

GLOUCESTER CITY COUNCIL MEETING

Tuesday, March 26, 2019 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara

Absent: None.

Also Present: Joanne Senos; Jim Destino; John Dunn; Amit Chhayani; Dr. Richard Safier; Jonathan Pope; Kathy Clancy; Melissa Teixeira; Fire Chief Eric Smith; Vanessa Krawczyk; Grace Poirier

The meeting was called to order at 7:00 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence.**Oral Communications:**

Name: Joseph Orlando, Jr.

Address: 6 Angle Street

Subject: 1. Concern that the Building Department is being both the enforcement arm and the administrator for determining that prima facie evidence has been made for a ZBA hearing which creates hesitancy in people coming forward. He recounted that the Council had discussed that a separate person would take on that role under the ZBA expressing it may be beneficial to name a person within the Administration to undertake that role to present evidence before the ZBA.

2. Concern for lack of a sidewalk from the corner of Western Avenue and Angle Street to the intersection of Angle and Middle Streets. Noting his family owns #1 Western Avenue, and his home is directly behind it on Angle Street with no sidewalk on that side of the street. He described the blind corner that pedestrians are crossing through creating a concerning public safety issue. Mentioning that this is one of the city’s busiest intersections, and noting there had been a previous working plan to address that area, he asked the Council to discuss a solution as well as send it to the Traffic Commission for its recommendation along with the installation of a sidewalk from Angle Street and Western Avenue to Middle Street along the southerly side of Angle Streets.

Presentations/Commendations:

Michele Rogers & Brad Dore of Dore & Whittier, Architects re: East Gloucester School Project

Mr. Dore, a principal of Dore & Whittier Architects and **Ms. Rogers**, Project Manager, conveyed the following information with a Power Point presentation (on file) regarding the East Gloucester Elementary School (EGES) Project:

- There is a partnership between the Mass. School Building Authority (MSBA), the Designer, the Owner’s Project Manager and the Owner (the city of Gloucester School District), the Building Committee and members of the community. This is a highly proscribed process by the MSBA and that this is very early times -- no decisions have been made during a formal, transparent process with the state. The MSBA is a significant partner in the process as it is the state reimbursement funding agency for this project, and as with West Parish Elementary School, the city could be reimbursing up to possibly 48% to 50% for this new proposed project;
- The goals are to identify the educational and facility needs of the district and whether more buildings are suiting those needs looking at both the EGLS and the Veterans’ Memorial Elementary School (VMES) because the MSBA okayed a determination also for a combined school and view two different enrollments; and from those assessments they then develop options to resolve the needs and goals that have been identified by the district - from those assessments there are ten different possible options because the MSBA has given them two options and the city has three proposed sites;
- Goals in understand the needs: Overcrowding; outdated facilities; lack of technology; failing facilities (building condition, old systems); options to be developed for EGES only-- combined EGES & VMES--

- VMES only: existing sites, new sites; renovation for additions/renovation or new; then pick a preferred solution. Solutions won't be chosen for several more months.
- Overcrowding: EGES and VMES are about the same square footage; existing EGES according to MSBA guidelines would house 149 students --currently there are 210 students there. Previous projections showed 245 in that school. The MSBA shows 230 in their long-range projections. Conclusion is that the current EGES cannot support that enrollment. With 210 students, the MSBA would be looking between 37,000 sq.ft. to 42,000 sq.ft. It is a similar situation at VMES which can house 175 students as it is currently configured. A previous projection for that school was 208 students and current enrollment is 217.
 - Appropriate facility size: EGES gym is 50% undersized and serves also as a cafeteria; no art or music rooms; administration space is 20% of MSBA guideline and undersized Special Education space; students are being pulled out to do work in the hallways at both EGES and VMES;
 - Veterans School has a gym 50% undersized used also as a cafeteria and auditorium; no art room; Administration space is 25% of MSBA guideline and undersized Special Education space;
 - Existing Facility Conditions were reviewed - building envelope, architectural elements, structural, mechanical, electrical, plumbing, fire protection, site/civil, hazardous materials, technology & communication, security, fixtures & food services equipment, code compliance, accessibility, functional use of the building;
 - Structural - any major renovation or addition(s) will require that the structure be updated to meet current Code for New Construction;
 - Life Safety - Any major addition or renovation will require the **entire building** be equipped with an automatic fire alarm and suppression system - EGES has no fire suppression system currently;
 - Accessibility - Any major addition or renovation estimated by a dollars per square foot threshold it is required that the structure be updated to meet the current Code for New Construction - in EGES there is a variety of accessibility issues which is triggered even by the smallest of renovations of the building;
 - Potential site options: The MSBA requires that they look at a capital improvements only; renovations/additions and renovations and new construction either on the existing footprint or within the site which has to be done for each of the design elements they were given by the MSBA: 230 for the EGES only; EGES/VMES combined at 440 students; for the EGES site they'd look at all options; with the VMES site, they would look at only the options for 440 students -- additions and renovation to house 440 students and new construction for 440 students.
 - New construction is being explored for other sites -- the only site is the Green Street site off of School House Road and would look at both design enrollments -- 230 students and 440 students;
 - Site Review - East Gloucester site by aerial photograph was shown described as having wetlands on it; a new school would be 1.5 times larger than the current school for 230 students and about two times as large for 440 students, with topography an issue as there is a steep hill;
 - Veterans Memorial site is similar size comparison for 440 students, about two times larger as they are only looking at an enrollment of 440 students for that site, and there is the issue of the existing ballfield;
 - Green Street site is about 18-20 acres which would be accessed from Gloucester Crossing Road. They don't have a lot of information on the site yet;
 - Work to date: Update on educational space summary/program; educational guiding principles developed by a leadership group of the district; initial building diagrams; identified site constraints; sustainability objectives (noted that the MSBA will grant two extra percentage points by meeting certain sustainability goals); conducting the existing conditions investigations; several public meetings have been held to date including meeting with both schools' PTO's;
 - Next Steps: Gather more information about sites; traffic designs and patterns; site tests of buildings; soil testing; parking, drop offs and bus turnaround and to divide the building to provide public access to the cafeteria, auditorium and gymnasium while keeping other portions of the school solely for students and staff so it is more secure; development MSBA submissions and continue public meetings;
 - Schedule: Preliminary Design Program (PDP) to be delivered August 19, 2019; Preferred Schematic Design Report December 23, 2019; Schematic Design July 2020 (estimated date), and then back to the city for funding -- if all goes well the building would be completed around September 2023.

Council President Lundberg recognized that Dr. Safier, Superintendent of Schools was present along with School Committee Chair, Jonathan Pope, and School Committee members Melissa Teixeira and Kathy Clancy. He

noted the invitation from the School Committee for the Council to come to their meeting the previous week with this presentation and expressed appreciation for the offer to present to the Council.

COUNCILOR QUESTIONS:

Councilor Cox, noting the \$1.0 million authorized for this study, asked what it would cost to add another site to possibly locate a school. **Mr. Dore** advised that the city authorized \$1 million to proceed with the feasibility schematic design phase; that funding breaks down as: a portion is earmarked for Dore & Whittier; a portion is earmarked for the Owner's Project Manager (OPM), and another portion goes into some of the geotechnical work and other necessary tests. As to the addition of another site, he indicated what they are trying at a high level to screen some of these sites for feasibility before spending money to do "nitty gritty detail." He advised that the EGES site is "tight" site and topography is challenging with existing wetlands and narrow if it is feasible or does make sense to do all of the options MSBA will require for that site. He conveyed they're attempting to narrow down if it is feasible from a cost perspective to do all of the options that the MSBA will require for that site. They'll create a subset as to the type of schools, size of schools and whether they have all the proper title and deed for Green Street. With that they'll determine for Green Street if they have one site or up to three sites for that location. He pointed out that the VMES site to have 440 students at that site without impinging on the ballfield will be challenging. He noted that there is no additional cost from Dore & Whittier's perspective and expressed he wasn't aware of other sites that are "out there" saying there is not a lot of open land the city already owns. The MSBA doesn't reimburse cities and towns for site acquisitions. He suggested that if they found a suitable site and had to acquire it, the city wouldn't be reimbursed. **Councilor Cox** questioned whether Dore & Whittier had been told of another site that the city owns an entire lot of land that could fit all of the city's elementary schools. **Mr. Dore** responded, "No, not at this point." **Councilor Cox** asked how the MSBA views neighborhood pushback. She advised she received a lot of emails and phone calls about pushback on the Green Street site as a possible location for a new school. **Mr. Dore** advised he can't speak for the MSBA but suggested that the MSBA would say that they're in the business of creating successful projects. He offered his personal opinion saying that having done a number of these types of projects, pushback has to do with not understanding what is happening. He noted that they don't know what is happening yet. The benefit of the process is to go through all these steps on what the potential options are which they're required to do. If ultimately there is a particular reason that a site doesn't make sense as to other options on the table that will come out through the proscribed process. They can only identify what makes the most sense, he pointed out, and adding that the School District defines what is acceptable and not acceptable as to functionality, educationally and politically.

Councilor Holmgren asked if the process is accounting for possible increases in population if more young families' move here noting that housing is being built in the district. **Mr. Dore** advised as part of the process the School District submitted to the MSBA a Statement of Interest and was invited into the eligibility period. He noted as part of that period they sit down and negotiate what enrollments are and those are defined on a scientific basis for a ten year period. He pointed out that student enrollment has moved a little bit over time in the last four years but not by much.

Councilor Nolan asked about traffic and parking in formulation of plans are special evening school events taken into consideration for parking which he noted is a concern from past experience. He advised he wanted to make sure that it is being taken into account for future plans. **Mr. Dore** advised that issue has been raised saying that it is a balancing act and a compromise struck to objectives. Parking is in terms of the analysis. They know how many staff, and reasonable projection for visitors and know what the day to day numbers are and have to look for school plays and how many parents and cars for the event. Usually it is more significant than what is a daily basis. It becomes a cost question in terms of picking out the design point for the few events versus the additional cost and is a discussion for the city as the owner. The harder part is pick-up and drop off. When they looked into West Parish he noted they knew the constraints. They were able to accommodate some but not all of it, he conveyed, saying that they looked at purchasing an adjoining property for access but it became a cost issue. They are good about being aware of the issues, he highlighted, and have to figure out what is the right balance - cost versus dynamics. **Councilor Nolan** expressed his hope that the design is more favorable to the people and parents involved.

Councilor Gilman asked how competitive it was for the MSBA round and how communities put in their Statement of Interest at the time Gloucester did. **Mr. Dore** advised there were 92 applicants at the time of the city's Statement of Interest of which only 17 were accepted, or about 1 in 5. He pointed out that the number of applications being accepted has been going down because of the number of large project and volume of funding capacity being taken up. He noted that the process itself is much proscribed, and once the option is selected and the

vote on the funding is done, the MSBA approves it first then the city has 120 days to approve and fund the city's portion -- if not approved by the city, Gloucester would go to the back of the line and start over. Responding to an additional question regarding renovation versus new school by **Councilor Gilman, Mr. Dore** advised that the MSBA will require a capital improvement program that encompasses if the city doesn't start knocking down walls even if the space in those areas is below the MSBA guidelines, they will still allow the consideration so long as it meets the district's educational program objectives. He pointed out that it may be undersized, but it would still be something the MSBA would consider. The building still needs to be compliant with Code requirements as previously outlined; and what will be done they'll evaluate what that may be like and what the associated costs are; they'll look at renovation only to meet educational program objectives; and will also look at a renovation/addition and look at new construction. The pros and cons will be weighed and presented and will determine costs based on total project cost, the MSBA reimbursement for eligible costs and how the incentive points add up. Then they'll compare them all, and ultimately a preferred option is chosen the city can then chose to move forward to present to the MSBA for their approval, he concluded. **Councilor Gilman** asked where the public can view this presentation and the minutes of the Building Committee. **Dr. Richard Safier** conveyed the school district's website has information on frequently asked questions, and are in the process of placing the minutes up on their website. For more illustrative information about the project go to: <https://eastgloucesterbuildingproject.weebly.com>

Councilor Hecht, noting that he represents Ward 2, where VMES is located, and that Councilor Cox is the former Ward 2 Councilor, now Councilor At Large, he explained that the Green Street property is formerly an approved subdivision and asked what it means for title and survey and geotechnical work. He advised they both are getting a lot of pushback from the constituency. He asked what the next steps are for the Green Street site, and how this may not be feasible as a site. **Mr. Dore** explained that there are a number of parcels within the boundary of Green Street site. The city is investigating the ownership and titles within the boundary exists and is in order; and he explained that if they found out there is a glitch there, they would have to reconsider the situation to understand whether that location is something they can legitimately use as a school site. They're trying to go through this in rational manner and not start geotechnical testing if they don't have the opportunity to actually utilize the site. It is an on-going process, he advised, which is being worked on right now. **Councilor Hecht** asked if there was a timeframe. **Mr. Dore** advised there is a fair amount of research to be done to make it all come together. **Councilor Hecht** noted on the "left side" of the site there are electrical wires and asked if the lots are excluded because of that fact. **Mr. Dore** conveyed there is an easement issue and grade issues, but it's likely a sufficient area to site a school.

Councilor Memhard, thanking the Building Committee and Ms. Rogers and Mr. Dore, he indicated it's an exciting time for East Gloucester to think of having a school become as great as the West Parish School. He asked what practical and functional flexibility they have to incorporate non-city owned parcels that abut the East Gloucester School site, and to what extent are they incorporating acquisition of vacant abutting land to make the site more functional. They've made it work at the Davis Street Extension, and would be great to see the site utilized for a "new" school. **Mr. Dore** noted the biggest challenge at the East Gloucester site is grade; they are "chasing" a lot of grade on the site and are looking on test bits how they can make that accommodation and whether it is feasible or whether the city should consider those additional parcels. They haven't drawn any final conclusions, he noted. **Councilor Memhard** advised flexibility. **Mr. Dore** conveyed they have to think about getting in and out of the site, where cars will be parked, the grading, the accessibility of the building and whether or not the adjoining parcels are an option.

Confirmation of New Appointments:

Archives Committee

Susan Roberts-Wright, Lois Hamilton, Sandy Williams

TTE 02/14/22

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Susan Roberts-Wright to the Archives Committee, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Susan Roberts-Wright to the Archives Committee, TTE 02/14/22.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Lois Hamilton to the Archives Committee, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Lois Hamilton to the Archives Committee, TTE 02/14/22.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Sandy Williams to the Archives Committee, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Sandy Williams to the Archives Committee, TTE 02/14/22.

Shellfish Advisory Committee Francena Monell-Simard TTE 02/14/22

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Francena Monell-Simard to the Shellfish Advisory Commission, TTE 02/14/22.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Francena Monell-Simard to the Shellfish Advisory Commission, TTE 02/14/22.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
- 1. Downtown Development Commission Robert K. Whitmarsh TTE 02/14/22
- **MAYOR'S REPORT**
- 1. New Appointments:
 - Records Management Advisory Board Carol A. Kelly TTE 02/14/21 (Refer O&A)
 - Tourism Commission Kimberly Voltero TTE 02/14/22 (Refer O&A)
- 2. Memorandum from Director of Veterans Services re: acceptance of donations in the amount of \$387 (Refer B&F)
- 3. Memorandum, Grant Application & Checklist from the Planning Director re: FY2020 Green Communities Competitive Grant in the amount of \$144, 331 with a \$50,000 match from the City of Gloucester (Refer B&F)
- 4. Memorandum from CFO re: loan authorization request in the amount of \$190,000 for the Souther Road paving betterment (Refer B&F)
- 5. Supplemental Appropriation-Budgetary Request (2019-SA-32) from the CFO (Refer B&F)
- 6. Supplemental Appropriation-Budgetary Request (2019-SA-33) from the CFO (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
- 1. SCP2019-004: Fuller Street #35, Map 168, Lot 14, GZO Secs. 1.9, 3.1.6, 3.2.2 and 1.7 for a special permit to exceed the maximum allowable building height, decrease the minimum lot area per dwelling unit and decrease the minimum open space per dwelling unit in the NB/R-20 District (Refer P&D)
 - **COUNCILORS ORDERS**
- 1. CC2019-011 (LeBlanc): Amend GCO Ch. 4 "Animals" Sec. 4-22 "Fees and penalties" re: payment of past due dog licenses (Refer O&A)
- 2. CC2019-012(O'Hara/Nolan/LeBlanc): request that the city Council request that the General Counsel and Board of Health, through the Mayor, describe the legislative and/or administrative steps necessary for the City of Gloucester to cease the addition of sodium fluoride into the city's public water supply (Refer Mayor, General Counsel & Bd. of Health)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
- 1. City Council Meeting: 03/12/2019 (Approve/File)
- 2. Special City Council Meeting 03/19/2019 (Approve/File)
- 3. Joint P&D & Gloucester Historical Commission Meeting 03/13/2019 (Approve/File)
- 3. Standing Committee Meetings: B&F 03/21/19 (under separate cover), O&A 03/18/19, P&D 03/20/19 (Approve/File)

Unanimous Consent Calendar:

1. Update on the City of Gloucester Beach Parking and Traffic Ad Hoc Committee report of January 24, 2017 (Refer O&A)
2. CC2019-013 (Lundberg): Establishment of an Ad Hoc Advisory Committee re: Assisted Living Residence at Gloucester Crossing (Refer P&D)

Items to be added/deleted from the Consent Agenda & Unanimous Consent Calendar:

Council President Lundberg asked to remove Item #1 under Confirmation of Reappointment, “Robert K. Whitmarsh, Downtown Development Commission, TTE 02/14/22.” He noted that under Sec. 2-10(b) of the City Charter it says that no unelected appointee shall be appointed to more than one multiple member body unless said board or commission is interrelated. He noted that he holds great respect to Mr. Whitmarsh’s service to the city who also sits on the city’s Historic Commission. He asked that when the O&A Committee deliberates such appointees and reappointees they take the Charter section into consideration.

By unanimous assent of the Council, the Consent Agenda was accepted as amended, and by unanimous assent of the Council the Unanimous Consent Calendar was accepted as presented.

Committee Reports:

Budget & Finance: March 21

Councilor Cox prefaced the first two matters, grants from the Mass. Department of Fire Safety saying that they are annual grants that Fire Captain Barbagallo writes, obtains these valuable grant funded outreach programs for the most vulnerable in the community - children and seniors.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a FY2019 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,354 for the purpose of providing fire and life safety education to school-aged children.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2019 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,354 for the purpose of providing fire and life safety education to school-aged children.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a FY2019 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,600 for the purpose of providing fire and life safety education to seniors.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2019 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,600 for the purpose of providing fire and life safety education to seniors.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a FY2019 Earmark Grant line item #8000-0313, through the Mass. Executive Office of Public Safety and Security, in the amount of \$75,000 for the purpose of upgrading the Police Department’s communication infrastructure through the purchase of new public safety radio equipment. There is no match and grant expires June 30, 2019.

DISCUSSION:

Councilor Cox explained that every year the city sends its state legislators a wish list for the state budget, and one of the items the city asked for was for the Police Department to receive funds in order to upgrade their radios and some radio equipment for \$75,000 which the state funded by an earmark grant.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2019 Earmark Grant line item #8000-0313, through the Mass. Executive Office of Public Safety and Security, in the amount of \$75,000 for the purpose of upgrading the Police Department's communication infrastructure through the purchase of new public safety radio equipment. There is no match and grant expires June 30, 2019.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, cash donations from Barbara B. Berman in the amount of \$75.00 and from Christopher J. McCarthy in the amount of \$100.00 for a total of \$175.00 for the Gloucester Archives Committee for the purpose of funding the Gloucester Archives Committee Donation Projects in Fund 3305.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, cash donations from Barbara B. Berman in the amount of \$75.00 and from Christopher J. McCarthy in the amount of \$100.00 for a total of \$175.00 for the Gloucester Archives Committee for the purpose of funding the Gloucester Archives Committee Donation Projects in Fund 3305.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council request that the city of Gloucester's state legislators file a Home Rule Petition on behalf of the city and based on said petition, that the General Court approve and enact a Special Act substantially as follows:

“Section 1. The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Section 2. Notwithstanding any general or special law to the contrary, the city of Gloucester, may, upon approval by the city council and mayor, credit the total proceeds from the sale of the former Fuller School property to a stabilization fund to be used for municipal purposes.

Section 3. The act shall take effect upon passage.”

DISCUSSION:

Councilor Cox explained that a Home Rule petition is necessary in order to put the money (proceeds from the sale of the Fuller School property) in a Stabilization Fund. It would normally go to the General Fund (in a specific account). **John Dunn**, CFO, advised that state statute says what they can do with proceeds from the sale of municipal real estate. What is proposed through the Home Rule Petition is to give the city more flexibility and for the presentation of the proceeds of the \$4.1 million to appear on the city's balance sheet at the end of the fiscal year. The city, he noted, is asking that the proceeds be allowed to be placed in the city's General Stabilization Fund and by appearing in the General Fund balance it makes the city more financially viable. He pointed out that ratings agencies such as Moody's and Standard & Poor's appreciate that. He advised this action is recommended.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to request that the city of Gloucester's state legislators file a Home Rule Petition on behalf of the city and based on said petition, that the General Court approve and enact a Special Act substantially as follows:

“Section 1. The General Court may make clerical or editorial changes of form only to the bill, unless the City Council approves amendments to the bill before enactment by the General Court. The City Council is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

Section 2. Notwithstanding any general or special law to the contrary, the city of Gloucester, may, upon approval by the city council and mayor, credit the total proceeds from the sale of the former Fuller School property to a stabilization fund to be used for municipal purposes.

Section 3. The act shall take effect upon passage.”

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2019-SA-31 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the Building Maintenance Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to School Pre-K and Administration Relocation Study, Account #770006-530006 for the purpose of funding a feasibility study for the relocation of the School Pre-K and Administration Offices.

DISCUSSION:

Councilor Cox conveyed that this \$35,000 appropriation from the Building Maintenance Stabilization Fund is for a further investigation as to what the best location for the School Pre-K Program and School Department Offices for either the High School or O'Maley Innovation Middle School and associated costs for renovation of the space or if the option to buy the current leased building is a better option. There are two more years left on the lease for the building now being used in the Blackburn Industrial Park, she pointed out which is why the timing is right to learn about the options for the future.

Council President Lundberg commended the B&F Committee and Councilor Cox for getting out ahead of this issue.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2019-SA-31 in the amount of \$35,000.00 (Thirty Five Thousand Dollars) from the Building Maintenance Stabilization Fund-Undesignated Fund Balance, Account #7700-359000, to School Pre-K and Administration Relocation Study, Account #770006-530006 for the purpose of funding a feasibility study for the relocation of the School Pre-K and Administration Offices.

Ordinances & Administration: March 18

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the Application of James Santapaola and Andrew Santapaola to construct and maintain a weir, pound net or fish trap in the tidal waters within the limits of the City of Gloucester.

DISCUSSION:

Councilor LeBlanc explained that the Santapaolas' application has been vetted extensively, having been reviewed by the O&A Committee, the Waterways Board and the Fisheries Commission, all of whom approved it. All the details were explained to the O&A Committee. The Santapaola family has been utilizing this fishing method for the purpose of catching bait fish.

Councilor Gilman confirmed with **Councilor LeBlanc** that the trap is about 600 feet long. **Councilor LeBlanc** advised the trap will be marked extensively for visual identification for boaters and fishermen to avoid it. The trap will be located at Black Bess, a rock pile between Ten Pound Island and the Breakwater directly off of Eastern Point.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to approve the Application of James Santapaola and Andrew Santapaola to construct and maintain a weir, pound net or fish trap in the tidal waters within the limits of the City of Gloucester.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2019-010 to Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places" by

DELETING Sec. 21-19 "Removal of snow from sidewalks" and Sec. 21-20 "Removal or covering of ice on sidewalks" without prejudice.

DISCUSSION:

Councilor LeBlanc explained that there was a discussion at O&A about this Council Order which was intended to prompt a discussion with the Administration which transpired; and with a lack of support to move it forward for Council consideration, the Councilor decided to withdraw his Council Order.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2019-010 to Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places" by DELETING Sec. 21-19 "Removal of snow from sidewalks" and Sec. 21-20 "Removal or covering of ice on sidewalks" without prejudice.

Planning & Development: March 20

There were no matters for Council action under this heading.

Scheduled Public Hearings:

- 1. PH2019-014: Loan Order 2019-001: Loan Authorization Request in the amount of \$900,000 for the demolition and reconstruction of the Magnolia Pier**

This public hearing is opened at 8:09 p.m.

Councilor Gilman left the dais at 8:09 p.m. and returned at 8:11 p.m.

Those speaking in favor:

Jim Destino, CAO, advised that although he was before the Council to advocate for the rebuilding of the Magnolia Pier, he wanted to express his thanks especially to Councilor Nolan for leading the charge for the pier's rebuilding, to the Magnolia Pier Advisory Committee, and to the people of Magnolia who rallied to help the city "get this done." He noted there is a good plan and had the city look at other surrounding issues such as the kayaks on the beach, moorings in that harbor; talking to the town of Manchester which strengthened the bond between the city and town. He pointed out this is a great thing for the city.

Mark Nestor, 15 Long Hill Road, advised Magnolia is a great village in which to raise his family, citing that Magnolia Pier is a vital part of growing up for the children of Magnolia and Manchester. It is a project that benefits the entire city. It is an outstanding project, he conveyed, which showed how the citizens of Magnolia can come together. He gave the example of the fire on Ocean Avenue when 40 units burned to the ground recounting that Magnolia residents banded together, collected money, clothing, and made sure everyone burned out had a place to stay within a few short hours of the fire. That is the spirit of Magnolia, he highlighted, and requested the Council grants this application so his children and grandchildren can enjoy Magnolia Pier as everyone else has.

Doug Shatford, 22 Flume Road, extended his thanks to the Administration for their support as well as for the support and hard work by Councilor Nolan.

Colby Doran, 13 Oakes Avenue, noted he moved to Magnolia two years ago, advising that the Pier gave him the opportunity to develop friendships. He pointed out that the Pier is a chance to have a fun time for families and for the residents of Gloucester.

Leslie Beaulieu, 10 Emily Lane, noted that her eldest wrote a college essay entitled, "The Pier" which spoke of an amazing night she brought her mother to Magnolia Pier to view in the water sparkling luminescent diatoms. She recounted that another daughter also wrote about the Pier for her college essay saying how it was important to the community. These are important stories, she pointed out.

Thirty-one members of the audience raised their hands in support of the loan authorization.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Hecht asked about design features of the Pier. **Mr. Destino** noted that in the end the final design is the same as the previous Pier design. He touched on the extensive conversations had between the Town of Manchester and the city regarding moorings in the harbor, and the installation of the kayak racks to get them off the beach.

Councilor Gilman asked about preventative maintenance. **Mr. Destino** advised that the Pier is a city asset and as such the city will take care of any necessary repairs.

Councilor Memhard noted that GZA did an extensive engineering review and were able to explore a range of materials that were cost effective and supported the Pier's longevity which **Mr. Destino** confirmed.

Councilor Cox and **Mr. Destino** touched on the mutual issues for the city and the Town of Manchester and how the conversations with Manchester have led to a greater understanding between the two municipalities and a higher level of cooperation. **Councilor Cox** suggested the Town of Manchester may be able to apply for their own CPA funding for their needs as to the recreational area.

This public hearing is closed at 8:29 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the following a loan authorization of \$900,000 as follows:

Ordered: That the City of Gloucester appropriates Nine Hundred Thousand Dollars (\$900,000) to pay costs of the demolition of the existing and reconstruction of a new Magnolia Pier, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION:

Councilor Cox conveyed her appreciation for those who contributed private funds in support of the Magnolia Pier rebuilding and to Councilor Nolan for working through the red tape for everyone to be able to make donations. She offered her thanks to the committee and everyone who donated at the recent special event. It is an amazing feat to pull together so much money in such a short period of time, she added.

Councilor LeBlanc conveyed that Councilor Nolan did a great job and offered his support, adding his thanks to Mr. Shatford.

Councilor Hecht expressed that he was appreciative of the passion of the community for the Pier, offering his support.

Councilor Gilman noted she attended the fundraiser at the Manchester Bath & Tennis Club, meeting many people from Ward 5, as well as the fundraising through Councilor Nolan's stint as a celebrity bartender at the Cape Ann Brewery. She acknowledged the folks present that came out in support of the Pier's rebuilding. She offered her support also.

Councilor O'Hara conveyed his support for the loan authorization, pointing out that the Pier is a city asset, not just a Magnolia asset, saying that it is something very special that people enjoy year round. He thanked the Administration, Councilor Nolan and DPW Director, Mike Hale for their support.

Councilor Holmgren expressed she was pleased to support the vote for the loan authorization and thanked everyone for their support demonstrated this evening.

Councilor Memhard, noting that Gloucester is blessed with unique geographic assets such as Lane's Cove, the quarries, the beaches, Dogtown, Magnolia Pier to name a few, saying such assets build the community's character and spirit. He noted it was appropriate they come together to take care of them.

Council President Lundberg expressed his support conveying that this is a great example of a public/private partnership that they talk about in the city, but more importantly the sense of community, and pointing out that everyone knew their role to get this done. He offered his thanks to the Magnolia Pier Advisory Committee.

Councilor Nolan, while acknowledging kudos from residents and Councilors alike, expressed his thanks to Gloucester citizens and the Administration for working together. He recounted that while attending the fundraiser

held at the Manchester Bath & Tennis Club he saw generations of families present, seeing people who hadn't been back to the city for years that came back just to support the rebuilding of the Pier. This project is special he highlighted, and thanked everyone for their support and participation.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve the following a loan authorization of \$900,000 as follows:

Ordered: That the City of Gloucester appropriates Nine Hundred Thousand Dollars (\$900,000) to pay costs of the demolition of the existing and reconstruction of a new Magnolia Pier, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

For Council Vote:

- 1. Decision to Adopt: SCP2018-005: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a retail drive-through pursuant to GZO Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District**

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to adopt the decision (SCP2018-005) for Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a retail drive-through pursuant to Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District of the Gloucester Zoning Ordinance.

- 2. Decision to Adopt: SCP2018-006: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a coffee shop drive-through pursuant to GZO Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District**

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to adopt the decision (SCP2018-006) for Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for a coffee shop drive-through pursuant to Secs. 1.5.3(g) "Drive-Through Facilities" and 5.17 "Special Regulations; Drive-Through Facilities" in the EB District of the Gloucester Zoning Ordinance.

- 3. Decision to Adopt: SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 17, for the modifications and reconfigurations of Building C and Building E, the replacement of the proposed hotel with additional retail, a reconfiguration of the parking fields to eliminate underground parking and to comply with the requirements of two proposed drive-through facilities, pursuant to Secs. 1.5.3(c) "CCS" Special Permits and (d) "Major Projects" and 5.7 "Major Project" of the Gloucester Zoning Ordinance.**

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to adopt the decision (SCP2018-007) for Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, for the modifications and reconfigurations of Building C and Building E, the replacement of the proposed hotel with additional retail, a reconfiguration of the parking fields to eliminate underground parking and to comply with the requirements of two proposed drive-through facilities,

pursuant to Secs. 1.5.3(c) “CCS” Special Permits and (d) “Major Projects” and 5.7 “Major Project” of the Gloucester Zoning Ordinance.

Council President Lundberg noted that on the Unanimous Consent Agenda was his Council Order 2019-013 to establish an Ad Hoc Committee to look at the Assisted Living Residence that was part of the original Gloucester Crossing proposal. That Ad Hoc Committee initiative will go forward through the P&D Committee and get a status on what has been done by Sam Park & Co. to date and what the potential is for such a facility, he advised.

Unfinished Business: None.

Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:

Update on the Stage Fort Park Advisory Committee and Magnolia Woods Oversight & Advisory Committee by City Council Representative, Councilor Nolan, highlighted the following matters:

- Stage Fort Park Advisory Committee: There has been acceptance of different materials for the restoration of cannons; grants have been written; the DPW is working on a project by the tennis courts for redoing the landscaping in preparation for the Avis Murray Tennis Court renovation;
- Magnolia Woods Oversight & Advisory Committee: The Committee is working to get a second gate for winter entry to the Woods and is hoped to go through for next year; there are issues of drainage that are being examined and getting closer to closure.

Councilors’ Requests to the Mayor:

Councilor Holmgren wished Council President Paul Lundberg a Happy Birthday, presenting him with a card; and **Councilor Gilman** offered a birthday treat for him. **Councilor Holmgren** noted that 2019 marks the North Shore Health Project’s 30th anniversary, and announced that on Monday, May 13 at the Beauport Hotel the Health Project is honoring Gov. Baker as its 10th Annual Community Activist.

Councilor Memhard noting that the piping plovers have arrived at Good Harbor Beach. He offered thanks to the Mayor’s office for the Piping Plover Plan, and highlighted that on Saturday at the Sawyer Free Library there is an educational program on the birds.

Councilor Nolan reported the North Shore Health Project is a great community asset. He thanked Rev. Rona Tyndall for all she’s done with the Grace Center and the city.

Councilor Cox noted the following evening she’s been asked to speak on CATV regarding elected women in office, sharing the segment with Denise Donnelly, member of the Board of Selectmen from Rockport and two women from neighboring communities.

Councilor LeBlanc requested that the Mayor through the DPW Director install a sidewalk on Angle Street from its intersection with Western Avenue on southerly side to its intersection with Middle Street. The DPW is out doing potholes; he noted, and encouraged them to keep up the good work.

Councilor Hecht requested that the Mayor through the Administration to install security cameras at Burnham’s Field at a cost of \$35,000. He then offered the following:

- The Boston Seafood Expo was a great success for the city and spoke to events that led to the city’s success offering thanks to Director of Community Development, Jill Cahill and Director of Economic Development, Sal DiStefano;
- Seaside Sustainability has asked him to serve on its Board;
- The Lobster Trap Christmas Tree fundraiser held at the Cape Ann Brewery which successfully raised over \$1,000;
- Thirty-nine wrought-iron planters on Main Street are moving forward with the okay of the Mayor, and fundraising will be done for the project;
- Thanks were offered for those who attended the Gloucester Dog Park fundraiser held in his home;
- Discover Gloucester had their annual meeting last evening;
- Attendance at a recent Life Sciences Symposium by GMGI.

Councilor Gilman announced the reinstatement under the City Charter of Student Government Day which will take place on May 28, asking Councilors volunteer to take on students so that they can shadow the Councilors; activities and offered a description of some of the plans for the Gloucester High School students that day. She announced that during May and June there will be a rebuilding of the sidewalk on the odd-numbered side of Reynard Street. She requested that the Mayor through the DPW Director along with other members of city staff, including but not limited to the Conservation Agent, Planning Director, several volunteer leaders on the Dogtown

Advisory Commission, and Ward 4 City Councilor Gilman, form a working group to address various Dogtown matters, such as:

- Developing an updated Dogtown Management Plan and Ordinances
- Reviewing relevancy of outstanding issues identified in the North Gloucester Woods Study of 2012
- Recommending action plans on ways to protect and preserve Dogtown
- Exploring alternative venues/sites for municipal services as well as cost implications for the City.

Councilor O'Hara noted the following:

- The City Clerk on his behalf sent to Councilors an article about what the city of Quincy is doing to alleviate the problem for seniors about snow removal in front of their homes which may be something for Gloucester to consider.
- The issue of private roads repairs and paving is ongoing. A thank you was extended to the DPW Director, Mike Hale who spoke to the abutters of Strawberry Cove. He asked that Councilors put their heads together with the city's state legislators to clarify statute issues which he termed problematic for private road abutters to get their roads repaired and repaved.
- A lengthy letter in the Gloucester Daily Times recently was noted about the issues surrounding the city's harbor -- a plan needs to be made to start making progress to fully utilize this city asset.
- Dogs are no longer welcome on Good Harbor Beach leashed or unleashed with the piping plovers now nesting.
- Thanks were extended to retiring Interim Police Chief John McCarthy.

Council President Lundberg noted the observations voiced about three city assets that the Council should be addressing and advised they will come up with some ideas to approach the issues in a meaningful way.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:02 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.