



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

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, June 4, 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 (all matters under this heading continued from 5/14/12):**
 - A) Appointment:
Tourism Commission TTE 02/14/2013 Wendie Woodman DeMuth
 - B) CC2012-024 (McGeary) Amend GCO Chapter 22, Sec. 22-159 (Parking Prohibited between certain hours On certain days) Sec. 22-267 (One-Way Streets Generally), Sec. 22-265 (Turning Movements-Generally) Re: Davis Street Extension & Chapel Street
 - C) CC2012-025 (McGeary) Amend GCO Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) re: Farrington Avenue (Cont'd from 05/14/12)
 - D) CC2012-026 (McGeary) Amend GCO Chapter 22, Sec. 22-270 (Parking prohibited at all Times) re: Eastern Point Road (Cont'd from 05/14/12)
 - E) CC2012-027 (McGeary) Amend GCO Chapter 22-287 (Disabled veteran, handicapped parking) re: Eastern Avenue #19 (Cont'd from 05/14/12)
 - F) 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
 - G) CC2011-053 (Verga/Tobey) Establishment of City Ordinance re: Securing and Maintaining Vacant Properties and Properties in the Process of Foreclosure
 - H) CC2012-022 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits (Cont'd from 04/30/12)
2. **Reappointment:** Gloucester Housing Authority TTE 05/28/17 Andrew C. Nickas
New Appointment: Conservation Commission TTE 02/14/15 John Feener
3. **CC2012-028 (Verga) Amend GCO Sec. 22-269 entitled "Stop Signs re: Paws Way**
4. **Addendum to Mayor's Report for the May 22, 2012 City Council Meeting re: Mayor's decision to allow remote participation by the City Council and the City Council Standing Committees**
5. **CC2012-023 (Verga/Ciolino) Resolution re: Equitable treatment to residents who are City water users, Customers and water rate payers and amendment of Gloucester Code of Ordinances Sec. 23-58 to reflect The requirement of equitable treatment of all customers**

COMMITTEE

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

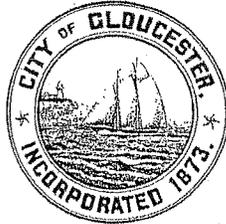
Committee members – Please bring relevant documentation

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
Bill Sanborn

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 Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
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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.

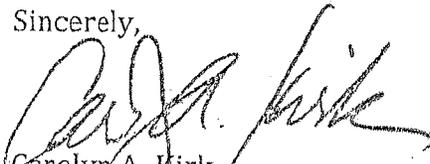
In order for you to attend and vote at meetings, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

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

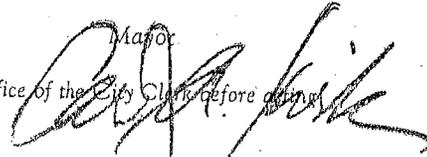
to the TOURISM COMMISSION of the City of
Gloucester, Massachusetts

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 assuming
under this appointment.

Sworn in _____ By: _____

For Thomson 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

(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.

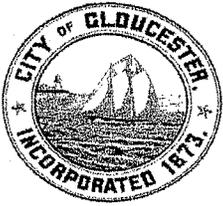
(Ord. No. 28-1991, 7-7-91)

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)



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-024
COUNCILLORS: Paul McGeary

DATE RECEIVED BY COUNCIL: 05/08/12
REFERRED TO: TC & O&A
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 60 feet between the hours of 8:00 a.m. and 9:00 a.m. and 2:00 p.m. and 3:00 p.m. on school days only; and further

ORDERED amend Section 22-267 (One-Way Streets - Generally) by **ADDING:** Chapel Street, in an easterly direction, from the intersection of East Main Street to Davis Street Extension during the hours of 8:00 a.m. and 8:45 a.m. and 2:00 p.m. and 2:45 p.m. on school days only. Chapel Street, in an westerly direction, from Mt. Pleasant Avenue to Davis Street Extension during the hours of 8:00 a.m. and 8:45 a.m. and 2:00 p.m. and 2:45 p.m. on school days only. Davis Street, in a southerly direction, from its intersection with Davis Street Extension to Highland Street during the hours of 8:00 a.m. and 8:45 a.m. and 2:00 p.m. and 2:45 p.m. on school days when school is in session; and further

ORDERED amend Sec. 22-265. (Turning Movements – Generally) By **ADDING:** Chapel Street, at its intersection with Davis Street Extension ascending from East Main Street, right turn only between the hours of 8:00 a.m. and 8:45 a.m. and 2:00 p.m. and 2:45 p.m. on school days when school is in session. Chapel Street, at its intersection with Davis Street Extension descending from Mt. Pleasant Avenue, left turn only between the hours of 8:00 a.m. and 8:45 a.m. and 2:00 p.m. and 2:45 p.m. on school days when school is in session; and further

ORDERED amend Sec. 22-267 (One Way Streets – Generally), by **DELETING:** Chapel Street, from Davis Street Extension to the intersection with East Main Street during the hours of 7:30 a.m. and 8:30 am and 1:30 p.m. and 2:30 p.m. on school days when school is in session.

And that this order be referred to the Traffic Commission and the Committee on Ordinances and Administration for review and recommendation.

Respectfully submitted,

Paul McGeary
Ward 1 Councilor

those points brought up. **Linda T. Lowe**, City Clerk acknowledged her discussions with Councilor Theken confirmed, expressing her appreciation for those meetings which were very helpful to her. There would be a meeting this Thursday afternoon with staff to focus on reorganization. She stated her hope that all the Councilors would assist in the reorganization as well. Ms. Lowe also stated she has a list of goals going forward which she would submit later to the Committee. **Councilor Theken** added she would be meeting with the City Clerk monthly to see that the goals set for her were reached.

MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Clerk, recommends to the City Council the election of Linda T. Lowe as the City Clerk for a term of April 2012 to April 2014.

F) Report of Ad Hoc Committee regarding possible amending of the Gloucester Code of Ordinances, Chapter 2, Article V, Sec. 2-471 to 2-476 re: Tourism Commission as relates to CC2012-015 (Hardy/Cox)

Councilor Theken explained that she is waiting to have this review. A memo of changes has been submitted by the Ad Hoc Committee. She is awaiting a response from the Chair of the P&D Committee as to whether a joint meeting is needed for this discussion; but since she had no response on the matter, she would continue this matter to June 18, 2012 to discuss the Ad Hoc Committee's conclusions of their study.

This matter is continued to June 18, 2012.

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2. *CC2012-024 (McGeary) Amend GCO Chapter 22, Sec. 22-159 (Parking Prohibited between certain hours & on certain days) Sec. 22-267 (One-Way Streets Generally), Sec. 22-265 (Turning Movements-Generally) re: Davis Street Extension & Chapel Street*

Councilor McGeary stated this started as a request to prohibit parking in a small area in front of East Gloucester Elementary School because when vehicles parked there buses had difficulty negotiating the turns during drop off and pick up of students by private vehicles in the same area. In discussions before the Traffic Commission, some of the neighbors came forward with other issues surrounding the East Gloucester School during the drop off and pick up times. Members of the Traffic Commission, Mr. Ryan in particular, also with the help of the School principal Greg Bach, they devised a plan which they implemented with the help of the Police Department to prohibit entrance into the Davis Street Extension from 8:00-8:45 a.m. and 2:00-2:45 p.m.; and to reroute traffic coming up Chapel Street from East Main Street and down Chapel Street from Mt. Pleasant Street and funnel the traffic off onto Davis Street onto Highland Street. This seemed to make traffic flow much more smoothly from the test that was conducted and looks to be a good plan. **Councilor Whynott** knew they were moving towards getting out of the Elementary Schools for their use as polling places; but he suggested that however, there should be an exemption for days when the school is used as a polling place. It can be removed from the ordinance when they do locate another polling place for that precinct.

Robert Ryan, Traffic Commission noted several weeks ago they had an order come through regarding the Davis Street Extension parking issues; but there was a much bigger issue of people blocking residents' driveways; children nearly being hit by motor vehicles. Assistant Superintendent Brian Tarr, Greg Bach, Principal; Lt. Aiello of the Police Department, and himself studied the traffic issues over several days. The new order (CC2012-024) is to resolve the continuing traffic problems in this area during school hours. Vehicles that come from East Main Street up Chapel Street when they get to the intersection at the Davis Street Extension have to turn right onto Davis Street. If vehicles are traveling from Mt. Pleasant Street down Chapel Street, they have to take a left onto Davis Street. The only vehicles allowed onto the extension are staff vehicles, buses and the residents during drop off and pick up designated times. This is much safer and has been working smoothly for several weeks. The crossing guard is letting teachers and students through only. That is the new Council Order CC2012-024. They also allow those vehicles with handicapped vans/placards through as well. This is enforced by the crossing guard. The one-way street designations during these drop off and pick up times on school days all have to go to the Traffic Commission at their May 31st meeting for their review. The Committee would have their recommendations for their June 4th meeting. **Ms. Lowe** pointed out that this started a few years ago when an interim measure was adopted and sent it back to O&A for review recently. **Mr. Ryan** confirmed that interim measure was for Chapel Street; and that interim measure will be deleted with this new Council Order.

Greg Bach, East Gloucester Elementary School Principal submitted for the record several informal diagrams of the Davis Street extension. He highlighted in yellow the most critical areas where there will be a need to designate "No Parking" which is at the four corners of the intersection of Chapel and Davis Streets and the Davis Street Extension in order for school buses to be able to make the corner turning into the Davis Street Extension. That intersection also needs appropriate signage, and re-painting of those street corners bright yellow to clearly delineate the "No Parking" zones. They are asking parents to drop their students off at these corners so they can utilize the crosswalks. These crosswalks, he explained, are in bad condition; and requested that pot holes are filled, and that the area be re-hot topped. In his estimation it would not take much effort to make this area better. He created a parking plan also. This temporary order has been remarkable; it has created a very safe bus circle free of cross-cutting parent vehicular traffic. Previously there was a potential for accidents to occur every day. He has only received two or three complaints about the new traffic system. All other feedback has been that this was a good step to make the bus circle area safer. Now they need to remove staff vehicles out of the mix as well. He noted the second page of the submission (on file) showing the parking currently. He explained the situation of cars parking between the modulars, the hot top and the play field. Children were cutting between the cars on their way to the play field as well as playing around them. Even though the cars are stationary, it is not a good mix of children playing in and around these cars. They have about 8 or 9 cars in the current layout. They propose an expansion by 12 feet into the existing grass area; have two lines of cars and have no children playing in this entire area, which he showed the Committee on his layout of the parking area (submitted and on file). It would be painted clearly of where children can walk and play. This leaves a clearly defined fire lane and delivery lane. It would keep it completely separated from children to keep it a safe area. This does increase the parking by 8 spaces and free up parking on the extension for residents. They marked it out and measured it.

Jonathan Pope, School Committee Chair expressed his endorsement of the traffic and parking plan. His only concern was regarding enforcement; but stated it seems that it is working.

Mr. Bach added once official signs are up it should be easily enforced.

Mary Ann Albert Boucher, 98 Mt. Pleasant Street and property owner on the Davis Street Extension thanked Mr. Ryan and the Traffic Commission, and Principal Bach for their test run. She viewed this test as successful with much less traffic there and making it safer for all. Although it is a huge improvement, she expressed concern about the parking area in the school yard. She understood there are not enough spaces for the teachers which she understood are required by contract. She wondered if they would be able to enforce the no parking on the corners of the Davis Street Extension, Chapel Street and Davis Street, expressing concern for the safety of the children. She pointed out it was remarkable to see the changes over the last several weeks with the traffic. She had received a letter from a parent thanking them for trying to change this and had heard from several others in person who were positive about these changes. She thought there would be a lot of opposition; but in fact most people are on board. She thanked the Committee for their attention to this situation.

Councilor Theken showed Ms. Boucher the plan for parking in the school yard for teachers. She also reminded Ms. Boucher that the meetings are all posted appropriately on line and in City Hall and at the Police Station so that any other interested neighbors can see when this matter is next before the Committee and comes up for public hearing before the City Council. **Ms. Boucher** urged enforcement of these changes. **Mr. Ryan** would arrange a meeting with Mr. Hale, DPW Director; and Mr. Bach regarding the parking issue to see if they can craft the best solution for all concerned on the school property. **Jay Albert**, 4 Davis Street Extension read a statement (submitted and on file with photographs illustrating the parking issues on the Davis Street Extension). He mentioned that the school was designed to house Grades 1-4 with two classrooms each and had increased exponentially by adding about seven classrooms with a new wing without consideration for the increased parking for them by adding more students, teachers and support staff as well as more students are being driven to school. He pointed out some of the vehicular issues, including fire apparatus access and pedestrian safety. **Principal Bach** mentioned a solution for the parking on school grounds (as noted earlier) which he endorsed. It is not just at the beginning of and after school traffic but during hours with visitors to the school and deliveries.

Councilor McGeary thanked Mr. Ryan for his fine work along with the Traffic Commission. **Councilor Theken** wished Principal Bach good luck in his new position as Assistant Superintendent for the Gloucester School System.

This matter is continued to June 4, 2012.

The following three items are continued to the June 4, 2012 regularly scheduled O&A Committee meeting:

- 3. CC2012-025 (McGeary) Amend GCO Chapter 22, Sec. 22-270.1 (Resident Sticker Parking Only) re: Farrington Avenue (TBC 06/04/12)**



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-025
COUNCILLORS: Paul McGeary

DATE RECEIVED BY COUNCIL: 05/08/12
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, entitled "Traffic and Motor Vehicles" Sec. 22-270.1 (Resident sticker parking only) be amended by **ADDING:** Farrington Avenue, southerly side from its intersection with Eastern Point Boulevard to its intersection with St. Louis Avenue from May 15 to September 15 of each year; and further

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

Respectfully submitted,

Paul McGeary
Ward 1 Councilor



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-026
COUNCILLORS: Paul McGeary

DATE RECEIVED BY COUNCIL: 05/08/12
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, entitled "Traffic and Motor Vehicles" Sec. 22-270 (Parking Prohibited At All Times) be amended by **DELETING:** Eastern Point Road, westerly side, from the beginning of the white fence at Flat Wonson Cove (near pole #2651) to the end of the white fence (near pole #2648) approximately 220 feet in a southerly direction; and further

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

Respectfully submitted,

Paul McGeary
Ward 1 Councilor



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER:	#CC2012-027
Councillor	Paul McGeary

DATE RECEIVED BY COUNCIL:	05/0812
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

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

one (1) handicapped parking space in front Eastern Avenue #19

And further

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

Paul McGeary
City Councilor
Ward 1



**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:

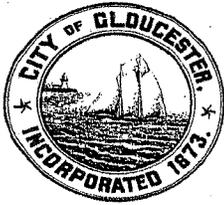
ORDERED that the Ordinances and Administration Committee, working collaboratively with the Committee on the Arts, prepare for council vote an ordinance setting forth a process whereby proposed donations to or installations of public art in the City will be reviewed and accepted.

Bruce Tobey
Councillor At Large

Greg Verga
Ward 5 Councillor

Amend section 2-508 by deleting section b) and replacing it with the following:

- b) No work of art, monument or ornament of art shall be placed on any public ways or on any public lands other than cemeteries and no work of art or object of decoration shall be placed in or upon any public or municipal building or be removed, relocated or altered unless the design thereof or the action to be taken therewith shall have been reviewed by the Committee for the Arts. For the temporary installation of a work of art, the Committee shall make a written recommendation to the mayor within 45 days of its submission. For the permanent installation of a work of art, the Committee shall make a written recommendation to the mayor within 90 days of its submission to the Committee.
- c) Temporary installations of art work of school age children shall be exempt from the provisions of this section.



**CITY OF GLOUCESTER 2011
CITY COUNCIL ORDER**

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

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

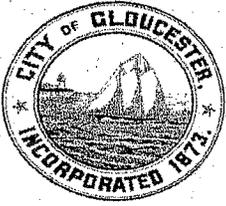
ORDERED that the Ordinances and Administration Committee in consultation with the Health Department, the Inspectional Services Department, the Fire Department, and the Affordable Housing Trust Committee review any City of Gloucester existing ordinances or regulations which relate to abandoned, bank-owned,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

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

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

Greg Verga
Ward 5 Councillor

Bruce Tobey
Councillor at Large



**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
----------	--------------	-----

Boynton 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	1 hour	
Pleasant Street		
Porter Street	1 hour	
Roaders Street, both sides from its intersection with Washington Street to Manual 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 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

May 10, 2012

Mr. Andrew C. Nickas
1 Squam Lane
Gloucester, MA 01930

Dear Mr. Nickas:

I am pleased to reappoint you to a five year term on the **Gloucester Housing Authority**. Your appointment will be sent to the City Council for their meeting of May 28, 2012. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment, effective May 28, 2012, the date on which your current term expires. 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
David Houlden, Executive Director-Gloucester Housing Authority

Enclosure
CAK/c

EFFECTIVE MAY 28, 2012

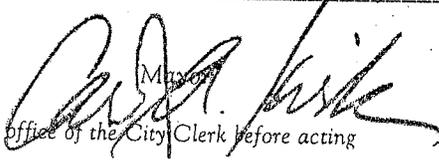
The City of Gloucester, Massachusetts

Dear Andrew C. Nickas, 1 Squam Lane, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the GLOUCESTER HOUSING AUTHORITY of the City of
Gloucester, Massachusetts

This is a 90 day temporary appointment. After City Council
approval, term to expire 2/28/2017. (FIVE 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: _____

Andrew C. Nickas
1 Squam Lane
Gloucester, Massachusetts 01930

April 12, 2012

RECEIVED

APR 17 2012

Mayor's Office

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

Dear Mayor Kirk,

This is just a short note to advise you of my continued interest on remaining on the Gloucester Housing Authority Board and to complete the work on several pending projects:

1. 10 Taylor Street Home Ownership Development.
Completion is anticipated later in the spring.
 - Two - 2 bedroom units (harbor view) to be sold for \$125,000.
 - ADA assessable one bedroom unit to be sold to a qualified buyer for \$90,000.Units will be sold through a local lottery.
2. State Aided Housing Capital Improvement Plan
GHA will be receiving approximately \$1,200,000.
(Please note distribution of funds included on page 4 of the GHA Annual Plan.)
3. Resident Services
I continue to support the following organization providing very important services to our elderly and low income housing participants. Housing First, Resident Opportunity and Self Sufficiency, (ROSS Program) Senior Supporting Housing, Homework Program and the Cape Ann Resource Exchange.

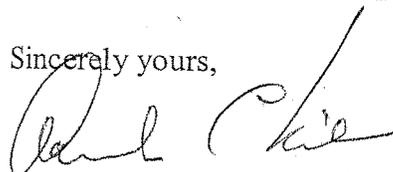
Continuity in the GHA Board's leadership has enabled it to improve living conditions at all family and elderly facilities.

I am proud to have participated in the progress at the GHA over the past 40 years. It is my desire to continue providing my energy, leadership and housing experience to add to the long list of past accomplishments of the GHA.

Hope you will look favorably on appointing me for another term as a GHA Board of Commissioner.

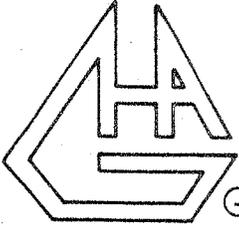
Wishing you and your administration success in the future. Please call me if you are in need of additional assistance.

Sincerely yours,



Andrew C. Nickas

P. S. Enclosed is a copy of our Annual Report



Gloucester Housing Authority

P.O. Box 1599, Gloucester, MA 01931-1599 (978) 281-4770
FAX 281-6945

May 8, 2012

RECEIVED

MAY 14 2012

Mayor's Office

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

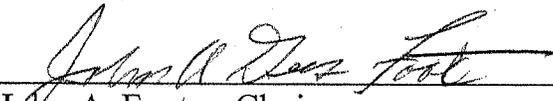
Dear Mayor Kirk,

We are writing to request your re-appointment of Andrew (Andy) Nickas to the Board of Directors of the Gloucester Housing Authority (GHA). Andy has served our community well for many years, and has expressed an eagerness to continue in his service to those in need of housing as well as those with interest in housing issues.

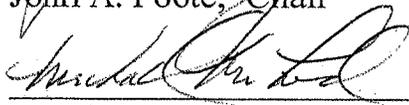
Since his original appointment to the Board in 1977, Andy has demonstrated genuine concern for Gloucester's housing needs. His expertise in banking, business management and public administration is of significant value to the management of the Authority. Andy is a true gentleman with the highest sense of ethics and is a tremendous asset to the GHA.

Accordingly, we request that you re-appoint Andrew Nickas to the Housing Authority Board so that he may continue to serve the housing needs for the residents of Gloucester.

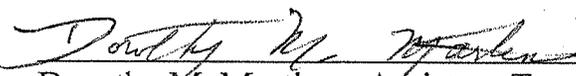
Sincerely,



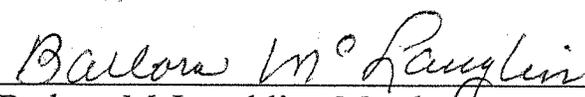
John A. Foote, Chair



Michael McLeod, Vice Chair



Dorothy M. Martins, Assistant Treasurer



Barbara McLaughlin, Member

The General Laws of Massachusetts

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XVII. PUBLIC WELFARE

CHAPTER 121B. HOUSING AND URBAN RENEWAL

OPERATING AGENCIES

Chapter 121B: Section 5. Membership; appointment; election; term of office

Section 5. Every housing and redevelopment authority shall be managed, controlled and governed by five members, appointed or elected as provided in this section, of whom three shall constitute a quorum.

In a city, four members of a housing or redevelopment authority shall be appointed by the mayor subject to confirmation by the city council; provided, that, the members shall be appointed to serve for initial terms of one, two, four and five years, respectively.

In a town, four members shall be elected by the town; provided, that of the members originally elected at an annual town meeting, the one receiving the highest number of votes shall serve for five years, the one receiving the next highest number of votes, for four years, the one receiving the next highest number of votes, for two years, and the one receiving the next highest number of votes shall serve for one year; provided, that upon the initial organization of a housing or redevelopment authority, if a town so votes at an annual or special town meeting called for the purpose, four members of such an authority shall be appointed forthwith by the selectmen to serve only until the qualification of their successors, who shall be elected at the next annual town meeting as provided above.

In a city or town, one member of a housing or redevelopment authority shall be appointed by the department for an initial term of three years.

Thereafter, as the term of a member of any housing or redevelopment authority expires, his successor shall be appointed or elected, in the same manner and by the same body, for a term of five years from such expiration. Membership in a housing or redevelopment authority shall be restricted to residents of the city or town.

In a city, one of the four members of a housing authority appointed by the mayor shall be a resident of that city and shall be a representative of organized labor who shall be appointed by the mayor from a list of not less than two nor more than five names, representing different unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the city or of the district within which the city is included. If no such list of names is submitted within sixty days after a vacancy occurs, the mayor may appoint any representative of organized labor of his own choosing to the authority. In a city, one of the four members of a housing authority appointed by the mayor shall be a tenant in a building owned and operated by or on behalf of the local housing authority who shall be appointed by the mayor from lists of names submitted by each duly recognized city-wide and project-wide tenants' organization in the city. A tenants' organization may submit a list which contains not less than two nor more than five names to the mayor who shall

make his selection from among the names so submitted; provided that, where no public housing units are owned and operated by the local housing authority and no such units are owned and operated on behalf of the local housing authority, the mayor shall appoint any tenant of the housing authority from lists submitted in accordance with this section. If no list of names is submitted within sixty days after a vacancy occurs, the mayor shall appoint any tenant of his choosing to the authority. The mayor shall notify in writing tenant organizations as specified herein not less than ninety days prior to the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the mayor shall notify in writing the tenant organizations specified herein within ten working days after the vacancy occurs. The mayor shall make an appointment within a reasonable time after the expiration of sixty days after said notice.

Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term, in the same manner and by the same body, except elected members in towns whose terms shall be filled in accordance with the provisions of section eleven of chapter forty-one. Every member, unless sooner removed, shall serve until the qualification of his successor.

As soon as possible after the qualification of the members of a housing or redevelopment authority the city or town clerk, as the case may be, shall file a certificate of such appointment, or of such appointment and election, as the case may be, with the department, and a duplicate thereof, in either case, in the office of the state secretary. If the state secretary finds that the housing or redevelopment authority has been organized and the members thereof elected or appointed according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the authority and of the election or appointment of the members thereof.

Whenever the membership of an authority is changed by appointment, election, resignation or removal, a certificate and duplicate certificate to that effect shall be promptly so filed. A certificate so filed shall be conclusive evidence of the change in membership of the authority referred to therein.

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

May 11, 2012

Mr. John Feener
45B Warner Street
Gloucester, MA 01930

Dear John:

Thank you for your interest in once again serving on the **Conservation Commission**. I am pleased to appoint you to a three year term on the Conservation Commission. Your appointment will be sent to the City Council for their meeting of May 22, 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, 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". The signature is fluid and cursive.

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Gregg Cademartori, Acting Community Development Director
Robert Gulla, Chair-Conservation Commission
Lisa Press, Conservation Agent

Enclosure
CAK/c

EFFECTIVE MAY 11, 2012

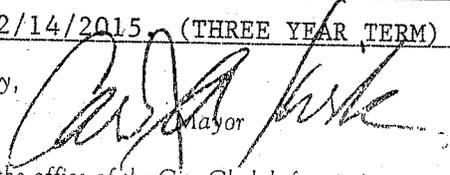
The City of Gloucester, Massachusetts

Dear John Feener, 45B Warner Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the Conservation Commission _____ of the City of
Gloucester, Massachusetts _____

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

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

Dear Mayor Kirk and Mr. Gulla,

I am writing to express my interest in returning to serve on the Gloucester Conservation Commission. I served on the Conservation Commission from 2008-2011, but resigned due to potential conflicts that could arise with Bartlett's Tree Experts doing business with the City of Gloucester. I now work for the Town of Ipswich and would like to return to serving on the Commission.

Not only do I bring a professional knowledge of tree health, invasive species removal and the values of native plant species, I immensely enjoy working with the Commission in balancing protecting the natural resources of Gloucester with the needs of the community.

Thank you for your consideration.

Sincerely,



John Feener

Cc:

Gregg Cademartori, Acting Community Development Director
Rob Gulla, Conservation Chair
Lisa Press, Conservation Agent

ARTICLE III. CONSERVATION COMMISSION*

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

Sec. 16-30. Created.

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

(Code 1970, § 2-328)

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

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

(Code 1970, § 2-329)

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

Sec. 16-32. Powers and duties.

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

(Code 1970, § 2-330)

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

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

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

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

(Code 1970, § 2-331)

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

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

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

(Code 1970, § 2-332)

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

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

ARTICLE IV. RESERVED*

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

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

ARTICLE V. HISTORIC DISTRICT*

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

Sec. 16-60. Purpose.

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

(Ord. of 5-24-77, § 2)

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

Sec. 16-61. Created.

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

(Ord. of 5-24-77, § 3)

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

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



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER:	#CC2012-028
Councillor	Greg Verga

DATE RECEIVED BY COUNCIL:	05/22/12
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

ORDERED that the GCO Sec. 22-269 entitled "Stop Intersections" be amended by **ADDING** Paws lane at its intersection with Beechbrook Road; and further

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

Greg Verga
City Councillor
Ward 5

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

TO: City Council
FROM: Carolyn A. Kirk, Mayor
DATE: May 18, 2012
RE: Addendum to Mayor's Report for the May 22, 2012 City Council Meeting

12 MAY 18 AM 11:34
CITY CLERK
GLOUCESTER, MA

Councilors:

Under the Code of Massachusetts Regulations 940CMR, Section 29.10, (2) (a), as the Chief Executive Officer of the City of Gloucester, I am notifying you of my decision to allow remote participation by all local public bodies, in accordance with the requirements of said regulations.

I have attached a copy of the Attorney General's Open Meeting Law Guide for your information.

The Official Website of the Attorney General of Massachusetts

Attorney General Martha Coakley



[Home](#) [Government Resources](#) [Open Meeting Law](#)

Attorney General's Open Meeting Law Guide

The AGO is pleased to offer this Guide to the Open Meeting Law for use in understanding the application of the law and the regulations to your situation. Keep in mind, however, that the Guide is not the Law or the Regulations. In the event of any conflict, the language in the Law and Regulations is controlling.

This Guide is written for the ease of every-day users for whom the provisions of the Open Meeting Law are important. We welcome comment on how this Guide may be improved from time to time. Please make sure you are referring to the latest which will be posted on this website.

Click to download a copy of the [Attorney General's Open Meeting Law Guide \(PDF\)](#)

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[AGO Authority](#)

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Overview

Purpose of the Law

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.

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AGO Authority

The Open Meeting Law was revised as part of the 2009 Ethics Reform Bill, and now centralizes responsibility for state-wide enforcement of the law in the Attorney General's Office. [G.L. c. 30A, §19 \(a\)](#). To help public bodies understand and comply with the revised law, the Attorney General has created the Division of Open Government. The Division of Open Government provides training, responds to inquiries, investigates complaints, and when necessary, makes findings and takes remedial action to address violations of the law. The purpose of this Guide is to inform elected and appointed members of public bodies, as well as the interested public, of the basic requirements of the law.

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Certification

Within two weeks of a member's election or appointment or the taking of the oath of office, whichever occurs later, all members of public bodies must complete the attached Certificate of Receipt of Open Meeting Law Materials certifying that they have received these materials, and that they understand the requirements of the Open Meeting Law and the consequences for violating it. The certification must be retained where the body maintains its official records. All public body members should familiarize themselves with the Open Meeting Law, Attorney General's regulations, and this Guide.

Where no term of office for a member of a public body is specified, the member must complete the Certificate of Receipt on a biannual basis by January 14 of a calendar year, beginning on January 14, 2011. Where a member's term of office began prior to July 1, 2010, and will not expire until after July 1, 2011, the member should have completed the Certificate of Receipt by January 14, 2011. In the event a Certificate has not yet been completed by a member of a public body, the member should complete and submit the Certificate at the earliest opportunity to be considered in compliance with the law.

Click to download and print a copy of the [Certification Document](#).

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Open Meeting Website

This Guide is intended to be a clear and concise explanation of the Open Meeting Law's requirements. The complete law, as well as the Attorney General's regulations, training materials, advisory opinions and orders can be found on the Attorney General's Open Meeting website, <http://www.mass.gov/ago/openmeeting>. Local and state government officials, members of public bodies and the public are encouraged to visit the website regularly for updates, as well as to view additional Open Meeting Law materials.

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What meetings are covered by the Open Meeting Law?

With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction." As explained more fully below, a deliberation is a communication between or among members of a public body.

These four questions will help determine whether a communication constitutes a meeting subject to the law:

- 1) is the communication between members of a **public body**;
- 2) does the communication constitute a **deliberation**;
- 3) does the communication involve a matter within the body's **jurisdiction**; and
- 4) does the communication fall within an **exception** listed in the law.

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What constitutes a public body?

While there is no comprehensive list of public bodies, any multi-member board, commission, committee or subcommittee within the executive or legislative branches¹ of state government, or within any county, district, city, region or town, if established to serve a public purpose, is subject to the law. The law includes any multi-member body created to advise or make recommendations to a public body, and also includes the governing board of any local housing or redevelopment authority, and the governing board or body of any authority established by the Legislature to serve a public purpose. The law excludes the Legislature and its committees, bodies of the judicial branch, and bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer. Boards of selectmen and school committees are certainly subject to the Open Meeting Law, as are subcommittees of public bodies, regardless of whether their role is decision-making or advisory. Neither individual government officials, such as a mayor or police chief, nor members of their staff, are "public bodies" subject to the law, and so they may meet with one another to discuss public business without needing to comply with Open Meeting Law requirements.

Bodies appointed by a public official solely for the purpose of advising on a decision that the individual could make himself or herself are not public bodies subject to the Open Meeting Law. For example, a school superintendent appoints a four member advisory body to assist her in nominating candidates for school principal, a task the superintendent could perform herself. That advisory body would not be subject to the Open Meeting Law.²

¹ Although the Legislature itself is not a public body subject to the Open Meeting Law, certain legislative commissions are required to follow the Law's requirements.

² See *Connelly v. School Committee of Hanover*, 409 Mass. 232, 565 N.E.2d 449 (1991).

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What constitutes a deliberation?

The Open Meeting Law defines deliberation as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction."

Distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings and will generally not constitute deliberation, provided that when these materials are distributed no member of the public body expresses an opinion on matters within the body's jurisdiction. E-mail exchanges between or among a quorum of the members of a public body discussing matters within that body's jurisdiction may constitute deliberation, even if the sender of the email does not ask for a response from the recipients.

To be a deliberation, the communication must involve a quorum of the public body. A quorum is usually a simple majority of the members of a public body. Thus, a communication among fewer than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that together constitute communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a manner that seeks to evade the application of the law. Thus, in some circumstances, communications between two members of a public body, when taken together with other communications, may be a deliberation.

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What matters are within the jurisdiction of the public body?

The Open Meeting Law applies only to the discussion of any "matter within the body's jurisdiction." The law does not specifically define "jurisdiction." But as a general rule, any matter of public business on which a quorum of the public body may make a decision or recommendation is considered a matter within the jurisdiction of the public body.

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What are the exceptions to the definition of a meeting?

There are five exceptions to the definition of a meeting under the Open Meeting Law.

1. Members of a public body may conduct an on-site inspection of a project or program; however, they cannot deliberate at such gatherings;
2. Members of a public body may attend a conference, training program or event; however, they cannot deliberate at such gatherings;
3. Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they cannot deliberate at such gatherings;
4. Meetings of quasi-judicial boards or commissions held solely to make decisions in an adjudicatory proceeding are not subject to the Open Meeting Law; and,
5. Town Meetings are not subject to the Open Meeting Law. See G.L. c. 39, §§ 9, 10 (establishing procedures for Town Meeting).

For "quasi-judicial boards or commissions," the AGO interprets this exemption to apply only to certain *state* "quasi-judicial" bodies, and a very limited number of public bodies at other levels of government whose proceedings are specifically defined as "agencies" for purposes of G.L. c. 30A.

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What are the requirements for posting notice of meetings?

Except in cases of emergency, a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays and legal holidays. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting. Also note that other laws, such as those governing procedures for public hearings, may require additional notice.

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What are the requirements for filing and posting meeting notices for local public bodies?

For local public bodies, meeting notices must be filed with the municipal clerk sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting. Notices may be posted on a bulletin board, in a loose-leaf binder or on an electronic display (e.g. television, computer monitor, or an electronic bulletin board), provided that the notice is conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. In the event that the meeting notices posted in the municipal building are not visible to the public at all hours, then the municipality must either post notices on the outside of the building or follow one of the alternative posting methods approved by the Attorney General in 940 CMR 29.03(2)(b):

- Public bodies may post notice of meetings on the municipal website;
- Public bodies may post notice of meetings on cable television, **AND**, post notice or provide cable television access in an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- Public bodies may post notice of meetings in a newspaper of general circulation in the municipality, **AND**, post notice or a copy of the newspaper containing the meeting notice at an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
- Public bodies may place a computer monitor or electronic or physical bulletin board displaying meeting notices on or in a door, window, or near the entrance of the municipal building in which the clerk's office is located in such a manner as to be visible to the public from outside the building, or;
- Public bodies may provide an audio recording of meeting notices, available to the public by telephone at all hours.

If one of these alternative posting methods is used, the clerk of the municipality must inform the Division of Open Government of its notice posting method, and update the Division of any future change. All public bodies shall consistently use the most current notice posting method on file with the Division.

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What are the requirements for posting meeting notices for regional district, county, and state public bodies?

- For regional or district public bodies and regional school districts, meeting notices must be filed and posted in the same manner required of local public bodies, in each of the communities within the region or district. As an alternative method of notice, a regional or district public body may post a meeting notice on the regional or district public body's website. A copy of the notice shall be filed and kept by the chair of the public body or the chair's designee.
- County public bodies must file meeting notices in the office of the county commissioners and post notice of the meeting in a manner conspicuously visible to the public at all hours at a place or places designated by the county commissioners for notice postings. As an alternative method of notice, a county public body may post a meeting on the county public body's website. A copy of the notice shall be filed and kept by the chair of the county public body or the chair's designee.
- State public bodies must file meeting notices by posting the notice on the website of the public body or its parent agency. The chair of a state public body must notify the Attorney General in writing of the website address where notices will be posted, and of any subsequent changes to that posting location. A copy of the notice must also be sent to the Secretary of State's Regulations Division and should be forwarded to the Executive Office of Administration and Finance, which maintains a listing of state public body meetings.

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A Note About Accessibility

Public bodies are subject to all applicable state and federal laws that govern accessibility for persons with disabilities. These laws include the Americans with Disabilities Act, the federal Rehabilitation Act of 1973, and state constitutional provisions. For instance, public bodies that adopt website posting as an alternative method of notice must ensure that the website utilizes technology that is readily accessible to people with disabilities, including individuals who use screen readers. All open meetings of public bodies must be accessible to persons with disabilities. Meeting locations must be accessible by wheelchair, without the need for special assistance. Also sign language interpreters for deaf or hearing-impaired persons must be provided, subject to reasonable advance notice.² The Attorney General's Disability Rights Project is available to answer questions about accessibility and may be reached at (617) 727-2200.

²The Massachusetts Commission for the Deaf and Hard of Hearing will assist with arrangements for a sign language interpreter. The Commission may be reached at 617-740-1600 VOICE and 617-740-1700 TTY.

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What information must meeting notices contain?

Meeting notices must be posted in a legible, easily understandable format; contain the date, time and place of the meeting; and list the topics that, as of the time the notice is filed, the chair reasonably anticipates will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. While not required under the Open Meeting Law, public bodies are encouraged to make a revised list of topics to be discussed available to the public in advance of the meeting if the body intends to discuss topics that come up after posting but before the meeting convenes.

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When can a public body meet in executive session?

While all meetings of public bodies must be open to the public, certain topics may be discussed in executive, or closed, session. Before going into an executive session, the chair of the public body must:

- Convene in open session;
- State the reason for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- State whether the public body will reconvene in open session at the end of the executive session; and
- Take a roll call vote of the body to enter executive session.

Where a public body member is participating in an executive session remotely, he or she must state at the start of the executive session that no other person is present and/or able to hear the discussion at the remote location. The public body may authorize, by a simple majority vote, the presence and participation of other individuals at the remote participant's location.

While in executive session, the public body must keep accurate records and must take a roll call vote of all votes taken and may only discuss matters for which the executive session was called.

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The Ten Purposes for Executive Session

The law states ten specific Purposes for which an executive session may be held, and emphasizes that these are the only purposes for which a public body may enter executive session.

The ten Purposes for which a public body may vote to hold an executive session are:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.

This Purpose is designed to protect the rights and reputation of individuals. Nevertheless, it appears that where a public body is discussing an employee evaluation, considering applicants for a position, or discussing the qualifications of any individual, these discussions should be held in open session to the extent that that the discussion deals with issues other than the reputation, character, health, or any complaints or charges against the individual. An executive session called for this Purpose triggers certain rights on the part of an individual who is the subject of the discussion. The individual's right to choose to have this discussion in an open meeting takes precedence over the right of the public body to go into executive session.

While the imposition of disciplinary sanctions by a public body on an individual fits within this Purpose, this Purpose does not apply if, for example, the public body is deciding whether to lay off a large number of employees because of budgetary constraints.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

Collective Bargaining Sessions: These include not only the bargaining sessions but also include grievance hearings that are required by a collective bargaining agreement.

While a public body may negotiate with nonunion personnel or conduct a collective bargaining session with a union in executive session, and may even agree on final contract terms in executive session, the public body must vote to approve or ratify any contract or collective bargaining agreement in open session before it can take effect.

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

Collective Bargaining Strategy: Discussions with respect to collective bargaining strategy include discussion of proposals for wage and benefit packages or working conditions for union employees. The public body, if challenged, has the burden of proving that an open meeting might have a detrimental effect on its bargaining position. The showing that must be made is that an open discussion *may* have a detrimental effect on the collective bargaining process; the body is not required to demonstrate or specify a definite harm that would have arisen. At the time the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's bargaining or litigating position.

Litigation Strategy: Discussions concerning strategy with respect to ongoing litigation obviously fit within this Purpose, but only if an open meeting may have a detrimental effect on the litigating position of the public body. Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely. That a person is represented by counsel and supports a position adverse to the public body's does not by itself mean that litigation is imminently threatened or likely. Nor does the fact that a newspaper reports a party has threatened to sue necessarily mean imminent litigation.

Note: A public body's discussions with its counsel do not automatically fall under this or any other Purpose for holding an executive session.

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

This Purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus, it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have already been brought. Also, unlike Purpose 5, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which Purpose to invoke when going into executive session.

6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

Under this Purpose, as with the collective bargaining and litigation Purpose, an executive session may only be held where an open meeting may have a detrimental impact on the body's negotiating position with a third party. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's negotiating position.

7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

There may be provisions in state statutes or federal grants that require or specifically allow a public body to consider a particular issue in a closed session. Before entering executive session under this purpose, the public body must cite the specific law or federal grant-in-aid requirement that necessitates confidentiality.

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a

preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

This Purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This Purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend candidates to its parent body, however it may include multiple rounds of interviews by the screening committee aimed at narrowing the group of applicants down to finalists. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain fewer than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

Note that a public body is not required to create a preliminary screening committee to consider or interview applicants. However, if the body chooses to conduct the review of applicants itself, it may not do so in executive session.

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information that has been provided under the following circumstances:

- a. in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to G.L. c. 164 § 1F;
- b. in the course of activities conducted as a municipal aggregator under G.L. c. 164 § 134; or
- c. in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to G.L. c. 164 § 136; and
- d. when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

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May a member of the public body participate remotely?

The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

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How can the practice of remote participation be adopted?

Remote participation may be used during a meeting of a public body if it has first been adopted by the chief executive officer of the municipality for local public bodies, the county commissioners for county public bodies, or



by a majority vote of the public body for retirement boards, district, regional and state public bodies. The chief executive officer may be the board of selectmen, the city council, or the mayor, depending on the municipality. See G.L. c. 4, § 7.

If the chief executive officer in a municipality authorizes remote participation, that authorization must apply to all public bodies in the municipality. 940 CMR 29.10(2)(a). However, the chief executive officer determines the amount and source of payment for any costs associated with remote participation, and may decide to fund the practice only for certain public bodies. See 940 CMR 29.10(6)(e). In addition, the chief executive officer can authorize public bodies in that municipality to "opt out" of the practice altogether. See 940 CMR 29.10(8).

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What are the permissible reasons for remote participation?

Once remote participation is adopted, any member of a public body may participate remotely if the chair or, in the chair's absence, the person chairing the meeting, determines that one of the following factors makes the member's physical attendance unreasonably difficult:

- Personal illness;
- Personal disability;
- Emergency;
- Military service; or
- Geographic distance.

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What are the acceptable means of remote participation?

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Accommodations must be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications. Text messaging, instant messaging, email and web chat without audio are *not* acceptable methods of remote participation.

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What are the minimum requirements for remote participation?

Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:

- A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;
- Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
- All votes taken during a meeting in which a member participates remotely must be by roll call vote.

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What procedures must be followed if remote participation is used at a meeting?

At the start of any meeting during which a member of a public body will participate remotely, the chair must announce the name of any member who is participating remotely and which of the five reasons listed above requires that member's remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation other than the section of the regulation that justifies it. This information must also be recorded in the meeting minutes.

Members of public bodies who participate remotely may vote, and shall not be deemed absent for purposes of G.L. c. 39, § 23D. In addition, members who participate remotely may participate in executive sessions, but must state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

If technical difficulties arise as a result of utilizing remote participation, the chair or, in the chair's absence, person chairing the meeting may decide how to address the situation. Public bodies are encouraged, whenever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

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What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of any such recording at the beginning of the meeting.

While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the chair, all members of the public shall be silent. If after clear warning, a person continues to be disruptive, the chair may order the person to leave the meeting, and if the person does not leave, the chair may authorize a constable or other officer to remove the person.

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What records of public meetings must be kept?

Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of the members present or absent, and the decisions made and actions taken including a record of all votes. Minutes must also include the name of any member who participated in the meeting remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. While the minutes must include a summary of the discussions on each subject, a transcript is not required. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot. All votes taken in executive session must be by roll call and the results recorded in the minutes. In addition, the minutes must include a list of the documents and other exhibits

~~29.08: Advisory Opinions~~

~~The Attorney General may issue advisory opinions on request or at his or her own initiative to provide guidance to public bodies and the public on changes to M.G.L. c. 30A, sec. 18-25, court decisions interpreting M.G.L. c. 30A, sec. 18-25, or other developments concerning M.G.L. c. 30A, sec. 18-25.~~

~~(1) The Attorney General shall ordinarily make a draft advisory opinion available for comment on the Attorney General's website at least 60 days prior to the planned issuance of the opinion. Notice of the posting shall be provided to the Commission.~~

~~(2) Comments on the draft advisory opinion shall be submitted, in writing, to the Attorney General at least 30 days prior to the planned issuance of the opinion.~~

~~(3) Action taken by a public body in good faith compliance with an advisory opinion, provided that the circumstances are not materially different, shall not constitute an intentional violation of the M.G.L. c. 30A, sec. 18-25.~~

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29.09: Other Enforcement Actions

Nothing in 940 CMR 29.06 or 29.07 shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A, sec. 18-25 M.G.L. c. 30A, sec. 18-25 pursuant to M.G.L. c. 30A, sec. 23(f).

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29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote

applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

(a) Personal illness;

(b) Personal disability;

(c) Emergency;

(d) Military service; or

(e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted.

Accommodations shall be made for any public body member who

requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

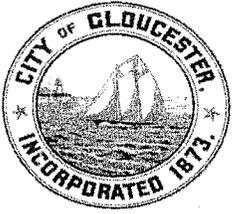
(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

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**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-023
COUNCILLORS: Greg Verga/Joe Ciolino

DATE RECEIVED BY COUNCIL: 04/24/12
REFERRED TO: City Council
FOR COUNCIL VOTE: 05/22/12

RESOLUTION IN COUNCIL

WHEREAS there are a number of streets in the City of Gloucester whose residents are City water users and customers and City water rate payers although they do not have the benefit of publicly owned and constructed water lines in their street, and

WHEREAS these water rate payers have for many years paid water costs assessed by the City which have paid for water improvements including water line reconstructions and replacements throughout the City,

WHEREFORE, BE IT RESOLVED that the City Council finds that all City water customers shall be entitled to equitable treatment concerning the construction, replacement and upgrades of water lines regardless of whether they reside on a public or private street and regardless of whether they are served by lines that were not constructed and installed by the City and be it further resolved that the Gloucester Code of Ordinances, Sec. 23-58 shall be amended to so reflect the requirement of equitable treatment of all customers.

Respectfully submitted,

Greg Verga
City Councilor, Ward 5
Joe Ciolino
Councillor At large