



## **GLOUCESTER CITY COUNCIL**

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### **CITY COUNCIL WORKSHOP**

**MONDAY, AUGUST 26, 2013**

**7:00 P.M.**

**KYROUZ AUDITORIUM, CITY HALL**

**Review and create language for non-binding advisory Question to Voters (City Charter Section 9-7) that will appear as a ballot question on the 2013 Municipal Election ballot regarding Use/reuse of the Fuller School Building**

**Recommended language to be voted by full Council at regularly scheduled meeting of City Council on September 10, 2013.**

**City Charter Section 9.7. Advisory Questions to Voters**

At each regular city election there may appear on the ballot up to three non-binding advisory questions to determine voter sentiment. Two of these questions shall be proposed by the city council and shall deal with the affairs of the city in general. The third question may be posed by the school committee and shall, if so used, deal with a question relating to affairs under its jurisdiction. In the event that the city council or the school committee do not use the questions allowed them under this section, the city council or school committee may propose up to three questions.

Within three months following the organization of the city government following each election the city council or the school committee shall take up the subject matter of the advisory questions which were proposed by it and act upon their merits.

Nothing in this section shall preclude the public from initiating an advisory question under General Laws chapter 53 section 18A and article 9 of the city charter.  
(Referendum of 11-3-1987)

**CITY COUNCIL WORKSHOP**  
**MONDAY, AUGUST 26, 2013**  
**Review and Create language for non-binding advisory question to voters**  
**Re: Fuller building**

**Attachments:**

1. Minutes excerpt of the December 5, 2012 Planning & Development Committee meeting
2. Minutes excerpt of the December 11, 2012 City Council Meeting, Planning & Development Committee Report to the Council

Language approved as voted by the City Council at the above meeting is as follows:

**MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 1 (Ciolino) opposed that there be a non-binding ballot question for the 2013 election ballot regarding the future of Fuller School as follows:**

**“What is your preferred use for the Fuller School site? All options offer potential additional use of site for municipal Safety (Police/Fire) Building”**

- A. Relocate municipal offices to an ‘under one roof’ complex**
- B. Renewed use as a Public School**
- C. Lease and/or sell property”**

**Note:** Language that is approved at the August 26, 2013 City Council workshop will be voted by the full City Council on Tuesday, August 27, 2013.

 **Planning & Development: December 5, 2012.**

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the Council that there be a non-binding ballot question for the 2013 election ballot regarding the future of Fuller School as follows:

“What is your preferred use for the Fuller School site? All options offer potential additional use of site for municipal Safety (Police/Fire) Building”

- A. Relocate municipal offices to an ‘under one roof’ complex
- B. Renewed use as a Public School
- C. Lease and/or sell property”

**DISCUSSION:**

**Councilor Verga** stated when he and Councilor Hardy put this forward three years ago there was a consensus this was premature to do this because the School Committee hadn’t determined what to do with the property. Since then there was a report by MassDevelopment and recently two surveys, one by the School Department, and one by the Administration as to what the future use of Fuller should be. He said he was unsure the Administration’s survey was scientific. There were 807 respondents which is 3.5 percent of the population of which 46 respondents were non-residents. The Council still needs to seek more information he said. These three options offered in the non-binding ballot question were being “kicked around,” two of which were not part of the Administration’s survey. This, he said, will give a whole picture. Two of the options he doesn’t even like but would want to hear what the public says to gain a full picture of what the public is interested in and will get behind it. Whatever option is chosen, he added, it will cost a lot of money; and two of the options he stated he didn’t like but was willing to see what the public had to say and get behind whatever they choose. **Councilor Tobey** stated he would vote for this non-binding question but hoped this becomes a moot point. He said that with the evolution of certain events, they need Fuller as a school sooner rather than later regardless how folks feel on the matter. The Charter School future is uncertain; and 100 students will have to be absorbed. The proposed rebuild of West Parish will have fewer seats. The hue and cry is for more innovation in the schools which is why he said he would welcome a Horace Mann arts curriculum based school and that Fuller would be a good facility for it. The building can never be suitable for school use again. And by closing it, they are making sure it is the case. The building is steadily declining. He understood because it was closed as a school expenses will be required for reopening it because ADA exemptions are no longer there. This is a publically owned property that has served the City well that can again. Every day it stays closed they contribute to its negligence. **Councilor Whynott** expressed he agreed if Fuller was needed as a school that should be the first choice. He expressed that he didn’t believe the school was in as bad a shape as was “advertised.” The tour some Councilors took showed him the school needs work. The roof has issues but could be fixed. If not a school, it should be a City campus. A downtown campus does not work; he said and would like to see this on a ballot. The City survey didn’t tell the story. He urged the Council to allow this non-binding question be placed on the ballot to let the public have their say. People tell him that Fuller School is the place to put everything. **Councilor Ciolino** said he would not support the non-binding ballot question because it would take millions of dollars would be involved for all these options. No cost estimate is associated with any of these options. People see no costs with these options and should in order to make a full decision. He expressed his disagreement with Councilor Whynott that a downtown campus doesn’t work. When City Hall was closed, the downtown suffered. The City should move forward towards a combined police and fire station on the Fuller property, and take the current police station and turn it into municipal offices. **Councilor Theken** stated she didn’t have an issue putting anything to vote. She asked if this was the definite wording and had it come from the Legal Department. **Councilor Verga** stated these three options were discussed at P&D. This did not come from the Legal Department. He said it is only fair to those who pay the bills to speak. **Councilor Theken** was concerned about the perception of the “selling” of City Hall. People don’t mind a combined Fire/Police complex, but asked are they moving City Hall and how is it to be addressed properly. **Council President Hardy** pointed this is one motion. **Councilor McGeary** said he could support this as written and it is up to the proponents to say what the options would cost as part of the campaign process and doesn’t need to be part of the ballot question.

**Linda T. Lowe**, City Clerk to read into the record from the City Charter, Sec. 9-7 at **Council President Hardy’s** request as follows: “At each regular city election there may appear on the ballot up to three nonbinding advisory questions to determine voter sentiment. Two of these questions shall be proposed by the city council and shall deal

with the affairs of the city in general. The third question may be posed by the school committee and shall, if so used, deal with a question relating to affairs under its jurisdiction. In the event that the city council or the school committee do not use the questions allowed them under this section, the city council or school committee may propose up to three questions. Within three months following the organization of the city government following each election the city council or the school committee shall take up the subject matter of the advisory questions which were proposed by it and act upon their merits.”

**Councilor Whynott** pointed out to the options would not be free but recalled there were dollar figures for going to Fuller and a downtown campus should it be kept. He pointed out it was more to stay downtown. The Administration’s survey asked how often people go to City Hall, with 50 percent of respondents saying it was on a quarterly basis or less. He also pointed out the question of the school’s use can come before there are answers. The City can still keep some utilization of City Hall if the municipal offices are moved to Fuller saying that there is plenty of time for discussion and it doesn’t have to be all at once. **Councilor Theken** reiterated this question is not binding; that it would be for public input. It would be up to the City three months after the non-binding question was voted to take action. **Councilor Tobey** added there is a process that the School Committee has to vote to surplus the property which they haven’t done yet and expressed his hope they never do. He said he wanted to see a reinvestment in it; fix it and reopen it as a school. The Council would have to fund the reuse. **Councilor Ciolino** reiterated this is premature. The Council should focus on a new fire station most important and secondly a new police station. There should be no discussion on the Fuller building. He stated his understanding there is an MOU coming from the School Committee to relinquish the Fuller school; that the school be used for West Parish [during a school renovation/construction]. **Council President Hardy** asked how the School Committee can relinquish Fuller with an MOU and also asked how he knew of such an MOU. **Councilor Ciolino** responded the non-binding question is putting, “the cart before the horse.” **Councilor Cox** disagreed with Councilor Ciolino and said voting on this question has nothing to do with what happens with Fire and Police Departments, stating this is a completely separate question. **Councilor Verga** clarified that the question does state that a combined Police/Fire complex goes with that option (a). The field at Fuller was declared surplus which is a possible location for a combined emergency services headquarters. He asked the Council to put the question to the voters to find out what the public wants. It will cost a lot of money to do any option, he said, and that the people who are going to pay for it should have a say as to its disposition. **Councilor Theken** commented this has nothing to do with money at this time. This just puts a question on the ballot. This is not to stop anything from happening in the City. There will be a need for educating the public on the options. She would vote in favor of letting the public have their opinion known, expressing agreement with Councilor Cox. **Council President Hardy** added the statement of, “one ballot, one vote.”

**MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 1 (Ciolino) opposed that there be a non-binding ballot question for the 2013 election ballot regarding the future of Fuller School as follows:**

**“What is your preferred use for the Fuller School site? All options offer potential additional use of site for municipal Safety (Police/Fire) Building”**

- A. Relocate municipal offices to an ‘under one roof’ complex**
- B. Renewed use as a Public School**
- C. Lease and/or sell property”**

**Council President Hardy** stated she would ask the School Committee if they will be looking to add a non-binding question to the municipal ballot.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Open Air Parking Lot License for 2 Long Beach Road to include the name of Angela (Angelina) Procaccini, Trustee.**

**DISCUSSION:**

**Councilor Tobey** explained that there are currently two family members on this license, and Ms. Procaccini has been active all along and would become the third principal to this operation.

include remediation of the site for 91 Commercial Street for the proposed pump station. **Councilor Hardy** also for a lot plan of who owns the properties they walk by during the site visit of the Fort.

This matter is continued to December 19, 2012.

2. *CC2012-045 (Tobey/Hardy) Review of outdoor portable toilets & consideration of new regulations or new Ordinance (Cont'd from 10/03/12)*

**Councilor Tobey** proposed this matter be retired with Councilor Hardy's assent. They would reintroduce the Council Order should the need arise.

The Council Order was voted unanimously by the P&D Committee to be withdrawn and the matter considered closed.

3. *CC2012-046 (Hardy) Review of outdoor dumpsters & consideration of new regulations or new ordinance (Cont'd from 10/03/12)*

**Councilor Hardy** expressed she would continue to explore this issue informally and reintroduce this matter to the Council as a new order when and if appropriate.

The Council Order voted unanimously by the P&D Committee to be withdrawn and the matter considered closed.

4. *CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated by City ordinance or Zoning Ordinance (Cont'd from 09/05/12)*

**Mr. Cademartori** submitted to the Committee draft language for a zoning ordinance amendment after having draft and examined a copy of an ordinance from Billerica that used a size criterion and suggested that may not be the best approach given they already have the use in the City on a variety of sizes of property. The Committee would review the draft language and make their recommendation at their next meeting.

This matter is continued to December 19, 2012.

5. *Consideration of a non-binding referendum question on the disposition of the Fuller School*

**Councilor Verga** said the non-binding ballot question he proposes is a choice of three options which he confirmed with the City Clerk is allowable. It has to be on a municipal ballot; and the next election is November 2013, unless they want to do a special election. A referendum on the Fuller School is something that needs to be done. There was a lot of movement not long ago with the Council being taken by surprise, and the public taken by even more surprise. It is time for the public to weigh in on the matter, and make their opinion known. **Councilor Hardy** asked what would stop the Administration from proceeding with their plans on this pending putting this on a ballot.

**Councilor Tobey** explained it is not up to the Administration because the School Committee has yet to make the Fuller School surplus. He said the underlying issue is the way they're allowing the building to fall apart amounts to criminal neglect, creating a self-fulfilling prophecy - that the building can never be made fit for school purposes again; and just to be sure, they'll let it fall apart so it won't be suitable for school purposes again. He understood the cost considerations undertaken when they closed it as a school and lost grandfathered protection for existing ADA standards. He said he remained unconvinced the educational role for that building has passed. He expressed he was "very troubled" that it was being left to sit and deteriorate. **Councilor Hardy** asked what they can do as a Committee to send message to the Administration they would like the building to at least be maintained. **Councilor Verga** stated the last time they took up this matter, it was "beaten to death" as to whether the question was vague. Then the Administration went with a vague leading survey. This sends it up to the Council to give consideration to three options that have been discussed. He urged they let the public weigh in and have their say. **Councilor Hardy** agreed saying it is one person, one vote as opposed to doing it by computer where anyone could sign on to any number of computers and respond to a survey. She inquired as to how much it would cost for a City-wide special election for a non-binding ballot questions also. **Councilor McGeary** asked if there could be a provision for a write in option, D "Other". **Councilor Verga** suggested it would muddy the waters and open to interpretation. **Councilor**

**Hardy** stated that would open it up for interpretation. **Councilor Verga** expressed, in consultation with Councilor **Hardy** that the non-binding ballot question would go on the next municipal ballot but if there was a special election, it would need an amendment to their motion to have it appear on that ballot.

**MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the Council that there be a non-binding ballot question for the 2013 election ballot regarding the future of Fuller School as follows:**

**“What is your preferred use for the Fuller School site? All options offer potential additional use of site for municipal Safety (Police/Fire) Building”**

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**6. PP2012-003: Application by National Grid for the installation of underground electric conduits located substantially at Atlantic Road #149 – Public Hearing**

**This public hearing is opened.**

**Those speaking in favor:**

**Joel Glynn**, representing National Grid, 44 River Street, Beverly stated they seek permission to install 850 feet of conduit in a public way and two heavy duty hand holes. **Ralph DiGiorgio**, owner of Atlantic Road #149, and partner in DiGiorgio & Messina Construction Company Inc. who will be doing the installation, will trench down Atlantic Road, install the conduit and NG installs the wire and transformer on the property. **Mr. Glynn** showed pictures of the site taken today (not submitted at the meeting for the record) which showed the pad mounted transformer existing there and proceeding down the road. Each photograph represents where the conduit will go. **Mr. DiGiorgio** stated they plan to put the conduit trench adjacent to the right of way on the shoulder. They will not be disrupting the existing roadway. The shoulder is part of the City property, and it is not asphalt. It is where the asphalt stops. **Mr. Glynn** noted the conduit enters into the public way at 129 Atlantic Road.

**Dana Jorgenson**, Clerk of Committee, informed the Committee that the abutters to Atlantic Road #149 were notified of the opening of the public hearing on November 7<sup>th</sup> officially by U.S. Mail at least 10 days in advance of that date, as well as having a legal notice published in a locally circulated newspaper in advance of the opening of the public hearing on November 7<sup>th</sup> as well (copies on file).

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Hardy** asked what the timeframe is as there is a prohibition to paving and opening of the roadway during winter months. **Mr. DiGiorgio** stated they do not plan to enter the roadway and hope not to hit ledge. It is an 800 ft. run for the conduit. They do not want to crack the ledge. They do not have to go down as deep as a water main.

**Councilor Hardy** noted in Mr. Hale's memo to the Committee (on file) dated November 30th, Condition #2 says, “Proposed excavation may only occur during accepted road opening and construction season, 15 March – 15 November. No winter construction shall be permitted.” She said she would look for further clarification from Mr. Hale on that aspect. She suggested they continue the public hearing to December 19<sup>th</sup> and ask Mr. Hale to be present. **Councilor Tober** stated the applicant's work is not within the layout of the roadway but that was the assumption made on their part and by Mr. Hale in their review of the application. **Councilor Verga** stated they need something from Mr. Hale in writing to make sure it is all right for them to dig in the dirt aside of the roadway, and a written contingency should they hit ledge what they would be required to do. **Councilor LeBlanc** knew there was some contention with people parking on the shoulder on Atlantic Road. People claim the shoulder as part of their property there also, although it appears that it is City property. He asked Mr. DiGiorgio had they spoken to abutters about the digging up of the shoulder of the road. **Mr. DiGiorgio** stated they would notify them a week prior to construction so they understand what is going to take place. No single homeowner should be disrupted. They never leave the trench open.

**This public hearing is continued this matter to December 19, 2012.**

**7. Petition for road repairs in accordance with GCO Article IV “Repair of Private Ways” Sec. 21-83 and Sec. 21-84 re: Norseman Avenue Extension**