



City of Gloucester

City Council

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

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, September 20, 2010 – 5:30 p.m.
1st Fl. Council Conference Rm. – City Hall

AGENDA

1. *Continued Business:*

- A) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations (Continued from 07/12/10)
- B) CC2010-023 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits (Continued from 07/26/10)
- C) CC2010-024 (Hardy) Request from Engineering Department of the DPW a copy of the City's Official 'layout of the road' at the intersection of Washington St., Holly St., Goose Cove Lane and Vine St. (Cont'd from 07/26/10)
- D) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones of the GCO re: 6 Elm Street (Cont'd from 08/23/10)
- E) CC2010-053 (McGeary) Amend GCO Sec. 22-265 Re: Old County Rd. restricting turns onto Eastern Avenue
- F) CC2010-054 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 21 Main Street
- G) CC2010-055 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 287 Main St.
- H) CC2010-056 Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Arnold Way
- I) CC2010-057 Amend GCO Sec. 22-273f (Parking prohibited between certain hours on certain days) and Sec. 22-270.1 (Resident sticker parking only) re: Haskell Street
- J) CC2010-059 (Theken) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 2 Harvard Street, one handicapped space (Continued from 08/23/10)
- K) CC2010-060 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Ciaramitaro/Gemellaro Playground (Continued from 08/23/10)
- L) COM-33: Letter from Citizen Group "Who Decides" (Continued from 08/23/10)
- M) CC2010-015 (Ciolino/Mulcahey) Amend GCO Sec. 290 "Parking meter zone-Off Street Parking Areas" re: Manuel F. Lewis Street (Continued from 06/14/2010)

2. *Appointments*

Kersten Lanes	Capital Improvement Advisory Board (CIAB)	TTE 02/14/2013
Janet Rice	Capital Improvement Advisory Board (CIAB)	TTE 02/14/2013
Thomas Hauck	Gloucester Cultural Council	TTE 02/14/2013
Martin Ray	Gloucester Cultural Council	TTE 02/14/2013
Hans Pundt	Gloucester Cultural Council	TTE 02/14/2013

Newell Stadium Committee, ad hoc – Jim Duggan, Bill Sanborn, Joe Guzzo, Mark Cole, Mike Carrigan, Dick Wilson, J.D. MacEachern, Dr. Bill Goodwin

3. *CC2010-061 (Hardy) Enact Ordinance as required by Ch. 217 of the Acts of 2010 re: Linkage Exaction Program*
4. *CC2010-062 (Verga) Amend GCO Sec. 22-270.1 (Resident sticker parking only) and Sec. 22-270 (Parking Prohibited at All Times) re: Rafe's Chasm parking area/lot off Hesperus Avenue*
5. *CC2010-063 (Mulcahey) Amend GCO sec. 22-270 (Parking Prohibited at All Times) re: Oak & Maple Streets*
6. *CC2010-064 (Mulcahey) Proposed amendment to GCO Sec 22-267 (One Way Streets-Generally) re: Mt. Vernon St.*
7. *Amend Gloucester Code of Ordinances, Sec. 23-77 Pole Specifications per Budget & Finance Committee (referred at the request of and from the Planning & Development Meeting of 8/25/2010)*
8. *Letter from Mayor re: Court Relocation Committee and Gloucester District Court*
9. *Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter – review from City Council Public Hearing of August 31, 2010 to Amend Code of Ordinances, Chapter 4, Art. II, Sec. 4-15 by adding new subsection 4-15(c) notwithstanding subsections 4-15(a) and 4-16(b):*

"The DPW director may designate, with the approval of the Mayor and the City Council, specific public lands for use as off-leash dog areas, with their operation being subject to regulations enacted pursuant to section 7-16(b) of the City Charter"

COMMITTEE

Councilor Sefatia Theken, Chair

Councilor Ann Mulcahey, Vice Chair

Councilor Bruce Tobey

Committee members – Please bring relevant documentation

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

CC: Mayor
Jim Duggan
Linda T. Lowe
Suzanne Egan
Robert Ryan

ORDINANCES & ADMINISTRATION COMMITTEE

Monday, September 20, 2010

AGENDA ITEMS

DOCUMENTATION PREVIOUSLY ON FILE AS FOLLOWS:

1. Continued Business:

All items listed under this heading have information previously on file which can be found in the City Clerk's office, or on line as new City Web Site is brought up to date.

**CITY OF GLOUCESTER
TRAFFIC COMMISSION**

**A meeting will be held on Thursday August 26, 2010 at 6:00 p.m.
at the third floor conference room at Gloucester City Hall**

Please conduct your own site visits when convenient

The meeting was opened at 6:01 p.m. by Chairman Robert Ryan. Also attending were members Larry Ingersoll, Anthony Bertolino, Michael Mulcahey and Robert Francis. Also, Councilors Paul McGeary, Ann Mulcahey and resident Kate Noonan (Representing the Common Crow).

AGENDA

Order #CC2010-049 (Councilor Verga) Ordered that the GCO sec 22-287 (Disabled/Handicap Parking) be amended

BY DELETING: Lexington Avenue, westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road, for a distance of twenty-two (22) feet in a northerly direction.

And further by ADDING:

Lexington Avenue, westerly side, beginning at a point one hundred fifty (150) feet from its intersection with Shore Road, for a distance of approximately twenty-two (22) feet, more or less, in a northerly direction.

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order as written.

Order #CC2010-052 (councilor Mulcahey) Ordered that the GCO sec. 22-284 (Service or Loading Zones) be amended by

ADDING: Beginning of Elm Street at its intersection with Main Street (in front of #6 Elm Street)

After a discussion, and speaking to Councilor Mulcahey and the requestor, a MOTION was MADE, SECONDED and PASSED to APPROVE the order. The actual LOADING ZONE would be located on Elm Street, approximately 20 feet from the intersection of Main Street on the easterly side, northerly direction, for a distance of 40 feet. (To the entrance of the Cameron's rear lot.) The VOTE was 4-1 with member Anthony Bertolino dissenting. He was concerned with the addition of more Loading Zones in the downtown area.

Order #CC2010-053 (Councilor McGeary) Ordered that the GCO Sec. 22-265 "Turning Movements" be amended by

ADDING: Restricting or prohibiting right turns onto Old County Rd near rear property entrance of 168 Eastern Ave. onto Old County Rd. [as amended on 7/23]

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order as written.

Order #CC2010-054 (Councilor Mulcahey) Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking" be amended by adding:

Main Street, one (1) handicapped parking space in the vicinity of #21

After a discussion and speaking to Councilor Mulcahey, a MOTION was MADE, SECONDED and PASSED to TABLE the order until such time the businesses in the area are consulted. The MOTION PASSED on a 4-1 vote. Member Larry Ingersoll dissented as wherever the handicap space is put, it will affect an area business and he saw no reason why a decision couldn't be made at this meeting.

Order #CC2010-055 (Councilor Mulcahey) Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking" be amended by adding:

Main Street, one (1) handicapped parking space in the vicinity of #287

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order. The Handicap space should be approximately 20 feet in an easterly direction, on the southerly side of Main Street, just before the entrance of the Gorton's satellite lot. Meter #75 would be removed. The TC again is concerned about the number of meters that are being eliminated with every Handicap space and Loading Zone that is requested and approved in the downtown area.

Order #CC2010-056 (Councilor McGeary) Ordered that the GCO sec 22-287 (Disabled/Handicap Parking) be amended by

DELETING: Arnold Way, near the corner of 74 Mt. Pleasant Avenue, designated as one handicapped parking space (Ord. 3-27 or 6/24/03)

AND BY ADDING: Arnold Way, near the corner of 74 Mt. Pleasant Avenue, designated as two (2) handicapped parking spaces.

After a discussion, a MOTION was MADE, SECONDED and PASSED to TABLE the order. The requestor was unable to attend and at the request of Councilor McGeary the order was TABLED.

Order #CC2010-057 (Councilor McGeary) Ordered that the GCO be amended by

DELETING: From sec. 22-273f (Parking Prohibited between certain hours on certain days) Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, between May 1 – September 15 annually, from 9am to 5pm on Saturdays, Sundays and Holidays.

And by ADDING: Sec 22-270-1 (Resident Sticker Parking Only)) Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays.

And by ADDING: Sec 22-271 (Parking Prohibited Between May 1 – September 15), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays.

And by ADDING: Sec 22-273 (Parking Prohibited Between Certain Hours on Certain Days), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays.

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order with the additional sections being added.

Order #CC2010-059 (Councilor Theken) **Ordered** that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by **adding:**

one (1) handicapped parking space, in front of 2 Harvard Street

After a discussion, a MOTION was MADE, SECONDED and PASSED to TABLE the order until the requestor can be present. (As has been the custom with the TC with all Handicap requests) (Due to a communications mixup, the requestor was not notified of this meeting).

Order #CC2010-060 (Councilor Mulcahey) **Ordered** that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by **ADDING:**

one (1) handicapped parking space at the Ciaramitaro/Gemellaro Playground parking lot.

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order as written. The Handicap space can be the end space in the parking lot closest to the house.

The meeting was adjourned at 7:22 p.m.

ROBERT RYAN, Chairman

LARRY INGERSOLL, Secretary

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

July 28, 2010

Ms. Kersten Lanes
12 Palfrey Road
Gloucester, MA 01930

Dear Kersten:

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

Your appointment will be forwarded to the City Council for their August 17, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contact by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the CIAB. I truly appreciate the hard work and dedication you and your colleagues on this important board offer on behalf of the City of Gloucester.

Sincerely,

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

Carolyn A. Kirk
Mayor

Enclosure

cc: Mayor's Report to the City Council
Donald Fryklund, Chair-CIAB

Carolyn Kirk

From: kersten.l.lanes@us.pwc.com
Sent: Saturday, July 17, 2010 9:42 AM
To: ckirk@ci.gloucester.ma.us
Subject: Capital Improvements Advisory Board

Mayor Kirk --

I read your Mayor's Desk article in the Gloucester Times about a week ago, where you suggested that greater resident involvement in the city's water and capital improvements agenda might improve the many decisions that need to be made in the next several years. I am writing to volunteer my participation in such a commission or board.

I've been a home owner in Gloucester since 2005, and a full time resident since my ex-husband and I separated in 2008. I live in Brier Neck with my three children, ages 16, 14 and 6. You and I have met a couple of times at various events, including through Bret and Marleen Wood who are close friends of mine.

While I'm not a lifelong Gloucester local, I have come to appreciate the unique character and fabric of this city. I live close to the water and treasure the wonderful smell and feel of the sea air -- year round.

I'm offering my assistance now, only because I believe my perspective and interest in making Gloucester a better place could be helpful to you and the town. I don't have any agenda or firm perspective on what should be done; I simply believe that my professional experience and business perspective might be a useful voice at the table.

By way of background, I'm a principal at PricewaterhouseCoopers in Boston, and I have more than 20 years of strategic consulting experience. I've helped a number of organizations articulate a vision for the future, research and analyze what it would take to be successful, and then bring diverse stakeholders together to agree on a strategic approach. I'm visionary but also pragmatic -- I get excited about challenges that bring together collective views to move important projects forward, one step at a time. My brief business bio is below.

If I can help on either the Capital Improvements Advisory Board or the Water Commission I hope you'll let me know. In the meantime, I remain an interested citizen and participant in the process.

Thank you.

Kersten Lanes
978-395-1041
kersten.l.lanes@us.pwc.com
12 Palfrey Rd, Gloucester

Kersten Lanes
Principal, Advisory Services
PricewaterhouseCoopers LLP
Boston, MA

Kersten is a principal (non-CPA partner) in the Advisory practice of PricewaterhouseCoopers LLP, based

7/23/2010

in Boston. Her expertise is in the area of business strategy and service innovation, and she has led numerous strategy, scenario planning, new business and technology initiatives for clients and the firm.

Kersten is one of the lead partners in the firm's Strategy Consulting group, a national practice with deep industry expertise that helps clients assess market attractiveness, develop entry strategies, realign competitive positioning, and improve strategic planning processes. She advises clients on M&A and corporate strategy, new product and service innovation, and opportunities provided by changes in technology. In addition, she is responsible for one of the firm's top priority clients in the technology/services sectors. She oversees the firm's global business relationships and partnerships with this company

Prior to her current role, she was responsible for Strategy for the firm's global Advisory and Tax practices. In this position she led strategy development and communication, and key initiatives in the areas of organizational change, service innovation and new business development. She has also previously held positions with responsibility for US innovation, the PwC global website/portal, and thought leadership.

Before entering the consulting field she was a corporate lending officer in commercial banking on Wall Street, focused on mergers and acquisitions, leveraged transactions, and global credit.

Kersten has a 20 year career in consulting, and received an A.B. in Economics from Cornell University and an MBA from Harvard's Graduate School of Business.

Kersten L. Lanes | Advisory | PricewaterhouseCoopers | Telephone: +1 617 530 5080 | Mobile: +1 978 395 1041 | kersten.lanes@us.pwc.com

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City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 24, 2010

Mr. Thomas Hauck
22 Plum Street
Gloucester, MA 01930

Dear Mr. Hauck:

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

Your appointment will be forwarded to the City Council for their August 31, 2020 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Cultural Council. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
JoeAnn Hart, Gloucester Cultural Council

EFFECTIVE AUGUST 24, 2010

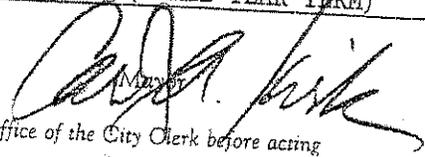
The City of Gloucester, Massachusetts

Dear Thomas Hauck, 22 Plum Street, Gloucester, MA 01930

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

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE YEAR TERM)

Respectfully,



Mayor

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

Sworn in _____ By: _____

THCS

THOMAS HAUCK COMMUNICATIONS SERVICES

22 PLUM STREET

GLOUCESTER, MA 01930

thomashauck@hotmail.com • (978) 283-3910 • www.thomashauck.net

Ideas Into Words

August 13, 2010

Mayor Carolyn Kirk
Gloucester City Hall
9 Dale Ave.
Gloucester, MA 01930

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AUG 18 2010

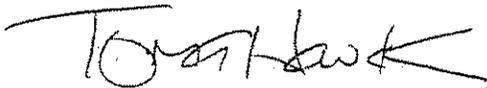
Mayor's Office

Dear Mayor Kirk:

Please accept my application to become a volunteer member of the Gloucester Cultural Council.

Thank you for your very kind consideration,

Sincerely,



Thomas Hauck

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 24, 2010

Mr. Hans Pundt
969 Washington Street
Gloucester, MA 01930

Dear Mr. Pundt:

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

Your appointment will be forwarded to the City Council for their August 31, 2020 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Cultural Council. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,

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Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
JoeAnn Hart, Gloucester Cultural Council

EFFECTIVE AUGUST 24, 2010

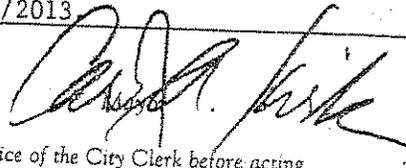
The City of Gloucester, Massachusetts

Dear Hans Fundt, 969 Washington Street, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the CULTURAL COUNCIL of the City of
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013

Respectfully,



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

Sworn in _____ By: _____

Cultural Council

August 4, 2010

To whom it may concern,

I am writing you this brief note regarding an invitation I received recently to become a member of the Gloucester Arts Council. It was an honor to be asked and I am hopefully not too late to submit my application letter. I have been a life long resident of this great city and I would like to be considered to be able to work with these great friends and fellow creative people. I myself have been the past president of Local Colors, the president of The North Shore Horticultural Society, and have been involved with the Boston Flower Show among other endeavors. Thank you for your time and I look forward to serving this great artistic city.

Sincerely,



Hans Pundt
969 Washington Street
Gloucester MA.
Hanspundt@mac.com

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 16, 2010

Mr. Martin Ray
22 Rockwood Lane
Gloucester, MA 01930

Dear Martin:

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

Your appointment will be forwarded to the City Council for their August 31, 2020 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the Cultural Council. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
JoeAnn Hart, Gloucester Cultural Council

EFFECTIVE AUGUST 24, 2010

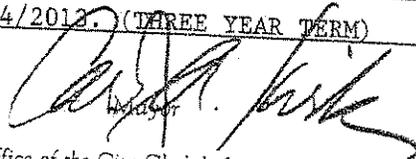
The City of Gloucester, Massachusetts

Dear Martin Ray, 22 Rockwood Lane, Gloucester, MA 01930

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

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE YEAR TERM)

Respectfully,


Mayor

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

Sworn in _____ By: _____

RECEIVED

JUN 30 2010

Mayor's Office

22 Rockwood Lane
Gloucester, MA 01930
June 29, 2010

Mayor Carolyn Kirk
City Hall
Gloucester, MA 01930

Re: Appointment to Gloucester Cultural Council

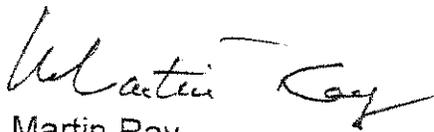
Dear Mayor Kirk:

At the invitation of the Gloucester Cultural council I would like to apply to you for appointment to this committee.

For the past ten years, as Treasurer of North Shore Veterans for Peace, I have interfaced with various Cultural Councils in funding the Peace Poetry Contest in our school systems. They have impressed me with their commitment to support worthwhile community projects.

I would be pleased to join the local effort.

Sincerely yours,



Martin Ray

(978) 283-4585

Gloucester Cultural Council
P.O. Box 176
Gloucester, MA 01931

RECEIVED

JUL - 8 2010

Mayor's Office

June 29, 2010

Mayor Carolyn Kirk
City of Gloucester
9 Dale Avenue
Gloucester, Ma. 01930

Dear Carolyn,

The Gloucester Cultural Council would like to endorse Martin Ray for appointment to membership in our Council.

Mr. Ray has been a participant and a supporter of the arts on Cape Ann for many years. He has contributed culturally to our beautiful city through the creation and design of several areas of our parks and historically significant landmarks, including, but not limited to, the Fitz Henry Lane Park on Harbor Loop.

We have met and talked with Mr. Ray and he is extremely pleased to be invited to join us. We highly recommend him and would look forward to working with him on cultural venues.

He will soon be writing you a letter of request to appointment.

Thank you for your consideration in this matter.

Best wishes,



JoeAnn Hart
Chair, Gloucester Cultural Council

*JoeAnn Hart, Chair, Lois Budrose, Secretary, Mary Weissblum, Treasurer, Saira Austin, Mary John Boylan,
Barbara Dyer, Susie Field, Barbara Gale, Thomas Hauck, Linda Walcott,*

The General Laws of Massachusetts

[Search the Laws](#)

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE II. EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH

CHAPTER 10. DEPARTMENT OF THE STATE TREASURER

EMERGENCY FINANCE BOARD

Chapter 10: Section 58. Local and regional cultural councils

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Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without

compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts. Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

August 12, 2010

Ms. Janet Rice
15 Starknaught Road
Gloucester, MA 01930

Dear Janet:

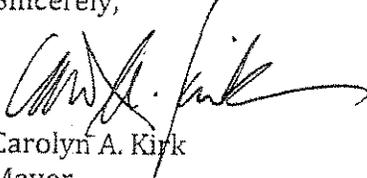
Thank you for your interest in serving on the City of Gloucester's **Capital Improvement Advisory Board (CIAB)**. I have issued you a 90-day temporary appointment to serve on this board which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience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

Your appointment will be forwarded to the City Council for their August 31, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Again, thank you for agreeing to serve on the CIAB. I truly appreciate the hard work and dedication you and your colleagues on this important board offer on behalf of the City of Gloucester.

Sincerely,



Carolyn A. Kirk
Mayor

Enclosure

cc: Mayor's Report to the City Council
Donald Fryklund, Chair-CIAB

EFFECTIVE AUGUST 12, 2010

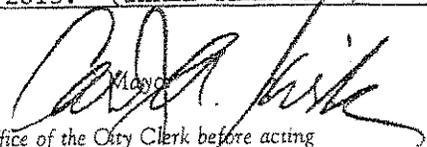
The City of Gloucester, Massachusetts

Dear Janet Rice, 15 Starknought Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the CAPITAL ADVISORY IMPROVEMENT BOARD _____ of the City of
Gloucester, Massachusetts _____

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2013. (THREE YEAR TERM)

Respectfully,


Mayor

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

Sworn in _____ By: _____

RECEIVED

AUG 12 2010

Mayor's Office

Janet Rice

15 Starknought Road
Gloucester, MA 01930
978-282-5406
Rishavs@Verizon.net

Objective:

I would be honored to serve the City as a Member of Gloucester's Capital Improvement Advisory Board. Thus, I am submitting my name for consideration.

Education:

1975 University of Kansas, Bachelors in Psychology and Human Development
1980 Brandeis University, Masters of Human Service Management
1990 Bentley College, Post Graduate Coursework in Human Resources

Relevant Experience, Gloucester, MA:

PTO President, East Gloucester School
Site Based Management Team, East Gloucester School
Site Base Management Team, Gloucester High School
Volunteer, Gloucester Maritime Heritage Center
Volunteer, Gloucester Stage Company

Other Experience:

Mother of two Boys
Career in Education and Health Services
Life long Volunteer
Strong history of Community service
Background in financial management and operational control
Team player; expertise in working with people at all levels
Designed and facilitated the construction of two houses
Ability to set goals, prioritize and move projects forward
Positive, optimistic, attitude regarding the future of the City of Gloucester.

References Available Upon Request

(3) The charges for any material or service shall not be in excess of cost price or prevailing hourly wage scale;

(4) No department shall be expected to perform a service for any other department while or when the necessary personnel or equipment is available in the department making the request;

(5) In its weekly work progress report, a department having had service performed or material supplied shall, in each instance, show proper credit to the performing or supplying department.

(Code 1970, § 2-247)

Secs. 2-577--2-584. Reserved.

DIVISION 3. CAPITAL IMPROVEMENTS

Sec. 2-585. Annual planning; capital improvements advisory board established.

A long range plan to serve as guidelines for capital improvements in the city shall be prepared each year in writing by the mayor subject to approval by the city council. Development of the plan shall take into account the recommendations made by a capital improvements advisory board, which is hereby established.

(Code 1970, § 2-18)

Sec. 2-586. Capital improvements advisory board--Function, composition, appointment, terms of office.

(a) The capital improvements advisory board shall consist of seven (7) members appointed by the mayor from the community at large with due care for providing an optimum mix of background and expertise, whose terms of three (3) years shall be staggered. The mayor shall designate a chairman of the board, who shall serve for a term of one (1) year and may be reappointed. All the members of the board shall elect a vice chairman from the membership, again on a yearly basis. No member of the city council shall serve as a member of the board.

(b) The board shall be appraised of the preparation of the ten-year capital improvements program developed by the community development department on a continuing basis, shall review the final ten-year program and shall submit a report on its review to the mayor.

(c) Minutes of each meeting of the capital improvements advisory shall be forwarded forthwith to each member of the city council.

(Code 1970, § 2-21; Ord. of 8-6-85, § I; Ord. No. 6-1991, § I, 2-26-91)

Sec. 2-587. Capital improvement plan.

(a) The capital improvement plan shall be concerned with physical facilities, such as land, buildings or other structures, or pieces of equipment, which require a relatively large investment and have a relatively long useful life.

(b) The capital improvement plan shall specify a detailed program of capital expenditures over a period of ten (10) fiscal years from the date on which it becomes effective and shall specify the methods of financing the proposed capital improvements.

(c) Guidelines for the planning process, specifying minimum cost and useful life of capital improvements to be considered in the capital improvement plan, the maximum proportion of total budget to be devoted to capital improvements, and any restrictions on methods of financing, shall be established on recommendation of the mayor and approval by the city council.

(d) The capital improvement plan shall be submitted by the mayor to the city council no later than ninety (90) days before the first day of the fiscal year in which it is to take effect. The plan shall be updated annually during the time it is in effect.

(Code 1970, §§ 2-19, 2-20; Ord. No. 6-1991, § 1, 2-26-91)

Sec. 2-588. Scope of division.

Nothing in this division shall be construed as preempting or diminishing the statutory prerogatives of the city council or the mayor.

(Code 1970, § 2-22)

Secs. 2-589--2-594. Reserved.

DIVISION 4. TRUST FUNDS

Sec. 2-595. Custodian.

The city treasurer shall be the custodian of all trust funds given or bequeathed for the benefit of the city or the inhabitants thereof and securities of such funds. He shall invest and reinvest them and expend therefrom moneys as directed by the board. The treasurer shall furnish a bond satisfactory to the board for the faithful performance of his duties.

(Code 1970, § 2-259)

~~State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 46.~~

Sec. 2-596. Board of commissioners of trust funds--Creation; membership; purpose; officers.

(a) There is hereby created and established the board of commissioners of trust funds consisting of three (3) persons who are residents of the city at the time of their appointment. The board shall have the management of all trust funds given or bequeathed for the benefit of the city or the inhabitants thereof, unless the donor, in making the gift or bequest, shall otherwise provide.

(b) The members of the board of commissioners of trust funds shall be appointed by the mayor and confirmed by the city council. All members of the

**CITY OF GLOUCESTER
TRAFFIC COMMISSION**

**A meeting will be held on Thursday August 26, 2010 at 6:00 p.m.
at the third floor conference room at Gloucester City Hall**

Please conduct your own site visits when convenient

The meeting was opened at 6:01 p.m. by Chairman Robert Ryan. Also attending were members Larry Ingersoll, Anthony Bertolino, Michael Mulcahey and Robert Francis. Also, Councilors Paul McGeary, Ann Mulcahey and resident Kate Noonan (Representing the Common Crow).

AGENDA

Order #CC2010-049 (Councilor Verga) Ordered that the GCO sec 22-287 (Disabled/Handicap Parking) be amended

BY DELETING: Lexington Avenue, westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road, for a distance of twenty-two (22) feet in a northerly direction.

And further by ADDING:

Lexington Avenue, westerly side, beginning at a point one hundred fifty (150) feet from its intersection with Shore Road, for a distance of approximately twenty-two (22) feet, more or less, in a northerly direction.

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order as written.

Order #CC2010-052 (councilor Mulcahey) Ordered that the GCO sec. 22-284 (Service or Loading Zones) be amended by

ADDING: Beginning of Elm Street at its intersection with Main Street (in front of #6 Elm Street)

After a discussion, and speaking to Councilor Mulcahey and the requestor, a MOTION was MADE, SECONDED and PASSED to APPROVE the order. The actual LOADING ZONE would be located on Elm Street, approximately 20 feet from the intersection of Main Street on the easterly side, northerly direction, for a distance of 40 feet. (To the entrance of the Cameron's rear lot.) The VOTE was 4-1 with member Anthony Bertolino dissenting. He was concerned with the addition of more Loading Zones in the downtown area.

Order #CC2010-053 (Councilor McGeary) Ordered that the GCO Sec. 22-265 "Turning Movements" be amended by

ADDING: Restricting or prohibiting right turns onto Old County Rd near rear property entrance of 168 Eastern Ave. onto Old County Rd. [as amended on 7/23]

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order as written.

Order #CC2010-054 (Councilor Mulcahey) Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking" be amended by adding:

Main Street, one (1) handicapped parking space in the vicinity of #21

After a discussion and speaking to Councilor Mulcahey, a MOTION was MADE, SECONDED and PASSED to TABLE the order until such time the businesses in the area are consulted. The MOTION PASSED on a 4-1 vote. Member Larry Ingersoll dissented as wherever the handicap space is put, it will affect an area business and he saw no reason why a decision couldn't be made at this meeting.

Order #CC2010-055 (Councilor Mulcahey) Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking" be amended by adding:

Main Street, one (1) handicapped parking space in the vicinity of #287

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order. The Handicap space should be approximately 20 feet in an easterly direction, on the southerly side of Main Street, just before the entrance of the Gorton's satellite lot. Meter #75 would be removed. The TC again is concerned about the number of meters that are being eliminated with every Handicap space and Loading Zone that is requested and approved in the downtown area.

Order #CC2010-056 (Councilor McGeary) Ordered that the GCO sec 22-287 (Disabled/Handicap Parking) be amended by

DELETING: Arnold Way, near the corner of 74 Mt. Pleasant Avenue, designated as one handicapped parking space (Ord. 3-27 or 6/24/03)

AND BY ADDING: Arnold Way, near the corner of 74 Mt. Pleasant Avenue, designated as two (2) handicapped parking spaces.

After a discussion, a MOTION was MADE, SECONDED and PASSED to TABLE the order. The requestor was unable to attend and at the request of Councilor McGeary the order was TABLED.

Order #CC2010-057 (Councilor McGeary) Ordered that the GCO be amended by

DELETING: From sec. 22-273f (Parking Prohibited between certain hours on certain days) Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, between May 1 – September 15 annually, from 9am to 5pm on Saturdays, Sundays and Holidays.

And by ADDING: Sec 22-270-1 (Resident Sticker Parking Only)) Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays.

And by ADDING: Sec 22-271 (Parking Prohibited Between May 1 – September 15), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays.

And by ADDING: Sec 22-273 (Parking Prohibited Between Certain Hours on Certain Days), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays.

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order with the additional sections being added.

Order #CC2010-059 (Councilor Theken) **Ordered** that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by **adding:**

one (1) handicapped parking space, in front of 2 Harvard Street

After a discussion, a MOTION was MADE, SECONDED and PASSED to TABLE the order until the requestor can be present. (As has been the custom with the TC with all Handicap requests) (Due to a communications mixup, the requestor was not notified of this meeting).

Order #CC2010-060 (Councilor Mulcahey) **Ordered** that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by **ADDING:**

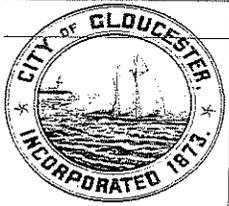
one (1) handicapped parking space at the Ciaramitaro/Gemellaro Playground parking lot.

After a discussion, a MOTION was MADE, SECONDED and PASSED to APPROVE the order as written. The Handicap space can be the end space in the parking lot closest to the house.

The meeting was adjourned at 7:22 p.m.

ROBERT RYAN, Chairman

LARRY INGERSOLL, Secretary



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-049
Councillor	Greg Verga

DATE RECEIVED BY COUNCIL:	07/20/10
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

Ordered that the GCO Sec. 22-287 "Disabled veteran, handicapped parking" be amended

by **Deleting:** Lexington Avenue, westerly side, beginning at a point one hundred forty-four (144 feet) from its intersection with Shore road for a distance of twenty-two (22) feet in a northerly direction.

And further

By **Adding:** Lexington Avenue, westerly side, beginning at a point one hundred fifty (150) feet from its intersection with Shore Road for a distance of approximately twenty-two (22) feet, more or less, in a northerly direction.

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration committee for review, recommendation and measurements.

Councillor Greg Verga

8/23



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER:	#CC2010-052
Councillor	Ann Mulcahey

DATE RECEIVED BY COUNCIL:	07/22/10
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

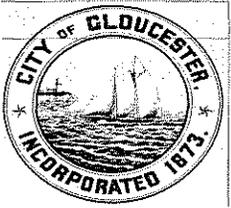
Ordered that the GCO Sec. 22-284 "Service or Loading Zones" be amended by

ADDING: beginning of Elm Street at its intersection with Main Street (in front of 6 Elm Street)

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration committee for review, recommendation and measurements.

Councillor Ann Mulcahey



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-054
Councillor Ann Mulcahey

DATE RECEIVED BY COUNCIL: 08/03/10
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

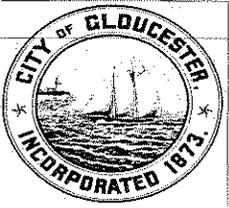
Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by adding:

Main Street, one (1) handicapped parking space in the vicinity of #21

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Ann Mulcahey
Ward 2



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-055
Councillor Ann Mulcahey

DATE RECEIVED BY COUNCIL: 08/03/10
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by adding:

Main Street, one (1) handicapped parking space in the vicinity of #287

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Ann Mulcahey
Ward 2



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-056
Councillor Paul McGeary

DATE RECEIVED BY COUNCIL: 08/03/10
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances be amended

by **DELETING** Arnold Way, near the corner of 74 Mt. Pleasant Avenue, designated as one (1) handicapped parking space (Ord. 3-27, 6/24/2003)

And further

by **ADDING** Arnold way, near the corner of 74 Mt. Pleasant Avenue, designated as two (2) handicapped parking spaces

And further

ORDERED that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Paul McGeary
Ward 1



CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

ORDER:	#CC2010-057
Councillor	Paul McGeary

DATE RECEIVED BY COUNCIL:	08/03/10
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

ORDERED that the Gloucester Code of Ordinances be amended

by **DELETING** from Sec. 22-273f. (Parking prohibited between certain hours on certain days.) Haskell Street, on the southerly side from its intersection with Rocky Pasture Road between May 1 and September 15, annually from 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays and holidays.

by **ADDING** to Sec. 22-270.1. (Resident sticker parking only.) Haskell Street, on the southerly side from its intersection with Rocky Pasture Road between May 1 and September 15, annually from 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays and holidays.

ORDERED that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Paul McGeary
Ward 1



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-059
Councillor Sefatia Theken

DATE RECEIVED BY COUNCIL: 08/17/10
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

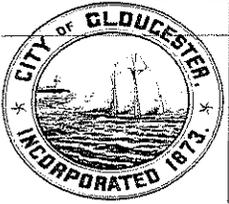
Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by **adding:**

one (1) handicapped parking space, in front of 2 Harvard Street

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Sefatia Theken



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-060
Councillor Ann Mulcahey

DATE RECEIVED BY COUNCIL: 08/17/10
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

Ordered that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by **adding:**

one (1) handicapped parking space at the Ciaramitaro/Gemellaro Playground

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Ann Mulcahey



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER:	#CC2010-061
Councillor	Jackie Hardy

DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	O&A
FOR COUNCIL VOTE:	

Ordered that the City Council enact an ordinance as required by Chapter 217 of the Acts of 2010 to "An act establishing a linkage exaction program in the City of Gloucester".

And further

Ordered that this matter be referred to the Ordinances and Administration Committee and General Counsel for proper language, which follows the requirements of Chapter 217 of the Acts of 2010.

Councillor Jackie Hardy

Chapter 217 of the Acts of 2010

AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM IN THE CITY OF GLOUCESTER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) The city of Gloucester may, by ordinance, require the payment of a linkage exaction fee as a condition of approval of a development impact project plan, as defined by the ordinance, for any future development within the scope of this act. The linkage exaction fee shall only be imposed on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-residential and residential projects that require zoning relief or exceed a threshold which shall be established by the city council. The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

(b) The linkage exaction ordinance may be enacted if the following criteria are met:

(1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, and office, commercial and industrial structures and their impact on the following services including, but not limited to, school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety facilities, and parks, playgrounds and other recreational facilities.

(2) The city shall develop and prepare a study for any project for which a linkage exaction fee is levied that examines the proposed project and projects the cost of capital improvements necessary to accommodate the project. Any exaction fee which may be established pursuant to this act shall be set in accordance with the methodology set forth in the study.

(3) The exaction fee shall be established on the basis of the cost projections in the capital improvement plans and study as described in paragraph (2) of subsection (b) and the expected level of allowed development pursuant to the city's zoning ordinance, as it may be amended.

(4) The city shall have the authority to create distinct and separate revolving trust accounts for each linkage ordinance enacted by the city for the services delineated in paragraph (1) of this subsection for necessary improvements resulting from future development. An exaction shall not be paid to the city's general treasury or used as general revenues subject to section 53 of chapter 44 of the General Laws.

(5) The level of any exaction fee shall be reviewed at least every 3 years and reset as required based upon the recommendation of the office of community development and the mayor of the city.

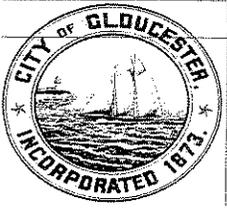
(6) Any funds not expended or encumbered by the end of the calendar quarter immediately following 6 years from the date the exaction fee was paid shall, upon application of the applicant or his assigns, be returned to such landowner with interest from the fee's deposit in an interest bearing account; provided, however, that the applicant or his assigns submits an application for a refund to the office of community development within 180 days of the expiration of the 6 year period.

SECTION 2. This act shall take effect upon its passage.

Approved August 4, 2010

Return to:

List of Laws passed in 2010 Session
General Court home page, or
Commonwealth of Massachusetts home page.



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-062
Councillor Greg Verga

DATE RECEIVED BY COUNCIL: 08/31/10
REFERRED TO: O&A, TC, DPW & POLICE
FOR COUNCIL VOTE:

Ordered that the Code of Ordinances Sec. 22-270.1 "Resident sticker parking only" be amended by

ADDING: Rafe's Chasm parking area/lot off Hesperus Avenue adjacent to the entrance to Rafe's Chasm

And Further

Ordered pursuant to Code of Ordinances Sec. 22-125 "Duty of director of public works to place and maintain; conformity to state standards", to post signs at Rafe's chasm "No Littering or Dumping" per Gloucester Code of Ordinances Sec. 9-8, and Sec. 1-15, Sec. 9-10 "violators to be fined \$300.00"

And Further

Ordered that pursuant to Code of Ordinances Sec. 22-270 "Parking prohibited at all times" signs be posted on Hesperus Avenue including "Tow Away Zones" and "No Parking" all as provided in Gloucester Code of Ordinances adopted September 24, 2002.

And Further

Ordered that the Police (once signs are posted) enforce "No Parking and Tow Away Zones".

And Further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Greg Verga



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER:	#CC2010-063
Councillor	Ann Mulcahey

DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

Ordered that Code of Ordinances Sec. 22-270 "parking prohibited at all times" be amended by

ADDING: prohibited parking on one side of the street on Oak Street and Maple Street

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Ann Mulcahey



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER:	#CC2010-064
Councillor	Ann Mulcahey

DATE RECEIVED BY COUNCIL:	08/31/10
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

Ordered that the Traffic Commission and the Ordinances and Administration Committee review, the parking situation and traffic flow along the entire length of Mt. Vernon Street to address the accidents occurring because the street is so narrow, and to take into consideration the following:

Ordered that the Code of Ordinances Sec. 22-267 "One Way Streets – Generally" be amended by

ADDING: Mt. Vernon Street, for its entire distance

Councillor Ann Mulcahey

(b) As used in this section, the term "at large" shall mean the animal is off the premises of its owner or keeper and not under the direct control of a competent person.

(Code 1970, § 20-24)

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

State law reference(s)--Municipal authority to pass ordinances regulating animals in streets, M.G.L.A. c. 85, § 10; strays generally, M.G.L.A. c. 134.

Sec. 4-2. Disturbing and/or feeding of seagulls and pigeons.

No person shall disturb or feed any seagulls, pigeons, terns or waterfowl on any street or sidewalk on public property or anywhere in the downtown area.

(Ord. No. 102, § I, 10-24-00)

Secs. 4-3--4-14. Reserved.

ARTICLE II. DOGS*

***Cross reference(s)**--Chief of police to act as dog constable, § 17-21; dogs prohibited in school grounds or buildings, § 18-6.

State law reference(s)--Municipal authority to regulate dogs, M.G.L.A. c. 140, § 173.

Sec. 4-15. Running at large prohibited.

(a) No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city. Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six (6) feet in length shall be a violation of this section.

(b) As used in this section, the term "at large" shall mean the dog is off the premises of its owner or keeper and not under the direct control of a competent person by a leash not exceeding six (6) feet in length.

(Ord. of 2-8-77, § I; Ord. of 8-11-81, § 1)

Sec. 4-16a. Dogs prohibited on beaches at certain times.

(Dogs shall be prohibited from being on public beaches from April 1 to October 31 of each year. Dogs on public beaches from November 1 to March 31 of each year shall be under the control of the owner or keeper. Ord. 02-31 Delete 7/23/2002)

Dogs shall be prohibited from public beaches from May 1 to September 15, annually. Dogs shall be allowed on public beaches from September 16 to April 30, annually, and shall be under the control of the owner or keeper. (Ord. 02-31, 7/23/2002)

(Ord. No. 95-1998, § I, 7-7-98)

Editor's note--Ord. No. 95-1998, § I, adopted July 7, 1998, repealed the former § 4-16 and enacted §§ 4-16a and 4-16b as set out herein. Section 4-16 pertained to dogs prohibited on beaches at certain times and derived from § II of an ordinance adopted Feb. 8, 1977, and § 2 of an ordinance adopted Aug. 11, 1981.

Sec. 4-16b. Dogs prohibited in city-owned cemeteries at all times.

Dogs shall be prohibited from all city-owned cemeteries at all times.

(Ord. No. 95-1998, § I, 7-7-98)

Sec. 4-16c. Dogs prohibited on athletic fields.

Dogs shall be prohibited from all city-owned athletic fields at all times. (Ord. No. 02-02, 1/22/2002)

Sec. 4-17. Female dogs in heat to be confined.

Every female dog in heat shall be confined in a building or secured enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.

(Ord. of 2-8-77, § I; Ord. of 8-11-81, § 1)

Sec. 4-18. Impoundment; notice to owner; transfer of custody.

(a) The city's dog officer shall catch and confine any dog found to be in violation of any provision of this article. When any dog has been impounded, the owner shall be notified within twenty-four (24) hours of the violation and fine which is being assessed. The owner or keeper of an impounded dog shall have ten (10) days in which to recover the dog.

(b) Except as provided below, any dog which is held in confinement by the dog officer that shall not have been claimed by the owner or keeper at the end of the ten (10) day period shall be transferred to the care and control of the Massachusetts Society for the Prevention of Cruelty to Animals or some other similar organization, or to any person offering to pay the fee for confinement. In no case shall a dog be sold or delivered to or given to any person or organization intending to use the dog or vivisection purposes.

(c) Impoundment under this chapter shall also include the placement by the dog officer of the dog in a kennel licensed by the commonwealth.

(Ord. of 2-8-77, § I; Ord. of 8-11-81, § 1; Ord. of 4-18-89, § I)

Sec. 4-19. Redemption of impounded dogs.

(a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The first violation in any calendar year shall bear a fine of ten dollars (\$10.00) for the first offense in a calendar year; a fine of thirty dollars (\$30.00) for the second offense in a calendar year; a fine of fifty dollars (\$50.00) for the third or subsequent offense in a calendar year.