

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, March 22, 2016 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Paul Lundberg; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.**

**Absent:**

**Participating Remotely: Councilor Gilman**

**Also Present: Linda T. Lowe; Kenny Costa; Jim Destino; Chip Payson; John Dunn; Melissa Teixeira; Mike Hale; Aleesha Nunley; Max Schenk; James Pope; Brian Hamilton**

**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.**

**Council President Ciolino** announced that because Councilor Gilman was participating remotely, that as long as she was present, all votes by the Council must be taken as Roll Call votes.

**Flag Salute & Moment of Silence. Council President Ciolino** dedicated the Moment of Silence to victims of the Brussels Airport bombing.

**Oral Communications:**

**Stanley Stone**, 20 Andrews Street, past president and current treasurer of the Cape Ann Amateur Radio Association (CAARA) located at 6 Stanwood Street, said that he has been appointed the American Radio Relay League local government liaison, a position previously held by Dr. Henry McCarl. He reviewed the history of CAARA, whose purpose is to promote amateur radio (ham radio). He described briefly his position as the local government liaison as a primary contact for the city government and amateur radio operators, and that he will monitor proposals put forward by the city. He offered that he is available to educate the Council on amateur radio.

Noting that there are 173 members in the Cape Ann area, he said that Councilor O’Hara has his ham license, as does State Sen. Tarr and Rep. Ann-Margaret Ferrante, and that former Councilor Jackie Hardy also had her own handle. He described some of the equipment funded by CAARA that helps to benefit the area, and noted CAARA gives out an annual \$1,000 high school scholarship. He motioned the many events annually that CAARA participates and assists in providing a conduit for communications. He thanked the Council for their assistance in CAARA’s purchase of their property at 6 Stanwood Street which the group had previously rented from the city for 40 years. He invited the Council to join CAARA members for their weekly open house from 9 a.m. to 12 noon to tour their facility and learn more about what they do. He mentioned that at the end of June CAARA hosts an annual “Field Day” which he briefly described. A full description of the CAARA organization was submitted to the Council (placed on file).

**David White**, 41 Mt. Vernon Street, said that the top of Mt. Vernon Street he believes that many cars appear to speed through its intersection, and mentioned that a police cruiser was heavily damaged when someone came through speeding last year. He described some of the speeding incidents he said he had seen. He asked that the police pay a watchful eye to that area.

**Presentations/Commendations: Interim Superintendent of the North Shore Agricultural & Technical School District, Dr. William Lupini re: FY2017 Budget**

**Council President Ciolino**, prior to Superintendent Lupini’s presentation asked City Auditor to come forward to describe how city funds are allocated to the North Shore Agricultural & Technical School (NSA&T). **Kenny Costa**, City Auditor, said it is an annual assessment not through the Cherry Sheet which is set by the School Committee of the Vocational School through the city budget process and is paid annually to the NSA&T. He said a total of \$1,543,337 was paid last year on a quarterly basis. **Council President Ciolino** said this expense is borne on the city budget, not the School budget and so it is not a part of the school district’s bottom line, which **Mr. Costa** confirmed. **Mr. Costa** also described that Gloucester High School’s vocational department is budgeted through the School Department budget which in FY16 was just under \$300,000. **Council President Ciolino** reiterated that the

GHS vocational department is funded through the School Department budget and the NSA&T students from Gloucester are paid for/funded out from the city side of the budget. The NSA&T is outside of the school operating budget and is a regional school assessment, **Mr. Costa** advised.

**Melissa Teixeira**, Gloucester School Committee member and Chair of the North Shore Agricultural & Technical School District School Committee welcomed Mr. William Lupini.

**Dr. William Lupini**, Interim Superintendent of the North Shore Agricultural & Technical School District since October 2015 highlighted the following for the Council:

**Dr. Lupini** said this is in his twenty-first year as a superintendent, having spent seven years in Beverly, and the last 11 years in Brookline before coming to the NSA&T in October, having started as a vocational teacher in Pennsylvania.

**Dr. Lupini** explained the following:

- The NSA&T is no different than any other regional school district in terms of billing and assessments. A unique feature about NSA&T is it is the only vocational school in the Commonwealth whose student body is made up of students from member districts and non-member district students. Gloucester currently has 89 students enrolled which is 10 percent of all students from the member districts in terms overall student enrollment. There are 320 students who come from non-member districts through agricultural programs. Essex Agricultural School (Essex Aggie), one of the two schools that merged to create NSA&T, was a state run school. There are 35 other school districts other than 17 member districts communities. Non-district member communities are billed on a per student basis, which equates to about \$16,400 per student and also pay a transportation assessment per student of \$1,800 approximately. There are 53 different school districts represented at NSA&T, and is the only regional school like it in the state. The NSA&T is the result of the merger of Essex Aggie and the North Shore Vocational School, as well as the vocational programs run by the Peabody School District.
- There are 24 programs that member district students can access at NSA&T. Out-of-member district students have only eight programs available to choose from which are traditional agricultural programs. Students are admitted on a blind scoring process. Vying for the 360 seats available next year, there will be over 1,000 applicants. Gloucester has about 81 applicants for seats at the school. The student population is increasing, and by the 2017/2018 school year it is anticipated there will be 1,440 students which is the school's capacity or an uptick by 9.9 percent in the overall student population.
- The School Committee member communities' added programs when the school was created: Plumbing; HVAC; Dental Assisting; and Biotechnology --all are very popular programs and are important to employers who need skilled tradespeople for which there is a great demand.

#### NSA&T BUDGET FOR FY17:

**Dr. Lupini** explained the following matters related to the NSA&T budget:

- As the student population increases by 9.9 percent or 1,340, the school reaches its maximum capacity at 1,440 students. The budget actually increased 0.08 percent for FY17. The non-teacher pension issue is the main driver of the school's budget. This pension issue is largely driven by former Essex Aggie employees. The new entity assumed the pension obligations from Essex Aggie through Essex County Retirement Board which the NSA&T has to pick up. Between that and the Salem contributory pension system, their former North Shore Technical School (North Shore) non-teacher employees. Overall these pension obligations represent an increase of \$620,000 which is almost the entire budget increase for FY17.
- Up to October 2015 there were no collective bargaining agreements in place and that there were two different teacher unions in the merged school. North Shore employees were members of the Mass. Teachers Association and Essex Aggie were part of the American Federation of Teachers (AFT) -- two different unions and had to decide what union was to represent them all. NSA&T are in the bargaining process to create a teacher contract. The NSA&T has budgeted for those anticipated increases. There are three unions: Bus Drivers, ASFME representing clerical, custodial and some technical support employees, and Teachers. The bus driver union contract is complete, and the other two union contracts are in progress. NSA&T made assumptions of an increase in the FY17 budget of one percent increase plus the costs of steps represented in North Shore agreements.
- An administrative restructuring is underway at NSA&T. When the two schools merged, they were merged with all staff intact and guaranteed a job for at least one year. In next year's budget NSA&T looking at the school's administration to see what positions are needed, what positions need to be reconfigured and what positions can be eliminated. There has been a consolidation of four administrative roles in the FY17 budget that either eliminate a position or greatly change the role of the position. An important area in 2018 is to

- look at a reorganization of the school's administration. All programs and enrollments were examined, and it prompted a reduction of three teachers which reflected that the enrollment didn't demand three teachers in carpentry which has now been right sized. NSA&T has added 2.2 FTE positions in the new programs because there is no senior class in the plumbing program, but there will be next year, as with HVAC and Biotechnology programs, and have right sized those programs which meant adding 2.2 FTE.
- Employee Health Insurance Benefits: NSA&T has moved to the Mass. Group Insurance Commission (GIC). Essex Aggie employees were in the GIC as state employees. North Shore employees were part of a healthcare trust. The legislation that created the school said that the school would be in the GIC. By a vote of the NSA&T School Committee in Nov. 2015 they are in the process of moving the groups over to the GIC. There has been a savings of \$315,000 for active NSA&T employees and there has been a slight increase for retirees. They move as state employees are at the 80 percent and 75 percent contribution rates.
  - Adult Education is being restructured. These programs generate enough funds to pay for the school's equipment replacement plan, as ensuring equipment is state-of-the-art is an expensive undertaking. The school is striving to see that cost doesn't come out of the school's operating budget. The Council was advised NSA&T is in the process two years in to create a five-year equipment replacement plan that will be funded by the profits of the Adult Education programs.
  - Assumed fees: Athletic and parking fees are now part of the FY17 budget. Small fees have been put in place for students for these two items so that it begins to become equitable with other member districts.
  - Other budget impacts: There are anticipated changes to state Chapter 70 funds (State legislation which is to assure fair and adequate minimum per student funding for public schools in the commonwealth by defining a foundation budget and a standard of local funding effort applicable to every city and town in the commonwealth.) that will raise the Governor's numbers. Should the Chapter 70 funds to the school increase it was suggested that this could lower the city's assessment for its enrolled students for FY17.
  - There is a day care program on the NSA&T campus which is in the process of being bid to bring revenue in. The Essex Sports Center is being built on the NSA&T campus. In the documentation (on file) this \$110,000 revenue brought in the first year to the NSA&T budget to support student programs and lower assessments. There will be free ice time which may be offered to member districts or will be used to support a team NSA&T might field. The sports center is looked upon as a positive addition to the campus and for the school's financial well-being.
  - Enrollment: Non-member enrollments will change. NSA&T have an idea for how many students apply from non-member schools but the school can't know until the first day of school what that actual number is. Gloucester's student assessment is based on October 1 student enrollment numbers. Non-member district communities are assessed based on how many students walk through door on the first day of school.

**Dr. Lupini** said he'd pledged that the NSA&T Administration and School Committee is working to change the perception of the school as they work with the city and member communities to provide as much information as possible. They have provided a great deal of information about their budget process already, he said, and will continue to provide information to maintain transparency of the process.

#### COUNCILOR QUESTIONS:

**Councilor Nolan** asked about the school's certified free cash or E&D (Excess and Deficiency is the term used for free cash for regional schools, unlike the flat term "free cash" for Mass. cities and towns) of just under \$1.2 million as to what the Administration's intent is for using those funds. **Dr. Lupini** said that \$600,000 is included to support the FY17 budget. **Marie Znamierowski**, NSA&T Business Manager, explained as follows: The Department of Revenue (DOR) certifies free cash each year which for the regional school is any excess revenues unexpended funds that roll into that account. The school's certified E&D is only allowed to be used to reduce assessments to the member communities. In general the distribution of the E&D is brought to the School Committee for a vote to appropriate those funds to reduce those assessments. It was recommended that of the approximately \$1.2 million E&D, \$600,000 be used to reduce member district assessments. This is all the E&D funds can be used for. **Dr. Lupini** added that there is three years of pension obligations. If there is no legislative remedy, they will need the \$600,000 held back to fund some of this. **Councilor Nolan** asked about a cash variance of \$73,719. **Ms. Znamierowski** said this is something the school's auditors are reviewing. She explained that: Last year was the first year with the merger and managing a new system. There were some issues with voided checks, and duplicated checks. It is under review as part of the school's audit. They have reconciled the last five months to the penny. The auditors will report, and it is being worked on. All the member communities will receive the audit report, she said.

**Councilor Orlando** asked about the remaining \$600,000 in free cash and how will it be used. **Mr. Lupini** said that this year they're being conservative. There are other looming issues, and moving expenses that aren't reconciled. It is very possible in future years they will be able to give a greater amount of E&D to assessments. **Councilor Orlando** asked had there had been any consideration to shifting free cash funds to a Stabilization Fund. **Ms. Znamierowski** said they were able to maintain a Stabilization Fund through Essex Aggie because they already had one. The only way that fund can be increased is by raising it in the budget. It is not a line item in the FY17 budget and so it can't be added to at this time. That Stabilization Fund has around \$350,000. Some of that fund was utilized a barn and its equipment. The fund's purpose is for capital projects only.

**Councilor Cox** offered her congratulations to Dr. Lupini for being named Superintendent of the Year and that he is an asset to the school. She expressed appreciation of the five-year plan, and for the overall facility, and said that she enjoys her trips to the school. The school is off to a good start and she expressed she was pleased to see that the school is moving forward.

**Councilor Lundberg** said that because Essex Aggie was a state school that drew students from the whole state that is where the students come from outside of the member districts. He asked how non-member district students come to the school. **Dr. Lupini** said those students are only able to access the agricultural programs. He gave the example that the city of Lawrence has vocational programs through the Greater Lawrence School District, but if students want to access one of eight agricultural programs available, they can enroll at NSA&T.

**Councilor Memhard** said that Mr. Lupini is off to a good start but with previous issues, there is a need for an excess of transparency which comes down to communication which he said he was sure Mr. Lupini would do.

**Councilor O'Hara** said as a graduate of Wentworth Institute he knew the trades are starving for quality employees. He asked about the placement rate of graduates. **Dr. Lupini** said they don't have grade systems for doing that. They are deeply focused on co-operative programs (co-op) and internships. Some of this restructuring is targeting increasing co-op students. They are building systems to create the kind of data Councilor O'Hara is asking for and said he'd be able to better answer this question next year. **Councilor O'Hara** asked why the line is drawn at a student population maximum of 1,440. **Dr. Lupini** said that is the school's capacity. **Councilor O'Hara** endorsed the co-op programs as very beneficial for students. **Dr. Lupini** responding to further questions from **Councilor O'Hara** said that NSA&T charges \$17,000 per student for the city. There is no transportation charge levied to member districts.

**Councilor Gilman** said she credited the Chair of the NSA&T School Committee, Melissa Teixeira for her leadership role in working through issues with the school. She noted the elimination of the position of Director of Curriculum with a savings of \$132,000. She asked how NSA&T will cover that position. **Dr. Lupini** said they have a Director of Humanities and Director of Science & Mathematics. The restructuring program allowed for the elimination of that position upon a retirement. **Councilor Gilman** noted the mention of a 1 percent increase in teacher salary in addition to step and track increase of 2.4 percent. She asked how many teachers are eligible for step and track. **Dr. Lupini** said it is 60 teachers. He described an issue of two different salary schedules with the North Shore salary schedule having very generous steps, more generous than the member communities. Within the 2.4 percent for steps and within contingency funds they are covered where the School Committee is headed and where the unions are going in terms of collective bargaining, he said. **Councilor Gilman** said that students really enjoy their school and expressed her appreciation for the work Dr. Lupini is doing.

**Dr. Lupini** added that the school's students are encouraged to work on outside projects which the school organizes to benefit member communities (known as "community service"). He invited the Council to look at what their students can do in the community. He said projects will be tailored to the year the student is enrolled to best suit their skill level. They are looking at doing projects with non-profits as well, he said.

**Council President Ciolino** said that when the city decided to sign on to the newly merged regional vocational school, the Council visited the school to see if they wanted to stay with the regional vocational school or invest more heavily in the city's high school vocational program and expand it. He described that the Gloucester students they met told the Councilors that they had so many options available to them and that if it wasn't for the regional vocational school they would have quit school. He mentioned they have an excellent SPED department. He expressed his appreciation for the many options that the new regional vocational school has offered. He said he wanted this Council to have the same experience and would arrange a visit for them. He thanked Ms. Teixeira for her assistance and would work with her to arrange the visit. **Dr. Lupini** concluded his remarks by saying there were two reasons he took the job -- one was meeting Ms. Teixeira who was so enthusiastic about the school, and the other was the enthusiasm of the NSA&T students. He noted they have about 30 percent of their student population on IEP's (Individualized Educational Programs), but yet NSA&T is a Level 1 school because the kids want to be there, and they perform at outstanding academic levels because they want to be there and because of great teachers.



Planting Committee

TTE 02/14/19 Carolyn Benson

(Refer O&amp;A)

- **COMMUNICATIONS/INVITATIONS**
- 1. Letter from Barbara Silberman, Chair of Save Our Shores Gloucester to City Council President (Info Only)
- **APPLICATIONS/PETITIONS**
- 1. PP2016-005: Request from National Grid to install underground conduit from Pole #1294 to 16 Cambridge Avenue (Refer P&D)
- **COUNCILORS ORDERS**
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
- 1. City Council Meeting: March 8, 2016 (Approve/File)
- 2. Standing Committee Meetings: B&F 03/17/16 (under separate cover), O&A 03/14/16, P&D 03/16/16 (Approve/File)

**Items to be added/deleted from the Consent Agenda:**

**Councilor Lundberg** asked to remove the P&D Minutes of 03/16/16 under Approval of Minutes.

**Councilor LeBlanc** asked to remove under, "Reappointments," the reappointment of Joseph Orlando, Sr., Planning Board, TTE 02/14/21.

**Councilor Orlando** declared that under MGL c. 268A that Joseph Orlando, Sr. is his father and that he must recuse himself from the vote on his reappointment as he is an immediate relative.

**Councilor Orlando left the dais.**

**Councilor Lundberg** asked that the Council make the following correction to the 03/16/16 P&D minutes:

In Condition #16 (a) at the top of Page 5 of 6 of the March 17 P&D Committee minutes in the last sentence, it reads, "...Street Plan submitted to the Council to be filed with the Certificate of Vote." It should read, "...Street Plan submitted to the City Clerk's office."

**By a ROLL CALL vote of 8 in favor, 0 opposed, 1 (Orlando) absent, the City Council approved the correction to the 03/16/16 P&D Committee minutes as stated.**

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Joseph Orlando, Sr. to the Planning Board, TTE 02/14/21.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Orlando) recused, to reappoint Joseph Orlando, Sr. to the Planning Board, TTE 02/14/21.**

**Councilor Orlando returned to the dais.**

**By ROLL CALL vote, the City Council accepted the Consent Agenda as amended, 9 in favor, 0 opposed.**

**Committee Reports:**

**Budget & Finance: March 17, 2016**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, under MGL Chapter 44, §53A to accept an amendment to the Opioid Abuse Prevention Collaborative grant from the Massachusetts Department of Public Health, Bureau of Substance Abuse Services in the amount of \$70,000. The award contains funds from the Substance Abuse And Mental Health Services Administration (SAMHSA) of the Federal government and the time period for expenditure will be in effect through June 30, 2016.

**DISCUSSION:**

**Councilor Memhard** explained that there is no match to this grant amendment. The only caveat is that this \$70,000 be spent first because the funds of the original grant are able to be rolled into the next fiscal year, but the

amended funds cannot. These funds will be used for training through the Healthy Gloucester Collaborative and for the grant's regional partners.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, under MGL Chapter 44, §53A to accept an amendment to the Opioid Abuse Prevention Collaborative grant from the Massachusetts Department of Public Health, Bureau of Substance Abuse Services in the amount of \$70,000. The award contains funds from the Substance Abuse And Mental Health Services Administration (SAMHSA) of the Federal government and the time period for expenditure will be in effect through June 30, 2016.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Orlando, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2016-SBT-11 in the amount of \$300 from Account #101000.10.121.57800.0000.00.000.00.057, Mayor, Contingency/Emergency to Account #101000.10.121.51944.0000.00.000.00.051 Mayor, Sick Incentive Pay, for the purpose of funding Sick Incentive Pay for the Mayor's Office.

#### DISCUSSION:

**Councilor Memhard** said that this transfer is to remedy a deficit in the Sick Incentive Pay account for the Mayor's office.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2016-SBT-11 in the amount of \$300 from Account #101000.10.121.57800.0000.00.000.00.057, Mayor, Contingency/Emergency to Account #101000.10.121.51944.0000.00.000.00.051 Mayor, Sick Incentive Pay, for the purpose of funding Sick Incentive Pay for the Mayor's Office.**

**Councilor Memhard** asked that the Council vote to suspend its Rules of Procedure in order to take up a matter that didn't come through the Council's Consent Agenda.

**By a ROLL CALL vote of 9 in favor, 0 opposed, the Council approved to take up a matter to Amend a previously voted item, Certificate Number 2016-009 from the January 12, 2016 City Council meeting.**

#### Amend Previously Voted Item, Certificate Number 2016-009 on January 12, 2016:

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept an amendment to the original grant acceptance approved by the City Council on January 12, 2016 (Certificate Number 2016-009) under MGL c. 44, §53A a U.S. Department of Homeland Security/Federal Emergency Management Agency passed through the Massachusetts Emergency Management Agency (MEMA) Emergency Management Performance Grant (EMPG) in the amount of \$4,640.00. Funds are to be used for the purpose of supporting the City of Gloucester's Emergency Operations Center housed at the O'Maley Innovation Middle School and for Civil Defense training. The grant period for the FFY2015 grant portion is from December 2, 2015 through June 30, 2016.

#### DISCUSSION:

**Councilor Memhard** explained that when the Council accepted this grant on January 12 there was a \$10 error in the grant total, and this vote will correct that error -- the Council originally voted on \$6,450, but the correct amount is \$6,460.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to accept an amendment to the original grant acceptance approved by the City Council on January 12, 2016 (Certificate Number 2016-009) under MGL c. 44, §53A a U.S. Department of Homeland Security/Federal Emergency Management Agency passed through the Massachusetts Emergency Management Agency (MEMA) Emergency Management Performance Grant (EMPG) in the amount of \$6,460.00. Funds are to be used for the purpose of supporting the City of**

**Gloucester's Emergency Operations Center housed at the O'Maley Innovation Middle School and for Civil Defense training. The grant period for the FFY2015 grant portion is from December 2, 2015 through June 30, 2016.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted in 3 favor, 0 opposed, to recommend that the City Council, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Auditor, elect Kenny Costa as the City Auditor for a term of April 2016 to April 2018.

**DISCUSSION:**

**Mr. Costa** said he has been the Auditor for almost six years. He explained that when he came to the city it was on the DOR watch list which he wasn't told of during his interview. He said he has a great staff and made mention of the outstanding city financial team of John Dunn, CFO; Nancy Papows, Principal Assessor; and Jim Destino, CAO. He also mentioned that this past year he became a first-time father with the birth of his son, Gabriel. He thanked the Council for their continued support.

**Councilor Cox** said Mr. Costa puts in too many hours and needs to go home earlier more often to spend time with his new family and was her only criticism. She expressed her appreciation for Mr. Costa during her tenure as B&F chair and endorsed his election.

**Councilor Orlando** thanked Mr. Costa for his great crash course on city finance as a new member of the B&F Committee, and that he made it easy to learn. He endorsed Mr. Costa's election.

**Councilor LeBlanc** said that Mr. Costa takes time to explain city finances for non-financially oriented Councilors and expressed his appreciation for the time Mr. Costa takes to educate the Council on its on-going financial matters. He, too, offered his support for Mr. Costa's election.

**Councilor Memhard** said his first budget season is coming and expressed his appreciation to Mr. Costa and his staff for their support.

**Councilor O'Hara** thanked Mr. Costa for taking the time to talk to him to educate him and to enable him to respond to constituents' concerns.

**Council President Ciolino** said that with five new Councilors this term, Mr. Costa has done a terrific job in educating Councilors on how the city budget works and how city finances work which is different than the private sector. He said Mr. Costa's role is important and expressed confidence in Mr. Costa's abilities and in his auditing staff.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 favor, 0 opposed, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Auditor, elect Kenny Costa as the City Auditor for a term of April 2016 to April 2018.**

**Mr. Costa** then asked that the Council reappoint Aleesha Nunley as Assistant City Auditor for a term of April 2016 to April 2018. **Councilor Memhard moved, Councilor Cox seconded to reappoint Aleesha Nunley as Assistant City Auditor for a term from April 2016 to April 2018.**

**Councilor Cox** and Councilor LeBlanc lauded the work of the City's Auditing Department staff. **Council President Ciolino** added that Mr. Costa has made excellent choices in hiring his staff, and that Ms. Nunley is a great back up to Mr. Costa, and very competent in her role.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Cox, the City Council voted by ROLL CALL vote of 9 in favor, 0 opposed to reappoint Aleesha Nunley as Assistant City Auditor for a term from April 2016 to April 2018.**

**Ordinances & Administration: March 14, 2016**

There were no matters for Council action under this heading from the 03/14/16 O&A meeting.

**Planning & Development: March 16, 2016**

There were no matters for Council action under this heading from the 03/16/16 P&D meeting. **Councilor Lundberg** reported the Committee approved Special Event Permits for the St. Peter's Fiesta, the Cape Ann YMCA's Fiesta 5K Road Race, the 2016 Cape Ann Farmer's Market season at Stage Fort Park, and the 2016 Block Parties that are now being run through the Cape Ann Chamber of Commerce.

**Scheduled Public Hearings:**

1. **PH2016: Amend GZO to correct a grammatical error and several critically important sections that were inadvertently omitted to Sec. 5.27 et al entitled, "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities (TBC 04/26/16)**

**This public hearing is opened at 8:20 p.m.**

**Council President Ciolino** opened the public hearing and continued it to April 26, 2016.

**This public hearing is continued to April 26, 2016.**

2. **PH2016-009: Amend GCO Chapter 22, Sec. 22-269 "Stop Intersections" by ADDING stop signs at the intersection of Perkins & Mt. Vernon Streets**

**This public hearing is opened at 8:21 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition:**

**Francis Tarr, Jr.** 15 Perkins Street said he's lived there for 73 years and to put stop signs at Perkins and Mt. Vernon Streets will be making a difficult situation even more difficult. Speed was brought up this evening, he noted. He said that Robert Ryan, Chair of the Traffic Commission, had told him that a speed study had been conducted and that the top speed was shown at only 16 miles per hour, he said.

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 8:23 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 0 in favor, 3 opposed, to recommend that the City Council to Amend GCO Sec. 22-269 "Stop Intersections" by adding stop signs at the intersection of Perkins & Mt. Vernon Streets.

**DISCUSSION:**

**Councilor LeBlanc** informed the Council that Chair of the Traffic Commission, Bob Ryan was at the O&A Committee meeting when this matter was discussed, and that he explained that the Commission did a site visit -- that to do the stop and turn is at about 40 degrees, and with icy conditions going down the roadway, trying to stop is unsafe. The Commission didn't recommend the Order for safety reasons. **Councilor LeBlanc** said that a resident of Perkins Street, Francis Tarr expressed his opposition at O&A to the stop sign as well. For those reasons the O&A Committee did not vote in favor of the amendment, he said.

**Council President Ciolino** reiterated that the Traffic Commission and O&A Committee didn't endorse this amendment to the Code of Ordinances.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted by ROLL CALL 0 in favor, 9 opposed, to Amend GCO Sec. 22-269 "Stop Intersections" by adding stop signs at the intersection of Perkins & Mt. Vernon Streets.**

**MOTION FAILS.**

3. **PH2016-010: Amend GCO Sec. 2-258 by DELETING the section in its entirety and ADDING a sentence to Sec. 2-256(b) as a new subsection (7) and ADDING a new subsection entitled, "Division 15(a), Sec. 2-258 "Magnolia Pier Advisory Committee**

**This public hearing is opened at 8:25 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor O'Hara** stated that the Magnolia Pier is a valuable asset worth preserving and expressed his support in favor of the creation of the Advisory Committee.

**Council President Ciolino** said that the Stage Fort Park Advisory Committee is an example of a good advisory group, and that this is a good way to utilize an Advisory Committee to help preserve and improve the Magnolia Pier to benefit the community. He expressed his appreciation to **Councilors O'Hara** and **Nolan** for their bringing this matter forward.

**This public hearing is closed at 8:28 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 2-258 by DELETING the section in its entirety and ADDING the following sentence to Section 2-256(b) as a new subsection (7):

"The Committee shall receive regular support and assistance from the department of public works."

**DISCUSSION: None.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Sec. 2-258 by DELETING the section in its entirety and ADDING the following sentence to Section 2-256(b) as a new subsection (7):**

**"The Committee shall receive regular support and assistance from the department of public works."**

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO by ADDING a new subsection entitled "Division 15(a), Sec. 2-258 Magnolia Pier Advisory Committee" as follows:

"Recognizing the Magnolia Pier's need for oversight in the city's ownership, operation, and maintenance so its recreational utilization can be realized, the Magnolia Pier Advisory Committee is hereby created. The Committee shall:

- (a) Review and recommend plans for proposed maintenance of or capital improvements to any of the facilities;
- (b) Consist of three members appointed by the Mayor, plus the director of public works or designee and the Ward 5 Councilor; initial appointments shall be one member for one year, one member for two years and one member for three years;
- (c) Successor appointments shall be for a term of three years;
- (d) The three appointed members shall represent the following interests: the neighborhood abutting the Magnolia Pier; a Magnolia resident at large; and a representative of the community at large.

**DISCUSSION: None.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO by ADDING a new subsection entitled "Division 15(a), Sec. 2-258 Magnolia Pier Advisory Committee" as follows:**

**"Recognizing the Magnolia Pier's need for oversight in the city's ownership, operation, and maintenance so its recreational utilization can be realized, the Magnolia Pier Advisory Committee is hereby created. The Committee shall:**

- (a) Review and recommend plans for proposed maintenance of or capital improvements to any of the facilities;
  - (b) Consist of three members appointed by the Mayor, plus the director of public works or designee and the Ward 5 Councilor; initial appointments shall be one member for one year, one member for two years and one member for three years;
  - (c) Successor appointments shall be for a term of three years;
  - (d) The three appointed members shall represent the following interests: the neighborhood abutting the Magnolia Pier; a Magnolia resident at large; and a representative of the community at large.
4. PH2015-049: Petition for road repairs in accordance with GCO Article IV "Repair of Private Ways," Sec. 21-80 et seq re: Oxford Road

This public hearing is opened at 8:32 p.m.

**MOTION: On a motion by Councilor Ciolino, seconded by Councilor Memhard the City Council voted by ROLL CALL 9 in favor, 0 opposed to relax its Rules of Procedure in order to hear members of the public speak on the matter of the Petition for road repairs in accordance with GCO Article IV "Repair of Private Ways," Sec. 21-80 et seq re: Oxford Road.**

**Those speaking in favor:**

**Michelle Duason**, 12-1 Oxford Road said that the Oxford Road abutters voted by more than 51 percent majority to move forward with their request for the city to repair and repave Oxford Road but that the paving can't go over one abutters property as she will not give permission for the city to go on her property. She said an abutters meeting was held recently led by the Ward 1 Councilor. She said they found out later that the city wasn't going to reengineer the road's right of way (ROW). She described the area of property in the ROW as 40 feet which would not be paved, and that the abutters want the road to be paved up to that point, then skip over that 40 feet and be paved to the end on the other side of that 40 foot section. She urged that the Council vote in favor so that the road can be paved.

**Judy Caulkett**, 10 Oxford Road urged the Council to vote in favor of the paving project as the road was in terrible shape.

**Glenda Zink**, 17 and 17R Oxford described that she will be excavating a portion of Oxford Road in order to install a new water line and that the plan is to install it in the correct spot, clearing the big corner in question. She noted she had engineering plans showing where the water line will go and the right of way and a small section ends up being relocated. That section has very little hot top on it now, she said. She said the plans were just finished and is up for approval. She said she will be laying her water line in the right of way and would shift the right of way away from Ms. Rice's property.

**Kimberly Voltero**, 3 Starknaught Heights, said she was assisting the Oxford Road residents with this roadway project, and clarified the abutters have had taken several votes and on each occasion the residents of Oxford Road have been unanimously in favor of the paving project but for one neighbor who doesn't want the road to run over her land. She advised that **Ms. Zink** will be connecting the road in its proper place which is what the residents were hoping for. She said the residents are willing to accept the road being paved except for that one small portion on the property of the abutter who objects to it being on her property. She asked that this be approved so that Oxford Road could be paved in order to be included in the Starknaught Heights and Joseph's Way paving project so that the abutters can also have that advantage. She said all the roads in that area are connected and it is good for the neighborhood to drive safely and for easy transit of emergency vehicles and delivery trucks.

**Susan Destino**, 7 Starknaught Road, said her residence does eventually abut Oxford Road. She said she was in favor Oxford Road to be paved. She said Starknaught Road has been in terrible condition for 40 years. She said it is essentially a fire lane. The issue is that if they're going to call this a project, she asked the Council consider all the area not just two of the roads or three but to consider the revival of the Starknaught Road petition, noting that the Council had voted to allow for that abutters petition's withdrawal, and asked Council's assistance to help the neighborhood get the road repaired and hot topped.

**Those speaking in opposition:** None.

**Communications:** None.

**Councilor Questions:**

**Councilor O'Hara** acknowledged that this is a neighborhood issue but that it is an issue that exists throughout the entire city. He pointed out that abutters of private ways around the city pay millions in property taxes and he

said in his opinion, the Council owes it to the taxpaying residents to pave this and other private roads if only to have emergency and service vehicle access. He said the process has to be streamlined to make this happen.

**Councilor Nolan** asked if as far as Public Works is concerned this project is ready to move forward. **Mike Hale**, Public Works Director said the Starknaught Heights and Joseph's Way road projects are ready to go and [are the only ones confirmed by a vote of the Council].

**Councilor Cox** asked for a more clear statement on the sectional paving being proposed by the abutters of Oxford Road and was the city going to pave the road in that manner. **Mr. Hale** said it was mentioned to him. He said he didn't think it was a good idea. He noted that Shore Road is an example of where an individual homeowner didn't want their portion of the road paved, and that road is completely falling apart. **Councilor Cox** asked if the intention is to pave the entire road or will it be done in two pieces with a void in between. She recalled working with **Mr. Hale** on a paving issue in Ward 2 for a handicapped spot at Burnham's Field which was not recommended because of the issue of water incursion which would undermine the paved area.

**Council President Ciolino** said that the motion that would be brought forward for the Council's vote was specific to Oxford Road only and refreshed the Council's memory by reading the substance of it. He said it was his understanding that the city was to pave the entire road.

**Councilor Memhard** deferred to Mr. Hale and General Counsel, Chip Payson. He said having inherited this process from his predecessor, Councilor Paul McGeary, the matter of the Oxford Road petition was continued from the Dec. 15 Council meeting because of one Oxford Road resident's objection to have paving come through an easement which she legally granted across her property. He reported the residents have met several times to date since December. They came up with three contingency plans, and he said that the ideal one is that which Ms. Zink described which is on a complicated timeframe which leaves the DPW in limbo. He said it is requested based on the Council's vote this evening that Oxford Road would be as presented by the proponents included in the Starknaught Heights and Joseph's Way paving project. He said it is his hope that Starknaught Road will start the process to have it included by a new petition as the abutters of this steep fire road want to have the roadway paved.

**Councilor Cox** asked again if Oxford Road would be paved in its entirety. **Chip Payson**, General Counsel, said, "No." He explained that the city can't go onto property without the property owner's permission with or without an easement. He said that GCO Sections 21-80 through 85 has provisions whereby abutters come together, vote, prepare a package of certain documentation as outlined in the ordinance sections, present that package to the city and city accepts the package and votes in favor of the road paving project. He said the problem in this situation is that although the majority of Oxford Road abutters voted in favor of the petition to ask the city to pave their road, Janet Rice, a property owner, objected to the paving of the roadway portion that crosses her property. An easement exists, he said, a right to pass and repass. It may not be paved as well as people would like, he noted, but if Ms. Rice is barring the city from coming onto per property to pave that portion of her property for which there is an easement, the city can't cross onto the property. He said he would suggest that it is not the city's responsibility. He pointed out that his ordinance is for abutters to iron these issues out and present a package for the city which includes road paving engineering plans in order that the Council to be able to vote and move the matter forward. He said they have heard scenarios but the city hasn't seen any engineering plans on any of the three scenarios, whether it is Ms. Zink's proposal or whether it is paving up to Ms. Rice's property and skip over it and pave the rest of the roadway. He said as the city's solicitor he can't authorize the DPW to go on to someone's property to do work when that property owner says they may not.

**Councilor Orlando** summarized that: Starknaught Heights and Joseph's Way are approved and ready to go. Starknaught Road has to go through the petition process again. This public hearing is only to do with Oxford Road. The other two roads are going to be done. **Mr. Payson** said Starknaught Road was voted down by the abutters and must go through the process again.

**Councilor LeBlanc** asked if he had seen Ms. Zink's engineering plans Ms. Zink has. **Mr. Hale** said that he hasn't yet. **Councilor LeBlanc** asked if Ms. Zink provided those plans to Mr. Hale, how long it would take to have him return a recommendation to the Council. **Mr. Hale** said it is difficult to say. He pointed out that a utility installation plan is very different than an engineering plan for a roadway repair and paving. He didn't have a timeline.

**Councilor Memhard** said when the residents met they put out three scenarios none of which would involve going onto the private property of Janet Rice although there is a legal easement. Timing wise, met in early Feb. the Zink's project is creating two new homes and is a road that deserves the city's attention. He said he understood the DPW's issues and scheduling. Mr. Payson is clear, but that they're not proposing to go onto the property of Janet Rice. The neighborhood requests that the city proceed to authorize the repair of Oxford Road on the existing Right of Way but not on the Rice property, he said.

**Councilor O'Hara** stated that the area that can't be paved has been a part of Oxford Road that citizens have been driving over for some time. **Mr. Hale** expressed he didn't know for how long that had been going on. **Councilor O'Hara** said that city emergency vehicles drive over that piece of property. As the city, **Mr. O'Hara** said they owe a passage to get to these houses. **Mr. Payson** said this is a private road. **Councilor O'Hara** expressed concern that the current condition of the road would slow emergency response. He pointed out situations such as this exists throughout the city. **Mr. Payson** suggested that the Council has a decision to make -- the city has a responsibility to maintain public roads for passage. Private roads are people's private property and it is their responsibility to maintain those private roads. In this specific situation, the question is from abutters to a private road city will you pay and pave and we'll pay you back. **Mr. Payson** clarified that "we the city" is different from an emergency situation with police and fire -- it is different and distinct. He reiterated that Mr. Hale doesn't have permission to go down a private road.

**Councilor Cox** called a point of order and indicated the conversation was off topic from the intent of the public hearing.

**Council President Ciolino** said there are easements and right of ways on private roads. This public hearing is specific to Oxford Road.

**Councilor Lundberg** clarified that Councilor O'Hara is speaking to something that is more global than what they are trying to do this evening. He pointed out that Councilor Memhard worked with the abutters to have them come up with a compromise and that is what the Council is being asked to consider and then to vote on the road paving project.

**Councilor Cox** said the paving of Oxford Road is to be paid for by 100 percent through betterments of the abutters which **Mr. Hale** confirmed the proposal is a 100 percent betterment. **Councilor Cox** said if something happens with this road because of the portion of the road that is not paved has water incursion which undermines it, there is no legal right for the abutters paying the betterments to refuse payment to the city. **Mr. Hale** said the Commonwealth is clear on how cities can enter into private paving arrangements. The framework which the city adopted from Mass. General Law through Ordinance allows for this to happen -- it is the same for plowing snow on private ways. There was a city-wide referendum voted at least 70 years ago and it was voted to allow the city to plow private streets over 60 years ago that allows cities to expend public dollars plowing private ways that are open to the public (MGL c. 40, Sec. 6D). There is no warranty that the city's paving work on Oxford Road will last any given amount of time which is laid out clearly, he pointed out. He said they try to do a good job so the road after it is paved doesn't fail, but if a road isn't paved in its entirety, it will fail. To pass over the section undone, both sides of the paved road will be compromised, he noted. **Councilor Cox** said she wanted the Oxford Road abutters to understand that the lifespan of the roadway won't last without that paving that one section. If the abutters are okay with that then she would vote in favor.

**Ms. Voltero** discussed the neighborhood's paving projects be delayed so that Ms. Zink can complete her water project in the roadway and by doing so then Oxford Road would be able to be paved in its entirety as it would then avoid the Rice property completely. She said it is the hope of Mr. Hale that he would delay only a bit, come later and then pave the entire road after the Zink's complete their work.

**Councilor LeBlanc** asked what is the drop dead date for the paving of the two roads already approved and when they can find out about Oxford Road. **Mr. Hale** said as to road paving, a road can't be laid with a top coat in the same season utilities are installed in a roadway, that a full season has to pass for everything to settle, he explained. He said a trench doesn't settle in a few days or weeks and then go over it to pave -- the road will fail, even if the trench is compacted to 95 percent -- the integrity of the road will deteriorate at an accelerated rate. He added that he can't mobilize, demobilize and then remobilize a paving contractor, and there is more to paving a roadway than just scraping off the top layer of the road and laying hot top. He said they have to have time to review the plans. **Councilor LeBlanc** suggested this matter be postponed and would rather see a full road paving. **Mr. Hale** said it is not a good idea for the city to pave a section, skip one and then pave another section of roadway. He said the abutters of this private way can pave the road on their own better than the city and suggested that the Oxford Road residents take on the paving the road on their own.

**Ms. Destino** said that Oxford Road should be paved but again spoke to the Starknaught Road situation. **Mr. Payson** pointed out that the Starknaught Road the abutters voted the road paving petition down. The Council voted to allow for that petition to be withdrawn.

**Ms. Duason** said the majority of abutters voted for Oxford Road to be paved. They had someone come forward to not allow crossing over their property. She said it is not an ideal situation to do the road in two pieces but that the road is severely rutted and was a terrible experience for her husband when he had to go to the hospital by ambulance. She asked that the Council to permit Oxford Road repair project, and as a taxpayer she urged that the Council approve the project.

**Mr. Payson** said the package on Oxford Road is fulfilled except for the engineering plans. Everything else is good to go on Oxford Road.

**Councilor Gilman** said if the abutters are willing to pay for this repair and paving she suggested that the Council should vote favorably for the repair and repaving of Oxford Road.

**Ms. Zink** briefly discussed her project and sought some clarification on that combined with the roadway project from **Mr. Hale**. It was noted her plans were for the installation of water lines in the private roadway and not that for a paving project.

**Council President Ciolino** noted once the paving project is done the City doesn't come back.

**This public hearing is closed at 9:22 p.m.**

COMMITTEE RECOMMENDATION: On motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Oxford Road. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$57,000; one hundred percent of the costs shall be borne by abutters and assessed as betterments.

#### **DISCUSSION:**

**Council President Ciolino** mentioned that in the past gravel was brought to Oxford Road some years ago to help the roadway. He said the Administration is working on this issue to help improve this public/private paving process and that he would support this paving project.

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, under Sec. 21-83 of the Gloucester Code of Ordinances that the City is to repair/repave the private way of Oxford Road. The abutters agree to provide all easements, rights of way, designs, permits and legal certifications necessary for said improvements. The cost resulting from said improvements to be carried out is based on Sec. 21-83, "Funding for approved Construction and Repair." The full cost of this project is not to exceed \$57,000; one hundred percent of the costs shall be borne by abutters and assessed as betterments.**

**For Council Vote: None.**

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor O'Hara** reminded residents to submit their requests to join two Ordinances & Advisory Committee Ad Hoc Committees – one to review the current dog ordinance and one to review current summer beach traffic and congestion caused in other areas of the city because of it. The deadline for submissions is March 25. He said the Council is here to serve the residents and encouraged residents to give the Councilors the opportunity to help them. He announced that the Magnolia Library will sponsor an Easter Egg Hunt, Saturday, Mar. 26.

**Councilor Gilman** advised that on Thurs., Mar. 31 at 7:00 p.m. at the Gloucester United Methodists Church 436 Washington Street there will be a neighborhood meeting for Ward 4, Precinct 1. She announced that Councilor Orlando, a resident of Ward 4-1 will co-facilitate that meeting.

**Councilor Orlando** offered his assistance to Starknaught Road residents and Councilor Memhard.

**Councilor Cox** announced a Ward 2 meeting for Monday, Mar. 28 at the Unitarian Universalist Church, 10 Church Street about the Grace Center. On Friday, April 1 there will be a speakeasy style fundraising event at the Gloucester Fraternity Club to benefit the city's oldest gillnetter, the Phyllis A.

**Councilor Memhard** said he had a helpful meeting with Mr. Hale as to permitting process in general. He thanked Councilors Lundberg and LeBlanc for joining him at the Rocky Neck Cultural Center recently with over 100 people in attendance to talk about the past present and future of Ten Pound Island. He said they are working with the Waterways Board and Mayor's Ad Hoc Recreational Boating Committee to provide better public access and preserving the island as a nature preserve.

**Council President Ciolino** thanked the IT Department for their assistance in providing the remote participation support to the Council this evening.

**Councilor Lundberg** commended Councilor Memhard's public forum on Ten Pound Island.

**Councilor LeBlanc** advised that that Taste of Cape Ann takes place this Thursday, Mar. 24 at Cruiseport and that for the annual Open Door fundraiser, there will be bowl decorating on Saturday, Mar. 26 at the Open Door on Emerson Avenue.

**A motion was made, seconded and voted by ROLL CALL 9 in favor, 0 opposed, to adjourn the meeting at 9:33 p.m.**

**Respectfully submitted,**

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

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Document about the Cape Ann Amateur Radio Association submitted by Stanley Stone for the Council's information.**