

CITY CLERK  
GLOUCESTER, MA

2016 DEC -1 AM 11:22

This meeting is recorded



GLOUCESTER CITY COUNCIL  
**Budget & Finance Committee**  
Thursday, December 8, 2016 – 5:30 p.m.  
1<sup>st</sup> Fl. Council Committee Room – City Hall

\*\*\* AMENDED AGENDA \*\*\*

Individual items from committee reports may be consolidated into a consent agenda.

1. *Memorandum from the Community Development Director re: City Council acceptance of the anticipated Commonwealth of Mass. & National Park Service Award Letter for a Federal Land & Water Conservation Fund Grant Program for Stage Fort Park Beautification Project for \$250,000*
2. *Memorandum from Gloucester Waterways Board re: permission to use retained earnings for new equipment in the amount of \$8,714 and Supplemental Appropriations 2017-SA-11, -12, -13 & -14*
3. *Memorandum from Library Director re: authorization to apply for, accept and expend any state funds which might be available to defray all or part of the cost of the design, construction and equipping of the library project*
4. *Memo from City Auditor regarding accounts having expenditures which exceed their authorization & Auditor's Report and other related business*
5. *Grant Packet proposed by Economic Development Director re: Local Maritime Economic Planning Development Grant Site Selection Study for a Visiting Boater Support Center & Harbormaster's Office (for information only)*
6. *Letter from the Executive Director of PERAC re: Appropriation for Fiscal Year 2018 (for information only and Committee file)*
7. *CC2016-048 (Orlando) Amend GCO Sec. 4-16 (d) "Off-leash dog areas" subsection (b)(2) by adding a new subsection "(m) Dog Park "pooch pass" certificate for non-residents & amend Sec. 1-15 "Penalty for violation of certain specified section of code" (TBC 01/05/17)*
8. *Memorandum from Community Development Director & Senior Project Manager regarding recommendations from the Community Preservation Committee for Round 7, FY2017 Funds*
  - A. Cape Ann Amateur Radio Association Historic Resource \$26,174  
*Preservation of Wheeler School & GFD Riverdale Hose #6 @ 6 Stanwood Street*
  - B. Mt. Pleasant Cemetery Association Historic Resource \$ 2,000  
*Mt. Pleasant Civil War Monument*
  - C. Stage Fort Park Advisory Committee Historic Resource \$16,000  
*Welcome Center Restoration*
  - D. Community Development Department Open Space \$75,000  
*Stage Fort Park Beautification Project* (bonding for \$175,000)
  - E. Gloucester Committee for the Arts Historic Resource \$ 8,250  
*Refined project scope to preserve & restore schedules of work*

COMMITTEE

**Chair, Councilor Scott Memhard**  
**Vice Chair, Councilor Joseph Orlando, Jr.**  
**Councilor Joseph Ciolino**

CC: Mayor Theken  
Jim Destino  
Kenny Costa  
John Dunn  
Chip Payson

This meeting is recorded

Dan Smith/Stephen Winslow  
Harbormaster T.J. Ciarametaro  
Deborah Kelsey  
Debbie Laurie

**The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed & other items not listed may also be brought up for discussion to the extent permitted by law. Items may be taken out of order.**

2016 DEC - 1 AM 8:47



GLOUCESTER CITY COUNCIL  
**Budget & Finance Committee**  
Thursday, December 8, 2016 – 5:30 p.m.  
1<sup>st</sup> Fl. Council Committee Room – City Hall

**AGENDA**

Individual items from committee reports may be consolidated into a consent agenda.

1. **Open Meeting Law Complaint re: National Fish & Seafood LTD Tax Increment Financing (TIF) recommendation**
2. **Memorandum from the Community Development Director re: City Council acceptance of the anticipated Commonwealth of Mass. & National Park Service Award Letter for a Federal Land & Water Conservation Fund Grant Program for Stage Fort Park Beautification Project for \$250,000**
3. **Memorandum from Gloucester Waterways Board re: permission to use retained earnings for new equipment in the amount of \$8,714 and Supplemental Appropriations 2017-SA-11, -12, -13 & -14**
4. **Memorandum from Library Director re: authorization to apply for, accept and expend any state funds which might be available to defray all or part of the cost of the design, construction and equipping of the library project**
5. **Memo from City Auditor regarding accounts having expenditures which exceed their authorization & Auditor's Report and other related business**
6. **Grant Packet proposed by Economic Development Director re: Local Maritime Economic Planning Development Grant Site Selection Study for a Visiting Boater Support Center & Harbormaster's Office (for information only)**
7. **Letter from the Executive Director of PERAC re: Appropriation for Fiscal Year 2018 (for information only and Committee file)**
8. **CC2016-048 (Orlando) Amend GCO Sec. 4-16 (d) "Off-leash dog areas" subsection (b)(2) by adding a new subsection "(m) Dog Park "pooch pass" certificate for non-residents & amend Sec. 1-15 "Penalty for violation of certain specified section of code" (TBC 01/05/17)**
9. **Memorandum from Community Development Director & Senior Project Manager regarding recommendations from the Community Preservation Committee for Round 7, FY2017 Funds**

A. Cape Ann Amateur Radio Association	Historic Resource	\$26,174
Preservation of Wheeler School & GFD Riverdale Hose #6 @ 6 Stanwood Street		
B. Mt. Pleasant Cemetery Association	Historic Resource	\$ 2,000
Mt. Pleasant Civil War Monument		
C. Stage Fort Park Advisory Committee	Historic Resource	\$16,000
Welcome Center Restoration		
D. Community Development Department	Open Space	\$75,000
Stage Fort Park Beautification Project		
E. Gloucester Committee for the Arts	Historic Resource	\$ 8,250
Refined project scope to preserve & restore schedules of work		

COMMITTEE

Chair, Councilor Scott Memhard  
Vice Chair, Councilor Joseph Orlando, Jr.  
Councilor Joseph Ciolino

CC: Mayor Theken  
Jim Destino  
Kenny Costa

This meeting is recorded

John Dunn  
Chip Payson  
Dan Smith/Stephen Winslow  
Harbormaster T.J. Ciarametaro  
Deborah Kelsey  
Debbie Laurie

**The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed & other items not listed may also be brought up for discussion to the extent permitted by law. Items may be taken out of order.**

City Hall Annex  
Three Pond Road  
Gloucester, MA 01930



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

**CITY OF GLOUCESTER**  
COMMUNITY DEVELOPMENT DEPARTMENT

**MEMORANDUM**

To: Mayor Sefatia Romeo Theken  
Mike Hale, Department of Public Works

From: Dan Smith, Community Development Director  
Stephen P. Winslow, Sr. Project Manager *SPW*

Re: Commonwealth of Massachusetts and National Park Service Award Letter  
Federal Land and Water Conservation Fund (LWCF) Grant Program  
Stage Fort Park Beautification (LWCF #25-0511)

Date: November 9, 2016

---

The Community Development Department is pleased to report that the Commonwealth of Massachusetts and the National Park Service have selected Gloucester to receive a grant of \$250,000.00 for the beautification of Stage Fort Park. The grant will primarily be used to: (1) create a gateway to Founder's Rock and improve the area around the bandstand, (2) create an events terrace, (3) create a trail connection towards Ravenswood and (4) add kayak storage.

We request that you forward the attached grant award letter and draft City Council vote to the Council so the City can accept the award and move forward on the project. Project funds must be expended before September 30, 2018. Our office has also submitted a grant request to the Gloucester Community Preservation Committee to provide a match commitment of \$250,000.00. Our office also plans to propose use of \$100,000 in CDBG funds next round to fund the construction of various ADA accessible pathways contemplated by the project.

The Council must vote on the attached resolution and commit to matching funding **before December 31, 2016** so that the City can submit the signed grant agreements and a certified copy of the Council vote by that date. Matching funding has been requested from the Community Preservation Committee.

## **Overview of the Project and Project Need**

The initiation of the project began when the Stage Fort Advisory Committee in August 2015 prepared a list of 22 repairs and improvements that included a request to replace soil, plant new grass and install an irrigation system in front of the Antonio Gentile Bandstand. DPW addressed the items that could be done with existing manpower very quickly. The plans for the bandstand area raised the issue of whether events such that allow vehicles to park on the lawns, such as the farmer's market, were adversely impacting the grass and should be discontinued once a new lawn was planted. Stephen Winslow of the Community Development Department with the pro-bono assistance of Landscape Architect Jane Shoplick developed a conceptual plan for a gateway to Founder's Rock and Bandstand along with the Events Terrace as a creative approach to address the need to redux the Bandstand Area and create a more optimal space for events like the farmers' market.

The conceptual project plan (Attachment A) for the Gateway and Events Terrace was presented at a public meeting in January 2016 held by the Stage Fort Advisory Committee which endorsed the plan at that time. The Community Development Department and the Mayor's Office secured the City Council's approval to submit an application for a Land and Water Conservation Fund grant application in February 2016.

## **Review of Agreement**

The Land and Water Conservation Fund program requires each community to sign a Project Agreement (Attachment B) with the Commonwealth's Executive Office of Energy and Environmental Affairs (EEA). Massachusetts Communities have signed over 500 such Project Agreements, including the City of Gloucester for St. Peter's Park. The Project Agreement requires each grantee to agree to follow the terms of the National Park Service Federal Financial Assistance Manual (the NPS Manual, the key portion of that applies to municipal grantees is included as Attachment C).

### *i. The Agreement Restricts Conversions in the Use of Stage Fort Park from Parkland*

Section 8 of the NPS Manual sets forth "Post-Completions and Stewardship" requirements for maintaining LWCF assisted sites and facilities. Those requirements apply to the entire area indicated in a "6(f)(3)" property map required to be prepared during the application process. City Staff initially submitted a map limited to the LWCF project area. NPS and EEA required that the 6(f)(3) Map for Stage Fort Park include all Stage Fort Park with the exception of the paved parking area that can be used for winter snow storage. The DPW prepared a map of the proposed 6(f)(3) area per NPS and EEA requirements (Attachment D)

The requirements of the NPS Manual apply to the area set out in the 6(f)(3) map. The major purpose of the Project Agreement and the 6(f)(3) map is to ensure the designated area remains open to public recreation by restricting conversions to non-recreational uses either by sale, lease or construction of non-recreational public facilities. Such restrictions do not substantially changes the City's current ownership rights since Article 97 of the Massachusetts Constitution restricts conversion or sale of public park land without Legislative approval.

ii. *The Agreement Requires the City Maintain Stage Fort Park to Invite Public Use*

Section 8.B. of the NPS Manual requires the City to operate and maintain Stage Fort Park so that:

- it appears attractive and inviting to the public
- sanitary facilities meet health standards, and
- roads allow public use.

These requirements commit the City to maintaining the facility at such a level that the public feels welcome and safe in using it. The City already does already this level of maintenance and care for public safety, including lifeguards at Half Moon Beach.

iii. *The Agreement Requires the Facility to be Open for Public Use at Reasonable Hours and Times*

The facility must be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. The City has established reasonable regulations as to hours of use and times of year Stage Fort will be available. Primarily as a spring, summer and fall recreational facility, the existing regulations setting forth that the times gates are open during the year and during the day are reasonable and consistent with other similar facilities in Gloucester.

iv. *The Agreement Prohibits Discrimination of Use on the Basis of Race, Color, National Origin, Religion, Sex or Disability*

The City currently does not discriminate on those basis so the City can readily comply with these prohibitions

v. *The Agreement Limits Discrimination of Use on the Basis of Residence*

The NPS Manual allows reasonable differences in admission and other fees on the basis of residence. Where no fee exists for residents, the fees charged to non-residents cannot exceed fees charged at comparable state or local public facilities. Fees charged to non-resident, including parking fees, cannot exceed twice the amount charged to residents. City Staff has requested a clarification on acceptability of fees from Melissa Cryan of EEA (See Attachment D).

a. *Facility Use Fees*

Gloucester charges rental fees for certain types of use of Stage Fort Park including fees to use group picnic areas, the Bandstand, the Rose Garden and for daily commercial uses such as concerts and events. These fees range from \$25 to \$400 per day depending upon the type of facility, user group and activity. The facility use fees the City of Gloucester charges for Stage Fort Park are comparable to those at similar facilities. For instance, the Department of Conservation and Recreation has similar charges for its facilities that range from \$35 per day for group campsites to \$250 to \$2000 per day for commercial events.

b. *Parking Fees*

The daily parking fees for Stage Fort Park are the same for non-residents and residents alike. However, seasonal parking sticker fees for non-residents cost more than ten times the cost of stickers for residents. Gloucester has consistently maintained a low cost for its resident beach parking stickers and certainly would never contemplate either increasing its city wide resident beach parking fee. If the City were to lower the cost of the 200 non-resident beach parking stickers to \$40 as required by the NPS Manual the city would lose \$42,000 a year in revenue and within 6 years would have lost more in revenue than it receives from the LWCF grant.

The City has proposed to EEA and NPS that the City be allowed to establish a separate sticker for non-resident use of Stage Fort Park only that would cost \$40 per season. This would generate a modest amount of revenue \$2400 to \$4000 a year if 60 to 100 non-residents purchased the passes, that could help off-set the cost of having another sticker. The additional revenue may be offset by the loss in revenue from a small set of current non-resident Stage Fort Park users who pay the existing \$10 to \$15 fee more than 4 times a year for parking at Stage Fort.

**RESOLUTION TO APPLY AND ACCEPT GRANT FUNDS TO  
IMPROVE STAGE FORT PARK**

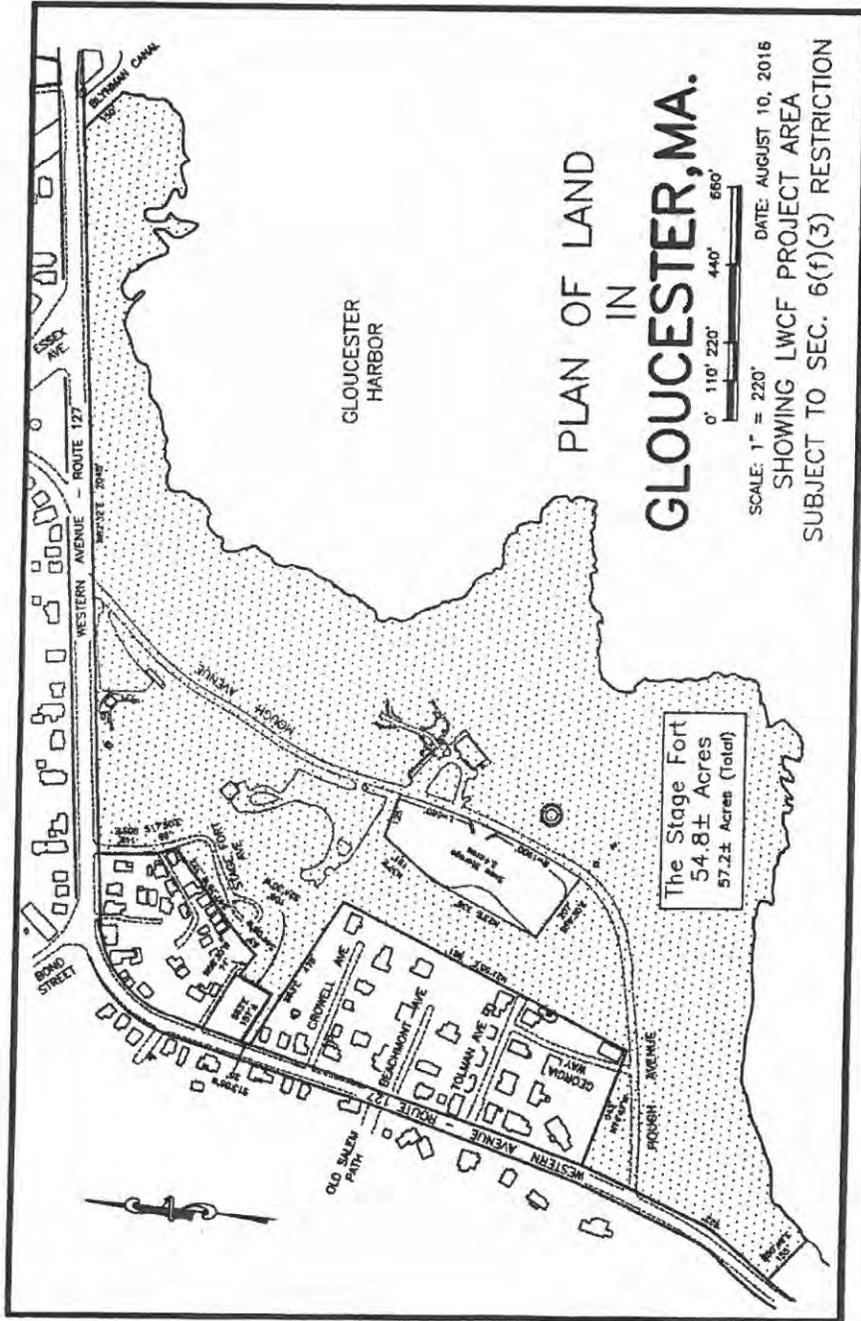
**A RESOLUTION TO ACCEPT A LAND AND WATER CONSERVATION FUND GRANT  
FROM THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS AND  
THE NATIONAL PARK SERVICE FOR THE  
FOR IMPROVEMENTS TO STAGE FORT PARK  
IN THE CITY OF GLOUCESTER MASSACHUSETTS**

- Whereas: Stage Fort Park on Hough Avenue in Gloucester provides both open space and recreational opportunities for city residents and visitors;
- Whereas: the improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan;
- Whereas: These improvements will support activities anticipated to occur at Stage Fort Park as part of Gloucester's 400<sup>th</sup> Anniversary Commemoration in 2023;
- Whereas: The City acquired Stage Fort Park (Assessor's Map 216 Lot 140; Essex South Registry of Deeds Book 1543 Page 141) through a taking by the City of Gloucester Board of Park Commissioners on March 15, 1898 as authorized by Chapter 459 of the Acts of 1897;
- Whereas: The Stage Fort Park Beautification Project will install new accessible paths, an events terrace, a recreational trail and kayak storage;
- Whereas: The National Park Service and the Executive Office of Energy and Environmental Affairs (EOEEA) have agreed to provide a reimbursable \$250,000 federal Land and Water Conservation Fund grant to the City to fund a portion of the cost to implement that Project;
- Whereas: Survey, design, site preparation and installation of the improvements will cost a total of \$600,000 (Six Hundred Thousand Dollars) and the City has allocated \$250,000 (Two Hundred and Fifty Thousand) in Community Preservation Act Funds and \$100,000 (One Hundred Thousand) in Community Development Block Grant Funds for the improvements; and
- Whereas: The Budget and Finance Committee of the Council has reviewed and approved this Resolution as required by City Ordinance.

**NOW, THEREFORE, BE IT THAT**

1. The City Council, hereby agrees to accept the \$250,000 federal grant and the dedicate \$250,000 in Community Preservation Act Funds and \$100,000 in Community Development Block Grant funds to serve as a grant match; and
2. The Mayor is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Community Development Department;
3. The City hereby permanently dedicates 54.8 acres as shown in Attachment A to park and recreation purposes under MGL Chapter 45, Section 3 and Article XCVII of the Massachusetts Constitution; and
4. This resolution shall take effect upon passage.

ATTACHMENT A





City of Gloucester  
Grant Application and Check List

Granting Authority: State  Federal  Other \_\_\_\_\_

Name of Grant: Stage Fort Park Beautification LWCF #25-0511

Department Applying for Grant: Community Development Department

Agency-Federal or State application is requested from: Exec Office of Env't Affairs

Object of the application: New Gateway & Events Terrace for Stage Fort Park

Any match requirements: \$250,000 (see separate CPA packet)

Mayor's approval to proceed: \_\_\_\_\_  
Signature Date

City Council's referral to Budget & Finance Standing Committee: \_\_\_\_\_  
Vote Date

Budget & Finance Standing Committee: \_\_\_\_\_  
Positive or Negative Recommendation Date

City Council's Approval or Rejection: \_\_\_\_\_  
Vote Date

City Clerk's Certification of Vote to City Auditor: \_\_\_\_\_  
Certification Date

City Auditor:  
Assignment of account title and value of grant: \_\_\_\_\_  
Title Amount

Auditor's distribution to managing department: \_\_\_\_\_  
Department Date sent

NOTE: A copy of all grant paperwork must be submitted to the Auditor's Office

FORM: AUDIT GRANT CHECKLIST - V.1



Edited with Infix PDF Editor  
- free for non-commercial use.

To remove this notice, visit:  
[www.icenl.com/unlock.htm](http://www.icenl.com/unlock.htm)

CITY OF GLOUCESTER

ACCOUNT BUDGET

DEPARTMENT NAME: Community Development Department  
 ACCOUNT NAME: Stage Fort Park LWCF 25-0511  
 FUND NUMBER AND NAME: (N/A FOR NEW FUND)  
 CFDA # (Required for Federal Grants):  
 DATE PREPARED: 11/8/2016

APPROVED  
 AMENDED BUDGET

OBJECT	ORIGINAL BUDGET	(IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (4_____)				
	\$250,000			\$250,000 <del>\$0.00</del>
				\$0.00
				\$0.00
Total:	250,000 <del>\$0.00</del>	\$0.00	\$0.00	\$250,000 <del>\$0.00</del>
EXPENSE (5_____)				
				\$0.00
Consultants	\$250,000			\$250,000 <del>\$0.00</del>
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	250,000 <del>\$0.00</del>	\$0.00	\$0.00	\$250,000 <del>\$0.00</del>

DEPARTMENT HEAD SIGNATURE \_\_\_\_\_

DATE ENTERED (AUDIT) \_\_\_\_\_ AUDITING DEPARTMENT INITIALS \_\_\_\_\_



Attachment B - LWCF Project Agreement

**THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
LAND AND WATER CONSERVATION FUND**

**Project Agreement**

Project Agreement Number #25-00511

Project Period September 30, 2016-September 30, 2018

Between the City of Gloucester

Hereinafter referred to as the PARTICIPANTS and the Commonwealth of Massachusetts acting by and through the State Liaison Officer, Secretary, Executive Office of Energy and Environmental Affairs hereinafter referred to as the COMMONWEALTH.

WHEREAS, the PARTICIPANTS have made application to the COMMONWEALTH for assistance under the Federal Land and Water Conservation Fund Act of 1965, Stat. 897 (1964) as it may be amended, for a project briefly described as follows:

Gloucester, Stage Fort Park, Land and Water Conservation Fund #25-00511: The project will include the development of an events terrace, create a new trail connection, add a kayak storage facility, construct a gateway to Founder's Rock, and improvements to the bandstand.

WHEREAS, the COMMONWEALTH has reviewed said application and found the project to be in conformance with the Statewide Comprehensive Outdoor Recreation Plan, and

WHEREAS, the COMMONWEALTH has forwarded said application to the United States National Park Service, Department of the Interior (hereinafter referred to as the National Park Service), and

WHEREAS, the National Park Service has approved said application, has obligated certain federal funds in the amount of \$250,000 and has agreed to tender the COMMONWEALTH that portion of the obligation that is required to pay the United States' share of the costs of the above project stage,

WHEREAS, the COMMONWEALTH has undertaken to cause the project to be carried out in accordance with the Federal Project Agreement.

WITNESSETH: the COMMONWEALTH and the PARTICIPANTS mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964) and

The COMMONWEALTH agrees to transfer to the CITY OF GLOUCESTER the amount received from the National Park Service on account of said project subject to the Commonwealth of Massachusetts Standard Contract and Terms and Conditions executed for this project.

The PARTICIPANTS agree to execute the project described above in accordance with the terms of and the obligations contained in the Federal Project Agreement, Number #25-00511, with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps and assurances made a part thereof, with the National Park Service Federal Financial Assistance Manual, and with any special terms and conditions attached hereto, all of which are hereby incorporated by reference. All significant deviations from the project as described therein shall be submitted to the COMMONWEALTH for prior approval.

Failure by the PARTICIPANTS to comply with this project agreement may, at the option of the COMMONWEALTH, suspend or terminate all obligations of the COMMONWEALTH hereunder.

In accordance with Part II paragraph C of the General Provisions of the Federal Project Agreement, the PARTICIPANTS agree that payment by the PARTICIPANTS to the COMMONWEALTH of money would be an inadequate remedy for a breach of the PARTICIPANT of this agreement, and agrees therefore that, as an alternative or as an additional remedy, specific performance of this agreement may be enforced by the COMMONWEALTH.

IN WITNESS WHEREOF, the parties hereto have hereinunder set their hands and seals, the day and year first above written.

COMMONWEALTH OF MASSACHUSETTS

CITY OF GLOUCESTER

By \_\_\_\_\_  
Robert O'Connor, Alternate State Liaison Officer  
Executive Office of Energy and Environmental Affairs

By \_\_\_\_\_  
Sefatia Romeo Theken  
Mayor

\_\_\_\_\_  
Date of Approval

Attach hereto evidence of authority to execute this contract on behalf of the PARTICIPANTS: In the case of a municipality, a certified copy of the vote or votes of the governing body authorizing the project, appropriating the municipality's funds, therefore, authorizing execution of this agreement by the officer, board or commission whose signature(s) appears above.



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Charles D. Baker  
GOVERNOR

Karyn E. Polito  
LIEUTENANT GOVERNOR

Matthew A. Beaton  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/eea>

October 12, 2016

Stephen Winslow  
Community Development Department  
3 Pond Road  
Gloucester, MA 01930

RE: Stage Fort Park, LWCF #25-00511

Dear Mr. Winslow:

I am pleased to confirm that the Stage Fort Park Project has been selected by the Commonwealth of Massachusetts and the National Park Service to receive up to \$250,000 in federal Land and Water Conservation Fund grant assistance. Please note the project number associated with the project, listed above. You will use this project number in all future correspondence.

There will be a mandatory grant management workshop on Wednesday, November 2, 2016 at 11:00 am at the Division of Fisheries and Wildlife Headquarters at 1 Rabbit Hill Road, Westborough. The directions were provided to you via email. The workshop should run about an hour and critical information will be shared that will enable participants to successfully complete their projects and receive their full reimbursements.

**Project deadline is September 1, 2018**

While Gloucester's total grant award is \$250,000, I ask that you break down your spending by fiscal year on page two of the contract (enclosed). There may be some ability to move funding between the fiscal years, as the LWCF budget works differently than the state budget. However, the project's budget should begin with the best estimate possible to ensure a smooth transition between fiscal years.

LWCF grants work on a reimbursement basis. The grant's reimbursement rate is 50%. We can only reimburse your community 50% of what you spend, even if this figure does not reach the maximum value of the grant award. The nuts and bolts of reimbursement requests will be discussed at the grants management workshop.

To move forward with the project, the city must submit the following documents:

**Local LWCF Project Agreement**

The Project Agreement is a local version of the agreement signed between EEA and NPS. It is signed by EEA and the city. Note that by signing the Project Agreement, Gloucester agrees to comply

with the program regulations of the Land and Water Conservation Fund as stipulated in the Project Agreement and the General Provisions. The Agreement must be recorded as an adjunct to the property's deed, along with the city council vote. Please send back two signed copies.

#### **State Standard Contract**

A state standard contract enables the state to set up an account to pay for your project. Please complete the budget table on page two by writing in how much is needed in each fiscal year throughout the life of the project.

#### **Contractor Authorized Signatory Listing Form**

Please have your chief municipal officer complete both sides of this form. The same person that signs the contract should sign both sides of this form.

#### **City Council Vote**

All projects must submit a successful vote by December 31, 2016. Your contract will not be signed until a successful city council vote is submitted to EEA. If you have not yet had me review the city council vote language, please have me do so immediately.

#### **Reimbursement Procedures**

Please do not begin construction on the project until you have received a signed contract back from me. Any costs incurred prior to that date are not eligible for reimbursement.

It is not possible for a final reimbursement request to be submitted until the park has been completed, but I think it is helpful to know at this stage what is required to consider the project complete. You may request a final reimbursement request after:

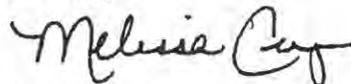
- a. The LWCF project agreement has been executed between the city and the state
- b. A state standard contract has been executed between the city and the state
- c. A Land and Water Conservation Fund acknowledgment sign is installed
- d. The LWCF project agreement and city council vote have been executed and recorded as an adjunct to the deed for the properties

#### **Legally Protected Land – Gloucester's Commitment**

Remember that acceptance of this federal grant requires that the property remain open to the general public, not just Gloucester's residents, and prohibits any other use other than appropriate outdoor recreation at the site in perpetuity. The land must be dedicated to Chapter 45, Section 3 or 14. Conversion of the property to non-recreation use requires the recreation commission to abide by Article 97 of the Articles of Amendment to the State Constitution, as well as the federal Land and Water Conservation Fund Project Agreement. In other words, converted land must be replaced with other property of equal or greater monetary value and recreational use, all at your community's expense.

Please contact me with any questions or concerns you may have at any time. I can be contacted at [melissa.cryan@state.ma.us](mailto:melissa.cryan@state.ma.us) or (617) 626-1171 if you need further assistance. I look forward to seeing your project come to fruition!

Sincerely,



Melissa Cryan  
LWCF Stateside Coordinator

# COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at [www.mass.gov/osc](http://www.mass.gov/osc) under [Guidance For Vendors - Forms](#) or [www.mass.gov/osc](http://www.mass.gov/osc) under [OSD Forms](#).

<b>CONTRACTOR LEGAL NAME:</b> City of Gloucester (and d/b/a):	<b>COMMONWEALTH DEPARTMENT NAME:</b> Exec. Off. of Energy and Env. Affairs <b>MMARS Department Code:</b> ENV	
<b>Legal Address: (W-9, W-4,T&amp;C):</b> 9 Dale Avenue, Gloucester, MA 01930	<b>Business Mailing Address:</b> 100 Cambridge Street, 9 <sup>th</sup> Floor, Boston, MA 02114	
<b>Contract Manager:</b> Stephen Winslow	<b>Billing Address (if different):</b>	
<b>E-Mail:</b> <a href="mailto:swinslow@gloucester-ma.gov">swinslow@gloucester-ma.gov</a>	<b>Contract Manager:</b> Melissa Cryan	
<b>Phone:</b> (978) 282-8007 <b>Fax:</b>	<b>E-Mail:</b> <a href="mailto:melissa.cryan@state.ma.us">melissa.cryan@state.ma.us</a>	
<b>Contractor Vendor Code:</b>	<b>Phone:</b> (617) 626-1171	<b>Fax:</b> (617) 626-1181
<b>Vendor Code Address ID (e.g. "AD001"): AD__</b> (Note: The Address Id Must be set up for <u>EFT</u> payments.)	<b>MMARS Doc ID(s):</b>	
	<b>RFR/Procurement or Other ID Number:</b> ENV 16 DCS 07	

<p style="text-align: center;"><u><b>X</b></u> <b>NEW CONTRACT</b></p> <p><b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only)</p> <p><input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department)</p> <p><input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget)</p> <p><input checked="" type="checkbox"/> <u>Department Procurement</u> (Includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation)</p> <p><input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget)</p> <p><input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u>, scope, budget)</p> <p><input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)</p>	<p style="text-align: center;"><input type="checkbox"/> <b>CONTRACT AMENDMENT</b></p> <p>Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20__.</p> <p>Enter Amendment Amount: \$ _____ (or 'no change')</p> <p><b>AMENDMENT TYPE:</b> (Check one option only. Attach details of Amendment changes.)</p> <p><input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget)</p> <p><input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget)</p> <p><input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget)</p> <p><input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)</p>
---	---

The following **COMMONWEALTH TERMS AND CONDITIONS (T&C)** has been executed, filed with CTR and is incorporated by reference into this Contract.  
 Commonwealth Terms and Conditions     Commonwealth Terms and Conditions For Human and Social Services

**COMPENSATION:** (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.  
 Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)  
 Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$250,000.

**PROMPT PAYMENT DISCOUNTS (PPD):** Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days \_\_ % PPD; Payment issued within 15 days \_\_ % PPD; Payment issued within 20 days \_\_ % PPD; Payment issued within 30 days \_\_ % PPD. If PPD percentages are left blank, identify reason:  agree to standard 45 day cycle  statutory/legal or Ready Payments (G.L. c. 29, § 23A);  only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

**BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:** (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Gloucester, Stage Fort Park, Land and Water Conservation Fund #25-00511/P16AP00424: The project will include the development of an events terrace, create a new trail connection, and add a kayak storage facility; in accordance with the federal Land and Water Conservation Fund Project Agreement and the Executive Office of Energy and Environmental Affairs, Division of Conservation Services.

**ANTICIPATED START DATE:** (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:  
 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.  
 2. may be incurred as of \_\_\_\_\_, 20\_\_, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.  
 3. were incurred as of \_\_\_\_\_, 20\_\_, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.

**CONTRACT END DATE:** Contract performance shall terminate as September 30, 2018, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

**CERTIFICATIONS:** Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form including the Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

**AUTHORIZING SIGNATURE FOR THE CONTRACTOR:**  
X: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature and Date Must Be Handwritten At Time of Signature)  
Print Name: Sefatia Romeo Theken  
Print Title: Mayor

**AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:**  
X: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature and Date Must Be Handwritten At Time of Signature)  
Print Name: William Nicholas  
Print Title: Comptroller

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



ATTACHMENT A – SCOPE OF SERVICES AND ADDITIONAL TERMS AND CONDITIONS

**INSTRUCTIONS:** In order to ensure that the Department and the Contractor have a clear understanding of their respective responsibilities and performance expectations, the Following attachment shall contain a specific detailed description of all obligations, responsibilities and additional terms and conditions between the Contractor and the Department which do not modify the Contract boilerplate language. *Attach as many additional pages as necessary.* {See INSTRUCTIONS sheet for more information and suggested provisions to include in ATTACHMENT A.}

**Gloucester, Stage Fort Park, Land and Water Conservation Fund #25-00511/P16AP00424:** The project will include the development of an events terrace, create a new trail connection, and add a kayak storage facility; in accordance with the federal Land and Water Conservation Fund Project Agreement and the Executive Office of Energy and Environmental Affairs, Division of Conservation Services.

ATTACHMENT B – BUDGET AND APPROVED EXPENDITURES

{The Department and Contractor may complete this format or attach an approved alternative Budget format or invoice.}

Items identified below which are not part of the Contract should be left blank.

Attach as many additional copies of this format as necessary, Maximum obligation should appear as last entry.

Contract Expenditures	Unit Rate (per unit, hour, day)	Number of Units	Other Fees or Charges (specify)	TOTAL
FY17 Design Services			\$25,000	\$ 25,000
FY18 Design and Construction			\$225,000	\$ 225,000
FY19 Construction				\$
				\$
				\$
SUBTOTAL (this page)				\$ 250,000

MAXIMUM OBLIGATION

\$ 250,000

COMMONWEALTH OF MASSACHUSETTS  
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May  
2004



CONTRACTOR LEGAL NAME :  
CONTRACTOR VENDOR/CUSTOMER CODE:

**INSTRUCTIONS:** Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

**NOTICE:** *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Sefatia Romeo Theken	Mayor

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

\_\_\_\_\_  
Signature

Date:

Title: CHARLES J. PAYSON, GENERAL COUNSEL

Telephone: 978-281-9727

Fax: 978-281-9734

Email: cpayson@gloucester-ma.gov

[Listing can not be accepted without all of this information completed.]  
A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS  
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May  
2004



CONTRACTOR LEGAL NAME :  
CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.  
It is recommended that Departments obtain authentication of signature for the signatory  
who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): SEFATIA ROMEO THEKEN

Title: MAYOR

X

Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, \_\_\_\_\_ (NOTARY) as a notary public certify that I witnessed  
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

\_\_\_\_\_, 20 \_\_\_\_.

My commission expires on:

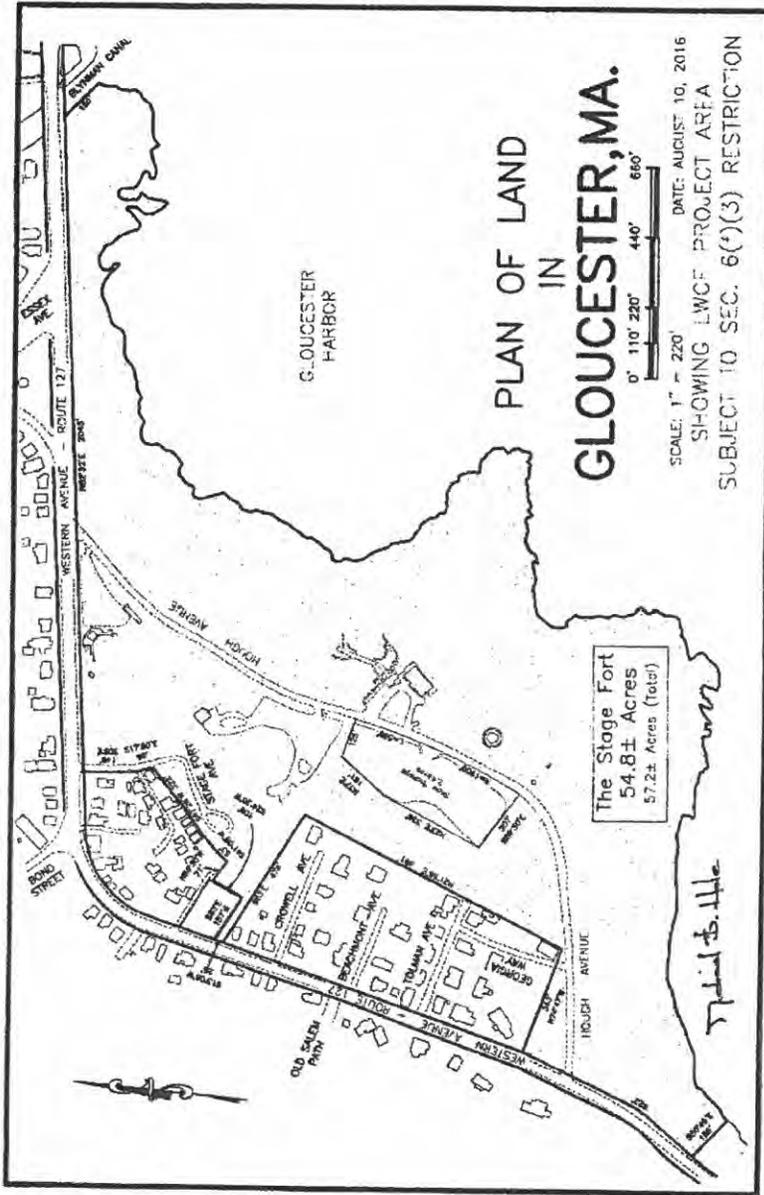
AFFIX NOTARY SEAL

I, \_\_\_\_\_ (CORPORATE CLERK) certify that I witnessed the  
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's  
authority as an authorized signatory for the Contractor on this date:

\_\_\_\_\_, 20 \_\_\_\_.

AFFIX CORPORATE SEAL

Attachment C - LWCF 6(f)(c) Map



**Attachment D – EEA E-Mail on Fees**



Stephen Winslow <swinslow@gloucester-ma.gov>

## Gloucester - Stage Fort.. Parking and Rental Fees

**Cryan, Melissa (ENV)** <melissa.cryan@state.ma.us>  
To: Stephen Winslow <swinslow@gloucester-ma.gov>

Tue, Nov 8, 2016 at 4:01 PM

Steve,

The Beach and Park Rental Fees for Stage Fort Park are fine because there is no difference between residents and non-residents.

The Sticker Fees are not fine. The "domiciled resident" fee is \$20. The "non-domiciled resident" fee is \$50, which is more than twice what residents are charged and, therefore, not in line with the LWCF rules.

I don't understand what the differences are with the other "non-resident" categories and why you're charging them so much more.

If you add a separate category for "non-residents – Stage Fort Park" for \$40, that would be fine. However, you cannot have a maximum number of stickers, unless there is the equivalent maximum number of resident stickers awarded.

Melissa

~~~~~  
Melissa Cryan

(617) 626-1171

**Attachment E – National Park Service Federal Financial Assistance Manual**

**NATIONAL PARK SERVICE  
U. S. DEPARTMENT OF THE INTERIOR**

**LAND AND WATER CONSERVATION FUND  
STATE ASSISTANCE PROGRAM**



**FEDERAL FINANCIAL ASSISTANCE MANUAL  
Volume 69**

**Effective Date: October 1, 2008**

---

**DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE**

**LAND AND WATER CONSERVATION FUND  
STATE ASSISTANCE PROGRAM**

**FEDERAL FINANCIAL ASSISTANCE MANUAL**

**PREFACE**

This manual sets forth the administrative procedures and requirements for Land and Water Conservation Fund (LWCF) federal assistance (Catalog of Federal Domestic Assistance #15.916) to the States by the Department of the Interior, National Park Service (NPS). It supersedes the program's existing LWCF GRANTS MANUAL (NPS-34). It is also intended to serve as a basic reference for those who are engaged in the administrative, financial management and stewardship responsibilities of the LWCF State Assistance Program.

It is the responsibility of the State, as primary grant recipient, to comply with these requirements and all terms and conditions of the grant agreement. The State's responsibility cannot be delegated nor transferred.

Participation in the LWCF State Assistance Program is deemed to constitute a public trust. As such, participants are responsible for the efficient and effective management of funds in accordance with the approved budgets, for promptly completing grant assisted activities in a diligent and professional manner, and for monitoring and reporting performance.

The procedures and requirements contained herein are subject to applicable federal laws and regulations, and any changes made to these laws and regulations subsequent to the publication of this manual. In the event that these procedures and requirements conflict with applicable federal laws, regulations, and policies, the following order of precedence will prevail:

1. Federal Law
2. The Code of Federal Regulations
3. Terms and Conditions of Grant Award
4. Land and Water Conservation Fund State Assistance Program Manual

The State bears primary responsibility for the administration and success of each grant, including performance by third parties under subagreements made by the State for accomplishing nonconstruction and construction project objectives. The provisions included herein shall also be applied by the State to subgrantees and contractors performing work under the LWCF State Assistance Program.

## TABLE OF CONTENTS

|                                                                                                           |          |
|-----------------------------------------------------------------------------------------------------------|----------|
| <b>PREFACE</b>                                                                                            | <b>1</b> |
| <b>A. Background</b>                                                                                      | <b>2</b> |
| <b>B. Program Information</b>                                                                             | <b>2</b> |
| <b>C. Internet Resources</b>                                                                              | <b>3</b> |
| <br>                                                                                                      |          |
| <b>CHAPTER 1 - GENERAL PROGRAM INFORMATION</b>                                                            | <b>1</b> |
| <b>A. Program Summary</b>                                                                                 | <b>1</b> |
| <b>B. State Apportionment Formula and Special Reapportionment</b>                                         | <b>3</b> |
| <b>C. Program Review of State LWCF Program Administration</b>                                             | <b>5</b> |
| <b>D. Annual Report</b>                                                                                   | <b>7</b> |
| <br>                                                                                                      |          |
| <b>CHAPTER 2 - STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN<br/>AND OPEN PROJECT SELECTION PROCESS</b> | <b>1</b> |
| <b>A. State Plan Preparation, Procedures, and Eligibility</b>                                             | <b>1</b> |
| <b>B. Open Project Selection Process</b>                                                                  | <b>4</b> |
| <b>C. Financial Assistance for SCORP Development</b>                                                      | <b>7</b> |
| <br>                                                                                                      |          |
| <b>CHAPTER 3 - ACQUISITION AND DEVELOPMENT PROJECT ELIGIBILITY</b>                                        | <b>1</b> |
| <b>A. General Project Criteria</b>                                                                        | <b>1</b> |
| <b>B. Criteria for Acquisition</b>                                                                        | <b>4</b> |
| <b>C. Criteria for Development</b>                                                                        | <b>7</b> |

|                                                                                            |           |
|--------------------------------------------------------------------------------------------|-----------|
| <b>CHAPTER 4 - PROPOSALS, ENVIRONMENTAL REVIEW AND FEDERAL COMPLIANCE</b>                  | <b>1</b>  |
| <b>A. Proposal Development and Screening for Environmental Impacts</b>                     | <b>1</b>  |
| <b>B. National Environmental Policy Act</b>                                                | <b>1</b>  |
| <b>C. National Historic Preservation Act, Section 106 Process</b>                          | <b>9</b>  |
| <b>D. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970</b> | <b>15</b> |
| <b>E. Equal Employment Opportunity Contract Compliance</b>                                 | <b>24</b> |
| <b>F. National Flood Insurance Program</b>                                                 | <b>24</b> |
| <b>G. Civil Rights</b>                                                                     | <b>26</b> |
| <b>H. Contracting with Minority Business Enterprise/Women Business Enterprise Firms</b>    | <b>27</b> |
| <br>                                                                                       |           |
| <b>CHAPTER 5 - COST PRINCIPLES</b>                                                         | <b>1</b>  |
| <b>A. General Cost Principles</b>                                                          | <b>1</b>  |
| <b>B. Sponsor Financial Obligations</b>                                                    | <b>4</b>  |
| <b>C. Allowable Costs</b>                                                                  | <b>6</b>  |
| <br>                                                                                       |           |
| <b>CHAPTER 6 - APPLICATION AND EVALUATION PROCEDURES</b>                                   | <b>1</b>  |
| <b>A. Prerequisites for Applying</b>                                                       | <b>1</b>  |
| <b>B. Application Process</b>                                                              | <b>1</b>  |
| <b>C. NPS Review Process</b>                                                               | <b>5</b>  |
| <b>D. Amending Existing Projects</b>                                                       | <b>6</b>  |
| <b>E. Withdrawal or Changes in Project Application</b>                                     | <b>7</b>  |
| <b>F. Project Numbering System</b>                                                         | <b>7</b>  |

|                                                                                   |           |
|-----------------------------------------------------------------------------------|-----------|
| <b>CHAPTER 7 - PROJECT ADMINISTRATION AND FINANCIAL MANAGEMENT</b>                | <b>1</b>  |
| <b>A. General Administrative Requirements</b>                                     | <b>1</b>  |
| <b>B. Procurement Standards</b>                                                   | <b>5</b>  |
| <b>C. LWCF Acknowledgement Signs</b>                                              | <b>6</b>  |
| <b>D. Performance/Financial Management and Reporting.</b>                         | <b>7</b>  |
| <b>E. Payments</b>                                                                | <b>10</b> |
| <b>F. Audits</b>                                                                  | <b>10</b> |
| <b>G. Project Termination/Grant Closeout</b>                                      | <b>11</b> |
| <br>                                                                              |           |
| <b>CHAPTER 8 - POST-COMPLETION AND STEWARDSHIP</b>                                | <b>1</b>  |
| <b>A. Purpose</b>                                                                 | <b>1</b>  |
| <b>B. Operation and Maintenance</b>                                               | <b>1</b>  |
| <b>C. Availability to Users</b>                                                   | <b>1</b>  |
| <b>D. Leasing and Concession Operations Within Section 6(f)(3) Areas</b>          | <b>2</b>  |
| <b>E. Conversions of Use</b>                                                      | <b>3</b>  |
| <b>F. Underground Utility Easements and Rights-of-Way</b>                         | <b>12</b> |
| <b>G. Commercial Signage in Section 6(f)(3) Areas</b>                             | <b>12</b> |
| <b>H. Proposals to Construct Public Facilities</b>                                | <b>12</b> |
| <b>I. Requests for Temporary Non-Conforming Uses Within Section 6(f)(3) Areas</b> | <b>13</b> |
| <b>J. Sheltering Facilities within Section 6(f)(3) Areas</b>                      | <b>14</b> |
| <b>K. Obsolete Facilities</b>                                                     | <b>15</b> |
| <b>L. Significant Change of Use</b>                                               | <b>15</b> |
| <b>M. Post-Completion Inspections</b>                                             | <b>16</b> |
| <b>N. Penalties for Failure to Comply with Federal Laws and Regulations</b>       | <b>17</b> |

## CHAPTER 8 - POST-COMPLETION AND STEWARDSHIP

### A. Purpose

Pursuant to Section 6(f)(3) of the LWCF Act and 36 CFR 59.3, this chapter contains the requirements for maintaining LWCF assisted sites and facilities in public outdoor recreation use following project completion and to assure that LWCF-assisted areas remain accessible to the general public including non-residents of assisted jurisdictions. These post-completion responsibilities apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these requirements rests with the State for both state and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the NPS.

### B. Operation and Maintenance

Property acquired or developed with LWCF assistance shall be operated and maintained as follows:

1. The property shall be maintained so as to appear attractive and inviting to the public.
2. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
3. Properties shall be kept reasonably open, accessible, and safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.
4. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
5. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.
6. A posted LWCF acknowledgement sign shall remain displayed at the project site pursuant to Chapter 7.

### C. Availability to Users

1. Discrimination on the basis of race, color, national origin, religion, or sex. Under Title VI of the 1964 Civil Rights Act property acquired or developed with LWCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are

otherwise eligible. Title 43, Part 17 (43 CFR 17), effectuates the provisions of Title VI. The prohibitions imposed by Title VI apply to park or recreation areas benefiting from federal assistance and to any other recreation areas administered by the state agency or local agency receiving the assistance. Discrimination is also prohibited on the basis of religion or sex.

2. Discrimination on the basis of residence. Section 6(f)(8) of the LWCF Act provides, with respect to property acquired and/or developed with LWCF assistance, discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent reasonable differences in admission and other fees may be maintained on the basis of residence.

Fees charged to nonresidents cannot exceed twice the amount charged to residents. Where there is no charge for residents, but a fee is charged to nonresidents, nonresident fees cannot exceed fees charged for residents at comparable state or local public facilities. Reservation, membership or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents.

These provisions apply only to the recreation areas described in the project agreement. Nonresident fishing and hunting license fees are excluded from these requirements.

3. Discrimination on the basis of disability. Section 504 of the Rehabilitation Act of 1973 requires no qualified person shall, on the basis of disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. The Americans with Disabilities Act of 1990 (P.L. 100-336) simply references and reinforces these requirements for federally-assisted programs.
4. Reasonable use limitations. Project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired and/or developed with Fund assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the numbers of person using an area or facility or the type of users, such as "hunters only" or "hikers only." All limitations shall be in accord with the applicable grant agreement and amendments.

#### **D. Leasing and Concession Operations Within a Section 6(f)(3) Area**

A project sponsor may provide for the operation of a Section 6(f)(3) area by leasing the area/facility to a private organization or individual or by entering into a concession agreement with an operator to provide a public outdoor recreation opportunity at the Fund-assisted site.

As the principal grantee, the State is ultimately accountable for assuring compliance with the applicable federal requirements, and, therefore, the delegation or transfer of certain responsibilities to subgrantees or lessees does not relieve the State of its compliance burden. As the grant recipient, the State has agreed to provide suitable replacement property should the

public use of the leased or concessioned area/facility be restricted or the outdoor recreation resource be compromised.

All lease documents and concession agreements for the operation of LWCF-assisted sites by private organizations or individuals must address the following:

1. In order to protect the public interest, the project sponsor must have a clear ability to periodically review the performance of the lessee/concessioner and terminate the lease/agreement if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility, are not met.
2. The lease/agreement document should clearly indicate that the leased/concessioned area is to be operated by the lessee/concessioner for public outdoor recreation purposes in compliance with provisions of the Land and Water Conservation Fund Act and implementing guidelines (36 CFR 59). As such, the document should require the area be identified as publicly owned and operated as a public outdoor recreation facility in all signs, literature and advertising, and is operated by a lessee/concessioner as identified in the public information to eliminate the perception the area is private.
3. The lease/agreement document should require all fees charged by the lessee/concessioner to the public must be competitive with similar private facilities.
4. The lease/agreement document should make clear compliance with all Civil Rights and accessibility legislation (e.g., Title VI of Civil Rights Act, Section 504 of Rehabilitation Act, and Americans with Disabilities Act) is required, and compliance will be indicated by signs posted in visible public areas, statements in public information brochures, etc.

#### **E. Conversions of Use**

Property acquired or developed with LWCF assistance shall be retained and used for public outdoor recreation. Any property so acquired and/or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of NPS pursuant to Section 6(f)(3) of the LWCF Act and these regulations. The conversion provisions of Section 6(f)(3), 36 CFR Part 59, and these guidelines apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State.

Responsibility for compliance and enforcement of these provisions rests with the State for both state and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior. This mutually agreed to area normally exceeds that actually receiving LWCF assistance so as to assure the protection of a viable recreation entity.

Local sponsors must consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States must consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.** Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

If the NPS is alerted or otherwise becomes aware of an ongoing conversion activity that has not been approved, NPS shall request the State Liaison Officer (SLO) to advise the project sponsor of the necessary prerequisites for approval of a conversion and to discontinue the unauthorized conversion activities. If the conversion activity continues, NPS shall formally notify the State it must take appropriate action to preclude the project sponsor from proceeding further with the conversion, use, and occupancy of the area pending NPS independent review and decision of a formal conversion proposal (see Section 10 below).

The NPS Regional Director has the authority to disapprove conversion requests and/or to reject proposed property substitutions. This approval is a discretionary action and should not be considered a right of the project sponsor.

1. Situations that trigger a conversion include:
  - a. Property interests are conveyed for private use or non-public outdoor recreation uses.
  - b. Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof, including those occurring on pre-existing rights-of-way and easements, or by a lessor.
  - c. Unallowable indoor facilities are developed within the project area without NPS approval, such as unauthorized public facilities and sheltering of an outdoor facility.
  - d. Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated.
2. Situations that may not trigger a conversion if NPS determines that certain criteria are met include:
  - a. Underground utility easements that do not impact the recreational use of the park and is restored to its original surface condition (see Section F below).
  - b. Proposals to construct public facilities, such as recreation centers and indoor pool buildings, within a Section 6(f)(3) protected area where it can be shown there is a gain or increased benefit to the public outdoor recreational opportunity. These proposals must be reviewed by the NPS as a “public facility request” (see Section H below). The

State should consult with the NPS early in the formative stages of developing proposals to construct indoor facilities on Section 6(f)(3) protected land (see Section H below).

- c. Proposals for "temporary non-conforming uses," that is temporary non-recreation activities of less than a six-month duration within a Section 6(f)(3) protected area, must be reviewed by the NPS (see Section I below).
  - d. Proposals to build sheltered facilities or to shelter existing facilities within a Section 6(f)(3) protected area provided they do not change the overall public outdoor recreation characteristics and otherwise meet the sheltering criteria in Chapter 3. The NPS review and approval of such proposals will not trigger a conversion (see Section J below).
  - e. Proposals for changing the overall outdoor recreation use of a Section 6(f)(3) area from that intended in the original LWCF project agreement. These proposals must be reviewed by the NPS (see Section L below).
3. Prerequisites to the NPS consideration of conversions. Formal requests from the project sponsor for permission to convert LWCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to NPS in writing and conform to the prerequisites set forth in 36 CFR 59.

States shall consult with NPS when conversions are proposed or discovered and prior to making the formal request to NPS. States shall use the Proposal Description and Environmental Screening Form (PD/ESF) to prepare its conversion proposal (see Chapter 4). The PD/ESF guides the development of the conversion proposal, including the incorporation of the following prerequisites that must be met before NPS will consider the formal conversion request:

- a. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- b. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a state approved appraisal (see Chapter 4 for appraisal guidance) excluding the value of structures or facilities that will not directly enhance its outdoor recreation utility.
- c. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Depending on the situation, and at the discretion of the NPS, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider state requests to change the project sponsor for any replacement property when it is determined a different political jurisdiction can meet the criteria for replacement properties. Equivalent usefulness and location will be determined based on the following criteria:

- (1) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs that are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property.

Wetland areas and interests therein shall be considered to be of reasonably equivalent usefulness as compared to the recreational usefulness of the property proposed for conversion if they have been identified in the wetlands provisions of the Statewide Comprehensive Outdoor Recreation Plan (SCORP) in accordance with Section 6(f)(3) of the LWCF Act as amended (36 CFR 59.3) by Section 303 of the Emergency Wetlands Resources Act of 1986.

- (2) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area at another location within the jurisdiction.
  - (3) Should a local project sponsor be unable to replace converted property, the State would be responsible, as the primary recipient of federal assistance, for assuring compliance with these requirements and for the substitution of replacement property.
  - (4) The acquisition of one parcel of land may be used in satisfaction of several approved conversions (see Section 6 below) and vice versa.
- d. The property proposed for replacement meets the eligibility requirements for LWCF assisted acquisition (see Chapter 3). The replacement property must constitute or be part of a viable recreation area. Viability and recreational usefulness is dependent upon the proposed outdoor recreation development plan and timetable for the development of the replacement parks. If full development of the replacement site(s) will be delayed beyond three years from the date of conversion approval, the conversion proposal shall explain why this is necessary (see Chapter 3.B.7).

For proposed replacement property with a history of contamination, proposals must address the nature of the contamination, how the contaminated area has been or will be

remediated, how the area will be developed into a safe, public outdoor recreation area, and how provisions will be put in place to monitor the new replacement parkland to ensure public health and safety in perpetuity. Certain contaminated areas may not meet the equal or greater recreational usefulness prerequisite for replacement land. Early coordination with NPS for conversion proposals involving contaminated replacement land, even if remediated, is required (see 3.4 below).

Unless each of the following additional conditions (also see Chapter 3) is met, land currently owned by another public agency may not be used as replacement land for land acquired as part of an LWCF project:

- (1) The replacement land was not originally acquired by the sponsor or selling agency for recreation.
- (2) The replacement land has not been previously dedicated or managed for recreational purposes while in public ownership.
- (3) No federal assistance was provided in the replacement land's original acquisition unless the assistance was provided under a program expressly authorized to match or supplement LWCF assistance.
- (4) Where the project sponsor acquires replacement land from another public agency, the selling agency must be required by law to receive payment for the land so acquired (see Chapter 3.A.9).

An exception may be made to this condition only in the case of development projects for which the project sponsor's match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself. In this case, public land that has not been previously dedicated or managed for recreation/conservation use may be used as replacement land even if this land is currently owned by the project sponsor or is transferred from one public agency to another without cost.

- e. In the case of Section 6(f)(3) protected areas that are partially rather than wholly converted, the impact of the converted portion on the remaining area shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.
- f. All necessary coordination with other federal agencies has been satisfactorily accomplished including, for example, compliance with Section 4(f) of the Department of Transportation Act of 1966.
- g. The guidelines for environmental review under NEPA have been satisfactorily completed and considered by NPS during its review of the proposed Section 6(f)(3) action. In cases where the proposed conversion arises from another federal action, NPS

final review of the State's proposal shall not occur until the NPS is assured all environmental review requirements for the other federal action have been met, e.g., Army Corps of Engineer permits.

The environmental review process must analyze not only the Section 6(f)(3) area proposed for conversion, but also the development of the replacement parkland. The purpose and scope of the environmental review must focus on the impacts on the "human environment" resulting from the loss of the Section 6(f)(3) parkland, impacts on any remaining Section 6(f)(3) parkland for partial conversions, and the development of new Section 6(f)(3) replacement park(s). The scope of the environmental review should not include impacts of the action precipitating the conversion on resources beyond the Section 6(f)(3) boundary, such as impacts of a new housing development or a school on a neighborhood.

The environmental analysis must be conducted in a neutral and factual manner and result in statements that reflect this same neutrality so the interested and affected public can focus on and understand the details of the proposed federal action of converting parkland including the replacement of new parkland according to 36 CFR 59. The environmental analysis documents should not include statements that promote or justify the action precipitating the conversion, such as proclaiming that the subject parkland is the best location for a new fire station.

For detailed guidance on NEPA and how to conduct environmental reviews for LWCF conversions, consult Chapter 4 of this manual, and the NPS.

- h. Adherence to state intergovernmental review procedures as appropriate (see Chapter 4).
  - i. The proposed conversion and substitution are in accord with the SCORP.
4. State preparation of conversion proposal for NPS review: To avoid any unnecessary delays, duplication of effort, and mid-course corrections, the States shall consult with NPS early when conversions are proposed or discovered to ensure:
- a. the extent of impact from the conversion activity on Section 6(f)(3) protected area is mutually agreed upon; and
  - b. the acceptability of proposed replacement parkland has been explored prior to State/local sponsor expenditure of resources on appraisals and the required environmental review process to be undertaken in accordance with NEPA.

The State shall coordinate the development of the conversion proposal including ensuring the project sponsor complies with applicable federal, state and local laws, regulations and permit requirements. As the proposal is developed, the State may enlist the assistance of NPS to provide technical guidance as needed, especially for complex and controversial conversions. A State's submission of a formal conversion request to NPS is a State's

endorsement of the conversion. If a State does not concur or endorse the conversion, then the proposal should not be forwarded to NPS for formal review and decision.

5. NPS review of the State conversion proposal. NPS will conduct an independent review of the proposal using the conversion prerequisites and any other critical factors that may have arisen during proposal development. If the State has adequately addressed the prerequisites, and NPS finds no other reason to deny the request, the NPS administrative record will be documented as such and an amendment will be signed approving the conversion.
6. Banking excess fair market value of replacement land for future conversions. The acquisition of one parcel of replacement land may be used in satisfaction of several approved conversions.

Excess fair market value (FMV) of a replacement property can be “banked” for a period not to exceed five years from the date of the initial conversion amendment. During this time period, the same project sponsor may use the remaining value to make up the FMV difference in cases where the subsequent proposed replacement property satisfies the equal usefulness criterion but its appraised FMV falls short of the equal fair market value requirement.

The initial replacement property with the excess fair market value may not be used to satisfy the equal usefulness criterion for subsequent conversions unless additional conversions are anticipated by the sponsor at the time of the original conversion request and the accompanying documentation clearly addresses how the replacement property would satisfy the equal usefulness criteria for the original conversion as well as those that are anticipated.

7. Conversions on leased land. Should a conversion occur on leased land during the term of the lease, the State must comply with the conversion requirements of Section 6(f)(3) including the provision of replacement land. In this instance, the conversion of the original lease can be replaced with a leasehold interest for a period of time that is not less than the time remaining on the original lease, and, which fulfills the recreation commitment agreed to in the original lease agreement.

For existing projects that involve leases, the responsibility for retaining the property in recreation terminates at the end of the lease period unless the grant agreement calls for some other arrangement. Lease agreements containing a renewal clause that can be exercised by the lessee must be reviewed to ensure that Section 6(f)(3) compliance will continue throughout the duration of the next lease period.

8. Conversion proposal documentation. A conversion requires an amendment to the original project agreement. Therefore, the amendment should be submitted concurrently with the formal conversion request or at such time as all details of the conversion have been worked out with NPS.

The formal conversion proposal submission to NPS must include the following items:

- a. A transmittal letter briefly describing the conversion proposal and requesting NPS review and approval
- b. Standard Form 424 for amendments (see Chapter 7)
- c. PD/ESF including Step 4, the environmental screening form, and an environmental assessment document analyzing the entire conversion proposal (the converted parkland and the replacement parkland in one document).
- d. LWCF project amendment form identifying changes to the original Section 6(f)(3) boundary caused by the conversion and to establish a new 6(f) boundary around the replacement site(s)
- e. Signed and dated Section 6(f)(3) boundary map for any remaining parkland resulting from a partial conversion, and for the replacement site(s)
- f. Description and Notification Form (DNF)

Once the conversion has been approved by NPS, replacement property should be immediately acquired and developed according to the replacement proposal timetable. If development will be delayed beyond three years from the date of NPS conversion approval, then a request for delayed development beyond three years with a justification for the delay must be made to NPS (See Chapter 3.B.7.c).

9. Small conversions. Small conversions are composed of small portions of Section 6(f)(3) protected areas that amount to no more than 10 percent of the 6(f) protected area or five acres, whichever is less. States should consult with NPS prior to developing the small conversion proposal.

Because small conversion proposals are less complex, NPS review and decision can be facilitated when:

- a. Minor or no environmental impacts would occur on resources being removed from Section 6(f)(3) protection, on the remaining Section 6(f)(3) area, and on the contiguous new replacement parkland by placing it under Section 6(f)(3) protection per the environmental screening form. This includes consideration of impacts to historic resources per the Section 106 process of the National Historic Preservation Act. The entire conversion proposal is categorically excluded from further environmental review under NEPA (see Chapter 4).
- b. The proposed conversion is not controversial.
- c. The replacement property is contiguous to the original Section 6(f)(3) area.

The State's proposal must include:

- d. Transmittal letter describing the entire small conversion proposal.
  - e. Standard Form 424
  - f. PD/ESF with the portion for conversions completed indicating that a categorical exclusion is justified.
  - g. LWCF project amendment form.
  - h. Description and Notification Form (DNF)
  - i. Revised 6(f) boundary map indicating the deletion of the small converted area and the addition of the replacement property.
10. Discovering unauthorized conversions. When it is discovered that a Section 6(f)(3) area has been converted without NPS approval, a conversion proposal must be submitted and reviewed by NPS for retroactive action. The NPS shall notify the State it is in violation of the grant contract, program regulations, and law, and an immediate resolution of the unapproved conversion must be expedited.

If it is discovered that an unauthorized conversion is in progress, the State must notify the project sponsor to cease immediately until the conversion process pursuant to 36 CFR 59.3 has been satisfactorily completed.

Resolution of the conversion will require State and NPS review of the conversion proposal as previously set forth in Section E.4 above including the provision of suitable replacement property.

If the sponsor has already provided replacement property without NPS approval, the eligibility of the replacement land must meet the same Section 6(f)(3) requirements as if it had not yet been acquired. It is incumbent upon the State to make the case that the replacement land fully meets these requirements.

Failure by the State to take steps to follow this procedure shall be considered cause for NPS to apply penalty options described in Section N below.

11. Conversions with delayed parkland replacement. Exceptions to the immediate replacement requirement (see Section 8 above) will be allowed only when it is not possible for replacement property to be identified prior to the State's request for the conversion. An express commitment must be received from the State to satisfy Section 6(f)(3) substitution requirements within a specified period normally not to exceed one year following conversion approval.

Such proposals are not routine and must include sufficient evidence to justify why such a delay is necessary.

#### **F. Underground Utility Easements and Rights-of-Way**

The State may allow underground utility easements within a Section 6(f)(3) area as long as the easement site is restored to its pre-existing condition to ensure the continuation of public outdoor recreational use of the easement area within 12 months after the ground within the easement area is disturbed. If restoration exceeds the 12 month period, or the easement activities result in permanent above-ground changes, NPS shall be consulted to determine if the changes will trigger a conversion. If present or future outdoor recreation opportunities will be impacted in the easement area or in the remainder of the Section 6(f)(3) area, a conversion will be triggered.

#### **G. Commercial Signage in Section 6(f)(3) Areas**

Commercial signs are only allowable within Section 6(f)(3) boundaries when the advertising is attached to allowable park structures such as benches, fencing, walls, and buildings and are not inconsistent with the park setting and/or the built environment in which it is located (e.g., athletic fields). Signs may face either outside or inside the park. Commercial advertising in the form of a stand-alone structure such as a billboard that creates a footprint in the park, or commercial signage permanently affixed to a natural feature within the 6(f) area, is a conversion regardless of which direction it faces.

#### **H. Proposals to Construct Public Facilities**

Public facility requests will only be approved if the public facility clearly results in a net gain in outdoor recreation benefits or enhances the outdoor recreation use of the entire park, and the facility is compatible with and significantly supportive of the outdoor recreation resources and opportunities of the Section 6(f)(3) protected area. The State shall use the PD/ESF to document its public facility proposal using the following criteria and submit it along with a project amendment and a recommendation for federal approval for NPS review and decision.

The NPS will consider requests to construct sponsor-funded public facilities when the following criteria have been met:

1. Uses of the facility will be compatible with and significantly supportive of outdoor recreation resources and uses at the rest of the site and recreation use remains the overall primary function of the site. The proposed public facility will include a recreation component and will encourage outdoor recreation use of the remaining Section 6(f) area.
2. All design and location alternatives have been adequately considered, documented and rejected on a sound basis.
3. The proposed structure is compatible and significantly supportive of the outdoor recreation resources of the site, whether existing or planned. The park's outdoor recreation use must

continue to be greater than that expected for any indoor uses, unless the site is a single use facility, such as a swimming pool building, which virtually occupies the entire site.

Examples of uses which would not ordinarily be approved include, but are not limited to, a community recreation center which takes up all or most of a small park site, clinics, police stations, restaurants catering primarily to the general public, fire stations, professional sports facilities or commercial resort or other facilities which: (1) are not accessible to the general public; or, (2) require memberships; or, (3) which, because of high user fees, have the effect of excluding elements of the public; or, (4) which include office, residential or elaborate lodging facilities.

Restaurant-type establishments with indoor dining/seating that cater primarily to the outdoor recreating public must be reviewed under this public facility policy. Other park food service operations such as snack bars, carry-out food service, and concession stands with outdoor dining including pavilions and protected patios are allowable without further NPS if the primary purpose is to serve the outdoor recreating public.

4. Potential and future benefits to the total park's outdoor recreation utility must be identified in the proposal. Any costs or detriments should be documented and a net recreation benefit must result.
5. The proposed facility must be under the control and tenure of the public agency that sponsors and administers the original park area.
6. The proposal has been analyzed pursuant to NEPA, including providing the public an opportunity to review and comment on the proposal if required as part of the NEPA review.
7. All applicable federal requirements for approval are met.
8. The proposal has been adequately reviewed at the state level and has been recommended by the SLO.

#### **I. Requests for Temporary Non-Conforming Uses Within Section 6(f)(3) Areas**

All requests for temporary uses for purposes that do not conform to the public outdoor recreation requirement must be submitted to and reviewed by the State. The State, in turn, will submit a formal request to NPS describing the temporary non-conforming use proposal.

Continued use beyond six-months will not be considered temporary, but will result in a conversion of use and will require the State/project sponsor to provide replacement property pursuant to Section 6(f)(3) of the LWCF Act.

1. Criteria. NPS will use the following criteria to evaluate each request:
  - a. The size of the parkland area affected by any temporary non-recreation use shall not result in a significant impact on public outdoor recreation use. This means that the site of the temporary activity should be sufficiently small to restrict its impacts on other areas of a Fund-assisted park.
  - b. A temporary use shall not result in permanent damage to the park site, and appropriate mitigating measures will be taken to ensure no residual impacts on the site once the temporary use is concluded.
  - c. No practical alternatives to the proposed temporary use exist.
  - d. All applicable federal requirements for approval are met.
  - e. The proposal has been adequately reviewed at the state level and has been recommended by the SLO.
2. Required proposal documentation. The State's formal proposal to NPS shall include:
  - a. SLO recommendation;
  - b. PD/ESF providing a complete description of the proposed temporary use, including:
    - (1) start and completion dates;
    - (2) identification of the portion of the site affected, including a map showing the relationship of the temporary use site to the full area protected under 6(f)(3) and a justification of why the area needed is the minimum necessary for the proposed use;
    - (3) an analysis of the alternatives to the proposed use that were considered;
    - (4) a description of both immediate impacts on the site as a result of the temporary use and any residual or long-term impacts on the site's environment or on recreation use;
    - (5) a description of any appropriate mitigation actions that may be necessary and a schedule for their implementation; and,
  - c. An acknowledgement by the SLO a full conversion will result if the temporary use has not ceased after the maximum six-month period allotted.

#### **J. Sheltering Facilities within Section 6(f)(3) Areas**

NPS approval is required to shelter an existing facility located within a Section 6(f)(3) protected area. See Section 3.C.7 for further guidance.

## **K. Obsolete Facilities**

Project sponsors are not required to continue operation of a particular recreation area or facility beyond its useful life. However, Section 6(f)(3) of the LWCF Act requires project sponsors maintain the entire area within the Section 6(f)(3) boundary in some form of public outdoor recreation use.

Notwithstanding neglect or inadequate maintenance on the part of the project sponsor, a recreation area or facility may be determined to be obsolete if:

1. reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating;
2. changing recreation needs dictate a change in the type of facilities provided;
3. park operating practices dictate a change in the type of facilities required; or,
4. the recreation area or facility is destroyed by fire, natural disaster, or vandalism.

States may determine a facility is obsolete and permit its use to be discontinued or allow a particular type of recreation use of the LWCF assisted area to be changed provided that the project record maintained by the State is documented by the sponsor with a justification statement for determining obsolescence and the State concurs in the change. However, NPS approval must be obtained prior to any change from one LWCF allowable use to another when the proposed use would significantly contravene the original plans for the area. See Section L below for further guidance.

If, in the judgment of the State, the facility is needed and was lost through neglect or inadequate maintenance, then replacement facilities must be provided at the current value of the original investment.

LWCF assistance may be provided to renovate outdoor recreation facilities that have previously received LWCF assistance if the State determines the renovation is not required as a result of neglect or inadequate maintenance and the State documents the project record to that effect.

## **L. Significant Change of Use**

Section 6(f)(3) of the LWCF Act requires project sponsors maintain the entire area defined in the project agreement in some form of public outdoor recreation use. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area as described in the original LWCF project(s).

NPS approval is not required, however, for each and every facility use change. Uses within a Section 6(f)(3) protected area should be viewed in the context of overall use and should be

monitored in this context. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, for example, require NPS approval.

States shall notify NPS in writing of proposals to significantly change the use of Section 6(f)(3) areas in advance of their occurrence. NPS will expedite a determination of whether a formal review and approval process will be required. A primary NPS consideration in the review will be the consistency of the proposal with the Statewide Comprehensive Outdoor Recreation Plan.

If the change in use proposal requires a formal review and decision by NPS, the State shall complete the Proposal Description and Environmental Screening Form (PD/ESF) found in Chapter 4.

Changes to other than public outdoor recreation use constitute a conversion and will require NPS approval and the substitution of replacement land in accordance with Section 6(f)(3) of the LWCF Act

#### **M. Post-Completion Inspections**

1. **Purpose.** In order to determine whether properties acquired or developed with LWCF assistance are being retained and used for outdoor recreation purposes in accordance with the project agreement and other applicable program requirements, a state post-completion inspection is to be made within five years after final billing and at least once every five years thereafter.

The following points should be taken into consideration during the inspection of properties that have been developed for public use:

- a. **Retention and use.** Is the Section 6(f)(3) boundary in tact and the property being used for outdoor recreation purposes including those intended through the projects funded with LWCF assistance?
- b. **Appearance.** Is the property attractive and inviting to the public?
- c. **Maintenance.** Is upkeep and repair of structures and improvements adequate? Is there evidence of poor workmanship or use of inferior quality materials or construction? Is vandalism a problem? Is the area being maintained?
- d. **Management.** Does staffing and servicing of facilities appear adequate?
- e. **Availability.** Is there evidence of discrimination? Is the property readily accessible and open to the public during reasonable hours and times of the year?
- f. **Signing.** Is the area properly signed to allow for user information and safety, and proper acknowledgement of the federal Land and Water Conservation Fund?

- g. Interim use. Where lands have been acquired but not yet developed, the inspection should determine whether the interim uses of the property are in accordance with agreements with the NPS.
2. Reporting. Within 90 days of completion of an on-site inspection, States shall submit to NPS a post-completion inspection report for only those projects which have compliance problems. The report should include the date of inspection, description of the finding, and a summary report of corrective actions taken or to be taken.

For all other sites inspected with no compliance problems, the State shall only report to NPS the project number and date of inspection, and shall retain the actual inspection report with the State LWCF project file. States shall submit a report of all LWCF project sites inspected at least annually and by September 30.

Post-completion inspection reports shall also be completed for those projects in which the facilities have been deemed obsolete. The report should include certification by the State Liaison Officer that the facility is obsolete and that such obsolescence is not a result of neglect or inadequate maintenance on the part of the project sponsor.

3. Applicability. The provisions of this section apply to the Section 6(f)(3) area encompassing the area or facility assisted by the LWCF, regardless of the extent of LWCF assistance in that area or facility. That is, in cases where assistance is provided only for an acquisition, the entire park or recreational area involved, including developments on the lands so acquired, are subject to the provisions of this section. Where development assistance is given, the lands of the park or recreation area identified on the Section 6(f)(3) boundary map are subject to this section.
4. State responsibility. Responsibility for enforcement of the provisions of this chapter rests with the State. The NPS will inspect LWCF assisted areas and facilities from time to time, but it shall conduct such visits in concert or through consultation with the State agency or State Liaison Officer.
5. Costs. The costs of making post-completion inspections by the State are allowable overhead charges for LWCF assistance and are allowable costs covered by the indirect cost rate.
6. NPS inspections. Properties acquired or developed with LWCF assistance shall be available for inspection by the NPS Director or other NPS representatives.

#### **N. Penalties for Failure to Comply with Federal Laws and Regulations**

Pursuant to 43 CFR Part 12.83, when the NPS determines a State has violated or failed to comply with applicable federal law, or the regulations governing this program with respect to a project, NPS may withhold payment of federal funds to the State on account of such project, withhold funds for other projects of the State, withhold approval of further projects of the State,

and take such other action deemed appropriate under the circumstances, including debarment and suspension pursuant to Executive Order 12549 at 43 CFR 12.100-.510, until compliance or remedial action has been accomplished by the State to the satisfaction of NPS.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

## MEMORANDUM

From: Gloucester Waterways Board  
To: Gloucester City Council  
Date: November 14, 2016  
Subject: General Fund

Council,

During the scheduled monthly Waterways Board meeting of Noember 1, 2016 the Board voted 8 in Favor and 0 Against to use retained earnings for new equipment as follows:

1. \$6,514.00 for new GPS/Radar for main patrol boat.
2. \$1,000.00 for foul weather gear.
3. \$1,000.00 for new windshield and doors on main patrol boat.
4. \$200.00 for new VHF radio on main patrol boat.

**City of Gloucester  
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST  
Fiscal Year 2017**

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

APPROPRIATION # 2017-SA- 11 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Harbormaster/Waterways

APPROPRIATION AMOUNT: \$1,000.00

Account to appropriate from: MUNIS ORG - OBJECT 7000-359000  
MUNIS ACCOUNT DESCRIPTION Enterprise Fund-Waterways, Undesignated  
Balance Before Appropriation \$ 43,421.00  
Balance After Appropriation \$ 42,421.00

Account Receiving Appropriation: MUNIS ORG - OBJECT 700052-558006  
MUNIS ACCOUNT DESCRIPTION Uniforms  
Balance Before Appropriation \$ 145.00  
Balance After Appropriation \$ 1,145.00

DETAILED ANALYSIS OF NEED(S): Cold weather clothing and rainboots

APPROVALS:  James P. Ciaramitaro  
DEPT. HEAD: James P. Ciaramitaro DATE: 11/17/16  
ADMINISTRATION: [Signature] DATE: 11/17/16  
BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_  
CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

**City of Gloucester  
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST  
Fiscal Year 2017**

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

APPROPRIATION # 2017-SA- 12 *Auditor's Use Only*

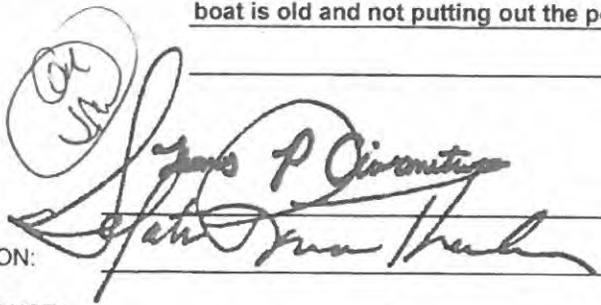
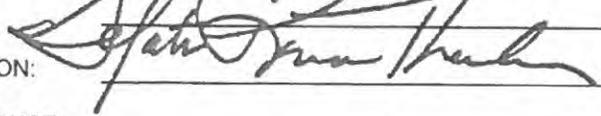
DEPARTMENT REQUESTING TRANSFER: Harbormaster/Waterways

APPROPRIATION AMOUNT: \$200.00

Account to appropriate from: *MUNIS ORG - OBJECT* 7000-359000  
*MUNIS ACCOUNT DESCRIPTION* Enterprise Fund-Waterways, Undesignated  
 Balance Before Appropriation \$ 42,421.00  
 Balance After Appropriation \$ 42,221.00

Account Receiving Appropriation: *MUNIS ORG - OBJECT* 524037  
700052-  
*MUNIS ACCOUNT DESCRIPTION* R3M - Boat 3 Marine Maintenance  
 Balance Before Appropriation \$ 1,100.00  
 Balance After Appropriation \$ 1,300.00

DETAILED ANALYSIS OF NEED(S): New VHF Marine Radio for Maine patrol boat the current one that is on the boat is old and not putting out the power and reach that it should.

APPROVALS:  DATE: 11/17/16  
 DEPT. HEAD:  DATE: 11/17/16  
 ADMINISTRATION: \_\_\_\_\_ DATE: \_\_\_\_\_  
 BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

**City of Gloucester  
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST  
Fiscal Year 2017**

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

APPROPRIATION # 2017-SA- 13 *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: Harbormaster/Waterways

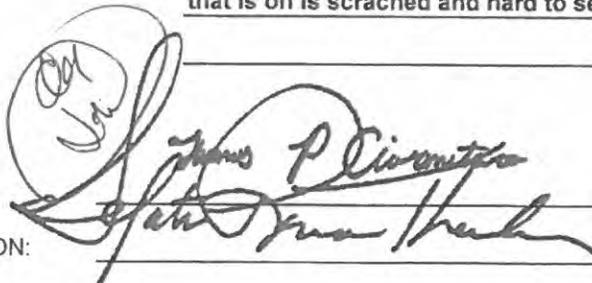
APPROPRIATION AMOUNT: \$1,000.00

Account to appropriate from: *MUNIS ORG - OBJECT* 7000-359000  
*MUNIS ACCOUNT DESCRIPTION* Enterprise Fund-Waterways, Undesignated  
 Balance Before Appropriation \$ 42,221.00  
 Balance After Appropriation \$ 41,221.00

Account Receiving Appropriation: *MUNIS ORG - OBJECT* 700052 - 524037  
*MUNIS ACCOUNT DESCRIPTION* B3M - Boat 3 Marine Maintenance  
 Balance Before Appropriation \$ 1,100.00  
 Balance After Appropriation \$ 2,100.00

DETAILED ANALYSIS OF NEED(S): New windshild and doors for the maine patrol boat the current wind shield that is on is scatched and hard to see out of. The doors all need replaced.

**APPROVALS:**

DEPT. HEAD:  DATE: 11/17/16

ADMINISTRATION: \_\_\_\_\_ DATE: 11/17/16

BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

**City of Gloucester  
SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST  
Fiscal Year 2017**

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

APPROPRIATION # 2017-SA- 14 *Auditor's Use Only*

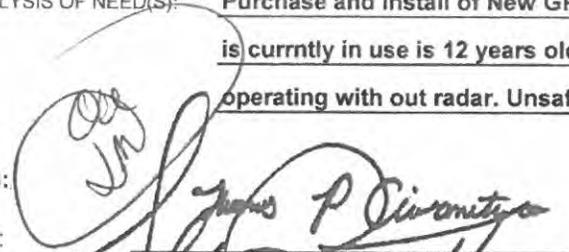
DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ Harbormaster/Waterways \_\_\_\_\_

APPROPRIATION AMOUNT: \_\_\_\_\_ \$6,514.00 \_\_\_\_\_

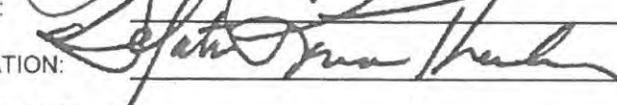
|                              |                           |       |                                                |
|------------------------------|---------------------------|-------|------------------------------------------------|
| Account to appropriate from: | MUNIS ORG - OBJECT        | _____ | _____                                          |
|                              |                           |       | <u>7000-359000</u>                             |
|                              | MUNIS ACCOUNT DESCRIPTION | _____ | _____                                          |
|                              |                           |       | <u>Enterprise Fund-Waterways, Undesignated</u> |
| Balance Before Appropriation | \$                        | _____ | _____                                          |
|                              |                           |       | <u>41,221.00</u>                               |
| Balance After Appropriation  | \$                        | _____ | _____                                          |
|                              |                           |       | <u>34,707.00</u>                               |

|                                  |                           |       |                                       |
|----------------------------------|---------------------------|-------|---------------------------------------|
| Account Receiving Appropriation: | MUNIS ORG - OBJECT        | _____ | _____                                 |
|                                  |                           |       | <u>700052-524037</u>                  |
|                                  | MUNIS ACCOUNT DESCRIPTION | _____ | _____                                 |
|                                  |                           |       | <u>R3M- Boat's Marine Maintenance</u> |
| Balance Before Appropriation     | \$                        | _____ | _____                                 |
|                                  |                           |       | <u>1,100.00</u>                       |
| Balance After Appropriation      | \$                        | _____ | _____                                 |
|                                  |                           |       | <u>7,614.00</u>                       |

DETAILED ANALYSIS OF NEED(S): Purchase and install of New GPS/Radar for maine patrol boat. The one that is currntly in use is 12 years old and can no longer be updated. Currently operating with out radar. Unsafe

APPROVALS: 

DEPT. HEAD: \_\_\_\_\_ DATE: 11/17/16

ADMINISTRATION:  DATE: 11/17/16

BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

City Council  
Sefatia Romeo Theken, Mayor

DATE: November 21st, 2016

RE: Addendum to Mayor's Report for the November 22nd, 2016 – City Council Meeting

Councilors,

Please include the following enclosures as an Addendum to the latest Mayor's Report, including:

**Enclosure 1** is a memo from Deborah Kelsey, Library Director "To authorize the Directors of the Gloucester Lyceum and Sawyer Free Library, Inc. and the City of Gloucester through the office of the Mayor to apply for, accept, and expend any state funds which might be available to defray all or part of the cost of the design, construction and equipping of the library project.". ***Please refer this matter to the Budget and Finance subcommittee or such other standing committees for review and approval.*** Deborah Kelsey or appropriate personnel will be present to answer any questions.

###

CITY CLERK  
GLOUCESTER, MA  
FROM: 2016 NOV 21 AM 9:43

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

November 18, 2016

Mayor Sefatia Romeo Theken

City of Gloucester

**Subject: Motion as an addendum to the Mayor's Report for the City Council meeting of Nov. 22, 2016**

Dear Mayor Romeo-Theken:

Please add the following motion as an addendum to the Mayor's Report for the City Council meeting of Nov. 22, 2016, with the request that it be submitted to the Council Committee on Budget and Finance or such other standing committees as the Council may please.

“To authorize the Directors of the Gloucester Lyceum and Sawyer Free Library, Inc. and the City of Gloucester through the office of the Mayor to apply for, accept, and expend any state funds which might be available to defray all or part of the cost of the design, construction and equipping of the library project.”

The added motion is made necessary because, while there is no requirement in City Ordinance to approve the application for a grant from the Massachusetts Board of Library Commissioners, the commission itself *does* require formal approval of both the City Council and the Mayor as part of the application for the construction grant. The first requirement--that the City Council give preliminary approval to the schematic design--will be put before the Council as part of the report of the Planning And Development Committee report at Tuesday's meeting.

Since the grant application is due in January, it is most important that the necessary steps be taken as soon as possible.

Thank you for your help in this matter.

Very truly yours,

Deborah

Deborah Kelsey, Library Director  
Gloucester Lyceum & Sawyer Free Library  
978-281-9763

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

November 1, 2016

Ellen Cebula, Deputy Director  
Massachusetts Seaport Economic Council  
93 State Pier  
New Bedford MA 02740

Re: 2016 Seaport Economic Council Program  
Local Maritime Economic Planning Development Grant  
Site Selection Study for a Visiting Boater Support Center and Harbor Master's Office  
Gloucester, Massachusetts

Dear Ms. Cebula:

The City of Gloucester is pleased to submit this application to the Seaport Economic Council Program for funding of a Site Selection Study for a Visiting Boater Support Center and Harbor Master's Office for Gloucester Harbor.

Gloucester Harbor lacks a welcoming center with boater friendly amenities such as changing rooms, showers, laundry facilities, public restrooms and common space with wi-fi access. The addition of a visiting boater support center will help boost Gloucester's maritime economy.

The City seeks \$80,000 in Seaport Economic Council funds to support the Study. The Study will focus on identifying the most practicable site to locate the Support Center and a location for additional transient boating dockage that will not adversely impact commercial activity in Gloucester Harbor. The City plans to utilize EPA Brownfields Site Assessment funds as a match for Seaport Economic Council funds.

I hereby authorize Salvatore DeStefano, the City's Economic Development Director to be the City's lead contact for the grant application. If you have any further questions regarding this application please contact Mr. DeStefano at 978-325-5236.

Sincerely yours,

Mayor Sefatia Romeo Theken

cc: Sal DiStefano, Economic Development Director  
Dan Smith, Community Development Director

# Commonwealth of Massachusetts

## Seaport Economic Council

93 State Pier

New Bedford, Massachusetts 02740

508-999-3030

CAROLYN A. KIRK

ACTING EXECUTIVE SECRETARY

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR  
COUNCIL CHAIRWOMAN

### SEAPORT ECONOMIC COUNCIL PROGRAM

2016 APPLICATION

Applications are accepted throughout the year on a rolling basis. Applications shall be reviewed by a committee of Port Professionals (the "Committee") which is designated by the Chair of the Council. Port Professionals will be representative of coastal communities and will be comprised of subject matter experts in economic development in coastal communities, and the development of sustainable, resilient coastal and marine assets.

Requests for funds that are both ready for assessment by the Committee and ready for implementation will be referred to the Committee. The Committee, with appropriate administrative and technical support from agencies of the Commonwealth, will assess all requests for funds referred to it, and shall make recommendations to the Council.

#### 1. APPLICANT INFORMATION – Primary Applicant

1.1: Name of Municipality or Public Entity: City of Gloucester

1.2: Executive Officer or Designee for Project: Mayor Sefatia Romeo Theken

1.3: Application Contact (if different from above): Sal DiStefano

1.4: Title: Economic Development Director

1.5: Address: 3 Pond Road

1.6: City: Gloucester

1.7: State: Massachusetts

1.8: ZIP: 01930

1.9: Phone: 978-325-5236

1.10: Fax: n/a

1.11: E-mail Address: sdistefano@gloucester-ma.gov

#### 2. APPLICANT INFORMATION – Co-Applicant

2.1: Name of Entity: City of Gloucester, Waterways Board

2.2: Executive Officer or Designee for Project: Anthony Gross, Chairperson

2.3: Application Contact (if different from above): Captain Thomas Ciarametaro

2.4: Title: Harbor Master

2.5: Address: 19 Harbor Loop

2.6: City: Gloucester

2.7: State: Massachusetts

2.8: ZIP: 01930

2.9: Phone: 978-282-3013

2.10: Fax: 978-282-4188

2.11: E-mail Address: tciametaro@gloucester-ma.gov

**3. PROJECT TYPE - Please select one of the following project types that best describes your project:**

- Innovation Grants:** Innovation Grants function as a resource to invest in innovative ideas and projects that promote job creation and economic growth within the maritime sector, which is broadly defined to include: shipping and trade; marine science and technology; coastal recreation and tourism; ocean-based clean energy initiatives; and the seafood industry.
- Grants to Public Education Institutions:** Grants to Public Education Institutions range from fostering awareness about the coastal assets and maritime traditions of the Commonwealth to investing in transformative public/private collaborations. Public education institutions that offer curriculum within the scope of pre-k through higher education are eligible to apply for this grant.
- Local Maritime Economic Development Planning Grants:** It is recognized that coastal communities vary in size and scope from deep-water port cities to small beach towns. These grants provide capacity for coastal communities to explore their unique advantages and generate economic development plans which help them realize their full potential, grow jobs, and maximize the maritime economic sector for their community.
- Maritime Economic Sector Strategy Grants:** Section 3 of the Executive Order governing the Seaport Economic Council articulates the Commonwealth's role in promoting and growing the maritime economic sector and it is anticipated that from time to time investments will be made in order to fulfil this charge.
- Supportive Coastal Infrastructure Project Grants:** Supportive Coastal Infrastructure Project Grants are available when, in order to fulfill the job or economic growth potential within a coastal community, investments may need to be made in coastal infrastructure to achieve these aims. Best available science and information regarding potential threats to coastal communities from sea level rise and extreme weather events will be used to evaluate and improve the sustainability and resilience of projects in which the Council invests.

**4. PROJECT OVERVIEW – Please provide an overview of the project.**

*Description should include an explanation of the uses for which this grant is being requested. Please provide a concise*

*explanation of how the project will advance the host community's maritime economy objectives. The most competitive applications will demonstrate the value of the project to the community, with a clear articulation of the vision, goals and outcomes of the project along with process to engage partners and stakeholders.*

The City of Gloucester and its Waterways Board seek Seaport Economic Council funding for a site selection study to co-locate a visiting boater support facility with our busy Harbormaster's office. The City owns two waterfront sites that will be considered as part of the study along with the existing Harbormaster's office location that the City leases. The study will also include privately-owned parcels that are currently available for purchase.

As the oldest fishing port in America, Gloucester's unique atmosphere has always been a strong attraction for visitors, and it is critical to Gloucester's future that visiting boaters feel welcome. The most vibrant ports on the East Coast offer amenities desired by coastal cruising boats including access to fuel and maintenance facilities and central entry points to near shore marine supply stores, retail shops, food establishments and other attractions. Gloucester Harbor lacks a welcoming center with boater friendly amenities such as changing rooms, showers, laundry facilities, public restrooms and common space with wi-fi access. The addition of a visiting boater support center will help boost Gloucester's maritime economy.

Visiting and local boaters need convenient access to the Harbormaster's office to pay mooring fees and access the City's launch services. Co-locating a visiting boater support center with the Harbormaster's Office will both be convenient for boaters as well as help ensure proper care and oversight of the support center. The City's Harbormaster's office is currently located on private property the City leases at 19 Harbor Loop. The current property owner, National Grid, has no interest or capacity to pay to add a support center. Environmental contamination from a former coal gas site inhibits transfer of the land to the City. Potential public funding sources for a support center require or strongly prefer that the facility be on public land. As a result, in order to move towards co-locating a visiting boater support center and Harbormaster office, the City must find a suitable site along the Harbor that is or can readily be brought under public control. The presence of the Designated Port Overlay district and Chapter 91 requirements must also be considered when identifying and assessing potential locations.

The need for this facility has been documented in the 2009 Harbor Plan and a recent Recreational Boating Committee Report (see Section 8.3). We have included a conceptual floor plan of the joint visiting boater support center / Harbormaster's office that shows the types of amenities we seek to provide. The first floor of the proposed facility will house a 6000 sf visiting boaters support center that includes bathrooms with showers, laundry facilities, a lounge with wi-fi access, a welcome desk, offices and a conference room. The 2<sup>nd</sup> level will house 2000 sf of additional office space and will be served by an elevator. The site selection study will also identify possible locations for new slips that could serve up to 25 visiting boaters. These new slips could either adjoin the visitor boater support center or be served by the existing launch service. This could include concrete encased floating docks anchored in the middle of the harbor.

Local Maritime Economic Development Planning Grant funds will be used by the City to create an inventory of potential co-location sites and then undertake a site selection study that seeks to find the best location. The City would use the grant funds to hire experienced consultants to do the site inventory and prepare the site selection study with public input. Key site selection factors will include the:

- Ability of the site to accommodate the necessary shore-side facilities (~ as indicated in the conceptual floor plan);

- Amount and quality of dockage space available for visiting boaters;
- Convenience of site to other transient boat moorings;
- Convenience to water dependent services such as fuel and marine repair facilities and marine supply stores;
- Convenience of the site to retail stores, food establishments and other attractions of interest to visiting boaters;
- Whether the site requires significant capital investment to prepare the site, clean-up contaminants or provide safe dockage;
- Whether the proposed uses would be consistent Designated Port Area and Chapter 91 regulations that apply or would necessitate regulatory changes or waivers;
- operating costs and revenue projections; and,
- Community Support.

The City of Gloucester has already increased the number of transient/visitor moorings available and purchased a first rate 24-passenger launch to ferry the visitors ashore. Gloucester Harbor does have 35 transient slips that can moor vessels up to 60-foot in length. Those slips are often full during prime recreational boating season from May to September. A joint visiting boater's center, Harbormaster's office and an additional 25 transient slips that can be added without impacting commercial slips will be the final pieces to improve existing accommodations and attract more coastal recreational vessels for both business and pleasure.

**5. COMMUNITY COMPACT – (For info, please visit [www.mass.gov/ccp](http://www.mass.gov/ccp))**

5.1: *Is your community engaged, or in the process of engaging in a Community Compact with the Commonwealth?*  
 Yes       No

5.1b: *If yes, please provide the status of your Community Compact.*  
 Complete and Signed

**6. PROJECT DETAIL – Innovation Grants N/A**

**7. PROJECT DETAIL – Grants to Public Education Institutions N/A**

**8. PROJECT DETAIL – Local Maritime Economic Development Planning Grant**

8.1: *Does the community have an economic development plan?*  
 Yes       No

8.2: *Does the community have a Harbor Plan, DPA Master Plan, or other waterfront planning documents that have received public scrutiny and input?*  
 Yes       No

8.2b: *If yes, what are the documents and when were they last updated?*

| Document | Last Updated |
|----------|--------------|
|          |              |

|                                             |               |
|---------------------------------------------|---------------|
| Gloucester Harbor Plan & Master DPA Plan    | 2009 and 2014 |
| Recreational Boating Plan                   | 2016          |
| Gloucester Harbor Economic Development Plan | 2010          |

8.3: *Describe how this proposal for a grant for a local maritime economic development plan will provide the capacity to explore the unique advantages of and generate economic development for your community.*

The coastal cruising boating economy is currently passing Gloucester by. The combination of our Harbormaster's office with a visiting boater facility will help Gloucester capitalize on this valuable segment of the economy. This facility will increase boater activity in Gloucester Harbor, which in turn will translate into customers for both the water dependent and downtown businesses. Waterfront businesses will be more viable the more Gloucester attracts more water-based business opportunities. Coastal cruising and other recreational boaters need to purchase fuel, water, ice and groceries, get repairs and go into dry dock. All these facilities and services exist here in Gloucester, with the majority having excess capacity. The working waterfront businesses will receive considerable benefit from increased recreational boater traffic, as they will be able to provide all the goods and services mentioned above.

The 2009 Gloucester Harbor Plan & Master DPA Plan recognizes the opportunity providing access and services to transient boaters: "The Plan also proposes a local policy to improve access and facilities for transient recreational boating and for public boating access to the waterfront". The Plan does recommend further investigation of the feasibility of using temporary, bottom-anchored floats for recreational berthing.<sup>1</sup>

Section 4.3 of the 2009 Harbor Plan further describes the potential benefits of attracting more visiting boaters and recommends a gateway facility to tap that potential<sup>2</sup>:

In addition to visitors that come to Gloucester by car or rail, there is also great potential to attract visitors who travel by boat. There are relatively few slips at existing Inner Harbor marinas that are available for visiting/transient boaters and all are on the opposite side of the harbor from the downtown business district. Many recreational boaters are said to bypass Gloucester entirely because the severe access limitations and, in doing so, take with them potential income for businesses in the city. While this plan does not provide for increasing recreational boating facilities in the harbor, there is still opportunity to attract a greater number of transient boats and to provide the necessary berthing/mooring space for them. What remains essential is that any facility or amenity constructed to provide services to recreational boaters does not displace or conflict with the water dependent activities of the waterfront.

<sup>1</sup> 2009 Harbor Plan Page 7.

<sup>2</sup> 2009 Harbor Plan Pages 51-52.

**Create a gateway to facilitate recreational boat access to downtown services and attractions.**

Transient recreational boaters prefer to be berthed near needed services. If improved facilities for transient boaters are to be developed, the logical location would be in or near Harbor Cove. The proximity to downtown suggests that some sort of "gateway" should be developed to direct recreational boaters to the downtown and its shops, services, and restaurants. A dedicated facility for transient recreational boaters is not allowable under state regulations within the DPA. However, the following approaches have been suggested.

- Since recreational use would occur only on a seasonal basis, a facility built for commercial vessels, but available to transient recreational vessels on a managed basis might work. The harbormaster, for example, could enforce a maximum duration of use (e.g. one night).
- Investigate the feasibility of using temporary, bottom-anchored floats or rafts for recreational boat berthing. Chapter 91 allows Harbormasters to license bottom anchored floats and rafts on an annual basis. DPA regulations do not prohibit these being used for the berthing of recreational vessels.
- Create additional dinghy tie-ups at Harbor Cove and/or Solomon Jacobs Landing serving recreational vessels berthed at one of the marinas in East Gloucester.
- Consider locations just outside the DPA that could service the downtown need for access by transient boaters.
  - Investigate the feasibility of a new public access pier and float at Stage Fort Park. This latter option might also support a water shuttle to downtown.
  - There is also an opportunity to create a small marina for transient boats just outside the DPA at the south end of Commercial Street. The site is difficult because it's exposed to storm waves and vessel wakes but a properly designed wave attenuation system may allow use during much of the summer.

A combination of moorings, dockside berthing, and dinghy tie-ups, might be managed to allow the necessary access for this market to provisioning, showers, laundry and repairs, while keeping the boat time at the dock limited.

**8.4: Budget and Sources**

Please identify all sources of funding to support the proposed project, including the total requested for a Seaport Economic Council grant. Please specify whether each funding source is secured or currently pending approval.

| Source                                                                                      | Total            | Secured/Pending      | Additional Details                 |
|---------------------------------------------------------------------------------------------|------------------|----------------------|------------------------------------|
| Seaport Economic Council*                                                                   | \$80,000         | Per this application |                                    |
| Municipality                                                                                | \$0              |                      |                                    |
| Federal                                                                                     | \$25,000         | Secure               | EPA Brownfields Assessment Funding |
| Other                                                                                       |                  |                      |                                    |
| <b>Total Budget</b>                                                                         | <b>\$105,000</b> |                      |                                    |
| *Please indicate source of matching funds (20% of overall project funding request required) |                  |                      |                                    |

**8.5: Project Readiness**

Please list the major activities associated with this project, approximate timeframes, and the party primarily responsible for the activity.

| Major Project Activity                              | Timeframe        | Responsible Party                       | Additional Details |
|-----------------------------------------------------|------------------|-----------------------------------------|--------------------|
| Hire Technical Consultant                           | Jan 2017         | Community Development / Waterways Board |                    |
| Prepare Site Inventory                              | Feb / March 2017 | Consultant                              |                    |
| Gather Site Selection Criteria Data                 | Apr / May 2017   | Consultant                              |                    |
| Conduct Brownfields Assessment                      | Apr / May 2017   | Brownfields Consultant                  |                    |
| Prepare Preliminary Selection Report                | June 2017        | Consultant                              |                    |
| Public Meeting by Waterways Board                   | June 2017        | Waterways Bd / Consultant               |                    |
| Prepare Final Selection Report for Mayor's Approval | June 30, 2017    | Consultant / Waterways Bd               |                    |
|                                                     |                  |                                         |                    |

**8.6: Project Success**

How will it be determined that the project is successful? What are the intended measureable outcomes?

The project will be a success when a site has been identified that best meets the needs for a visiting boater support center and Harbormaster's Office, has public support and has created momentum to develop a design for construction of such facility.

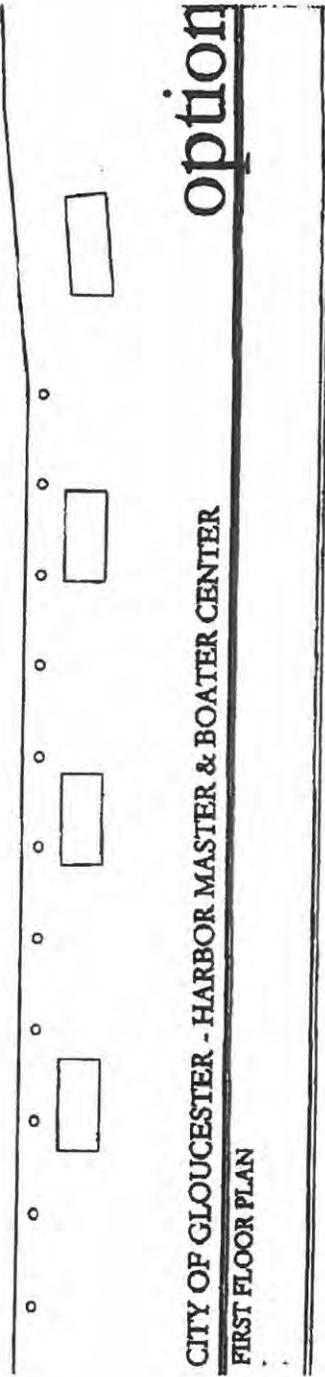
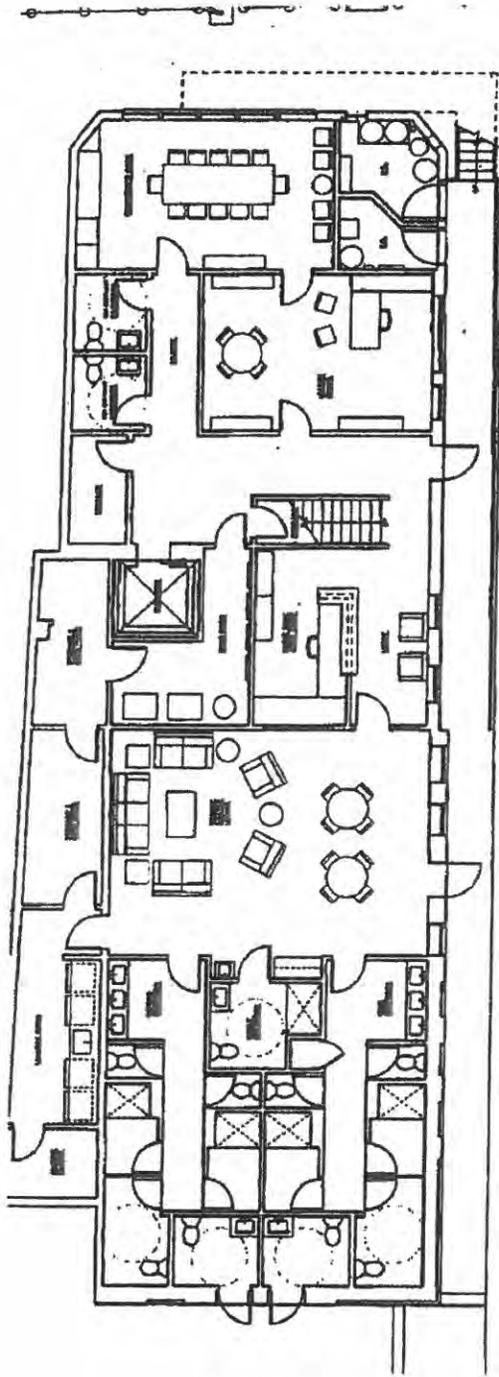
**9. PROJECT DETAIL – State Maritime Economic Sector Strategy Grant N/A**

NOTE: This grant type will be made available at the discretion of the Seaport Economic Council. Should the Council wish to pursue its role in promoting and growing the maritime economic sector utilizing outside resources, a formal Request for Responses (RFR) would be issued by the Council.

**10. PROJECT DETAIL – Supportive Coastal Infrastructure Project Grant N/A**

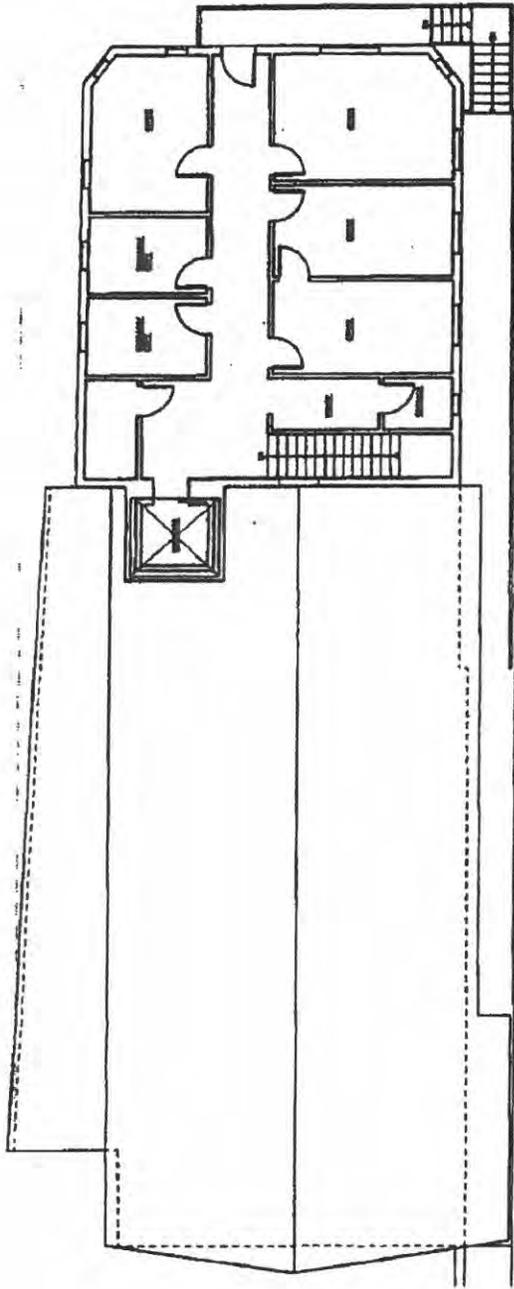
When completed, please email or mail the application to Deputy Director of the Seaport Economic Council, Ellen Cebula at [ellen.cebula@massmail.state.ma.us](mailto:ellen.cebula@massmail.state.ma.us) or 93 State Pier in New Bedford, MA 02740.

Application prepared by: \_\_\_\_\_  
Name: Stephen P. Winslow Title: Senior Project Manager  
Contact Information: Tel No. 978-325-5232 Email: swinslow@gloucester-ma.gov



option

CITY OF GLOUCESTER - HARBOR MASTER & BOATER CENTER  
FIRST FLOOR PLAN



**ITY OF GLOUCESTER - HARBOR MASTER**  
**SECOND FLOOR PLAN**

# NordiDock

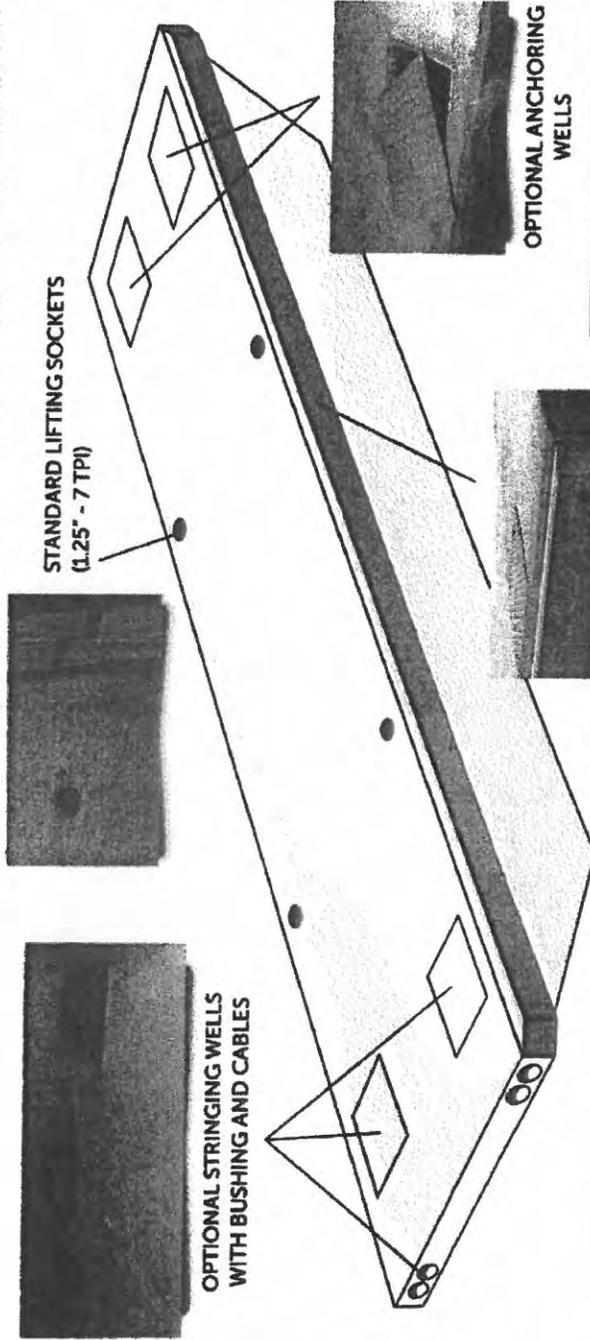
CONCRETE FLOATING DOCK SYSTEMS

BROCHURES  
AVAILABLE



MANUFACTURING: WYCOFF ROAD, WALL TOWNSHIP, NJ

## SOLID AS A ROCK



FOR MORE DETAILS VISIT:  
**NORDIDOCK.COM**

PO BOX 808 • Somerville, NJ 08876  
Call now: (908) 526-1040  
or email: [info@nordidock.com](mailto:info@nordidock.com)

**CALL US TODAY (908) 526-1040  
FOR DELIVERY SCHEDULES**

October 7, 2016

Mr. Stephen Winslow  
Senior Project Manager  
Community Development Department  
3 Pond Street  
Gloucester, Massachusetts 01930

Re: **Scope of Work and Cost Estimate**  
**Phase I Environmental Site Assessments**  
**Boater Welcome Center / Harbormaster Office Site Selection Study**  
**Gloucester, Massachusetts**

Dear Mr. Winslow:

Weston & Sampson is pleased to submit this Scope of Work and Cost Estimate for the completion of four (4) Phase I Environmental Site Assessments (ESAs) associated with several properties being evaluated as part of the Boater Welcome Center / Harbormaster Office Site Selection Study. The goal is to provide information that will assist and support the City's selection of a property as part of the proposed redevelopment project.

#### INTRODUCTION AND BACKGROUND

The following properties are to be evaluated as part of the Site Selection Study:

- 1) 112 Commercial Street: A vacant 0.48-acre waterfront parcel with a long history of marine fishing and industrial activity, identified in the City of Gloucester Assessor's Database as MAP ID: 1/ 6.
- 2) 65 Rogers Street / 14 C2: An approximately 1.8-acre vacant parcel of land that has historically been used for maritime purposes including fish processing, refrigeration and storage. The Site buildings were razed in the early to mid-1960's and the Site has remained undeveloped since that time. The property is identified in the City of Gloucester Assessor's Database as MAP ID: 9/1.
- 3) 104 Commercial Street: A 0.7-acre parcel improved with a 35,000 square foot factory which has been utilized for ice production since prior to 1949. The property is identified in the City of Gloucester Assessor's Database as MAP ID: 1/9.
- 4) 18 Harbor Loop: A 0.3-acre parcel which was formerly part of a larger manufactured gas plant (MGP) facility. The site is currently owned by Massachusetts Electric Company d/b/a National Grid (National Grid) and improved with an approximately 4,800 square foot structure which is currently used as commercial / office space, including the Gloucester Harbormaster's Office. The property is identified in the City of Gloucester Assessor's Database as MAP ID: 9 / 16.

#### PROJECT APPROACH

Weston & Sampson will complete a Phase I ESA for each property identified above, in general accordance with the guidelines set forth in the American Society For Testing and Materials (ASTM) publication E-1527-13, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and EPA's All Appropriate Inquiry (AAI).

### SCOPE OF WORK

#### Task 1: Project Management and Prepare Site-Specific Eligibility Determination Forms

Weston & Sampson will perform project management and coordination activities throughout the course of the project including staffing, scheduling, and budget tracking. This task also includes correspondence and coordination with appropriate Site contacts, the City and EPA. Please note we have not anticipated any meetings during Task 1.0.

Weston & Sampson will also prepare Site-Specific Eligibility Determinations for each property identified above (with the exception of 112 Commercial Street which has already been approved to receive EPA funding). The purpose of this document is to provide information needed for EPA and/or the Massachusetts Department of Environmental Protection (MassDEP) to make a determination regarding if the property is eligible to receive federal Brownfields Assessment funding for the Phase I ESA. The eligibility form will address the following:

- Background Information;
- Site Eligibility Information;
- Property Ownership Eligibility;
- Petroleum Specific Eligibility (if applicable);
- Property Access; and
- National Historic Preservation Act (NHPA) Compliance.

#### Task 2: Phase I ESA

Weston & Sampson will complete the following activities as part of the Phase I ESA for each property:

##### Task 2A: Federal and State File Review

The purpose of the federal and state records review is to obtain and review reasonably ascertainable records that will help identify recognized environmental conditions (RECs) in connection with the subject property. At a minimum the following standard state and federal environmental record database sources will be reviewed and may be available from both government sources and/or third party vendors specializing in record retrieval: Federal NPL Site List 1.0 mile; Federal CERCLIS List 0.5 mile; Federal RCRA TSD Facilities List 1.0 mile; Federal RCRA Generators List Subject Property and Adjoining Properties; Federal ERNS List Subject (site only); State Leaking UST Sites 0.5 miles; State Registered UST Sites (site and adjoining properties)

Historical sources will be reviewed to ascertain the previous uses or occupancies of the subject property and surrounding area and to identify those uses or occupancies that are likely to have led to recognized environmental conditions in connection with the subject property. The historical records reviewed generally include at least three of the following (where available) sources:

- ✓ Historical Topographic Maps
- ✓ Aerial Photographs
- ✓ Historical Sanborn Fire Insurance Maps
- ✓ Historical City Directory Records

Information generated as part of the environmental database search will be utilized to determine which MassDEP listed sites should be further reviewed. MassDEP files will be reviewed to determine the history of use and regulatory status of the Site and/or of adjoining properties that may have the potential to impact the subject property. ASTM E1527-13 also requires that agency files be reviewed if the property use at the Site or any adjoining properties is identified as industrial.

##### Task 2B: Local File and Utility Plan Review

Weston & Sampson will review available records from local municipal sources to supplement the federal and state sources identified above. The records reviewed will address the Site's history and the storage, use and/or releases of oil and/or hazardous materials at the Site, and may include:

- ✓ Tax Assessor's / Clerk's Office
- ✓ Fire Department
- ✓ Building / Planning / Zoning Department
- ✓ Local Health Department
- ✓ Water / Sewer Department
- ✓ Historic Commission

**Task 2C: Site Observations and Interviews**

**Site Reconnaissance**

The Site reconnaissance will be performed to identify recognized environmental conditions in connection with the subject property. To accomplish this objective, visual and physical observations (i.e. olfactory evidence) will be noted while observing the exterior of the subject property and all structures on the site. Observations will also be made in accessible interior areas of any Site structures.

Weston & Sampson will also note the current use(s) of the subject property during the site reconnaissance. Visual or physical indications of past uses of the subject property that were likely to involve the use, treatment, storage, disposal, or generation of hazardous substances or petroleum products will be described to the extent that this information is noted. Current of adjoining properties will also be described. The observable geologic, hydrogeologic, and topographic conditions on-Site and surrounding the Site will be described. Photographs will be taken by Weston & Sampson during Site reconnaissance activities to document significant Site and surrounding features.

During the site reconnaissance, Weston & Sampson will note the presence and/or absence (where applicable) of the following important site conditions, including but not limited to:

- > Storage tanks
- > Noxious odors
- > Drums
- > Septic systems
- > Disposal areas
- > Drains and sumps
- > Pools of liquid
- > Solid waste
- > Monitoring wells
- > Heating source
- > Pits, ponds, lagoons
- > Stressed vegetation
- > Stained soil or pavement
- > Identified and/or unidentified substance containers

**Interviews**

As required by ASTM E 1527-13, Weston & Sampson will conduct interviews with readily available Site owner(s), past owners and/or Key Site Managers. The goal of the interviews will be to obtain information concerning the potential for recognized environmental conditions in connection with the Site. The interviews will focus on obtaining information about current and/or past uses and conditions noted during the Site reconnaissance.

**Task 2D: Report Preparation**

**Phase I ESA Report**

Weston & Sampson's Phase I ESA report will document the observations made and work completed. The report will be devised such that we clearly detail our findings and opinions. Conclusions will focus on the likely presence or absence of evidence of recognized environmental conditions in connection with the Site. The report will include the environmental professional's opinion of the potential impact of RECs. The Phase I ESA report will generally follow the recommended format detailed in ASTM E 1527-13. Weston & Sampson will provide one (1) hard copy and one (1) electronic copy of the Phase I ESA Report to the City of Gloucester.

**Phase I ESA User Responsibilities**

The City of Gloucester will be considered the user of the Phase I ESA. As such, there are user responsibilities identified in the Phase I ESA standard that must be completed in order for the work to be considered compliant. These user responsibilities include:

1. Reviewing title and judicial records for environmental liens, or activity and use limitations (AULs).

2. Provide any specialized knowledge or experience that is material to RECs associated with the subject property; it is the user's responsibility to communicate this knowledge to the environmental professional.
3. Provide any actual knowledge of any environmental liens or other encumbrances for the subject property to the environmental professional.
4. Provide any reasons for a significantly lower purchase price if the subject property is involved in a transaction for purchase or sale.
5. Provide any commonly known or reasonably ascertainable information within the local community about the subject property to the environmental professional.
6. Provide information to the environmental professional why the Phase I ESA is being conducted. If the user does not identify the purpose(s) of the Phase I ESAs, the environmental professional will assume the purpose is to qualify innocent landowner liability protection under CERCLA and will state this in the report.

Weston & Sampson will provide the City of Gloucester with a user questionnaire that will assist will completing these responsibilities. The City of Gloucester is responsible for reviewing title and judicial records (item #1 above).

**COST ESTIMATE**

The cost for the tasks outlined herein is estimated at \$25,000

| Task                                              | Subcontractor Costs | Weston & Sampson Fees | Total Costs     |
|---------------------------------------------------|---------------------|-----------------------|-----------------|
| Task 1: Project Mgt. / Eligibility Determinations | \$0                 | \$3,698               | \$3,698         |
| Task 2: Phase I ESAs                              | \$1,600             | \$19,702              | \$21,302        |
| <b>Estimated Total:</b>                           |                     |                       | <b>\$25,000</b> |

**ASSUMPTIONS**

- Assumes no additional reporting and/or document submittals are required. Any additional deliverables will be submitted under a separate scope of work.

If you have any questions on this scope of work, please do not hesitate to contact us at (978) 532-1900. Please email us at [destefanos@wseinc.com](mailto:destefanos@wseinc.com) if this proposal is acceptable to you.

Very truly yours,  
WESTON & SAMPSON ENGINEERS, INC.

*Sarah R. DeStefano*

Sarah R. DeStefano  
Project Manager

*George D. Naslas*

George D. Naslas, P.G., LSP  
Vice President

# PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. McCARTHY | JENNIFER F. SULLIVAN

2016 NOV 14 AM 10:01  
CITY CLERK  
GLOUCESTER, MA

## MEMORANDUM

TO: Gloucester Retirement Board  
FROM: *Joseph E. Connarton*  
Joseph E. Connarton, Executive Director  
RE: Appropriation for Fiscal Year 2018  
DATE: November 10, 2016

Required Fiscal Year 2018 Appropriation: **\$8,922,604**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2018 which commences July 1, 2017.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2018 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2019.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl  
Attachments

cc: Office of the Mayor  
City Council  
c/o City Clerk





**CITY OF GLOUCESTER 2016  
CITY COUNCIL ORDER**

**ORDER: CC#2016-048**  
**COUNCILLORS: Joseph M. Orlando, Jr.**

**DATE RECEIVED BY COUNCIL: 10/25/16**  
**REFERRED TO: O&A & B&F**  
**FOR COUNCIL VOTE:**

**ORDERED** that GCO Sec. 4-16(d) "Off-leash dog areas" subsection (b) (2) be amended by **ADDING** a new subsection as follows: "(m) Dog Park "pooch pass" certificate will be issued to non-residents at an annual fee of \$25.00 per dog, a week's permit of \$10.00 per dog; or a one-day permit of \$5.00 per day per dog. Annual passes shall be valid from January 1<sup>st</sup> to December 31<sup>st</sup> of each calendar year, commencing on January 1, \_\_\_\_\_. All dogs must be registered for the program to participate, including dogs being taken off-leash by dog walkers. The Animal Control Officer shall issue to the owner or keeper of any such dog a citation for the violation of this article a fine of \$15.00 for each offense;"

**FURTHER ORDERED** that Chapter 1, Sec. 1-15 "Penalty for violation of certain specified section of code be amended by **ADDING** "Chapter 4, Sec. 4-16(d) subsection (b) (2) (m):

Penalty:

Each Offense: \$15.00"

**FURTHER ORDERED** that this matter be referred to the Ordinance & Administration and the Budget and Finance Standing Committees for review and recommendation.

Joseph M. Orlando, Jr.  
Councillor at Large

**CPA Round 7, FY16 Funding Applications Updated: 11/09/16**

| Project # | APPLICANT                                                       | PROJECT PURPOSE                                                            | CPA CATEGORY      | RECOMMENDED Amount               | Scheduled w/B&F |
|-----------|-----------------------------------------------------------------|----------------------------------------------------------------------------|-------------------|----------------------------------|-----------------|
| 1         | North Shore CDC                                                 | Harbor Village, 30 Unit Affordable Rental Proj.                            | Community Housing | \$125,000                        | 01/19/17        |
| 2         | Cape Ann Amateur Radio Association (CAARA)                      | Preservation of Wheeler School & GFD Riverdale Hose #6 @ 6 Stanwood Street | Historic Resource | \$26,174                         | 12/08/16        |
| 3         | Mt. Pleasant Cemetery Assoc.                                    | Mt. Pleasant Civil War Monument                                            | Historic Resource | \$2,000                          | 12/08/16        |
| 4         | Generous Gardeners, Inc.                                        | Stacy Boulevard Gardens                                                    | Recreational      | \$20,400                         | 01/05/16        |
| 5         | Stage Fort Park Advisory Committee                              | Welcome Center Restoration                                                 | Historic Resource | \$16,000                         | 12/08/16        |
| 6         | Community Development Department                                | Stage Fort Park Beautification Project                                     | Open Space        | \$75,000 (bonding for \$175,000) | 12/08/16        |
| 7         | City Clerk's Office/Archives Commission & Historical Commission | City Clerks/Archives Initial Storage Project, Phase 1                      | Historic Resource | \$11,030                         | 01/05/17        |
| 8         | Oak Grove Cemetery                                              | Oak Grove Cemetery continued restoration                                   | Historic Resource | \$15,000                         | 01/05/17        |
| 9         | Gloucester Committee for the Arts (FCFTA)                       | Refined project scope to preserve & restore schedules of work              | Historic Resource | \$35,000                         | 12/08/16        |
| 10        | Historic New England, Beauport Museum                           | Wood Shingle Roof Replacement for outer buildings                          | Historic Resource | \$8,250                          | 01/05/17        |
| 11        | Sargent Museum                                                  | Preservation of museum porch, granite steps, retaining wall & sign         | Historic Resource | \$3,200                          | 01/05/17        |

**CPA Round 7, FY16 Funding Applications Updated: 11/09/16**

---

|    |                           |                                                           |                   |          |          |
|----|---------------------------|-----------------------------------------------------------|-------------------|----------|----------|
| 12 | Gloucester Writers Center | Preservation of Maud/Olson Library & GWC Archives         | Historic Resource | \$10,000 | 01/19/17 |
| 13 | Maritime Gloucester       | Rehab & Restoration of rails & winch of the railway       | Historic Resource | \$62,087 | 01/19/17 |
| 14 | Friends of Burnham Field  | Continued rehab of Phase 1 of Burnham's Field Restoration | Recreational      | \$54,000 | 01/19/17 |

**GLOUCESTER COMMUNITY PRESERVATION COMMITTEE  
RECOMMENDATIONS FOR FY16, ROUND 7 APPROPRIATION**

The Gloucester Community Preservation Committee recommends that City Council appropriate \$463,141 from the Community Preservation Fund for the projects hereinafter described:

**PROJECT NO. 1**

**Project Title: HARBOR VILLAGE**

**Project Sponsor: NORTH SHORE CDC (206 Main Street Limited Partnership)**

The Community Preservation Committee recommends that the City Council appropriate ~~\$125,000~~ to the North Shore CDC for the purpose of creating 30, permanently affordable, rental units at 206 Main Street. The funds shall be utilized for construction of the project, specifically to the masonry of the building which is estimated to cost approximately \$340,734.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2020;
2. An affordable housing restriction approved by DHCD will be required.

The Community Preservation Act spending purpose is to support Community Housing.

**Project Summary:**

Harbor Village, proposes a mixed-use project, which includes 30 affordable, residential rental units, within a single 34,000 S. F. building, with ground floor commercial space of approximately 2,500 S.F. One-hundred percent (100%) of the housing will be available to households earning no greater than 60% of Area Median Income (AMI), adjusted for household size, and the apartments will remain affordable in perpetuity. The rental units will consist of ten (10) 1-BR units; seventeen (17) 2-BR units; and three (3) 3-BR units. It will also include 30 (thirty) parking spaces for tenants, with additional parking across the street. The community specifically requested that the building facade be brick to blend harmoniously into the historic feel of Gloucester's historic downtown and Main Street:

**PROJECT NO. 2**

**Project Title: EXTERIOR PRESERVATION OF WHEELER SCHOOL AND GFD RIVERDALE HOSE CO. NO. 2  
AT 6 STANWOOD STREET**

**Project Sponsor: CAPE ANN AMATEUR RADIO ASSOCIATION (CAARA)**

The Community Preservation Committee recommends that the City Council appropriate \$26,174 to CAARA for the purpose of completing shingling and term restoration on the rest of the building at 6 Stanwood Street.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2017;
2. A Historic Preservation Restriction is required.

The Community Preservation Act spending purpose for this appropriation is to support historic resources.

**Project Summary:**

The project includes re-shingling of the building on the remaining three sides of the building, repairing and restoring damaged rotten trim, priming and painting.

**PROJECT NO. 3**

**Project Title: MOUNT PLEASANT CEMETERY CIVIL WAR MONUMENT**

**Project Sponsor: MOUNT PLEASANT CEMETERY ASSOCIATION**

The Community Preservation Committee recommends that the City Council appropriate \$2,000 to the Mount Pleasant Cemetery Association for the restoration and preservation of the Civil War Monument.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following condition:

1. The expiration of the Award shall be December 31, 2017.

The Community Preservation Act spending purpose for this appropriation is to support historic resources.

**Project Summary:**

Restore the Civil Monument by repairing the monument, which would include cleaning, removing failed mortar, re-pointing mortar joints with historically correct mortar and replace lead where needed. Also, it will be treated with D/2 biological to remove lichen without the need of damaging scrubbing.

**PROJECT NO. 4**

**Project Title: STACY BOULEVARD**

**Project Sponsor: GENEROUS GARDENERS, INC.**

The Community Preservation Committee recommends that the City Council appropriate \$20,400 to the Generous Gardeners, Inc. for the purpose of adding perennials to the newly renovated Stacy Boulevard Capital park project, which included new seawall, fencing, sidewalks and new granite planters.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2017;
2. Community Preservation award can only pay for the perennials (not including tulip bulbs) that will be planted in the Spring of 2017.

The Community Preservation Act spending purpose for this appropriation is to support recreational resources.

**Project Summary:** As part of the capital seawall reconstruction project at Stacy Boulevard, Generous Gardeners is working with the DPW to add granite edged flower beds along Stacy Boulevard. The new Stacy Boulevard Gardens will extend from the Blynman Bridge to the bocce courts with the structure of the beds similar to the Fishermen's Wives Monument plaza. Over 13,000 flowering perennials and annuals will bloom from early spring to late autumn. Generous Gardeners, will plant and maintain the new gardens. DPW will supply the granite planting beds and an irrigation system.

**PROJECT NO. 5**

**Project Title: WELCOME CENTER RESTORATION**  
**Project Sponsor: STAGE FORT PARK ADVISORY COMMITTEE**

The Community Preservation Committee recommends that the City Council appropriate \$16,000 to the Stage Fort Park Advisory Committee for the restoration and preservation of the Welcome Center at Stage Fort Park, which will include power washing and repair of the masonry.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2017.

The Community Preservation Act spending purpose for this appropriation is to support recreational resources.

**Project Summary:** The Advisory Committee is seeking funds to clean, restore and rehabilitate the exterior of the building. The stone work including the façade and steps are in need of pressure wash cleaning, re-pointing, and re-capping the stairways. The wood areas all need to be cleaned and re-painted and the deck flooring needs to be cleaned and treated, with a few boards needing replacement. The City has already replaced the roof.

**PROJECT NO. 6**

**Project Title: STAGE FORT PARK BEAUTIFICATION PROJECT**  
**Project Sponsor: CITY OF GLOUCESTER, COMMUNITY DEVELOPMENT DEPARTMENT**

The Community Preservation Committee recommends that the City Council appropriate \$75,000 of round 7 funding and an additional \$175,000 in the form of a bond for a ten year period, to the Community Development Department for overall park improvements at Stage Fort Park that will also be funded possibly by a Land and Water Conservation Fund Grant.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2020.

The Community Preservation Act spending purpose for this appropriation is to support open space and recreational resources.

**Project Summary:**

Work will includes the following elements: (1) improving the comfort and accessibility of the bandstand viewing area by installing a new lawn, reconfiguring pathways and creating a pedestrian gateway, (2) modifying a portion of the parking area to create an accessible Events Plaza and Quadracentennial Terrace overlooking Cressy Beach, (3) creating a new trail connection in Stage Fort Park leading towards Ravenswood Park and (4) adding a kayak storage facility.

**PROJECT NO. 7**

**Project Title: CITY CLERK'S/ARCHIVES INITIAL STORAGE PROJECT, PHASE I**  
**Project Sponsor: CITY CLERK'S OFFICE/ARCHIVES COMMISSION AND HISTORICAL COMMISSION**

The Community Preservation Committee recommends that the City Council appropriate \$11,030 to the City Clerk's Office for the purpose of preserving important archival documents that are now being stored at the Post Office.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2017;

The Community Preservation Act spending purpose for this appropriation is to support historical resources.

**Project Summary:**

The project includes replacing the plywood shelving in the Clerk's Post Office room with three metal moveable storage units from Gaylord Archival. Also, purchase archival boxes for the continued efforts of organizing and re-boxing materials that are in the room in newly purchased archival boxes; each box will be properly labelled and stored in chronological order.

**PROJECT NO. 8**

**Project Title: OAK GROVE CEMETERY CONTINUED RESTORATION PROJECT**  
**Project Sponsor: OAK GROVE CEMETERY ASSOCIATION**

The Community Preservation Committee recommends that the City Council appropriate \$15,000 to the Oak Grove Cemetery for the purpose of historic preservation to continue their restoration project at Oak Grove Cemetery.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2017;
2. The Board of Trustees to the Proprietors of Oak Grove Cemetery will take all measures necessary to ensure that the placement of CPA funded street markers will not be placed in areas under tree canopies that might cause damage to the sign or individuals if the tree or parts of the tree were to fall on it.

The Community Preservation Act spending purpose for this appropriation is to support historical resources.

**Project Summary:** The Oak Grove Cemetery Board of Trustees would like to continue their restoration project by replacing the cast iron street post/signs that delineate the pathways throughout the historic cemetery, create a brochure for self-guided tours, install a kiosk for the map and brochure distribution and begin work on a website.

**PROJECT NO. 9**

**Project Title: CITY OF GLOUCESTER'S ONGOING PRESERVATION PROJECT**  
**OUT OF THE SHADOWS: GLOUCESTER'S HISTORIC DEPRESSION ERA MURALS**  
**Project Sponsor: GLOUCESTER COMMITTEE FOR THE ARTS (GCFTA)**

The Community Preservation Committee recommends that the City Council appropriate \$35,000 to the Gloucester Committee for the Arts, for the continued historic preservation and rehabilitation of the City of Gloucester's nationally significant and rare WPA-era art.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2017;

The Community Preservation Act spending purpose for this appropriation is to support historical resources.

**Project Summary:** The GCFTA returned their award of \$35,000 from round 6, in order to re-define its scope due to the discoveries of other important works in the collection and the necessary evaluation of them. The current project's status has been refined since the initial but outdated National Endowment for the Humanities (NEH) funded 2009 assessment report, prior CPA updates, and applications. Resultant schedules for work from these prior documents omit important new discoveries in the collection and evaluation which this resubmission will correct. (One example, a mural slated for preservation in Phase II is part of a triptych by a different artist and title than identified in the NEH and other reports. Furthermore, its two kins are not installed on the walls of City Hall, but are stored in the basement.) The round 6 application on file directs preservation of specific mural titles installed on City Hall walls solely, and addressed in a specific order. It is impossible to reflect the necessity of re-prioritizing the schedule based on needs, discovery and evaluation.

The murals are better served by addressing the needs and consideration of all WPA murals in the city's collection. This corrective recording step is a fantastic opportunity to document details in the ongoing historic preservation project. With the \$35,000 CPA funding returned, the CFTA will resume this important WPA mural preservation.

#### PROJECT NO. 10

Project Title: *WOOD SHINGLE ROOF REPLACEMENT ON OUTBUILDINGS AT BEAUPORT, THE SLEEPER-McCANN HOUSE*

Project Sponsor: HISTORIC NEW ENGLAND

The Community Preservation Committee recommends that the City Council appropriate \$8,250 to Historic New England, for the continued historic preservation and rehabilitation of the Beauport, The Sleeper-McCann House, for the restoration and preservation of the wood shingle roofs of the Gate House and Tool Shed.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2017;

The Community Preservation Act spending purpose for this appropriation is to support historical resources.

**Project Summary:** The four outbuildings to Beauport, the Sleeper-McCann House, were last reroofed in the early 1980s and are now showing signs of advanced deterioration. The wood shingles are cupping and splitting and two of the buildings (Tool Shed and Gate House) leak during heavy rains. The roofs are at the end of their lifespan and need replacement before moisture infiltration causes severe damage. This project has been identified as one of the most pressing needs at the site, critical to protecting the historic fabric from further deterioration and allowing for continued public use and enjoyment of the facility.

## Community Preservation Criteria

### General Evaluation Criteria

|    |                                                                                                                                                          |   |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1  | Eligible for Community Preservation Act Funding                                                                                                          | √ |
| 2  | Consistent with various plans which are relevant to and utilized by the City regarding open space, recreation, historic resources and affordable housing |   |
| 3  | Preserve and enhance the essential character of Gloucester                                                                                               |   |
| 4  | Protect resources that would otherwise be threatened                                                                                                     |   |
| 5  | Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible                                                                |   |
| 6  | Demonstrate practicality and feasibility, and that the project can be implemented within budget/ on schedule                                             |   |
| 7  | Produce an advantageous cost/benefit value                                                                                                               |   |
| 8  | Leverage additional public and/or private funds or receive partial funding from other sources and/or voluntary contributions of goods and services       |   |
| 9  | Preserve or improve city owned assets                                                                                                                    |   |
| 10 | Receive endorsement from other municipal boards or departments and broad-based support from community members                                            |   |

### Open Space Criteria

|    |                                                                                                                                                                                                                                                        |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1  | Permanently protect important wildlife habitat, particularly areas that include: locally significant biodiversity; variety of habitats with a diversity of geologic features and types of vegetation; endangered habitat or species of plant or animal |  |
| 2  | Preserve active agricultural use                                                                                                                                                                                                                       |  |
| 3  | Provide opportunities for passive recreation and environmental education                                                                                                                                                                               |  |
| 4  | Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats                                                                                                                                            |  |
| 5  | Provide connections with existing trails or protected open space                                                                                                                                                                                       |  |
| 6  | Acquire land or easements for potential trail linkages                                                                                                                                                                                                 |  |
| 7  | Preserve scenic and historic views                                                                                                                                                                                                                     |  |
| 8  | Border a scenic road                                                                                                                                                                                                                                   |  |
| 9  | Protect drinking water quantity and quality                                                                                                                                                                                                            |  |
| 10 | Provide flood control/storage                                                                                                                                                                                                                          |  |
| 11 | Preserve and protect important surface water bodies, including streams, wetlands, vernal pools, riparian zones or Areas of Critical Environmental Concern (ACEC)                                                                                       |  |
| 12 | Buffer protected open space, or historic resources                                                                                                                                                                                                     |  |

### Historic Preservation Evaluation Criteria

|   |                                                                                                                                                                               |  |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 | Protect, preserve, enhance, restore and/or rehabilitate historical, cultural, architectural or archaeological resources of significance, especially those that are threatened |  |
| 2 | Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance                                               |  |
| 3 | Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site                                                                         |  |
| 4 | Demonstrate a public benefit                                                                                                                                                  |  |
| 5 | Ability to provide permanent protection for the historic resource                                                                                                             |  |

### Community Housing Evaluation Criteria

|   |                                                                                                                                                    |  |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 | Contribute to the goal of 10% affordability as defined by chapter 40B of the Massachusetts General Laws                                            |  |
| 2 | Promote a socioeconomic environment that encourages a diversity of incomes                                                                         |  |
| 3 | Provide housing that is harmonious in design and scale with the surrounding community                                                              |  |
| 4 | Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B |  |
| 5 | Ensure long-term affordability                                                                                                                     |  |
| 6 | Address the needs of range of qualified household, including very low, low, and low-to-moderate income families and individuals                    |  |
| 7 | Provide affordable rental and affordable ownership opportunities                                                                                   |  |
| 8 | Promote use of existing buildings or construction on previously-developed or city-owned sites                                                      |  |

**Public Recreation Evaluation Criteria**

|   |                                                                                                                                                                                                                             |  |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 | Addresses a need or objective identified in a City plan                                                                                                                                                                     |  |
| 2 | Serves a significant number of residents                                                                                                                                                                                    |  |
| 3 | Preserves and expands the range of recreational opportunities available to city residents of all ages and abilities, including those at-risk of obesity as identified through the Get Fit Gloucester! Community Action Plan |  |
| 4 | Promotes recreational activities                                                                                                                                                                                            |  |
| 5 | Maximizes the utility of land already owned by city                                                                                                                                                                         |  |
| 6 | Promotes the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities                                                                                            |  |
| 7 | Preserves and enhances the natural habitat functions and values of open space for wildlife                                                                                                                                  |  |