbor
c/o Gloucester Fishermen's Wives Association
2 Blackburn Cr., Gloucester, MA 01930

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

August 5, 2011

Dear Mayor Kirk,

We have recently become aware of Suzanne Egan's excellent memo of June 17, 2011 to Councilor Toby regarding the City of Gloucester's claim to Pavilion Beach. It correctly notes "...public rights in Pavilion Beach have been acquired through the public's prescriptive use of it since prior to 1830's"

We, a diverse group of persons who value this beach for a variety of reasons, are therefore writing this letter to you and Ms Egan to urge you (the City) to formally file, as soon as possible, this memo and its related information with the Essex County Registrar of Deeds to assure the validity of the City's claim and thus to assure the availability of this beach for present and future *public* use. We believe such a filing to be highly prudent for the City.

We understand that the process for doing this would be for Ms Egan to place the memo on official city letterhead, sign it, submitting the original, and accompanying it with an affidavit of authenticity – a process with which Ms Egan is likely very familiar.

Additionally there are those who have advised us that if such a filing were also accompanied by documentation via copies of deeds etc. that demonstrate who owns which beach front property, without owning the beach, the case for securing the city's claim would be that much stronger – that is ownership of all the properties adjacent to the beach from the Tavern to the playground documented by deed..

Since we have reason to believe, via past City memo's etc, that you and the City are already in agreement with the need to assure that this beach remain clearly and unequivocally *public* and have every reason to believe it is already securely *public*., we will not take time here to belabor the importance of those points. A number of persons have indicated that this filing should be done as quickly as possible, before any permit seeking etc. proceeds for the adjacent property by the new owner.

Thank you for your consideration of our concerns. Please let us know how we might be of assistance in moving this process along – including taking the papers to the Registry of Deeds to file them, if doing so would help move this process along.

Sincerely,

Please see attached list

cc. Suzanne Egan

Jackie Hardy, City Council President

Envelope
date stamped
by City Clerk as:
TH
Aug 8, 2011
11:53
am

Signer of August 5th, 2011 letter to Mayor Carolyn Kirk re Pavilion Beach

Jane Brancalone

Susan Sanfilippo

Rosemarie LoPiccolo

Vito Demetri

Bob Scola

James Tarantino

Patti Page

Jeanne Gallo

Rosemarie Randazzo

Katherine Dias

Laurel Tarantino

Sunny Robinson

Mary Lou Pascucci

Joseph Novello

Joseph Balbo

Bill Johnson

NAME

SIGNATURE

TYPE OF BEACH USE

Jane Bronca Leone Jane Bronca Leone PUBLIC

Susan Sanfilippo Susan Sanfilippo Public

Rosemaria LaPica Rosemaria LaPica Public

VITO DEMETRI Vito Demetri Public

Bob Scolo Bob Scolo Public

JAMES A. TARANTINO James A. Tarantino

Uta Page - Patti Page Public

JEANNE GALLO Jeanne Gallo PUBLIC

Rosemeie Portazzo Rosemeie Portazzo personal use

KATHORINE DIAS Katharine Dias recreational use

James E. Tarantino recreation

M. Sumner Robinson cultural

Mary Lou Pascucci - regular beach user

Mary Lou Pascucci

Joseph Novello - St. Peter's Fiesta & Fiesta Seine Boat Capt.

Joseph Novello

Joseph Balbo - Fiesta Seine Boat Capt.

Joseph M. Balbo

Bill Johnson - Fort resident

Uta Johnson



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER: #CC2011-038
Councillor Ann Mulcahey

DATE RECEIVED BY COUNCIL: 08/23/11
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

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

one (1) handicapped parking space across from Prospect Street #122

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
Ward 2

ARTICLE 1. - INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY

Section 1-1. - Incorporation.

Section 1-2. - Short Title.

Section 1-3. - Form of Government.

Section 1-4. - Powers of the City.

Section 1-5. - Construction.

Section 1-6. - Intergovernmental Relations.

Section 1-1. - Incorporation.

The inhabitants of the City of Gloucester, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "City of Gloucester."

Section 1-2. - Short Title.

This instrument shall be known and may be cited as the Gloucester Home Rule Charter.

Section 1-3. - Form of Government.

The administration of the fiscal, prudential, and municipal affairs of the city, with the government thereof, shall be vested in an executive branch, to consist of the mayor, and a legislative branch, to consist of the city council. The executive branch shall never exercise any legislative power, and the legislative branch shall never exercise any executive power. Although each branch has had conferred upon it by State law various areas of responsibility, the legislative branch is also responsible for the enactment of laws for the city, while the administrative branch is charged with the duties of carrying those laws into effect, securing their due observance and conducting the daily business affairs of the city.

State law reference— Allocation of powers in city government, M.G.L.A. c. 39, § 1.

Section 1-4. - Powers of the City.

Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the commonwealth, it is the intent and the purpose of the voters of Gloucester, through the adoption of the charter[,] to secure for the city all powers it is possible to secure under the constitution and statutes of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

State law reference— Limitation on local powers, M.G.L.A. Const. Amend. art. 2, 89; powers of cities and towns, M.G.L.A. c. 40.

Section 1-5. - Construction.

The powers of the city under the charter are to be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in section 1-4.

Section 1-6. - Intergovernmental Relations.

Subject only to express limitations in the constitution or statutes of the commonwealth, the city may exercise any of its powers or perform any function, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any political sub-division or agency thereof or the United States government or any agency thereof.

ARTICLE 2 LEGISLATIVE BRANCH

Section 2-1. - Composition; Eligibility; Election and Term.

Section 2-2. - Presiding Officer.

Section 2-3. - Compensation.

Section 2-4. - Prohibitions.

Section 2-5. - Exercise of Powers; Quorum; Rules of Procedure.

Section 2-6. - Council Access to Information.

Section 2-7. - City Clerk; City Auditor.

Section 2-8. - Council Staff.

Section 2-9. - Council Standing Committees.

Section 2-10. - Appointments to City Offices.

Section 2-11. - Procedures.

Section 2-12. - Delegation of Powers.

Section 2-13. - Filling of Vacancies.

Section 2-14. - General Powers.

Section 2-1. - Composition; Eligibility; Election and Term.

(a)

Composition — There shall be a city council consisting of nine members which shall exercise the legislative powers of the city. Four of these members, to be known as councilors at-large, are to be nominated and elected by and from the voters of the city, at-large. Five of the members, to be known as ward councilors, are to be nominated and elected by and from the voters of five city wards, one ward councilor to be elected from each such ward.

(b)

Eligibility — Any voter shall be eligible to hold the office of councilor. A ward councilor, notwithstanding his removal from one ward in the city to another during the term for which he was elected, may continue to serve and to perform his duties until the expiration of the term for which he was elected.

(c)

Election and Term — The term of office for councilors shall be for two years beginning the first secular day of January following their election and until their successors are qualified.

Code reference—City council generally, § 2-20 et seq.

Section 2-2. - Presiding Officer.

After a majority of the councilors-elect have been sworn they shall be called together by the city clerk, or in the absence of the city clerk, by the member present senior in years of service, who shall preside. The city council shall then elect, from among its members, by separate roll call votes, a president and a vice-president. A majority vote of the full council shall be necessary for such election. No other business shall be in order until such officers are elected. The president shall preside at all meetings of the city council, regulate the proceedings and decide all questions of order. He shall have such other powers and duties as may be provided by the charter, by ordinance or by vote of the city council. He shall have the same right to vote as any other city councilor. In the event of the absence or disability of the president[,] the vice-president shall act as president.

State law reference— Presiding officer of city legislative bodies, M.G.L.A. c. 39, § 2.

Section 2-3. - Compensation.

The city council shall, by ordinance, establish an annual salary for its members. No ordinance establishing or increasing such salary shall be effective, however, unless it shall have been adopted by a two-thirds vote during the first eighteen months of the term for which councilors are elected and it provides that such salary is to be effective at the commencement of the term of office of the next city council to be elected.

State law reference— Municipal salaries, M.G.L.A. c. 39, § 6A, c. 43, § 17A.

Section 2-4. - Prohibitions.

- (a) *Appointment after Expiration of Term* — No city councilor shall hold any compensated appointive city office or city employment during his term and until two years following the expiration of the term for which he was elected. This provision shall not prohibit a city officer or city employee who has taken a leave of absence from such office or employment from resuming his duties as such following service as a city councilor.
- (b) *Interference in Administration* — Except as may be otherwise authorized by the charter, no member of the city council, nor any committee of the city council, shall directly take part in the conduct of the administrative business of the city.

Section 2-5. - Exercise of Powers; Quorum; Rules of Procedure.

- (a) *Exercise of Powers* — Except as otherwise provided by law, by-laws or the charter, the legislative powers of the city council may be exercised in a manner determined by it.
- (b) *Quorum* — A majority of the city council shall constitute a quorum but a smaller number may meet and adjourn from time to time. The affirmative vote of a majority of the full council shall be necessary to adopt any appropriation order. While a quorum is present, any other motion or measure may be adopted by a

majority of not less than four affirmative votes, except as otherwise provided by the charter or by-law.

(c)

Rules of Procedure — The city council shall from time to time establish rules for its proceedings.

(i)

Regular meetings of the council shall be held at a time and place fixed by ordinance approved *City Council Rules of Procedures*.

(ii)

Special meetings of the city council shall be held at the call of the mayor, as provided in section 3-8(b), on the call of the president of the city council, or on the call of any three or more members, by written notice delivered in hand or, to the place of residence or business, or receipt confirming electronic mail of each member at least forty-eight hours, excluding Saturday, Sunday and holidays, in advance of the time set, and which includes notice of the subjects to be acted upon.

(iii)

Except as may be otherwise authorized by law, all sessions of the city council, and any committee thereof, shall be open to the public and to the press.

(iv)

Every matter which comes before the city council shall be put to a vote, the result of which shall be recorded.

(v)

A full, accurate, up-to-date record of the proceedings of the city council shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

(vi)

The city council shall, by ordinance, establish and maintain a list of specific kinds of council decisions, which will require an accompanying statement of purpose. The statement of purpose shall contain the reasons why the majority of the council voted, for or against. Such statements shall be entered upon the records of the city council, in full, for the purpose of providing guidance to future city councils regarding matters that might again be brought before the city council, matters that might be the subject of court action, or any other matter requiring an explanation of the intent of the city council when voting.

(Ref. of 11-8-1983)

State law reference— City council to adopt rules for its proceedings, M.G.L.A. c. 43, § 18(2).

Section 2-6. - Council Access to Information.

(a)

In General — The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

(b)

City Officers, Members of Multiple-Member Bodies, and City Employees — The city council may require any city officer, member of a multiple-member body or city employee to appear before it to give such information as the city council may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of the said city officer, member of a multiple-member body or city employee.

- (c) *Mayor* — The city council may at any time require the mayor to provide it with specific information on any matter within its jurisdiction. The city council may require the mayor to appear before it, in person, to respond to written questions presented to him. The mayor may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the city council. The mayor shall not be required to answer any questions not relevant to those presented to him in advance and in writing.
- (d) *Notice Requirements* — The city council shall give at least five days written notice to any person it shall require to appear before it under the provisions of this section. Notice under this section shall be by delivery in hand.
- (e) *Vote Required* — All actions in section 2-6 shall require a two-thirds (2/3's) vote of the full city council.
(Ref. of 11-3-1987)

Section 2-7. - City Clerk; City Auditor.

- (a) *Election* — ~~(Not sooner than forty five nor more than sixty days - Deleted, 12/9/2002)~~ Not sooner than ninety days and no more than one hundred twenty days - (Approved 12/9/2002) following the date on which the city council has organized, it shall elect a city clerk and a city auditor to hold office for terms of ~~two~~ three years ⁽¹⁾(M.G.L.A. Ch 43 sec18.3&4 says three years) and until their successors are qualified. The city council may remove either of said officials from office, for cause, before the expiration of their term by majority vote of the full city council. Any vacancies which may exist in said offices shall be filled by the city council for the balance of the unexpired term. *The city clerk and auditor report to and are supervised by the City Council.*
- (b) *City Clerk* — The city clerk shall be the custodian of all records of the city, the keeper of vital statistics, and shall have such powers and duties with respect to the regulation and supervision of elections and the issuance of licenses as are provided by law. The city clerk may have such additional powers and duties as the city council may from time to time prescribe.
- (c) *City Auditor* — The city auditor shall keep and have charge of the accounts of the city. He shall regularly audit the books and accounts of all city agencies and shall have such other powers and duties with respect to the regulation of the financial affairs of the city as are provided by law. The city auditor may have such additional powers and duties as the city council may from time to time prescribe.

Code references—City clerk generally, § 2-60 et seq.; city auditor, § 2-100 et seq.

State law reference— Manner of election of city officers, M.G.L.A. c. 39, § 3, c. 43, § 18; city clerks generally, M.G.L.A. c. 41, § 12 et seq.; appointment and term of city clerks, M.G.L.A. c. 43, § 18(3); auditors generally, M.G.L.A. c. 41, § 48 et seq., c. 43, § 18.

Section 2-8. - Council Staff.

- (a)

Clerk of the Council — The city clerk shall serve as clerk of the council. The clerk of the council shall give notice of all meetings of the city council to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be assigned by the charter, by ordinance or by other vote of the city council. The city council shall, by ordinance, establish a salary schedule and a job description for the clerk of the council.

Editor's note—

There is no subsection (b) to this section in the present city charter.

Section 2-9. - Council Standing Committees.

(a)

~~*Designation of Committees* — There shall be three standing committees of the city council: A committee on budget and finance, to which may be referred by a (two-thirds (2/3's) Deleted, 12/9/2002) simple majority (Approved 12/9/2002) vote of the full city council every matter which would involve an expenditure by the city; a committee on ordinances and administration, to which may be referred by a (two-thirds (2/3's) Deleted, 12/9/2002) simple majority (Approved 12/9/2002) vote of the full city council every matter which in the form of adoption is categorized an "ordinance," or the effect of which is of more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk; and a committee on planning and development, to which may be referred by a (two-thirds (2/3's) Deleted 12/9/2002) simple majority (Approved 12/9/2002) vote of the full city council all matters which affect land use, planning, zoning and other development of the city.~~

~~*(See layout changes, strikethrough and clean copy of Sec. 2-9 (a) below. There has been no language changes.)*~~

Strikethrough copy of Section 2-9 (a)

(a)

Designation of Committees -- There shall be three standing committees of the city council:

(i) A committee on Budget and Finance, to which may be referred by a (two-thirds (2/3's) Deleted, 12/9/2002) simple majority (Approved 12/9/2002) vote of the full city council every matter which would involve an expenditure by the city;

(ii) a A committee on Ordinances and Administration, to which may be referred by a (two-thirds (2/3's) Deleted, 12/9/2002) simple majority (Approved 12/9/2002) vote of the full city council every matter which in the form of adoption is categorized an "ordinance," or the effect of which is of more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government, and which shall have general oversight of the department of the city clerk;

(iii) and a A committee on Planning and Development, to which may be referred by a (two-thirds (2/3's) Deleted 12/9/2002) simple majority (Approved 12/9/2002) vote of the full city council all matters which affect land use, planning, zoning and other development of the city.

Clean copy of above

(a)

Designation of Committees -- There shall be three standing committees of the city council:

(i) A committee on Budget and Finance, to which may be referred by a simple majority vote of the full city council every matter which would involve an expenditure by the city.

(ii) A committee on Ordinances and Administration, to which may be referred by a simple majority vote of the full city council every matter which in the form of adoption is categorized an "ordinance," or the effect of which is of more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk.

(iii) A committee on Planning and Development, to which may be referred by a simple majority vote of the full city council all matters which affect land use, planning, zoning and other development of the city.

(b)

Membership — Each committee of the city council shall consist of three members of the city council appointed by the city council president to serve for the term for which the city council is elected. Each member of the city council shall serve on at least one standing committee of the city council.

(c)

Advisory Members — The standing committees of the city council may provide, by vote, for the appointment of voters of the city to serve as advisory members of the committee. Such advisory members, if appointed, shall have no power to vote.

(d)

General Powers — The city council may delegate the powers available to it under section 2-6 to any of its standing committees. Each standing committee may, in accordance with such rules as may be adopted by the city council, hold a public hearing on any matter which is referred to it and shall, within a time fixed by council rule, report on each matter which has been referred to it, in writing, a recommendation and the reasons therefor.

(Ref. of 11-3-1985)

Code reference—Boards, commissions, councils and committees, § 2-400 et seq.

Section 2-10. - Appointments to City Offices.

(a)

Confirmation — The mayor shall submit to the city council the names of all persons he desires to appoint to any city office, as a department head or as a member of a multiple-member body, except a position which is covered by the state civil service law or except as otherwise provided by this charter. The city council shall refer all such names as are submitted to the standing committee on ordinances and administration which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not

less than seven nor more than twenty-one days following such referral. If the city council has taken no other action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council. The provisions of section 2-11(c) shall not apply to this section.

(b)

No un-elected appointee shall be appointed to more than one multiple member body, unless said board or commission is inter-related.

(Ref. of 11-8-1983; Ref. of 11-5-1985)

Code reference—Officers and employees generally, § 2-40 et seq.

Section 2-11. - Procedures.

(a)

In General — No measure shall be adopted on the date it is introduced, except in the case of special emergency involving the peace, health or the safety of the people or their property. Except as otherwise provided by the charter, every adopted measure shall be effective at the expiration of thirty-one days after adoption by the city council or at any later date specified therein. Measures not subject to referendum may become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted by the city council, or by the procedure for citizen initiative and referendum provided in article 9.

(b)

Emergency Measures — An emergency measure shall be introduced in the form and manner prescribed generally except that it shall be plainly designated as an emergency measure. A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative votes of two-thirds of the members of the full city council. Following such adoption of an emergency preamble the city council may, by a two-thirds vote, pass the measure with or without amendment at the meeting at which it was introduced. Emergency measures shall stand repealed on the sixty-first day following their adoption, unless a vote of the City Council in conformity with the procedures for measures generally is passed extending it for a period not to exceed an additional sixty days, or an earlier date is specified in the measure. ~~or unless a second emergency measure adopted in conformity with this section is passed extending it, or a measure adopted in conformity with the procedures for measures generally is passed extending it.~~

(c)

Charter Objection — On the first occasion that the question of adoption of any measure is put to the city council, except an emergency measure as defined in section 2-11(b), if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting, regular or special. If when the matter is next brought before the city council for a vote four or more members object to the taking of a vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

(d)

(d) & (e) put in reverse order with no language changes

~~*Publication and Public Hearings Required* — Every proposed ordinance or loan order, except any submitted in conformity with section 2-11(b), shall be published~~

~~once in full in at least one local newspaper and in any additional manner as may be provided by ordinance or by law. Such publication shall also state the time, not less than seven days following such publication, and the place at which the city council, or a standing committee of the city council, will hold a public hearing on said proposed ordinance or loan order.~~

(d)

Council Reconsideration -- The clerk of the city council shall hold every measure adopted by the city council to the end of the next business day, with no exceptions, and if during said time notice of an intent to file a motion to reconsider the matter is filed with the clerk of the council by any member entitled to make such a motion, the measure shall be returned to the city council for further action. If no such statement of intent is filed with the clerk of the council he shall, at the end of that next business day forthwith present the matter to the mayor.

(e)

~~*Council Reconsideration — The clerk of the city council shall hold every measure adopted by the city council to the end of the next business day, with no exceptions, and if during said time notice of an intent to file a motion to reconsider the matter is filed with the clerk of the council by any member entitled to make such a motion, the measure shall be returned to the city council for further action. If no such statement of intent is filed with the clerk of the council he shall, at the end of that next business day forthwith present the matter to the mayor.*~~

(e)

Publication and Public Hearings Required -- Every proposed ordinance or loan order, except any submitted in conformity with section 2-11(b), shall be published once in full in at least one local newspaper and in any additional manner as may be provided by ordinance or by law. Such publication shall also state the time, not less than seven days following such publication, and the place at which the city council, or a standing committee of the city council, will hold a public hearing on said proposed ordinance or loan order.

(f)

Publication of Adopted Measures — After final adoption and approval by the mayor if required, all ordinances and loan orders and such other measures as the city council shall by ordinance direct, shall be published in full in a newspaper of general circulation in the city and/or by publication on the Municipal website.

(g)

Publication, Exceptions — If any measure required to be published in full by section 2-11 (e) (d) or (f) exceeds in length eight octavo pages of ordinary print, then in lieu of such publication, the same may be published in a booklet or pamphlet and made available for distribution to any person requesting the same at the office of the city clerk and provided that notice of such publication and a summary of the contents thereof shall be published as otherwise provided in the said sections.

(h)

Information to be Given New Members — The president of the city council shall make available to each new member the minutes of the meetings for the four prior months and copies of any applicable laws, rules or regulations which govern the body. In addition, the president shall, within thirty days following any election of a new member, meet with the new member and provide such information and orientation to the duties of a city councilor as may be deemed necessary or desirable.

(Ref. of 11-8-1983; Ref. of 11-3-1987)

State law reference— Procedures for passage of ordinances, M.G.L.A. c. 43, § 20 et seq.

Section 2-12. - Delegation of Powers.

The city council may delegate to one or more city agencies the powers vested in it by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of such licenses and permits by any such city agency, and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Section 2-13. - Filling of Vacancies.

(a)

Councilor at Large — If a vacancy in the office of councilor at-large shall occur the vacancy shall be filled by the candidate for the office of councilor at-large at the preceding city election who received the highest number of votes without being elected and provided such person is willing to serve. If a person who received such highest number of votes is not willing to serve the other candidates in descending order of number of votes received shall be offered the vacancy until one accepts the office. If no such candidate is available the city council shall, within thirty (30) days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters of the city to serve for the balance of the unexpired term. The city clerk shall certify the said candidate to the office of councilor at-large to serve for the balance of the unexpired term.

(b)

Ward councilor — If a vacancy in the office of ward councilor shall occur the vacancy shall be filled in the same manner as provided for councilors at-large, provided that the candidate who is willing to serve shall have received at least thirty percent (30%) of the total number of votes cast for the office of ward councilor in the ward for which the vacancy exists. If no such candidate is available the city council shall, within the thirty (30) days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters residing in the ward to serve for the balance of the unexpired term. The city clerk shall certify the said candidate to the office of ward councilor to serve for the balance of the unexpired term.

(c)

In General — Whenever a vacancy exists on the council which is not filled when the next election occurs, the person at the city election who is elected to the seat in which the vacancy exists shall forthwith be sworn and shall serve for the balance of the then unexpired term, in addition to the term for which he was elected. If the vacancy is in the office of councilor at-large, it shall be filled by the person receiving the highest number of votes for the office who is not then a member of the city council.

(Ref. of 11-5-1985)

Section 2-14. - General Powers.

Except as otherwise provided by law or the charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law.

ARTICLE 3 EXECUTIVE BRANCH

Section 3-1. - Mayor; Qualifications; Term of Office; Compensation; Prohibitions.

Section 3-2. - Executive Powers; Enforcement of Ordinances.

Section 3-3. - Appointments by the Mayor.

Section 3-4. - Certificate of Appointment.

Section 3-5. - Removal of Officials.

Section 3-6. - Temporary Appointments.

Section 3-7. - Administrative Assistant to the Mayor.

Section 3-8. - Communications; Special Meetings.

Section 3-9. - Approval of Mayor, Exceptions (Veto).

Section 3-10. - Temporary Absence of the Mayor.

Section 3-11. - Vacancy in Office of Mayor.

Section 3-1. - Mayor; Qualifications; Term of Office; Compensation; Prohibitions.

(a)

Mayor, Qualifications — There shall be a mayor, elected by and from the voters, who shall be the chief executive officer of the city. Any voter shall be eligible to hold the office of mayor. The mayor shall devote his full time to the office, that is, he shall not hold any other elective public office, nor shall he actively engage in any other business, occupation or profession during his service as mayor.

(b)

Term of Office — The term of office of the mayor shall be two years beginning on the first secular day of January following his election and until his successor is qualified.

(c)

Compensation — The city council shall by ordinance establish an annual salary for the mayor. No ordinance establishing or increasing such salary shall be effective unless it shall have been adopted in the first eighteen months of the term for which councilors are elected and it provides that such salary is to be effective at the commencement of the next term of office of the mayor.

(d)

Prohibition — No mayor shall hold any compensated appointive city office or city employment during his term and until two years following the expiration of the term for which he was elected.

(Ref. of 11-8-1983)

Code reference—Mayor generally, § 2-50 et seq.

State law reference— Compensation of mayor, M.G.L.A. c. 39, § 6A; mayor prohibited from holding other compensated office, M.G.L.A. c. 39, § 7.

Section 3-2. - Executive Powers; Enforcement of Ordinances.

The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several city agencies under his general supervision and control. The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept.

Section 3-3. - Appointments by the Mayor.

The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only officers serving under the school committee, officers appointed by state officials and persons serving under the city council. All such appointments made by the mayor shall be subject to review by the city council as provided in section 2-10.

State law reference— Appointments of mayor subject to council approval, M.G.L.A. c. 39, § 1.

Questions arose as to how Section 3-3 relates to the recently passed ordinances concerning the Police and Fire Chiefs appointments? Possibly by referencing the two pertinent ordinances.

Section 3-4. - Certificate of Appointment.

In making his appointments the mayor shall sign and file with the city clerk a certificate substantially in the following form:

Certificate of Appointment
I appoint (name of appointee) to the position of (name of office) and I certify that (s)he is a person especially the office and to assume the responsibilities which will devolve upon him/her, and that I make this appointn
(signed) _____
Mayor

Section 3-5. - Removal of Officials.

The mayor may remove any person appointed under section 3-3 by filing a written statement with the city clerk setting forth in detail the specific reason or reasons therefor *therefore*, a copy of which shall be delivered in hand, or mailed to the last known address of the person whose removal is sought, who may make a written reply, which if (s)he desires, may be filed with the city clerk and be a public record; but no such reply shall affect the action taken by the mayor unless the mayor so determines.

Section 3-6. - Temporary Appointments.

Whenever a vacancy in an office appointed by the mayor occurs, whether by reason of death, disability, resignation, removal or otherwise, the mayor may appoint the head of another city office or agency, or a city officer or city employee, or some other person to perform the duties of the office for a period not to exceed three months. Such temporary appointment shall not be subject to review by the city council as provided in section 2-10. Whenever a vacancy continues beyond three months, the mayor may make a second three months appointment, but no temporary appointment shall be continued for more than six months unless authorized by the city council.

Section 3-7. - Administrative Assistant to the Mayor.

Section 3-7 could be updated to reflect current title and job description.

To aid him in performing the duties of his office the mayor shall, within sixty days following his inauguration, appoint, subject to the provisions of section 2-10, an administrative assistant who is professionally qualified as a municipal administrator by virtue of education, training and previous experience. The administrative assistant to the mayor need not be a resident of the City of Gloucester.

The administrative assistant to the mayor shall assist the mayor in the preparation of an annual operating budget for all city agencies, and shall, in cooperation with the city auditor, administer the operating budget throughout the year. He shall assist the mayor and the heads of all city agencies in the development of a capital outlay program and the preparation of a capital improvement budget. The mayor may delegate to the administrative assistant to the mayor any power or duty which he has under the charter other than the power to veto measures adopted by the city council or the power to appoint or to remove city officers, members of multiple-member bodies and department heads. Under the supervision of the mayor the administrative assistant to the mayor shall be specifically responsible for the following:

- (a) Coordination and supervision of all city agencies;
- (b) Submission of reports at such times as may be required;
- (c) Installation and maintenance of financial management and record keeping systems;
- (d) Conduct of a continuing study of the work of all city agencies and the preparation of management policies based on such studies;
- (e) Preparation of policy programs and ordinance recommendations affecting the management of the city;
- (f) Responsibility for the day-to-day administration of the personnel ordinance, personnel regulations and all collective bargaining agreements, other than those entered into by or in behalf of the school committee;
- (g) Installation and maintenance of a centralized purchasing system covering all city agencies;
- (h) Such other powers, duties and responsibilities as may be delegated to him by the mayor.

The delegation of any power or duty by the mayor to the administrative assistant to the mayor may be terminated by the mayor, at will, but all acts of the administrative assistant to the mayor pursuant to such delegation prior to any such revocation by the mayor shall be and remain the acts of the mayor.

Code reference—Officers and employees generally, § 2-40 et seq.

Section 3-8. - Communications; Special Meetings.

(a)

Communications to the City Council — Within six weeks following the start of each fiscal year the mayor shall submit to the city council, and make available for public distribution, a complete report on the financial and administrative activities of the city for the preceding fiscal year, as provided in section 7-13. He shall from time to time throughout the year, by written communications, keep the city council fully informed of the financial condition and administrative problems of the city and shall recommend to them such measures for their consideration as, in his judgment, the needs of the city require.

(b)

Special Meetings of the City Council —The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of such meeting to be delivered in hand, or to the place of business or residence, or receipt confirming electronic mail of each member of the city council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

(Ref. of 11-8-1983)

Section 3-9. - Approval of Mayor, Exceptions (Veto).

Every measure relative to the affairs of the city adopted by the city council, except (a) measures relating to the internal affairs of the city council, (b) memorial resolutions, (c) emergency measures as defined in section 2-11(b), and (d) the budget and (e) zoning issues, shall be presented to the mayor for his approval. If the mayor does approve it, he shall signify his approval by signing it; if he does not approve it, he shall signify his disapproval by returning it with his objections, in writing to the city council. The city council shall enter the objections of the mayor upon its records and shall, forthwith reconsider such measure. If, on such reconsideration, two-thirds of the full council agree to pass the measure, it shall be considered approved. If any measure is not returned by the mayor within ten days following the day it is presented to him, it shall be considered approved. A filing with the clerk of the council shall be considered a return by the mayor to the city council. All votes taken on such returns by the mayor shall be by call of the roll.

Recommend that some language be inserted into this section that makes reference to the following; the city clerk is required to sign, date and deliver all certificates of votes to the Mayor in a timely manner.

State law reference— Similar provisions, M.G.L.A. c. 39, § 4.

Reformatted Section 3-9 above

Every measure relative to the affairs of the city adopted by the city council, except

(a) measures relating to the internal affairs of the city council,

(b) memorial resolutions,

(c) emergency measures as defined in section 2-11(b), and

(d) the budget and

(e) zoning issues,

shall be presented to the mayor for his approval. If the mayor does approve it, he shall signify his approval by signing it; if he does not approve it, he shall signify his disapproval by returning it with his objections, in writing to the city council. The city council shall enter the objections of the mayor upon its records and shall, forthwith reconsider such measure. If, on such reconsideration, two-thirds of the full council agree to pass the measure, it shall be considered approved. If any measure is not returned by the mayor within ten days following the day it is presented to him, it shall be considered approved. A filing with the clerk of the council shall be considered a return by the mayor to the city council. All votes taken on such returns by the mayor shall be by call of the roll.

Section 3-10. - Temporary Absence of the Mayor.

(a)

Acting Mayor — Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of his office for a period of three successive working days or more, the president of the city council shall be the acting mayor. In the event of the absence or disability of the president of the city council, the vice-president shall serve. In the event that the president or vice-president is unable to serve, a member of the city council in descending order of seniority on the council shall serve.

(b)

Powers of Acting Mayor — The acting mayor shall have all of the powers of the mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the mayor shall have continued for more than sixty days, nor shall he approve or disapprove of any measure passed by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which the city council president, or vice president, is serving as acting mayor he shall not vote as a member of the city council.

(Ref. of 11-5-1985)

State law reference— Similar provisions, M.G.L.A. c. 39, § 5, c. 43, § 26.

Section 3-11. - Vacancy in Office of Mayor.

(a)

Special Election — If a vacancy in the office of mayor occurs and is declared — in the first year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity or otherwise the city council shall forthwith order a special election to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then unexpired term.

(b)

Council Election — If a vacancy in the office of mayor occurs in the second year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity or otherwise, the clerk of the council shall forthwith call a special meeting of the city council, and the city council shall, by majority vote, taken by roll call, elect one of its members for the balance of the unexpired term. If the city council fails to elect one of its members as mayor within fourteen days of the date of the meeting called by the clerk of the council

the president of the council shall become mayor. Upon the election and qualification of any member of the city council as mayor, under this section, a vacancy shall exist in his seat on the council which shall be filled in the manner provided in section 2-13

(c)

Powers, Term of Office — The mayor elected under section 3-11(a) or (b) shall have all the powers of the mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

State law reference— Similar provisions, M.G.L.A. c. 43, § 26.

ARTICLE 4. - SCHOOL COMMITTEE ^[2]

Section 4-1. - Composition; Eligibility; Election and Term.

Section 4-2. - Officers of the School Committee.

Section 4-3. - General Powers and Duties.

Section 4-4. - Prohibitions.

Section 4-5. - Filling of Vacancies.

Section 4-6. - Exercise of Powers; Quorum; Rules of Procedure.

Section 4-7. - Budget Hearing.

Section 4-8. - Mayor to be Coordinator.

Section 4-9. - Emergency Measures.

Section 4-10. - School Committee Access to Information.

Section 4-1. - Composition; Eligibility; Election and Term.

(a)

Composition — There shall be a school committee consisting of seven members which shall exercise control and management of the public schools of the city. Six of these members, who shall be known as school committee members, shall be nominated and elected by and from the voters at-large. The mayor shall serve as the seventh member of the school committee, with full power to vote.

(b)

Eligibility — Any voter shall be eligible to hold the office of school committee member.

(c)

Election and Term — The term of office of school committee members shall be for two years, beginning on the first secular day of January following their election and until their successors are qualified.

(Ref. of 11-5-1985)

State law reference— Similar provisions, M.G.L.A. c. 43, § 31.

Section 4-2. - Officers of the School Committee.

After a majority of the school committee members elect have been sworn the school committee shall be called together by the mayor, or in the absence of the mayor by the member present senior in years of service, who shall preside. The school committee shall then elect a chairman, a vice-chairman and a secretary, from among its members. The vice-chairman shall preside at all meetings of the school committee in the absence of the chairman and may perform such other duties as may be prescribed by vote of the school committee. The secretary shall keep the records of the committee. ~~and cause notice of all of~~

~~its meetings to be sent to the members and made available to the public.~~

Code reference—Officers and employees generally, § 2-40 et seq.

Section 4-3. is reworked to be in compliance with M.G.L. Ch. 71 (ed reform law) below.

Section 4-3. - General Powers and Duties.

~~The school committee shall have all of the powers and duties which school committees are given under the general laws and may have such additional powers and duties as the city council may, from time to time, assign, by ordinance.~~

~~The powers of the school committee shall include, but need not be limited to the following: (a) to appoint a superintendent of schools, for a term not to exceed two years, beginning in an even numbered year, who shall be charged with the day to day administration of the school system, subject to policy directives issued by the school committee; (b) to appoint all other officers and employees connected with the schools, fix their salaries, define their duties, make rules concerning their tenure of office and to discharge them; and (c) make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the school committee as may be deemed necessary or desirable.~~

~~The school committee shall furnish all school buildings with proper fixtures, furnishings and equipment and shall provide ordinary maintenance of all school buildings and grounds, provided however, that the city council may, by ordinance, provide for the establishment of a centralized purchasing system, which may provide for the inclusion of purchases made under authority of the school committee, and it may also provide, by ordinance, for the creation of a centralized maintenance department which may include maintenance of school buildings and grounds.~~

State law reference—~~School committee to appoint superintendent of schools, M.G.L.A. c. 43, § 32; powers and duties of school committee, M.G.L.A. c. 43, § 33.~~

Section 4-3. - General Powers and Duties.

The school committee shall have all of the powers and duties which school committees are given under the general laws. and may have such additional powers and duties as the city council may, from time to time, assign, by ordinance.

The School Committee shall make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the school committee as may be deemed necessary or desirable.

To the extent permitted by State Law, - (Approved 12/9/2002) the powers of the school committee shall include, but need not be limited to the following:

(a)

to appoint a superintendent of schools, for a term not to exceed ~~two~~ *three* years, ~~{beginning in an even numbered year}~~ ~~deleted~~ (Approved 01/14/1999 Chapter

462 of Acts of 1998), who shall be charged with the day to day administration of the school system, subject to policy directives issued by the school committee;
State law reference- M.G.L.A. c. 71 sec. 41 ⁽²⁾

~~(b) to appoint all other officers and employees connected with the schools, fix their salaries, define their duties, make rules concerning their tenure of office and to discharge them; and (c) make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the school committee as may be deemed necessary or desirable.~~

(b)

To appoint the school business administrator;
State law reference- M.G.L.A. c. 71 sec. 41 ⁽²⁾

(c)

To appoint the director of special education of pupil personnel;
State law reference- M.G.L.A. c. 71B sec. 3A ⁽³⁾

(d)

Establish and appoint an assistant or associate superintendent upon the recommendation of the superintendent;
State law reference- M.G.L.A. c. 71 sec. 59 ⁽⁴⁾

(e)

To appoint school physicians and registered nurses;
State law reference- M.G.L.A. c. 71 sec. 53 ⁽⁵⁾

(f)

To appoint one or more supervisors of attendance;
State law reference- M.G.L.A. c. 76 sec. 19 ⁽⁶⁾

(g)

Sub-sections (a), (b), (c), (d), (e) and (f) of Section 4-3 shall require a majority vote of the full School Committee

~~Make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the school committee as may be deemed necessary or desirable. Moved up to 2nd paragraph.~~

The school committee shall furnish all school buildings with proper fixtures, furnishings and equipment and shall provide ordinary maintenance of all school buildings and grounds, provided however, that the city council may, by ordinance, provide for the establishment of a centralized purchasing system, which may provide for the inclusion of purchases made under authority of the school committee, and it may also provide, by ordinance, for the creation of a centralized maintenance department which may include maintenance of school buildings and grounds.

State law reference(s)--School committee to appoint superintendent of schools, M.G.L.A. c. 43, 71, § 32 41; powers and duties of school committee, M.G.L.A. e. 43, § 33. c 71 et seq

Section 4-4. - Prohibitions.

No school committee member, other than the mayor, shall hold any other city office or city employment under the jurisdiction of the school committee for which a salary or other emolument is payable from the city treasury while serving as a member of the school committee, or, until two years after the term for which he was elected has expired. This provision shall not prevent a person who has taken a leave of absence from such a position from returning to the same position after his term of office on the school committee has expired.

Section 4-5. - Filling of Vacancies.

If a vacancy in the office of school committee member shall occur, the vacancy shall be filled by the candidate for the office of school committee member at the preceding city election who received the highest number of votes without being elected and provided such person is willing to serve. If a person who received such highest number of votes is not willing to serve, the other candidates in descending order of number of votes received shall be offered the vacancy until one accepts the office. If no such candidate is available, the school committee shall, within thirty (30) days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters of the city to serve for the balance of the unexpired term. The city clerk shall certify the said candidate to the office of school committee member to serve for the balance of the unexpired term.

Whenever a vacancy exists on the school committee which is not filled when the next election occurs, it shall be filled by the person receiving the highest number of votes for the office of school committee member. After said committee man [member] is certified as elected by the city clerk he shall forthwith be sworn in and shall serve for the balance of the then unexpired term, in addition to the term for which he was elected.

(Ref. of 11-5-1985)

State law reference— Filling vacancies on school committee, M.G.L.A. c. 43, § 36.

Section 4-6. - Exercise of Powers; Quorum; Rules of Procedure.

(a)

Exercise of Powers — Except as otherwise provided by law or by the charter, the powers of the school committee may be exercised in the manner determined by it.

(b)

Quorum — A majority of the school committee shall constitute a quorum. The affirmative vote of a majority of the full committee shall be necessary to adopt any financial measure. Except as otherwise provided by law or by the charter any other motion or measure may be adopted by a majority vote of those present.

(c)

~~*Rules of Procedure* — The school committee may from time to time adopt rules governing its proceedings. Regular meetings of the school committee shall be held at a time and place fixed by such rules. Special meetings of the school committee shall be held on the call of the mayor, or the chairman of the school committee, or in his absence by the vice chairman, acting as such, or by any three or more members. Notice of such meetings shall be by delivery in hand, or to the place of residence or business of each member at least forty-eight hours in advance of the time set, except in case of emergency, of which the chairman of the school committee shall be the sole judge, when a lesser period shall suffice.~~

(Ref. of 11-8-1983)

(c)

Rules of Procedure -- The school committee may from time to time adopt rules governing its proceedings.

(i) Regular meetings of the school committee shall be held at a time and place fixed by such rules.

(ii) *Special meetings of the school committee shall be held on the call of the chair person of the school committee, or in his absence by the vice-chair person, acting as such, or by any two or more members. Notice of such meetings shall be by receipt confirming electronic mail, or delivery in hand to the place of residence or business of each member at least forty-eight hours, excluding Saturday, Sunday and holidays, in advance of the time set, except in case of emergency, of which the chairman of the school committee shall be the sole judge, when a lesser period shall suffice.*

(iii) *Except as may be otherwise authorized by law, all sessions of the school committee, and any subcommittee thereof, shall be open to the public and to the press.*

(iv) *A full, accurate, up-to-date record of the proceedings of the school committee shall be kept and shall be open to inspection by the public.*

NEW

Section 4-7. School Committee Standing Committees.

- (a) *Designation of Committees -- There shall be at least three standing committees of the school committee:*
- (i) *A committee on building and finance, to which may be referred by a simple majority vote of the school committee on matters which would involve school buildings, grounds and expenditures by the school department and related policies;*
 - (ii) *A committee on personnel, to which may be referred by a simple majority vote of the school committee matters which concern collective bargaining, contract negotiations, and benefits and related policies;*
 - (iii) *A committee on programs, to which may be referred by a simple majority vote of the school committee all matters which affect educational goals, and policies.*
- (b) *Membership -- Each committee of the school committee shall consist of three members of the school committee appointed by the school committee chair to serve for the term for which the school committee is elected. Each member of the school committee shall serve on at least one standing committee of the school committee.*
- (c) *Advisory Members -- The standing committees of the school committee may provide, by vote, for the appointment of voters of the city to serve as advisory members of the committee. Such advisory members, if appointed, shall have no power to vote.*
- (d) *General Powers -- The school committee may delegate the powers available to it under section 4-11 to any of its standing committees. Each standing committee may, in accordance with such rules as may be adopted by the school committee, hold a public hearing on any matter which is referred to it and shall, within a time fixed by school committee rule, report on each matter which has been referred to it, in writing, a recommendation and the reasons therefore. The School Committee may create additional Standing Committees if needed.*

Section 4-78. - Budget Hearing.

At least thirty days before the meeting at which the school committee is to vote on the budget request which it will submit to the mayor for inclusion in the budget he is required to submit to the city council, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall indicate specifically areas of increase from the present budget, if any, and the reasons for such increases and a notice stating (1) the times and places where complete copies of the budget will be available for examination by the public and (2) the date, time and place, not less than seven nor more than fifteen days following such publication when a public hearing will be held by the school committee on the proposed budget.

The action of the school committee in adopting the budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment offered to the proposed budget shall be duly recorded.

Code reference—Finance generally, § 2-560 et seq.

Section 4-89. - Mayor to be Coordinator.

The mayor shall be responsible for the coordination of the activities of the school department with the activities of all other municipal agencies. He shall transmit all requests of the school committee which require action by the city council to the city council, and he shall, at the request of the city council, provide them with such information concerning such requests as may be deemed either necessary or desirable.

Section 4-910. - Emergency Measures.

An emergency measure shall be introduced in the form and manner prescribed generally except that it shall be plainly designated as an emergency measure. A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative votes of two-thirds (2/3rd's) of the members of the school committee. Following such adoption of an emergency preamble the school committee may, by a two-thirds (2/3rd's) vote, pass the measure with or without amendment at the meeting at which it is introduced. Emergency measures shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure or unless a second emergency measure adopted in conformity with this section is passed extending it, or a measure adopted in conformity with the procedures used for measures generally [is] passed extending it.

(Ref. of 11-5-1985)

Section 4-1011. - School Committee Access to Information.

(a)

In General — The school committee may make investigations into the affairs of the school system and into the conduct and performance of any agency under their jurisdiction, and for this purpose may subpoena witnesses, administer

- oaths, and require the production of evidence.
- (b) *City Officers, Member of Multiple-Member Bodies and City Employees* — The school committee may require any city officer, member of a multiple-member body or city employee to appear before it to give such information as the school committee may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of the said city officer, member of a multiple-member body or city employee.
- (c) *Mayor* — In matters under its jurisdiction the school committee may at any time require the mayor to provide it with specific information on any matter within its jurisdiction. The school committee may require the mayor to appear before it, in person, to respond to written questions presented to him. The mayor may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the school committee. The mayor shall not be required to answer any questions not relevant to those presented to him in advance and in writing.
- (d) *Notice Requirements* — The school committee shall give at least five days written notice to any person it shall require to appear before it under the provisions of this section. Notice under this section shall be by delivery in hand. (Ref. of 11-5-1985)
- (e) *Vote Required* — All actions in section 4-11 shall require a majority vote of the full school committee.

FOOTNOTE(S):

⁽²⁾ Code reference—School committee generally, § 18-20 et seq. (Back)

⁽²⁾ State Law reference— Provisions relating to school committees, M.G.L.A. c. 71; M.G.L.A. c. 43, § 31 et seq. (Back)

ARTICLE 5. PLANNING AND COMMUNITY DEVELOPMENT

Section 5-1. - The Planning Process.

Section 5-2. - Planning Board.

Section 5-3. - Community Development Department.

Section 5-4. - Designer Selection Committee.

Section 5-5. - City Building Committee.

Section 5-1. - The Planning Process.

- (a) *Overview* — Planning for the city shall be considered an on going process where economic development, environmental protection, and preservation of the city's heritage and neighborhood identity are balanced through citizen involvement and professional guidance.
- (b) *Community Development Plan* — The planning board shall prepare a community development plan as authorized by MGL chapter 41, section 81-D. Said plan shall set forth community development land use and the development or disposal of municipal facilities, in accordance with applicable statute and state law. The

mayor and city council shall be provided with copies of the community development plan for their review and consideration.

(c)

Land Use and Development Regulations — In accordance with applicable provisions of the general laws, the city council may, by ordinance, adopt land use and development regulations, including, but not limited to, an official map and zoning ordinance.

(d)

Capital Improvement Program — A capital improvement program shall be prepared *annually* for the mayor's review and approval by the community development department with the advice of the planning board and the capital improvements advisory board. The capital improvement program shall set forth the schedule for land acquisition, utility expansion or replacement, and major building projects for the next five years. The program shall include an explanation and cost projection for each item as well as expected funding sources for each item scheduled for the current year. In the course of preparing the capital improvement program, the community development department shall contact all city agencies and departments to solicit project proposals. The mayor shall annually submit the updated capital improvement program to the city council for its review and recommendation.

(e)

Actions by Mayor, City Council and Multi-Member Bodies — The mayor, city council and all multi-member bodies shall seek to ensure that their actions and decisions are consistent with the community development plan, the official map, and the capital improvements program. If any such office, agency or board deems it essential to take an inconsistent action or decision, it shall transmit to the planning board a statement in writing, explaining the necessity, prior to the taking of the action or decision.

(Ref. of 11-5-1985)

Section 5-2. - Planning Board.

(a)

Authority and Purpose — The planning board, authorized and formed pursuant to MGL chapter 41, sections 81A—81J, shall be the city's primary agency responsible for the establishment of planning and community development policy. In addition to its statutory responsibilities, the planning board shall formulate policies which guide land use and the development of municipal facilities, and educate the public and other multi-member bodies with respect to those policies.

(b)

Relationship to Mayor, City Council and Community Development Department — The planning board, on its own initiative, or as requested by the mayor or city council, shall study issues or projects related to the development of the city and present its findings and recommendations to the mayor or city council. The planning board and community development department shall work cooperatively on all such studies.

(Ref. of 11-5-1985)

Section 5-3. - Community Development Department.

(a)

Purpose — There shall be established a community development department responsible for coordinating the physical growth and economic development of the city as well as the development of municipal facilities.

- (b) *Structure* — The community development department shall consist of several divisions, one of which shall be the planning division, to be headed by a professional city planner.
- (c) *Responsibilities* — The community development department shall:
- (i) Advise the mayor on all matters affecting the development of the city;
 - (ii) Formulate and recommend to the mayor and planning board specific measures for the development of the city;
 - (iii) Review and make recommendations to the city council regarding measures considered by it which affect the development of the city;
 - (iv) Assist the planning board in the exercise of its responsibilities and in connection therewith to provide all necessary staff assistance;
 - (v) Assist other multi-member bodies which are involved with the physical development of the city or development of municipal facilities;
 - (vi) Maintain an inventory of all city-owned real property, rights-of-way, town landings, water bodies, water courses, and water ways, a record of the use to which each is being put and a record of the city agency responsible for the management of it; *and said inventory shall be updated annually and made available electronically and by paper.*
 - (vii) Assist with the preparation of the mayor's capital improvement program; and
 - (viii) *Exercise such other powers, duties and responsibilities as may be provided for by ordinance. both the Gloucester Code of Ordinances and the Gloucester Zoning Ordinances.*
- (d) *Community Development Director* — The community development department shall be managed by a director of community development who shall be appointed by the mayor, after review and recommendation by the planning board, and confirmed by the city council.
The community development director shall hold an advanced degree in planning or public administration and have a minimum of six (6) years increasingly responsible experience in municipal planning, community development or management.

(Ref. of 11-5-1985)

Section 5-4. - Designer Selection Committee.

- (a) *Composition, Mode of Selection, Term of Office* — There shall be a designer selection committee which shall consist of three persons appointed by the mayor for each new project (*does project scope or size need to be defined?*). In making his appointments to the committee the mayor shall seek to assure representation from as many of the following areas as is possible: architecture, landscape architecture, construction industry, art and finance.
- (b) *Powers and Duties* — Whenever an architect, or designer, is to be engaged by the city for any reason the designer selection committee shall be consulted and

shall make the selection. All designers and architects in charge of a project shall be registered.

(Ref. of 11-5-1985)

Section 5-5. - City Building Committee.

(a)

Composition, Mode of Selection, Term of Office — Whenever an architect, or designer, is engaged by the city a city building committee shall be established for that project which shall consist of seven members appointed by the mayor for terms of three years each so arranged that the term of office of as nearly an equal number as is possible shall expire each year, provided however, that upon the completion of any project for which a committee is appointed under this section the terms of all members shall be terminated and the committee dissolved. In making his appointments to the committee the mayor shall assure representation from the following fields: the construction industry, the building trades, the municipal agency which will be responsible for the facility upon its completion, a person familiar with the use of such facilities in general, and three representatives of the public at-large.

(b)

Powers and Duties — The committee shall be the representative of the city in all dealings with the architect, or others. *The dealings of the Committee are subject to the pertinent authority of the Mayor and Chief Procurement Officer as provided elsewhere in the Charter and statutes. (Approved 12/19/2002) including The authority of the Committee shall include but not be limited to the following:* preparation of all bidding documents; supervision of public bidding process; award of contract to successful bidder; compliance with the program and time requirements of the city; evaluation of the quality, appropriateness and functional attributes of the architect's solution or proposal; periodic meetings with the architect and builder to assure compliance as the project moves forward; review of all change orders during the construction phase; and all other powers and duties as are necessary and appropriate.

(Ref. of 11-5-1985)

FOOTNOTE(S):

⁽³⁾ Code reference—*Planning generally, ch. 16 (Back)*

⁽³⁾ **Editor's note**— *Prior to its amendment approved at referendum November 5, 1985, article 5, §§ 5-1—5-3, pertained to the comprehensive plan, as derived from the original Charter approved on November 4, 1975. (Back)*

ARTICLE 6 FINACIAL PROCEDURES

Section 6-1. - Submission of Budget, Budget Message.

Section 6-2. - Action on the Budget.

Section 6-3. - Independent Audit.

Section 6-1. - Submission of Budget, Budget Message. Summary

Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year which shall provide a complete

financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The mayor's ~~message~~ *summary* shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the city's debt position, and include such other *pertinent* material as the mayor deems desirable or the city council may reasonably require.

State law reference— Submission of budget to city council, M.G.L.A. c. 44, § 32.

Section 6-2. - Action on the Budget.

- (a) *Public Hearing* — The city council shall, within seven days following its receipt of the proposed budget, publish in one or more local newspapers the general summary of the proposed budget as submitted by the mayor and a notice stating: (1) the times and places where copies of the proposed budget 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 proposed budget will be held by the city council or a standing committee of the city council.
- (b) *Adoption* — The city council shall adopt the budget, with or without amendments, within forty-five days following the day the budget is received by it. In amending the budget, the city council may delete or decrease any programs or amounts except expenditures required by law or for debt service. If the city council fails to take action with respect to any item in the budget within forty-five days after receipt of the budget, such amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.
- (c) *Publication* — Within forty-five days of adoption a detailed line-item budget shall be published electronically.

(Ref. of 11-8-1983)

State law reference— Procedures for approval, rejection or alteration of budget, M.G.L.A. c. 44, § 32. and M.G.L.A. c. 44, sec. 33

Section 6-3. - Independent Audit.

At least once in every two years an outside audit of the books and accounts of the city shall be made. In the event that the commonwealth shall fail in any such period to provide for such an audit to be conducted, within sixty days following the date a written request for them to do so is made by the city council, the city council shall provide for such an audit to be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the city government or any of its officers.

State law reference— Municipal auditing, M.G.L.A. c. 44, § 35 et seq.

FOOTNOTE(S):

⁽⁴⁾ Code reference—Finance generally, § 2-560 et seq. (Back)

⁽⁴⁾ State Law reference— Municipal finance, M.G.L.A. c. 44. (Back)

ARTICLE 7 ADMINSTRATIVE ORGANIZATION

- Section 7-1. - Reorganization Plans by City Council.
- Section 7-2. - Reorganization Plans by Mayor.
- Section 7-3. - Publication of Reorganization Plan.
- Section 7-4. - Multiple-Member Bodies, Composition, Term of Office.
- Section 7-5. - Expiration of Terms.
- Section 7-6. - Notice of the Expiration of Terms.
- Section 7-7. - Information to be Given New Appointees.
- Section 7-8. - Applications to be Public; Exceptions.
- Section 7-9. - Meetings with City Council.
- Section 7-10. - Relations with Standing Council Committees.
- Section 7-11. - Political Activity.
- Section 7-12. - Management Audits.
- Section 7-13. - Annual Report of the City.
- Section 7-14. - Loss of Office, Excessive Absence.
- Section 7-15. - Personnel Practices.
- Section 7-16. - Director of Public Works.
- Sections 7-17, 7-18. - Reserved.
- Section 7-19. - Reports of the City Treasurer.

Section 7-1. - Reorganization Plans by City Council.

Except as otherwise provided by law or the charter, the city council may by ordinance, reorganize, consolidate, or abolish any existing city agency in whole or in part, establish new city agencies, and prescribe the functions of any city agency. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by him.

Section 7-2. - Reorganization Plans by Mayor.

- (a) *Submission* — The mayor may, from time to time, prepare and submit to the city council reorganization plans which may, subject to applicable law and the charter, reorganize, consolidate, or abolish any city agency, in whole or in part, or establish new city agencies, as he deems necessary or expedient. Such reorganization plans shall be accompanied by an explanatory message when submitted.
- (b) *Adoption* — Every such reorganization plan shall, upon receipt by the clerk of the council, be referred to an appropriate standing committee of the city council. The city council shall, not more than thirty days later, hold a public hearing on the matter and the committee to which it was referred shall, within fourteen days

following such hearing, issue a report stating either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the city council unless the city council has prior to that date, voted to disapprove the reorganization plan. A reorganization plan presented by the mayor to the city council under this section, may not be amended by it, but shall either be approved or rejected as submitted and shall not be subject to the objection as provided in section 2-11(c). *Does the time line need to be extended?*

Section 7-3. - Publication of Reorganization Plan.

An up-to-date record of any reorganization plan under this article shall be kept on file in the office of the city clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

Section 7-4. - Multiple-Member Bodies, Composition, Term of Office.

Except as otherwise directed by law, all multiple-member bodies shall consist of three or more members appointed for terms of three years each, so arranged that the term of one third of the members, or as nearly that number as may be, shall expire each year.

Code reference—Boards, commissions, councils and committees generally, § 2-400 et seq.

Section 7-5. - Expiration of Terms.

Every appointment to city office shall begin on the fifteenth day of February for the term specified in the charter, or by ordinance, and shall continue until a successor is chosen and qualified, but in no case longer than six (6) months when the office shall be declared vacant.

(Ref. of 11-3-1987)

Section 7-6. - Notice of the Expiration of Terms.

Section 7-6 covers both volunteer and city staff appointments, perhaps these needs to be in separate sections?

(a)

Multiple-Member Bodies — Whenever a vacancy occurs on a multiple-member body, whether because of a death, a resignation, removal from the city or the pending expiration of a term for which a person has been appointed public notice of the vacancy or pending expiration of the term shall be given in the following manner:

(i)

By publication in a local newspaper or *City's website*, by title, length of term, brief description of duties and a general indication of the qualities or attributes desired of candidates. Such notice shall also state the time within which persons who desire to be considered for appointment to

such offices shall file a statement of interest, with whom, and shall indicate the form on which such application should be made.

(ii)

A copy of all such notices shall be posted in one or more public places within the city.

(iii)

At least twice a year a list containing all of the information in (i) above shall be sent to each organization in the city which has filed its name and mail address with the city clerk, and a request in writing, to receive such information.

(b)

City Office — Whenever a vacancy occurs in a city office, but not including the expiration of a fixed term of office when re-appointment of the incumbent is to be made, notice of the vacancy shall be given in the manner provided in (a)(i) and (ii) above and by publication in appropriate professional newsletters, journals and other publications.

Section 7-7. - Information to be Given New Appointees.

In order to acquaint new members of multiple-member bodies with the work which will come before them, the chairman of each such body shall make available to each new member, the minutes of the meetings for the two prior years and copies of any applicable laws, rules or regulations governing the body. In addition, the chairman shall, within thirty days following any new appointment, meet with the new member and provide such orientation to the duties and responsibilities as may be deemed necessary or desirable.

Section 7-8. - Applications to be Public; Exceptions.

All applications for appointment to any city office which constitutes a department head shall be open to inspection by the public. All such applications shall be kept in a record book, in the office of the city clerk, for a period of one year from the date of filing, provided however, if any applicant requests that his application be kept confidential it shall be so kept and a copy shall not be made available for public inspection. The mayor, and any other official who by reason of his public office or employment becomes aware of such confidential applications, shall respect the request of the applicant and shall not in any way breach the confidentiality requested.

Section 7-9. - Meetings with City Council.

Need to look at feasibility of Section 7-9.

The city council shall, at least once during its term of office, hold a joint meeting with each multiple-member body of the city for the purpose of sharing information and concerns. Where appropriate, the city council may meet with two or more multiple-member bodies which deal with the same general subject matter, at one meeting. The city council may delegate this responsibility to one or more of its standing committees.

Section 7-10. - Relations with Standing Council Committees.

Minutes of all meetings of all multiple-member bodies shall be filed with the clerk of the city council and the ~~Sawyer Free Library~~. The clerk of the city council shall keep the city council informed of the receipt of all such minutes by noting on the agendas for all

meetings of the city council, the minutes of multiple-member bodies received in the period since the previous agenda was prepared.

The city council shall *may* assign general oversight of each multiple-member body *bodies* to an appropriate standing committee of the city council in order to effect close coordination and liaison between such multiple-member bodies and the city council.

Section 7-11. - Political Activity.

Any city officer, member of a multiple-member body or city employee may, in his capacity as a private citizen, become involved in a local campaign for the election of a candidate to any city office or a campaign in favor of or in opposition to any other local issue which is to go before the voters of the city or the members of the city council, provided however, that personal participation by such persons shall not be made while actively engaged in his municipal duties and further, that no use whatsoever is made of the facilities, or the title or other description by which the city office, or multiple-member body or city employment which they hold, is known.

Section 7-12. - Management Audits.

(a)

In General — A complete management audit of each city agency shall be made at least once every eight years in order to accomplish the following purposes:

(i)

To identify any areas which hinder or prevent the city agency from performing its assigned responsibilities, goals or objectives and to offer suggestions for the removal of such obstacles and to suggest ways in which the responsibilities, goals or objectives might better be met;

(ii)

To evaluate the adequacy of management practices being utilized in the agency with respect to fiscal controls and use of available personnel and equipment;

(iii)

To suggest specific ways and means by which the functions and services of the agency might be improved.

(b)

Elements to be Considered — Each such management audit shall include, but need not be limited to, a consideration of the following:

(i)

Organization, staffing and manpower;

(ii)

Adequacy of financial controls;

(iii)

Facilities and equipment;

(iv)

Goal setting, long and short range;

(v)

Procurement practices;

(vi)

Overtime policies;

(vii)

Cost comparisons with other municipalities and comparable private enterprise activities.

(c)

Organization of Reports — Each management audit shall consist of the following

parts:

- (i) Introduction — A brief explanation of methods used;
 - (ii) Scope — A statement of the extent of the examination made;
 - (iii) Major Contacts — A listing of the names of all persons interviewed in the conduct of the audit and an outline of the procedures used;
 - (iv) Findings — Details of the practices found during the audit, which in the opinion of the audit team, require modification or other change in order to strengthen and improve the agency and its performance;
 - (v) Recommendations — Specific suggestions for action either by the agency through changes in its own internal policies or requiring action by the city council, based upon specific findings made.
- (d) *Administration* — The city council shall be responsible for the conduct of all management audits under this section. It shall award all contracts for such audits and shall, through its standing committee on ordinances and city administration, oversee the conduct of all such audits and the implementation of recommendations made therein. The city council may delegate the details of such overview to the city auditor or other designee who shall keep them fully informed of the implementation of the changes suggested in such audit reports by the city agencies concerned.

Section 7-13. - Annual Report of the City.

- (a) *In General* — An annual report which contains a general summary of the activity of all city agencies shall be published. The annual report shall contain reports by the mayor, the city treasurer, city council, the city auditor, the school committee, and such other officers and multiple-member bodies as may be required by ordinance to provide such reports. The annual report shall *may* be published in a local newspaper *or on City's website*, for the convenience of the inhabitants, and additional copies shall be made available in the office of the city clerk for distribution upon request.
- (b) *Application Forms to be Included* — A form shall be provided in each annual report upon which voters of the city may make application for appointment as a member of a multiple-member body of the city, which may become vacant during the ensuing year. All such applications shall be retained for a period of three years from their receipt.

State law reference— Annual reports, M.G.L.A. c. 40, § 49.

Section 7-14. - Loss of Office, Excessive Absence.

If any person who is appointed to serve as a member of a multiple-member body shall fail to attend six or more consecutive meetings of the body or more than half of the meetings held in any one calendar year, the mayor shall, after at least seven days written notice of the mayor's intent to do so delivered to the member's place of residence, declare his place to be vacant. In assisting the mayor in his decision, the chairman of the multiple-member body shall provide the mayor with the attendance record of the prior twelve (12) months and any other information that is needed or desired.

(Ref. of 11-3-1987)

Section 7-15. - Personnel Practices.

review and possibly update Section 7-15.

- (a) *Merit Principle* — All appointments and promotions of city officers, members of multiple-member bodies and city employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.
- (b) *Civil Service Probationary Period* — Not less than thirty days before the expiration of any probationary period in which a city employee is serving the immediate supervisor of such employee shall file a written report with a recommendation concerning such probationary employee attaining permanent status with the appointing authority and the mayor. Such report shall be signed by the appointing authority and the mayor and be retained in the personnel file of such employee, and a copy shall be made available to the said employee.
- (c) *Personnel Report* — The mayor shall annually *together, with the submission of the fiscal year budget*, file with the city council standing committee on ordinances and administration, a report listing all persons in the employ of the city and their status as such employee whether regular civil service, provisional civil service or not subject to civil service as the case may be and the date on which their employment by the city commenced in such position.

(Ref. of 11-8-1983)

Code reference—Officers and employees generally, § 2-40 et seq.

State law reference— Civil service, M.G.L.A. c. 31.

Section 7-16. - Director of Public Works.

The director of public works shall be responsible for the supervision of all public works activities of the city, provided however, that the following powers and duties relating to public works shall be exercised in the manner hereinafter indicated:

- (a) Any rate, fee or other charge shall be referred by the director of public works to the mayor for his review. The mayor shall file a notice with the city council of any change in rates, fees or other charges which is proposed and no such rate, fee or other charge shall be effective until it has been approved by the city council or more than ninety days following the filing of notice with the city council has elapsed without action by the city council;
- (b) All rules and regulations regarding the use of public beaches, parks, playgrounds and other municipal facilities shall be referred by the director of public works to the mayor for his review. The mayor shall file a notice of such proposed rules and regulations with the city council and no such rule or regulation shall become effective until it has been approved by the city council or more than ninety days following the filing of notice with the city council has elapsed without action by the city council.

Code reference—Department of public works generally, § 2-280 et seq.

Sections 7-17, 7-18. - Reserved.

Put new water system protection “Who Decides” act here?

Editor’s note—

Former §§ 7-17 and 7-18, designer selection committee and city building committee, have been replaced by §§ 5-4 and 5-5, respectively, of this charter, added by referendum of November 5, 1985.

Section 7-19. - Reports of the City Treasurer.

The city treasurer shall, at least semi-annually, file with the city council a report which contains a detailed listing of all banks, trust companies and other depositories where city funds were held on deposit, whether time deposits or demand deposits, the length of time such funds were so held, the interest if any, earned on such deposits and the average daily balance for the period reported on held in each such depository. Said report shall also contain a listing of all other investments made by the city treasurer within the period covered by the report.

Code reference—City treasurer generally, § 2-70 et seq.

FOOTNOTE(S):⁽⁵⁾ *Code reference—Administration generally, ch. 2 (Back)*

ARTICLE 8. NOMINATIONS AND ELECTIONS

Section 8-1. - City Elections: General and Preliminary.

Section 8-2. - Nonpartisan Elections.

Section 8-3. - Preliminary Elections.

Section 8-4. - Regular Election.

Section 8-5. - Special Election for Mayor.

Section 8-6. - Wards.

Section 8-7. - Application of State Laws.

Section 8-1. - City Elections: General and Preliminary.

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

On the *fifty fifth* Tuesday preceding every regular city election there shall be held a preliminary election for the purpose of nominating candidates.

While no action can be taken at this time the possibility of moving the primary date to the 6th or 7th Tuesday preceding the regular election may want to be included on any future referendums dealing with changes to the City Charter.

(Ref. of 11-5-1985)

Section 8-2. - Nonpartisan Elections.

All elections of city officers shall be nonpartisan, and election ballots for such

officers shall be printed without any party mark emblem, or designation whatsoever.

Section 8-3. - Preliminary Elections.

(a)

Signature Requirements — The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than three hundred; for the office of school committee member not less than one hundred-fifty; for the office of councilor at-large not less than one hundred-fifty; and for the office of ward councilor not less than seventy-five signatures of voters of the ward.

(b)

Ballot Position — The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the city clerk in the presence of such candidates or their representatives.

(c)

Determination of Candidates for Election — The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballot. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon candidates to a number exceeding twice the number to be elected.

(d)

Nomination of Candidates, Conditions Making Preliminary Election Unnecessary — If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election not more than twice as many such statements have been filed with the city clerk for an office as candidates are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular election, and the city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

Section 8-4. - Regular Election.

Ballot Position — The order in which names of candidates appear on the ballot for each office in a regular city election shall be determined by a drawing by lot conducted by the city clerk in the presence of such candidates or their representatives.

Section 8-5. - Special Election for Mayor.

Whenever a special election is to be held for the office of mayor under the

provisions of section 3-11(a), no preliminary election shall be held. All candidates who file nomination papers which are certified by the board of registrars of voters to contain the number of signatures of voters required by section 8-3(a) shall be entitled to have their names appear upon the ballot for the said election. The candidate who receives the highest number of votes shall be declared elected.

Section 8-6. - Wards.

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— Applicability of state election laws, M.G.L.A. c. 43B, § 17.

FOOTNOTE(S):⁽⁶⁾ *Code reference—Elections generally, ch. 7 ([Back](#))*

⁽⁶⁾ **State Law reference**— Election of officers, M.G.L.A. c. 41, § 1 et seq.; method of electing officers, M.G.L.A. c. 43B, § 18; elections generally, M.G.L.A. cs. 50—57. ([Back](#))

ARTICLE 9. FREE PETITION; INITIATIVE; REFERENDUM; RECALL

Section 9-1. - Free Petition.

Section 9-2. - Citizen Initiative Measures.

Section 9-3. - Citizen Referendum Procedures.

Section 9-4. - Initiative and Referendum: Ineligible Measures.

Section 9-5. - Submission of Proposed Measure to Voters.

Section 9-6. - Measures with Conflicting Provisions.

Section 9-7. - Advisory Questions to Voters.

Section 9-8. - Recall — City of Gloucester.

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~~ commence 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 same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any. Within five days after the filing of said petition[,] the registrars of voters shall ascertain by what number of voters the petition is signed, and what percentage that number is of the total number of voters, and shall attach thereto their certificate showing the result of such examination. The registrars of voters shall hold the petition and their certificate available for public inspection during ordinary office hours for two full days, and unless written objections to the certificate of the registrars of voters are filed by a voter within said period, the registrars of voters certificate shall be deemed conclusive. If objections are so filed, they shall be disposed of forthwith in the manner provided by general laws, chapter 53. If no objections are so filed, the registrars of voters shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to the person designated on the petition as filing the same.

(b)

Referral to City Solicitor — If the registrars of voters determine that a sufficient number of the signers are voters, the clerk of the council or the secretary of the school committee shall transmit a copy of the petition to the city solicitor. Within fifteen days after his receipt of the petition the city solicitor shall advise the clerk of the council or the secretary of the school committee in writing whether the

measure may be proposed by initiative procedures and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, he shall state his reason or reasons therefor in his reply. The clerk of the council or the secretary of the school committee shall furnish a copy of the solicitor's opinion to the person designated on the petition as filing the same and to the first ten petitioners.

(c)

Action on Petition — Within thirty days after an initiative petition is presented to the city council or the school committee, and after publication and a public hearing, in the same manner as provided in section 2-11(d)(e) for ordinances and loan orders, the city council or the school committee shall act with respect to the initiative measure by passing it without change, or by rejecting it, or by passing some other measure stated to be in lieu thereof. The passage of a measure in lieu of an initiative measure shall be deemed a rejection of the initiative measure. If the city council or the school committee fails to act with respect to the initiative measure as required by this section within thirty days after presentation, the measure shall be deemed to have been rejected on the thirtieth day after presentation. If an initiative measure is rejected, the clerk of the council or secretary of the school committee shall promptly give written notice of that fact to the first ten petitioners. Initiative measures shall not be subject to charter objections as provided in section 2-11(c).

(d)

Supplemental Petitions — Within forty-five days after notice of the rejection of an initiative measure has been given by the clerk of the council or secretary of the school committee, a supplemental initiative petition addressed to the city council or the school committee may be filed in the office of the registrars of voters. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five per cent of the total number of voters. If the number of signatures to a supplemental initiative petition is deemed sufficient by the registrars of voters, the city council shall provide for submission of the initiative measure to the voters at the next regular city election. The provisions of section 9-2(a) shall apply insofar as applicable to such petition.

(e)

Immediate Submission to Voters — If the supplemental initiative petition is signed by a number of additional voters which is at least equal to ten per cent of the total number of voters as aforesaid, the city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, that if any city election is otherwise to occur within one hundred and twenty-five days after the date of said certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

(f)

Publication — The full text of the measure shall be published in at least one local newspaper at least seven days before the election at which the question is to appear on the ballot.

(g)

Form of Ballot — The ballots used when voting upon a proposed measure under this section shall contain a question in substantially the following form:
Shall the following measure which was proposed by an initiative petition take effect?

(Text of measure or a fair, concise summary prepared by the city solicitor and approved by the registrars of voters) Yes No

(h)

Time of Taking Effect — If a majority of the votes cast on the question is in the

affirmative the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

State law reference— Provisions relating to initiative petitions, M.G.L.A. c. 43, § 37 et seq.

Section 9-3. - Citizen Referendum Procedures.

(a)

Referendum Petition, Effect on Final Approval — If, within twenty-one days after the final approval of any measure by the city council or by the school committee, a petition signed by voters equal in number to at least ten percent of the total number of voters, and addressed to the city council or to the school committee as the case may be, protesting against such measure or any part thereof taking effect, is filed in the office of the registrars of voters the same shall thereupon and thereby be suspended from taking effect. The city council or the school committee, as the case may be, shall forthwith reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b)

Certain Initiative Procedures to Apply — The petition described in this section shall be termed a referendum petition and insofar as applicable sections 9-2(a), (b), and (f), shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

State law reference— Provisions relating to referendum petitions, M.G.L.A. c. 43, § 42 et seq.

Section 9-4. - Initiative and Referendum; Ineligible Measures.

None of the following measures shall be subject to initiative or referendum procedures: (1) proceedings relating to the organization or operation of the city council or school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriations for the payment of the city's debts or obligations, (6) appropriations of funds necessary to implement a written agreement executed under collective bargaining, (7) any proceedings, or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee, (8) any proceedings repealing or rescinding a measure, or a part thereof, which is protested by referendum procedure and (9) any proceeding providing for the submission or referral of a matter to the voters at an election.

Section 9-5. - Submission of Proposed Measure to Voters.

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Section 9-6. - Measures with Conflicting Provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 9-7. - Advisory Questions to Voters.

At each regular city election there may appear on the ballot up to three nonbinding advisory questions to determine voter sentiment. Two of these questions shall be proposed by the city council and shall deal with the affairs of the city in general. The third question may be posed by the school committee and shall, if so used, deal with a question relating to affairs under its jurisdiction. In the event that the city council or the school committee do not use the questions allowed them under this section, the city council or school committee may propose up to three questions.

Within three months following the organization of the city government following each election the city council or the school committee shall take up the subject matter of the advisory questions which were proposed by it and act upon their merits.

Nothing in this section shall preclude the public from initiating an advisory question under General Laws chapter 53 section 18A and article 9 of the city charter.

(Ref. of 11-3-1987)

Section 9-8. - Recall — City of Gloucester.

The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows: a petition signed by a number of the voters of the city qualified to vote at city elections equal to at least twenty per cent of the aggregate number of registered voters in the city, and demanding an election of a successor of the person sought to be removed, shall be filed in the office of the city clerk. The petition shall contain a general statement of the grounds for which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand, and substantially upon the same grounds; and all papers containing such demand and statement, which in any one day shall be filed in the office of the city clerk, shall be deemed parts of the same petition. Each signer shall add to his signature his place of residence, on the preceding first day of January, giving the street and the street number if any. One signer of every such paper shall make oath upon his information and belief, before a notary public or a justice of the peace, that the statements therein made are true, and that each signature to the paper is the genuine signature of the person whose name it purports to be.

Within ten days after the date of filing the petition, the city clerk, with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the required number of qualified voters, as above described, and shall attach to the petition a certificate, showing the result of his examination.

If the petition is certified by the city clerk to be sufficient, he shall present the same to the city council without delay, and the municipal city council shall call an election so demanded, and fix a date for holding the same, which shall not be less than thirty nor more than forty-five days after the date of the presentation of the petition by the city clerk to the municipal city council. The city clerk shall make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made and the results thereof declared in all respects as in the case of other city elections. The successor of any elected official so removed shall hold the office

during the unexpired term of his predecessor. Any person sought to be removed may be a candidate at the election, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The candidate receiving the highest number of votes shall be declared elected. If some person other than the incumbent received the highest number of votes, the incumbent shall thereupon be deemed to be removed from office. In case a person, other than the incumbent, receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace, within five days after his election, faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of the said election, unless sooner removed therefrom by new and like proceedings. The name of no candidate, other than that of the person sought to be removed, shall be printed on the official ballots to be used at the election, unless the candidate be nominated as hereinbefore provided, at a preliminary election for nomination.

No recall petition shall be filed against an elected official of said city within three months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

No person who has been recalled from an office in said City of Gloucester, who has resigned from office while recall proceedings were pending against him, shall be appointed to any city office within five years after such removal by recall or resignation. This shall not preclude any person from running for elected office within said city.

(Ref. of 11-5-1985)

FOOTNOTE(S):

⁽⁷⁾ *Code reference—Elections generally, ch. 7 (Back)*

ARTICLE 10. GENERAL PROVISIONS

Section 10-1. - Charter Changes.

Section 10-2. - Severability.

Section 10-3. - Specific Provisions Shall Prevail.

Section 10-4. - Rules and Regulations.

Section 10-5. - Reenactment and Publication of Ordinances.

Section 10-6. - Procedures.

Section 10-7. - Number and Gender.

Section 10-8. - References to General Laws.

Section 10-9. - Definitions.

Section 10-10. - Certificate of Election and Appointment; Oath of Office.

Section 10-1. - Charter Changes.

(a)

In General — This Charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX (eighty-nine) of the amendments to the state constitution and any legislation enacted to implement

the said amendment.

(b)

Periodic Review — The city council standing committee on ordinances and administration shall in each year ending in zero review the charter and submit a report with recommendations to the full city council concerning any proposed amendments or revisions to the charter.

Section 10-2. - Severability.

The provisions of the charter are severable. If any provision of the charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 10-3. - Specific Provisions Shall Prevail.

To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 10-4. - Rules and Regulations.

A copy of all rules and regulations adopted by any city agency shall be filed in the office of the city clerk and made available for review by any person who requests such information and no such rule or regulation shall become effective until it is so filed.

Section 10-5. - Reenactment and Publication of Ordinances.

The city council shall at five-year intervals cause to be prepared a proposed revision or recodification of all city ordinances which shall be submitted to the city council for reenactment. The city council shall adopt the proposed revision or recodification with or without amendment prior to the expiration of the calendar year in which it is submitted to them. Such revisions or recodifications shall be prepared under the supervision of the city solicitor, or city clerk, or if the city council so directs, by special counsel retained for that purpose. Copies of the revised or recodified ordinances shall be made available for distribution, provided however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

In each year between such reenactments[,] an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

Section 10-6. - Procedures.

(a)

Meetings — All multiple-member bodies of the city, whether elected or appointed or otherwise constituted, shall meet regularly at such times and places within the city as they may prescribe. Special meetings of any multiple-member body shall be held on the call of the respective chairman or by one-third of the members thereof by written notice delivered in hand or to the residence or place of business of each member at least twenty-four hours in advance of the time set. A copy of the said notice shall also be posted on the city bulletin board(s). Special meetings of any multiple-member body shall also be called within one week after the date of the filing with the city clerk of a petition signed by at least one hundred fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as otherwise authorized by general laws, all

meetings of all multiple-member bodies shall be open to the public and to the press.

(b)

Rules and Journal Minutes — Each multiple-member body shall determine its own rules and order of business unless otherwise provided by the charter or by law and shall provide for keeping a journal minutes of its proceedings. These rules and journals minutes shall be a public record, and certified copies of each shall be placed on file in the office of the city clerk. ~~and in the Sawyer Free Library.~~

(c)

Voting — If requested by any member, any vote of any multiple-member body shall be taken by a roll call vote and the ayes and nays shall be recorded in the journal, provided, however, that if the vote is unanimous, only that fact need be recorded.

Boards and Commissions need to be aware of this charter provision.

Each multiple-member body shall establish and maintain, by its own rules, a list of specific types of actions which will require an accompanying statement of purpose. The statement of purpose shall contain the reasons why the majority of the multiple-member body voted for or against. Such statements shall be entered upon the records of the multiple-member body, in full, for the purpose of providing guidance to future bodies regarding matters that might again be brought before the body, matters that might be the subject of court action, or any other matter requiring the intent of the members of the multiple-member body when voting.

(d)

Quorum — A majority of the members of a multiple-member body shall constitute a quorum, but a smaller number may adjourn from time to time. ~~No other action without a quorum shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple-member body.~~

(e)

Filings with Multiple-Member Bodies — Unless otherwise provided by statute, the charter, or by ordinance, all applications or petitions which are to be acted upon by a multiple-member body shall be made in the first instance with and to the full multiple-member body. A record shall be made in the minutes of the receipt of all such applications or petitions. The multiple-member body may, upon such receipt, by vote, refer such matters to a sub-committee, or to a paid employee for negotiation, solicitation or further information, or otherwise, to report back to the full multiple-member body before any final action is taken on the matter.

Section 10-7. - Number and Gender.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

Section 10-8. - References to General Laws.

All references to the general laws contained in the charter refer to the general laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections or any rearrangement of the general laws enacted subsequent to the

adoption of the charter.

Section 10-9. - Definitions.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meaning:

- (a) *Charter* — The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under Article LXXXIX (eighty-nine) of the amendments to the State Constitution.
- (b) *City* — The word "city" shall mean the City of Gloucester.
- (c) *City Agency* — The words "city agency" shall mean any board, commission, committee, department or office of the city government.
- (d) *Emergency* — The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, or condition which necessitates immediate action.
- (e) *Full Council* — The words "full council" shall mean the entire authorized complement of the city council notwithstanding any vacancies which might exist.
- (f) *Full School Committee* - The words "full school committee" shall mean the entire authorized complement of the school committee notwithstanding any vacancies which might exist.
- (f)(g) *Initiative Measure* — The words "initiative measure" shall mean a measure proposed by initiative procedures under the charter.
- (g)(h) *Local Newspaper* — The words "local newspaper" shall mean a newspaper of general circulation within the City of Gloucester.
- (h)(i) *Majority Vote* — The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present.
- (i)(j) *Measure* — The word "measure" shall mean an ordinance adopted or which could be adopted by the city council, or an order, resolution, vote or other proceeding adopted or which could be adopted by the city council or the school committee.
- (j)(k) *Multiple-Member Body* — The words "multiple-member body" shall mean any appointed body consisting of two or more members.
- (l) *Municipal Facilities* – **definition needed here**
- (k)(m) *Planning Board* — The words "planning board" shall mean any other board or office performing the duties of a planning board for the city.
- (l)(n) *Ref. Measure* — The words "referendum measure" shall mean a measure protested by referendum procedures under the charter.
- (m)(o) *Voters* — The word "voters" shall mean registered voters of the City of

Gloucester.

Section 10-10. - Certificate of Election and Appointment; Oath of Office.

Every person who is elected, including those elected by the city council, or appointed by the mayor to an office shall receive a certificate of such election or appointment from the city clerk.

Except as otherwise provided by law, before performing any act under his election or appointment, he shall take and subscribe to an oath to qualify him to enter upon his duties. A record of the taking of such oath shall be made by the city clerk. An oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths.

State law reference— Oath of office for city officers, M.G.L.A. c. 41, § 107.

Footnotes

⁽¹⁾ Chapter 43 Section 18.

Except as otherwise provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

1. Every member of the council may vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.
2. The city council shall, from time to time, establish rules for its proceedings. Regular and special meetings of the council shall be held at a time and place fixed by ordinance. Except as otherwise authorized by section twenty-three A of chapter thirty-nine, all sessions of the council shall be open to the public and to the press, and every matter coming before the council for action shall be put to a vote, the result of which shall be duly recorded. A full and accurate journal of the proceedings of the council shall be kept, and shall be open to the inspection of any registered voter of the city.
3. The council shall, by a majority vote, elect a city clerk to hold office for three years and until his successor is qualified. He shall have such powers and perform such duties as the council may prescribe, in addition to such duties as may be prescribed by law. He shall keep the records of the meetings of the council. The person holding the office of city clerk at the time when any of the plans set forth in this chapter has been adopted by such city shall continue to hold office for the term for which he was elected and until his successor is qualified.
4. The council in any city adopting Plan D or E shall, by a majority vote, elect a city auditor to hold office for three years and until his successor is qualified. He shall keep and have charge of the accounts of the city and from time to time audit the books and accounts of all departments, commissions, boards and offices of the city, and shall have such other powers and perform such other duties as the council may prescribe, in addition to such duties as may be prescribed by law.

(2) Chapter 71 Section 41.

For the purposes of this section, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or school psychologist who has served in the public schools of a school district for the three previous consecutive school years shall be considered a teacher, and shall be entitled to professional teacher status as provided in section forty-two. The superintendent of said district, upon the recommendation of the principal, may award such status to any teacher who has served in the principal's school for not less than one year or to a teacher who has obtained such status in any other public school district in the commonwealth. A teacher without professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be employed for the following school year. Unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.

School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but every principal shall have the opportunity to meet and discuss individually the terms and conditions of his employment in his school district with such district's superintendent and may be represented by an attorney or other representative. School principals shall enter into individual employment contracts with their employing districts concerning the terms and conditions of employment. The initial contract with each individual school district shall be for not less than 1 year nor more than 3 years. The second and subsequent contracts shall be for not less than 3 nor more than 5 years unless: (i) said contract is a 1 year contract based on the failure of the superintendent to notify the principal of the proposed nonrenewal of his contract pursuant to this section; or (ii) both parties agree to a shorter term of employment. Notwithstanding the past employment conditions of a school principal, the conditions established by this paragraph shall apply to the initial contract of each school principal. Failure of the superintendent to notify a principal of the proposed nonrenewal of his contract at least sixty days prior to the expiration date of such contract shall automatically renew the contract for an additional one year period.

Except as provided herein, section forty-two shall not apply to school principals, assistant principals or department heads, although nothing in this section shall deny to any principal, assistant principal or department head any professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted except for good cause. Only a superintendent may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has been given a reasonable opportunity within fifteen days after receiving such notice to review the decision with the superintendent at which meeting such employee may be represented by an attorney or other

representative to present information pertaining to the bases for the decision and to such employee's status. A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in section forty-two. The commissioner shall provide the parties with the names of three arbitrators who are members of the American Arbitration Association. The arbitrators shall be different from those developed pursuant to section forty-two. The parties each shall have the right to strike one of the three arbitrator's names if they are unable to agree upon a single arbitrator from amongst the three.

A school committee may award a contract to a superintendent of schools or a school business administrator for periods not exceeding six years which may provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said superintendent or school business administrator. Nothing in this section shall be construed to prevent a school committee from voting to employ a superintendent of schools who has completed three or more years' service to serve at its discretion.

(3) Chapter 71B Section 3A.

- (a) A school committee with four thousand or more children enrolled in its school system shall appoint a person to be its administrator of special education. Such administrator shall devote full time to the duties involved in supervising the provision of all special education in the school system.
- (b) A school committee with less than four thousand children enrolled in its school **system shall appoint a person to be its administrator of special education.** Such administrator shall have the duties involved in supervising the provision of all special education in the school system and other duties if the special education duties are not such as to require the devotion of full time.
- (c) Notwithstanding the provisions of paragraphs (a) and (b), the school committee of any city, town, or school district may, to meet its obligations under this section, with the approval of the department, enter into an agreement with any other school committee to jointly appoint an administrator of special education. The department shall promulgate regulations to implement the provisions of this paragraph.

(4) Chapter 71 Section 59.

The school committee of a town not in a superintendency union or district shall employ a superintendent of schools and fix his compensation. A superintendent employed under this section or section sixty or sixty-three shall manage the system in a fashion consistent with state law and the policy determinations of that school committee. **Upon the recommendation of the superintendent, the school committee may also establish and appoint positions of assistant or associate superintendents,** who shall report to the superintendent, and the school committee shall fix the compensation paid to such assistant or associate superintendents. The school committee shall approve or disapprove the hiring of said positions. Such approval by the school committee of the recommendation shall not be unreasonably withheld; provided, however, that upon the request of the superintendent the school committee shall provide an explanation of disapproval.

(5) Chapter 71 Section 53.

The school committee **shall appoint one or more school physicians and registered nurses,** shall assign them to the public schools within its jurisdiction, shall provide them with all proper facilities for the performance of their duties and shall assign one or more physicians to the examination of children who apply for health certificates required by section eighty-seven of chapter one hundred and forty-nine, but in cities where the medical inspection hereinafter prescribed is substantially provided by the board of health, said board shall appoint and assign the school physicians and registered nurses. The department may exempt towns having a valuation of less than one million dollars from so much of this section as relates to school nurses.

(6) Chapter 71 Section 19.

Every school committee **shall appoint, make regulations governing and fix the compensation of one or more supervisors of attendance,** who may be either male or female, and who shall meet such standards of qualifications for such work as shall be established by the department of education;

September 6, 2011

provided, that such supervisors shall have attained the age of twenty-one years. The committees of two or more towns may employ the same supervisors of attendance.

City Hall
Nine Dale Ave
Gloucester, MA 01930



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ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

MEMORANDUM

TO: City Council
FR: Mayor Kirk
RE: Updates Regarding the City's Emergency Management Dept.
DT: September 6, 2011

Dear Members of the City Council,

The Administration is compelled for many reasons to provide the Council with some important updates and make additional requests regarding the evolving Emergency Management Dept. for the city of Gloucester.

FOR COUNCIL INFORMATION:

Representation of EMD by Mayor's Office

I have spoken to Deputy Chief Miles Schlichte, the city's current Emergency Management Director, about his remarks specifically at the Council Ordinance and Administration meeting on August 15, 2011. The Deputy Chief was reminded that when he is before the Council as EMD, he is a representative of the Mayor's office. Deputy Chief Schlichte was only speaking for himself when he stated that he "would respectfully submit his resignation if he has nothing to work with". These remarks did not reflect the viewpoint of the Mayor's office.

Rather, the Deputy Chief should have listened to the concerns raised by the Council, answered questions, and offered education and clarification as to the issues at hand. Any job-related concerns should have been taken up directly with the Administration separate from the Council.

Written Authorization Needed to Initiate EMD Involvement

There appears to be some confusion about when activity by the Emergency Management Director is initiated or what triggers the EMD's involvement and thus results in overtime. Going forward, the Administration has instituted a policy that requires written authorization from me to initiate EMD involvement in any particular circumstance going on in the city that will result in overtime costs. The decision about whether or not an incident requires EMD and/or EOC (Emergency Operations Center) response will be made in consultation with including but not limited to the Fire Chief, Police Chief, Public Health Director, DPW Director, and EMD.

The EMD stipend is meant to cover the planning aspects of the EMD function – not incidents. In the event the EMD is triggered, or other emergency expenses arise due to an incident requiring such response, the Administration will seek out funding from the SR900 account through the City Council.

Emergency Overtime Policy - All impacted employees

Regarding overtime as a result of incidents in which the EMD is activated, particularly the Emergency Operations Center which requires representative staffing from multiple departments, the Administration has asked the Personnel Director to prepare an overtime policy that will fairly compensate employees for hours spent manning the EOC during non-business hours. Some policy guidelines fall within the purview of employee contracts and some do not.

Emergency overtime expenditures is not only an issue for the EMD, but for employees of other departments as well.

Best Practices from Other Communities

In order to gain operational knowledge about how other communities handle their EMD function, Chief Administrative Officer Jim Duggan is visiting two cities. In one city, there is a full-time EMD. In the other city, the EMD is paid a stipend and is also a Deputy Chief in the Fire Dept. How and when the EMD is triggered, the status of an EOC, and how overtime costs associated with incidents are handled are among the issues that will be researched and with Council's permission, reported to City Council in a future meeting.

FOR COUNCIL ACTION:

There are a number of issues pending that the Administration needs to get resolved, and we respectfully ask for the City Council's support:

1. Amendment to budget transfer request to pay \$290.29 for overtime incurred by the EMD and paid by the FD with the approval of the Fire Chief so as to settle with the employee, however, now the FD needs to be reimbursed for the expense. The Administration proposes paying this out of the Mayor's contingency account. Going forward, the Administration would like to make it clear that these types of expenses will need to come out of the SR900 account.
2. Request to continue the funding for administrative support for the EMD function at least through December 31, 2011. Carol McMahon is currently funded on a contract basis on a grant that is due to expire by the end of September. The Administration proposes extending funding this through the contract services line item in the Fire Dept. with a transfer from the SR900 account in the amount of \$4,800.

An interruption in this support would be a setback for the city. One of the reasons the city's response to the recent tropical storm Irene was so highly complimented was due to the administrative support provided by Ms. McMahon including:

- Attending the MEMA conference calls on the EM's behalf which started several days before Irene made landfall.
- Information gathering for local pre-planning meetings;
- Taking meeting notes and dissemination of information to pertinent departments;
- Preparation of the EOC for the storm with respect to computers and necessary computer programs to track and document storm activities;
- Managing the request for emergency shelter from a gentleman and his elderly Mother;
- Writing twice-daily storm updates for the media and city web page;
- Tracking storm-related expenses for eventual reimbursement from FEMA.

Since tropical storm Irene, Ms McMahon has been doing the following storm-related activities:

- Documenting and compiling information for the After Action Report to ascertain jobs well done and areas that need improvement;
- Preparing the Massachusetts Emergency Management Agency's initial damage assessment cost recovery information which is due September 13th;
- After Sept 13th this process continues with the compilation of detailed documentation from each affected city department and determination of applicability for reimbursement regarding city money spent on federally declared disasters;
- Part of this process includes detailing the event in a comprehensive narrative to FEMA that will determine the validity of city expenses incurred;
- As we did with the snowstorm, by working directly with an assigned FEMA Disaster Assistance Employee, Ms McMahon will ensure that the City recovers all qualified city expenses for reimbursement. With the scope of Irene's impact, it is doubtful that FEMA will have the Disaster Assistance Employees assigned to Massachusetts before September 30th which will be after Ms McMahon's grant runs out.

In addition, Ms. McMahon is providing administrative support on the following projects:

1. FEMA Hazard Mitigation Grants: Currently FEMA's focus is on remediating flooding issues and Ms. McMahon is currently working closely with MEMA representatives to identify and apply for grant opportunities that could correct areas in the city that have had historic flooding issues. Ms McMahon has also attended the FEMA Benefit Cost Analysis training program that is required by FEMA to determine basic eligibility for these grants. The deadline for the grant presentation is November 1, 2011.
2. The Gloucester Hazard Mitigation Plan: This is currently under review at FEMA. Federal acceptance of the City Plan is required to apply for any nationwide competitive grant opportunities. While the plan that was submitted several years ago is currently under review, there exist many significant hazards in this city that were not appropriately detailed in that initial basic plan. As of note, multiple freezer plants that utilize ammonia are a primary concern. Creating a plan for remediation/response will be a major undertaking and the assistant will assist the Emergency Management Director with creating these plans and responses.
3. The City of Gloucester's Comprehensive Emergency Management Plan: This is an ongoing effort. A complete rewrite has been 80% completed just in time for the annual update to start. Ms. McMahon has worked with city departments and MEMA to bring the city's Emergency Management Plan into the state's top 5% of Emergency Plans submitted to MEMA
4. Gloucester's Continuity of Operations Plan: Each community must be prepared to operate effectively in the event of extraordinary events. Ms. McMahon is assisting the Emergency Management Director in creating a Continuity of Operations Plan to define and determine how the city would continue basic functions such as tax collection, payroll, city clerk functions etc., in the event that key personnel would be unable to report to their assigned functions.

Ms. McMahon work has also been a valuable asset to this city in helping the Emergency Management Director with the creation and operation of the Emergency Operations Center which is only possible through her volunteer work as Program Manager of the Gloucester CERT team.

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2012**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2012-SBT- 3 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Mayor's Office

DATE: 9/7/2011 BALANCE IN ACCOUNT: \$ 106,310.00

(FROM) PERSONAL SERVICES ACCOUNT # _____ *Unfund Account #*
 (FROM) ORDINARY EXPENSE ACCOUNT # _____ *Unfund Account #*
101000.10.900.52000.0000.00.000.00.052
Special Reserve, Contractual Services
Account Description

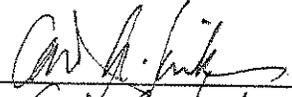
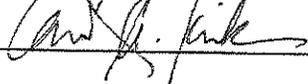
DETAILED EXPLANATION OF SURPLUS: Funds placed in this account by Council during budget process. A portion of the total was related to continuing administrative support for the emergency mgt. function.

(TO) PERSONAL SERVICES ACCOUNT # _____ *Unfund Account #*
 (TO) ORDINARY EXPENSE ACCOUNT # _____ *Unfund Account #*
101000.10.220.52001.0000.00.000.00.052
Fire Department, Special Contractual Serv.
Account Description

DETAILED ANALYSIS OF NEED(S): To fund contractual services for administrative assistance for the emergency management function.

TOTAL TRANSFER AMOUNT: \$ 4,800.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 101,510.00
 TO ACCOUNT: \$ 6,800.00

APPROVALS:

DEPT. HEAD:  DATE: 9/7/11
 ADMINISTRATION:  DATE: 9/7/11
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER:	#CC2011-039
Councillor	Ann Mulcahey

DATE RECEIVED BY COUNCIL:	09/13/11
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

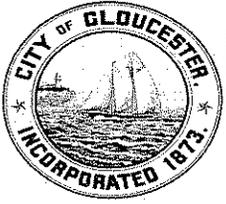
ORDERED that the GCO Sec 22-270 "Parking prohibited at all times" be amended by

DELETING: Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street, in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and

ADDING: Green Street, northeasterly side, beginning at the point 113 feet from its intersection with Perkins Street, for a distance of 100 feet; 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
Ward 2



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER: #CC2011-040
Councillor Ann Mulcahey

DATE RECEIVED BY COUNCIL: 09/13/11
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

ORDERED that the GCO Sec 22-291 "Tow-away zones" be amended by

DELETING: Green Street, northeasterly side, beginning at a point 163 feet from its intersection with Perkins Street, in a northwesterly direction thence in a northeasterly direction for a distance of 50 feet; and

ADDING: Green Street, in a northwesterly direction, beginning 113 feet from its intersection with Perkins Street, for a distance of 100 feet ; 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
Ward 2



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER: #CC2011-041
Councillor Greg Verga

DATE RECEIVED BY COUNCIL: 09/13/11
REFERRED TO: O&A, TC & Police Dept
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration direct the Traffic Commission and Police Department to conduct a traffic analysis and report their recommendations on speed limit in the Woodward Avenue area to the Ordinances and Administration Committee.

Greg Verga
Ward 5 Councillor



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER: #CC2011-042
Councillor Greg Verga

DATE RECEIVED BY COUNCIL: 09/13/11
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration direct the Traffic Commission to revisit the recently installed 4-way stop signs at the intersection of Magnolia Avenue, Shore Road and Raymond Street to determine if additional signage, painted stop signs and/or "STOP" painted on roadway are required; and, if necessary, reversion back to amend GCO Sec. 22-269 "Stop Intersections" and/or Sec. 22.269.1 "Yield Intersections", to reflect the results of the Traffic Commission's recommendations to the Ordinances and Administration Committee.

Greg Verga
Ward 5 Councillor