

**SPECIAL MEETING
GLOUCESTER CITY COUNCIL
THURSDAY – August 20, 2009 8:00 p.m.
Kyrouz Auditorium – City Hall**

Present: Council President Bruce Tobey, Councilor Sefatia Romeo-Theken, Council Vice President, Councilor Joe Ciolino, Councilor Steve Curcuru, Councilor Phil Devlin, Councilor Sharon George, Councilor Jackie Hardy

Absent: Councilor John “Gus” Foote and Councilor Jason Grow

Also Present: Suzanne Egan, General Counsel, Greg Verga, and Mr. and Mrs. Daniel Ruberti

Flag Salute and Moment of Silence

The Special City Council Meeting was called to order at 8:00 p.m.

Council President Tobey stated that the sole purpose of this meeting is to discuss the Home Rule Petition for the September 29th Preliminary Election only.

Two communications have been received, which were read into the record and are as follows:

From Senator Bruce Tarr:

Per our discussion at your last meeting, I would like to provide you with the following updates regarding the home rule legislation you are now considering to cancel the September 2009 Preliminary election.

First, two bills were enacted today by the House and Senate, and sent to the Governor’s desk, to allow preliminary elections to be cancelled in the cities of Revere and Lowell. A third bill involving the city of Methuen remains in the Joint Committee on Election Laws, and a fourth filed by the city of Taunton has been rendered moot by circumstances.

Second, I have today communicated with the offices of the Senate President and Senator Kennedy, who is Senate chair of the election laws committee, and informed them of the possibility of a home rule petition request based on your actions this evening.

Pursuant to their counsel, I have forwarded to Senate Counsel the language of the bill which has resulted from collaboration between Dan Pawson, my legislative director, and City Solicitor Suzanne Egan. We are also forwarding that language to Representative Ferrante.

Third, a key element in the timing of this matter is our receipt of an actual certified copy of any vote which the council may take tonight. We would hope to receive this as soon as possible.

I and my staff remain, as always, prepared to assist in this matter as may be needed.

From Ann Margaret Ferrante:

After further deliberating on the home rule petition, I still believe that if the Council find it is in the City's best interest to forgo the preliminary and if all candidates agree then we should move forward with a home rule petition. However, I do want the Council to be aware that passage of the petition because of the time constraint and other facts will be an enormous challenge and uphill battle will employ all my best efforts.

1. Preliminary Election.

Ordinance and Administration Committee Report.

MOTION: On motion of Councilor Romeo-Theken, seconded by Councilor Ciolino, the Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend the City Council approve the HOME RULE PETITION relative to the Preliminary Election on September 29, 2009, and as follows:

THE COMMONWEALTH OF MASSACHUSETTS

IN THE YEAR TWO THOUSAND AND NINE

An Act relative to the preliminary election in the City of Gloucester in the year 2009

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the charter of the City of Gloucester or any general or special law to the contrary, there shall be no preliminary election in the City of Gloucester, as otherwise required, on Tuesday, September 29, 2009, for the office of Mayor. The candidates for this office whose nomination papers have been duly certified shall be considered nominated.

SECTION 2. This act shall take effect upon its passage.

Councilor Ciolino stated he supports the Home Rule Petition because the candidates are in agreement, and the costs incurred by the election. Further, there should be a unanimous vote by the Council.

Councilor Romeo agrees, stating the candidates have no objections.

Councilor Tobey spoke of Mr. Ruberti's past efforts and salutes the three candidates for their accord. Further, there is no reference in the City Charter regarding 50% of the vote.

Vote of the City Council.

MOTION: On motion of Councilor Romeo-Theken, seconded by Councilor Ciolino, the CITY COUNCIL voted by ROLL CALL 7 in favor, 0 opposed, (2 absent) to approve the HOME RULE PETITION relative to the Preliminary Election on September 29, 2009 as follows:

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MOTION FOR RECONSIDERATION.

It was MOVED by Councilor Hardy, seconded by Councilor George, to RECONSIDER the vote.

On a ROLL CALL vote, the City Council voted 0 in favor of reconsideration, 7 opposed. MOTION FAILS. Reconsideration is extinguished.

It was moved, seconded and voted UNANIMOUSLY to adjourn the Special City Council Meeting at 8:12 p.m.

Respectfully submitted,

Anne Marchand
Substitute Recorder