

**SPECIAL MEETING
GLOUCESTER CITY COUNCIL**

June 30, 2010

1:00 P.M.

1st Fl. Council Conference Room – City Hall

Present: Council President Jacqueline Hardy; Council Vice President Sefatia Theken; Councilor Robert Whynott; Councilor Steve Curcuru; Councilor Paul McGeary; Councilor Greg Verga
Absent: Councilor Ann Mulcahey; Councilor Bruce Tobey; Councilor Joseph Ciolino
Also Present: Linda T. Lowe; Kenny Costa; Jeff Towne; Jim Duggan; Fire Chief Dench; Suzanne Egan

The meeting was called to order at 1:00 p.m.

Councilor Hardy stated there are six members present of the City Council. This meeting was called in order to close out the City's fiscal year.

1. Budget & Finance Committee Report: 6/30/2010

By unanimous consent, the City Council accepted the minutes of the Budget & Finance meeting of 6/30/2010.

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 the transfer (10-SBT-57) \$22,500.00 from Gen Fd-Sal/Wages Perm Positions, Unifund Account #101000.10.900.51100.0000.00.000.00.051 to Fire Dept., Replace Fire Equipment, Unifund Account #101000.10.220.58780.0000.00.000.00.058 specifically for the purchase of radios recommended in the Public Safety Audit (Recommendation 8.6).

Discussion:

Councilor Curcuru explained to the Council that the following transfer is to purchase radios for the Fire Department as recommended by the Public Safety Audit (Recommendation 8.6). These funds were "parked" in this account for Public Safety Audit Implementation (Dept. 900). The Fire Chief recommended this to the Council. It was \$45,000.00 in a special reserve account for the Public Safety Audit and just was coming forward.

Councilor Theken asked that all the money was in place for Fire Department overtime.

Councilor Curcuru stated that was in the budget; this was money just set aside for the Audit.

Councilor Hardy informed the Council Chief Dench indicated ed at B&F that this will be a policy that they will be looking to update this crucial equipment on a yearly basis.

MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the City Council voted 6 in favor, 0 opposed to transfer (10-SBT-57) \$22,500.00 from Gen Fd-Sal/Wages Perm Positions, Unifund Account #101000.10.900.51100.0000.00.000.00.051 to Fire Dept., Replace Fire Equipment, Unifund Account #101000.10.220.58780.0000.00.000.00.058 specifically for the purchase of radios recommended in the Public Safety Audit (Recommendation 8.6).

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-58)

\$88,236.93 from DPW Snow/Ice Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051 to DPW Snow/Ice Removal, Snow/Ice-Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

Discussion:

Mr. Towne explained this transfer is to correct two previously voted motions by the City Council at their June 22nd meeting that had incorrect account numbers were used on two of the forms (originally voted 10-SBT-43 and 10-SBT-47). This one transfer will correct both problems as related to the Snow and Ice deficit (originally voted 10-SBT-43 and 10-SBT-47).

MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, City Council voted 6 in favor, 0 opposed to transfer (10-SBT-58) \$88,236.93 from DPW Snow/Ice Removal, OT Snow & Ice, Unifund Account #101000.10.423.51310.0000.00.000.00.051 to DPW Snow/Ice Removal, Snow/Ice-Contract, Unifund Account #101000.10.423.52970.0000.00.000.00.052.

2. CC2010-046 (Tobey/Curcuru) (FCV 7/6/2010)

Councilor Hardy stated Councilor Tobey and Councilor Curcuru filed an order that appears on this agenda; it is a simple referral to go to the next City Council Meeting. They can't vote on a matter the first time it comes before them. But they could vote on it at the next meeting of the Council on July 6th. She asked Ms. Egan to be present in case there were any questions. She would look for a motion to refer this matter forward.

Councilor Theken will not be in attendance at the July 6, 2010 meeting of the City Council. She does, however, fully support this order. It's not that she was against the Charter but the way in which it was handled. She felt the justification was wrong.

Councilor McGeary asked what is the Council's rights in pursuing this; if they moved this forward on their own volition as a body corporate, do they have that right.

Ms. Egan stated that they do have that right. It was her understanding that it was before the Council to make a recommendation.

Councilor Curcuru stated this was written as an order to discuss the matter. However, they could make a decision that evening. If the Mayor decides not to be a part of it, can the Council still become part of it.

Ms. Egan stated yes they could.

Councilor Hardy believed if the Mayor vetoes within the 10 days she has to sign off approving it; and it comes back to the Council, it would then require a 2/3 vote to override the veto (Section 3-9 of the City Charter).

Ms. Egan stated you're doing something other than that. You're considering entering into litigation. You would either make a recommendation to the Mayor to join the litigation or the City Council [join the litigation] itself.

Councilor Curcuru responded not if it's just the Council. If the Mayor opted not to become part of it, we become the litigators.

Councilor Theken stated they can move forward without the Mayor.

Councilor Verga stated the Mayor has at her disposal some pro bono services available; is that service transferable to the Council.

Ms. Egan stated at Councilor Tobey's request she made that inquiry of the attorneys at Nixon & Peabody who are unable to attend July 6th meeting of the City Council. They would be available to discuss it with the City Council at another time and go into executive session to speak about the legal ramifications.

Councilor Verga thought this was a great idea and thinks the Council definitely needs to sign on to this.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 6 in favor, 0 opposed to refer the matter of CC2010-046 (Tobey/Curcuru) that the City Council and the Administration discuss at the July 6, 2010 meeting of the City Council the matter of whether and how the City might join in or assist the citizen lawsuit challenging the propriety of the issuance of a charter to the Gloucester Community Arts Charter School.

3. *Other Business*

None.

A motion was made, seconded and voted unanimously to adjourn the meeting at 1: 10 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**