City of Gloucester

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, August 3, 2009 – 6:15 PM
Council Conference Room, City Hall

1. Department of Revenue re: Local Option Excises
2. Proposed Storm Water Management Utility Ordinance (cont'd from 8/3/09)
3. Memo from Shellfish Constable re: Amendment to local shellfish management plan for Jones River
4. Memo from CAO re: Regional Emergency Dispatch Center
5. CC2009-033(Hardy&Romeo) Create new ordinance re: Prohibiting Soliciting

Other Business:

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

C: Mayor
Jim Dugan
Suzanne Egan
Mike Hale
Marcia McGinnis
Jeff Towne
Dave Sargent

nationalgrid

May 26, 2009

City Council
City Hall
Gloucester, MA 01930

Enclosed please find the following:

One (1) petition and three (3) copies of order for the installation of joint owned pole #1 on Beechbrook Road, 98 feet away from existing pole #3936 on Essex Avenue for new business at 401A Essex Avenue.

If granted, please retain your copies and return the others to this company.

Sincerely,

Craig Spinale

Craig Spinale
Supervisor Distribution Design

CS/ld
Enclosures

170 Medford Street, Malden, MA 02148-7384

T: 781/388 5000 ■ www.nationalgrid.com

cit 4

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Malden, Massachusetts May 26, 2009

To the City Council
Gloucester, Massachusetts

NATIONAL GRID AND VERIZON NEW ENGLAND, INC.

request permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way-

BEECHBROOK ROAD- Install one (1) joint owned pole #1, 98 feet away from existing pole #3936 on Essex Avenue for new business at 401A Essex Avenue.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-National Grid And Verizon New England, Inc. WR# 6497578 Dated 5/20/09

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID

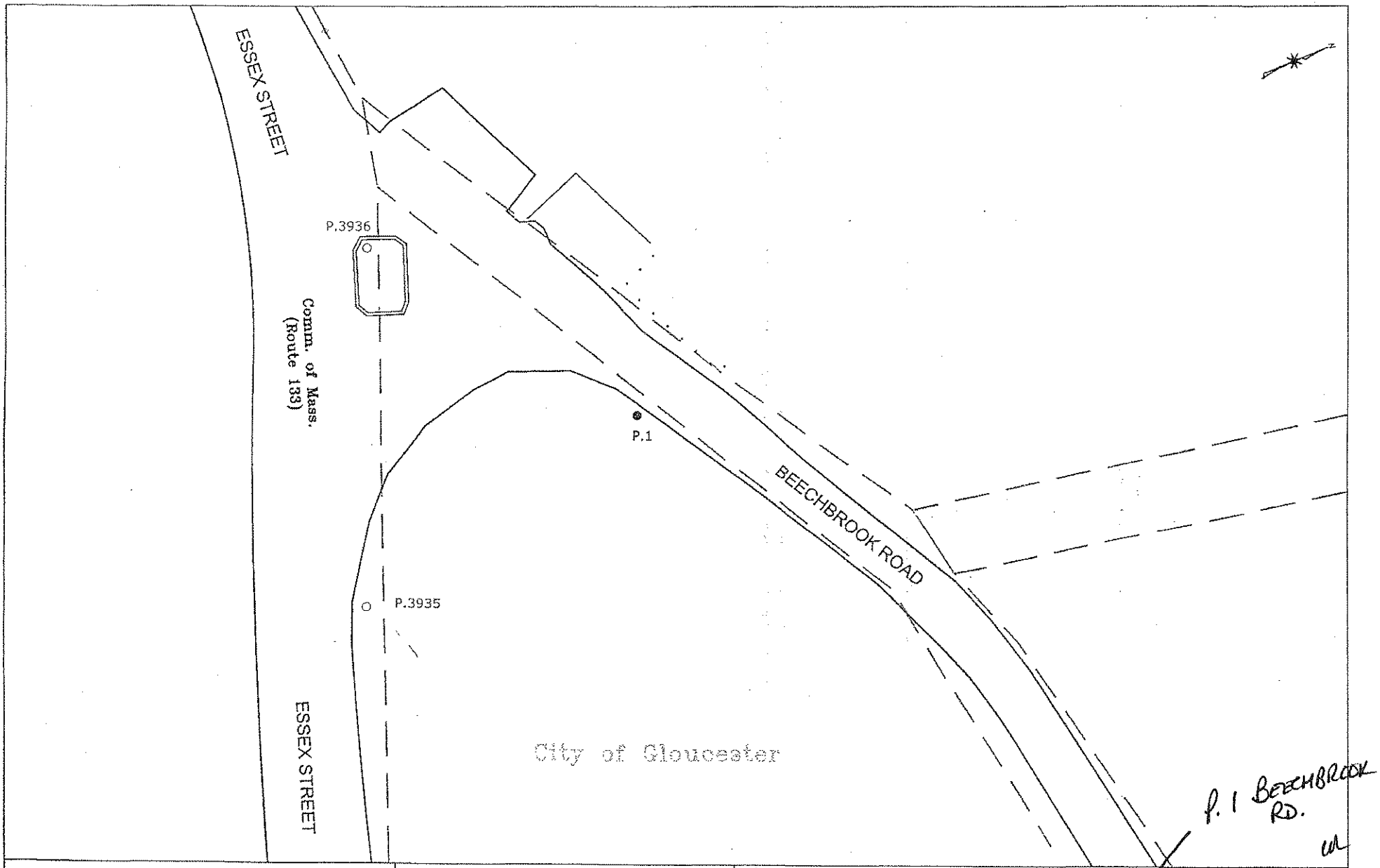
BY Craig Spinale

Craig Spinale – Supervisor Distribution Design

VERIZON NEW ENGLAND INC.

BY E. Everette Bryan

E. Everette Bryan - Manager, Right of Way



NOTE: ALL DISTANCES ARE APPROXIMATE...
NOT TO SCALE

nationalgrid
VERIZON
PETITION SKETCH

DATE DRAWN: 05/20/09

DRAWN BY: TAB

APPROVED BY: DJB/JMe

WR#: 6497578

NOTE: Sketch to accompany petition to install new J.O. pole 98 feet away from existing pole 3936 on Essex Avenue for new business at 401A Essex Avenue in Gloucester, MA.

KEY:
○ EXISTING POLE
● NEW POLE (J.O.)

CITY OF GLOUCESTER

GLOUCESTER · MASSACHUSETTS · 01930

BOARD OF ASSESSORS

REQUEST FOR ABUTTER'S LIST

TO: BOARD OF ASSESSORS

NAME ~~[illegible]~~ 4 Paris Lane Cape Ann Animal

FROM: Marie Planning.

SUBJECT PARCEL: MAP 228 LOT 43 UNIT ____

LIST OF ABUTTERS:

MAP 228 LOT 44 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 45 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 47 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 48 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 40 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 42 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 27 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 29 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 28 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 29 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT 30 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP 209 LOT 24 UNIT ____	MAP ____ LOT ____ UNIT ____
MAP ____ LOT ____ UNIT ____	MAP ____ LOT ____ UNIT ____

DATE 5/21/09

BOARD OF ASSESSORS

_____

Abutters Notified 7-23-09 First Class Mail

City of Gloucester, Abutters List

Report Description:
Abutters To Parcel... MAP 228 LOT 43

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.
Gloucester Board of Assessors

Abutter	Street Address	Parcel No.	Mailing Address
1 228 27 MALLARD MICHAEL C & KINA S	396 ESSEX AV	228 27	396 ESSEX AV GLOUCESTER MA 01930
2 228 28 SANFILIPPO SAMUEL A & JO-ANN	392 ESSEX AV	228 28	10 WESTERN AV GLOUCESTER MA 01930
3 228 29 STRICKLAND LAURIE	388 ESSEX AV	228 29	388 ESSEX AV GLOUCESTER MA 01930
4 228 30 HEUSSI JEREMY	386 ESSEX AV	228 30	27 ADDISON ST ~~GLOUCESTER MA 01930~~ Corrected per deed Essex MA 01929 JUL 29 2009
5 228 40 JILLSON FREDERICK & SHELIA R	399 ESSEX AV	228 40	399 ESSEX AV GLOUCESTER MA 01930
6 228 42 GLOUCESTER CITY OF	401 ESSEX AV	228 42	9 DALE AV GLOUCESTER MA 01930 0000
7 228 43 CAPE ANN ANIMAL AID ASSOCIATION INC	401A ESSEX AV	228 43	CAPE ANN ANIMAL AID C/O THOMAS FARINA, PRES. 260 MAIN ST GLOUCESTER MA 01930
8 228 44 MONELL STEPHEN L	405R ESSEX AV	228 44	405R ESSEX AV GLOUCESTER MA 01930 0000
9 228 45 WINCHESTER DAVID D & ANNE E	403 ESSEX AV	228 45	403 ESSEX AV GLOUCESTER MA 01930
10 228 47 KALLELIS NORMAN J SR & KIMBERLY J	405 ESSEX AV	228 47	405 ESSEX AV GLOUCESTER MA 01930
11 228 48 PALMER JOSHUA R	407 ESSEX AV	228 48	407 ESSEX AV GLOUCESTER MA 01930

City of Gloucester, Abutters List

Report Description:
Abutters To Parcel... MAP 228 LOT 43

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.
Gloucester Board of Assessors

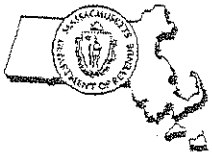
Abutter	Street Address	Parcel No.	Mailing Address
12 228 79 ZAKAS BARBARA S	394 ESSEX AV	228 79	68 EASTERN POINT RD GLOUCESTER MA 01930
13 229 24 GLOUCESTER CITY OF	401R ESSEX AV	229 24	9 DALE AV GLOUCESTER MA 01930

BOARD OF ASSESSORS
CITY HALL
9 DALE AVENUE
GLOUCESTER, MA 01930

MAY 21 2009

Madonna Fleming

Massachusetts Department of Revenue Division of Local Services
Navjeet K. Bal, Commissioner Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs



Bulletin

2009-15B

LOCAL OPTION EXCISES

TO: Assessors, Accountants, Auditors, Clerks, Mayors, Selectmen, City/Town Managers, Finance Directors, City/Town Councils, City Solicitors and Town Counsels

FROM: Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

DATE: July 2009

SUBJECT: New Local Meals Excise and Amended Local Room Occupancy Excise Rate

This *Bulletin* provides preliminary information about the procedures for implementing sections of the Fiscal Year 2010 state budget regarding local option excises on restaurant meals and room occupancies. The Department of Revenue (DOR) collects the local excises in addition to the state taxes on the occupancies or meals and distributes the collections on a quarterly schedule.

The FY10 state budget:

- Adds a new local option excise of .75 percent on sales of restaurant meals originating within the municipality.
- Increases the maximum rate of the existing local option room occupancy excise from four to six percent (four and one-half to six and one-half percent for Boston).

Local excises become operative only if accepted by a city or town. Acceptance is by majority vote of the municipal legislative body, subject to local charter. G.L. c. 4, § 4. Questions about the charter requirements in your community should be referred to municipal counsel. As further explained in this *Bulletin*, acceptance of either local excise, or amendment of the local room occupancy excise rate, must occur at least 30 days in advance of the first day of a calendar quarter in order to become operative for that quarter. Communities must report their acceptance or amendment of these local excises to the Division of Local Services (DLS) in the manner prescribed by this *Bulletin*.

Additional guidance on implementation issues and procedures will be issued in the future.

If you have questions about these notification requirements, please contact the Municipal Data Bank at databank@dor.state.ma.us.

LOCAL OPTION MEALS EXCISE

Chapter 27, §§ 60 and 156 of the Acts of 2009
Adding General Laws Chapter 64L
Effective for sales of restaurant meals on or after October 1, 2009

A city or town may now impose an excise of .75% on the sales of restaurant meals originating within the municipality by accepting G.L. c. 64L, § 2(a). As with the existing local option room occupancy excise, the DOR will collect the local meals excise at the time it collects the state tax on the sale. Therefore, the local excise applies to all meals subject to the state sales tax. A community may not vary the rate or the meals subject to the excise.

The DOR will distribute the collections to the city or town on the same quarterly schedule that applies to the local room occupancy excise. G.L. c. 64L, § 2(b). The distribution schedule is found in Attachment A. A community may dispute its distribution by notifying the DOR, in writing, within one year of the distribution. G.L. 64L, § 2(b).

To assist in the administration of the excise, the DOR may provide cities and towns with certain information, including the total collections in the prior year and the identity of vendors collecting the tax locally. G.L. c. 64L, § 2(d).

Acceptance Procedure

Acceptance of the local option meals excise is by majority vote of the municipal legislative body, subject to local charter. To accept G.L. c. 64L, § 2(a), the following or similar language may be used:

VOTED: That the city/~~town~~ of Gloucester accept G.L. c. 64L, § 2(a) to impose a local meals excise.

Acceptance Effective Date

A community's acceptance of the local meals excise becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept. If not, the acceptance becomes operative on the first day of the second quarter after the vote. **As a result, October 1, 2009 is the earliest an acceptance can become operative for FY10. A community must accept on or before August 31, 2009 in order for the DOR to begin collecting the excise on that date.**

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance operative at the start of a later quarter by including the later start date in the vote (" to take effect on January/April /July/October 1, 2___.")

Notification Requirements

(1) Notice of Acceptance

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded. ("Notification of Acceptance/Rescission–Meals Excise"). The notice is to be submitted within 48 hours of the vote. Without timely notice, the DOR cannot begin collecting the excise for the city or town.

(2) List of Restaurants

After the clerk notifies the DLS of the community's acceptance, the local licensing board or official will be asked to verify the restaurants or other establishments that serve meals in the community. The verified information will be used by the DOR to notify vendors of their obligations to collect and pay over the local excise and to ensure that sales are properly sourced to the community. More detailed instructions will be provided, but local officials should be prepared to review and verify this information on an expedited basis.

Revenue Estimates

Within the next few weeks, the DOR expects to release estimates of the amounts each city or town could collect from imposing the local meals excise. At that time, we will provide further information about the use of meals excise revenue as an estimated receipt in the FY10 tax rate. No community will be allowed to use new local meals excise revenues in the FY10 tax rate, however, unless it has accepted the statute before the rate is set.

LOCAL OPTION ROOM OCCUPANCY EXCISE

Chapter 27, §§ 51, 52 and 154 of the Acts of 2009
Amending General Laws Chapter 64G, § 3A
Effective for occupancies on or after August 1, 2009

A city or town may impose, up to a maximum rate, a local excise on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments by accepting G.L. c. 64G, § 3A. The maximum rate communities may now impose is 6% (6.5% for Boston). Previously, the maximum rate was 4% (4.5% for Boston). The local excise applies to all room occupancies subject to the state room occupancy excise. A community may not vary the occupancies subject to the excise, but may adopt any rate up to the maximum. A city or town that accepts the local room occupancy excise may also amend its excise rate, but it can only revoke or amend the rate once a year.

Acceptance or Amendment Procedure

Acceptance of the local option room occupancy excise, or amendment of the local excise rate, is by majority vote of the municipal legislative body, subject to local charter. To accept, the city or town must vote to accept G.L. c. 64G, § 3A and specify the local excise rate. The following or similar language may be used:

VOTED: That the city/town of _____ accept G.L. c. 64G, § 3A to impose a local room occupancy excise at the rate of _____ percent.

The following or similar language may be used to amend the local rate:

VOTED: That the city/town of _____ impose the local room occupancy excise under G.L. c. 64G, § 3A at the rate of _____ percent.

or

* VOTED: That the city/~~town~~ of Gloucester amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of 6% percent. *

Acceptance or Amendment Effective Date

A community's acceptance of the local room occupancy excise, or amendment of its excise rate, becomes operative on the first day of the next calendar quarter after the vote, provided that date is at least 30 days after the vote to accept or amend. If not, the acceptance or amendment becomes operative on the first day of the second quarter after the vote. As a result, October 1, 2009 is the earliest an acceptance or amendment can become operative for FY10. A community must accept or amend on or before August 31, 2009 in order for the DOR to begin collecting the excise or new excise rate on that date.

For the start dates of each quarter and last date an acceptance vote will take effect for that quarter, please see the schedule in Attachment A.

A city or town may make the acceptance or amendment operative at the start of a later quarter by including the later start date in the vote (" to take effect on January/April /July/October 1, 2____.")

Notification Requirements

The city or town clerk must notify the Municipal Data Management/Technical Assistance Bureau within the DLS whenever the statute is accepted or rescinded, ("Notification of Acceptance/ Rescission-Room Occupancy") or the excise rate is amended ("Notification of Acceptance-Room Occupancy Rate Change"). The notice is to be submitted **within 48 hours** of the vote. **Without timely notice, the DOR cannot begin collecting the excise or new excise rate for the city or town.**

Revenue Estimates

Within the next few weeks, the DOR expects to release estimates of the amounts each city or town could collect from imposing or increasing the local room occupancy excise. At that time, we will provide further information about the use of room occupancy excise revenue as an estimated receipt in the FY10 tax rate. **No community will be allowed to use new local room occupancy excise revenues in the FY10 tax rate, however, unless it has accepted the statute or amended its excise rate before the tax rate is set.**

ATTACHMENT A

LOCAL OPTION EXCISE TIMETABLE

FY QUARTER	QUARTER START DATE	ACTION DEADLINE	DISTRIBUTION DATE	REVENUE COLLECTED DURING
Q1	July 1	May 31[1]	September 30	June, July, August
Q2[2]	October 1	August 31	December 31	September, October, November
Q3	January 1	December 1	March 31	December, January, February
Q4	April 1	March 1	June 30	March, April, May

[1] Latest date to accept or amend in order to implement for full fiscal year. In first year, community will receive collections from July – May (11 months). Community will receive full year collections thereafter.
[2] Earliest Quarter acceptances or amendments can become operative for FY10. If community implements in this quarter, it will receive collections from October – May (8 months) during FY10.

CHAPTER 64L.

Local Option Meals Excise

Section 1. As used in this chapter, the following words shall have the meaning assigned to them in paragraph (h) of section 6 of chapter 64H: "honor snack tray", "meals" and "restaurant".

"Commissioner", the commissioner of revenue.

"Sale", a sale of meals by a restaurant for any purpose other than resale in the regular course of business.

"Vendor", shall have the meaning assigned to it in section 1 of chapter 64H.

Section 2. (a) A city or town which accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon the sale of restaurant meals originating within the city or town by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a municipality on the first day of the calendar quarter following 30 days after its acceptance by the municipality or on the first day of a later calendar quarter that the city or town may designate.

(d) Notwithstanding any provisions in section 21 of chapter 62C to the contrary, the commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section including, but not limited to, a report of the amount of local option sales tax on restaurant meals collected in the aggregate by each city or town under this section in the preceding fiscal year, and the identification of each individual vendor collecting local option sales tax on restaurant meals collected under this chapter.

Section 3. Except as provided herein, a sale of a meal by a restaurant is sourced to the business location of the vendor if (1) the meal is received by the purchaser at the business location of the vendor or (2) if the meal is delivered by the vendor to a customer, regardless of the location of the customer. A vendor with multiple business locations in the commonwealth must separately report sales sourced to each location in a manner prescribed by the commissioner. Restaurant meal delivery companies that purchase meals for resale must source their sales to the delivery location indicated by instructions for delivery to the purchaser and shall separately report sales by municipality in a manner prescribed by the commissioner. The commissioner may also adopt by rule or regulation destination sourcing and reporting rules for caterers or other vendors with a high volume of delivered meals, as the commissioner may determine, in order to mitigate any anti-competitive impact of the local meals tax.

Section 4. Reimbursement for the tax imposed by this chapter shall be paid by the

purchaser to the vendor, and each vendor in the commonwealth shall add to the sales price and shall collect from the purchaser the full amount of the tax imposed by this chapter and such tax shall be a debt from the purchaser to the vendor, when so added to the sales price, and shall be recoverable at law in the same manner as other debts.

Section 5. Upon each sale of a meal by a restaurant taxable under this chapter, the amount of tax collected by the vendor from the purchaser shall be stated and charged separately from the sales price and shown separately on any record thereof at the time the sale is made or on any evidence of sale issued or used by the vendor, but in the instance of the sale of alcoholic beverages for on premises consumption, the tax collected need not be stated separately.

Section 6. Every person who fails to pay to the commissioner any sums required by this chapter shall be personally and individually liable therefor to the commonwealth. The term "person", as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership or limited liability company, who as an officer, employee or member is under a duty to pay over the taxes imposed by this chapter.

SECTION

Estimated Local Receipt if Local Option Meals Excise or Room Occupancy Excise is adopted

DOR Code	Municipality	Estimated Meals Tax Revenue if Adopted by 8/31/2009	Estimated Room Tax Revenue per percentage point adopted
5	AGAWAM	142,952	0
7	AMESBURY	80,775	0 **
16	ATTLEBORO	261,459	0
30	BEVERLY	281,765	0 **
35	BOSTON	11,339,380	7,143,335
40	BRAINTREE	566,977	161,525
44	BROCKTON	642,384	62,012
49	CAMBRIDGE	1,971,084	1,270,859
57	CHELSEA	211,994	0 **
61	CHICOPEE	316,883	49,449
87	EASTHAMPTON	72,408	0
93	EVERETT	183,774	0 **
95	FALL RIVER	591,710	0 **
97	FITCHBURG	283,426	0 **
103	GARDNER	108,743	0 **
107	GLOUCESTER	267,210	46,920
114	GREENFIELD	109,376	29,313
128	HAVERHILL	427,520	0 **
137	HOLYOKE	411,293	46,007
149	LAWRENCE	234,990	7,613
153	LEOMINSTER	401,580	47,486
160	LOWELL	549,178	51,922
163	LYNN	302,326	0 **
165	MALDEN	221,255	16,269
170	MARLBOROUGH	450,623	221,296
176	MEDFORD	175,364	0 **
178	MELROSE	69,749	0 **
181	METHUEN	248,950	10,201
201	NEW BEDFORD	570,523	0 **
206	NEWBURYPORT	211,994	14,772
207	NEWTON	970,140	197,552
209	NORTH ADAMS	123,216	25,922
214	NORTHAMPTON	378,182	61,437
229	PEABODY	651,458	153,440
236	PITTSFIELD	338,868	67,721
243	QUINCY	706,645	162,474
248	REVERE	289,725	169,495
258	SALEM	506,424	65,259
274	SOMERVILLE	480,311	70,202
281	SPRINGFIELD	983,237	170,233
293	TAUNTON	284,729	0 **
308	WALTHAM	825,676	388,020
325	WEST SPRINGFIELD	442,116	124,225
329	WESTFIELD	169,800	6,302
336	WEYMOUTH	269,382	0 **
347	WOBURN	467,990	262,561
348	WORCESTER	1,491,679	165,729

** Estimate has been removed to protect taxpayer privacy in communities with 2 or less establishments.

Est. to many per 1%

NEW + current as of 7/21/09

DOR will only accept these figures.
Per R. Nunes, DOR 7/21/09

CAK MMA

LAW DEPARTMENT

MEMORANDUM

TO: Joanne Senos, Acting City Clerk

FROM: Suzanne P. Egan SPE
General Counsel

RE: Stormwater Utilities Management

DATE: July 24, 2009

Please find attached the draft ordinance pertaining to the Stormwater Utilities Management.

Enclosure

BE IT ORDAINED, by the City Council of Gloucester, as follows:

That Chapter 23 of the Ordinances of the City of Gloucester, Massachusetts, which chapter relates to Utilities, be amended as follows:

Section 1.
By inserting in said Chapter, a new Section 23-200, to read as follows:

Sec. 23-200 Storm water Fee
Water quality in the watersheds within and surrounding the City, are potentially threatened by pollutants associated with existing land use and future development; and that poor water quality in the watershed can threaten public health, safety, and welfare.

The City is implementing a combined sewer overflow program that is requiring a significant investment by the City and the existing stormwater management system is deteriorating and may be inadequate to meet existing and future needs, and flooding concerns may arise. The U.S. Environmental Protection Agency ("EPA") demands a comprehensive approach to municipal stormwater management.

In order to establish, operate, and maintain the stormwater infrastructure of the City, ensure the future usefulness of the existing system through additions and improvements, and provide other services associated with stormwater and watershed management, sufficient and stable funding is required for the operation, maintenance and improvement of the Stormwater Management Programs, Services, Systems, and Facilities of the City; and to equitably fund the CSO Abatement Program. A stormwater utility service fee based on impervious surface area consistent with the Massachusetts General Laws is the most appropriate and equitable method of allocating the cost of Stormwater Management Programs and CSO abatement programs among residents and businesses in the City.

Authority and Jurisdiction
(a) Under the authority of the Massachusetts General Laws Chapter 83, Section 16, the City hereby establishes the Gloucester Impervious Fee or Stormwater Fee to pay the costs of the City's stormwater management and combined sewer overflow abatement program.

(b) The utility or its designee is authorized to assess and collect service fees from all persons owning land within the municipality that benefit from the City's stormwater management and CSO abatement programs.

(c) The fee will fund services provided through the Department of Public Works for stormwater management and CSO abatement programs.

Definitions:
Credit: Credit shall mean a conditional reduction in the amount of the stormwater service fee to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or other service or activity that reduces the stormwater management utility's cost of providing services.

Customers of the Stormwater Utility: Customers of the stormwater utility shall include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Developed Land: Developed land shall mean property altered from its natural state by removal of vegetation, construction, or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events (agricultural and forestry operations that do not create impervious surface area excepted).

Equivalent Residential Unit (ERU): A measure used to standardize the utility service fees for residential properties, or classes of residential properties, and based on the average amount of impervious area of a base residential parcel. The ERU shall also be used as the basis for standardizing and determining the equivalent size of non-residential properties and Other Developed Lands.

The ERU is defined as the average amount of impervious area on residential parcels in land use classes 101, 104, 105, and 111. These classes are defined by the Assessor's Department as (101-Single Family Residential; 104-Two Family Residential; 105-Three Family Residential; 111-Four to Seven Family Residential).

Impervious Surfaces: Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

Other Developed Lands: Other developed lands shall mean, but not be limited to, mobile home parks, apartment buildings with more than six dwelling units, residential condominium developments, mixed use buildings, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, governmental facilities, colleges, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces and lands in other uses which alter the hydrology of the property from that which would exist in a natural state.

Residential Property: Residential property shall mean developed land assigned land use code 101, 104, 105, or 111 by the City's Office of the Assessor. (101-Single Family Residential; 104-Two Family Residential; 105-Three Family Residential; 111-Four to Seven Family Residential).

Stormwater Service Fees: Stormwater service fees shall mean the periodic service fee imposed pursuant to this article for the purpose of funding costs related to Stormwater

Management Programs, Services, Systems, Facilities, Debt, Operations, Maintenance, Capital Improvements, and any related costs.

Undeveloped Land: Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted dirt or gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur naturally.

City Utility: The City of Gloucester Department of Public Works.

Establishment of Stormwater Fund

(a) The City shall establish a dedicated Stormwater Fund in the City budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the utility. All revenues and receipts of the utility shall be placed in the Stormwater fund, which shall be separate from all other funds, and only the expenses of Stormwater Management Programs, Services, Systems, Facilities, and CSO abatement of the City shall be paid by the fund.

(b) The utility and the Stormwater fund may also accept loans, state, federal and private grants, and allocations of funds from the City's General Fund or special purpose funds.

(c) Stormwater Service Fees will be set at a rate that covers the costs necessary to carry out the Stormwater Management Programs, Services, Systems and Facilities approved by the City as necessary to carry out the functions of the utility. Expenditure of funds from the Stormwater Fund is limited to the following:

- Operating expenses;
- Non-operating expenses, such as equipment and supplies;
- Payment on principal and interest on debt obligations including those for combined sewer overflow abatement facilities;
- Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants and other amenities to support stormwater management alternatives utilizing vegetation);
- Reserve expenses; and
- Other costs as deemed necessary by the Department of Public Works.

Service Area:

The service area of the utility will include all areas within the municipal boundaries of the City of Gloucester.

Stormwater Utility Service Fees

(a) The City may determine and modify from time to time the service fees of the Utility in order that the funds generated correspond to the cost of Stormwater Management Programs, Services, Systems, and Facilities of the City. In general, funding for the stormwater utility shall be equitably derived based on methods that establish a link between the fees and degree of impact imposed on the stormwater management system and facilities.

(b) Rate studies may be conducted periodically by the utility to determine all changes and future updates to the Storm water Utility Use Fee Schedule. Any revision to the Storm water Service Fee Schedule will be approved by the City Council prior to implementation.

Right to Enforcement and Violations

(a) The Director of the Department of Public Works, or his authorized designee is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

(b) The City has the right to utilize the lien processes to enforce provisions of this article and for non-payment of stormwater fees.

(c) Delinquent Fees. The City has the right to use all legal means as authorized within Chapter 74 of the Ordinances and any other legal processes under local, State, and Federal Regulations.

Severability

Each section of this ordinance is severable from all other sections. If any part of this ordinance is deemed invalid by a court or competent jurisdiction, remaining portions of the ordinance shall not be affected and shall continue in full force. Whenever this ordinance conflicts with any other ordinance of the City, Commonwealth of Massachusetts, or federal government, the stricter standard shall apply, except as limited by state or federal law.

Applicability

This ordinance and the fees, obligations and requirements identified herein shall apply to all use of and benefit from the City's Stormwater Management Systems and Facilities, occurring on or after . All persons owning land within the municipality that benefit from the services provided by the utility shall be subject to service fees for their use of the Stormwater Management Systems and Facilities occurring on or after. Property with less than 100 square feet of impervious area will be exempted from the fee. This ordinance shall not apply to any property which does not add stormwater to the city's stormwater collection system.

Storm water Fee

(1) Effective _____, the equivalent residential unit (ERU) shall be defined ____ square feet of impervious area.

(2) Residential parcels (ERU) will be assessed _____ per year, or ____ per quarter.

(3) All other developed parcels will be assessed ____ for each ____ square feet of impervious area rounded to the nearest 100 square feet.

CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS 01930
SHELLFISH
3 POND ROAD
24 HOUR ANSWERING MACHINE: 978-281-9741
PHONE: 978-281-9781
EMAIL: dsargent@ci.gloucester.ma.us

RECEIVED
JUL 21 2009
Mayor's Office

Memorandum

To: Mayor Carolyn Kirk
From: Dave Sargent, Shellfish Constable
Date: July 17, 2009
Re: Mayor's Report to City Council

I am requesting that this memorandum be forwarded to the Gloucester City Council for their consideration.

The Gloucester Shellfish Advisory Commission voted 5-0 on May 13, 2009 to amend the local shellfish management plan for Jones River (shellfish growing area N9.8) by adding Mondays to the days of the week when shellfishing is allowed.

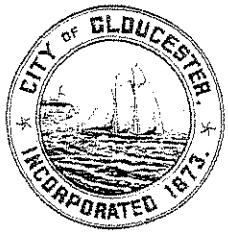
Currently shellfish may only be harvested from this area on Wednesdays and Saturdays. This proposal would add approximately 18 tides per year when shellfish potentially could be harvested from this growing area. The intent of this change is to lessen harvesting pressure on other shellfishing areas that have undersized (seed) clams on them.

This change is proposed under the authority of Gloucester Code of Ordinances Chapter 20; Section 20-2(d) that states "the commission may establish, subject to approval by the city council, a management plan with rules and regulations relating to the issuance of permits and taking of shellfish, seaworms, and eels."

Sincerely,

Dave Sargent
Gloucester Shellfish Constable

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: Mayor Carolyn Kirk

From: Jim Duggan, Chief Administrative Officer

Date: July 22, 2009

Re: Regional Emergency Dispatch Center

On March 13, 2003, the City of Gloucester accepted the provisions of M.G.L. c. 40 § 8G to authorize the City of Gloucester to enter in an agreement with other cities and towns to provide mutual aid programs for police departments to increase the capability of such departments and to protect the lives, safety and property of the people in the area designated in the agreement.

In March the state's Executive Office of Public Safety awarded $4.9 million toward the cost of building and equipping a Regional Emergency Dispatch Center in Essex County. The dispatch center would dispatch all police, fire, and ambulance calls made in Gloucester and all participating communities. The Essex County Sheriff's Office would operate the facility in cooperation with local police, fire, and finance advisory boards.

Therefore, I respectfully request that the Gloucester City Council authorize the Mayor to enter into an intergovernmental agreement with other municipalities in Essex County and the Essex County Sheriff's Department, for a period of up to ten years, for the purpose of providing a regional public safety communication operations center to expedite timely and efficient response by police, fire resources and emergency medical dispatch services of the participating governmental units or take any other action relating thereto.

CITY OF GLOUCESTER 2009
CITY COUNCIL ORDER

ORDER:	#CC2009-033
COUNCILLOR:	Jackie Hardy, Sefatia Romeo-Theken

DATE RECEIVED BY COUNCIL:	07/28/09
REFERRED TO:	O&A
FOR COUNCIL VOTE:	

ORDER:

That the Ordinance and Administration Committee work with the Legal Department, the Gloucester Police Department and the Gloucester Housing Authority on language that would create a new City Ordinance PROHIBITING: **ALL SOLICITING *FOR ANY REASON* AT GLOUCESTER'S SENIOR HOUSING FACILITIES, SENIOR DAY CARE FACILITIES, NURSING HOMES, ASSISTED LIVING FACILITIES, ETC.**

City Councilors:
Jackie Hardy, Ward 4
Sefatia Romeo, Councillor-At-Large