

**SPECIAL GLOUCESTER CITY COUNCIL MEETING**

Tuesday, October 11, 2011 – 6:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Anne Mulcahey; Councilor Steven Curcuru; Councilor Greg Verga; Councilor Robert Whynott

**Absent:** Councilor McGeary

**Late Arrivals:** Councilor Theken; Councilor Tobey

**Also Present:** Linda T. Lowe; Tony Gross; Kenny Costa

The meeting was called to order at 6:04 p.m.

By unanimous consent the Rules of Procedure were suspended for this Special Meeting of the City Council.

**1. Amendments to City Charter in accordance with Sec. 10-1 “Charter Changes” (To accept recommendation of O&A)**

**Council President Hardy** invited Linda T. Lowe, City Clerk to make an opening statement to the Council.

**Ms. Lowe** noted the Charter Task Force for several months under the guidance of Councilor Mulcahey. Under §10-1 of the Charter every 10 years the Council, through O&A, reviews the Charter to make minor recommendations for amendments so long as amendments have nothing to do with the electoral process. They would have to have a Charter Commission in order to do that. The Charter can also be changed by a Special Act of the State legislature. They started at the very beginning of the Charter and went all the way to the very end which took about a dozen or so meetings to accomplish. There was a great deal of help from Tony Gross of the School Committee as well. As the Council could see from the document, Mr. Gross, working with the full School Committee, made some good changes which have been approved by the School Committee. She felt what was before the Council for their consideration was a good product. **Council President Hardy** thanked Councilor Mulcahey for taking the helm of the Charter Task Force and for all her hard work. **Councilor Mulcahey**, Chair of the Charter Task Force who served in that capacity at the request of Councilor Theken, Chair of O&A, stated the Task Force brought the Charter up to date reflecting today’s technology; as well as the inclusion of the new Home Rule Petition section on the City’s water system. They trimmed language to be more succinct. They felt this version of the Charter is more user friendly than before. **Council President Hardy** requested and the Council assented that all motions were to have the same maker and seconder for the record.

**ARTICLE 2 – Legislative Branch**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 6 in favor, 0 opposed, 3 (Tobey, McGeary, Theken) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 2-5(c) “Rules of Procedure” (i) the word “ordinance” and ADDING “approved City Council Rules of Procedures.”**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 6 in favor, 0 opposed, 3 (Tobey, McGeary, Theken) absent, to amend the Gloucester City Home Rule Charter by ADDING in Sec. 2-5(c) (ii) after the words residence or business, “or receipt confirming electronic mail”; and after the words forty-eight hours, “excluding Saturday, Sunday and holidays”.**

The following is a discussion related to amending Sec. 2-7 City Clerk; City Auditor:

**Councilor Whynott** felt this amendment before them weakens the chain of command which could cause problems, perhaps not for this Council, but for another Council. He believed the Assistant City Clerk and the Assistant Registrar should report to the City Clerk; and the Assistant City Auditor should report to the City Auditor. By keeping it that way, he felt they would not get into the situation where Councilors would not be giving direct orders to staff if they report to the department heads. They should report to the managers who then report in turn to the City Council. He likened it to having lieutenants in the Police Department reporting directly to the Mayor but are

supervised by the Chief. **Councilor Mulcahey** stated it was her understanding that the Assistant Registrar and the Assistant City Clerk report to the City Clerk and the City Clerk reports to the City Council. **Councilor Whynott** contended that is what it used to say, but not what it says now. **Ms. Lowe** stated it says “supervised by the City Clerk”; having been on the Charter Task Force all along, she stated the reason for this was, she believed, the intention by the Councilors who brought it up was due to the situation of the recent layoff and reinstatement of the Assistant City Auditor which prompted a discussion of who does the Assistant City Auditor work for and the Auditor works for the Council. This language was seen as a way of addressing that situation in order to clarify the issue. **Councilor Whynott** thought this was not a clarification. He expressed his preference for a “crisp” chain of command and felt it was cleaner the way it was currently stated in the Charter. **Mr. Gross** stated this is new; there was nothing before this amendment. This language did not exist that referred to the Assistant Auditor. Ms. Lowe concurred with Mr. Gross’ assertion. **Councilor Whynott** disagreed; that it said that the Clerk and the Auditor report to the City Council. **Councilor Curcuro** pointed out this is Sec. 2-7 (b) and (c). **Ms. Lowe** clarified Mr. Gross is saying that this is new language. **Councilor Curcuro** recalled, on inquiry by **Councilor Mulcahey** that the question was both positions are union positions; which they shouldn’t be; rather they should be positions of management. He believed that would be up to the union in giving up those positions. **Councilor Whynott** thought this was not the way to “fix” the language and moved that this should be stricken – that the Assistant Registrar, the Assistant City Clerk and the Assistant City Auditor report to their managers and that the managers should report to the City Council. **Councilor Ciolino** and **Councilor Curcuro** discussed the matter about direct and indirect supervision of these three staff members. **Councilor Curcuro** did agree with Councilor Whynott to some degree that the Assistant City Auditor reports to the City Auditor; and that he is the tacit supervisor of the City Auditor in his role as the Chair of B&F. However, that doesn’t preclude another Councilor going in and speaking with the Assistant City Auditor or for that matter the Assistant City Clerk. **Councilor Whynott** said he believed a Councilor could not give those staff members an ‘order’. He recognized while this was not a problem for this particular Council with regards to the supervision, it may become one for a future Council. **Council President Hardy** thought the intention was to protect not only the City Auditor and the City Clerk from layoffs, in other words they’re under the auspices of the City Council not the Executive branch; and would also extend to their assistants because they couldn’t have a “rogue” assistant reporting to the Executive branch while they’re reporting to the Council. **Councilor Whynott** stated it may solve one problem but create another problem. He felt it was hard enough for the City Clerk to have nine “bosses”; and even though they supervise them, they’re still going to be reporting to the City Council. **Council President Hardy** and **Councilor Verga** disagreed. To that end, **Council President Hardy** offered a friendly amendment to satisfy the needs of the Council on this matter that “The Assistant City Clerk and the Assistant Registrar of Voters report to the City Clerk;” to which **Councilor Verga** added, “and are supervised by the City Clerk” and stated that “and to the City Council could be pulled from the motion altogether where it refers to the Assistant City Auditor and the Assistant Registrar of Voters and Assistant City Clerk. **Councilor Curcuro** reiterated the intent was to protect the positions. The Council, by unanimous consent, accepted the friendly amendment to the motion and then voted the amended motion as follows:

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 6 in favor, 0 opposed, 3 (Tobey, McGeary, Theken) absent to amend the Gloucester City Home Rule Charter by ADDING in Sec. 2-7 City Clerk; City Auditor (a) following after the words “unexpired term” as follows: “The city clerk and auditor report to and are supervised by the City Council. The assistant city clerk and assistant registrar of voters report to and are supervised by the city clerk. The assistant city auditor reports and is supervised by the city auditor.”**

The following discussion relates to the Charter Task Force’s recommendation to revise and clarify language contained in Sec. 2-9 Council Standing Committees which was proposed as follows:

**To amend the Gloucester City Home Rule Charter by clarifying language contained in Sec. 2-9 Council Standing Committees (a) into three subsections as follows:**

**(a) Designation of Committees – There shall be three standing committees of the city council:**

- (i) A committee on Budget and Finance, to which may be referred by a simple majority vote of the full city council every matter which would involve an expenditure by the city.**
- (ii) A committee on Ordinances and Administration, to which may be referred by a simple majority vote of the full city council every matter which in the form of adoption is categorized an “ordinance” or**

**the effect of which is more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk.**

- (iii) A committee on Planning and Development, to which may be referred by a simple majority vote of the full city council all matters which affect land use, planning, zoning and other development of the city.**

**Councilor Whynott** noted he believes that there is no such thing as a “simple majority of the full City Council”. When there is a quorum, it is a simple majority of those present and voting. They can pass things according to the Charter [§2-5(b)] with four votes and go up to five votes if everyone is in attendance. The Council wouldn’t want to have something that can be passed with fewer votes than it requires referring them. (i) is fine because it takes six votes to pass it and is appropriate; but (ii) and (iii) should be just a simple majority. **Mr. Gross** stated that it was changed in 2002 from two-thirds to a simple majority. **Councilor Whynott** contended that was due to a typographical error then; and it got passed. It said “simple majority of the full Council”, and there is no such thing. **Ms. Lowe** understood the Councilor’s point but that is what is in the Charter now, and they wish to change that language. **Councilor Whynott** reiterated there was no such thing as a “simple majority of the full City Council”. In (i) saying it s a majority of the City Council is fine because that is a vote of six Councilors; but (ii) and (iii) should be just “simple majority”. Councilor Curcuro believed Councilor Whynott was asking them to remove the word “simple”; that ultimately it should read majority of the City Council”, which **Councilor Whynott** confirmed. “Of the full Council should come out of (ii) and (iii). If it reads “simple majority” then an ordinance could be passed with a simple majority of four. But it would take you five votes to refer it. He felt that made no sense. **Ms. Lowe** understood the Councilor but her problem was that wasn’t discussed at all by the Charter Task Force; and they didn’t make that change. Now it is coming back as a change without having gone through the vetting of the Charter Task Force. **Council President Hardy** asked if it were to remain as it is currently, would that affect anything else that was changed that is coming before them. Ms. Lowe responded some of the changes Mr. Gross took to the School Committee where they were trying to make things parallel, it might mean they are no longer parallel. **Councilor Whynott** noted the charter states you can pass an appropriation with five votes “with the majority of the full Council”. Anything else requires four votes which is a simple majority. There is only a simple majority and a majority of the full Council. **Ms. Lowe** noted that was confusing because it is not four votes. It is dependent on who is at the meeting. If there aren’t nine Councilors, and the numbers are dropping down, then you go to the four votes. If all nine Councilors this evening were taking up, say, a motion on handicapped parking, and four people voted in favor of it, it would fail. **Councilor Whynott** stated even if seven councilors are in attendance a simple majority remains four and you can pass things other than requires a simple majority; ordinances, all kinds of things. **Ms. Lowe** respectfully disagreed with the Councilor. Her only concern was that what is in front of them has been in the Charter for a long time. **Councilor Whynott** responded it was wrong even when it was in it. **Council President Hardy** asked the Council if they wished to put aside the matter to be considered further at another time, so that they may continue on to the rest of the matters before them.

By unanimous consent, the matter of the Charter Task Force’s recommendation to clarify language contained in Sec. 2-9 Council Standing Committees was set aside to be taken up at another Special City Council meeting at a date to be determined.

**Councilor Theken entered the meeting at 6:24 p.m.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 1 (McGeary) absent to amend the Gloucester City Home Rule Charter by DELETING in Sec. 2-11(b) all words that follow the phrase “in the measure” and by ADDING after the phrase “following their adoption unless” the words “a vote of the City Council in conformity with the procedures for measures generally is passed extending it for a period not to exceed an additional sixty days or...”**

**Councilor Whynott** also questioned the matter. In the past when they needed a resolution or something of the like to go to the State House right out the next day, they worked around this by making a motion to reconsider so as not to wait until 48 hours later to act. They still need a vehicle to be able to do that. He noted the Charter always overrules Roberts Rules of Order. So if it says that every Councilor has the right until the close of business the next day, there is nothing that can be done via parliamentary procedure to take that right away from a City Councilor. He

felt it should read, "No exceptions other than measures under unanimous consent that need immediate action" to be inserted at the end of (d) in 2-11. That, he felt, would cover those things that have to be done right away. At the end, he suggested, "No parliamentary procedure, including those found in Roberts Rules of Order shall deprive any Councilor the right to reconsideration up until the close of business on the following day." That covers both the situation where you need to have something go out but it makes clear that they're not trying to take something away from a Councilor that the Charter gives them. **Council President Hardy** read what she believed **Councilor Whynott** was now proposing, "...with no exceptions other than those matters under unanimous consent that need immediate action, and if during said time notice of intent to file a motion to reconsider the matter is filed with the Clerk of the Council by any member entitled to make such a motion, the measure shall be returned to the City Council for further action. If no such statement or intent is filed with the Clerk of the Council, the City Council shall, at the end of the next business day forthwith present the matter to the mayor. No parliamentary procedure, including those found in Roberts Rules of Order shall deprive any Councilor the right to reconsideration up until the close of business on the following day." She announced this to be Councilor Whynott's amendment to 2-11 (d). **Mr. Gross** questioned whether the Council, under this amendment would now have to declare in advance which motions are under unanimous consent and which are not.

**Councilor Theken stepped away from the meeting at 6:35 p.m.**

The Councilors discussed the amendment proposed by Councilor Whynott briefly.

**A vote was taken on the motion on the amendment proposed by Councilor Whynott to §2-11(d) which failed on a vote of 3 in favor, 3 opposed. The Council then voted as follows on the main motion to amend the City Charter:**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 6 in favor, 0 opposed, 2 (McGeary, Theken) absent, to amend the Gloucester City Home Rule Charter by reversing the order of Sec. 2-11(d) and (e) and renumber so that the contents of subparagraph (e) are the contents of subparagraph (d) and the contents of subparagraph (d) are now the contents of subparagraph (e).**

**Councilor Tobey entered the meeting at 6:41 p.m.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (McGeary, Theken) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 2-11(b) all words that follow the phrase "in the measure" and by ADDING after the phrase "following their adoption unless" the words "a vote of the City Council in conformity with the procedures for measures generally is passed extending it for a period not to exceed an additional sixty days or..."**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (McGeary, Theken) absent, to amend the Gloucester City Home Rule Charter by ADDING in Sec. 2-11(f) after the words "in the city" the phrase "and/or by publication in the Municipal website."**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 0 opposed, 2 (McGeary, Theken) absent, to amend the Gloucester City Home Rule Charter in Sec. 2-11(g) after the statement section 2-11, replace "(d)" with "(e)".**

**Councilor Theken returned to the meeting at 6:44 p.m.**

### **ARTICLE 3 – Executive Branch**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING to Sec. 3-3 Appointments to the Mayor after the phrase "as provided in section 2-10." In the last paragraph of that section the following statement: "The appointments of the Police Chief and the Fire Chief**

shall be governed by the Code of Ordinances sections 17-16 to 17-18 as amended September 2010 and by Ordinances section 8-16 to 8-18 as amended January 2011.”

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in the listing of sections for Article 3 under Sec. 3-7 – “Administrative Assistant to the Mayor” and by ADDING the words “Chief Administrative Officer”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING the title of Sec. 3-7 – “Administrative Assistant to the Mayor” and by ADDING the words “Chief Administrative Officer” as well as replacing the title “Administrative Assistant to the Mayor” where it appears throughout Sec. 3-7 text and replace it with the words “Chief Administrative Officer”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING Sec. 3-7 subsections (f) and (g), and making subsection (h) to read subsection paragraph heading (f).

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING in Sec. 3-8 (b) the words after the phrase “business or residence,” as follows: “receipt confirming electronic mail”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 3-9 the word “and” after the phrase “in section 2-11(b) and ADDING the words “and (e) zoning issues,” after the words “(d) the budget”.

Councilor Tobey suggested that the Council entertain an omnibus motion at this time as it is allowable by law which Councilor Theken stated she agreed with the Councilor and seconded his motion. She also stated that each change to the Charter has been discussed over a great many months. She felt they can again revise the one motion that Councilor Whynott requested by setting it aside and taking it up again at another Special City Council meeting at a date to be determined. Councilor Ciolino voiced his agreement with Councilor Theken’s statements. Ms. Lowe suggested that all of what has been previously approved by the O&A in the Task Force Report; Article 4- Article 10 is now being approved by the full body.

**MOTION:** On motion by Councilor Tobey, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent, to accept the recommendations of the Ordinances & Administration Committee to accept [as follows] the body of work of the remainder amendments of the City Charter Article 4 through Article 10.

#### **ARTICLE 4 – School Committee**

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 4-2 the words following the phrase “records of the committee”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 4-3 General Powers and Duties in its entirety and replace it as follows:

“Section 4-3. - General Powers and Duties.

The school committee shall have all of the powers and duties which school committees are given under the general laws and may have such additional powers and duties as the city council may, from time to time,

assign, by ordinance.

The School Committee shall make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the school committee as may be deemed necessary or desirable.

To the extent permitted by State Law, - (Approved 12/9/2002) the powers of the school committee shall include, but need not be limited to the following:

- (a) to appoint a superintendent of schools, for a term not to exceed three years, who shall be charged with the day to day administration of the school system, subject to policy directives issued by the school committee;  
State law reference- M.G.L.A. c. 71 sec. 41
- (b) To appoint the school business administrator;  
State law reference- M.G.L.A. c. 71 sec. 41
- (c) To appoint the director of special education of pupil personnel;  
State law reference- M.G.L.A. c. 71B sec. 3A
- (d) Establish and appoint an assistant or associate superintendent upon the recommendation of the superintendent;  
State law reference- M.G.L.A. c. 71 sec. 59
- (e) To appoint school physicians and registered nurses;  
State law reference- M.G.L.A. c. 71 sec. 53
- (f) To appoint one or more supervisors of attendance;  
State law reference- M.G.L.A. c. 76 sec. 19
- (g) Sub-sections (a), (b), (c), (d), (e) and (f) of Section 4-3 shall require a majority vote of the full School Committee

The school committee shall furnish all school buildings with proper fixtures, furnishings and equipment and shall provide ordinary maintenance of all school buildings and grounds, provided however, that the city council may, by ordinance, provide for the establishment of a centralized purchasing system, which may provide for the inclusion of purchases made under authority of the school committee, and it may also provide, by ordinance, for the creation of a centralized maintenance department which may include maintenance of school buildings and grounds.

State law reference(s)--School committee to appoint superintendent of schools, M.G.L.A. c.71, §41; powers and duties of school committee, M.G.L.A. c. 71 et seq.”

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 4-5 – Filling of Vacancies in the second paragraph, second sentence DELETE the word “man” and replace it with the word “member”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 4-6 (c) and BY ADDING a new Section 4-6(c) as follows:

- (c) Rules of Procedure -- The school committee may from time to time adopt rules governing its proceedings.
  - (i) Regular meetings of the school committee shall be held at a time and place fixed by such rules.
  - (ii) Special meetings of the school committee shall be held on the call of the chair person of the school committee, or in his absence by the vice-chair person, acting as such, or by any two or more members. Notice of such meetings shall be by receipt confirming electronic mail, or delivery in hand to the place of residence or business of each member at least forty-eight hours, excluding Saturday, Sunday and holidays, in advance of the time set, except in case of emergency, of which the chairman of the school committee shall be the sole judge, when a lesser period shall suffice.

(iii) Except as may be otherwise authorized by law, all sessions of the school committee, and any subcommittee thereof, shall be open to the public and to the press.

(iv) A full, accurate, up-to-date record of the proceedings of the school committee shall be kept and shall be open to inspection by the public.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING a new Sec. 4-7 as follows:

**Section 4-7. School Committee Standing Committees.**

(a) **Designation of Committees --** There shall be at least three standing committees of the school committee:

(i) A committee on building and finance, to which may be referred by a simple majority vote of the school committee on matters which would involve school buildings, grounds and expenditures by the school department and related policies;

(ii) A committee on personnel, to which may be referred by a simple majority vote of the school committee matters which concern collective bargaining, contract negotiations, and benefits and related policies;

(iii) A committee on programs, to which may be referred by a simple majority vote of the school committee all matters which affect educational goals, and policies.

(b) **Membership --** Each committee of the school committee shall consist of three members of the school committee appointed by the school committee chair to serve for the term for which the school committee is elected. Each member of the school committee shall serve on at least one standing committee of the school committee.

(c) **Advisory Members --** The standing committees of the school committee may provide, by vote, for the appointment of voters of the city to serve as advisory members of the committee. Such advisory members, if appointed, shall have no power to vote.

(d) **General Powers --** The school committee may delegate the powers available to it under section 4-11 to any of its standing committees. Each standing committee may, in accordance with such rules as may be adopted by the school committee, hold a public hearing on any matter which is referred to it and shall, within a time fixed by school committee rule, report on each matter which has been referred to it, in writing, a recommendation and the reasons therefore. The School Committee may create additional Standing Committees if needed.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by RENUMBERING Sec. 4-7 Budget Hearing to become Sec. 4-8 Budget Hearing; Section 4-8 – Mayor to be Coordinator to become Sec. 4-9 -Mayor to be Coordinator; Sec. 4-9 Emergency Measures to become Sec. 4-10 Emergency Measures; Sec. 4-10 – School Committee Access to Information to become 4-11 - School Committee Access to Information.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING to Sec. 4-11 a new subsection (e) as follows: “Vote Required – All actions in section 4-11 shall require a majority vote of the full school committee.”

**ARTICLE 5 – Planning and Community Development**

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter

by DELETING the phrase “or disposal of municipal facilities in Sec. 5-1 (b) and ADDING in its place the phrase “in accordance with applicable statute and state law.” As well as ADDING the word “annually” after the phrase “shall be prepared” in Sec. 5-1(d).

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING in Sec. 5-3 (c) (vi) after the words “management of it; the phrase “and said inventory shall be updated annually and made available electronically and by paper.”

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING to Sec. 5-3 (c) (viii) to DELETE it in its entirety and replace it with the following language: “Exercise such other powers, duties and responsibilities as may be provided for by both the Gloucester Code of Ordinances and the Gloucester Zoning Ordinances.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 5-5 (b) the phrase “(Approved 12/19/2001) including” and ADDING the words “The dealings of the Committee are” after the phrase “architect, or others.” And ADDING the word “and” between the words “Charter statutes”; and ADDING the phrase following the word “statutes” “The authority of the Committee shall include”; and ADDING the word “be” between the words “not limited”.

#### ARTICLE 6 – Financial Procedures

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING the word “Message” where it appears in the heading for Section 6-1 and by ADDING the word “Summary” and to ADD the word “pertinent” after the phrase “and include such other” in the second paragraph.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING in Sec. 6-2 subsection (c) as follows: “Publication – Within forty-five days of adoption a detailed line-item budget shall be published electronically.”

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING in Sec. 6-2 under State law reference ADDING the phrase “and M.G.L.A. c. 44, sec. 33” after “M.G.L.A. c. 44 §32”.

#### ARTICLE 7 – Administrative Organization

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 7-2 subsection (b) the words “thirty days” and ADDING in its place “forty five days”; and by DELETING the words “fourteen days” and ADDING in its place “thirty days”; by DELETING “ninety days” and in its place ADDING “one hundred twenty days.”

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING in Sec. 7-6 (a) (i) after the phrase “By publication in a local newspaper” the words “or City’s website”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING the following words in Sec. 7-9: “shall” to be replaced by ADDING the word “may; to DELETE



the word “each” with no replacement; to DELETE the word “body” and replace it by ADDING the word “bodies”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 7-10 by DELETING the phrase “and the Sawyer Free Library” in paragraph 1.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING the following words in Sec. 7-10: “shall” to be replaced by ADDING the word “may; to DELETE the word “each” with no replacement; to DELETE the word “body” and replace it by ADDING the word “bodies”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING in Sec. 7-13 (a) the word “shall” in the third sentence and replace it by ADDING the word “may”; and by ADDING the phrase “or on City’s website” after the phrase “local newspaper”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING to Sec. 7-15 (c) after the phrase “The mayor shall annually”, the words “together, with the submission of the fiscal year budget”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING new Sec. 7-20 to be entitled “City Water Systems Ownership” as follows: “The city of Gloucester’s water supply and distribution shall be owned by the city and shall not be sold, leased or otherwise transferred unless and until the city council, under section 9-5 (“submission of Proposed Measure to Voters”), submits the question of sale, lease or transfer of ownership t a referendum vote of the voters for adoption or rejection; provided, however that the sale, lease or transfer of the water supply and distributions systems shall require at least two-thirds of the votes on such question to have approved such sale, lease or transfer.”

#### **ARTICLE 8 – Nominations and Elections**

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by DELETING the word “fifty in Sec. 8-1 in the second paragraph and replace it by ADDING the word “fifth”.

[Note: Correction of a printing error,]

#### **ARTICLE 9 – Free Petition; Initiative; Referendum**

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter by ADDING to the ARTICLE 9 TITLE the word “RECALL”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 9-1 (b) by DELETING the words “be taken” in the second sentence and replace it by ADDING the word “commence”.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to amend the Gloucester City Home Rule Charter in Sec. 9-2(c) by DELETING “(d) and replacing it with “(e)”.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1(McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 9-8 paragraph three in the first sentence the word “municipal” where it appears and replace it by ADDING the word “city” in its place.**

**ARTICLE 10 – General Provisions**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 10-5, first paragraph by ADDING the words “or city clerk,” after the phrase “of the city solicitor,”.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 10-6 (b) by DELETING the word “Journal” where it appears in the subsection and replacing it by ADDING the word “minutes”; and by DELETING the phrase “and in the Sawyer Free Library.”**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 10-6 (d) by DELETING the second sentence in its entirety.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 10-9 by ADDING a new subsection (f) as follows: “Full School Committee – the words “full school committee” shall mean the entire authorized complement of the school committee notwithstanding any vacancies which might exist.” AND re-lettering other subsections accordingly.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed. 1 (McGeary) absent, to amend the Gloucester City Home Rule Charter in Sec. 10-9 by ADDING a new subsection (k) as follows: “Municipal Facilities – shall mean use of land or structures by the City of Gloucester for purposes of public maintenance and operations, public utilities, public works, and other similar public functions, and for public beaches, parks, playgrounds, parking areas, and other similar uses.” AND re-lettering other subsections accordingly.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:52 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson, Clerk of Committees**