

CITY CLERK
GLOUCESTER, MA

13 APR 11 AM 9:29

GLOUCESTER CITY COUNCIL

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

Budget & Finance Committee

Thursday, April 18, 2013 – 5:30 p.m.
1st Fl. Council Committee Rm. – City Hall

AGENDA

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

1. *Memorandum from City Auditor re: City's FY2012 Basic Financial Statements - discussion with Chris Rogers, Sullivan, Rogers & Co., LLC*
2. *Referral by the P&D Committee of the Communication from Attorney J. Michael Faherty to D.E.P. re: I4-C2 Temporary Permit re: Financial Implications of Revenue Gained from Parking Kiosk at I4-C2*
3. *Memorandum from Administration & Supplemental Appropriation-Budgetary Request 2013-SA-122 re: Elementary Schools Assessment*
4. *Memorandum from CFO re: Loan Order-Transfer of Unexpended Proceeds from betterment projects to Good Harbor Footbridge Repair Project & Three Supplemental Appropriation Budgetary Requests*
5. *Special Budgetary Transfer Request 2013-SBT-21 from Registration Department*
6. *Special Budgetary Transfer Request 2013-SBT-22 from Registration Department*
7. *Special Budgetary Transfer Request 2013-SBT-23 from Registration Department*
8. *Special Budgetary Transfer Request 2013-SBT-24 from Registration Department*
9. *Special Budgetary Transfer Request 2013-SBT-25 from Registration Department*
10. *Special Budgetary Transfer Request 2013-SBT-26 from Treasurer*
11. *Special Budgetary Transfer Request 2013-SBT-27 from the Chief Financial Officer*
12. *Supplemental Appropriation-Budgetary Transfer Request 2013-SA-123 from Mayor*
13. *Referral by P&D Committee re: Review of Financial Implications of CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 To add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways*
14. *Memo from City Auditor regarding accounts having expenditures which exceed their authorization And Auditor's Report*

COMMITTEE

Councilor Paul McGeary, Chair
Councilor Joseph Ciolino, Vice chair
Councilor Melissa Cox

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Carolyn Kirk
Jim Duggan
Kenny Costa
Jeffrey Towne
Dr. Richard Safier
Hans Baumhauer
Linda T. Lowe

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

City Hall
Nine Dale Avenue
Gloucester, MA. 01930



TEL 978 281 9730
FAX 978 281 8472

CITY OF GLOUCESTER
CITY AUDITOR'S OFFICE

MEMORANDUM

TO: Gloucester City Council
FROM: Kenny Costa, City Auditor *KC*
RE: City's FY 2012 Basic Financial Statements
Date: March 21, 2013

CITY CLERK
GLOUCESTER, MA
13 MAR 25 PM 2:26

I am pleased to transmit to you the City of Gloucester's Independent Auditors' Report on Basic Financial Statements and Required Supplementary Information Report for the fiscal year ended June 30, 2012. At the close of each fiscal year, state law requires the City of Gloucester to publish a complete set of financial statements in conformity with accounting principles generally accepted in the United States of America (GAAP), and that are audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. Pursuant to that requirement, we hereby issue the Independent Auditors' Report on Basic Financial Statements and Required Supplementary Information Report of the City of Gloucester, Massachusetts, for the for the fiscal year ending June 30, 2012 for your review.

Summary highlights regarding the Independent Auditors' Report on Basic Financial Statements and Required Supplementary Information Report:

The report is designed to be used by the elected and appointed officials of the City and others who are concerned with its management and progress such as bond analysts, banking institutions and rating agencies as well as the residents and taxpayers of Gloucester.

The City's financial statements have been audited by Sullivan, Rogers & Company, LLC, a firm of licensed certified public accountants, who have been hired by and report to the City's City Council. The independent auditors' unqualified ("clean") opinion on the City's financial statements for the year ended June 30, 2012 is presented in the first component of the financial section of the report on pages 2 and 3.

The City achieved a 3rd consecutive year with a positive balance in General Fund Unassigned Fund Balance that totaled \$8,422,360. The Total General Fund - Fund Balance totaled \$10,582,572.

A copy of the entire report is on file in the City Clerk's Office.

Please refer this matter to the Budget and Finance subcommittee for review and discussion.

CITY OF GLOUCESTER
FY2012 BASIC FINANCIAL
STATEMENTS
ON FILE IN CITY CLERK'S OFFICE

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committees
Wednesday, April 3, 2013 – 7 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Joseph Ciolino (Alternate)

Absent: Councilor Hardy

Also Present: Councilor Steven LeBlanc; Linda T. Lowe; Jim Duggan; Tom Daniel

The meeting was called to order at 7:00 p.m.

1. *Communication from Attorney J. Michael Faherty to D.E.P. re: I4-C2 Temporary Permit*

Councilor Tobey said that he wished to gather background on this issue of a temporary permit for a potential term of 10 years (to use I4-C2 as a for-pay parking lot) and said he thought the Council may wish to weigh in on the matter. Jim Duggan, CAO said he knew of Councilor Tobey's concern expressed at the last City Council meeting about this matter triggered by Mr. Faherty's letter to the Massachusetts Department of Environmental Protection (MDEP), and noted that the permit allows for the 10 year term which was on the advice of the MDEP when the City was establishing a time within the permit application. Mr. Duggan said there were different ranges discussed at the subcommittee level as to how long the City wanted a temporary parking area for I4-C2. Some, he said, mentioned up to 5 years, 3 years. But Mr. Duggan reiterated that the Massachusetts Department of Environmental Protection (MDEP) advised the City that 10 years is the limit and suggested that the City apply for the maximum term. MDEP would then review the application and render a decision as to whether the temporary permit would be for a term of 10 years or less which, he added, was how it was presented. Councilor Tobey asked if a shorter duration permit with renewal options came through, would the City adhere to whatever the MDEP advises to which Mr. Duggan confirmed the City would adhere to whatever the MDEP comes back with for a term of the temporary permit adding that if it is shorter period of time, the City will comply with that as well.

Attorney J. Michael Faherty, whose letter to the MDEP during the comment period regarding the City's application for a temporary permit to allow the City to use I4-C2 as a for-pay parking lot was forwarded to the P&D Committee by the City Council, noted there was a public hearing held by the MDEP on this matter and said he was never in favor of this property being purchased by the City, and added this request for a temporary permit further complicates, in his opinion, the mistake of the purchase of I4-C2, and said there was an intention to gather revenue on this site. He said he did not have an issue with the gathering of revenue noting the City put itself in this position that the only present use for the property is as a parking lot. He added it was better to collect the revenue. He expressed his opinion that putting a ten year term on the lot would only ensure nothing will be done (to develop the property) until 9-½ years pass. Additionally, he said in his opinion the revenue that is to be collected, up to 50 percent should be apportioned so the City get two studies done that he said he believed are critical to any serious buyer on the condition of the property – a Phase II environmental study and a sub-surface soil analysis - so the City has them in hand when the serious bidder for the property comes along. He suggested using a portion of the revenue to reduce the City's debt for the purchase of I4-C2. He said this was promised that this would be taken care of before the debt went to an amortization period. He suggested this be handled like a revenue account; that a portion of the funds be used to pay down the debt so that when the City sells the property, there will be more return on the City's investment. He said those were the points he made to the MDEP in his letter. Mr. Faherty noted it is within the City Council's purview to put conditions on the property's use as a parking facility. The only reason, he said, for including the City Council in the mailing list was that it is a City Council decision.

Councilor Ciolino asked if the Council changes the length of the temporary parking permit from 10 to 5 years, would the City then have to go back to the MDEP and start the permitting process again which to get to this point has already been about six months; and he expressed concern that by the Council changing the term, the City would have to reapply to MDEP. Mr. Duggan said it is not the intent of the Administration to withdraw the existing application and will await the MDEP decision.

Councilor Tobey said based on the current filing, a shorter term could be put forward by MDEP. The City would not have to withdraw and start over the City's application for a lesser term. He said that given public comment, the MDEP could also choose to issue a permit of a lesser term or a lesser term with incremental options for renewal. Councilor Tobey said he thought that even if the Council were late, that the City Council could also

file its own letter of opinion and ask the City Clerk after the City Council vote at their meeting of April 9th, that it is the opinion of the Gloucester City Council believes the appropriate term for this temporary permit is initially some shorter period. He then proposed a three year term with annual increments of renewal allowed subject to showing some measureable degree of progress towards putting the property into Marine/Industrial use. Then, he said, the City Council is on the record.

Councilor Ciolino said he would prefer a five year term and would like to send the matter for further discussion to the Budget & Finance Committee about paying off the debt and where the money should go.

Councilor Tobey said the Committee could do that separately from sending the letter from the Council to MDEP.

Councilor Ciolino said he agreed it is a good idea to put aside the money to clean up the debt which would be the purview of B&F. He would agree to a five year term for the temporary permit as the Committee's recommendation to the Council.

Councilor Verga pointed out that regardless the action the State takes, the Council could impose local restrictions. If the P&D Committee wanted to adopt the memo and the MDEP rules for a ten year term, the City could place its own rules by saying it would be three years with annual follow up for Council review; and additionally the Council wants the revenue issues reviewed. He said rather than clouding the issue with MDEP, he would rather see the Council place restrictions. **Councilor Verga** said he would agree to a term of five years and would also want to see a review of the financial matters by B&F. **Councilor Tobey** said he agreed the Council could do supplemental rules for the permit. However, he expressed concern for a ten year term. **Councilor Ciolino** said moving forward if the money is allocated to paying down the debt; it is a bookkeeping procedure, and a wash. The City is paying down the debt in the budget regardless, if the revenue is being allocated to that debt. This would be dedicated funding to I4-C2. **Mr. Duggan** said the parking kiosk is already installed. The CFO would have to work out that the revenue generated from the temporary parking lot kiosk be dedicated to the debt service.

Mr. Faherty said the City pays off the debt service from whatever bond the City gets. Rather, he said 50 percent of the income that comes from the temporary use as a parking lot can be used to accelerate the payment and should be used to pay down the principal.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the City Clerk prepare and file expeditiously on the City Council's behalf a comment on the matter of the temporary permit application under MGL Chapter 91 for 65 Rogers Street (I4-C2) that there be initially a term of five years with one year increments of renewal with a possible total of a ten year term.

Councilor Verga said regarding the revised RFP for I4-C2, when that came before P&D, he had expressed his concern that the City wasn't looking to do an environmental assessment; rather the City was asking a potential buyer to take that responsibility which he said was not the right way to handle the matter. He said he hoped B&F takes a serious look at that issue also of financing those tests by the revenue from the temporary parking lot.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to refer the balance of Attorney Faherty's letter to the Massachusetts Department of Environmental Protection as it relates to financial implications of the temporary parking lot at 65 Rogers Street (I4-C2) and the potential for directing monies as suggested by that letter be referred for review by the Budget & Finance Committee.

2. *SCP2012-014: Mansfield Street #3/Washington Street #24, Map 6, Lots 36 & 37 re: GZO Sec. 1.8.1 and Sec. 2.3.1(7) Conversions to new or multi-family or apartment dwelling, four to six dwelling units (Cont'd from 03/20/13)*

Attorney Robert Coakley, 64 Middle Street now representing Jim Santo (present), owner of Mansfield Street #3 and Washington Street #24 stated that Mr. Santo earlier this week had contacted him about this matter now before P&D. Mr. Santo explained to him about the difficulty he had with a prior engineer who is now no longer working for Mr. Santo. He said that Mr. Santo has a new engineer who has given an accurate site plan (filed on 4/2/13) showing the parking situation, access and egress on Mansfield Street from the project site's garages. That new plan was given to the Council by Mr. Santos this week and a copy has been given to DPW Director, Mike Hale. **Mr. Coakley** said he advised Mr. Santo, who is in agreement, that this matter should be continued by the P&D Committee to get all the ducks in a row and not waste any more of the Committee's time and move this Special Council Permit application forward expeditiously. He said Mr. Santo is under the gun in terms of the insurance

LAW OFFICES
OF
J. MICHAEL FAHERTY CITY CLERK
GLOUCESTER, MA

13 MAR 19 AM 11:23
111 MAIN STREET
GLOUCESTER, MA 01930
TELEPHONE: (978) 283-9233
(978) 281-0999
FAX: (978) 283-0314

March 18, 2013

Alex Stryisky
Waterways
D.E.P.
1 Winter St.
Boston, Ma 02108

RE: City of Gloucester – Temporary Waterways Permit
W13-3804-N

Dear Mr.Stryisky:

In furtherance of the comments that I made at the public hearing on February 28, 2013, I would offer the following comments.

The City's request for a ten year temporary permit is just too long. When the property was purchased several years ago, the City Administration promised development, increased tax base and jobs. To date nothing has happened except periodic fill to keep the parking area afloat and the construction of a temporary harbor walk across portions of so-called I4-C2.

I do not oppose the lot being used temporarily for parking. Frankly, it is the only useful purpose it can serve under current conditions. As I see it however, if the City intends to charge for parking on Commonwealth tidelands within a D.P.A. then a significant portion of the money collected should be committed to uses that will promote and facilitate a change from its current non-water and non-marine dependent uses to authorized uses in the D.P.A. I would therefore suggest the D.E.P. consider placing the following conditions on any permit that it issues.

1. The permit shall run for not more than three years. One year extensions may be applied for upon a showing of positive steps towards bringing uses of the land into compliance with Chapter 91/DPA.
2. Not less than fifty percent of the gross revenues collected for parking be dedicated for the following purposes:
 - a. The City shall commission a complete Phase II Environmental Site Assessment to determine if any environmental hazards exist on the site. If the property is clean, this will add value to the price of the land. If not, then at least the City will recognize the extent of its liability when it attempts to market the property. Please note that in both the initial attempts to market the property and in the latest

revision of the RFP, the City has put the burden on the developer to determine the extent of environmental issues.

- b. The City shall commission a complete subsurface soil and sheet pile analysis. Clearly, any building on the site will need to be pile supported but there is no record of what fill was used. Many locals purport to have knowledge and at least in the area where the Harborwalk meets the wharf, there were issues with subsoil conditions. See attached photo. Again, knowing for sure will facilitate the marketing of the property and add/subtract value.
- c. The bonded debt that the City incurred shall be reduced. It is illogical to allow monies raised by renting public tidelands to be used for any other purpose than paying for the land.

In closing, I would remind you that significant state seaport bond funds were donated to the City for the purchase. My comments are only directed to the \$700,000.00 - \$800,000.00 that the City put up.

Respectfully submitted,

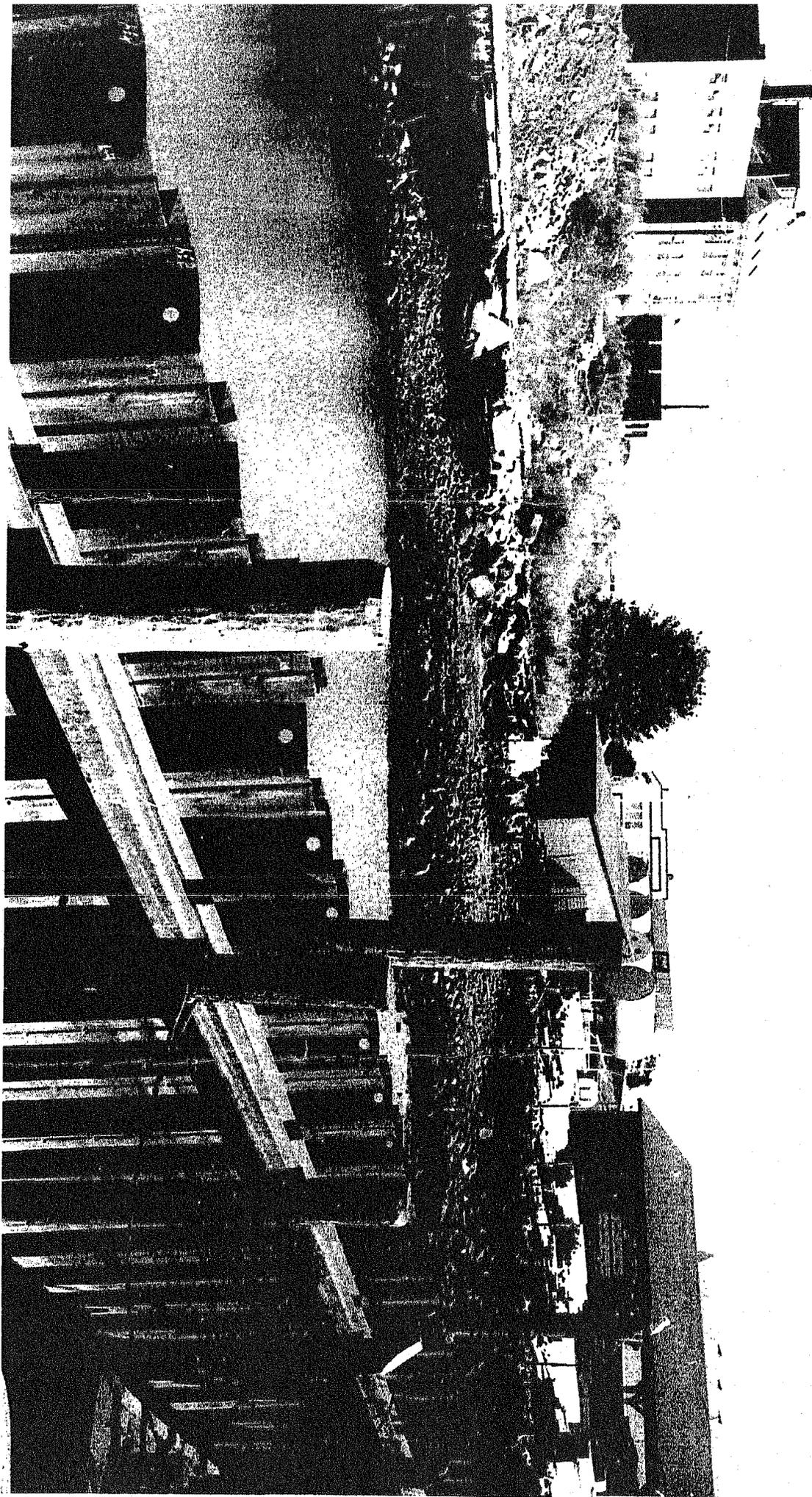

J. Michael Faherty

cc.

Mayor Kirk

Sarah Garcia

Gloucester City Council



City Hall
Nine Dale Ave
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

MEMORANDUM

TO: Gloucester City Council
FR: Mayor Carolyn A. Kirk 
RE: Elementary Schools Assessment
DT: April 3, 2013

cc: Gloucester School Committee
Dr. Richard Safier, Superintendent of Schools

Councilors,

Again, thank you for your unanimous support to fund the \$500,000 for the Feasibility Study of the West Parish School project (of which 48% is reimbursable by the MSBA). The Feasibility Study, in conjunction with the MSBA and the Building Committee, is fully underway now, and we look forward to periodically updating the City Council on its progress.

One question that has arisen since the Council unanimously voted to fund the West Parish Feasibility Study last year is "what about the other elementary schools?" In the context of the West Parish project, the Administration has received a request from the School Committee to partner on a capital evaluation and educational program needs assessment of the city's other elementary schools including Veteran's Memorial, East Gloucester, Plum Cove, and Beeman.

Included in this Mayor's report is a request to fund half of the requested elementary school assessment. We have asked the School Dept. and the School Committee to fund the other half. Upon completion of the capital and educational program needs assessment of the other four elementary schools along with the completion of the Feasibility Study for a MSBA West Parish School project, we will have a solid grasp of and a blueprint for the district's entire elementary school program over the next decade.

It is our hope that the City Council will support this request, and continue to engage the need to address the condition of our school buildings in a proactive manner.

Thank you.

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 122 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ Mayor _____

APPROPRIATION AMOUNT: \$ 60,000.00

Account to appropriate from:

	Unifund Account #	<u>101000.10.000.35900.0000.00.000.00.000</u>
	Account Description	<u>General Fund - Undesignated FB (Free Cash)</u>
Balance Before Appropriation	\$	<u>1,412,701.00</u>
Balance After Appropriation	\$	<u>1,352,701.00</u>

Account Receiving Appropriation:

	Unifund Account #	<u>101000.10.470.52000.0000.00.000.00.052</u>
	Account Description	<u>Pub Prop Maint - Contractual Services</u>
Balance Before Appropriation	\$	<u>145,013.30</u>
Balance After Appropriation	\$	<u>205,013.30</u>

DETAILED ANALYSIS OF NEED(S): To provide 1/2 the funding necessary (other 1/2 from School Committee)
for a capital evaluation and educational program needs assessment for
Veterans Memorial, East Gloucester, Plum Cove and Beeman
Elementary Schools.

APPROVALS:

DEPT. HEAD: Jeffrey C. Brown DATE: 4-3-13

ADMINISTRATION: [Signature] DATE: 4/3/13

BUDGET & FINANCE: _____ DATE: _____

CITY COUNCIL: _____ DATE: _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9707
FAX 978-282-4113
jtowne@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE CHIEF FINANCE OFFICER

MEMORANDUM

To: Mayor Kirk
From: Jeffrey C. Towne, CFO 
Date: April 2, 2013
Re: Loan Order – Transfer of Unexpended Proceeds

Several capital projects have remaining unexpended bond proceeds that have to be transferred to another project. Three of the projects relate to betterment projects which have been bettered and the remaining amount of the proceeds is due to borrowing more than the project needed. As part of the betterment review that my office has been doing, these projects were determined to have been bettered appropriately to the homeowners, however, the City borrowed prior to the projects being completed and as a result excess borrowing occurred. These three projects have been analyzed and my recommendation is for you to recommend to the City Council the following loan order which will transfer the excess funds into the Good Harbor Foot Bridge Repair Project:

Ordered: That in accordance with Chapter 44, Section 20 of the General Laws, the unexpended balances of funds borrowed to pay costs of the projects set forth below, which amounts are no longer needed to complete the projects for which they were initially borrowed, are hereby appropriated by this Council to pay costs associated with the Good Harbor Foot Bridge Repair Project, Fund #300086, including the payment of any and all costs incidental and related thereto:

Project Description	Unexpended Balances
W. Gloucester/Little River Sewer Design	\$10,506.05
Barker/Gurden Sewer	\$25,914.31
Adams Sewer	\$36,214.58

City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 119 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

APPROPRIATION AMOUNT: \$ 10,506.05

Account to appropriate from:

	<i>Unifund Account #</i>	<u>330002.10.000.35900.0000.00.000.00.000</u>
	<i>Account Description</i>	<u>W Glouc Betterment - Undesignated FB</u>
Balance Before Appropriation	\$	<u>10,506.05</u>
Balance After Appropriation	\$	<u>-</u>

Account Receiving Appropriation:

	<i>Unifund Account #</i>	<u>300086.10.994.49700.0000.00.000.00.040</u>
	<i>Account Description</i>	<u>Transfers In - From Special Assessment Funds</u>
Balance Before Appropriation	\$	<u>-</u>
Balance After Appropriation	\$	<u>10,506.05</u>

DETAILED ANALYSIS OF NEED(S): To fund a portion of the repair costs of the Good Harbor Foot
Bridge Project.

APPROVALS:

DEPT. HEAD: _____	DATE: <u>4-2-13</u>
ADMINISTRATION: _____	DATE: <u>4/3/13</u>
BUDGET & FINANCE: _____	DATE: _____
CITY COUNCIL: _____	DATE: _____

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 120 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

APPROPRIATION AMOUNT: \$ 25,914.31

Account to appropriate from: *Unifund Account #* 330003.10.000.35900.0000.00.000.00.000
Account Description Barker/Gurden Betterment - Undesig FB

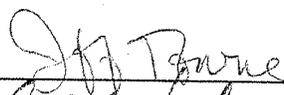
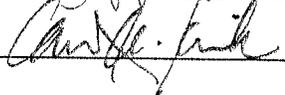
Balance Before Appropriation	\$	<u>25,914.31</u>
Balance After Appropriation	\$	<u>-</u>

Account Receiving Appropriation: *Unifund Account #* 300086.10.994.49700.0000.00.000.00.040
Account Description Transfers In - From Special Assessment Funds

Balance Before Appropriation	\$	<u>10,506.05</u>
Balance After Appropriation	\$	<u>36,420.36</u>

DETAILED ANALYSIS OF NEED(S): To fund a portion of the repair costs of the Good Harbor Foot
Bridge Project.

APPROVALS:

DEPT. HEAD:  DATE: 4-2-13
 ADMINISTRATION:  DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

**City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013**

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 121 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ CFO _____

APPROPRIATION AMOUNT: \$ 36,214.58

Account to appropriate from: *Unifund Account #* 330004.10.000.35900.0000.00.000.000
Account Description Adams Betterment - Undesignated FB

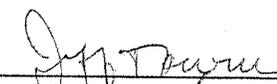
Balance Before Appropriation	\$	<u>36,214.58</u>
Balance After Appropriation	\$	<u>-</u>

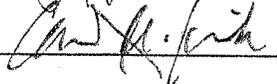
Account Receiving Appropriation: *Unifund Account #* 300086.10.994.49700.0000.00.000.00.040
Account Description Transfers In - From Special Assessment Funds

Balance Before Appropriation	\$	<u>36,420.36</u>
Balance After Appropriation	\$	<u>72,634.94</u>

DETAILED ANALYSIS OF NEED(S): To fund a portion of the repair costs of the Good Harbor Foot
Bridge Project.

APPROVALS:

DEPT. HEAD:  DATE: 4-2-13

ADMINISTRATION:  DATE: 4/3/13

BUDGET & FINANCE: _____ DATE: _____

CITY COUNCIL: _____ DATE: _____

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2013-SBT- 21 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 688,090.13

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
(FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
(TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.163.54000.0000.00.000.00.054
Registration, Supplies
Account Description

DETAILED ANALYSIS OF NEED(S): Funds needed for Election related supplies for 2 upcoming special elections on April 30, 2013 & June 25, 2013.

TOTAL TRANSFER AMOUNT: \$ 125.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
FROM ACCOUNT: \$ 687,965.13
TO ACCOUNT: \$ 139.46

APPROVALS: JA
DEPT. HEAD: Wanda T. Lowe DATE: 2/13/2013
ADMINISTRATION: Chris. Fick DATE: 4/3/13
BUDGET & FINANCE: _____ DATE: _____
CITY COUNCIL: _____ DATE: _____

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2013-SBT- 22 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 687,965.13

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
 (FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
 (TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.163.51300.0000.00.000.00.051
Registration, Sal/Wage-Overtime
Account Description

DETAILED ANALYSIS OF NEED(S): Funds needed for anticipated overtime for City Clerk Staff, including Asst. Registrar to perform election duties for 2 upcoming special elections on April 30, 2013 & June 25, 2013.

TOTAL TRANSFER AMOUNT: \$ 850.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 687,115.13
 TO ACCOUNT: \$ 2,062.00

APPROVALS: [Signature]
 DEPT. HEAD: [Signature] DATE: 2/13/2013
 ADMINISTRATION: [Signature] DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2013-SBT- 23 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 687,115.13

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
(FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
(TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.163.51200.0000.00.000.00.051
Registration, Sal/Wage-Temp Pos
Account Description

DETAILED ANALYSIS OF NEED(S): Estimated costs for custodians at Schools which serve as polling places. Costs are for overtime for 2 upcoming special elections on April 30, 2013 & June 25, 2013.

TOTAL TRANSFER AMOUNT: \$ 858.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
FROM ACCOUNT: \$ 686,257.13
TO ACCOUNT: \$ 1,201.34

APPROVALS: [Signature]
DEPT. HEAD: [Signature] DATE: 2/13/2013
ADMINISTRATION: [Signature] DATE: 4/3/13
BUDGET & FINANCE: _____ DATE: _____
CITY COUNCIL: _____ DATE: _____

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2013-SBT- 24 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 686,257.13

(FROM) PERSONAL SERVICES ACCOUNT # _____ *Unifund Account #*
 (FROM) ORDINARY EXPENSE ACCOUNT # _____ *Unifund Account #*
101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # _____ *Unifund Account #*
 (TO) ORDINARY EXPENSE ACCOUNT # _____ *Unifund Account #*
101000.10.163.52000.0000.00.000.00.052
Registration, Contractual Services
Account Description

DETAILED ANALYSIS OF NEED(S): Costs for 2 special elections including poll workers; Vendor costs for programming memory cards and election software; vendor costs to program Accu-vote machines.

TOTAL TRANSFER AMOUNT: \$ 21,800.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 664,457.13
 TO ACCOUNT: \$ 25,700.00

APPROVALS: ym
 DEPT. HEAD: [Signature] DATE: 2/13/2013
 ADMINISTRATION: [Signature] DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2013-SBT- 25 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: Registration

DATE: 2/12/2013 BALANCE IN ACCOUNT: \$ 664,457.13

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
 (FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.145.59100.0000.00.000.00.059
Treasurer/Collector, Debt Service, Principal/Debt
Account Description

DETAILED EXPLANATION OF SURPLUS: Excess funds due to capital projects expenses coming under budget in which created an available budget in debt service principal.

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
 (TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.163.52700.0000.00.000.00.052
Registration, Rental of Facilities
Account Description

DETAILED ANALYSIS OF NEED(S): Rental costs for polling places for 2 special elections upcoming on April 30, 2013 & June 25, 2013.

TOTAL TRANSFER AMOUNT: \$ 400.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 664,057.13
 TO ACCOUNT: \$ 400.00

APPROVALS: [Signature]

DEPT. HEAD: [Signature] DATE: 2/13/2013
 ADMINISTRATION: [Signature] DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2013-SBT- 26 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ Treasurer _____

DATE: 4/2/2013 BALANCE IN ACCOUNT: \$ 177,184.64

(FROM) PERSONAL SERVICES ACCOUNT # _____

Unifund Account #

(FROM) ORDINARY EXPENSE ACCOUNT # _____

Unifund Account #

101000.10.145.59150.0000.00.000.00.059

Treas/Collector - Debt Service - Int LT Debt

Account Description

DETAILED EXPLANATION OF SURPLUS: _____

Surplus funds due to converting some debt to MWPAT

(TO) PERSONAL SERVICES ACCOUNT # _____

Unifund Account #

(TO) ORDINARY EXPENSE ACCOUNT # _____

Unifund Account #

101000.10.220.52470.0000.00.000.00.052

Fire Department - Vehicle Maintenance

Account Description

DETAILED ANALYSIS OF NEED(S): _____

To fund the repairs of fire department equipment.

TOTAL TRANSFER AMOUNT: \$ 25,000.00

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

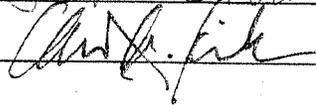
FROM ACCOUNT: \$ 152,184.64

TO ACCOUNT: \$ 40,251.49

APPROVALS:

DEPT. HEAD: 

DATE: 4/2/13

ADMINISTRATION: 

DATE: 4/3/13

BUDGET & FINANCE: _____

DATE: _____

CITY COUNCIL: _____

DATE: _____

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2013**

INTER-departmental requiring City Council approval - 6 Votes Required
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2013-SBT- 29 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: CFO

DATE: 4/3/2013 BALANCE IN ACCOUNT: \$ 14,098.43

(FROM) PERSONAL SERVICES ACCOUNT # Unifund Account #
 (FROM) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.145.57460.0000.00.000.00.057
Treas/Collector - Self-Insurance Auto
Account Description

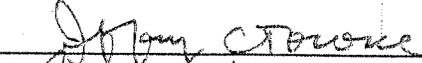
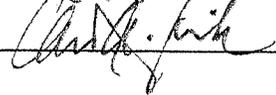
DETAILED EXPLANATION OF SURPLUS: Self insurance not needed to date.

(TO) PERSONAL SERVICES ACCOUNT # Unifund Account #
 (TO) ORDINARY EXPENSE ACCOUNT # Unifund Account #
101000.10.138.53480.0000.00.000.00.052
Purchasing, Advertising
Account Description

DETAILED ANALYSIS OF NEED(S): Excess amount of public notices and other advertisements in FY13 that were not expected.

TOTAL TRANSFER AMOUNT: \$ 6,000.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER
 FROM ACCOUNT: \$ 8,098.43
 TO ACCOUNT: \$ 6,000.00

APPROVALS:

DEPT. HEAD:  DATE: 4-3-13
 ADMINISTRATION:  DATE: 4/3/13
 BUDGET & FINANCE: _____ DATE: _____
 CITY COUNCIL: _____ DATE: _____

City of Gloucester
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST
Fiscal Year 2013

****CITY COUNCIL APPROVAL- 6 VOTES NEEDED****

APPROPRIATION # 2013-SA- 123 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ Mayor

APPROPRIATION AMOUNT: \$ 250,000.00

Account to appropriate from: *Unifund Account #* 850000.10.993.59600.0000.00.000.00.059
Account Description Cap Proj Stab Fund - Transfer to Cap Proj Fund

Balance Before Appropriation	\$	525,296.67
Balance After Appropriation	\$	275,296.67

Account Receiving Appropriation: *Unifund Account #* 300087.10.995.49700.0000.00.000.00.040
Account Description RMS Capital Project Fund - Transfer from Trust Fund

Balance Before Appropriation	\$	-
Balance After Appropriation	\$	250,000.00

DETAILED ANALYSIS OF NEED(S): To transfer funds from the Capital Projects Stabilization Fund to this newly created Record Management System Capital Project Fund to purchase and install new software and equipment.

APPROVALS:

DEPT. HEAD: _____	DATE: <u>4-3-13</u>
ADMINISTRATION: _____	DATE: <u>4/3/13</u>
BUDGET & FINANCE: _____	DATE: _____
CITY COUNCIL: _____	DATE: _____

Sec. 21-80. - Intent; definitions; exclusions; city not required to maintain.

(a)

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abutter and *abutting owner* means all persons holding ownership rights in property abutting ~~a private way~~ the portion of the private way to be repaired and all persons holding ownership rights in any property the access to which, by necessity, requires travel over such private way or portion of the way to be repaired.

Abutting parcel means any property actually abutting the private way or portion of the private way regulated by this article and any property the access to which, by necessity, requires travel over such private way.

Private ways.

(1)

The term "private way" includes, within the scope of this article, statutory private ways and dedicated private ways.

a.

The term "statutory private ways" means those ways which have been laid out pursuant to M.G.L. c. 82, § 21 and are subject to M.G.L. c. 84, §§ 23-24. Such ways are open to the same type and extent of use as public ways.

b.

The term "dedicated private ways" are those ways which were not laid out under statutory authority but are open to free public use of a nature and extent sufficient to constitute evidence of the permanent intention of abutting property owners to abandon private rights in the ways.

(2)

The term "private ways" does not include permissive private ways, which are ways open to public use solely by the continuing permission or license of the owner or abutter; such owner or abutter displays a continuing intent to exercise dominion over the way and may, for example, post the way with signs limiting or prohibiting public use.

(b)

This article is intended to facilitate and encourage the performance of permanent repairs upon private ways in the city.

(c)

DELETED APRIL 10, 2012

(d)

In order to qualify for construction or repair under this article, all private ways otherwise eligible must have been open to the public for six or more years and must abut three or more occupied residences or operating businesses.

(e)

None of the ways described in this section are of the type for which the city has an existing duty of maintenance or repair or for which the city is liable in damages for defects. Nothing in this article is intended to create any duty to maintain or repair such private ways or to subject the city to liability for defects therein.

(Ord. of 11-18-1980, § 1)

Cross reference— *Definitions and rules of construction generally, § 1-2.*

Sec. 21-81. - Type and extent of work.

(a)

Permanent construction or repair shall include, but not be limited to, the construction, resurfacing and reconstruction of private ways. Permanent construction or repair may include the installation and construction of drainage systems in those instances in which the city council, with advisory reports from the director of public works or city engineer, has determined that a drainage system is necessary. Petitioners should discuss proposals with director of public works and city engineer for guidance.

(b)

Temporary construction or repair shall include the filling of holes in the subsurface of private ways and repairs to the surface materials, but shall not include the resurfacing thereof. Oiling and tarring of private ways by the city shall not be permitted.

(Ord. of 11-18-1980, § 2)

Cross reference— *Definitions and rules of construction generally, § 1-2.*

Sec. 21-82. - Permanent or temporary construction or repair, when available.

(a)

Permanent construction or repair may be performed by the city upon approval of the city council in accordance with the procedures set forth in sections 21-84 and 21-85.

(b)

Temporary construction or repair may be performed by the city upon a determination by the director of public works that the condition of a way adversely affects the safety of the inhabitants and that construction or repair of a permanent nature is unnecessary to cure the condition, or upon determination that the condition of the way constitutes an emergency which requires the immediate performance of construction or repair in order to protect the health or safety of the inhabitants of the city.

(Ord. of 11-18-1980, § 3)

Sec. 21-83. - Funding for approved construction or repair.

(a)

Up to fifty percent of the total cost of performance of approved permanent construction and repair work, including the cost of plans or specifications developed subsequent to city council approval, but excluding the cost of preliminary plans developed prior to city council approval, shall be paid by the city from funds appropriated to a separate account in the yearly city budget or from the capital improvement program, except that the city in no case shall be obligated to pay any portion of any costs in excess of 110 percent of the estimated costs to the city as represented in the petition and plans approved by the city council pursuant to sections 21-84 and 21-85 herein; the remaining 50 percent share of the total cost as described in this subsection shall be paid by the abutting owners, the amount to be

so paid to be divided by the number of abutting parcels and assessed to the owners thereof.

(b)

In the case of temporary repairs, the city shall be obligated to pay 100 percent of the total cost.

(c)

In any case involving construction or repairs costing less than \$4,000.00, the city may satisfy its financial obligation under subsections (a) and (b) of this section through the provision of either in-kind services or cash payment of the amount established pursuant to this section. In-kind services may be performed by the department of public works if, in the judgment of its director, the department has the existing capability to render such performance. Where the cost of construction or repair exceeds \$4,000.00, the work shall be awarded to private contractors by means of the applicable bidding procedures.

(d)

The city shall not require that abutting owners pay a cash deposit as a prerequisite to the performance of approved work. However, betterments shall be assessed and collected for such work in accordance with the provisions of M.G.L. c. 80, § 1 et seq. and other applicable laws.

(Ord. of 11-18-1980, § 4)

Sec. 21-84. - Procedural prerequisites for permanent construction or repair.

(a)

Any performance of permanent construction or repair as set forth in this article must be authorized by a majority vote of the city council. No such authorization shall be granted unless the requirements of subsection (b) through (i) of this section have been satisfied.

(b)

A petition, signed by no less than 51 percent of the abutting owners of the portion of the private way subject to the proposed construction or repair, must be submitted to the city council. ~~Such~~ The submittal of the petition must conform to the requirements of subsections (c) through (f) of this section, and subsections a and b of Sec. 21-85.

(c)

Petitioners shall use only official petition forms, available from the city clerk's office upon request.

(d)

The original petition and an official record of the votes cast at the abutters meeting required by Sec. 21-85 shall be submitted to the city clerk. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works. Prior to the filing of any petition, prospective petitioners shall be encouraged to contact the city engineer and/or the director of public works to discuss the proposal informally for the purpose of receiving guidance and relevant information.

(e)

All petitions submitted to the city council for consideration must be accompanied by a set of preliminary engineering plans prepared and signed by a registered engineer qualified in the field. Such plans must be of sufficient detail to indicate the nature

and extent of the work requested and the quantity and type of materials necessary. Such plans must also indicate an estimated cost of the requested construction or repair. In no event shall the cost of any such preliminary plans be included in the project costs to be shared by the city and the abutting owners. Alternatively, a cost estimate outlining the required work and prepared by the Director of Public Works or his designee shall suffice as a preliminary engineering plan for the purposes of this section.

The petition shall indicate the anticipated share of the cost of repairs to be borne by the city—not to exceed fifty percent.

All petitions submitted to the council also must plainly indicate that a meeting of the abutting owners has been held and votes recorded as provided in section 21-85

(f)

After the filing of the petition as described in subsection (d) of this section, the city engineer or director of public works shall be consulted by the petitioners for purposes of preliminary review and comment upon the petition and plans prior to the forwarding of said materials to the city council. Such review may include a recommendation that the petition be withdrawn by the petitioners or rejected by the city council as an insufficient or inappropriate solution to the problem presented.

(g)

Within 30 days after the filing date of the petition, the mayor and the director of public works shall review the petition and shall submit to the city council their recommendations concerning the necessity and feasibility of the project, the appropriate priority to be assigned to the project, and the availability of funding. Failure to submit the required reports shall be deemed to signify approval of the proposed work.

(h)

The city council must hold a public hearing upon the petition within 60 calendar days of filing thereof, except that in a particular case the council by two-thirds vote thereof may extend the deadline for hearing by a maximum of 30 days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.

(i)

Approval of a petition shall require a majority vote of the city council. Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.

(Ord. of 11-18-1980, § 5)

Sec. 21-85. - Meeting and vote by abutting owners.

(a)

Prior to submitting any petition under this article, a meeting of all abutting owners must be held, after notice, and a vote recorded to perform and pay for certain repairs to the private way in question. The meeting shall be called by any two or more abutting owners. Notice of the meeting, stating the date, time and location thereof, shall be given at least seven days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by certified mail, return receipt requested. A receipt by electronic mail or other proof of certified

mailing shall suffice to provide proof that an abutter has been notified as required in the section."

(b)

At the meeting of abutting owners as required by subsection (a) of this section, separate votes shall be taken and recorded to determine whether certain repairs are to be sought and whether such repairs shall be paid for pursuant to the terms of this article. A majority of the abutting owners attending the meeting must vote in favor of both issues in order to qualify for construction or repair under this article. Each property, whether held singly, jointly or by a trust or corporation, shall be entitled to cast one vote by the designated or agreed-upon representative of the owners, and who must be in attendance at the meeting. The official record of the meeting, including the attendees and the votes cast shall be included with the petition for road repairs when the petition is presented to the City Clerk as described in Sec. 21-84.

(Ord. of 11-18-1980, § 6)