

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committees
Wednesday, June 5, 2013 – 6:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Councilor Verga, Chair; Councilor Hardy; Councilor Tobey

Absent:

Also Present: Councilor LeBlanc; Councilor Cox; Councilor Ciolino; Tom Daniel; Linda T. Lowe; Donna Compton; Jim Duggan; Jim Hafey; Gary Johnstone; Al West, American Legion; Paul McDermott, AmeriGas.

Meeting called to order at 6:32 PM. Agenda items were taken out of order. Councilor Tobey arrived at 6:48PM. Quorum of the City Council was met at 7:08PM upon the arrival of Councilor Ciolino.

1. Review & Recommendation for the Disposition of Real Property re: property located at 8 Washington Street (Legion Building) (Cont'd from 05/23/13)

Councilor Verga stated that the P&D Committee attended a site visit at the American Legion building a week ago and there were some things about its condition that were particularly noticeable. **Linda T. Lowe, City Clerk**, stated that a report as requested by P&D will be prepared from the Historical Commission following their visit to the building. **Councilor Verga** asked if a report from the Arts would also be received. **Ms. Lowe** will be contacting members of the Committee for the Arts for follow up. **Councilor Hardy** asked if the Arts were contacted in regards to what happened to the artwork. **Councilor Tobey** clarified that it is in regards to the fact that the building is underutilized and could potentially be used for performing arts. He added that he would like to relay information to the Historical Commission regarding the amount and cost of improvements done to the Legion Building. **Councilor Hardy** asked if there are any pictures of the building after the improvements done in the 1990s. **Al West, the American Legion**, stated that the Legion has spent approximately \$500,000 on this building over several decades and provided several examples of improvements. **Councilor Tobey** stated that the City Council has dwarfed the investment in historic buildings during his tenure on City Council. He expressed his frustration regarding the condition of the building and its potential to be condemned once again. He added that the current Administration has not dealt with the improper use of the building according to conditions of a grant that allowed for many of the improvements.

Jim Duggan, Chief Administrative Officer, stated that he understands Councilor Tobey's passion and would like to propose supporting the Veteran organization staying within the confines of the lease under the currently existing agreement. He would like to be able to devise a maintenance plan to be done internally and make investments that are feasible. **Councilor Tobey** asked what is different now that makes this option feasible when it was not previously. **Mr. Duggan** stated that there are better equipped and more specialized City personnel to address the needs of this building. He would like to keep the American Legion there as tenants for as long as possible. **Councilor Tobey** said he is opposed to this approach. He added that the taxpayers' dollars should not be spent to sustain a bar room. **Mr. West** stated the building has been used, so there are repairs and maintenance that needs to be done. He added that the City has some responsibility to take care of the inside and outside of the building. **Councilor Verga** stated that he believes whoever is paying the lease is responsible for maintenance. He asked Donna Compton, Purchasing Agent, to clarify. **Ms. Compton** recited Section 8, Maintenance of Leased Premises, of Lease 13155. She summarized that this passage states that the Lessee is responsible for normal maintenance and the City is responsible for replacing the boiler and the tenant may not "waste" the building. **Mr. Hafey** stated that a boiler has been researched, but the DPW does not yet have the funding for it. **Councilor Verga** stated that it seems one issue is the interpretation of the responsibilities of each party.

Councilor Tobey stated the Legion and the City tried to figure out a way to sustain the entire building years ago. **Councilor Hardy** stated that it is her recollection that the American Legion stated they would take pride in maintaining the inside and outside of building. She added that this conversation has somehow become that the City Councilors are against the veterans, but that is not what this is about; it is about how this building has been maintained. **Mr. Duggan** reiterated his request for the City to provide a draft of a maintenance plan for the building that would require City efforts. He added that the Administration will not ignore a City asset and responsibility needs to be taken for maintenance. **Councilor Tobey** stated that during the site visit he noticed several areas where paint has been damaged due to tape, which violates conditions in some of the grants used to repair the building years

ago. He believes the public has a right to know how much money was spent on these repairs. He asked what kind of a bond can the Legion put down to support the maintenance efforts of the City. **Mr. Duggan** stated that even if the Legion vacates the building the City will still need to go by the guidelines put in place 18 years ago.

Councilor Tobey stated that the building has become a barroom. He added that building should be a community asset open to the public. **Mr. Duggan** stated that if the Historical Commission, Committee for the Arts, and City drafted a maintenance plan it would still be coming from the City. **Councilor Tobey** we all watched years ago the painstaking process to repair the building and it is now in disrepair again. **Mr. West** stated that six months after the building was rededicated over \$4,000 was spent to repair the floor. He added that when paint has been touched up matching the color has been attempted. **Councilor Tobey** stated that the efforts may have been made, but the paint is not a match and is not the same historic quality. **Councilor Verga** stated that there are some outstanding issues and an inspection should be performed by an outside party, such as a professional home inspector. He added that the Historical Commission and representatives from the Arts should be involved in this process. **Councilor Verga** stated that some exit signs have issues and it seems as though there has been smoking in the building. **Mr. West** stated that there has not been smoking inside the building for years. **Councilor Hardy** stated that most of the smoking is done outside, but it certainly smells like people are smoking inside. **Councilor Verga** stated that the elevator has an outdated certification. **Councilor Tobey** added that the handicapped access was blocked. **Councilor Verga** stated there was a broken window in one of the ladies' rooms.

Councilor Verga asked when the lease ends. **Ms. Compton** stated that it ended on May 1, 2013. **Councilor Verga** stated that there are two different discussions occurring, one is a business plan and the other is a maintenance plan. **Councilor Tobey** agreed. He continued by saying the City of Gloucester has produced an amazing archival resource that should be accessible and available to the community. It would be great to put those on display at the Legion building. He added that the City of Gloucester is not a competent property owner. **Councilor Hardy** asked who insures the building. **Ms. Compton** stated the City has property insurance and the Legion has liability insurance. **Councilor Hardy** asked if anyone has pictures of when it was restored in the 1990s. **Councilor Tobey** stated that there are many pictures available. **Mr. Duggan** asked if is there also a copy of the maintenance plan that was implemented 18 years ago. **Councilor Tobey** stated that he can invite Mr. Everett Brown to attend a meeting and he will have all of that information. He reiterated his request for a full accounting of the funding for the restoration of the building, inside and out, from all of the various sources. **Mr. Duggan** stated that to get the building on the Historical Society Registry must have taken an amazing amount of work. He will do the best he can to obtain the data requested by Councilor Tobey. He would like to continue to bring the building back to its origination and does not want to displace the veterans. **Councilor Tobey** requested that the discussion no longer be about displacing the veterans; it should be about whether or not they are good tenants. **Mr. Duggan** stated that the City needs to do a better job at being a landlord. **Councilor Tobey** stated that he is not confident that the City can manage the Legion building.

This matter was continued to June 19, 2013.

2. CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated (Cont'd from 12/19/12)

Councilor Verga stated that the development of a self-storage facility was an option for a certain parcel of land in Gloucester which created concern regarding the language in the City ordinances. An email was sent on May 23 from Gregg Cademartori, Planning Director. **Ms. Lowe** stated she has followed up with Mr. Cademartori. She added that an order or memo should be formally submitted to the Planning Board if Councilors are still interested in this matter. **Councilor Hardy** asked whether the State or federal government has released the new mapping system for water height. **Mr. Duggan** stated that it was continued to a later date. **Councilor Hardy** stated that she understands that it became a public document on June 3rd, 2013, but is not available online. She would like a copy of any documents provided to the Conservation Commission brought to P&D for review. Mr. Cademartori's recommended language is already on file with the P&D Committee.

MOTION: On motion by Councilor Tobey, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to refer the matter of restricting or regulating self-storage service facilities to the Planning Board as a zoning amendment under Zoning Ordinance Section 1.11.

3. CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 to add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways (Cont'd from 04/03/13)

DISCUSSION: **Councilor Verga** does not want to give false hope to areas that their streets will be repaired. He added that if this is in the City's best interest how to fund these repairs will need to be determined. He also stated that O&A would have to look at the language and B&F would have to look at funding. **Councilor Hardy** stated that before O&A looks at this matter Mr. Hale should be given the chance to look at the language. **Ms. Lowe** stated that the revision which she prepared for the Committee as requested does not change the language just the sequence. She added that the obligations stay the same, but are listed in a more logical, chronological way and repetitive sections have been removed. **Councilor Hardy** stated that this revision should be run by Mr. Hale. **Councilor Verga** asked if there should be a moratorium or something that makes it clear everything is on hold. **Councilor Hardy** stated that the goal should be creating an ordinance that works as best as possible. **Councilor Verga** asked Mr. Duggan if he believes this to be a worthy program, regardless of the funding. **Mr. Duggan** stated that it is a necessary tool in the tool box; if it is used properly it can be used in the best interest of the City and its residents. He added that when this ordinance is utilized will be dependent on the funding. **Councilor Hardy** stated that the City previously had to adopt the State law in order to make repairing private roads an option. **Ms. Lowe** stated this ordinance has been unchanged for a long time, but it was pointed out to the City by Bond Counsel that for a time it was illegal to use City funds because the State law to do so had not been adopted. She provided further history of this ordinance. **Councilor Verga** asked if the P&D Committee is waiting to hear from other Committees or if they are waiting on P&D. **Mr. Duggan** stated that funding this program was discussed in the DPW's budget review and a place holder was considered. There was discussion about who is liable for the betterment during various stages of property ownership. **Councilor Hardy** stated that the potential for complications in this liability is part of why these ordinances should be improved. She volunteered to gather feedback from Mr. Hale and Mr. Duggan and to report back at next meeting.

This matter was continued to June 19, 2013.

4. Communication from Mayor to Noreen Burke, Public Health Director re: Board of Health Recommendation to Join Northeast Mosquito Control District (Cont'd from 04/17/13)

Councilor Hardy stated that she would like to have a synopsis of what Salem has done or is doing in regards to mosquito control. **Mr. Duggan** stated that spraying for mosquitos is the last action taken by most communities. If it is the request of the Council he can provide reports from the Salem Health Director. He asked if Councilors have taken any action within their wards. **Councilor Verga** stated that Councilors have been asked to hold ward meetings but he is waiting to hear from Noreen Burke, Public Health Director. **Mr. Duggan** stated that it was not the Administration's recommendation to support joining the Mosquito Control program at this time because it seems as though the residents of Gloucester have not yet been provided with enough information. **Councilor Verga** asked if it would it make more sense to have a public forum rather than ward meetings. **Mr. Duggan** said that Ms. Burke did hold an open meeting at Cruiseport, but he was unable to attend and does not know how many residents attended. **Councilor Hardy** stated that it looks as though there has been a clear statement that it would cost approximately \$87,000 every year for three years. She has also heard that spring is the most problematic time of year. She asked if Newell Stadium is going to be open by this fall. **Mr. Duggan** confirmed that it will. He was recently at Newell and has been assured it will be available for a ceremony on the September 6th opening. **Councilor Hardy** stated that she has heard about another company that would be able to spray just the athletic fields. She asked if there is any information regarding other options and their costs. **Mr. Duggan** stated he would expect that information from the Board of Health. **Councilor Hardy** would like that information as well. **Mr. Duggan** stated that he will send a request for information to the Health Department. **Councilor Hardy** stated that maybe the Board of Health could be encouraged to do a presentation for Cape Ann TV to educate about how to prevent mosquito population growth. **Mr. Duggan** stated that the City does have a notice out there for people to get rid of tires and other sources of standing water and this message can be reinforced. He added that there could be more public education regarding standing water as a preventative measure.

This matter was continued to June 19, 2013.

5. Memorandum from Mayor re: Market Readiness for parcel I4-C2 at 65 Rogers Street and Memorandum of Agreement

Tom Daniel, Community Development Director, stated that the City released an RFP for marketing services for parcel I4-C2. He explained that part of the scope was to establish an economic value for the land and assess barriers to development. The City only received one response, but another firm sent a letter suggesting the City look at a public/private partnership and the true market value of the property. **Mr. Daniel** continued by saying the City has worked with Gulf of Maine already regarding parcel I4-C2 and would like to continue this work regarding market readiness. This research will help determine the steps forward with I4-C2, whether it would be to sell the property or work towards regulatory change to make the property more usable. He stated that having a Memorandum of Agreement (MOA) would help to formalize this relationship. **Councilor Verga** stated that he was struck that there was no end date on the MOA. **Councilor Tobey** stated that if the City is going to keep this parcel in the designated port area, a public/private partnership is probably the only way forward. He does not view this as a contract, but as a collaborative relationship that could be terminated at any date. **Councilor Hardy** asked if there is anything that states this agreement is per Council approval. **Councilor Tobey** stated it should not be necessary for this type of agreement. **Mr. Daniel** stated that this is primarily to put down on paper an informal relationship that already exists.

Councilor Tobey asked Mr. Daniel if he has had a chance to develop an opinion on whether or not I4-C2 should remain in the DPA. **Mr. Daniel** stated that it would be easier to develop if this property was not in the DPA, but that is the regulatory framework that the City is working with currently. He added that this property needs to be taken within the context of what is being done in the Harbor now and the current economy. With the regulatory restrictions it has we need to determine the use/demand piece. **Councilor Verga** stated that many of the ideas for this parcel involve the City paying for the development. His mind is wide open regarding the future of the DPA, but there is quite a range of opinions on the Harbor Planning Committee. **Councilor Tobey** asked if the P&D Committee can have a report back on this in September. **Mr. Daniel** agreed to provide an update in September. **Councilor Hardy** asked Mr. Duggan to keep track of all of the consultants being hired and what is being spent on I4-C2 in order to determine how to recoup all of the money invested by tax payers.

Mr. Daniel will be returning to the P&D Committee in September of 2013 to provide an update on this matter.

Councilor Verga asked if the State responded whether or not it can be used as a parking lot. **Mr. Daniel** stated that the City has not heard back yet. **Councilor Verga** would like to know whether or not the City can start charging for parking there. **Ms. Lowe** stated that it is not yet in the Ordinances as a public parking lot because it was stalled for the State's permit approval. **Councilor Tobey** asked if the property should be chained to prevent use by any vehicles other than trucks accessing the dockage. **Councilor Cox** asked whose liability it is if someone were to get hurt. **Councilor Hardy** asked who is maintaining the grass at this site. **Mr. Duggan** will confirm that maintenance is being done. **Councilor Hardy** asked if the City maintains the property is there an implied liability for this parcel as a parking lot. She stated that if the City is not going to maintain the grass it should be chained off.

MOTION: On motion by Councilor Tobey, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to request from General Council an opinion as to whether the City's continued operation of an open air parking lot at the I4-C1 parcel is legal.

DISCUSSION: **Councilor Hardy** asked if using the language "open air parking lot" is appropriate. **Ms. Lowe** stated that Section 22-288 in the Code of Ordinances designates several parcels as "off-street parking areas". **Councilor Hardy** stated that if it is not a parking lot there should be a chain and a sign that states no parking.

Councilor Hardy asked to amend the main motion to eliminate the language, "open air". **Councilor Tobey** seconded the amendment. Motion to amend passes.

MOTION: On motion by Councilor Tobey, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to request from General Council an opinion as to whether the City's continued operation of an off-street parking lot at the I4-C2 parcel is legal in time for the next regularly scheduled meeting of the Planning & Development Committee which will occur on June 19, 2013.

6. Memorandum from Mayor re: Commercial Street/Fort Square Infrastructure Plan

Mr. Duggan stated that he made presentations to the City Council, B&F, and P&D regarding the Commercial Street/Fort Square infrastructure plan. One of the questions posed was if the hotel was not happening would the City still be investing in the neighborhood. He said the answer to that is yes, but the figures may change. He stated that the City was originally looking at a \$5 million investment, but it could be up to \$9.3 million overall for the entire investment. It is important to leverage as many resources as possible to offset infrastructure costs. **Councilor Tobey** would like to ask that AECOM come before P&D with a financial analysis of the sewer and water aspects of this infrastructure plan.

This matter was continued to July 17, 2013.

7. Application for License of Flammable and Combustible Liquids, Flammable Gases and Solids re: 135 Coles Island Road

DISCUSSION: **Ms. Lowe** introduced Paul McDermott, AmeriGas, as representative of the applicant, and provided background information regarding this request. She stated that it seems completely in order and Mr. McDermott has performed due diligence. **Mr. McDermott** stated that the property has a difficult to navigate driveway and a large house that will use a lot of energy. The property owner is concerned about losing power and has purchased a generator with a large propane capacity. **Mr. McDermott** discussed some technical details and the regulatory guidelines of propane usage and storage. **Councilor Hardy** asked if the property is just a residence and why all that power is necessary. **Mr. McDermott** stated that it is just a very large house. **Councilor Verga** asked if the generator and propane storage is sized to run what is needed in the event of a power outage. **Mr. McDermott** confirmed that it is and provided further details regarding operation of the generator and its use of propane. **Councilor Hardy** asked if the house is already built. **Mr. McDermott** stated that it is under construction. **Councilor Hardy** asked if the property at #133 Coles Island Road is already constructed. **Mr. McDermott** stated that he does not know. All of these properties are owned by a trust and the only one he can speak to is #135. **Councilor Hardy** asked if the permit is only going to be applied to #135 and not the abutting properties. **Mr. McDermott** stated he has no intention of doing this for surrounding properties or making it usable by surrounding properties. **Councilor Hardy** stated that she wants to make sure the other properties would not tap into this propane.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent, to recommend to the City Council to Grant a License under the Code of Ordinances, Sec. 8-1 and MGL c. 148, §13 for storage of flammables at 135 Coles Island Road, owner, Islands End Realty Trust, specifically to store 2,400 gallons of propane in three 1,000 water gallon capacity underground containers with the following condition that said three 1,000 water gallon capacity underground containers be used for the exclusive use of 135 Coles Island Road.

MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent, to recommend to the City Council to ADVERTISE FOR PUBLIC HEARING to Grant a License under the Code of Ordinances, Sec. 8-1 and MGL c. 148, §13 for storage of flammables at 135 Coles Island Road, owner, Islands End Realty Trust, specifically to store 2,400 gallons of propane in three 1,000 water gallon capacity underground containers.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:04 PM.

Respectfully submitted,
Jaimie Corliss
Principal Clerk

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- None.