

CITY COUNCIL AND  
CITY COUNCIL STANDING COMMITTEE  
**Special Ordinances & Administration Committee Meeting**  
**Tuesday, June 8, 2010 – 6:15 p.m.**  
**1<sup>st</sup> Fl. Council Conference Rm. – City Hall**

**Present:** Chair, Councilor Sefatia Theken, Vice Chair, Councilor Ann Mulcahey, Councilor Bruce Tobey

**Absent:** None

**Also Present:** Councilor Jacqueline Hardy; Councilor Steven Curcuro; Councilor Greg Verga; Linda T. Lowe; Jim Duggan; Superintendent Christopher Farmer; School Committee Chair, Val Gilman and School Committee Secretary, Melissa Teixeira; Mike Hale; Suzanne Egan; David Bain

**The meeting was called to order at 6:15 p.m. There was quorum of the City Council.**

- 1. Whether the City Council should Adopt or Amend Gloucester Code of Ordinances 2-283(4)(5) and add new section 2-285 in connection with M.G.L. Chapter 71 §37M (consolidation of City and School Functions)***

**Ms. Egan** explained there was proposed ordinance which would give the City the ability to create a centralized maintenance department in order to consolidate the maintenance functions of the facilities of the School Department and the City buildings. In 2008 the City Council voted to accept the M.G.L. Chapter 71 §37M which authorizes the City to consolidate these functions; and then the School Committee last week also took a vote to accept this statute. Under the City Charter, it provides in §4.3 that the centralized maintenance department can be created. The school buildings and grounds can be managed and controlled by a centralized maintenance department provided an ordinance is enacted to do the same. She made note of her draft amendment of Section 2-283 of the Code of Ordinances which adds to the DPW Director's responsibilities over the school buildings and grounds and also authorizes the City to create a centralized maintenance department (previously submitted and on file). She handed out a revised copy of her original memo to the Council on the matter (on file). She explained the changes came about subsequent to conversations with Council President, Jacqueline Hardy who had concerns regarding one provision in the proposed ordinance, specifically, "school buildings owned by the City of Gloucester". The concern was that school buildings owned by other entities might fall under this description and would create the possibility that the City would be obligated to provide maintenance services for these buildings as well. She then reviewed each section of the proposed ordinance with the Committee.

**Councilor Tobey** gave credit to the Administration, the School Committee and for the initiative started with the previous Council and stated he assumed because this was being done pursuant to Charter §4.3 and provisions of MGL Chapter 71, §37M that we don't have to treat this as a reorganization under §7-2 of the Charter.

**Ms. Egan** agreed with that statement.

**Councilor Tobey** continued he had a good, long conversation with Ms. Teixeira, and a conversation with David Bain, Personnel Director. He was concerned that there hadn't been any public conversation about collective bargaining obligations when you take a workforce and subject it to a new set of terms and conditions of employment; for example, answering to a different boss; working in a different building; possible seniority changes. He asked Ms. Teixeira, School Committee Secretary, Chair of the Personnel Sub-Committee and Chief Negotiator on behalf of the Schools, if she had taken the need for bargaining into account; if so, when did she see it happening or have to happen; and is there a plan to do it.

**Ms. Teixeira** stated the current contract for custodians and maintenance was in force until June 30 2011. Recognizing that they have possibly decided to the consolidation as of July 1<sup>st</sup> subject to a Memorandum of Understanding (MOU), there will be some negotiation moving forward. The union spoke on record at

the School Committee meeting on Wednesday, June 2, 2010 represented by Rose Grocki, who also represents the City side (ASME). Ms. Teixeira noted she'd had many conversations with Ms. Grocki speaking with her before they took the vote, and after the meeting. Ms. Teixeira also met with the union prior to their meeting on Wednesday and followed up with a meeting shortly thereafter on Friday, June 4<sup>th</sup>, recognizing that this is a sensitive topic right now. Even though the consolidation has been spoken about over a couple of years, it has come up suddenly with the July 1, 2010 date. The consolidation shouldn't be too much of a surprise to the union because of on-going conversations, particularly a joint meeting with the City, in the past. She felt she has established a good relationship with the union. She's negotiated with this union in the past successfully and recognized that there is a negotiation process ahead of them that will be long, but was confident that they will negotiate a contract going forward. There's no doubt this will trigger the need for negotiations; and their response will trigger how they move forward. When she met recently with the John Lefavour, steward of the custodial/maintenance personnel for the union on the school side and Bernie Cranston on the City side (who is also president of the union), they came up with a list of questions of main and immediate concerns. She noted the list captured some of the same concerns that the School Committee, and the City would probably share. For the record they were:

- The intent of why they're doing this;
- Is there a savings either to the City side or School side;
- When will it happen;
- What budget will it affect (School or City side);
- Who will manage daily operations;
- Will the wage freeze remain in effect;
- The remainder of the questions pertained to benefits recognizing that there is a difference in the contracts, mainly on the School side.

Most importantly, on behalf of the custodial/maintenance employees and on the School side, is priority. These custodians/maintenance personnel take pride in their work. They take pride in the buildings; and they want, like the School Committee wants, to know where they are as far as a priority if something happens. There are children in these buildings. Priority is a concern. She imagined they will be discussing that as they move forward to address it with regard to the MOU.

**Councilor Tobey** summarized that there will be a need to bargain. Conversations have already begun with the School Department. Information has already begun to be exchanged on the City side; and you will proceed as you need to.

**Ms. Teixeira** agreed; and stated she was very committed to this project. She believed that consolidation is the right direction but recognizing there is a lot of work to be done. This may not be immediate; there are a lot of negotiations that have to take place. She did ask Ms. Egan at their last meeting on the 28<sup>th</sup> what happens if they chose not to re-open [negotiations]. Ms. Teixeira understood that the contract would stay in effect, but at the same time they could move forward under this M.G.L. They are committed to bargaining impact. She was confident it would happen from talks on numerous occasions.

**Mr. Bain** said she has met with Ms. Grocki, business agent for ASME of Council 93 feeling they were fortunate to have her. There are really three groups involved in the City. This will involve two of the groups. Group A is the DPW, and Group B, the custodian's group. This will be a lot of work but not impossible. As long as they telegraph where they're going with this; meet with them; and answer the questions and bargain in good faith, he was sure they'd arrive at a reasonable conclusion for all parties concerned. He was looking forward to working with Ms. Teixeira on the matter.

**Ms. Teixeira** added that she met with Val Gilman and Naomi Stromberg, legal counsel for the Schools; who has given them good advice and guidance and has experience with this sort of thing. She had confidence Ms. Stromberg's expertise will prove valuable during this process.

**Councilor Tobey** stated his satisfaction that all the "T's were crossed and the I's dotted".

**Councilor Hardy** expressed she was pleased that so many people took up the suggestion of hers as to what the buildings were related to the schools. She noted she had a draft amendment that listed the schools; and one she had just received this evening from Ms. Egan. She wondered if these should be

melded together or should one stand separate from the other. She asked which one they should be voting on that evening to be forwarded to the City Council.

**Councilor Tobey** felt they should meld one into the other and the Committee took a moment to review each draft motion.

**Mr. Hale, DPW Director**, stated they are excited and have a lot of work ahead of them. They will add a 'Manager of Facilities', feeling this would be beneficial to the City as a whole. They are already having discussions with the Purchasing Agent regarding upcoming contracts on the School and City side to see if there's any benefits for larger groups and quantities. They have contacted Mass Highways to see what eligibility is under the State's paving program for the schools.

**Councilor Tobey** noted while melding the language together for the motion, he showed the list of schools under 2-283(5) and Ms. Egan expressed a concern.

**Ms. Egan** noted she had spoken with Councilor Hardy about this matter earlier and stated she wouldn't advise the listing of school buildings in an ordinance. If one is acquired, if one is sold, you'd have to amend the ordinance. It should be a blanket authority – a shifting away from having the two departments having separate control and management and creating a centralized maintenance department and advised against listing the schools.

**Councilor Hardy** asked is there anywhere in the City Ordinances, in school policy or in DPW maintenance policy that lists the locations and names of the schools so they could refer back to it and if such a list exists, where would we refer them to for that list..

**Ms. Egan** stated it's not in the City ordinances, but they do have inventories of public buildings and if so, where would we refer them to for that list. She would refer someone to the School Department or to the Assessors Office.

**Councilor Hardy** noted she saw Ms. Egan's point not wanting to put an ordinance in place then have to remove one; she wanted to be sure there was a point of reference.

**Councilor Theken** noted she got calls on both sides of the situation. She received concerns that would this mean by consolidating there would be layoffs on the DPW side or on the School side or the City side. There was no guarantee of anything. Consolidation is to save money. Instead of hiring out we hire each other. We work together. This was not planned for the purpose of any layoffs. This was to save money. If one person is needed, for example, on the City side, instead of hiring out, we have it on the School side and visa versa.

**Mr. Hale** stated there are no plans of layoffs under this consolidation plan. This was truly to provide better service. There may be no cost savings up front, or for some time. But there will be more efficiency in service which will eventually result in cost savings.

**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 Laws chapter 71, section 37M, by the city council and the school committee AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**2. *Other Business***

**None.**

**A motion was made, seconded and voted unanimously to adjourn the Special O&A Meeting at 6:35 p.m.**

**Respectfully submitted**

**Dana C. Jorgenson  
Clerk of Committees**