

CITY COUNCIL AND
CITY COUNCIL STANDING COMMITTEE

Ordinances & Administration

Monday, March 15, 2010– 6:30 PM

Council Conference Room-1st Fl., City Hall

Present: Chair, Sefatia Theken; Vice Chair, Ann Mulcahey, Councilor Steven Curcuru (alternate)

Absent: Councilor Bruce Tobey

Also Present: Councilor Jacqueline Hardy; Councilor Greg Verga; Councilor Joseph Ciolino; Police Chief Michael Lane; Linda T. Lowe; Suzanne Egan; Ed Parks; Superintendent Christopher Farmer; Melissa Teixeira; Mark Cole; Ed Parks

The meeting was called to order at 6:32 p.m. A quorum of the City Council was present.

1. *Unfinished Business*

- A) COM2010-001 (Tobey/Ciolino) Order that the City Council Continue to Consider becoming a Member of Essex North Shore Agricultural and Technical School District (Cont'd from 01/25/2010)

Superintendent Farmer submitted another document entitled, Gloucester Public Schools, Membership of the New North Shore Regional Agricultural and Technical High School District: Business Plan, which he reviewed with the Committee (on file).

Councilor Curcuru stated that if we don't join and these students aren't allowed to school choice out, we have to house them somewhere.

Mr. Farmer stated there are four years to put something in place which will emerge through the steering committee of the School Committee. He pointed out 7.4 of his document as an example.

Councilor Curcuru noted Peabody will be a big player and will take up half of the student spaces available.

Mr. Farmer stated that the new 'council' has had a look at all the districts, and Peabody did a private forecast. They have over 600 vocational students, a lot are freshmen. Their assumption is that those students and staff will become part of that new high school.

Councilor Curcuru noted there will still be criteria to get into the school which Mr. Farmer agreed.

Mr. Farmer stated there are some students who choice in from other districts.

Ms. Teixeira noted the presented cost analysis doesn't take into account those students who might choice into other technical schools, which may be a hidden cost. It only takes one student to mean they need a bus to go to that particular school. If they don't have access to the Tech, this might be a possibility.

Councilor Hardy wanted to know about outreach to the Middle School to see who might be interested in the Regional School

Mr. Farmer said about 80 students visited the Tech, and around 60 is the usual number.

Ms. Teixeira noted that next year's admission is 53 freshman students which is down 10% from last year.

Councilor Mulcahey asked did they not have room for our students.

Ms. Teixeira stated based on the applications received, they take who is most qualified in their opinion. They don't say that they're guaranteeing Gloucester so many spaces.

Councilor Mulcahey asked if Gloucester joins, we're still working with that same scenario, to which Ms. Teixeira agreed.

Mr. Farmer stated debt service is recalculated each October based on student enrollment.

Ms. Teixeira noted at B&F she stated debt service was based on the amount of students. It fluctuates every year. The less that get in the less debt service you pay.

Councilor Hardy asked if the two numbers are separated or are they rolled in.

Ms. Teixeira stated they will determine that each year. There is a lot of analysis that has to happen every year. The debt service is rolled into the tuition.

Councilor Curcuru stated that the Mayor wanted to put the tuition onto the School side.

Councilor Verga declared an interest prior to addressing the Committee. He asked when talking about the 10% decrease is it 10% less qualified and or 10% not interested. So they don't know the number of students applied and how many were rejected. He wanted to know if interest is down or if more qualified students got in.

Ms. Teixeira noted she would try and get that information for the Councilor.

Mr. Farmer spoke of other districts where the service committee has the debt service in their budget.

Councilor Ciolino noted the transference of the vocational debt is not a done deal. It's on the City side to protect it. It was set up that way to keep an eye on it.

Councilor Hardy asked hypothetically if 75 students and 5 drop out and choice back to the district, is the cost credited back, or pro-rated.

Ms. Teixeira stated it probably depends on when they return to the district. She didn't know but believed there must be some regulation guiding it. If one student leaves in November, they could likely fit in another student from another district and could probably pro-rate the cost to that new student's district. The new rules are being written up now. You really want someone at the table to raise these concerns and protect Gloucester's interest. The new school doesn't exist until that agreement is signed. It is being presented in the first or second week in May to the new school committee. She's not been appointed to the new one. Regardless if it's her or someone else, if the decision is to join, someone needs to be appointed immediately to be at that table.

MOTION: On motion by Councilor Curcuro, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council that the City become a member of the Essex North Shore Agricultural and Technical School District.

- B) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to
Consolidate polling locations (Cont'd from 02/08/2010)

Ms. Lowe presented a map of the City of the existing wards showing the precincts. She noted there is a state law for cities who want to consolidate, and it is clear the City can't go down to one polling place. The consolidation of polling places doesn't have anything to do with population of the wards, but the geographic locations, which would save time and money. She reviewed for the Committee how a consolidation works and the way in which it was to be done, with precincts being consolidated by 'touch'.

Councilor Theken wondered if it was redesigned, would the City continue to have the same wards.

Ms. Lowe stated yes, you still continue to have the same wards and precincts.

Councilor Mulcahey questioned how the wards would be put together in order to make the consolidations.

Ms. Lowe believed that it comes down to efficiencies and cost. She noted that the City pays \$400 per year for facility rental and payment to poll workers. Using elementary schools hasn't worked very well. She had concerns regarding safety issues and parking, paying the custodians, etc. She felt it made sense to re-evaluate the situation and perhaps go to the larger schools [O'Maley and the High School].

Councilor Curcuro noted combining wards who touch, but that might not be workable.

Ms. Lowe noted that each one has to touch each one. It could be discussed, and then send it in for an opinion to the State's election division.

Ms. Lowe and the Councilors reviewed the map and discussed the point of "touching". She also noted a written description of the map.

Councilor Theken asked that the Committee receive a copy of the written description and Councilor Verga asked for the description to be posted on the website for the public to be aware of the process.

By unanimous consent the matter was continued to April 5, 2010.

C) Order: CC2009-046 (Grow) Amend Sec. 17 of GCO re: Civil Service Ballot Measure and

Procedure for Selection of Chief of Police (Cont'd from 02/22/2010)

Language for the proposed change in ordinance was submitted by General Counsel to the Committee for their consideration (on file)

Ms. Egan stated there aren't specific requirements for hiring in City ordinances. A couple of years after an ordinance is passed like that, they're no longer followed by the Administration because the times or circumstances have changed. She felt it was more helpful to have a broader description in the ordinance and have the specifics in the job description. That is in the difference with Somerville. They even have whether police are given a clothing allowance. That is in our collective bargaining agreements.

Councilor Hardy noted an ordinance is approved by the City Council. That was their focus when they asked the public to vote on that. And so we felt it was best to determine what the criteria are and to see that it's as specific as possible in the ordinance.

Councilor Theken stated her fear was that whoever the Mayor is gets to rule. The model Councilor Tobey forwarded is a very fine example. She likes the model very much. The Councilors wanted to add or take away that which didn't apply to the City. A few years down the line the changes can be made through the Council if they're needed.

Ms. Egan felt the collective bargaining 'trumps' the ordinance.

Councilor Theken stated it is important that the Chief answers to the whole community.

Councilor Curcuru asked about the requirement a chief live within a 15 mile limit.

Ms. Egan stated that is by State law.

Councilor Curcuru noted that if a person accepts this job they must comply with those criteria.

Ms. Egan stated she is trying to make things consistent and helpful for people to understand the Code of Ordinances and to make them clear. She felt there were contradictions in the Somerville ordinances.

The Councilors agreed that they wanted the specifics in the description in the ordinance.

Councilor Mulcahey spoke to the question of someone with a great deal of experience versus degrees.

Councilor Ciolino stated this is new for them. He didn't feel more detail would be a hindrance. To start out it should be there. What the Somerville did is pretty accurate. A lot of our best Chiefs have been experienced without college degrees.

Councilor Hardy felt the Councilors didn't like what was presented and wanted to see a model more like Somerville. She noted that this is a working document, and right now they needed something in front of them that is a possible Gloucester ordinance.

Chief Lane stated he felt that Councilor Grow wanted someone who would come in with Chief experience. The vote was not necessarily representative of the entire City

Councilor Theken noted that she respected Chief Lane's comment, but that the Council has to work with the way the citizen's voted. It is up to these Councilors to work this through to come up with an appropriate ordinance. It will take time. It will be tweaked to make sure it is something that can be worked with.

Councilor Curcuru stated it is just ultimately to get the best candidate possible.

Ms. Egan stated the criteria set out leaves room for a very subjective decision on who's hired. If that's the case, is it helpful.

Councilor Theken had an email submitted by Councilor Tobey, who could not be in attendance this evening, read into the minutes, as well as the attachments to be made part of the record as follows:

"Because I will be at the National League of Cities in Washington, DC conference on Monday, I will miss the O&A meeting scheduled for March 15th. I ask that this message be read into the record, that it and its enclosure be attached to and included within the minutes of the meeting, and that the committee amend the draft ordinance in the manner I will be requesting momentarily.

In my opinion, the draft ordinance is grossly insufficient -- it specifies no educational or professional criteria for the selection of a chief, provides no structure through which a selection shall occur, and leaves the matter of citizen participation completely unresolved. The City Clerk has previously provided us with a number of model ordinances, and I am reattaching her summary memo on those models.

I personally believe the Somerville ordinance is an excellent model. It fills all the gaps I raised a moment

ago, and it it at work literally now to govern that City's process for selecting its next chief -- read the following press release from Somerville's Mayor, Joe Curtatone, which issued today:

http://www.somervillema.gov/NewsDetail.cfm?instance_id=1573

Accordingly, I ask that the following provisions, largely similar to those found in the Somerville ordinance, be inserted within the proposed ordinance; thank you.

Bruce Tobey

Section to be numbered: Selection of police chief; qualifications.

Upon removal of the position of chief of police from civil service status, the chief of police shall be selected by the mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in section _____:

- (a) The chief of police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;
- (b) The chief of police shall have a master's degree or a four-year degree in criminal justice or a related field;
- (c) The requirements for formal education provided in (b) above can be waived for candidates with a minimum of 15 years of progressively responsible law enforcement management experience as long as they possess an associate's degree, or with a minimum of 20 years progressively responsible law enforcement experience as long as they possess a high school diploma;
- (d) Preference shall be given to candidates who have experience in a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents, and/or possess managerial experience, as defined in paragraph (a), in the command structure of the Gloucester Police Department and/or are bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester, and/or possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment and/or who have successfully completed any of the nationally recognized police leadership programs, such as the Senior Management Institute for Police, and the FBI National Academy;
- (e) The chief of police shall have experience in financial management, budgeting, innovations in police operations, and information technology, as it pertains to law enforcement;
- (f) The chief of police shall have strong leadership and supervisory skills, excellent interpersonal skills to include labor relations, community relations, mediation and facilitation skills; and
- (g) The chief of police shall have excellent management and supervisory skills, and familiarity with state-of-the-art law enforcement practices, including staff development, training, community policing and use of crime data for deployment and decision-making.

Section to be numbered: Selection of police chief; manner of appointment.

(a) The candidates for chief of police shall be reviewed by a selection committee consisting of the following individuals:

- (1) The personnel director, who shall serve as the chair of the selection committee;
- (2) One member of the City Council to be appointed by the president of the City Council;
- (3) Two members of the general public to be appointed by the president of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;
- (4) Two members of the general public to be appointed by the mayor with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments; and
- (5) Two sworn officers of the Gloucester Police Department, one of whom shall be a member of the union representing patrol officers, elected by that body, and one of whom shall be a member of the union representing superior officers, elected by that body.

The mayor may appoint appropriate support personnel to facilitate the operations of the selection committee.

(b) The mayor, in consultation with the selection committee and the procurement officer, shall select a qualified recruitment and assessment contractor to analyze candidates for chief of police. Such recruitment and assessment contractor shall be charged with development of selection criteria, after consultation with members of the public at community meetings, with an effort to invite representatives of diverse populations within the community; recruitment of qualified candidates; and administration of a selection process consisting of, without limitation, a written exam, an assessment center and a psychological evaluation. The community meetings required above shall provide interpretative services for the hearing-impaired and non-English speaking, as requested and otherwise shall comply with the Americans with Disabilities Act.

(c) The selection committee shall vote a list of no more than five and no less than three unranked qualified candidates for chief of police and shall submit such list to the mayor. All votes taken by the selection committee shall be by majority vote of those present. There shall be a public interview process conducted for the finalists by the selection committee prior to the appointment of the chief of police by the mayor. If the selection committee determines that there are fewer than three candidates for chief of police, the selection committee shall nonetheless send the names of the candidate(s) to the mayor. If the selection committee should submit to the mayor a list of fewer than three candidates for chief of police, or for any reason designated in writing, the mayor may choose to commence a new selection process, in the manner prescribed herein.

(d) The mayor shall make the final appointment from the list, subject to confirmation of the final appointment by the City Council. Prior to confirmation of the final appointment, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the mayor, as well as a complete report of those candidates who applied and were deemed less qualified. The contract may not

be subsequently amended without the approval of the City Council. The length of such contract of chief of police shall be for a period of at least three years, but no longer than five years.

(e) Upon such time as the mayor shall become aware of a vacancy in the office of chief of police, the mayor shall within a reasonable period of time, but by no later than the next regularly scheduled meeting of the City Council, notify the City Council that a vacancy has occurred. The mayor shall in a timely manner thereafter commence the process to fill the vacancy, in the manner prescribed herein.”

And received by email from Councilor Tobey on 03/15/2010 (on file) further:

“Councilors,

One further note for consideration when this matter comes up at O&A tonight -- I've discussed this matter with Mayor Curtatone down here at the NLC meeting; he and his interim police chief are ready and willing to come before us to speak on behalf of the ordinance model I have proposed below given their great satisfaction with its use in the City of Somerville.

bt”

By unanimous consent, the Committee continued the matter to their May 3, 2010 meeting to have a two item agenda.

D) Memo from Operations Manager-Public Properties re: Proposed changes to Beach and Stage Fort Park Regulations (Cont'd from 02/22/2010)

Mr. Cole presented to the Committee with Mr. Park the requested revisions to the proposed changes to the Beach and Stage Fort Park regulations previously reviewed by the Committee on February 22, 2010. They did withdraw the increase from \$20 to \$25 for resident stickers. The Senior Citizen they proposed a \$5 annual fee. That will stay that for the five year sticker effective 2011. It would be pro-rated over the five years. The only change is the pro-ration and is effective 2011.

Councilor Curcuru asked about raising the parking fee on the weekends for people just visiting as non-residents.

Mr. Cole stated he would prefer not to raise the rates past \$25.00.

Councilor Ciolino noted the issue on the non-resident senior citizen regarding the property owner and wanted to know why they aren't paying \$5 like anyone else.

Mr. Park stated they are. If they want to get in addition to that a resident sticker, they will pay the \$20 just like any other resident.

Mr. Cole stated the senior citizen who owns property here but doesn't live here still qualify for a senior citizen sticker. What this is saying is that if they want to buy a resident sticker so they don't have to be in the car.

The Councilors agreed to add resident "senior" sticker to the language to make it very clear.

Mr. Cole noted the part related to trusts under "E". They have to be listed as the beneficiary of the property listed in the trust, according to General Counsel.

The Committee again discussed the matter and the specifics.

Mr. Park noted that Appendix A was changed regarding the numbers to be consistent all the way through.

Councilor Ciolino noted he had a problem with charging the seniors any fee whatsoever.

Councilor Verga would like a report next year of what kinds of stickers were sold per each type.

Mr. Cole stated they could try and do that.

Councilor Hardy wondered about the reissue fee if you sell your car and the sticker remains on the vehicle.

Mr. Cole stated they would reissue the sticker for \$5. The old sticker will be caught, as they won't match up.

MOTION: On motion of Councilor Curcuro, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council approval of the proposed changes to the Beach and Stage Fort Park Regulations pursuant to Section 7-16 of the City Charter and any amendments to relevant sections in the Gloucester Code of Ordinances AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Mr. Park recapped the CY2008 and CY2009 for the Committee (on file). It was noted that they may open the beaches a bit earlier this year. He also noted some of the improvements. He noted a darker area on the new stickers this year where the plate numbers go. When someone tries to take off the number to alter the sticker, it will make it extremely difficult to do.

Councilor Curcuru stated that he spoke with Mike Hale regarding electronic signage on Rt. 128 again this year. The signs would direct people to other beaches who may have room in the lots, like Stage Fort Park. Pavilion Beach is now starting to be used by the locals. The fact that there are locals shouldn't deter the fact that there aren't lifeguards. We do need them there.

Councilor Theken suggested a part-time lifeguard at Pavilion Beach for this summer.

[Councilor Ciolino left the meeting at 8:10 p.m.]

2. *Memo from Police Chief re: Amendment to Code of Ordinance increasing bus stop violation fines and all other fines by the Police Department to be reviewed*

Councilor Theken asked if the Chief felt the fines were adequate.

Police Chief Michael Lane reviewed for the Councilors the fines given out by the Police Department, in particular the bus stop violation fines, wishing to increase them specifically, in keeping with the surrounding communities. The State said that it should be \$100.00. Mr. Ryan from CATA brought it to Chief Lane's attention. Fines can go up to \$50, but the bus stop violation fine has to go to \$100.00. Handicapped could be increased to \$300.00 but he felt that it was excessive. Revenues are up on parking violations, and the City is looking into a new type of ticket system using a digital pen which downloads into a system allowing for tickets be paid quickly. If the City goes to this new parking ticket system, they would go through a vendor and the tickets would be downloaded to a site, and they would pay through that.

Councilor Curcuru asked about service or loading zone violations.

Chief Lane noted the fine to the Councilor and that the time is only as posted per each space, some with time limits, and others without.

Councilor Hardy asked if they would have to reprint the tickets with this new fine.

Chief Lane stated they would have to use a new ticket for the new fine, but that the current tickets could be used for all other fines.

MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend the City Council to amend Gloucester Code of Ordinance Section 22-176 and increase the bus stop violation fines from \$15.00 to \$100.00 and TO ADVERTISE FOR PUBLIC HEARING.

3. *CC2010-010 (Verga) Amend GCO Sec. 269 "Stop Intersections" and/or Sec. 22-269.1 "Yield*

Intersections” re: Intersection of Hesperus Circle & Hesperus Avenue

By unanimous consent, the Ordinances & Administration Committee referred the matter to the Traffic Commission and continued the matter to 03/22/2010.

4. *Stormwater Utility Fee*

By unanimous consent, the Ordinances & Administration Committee continued the matter to 03/22/2010.

5. *Other Business: None.*

It was moved, seconded, and voted UNANIMOUSLY to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of the Committees