



GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS
TUESDAY, August 22, 2023
6:00 PM
HARBORMASTER'S CONFERENCE ROOM*
19 Harbor Loop, Gloucester MA 01930
COUNCIL MEETING #2023-016
MEETINGS ARE RECORDED

As the recent amendments to the open meeting law allows, the City Council will continue to hold meetings remotely. Adequate alternative access to the meeting is provided through the zoom link below.

***PLEASE NOTE: Only the City Council will be in person at this meeting. The meeting cannot be attended in person by the public at this time. To attend this meeting, please click the ZOOM link to join the webinar.**

Join from Computer, Smart Device: <https://gloucester-ma-gov.zoom.us/j/82629955018>

Join via Phone: 1 309 205 3325 or 1 929 205 6099

Meeting ID: 826 2995 5018

Please visit <http://gloucester-ma.gov/remote-public-meetings> for instructions and guidance on how to join a remote meeting

UNANIMOUS CONSENT CALENDAR

ACTION

- **ADDENDUM TO THE MAYOR'S REPORT**

1. Memorandum from City Clerk re: Blueberry Lane petition for Repair of Private Ways pursuant to GCO Sec. 21-80 through 21-86

(Refer B&F)

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
mayor@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

2023 AUG 21 PM 2: 03
CITY CLERK
GLOUCESTER, MA

TO: City Council
FROM: Greg Verga, Mayor *W*
DATE: August 21, 2023
RE: Addendum to Mayor's Report – August 22, 2023, City Council Meeting

Please accept the following addendum to the Mayor's Report.

Attached you will find a memorandum from the City Clerk regarding a Petition for Repair of Private Way pursuant to Gloucester Code of Ordinances Sec. 21-80 through Sec. 21-86 regarding Blueberry Lane. ***Please refer this matter to the City Council Consent Agenda to be referred to the Budget and Finance Standing Committee for review and approval.***

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OFFICE OF THE CITY CLERK
9 Dale Avenue • Gloucester, Massachusetts 01930
Office (978) 281-9720 Fax (978) 282-3051
E-mail: jsenos@gloucester-ma.gov

TO: Mayor Greg Verga

FROM: Joanne M. Senos, City Clerk *JMS*

DATE: August 21, 2023

RE: Petition for Repair of Private Way pursuant to Gloucester Code of Ordinances
Sec. 21-80 through Sec. 21-86 regarding Blueberry Lane

Please be advised as City Clerk, the petitioners have fulfilled the requirements of Ch. 21, Article IV, Sec. 84 (e), (f) and (g) in regard to the above petition for repair of private way.

Pursuant to Sec. 21-84 (h), we are providing you with a copy of the official record for your consideration.

TO BE MAILED CERTIFIED RETURN RECEIPT ON THURSDAY AUGUST 10, 2023

2023 AUG 10 PM 1:27
CITY CLERK
GLOUCESTER, MA

Dear Blueberry Lane Abutters:

On July 19, 2023, the City Clerk time stamped our petition to begin the process of seeking permanent repair to our private way, signed by not less than 75% of all abutting owners as required in section 21-84 (b) of our Gloucester Code of Ordinances. After this step, the time stamped petition was sent to the Mayor's office under section 21-84 (c). Our City administration is now working with the Public Works Director to fulfill section (d) of the ordinance and we are ready to schedule the official meeting as explained in section (e).

This letter is to officially inform you of this betterment meeting for Blueberry Lane abutters on Saturday, August 19th at 9:30 a.m. at 4 Blueberry Lane regarding the repair of our private road.

As noted under section 21-84 (f) Permanent construction or repair as outlined in the city ordinance, **we are required to have 75% of owners present at the meeting and 66% percent of all abutting owners on the private way must vote in favor** in order to qualify for permanent repair under this article. At this meeting, we will cover the project parameters and the price range as provided by the Director of Public Works, Mike Hale. Our Ward 4 City Councilor, Val Gilman, will be present at our meeting to answer any betterment questions that may arise. She can be reached at vgilman@gloucester-ma.gov.

What if you can't make this meeting due to a scheduling conflict?

Section (g) notes that any abutting owner may designate a proxy to represent them and cast the requisite vote(s) on matters required by this section. Please refer to this ordinance section (g) for the specific requirements if you wish to designate a proxy. If you decide to designate a proxy, please hand deliver this paperwork described in section (g) of the enclosed ordinance to Bob Whitmarsh at 2 Blueberry Lane.

Betterments can be repaid over a ten year period and become part of your quarterly tax bill for your parcel (s). The City Assessing Board may permit the deferral of betterment and special assessments for elderly property owners in the same manner as property taxes are deferred. If you would like more information on this option, you are encouraged to contact the Assessor's Office at 978-281-9715.

Thank you,

The Blueberry Lane Road Committee (Primary Contacts as required by Ordinance)

Bob Whitmarsh 2 Blueberry Lane 978-985-5706
Christina Rafter 1 Blueberry Lane 978-360-8900
Kurt Hosman 4 Blueberry Lane 978-290-2857

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

(a) The total cost of the approved permanent construction or repair work shall be paid by the abutting owners, the amount to be paid will be divided by the number of abutting parcels and assessed to the owners thereof. *NOTE: There are 11 parcels on Blueberry Lane. Both Bob Whitmarsh and Kurt Hosman have the abutters list if you'd like to see it before the meeting. Or, you can contact Ward Councilor Val Gilman.*

(b) Betterments shall be assessed and collected for such work in accordance with the provisions of MGL chapter 80 section 1 et. seq and other applicable laws. All betterments shall be apportioned at either five or ten year terms based on the size of the project. Individual total assessments totaling \$3,000 or more may be apportioned over a ten-year term.

Sec. 21-84. - Permanent construction or repair.

(a) Any performance of permanent construction or repair to a private way as set forth in this article is subject to the availability of funding and the authorization for said funding must be made by recommendation of the mayor and a two-thirds vote of the city council.

(b) Abutters to a private way shall begin the process of seeking permanent repair to the private way by submitting a petition to the city clerk signed by not less than 75 percent of all abutting owners to the private way. Petitioners shall use only official petition forms, available from the city clerk's office upon request.

Petitioners shall agree in writing that (1) the city may not accept the road as public as a result of the permanent repair process outlined herein; (2) city employees shall be allowed on each abutting parcel in order to repair the private way; (3) any deviation from the current road layout of the existing traveled way as a result of the repair of the private way shall be done at the discretion of the director of public works; and (4) a non-refundable fee shall be assessed with the petition of \$1.00 per linear foot of the private way at the discretion of the director of public works. Petitioners shall include the name and contact information for no less than three primary contact persons who shall also be abutting owners. In order to proceed, the city clerk must certify all signatures on the petition as submitted.

(c) The city clerk shall refer the petition to the mayor's office with a request for a feasibility determination.

(d) The mayor's office shall refer the petition to the department of public works for a feasibility determination whereby the department of public works shall (1) consult with the fire department, police department, conservation commission, chief financial officer/treasurer, and the city engineer; (2) determine the parameters of the project; and (3) set a price range for the project. The director of public works shall then respond to the primary contact persons with, among other things, a memorandum outlining the determinations and an official abutters' list to be used in noticing a meeting of all abutters' as outlined in section 21-84(e).

(e) Three or more abutting owners shall call and hold a meeting of abutting owners. Notice of such meeting shall include the date, time and location thereof and shall be given at least seven days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by certified mail, return receipt requested. A receipt of the certified mailing shall be required as evidence that notice has been provided to all abutting owners.

- (f) At the meeting as outlined in section 21-84(e), the abutting owners shall vote to determine whether certain repairs are to be sought according to (1) the project parameters and (2) the price range as provided by the director of public works. Seventy-five percent of all abutting owners on the private way must be present at the meeting; 66 percent of all abutting owners on the private way must vote in favor in order to qualify for permanent repair under this article.
- (g) Any abutting owner may designate a proxy to represent them and cast the requisite vote(s) on matters required by this section. Such a designation shall be a notarized letter by the abutting owner that includes the following: 1) the name and address of the abutting owner, 2) the name and address of the proxy, 3) language from the abutting owner expressly granting permission to the proxy to vote on the abutting owner's behalf, 4) a copy of the proxy's valid state or federal picture identification, and 5) a copy of the abutting owner's valid state or federal picture identification and 6) the abutting owner's signature. The designation documents must be 1) delivered to the city clerk no later than 48 hours before the date and time set for the meeting at which votes will be cast, and 2) presented at the meeting under section 21-84(e) prior to voting.
- (h) An official record of the meeting as outlined in section 21-84(f), including the attendees' names, addresses and signatures, as well as evidence of the votes cast shall be submitted to the city clerk within seven days of the meeting.
- (i) The city clerk shall file a copy of the official record with the mayor's office.
- (j) The mayor's office may submit the petition and official record with a recommendation to the city council for funding consideration.
- (k) Upon the mayor's submission of the petition, the city council shall hold a public hearing within 60 calendar days except that, by a two-thirds vote thereof, the deadline for the hearing may be extended by no more than 30 days. Review of the petition by the city council shall include a vote on (1) a determination that the construction or repair is required by public necessity and (2) an authorization of funding for the project.
- (l) Notice of the city council's decision shall be posted and a copy thereof shall be provided to all abutting owners.

(Ord. No. 2017-167, 8-22-2017; Ord. No. 2019-033, 2-13-2019)

August 21, 2023

CITY CLERK
GLOUCESTER, MA
2023 AUG 21 PM 1:30

To the attention of the Gloucester City Clerk's office,

This official betterment meeting record, as required in section 21-84 "Permanent Construction or Repair" section (h), is to inform your office that on August 19th, 2023, at 9:30 a.m. a posted meeting of abutters of Blueberry Lane was held, having sent out certified mailings per the ordinance.

Enclosed you will find the attendees' names, addresses and signatures, as well as evidence of the votes cast. At this meeting, joined by Ward 4 City Councilor, Val Gilman, we met the following criteria required to move forward with a betterment.

Attendance was 9 of 11 parcel owners, or 82%. Attendance requirement of 75 percent of the abutting owners (f) was met.

A motion was made by Steve Ferrant, 6 Blueberry Lane and seconded by Bob Whitmarsh, 2 Blueberry, that the abutters approve the betterment over a ten year term.

On a roll call vote, the motion to approve the betterment passed 8 in favor, 1 owner absent who represents 2 parcels and one voted no.

Result: Motion passed 8 in favor, one opposed and 2 absences or 8 of 11 parcel owners 73%. Requirement for passage of the vote is 66% of all abutting owners on the private way must vote in favor in order to qualify for permanent repair under this article.

All present signed the enclosed record document.

We are hereby submitting this betterment meeting document to the City Clerk's office within the seven days of the August 19th meeting, per the ordinance.

Thanks in advance for filing a copy of this official record with the Mayor's office (i) so that the Mayor's office may submit the petition and official record with a recommendation to the City Council for funding consideration.

The questions that were asked prior to the vote included,

- **What happens to this betterment opportunity if it is voted down?**

Councilor Gilman read section 21-85 (c)

"Should the abutters fail to secure the appropriate and necessary approval, the project shall be eligible for resubmission in no less than two years. "

- **Can an owner pay this off this betterment immediately rather than pay it over the course of ten years?**

Councilor Gilman answered yes.

- **Where will the paving end at the corner of Honeysuckle and Blueberry?**

Councilor Gilman texted Public Works Director Mike Hale who responded, landing side edge of Honeysuckle is where Apple Street ends.

- **The daughter of an original owner who passed away four years ago is on the deed but the mortgage has not yet been transferred to her name. How will this be funded?**

Councilor Gilman said that she will ask the CFO next week.

This summary is respectfully submitted by the three betterment primary contacts of Blueberry Lane,

Sincerely,

A handwritten signature in black ink that reads "Robert Whitmarsh". The signature is stylized with a large, sweeping flourish at the end that extends to the right.

Bob Whitmarsh 2 Blueberry Lane

Christina Rafter 1 Blueberry Lane

Kurt Hosman 4 Blueberry Lane

Parcel Address Name (s) Signatures Vote(Y/NO) Proxy

96-14 1 Blueberry Christina Rafter *Christina Rafter* Y cdr

96-15 3 Blueberry Arthur Sheehan
Lucia Sheehan Absent

96-16 7 Blueberry Lawrence Decoste
Katherine Decoste *Lawrence Decoste* Y PPD

96-18 9 Blueberry John Figurido
Grace Figurido *John Figurido* N ~~Y~~

96-26 12 Blueberry Ernie Morin
Phyllis Morin
c/o Cunningham Crystal Leigh *Ernie Morin* Y ~~NO~~

96-27 10 Blueberry Virginia Crowley *V. Crowley* Y re.

96-28 8 Blueberry Pamela Amaral *Pamela Amaral* Y TS.

96-29 6 Blueberry Steve Ferrant
Carol Ann Ferrant *Steve Ferrant* Y **SF**

96-30 4 Blueberry Kurt Hosman
Richard Martens *Kurt Hosman*
RH Y **KH**

96-31 2 Blueberry Bob Whitmarsh
Dolores Laughlin *Bob Whitmarsh* Y RW
Dolores Laughlin DL

96-16 5 Blueberry Arthur Sheehan
Lucia Sheehan ~~At~~ Absent

CITY CLERK
GLOUCESTER, MA
2023 AUG 21 PM 1:30

NO proxies 8/11 73% Motion passed Betterment Meeting August 19, 2023 9:30 A.M.
9/11 82% attendance of 11. ^{parcel} abutters