

SPECIAL GLOUCESTER CITY COUNCIL MEETING**Thursday, January 21, 2010****7:00 P.M.****1st Fl. Council Conference Room – City Hall****Special City Council Meeting 2010-02**

Present: Council President Jacqueline Hardy; Council Vice President, Sefatia Theken; Councilor Steven Curcuru, Councilor Joe Ciolino, Councilor Robert Whynott, Councilor Paul McGeary, Councilor Ann Mulcahey, Councilor Greg Verga

Absent: Councilor Bruce Tobey

Also present: Jim Duggan, Marcia McInnis, David Bain

Special City Council Meeting 2010-002 was called to order at 7:00 p.m.

Councilor Hardy explained to the new Councilors that under the City Council Rules of Procedure that Rule #2 governs the order of their meetings. If a Councilor were to make a motion to suspend the rules the motion requires a second, is not debatable and requires a 2/3 vote of the City Council to pass to suspend the rules for the evening. She said that to get to the crux of the meeting for the evening, she would like to entertain a motion to suspend the City Council Rules of Procedure suspending Rule #2 for this evening.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, voted unanimously 8 in favor, 0 opposed, to suspend Rule #2 of the City Council Rules of Procedure dealing with orders of business for the evening of January 21, 2010.

1. Discuss Resignation of City Auditor

Councilor Hardy noted there was a Special Budget and Finance Committee meeting which took place just prior to the City Council meeting that dealt with the recent letter of recommendation from City Auditor Marcia McInnis.

Councilor Curcuru stated at the January 21st special meeting of the Budget and Finance (B&F) Committee they regrettably accepted the resignation of Marcia McInnis, City Auditor.

Councilor Hardy said the B&F Committee each thanked Ms. McInnis for her service to the City and opened the floor to any other Councilors who wished to speak.

Councilor Whynott said during his time as City Clerk he always had a good relationship with Ms. McInnis and spoke of great give and take.

Councilor Mulcahey said she appreciated Ms. McInnis' work for the City.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the resignation of Marcia McInnis, City Auditor.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the City Council voted unanimously 8 in favor, 0 opposed to accept with regret the resignation of Marcia McInnis, City Auditor.

Councilor Curcuru noted that the other item out of the B&F meeting with regard to the Auditor was the hiring of Barry Boyce as temporary Acting City Auditor.

Mr. Bain, City Personnel Director stated Barry Boyce retired from the City as Assistant Auditor. He has agreed to come back as Acting City Auditor while the Council looks to fill the position on a permanent basis. Mr. Boyce will work as a temporary employee up to 500 hours at rate of \$50 per hour as under the new IRS rules. He is an interim person who is experienced and was the Assistant Auditor for years who can make a good contribution during this transition. He will be here Monday morning if you confirm his temporary employment. His benefits and health insurance are through the retirement board as a former City employee. He would be hired as a temporary employee.

Councilor Whynott said he had worked closely in all the years Mr. Boyce was with the City. He noted his great work ethic and sense of humor. He recommends him to the Council.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted unanimously 8 in favor, 0 opposed to hire Barry Boyce as the Acting City Auditor effective Jan 25, 2010 at a rate of \$50 per hour as a rehire temporary and to perform the functions of Acting City Auditor up to 500 hours.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken. the City Council voted unanimously 8 in favor, 0 opposed to refer the job description and duties to the Budget and Finance Committee for further review and to report back to the City Council.

2. Other Business

A) Snow & Ice Deficit

Councilor Hardy noted that the issue of the Snow and Ice Deficit came out of a discussion taken up under other business in the Budget and Finance Meeting prior to the City Council's meeting this evening so that the City could continue to deficit spend on the snow and ice account.

Councilor Curcuru made the following Committee report:

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the provisions of M.G.L. Chapter 44, section 31D snow and ice removal, emergency expenditures, not to exceed an additional \$900,000.

Discussion:

Councilor Curcuro noted this account can be deficit spent. The City has already exceeded the budget by \$200,000 [originally budgeted at \$400,000]. They are proposing to add another \$900,000 to this account, not physically add it but allow it to be deficit spent as a benchmark to reach. This doesn't mean this amount has to be reached.

Councilor Mulcahey asked if it's not spent, does it reverse out.

Councilor Curcuro said the money's not actually in the account. It allows the deficit spending up to that amount. The Council is not appropriating the money.

Councilor Hardy noted going forward the Administration will be ameliorating this matter through the budget process.

Councilor Curcuro said last year the Council had to vote two or three times to increase the deficit spending, so this benchmark is to avoid repetitive voting by the Council.

MOTION: On motion by Councilor Curcuro , seconded by Councilor Whynott , the City Council voted unanimously 8 in favor, 0 opposed to recommend to the City Council to accept the provisions of M.G.L. Chapter 44, section 31D snow and ice removal, emergency expenditures, not to exceed an additional \$900,000.

Jim Duggan, CAO spoke about the Snow and ice account being in deficit and proposed that by vote of the City Council to allow the continuation of the deficit spending with an amended increased expenditure limit. He noted if the amended limit is in jeopardy of being exceeded within this fiscal year, another vote of the City Council will be required to establish yet an even higher expenditure limit.

Councilor Verga believes that this doesn't affect the next budget. This is just a cushion for this year.

B) Special Joint Workshop

Councilor Hardy asked the Council if anyone had a time frame in mind to put this matter back before the City Council. It is still in front of the Ordinances & Administration and B&F Committees. Councilor Tobey asked the other night from the Superintendent for action item for a Business Plan. They are hoping that will be coming

to the Standing Committees forthwith so that the Standing Committees can recommend to the City Council to vote whether or not to join.

Councilor Theken said on Monday, January 25th, this matter is on the Ordinances and Administration agenda to O&A and will Ms. Gilman and Ms. Teixeira of the School Committee to come to that meeting to answer some remaining questions on the time frame and what each subcommittee will be doing to bring forward those conclusions. She noted that there are two separate matters the City's vocational program and the City's membership in the new regional vocational school district. She believed the crux of the matter is the money. She also wished to wait for the business plan from the Superintendent and to get something back from the School Committee.

Councilor Curcuru said the Steering Committee is not going to have their report ready until March or even May. The Council needs to see the business plan regarding the new vocational school and City's joining the new district. To have Ms. Gilman and Ms. Teixeira there would be an asset.

Councilor Ciolino further clarified the function of the School Committee's Steering Committee as looking solely at the expansion of the local vocational school. It really doesn't have any recommendations to make regarding the joining of the newly forming regional vocational school district. When the hotel/motel local excise option tax on rooms goes to City Council, the understanding is we're going to vote to advertise at the next City Council meeting of February 2nd.

Councilor Hardy said it will be discussed and that if someone wishes to move on the matter to vote to advertise for a public hearing, which is not required, at that time it can be voted to advertised, at the February 2nd meeting.

Councilor Ciolino said there is a sequence of dates. The Council has enough time to advertise out of the City Council meeting of 2nd and then it would come two weeks after that and be closer to end of February and that would bring us to the middle of March to bring the Vocational School back up. Let's get a specific date to bring it to Council. It's about revenue as to how to pay for it.

Councilor Verga said he won't be getting involved on the conversation on the merits nor will he be voting on this topic as previously noted at City Council and Standing Committee meetings. For information purposes, the School Committee's Steering Committee is looking specifically what we want to do with the Gloucester vocational school. It is universal – we don't want to close the Gloucester program. With that in mind, let's think about what are we envisioning it should look like going forward. The new North Shore Vocational Technical School is a different question.

Councilor McGeary said that if the Council went to mid-March, the Council would still be well within the deadline for signing up.

Councilor Hardy said the reason she was asking is because some people are saying the sooner we get to the table the sooner we have the opportunity to be a part of the drafting of the bylaws.

Councilor Theken said we're talking about room tax as far as revenue. There's going to be no earmark. Are we now saying we're going to earmark the hotel/motel tax?

Councilor Ciolino said he's looking at it as revenue source to help pay for it. It is simply a revenue source with no earmarking.

Councilor Theken noted there was no guarantee.

Council Curcuru if it is the will of Council to join the new vocational school district, it has no bearing where that money is allocated because it is a bill. It is a bill the Mayor has to pay. If the City Council votes for joining, she has to pay the bill. This discussion is about revenue sourcing that was bothering members of the Council as to where the money was going to come from.

Councilor Hardy called for a 5 minute recess unanimously approved.

The City Council was reconvened.

Councilor Hardy said that during the recess the wording of the motion was found and asked the Clerk of Committees to read the motion:

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the provision of Massachusetts General Laws, Chapter 64G, Section 3A to impose the local room occupancy excise at a rate of 5 percent and to advertise for public hearing.

Discussion:

Councilor Theken asked for a clarification on the percentage of the raise in the room tax from the current 4% for the benefit of the Council.

Councilor Curcuru said the O&A Committee recommended a 1% bringing it to 5% rather than the maximum allowed under law which is an additional increase of 2%, which would have brought it to a total of 6%. He noted he was present as an alternate that evening when the matter came before the O&A Committee.

Councilor Hardy reiterated to the Council that the only thing before them at this moment was the motion to advertise for public hearing.

Councilor Whynott asked what is the estimated revenue expected if this tax would go through with a 1% increase.

Councilor Curcuru said that he believed the Administration originally said at a 2% increase it was in the area of \$90,000 additionally. \$285,000 is what the City gets now at a 4% rate. The 1% increase would probably be in the area of \$45,000.

Councilor Verga said this is only for advertising; the Council is not locking themselves into the 1% increase which Councilor Hardy reaffirmed.

Councilor Hardy said this is a motion to advertise. It was her understanding that once advertised, the motion can be amended at the time of the public hearing if the Council wants to change the percentage if desired. It won't change the substance of the wording of the motion because the notice to the public will be covered.

Councilor Theken said O&A did that because there was an extended discussion regarding the percentage points and felt it was better left to the Council to make that decision.

Councilor Verga said he was at the meeting understood the compromise that was made. He just wanted to be sure the Council wasn't locked into that 5%.

Councilor Curcuru said this will now be for public hearing at the February 16, 2010 City Council Meeting.

The motion was amended by unanimous consent to read, "...and to advertise for public hearing for February 16, 2010."

MOTION: On motion by Councilor Hardy, seconded by Councilor Curcuru, the City Council voted unanimously 8 in favor, 0 opposed to accept the provision of Massachusetts General Laws, Chapter 64G, Section 3A to impose the local room occupancy excise at a rate of 5 percent and to advertise for public hearing for February 16, 2010.

Councilor Hardy asked the Councilors previous to the meeting to review the Council procedures and asked if they had any suggestions or questions at this time. She is looking for their input.

Councilor Ciolino said he wanted to revisit the issue of the Regional Vocational School District, and if the Council could put this on the schedule, hopefully prompting the Council to receive the information to come forward sooner in order to make an informed vote.

Councilor Hardy said the Committees of the City Council still have to receive this information first before it can go before the City Council. They're looking for the Business Plan that Councilor Tobey requested from the Superintendent. And the matter is before O&A and B&F because of the Order that Councilor Tobey and Councilor Ciolino filed. To make an informed vote we need that information.

Councilor Curcuru said he would like to wait until next Council meeting.

Councilor Whynott asked for an announcement at the City Council meeting.

Councilor Hardy said they can mention this at the end of the meeting.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Curcuru, the City Council voted 7 in favor, 0 opposed, 1 abstention (Verga) to put the question of becoming a member of the Essex North Shore Agricultural and Technical School District for the March 16, 2010 agenda for a vote by the City Council.

Councilor Whynott asked for an announcement at the City Council meeting so that the interested members of the public can be present.

Councilor Hardy said they can mention this at the end of their next meeting, and it will be noted in the local media.

Councilor Curcuru said we started a discussion regarding suggestions he wondered if the Chair wished to take them up now on rules and procedures for the Council.

Councilor Hardy said she would like to have the suggestions in writing, gather them up and to then discuss them at another time. This is the Council's own in-house procedures. It is not necessary to have these matters discussed at a public meeting as it is their own procedures. She urges the Council to get this done.

Councilor Hardy informed the Council that because of the drinking water situation in the City, and in the desire to be proactive, not reactive, and learn how to better handle a situation like this. She will be calling a Special City Council Meeting on Tuesday, February 23, 2010 for a one item agenda, and to keep it as simple as possible to call it "Drinking Water" for a presentation by DPW with their staff and their contractors as to what's happening at Babson now, what is projected to happen at Babson; what could go wrong and what preventive measures and contingency plans can be put into place. She asked the DPW Director how long he felt a proper presentation would take before the Council during a regular City Council meeting. He felt it would take at least an hour to an hour and a half. She thought it best since it is important enough to have its own meeting. As a result, at that City Council Meeting, she'd like to discuss a recommendation at that time for future drinking water issues, given the mandates the City is under now, be referred to the Planning and Development Committee so the Mayor and the Administration can go directly to them at a meeting to discuss it, and then the Committee can keep the City Council apprised.

ADJOURNMENT:

MOTION: It was moved, seconded and voted UNANIMOUSLY to adjourn the City Council Meeting at 7:40 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of the Committees**