

GLOUCESTER CITY COUNCIL MEETING

Tuesday, June 28, 2011 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Vice President, Councilor Sefatia Theken; Councilor Bruce Tobey; Councilor Paul McGeary; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Robert Whycott; Councilor Anne Mulcahey; Councilor Joseph Ciolino

Absent: Councilor Hardy

Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Mike Hale; Michele Holovak Harrison

The meeting was called to order at 7:05 p.m. Some items were taken out of order.

Flag Salute and Moment of Silence, dedicated to former Councilor Harriet Webster and Officer Andy Muniz.

Councilor Theken announced that Councilor Hardy was unable to attend due to a prior commitment.

Oral Communications: None.

Confirmation of New Appointees:

Michele Holovak Harrison Licensing Board TTE 05/31/17

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Michele Holovak Harrison to the Licensing Board, TTE 05/31/2017.

Discussion:

Councilor Verga informed the Council that Attorney Harrison came before the O&A Committee who expressed their appreciation for her volunteering for this position. It was an overwhelming sense of support from the Committee as well as other members of the Council who were present. Councilor Theken asked the usual questions of had she taken the State's Ethics Exam and had the Open Meeting Law certificate, which she did. He voted in support of Attorney Harrison's appointment at the meeting and urged his fellow Councilors to do so tonight.

Councilor Ciolino felt they were very lucky to have Attorney Harrison on this Board dedicating her time in her retirement; that the Board will now be "top-notch" and looked forward to working with her.

Councilors Theken noted for the record that the Chair of the Licensing Board (John Rando) recommended Attorney Harrison expressing how pleased he was to have her on the Board, which he expressed in a phone call to the Councilor, who is Chair of O&A. The Committee also asked about any conflicts of interest with other Boards, Commissions or Committees, with other attorneys, past clients, etc, of which Attorney Harrison indicated there was none. The Councilor believed all questions had been answered, all exams taken; and as a City they were honored She also added their personal endorsements for Attorney Harrison's appointment to the Licensing Board.

Councilor Curcuru pointed out this is the second time Attorney Harrison has served on the Licensing Board and thanked her for stepping forward once again.

MOTION: On motion by Councilor Verga, seconded by Councilor McGeary, the City Council voted in favor, 0 opposed to appoint Michele Holovak Harrison to the Licensing Board, TTE 05/31/2017.

Councilor Theken noted with the many items under the Budget & Finance Committee Report, at least 40 transfers or so; she would not do roll call votes for the majority of the transfers. She encouraged the Councilors to voice their ayes or nays clearly in order to be heard properly for the record.

Councilor Verga informed the Council that next was a new Building Committee (which was going to come up under the O&A Committee Report) but wished to bring it forward now, which was done with the Council's assent. The vote would be done with groupings of the Committee members' terms of expiration.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint the following members for a School Roof Replacement Project Building Committee:

Jim Hafey, Facilities Manager, City of Gloucester	TTE 06/08/14
Bill Sanborn, Building Inspector, City of Gloucester	TTE 06/08/12
Kristin Michel, Public At Large	TTE 06/08/12
Mike Carrigan, Public At Large	TTE 06/08/12
Chris McCarthy, Public At Large	TTE 06/08/13
David Anderson, Building Trades	TTE 06/08/13
Mark Cole, DPW Operations Manager, City of Gloucester	TTE 06/08/14
Jim Duggan, CAO, City of Gloucester, Ex Officio	TTE 06/08/14

Discussion:

Councilor Theken pointed out that all the appointees to the School Roof Building Committee are already on some Board or Commission for the City. They're all aware of the Open Meeting Laws; and have taken the State Ethics Exam. She then gave a brief background of the reason for the composition of the new Committee and expressed the O&A Committee's endorsement of it. **Councilor Ciolino** reminded the Council that this Committee will be short-lived, that it is simply there for the School Roofs Project and believed once the project is completed it will disband. On inquiry from **Councilor Curcuru, Jim Duggan**, CAO confirmed this Committee is formed just for the School Roofs Project. It is a committee that will not meet as frequently as for larger projects as this is expected the roofs to be finished in about three months. Because of the proposed members' collective expertise, he had requested they all be on this Committee (all were also members of the Newell Stadium Building Committee).

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to appoint the following members for a School Roof Replacement Project Building Committee:

Bill Sanborn, Building Inspector, City of Gloucester	TTE 06/08/12
Kristin Michel, Public At Large	TTE 06/08/12
Mike Carrigan, Public At Large	TTE 06/08/12

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to appoint the following members for a School Roof Replacement Project Building Committee:

Chris McCarthy, Public At Large	TTE 06/08/13
David Anderson, Building Trades	TTE 06/08/13

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to appoint the following members for a School Roof Replacement Project Building Committee:

Jim Hafey, Facilities Manager, City of Gloucester	TTE 06/08/14
Mark Cole, DPW Operations Manager, City of Gloucester	TTE 06/08/14
Jim Duggan, CAO, City of Gloucester, Ex Officio	TTE 06/08/14

Consent Agenda:

• **MAYOR'S REPORT**

1. Invoice and request from DPW for payment of invoice for goods procured without a purchase order for the Downtown Improvement Committee (Refer B&F)
2. Request from Veteran's Director to pay an invoice for goods procured without a purchase order (Refer B&F)
3. Memo from DPW Director requesting approval to enter into a joint agreement with abutting owners of Crowell Way to Resurface Crowell Way (Refer B&F)
4. Grant Application and Checklist from the Committee for the Arts for a \$8,000 grant from Bruce J. Anderson Foundation for City Hall mural restoration (Refer B&F)
5. Memorandum from CFO-Gloucester Public Schools requesting permission to pay an "extraordinary reimbursement" to School

- Department employee for classroom supplies and materials purchased outside of required procurement procedures (Refer B&F)
- **COMMUNICATIONS/INVITATIONS**
1. Request from YuKan Sports, LLC re: October 23, 2011 Marathon (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2011-030 (Whynott) Traffic Commission investigate limited or no parking in front of WWI Memorial on Western Avenue (Refer TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting 06/14/11 (Approve/File)
 2. Special City Council Meeting 06/21/11 (under separate cover) (Approve/File)
 3. Standing Committee Meetings: O&A 06/20/11, P&D 06/22/11, 06/23/11 (under separate cover) (Approve/File)

CONSENT AGENDA ADDENDUM:

1. Communication from C. McMahon concerning CERT (For Info Only)
2. Communication from AFSCME to Mayor concerning janitor Layoffs (For Info Only)

Linda T. Lowe, City Clerk noted these two items were brought forward by **Councilor Tobey** Council's information.

Items to be added/deleted from the Consent Agenda:

By unanimous consent the City Council approved the Consent Agenda and Consent Agenda Addendum as presented.

Ordinances & Administration: June 20, 2011

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Police Harbor Patrol Boat be named in honor of Patrolman Stephen J. Amaral.

Discussion:

Councilor Whynott believed this to be a good thing; Officer Amaral served the City for many years and saluted him. **Councilor Ciolino** noted he brought this order forward with Councilor Whynott and felt this was an apt tribute to Officer Amaral in naming the boat for him. He also requested an appropriate ceremony be held when the boat is ready to be christened. **Councilor Theken** stated that funding will come forward from the Waterways Board and Police Department, not through City funds in order to install a plaque honoring Officer Amaral inside the boat. She pointed out when this boat is retired, the name will be retired also; but the plaque will be able to be removed and be installed in any new harbor patrol boat in the future.

MOTION: On motion by Councilor Verga, seconded by Councilor Mulcahey, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, that the Police Harbor Patrol Boat be named in honor of Patrolman Stephen J. Amaral.

Planning & Development: June 22, 2011

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to refer to the Ordinance & Administration Committee the matter of a re-examination of the noise ordinance under GCO §13-10 (6) with regard to one-time permitted open air events.

Councilor Ciolino explained this motion came out of complaints from citizens who attended the O&A meeting of June 20th regarding noise levels at Stage Fort Park; that when they permit and how they permit events there how the noise level will affect the neighbors; and wanted the Council to be aware of the referral with no Council action necessary at this time.

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 7th Annual Reid's Ride 28-mile Bike-a-Thon which enters the City of Gloucester on Western Avenue and continues into Stage Fort Park for their finish. All routes through the City are to be clearly marked with signage removed off the route by 2:00 p.m. the same day. Memorandums of endorsement from the Police Lt. Joseph Aiello and Fire Chief Phil Dench or his

designee are on file in the City Clerk's office as of June 22, 2011. A Certificate of Insurance naming the City of Gloucester as the certificate holder is to be on file in the City Clerk's office by the close of business on July 1, 2011.

Discussion:

Councilor Ciolino noted everything is in place, and is another wonderful charity that raises a lot of money for cancer research this event has been run successfully for the last six years in Gloucester. **Councilor Whynott** noted commented that because the riders are coming in on a State highway, they may need to get some sort of permission from the State to hold the race. **Councilor Ciolino** recalled it was brought up at P&D, and that they are permitting what happens in the City and not on the highway. This event had been done for six years in a row; this being the seventh and no one had any problems previously. **Councilor Theken** suggested they inform the organizers as a friendly reminder with a phone call, which **Councilor Ciolino** confirmed he would do.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to permit the 7th Annual Reid's Ride 28-mile Bike-a-Thon which enters the City of Gloucester on Western Avenue and continues into Stage Fort Park for their finish. All routes through the City are to be clearly marked with signage removed off the route by 2:00 p.m. the same day. Memorandums of endorsement from the Police Lt. Joseph Aiello and Fire Chief Phil Dench or his designee are on file in the City Clerk's office as of June 22, 2011. A Certificate of Insurance naming the City of Gloucester as the certificate holder is to be on file in the City Clerk's office by the close of business on July 1, 2011.

Councilor Tobey entered the meeting at 7:18 p.m.

Budget & Finance Committee Reports: June 23, 2011 and June 28, 2011

MOTION: On motion of Councilor Hardy, seconded by Councilor McGeary, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend the City Council, in accordance with MGL C59, S25, to approve the appropriation in the amount of \$110,000 from account #101000.10.000.32200.0000.00.000.00.000 entitled F/B: Reserve for Overlay released by the Assessors for Exp. (Overlay Surplus) to account #101000.10.000.35920.0000.00.000.00.000 entitled Unreserved Fund Balance – Appropriation Deficits. The purpose of this appropriation from Overlay Surplus is to reduce the appropriation deficit from DPW – Snow and Ice Removal.

Discussion: None.

MOTION: On motion of Councilor Curcuru seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, in accordance with MGL C59, S25, to approve the appropriation in the amount of \$110,000 from account #101000.10.000.32200.0000.00.000.00.000 entitled F/B: Reserve for Overlay released by the Assessors for Exp. (Overlay Surplus) to account #101000.10.000.35920.0000.00.000.00.000 entitled Unreserved Fund Balance – Appropriation Deficits. The purpose of this appropriation from Overlay Surplus is to reduce the appropriation deficit from DPW – Snow and Ice Removal.

MOTIONS FOR CITY COUNCIL MEETING FOR FY12 APPROPRIATIONS AS FOLLOWS:

Councilor Curcuru stated for the record that the motions he was about to read are from transfers unanimously approved at Budget & Finance to clear up the year end surpluses and asked the Council to waive the reading of the 30 digit account numbers for each account.

By unanimous consent the Council waived the reading of account numbers.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-42) \$18,648.00 from DPW-Snow/Ice Removal, Replace Equip, Unifund Account #101000.10.423.58700.0000.00.000.00.058 to DPW-Snow/Ice Removal, Snow/Ice Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-42) \$18,648.00 from DPW-Snow/Ice Removal, Replace Equip, Unifund Account #101000.10.423.58700.0000.00.000.00.058 to DPW-Snow/Ice Removal, Snow/Ice Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-43) \$10,487.00 from Mayor, Sal/Wage-Temp Position, Unifund Account #101000.10.121.51200.0000.00.000.00.051 to DPW-Snow/Ice Removal, Snow Removal Contract, Unifund Account #101000.10.423.53900.0000.00.000.00.052.

Discussion: On inquiry by Councilor Theken, Councilor Curcuru explained the Temp Position that was put in the Mayor's budget last year but wasn't filled; and this was lag money left in the account.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-43) \$10,487.00 from Mayor, Sal/Wage-Temp Position, Unifund Account #101000.10.121.51200.0000.00.000.00.051 to DPW-Snow/Ice Removal, Snow Removal Contract, Unifund Account #101000.10.423.53900.0000.00.000.00.052.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-44) \$25,000.00, from Main Office Contingency Unifund Account #101000.21.370.53800.2305.00.270.00.052 to DPW-Snow/Ice Removal, Snow/Ice Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-44) \$25,000.00, from Main Office Contingency Unifund Account #101000.21.370.53800.2305.00.270.00.052 to DPW-Snow/Ice Removal, Snow/Ice Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-45) \$1,900.00, from Assessors, Sal/Wage-P/T Pos, Unifund Account #101000.10.141.51250.0000.00.000.00.052 to DPW-Snow/Ice Removal, Tires & Tire Maint., Unifund Account #101000.10.423.54820.0000.00.000.00.054.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-45) \$1,900.00, from Assessors, Sal/Wage-P/T Pos, Unifund Account #101000.10.141.51250.0000.00.000.00.052 to DPW-Snow/Ice Removal, Tires & Tire Maint., Unifund Account #101000.10.423.54820.0000.00.000.00.054.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-46) \$145.00, from Assessors, In-State Travel, Unifund Account #101000.10.141.57100.0000.00.000.00.057 to DPW-Snow/Ice Removal, Tires & Tire Maint., Unifund Account #101 000.10.423.54820.0000.00.000.00.054.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-46) \$145.00, from Assessors, In-State Travel, Unifund Account #101000.10.141.57100.0000.00.000.00.057 to DPW-Snow/Ice Removal, Tires & Tire Maint., Unifund Account #101000.10.423.54820.0000.00.000.00.054.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-47) \$29,705.36, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Salt/Sand Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Tobey, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-47) \$29,705.36, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Salt/Sand Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-48) \$10,000, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Gasoline, Unifund Account #101000.10.423.54110.0000.00.000.00.054.

Discussion:

At this juncture the Council agreed that Councilor McGeary would be the seconder for the remainder of all B&F motions to come forward for the FY12 Budget Transfers.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to recommend to the City Council to transfer (2011-SBT-48) \$10,000, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Gasoline, Unifund Account #101000.10.423.54110.0000.00.000.00.054.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-49) \$5,000.00, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Diesel Fuel for MV, Unifund Account #101000.10.423.54120.0000.00.000.00.054.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to recommend to the City Council to transfer (2011-SBT-49) \$5,000.00, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Diesel Fuel for MV, Unifund Account #101000.10.423.54120.0000.00.000.00.054.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-50) \$5,453.74, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Other Parts-Maintenance, Unifund Account #101000.10.423.54850.0000.00.000.00.054.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-50) \$5,453.74, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Other Parts-Maintenance, Unifund Account #101000.10.423.54850.0000.00.000.00.054.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-51) \$260,946.36, from Treasurer/Collector, Debt Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Other Snow/Ice-Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-51) \$260,946.36, from Treasurer/Collector, Debt

Service LT Int., Unifund Account #101000.10.145.59150.0000.00.000.00.059 to DPW-Snow/Ice Removal, Other Snow/Ice-Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-52) \$23,025.75, from Treasurer/Collector, Debt Service ST Int., Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW-Snow/Ice Removal, Other Snow/Ice-Contract, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-52) \$23,025.75, from Treasurer/Collector, Debt Service ST Int., Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW-Snow/Ice Removal, Other Snow/Ice-Contract, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-53) \$40,000, from Treasurer/Collector, Debt Service ST Int., Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW-Facilities-Electric Plum Cove, Unifund Account #101000.10.472.52101.4130.20.276.00.052.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-53) \$40,000, from Treasurer/Collector, Debt Service ST Int., Unifund Account #101000.10.145.59250.0000.00.000.00.059 to DPW-Facilities-Electric Plum Cove, Unifund Account #101000.10.472.52101.4130.20.276.00.052.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-2) \$4,202.93, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2004 Title II Improving Education (School Grant), Unifund Account #282003.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-2) \$4,202.93, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2004 Title II Improving Education (School Grant), Unifund Account #282003.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-3) \$152.47, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2004 Comp School Reform (School Grant), Unifund Account #282007.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-3) \$152.47, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2004 Comp School Reform (School Grant), Unifund Account #282007.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-4) \$7,120.00, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2005 Perkins Entitlement (School Grant), Unifund Account #282016.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-4) \$7,120.00, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2005 Perkins Entitlement (School Grant), Unifund Account #282016.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-5) \$726.43, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2005 Safe Drug Free Schools (School Grant), Unifund Account #282023.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-5) \$726.43, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 2005 Safe Drug Free Schools (School Grant), Unifund Account #282023.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-6) \$684.40, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 1999 Emergency Immigration (School Grant), Unifund Account #282035.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-6) \$684.40, from O'Maley Classroom Furnishings, Unifund Account #101000.21.372.58501.2305.30.272.00.058 to 1999 Emergency Immigration (School Grant), Unifund Account #282035.

Councilor Curcuru informed the Council the following motions came out of the Special B&F meeting just prior to tonight's Council meeting. They are also transfers. He would highlight some of the transfers the Council may wish to discuss.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-54) \$2,000.00 from Treasurer/Collector, Debt Interest Short Term, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Legal, Litigation Support, Unifund Account #101000.10.151.53800.0000.00.000.00.052.

Discussion: Councilor Curcuru responding to a question by Councilor Tobey noted the next three motions will be related to this particular issue. They were litigations and these invoices needed to be paid which came in afterwards and these funds are being transferred to assure these accounts wouldn't go into a deficit. At the request of both **Councilors Tobey and Theken**, and because the Council did not have the minutes of the B&F meeting that had just been completed before the start of this Council meeting, **Jeff Towne, CFO** had asked for explanations from the Legal Department because they were funds being spent right at year end, he noted one of the matters was Briar Neck vs. Gloucester ZBA (about \$2,600), a personnel matter and the paying of the transcript of the arbitration hearing; a personnel matter where they paid outside legal counsel for the actual arbitration; Loiacano vs. Gloucester Planning Board for a company called the Mediation Group; Bresnahan vs. Gloucester which are legal bills that represent March, April and May for the blended betterment case. These are the explanations he was provided with by the Legal Department in support of the need for the transfers. These accounts are not in a deficit right now, if and when the accounts payables get booked into the system, it would be in a deficit. **Councilor Tobey** asked about the \$21,000 transfer and what law firm(s) was involved and what case(s), to which **Mr. Towne** informed the Councilor that it is a combination of all the cases he had just listed. He did not have an explanation for the first one, which was \$2,100.00. But all of them are for the second transfer which is the \$21,000.00 – almost \$2,600 for Briar Neck vs. ZBA; \$7,484.00 for Bresnahan v. Gloucester; about \$1,200 for the transcript for the personnel matter; almost

\$4,400.00 for the outside legal counsel; \$3,100.00 for the Mediation Group (Loiacano vs. Planning Board).

Councilor Tobey expressed that he wished for the Council to request a report by end of July from General Counsel on the year's expenditures to whom, why, for some accounting of how the outside counsel use has been managed, as the Council as well as the previous Council have "acquiesced" with a reconfigured General Counsel's office where there is one full-time attorney rather than two, with increased reliance on outside counsel. As financial overseers, he believed they have an obligation to know how that "experiment" is working. **Councilor Theken** agreed and felt Mr. Duggan, who was present, could relay that message.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-54) \$2,000.00 from Treasurer/Collector, Debt Interest Short Term, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Legal, Litigation Support, Unifund Account #101000.10.151.53800.0000.00.000.00.052.

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, that the City Council request through the Administration that General Counsel submit to it by the end of July 2011 a report accounting for expenditures on outside counsel during FY11 with detailed explanations of which law firms, which cases, and why the use of outside counsel was required.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-55) \$21,000.00 from Treasurer/Collector, Debt Interest Short Term, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Legal, Legal Consultation, Unifund Account #101000.10.151.53140.0000.00.000.00.052.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-55) \$21,000.00 from Treasurer/Collector, Debt Interest Short Term, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Legal, Legal Consultation, Unifund Account #101000.10.151.53140.0000.00.000.00.052.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-56) \$5,855.00 from Facilities Custodial Subs/Overtime, Unifund Account #101000.10.472.51302.4100.00.100.00.051 to Personnel Early Separation, Unifund Account #101000.10.152.57860.0000.00.000.00.057.

Mr. Duggan explained at Councilor Curcuru's request through the Chair that the next three transfers relate to grievance with the City. **Councilor Curcuru** commented the total of the three transfers is \$9,000 which **Mr. Duggan** confirmed. The Councilor stated essentially the result is this person getting the separation he expected to get when he signed his early retirement papers. **Mr. Duggan** explained further it is a settlement of a grievance, and did not go to arbitration. **Councilor Curcuru** asked if this was a decision out of the Personnel Office and the Administration's Office, which **Mr. Duggan** also confirmed. **Councilor Verga** confirmed that this person put in for their early retirement based on the package that the Council ultimately voted down and he filed a grievance and there was a settlement, which **Mr. Duggan** also confirmed that to be the case. **Councilor Curcuru** noted there were three grievances filed and had the other two been settled. **Mr. Duggan** informed the Council they've not been settled. **Councilor McGeary** noted this person put in the papers while the offer was on the table but before it was vetoed by the Council, and who had subsequently filed a grievance; when the Council vetoed the early retirement incentive, the grievance was filed and was the basis for the grievance, which **Mr. Duggan** also confirmed. **Councilor Theken** asked if something was proposed and went to City Council, and knowing it had to be approved by the full City Council, she didn't understand how there could be any grievance if a package was offered which has to be negotiated and approved and then has to go to the City Council for approval. It was a hoped for package and was not a binding contract. They didn't break any contract. **Councilor Whynott** thought any contract was subject to funding by the City Council; and if it didn't get funded, then there was no contract. **Councilor Tobey** knew the Administration felt deeply the Council should have funded it but didn't. As Councilor Whynott stated, it was a contingent offer – that the Council would approve the financing but didn't. He felt it was not for them to second guess the decision of the Administration on a grievance hearing.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-56) \$5,855.00 from Facilities Custodial Subs/Overtime, Unifund Account #101000.10.472.51302.4100.00.100.00.051 to Personnel Early Separation, Unifund Account #101000.10.152.57860.0000.00.000.00.057.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-57) \$1,740.00 from Engineering Permanent Positions, Unifund Account #101000.10.411.51100.0000.00.000.00.051 to Personnel Early Separation, Unifund Account #101000.10.152.57860.0000.00.000.00.057.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1(Hardy) absent, to transfer (2011-SBT-57) \$1,740.00 from Engineering Permanent Positions, Unifund Account #101000.10.411.51100.0000.00.000.00.051 to Personnel Early Separation, Unifund Account #101000.10.152.57860.0000.00.000.00.057.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-58) \$1,405.00 from Public Service Sick Buyback, Unifund Account #101000.10.470.51920.0000.00.000.00.051 to Personnel Early Separation, Unifund Account #101000.10.152.57860.0000.00.000.00.057.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-58) \$1,405.00 from Public Service Sick Buyback, Unifund Account #101000.10.470.51920.0000.00.000.00.051 to Personnel Early Separation, Unifund Account #101000.10.152.57860.0000.00.000.00.057.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-59) \$2,010.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Veterans Services, Fuel, Unifund Account #101000.10.543.57740.0000.00.000.00.057.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-59) \$2,010.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Veterans Services, Fuel, Unifund Account #101000.10.543.57740.0000.00.000.00.057.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-60) \$1,319.62 from Veteran's Sal/Wage Perm Position, Unifund Account #101000.10.543.51100.0000.00.000.00.051 to Veteran Services, Fuel, Unifund Account #101000.10.543.57740.0000.00.000.00.057.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-60) \$1,319.62 from Veteran's Sal/Wage Perm Position, Unifund Account #101000.10.543.51100.0000.00.000.00.051 to Veteran Services, Fuel, Unifund Account #101000.10.543.57740.0000.00.000.00.057.

2011-SBT-61 is null and void – that number will not be re-used as determined in the B&F meeting of 6/28/11.

Discussion: Mr. Towne noted the next six motions all relate to the split payroll where they book the last payroll of the payroll of all the applicable days in June (FY11) and just July 1st is booked into FY12. When they did that, calculations came up short in various line items in the budget. In anticipation in that posting this week, he wanted to make sure they have enough so they weren't short in any of those line items. **Councilor Theken** complimented Mr. Towne stating he was a "breath of fresh air".

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-62) \$400.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Assessors, Sal/Wage Perm Position, Unifund Account #101000.10.141.51100.0000.00.000.00.051.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-62) \$400.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Assessors, Sal/Wage Perm Position, Unifund Account #101000.10.141.51100.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-63) \$300.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Mng Info Systems, Sal/Wage Perm Position, Unifund Account #101000.10.155.51100.0000.00.000.00.051.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-63) \$300.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Mng Info Systems, Sal/Wage Perm Position, Unifund Account #101000.10.155.51100.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-64) \$100.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Licensing Board, Sal/Wage PT Position, Unifund Account #101000.10.165.51250.0000.00.000.00.051.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-64) \$100.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Licensing Board, Sal/Wage PT Position, Unifund Account #101000.10.165.51250.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-65) \$100.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Shellfish Control, Sal/Wage Perm Position, Unifund Account #101000.10.296.51100.0000.00.000.00.051.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-65) \$100.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Shellfish Control, Sal/Wage Perm Position, Unifund Account #101000.10.296.51100.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-66) 200.00 from

Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Veteran's Services, Sal/Wage Perm Position, Unifund Account #101000.10.543.51100.0000.00.000.00.051.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent to transfer (2011-SBT-66) \$200.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Veteran's Services, Sal/Wage Perm Position, Unifund Account #101000.10.543.51100.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-67) \$500.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Tourism Commission, Sal/Wage Temp Position, Unifund Account #101000.10.563.51200.0000.00.000.00.051.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-67) \$500.00 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Tourism Commission, Sal/Wage Temp Position, Unifund Account #101000.10.563.51200.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SBT-68) \$124,584.33 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Personnel, Health Insurance, Unifund Account #101000.10.152.51750.0000.00.000.00.051.

Discussion: Councilor Curcuru asked **Mr. Towne** to give an explanation to the Council, who stated this is an accounting issue. They have a liability account on the balance sheet for school health insurance which right now has a deficit balance of \$124,584.33. That account has been in deficit since 2006, and every year it is part of the City's free cash hit. In past years the balance sheet was not being reconciled. They did cash; they did receivables; but some liability accounts were left out of the reconciliation process. When Mr. Costa came on board has been starting to hit all these line items; and this jumps right out. Instead of having a debit balance it should have a credit balance. They met with the Superintendent, Dr. Safier and the School Department's CFO, Tom Markham the previous day to work out a plan to resolve this to reconcile this account regularly. Mr. Towne felt they had worked out a good plan going forward to try and make sure there is there are no accounts that are not being reconciled. While there is a \$124,484.33 debit, it should be an \$80,000 to \$100,000 credit balance in that account. It represents each month for the school employees get withheld every pay period a certain amount for the employee contribution. That amount gets withdrawn from their pay and shows up as a liability, meaning a credit balance on the balance sheet. When the bill is paid, it offsets it with a debit. It should net to zero if it works out right at the end of every period. There should be a credit balance in this account. Because of the tight budgets they're dealing with, this is to try to get them to back to zero to avoid a free cash hit. It will not solve the problem; they'll still have to work on what it should be as a credit. They'll work collaboratively between his office, the Auditor's Office and the School Department. When they free up the \$300,000 from the Stabilization Fund this evening to go towards the budget resolution plan they had talked about, this amount will be left over so he could fix this account. He felt it was a good thing that has to be fixed, can move forward to reconcile the account which will be a process because they have to figure out how to fix the \$80,000 to \$90,000 or \$100,000 that is left; but this is getting them more than half way there. **Councilor Curcuru** asked if research would be done to see if funds are actually somewhere. **Mr. Towne** stated, "Yes". This funds it into the Personnel Health Insurance line in case Mr. Costa needs it to reconcile that liability account. If he can fix the liability account by other means, this can drop to the bottom line and become part of the free cash calculation. If they don't vote this tonight, they'll still have the deficit there. He wished to move forward and try to fix the deficits that have been created over the years and for the remaining portion in FY12. On inquiry by **Councilor Curcuru**, **Mr. Towne** agreed there is a \$200,000 swing. The \$124,584.33 will come from the Treasurer's Debt Service and asked what was left, which **Mr. Towne** noted \$4,341.00 remained in Short Term Interest if the motion passes. **Councilor Curcuru** posited that if hypothetically they didn't have to pay this off they wouldn't have ended up taking as much from the Stabilization Fund. **Mr. Towne** responded that was his point this

evening. **Councilor Curcuru** commented because of this transfer, they'll have another approximately \$124,000 in free cash that will be certified at the end of the year which is the end result. **Mr. Towne** agreed it has the same net effect. They drop it to free cash; the Council votes it out of free cash to restore the Stabilization Fund, or vote it out of free cash to fix the deficit. He was trying to get ahead of it to fix the process. **Councilor Curcuru** stated this was created with the school's help but it is being paid for on the City side which **Mr. Towne** confirmed. **Councilor Mulcahey** recounted her understanding of the matter with Mr. Towne. **Mr. Towne** suggested what had probably happened in the past that a number of things that could have contributed to this situation; perhaps they didn't charge the expenditure line item when they paid one of those bills because you have the employee portion withheld, then the employer portion on the credit side which gets charged to the expense and also hits the liability account. When you pay the bill, it hits the debit side and clears off. Perhaps at some point in time, he thought that or happened incrementally each year, maybe the expenditure hit there and didn't go to the expenditure line item and created the debit balance. In past years they were probably spent on something else. Perhaps a budget surplus showed in that line item and it was transferred to pay for something else. He didn't think there was a large amount of money sitting there that they can easily discover. It has been looked for over the years.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 to transfer (2011-SBT-68) \$124,584.33 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Personnel, Health Insurance, Unifund Account #101000.10.152.51750.0000.00.000.00.051.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-7) \$16.39 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to City Hall User Fee-Transfer from General Fund, Unifund Account #293004.10.49700.0000.00.000.00.059.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-7) \$16.39 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to City Hall User Fee-Transfer from General Fund, Unifund Account #293004.10.49700.0000.00.000.00.059.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-8) \$1,988.91 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to MORE Job Grant-Transfer from General Fund, Unifund Account #291086.10.49700.0000.00.000.00.059.

Discussion: None.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-8) \$1,988.91 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to MORE Job Grant-Transfer from General Fund, Unifund Account #291086.10.49700.0000.00.000.00.059.

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to transfer (2011-SA-9) \$177.50 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Modularity Cap. Proj., Unifund Account #300066.10.49700.0000.00.000.00.059.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SA-9) \$177.50 from Treas/Collector Debt Service Interest ST, Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Modularity Cap. Proj., Unifund Account #300066.10.49700.0000.00.000.00.059.

MOTION: On motion of Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate \$300,000 (Three Hundred Thousand Dollars) from Fund #840000, Stabilization Fund to the General Fund, DPW-Snow/Ice Removal, Salt/Sand-Road Account #101000.10.423.55410.0000.00.000.00.054. The purpose of this appropriation from the Stabilization Fund is to reduce the FY2011 DPW-Snow & Ice Removal year-end deficit.

Discussion: Councilor Curcuru stated this to take money out of the Stabilization Fund to pay for the Snow and Ice deficit which was part of the resolution that was presented to the Council from the Mayor.

MOTION: On motion of Councilor Curcuru, seconded by Councilor McGeary, the City Council BY ROLL CALL voted 8 in favor, 0 opposed, 1 (Hardy) absent, to appropriate \$300,000 (Three Hundred Thousand Dollars) from Fund #840000, Stabilization Fund to the General Fund, DPW-Snow/Ice Removal, Salt/Sand-Road Account #101000.10.423.55410.0000.00.000.00.054. The purpose of this appropriation from the Stabilization Fund is to reduce the FY2011 DPW-Snow & Ice Removal year-end deficit.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to appropriate \$215,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose to pay costs of remodeling and making extraordinary repairs of the Gloucester City Hall Building, 9 Dale Avenue, Gloucester, MA for the historic preservation purposes under the Community Preservation Program. The appropriation will be allocated to the Historic Preservation category and funded from unrestricted reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Capital Projects – Historical Preservation – Fund #346000.

Discussion: Councilor Curcuru explained as had previously been discussed with the Council during the public hearings for the CPA Fund applications that were before the Council; this was how they would save money in terms spending out of cash rather than borrowing the full amount of the \$2.6 million for the City Hall Restoration Project. This is the agreed upon amount with the CPC. This is to get the money out of the CPA fund to spend on the capital project.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to appropriate \$215,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose to pay costs of remodeling and making extraordinary repairs of the Gloucester City Hall Building, 9 Dale Avenue, Gloucester, MA for the historic preservation purposes under the Community Preservation Program. The appropriation will be allocated to the Historic Preservation category and funded from unrestricted reserves in Fund #270000. The project will be tracked in the Community Preservation Fund – Capital Projects – Historical Preservation – Fund #346000.

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to RESCIND a vote taken on April 28, 2010 as follows:

“ORDERED: That the \$800,000 authorized to be borrowed pursuant to an order of this Council approved on April 28, 2010 to pay the costs of acquiring the I4-C2 Parcel, so-called, is hereby rescinded and of no further force or effect.

Discussion: Mr. Towne stated about a year ago the Council voted for [a loan authorization] of \$1.5 million to purchase I4-C2. They bonded \$700,000 last year and also received \$800,000 from the Seaport Advisory Council in the form of a grant. They’ve already spent the \$1.5 million and this is an amount “hanging” there that still authorizes the City to borrow the \$800,000 but when they said when they got the grant they would come back and rescind the authorized \$800,000 remainder of the loan authorization. Councilor Tobey commented given how they financed the acquisition of I4-C2, he asked if the Administration would update the Council on the development of I4-C2; where are they in the process; and when would an RFP looking for proposals for the parcel’s development be expected by the Council for its review and action. Mr. Duggan noted the RFP is near completion which has gone through many revisions. A request for a presentation to the Council will come forward in 30 to 60 days. Councilor

Tobey asked how long the Council would have to sign off on the RFP for approving the issuance of it. **Mr. Duggan** didn't know as he did not have that information before them, but believed they were not in a deadline situation.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to RESCIND a vote taken on April 28, 2010 as follows;

“ORDERED: That the \$800,000 authorized to be borrowed pursuant to an order of this Council approved on April 28, 2010 to pay the costs of acquiring the I4-C2 Parcel, so-called, is hereby rescinded and of no further force or effect.”

MOTION: On motion by Councilor Whynott, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to RESCIND a vote taken on February 10, 2011 as follows;

“ORDERED: That \$215,000 of the \$2,600,000 authorized to be borrowed pursuant to an order of this Council approved on February 10, 2011, for the purpose of paying costs of reconstructing and making extraordinary repairs to City Hall, is hereby rescinded and of no further force or effect.”

Discussion: Mr. Towne noted they just voted the \$215,000 to be appropriated from the CPA fund itself. They had authorized \$2.6 million. They had spoken with the CPC before the Council voted this was that each year for the next several years they would take \$215,000 from their cash which they've collected from the 1% tax and pay down bills with cash rather than borrowing the full \$2.6 million. They had to authorize the \$2.6 million originally so they could put it out to bid. So the funds are coming out of the CPA fund and into the capital project fund and now this will rescind it so that they don't have \$2.815 million as a total authorization; they'll stick with the \$2.6 million authorization and that is what this motion accomplishes.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, to RESCIND a vote taken on February 10, 2011 as follows:

“ORDERED: That \$215,000 of the \$2,600,000 authorized to be borrowed pursuant to an order of this Council approved on February 10, 2011, for the purpose of paying costs of reconstructing and making extraordinary repairs to City Hall, is hereby rescinded and of no further force or effect.”

MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to pay two invoices: #T271104 in the amount of \$4.23 (Four Dollars and Twenty-Three Cents) and Invoice #T271251 for \$150.00 (One Hundred and Fifty Dollars) to the Portland North Truck Center from the Fire Department's Vehicle Repair Account for emergency repairs for the Fire Department's front line 2009 International/Horton ambulance dated prior to an approved purchase order in place.

Councilor Ciolino stepped away from the dais at 8:01 p.m.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, City Council voted 7 in favor, 0 opposed, 2 (Hardy, Ciolino) absent, to pay two invoices: #T271104 in the amount of \$4.23 (Four Dollars and Twenty-Three Cents) and Invoice #T271251 for \$150.00 (One Hundred and Fifty Dollars) to the Portland North Truck Center from the Fire Department's Vehicle Repair Account for emergency repairs for the Fire Department's front line 2009 International/Horton ambulance dated prior to an approved purchase order in place.

Councilor Ciolino returned to the dais at 8:03 p.m.

MOTION: On motion by Councilor Whynott, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Hardy) recused to recommend to the City Council to transfer (2011-SBT-41) \$6,000

from Fire Department, Pub Safety Program, Unifund Account #101000.10.220.53060.0000.00.000.00.052 to Fire Department, Overtime Training, Unifund Account #101000.10.220.51315.0000.00.000.00.051.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) absent, to transfer (2011-SBT-41) \$6,000 from Fire Department, Pub Safety Program, Unifund Account #101000.10.220.53060.0000.00.000.00.052 to Fire Department, Overtime Training, Unifund Account #101000.10.220.51315.0000.00.000.00.051.

Mr. Towne noted this leaves a \$144,000 snow and ice deficit which is what they are expecting funds from MEMA sometime after July 1st (whenever they pay it to the City). They got the Snow and Ice deficit completely wiped out knowing they would be reimbursed for storm costs which he felt was a good accomplishment overall. They “nailed” as many, if not all of the deficits outstanding. They may get hit on some of these due to timing issues with grants but nothing like years past. **Councilor Theken** congratulated Mr. Towne and Mr. Costa’s staffs on their hard work.

Scheduled Public Hearings:

1. PH2011-039: Loan Authorization in the amount of \$4,500,000 re: Phase 3 Public Water System Upgrades

This public hearing is opened.

Those speaking in favor:

Michael Hale, DPW Director explained that the DPW is requesting the approval of a loan authorization to fund the first portion of the Phase 3 of the Public Water System improvements. He recalled in 2009 with the Emergency Boil Water Order they took a very close look at the City’s water system. They identified immediate issues which they named Phase 1 and Phase 2 which brought the City’s system back on line last July. Phase 3 takes a look at the City’s storage tanks as well as some of the City’s most critical water distribution mains which is included in this loan order. It is broken down from 3A to 3E which totals \$10 million. They applied for the Drinking Water State Revolving Fund (DWSRF) funding for this project. They broke it down into a two year approval. They ranked second highest in the Commonwealth in terms of need. They presented their case; and they all recognize that Gloucester’s infrastructure is aged and in need of repair. As well as being ranked second, they’re also considered an environmental justice community (how the Trust ranks need). It meant that last year there was forgiveness in the principal of the loan. They’re looking to borrow close to \$10 million from the Trust. This is the first loan order which will take them through Phases 3A to 3E and get them into 2012 for the next loan order request.

Those speaking in opposition: None.

Communications: None.

Questions:

On inquiry by **Councilor Ciolino, Mr. Hale** responded they continue to evaluate the system; they are already preparing the Phase 4 portion to develop the full engineering scope for that. Phase 3 looks at their storage facilities; Bond Hill which is their main finished water storage; one in North Gloucester and one in the Blackburn Industrial Park; all three tanks need certain levels of preventative maintenance and upkeep, as well as some new components added to them. They’re also looking at the distribution system, Western Avenue and Commonwealth Avenue areas. Western Avenue they’ve replaced a section of main, about 1,500 ft. last December that was critical - there were two breaks in 24 hours and is a chronic issue. The State recognized it as such. They probably have about another 3,500 ft. to do. Commonwealth Avenue neighborhood is one of the oldest water mains in the City and needs to be replaced because water breaks happen in that neighborhood which carries into other neighborhoods and wards. Phase 4 will see improvements likely to the West Gloucester filtration. On inquiry by **Councilor Theken, Mr. Hale** stated this is the Water Enterprise Fund; a self-sufficient fund pays for this. They raise the interest payments and debt payments through water rates.

Councilor Theken inquired on the Home Rule Petition regarding the City’s ownership of its water resources. **Ms. Lowe** noted they recently heard from Senator Tarr’s office that the Special Act to protect the water and prevent sales of the system has passed the State senate. **Councilor Curcuru** noted this is \$4.5 million and asked is next. **Mr. Hale** noted they applied to the State for DWSRF funding with a total of \$10.2 million. They felt it would be a burden for the City to fund that at once so they funded the City a two year period. \$9,666,000 is funded in total. And being ranked an environmental justice community this gives them some principal forgiveness on this

borrowing. They do have timelines on these. Some of the contracts for the environmental justice community principal forgiveness need to be by April 2012. Questioned by **Councilor Curcuru** how much this would add to the water rate. **Mr. Towne** noted this will add \$.15 to \$.20 per thousand. The water rate didn't go up this year. **Councilor Tobey** asked for more information on the rate implications; when the borrowing and impact occur. He assumed the first year the impact will be felt lightly because of the interest only; but as the debt is fully bonded there will be a more substantial impact. He felt the community should know there will be costs which need to be incurred if they're going to have a sound and healthy water distribution system. **Mr. Towne** stated they'll borrow 20 years out. MWPAT 2% interest on the debt. They will go short term on the debt through what is known as an interim loan note program which is sometimes less than .4% or .5% interest. In the early portion of the year he would borrow the full amount in stages as they do draw downs. He likened it to a reimbursement program – if you spend the money and get the draw down. If you take a typical debt project, it is 10% per year if you go out to the market. Because this will be half the market rate he figured a full year will be about \$250,000 on the rate. **Councilor Tobey** noted the Council a year from now will be looking at a rate increase of about what per thousand. **Mr. Towne** suggested about 42 cents for a full year. They will pay interest in FY13 – it will be a short amount of money – about .4% or .5%. If he borrowed \$3 million, it would be \$14,000 in short term interest and twice that amount in FY14 and more in FY15. **Councilor Tobey** noted then that FY13 is minimal impact and twice minimal in FY14. Three years later the full 40 cents per thousand is realized. It is about 5% three years out according. **Mr. Duggan** pointed out Mr. Hale had referred to some phasing in of other different projects. The Administration is being aggressive with State grant funding called MassWorks Infrastructure Program. They will pursue a \$4.5 to \$5 million in grant funding over the summer for submission in early September. **Councilor Theken** asked what the State expects back from the City for these grants. **Mr. Duggan** stated it varies for each one. But they will be able to use this since they have been in constant contact with the State they need about \$10.3 million of work to be done now. They've borrowed the \$4.5 million which he felt will be the City's leverage towards looking to the State to pick up the rest. **Councilor Tobey** thought that was exciting news and asked when the Administration would come before the Council to seek permission to do that. **Mr. Duggan** thought around the middle to late August.

This public hearing is closed.

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council the following Loan Order:

Ordered: That up to \$4,500,000 be appropriated for the purpose of making improvements to the City's Public Water System including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$4,500,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Discussion: None.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted **BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, the following Loan Order:**

Ordered: That up to \$4,500,000 be appropriated for the purpose of making improvements to the City's Public Water System including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow up to \$4,500,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor determines that

they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (“Trust”) established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

2. PH2011-040: Loan Authorization in the amount of \$450,000 re: Nate Ross Field - \$50,000 and Dorothy Talbot Rink \$400,000

This public hearing is opened.

Nate Ross Field

Those speaking in favor:

Mike Hale, DPW Director explained that two recreational facilities, Nate Ross Field (baseball field located on the O’Maley School property) and the Dorothy Talbot Memorial Rink are in great need of repair work and is asking for a total loan authorization of \$450,000 to complete these necessary repairs. He broke down the needs as follows:

Nate Ross Field

This field is home to the GHS varsity baseball team, the American Legion baseball team, the Gloucester Senior Babe Ruth baseball program and the Gloucester Senior League baseball program. The field has some safety deficiencies. There is no safe place for pitchers to warm up, batters to take batting practice; and there is no screening for ballplayers sitting on the bench. Most of the fields in the City that have had investment by the Little League teams, there are safety precautions built in to protect the players and the spectators and coaches. If one is walking around the bench at Nate Ross Field going to the stands, you’re liable to run into someone taking batting practice or warming up as a pitcher. It is unsafe. The issue was brought to their attention by the Athletic Director, the varsity baseball coaches, parents and concerned citizens who all felt the field warranted some degree of City investment to protect its asset. With \$50,000 they feel they can provide the screening for the bullpen, the dugout as well as the players’ benches as well as some drainage issues in both the out-and in-field areas in need to attention to protect the investment made in the field over the years. Currently drainage appears to degrade the condition of the field on an annual basis. [Note: This is a General Fund obligation.]

Those speaking in opposition: None.

Communications: None.

Dorothy Talbot Rink

Those speaking in favor:

Mike Hale, DPW Director explained the Dorothy Talbot Rink is now a self-sufficient Enterprise Fund. When they took over that facility last July, they realized there were significant deficiencies with the mechanical elements of the rink, as well as functionality of some of the older equipment. They’re requesting \$400,000 to replace the boards and glass which are original; some has been replaced over the years. It is a wood frame board system. Many of the components that support the boards are rotted. They are past their life expectancy and must be done for player safety and for the rink to function as a skating facility. Mechanically, the City bonded for dehumidification units years ago and it was never completed. The facility is in dire need of dehumidification which protects the ice surface; it’s more energy efficient; and protects the structural integrity. With regards to the environmental issues, when **Councilor McGeary** was there last September, he recalled they couldn’t even see the ice surface the fog was so thick. That fog creates condensation that creates mold and mildew in the cross members, in the roof and causes structural issues. This will also cover the replacement of the condensers. These units sit outside the rink; they are original. The people who operate and maintain them have said they will not operate past September and will no longer service them; they have reached the end of their useful life. This loan would be paid through the revenue generated by the Talbot Rink itself. He felt without these improvements he wasn’t convinced they could run Talbot Rink starting in September. These capital improvements should have been done a long time ago. Also, the City applied for a Green Building Programs grant which they were awarded. Part of that is a Low-E ceiling which is a foil-faced ceiling which reflects ceiling heat from the roof back out. The grant will pay for 60% of that and the loan order will pay for the balance of that.

Andrew Amigo, 12 Castle Hill Road, Cape Ann Youth Hockey Board Vice President stated they are in support of these improvements. Their organization has about 300 boys and girls in their program ages 4 to 14. The rink is their home ice. There are a number of safety issues which he noted Mr. Hale had reviewed for the Council. He also pointed out as the ice gets soft it creates holes which is a further safety issue. If conditions continue to deteriorate they would have to consider moving their program to another venue, and they are the largest user of the rink. The rot in the boards has gotten to the point that they are worried about serious injuries to the children, and they feel these are repairs that can't be lived with any more. They're at the point, in the opinion of the Board, where it is not safe for the players and are in support of the loan authorization. If the improvements are made, they believe the rink will become a destination rink. They lose the summer now with the current conditions. They'd like to bring tournaments into the City; and if the rink is state-of-the-art, this will allow for that. It will help other parts of the community economically as well as it becomes a destination rink. They believe this is an investment in the future. He added now that the Bruins have just won the Stanley Cup they are seeing a swell of interest. They expect their numbers to grow not shrink. He concluded his remarks by saying it would be a shame if the ice wasn't there.

Those speaking in opposition: None.

Communications:

Paul Scola, President of the Board of Directors of Cape Ann Youth Hockey, letter on behalf of their 18 member Board of Directors in support of the loan authorization and improvements to the ice rink

Questions:

Councilor Whynott stated that many years ago the rink was used all through the year and wondered if there was for using the rink for other things. **Mr. Hale** responded that the idea is to maximize the rink to be as year round as possible as a rink. He knew they had tennis there in the summer when the rink was first built. Public figure skating and hockey will maximize the rink going forward. **Councilor Curcuru** noted the \$50,000 for Nate Ross Field and thought the improvements were a great idea and felt the remainder of the field should be used for track and other types of athletics as there was a lack of fields. **Mr. Hale** agreed. Cape Ann Lacrosse couldn't use the O'Maley field because it had degraded to where it was unstable. It would be great to rehabilitate the whole facility. **Councilor Curcuru** noted when the Enterprise Fund was created a year ago it was to be self-sustaining. It is assumed there'll be short-term interest. The money is in the enterprise account to pay for the short term and asked if there will be enough in the account to sustain the loan when the debt goes long-term. **Mr. Hale** stated the milestone was \$263,000 which they met. With better management with ice hours, they have most of next year's ice time booked. They know what slots are open and can solicit for them. They kept it at \$263,000 and feel they can sustain this growth going forward. **Councilor Curcuru** pointed out they'll still have to invest in the rink down the road and expressed his concern. He asked about a long term plan. **Mr. Hale** stated there will be a business plan and an operations plan going forward. Without these improvements they can't run the rink. If the athletic teams had to go out of the City it would be \$50,000 for transportation. **Councilor Verga** thought this was great to tackle this first to get revenues up. He recalled with the dehumidifier that the system was insufficient and wanted to be sure that the funding was a safe number. **Mr. Hale** felt the original size of the dehumidifiers were not adequate. **Councilor Verga** expressed he was pleased this was moving forward. **Councilor Mulcahey** asked if there were grants available for the O'Maley fields. **Mr. Hale** stated there are for playgrounds but this field didn't qualify. He thought they could look into it. **Councilor Mulcahey** felt they should look for grants as there are so many expenses now. She would not vote against this. **Mr. Hale** added he didn't know of any specific grants they'd be eligible for regarding safety issues.

This public hearing is closed.

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 following Loan Order:

Ordered: That up to \$450,000 is appropriated for the purpose of making improvements to recreational facilities of the City, including without limitation all costs thereof as defined in G.L. c. 44, §7(9) and (25) or pursuant to any other enabling legislation. The improvements to Nate Ross Field include but are not limited to, equipment, spectator and athletes seating, fencing, drainage and parking totaling up to \$50,000; the amount borrowed to be repaid from the general funds of the City. The improvements to Dorothy Talbot Rink include but are not limited to dehumidification improvements, condenser improvements and a low-E ceiling installation, totaling up to \$400,000, the amount borrowed to be paid out of the enterprise fund for the Dorothy Talbot Rink. To meet that appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow up to \$450,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City. The Treasurer is authorized to file an application with the Municipal Finance

Oversight Board to qualify under Chapter 44A of the General laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Discussion:

Councilor Ciolino believed this was the third time he and Councilor Theken has voted for the dehumidification system and hoped to see it replaced now. **Councilor Tobey** thought these are the kinds of investments they can proudly vote for as they about building community, investing in the City's young people and sustaining resources that are critical to why cities and towns exist. Providing good playing fields; safe facilities for children is fundamental. Some may criticize them for spending this money on the field and rink. But the money to the rink is all about sustaining a business resource that will generate revenue to sustain this debt. He felt this is a good investment in the community.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, the following Loan Order:

Ordered: That up to \$450,000 is appropriated for the purpose of making improvements to recreational facilities of the City, including without limitation all costs thereof as defined in G.L. c. 44, §7(9) and (25) or pursuant to any other enabling legislation. The improvements to Nate Ross Field include but are not limited to, equipment, spectator and athletes seating, fencing, drainage and parking totaling up to \$50,000; the amount borrowed to be repaid from the general funds of the City. The improvements to Dorothy Talbot Rink include but are not limited to dehumidification improvements, condenser improvements and a low-E ceiling installation, totaling up to \$400,000, the amount borrowed to be paid out of the enterprise fund for the Dorothy Talbot Rink. To meet that appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow up to \$450,000 and to issue bonds or notes thereof under Chapter 44 of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City. The Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

For Council Vote:

1. Extension of Emergency Ordinance to Amend §22-242 "Parking Prohibitions, Towing, Immobilization, Signs" re: Magnolia Woods

Ms. Lowe noted that this was passed as an emergency order and that on July 10th it will expire and that an extension under the Charter is necessary. **Ms. Lowe** then, on inquiry by **Councilor Tobey**, read the relevant section of the Charter aloud. **Councilor Theken** recalled at the O&A site visit to Magnolia Woods they spoke to coaches, the members of the old committee on Magnolia Woods and an architect which was very productive. **Mr. Hale** stated they've retained Weston & Sampson Engineers. They should have a Certificate of Closure by late summer, and this will help them to develop a plan as to how to manage the facility and improve it as to how it was originally envisioned. **Councilor Theken** noted there were some questions on the testing of the landfill raised at that time. **Mr. Hale** stated the testing is done quarterly. Since he was Interim DPW Director and now Director, they had a three year [testing] proposal in place; and they are in compliance with gas and ground water, and have been since he started with the DPW. **Councilor Tobey** noted they referred out to O&A to create by ordinance a bona fide Committee – one that would have legal standing with the City. It will be on their agenda for July 18th. **Councilor Theken** thought they would have this handled and completed to go before the Council within a month of the meeting.

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, that under City Charter §2-11(b) there is a continuing emergency arising from a threat to public health inasmuch as the parking of cars on the landfill cap at the Magnolia Woods can breach the cap.

MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (Hardy) absent, that under City Charter §2-11(b) there is an emergency arising from a threat to public health inasmuch as the parking of cars on the landfill cap at the Magnolia Woods can breach the cap and extends the Council's emergency order passed on May 10, 2011 for 60 days, from July 10, 2011 to September 8, 2011.

Councilor Theken noted a boy scout in the audience and thanked **him for** attending.

Unfinished Business: None.

Individual Councilors' Discussion Including Reports by Appointed Councilors to Committees:

Councilor Tobey reported on the first Fisheries Commission Meeting to the Council. There were folks from all elements of the waterfront. The Mayor led the meeting well. They looked to proactively develop policies and share them with the Administration; to be a voice for the revitalization of fisheries in the community and also will work to promote the business of the fisheries as source of investment and growth. They disregarded the idea that the fishing industry is dead but rather that further growth needs to be achieved with fish stocks being stabilized and some growing which they see as an opportunity. They want to build a business plan so that when it is said take the waterfront and turn it into boutique hotels and galleries they'll have data that will show the industry is poised to grow. They'll meet monthly. He asked the media to get the word out as public input will be encouraged at their next meeting. **Councilor Theken** as liaison to the Council on Aging, reminded the seniors to get their parking stickers for their cars so they are not ticketed parking near the Center. **Councilor Mulcahey** noted the Charter Committee is almost finished with their review of the City Charter.

Councilors' Requests Other than to the Mayor:

Councilor Whynott noted a serious issue with a double pole on Green Street. He called and put in a request to Charlie Mahoney, Electrical Inspector that pole #2217 be fixed or at least repaired, and ultimately removed. Councilor Theken suggested that he ask the Chair of P&D in case it ever comes before them that they'll have a record since pole petitions don't come before the Council that they're not complying. **Councilor Verga** requested that the DPW review the signage on Englewood Road as it is one way; but cars go down it the wrong way frequently. It could be just a matter of clearing brush from existing signage. However, should that not be the case he would refer the matter to the Traffic Commission for further study. **Councilor Curcuru** noted Moody's lifted the City's negative outlook on its bond rating. He thanked the Treasurer's and Auditor's Office who have done a great job in working towards this accomplishment. **Councilor Tobey** noted under Sec. 7-19 of the Charter the City Treasurer is required, at least semi-annually, to file with the Council a report on all the banks that the City deposits resources, the amounts, the interest they earn and asked that they reinstitute this report so they do comply with the Charter. The report should begin as of June 30, 2011, and also as to whether Bank North was cut off as a bank serving the City (referring to a matter of the previous summer). On another note, the Councilor stated they were all touched by Austin Connors, of Connor's Pharmacy, who always kept up the beautification of the Spanish American war monument adjacent to his place of business for many years. The Councilor thanked those gentlemen who spruced it up in his honor – Aldo Peliccia, Dan Smith and Anthony Burnham; and Barbara Dumbrowski of Goose Cove Gardens for donating all the plantings and materials. On behalf of the City generally and in honor of a fine man whom they all miss, he thanked them. **Councilor Ciolino** noted the street lights are still out at the West End of the downtown and will ask the DPW to give a report on this matter as they would all like to know why it hasn't been repaired. **Councilor Mulcahey** voiced her agreement with Councilor Ciolino. **Councilor Theken** thanked the B&F team and the Administration for the completion of the fiscal budget season. They work as a team. While the public may see opposition, it is good. She also pointed out they do have a process for economic development by which the Council approves projects. They never try to stop a project, but try to enhance it. When they see a project put aside it is not because they voted it down, but it is because of due process. She congratulated Officer Kenny Ryan on his retirement. She noted the loss of former Councilor Harriet Webster who also was key to the Maritime Center. She also expressed her condolences to the family of Officer Andy Muniz. The Greasy Pole Musical was a hit (a play in which she had a role). She lauded Henry Allen of the "Annie" Theater, the former Blackburn Theater, for bringing the theater back to life, and adding her thanks to Keith Palazola. **Councilor Whynott** saw the play and thought the Councilor did a fine job. He also noted that the JAMAR speed recorder is in use by Bob Ryan, Traffic Commissioner, commenting it is very helpful.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS RECEIVED AT MEETING: None.