

GLOUCESTER CITY COUNCIL MEETING

Tuesday, May 24, 2011 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Council President Jacqueline Hardy; Vice President, Councilor Sefatia Theken; Councilor Bruce Tobey; Councilor Paul McGeary; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Robert Whynott

Absent: Councilor Mulcahey

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Mary Richardson; Jeff Towne; Mike Hale; Lisa Press; Fire Chief Phil Dench; Deputy Fire Chief Stephen Aiello; Sander Schultz; Phil Bouchie and members of the Gloucester Fire Department; Sarah Garcia

The meeting was called to order at 7: p.m.

Flag Salute and Moment of Silence.

Oral Communications:

Dawn Giamanco, 8-1/2 Burnham Street has a husband works as City custodian. She and a group of citizens were before the Council this evening asking that Mayor Kirk's proposed budget for FY12 in which 76 City employees are to be cut or replaced not be approved by the Council. These employees depend on their health benefits and on the income for their families. She noted the City of Springfield had contracted out their maintenance to a private contractor and now is considering bringing back the maintenance function for the municipal employees. She asked the Council to vote against the layoff of city custodians during the budget review for FY12 (petition received at meeting and on file). **Councilor Hardy** noted in one week's time, on Tuesday, May 31st at 7:00 p.m. in Kyrouz Auditorium there is a public hearing on the FY12 Proposed Budget and that would be an opportunity for her and like-minded citizens to speak at that time on budget matters such as the custodian layoffs.

Presentations:

1 of 1: Senator Bruce Tarr – Update from the Senate

Councilor Hardy introduced State Senator Bruce Tarr.

Sen. Tarr explained that they are preparing to debate for the following day on the proposed FY12 budget for the State. The Senate passed an early local aid resolution that he authored which locked in as a minimum the numbers for local aid, which hold Chapter 70 funds level; which was a 7% cut in unrestricted local aid. The Senator felt it was important municipalities have these numbers before the city's budget takes effect so it can be considered in their deliberations. He suggested that they're trying to find ways to minimize the impact of that local aid reduction. He had authored an amendment, adopted in the House that would take any amount of unspent money at the end of the current fiscal year and backfill that cut of \$65 million. It is not uncommon each year for the State to revert funds to some accounts that don't get spent, and they're suggesting that half of that money, whatever the aggregate amount is, would go back to local aid. He also is putting forward legislation to exempt fuel purchases for motor vehicles from State excise tax. While he felt it wouldn't be a tremendous amount of savings, but it would help municipalities.

The Senator updated them on Senate Bill 1059, a Home Rule Petition to safeguard the community's water resources. Rep. Anne-Ferrante also has been working hard on this bill. They do have a hearing date for the bill of June 1st at the State House before the Joint Committee on Municipalities and Regional Government that will hear the testimony as well as submissions of written testimony. He invited all who wished to and could to participate. He submitted a packet to the Council (received at the meeting and on file) giving information on the hearing for the Home Rule Petition and other legislative matters.

Councilor Hardy thanked Senator and that Rep. Ferrante would appear before the Council soon.

Appointments:

Councilor Theken related that the O&A Committee questioned the appointees to their respective Commissions and Committee on their experience, background, professional affiliations as well as asking them to be familiar with the Open Meeting Laws and to file their proof of having taken the State Ethics Commission test with the City Clerk's office. They were asked also if they had any possible conflicts if they were on another Board, Committee or Commission in the City. The Committee expressed their appreciation at each of the appointees' willingness to step forward and volunteer on behalf of their City and thanked them for their commitment.

Fisheries Commission TTE 02/14/14 Angela Sanfilippo, David Bergeron, Francisco Vito Vitale

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the Appointment of Angela Sanfilippo to the Fisheries Commission, TTE 02/14/2014.

Ms. Sanfilippo introduced herself as the President of the Gloucester Fisherman's Wives Association and was looking forward to working on the Fisheries Commission.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed to appoint Angela Sanfilippo to the Fisheries Commission, TTE 02/14/2014.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the Appointment of David Bergeron to the Fisheries Commission, TTE 02/14/2014.

Mr. Bergeron introduced himself and was looking forward to serving on the Commission.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed to appoint David Bergeron to the Fisheries Commission, TTE 02/14/2014.

Councilor Theken noted that Mr. Vitale was at sea and that they were allowing this under this specific condition not to have to appear before the Council for the confirmation on his appointment. She thanked active fishermen for coming forward to serve on this Commission.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Francesco Paolo Vitale to the Fisheries Commission, TTE 02/14/14.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed to appoint Francesco Paolo Vitale to the Fisheries Commission, TTE 02/14/14.

City Hall Restoration Committee TTE 02/14/14 Craig W. Herrmann

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Craig W. Herrmann to the City Hall Restoration Committee, TTE 02/14/14.

Mr. Herrmann introduced himself as a native of Gloucester, a graduate of the vocational department at Gloucester High School and of the Boston Architectural Center is completing his internship in architecture. He is looking forward to giving back to the City, and that it is important to preserve City Hall.

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey the City Council voted 8 in favor, 0 opposed to appoint Craig W. Herrmann to the City Hall Restoration Committee, TTE 02/14/14.

Councilor Hardy noted that Councilor Mulcahey was absent due to a recent death in her family.

Consent Agenda

- **MAYOR'S REPORT**

1. Special Budgetary Transfer Request (#2011-SBT-36) from Information Services Department (Refer B&F)
2. Special Budgetary Transfer Request (#2011-SBT-37) from Mayor's Office (Refer B&F)
3. Special Budgetary Transfer Request (#2011-SBT-38) from DPW (Refer B&F)
4. Special Budgetary Transfer Request (#2011-SBT-39) from DPW (Refer B&F)
5. Special Budgetary Transfer Request (#2011-SBT-39) from Treasurer/Collector's Office (Refer B&F)
6. Memorandum from CAO re: payment of invoices without a contract for the Green Repair Program (Refer B&F)
7. Memorandum from DPW Director re: request for funding for athletic and recreational facilities (Refer B&F)
8. Memorandum from Police Chief re: grant available from the US Dept. of Justice, Office of Community Oriented Services (Refer B&F)
9. Memorandum from Community Dev. Director re: permission to apply for \$500,000 grant for Newell Stadium Renewal Project (Refer B&F)
10. Memorandum from Community Dev. Director re: permission to apply for grants up to \$190,909 to fund focused recreational Accessibility and public safety improvements to Burnham's Field
11. Memorandum from Community Dev. Director re: City Council acceptance of additional grant funds in the amount of \$30,000 for The Mass in Motion/Get Fit Gloucester Program (Refer B&F)
12. Memorandum from Community Dev. Director re: City Council acceptance of Seaport Bond funds expected to be in the amount Of \$50,000 for the Harbor Plan Implementation (Refer B&F)
13. Memorandum from Community Dev. Director re: City Council acceptance of Seaport Advisory Council grant funding in the Amount of \$700,000 for design and construction of the downtown and waterfront Harborwalk (Refer B&F)
14. Memorandum from Engineering Department re: proposed street naming for Pantry Way (Refer P&D)

- **COMMUNICATIONS/INVITATIONS**

1. Daughters of the American Revolution re: Ceremony Commemorating the 150th Anniversary of the Civil War (Info Only)
2. Relief Association of the Gloucester Fire Department re: Firefighter's memorial Service on June 12, 2011 (Info Only)
3. Communication from Board of Directors of Beth Israel Deaconess Medical Center re: support to City of Gloucester's Resolution of March 22, 2011 (Info Only)
4. Response from General Manager and Rail & Transit Administrator MassDOT to City Council's letter of April 15, 2011 (Info Only)
5. Response from General Manager and Rail & Transit Administrator MassDOT to Newburyport City Councilor Barry Connell Re: Newburyport's letter of March 14, 2011 regarding the Deterioration in Rail Service to North Shore (Info Only)
6. Communication from Senator Tarr to Joint Committee on Municipalities and Regional Government re: Senate Bill 1059 (Info Only)
7. Communication from Executive Director of MMTA re: Ban transport of hazardous materials (File)
8. Massachusetts Cultural Council re: Massachusetts Cultural Districts Information Session June 6, 2011 (Info Only)

- **APPLICATIONS/PETITIONS**

1. SCP2011-003: Dolliver's Neck #9, GZO Sec. 5.5.2 Lowlands (Refer P&D)
2. SCP2011-004: Gloucester Crossing #1 and #341, GZO Sec. 2.3.2(9) Animal Hospital and Sec. 2.3.4(6) Animal Grooming (Refer P&D)

- **COUNCILORS ORDERS**

1. CC2011-024 (Whynott/Ciolino) Request that the Harbor Patrol Boat be named after Patrolman Stephen J. Amaral (Refer O&A)
2. CC2011-025 (Verga) Report on adequacy of public water supply from Fire Chief and DPW Director re: Becker Lane area (FCV 06/14/11)

- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 05/10/11 (Approve/File)
2. Standing Committee Meetings: O&A 05/16/11; P&D 05/18/11; B&F 05/19/11 (under separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda:

By unanimous consent the City Council adopted the Consent Agenda as amended.

Standing Committee Reports:

Councilor Tobey noted they are in receipt of a memo from the Mayor's office on financial issues in the School Department and that it be referred to B&F. It was referred by unanimous consent to the B&F Committee.

Ordinances & Administration: May 16, 2011

Councilor Theken noted there was a ballot question and while the O&A Committee had voted to advertise for public hearing, it is not required. They had already had a public hearing on the ordinance. There has been an on-going discussion about if someone wanted to purchase the City's water supply. A three-pronged approach was taken, the passage of an ordinance, the Home Rule Petition now underway in the legislature, and a ballot question to be placed before the voters at the November 2011 elections.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to place the following question on the November 8, 2011 local election ballot as follows:

Ballot Question

Shall it be unlawful for the mayor and the City Council to sell, lease, transfer or alienate the City of Gloucester's public water systems and/or public water system infrastructure unless two-thirds of the participating voters approve that action through a referendum question.

Councilor Hardy noted this was the language of the ballot question itself. The actual language of the summary she wished to send back to O&A by referral of the City Council. *By unanimous consent of the Council, the matter of the summary language for the ballot question was referred to O&A.*

MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to recommend to the City Council to place the following question on the November 8, 2011 local election ballot as follows:

Ballot Question

Shall it be unlawful for the mayor and the City Council to sell, lease, transfer or alienate the City of Gloucester's public water systems and/or public water system infrastructure unless two-thirds of the participating voters approve that action through a referendum question.

Councilor Tobey stated at the May 16th meeting of O&A, noting the Council did intervene regarding the position of the Assistant City Auditor who was laid off and reinstated her, but that there was an unresolved question of whether the two part-time positions in the City Clerk's office were under the jurisdiction of the Council. In fact, at that at their meeting they had received an opinion from City Solicitor, Suzanne Egan which had been distributed to the Council prior to that meeting (on file), on the dismissal/layoff of two City Clerk employees in which she determined they were not legislative appointments. This matter was discussed with Attorney Egan at that meeting to the satisfaction of the Committee.

Planning & Development: May 18, 2011

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Board of the Friends of Seacoast to hold their 8th Annual Seacoast Seven Road Race on City streets (route as on file with the City Clerk's office) on Saturday, July 16, 2011, starting at 9:00 a.m. with all runners off the City's streets by 1:00 p.m. All routes through the City are to be clearly marked with signage removed off the route by 2:00 p.m. the same day. Certificate of Insurance listing the City of Gloucester as the co-insured, and memorandums of endorsement from the Police Lt. Joseph Aiello and Fire Chief Phil Dench or his designee are to be on file in the City Clerk's office by the close of business July 8, 2011 with the following conditions:

1. That signs will be posted at both ends of Hough Avenue indicating the street is temporarily closed at the start and the finish of the race. The signage will be removed as soon as possible to reopen the roadway to the public;
2. That the race organizers are responsible to see that the Visitor Center restrooms are opened at 6:30 a.m.

Discussion:

Councilor Ciolino explained to the Council that this annual Road Race benefits the Seacoast Nursing & Rehabilitation Center. The organizers have been in discussions with the appropriate people in the Police and Fire Departments. The Police Department approval is on file. The DPW has also confirmed that they will have the Visitor Center restrooms open at the designated time, which is Condition #2 of this motion. The Committee fully endorsed this permit.

Councilor Hardy asked about the date of the submission of documents required for the permit. She asked that this vote be postponed until any outstanding documents were submitted.

By unanimous consent the vote for the Seacoast 7 Road Race was postponed until the next City Council meeting of June 14, 2011.

Budget & Finance: May 19, 2011

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the acceptance of the ambulance billing policy as presented increasing the billing rates from Medicare +120% to +200%.

Discussion:

Councilor Curcuru stated the reasoning behind the +200 came out of an insurer's negotiations with the State, and ultimately that recommendation is that reimbursements be capped at Medicare at +300. Belmont charges Medicare +300 now and Lynn charges at +200. Sander Schultz, Fire Department EMS Coordinator felt Medicare +200 was a reasonable amount now and is being billed by other cities and towns in the State.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to accept the ambulance billing policy as presented increasing the billing rates from Medicare +120% to +200%.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to authorize the write off of \$205,001.24 in uncollectible outstanding ambulance billing.

Discussion:

Councilor Curcuru explained the write off being asked for is for billings that are over 180 days old dated from 02/21/08 to 10/15/10. The last two years they've spoken about becoming more aggressive in recovering funds. Mr. Schultz will review with Mr. Towne the 180 day timeframe to see if it should be extended further.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed to authorize the write off of \$205,001.24 in uncollectible outstanding ambulance billing.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-24) of \$39,520.47 from Sewer Enterprise – Interest/Temp Notes, Unifund Account #600000.10.440.59250.0000.00.000.00.059 to Sewer Ent, Employee Health Insurance, Unifund Account #600000.10.440.51750.0000.00.000.00.051.

Discussion:

Councilor Curcuru explained this transfer is for funds needed for payment of retired sewer employees' health insurance costs. This year they have retirees who should stay in the enterprise funds. This is the first 'crack' at recouping the funds to be charged off appropriately to help the General Fund.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2011-SBT-24) of \$39,520.47 from Sewer Enterprise – Interest/Temp Notes, Unifund Account #600000.10.440.59250.0000.00.000.00.059 to Sewer Ent, Employee Health Insurance, Unifund Account #600000.10.440.51750.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-25) of \$79,128.10 from Water Enterprise, Interest Temp/Notes, Unifund Account #610000.10.450.59250.0000.00.000.00.059 to Water Ent, Employee Health Insurance, Unifund Account #610000.10.450.51750.0000.00.000.00.051.

Discussion:

Councilor Curcuru explained this transfer is for funds needed for payment of retired water employees' health insurance costs relieving the General Fund of this expense.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2011-SBT-25) of \$79,128.10 from Water Enterprise, Interest Temp/Notes, Unifund Account #610000.10.450.59250.0000.00.000.00.059 to Water Ent, Employee Health Insurance, Unifund Account #610000.10.450.51750.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-26) of \$3,408.99 from Water Enterprise, Interest Long-term Debt, Unifund Account #610000.10.450.59150.0000.00.000.00.059 to Water Ent, Employee Health Insurance, Unifund Account #610000.10.450.51750.0000.00.000.00.051.

Discussion:

Councilor Curcuru stated this is related to the same as the motions SBT-24 and -25.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2011-SBT-26) of \$3,408.99 from Water Enterprise, Interest Long-term Debt, Unifund Account #610000.10.450.59150.0000.00.000.00.059 to Water Ent, Employee Health Insurance, Unifund Account #610000.10.450.51750.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-28) of \$20,000 from Treasurer/Collector, Debt Fund, Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Veteran's Services, OB, Unifund Account #101000.10.543.57710.0000.000.000.00.057.

Discussion:

Councilor Curcuru explained the next two motions are to fund Veteran's Services for the remainder of the fiscal year due to case load of more veterans in need.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2011-SBT-28) of \$20,000 from Treasurer/Collector, Debt Fund, Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Veteran's Services, OB, Unifund Account #101000.10.543.57710.0000.000.000.00.057.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-29) of \$10,000 from Treasurer/Collector, Debt Fund, Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Veteran's Services, Medical, Unifund Account #101000.10.543.57720.0000.000.000.00.057.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-29) of \$10,000 from Treasurer/Collector, Debt Fund, Principal, Unifund Account #101000.10.145.59100.0000.00.000.00.059 to Veteran's Services, Medical, Unifund Account #101000.10.543.57720.0000.000.000.00.057.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-30) of \$3,189.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Personnel, Contractual Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052.

Discussion:

Councilor Curcuru explained this transfer is required because the Council moved Personnel Contracted Services to this account during the previous budget process. The account in Personnel is now in a deficit as a result. These funds are to pay for health insurance consultants' invoices.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2011-SBT-30) of \$3,189.00 from Special Reserve, Contractual Services, Unifund Account #101000.10.900.52000.0000.00.000.00.052 to Personnel, Contractual Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-31) of \$7,000.00 from Public Health, Sal/Wages-Perm Position, Unifund Account #101000.10.510.51100.0000.00.000.00.051 to Personnel, Contractual Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052.

Discussion:

Councilor Curcuru informed the Council this transfer is to cover a deficit in the Personnel Contractual Services account.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2011-SBT-31) of \$7,000.00 from Public Health, Sal/Wages-Perm Position, Unifund Account #101000.10.510.51100.0000.00.000.00.051 to Personnel, Contractual Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#2011-SBT-32) of \$1,300.00 from Pensions, Non-Contrib Pensions, Unifund Account #101000.10.911.51870.0000.00.000.00.051 to Personnel, Contractual Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052.

Discussion:

Councilor Curcuru stated this transfer is also for Personnel, Contractual Services.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to transfer (#2011-SBT-32) of \$1,300.00 from Pensions, Non-Contrib Pensions, Unifund Account #101000.10.911.51870.0000.00.000.00.051 to Personnel, Contractual Services, Unifund Account #101000.10.152.52000.0000.00.000.00.052.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council will appropriate \$5,500.00 (Five Thousand Five Hundred Dollars) from the General Fund Unreserved Fund Balance also known as

“Free Cash” for the purpose of replacing, upgrading the audio visual lighting equipment in the Kyrouz Auditorium, City Hall. The \$5,500 will be appropriated to Unifund Account #101000.10.161.52510.0000.00.000.00.052 – City Clerk, Audio Visual Equipment.

Discussion:

Councilor Curcuru stated that these funds are to be used to update audio, visual and lighting for Kyrouz Auditorium.

Councilor Tobey would support this appropriation and that the previous system came out of free cash and is an investment so that the community can be engaged in the process and thought it a useful purpose.

Councilor Whynot asked about the maintenance of this system and if it could be maintained locally so that those costs were contained.

Linda T. Lowe, City Clerk noted they’ve worked with Grant Harris, IT manager from the School Department’s. She got multiple vendors but two did not respond. There was a firm from the State vendor’s list which will meet their expectations. For this money they should have a good solution from a reputable vendor.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to appropriate \$5,500.00 (Five Thousand Five Hundred Dollars) from the General Fund Unreserved Fund Balance also known as “Free Cash” for the purpose of replacing, upgrading the audio visual lighting equipment in the Kyrouz Auditorium, City Hall. The \$5,500.00 will be appropriated to Unifund Account # 101000.10.161.52510.0000.00.000.00.052 – City Clerk, Audio Visual Equipment.

At the request of **Councilor Theken, Kenny Costa**, City Auditor clarified that Free Cash is certified in the fall by the Department of Revenue. It is a complicated calculation which results in the amount available for unreserved “free” cash

Councilor Hardy noted that last November the Mayor kindly offered the Council about \$25,923 in free cash in one time money which was the money they were appropriating at this time.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council will appropriate \$4,500.00 (Four Thousand Five Hundred Dollars) from the General Fund Unreserved Fund Balance also known as “Free Cash” for the purpose of replacing the chairs in the Kyrouz Auditorium, City Hall. The \$4,500.00 will be appropriated to Unifund Account # 101000.10.161.52550.0000.00.000.00.052 – City Clerk, Office Furnishings.

Discussion:

Councilor Ciolino would support this as the chairs are actually dangerous and that the City Council is not the only group that use the chairs, but that the School Committee and many other Committees and Boards use them. **Councilor Tobey** was skeptical at a time when people are being laid off and programmatic quality of services the City offers and borrowing money to pave streets, he could think of much greater needs for these funds. He did not need a new chair and thought this was an unnecessary appropriation at this time. **Councilor Verga** stated when they put their wish list together things were bad and only getting worse. But the timing for this is bad and couldn’t support chairs being replaced right now.

Councilor Theken would not support the motion. **Councilor Hardy** agreed with Councilor Verga although initially supporting the purchase of these chairs. At this time it was not prudent. This money would free up funds for another purpose.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 2 in favor, 6 (Tobey, Verga, Curcuru, Hardy, McGeary, Theken) opposed to appropriate \$4,500.00 (Four Thousand Five Hundred Dollars) from the General Fund Unreserved Fund Balance also known as “Free Cash” for the purpose of replacing the chairs in the

Kyrouz Auditorium, City Hall. The \$4,500.00 will be appropriated to Unifund Account # 101000.10.161.52550.0000.00.000.00.052 – City Clerk, Office Furnishings.

MOTION FAILS.

Councilor McGeary suggested they fold in the funds they would have allocated to the purchase of chairs (\$4,500.00) to the following project which through a brief discussion the Council in general agreed.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council is to appropriate \$15,200.00 (Fifteen Thousand Two 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 \$15,200 will be appropriated to Unifund Account #101000.10.121.52000.0000.00.000.00.052 – Mayor, Contractual Services.

Discussion:

Councilor Tobey was delighted to see this move forward and was very important. The way any “mini-village” issue will be resolved is by all the parties coming to the table and working it through. The Fort has had a difficult recent history with zoning. A collaborative plan can work. Issues that folks thought could never be resolved, like Poles Hill, were resolved by collaborative plans worked through by this very State office and is a valuable investment.

Councilor McGeary would support this motion felt that this is an important use for the money. They need to move on this. This is more than a mediation effort, but a consensus-building effort to get input from all the parties involved and was a good use of the money. He hoped the Mayor would see fit to make up the balance so that they can get the process moving forward.

Councilor Ciolino agreed with Councilors Tobey and McGeary. He disagreed, however, that the \$19,793 should come out of Free Cash but rather it should come from Community Development. They’re laying off firefighter/paramedics, trying to get the library certified and could not see another \$20,000 being spent on a study. He couldn’t support the money coming from free cash with the needs the City has today.

Councilor Theken would agree with Councilor Ciolino. While she agreed they needed a mediator. They need to look at the ambulance serve to hire a consultant and thought the money should go for that and that the Fort mediation should come out of Waterways. This should be for the Fire Department to make sure someone comes in to review their money making ambulance service. She would not support this.

Councilor Curcuru would support this. It is their commitment that they as a Council to what needs to be done in the Fort. They’re putting up their portion, their stake in the game.

Councilor Verga thought mediation was a great idea but agreed with Councilor Theken that the money should come from elsewhere. **Councilor Tobey** noted if the Community Development Department had money around that the money should be spent on full time pay for the Director’s position, which is now only funded 50% by the City so that there is more of a concentration on economic development. Similarly, this money invested in the mediation is economic growth. He hoped this plan would put forward revenue growth. With the Fire Department there has been no decision on a study on the ambulance service by the Council. He expressed concern that an exercise of a Fire Department study is not appropriate. **Councilor Theken** reiterated that this money for the mediation should come from Waterways. She wanted to put the money for something else. **Councilor Ciolino** didn’t think the debate is whether a study should be done on the Fort. They got \$1.5 million from the Seaport Bond money for the Harborwalk. The Waterways Board has about \$500,000 in their account. There are needs but there are avenues of funding, like Community Development. The issue is the money is out there, \$20,000 can be spent someplace else when there are so many needs. They should ask their Community Development Director to look for these funds. **Councilor Whynott** would oppose this; that when the Mayor first asked about this, he informed her he wanted this for only the stakeholders of the Fort involved. **Councilor Hardy** reminded the Council that they motioned for an outside firm to be hired to show the City how to

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

Coordinator: Jim Duggan, CAO, Administration representative: Jeff Towne, CFO as Financial Representative, (non-voting) for the Administration; Kenny Costa, City Auditor; Councilor Sefatia Theken, representing the Council. **Councilor Hardy** asked Councilor Theken if she would accept the role as the Council's representative which she assented to.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted 7 in favor, 0 opposed, 1 (Hardy) Abstention, 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.

Public Hearings:

1. PH2011-022: Amend GCO Chapter 12 "Wetlands"

This public hearing is opened.

Those speaking in favor:

Lisa Press, Conservation Agent explained ConCom is requesting a minor but important change to the City's Wetlands Ordinance to facilitate permits for residents who need to upgrade septic systems that are in areas now prohibited for such uses. They have in recent months started to receive requests for septic upgrades on West Gloucester properties that are not planned for City sewer as scoped in the West Gloucester Land Management Plan (the Daylor Plan). Many of these systems are at low elevations, a number being below elevation 10, which places them in the Area of Critical Environmental Concern to the Great Marsh (ACEC). As the City's Wetlands Ordinance now reads, such upgrades are prohibited within 200 ft. of the Marsh, making it difficult for the Commission to approve an activity which greatly benefits the down gradient marsh without violating its own Ordinance. They don't want failing septic systems next to the Great Marsh (ACEC). Summer, Walker and Concord Street are especially affected. **Stephen Phillips**, ConCom stated the problem has been on-going and in the last year a half-dozen people who live in West Gloucester are caught in a tough position and the Health Department is telling them they have to replace these systems. They don't want to drive people from their homes. To make sure that people are not put in this difficult position, the language proposed is indicating when the Board of Health mandates this then there is leeway when there is no other alternative. This allows people to stay in their homes.

Sarah Garcia, Community Development Director spoke in support of the ordinance change stating this ordinance is to help ConCom to help homeowners to meet the law in an easier way.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO c.12, Article II, Wetlands by ADDING §12-15(b)(2)c as follows:

"Notwithstanding the provisions of §12-15(b) (2) b above, the commission may issue a wetlands permit authorizing work which results in the loss or alteration of a portion of the ACEC and/or the upland edge and/or the buffer zone for any upgrade to or replacement of an existing septic system required by the Board of Health, when the applicant can show that there is no reasonable alternative location on the lot for the proposed activity and that any adverse impacts will be minimized."

Discussion:

Councilor Theken explained the Committee was in full agreement with the Conservation Commission's recommendation to amend the Gloucester Code of Ordinances in this matter. This is a positive thing. She thanked ConCom for coming forward with this. Ward 5 constituents have these issues. By doing this perhaps they can clean up some of the areas and help homeowners to stay in their home.

Councilor Ciolino would support this. He thought this was a good start to being consumer friendly by ConCom and was pleased to see this solution to come forward.

Councilor Verga would support this as well and was the least they could do. The people in this area have suffered for many years, and it is long overdue.

Councilor Whynott would also support this also.

Councilor McGeary would support this for people who are impacted by laws on septic systems. The law is still to protect the wetlands. There is no reasonable alternative which is sufficient to protect the wetlands.

Councilor Hardy noted that there was a notation to allow for the renumbering of the section of the ordinance in the O&A record as voted and approved; and was applied by friendly amendment to the motion.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to AMEND GCO c.12, Article II, Wetlands by ADDING §12-15(b)(2)c as follows:

“Notwithstanding the provisions of §12-15(b) (2) b above, the commission may issue a wetlands permit authorizing work which results in the loss or alteration of a portion of the ACEC and/or the upland edge and/or the buffer zone for any upgrade to or replacement of an existing septic system required by the Board of Health, when the applicant can show that there is no reasonable alternative location on the lot for the proposed activity and that any adverse impacts will be minimized and renumber the existing section 12-15(b) (2) c to become 12-15(b) (2) d.

2. PH2011-023: Amend GCO Chapter 25 “Vehicles for Hire”

This public hearing is opened.

Those speaking in favor:

John Nasser, 78 Maplewood Avenue, owner of Gloucester Taxi & Livery Service was in support for the health and welfare of the taxi services of Gloucester. It has been 11 years since the last increase. All aspects of their industry have increased. In 2000, gas was \$1.50/gallon. He believed gas prices will drop. Even at \$2.75/gallon, this \$1.00 increase is reasonable. In trying to put out the best product possible, as far as the seniors go, right now there is a 25% discount on a \$2.50 fare. 30% of \$3.50 will be \$2.45. That is only an increase of 58 cents. All who drive cars and public transportation have to share the costs. Cities of similar size are getting \$4.50 per flag drop. It is difficult to earn a living at the current fare rates. The O&A Committee voted in favor of this. Councilor Mulcahey was also in support of this at O&A. This is also for all the drivers as well. They deserve a raise. They're heavily involved with the tourism industry. He didn't feel they should increase the fares because of what other cities and towns are doing but to provide better service.

James Chin, Lighthouse Taxi, felt the proposal is unreasonable. They support their allowing Mr. Nasser raising their rates. He wasn't sure the Council was aware that it is \$6.00 to get to the Cape Ann Medical Center. People who go to work take a taxi on a daily basis. Why is this being imposed on both companies? He reserved the right to speak of their own well-being. They request the ability to operate under special mandate. If they raise the rates by \$1.00, and that rate would help a lot. But the people who are low income individuals on the senior rate from say, Lincoln Park spend \$12 to get to Market Basket to do their marketing. He talks with many people who are on limited income. They can't afford the increase. The overall cost goes up. The also pointed out that the selectmen in Rockport allow them to

operate as they see fit. They use the Gloucester taxi rates in Rockport. If you impose the rates on Lighthouse Taxi, they will be imposing a higher rate than what they will be charging in Rockport.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor McGeary asked if the \$1.00 increase will be reflected in the total fare.

Mr. Nasser stated it is \$1.00 additional per taxi ride and 58 cents per ride for seniors.

Councilor Theken also received calls that employees were asked to accept a decrease in salaries by 35% and had cuts to their salary due to gas prices going up.

Mr. Nasser stated Gloucester Taxi did not cut the rates for their taxi drivers. There are two taxi companies.

Mr. Chin had cut his employees rates when the gas prices went up to \$3.50/gallon that they did cut it by 35%. They did do that; and since gas prices have dropped, they will be going back to regular pay.

Councilor Theken noted CATA buses do pick up and drop off for seniors. Sheedy Park is near Shaw's. Do they charge the same prices whether they go short distances?

Mr. Nasser stated it is a flat rate.

This public hearing is closed.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO §25-75(a) (1) to DELETE "Two Dollars and Fifty Cents (\$2.50) for the first flag drop" and ADD "Three Dollars and fifty cents (\$3.50) for the first "flag-drop"" and to AMEND §25-75(a)(4) by DELETING "twenty-five percent" and ADDING "30 percent"; and §25-75(5) concerning free rides to St. Peter's Church is DELETED in whole.

Discussion:

Councilor Theken explained in the past this has come before them several times and has gone back and forth. They heard one Taxi Company saying it is needed and another that it is not. It takes money to maintain these vehicles. She understood competition. The Committee agreed because they want the vehicles to be maintained. The employee's salaries being cut affect everyone and yet it is the same service. In fairness, she would support this.

Councilor Whynott stated having been a taxi driver many years ago; it is important to charge enough to maintain the vehicles. This is a regulated industry. The rates must all be the same for all companies. If they want to give discounts to seniors they have to go to the Licensing Commission, for instance. He would support the increase to see good clean, safe taxis in the City.

Councilor Ciolino in listening to the two gentlemen one saying they need an increase and another saying they don't need it; he could not support this unless both taxi companies who agree to the increase. People who are working who take the train and then a taxi and the added increase is a burden, not just seniors. It is not the right time for this increase.

Councilor Theken asked Councilor Whynott about Mr. Chin's morning rate.

Councilor Whynott responded anything that one taxi company does the other must do. They can't do anything unless they go through the Licensing Commission.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 7 in favor, 1 (Ciolino) opposed, to Amend the GCO §25-75(a) (1) to DELETE "Two Dollars and Fifty Cents (\$2.50) for the first flag drop" and ADD "Three Dollars and fifty cents (\$3.50) for the first "flag-drop"" and to AMEND §25-75(a)(4) by DELETING "twenty-five percent" and ADDING "thirty percent"; and §25-75(5) concerning free rides to St. Peter's Church is DELETED in whole.

MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 2 (Ciolino, Whynott) in favor, 6 opposed for reconsideration of the vote to Amend the GCO §25-75(a) (1) et. al.

MOTION FAILS.

3. PH2011-024: Approval of Reorganization Plan of Department of Public Works under City Charter §7-2

This public hearing is opened.

Those speaking in favor:

Michael Hale, DPW Director stated they've been through several meetings about this reorganization. Public Works has a long history of taking hits on their budget. The expectation is that they will still perform while losing materials budgets and staff. This department has seen a 35% decrease in staff over a 10 year. They have lost 50% of their managers. There is an increased workload picked up by their clerical help, labor help and management; yet expectations remain the same throughout the City. A year ago they completed the merger with the School Department facilities with the DPW. They made clear at that time they would reevaluate how their staffing levels were affected by this merger. The MOU called for collective bargaining for the school employees who came over. The MOU, the governing document for the School facilities merger, called for collective bargaining for the school employees who came over to public works, which they did. Those employees were given compensation relative to what existing DPW employees earned. But it was silent on what their existing staff would take on. He explained what was once done by a separate business office was done all by the DPW business office. A \$3 million operation went from the Schools to the DPW without consideration for compensation for the increase the workload and burden to his employees. This reorganization was started a year ago. They're looking to identify the weaknesses in coverage and are proposing equal compensation for similar responsibilities in his department. Public Works is a \$20 million department. There is no clear second in command. They are also looking to reinstitute the position of Assistant DPW Director, from a model harking back to the 1980's, which he believed was a successful one. Expressing his understanding of the difficulties of this year's City budget, they are the department hardest hit by this coming year's budget and stated he was "fighting for his department now". They're not asking for an increase in pay for a "select" few, but fair compensation for the remaining employees they have. The increase in funding for the reorganization is about \$55,000. If they compensation for the responsibilities of the remaining employees they have. They will split that between the enterprise funds; which fund that employee works out of the most. A General Fund employee will be paid out of the General Fund; if they share responsibility from the General Fund and the two major enterprise funds, water and sewer, the pay will be split accordingly. The \$55,000 is less than ¼% of his total operating budget. Reiterating his understanding of the difficult financial times the City is facing, he respectfully requested the Council's support of this reorganization.

Those speaking in opposition: None.

Communications: Bernard Cranston, President E-Board & Officers, AFSCME Local 687 – Letter dated April 5, 2011 to David Bain, Personnel Director expressing support of the DPW Reorganization forwarded by Mr. Hale via email of May 24, 2011 as an attachment.

Questions:

Councilor Ciolino asked since they took on the School Department what that involved regarding buildings and warrants, etc. **Mr. Hale** stated the merger added a whole new layer of what they were accustomed to in the office. It was done on short notice with no good paper trail on some things. They took \$3 million in warrant articles and put it into his business office. That is on top of what they were already doing. The level of responsibility of these eight people is enormous and there was no true plan for their remuneration.

Councilor Theken asked when they took over the schools didn't they know this would happen.

Mr. Hale stated at that time they had already submitted their budget and had told the Council they would come back when it could be reconsidered after reviewing the situation. They still took it on and did a good job. **Councilor Theken** asked when their employees were asked to do more jobs what was the work involved. **Mr. Hale** stated it was similar in nature to what they do now, but it a much higher volume of work, of bills processing, warrants, etc. **Councilor Theken** noted seven of the eight employees from his business office in the audience. **Mr. Hale** stated this reorganization plan covers the clerical staff, and management. It took his business office, his time, and that of Mark Cole, Operations Manager and placed a new level of responsibility onto them all but couldn't know how much it would be. They have calculated this reorganization within the budget presented to the Mayor. Answering **Councilor Theken** he stated this is for eight people. These salaries will be also in budgets to come. This increase reflects an increase in his personnel budget. That budget actually decreased this year through a loss of two positions; one left, one retired and will not be replaced. They were budgeted in the current fiscal year and became lag money when they left which was reallocated to cover deficits in some of their funds. When they took over the school accounts through collective bargaining they had to up the salaries of some of the employees on the school side. There was no line item in the merger to cover the amount of the increase; that came from his budget. These eight employees do more than the job of 1.5 persons. They lost a clerk in the Engineering division who was transferred to take over for a clerk in his business office who left years ago. There were four operations managers when he started with public works and now there are two. He expressed his department has been decimated over the years. But the same amount of work is there still today being done. This increase is for two management positions, six labor/clerical positions.

Councilor Ciolino asked if he had brought his FY12 budget to B&F which **Mr. Hale** confirmed he had and had yet to review the enterprise funds. **Councilor Ciolino** asked if his budget is in flux since they took over the schools. **Mr. Hale** indicated it was difficult because of what was in place in the School Department for the budget for facilities did not match up to what needed attention when his department took over that responsibility. **Councilor Ciolino** asked if the City has saved any money through this merger. **Mr. Hale** stated they have provided a better product; and in the end, it will save money.

Councilor Theken asked for justification as to why they didn't come forward sooner. **Mr. Duggan** thought this would go through for FY12 and in working with **Mr. Hale** this was the timing to bring it forward at this time.

Councilor Hardy asked if the Administration supported this reorganization in the face of layoffs.

Mr. Duggan stated the responsibilities have increased. They took a year to examine this situation and the work needs to continue to get done and is being done with exceptional value. **Councilor Hardy** noted they had asked if a job description for the Assistant DPW Director had come forward from a request at O&A. **Mr. Duggan** wasn't aware that it had. The position is a separate vote.

Councilor Tobey asked if union negotiations were part of the development of this plan. **Mr. Duggan** stated "yes". **Mr. Hale**, who was present at those negotiations, stated they presented the reorganization to the E-Board of the ASFCME union, and they were in support of this.

Councilor McGeary felt they are only ¼ way through the budget review, and it is clear a number of good things are going over the side if the Administration clings to the budget that does not tap into their reserves. In light of that, they need to examine the entire budget package; and while he supported in general the thrust of the reorganization, in fairness they would be remiss if they did not look at the whole budget and go through it first before voting for a reorganization and proposed a motion to postpone the vote on the matter until after the FY12 budget review which Councilor Whynott seconded.

Councilor Ciolino would not support the postponement. The personnel changes are already done. B&F already reviewed this and wished to see it move forward. He urged the Council not to support this motion. **Councilor Curcuru** would not support this motion. He recalled a year ago that **Mr. Hale** stated they would come forward with this. The City gave raises to the key players, the Treasurer, the Assessor, and the DPW Director for instance. He didn't think it was fair not to do this and would support the main motion. **Councilor Whynott** stated he seconded this motion to obtain the job descriptions.

Councilor Theken was going to vote for the postponement. But after consideration and discussion here, how do you say thank you to people who were not asked to take this on. They all continued to do their jobs yet waited a whole year with the understanding, as did the union, that the Council would approve this. It wasn't fair that these employees were promised something; they should follow through. These people didn't let them down; they continued on regardless. B&F supported this, and the Council should also. **Councilor Hardy** reminded the Council that City Charter section 2-11c could not be used in this vote as stated in the Charter §7-2(b).

Councilor McGeary thought it not unreasonable to postpone this vote only to get through the budget and to adopt this now could put them in a box. He thought they need to look at the whole picture.

Councilor Theken asked what would happen if the reorganization didn't go through.

Mr. Hale stated that AFSCME would have a reason to file a grievance against his office for these people working a whole year without compensation for the increased work load and possibly would claim the compensation retroactively.

MOTION: On motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 4 in favor, 4 (Tobey, Ciolino, Curcuru, Theken) opposed to postpone the vote on the DPW reorganization to the next regularly scheduled City Council meeting of June 14, 2011.

MOTION FAILS.

This public hearing is closed

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the DPW Reorganization Plan based on the chart dated March 14, 2011 in accordance with the City Charter §7-2.

Discussion:

Councilor Tobey stated the piece of the organization they're focusing on represents the front lines of getting the job done every day. Skeptics will criticize them that they're lucky to have a job. Yet, we're lucky to have them. He thanked Mr. Hale for working with his team for engaging with collective bargaining and to coming to a good conclusion. These people are about the mission; and it is a good thing to reward them and would vote for this.

Councilor Ciolino would support this. The DPW is having growing pains. The people there take the brunt of it. He had heard only good things about the DPW management of the school facilities. They made an excellent move of combining the two and the reorganization will make it even better.

Councilor Whynott stated it is always tough giving raises and a tough decision. These people are not the ones they want to stop. They all deserve it and would support it because of the people involved.

Councilor Verga will support the main motion. Mr. Hale made a compelling case. While he didn't think it was a bad thing to postpone the vote and had supported that, he would still support the reorganization.

Councilor Curcuru thanked the DPW staff for taking on this work this last year.

Councilor McGeary would support the main motion. As a ward Councilor he had nothing but highest praise for the DPW staff for their responsiveness to requests for assistance. His motion to delay the vote was simply a way of doing due diligence.

Councilor Tobey stated Mr. Hale stood up for his department and engaged a process to do it. He urged he do the same on the custodians. It is in the budget, and the Council can vote on that and thwart the possible privatization of City building maintenance in several ways. He asked Mr. Hale to show the same leadership and try to work through the matter in the same way he pursued a good conclusion to this one.

Councilor Hardy supported Councilor McGeary on the postponement but would support the main motion for the reorganization.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 to accept the DPW reorganization chart dated March 14, 2011 in accordance with the City Charter §7-2.

4. PH2011-025: Amend GCO Appendix C “the Personnel Ordinance” at Appendix A “the Classification Plan” and Amend Appendix B “the Compensation Plan”

This public hearing is opened.

Those speaking in favor:

Mr. Hale apologized to the Council that they didn't have the Assistant DPW Director job description this evening. He didn't have the revised job description with him. Part of the reorganization was to recreate this position as it had been in place previously. There is no clear cut second in command through the charter or the personnel ordinance. Currently you go to the senior manager which leads to great leeway. They looked to a model in the 1980's where they had that position, and it worked. The Assistant DPW Director would run the Administrative office and take on other day-to-day duties. This is for clarity for who is in charge in his absence.

Those speaking in opposition: None.

Communications: None.

Questions:

Councilor McGeary asked of the \$53,000 how much is that particular position taking.

Mr. Hale responded the AD would be second in charge of the water and sewer division. They're looking at an M9, \$75,000 to \$85,000, and about \$27,000 would be charged the General Fund and the rest on the other two enterprise funds. It would be 1/3, 1/3, 1/3. Typically DPW staff spends their time daily in that manner.

Councilor Theken stated when he came in front of O&A did he mention he was going to need this position. **Mr. Hale** stated they are looking to best structure themselves to serve the schools and constituency in the City. **Councilor Theken** recalled they asked when he took over the schools if something happened to him what would happen. **Mr. Hale** stated at that time there was no second in charged and acknowledged they did discuss it. **Councilor Ciolino** asked what happened when he was ill last year for several weeks. **Mr. Hale** stated Mark Cole, Operations Manager filled in for the daily routine for that two week time period. **Councilor Ciolino** asked if they move forward with this, what would be the process to fill this position. **Mr. Hale** stated it would be an appointment confirmed by the Council; as they go through the selection process the confirmation would come to the Council. They looked back at a previous process for the position and noted it would be the same. The Mayor would appoint this position, and the Council would confirm it. On inquiry from **Councilor Hardy**, he noted it would be a two year appointment for the same term as the Director.

This public hearing is closed.

MOTION: On motion by Councilor Curcuro, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (Theken) present to recommend to the City Council to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the GCO as follows:

1. That Appendix A, Classification Plan be amended by adding the position of “Assistant Department of Public Works (DPW) Director;
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position At the level of M-9;
3. That the said Ordinance in all other respects remains the same.

Discussion:

Councilor Theken explained she had voted present when the O&A Committee in forwarding this matter to the City Council for public hearing as she wanted to do further research on it. At this time she was pleased with the answers she received and would vote in favor.

Councilor Whynott would support this feeling the DPW should have an assistant just as the Auditor should have an assistant.

Councilor Ciolino would support this stating that when something happens to the head, an assistant should be there to step in; it is a good security measure.

Councilor Hardy thought a strong structure was necessary, but expressed her disappointment in not receiving a revised job description. She asked about the educational requirements. Had they spoken to the personnel director?

Mr. Hale apologized that he did not check with the Personnel Director. They would require a bachelor's degree and that they have experience. The job description is focused on the business office and daily functions of the department. He thought it should not be someone right out of school but someone who has experience in public works.

Councilor Hardy believed he had someone in mind for this position, but that they have to meet a certain threshold for education and experience and not be tailored to any one individual.

Mr. Hale stated as they develop the job description they look to other cities with similar descriptions to be sure it is appropriate in all aspects.

Mr. Duggan, on inquiry by **Councilor Hardy** stated the Council would have the job description the following day.

MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to Amend the Personnel Appendix A and B of Section 4 of the Personnel Ordinance designated as Appendix C of the GCO as follows:

1. That Appendix A, Classification Plan be amended by adding the position of "Assistant Department of Public Works (DPW) Director;
2. That Appendix B, Compensation Plan be amended by setting the compensation for said position at the level of M-9.

[Note: Said Ordinance in all other respects remains the same.]

Councilor Hardy thanked Linda Anderton, Mr. Hale's assistant for her extraordinary service to the City and to the Councilors when they call into the DPW whether it be for information or for an inquiry on behalf of their constituents.

5. PH2011-026: Approval by City Council of a Re-Precincting Plan and Map based on 2010 US Census

This public hearing is open.

Those speaking in favor:

Linda T. Lowe, City Clerk explained to the Council that they have discussed this at a number of meetings about the necessity of doing a Reprecincting plan that came out of the US Census of 2010. A revised plan was given to the ward Councilors and a conference call with the Secretary of State's office about map changes was held. Karen Andrews from the Engineering office assisted with the legal descriptions. They've given ample opportunity for asking questions and participating in the process. The Council must vote has to be taken by June 15th. They vote on the map, the legal descriptions of the streets and the block descriptions which break down areas within precincts based on race from the 2010 census. This is to stop gerrymandering in order to help different ethnic groups. This will go on to the Secretary of State of MA and the LEDRC reviews and approves it; and then becomes the final system until the next census. Then the last step is to notify the affected citizens of any changes in the precincting before

December 31, 2011. There was a vote that this should be advertised so that people could comment on the matter.

Those speaking in opposition: None.

Communications: None.

Questions: None.

This public hearing is closed.

Councilor Whynott commended the City Clerk. He also commended Karen Andrews.

Councilor Verga noted this would take effect next year. He asked about the list being available of those whom would be affected by this Reprecincting.

Ms. Lowe stated when the LERDC gets back to the Council and tells them it is final then the Clerk's office would notify residents.

Councilor McGeary asked for an explanation when a boundary line runs down a street.

Ms. Lowe stated that, for example, in Ward 1 that boundary lines do run down a middle of a street. It has to be some kind of existing visible line that can be drawn. The downside is that you can end up with people on one side of the street in one precinct while those on the opposite side are in another.

Councilor McGeary asked how this affects current nomination papers about collecting signatures and when they would be counted.

Ms. Lowe stated there are deadlines of change of address in order to vote. They have to look at the situation. She also requested that the Councilors sign the documents that evening.

MOTION: On motion by Councilor Whynott, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 8 in favor, opposed hereby accepts in accordance with the U.S. 2010 census result for Gloucester, MA as presented by the City Clerk the 2011 Re-Precincting Plan for the City of Gloucester, including the map presented at this meeting of May 24, 2011 and legal description and block listings also presented at this meeting and as on file permanently in the Office of the City Clerk.

Unfinished Business: None.

Individual Councilors' Discussion Including Reports by Appointed Councilors to Committees: None.

Councilors' Requests Other than to the Mayor:

Councilor Tobey noted an article on mediation in a trade magazine received by the Councilors recently and how it is successfully used, pertinent to their conversation earlier this evening and urged the Council to review it.

Councilor McGeary made note of the Memorial Day parade on Monday.

Councilor Theken informed the Council she represented them at the Wellspring graduation for the GED class of 14 students whom she congratulated. She also represented the Council at the Coast Guard Safety Day.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:32 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Information Packet from Senator Bruce Tarr for the City Council**
- **Dawn Giamanco, Petition of Citizens asking the Mayor and the Council to drop consideration of the cutting or replacement of City employees**
- **Certificate of Proof of Ethics Exam taken by Angela Sanfilippo**