

4. *CC2011-057 (Curcuru) Amend GZO Sec. 22-287 (Disabled veteran, handicapped parking) re: Lloyd St. #5 (TBC 3/05/12)*
5. *CC2012-002 (Ciolino) Request Legislative Delegation to file legislation re: naming of Gloucester Route 128 Extension (Grant Circle to East Main Street) to a "Purple Heart Killed in Action Veteran Highway" (TBC 2/6/12)*
6. *CC2012-004 (Ciolino/Cox) Amend GZO Sec. 22-287 (Disabled veteran, handicapped parking) re: adding two (2) spaces near intersection of Middle and School Street located near the apartment building at School St. #1(TBC 3/5/12)*
7. *Letter from Mayor to Superintendent Director of North Shore Regional Vocational School District Re: Reappointment of Melissa Joy Teixeira as the City's Representative*
8. *CC2012-001 (Hardy) Review salary of the office of the Mayor as in accordance with City Charter, Article 3, Sec. 3-1(c) and amend GCO Sec. 2-54 accordingly (TBC 2/6/12)*

COMMITTEE

Councilor Sefatia Theken, Chair
Councilor Robert Whynott, Vice Chair
Councilor Steve LeBlanc, Jr.

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
Bill Sanborn
Suzanne Egan
Mike Hale
Robert Ryan

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.



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER:	#CC2011-043
Councillor	Bruce Tobey

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

ORDERED that the Administration, the Council, and the City Hall Restoration Committee work together to generate a Request for Proposals seeking a non-profit cultural partner to share in the use and maintenance of City Hall, as per the model of this article:

<http://www.preservationnation.org/magazine/story-of-the-week/2011/a-beautiful-duet.html>

Bruce Tobey
Councillor At Large

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A Beautiful Duet

Harvard Square Church, Ballet Company Thrive in 1870 Landmark

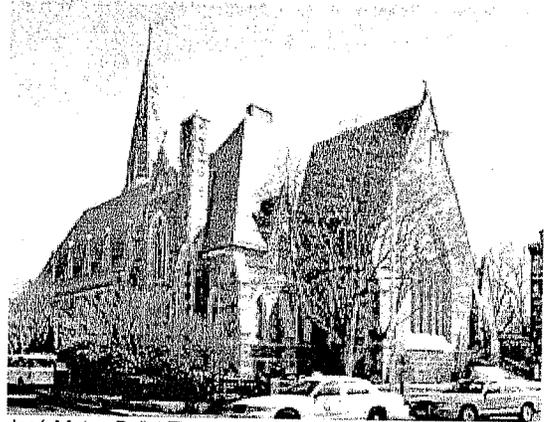
By Deborah R. Huso | *Online Only* | July 18, 2011

Ask Charles Sullivan to describe the Old Cambridge Baptist Church in Harvard Square, and he will say, "It's a building that really wants to be a pile of stones." Sullivan is executive director of the Cambridge Historical Commission, one of several preservation organizations—including [Partners in Preservation](#), launched by the National Trust and American Express—that have helped fund ongoing restoration at the 1867 house of worship.

Recent restoration efforts would probably not have been possible without the [José Mateo Ballet Theatre](#). In 1998, Scott Fraser, managing director of the ballet company, received a telephone call from the Old Cambridge Baptist Church's administrator, asking for advice about refinishing dance floors. The ballet company needed space to grow: "Finding the right facility was our major business obstacle," Fraser says. And the congregation at Old Cambridge Baptist needed a tenant "if the church was going to survive," says Ross Dekle, a member of the church's long-range planning and building team.

After a year and a half of negotiations and planning, the ballet company and church reached an agreement that may well be a model for saving historic places. Taking out a 41-year lease, the ballet company helped provide funding to revamp failing structures and restore interior spaces. A portion of the ballet company's rent goes towards church improvements, and the ballet has run two capital campaigns to raise money for restoration. Jointly and separately the company and the church have received grants from the Cambridge Historical Commission, totaling \$200,000, and from Partners in Preservation, in the amount of \$100,000, to restore etched glass windows. According to Fraser, the church and ballet company have invested roughly \$2.5 million in restoration and improvement projects since June 2000.

Among the improvements are the restoration of the sanctuary and the reworking of interior spaces to accommodate both services and performances. "Almost all of the historic fabric has been left intact," Fraser says. "And what's been added is reversible." The only permanent structures the ballet company has added are 12-foot mirrors. Pews have been removed, but on Sundays, the church brings in chairs to accommodate services. The sanctuary's floors and subfloors were removed and a new dance floor installed, and the sanctuary's electrical wiring was redone as well.



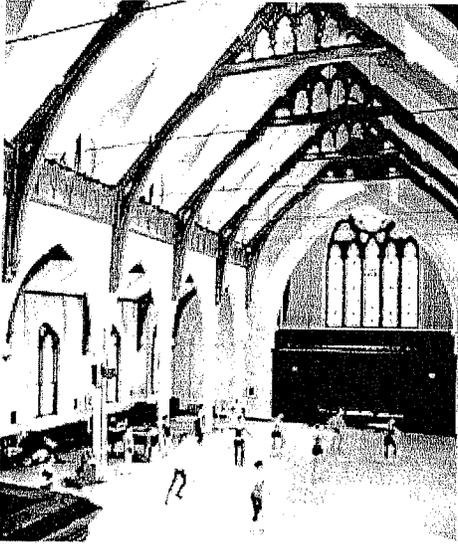
José Mateo Ballet Theatre's home, Old Cambridge Baptist Church.

Credit: Warren Jagger Photography

Boston's Open Doors

On Sept. 17, 2011, 14 historic places in the Boston area will host the Greater Boston Open House Day, offering free or reduced-price admission. The sites competed in the Partners in Preservation contest in 2009, which provided \$1 million in restoration grants from American Express. Now, two years later, the public can see how those dollars and their community support helped restore many of these Boston sites, including the Old Cambridge Baptist Church. For more information, visit [Partners in Preservation](#).

In 2002, crews repointed the church's north face, and five years later the massive Tiffany stained glass window was taken out, repaired and restored. That effort, along with the restoration of the church steps facing Massachusetts Avenue, were undertaken with funds from both the ballet company and the congregation.



The interior of José Mateo Ballet Theatre's home, Old Cambridge Baptist Church.

Credit: Warren Jagger Photography

The celebrated sanctuary was built at a time when Baptists were not well received in staunchly Congregationalist Cambridge. It took three years to complete the Gothic Revival house of worship under the direction of architect Alexander Rice Esty. Early congregants included formerly enslaved African Americans. In the 20th century, it became a center for the civil rights, women's rights, and anti-Vietnam War movements. Yoko Ono and John Lennon sang in the church in the 1970s. Today the church is a National Historic Landmark and part of the Harvard Square Conservation District.

Unfortunately, the building has long required extensive and ongoing restoration work. In the 1990s, the church undertook roof and dormer repairs with the help of a Massachusetts Preservation Projects Fund matching grant from the Massachusetts Historical Commission, with a price tag of more than \$300,000. Fraser estimates that in the next five years, most masonry at the church will need to be repointed, a project likely to cost more than \$1 million. He says the church also requires about \$400,000 in window restoration. This summer, the ballet company is overseeing the repair of several windows, while the congregation is repairing the slate roof and steeple.

The Baptist/ballet partnership works well, thanks to careful planning. A modest congregation (about 50 parishioners attend the average service) uses the sanctuary every Sunday morning, for special services such as Christmas and Good Friday, and for weddings and memorials. The ballet company has use of the sanctuary, which will accommodate up to 350 patrons, most of the rest of the time, with about 78 active performance nights each year. Fraser says about 125,000 people visit the church annually, including about 75,000 for ballet classes or performances.

How can the religious and secular uses of the church work so successfully? "The ballet company is not guided by religious principles," Fraser says, "but both organizations care about preservation. We work together based on our shared values."

Deborah Huso is a freelance writer living in Virginia.

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Comments



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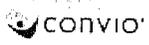
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nonprofit software

2. *Continued Business:*

A) CC2011-043 (Tobey) Generate Request for Proposals seeking non-profit cultural partner re: City Hall

Councilor Tobey shared with the Council a community in VT had an old building much like this building, but a church. The expense and maintenance and viability long term were a concern. In that case, a partnership was formed with a cultural institution. They established a tenancy and created added cash flow to maintain and operate the building. He felt City Hall, in looking at Kyrouz Auditorium and events held there over the years by the City and by cultural institutions, the room can be special in what it brings to the community. There may be a way to enhance the downtown by growing the role of City Hall as a seat of government but also as a cultural contributor. He hoped to set up a working committee and noted the presence of Maggie Rosa, member of the City Hall Restoration Commission. He suggested getting a few Councilors, the Purchasing Agent, General Counsel, the CAO, for instance, and start talking how to engage the notion to see if it goes anywhere. **Councilor Theken** clarified whether the Councilor would like to set up an ad hoc committee to explore this option to ask the Mayor to name some folks to work with the Council and the Committee to come back to O&A for a recommendation. **Councilor Tobey** wished this to stay a Council effort; and therefore, a Council committee. **Ms. Rosa** stated the City Hall Restoration Commission is only involved to restore the exterior of the building and does not to have any jurisdiction over its use. To that effect the Commission has no say in this matter. She also commented about the expansion of use of the building for cultural purposes. She felt something had changed within the City in terms of charging organizations to use the building. An example is the Middle Street Walk. That volunteer group is now being asked to provide some insurance to use City Hall yet they haven't been asked to do so before. She didn't know who that group was dealing with in the City organizational structure for sure nor was she sure where that fell within the Council's jurisdiction. **Councilor Tobey** suggested the Committee could assist Ms. Rosa in looking into that matter and the Committee would await an email from Ms. Rosa to move forward with that assistance. **Councilor Theken** expressed concern if they do take on a cultural partner, and it is figured out, what is the overall concept. As taxpayers do they do the restoration and some organization would use the building; there remain many questions. **Councilor Tobey** thought they could reach out to the preservation organizations to find out how they structured their partnerships for models to work from. The ad hoc committee would be on a fact finding "mission". **Councilor Theken** also wished for folks to be asked from the Cultural Council to be involved. The Committee agreed they would ask the Mayor to recommend to the O&A Committee citizens who would be interested in being a part of this exploration.

This matter is continued to December 5, 2011. A request to the Mayor for her recommendations on people to sit on the ad hoc committee is to be forwarded.

B) CC2011-044 (Verga) Amend GZO §1.5.3, §1.11 and §1.11.2(e), "Appendix A, Rule 25: Rules of Procedure: Special Permit Procedures" – Part I and Part II

Councilor Verga stated that P&D voted on this matter. They reached a consensus to vote in favor of the order as written. Whether it is a small or large project, they don't need 11 copies and do not need multiple large copies of locus plans. They could use a projection unit for Kyrouz Auditorium so they could view these applications and plans which would be a sound investment. **Councilor Verga** asked that the City Clerk explore the cost of installing such a system for the auditorium. This would be mounted in a permanent fashion. **Councilor Theken** agreed a projection system for these digital submissions would be useful for other boards and commissions, not just the Council. She also wished to make sure that if the computer system crashed and that the iPads did as well, that they had paper copies as their backup. Ms. Lowe assured her that would be the case. The Committee indicated their agreement to the proposal as voted by the P&D Committee and the recommendation of the Planning Board and then voted as below.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND pursuant to MGL c. 40A, §5 and Gloucester Zoning Ordinance Sec. 1.11 and Sec. 1.11.2(e) by DELETING in Sec. 1.5.3(a) references to "11 copies thereof"; and Sec. 1.5.3(b) "five (5) full size sets and eleven (11) 11" x 17" sets" and Sec. 1.5.3 (c) "five (5) full size sets and eleven (11) 11" x 17" sets of"; and ADDING "one original and one copy thereof providing that the applicant also provides the application and all required submissions in digital form. Digital submission is strongly preferred, otherwise eleven (11) 11" x 17" (11x17

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Committee
 Monday, December 5, 2011 – 7:00 p.m.
 1st Fl. Council Committee Rm. – City Hall
 -MINUTES-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Greg Verga (Alternate)

Absent: Councilor Tobey

Also Present: Councilor Ciolino; Councilor Verga; Suzanne Egan; Linda T. Lowe; Harbormaster Jim Caulkett; Tony Gross; Mike Hale

The meeting was called to order at 7:00 p.m. Councilor Verga sat in for Councilor Tobey.

Councilor Theken expressed her thanks to Councilor Mulcahey for her service to the Committee during her tenure with the Council over the last two years.

Councilor Ciolino entered the meeting at 7:03 p.m.

1. *Continued Business:*

- A) CC2011-043 (Tobey) Generate Request for Proposals seeking non-profit cultural partner re: City Hall (Cont'd from 11/14/11)

This matter is continued to a meeting of the O&A Committee on January 30, 2012.

- B) CC2011-053 (Verga/Tobey) Establishment of City Ordinance re: Securing and Maintaining Vacant Properties and Properties in the Process of Foreclosure

This matter is continued to a meeting of the O&A Committee on January 30, 2012.

2. *New Appointments:*

<i>Community Preservation Committee</i>	<i>(TTE 02/14/13) Charles Crowley</i>
<i>Conservation Commission</i>	<i>(TTE 02/14/14) Hugh Prichard</i>
<i>(Cont'd to January 30, 2012)</i>	<i>(TTE 02/14/13) John Montoni</i>

The Committee questioned Mr. Crowley and Mr. Prichard, appointees to their respective Committee and Commission on their experience, background, professional affiliations as well as asking them to be familiar with the Open Meeting Laws and to file their proof of having taken the State Ethics Commission test with the City Clerk's office. They were asked also if they had any possible conflicts if they were on another Board, Committee or Commission in the City.

As to a possible conflict, **Mr. Crowley** expressed he was already a member of the Open Space Committee and would be the Open Space & Recreation Committee representative for the CPC which is the designated position he is being appointed to. **Councilor Theken** wished to have clarified if Mr. Crowley's appointment to the CPC is in conflict with his being on the Open Space Committee. **Suzanne Egan**, City Solicitor in response to the question of conflict noted she believed there was no conflict. **Linda T. Lowe**, City Clerk noting the ordinance itself stated that there are four members of the CPC who are representatives to other committees and it further states they are appointed and do have to go through this process.

Speaking about his qualifications, **Mr. Crowley** noted one of the grant categories required of the CPC is open space; and so they have to fund a percentage of their money towards open space. It is effective to have someone from the Open Space Committee on the CPC. He is able to bring his expertise forward here; and as well as in his professional life he is involved with open space as well. **Councilor Verga** expressed his endorsement of Mr. Crowley's appointment to the Community Preservation Committee as a dedicated member of the Open Space Committee and thought he was a good addition. **Councilor Theken** expressed her respect for Mr. Crowley's work on Open Space doing what is good for all.

Hugh Prichard, appointee to the Conservation Commission (ConCom) explained he had gone before ConCom for a project regarding his home in West Gloucester to seek approval for utility connections. It was a fairly long process



CITY OF GLOUCESTER 2011 CITY COUNCIL ORDER

ORDER: #CC2011-053
Councillor Greg Verga and Bruce Tobey

DATE RECEIVED BY COUNCIL: 10/25/11
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration Committee in consultation with the Health Department, the Inspectional Services Department, the Fire Department, and the Affordable Housing Trust Committee review any City of Gloucester existing ordinances or regulations which relate to abandoned, bank-owned, or absentee owner properties to determine if any such ordinances or regulations adequately address health and public safety issues as well as matters of neighborhood blight and in conjunction with such consultation and review amend the Gloucester Code of Ordinances by

ADDING: a new section in Chapter 5, Article V "Buildings" to be entitled "Securing and Maintaining Vacant Properties and Properties in the Process of Foreclosure".

Background: This Order seeks to resolve a quality of life issue caused by the presence of abandoned buildings in neighborhoods in the City. Discussion should focus on existing ordinances in other cities in the Commonwealth which have been successful in dealing with this issue, such as the ordinance enacted by the City of Worcester in 2009 which is attached to this Order.

Greg Verga
Ward 5 Councillor

Bruce Tobey
Councillor at Large

inches) and five (5) copies 2' 3' (2 feet x 3 feet) must be provided"; and by AMENDING Gloucester Zoning Ordinance "Appendix A – Rule 25: Rules of Procedure Special Permit Procedures" – Part I and Part II to be consistent with Sec. 1.5.3 as amended.

→ C) Discussion of Distribution of Water: payment of costs by special assessment (Cont'd from 08/01/11)

This matter is continued to December 5, 2011.

3. *CC2011-053 (Verga/Tobey) Establishment of City Ordinance re: Securing and Maintaining Vacant Properties and Properties in the Process of Foreclosure*

Councilor Verga explained to the Committee that this order came forward from him and Councilor Tobey because in his professional capacity in real estate, he is seeing more abandoned properties which in turn drag down neighborhood property values and are a fire hazard. There were things he hadn't thought of that the Fire Department has to deal with; and now wishes to make some changes in the ordinances to be more proactive. As an example, there is one property on Harvard Street that is concerning. **Councilor Mulcahey** stated they've been working for a year and a half on an abandoned property on Columbia Street. She explained Mr. Sanborn; the Building Inspector told her it took a year to just to find the owner. The City did board it all up. In January 2011 the police took three homeless people out of that building. Other incidents have happened since then. She received word that the matter will be going to court. **Councilor Verga** stated with the bank owned properties; there is some "teeth" there. Some communities send the DPW to go in and cut the grass, etc.; then the City puts a lien on the property. They need to have some kind of ordinance from this committee and the B&F Committee would have to set the penalty fees. **Councilor Theken** noted the Worcester ordinance (on file in packet) which Ms. Lowe located for Councilor Verga. Ms. Lowe stated in her research, she and Councilor Verga realized that in 2008 there was an abandoned building ordinance passed by the City Council. She suggested the Committee should look at Worcester's example and borrow from it, and use it to amend the Gloucester ordinance by adding additional processes. **Councilor Tobey** suggested they look at Cleveland, OH who have had huge issues and set some trends. **Councilor Theken** asked about tax foreclosure and discussed it with Ms. Lowe. **Councilor Tobey** pointed out it takes many years to go through the statutory process to get to tax foreclosure. **Councilor Theken** asked that the B&F Committee chair look at the suggested fees that would be put into place with any ordinance change generated by this examination of the City's ordinance on abandoned buildings.

This matter is continued to December 5, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

Worcester

~~apply whenever, in the opinion of the building commissioner, the condition of any designated historic building requires immediate emergency action to abate a threat to the health or safety of the public. Nor shall the provisions of said subsection (c) apply to the demolition of a designated historic building located on any priority development site designated by the city council pursuant to G.L. c. 43D.~~

§14. Securing and Maintaining Vacant Properties and Foreclosing Properties - (Amended December 15, 2009 - 9415)

(a) Unsecured and unmaintained vacant properties and foreclosing properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods, and as such, constitute a public nuisance. This section is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

(b) The following words and phrases, when used in this section, shall have the following meanings:

building - any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property.

certificate of closure - certificate issued by the director to the owner of a vacant or foreclosing property upon compliance with the provisions of paragraph (c) herein.

director - the director of health and housing inspection.

days - consecutive calendar days.

fire chief - the chief of the Worcester Fire Department or his or her designee.

foreclosing - the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

initiation of the foreclosure process - taking any of the following actions:

- (i) taking possession of a residential property pursuant to General Laws chapter 244 § 1;
- (ii) delivering the mortgagee's notice of intention to foreclose to borrower pursuant to General Laws Chapter 244 § 17B;
- (iii) commencing a foreclosure action on a property in any court of competent jurisdiction; or
- (iv) recording a complaint to foreclose with the registry of deeds.

local - within twenty miles of the property in question

mortgagee - the creditor, including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

owner – every person, entity, service company, or property manager who alone or severally with others:

- (1) has legal or equitable title to any real property, including, but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- (2) has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, or any administratrix, trustee or guardian of the estate of the holder of legal title; or
- (3) is a mortgagee of any such property;
- (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, “owner” shall not mean a condominium association created pursuant to General Laws chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
- (6) every person who operates a rooming house; or
- (7) is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process; or
- (8) has recorded a complaint to foreclose with the registry of deeds.

property – any real property, or portion thereof, located in the city, including buildings or structures situated on the property; provided, however, that “property” shall not include property owned or under the control of the city, the commonwealth or the United States of America.

secured, securing – making the property inaccessible to unauthorized persons.

vacant – any property not currently legally occupied and not properly maintained or secured.

(c) Any owner of a vacant and/or foreclosing property shall forthwith:

1. Provide written notification to the director and the fire chief of the status of such property, including in such notice, the name, address and telephone number of the owner; the location of the property; the length of time the building has been vacant; the estimated time the building will remain vacant; and the nature of the contents of the building; and,
2. As may be required by the fire chief, file one set of space utilization floor plans for any buildings on said property with the fire chief and one set of said plans with the director. The owner shall certify space utilization plans as accurate twice annually, in January and July; and,
3. Remove from the property, to the satisfaction of the fire chief, hazardous material, as that term is defined in Massachusetts General Laws, chapter 21K, as that statute may be amended from time to time; and,

4. At the discretion of the fire chief or director, secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board up Procedures or provide twenty-four (24) hour on-site security personnel on the property. When a vacant or foreclosing property is located within a complex of buildings owned by a single owner, twenty-four (24) hour on-site security shall be provided within the building or within the complex wherein the building is located; and,
5. Post "No Trespassing" signs on the property. Said signs shall be no smaller than 8 inches by 11 inches with lettering no smaller than 2 inches high, and shall be visible from the street. However, this requirement may be waived by the director upon written request from the owner or designee; and,
6. Maintain the property in accordance with Chapter 8, § 42 of these Ordinances, free of overgrowth, trash and debris, and pools of stagnant water, and ensure that structures are maintained in a structurally sound condition; and,
7. If the property is vacant, drain all water from the plumbing and turn off all electricity between September 15 and June 15 of each calendar year to guard against burst pipes and fires; however, this requirement may be waived by the director upon written request from the owner or designee; and,
8. Maintain the property in accordance with all other relevant state codes and local regulations concerning the maintenance of property; and,
9. Provide the fire chief and director with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the property as may be required by the fire chief or director; and,
10. Maintain liability insurance on the property and furnish the director with a copy of said certificate of insurance; and,
11. Provide a cash bond acceptable to the director, in the sum of not less than five thousand dollars, to secure the continued maintenance of the property throughout its vacancy and remunerate the city for any expenses incurred in inspecting, securing, marking or making such building safe. A portion of said bond shall be retained by the city as an administrative fee to fund an account for expenses incurred in inspecting, securing and marking other such buildings that are not in compliance with this Section. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties it owns in the City.
12. Notify the director and fire chief in writing when the property is sold or transferred.

Upon satisfactory compliance with the above-provisions, the director shall issue a certificate of building closure. Said certificate shall be valid for the length of time prescribed by the director and noted thereon; provided however, the certificate shall be subject to continued compliance with the provisions of this section.

(d) Signs/Markings - When required pursuant to this section, signs or markings on buildings determined to be especially unsafe in case of fire shall be applied on the front of the property, and elsewhere as the fire chief may require, at or above the second floor level and shall not be placed over doors, windows, or other openings. All signs/markings shall be visible from the street and, when requested by the fire chief, shall be placed on the sides and rear of the property. Signs/markings shall be a minimum of 24 inches by 24 inches, with lines of 2-inch width, and shall have a reflective background, or be painted with reflective paint, in contrasting colors. Signs/markings shall be applied directly on the surface of the property and shall state the date of posting and the most recent date of inspection by the fire chief and director.

(e) Enforcement - Failure to comply with any provision of paragraph (c) above shall be punished by a fine of three hundred (\$300.00) dollars with each day of violation constituting a separate offence. This section may also be enforced by civil, criminal process or non-criminal process, including injunctive relief. The director and/or the fire chief shall be enforcing persons for purposes of this section.

(f) The director or fire chief, upon being informed of the existence of a vacant or foreclosing property without a certificate of building closure, shall cause notice to issue to the owner of the status of said property and shall order said person to immediately obtain a certificate of building closure. If any person fails to comply with said order, the fire chief or director may enter the premises to inspect, secure and mark the property, and/or remove rubbish or overgrowth, or to abate a stagnant pool of water. The fire chief or director may also seek enforcement pursuant to section (e).

(g) Expenses - The owner of a vacant or foreclosing property who fails to obtain a certificate of building closure as required herein, shall be liable to the city for expenses incurred by the city in securing such property, for removing rubbish and overgrowth, and/or for abating stagnant pools of water. The director shall provide the owner with a written statement of all costs associated with inspecting, securing and marking the property, and removing rubbish or overgrowth, or abating stagnant pools of water. If the owner fails to pay or reimburse the city within seven days of notice of expenses, the city shall draw down upon the bond paid by the owner as required in subsection 10, above. If there is no bond available, the director shall record the notice of claim in the Worcester District Registry of Deeds (or the Land Court Department) forthwith, establishing a lien on the property for the balance due.

(i) No owner of a vacant or foreclosing property shall allow said property to become or remain unsecured, or to contain an accumulation of rubbish, or to contain overgrowth, or to have a stagnant pool of water. If it appears that any vacant or foreclosing property is unsecured, contains rubbish, overgrowth, or a stagnant pool of water, the director, shall send written notification to the owner, requiring that the owner promptly secure the property, remove the rubbish or overgrowth, or abate the stagnant pool of water.

If the owner fails to comply with any order issued pursuant to this provision (h), the fire chief or director may immediately seek to obtain the proceeds secured by the bond filed pursuant to paragraph (c) (11) herein and shall enter upon the premises and cause the property to be inspected, secured and marked, or to remove rubbish, overgrowth, or stagnant pools using said proceeds.

(i) All unsecured vacant or foreclosing properties shall be immediately referred to the director for a determination relative to whether the property is a nuisance or dangerous pursuant to chapter 139 and procedures promulgated thereunder.

(j) Notices required pursuant to this section shall be served in the following manner:

1. Personally on any owner as defined in this section, or on the contact person specified pursuant to paragraph (c)(9); or,
2. Left at the last and usual place of abode of any owner, or contact person as specified pursuant to paragraph (c)(9), if such place of abode is known and is within or without the commonwealth; or,
3. By certified or registered mail, return receipt requested, to any owner, or the contact person specified pursuant to paragraph (c)(9).

~~§ 15. Abandoned Shopping Carts~~

~~(a) Introduction. Commercial establishments, for the convenience of their customers, provide shopping carts. However, they often end up being abandoned on streets (public and private), sidewalks, in public parks and cemeteries and other public property other than that of the commercial establishment. When this happens, the carts constitute a hazard and a nuisance. Municipalities have tried a number of approaches to combat this problem in an attempt to keep carts on the respective premises. Legislation is enacted to require shoppers to promptly return the cart; to declare abandonment of carts unlawful; to require that carts are permanently identified, including the name of the establishment, the address and telephone number; to require that signs are posted, stating that it is illegal to remove carts from the premises; and to require that no carts can remain unsecured in the parking lot after business hours. Furthermore, the city is authorized to impound abandoned carts. The establishment, upon payment of a fee, may retrieve them and any unclaimed carts become the property of the city.~~

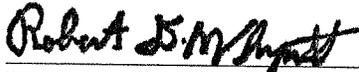
~~(b) Legislative Intent. The city council of the city finds and declares that the unlawful taking, misuse and abandonment of shopping carts and similar conveyances constitute a hazard to the health, safety and general welfare of the populace of the city adversely affecting the legitimate conduct of business in the city and constitute a nuisance detrimental to individual neighborhoods and the community at large. The purpose of this section is to reduce the incidences of unlawful taking, misuse and abandonment of these devices through reasonable safeguards, by discouraging and preventing their removal from the property of the owner and by the establishment of penalties for violations of this section.~~



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2008-054

The Gloucester City Council, at a meeting held on **Tuesday, September 2, 2008**, at 7:00 p.m. in the Kyrouz Auditorium voted to approve the following action
IN CITY COUNCIL:

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council amendment of Chapter 1, Section 1-15, entitled "Penalty for violation of certain specified sections of Code" by **ADDING** the vacant building registration fee schedule based on square footage, as proposed and by **ADDING** Chapter 5. Article II, Division 3, entitled "Vacant Buildings", Sections 5-30 through 5-36, as proposed.



Robert D. Whynott, City Clerk

APPROVAL OF THE MAYOR



Carolyn A. Kirk, Mayor

VETOED BY THE MAYOR

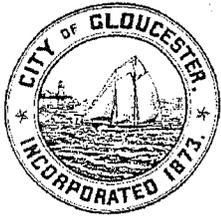
Carolyn A. Kirk, Mayor

SIGNED THIS 18 DAY OF Sept., 2008

All Ordinances shall become effective 31 days after passage except:

Emergency Orders shall become Effective Next Day

Zoning Changes shall be Effective Next Day.



CITY OF GLOUCESTER
INSPECTIONAL SERVICES
3 POND ROAD
GLOUCESTER, MA 01930

AN ORDINANCE PERTAINING TO VACANT BUILDINGS
AND AMENDMENT TO SECTION 1-15 OF THE
GLOUCESTER CODE OF ORDINANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLOUCESTER AS
FOLLOWS:

Chapter 5. Article II. Division 3. VACANT BUILDINGS

Section 5-30. Purpose

The City has found that vacant buildings are eyesores and hazards which often offer easy shelter for criminal activities, arson and accidental fires. As well, vacant buildings cause surrounding areas to suffer from stagnant or declining property values and create significant costs to the City by virtue of the need for constant monitoring and occasional cleanup. Accordingly, the purpose of this Ordinance is to require the registration of all vacant buildings, both residential and commercial, which will assist the City government in protecting the public health, safety and welfare of its residents by encouraging the prompt rehabilitation and permanent occupancy of such abandoned structures.

Section 5-31. Definition

For purposes of this Ordinance, a "vacant" building means any commercial building in which no person or entity actually conducts a lawfully licensed business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed use building in which neither a licensed business nor a lawful resident exists. Further, any building in which more than one half of the total exterior windows and doors are broken, boarded or open without a functioning lock shall be deemed "vacant" regardless of occupancy.

Section 5-32. Registration

Within 45 days of a building becoming vacant, each owner of a vacant building shall register the building with the Inspectional Services Department by filing a form, created by the Department, with the name, address and telephone number of each owner, and the street address, map, and lot number of the building. If none of the owners reside in the Commonwealth of Massachusetts, then the registration shall also include the name, address and telephone number of a Massachusetts resident who is authorized to accept service of process on behalf of the owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting public health, safety and welfare, and of service of any and all notices issued pursuant to this Ordinance. The failure to timely register a vacant building shall be a violation of this Ordinance.

Section 5-33. Registration Fees

On or before November 15 of each calendar year, the owners of any vacant building shall pay to the Inspectional Services Department a registration fee to cover the administrative cost of monitoring and enforcing proper maintenance of the vacant building. The annual registration fee shall be based on the duration of the vacancy as of November 15 of each year according to the following schedule:

Residential Buildings containing up to three dwelling units, the registration fee shall be:

\$500.00 - For properties that have been vacant for less than one year.

\$1,000.00 - For properties that have been vacant for one year or more but less than two years.

\$2,000.00 - For properties that have been vacant for two years or more but less than three years.

\$3,000.00 - For properties that have been vacant for three years or more.

Commercial Buildings including residential with 4 or more dwelling units, and mixed use that are less than 7,500 ft. of floor area, the registration fee shall be:

\$500.00 - For properties that have been vacant for less than one year.

\$1,000.00 - For properties that have been vacant for one year or more but less than two years.

\$2,000.00 - For properties that have been vacant for two years or more but less than three years.

\$3,000.00 – For properties that have been vacant for three years or more.

For any Commercial Building over 7,500 sq. ft of floor space, the following formula shall be added to the above registration fees: sq. ft area of floor space x \$.20 = \$ Amount. This extra fee would be justified by the work involved by the inspector to verify that both the sprinkler and fire alarm systems are maintained.

A failure to timely pay the registration fee shall be a Violation of the City of Gloucester Code of Ordinances. The full fee shall be deemed an assessment resulting from a Violation of this Ordinance. Said fee shall be a municipal charges lien and shall be collected in accordance with M.G.L. Ch. 40, Sec. 58.

Section 5-34. Billing Statement

Deleted: ¶

On or before October 15 of each calendar year, the Inspectional Services Department shall send a billing statement, setting forth the required Registration Fee, to each owner of a vacant building. However, the Registration Fees set forth in Section 5-65 shall be due and payable on November 15 of each year regardless of the delivery or receipt of such billing statement.

Section 5-35. Other Violations

The provisions of this Ordinance are in addition to, and not in lieu of, any and all other applicable provisions of the Code of Ordinances of the City of Gloucester, and the laws of the Commonwealth of Massachusetts.

Section 5-36. Enforcement

Any person or entity violating this Ordinance, by failing to register a vacant building, or failing to pay the registration fee, shall be subject to a fine of up to \$300.00 per offense. Each day that the owner is in violation shall constitute a separate offense. The Inspector of Buildings or his/her designee shall have the right to enforce this Ordinance pursuant to the non-criminal disposition procedures set forth in Section 1-15 of the City of Gloucester Code of Ordinances.

Secs. 5-37 – 5-39. Reserved.

AMENDMENT TO THE GLOUCESTER CODE OF ORDINANCES

In order to accommodate Section 5-36 of the proposed Vacant Buildings ordinance, Section 1-15 of the Code of Ordinances needs to be amended by adding the following:

"Chapter 5, Article II, Division 3, sections 5-30 - 5-37 (vacant buildings):

Each day a violation continues will be treated as a separate offense. A violation of this ordinance shall be three hundred dollars (\$300.00) per day.

Enforcing person: Inspector of Buildings or his/her designee."

February 26, 2008

ORDERED to a first reading.

April 17, 2008

ORDERED to a second reading.

May 8, 2008

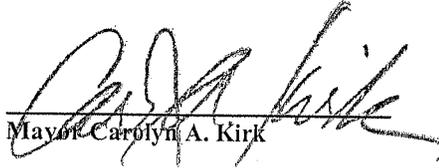
ORDERED to a third and final reading.

ORDERED ENGROSSED AND ORDAINED

On a Roll Call: Councilors.....

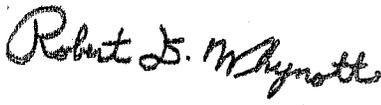
..... 9/2/2008 8-0

Approved by:

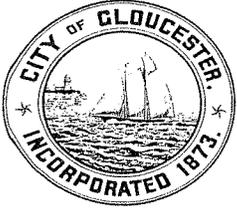

Mayor Carolyn A. Kirk

September 18, 2008
Date

Attest:

City Clerk 

A True Copy
ATTEST:
Robert D. Whynott, City Clerk
Date: _____



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER: #CC2011-054
Councillor Ann Mulcahey

DATE RECEIVED BY COUNCIL: 11/15/11
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 Central Grammar Apartment's driveway in front of Mason Street #6-8

And further

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

Councillor Ann Mulcahey
Ward 2

CITY CLERK
GLOUCESTER, MA
11 DEC 16 PM 12:10

CITY OF GLOUCESTER
TRAFFIC COMMISSION

A meeting was held on Thursday, December 15th, 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 Ryan. Also attending were members Larry Ingersoll, Anthony Bertolino and Michael Mulcahey. Also present was City Councilor Ann Mulcahey.

AGENDA

Order#CC2011-054 (Councilor Mulcahey) Ordered that the GCO Sec. 22-287 (Handicapped Parking) be amended by adding:
One handicapped parking space across from Central Grammar Apartments driveway in front of 6-8 Mason Street.

*After a discussion and speaking to Councilor Mulcahey, a MOTION was made, seconded and PASSED to **NOT RECOMMEND** the order. The TC feels that this request would not be good for the following reasons:*

- 1. The request would take away parking needed for a four unit house on Mason Street that has no parking..*
- 2. The requestor lives at the Central Grammar Apartments which is an 80 unit building that only has parking for 29 vehicles. There are two handicapped spaces in their lot. The TC feels that the management should provide an additional space for handicapped if it is necessary for their residents.*
- 3. The requested space is approx. 200 feet from the building entrance. There are presently two handicapped spaces on Dale Avenue which are approx. 50 feet from the building entrance.*
- 4. The approval of the order would go against everything the TC is trying to do, which is to provide for those with a physical disability (limited mobility) and also maintain the integrity of public parking spaces on a public way.*

NOTE: The requestor was notified but did not attend the meeting.

The meeting was adjourned at 6:15 p.m.

ROBERT B. RYAN, Chairman LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER: #CC2011-055
Councillor Greg Verga/Joe Ciolino

DATE RECEIVED BY COUNCIL: 11/15/11
REFERRED TO: O&A, B&F & Administration
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration Committee and the Budget and Finance Committee in consultation with the DPW Director determine whether the City shall adopt MGL c40 sections 42G to 42I and c40 sec. 42K concerning assessment of water betterments and MGL c40 sec. 42J concerning the deferral of such betterments and further

ORDERED that the Code of Ordinances, Chapter 23 "Utilities", Art. III be amended by **ADDING** a new section 64 providing for special assessments for the whole or part of the costs of laying pipes in public and private ways for the conveyance or distribution of water as provided in MGLc40sec.42G.

(Note: the ordinance amendment would require that the Council first accept or locally adopt the referenced state laws)

Greg Verga
Ward 5 Councillor

Joe Ciolino
Councillor at Large

4. *CC2011-054 (Mulcahey) Amend GCO Sec. 22-287 (Disabled Veteran, handicapped parking) re: access from Central Grammar Apartments driveway in front of Mason Street #6-8 (TBC to 1st meeting in January)*

This matter is continued to a meeting of the O&A Committee on January 30, 2012.

- 
5. *CC2011-055 (Verga/Ciolino) Possible Adoption of MGL re: assessment of water betterments and deferral of such betterments; and Amend GCO Chapter 23 "Utilities" Article III accordingly*

Councilor Verga explained that at Council in late summer they spoke about the Becker Lane area and their lack of adequate water supply and lack of water pressure in that area. Currently City ordinances don't allow the DPW to what needs to be done and to assess the costs associated with it. This is the first step to look at how to modify the ordinance to help alleviate the situation. **Councilor Ciolino** recalled at the time of the late summer Council conversation, they determined there was a fire hazard there; and they asked the DPW Director to look into it. After the DPW reviewed this situation, and a discussion was had with the Administration, it was found they needed an ordinance put in place in order to assess water betterments for water line construction. So he and Councilor Verga moved forward to see if they could make an ordinance change. After it becomes an ordinance, the DPW Director would do some preliminary estimates to see what would be done there. He thought the 'split' between the City and the neighbors might be a 50:50 split, similar to when the City by ordinance assesses construction costs to a group of abutters on a private way in a paving project. **Attorney Egan** explained the process is that the City has to accept the statute first which is different than creating an ordinance, MGL c. 40, sec. 42G-K as a full City Council. Then they would enact an ordinance to put in the water pipes and assess the costs. Until they accept the statute, they don't have the authority to enact the ordinance which provides for assessments. **Councilor Theken** asked for clarification on accepting the statute, what would it do. **Attorney Egan** explained it authorizes the City to enact the ordinance. Right now the City does not have the authority to assess the costs of laying the water pipes on public and private ways. **Councilor Theken** postulated they adopt the statute, amend the Code of Ordinances, then what streets would be done and what the ordinance would look like. **Attorney Egan** explained it would be similar to what they do now for sewer betterments, and be of similar language. **Mike Hale**, DPW Director stated as with sewer, it is usually on a needs basis. They're doing water mains needs analysis City-wide currently; looking at all the neighborhoods. Becker Lane/Circle is just one of a number of neighborhoods that need it. He acknowledged fires have driven water main projects in the past citing a fire in Magnolia 10 years ago. Magnolia was unique because the whole village area had inadequate water getting to it. This neighborhood in question has a new water main off of Concord Street where the firefighting would begin; a fire hydrant wouldn't necessarily be placed at the end of Becker Lane/Circle and fighting fires from that point. Crafts Road and Crafts Island is all seasonal water; from this point until spring there is no firefighting capability. The nearest deep main is at Lobsta Land. The water study will assess these neighborhoods and then there would be authorizations for the funds, and a public hearing with it before the Council. **Councilor Verga** asked about the scenario as to how it would work. It is not like paving a private road. **Mr. Hale** responded there is an ordinance that says they can have a public/private paving split, 50% City, and 50% private for street paving. Their current sewer betterment policy is 75% to property owners; 25% or no more than \$6,000 to the City. The most recent sewer project the Council voted to assess it at 100% betterment under a sewer betterment policy/ordinance approved four years ago to the homeowners. The decision is made during the drafting of the ordinance. **Councilor Verga** asked how it would work as betterment. On inquiry by **Councilor Verga**, **Mr. Hale** stated betterment language would fall to the ordinance. Right now sewer it is paid by units; not frontage or how big the house is. As an example saying 100% - 10 houses if all single family for a \$100,000 for a project, that is \$10,000 per unit. If there was a two family there, that is 11 units divided into the \$100,000. Betterments are 10 or 20 years. If you don't choose a payment plan the City chooses it for them and typically that choice is 20 years. **Steven Herrick**, 8 Becker Circle, stated he has lived there since 1976. He wondered if his efforts tonight would help the residents of Becker Lane/Circle or would they then choose other neighborhoods over them. He advocated for a water line system for his neighborhood to be a high priority. He realizes in working with the neighbors they are not necessarily enthusiastic towards betterment, and that it may affect this project being done. He asked if all the neighbors have to vote in on the project to have a proposed water line done; was there a ratio. **Councilor Theken** stated it would go to a public hearing after being heard at the Committee level. Whoever is for or against it would have their opportunity to speak before the Council to convince their City Councilors as they wish to see it voted. She explained how she would listen to the DPW Director, the Fire Chief, listen why the road needs to be done or

not; take into consideration the wishes of the neighbors, consideration of cost, etc. in order to do what is best for the neighborhood. She felt sure her fellow Councilors would do the same at that time. **Councilor Ciolino** stated this came about because of Becker Lane and Circle. He thought once this ordinance gets put together he would expect their area would be a high priority. **Councilor Theken** expressed caution in supposing what neighborhood might be placed in a high priority situation at this time. **Mr. Herrick** understood it was a proposal. He wished to point out Becker Circle is a right of way. On paper it is a 35 ft. road but it doesn't exist physically as they use it and didn't know if it would create a problem. **Mr. Hale** stated a right of way is a way. **Mr. Herrick** stated 35 ft. on paper goes behind Annie's Variety and 12 ft. right of way goes between 86 Concord Street and the superette. **Councilor Mulcahey** thought the previous year they were making private roads public roads. **Mr. Hale** stated they did two roads recently. Some roads have very defined layouts. St. Anthony's Lane was one such private way and was taken as a public way. **Attorney Egan** was not familiar with the layout [of Becker Lane/Circle] but didn't think it met the standards typically expected in a making of a road public they need in order to do so. **Kelly Linehan**, 9 Whites Mountain Road off of Becker Circle who had a house fire earlier in the year expressed there is nothing up there to do anything with. She asked if her road would be in any plan. **Councilor Theken** explained they are trying to decide as to how this will go forward. They would want to see all these roads done; but it has to go through a process with the DPW Director and the Fire Chief making a decision as to what would be done when and how. She didn't wish to make promises at this time that may not be kept going forward. She didn't want them to think that because this goes through it would happen immediately either; but it was a start. **Mr. Hale** explained if Becker Lane and Circle was done, then her road would make sense to be included as it was a part of that immediate area. **Councilor Ciolino** encouraged all those present to attend future meetings. **Councilor Theken** asked City Solicitor Egan to work on the ordinance language that they can take up at their next regularly scheduled meeting tentatively scheduled for January 30, 2011.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt MGL c. 40, §42G, §42H, §42I, §42K concerning assessment of water betterments and MGL c. 40, §42J concerning the deferral of such betterments.

The matter of the water assessments ordinance is continued to the first meeting of the O&A Committee on January 30, 2012.

6. *Addendum to Mayor's Report re: Memorandum regarding Health Insurance Reform – Adoption of Legislation*

This matter is to be taken up at a Special Meeting of the Ordinances & Administration Committee on Monday, December 12, 2011 at 6:00 p.m. in the 1st Fl. Council Committee Room at City Hall.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:56 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

None.

LAW DEPARTMENT
OPINION

TO: Dana Jorgensson, Clerk of Committees
FROM: Suzanne P. Egan *SPE*
General Counsel
RE: Acceptance of MGL c. 40, section 42G-I
DATE: December 5, 2011

This is in response to your request on behalf of the Ordinance and Administration Committee for a legal opinion as to the effect of MGL chapter 40, section 42G-I. Upon acceptance of section 42G-I, the city has the authority to assess a fee for the cost of laying water pipes and infrastructure in public and private ways. Section 42G provides that upon acceptance of c. 40, section 42G-I, the city may provide by ordinance for the levy of special assessments to meet the costs incurred of laying pipes in public or private ways for the conveyance or distribution of water. Section 42H provides that the assessment may be calculated as a fixed uniform rate based upon the estimated average cost of all the water pipes therein or according to the area of land within a fixed depth from the way or according to the valuation for tax purposes. Section 42I sets forth the procedure which must be undertaken to perfect the assessment.

11 DEC - 5 PM 3: 22
CITY CLERK
GLOUCESTER, MA

[Note: The December 13, 2011 Power Purchase Agreement is on file with these minutes.]

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to authorize the Mayor to enter into the Escrow Agreement by and between Equity Industrial Turbines, LLC and the City of Gloucester with the changes as presented at the December 13, 2011 Budget & Finance Committee meeting.

DISCUSSION:

Councilor McGeary stated this is a “sidebar” agreement. There was some concern on the City’s part that the City could be penalized if efforts at conservation took them below the 9 million kw/hrs they’re obligated to purchase or if the cost of electricity, as set by the DPU, would fall greatly. This allows EIT to put up a \$100,000 escrow account should the price fall before the floor they agreed to pay. The City is protected. He commended the City negotiators for building in this protection. If, in fact, it appears they’re going to have to dip into it, every six months they’ll make sure the \$100,000 is maintained at that level.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to authorize the Mayor to enter into the Escrow Agreement by and between Equity Industrial Turbines, LLC and the City of Gloucester with the changes presented at the December 13, 2011 Budget & Finance Meeting.

[Note: The December 13, 2011 Escrow Agreement is on file with these minutes.]

Council President Hardy lauded the Administration for having the fortitude for walking away from the bargaining table when they felt they must. She thanked Kenny Costa, City Auditor for his efforts as a part of the financial team and also Dana Jorgensson, Clerk of Committees for her support efforts as well.

 **Ordinances & Administration: December 5, 2011**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt MGL c. 40, §42G, §42H, §42I, §42K concerning assessment of water betterments and MGL c. 40, §42J concerning the deferral of such betterments.

DISCUSSION:

Councilor Theken stated that this was a Council Order from Councilor Verga and Councilor Ciolino. **Councilor Verga** stated this is the first step to change the ordinance. This stems from the Becker Lane water condition they heard about this summer at Council. This should help them to move forward to create an ordinance amendment. He hoped this would move forward quickly. **Councilor Ciolino** stated once they pass this tonight O&A has to craft the water betterment ordinance. He wished to see this matter remain on the forefront. While changing an ordinance can be a lengthy process, he believed this would come to fruition. **Councilor Theken** explained once an ordinance is passed, then the third step is an assessment by the DPW to see what areas are the most critical in the City, and then make decisions based on that criticality. This vote tonight is the first step. This doesn’t mean it will happen by next spring, she cautioned. **Council President Hardy** thanked the Councilors for bringing this matter forward.

MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to recommend to the City Council to adopt MGL c. 40, §42G, §42H, §42I, §42K concerning assessment of water betterments and MGL c. 40, §42J concerning the deferral of such betterments.

Councilor Tobey expressed that he voted reluctantly for this adoption of State statute. There are 14,000 water accounts and the City has never charged a water betterment. This, he felt, creates a subclass when vital infrastructure comes with a price tag.

Special Ordinances & Administration: December 12, 2011



CITY CLERK
GLOUCESTER, MA

12 JAN 17 AM 9:50

GLOUCESTER CITY COUNCIL

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

TO: Councilor Sefatia Theken, Chair-Ordinances & Administration Committee
FROM: Clerk of Committees, Dana C. Jorgenson *DCJ*
DATE: January 17, 2012
SUBJECT: Withdrawal of Re-Appointee to Conservation Commission

Please be advised that John Montoni has advised in an email dated January 4, 2012 that he asked to have his name withdrawn as a re-appointee to the Conservation Commission due to a limiting illness. Lisa Press, Conservation Agent for the City of Gloucester confirmed that Mr. Montoni had advised the Conservation Commission of the same, and that he is to resign his position on that Commission.

Thank you.

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

November 10, 2011

Mr. John Montoni
4 Woodward Avenue
Gloucester, MA 01930

Dear Mr. Montoni:

Thank you for your interest in serving on the **Conservation 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 December 13, 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 any 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,

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

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Sarah Garcia, Community Development Director
Rob Gulla, Chair-Conservation Commission

Enclosure
CAK/c

EFFECTIVE NOVEMBER 10, 2011

The City of Gloucester, Massachusetts

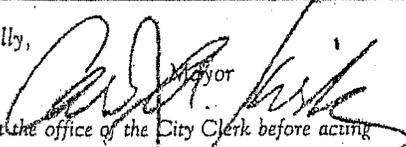
Dear John Montoni, 4 Woodward Avenue, Gloucester, MA 01930

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

to the CONSERVATION COMMISSION _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (Filling unexpired term
of Helen C.P. Farr.

Respectfully,


Mayor

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

Sworn in _____ By: _____

4 Woodward Avenue
Gloucester, MA 01930

November 9, 2011

The Honorable Mayor Kirk
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

Re: Conservation Commission

Dear Mayor Kirk,

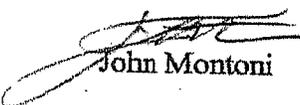
Please accept my letter of introduction regarding the available position on the Gloucester Conservation Commission. I look forward to serving on the Commission as it allows me to give back to the Gloucester community, which I so much enjoy and to be involved with one of my life's interests, conservation of the wetlands.

I have always lived within a stones throw of the water, having grownup in the Salem Willows area and for the past twenty years on the Little River area of Gloucester. I have a great appreciation of the value of the waterways. Helping others so that they may also enjoy living in harmony with the natural resources would be rewarding.

The other strong point that I have is the fact that I am a commercial shellfisherman and have daily exposure to the waterways. I have first hand knowledge of many of the areas and would be able to provide a prospective that would be valuable to the Commission.

Thank you for your consideration.

Sincerely,


John Montoni

cc:

Sarah Buck Garcia, AICP, Community Development Director
Rob Gulla, Conservation Chair
Lisa Press, Conservation Agent

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 70.

Sec. 16-20. Annual report.

The planning board shall annually make a written report of its activities to the mayor.
(Code 1970, § 15-18)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 71.

Secs. 16-21--16-29. Reserved.

ARTICLE III. CONSERVATION COMMISSION*

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

Sec. 16-30. Created.

There is hereby created a conservation commission under the authority of M.G.L.A. c. 40, § 8C.
(Code 1970, § 2-328)

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

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

(Code 1970, § 2-329)

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

Sec. 16-32. Powers and duties.

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

(Code 1970, § 2-330)

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

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

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

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

(Code 1970, § 2-331)

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

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

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

(Code 1970, § 2-332)

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

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

ARTICLE IV. RESERVED*

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

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

ARTICLE V. HISTORIC DISTRICT*

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

Sec. 16-60. Purpose.

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

(Ord. of 5-24-77, § 2)

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

Sec. 16-61. Created.

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

(Ord. of 5-24-77, § 3)

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

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

(a) There is hereby established, under M.G.L.A. c. 40C, a historic district commission with

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

January 3, 2012

Mrs. Jane Fonzo
129 Atlantic Road
Gloucester, MA 01930

Dear Jane:

I am pleased to appoint you to the **Downtown Development Commission**. While the term for these appointments by Ordinance is for three years, your current term will expire on February 14, 2014. The reason for this is that you are being appointed to fill the vacancy on the Commission created by the resignation of John Orlando.

Your appointment will be sent to the City Council for their meeting of January 10, 2012. Confirmation of your appointment will be referred to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which you will be required to appear before the Committee.

In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective January 3, 2012. Please report to the City Clerk's office to pick up your appointment card (*copy attached*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk
Mayor

Enclosure

cc: Mayor's Report to City Council

EFFECTIVE JANUARY 3, 2012

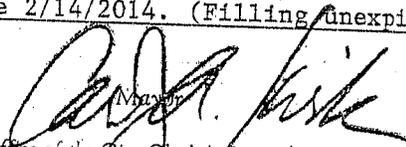
The City of Gloucester, Massachusetts

Dear Jane Fozzo, 129 Atlantic Road, Gloucester, MA 01930

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

This is a 90-day temporary appointment. After City Council
confirmation, term to expire 2/14/2014. (Filling unexpired
term of John Orlando)

Respectfully,


Mayor

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

Sworn in _____ By: _____



CERTIFICATE OF VOTE

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

IN CITY COUNCIL:

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

Robert D. Whynott

Robert D. Whynott, City Clerk

APPROVAL OF THE MAYOR

John P. Bell
John P. Bell, Mayor

VETOED BY THE MAYOR

John P. Bell, Mayor

SIGNED THIS 6 DAY OF Sept, 2007

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

purpose of filling a vacancy for any other reason, the appointment of the unexpired term immediately shall be made by the mayor and forwarded to the city council for their approval.
(Ord. No. 21-1991, 6-18-91)

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

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

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

Sec. 2-476. Semi-annual reports.

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

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

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

DIVISION 7. DOWNTOWN DEVELOPMENT COMMISSION*

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

Sec. 2-491. Purpose.

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

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

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

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

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

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

Sec. 2-493. Mission.

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

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

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

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

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

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

Sec. 2-495. Annual report.

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

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

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

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

**Michael and Jane Fonzo
129 Atlantic Road
Gloucester, MA 01930**

December 19, 2011

The Honorable Carolyn A. Kirk
Mayor
9 Dale Avenue
Gloucester, MA 01930

Dear Ms. Mayor:

My husband and I have been residing in Gloucester for the past eleven years. During that time we have acquired properties in the West End of Main Street and are committed to keeping this area restored to the original design that dates back to the year 1820.

Some of the properties we own, specifically 55 through 71 Main Street, are registered with the "National Register of Historic Places" which is part of the U.S. Park Service, Department of the Interior. These buildings were designated on May 29, 1974, at the request of Harold Bell.

Just across the street are additional properties, specifically 48 through 64 Main Street. With the exception of LaTrattoria Pizzeria, all other units were completely gutted and are in perfect condition. We ended this phase of our construction with repaving of the parking lot, a little landscaping and two new benches for public use. I believe this new look says "Welcome" to street trade.

As you can see, we have a serious investment in downtown Gloucester and an interest in keeping the beauty and charm consistent with the area. I want to protect our efforts and others. To that end, I would be very interested in filling the next available seat on the DDC.

Thank you for your time and consideration.

Regards,

Jane Fonzo

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

January 12, 2012

Ms. Heidi Wakeman
7 Wise Place
Gloucester, MA 01930

Dear Ms. Wakeman:

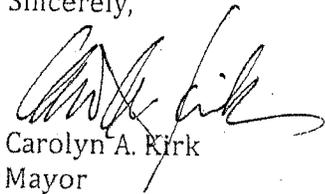
Thank you for your interest in serving on the **Open Space & Recreation Committee**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your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

Your appointment will be forwarded to the City Council for their January 24, 2012 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for your willingness to volunteer your time. I truly appreciate the hard work and dedication you and your colleagues on the committee offer on behalf of the City of Gloucester.

Sincerely,



Carolyn A. Kirk
Mayor

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

Enclosure
CAK/c

EFFECTIVE JANUARY 12, 2012

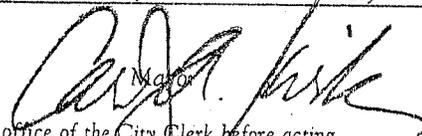
The City of Gloucester, Massachusetts

Dear Heidi Wakeman, 7 Wise Place, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the Open Space and Recreation Committee _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2015. (THREE YEAR TERM)

Respectfully,


Mayor

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

Sworn in _____ By: _____

October 15, 2011

Dear Mayor Kirk:

My name is Heidi Wakeman and I am writing to express an interest in the Open Space and Recreation Committee. Please consider this a letter of intent to serve.

I have lived in Gloucester since April, 2000, and I spent much of my childhood here on Cape Ann, between both Rockport & Gloucester. Currently, my areas of concern are the open spaces (North Gloucester and Dogtown in particular), but also, increasing the opportunities for cycling and pedestrian access within the city. I am a recreational cyclist, and sometimes commuter cyclist and my two sons frequently ride their bicycles to school. Mostly, I love Gloucester and the open spaces that help make it a special place. I would like to participate in the Open Space & Recreation Committee because I would bring a unique perspective, as well as a strong passion to the table.

In the past, I have worked with Steven Winslow on bicycle routes for the Get Fit Gloucester Grant, and I have been involved in the Gran Prix of Gloucester Cyclocross Race at Stage Fort Park. I am employed at Rockport Middle/High School as a Spanish Teacher, and also at Again & Again Sailbags. References are available on request. I understand that this is an advisory committee, but I would like to be involved in helping Gloucester, through its leadership and its citizens, protect and value the Open Spaces we are so fortunate to have.

If you have any questions, please feel free to reach me at 978-282-6509.

Sincerely,

Handwritten signature of Heidi E. Wakeman in cursive script.

Heidi E. Wakeman



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2009-183

The Gloucester City Council, at a Special City Council meeting held on, **TUESDAY, AUGUST 25, 2009** at 7:00 p.m. in Fred J. Kyrouz Auditorium, City Hall, voted to approve the following action:

IN CITY COUNCIL:

MOTION: On motion of Councilor Foote, seconded by Councilor Devlin, the City Council voted 8 IN FAVOR 0 OPPOSED to AMEND Chapter 2 "Administration" by ADDING "Open Space and Recreation Advisory Committee" Sections 2-517 through 2-520 as follows:

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

Section 2- 517 - Establishment; composition; appointment and terms of members

There is hereby established an Open Space and Recreation Committee which is created to formulate and implement an Open Space and Recreation Plan (OSRP) for the City of Gloucester. The Open Space and Recreation Committee will assist the city in its future actions with regard to open space parcels within the city. The committee shall consist of seven (7) members who shall be appointed by the Mayor from the residents of the city and confirmed by the City Council. The members shall serve for three-year staggered terms beginning on the date of appointment and ending on February 14 as required by City Charter.

Section 2 - 518 Purpose

The Committee shall create and implement an OSRP which shall:

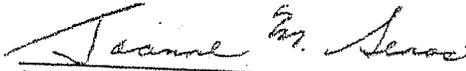
- a. Ensure the existence, smart use and access to open space in perpetuity.
- b. Ensure that contiguous areas and functions and values that depend on them are maintained
- c. Propose a process for agreements with abutters with shared use/conservation interests for enhancing open space.
- d. Recommend planned city growth and business development in a way that fully contemplates and strives to maintain the functions, values, uses and vision for open space in Gloucester.
- e. Establish a criteria and process for ceding open space to development or dedicated use
- f. Promote awareness and use of open spaces through a descriptive inventory of open spaces.

Section 2 - 519 Process

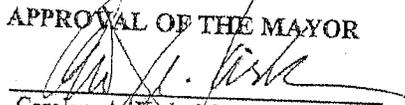
The former open space plans shall be used to create the plan which shall be submitted to the Commonwealth.

Section 2-520 Authorities and Responsibilities

- a. The Open Space and Recreation Committee shall act as an advisory committee to the Mayor, City Council, municipal boards, and the general public on matters concerning open space and recreation and shall have no budgetary powers.
- b. A majority of appointed members serving on the committee shall constitute a quorum and no meeting shall be continued without a quorum being present, unless a subcommittee has been established.
- c. The committee shall submit a summary of its activity and its progress on semiannually basis in the months of September and April.
- d. The Open Space and Recreation Committee may promote ad-hoc committees to develop stewardship for public open spaces. Such activities shall be coordinated with the Parks Department and Conservation Commission.

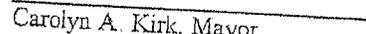

Joanne M. Senos, Interim City Clerk

APPROVAL OF THE MAYOR


Carolyn A. Kirk, Mayor

SIGNED THIS 13 DAY OF Aug, 2009

VETOED BY THE MAYOR


Carolyn A. Kirk, Mayor

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

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

January 13, 2012

Mrs. Michelle M. Sweet
18 Hodgkins Street
Gloucester, MA 01930

Dear Michelle:

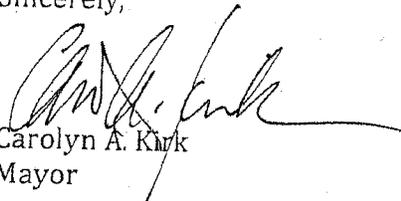
Thank you for your interest in serving on the **Capital Improvements Advisory Board (CIAB)**. I have issued you a 90-day temporary appointment to serve on this board which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up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

Your appointment will be forwarded to the City Council for their meeting of January 24, 2012 and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

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

Sincerely,


Carolyn A. Kirk
Mayor

Enclosure

cc: Mayor's Report to the City Council
Jeffrey Towne, Chief Financial Officer
Gregg Cademartori, Planning Director

EFFECTIVE JANUARY 13, 2012

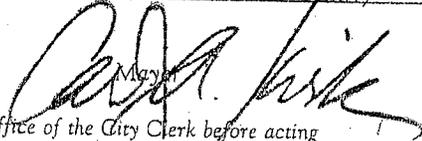
The City of Gloucester, Massachusetts

Dear Michelle Sweet, 18 Hodgkins Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the Capital Improvements Advisory Board _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2015. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in _____ By: _____

Michelle M. Sweet
18 Hodgkins Street
Gloucester, MA 01930

January 11, 2011

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

Dear Mayor Kirk,

Please accept this letter in application for my inclusion on the Capital Improvement Advisory Board. I believe that my recent experience as a two-term member of the Gloucester School Committee has provided me with the background and experience necessary to make a meaningful contribution to the Board. As you know, a major function of the school committee involves decision-making relative to capital improvements for our school system. In addition, while on the School Committee I demonstrated my dedication to volunteerism by serving as a member of both the Healthy Gloucester Collaborative and the Get Fit Gloucester committee.

Also, as someone who is a lifelong resident of Gloucester and who has raised my own family here, I am vested in this community. As my experience demonstrates, I like being involved in the decision-making process, especially where the decisions have a positive impact on the community.

It would be my pleasure to serve on the Capital Improvement Advisory Board and I hope you will consider appointing me. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michelle M. Sweet". The signature is written in a cursive style with a long horizontal flourish at the end.

Michelle M. Sweet

DIVISION 3. CAPITAL IMPROVEMENTS

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

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

(Code 1970, § 2-18)

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

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

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

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

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

Sec. 2-587. Capital improvement plan.

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

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

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

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

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

Sec. 2-588. Scope of division.

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

(Code 1970, § 2-22)

CITY OF GLOUCESTER Job Description

Title: Purchasing Agent

Supervisor: Chief Financial Officer

Grade: M8

Civil Service: Exempt

Union: Exempt

Responsibilities: Responsible for developing and maintaining a centralized purchasing program for the City, including the development and implementation of purchasing procedures, standards, and policies within the scope of existing law and regulations.

Duties:

- Establishes and monitors purchasing procedures for City Departments.
- Oversees bidding process for City contracting of services.
- Negotiates contracts with vendors as a result of bidding process.
- Oversees quantity purchasing of City supplies and equipment.
- Supervises purchasing support staff.
- Fulfills City, state, and other reporting requirements as needed.
- Provides recommendations regarding purchasing and other related procedures to appropriate management staff.
- Serves as Mayor's representative to Design Selection Committee.
- Performs all other duties as requested by supervisor.

Qualifications:

- Bachelors Degree in business or related field plus 2 - 5 years experience in public purchasing environment (7-10 years experience may be substituted for degree requirement)
- Knowledge of general accounting/budgeting procedures
- Working knowledge of purchasing regulations and laws
- One year minimum supervisory experience
- Strong communication and organizational skills required
- Certification in the Mass. Certified Public Purchasing Officials Purchasing Officials Program preferred. Willingness to attain this certification required.
- Familiarity with City of Gloucester purchasing ordinances

CITY OF GLOUCESTER

Job Description

Title: Administrative Assistant to the Mayor
(Chief Administrative Officer)

Supervisor: Mayor

Grade: M9

Civil Service: Exempt **Union:** Exempt

Supervision Exercised: Provides direct supervision to 15 Department Heads and 1 clerical staff in the Mayor's Office. Provides indirect supervision to the operations of all City departments and personnel.

Responsibilities: As the Chief Administrative Officer of the City, responsible for the development and support of the City's management team and the day to day operations and delivery of service throughout City government. Responsibilities include the development of City policies and programs, the provision of constituent services and the bridging of communications with the City Council, School Department, various volunteer boards and other agencies. Also assumes responsibility as Chief Budget Officer.

Duties:

- ♦ Coordinates and supervises the services provided by all City departments and agencies.
- ♦ Conducts a continuing study of the work performed by all City agencies; develops and implements management policies based on this analysis.
- ♦ Prepares programs and ordinance revisions affecting the management of the City in accordance with applicable federal regulations, Mass. General Laws and the City Charter.
- ♦ Serves as Mayor's point person for communicating and conducting business with individual City Councilors or the Council as a whole. Represents the Mayor at all City Council meetings and selected subcommittee meetings.
- ♦ Installs and maintains a centralized purchasing system covering all City agencies.
- ♦ Resolves constituent issues/concerns through direct communications, referrals, meetings, etc.
- ♦ Assumes primary responsibility for the preparation of the City's annual budget; administers operating budget throughout the year.
- ♦ Assists in the development of Capital Improvement budgets, including researching funding sources.
- ♦ Installs and maintains financial management and record-keeping systems.
- ♦ Administers all collective bargaining agreements, other than those entered into by or on behalf of the School Committee. Participates in union negotiations.
- ♦ Produces reports as necessary, i.e., the *City of Gloucester Annual Report*, after reviewing and editing department submissions.
- ♦ Performs any other duties or responsibilities as assigned by the Mayor.

Qualifications:

- ♦ Master's degree in Public Administration, Political Science, Business Administration or related field with five years relevant municipal management experience

OR

- ♦ Bachelor's degree with ten years municipal senior management experience.
- ♦ Excellent leadership, communication, conflict-resolution and computer skills required.
- ♦ Demonstrated skills in budgeting and financial management.
- ♦ Ability to set priorities and work independently.
- ♦ Ability to develop and support a high performance, effective management team, including linking City and School Department staff.

revised 2/10

CITY OF GLOUCESTER
Job Description

Title: General Counsel/City Solicitor
Department: Legal Office
Supervisor: Mayor
Supervision Exercised: Assistant General Counsel and Legal Secretary
Grade: M9
Civil Service: Exempt **Union:** Exempt

Responsibilities: Provides the City with all municipal legal services excepting certain School Department matters and municipal bond matters. Uses independent judgment in representing the City's interests and remains responsible for advising and guiding all departments within the municipality on matters of legal compliance.

Duties:

- * Commences and prosecutes all actions by the City before any tribunal in the Commonwealth, whether in law or equity and whether State or Federal.
- * Appears in, defends and advocates the rights and interests of the City wherein any estate, right, privilege, ordinance or act of the City government or any breach of any ordinance, may be brought into question.
- * Appears before the legislature of the Commonwealth, or any committee thereof, whether either or both branches of the same, and there, in behalf of the City, to represent, answer for, defend and advocate the welfare and interests of the City wherever the same may be directly or incidentally affected, whether to prosecute or defend the same.
- * Appears as counsel in the prosecution of violations of City ordinances and regulations in the District Court when requested by the City officials to do so.
- * Drafts or reviews deeds, obligations, contracts, leases, agreements, conveyances and other legal instruments of whatever nature as requested by various officials.
- * When requested, furnishes the City Council and any other officer of the City who may require it in the official discharge of his or her duties with a legal opinion on any subject relating to or affecting the duties of their respective offices. Attends meetings of City Boards and Commissions when requested.

- Manages all municipal legal affairs and in performing those duties, may refer particular matters to special counsel. Also responsible for the supervision and management of any matter in which a special counsel is required.
- Performs such other additional powers and professional duties as the City Council may prescribe, including attendance at City Council meetings when requested.
- Supervises Assistant General Counsel and Legal Secretary.

Qualifications:

- Bachelor's and J.D. Degrees required.
- Must be admitted to the bar in Mass. for at least five years.
- Must be admitted to the United States District Court for Mass.
- Must have substantial professional experience in at least three of the following:
 - Civil trial practice
 - Appellate practice
 - Administrative law
 - Environmental law
 - Zoning and land use law
 - Public sector labor law
 - Workers' compensation
 - Public contract law
 - Public construction law
 - Drafting legislation and regulations
 - Municipal practice

revised 02/09

CITY OF GLOUCESTER Job Description

Title: Inspector of Buildings
Supervisor: Administrative Assistant to the Mayor / *Chief Administrative Officer*
Grade: M7
Civil Service: Provisional Union: Exempt

Responsibilities: Performs highly responsible professional work to ensure public safety through the inspection of buildings within the City. As Department Head, administers and supervises all staff in the daily operation of the Inspection Services Department, assumes responsibility for service delivery, and accomplishes set goals and objectives.

Duties:

- Administers and enforces the State Building Code, City Zoning Ordinance, Chapter 40A State Zoning, as well as Chapter 22 - Section 13A and the rules and regulations made under the authority thereof.
- Inspects buildings in the process of construction, alteration or repair to insure compliance with building and zoning code requirements and for the application of safe construction practices.
- Reviews plans and specifications for building construction and remodeling work.
- Issues permits for approved applications.
- Makes reports and keeps records regarding inspections.
- Reviews subdivision and individual plans, as required, for compliance with zoning regulations.
- Performs field surveys and assists in interpreting codes and regulations.
- Inspects places of assembly and other designated occupancies for compliance with codes and regulations.
- Investigates building and zoning complaints and assists in the preparation of applications for variances, special permits and division of land.
- Assists the Zoning Board of Appeals with procedures and maintains the Board's budget.
- Supervises all personnel within the department; assumes fiscal responsibility for the department, including staffing utilization and budgeting.

Qualifications:

- Minimum five (5) years experience in the supervision of building construction or design or, alternatively, a four year undergraduate degree in a field related to building construction or design.
- Must have or be able to obtain certification by the State Board of Building Regulations and Standards within 1 and one half years of employment.
- General knowledge of the quality and strength of building materials.
- Knowledge of the accepted requirement for building construction, fire prevention, light, ventilation, safe exits and the requirements of Chapter 22 - Sec. 13A.
- Considerable knowledge of all major types of building construction, materials, methods, and

stages of construction where possible violations and defects may be easily observed and corrected.

- ♦ Considerable knowledge of the laws and regulations relating to building and zoning.
- ♦ Ability to read and interpret plans, specifications and blueprints and the ability to compare them with construction in progress.
- ♦ Ability to detect poor workmanship, inferior materials, and/or potential hazards.
- ♦ Ability to establish and maintain effective working relationship with building owners, contractors, other City employees and the public.
- ♦ Ability to supervise and provide working guidance to staff.

Revised 2/09

CITY OF GLOUCESTER

Job Description

Title: Chief Financial Officer

Supervisor: Mayor

Grade: ~~MA~~ M12

Position Status: A permanent full-time position subject to annual re-appointment by the Mayor, as confirmed by City Council.

Civil Service: Exempt

Bargaining Unit: Exempt

Supervision

Exercised:

Manages 4 subordinate supervisors and trains as necessary all staff (approximately 11-12) in the following offices: Treasurer/ Collector, Assessors, Purchasing and Payroll. Responsible for the overall direction, coordination, and evaluation of these units.

Responsibilities:

The Chief Financial Officer shall serve as the Finance Director for the City of Gloucester. Directs the City's financial planning and management practices as well as its relationship with lending institutions, financial advisors, bond counsel and others associated with the financial community by performing the following duties personally or through delegation to subordinate managers.

Duties:

- Directs the functions of a municipal treasurer, as stipulated in Massachusetts General Laws. Serves as custodian of funds, securities, and assets of the organization including collecting and accounting for all taxes and revenues; overseeing the disposition of City-owned real property, including the auctioning of foreclosed properties; and evaluating insurance coverage for the City.
- Responsible for all activities associated with the City's debt service including maintaining on-going relationships with bond counsel and financial advisor, submitting loan orders following MGL parameters; purchasing of short- and long-term instruments; and generating cash flow projections for funded projects in conjunction with the Engineering Department.
- Prepares and analyzes revenue and debt service projections for City's annual budget.
- Serves as Finance Team Leader integrating the annual activities of the following departments: Auditing, Assessors, MIS, Purchasing, School Business Office, Personnel (regarding financial implications of employee insurances). Holds monthly finance team meetings
- Oversees the development and implementation of an integrated Financial Management Information System for all City departments.
- Coordinates with the City Auditor in providing and directing procedure and systems necessary to maintain proper records and adequate accounting controls and services.

- ♦ Provides financial oversight to all City departments concerning revenue collection systems including Water, Sewer, City Clerk, Parking Clerk, Building Inspector, Community Development, etc.
- ♦ Provides financial oversight and necessary controls to City payroll system and all insurances.
- ♦ Appraises the City's financial position and issues periodic financial and operating reports.
- ♦ Analyzes, consolidates, and directs all cost accounting procedures together with other statistical and routine reports.
- ♦ Directs and analyzes studies of general economic, business, and financial conditions and their impact on the City's policies and operations.
- ♦ Assists as needed with collective bargaining processes. Advises Mayor on financial forecasts and impact of other items of collective bargaining, particularly as related to protective services and schools.
- ♦ Communicates effectively with City officials, administrative staff, residents, vendors, banks, and other potential sources of funds as necessary. Coordinates all City bond rating presentations regarding financial analysis, historical trends and future projections.
- ♦ Enforces Mass. General Laws and other statutory regulations and City ordinances as deemed necessary to fulfill responsibilities of Treasurer, Collector, and Parking Clerk Office.

Qualifications:

- ♦ Master's Degree (MA) or equivalent in relevant business, administration, accounting, or finance field.
- ♦ A minimum of six to ten years related experience demonstrating full knowledge of municipal finance, including debt service management, investments, and receipts.
- ♦ Excellent communication skills with demonstrated expertise in public presentations and written reports.
- ♦ Demonstrated knowledge of governmental accounting principles and procedures, and MIS.
- ♦ A minimum of five years supervisory experience demonstrating skills in delegation, motivation, and team building.
- ♦ Demonstrated skills in advanced problem solving working with abstract and concrete variables.
- ♦ Working knowledge of all laws and regulations related to accounting of public revenues.

CITY OF GLOUCESTER

Job Description

Title: DPW Director

Supervisor: Mayor

Grade: M12

Civil Service: Exempt **Union:** Exempt

Supervision

Exercised: Provides direct supervision to five employees responsible for the management of 10 different public works divisions; indirect supervision for a staff of 70.

Responsibilities: Plans, organizes, directs and controls all public works activities and construction projects in the City. Develops and implements all department policies, procedures and programs. Complex, highly responsible duties require the exercise of considerable judgment, initiative and frequent contacts with federal, state and local officials.

Duties:

- ♦ Trains, develops, coordinates and supervises a team-oriented staff in the following operational divisions: Highway, Water, Sewer, Public Properties, Solid Waste, Central Services, Cemeteries, Parks and Recreation, Engineering and Water Filtration. Also provides oversight on snow/ice removal and emergency preparedness.
- ♦ Manages an operational budget of over \$5 million, a sewer enterprise fund budget of \$4.7 million and a water enterprise fund budget of \$5.8 million. Prepares and maintains capital improvement budget.
- ♦ Establishes goals, objectives and monitoring systems for all public works projects, including all work performed by contractors. Ensures that each project is accomplished within prescribed time frame and budget.
- ♦ Provides project management for a multitude of complex public works projects at a given time.
- ♦ Pursues and attains funds from state and federal agencies, including Chapter 90 highway funding. Works with City Engineer in the administration of all public works grants.
- ♦ Serves as liaison to City staff and officials, community groups, state and local agencies, the media and the public. Provides information and reports; makes presentations as needed.
- ♦ Ensures compliance with all relevant federal and state regulations, including Ch. 30B governing municipal procurement, and all local ordinances.
- ♦ Ensures the quality of customer service provided throughout the Department, including follow-up on all customer service calls and requests.
- ♦ Develops and maintains systems for efficient DPW service delivery, both in cost and daily operations.

Qualifications:

- ♦ Bachelors degree in related field required.

- ♦ Professional Engineer preferred; knowledge of civil engineering, construction design and oversight required.
- ♦ Minimum 10 years experience related to public works administration, with a minimum 6 years in a responsible supervisory capacity. An equivalent combination of education and experience may substitute for the above.
- ♦ Strong fiscal management skills.
- ♦ Ability to establish and maintain effective working relationships with community representatives, elected officials and the general public.
- ♦ Demonstrated ability to make decisions and follow-through with necessary detail for successful project management.
- ♦ Ability to develop and administer programs and policies relating to both public works activities and labor relations in a union environment.
- ♦ Demonstrated organizational and communication skills; customer service skills
- ♦ Proven ability to provide emergency coverage 24 hours per day - 7 days per week.
- ♦ Mass. Drivers license required.
- ♦ Physical ability to move about construction job sites required.
- ♦ PC skills preferred.



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930
OFFICE OF THE ASSESSORS

January 4, 2012

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

Re: Reappointment of Assessor Gary Johnstone

Mayor Kirk:

Gary Johnstone has held the position of Assessor for the City of Gloucester since December 1, 2000. He came to the City with close to twenty years of real estate appraisal experience including owning and operating Johnstone Appraisals in Gloucester from 1993 through 2001. In addition to the daily and annual tasks required of an Assessor, Gary has been an integral member of the TIF Committee and the Land Disposition Committee. He has also been responsible for providing information pertaining to the City's leased properties to the Administration and City Council as needed, and works in conjunction with the Principal Assessor on Appellate Tax Board cases. Gary has both the credentials and characteristics needed to be an effective manager. His vast appraisal knowledge and experience coupled with his integrity and strong work ethic help to foster respect among co-workers and the public. He is a valued employee.

Respectfully submitted,

Nancy A. Papows
Principal Assessor

9 Dale Avenue – Gloucester, MA 01930

Telephone: 978-281-9715

Fax: 978-281-8472

www.gloucester-ma.gov

CITY OF GLOUCESTER

Job Description

Title: Assessor
Department: Assessors' Office
Supervisor: Principal Assessor
Grade: M6
Civil Service: Exempt **Union:** GMAA

Supervision Exercised: In absence of Principal Assessor, may supervise Assistant Assessor, clerks and other employees as needed.

Responsibilities: Responsible for numerous administrative, supervisory and professional appraising, assessing, and real valuation functions.

Duties:

- ♦ Assesses real property values with the assistance of other members of the Board of Assessors and periodically revises. Responsible for appraising and/or supervising the appraisal of residential, commercial, industrial, and personal property for the municipality. Conducts inspections of property, as necessary and appropriate in order to maintain uniform and, full market value on all property.
- ♦ Establishes taxable values for new, remodeled, or enlarged residential, commercial and Industrial buildings according to market data, replacement cost, and/or capitalization of the income approach (whichever is applicable).
- ♦ Examines deeds, maps, building plans and permits, personal records and other data to maintain valuation data and to locate all taxable property.
- ♦ Responsible for inspecting the location of new businesses to determine the values of taxable personal property, such as inventory, machinery, and office machinery and equipment.
- ♦ Assists with compiling, analyzing, and the preparation of information for the annual tax classification meeting with the Board of Assessors and City Council.
- ♦ Analyzes real estate market conditions and events to determine trends and changes in the market. Collects data from the Registry of Deeds, Planning Board, Building Inspector, Board of Appeals, and other boards/officials whose actions may reflect a change in value and/or ownership and update assessments and the City's maps as indicated.
- ♦ Investigates requests for abatements and exemptions of property tax. In conjunction with other Board members, decides on abatement and exemption applications. Prepares appraisals and testifies at hearings before the Appellate Tax Board, District and Superior Court.
- ♦ Participates in the preparation of tax rate documentation for state certification.
- ♦ Provides information in person, on the telephone, and in writing to property owners and others regarding the municipality's assessment policies and procedures, the determination of specific valuations, tax abatements, and exemptions.
- ♦ Supervises the commitment of real estate, personal property, motor vehicle and boat excise, and special assessment tax bills to the Treasurer. Responsible for coordinating the printing of all tax bills in conjunction with the Treasurer and MIS Department.
- ♦ Attends professional meetings, training programs, and seminars to stay abreast of changes or trends in the field and to remain familiar with Massachusetts laws and regulations concerning

tax assessments.

Qualifications:

- ◆ Bachelor's degree in business administration or related field plus five years of general business experience, including or supplemented by training and experience in real estate appraisal or High School graduation supplemented by courses in real estate appraisal plus eight years of general business experience, at least two of which involve real estate appraisal; or any equivalent combination of education and experience.
- ◆ In accordance with Department of Revenue regulations (840 CMR), required to complete the basic course of training and pass the examination prepared by the State Revenue Commissioner within two years following election or appointment, except as otherwise provided in the statute. A certificate in municipal assessing, with a designation of either Massachusetts Accredited Assessor (MAA), Residential Massachusetts Assessor (RMA), or certified Massachusetts Assessor (CMA) is preferred.
- ◆ Working knowledge of Massachusetts laws relating to municipal finance and property assessment for tax purposes.
- ◆ Familiarity with alternative formulas for determining assessment on various types of property.
- ◆ Familiarity with real estate styles, materials, and methods of construction.
- ◆ Working knowledge of computerized appraisal systems.
- ◆ Aptitude for working with numbers and details.
- ◆ Knowledge of mapping procedures.
- ◆ Excellent verbal and written communication skills.
- ◆ Ability to interpret considerable data, refine methods and techniques, and maintain detailed and accurate records of decisions.
- ◆ Ability to represent the City effectively and defend the City's position in a variety of situations requiring knowledge, negotiation skill, diplomacy and tact.
- ◆ Demonstrated administrative skills, including ability to provide effective supervision.

Revised 2/09

- Uses computer assisted engineering and design software and equipment to prepare engineering and design documents. Assists in the development and implementation of a Geographical Information System (GIS).
- Provides a program to address staff training needs through continuing professional development.

Qualifications:

- Bachelor's degree in Civil Engineering. P.E. required.
- A minimum of 10 years increasingly responsible engineering experience, including municipal engineering and 2 years of administrative and supervisory responsibility. An equivalent combination of education and experience may substitute for the above.
- Thorough knowledge of civil engineering principles, practices, and methods as applicable to a municipal setting; knowledge of applicable City ordinances and policies affecting division activities.
- Considerable skill in arriving at cost estimates on complex projects. Skill in operating listed tools and equipment.
- Massachusetts drivers license required
- Ability to use PC, including word processing, spreadsheets, database and computer aided design software, motor vehicle, phone, mobile radio.
- Physical capability of moving about construction job sites.
- Ability to communicate effectively, orally and in writing, with employees, contractors, governmental agency representatives, City officials, and the general public.
- Ability to conduct necessary Engineering research and compile reports.

revised 10/08

CITY OF GLOUCESTER

Job Description

Title: Harbormaster

Department: Waterways

Supervisor: Administrative Assistant to the Mayor for administrative purposes
Waterways Board for operations & policy

Grade: M7

Civil Service: Exempt

Union: Exempt

Supervision

Exercised: Supervises several Assistant Harbormasters, one full-time Clerk, project contractors and consultants

Responsibilities: Manages the City's waterways and related public facilities under authority set forth in M.G.L. Chap 102. Works cooperatively with both the boating public (Commercial/Recreational) and waterfront property owners in accordance with all City Ordinances, State and Federal laws.

Duties:

- ♦ Enforces all applicable Federal & State laws and regulations, Gloucester Code of Ordinances, as well as policies, rules and regulations of the Gloucester Waterways Board.
- ♦ Promotes safety on the water and responds to marine emergencies.
- ♦ Manages office, records, budget, boats and staff of the Waterways Department.
- ♦ Be familiar with available grant programs and funding through the Clean Vessel Act, Massachusetts Seaport Advisory Council, Massachusetts Public Access Board, US Army Corps of Engineers, Chapter 91 and any others that pertain to waterways and harbor improvement projects.
- ♦ Enforces all waterways laws, policies, rules, regulations and ordinances within a Harbormaster's authority as set forth by Federal, State & Local government, including MGL Chapter 90B, Sec. 1-19; Chapter 40, Sec. 21D; Chap 102, Sec. 17-28; and Gloucester Code Chap. 10 & Sec. 1-15.
- ♦ Patrols all City waterways during the year with more intense patrolling from May 1 to November 1. Provides continuous radio watch during patrol hours.
- ♦ In conjunction with the Fire and Police departments, US Coast Guard and other agencies, pre-plans the City's response to significant marine events & emergencies, including but not limited to Fiesta, Schooner Festival, coastal storms, oil spills, waterfront fires, and mass casualty incidents.
- ♦ Responds to all marine emergencies and provides all reasonable assistance, including emergency medical care, within the scope of the training and resources available to the department.

- ◆ Assumes command of waterway incidents which are within the Harbormaster's authority and responsibility.
- ◆ Works with agencies listed above to coordinate non-emergency public safety activities and operations.
- ◆ Operates, manages and maintain all boats, vehicles, moorings, and equipment used by the department.
- ◆ Assigns and oversees all moorings in the City's waterways.
- ◆ Cooperates with and reports to the Waterways Board and its committees as set forth by Ordinance.
- ◆ Attends all Waterways Board & Committee meetings.
- ◆ Provides staff support, technical advice & assistance.
- ◆ Provides proper training to Assistant Harbormasters.
- ◆ Prepares reports and documents as necessary.
- ◆ Represents the Board as needed and informs Board of Waterways activities.
- ◆ Represents the City in civil and criminal complaints stemming from violations of City water-related ordinances.
- ◆ Cooperates with other City boards, commissions and departments that have an interest in the City's waterways, waterfront and public facilities.
- ◆ Operates and oversees the maintenance of public launch ramps, landings, marinas, moorings and other waterways facilities owned by the City.
- ◆ Manages and safeguards the collection of rents and user fees.
- ◆ Observes the water quality of all waterways and takes immediate steps to stop or contain pollution. Notifies appropriate government agencies and enforces all relevant City Ordinances pertaining to such pollution.
- ◆ Monitors and keeps clear all navigation channels. Prevents encroachments beyond the Harbor commissioner's line.
- ◆ Promotes Gloucester as a hospitable port-of-call for transient boaters by advertising the City's facilities, welcoming visiting boaters and providing them with technical assistance and advice.
- ◆ Works cooperatively with neighboring Harbormasters in sharing ideas and promoting safe boating throughout the Commonwealth.

Qualifications:

- ◆ High School graduate with a minimum of two years advanced technical training in a relevant field; college degree preferred.
- ◆ A minimum of ten years marine experience with demonstrated seamanship skills to include: small boat handling, heavy weather operation, navigation, stern towing, alongside towing, de-watering vessels, rules of the road, port operations and Command of Situational Awareness.
- ◆ Working knowledge of basic piloting skills including chart familiarization, DR and magnetic course applications, radar navigation, Differential Global Positioning System (DGPS) and International Regulations for Prevention of Collisions at Sea-1972 (72 COLREGS) and Navigation Rules International - Inland.
- ◆ Demonstrated management skills including budget preparation and control, staff supervision, scheduling and report writing. Experience managing a waterways-related organization is preferred.
- ◆ Working knowledge of personal computer preferred.
- ◆ Demonstrated ability to effectively communicate (oral and written) with the boating public, elected officials, boards and other waterways agencies.
- ◆ Qualified First Responder for emergency medical care.
- ◆ Knowledge of waterfront construction techniques, the waterways permitting process, dredg-

- ing, waterfront facilities management and water pollution control techniques.
- ◆ Knowledge of waterways laws and the ability to enforce those laws in an evenhanded manner. Prior experience in marine law enforcement preferred.
 - ◆ Working knowledge of basic operational techniques and preventive maintenance of outboard engines.

revised 02/09

City of Gloucester
Waterways Board
Nineteen Harbor Loop
Gloucester, MA 01930

Mayor Carolyn Kirk
City Hall
Dale Avenue
Gloucester, MA 01930

Mayor Kirk,

January 4, 2012

The Gloucester Waterways Board would like to take this opportunity to recommend that Jim Caulkett be reappointed for another three-year term as Gloucester's Harbormaster. The next three years will bring increased activity to our harbor, and Jim's depth of knowledge on local conditions and regulations will be important for Gloucester as we move forward. Jim has demonstrated the skills and willingness to address Gloucester's current and future needs. He recognizes the importance of bringing the harbormaster's office up to today's technological standards.

Jim understands the vital need to increase Gloucester's ability to become a full service port-of-call for multiple uses, whether recreational, commercial or cruise ships. He also recognizes the need for excellent customer service, which will enhance Gloucester's image up and down the coast.

Jim has received a blanket conservation permit for the DPA, which has streamlined the pier repair/maintenance process for the private property owners that lie within the DPA, saving these owners time and money. As Gloucester's waterfront needs continue to change, the private property owners need to have a harbormaster like Jim who will proactively work on their behalf.

Jim's working knowledge of the Waterways budget and personnel is highly valued by the Board. Plus as we move forward with our mooring inventory, Jim will play a vital role in implementing the changes that will be recommended. With the Board exploring several new initiatives, Jim has expressed a commitment to manage all the new responsibilities that will come with their roll out.

In closing, the Waterways Board enthusiastically supports the reappointment of Jim Caulkett.

Sincerely,



Tony Gross
Chair, Gloucester Waterways Board



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

ORDER:	#CC2011-057
Councillor	Steve Curcuru

DATE RECEIVED BY COUNCIL:	12/13/11
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 in front of Lloyd Street #5

And further

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

Steve Curcuru
Ward 3 Councillor

**CITY OF GLOUCESTER
TRAFFIC COMMISSION**

**A meeting was held on Thursday, January 19th, 2012 at 6:00 p.m.
in the third floor conference room at Gloucester City Hall.**

The meeting was opened by Chairman Robert B. Ryan at 6:03 p.m. Attending were members Larry Ingersoll and Anthony Bertolino.

AGENDA

ORDER #CC2011-057 (Councilor Curcuru) Ordered that the GCO Sec 22-287 (Handicapped Parking) be amended by ADDING:

one handicapped parking space in front of #5 Lloyd Street

A vote was MADE, SECONDED and PASSED to TABLE this order as the requestor was not present. A second letter will be sent to him asking to attend our next meeting.

A review was done on a summary of all orders from 2011 that were acted on by the Traffic Commission. This summary will be forwarded to the City Clerk's Office.

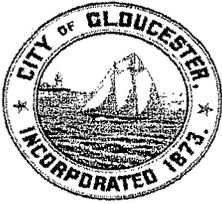
For our information: A handicapped space in front of #38 Green Street was deleted by Councilor Mulcahey.

NOTE: Both orders were filed before the terms ended of the Councilors involved

The meeting was adjourned at 6:19 p.m.

ROBERT B. RYAN, Chairman

LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER:	#CC2012-002
Councillor	Joe Ciolino

DATE RECEIVED BY COUNCIL:	01/10/12
REFERRED TO:	O&A
FOR COUNCIL VOTE:	

ORDERED that the Gloucester City Council vote to request that our legislative delegation, State Senator Bruce Tarr and State Representative Ann Margaret Ferrante, file legislation on behalf of the City of Gloucester by Special Act or other appropriate means and work with Mass. DOT to have the Gloucester Route 128 Extension (Grant Circle to East Main St) named a "Purple Heart Killed in Action Veteran Highway"

And Further

ORDERED that this matter be referred to the Ordinances and Administration Committee for review and recommendation.

Joseph Ciolino
Councillor at Large



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-004
COUNCILLORS: Joseph Ciolino and Melissa Cox

DATE RECEIVED BY COUNCIL: 01/24/12
REFERRED TO: O&A and TC
FOR COUNCIL VOTE:

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

"two(2) handicapped spaces near the intersection of Middle Street and School Street and located near the apartment building at #1 School Street"

With exact location and dimensions **to be determined by the recommendation of the Traffic Commission.**

And Further

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

Joseph Ciolino
Councillor At Large

Melissa Cox
Ward 2 Councillor

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

12 JAN 10 PM 12:44
CITY CLERK
GLOUCESTER, MA

January 9, 2012

Daniel R. O'Connell
Superintendent Director
North Shore Technical High School
30 Log Bridge Road
Post Office Box 806
Middleton, MA 01949-2806

Dear Mr. O'Connell:

This letter is to advise you that I have recommended to the Gloucester School Committee that Melissa Joy Teixeira be reappointed as the City of Gloucester's representative to the North Shore Regional Vocational School District School Committee.

Ms. Teixeira's reappointment was approved by the Gloucester School Committee at its meeting of December 14, 2011.

Sincerely,

Carolyn A. Kirk
Mayor

cc: Melissa Joy Teixeira, 467 Western Avenue, Gloucester, MA 01930
Jackie A. Hardy, City Council President
Richard Safier, Superintendent of Schools
Jonathan Pope, Chair-Gloucester School Committee



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER:	#CC2012-001
Councillor	Jackie Hardy

DATE RECEIVED BY COUNCIL:	01/10/12
REFERRED TO:	O&A and B&F
FOR COUNCIL VOTE:	

ORDERED that the City Council review the salary of the office of the Mayor as in accordance with the Gloucester City Charter, Article 3, Sec. 3-1(c) and amend Code of Ordinances Sec. 2-54 accordingly.

And Further

ORDERED that this matter be referred to the Ordinances and Administration Committee and the Budget and Finance Committee for review and recommendation.

Jacqueline Hardy
Ward 4 Councillor

Article 3-1(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.

Section 2-13. Filling of Vacancies.

(a) *Councillor at Large* -- If a vacancy in the office of councillor at large shall occur/is declared - (Approved 12/9/2002) the vacancy shall be filled by the candidate for the office of councillor 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 councillor at large to serve for the balance of the unexpired term.

(b) *Ward councillor* -- If a vacancy in the office of ward councillor shall occur the vacancy shall be filled in the same manner as provided for councillors 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 councillor 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 councillor 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 councillor 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.

(Referendum of 11-5-85)

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.**

(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 councillors are elected and it provides that such salary is to be effective at the commencement of the next term of office of the mayor.

(a) All municipal insurance, including fire, liability, fiduciary, bonds and protective insurance of all kinds, shall be in the charge of the mayor or his designee.

(b) In case a loss is suffered under any policy of insurance held by the city, such loss shall immediately be reported by the department head or board in control of such property to the mayor, who shall take the necessary steps to recover for such loss.

(Code 1970, § 2-5)

Sec. 2-52. Signing or approval of contracts, deeds, etc.

All agreements, contracts, deeds, indentures, instruments or leases that may be given or required to be executed by the city shall be signed or approved by the mayor and sealed with the seal of the city.

(Code 1970, § 2-92)

Sec. 2-53. Discharge, release or assignment of mortgages.

Whenever any person, having lawful authority to redeem any estate mortgaged to the city, shall make application to the mayor for such purpose, the mayor shall have the power, on payment of the money due on such mortgage to the city treasurer, to discharge, release or assign the same, without liability or recourse to the city, and to execute, in behalf of the city, any and all legal instruments that may be necessary for this purpose, with authority to seal the same with the seal of the city.

(Code 1970, § 2-93)

 **Sec. 2-54. Compensation.**

The mayor will receive annual compensation of sixty-five thousand dollars (\$65,000.00) per annum, effective January 1, 1998.

(Ord. No. 6-1996, § J, 3-19-96)

Secs. 2-55--2-59. Reserved.

DIVISION 3. CITY CLERK*

*State law reference(s)--City clerks generally, M.G.L.A. c. 41, § 12 et seq.; appointment and term of city clerk, M.G.L.A. c. 43, § 18.

Sec. 2-60. General duties; permitting removal of records.

(a) The city clerk shall perform all the duties required by the general laws of the commonwealth, the charter, this Code and the other ordinances of the city.

(b) The city clerk shall have the care and control of the city records, and of all documents, maps, plans and papers of the city, respecting the care and custody



OFFICE OF THE CITY CLERK

9 Dale Avenue • Gloucester, Ma. 01930

Office (978) 281-9720 Fax (978) 282-3051

January 23, 2012

MEMORANDUM

To: Jim Duggan, Chief Administrative Officer

From: Linda T. Lowe, City Clerk *LTL*

Re: History of Compensation for Mayor

In connection with the two recent City Council Orders concerning a proposed salary increase for the elected position of Mayor and with your related inquiry requesting information on the history of compensation for the position of Mayor we have researched City records from 1976 to 2001 a time period which covers when a salary was first paid to the elected Mayor up through the last salary increase. The Archives Committee and Sarah Dunlap provided assistance to us on this question. Their research which includes reference to the original 1977 salary of \$22,500 is attached .

The position of an elected, compensated mayor began with the changes brought about under the Gloucester Home Rule Charter first effective in 1976. (Copy of 1974 Charter Commission Report attached). Prior to 1976 the City had a City Manager form of government. When first adopted, the Charter provided in sec. 3-1(c) that : "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 councillors are elected and it provides that such salary is to be effective at the commencement of the next term of office of the mayor." This language has not changed since 1976.

Although the Charter refers to an ordinance there does not appear to have been an ordinance adopted until 1996 when sec. 2- 54 (minutes attached) was added to the Code of Ordinances setting the salary at \$65,000. The council increased the salary twice after 1996 but did not amend the ordinance. In April 1999 the Council voted to raise the salary to \$70,000 effective January 1, 2001 and in June 2001 the Council voted to raise the salary by \$2500 to \$72,500 effective January 1, 2002 and by \$2500 to \$75,000 effective January 1, 2003. (minutes attached). There have been no increases subsequent to the January 2003 increase.

Attachments

Copies to: Councillor Theken, O&A Chr.
Councillor McGeary, B&F Chr.

CCM
06/25/2001

MOTION: On motion of Councilor Kennedy, seconded by Councilor Webster the City Council voted UNANIMOUSLY to approve Transfer 01-C131 from account 1-000-57-5700 to account 1-403-52-5396 in the amount of \$57,000. Funds needed to offset deficit in account.
MAYOR - reserve for year end close out)

MOTION: On motion of Councilor Khambaty, seconded by Councilor Webster the Budget and Finance Committee voted 3 in favor 0 opposed to recommend to the full City Council to approve Transfer 01-C135 from account 61-000-320-3262-6 to account 61-000-359-3151-6 in the amount of \$52,408.75. Funds needed to resolve the water deficit in FY01. (DPW)

MOTION: On motion of Councilor Kennedy, seconded by Councilor Webster the City Council voted UNANIMOUSLY to approve Transfer 01-C135 from account 61-000-320-3262-6 to account 61-000-359-3151-6 in the amount of \$52,408.75. Funds needed to resolve the water deficit in FY01. (DPW)

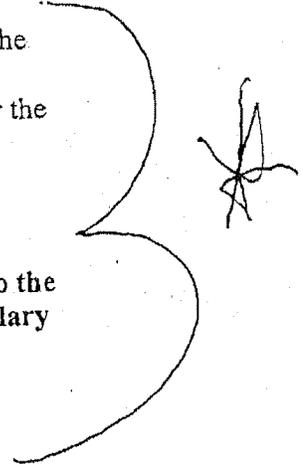
MOTION: On motion of Councilor Khambaty, seconded by Councilor Webster the Budget and Finance Committee voted 3 in favor 0 opposed to recommend to the full City Council to approve Supplemental Appropriation 2001-V in the amount of \$105,401.83 to fund snow and ice deficit in FY01. (DPW)

MOTION: On motion of Councilor Kennedy, seconded by Councilor Webster the City Council voted UNANIMOUSLY to approve Supplemental Appropriation 2001-V in the amount of \$105,401.83 to fund snow and ice deficit in FY01. (DPW)

MOTION: On motion of Councilor Kennedy, seconded by Councilor Khambaty the Budget and Finance Committee voted 2 in favor 0 opposed 1 abstain (Councilor Webster) to recommend to the full City Council the following salary increases for the position of Mayor:
January 1, 2002 in the amount of \$2,500
January 1, 2003 in the amount of \$2,500

MOTION: On motion of Councilor Kennedy, seconded by Councilor Destino the City Council voted 7 in favor 1 abstain (Councilor Webster) the following salary increases for the position of Mayor:
January 1, 2002 in the amount of \$2,500
January 1, 2003 in the amount of \$2,500

A TRUE COPY ATTEST
Robert B. Madgoff
CITY CLERK
GLOUCESTER, MASS.



June 21, 2001

Budget and Finance Committee

h. Transfer 01-C131 \$57,000 MAYOR

MOTION: On motion of Councilor Khambaty, seconded by Councilor Webster the Budget and Finance Committee voted 3 in favor 0 opposed to recommend to the full City Council to approve Transfer 01-C131 from account 1-900-57-5700 to account 1-403-52-5396 in the amount of \$57,000. Funds needed to offset deficit in account. (MAYOR – reserve for year end close out)

A TRUE COPY ATTEST:
Robert B. McQuinn
CITY CLERK
GLOUCESTER, MASS.

Transfers 01-C132 and C133 were tabled until 6/25.

Transfer 01-C134 will be formally withdrawn on 6/25.

h. Transfer 01-C135 \$52,408.75 DPW

MOTION: On motion of Councilor Khambaty, seconded by Councilor Webster the Budget and Finance Committee voted 3 in favor 0 opposed to recommend to the full City Council to approve Transfer 01-C135 from account 61-000-320-3262-6 to account 61-000-359-3151-6 in the amount of \$52,408.75. Funds needed to resolve the water deficit in FY01. (DPW)

6. SUPPLEMENTAL APPROPRIATION \$105,401.83

MOTION: On motion of Councilor Khambaty, seconded by Councilor Webster the Budget and Finance Committee voted 3 in favor 0 opposed to recommend to the full City Council to approve Supplemental Appropriation 2001-V in the amount of \$105,401.83 to fund snow and ice deficit in FY01. (DPW)

Total overlay surplus used for FY01 shortfall: \$348,560.38 has been released by the Assessors.

7. Mayor's Salary Survey

Councilor Kennedy made a recommendation of 3.5% increase in 1/01/02 and 1/01/03.

MOTION: On motion of Councilor Kennedy, increase mayor's salary starting 1/1/02 to \$75,000 no second for this motion

June 21, 2001

Budget and Finance Committee

**MOTION: On motion of Councilor Kennedy, seconded by Councilor Khambaty the Budget and Finance Committee voted 2 in favor 0 opposed 1 abstain (Councilor Webster) to recommend to the full City Council the following salary increases for the position of Mayor:
January 1, 2002 in the amount of \$2,500
January 1, 2003 in the amount of \$2,500**

The meeting adjourned at 12:05 p.m.

Submitted by:

Sharon George
Clerk of Committees

April 13, 1999

Increase in Mayor's Salary

MOTION: Councilor Kennedy moved to recommend the full City Council increase the Mayor's salary by \$2500, for a total of \$67,500, effective January 1, 2000, and further, to increase the Mayor's salary by \$2500 for a total of \$70,000, effective January 1, 2001. Second by Councilor Mitchell.

Councilor Giacalone questioned the route by which this item came to the Budget & Finance Committee. Councilor Kennedy explained that approximately six or seven months ago this request came via the Mayor's Report along with the request to review the City Council's salary; although the Council's salary increase was voted at public hearing, no discussion was held re Mayor's salary increase.

Councilor Foote said he would not vote in favor of this increase in that the position of Mayor is not a career position, nor does the position require a degree, as do other positions in the City. He added that two years ago, an increase of \$15,000 was voted for that position; it is an elected office, and anyone could hold that position if a candidate garnered sufficient votes.

Councilor Foote also noted that the Mayor was a member of the School Committee, and Councilor Giacalone's wife worked for the school department; since the School Committee approves salary increases for the school department employees, it was Councilor Foote's contention that Councilor Giacalone should abstain on this vote. He added that should Councilor Giacalone not abstain, he would like a legal opinion in this regard.

MOTION: On a motion by Councilor Kennedy, second by Councilor Mitchell, it was voted by Roll Call 6 in Favor, 1 Opposed (Foote) to recommend the full City Council increase the Mayor's salary by \$2500, for a total of \$67,500, effective January 1, 2000, and further, to increase the Mayor's salary by \$2500 for a total of \$70,000, effective January 1, 2001.

Transfer - Community Development

Councilor Kennedy stated that this transfer was to fund a hotel feasibility study, and a representative from Hunneman would be attending a Budget & Finance Committee meeting to discuss the scope of the study.

Ordinance and Administration - April 5, 1999 -**Amend §10-52(b) Use of Public Landings and §10-82, "Lobstering"**

MOTION: On a motion by Councilor Foote, second by Councilor Kennedy, it was voted UNANIMOUSLY ADVERTISE FOR PUBLIC HEARING to Amend §10-52(b), Use of Public Landings, by ADDING "The Harbormaster may permit the seasonal tie-up if dinghies, tenders or other auxiliary vessels less than twelve (12) feet in length at portions of any Public Landing so designated by the Waterways Board, provided that the fee set forth below has been paid. Such permitted vessel shall be marked by an official sticker on their transoms."

March 19, 1996

City Council

Page Three

Councilor Kaknes stated that Councilors did not take this job for the money; and, the Council should try to save every dime of the taxpayers money. Councilor Giacalone stated he serves on the Council as a public service not as a compensated job. He stated that during the increase discussion in 1992, there was much controversy. Councilor Khambaty stated that in 1992, the Council tried to reduce salaries voluntarily to set a stage for the City as a whole during financial problems. He stated the times have changed and the City is in a better financial position. Further, the payback would be great to the community.

Councilor Giacalone stated that conditions have changed; however, people are still facing betterment and higher tax bills. Councilor Grace stated that with the rate of unemployment in the City and the numbers on fixed income, he could not accept a raise. Councilor Webster stated that if she were sure she was not running in the next election, she would vote positively for the raise; further, being a Councilor is a serious activity and the Council should be willing to move the stipend ahead in order to attract qualified people to run, with salary increase in effect until the year 2000. Councilor Rasmussen stated that she didn't run because of the salary and the compensation does cover costs incurred such as phone bills and mileage; however, is not comfortable raising the salaries without considering an expense account line in future budgets.

>MOTION: On motion of Councilor Rasmussen, seconded by Councilor Kennedy, the City Council voted by Roll Call 3 In favor (Kennedy, Khambaty and Webster) 4 Opposed (Giacalone, Grace, Kaknes and Rasmussen) to AMEND the Code of Ordinances, Chapter 2, Article II "City Council", by ADDING Section 2-26, "Compensation" to READ as follows: 2-26: Compensation. Members of the City Council will receive annual compensation of \$7,000 per annum; President of the City Council \$8,000 per annum; and Vice President of the City Council \$7,500 effective January 1, 1998.

MOTION FAILS

PUBLIC HEARING #6: AMEND the Code of Ordinances, Chapter 2, Article III, Division 2 "Mayor" by ADDING Section 2-54, "Compensation" to READ as follows: 2-54: Compensation. The Mayor will receive annual compensation of \$65,000 per annum effective January 1, 1998.

March 19, 1996

City Council

Page Four

The Public Hearing is Opened.

Speaking In Favor. No one spoke

Speaking In Opposition. Mr. Holmes, 318 Washington St, stated that the Mayor is underpaid and should receive just compensation, but not a \$15,000 increase and the Council should review an incremental increase.

Rebuttal. None

Communications. None

Questions. None.

The Public Hearing is Closed.

Council Discussion. Councilors Webster, Grace, Rasmussen and Giacalone spoke in favor noting that there are factors involved such as instability of the job, providing the City a competitive pool of candidates at election time; savings coming back to the City through expertise; showing respect for the position; higher rate provides higher caliber of candidates; salary commensurate with private industry; diversity of responsibilities of the Mayor; and comparison of salaries in surrounding towns. Councilor Kaknes, stated that the increase is warranted, but is too much of an increase in one increment and suggested an amendment to \$60,000.

>MOTION: On Motion of Councilor Rasmussen, seconded by Councilor Kennedy, the City Council voted by Roll Call 7 In Favor 1 Opposed (Kaknes) to AMEND the Code of Ordinances, Chapter 2, Article III, Division 2 "Mayor" by ADDING Section 2-54, "Compensation to READ as follows: 2-54: Compensation. The Mayor will receive annual compensation of \$65,000 per annum effective January 1, 1998.

PUBLIC HEARING #7. Chapter 19 Pawnbrokers

The Public Hearing is Opened.

Speaking In Favor. No one spoke.

Speaking In Opposition. No one spoke

Rebuttal. none

Communications. *Opinion from Meg Nelson, Assistant General Counsel, City of Gloucester.*

Questions. None.

The Public Hearing is Closed.

Council Discussion.

>MOTION: On motion of Councilor Rasmussen, seconded by Councilor Giacalone, the City Council voted by Roll Call 7 in favor 0 opposed, to Amend CHAPTER 19, Second Hand Goods, Article III, Pawnbrokers, Division I. Generally, Section 19-53 Articles not to be sold until four (4) months after purchase or receipt thereof.

Mayor's Salary discussions in City Council records

Dec. 21, 1976 – see attached photocopy

1977 p. 45: Feb. 8, 1977: Ordinance that salary of the Mayor, beginning Jan 1, 1978, be established at \$22,500

1978: pp. 117, 129: Mar 2, and Mar. 16, 1978: ordinance re Mayor's salary, to take effect as of Jan. 1, 1984: \$32,500

Jan 1, 1985 \$35,000

Jan 1, 1986 \$37,500

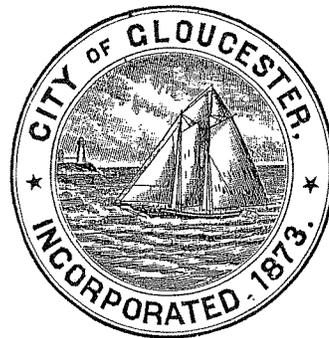
Jan 1, 1987 \$40,000

1982: p. 129 see attached photocopy

1987, p. 13: Jan 17, 1987: ordinance, Mayor's salary proposal: 1990: \$55,000
1991: \$57,500

1996, pp.83-84 Proposed raise to \$65,000 (a raise of \$15,000), with one councilor suggesting a reduced to raise to \$60,000. One of these was approved.

FINAL REPORT
of
THE CHARTER COMMISSION
of
GLOUCESTER, MASSACHUSETTS



GLOUCESTER CITY CHARTER

Submitted to
THE CITY COUNCIL
Gloucester, Mass.
September 5, 1974

INTRODUCTION

In the city election of 1973, you, the citizens of Gloucester, by an overwhelming vote, authorized the creation of a Commission to study our city charter and recommend changes for you to vote on in 1975. We, the members of your Charter Commission, accepted your vote as a mandate to do two things only: (1) make a thorough study of our charter and possible alternatives and (2) present to you a report that was thoughtfully considered and carefully drawn. We have done our best to accomplish these two purposes.

We spent as much time as was reasonably possible in listening to officials of our city and other cities. We held six public hearings listing and subsequently debating every suggestion made during almost five months of taking testimony. If our hard work were the only criteria by which the charter were to be judged, we would stand confident of your approval at the city election of 1975. But hard work isn't enough; a charter stands or falls on the merits of the system of government which that Charter creates. In that regard we hope you will agree with us that the Charter presented herein offers our city excellent prospects for the conduct of good government in the years ahead.

SUMMARY OF IMPORTANT FEATURES

In the years around the turn of the century, city ballots were cumbersome with almost every city officer and board member being elected by the public. In the years since then, ballots have shortened, powers have been centralized to make city officials more visible and thereby more accountable. Unfortunately, in Gloucester, we arrived at the point where our city government does not have in it a single full-time official elected by the voters. Serious questions have been raised regarding the accountability of our present system. By providing a separately elected Mayor and a Council that includes ward councillors, the new Charter offers the city elected officials that will be clearly visible and directly accountable.

It was the further concern of the Commission that the present system of government provides too little political leadership because the City Manager serves at the daily pleasure of the Council, the Mayor is essentially a figurehead position and each Councillor has only one vote in seven. Someone is needed, not to dictate, but to formulate overall programs and stand up for them before the City Council and the public generally. A separately elected Mayor will fill this leadership vacuum. The Charter provides the Mayor with a professional assistant to advise and assist in the development of efficient administrative procedures.

A City Council comprised of both councillors at-large and ward councillors will provide representation for wards that have for a number of years been unrepresented by someone from their area. This system of electing a Council, which is the most widely used

system nation-wide, will also give the city elections that are more competitive thereby giving the record of candidates and the issues greater importance.

The Council and Mayor are put into a balanced system that allows each to check on the performance of the other and report to the people. The Mayor proposes the budget that the Council votes on and the Mayor may veto (subject to two-thirds override) legislation of the Council with which he disagrees. The Council confirms the Mayor's appointments to assure their quality and the Council arranges for financial and management audits of city departments to check on the performance of the Mayor. The Mayor will have a voice and a vote on the School Committee to provide balance there.

Under our present form of government, a majority of all Councillors elected have been elected by a minority of the City's voters. A Charter provision for a primary, when there is a large number of candidates, will prevent this situation from occurring in the future.

The new Charter also contains these important points:

Ballot position to be determined by lot with no preference for candidates for re-election.

Separate committees to oversee the selection of architects and the construction of new city buildings.

Advertising of openings on city boards and more complete orientation of new members.

Citizen initiative procedures that allow citizens to start or prevent action in the City Council and call for a public vote.

Regular, advisory referendum questions on the city ballot to advise the City Council and School Committee on issues for the coming term of office.

An important feature of the Charter that should be noted is that if the city accepts this "home rule" charter, then important Charter decisions in the future will be decided by vote of Gloucester's citizens and not by the state legislature.

There are many other points of interest in the Charter, too many to be discussed in this summary. We hope you will read the Charter. When you do, you will find we have established a system of government, the many individual parts of which have been considered in detail for workability and compatibility.

STATEMENT OF MAJOR DIFFERENCES

The first major difference is that the appointive office of City Manager will be replaced with an elected Mayor who will be the chief executive and administrative officer of the city government.

The second major difference is that the City Council will be increased from seven to nine members and it will consist of persons elected both at-large and from wards. Presently, all seven City Councilors are elected at-large. The last major difference is that a preliminary election will be held to reduce the number of candidates for each office before the general election. Presently, there is no limit on the number of candidates whose names appear on the final election ballot.

CONCLUSIONS

The Charter Commission unanimously agrees that this is the best Charter which can be proposed for our city at the present time. We unanimously agree that the Charter will significantly improve some existing procedures in the city government structure and will, in the long run, provide a higher quality of service to the citizens of our city when accepted. We urge the adoption of the Charter.

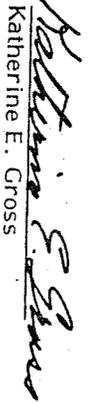
Respectfully submitted,

GLOUCESTER CHARTER COMMISSION

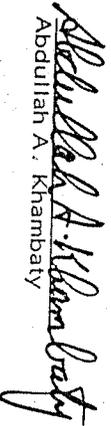

Joseph Salah, Chairman

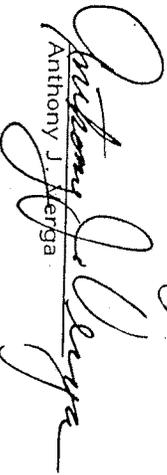

David R. Ellis

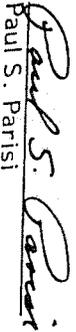

Leonard R. Putonen

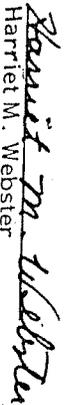

Katherine E. Cross


Donald J. Ross


Abdullah A. Khambaty


Anthony J. Jerga


Paul S. Parisi


Harriet M. Webster

ARTICLE 1

INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY

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.

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.

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 3
EXECUTIVE BRANCH

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

(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 and 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.

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.

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 fitted by education, training or experience to perform the duties of the office and to assume the responsibilities which will devolve upon him/her, and that I make this appointment solely in the interest of the City of Gloucester.

(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, 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

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.

on from City Solicitor re: Fees for John Sutherland (continued).

Councillor Moynahan said that the Council could make it very clear that this would not precede but that should such incidents occur in the future, the Council should advise the parties as to whether or not they should engage an attorney.

Councillor Mac S. Bell suggested that the Council and Mr. Sutherland compromise and split the bill in half and that perhaps the Mayor would be more agreeable to such an approach.

Councillor Whynott stated he would not support any action to reimburse Mr. Sutherland for his expenses as he felt it would set a precedent. Councillor John Bell pointed out that those who serve the community in unpaid positions on Boards and Commissions are the least compensated. He further pointed out that city employees have not only Civil Service but union representation and noted for example that the teachers have their Massachusetts Teachers' Association who provide legal assistance. He hoped that the Council would agree to somehow reimburse Mr. Sutherland and that the Ordinance & Administration Committee could

draft an ordinance which would protect members of the Boards & Commissions. Councillor McCormack moved to postpone action on Councillor Foote's motion until the first regular meeting in February, 1977, and that the Budget & Finance Committee review the matter and keep all avenues open to Mr. Sutherland and the City Council. Seconded by Councillor Mac S.

Lyon and McCormack voting "yes". Councillor Foote's motion was then defeated on roll call vote #4, Councillors Foote, Lyon, and Whynott voting "yes". Councillor Moynahan moved that the City Council record itself in favor of either partial or full payment of Mr. Sutherland's legal expenses considering the extenuating circumstances and that the question of the mode of payment be referred to the committee on Budget & Finance for a report and recommendation to the full council. Seconded by Councillor Greenbaum and adopted on roll call vote #5, with Councillors Foote and Whynott voting "no".

Compensation to Mayor

Councillor Moynahan moved that the Mayor's salary for 1978 be \$28,000.00 Seconded by Councillor Foote for discussion. Motion defeated, Councillor Moynahan voting "yes".

Councillor Whynott moved that the Mayor's salary for 1978-79 be set at \$20,000.00 and set at \$22,000.00 for 1980-81. Seconded by Councillor Lyon and defeated on roll call vote #6, with Councillor Lyon and Whynott voting "yes".

Councillor John Bell moved that the Mayor's salary for 1978 remain at \$19,500.00. Seconded by Councillor Whynott and defeated on roll call vote #7, with Councillors John Bell, Foote and Whynott voting "yes".

Matter of setting Compensation for position of Mayor (continued)

Councillor Lyon moved that the salary for the Mayor for 1978 be \$21,000.00 and for 1979 be \$22,500.00. Seconded by Councillor Foote for discussion and defeated on roll call vote #8, with Councillors Mac Bell, Khambaty, Lyon voting "yes".

It was agreed at this point that consideration of the salary for 1980-81 term would be postponed to the term of the 1978-79 Council and that that Council would be mandated to review the Mayor's salary as this Council was by Charter.

Councillor McCormack moved that the salary for 1978-79 be \$22,500.00. Seconded by Councillor Greenbaum and adopted on roll call vote #9, Councillor John Bell, Foote, Moynahan and Whynott voting "no". The Clerk pointed out that to ordain the salary ordinance the Council will need six votes (2/3's). In view of that, Councillor McCormack moved to reconsider. Seconded by Councillor Moynahan and adopted on roll call vote #10, with Councillor Foote and Khambaty voting "no", and Councillor Mac S. Bell voting "present".

Councillor McCormack moved that salary for 1978 be set at \$23,000.00 and set at \$24,000.00 for 1979. Seconded by Councillor Greenbaum and defeated on roll call vote #11, with Councillors Greenbaum, McCormack and Moynahan voting "yes", Councillor Mac S. Bell voting "present".

Councillor Khambaty moved that the salary for 1978-79 be set at \$22,000.00. Seconded by Councillor Foote for discussion and defeated on roll call vote #12, Councillors John Bell, Mac S. Bell, Foote and Whynott voting "no".

Councillor Moynahan moved to reconsider. Seconded by Councillor McCormack and adopted unani-
mously.

Councillor Khambaty moved that the salary for 1978-79 be set at \$22,000.00. Seconded by Councillor Foote for discussion and defeated on roll call vote #13, Councillors John Bell, Foote, Moynahan and Whynott voting "no".

Councillor Whynott moved that the salary for 1978-79 be set at \$20,500.00. Seconded by Councillor Lyon and defeated on roll call vote #14, with Councillors John P. Bell, Foote, Greenbaum, Khambaty, McCormack and Moynahan voting "no".

Councillor McCormack moved that the salary for 1978 be set at \$22,500.00 and at \$23,500.00 for 1979. Seconded by Councillor Greenbaum and defeated on roll call vote #15, Councillors Mac S. Bell, Greenbaum, and McCormack voting "yes".

Councillor Foote moved to postpone action until the first meeting of June, 1977. Seconded by Councillor John Bell and defeated on roll call vote #16, Councillors John Bell, Foote and Greenbaum voting "yes".

Councillor Khambaty moved to set the salary for 1978-79 at \$22,500.00. Seconded by Councillor Greenbaum and adopted on roll call vote #17, Councillor John Bell, Foote, Moynahan and Whynott voting "no".

Seconded by Councillor Moynahan and adopted.

COMMITTEE REPORTS - B & F MEETING OF 3/10/82 (Continued)

could always be readjusted. Councillor O'Connor said she doubted once the salary scale was set that the future city councils would take the initiative to change it.

Councillor Khambaty noted that it was well known last year that the city council favored raising the Mayor's salary in line with cost of living and the going wage scale; however, the Mayor announced that even if the ordinance was adjusted he would freeze the Mayor's salary increase because of the city's financial limits due to Prop. 2 1/2.

FY83 BUDGET OF CITY - CITY AUDITOR - CITY COUNCIL:

Chairman of B & F Robert Wynnott noted for the record that the committee is still reviewing the above budget which they hope to finalize at their next meeting--3/24/82. He also noted that the scheduled meeting for 3/17 has been cancelled.

MATTER OF REVIEWING THE REFERENDUM VOTE OF LAST NOVEMBER 1981:

The Council agreed to request the City Solicitor for an opinion to see if the city council had the authority to do more than note for information the following referendum vote:

Referendum Question #2 (11/3/81 election) Non-Binding:

"Shall the Mayor and the City Council give to the School Department each year a share of

(3) Add the following new section:

19-15 - Free Permits relative to Shellfish, Seaworms and Fels

Residents 70 years of age and over shall be granted free permits.

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CLOSING OF "BACK CREEK" SHELLFISH AREA: Voted to advertise for public hearing. The

Shellfish Advisory Commission also voted to request the City Council to close the Clam Flat known as "Back Creek" forthwith for an indefinite period.

(City Clerk requested to provide map showing area of Back Creek for public hearing.)

Budget & Finance Committee Meeting of 3/10/82:

Voted to advertise for public hearing the following proposed ordinance regulating the Salary of

the Mayor: It was voted 8-1 (with Councillor O'Connor opposed) to ADVERTISE FOR PUBLIC

HEARING AN ORDINANCE AMENDING THE SALARY SCALE OF THE MAYOR OF THE CITY OF

GLOUCESTER AS FOLLOWS:

AS OF:

January 1, 1984	\$32,500.00 per annum
January 1, 1985	\$35,000.00 per annum
January 1, 1986	\$37,500.00 per annum
January 1, 1987	\$40,000.00 per annum

Although Councillor O'Connor stated that she was philosophically in agreement with the concept

that the Mayor's salary should be raised, but could not support such a long projection into the future.

Some of the councillors felt that the ordinance (if not reflective to the economy later down the line)

next page

*April 13, 1982: Bonetti, Carney, you
Hynes, Parker, you
O'Connor, Felt
approved*

*log of what happened
above*