

GLOUCESTER CITY COUNCIL MEETING

Tuesday, March 20, 2017 postponed from Tuesday, March 14, 2017 – 7:00 p.m.
Kyrouz Auditorium – City Hall

-MINUTES-

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

Absent: Councilor Cox

Also Present: Joanne Senos; Kenny Costa; Chip Payson; John Dunn; Jim Hafey; Jonathan Pope; Harbormaster T. J. Ciarametaro; Chris Sicuranza; Mike Hale; Dr. Richard Safier; Kathy Clancy; Joel Favazza

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. Councilor Steven LeBlanc dedicated the Moment of Silence to his grandmother, Frances “Gina” Brancalone, wife of the late Capt. Francesco “Paul” Brancalone who passed away recently at the age of 89 years old. He conveyed “Ma,” whom he called his second mother, was an Italian immigrant who established herself in the Gloucester community in order to bring her husband and children over from Italy through dedication and sheer hard work.

Oral Communications:

Debbie Collins, 19 Acacia Street, presented a petition signed by 370 concerned citizens regarding the Maplewood School project in support of developer, Kirk Noyes. She noted for 20 years she’s seen developer after developer backing out of a development project for the former school because of high associated costs of renovation and financing issues. She recounted that Mr. Noyes, a local developer, is the most recent developer who she said will revitalize the old school into a residential building the city will be proud of. She noted that Mr. Noyes met with residents and listened to their needs and made plans to meet the needs of this densely populated neighborhood. She urged that the city support Mr. Noyes and be patient, pointing out his project of the Central Grammar School and the converted church on Prospect Street now condominiums, as examples of the quality of his work, as well as his being a local resident. She said he has spent over \$300,000 of his own money so far on the Maplewood project. She highlighted the statement of Mayor Theken in her State of the City speech to the Council that the city is a family. She said that the Ward 3 family wants this developer to get the proposed project finished to once again have pride in their neighborhood.

Jeff Marshall, 133 Maplewood Avenue, noting that he lives across from the Maplewood School, said that it is a neglected property by the city, an eyesore for the neighborhood, which depresses home values. He said the building is hazardous and dangerous and invites vandalism. He urged that the development project be allowed to move forward. He said he trusted this local developer with a proven track record. He said the Administration needs to support this project also.

Kirk Hoysradt, 21 Acacia Street, said for the last 11 years he’s looked out of his window and viewed the Maplewood School’s disrepair and kids going in and out of the vacant building. He proffered his opinion that there has been no caretaking of the building and said large pieces are falling on the ground while children play underneath it. He indicated that neighbors have called for help from the city, but in the meantime the building continues to deteriorate. He urged that the city support developer Kirk Noyes to be able to move his project forward for residential units at the Maplewood School.

Phillip MacDougal, 7 Acacia Street, noting he’d attended as a 6th grade student at the Maplewood School, urged the city to allow developer Kirk Noyes to move forward with the Maplewood project. The building is a health hazard, he said. He asked for the Council’s support.

Debbie Milne, 54 Grove Street, noted several years ago plans were passed around for the Maplewood School through the neighborhood and said she and her husband considered purchasing one of the units proposed. She also urged support of Mr. Noyes’ development project for the Maplewood School.

Forest Milne, 54 Grove Street, added his support for Mr. Noyes and his development plans for the Maplewood School.

Councilor LeBlanc expressed his thanks to the Maplewood School project supporters and asked for a show of hands for those members of the audience who were there in support of the project. By a show of hands there were 30 supporters counted present.

Presentations/Commendations:

1 of 1: Ralph R. Willmer, MAPC Principal Planner re: Gloucester Housing Production Plan Presentation

This presentation and the subsequent Committee Report from Planning & Development on the matter will take place at a future nearby City Council meeting.

Councilor Lundberg advised that the Gloucester Housing Production Plan has been before the P&D Committee, and that the Council will be required to vote adopt this plan. He said that the Committee Report from P&D would come forward at that time.

At the invitation of **Council President Ciolino, Chris Sicuranza**, Director of Communications and Constituent Services made note of two "Information Only" items delivered to the Council prior to the start of the meeting: The City of Gloucester's 2017 Annual Department Report, that outlines the achievements over a year's period of each city department; and preliminary information from the city's Recreational Marijuana Task Force Timeline and Updates. He highlighted that the Task Force is comprised of city staff headed by Karin Carroll, Public Health Director. He mentioned there was a recent request that a Councilor be appointed as a liaison to the Task Force.

Council President Ciolino noted that Mayor Theken was unable to attend this evening's meeting was due to her commitment to be present at the Boston International Seafood Exposition representing the city.

Confirmation of New Appointments:

Waterways Board

Peter Yung

TTE 02/14/20

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 appoint Peter Yung to the Waterways Board, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc conveyed that at the last Waterways Board meeting Mr. Yung was present and after questioning by the Board, he said it was clear he'd be an asset to the Board.

Mr. Yung recounted his background in technology sales with Hewlett Packard and Oracle. He noted his experience as a member of the Annisquam Yacht Club Board of Governors for four years as the Waterways member and touched upon some of his waterfront accomplishments through that organization. He said he is also a member of the Annisquam Emergency Response Team and noted that he had salmon fished years ago out of Kodiak, Alaska.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to appoint Peter Yung to the Waterways Board, TTE 02/14/20.

Consent Agenda & Unanimous Consent Calendar:

• **MAYOR'S REPORT**

1. Mayor's request for the appointment of a Council member as a recreational marijuana designee (Refer to Council President)
2. New Appointments:

Animal Advisory Committee	TTE 02/14/20	Jennifer Jackman, Beth Klinefelter, Alicia Pensaros, Jennifer Schmorrow	
		Jodi Swenson	(Refer O&A)
3. Supplemental Appropriation-Budgetary Request (2017-SA-19) from the Department of Public Works (Refer B&F)
4. Supplemental Appropriation-Budgetary Request (2017-SA-20) from the Department of Public Works (Refer B&F)
5. Special Budgetary Transfer Request (2017-SBT-16) from the Police Department (Refer B&F)
6. Special Budgetary Transfer Request (2017-SBT-17) from Fire Department (Refer B&F)
7. Memo from Harbormaster re: requesting new equipment, salaries and repairs for the office from the earnings/stabilization account (Refer B&F)
8. Memo from Economic Development Director re: Glass Tech Boat Servicing LLC TIF (Refer B&F)
9. Memo from Economic Development Director re: acceptance of grant for \$13,000 from Mass. Department of Marine Fisheries (Refer B&F)
10. Memo from General Counsel regarding Open Meeting Law complaints (Info Only)

• **COMMUNICATIONS/INVITATIONS**

1. Response from Mayor's Office to Oral Communications of February 14, 2017 City Council Meeting to Jerry McCarthy (Info Only)
2. Response from Mayor's Office to Oral Communications of February 14, 2017 City Council meeting to Carol Berkman (Info Only)

• **APPLICATIONS/PETITIONS**

1. Special Event Permit Application: Request to hold Concert on the Boulevard July 3, 2017 & September 2, 2017 (Refer P&D)
2. Special Event Permit Application: Request to hold Gloucester Block Parties July 15, August 12 & September 1, 2017 (Refer P&D)
 - **COUNCILORS ORDERS**
1. CC2017-008 (Nolan) Request Traffic Commission perform speed study on Sumner Street to determine whether there should be a speed limit of 20 mph and whether the City Council should petition MassDOT to approve said speed limit (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 02/28/2017 (Approve/File)
2. Standing Committee Meetings: B&F 03/09/17 (under separate cover), O&A 03/06/17, P&D 03/08/17 (Approve/File)

Unanimous Consent Calendar:

1. Petition for road repairs in accordance with GCO Article VI "Repair of Private Ways" Sec. 21-80 et seq. re: Park Lane (Refer Mayor, DPW & B&F)

Items to be added/deleted from the Consent Agenda and Unanimous Consent Calendar:

By unanimous consent the Consent Agenda and Unanimous Consent Calendar was accepted as presented.

Committee Reports:

Budget & Finance: March 9

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §53E-½ to increase the spending limit for the Vaccine Revolving Fund #3107, from a spending limit of \$45,000 to a new spending limit of \$60,000 for the purchase of flu vaccines. The authorized officer of the Fund is the Public Health Director. The fund is credited from fees; the balance is the available balance, and there are no restrictions to the fund.

DISCUSSION:

Councilor Memhard explained that due to the success and popularity of the Health Department's vaccination program as well as reimbursements from insurance companies, the department is requesting that the Vaccine Revolving Fund's spending limit of \$45,000 be increased to a spending limit of \$60,000.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, in accordance with MGL c. 44, §53E-½ to increase the spending limit for the Vaccine Revolving Fund #3107, from a spending limit of \$45,000 to a new spending limit of \$60,000 for the purchase of flu vaccines. The authorized officer of the Fund is the Public Health Director. The fund is credited from fees; the balance is the available balance, and there are no restrictions to the fund.

Councilor Memhard declared under MGL c. 268A that 104 Commercial Street is on the market (Cape Pond Ice which he is an owner of), and was listed in the Seaport Economic Council grant application as one possible site for the feasibility study consideration, and as such he would abstain from voting on this matter to avoid any perception of conflict of interest.

Councilor Memhard left the dais.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Memhard) abstained, to recommend that the City Council under MGL c. 44, §53A accept a Massachusetts Seaport Economic Council grant of \$80,000 for the purpose of conducting a feasibility study pursuant to determining an appropriate location for the Gloucester Harbormaster's Office. This grant requires a match, fund of which will be covered by the city's EPA Brownfield Grant.

DISCUSSION:

Councilor Orlando noted that the feasibility study will determine through a consultant what the best possible location for a Harbormaster's Department may be, including learning if its current location at Harbor Loop is the

best site for it. It was posed to the B&F Committee that this study will be considered when the Seaport Economic Council may be asked for further grant funding depending on the findings, he said.

Councilor Gilman said she'd understood there was an accepted grant for the current Harbor Loop Harbormaster's location. **Tony Gross**, Waterways Board, advised that the grant the Councilor referred to was limited to the current Harbor Loop location. The newly reconfigured Seaport Economic Council (formerly the Seaport Advisory Council) is broadening the scope of their purview in properties the city now currently not only owns but leases, and that would encompass the Harbormaster's facility at Harbor Loop, he said. He explained the water sheet in front of the Harbormaster's facility is shared with National Grid, and the lease gives the city full rights to the National Grid water sheet at no cost. **Councilor Gilman** said in light of the new grant was the interim transient boat dockage proposal not being considered. **Mr. Gross** said the floating docks associated that grant are being manufactured now and will be installed at the Harbor Loop site when National Grid finishes the remediation of the [Solomon Jacobs Pier area] water sheet. He noted that the city owns the Harbor Loop Park and the water sheet costs the city nothing. **Councilor Gilman** suggested that restrooms and other amenities discussed previously would be part of a new location. **Mr. Gross** reiterated that the feasibility study will make that determination and what the impacts on the city would be, adding that this study will give them room to look at projects that could hopefully be advanced through funding by the Seaport Economic Council. **Councilor Gilman** asked if the Waterways Board and the Harbormaster had considered an auxiliary Harbormaster's facility closer to Annisquam because of the long haul for the Coast Guard to get to the Annisquam River, out to Ipswich Bay to other coastline areas of Ward 4. **Mr. Gross** pointed out it would only be daytime operation, and the Harbormaster and Assistant Harbormaster work every day looking at how to better serve the city. He said this along with other priorities have been a focus of the Harbormasters' planning process.

Councilor LeBlanc asked if the city is the only municipality on the Mass. coast that doesn't own their Harbormaster's office and how did that affect Seaport Economic Council grant funding. **Harbormaster T. J. Ciarmetaro** said none that he knew of. He said they hope to use the feasibility study as a stepping stone to obtain more grant funds from the Seaport Economic Council in the future. He advised that the facility they're in now is not excluded from funding as the city holds a long-term lease, and it may be possible that the present location is the most auspicious. He mentioned some of the points the consultant would look at. He assured there would be more of a presence at Wingersheek Beach and on the Annisquam River, noting he lived in that area as well. **Councilor LeBlanc** asked what the Harbormaster's vision for the ideal office would be. **Harbormaster Ciarmetaro** noted that Newburyport got over \$1 million from the Seaport Economic Council and created a Harbormaster's station that services transient, recreational, and commercial boat traffic. He said he wants a community boating facility with restrooms and associated conveniences, and to act as a way station to obtain certain services and give boaters access to the amenities of the city. He said this is part of the master plan and to act as a stepping stone to bring the city's waterfront facilities on par with other ports. He said it is time realize that Gloucester has a valuable port, and it is time for the city to receive its due. **Councilor LeBlanc** said the current Harbormaster's office is dated and not the most accessible to the public. They need to look forward to the future to intertwine commercial and recreational boating for the future of Gloucester, he said.

Councilor O'Hara asked if there are existing plans to renovate the present Harbormaster's office location and if so who created and financed it. **Mr. Gross** said there were some conceptual plans created for a modest expense, and expressed his hope that whoever does the feasibility study will make suggestions as to how best to utilize space for an up-to-date Harbormaster's office. He said that the Waterways Board financed the creation of those plans. He briefly described the feasibility study process.

Councilor Orlando extended an invitation, through a Request to the Mayor, to the Harbormaster to attend a nearby Tourism Commission meeting to give them an update on his activities.

MOTION: On a motion by Councilor Orlando, seconded by Councilor LeBlanc, the City Council voted 7 in favor, opposed, 1 (Memhard) abstained, 1 (Cox) absent, under MGL c. 44, §53A accept a Massachusetts Seaport Economic Council grant of \$80,000 for the purpose of conducting a feasibility study pursuant to determining an appropriate location for the Gloucester Harbormaster's Office. This grant requires a match, fund of which will be covered by the city's EPA Brownfield Grant.

Councilor Memhard returned to the dais.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council establishes under MGL c. 44, Sec. 53E-1/2 a West Parish Before School Program Revolving Fund #0317 for the purpose of

fees/charges, the use of the fund is for Salary/Expenses. The authorized officer of the Fund is the School Department (School Department Director of Finance & Operations). The fund is credited from fees/charges; the expenditure limit is \$35,000; the fund balance is the available balance, and there are no restrictions to the Fund.

DISCUSSION:

Councilor Memhard conveyed that the Gloucester Public Schools is asking the Council to approve the creation of a new revolving fund for the West Parish Before School Program with an annual spending limit of \$35,000. The student activity audit showed there was a need for proper accounting for this program and this action addresses that issue.

Councilor Orlando added that the West Parish Before School Program is an existing program, and that an audit showed this action was necessary to establish better accounting practices.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to establishes under MGL c. 44, Sec. 53E-1/2 a West Parish Before School Program Revolving Fund #0317 for the purpose of fees/charges, the use of the fund is for Salary/Expenses. The authorized officer of the Fund is the School Department (School Department Director of Finance & Operations). The fund is credited from fees/charges; the expenditure limit is \$35,000; the fund balance is the available balance, and there are no restrictions to the Fund.

COMMITTEE RECOMMENDATION: On 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 under MGL c. 44, Sec. 53E-1/2 an amendment of the expenditure limit of the Preschool Revolving Fund from \$80,000 to \$125,000 in Fund #0308, the use of the fund is for Salary/Expenses. The authorized officer of the Fund is the School Department (School Department Director of Finance & Operations). The fund is credited from fees/charges; the expenditure limit is \$125,000; the fund balance is the available balance, and there are no restrictions to the Fund.

DISCUSSION:

Councilor Memhard recounted that this is a reflection of success due to the continued rise in popularity of the School District's Preschool Program, the District's Director of Finance and Operations has requested an amendment to the expenditure limit of the Preschool Revolving Fund from \$80,000 to \$125,000.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, Sec. 53E-1/2 an amendment of the expenditure limit of the Preschool Revolving Fund from \$80,000 to \$125,000 in Fund #0308, the use of the fund is for Salary/Expenses. The authorized officer of the Fund is the School Department (School Department Director of Finance & Operations). The fund is credited from fees/charges; the expenditure limit is \$125,000; the fund balance is the available balance, and there are no restrictions to the Fund.

COMMITTEE RECOMMENDATION: On 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 under MGL c. 44, §53A a state grant from the Massachusetts Department of Public Health, the FY2017 Mass Decontamination Unit Deployment and Training Grant for \$2,000. This grant ends June 30, 2017 with no match required.

DISCUSSION:

Councilor Memhard conveyed that this a recurring grant for the Fire Department helps to fund the overtime incurred during the mock disaster drill the department helps to coordinate and participate in with the Addison Gilbert Hospital. The Fire Chief noted for the Committee that the Mass Decontamination Unit is contained in a trailer kept at the Bay View Fire Station.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept under MGL c. 44, §53A a state grant from the Massachusetts Department of Public Health, the FY2017 Mass Decontamination Unit Deployment and Training Grant for \$2,000. This grant ends June 30, 2017 with no match required.

Planning & Development: March 8

Councilor Lundberg advised there were no matters for Council action from this meeting excepting the Gloucester Housing Production Plan, but that matter would come forward at a nearby Council meeting.

Ordinances & Administration: March 6

There are no matters from this meeting for Council action under this heading.

Scheduled Public Hearings:

1. **PH2017-013: RZ2017-001: GZO Amendment Sec. 1.11(c) re: Creation of a Mixed Use Overlay District including properties #2 & #4 School House Road and #7 Gloucester Crossing Road**

This public hearing is opened at 7:46 p.m.

Council President Ciolino announced that this public hearing is continued because the matter is still under consideration of the Planning Board and so the Planning & Development Committee has yet to take up the matter. **This public hearing is continued to March 28, 2017 at 7:46 p.m.**

2. **PH2017-014: Loan Order 2017-001: Loan Authorization in the amount of \$5,000,000 for the Gloucester High School Roof Project**

This public hearing is opened at 7:47 p.m.

Those speaking in favor:

John Dunn, CFO, noted the loan appropriation order before the Council is for replacement of the Gloucester High School (GHS) roof. The city is approved by the MSBA Board for acceptance into its Accelerated Repair Program, he advised. The total project cost a little over \$4.9 million and that \$5 million represents a rounded number, he noted. He said the basic budget involves:

Architectural, Engineering and Project Management	\$ 478,674
Construction Costs	\$4,229,171
Alternates and Miscellaneous	\$ 2,500
Contingencies	<u>\$ 232,604</u>
Total Project Budget	\$4,942,949

He noted that as the Building Committee received reports on the condition of the GHS roof it was recommended the city does the entire roof as initially it was thought they were facing only a two-thirds roof replacement (done in the 1990's). He recounted that when they went on the roof with the city's Owner's Project Manager (OPM) and the city's architect it was recommended that even though a portion, 36% of the roof, was done in 2005/2006, it was in essence at the end of its useful life. He explained that the MSBA has a hard fast rule to only fund those school roof replacements that are 20 years or older, and said that the city must absorb the costs of that 36% portion of the roof.

Mr. Dunn described that the roof replacement will be done with a different type of membrane, slightly thicker than currently in place, and will be white in color. He said that the black membrane now on the roof is attractive to gulls that drop shells onto it which punctures the roof membrane system and has led to the water incursion issues in the school. He reiterated that the MSBA will not reimburse the city for one-third of the roof membrane cost but will reimburse at 100% soft costs -- architectural project management, and some windows and flashing, repairs and plumbing on the roof. He advised that the project entails pulling all HVAC systems from the roof and while that is done, it is recommended that the city replace the plumbing that services the HVAC system which is for natural gas mostly. The recommendation is from the city's facilities staff, the OPM, the city's architect and the MSBA that as long as they are replacing two-thirds of the roof, they should move forward and replace it all.

James Fialho, 49 Magnolia Avenue, said he was not speaking in opposition but was expressing his concern about a \$5 million roof project and that roof's deterioration, as someone who has been in the contracting business. He suggested there should be better control over quality of workmanship with city projects. He said there should be

a city board that oversees and guides the Council and Mayor through some of these construction projects that works with the Building Inspector and Public Works Director. The quality of workmanship is critical, he said, and the roof at the high school started leaking from the beginning after its installation. He cautioned that there is no guarantee that the new roof won't suffer the same consequences. He said there is a different system of membrane now but it is about how it is applied and whether duct work is pushed through it, and like facilities. He said there needs to be a program of maintenance so that such issues don't happen again. He spoke to consequences of water incursion in roofs, and what the potential issues are in buildings as a result. He said there needs to be more control over the workmanship for such roofing projects, and that the city needs to ensure they're getting the quality they are paying for.

Jonathan Pope, Chair of School Committee and member of the GHS Roof Building Committee, expressed that Mr. Fialho was on point, and explained how the MSBA process has changed since the 1990's when the last large roof replacement was done to GHS. He recounted that the MSBA at that time was under the auspices of the Mass. Dept. of Education and were functioning under appropriations and oversight was very poor with projects were economically engineered. He expressed his agreement that the former GHS roof project and the installation of the gym floor done in a poor manner. In 2003 the governor took the MSBA away from the Dept. of Education placed it under the auspices of the state's Dept. of the Treasury, and it was under the new MSBA that the new West Parish School was built and was proof of a superior situation. He advised that only certified people do the work of an OPM, and must be approved by the MSBA -- only about two dozen OPM's are eligible. The OPM works with the Building Committee and oversee everything and give good advice, like the former position of Clerk of the Works. It works out to \$30 per square foot, he advised. He recounted some of the particulars of the specifications of the new roof briefly. He expressed that the DPW has done a great job keeping the roof functional long enough to obtain MSBA reimbursement. He pointed out that the city will get 59% of the money back from the MSBA (eligible costs) -- the city's share will be about \$2.9 million overall. He said he would be pleased to meet with Mr. Fialho.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor LeBlanc asked when this project will be undertaken and what the life expectancy of the new roof was. **Mr. Dunn** said most of the work will be done through this summer and have the project mostly wrapped up by the time school opens. At the beginning of this project he advised the city had appropriated funds for the OPM and for the architect to do schematic designs and to continue on construction documents. He confirmed with Jim Hafey, Facilities Manager, that the life expectancy is 25 years, adding that because it is going to be colored white, it is hoped it will deter the issues with gulls.

Council President Ciolino recounted that he had asked about a more detailed breakdown of the project at the B&F meeting of March 9. **Mr. Dunn** said in the B&F package was the MSBA budget which lists all those items, and advised he had previously distributed to the Council (on file) the first 33 pages of the Existing Conditions Report and has the details of everything proposed along with the existing conditions. He said he would redistribute the report to the Council.

Councilor Gilman noted there have been issues with warranties for work done at GHS and recent concerns with the new stadium seating, and now with the 2005 roofing project at GHS. She asked if there is a way the city can obtain a firm warranty from the contractor so that the city has recourse should something happen during the lifespan of the new roof. **Mike Hale**, Public Works Director, said the typical warranty is for the roofing material, in this case the membrane, and this manufacturer says the lifespan of the roof is 25 years. He said in terms of workmanship and what happens when the contractor leaves is a separate matter. He advised there will be a 12 month warranty on the workmanship, and the OPM oversees all the work to ensure that there are no cutting corners. The warranty can't be extended beyond that, he said. **Councilor Gilman** said she assumed references have been done on the contractor. **Mr. Hale** said the project has to be put to bid first, and explained that during the bidding process they vet the contractors through references -- the state oversees that process and the list of possible contractors is not a long one.

Councilor O'Hara referring to the 2005/2006 GHS partial roofing project said that in his experience, disclosing that he is in the construction business is a short time frame for a lifespan of a roof. He confirmed that a 25 year warranty is common for roofs. He said companies stand behind their product, mentioning that there would be an approved vendor from the manufacturer for their roofing systems with strict installation parameters. He asked had the city looked at who did the installation, and the manufacturer to get them to stand behind their work and product for this 11 year old roof segment. **Mr. Hale** advised the 25 year warranty was the material, not the workmanship, and that after 11 years no one would return to fix the roof they installed. **Councilor O'Hara**

expressed his differing opinion saying that it does exist with approved vendors approved by manufacturers to install their roofing systems. He pointed out that 14 years is less than 50% of the useable life of the roof. He asked if alternatives have been examined because of \$1.7 million having to be solely funded by the city with two-thirds of the roofing project covered by the state. He asked if they can look to extend the 2006 roof to 20 years so that the city is picking up less of the costs of the project. **Mr. Hale** advised they are done trying to extend the project because it is disruptive to the high school learning environment and to the work environment. He pointed out how much time his department has spent on coming up with solutions for patching and other extensive work to extend the life of the deteriorated school roof just for one year to get to this coming summer. He said the balance of the GHS roof is at the end of its life expectancy and the 36% with the roof patching is beyond repair now. Responding to an added inquiry by **Councilor O'Hara**, **Mr. Hale** said the portion of the GHS roof they're speaking of is over the shop side of the school which he described has having many penetrations to that portion to the roof.

Council President Ciolino said that there is a 25 year warranty but suggested it is prorated. **Mr. Hale** confirmed it is prorated when warranties are extended. **Council President Ciolino** suggested warranties are concerning and should be entered into carefully. He then acknowledged the presence of Superintendent of Schools, Dr. Richard Safier; Jonathan Pope, Chair of the School Committee, and School Committee members: Kathy Clancy, Tony Gross and Joel Favazza.

This public hearing is closed at 8:12 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the following loan order:

ORDERED: That the City of Gloucester appropriates the amount of Five Million (\$5,000,000) Dollars for the purpose of paying costs of roof repairs on the Gloucester High School located at 32 Leslie O. Johnson Road in Gloucester, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the GHS Roof Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty-Eight and Nineteen Hundredths Percent (58.19%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA and that, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

FURTHER ORDERED: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION:

Councilor Orlando said he supported the loan authorization. Noting he graduated GHS 2003 he said there were always issues the school's roof. He pointed out that this matter came about because of deferred maintenance in the past, and that by spending \$5 million now it could potentially save the city \$10 to \$15 million in the future. He expressed his hope this roofing project would be done correctly. He briefly described the conditions in the Field House saying that it was important to protect city assets.

Councilor Gilman said she supported the loan authorization. She recounted that in 2009 as a School Committee member it was that year that the Memorandum of Understanding went into effect whereby the DPW took over maintenance of the city schools. She said this was an appropriate change, taking facilities maintenance of the hands of educators and placing it into the hands of the Public Works Department. She expressed her confidence in Mr. Hale as DPW Director and his department for that oversight. She said OPM's play an important role on a capital project with a team of people that meet consistently. She pointed out that all of their meetings are public and anyone can attend; that the process is completely transparent. She urged the reestablishment of the Capital Improvements Advisory Board as proscribed by City Charter, due to the need to have a close oversight of all city capital projects and preventative maintenance which she expressed will create reassurance.

Councilor O'Hara said he is in favor having the school "dry" but said it was his opinion that the loan authorization needs to return to the B&F Committee to see whether they can invest the city's \$2 million into patching. He advised when the GHS Field House was about to be built, he had applied to be the Clerk of the Works, and was interviewed by the city but due to concerns about the project did not pursue the position.

Councilor O'Hara moved to return Loan Order 2017-001: Loan Authorization in the amount of \$5,000,000 for the Gloucester High School Roof Project to the Budget & Finance Committee to examine whether the city's portion of the school roof project should be used for the purposes of patching the roof rather than its replacement and to look at alternatives to keeping the high school dry and functional. **Councilor Gilman** seconded saying it was for purposes of discussion.

DISCUSSION ON THE MOTION TO RETURN LOAN ORDER 2017-001 TO THE B&F COMMITTEE:

Councilor O'Hara said this is taxpayer dollars and suggested there are alternatives. The city has been repairing the roof to keep the school dry. He conceded that state money is city money, but without state aid this is a lot of money saying that \$2 million will pay to continue to have the roof patched until the state is able to fully reimburse the city. He said it is prudent to examine the process of patching the roof.

Councilor Orlando expressed his appreciation for Councilor O'Hara's comments saying that no one wants to save the taxpayers money more than he. He pointed out if the city spends \$2 million patching until the 36% portion of the roof's useful life is over, what would happen to the other two-thirds of the GHS roof which is now past its life expectancy. He said he wouldn't support the motion.

Councilor Nolan said saving money is important but there are occurrences where water has made its way into the building, infiltrating the school's insulation and expressed his concern for air-borne contaminants because of it. He said there is a need to do the entire school roof to ensure a cleaner and safer school environment.

Councilor LeBlanc expressed his agreement with Councilors Orlando and Nolan pointing out that the DPW Director said they may not get another 12 months out of the roof. He said that he wouldn't support the motion to send the loan authorization back to Committee, adding that this is taxpayer's money well spent.

Councilor Lundberg expressed his appreciation for Councilor O'Hara's perspective but said that the School Committee and city has done their due diligence and supported the loan order.

The City Council voted by ROLL CALL of 1 (O'Hara) in favor, and 7 opposed, 1 (Cox) absent, to return Loan Order 2017-001: Loan Authorization in the amount of \$5,000,000 for the Gloucester High School Roof Project to the Budget & Finance Committee to examine whether the city's portion of the school roof project should be used for the purposes of patching the roof rather than its replacement and to look at alternatives to keeping the high school dry and functional.

MOTION FAILS.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 7 in favor, 1 (O'Hara) opposed, 1 (Cox) absent, authorize the following loan order:

ORDERED: That the City of Gloucester appropriates the amount of Five Million (\$5,000,000) Dollars for the purpose of paying costs of roof repairs on the Gloucester High School located at 32 Leslie O. Johnson Road in Gloucester, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the

direction of the GHS Roof Building Committee. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty-Eight and Nineteen Hundredths Percent (58.19%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA and that, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

FURTHER ORDERED: That any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

3. PH2017-PH2017-015: Loan Order 2017-002: Loan Authorization in the amount of \$1,800,000 for the Haskell Dam Upgrade

This public hearing is opened at 8:27 p.m.

Those speaking in favor:

Mr. Hale explained this is a request for a loan authorization for the Haskell Dam Phase One repairs and conveyed the following information: The Haskell Dam and reservoir is located in West Gloucester which can be seen from Route 128. The dam was constructed in 1905 and has had little capital investment since, although the dam hasn't needed it. The Office of Dam Safety considered the Haskell Dam a "High Hazard Dam," which indicates that there is property and life below the dam. The dam is classified as in, "poor condition" due to its age and construction. From the base of the reservoir to the top of the dam is 43 feet high, 480 feet long and is an earthen dam, and is now in need of significant repairs.

Mr. Hale advised that the total project is approximately \$7.2 million. Phase One of the overall project cost is \$1.8 million; of the \$1.8 million the city applied for and received approval for a state \$500,000 grant and a \$500,000 low interest loan from the Mass. Executive Office of Energy and Environmental Affairs (EEA) to support the costs of this project or in essence \$1.3 million for Phase One work under the Water Enterprise Fund. He conveyed that in the past several years of dry weather, this dam and reservoir is very important to the city and that all city dams and reservoirs be kept in good working order. In 2016 the city drew one-third of its total water supply from the Haskell reservoir. He recounted that three years ago the city finished work on the Babson Dam which like the Haskell Dam hadn't seen much work done to it since it was constructed in the 1930's, and the work done to the Haskell Dam will be similar. He described the work briefly to be done to the Haskell spillway and spilling basin.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor O'Hara noted he visited the dam today and emailed pictures of it to the Council and briefly described them. He expressed concern for the city enduring a major rainfall like in California recently where a dam was imperiled. He noted homes downstream from the Haskell Dam, a culvert, Essex Avenue with another culvert, and Walker Street then Concord Street. He mentioned there were trees in the Haskell spillway and expressed concern should a 50 or 100 year storm event occur. He asked if funds would be used to cut the trees and root systems. **Mr. Hale** explained Haskell Dam it is an earthen dam with vegetation growing on it that will have to be removed. He advised there is more than 300,000 gallons of water behind the Haskell dam and was it to breach although there is not a concern that event would happen now, with it all tilting to the Atlantic Ocean there would be a significant impact downstream -- Forest Lane, Essex Avenue and everything towards Ipswich Bay. He said part of Phase One would be a complete clearing the project area, and then the spillway will be reconstructed with a "blow

off' to allow for lowering the reservoir levels as done at Babson now. He pointed out that all the city can do currently is to pump water from Haskell to Dykes under Route 128. Controlling the dam water level is a very important matter, he cited, noting that at Babson it is done frequently by opening the valve and dropping that reservoir's level protecting the dam in anticipation of storm events leaving the dam to be able to accept water. He recounted briefly the damage done during the Mother's Day storm when water breached the dam and entered the spillway in an uncontrolled manner to the Mill River. He reiterated that the Office of Dam Safety said the Haskell Dam is in poor condition and the city must heed that advice. He suggested in the second phase of the project could span two years, and they would continue to apply for grant monies from the EEA. **Councilor O'Hara** said downstream from the dam is there any plans on clearing existing and downed trees so they don't create issues. **Mr. Hale** said they are looking at how the spillways are aligned pointing out that they don't want water over the dam and that is a bigger issue than the trees, but confirmed that clearing of trees will be included downstream from the dam.

Councilor Nolan said with the Haskell Dam being earthen with tree growth, it is recognized as not appropriate and part of this plan will see that vegetation cleared; to clear and clean the spillways and being able to regulate the water level in the same manner as Babson. He said this work has to be done, and expressed his support for the loan authorization.

Councilor Memhard noted at B&F Mr. Hale described briefly Phase Two of the Haskell Dam project and asked he share it with the Council. **Mr. Hale** described the process of supporting the dam with a secant piling wall - done by pouring concrete in sections into the earthen dam until it is fully supported by concrete to the dam base. This method allows for continuous water retention and storage capacity, a creative methodology he noted.

Councilor Gilman requested that the photos that Councilor O'Hara sent to the Council be made available to the public.

This public hearing is closed at 8:39 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the following loan order:

ORDERED: That the City of Gloucester appropriates One Million Eight Hundred Thousand Dollars (\$1,800,000) to pay costs of Phase 1 of the Haskell Dam upgrade project, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Sections 7 or 8, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any and all grants or gifts that may be available to the City to pay costs of this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION:

Councilor Memhard said that as someone who uses a great deal of water in his business that the Haskell Dam is an important city resource and must be taken care of.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to authorize the following loan order:

ORDERED: That the City of Gloucester appropriates One Million Eight Hundred Thousand Dollars (\$1,800,000) to pay costs of Phase 1 of the Haskell Dam upgrade project, including the payment of all costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Sections 7 or 8, or pursuant to any other enabling authority. The Mayor and any other appropriate official of the City are authorized to

apply for, accept and expend any and all grants or gifts that may be available to the City to pay costs of this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

For Council Vote:

1. **Decision to Adopt: SCP2016-004: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3 (c), Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities”**

MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to adopt the Special Council Permit (SCP0216-004) decision for Great Republic Drive #38, pursuant to Section 1.5.3(c), Sec. 5.7 “Major Project” and Sec. 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities” of the Gloucester Zoning Ordinance.

Councilor LeBlanc left the meeting at 8:43 p.m.

Unfinished Business: None.

Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees: Update of the Stage Fort Park Advisory Committee and Magnolia Woods Oversight & Advisory Committee by City Council Representative Sean Nolan:

Councilor Nolan reported that:

- Magnolia Woods Oversight & Advisory Committee: The Committee will be petitioning MassDOT to put in a crosswalk at Route 127 from Magnolia Woods to Ravenswood. He mentioned the Committee will work with the DPW on parking conditions and that the Committee will continue to find a way for the pump track to be positioned and that disc golf has been suggested.
- The Stage Fort Park Advisory Committee is active noting that the city recently declined a state grant for park improvements because of a parking fee issue. He noted looking forward to getting work done around the Gentile Bandstand, and said that David Dow has made presentations about the restoration of the cannons at the Fort.

Councilor Nolan expressed his appreciation to both Committees for their on-going work on behalf of the city.

Councilors Requests:

Councilor Memhard acknowledged the Mayor and city staff attending the International Seafood Exposition in Boston. He advised the city has a prominent corner booth fully staffed. He expressed his thanks for Councilor O’Hara for his assistance working with him and residents in East Gloucester to schedule a meeting on Wed., March 22 at 6:30 p.m. hosted by Don Turcotte at Americold on Rogers Street to talk about issues of noise at the East Main Street facility. He noted the Board of Health working with the Building Inspector’s office and Mass. Dept. of Environmental Protection has conducted some noise readings at the East Gloucester facility and said it was his understanding that Americold will contract for more acoustical monitoring and review and address neighborhood concerns.

Councilor Gilman said on Monday, March 27 at 7:00 p.m. she will host a Ward 4-1 meeting with Interim Chef McCarthy At Large Councilor Orlando a 4-1 resident in attendance, at the United Methodist Church, 438 Washington St. She congratulated the GHS Varsity Cheerleaders coming in second in the New England Championship, all of whom are incredible athletes and wished them luck at the Nationals in Orlando, FL, in April.

Councilor O’Hara thanked Mr. Fialho for his comments on city projects. He mentioned the project of the installation of a sprinkler system at the Magnolia Library with CPA funds that during the excavation a pipe was discovered that wasn’t in the drawings. The contractor went back to the Water Department and it turned out that it

was a 10 inch main contracted for long ago but for some reason the water line didn't get removed which should have been. He said this made Mr. Failho's point.

Councilor Nolan noted that there was a meeting at the Magnolia Library recently with Councilors O'Hara, Lundberg, and Orlando in attendance. He advised that questions raised at that meeting have been responded to by him and expressed he looked forward working with the Council on these problems to make them easy ones.

Councilor Orlando said there was a great initial relaunch meeting of the Tourism Commission, with members of the Cape Ann Chamber of Commerce present. He advised the Commission now has a chair, vice chair, and secretary elected and will meet next week to talk about many tourism issues and expressed his enthusiasm for the composition of the reconstituted Commission. He thanked the Mayor's office for putting this together with him. He wished his fellow residents a Happy St. Joseph's Feast Day.

Councilor Lundberg recognized the student scholars at Gloucester High School who will be inducted into the National Honor Society on, Thursday, March 23.

Council President Ciolino noted that the following evening there will be an Open Meeting Law forum at 6:00 p.m. in Kyouruz Auditorium presented by the state. He encouraged people to register for the forum. He thanked Councilor Orlando for his hard work in putting the Tourism Commission back together .

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

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Petition by residents of the Maplewood School neighborhood submitted by Debbie Collins, 19 Acacia Street in support of Kirk Noyes, Developer, Maplewood School**
- **City of Gloucester Annual Department Report 2017 and City of Gloucester Recreational Marijuana Task Force submitted by the Mayor Theken Administration through Director of Communications and Constituent Services, Chris Sicuranza**