

City of Gloucester City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930
Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
JOINT MEETING OF

Ordinances & Administration and Budget & Finance

Monday, November 9, 2009 – 7:00 PM

1st Fl. Council Conference Room

City Hall, 9 Dale Avenue

AGENDA

1. Appointments:

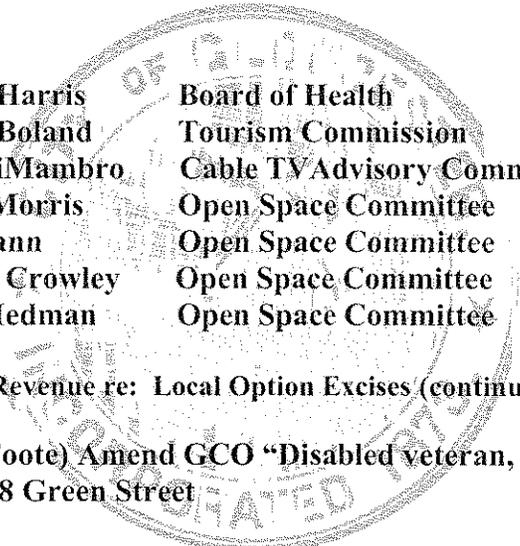
Robert Harris	Board of Health	TTE 02/14/2012
Jeanne Boland	Tourism Commission	TTE 02/14/2012
Anne DiMambro	Cable TV Advisory Comm.	TTE 02/14/2012
Daniel Morris	Open Space Committee	TTE 02/14/2012
Noel Mann	Open Space Committee	TTE 02/14/2012
Charles Crowley	Open Space Committee	TTE 02/14/2011
Susan Hedman	Open Space Committee	TTE 02/14/2011

2. Department of Revenue re: Local Option Excises (continued from 09/28/09)
3. CC2009-040 (Foote) Amend GCO "Disabled veteran, handicapped parking"
Sec. 22-287: 38 Green Street
4. CC2009-044 (Curcuro) Amend GCO Article VI Traffic Schedules Sec. 22-292
Fire Lanes
5. Other Business

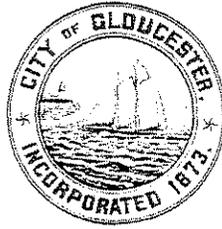
COMMITTEE

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

CC: Mayor
Jim Duggan
Suzanne Egan
Jack Vondras
Chris Pantano
Sara Garcia
Bob Ryan



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

September 30, 2009

Mr. Robert J. Harris
3 ½ Williams Court
Gloucester, MA 01930

Dear Mr. Harris:

Thank you for your interest in serving on the **Board of Health**. 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 October 6, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the City Clerk's office 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 black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carolyn A. Kirk
Mayor

cc: Jack Vondras, Director of Public Health
Joe Rosa, Chair-Board of Health

Enclosure
CAK/c

RECEIVED

SEP 17 2009

Mayor's Office

September 17, 2009

Mayor Carolyn Kirk
City Hall
Gloucester, MA 01930

Dear Madam Mayor,

My name is Robert Harris. I have lived in the City of Gloucester, at 3 ½ Williams Court, with my family for the past 11 years. I own and operate R.J. Harris Plumbing & Heating, Inc. and have been in business for 10 years.

Recently it has come to my attention that there is a vacancy on the Board of Health. I would very much like to be considered to fill this vacancy. My experience as a plumber has provided me with a great understanding of the myriad of health issues associated with this and other related fields. I have extensive experience working with the various municipal departments including the Building and Engineering Departments and the Department of Public Works. I feel my knowledge and expertise as a small business owner and working with various departments and citizens in the City of Gloucester would be an asset to the Board of Health.

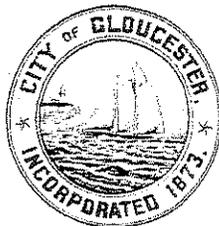
I am asking you for your consideration and an opportunity to serve as a member of the Board of Health. Thank you for your time.

Sincerely,



Robert J. Harris
3 ½ Williams Ct.
Gloucester, MA 01930
978-265-4449

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

September 30, 2009

Ms. Jeanne Boland
30 Haskell Street
Gloucester, MA 01930

Dear Jeanne:

Thank you for your interest in serving on the **Tourism 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 October 6, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the City Clerk's office 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 black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive.

Carolyn A. Kirk
Mayor

cc: Laura Dow, Chair-Tourism Commission
Enclosure
CAK/c

September 27, 2009

Mayor Carolyn Kirk
City Hall
Dale Avenue
Gloucester, MA 01930

RECEIVED
SEP 28 2009
Mayor's Office

Dear Mayor Kirk,

I understand that there is a vacancy on the Tourism Committee. As a restaurant owner for the past eleven years, it has been an interest of mine to help increase the tourist population in Gloucester. Therefore, if you would consider having me on the committee, I would gladly accept becoming a member of it. Thank you for your cooperation on this matter. I look forward to hearing from you.

Respectfully yours,



Jeanne Boland
30 Haskell Street
Gloucester, MA
Tel. 978-283-4240

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

September 30, 2009

Ms. Anna DiMambro
14 Naomi Drive
Gloucester, MA 01930

Dear Ms. DiMambro:

I am pleased to reappoint you to a three year term to the **Cable T.V. Advisory Committee**. Your appointment will be sent to the City Council for their meeting of October 6, 2009, and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the City Clerk's office as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment in 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 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".

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

City Hall Annex
Three Pond Road
Gloucester, MA 01930



TEL 978-281-9781
FAX 978-281-9779
sbuck@gloucester-ma.gov

CITY OF GLOUCESTER
COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Mayor Carolyn Kirk
FROM: Sarah Buck Garcia, Community Development Director
CC: Gregg Cademartori, Stephen Winslow
RE: Open Space and Recreation Committee appointments
DATE: October 5, 2009

RECEIVED

OCT 12 2009

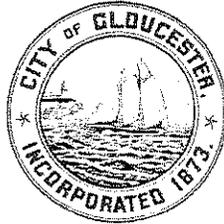
Mayor's Office

The Community Development Department recommends the following four persons for the initial appointments to the Open Space and Recreation Committee. The committee shall eventually have seven members. We have advertised in the Goings On of the newspaper and hope to generate interest as we progress. We do not yet have even ward representation and encourage any suggestions for interested parties from the other wards for the remaining three seats on the committee.

Please appoint the following members:

Daniel Morris	(Ward 5)	term to expire 2/14/12
Noel Mann	(Ward 4)	term to expire 2/14/12
Charles Crowley	(Ward 5)	term to expire 2/14/11
Susan Hedman	(Ward 5)	term to expire 2/14/11

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

October 13, 2009

Mr. Daniel Morris
363 Essex Avenue
Gloucester, MA 01930

Dear Mr. Morris:

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

Your appointment will be forward to the City Council for their October 20, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Open Space Committee. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carolyn A. Kirk
Mayor

cc: Sarah Buck Garcia, Community Development Director
Enclosure
CAK/c

363 Essex Avenue
Gloucester, MA 01930

11 March 2009

Sarah Buck
Community Development Director
City of Gloucester
3 Pond Road
Gloucester, MA 01930

Dear Ms. Buck,

I respectfully request to be included as a member of the Gloucester Open Space Committee. I have lived in Gloucester for 15 years and have long enjoyed and valued the open spaces in our community.

I would bring to the committee some experiences that are related to the Committee's objectives and processes.

- Ten years experience in natural resource planning, policy development, and governmental procedures.
- Experience conducting coastal resource assessments and multi-lateral problem solving to avoid, minimize, or mitigate effects of construction/development projects on coastal resources.
- Trained as a mediator and facilitator and am a veteran of many multi-stakeholder and negotiated rule-making processes.
- An avid year-round bicyclist, I enjoy many outdoor pursuits with my family in the open spaces of Gloucester – running, hiking, snowshoeing, swimming, kayaking, and more.
- Member of the board of directors of the Essex County Ecological Corporation (dba Toad Hall Bookstore), which awards small grants for environmental initiatives throughout Cape Ann.
- Member of Essex County Green Belt, the Trustees of the Reservations, Massachusetts Audubon, and the Nature Conservancy, (and explorer of their properties).

I would welcome this opportunity to be of service to my community and sincerely appreciate your consideration of my request.

Sincerely,

//s//

Daniel Morris

EFFECTIVE OCTOBER 13, 2009

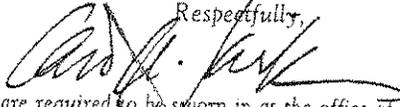
The City of Gloucester, Massachusetts

Dear Daniel Morris, 363 Essex Avenue, Gloucester, MA

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

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

Respectfully,

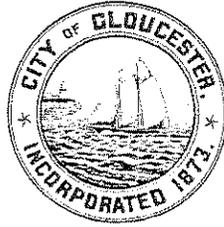


Mayor

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

October 13, 2009

Ms. Noel Mann
12 Dorset Drive
Gloucester, MA 01930

Dear Ms. Mann:

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

Your appointment will be forward to the City Council for their October 20, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Open Space Committee. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive, written over a faint, larger version of the same signature.

Carolyn A. Kirk
Mayor

cc: Sarah Buck Garcia, Community Development Director
Enclosure
CAK/c

Noel Mann
12 Dorset Drive
Gloucester, MA 01930

noelmann@juno.com

978-283-4778

Letter of Interest

To the Mayor and City Council:

I would welcome an appointment to the Open Space Committee and the opportunity to help draft an open space plan consistent with Plan 2001, one which will provide an inventory of our Protected Open Space, and identify problems and possibilities which can be prioritized.

I have lived in North Gloucester for almost three decades, and have spent time exploring the watersheds and woodlots on both sides of the cut. As a birdwatcher and rock lover, I know the coastline well.

My interest in conservation is of long standing, and I believe I can bring historical perspective to the committee as well as a good knowledge of the trails and ecosystems in both east and west Gloucester.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Noel Mann', with a horizontal line extending to the right.

Noel Mann

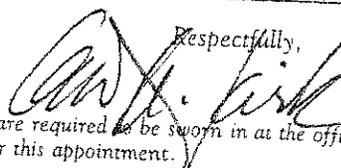
EFFECTIVE OCTOBER 13, 2009

The City of Gloucester, Massachusetts

Dear Noel Mann, 12 Dorset Drive, Gloucester, MA

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

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 this appointment.

Sworn in _____ By: _____

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

October 13, 2009

Mr. Charles Crowley
6 Eveleth Road
Gloucester, MA 01930

Dear Mr. Crowley:

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

Your appointment will be forward to the City Council for their October 20, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

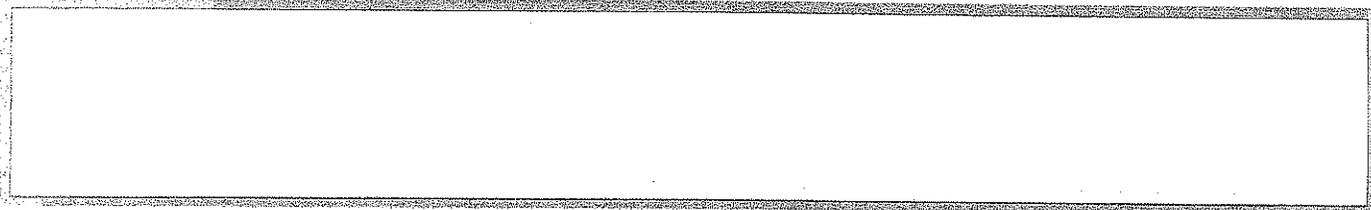
Again, thank you for agreeing to serve on the Open Space Committee. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

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Carolyn A. Kirk
Mayor

cc: Sarah Buck Garcia, Community Development Director
Enclosure
CAK/c



March 17, 2009

To Whom it May Concern,

I would like to submit my name for consideration to serve on the newly formed Gloucester Open Space Commission. I feel I am well suited to this as I am very familiar with the Gloucester woods and the many attributes and challenges they embody. For the past ten years I have served as a director of Haleakala Ranch, a 30,000+ acre cattle ranch on the Island of Maui. Through my work for Haleakala Ranch I have been involved with all phases of conversation planning for large land holdings. I believe these experiences will prove helpful to the Gloucester Open Space Committee and look forward to serving.

Sincerely,

Charles Crowley

EFFECTIVE OCTOBER 13, 2009

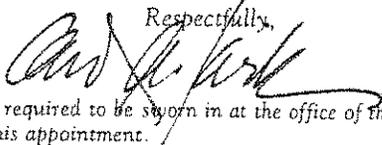
The City of Gloucester, Massachusetts

Dear Charles Crowley, 6 Eveleth Road, Gloucester, MA

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

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2011.

Respectfully,



Mayor

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

Sworn in _____ By: _____

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

October 13, 2009

Ms. Susan Hedman
86 Bond Street
Gloucester, MA 01930

Dear Ms. Hedman:

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

Your appointment will be forward to the City Council for their October 20, 2009 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Open Space Committee. I truly appreciate the hard work and dedication you and your colleagues on this important, newly-created committee will offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Carolyn A. Kirk
Mayor

cc: Sarah Buck Garcia, Community Development Director
Enclosure
CAK/c

Mayor Kirk,

I am writing to you to express my desire to be appointed to the Open Space Committee of Gloucester. My interest in the environment comes from a long time love of nature and a core belief in the stewardship of our natural world. I enjoy kayaking, biking and hiking in our city and hope to preserve and improve access for outdoor activities. While I would like to work on greater issues facing our planet, I think I can do the most by focusing my efforts on the local level.

I moved to Gloucester in 2005, but have been visiting it for years. I feel that it is a treasure to be protected. Originally from Connecticut, I have lived on the North Shore since 1984. While in Manchester by the Sea, I served on the Cultural Council for 6 years. In Beverly, I was a member of the community garden. I do volunteer work for the Brookline Bird Club leading local trips in the area and have been on the Board of the Essex County Ornithological Club. Most recently, I have been working on the breeding bird atlas with Mass Audubon, surveying bird activity in Gloucester and Manchester.

Professionally, I am the art instructor at the Landmark Elementary/Middle School and have been employed there since 1984. I am an artist member of the North Shore Arts Association and have exhibited paintings at many local venues.

After attending preliminary meetings of the Open Space group, I feel I can contribute to this endeavor and hope you will appoint me to the official committee.

Thank You,
Susan Hedman

EFFECTIVE OCTOBER 13, 2009

The City of Gloucester, Massachusetts

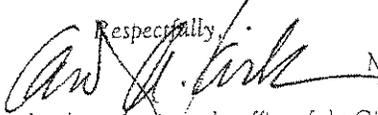
Dear Susan Hedman, 86 Bond Street, Gloucester, MA

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

Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2011.

Respectfully,



Mayor

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

Sworn in _____ By: _____



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

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

IN CITY COUNCIL:

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

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

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

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

Section 2 – 518 Purpose

The Committee shall create and implement an OSRP which shall:

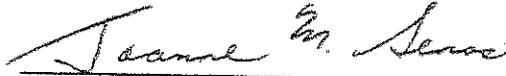
- a. Ensure the existence, smart use and access to open space in perpetuity.
- b. Ensure that contiguous areas and functions and values that depend on them are maintained
- c. Propose a process for agreements with abutters with shared use/conservation interests for enhancing open space.
- d. Recommend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

Section 2 - 519 Process

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

Section 2-520 Authorities and Responsibilities

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


Joanne M. Senos, Interim City Clerk

APPROVAL OF THE MAYOR

VETOED BY THE MAYOR


Carolyn A. Kirk, Mayor

Carolyn A. Kirk, Mayor

SIGNED THIS 31 DAY OF Aug, 2009

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

City Hall
Nine Dale 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: Chairman Foote and Members of the Ordinance & Administration Committee

From: Jim Duggan, Chief Administrative Officer 

Date: October 19, 2009

Re: Local Option Taxes

On July 28, 2009, the Administration submitted a request to the City Council to adopt the newly allowable local option taxes. Through ongoing discussions with the Ordinance & Administration (O&A) Committee, questions were raised and opinions expressed.

The outstanding issues are still whether the city council will vote to accept Massachusetts General Laws Chapter 64L, §2(A) to impose a local meals excise of .75% and amend the local room occupancy excise under Massachusetts General Laws Chapter 64G, §3A at the rate of 6%?

The city's acceptance of the 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 and amend. Fiscal year 2010 reflects that \$291,065 was budgeted as revenue, which recognizes three quarters of the fiscal year in anticipation that the local option taxes would be accepted when first introduced. However due to the delay, a conservative revenue estimate reflecting the last two quarters of the fiscal year is more in the neighborhood of approximately \$197,000.

In the event the local option taxes are accepted, transfer requests would be submitted to the city council for specific expenditures which are deemed necessary by considering the priorities of the city council and impending 9C cuts.

I respectfully request that the O&A Committee make a recommendation to the city council to accept the Local Option Taxes as presented.

D & A file
9-28-09

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 _____ 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____.")

D&A file
9-25-09

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.

09 A file
9-28-09

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 _____ amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of _____ 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.



**CITY OF GLOUCESTER 2009
CITY COUNCIL ORDER**

**ORDER: #CC2009-040
COUNCILLOR: Gus Foote**

**DATE RECEIVED BY COUNCIL: 08/25/09
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 38 Green Street, one handicapped space

Councillor Gus Foote

CITY OF GLOUCESTER
TRAFFIC COMMISSION

A meeting will be held on Thursday, October 1, 2009 at 6:00 p.m. in the third floor conference room at Gloucester City Hall

Please conduct your own site visits when convenient

Meeting was opened at 6:04 p.m. by Chairman Robert Ryan. Also attending were members Larry Ingersoll, Anthony Bertolino. Member Michael Mulcahey arrived at 6:22 p.m.. Also Sheila Higgins, Andrea Amero, Vito Demetri, Katherine Dias, Rose Marie Randazza and Councilor Stephen Curcuru.

AGENDA

Order #CC2009-038 (Councilor Devlin) Ordered that NO PARKING be established at the entrance of Beechbrook Cemetery extending 100 feet west (towards Essex)
After a discussion, a MOTION was made, seconded and PASSED to TABLE the MOTION until the TC can speak to Councilor Devlin as to what this order would entail.

Order #CC2009-039 (Councilor Devlin) Ordered that a DEAD END sign be placed at the entrance to Homans Court
*(Note: This does not have to go through the TC for recommendation. The councilor just needs to make a request to the DPW)
No action was taken by he TC*

Order #CC2009-040 (Councilor Foote) Ordered that sec 22-287 entitled Disabled Veteran/Handicap Parking of the GCO be amended by ADDING:
In front of 38 Green Street, one Handicapped space
After a discussion and speaking to the requestor, a MOTION was made and seconded and PASSED to APPROVE the order as requested. Sign should be on pole #5423 on the westerly side of the road (even numbers) with the arrow facing in a northerly direction.

Order #CC2009-042 (Councilor Curcuro) Ordered that sec 22-270.1 'Resident Sticker Parking Only' of the GCO be amended by ADDING: 17-21 Commercial Street and all of Beach Court.

After along discussion and speaking to Councilor Curcuro and residents of the area. A MOTION was made, seconded and PASSED to TABLE the order at this time. The TC believes that there would be a question of legality as well as more information which is needed as to how this type of restriction would be created, issued, policed and enforced as well as the parameters of who would qualify for this type of restricted parking. The TC believes that the area residents have a valid problem and that their area is unique to other city areas. A recommendation is needed from the City Legal Department as well as further information from the City Clerk's office as most likely a new type of ordinance needs to be created for this type of issue.

Order #CC2009-043 (Councilor Hardy) Ordered that Sec. 22-287 of the GCO titled "Disabled Veteran/Handicap Parking" be amended by ADDING: River Road, in front of #50, designated as one handicap space.

After a discussion and speaking to the requestor, a MOTION was made, seconded and PASSED to APPROVE the order as requested. Sign should installed on pole #3758 on the even number side with the arrow facing in a northerly direction.

The meeting was adjourned at 7:05 p.m.

ROBERT RYAN, Chairman

LARRY INGERSOLL, Secretary



**CITY OF GLOUCESTER 2009
CITY COUNCIL ORDER**

ORDER: #CC2009-044
COUNCILLOR: Steve Curcuru

DATE RECEIVED BY COUNCIL: 10/06/09
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

ORDERED that Article VI Traffic Schedules, section 22-292 Fire Lanes of the Gloucester Code of Ordinances be amended:

By adding Granite Street a private way between number 58 Granite Street and number 62 Granite Street and extending approximately 90 feet to the end of said private way.

