



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, November 1, 2010 – 6:30 p.m.
1st Fl. Council Conference Rm. – City Hall
AGENDA
(ITEMS MAY BE TAKEN OUT OF ORDER)

CITY CLERK
GLOUCESTER, MA
10 OCT 28 PM 1:11

1. *Continued Business:*

- A) CC2010-075 (Ciolino/Mulcahey) Amend GCO Chapter 11, Hawkers And Peddlers, And Transient Vendors (Cont'd from 10/18/10)
- B) CC2010-070 (McGeary) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) Re: East Main Street #267 (Cont'd from 10/18/10)
- C) CC2010-072 (McGeary) Amend GCO Sec. 22-269 (Stop Intersections) Re: Bass Rocks Road at its intersection with Atlantic Road
- D) CC2010-048 (Verga) Amend 22-270:1 (Resident Sticker Parking Only) re: areas at Lexington Avenue/Shore Road (Cont'd from City Council Meeting of 10/26/10)

2. *Appointments*

Board of Registrars	TTE 02/14/2013	Judith A. Peterson (TBC B&F 11/4/10)
Committee for the Arts	TTE 02/14/2013	Barbara Markell
Glou. Cultural Council	TTE 02/14/2013	Hans Pundt (Cont'd from 09/20/10)

3. *Communication from Councilor Theken, Chair of O&A subcommittee re: New Stadium Committee appointments to Building Committee: Mark Cole, Bill Sanborn, Joe Guzzo, Dr. Bill Goodwin, J.D. MacEachern, Mike Carrigan, Dick Wilson*

4. *CC2010-076 (Mulcahey) Amend GCO Chapter 11 "Hawkers And Peddlers, and Transient Vendors", Article II, Sec. 11.5 Fixed Vending; site specific locations (6) to allow a 20% rebate to Disabled Veterans on fixed permit bid*

5. *Memorandum from Mayor re: Administration's Review of Surveillance Camera Program*

6. *Memorandum from Charles H. Carroll, Director MA Division of Standards re: Adoption of Amended M.G.L. Chapter 101 by requiring "Promoters", as defined, to be licensed under the Acts of 2010, Chapter 308 (By direction of the City Council President)*

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 Carolyn Kirk
Jim Duggan
Linda T. Lowe
Suzanne Egan
Robert Ryan/Larry Ingersoll
Donna Compton



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

**ORDER: #CC2010-075
Councillor Joseph Ciolino**

**DATE RECEIVED BY COUNCIL: 10/12/10
REFERRED TO: O&A
FOR COUNCIL VOTE:**

ORDERED that the following changes be made to sub-sections of Chapter 11, Hawkers And Peddlers, And Transient Vendors of the Gloucester Code of Ordinances:

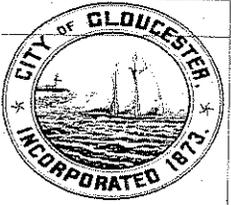
Sec. 11-5 Fixed vending: site specific locations (6).

(2) Amend to read with the exception of St. Peter's week. *Not weekend*. **The Fiesta starts earlier now.**

Sec 11-6 Conduct of business.

(2) Add to second sentence All vendors shall operate from carts which are neat and clean and do not leak. *New line:* **No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares.**

Councillor Joseph Ciolino



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-070
Councillor Paul McGeary

DATE RECEIVED BY COUNCIL: 10/12/10
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

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

two (2) handicapped parking spaces in front of the Gloucester Stage Company at
East Main Street #267

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



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-072
Councillor Paul McGeary

DATE RECEIVED BY COUNCIL: 10/12/10
REFERRED TO:
FOR COUNCIL VOTE:

Ordered that the Gloucester Code of Ordinances, Sec. 22-269. (Stop intersections) be amended by

ADDING: Bass Rocks Road at its intersection with Atlantic Road.

And further

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

Paul McGeary, Ward 1 Councilor



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER: #CC2010-048
Councillor Greg Verga

DATE RECEIVED BY COUNCIL: 07/6/10
REFERRED TO: TC & O&A
FOR COUNCIL VOTE:

Ordered that the Ordinance & Administration Committee together with the Traffic Commission review the parking situation along the Lexington Ave./Shore Rd. intersection and surrounding area so as to address neighborhood concerns with parking; and Further Ordered that Section 22-270.1 (Resident sticker parking only) of the GCO be AMENDED by ADDING areas at Lexington Ave/Shore Rd and surrounding area as recommended by the Traffic Commission ; and Further Ordered that the Traffic Commission consider whether the Tow Away section, 22-291, be amended by ADDING areas at or surrounding Lexington Ave./Shore Rd

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
TRAFFIC COMMISSION**

**A meeting will be held on Thursday July 29, 2010 at 6:00 p.m.
at the third floor conference room at Gloucester City Hall**

Please conduct your own site visits when convenient

Meeting was opened at 6:03 p.m. by Chairman Robert Ryan. Attending were members Larry Ingersoll, Anthony Bertolino, Robert Francis and Michael Mucahey. City Councilors Steven Curcuru and Jackie Hardy, and also attending were residents Brenda Fogarty and Joan Palmacci

The following two orders were tabled from our last meeting:

Order #CC2010-033 (Councilor Hardy) Ordered that Sec. 22-292 (Fire Lanes) of the GCO be amended by

ADDING: Andrews Street, from the point running along the Lanes Cove seawall to a point to be determined by the Traffic Commission so as to allow adequate passage of emergency vehicles at times when the area is crowded with vehicles using the public landing.

And further:

That the TC review the signage in the area of the Public Landing and make recommendations on improving same for clarity purposes of the public.

*JUNE MEETING: After a discussion and speaking to Councilor Hardy and several area residents, A MOTION was made, seconded and PASSED to **TABLE** this matter until a group site visit with area residents can be done. There was some confusion of the actual area to be designated. The TC hopes to schedule this visit during a busy period to see the area at its most congested.*

JULY MEETING: After a site visit with TC members, residents and Councilor Hardy the following recommendations were made to the various requests

The AMENDED Order should now read:.

Order #CC2010-033 Fire Lanes (Sec 22-292) be amended by ADDING Andrews Street, both sides, from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, a point 95 feet in a northeasterly direction from pole #511.

*After a discussion and speaking to Councilor Hardy, The TC recommends that this order be in effect for the **ENTIRE LENGTH of Holly Street** (20 MPH). A MOTION was MADE, SECONDED and PASSED to RECOMMEND the 20 MPH limit. The amended order should read Holly Street for its ENTIRE length from its intersection with Washington Street to its intersection with Dennison Street.*

The TC feels that a 20 MPH limit on narrow residential streets with no sidewalks is proper.

FOR TC INFORMATION ONLY – NO VOTES OR REFERRALS NEEDED
City Council will decide at a Public Hearing

Orders #CC2010-044 and 2010-045 (Councilor Mulcahey)

Deleting Handicapped Parking spaces at #31 and #25 Elm Street.

Order #CC2010-047 (Councilor Curcuro) Ordered that the GCO Sec. 22-270 (Parking Prohibited at All Times) be amended by ADDING:

From #5 Wells Street to intersection of Beacon Street.

*After a discussion and speaking with an area resident, the TC made a MOTION which was seconded and PASSED to APPROVE the order with the AMENDMENT that the no parking be on **BOTH SIDES** with one sign installed on pole #5078 pointing towards Beacon Street, and another sign in front of 5 Wells Street also pointing towards Beacon Street Or 'NO PARKING EITHER SIDE' signs be used and placed where appropriate.*

*A **NEW ORDER** will be needed to make this restriction a TOW AWAY ZONE (Sec 22-291) if so desired.*

Order #2010-048 (Councilor Verga) Ordered that the O&A Committee together with the TC review the parking situation along Lexington Avenue/Shore Road intersection and surrounding area so as to address neighborhood concerns with parking; and further ordered that sec. 22-270 (Resident Sticker Parking Only) of the GCO be amended by ADDING: areas of Lexington Avenue/Shore Road.

After a discussion and speaking to an area resident, a MOTION was made, seconded and PASSED to APPROVE the order with the following wording: RESIDENTIAL STICKER PARKING ONLY (SEASONAL May 1 – Sept. 15) Lexington Avenue, both sides, from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (Towards Shore Road)

*A **NEW ORDER** will also need to be made to make this restriction a TOW AWAY ZONE (Sec 22-291) if so desired.*

The meeting was adjourned at 7:00 p.m.

ROBERT RYAN, Chairman

LARRY INGERSOLL, Secretary

arrow. Mr. Ryan also recommended that the signage for the street itself with the following motion contain "No Parking Either Side" signage where appropriate.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING No parking on BOTH SIDES of Wells Street with "NO PARKING EITHER SIDE" signs, where appropriate, for both sides of the street. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING from #5 Wells Street to its intersection with Beacon Street on both sides AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

H) CC2010-048 (Verga) Amend Sec. 22-270 (Resident Sticker Parking Only) of the GCO by ADDING areas of Lexington Avenue/Shore Road (Cont'd from 07/12/10)

Mr. Ryan reported that Councilor Verga had discussed with him as well as with the Traffic Commission that there is a problem on Shore Road and Lexington Avenue. Going down towards the water, people are parking on Lexington and Shore Road making it difficult for residents to leave their driveways due to other vehicles obstructing them. In order to control the situation, it was the Traffic Commission's recommendation at their July 29, 2010 meeting to approve the order to state "RESIDENTIAL STICKER PARKING ONLY" be amended to be SEASONAL May 1 - Sept. 15, Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road). In discussion with the Councilor, they suggested making it seasonal, giving the residents of the area some relief. The whole idea was to restrict out-of-town vehicle parking during the summer months.

Councilor Verga noted when this came through originally to O&A, the residents who attended the meeting submitted photographs of Winnebagos, literally coming in caravan, arriving 8:00 a.m. or 9:00 a.m., staying all day in the area, all from out of state. There were updated shots which he forwarded to the Committee members showing the congestion of RV's continuing to date. He believed it was a fair thing making it resident sticker parking only on a seasonal basis to alleviate tremendous congestion. Noting the summer was winding down, he wondered if perhaps at Council it could be done on an emergent basis to be effective for the final days of the season.

Councilor Hardy noted the previous emergency orders for some of the recent Lanesville street, the necessary signage had yet to go as they had to be ordered and had only just been received in by the DPW.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Mr. Ryan clarified for the Committee that by designating the area as a tow away zone that if a vehicle was in violation, whatever the ordinance was, resident sticker parking on a seasonal basis or otherwise, that the vehicles in violation of the ordinance governing the parking there would then be able to be ticketed and then towed.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by **ADDING** Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) **AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- I) CC2010-049 (Verga) Amend Sec. 22-287 (Disabled veteran, handicapped parking) of the GCO re: Lexington Avenue (Cont'd from 07/26/10)

Councilor Verga asked that this order go through as soon as possible. The handicapped person's mother recently emailed informing him that this person's mobility was rapidly deteriorating. This would literally mean moving a sign two spaces up from where it is currently located on the street. It will make a huge difference for this person.

Councilor Hardy suggested that since the Traffic Commission was meeting in three days, on August 26th, that the Committee could add the wording, "pending the Traffic Commission's recommendation" so that it could be addressed for advertising and get it going to the Council for public hearing.

Mr. Ryan stated they have looked at it and didn't see any problem, pending their affirmation at their Thursday meeting to approve the order. He confirmed it was a matter of moving the space up and making it more convenient and accessible for the individual.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuro the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) 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 pending the Traffic Commission's recommendation and **FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

A recess was called at 7:44 p.m.

[Councilor Verga left the meeting at 7:48 p.m. There was no longer a quorum of the City Council.]
The Committee reconvened at 7:49 p.m.

- J) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones) re: 6 Elm Street (Cont'd from 07/26/10)

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

- K) COM-33: Letter from Citizen Group "Who Decides" (Continued from 07/12/10)

Councilor Mulcahey noted that the Committee had received language from General Counsel as to a possible ordinance for the protection of the public water supply for the City of Gloucester and shared it with the Citizen Group members of "Who Decides" in attendance at the meeting. She read as follows:

"Section 1. Purpose

In recognition of the City of Gloucester's ownership of its public water supply and infrastructure and growing pressures to privatize the infrastructure, this ordinance is

needed more research. **Councilor Hardy** asked Mr. Bain, when preparing the second iteration, to include for the cities and towns being used for comparative analysis their population, median income, number of square miles of the municipalities and roadway miles. **Councilor Theken** asked also to be included was to see the upgrade information – when each position's grade last changed and by how much in dollars. **Councilor Tobey** discussed with Mr. Bain that the Management Salary Survey was done all in house by his staff without the assistance or cost of an outside consultant. **Councilor Tobey** also asked that the Management Salary Survey as submitted 10/04/2010 be included as a part of the minutes.

The Committee accepted the first iteration of the Management Salary Survey for 2010 and would look to it's being updated by Mr. Bain and then would await a recommendation from the Administration before returning the matter to the O&A Agenda.

Councilor Tobey asked the Management Salary Survey as submitted 10/04/2010 be included as a part of the minutes.

This matter would await a recommendation from the Administration before returning to the O&A Agenda.

CORRECTION MADE FOR THE RECORD BY THE COMMITTEE:

Councilor Theken stated the following motion was voted at the August 23, 2010 meeting of O&A:

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15- Generally) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

The section of the Ordinance as referenced is incorrect and so the Committee needs to revote as follows:

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance Sec. 22-270.1 "residential sticker parking only"(Seasonal-May 1 to September 15) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oaks Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:26 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT THE MEETING:

- Submitted by David Bain, Personnel Director: Draft Schedule for a Comprehensive Salary Review of Non-Union Senior Managers
- Submitted by Jim Duggan, CAO, Draft Stormwater Maintenance Fee overview

Dana Jorgensson

From: Bob Ryan [robertbruce1947@verizon.net]
Sent: Thursday, October 28, 2010 7:43 AM
To: Linda Lowe
Cc: Sefatia Romeo; jackie hardy; 'Dana Jorgensson'; Greg Verga; acmulcahey@comcast.net
Subject: Lexington Avenue Orders Resident Sticker Parking

Linda:

Sorry we were not able to hook up yesterday and heading to Boston this morning, I wanted to give to you what the Traffic Commission recommended at its meeting on July 29th.

Lexington Avenue -

Sec. 22-270.1. Resident Sticker Parking Only. Amend by ADDING

Lexington Avenue both sides from its intersection with Cliff Road and Oakes Avenue in a southerly direction to its intersection with Shore Road from May 1st to September 15th.

Sec. 22-291. Tow Away Zones. Amend by ADDING

Lexington Avenue both sides from its intersection with Cliff Road and Oakes Avenue in a southerly direction to its intersection with Shore Road from May 1st to September 15th.

I hope this is clear. If you have any questions, please get back to me. I will be back home this evening and back in the office tomorrow afternoon.

Respectfully,
Bob

I, 6-4-91; Ord. No. 20-1991, § I, 6-4-91; Ord. No. 25-1991, § I, 7-9-91; Ord. No. 25-1991, § I, 7-9-91; Ord. No. 40-1991, § I, 11-12-91; Ord. No. 1-1992, § I, 2-11-92; Ord. No. 20-1992, § I, 8-4-92; Ord. No. 21-1992, § I, 8-4-92; Ord. No. 24-1992, § I, 8-4-92; Ord. No. 31-1992, § I, 11-10-92; Ord. No. 4-1993, § II, 3-16-93; Ord. No. 39-1995, § I, 9-26-95; Ord. No. 1-1996, § I, 2-20-96; Ord. No. 36-1996, § I, 9-3-96; Ord. No. 43-1996, § I, 10-15-96; Ord. No. 48-1996, § I, 10-15-96; Ord. No. 4-1997, § I, 1-14-97; Ord. No. 35-1997, § I, 4-29-97; Ord. No. 37-1997, § I, 4-29-97; Ord. No. 65-1997, § I, 10-14-1997; Ord. No. 68-1997, § I, 10-28-97; Ord. No. 71-1997, § I, 10-28-97; Ord. No. 100-1998, § I, 7-28-98; Ord. No. 108-1998, § I, 8-3-98; Ord. No. 110-1998, § I, 8-3-98; Ord. No. 119-1998, § I, 9-1-98; Ord. No. 132-1998, § I, 11-10-98; Ord. No. 135-1999, § I, 1-19-99; Ord. No. 137-1999, § I, 1-19-99; Ord. No. 139-1999, § I, 1-19-99; Ord. No. 1-1999, § I, 4-13-99; Ord. No. 5-1999, § I, 6-22-99; Ord. No. 12-1999, § I, 7-20-99; Ord. No. 33-1999, § I, 10-26-99; Ord. No. 36-1999, § I, 10-26-99; Ord. No. 43-1999, § I, 11-9-99; Ord. No. 64-2000, § I, 6-20-00; Ord. No. 68-2000, § I, 6-27-00; Ord. No. 82-2000, § I, 8-1-00; Ord. No. 103-2000, § I, 11-28-00; Ord. No. 105-2000, § I, 11-28-00; Ord. No. 107-2000, § I, 11-28-00; Ord. No. 115-2000, § I, 12-12-00)

Sec. 22-270.1. Resident sticker parking only.

(Eastern Point Boulevard--Niles Beach Area, westerly side, (Niles Beach Area) from its boundary with Eastern Point Road in a southerly direction to its intersection with Farrington Avenue. 02-11 Delete 4/16/2002)

Eastern Point Boulevard--Niles Beach Area, westerly side, (Niles Beach Area) from its boundary with Eastern Point Road in a southerly direction to its intersection with Farrington Avenue from 6:00 a.m. to 6:00 p.m. (Ord. 02-11 4/16/2002)

Plum Cove Beach parking lot--Off Washington Street, adjacent to the ball field.

Washington Street, easterly side beginning at a point thirty (30) feet north of its intersection with Linwood Place for a distance of four hundred (400) feet.

Washington Street, westerly side, beginning at a point one thousand three hundred forty-two (1,342) feet opposite its intersection with Young Avenue for a distance of three hundred forty-eight (348) feet in a southerly direction.

Washington Street--Folly Cove Beach, between Poles #356 and #357--Eight (8) parking spaces.

Washington Street, on the westerly side from the northerly property line of #152, in a southerly direction to the railroad Tracks (Ord # 05-09 01/14/2006)

Witham Street, westerly side, beginning at a point 103 feet from its intersection with Thatcher Road for a distance of 300 feet in a southerly direction.

(Ord. of 9-14-89, §§ I, II; Ord. of 9-26-89, §§ I, II; Ord. No. 24-1996, § I, 7-23-96; Ord. No. 30-1996, § I, 7-23-96; Ord. No. 111-1998, § I, 8-3-98)

Sec. 22-271. Parking prohibited from May 1 to September 15--Generally.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle at any time during the period from May 1 to September 15 of each year, when signs are in place giving notice thereof in accordance with section 22-157:

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

October 14, 2010

Ms. Judith A. Peterson
482 Washington Street
Gloucester, MA 01930

Dear Judy:

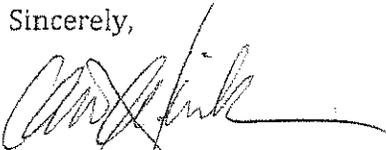
Thank you for your interest in serving on the **Board of Registrars**. I have issued you a 90-day temporary appointment to serve on this Board which will enable you to attend and vote at meetings. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn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

Your letter of interest will be forwarded to the City Council for their meeting of October 26, 2010. Your appointment will then be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

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

Thank you again.

Sincerely,



Carolyn A. Kirk
Mayor

Enclosure

cc: Linda T. Lowe, City Clerk
CAK/c

RECEIVED

AUG 18 2010

Mayor's Office 482 Washington Street
Gloucester, MA 01930
August 18, 2010

Mayor Carolyn Kirk
9 Dale Avenue
Gloucester, MA 01930

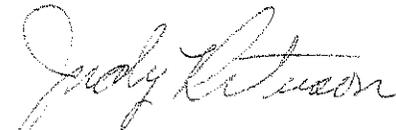
Dear Mayor Kirk;

Please accept this letter as an application for a position on the Board of Registrars. My twenty-five years of working in the City Clerk's Office gives me the experience that can be very helpful to this board. I have been the main back-up person for the Registrars part of the office for many years; therefore I am extremely familiar with the workings of the State's computer program and the election system. I have continued to keep up with the rules and regulation by volunteering periodically in the Clerk's and Registrar's departments since my retirement a year and a half ago.

If you have any questions about my credentials in this area, please feel free to check with the staff in the City Clerk's Office.

Thank you for your consideration of my candidacy.

Very truly yours,



Judith A. Peterson

The General Laws of Massachusetts

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VIII. ELECTIONS

CHAPTER 51. VOTERS

REGISTRARS OF VOTERS

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Chapter 51: Section 15. Board of registrars in certain cities and towns; appointment; term of office

Section 15. Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one, two and three years, beginning with April first following. In February or March in every year after the original appointment, one registrar shall be appointed for the term of three years, beginning with April first following.

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

EFFECTIVE OCTOBER 14, 2010

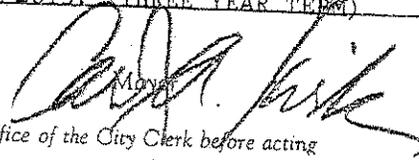
The City of Gloucester, Massachusetts

Dear Judith Peterson, 482 Washington Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the BOARD OF REGISTRARS _____ 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: _____

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

October 12, 2010

Mrs. Barbara Markell
61 Shore Road
Gloucester, MA 01930

Dear Mrs. Markell:

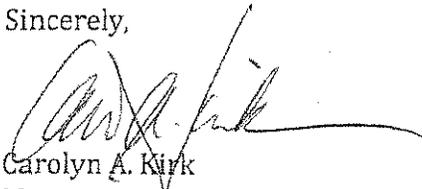
Thank you for your interest in serving on the **Committee for the Arts**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment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

Your appointment will be forwarded to the City Council for their October 26, 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 Committee for the Arts. 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,


Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Judith Hoglander, Chair-Committee for the Arts

Enclosure
CAK/c

Christine Pantano

From: Barbara Markell [barbaramarkell@comcast.net]
Sent: Tuesday, October 05, 2010 8:08 AM
To: Ckirk@ci.gloucester.ma.us
Cc: cpantano@ci.gloucester.ma.us; judith@uii.net
Subject: Arts Council

Follow Up Flag: Follow up
Due By: Wednesday, October 06, 2010 12:00 AM
Flag Status: Red

Dear Mayor Kirk,

I have heard that there is a place on the Arts Council of Gloucester and would like to be considered for it. My background is mostly in classical ballet. I studied at the Met with Anthony Tudor and Margaret Craske and at Ballet Theater with Edward Caton. For several years I worked with a concert company, Ballet Carnaval, and did stock and musical theater.

After teaching at the Ella Deganova School in N.Y.C. I ran my own school in Connecticut and then taught at the Acton School of Ballet and occasionally at the All Newton Music School.

We retired to Gloucester seventeen years ago and I stayed happily retired until Carl Thompson asked me to dance the role of the Older Woman in his ballet for Gloucester's 375th. This may be more than you want to know about my background, but if you have any questions please call me at 978-525-3549 or E-mail me.

Sincerely,
Barbara Markell

EFFECTIVE OCTOBER 14, 2010

The City of Gloucester, Massachusetts

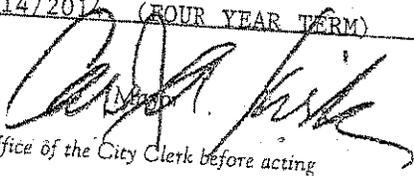
Dear Barbara Markell, 61 Shore Road, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you

to the COMMITTEE FOR THE ARTS _____ of the City of
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2014 (FOUR YEAR TERM)

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: _____

- (1) Organize and direct volunteer efforts to keep Gloucester beautiful;
- (2) Keep the mayor and the appropriate city departments informed of the maintenance and beautification needs of public property;
- (3) Work with all city departments, including the department of public works, the department of parks and recreation, the school department, the conservation commission, and the waterways board, to keep Gloucester beautiful.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-507. Powers and duties.

The powers and duties of the commission shall include the following:

- (1) To support and assist all city departments in their efforts to maintain a safe and clean environment;
- (2) To submit reports to the mayor and the appropriate city departments concerning the matters set forth in section 2-506 herein;
- (3) To submit plans for resolving problems concerning the matters set forth in section 2-506 herein to the mayor and the appropriate city departments; and
- (4) To render to the mayor, the city council and the appropriate city departments a full written report of its activities and its recommendations, not less than once a year.

(Ord. No. 20-1996, § I, 7-9-96)

DIVISION 10. COMMITTEE FOR THE ARTS

Sec. 2-508. Created.

This is hereby created and established a committee to be known as the committee for the arts.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-509. Composition; appointment and terms of members.

The committee for the arts shall consist of a minimum of five (5) members and a maximum of seven (7) members, one to be the mayor or his designee from time to time acting in his stead and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-510. Qualifications of members; city officers not eligible except as mayoral designee from time to time.

- (a) At least three (3) of the appointed members of the committee for the arts shall have had experience in the arts by reason of vocation, avocation, or by membership in a private or public entity devoted to the arts.
- (b) None of the appointed members of the committee for the arts shall hold any elected office.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-511. Chairman.

The chairman of the committee for the arts shall be elected by majority vote of the membership.
(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-512. Assistance of city officials, board and employees.

The committee shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the committee. Further, the committee may request the services and assistance of any of the officials, boards, and through the mayor, employees of the city at all reasonable times when the committee determines that it requires the assistance and advice of such officials and employees in the performance of its duties.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-513. Duties.

It shall be the duty of the committee for the arts to promote the arts, visual, written, performed and spoken, to foster within the community, a knowledge and appreciation of artistic endeavors, commercial or otherwise, to seek out private or public assistance by way of donations or grants and to do all appropriate acts that encourage the continuation of artistic endeavors within the city; to establish premises and offices and to spread the fame of local artists and educate the public.

(Ord. No. 112-2000, § I, 11-28-00)

Secs. 2-514--2-559. Reserved.

ARTICLE VI. FINANCE*

***Charter reference(s)**--Provisions relating to council committee on budget and finance, section 2-9; provisions relating to municipal financial procedures, section 6-1 et seq.

Cross reference(s)--Ordinances promising or guaranteeing payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city saved from repeal, § 1-7(2); appropriation ordinances saved from repeal, § 1-7(14); ordinances levying or imposing taxes saved from repeal, § 1-7(15).

State law reference(s)--Municipal finance generally, M.G.L.A. c. 44, § 1 et seq.

DIVISION 1. GENERALLY**Sec. 2-560. Fiscal year.**

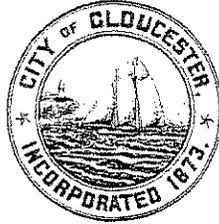
The city's fiscal year shall begin on the first day of July in each year and end on the thirtieth day of the following June in each year, including both days.

(Code 1970, § 2-1)

State law reference(s)--Fiscal year of cities, M.G.L.A. c. 44, § 56A.

Sec. 2-561. Payroll procedure.

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,

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

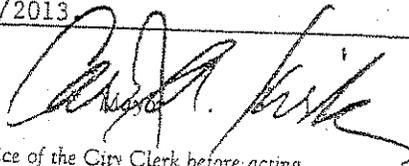
The City of Gloucester, Massachusetts

Dear Hans Pundt, 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 of Gloucester City Council

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

September 21, 2010

RECEIVED

SEP 21 2010

Mayor Carolyn Kirk
City of Gloucester
Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

Mayor's Office

Re: Newell Stadium Committee ad hoc

Dear Mayor Kirk:

At the September 20, 2010 meeting of the Ordinances & Administration Committee, the members of the Committee expressed their belief that the Newell Stadium Committee ad hoc was not the best vehicle to move forward and instead that this should be a fully sworn-in Building Committee.

The Committee also felt that since this ad hoc Committee would be undertaking construction on property that City owned and possibly using City funds, that it was more appropriate that it be a Building Committee from the onset as required by Section 5-5 of the City Charter. On their behalf I would urge you to reconsider the Newell Stadium Committee as an ad hoc Committee and resubmit it to the City Council as the Newell Stadium Building Committee.

Thank you.

Sincerely,

Sefatia A.R. Theken
(dej)

Sefatia A.R. Theken
Chair, Ordinances & Administration Committee
Councilor-at-Large

SART:dej

CC: City Council
Jim Duggan, CAO

CITY OF GLOUCESTER
OFFICE OF THE PURCHASING AGENT

TO: Mayor Carolyn A. Kirk
FROM: Donna Compton, Purchasing Agent
DATE: October 19, 2010
RE: **REQUEST FOR THE APPOINTMENT OF A BUILDING COMMITTEE**

Mayor Kirk,

The Purchasing Department is requesting the appointment of a "Building Committee" for the following:

Name of Project:	<i>Newell Stadium</i>
Location:	<i>Leslie O Johnson Road</i>
Contract Manager:	<i>Mark Cole</i>
Contracting Department:	<i>Public Property Manager</i>

If possible, The Committee should meet to review the project to be completed on *(Contract Manager to schedule)*. The Contract Manager and the Purchasing Agent will provide materials and an orientation at the first meeting.

City of Gloucester Charter, Section 5-5. City Building Committee.

(a) Composition, Mode of Selection, Term of Office - Whenever an architect, or designer, is engaged by the city a city building committee shall be established for that project which shall consist of seven members appointed by the mayor for terms of three years each so arranged that the term of office of as nearly an equal number as is possible shall expire each year, provided however, that upon the completion of any project for which a committee is appointed under this section the terms of all members shall be terminated and the committee dissolved.

In making his appointments to the committee the mayor shall assure representation from the following fields: the construction industry, the building trades, the municipal agency which will be responsible for the facility upon its completion, a person familiar with the use of such facilities in general, and three representatives of the public at large.

(b) Powers and Duties - The committee shall be the representative of the city in all dealings with the architect including but not limited to the following; preparation of all bidding documents; supervision of public bidding process; award of contract to successful bidder; compliance with the program and time requirements of the city; evaluation of the quality, appropriateness and functional attributes of the architect's solution or proposal; periodic meetings with the architect and builder to assure compliance as the project moves forward; review of all change orders during the construction phase; and all other powers and duties as are necessary and appropriate. (Referendum of 11-5-85)

Note 1: Contract Manager's recommendations should be submitted to Purchasing Department by: ASAP - New Committee Member Appointment

**Note 2: Reminder to the Contract Manager and Building Committee:
The Open Meeting Law is applicable. Meetings must be posted, minutes kept and filed with all votes recorded.**

CITY OF GLOUCESTER
OFFICE OF THE PURCHASING AGENT

The following individuals are hereby appointed to serve on the Building Committee for :
Project Name: Newell Stadium Project No. 55290

Committee Member #1

Name	MARK COLE	Term-Start	10/20/10	Term-End	10/20/13
Address		Tel.-Home		Fax	
Email	mcole@gloucester-ma.gov	Tel.-Work	281-9785	Field	DPW

Committee Member #2

Name	BILL SANBORN	Term-Start	10/20/10	Term-End	10/20/13
Address		Tel.-Home		Fax	
Email	wsanborn@gloucester-ma.gov	Tel.-Work	281-9774	Field	Building Inspector

Committee Member #3

Name	JOE GUZZO	Term-Start	10/20/10	Term-End	10/20/13
Address		Tel.-Home		Fax	
Email	jguzzo@gloucester-ma.gov	Tel.-Work	281-9773	Field	Plumbing Inspector

Committee Member #4

Name	BILL GOODWIN	Term-Start	10/20/10	Term-End	10/20/13
Address		Tel.-Home		Fax	
Email	wgoodwin@gloucester.k12.ma.us	Tel.-Work	281-9870	Field	GHS PRINCIPAL

Committee Member #5

Name	J D MACEACHERN	Term-Start	10/20/10	Term-End	10/20/13
Address		Tel.-Home		Fax	
Email	TalbotRink@gloucester.k12.ma.us	Tel.-Work		Field	Public Citizen, GHS Cross Country Coach

Committee Member #6

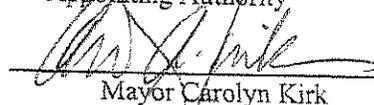
Name	MIKE CARRIGAN	Term-Start	10/20/10	Term-End	10/20/13
Address	81 NORWOOD HEIGHTS	Tel.-Home		Fax	
Email		Tel.-Work		Field	Public Citizen, Construction

Committee Member #7

Name	DICK WILSON	Term-Start	10/20/10	Term-End	10/20/13
Address	12 VILLAGE ROAD	Tel.-Home	525-3553	Fax	
Email	Upsizer123@yahoo.com	Tel.-Work		Field	Public Citizen

Note: After approval by the Mayor, the Contract Manager should coordinate initial meeting with all concerned

Appointing Authority



Mayor Carolyn Kirk

10/20/10



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

ORDER:	#CC2010-076
Councillor	Ann Mulcahey

DATE RECEIVED BY COUNCIL:	10/26/10
REFERRED TO:	O&A & Purchasing Dept.
FOR COUNCIL VOTE:	

ORDERED that the Gloucester Code of Ordinances Chapter 11 "Hawkers And Peddlers, and Transient Vendors" Article II, Sec. 11.5 Fixed Vending; site specific locations (6) be amended to allow a 20% rebate to Disabled Veterans on fixed permit bid

Councillor Ann Mulcahey

City Hall
Nine Dale Ave
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

MEMORANDUM

TO: City Council
FR: Mayor Kirk
RE: Administration's Review of Surveillance Camera Program
DT: October 19, 2010

Dear Members of the City Council,

The Administration is conducting an internal review of the surveillance camera program. We will make the results of the review public, ideally through a presentation at a City Council meeting.

The internal review, which is taking place now, consists of:

1. Review of internal policies governing use of the cameras including Coast Guard, Harbormaster's office, and Police Station; (NOTE: Attached are the policies in place for the Police Station and the Harbormaster's office).
2. Direct observation at all three locations of the screens that are portraying the standard camera views in real time;
3. Spot-checking camera views from the past few months to see what has actually been viewed and why;
4. Compliance check to make sure that the program is abiding by the rules of the grant under which they were funded;
5. Any examples that demonstrate that the cameras were used to improve public safety or protect property.

Based on the review, we will issue a report, and make recommendations as to any changes to the program, policies, etc. We expect the review to be completed within the next 45 days, and will then make a request of Council for time on its agenda to present the findings and recommendations.

HOMELAND SECURITY CAMERAS

POLICY & PROCEDURE NO. 4.09	ISSUING AUTHORITY: _____ Chief Michael Lane
	EFFECTIVE DATE: <u>September 1, 2010</u>
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: None	REVISION DATE: <u>August 2010</u>

I. GENERAL CONSIDERATIONS AND GUIDELINES

In December, 2009, the City of Gloucester was awarded a Joint Federal Grant through the Department of Homeland Security which included funding and installation of 16 Homeland Security Camera. Their primary consideration is to assist with overall port security.

II. POLICY

- A. It is the policy of the department to require that all personnel authorized to view the Homeland Security Camera monitor do so in a responsible manner.

III. DEFINITIONS

- A. **Homeland Security Camera System:** A server based camera system with viewing locations at the Gloucester Police Station, U.S. Coast Guard Station Gloucester and the Gloucester Harbormaster's Office.
- B. **Camera System:** Gloucester Police Department unit consisting of computer and monitor designed for viewing and manipulating Homeland Security Camera System.
- C. **Camera Monitor:** Wall mounted unit used for viewing of the cameras that are part of the Homeland Security Camera System.

Gloucester Police Department

IV. PROCEDURES

A. GENERALLY

1. Gloucester Police Department employees will take reasonable precautions to avoid the viewing of the camera system by non-employees, unless those people are directly related to:
 - a. an enforcement action;
 - b. an on-going investigation;
 - c. a Search and Rescue (SAR) action; and/or
 - d. other legitimate public safety concerns;
 - i. fire incidents;
 - ii. storm preparedness; and/or
 - iii. criminal acts in progress
2. Members of the general public shall not be allowed in Dispatch or the Watch Commander's Office to view monitors.
3. The monitor in the Watch Commander's Office shall be turned off while processing Emergency 209A's, Harassment Orders or processing prisoners.
4. The camera system will only be used for gathering data related to enforcement, potential SAR situation, or public safety in general.
5. Data from the camera system may be used to initiate an investigation or as a component of evidence in an investigation.
6. The camera system will NOT be used for any recreational or personal purposes
7. Any images or information from the camera system that is not part of an investigation, enforcement action or SAR action shall be considered confidential information and will not be shared with other individuals or be made public in any way

B. NOTIFICATIONS

1. Any water based issue requiring action that is noted on a camera system monitor shall be immediately reported to the US Coast Guard Station Gloucester and/or the Gloucester Harbor Master with the time and camera name or number.
2. Dispatch will create a Q-sheet on the incident noting agency contacted and any available details.

Gloucester Police Department

Gloucester Harbormaster Office – Homeland Security Camera Standard Operating Policies

1. Purpose

- 1.1. To define a set of standard operating practices for use of the Camera system installed at the Harbormaster's Office

2. Scope

- 2.1. All employees of the Harbormaster's Office

3. Definitions

- 3.1. Homeland Security Camera System – A server based camera system with viewing locations at the Gloucester Police Station, U.S. Coast Guard Station Gloucester, and the Gloucester Harbormaster's Office
- 3.2. Camera System – Harbormaster Office unit consisting of computer and monitor designed for viewing and manipulating Homeland Security Camera System
- 3.3. Camera Monitor – Wall mounted unit used for viewing of the cameras that are part of the Homeland Security Camera System
- 3.4. SAR – Search and Rescue

4. Policies

- 4.1. Camera monitor will be turned off (or placed into a mode where images are not visible on the monitor) when Harbormaster Office employees are not present in the office
 - 4.1.1. Harbormaster's Office employees will take reasonable precautions to avoid the viewing of the camera system by non employees unless those people are directly related to an enforcement action, investigation, or SAR action
- 4.2. Camera system will only be used for gathering data related to enforcement or potential SAR situation
- 4.3. Data from the camera system may be used to initiate an investigation or as a component of evidence in an investigation
- 4.4. Camera system will NOT be used for any recreational or personal purposes
- 4.5. Any images or information from the camera system that is not part of an investigation, enforcement action or SAR action shall be considered confidential information and will not be shared with other individuals or be made public in any way

RECEIVED

SEP 27 2010

Mayor's Office

Revision: None

Date: _____

Authorized By: _____
Signature: _____

Gloucester Harbormaster Office – Homeland Security Camera
Standard Operating Policies

5. Notifications

- 5.1. Any land based issue requiring action that is noted on a camera system shall be immediately reported to Gloucester Police Department with the time and camera name or number noted in the Harbormaster log
- 5.2. Any waterways issue requiring action that is noted on a camera system shall be immediately reported to the Gloucester Police Department and U.S. Coast Guard Station Gloucester and depending on the action taken by the Harbormaster's office, the time and camera name/number will be noted in the Harbormaster's log or the officer's incident report

Revision: None

Date: _____

Authorized By: _____
Signature: _____



DEVAL L. PATRICK
GOVERNOR

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF STANDARDS

One Ashburton Place, Room 1115 Boston, MA 02108
(617) 727-3480 FAX (617) 727-5705
www.mass.gov/standards

GREGORY BIALECKI
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

BARBARA ANTHONY
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

CHARLES H. CARROLL
DEPUTY DIRECTOR

Handwritten signature/initials

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

TO: Town Clerks and Promoters
FROM: Charles H. Carroll, Director
DATE: October 18, 2010
Subject: Promoters License - Effective Date November 9, 2010

10 OCT 25 11:11 AM '10
CLERK OF SUPERIOR COURT
STATE HOUSE

Amend State Licensing & Promoters

As you know, Chapter 308 of the Acts of 2010, copy enclosed, amended M.G.L. Chapter 101 by requiring "Promoters", as defined, to be licensed by the Division as of November 9, 2010.

A "promoter" is a business or person who operates for the purpose of either directly or indirectly, renting, leasing or granting a license to use space to any vendor for the display for sale or for the sale of tangible personal property or services subject to tax under M.G.L. chapter 64H. (See M.G.L. c. 101, s. 1) Under the amended law, any vendor operating under a promoter's license would be exempt from having to be individually licensed by the Division as a "transient vendor" as is currently required. Chapter 308 also preserves a municipality's option to require an individual seller to be licensed as a transient vendor under M.G.L. c. 101, s. 5, but only for those municipalities that already require such a seller to be licensed on or before November 9, 2010.

Who is required to be licensed under the new law? A person or business who leases space for the sale of goods or taxable services is required to be licensed by the Division. Examples include, *inter alia*, trade shows if goods are sold, flea markets both indoors and outdoors and card shows.

As of November 9, 2010, each business or person, before commencing business as a promoter, shall make a written application, under oath to the deputy director, for a license, stating the names and residences of the owners or parties in whose interest the business is to be conducted. Upon payment of the applicable fee, a license will be issued. Each license will remain valid for a period of one year from the date of issue or until the date of its surrender or affidavit of its loss.

The license fee is based on the number of days the promoter operates in a calendar year and the fee schedule is as follows: \$200 for 1 to 9 single shows; \$300 for 10 to 19 single shows; \$400 for 20 to 29 single shows; \$500 for 30 to 39 single shows; \$600 for 40 to 49 single shows; and \$1,000 for over 50 single shows. Each day of operation in the commonwealth shall constitute a single show.

The licensed promoter is required to maintain a copy of each written agreement between the promoter and an individual vendor, which shall include documentation regarding the identity and location of each vendor, including a social security number or tax identification number and a general description of merchandise sold by each vendor. Records are required to be kept for a period of not less than 12 months. The deputy director or law enforcement authorities may direct a promoter to provide such records upon request. Every licensed promoter shall comply with sections 8A and 67A of M.G.L. chapter 62C and any regulations promulgated pursuant thereto as required by the commissioner of revenue.

The application for a promoter's license is enclosed. Please make copies if needed.

Chapter 308 of the Acts of 2010

AN ACT RELATIVE TO FLEA MARKET VENDORS.

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. Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition of "Promoter" and inserting in place thereof the following definition:-

"Promoter", a person who, either directly or indirectly, rents, leases or grants a license to use space to a person for the display for-sale or for the sale of tangible personal property subject to tax under chapter 64H.

SECTION 2. The definition of "Show" in said section 1 of said chapter 62C, as so appearing, is hereby amended by inserting after the word "market", in line 24, the following words:- , either indoor or outdoor.

SECTION 3. Section 1 of chapter 101 of the General Laws, as so appearing, is hereby amended by striking out the definitions of "Transient vendor" and "Temporary or transient business" and inserting in place thereof the following 6 definitions:-

"Promoter", a business or person who operates for the purpose of either directly or indirectly, renting, leasing or granting a license to use space to any vendor for the display for sale or for the sale of tangible personal property or services subject to tax under chapter 64H; provided, however, that this shall not include a state or county fair as defined in section 1 of chapter 128A; and provided further, that a promoter licensed under this chapter shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

"Tangible personal property", personal property of any nature consisting of any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being within the commonwealth.

"Temporary or transient business", an exhibition and sale of goods, wares or merchandise which is carried on in a tent, booth, building or other structure unless such place is open for business during usual business hours for a period of at least 12 consecutive months; provided, however, that this shall not include a business operating under a written agreement with a licensed promoter.

"Transient vendor", a person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise, either in 1 locality or in traveling from place to place; provided, however, that this shall not include a person operating under a written agreement with a licensed promoter.

"Usual business hours", the time period during which similar businesses in the community conduct business.

"Written operating agreement", a written agreement between a promoter, licensed under section 3A and a vendor to conduct business at any location.

SECTION 4. Said chapter 101, is hereby amended by inserting after section 3 the following section:-

Section 3A. (a) Each business or person, before commencing business as a promoter, shall make a written application, under oath, for a license to the deputy director stating the names and residences of the owners or parties in whose interest the business is to be conducted. Upon the payment of the fee under the fee schedule in subsection (b) the deputy director shall issue a license granting the authority to do business as a promoter. A license shall expire 1 year from the date thereof or on the day of its surrender or of the filing of an affidavit of its loss, if it is earlier surrendered or if such affidavit is earlier filed. The license shall contain a copy of the application therefore and shall not be transferable.

(b) For the purpose of determining a single show for this chapter, the conduct of an activity or event described in the definition of "show" in section 1 of chapter 62C held on a single day in the commonwealth shall constitute a single show. The fee schedule for a license as a promoter shall be as follows: \$200 for 1 to 9 single shows to be held per year; \$300 for 10 to 19 single shows to be held per year; \$400 for 20 to 29 single shows to be held per year; \$500 for 30 to 39 single shows to be held per year; \$600 for 40 to 49 single shows to be held per year; and \$1,000 for over 50 single shows to be held per year.

(c) Each promoter licensed to conduct business shall maintain a copy of the written operating agreement with each vendor which shall include documentation regarding the identity and location of each vendor, including social security number or tax identification number and a general description of merchandise sold by each vendor. The promoter shall maintain such records for a period of not less than 12 months. The deputy director or law enforcement authorities may request a promoter to provide the records. A promoter licensed under this section shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

SECTION 5. A vendor operating under an agreement with a licensed promoter, as defined in section 1 of chapter 101 of the General Laws, inserted by section 3, shall not be required to apply and pay a fee for a license authorizing the sale of goods, wares and merchandise within a municipality as required by section 5 of said chapter 101 unless, on the effective date of this act, the municipality requires such a vendor to pay a fee under said section 5 of said chapter 101, or under any other statute, local by-law, regulation or policy, in which case, notwithstanding any general or special law to the contrary, said municipality may continue to charge such fees under said section 5 of said chapter 101 or under such other statute, local by-law, regulation and policy.

Approved, August 11, 2010.



OFFICE USE ONLY
ISSUE DATE: _____ LICENSE # _____

Application for Promoter's License

This application must be filled out as indicated, duly signed, and returned to this office before a license will be issued. The license FEE is based on the number of days sales will be conducted, as appears in M.G.L Ch. 101, Sec. 3B.

Mail to the Division of Standards: One Ashburton Place, Room 1115, Boston, MA 02108

I, _____ Residing at _____

in the town of _____ State of _____ Zip _____

DBA _____

Business Address _____ Bus. Phone _____

I hereby apply for a State Promoter's License as defined in Massachusetts General Law, Chapter 101, as amended. The names and residences of the owners or parties in whose interest I am to do business under this license are as follows:

Federal ID Number or Social Security Number: _____

Telephone Number: _____ Date of Birth (MM/DD/YYYY): _____

E-Mail Address _____

"Promoter", a business or person who operates for the purpose of either directly or indirectly, renting, leasing or granting a license to use space to any vendor for the display or sale or for the sale of tangible personal property or services subject to tax under chapter 141H; provided, however, that this shall not include a state or county fair as defined in section 1 of chapter 128A; and provided further, that a promoter licensed under this chapter shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

LICENSE FEE SCHEDULE

Total Days	Class	Fee Amount
<input type="checkbox"/> 50 or Over	A	\$1000.
<input type="checkbox"/> 40-49	B	\$600.
<input type="checkbox"/> 30-39	C	\$500.
<input type="checkbox"/> 20-29	D	\$400.
<input type="checkbox"/> 10-19	E	\$300.
<input type="checkbox"/> 1-9	F	\$200.

"Show", a flea market either indoor or outdoor, craft show, antique show, coin show, stamp show, comic book show fair and any similar show, whether held regularly or of a temporary nature at which more than one vendor displays for sale or sells tangible personal property subject to tax.

Please Check Appropriate Box

Pursuant to Massachusetts General Law Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

I have requested a state promoter's license for _____ day(s) and enclosed check made PAYABLE to THE COMMONWEALTH OF MASSACHUSETTS in the amount of \$ _____. I have also listed all the dates, locations and times of operation on the reverse side of this application as required.

Signature of Applicant _____ Date _____

THIS APPLICATION IS BEING SIGNED UNDER THE PENALTIES OF PERJURY