

GLOUCESTER CITY COUNCIL MEETING

Tuesday, September 8, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Vice Chair, Councilor Whynott; Councilor Joseph Ciolino; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Paul Lundberg; Councilor William Fonvielle; Councilor Stewart

Absent: Councilor Melissa Cox

Also Present: Mayor Sefatia Theken; Linda T. Lowe; Jim Destino; John Dunn; Police Chief Leonard Campanello; Fire Chief Eric Smith; Nancy Papows; Tom Daniel; Chip Payson; Sal DiStefano; Tim Good; Tom Gillett; Donna Compton; Gregg Cademartori; Jim Caulkett; Adam Curcuru; James Pope

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

Matters were taken out of order. The Council recessed at 10:17 and reconvened 10:26 p.m.

Flag Salute & Moment of Silence: The Moment of Silence was dedicated to the memory of Councilor Jackie Hardy, Ward 4 Councilor, who passed away on Sept. 5, 2014, by the Clerk of Committees, **Dana Jorgensson**, who said that for those who had the honor to work with Councilor Hardy closely during her tenure on the Council, particularly the years she was Council President, all gained tremendously from her institutional knowledge of the city, encyclopedic knowledge of the city's history, and her knowing what was best in almost every way because of the city who bore her up, raised her, loved her and buried her, but will never forget her.

Councilor Ciolino also recognized Fred Bodin, a collector of historic photographs and photographic archivist at his place of business on Main Street whom he described as a generous man to all and a son of Gloucester.

Oral Communications:

Louise Pallazola, 57 Western Ave., asked if the city's Zoning Ordinance had changed for a property's development from 1.5 parking spaces per dwelling unit to 1.0 parking spaces per dwelling unit and if so when had that changed. She also asked that when a building is of great age, but not located in the historic district, was there any action coming forward to protect such buildings from demolition. **Council President McGeary** said that the Historic Commission is considering a demolition ordinance and which is being taken up at their next regularly scheduled meeting. As to the question related to parking, he said General Counsel will contact Ms. Pallazola.

New Appointments:

Magnolia Woods Oversight & Advisory Committee

Dave Marro

TTE 02/14/18

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Dave Marro to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/18.

DISCUSSION:

Councilor Whynott said Mr. Marro acquitted himself well before the Committee.

Dave Marro, 26 Long Hill Road, noted he has been a Magnolia resident since 1975 and has spent many hours walking Magnolia Woods and surrounding woodlands. He said he saw this area as an underutilized asset of the city, and is very interested in giving more access to the Woods for people wanting to hike and walk the trails. The soccer fields are surrounded by 200 acres of woods, he noted.

Councilor Fonvielle endorsed Mr. Marro's appointment noting that the ordinance for the Magnolia Woods Oversight and Advisory Committee have been made to be more flexible to extend membership to embrace a wider pool of residents. **Council President McGeary** also extended his endorsement for Mr. Marro's appointment.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Dave Marro to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/18.

Gloucester Cultural Council

Jane Keddy

TTE 02/14/18

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Jane Keddy to the Gloucester Cultural Council, TTE 02/14/18.

DISCUSSION:

Councilor Whynott said after speaking with Ms. Keddy he thought she would do a great job.

Jane Keddy, 13 Plum St., told the Council that she is a printmaker and fabric artist who has become very involved in the Rocky Neck Art Colony since her retirement from Pathways for Children last year. She noted that she shows her work at Gallery 53 on Rocky Neck. She said she wanted to be involved in the greater arts community of the city.

Councilor Stewart attested to Ms. Keddy's great work at Pathways for Children and endorsed her appointment.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council appoint Jane Keddy to the Gloucester Cultural Council, TTE 02/14/18.

Planning Board

Kenneth W. Hecht

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Kenneth W. Hecht to the Planning Board, TTE 02/14/20.

DISCUSSION:

Councilor Whynott said that Mr. Hecht has great background in planning and building, and had asked if he might have a project before the Planning Board, and said that if there was ever an issue he would immediately recuse himself from any deliberations or votes.

Kenneth Hecht, 191 Main St., Suite 3, explained that he and his wife have recently moved to the corner of Duncan and Main streets, in the former bank building which he redeveloped and rehabilitated. That building, he noted, has three commercial and three residential units, and that he and his wife occupy one unit. He described his 30-year professional career that included working on commercial real estate with nationally known corporations, as well as with Boston area companies as a broker, developer, and investor. He said that, because of his experience, he believes he can give back to the city he cares for.

Councilor Ciolino said that Mr. Hecht will be a great asset to the Planning Board and urged him to help applicants through the process and endorsed his appointment.

Council President McGeary said that he, too, endorsed Mr. Hecht's appointment.

Councilor Lundberg recalling his six-year tenure on the Planning Board, two years of which he was its Chair, said that not only is it important to have expertise but also to do the homework to make thoughtful decisions which, he predicted, Mr. Hecht will do.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Stewart, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to recommend that the City Council appoint Kenneth W. Hecht to the Planning Board, TTE 02/14/20.

Consent Agenda:

• **MAYOR'S REPORT**

1. Special Budgetary Transfer Request (2016-SBT-2) from Community Development Department (Refer B&F)
2. Memorandum from Police Chief re: City Council approval to apply for FY16 State 911 EMD & Training Grant (Refer B&F)
3. Memorandum from Assistant Director of Public Works re: City Council approval to pay invoices from FY15 with FY16 funds (Refer B&F)
4. Memorandum from Gloucester Public School Director of Finance & Operations re: City Council approval to pay invoices from

- FY15 with FY16 funds
- | | | | |
|--|--------------|---|-------------|
| 4. New Appointments: Zoning Board of Appeals | TTE 02/14/17 | Marc Mahan (filling unexpired term of Virginia Bergmann who has resigned) | (Refer B&F) |
| EDIC | TTE 02/14/18 | Rebecca Bernie, Barry Pett, R. Billings Bramhall, J. Ronald Ross | (Refer O&A) |
- **COMMUNICATIONS/INVITATIONS**
1. City Council Vote of November 18, 2014 regarding GCO Article 2 "Dogs" Section 4-15, 4-16 4-19 and 4-20 (Refer O&A)
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
1. CC2015-031(LeBlanc) Request Traffic Commission conduct speed study & investigate whether Kent Circle should be a one-way street & amend GCO Sec. 22-270.1 "Resident sticker parking" re: Kent Circle (Refer O&A & TC)
 2. CC2015-032 (Stewart) Amend Chapt 4, Art. II "Dogs" as most recently amended in 2014 by deleting Sections 4-15, 4-15(a), 4-16(b), 4-16(c) and 4-21(c); renumber Sec. 4-22 through 4-23; and adding new Sec. 4-22 "Enforcement and Penalties," and adding new Sections 4-15, 4-16(a) Rules and conditions for all dogs," 4-16(b) "Additional rules and conditions for large dogs," 4-16(c) "Locations where dogs must be leashed or at large with restrictions," 4-21(c), and 4-22 "Enforcement and Penalties" (Refer O&A)
 3. CC2015-033 (Cox) Request to amend GCO Sec. 22-269 "Stop Intersection" by adding a stop sign on Shepherd Street for eastbound drivers on Shepherd Street at its intersection with Pleasant Street (Refer O&A & TC)
 4. CC2015-034 (McGeary) Amend GCO Sec. 22-145 "General Prohibitions" by deleting paragraph (a) in its entirety and adding a new paragraph (a) and amend Sec. 22-291 "Tow-away zones" re: Wise Place (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: August 25, 2015 (Approve/File)
 2. Standing Committee Meetings: B&F 09/03/15 (under separate cover), O&A 08/31/15, P&D 09/02/15 (Approve/File)

Unanimous Consent Calendar:

Items to be added/deleted from the Consent Agenda:

Councilor Ciolino removed Item 2 under Councilor Orders, CC2015-032 (Stewart) Amend Chapt 4, Art. II "Dogs" as most recently amended in 2014... to highlight that the Stage Fort Park Advisory Committee should have input via a report to O&A about where dogs should not be given free rein in that Park and how it might affect the Gloucester Dog Park. **Council President McGeary** suggested that a parallel order by Councilor Verga also be forwarded to the Stage Fort Park Advisory Committee. **Councilor Verga** asked that his Council Order remain separate as it is specific to make the even/odd days for two city beaches permanent. He said if Councilor Stewart's Council Order gets bogged down and the sunset date of the 2014 Dog Ordinance amendment is fast upon the Council, they will have at least have something kept in place. **Councilor Stewart** assured that no one wants to have the dog ordinance expire or sunset and that the safety valve exists.

Councilor LeBlanc suggested that they should let Councilor Verga's order move ahead first as it was easier to take care of and vote on. He said Councilor Stewart's order will take a great deal of time, and prevent trying to push something through at the end. **Council President McGeary** said Councilor LeBlanc's point is well taken and agreed to leave the matter of combining the orders to the O&A Committee.

By unanimous consent of the Council CC2015-032 was referred to the Stage Fort Park Advisory Committee.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Planning & Development Committee: September 2

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Craig Anderson's Eagle Scout Project designed to place QR Code stations at ten of the City of Gloucester War Memorials to link with the city's website which shall be done in consultation with the city's Veterans Agent and Public Works Director.

DISCUSSION:

Craig Anderson, Jr., member of Gloucester's Boy Scout Troop 56, briefly explained that his Eagle Scout project is designed to place QR Code stations on posts at ten city war memorials which will provide smart phone users the ability to scan a code which will take them directly to the city's website giving the user historic

information about the particular conflict and history of Gloucester men who fell defending their country. He showed a sample post with the QR Code to the Councilors.

Councilor Verga said that this is endorsed by the Planning & Development Committee and offered his support, as well as the city's Veterans Agent, Adam Curcuru. Recognizing the city's IT Director, James Pope, he said he was assure that the technical aspects of Mr. Anderson's project on the city side will be well taken care of.

Councilor Lundberg asked Mr. Anderson to list the ten war memorials his project will serve. **Mr. Anderson** listed them as follows: the Annisquam Civil War Memorial, Leonard St.; Riverdale Martyrs Memorial at Washington and Hodgkins Sts.; Spanish American War Memorial located at Prospect and Pleasant Sts.; the E.R. Rice Playground at Beeman School; the Merchant Marine Memorial at Western Ave.; Riverdale WWII Monument at Washington St.t and Gee Ave.; the Coast Guard Aviation Monument; the Korean War Memorial on Western Ave. as well as the Vietnam War Memorial which are both at Stage Fort Park; and the Vietnam War Memorial at Gloucester High School.

Councilor Ciolino offered that if Mr. Anderson encountered any issues with his project to contact any one of the Councilors who will be glad to be of assistance, and said he was doing a great job.

Councilor Whynot commended Mr. Anderson for his public spirit, and recognized how difficult it is to become an Eagle Scout, as his son has had that honor. He said only one percent of all Boy Scouts become Eagle Scouts.

Council President McGeary congratulated Mr. Anderson's efforts, praising his bringing information about the heroes and martyrs who have fought for our country and making it accessible to smart phones and other devices.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council vote 8 in favor, 0 opposed, 1 (Cox) absent, to approve Craig Anderson's Eagle Scout Project designed to place QR Code stations at ten of the City of Gloucester War Memorials to link with the city's website which shall be done in consultation with the city's Veterans' Agent and Public Works Director.

All those present gave Mr. Anderson a standing ovation.

Scheduled Public Hearings:

- 1. PH2015-2015-040: Amend GZO by amending Sections 2.3.1 Residential Uses, Section 2.4.4 & Sec. VI Definitions to change the permit granting authority of Three-Family Dwellings from the City Council to the Zoning Board of Appeals**

This public hearing is opened at 7:27 p.m.

Those speaking in favor:

Joel Favazza, 25 Acacia Street, said that speaking as a local land use attorney that is involved often in multi-family permitting he expressed he was glad to see the Council beginning to look at this issue. He said he fully supported the idea that the Zoning Board of Appeals (ZBA) would handle three-family permitting. He urged the Council to step further in to allow the ZBA access to permitting four- and five-family dwellings. He pointed out there are many four- and five-family homes in the R-5 district that are simply houses with four or five one and two bedroom apartments, which he said the ZBA is well qualified to handle permitting for those dwellings as well. He encouraged the Council to pass the Zoning Ordinance amendment.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:29 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the Gloucester Zoning Ordinance as follows:

- Section 2.3.1 "Residential Uses", the table shall be AMENDED as follows:
 - Lines 5 & 6 where it currently reads "CC" *replace* with "SP" with the exception of the R-30 district column.
 - Footnote number column in lines 5 & 6 ADD NEW reference to footnote "8."
 - Footnotes: ADD new footnote "8" to read:

“Special permit standard applies without regard to Sections 2.4.4(a) through 2.4.4(b). For dimensional standards see Section 3.2.1.”

2. Section 2.4.4 shall be AMENDED as follows:

- The introductory title to subparagraph (b) shall be DELETED and a new title ADDED to read, “Determination by the Zoning Board of Appeals relative to single and two-family residences”;
- ADD new subparagraph (c) to read as follows: “Determination by the Zoning Board of Appeals relative to Three-Family Residences: The Zoning Board of Appeals, on a petition relating to a proposed alteration of expansion of a three-family residence shall apply the Special Permit criteria without regard to Sections 2.4.4(a) and 2.4.4(b).”
- AMEND the title of Table 3.2.1 in the Table of Contents and Section heading to read: “3.2.1 Dimensional Requirements for Single, Two-Family and Three-Family Dwellings”

DISCUSSION:

Councilor Stewart explained that there are many little parts of this amendment to the Zoning Ordinance because when you change one thing, other sections within it must conform and align. The Council can’t grant variances, and the ZBA which can grant variances can’t now permit three-family homes because the Council took on that task many years ago. He pointed out that there are no three-family homes that don’t need variances of some kind. The ZBA has a great deal of experience to handle these kinds of issues, he said, and is completely capable of dealing with three-family permitting. He also noted that the R-30 district was changed at the suggestion of the Planning Board because are a number of potential significant development plans, that would involve three-family houses and it was felt something of that magnitude for the moment would be best to remain with the Council.

Councilor Verga said he supported the Zoning Ordinance amendment will help to simplify permitting and still provides for public input at hearings before the ZBA.

Councilor Ciolino also endorsed the Zoning amendment noting some years ago authoring a Zoning amendment regarding building height with former Councilor Destino to keep the bulk of that permitting with the ZBA. He said it is about making permitting processes more user-friendly.

Council President McGeary thanked Councilor Stewart for bringing this Zoning issue to the Council’s attention based on his many years of experience on the ZBA. He said he agreed they should be looking for ways to simplify city processes but still ensure development appropriate to the city. He pointed out that in recent years the Council ceded its purview over Lowlands Permits to solely the Conservation Commission. The city is endeavoring to become more development friendly while still protecting the precious assets the city has, he said, and offered his support for the Zoning Ordinance amendment.

MOTION: On a motion by Councilor Verga, seconded by Councilor Lundberg, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to Amend the Gloucester Zoning Ordinance as follows:

1. Section 2.3.1 “Residential Uses”, the table shall be AMENDED as follows:

- Lines 5 & 6 where it currently reads “CC” *replace* with “SP” with the exception of the R-30 district column.
- Footnote number column in lines 5 & 6 ADD NEW reference to footnote “8.”
- Footnotes: ADD new footnote “8” to read: “Special permit standard applies without regard to Sections 2.4.4(a) through 2.4.4(b). For dimensional standards see Section 3.2.1.”

2. Section 2.4.4 shall be AMENDED as follows:

- The introductory title to subparagraph (b) shall be DELETED and a new title ADDED to read, “Determination by the Zoning Board of Appeals relative to single and two-family residences”;
- ADD new subparagraph (c) to read as follows: “Determination by the Zoning Board of Appeals relative to Three-Family Residences: The Zoning Board of Appeals, on a petition relating to a proposed alteration of expansion of a three-family residence shall apply the Special Permit criteria without regard to Sections 2.4.4(a) and 2.4.4(b).”

- **AMEND the title of Table 3.2.1 in the Table of Contents and Section heading to read: “3.2.1 Dimensional Requirements for Single, Two-Family and Three-Family Dwellings”**

For Council Vote:

2. **Communication from Attorney Coakley requesting correction to easement granted by Council on March 24, 2015 re: 84 Causeway Street and 4 Rust Island Road**

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve a correction or revision to a certain utility easement granted by vote of the City Council on March 24, 2015 for land at 84 Causeway Street and 4 Rust Island Road, Assessors Map 233, Lot 47 and 72, said revised easement to be to DANCEP LLC, the owner of the land, and not to Trio, dba Lobsta Land. The lease of the land with said utility easement is to then run with the land. All other provisions of the easement approved March 24, 2015 shall remain the same.

Public Hearings (Cont'd):

2. **PH2015-043: Amend GCO Sec. 22-279 “Thirty minute parking” re: Atlantic Road**

Prior to the opening of this public hearing, **Councilor Whynott** offered that he would be revising the main motion to come forward to limit the 30-minute parking on the landward side of Atlantic Road to several “scenic lay-bys” which he intended to work out after consultation with the Chair of the Traffic Commission and that it would be several weeks before he would be able to come back to the Council with the particulars and asked this matter go back to the O&A Committee for refinement.

This public hearing is opened at 7:41 p.m.

Council President McGeary asked if the Council wished to accede to Councilor Whynott’s request to move the matter back to O&A for further clarification and to continue the public hearing. By unanimous consent the Council agreed to Councilor Whynott’s request.

Councilor Ciolino said the issues regarding Atlantic Road have already been back to O&A three times. He pointed out they’ve not been able to agree on this issue at O&A. He added that there is a need for a letter of authorization from homeowners on Atlantic Road that they will allow for the lay-bys be made in front of their homes. He also expressed that the majority of homes on Atlantic Road own property across the road on the water side and isn’t something that can be tampered with. This will have to be addressed, he said, and that consulting with General Counsel will be appropriate as well. **Councilor Stewart** added that it is all the more reason to send it back to the O&A Committee. **Councilor LeBlanc** said this matter needs to be made right, get it hashed out at O&A, and also made reference to Councilor Ciolino’s comments about homeowner’s letters of authorization which to him didn’t make sense.

Those speaking in favor: None.

Those speaking in opposition:

Tom Berger, 133 Atlantic Road, as presented, this was not a good idea because people will use 30-minute parking for beach parking and the ordinance is unenforceable. It means the residents have to call the police to mark the cars and come back to assess the fines as the cars overstay their welcome. There are many hazards on the road, speeding for instance. Getting out of driveways is dangerous because drivers can’t see around the sharp turns. Now with cars on the non-ocean side it will create a further vehicular hazard, he said.

Communications:

Tom Berger, 133 Atlantic Road expressing his opposition to the ordinance amendment; Louise and Joseph Dello Russo, 189 Atlantic Road are opposed to 30-minute parking on the landward side of Atlantic Road; Jan Bordinaro, owner of the Atlantis Oceanfront Inn expressed opposition to the ordinance change, citing issues with trash, unenforceability and the narrow winding nature of the road; Jane Fonzo, 129 Atlantic Road, also opposed to the change in parking stating much of the same sentiment as Ms. Bordinaro.

The public hearing is continued to September 22, 2015.

For Council Vote (Cont'd):

4. Ordinances & Administration Standing Committee Report of August 17, 2015 re: Atlantic Road (referred back to O&A from 08/11/15 CCM) (Cont'd from 08/25/15 CCM)

COMMITTEE RECOMMENDATION: On a motion by Councilor Whynott, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Ciolino) opposed, to recommend that the City Council Amend GCO Sec. 22-270 "Parking prohibited at all times," by ADDING, "Atlantic Road on the waterside from Moorland Road to Farrington Avenue."

Councilor Whynott explained that it is very dangerous parking on the waterside of Atlantic Road because vehicles are parked on the sidewalk causing pedestrians to walk into the street.

Councilor Ciolino expressed concern that all Atlantic Road matters be taken up together. **Council President McGeary** pointed out as the originator of the Council Order that brought this all forward that there will never be parking allowed on the water side and this is just to memorialize that fact and that there is general agreement on it.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Stewart, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Sec. 22-270 "Parking prohibited at all times," by ADDING, "Atlantic Road on the waterside from Moorland Road to Farrington Avenue."

COMMITTEE RECOMMENDATION: On a motion by Councilor Whynott, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Ciolino) opposed, to recommend that the City Council Amend GCO Sec. 22-291 "Tow Away Zone" by ADDING, "Atlantic Road on the waterside from Moorland Road to Farrington Avenue."

DISCUSSION:

Councilor Whynott said that this action institutes a tow-away zone for the same area of Atlantic Road.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Stewart, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Sec. 22-291 "Tow Away Zone" by ADDING, "Atlantic Road on the waterside from Moorland Road to Farrington Avenue."

Councilor Whynott withdrew the Council Order to Amend GCO Sec. 22-272 "No Parking Saturday, Sunday and Holidays May 1-September 15" by DELETING, "Atlantic Road in its entirety with the Council's assented.

3. PH2015-044: SCP2015-006: Pond Road #5, Map 264, Lot #39, GZO Sec. 2.3.5(1) for the use of a Junk Yard in the GI District
4. PH2015-045: SCP2015-007: Pond Road #19, Map 265, Lot 36, GZO Sec. 2.3.5(1) for the use of a Junk Yard in the GI District

These public hearings are opened at 7:56 p.m.

Council President McGeary announced that at the request of the applicant these public hearing will be continued to Sept. 22.

This public hearing is continued to September 22, 2015.

5. PH2015-046: City Council vote of the disposition of city-owned real estate known as the Fuller School property by sale, including setting the sale price,

This public hearing is opened at 7:58 p.m.

Council President McGeary outlined that this is not a traditional public hearing in that it is an opportunity for the public to speak on the Fuller School property's disposition.

Mayor Sefatia Theken said that the Administration is putting forward an RFP not tailored to any one proposal. Releasing the Request For Proposals (RFP) is for the purpose of seeing where it can go, what the city can get and what benefits the city. She said this matter has been argued for many years through the School Committee, public hearings, City Council. She reiterated that the RFP is to see what best fits Gloucester and its needs. She said that the minimum bid price of \$1 was reached in consultation with real estate experts. She said her Administration has

talked to the Council and the public. She assured that the city doesn't have to accept any bids if it is not what is best for the city. She asked the Council to listen as to why the RFP has the entire Fuller parcel to be offered. She lauded the hard work of her staff to create the RFP. She said the Administration is open and honest about what can be done for the city's economic development and what this parcel's sale can do for the city.

Jim Destino, CAO, noted that the drafting of the RFP was a team effort with different departments devoting significant time to the project. This proposal has been anything but rushed, he pointed out. Donna Compton, the city's Purchasing Agent, recounted for him that she has been working on this RFP for three years. He said in his eight months as CAO, the Administration's team has met regularly on this issue. He then highlighted some issues that have been raised:

- A land lease: While a land lease was considered as an option, it was rejected. A sale of the land is a more attractive option to prospective developers than a lease, and likely to result in more competitive proposals. A sale is likely to result in more investment in the project than a lease resulting in a larger financial package to the city including increased future tax revenue, as well as getting money up front rather than annually over the term of the lease. The lease would put the city in the position of a landlord for at least 40 years which is not municipal strength.
- Retaining part of the Fuller site for a dedicated municipal use: Whether a parcel is held back for municipal use as a school or a combined public safety building, the city also has to expand its commercial/industrial base. The city needs the infusion of capital generated by the sale of the site and the steady stream of new tax revenue that will come from the entire site's development. The city also needs more jobs for its citizens. He said he hasn't heard anyone say how they intend to pay for whatever they have suggested be placed on the property. He noted that those involved with poring over the city budget for months at a time know that the city in the last eight years the city's debt service has doubled to \$16.44 million per year. Much of this debt service is dedicated to city infrastructure work, projects that were duly voted by the City Council, but the ability to pay the debt back is diminished by a high debt service ratio. The city has about \$120 million in revenue annually and its debt service is \$16.44 million or about 14 percent debt service ratio. It is noted that financially healthy communities have 10 percent or under for their debt service ratio. The city has borrowed for the new West Parish School which hasn't hit the debt service yet. In 10 years, 2025, when \$5 million will fall off the General Fund in debt service there will be new borrowing coming on line -- the West Parish School, the Stacy Boulevard Seawall, the Commercial Street infrastructure project and other smaller borrowings. The amount is almost \$4.25 million. The money spent on debt service is hindering doing other things. They need to consider the commitment to the contracts in the city. Raises voted for the Fiscal Year 2016 budget are significant with \$2 million to one department in a commitment to keep fire stations opened. To think they can go out and bond another major project or two or three for what's been talked about at the Fuller Site, is unrealistic. He asked how they should pay it -- by debt exclusion or an override which for most citizens is unpalatable. This RFP is a fiscally a right step in the right direction for the city, to build when they can and fulfill the commitments they've already made.
- Bid Price set in the RFP: The Council will set the minimum bid price on the RFP. Based on input from experts, the Administration is recommending a minimum bid price of \$1. They determined to not tie the bid price to an appraisal. In this way it will allow for a wide number of proposals to be submitted and doesn't establish an arbitrary bid ceiling. The real estate market is strong now, and the Administration believes that a developer who really wants the site could make an offer that would be substantially higher than an appraised value. It was pointed out that to include the appraised amount will risk leaving potential dollars needed for Police, Fire, roads, and schools on the table.

Mr. Destino concluded his remarks saying that the Mayor believes the timing is right to release the RFP now. It is hoped they will see many, varied proposals, he reminded the Council that the Administration can reject any bids that don't meet the needs of the city. He also lauded the hard work of the Administration's team headed by the Mayor were: John Dunn, CFO; Community Development Director Tom Daniel; Economic Development Director Sal DiStefano; Purchasing Agent Donna Compton, the Assessors' Department headed by Nancy Papows; Planning Director Gregg Cademartori; Fire Chief Eric Smith, Police Chief Leonard Campanello, and General Counsel, Chip Payson.

PUBLIC COMMENT:

Louise Pallazola, 57 Western Ave., said too much time has elapsed for the Fuller School to ever be used as a school again. The city needs money and tax revenue. It is hard to say whether the city should use a part of the property for municipal purposes or whether another city property will suit. She noted a few years ago that near Gloucester Engineering there was a city-owned property, and suggested that could be looked at for the Fire Department. She noted that if only a part of the Fuller property is sold it could be a problem for developers. Sam

Park put a development adjacent to the Fuller School property but didn't put his hotel and assisted living there. She expressed her surprise that Mr. Park and Windover Construction and the YMCA are partnering for bidding on developing the Fuller site, and expressed concern about that partnership. She also said she was not in agreement with a \$1 minimum bid. The city needs jobs and revenue, she added. (Full written remarks placed on file.)

Bruce Tobey, 16 Montvale Ave., said every time he drives past the Fuller School he sees a monument to seven years of failure by municipal government to responsibly serve its citizens and the assets which its people own. There is plenty of blame to go around, he said. He noted that a previous Council in which he joined in that effort and said he regretted now, to bond money to pay for modular units at the elementary schools so that the Fuller School could be decommissioned which, he said, happened without a plan for the long-term use. There were many failed efforts to find a solution to the conundrum of the Fuller School site, he said, and there are always reasons to delay and stop. It is time to the Council to endorse the RFP and unleash the property for the imagination of the private sector to take a property in its entirety in its prime location and turn it into a job-creating, commercial tax-base expanding engine for the city. He highlighted the critical need to expand the city's commercial tax base because if they want to give homeowners some relief it is the only way to do it. He also highlighted that the RFP provides a safety valve in that no offers need to be accepted – all can be rejected if they don't meet the needs of the city. He urged the Council to move forward with the minimum bid price with no anchor placed on imagination.

Russell Hobbs, 1166 Washington St., pointed to the Gloucester Code of Ordinances, Article 1, 2-3 (a)(6). He then referred to a series of documents: A School Committee document dated Oct. 19, 2012 indicating that the Fuller School site is comprised of 13.3 acres. He noted in January 2013 the School Committee voted to surplus 13.3 acres of the Fuller School property. He noted the 2013 municipal ballot question, "What is the preferred use of the Fuller Building site?" "All options offer potential additional use of the former Charles Thomas field as a municipal Public Safety Complex." He noted on Dec. 31, 2013 the YMCA of the North Shore Inc./Cape Ann YMCA delivered a request to Purchase City-Owned Land form to the City Clerk's office. The request identified the Fuller site as 13.3 acres in area. He also noted in a memorandum dated January 2, 2014 in a letter to Mayor Kirk from Linda Lowe "Re: Request to purchase City-Owned Land at 4 School House Road" that it stated the city land is a 13.3-acre parcel. He noted that in the Oct. 28, 2014, Planning and Development Committee minutes, Councilor Lundberg, "added that the Mayor's memo was insufficient to base decisions for a 13-acre multi-million dollar property." He also listed other instances of the Fuller School site being shown as 13.3 acres and yet in the RFP it is listed as 10.63 acres. He asked what happened to the other 2.74 acres. He pointed out that according to the ordinance and the assessor's information, the Fuller School land can't be subdivided. He asked how the Mayor and the Council can legally bring this matter forward. He also asked if the city followed all proper procedures or laws or subdivides the property seeing that the YMCA is waiting to bid on the site. He asked has any city employee past or present been involved with or participated on an YMCA board; if so, has that person or persons directly or indirectly involved or a party to any involvement from the School Committee's closing of the Fuller School, making it surplus to the present RFP and all and any part in between. He asked if Mayor Kirk, her Administration, City Councilors, or any employees of the city follow all proper procedures for the sale/donation and removal of 190 Fuller School auditorium seats to the Gloucester Stage Company. (Full written remarks placed on file.)

Robert Parsons, 163 Essex Ave., said that he held a real estate broker's license for many years and noted he served on the Gloucester School Committee for four years and on the Regional Vocational School Committee for 12 years. Referring to decommissioning the Regional Vocational School building, that organization looked for the best price they could get for the property, smaller than the Fuller Site and it went for \$15 million. At the beginning of this cycle, it was touted about the YMCA using the Fuller School, but as time has gone on, it has evolved to a partnership with Windover and developer, Sam Park, he said. He urged that the city not sell the Fuller property to the YMCA for a cheap price. He also spoke of some of the issues between Mr. Park's development at Gloucester Crossing and possible YMCA locations between that development and the Fuller School.

Ken Riehl, Cape Ann Chamber of Commerce, 33 Commercial St., said the Chamber of Commerce is supportive of the Mayor and the Council to release the RFP as it stands. He said that the Fuller site is a prime location for new business and existing business expansion, which means jobs. The city is slowly coming back from devastating impact of regulation-driven cutbacks in the fishing industry. The city needs year-round, good paying jobs and with the site's location and access to Route 128, it is ideally suited to provide jobs.

He noted that the RFP release doesn't lock the city into any particular proposal. With Fuller School closed for seven years it is becoming an increasing public safety hazard. He, too, pointed out the 2013 non-binding ballot question of voters having chosen a preference for mixed use development of the Fuller site. He briefly mentioned the thorough Administration and Council process to get to this point and urged the release of the RFP and sell the lot as a whole. He highlighted reasons why he sees the city starting to make an economic comeback, and that the Fuller Site is the next step in the "complex reinvention" of Gloucester. (Full written remarks placed on file.)

Joseph Orlando, Jr., 5 Western Ave., commended the Mayor and Council for their hard work. He said he appreciated the call for the accounting of the city's real estate holdings. He said the city need a short-, mid- and long-term economic plan. City schools are falling apart; the Police and Fire stations are as well. He urged that the RFP move forward and to look hard at what happens to the money gained from the Fuller sale in order that it be to be well used for the city's economic future.

Ken Sarofeen, 20 Arthur St., Unit 4, said he had no issue dividing the property, and the city should look at municipal use for the property. It would be cheaper to refurbish the Fuller School than rent property, he said.

Lianne Authier, 99 Prospect St., said the Mayor wants to make City Hall accessible. She said that city offices at Pond Road should be moved to the Fuller property. She spoke of other big box stores that could go on the Fuller site and urged that some of the property be retained for the city.

Kathryn Goodick, 10 Dogtown Road, said that all the property the city rents, Pond Road, the School Administration building, city departments could be consolidated into the Fuller School building. Highlighting the price to fix the former St. Ann's School being used as a swing space for West Parish School students, she said that money could have been used to fix up the Fuller School. She asked they take a step back to think about what they need to do such as repair other city schools. A brand new school will go the same way as Fuller, she cautioned, if the city isn't careful. She said she also disagreed with the minimum bid price of \$1 and that it should be an appropriate assessed value which should be realistic.

Michele Harrison, 27 Sayward St., noted she began her career as a teacher at the Fuller School, and has an abiding interest in the site and has some experience of the division of real estate. She urged the RFP be issued as it is presented without a subdivision. To create a subdivision is a difficult process even at the conceptual stage that involves setbacks, building layouts, topography, subsurface conditions, parking requirements and access. She added that it was unclear what would end up on either of the parcels. For a successful RFP response there is a need for critical mass. The site must be large enough. In a mixed use development there has to be a balance for the economics with a use that is able to generate the income to balance another use that may serve the community in another way but not generate that revenue. If the stated goals in the RFP are that it be an active site produce jobs, have economic value and good design, she said those are tough goals on a reduced lot size. One large lot with mixed use goals is more in keeping with the goals outlined in the RFP criteria. It is only 10.5 acres affected by various easements that could limit its potential. As two parcels, the RFP parcel is likely only suitable for one use not the proposed multi-use goal. If the parcel is subdivided, two smaller parcels will have reduced potential for strong economic development. She asked what portion of the lot would be subdivided which is difficult unless there has been a comprehensive analysis of the site including the subsurface conditions, topography and any specific site requirements for the eventual use of the land bank portion and the site requirements of potential developers. She urged the Council to issue the RFP as proposed without amendment.

Jim Kreyling, 4 Arnold Way, said the question hinges on stewardship. The residents are the stewards of the public resources, but individually they elect officials to manage those resources and make decisions about them. A number of people drive by and see the poor condition of the Fuller school. The question comes up what happened of the stewardship of this community when it spent millions of dollars on it. He quoted the mural on the auditorium wall, "Build not for today alone but for tomorrow as well. He said there will be city property needs that will come up and the Fuller site is valuable. He asked that the Council consider retaining a part of the property as part of that stewardship.

Tom Gillett, 5 Howard Rd., Executive Director of the Gloucester Economic Development Industrial Corporation, said he has been involved with multi-million dollar development projects in the United States and Canada and numerous negotiations with cities and responding to Requests for Proposals. He and Community Development Director Tom Daniel in April 2013 took a tour of Fuller School and said the issues with the building are well founded. He noted on Feb. 26, 2014, the EDIC issued a report to the Administration and the Council that they recommended that the city look at the Fuller opportunity. He said the EDIC has said that the Fuller property has the greatest potential value creation of any single property in Gloucester based on its size, location, and greatest possible appeal to find a good commercial use for that property. He said that pursuant to the RFP and based on his experience he wrote a letter to the Mayor, copy to the Council, stating this is a "brilliant" RFP. The city covered all the issues the EDIC was concerned about and came up with creative ways to deal with the site and to look at it as part of an overall area package. As to who would use the site and in what way, the only way to resolve that question is to issue the RFP and see what the responses are. The city wants as many responses as possible and to not negotiate via the RFP, but to get people to the table and then negotiate. He noted he has seen the tactic of a \$1 minimum bid used extensively because the objective is to get people to come to the table. He urged the RFP be issued now and find out what is possible and then make some intelligent decisions.

Valerie Gilman, 75 Revere St., said the new Beauport Hotel is creating a great enthusiasm for the city. The status of new West Parish School is moving forward. As to the city's future, she said she wholeheartedly agrees with the Administration that it is imperative to expand the commercial and industrial tax base to come up with new revenue. The \$16.44 million in debt service is overwhelming. The city needs to develop a 10-year capital plan now. She suggested if they don't it will hinder the community's ability to move forward. She said she supports releasing the RFP.

Ken Hecht, 191 Main St., said as a commercial real estate professional said real estate is a cyclical business, and it is very rare when new buildings can be built, because new buildings are only built at the top of the market. They are at the point where new buildings can be built where rents are high enough to support those new buildings. If the market tanks it takes another five or six years to come back to be able to do that again. He expressed concern that the city move ahead as soon as possible because they may be coming to the end of that cycle. The stock market is fluctuating deeply, and interest rates may be raised soon by the Federal Reserve, and that other international economic factors will have an affect locally. He said it is a hot real estate market right now and urged getting the property out there and that the \$1 minimum bid is "brilliant" to get as much broad competition as possible. He urged they move as quickly as possible to release the RFP.

Joe Giacalone, 16 Gould Court, the only way they know what is possible is to issue the RFP. It will give the city information it doesn't have now. He urged the issuing of the RFP.

Zenas Seppala, 92 Granite St., Rockport, compared the attempt to develop the former Rockport Forge site in Pigeon Cove and its many issues to that of the Fuller School site and its development. He suggested the Fuller property could be developed as a golf course. He mentioned supporting the arts by create a center to develop young artists at the Fuller site as well. Private developer's motives and incentives can be different than the public, he noted. (A variety of maps and documents related to Rockport and Gloucester was submitted by Mr. Seppala.)

Doreen Watson, 6 Honeysuckle Road, noted the prime location of the Fuller School and declining student enrollment and the poor condition of the property. She noted the condition of the O'Maley Innovation School. She mentioned attending meetings on the closure of the Fuller School as an elementary school and Fuller becoming a school for fifth graders. Once the fifth graders left it was to become a middle school. Two weeks before school opened, the principal of O'Maley and the Superintendent of Schools didn't want the move to take place. She said they fought hard to keep Fuller School open. She said the Fuller School should be refurbished and used as a middle school again. Some elementary schools are overcrowded and that Fuller could help with that situation. It should be kept as a school, and the city needs a state-of-the-art middle school.

Ron Garry, Atlantic Road, spoke of a hub and spoke plan he developed on what the city can do with the property beyond giving it to a developer. He noted that 30 percent of the city's room tax has been earmarked for tourism. He said he looked at the traffic in the city recently which was completely snarled. Part of the hub and spoke plan as a concept looked at tourism of a hub to bring automobiles into the city, into a parking garage at the Fuller School and use it as a distribution point to send tourists throughout the city. The city is trying to develop parking, affordable housing, and he asked where these cars are going to be put. The city has other issues that need addressing, parking, traffic, and the Blackburn Industrial Park connector to Rockport will help to ease city traffic woes, he said.

Communications: No current communications on this matter.

Councilor Questions:

Councilor Verga noted the discrepancy between the RFP and other documentation on the issue of the number of acres comprising the Fuller site and asked if the discrepancies could that cause problems. **Gregg Cademartori**, Planning Director, reminded the Council that associated with the Gloucester Crossing development that the Council carried out a unique act under MGL Chapter 82, under which the Council has the authority to lay out public ways. Associated with the Gloucester Crossing project there was a realignment of the exit off of the Blackburn rotary and the roadway network of Gloucester Crossing Road and School House Road were developed. He pointed out there aren't too many communities that are laying out public ways. The Code of Ordinance refers to subdivision control law but the action the Council took under MGL Chapter 82 is a separate process. He acknowledged that there are still a lot of records in the city, as Mr. Hobbs remarked, that still identify the Fuller parcel as 13.37 acres, which he said is a result of a lagging "catch up" as the unusual act that the Council took and the time it takes for it to be recorded through to the Assessor's Office. What is now bounded by Gloucester Crossing Road and School House Road is 10.61 acres as reflected in the RFP. The roadway and some small pieces of land that are on the south side of School House Road make up the balance of the whole of the 13.37 acres. He said nothing disappeared, but that it was the laying out of a public way and does affect the shape and acreage of what is being requested to be disposed of. **Chip Payson**, General Counsel, said there is no legal conflict with the size of the parcel the city is able to sell. He noted the city can't sell roads.

Councilor Verga said the request to sell that came from the YMCA was for 13.37 acres. The fact that they called out that number, the city has corrected it in the RFP. He said he was on the School Committee when the easements were created. Noting that he was on the School Committee when it voted to create the easements around the Fuller School, how does the access to the easements affect any bidder who isn't signed onto those easements?

Mr. Cademartori said that the land being proposed for disposition has no additional encumbrances on it and is all city owned. The city does benefit from easements of the development proposal from Sam Park & Company. Some are specific in language to benefit municipal use and the RFP is reflective of that. The RFP says there are certain things like frontage on the public ways that are not in question in terms of potentially accessing the site. If anyone proposes to access the site by alternate means, such as land owned by other entities adjacent to the property or anything not contained in city property, it is up to that developer to negotiate with the abutting land owners.

Councilor Verga said if the bidder is not the current owner they would have to negotiate with that owner which **Mr. Cademartori** confirmed.

Councilor Verga then asked what exactly was now before the Council.

Council President McGeary said what is before the Council is that which was held from the last Council meeting by the invocation of Charter Sec. 2-11(c), consisting of two motions -- the disposition by sale of the Fuller property and the setting of the minimum bid for the property.

Councilor Verga asked about GCO Sec. 2-3 (a)(2) that says that, "... The City Council may impose any condition, restriction or other limitation on the building of property as it deems appropriate consistent with the general laws. **Council President McGeary** said when the Council comes to the motion on the disposition by sale if a Councilor wants to offer an amendment it would be in order at that time. **Councilor Verga** commented that when this has been brought forward prior to this evening that there were only two options but that this section of the GCO presents further options.

Councilor Verga asked if the property was sold and the developer wanted a residential component as part of the mix, can MGL 40B be put in the mix. **Mr. Cademartori** said the way things are structured now and would have a Purchase and Sale Agreement (P&S) which can have very specific language of conditioning. While the RFP is drafted to be very broad in terms of the proposal, there would be a very structured partnership on the sale of municipal property. Potentially, he said, a purchase and sale agreement would that will be governed with other agreements but potentially with the P&S that will have a lot of control.

Councilor Ciolino said he recalled that when School House Road was created the city swapped the road to make access to Gloucester Crossing and Sam Park would build it, and in 10 to 15 years the road would revert to the city. **Mr. Cademartori** said it wasn't a swap. There was a donation of private as well as city land in the laying out of the physical location of the roadway. It was a partnership construction partially funded by a grant to the city. With the municipal use of the property, there is a municipal maintenance agreement that certain maintenance activities are cataloged by the DPW, and there is an annual payment by Sam Park & Co. for 15 years at which point it would be the city's responsibility. There is specific language, he said, about private use or conveyance if somebody else is using that property and may affect the agreement as well if the land is disposed. **Councilor Ciolino** suggested as the RFP is written there could possibly be some friction related to the roadway. **Mr. Cademartori** said that he said he didn't see it as a friction but saw it more that something the city would address in terms of the maintenance of the roadway -- possibly in the disposition process.

Councilor Ciolino said he hears that people are saying the Fuller property is being sold for \$1 and that the Council doesn't know what the property is really worth. He asked the Chief Administrative Officer to dispel the rumor that the city doesn't know what the property is worth. **Mr. Destino** said a professional commercial appraiser appraised the property. He pointed out that the \$1 minimum bid is to promote action on bids. If they received 10 bids of \$1 to \$10 they would discard them immediately he assured the Councilor. The application fee to bid on the property is \$25,000 which would dissuade frivolous bidding. The minimum bid of \$1 has been used many times as a strategy to spur on multiple bids. He noted that Malden that set a minimum bid, and there were several low bids of \$1 for a municipal property but one bid at \$12 million, and he said it is a strategy that works. **Councilor Ciolino** assured the audience that the Council and the Administration knows what the Fuller property is worth to which **Mr. Destino** agreed. **Mr. Destino** addressed the concept of setting a minimum bid at an appraised value by citing the example of the Maplewood School which started out at the appraised value and after several reissuing's of an RFP sold the school for \$120,000. **Councilor Ciolino** asked why the city isn't leasing the property -- the city could benefit for 40 to 50 years over the term of a lease, and the RFP has no leasing option. **Mr. Destino** said that a lease would not be beneficial to a project of this size. He noted that in addition to a group of reasons why the city is not choosing a lease option for the property he expanded upon at the previous Council meeting, he said yet another reason it is not an option is because when an RFP is released, terms have to be defined. With a mixed use which could be any combination of things, how can terms be structured for a lease when the mix is unknown? Developers

have to understand the terms in the RFP in order to bid for a lease and since the potential mix is unknown, terms for a lease are unable to be structured.

Council President McGeary recalled a conversation with Economic Development Director Sal DiStefano where leases are sometimes used in a city like Boston. **Salvatore DiStefano**, Economic Development Director, said that leasing is done in large cities where land is very valuable and those cities can dictate the terms of the lease. He noted sometimes there are government entities, like Massport and the Boston Redevelopment Authority, that can't sell property outright. He said sometimes it is a job creation strategy such as in the Boston Marine/Industrial Park where they do a ground lease so a seafood processing company can build a facility and not have to compete with high-end condominium developments in South Boston. It happens usually in areas where there are high property values. The City of Gloucester's consultant did not recommend this strategy of leasing the Fuller property. He said it also dilutes the RFP and complicates things.

Council President McGeary said the Council does know what the consultant offered as an estimate of the value of the property. That information has been held back because it is a negotiating point, he said. He explained the information was tendered in an Executive Session that the Council voted to enter with the Administration in order to discuss the appraised value of the property, and that to reveal that information would create an unfair advantage to developers who might be bidding on the RFP. It is permissible under the Open Meeting Law to enter into Executive Session to discuss financial strategies and negotiations, he said.

Councilor Stewart said an appraisal of the property is not market value but is that particular appraiser's reasonable belief what the market value is. He said market value determined by bidding, and if the market is left open for bidding, the market will determine whether the city gets \$50 million or \$5 for the property.

Councilor LeBlanc asked about a PILOT agreement noted in the RFP. **Mr. Destino** explained that a PILOT Agreement is Payment in Lieu of Taxes and is written into the RFP if a non-profit entity has the winning bid and purchases the property. He said that the RFP is being put forward is to gain tax revenue, not just the sale revenue, and reoccurring tax payments going forward. He pointed out that if a non-profit entity buys the property, a PILOT Agreement would be negotiated in the P&S.

Councilor Verga said a PILOT Agreement is voluntary, that there's no obligation long-term. **Mr. Destino** said the P&S is a negotiated document. If a non-profit is part of the winning bid, a PILOT would have to be negotiated and a part of the P&S. **Councilor Verga** confirmed with **Mr. Destino** that the PILOT agreement is legally binding and could be for a term of 10 years. **Councilor Verga** also confirmed with **Mr. Destino** that the RFP would be put out for sixty days. **Councilor Verga** reconfirmed with **Mayor Theken** the fact that the bids would be discussed in Executive Session with the Council but they will do what they can openly. She said it is a stewardship as highlighted earlier. **Mr. Destino** said the opening and looking at the bids is a public process. The evaluation team is what the Mayor speaks of where the Council would be brought into an Executive Session to discuss.

This public hearing is closed at 9:40 p.m.

For Council Vote (Cont'd):

3. City Charter 2-11(c) Whynott regarding Committee of the Whole Report of August 10, 2015 on the matter of the Fuller School RFP

Council President McGeary recounted for the Council that the matter that comes before them at this time is a result of an invocation of Charter Sec. 2-11(c) which halted the Council's vote on the disposition by sale of the city owned parcel known as the Fuller School property, along with setting the sale price. Councilor Lundberg was called upon to put the original motion back on the table.

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Cox, the Committee of the Whole voted 8 in favor, 1 (Whynott) opposed, to recommend to the City Council under GCO Sec. 2-3(a)(2) the disposition by sale of the property known as Fuller School at 4 School House Road, Map 262, Lot 14.

DISCUSSION:

Councilor Lundberg said that he had previously done a recounting of the deliberations of the Committee of the Whole. What is before the Council now was the recommendation of the Committee of the Whole.

Councilor Verga said if they voted for surplusing the property, and the city doesn't accept any bids can the Council retract the surplusing of the property. **Mr. Payson** said it is a vote on disposition by the Council. If they vote to dispose of it and the Administration doesn't award it to a bidder and the Council wanted to do something

with the property, they would look at it that time. **Mayor Theken** said if the bids are rejected the property remains as it is. **Council President McGeary** said the property has been declared surplus. If the city doesn't have a use for it, the city still owns it. The Council doesn't have to bring another action to "de-surplus" the property, both **Council President McGeary** and **Mr. Payson** agreed.

Councilor Ciolino recalled that this Council and the previous Council along with the School Committee have done everything possible to do something with the Fuller School and experts and consultants from the state and private firms hired by the city have all and all told the same story -- that the building will never be a school again. He said it is a business decision although he said he hates to the Fuller School be sold. It is time to put out the RFP and see what it brings. He said he will support this action.

Councilor LeBlanc said he heard the market is right. All the safety nets are written into the RFP. He said they should see what comes back so that the developer takes responsibility for the property and the building so that the city doesn't has to get rid of hazardous materials and any other safety hazards. He said he wanted to get ideas on the table to develop the property for the benefit of the city for its taxable economic growth.

Councilor Whynott said he didn't want to sell the whole property. He understood they want to be totally flexible, but why can't they have people bid on part of the parcel, and not the entire parcel. A bid could come in for only part of the property, excluding the school and he urged that they put in place that kind of flexibility into the RFP.

Councilor Fonvielle said the dividing of the lot raises a significant question -- what part of the parcel is divided. How much would those parcels be in size and what does the city want to keep. In order to build a combined public safety center the city would need about half the lot to do it. He asked how long would they would be willing to hold on to that portion of the parcel until they could afford to build something. As a developer he said he would want everything but the school itself, and the cost would be \$1 million just to take the building down. He said he supported the RFP as it is presented

Councilor Lundberg said the RFP is written in such a way that a developer could say they only want eight acres, and it could be rejected which is the beauty of the RFP that there are all these safety nets built in.

Councilor Verga said he has followed this situation for a long time. He has taken a few votes over the years with the biggest regret was voting to move the middle school. If they had made Fuller the middle school, they wouldn't be here today voting to dispose of the property by sale. He said he wasn't happy about disposing this property but would try to amend the motion to put some safeguards in place.

There was a discussion between **Council President McGeary** and **Councilor Whynott** on which motion conditions could be placed. **Mr. Payson** said procedurally there are two actions the Council will take -- the first action is to declare the property available for disposition and at that time the Council can specify, any conditions, restriction or other limitation on the building of property as it deems appropriate consistent with the General Laws which is in the ordinance (Sec. 2-3(a)(2)) and statute. The second action is to set the minimum bid price also in statute and ordinance. **Council President McGeary** said that doesn't say they can amend the RFP itself. **Mr. Payson** said that this largely mirrors MGL Chapter 30B, §16A which says, "The Council may specify the restrictions, if any, that it will place on the subsequent use of the property." He said what that means is putting conditions, restrictions or other limitations the property that will run with the land. **Council President McGeary** said it is true that if and when the city awards a bid, they would go into a long P&S in which the specific conditions would be specified then. By imposing restrictions, conditions and limitations the Council is in effect narrowing the RFP. **Mr. Payson** said, "Yes." **Council President McGeary** asked can those conditions, limitations or restrictions be offered as an amendment to the motion to approve the disposition by sale. **Mr. Payson** confirmed they can and then are carried forward as a condition, limitation or restriction on the land and will be dealt with in the P&S and forward.

Councilor Verga said he has heard over and over that this is about job creation and tax revenue, and that a residential component doesn't meet that goal except for some construction companies. He said that a residential component would be a drain on city services and would outweigh the city's tax revenue and then offered a condition to the main motion to prohibit a residential component which was seconded by **Councilor Whynott**.

Councilor Whynott said it was a good amendment and would support it.

Councilor LeBlanc asked what such a restriction would do to the RFP. **Mr. DiStefano** said they studied successful RFP's from other municipalities, and that such a restriction will impact the success of the RFP. He explained that residential components as part of a project's mix is very hot in the market and will impact the value and success of the RFP. The way the RFP is written is to create the most success for the city. He pointed out that there are criteria the bids will be judged by and suggested it may not be the highest bid but a bid that meets all the main components, one of which is job creation. He reiterated that by taking out residential the residential component

it will inhibit the highest and best offer. **Councilor LeBlanc** said that the RFP is well written and that any such restriction will inhibit the RFP's success. He said he didn't support the amendment.

Councilor Ciolino said he wouldn't support the amendment because every time there is something to be developed it is made to be about where they are going to put the children. He said he wouldn't support limiting a residential component to exclude children. Professionals put the RFP together and he urged its release as it is written. He cautioned using children as an excuse that they shouldn't have a residential component.

Councilor Fonvielle said he would oppose any amendment to limit the scope on the RFP and saw no point in putting handcuffs on bidders. It is to consider what mix gives the city the greatest push economically. To take one component out of the picture is not useful, he said.

Councilor Lundberg expressed his agreement with Councilors Fonvielle and Ciolino that by imposing such a restriction is just the opposite of making things easier to do business in the city.

Councilor Stewart said any condition will lower the potential to get the best outcome for the city. He would oppose this motion and any other amendment.

Councilor Verga said this isn't "anti-kid." Housing will create jobs for contractors, rather than maximize the commercial tax base.

Councilor Whynott agreed with Councilor Verga and said that residential taxes are at a lower tax rate than commercial.

Council President McGeary suggested that successful development in major suburbs and ex-urbs is with a combination of housing and industrial/commercial. **Mr. DiStefano** said that is true and highlighted the success of Assembly Square, Lynnfield Commons, and South Boston overall. He said it is a mix of residences and commercial that gives such projects the best chance for success.

MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 2 (Verga, Whynott) in favor, 6 opposed, 1 (Cox) absent, to amend the disposition by sale of the property known as Fuller School at 4 School House Road, Map 262, Lot 14 by prohibiting a residential component.

MOTION TO AMEND THE MAIN MOTION FAILS.

Councilor Verga said he would not support the main motion.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Stewart, the City Council voted by ROLL CALL 6 in favor, 2 (Verga, Whynott) opposed, 1 (Cox) absent, under GCO Sec. 2-3(a)(2) the disposition by sale of the property known as Fuller School at 4 School House Road, Map 262, Lot 14.

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Verga, the Committee of the Whole voted 8 in favor, 1 (Whynott) opposed, to recommend to the City Council under GCO Sec. 2-3(a)(4) that the minimum bid price for the property known as Fuller School at 4 School House Road Map 262 Lot 14, be set at \$1.00.

DISCUSSION:

Councilor Lundberg said that the minimum bid was discussed at great length, and that he believed with the analysis by the Administration the \$1 minimum bid gives the most flexibility with developers and will lead to a better crop of bids.

Councilor Verga said he agrees with the strategy of \$1 minimum bid.

Councilor Whynott said he didn't care what other cities and towns do, this is opening bids up to many that won't make sense and wanted to see a minimum of a \$4 million bid.

Councilor Stewart said if they put any number into this RFP, the minimum number is what you'll get and the lower the minimum bid could bring proposals that could suit the city.

Councilor Ciolino added his support and thanked the city staff for their hard work having done a great job on the RFP. He said he hoped this would generate positive bids in favor of the city. He said a check for \$25,000 will create serious contenders and it is a great plan.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Verga, the City Council voted by ROLL CALL 7 in favor, 1 (Whynott) opposed, 1 (Cox) absent, under GCO Sec. 2-3(a)(4) that the minimum bid price for the property known as Fuller School at 4 School House Road Map 262 Lot 14, be set at \$1.00.

The Council recessed at 10:17 and reconvened 10:26 p.m.

MOTION: On a motion by Councilor Stewart, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 1 (Whynott) in favor, 7 opposed, 1 (Cox) absent, to reconsider the vote on the disposition by sale of the property known as Fuller School at 4 School House Road, Map 262, Lot 14.

MOTION FAILS.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 1 (Whynott) in favor, 7 opposed, 1 (Cox) absent, to reconsider the vote on to set the minimum bid price for the property known as Fuller School at 4 School House Road, Map 262, Lot 14.

MOTION FAILS.

Committee Reports (Cont'd):

Budget & Finance Committee: September 3

1. *Grant Application & Checklist from Council on Aging re: Council acceptance of Title III B Older Americans' Act for \$7,521*

COMMITTEE RECOMMENDATION: On motion by Councilor McGeary, seconded by Councilor Cox, the Budget & Finance Committee voted 2 in favor, 0 opposed, to recommend that the City Council accept under M.G.L. c. 44, §53A a federal grant passed through the Mass. Executive Office of Elder Affairs through SeniorCare, Inc., for a Title III-B Older Americans Act Grant for \$7,521.00 for FFY2016. Funds are to be used to supplement the hours and part-time salary for an Outreach Community Education Worker at the Rose Baker Senior Center.

DISCUSSION:

Council President McGeary said that this is an annual grant received through SeniorCare which funds supplemental hours and part-time salary for an Outreach Community Education Worker at the Rose Baker Senior Center.

MOTION: On motion by Councilor Fonvielle, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under M.G.L. c. 44, §53A a federal grant passed through the Mass. Executive Office of Elder Affairs through SeniorCare, Inc., for a Title III-B Older Americans Act Grant for \$7,521.00 for FFY2016. Funds are to be used to supplement the hours and part-time salary for an Outreach Community Education Worker at the Rose Baker Senior Center.

2. *Memorandum from Harbormaster re: Council acceptance of a National Grid check in the amount of \$20,000 representing payment as stated in Remediation Agreement Section 19*

COMMITTEE RECOMMENDATION: On motion by Councilor McGeary, seconded by Councilor Cox, the Budget & Finance Committee voted 2 in favor, 0 opposed, to recommend that the City Council accept under M.G.L. c. 44, §53A a private grant of \$20,000 as a final payment in accordance with Section 1.9 of the terms of the Remediation Agreement and the First amendment to the Remediation Agreement between the City of Gloucester and Massachusetts Electric Company d/b/a National Grid. This payment represents the final payment obligation under that Section and funds are to be deposited in the Capital Project Waterways Enterprise Solomon Jacobs Park Project Fund #710004.

DISCUSSION:

Council President McGeary explained that this is an agreement with National Grid and the funds will be used for improvements for the facilities at Solomon Jacobs Park once the National Grid remediation project is complete.

MOTION: On motion by Councilor Fonvielle seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under M.G.L. c. 44, §53A a private grant of \$20,000 as a final payment in accordance with Section 1.9 of the terms of the Remediation Agreement and the First amendment to the Remediation Agreement between the City of Gloucester and Massachusetts Electric Company d/b/a National Grid. This payment represents the final payment obligation under that Section and funds are to be deposited in the Capital Project Waterways Enterprise Solomon Jacobs Park Project Fund #710004.

3. Memorandum from Chief Financial Officer re: Beeman Elementary Boiler Project & a request to repurpose \$66,318 balance of funds remaining in the City Hall boiler conversion project

COMMITTEE RECOMMENDATION: On motion by Councilor McGeary, seconded by Councilor Cox, the Budget & Finance Committee voted 2 in favor, 0 opposed, to recommend that the City Council approve under M.G.L. c. 44, §20 the repurposing of \$66,318 balance remaining in the City Hall boiler conversion project (CIP Fund 300087) to transfer to Account# 300094.10.472.58425.0000.00.374.00.058, CIP14-05 Beeman School Gas Heat Conversion for the purpose of closing a budget gap in order to completely fund a boiler conversion project for the Beeman Elementary School.

Councilor Verga asked this matter be postponed as he has questions for the Administration.

Ordinances & Administration Committee: August 31

There were no matters for Council action from this meeting under this heading, **Councilor Whycott** reported.

For Council Vote (Cont'd)

1. Warrant for Preliminary Municipal Election September 29, 2015

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to approve the warrant for the City Preliminary Election to be held September 29, 2015.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Ciolino thanked everyone for coming to Friday night's Block Party. He said the Navy sailors in town for the Schooner Festival weekend enjoyed themselves and were a great representatives of our country's military. He thanked Barry Pett and his committee for the fireworks display, as well as Mike Costello and the Schooner Committee. It was a tremendous weekend with Gloucester at its finest.

Councilor Verga congratulated Kenny Costa, City Auditor, on the birth of his son, Gabriel.

Council President McGeary displayed a plaque he received on behalf of the Council when he visited aboard the USS Fort McHenry LSD 43 which was in anchored in the harbor for four days, a landing ship dock with a crew of 350 that can carry 400 Marines. He said they were gracious enough hosts and thanked the ship's Commanding Officer, Commander Tom Ullmer and Master Chief Jodi Benson who is the senior enlisted person on board. He announced that the annual 9/11 service will be held at 9:45 a.m. at the Central Fire Station. The dedication of the John and Dorothy Rando Garden at the Sawyer Free Library will be Saturday, Sept. 19 at 2 p.m.

Council President McGeary and the City Clerk, **Linda T. Lowe** highlighted the polling places for the Preliminary Municipal Election taking place on Tuesday, Sept. 29 as:

Ward 1/1:	East Gloucester Elementary School
Ward 1/2:	Veteran's Memorial Elementary School
Ward 2/1 and 2/2:	Our Lady of Good Voyage Church
Ward 3/1 and 3/2:	Gloucester High School
Ward 4/1:	Beeman School
Ward 4/2:	Lanesville Community Center

Ward 5/1 and 5/2: Magnolia Library

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

Written Statements by the Public related to the public hearing on the Fuller School Site:

- **Louise Palazola, 57 Western Ave.**
- **Ken Riehl representing the Cape Ann Chamber of Commerce**
- **Russell Hobbs, 1166 Washington St.**
- **Zenas Seppala, 92 Granite St., Rockport**