

**SPECIAL GLOUCESTER CITY COUNCIL MEETING**

Monday, February 24, 2020 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Steven LeBlanc; Vice Chair, Councilor Valerie Gilman.; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Jennifer Holmgren; Councilor John McCarthy; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Barry Pett

**Absent:** None.

**Also Present:** Mayor Sefatia Theken; Joanne M. Senos; John Dunn; Chip Payson; Gregg Cademartori; Vanessa Krawczyk; Jonathan Pope; Superintendent, Dr. Richard Safier; Melissa Teixeira Prince; Kathy Clancy; Joel Favazza; Samantha Verga Watson; Sen. Bruce Tarr; Rep. Ann-Margaret Ferrante

The meeting was called to order at 7:04 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.**

**Scheduled Public Hearings:**

- 1. PH2020-002: Request that the State Legislators file a petition on behalf of the City of Gloucester requesting that the General Count authorize the City of Gloucester to use certain land, known and numbered as 11 Webster Street, which includes Mattos Field, and is held by the City pursuant to deeds recorded at Book 2599, Page 151 and Book 2867, Page 34 in the Southern Essex District Registry of Deeds, for municipal school purposes without Article 97 restrictions on such use and in exchange the City will use and hold the East Gloucester School site, known and numbered as 8 Davis Street and comprising approximately three acres, for public park and open space purposes, without Article 97 restrictions on such use, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition**

**Council President LeBlanc** explained that this is a special Council meeting for the sole purpose to hear public opinion on the petition on behalf of the City of Gloucester to the state legislature to use 11 Webster Street which includes Mattos Field held by the city to be used for municipal school purposes without an Article 97 restriction. In exchange for that use, the city will hold and use the East Gloucester School site, approximately three acres, for a public park and open spaces. As with all City Council public hearings, the main proponent will speak first for 15 minutes and all those who wish to speak afterwards has three minutes each to give their name, address and opinion. Once they have made their statements, the main opponent will have 15 minutes to speak and each subsequent persons in opposition has three minutes each to give their name, address and opinion.

**Council President LeBlanc** added that there will be no action taken by the Council this evening saying that is strictly an opportunity to listen to all those who wish to speak on the Article 97 petition. A vote on the matter of the petition will be taken up under the P&D Committee Report at the Council’s regularly scheduled meeting tomorrow evening, February 25<sup>th</sup>. He reminded the public the Council has Rules of Procedure which they will strictly follow, and the City Clerk will be timing the speakers.

**Councilor Pett** declared under MGL Ch. 268A that when the original fundraising for Light Up Mattos Field was done, it was through the Gloucester Fund, and he is the Fund’s president. Thousands of dollars was raised for which he had no financial interest but was only assisting that group to raise funds which was turned over to the Gloucester Fishermen’s Athletic Association. He reiterated he has no financial interest or conflict and can discuss and vote on the request Article 97 Petition to the Massachusetts Legislature to dispose of Mattos Playground for the combined school project.

**Councilor Gilman** disclosed under MGL Ch. 268A, §23(b)(3) that she is a volunteer with the Gloucester Education Foundation Community Council; she is not on their Board and has no financial interest or conflict on the matter before the Committee.

**This public hearing is opened at 7:10 p.m.**

**Those speaking in favor:**

**Chip Payson**, General Counsel, reviewed the request of the city’s Administration for an Article 97 Petition to the Massachusetts Legislature to dispose of Mattos Playground for the combined school project as follows:

Late last year the East Gloucester School Building Committee selected Veterans Memorial School and Mattos Field as the preferred site for the new combined school building project. As part of that selection process some questions arose to be addressed. They are:

**1. Are there any deed restrictions on the Mattos Field property that would prohibit it from being used for school purposes:** According to the city's website, the subject property is located at 11 Webster Street. While it appears as one piece of property now but it didn't start that way. In 1924 the city purchased a parcel of land, including the area known as "Webster's Pond" from Cape Pond Ice with no restrictions as shown on the deed (on file). The pond remained on the property, it was understood, until into the 1950's – there were no deed restrictions on that property. In 1930 the city purchased another parcel comprised of 42,000 sq. ft. from Cape Pond Ice. This 1930 property had a deed restriction which required that the property was to be used as a public playground or recreational center. Consistent with that deed restriction, in 1934 the City Council voted to dedicate a playground on the 1930 property in honor of WWI veteran, Joseph Mattos which became Mattos Playground. About 1954 the city petitioned the Legislature for approval of the transfer of the 1930 property in its entirety and a portion of the 1924 property to the School Committee for use to build the Veterans Memorial School. The Legislature approved the petition and authorized the city to take and use for a public school purposes the portion Mattos Playground situated on Webster Street instead of said playground being used for public playground purposes, language from the Legislation, it was noted. At some point in time thereafter Webster's Pond was filled in on the 1924 property; Veterans School had been built using the 1930 property which included Mattos Playground and the southern portion of the 1924 property. Mattos Field came into being on the northern part of the 1924 property. There is no evidence of any deed restriction subsequent to 1954 that pertains to the 1924 property that includes the current Mattos Field.

**2. Any other restrictions on the use of property that would apply:** There may be Article 97 protection on the property. Article 97 of the Mass. Constitution was ratified in 1972 providing for the protection of open space from changes in use and development without the approval of a 2/3 vote of each branch of the Legislature. The Courts have interpreted this protection broadly. In this case, a broad interpretation could lead one to argue that Mattos Field is protected under Art. 97. If such a legal challenge was made, it may take several years' time to go through the Courts. And while the city may be in the end successful in such a court case, it would take time that the School Building Committee doesn't have. It is prudent to request Art. 97 relief from the Legislature as if Mattos Field has Art. 97 protection.

**3. How should the city proceed:** It isn't uncommon in the state for municipalities to petition the Legislature to change the use of an Art. 97 piece of protected property. There are a number of bills before the Legislature currently requesting exactly that in different communities. In any Art. 97 process, the office of the Executive Office of Environmental Energy Affairs (EEA) is the agency on point. On February 19, 1998, the EEA (then referred as the EOE) issued an Art. 97 land disposition policy that stated that in order for the city to use any property that had Art. 97 protection, the city would need to replace it with a comparable piece of property of equal or greater fair market value and significantly greater resource value that also has Art. 97 protection, or known as a "no net loss policy." It means according to the EEA the city would have to offer another piece property to be used in place of Mattos Field and deed restrict it so there is no net loss of Art. 97 protected open space in Gloucester. **Mr. Payson** reported that in discussions with the EEA General Counsel Office, they indicated that such a land swap doesn't need to be instantaneous. The city has identified the East Gloucester School site as a property of similar size and value to Mattos Field. The city has recommended that the East Gloucester School site be protected and designated open space in place of Mattos Field so as to satisfy the requirements of Art. 97.

On Feb. 11<sup>th</sup> the EEA's General Counsel's Office approved the city's proposal as outlined in Mr. Payson's January 22, 2020 memo (on file). What he just conveyed to the Council was mostly from his presentation he gave to the Planning & Development Committee at their February 5<sup>th</sup> meeting.

**4. Items Addressed subsequent to the P&D Committee Meeting of February 5, 2020:**

A question was raised about a document from the Assessor's Office. At the end of the P&D Committee 2/5/20 meeting a document was handed to the Committee members and a response was requested. The document in question is on Assessor's Department letterhead dated Nov. 22, 1930. It deals directly with the sale of the 1930 land. In doing so, it also references the 1924 land and states that the 1924 land was, "...a parcel of land conveyed by the grantor to the grantee for playground purposes by deed dates April 17, 1924. The problem with this language is that there is no restriction like this cited in this document in the 1924 deed. The grantor of the 1930 property had no legal right to place a restriction on the 1924 property in 1930 after the fact because they didn't even own the property then. In Massachusetts it is a recording state. The recording of deeds and mortgages at the Registry of Deeds puts the public on notice of the conveyance of land and any conditions that may have been placed on it. The deed is the controlling document, the legal means by which land is transferred. The current site of Mattos Field is on the 1924 property. The 1924 deed controls and that deed contains no restrictions.

As hypothetical, **Mr. Payson** put forward the supposition that what if the 1930 Assessor's document had placed some kind of restriction on the 1924 property. Again, assuming this is true and could happen, which he opined that legally he would suggest it couldn't, then the only way to remove it is through an Art. 97 request to and a vote of the Legislature. The only way to remove such a restriction is through an Art. 97 petition from the City Council to the Legislature which is what they are doing already. **Mr. Payson** conveyed it was his opinion that the alleged issue raised by the Assessor's document is moot.

**Mr. Payson** then commented on the EEA's Art. 97 policy from 1998. He explained it is a policy and not law, and as such it doesn't have the same force and effect as law. The EEA states in their 1998 policy memo that, "although legislation can be enacted to dispose of Art. 97 land without the consent of an EEA Agency, it is the policy of the EEA to minimize such occurrences." He pointed out it is not to stop them but to minimize them. He suggested that it appears that the EEA is admitting that their consent isn't legally required. He highlighted that Art. 97 of the Constitution only requires that there is a two-thirds vote of the Legislature before a municipality can change the use of Art. 97 protected land. He pointed out that they have been working with and are committed to continuing to work with the EEA throughout this process. To date they have their (the EEA's) support and approval.

**Comment on #4 in the EEA policy, "Applicability of the policy to municipalities: Mr. Payson** conveyed that the first step in #4 requires the unanimous approval of the Conservation Commission (ConCom). This requirement is included more often than not because Art. 97 land contains a conservation restriction in its deed contains; and in those cases ConCom approval is required. This is not the case here. The 1924 deed contains no ConCom restrictions so ConCom has no jurisdiction over Mattos Field. He advised he communicated this to the EEA's General Counsel's Office saying that they agreed that this step isn't necessary. A second step requires unanimous approval of the municipal Park Commission. This requirement is included often because the land in question is in the care, custody and control of the local municipal Park Commission. It is in the care here in that Mattos Field is under the care, custody and control through the Department of Public Works. He conveyed he also communicated that fact to the EEA's General Counsel's Office, and they agreed that this step isn't necessary. He mentioned it leaves the third step under #4 of the EEA policy of City Council approval of an Art. 97 petition.

**Mr. Payson** reiterated that the proposed procedure the city should follow: The East Gloucester School Building Committee (EGSBC) voted to recommend the existing Veterans Memorial School and Mattos Field to the Gloucester School Committee for use in the Combined School Project. The School Committee voted to select the recommended site and requested that the city take all necessary steps to ensure that the site is available to the School Committee for use for the school project. The city requested and received preliminary approval from the Executive Office of Energy & Environmental Affairs specifically regarding the city's response to the EEA's "no net loss" policy. The Council then votes by a two-thirds majority to approve sending an Art. 97 petition to the Legislature, and the Mayor must approve this as well. This is the issue, he pointed out, before the Council now. He highlighted that yet to come are the vote of the Legislature by two-thirds majority of each branch to approve the Art. 97 petition; and the Governor approves. The Gloucester Department of Public Works issues a memorandum declaring that the use of Mattos Field may be changed and refers the matter to the city's Land Disposition Committee for action. The Land Disposition Committee votes to approve the change in use of Mattos Field and forwards its recommendations to the Mayor. The Mayor through the Mayor's Report forwards the matter to the City Council, and the City Council votes to transfer care, custody and control from the Department of Public Works to the School Committee. That vote requires a two-thirds vote of the Council and Mayor's approval. He conveyed that the Art. 97 issue before the Council now, in his opinion, is administrative in nature. The site has already been selected by the EGSBC. By approving the petition the Council is simply asking the legislature for the flexibility to choose whether or not to transfer the site to the School Committee. He highlighted that this is about local choice.

**Paul Lundberg**, 5 Bridgewater Street, member of "Vote Yes for Gloucester Kids," a municipal ballot initiative committee formed to encourage the voters of Gloucester to vote for a necessary debt override for the building of this school. Mentioning Mr. Payson review the process, pointed out that it's an important vote by the Council, but conveyed it wasn't the most important. That vote will come in November when it is given over to the citizens of Gloucester which is a time when the people will get to decide. This is an important step, he suggested, and is procedural, but it is the first of several votes. The matter will come back after the Legislature votes. He noted the memorial to Pvt. Joseph Mattos, and how dedicated the city is to its veteran and to their memory, honoring those past and present. He indicated he had no doubt that the city will honor Joseph Mattos in an appropriate way. As to the issue of the softball field, he pointed out, it is a public resource, and that they should respect the people who built and maintain it. He suggested they'll be provided with an alternative field so that they have that public asset, and this public land goes to a very important school project.

**Paul Romery**, 80 Prospect Street, noted his submission of a letter to the Council (on file) in favor, and recounted that he had run a State Hospital for the Dept. of Public Health and the changes in patient care over the years and the use of its campus and 70 years later how it isn't easy to maintain such a facility and patient care. He pointed out there is a 70 year old school building difficult to maintain and educate students in such an environment, and another building also approaching that age. It is important to take this step forward; consolidate a school building; satisfy the needs of the people who put their heart into Mattos Field and come out with a school building fitting for their kids.

**John McElhenney**, 19 Allen Street (written statement placed on file), asked the Council to support the Art. 97 petition and provide a modern school environment for 400 children. He conveyed it was difficult to think of any project that will have more impact. He indicated that a city they can find a field to replace Mattos Field at a good location and continue to honor Mr. Mattos' name. Change is difficult, he noted, but necessary, and highlighted the changes over 100 years at Burnham's Field adjacent to his home, saying that they can build a new school and provide a new field that makes Joseph Mattos proud.

**Chris Boucher**, 15 Lawndale Circle, spoke in support of the school project because the two schools it will replace are old and too costly to repair. This new combined school presents many opportunities, and the obstacle are of the loss of open space with this field they can overcome by the use of the East Gloucester site as open space. They should continue to honor Joseph Mattos which he advised the city would surely do.

**Kristen Parsons**, 39 Harriet Road (written statement placed on file), a mother of two students at East Gloucester School and is a teacher representing the school's teaching staff. She conveyed that 100% of the teaching teachers are in support of the new school project, saying that the land swap to provide important green space and provide a state of the art new school. She thanked the Councilors for touring the building to see the conditions and asked them to vote in favor of the land swap.

**Jason Grow**, 12 Marble Road, noted his three children went to East Gloucester Elementary School through Gloucester High School saying it was an amazing experience. He pointed out that East Gloucester and Veterans School both needs to be upgraded; buildings need to be changed despite any attachments. With the land swap, there is an opportunity to build for the 21<sup>st</sup> century that is superior and needed by the students. In Gloucester there is a history of passing opportunities and funding for which the city ends up paying for that deficit, he conveyed, with a lot of big projects coming forward. State money is available to support a new school, and he suggested it would be foolhardy to pass such an opportunity. Noting his children played softball at Mattos Field, he indicated this is an opportunity they shouldn't pass up.

**Martin DelVecchio**, 11 Tragabigzanda Road, conveyed their children are enrolled at the East Gloucester School which is very meaningful to their family. As a volunteer he noted his reading to children in the hallway because there's nowhere else. There are many problems with the school, he pointed out, saying it needs rebuilding as does Veterans School. The answer is through all the School Committee meetings and they've done all they can to come up with the right location.

**Leslie Friday**, 3 Gould Court, whose children are in East Gloucester School was in favor of the land swap and the new combined school. She and her family value open space and parks in the community and that there be no net loss through the swap. She wants to respect concerns of the community. Her children are school choice into East Gloucester but does support the combined school and Art. 97 petition. She asked the city to find the appropriate public space to honor Joseph Mattos, as her family has many veterans of the U.S. military service; as well as work with supporters and donors for Mattos Field to find the right alternative.

**Rachel Fallon**, 225 Bray Street, with children in the Gloucester Public Schools (West Parish), noted she stood in Kyrouz Auditorium nine years ago about the West Parish (school) project, with people all over the city were speaking in favor of the project. Her daughter in third grade at West Parish has many advantages over East Gloucester Elementary School students because of a superior facility. They are educating the future, she pointed out, and they need to do what is fiscally sound and to honor Mr. Mattos. She suggested they name the new school after him.

**Those speaking in opposition:**

**Patti Amaral**, Myrtle Square (written statement placed on file), spoke to Art. 97 saying the city adopted it to protect Mattos Field and in doing so the public was assured it couldn't be converted without a public process and legislative action. She mentioned the Open Space & Recreation Plan of 2001 further identifying and protecting all open space in the city. Because of it the Open Space & Recreation Committee was formed in 2010 to create and implement an Open Space & Recreation Plan. The city's Open Space Plan states the highest level of protection covers land transferred with a deed that expressly states that land has been acquired for open space and recreational purposes including Art. 97 of the MA Constitution. They feel that Mattos Field is the only significant open space within this densely populated neighborhood. By voting to build upon this dedicated playground recreation area, the Council will

go against everything that they have planned together and adopted to protect their open spaces. This proposed new school knocked out East Gloucester in part because moving forward they would undercut all the city's prior plans in place. She asked why this neighborhood isn't afforded the same respect and treatment. She expressed that this open space property should not be considered because it isn't of equal value and size to Mattos Field which makes it ineligible for an Art. 97 exemption. According to the city's municipal records it received federal funds multiple times. She urged a no vote to not send the petition for disposition to the Legislature based on formation and facts she put forward. She further urged the Council to preserve, protect and maintain the city's open spaces.

**Shawn Pavon**, 15 Wall Street, member of the GFC, noted he sees children playing at Mattos Field, and when the lights were put he called it, "amazing." In his vocation as a project manager, he conveyed they can put a school there without destroying a field by staying within the footprint of Veterans School.

**Mary Ann Boucher**, Mt. Pleasant Avenue (written statement placed on file with three maps previously submitted to the Council), quoting the substance of the public hearing header, conveyed that in her opinion that the land can be taken away at any time and used as the city sees fit if no restrictions are placed on it. She suggested it wouldn't be a fair land swap as Mattos Field for 85 years was a playground and is also not balanced if the property doesn't remain as open green space. She quoted a Gloucester Daily Times article of Feb. 22<sup>nd</sup>, and then a quote by Superintendent of Schools, Dr. Safier from the School Committee's Feb. 12<sup>th</sup> meeting about the process of an Art. 97 petition. She conveyed that a project of great magnitude all information regarding both Veterans and East Gloucester Elementary School property should have been readily available for public view. She indicated the matter of the "no net loss" policy of the EOEEA, saying they will not support an Art. 97 disposition unless the sponsoring agency determines that "exceptional circumstances exist" for the disposal and certain conditions must be met. She questioned the value of the land swap between Mattos Field and the East Gloucester property, and asked where the studies were for the land to say that it can be used, and how would the new park change demographics of the current neighborhood. She put forward with so many unanswered questions how could the Council vote tomorrow on an Art. 97 petition. She urged a no vote.

**Jay Albert**, 4 Davis Street Extension (written statement placed on file), pointed out that the East Gloucester School serves as a polling and Ward 1 meeting place, similar to Veterans School. He expressed concern for pedestrian and vehicular traffic around the schools and the dedicated playgrounds to WWI veterans. He urged rebuilding of neighborhood schools and preserving open spaces.

**Robert Reis**, Swampscott, noted he grew up at 10 Friend Street, pointed out that true friendships grow in schools. He urged they not erase their history.

**Amanda Goveny**, 392 Western Avenue, Co-treasurer of the Cape Ann Women's Softball Field, noted they maintained the field, and raised funds to rebuild it; it is used for local organizations for fundraising events, for special needs softball games. It is the only softball field under lights. While she conveyed she understood that everything is replaceable, she spoke of families using the field for a variety of sports. She pointed out that they can't fix it when there are no lights at night at a field, and the city will lose a great recreational resource. Disposing of this Art. 97 protection is a mistake, she pointed out.

**Reginald Santos**, 8 Brooks Road (written statement placed on file), Salisbury, noting Joseph Mattos was his Uncle who was 19 years old when he was killed in WWI. Pvt. Mattos was born and brought up adjacent to the present field. In 1935 his mother, father and seven siblings were in attendance when the field was dedicated in his honor, he noted, a unique honor – and the need is to honor his memory. In the 1950's a large portion of that property was taken to build the Veterans School which has deteriorated over time and now city leaders want to replace it. While the present school was first opposed, they asked that the school be named in honor of Joseph Mattos but it was named Veterans' Memorial Elementary School. He noted the proposed new location to locate the field in the swap is not a suitable substitute to those who live in the Veterans Memorial neighborhood who can't get to that location easily. As a senior member of the Joseph Mattos family, he requested the Council respect this memorial and vote to keep it in its present location.

**Laura Jardullo**, 2 Ocean Avenue (written statement placed on file), advised the location chosen for the new combined school will have very little green space that will take away from the neighborhood and is not appropriate. This is extremely important green space used for recreation for over 100 years and should be upheld and respected. The Joseph Mattos dedication should stay in place. The field during softball games is completely utilized. Neighborhood schools are important to provide a close knit community. The schools do need repair, she pointed out, but the neighborhood schools provide a personal approach. They can find a better option.

**Kailey Mione**, 6 Davis Street Extension (written statement placed on file), a direct abutter to the East Gloucester School expressed concern for the land swap asking questions for the protection of the property and the Maxwell Parsons Playground; its cost, the layout of the street, the traffic. They are concerned of run-off and what is the projected timeframe for the land swap. As parents of children who attend the school they are concerned for the lack of open space envisioned for the new combined school. She indicated they need to find the right spot to build a new school and Mattos Field was not it for many reasons.

**Ben Blanchard**, 14 Webster Street (written notes placed on file), advised that Mattos Field was sold for \$1 for the purpose of recreation – a playground. He asked why it couldn't be preserved. He lives across the street, moving here because of music and art and valuing community. He pointed out that the softball field is highly utilized. He asked why they couldn't uphold what it means to preserve something deeded for the purpose of recreation.

**Karin O'Donnell**, 3 Orchard Road (written statement placed on file), asked why will the new location "guarantee and ensure use in perpetuity" in light of the proposal allowing demolition of open space that was deemed to have had that same protection. She urged a no vote on Art. 97.

**Stuart Lehr**, 90 Mt. Pleasant Avenue, advised he stayed in the city for neighborhood schools and green spaces and was opposed to the Art. 97 petition.

**Tracy O'Neil**, 12 Friend Street, passed a cell phone to the Council showing a photograph of her street in front of her house showing the road to be narrow making it difficult for two cars to pass, and describing the roadway conditions, saying that in her opinion it is dangerous. She noted there is a tree right there and she can't see cars coming. Adding 200 more students at the Veterans location would increase traffic at least by 100 cars dropping off students and go down Friend Street. The (planned) queue will not work, she contended. She noted General Counsel advised there is many votes to come, and asked they hold off the Council vote tomorrow to wait to the election then go for the Art. 97 petition after they know what the voters want.

**Denise Pascucci**, 20 Birch Grove Heights, conveyed her agreement with Ms. O'Neil saying voting for the Art. 97 petition before the vote on the debt override was not appropriate. While she indicated she had no issue with improving the schools, she was a part of the Light Up Mattos Field effort which raised \$280,000 for the field lights that also received CPA funding and there was a \$75,000 donation from a foundation. They thought the field would be there forever, she added, saying that the field had been in place of 85 years. After the traffic study was done, it appeared there was another loop added extending around a 100 ft. x 60 ft. turfed fenced-in area which she indicated didn't equate to a green space. She asked where children could play on the weekends if there is no green space. She pointed out that they are changing a law to protect their open spaces. This is taking away from the beauty of the city.

**Kelly Brancalone**, 28 Sayward Street (written statement on file, Light Up Mattos Field member and an engineer, advised that in her opinion that the Mattos Field site is inappropriate to build a new school on. She indicated there is a risk to build on the field, mentioning a geotechnical report that the ground below the old lights was unstable. It was once a pond that was filled and leveled. The 2005 subsurface report said the ground water levels range from one to three feet below ground surface making for potential ground water seeping into the foundation for the new school, she pointed out. Based on more recently published report in the Preferred Schematics Report by the project's architects states that there isn't a particular foundation support system that can accommodate the subsurface that underwrite this proposed building. Conditions vary throughout the site, it was found and have to be rectified and improved before construction of any foundation can be laid and could be astronomical to remedy. She reminded the Council of the issues of the Newell Stadium bleachers which were set on a fill site and had to be rebuilt on a new foundation. She urged the School Committee to take a step back and consider an alternate site.

**Catherine Ryan**, 17 High Rock Place, conveyed that it isn't just the vote tomorrow but asked how they can vote at all that as recently as February 12, 2020 were confused on the issue. She also expressed concern that appropriate disclosures on the part of some persons may not have been timely filed. She also urged that the Art. 97 vote not go forward.

**Doug Parsons**, 39 Mt. Pleasant Avenue, noted that 40 years ago the city closed some neighborhood schools, and now that situation doesn't exist. He asked they put the school where a problem doesn't exist. He urged they leave East Gloucester and Veterans School alone and not build a combined school.

**Zenas Seppla**, 92 Granite Street, Rockport, conveyed neighborhood fields next to schools are important as a part of the education of young students. There is a great benefit in informal structured learning, and he suggested there is serious thought that needs to go into shifting fields to various locations.

**Pete Wright**, 12 Mystic Avenue, asked how many think for a fenced in recreational area surrounded by a road. He conveyed the school is in the wrong spot.

**Pam Steele**, 10 Pilot's Hill, asked they vote no as senior citizens will be driven out by taxes that this new school will force to be generated. She urged they not take away the field, conveying there has to be another way but this isn't it.

**Denise Foley**, 57 Western Avenue, noted the new proposal showed the fraternity club and asked if the city intended to take that property eminent domain (25 Webster Street), and a building that up the street the plan covers as well. She asked they not vote yet.

**Richard Alexander**, 16 Webster Street, noted his parents live at 25 Webster Street which abuts 11 Webster Street. He put forward that they may be forced out should the project go forward. Having lived on Webster Street most of his

life, he noted he wouldn't like to see it go, and this proposal doubles the student population which he expressed concern for traffic congestion on the street.

**Communications:** **Joanne M. Senos**, City Clerk, conveyed there were 10 communications in opposition and 32 communications in support.

**Councilor Questions:**

**Councilor McCarthy** asked how the Art. 97 protection for the East Gloucester parcel and how it would be deeded and protected in the future. **Mr. Payson** noted the offer legislatively that the city will file in the petition will contain language that says Mattos (Field) or this site in question in exchange for East Gloucester (School) with a deed restriction consistent to meeting the requirements of Art. 97. It's a condition of the legislation that's going to be approved, he indicated, if it makes it that far – it will have a condition that it will be required to put on it in perpetuity in theory. **Councilor McCarthy** confirmed with **Mr. Payson** that the East Gloucester School property would be protected in perpetuity from development.

**Councilor O'Hara** asked about the stream that runs through the East Gloucester School, and asked how it would play into the land swap and how it affects green space. **Gregg Cademartori**, Planning Director, responded that it is to be used for open space. If the building is razed, there is an opportunity to augment the playground space. As a natural resource that would have to be accommodated. There will have to be a demolition plan and they'll have to accommodate that natural resource. **Councilor O'Hara**, referencing Art. 97 and the Joseph Mattos Field, he asked where Administration plans to move the softball field. **Mr. Cademartori** advised most discussions are focused on augmenting the Green Street Field, with some discussion about the High School. Most recent discussions have also centered on parking facilities and enhancing the Green Street fields. That isn't replacing a field that is moving a field, **Councilor O'Hara** contended.

**Councilor Memhard** thanked the public on both sides of the issue, and noted he toured the East Gloucester and Veterans School sites with their principals, both have a history of wetness, taking a close look at the East Gloucester basement. It is a damp, dank situation and there will be a culvert there that will channel it from the Mt. Pleasant Cemetery to Caledonia Place where it will be replaced, pointing out that that the Mattos Field is wet.

**Councilor Cox** pointed out that there isn't a current softball field at Green Street, and so it would be the placing of a field at that location because there isn't a softball there now. She asked if there is a legal reason why they aren't delaying the Art. 97 until after the November vote. **Mr. Payson** advised, "No". He put forward that this vote has to happen before the land transfer happens. The reason why it is happening now is a timing issue as a question was asked by the School Building Committee and the School Committee. He commented they prepared the legal advice and is why they are here. **Councilor Cox** asked if there is any reason why any of the future votes have to happen before the November funding vote. **Jonathan Pope**, School Committee Chair and Chair of the EGSBC, advised that to get MSBA funding, they have to submit a preferred schematic design. When that's submitted, the School Department has to be in possession of the property or they don't accept it, and the deadline is August.

**Councilor Gilman** asked for clarity that the property will not be taken away from abutters, such as the Fraternity Club. **Mr. Pope** advised that there is no plan before the EGSBC to take any land other than existing city property.

**Councilor Pett** conveyed concerns that if the Art. 97 goes forward, and they're moving Mattos Field to the East Gloucester site, adding to the current playground property seems acceptable as to size. The question has been brought up of the playing field of the Cape Ann Women's Softball Field, for which he indicated they deserve an answer before the debt exclusion vote as to where they will go; and are they going to be using the High School Field until something is constructed as suggested at perhaps Green Street; will it include moving the lights. All the individuals involved in raising the money for the Mattos Field improvements deserve an answer beforehand, he highlighted. Whether it was Mattos Playground or Field naming, he asked the city include family members in that discussion moving forward and letting the city know how they'll continue to honor Pvt. Joseph Mattos.

**Councilor Holmgren** echoed Councilor Memhard's sentiment, saying she took extensive notes and will digest them overnight.

**Councilor Nolan** asked that in the plans for the school there is a plan for finances for relocating the light poles and the fields and the demolition of the schools. **Mr. Pope** advised they are trying to figure out how that works saying they're not reimbursed for any of what the Councilor mentioned. He indicated that there may be other funding sources for demolition, the move of the field and the swing space.

**Councilor Cox** asked if they vote in favor of the Art. 97 tomorrow and the November vote is a no, they were giving the land to the School Committee in disposition by that time – do they get the land back. Can they put a caveat in the vote tomorrow that says that if the November vote doesn't pass (no funding), if there is no funding, then the land reverts back to the city, to the ownership of the DPW. **Mr. Pope** advised the vote for Art. 97 isn't the vote to transfer the land, but is the vote to allow the Council to transfer the land. If they wanted to place such a caveat it would be after the Legislature votes and it comes back to the Council to transfer the land from the DPW to the School Department -

that is where they would put the caveat in which is up to the Council at that time. **Councilor Cox** indicated that Mr. Pope was correct, that it didn't have anything to do with the Art. 97 vote but is the process that kicks it off.

**Councilor Gilman** asked about why they're just not generally voting on a location for a school; and how it fits into the MSBA process. The vote in November is the MSBA vote for a debt exclusion override for that purpose, not just for a general school – it is everything brought forward to date. **Mr. Pope** explained as follows: At the point that they transfer the property to the School Committee they can then submit their preferred schematic design. The MSBA has already accepted their preferred schematic report which they can't go back and change, and shows building a school at the Veterans site. Once the MSBA accepts the preferred schematic design the city has to provide funding to build the school. If the debt exclusion override doesn't pass it all stops. **Councilor Gilman** noted in the last queue 11 out of 80 municipalities were accepted, and the competition to get on a queue would take time. **Mr. Pope** noted in 2016 they applied to the MSBA with a Statement of Interest for both Beeman and the East Gloucester School. The MSBA asked for them to prioritize one, and the School Committee chose East Gloucester School, and the Council voted on the SOI. From there are progressive steps, making them look at every possibility at each stage – renovations at East Gloucester, a new school just for East Gloucester and a combined school for that site alone. They looked at possibilities at other sites. The EGSBC which is the authority, a city Committee appointed by the Administration has the power to make these decisions. There were public hearings, meetings, input from the city if it was interested in acquiring land or dealing with property they owned. The EGSBC narrowed it down to the Veterans site. There is no request from the city that they put it as a referendum on a ballot before they make those decisions and so they didn't do that. There are a number of votes the Council and School Committee will have to take. The vote for a debt exclusion is an up or down vote, he pointed out.

**Councilor McCarthy** noted in the Art. 97 it says comparable size and value, and it was brought up by one of the abutters this evening that asked if there was an overlay of the Parson's Playground or if it concerns only the school property. **Mr. Payson** advised he'd have that matter looked into and address it at tomorrow's Council meeting.

**Council President LeBlanc** advised the vote on Art. 97 would take place tomorrow at the City Council meeting. **This public hearing is closed at 9:05 p.m.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:05 p.m.**

Respectfully submitted,

**Dana C. Jorgenson**  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING – Written statement from speakers as follows:**

- John McElhenney, 19 Allen Street
- Kristen Parsons, 39 Harriet Road
- Patti Amaral, Myrtle Square
- Mary Ann Boucher, 93 Mt. Pleasant Avenue
- Jay Albert, 4 Davis Street Extension
- Reginald B. Santos, Salisbury, MA
- Laura Jardullo, 2 Ocean Avenue
- Kailey Mione, 6 Davis Street Extension
- Ben Blanchard, 14 Webster Street
- Karin O'Donnell, 3 Orchard Road
- Kelly Brancaleone, 28 Sayward Street