



# City of Gloucester City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930  
Telephone 978-281-9722 Fax 978- 282-3051

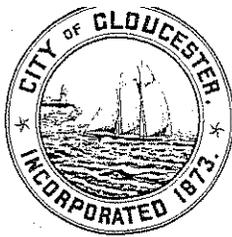
CITY COUNCIL  
AND  
CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
Monday, March 30, 2009 – 7:00 PM  
Council Conference Room (First Floor) City Hall

- **Appointments**
  - a. Robert Wolfe and Richard White – Historical Commission (TTE 2/14/2012)
  - b. Nicole Pitts – Conservation Commission (TTE 02/14/2012)
  - c. Arthur McCann – Traffic Commission (TTE 2/14/2012)
- **Orders**
  - a. Order 08-045 (Devlin) Bray Street – No Parking Either Side
  - b. Order 09-012 (Curcuro) Amend Sec. 22-287 handicap parking 10 Orchard St.
  - c. Order 09-017 (Foote) Amend Sec. 22-287 handicap parking 11 Pearl St.
  - d. Order 09-005 (Hardy/Tobey) Review of Council Procedures.
- **Miscellaneous**
  - a. Memo from Councilor Tobey re: request for documents.
  - b. Veteran's Services
    - i. Proposal to regionalize Veteran's Services
    - ii. Contract between City & E. Essex Dist. Dept of Vet. Services
  - c. Prohibition against Public Consumption of Marijuana.

**COMMITTEE**  
Councilor John "Gus" Foote, Chair  
Councilor Sefatia A. Romeo, Vice Chair  
Councilor Bruce Tobey

C: Mayor  
Jim Duggan  
Robert Wolfe  
Nicole Pitts  
Richard White  
Arthur McCann  
John Beaudette  
Lt. Joe Aiello  
Bob Ryan  
Judith Hoglander

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 5, 2009

Mr. Robert Wolfe  
P.O. Box 1600  
Gloucester, MA 01930

Dear Mr. Wolfe:

I am pleased to reappoint you to a three year term on the Historical Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

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

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

Thank you again.

Sincerely,

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

Carolyn A. Kirk  
Mayor

Enclosure  
CAK/c

*The City of Gloucester, Massachusetts*

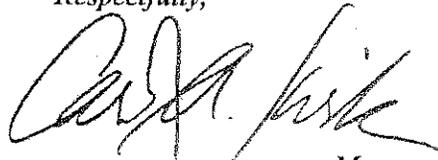
Dear Robert Wolfe, P.O. Box 1600, Gloucester, MA 01930

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

Effective February 15, 2009.

This is a 90-day temporary appointment.  
After City Council approval, term to expire 2/14/2012.

*Respectfully,*



Mayor

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

SWORN IN \_\_\_\_\_ BY \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
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CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 17, 2009

Mr. Richard Burton White  
18 Wingersheek Road  
Gloucester, MA 01930

Dear Mr. White:

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

Your letter of interest will be forwarded to the City Council for their meeting of March 24, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Thank you again.

Sincerely,



Carolyn A. Kirk  
Mayor

cc: Barbara Lambert, Chair, Historical Commission  
Enclosure  
CAK/c

*The City of Gloucester, Massachusetts*

Dear Richard Burton White, 18 Wingersheek Road, Gloucester, MA 01930

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

Effective March 19, 2009.

This is a 90-day temporary appointment.  
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

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

SWORN IN \_\_\_\_\_ BY \_\_\_\_\_

*The City of Gloucester, Massachusetts*

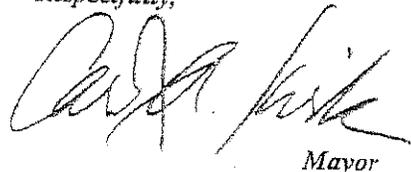
Dear Richard Burton White, 18 Wingersheek Road, Gloucester, MA 01930

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

Effective March 19, 2009.

This is a 90-day temporary appointment.  
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

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

SWORN IN \_\_\_\_\_ BY \_\_\_\_\_

**Christine Pantano**

**From:** Barbara Lambert [lambert@thecia.net]  
**Sent:** Tuesday, March 10, 2009 11:59 AM  
**To:** Christine Pantano  
**Subject:** Fw: new Historical Commission member

----- Original Message -----

**From:** Barbara Lambert  
**To:** Carolyn Kirk, Mayor  
**Sent:** Monday, March 02, 2009 2:20 PM  
**Subject:** new Historical Commission member

Your Honor:

I would like to propose a new Gloucester Historical Commission member, Richard White. His cv is attached. He is the one I mentioned when I saw you at the Lorraine Block charette.

He has attended 3 or 4 meetings, he is knowledgable and in particular can help with grants, and I think he would be an excellent asset.

Our current membership is: Ian Lane, Tom Okeefe, Steve Pardee, David Rhineland, Robert Wolfe and myself.

With many thanks,

Barbara

Barbara Lambert  
The Thomas Riggs House  
27 Vine Street  
Gloucester, Ma. 01930  
978 281-4802  
[lambert@thecia.net](mailto:lambert@thecia.net)

3/16/2009

Objective: Community Service  
Gloucester Historical Commission

Richard Burton White  
18 Wingersheek Rd.  
Gloucester, MA. 01930  
(978)-263-4637 (h)  
(617)-523-8678 (w)  
[rwhite@oldcityhall.com](mailto:rwhite@oldcityhall.com) (w)

### Community Service

- 1992 - 2001 Elected Town Meeting Representative, Billerica Mass.  
(Ombudsman Committee, Rules Committee)
- 1999 - 2000 Chairman, Call Street reuse Committee
- 1992 - 2001 Board of Directors, Billerica Access TV
- 1993 - 1998 President, Board of Directors, Billerica Access TV
- 1990 - 2001 Community Television Producer, Billerica Access TV
- 1997 - 2001 Non-profit Board Liaison to "Billerica Plan"

### Summary of Professional Qualifications

- insightful lease negotiator, with proven ability to "close the deal".  
Having successfully negotiated Commercial leases with individuals and multi-national corporations.
- Demonstrated ability to manage and prioritize multiple tasks simultaneously.
- Design and implement vision and mission statements.
- Ability to work with or without budgets while satisfying all constituencies
- Develop and implement preventative and corrective maintenance programs.
- Proven litigation awareness skills
- Develop and implement risk management program.
- Develop and maintain management policies and procedures.
- Excellent team builder, communicator and facilitator.
- Strong tenant relations and tenant retention skills.
- Proven leasing skills from development of market analysis, marketing plan and plan implementation, through lease creation, negotiation and administration.

### Professional Experience

- Certified Property Manager, (CPM) 1986 - present
- Property Manager, 1976 - present
  - Consultant and Board Development for non-profits
  - Chairman Community Real Estate Project: Development of local non-profit public access television facility (\$500,000).
  - Architectural Heritage Foundation Advisory Board

### Education

- Bachelor of Arts - Political Science, United States History  
University of Massachusetts, Boston
- Certified Property Manager, CPM  
Institute of Real Estate Management
- Real Property Administrator, RPA  
Building Owners and Managers Institute (BOMA)

### Professional Affiliations

- Greater Boston Real Estate Board
- Building Owners and Managers Association
- Society of Real Property Administrators
- Institute of Real Estate Management
- Massachusetts Association of Realtors

### Personal

- Married: Joy White, Curriculum Coordinator, Essex Agricultural High School
- Adult Daughters: Sarah and Emily

## The General Laws of Massachusetts

[Search the Laws](#)

## PART I. ADMINISTRATION OF THE GOVERNMENT

## TITLE VII. CITIES, TOWNS AND DISTRICTS

## CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS

## PURPOSES FOR WHICH TOWNS MAY APPROPRIATE MONEY

Go To:  
[Next Section](#)  
[Previous Section](#)  
[Chapter Table of Contents](#)  
[MGL Search Page](#)  
[General Court Home](#)  
[Mass.gov](#)

## Chapter 40: Section 8D. Historical commission; establishment; powers and duties

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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FAX 978-281-9738  
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

February 5, 2009

Ms. Nicole D. Pitts  
97 Western Avenue, Apt. 2F  
Gloucester, MA 01930

Dear Nicole:

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

Your letter of interest was forwarded to the City Council for their meeting of February 10, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Thank you again.

Sincerely,

Carolyn A. Kirk  
Mayor

cc: Robert Gulla, Chair, Conservation Commission  
Enclosure  
CAK/c

*The City of Gloucester, Massachusetts*

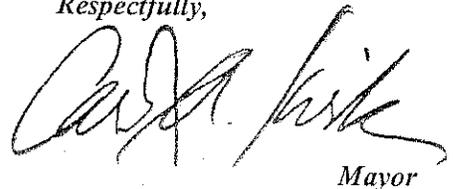
Dear Nicole Pitts, 97 Western Avenue, Gloucester, MA 01930

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

Effective February 5, 2009.

This is a 90-day temporary appointment.  
After City Council approval, term to expire 2/14/2012.

*Respectfully,*



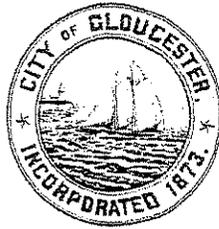
*Mayor*

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

SWORN IN \_\_\_\_\_

BY \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 13, 2009

Mr. Arthur McCann  
51 Lincoln Park  
Gloucester, MA 01930

Dear Art:

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

Your letter of interest will be forwarded to the City Council for their meeting of March 24, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Thank you again.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk  
Mayor

cc: Robert Ryan, Chair, Traffic Commission

Enclosure  
CAK/c

Arthur McCann  
51 Lincoln Park  
Gloucester, MA 01930  
978-281-5715

RECEIVED

MAR 12 2009

Mayor's Office

Mayor Carolyn Kirk  
Gloucester city Hall  
Dale Avenue  
Gloucester, MA 01930

Re: Traffic Commission

Dear Mayor Kirk:

I would be honored to serve on the Traffic Commission.

Very truly yours,



Arthur McCann

*The City of Gloucester, Massachusetts*

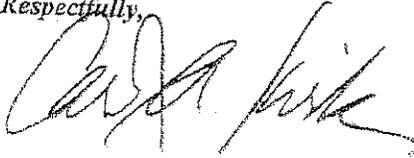
Dear Arthur McCann, 51 Lincoln Park, Gloucester, MA 01930

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

Effective March 13, 2009.

This is a 90-day temporary appointment.  
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

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

SWORN IN \_\_\_\_\_ BY \_\_\_\_\_

*The City of Gloucester, Massachusetts*

Dear Arthur McCann, 51 Lincoln Park, Gloucester, MA 01930

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

Effective March 13, 2009.

This is a 90-day temporary appointment.  
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

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

SWORN IN \_\_\_\_\_ BY \_\_\_\_\_

required to be accomplished in the interest of public betterment.

(c) Whenever signs are in place giving notice that any street or highway has been closed pursuant to this section, it shall be unlawful for any person to drive any vehicle on any such closed street or highway.

(Code 1970, § 21-4; Ord. No. 4-96, § 1, 2-20-96)

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

**Sec. 22-23. Experimental regulations.**

For purposes of trial, the city vehicle may make temporary rules regulating traffic. No such experimental rule regulating traffic shall remain in effect for a period of time longer than thirty (30) days.

(Code 1970, § 21-5)

Secs. 22-24--22-29. Reserved.

**DIVISION 2. TRAFFIC COMMISSION\***

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

**Sec. 22-30. Created; purpose.**

As a continuation of planning board work and for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the city, to lessen congestion and confusion in the streets, to lessen the danger from fire and assist the fighting of it and to facilitate the creation of more adequate provision for transportation and parking, there is hereby created a traffic commission. The commission shall have as its primary purpose the making of studies and presenting of recommendations to the mayor in the matter of regulating traffic and parking in the city.

(Code 1970, § 21-22)

**Sec. 22-31. To act in official capacity under control of mayor.**

The traffic commission shall act in an official capacity for the city and shall be under the over-all control and authority of the mayor.

(Code 1970, § 21-25)

**Sec. 22-32. Composition; appointment; terms of members.**

The traffic commission shall consist of five (5) members appointed by the mayor and confirmed by the city council. Appointments to the commission shall be for terms of three (3) years. In case of the resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, an appointment for the unexpired term shall immediately be made by the mayor.

(Code 1970, § 21-23)

**Sec. 22-33. Organization meeting; officers.**

As soon as possible after the membership of the traffic commission is determined in each year, the commission shall meet and elect from its own membership a chairman and secretary-treasurer to

serve for the term of one (1) year. The secretary-treasurer shall give official notice in writing to the mayor that the commission has organized, giving the names of the chairman and secretary-treasurer.

(Code 1970, § 21-24)

**Sec. 22-34. Duties.**

It shall be the duty and responsibility of the traffic commission to make detailed studies of the motor vehicle and all other forms of traffic within the city, its present and future parking needs and related matters, and to determine, on a community-wide basis, an over-all long-range plan to meet the city's needs. As such needs are determined, recommendations for the improvement of conditions, accompanied by such maps, graphs and charts as may have been prepared, shall be submitted to the mayor.

(Code 1970, § 21-26)

**Sec. 22-35. Assistance of city officials, boards and employees.**

The traffic commission may request the services and assistance of any of the officials, boards and employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

(Code 1970, § 21-27)

**Sec. 22-36. Annual report.**

The traffic commission shall make an annual written report of its activities to the mayor.

(Code 1970, § 21-28)

Secs. 22-37--22-49. Reserved.

**ARTICLE III. OPERATION OF VEHICLES\***

\*State law reference(s)--Driving precautions for safety of other travellers, M.G.L.A. c. 90, § 14.

**DIVISION 1. GENERALLY**

**Sec. 22-50. Care in starting, stopping, turning or backing.**

(a) The driver of any vehicle, before starting, stopping, turning from a direct line or backing shall first see that such movement can be made in safety. If the movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, the driver shall wait for a more favorable opportunity to make the movement.

(b) If the operation of another vehicle should be affected by a stopping or turning movement, the driver of the other vehicle shall be given a plainly visible signal, as required by M.G.L.A., chapter 90, section 14B.

(Code 1970, § 21-54)

**Sec. 22-51. Emerging from alley, driveway or garage.**

**CITY OF GLOUCESTER  
TRAFFIC COMMISSION**

A meeting will be held on Thursday, March 26, 2009 at 6:00 p.m. in the third floor conference room at Gloucester City Hall

*Please conduct your own site visit when convenient*

Meeting was opened at 6:00 p.m. by Chairman Robert Ryan. Also attending were members Larry Ingersoll, Michael Mulcahey and Anthony Bertolino and Margaret Sheehan, Rayna Tulysewski, Lydia Bertolino and CC Phillip Devlin.

**AGENDA**

**TABLED ITEMS FROM PREVIOUS MEETING**

Order #CC2008-45 (Councilor Devlin) Ordered that the section of Bray Street located off Atlantic Street become "No Parking Either Side" for its entire length; and this measure be referred to O&A and the TC.

*(December Meeting) A MOTION was made, seconded and PASSED to TABLE this order and have Councilor Devlin attend our next meeting to explain and clarify this order.*

*(March Meeting) After a discussion and conversation with Councilor Devlin, a MOTION was made, seconded and PASSED to APPROVE the order.*

*NOTE: The TC also recommends that this section of Bray (Eastern side) off Atlantic Street be renamed as there is the possibility of confusion with emergency response as Bray Street currently has a large section unproven running through the woods and is not a complete through way.*

Order #CC2008-40 (Councilor Foote) Amend Sec. 22-270 and Sec. 22-291 of the GCO

The Traffic Commission is requested to investigate the parking situation on Columbia Street including the feasibility of removing the 'No Parking' sign in front of number 7-9 Columbia Street; and

Further that they be requested to take measurements of the existing parking ordinances and any proposed changes, and report back to the council

*(October Meeting) After a site visit and a discussion, a MOTION was made, seconded and PASSED to TABLE this request. At the present time, the TC is unable to locate any ordinances pertaining to the current signs already in place. This order will be looked at again after better mapping of the area is made by the TC and the current ordinances (if any) are found.*

*(December Meeting) The TC has since learned that there seems to be NO ordinances on the books concerning parking restrictions on Columbia Street. At this time the following is being proposed as our recommendation:*

That Sec 22-270 of the GCO entitled "Parking Prohibited at All Times" be amended by ADDING:

Columbia Street, southerly side, at its intersection with School Street, in a westerly direction for a distance of 195 feet (to pole #3278 which would be to move the existing sign in an easterly direction 25 feet).

Columbia Street, southerly side, at its intersection with Church Street, in an easterly direction for a distance of 140 feet (left of the gate to house #7)

Columbia Street, northerly side, for its entire length.

That Sec. 22-291 of the GCO entitled "Tow Away Zones" be amended by adding

Columbia Street, southerly side, at its intersection with School Street, in a westerly direction for a distance of 195 feet (to pole #3278 which would be to move the existing sign in an easterly direction 25 feet).

Columbia Street, southerly side, at its intersection with Church Street, in an easterly direction for a distance of 140 feet (left of the gate to house #7)

Columbia Street, northerly side, for its entire length.

*December Meeting: The City Council will need to create an ordinance for the parking on Columbia Street. After a discussion and several site visits, a MOTION was made, seconded and PASSED to RECOMMEND that the wording of the new ordinances be as above and current signs in place be adjusted as needed.*

*(Previous to March Meeting) After being asked by the CC to review this matter again after a citizen asked some questions at the public hearing, TC members Ryan & Ingersoll met with the resident, discussed her concerns and have come up with the following recommended change in the original measurements:*

Columbia Street, southerly side, at its intersection with Church Street, in an easterly direction for a distance of 140 feet (left of the gate to house #7)

THE ABOVE WILL BE CHANGED TO:

Columbia Street, southerly side, at its intersection with Church Street, in an easterly direction for a distance of approximately 75 feet (Current sign to remain on pole #3280)

*(March Meeting) After a discussion and conversation with an area resident, a MOTION was made, seconded and PASSED to APPROVE the above change in the original ordinance passed at the earlier meeting.*

*The TC would also like to request that the DPW install two “No Parking →” signs on School Street at it’s intersection with Columbia Street to delineate the 20 foot from an intersection parking ordinances. This will make enforcement easier as rubbish trucks and the GFD Rescue Squad have difficulty in making this turn.*

*NOTE: The DPW has already added and/or removed the existing signs before the changes in this ordinance were approved and sent to council. Additional changes to agree with the new wording will now have to be made.*

#### NEW ORDERS

#CC2009-08 (Councilors Ciolino & Curcuru) Ordered that all motor vehicles, including trailers, be banned from driving and parking on the Parisi Baseball Diamond at Stage Fort Park during all scheduled events. (Note: the field was regraded and seeded last fall at a considerable expense)

*At the request of Councilor Ciolino, this item is being removed from the TC agenda. It was sent to the TC in error.*

#CC2009-012 (Councilor Curcuru) Amend GCO 22-287 to add a Handicap parking space at 10 Orchard Street

*After a discussion and conversation with a representative of the requestor, a MOTION was made, seconded and PASSED to APPROVE the Handicap Space. The sign should be put in the area of house #10*

#CC2009-17 (Councilor Foote) Amend GCO 22-287 to add a Handicap Space at 11 Pearl Street.

*After a discussion and conversation with the requestor, a MOTION was made, seconded and PASSED to APPROVE the Handicap space. The sign should be put on pole #1611*

**Meeting was adjourned at 6:52 p.m.**

ROBERT RYAN, Chairman

LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2008  
CITY COUNCIL ORDER**

<b>ORDER:</b>	<b>#CC2008-45</b>
<b>COUNCILLOR:</b>	<b>Philip Devlin</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>11/18/08</b>
<b>REFERRED TO:</b>	<b>O&amp;A, TC</b>
<b>FOR COUNCIL VOTE:</b>	

Ordered, that the section of Bray street located off of Atlantic Street become "NO PARKING EITHER SIDE" for the entire length, and

further ordered, that this measure be referred to the Ordinances and Administration Committee and Traffic Commission

Councillor Philip Devlin



**CITY OF GLOUCESTER 2009  
CITY COUNCIL ORDER**

**ORDER:** #CC2009-012  
**COUNCILLOR:** Steve Curcuru

**DATE RECEIVED BY COUNCIL:** 03/10/09  
**REFERRED TO:** TC & O&A  
**FOR COUNCIL VOTE:**

Ordered that Section 22-287, entitled "Disabled veteran, handicapped parking", of the Gloucester Code of Ordinances, be amended by adding:

In front of #10 Orchard Street, one handicapped parking space.

Councilor Steve Curcuru

Refer to Traffic Commission and Ordinances & Administration Committee.

**P02603015**

**Expires:**

**12-02-13**

**Disabled Persons  
Parking Identification Placard**



*Rachel Kaprielian*  
Register

BERTOLINO

ROSE

M

**Commonwealth of  
Massachusetts**





**CITY OF GLOUCESTER 2009  
CITY COUNCIL ORDER**

**ORDER:** #CC2009-017  
**COUNCILLOR:** Gus Foote

**DATE RECEIVED BY COUNCIL:** 03/10/09  
**REFERRED TO:** TC & O&A  
**FOR COUNCIL VOTE:**

**Ordered** that Section 22-287, entitled "Disabled veteran, handicapped parking", of the Gloucester Code of Ordinances, be amended by adding:

In front of #11 Pearl Street, one handicapped parking space.

Councilor Gus Foote

Refer to Traffic Commission and Ordinances & Administration Committee.



**THE COMMONWEALTH OF MASSACHUSETTS  
REGISTRY OF MOTOR VEHICLES**

80837  
70001882

**PO Box 55889, Boston, MA 02205-5889  
www.mass.gov/rmv**

**CERTIFICATE OF REGISTRATION  
PASSENGER**

PLATE TYPE <b>PAS</b>	REGISTRATION NUMBER <b>HP993F</b>	EXPIRES LAST DAY OF → <b>03</b>	MONTH <b>09</b>	YEAR
--------------------------	--------------------------------------	------------------------------------	--------------------	------

**FEES:**

REGISTRATION	<b>41.00</b>
TITLE	
SPECIAL PLATES	
SALES TAX	
<b>TOTAL</b>	<b>41.00</b>

NAME(S) OF OWNER(S) AND MAILING ADDRESS  
**SHEEHAN, MARGARET A  
 SHEEHAN, MAUREEN E  
 11 PEARL ST  
 GLOUCESTER, MA 01930-3538**

EFFECTIVE DATE **04/01/07**

TRANSACTION NUMBER  
**92707200012025**

*Anne L. Collins*  
REGISTRAR

RESIDENTIAL ADDRESS (IF DIFFERENT)

<b>1999</b> MFRS MODEL YEAR	<b>CHRY</b> MAKE	<b>CIRRUS</b> MODEL NAME	<b>SEDAN</b> BODY STYLE / TYPE	<b>GREEN</b> COLOR
<b>1C3EJ46XN66041</b> VEHICLE IDENTIFICATION NUMBER	<b>PLYMOUTH ROCK ASSU</b> INSURANCE COMPANY		<b>AY545910</b> TITLE NUMBER	

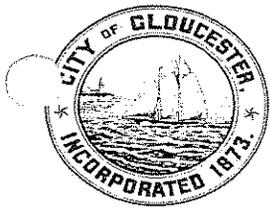
IF VEHICLE CARRYING PASSENGERS FOR HIRE: MAXIMUM NUMBER OF PASSENGERS THAT CAN BE SEATED.

IF VEHICLE USED FOR TRANSPORTING GOODS, WARES, OR MERCHANDISE: TOTAL REGISTERED WEIGHT.

NOT VALID UNTIL STAMPED WITH OFFICIAL SIGNATURE STAMP OR SIGNATURE OF THE REGISTRAR

*Gas to put in order!*

**CITY OF GLOUCESTER 2009  
CITY COUNCIL ORDER**



**ORDER: #CC2009-05**  
**COUNCILLOR: Jackie Hardy/Bruce Tobey**

**DATE RECEIVED BY COUNCIL: 01/27/09**  
**REFERRED TO: O&A**  
**FOR COUNCIL VOTE:**

Ordered that the City Council review the current Council Rules of Procedure in order to bring them up to date, and further

Ordered that this matter be referred to O&A for recommendations.

**Councillor Jackie Hardy**  
**Councillor Bruce Tobey**

# CITY COUNCIL – CITY OF GLOUCESTER

## RULES OF PROCEDURE 1997-1998

(Revised by Vote of the City Council 1/11/94, 4/5/94, 7/12/94, 7/19/94, 9/6/94, 4/2/96, 2/18/97, 2/17/98, 11/10/98, 2/29/00 and 1/15/02)

### RULE 1: MEETINGS

- A. Regular City Council meetings shall be held every other Tuesday beginning May 3, 1994, including the months of June, July, and August, and shall begin at 7:00 P.M., unless the City Council votes otherwise.
- B. All regular meetings shall be concluded on or before 11:00 P.M. unless extended by a 2/3's vote of the Council members present. Such an extension shall not exceed 30 minutes in length. If necessary, the meeting shall be continued to another evening.
- C. Special meetings of the City Council may be called in accordance with Section 2-5 of the City Charter.
- D. When a City Councilor is unable to be present or arrival will be delayed at the City Council Meeting or a Standing Committee meeting, he or she shall report same in advance to the City Clerk's Office or to the Clerk of Committees.

### RULE 2: ORDER OF BUSINESS

The following list establishes the Order of Business for City Council meetings. It is understood that in special situations, the City Clerk and the Council President may rearrange the calendar(s) in the interest of public convenience:

1. Flag Salute
2. Moment of Silence
3. Oral Communications\*
4. Commendations \*\*
5. Confirmation of Appointments
6. Consent Agenda
7. Mayor's Report
8. Councilor Requests to the Mayor
9. Approval of Previous Minutes
10. Unfinished Business
11. Scheduled Public Hearings
12. Standing Committee Reports
13. Communications
14. Applications and Petitions
15. Councilors' Orders
16. Council Discussion, including reports by appointed Councilors to Committees.
17. Name of Councilor by rotation designated to vote first on roll calls.
18. Listing of Minutes from miscellaneous Boards filed for record.

\* Oral Communications shall allow any resident who has a request or complaint of any nature relative to City business to appear before the Council, state their problem, without debate, and the matter shall be referred to the proper agency, through the Office of the Mayor. The resident must be notified in writing within 2-week period of disposition of same, and a copy shall be forwarded to the City Council.

\*\*Commendations – When Councilors submit orders for commendations, the Council President shall schedule them as soon after the final ??? (date?) as practicable.

### **RULE 3: AGENDA PROCEDURE**

- A. All matters to be presented at regular City Council meetings shall be filed with the City Clerk's Office not later than 4:00 P.M. on Wednesday preceding regular Tuesday Council meetings.
- B. Standing Committee reports shall be delivered to the City Council with the agendas. Reports of Committee meetings held on Mondays preceding the regular Council meetings shall not be considered until the next regular meeting (except by unanimous consent of the City Council).
- C. The City Clerk shall arrange delivery of the agendas (calendars of business and enclosures) to the City Councilors on the Friday preceding the regular Council meetings.
- D. Any addendum or other matter filed after the closing time noted, shall be listed on a "Unanimous Consent" calendar and shall be considered at said Council meeting, provided no member objects. If any member objects, then said item(s) shall be considered at the next regular Council meeting.
- E. Whenever correspondence, written reports or other pertinent documents, are received by the Council President or an individual Councilor (in the name of the City, the Council or agencies of the Council) copies of said document(s) shall be filed with the City Clerk for inclusion on the next Council calendar of business; and when possible, copies shall be forwarded to individual City Councilors.

### **RULE 4: PUBLIC HEARINGS**

All public hearings conducted by the City Council shall proceed with the following format which shall be printed on the back of the meeting agenda.

- A. Public Hearing opened by Council President
- B. PRESENTATIONS FROM PROPONENTS. In matters related to Special Permits, petitioners may make initial oral presentations up to thirty (30) minutes; others speaking in favor shall be allowed up to five (5) minutes each. Proponents are encouraged to enter into the record, documentation of their presentation testimony.  
In Public Hearings considering general matters, each individual may speak for up to five ( ) minutes
- C. PRESENTATIONS FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to thirty (30) minutes in total; others speaking in opposition shall be allowed up to five (5) minutes each. Opponents are also encouraged to enter into the record documentation of their testimony.
- D. COMMUNICATIONS READ INTO THE RECORD AND FILED.
- E. REBUTTALS. Proponents shall be allowed one person to make rebuttal up to five minutes and opponents shall be allowed a total of five minutes by one person representing the opposition.
- F. QUESTIONS by City Councilors and the audience to either side.
- G. PUBLIC HEARING OFFICIALLY CLOSED.
- H. STANDING COMMITTEE REPORTS. The three "standard" conditions placed upon all Special Council Permits shall be printed on a sheet of paper and handed to the applicant and the reading of same shall be waived each time after the Public Hearing
- I. COUNCIL DISCUSSION.
- J. ROLL CALL VOTE(s). Unless the Council chooses to postpone the vote pending further information.

### **RULE 5: RULES OF DEBATE**

City Council debate shall be guided by the Council President within the following constraints:

- A. No member shall speak more than once on the same question until all other members desiring to speak have spoken;
- B. No member shall have or hold the floor for more than 5 consecutive minutes during debate on the same question, and;
- C. No member shall discuss any individual or company in a derogatory manner without first notifying the party(ies) involved. Upon notice, the matter shall be placed on the agenda for a future meeting.

These constraints may be lifted by the Council President for good cause or by a 2/3's Roll Call vote of Councilors present.

Roberts Rules of Order shall prevail on all matters not specifically covered by these Rules of Procedure.

**RULE 6: MANNER OF VOTING**

- A. Roll Call votes shall be conducted in the following manner:
- B. The Clerk shall call the name of each City Councilor in alphabetical order. The first name on the roll call shall be rotated at every new meeting.

**RULE 7: COMMITTEES**

- A. Council Committees shall be established as set forth in City Charter Sections 2-9 a,b,c, and d.
- B. When a member of a Standing Committee is absent, the Committee Chairman should appoint another Councilor as an alternate member of said Committee with voting authority.
- C. Ad Hoc Committees may be established by the City Council, the members of which shall be appointed by the Council President.
- D. Should a Committee schedule a daytime meeting and any Councilor objects, the meeting shall be rescheduled to an evening meeting.

**RULE 8: ADMINISTRATIVE PROCEDURES**

- A. All requests of Councilors to the Mayor's Office or City Department Heads shall be processed through the Mayor's Office in writing (on standard "blue slip" memo forms with one subject to each sheet). Requests may also be processed in this manner through the City Clerk or the Clerk of Committees. There is no need to put such a "blue slip" request into the City Council record at Council meetings, unless special requests are voted officially by the full City Council.
- B. The Mayor's Administrative Assistant shall be responsible for implementing or otherwise responding to all Councilors' requests. In all cases, replies to the originating Councilor request(s) shall be processed and in hand within two weeks.
- C. In emergency situations, at their discretion, individual Councilors may contact the Director of Public Works or Department managers directly to make reasonable requests on behalf of citizens, but Councilors are not to influence employees in any way that may conflict with instructions from their Department Head or delegated supervisors.
- D. Official requests of the full City Council will be handled in a similar fashion by the Administration, but interim and final reports should appear in the Mayor's Bi-Weekly Reports to the City Council.

**RULE 9: VACANCIES IN POSITIONS OF CITY CLERK OR CITY AUDITOR**

- A. Within one week of the council learning of a vacancy or impending vacancy in the City Clerk or City Auditor's positions, the positions shall be advertised in a Boston and a local newspaper on two consecutive days and in one Boston Sunday newspaper. The weekday advertisements shall appear simultaneously
- B. Advertisements shall indicate that the applications must be in a sealed envelope with the words "Auditor Application" or "Clerk Application" clearly printed on the outside and mailed to the City Clerk's Office. Applications must be received by the City Clerk's Office no later than three weeks from the first day of advertisement.
- C. Upon receipt of applications by the City Clerk, each envelope shall be date stamped, sequentially numbered but not opened.
- D. The City Clerk shall deliver the applications marked "Clerk Application" to the Ordinances and Administration Committee and applications marked "Auditor Application" to the Budget and Finance Committee, where the applications shall be opened, evaluated and screened to select a group of six finalists for personal interview by the Committee.
- E. The appropriate City Council Standing Committee, after reviewing resumes, conducting personal interviews, and doing reference checks shall submit the names of three finalists to the full City Council no later than five weeks from the closing date of the application period.
- F. Following receipt of the report of the Ordinance and Administration Committee, the City Council shall conduct interviews and make a final selection within two weeks.

**RULE 10: SPECIAL PERMITS**

- A. During discussion of Special Permits, Councilors are required to give testimony on their reasons for voting based upon the judging criteria in Section 1.4.2.2.(e) of the Zoning Ordinance.

**RULE 11: MINUTES**

- A. Minutes of Council meetings shall only be altered or approved by the full City Council at a regularly scheduled meeting.

**RULE 12: TRANSFERS and AUTHORIZATION for SIGN-OFF**

- A. City Council Transfers are to be signed by the Department Head, being defined as the Chairman or Vice Chairman of the appropriate Standing Committee of the City Council. In the absence of the Chairman or Vice Chairman, the Council President is authorized to sign.
- B. Sign Off Authority:
- Authority to sign off on City Council, Personal Services, Line 5110 to City Clerk
  - Authority to sign off on City Council, Ordinary – Contracted Services – Line 5200 to City Clerk
  - Authority to sign off on City Council, Ordinary Account lines 5710 and 5720 to Budget and Finance Committee Chairperson or, in his/her absence, Budget and Finance Committee Vice Chairperson.

(Revised 1/11/94, 4/5/94, 7/12/94, 7/19/94, 9/6/94, 4/2/96, 2/18/97, 2/17/98, 11/10/98, 2/29/00 by Vote of the City Council)



**GLOUCESTER CITY COUNCIL 2009**

**COMMUNICATION**

**RECEIVED: 01/20/09**

**NUMBER: COM-005**

**NUMBER OF PAGES: 1**

**SUBJECT: Memo from Councillor Tobey re: Request for Documents**

**ACTION: Refer to O&A**

January 20, 2009

To: Carolyn Kirk  
Mayor

From: Bruce Tobey  
Council President

Subject: Request for Documents

Numerous councilors have voiced their concerns to me that the Administration needs to release promptly full and unredacted versions of two documents to the council and to the community. One of those documents is the NEMLEC report on the recent investigation of events in the Gloucester Police Department, and the other is the after-incident report on the Lorraine Apartment Building fire. I hereby request that those reports be forwarded to the council for inclusion on the agenda of our January 27, 2009 meeting.

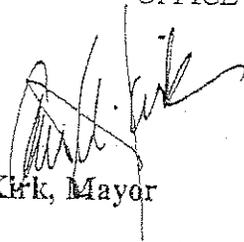
While the council's need for this information generally mirrors that of the community at large -- the necessity that we all share complete confidence that our public safety organizations are performing with complete effectiveness and integrity -- the council as the Mayor's co-equal partner in local government has an additional reason to demand the production of these reports: having just begun a comprehensive management audit of the City's public safety departments, we must have full access to any and all information regarding their operations and practices.

Insofar as the NEMLEC report is concerned, I would make one additional point: it has been reported that this report has been deemed a personnel record because the administration and the recently-disciplined officer agreed in would be so-regarded; if that is in fact the case, I challenge that designation (which unfortunately follows in the wake of a similarly-flawed approach employed in the settlement of the Lamberis case) as being ineffective to prevent its full release as a public record.

I hope you will honor this request. In the event the documents are not released, I will propose to the council at our next meeting that we consider our options under section 2-6 of the City Charter.



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

TO: City Council 

FROM: Carolyn A. Kirk, Mayor

DATE: February 12, 2009

RE: Mayor's Report for the February 24, 2009 City Council Meeting

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Dear Councilors,

→ For your information, we have accepted the resignation of Arley Pett, Veterans' Agent for the City of Gloucester. Arley's resignation was effective Friday, February 13, 2009. During his tenure with the City, Arley served our veterans well. Please join me in wishing him the best in his future endeavors.

In terms of continuity of service to our veterans, we anticipate the following:

- The Fred W. Ritvo Veterans Center will remain open and staffed by Lucia Amero. She will continue her duties of administering the Federal program and handling the day-to-day activity at the Center.
- We are in discussions with a neighboring community about the possibility of regionalizing the administration of the State veterans benefits. The Commonwealth of Massachusetts Department of Veterans Services has blessed a regionalized approach.
- The Administration is reaching out to the veterans organizations and apprising them of the situation.

We will keep the City Council informed as the plan details are set.

Other matters requiring your attention and action are as follows:

Enclosure 1 is a memorandum from Community Development Director Sarah Buck requesting City Council acceptance of a Priority Development Grant in the amount of \$60,000 from the Commonwealth of Massachusetts' Interagency Permitting Board. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Sarah Buck will be available to answer questions and provide further information as required.

City Hall  
Nine Dale Ave  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

## *Memorandum*

To: City Council President Tobey and Members of the Gloucester City Council

From: Jim Duggan, Chief Administrative Officer 

Cc: Mayor Carolyn Kirk

Date: March 20, 2009

Re: **Department of Veterans Services**

Attached for your review is a contract between the City of Gloucester and the Eastern Essex District Department of Veterans' Service. The contract is for consulting services as they pertain to the required submission of benefits paperwork to the Massachusetts Department of Veterans Services for Gloucester veterans.

I respectfully request that you forward this to Budget and Finance for their review and discussion.

## STANDARD SERVICES CONTRACT #

BY AND BETWEEN

The City of Gloucester, a municipal corporation, organized and existing under the laws of the Commonwealth and located in the County of Essex in said Commonwealth, hereinafter sometimes called the City and **the Eastern Essex District Department of Veterans' Service**, with their principal office located at 25 Green Street, Ipswich, MA, sometimes referred to as the Contractor.

DATE

Executed this \_\_\_\_ day of \_\_\_\_\_, 2009.

RECITALS

1. Whereas the City of Gloucester requires a Veterans Service Officer;
2. Whereas the City of Gloucester, by its Mayor, having been authorized by the City Council, has the power to purchase such professional service for outside sources;
3. Whereas the Eastern Essex District Department of Veterans' Service has made claim and has satisfied the City that it is capable of performing the required professional services; and
4. Whereas in reliance upon the above.

THE CITY AND VSO AGREE THAT:

1. Services

The Eastern Essex District Department of Veterans' Service shall provide the following services:

- a. The Veterans Service Officer (VSO) will work at Gloucester Veterans Center one day per week.
- b. District will accept calls and visits at Ipswich Office from Gloucester veterans, widows, etc.
- c. The VSO will make in-home visits as necessary in Gloucester for those unable to travel to Veterans Center or Ipswich.
- d. Assistant to the VSO will work at Gloucester Veterans center one day per week for VSMIS documentation and paperwork, and will add hours if needed.
- e. The VSO will attend monthly Veterans Council meeting in Gloucester.
- f. The VSO will hold hours at the Gloucester Senior Center approximately 4 hours per month.

- g. The VSO will be unable to plan or sponsor special events including Memorial Day and Veterans Day celebrations while assisting the city.
- h. The VSO will not conduct an aggressive outreach campaign due to time constraints.
- i. The VSO will assist the City of Gloucester in their search for a new VSO and recommends the Local Veterans Employment Representative (LVER) at the DET in Gloucester and also be a part of the search committee.
- j. The VSO will meet with other Gloucester officials as necessary in the performance of his duties, but will not attend routine department head (or similar) meetings due to time constraints.
- k. Current City of Gloucester Veterans staff will continue as a direct employee of the City of Gloucester, subject to Gloucester pay and personnel regulations.
- l. The VSO will increase Ipswich office hours by 8 hours per week, and Assistant by 5 hours per week to accommodate increased workload and minimize loss of support to existing district.

The City will pay the VSO and his Assistant \$3,277 per month for services rendered from April 1, 2009 to December 31, 2009. Total amount of contract is not to exceed \$29,493.

Timeliness and manner of payment is to be developed between the VSO and City of Gloucester. Cost may increase slightly for FY10 based on the annual budget to be approved by the District's Board of Directors in early April for FY10.

The City of Gloucester may provide an official to act as an ex officio member of the District Board of Directors for any meeting while the VSO is providing assistance to Gloucester.

Should travel to and from Gloucester become extensive, the VSO will notify the City of Gloucester of the concern before mileage reimbursement will be approved from the City of Gloucester at their current mileage rate.

## 2. Contractor's Covenants

- A.) The Contractor covenants that it is qualified to perform the services required by this contract and now is, and shall at all times while this contract is in effect, be duly permitted by law to perform such services, and all personnel engaged in this contract shall be qualified, licensed if necessary, and so permitted to do the work they perform.
- B.) The Contractor agrees to pay all debts for labor and/or services and materials contracted by it, if any, and for the rental of any office space, equipment or machinery hired by it, if any, for and on account of the services be performed

hereunder; and the Contractor agrees to assume the defense of and indemnity and hold harmless the City, its officers, agents and employees from and against any and all suits, claims, demands, expenses and liabilities arising from or in any way rendered under this contract. The Contractor shall have no capacity to bind the City in any contract nor to incur liability on the part of the City, and if the Contractor employs or proposes to employ any person or persons during the term of this contract, the employment or proposal shall not obligate the City in any manner to any such employee.

- C.) The Contractor covenants with the City that it shall be solely responsible for the conduct health and safety of its employees during the term of this contract and shall hold the City harmless for any injuries, damages or losses incurred by its employees while working on this project, unless the same injuries, damages or losses can be proven to result from the willful or intentional acts of the City or its employees.
- D.) The Contractor shall maintain records of all details with respect to the services performed hereunder, for three years after the date of the final payment made by the City under this contract. The Contractor shall permit any duly authorized representative of the City, State or Federal agency which requires access as a precondition to funding, if any, or any of their duly authorized representative, from time to time and during regular business hours, to have access to and inspect papers, and other records of the Contractor pertaining to transactions pursuant to this contract.
- E.) The Contractor covenants with the City that it shall, upon the completion of this contract or upon termination, turnover, surrender or deliver to the City originals or executed duplicates of all documents, bids, estimates, contracts, leases, deeds, memoranda, correspondence, requests for proposals, pleadings, answers, opinions or any other finished work product contemplated within the Contractor's Scope of Work attached hereto. It is understood that upon delivery to the City, all such instruments become the property of the City of its use without restriction. All services including reports, opinions and information to be furnished under this contract are confidential and shall not be divulged in whole or part to any person other than duly authorized representative of the City. The contractor shall take all necessary steps to insure that no member of his staff divulges any such information, except as herein permitted.
- F.) The Contractor agrees that during the performance of this contract:
  - 1.) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin.
  - 2.) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants

will receive equal consideration for employment without regard to race, color, religion sex or national origin.

G.) The Contractor's rights, obligations and duties under this contract shall not be assigned in whole or part without prior written consent of the City, but this shall not prohibit written consent of the City, but this shall not prohibit the assignment of the proceeds due or to become due hereunder to a bank or financial institution without such approval. None of the services to be performed by the Contractor pursuant to this contract shall be subcontracted without the prior written consent of the City.

### 3. Termination

This contract may be terminated by either party upon ten days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. If the City terminates this agreement under the terms of this paragraph and it is later determined that the Contractor had not so failed, the Contractor shall be paid for services performed to the termination notice date plus reasonable related costs incurred due to termination.

In addition, the City may terminate this agreement at any time upon ten days written notice should the services of the Contractor no longer be required. Upon receipt of ANY termination notice, the Contractor shall:

- A.) Promptly discontinue all service affected (unless the notice directs otherwise); and
- B.) Deliver or otherwise make available to the City all data, drawings, reports, estimates, memoranda, summaries, work products and the information that the Contractor may have accumulated in performing this contract, whether complete or in process.

The City may take over the work in this contract and prosecute the same to completion by agreement with another party or otherwise. Any work the City takes over for completion will be completed at the City's risk and the City shall hold harmless the Contractor from all claims and damages arising out of the improper use of the Contractor's work.

In the event of a termination, an equitable adjustment shall be made in moneys paid the Contractor. The adjustment shall provide for payment to the Contractor for services rendered and expenses incurred before the termination settlement costs the Contractor reasonably incurs relating to commitments which had become firm before the termination.

4. Notice

No notice, action, or other communication shall be effective unless received by the persons holding the following designated positions:

FOR THE CITY:

Name: James Duggan  
Title: Chief Administrative Officer  
Address: 9 Dale Avenue  
Address: Gloucester, MA 01930  
Telephone: (978) 281-9700

FOR THE CONTRACTOR:

Name: Terrance Hart  
Title: Director  
Address: 25 Green Street  
Address: Ipswich, MA  
Telephone: (978) 356-3915

All notices shall be in writing or by telegram except in exigent circumstances; telephone communication confirmed by an immediate subsequent correspondence shall be effective.

5. Contract Interpretation

This contract shall be construed as a Massachusetts contract and any interpretation of its meaning, effects or consequences shall be determined with reference to Massachusetts statutory and common law.

6. Contract Changes

This agreement may be modified or altered by the parties at any time, provided, however, that such modification or alterations are evidenced by writing and signed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**FOR THE CITY OF GLOUCESTER:**

**FOR THE CONTRACTOR:**

\_\_\_\_\_  
*Purchasing Agent/Asst. Purchasing Agent*

by: \_\_\_\_\_

\_\_\_\_\_  
*Mayor*

by: \_\_\_\_\_

CERTIFICATION AS TO FUNDS

I hereby certify that a total appropriation is available for this contract consisting of the following separate departmental appropriations:

Amount: \_\_\_\_\_ From Account: \_\_\_\_\_

\_\_\_\_\_  
*City Auditor*

\_\_\_\_\_  
*Date*

Approved as to Form:

\_\_\_\_\_  
*City Solicitor*

\_\_\_\_\_  
*Date*

## SCHEDULE A

### SCOPE OF WORK

- 1.) Starting Date: The Contractor shall begin work on April 1, 2009
- 2.) Completion Date: The Contractor shall end work no later than December 31, 2009
- 3.) Scope of Work:
  - a. The Veterans Service Officer (VSO) will work at Gloucester Veterans Center one day per week.
  - b. District will accept calls and visits at Ipswich Office from Gloucester veterans, widows, etc.
  - c. The VSO will make in-home visits as necessary in Gloucester for those unable to travel to Veterans Center or Ipswich.
  - d. Assistant to the VSO will work at Gloucester Veterans center one day per week for VSMIS documentation and paperwork, and will add hours if needed.
  - e. The VSO will attend monthly Veterans Council meeting in Gloucester.
  - f. The VSO will hold hours at the Gloucester Senior Center approximately 4 hours per month.
  - g. The VSO will be unable to plan or sponsor special events including Memorial Day and Veterans Day celebrations while assisting the city.
  - h. The VSO will not conduct an aggressive outreach campaign due to time constraints.
  - i. The VSO will assist the City of Gloucester in their search for a new VSO and recommends the Local Veterans Employment Representative (LVER) at the DET in Gloucester and also be a part of the search committee.
  - j. The VSO will meet with other Gloucester officials as necessary in the performance of his duties, but will not attend routine department head (or similar) meetings due to time constraints.
  - k. Current City of Gloucester Veterans staff will continue as a direct employee of the City of Gloucester, subject to Gloucester pay and personnel regulations.
  - l. The VSO will increase Ipswich office hours by 8 hours per week, and Assistant by 5 hours per week to accommodate increased workload and minimize loss of support to existing district.

## TAX COMPLIANCE

### IF A CORPORATION:

State in which Incorporated

\_\_\_\_\_  
President

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
If a foreign (out of State) corporation - are you registered to do business in Massachusetts? YES \_\_\_\_\_ NO \_\_\_\_\_. If you are selected for this work, you are required under Massachusetts General Law Chapter 38D, to obtain from the Secretary of State, Foreign Corp. Section, State House, Boston, a certificate to the awarding authority prior to award.

### IF A PARTNERSHIP (Name All Partners):

Name	Address	City	State/Zip
------	---------	------	-----------

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### IF AN INDIVIDUAL:

Name	Address	City	State/Zip
------	---------	------	-----------

\_\_\_\_\_

### IF AN INDIVIDUAL DOING BUSINESS UNDER A FIRM NAME:

Name of Firm	Business Address
--------------	------------------

Name of Individual	Address	City	State/Zip
--------------------	---------	------	-----------

\_\_\_\_\_

**ATTESTATION CLAUSE**

Pursuant to M.G.L. Ch 62C sec 49A. I certify under penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required by law.

\_\_\_\_\_  
*Social Security No. Or Federal Identification No.*

\_\_\_\_\_  
*Signature or Individual or Corporate Name*

By: \_\_\_\_\_  
*Corporate Officer (If Applicable)*

OFA

TO: HONORABLE CAROLYN KIRK

FROM: LT JOE AIELLO  
OPERATIONS COMMANDER  
GLOUCESTER POLICE

SUBJECT: PROHIBITION OF PUBLIC CONSUMPTION OF MARIJUANA

DATE: January 6, 2009

Mayor Kirk:

As you are aware, Massachusetts voters on November 4, 2008, voted to "decriminalize" the possession of up to one ounce of marijuana or tetrahydrocannabinol (THC). Prior to this change in the law, police officers were empowered to arrest people whom they had probable cause to believe were in possession of either drug.

Within the approved ballot initiative is a provision which states, "Nothing contained herein shall prohibit a political subdivision of the Commonwealth from enacting ordinances or bylaws regulating or prohibiting the consumption of marihuana or tetrahydrocannabinol in public places and providing for additional penalties for the public use of marihuana or tetrahydrocannabinol."

As the open and public smoking of marijuana or hashish would be potentially disruptive, I respectfully recommend that the City of Gloucester enact such an ordinance. The new ordinance should, in my opinion, be placed in Article 14, the "Offences and Miscellaneous Provisions", specifically by amending Article 14-3 Drinking Alcoholic beverages upon public way, etc. (See page 844 of City of Gloucester Code). The new section would read as follows, with changes noted in boldface:

14-3 (c). Possession and Use Marijuana or Tetrahydrocannabinol. No person shall **consume marijuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1** within the limits of any park, playground, public building or any public land (but not including a public way) owned or under the control of the City of Gloucester, nor shall any person **consume marijuana or tetrahydrocannabinol** on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the City of Gloucester; and no person shall **consume marijuana or tetrahydrocannabinol** as previously defined, in, on, or upon any private land or place without the consent of the

owner or person in control of such private land or place. Any person who violates this section may be arrested by a police officer without a warrant. **Marijuana or tetrahydrocannabinol** being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court. **Whoever violates the provisions of this section as it pertains to marijuana or tetrahydrocannabinol shall be punished by a fine not exceeding one hundred (100) dollars for the first offense, two hundred (200) dollars for the second offense, and three hundred (300) dollars for any third or subsequent offense.**

Please let me know if you have any questions or whether I may be of further assistance.

RESPECTFULLY SUBMITTED,

Lt Joe Aiello  
Gloucester Police