

GLoucester City Council Meeting

Tuesday, June 22, 2010

7:00 p.m.

Kyrouz Auditorium – City Hall

Council Meeting 2010-15

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

**Absent:** None

**Also Present:** Linda T. Lowe; Kenny Costa; Jim Duggan; Jeff Towne; Gregg Cademartori; Mike Hale; Larry Durkin; Max Schenk; Lt. Aiello; Rudi Macchi; David Anderson, Alicia Gaspe Beaubien; Lorre Anderson; Joan Blaustein

**The meeting was called to order at 7:05 p.m.**

**Flag Salute and Moment of Silence.**

**Oral Communications: None.**

**Councilors' Requests to the Mayor: All Councilor requests have been received in writing and forwarded to the office of the Mayor.**

**Confirmation of Appointments:**

**Councilor Theken** noted that all reappointees and appointees were being asked to come forward. They appreciate the work these volunteers do for the community. Because they are important volunteer decision makers, giving the Councilors and the community to ample time to give their input. She added that Mr. McLeod was doing a great job on the Gloucester Housing Authority.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to recommend to the City Council the reappointment of Michael McLeod to the Gloucester Housing Authority, TTE 05/28/2015.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to reappoint Michael McLeod to the Gloucester Housing Authority, TTE 05/28/2015.

**Councilor Theken** noted Ms. Anderson's and Ms. Gaspe Beaubien's excellent resumes and commitment to Tourism and looked forward to working with them in the future.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Alisa de Gaspe Beaubien to the Tourism Commission, TTE 02/14/2013.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted 9 in favor, 0 opposed to appoint Alisa de Gaspe Beaubien to the Tourism Commission, TTE 02/14/2013.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Lorre Anderson to the Tourism Commission, TTE 02/14/2011.

**Discussion:**

**Councilor Ciolino** noted they're very lucky to have Ms. Anderson on the Commission. She'll bring fresh, new ideas. She's been very active downtown, and will be a tremendous asset. He welcomed and thanked her for her service.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Lorre Anderson to the Tourism Commission, TTE 02/14/2011.**

**Councilor Theken** noted Robert Stewart's reappointment took a while to come before the Council in order to give Mr. Stewart the opportunity to come forward.

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Robert Stewart to the Zoning Board of Appeals, TTE 02/14/2013.

**Discussion:**

**Councilor Ciolino** recognized Mr. Stewart's many years on the ZBA and was a tremendous asset. The City is fortunate to have him, with many of the Councilors assenting as well.

**MOTION: On motion by Councilor Theken, seconded by Councilor Mulcahey, the City Council voted 9 in favor, 0 opposed to reappoint Robert Stewart to the Zoning Board of Appeals, TTE 02/14/2013.**

**Presentations:**

**1 of 2: Joan Blaustein of the Metropolitan Area Planning Council – Hazard Mitigation Plan**

**Gregg Cademartori, Planning Director** introduced Joan Blaustein who has worked with various members of many departments to extract information about the City's existing natural hazards in the community. It spanned many departments: DPW, Engineering, Health Department, Planning Department, Shellfish Warden, Conservation Commission. Initially it was project managed through the Health Department and now is handled by the Planning Department serving to bring more people to the table. He believed they had a good documentation of where the issues are. Hopefully this document will take them places in order to assist in addressing some of them with an eye on funding. He stated Ms. Blaustein has now assembled the document (Executive Summary on file and on the City Website) submitted to the Council.

**Joan Blaustein, MAPC** spoke to the Council on the City of Gloucester's Hazard Mitigation Plan which is required under the Federal Disaster Mitigation Act of 2000 where Federal Environmental Management Agency (FEMA) decided in order to continue to be eligible to receive FEMA funding for hazard mitigation grants which requires each community to have a plan before grants were awarded. FEMA passed the money through to the State. Massachusetts Environmental Management Agency (MEMA) works with the 13 regional planning agencies throughout the State to try to get groups together to look at things on a more regional basis. The good news was that it was not an unfunded mandate to prepare these

plans. MAPC, as the regional planning agency got the grant to work with groups of communities, this being their fifth grant round they're wrapping up now and are starting to revise the first set of plans. In order to be eligible for certain categories of grants, you need to have an approved plan. This doesn't affect disaster assistance funding that property owners, residents in the City can apply for after there's a declared disaster in the county. That money is still available and isn't affected by this process. Once this plan is adopted, you are now eligible to apply for three different grant categories that without this plan you wouldn't be able to do so. The scope of this plan is natural hazards. This is not an emergency response plan. It is about what you can do over time using the City's regulatory powers to lessen the impact from natural disasters. It deals with seven categories of natural hazards, most prevalent in all of New England is flooding, winter storms, brush fires and dam failures. Using aerial photographs, they carefully identified all the areas that flood; where brush fires occur; potential dam failures; mapping it all. They also relied on statewide data and details from City staff on what the issues were. She then reviewed the Executive Summary with the Council, highlighting the following points:

- Identification of 24 flood hazard areas in the City of Gloucester totaling 1,783 acres
- High Priority Areas are:
  - Good Harbor Beach Watershed
  - Essex Avenue south of the Blyman Canal
  - Mill River
  - Duck Pond
  - Goose Cove Causeway
  - The Boulevard and Drawbridge
  - Sleepy Hollow/Bungalow Road

Road closures are looked at in terms of public safety; backyard and basement flooding aren't considered from the perspective of repetitive grants would not be a high priority area.

- The plan identified 4 areas prone to brush fires and 10 dams; dams that need some attention.
- After this evening, generally they recommend the City establish a two week listening period where citizens who were listening that evening can access the plan on line or at City Hall to give them an opportunity to comment. At the close of that review period, if there are comments, she'll work with the City to revise the plan if necessary and submit that plan to FEMA and MEMA who then receive the plan for their review. They'll perhaps suggest some minor revisions. When they send a letter that the plan is approved, then it will come back to the City Council for a vote to adopt the plan to be proposed by MAPC in conjunction with the City, which could take some time. Once the plan is officially adopted. There are three grant categories with different requirements to help fund structural solutions, depending on a case-by-case approach. The plan doesn't guarantee automatic funding. The plan is good for five years. Adoption of the plan doesn't cost the City right away nor cost the City anything but staff time. There would be a match required if a grant is accepted and that would be up to the Council. Without the plan grant applications can't be submitted by the City.
- She noted Table 12 as the core of the plan. There are some things the City has already started on, CSO, seawall improvements, etc. Some have well-known solutions; some are trickier. Ultimately they all need to be addressed. Many of the dam issues have reports by Wesson & Sampson describing what needs to happen for them.

**Councilor Whynott** expressed his concern regarding the dam on Poplar Street and that it ought to in the report.

**Ms. Blaustein** stated they all agreed it is a high priority and that it was in the report under Dam Mitigation, with Babson Reservoir Dam being of the highest priority.

**Councilor McGeary** asked regarding the priority given to the mitigation measures related to the National Flood Insurance Program; it just says NFIP and asked for an explanation.

**Ms. Blaustein** responded they put this in per reaction to comments they received from FEMA; and from a list chose three that most communities could implement, which was to satisfy a FEMA requirement.

**Councilor Theken** asked if this report needed to be done annually.

**Ms. Blaustein** stated once adopted it doesn't need to be readopted for five years. At this time it appears MAPC will continue to receive funding to update these as they're reaching their expiration dates.

**Councilor Theken** asked what happens after five years, and the City didn't accomplish them or get funding to do them; would the City be fined

**Ms. Blaustein** stated this is a plan that identifies issues, many complex and costly to accomplish which is understood. There is no fine involved for not accomplishing all that may be set out in the plan.

**Councilor Theken** concluded that this will help to apply for more grants because they're acknowledging the problems which Ms. Blaustein agreed with.

**Councilor Hardy** mentioned the two-week review period feeling that was a tight deadline given all that Gloucester has going on, especially with the 4<sup>th</sup> of July holiday coming up, and wondered if there was a chance they could get an extension.

**Ms. Blaustein** stated they're supposed to be wrapping this up by the end of the month, with people needing time to review and comment. Rockport asked for 30 days. It was at the Council's discretion.

**Councilor Hardy** stated it take a while to get constituents together to ask their opinion. As an individual City Councilor she'd like to be able to reach out to the people she represents. If Rockport got 30 days, she'd appreciate the same consideration. She asked how the hazards per prioritized, and who ranked them.

**Ms. Blaustein** stated once all the ideas were on the table, together they looked at what needed to happen first at the recommendation of City staff. The real priorities are fairly well known.

**Councilor Hardy** felt the DPW Director and the staff have a great idea what's going on but also felt the City Councilors may wish to have some input as well. She asked what Ms. Blaustein meant, "not right away" as to the cost to the City.

**Ms. Blaustein** clarified that simple adoption of the plan doesn't cost anything. But when you apply for a specific grant and if successful; there will be a match requirement. It may vary in cost depending on the different programs. Very few grant programs give all of it. At that point you have to decide where the match might come from. Rockport had a number of grants; and they got grant extensions because they had to go to Town Meeting and vote funding for the match. FEMA gives you leeway with extensions and work on pulling together the funding for the match.

**Councilor Hardy** asked if it could be in-kind as well as monetary matches.

**Ms. Blaustein** believed it was mostly monetary.

**Councilor Hardy** asked if there were any grant opportunities for projects already underway.

**Ms. Blaustein** responded if there are phases of projects that still need to be done, there may be. She's wasn't well versed on the in's and out's of a grant program as they do not administer grant programs. FEMA and MEMA do have trainings about how to put together good grant applications.

**Councilor Hardy** announced the Administration had asked for time at this City Council meeting to come forward to give the City Council an update on the Babson Water Treatment plant due to go on line July 1, 2010, regarding its infrastructure and updates, which the Council agreed to by unanimous consent.

## **2 of 2: Michael Hale, DPW Director – Babson Water Treatment Plant Update**

**Mr. Hale** announced good news for the City Council and the City of Gloucester that after a six month process, they're ready to put the Babson Water Treatment Plant back on line. With a three-phase approach to the projects, Phase 1A and B was completed mid-May. Phase 2, which was the chemical upgrade, is wrapping up now. He declared it's quite a transformed facility. He took Councilor Hardy through it that morning, and Councilor Tobey toured it earlier that week. They've made the necessary improvements to bring in on line, on time, to be able to provide safe and clean drinking water to their

users. They are scheduled to run live on Saturday evening, June 26<sup>th</sup>. The switch-over will occur that evening. They are intending to switch to a secondary disinfection product, chloramines, which will be on line July 1, 2010. The Department of Environmental Protection (DEP) is scheduled to be on site for the final inspection this Thursday. Currently, they are running the plant live but discharging the water towards the lagoons towards Alewife Brook; but the plant is operational. It was a long, critical process. He noted the effort on the part of Larry Durkin, City Environmental Engineer, in attendance also. He believed Mr. Durkin had spent more time in Gloucester in the last six months than he has in his home in Beverly; some weeks he was here seven days a week, 12 hours a day. The project was well managed; and is quite an improvement to the City. He believed the City will realize a 15 to 20 year life expectancy out of this facility if they upkeep the maintenance as he felt they needed. Perhaps they could get longer out of it if they treat it to an even higher standard. The Phase 2 work is completed at Klondike as well and just mobilized to West Gloucester this week to begin the Phase 2 work at that facility. The completion date for the West Gloucester work is September 16th. By getting there a few weeks early they can meet that date ahead of time, he believed. Their intentions are to switch back to West Gloucester fairly quickly, so they can switch the operational order versus how they have managed the watersheds in the past. The plan is to run Babson in the cooler months when the water quality is the best, and drawing off of Goose Cove as well and operating the West system in the warmer months of the year. They are on schedule and on budget. It's an incredible success for his department and to the City as a whole.

**Councilor Tobey** noted he spent some good quality time with Mr. Durkin on the weekend who was accompanied by one of the chief water plant operating managers. He commended the Administration for what he characterized as an amazingly quick and efficient process which they undertook in such a short time being able to design, bid, and then with the contractor selected, build the necessary plant improvements enabling the facility to go back on line along the timeline dictated by the DEP order. They deserved a huge tip of the hat for that accomplishment. From a water planning point of view, Mr. Hale sold himself and the team's effort short by quickly referencing how they're going to change the seasonal scheduling of which water supply they draw on. They have a huge water supply in West Gloucester behind the dam that gives rise to Dykes Reservoir. It has a whole lot less organics in it. So that to use in the hot summer months, which will be the plan when West Gloucester is back on line, means the potential for bad things to form in the water will be dramatically reduced; and the efficiency of the filtration process will be greatly increased. By using Babson it in the cold weather months, it accomplishes the same thing. He noted one of the things that used to bother him was to see water spilling crazily over the spillway at Goose Cove, as well as Babson. He was pleased the Goose Cove facility will be drawn on first which has much better water from an organics point of view than Babson. He wasn't looking to sell Babson water short. It is good water; but using it at the optimal time is important. That is the process these folks have identified. Again, they deserve a huge tip of the hat for getting this done very quickly. He saw this as a very good news story. People in Gloucester should have confidence that all the science that is in the command of federal and state regulators, and, perhaps most critically, the practitioners at our water treatment facility is being applied to put out as good a product as you will get anywhere in this country. He spoke of the water consumed in Washington, DC and their process and reprocessing many times before the water gets to the end users in D.C.; and how it was so far inferior to what we have here in Gloucester. Gloucester gets its water consumed by mankind for the first time with amazing fruitful water resources available to this community which is the envy of many communities. He spoke of an article in the American Waterworks Journal describing the challenges and opportunities in the world water situation. The kinds of things that were required so often are the same dealt with here. He felt the Kirk Administration deserves credit. He quoted, "Political leaders are rewarded for minimizing public spending in the short term rather than ensuring that their constituents will have vital water resources in the future". You keep water rates down when there are enormous capital costs to be met, and enormous public health challenges to be managed, you cheat the public you're supposed to be serving. By enabling this project to go forward last fall, and with these folks at the helm getting it done, the people of Gloucester will conclude some thumbs up are deserved on their part, too. He thanked Mr. Hale for this report and admonished him for short-selling themselves.

**Councilor Theken** asked comments made during Oral Communications at the June 8, 2010 City Council meeting about chloramines. She asked Mr. Hale to touch on this briefly.

**Councilor Hardy** mentioned there would be a meeting on this very subject where it would be addressed in depth.

**Mr. Hale** responded they haven't changed their chemical process any time recently. If someone is experiencing something today, he would suggest that a physician should be consulted. A condition may have changed for that person, but not in their water system. Chloramines are being introduced on July 1<sup>st</sup> as their secondary disinfectant process. They still treat their water upfront with free chlorine. It inactivates bacteria and viruses. Chloramines enable the disinfected water to reach the end users through the piping network. Chloramines are one of two methods to disinfect water in the system. It's either free chlorine or chloramines. Free Chlorine alone has not worked well for the City. As you have received in your water bills over the last three quarters, they have violated their disinfection by-products which are by-products created by adding chlorine as it mixes with the organic matter that's naturally occurring in our water. Chloramines reduce the number of by-products that are regulated to get us below that number and to keep us in compliance. They are regulated by the DEP and EPA. They are treating the water properly. There are users who have difficulties with water with chloramines. They have sent notices out; they have contacted via phone and mail people who have aquariums. Water with chloramines doesn't dissipate as quickly. There are additives you have to put in the water before you add it to your fish tank. People with dialysis have to have different dialysis machines. There are people who are vulnerable with chloramines. It's all well laid out in advance. He has a family, and they're going to be drinking this water on the 1<sup>st</sup> of July.

**Councilor Theken** stated nothing has changed to our water since the water main break, shutdowns and everything else.

**Mr. Hale** stated the water has been treated the same over the number of years, yes. They haven't changed anything recently.

**Larry Durkin, City Environmental Engineer** noted the two issues that resulted from the Boil Water Order were the bacteria and the by-products. Those are known risks. As with chlorine, chloramines do have risks. Chloramines allow the City to maintain better residuals in the distribution system which is challenged because it's a lot of cast iron pipe that will consume the chlorine. It aids them to enable to maintain the disinfection with the requirements by the State and the EPA. The MWA has 2.2 million customers, easily 1/3 of the population of the State of Massachusetts. They've been supplying water with chloramines since 1940, that's 70 years. It will cut the disinfection by-products in half.

**Councilor Hardy** remarked that she had assured Ms. Murphy, one of the residents who spoke during Oral Communications on June 8<sup>th</sup> [on chloramines introduction to the water supply] that they would be having this discussion at another meeting and felt it was not appropriate and unfair to continue this conversation without her present at this time.

**Councilor Theken** stated she had heard from other constituents expressing similar concerns and wanted to clear the matter up for them at this time if it was possible.

**Councilor Ciolino** asked where fluorides fit in.

**Mr. Durkin** stated fluoridation will continue. They're just changing the chemical process. They've been using hydrosiuosilicic acid, a pH of 2. It's very dangerous [to physically handle]. It will etch metal and glass. They're going to a safer addition, sodium fluoride and much safer for the operators to handle. It will be put in at West Gloucester and Babson.

**Mr. Hale** stated when Mr. Durkin referenced "as safe"; they were talking about the operators handling the chemicals, not referring to it in the drinking water itself. As the operators handle the vats of chemicals that's the safety issue Mr. Durkin was speaking of. It was very safe in the drinking water.

**Mr. Durkin** confirmed that the pH is very low; so in terms of handling for the operator, it's risky. But it is a safe chemical for the populous. It's fluoride for oral health.

**Councilor Ciolino** asked how long the City had been fluoridating their water supply, which Mr. Durkin didn't know.

**Councilor Tobey** informed Councilor Ciolino that it was 40 years.

Councilor Ciolino confirmed with Mr. Durkin the fluoridation of the water would not change.

**Councilor Theken** thanked Mr. Hale and Mr. Schenk and the Health Department about these matters and their communications. She asked what the expectations were; what should they expect with the changes?

**Mr. Hale** stated they have two water systems; one in East and one in West Gloucester. They need to manage the reservoirs so they don't drain one down too quickly and take too long to recharge; typically running Babson from early Spring through the summer and switch to West Gloucester in the fall. The problem is Babson has more color to the water. It's not clear like you see in your tub. It's kind of tea colored. West Gloucester's water is much less colorful so it's easier to treat. In the past they hadn't been managing their watersheds as efficiently as they could have. They'll just be managing the supplies of water for the City in a better manner. It makes more sense to run the high organic reservoirs during the winter. Colder water is easier to treat; so they'll run Babson in the cool weather and then back to West Gloucester in the warm weather months. They'll bring Babson on line Saturday night. Once the upgrades are done to West Gloucester, they'll switch back to West Gloucester for a few months until it gets cold again; and then they'll start Babson again. They'll supplement with Klondike as well. Brown water is due to the kind of pipes. 62% of their water mains and 65-70 miles of water pipes are old, unlined cast iron pipes. They rust; the minerals build up on them. That happens to the water mains as well, installed in 1900 to 1935. Then there was another iteration of pipes from 1935 to 1960. Those pipes rust from the inside and reduce the flow. When flows change this time of year, that stuff breaks off and goes into the system. They started a year ago a directional flushing program, always dragging the water in one direction to clean them. Some of the mains in the City haven't been flushed in years, and probably never properly. They have a program now, much prescribed. There about 15 zones they flush in a certain order which will help to clean their distribution system up and hopefully get away from the discolored water. It is a nuisance. People pay a good price for water. They want water that is clear and safe to drink.

**Councilor Theken** thanked them all for their hard work.

**Councilor Tobey** cautioned Mr. Hale about previous flushing policies. The bottom line is we do the best we can with what we have. It's an old system. They have water sloshing back and forth. There's all kind of build-up because of degradation which is a natural part of the aging process. The only answer is that when the financial resources become available to rebuild the entire thing. Over the course of years he noted the new parts installed in the system in Gloucester. saying it is never enough. Our system like so many across the country is aged. It is in need of major rehabilitation. Over the course of years, North Gloucester has a brand new system built in the 1990's. A brand new main was built, running from the traffic lights at East Main Street to the Eastern Point Light, and new lines were built in Magnolia as a part of other projects that were being done. As the Essex Avenue sewer line went in during the 1990's, new water lines went in. But it's never enough. No one will ever get it all done because it never ends. Recognize what these folks do. They do it because regulators say they have to and that regulators are acting under the demands of laws that were passed by previous congresses and signed by previous presidents. He sent the Councilors an article from 2007 where a noted water operator and chemist suggested that when you consider we only drink 1% of all the water out of all the treatment plants, with 99% of it going to wash clothes, flush toilets, water lawns; 20% is lost from the treatment plant going through the system; fire flows. That's why water companies were started in the first place in this country – to have a reliable source of water to put the fires out. Drinking water considerations came later. This fellow suggested that the current system in use was crazy to spend all this money on a system to clean water to a standard so we can all drink it even though 99% of it goes someplace else; and that point-of-use filtration devices are ultimately the way to go. That may be a "Pipe Dream" (which was the name of the article), but that was something to think about from a long-term perspective.

**Councilor Hardy** noted she had a tour of the Babson filtration plant that day, thanking Messrs. Hale and Durkin for the invitation. She had remembered quite well the old plant and saw a lot of differences. Huge upgrades – it was like a new plant inside; a lot of work had gone on there. They must have been working around the clock seven days a week to get it done in such a short amount of time. There are a lot of new boards, switches, safety valves, detention or retention around the tanks she hadn't seen before. She knew things had changed with the EPA and DEP having new rules and regulations. She was pleased

to learn that there are back up plans in place. Not only do we have one tank to handle a certain situation; but if that one goes on the blink, they have another one standing right next to it to be able to pick up the slack so that we don't have to go through this again. She thanked Mr. Hale for the hard work of the team and hours spent away from their families and for the presentation.

### **Consent Agenda:**

#### • **MAYOR'S REPORT**

1. Memo from Police Chief re: two grants \$61,795 from the State E911 Dept. and \$10,987 for FY2011 training education (Refer B&F)
2. Memo from Com. Dev. Director and Senior Project Manager re: request to submit a \$150,000 request for PARC grant (Refer B&F)
3. Memo from Com. Dev. Director requesting creation of a Port Maintenance and Improvement Fund (Refer B&F)
4. Memo from Com. Dev. Director re: acceptance of grant in the amount of \$50,130 from Clean Energy Center (Refer B&F)
5. Report from City Auditor re: accounts having expenditures which exceed their appropriations (Refer B&F)
6. Memo from Com Dev. Director regarding the adoption of "Stretch Code" (Refer O&A)
7. Reappointments to Planning Board: Mary Rudolph Black TTE 02/14/2015 (Refer O&A)  
Henry McCarl TTE 02/14/2015 (Refer O&A)  
Marvin Kushner TTE 02/14/2015 (Refer O&A)
8. Memo from Principal Assessor in response to Council President's request re: recent SJC appeal decision – Bell Atlantic Mobil Massachusetts Corporation (Info Only)
9. List of grants currently under management in the Community Development Department from Com. Dev. Director (Info Only)
10. Memo from Com. Dev. Director re: draft Hazard Mitigation Plan for the City of Gloucester (Info Only)

#### • **APPROVAL OF MINUTES**

1. City Council Meeting 06/08/2010 (Approve/File)
2. Special City Council Meeting 06/15/2010 (Approve/File)
3. Standing Committee Meetings: O&A 6/15/10, P&D 6/16/10, B&F 6/17/10 (under separate cover) (Approve/File)

#### • **COMMUNICATIONS**

1. COM2010-029: Letter to Senator Scott Brown re: Extension of High Federal Medicaid Reimbursement Percentages to States (Info Only)
2. COM2010-030: Correspondence from Bill Luster, President of North Shore Alliance for Economic Development re: Salem State College – University Status Legislative Update (Info Only)
3. COM2010-031: Request from Seacoast Nursing & Rehabilitation Center, Inc. to hold 7<sup>th</sup> Annual Seacoast Seven Race (Refer P&D)

#### • **ORDERS**

1. CC2010-016(A) (Verga) Reinitiated Order re: Lot on corner of Concord St. & Rt. 128 (Refer P&D)
2. CC2010-041 (Hardy) Amend GCO Sec. 22-270 "Parking Prohibited at all times" re: Holly Street (Refer PB & P&D)
3. CC2010-042 (Hardy) Amend GCO Sec. 22-291 "Tow Away Zones" re: Holly Street (Refer TC & O&A)
4. CC2010-043 (Hardy) Set Speed Limit for Holly Street from its intersection with Dennison St. (Refer TC, Police Dept & O&A)
5. CC2010-044 (Mulcahey) Amend GCO Sec. 22-287 by deleting 25 Elm Street, one handicapped space (No Referral Required)

### **Items to be Removed/Added to the Consent Agenda:**

**Councilor Ciolino** wished to remove the Planning & Development Meeting minutes of 6/16/2010 in order to amend a motion on 5-7 Bass Avenue.

**Councilor Curcuru** also wished to remove Item #8 and #9 and Under the B&F minutes of 6/17/2010.

**Councilor Tobey** wished to add something to the Consent Agenda for the purposes of filing a letter received from the City Clerk of the New Bedford City Council.

**Councilor Ciolino** stated that the motion passed at the 6/16/2010 meeting of Planning & Development for the Special Council Permit 2010-008: 5-7 Bass Avenue needs to be amended so that at the end of the motion the following wording is added: “, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING” and asked for unanimous approval from the Council to do so.

**By unanimous consent, the City Council voted to amend the Planning & Development meeting of 06/16/2010 for SCP2010-008: 5-7 Bass Avenue to read at the end of the motion: “, AND TO FURTHER ADVERTISE FOR PUBLIC HEARING.”.**

**Councilor Curcuru** asked that the Memo from the Principal Assessor in response to Council President’s request re: recent SJC appeal decision – Bell Atlantic Mobile Massachusetts Corporation be referred to B&F as well as List of Grants under management in the Community Development Department from Com. Dev. Director also be referred to B&F.

**By unanimous consent, the City Council voted to refer Items #8 and # from the Mayor’s Report to the Budget & Finance Committee.**

**Councilor Curcuru** noted that under the B&F Minutes of B&F meeting of 6/17/2010, there were a couple of friendly amendments to the transfers SBT-39 and SBT-51 were amended at the continued B&F meeting of that evening as a friendly amendment and this was just for information only.

**Councilor Tobey** noted a letter received by the City Clerk of New Bedford and shared with the City Council (on file). He reminded the Council that they unanimously approved an order he filed where they went on record with their congressional delegation as against off-shore oil crazed drilling strategy of, “drill, baby, drill”; instead asking for federal prohibition on off-shore drilling until such time that what man creates can be plugged if a problem develops. When word got to the New Bedford Council, not only did they endorse this Council’s stand, they also wrote to the entire State congressional delegation supporting the ban on off-shore drilling. This letter was before them that evening, particularly timely given that President Obama’s efforts to ban off-shore drilling have been enjoined by a federal court, not withstanding that an unparalleled disaster continues to unfold in the Gulf of Mexico destroying an entire way of life. He asked that this be filed and instruct that the Clerk to thank their colleagues on New Bedford Council and suggest that perhaps as they continue this kind of dialog with a community with important sets of interests of both our fishing industry and the protection of our Coastal resources from the madness of “drill, baby, drill”.

**By unanimous consent the City Council added the letter from the City Clerk of the City of New Bedford to be filed by the City Clerk.**

**The City Council accepted the amended Consent Agenda by unanimous consent.**

**Scheduled Public Hearings:**

- 1. PH2010-008: SCP2010-001: 79-99 Essex Avenue, Sec. 2.3.1(12), Sec. 5.7.3 Major Project, Sec. 3.1.6(b) height excess**

**Ms. Lowe** noted a letter in the Council packet from the Attorney Ralph Pino asking for an extension for the applicant.

**This public hearing is open.**

**Councilor Hardy** informed the Council that the applicant has requested a continuation until September 28, 2010 and asked that a letter be sent to Attorney Pino confirming the continuation to the September date.

- 2. PH2010-035: Amend Division 3. Department of Public Works, Sec. 2-283 “General powers and duties” and adding new Sec. 2-285**

**This public hearing is opened.**

**Those speaking in favor:**

**Suzanne Egan**, General Counsel stated this was an amendment to the Code of Ordinances which further allows the City to create a centralized maintenance department for both the school buildings and grounds and all of the buildings and grounds of the City of Gloucester. Currently, the two are separated. The School Department maintains its own school buildings and grounds. The City Council, in 2008, adopted Chapter 71, Sec. 37M, the School Committee did so recently as well. Under the City Charter the City Council then adopts an ordinance which creates the centralized maintenance department.

**Those speaking in opposition: None.**

**Communications: None**

**Questions:**

**Councilor Tobey** felt the “linchpin” going forward would be the hiring of a Facilities Manager in the DPW, seeming to be an important element. In the Memorandum of Understanding (MOU) being worked out, this had been a part of the conversation all along. He looked to Ms. Egan to make sure this was done right. By analogy, he was concerned that a recent beach parking lot matter was handled the right way. If it was a lease for the film company, it should have come to the Council. If a fee was in place, that fee was never approved by the Council

under the charter as relates to the DPW. Similarly, he asked if there was a provision in the personnel ordinance in place defining and governing the position of facilities manager in the DPW so that they can fill it now or would that be the next step and come back to the Council; did it already exist.

**Ms. Egan** didn't believe it did but was being created now by the Personnel Director. He was working on the job description; and within the MOU with the School Committee there is a provision for input into the definition and job description.

**Councilor Tobey** stated there was a job posting up now; it was his impression jobs can't be filled until they exist in the personnel ordinance which requires their being submitted to the Council for approval. Had that happened in the past? If it hasn't, then how can they post a position now to fill it now if there's no approved job description in the Code of Ordinances?

**Ms. Egan** responded she would have to get back to the Councilor as she was not aware of the status of it at the moment.

**Councilor McGeary** asked Ms. Egan to go over the legal impact of the MOU. He understood it would be 'hammered' out over some time before the School Committee the following evening. What impact would it have on the ordinance they adopt; was it informational; was it binding.

**Ms. Egan** stated the MOU is an agreement on the administrative details of how a centralized maintenance department would function. It is to provide the School Department and the DPW Director a comfort level that all the maintenance and custodial needs of the two departments will be met. The ordinance provides the authority for it to be created and for the DPW to maintain the school buildings and grounds. The ordinance controls; the MOU puts out the details. They want to make sure with a centralized facilities maintenance department that the method of communication in how the buildings will be maintained is understood by all so that the process works going forward, which is the definition of an MOU.

**Councilor McGeary** asked if it was her understanding that the document that goes before the School Committee was a final draft or was it the opening bid.

**Ms. Egan** stated she had numerous discussions with the School Committee. Her last discussion was with the Building and Finance Subcommittee the previous week. In response to the issues raised in that meeting, she sent out another draft. She believed it was the final draft since she had no comments or suggested changes come back to her. She believed that was what will be before the School Committee tomorrow night as a final draft.

**Councilor Hardy** noted while they were discussing an ordinance, there was another document, the MOU which many of them were concerned with. It had been drafted and re-drafted. It really hasn't been

shared with the Council. What role did Ms. Egan think the Council had in reviewing or commenting on the MOU itself.

**Ms. Egan** stated the Council does not have a role in the MOU. The MOU is very administrative and purely deals with the administrative details of how a centralized facilities maintenance department will function. It gets into very specific details, such as who shovels the snow in front of what building. It is all laid out for communication purposes but not for a legislative body to be concerned about. Where the City Council plays a role was that one of the members of the School Committee was concerned about the review process for the centralized maintenance department. Under the statute either the School Committee by majority vote, or the City itself by vote, can rescind the statute. Within the MOU there is a provision of how they're going to evaluate it to make sure the School Department is happy, and the City is happy with the way this department is functioning. One of the School Committee members was concerned the Mayor was on the decision making process on both sides. The position is on School Committee; and all measures of the City Council go before the Mayor. They've created within the MOU a public facilities board with a representative from the Mayor's office, from the School Committee and the City Council that will review the process and evaluate how the department was functioning and provide that review to report back to the School Committee and the Administration. Other than that role, there's no role for the City Council to adopt the MOU or review it because of the nature of the function of the government.

**Councilor Hardy** stated given that they're all open to communication wondered if there was a reason why the MOU hadn't been shared with the City Council.

**Ms. Egan** had believed the Council had a draft of it.

**Councilor Hardy** confirmed it had not.

**Ms. Egan** stated the reason the Council may not have a copy of the MOU was because it was a working document. She reiterated that after meeting with the Building and Finance Subcommittee, there was a memo with a draft that stated it was a response to a subcommittee discussion. She sent back the revisions and hasn't heard back from anybody. There hasn't been one that everyone has gotten back to her that this [version] was final. However, it may transpire at the next evening's School Committee meeting they could say it would be the final version if there are no further revisions.

**Councilor Hardy** asked when they were expected to vote on the ordinance. What is the drop-dead date to vote on the ordinance. If she hasn't seen the MOU, she didn't know if she was ready to vote on the ordinance.

**Ms. Egan** stated the drop dead date to vote on the ordinance would be prior to July 1<sup>st</sup>. Part of the Charter states that the School Committee has charge of the school grounds and buildings; but the City Council may, by ordinance, establish a centralized maintenance department. All the ordinance does is to create the centralized maintenance department; and the MOU sets out the details of that.

**Councilor Hardy** responded that was one of her main concerns. She felt the substance was in the MOU, not in the ordinance itself; shouldn't there be more substance in the ordinance.

**Ms. Egan** stated she reviewed the Code of Ordinances and looked at where the DPW Director's or the DPW Department's authority over buildings and grounds was as pertaining to the schools and to the maintenance of the facilities. There was one other provision in the Code of Ordinances and that was with regard to scheduling of particular fields. The School Department will maintain the scheduling of the fields.

**Councilor Hardy** asked what the prevailing document would be.

**Ms. Egan** stated it would be the ordinance, without question.

**Councilor Hardy** asked if something is not addressed in the ordinance but is in the MOU, then what is the prevailing document; would it be the MOU.

**Ms. Egan** stated yes; the MOU basically states the status quo is being maintained. It does go into details of snow shoveling and paving. The ordinance states the DPW Director will maintain the school buildings and grounds. The MOU says with regard to paving, the DPW Director will be responsible for paving the school grounds.

**Councilor Hardy** asked what the MOU says about the Dorothy Talbot Rink.

**Ms. Egan** replied it says that the status quo will be maintained with regard to the management of the rink. With regard to the revolving fund and with regard to the revenue, that will remain the same.

**Councilor Hardy** stated that was a point of contention speaking of \$63,000.00.

**Ms. Egan** replied the figure she was provided with by the School Department was \$75,000.00 that was used from the revolving fund. This maintains the status quo for a year. That was what they agreed to.

**Councilor Curcuru** stated the \$75,000.00 was in the agreement to be paid this coming year, not all remaining revenue after paying operating costs. The way it's in the MOU, it's written that all remaining revenue after. This is not true. This was what they're getting hung up on. It is supposed to be \$75,000.00 after the operating costs which were supposed to go back into improvements for the rink. For some reason it seemed that all excess revenue after operating costs were going back to the schools. That was not true. He didn't know where that came from. That was never part of it. At the end of the MOU that's where it takes it up.

**Ms. Egan** agreed that it states, "In FY10 \$75,000.00 of the operating balances were available to offset the costs of athletic participation fees." She commented that one of the big concerns of the School Committee was their athletic participation fees. "From FY11 operating balance, the City shall make the same contribution to the School Committee for athletic participation fees."

**Councilor Curcuru** thought it said, "all excess revenue".

**Ms. Egan** then read the following: "The maintenance and management of the Talbot Rink shall remain for this initial year of this agreement. The revolving fund from which the employees assigned to the rink shall be transferred to the City. The City shall turn over the balance of the revolving fund which exceeds the operating costs to the School Committee to be used to offset the athletic participation fees of the students." She noted it then went on to describe that. That's the contribution of the \$75,000.00. If there was an issue with regard to the language and the way in which this was worded, then that can be resolved.

**Councilor Curcuru** stated this was why they spoke about the City Council having access to the MOU and being able to make comments on it. This was what seemed to be the problem at hand. They didn't have access and were not allowed to make comments on it. This is going to be voted tomorrow at School Committee.

**Ms. Egan** stated it was on their agenda tomorrow evening. She had not seen the School Committee packet for their meeting the following evening.

**Councilor Curcuru** didn't feel this should hold up the voting on the ordinance, but this was a concern for the Council; and the MOU had issues as far as they were concerned. However, they've worked too hard to get this point right now.

**Councilor Tobey** stated he differed with General Counsel. He felt the City Council had a number of roles in this. Passing this ordinance is one thing they'd need to do to get this arrangement concluded; an arrangement they've been discussing for about two years in a focused way, at a Joint City Council/School Committee meeting. There is another step that was not being fully considered and flat out wrong in saying the City Council has no role in the day-to-day administrative matters of this kind of transaction. Under Chapter 7.1 of the City Charter, expressly states, "the City Council may reorganize, consolidate, or abolish any existing city agency in whole or in part, establish new City agencies and prescribe the functions of any City agencies." Who's going to be doing what to whom, when; the kinds of things Ms. Egan said the Council shouldn't be worrying about. This, he argued, was an additional step; it was a reorganization plan that needs to be submitted by the Mayor pursuant to 7-2 of the Charter. It was not that they wished to "quibble" with it [the MOU], nitpick or tear it apart. There was a process to be followed driven by law through the Charter. He urged following this evening, regardless of any Council action, to give it further thought. He believed it did need to come back because the charter says so.

**Ms. Egan** appreciated Councilor Tobey's perspective. She stated that the City Charter says it "may". There's no reason why the City Council can't review and have input into the MOU. It was a working document. It provides for an evaluation process; for a three month review; for changes; for a comfort level for each of the people doing the day-to-day work as to what is the next step. That was the reason for the document.

**Councilor Tobey** stated Ms. Egan said the Mayor “may” do this; “may” do reorganization plans, but Section 7.2(b) of the Charter makes it very clear; a reorganization plan “shall become effective” after a Council review process has been undertaken. The Council is a necessary step, institutionally. If this was worth doing, let’s do it right.

**Councilor Ciolino** sensed that the mood of the Council may indicate they’re not comfortable voting on the ordinance tonight and maybe table this for two weeks.

**Councilor Curcuru** stated if this didn’t pass before the end of the fiscal year, then the consolidation won’t go through. The Council either had to take a vote on this ordinance now; and then review the MOU. He asked if it also meant the MOU had also needed to be signed by the end of the fiscal year as well.

**Ms. Egan** stated yes, it should be.

**Councilor Curcuru** questioned if it wasn’t, would it be a “bone of contention” as far as the consolidation was concerned. Does this mean the School Committee had to vote on this MOU by the end of the fiscal year; or can it be carried over into the next fiscal year? The document is not the hard, set rules that they’re speaking of.

**Ms. Egan** reviewed the process which began with the City Council and the School Committee adopting the statute. The Charter says, essentially, once they adopt the statute, the City Council must enact the ordinance because the charter segregates the roles and responsibilities. The ordinance gets adopted. Then the centralized facilities maintenance department is created. The DPW has the authority and responsibility to maintain the buildings and grounds. The next step for the School Committee and the DPW director, is how they are going to go forward; and how it is going to be maintained. The MOU says that with each provision. The status quo is going to be maintained in terms of the principals having a level of comfort that their school buildings will be taken care of; that the DPW workers that come into the building will have the CORI checks, etc. Those are the elements within the MOU. She suggested the ordinance be adopted. Then the City Council can review the details of MOU; and the School Committee. Then the final language and the final adoption will occur.

**Councilor Theken** wondered if she was “buying a house and getting an inspection later”. She asked why this has to be done before the end of the fiscal year.

**Mr. Towne** stated they’ve transferred the budget; and the payroll will start out of the City side as of July 1<sup>st</sup> for those staff members that are being transferred to the Department of Public Works from the School Department. This is for the City budget for \$2.5+ million.

**Councilor Theken** asked without the MOU how they will know what to do.

**Ms. Egan** stated they’ll do their jobs as they’re doing now, again reiterating the status quo will be maintained. The MOU is so the School Committee, the School Department has a comfort level that the status quo will be maintained in terms of the jobs and the level of maintenance and care given to the school buildings. So the custodian who works at Veterans, on July 1<sup>st</sup> they’ll go to work and do what they did where they did on June 30<sup>th</sup>. So the MOU is not for that particular purpose. But the pay will come from the DPW because of the budget transfer. That was why it was important to pass this now because this gives the DPW Director the authority to maintain the school buildings and grounds. Right now under the Charter, the department doesn’t. The Council has adopted the statute. Your charter says even though you adopted the statute, the School Committee still has control over that. The City Council must adopt an ordinance allowing the DPW to maintain and control those school buildings and grounds. Then the next step is the details. But the authority has to be put in place first.

**Councilor Theken** asked if the MOU can be changed.

**Ms. Egan** stated that yes it could be changed; and there are provisions within the MOU for changes, for review and for evaluation.

**Councilor Theken** remarked it appeared the Council had a say. On the MOU the Council has no say, just the Mayor and the School Committee.

**Ms. Egan** responded right; it was an administrative process at this point. It is the DPW Director and School Committee and the School Committee that are evaluating the process. What the evaluation

process consists of within the MOU: Are the floors being mopped well enough; are the cobwebs being removed.

**Councilor Theken** stated what the DPW has been directing, they'll continue to do so. The City Council, when there is a review on the Director, would have their say then on what he's doing or not doing. The DPW will take over school and school ground maintenance which Ms. Egan confirmed. Under the DPW Director's leadership, he will direct everything he's been doing on the City side but taking on the School side also. The MOU stated, she believed from an old draft, that if there was a pothole on the grounds of a school, they contact the DPW Director, and it gets done. If it doesn't get done they can point to the MOU as a guide and question why it had not been done.

**Ms. Egan** agreed saying it tells them who they contact. Currently for a similar problem, they would contact the Assistant Superintendent of Schools, Brian Tarr, as it has always been. And then he would call the DPW Director.

**Councilor Theken** stated right now was for a vote on the ordinance to merge [the function], which Ms. Egan agreed.

**Councilor Verga** asked for clarification that either the City Council or the School Committee at some point could take a vote saying they were out of this deal.

**Ms. Egan** stated at any time, even without an MOU they could. The statute says the City Council can at any time rescind.

**Councilor Verga** stated that basically, there was their insurance. He felt they need to look at how they got from where they were to where they are. They had a School Committee who was not very overjoyed by the concept and felt the details could still be worked out. If there were a banner year at the rink, maybe another \$20,000.00 over what they've anticipated, they're not going to by "golden chairs" for the School Committee. This will offset [athletic participation] fees for our student athletes who, in order to play one sport must pay \$380.00. He felt what the Committee is looking for, and what their opposition was amongst themselves all along was that there wasn't this quick change overnight. This was an opportunity to ease their way into this so it's a more agreeable process to everyone. The Council has the opportunity to review and can also change our minds, as can they, and was a positive thing and could be a good thing as well. It could have been better if the MOU had been circulated a little more widely for all. But that didn't happen. Instead of killing this now, as Councilor Curcuru said, by July 1<sup>st</sup>, forget it. He believed they should move forward and was set to vote for this ordinance and push for continued dialog so the Council can have input that they should have had all along.

**Councilor Hardy** commented that she believed they had been told that evening they didn't have input in the MOU.

**Councilor Whynott** questioned the first statement Ms. Egan read that the status quo be maintained for a year. He thought he heard something was changed.

**Councilor Curcuru** stated right along he thought the agreement was with regard to the rink that they were going to give them the \$75,000.00 they had allotted in their budget for the athletic fees. As a City they're going to invest in the rink; whether they hire a rink manager – it will cost more money. There's not going to be a large remainder of excess revenue. But they'd like to put it back into the rink. That was what the main discussion was originally and didn't know it got into the MOU as it was now.

**Councilor Whynott** reiterated that if you make a statement that the status quo will be maintained for a year, how you can change something already.

**Ms. Egan** stated there was an issue with the School Committee when they did vote to work on the MOU with regard to the rink and changes at the rink. At the Building and Finance Subcommittee, there was concern by a number of the members about any changes in the management and in the employees at the rink. They took a step back and said they'll maintain as it is. The management of the rink and the maintenance of the rink will be maintained for the initial period of time while they review this. Then there was the issue of looking at the budget; and everybody at the rink – the employees are paid out of that revolving fund; and that's what had to be transferred and where the change was.

**Councilor Hardy** stated without seeing the MOU she didn't know how many other issues that she would have questions for.

**Councilor Tobey** stated there was a checklist they need to run through. First they adopted the State statute under the previous Council. Secondly was putting the money in place, which they did last week. Third was the passage of the ordinance, which he believed was a sensible thing to do that evening. The fourth was under the Charter when the MOU is finalized, defining the functions of this reorganized department that it comes to the Council so they can run through that process as proscribed under Section 7-2 of the Charter. That is good because it means that full vetting, full involvement; no body of government is excluded.

**Councilor Theken** agreed.

**Councilor McGeary** stated as relates to the rink that it appeared to be ambiguous from the draft of the MOU dated 6/17 that is in the School Committee packet for their meeting tomorrow. He quoted: “the revolving fund from which in employees assigned to the rink shall be transferred to the City. The City shall turn over the balance of the revolving fund which exceeds the operating costs to the School Committee to be used to offset the athletic participation fees of the students. In FY10 \$75,000.00 of the operating balances was available to offset the costs of athletic participation fees. From the FY11 operating balance the City shall make the same contribution to the School Committee for athletic fees.” So it’s either everything above operating costs or was Ms. Egan saying the \$75,000.00 is a floor which the City will give regardless of what money the rink makes.

**Ms. Egan** stated exactly; the intent of the language is that the \$75,000.00 is used from the revenue of the rink to offset athletic fees and that will be maintained for FY11.

**Councilor McGeary** asked if more than \$75,000.00 were realized over the operating costs, all of that additional money would go also to offset athletic fees costs.

**Ms Egan** agreed.

**This public hearing is closed.**

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the adoption and/or amendment of the Gloucester Code of Ordinances 2-283(4)(5) and add new section 2-285 in connection with M.G.L. 71 §37M (consolidation of City and School Function) with language as provided by General Counsel as follows:

#### ARTICLE IV. DIVISION 3. DEPARTMENT OF PUBLIC WORKS

That Article IV - Division 3 - Department of Public Works - be amended as follows:

Amend Section 2-283 – General Powers and Duties – as follows:

2-283(4) By adding the words “and the Dorothy Talbot Rink” and “all other” so that it shall read as follows:

2-283(4) Have charge and control of all the public lands belonging to the city, including beaches, cemeteries, and the Dorothy Talbot Rink, with the exception of all other school buildings and grounds.

2-283(5) By deleting the words “other than” and “of the city” substituting “including” and “owned by the City of Gloucester” so that it shall read as follows:

2-283(5) Have the management and control of the construction, alteration, repair, maintenance and care of all the public buildings including school buildings and grounds owned by the City of Gloucester.

By adding Sec., 2-285 as follows:

The Department of Public Works, under the direction of the Director, shall include a centralized maintenance department for the purpose of maintaining all buildings and land owned by the City including school buildings and grounds. The centralized maintenance department is hereby established as authorized by section 4-3 of the city charter and the adoption of General Law Chapter 71, Section 37M, by the City Council and the School Committee.

**Discussion:**

**Councilor Hardy** asked regarding Section 2-283(4) “Have charge and control of all the public lands belonging to the city, including beaches, cemeteries, and the Dorothy Talbot Rink, with the exception of all other school buildings and grounds.” If we’re trying to include the buildings and grounds of the schools, why wouldn’t it be including all other school buildings and grounds.

**Ms. Egan** stated that they’re creating a centralized maintenance department; and the School will still have charge and control over the buildings and grounds with regard to their authority to operate a school in and on the buildings and grounds. They’re taking over the management of the rink but not the school building and grounds. She didn’t change that particular wording. We’re taking over the maintenance. The next provision was changed because that pertains more to the maintenance – to make the distinction

**Councilor Tobey** stated he would vote for the ordinance so the Council checks the “third” item and looks forward to the Administration honoring Charter section 7.2 so they have their legal ability to proceed to check that fourth item by receiving the reorganization that will occur when the MOU is concluded between the DPW, sitting with the Mayor, and the School Committee.

**Councilor Theken** stated she’d vote for the ordinance.

**Councilor Ciolino** would support this tonight and restated that the City is going take over the school buildings in order to maintain them.

**Councilor Hardy** didn’t believe there was anyone against the ordinance there that evening; it was just the concern being expressed over the process by which they’re going to get there and do it right.

**Councilor Curcuru** stated this was three years in coming; they’re actually going to get it done. He recalled a visit to Danvers where they’ve had a consolidation in place for quite some time. He asked the superintendent what he did, what his function was. He stated, ‘they educate children; we’re not responsible for buildings, fields, roofs, fluctuating fuel costs. We’re not responsible for that. We educate.’ With the Administration’s commitment to a facilities manager; to get a capital plan in place; and to start investing in the schools [is important]. School buildings are our assets also, and this was the right way to go. He would be supporting this ordinance.

**MOTION: On motion by Councilor Theken, seconded by Councilor Tobey, the City Council voted by Roll Call 9 in favor, 0 opposed to recommend to adopt the Gloucester Code of Ordinances 2-283(4)(5) by adding a new section 2-285 in connection with M.G.L. 71 §37M (consolidation of City and School Function) as follows:**

**ARTICLE IV. DIVISION 3. DEPARTMENT OF PUBLIC WORKS**

**That Article IV - Division 3 - Department of Public Works - be amended as follows:**

**Amend Section 2-283 – General Powers and Duties – as follows:**

**2-283(4) By adding the words “and the Dorothy Talbot Rink” and “all other” so that it shall read as follows:**

**2-283(4) Have charge and control of all the public lands belonging to the city, including beaches, cemeteries, and the Dorothy Talbot Rink, with the exception of all other school buildings and grounds.**

**2-283(5) By deleting the words “other than” and “of the city” substituting “including” and “owned by the City of Gloucester” so that it shall read as follows:**

**2-283(5) Have the management and control of the construction, alteration, repair, maintenance and care of all the public buildings including school buildings and grounds owned by the City of Gloucester.**

**By adding Sec., 2-285 as follows:**

**The Department of Public Works, under the direction of the Director, shall include a centralized maintenance department for the purpose of maintaining all buildings and land owned by the City including school buildings and grounds. The centralized maintenance department is hereby established as authorized by section 4-3 of the city charter and the adoption of General Laws chapter 71, section 37M, by the city council and the school committee.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed to formally request copies of the Memorandum of Understanding from the Administration for comment and approval; to place the matter on the agenda of the City Council and to have the job description of the facilities manager under the reorganization brought before of the City Council for further disposition.**

#### **Committee Reports:**

##### **Ordinances & Administration: 06/14/2010**

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Curcuru voted 3 in favor, 0 opposed to recommend to the City Council under Chapter 7-16(a) to allow charging fees for interim special event parking at the parcel known as I4-C2, 65 Rogers Street, for a two year term ending in 2013 as follows:

- Current City of Gloucester Beach Parking Sticker: free
- Passenger car/truck: \$10.00
- Buses: \$25.00

##### **Discussion:**

*Councilor Curcuru stepped away and returned to the dais prior to the vote to be taken.*

*Councilor Mulcahey stepped away from the dais.*

**Councilor Theken** noted that a two year term was placed to make sure that they would be sure to prompt development.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed 1 absent (Mulcahey) under the City Charter, Sec. 7-16(a) to charge for interim special event parking at the parcel known as I4-C2, 65 Rogers Street, for fees in a two year term ending in 2013 as follows:**

- **Current City of Gloucester Beach Parking Sticker: free**
- **Passenger car/truck: \$10.00**
- **Buses: \$25.00**

*Councilor Mulcahey returned to the dais.*

**Planning & Development: 06/16/2010**

*Councilor McGeary stepped away from the dais and returned before the vote on this motion.*

MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the 2010 Fishtown Horribles Parade on July 3, 2010 starting at 6:00 p.m. from the Gloucester High School parking lot to Centennial Avenue onto Stacy Boulevard to Main Street to Washington Street proceeding down Rogers Street to Manuel F. Lewis Street to Main Street to Pleasant Street to Prospect Street to Railroad Avenue to Washington Street to Centennial Avenue to Emerson Avenue to Lincoln Avenue returning to the Gloucester High School parking lot with the following conditions:

1. A Certificate of Insurance naming the City of Gloucester the certificate holder to be on file 7 business days in advance of the event in the City Clerk's Office;
2. A Letter of Understanding between the 2010 Fishtown Horribles Parade Committee and the City of Gloucester School Department indicating permission to use the grounds of Gloucester High School as a staging area for the parade be on file 7 business days in advance of the event in the City Clerk's Office;
3. That Memorandums of Endorsement with the Fire and Police Departments for the parade be on file 7 business days in advance of the event in the City Clerk's Office;
4. A written plan of the parade route with attendant map indicating times of start and estimated finish be on file 7 business days in advance of the event in the City Clerk's Office.

**Discussion:**

**Councilor Ciolino** informed the Council that all documentation has been received, and they're ready to go.

**Councilor Verga** noted there was talk about the changing the parade route [for this year]. The conversation will begin early next year before it is too late. Both Chiefs felt there were better alternatives. The current route ties up every major artery in town. The understanding is that they look at this early to work any issues through.

**Councilor Whynott** stated the parade route was the same this year.

**Councilor Verga** commented this is the first year the Fishtown Horribles Parade Committee had come through for a permit. In the end all were cooperative; and it worked well.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to permit the 2010 Fishtown Horribles Parade on July 3, 2010 starting at 6:00 p.m. from the Gloucester High School parking lot to Centennial Avenue onto Stacy Boulevard to Main Street to Washington Street proceeding down Rogers Street to Manuel F. Lewis Street to Main Street to Pleasant Street to Prospect Street to Railroad Avenue to Washington Street to Centennial Avenue to Emerson Avenue to Lincoln Avenue returning to the Gloucester High School parking lot with the following conditions:**

1. **A Certificate of Insurance naming the City of Gloucester the certificate holder to be on file 7 business days in advance of the event in the City Clerk's Office;**

2. **A Letter of Understanding between the 2010 Fishtown Horribles Parade Committee and the City of Gloucester School Department indicating permission to use the grounds of Gloucester High School as a staging area for the parade be on file 7 business days in advance of the event in the City Clerk's Office;**
3. **That Memorandums of Endorsement with the Fire and Police Departments for the parade be on file 7 business days in advance of the event in the City Clerk's Office;**
4. **A written plan of the parade route with attendant map indicating times of start and estimated finish be on file 7 business days in advance of the event in the City Clerk's Office.**

**Budget & Finance: 06/17/2010**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the Department of Homeland Security Port Security Grant Program for the Transportation Workers Identification and Credentialing (TWIC) System for \$67,711.00.

**Discussion:**

**Councilor Curcuru** stated this will be for 9 hand-held units and all training will be supplied by the Dept. of Homeland Security. Gloucester will be one of the first communities to get it.

**Councilor Mulcahey** asked if any surveillance equipment is included.

**Councilor Curcuru** stated yes.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed (1 absent , Verga) to accept the Department of Homeland Security Port Security Grant Program for the Transportation Workers Identification and Credentialing (TWIC) System for \$67,711.00.**

**Councilor Curcuru** stated that the Councilors have all of the account numbers in the text from the Budget & Finance minutes in front of them and therefore he moved to waive the reading of account numbers as follows:

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken , the City Council voted 9 in favor 0 opposed to waive the reading of the 30 digit Unifund Account numbers.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-35) \$1,550.00 from Treas/Collector – Sal/Wages Perm Position, Unifund Account #101000.10.145.51100.0000.00.000.00.051 to Auditor, Sal/Wage – Temp Pos, Unifund Account #101000.10.135.51200.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-35) \$1,550.00 from Treas/Collector – Sal/Wages Perm Position, Unifund Account #101000.10.145.51100.0000.00.000.00.051 to Auditor, Sal/Wage – Temp Pos, Unifund Account #101000.10.135.51200.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-36) \$1,850.00 from Treas/Coll – Salary Wages Temporary, Unifund Account

#101000.10.145.512.0000.00.000.00.051 to Licensing Board, Sal/Wage – PT Position, Unifund Account #101000.10.165.51250.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-36) \$1,850.00 from Treas/Coll – Salary Wages Temporary, Unifund Account #101000.10.145.512.0000.00.000.00.051 to Licensing Board, Sal/Wage – PT Position, Unifund Account #101000.10.165.51250.0000.00.000.00.051.**

**Councilor Curcuru** stated B&F voted to recommend the following 15 Special budgetary Transfer Requests numbered 10-SBT-37 through to and including #10-SBT-51 to cover the entire deficit balances in the Snow/Ice Accounts.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-37) \$5,000.00 from Purchasing, Telephone Service, Unifund Account #101000.10.138.53410.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-37) \$5,000.00 from Purchasing, Telephone Service, Unifund Account #101000.10.138.53410.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-38) \$1,200.00 from Treas/Coll – Sal/Wages – PT Position, Unifund Account #101000.10.145.51250.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-38) \$1,200.00 from Treas/Coll – Sal/Wages – PT Position, Unifund Account #101000.10.145.51250.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-39) \$20,000.00 from 101000.10.145.57420.0000.00.000.00.057 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-39) \$20,000.00 from 101000.10.145.57420.0000.00.000.00.057 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-40) \$5,000.00 from Pub Prop Maint. Sal/Wages – Perm Positions, Unifund Account #101000.10.470.51100.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-40) \$5,000.00 from Pub Prop Maint. Sal/Wages – Perm Positions, Unifund Account #101000.10.470.51100.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-41) \$6,079.83 from DPW – Solid Waste, Supplies, Unifund Account #101000.10.403.54000.0000.00.000.00.054 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-41) \$6,079.83 from DPW – Solid Waste, Supplies, Unifund Account #101000.10.403.54000.0000.00.000.00.054 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-42) \$14,000.00 from City Clerk, Sal/Wage Perm Position, Unifund Account #101000.10.161.511.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-42) \$14,000.00 from City Clerk, Sal/Wage Perm Position, Unifund Account #101000.10.161.511.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-43) \$28,000.00 from DPW – Solid Waste, Supplies, Unifund Account #101000.10.403.54000.0000.00.000.00.054 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-43) \$28,000.00 from DPW – Solid Waste, Supplies, Unifund Account #101000.10.403.54000.0000.00.000.00.054 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-44) \$12,000.00 from Com Dev – Sal/Wage – Perm Position, Unifund Account #101000.10.181.51100.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Theken the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-44) \$12,000.00 from Com Dev – Sal/Wage – Perm Position, Unifund Account #101000.10.181.51100.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-45)

\$5,000.00 from Pub Prop Maint Natural Gas Heating, Unifund Account #101000.10.181.470.52150.0000.00.000.00.052 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-45) \$5,000.00 from Pub Prop Maint Natural Gas Heating, Unifund Account #101000.10.470.52150.0000.00.000.00.052 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-46) \$15,000.00 from Com Dev – Sal/Wage – P/T Pos, Unifund Account #101000.10.181.51250.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-46) \$15,000.00 from Com Dev – Sal/Wage – P/T Pos, Unifund Account #101000.10.181.51250.0000.00.000.00.051 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.52970.0000.00.000.00.052.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-47) \$60,236.93 from DPW – Solid Waste, Supplies, Unifund Account #101000.10.403.54000.0000.00.000.00.054 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-47) \$60,236.93 from DPW – Solid Waste, Supplies, Unifund Account #101000.10.403.54000.0000.00.000.00.054 to DPW S&I Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-48) \$10,000.00 DPW Other – Gasoline, Unifund Account #101000.10.499.54110.0000.00.000.00.054, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-48) \$10,000.00 DPW Other – Gasoline, Unifund Account #101000.10.499.54110.0000.00.000.00.054, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 0 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-49) \$11,157.10 DPW Solid Waste - Supplies #101000.10.403.54000.0000.00.000.00.054, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-49) \$11,157.10 DPW Solid Waste - Supplies #101000.10.403.54000.0000.00.000.00.054, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-50) \$5,000.00 DPW Other, Sal/Wage – Perm Position #101000.10.499.51100.0000.00.000.00.051, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-50) \$5,000.00 DPW Other, Sal/Wage – Perm Position #101000.10.499.51100.0000.00.000.00.051, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-51) \$135,797.72 Treas/Coll – Debt Service LT interest – Perm Position #101000.10.145.59150.0000.00.000.00.059, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.

On question by **Councilor Theken, Mr. Towne** explained that Long Term Interest is the portion that is the principal interest on our debt. They kept it in short term because they were converting the debt in another fiscal year. They didn't convert as much as they planned on to long term interest payments. Councilor Tobey noted this is a line item that is frequently visited at the end of the year. It is normal to do so.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-51) \$135,797.72 Treas/Coll – Debt Service LT interest – Perm Position #101000.10.145.59150.0000.00.000.00.059, to DPW S&I Removal, Salt/Sand – Road, Unifund Account #101000.10.423.55410.0000.00.000.00.054.**

The B&F voted unanimously to recommend the following 7 motions which are Supplemental Appropriation Budgetary Requests and are all related to the Gloucester School Department.

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-12) \$9,655.25 from Workers Comp Settlement, Unifund Account #101000.29.384.51776.5210.00.200.00.051 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059 (Fund #285014).

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-12) \$9,655.25 from Workers Comp Settlement, Unifund Account #101000.29.384.51776.5210.00.200.00.051 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059 (Fund #285014).**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-13) \$4,200.00 from Workers Comp Settlement, Unifund Account #101000.29.384.51776.5210.00.200.00.051 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059 (Fund #281032).

#### **Discussion:**

**Councilor Theken** asked about Worker's Compensation.

Mr. Towne stated that is because they didn't have as many claims as they had expected.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-13) \$4,200.00 from Workers Comp Settlement, Unifund Account #101000.29.384.51776.5210.00.200.00.051 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059 (Fund #281032).**

**The following 3 motions are to help close a deficit fund balance in the Advertising Revolving Fund.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-14) \$675.00 from Workers Comp Settlement, Unifund Account #101000.29.384.51776.5210.00.200.00.051 to General Fund Transfers to Special Rev Funds #101000.10.992.59600.0000.00.000.00.059 (Fund #283015).

**MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-14) \$675.00 from Workers Comp Settlement, Unifund Account #101000.29.384.51776.5210.00.200.00.051 to General Fund Transfers to Special Rev Funds #101000.10.992.59600.0000.00.000.00.059 (Fund #283015).**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-15) \$1,225.00 from Non Prof. Sickday Incent/Bback, Unifund Account #101000.29.384.51902.5100.00.100.00.051 to General Fund Transfers to Special Rev Funds #101000.10.992.59600.0000.00.000.00.059 (Fund #283015).

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-15) \$1,225.00 from Non Prof. Sickday Incent/Bback, Unifund Account #101000.29.384.51902.5100.00.100.00.051 to General Fund Transfers to Special Rev Funds #101000.10.992.59600.0000.00.000.00.059 (Fund #283015).**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-16) \$1,100.00 from Literacy & Math Facilitators to General Fund Transfers, Unifund Account #101000.21.385.51101.2315.00.172.00.051 to Special Rev Funds #101000.10.992.59600.0000.00.000.00.059 (Fund #283015).

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken , the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-16) \$1,100.00 from Literacy & Math Facilitators to General Fund Transfers, Unifund Account #101000.21.385.51101.2315.00.172.00.051 to Special Rev Funds #101000.10.992.59600.0000.00.000.00.059 (Fund #283015).**

**The following 2 motions are to close a deficit fund balance in CIP08 Reprogram-Boiler Replacement Fund.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary , the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-17) \$20,555.21 from RVL-Building Use MO, Unifund Account #283007.20.993.59600.0000.00.000.00.059 to Transfers to CIP08 Reprogram-Boiler Replacement Fund, Unifund Account #300068.20.993.49700.0000.00.000.00.040 (Fund #300068).

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken , the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-17) \$20,555.21 from RVL-Building Use MO, Unifund Account #283007.20.993.59600.0000.00.000.00.059 to Transfers to CIP08 Reprogram-Boiler Replacement Fund, Unifund Account #300068.20.993.49700.0000.00.000.00.040 (Fund #300068).**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-18) \$2,155.45 from R/A-DRA School Litigation, Unifund Account #284003.20.993.59600.0000.00.000.00.059 to CIP08 Reprogram-Boiler Replacement Fund, Unifund Account #300045.20.993.49700.0000.00.000.00.040 (Fund #300045).

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-18) \$2,155.45 from R/A-DRA School Litigation, Unifund Account #284003.20.993.59600.0000.00.000.00.059 to CIP08 Reprogram-Boiler Replacement Fund, Unifund Account #300045.20.993.49700.0000.00.000.00.040 (Fund #300045).**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (#10-SA-19) \$232,785.35 from Sewer Enterprise Certified Free Cash of 06/30/2009 to Unifund Account #600000.10.993.59600.0000.00.000.00.059 accounts as follows:

Fund # 310000 CIP04 Infil/Inflow (610,000)	\$ 1,375.70
310013 CIP01 Sewer Lower Essex Ave Upgrade	91,263.24
310015 CIP03 Essex Sewer	32,225.36
310019 CIP04 Little River (600,000)	59,773.92
310021 CIP04 Sew Proj Lower Essex/Gibs Hill (570,000)	46,060.52
310022 CIP04 DPW Asset Mgmt Program	<u>2,086.52</u>
	<b>TOTAL: <u>\$232,785.35</u></b>

#### Discussion:

**Councilor Theken** asked for an explanation.

**Mr. Towne** noted the reference numbers are the loan authorization amounts. They had a budget in loan authorization. They're all projects that used to be accounted for in the enterprise funds. They're trying to avoid these kinds of things happening. Taking them out of the enterprise fund and put them into capital projects funds – with no more commingling. This will make it clear what is spent and what remains. When you have year end accounting issues, those budget numbers got skewed. If you were to look at this cumulatively, if it's separated it out, you can clearly see where you are in the funds. Going forward separate them all out, making it easier to see where they are. This all comes from certified free cash.

**Councilor Tobey** stated future and current capital projects in the sewer enterprise fund are still funded by the sewer enterprise fund. What was just described was an accounting mechanism as you pay them down.

**Mr. Towne** agreed. If they do betterments in the future, they'll all be separated out also. It's not a funding mechanism, but an accounting mechanism. That's why they took it from the certified free cash.

**Councilor Tobey** asked with this drawdown how much remains.

**Mr. Towne** believed they will replenish a good portion of this right away. You'll know by the end of July when they post most of the pre-audit entries to the sewer fund. They'll have a good indication by then or early august in all the funds this year.

**Councilor Tobey** asked they can count on him as soon as he knows.

**Mr. Towne** he would let the Council know as soon as he had the information available.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken , the City Council voted 9 in favor, 0 opposed to transfer (#10-SA-19) \$232,785.35 from Sewer Enterprise Certified Free Cash of 06/30/2009 to Unifund Account #600000.10.993.59600.0000.00.000.00.059 accounts as follows:**

<b>Fund # 310000 CIP04 Infil/Inflow (610,000)</b>	<b>\$ 1,375.70</b>
<b>310013 CIP01 Sewer Lower Essex Ave Upgrade</b>	<b>91,263.24</b>
<b>310015 CIP03 Essex Sewer</b>	<b>32,225.36</b>
<b>310019 CIP04 Little River (600,000)</b>	<b>59,773.92</b>
<b>310021 CIP04 Sew Proj Lower Essex/Gibs Hill (570,000)</b>	<b>46,060.52</b>
<b>310022 CIP04 DPW Asset Mgmt Program</b>	<b><u>2,086.52</u></b>
<b>TOTAL:</b>	<b><u>\$232,785.35</u></b>

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the authorization for the City Clerk to purchase of 11 ACCU-VOTE voting machines and associated equipment for use in all elections beginning with the November 2, 2010 elections in the City of Gloucester's ten (10) precincts under M.G.L. Chapter 54, Sec. 34.

**Discussion:**

**Councilor Tobey** asked how much for the machines and where the money is coming from. **Mr. Towne** stated that the appropriation in FY10 including upgrading the machines up to \$18,000.00 - \$20,000.00. They are awaiting the vote tonight to encumber the money and then issue the purchase order for them.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted by Roll Call 9 in favor, 0 opposed to authorize the City Clerk to purchase of 11 ACCU-VOTE voting machines and associated equipment for use in all elections beginning with the November 2, 2010 elections in the City of Gloucester's ten (10) precincts under M.G.L. Chapter 54, Sec. 34.**

**The following transfer was to address deficits in Veterans' Services:**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-52) \$4,500.00 from Treas/Coll, Debt Service – ST interest Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Veteran's Services, Medical Unifund Account #101000/10/543.57720.0000.00.000.00.057.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-52) \$4,500.00 from Treas/Coll, Debt Service – ST interest Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Veteran's Services, Medical Unifund Account #101000/10/543.57720.0000.00.000.00.057.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-53) \$11,000.00 from Treas/Coll, Debt Service – ST interest Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Pub Prop Maint, Supplies Unifund Account #101000.10.570.54000.0000.00.000.00.054.

**Discussion:**

**Mr. Towne** believed \$30,000 from the Roger Owen Davis Fund was to be forthcoming to the City. They got a letter unannounced to the Mayor's office saying that much. Mr. Duggan and he called Fidelity Charitable Gift Fund and asked what this was for. It was explained that it was in this gentleman's will that it goes wherever it is needed. They wanted to make sure that it was unrestricted. It was reiterated that it could go for whatever they needed most. It was stated the same at B&F. The problem was when it was deposited, it was returned. There was an issue of a long list of funding opportunities that the nephew of the decedent had. And as the groups accepted or used it, it was gone for good. Instead of originally being told it was unrestricted, the \$10,000.00 was supposed to go to archiving of records. When it hit the paper that it was to go to I4-C2, the nephew stated something was wrong to Fidelity Charitable Gift Funds, and they explained this. As soon as they had told Mike Hale the funds were available, he started spending the money. Mr. Towne then had to tell Mr. Hale to stop. So in order to continue the progress on I4-C2, they put this money here to keep that project going. He's still in talks with the Fidelity Charitable Gift Fund to look for donations corporately to see if they can't get those funds from them. They did give Mr. Towne instructions they could do them. At the same time the archives department was being told they could use the money for archiving. There were two different groups they were talking to in the City. This will fund \$20,000.00.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-53) \$11,000.00 from Treas/Coll, Debt Service – ST interest Unifund Account #101000.10.145.59250.0000.00.000.00.059 to Pub Prop Maint, Supplies Unifund Account #101000.10.470.54000.0000.00.000.00.054.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to transfer (10-SBT-54) \$9,000.00 from Treas/Coll, Debt Service – ST interest Unifund Account #1010000.10.145.59250.0000.00.000.00.59 Pub Prop Maint, Supplies Unifund Account #101000.10.470.51300.0000.00.000.00.051.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-54) \$9,000.00 from Treas/Coll, Debt Service – ST interest Unifund Account #1010000.10.145.59250.0000.00.000.00.59 Pub Prop Maint, Supplies Unifund Account #101000.10.470.51300.0000.00.000.00.051.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 abstention (Hardy) to recommend to the City Council to transfer (10-SBT-55) \$1,771.09 Fire Department, Pub Safety Program, Unifund Account #101000.10.220.53060.0000.00.000.00.052 to Fire Department Overtime Training Expense, Unifund Account #101000.10.220.51315.0000.00.000.00.051.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 abstention (Hardy) to transfer (10-SBT-55) \$1,771.09 Fire Department, Pub Safety Program, Unifund Account #101000.10.220.53060.0000.00.000.00.052 to Fire Department Overtime Training Expense, Unifund Account #101000.10.220.51315.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (10-SBT-56) \$22,150.00 from Gen Fund Sal/Wages – Perm Position (Dept. 900) Unifund Account #101000.10.900.51100.0000.00.000.00.051 to Police Admin, Contractual Services, Unifund Account #101000.10.210.52000.0000.00.000.00.052

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-56) \$22,150.00 from Gen Fund Sal/Wages – Perm Position (Dept. 900) Unifund Account #101000.10.900.51100.0000.00.000.00.051 to Police Admin, Contractual Services, Unifund Account #101000.10.210.52000.0000.00.000.00.052**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (10- SA-20) \$148,267.00 from MO Contingency, Unifund Account #101000.21.370.53800.2305.00.270.00.02 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10- SA-20) \$148,267.00 from MO Contingency, Unifund Account #101000.21.370.53800.2305.00.270.00.02 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (10- SA-21) \$83,299.02 from OFU – Transfer to CIP Fund (Fund 291003: 03 Seaport Improvements) Unifund Account #291003.10.992.59600.0000.00.000.00.059 to OFS – Transfer from Spec Rev Fund (Fund 300022: CIP00-Harbor Improvements [1,200,000]) Unifund Account #300022.10.993.49700.0000.00.000.00.040.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10- SA-21) \$83,299.02 from OFU – Transfer to CIP Fund (Fund 291003: 03 Seaport Improvements) Unifund Account #291003.10.992.59600.0000.00.000.00.059 to OFS – Transfer from Spec Rev Fund (Fund 300022: CIP00-Harbor Improvements [1,200,000]) Unifund Account #300022.10.993.49700.0000.00.000.00.040.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (10- SA-22) \$21,428.26 from Treas/Coll – Debt Service LT Interest, Unifund Account #101000.10.145.59150.0000.00.000.00.059 to General Fund – Transfer to CIP Funds, Unifund Account #101000.10.993.59600.0000.00.000.00.059 as follows:

#300004 – Municipal Building Roof Replacement	\$17,919.26
#310020 – Sewer GIS	1,040.00
#320009 – Little River Water	<u>2,469.00</u>
TOTAL:	<u>\$21,428.26</u>

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken , the City Council voted 9 in favor, 0 opposed to transfer (10- SA-22) \$21,428.26 from Treas/Coll – Debt Service LT Interest, Unifund Account #101000.10.145.59150.0000.00.000.00.059 to General Fund – Transfer to CIP Funds, Unifund Account #101000.10.993.59600.0000.00.000.00.059 as follows:**

#300004 – Municipal Building Roof Replacement	\$17,919.26
#310020 – Sewer GIS	1,040.00
#320009 – Little River Water	<u>2,469.00</u>
TOTAL:	<u>\$21,428.26</u>

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (10-SBT-56) \$22,150.00 from Gen Fund Sal/Wages – Perm Position (Dept. 900) Unifund Account #101000.10.900.51100.0000.00.000.00.051 to Police Admin, Contractual Services, Unifund Account #101000.10.210.52000.0000.00.000.00.052.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SBT-56) \$22,150.00 from Gen Fund Sal/Wages – Perm Position (Dept. 900) Unifund Account #101000.10.900.51100.0000.00.000.00.051 to Police Admin, Contractual Services, Unifund Account #101000.10.210.52000.0000.00.000.00.052.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (10- SA-20) \$148,267.00 from MO Contingency, Unifund Account #101000.21.370.53800.2305.00.270.00.02 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059 (Fund #223000).

**Discussion:**

**Councilor Curcuru** noted that 10-SA-20 is for the School Department.

**Mr. Towne** stated the Food Service deficit of \$191,000.00 has been worked on at the end of the year. The \$148,267.00 takes care of much of this; and that Mr. Markham, CFO of the School Department, will take care of the rest of the deficit as of June 30<sup>th</sup>. This is a great move to clear this up.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10-SA-20) \$148,267.00 from MO Contingency, Unifund Account #101000.21.370.53800.2305.00.270.00.02 to General Fund – Transfers to Special Rev Funds, Unifund Account #101000.10.992.59600.0000.00.000.00.059 (Fund #223000).**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (10- SA-21) \$83,299.02 from OFU – Transfer to CIP Fund (Fund 291003: 03 Seaport Improvements) Unifund Account #291003.10.992.59600.0000.00.000.00.059 to OFS – Transfer from Spec Rev Fund (Fund 300022: CIP00-Harbor Improvements [1,200,000]) Unifund Account #300022.10.993.49700.0000.00.000.00.040.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to recommend to transfer (10- SA-21) \$83,299.02 from OFU – Transfer to CIP Fund (Fund 291003: 03 Seaport Improvements) Unifund Account #291003.10.992.59600.0000.00.000.00.059 to OFS – Transfer from Spec Rev Fund (Fund 300022: CIP00-Harbor Improvements [1,200,000]) Unifund Account #300022.10.993.49700.0000.00.000.00.040.**

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TOTAL:	<u>\$21,428.26</u>

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (10- SA-22) \$21,428.26 from Treas/Coll – Debt Service LT Interest, Unifund Account #101000.10.145.59150.0000.00.000.00.059 to General Fund – Transfer to CIP Funds, Unifund Account #101000.10.993.59600.0000.00.000.00.059 as follows:**

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#320009 – Little River Water	<u>2,469.00</u>
TOTAL:	<u>\$21,428.26</u>

**Councilor Curcuru** noted tonight's B&F meeting was recessed and will be continued to Wednesday, June 30<sup>th</sup> at 12 noon.

**Councilor Hardy** asked if the Council would be willing to call a Special City Council Meeting for 1:00 p.m., June 30<sup>th</sup> in the first floor Council Conference Room only if it is needed. She noted that there appeared to be a quorum available for such a Special City Council Meeting.

**Councilor Tobey** stated for the record that a 1 p.m. meeting is impossible for him to make, as were all day meetings due to his professional obligations and asked for consideration in the future.

**Councilor's Requests Other Than to the Mayor:**

**Councilor Whynott** thanked all those who helped to organize and turn out for his retirement party this past week at City Hall.

**Councilor Verga** reminded about the listening post on Tuesday, June 29, at 7:00 p.m. in Kyrouz Auditorium. The opinion seems to be shifting from the 16 people who have voiced that they prefer a City central location for all offices and services. He urged the community to come and have their voice heard.

**Councilor Ciolino** wished everyone a safe and happy St. Peter's Fiesta. Thursday at I4-C2 the first Farmer's Market will take place and a ribbon cutting by the Mayor.

**Councilor Mulcahey** thanked the City for their generous donations for the Relay for Life. They raised \$160,000.00. Her team raised \$23,000.00 dollars. She thanked everyone involved.

**Councilor Theken** stated if there were problems during the Fiesta, they'll check to make sure that all runs well. She wished a Happy 4<sup>th</sup> of July to all noting she would away. She asked the community to join the Fishermen's Wives Association to come to Good Harbor or Pavilion Beach this Saturday at 11:30 to join hands to stop off shore drilling. She let her seniors know of a scam going on. No one from the government will call you directly. "Hi I am from the Obama Administration, or Hello, I'm from Medicare", talking about abatement. If the senior says they don't have a computer available to them after being told they can just go on line to get the abatement, the caller will tell them they can do it for you thereby getting personal information from the senior. Do not give them any information. A rebate, once you hit the donut hole will come to you automatically without phone calls or going on line. Please do not give out personal information.

**It was moved, seconded and voted UNANIMOUSLY to adjourn the meeting at 9:38 p.m.**

**Respectfully submitted,  
Dana C. Jorgenson  
Clerk of Committees**