

CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, August 3, 2011 – 6:00 p.m.
KYROUZ AUDITORIUM – City Hall
-Minutes-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott; Councilor Greg Verga
Absent: None.

Also Present: Councilor Hardy; Councilor McGeary; Linda T. Lowe; School Department: Dr. Richard Safier; Assistant Superintendent Brian Tarr; School Committee: Melissa Teixeira, Michelle Sweet; Mark Cole; Linda Stout-Saunders

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.

1. Continued Business:

- A) Memorandum from Engineering Department re: proposed street naming for Pantry Way (Cont'd from 07/20/11)

Councilor Ciolino stated that people putting this forward have asked for more time. The matter is being continued to September 7, 2011.

This matter is continued to September 7, 2011.

- B) Review of Road Race & Parade Permit Procedures (Cont'd from 07/20/11)

Discussion amongst the Committee, Mark Cole, Linda T. Lowe, City Clerk regarding draft Road Race and Parade Permit Procedures continued with a review of the draft documents that had been revised based on suggestions from the previous meeting. **Ms. Lowe** commented that groups seeking event permits often can be very late in filing their application; which she and her staff in the City Clerk's office go out of their way to help and arrange meetings. The Licensing Commission by City ordinance, c. 11 has a cut off of 60 days. She felt having a cut off date was appropriate, so they have recourse if applicants come seeking a permit within days of their event. This would be helpful in order to say "no" if there is not enough time to review the application and assure that the applicant carries out all requirements. She also commented on whether the P&D Committee intended for the indemnification clause to replace a Certificate of Insurance which is currently required. **Councilor Verga** agreed with **Ms. Lowe** but also felt there is still flexibility within the paragraph that talks about the timeframes for application approvals. **Mr. Cole** stated they ask for a Certificate of Insurance for permits for the DPW events. **Councilor Hardy** thought that Ms. Lowe should work on some language regarding indemnification. She thought the Administration allows some organizations to use the City's insurance. They have to pick one or the other; an applicant should have to get their own insurance naming the City as the certificate holder. The Committee touched upon the example of the Downtown Block Party group who were allowed to "umbrella" with the City's liability insurance through their association with CABI. **Councilor Whynott** thought it dangerous for groups holding events to be under the City's insurance. Liability can be a big number and everyone should have their own insurance. The Councilors agreed Ms. Lowe would look at the form to add the requirement of the Certificate of Insurance. **Councilor Hardy** pointed out this is a tool for the applicant so they know ahead of time what is required. **Ms. Lowe** and the Committee discussed the concept of notification of abutters and what did this include. **Councilor Hardy** asked if there was anything that asked for or would they want to know if it is a non-profit and who is it benefiting. The Committee would add this to the first page. **Ms. Lowe** thought it would be helpful to the applicant to list phone numbers of departments so the applicant knows exactly where to go for additional approvals. **Councilor Ciolino** noted this City Council has had a tremendous increase in road races coming to the City. They know they are not receiving sufficient information from applicants prompting the Committee to go forward with this application. They'll do a re-write and go over the draft one more time. He suggested now that they are formalizing the process, the City Clerk's office will have even more work to do. He felt there should be an application fee, of say, \$25.00. **Councilor Verga** thought that was a nominal fee. Once someone sees this application they will realize that this is a small price to pay. **Councilor Whynott** felt for profit organizations an application fee was appropriate, but for non-profits the Clerk's office should be able to waive the fee. **Ms. Lowe** pointed out the difficulty of distinguishing a

for-profit and non-profit and whether it was appropriate to make that distinction with regard to the fee, and added her feeling that the fee is reasonable and should be easy to pay. **Mr. Cole** suggested one rate for profits and one for non-profit; but after a brief discussion it was again pointed out it would discriminate against one over the other. **Councilor Verga** offered that \$25.00 was reasonable which **Councilor McGeary** agreed. **Councilor Hardy** asked if this fee would cover the staff time. **Ms. Lowe** felt that the time that is consumed may warrant a higher fee. The majority of the burden falls on the Clerk's office. **Councilor Hardy** asked what the City of Cambridge charges (the community whose form and process this draft was based on). **Ms. Lowe** thought it was \$25.00. **Councilor Whynott** noted they wouldn't recover all of their costs. It is best to just set a reasonable fee. The Committee also reviewed the cover letter. **Ms. Lowe** suggested the first paragraph of the cover letter needs to be compared to the current vending ordinance for the definition of "special event" and would do that comparison for the Committee. **Councilor Hardy** suggested a form number be assigned which the Committee agreed also.

This matter is continued to August 17, 2011.

- C) SCP2011-005: Dory Road #11, GZO §5.22 Commercial Land-Based Wind Energy Conversion Facilities (Cont'd from 07/20/11)

Councilor Ciolino stated the Committee went to Ipswich to see and hear their wind turbine the previous week. Gregg Cademartori, Planning Director met them there and had a discussion with him at the site. **Richard Kleiman**, consultant for the applicant stated he had arrived just after the Committee had left but someone from the Gloucester Clean Energy Commission was there at that time. The Committee acknowledged Linda Stout-Saunders of the Clean Energy Commission who was present. **Councilor Verga** noted that was the first turbine he saw close up; and after having done so didn't understand the fear turbines. He encouraged anyone who had any questions regarding turbines to go to view and listen to it. It was quiet and looked to be a natural fit for that spot. **Councilor Whynott** felt there wasn't that much sound at all. The wind was 15 to 20 mph that day. **Councilor Ciolino** noted it was his first experience as well, and found the only noise was a slight whooshing sound with no grinding whatsoever. At the proposed location at the Blackburn Industrial Park, the noise from Rt. 128, he felt, is far greater. He pointed out Ipswich's turbine is sited in a quiet place also making any sound generated very obvious. **Richard Kleiman**, consultant for the applicant explained that the scheduling of the helicopter test is August 13th at 9 a.m. which was advertised in the Gloucester Daily Times and also abutters, and the abutters to the abutters, were notified by certified mail of it. The third party review is being arranged by the City's Planning Director and Harris, Miller, Miller and Hanson (HMMH), a highly qualified consulting firm was chosen by the Planning Director. That company has great experience with wind projects. The report is due prior to the August 17th meeting of P&D. HMMH will be there to present their results to the Committee. They're also on the agenda for ConCom at 7 p.m. that same evening. He asked if he could be scheduled first on P&D. **Councilor Ciolino** suggested Mr. Kleiman find out when he would be on ConCom's agenda. He also noted they'll have the helicopter hover over one proposed turbine site and then the other. **Mr. Kleiman** stated they booked the helicopter for one hour. He noted at 405 ft. it is to the tip of the blade of the proposed turbine; Varian's is 485 ft. He stated it is more like the turbine in Ipswich, which is 10-15 ft. lower than what they've proposed for Dory Road. **Councilor Hardy** wondered if P&D had gotten to the stage to propose the four locations that visualizations should be taken from. **Councilor Ciolino** stated that visualizations were in the application. **Mr. Kleiman** stated they did the visualizations based on where Varian had taken their photographs for their application for their approved turbines; but understood the Committee would ask for their own visualizations. **Councilor Hardy** stated they should name their locations for the photographing while the helicopter is in place. **Mr. Kleiman** stated this is a photographic visualization that is photo shopped to superimpose the turbine into the picture. Specific cameras are used and then geo-referencing is done for the sites. If P&D would like an additional location, they will do that. **Councilor Hardy** suggested they should do this visualization; that they should get one from the top of Green Street and Perkins Street, for instance. The trees are gone at Gloucester Crossing now. **Councilor Ciolino** noted there were visualizations from Skyview Terrace and Grant Circle in the application. **Mr. Kleiman** stated they could do one for Green Street, and can arrange for them to be taken. **Councilor Verga** noted with the helicopter test the concern is that a photo is not going to tell the story. It is more important that people see it for themselves. **Councilor McGeary** pointed out that there is no need for a special camera from a particular vantage point to take pictures to show the hovering of the helicopter. **Mr. Kleiman** agreed. **Councilor McGeary** felt they need a photograph taken from Perkins Street while the helicopter is up along with all the locations for the visualizations submitted with the applications too. **Mr. Kleiman** felt the visualizations were more useful and that there is a consistency to the method. To take less consistent photos from those locations of a helicopter hovering he did not think would be helpful. **Councilor Ciolino** stated this is due diligence by doing it two ways. While he

knows it is not scientific, it will satisfy many people. *The Committee concluded the photographs showing the helicopter hovering at the site of the proposed turbines would be from the same locations as the visualizations submitted with the application with the addition of Perkins Street.* **Councilor Hardy** noted that need for the selection by the Committee for visualizations is under §5.22.9(d) under the Zoning Ordinance. She also didn't see on the application of the type of permits and the specific zoning ordinance. Were they not filing an application under 5.22 because it is not on the application? She suggested having an amended application cover to the Council; §5.22 must be on the application so that it is advertised correctly. **Mr. Kleiman** would make the requested correction to the face page of the application immediately and also noted that the MOU had not been received by the Council and would see that it came to them as soon as possible. **Councilor Ciolino** noted that he met with City Solicitor, Suzanne Egan who feels that since it is a new concept regarding net metering that an outside legal counsel would be hired to do the net metering agreement with the City and Equity Industrial Partners and National Grid; and that they need to start working on that so that it is to come forward to the City Council for the public hearing in a timely manner.

**The Site Visit will take place on Saturday, August 13, 2011 at 9:00 a.m. at Dory Road, #11.
This matter is continued to August 17, 2011.**

2. 2011-032 (Verga/Hardy) Charter §9-7 Advisory question for November ballot re: Reuse Fuller School

Councilor Ciolino acknowledged Superintendent Dr. Safier and Assistant Superintendent Brian Tarr, Melissa Teixeira and Michelle Sweet of the School Committee in the audience. **Councilor Verga** stated the purpose is to ask the public a question. This is an advisory question and is non-binding. The final question is predicated that the School Committee determines that Fuller is surplus property, would this be what you would want it to be repurposed for. Until the School Committee declares the school as surplus property nothing will transpire, but that doesn't mean they shouldn't ask the question. They have to come up with a question that is fair, explains what the options are, and takes the pulse of the community. He had asked City Solicitor, Suzanne Egan about this issue and received an email late today stating, *"There are no specific guidelines for non binding questions under the city charter, however, Mass General Law chapter 54 section 42B requires that the ballot must state "This question is not binding". The question should be a yes or no question so that it answers a specific question, from the council vote it appears that the question Shall Fuller School be used to consolidate city government?" is the question approved. I have not looked at the council minutes but you could tweak the language to make it more precise by asking: Shall the Fuller School building and grounds be used to consolidate city government offices? Or Shall the city government offices be moved from city hall office located on Dale Avenue, the police and fire station, city hall annex located on Pond Road and the Department of Public Works building on Poplar Street to the Fuller School located on School Street? Depending on how specific you make your question the response will vary; therefore I suggest that determine what specific question you want answered. The election division of the Secretary of the Commonwealth provides the guidance for state public policy questions, which are similar to local non-binding advisory questions. The requirements are not the same but it does provide some guidance. Specifically, it advises that the question should provide instruction to the city government as to what governmental action the voters want the public official to take. I am happy to review any question that you intend to place on the ballot."* He reiterated it "should be" yes or no. When he and Councilor Hardy discussed the question's wording, they thought about a multiple choice question and believed it was something to be considered. **Councilor Hardy** explained she signed on to this Council Order because the question needs to be heard by a broader section of the community. People who showed up for the community listening posts went to the multiple meetings and were the same group that went from meeting to meeting. They need to make it more public via the television camera, a public hearing, or an advisory question on a ballot. She then read the language from the Council Order Councilor Verga and she put forward: "That in accordance with charter section 9-7, we hereby propose the following non-binding advisory question(s) to determine voter sentiment, said question to be placed upon the November 8, 2011 general election ballot on the issue of: **"Shall Fuller School be reused to consolidate city government?"**" Greg Verga, Ward 5 Councilor, Jackie Hardy, Ward 4 Councilor." She stated this was the "seed" to get the conversation started. They need to grow this and hear from people. Fuller was built as a school; but if not being used as a school, they need to move forward. She suggested that not only should City staff move from City Hall to the Fuller structure but to pull the people from the City Hall Annex at Pond Road and surround buildings for city staff to be under one roof. The Police and Fire Station would be on the grounds in a newly constructed building. They will need their own space. The symphony's location there; they need the auditorium also. They're not trying to force any issue. **Councilor Whyntott** noted he had read the Times editorial, and that there may be some merit to more choices but felt that could also water it down. He thought

if the question started out “If the School Committee determines that the Fuller School is surplus” he believed it took the question right out of there should it be used for a school – if they make it surplus they don’t intend to use it as a school. He wished to see a yes or no question, “if that happens, should the Fuller School be used to consolidate City government. If the answer is no, he believed that means the voters prefer the downtown campus. A crisp choice, he felt, makes it very clear. **Councilor McGeary** suggested if they can’t do a multiple choice question, as he agreed they needed a yes or no, the Council can put up to three questions on the ballot, that it might be useful to have a second question that states, “If the School Committee declares that the Fuller School is surplus shall it be used for development purposes to increase the City’s economic base”. You could vote yes on both. That, he felt would make it a clearer choice. **Councilor Ciolino** wondered if the School Committee is ready to put the Fuller School up for surplus; and while they didn’t have to answer this evening, it would start with them. If the answer is no, he didn’t know if they should proceed any further. **Councilor Hardy** noted she is not opposed to the calling a joint meeting of the City Council and the School Committee on this subject. **Councilor Verga** reminded the Councilors there is a deadline of 35 days from the election of November 8th to get this or any question on the ballot. **Melissa Teixeira**, School Committee spoke as an individual and appreciated President Hardy’s opportunity for a joint meeting and deferred any comments to Superintendent Safier. **Superintendent Safier** appreciated opening of the issue and the flexibility of the options they are considering with respect to a possible referendum. He suggested that it is limited in scope for many of the reasons already spoken of; and from the Schools’ point of view, he was not in a position to say what is or is not surplus. Any decisions that are made, through the feasibility studies taking place, through ultimately the City Council work, has to take into account the immediate future and status the school district. They will be facing serious funding challenges in the next few years which will place them in a position to make a decision of their either going to have adequate revenues in order to preserve neighborhood schools or circumstances will indicate the requirement for space for some form of centralized reconfiguration. He suggested a non-binding referendum exclusively be about whether City government should move to the Fuller School is limited in scope and needs to take into account of multiple suggestions as to what the needs of the different aspects of the City and the School Department as well. **Councilor Ciolino** thought it would be more helpful to the Committee if they know the Fuller School is going to be made surplus. It stays a school until the School Committee relinquishes it. He reiterated his belief that until they do that, this needs to happen first. **Councilor Verga** disagreed stating the Mayor is moving forward without that answer. Before they head down that road to come up with a final solution, they should find out what the public wants which is all contingent on the School Department giving Fuller up. They should ask the question. He also pointed out by the City Charter; the School Committee can put on a non-binding question on the ballot also if they wish. There should be no fear to put a question on the ballot. **Councilor Whynott** agreed with Councilor Verga that if a non-binding question says City government should be there, it wouldn’t happen any time soon, and it is non-binding. He also pointed out Dr. Safier had not been with the School District long enough to have made such a decision with the School Committee, feeling there was time for that. If they pose the question correctly again stating “If the School Department declares the Fuller School surplus...”, then if they don’t it doesn’t matter. They do nothing. He would be more inclined with Councilor McGeary’s suggestion rather than putting in a multiple choice on one question. **Dr. Safier** thought with a single issue referendum even with that caveat, he felt it creates “in the court of public opinion” by placing a potential pressure on the School Department where it is viewed as impeding progress. To not have a non-binding referendum that has multiple options could potentially shade the ultimate dialog in the negative. There are financial considerations that to if they need to make changes they need the space. If the revenues are available, then they can preserve what they have. For the public to know that side by side on the referendum question to him seemed important. **Councilor Ciolino** thought until the School Committee decides to release the Fuller School it is moot. **Councilor Hardy** asked what the Mayor’s plan is in place for this. **Councilor Ciolino** stated perhaps they should have a joint meeting and find out what the feeling is; but someone has to make a decision. **Councilor Hardy** stated if the answer is yes, if the school becomes available, why they can’t ask the question. **Councilor Ciolino** felt this was a complicated issue. There is money involved as well. **Councilor Verga** stated that is why he is trying to do this. The Mayor emailed a memo about Mass Development; they are moving ahead with a plan and money is being spent. Before they spend money on the wrong route, he urged they find out what the right route is. It is a referendum and deserves to go forward. They can find language that everyone can live with. **Councilor Ciolino** felt it also had to be language that can be understood as the issue is very complex. There has to be an education of the public on the issue as well. Folks think that you move out the desks and put in the City staff; but that can take a great deal of money to do. **Councilor Whynott** agreed it would cost money, but all the alternatives cost money also. The Administration showed the cost of a downtown campus was more than doing the Fuller School. He believed the question would not be that complicated. As to the people thinking that the School Department is impeding the process he felt they’re thinking that now. **Dr. Safier** stated they’re looking at FY13 reduction in funding. From level funding for FY13,

they're looking at another loss of funding of \$1.6 million. He believed was a strong disconnect between what was being asked on the non-binding ballot question and the reality of the Schools situation. **Mary Ellen Rose**, 17 Main Street commented upon a way to frame the question and endorsing the idea to put forward a non-binding ballot question. She suggested a combination of what the Times offered; but instead of giving a multiple choice listing, for each of the options, have a yes/no offering, then they'll get a real feel for each use and how people feel by a positive or negative response. A multiple choice question seemed to her not to give any real data. **Steve Dexter**, 162 Wheeler Street noted he and Councilor Verga have discussed this matter and felt the referendum question is too narrow; and believed the public doesn't understand nor pay attention until it is over. He would like to see multiple choices for a question. He was pleased to see this come up for the ballot. **Linda Stout Saunders**, 52 Bennett Street and member of the Clean Energy Commission agreed with Mr. Dexter that in speaking to many people on the subject, they had no idea of what the options mean; a cost benefit analysis. They're not watching the TV, nor reading an editorial in the Gloucester Daily Times. She would prefer the City to put together some type of write up of they're intending to do with this referendum; what it is about and assessments - pros and cons - so that the voters can make a more informed decision. **Russell Hobbs**, 1166 Washington Street is for putting this on the ballot stating the voters should make the decision to guide the government. As a member of CERT he has been in the building and seen its poor condition. He believed the School Department needs to make a decision on the entire property. He recalled a vote by the School Committee that set aside a piece of that property for a combined emergency services building. He espoused all the government functions of the City, and its departments, should be on that property. If they're going to make it a school again, he wondered who would pay for the upgrade to do it. **Councilor Verga** felt they need to schedule a joint meeting with the Mayor there to discuss the options. After that they can formulate their question. **Councilor Hardy** stated the Mayor is part of the School Committee and would be there; and she could discuss the Mass Development memo, for instance. The disposition of City property, she reminded the Committee, is determined by the City Council. **Councilor Ciolino** suggested they wait until they schedule the joint meeting. **Councilor Verga** noted the Facilities Report on the City's website. On March 2, 2010 the Community Development Director gave a presentation on that report to the Council. It spoke of Phase 2 would be some listening posts and Phase 3 will be putting forward recommendations to the City Council for their deliberation for choices that are to be made, which has never happened. The next thing they saw was the middle of this July with the Mayor's memo on Mass Development. It will cost millions to move to Fuller, but also cost the same for moving them all to the downtown campus. There is also going to have to be a Plan B for City Hall. They need to come up with that if they're going to move out. **Councilor Ciolino** noted if they solve the Fuller School issue and move there, then they'll have to solve that problem with the rest of the City buildings. **Councilor Hardy** will work with the Chair of the School Committee to secure a date for a joint City Council School Committee meeting on the matter.

This matter is continued to August 17, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:47 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Kingston, NY City Hall Restoration information – submitted by Stephen Dexter**