

SPECIAL MEETING OF THE CITY COUNCIL, FEBRUARY 1, 2012

Meeting was called to order at 7:00 P.M.

Attendance was taken by a roll call vote; all members were present.

Also present was Mayor Mazzarella, the Comptroller John Richard, the Human Resource Director John Harmon, the Treasurer David LaPlante, the Budget Director Emily Moran, the Grant Writer Wendy Wiiks, the City Solicitor Brian Mazur and Peter Savage of Cook Co.

A recess was called at 7:02 P.M. to continue the public forum.

Meeting reconvened at 7:08 P.M.

Councillor Dombrowski said given the circumstances, the relevant statutes require the Council to declare individually if they have any interest in this matter.

Councillor Dombrowski said he has disclosed that his family does participate in the health care benefits offered by the City.

Councillor Salvatelli said he filled out a disclosure form. He is a retired school administrator and retired in 1999 and has worked for the City of Leominster for 28 years. He presently serves at Ward 4 Councillor and has been elected for seven, two year terms. He receives medical benefits in the form of the City's Supplemental Plan Medex and having his major medical with Medicare when he reached the age of 65. His wife Linda, a retired school employee, having worked as a school secretary, is receiving medical benefits in the form of the City's Supplemental Plan Medex with a major provider being Medicare. Both receive a dental plan provided by the City of Leominster and have individual rather than family plans.

Councillor Marchand said he has disclosed that he has family members that participate in the program and his wife is a school teacher and he is part of that family plan.

Councillor Lanciani said he has disclosed that he is a retiree getting Blue Cross Blue Shield Medex, Medicare and dental. He is also a member of the Advisory Insurance Committee since 2009. He is also a City Councillor At Large.

Councillor Rowlands said he does not take any health care benefits from the City but has filled out a disclosure form. He said he probably does not qualify under the Rules of Necessity as having a conflict but felt it important to disclose. In his view, whether you have insurance or have the ability to get insurance doesn't matter. He has that ability in the future if he wants to. He nor any of his family members have benefits.

Councillor Nickel said he also filled out the public disclosure form. He and his wife take advantage of the City's medical and dental plans. He has been on the City Council for eleven terms. He said his son is a member of the Fire Department and gets his insurance through the City.

Councillor Cormier said he filled out a disclosure which is on file in the City Clerk's office. He has a brother that is actively serving on the Fire Department and participates in the insurance plan that is offered by the City. His father is a retiree of the City and is getting benefits as well.

Councillor Chalifoux Zephir said she does not participate in the City's health insurance plan and has separate coverage.

Councillor Freda said she does not have a conflict and does not participate in any insurance plan.

Councillor Dombrowski said given the circumstances there is a need to invoke the Rule of Necessity regarding this vote in these hearings. He said our City Solicitor has prepared a statement and was read as follows:

Fellow Council members,

I would ask that the record reflect that all members of the Council are eligible to become participants in the City's health insurance plan. As such, we arguably would be disqualified by the Conflict of Interest Law from participating in a vote to adopt a new process for effecting changes to the health insurance plan and related votes as to plan design changes. However, that would leave the Council without a quorum to act on these important matters, and the Council is the only entity under state law authorized to do so. There is a mechanism approved by the State Ethics Commission called the "Rule of Necessity" that would allow us to participate under the current circumstances. If properly invoked, the "Rule of Necessity" allows, but does not require, each member of the Council with a conflict to participate and vote. I offer into the record a copy of an opinion letter from the General Counsel for the State Ethics Commission dated September 2, 2011 which addresses the specific subject of health insurance and supports the use of the Rule under these circumstances, and state for the record that consultation has also been had with the City Solicitor about this issue.

Consequently, as Council chair, I hereby invoke the Rule of Necessity to allow Council members to participate in voting with respect to the health insurance plan and related plan design changes despite our eligibility for participation in the City's health plan.

A letter from the State Ethics Commission is on file in the City Clerk's office.

A vote was taken to invoke the Rule of Necessity. Vt. 9 "yeas"

A recess was called at 7:16 P.M. to continue the public forum.

Meeting reconvened at 9:54 P.M.

SPECIAL MEETING OF THE CITY COUNCIL, FEBRUARY 1, 2012, continued

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATIONS were given FURTHER TIME.
Vt. 9/0

- C-43 Dean J. Mazzearella, Mayor: Request that Massachusetts General Law Chapter 32B, Section 20 be accepted as added by Chapter 479 of the Acts of 2008.
- C-44 Dean J. Mazzearella, Mayor: Request that Massachusetts General Law Chapter 32B, Sections 21, 22, and 23 be accepted as added by Chapter 69 of the Acts of 2011.

A Legal Affairs Committee meeting was established for February 8, 2012 at 7:00 P.M.

A letter will be sent to the Mayor asking for feedback from the unions on tonight's meeting.

MEETING ADJOURNED AT 10:00 P.M.

Lynn A. Bouchard, City Clerk
and Clerk of the City Council