



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

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, April 30, 2012 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
AGENDA

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

1. Continued Business:

- A) CC2012-019 (LeBlanc) Amend GCO Chapter 22, Sec. 274.1 Two Hour Parking “Same-At all Times” and Sec. 22-287 “Disabled veteran, handicapped parking re: Washington Street #133 (Cont’d from 04/02/12)
- B) CC2012-013 (McGeary) Amend GCO Sec. 22-159 “Parking prohibited between certain hours and on certain days” re: Davis Street Extension (Cont’d from 03/19/12) **TBC 05/14/12**
- C) CC2012-007 (Tobey/Verga) Establishment of ordinance for process to review and accept proposed donations to or installations of public art in the City of Gloucester (Cont’d from 04/02/12)
- D) CC2012-020 (Hardy) Election of City Clerk pursuant to the City of Gloucester City of Gloucester City Charter Sec. 2-7(a) (Cont’d from 04/02/12)

2. New Appointments:

Cable TV Advisory Committee	TTE 02/14/2015	Geoffrey Bradford
Tourism Commission	TTE 02/14/2013	Wendie Woodman DeMuth

- 3. Memorandum from Building Inspector re: additional handicap parking spaces on Dale Avenue relating to The City Hall Phase II Building Project**
- 4. CC2012-021 (Theken) Amend GCO Chapter 2, Art. V, Div. 1 by adding new section 2-401 re: City Residency for all appointed persons to all boards, commissions and committees**
- 5. CC2012-022 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits**
- 6. Memorandum from City Auditor re: Auditor’s Office Reorganization Request**
- 7. Memorandum from Planning Director re: new FEMA FIRM maps and a proposed amendment to Sec. 12-27 Of the Code of Ordinances**

COMMITTEE

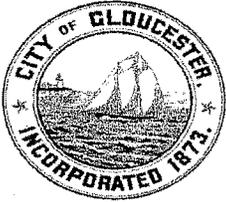
Councilor Sefatia Theken, Chair
Councilor Robert Whynott, Vice Chair
Councilor Steve LeBlanc, Jr.

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
Robert Ryan
Greg Bach
Bill Sanborn
Kenny Costa
Gregg Cademartori

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 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-019
COUNCILLORS: Steve LeBlanc

DATE RECEIVED BY COUNCIL: 03/27/12
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, entitled “Traffic and Motor vehicles” Section 22-274.1 Two- hour- parking “Same-At all Times” **be amended** by

DELETING: Azorean lot, after the current entrance, and beginning ten feet from pole #27-1, in a southerly direction, on the easterly side, for a distance of 85 feet (approximately four spaces); and by

ADDING: Azorean lot, after the current entrance, and beginning ten feet from pole #27-1, in a southerly direction, on the easterly side, for a distance of 65 feet (approximately three spaces); and further

ORDERED that the Gloucester Code of Ordinances Sec. 22-287 “Disabled veteran, handicapped parking” **be amended** by

ADDING: 133 Washington Street (in front of the Azorean Restaurant), one space easterly side, beginning at a point 65 feet in a southerly direction from pole #27-1 for a distance of 20 feet; and further

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

Steve LeBlanc
Councillor – Ward 3

CITY OF GLOUCESTER
TRAFFIC COMMISSION

CITY CLERK
GLOUCESTER, MA

12 APR 17 AM 8:50

A meeting was held on Wednesday April 11, 2012 at 6:00 p.m.
in the third floor conference room at Gloucester City Hall.

The meeting was opened at 6:00 p.m. by Chairman Robert B. Ryan. Also attending were members Larry Ingersoll, Anthony Bertolino and Michael Mulcahey. Also present were City Councilors Paul McGeary and Steven LeBlanc and Attorney Robert Coakley.

Agenda

Order #CC2012-019 (Councilor LeBlanc) Ordered that the GCO Chapter 22 (Traffic & MV's) Section 22-274 (Two Hour Parking) be amended by:

DELETING: Azorean lot, after the current entrance, and beginning ten feet from pole #27-1, in a southerly direction, on the easterly side, for a distance of 85 feet (approximately 4 spaces); and by

ADDING: Azorean lot, after the current entrance, and beginning ten feet from pole #27-1, in a southerly direction, on the easterly side, for a distance of 65 feet (approximately 3 spaces); and further;

Ordered that the GCPO sec. 22-287 (Handicapped Parking) be amended by:

ADDING: 133 Washington Street (in front of the Azorean Restaurant) one space on the easterly side, beginning at a point 65 feet in a southerly direction from pole #27-1, for a distance of 20 feet (one space)

After a discussion and viewing site plans provided by Atty. Coakley, a MOTION was MADE, SECONDED and PASSED to APPROVE the Order as requested. The TC mentioned concerns of the space being tied up all day by someone using the commuter rail (the reason why the 2 hour zone was established). A question was brought up if a handicapped space can have a time limit (2 hours) attached to it to prevent this. The City Solicitor will be contacted to see if this is allowable. The location of the space also may have to be adjusted following the proposed Washington Street improvements and the final plan of the new Azorean parking area.

We have also been asked by the O&A Committee to discuss possible other changes to the Davis Street extension issue with traffic from the East Gloucester School.

The TC was concerned that the original order was not approved as it pertained to the safe passage of school buses entering the circle in the afternoons. (In the morning the buses drop off while on Chapel Street). After discussing this matter with the Councilors present, a suggestion was made that a 'sandwich board' type sign be placed at the end of Davis Street Extension that states: 'Staff, Buses and Residents Only'. It is hard to correct 'flow' on a dead end street. Whatever is decided on, there is a question of who would be there to enforce the restrictions. Everyone concerned (Council, TC, School, PTO, Residents and Police) needs to meet before a final plan can be devised, and a meeting in the future is being planned.

The meeting was adjourned at 6:43 p.m.

ROBERT B. RYAN, Chairman LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-013
COUNCILLORS: Paul McGeary

DATE RECEIVED BY COUNCIL: 02/28/12
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

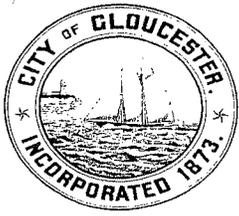
ORDERED that the Gloucester Code of Ordinances Chapter 22, entitled "Traffic and Motor Vehicles" Section 22-159, (Parking prohibited Between certain hours and on certain days) be amended as **adding** a new subsection (3) as follows:

(3) Davis Street Extension beginning at the northwest corner of 3 Davis Street Extension and continuing southeasterly on the southerly side for a distance of 75 feet. Between the hours of 8 a.m. and 9 a.m. and 2 p.m. and 3 p.m. on school days. And further

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

Respectfully submitted,

Paul McGeary
Ward 1 Councilor



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER: #CC2012-007
COUNCILLORS: Bruce Tobey and Greg Verga

DATE RECEIVED BY COUNCIL: 02/14/12
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration Committee, working collaboratively with the Committee on the Arts, prepare for council vote an ordinance setting forth a process whereby proposed donations to or installations of public art in the City will be reviewed and accepted.

Bruce Tobey
Councillor At Large

Greg Verga
Ward 5 Councillor



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER: #CC2012-020
COUNCILLORS: Jackie Hardy

DATE RECEIVED BY COUNCIL: 03/27/12
REFERRED TO: O&A & B&F
FOR COUNCIL VOTE:

ORDERED that pursuant to the City of Gloucester City Charter section 2-7(a) concerning the election of the City Clerk, the Council shall elect the City Clerk for the term of April 2012 to April 2014; and further

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

ORDERED that pursuant to the City of Gloucester City Charter section 2-7(a) concerning the election of the City Auditor, the Council shall elect the City Auditor for the term of April 2012 to April 2014; and further

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

Jackie Hardy
Councillor – Ward 4

Fwd: Cable Advisory Committee positions

CABLE TV ADVISORY COMMITTEE

Tue, Mar 20, 2012 11:51 AM

From : Carolyn Kirk <ckirk@gloucester-ma.gov>
Subject : Fwd Cable Advisory Committee positions
To : Christine Pantano <cpantano@gloucester-ma.gov>

Regards,
Carolyn Kirk
Mayor

----- Forwarded Message -----
From: "Geoff Bradford" <geoff@whitedonkey.com>
To: ckirk@gloucester-ma.gov
Sent: Tuesday, March 20, 2012 11:47:08 AM
Subject: Cable Advisory Committee positions

Hi Mayor Kirk,

I am writing as a concerned citizen for information on joining the cable advisory committee. I feel like the citizens of Gloucester are not getting a good deal compared to other communities and would like to do my part to rectify the situation. A good friend of mine who grew up in Gloucester and his wife work in access television in communities that have cable competition and excellent access programs. Gloucester is much larger than these locations yet we are under served and over charged compared to other communities.

If an opening arises I would like to be considered for it.

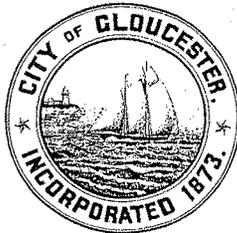
I live on Mt. Pleasant Ave and have been a resident of Gloucester for 31 years.

Thanks for your time,

---geoff. bradford.

This message and its contents are confidential and are intended for the use of the addressee only, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, this serves as notice that any unauthorized distribution, duplication, printing, or any other use is strictly prohibited. If you feel you have received this email in error, please delete the message and notify the sender so that we may prevent future occurrences.

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

April 13, 2012

Mr. Geoffrey Bradford
123 Mount Pleasant Avenue
Gloucester, MA 01930

Dear Mr. Bradford:

I am pleased to appoint you to a three year term on the **Cable TV Advisory Committee**. Your appointment will be sent to the City Council for their meeting of April 24, 2012. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to attend and vote at meetings, should any be convened, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card (copy enclosed) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Enclosure
CAK/c

EFFECTIVE APRIL 13, 2012

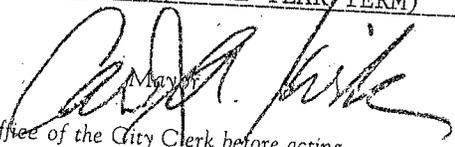
The City of Gloucester, Massachusetts

Dear Geoffrey Bradford, 123 Mt. Pleasant Avenue, Gloucester

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

This is a 90 day temporary appointment. After City Council
approval, term to expire 2/14/2015. (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: _____

For Tomson Commission

WENDIE WOODMAN DEMUTH

8 Rocky Neck Ave. | Gloucester, MA 01930 | 617.803.4149 | wendiedemuth@gmail.com

PUBLIC RELATIONS & INTEGRATED MARKETING COMMUNICATIONS SPECIALIST

Results-producing agency executive with strong record of developing and leading integrated marketing communications programs for both private and public sector organizations. Specific expertise designing multifaceted, multidisciplinary programs that deliver measurable results against larger strategic business goals.

- Strategic Market Planning & Implementation
- Brand Positioning & Management
- Unique & Relevant Academic Credentials
- New Business Acquisition, Growth, Retention
- Market Research & Analysis
- Cause Marketing Experience

PROFESSIONAL EXPERIENCE

www.wendiedemuthphotos.com VISUAL COMMUNICATIONS CONSULTANT 2008-Present
Gloucester, MA

Leveraging skills in digital photography, media relationships, and creative problem solving to deliver strategic counsel and programming designed to expand and improve media coverage, market exposure, and public awareness via emphasis on visual identification, targeted media outreach and audience assessment using traditional PR tools/tactics and new digital and social media.

Clients include brands/causes/individuals involved in: book and online publishing; landscape architecture; horticulture; photography; broadcast programming; social media; philanthropy; fundraising; international travel; politics; outdoor gear and activities; athletic training; life coaching; screenwriting; social advocacy; academics and research; retail sales (client list available upon request)

MULLEN VICE PRESIDENT, SENIOR COMMUNICATIONS STRATEGIST 1998 – 2007
Wenham, MA

Co-managed Consumer Marketing Group that accounted for majority of PR Division's annual revenue. Fulfilled leadership role in integrated communications strategy development, implementation, new product launches, cause-marketing/CSR and sponsorship/partnership program development and support, media and analyst relations, spokesperson media training, special event and trade show press management, speaking tours, sales meeting presentations, and consumer promotions.

Clients included: **Olympus, Swiss Army, Crabtree & Evelyn, Woolrich, ECCO, StrideRite, Match.com, Eddie Bauer, Marshalls, State of Massachusetts.**

Key Contributions:

- ✓ Spearheaded new business pitches that earned more than **\$12 million in billings** from 2004-2007.
- ✓ For **Olympus**, led PR efforts for five years that contributed to a 30% increase in consumer digital sales (without advertising support) and resulted in three billion media impressions which equated to \$30 million worth of paid media.
 - ✓ An event in Central Park paired more than 50 reporters and editors with pros for "digital safaris," producing coverage in more than 30 media outlets including *Travel + Leisure, Forbes, Real Simple, Time, The New York Times, Us Weekly, InStyle*, and *USA Today*, with total audience delivery exceeding 100 million.

- ✓ Another program to strengthen the **Olympus** brand culminated in publication of *A Day in the Life of Africa* (all proceeds donated to AIDS relief in Africa) and the first-ever all-digital visual time capsule, *America 24-7*, where select images were super enlarged and displayed to surround New York City's Bryant Park for two weeks. Achieved 300 million impressions.
- ✓ Leveraged **Olympus** title sponsorship of 7th on 6th **Fashion Week** to reposition brand as digital technology leader and raise consumer awareness for importance of colon cancer screening. Forged partnership with Katie Couric and EIF's Colorectal Cancer Research Alliance; enlisted Heidi Klum and Dennis Quaid as cause advocates. Coverage included: *NBC's Today Show*, *Entertainment Tonight*, *CNN*, *Associated Press*, *The New York Times*.
- ✓ For **Swiss Army**, played pivotal role in the conception and implementation of a five-year product publicity campaign. Generated more than two billion media impressions; company's operating income quadrupled. A six-month, 40-city-multi-media mobile marketing tour targeting retailers and consumers generated more than 30 million media impressions and included cause marketing and co-promotions with *National Geographic* and *Outward Bound*.
- ✓ For **Eddie Bauer**, launched an integrated campaign to revitalize the brand (included advertising, PR, and cause marketing) that capitalized on its outdoor heritage, which produced more than 450 million media impressions. Secured sponsorship of 2002 bicentennial celebration of Lewis & Clark expedition with ten-market special event program featuring Charles Osgood as brand ambassador.

EDAW NEW BUSINESS MARKETING COORDINATOR 1988-1992
Atlanta, GA

For this internationally renowned landscape architecture firm, produced graphic and written marketing materials, presentation templates, and conducted market research.

Key Contributions:

- ✓ Designed new system to enable company to respond to RFPs efficiently and effectively. Drafted summaries of and catalogued more than 50 completed projects and assembled visual supports for each. Created case study template and cross-referencing application.
- ✓ Managed messaging strategy, created inventory of key documents (press releases, talking points, Q&As, etc.) for senior management and spokespeople.

BURSON MARSTELLAR PUBLIC RELATIONS ACCOUNT EXECUTIVE 1982-1986
Washington, DC

Developed and implemented communications strategies for Fortune 500 clients to reach key Washington, DC constituencies effectively. Among others, clients included: **A.H. Robins** (Dalkon Shield I.U.D.), **American Fiber, Textile and Apparel Manufacturers Association, Johnson & Johnson**.

Key Contributions:

- ✓ Sole management responsibility for the **International Association of Ice Cream Manufacturers** awareness program to increase visibility among Members of Congress for key nutrition, international trade and regulatory issues facing the industry. Conceived and executed "ice cream social" on Capital Hill. More than 100 elected officials and over 30 regional and national news media attended and/or covered. **Recipient of Silver Anvil Award in Special Events Category, PRSA, 1984.**
- ✓ For **Johnson & Johnson** (McNeil Labs), contributed to crisis communication efforts in response to Tylenol poisoning. Drafted press materials, conducted industry research, participated in media training with Jim Burke, Tylenol's CEO credited for the brand's post-crisis market share increase.

ACADEMIC CREDENTIALS

Harvard University • Bachelor of Arts, Cum Laude • Visual and Environmental Studies concentration

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

April 13, 2012

Ms. Wendie Woodman DeMuth
8 Rocky Neck Avenue
Gloucester, MA 01930

Dear Ms. DeMuth:

I am pleased to appoint you to a one year term on the **Tourism Commission**. Your appointment will be sent to the City Council for their meeting of April 24, 2012. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

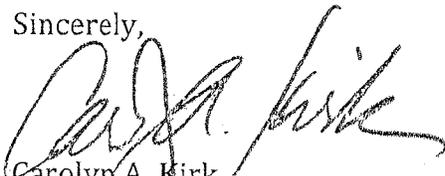
In order for you to attend and vote at meetings, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,



Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Peter Jenner, Chair-Tourism Commission

Enclosure
CAK/c

EFFECTIVE APRIL 13, 2012

The City of Gloucester, Massachusetts

Dear Wendie Woodman DeMuth, 8 Rocky Neck Avenue, Gloucester

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

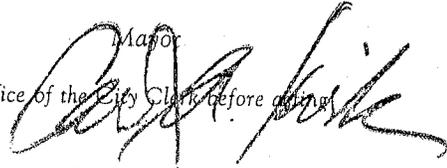
to the TOURISM COMMISSION _____ of the City of
Gloucester, Massachusetts _____

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

Filling unexpired term of Alise de Gaspé Beaubien.

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: _____

(Ord. No. 16-1993, § I, 12-14-93)

Secs. 2-460--2-470. Reserved.

DIVISION 6A. TOURISM COMMISSION*

***Editor's note**--Inasmuch as Ord. No. 21-1991, adopted June 18, 1991, did not specify manner of codification, inclusion herein as Division 6A, §§ 2-471--2-476, was at the editor's discretion.

Sec. 2-471. Purpose.

In recognition of the continuing need for tourism in the City of Gloucester as a means to encourage economic revitalization and the promotion of history, culture and recreation, a tourism commission is hereby recreated and reestablished.

It shall be the purpose of the tourism commission to encourage and promote tourism throughout the year and throughout the city. The commission shall undertake but not be limited to the following activities:

- (1) Recommend an overall coordinated tourism program that is related to the city's community and economic development activities, historical resources, recreational opportunities and natural and scenic attractions.
- (2) Recommend the organization, creation and maintenance of tourist attractions.
- (3) Recommend and implement an advertising program for the city.
- (4) Coordinate public and private efforts.

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

Sec. 2-472. Tenure; composition.

The tourism commission shall consist of seven (7) members, all of whom shall be appointed by the mayor of the city for the terms listed below, and shall be confirmed by the Gloucester City Council.

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

(Ord. No. 21-1991, 6-18-91; Ord. No. 18-1996, § J, 6-25-96)

Sec. 2-473. Requirements.

- (a) *Residency requirements.* All members shall be residents of the City of Gloucester.
- (b) *Membership requirement.* One (1) member of the commission shall be a member of the Cape Ann Chamber of Commerce.

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

Sec. 2-474. Vacancies.

In case of resignation, death or disqualification of any member of the commission, or for the

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

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

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

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

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

Sec. 2-476. Semi-annual reports.

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

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

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

DIVISION 7. DOWNTOWN DEVELOPMENT COMMISSION*

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

Sec. 2-491. Purpose.

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

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

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

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

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

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

3 Pond Road
Gloucester, MA 01930

Ph# 978-281-9774

Fax# 978-282-3036

**CITY OF
GLOUCESTER**

Memo

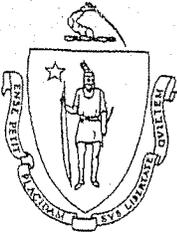
To: Jim Duggan, Chief Admin. Officer
From: Bill Sanborn, Inspector of Buildings
Date: April 3, 2012
Re: **Additional handicap parking on Dale Avenue**

Jim:

As you are aware, recently the City Hall Phase II Building Project was granted a number of variances from the Massachusetts Architectural Access Board. One of the conditions is to install two additional handicap parking spaces on Dale Avenue in front of City Hall. These spaces are to be designated for "City Hall Use Only".

In order to comply with this condition, it is my understanding that these handicap spaces require the approval of the City Council. I have attached a site plan showing the location of the designated parking spaces and included a copy of the Architectural Access Board's variance.

I respectfully request that you forward this memo to the City Council so that the council may take the appropriate action on this request.



The Commonwealth of Massachusetts

Department of Public Safety

*Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618*

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Variance Number: 11 225

FROM: ARCHITECTURAL ACCESS BOARD

RE: Gloucester City Hall
9 Dale Avenue
Gloucester

Date: 12/1/2011

Enclosed please find the following material regarding the above location:

Application for Variance

Decision of the Board

Notice of Hearing

Correspondence

Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

NOTICE OF ACTION

DOCKET #: 11 - 225

RE: Gloucester City Hall, 9 Dale Avenue

Gloucester

1. A request for a variance was filed with the Board by Wendall C. Kalsow, AIA (Applicant) on November 9, 2011. The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

<u>Section:</u>	<u>Description:</u>
3.3.2	Petitioner seeks time variances for implementation of the work to be in compliance with 521 CMR
25.1	Entrances
27.4	Inner handrails
28.7	Elevator cab size

2. The application was heard by the Board as an incoming case on Monday, November 28, 2011

3. After reviewing all materials submitted to the Board, the Board voted as follows:

The Board voted to schedule a hearing on your variance requests. Your hearing notice is enclosed.

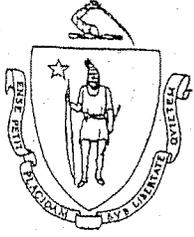
PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: December 1, 2011

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Donald Lang T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD



The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

VARIANCE HEARING

RE: Gloucester City Hall, 9 Dale Avenue, Gloucester

You are hereby notified that an informal adjudicatory hearing before the Architectural Access Board has been scheduled for you to appear on Monday, January 9, 2012 at 3:00 P.M. at One Ashburton Place, 21st Floor, Boston, MA 02108.

This hearing is upon an application for variance filed by: Wendall C. Kelsow, AIA for modification of or substitution of the following Rules and Regulations: See application
A copy of the request is available for public inspection during regular business hours.

You should be aware that the burden of proof is upon the applicant requesting a variance to prove that compliance is either: 1. technologically infeasible or; 2. the cost of compliance is excessive without substantial benefit to a person with a disability.

This hearing will be conducted in accordance with the procedures set forth in M.G.L., c. 30A, and 801 CMR 1.02, the Informal/Fair Hearings Rules. At the hearing, each party may be represented by counsel, may present evidence and may cross examine opposing witnesses.

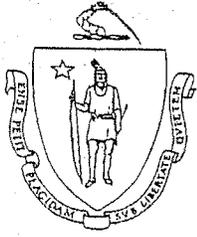
Also, please note that all attendees will be asked to turn off all cell phones and pagers while the Board is in session.

ARCHITECTURAL ACCESS BOARD

Date: December 1, 2011


Chairperson

cc: Local Building Inspector
Independent Living Center
Local Disability Commission



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Commissioner

Thomas P. Hopkins
Director

February 15, 2012

Wendall C. Kalsow, AIA
McGinley Kalsow & Associates
324 Broadway
Somerville, MA 02145

Re: Notice of Action of the Board; Gloucester City Hall, 9 Dale Avenue, Gloucester, MA;
Docket Number V11-225

Dear Mr. Kalsow,

On February 1, 2012, the Architectural Access Board ("Board") received your submittal regarding the above referenced property. The submittal included the further review of the building and the applicability of 521 CMR, per the requirements of the Board's decision from the January 9, 2012 hearing regarding this matter, which stated the following:

- *CONTINUE* the matter regarding the automatic door openers to alleviate the lack of compliant maneuvering clearances and door opening force (521 CMR 26.6 and 26.8) to have the petitioners submit details on the specific doors that will be equipped with automatic openers, and the amount of maneuvering clearances provided; with said submittals to be submitted no later than *February 1, 2012*.
- *CONTINUE* the matter regarding the transaction counter height (521 CMR 7.2) to allow until *February 1, 2012* for the Petitioners to submit the specific dimensions and costs for compliance, as well as a policy for the accommodations to be made available for those unable to access the inaccessible transaction counters in the interim of a compliant solution being provided.
- *CONTINUE* the discussion regarding the lack of fully compliant public toilet rooms at the ground floor level (521 CMR 30.1) to have the Petitioners submit specifics (i.e. sections of 521 CMR and plans) regarding the required modifications needed to bring the ground floor public toilet rooms into full compliance; with said documentation to be submitted no later than *February 1, 2012*.

Your January 31, 2012 submittal included updated floor plans (AAB1-AAB4) that indicate the proposed locations for the addition of automatic door operators, where the doors do not provide the required maneuvering clearances. The submittal noted that the proposed automatic door operators would be installed by the end of 2014; and that in interim, some of the doors in question are held open during regular business hours. The submittal also noted that the remaining inaccessible transaction counter is located at the first floor Collector's Office, which is proposed to be modified to a compliant height by the end of 2014. In the interim, the City has proposed a temporary accommodation for transactions at a 30- inch high work table that exists in the main lobby near the Treasurer/Collector's Office. The Petitioners are also seeking time to modify the existing ground floor toilet rooms to bring them into compliance by the end of 2016, as shown in the submitted plans (SK-E and SK-1). The Board reviewed this submittal during an administrative review at their regularly scheduled February 6, 2012 meeting and voted as follows:

- *ACCEPT* the time variance to allow until *December 31, 2014* for the proposed automatic door openers to be installed, as shown in the submitted McGinley Kalsow & Associates, Inc. Plans AAB1-AAB4 (dated January 27, 2012); on the condition that in the interim, and as proposed in the submitted plans, hold-opens are in place at certain doors during office hours.
- *ACCEPT* the plan for the modified toilet rooms as shown in the McGinley Kalsow & Associates, Inc. Plan SK-1(dated January 27, 2012), of the submitted document, on the condition that they comply by *December 31, 2014*; and that in the interim, signage is posted directing those who need them to the existing accessible toilet rooms at the second floor.
- *ACCEPT* the the proposed solution and date for compliance of *December 13, 2013* for the transaction counter at the first floor Collector's Office; on the condition that as proposed in the submitted documentation, temporary accommodations via a compliant work table be provided in the main lobby area (rotunda) at the first floor, as noted in the McGinley Kalsow & Associates, Inc. Plan AAB2 (dated January 27, 2012).

ARCHITECTURAL ACCESS BOARD

By:



Donald Lang, Chairman

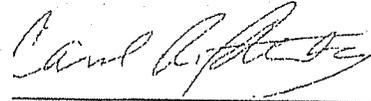
Diane McLeod, Vice Chair (not present)



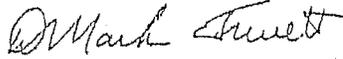
Andrew Bedar, Member

Myra Berloff, Director of Massachusetts
Office on Disability (not present)

Gerald LeBlanc, Member (not present)



Carol Steinberg, Member



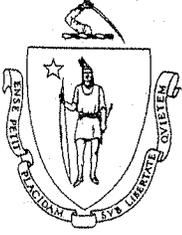
D. Mark Trivett, Member



Walter White, Executive Office of Public
Safety Designee

A complete administrative record is on file at the office of the Architectural Access Board.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center



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Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

DECISION OF THE ARCHITECTURAL ACCESS BOARD

Date: **January 24, 2012**

Name of Property: **Gloucester City Hall**

Property Address: **9 Dale Avenue, Gloucester, MA**

Docket Number: **V11-225**

Date of Hearing: **January 9, 2012**

Enclosed please find a copy of the decision relative to the above mentioned matter.

Sincerely:

ARCHITECTURAL ACCESS BOARD

By:

Kate Sutton

Kate Sutton, Program Coordinator/Clerk for Proceedings

cc: Local Building Inspector
Local Commission on Disabilities
Local Independent Living Center

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

ARCHITECTURAL ACCESS BOARD
Docket No. V11-225

In re)
)
Gloucester City Hall)
9 Dale Avenue)
Gloucester, MA)
_____)

BOARD DECISION

Introduction

This matter originally came before the Architectural Access Board (“Board”) as a variance request received by the Board on November 9, 2011, pursuant to 521 CMR 4.00, and submitted by Wendall Kalsow of McGinley Kalsow & Associates, on behalf of the City of Gloucester (“Petitioner”). The Petitioner requested that the Board grant variances to the following sections of 521 CMR, with some sections incorporated based on the “Gloucester City Hall Accessibility Outline”:

- 7.2.2 - lack of compliant height at existing transaction counter(s)
- 14.5 - lack of assisted listening system
- 14.6 - lack of access to the stage from within the venue
- 25.1 - lack of access at all entrances
- 26.6 - lack of compliant maneuvering clearances at existing doors
- 26.8 - lack of compliant door opening force at existing doors
- 26.10 - lack of compliant thresholds at doors and doorways
- 27.4.1 - lack of compliant interior handrails at the existing historic stairs
- 27.4.3 - lack of compliant handrail extensions
- 27.4.4 - lack of compliant handrail size
- 27.4.5 - lack of compliant handrail shape
- 28.4 - lack of elevator hall lanterns
- 28.7 - lack of compliant elevator cab dimensions
- 28.8 - lack of compliant elevator car controls
- 30.1 - lack of accessible toilet rooms at all but the second floor
- 36.1 - lack of compliant drinking fountains
- 40.3 - lack of visual alarms in existing bathrooms
- 41.1 - lack of compliant signage

The Board noted that although a variance to 521 CMR 3.3.2, was requested, variances cannot be granted for jurisdiction.

Margaret Rosa, City Hall Restoration Chair; and Wendall Kalsow and Douglas Manley of McGinley Kalsow & Associates, Inc. all appeared on behalf of the Petitioner, the City of Gloucester ("City"). All were sworn in by the Chairman.

Applicable Laws

The Board established jurisdiction pursuant to 521 CMR 3.3.2, which states that, "[i]f the work performed, including the exempted work, amounts to 30% or more of the *full and fair cash value* (see **521 CMR 5.00**) of the *building* the entire *building* is required to comply with 521 CMR."

521 CMR 7.2.2 states that, "...[t]icketing counters, teller stations in a bank, registration counters in hotels and motels, box office ticket counters, and other counters that may not have a cash register but at which goods or services are sold or distributed, shall comply with the following. See **Fig. 7a and 7b**...a. Location: The counter shall be on an accessible route complying with **521 CMR 20.00: ACCESSIBLE ROUTE**...b. Length: The *accessible* portion of the counter or an auxiliary counter shall be at least 36 inches (36" = 914mm) in length...c. Height: The counter shall not exceed 36 inches (36" = 914mm) above the finish floor."

Pursuant to the requirements of Section 14.5 of 521 CMR, "[i]n *spaces* such as concert and lecture halls, playhouses, movie theaters, and meeting rooms, *assembly areas* shall comply with the following:...14.5.1, An *assembly area* shall have a permanently installed assistive listening system if:...a. the *assembly area* accommodates at least 50 persons, or...b. if it has an audio-amplification system, and fixed seating...14.5.2, For other assembly areas, a permanently installed *assistive listening system*, or other supplementary wiring necessary to support a portable *assistive listening system* shall be provided. The minimum number of receivers to be provided shall be equal to 4% of the total number of seats, but not less than two receivers...14.5.3, Placement of Listening Systems: If the listening system serves individual fixed seats, then such seats shall be located within a 50 foot (50' = 15m) viewing distance of, and including the stage or playing area, and shall have a complete view of the stage or playing area...14.5.4, *Signage* shall be installed to notify patrons of the availability of a listening system and shall comply with **521 CMR 41.00: SIGNAGE**."

Based on 521 CMR 14.6, "[w]here access is provided to the stage from within the place of assembly, an *accessible route*, within the place of assembly, from the wheelchair seating locations, to the stage/performing area must be provided. See **Fig. 14b**. In addition, an *accessible route* that coincides with the route for performers must be provided to the backstage area."

Section 25.1 of 521 CMR states, "[a]ll public *entrance(s)* of a *building* or tenancy in a *building* shall be *accessible*. Public *entrances* are any *entrances* that are not solely service *entrances*, loading *entrances*, or *entrances* restricted to employee use only."

521 CMR 26.6 requires that, "[a] minimum *clear* floor area shall be provided on both sides of all doors and gates...Exception: Doors equipped with automatic opening devices are exempt from 521 CMR 26.6.3, 26.6.4 and 26.8."

Pursuant to the requirements of 521 CMR 26.8, "[t]he maximum force for pushing or pulling open a door shall be as follows: 26.8.1, Doors: These forces apply only to opening the door, not to the effort required to retract latch bolts or disengage other devices that may hold the door in a closed position...a. exterior hinged doors: 15 lbs...b. interior hinged doors: five lbs...c. sliding or folding doors: five lbs...Exception: Fire doors shall have the minimum opening force allowable by the appropriate *administrative authority*; 26.8.2, Compensating devices: Doors requiring greater force shall be equipped with compensating devices to reduce the operating force, or shall be equipped with automatic opening devices."

521 CMR 26.10 requires that, “[t]hresholds at doorways shall comply with the following (See Fig. 26h): 26.10.1, Thresholds shall not exceed ½ inch (½" = 13mm) in height and shall be beveled on both sides with a slope no greater than one-in-two (1:2) (50%); 26.10.2, Changes in floor finish materials shall have an edge strip or threshold that is beveled at a ratio of one-in-two (1:2) (50%); [and] 26.10.3, Exterior sliding door thresholds shall not exceed ¾ of an inch (¾" = 19mm) in height and shall be beveled both sides with a slope no greater than one-in-four (1:4) (25%).”

Based on the requirements of 521 CMR 27.4.1, “[s]tairways shall have continuous handrails at both sides of all stairs. The inside handrail on switchback or dogleg stairs shall always be continuous.”

Pursuant to the requirements of 521 CMR 27.4.3, “[w]here handrails terminate at the top and bottom of a stair run, they shall have extensions that comply with the following: a. At the top, extend at least 12 inches (12" = 305mm) beyond the top riser and parallel with the floor or ground surface. See Fig. 27d; b. At the bottom, extend at least 12 inches (12" = 305mm) plus the width of one tread beyond the bottom riser. The handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal. See Fig. 27d; c. Handrail extensions need not extend if it would cause a safety hazard or if *space* does not permit. Extensions shall comply with 521 CMR 20.6, Protruding Objects.”

521 CMR 27.4.4 states, “[h]andrails shall have a circular cross section with an outside diameter of 1 ¼ inches (32mm) minimum and two inches (51mm) maximum.”

Section 27.4.5 of 521 CMR requires that, “[t]he handgrip portion of the handrail shall be round or oval in cross-section. See Fig. 27e.

Section 28.4 of 521 CMR states that, “[a] visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Lanterns shall comply with the following: 28.4.1, Hall lantern fixtures...; 28.4.2, Audible signals...; 28.4.3, Visible signals....”

Under the requirements of 521 CMR 28.7, “[t]he elevator cab shall be a minimum of 54 inches by 68 inches (54" x 68" = 1372mm x 1727mm) measured wall-to-wall and wall-to-door, or may be 60 inches by 60 inches, (60" by 60" = 1524mm by 1524mm) wall-to-wall and wall to wall. The door can be located on any wall or walls...Exception: In existing buildings, where existing shaft configuration prohibits strict compliance with 521 CMR 28.7, the maximum car size allowable for the existing shaft shall be provided, but in no case shall the inside car area be smaller than 48 inches by 48 inches, wall-to-wall and wall-to-door.”

Pursuant to Section 28.8 of 521 CMR, “[e]levator control panels shall have the following features: 28.8.1, Location...; 28.8.2, Height...; 28.8.3, Buttons...; 28.8.4, Tactile, Braille, and Visual Control Indicators....”

521 CMR 30.1 requires that, “[e]ach public toilet room provided on a site or in a building shall comply with 521 CMR...a. In each adult public toilet room, at least one water closet and one sink in each location shall be accessible to persons in wheelchairs, or a separate accessible unisex toilet room shall be provided at each location. Adult water closets shall comply with the provisions of 521 CMR 30.1 through 30.13....”

Section 36.1 of 521 CMR states, “[d]rinking fountains shall include water coolers. Drinking fountains, when provided, shall comply with the following requirements...36.2, CLEARANCES...36.3, SPOUT LOCATION...36.4, SPOUT HEIGHT...36.5, CONTROLS....”

Based on the requirements of 521 CMR 40.3, “[a]t a minimum, visual signal appliances, if provided, shall be provided in *buildings* and *facilities* in each of the following areas: restrooms, meeting rooms, hallways, lobbies, classrooms, and any general usage areas open to the public.”

521 CMR 41.1 states that, “[t]he following types of *signage* shall be provided: 41.1.1, Signs that designate permanent rooms and *spaces* shall comply with **521 CMR 41.2, 41.5 and 41.6**. These include toilet room signs, room numbers, stair signs, etc...Exception: *Building* directories, menus, and all other signs that are temporary are not required to comply; 41.1.2, Other signs that provide direction to, or information about, functional *spaces* of the *building* shall comply with **521 CMR 41.3, 41.4, and 41.6**; 41.1.3, Elements and *spaces* of *accessible facilities* which shall be identified by the International Symbol of *Accessibility* (See **Fig. 41a**) and which shall comply with **521 CMR 41.7, Symbols of Accessibility** are: a. Parking *spaces* designated as reserved for individuals with disabilities; b. *Accessible* passenger loading zones; c. *Accessible entrances* when not all are *accessible* (inaccessible *entrances* shall have directional *signage* to indicate the route to the nearest *accessible entrance*); d. *Accessible* toilet and bathing facilities when not all are *accessible*; e. *Emergency egress* signs, which are required to be illuminated.”

Exhibits

- Exhibit 1: Board Packet, AAB1-24, including all correspondence and plans submitted.
- Exhibit 2: Gloucester City Hall Accessibility Outline, submitted by Petitioners.
- Exhibit 3: December 22, 2011 letter from William Sanborn, Inspector of Buildings for the City of Gloucester.

Facts

The Variance Hearing was held on January 9, 2012 and based on the credited testimony of the witness, and the documents submitted, the Board finds the following facts:

- 1) The current Gloucester City Hall has stood at its site on Dale Avenue since it was built in 1871, as a replacement for a former City Hall that burned in 1869. It was designed by the architects Gridley J.F. Bryant and Louis P. Rogers of Boston. Bryant was a notable and prolific architect; among his designs are Boston's Old City Hall, Charles Street Jail, and City Hospital. The building has been in continuous use as the center of city government, and features an auditorium that has been historically used as civic assembly space for Town Meetings and City Council meetings, as well as concerts, lectures, and entertainment events. The building is listed on both the State and National Register of Historic Places as an individual property and as part of the Central Gloucester Historic District. A preservation restriction agreement was entered into between Gloucester and the Massachusetts Historical Commission in 1985. (Exhibit 1).
- 2) In 2012, the City will begin a restoration of the building exterior that will address years of deferred maintenance and will include restoration to exterior wood elements, roofing repairs, window and masonry restoration. The cost of this work is estimated at \$2.2 million, which well exceeds the current assessed value of the building of \$1,789,900.00, and therefore would require full accessibility for the building per 521 CMR 3.3.2. (Exhibit 1 and Testimony of Kalsow).
- 3) There are a number of current barriers to accessibility that will be removed to bring the building into compliance with 521 CMR as part of the 2012 restoration project, but due to budget constraints the City is requesting that some items be addressed on a phased basis. There are other items for which the City requests variance to 521 CMR due to technical infeasibility or excessive cost issues. The City of Gloucester is committed to providing accessibility at City Hall, but does not have the

- available financial resources to address all of the renovations that would be required to conform to the regulations of 521 CMR concurrently with the proposed exterior restoration. The City would like to propose a phased approach to compliance over the four (4) years, immediately following the exterior renovation. The proposed approach is described in more detail in the attached "Gloucester City Hall Accessibility Outline" along with a letter from Mayor Carolyn A. Kirk supporting this approach. (Exhibit 1 and 2, and Testimony of Kalsow).
- 4) Currently the building has an accessible entry at the Dale Avenue side (west side of the building) at the lower level, which is part of an accessible route that features an elevator that provides access to all three occupied floors and to the auditorium's balcony. The present South Entry to the building (north side of the building) has steps that are required by the nearly 6 foot change in elevation from grade to the first floor. Kalsow noted that the ground floor is 6 inches higher than street level and the first floor is 11 feet above the street level. Access to either the first floor or lower level at the monumental stair at this entry is impractical to achieve, and the addition of a ramp or lift at this location would be detrimental to the historic integrity of City Hall and its site, and not be affordable for the City to construct. Several ramp designs were considered and estimated at between \$400,000.00 and \$500,000.00. Kalsow noted that the A2.1, ramp plan in Exhibit 1, was submitted to show what would be required to ramp to the existing portico entrance. The Petitioners noted that although there is an existing accessible parking spot on Dale Avenue and an existing bus stop 30-40 feet away, they are also proposing to create a drop-off space on Dale Avenue, as well as two public accessible parking spaces within the employee-only parking lot, since there is no public parking on the site. (Exhibit 1 and Testimony of Kalsow).
 - 5) An elevator was installed in City Hall in 1981 that provides access to all floors of the building, including the balcony of the auditorium. The inside clear dimensions of the cab measure 47 inches by 57 inches rather than the minimum requirement of 48 inches by 48 inches for elevators in existing buildings, per 521 CMR 28.7. The existing shaft size would prevent increasing the car size. Kalsow stated that the elevator controls within the car are proposed to be upgraded by the end of "Year 1", therefore by the end of November 2013. (Exhibit 1 and Testimony of Kalsow).
 - 6) The existing handrails at stairs are elaborately ornamental and important character-defining elements for this historic building. However, they do not conform to 521 CMR 27.4.1, as they are interrupted by ornate newel posts and are not continuous. They do not have the extensions required by 521 CMR 27.4.3, the size requirements of 521 CMR 27.4.4, or the shape requirements of 521 CMR 27.4.5. In this variance request, the City asks that these historic rails be permitted to remain at the inner locations of stairs, while new conforming wall mounted railings will be installed at the wall positions of the stairs. New conforming handrails will be added at the centers of the wide sections of the monumental stairs. (Exhibit 1 and Testimony of Kalsow).
 - 7) The Petitioners proposed that the following work, as outlined in "B" of Exhibit 2, will be done by November 11, 2012:
 - 25.1 - Non-accessible North Entrance. Make it an exit only.
 - 26.8 - Door opening force. Adjust existing door closers and openers to comply with force and closing speed requirements.
 - 26.10 - Door thresholds. Lower or remove door thresholds greater than ½ inch.
 - 26.11 - Door hardware. Replace door knobs with handles operable with one hand and not requiring twisting of wrist.
 - 27.4.1 - Handrail locations. Handrails on both sides of exterior stairs. Add handrails at exterior stairs where absent.
 - 27.4 - Overall handrail compliance at stairs. Complying handrail height, size and shape at wall side of interior stairs. Add complying handrail(s) at wall mounted rail location.
 - 39.1 - Elevator controls. Remove furniture blocking maneuvering (6.5 Forward Reach and 6.6 Side Reach).

- 40.3 - Visual alarms in bathrooms. Provide visual alarms at bathrooms.
 - 41.1 - Compliant signage. Replace non-complying signage and add signage at toilet rooms, stairs, offices, etc., with signage with character size, symbols, raised and Braille characters and mounted at the required height and location.
 - 14.5 - Assistive Listening Devices. Enhance the existing assisted listening system to conform to MAAB requirements and add appropriate signage per 41.10. (Exhibit 1 and 2, and Testimony of Kalsow).
- 8) The Petitioners noted that they plan to provide compliant drinking fountains and compliant hall lanterns and elevator controls by the end of November 2013. (Exhibit 1 and 2, and Testimony of Kalsow).
 - 9) By the end of November 2014, the Petitioners plan to provide automatic door openers at locations where compliant maneuvering clearances cannot be provided. Kalsow added that they were proposing some automatic door openers to overcome the lack of compliant opening force, but that the doors where not called out in the submittal. The Petitioners also propose to provide fully compliant Transaction Counters, noting that until all transaction counters are compliant, alternative accessible services locations shall be provided within the City Hall upon request. Kalsow noted that the transaction counter in question was the counter at the Treasurer/Collector's Office, although the exact height of the counter was not known. The Petitioners noted that they also propose to create two (2) public accessible off street parking spaces in employee parking lot closest to accessible entry by the end of November 2014. Kalsow noted that the creation of two (2) compliant accessible parking spaces would require that the existing employee parking lot be completely re-graded. (Exhibit 1 and 2, and Testimony of Kalsow and Manley).
 - 10) The Petitioners noted that although the toilet rooms at the ground floor may be usable for some, they are not in full compliance with 521 CMR 30. Therefore, the Petitioners seek a time variance to allow until the end of November 2016 to bring these noncompliant toilet rooms into compliance. Kalsow noted that there is a fully compliant accessible single user men's and women's toilet room at the second floor. (Exhibit 1 and Testimony of Kalsow).
 - 11) Kalsow noted that the existing stage can be seen in the photograph (Sheet4, AAB22). The existing stage has only been used on the following six (6) occasions in the past year and a half: Inauguration (January 1, 2010); City Hall Restoration Commission Event (March 14, 2010); Naturalization Ceremony (April 4, 2010); Gloucester Public Schools Arts Festival (May 8, 2010); City Hall Preservation Event (May 29, 2010); and, Gloucester Public Schools Arts Festival (May 7, 2011). The Petitioners noted that they propose to provide a compliant vertical wheelchair lift to stage by the end of November 2015. Until the lift is installed, the City proposes to either rent a portable lift at any time the stage is used, and a request is received for a lift; or will rent a 12 inch high platform/stage with ramp access and all participants will use this lower platform/stage during events requiring such attributes. (Exhibit 1 and 2, and Testimony of Kalsow).

Analysis

The Board established jurisdiction pursuant to 521 CMR 3.3.2, which states that, "[i]f the work performed, including the exempted work, amounts to 30% or more of the *full and fair cash value* (see **521 CMR 5.00**) of the *building* the entire *building* is required to comply with 521 CMR." The cost of the proposed project is estimated at \$2.2 million, which well exceeds the current assessed value of the building of \$1,789,900.00; therefore the entire building is required to comply in full with all applicable requirements of 521 CMR.

The current Gloucester City Hall has stood at its site on Dale Avenue since it was built in 1871, as a replacement for a former City Hall that burned in 1869. It was designed by the architects Gridley J.F. Bryant

and Louis P. Rogers of Boston. Bryant was a notable and prolific architect; among his designs are Boston's Old City Hall, Charles Street Jail, and City Hospital. The building has been in continuous use as the center of city government, and features an auditorium that has been historically used as civic assembly space for Town Meetings and City Council meetings, as well as concerts, lectures, and entertainment events. The building is listed on both the State and National Register of Historic Places as an individual property and as part of the Central Gloucester Historic District. A preservation restriction agreement was entered into between Gloucester and the Massachusetts Historical Commission in 1985.

In 2012, the City will begin a restoration of the building exterior that will address years of deferred maintenance and will include restoration to exterior wood elements, roofing repairs, window and masonry restoration. The cost of this work is estimated at \$2.2 million, which well exceeds the current assessed value of the building of \$1,789,900.00, and therefore would require full accessibility for the building per 521 CMR 3.3.2. There are a number of current barriers to accessibility that will be removed to bring the building into compliance with 521 CMR as part of the 2012 restoration project, but due to budget constraints the City is requesting that some items be addressed on a phased basis. There are other items for which the City requests variance to 521 CMR due to technical infeasibility or excessive cost issues. The City of Gloucester is committed to providing accessibility at City Hall, but does not have the available financial resources to address all of the renovations that would be required to conform to the regulations of 521 CMR concurrently with the proposed exterior restoration. The City would like to propose a phased approach to compliance over the four (4) years, immediately following the exterior renovation.

Currently the building has an accessible entry at the Dale Avenue side (west side of the building) at the lower level, which is part of an accessible route that features an elevator that provides access to all three occupied floors and to the auditorium's balcony. The present South Entry to the building (north side of the building) has steps that are required by the nearly 6 foot change in elevation from grade to the first floor. Kalsow noted that the ground floor is 6 inches higher than street level and the first floor is 11 feet above the street level. Access to either the first floor or lower level at the monumental stair at this entry is impractical to achieve, and the addition of a ramp or lift at this location would be detrimental to the historic integrity of City Hall and its site, and not be affordable for the City to construct. Several ramp designs were considered and estimated at between \$400,000.00 and \$500,000.00. Kalsow noted that the A2.1, ramp plan in Exhibit 1, was submitted to show what would be required to ramp to the existing portico entrance. The Petitioners noted that although there is an existing accessible parking spot on Dale Avenue and an existing bus stop 30-40 feet away, they are also proposing to create a drop-off space on Dale Avenue, as well as two public accessible parking spaces within the employee-only parking lot, since there is no public parking on the site. Based on this information, the Board voted to *grant* the variances to 521 CMR 25.1, regarding the lack of access at the two existing portico entrances at Dale Avenue and Warrant Street; based on the submitted plans and the Petitioners proving that the cost of compliance would be excessive without substantial benefit to persons with disabilities.

An elevator was installed in City Hall in 1981 that provides access to all floors of the building, including the balcony of the auditorium. The inside clear dimensions of the cab measure 47 inches by 57 inches rather than the minimum requirement of 48 inches by 48 inches for elevators in existing buildings, per 521 CMR 28.7. The existing shaft size would prevent increasing the car size. Kalsow stated that the elevator controls within the car are proposed to be upgraded by the end of "Year 1", therefore by the end of November 2013. The City requests variance to allow this compliance alternative on the basis of the technical infeasibility and excessive cost to provide a conforming car size. Based on this information, the Board voted to *grant* the variance requested for 521 CMR 28.7, regarding the lack of compliant interior car dimensions, with the understanding that the existing dimensions were 47 inches by 57 inches, rather than the required 48 inches by 48 inches, per the exception of 521 CMR 28.7.

The existing handrails at stairs are elaborately ornamental and important character-defining elements for this historic building. However, they do not conform to 521 CMR 27.4.1, as they are interrupted by ornate newel posts and are not continuous. They do not have the extensions required by 521 CMR 27.4.3, the size requirements of 521 CMR 27.4.4, or the shape requirements of 521 CMR 27.4.5. In this variance request, the City asks that these historic rails be permitted to remain at the inner locations of stairs, while new conforming wall mounted railings will be installed at the wall positions of the stairs. New conforming handrails will be added at the centers of the wide sections of the monumental stairs. Based on this information, the Board voted to *grant* the variances requested for 521 CMR 27.4.1 (continuous handrails), 27.4.3 (handrail extensions), 27.4.4 (handrail size), and 27.4.5 (handrail shape), regarding the lack of compliance at the existing stair handrails. The motion was made on the condition that compliant wall and center handrails are installed as proposed by the Petitioners. The Board also noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance would be excessive without substantial benefit to persons with disabilities.

The Petitioners proposed that the following work, as outlined in "B" of Exhibit 2, will be done by November 11, 2012:

- 25.1 - Non-accessible North Entrance. Make it an exit only.
- 26.8 - Door opening force. Adjust existing door closers and openers to comply with force and closing speed requirements.
- 26.10 - Door thresholds. Lower or remove door thresholds greater than ½ inch.
- 26.11 - Door hardware. Replace door knobs with handles operable with one hand and not requiring twisting of wrist.
- 27.4.1 - Handrail locations. Handrails on both sides of exterior stairs. Add handrails at exterior stairs where absent.
- 27.4 - Overall handrail compliance at stairs. Complying handrail height, size and shape at wall side of interior stairs. Add complying handrail(s) at wall mounted rail location.
- 39.1 - Elevator controls. Remove furniture blocking maneuvering (6.5 Forward Reach and 6.6 Side Reach).
- 40.3 - Visual alarms in bathrooms. Provide visual alarms at bathrooms.
- 41.1 - Compliant signage. Replace non-complying signage and add signage at toilet rooms, stairs, offices, etc., with signage with character size, symbols, raised and Braille characters and mounted at the required height and location.
- 14.5 - Assistive Listening Devices. Enhance the existing assisted listening system to conform to MAAB requirements and add appropriate signage per 41.10.

The Petitioners noted that they plan to provide compliant drinking fountains and compliant hall lanterns and elevator controls by the end of November 2013. Based on this information, the Board voted to *grant* the requested time variance for the lack of compliant hall lanterns (521 CMR 28.4) and elevator controls (521 CMR 28.8), allowing until *November 30, 2013* for the Petitioners to provide verification that these items have been brought into compliance with the applicable sections of 521 CMR. The Board also voted to *grant* the time variance requested for the lack of compliant drinking fountains (521 CMR 36.1) within the building, allowing until *November 30, 2013* for the Petitioners to provide verification that these items have been brought into compliance with the applicable sections of 521 CMR.

By the end of November 2014, the Petitioners plan to provide automatic door openers at locations where compliant maneuvering clearances cannot be provided. Kalsow added that they were proposing some automatic door openers to overcome the lack of compliant opening force, but that the doors were not called out in the submittal. The Petitioners also propose to provide fully compliant Transaction Counters, noting that until all transaction counters are compliant, alternative accessible services locations shall be provided within the City Hall upon request. Kalsow noted that the transaction counter in question was the counter at the

Treasurer/Collector's Office, although the exact height of the counter was not known. The Petitioners noted that they also propose to create two (2) public accessible off street parking spaces in employee parking lot closest to accessible entry by the end of November 2014. Kalsow noted that the creation of two (2) compliant accessible parking spaces would require that the existing employee parking lot be completely re-graded. Based on this information, the Board voted to *continue* the matter regarding the automatic door openers to alleviate the lack of compliant maneuvering clearances and door opening force (521 CMR 26.6 and 26.8) to have the petitioners submit details on the specific doors that will be equipped with automatic openers, and the amount of maneuvering clearances provided; with said submittals to be submitted no later than *February 1, 2012*. The Board also voted to *continue* the matter regarding the transaction counter height (521 CMR 7.2) to allow until *February 1, 2012* for the Petitioners to submit the specific dimensions and costs for compliance, as well as a policy for the accommodations to be made available for those unable to access the inaccessible transaction counters in the interim of a compliant solution being provided. In regards to the creation of the two accessible parking spaces to be placed in the employee parking lot, the Board members noted that they would prefer to have the Petitioners maintain the on-street parking for a couple more years (since no public parking is provided on the site), and have the access to the stage "moved up" to the "Year 2" timeframe. Based on these statements, the Board voted to *grant* the time variance for the creation of the two (2) proposed accessible parking spaces in the employee parking lot, to be completed by *November 30, 2016*, on the condition that two (2) additional on-street accessible parking spaces are provided and signed as "For City Hall Use Only" no later than *April 1, 2012*.

The Petitioners noted that although the toilet rooms at the ground floor may be usable for some, they are not in full compliance with 521 CMR 30. Therefore, the Petitioners seek a time variance to allow until the end of November 2016 to bring these noncompliant toilet rooms into compliance. Kalsow noted that there is a fully compliant accessible single user men's and women's toilet room at the second floor. Based on this information, the Board voted to *continue* the discussion regarding the lack of fully compliant public toilet rooms at the ground floor level (521 CMR 30.1) to have the Petitioners submit specifics (i.e. sections of 521 CMR and plans) regarding the required modifications needed to bring the ground floor public toilet rooms into full compliance; with said documentation to be submitted no later than *February 1, 2012*.

Kalsow noted that the existing stage can be seen in the photograph (Sheet4, AAB22). The existing stage has only been used on the following six (6) occasions in the past year and a half: Inauguration (January 1, 2010); City Hall Restoration Commission Event (March 14, 2010); Naturalization Ceremony (April 4, 2010); Gloucester Public Schools Arts Festival (May 8, 2010); City Hall Preservation Event (May 29, 2010); and, Gloucester Public Schools Arts Festival (May 7, 2011). The Petitioners noted that they propose to provide a compliant vertical wheelchair lift to stage by the end of November 2015. Until the lift is installed, the City proposes to either rent a portable lift at any time the stage is used, and a request is received for a lift; or will rent a 12 inch high platform/stage with ramp access and all participants will use this lower platform/stage during events requiring such attributes. Based on this information, the Board voted to *grant* the time variance requested for the lack of compliant access to the stage (521 CMR 14.6) to allow until *November 30, 2015*, on the following conditions: access to the stage will be provided to the stage in the interim, when requested, by either the use of a portable wheelchair lift or the installation of a one (1) foot high platform that is accessible via compliant ramp; and that the stage is not to be used as a display area for any reason in the interim.

Conclusion

After reviewing the matter, the Board voted as follows:

- *GRANT* the variances to 521 CMR 25.1, regarding the lack of access at the two existing portico entrances at Dale Avenue and Warrant Street; based on the submitted plans and the fact that the Petitioners had proven that the cost of compliance would be excessive without substantial benefit to

persons with disabilities.

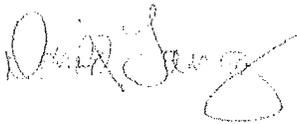
- *GRANT* the variance requested for 521 CMR 28.7, regarding the lack of compliant interior car dimensions, with the understanding that the existing dimensions were 47 inches by 57 inches, rather than the required 48 inches by 48 inches, per the exception of 521 CMR 28.7. The Board noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance would be excessive without substantial benefit to persons with disabilities.
- *GRANT* the variances requested for 521 CMR 27.4.1 (continuous handrails), 27.4.3 (handrail extensions), 27.4.4 (handrail size), and 27.4.5 (handrail shape), regarding the lack of compliance at the existing stair handrails. The motion was made on the condition that compliant wall and center handrails are installed as proposed by the Petitioners. The Board also noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance would be excessive without substantial benefit to persons with disabilities.
- *GRANT* the requested time variance for the lack of compliant hall lanterns (521 CMR 28.4) and elevator controls (521 CMR 28.8), allowing until *November 30, 2013* for the Petitioners to provide verification that these items have been brought into compliance with the applicable sections of 521 CMR. The Board noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance, at this time, would be excessive without substantial benefit to persons with disabilities.
- *GRANT* the time variance requested for the lack of compliant drinking fountains (521 CMR 36.1) within the building, allowing until *November 30, 2013* for the Petitioners to provide verification that these items have been brought into compliance with the applicable sections of 521 CMR. The Board noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance, at this time, would be excessive without substantial benefit to persons with disabilities.
- *CONTINUE* the matter regarding the automatic door openers to alleviate the lack of compliant maneuvering clearances and door opening force (521 CMR 26.6 and 26.8) to have the petitioners submit details on the specific doors that will be equipped with automatic openers, and the amount of maneuvering clearances provided; with said submittals to be submitted no later than *February 1, 2012*.
- *CONTINUE* the matter regarding the transaction counter height (521 CMR 7.2) to allow until *February 1, 2012* for the Petitioners to submit the specific dimensions and costs for compliance, as well as a policy for the accommodations to be made available for those unable to access the inaccessible transaction counters in the interim of a compliant solution being provided.
- *GRANT* the time variance for the creation of the two (2) proposed accessible parking spaces (521 CMR 23.1) in the employee parking lot, to be completed by *November 30, 2016*; on the condition that two (2) additional on-street accessible parking spaces are provided and signed as "For City Hall Use Only" no later than *April 1, 2012*. The Board noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance, at this time, would be excessive without substantial benefit to persons with disabilities.
- *CONTINUE* the discussion regarding the lack of fully compliant public toilet rooms at the ground floor level (521 CMR 30.1) to have the Petitioners submit specifics (i.e. sections of 521 CMR and plans) regarding the required modifications needed to bring the ground floor public toilet rooms into full compliance; with said documentation to be submitted no later than *February 1, 2012*.

- GRANT the time variance requested for the lack of compliant access to the stage (521 CMR 14.6) to allow until *November 30, 2015*, on the following conditions: access to the stage will be provided to the stage in the interim, when requested, by either the use of a portable wheelchair lift or the installation of a one (1) foot high platform that is accessible via compliant ramp; and that the stage is not to be used as a display area for any reason in the interim.

A true copy attest, dated: January 24, 2012

ARCHITECTURAL ACCESS BOARD

By:



Donald Lang, Chairman

Diane McLeod, Vice Chair (not present)



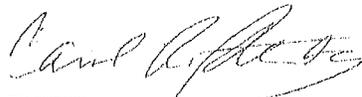
Andrew Bedar, Member



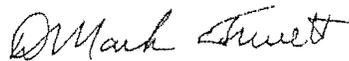
Myra Berloff, Director of Massachusetts
Office on Disability



Gerald LeBlanc, Member



Carol Steinberg, Member



D. Mark Trivett, Member



Walter White, Executive Office of Public
Safety Designee

A complete administrative record is on file at the office of the Architectural Access Board.

persons with disabilities.

- *GRANT* the variance requested for 521 CMR 28.7, regarding the lack of compliant interior car dimensions, with the understanding that the existing dimensions were 47 inches by 57 inches, rather than the required 48 inches by 48 inches, per the exception of 521 CMR 28.7. The Board noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance would be excessive without substantial benefit to persons with disabilities.
- *GRANT* the variances requested for 521 CMR 27.4.1 (continuous handrails), 27.4.3 (handrail extensions), 27.4.4 (handrail size), and 27.4.5 (handrail shape), regarding the lack of compliance at the existing stair handrails. The motion was made on the condition that compliant wall and center handrails are installed as proposed by the Petitioners. The Board also noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance would be excessive without substantial benefit to persons with disabilities.
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- *CONTINUE* the matter regarding the automatic door openers to alleviate the lack of compliant maneuvering clearances and door opening force (521 CMR 26.6 and 26.8) to have the petitioners submit details on the specific doors that will be equipped with automatic openers, and the amount of maneuvering clearances provided; with said submittals to be submitted no later than *February 1, 2012*.
- *CONTINUE* the matter regarding the transaction counter height (521 CMR 7.2) to allow until *February 1, 2012* for the Petitioners to submit the specific dimensions and costs for compliance, as well as a policy for the accommodations to be made available for those unable to access the inaccessible transaction counters in the interim of a compliant solution being provided.
- *GRANT* the time variance for the creation of the two (2) proposed accessible parking spaces (521 CMR 23.1) in the employee parking lot, to be completed by *November 30, 2016*; on the condition that two (2) additional on-street accessible parking spaces are provided and signed as "For City Hall Use Only" no later than *April 1, 2012*. The Board noted that the motion was based on the fact that the Petitioners had proven that the cost of compliance, at this time, would be excessive without substantial benefit to persons with disabilities.
- *CONTINUE* the discussion regarding the lack of fully compliant public toilet rooms at the ground floor level (521 CMR 30.1) to have the Petitioners submit specifics (i.e. sections of 521 CMR and plans) regarding the required modifications needed to bring the ground floor public toilet rooms into full compliance; with said documentation to be submitted no later than *February 1, 2012*.



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER: #CC2012-021
COUNCILLORS: Sefatia Romeo Theken

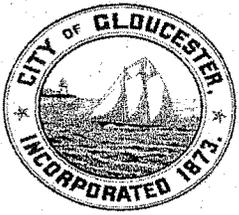
DATE RECEIVED BY COUNCIL: 04/10/12
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that pursuant to the City of Gloucester City Charter sections 2-10, 3-10, and 7-13(b) concerning applications of and appointments of persons to be members of all City boards, commissions, or committees and a residency requirement for all such members, Chapter 2, Article V, Division 1, of the Gloucester Code of Ordinances be amended by **ADDING** a new section 2-401 as follows:

“All persons appointed to all City boards, commissions, and committees pursuant to the City Charter shall be residents of the City unless the Charter, the Code of Ordinances, an applicable state law or Special Act specifically provides otherwise”

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

Sefatia Romeo Theken
Councillor At Large



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER: #CC2012-022
COUNCILLORS: Bruce Tobey

DATE RECEIVED BY COUNCIL: 04/10/12
REFERRED TO: O&A
FOR COUNCIL VOTE:

Ordered, that the Ordinances and Administration Committee consider and make a recommendation to the full council on the matter of

1. repealing existing requirements for parking meters on Main Street;
2. replacing those requirements with free-parking on Main Street with a two-hour limit; and
3. amending the Code of Ordinances by adding a provision similar to that which follows, applying only to the section of Main Street for which a free-parking with a two-hour limit is proposed above:

Overtime Parking and Shuffling or Relocating Vehicles to Avoid Penalties. When signs are erected in each block giving notice thereof, no person shall park a vehicle upon any of the streets or parts of the streets described in Section 22-289 for a longer period than so specified in that Section. No person shall relocate or move a vehicle in order to avoid a violation of the parking time limit. The following action shall be considered prima facie evidence of such prohibited conduct when observed by a law, or parking enforcement officer: when a person moves or relocates a vehicle which has been parked less than the posted time limit from a time limited parking space and then returns to the same parking space or moves to a parking space within 500 feet of that same parking space, as measured along the street, within five minutes of the time that the initial parking space was vacated. Such shuffling or relocating shall constitute overtime parking for the purposes of this section. Overtime parking is a violation of this ordinance, and shall be subject to the fines set forth in this Section.

Bruce Tobey
Councilor at Large

The following described streets or parts of streets in the city are hereby established as parking meter zones, with parking restrictions as specifically indicated for each such zone in accordance with section 22-211:

Location	Maximum Time	Fee
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Boynnton Way	2 hours	
Dale Avenue	2 hours	
Harbor Loop	10 hours	
Manual F. Lewis Rd.	2 hours	
Pleasant Street	2 hours	
Railroad Avenue, 27-33, northeasterly side, 10 metered angle parking spaces (Ord. 03-39, 12/2/2003)		
School Street	2 hours	
Warren Street	2 hours	
Washington Street	2 hours	
Washington Street, easterly side from Main to Middle Streets		
Meters W1-W4	10 hours	
Meters W5-W10	2 hours	
Dale Avenue (meter #s 9, 9A, 10, 10A, 24, 25, 37, 38, 39)	1 hour	
Duncan Street	1 hour	
Main Street	2 hours	
Manual F. Lewis Road	1 hour	
Middle Street, two one-hour parking meters in front of the Y.M.C.A. Building	2 hours	
Middle Street, three one-hour parking meters, southerly side, starting 20 feet from its intersection with Hancock Street in an easterly direction	1 hour	
Middle Street, three (3) two- hour parking meters on the southerly side of Middle Street between Hancock and Center Streets	2 hour	
Pleasant Street, two parking meters in front of #36-#38 Pleasant Street	1 hour	
Porter Street	1 hour	
Rogers Street, both sides from its intersection with Washington Street to Manuel F. Lewis Road	Ten hours	
Warren Street, meter #1-8	1 hour	
Washington Street, two one- hour parking meters at 22--	1 hour	

City Hall
Nine Dale Avenue
Gloucester, MA. 01930



TEL 978 281 9730
FAX 978 281 8472

CITY OF GLOUCESTER
CITY AUDITOR'S OFFICE

MEMORANDUM

CITY CLERK
GLOUCESTER, MA
12 APR 19 AM 10:59

TO: Gloucester City Council
FROM: Kenny Costa, City Auditor *KC*
RE: Auditor's Office Reorganization Request
Date: April 13, 2012

The last two years, I have observed and assessed the efficiencies of the Auditor's Office. The Office is presently conducting business very efficiently and effectively with the 4 member team as currently constructed. My staff has implemented the changes I proposed to various policies and procedures including the revised Auditor's Grant Application & Checklist, new journal entry form, new inter-departmental reimbursement form, revised Year-end memo and new documentation policy for reimbursement of meals and travel. The balance sheet package that includes the ability to close the City's books is submitted each fall to the Massachusetts Department of Revenue for the City's certification of "Free Cash" is currently being prepared in-house as it has been outsourced in the past. Additionally, the City's Schedule A Report that is required by the Massachusetts Department of Revenue each year is currently being prepared in-house as it has been outsourced in the past. The ability to close the City's books and prepare financial reporting in-house is a cost savings and knowledge that stays with the City. I have promoted training and cross training within my office the last two years. My staff has gained a significant amount of knowledge in municipal finance in which is an investment to the City.

A major part of the reorganization request is the proposal of a new position to be named Grants Compliance Manager. The Grants Compliance Manager position would report directly to the City Auditor. The Grants Compliance Manager's role is to ensure the City is in Federal and State grant compliance in accordance with OMB Circulars A-133, A-87 and State requirements. This position is a management recommendation made by our external auditing firm. Our external auditors' have reported 70 federal grant findings over the last 3 years. The City's current structure places the responsibility of administering the grants at the Department level. I propose through the direction of the City Auditor, that the Grants Compliance Manager provide assistance to Departments to adhere with applicable compliance requirements of federal and state grants. The City is at risk if federal agencies require the City to repay monies related to questioned costs related to the auditors' grant report. Additionally, federal agencies may refuse to award grants to the City in the future due to non-compliance of internal controls related to the federal awards programs.

I recommend that the City issue a Comprehensive Annual Financial Report (CAFR) set forth with the reporting requirements of the Government Financial Officers Association. The City would receive a Certificate of Achievement for Excellence in financial reporting. The CAFR is a nationally recognized financial report and is viewed very favorably by Moody's rating agency. Only a handful of communities in Massachusetts issue a CAFR, which includes the Towns of Wellesley and Andover and Cities of Newton and Chelsea. I would like to encourage the City to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure.

I have increased the responsibilities of the Assistant City Auditor during my tenure as City Auditor. The Assistant City Auditor position is responsible for the Auditor's Office in my absence. Performs all duties of the City Auditor in his or her absence including the approval of the weekly warrant under the provisions of Massachusetts General Laws Chapter 41, Section 49A. The increased responsibilities are necessary to increase the efficiency of the office. The Assistant Auditor is responsible to prepare the balance sheet and Department of Revenue's reporting package for the City's yearly certification of "Free Cash." Assist the City Auditor with the preparation of the City's Tax Recapitulation report that is submitted annually to the Massachusetts Department of Revenue for approval. Prepare Schedule A Report with the guidelines set forth by the Department of Revenue. Review and provide guidance with the School Department's Annual End-of-Year Financial Report. Prepare 1099 reporting in accordance with Internal Revenue Service regulations. The above items and other responsibilities have been added to the Assistant City Auditor. Additionally, the Assistant City Auditor position has not been reviewed in over ten years.

I have increased the responsibilities of the General Ledger Accountant during my tenure as City Auditor. The General Ledger Accountant assists the Assistant City Auditor with maintaining the general ledger as prescribed by the Uniform Massachusetts Accounting System manual (UMAS). Prepare a reconciliation schedule for Chapter 90 projects between the General Ledger, Department of Public Works and Massachusetts Department of Transportation. Reviews all Massachusetts School Building Authority (MSBA) Gloucester School Projects and reconciles budgets to the general ledger; additionally prepares City reimbursement packages for submittal to MSBA. Budgets are now input into the system to track project budgets. This is a great tool to prevent deficit spending. The General Ledger Accountant plays an integral role to prevent deficit spending in grants, capital projects and other funds. Prepares requisitions and purchase order revisions, maintains purchase orders and prepares invoice processing for the Gloucester Cultural Council. The above items and other responsibilities have been added to the General Ledger Accountant.

I have increased the responsibilities of the Account Specialist during my tenure as City Auditor. The Account Specialist audits both City and School payroll for availability of funds in each department's accounts. The preparation of a warrant to pay Gloucester's Non-Contributory Retirees. The Account Specialist manages the City contract book for the Auditor's Office. Also, prepares the budget entries for ordinary budget transfers.

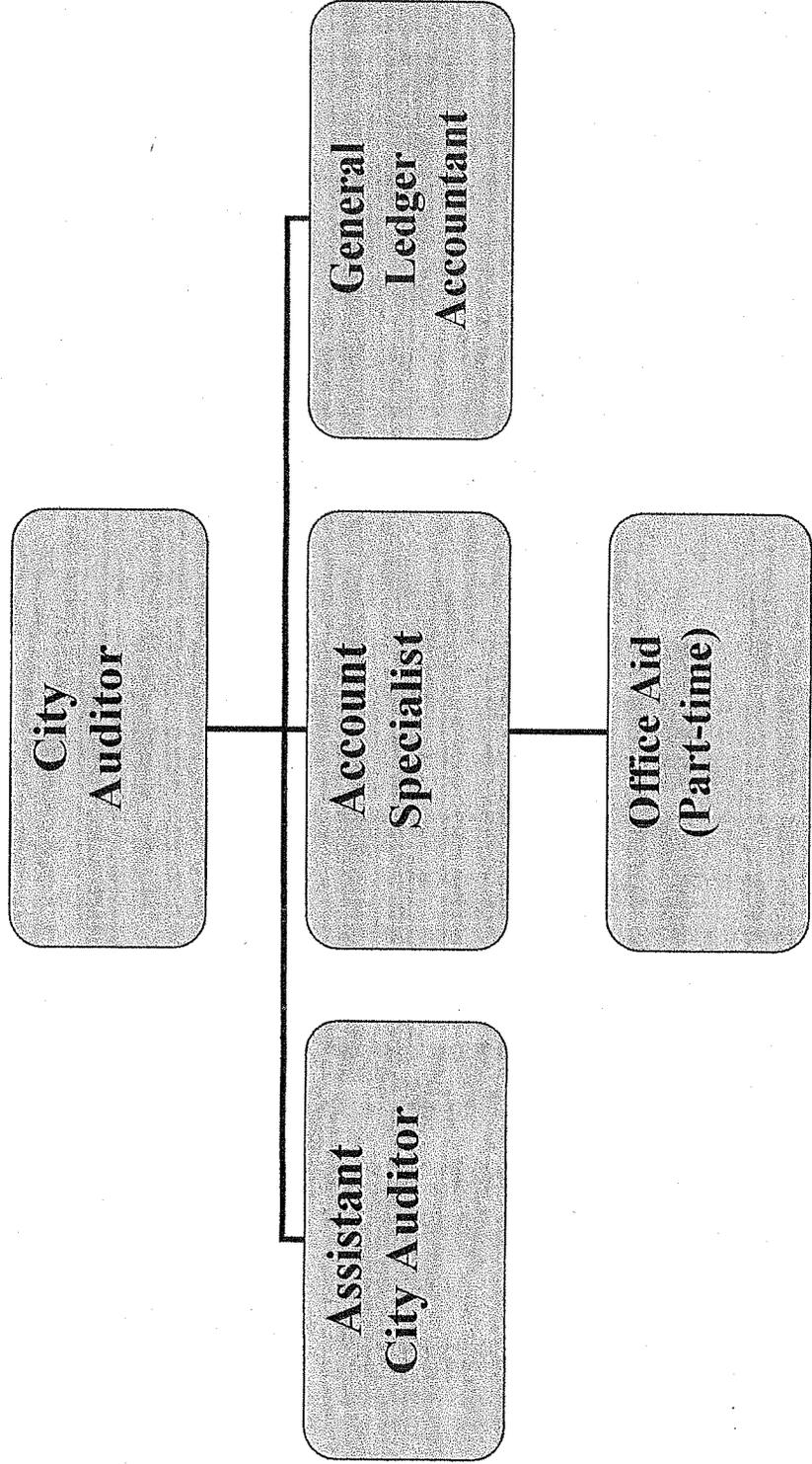
Prepares Gloucester's Non-Contributory Retiree's State Reporting with the guidelines set forth by the Massachusetts State Retirement Board. Posts Revenue Sense deposits to the general ledger and investigates any discrepancies. The above items and other responsibilities have been added to the Account Specialist.

The Grants Compliance Manager is a new proposed position to the City. This position has been highly recommended by our external auditing firm. Under the direction of the City Auditor, the Grants Compliance Manager shall perform responsible duties in Federal and State grant compliance in accordance with OMB Circular A-133, A-87 and State grant requirements. Duties require the use of judgment and analysis within the framework of prescribed policies and procedures and in accordance with standard municipal accounting practices, City ordinances, and Federal and State law. The position will monitor compliance with grant terms and conditions of applicable federal, state and local rules and regulations. In the last three fiscal year audits, our external auditors have reported 70 federal grant findings in their Reports on Internal Control Over Financial Reporting, Compliance and Federal Awards Programs.

I respectfully request that the Auditor's Office reorganization plan be presented to the City Council and Sub-committee for consideration.

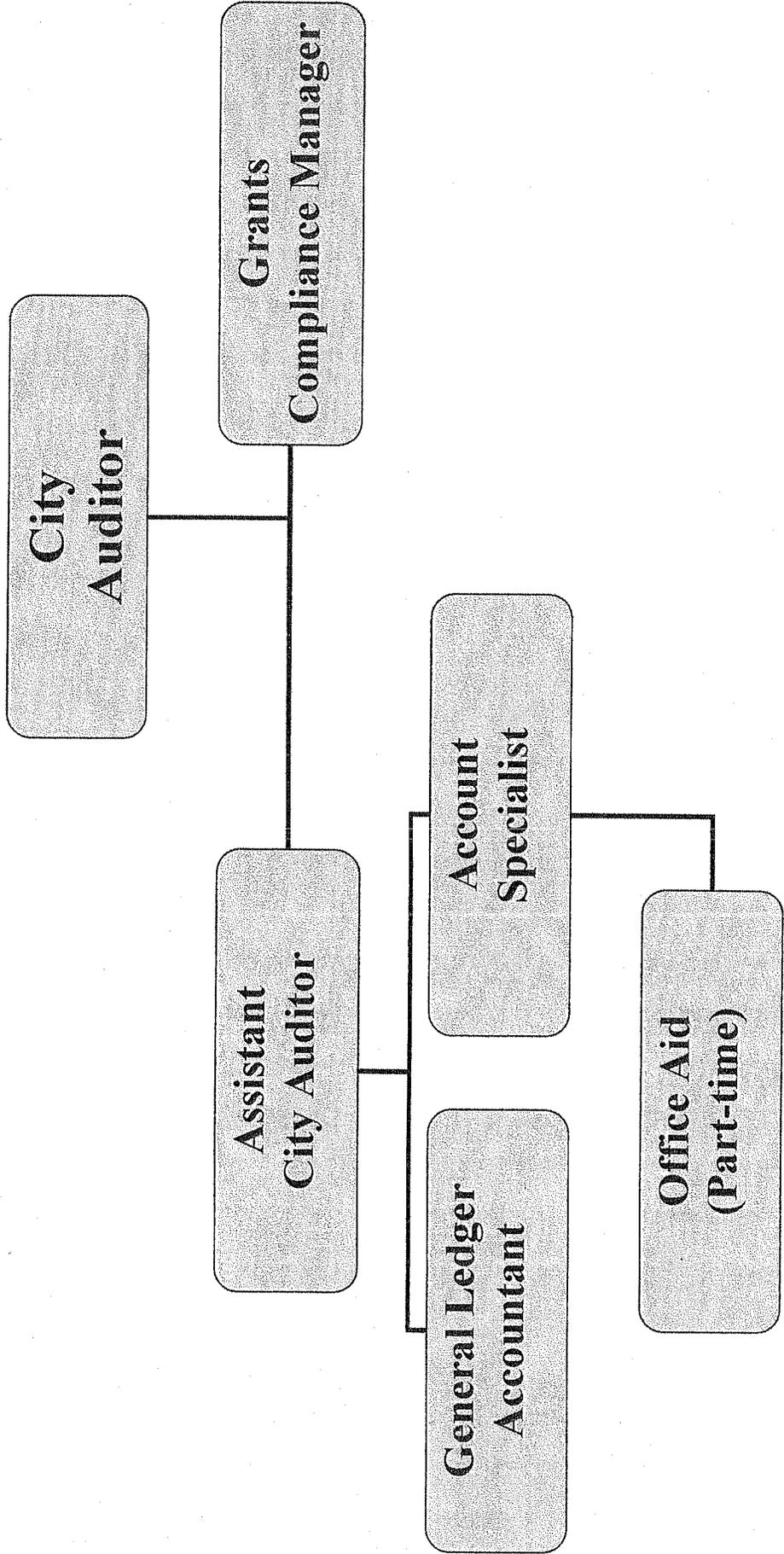


City of Gloucester Auditor's Office Pre Re-Organization Plan





City of Gloucester Auditor's Office Re-Organization Plan



Auditor's Office Salary Survey Fiscal Year 2012									
City/Town	Andover	Belmont	Beverly	Chelmsford	Chelsea	Danvers	Falmouth	Franklin	Medford
Population	33,418	23,291	39,343	34,409	41,577	26,762	32,123	32,148	56,173
Square Miles	31.10	4.59	15.14	22.54	1.86	13.64	44.52	26.8	8.10
Median Income	\$ 104,820.00	\$ 95,057.00	\$ 66,486.00	\$ 82,676.00	\$ 32,130.00	\$ 70,865.00	\$ 57,422.00	\$ 81,826.00	\$ 70,102.00
Assistant City Auditor									
Minimum Annual Salary	\$ 60,349.00	\$ 56,611.00	\$ 44,720.00		\$ 54,000.00		\$ 38,181.00	\$ 46,127.00	
Maximum Annual Salary	\$ 76,831.00	\$ 79,255.00	\$ 51,264.00		\$ 63,706.00		\$ 48,302.00	\$ 62,885.00	\$ 63,725.00
General Ledger Accountant									
Minimum Annual Salary									
Maximum Annual Salary									
Account Specialist									
Minimum Annual Salary	\$ 44,378.00		\$ 42,900.00		\$ 34,000.00				
Maximum Annual Salary	\$ 56,494.00		\$ 49,244.00		\$ 40,380.00				\$ 49,318.00

Auditor's Office Salary Survey Fiscal Year 2012		Average	Gloucester	Gloucester Actual	Variance	Percentage (%)
City/Town			30,243			
Population			26.18			
Square Miles						
Median Income			\$ 58,459.00			
Assistant City Auditor						
Minimum Annual Salary	\$ 47,885.43	\$ 50,260.77		\$ 2,375.34	4.96%	
Maximum Annual Salary	\$ 65,989.36	\$ 59,468.85	\$ 59,468.85	\$ (6,520.51)	-9.88%	
General Ledger Accountant						
Minimum Annual Salary	\$ 60,609.00	\$ 47,410.65		\$ (13,198.35)	-21.78%	
Maximum Annual Salary	\$ 65,529.00	\$ 56,088.90	\$ 48,835.71	\$ (9,440.10)	-14.41%	
Account Specialist						
Minimum Annual Salary	\$ 40,426.00	\$ 33,726.42		\$ (6,699.58)	-16.57%	
Maximum Annual Salary	\$ 49,877.70	\$ 47,063.52	\$ 44,999.01	\$ (2,814.18)	-5.64%	



CITY OF GLOUCESTER

PLANNING DIVISION

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MEMORANDUM

April 2, 2012

To: Mayor Kirk
From: Gregg Cademartori, Planning Director
Cc: Sarah Garcia, Lisa Press, Robert Gulla (Conservation Commission, Chair),
William Sanborn, Suzanne Egan
Re: **New FEMA FIRM Maps & Proposed Amendment to Section 12-27 of the Code of Ordinances: Floodplain Management**

The City of Gloucester is in receipt of a letter dated January 3, 2012 from Luis Rodriguez, Chief of the Engineering Management Branch of the Federal Insurance and Mitigation Administration, that the revised final flood elevation has been determined for the City of Gloucester. The letter also informs that the City can anticipate receiving new Flood Insurance Rate Maps (FIRMs) and a new Flood Insurance Study. Draft maps have been available in the Office of the Community Development Department and on the city website since June of 2009. The final FIRMs and Flood Insurance Study (FIS) were received in early March 2012. These documents have been developed to help better identify flood hazards in the community. Additionally, they are used to guide best development practices in these hazardous areas. The use of these tools is also the basis for the establishment of flood insurance rates and Gloucester's participation in the National Flood Insurance Program (NFIP).

In order to comply with the requirements of the NFIP, communities must adopt code and regulation amendments referencing the new FIRMs and FIS, and reiterate specific references to floodplain construction standards. Such standards are currently found in Section 12-27 Floodplain Management of the Gloucester Wetlands Ordinance in the Gloucester Code of Ordinances. A review and proposed revision of this section was developed with assistance from staff of the Massachusetts Department of Conservation Services – Floodplain Management Program. A compliant revised Section 12-27 is attached. Adoption of this revision will put the new mapping product in effect as of July 2, 2012. Please forward the attached to the City Council for review and adoption, and do not hesitate to contact this office with any questions or comments.

Sec. 12-27. Floodplain Management.

(a) Statement of Purpose

The purposes of regulating activities in Floodplain Areas are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

(b) Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AE, or VE.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, AE, AH, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling,

floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

(c) Floodplain Area Boundaries and Base Flood Elevation Data

The Floodplain Areas are herein established which include all special flood hazard areas within the City of Gloucester designated as Zone A, AE, AH, AO, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the City of Gloucester are panel numbers 25009C0294F, 25009C0309F, 25009C0311F, 25009C0312F, 25009C0313F, 25009C0314F, 25009C0316F, 25009C0317F, 25009C0318F, 25009C0319F, 25009C0338F, 25009C0432F, 25009C0451F, 25009C0452F, 25009C0453F, 25009C0454F, 25009C0456F, 25009C0457F, 25009C0458F, 25009C0459F, and 25009C0476F_dated July 3, 2012. The exact boundaries of the Floodplain Areas may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector, City Engineer, and the City Planning Offices.

(d) Base Flood Elevation and Floodway Data

(1) *Floodway Data.* In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) *Base Flood Elevation Data.* Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(e) *Notification of Watercourse Alteration*

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(f) *Use Regulations*

(1) *Reference to Existing Regulations*

All development in Floodplain Areas, including structural and non-structural activities must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) *Submittal Requirements*

So that the commission may determine that for new construction of buildings, substantial improvements to or relocation of existing buildings, the purposes of this article relative to floodplain areas are met, digital copies of a plan at a scale of one inch equals ten feet prepared by a registered land surveyor or professional civil engineer, shall be submitted to the commission by the applicant. The site plan shall show at least the following:

- a. The location, boundaries, and dimensions of each lot.
- b. Two-foot contours of the existing and proposed land and structures.
- c. Location of existing and proposed land structure, watercourses, and drainage easements, means of access, drainage, and sewer disposal facilities.
- d. The area and location of existing or proposed leaching fields, if any.
- e. Base flood elevation as identified on the area FIRM.

(g) *Other Use Regulations*

- (1) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (2) In Zone AE, along watercourses within the City of Gloucester that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- (4) All new construction within Zone VE must be located landward of the reach of mean high tide.
- (5) All subdivision proposals must be designed to assure that:
 - a. such proposals minimize flood damage;
 - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

(h) *Permitted Uses*

The following uses of low flood damage potential, and causing no obstructions to flood flows, are encouraged provided they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (2) Forestry and nursery uses.
- (3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (4) Conservation of water, plants, wildlife.
- (5) Wildlife management areas, foot, bicycle, and/or horse paths.
- (6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- (7) Buildings lawfully existing prior to the adoption of these provisions.

(i) *Health regulation pertaining to the flood management areas*

The board of health, in reviewing all proposed water and sewer facilities to be located in the floodplain areas established under this article, shall require that:

- (1) new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems, and
- (2) new and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(j) *Liability.*

This article shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance and Mitigation Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.