

GLOUCESTER CITY COUNCIL MEETING
Tuesday, December 8, 2020 – 6:00 p.m.
REMOTE MEETING
-Minutes-

Present: Council President Steve LeBlanc; Council Vice President Val Gilman; Councilor Melissa Cox; Councilor Jen Holmgren; Councilor John McCarthy; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Barry Pett

Also Present: Mayor Sefatia Romeo Theken; Acting CAO Vanessa Krawczyk; City Clerk Joanne M. Senos; Community Development Director Jill Cahill; Planning Director Gregg Cademartori; CFO John Dunn; General Counsel Chip Payson; Auditor Kenny Costa; Superintendent Ben Lummis; School Committee Chair Jonathan Pope; School Committee Member Kathy Clancy; Principal Assessor Nancy Papows; Asst. Assessor Tim Good; Assessor Gary Johnstone; Purchasing Agent Donna Compton; Harbormaster T.J. Ciarametaro; Asst. DPW Director Joe Lucido; Fire Chief Eric Smith

Absent: None

This meeting was conducted remotely through Zoom. All votes were by ROLL CALL.

Meeting called to order at 6:00 p.m.

Council President LeBlanc announced, “This meeting is recorded by video and audio in accordance with state Open Meeting Law. Consistent with the Governor’s orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people, this meeting will be conducted by remote participation. Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote. If you are calling in on a phone you can press Star 9 (*9) to request to speak. If you are watching on a computer or device there is a “raise hand” button that you can tap or press to request to speak. Please use either of these options during oral communications to be recognized to speak.”

Council President LeBlanc announced that there were currently 25 panelists and 17 attendees.

ORAL COMMUNICATIONS:

Leontine Hartzell, 10 Hammond Street

Ms. Hartzell asked if the 116 East Main Street matter would appear before the Council this evening. She asked whether oral communications would be the appropriate time to speak regarding it. **Council President LeBlanc** confirmed that there would be a Decision to Adopt later this evening, and asked that she wait until then.

Reverend Richard Emmanuel 149-153 Main Street

Reverend Emmanuel requested an inquiry from the City and State Legal Departments as to the validity and function of Zoom conferencing, as it does not appear to be representing due process of the system. **Council President LeBlanc** informed Reverend Emmanuel that he would receive a response within the next two weeks.

Summary of Discussion: Since the 116 East Main Street matter was not a public hearing, **Councilor Cox** requested that Ms. Hartzell be allowed to ask a question if she had one (not a comment) so that it could be addressed when the meeting progressed to that point.

Leontine Hartzell, 10 Hammond Street

Ms. Hartzell thanked **Councilor Cox**. She shared that she had read the Gloucester Daily Times article, and was dismayed to read that the Council did not realize that their objections to the condo development needed to be stipulated or itemized. She asked how that could have happened, so that it was able to be legally pushed through the Land Court, when last summer the Council had voted against it. She stated that she was baffled as to how the City of Gloucester could have been run over in the Land Court, and that the developer had been able to get this approved when the City and a large number of residents opposed it. **Council President LeBlanc** informed Ms. Hartzell that she would receive a response from the Mayor's office within the next two weeks.

Olimpia Louise Palazzola, 57 Western Avenue

Ms. Palazzola stated that during oral communications three years ago, her husband had requested that a Yield or (preferably) a Stop sign be placed at the intersection of Maplewood Avenue and Railroad Avenue. He had never received a response, and to her knowledge, the request had not been addressed by the Traffic Commission or any other board or commission. She wanted to submit this request again on her husband's behalf.

Secondly, since this evening's City Council agenda was so long, she asked whether the Council intended to stop and allow the public to speak on every agenda item, specifically tax classification and 116 East Main Street. **Council President LeBlanc** explained that besides during oral communications, the public was only invited to state their opinions during public hearings. A public hearing would be held for tax classification this evening, and 116 East Main Street would be a For Council Vote Decision to Adopt. Ms. Palazzola was informed of the five public hearings on the agenda for this evening, and **Councilor Pett** agreed to investigate the Stop sign request for Ms. Palazzola and her husband.

PRESENTATIONS/COMMENDATIONS: None**CONFIRMATION OF NEW APPOINTMENTS:** None**CONSENT AGENDA:****ACTION**• ***CONFIRMATION OF REAPPOINTMENTS***• ***MAYOR'S REPORT***

1. Memorandum from Veterans Services Director requesting acceptance of donations in the amount of \$100
2. Flyer for the #GetBackMass campaign

(Refer B&F)
(Info Only)

• ***ADDENDUM TO MAYOR'S REPORT***• ***COMMUNICATIONS/INVITATIONS***• ***INFORMATION ONLY***

1. Letter from Executive Director of PERAC re. Appropriation for Fiscal Year 2022 (for information only)

(Refer B&F)

• ***APPLICATIONS/PETITIONS***• ***COUNCILLORS ORDERS***

1. CC#2020-016 (Gilman): Request City Council, based on a Traffic Commission speed study, petition the MassDOT to reduce the speed limit on Leonard Street to 20 MPH

(Refer O&A)

• ***APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS***

1. City Council Meeting: 11/24/2020 (under separate cover)

(Approve/File)

2. Standing Committee Meetings: B&F 12/3/20 (under separate cover), O&A 11/30/2020 (cancelled), P&D 12/2/2020 (under separate cover)

(Approve/File)

Items to be added/removed from the Consent Agenda: **Councilor Gilman** requested to remove the December 2, 2020 Planning & Development Standing Committee meeting minutes so that the first paragraph of the committee recommendation vote could be amended by inserting the verbiage "***and Section four***" after ***amend Section three***". The Committee Recommendation would now read as follows:

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council request that the State Legislators file a petition on behalf of the City of Gloucester requesting

that the General Court AMEND Section 3 and Section 4 of Chapter 152 of the Acts of 2020 (S. 2628) as follows:

Section 3: Strike the words “prior to” and insert the words, “as soon as is reasonably practicable after” so that the section reads: “SECTION 3. In addition to the transfer pursuant to in section 2, the department of public works of the city of Gloucester shall upgrade softball field facilities and accommodations at another city-owned open space located at 6 Green street and 18A Beckford street as soon as is reasonably practicable after the discontinuance of use of Mattos Field associated with the commencement of school construction.”

Section 4: Insert the words “once the land in section 2 is no longer being utilized for school purposes” and “as soon as is reasonably practicable” so that the section reads: “SECTION 4: The transfer of land in section 1 shall be contingent upon the transfer of land in section 2 once the land in section 2 is no longer being utilized for school purposes and the transfer of land in section 2 shall be contingent upon the recording of a deed restriction as soon as is reasonably practicable on the land placing it under the protection of Article 97 of the Amendments to the Constitution of the commonwealth to be preserved for municipal park and open space purposes.”

It was moved by **Councilor Gilman**, seconded by **Councilor Holmgren** to amend the Planning & Development Committee meeting minutes of December 2, 2020.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (O’Hara) to accept the Consent Agenda as amended.

COMMITTEE REPORTS:

• Budget & Finance – Meeting of December 3, 2020

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (O’Hara), to accept the December 3, 2020 Budget & Finance Unanimous Consent Agenda.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor McCarthy, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2021-SA-2 in the amount of \$620,000 (Six Hundred Twenty Thousand Dollars) from the General Stabilization Fund-Transfers to the General Fund, Account #75005-596001, to Fire Salaries, Account #0122051-511000, for the purpose of funding the impact of the new firefighters contract for Fiscal Year 2020 & 2021 that covers the period from July 1, 2019 to June 30, 2021.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (O’Hara), to approve Supplemental Appropriation 2021-SA-2 in the amount of \$620,000 (Six Hundred Twenty Thousand Dollars) from the General Stabilization Fund-Transfers to the General Fund, Account #75005-596001, to Fire Salaries, Account #0122051-511000, for the purpose of funding the impact of the new firefighters contract for Fiscal Year 2020 & 2021 that covers the period from July 1, 2019 to June 30, 2021.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor McCarthy, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council approve the disposition by means of a lease as provided in the Request for Proposal #21105 Good Harbor Beach Concessions, 99 Thatcher Road, Concessions & Restroom Operation Lease with a minimum bid of \$120,000 and Wingersheek Beach, 232 Atlantic Street, Concession and Restroom Operation Lease with a minimum bid of \$105,000 pursuant to the terms and conditions as stated therein. Said term is to be a three-year term from May 1, 2021 to November 1, 2023.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (O’Hara), to approve the disposition by means of a lease as provided in the Request for Proposal #21105 Good Harbor Beach Concessions, 99 Thatcher Road, Concessions & Restroom Operation Lease with a minimum bid of \$120,000 and Wingaersheek Beach, 232 Atlantic Street, Concession and Restroom Operation Lease with a minimum bid of \$105,000 pursuant to the terms and conditions as stated therein. Said term is to be a three-year term from May 1, 2021 to November 1, 2023.

Ordinances & Administration- November 30, 2020 (no meeting)

Planning & Development-Meeting of December 2, 2020

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council request that the State Legislators file a petition on behalf of the City of Gloucester requesting that the General Court AMEND Section 3 and Section 4 of Chapter 152 of the Acts of 2020 (S. 2628) as follows:

Section 3: Strike the words “prior to” and insert the words, “as soon as is reasonably practicable after” so that the section reads: “SECTION 3. In addition to the transfer pursuant to in section 2, the department of public works of the city of Gloucester shall upgrade softball field facilities and accommodations at another city-owned open space located at 6 Green street and 18A Beckford street as soon as is reasonably practicable after the discontinuance of use of Mattos Field associated with the commencement of school construction.”

Section 4: Insert the words “once the land in section 2 is no longer being utilized for school purposes” and “as soon as is reasonably practicable” so that the section reads: “SECTION 4: The transfer of land in section 1 shall be contingent upon the transfer of land in section 2 once the land in section 2 is no longer being utilized for school purposes and the transfer of land in section 2 shall be contingent upon the recording of a deed restriction as soon as is reasonably practicable on the land placing it under the protection of Article 97 of the Amendments to the Constitution of the commonwealth to be preserved for municipal park and open space purposes.”

Summary of Discussion: Councilor Gilman read the Committee Recommendation. It was moved by **Councilor Gilman**, seconded by **Councilor Holmgren**. It was then pointed out by **Council President LeBlanc** and the **City Clerk** that when **Councilor Gilman** had read the Committee Recommendation, in Section 3, she had said “site”-owned open space instead of “city”. **Councilor Gilman** stated she wanted to amend Section 3 by deleting “site” and adding “city”. **Council President LeBlanc** declared that the Amendment to the Motion was moved by **Councilor Gilman**, seconded by **Councilor Holmgren**.

At 6:23 p.m., while the ROLL CALL vote was being taken for the Amendment to the Motion, Councilor Pett announced that Councilor O’Hara had joined the meeting. Since Councilor O’Hara had missed the discussion on this matter, he was considered absent for the Amendment to the Motion, the Original Motion, and the Motion for Reconsideration.

AMENDMENT to MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (O’Hara) to amend the motion by deleting the word “site” and adding the word “city” in Section 3.

Summary of Discussion: Councilor Gilman thought that the Planning & Development Committee had done an excellent job reviewing the Home Rule petition, and explained that the reason for the small changes was to

be very specific in terms of timing. She mentioned that Senator Bruce Tarr had recommended a wording change in Section 4 to change the verbiage from “no longer being used” to “no longer being utilized” since it was more specific (and less subjective).

Councilor Memhard thanked Senator Tarr and State Representative Ann-Margaret Ferrante for their assistance, follow-through, and fine tuning so it could be clear and specific to the needs of Gloucester. **Councilor Pett** thanked the administration and state delegation for their support.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent (O’Hara) to recommend that the City Council request that the State Legislators file a petition on behalf of the City of Gloucester requesting that the General Court AMEND Section 3 and Section 4 of Chapter 152 of the Acts of 2020 (S. 2628) as follows:

Section 3: Strike the words “prior to” and insert the words, “as soon as is reasonably practicable after” so that the section reads: “SECTION 3. In addition to the transfer pursuant to in section 2, the department of public works of the city of Gloucester shall upgrade softball field facilities and accommodations at another city-owned open space located at 6 Green street and 18A Beckford street as soon as is reasonably practicable after the discontinuance of use of Mattos Field associated with the commencement of school construction.”

Section 4: Insert the words “once the land in section 2 is no longer being utilized for school purposes” and “as soon as is reasonably practicable” so that the section reads: “SECTION 4: The transfer of land in section 1 shall be contingent upon the transfer of land in section 2 once the land in section 2 is no longer being utilized for school purposes and the transfer of land in section 2 shall be contingent upon the recording of a deed restriction as soon as is reasonably practicable on the land placing it under the protection of Article 97 of the Amendments to the Constitution of the commonwealth to be preserved for municipal park and open space purposes.”

MOTION for RECONSIDERATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 0 in favor, 8 opposed, 1 absent (O’Hara), to reconsider recommending that the State Legislators file a petition on behalf of the City of Gloucester requesting that the General Court AMEND Section 3 and Section 4 of Chapter 152 of the Acts of 2020 (S. 2628).

SCHEDULED PUBLIC HEARINGS

1. PH2020-033: Amend GZO Sec. 5.33 “Temporary Zoning Relief to Businesses during COVID-19 Pandemic (Cont. from 11/24/2020)

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the Planning & Development Committee voted by ROLL CALL 3 in favor, 0 opposed, in accordance with MGL Ch. 40A, Sec. 5, and GZO Sec. 1.11.2(e), to recommend that the City Council amend the Gloucester Zoning Ordinance by AMENDING Sec. 5.33 “Temporary Zoning Relief to Businesses during COVID-19 Pandemic” as follows:

1. Purpose and Duration: STRIKE the words “December 1, 2020” and insert the words “December 31, 2021”

2. Purpose and Duration: AMEND the last two sentences by adding the words, “in streets or public spaces beyond November 30th of any calendar year. Structures and uses on private property may remain”; and STRIKING the words “after the” and inserting the words “until the” so that the sentences read, “Such structures and uses shall not remain in streets or public spaces beyond November 30th of any calendar year.

Structures and uses on private property may remain on site or in use until the expiration of this Section, unless otherwise permitted by law.”

The public hearing opened at 6:27 p.m.

Those Speaking in Favor: Community Development Director Jill Cahill explained that this temporary zoning relief had been approved in the spring of 2020 to allow all Gloucester restaurants (not just those on Main Street) and some retailers to move their businesses outside so that social distance could be maintained during the pandemic. The matter was before the Council again this evening since an extension had been requested to allow for advanced preparation for the spring of 2021.

Those Speaking in Opposition: None

Summary of Discussion: Council President LeBlanc reminded attendees of the process to access the Raise Hand button depending on which device they were accessing the meeting from.

Communications: None

Councilor Questions: None

The public hearing closed at 6:29 p.m.

Summary of Discussion: Councilor Gilman read the Committee Recommendation. She shared that **Ms. Cahill** and **Planning Director Gregg Cademartori** had tried hard to be proactive and sensitive to the needs of local businesses. She stated that the great effort and initiative was appreciated. One of the benefits of the extension would be that the City would be prepared if the pandemic lasted through next spring. She thanked the Community Development office, **Mayor Romeo Theken's** office, **Acting CAO Vanessa Krawczyk**, **Mr. Cademartori**, and **Ms. Cahill**.

Councilor Holmgren echoed **Councilor Gilman's** previous statement, and mentioned that she thought it was a smart, creative move. She appreciated the Community Development department's willingness to work with local businesses to make sure that they were helped through the next phase of the pandemic into 2021.

Councilor Cox echoed the same sentiments. She stated that it was the best proactive move she had seen on behalf of businesses all year, and that it set the businesses up nicely for next year. She thanked the administration and staff for their time and effort in assisting with everything pandemic-related.

Councilor McCarthy thought it was great foresight to have this in place ahead of time to be prepared for what the City may be faced with next year. He hoped that this preparation and the creativity he had seen from some business owners would help these businesses survive the pandemic.

Councilor Pett thanked the entire administration, especially **Ms. Cahill** and her staff for working with all the businesses throughout the city to be able to get through the pandemic and help the businesses survive.

Councilor Nolan thought it was a great initiative that would result in a more positive outcome for local businesses. He stated that most clergy in the community understood that things are different, and while Zoom may be new to them, it was being used to keep people safe with these new initiatives.

Council President LeBlanc echoed the previous Councilor statements. He commended everyone for doing a great job, and thought the City should plan for the worst and pray for the best.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, in accordance with MGL Ch. 40A, Sec. 5, and GZO Sec. 1.11.2(e), to recommend that the City Council amend the Gloucester Zoning Ordinance by AMENDING Sec. 5.33 “Temporary Zoning Relief to Businesses during COVID-19 Pandemic” as follows:

1. Purpose and Duration: STRIKE the words “December 1, 2020” and insert the words “December 31, 2021”

2. Purpose and Duration: AMEND the last two sentences by adding the words, “in streets or public spaces beyond November 30th of any calendar year. Structures and uses on private property may remain”; and STRIKING the words “after the” and inserting the words “until the” so that the sentences read, “Such structures and uses shall not remain in streets or public spaces beyond November 30th of any calendar year. Structures and uses on private property may remain on site or in use until the expiration of this Section, unless otherwise permitted by law.”

The following items were taken out of order:

4. PH2020-035 Amend GZO Ch. 10 “Waterways Administration,” Art. V “Other Waterway Regulations,” Sec. 10-87 “Harbormaster Patrol Details

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O’Hara, the Ordinance and Administration Standing Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend to the City Council to AMEND GCO Chapter 10 “Waterways Administration”, Article V “Other Waterway Regulations”, Section 10-87 “Harbormaster Patrol Details” as follows:

(a) The Harbormaster shall have the authority to conduct and manage all details on the water in coordination with the Chief of Police.

(b) Said water details shall be required for all marine events such as but not limited to, bridge construction, movie or commercial work, construction of waterfront property, and marine permitted events requiring a safety/security boat.

(c) The Harbormaster shall select the Harbormaster personnel to serve on each said water detail and each said detail, to the extent possible, shall be filled by a member of the police department consistent with the terms of the appropriate collective bargaining agreement.

(d) The hourly rates for said water details shall be established by the Harbormaster in consultation with the Mayor’s office for the Harbormaster’s staff and shall be established by the terms of the appropriate collective bargaining agreement for the members of the police department. Further, said rates shall be furnished upon request.

The public hearing opened at 6:36 p.m.

Those Speaking in Favor: Harbormaster T.J. Ciarametaro explained that this ordinance had been amended a couple of times over the last 2-3 years. When he first began working in that position, there was no mechanism for the Harbormaster to conduct details, so that needed to be rectified. About a year ago, the language was clarified, and appeared before the Council. This year, due to the ongoing MBTA drawbridge project, there was more of a need for these details than the Harbormaster’s office could manage alone, so assistance has also been provided by the Gloucester Police Department. As a result, collective bargaining agreement terms needed to be addressed, so **Harbormaster Ciarametaro, Councilor Nolan, City administration members, and Police Chief Ed Conley** had developed some new verbiage that was mutually

agreed on. He stated that if a two-person detail was required, it consisted of one harbormaster and one police officer.

Those Speaking in Opposition: None

Summary of Discussion: Council President LeBlanc reminded attendees of the process to access the Raise Hand button depending on which device they were accessing the meeting from.

Communications: None

Councilor Questions: None

The public hearing closed at 6:39 p.m.

Summary of Discussion: Council President LeBlanc read the original Committee Recommendation as follows:

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinance and Administration Standing Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend to the City Council to AMEND GCO Chapter 10 "Waterways Administration", Article V "Other Waterway Regulations", Section 10-87 "Harbormaster Patrol Details" as follows:

- (a) The Harbormaster shall have the authority to conduct and manage all details on the water in coordination with the Chief of Police.
- (b) Said water details shall be required for all marine events such as but not limited to, bridge construction, movie or commercial work, construction of waterfront property, and marine permitted events requiring a safety/security boat.
- (c) The Harbormaster shall select the Harbormaster personnel to serve on each said water detail and each said detail, to the extent possible, shall be filled by a member of the police department consistent with the terms of the appropriate collective bargaining agreement, charge a fee of \$105.00 per hour for the use of a vessel and two Assistant Harbormasters during daytime hours (6:00 a.m.—8:00 p.m.) and a fee of \$145.00/hr. for nighttime hours (8:00 p.m.—6:00 a.m.). In the event that supervisors are required, the Harbormaster shall charge a fee of \$125.00/hr. during daylight hours and \$175.00/hr. for nighttime hours.
- (d) The hourly rates for said water details shall be established by the Harbormaster in consultation with the Mayor's office for the Harbormaster's staff and shall be established by the terms of the appropriate collective bargaining agreement for the members of the police department. Further, said rates shall be furnished upon request.

The Motion was moved by Councilor LeBlanc, seconded by Councilor O'Hara. General Counsel Chip Payson then informed Council President LeBlanc that the language in the new Section C should have ended after "*collective bargaining agreement*". All verbiage after that should have been stricken.

AMENDMENT to MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted by ROLL CALL 9 in favor, 0 opposed to amend and strike everything after "*collective bargaining agreement*" in Section C.

Summary of Discussion: Councilor Nolan stated that it was a great idea from conception. There had previously been no delivery process for the Harbormaster to charge for services, so the group that

Harbormaster Ciarametaro had mentioned had worked together so one could be created. **Councilor Nolan** mentioned that there was a great deal more movement on the water that required fee-based supervision. He expressed appreciation to everyone involved in resolving the collective bargaining terms to solidify the contract and make it legal so that the Harbormaster and police department can work together.

Council President LeBlanc thanked the **Harbormaster** for taking the time to review old ordinances, and for having created some that help the City streamline processes. **Harbormaster Ciarametaro** thanked the Council for allowing this matter to be taken out of order.

Councilor Pett thanked the **Harbormaster's** office for welcoming visitors to the City and for all their support dedicated to providing water safety.

Councilor Holmgren expressed thanks.

Council President LeBlanc said that it was great to see the **Harbormaster** and Police Department working hand in hand.

Councilor Memhard stated this was an excellent move.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to AMEND GCO Chapter 10 "Waterways Administration", Article V "Other Waterway Regulations", Section 10-87 "Harbormaster Patrol Details" as follows:

(a) The Harbormaster shall have the authority to conduct and manage all details on the water in coordination with the Chief of Police.

(b) Said water details shall be required for all marine events such as but not limited to, bridge construction, movie or commercial work, construction of waterfront property, and marine permitted events requiring a safety/security boat.

(c) The Harbormaster shall select the Harbormaster personnel to serve on each said water detail and each said detail, to the extent possible, shall be filled by a member of the police department consistent with the terms of the appropriate collective bargaining agreement.

(d) The hourly rates for said water details shall be established by the Harbormaster in consultation with the Mayor's office for the Harbormaster's staff and shall be established by the terms of the appropriate collective bargaining agreement for the members of the police department. Further, said rates shall be furnished upon request.

2. PH2020-034: Loan Order 2020-008: Loan Authorization request in the amount of \$66,700,000 to support the design, site work, construction, and outfitting of the new East Gloucester/Veteran's Memorial Elementary School

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor McCarthy, the Budget & Finance Standing Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend the City Council approve the following loan authorization as follows:

ORDERED: That the City appropriate the amount of Sixty-Six Million Seven Hundred Thousand (\$66,700,000) Dollars for the purpose of paying costs of the design, site work, construction and outfitting of a new East Gloucester/Veterans Memorial Elementary School to be located at 11 Webster Street, Gloucester, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall

have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under M.G.L Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-four and sixty-five hundredths percent (64.65%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. Any premium received 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 G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.†

The public hearing opened at 6:45 p.m.

Those Speaking in Favor:

School Committee Chair Jonathan Pope urged the Council to support this loan order since during the November 3, 2020 election, the community had voted to pay for their share of it, and the Massachusetts School Building Authority (MSBA) had agreed to pay \$26.9 million of it. He explained that this is the next step in the process that began in 2014 with many public hearings to receive feedback as to what the City’s next elementary school project should be. From there, the City had received a Statement of Interest from the MSBA, the approval of the acceptance into eligibility, the formation of the Building Committee, and the hiring of a Project Manager, Design Team, and a Contract Manager at Risk. It was an important point in what had been a long process. He agreed that once this loan order was in place, a contractual agreement could be reached with the MSBA for the reimbursement. From there, plans would be developed, and work could begin on the school. He expressed hope that it would be completed in time for Gloucester’s 400th anniversary.

Superintendent Lummis thanked the City of Gloucester and its voters for supporting the debt exclusion override. He reiterated what **Chairman Pope** had said, and emphasized the importance of this project as the City continued to modernize its elementary schools to ensure that they are able to support students and families for 50 plus years going forward, and to also be in places where the fantastic teachers and staff could work effectively. He urged the City Council to take this next step so that the design process could be completed, and ground could be broken next fall on the new school building that is expected to be completed by 2023.

School Committee Member Kathy Clancy expressed gratitude to the Department of Public Works (DPW) for their work over the years to keep the school buildings going. She explained that it was a challenge for DPW employees to keep the heating systems operating since they were so old that parts were sometimes no longer available, so they needed to be fabricated. She was thankful that two school communities would soon be attending one state-of-the art school that would provide for students and their families for many decades to come. She also shared regards from **School Committee Vice Chair Melissa Teixeira Prince** and her support, which she asked Ms. Clancy to convey on her behalf this evening since she was unable to attend.

Chief Financial Officer (CFO) John Dunn explained that the loan order before the Council had been crafted by the City’s Bond Council in Boston and passed by MSBA Legal. It was in accordance with what needed to

be done to move forward with the MSBA 3011 budget that had been approved. He stated that the new school would be a lovely thing.

Summary of Discussion: Council President LeBlanc reminded attendees of the process to access the Raise Hand button depending on which device they were accessing the meeting from.

Those Speaking in Opposition:

Patti Amaral, 14 Myrtle Square

Ms. Amaral asked how almost \$70 million dollars could be appropriated to this project when **General Counsel Chip Payson** had claimed that the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) had approved this project, however in response to her public record request, the agency had indicated to her that they had not approved anything. She stated that the taxpayers needed to know how a project of this magnitude could be approved with no documentation of the approval.

Joseph & Olimpia Louise Palazzola, 57 Western Avenue

Mr. Palazzola described that “this school is like putting a size 12 foot into a size 6 shoe”. He felt that the size of the school was ridiculous. He stated that it was an architect’s dream, which he interpreted as not being a good school. He felt that the school should have been placed somewhere that had more acreage, not in the middle of downtown. He stated that he was totally against the project, and he felt that it was going to adversely change the area, especially with the traffic.

Ms. Palazzola shared that the City had just reassessed all properties, and she called and found out that her property assessment had gone up \$20,000. She asked the Council to consider that when they voted on tax classification. She reiterated that property assessments had increased, and the debt exclusion override had been approved for the school project. She stated that the City had a lot of elderly people struggling to pay their taxes as it is, and there was no way for most of them to get deductions. She stated that taxes would then increase again to pay for the school. She expressed love for Gloucester, and she wanted to be able to remain in her home, but she did not agree with what was going on. She understood that the majority of voters had voted to approve it, but said she hoped the City Councilors would understand what they had voted for when they see a great big ark sitting on that field next to these properties on a tight road that does not fit the busses as it is. She hoped that tax classification would assist her since she felt that she would be “out of whack” trying to pay the taxes on property, water, and sewer. She said she hoped that an override would not be requested for the water and sewerage treatment plants.

Ann Rhineland, 16 Pine Street, Gloucester

Ms. Rhineland stated that she was impressed with the great deal of skill and public relations involved for a yes vote to be obtained. She continued to feel that there was an army of people who took issue with this and did not really understand. She shared that she had been involved with the library process, which included the same design and architect team, the same kind of state oversight and mandates, and both required building committees. It was her understanding that the same designers have “first dibs” on all municipal construction. She felt that the need for \$66 million dollars to provide heating, air conditioning, and Wi-Fi for the school

seemed extraordinary. She said that she saw a pattern with this kind of financing as subsidizing demolition and construction companies, designers, and architects more than meeting the needs of Gloucester children. She felt that children needed neighborhood schools, and that for schools, the best building was one that already existed that could be improved on without this phenomenal amount of funding being required. While she appreciated the time and effort put into this proposed project, she felt that if the Council authorized this, their eyes should be wide open to what is really being paid for. She said that was the planning process, the endless bills that come with building demolition. She felt that there was a need to take down, as in the case of the Maplewood School and Fuller School. She warned that if the Council moves ahead with this plan, they would be setting the City up for the demolition of four grammar schools, and all the advantages of neighborhood education for the children and families since those buildings can be used for a number of things. She thought that the proportion of funding to what the City would really be getting was way out of line.

Mary Ann Albert Boucher, 93 Mount Pleasant Avenue.

Ms. Boucher asked if it was the intention of the Council this evening to approve a \$66.7 million dollar loan order for the construction of a new elementary school. She stated that she was curious as to how this could be appropriated at this time when pieces of the puzzle were not firmly in place. The people voted under the assumption of one thing, yet the Council was voting to approve this appropriation while making two amendments to Bill 2628 that was signed into law by Governor Baker.

She stated that the Councilors all wrote and approved the law. She asked if there would be a public hearing regarding this new bill for the general public, not amended law. She said that the Council intended to move forward with this matter this evening, and questioned how something could be amended if it was already a law. She mentioned that when she had inquired about this, she was told that this was just timing and logistics. She asked how Bill 2628 could have been put into law, and now the Council wanted to amend it to something different to meet the needs of the Council after the vote. She had a really hard time with that. She said that she loved children, and wanted to see the best education for them, but in her opinion, what the Council was doing was wrong on every level. She had been following this project for four years and nine months. She agreed with Ms. Rhinelander's previous statement, and said that it was time for someone to stand up and say enough, and she was one of those people.

Denise Pascucci, 20 Birch Grove Heights

Ms. Pascucci agreed with Ms. Boucher. She thought that the people of Gloucester needed to know the truth, and transparency was not being followed. She had previously asked that it be advertised to the general public that this project costs \$66.7 million. She stated that the general public knew that was the money that the City was trying to borrow right now, which was the building amount. She wished that the total money coming out of the City's General Fund would be disclosed, since \$4.2 million dollars had been approved for swing space, the softball field, and the East Gloucester school demolition. She commented that for the Superintendent to say all taxpayers had to do was give up a cup of coffee or a beer at Pratty's, she thought it was sad that people assumed that everybody had that extra money. She thought the City should tell people exactly how much was being spent, and how much might need to be spent. She stated the dirt on the Veteran's Memorial school site was no good. She believed that by not telling people the exact information, a lot of them swayed a lot of people to vote yes. She said 8,000 people had voted no, which was a lot of people against this project. She asked the Council to reconsider the money being spent.

Communications: None

Councilor Questions: None

The public hearing was closed at 7:07 p.m.

Summary of Discussion:

Councilor Cox shared that she definitely supported this project since she believed that by putting it to a citywide vote, the residents had spoken. She believed it was up to every resident to educate themselves as to the pros and cons of every vote they make in the ballot box.

Councilor Gilman mentioned to those in opposition that the information about the school costs, including the \$4.2 million dollars is located on the Gloucester Public School's website.

She shared that this specific information had been provided by **CFO John Dunn** and the School Building Committee. She explained that two small changes had been made to the Home Rule petition, (not the legislation). It was done to help with the timing, and to be more specific. The Green Street site would not be ready for use next year since the City still needed to put down the turf and let it grow strong enough to take people to allow people to play on it. The proposed change would allow for the creation of the Green Street softball field as soon as it is reasonably practicable. After the transfer of Mattos Field to the School Committee, the City was going to work with the softball leagues to make certain that they had a place to play in 2021 until Green Street becomes available in 2022.

Since East Gloucester Elementary School was still being used as a school, this amendment would allow for its transfer to the City to be turned into a park and open space once it was no longer being utilized as a school. Lastly, the City cannot file a deed restriction on property that is a school sitting on it, so the third proposed change stated that the deed restriction on the school site will be recorded as soon as it is reasonably practicable. **Councilor Gilman** noted that during the December 2nd Planning & Development meeting, she had requested that the changes be illustrated on the screen in the interest of transparency. She expressed appreciation for Gloucester Public Schools, the School Building Committee, the School Committee, and the City Council. She was proud of and supported the work everyone had done on this project.

Councilor Nolan stated that the Council always looked at the future of things, and felt that they were being blamed for the past. Fixing up an existing school would not provide adequate space for future learning needs. He understood that the majority of voters had voted in favor of it, and felt for the people who had voted against it. He felt that all of the information had been transparent, and some things had been added to improve the softball field situation. He expressed support for this motion.

Councilor Pett echoed the statements from the Councilors who had spoken before him. He believed the process had been very transparent, and stated that in some cases, people had not liked finding the information because it was not the answers they had hoped for. He believed the necessity for a new school was there, so he would support it. He thanked Gloucester Public Schools, the administration, the elected officials, and the School Committee. He was happy to be moving forward for the future of children for generations to come.

Councilor Memhard echoed the previous sentiments. He stated that it had been a very long, complicated process, and thanked everyone who had assisted along the way. He acknowledged that it was not perfect, and recognized that some people did not like consolidated schools versus neighborhood elementary schools, and with good reason. However, he thought this was the best solution for the City at this time, and the best place to develop a new consolidated elementary school. He felt that the Council reflected the 8,620 voters who had voted in favor.

Councilor McCarthy stated that this evening, the Council was merely putting forward the loan order to fund this project as dictated by the election outcome from Gloucester voters on the debt exclusion. He mentioned that **CFO Dunn** had provided a favorable rate, and he supported the project for these reasons.

Councilor O'Hara shared that this was a very difficult decision for him after studying the situation and listening to all sides. While he thought there were a number of reasons to go forward, there were also a number of reasons not to (he believed timing and location were two of them), so he represented the minority by voting against the project this evening.

Council Holmgren supported this measure, and thought that what **Councilor McCarthy** had reminded the Council of us was important: that the outcome of the democratic process had been a vote in favor. She mentioned that there was a lot to be said for a brand-new school that would potentially attract young families who could establish roots here, and strengthening the economic future for years to come. She thanked everyone, and acknowledged that it had been an emotional and difficult process for a lot of people. She appreciated the School Committee, school administration, and School Building Committee for their dedication to bring the project to this point.

Council President LeBlanc appreciated the previous statements from all Councilors. He agreed that it was not a good idea to place blame on the past. He thought the focus should be on the future, and that a new school was needed. While people had mixed opinions on the chosen site for the new school, the matter before the Council this evening was the loan order, and he felt that it was necessary to go along with the majority of the City's voters.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 1 opposed (O'Hara), to recommend the City Council approve the following loan authorization as follows:

ORDERED: That the City appropriate the amount of Sixty-Six Million Seven Hundred Thousand (\$66,700,000) Dollars for the purpose of paying costs of the design, site work, construction and outfitting of a new East Gloucester/Veterans Memorial Elementary School to be located at 11 Webster Street, Gloucester, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under M.G.L Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that City may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-four and sixty-five hundredths percent (64.65%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. Any premium received 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 G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.]

MOTION for RECONSIDERATION: On a motion by Councilor Pett, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 1 in favor (O'Hara), 8 opposed, to reconsider approving PH2020-034: Loan Order 2020-008: Loan Authorization request in the amount of \$66,700,000 to support the design, site work, construction, and outfitting of the new East Gloucester/Veteran's Memorial Elementary School.

3. PH2020-032: Tax Classification in accordance with MGL c.40 §5 and GCO Ch.2, Section 2-26 to determine the percentage of the local tax levy for the Fiscal Year 2021 to be borne by each class of real and personal property (Continued from 11/24/2020)

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor McCarthy, the Budget & Finance Committee voted by ROLL CALL 3 in favor, 0 opposed, to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF .996800 that equates to a CIP Shift of 1.03 for Fiscal Year 2021.

All of the tax classification information can be found on the City website under the Packet for this evening's City Council meeting.

The public hearing opened at 7:23 p.m.

Summary of Discussion: Principal Assessor Nancy Papows explained that she usually gave a presentation prior to the tax classification, so it was not necessarily speaking in favor or opposition, but just providing some information for Councilors and attendees. She shared that Fiscal Year 21 (FY21) assessed values and new growth were approved by the Department of Revenue on November 30, 2020, which allowed the City to move forward with the tax classification process. There are four options to consider, none of which change the total tax levy. As there are no parcels classified as open space to apply a discount to, and **Mayor Romeo Theken** had not chosen to adopt either the residential exemption or the small commercial exemption, the focus was placed on adopting a residential factor. This factor determined the share of the tax levy that each class of property would bear. Page 4 displayed on the screen showed the total value and percentage of each class, the residential class this year made up 90.31%, and the commercial, industrial, and personal property (CIP) was 9.69%. The taxable value of the city increased 2.56% from FY20.

She stated that Page 5 showed the parcel counts and assessed values of each class from 2008 to the present. She noted that at the bottom of the page, when FY20 was compared to FY21, there was a slight decrease in the overall percentage of the residential class, and a slight increase in the commercial class. She explained that was basically due to a change that occurred with the personal property since the Department of Revenue now required that a different valuation methodology be utilized this year for the utility personal property accounts of Mass Electric and Boston Gas. This was based on some decisions rendered from the appellate tax board in a number of cases. She shared that there could be some fluctuation with this in the future, depending on what transpired if taxpayers challenged the new valuation methodology at either the local level or at the appellate tax board level.

Page 6 showed historic shift factors over the years. Last year, a shift factor of 1.03 had been adopted. **Ms. Papows** explained the meaning behind it.

Page 7 showed the calculation of the maximum allowable levy starting with the FY20 levy limit. There was then a slight decrease for amended growth from FY20. Added to that was the Proposition 2 ½ increase, and new growth for FY21, which resulted in the FY21 levy limit. To that the Combined Sewer Overflows debt exclusion and water debt exclusion are added, which resulted in the maximum allowable levy for FY21 of \$90,182,882. That number, divided by the total value of all parcels, resulted in a tax rate at a factor of one of \$12.48, which was rounded to not exceed the maximum allowable levy. The tax rate at a factor of one is up 11 cents from FY20. A factor of one would result in the same tax rate for all classes of property, and any factor other than one shifts a portion of the tax levy from one class of property to another.

Page 8 showed the approximate tax rates that resulted from the various shifts to the CIP class. The maximum shift allowed by the state this year was 1.5, which was shown at the bottom of the page.

Page 9 showed the comparison of levies by class at various shift factors. The tax rates were approximate and rounded so as not to exceed the maximum allowable levy. These may differ slightly once the recap is completed. The far right hand column showed the difference in the levy that each class would bring in after the shift.

Page 10 showed the change in tax dollars for properties valued at different levels. At various shifts, the savings to the residential parcels and the increase in tax dollars for the commercial, industrial, and personal property taxpayers can be seen. The median single-family home this year was valued at \$458,300, which was closest to the \$500,000 property value. Last year's adopted shift of 1.03 one point three saved residential taxpayer \$20, while the commercial, industrial, and personal property taxpayer paid an additional \$190. The bottom of the page showed the maximum shift of 1.5 that would result in a savings to the residential taxpayer of \$330, and an increase for the commercial, industrial, and personal property taxpayer of \$3,125. The remainder of the packet explained the open space discount in the residential and small commercial exemptions, which were not viable options this year.

Those Speaking in Favor:

CFO Dunn stated that **Mayor Romeo Theken** recommended that the City go forward with the 1.03 shift to remain consistent with the past couple of years.

Chamber of Commerce President Ken Riehl, 20 Harbor Loop

Mr. Riehl thanked the City Council for this public forum on this important City matter. He shared that every year, the Cape Ann Chamber, as the largest business organization on the North Shore, advocated for parity between the residential and the CIP tax rates. Taking into account the different evaluation adjustments to personal property tax that **Ms. Papows** had explained, he noted that the tax revenue percentage continued its downward slide over the past 7 years. He commented that this had been an extraordinary year on all fronts, and every resident and business has been impacted in some way. Speaking for the business community, those businesses and the hospitality industry had been especially hard hit. Accommodations, restaurants, retailers, attractions, the cultural community, and personal services, all of those businesses were taking losses for the year. Some were closed temporarily due to the pandemic, and some would not reopen. He concluded by saying that the Cape Ann Chamber appreciated the Budget & Finance Committee's recommendation to leave the shift unchanged in recognition of the extreme hardships experienced by both the business community and residents this year.

Olympia Louise Palazzola, 57 Western Avenue

Ms. Palazzola stated that she was confused, and asked if the shift remained at 1.03, how much taxes would go up. **Council President LeBlanc** agreed to get her question answered for her during the Councilor Questions segment of the meeting. She expressed hope that the Council would vote to lower it to save money on resident taxes, since she said that they would be paying a lot more in taxes already.

Those Speaking in Opposition: None

Summary of Discussion: **Mayor Romeo Theken** reiterated what Mr. Riehl had said about everyone being hit hard. While businesses qualified for some grants, and homeowners were able to receive some assistance, there were still cases where renters could not afford to pay rent, and landlords could not pay their mortgages without receiving rent. She stated that we are all in this together, which was the reason why she wanted to leave the rate shift unchanged. She explained that regardless of tax classification, taxes always increase by 2 ½ percent annually.

Communications: None

Councilor Questions

Q1 (Gilman) One of the components of this process that intrigues me is the formula where you talk about new businesses, both in commercial and industrial, as well as residential. It reminds members of the public that there is more to this formula than just the 2 ½%, there are extra components. Ms. Papows, could you discuss that please, and possibly show the formula again?

A1 (Papows) Councilor Gilman was talking about new growth and things that change from year to year in terms of properties in the City. Basically, what Proposition 2 ½ does is provide a limit for what the City can bring in from one year to the next by putting a levy limit on it. Each year we do see this 2 ½ % increase, which is allowed, and is calculated automatically by the Department of Revenue, which is why even if values are staying the same with the Proposition 2 1/2 increase included from one year to the next, taxpayers can usually expect to pay more in tax dollars because the City can bring in this Proposition 2 1/2 increase in addition to what they brought in the prior year. The new growth is important because it does expand the tax base. The City is allowed to bring in the Proposition 2 ½, two and a half, and the new growth. The measurement is based on what took place in the prior year, so whatever there was for construction prior to the January 1, 2020 assessment date is measured based on what increases in assessed value occur because of this construction in the City. There has been quite a bit of consistently high new growth on the residential side. There are always properties being demolished or rebuilt. We do not have a lot of vacant land, so if people want to live near the water, you do see a lot of demolitions being done to rebuild into something larger than before. That added increase is seen as part of the new growth, and it is measured in every class. So we are looking at all of the different types of residential properties, condominium developments, when they are converted from multi-family, any type of new construction, whether it is two-families, apartment buildings, those types of things. It is the same for the commercial side, whatever is taking place. We had new growth for Happy Valley and Gloucester Marine Genomics Institute (GMGI). There are a lot of things in the pipeline that are coming up as well that are going to be helpful because we have what is going on over at the Fuller site, and now a lot of that is residential. When those apartments start coming into play in terms of when they are now in existence and can add to this levy limit, so anything that we capture that is approved by the Department of Revenue for these items increases this levy limit. It is our starting point before we add the debt exclusions for the maximum that the City can bring in, so it is important to try and expand the tax base and gain what we can here in order to increase the levy limit every fiscal year.

Q2 (Cox) While you have your slides up, if we could address Louise's question as well, I would appreciate that. I think to reiterate her question is that she is not quite sure how the whole process works in regards to the tax classification being kept at one.

A1 (Papows) I can, and I also might just put this other slide up on here so I can clarify a couple of numbers on here for her as well, if you would like. I view tax classification as every year, you are starting with a factor of one. We know what that is, because we have done the calculations, and our estimation is that it is going to be 12.48 for both classes of property this year. Then what you are looking at when you choose to move some of the burden from one class to another, is this residential factor or what commonly in this City has been a tax shift. We look at it more in what above 1.0 is the piece that we elect to possibly shift to the CIP class. Any time you are doing this shift slightly to the CIP class that benefits the residential taxpayer. So I was showing on here that when you have a very minor shift, you see only a small benefit to the residential taxpayer, and that is basically because our City is made up almost 90 % residential versus the 10 % CIP. The number that Mrs. Palazzola mentioned was down here, and this is basically if you were choosing to shift to the max, which the state calculates this for us each year, this would be if you were putting as much as you could possibly shift legally onto the SIPI class, then the residential taxpayer would be seeing a larger savings for this valued property. I think it is important to note, which I did touch on when I was answering Councilor Gilman's

question, that taxes, in essence, if you have the 2 ½ % increase that you can raise, chances are you are going to be paying a little more each year. The shift is just one isolated thing to do with what your final tax number is going to be, and if, in fact, the Council decides to vote a residential factor that equates to one of these shift numbers that is above one, that is going to be a little savings to the residential and the commercial, industrial, and personal property taxpayer will pay more.

A2 (Cox) Basically, the tax rate at one is \$12.48 per \$1,000 of house value. If we were to keep it at a factor of one, we are recommending to shift it to 1.03, same as last year and the previous 3 years. So therefore, the residential factor is reduced to only one. **(Ms. Papows showed on the screen rates that would result from the 1.03.)** So with factor one, the residential rate would be \$12.47 per \$1,000 in value of home, but with the shift that we are proposing tonight in favor of the residential is a tax rate of \$12.44 per \$1,000 value of home, so I think that sums it up a little bit better for Louise, hopefully, but I do appreciate your presentation on that.

Q3 (Memhard) I was hoping that you could just clarify in terms of shift between commercial industrial property in Gloucester, which is around, as you say, 9% currently, versus residential property, which is around 91% currently. It is obviously helpful and healthy if we have a local tax base, we have local jobs as part of the economy. We do not want to become just a bedroom community of just residential properties, it is not a healthy place with no jobs offered, but going back in recent times, have we ever been above 9% commercial industrial, or have we been stable at that general balance for a few years now?

A1 (Papows) Page 7 shows the share of each class in the right-hand column, and a lot of this has to do with what is going on in the market, as well as what we have for properties in terms of commercial, industrial, and personal property, that the residential class in an increasing market so if we are in 2014 here, it increases typically at a higher rate because it is a more emotional purchase, whereas commercial and industrial properties are purchased on investor expectations. So as the residential class increases, you see that the commercial class is also decreasing. We had the opposite happening when the residential class was decreasing values back in 2008, so you do have fluctuations in the commercial, and I believe you said Councilor Memhard somewhere around the 11% range. Is that what you were indicating?

Q4 (Memhard) Well, it seems like we have got a stable balance of 9% commercial industrial versus 91% residential in general for the last few years.

A1 (Papows) It has been very consistent, even if in spite of changes, even if you go back to the beginning of this particular page, I mean, I always think of it as a 90/10, and we have not really seen anything wildly different from that over this time period.

Q5 (Pett) Yes, while you have that screen up. I appreciate all the work the assessors have done, and also our CFO, and the office of the CAO as well. I know we have sort of reached our limit on industrial development space in the community and I see that, again, we are sitting at about that 9% level, and I am just questioning: Will over the next couple of years, does it appear that this will remain somewhat stable in this sense with the new residential development, like up at Fuller, or is that offset by the personal property increases, what is the basic thought process or guess on the assessors end?

A1 (Papows) On the residential end, there are a lot of things coming into the queue that we know of, such as what is going on at Fuller so far. The residential apartment component is the biggest piece, so you have seen a couple of small commercial buildings that are going to come on board there, but the YMCA is tax-exempt, so it will not factor into these percentages. We also have a lot more new construction condominiums and condo conversions that are coming up. So I try to kind of track what is coming. The other thing that is mostly residential now is when you look at the Back Shore with Aquarius. There was the hotel there and the smaller motel buildings. That is all going to be residential going forward as well. So we have condominiums being

developed now on the other corner of Witham Street and Thatcher Road, we have Aquarius on Atlantic Road. We have the bulk of the Fuller being apartments. We have seen expansion at Gloucester Crossing, which is helpful with Home Goods and that space beyond was expanded to Starbucks and Aspen Dental. CVS has not come into the queue yet there, so that is something that we are going to be seeing next year. So we do see some things happening in the commercial sector. It is just difficult with the residential going at the pace it is going to make a significant impact in that 90/10 split.

Summary of Discussion: CFO Dunn commented that some of the things that happened with CIP were really driven by the personal property, which is also mostly utilities, and utility values, such as National Grid, have gone up over time.

Mr. Riehl commented that Councilor Memhard's question spoke to the basis of the Chamber of Commerce's argument in reducing the tax rate to create parity. He said that in the 90's, the CIP was at 15%. He stated that the steep decline corresponded to the decline of the fishing industry. Not too long ago, the City had more industrial and a larger business base. He stated that he would like to see that turn around again.

Olimpia Palazzola requested that the tax rate be increased to 1.05 now that she understood it better.

Mayor Romeo Theken stated that taxes would increase 2 ½% regardless of the tax classification ratio. She also mentioned that as far as the blue economy was concerned, it had not declined, it had just changed. She thanked Jill Cahill and Economic Development Director Sal DiStefano for their work to bring new businesses to Gloucester. She asked everyone to work with her to achieve stability this year.

The public hearing was closed at 8:05 p.m.

Summary of Discussion: Councilor Cox shared that one of the things that she had learned after 10 years of working on tax classification was to direct any questions to Ms. Papows because she was a brilliant resource with the ability to explain it in understandable terms. She shared that she was a huge fan of an even factor, and the fact that most of the City's business owners were also residents was a huge component of that. She explained that this is the first year that she supported the 1.03, and has not advocated for this, was to help promote stability.

Councilor McCarthy agreed to go along with the Committee Recommendation since 1.03 provided continuity and stability.

Councilor Pett appreciated the comments made by Mr. Riehl and Mayor Romeo Theken, so he supported staying at 1.03.

Although Councilor Memhard also appreciated stability in uncertain times, he was concerned that those times would have a heavy impact on our business and industrial community, possibly more so than the residential community. It was for this reason that he would be voting against the 1.03, although he realized that would probably be the rate again this year. He hoped for equal parity in the future.

Councilor Gilman supported the 1.03 after taking into consideration how the pandemic had affected every resident in Gloucester. She appreciated taxpayers supporting the debt exclusion override, and Mr. Riehl for supporting the Council's recommendation this year.

Councilor O'Hara stated that he supported the 1.03, and discussed the challenges that business owners had faced this year due to the pandemic.

Councilor Nolan thanked the Assessors, and stated that as a business owner, he understood and respected the needs of businesses. He mentioned that businesses made money off their property, and the small increase proposed would help all the residents.

Council President LeBlanc would be voting to stick with the 1.03 for consistency since people wanted to be able to move to the City and know what the tax rate is going to be.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 1 opposed (Memhard), to adopt a RESIDENTIAL TAX CLASSIFICATION FACTOR OF .996800 that equates to a CIP Shift of 1.03 for Fiscal Year 2021.

MOTION for RECONSIDERATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to reconsider adopting a RESIDENTIAL TAX CLASSIFICATION FACTOR OF .996800 that equates to a CIP Shift of 1.03 for Fiscal Year 2021.

Summary of Discussion: Council President LeBlanc thanked the Assessors for their time this evening.

5. PH2020-036: Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Art. VI “Traffic Schedules,” Sec. 22-270.1 “Resident Sticker Parking Only” by ADDING Fenley Road and Cedarwood Road from May 1-September 15 only

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O’Hara, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend to the City Council to Amend GCO Ch. 22 “Traffic and Motor Vehicles”, Article VI “Traffic Schedules”, Sec. 22-270.1 “Resident Parking Only” by ADDING as follows:

Fenley Road from May 1 – September 15 only.

Cedarwood Road from May 1 – September 15 only.

The public hearing opened at 8:19 p.m.

Those Speaking in Favor: None

Those Speaking in Opposition: None

Communications Received: None

Councilor Questions: None

The public hearing closed at 8:20 p.m.

Summary of Discussion: Councilor Nolan shared that he was approached before the pandemic from Fenley Road & Cedarwood Road residents since the influx of parking for beaches had become a problem for them. A petition had been signed by 13 residents. While there were some restrictions on the road already, this would make it more transparent. He asked anyone who lives on a road where there was a temporary restricted Resident Only parking sign applied to anything in the neighborhood to reach out to their ward councilors, because they had a larger scope on a project to restrict more areas to Resident Parking Only. He informed non-residents that resources were limited to what was offered to residents.

Councilor McCarthy reiterated what he had heard from **Assistant Department of Public Works Director Mark Cole** at the December 3rd Budget & Finance meeting was that parking lot revenue was down 20-25%, but walk-ons had increased dramatically, which indicated that people were beating the parking lot fees by parking in the neighborhoods. He praised **Councilor Nolan**, **Councilor Gilman**, and **Councilor Memhard** for trying to tighten fees and bring revenue back to the City.

Council President LeBlanc expressed support for the amendment this evening.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to recommend to the City Council to Amend GCO Ch. 22 “Traffic and Motor Vehicles”, Article VI “Traffic Schedules”, Sec. 22-270.1 “Resident Parking Only” by ADDING as follows:

Fenley Road from May 1 – September 15 only.

Cedarwood Road from May 1 – September 15 only.

FOR COUNCIL VOTE:

1. Decision to Adopt: SCP2019-006: East Main Street #116, Map 59, Lot 53, GZO Sec. 2.3.1(8) & 1.8 for conversion to 8-unit residential dwelling, Sec. 3.2.2 fn(e) distance between principal buildings, Sec. 3.2.2 fn (a) minimum lot area per dwelling unit, Sec. 3.2.2 fn (a) minimum open space per dwelling unit

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept Decision to Adopt: SCP2019-006: East Main Street #116, Map 59, Lot 53, GZO Sec. 2.3.1(8) & 1.8 for conversion to 8-unit residential dwelling, Sec. 3.2.2 fn (e) distance between principal buildings, Sec. 3.2.2 fn (a) minimum lot area per dwelling unit, Sec. 3.2.2 fn (a) minimum open space per dwelling unit

Summary of Discussion: Council President LeBlanc explained that the City Council had voted on this last year, and it was overturned by the land court for reasons out of the Council’s control. An executive session to weigh the possibilities as to whether or not an appeal should be filed. It was determined by an outside legal counsel that the likelihood of winning was not high, so the Council has decided not to appeal this. The Council was going to move to adopt the decision this evening to allow Special Counsel Permits to be granted for Bevilacqua Company. He stated that the applicant could have easily been approved for a 40B and created more units on the property.

Councilor Cox shared that although she had initially voted for this project anyway, and was happy that the project would be approved, she was disappointed with the state appeal process, and the fact that they would not even allow the Council to retry this. She stated that although the Council was given the opportunity to appeal, she did not think that it was a true opportunity based on the information received. She felt that the Council was forced to adopt this. She mentioned that under **Councilor Gilman's** leadership, the Council process had been improved, and praised **Councilor Gilman** and the Planning & Development Committee for their efforts.

Councilor Memhard felt that it was a sad moment in East Gloucester, consistent with the tax classification discussion since another long-standing, established restaurant property on East Main Street had closed and would be converted to homes. While he was sure it would be a beautiful project that would certainly help our tax base, jobs and a restaurant would be lost.

Councilor Holmgren echoed **Councilor Cox's** sentiments toward **Councilor Gilman**. She stated that the process used has been much improved, thanks to a great deal of work on her part and the part of the Legal Counsel. She stated that she was conscious of the fact that there could have been a 40B put on this site, and

that is part of the reason why she voted the way she did. She acknowledged that it had been an emotional process, but the City Council and the City in general had to understand that there was always the possibility of a 40B project coming before the Council unless the 10% affordable housing stock in the City had been met. She stated that every affordable unit is important.

Councilor Pett thanked **Councilor Gilman** for her work to prevent the Council from getting into this type of situation again. He agreed that an appeal was not a financially prudent decision.

Councilor O'Hara stated that **Councilor LeBlanc** had mentioned all the reasons why although it was not by choice, he would vote to adopt this. He said that he did not believe that the judicial system had been in the Council's favor.

Councilor Gilman thanked the Councilors for their kind words. She shared that she was going to vote not to support the Motion to Adopt, but having heard all the comments about how about how the Council has learned from this experience, to continue a matter if it was getting late and a decision had still not been reached.

Councilor McCarthy shared that he would support not appealing this. He stated that there were still 11 attendees on the screen, and he believed the majority of them were from East Gloucester. Although he was not on the Council when the original vote was taken, he said that he had been opposed to it as an East Gloucester resident. He heeded the advice of the City Legal Counsel and the outside counsel that had been brought in for an impartial opinion. He stated that the Council was entrusted with the taxpayer's money, and he could not in good faith see spending the taxpayers' money for something that four attorneys had advised would probably not be determined in their favor.

Councilor LeBlanc stated he would be supporting the Decision to Adopt for all the reasons that everybody has mentioned tonight. He shared that in his 10 years on the City Council, this was a first for him and **Councilor Cox**. While he had originally supported the project, he did not like the way it was being done.

COUNCILORS' REQUESTS TO THE MAYOR

Councilor Gilman requested a Do Not Enter sign on the left- hand side of the intersection of Hickory Street and High Street.

COUNCILOR'S WARD UPDATES & COMMUNITY NEWS

Councilor O'Hara shared that a Red Cross blood drive would be held on Christmas Eve from 9:00 a.m. to 2:00 p.m. at the Magnolia Library.

Councilor Gilman reminded everyone that a site visit was scheduled at 99A Essex Avenue on Thursday, December 10, 2020. Three sessions would be held at 3:00 p.m., 3:30 p.m., and 4:00 p.m. It has been requested that attendees park down by where The Gull Restaurant used to be. She asked abutters or other members of the public interested in attending to please contact her to reserve space in a session since they are limited to 10 people maximum.

Councilor Pett encouraged everyone to purchase 2021 Rotary calendars.

COUNCILOR'S THANKS & ACKNOWLEDGEMENTS

Councilor Memhard stated that it was a pleasure to be at the meeting with his fellow Councilor's tonight. He urged them to enjoy their families and friends, and to stay safe. He looked forward to seeing everyone next year.

Councilor Holmgren wished everyone a very happy and safe holiday season, whatever they celebrated. She asked that they be safe, and stated that it was a pleasure working with everyone.

Councilor McCarthy wished everyone a Merry Christmas and Happy New Year. He expressed eagerness (like everyone else) to get rid of 2020, and looked forward to 2021.

Councilor Cox wished everyone a great holiday season and Happy New Year. She thanked the administration for all their work in the past year. She looked forward to getting rid of 2020, but was not sure what 2021 had in store.

Councilor Pett thanked the Councilors for a wonderful year, and an introduction for him as a Councilor. He thanked the administration for their work in getting everyone through this year and the pandemic, and all the frontline workers; healthcare workers, doctors, nurses, the fire department, police department, and school departments, the DPW, and everyone else in the City.

Councilor Nolan thanked the citizens and the City staff, everyone who had worked hard to get through the pandemic this year. He asked that everyone shop local to support artists and photographers. He shared that the Maritime Gloucester had a great exhibit with lots of nice crafts. He encouraged everyone to take care of their neighbors.

Councilor O'Hara wished everyone a very happy holiday season, and thanked his fellow Councilors.

Councilor Gilman thanked the other Councilors for their teamwork, and wished everyone Happy Holidays.

Ms. Krawczyk commented that 2020 had been an extraordinary year, during which City staff had been asked to be nimble and adapt to constantly-changing scenarios. She appreciated their patience, and looked forward to working with everyone in 2021.

Auditor Kenny Costa wished Happy Holidays to all, and expressed hope that 2021 would be a better year for everyone.

The **City Clerk** reflected on the challenges of conducting three elections during the pandemic. She expressed appreciation for all the support received from the public and City Councilors, wished everyone Happy Holidays, and looked forward to working with everyone in 2021.

Council President LeBlanc mentioned the adjustment to people attending Zoom meetings from home. He appreciated his fellow City Councilors for all their support, and wished everyone and their families the best over the holiday season and in the coming year.

MOTION: on a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adjourn the meeting at 8:49 p.m.

There is a link to this meeting available on the city website at:

https://gloucester-ma-gov.zoom.us/rec/play/tXO2gPMBh2LRLA1-rX_LODke0GyDBWw1V0jqG2QnCnpRBufMj4ChqePEokkclqKVnlkm4-pcbRKxVqOy.QeRnyeagoI_7zxw2

A transcript of this meeting will be filed with the minutes as soon as possible.

Respectfully submitted,
Brianna Komi
Administrative Support
City Clerk's Office