

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, October 7, 2014 – 6:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Paul McGeary; Vice Chair, Councilor Sefatia Theken; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whynott; Councilor Paul Lundberg; Councilor William Fonvielle

**Absent:** None

**Also Present:** Linda T. Lowe

**The meeting was called to order at 6:07 p.m. Councilor Whynott entered the meeting at 6:09 p.m.**

**Flag Salute & Moment of Silence.**

**Oral Communications: None.**

**Consent Agenda:**

- **MAYOR'S REPORT**
- 1. Memorandum from Principal Assessor regarding Tax Classification (Refer B&F)
- **COUNCILORS ORDERS**
- 1. CC2014-041 (McGeary) That the Council join with the Mayor in recognizing Linzee Coolidge by the commissioning and Awarding of a medal to be struck in his honor for his many contributions to the city and to its civic and cultural life (FCV 10/14/14)

**By unanimous consent, the City Council voted to accept the Consent Agenda.**

**Unanimous Consent Calendar:**

1. CC2014-042 (McGeary) Whether the Council wishes to express to the state Department of Conservation and Recreation Its support for the bid of Piper Boatworks/Maritime Gloucester to carry out the renovation of the historic schooner Ernestina-Morrissey (FCV 10/14/14)

On inquiry by **Councilor Cox**, **Council President McGeary** explained the reason that the Unanimous Consent Calendar item was presented now was because the state is intending to make its decision soon on who should get the contract to carry out the renovations on the Ernestina-Morrissey.

**By unanimous consent, the City Council voted to accept the Unanimous Consent Calendar as presented.**

**Presentations:**

- **Candidates' forum for the vacant City Council seat for Ward 4 City Councilor.**

**Councilor Lundberg** noted that because one of the candidates is married to his sister, he had contacted the State Ethics Commission and described the situation to them. Because his brother-in-law is considered a non-immediate family member, there is no conflict of interest under the state ethics law, however, the attorney advised him to submit a disclosure of an appearance of a conflict of interest, which he did with the City Clerk, he said, on Sept. 14. The document, he clarified, asserts that he is taking all the facts into account. He said he feels he can perform all his official duties objectively and fairly.

**Candidates present in alphabetic order:** Carol Earle Burnham; Valerie Gilman; Anthony Gross; Joseph Orlando, Jr.; Bob Stewart, Robert Whitmarsh. Mr. Stewart arrived late to the meeting. As he was not available to choose a number, **Council President McGeary** determined that he would speak last. Candidate for Ward 4 Councilor, Rick Noonan, had advised the Council in writing he would be unable to attend this meeting and had submitted a statement for the record (to follow and on file). Candidates chose numbers randomly from a basket and appeared before the Council in numeric order. Candidates were given five minutes to make their presentation to the Council and then Council questions were to follow. **Council President McGeary** announced that residents of Ward 4 had organized a candidate's debate for Thursday, Oct. 9 at 7 p.m. at the Lanesville Community Center.

**Robert Whitmarsh**, 2 Blueberry Lane, said that he knew Ward 4 well and indicated he would be responsive to all constituents' phone calls. He pointed out his career the service industry. He noted he had run for Councilor-at-Large in the last municipal election and received a respectable number of votes. He pointed out that he runs a well-

known family business started by his grandfather and reviewed several of the community projects which he had been involved in, such as the creation of the Harbortown Cultural District, and his experience with government contracts. He expressed that he enjoyed being part of a team and working with people and had the energy and interest to move the interests of the city forward.

**Council President McGeary** said that the Mayor has said it will cost \$40-50 million to build new city offices and a public safety center at the Fuller School site. She estimates the debt service at \$4 million for that project alone in the first seven years. Given that the city may need a couple of schools at \$40 million each in the next several years, the city could be doubling or tripling its current debt service payments of \$8 million per year, meaning more than a quarter of the allowable budget would go for debt. He asked how the candidate would propose to meet the need to rebuild the city's decaying infrastructure while still delivering needed city services. He also asked specifically if the candidate supported a debt exclusion to allow the borrowing to exceed the limits set by Proposition 2 ½. **Mr. Whitmarsh** responded that it appeared to be a tall financial order, and that the resources were not available under normal conditions. He said a debt exclusion would be necessary and expressed the hope that the need to build the schools would slow, although he did support the school infrastructure improvements but that he also supported the emergency services center which was needed also. Both issues would require careful study, he added.

**Councilor Verga** noted as a former ward Councilor that in today's world ward constituents expect a quick response from their Ward Councilor. He asked out the candidate saw himself handling constituent concerns. **Mr. Whitmarsh** said he would make his cell phone available to his constituents and would respond in a rapid and timely fashion, which he pointed out was important not only to his business but to the ward.

**Councilor Theken** asked that the questions posed by the Council also be made available for a response from Ward 4 Council candidate Rick Noonan in order that he might respond as well for the Council's consideration. Noting that Ward 4 is large and diverse, she asked what the candidate would do to so that the ward's open space and historical structures would be preserved but yet allow for development. **Mr. Whitmarsh** said he has a great sensitivity to historic preservation of which he attended the Boston Architectural College and received a certification in Historic Preservation. He is also a member of the Historical Commission, he noted. He said it is important to maintain the quality and character of the ward neighborhoods and the historic treasures of the ward.

**Councilor Cox** noted she also was a Ward Councilor and pointed out that the work/life balance as a ward Councilor is very difficult. She asked how the candidate would plan on balancing that. **Mr. Whitmarsh** said the responsibilities of a ward councilor would come first. His business has changed and doesn't require him to attend to emergencies now. He indicated he is good at scheduling and setting priorities and assured he could live up to the responsibilities of a ward councilor.

**Councilor Fonvielle** asked if there were any issues specific to Ward 4 that are important or may come forward in the coming year. **Mr. Whitmarsh** said that in the past the problem of keeping the Bay View Fire Station open was a ward consideration. Even Bay View, he said, can be a distance issue in terms of timely emergency response. Noting that there was a funding issue to keep the fire station open, he indicated that it was an obligation to the citizens of Gloucester to have protection for their property and lives should there be an emergency. To have essential emergency services coverage at all times for the safety of all was important, he said. He also suggested if there is interest in Lanesville becoming a historic district he would be in favor of helping those residents pursue that endeavor.

**Councilor Lundberg** asked what motivated the candidate personally to become a Councilor. **Mr. Whitmarsh** said he would be an asset to the Council as he feels a personal responsibility for the city to move it forward to be the best community possible. He added that it is a great community now, and it can be better which he'd like to help with. He indicated there are a lot of issues coming forward and his point of view could help shed some light on solutions for the city's future.

**Carol Earle Burnham**, 74 Langsford St., noted that although she was not born in the city, and had not lived here all her life, the house she lives in was built by her great-great grandfather and she had always thought of Gloucester as her home. She recounted her career as a music industry publicist which involved her creating plans and budgets for a range of marketing campaigns. She pointed out her involvement with the arts scene on Cape Ann, highlighting her grant writing skills, and collaborations with the Cape Ann Museum, the Cape Ann Symphony and the Sawyer Free Library. She also noted she now runs her own public relations firm handling all its business aspects. She is also a professor at Endicott College, she said.

**Ms. Burnham** discussed her top priorities for Ward 4, safety being most important. She stressed the importance of keeping the Bay View Fire Station open in order to avoid delays in responding to emergencies. Noting recent car accidents in the ward, she indicated the ward needs an advocate to ensure continued interest in the safety of the ward's roads and pedestrians. She pointed out the importance of preservation of the breakwater at

Lanes Cove to keep it a safe harbor for the fishermen who moor there. She also noted the need to preserve the Lanesville Community center. She said the city's waterfront must be revitalized but in a balanced way to maintain space for the fishing industry and its adjacent businesses. Job preservation was as important and keeping recent city college graduates in the city to work and live here. She pointed to the Fuller School site where she said compromise is vital for the disposition of the property. She also touched upon the recent efforts to revisit and improve the city's leash law. She asked for the opportunity to serve in the footsteps of former Ward 4 Councilors.

**Councilor Verga** asked how the candidate would respond to constituent concerns along with managing a work/life balance. **Ms. Burnham** said she balances her roles as a businesswoman, as a single mother, and work as a volunteer. She indicated she was always connected electronically, returning texts constantly, is on Facebook reaching out and would have no issues in respond quickly to constituent needs.

**Councilor Fonvielle** asked her which of the Council's standing committees she would want to serve on. **Ms. Burnham** said she didn't know but would look at them, study them, and make a better decision. She didn't feel comfortable to speak off the top of her head without further research, she said.

**Council President McGeary** asked how the candidate would propose to meet the need to rebuild the city's decaying infrastructure while still delivering needed city services. He also asked specifically if the candidate supported a debt exclusion to allow the borrowing to exceed the limits set by Proposition 2 ½. **Ms. Burnham** responded that when she feels comfortable having all of the information and looking at realistic numbers she could be more confident responding in a definitive manner. Everyone should be responsible for supporting the city's infrastructure and that whatever that takes in a reasonable way to make sure that it happens with citizen participation then she could be comfortable supporting that in a reasonable way, she said.

**Councilor Cox** noted that the candidate's resumé appears to indicate four current jobs and three volunteer jobs. She asked how she would resolve conflicting demands on her time. **Ms. Burnham** said she is aware of the time constraints placed on her. She said she would have to reevaluate upon Council appointment and would manage her time as needed. She noted her jobs are all based in one place.

**Councilor Theken** said there is a senior population in the ward that needs advocacy, which Councilor Hardy had made a high priority. **Ms. Burnham** indicated that she is familiar with the need as she has a senior living with her at home. With more information she said would be an advocate to ensure seniors get the same support as everyone else does. She assured the councilor that she would stand up for the ward's seniors.

**Council President McGeary** noted that Rick Noonan submitted a statement to the Council to be read into the record as he was unable to attend the meeting as he and his wife were travelling celebrating their 10<sup>th</sup> wedding anniversary. **Linda T. Lowe**, City Clerk read the following statement (on file):

Thank you City Council President McGeary, assembled City Councilors, and Ward 4 residents. Please excuse my absence, my wife and I are traveling to celebrate our tenth wedding anniversary.

We moved to Ward 4 thirteen years ago. We lived with my mother in Annisquam initially when we started Cape Ann Coffees, eventually settling on Wheelers Point Road.

My public service began with former Mayor John Bell appointing me to the Planning Board in July of 2007. I was handed a binder of the City's Code of Ordinances, "the packet" and the agenda for the next meeting. I read everything, and I think I read the packet three times. Who knew they had "Paper Roads" or that you needed "reasonable access" to your lot or that you can petition to move a lot line to gain much needed frontage. The learning curve was steeper than I had anticipated. I was impressed with the City Staff in Community Development and found myself frequently stopping by before meetings.

As Chairman of the Planning Board I take very seriously the attention to process and continuity during Public Hearings. It has always been my position in zoning matters to carefully craft a predictable path and to hopefully flush out unintended consequences, much easier said than done.

In 2012 I was appointed Chair to the Harbor Planning Committee by Mayor Kirk. A different find of meeting process with a goal of evolving the previous Harbor Plan. The Committee worked through months of updates from all the sub-committees serving the waterfront. We labored through hours of technical and nuanced planning and zoning language with Coastal Zone Management and our Consultants. The result, I believe is a plan the will be approved by the state and will further define the path of allowable uses that are consistent with the values of the community.

If elected to the serve as the Ward 4 Councilor I would work to establish a connection with interested residents through neighborhood meetings, email or social media. Simply put I see the ward counselor function as a conduit, without community participation it is impossible to represent the Ward. Thank you.

**Council President McGeary** asked the Council if it wished that questions be forwarded to Mr. Noonan through the Clerk of Committees. **The Council by unanimous consent voted to have the questions sent to Mr. Noonan with a deadline for responding within 48 hours of the time the questions were forwarded by email.**

**Valerie Gilman**, 75 Revere St., said she has lived with her husband and two children for 17 years in Ward 4 and has been a year round resident of Gloucester for 31 years. Her children attended city schools. She stated she would work tirelessly to earn a popular vote for re-election from Ward 4 residents in November 2015 if appointed. She worked 25 years in high technology and manufacturing industries in human resources leadership roles. She noted she has a B.A. in Psychology and a Master's degree in Human Resources Management. She served three terms on the School Committee including two years as chair and two years as vice chair. She is currently on the board of the Gloucester Education Foundation and Annisquam Village Players. She mentioned the city's leash law, the wind turbines and the city's investment in alternative energy opportunities. She said she was reminded of the importance to continuously seek better ways to run the city, be it updating the City Charter in 2020 or searching and learning about improvements in the use of the working harbor. She mentioned a letter to the editor by ward resident Butch Roth in the Gloucester Daily Times and quoted, "a new councilor has to learn the ropes of city government." She pointed out that she knows the Open Meeting Laws, the budget process. She indicated she is familiar with the city's administrative staff and can navigate the city's complex bureaucratic process. She said she had the added benefit of having been Councilor Hardy's School Committee liaison for six years and learned the rules of government from her, noting that the Councilor was a hard act to follow. She pointed out that she believes she has maintained collaborative relationships of mutual respect. She also mentioned that if appointed she would work through media outreach to the ward residents and hold listening sessions as she did when on the School Committee. She concluded her remarks by saying that she has the time, energy and enthusiasm to be available to all the Ward 4 residents. Her reputation, results as a public official serving the city, her listening and collaborative skills qualify her as a City Councilor, she added.

**Councilor Verga** asked about responding to constituents and work/life balance of a ward councilor. He pointed out that Councilor Hardy was a full-time ward councilor. **Ms. Gilman** responded she does a great deal of non-profit work but has 100 percent of her time to put her energy into the role of ward councilor which would include projects and whatever would help the full Council be it lobbying in Boston on behalf of the Council on issues, benchmarking best practices of particular matters. She said she was a team player and would help the city in any way possible.

**Councilor LeBlanc** asked how the candidate would separate her past issues focused on the School Committee to that of a City Councilor. **Ms. Gilman** responded that the biggest matter to come before the Council is the annual school budget. The budget process begins with the City Council's Budget and Finance Committee's review of the School district's budget. What she learned on the School Committee, she pointed it, would allow her to successfully dig in as Councilor so there would be no loss of time for as a new Councilor for Ward 4.

**Councilor Lundberg** noted the detailing by Ms. Gilman of the experience she believes qualifies her and the fact that she has the time, but asked what personally motivates her to join the Council. **Ms. Gilman** said she loves the city, living here, the city's diversity and enjoyed being a public official. She said she is involved with most city non-profit organizations. She asserted she is very committed to the city, that there are many things that can be worked on to make the city a better one and that commitment motivates her.

**Councilor Theken** asked the candidate about open space and historic preservation in Ward 4 and balanced development. **Ms. Gilman** suggested a partnership among the Ward Councilor, the Conservation Commission, the Essex County Greenbelt Association, the Planning Board, and residents and experts. She said there was a recent issue when 23 cluster homes had been proposed to be developed. There was hard work among the developer, the city and the neighborhood that resulted in concerns about the project being put to rest. She said it is about getting people involved who understand the issues and having good dialog to preserve as much as possible but understanding that the city still needs to increase revenue through growth. She noted at some point there will be a need to develop new properties.

**Councilor Fonvielle** noted important progress in getting the city's fiscal house in order, with economic times still difficult, he asked the candidate to enumerate what she sees as the important economic factors facing the city. **Ms. Gilman** said although her preference is for local fire departments but centralized Fire and Police Departments needs to be looked at long and hard. She said there is a need to continue to look at all the city's infrastructure needs to be prioritized. She noted the work of the Capital Improvement Advisory Board (CIAB) that is beginning to do that, and similarly the school district looking at all their buildings. She said it is imperative when time is appropriate that the city is agreeable to debt exclusion overrides on matters important to everyone. She said she didn't think the city could keep growing on 2 ½ percent; but money is tight and there needs to be a balance.

**Councilor Cox** asked Ms. Gilman to identify one pressing need in Ward 4. **Ms. Gilman** said it is keeping the Bay View Fire Department open, as response times are too long from Central Station with Washington Street being clogged with traffic, particularly in the summer. She pointed out her family had experienced a fire, and some emergency medical needs and response time is important, safety paramount.

**Council President McGeary** asked about the state of the fishing industry and what the city should do to encourage and preserve it and the harbor assets. **Ms. Gilman** said she has read the harbor plan and comments of the residents of Ward 4, and pointed out that there is a balance, for a working waterfront. She said she liked what she has seen with the [Beaumont Gloucester] hotel. She added that as a [recreational] boater, she appreciated the efforts of the Waterways Board to open the city up to visitors and tourists to shop and dine here through their transient boater water shuttle. Such efforts need to be sustained, she said, and again cited a need for a balance and working together to do what's right for tourism and for the working waterfront.

**Tony Gross**, 18 Nashua Ave., said he is a lifelong Gloucester resident and had lived in Ward 4 for 18 years. He noted his wife's family has lived in the ward for four generations. He said his lobstering business is based in the ward, fishing on Ipswich Bay. He also noted that he is a member of the Leonard Club, the Annisquam Village Hall Association and sits on the board of the Mt. Adnah cemetery. He pointed to his active involvement as a community volunteer and elected official since the 1970s. He called himself a roll-up-his-sleeves type of person to get things done. He praised the diversity of Ward 4 and said he would make it his mission to give Ward 4 residents the representation they deserved. He said that in his years of public service that getting things done requires understanding what matters to people, knowing how things work and building relationships. He pointed out he would seek out people to listen and understand their concerns and what matters to them. He cited a variety of concerns of the ward including several mentioned previously by candidates but added matters of concern such as trespassing in the quarries, speeding boats on the Annisquam River, odor control issues at the sewer pump station in Riverdale, public utilities and emergency response for the ward's elderly population, further repairs to the Goose Cove causeway. He said he would be accessible to the ward by holding community meetings and publishing his cell number so that he can fully understand issues that matter most to his constituents. He also highlighted his work at the local state and federal levels through his six years on the Waterways Board and five terms as a School Committee member. He also pointed out he has a proven track record of working cooperatively with various parts of the city and city departments, state and federal government. He said while he is a man of strong opinions, he is an advocate for building relationships and consensus and is adaptable, which he said he saw as personal strengths. He reviewed some of the work through the Waterways Board that Ward 4 had benefited from. He closed his remarks by noting that although Councilor Lundberg is his wife's brother and noted he and the Councilor respectfully disagree on many issues which have not been a problem to family harmony.

**Councilor Verga** pointed out the candidate's profession requires him to be out on the water working as a lobsterman and asked he the candidate proposed to respond to constituent needs. **Mr. Gross** said he departs in the early hours of the morning and returns to shore in the early afternoon and would respond as quickly as possible to the needs of ward residents, seek solutions for them as quickly as possible. He assured the Councilor he knew where to go and who to contact to get things done.

**Councilor Theken** asked the candidate about open space and historic preservation in Ward 4 and balanced development. **Mr. Gross** pointed to his effort in preserving and cleaning up of Hodgkins Cove and Lobster Cove landings through the Waterways Board. He said balancing preservation and development is about proactivity and revising zoning laws in the ward to assure zoning is appropriate to each of the ward area.

**Councilor Lundberg** pointed out that **Mr. Gross** is currently serving on Waterways Board and the School Committee and asked why he would want to give those up to join the City Council. **Mr. Gross** responded that before he ran for School Committee he had called Councilor Hardy who indicated she would run for a fifth term and would not run against her, but would have stepped forward had her intent been not to run for another term. If elected, he would not be able to serve on the Waterways Board and School Committee, he said, and that becoming a Ward Councilor would actually simplify his life and was something he had contemplated before.

**Councilor Fonvielle** asked which Council committee would be the candidate's preference. **Mr. Gross** said he would prefer Budget & Finance as it is something he did with the School Committee as well as with the work on the Waterways Board.

**Council President McGeary** asked how the candidate would propose to meet the need to rebuild the city's decaying infrastructure while still delivering needed city services. He also asked specifically if the candidate supported a debt exclusion to allow the borrowing to exceed the limits set by Proposition 2 ½. **Mr. Gross** responded that there would be a need before a debt exclusion, to seek the CIAB's advice. The city has historically not paid enough attention to its infrastructure, he said, although there has been more attention in the recent. There is a need for a full assessment to see if city buildings can be rehabilitated rather than torn down before there is an override considered, and then, he said, citizens would step up.

**Councilor Verga** noted **Mr. Gross** supported the concept of an interim term only but would not take a pledge not to run which he confirmed with the candidate. **Mr. Gross** clarified he supported the idea of only an interim Councilor because of a concern of the amount of people who didn't know this process to fill the remaining ward

Council term was underway. Because of this concern and others, he said, he would not have signed a pledge to not run for re-election.

**Councilor Cox** pointed out as a Councilor it is hard to find a response to an issue, noting the difficult issues surrounding the city's leash law and noted how it is a difficult task to decide whether to put the public safety first and not have dogs running free or to decide to compromise to find a balance where dogs run free but risk a public safety issue. She asked if this was a difficult issue to address as a Councilor, putting personal opinions aside for the greater good. **Mr. Gross** said it is not difficult as it is for the greater good. He pointed out the city has been written up as pet friendly and is a huge business nationally not just locally, but yet there are people who are fearful of dogs have rights as do dog owners. He suggested that set times that dogs could be at the beaches off season could work. There is a movement in the ward to create a leash free zone, and that serving the greater good is difficult and everyone's needs have to be taken into consideration.

**Joseph Orlando, Jr.**, 141 Wheeler St., noted he is currently building a home at his Wheeler Street address. He addressed the issue that had been raised regarding his actual place of residence. He contended he was a registered voter of Ward 4 and that although there had been opinions to the contrary, in particular that of the Council President, he considered his residency to be valid. He pointed out that upon completion next spring, he and his wife, and his then newborn child will move into their new home. He noted that he came from a long line of people who believe in serving their community. He cited his family's fishing history in the city, and that while living in Hamilton he was appointed to the Planning Board, ran for reelection and had won, giving him valuable municipal experience. He touted that his support of the city's school and would advocate for the children of Ward 4. He touched upon the public safety buildings, outlying fire stations, specifically Bay View, sustainability of the local hospital and the city's leash law. He said he had a unique understanding of the issues related to each area of the city. He pointed out he was a graduate of Gloucester High School, represents people working in the city's fishing industry, and advocates for the preservation of the city's maritime traditions through working with a non-profit organization, G.O.S.E.A.

**Councilor Verga** asked about Mr. Orlando's ability to handle day-to-day constituent services. **Mr. Orlando** said he is fortunate to live and work in Gloucester and would be readily available most days to his constituency. In his profession as a lawyer he would have to be in court on certain days, but he said it intention is to be as available as much as possible to ward residents.

**Councilor Theken** asked the candidate about open space and historic preservation in Ward 4 and balanced development. **Mr. Orlando** suggested development is a subjective issue based on a particular development spoken about. He said there is a need for responsibility for the historic areas in the ward and all over the city which they don't want to change the nature of. He added that responsible development is key but to keep the city's traditional seaport feel but not to be afraid to make improvements that would benefit the greater good of Ward 4 and the city.

**Councilor Fonvielle** pointed out that given the candidate's comments about the Council President how would he reconcile the general spirit of the collegial Council relationships and asked how given his comments about the Council President would he be able to work with the Council. **Mr. Orlando** said he understood his comments could be viewed as assertive or aggressive. He pointed out in his line of work he fights against injustice, and said what happened there was an injustice and could not in good conscience not address the issue head on. He said he disagreed with Councilor McGeary and didn't necessarily understand the Council President's issues with him, but that he needed to put forward his objection and assured he would work with anyone as long as things are done right they follow the rules. He added that he's always been a team player, and has worked on boards and committees. He said that even with disagreements that there is always common ground as they all have the best intentions for the city in mind.

**Councilor Lundberg** expressed the same concern as Councilor Fonvielle and suggested to solve the matter he asked why the candidate didn't just let the voters decide at the next municipal election a year hence. **Mr. Orlando** said he may do that but he said from his perspective is a resident of Ward 4 and has a right to put his hat in the ring now to serve the community like anyone else.

**Council President McGeary** asked how the candidate would propose to meet the need to rebuild the city's decaying infrastructure while still delivering needed city services. He also asked specifically if the candidate supported a debt exclusion to allow the borrowing to exceed the limits set by Proposition 2 ½. **Mr. Orlando** said he was not comfortable taking a position unless the city made a short-, mid- and long-term plan for infrastructure growth and would not be in favor of raising taxes but to find ways to increase the tax base and to keep families here and bring back college students to live and work in the city which would improve the city's financial position.

**Robert Stewart**, 20 Leonard St., said he applied for this position of interim ward councilor as he and his wife have known Jackie Hardy since she started working with former Mayor Bruce Tobey, and that her loss is a tragic loss to the City. He said he felt that if someone like himself applied that those who then decide to run, which he would not, would have a level playing field. He said his entire career has been a steep learning curve and noted he

started at 22 year old as a Navy ensign he assigned to work with Admiral Hyman Rickover, someone who demanded perfection. Upon graduating law school, he became a management consultant with one of the largest management consulting firms in the country and described the intricacies of working in such a business environment focusing on important issues to hone recommendations to clients. Complicated issues, he pointed out, were also a part of his law practice. He said he is not a lawyer who practices in court, but is a specialist dealing with complicated taxation matters. He also noted he had served for 22 years on the city's Zoning Board of Appeals (ZBA). He said he learned in his professional life and public life is that problems are not insolvable. He noted a need to listen before speaking and understand what an adversary's real problem is. He pointed out that one can't understand the problem and don't bend, there will be no forward progress which he said he learned through his professional life and work with charities. He said he would represent his ward and would recognize the fact that his ward has to realize there are four other wards and their issues have to be taken into consideration which he said he would do.

**Councilor Theken** asked the candidate about open space and historic preservation in Ward 4 and balanced development. **Mr. Stewart** said he agreed with Mr. Gross in protecting open space in the ward as critical that requires a zoning solution which he added he understands having worked with the ZBA for 22 years and can see that it is done.

**Councilor Verga** pointed out that the candidate has said he had no intention of running again which would make him a lame duck. Given that fact, he asked how the candidate would balance the needs and expectations of an active ward. **Mr. Stewart** said a lame duck is someone defeated at an election but has to finish the several last months of the term. He said he doesn't accept the concept that someone who isn't going to run for reelection has any less energy or wherewithal to solve the problems of the city. This is a wonderful city, he said, where people aren't judged on whether they run for election or reelection but whether they work to move the city forward.

**Councilor LeBlanc** noted there has been an uncontested race for five terms and that the candidate has indicated that his intentions are to not run again for a full term of office. **Mr. Stewart** said through appointed positions he worked hard and said the Council is fortunate to have all these talented candidates step forward and would be a good thing for them to run for election. He said he isn't a person who has been interested in elective office.

**Councilor Fonvielle** asked what goals the candidate would set for his year of service. **Mr. Stewart** said his passion is education. His equal passion is helping the poor and homeless, he said, and is why he has served with Pathways for Children for many years because there is no mark left on the city during their service, the city's kids should have the chance to compete in a very difficult world. He said his bias will be that, to the extent that the City Council has to prioritize things, his bias will be the education of the city's children. He added that will also work with all the Councilors to solve the other problems of the city.

**Council President McGeary** asked how the candidate would propose to meet the need to rebuild the city's decaying infrastructure while still delivering needed city services. He also asked specifically if the candidate supported a debt exclusion to allow the borrowing to exceed the limits set by Proposition 2 ½. **Mr. Stewart** said if the trade-off came between building a new building to serve in place of an old building, he would not want to see the city mortgaged further. He pointed out that if it came to whether or not there could be a better or new school for the city's children, he would rather mortgage the city than mortgage the children's future. He added he would vote for an override for that purpose.

**Council President McGeary** thanked the candidates for their presentations. He noted on October 14 the Council will vote to fill the remaining term for Ward 4 Councilor. He said the candidate must be nominated by a Councilor and seconded by another, and the Council will vote until a candidate gets five votes and that person will become the City Councilor for Ward 4.

**Councilor Verga** asked once the vote takes place, would and the oath taken could the new Councilor take their seat at that time. **Ms. Lowe** explained there is no certification required and that the successful candidate could be sworn in at that time and takes their seat at the dais.

**Councilor Theken** asked if the Council would hear from the Board of Registrars whether Joseph Orlando, Jr. will be able to be considered a viable candidate for Ward 4 Councilor at the October 14 meeting. **Council President McGeary** noted the Council will know by the 'election day.' He explained that the procedure is as he understands it that there were two opinions from General Counsel. The first one was a simple recommendation to the Council on what constituted residency. But that under Mass. General Law, the board that is charged for determining suitability to be a voter in a district is the Board of Registrars of Voters. That board will meet on Wednesday at 1 p.m. in City Hall where the Board will inquire into the matter and determine if it is worth pursuing. If it is, The board will hold another hearing tentatively scheduled for Friday, Oct. 10, at 12 noon at City Hall at which point the matter itself will be adjudicated by the Board. The Board's determination is final, he said, either

way. The Council will know in advance of their Oct. 14 meeting whether or not Mr. Orlando has been certified as a candidate.

**Councilor Cox** questioned the Council's time for consideration of the results of the Board of Registrars. She asked if the meetings are open to the public and where they would be held. The meetings are public, **Ms. Lowe** said. The meeting on Wednesday is in the 1<sup>st</sup> Floor Council Committee Room at 1 p.m., and that Friday's meeting will be held in Kyrouz Auditorium at 12 noon. She said the meetings were put together as expeditiously as possible given the tight time constraints. Responding to a further question from the Councilor, Ms. Lowe said the meetings were scheduled due to the times when members of the Board could meet, noting that particular Board never meets in the evening. **Council President McGeary** said that the procedure only came to light last week and with posting requirements it was all handled as quickly and expeditiously as possible.

**Councilor Whynott** expressed concern for the Friday meeting the Open Meeting Law requirements for its posting which **Ms. Lowe** assured the Councilor that the matter of two days for posting will have been met under the Open Meeting Law.

**Councilor Theken** asked who composed the members of the Board of Registrars and when they last met. **Ms. Lowe** listed the members as herself, Attorney Mark Nestor, Lucia Sheehan and Judith Peterson. She said the last time the Board met was shortly after the September state primary to review the election.

#### **For Council Vote:**

- 1. Whether the Council wishes to state its preference that the candidate elected to the vacant office of Ward 4 City Councilor should declare that he or she does not intend to seek election to that office in the municipal elections of November 2015**

**Council President McGeary** said that the chair having brought the matter forward would accept a motion to consider this matter. **Councilor LeBlanc** moved the matter and **Councilor Whynott** seconded.

**Council President McGeary** made this statement:

"I put this measure forward because he believed it is the fairest method available to the Council, given the short timeline set by the Charter, for us to fulfill their obligation to fill the vacancy on the Council. It allows the voters of Ward 4 a full and fair chance to elect a representative of their own choosing in 2015. In November of 2015 there would be no incumbent; all candidates will start from the same place; the playing field will be level.

"It is true that incumbency is not guarantee of election—indeed three members of this Council arrived here by unseating incumbents—but it is also true that incumbency is a distinct advantage in local elections. While it is true that the voters could vote against a candidate we elect, the truth is that the advantages of incumbency are great. We would be putting a thumb on the scales, like it or not.

"The argument has been made that this is an 'ad hoc' qualification not required by the charter. That is true. Other than saying that the person chosen must be registered voter who resides in Ward 4, the Charter is mute on who we should select or what criteria we should weigh in making our choice. The Council can and should weigh any number of factors in making our choice. Fairness to the voters is, I believe, a perfectly valid criterion to use.

"The precedent for our expressing such a preference is strong. When Sen. Kennedy died and Sen. Kerry resigned, their seats were filled by capable replacements, who finished their terms commendably. Governor Patrick could have chosen to appoint someone who might have sought re-election, but he chose not to, leaving the ultimate choice of who would represent Massachusetts in the US Senate to the voters. There are a number of highly qualified candidates from which to choose, and I believe that we would do well to leave that choice to the voters of Ward 4. There is, too, the matter of fairness to the candidates themselves. By expressing this preference, we give candidates a week to assess their situation before our final vote on Oct. 14. A candidate may decide to continue his or her campaign "as is," without making any statement concerning intentions in 2015. He or she may decide to run on the basis of promising not to seek re-election. Or, he or she may withdraw from the current process in favor of going before the voters in 2015. But they would know up front the conditions under which they were being judged.

"This is an expression of this Council's preference only. We cannot bind the future and forbid anyone from seeking office in 2015. But this council does set a precedent for other Councils to look back to should this unfortunate duty fall to them in the future. In addition, anyone who declared that he or she would not seek re-election and then chose to run would certainly have some explaining to do to the voters come 2015. I believe that this would accomplish the goal of leveling the playing field for that election.

"The relationship between a Ward Councilor and his or her constituents is an intimate one; it is the most direct and personal contact between city government and the individual. I believe the choice of who will be the partner in



that relationship is best left to the voters in as open and fair a contest as we can provide. I ask that the Council go on record as stating its preference that the person the Council elects to succeed Councilor Hardy agree not to seek re-election in 2015.

**Councilor Whynott** said that this motion is ill conceived which puts the candidates in a dilemma that is untenable. He said he knew Councilor Hardy left big shoes to fill, but that he wanted someone who would be able make a maximum effort, not as a placeholder or book mark or lame duck. A candidate is needed to fill those shoes, he said, and pointed out it takes a year to learn the job of a City Councilor, and just as they become knowledgeable, they're gone. He said the Council President's effort is good intentioned but misses the mark, and that he would not support anyone who took the pledge not to run for the office.

**Councilor Verga** noted that during the Council President's explanation, he had said the candidates would know up front where they stand between now and next week. He said if the Council wanted to make this effort it should have been up front when asking for applications for the appointment to the Council because changing the rules at this point, he added was unfair to the candidates. He said his preference is not to support this effort of the Council President. If someone is not doing a good job in the role of Ward 4 Councilor, they won't be reelected. If the Council wants to change this process, noting the Charter is vague, then the Council should look to change the Charter before they create their own rules that are unenforceable. He said he, too, wants someone who would be full time and thinking about the future and not looking to be a placeholder..

**Councilor LeBlanc** expressed his agreement with Councilors Whynott and Verga and would not support the effort.

**Councilor Lundberg** would support the effort of the Council President. He said there are seven candidates that are all qualified, some differently than others. It will be up to the Council, he said, to make a decision they give the preference of incumbency. The other candidates that don't get that advantage of the interim term are then disadvantaged at the time of the next municipal election. He said that any one of the candidates the Council selected would do a good job. Some candidates the Council knows well from appointed or elected office but others they don't, he pointed out. The level playing field argument is an important one, he said, and to serve out the term would serve the ward well. The interim Councilor wouldn't be a lame duck but would care very much and that the Council should express their opinion because he didn't want to disadvantage the other six candidates the Council doesn't choose, he said.

**Councilor Theken** said she would not support the effort. Some of people while on School Committee ran for Mayor, she pointed out, as have those on the Council. She said four at-large councilors could have split up the ward and managed it until an election could be arranged, but there wasn't enough time or funding to do so, as the Charter is mute on that as well. To put this on to someone to commit only for a year is not appropriate, she concluded.

**Councilor Fonvielle** said this is the most difficult one since becoming a Councilor. He said he didn't feel he should vote on behalf of the voters of Ward 4, but for better or worse the Charter gives the Council the responsibility. The value of incumbency is different in a ward election than a national or statewide election where there is a great distance between the candidate and voters. The ward has a more intimate relationship with the councilor and incumbency gives a greater closeness. They should trust the voters in Ward 4 to make a wise decision in 2015 who they want to represent them and at the same time to give them some continuity in that position as the learning curve is pretty big. He will oppose the motion but didn't do so enthusiastically.

**Councilor Cox** said she would not support this effort. She recounted that she had promised her ward to never take the easy way out. She said this is not the right step to take, and that there are no weak candidates. Regardless of who is appointed, those who didn't get appointed she said she would be disappointed to not see all the candidates not on the next municipal ballot.

**Council President McGeary** remarked it is obvious his effort would fail. He said the vote is to indicate a preference and not to change the Charter. Incumbency is a finger on the scales, he reiterated. He said that this motion was not directed at any candidate or groups of candidates. He was talking about this very early on in the process, he reminded the Council.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Whynott, the City Council voted 2 (Lundberg, McGeary) in favor, 6 opposed, to express a preference that the person election as Ward 4 Council would not run in the Gloucester municipal elections of 2015.**

**MOTION FAILS.**

**Unfinished Business: None.**

**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.**

**Councilors' Requests to the Mayor:**

**Councilor LeBlanc** said there is sidewalk paving on Governors Hill and Beacon Street underway. He also noted and there is an informative seminar about college financial aid on Thursday night at the Manchester Athletic Club from 7 to 9 p.m.

**Councilor Cox** said there would be a site visit by the Traffic Commission at 6 p.m. Wednesday in front of the Lady of Good Voyage Church to address traffic issues in the area. She expressed her regret that she can't attend the debate in Ward 4 as there is a regularly scheduled Budget & Finance Committee meeting that same evening as well as commitment to another engagement which follows. She noted that Thursday is the last day for flu shots from 3 to 6 p.m. at Bank Gloucester on Main Street.

**Councilor Fonvielle** noted he has the same commitment as Councilor Cox but would try to attend the debate.

**Councilor Verga** that the Fuller School site conversation about its future is now before the Council and will be taken up tomorrow evening at the Planning and Development Committee and the following night the Budget & Finance Committee. There is a memo from the Mayor asking the Council to accept the School Committee's declaration of surplus to in turn for the Council to declare the site surplus and to sell it. He asked the public if they had an opinion to let the Councilors know.

**Councilor Theken** reminded seniors about Open Enrollment from October 15 to December 7 and to call 978-283-4001, x623 for an appointment. She reminded everyone who has health insurance through the Affordable Care Act must reapply for their health insurance as well. Open enrollment for businesses is in November, she added.

**Council President McGeary** noted he and **Councilors Lundberg** and **Theken** attended a regional gathering by the state Department of Public Health where Commissioner Cheryl Bartlett was present, as were a number of area health professionals. It had to deal with the real scourge of opioid abuse and how it is becoming a serious problem with young people and elders in the sense that a lot of kids get started in substance abuse by finding a pill in a medicine cabinet. He urged that if anyone had opioids, Oxycontin, oxycodone, Vicodin any prescription drugs unwanted or not needed any more, to take those drugs to the Police Station where there is a drop box right inside the door.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:19 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Statements in order of presentation: Bob Whitmarsh, Carol Earle Burnham, Valerie Gilman; Tony Gross; Joseph Orlando, Jr.; Bob Stewart**