

Special Joint City Council and School Committee Meeting Minutes

Wednesday, August 24, 2011
Kyrouz Auditorium – City Hall
7:00 p.m.

City Council Members Present

Jacqueline Hardy, President
Sefatia Romeo Theken, Vice President (*7:16 arrival*)
Robert Whynott
Greg Verga
Steve Curcuru
Joseph Ciolino
Paul McGearry
Bruce Tobey
Ann Mulcahey

School Committee Members Present

Val Gilman, Chairperson
Melissa Teixeira, Vice Chairperson
Kathleen Clancy, Secretary
Michelle Sweet
Mayor Carolyn Kirk

City and School Administration Present

Linda Lowe, City Clerk
Kenny Costa, Auditor
Dr. Richard Safier, Superintendent
Brian Tarr, Assistant Superintendent
Tom Markham, CFO

Recorded by Cape Ann TV

CALL TO ORDER

President Hardy called the meeting to order at 7:06 p.m.

FLAG SALUTE & MOMENT OF SILENCE

1. Nonbinding Advisory Ballot Question Re: Future Use of Fuller School

President Hardy read the order that was filed with the City Council on July 26, 2011 by her and Councilor Greg Verga, as follows:

ORDERED: That in accordance with charter section 9-7, we hereby propose the following nonbinding advisory question to determine voter sentiment, said question to be placed on the November 8, 2011 general election municipal ballot on the issue of, “Shall the Fuller School be reused to consolidate city government?”

Councilor Verga stated the purpose of the ballot question and recognized that the language of the question is simplified. He thinks this question has to be asked because he is not convinced that it was answered at the listening posts. He recognized that it is a moot point if the School Committee determines that they need the school and acknowledged that people are wondering why the question is being asked before the School Committee determines what it wants to do

with Fuller. However, he thinks it is fair to put this question out to the public to get some guidance and then determine which direction to go in. He believes that to do anything else would be premature and could be the wrong choice.

Councilor Ciolino believes that we should not be thinking about doing a survey or putting a question on the ballot until the School Committee decides to surplus Fuller School. This is a more complicated issue than one that can be put on a ballot. It's not a simple yes or no question. He suggested that some kind of questionnaire or survey go out with the billing or be put in the Times. The questions can be finessed so people realize that moving city hall has a lot of after-effects, one of which is the cost. Fuller was built as a school, not an office building, and it needs a new roof, windows, heating system, air conditioning and electrical system. There may also be an issue with asbestos once the walls start coming down. He believes that a summary of these facts should go out with the questionnaire to see if the public is willing to pay for it. He also expressed concern that if the police station, fire station and city hall are moved to Fuller School, we would be filling one building and emptying three.

Ms. Teixeira appreciates the efforts the city is making to move forward with local government and the Fuller School. However, she is concerned about space in the elementary schools. As we move forward, decisions will have to be made about redistricting or combining schools or supporting the current neighborhood schools. She would need to hear from the city about its commitment to keep the neighborhood schools funded going forward if the School Committee declares Fuller School as surplus so we can properly educate our children in the space they need to be in. As a taxpayer, she is also concerned that the question may be limited in scope by putting it on the ballot and that there is not much opportunity for others to provide their suggestion on how Fuller School should be used. She thinks it's absolutely necessary that we hear from the community about where they want local government and how they would like to see Fuller School used. She has not heard a general consensus in the community that it should be used for city government. She would like the other ideas she has heard to be captured somehow, which would come in a survey as opposed to a ballot question.

Councilor Whynott commended President Hardy and Councilor Verga for putting this order through because he has heard from many people all over the city that they would like to have city government in one place at Fuller School. He reiterated that this is only an advisory question and reminded everyone that Sara Garcia made a presentation indicating that the proposed costs of the downtown campus are more than using Fuller School. He also stated that some of the downtown buildings are not handicapped accessible. He recommended that everyone look at Ipswich Town Hall, which was converted from a school. He agreed that the School Committee would have veto power over the question, but he would like to get the question out there to the public.

Mrs. Sweet expressed concern that the community will pressure the School Committee into surplus Fuller School if this question is put on the ballot. She believes this will be unfair because the School Committee needs to decide what to do with the school. She believes it is premature to put the question on the ballot before the School Committee knows what the impact of the charter school is going to be and before we know if we're going to be keeping our

neighborhood schools open. She would like to hear from the community about how they would like to see their schools (i.e. neighborhood schools, combined school at Fuller), and one ballot question would not be enough. There would have to be another question on the ballot about the schools and how the community wants to see the school district in the future. She does not want added pressure on the School Committee to make a quick decision about Fuller.

Councilor Tobey stated that there is precedent for the straw poll approach where Q&A is done through a mailing in the water and sewer bill. This poll got a dialog going, but fewer than 2,000 responses were received. He thinks a ballot question would get much more input and if properly coordinated could be accompanied by the kind of dialog that needs to occur so people understand the considerations on both sides of the options that might be on it. He stated that the city clerk's sense was that a multiple choice ballot question could be allowed. He agreed that nothing can happen until the School Committee surpluses Fuller School and would like to hear from Dr. Safier as to the earliest possible time that might occur.

Dr. Safier stated that the timing has to do with the development of plans and the budget process itself and what can be done to ensure that the School Department has adequate resources to either preserve the existing configuration of the schools or reconfigure them. At this time, he would have to recommend to the School Committee that Fuller School not be determined as surplus because of the concerns regarding the FY13 budget and the ability to ensure that there will be stability for the current school configuration. He reminded everyone of the reductions made to the FY12 budget and projected that in FY13, the budget would need to be increased by \$1 to \$1.5 million for a level service budget. A transfer of Chapter 70 funding from GPS to the charter school also needs to be anticipated, which would be another \$1.5 million for 165 students. If the city has to set a level funded budget for the schools for a third consecutive year, we are looking at a shortfall of between \$2.5 and \$3 million. Each of these scenarios challenges the sustainability of our current situation and may require the School Committee to look at alternatives. Submitting a nonbinding referendum that does not take these anticipated stresses into account will create some difficulty.

Councilor Tobey also stated that the timing concern has been triggered to some extent by the city's current relationship with MassDevelopment on a study being conducted for potential commercial use of Fuller. He asked Mayor Kirk what timetable that triggers, if any. Mayor Kirk indicated that the MassDevelopment work is advisory and nonbinding. It is technical assistance that is being provided to the city to prepare some scenarios, one of which is a joint fire/police station at the Fuller School site. They are using some architects who have designed those types of facilities to understand the footprint that would be required. There will be some real data and some firm estimates coming out of that, which will be helpful in decision-making going forward. They are also looking at adaptive reuse of the building (i.e. YMCA), to what extent commercial development could be a part of the scenario, and what kind of revenue might be driven from that. MassDevelopment will present a report on those scenarios, which she believes will be ready in October/November, and then the city will ask MassDevelopment to come to a joint meeting of the City Council and School Committee to review the information.

Councilor McGeary believes that a ballot question is premature at this time. It is largely a hypothetical until we know more about what options are available, and he believes it runs the risk of being seen as marching orders as opposed to just being a gathering of opinion. He thinks that something needs to be done with Fuller School, but he takes Dr. Safier's point that the School Committee cannot give it up given the kind of difficult budget situations that we are in this year and likely to face in future years. He thinks that to go to the public with this question is premature and could lead to misinterpretation and misunderstanding. However, once we have some real alternatives on the table, he would like to have public input into that process, and a referendum would be an appropriate tool once we know what the options are. Therefore, he is opposed at this time but would be in favor of it when the plans are complete.

Chairperson Gilman agrees with Councilor McGeary in terms of the timing. She stated that Interim Superintendent Connelly worked hard to find someone to lease Fuller School and was not successful. In the meantime, the building is getting old and there are leaks everywhere, so it is going to need a lot of repairs depending on what is going to be done with it. She believes that the School Committee is committed to the idea of neighborhood schools, and she is grateful that the City Council and the Mayor's office pushed ahead to get new roofs on four of the five elementary schools as well as O'Maley this year. She thanked Councilor McGeary for initiating that project and the whole council for supporting it. Her goal is to be able to sustain what the Plan for Effective Learning Communities did. She is also concerned about the space issue in the elementary schools and the fact that there is no room in any of them to consolidate. The School Committee doesn't want to be an obstacle to moving forward and finding revenue to make the city better and to take advantage of whatever the community wants to do. However, we have some huge challenges ahead of us. We want nicer buildings and more convenience and opportunities that will generate revenue so we can possibly look at schools that need a complete refurbishing. New schools are what bring families into the community and what make a community exciting. In terms of timing, she likes the idea of a vote better than a survey, but she thinks this year is too soon because we need to determine how we're going to come up with the support for the schools. We have an obligation to our 3,200 students to give them a great education, and there are some big challenges that lie ahead.

Councilor Romeo Theken indicated that there a lot of questions in the community and people are telling her they were not asked for their input. She believes everyone should have input on this matter. She wonders why the vocational students aren't fixing up the schools. She stated that the Cape Ann Medical Center was willing to convert that building to a school, and the charter school was willing to pay for it. Yet, the School Committee said no. Aren't those children our children, too? Don't they have an input? She believes we should start with a survey or a poll. If the School Committee is asking the City Council not to do a ballot question because they can't surplus the Fuller School right now, we should respect that. We should also look at what will be done with the empty buildings.

Kathy Clancy believes that this community is long overdue for investment in infrastructure across every spectrum. She also reminded the City Council that the West Parish project was discussed about a year ago and the fact that the MSBA had approved the project and would pay for half of it. Projected enrollment was discussed and the fact that there is no space in our existing neighborhood schools for music rooms, art rooms, etc. There are computers in libraries

and special ed kids being serviced in places that are not ideal. She reminded everyone that there is still funding available for that project and that it would alleviate some of the schools' space issues. This discussion is part of a much bigger picture, and she's not sure how you ask the community to pay for a consolidated City Hall as well as a new school. However, the schools do need investment in different places, and West Parish is clearly a building that is not safe. She wants people to think through how a debt exclusion would work in terms of priorities. With respect to the question on the ballot being a very simple question, the wording of the question is very important. Otherwise, you get nothing back that you can do anything with. She believes people need to have some information on the sequence of events and the cost implications and what we're going to ask them for later. She would like to ensure that the numbers come into play when people are asked what they want.

Councilor Mulcahey feels that it is too soon to put this question on the ballot. She believes we should look at the numbers when it comes to repairing one or two smaller schools when you could close them and put that money into a larger school and use it for a lot of other things. We have gotten figures of \$500,000 just to look at West Parish School. If you have somebody that really needs work, you can save a lot of money putting them to work refurbishing Fuller School with our vocational education students. She is also concerned about children walking to school. Even if the administration wanted the police/fire station at Fuller, they would have a completely separate facility which has nothing to do with the building itself, and all the city offices could go into the building. There are so many scenarios, and right now it's just too early to put this on a ballot.

Mayor Kirk stated that the administration opposes a simple yes or no question on the ballot. The danger of oversimplification is that there may be a misinterpretation of the result which could set the city on a bad course. One of the suggestions she has heard is to close the elementary schools and put all of those students at Fuller School. However, there are 1,500 elementary school students, and the capacity at Fuller School is about 700. So, that would mean closing only two schools and putting the School Committee in the position of deciding which schools to close. In addition, we are spending \$3 million (matched by MSBA) on four elementary school roofs. If those schools are closed and the properties are surplus, that money has to be given back. She believes a survey instrument would give us the opportunity to give some explanation. A ballot question is too limiting and is a danger for the city because of the magnitude of decisions that will be required and the course that will be set.

Councilor Curcuru thinks the start of this discussion is encouraging, but he agrees that we're not ready for this ballot question. We have to wait to see if the charter school is going to continue and whether it will be part of this process. He is also concerned about what will happen to city hall if government offices are moved to Fuller School. He thinks the dialog should continue, but he does not believe it is a good time to put the question on the ballot at this point.

At President Hardy's request, Mayor Kirk indicated that MassDevelopment was asked to construct a master plan for the 13-acre Fuller School parcel. The School Committee indicated that part of that acreage could be used for a joint police/fire station, and the YMCA expressed

interest in the building itself. MassDevelopment was asked to look at some various real estate development scenarios because if Fuller School were to become a 13-acre municipal campus, it would generate all expense and no revenue. The report is due in late October/early November.

President Hardy reminded everyone that this item is going back to Planning & Development on September 7, 2011. She requested that the Mayor have MassDevelopment explore the question of whether or not Fuller School can be made a municipal campus and keep the auditorium free. The Mayor stated that this may have to be a Phase II type of study and that she will need at least a week to work it through.

Councilor Romeo Theken stated that the main focus of the people with whom she has spoken is the wonderful auditorium at Fuller School. Mayor Kirk indicated that MassDevelopment will be looking at adaptive reuse of the building and that we will know more as the feasibility is understood. Councilor Romeo Theken then asked if the School Committee is prepared to put out a survey to keep the momentum going and to find out what people want. Chairperson Gilman indicated that the School Committee started the process with its recent survey in which it asked the community their thoughts on theme schools as opposed to neighborhood schools. She believes with Dr. Safier's leadership, they could look into polling the school community. They are currently working to get everyone's email addresses in order to have an easy way to do surveys in the future.

2. MA Taxpayers Chapter 70 Lawsuit

Chairperson Gilman reviewed the Tax Reform for Education project, a taxpayers' lawsuit that has been generated by the communities of Manchester, Essex, Hamilton, Wenham, and Swampscott. They are looking for \$10,000 per community to join the lawsuit, which is not about adequacy but rather that Chapter 70 funding burdens taxpayers so disproportionately that the system is unconstitutional. Their hope is that even filing this lawsuit might prompt the legislature to act accordingly. Chairperson Gilman indicated that Attorney Michael Weisman is leading this effort. He was involved with the 1993 landmark decision *McDuffy vs. Secretary*, which held that the Commonwealth has the duty to provide all public school students with quality education. This victory is the reason why the Mass. Ed Reform Act of 1993 was passed. Chairperson Gilman stated that Chapter 70 is not fair to cities like Gloucester with big beautiful homes that make our community look richer. The question of whether the group can ask municipal governments to give them money if it is a taxpayer lawsuit is still being discussed. Chairperson Gilman would like to know how the group feels about this project and where they would like to go with it.

Councilor Tobey has discussed this issue with the Mayor and with general counsel. He is concerned about the propriety of the city contributing to a taxpayer suit. He would like to see that question explored in depth, and he would welcome a workshop to do that. More importantly, he has absolutely no faith in Beacon Hill to engage this matter and fix it in ways that are going to change the existing formula. He believes the legislative process will go on and on, and the result will be a tweaking that serves the big city interests where the hearts of legislative delegation counts lie. Therefore, in order for him to support this project, there must

be a stated goal that would be the object of injunctive relief from a judge if a finding of unconstitutionality entered. If the lawsuit does not specify the formula that fixes the problem, the lawsuit, in his opinion, is a waste of time and money.

Ms. Teixeira shares Councilor Tobey's concerns, and she is also concerned about the cost of litigation. The group is asking for \$10,000 now. However, she believes it would require a much larger investment to keep the lawsuit going. We would need to determine how much of the litigation we would be responsible for down the road should we choose to join this suit. She also indicated that she does not have faith in any change happening right now.

Kathy Clancy noted that the funding does not get changed unless the state is sued, which is unfortunate. She would recommend voting to support the lawsuit but not having to pay to fund it (i.e. we are a community that thinks Chapter 70 needs fixing, and we think the lawsuit is a good way to go.) She is not sure we have to necessarily have money in it to publicly support the effort if we feel that it is warranted.

Mayor Kirk stated that the city is not in a position to ask department heads to cut their budgets in order to come up with \$10,000 right now, given some of the new liabilities that have already occurred this fiscal year. **Councilor Romeo Theken** recommended supporting the project in a joint letter from the School Committee, City Council and administration. Once the state sees that the lawsuit has so much support, maybe it will be a wakeup call for them.

Chairperson Gilman recommended that she and President Hardy draft a possible position of support of the lawsuit without financial contribution to be brought back to their respective committees and possibly have the group come in to do a workshop to learn more without committing funds.

With respect to the ballot question, President Hardy clarified that advisory questions can only be placed on a municipal ballot. Therefore, it must be either this year or two years from now. If the School Committee is interested in having their own nonbinding advisory ballot question, they should get the language together and submit it to the City Clerk no later than the end of September.

ADJOURNMENT

On a motion by Ms. Teixeira, seconded by Mrs. Sweet, it was unanimously voted to adjourn the Special Joint City Council and School Committee Meeting of August 24, 2011 at 8:16 p.m.

On a motion by Councilor Curcuru, seconded by Councilor Mulcahey, it was unanimously voted to adjourn the Special Joint City Council and School Committee Meeting of August 24, 2011 at 8:16 p.m.

All reference documents and reports are filed in the Superintendent's office.

Maria Puglisi, School Committee Recording Secretary