

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration Committee**  
Monday, August 15, 2011 – 7:00 p.m.  
1<sup>st</sup> Fl. Council Committee Rm. – City Hall  
**-MINUTES-**

**Present:** Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Bruce Tobey  
**Absent:** None.

**Also Present:** Councilor Hardy; Councilor Ciolino; Jim Duggan; Fire Chief Phil Dench; Deputy Fire Chief Miles Schlichte; Phil Bouchie; Tony Gross; Cate Banks; Mike Hale; Mark Cole; Larry Ingersoll

**The meeting was called to order at 7:00 p.m. There was a quorum of the City Council.**

**1. Continued Business:**

- A) CC2011-028 (Tobey) That O&A investigate and report to Council an enactment of a “Gloucester Residents Only” parking district ordinance on Beach Court in front of 17-21 Commercial Street from June 15<sup>th</sup> through July 15<sup>th</sup>

**Councilor Tobey** stated that this was to give the folks on Beach Court some protection as residents for parking. Initially it was proposed to have the term of this parking for residents only for a small window of time, but consensus was to enlarge that timeframe. **Larry Ingersoll** of the Traffic Commission explained at their meeting it was discussed that if this was to be a restricted parking area, this should be the same as all the seasonal restrictions throughout the City, and suggested also to put in a tow zone. Answering an inquiry from **Councilor Ciolino**, **Mr. Ingersoll** explained the resident sticker is the equivalent of the City’s beach sticker. **Vito Demetri**, One Beach Court recommended that when they put this matter forward that the first sign indicating the Resident Sticker parking and tow zone be placed at 17 Commercial Street, on that corner. Otherwise Tally’s, he warned, would be parking their vehicles there. He did not want it posted on the telephone pole near there. **Councilor Tobey** noted that was within the scope of the order. **Tom Parisi**, 19 Commercial Street asked if there would be any other signs posted in that area. **Councilor Tobey** indicated there would be one at the beginning and at end of the zone on Commercial Street and Beach Court which was also confirmed by **Mr. Ingersoll**.

**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 to advertise for public hearing and the adoption of the Traffic Commission’s recommendation both for the Resident Sticker Parking Only zone and the accompanying Tow Away Zone.**

Gloucester Code of Ordinances amendments are:

AMEND the GCO §22-270.1 ( Resident Sticker Parking Only May 1-September 15) by ADDING: “#17-#21 Commercial Street, westerly side, in a southerly direction to its intersection with Beach Court AND Beach Court, both sides for its entire length”.

AMEND the GCO §22-291 (Tow Away Zone) by ADDING: “#17-#21 Commercial Street, westerly side, in a southerly direction to its intersection with Beach Court AND Beach Court, both sides for its entire length”.

The Committee discussed with Mr. Ingersoll the issue of the parking ticket code currently not available for enforcement on parking tickets for the violation for parking in a non-resident sticker parking designated zone as well as fees; and asked that the City Clerk work with Mr. Ingersoll and Chief Lane on this matter.

- B) Memorandum and Information regarding proposed changes to Gloucester City Ordinance Chapter 10- Waterways Administration Sections 10-1 and 10-2 (Cont’d from 06/20/11)

**Councilor Theken** explained she delayed this matter because she wished to talk to the Mayor about it. This is a decision whether to add two new members to the Waterways Board or not. There should be two new members in her estimation, bringing the membership of the Waterways Board to a total of nine members. **Councilor Tobey** felt

the two economic development members needed to be added all along. **Councilor Ciolino** brought up the draft Request for Proposal (RFP) for I4-C2 received by both P&D and B&F; and the question he believed had always been does the Waterways Board need economic development, and the current lack of it. He then read the letter dated June 16, 2011 composed by the Waterways Board aloud to the Committee (on file) in the draft RFP. He felt if he was a developer this letter would put up red flags; that his interpretation is the letter says that nothing should change. He felt the letter should say the Waterways Board should welcome the opportunity to study any potential impact or potential plans that will come for the RFP for I4-C2 and welcome the opportunity to work with developers in order to get maximum use of this parcel. It should be a positive not negative letter. He would ask at P&D that they submit a positive letter; that the Waterways Board will work through to come to a compromise, rather than saying all the things a developer can't do. He suggested that were there two people for economic development on the Waterways Board perhaps they might have counseled to wait and be more open-minded on what comes forward and work together with a developer. **Tony Gross**, Chair of the Waterways Board stated that the language in the letter is no different than that of the rest of the restrictions in the RFP; reflective of that parcel and the limitation placed upon it. Foot traffic pertains to foot traffic on the docks. Currently there are three whale watch boats that tie up on the docks downtown. Adding another will not only increase but burden the existing parking in that area. **Councilor Ciolino** understood there was an agreement that there would not be another whale watch boat there which **Councilor Theken** confirmed and agreed with; and if that were the case, **Councilor Ciolino** queried should there be a research vessel there. **Councilor Theken** reiterated they are here today to put two more people on the Waterways Board to broaden their perspective. **Mr. Gross** noted there was a public hearing on the matter of the adding of two new members. **Councilor Theken** added that she and Councilor Ciolino understood for the record that there would be no whale watch at I4-C2. She also urged they rewrite the letter to be more positive. There was also a brief discussion as to the composition of the Waterways Board subcommittees and how the members not assigned to those subcommittees would be able to act as alternates.

**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 to AMEND c. 10 of the Code of Ordinances entitled Waterways Administration, §10-2(a) "Composition" by DELETING §10-2(a) in its entirety and by ADDING:**

**"The Gloucester Waterways Board shall consist of nine (9) citizens of Gloucester appointed by the Mayor and confirmed by the City Council. The appointees shall include three (3) persons who are directly involved with the fishing industry, two (2) persons who are recreational boaters, two (2) persons who are directly involved with economic development of the City, and two (2) persons at large who need not be involved with any marine-related activity."**

**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 to AMEND c. 10 of the Code of Ordinances entitled Waterways Administration, Art. 1, §10-4(b) formerly §10-4(c) "Public Facilities Committee" by DELETING the second sentence and by ADDING:**

**"This Committee shall consist of three (3) members of the board; an advocate of public landings appointed by the Mayor; the Director of Public Works or his designee; and a member of the Tourism Commission as needed."**

**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 to AMEND c. 10 of the Code of Ordinances entitled Waterways Administration, Art. 1, §10-4(c) formerly §10-4(d) "Operations and Finance/Safety Committee" by DELETING the third sentence and ADDING:**

**"This Committee shall consist of three (3) members of the Board; a member of the Fisheries Commission; and a member of the City Council."**

**FURTHER, TO ADVERTISE ALL C. 10 WATERWAYS ADMINISTRATION AMENDMENTS FOR PUBLIC HEARING.**

**2. *New Appointments:***

**William (BG) Brown****Fisheries Commission****TTE 02/14/14 - TBC 09/19/11****Susan Goodall****Council on Aging****TTE 02/14/14**

**Councilor Theken** announced that William “BG” Brown’s appointment to the Fisheries Commission would have to be postponed as he was at sea fishing and would not be able to appear before the Committee until September 19<sup>th</sup>.

**Susan Goodall****Council on Aging****TTE 02/14/14**

The O&A Committee questioned Ms. Goodall regarding her reasons for wishing to be appointed to the Council on Aging as well as touched upon her experience, background, and professional affiliations. **Ms. Goodall** expressed familiarity with the Open Meeting Laws and filed proof of having taken the State Ethics Commission test and reviewed and signing the Open Meeting Law certificate. She did not have a conflict with any other board, committee or commission. Expressing why she stepped forward for this volunteer position, **Ms. Goodall** felt she needed to give something back to the community; being a senior citizen and having a great deal of board experience, she thought this would be her way to contribute to the community. The Committee expressed their appreciation at her willingness to step forward and volunteer on behalf of the City and thanked Ms. Goodall for her commitment.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Susan Goodall to the Council on Aging, TTE 02/14/2014.**

### ***3. Request for the Appointment of a Building Committee re: Lane’s Cove Fish Shack***

The Committee heard from **Councilor Hardy**, speaking as a Ward 4 Councilor, expressing the concern of her constituents for the preservation of the historic Fish Shack on Lane’s Cove, speaking to the merits of the proposed Lane’s Cove Fish Shack Committee and for what is anticipated to be a short-lived one. The Building Inspector deemed the building unsafe. The Facilities Manager has worked with the DPW Director to shore it up and board it up to make it safer, and in turn delivered a letter to the Building Inspector to prove for now that it is safe. The Mayor had agreed to appoint this Committee. The Councilor noted this is a slightly unconventional building committee, but that in this instance it works. City of Gloucester staff members are: Jim Hafey, Facilities Manager; Bill Sanborn, Building Inspector; Lisa Press, Conservation Agent and Jim Caulkett, Harbormaster. The three Citizen-at-Large members of the proposed Building Committee, Russell Hobbs, Barbara Jobe and Damon Cummings This Committee in that it will disperse as soon as the project is completed for the stabilization and preservation of the Fish Shack. Damon Cummings will serve as secretary. [Note: All the citizen members have taken their State Ethics Exam and had filed them with the City Clerk’s office and were aware of the Open Meeting laws.] **Councilor Hardy** suggested the Committee would last no longer than two years; that it will cease when the project is “off the ground”, in response to **Councilor Theken’s** inquiry. **Councilor Theken** added that the establishment of this committee was long overdue.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint the following to the Lane’s Cove Fish Shack Building Committee, with terms to expire upon completion of said project:**

**Citizens-At-Large:**

**Russell Hobbs, 1166 Washington Street**

**Barbara Jobe, 8 Duley Street**

**Damon Cummings, 1063 Washington Street**

**City of Gloucester Staff:**

**Jim Hafey, Facilities Manager, DPW**

**William Sanborn, Building Inspector**

**Lisa Press, Conservation Agent**

**Jim Caulkett, Harbormaster**

#### 4. *Memorandum from CAO re: establishment of the Emergency Management Department*

**Councilor Theken** noted for the record that there was a letter endorsing the Emergency Management Department's creation from the Addison Gilbert Hospital (on file) and a letter in apparent opposition from the Executive Board of the Firefighter's Union (presented at meeting through Councilor Hardy and placed on file). **Jim Duggan**, CAO explained that one of the Administration's goals has been to rename the Civil Defense position to Emergency Management (EM) Director and also to invest in an Emergency Management Department (EMD) which they feel is necessary and have seen firsthand during 'events'. Before them is language for the Civil Defense Department currently in place in the Code of Ordinances, as well as the proposed changes renaming it to Emergency Management Department (EMD). By comparing the two the changes are minimal. They'd like to confirm that the department does exist and is established. **Councilor Mulcahey** noted it would be \$40,000 more than the \$10,000 they are already paying. **Mr. Duggan** confirmed that to the Councilor. She continued that this was originally a volunteer group; and everyone was certified. **Mr. Duggan** stated that was different, and believed that it was CERT she referred, a group which has a supporting role with EM; and is under EM guidance during an event. They are an important arm of EM Director in the course of an event. On further inquiry by **Councilor Mulcahey**, **Mr. Duggan** explained the funds (\$40,000) come from the General Fund. During the budget process B&F moved \$40,000 into the Special Reserve Dept. 900 account. B&F will be discussing the financial aspects of the department at their meeting on the 18<sup>th</sup>. The Councilor also asked what it would cost to open Bay View or the Magnolia Station. **Mr. Duggan** stated to cover the entire year for the EMD, in comparison to \$53,000 spent in July for overtime for the Fire Department (FD). If they want to apply the \$40,000 it would be less than a month's worth. Conversely, the \$40,000 for EMD would help the City for the entire year in being prepared for, during and after an "event". **Councilor Mulcahey** noted Deputy Chief Schlichte is working as an EM Director; and is working as the Emergency Management Director; another firefighter is taking his place and getting time and a half. **Mr. Duggan** stated that is a contractual obligation. He also stated it was part of the \$40,000. The backfill overtime is totally separate from the EM Director. **Councilor Ciolino** asked about the \$40,000 in Dept. 900; would it come as a request from the Mayor to fund this. **Mr. Duggan** replied they understood to establish this department they had to come before O&A and that the \$40,000 was put in the Special Reserve account for that. It would be request by the Mayor's office that the \$40,000 to be transferred into the now established EMD into different line items. **Councilor Tobey** observed it was necessary and appropriate to update the Civil Defense ordinance. They need to be grateful and cognizant of the good work that previous folks have done in this job for a long time with little or no extra remuneration. The volunteer role in the past was served through Red Cross in the community led by Brian Tarr recalling the example of their extraordinary work during the "Perfect Storm". He expressed concern that in the aftermath of 9/11 that folks had gotten too gung ho and recognize that everything isn't an emergency. He expressed also he would want to see Sec. 2-653 "Organization and Appointments, Paragraph (b): sub-paragraph 1 amended which now just states, "There shall be a director appointed by the Mayor..." He proposed to add after that phrase, "and who shall be confirmed by the City Council annually" which is consistent with past practice with the Civil Defense director. He expressed concern that the definition also needs more work and asked the Administration to get back to them regarding what constitutes an "emergency". He was troubled that they had seen 'mission creep' already; that he didn't see Run Gloucester, Triathlon, Block Parties, etc., to constitute an emergency. He would be looking for some kind of trigger. He noted a good conversation he had with Mr. Duggan earlier that day and a concept the Councilor suggested that maybe it should be an emergency that has to be declared in writing by the Mayor, and filed with the City Clerk and Council promptly, and maybe having to require the request through the Governor that the President of the United States to declare a disaster area or a State of Emergency, which he pointed out is coming from of the 9/11 context from his perspective. He pointed to "The Perfect Storm" as an example of an emergency. Conversely, a run-of-the-mill snow storm with the DPW, Police and Fire Chief "at the ready" is not an emergency and wanted to see that addressed before he would be willing to vote to change the ordinance. Last, he wished to learn more about staffing. He noted receiving emails from Carol McMahon, as Administrative Assistant to the EMD; that there is no EMD; and they haven't authorized the position yet. He wasn't sure how that position was being paid for. He wanted to know the Administration's vision of staffing. **Mr. Duggan** concurred they had a good conversation in regards to the matter, and staffing was one of the issues they touched on, along with what constitutes an emergency, on a state and national level; the boundaries need to be defined there. He didn't agree with that. He pointed to the 19 day Boil Water emergency two years ago which didn't affect Boston, the State, the East Coast; but an emergency that affected the 30,000 people of the City. With regard to the definition of staffing, the Administration is in strong support of the establishment of the department. Further, for a \$10,000 investment in the current staffing level, it has brought in thousands of dollars to the City and has the potential to bring in much more for such a small investment. **Deputy Fire Chief Schlichte** understood this to be a change from prior years and that EM is foreign to the

community. He understood folks think the EMD and the EM Director somehow oversees the Police Chief and Fire Chief making tactical decisions, but that was not true. In terms of the FD, EM doesn't kick in until a fourth alarm is called. The average working fire does not require EM. It is something that department deals with every day. When you get to the point of evacuation, opening shelters, etc., that is something that can't be handled from the Fire incident command and that is when EM comes steps in. EM is more about planning for and recovering from incidents. EMD doesn't react for every snow storm. The trigger decided upon this past year was anything forecast for a foot or more of snow, they then would open the Emergency Operations Center (EOC) at the Fuller School. Responding to Councilor Tobey's expressed concern regarding "Mission Creep", the **Deputy Chief** explained it is a military term used for when primary duty transgresses to something else. He understood where it could be viewed that EM may be viewed as mission creep, but things have changed since 9/11. The Deputy Chief stated EM is more about planning for events, like resolution for flooding issues by pursuing disaster mitigation funds from State and Federal agencies after the event. All this needs to be done through pre-planning assessments, engineering studies, working with City departments and has little to do with actual events. Another major part is after the event has come and gone. With the advent of a hurricane, there would be major clean up efforts after the fact that could overwhelm the DPW, for example. Had that been identified in a plan in advance, as part of a disaster mitigation plan the City is supposed to have in place, along with a comprehensive emergency management plan in place (rated by the last audit as "useless" is now rated in the top 5% of the State and the disaster mitigation plan is at the federal level awaiting final approval). That plan has to be approved and in place in order for the City to even apply for federal funds. Neither of those plans was in place prior to his taking over as EM Director. Mission creep is a good term to describe the change from Civil Defense (nuclear attack-oriented) to Emergency Management (all hazards encompassing) from the Boil Water Order, to "chasing down" the town of Hooksett, NH for recovery compensation over the sewer disc release; snow removal recovery which had been a function of the DPW in the past; and working with FEMA to obtain even more reimbursement funding from a major snow storm this past winter. He offered this could be called mission creep or an evolution; and that there are many definitions of an emergency. At **Councilor Tobey's** request, the **Deputy Chief** stated the definition of an emergency is a federally declared disaster; a hurricane hits MA, for instance. The Governor declares the emergency and the President verifies it. In a community by definition of EM is any kind of incident which overwhelms the existing resources. A local emergency is generally accepted to mean the Mayor recognizes the emergency, and then the Governor recognizes the local state of emergency, and even may go to the Presidential level, if needed. If they had a local declared state of emergency as a result of the Lorraine Fire, similar to the way the City of Worcester declared a local state of emergency due to the warehouse fire that killed five firefighters, then they could have perhaps convinced the Governor to open up funds which in turn opens up federal money to reimburse the City. Instead, no such declaration was made; no tracking of resources was made; and so the bill for that fire charged against the operating budget of the FD which directly impacted FD services; and he contended this should not have been necessary to begin with. **Councilor Tobey** asked at what point the trigger should have gone off in the Deputy Chief's analysis. The **Deputy Chief** responded with a discussion he had with the other three deputy chiefs and the Chief at their last officers meeting, they would trigger contact for EM at a third alarm which would be Carol McMahon, the Administrative Assistant, to come to the command post and act as a scribe as he would already be on the scene in his role as Deputy Chief at a third alarm. Then if they need a shelter opened, she is capable of making the contacts and knowing how to open up a shelter, and can do until her grant runs out (in September 2011). At the Lorraine Fire they had the apartment residents sheltering on the second floor of the FD which was not appropriate, but nothing was in place to do better. For a fire, the trigger, not the opening up of an EOC or hiring staff back, is the notification that goes out on a third alarm fire to EM to report to the scene in the anticipation that services might be needed. **Councilor Tobey** asked why they needed the Deputy Chief to do that when they had a competent Fire Chief. The **Deputy Chief** responded that fire officers at the fire scene have a lot to deal with at the scene. **Councilor Tobey** suggested that if there is an Administrative Assistant at the scene it is adequate. The **Deputy Chief** commented many audits of the FD have stated they are under "officered", under trained, under equipped; staffing is too low which is not mutually exclusive. He explained he was presenting information to the Councilors as to how to fix one problem. **Councilor Theken** noted the \$40,000 put aside. If they gave it back to the Fire Department, how long would it keep an outlying Fire Station open? And also, what would \$40,000 give the City. **Mr. Duggan** responded it would keep a station open three weeks. The **Deputy Chief** added stated this is a budget for a year, not a position. **Councilor Theken** noted she and Councilor Hardy asked for this when they first became Councilors. She wanted to know in a crisis what the chain of command is; wanting something that says "this is protocol", recounting the Boil Water Emergency as it related to the hospital and their issues. **Deputy Chief Schlichte** noted that is in their plan, but no one is doing it. On the City's EM plan it was stated where the EOC is but at that time there were no phones, no computers, and no resources. During the Boil Water Order he had to pull information for contacts, to the City Council from the city's

website. Since that time he and Ms. McMahon have pulled all the contacts together. The biggest task of EMD is communications and communication systems. They'll know they'll be at the Fuller School and have an answering point to put out information by voice, internet with part of the \$40,000 to pay for phones and Comcast. **Councilor Tobey** stated there needs to be a system; but how do they avoid mission creep and asked for an explanation why they needed to be involved with the Triathlon. The **Deputy Chief** stated planned events, such as Fiesta, the Triathlon and Run Gloucester are events that are tremendous training exercises. This year before the event started, the Police, Fire, private ambulance services, all the volunteer groups, all City department managers had a printed out Incident Emergency Plan with all contacts which was run from inside a trailer which had Lt. Aiello of the Police Department, a Coast Guard representative, a DPW representative and himself there at the same table. From there they handled an incident on the water and several on land seamlessly, in particular flooding on a portion of road that Mark Cole, DPW Operations Manager was able to avert problems by having advanced knowledge in the 'command' trailer and could have it resolved before any participants could be affected. He pointed to this as an example of EM. He didn't tell the DPW what to do, nor the PD, FD but he wrote the plan to put the pieces together. **Councilor Theken** asked who paid for this. The **Deputy Chief** stated it was the City. Those organizations were informed that they would pay that cost next year which came to \$1,000 for the paramedics, the ambulances, his time, and for others. The Councilor inquired if overtime was paid. The **Deputy Chief** noted they did; they're all hourly employees. **Councilor Theken** expressed her concern regarding the use of the word "Emergency," rather she felt they should emphasize a different name and not Emergency Management. The **Deputy Chief** felt it is similar to calling the Fire Department the Fire Department even though they do many other things. Emergency Management is called Emergency Management because that is the term used across the country, and that is the key word for funding primarily. He agreed the biggest hurdle is to understand that he is not showing up at a scene to tell firefighters what to do or to a Police scene during a search and tell them what to do. He has no staff. They now have the CERT volunteers who have been trained, and they will do like they did at the runs – stand and direct traffic, for instance. Part of what he does is getting all the bus companies to agree under MOU's for when there is an event he has all the buses they need in an event. And when there is a declared state of emergency they can submit vouchers for reimbursement. There is a line item for emergency food items in the EMD budget, for example, for vendors to provide food if there is an event. **Councilor Tobey** asked if there is any part of community life that wouldn't be subject to his touching it as an emergency. The **Deputy Chief** stated that is a vast majority. He didn't expect to see more than 10 emergencies a year. He reiterated planned events are not emergencies. **Councilor Tobey** felt the Deputy Chief didn't see the need for a trigger. The **Deputy Chief** didn't see how one could identify a trigger because nothing was alike; as there is a different trigger for a pandemic, a Boil Water Order, a fire, and a kid lost in the woods. He questioned what his trigger would be for a child lost in the woods and how would they determine that. **Councilor Tobey** asked why the Deputy Chief felt the need to be on the scene of a missing person search. The **Deputy Chief** noted that as the DC on duty that is where he goes to offer his assistance. **Chief Dench** stated as a member of FD, he was on duty and should be there. The **Deputy Chief** added he went to the scene for a missing person near Camp Annisquam, going to the Police officer running the scene and offered the Department's services which were not needed and also asked if they might need search dogs which PD thought they might. And through his contacts in the capacity as EM Director, he brings those kinds of resources forward. **Councilor Tobey** asked if there was a situation he had turned down yet. The **Deputy Chief** stated no but if he's asked to come in and doesn't need to open up an EOC it doesn't mean he brings in 15 people. During a power outage he got a call from John Upham of National Grid that there is a power outage coming to all of Cape Ann. So he and Mr. Upham met with the Mayor about the event about to transpire. He sent Carol McMahon to go to the EOC at Fuller to open it up at, "no cost to the City, volunteers"; thinking about what would happen if they lose power to all of Cape Ann. Mr. Upham informed them two of the three lines into Gloucester had failed; and they were shutting off the power to Blackburn Industrial Park because that was the way they could provide power to the rest of Gloucester. He, Mr. Upham and Ms. McMahon on a volunteer basis, were in the Senior Center until he went to work at 5 p.m. at night; and continued duty there starting at 5 p.m., as a FD Deputy Chief and EM Director until 8 p.m. that evening. They as Councilors got constantly updated information on the power outage; and were able to get generators brought in. Businesses were contacted; all the things which go on behind the scenes. He contended since all went well no one knew what went on, feeling that is what is supposed to transpire. **Mike Hale**, DPW Director stated with the advanced notice provided to him by the Deputy Chief, they were able to get to their vendors prepared for a long power outage; to get portable generators to the Blackburn pump station that they may not have had in time to keep it up and running. Their water filtration plant in West Gloucester had some issues with its generator and were able to prepare their staff for it. It is preparing for the event and dealing with the aftermath. He commended the Deputy Chief for the Boil Water coordination. He had never run into an event like that; and the Deputy Chief as EM Director provided a great deal of help to him to manage resources and obtain help. He has continued to provide

assistance to him since that time. **Councilor Tobey** stated they are not putting a “taint” on the Deputy Chief. The Council had twice approved the \$10,000 stipend. But if he had not been in that position, someone else would have gotten the call the City’s power was going down. The Councilor was trying to determine whether there should be concern of mission creep. He believed the Deputy Chief’s position was that they should be content with him in charge. The **Deputy Chief** stated he has no desire to come in when he is not needed. He has come in when asked. He intentionally stays away from incidents. He waits to be asked unless he is on duty in his role as Deputy Chief. **Councilor Ciolino** asked they leave personalities out of it. If the ordinance is in place they can seek funding from other sources and have a system in place. Or they don’t have to fund it. The **Deputy Chief** stated anything they do in the City should not be “personality driven”. The position of Emergency Management Director shouldn’t matter if he is there or anyone else. It is a position that is needed in the City; it should be funded or not funded. His contention was that this isn’t about him. He has put in a lot of effort to show how it will benefit the City; that it doesn’t benefit him. [Note: **Councilor Ciolino left the meeting at 8:23 p.m. There was no longer a quorum of the City Council.**] **Councilor Theken** agreed with Deputy Chief Schlichte that personalities should not be involved. She also believed there were grants available, such as Homeland Security. They can’t get certain grants because they don’t have an EMD system set up. She referred back to Chief McKay’s time with Civil Defense who did what was asked of him by his Mayor and had a \$2,000 stipend for that. There was previously no mutual aid provided to other communities by Gloucester. They didn’t participate. She didn’t want to say Gloucester gets but doesn’t give back. She felt it was about coordination and about after the event also. **Deputy Chief Schlichte** spoke of EM grants with regard to the Mill Pond tide gate project as an example that could have been paid for by the Federal government if the City had known it was available; and if there was a FEMA mitigation plan approved in place. The plan had gone to MEMA and languished and got pushed to FEMA by them. If the community had known about this, the c. 90 funds that were used for that project could have been used elsewhere. They are speaking with FEMA to resolve the rest of the Poplar Street flooding issue. The City is working on the dam spillway issue but the big piece is the culverts. They’re in the early stages and may be able to have FEMA replace the culverts with the right sized ones. EM does this sort of thing also – disaster mitigation - solving a problem before it happens. **Councilor Tobey** thought they have a Grants Department who could and should seek out these kinds of funding opportunities. They don’t need EMD to do that. The reimbursement issue; that was routinely done by the person serving in the DPW as their financial manager for many years. He believed there is no need for a new department with new staff to do this function. There are staff resources already in the City ready and able to do these kinds of chores. **Councilor Theken** asked for years for a Grant Administrator to do grants; and then departments were asked to write their grants. And various City departments are writing their own grants. **Councilor Hardy** noted that her part is around the funding issue. When the EM Director is called away from duty at the FD, how is the FD backfilled and at what rate of pay and overtime, and where is the money coming from. Recently there was overtime that the EM Director put in for through the FD but because there was no budget set up the FD got charged back for it. The **Deputy Chief** stated, “No”; that is not what transpired. She needed to understand the premise by which he would go from one role to the other, noting it could be civilian in this role in the future. She also wished to know the structure because until Bay View is open, “show me the money”. **Deputy Chief Schlichte** responded currently, without there being a budget, when he accepted the position with the Mayor if he has to leave the FD they have to hire back a person on overtime so no stations close which is a standing. Should this budget be approved, there is a line item in that budget out of the \$40,000 which reimburses the Fire Department for that cost. He noted that figure was an estimate and a higher amount was cut by the Administration which would have covered a full-time staff person, not overtime for the FD. Contained in the \$40,000 is \$7,000 for costs so that the FD is not impacted by his going. **Councilor Hardy** asked there a time when the FD was impacted that they had to not only lost a man out of the station and close it; but the ambulance went out of service as well. The **Deputy Chief** stated that was inaccurate information. After he had left, and there was no station closure, a paramedic went home sick which triggered the event the Councilor referred to. **Deputy Chief Schlichte** reiterated as a Deputy Chief with the Fire Department, his first concern is making sure his fellow firefighters don’t get hurt; and nothing he does affects them that way. **Councilor Hardy** noted during the B&F review of the FY12 budget, B&F indicated that the department wasn’t set up yet nor approved by the Council thus they couldn’t fund the \$40,000. The Councilor needs to talk to David Bain (Personnel Director) about personnel issues; with Suzanne Egan, City Solicitor and had structural questions that she believed will impact the FD negatively and in some instances the PD. She didn’t think they should vote the ordinance until they get all the questions answered. It wasn’t to protect it for the EMD that may or not come forward. The \$40,000 is in the “900” account as an overage and they’ll make a decision jointly later what to do with it. The **Deputy Chief** believed that Councilor Curcuru (Chair of B&F) was going to support for the EMD at the full Council meeting. **Mr. Duggan** concurred that was the point made. It is also the intent of the Administration to request to use that money in the 900 account to fund EMD because it is an investment they should make. He felt

between the Administrative Assistant and the Emergency Management Director have done an outstanding job and urged them to make investments and make the department grow as they can financially. He did not wish to suggest this was about pitting one department against another. **Councilor Hardy** noted she and Councilor Theken were in agreement that Civil Defense needs to be retired and that the ordinance needs updating. However, the Councilor believed this is too much too quickly. The **Deputy Chief** stated he couldn't work by himself. He will not take a stipend as EM Director with no tools. If he has nothing to work with, he "would respectfully submit his resignation" effective November 2011, which would be the one year he promised the Mayor. He needs phones; needs an Administrative Aide after that grant expires in September 2011; \$4,300 for telephone service; \$2,500 for a telephone lease; \$4,000 for accident insurance policy (similar to AFLAC and is not liability insurance) for CERT volunteers. **Councilor Theken** noted that they are here to establish, or not, the ordinance for the department. She again noted the AGH letter in support (on file). She also had a letter from the Executive of the firefighters union. **Councilor Theken** reiterated to the Councilors they were there to consider whether the City needed an EMD and to amend the ordinance; and the funding issue will go to B&F. **Phil Bouchie**, speaking as president of the Fire Fighter's local union, stated that the letter submitted this evening through Councilor Hardy is from the Executive Board of the union whom he is speaking for. He noted the letter from the AGH the EMD would help the community. But he contended if they had a letter from the Emergency Room doctors, they would say that it is just as important to be at the scene of an emergency event within four minutes feeling sure the hospital would support the opening of the outlying stations. The Deputy Chief is paid \$10,000 to do Emergency Management. He has accomplished those goals for that \$10,000. He gets overtime. He got 5.5 hours for the power outage and expressed is not understanding where the rate came from and was something to be determined through the City ordinance at what point does he go above the payment of the \$10,000. **Councilor Theken** noted this is focused on the ordinance. This is not necessarily going to be a firefighter. **Mr. Bouchie** stated there is no determination when the EM Director leaves the FD. \$40,000 is 66 shifts for the FD. He felt the ordinance needs to focus on what happens if this is a firefighter; what happens to the position and the overtime. He noted the Lorraine after report doesn't make mention of an EM Director. There was no incident command put into place at the fire. Since that fire, all firefighters are trained in NIMS. It makes no reference to EM or EMD. He urged time be taken and make no rush to make an ordinance that takes into account if it the EM Director is a firefighter. **Chief Dench** pointed out there is much more to this EM program they have to look at. As to the contention they shouldn't hurry into it, he stated they're so far behind on the things they should be doing. This shouldn't be just the fire department. He believed it was not right to see Mike Hale, DPW Director after 72 hours in hip boots on a scene (during the Boil Water Order) and doing all the rest of what he's expected to do; Mark Cole was there in the trenches too along with their crews. They should have been able to stand back. They have to plan for these emergencies; and just to react to emergencies as in the past is no longer appropriate. FD should have no part of planning this ordinance. He supports having an EMD. He's seen first hand these emergency situations and urged the creation of this department. **Councilor Tobey**, expressing respect for the work they do, worried about the resources in FD and concluded this should be a full-time position which both the Deputy Chief and Chief agreed; and a weekday position. **Chief Dench** added there are cities the size of Gloucester that do that. **Councilor Tobey** believed they would be better off with the Deputy Chief doing one or the other. The **Deputy Chief** stated the Emergency Management Director is an administrative position and should be such, as numerous studies over the years have shown. **Councilor Tobey** noted when Mayor Alper was in office, Don Damon was doing a second job as Civil Defense coordinator; and then Chief McKay did it. Chief McKay was salaried and did not get overtime. He asked if there were any grants for Emergency Management Directors salaries, to which the **Deputy Chief** stated there are not salary grants available. He does what he's asked to do and his strength is operations. Without himself or his Administrative Assistant, he believed "the puzzle falls apart." **Chief Dench** stated personalities are involved and should not be. If they want to make part of the ordinance that the EM Director not be a firefighter then they can do that. They should pick the right person for the job and he didn't think the Deputy Chief acting as EM Director was impacting the FD. If they want to get the best EMD and do a search and not use the Deputy Chief, things need to be done to work to plan when there is an emergency and that it is mitigated and to protect the citizens. Can they do it without him, he believed they could but would prefer it with him. He was not concerned with mission creep. **Councilor Tobey** noted mission creep in any organization is when it moves beyond its original mission and strays to become more than what it is and is a question they need to think about. **Councilor Theken** appreciated Deputy Chief's information via email. She didn't care who does the job and felt they need the EM Department. There was much that has happened in this community, and if they had something in place some things could have been prevented. **Russell Hobbs** stated he had fought for the FD. He felt they and the PD need major improvements such as a new building, new resources, new equipment, more training. He also believed that the EM program is good for the City as a whole. It brings all the departments together. He has seen a great change in the City, because of the Council, the Mayor, Mr. Hale, Mr. Cole; the City is moving forward.



This Council has been a great Council. The Mayor has reigned in bad situations. He supports Emergency Management, stating it is a move in the right direction. The financing is a different 'ball game'. He wants to see the Fire Department better funded. **Councilor Tobey** noted his history with the Deputy Chief from his time as Mayor, and recognized what he is capable of; and if he was before them, say, to be confirmed as EM Director, the Councilor asked what the department head would do with the department if it is institutionalized so there are no institutional issues going forward, which the Councilor qualified by saying this would be if he wanted his vote for confirmation.. The **Deputy Chief** stated that mission creep is what they've talked about extensively. He has not been to a single event that he was not asked to participate in including the Triathlon, Run Gloucester and so many more that he claimed his personal calendar is full of City emergency management matters; not because he wishes to be involved, but because everyone who works for the City says this is an EM thing. Some calls ask for him to look at watersheds; to look at a dam; help to set up a traffic plan for Fiesta, etc. He also stated he never injected himself in anything; "no vacuum, no mission creep". Every time he was involved it was because he was invited. He believed his efforts to do a good selling job of this position, which he felt he had made clear, should be a Monday through Friday job, taking him out of the running. That, he said, is the best thing for the City. He emphasized his belief that this is a good program for the City. It is the right thing for the City with nothing in it for him. **Councilor Tobey** continued that assuming this was a confirmation hearing, and that they felt this was all good and only goes where asked, the Councilor would want to know if he was handling the hand-offs appropriately; are you the one who should be looking at the watershed, for example. The **Deputy Chief** stated he hands off as much as he can. **Mr. Duggan** responded the Administration is being involved in the process. By being involved in the process they understand who the subject-matter experts are; no one is standing there making a claim in an area they have no right to make. They support EMD and make sure that everyone is honest. **Councilor Tobey** followed up by asking if the Deputy Chief was on the right leash to which **Mr. Duggan** responded that he was. **Councilor Hardy** noted according to the Deputy Chief never goes anywhere he's not asked. But the Councilor wondered how many bosses does he have; and who should he be responding to; is the Mayor that is asking him to do this, or different department heads or managers? The **Deputy Chief** responded that the Mayor had never actually asked him to come in for anything. With a major event he knows before it happens. If a major event occurs, they end up in the same room. It is other departments, not necessarily the heads, who may ask who is doing the medical contingency plans for Run Gloucester because in all other communities it done by EMD. People come in from other communities looking for the EM Director. What comes from FEMA and MEMA is directed to the EM Director. Touching on the grants aspect, with respect to the City's Grant Department doing those sorts of grants, they're not sent to the Grant Department. They get sent to the EM Director because that's who FEMA and MEMA deal with. Hooksett sewer disk release was a DPW event. However, MEMA dictated it was the EM Directors who were going to deal with it. So he went to Hooksett, and recovered \$8,000 for the City. On inquiry by **Councilor Hardy**, the **Deputy Chief** explained he got a call from a City employee who noted a woods fire. He pointed out that it was a fire department matter and directed that person to contact FD to deal it. The EM Director doesn't need to come in for that sort of event. The School Safety Committee asks for him, for instance as does the Red Cross, whom he has met with several times on the Fuller Shelter recently. **Councilor Hardy** asked at what time he takes himself out of his role as Deputy Chief and become the EM Director. The **Deputy Chief** stated these meetings he described are done on his own time. No money comes to him for attending. When he is at FD he is there as a Deputy Chief, and he does do a great deal of emergency management administration as well FD work while on duty at his desk there from 7 am to 1 am. When at FD, his priority is fire work. He leaves the FD and they have to backfill, it is only for a major event, answering to the Mayor acting as the Emergency Management Director. **Councilor Hardy** expressed her concern was the bottom line. To this point the **Deputy Chief** felt he had done the best he can at putting it in writing so that if he has to leave the department there is no question and no impact on the stations staffing. He reiterated if he leaves they hire back, and that was the agreement with the Mayor. If this budget goes through then the funds in Dept. 900 of \$40,000 placed in the EMD budget would go for that so it doesn't impact FD. **Councilor Hardy** was concerned with the FD not being affected by his leaving with backfilling at time and a half. The **Deputy Chief** stated FD has never been impacted staffing wise by his leaving. Sometimes they had to pay overtime; most of that he has recovered. He has done very little that caused backfill/overtime, since they came through the three 12 inch snowstorms there have been only two minor events. And that money should not be coming out of overtime. He explained he had a discussion with the CFO, Jeff Towne recently that the Hooksett money he recovered should have gone to repay the DPW for the people he had billed for and to cover FD for the overtime that they fronted for him. Responding to **Councilor Hardy**, he noted the funds from the snowstorm is on its way, which was confirmed by MEMA via email. The City is getting back 75% of what they put in for, which is the standard from FEMA. Any delay of reimbursement was on MEMA's end, not with the City. **Mark Cole**, DPW Operations Manager noted he had an opportunity to work all three Triathlons, and will work this year's Run Gloucester and spent 30 hours at

Fuller School at the EOC during a snowstorm. He felt it was so much easier having everyone in the same room sharing information and updates at the same time versus each department at their respective site trying to obtain information in a timely fashion in order to react appropriately. As far as the Triathlon and Run Gloucester, for those events that's at least 600 participants and the viewing public tying up the downtown in the summer in the morning. Whether it's EM or Incident Management, he felt someone needs to be in charge to coordinate all these people, PD, FD, the DPW, Coast Guard, the Red Cross, the Harbormaster and more. With a revised plan each year, they knew what everyone was doing. He also believed it didn't matter who the EM Director is, ultimately and felt it would probably be better if it wasn't a salaried or hourly employee [of the City]; whether it is a volunteer or a paid position. Referencing the reimbursements for the City's storm expenses, they compiled the information the way FEMA wanted the information and sent it off to them so the DPW didn't have to which was a big help. **Mr. Duggan** reiterated the establishment of this department has been proven time and again for the events the City has had that with the leadership with the EM Director and an Administrative Assistant, they've been able to provide Gloucester citizens with a much needed service not only during events but in preparation for them. They'd like to get to a point of investing in this department more and more. With the support of the City Council they've established the EM Director's \$10,000 an Emergency Management Department. They believe this is important for the continued success with the necessary administrative support, pointing to a great deal of support in the community for it also. Seeing it in action during the EOC he noted was "amazing". As information came in it was distributed in a clear methodical way to department heads and citizens; everyone had timely information. **Councilor Mulcahey** felt that this had to have language to make sure the ordinance allows for an EM Director who is a civilian. **Councilor Theken** felt they need an EM Department to which **Councilors Mulcahey** and **Tobey** agreed. **Mr. Duggan** stated regarding the role of EM Director, the most qualified individual works for the City, then that would be the right person. **Councilor Theken** wanted to continue the matter as she wanted to put in language that if it is a City employee and is called to do the job of EM Director, how is overtime going to be handled as to funding; and that it has to be reimbursed into the City department that is affected. The **Deputy Chief** noted hourly employees by federal labor law have to be paid overtime working beyond their hours. He is an hourly employee for the FD. The stipend he receives he explained is no different than a paramedic stipend or a captain being paid more than a firefighter because of knowledge, skills and ability that they bring to the position. He can't break federal labor law as an hourly employee. Early on he stated if that is an issue, he would step down because he can't break federal labor law or his union contract. When he goes to these meetings, he goes on his own time; when he's ordered to go he does so and is paid overtime by law and by contract. All the other time is given for free. **Councilor Hardy** asked up to now where had the money been coming to pay him for the overtime that he is putting in as EM Director. The **Deputy Chief** stated most of it was the group of three storms which was paid by the DPW because that was the agreement the Mayor had at the time – whenever it was predominantly one department's event, that department would reimburse the overtime to FD. Since then there's been a couple of minor deployments. Some is still in arrears because the union president raised issues. It was a total of 8 hours. **Councilor Hardy** pointed out that, then, affects the FD and is contrary to what the Deputy Chief had said earlier, noting it was a matter of semantics, and it was her belief the EM Director should be serving one master. **Mr. Duggan** pointed out that was the goal from the beginning. As they had said previously, they would not pit department against department, they're not going to make a big investment in EMD that would take away from other areas. They need to make timely investment as they put some of those positions back in place that they've lost. **Councilor Tobey** expressed concern that there is overtime to be paid to a member of a department on account of their work in a position they hold within that department as a matter of budgetary practice and assumed State law, that is where that person should be paid from; not from other department line items. **Chief Dench** noted he is not being paid as a Deputy Chief under these circumstances, he is paid as an EM Director; and felt the funds should come out of the department that the event was focused on; if it is a DPW issue, he should be paid out of that. **Councilor Tobey** disagreed stating there is an appropriation for the stipend within the Civil Defense Department; and he should be paid out of that. The **Deputy Chief** reiterated that the stipend is just like that which is paid to a paramedic. **Chief Dench** answering **Councilor Mulcahey** noted that they should at least make EM a part of events and make it available to them; as with Fiesta and the two races; to have at least 3 people, two EMT/paramedics and a command person. If these events want the personnel, like paramedics, they can contract with a private service or they can ask for the City services. They are getting a calendar of events down, a checklist of things that have to be done by these event planners and a new permit form is in process. **Councilor Tobey** thought the Deputy Chief would get whatever pay he was earning for the shifts he works, the hours he worked and the overtime associated with that as a Deputy Chief; and then the second revenue stream of \$10,000 for the stipend. The **Deputy Chief** stated the stipend pay comes every two weeks in his paycheck divided up over 12 months. **Councilor Tobey** expressed his need for clarification with the Chief's statement that the EM Director should be paid out of the department he's touching. **Chief Dench** stated if it is

overtime, the stipend carries no overtime. **Councilor Theken** pointed out when the Deputy Chief was called to the Senior Center in his role as EM Director when there was a power outage; he was on duty that evening for the Fire Department. The **Deputy Chief** expanded that he was scheduled to go on duty at the FD at 5 p.m. that day which he had. He went to the Senior Center, left there at 8 p.m. He did not get paid for the three hours he was there. He did not bill the City for those three hours. **Councilor Hardy** asked if anyone else was paid for those three hours. The **Deputy Chief** stated no because he was already at the station; and if he had to leave, he would likening it to his attending a meeting such as this while on duty. **Councilor Theken** expressed that then there was no double dipping which the **Deputy Chief** affirmed. **Councilor Tobey** explained he wanted to understand where the money is coming from in these odd instances and to be sure it is being done right. **Deputy Chief Schlichte** stated this started in December with the three snowstorms. The position didn't get filled until November 2010. He has three bosses: the union as an hourly employee, the Fire Chief because he is his direct supervisor, and the Mayor he answers to as the Emergency Management Director. In order to keep the union happy he can't work as an hourly employee without being compensated. As an employee of FD, he can't abscond for responding to his duties there without providing coverage for those duties which is why it was put in place that if he is called away as EM Director, then they'll hire back to cover. As EM Director, he answers to the Mayor. He made it plain that those were his three bosses when he took the position of EM Director. The stipend, the same as a paramedic stipend, is for his knowledge, skills and abilities he brings to the EM Director's position. Since he is not ordered to go to all these meetings, there is no billing that is the hit he takes on the \$10,000 and is losing money due to this situation. He agreed to do this for a year. Those are the three different bosses he has to appease. **Councilor Tobey** understood this but was concerned to the extent to which any of that is being paid directly out of another department. The **Deputy Chief** added if he was away for three days because of a Board of Health event, then the Board of Health would then pay back to the FD. On the snow events the time was billed back to the DPW. **Councilor Tobey** felt that was where the issue lay. He felt the Administration needed to do when that happens is to coordinate with the Auditor so that the individual is paid from the department in which he's assigned but by which a transfer is done approved by the Council to move the money back from the department, like the DPW. Otherwise, they're bypassing a process step. **Mr. Duggan** stated the Deputy Chief wasn't hired until November. Chief Dench had it during those three months. Going forward, in making the investment the overtime is going to be paid out of the Emergency Management Department. That, he felt, would be the best way to do it. **Deputy Chief Schlichte** pointed out if another Deputy Chief is hired to replace him; there is a line item in the EMD budget to reimburse that cost. **Councilor Tobey** felt even that was not procedurally sound believing transfers were the way to do this. **Mr. Duggan** stated the cleanest way to do it would be a transfer from the EMD over to the FD. **Councilor Theken** stated they want the Emergency Management Department. The Committee will continue to discuss the budget between City departments and Fire Department and the overtime issue. She wanted to make sure when the Deputy Chief is called out to act as EM Director, they have to backfill; that whatever that overtime is, it is then put back. **Mr. Duggan** agreed. **Councilor Theken** felt if it is not coming out of their budget why is she getting so many calls. Every penny out of the FD is affecting them. **Mr. Duggan** stated the \$40,000 is a portion of it. Once that's established that's the only funding source. **Councilor Theken** asked what if they go over the appropriation. The **Deputy Chief** stated it's like snow and ice they don't know what is coming up. **Mr. Duggan** noted the investment they make here by establishing the department they open the City up for matching grants. When the Administration put in the \$10,000 stipend, they got a matching grant which paid for an Administrative Assistant for one year. They had discussed if the City invested further with MEMA. MEMA's opinion as it was told to him was that they have a strong possibility of a \$40,000 matching grant as there is a surplus in those funds that other communities are not utilizing. **Councilor Hardy** pointed out in a national disaster he's called out of state and wondered how he is paid in that instance. **Deputy Chief Schlichte** responded the federal government pays it all, his salary and the overtime created by backfill. **Councilor Tobey** noted that the Deputy Chief has defined the function thus far; so that while it is not about personalities, it is about performance and record.

**This matter is continued to September 19, 2011.**

**The following three matters are to be continued to 09/19/11:**

5. *CC2011-033 (Mulcahey) Speed Study re: Taylor Street & Friend Street*
6. *CC2011-034 (Hardy) Amend GCO §22-270 (Parking Prohibited at all Times) & GCO §22-291 (Tow-Away Zones) Re: Leonard Street*
7. *CC2011-036 (Curcuru) Amend GCO §22-287 (Disabled veteran, handicapped parking) re: Clifford Court #8*

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:42 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Letter regarding EMD from the Executive Board of the Gloucester Fire Fighters Union, a copy submitted through Councilor Jackie Hardy**
- **Job Functions, Positional Requirements, Resources Needed to Create an Emergency Management Program by Miles Schlichte, Deputy Chief of Gloucester Fire Department and submitted by him**