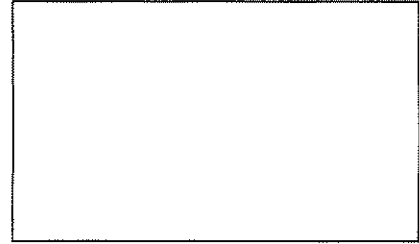




**GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS
SPECIAL CITY COUNCIL
TUESDAY, JUNE 7, 2011
6:00 P.M.
1st Floor Council Conference Room, City Hall
SCM2011-006**



AGENDA

1. Administration's Presentation re: City Auditor's Report on Ambulance Service Revenue (cont'd from 5/24/11 & 05/31/11 CC Meetings)
2. Memorandum from Mayor Kirk re: Council Request for Plan to Fund a Minimum of 14 Person Fire Dept
3. Discussion and Council Vote to override Mayor's Veto of City Council Vote of May 24, 2011 re: Plan to Fund a Minimum of 14 Person Fire Dept
4. Update from Mayor re: Health Insurance Cost Savings Proposal (**under separate cover**)
5. Council Discussion re: inclusion /restoration of FT Assistant City Auditor position, salary and benefits to the FY2012 Budget
6. Council Discussion and Motions related to FY2012 Budget
7. **FOR COUNCIL VOTE**
Motion to Rescind the City Council vote of May 31, 2011 re: appropriation of up to \$10,000 from the General Fund Unreserved Fund Balance (free cash) for the purpose of the purchase of computer tablets
8. Council Discussion of appropriations from "Free Cash" balances
9. Council Discussion on FY2012 Budget Status

ROLL CALL: Councillor Joe Ciolino

Linda T. Lowe, City Clerk

NEXT REGULAR CITY COUNCIL MEETING, June 14, 2011

NOTE: The Council President may rearrange the Order of Business in the interest of public convenience.

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

do this resolution for the Fort. The Mayor is proposing to appropriate \$42,000 to do Phase 2 of this evaluation. She's asking the Council to appropriate some of these funds from Free Cash. She would support the funds being used for this to support the Fort so they know where they are going. They need someone to help them through this. The study does need to be done, and it is money well spent. If it fails she will encourage the Mayor to look for funds from other sources. Upon request by the Council, **Ms. Lowe** noted the Charter's Section 2-5B states that the affirmative vote of the full majority of the full Council shall be necessary to adopt any appropriation order.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 4 in favor, 4 (Verga, Whynott, Ciolino, Theken) opposed to appropriate \$19,793.00 (Nineteen Thousand Seven Hundred Dollars) from the General Fund Unreserved Fund Balance also known as "Free Cash" for the purpose of developing a master plan for the Fort Neighborhood Project. The \$19,793.00 will be appropriated to Unifund Account #101000.10.121.52000.0000.00.000.00.052 – Mayor, Contractual Services.

MOTION FAILS.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken voted 6 in favor, 2 (Tobey, Curcuru) opposed to refer the matter of free cash of \$19,793.00 to Budget & Finance in order to reconsider the use of the funds.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed recommended to the full City Council that the report of the City Auditor on potential lost Ambulance Service revenue be referred to the Administration for a report and presentation at the next regularly scheduled Council meeting of a plan to fund minimum of 14 person Fire Department staffing and such plan is to be based on historical overtime wages over the past 12 months.

Discussion:

Jim Duggan, CAO stated the CFO, Jeff Towne and himself made clear at the B&F meeting that they would not prepared for this meeting. They would review the [Certificate of] vote when it comes into the Mayor's office and when the Certificate of Vote comes to the Mayor's office they will forward that way. **Councilor Tobey** opined that if they allow this to proceed with paramedics not being brought back on an over time basis, no matter whose analysis is relied upon, the City will lose money through the balance of this fiscal year. Is the Administration concerned about that; this Administration is focused on generating free cash. **Mr. Duggan** stated there was a vote before them and reiterated the Certificate of Vote will come to the Mayor's office; they will examine the vote and have a response that way. He wished not to be placed in a corner of whether the Administration cared about revenues or public safety. "Of course they do", as did the Council. **Councilor Tobey** stated this wasn't about him or the Administration being in a corner; it is about the extent to which this City government will be responsible to make the benchmark revenues for the FY11 budget; and one was a certain amount of revenue to be made by the ambulance service operation. Under all three analyses, this stand of the Administration will cause a loss of net revenue. He thought standing behind a Certificate of Vote rather than working with the Council or committing to the public that the two paramedics will be brought back is the only responsible course to take; and expressed he was "flabbergasted". **Councilor McGeary** was disappointed with the Administration's response. Their next meeting is June 14th. He assumed this is a tactic to squash the proposal and believed it would have been easy to come up with the kind of the notice they had. They're saying they don't want to do this. He thought to be able to maintain ambulance service at the level they have and not lose money is key. He questioned if it was wise to do what they are doing. **Councilor Theken** recalled that this happened before. **Councilor Tobey** stated the reason they don't have to do an extraordinary council request to bring the paramedics on overtime is because the appropriation is already

there; the Administration is not choosing to do anything. **Councilor Theken** suggested they give the money back from Free Cash then. **Councilor Tobey** received a text from a constituent asking how many times can they let the Administration do this. **Councilor Hardy** asked if they called a special meeting the following week before their public hearing. **Mr. Duggan** could not commit to that. **Councilor Tobey** asked that there be a motion to compel the Mayor to use the funds for the Ambulance Service to return paramedics; further, why did the Administration need a Certificate of Vote to proceed.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the City Council is to call a Special City Council meeting for May 31, 2011 at 6:30 p.m. in Kyrouz Auditorium to hear the Administration presentation of the report of the City Auditor on potential lost Ambulance Service revenue be referred to the Administration for a report and presentation at the next regularly scheduled Council meeting of a plan to fund minimum of 14 person Fire Department staffing and such plan is to be based on historical overtime wages over the past 12 months.

Note: The Main Motion was Tabled by unanimous consent of the Council for discussion as to whether it was appropriate to vote the matter at this time and then they Brought the B&F motion Back to the Table for a Council vote.

Councilor Hardy explained she had would abstain from voting the Fire Department matters in these instances under MGL Ethics Law, c.268A as she has a brother who is a Gloucester firefighter. **Councilor McGeary** expressed this motion calls for the Administration to present a plan and not to say they are thinking about it.

MOTION: On motion by Councilor McGeary, seconded by Councilor Theken, the City Council voted 7 in favor, 0 opposed, 1 (Hardy) Abstention that the report of the City Auditor on potential lost Ambulance Service revenue be referred to the Administration for a report and presentation at the next scheduled Council meeting of a plan to fund minimum of 14 person Fire Department staffing and such plan is to be based on historical overtime wages over the past 12 months; and therefore, it is to be placed on a Special City Council Agenda for May 31, 2011 to convene at 6:30 p.m.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed recommended to the full City Council that as part of the preparation of the FY12 budget, representatives of the Administration, the City Auditor, the Fire Department and an outside consultant prepare and make recommendations for maintaining ambulance service so as to maximize available revenue for FY12.

Councilor Curcuru expressed at the May 19th B&F meeting there was a round-table discussion on this matter; and because no one could make a legitimate decision at this point, they agreed that a consultant should come in and draw the conclusions.

Councilor McGeary noted this is to maximize revenue to provide top-flight ambulance service. They felt at B&F they need someone to crunch the numbers in a realistic way.

Councilor Theken asked if they looked at who is going to constitute this group.

Councilor Curcuru noted this would be a joint effort.

Councilor Tobey asked for a recess so that they can draft a concise list of who those representatives would be.

The City Council recessed at 8:35 p.m.

The City Council reconvened at 8:43 p.m.

Councilor Curcuru stated for the record that consensus was reached amongst the Council, the Administration and the Fire Department for the list of representatives. They are: Sander Schultz, EMS

SPECIAL GLOUCESTER CITY COUNCIL MEETING

Tuesday, May 31, 2011

6:30 p.m. – Kyrouz Auditorium – City Hall

Special Council Meeting – 2011-004

-Minutes-

Present: President, Councilor Jacqueline Hardy; Vice President, Councilor Sefatia Theken; Councilor Steven Curcuru; Councilor Paul McGeary; Councilor Joseph Ciolino; Councilor Robert Whynot; Councilor Greg Verga; Councilor Anne Mulcahey

Absent: Councilor Tobey

Also Present: Linda T. Lowe, Jim Duggan;

The meeting was called to order at 6:38 p.m.

Flag Salute and Moment of Silence.

City Council Special Meeting Agenda:

Presentation:

1 of 1: Administration re: City Auditor's Report on Ambulance Service Revenues

Councilor Hardy invited Jim Duggan, CAO to the podium asking if he wished to address the City Council on the matter of the City Auditor's Report on the Ambulance Service Revenues continued to this meeting.

Jim Duggan, CAO stated that there would not be a presentation by the Administration this evening on ambulance revenue. They are still examining the City Auditor's report and what options they have going forward.

Mr. Duggan in response to **Councilor Hardy** inquiry as to when the Administration would be ready with their report, stated at present before the Mayor is the Certificate of Vote which can either be accepted or vetoed. They are still examining both of those options.

Councilor McGeary stated in effect whether the Mayor vetoes this or not this is "squelching" the matter for FY11.

Mr. Duggan would not commit to saying they are "squelching".

The Councilor continued saying the earliest this matter could come forward is now June 14th and left two weeks in the fiscal year and left two weeks for the Council to vote on it. But he reiterated, didn't Mr. Duggan think they were "squelching" the matter for the fiscal year.

Mr. Duggan responded he "would not say that".

Councilor Theken asked what could the Council do.

Councilor Hardy stated it is the Mayor's right under the Charter (§3-9) to hold the Certificate of Vote for 10 days whether the Council believes it to be fair or not. She inquired if any of the Council would wish to call a Special City Council Meeting to get this taken care of earlier as it is a matter of a few short weeks.

Councilor McGeary proposed a motion, which was seconded by Councilor Theken, that the City Council direct the Auditor as soon as the fiscal year is completed to make a report on the turfed ambulance calls assigned out of the Fire Department during the last three months of FY11. The Councilor felt it was important to know that information of how many ambulance calls were turfed during the last quarter of FY11 and to compare it with years past to see whether or how much revenue was "left on the table" by the failure of the Administration to act.

Councilor Verga expressed discouragement that the Council found itself in this position. It appeared to him someone was 'playing games'. He felt it was sad that an issue such as this should be politicized. There had been ample time and to come up with something that is agreeable. This was a simple request. There is no other explanation. Meanwhile all the Fire Stations but Central Station are closed.

Councilor Hardy stated that on 6 p.m. June 7th the B&F will meet at that time to review the Fire Department budget. She suggested the Council could have a Special City Council meeting prior to that meeting on or around 5:30 p.m.; and would there be any interest on the Council's part. She then asked Mr. Duggan if they would have their report done by June 7th.

Mr. Duggan stated he would examine that request "without committing to it".

After a discussion on procedure, Councilors Theken and Verga acknowledged their availability for the proposed Special Council Meeting.

Councilor Curcuru stated that the Administration is not here to make their presentation as requested by the Council; and it was his opinion they had ample time to make their response. He then offered a motion to continue the matter to the next regularly scheduled meeting of the City Council.

Councilor Theken felt they were discouraged that it was not if money wasn't there; in fact there is money there. In the meantime the money is going to go over (to the next fiscal year). They did lose. Regardless, services are depleted because they don't know what will happen. She expressed that she felt badly for those in Ward 4 and Ward 5 with their outlying stations closed. The Councilor acknowledged every minute counts in an emergency and still felt the City has the best ambulance service.

MOTION: On motion by Councilor McGeary, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed to direct the City Auditor to make a report as soon as the fiscal year is completed on the turfed ambulance calls assigned out of the Fire Department during the last three months of the fiscal year 2011.

MOTION: On motion by Councilor Hardy, seconded by Councilor Curcuru, the City Council voted 8 in favor, 0 opposed to continue this matter to Tuesday, June 7, 2011 at a Special City Council meeting [time to be confirmed].

Mayor's Report:

1. Request from School Committee for Council Support and Vote re: Charter Funding Resolution

(Refer B&F)

Councilor Hardy explained that the City Council has received a request forwarded by the Mayor from the School Committee for their consideration of a resolution which was adopted by a 6-0 vote of the School Committee at its meeting of May 25, 2011 and this is to refer the matter to B&F.

By unanimous consent, the City Council voted the matter of the School Committee resolution regarding Charter School funding by the State to the Budget & Finance Committee meeting.

City Council Unanimous Consent Calendar:

Memorandum from Larry Durkin, Environmental Engineer, requesting a loan authorization of \$4,500,000 to fund the first year of the Phase 3 Public Water System Upgrades

By unanimous consent the Memorandum from Larry Durkin, Environmental Engineer, requesting a loan authorization of \$4,500,000 to fund the first year of the Phase 3 Public Water System Upgrades was referred to the Budget & Finance Committee.

FOR COUNCIL VOTE:

- 1. Essex North Shore Agriculture & Technical School District By-Laws, Vote to authorize borrowing for New District High School Project and School Financing Plan**

**This was handled at the Special B&F meeting and no action is required of the Council.
This matter is closed.**

Councilor Hardy explained that while the minutes from the just concluded Special B&F meeting were not yet available, several motions were made that can come forward from that meeting regarding the appropriation of "free cash".

MOTION: On motion by Councilor Curcuru, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to appropriate up to \$10,000 (Ten Thousand Dollars) from the General Fund

City Hall
Nine Dale Ave
Gloucester, MA 01930



TEL 978-281-9700
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ckirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

CITY CLERK
GLOUCESTER, MA
11 JUN -2 PM 3:35

MEMORANDUM

TO: City Council
FR: Mayor Kirk
RE: Council Request for Plan to Fund a Minimum of 14 Person Fire Dept.
DT: June 1, 2011

Dear Members of the City Council,

As per the City Charter provision Section 3-9, I return to you the City Council vote taken on Tuesday, May 24, 2011 "that the report of the City Auditor on potential lost Ambulance Service revenue be referred to the Administration for a report and presentation at the next scheduled Council meeting of a plan to fund a minimum of 14 person Fire Department staffing and such plan is to be based on historical overtime wages over the past 12 months, and therefore this report and presentation of a plan is to be placed on a Special City Council Meeting Agenda for May 31, 2011 to convene at 6:30pm."

The Administration's objections to the above referenced vote include the following reasons:

1. A Stipulation of Dismissal (copy attached) was filed in the Essex Superior Court by Local 762, International Association of Firefighters, and the City of Gloucester pertaining to a dispute over the FY11 budget. It states in part:

"The City of Gloucester, through its mayor, agrees to submit an appropriation request for \$200,000 in the salary wage overtime account and Local 762 agrees that this amount adequately funds the contractual staffing obligation under the collective bargaining agreement."

The Council then in good faith approved the appropriation request in June 2010 thus setting forth the fiscal year budget for FY11 under which we are currently operating. The Administration submits to you that the FY11 budget is an agreed upon plan, approved by the Council and the Firefighters Union, and no further plan as requested is necessary.

2. It is recognized that there ceased to be overtime funding in FY11 by March 27, 2011. NOTE: This is prior to the date of the lay-off of two paramedics. However, the Administration's position is that this is not due to a lack of a plan for fulfilling our contractual obligations (see number 1 above), rather it is due to the fact that the Fire Chief has limited authority in controlling the number of personnel absent on any given shift. To put this challenge in perspective, we offer the following statistics:

June 1, 2011

- From June 12, 2010 to May 31, 2011 there were 700 firefighter shifts. Only 5% of the time, all the firefighters the city employs reported for duty. 95% of the time, there was at least one absence and there are many occasions when only a third of those we employ actually report to duty.
- The overall absenteeism rate is 21% across this same time period. There appears to be seasonal fluctuation resulting in months when the absenteeism rate hits a high of 30% but never lower than 24% as was the case in January of 2011.

Liberal leave clauses have been negotiated by prior administrations along with the surrender of management rights over discretionary leave. We are seeking to resolve this issue through collective bargaining, and the Administration believes that the above referenced Council action undermines the Administration's attempts in negotiations. We remind the Council that under MGL Chapter 150E, the Mayor is the employer and negotiates all contracts. I respectfully request that you cease all interference in the administration's efforts in collective bargaining.

For these two reasons, the Administration has vetoed the Council's request, and I respectfully ask the Council to uphold this veto.

Thank you.

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT DEPARTMENT
DOCKET NO. ESCV2010-01249

LOCAL 762, INTERNATIONAL ASSOCIATION OF)
FIRE FIGHTERS, AFL-CIO,)
Plaintiff)
v.)
CAROLYN KIRK, as she is Mayor of the CITY OF)
GLOUCESTER, and CITY OF GLOUCESTER,)
Defendants)

STIPULATION OF DISMISSAL

The parties file this stipulation of dismissal with prejudice in the above referenced matter on the basis of the following agreement:

The plaintiff, Local 762, International Association of Firefighters, has filed the within matter alleging that the defendant Mayor's FY 2011 proposed budget for the Gloucester Fire Department fails to adequately fund the contractual staffing obligation under the collective bargaining agreement. Plaintiff bases its allegations on testimony of the Gloucester Fire Chief at the City Council budget and finance committee meeting of June 7, 2010 where the Chief noted that his request for payroll overtime was decreased by \$50,000.00 and that the Fire Department had requested \$200,000 to cover station overtime. Accordingly, the City of Gloucester, through its mayor, agrees to submit an appropriation request for \$200,000.00 in the salary wage overtime account and Local 762 agrees that this amount adequately funds the contractual staffing obligation under the collective bargaining agreement.

LOCAL 762, IAFF,
By its attorney,

CITY OF GLOUCESTER
by its attorney,

Joseph Sandulli, BBO# 441140
Bryan Decker, BBO #561247
Sandulli Grace, PC
One State Street, Suite 200
Boston, MA 02109
(617) 523-2500

Suzanne P. Egan, BBO #554627
City of Gloucester
9 Dale Avenue
Gloucester, MA 01930
(978) 281-9727



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2011-089

The Gloucester City Council, at a meeting held on **Tuesday, May 24, 2011** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following actions:

IN CITY COUNCIL:

MOTION: On motion by Councilor McGeary, seconded by Councillor Theken, the City Council voted **BY ROLL CALL 7** in favor, 1 (Hardy) abstained, that the report of the City Auditor on potential lost Ambulance Service revenue be referred to the Administration for a report and presentation at the next scheduled Council meeting of a plan to fund a minimum of 14 person Fire Department staffing and such plan is to be based on historical overtime wages over the past 12 months ; and therefore this report and presentation of a plan is to be placed on a Special City Council Meeting agenda for May 31, 2011 to convene at 6:30 p.m.

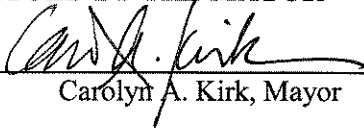
Linda T. Lowe, City Clerk

Date: 5/26/11

APPROVED BY THE MAYOR

Carolyn A. Kirk, Mayor

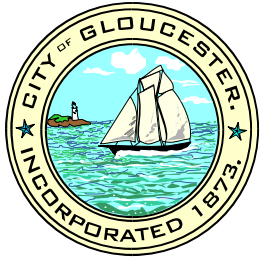
VETOED BY THE MAYOR



Carolyn A. Kirk, Mayor

SIGNED THIS 2 DAY OF June 2011

All Ordinances shall become effective 31 days after passage except:
Emergency Orders and Zoning Amendments shall become Effective the Next Day



**CITY OF GLOUCESTER
FOR COUNCIL VOTE 2011**

**DATE RECEIVED BY COUNCIL: 06/07/11
CONTINUED FROM:
FOR COUNCIL VOTE: 06/07/11**

**Motion to Rescind the City Council vote of May 31, 2011
regarding appropriation of up to \$10,000 from the General Fund Unreserved Fund Balance
(free cash) for the purpose of the purchase of computer tablets**

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council
voted BY ROLL CALL 8 in favor, 0 opposed to appropriate up to \$10,000 (Ten Thousand
Dollars) from the General Fund Unreserved Fund Balance also known as “Free Cash” for the
purpose of the purchase of computer tablets for use by City Councilors for City Council meetings
to be placed in Unifund Account #101000.10.161.58715.0000.00.000.00.058 – City Clerk Computer
Equipment.**