

GLOUCESTER CITY COUNCIL MEETING

Tuesday, December 8, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Paul Lundberg; Councilor William Fonvielle; Councilor Robert Stewart (entered the meeting at 7:04 p.m.)

Absent: Councilor Verga; Councilor Whynott

Also Present: Linda T. Lowe; Jim Destino; Kenny Costa; John Dunn; Chip Payson; Debbie Laurie; Stacy Randell; William Dugan; Councilor-Elect Joseph Orlando, Jr.; Councilor-Elect Val Gilman

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

Flag Salute & Moment of Silence. The Moment of Silence was dedicated by Council President McGeary in the memory of David “Heavy Duty” Sutherland.

Oral Communications: None.

Presentations/Commendations: None.

Consent Agenda:

- **MAYOR’S REPORT**

1. Memo from Chief Financial Officer re: Allocation of General Fund Free Cash & three Supplemental Appropriation-Budget Requests (Refer B&F) (2016-SA-9, 2016-SA-10, 2016-SA-11)
2. Memo from Harbormaster & Supplemental Appropriation-Budgetary Transfer 2016-SA-12 (Refer B&F)
3. Memo from Harbormaster & Supplemental Appropriation-Budgetary Transfer 2016-SA-13 (Refer B&F)
4. Memo from Harbormaster & Supplemental Appropriation-Budgetary Transfer 2016-SA-14 (Refer B&F)
5. Memo from Harbormaster & Supplemental Appropriation-Budgetary Transfer 2016-SA-15 (Refer B&F)
6. Memo from Harbormaster & Supplemental Appropriation-Budgetary Transfer 2016-SA-16 (Refer B&F)
7. Memo from Harbormaster & Supplemental Appropriation-Budgetary Transfer 2016-SA-17 (Refer B&F)
8. Memo from Chief Financial Officer re: FY16 Free Cash Appropriations & three Supplemental Appropriation-Budget Requests (Refer B&F) (2016-SA-18, 2016-SA-19, 2016-SA-20)
9. Memo, Grant Application & Checklist from Police Chief re: Council acceptance of a FY16 State 911 Support & Incentive Grant for \$61,795 (Refer B&F)
10. Memo, Grant Application & Checklist from Harbormaster re: Council acceptance of a Division of Marine Fisheries Public Access Grant for \$15,000 (Refer B&F)
11. New Appointments:

Downtown Development Commission	TTE 02/14/18	Joseph J. Giacalone	(Refer O&A)
Zoning Board of Appeals (Alternate Member)	TTE 02/14/17	Joseph Parisi	

 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
1. CC2015-045 (LeBlanc) Whether the City Council shall refer the matter of the deterioration of the Centennial Avenue train bridge pavement to the MassDOT for evaluation and repair before the winter season (FCV 12/15)
2. CC2015-046 (McGeary) Amend GCO Sections 21-84 (c) (g) and Section 21-85 (b)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: November 17, 2015 (Approve/File)
2. Standing Committee Meetings: Special P&D 11/19/15 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Ciolino asked to remove Item #7 under the Mayor’s Report, Supplemental Appropriation-Budgetary Transfer 2016-SA-17 concerning Waterways retained earnings coming from the St. Peter’s Marina Fund to be used to complete the purchase of floats, bridge and engineering services related to the Solomon Jacobs Landing project. He said when this is heard at the B&F Committee of January 7, he would appreciate a report from the Administration or the Harbormaster that if they are taking \$90,000 from the St. Peter’s Marina Fund for those purposes what is the intention to: 1) repair the marina’s hoist and where are the funds to come from; 2) what are the plans for installation of a water supply for use by the commercial fishermen docked at the marina and where would the money to fund this project come from; and 3) what are the plans and funding for the reconfigure the float system at that commercial marina.

By unanimous consent the Consent Agenda was accepted as amended.

Scheduled Public Hearings:**1. PH2015-070: Recommendations of the Community Preservation Committee for Round 6, FY15 Funds**

This public hearing is opened at 7:04 p.m.

Project #1 – Action, Inc., Preservation of Action Façade-Woolworth Bldg. Phase 1- \$70,000

Ms. Randell gave a brief overview of the history of the Community Preservation Fund (CPA) and distribution of those funds over the previous five years which totaled \$4,500,000. This, the sixth cycle of funding consists of seven recommended applications that are before the Council and represent recommended funding of \$354,750.

She then introduced the first applicant noting that the Community Preservation Committee (CPC) is recommending that Action, Inc. receive \$70,000 in CPA funds for the purpose of the rehabilitation and restoration of an historic asset by repairing and restoring the façade of the historic Woolworth Building on the corner of Main and Pleasant Streets by waterproofing the building as there has been extensive damage to it from water incursion.

Those speaking in favor:

David Brooks, Facilities Manager of Action, Inc., said that CPA funds will be used to repair damage caused by a consistent history of water leaks, to prevent future damage, and to preserve the Woolworth building's historically significant art deco architecture that houses the offices of Action, Inc. The lack of waterproofing behind the masonry allows for water infiltration from the street level all the way into the basement. The infiltration has resulted in damage. The estimated cost of the project is \$200,000 to complete the project. The building is within the Central Gloucester Historic District and is included in the National Register of Historic Places.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Ciolino confirmed that the total overall project is \$287,000 with **Mr. Brooks**. **Councilor Ciolino** said asked what the plans to match the brick are. **Mr. Brooks** said it was not possible to get an exact match to 150 year old brick but that the brick would be a close match. Since they are doing a full fix to the façade, the building will look substantially as it does now. There is a professional architect working with Action, Inc. and there is a preferred contractor, **Mr. Brooks** confirmed for **Councilor Ciolino**.

This portion of the public hearing was closed at 7:12 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$70,000.00 (Seventy Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for Action, Inc., for the purpose of the first phase of the restoration and preservation of the façade of the historic Woolworth Building, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275031.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Verga, Whynott) absent, to appropriate up to \$70,000.00 (Seventy Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for Action, Inc., for the purpose of the first phase of the restoration and preservation of the façade of the historic Woolworth Building, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275031.

Project #2 – Action, Inc., Gloucester Rental & Mortgage Assistance Program - \$24,750

William Dugan, 15 Cherry Street, Co-Chair of the Community Preservation Committee, said that the CPA funds come from a one percent surcharge on real estate tax in the city and matched by funds from the state which can be spent on community housing defined as housing to be occupied by residents with incomes at 100 percent of median income or lower; historic preservation on properties deemed to be historic in value; open space, land acquisition and recreation. He said the CPC recommends the appropriation of \$24,750 to Action, Inc. Gloucester Rental and Mortgage Assistance Program from the Community Housing category to fund the financial assistance portion of the program but not the service component. He said CPC appreciated Action's desire to preserve tenancies and mortgages with short-term assistance and hoped it keeps people in their homes and avoids homelessness resulting from unexpected challenges. He added that Action has done an excellent job in leveraging the grant so that it comprises just 25 percent of the total program cost. Approval is contingent upon Action's publicly announcing this program to ensure all Gloucester residents will be aware of it.

Those speaking in favor:

Maggie Howard, Deputy Director of Action, Inc., explained that their original application was for \$40,000 to fund Action's tenant-based rental assistance program. She confirmed the CPC only committed to fund the subsidy portion of the program. She announced Action did receive additional funds through a private foundation grant which they were able to leverage to provide the support services to this program. She said this program has been run successfully for ten years and has been successful because of the intensive case management, budgeting and financial literacy that are offered in tandem with the subsidies. She suggested that in future years Action would not receive another foundation grant and wouldn't have the funds to leverage services. Generally, programs that offer subsidies with the service portion of the program are more successful, she added.

She said that Gloucester's program will offer short-term (about six months) mortgage/rental assistance program that assists households with soft subsidies for households not to exceed \$1,650 for the total amount of time they are in the program. She explained the subsidy is coupled with intensive case management and financial literacy. The goal is to foster self-sufficiency rather than dependence on the program. The program serves people at or below 100 percent of the area median income. Generally people who are helped have incomes that fall between 30 to 50 percent of the area median income for a family of four which is \$30,000 to \$50,000. These households would also have to have experienced a one-time financial temporary setback such as illness, job loss, job reduction or other tragedies.

Ms. Howard then reviewed the application process for clients and the screening process: This program is only for income-eligible Gloucester residents who show proof of their one-time temporary setback, and income eligibility. Landlords who is willing to engage in the program are asked to sign an agreement to not evict their tenant while they are receiving Action services through their program. Clients engaged in the program meet regularly with staff. The subsidy tapers as the families' progress through their program.

Ms. Howard said Action believes that this program aligns with the CPA parameters for Community Housing by helping residents stay in an affordable unit. This program can offer assistance very quickly for a very short period of time for a large number of families, she said.

Those speaking in opposition:

Ms. Randell said that she is in opposition to this Action, Inc. program, but not speaking against the organization itself. She asserted that subsidies were not part of "community housing" funding category. She said there was an urgent need for permanent affordable housing for individuals and families in Gloucester and pointed out that only 3 percent of CPA funds have been spent since 2010 on community housing. She said that she thought the service portion of the program led to a shaming of the clients. Touching upon issues she had with other communities' similar programs, she asked that the Council deny the application as it didn't address the need for permanent affordable housing and hinders the capacity of future applicants who want to build housing for all the citizens of Gloucester.

Rebuttal:

Ms. Howard said increased landlord outreach contact and the ongoing financial literacy piece have made their other tenant-based rental/mortgage assistance program successful. The program is sustaining people in their current affordable units/homes who might otherwise find themselves needing to access support services for homeless families or individuals. Their goal is not to shame households but to provide support they need which is all individualized support.

Rebuttal of the Rebuttal:

Ms. Randell reiterated that she understands the need for this program, but objects to the use of CPA funds to fund this program. She pointed out there are other funding sources, such as Community Development Block Grant funds that are available for this exact kind of work, and there are already city dollars being directed on this issue.

Communications: None.

Questions:

Councilor Cox asked if the Town of Rockport provides CPA Fund money to support the Rockport Action program. **Ms. Howard** confirmed that Rockport did and said it is generally \$75,000 to \$100,000 annually for the same program for its residents through Action, Inc. **Councilor Cox** asked what the vote of the CPC was to recommend this funding to the Council. **Ms. Randell** said it was 5 in favor, 2 against, 1 abstention, and one member absent.

Councilor LeBlanc confirmed with Ms. Howard the requested \$24,750 is not going to support staff and is for the subsidy portion of the Action program. The original application was for \$40,000 and \$15,250 was cut from the request and what was left, \$24,750 is for the subsidy portion of the proposal, it was noted.

This portion of the public hearing was closed at 7:34 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$24,750 (Twenty-Four Thousand Seven Hundred Fifty Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for Action, Inc., for the purpose of funding that organization's Gloucester Rental and Mortgage Assistance Program, assisting those families in times of housing distress. The appropriation will be allocated to the Community Housing category and funded from Community Housing Reserves in Fund #270200. The project will be tracked in the Community Preservation Fund – Community Housing Projects Fund #272004.

DISCUSSION:

Councilor Ciolino expressed his support for the funding of Action's Gloucester Rental and Mortgage Assistance Program. He said that he had no issue having the funds used for rental/mortgage assistance to keep an individual or a family in their home.

Councilor Lundberg offered his support for the funding, noting that he is a member of the board of Wellspring House. Financial literacy is as important an aspect of fighting homelessness as bricks and mortar, he said. He added that these assistance programs are just the kind of things that can keep people from becoming homeless.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 6 in favor, 1 (Stewart) opposed, 2 (Verga, Whynott) absent, to appropriate up to \$24,750 (Twenty-Four Thousand Seven Hundred Fifty Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for Action, Inc., for the purpose of funding that organization's Gloucester Rental and Mortgage Assistance Program, assisting those families in times of housing distress. The appropriation will be allocated to the Community Housing category and funded from Community Housing Reserves in Fund #270200. The project will be tracked in the Community Preservation Fund – Community Housing Projects Fund #272004.

Project #3 – Cape Ann Women's Softball League & City of Gloucester for Mattos Field Rehabilitation- \$110,000

Ms. Randell said that the Community Preservation Committee recommended the appropriation of \$110,000 to the Cape Ann Women's Softball League and the City of Gloucester Department of Public Works for the purpose of rehabilitating Mattos Field with six new lights mounted on six piers. The original amount requested was for \$190,000.

Kelly Brancaleone, 28 Sayward St., a volunteer for the Light Up Mattos Field Committee and a participant in the Cape Ann Women's Softball League said the 35 year-old lighting system collapsed last July. Since that time the league has been without lights. Last season the leagues had to play the evening games at other fields under unsafe conditions. New lights, she noted, will have improved field use opportunities and benefit the community. **Ms. Brancaleone** said that preliminary site work and investigation was done under a previous CPA grant for \$12,000. The new grant will partially fund the materials and installation of the new lighting system. The total budget is between \$200,000 and \$250,000 and that amount is unknown as they want to do further improvements to the field such as a new scoreboard, improve landscaping and potentially a concession stand to support on-going maintenance of the field. She added that the project benefits many diverse groups in the city.

Patti Amaral, representing the Cape Ann Women's Softball League, highlighted that there is a lot of work associated with this project and expressed her appreciation for the support of the Council and the CPC.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This portion of the public hearing was closed at 7:40 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted in favor, 0 opposed, to appropriate up to \$110,000 (One Hundred Ten Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the purpose of the Cape Ann Women's Softball League rehabilitating Mattos Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340010.

DISCUSSION:

Councilor Stewart said that he wished to explain why he would vote for the Mattos Field lighting project but not for a rental/mortgage assistance program. He said he agreed with the co-Chair of the CPC that the rental support program is not what the CPA funding is intended for. Projects under the heading of recreation are intended to be funded by the CPA funds.

Councilor Ciolino expressed his support for the CPA funding of the Cape Ann Women's Softball League which had been neglected for years and extended his compliments to the League for their hard work.

Councilor Cox expressed that even though it is the Cape Ann Women's Softball League that there are many different groups that use this field and she urged that they all should step up and assist in this project, and thanked those that are now involved to bring this project to fruition.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Verga, Whynott) absent, to appropriate up to \$110,000 (One Hundred Ten Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the purpose of the Cape Ann Women's Softball League rehabilitating Mattos Field located in Gloucester, Massachusetts. The appropriation will be allocated to the Open Space/Recreation category and funded from Unrestricted Reserves in Fund #270000. This project will be tracked in the Community Preservation Fund – Open Space/Recreation Capital Projects Fund #340010.

Project #4 - Gloucester Unitarian Universalist Church, Fire-Sprinkler & Deterrence Project \$50,000

Mr. Dugan said that the Community Preservation Committee recommends a grant of \$50,000 to the Gloucester Unitarian Universalist Church to engineer, design and install a whole-building fire-sprinkler system of the dry type, tied into the existing 24/7 fire-detection monitoring system. The Unitarian Universalist Church received a \$30,000 grant in the first round of CPA funding in 2010. He said they did an excellent job. This proposal makes sense, given the age, vulnerability and historic significance of the church. The grant is estimated to be about 13 percent of the total project cost.

Those speaking in favor:

Charles Nazarian, 956 Washington St., said he was Unitarian Universalist Church as a board member, and a church advisor on historic preservation, a local architect, and member of the city's Historical District Commission. He said that past CPA funds helped the church install two lifts and ADA-compliant lavatories. This current project will augment the church's fire detection system which can tell if there is a fire with a fire deterrent system. The project will make the church "greener" by insulating the walls and installing fire stops. He pointed out that the church's tower is an icon of the city's skyline with a Paul Revere bell in the heart of the historic district, a jewel in the center of the city.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor Ciolino confirmed this is a dry suppression system with **Mr. Nazarian** who explained how such a dry suppression system works.

Councilor Stewart asked if there was a back-up compressor for the new system. **Mr. Nazarian** said the system is built to be reliable as possible, and the company designing the system works on many historic buildings throughout the area and has an excellent record.

This portion of the public hearing was closed at 7:45 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Gloucester Unitarian Universalist Church for the purpose of the installation of a fire sprinkler and deterrence system, in Gloucester, Massachusetts, in order to preserve and restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275032.

DISCUSSION:

Councilor Cox explained that the Unitarian Universalist Church is one of her favorite buildings in the city and an incredible asset to the community for its many outreach programs. She offered her support for the funding.

Councilor Ciolino also offered his support for the funding for the Unitarian Universalist Church.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Verga, Whynott) absent, to appropriate up to \$50,000 (Fifty Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for the Gloucester Unitarian Universalist Church for the purpose of the installation of a fire sprinkler and deterrence system, in Gloucester, Massachusetts, in order to preserve and restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275032.

Project #5 - Ocean Alliance, Inc., Tarr & Wonson Paint Manufactory-Interior Renovations - \$70,000

Ms. Randell said that the Community Preservation Committee recommends the appropriation of \$70,000 to Ocean Alliance for the restoration of the Tarr and Wonson Paint Manufactory, Buildings A & B. The project total is \$170,000.

Those speaking in favor:

Iain Kerr, 3 Ledge Road, CEO of Ocean Alliance, Inc., explained that work on the complex will total \$315,000. The Alliance has already raised \$145,000 for the exterior work on these buildings. Building A and B was put up in 1863 and were the first buildings on the site, he noted. Ocean Alliance is not a building restoration organization but is an oceanographic group and some of the donors request that Gloucester take a leadership role. Finishing the building will give Ocean Alliance almost 3,000 additional square feet of operations space. The Ocean Alliance is already running a robotics club which is rapidly expanding which is free of charge and meets every Wednesday evening with 70 people on their list, Mr. Kerr confirmed. Restoration and support work is currently underway on the building. The interior spaces will be multi-purpose, but generally used as an educational space, media venue and function/event area. He showed the Council photographs of the interior spaces of buildings A and B and of the outside also.

Those speaking in opposition: None.

Communications: None.

Questions: None

This portion of the public hearing was closed at 8:00 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$70,000 (Seventy Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for a grant to the Ocean Alliance for the purpose of conducting interior renovations to the Tarr and Wonson Paint Manufactory's Buildings A and B in Gloucester, Massachusetts, in order to restore a historic resource. The appropriation will be allocated to the Historic Preservation category and funded

from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275033.

DISCUSSION:

Councilor Stewart said he was pleased to see that the Paint Factory is being restored.

Councilor Ciolino congratulated Dr. Kerr for his endurance during the restoration of the Tarr & Wonson Paint Factory building that houses the Ocean Alliance.

Councilor Fonvielle said this funding represents the epitome of CPA Historic Preservation.

Council President McGeary said this funding preserves a historic resource but also contributes to the city's historic quality by conducting oceanographic research based in Gloucester and using the city's historic resources to that end.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Verga, Whynott) absent, to appropriate up to \$70,000 (Seventy Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for a grant to the Ocean Alliance for the purpose of conducting interior renovations to the Tarr and Wonson Paint Manufactory's Buildings A and B in Gloucester, Massachusetts, in order to restore a historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275033.

Project #6 - Gloucester Adventure, Inc., Restoration of Captain's Cabin - \$25,000

Mr. Dugan said that the Community Preservation Committee recommends the appropriation of \$25,000 to the Gloucester Adventure, Inc. for the last remaining project to be completed on this landmark. This will be the third \$25,000 grant to the Adventure. Previous grants were awarded in 2010 for the windlass and anchor chain and in 2011 for spars. Those projects went well, he said, and the CPA funds were well used. This has been a quality restoration, he noted, and pointed out that this grant is less than 25 percent of the total projected cost to fully restore the Captain's Cabin.

Those speaking in favor:

Captain Stefan Edick, Executive Director and captain of the Gloucester Schooner Adventure, said that the vessel is fully certified vessel for the first time in 27 years since it was returned to the city. The restoration of the captain's cabin had been saved to the last as this didn't interfere with their mission of getting the Adventure back on the water. The goal has been to restore the cabin to its original character as built in 1926. The Captain's cabin will be restored to the condition as it was shown by Captain Edick to the Council in a photograph taken in the mid-1980's. He expressed his gratitude for the support of the city and its residents. More than 2,000 people sailed on the Adventure during this past summer and saw an additional 6,000 visitors here and in other ports, he said.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This portion of the public hearing was closed at 8:08 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted in favor, 0 opposed, to appropriate up to \$25,000 (Twenty Five thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee, for the purpose of allowing the Gloucester Schooner Adventure which is a Historical Schooner/vessel berthed in Gloucester, Massachusetts, to conduct restoration work on the Captain's Cabin, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275034.

DISCUSSION:

Councilor Ciolino said that the Adventure is going to sail port to port representing Gloucester and it is a fine ambassador for the city.

MOTION: On motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Verga, Whyntott) absent, that the City Council to appropriate up to \$25,000 (Twenty Five thousand dollars) from the Community Preservation Act funds as recommended by the Community Preservation Committee, for the purpose of allowing the Gloucester Schooner Adventure which is a Historical Schooner/vessel berthed in Gloucester, Massachusetts, to conduct restoration work on the Captain's Cabin, in order to restore an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Historic Preservation Projects Fund #275034.

Project #7 - St. John's Episcopal Church, Feasibility Study-Housing at Church Property \$5,000

Councilor Stewart advised that under MGL c. 268A that he is a member of St. John's Church and chair of its Endowment Committee which is funding a good part of what comes from this study, but has no financial interest whatsoever and therefore has no conflict of interest and can discuss and vote on this issue.

Council President McGeary declared that under MGL c. 268A that is a member of St. John's Church and advised the Church generally on this application but has no financial interest and is not prohibited from discussion and voting on this matter.

Ms. Randell said that the project total for this application is \$20,000 and the CPC recommends the appropriation of \$5,000 to St. John's Episcopal Church in support of a feasibility for the construction of mixed income housing on the parking lot area located on Washington Street which will identify technical issues on the site, both legal and technical and the permitting process and estimate costs and preliminary drawings.

Those speaking in favor:

Reverend Bret Hayes, Rector, St. John's Episcopal Church, said St. John's Church has long owned the parcel at 33 Washington Street and adjacent parcels which is currently a surfaced parking lot in the midst of an area undergoing redevelopment, one block away from the downtown and easy walking distance to transportation and necessary amenities. He said it is a prime underutilized asset, and the church is interesting in developing it in a way that both benefits the city and assist the city's most needy residents. He said the proposal envisions community housing being built over the existing parking surface. Not being developers they see the need to do a feasibility study in the interest of their fiduciary responsibility. The original request was for \$15,000 but said he was told unofficially that the recommendation was for \$5,000. He said he hoped the city will support a project which will meet an urgent need for affordable housing in an area that is well suited for it.

Those speaking in opposition:

Communications: None.

Questions:

Councilor Cox asked why the funding was limited if the language doesn't state specifically why they can't fund feasibility studies. **Ms. Randell** said the CPC did do research on the issue and it appeared the problem is when doing a feasibility study, if it is that 10 percent will be affordable then only 10 percent of that can be supported by CPA funding. She said it is difficult to fund a whole study such as this since they don't know the outcome of it and what total percentage of affordable housing units the project will be recommended for. **Debbie Laurie**, Community Development Senior Project Manager, said they can fund studies, but they can only fund the portion that will result in the creation of affordable units, and they don't know how many of the units will be affordable. The CPC, because of this dilemma, felt that \$5,000 was a good amount to fund, she added.

Councilor Fonvielle asked if the study determines that it is not feasible to build housing at all. **Ms. Laurie** said if something like that happens they can't fund it if it was all market-rate housing which wouldn't be eligible. She said there is a caveat that if the project can't move forward or if there are no affordable housing units associated with the project, they can't fund the feasibility study. The CPC will wait for the outcome of the study and then release the \$5,000 in funds.

Council President McGeary said that was not his understanding -- that the funding would be awarded regardless. **Ms. Laurie** said it is, but usually most entities are reimbursed and was a caveat that they had in their motion to be a component of the study to meet affordability. **Council President McGeary** said it is not a question is if it is affordable, but what if they find out for any reason the study finds it is a no go, they still get reimbursed for the study assuming it was focused on affordable housing. **Ms. Laurie** said if the intent is to create so many units and they move forward with affordable units, they can pay for that portion of the study. **Mr. Dugan** said they don't really know the answer and should they come to that point the CPC will have to seek guidance from the state

coalition. He said it is a nuanced question. **Councilor Cox** said that this was never brought up in B&F at all in regard to the vote of the CPC to give the money to conduct the survey with contingencies. She said B&F voted unanimously in favor to give \$5,000 to St. John's Church to conduct the study. She reiterated that caveat was never brought forward in the B&F discussion. She said it was her understanding and the reason why the Committee voted for it that St. John's Church would have that money to move forward with a feasibility study, and the reason it was reduced from \$20,000 was because they were unsure what component would be affordable. The idea was that it would all be affordable.

Councilor Stewart said can the CPA Community Housing program pay for a feasibility study or not. **Ms. Randell** said the CPC motion clearly states conditions which were given to the Council that outlines the parameters of the expiration of the award and that it is reimbursable if affordable housing is feasible on the site. She said it is a calculated risk, but she added the CPC agreed it was worth the risk. **Council President McGeary** said if the feasibility study is conducted and it is found that it would be feasible to do affordable housing on the site but for whatever reason they can't move forward on the project the church will still be reimbursed. **Ms. Randell** read, "if proof of affordable housing is feasible on the site." **Council President McGeary** said that it sounded as if they can show affordability they get reimbursed. **Ms. Randell** said she understood do-ability. **Councilors McGeary, Stewart, and Cox** expressed their disagreement with Ms. Randell's last assertion.

Councilor Cox said that in the end if it comes to a head they would seek advice from the state. **Mr. Dugan** said they have not yet reached out to the state for advice. The advice they got was that a feasibility study can be funded and CPA funds can be used to support the level of affordability that comes from that study. **Council President McGeary** said that he believed the Council is okay to proceed on this matter for funding.

This public hearing is closed at 8:24 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council appropriate up to \$5,000 (Five Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for St. John's Episcopal Church, for the purpose of conducting a housing feasibility study. The appropriation will be allocated to the Community Housing category and funded from Community Housing Reserves in Fund #270200. The project will be tracked in the Community Preservation Fund – Community Housing Projects Fund #272005.

DISCUSSION:

Councilor Lundberg noted that for both St. John's Church and the Unitarian Universalist Church for their requests this evening that the generosity of spirit they have as religious communities to the city and appreciated their work.

Council President McGeary asked that he be allowed to express as the sense of the Council that a feasibility study is just that and when conducted it should be reimbursed regardless of the outcome as long as it meets the condition that it does study the feasibility of affordable housing that is a condition the CPC placed on the recommendation for funding. The Council then made a unanimous declaration that this was their sense of the condition of the award.

Councilor Ciolino added that if there is an opportunity for affordable housing in the city, the Council should support it and help make it a reality.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Verga, Whyntott) absent, to appropriate up to \$5,000 (Five Thousand Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, for St. John's Episcopal Church, for the purpose of conducting a housing feasibility study. The appropriation will be allocated to the Community Housing category and funded from Community Housing Reserves in Fund #270200. The project will be tracked in the Community Preservation Fund – Community Housing Projects Fund #272005.

Council President McGeary thanked the CPC members for the work they have done. He also thanked the citizens of Gloucester. He noted that one of the public service tasks he has undertaken of which he was most proud was helping to bring the Community Preservation Act to Gloucester. He said he was pleased that the kinds of project that have come before the Council are very much a part of the fabric of the city and in the reality of difficult budget

times, these are the kinds of worthwhile projects that would otherwise not have received funding. He praised the residents of Gloucester for the unselfish act of creating the CPA fund and continuing to support it over the years.

The City Council recessed at 8:27 p.m. and reconvened at 8:33 p.m.

For Council Vote

1. Compliance with Gloucester Zoning Ordinance Sec. 1.11.4 Hearings and Notices

Council President McGeary accepted a motion as moved by Councilor LeBlanc, and seconded by Councilor Cox, that the City Council vote to waive the Gloucester Zoning Ordinance requirement under Section 1.11.4 Hearings and notices for the notice of abutters in the matter of the Amendment to GZO Sec. 5.5 “Lowlands Requirements” because it has been determined that the proposed amendment affects so many properties as to make notice impracticable

Council President McGeary said that this proposal would affect properties throughout the city, and there is a provision in the Zoning Ordinance where it is impractical to notify all the possible abutters and the Council can take a vote to waive the notice to abutters under that circumstance.

Councilor Stewart said while understanding the purpose of the Council voting to waive notice and the Zoning Ordinance but questioned whether this is something the Council should be doing voting on a very significant potential reduction in the value of many properties in the city and not giving people notice and a chance to be heard. **Council President McGeary** responded by saying that the public hearing had been legally and properly noticed in a local newspaper and the Zoning Ordinance does countenance this sort of specific situation making a specific provision for it where it is impractical. This encompasses everyone from the Rockport line back around to the Rockport line, he indicated. He said in order to comply with the ordinance he suggested they should take this vote.

J. Michael Faherty, 83 Mt. Pleasant Ave., said he is opposed to the amendment for its impractical effect on the whole community. He said with regard to both Councilors McGeary and Ciolino proposed amendments to the Zoning Ordinance he was of the opinion the Council couldn't take such a vote this evening. He said the section of the Zoning Ordinance they're utilizing to waive notice says that waiver must be conducted when they set the date for the hearing. The date was set sometime prior to Nov. 2, because on Nov. 2 and 9 there were advertisements in the paper for this hearing. At some point prior to those dates, the date for the hearing was set and that is when the waiver should have been voted. There has been experience in the city prior on these similar types of city-wide proposals, but the vote is taken at the same date the date is set for the public hearing. The larger problem was that the public hearing was advertised for Nov. 17, and the Council opened the hearing on Nov. 17 and continued it because the matter was still under consideration by the Planning Board. He asked how the Council waives notice to a meeting that has already been opened. He said that was an impossibility and that this vote would be a mistake. Legal Counsel may have said that it is okay but it would be a defect in the process that could be cured, he concluded.

Council President McGeary announced the ruling of the chair that the failure to take the vote in the time prescribed was an inadvertent oversight and that the intent of law was clear to allow the waiver under conditions where it would be impractical to notify all the abutters and that this is a technical oversight that they are correcting by this roll call vote.

Chip Payson, General Counsel cited Section 1.11.4 of the Zoning Ordinance, subsections (a) and (b). He said the sentence in question is in subsection (b) related to public hearings which says, “provided however, that such notice may be waived by vote of the city council at the time of fixing the time and place of the public hearing upon the council's determination that the proposed amendment affects so many properties as to make such notice impracticable.”

Councilor Stewart asked Mr. Payson to rebut Mr. Faherty's position. **Mr. Payson** said that the Council has a decision to make. He said there are risks with this decision and the way it has come forward. He said he understood that it is procedural crossing of the “T's” and dotting the “I's” but that there is an argument, citing Mr. Faherty's opinion, against doing this, which he likened to a “Hobson's Choice.” He said this is a procedural issue that the ordinance makes sense in its presumption that notice be provided to abutters unless there is a situation it affects all abutters and broader notice can be provided.

Councilor-Elect Valerie Gilman, 75 Revere St., said she was in attendance the last Planning Board meeting, and noted that one of the parts eliminated from the proposed zoning amendment for GZO Sec. 5.5 Lowlands Requirement was the Special Council Permit aspect, and she expressed her concerned that 71 people who will be

rezoned are not being given an opportunity with this next step that their buildable lot will no longer be the case. She said she would want notification of all abutters.

Councilor LeBlanc said that he would not support the motion and that this would impact many residences in the city and feedback was needed.

Councilor Cox said she would not support this motion and that this ball was dropped when the meeting date was set -- they either should send out notices or scrap it all and start over.

Council President McGeary said the Chair has ruled that this action by the Council is in order. He pointed out that the Planning Board held three legally advertised public hearings on this matter, and was fully vetted. He asked that the City Clerk further advertise both public hearings for the Floodplain Zoning Ordinance change and the Atlantic Road Overlay District in the Gloucester Daily Times. Both matters are on the Dec. 15 meeting he noted.

Councilor Ciolino said that this is not the first time the Council has taken such an action and that they have had to notify through legal advertisements -- it is not setting a precedent.

Councilor Stewart said he would support the motion because it is on the agenda and the hearing was opened and scheduled for Dec. 15. He said it should not be considered a precedent of the Council to do this and will accept the President's explanation as something that has just happened. He is not committing his vote on the matters but would vote for the waiver, he said.

Councilor LeBlanc reiterated that while this type of action has been taken before this will affect people from Rockport line to Rockport line and the Council needs more public input on the matter. He pointed out he didn't get the newspaper and wouldn't see the legal advertisement. He expressed his opinion that relying just on legal advertisements in the newspaper wasn't enough.

Councilor Cox said she is not voting for this because the timing is off and the waiver should have been made months ago.

Council President McGeary said there are 71 properties that it could conceivably apply to, and had significant research done on the matter.

Councilor Lundberg said they will be at P&D the following evening and that he wants to learn more on the matters. **Council President McGeary** reiterated that the vote was not about hearing the matter but is about noticing property owners.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted by ROLL CALL 4 in favor, 3 (Cox, LeBlanc, Lundberg) opposed, 2 (Verga, Whynott) absent, to waive the Gloucester Zoning Ordinance requirement under Section 1.11.4 Hearings and notices for the notice of abutters in the matter of the Amendment to GZO Sec. 5.5 "Lowlands Requirements" because it has been determined that the proposed amendment affects so many properties as to make notice impracticable.

Councilors Request other than to the Mayor:

Councilor Ciolino highlighted the upcoming Middle Street Walk Saturday, Dec. 12 and the lighting of the Lobster Trap Tree next to the Police Station the same evening, as well as Thursday, Dec. 10 downtown stores will be open for Friends and Family night.

Councilor Lundberg said this evening at the Addison Gilbert Hospital the Christmas Tree at the top of the portico the Christmas tree was lit in recognition and celebration of the hospital's cancer unit. He advised donations from the ceremony went to support the AGH Cancer Center.

Council President McGeary noted that he, along with Councilors Fonvielle, Lundberg, Ciolino and Mayor Theken, attended the lobster trap menorah lighting at Temple Ahavat Achim saying it was a wonderful ceremony.

A motion was made, seconded and voted unanimously to adjourn the Special City Council meeting at 8:55 p.m.

**Respectfully submitted,
Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Stacy Randell's statement in opposition to the Action, Inc. Gloucester Rental and Mortgage Assistance Program
- A fact flyer submitted by Charles Nazarian about the Gloucester Meeting House.