

CITY COUNCIL STANDING COMMITTEES  
**Special Joint Ordinances & Administration**  
&  
**Budget & Finance Meeting**  
**Monday, June 25, 2012 – 5:15 p.m.**  
**Kyrouz Auditorium – City Hall**  
**-Minutes-**

**Present:**

**Ordinances & Administration Committee:**

**Chair, Councilor Sefatia Theken; Vice Chair, Councilor Robert Whycott; Councilor Steven LeBlanc, Jr**  
**Absent: None.**

**Budget & Finance Committee:**

**Chair, Councilor Paul McGeary; Vice Chair, Councilor Joseph Ciolino; Councilor Bruce Tobey (Alternate)**  
**Absent: Councilor Cox until 5:55 p.m. – at which time the Councilor did not take her seat at the dais and did not participate as a member of the B&F Committee, but stayed seated in the audience as an observer throughout the remainder of the meeting of her Committee.**

**Also Present:** Mayor Carolyn Kirk; Councilor Jacqueline Hardy; Councilor Greg Verga; Councilor Tobey; Linda T. Lowe; Jim Duggan; Suzanne Egan; Mayoral nominee for Fire Chief, Eric L. Smith  
**Members of the Fire Chief Search Committee Present:** Council President Jacqueline Hardy; Russell Hobbs; Jamie O'Hara; Dr. Rick Maybury; former City Councilor Michael McLeod; Fire Captain Tom LoGrande and Deputy Chief Tom Aiello

The Ordinance & Administration meeting was called to order at 5:22 p.m. by Chair, **Councilor Theken**.  
The Budget & Finance Committee meeting was called to order at 5:22 p.m. by Chair, **Councilor McGeary**.

**Both Chairs noted there was a quorum of the City Council present.**

1. Appointment of New Fire Chief pursuant to Gloucester Code of Ordinances Chapter 8 Fire; Article II. Fire Department, Sec. 8-16(a) and City Charter Sections 3-3 and 2-10

**Mayor Carolyn Kirk** stated all of the relevant information on the appointment and the contract for the appointee is before the Committees. She explained this has been a comprehensive process. The Search Committee was comprised of four citizens, two by ordinance appointed by the Mayor, two appointed by City Council: Mike McLeod, Russell Hobbs, Jamie O'Hara and Dr. Richard Maybury. The Personnel Director by ordinance sat on the Committee. The City Council representative was Council President Jackie Hardy. By ordinance two firefighters were on the Committee: for the first three-quarters of the process Deputy Chief Tom Aiello and Captain Tom LoGrande. Later in the process participating in the interview cycle were Firefighters Mark Nicastro and Jason Lococco. The Search Committee then submitted the candidates they deemed finalists to the Mayor's office. The Mayor's interviews were comprised of two additional representatives of the Fire Department: Sander Schultz, EMS Coordinator and Firefighter Matt LoGrande; Jeff Towne, CFO; Jim Duggan, CAO; Suzanne Egan, City Solicitor; and Police Chief Michael Lane. The search process was supported throughout the process by the City's paid consultants, Municipal Resources, Inc. (MRI). Present this evening is MRI's President, Don Jutton; Alan Gould, Vice President, and Don Bliss, Project Manager. Also present were Deputy Chief Eric Smith his wife, Lori, and his three children, Alex, Chelsea and Matthew. The Mayor said Mr. Smith has met or exceeded all of the requirements under the ordinance.

**Dr. Rick Maybury** of the Fire Chief Search Committee stated the Committee started last fall with 42 applicants. The entire committee went through all 42 resumes as did MRI and did their assessments looking for minimum criteria. The Search Committee and MRI each cut down their list of viable applicants to approximately 20 applicants. Based upon the two groups' perspectives, another series of reviews was conducted, resulting in the list being reduced to 17 candidates. The 17 candidates had telephone interviews conducted by MRI and submitted answers to written questions. Based upon the written pieces and feedback on the telephone interviews, the number of applicants was whittled down to seven. Six were chosen to go through the Assessment Center phase of the

selection process. One candidate dropped out before the Assessment Center. The Search Committee designed a two hour interview specifically focused on those things the Committee felt were most relevant to Gloucester, working collaboratively to create the interview questions. After the interviews MRI and the Search Committee got together again, processed all the data, compared notes, and made an assessment as to which final three candidates they would submit to the Mayor. Deputy Chief Smith scored the highest on the Assessment Center testing and consistently came out on top of all of the interviews for the Committee. **Councilor McGeary** asked for a description of the Assessment Center which he was informed would be a part of MRI's presentation. **Councilor Ciolino** asked for the record as far as MRI is concerned that Deputy Chief Smith has met all the requirements that the ordinance calls for. **Dr. Maybury** responded that MRI went through all their assessments because the Search Committee had their own questions as well. The Search Committee spent many hours looking through the paperwork, and challenging MRI on some of their judgments as well as "adjudicating" some of those differences. MRI explained how they did their assessments and how they found different kinds of titles and positions equal to those in Gloucester and satisfied the Committee they had done due diligence along those lines. **Councilor Theken** stated that any questions made this evening by the Councilors are no reflections on the candidate, Deputy Chief Smith or his family. She had met Deputy Chief Smith earlier at another occasion and found him to be quite personable. This, she said, has to do with how MRI and the committee determined Chief Smith's years of service and how they came to the final candidate. She asked if a background check had been done. **Dr. Maybury** explained the Search Committee did not do that; they were told that it had been done. **Councilor Tobey** expressed that the MRI presentation should provide that level of detail. On inquiry by **Councilor Theken**, **Dr. Maybury** informed the Councilors he is a resident of Gloucester, and had 30 years' experience in conducting executive searches; prior to that he did similar work with General Electric and GTE. He has a firm that for 25 years does this kind of work with companies globally for executive search and assessments. He has sat on committees for the City including the searches for superintendent of schools.

**Alan Gould**, MRI vice president, stated the firm received 42 resumes, reviewed and screened them. MRI made a cut to 17 candidates. He said it was important to note that when they screen and evaluate the résumés they look at the "total package" on the candidate. They use an inclusive process, meaning that if there is any doubt in their minds that they put the candidates onto the next phase because they can narrow the field as they get there. It is harder to go back and broaden the field. They reached consensus with the Selection Committee on the seventeen candidates and sent out essay test questions to the candidates. The responses were then scored. He and Mr. Bliss put 11 candidates through telephone interviews and sent through the seven candidates to the Assessment Center which in the firm's professional opinion is the most rigorous type of testing process available for Police and Fire. On inquiry by **Councilor Theken**, **Mr. Gould** stated they do employment and educational verification checks, but don't do a background check until there is a conditional offer. A background check was done on Deputy Chief Smith. **Councilor McGeary** asked how long the telephone interviews took which Mr. Gould informed the Councilor they typically lasted about 40 minutes, although some were shorter if a determination was made early on in the interview that they would not be a suitable candidate. For these candidates they also did comprehensive reference checks. Prior to the telephone interviews they do an internet search on all the candidates saying that these are very public positions and typically they find that if there is any type of issue, it would have been reported in newspapers. This kind of research allowed them to challenge any particular candidate in an interview or excluded a candidate based on issues that came to their attention through the internet. **Councilor Whynott** asked what they did for the background check. **Mr. Gould** explained that for this background check he assigned a senior consultant who does a lot of MRI's background checks and has significant police background, a former Assistant Commissioner to the Secretary of State of Maine. They also use third parties to verify certain information search such as a skip trace, a social security trace, a credit check, independent verification on education. They verified that Deputy Chief Smith is a National Fire Science degree candidate; all that is left is a final paper for his Master's degree at Eastern Michigan University. He has his Bachelor's degree in Fire Science from Concordia University and an Associates degree. They verified he had attended a program called the Eastern Michigan University Staff & Certificate program. They have full copies of all of his licenses which were verified he is a paramedic certified in Michigan, and a paramedic instructor coordinator there also. They spoke to his current Fire Chief; and worked for the Michigan Academy of Emergency Services as a trainer there and spoke with the owner of that firm. They spoke with an Assistant Director at Baker College in Westland, Mich., where he had once worked. **Councilor Ciolino** expressed his concern they were going into great detail on Deputy Chief Smith's background as they already had that information and noted the background check was all public documentation. **Councilor Theken** expressed her view this was necessary information for the process. **Councilor Whynott** noted other companies not only check listed references, but also seek out the opinion of others at the companies on the reference list that may not have been named to get a fuller picture of the individual. **Mr. Gould** added that MRI checked with people that should know

the person who were references and checked with people who aren't necessarily references; people in the organizations that may not be listed as references but that worked directly with this person. They did check with neighbors based on address checks; every place the candidate worked; a union representative; his spouse and went through his personnel file with the benefits coordinator at the City of Westland.

**Councilor Tobey** read from the Fire Chief ordinance: "the Fire Chief shall be selected by the Mayor and shall have the following minimum qualifications", one of which was three years as a deputy chief. He expressed this was the "cloud" they need to identify as to whether it exists. He asked how MRI, as the professional team chosen by the City as its consultant, to engage this matter; how did they engage it and when did they engage it. **Mr. Gould** stated it is initially engaged when they do the initial screening of the resumes. With any of these candidates they spend hours looking over the resumes and going to the internet checking out the town or City they are coming from.

**Councilor Tobey** asked why they would do this if every fire department was the same. **Mr. Gould** responded that each fire department's titles vary. To name a few titles, there are Deputy Chiefs, Assistant Chiefs, Commanders, Commissioners, Lieutenants, Battalion Chiefs and Captains. Definitions and job descriptions for each of these ranks differ from one town or city to the next. Given the total package, they look at what this person's relative experience as it relates to the City of Gloucester so they have a good idea of what the City should be looking for against what the City's ordinance specifies. A quick check of the City of Westland revealed that it is three times bigger than Gloucester; the Fire Department is one-third bigger, and the Deputy Chief is the sole No. 2 person in that 68-person department. He is able to draw conclusions based on his public safety background as to what a Battalion Chief would be and what the role would be as it comes down to job function and what is the relevance to the open position in Gloucester. It is detailed background checking with the Westland Fire Department. With regard to the issue of how much time of service Deputy Chief Smith had, they had a good idea of his skill set and experience, got his essays back and knew they would talk to him about the duration of his service when they would do the telephone interview. **Councilor Tobey** noted it is a multi-phase screening process as it related to that specific element of the qualification requirement. **Mr. Gould** agreed and likened the process to a funnel. They don't want to exclude a candidate early on who might end up being the best candidate. While it creates more work for the consultants as they have to read all seventeen candidates' sets of essays, this is about getting the best candidates possible.

**Councilor Tobey** noted that where every Fire Department is not the same, did the consultants feel that any prospective candidates might have seen the City of Gloucester as not desirable. **Mr. Gould** responded that people who think that they might be qualified do apply. Their firm does this process for Police positions, Fire, Town Managers, Finance Directors, etc. They, as professionals, prefer to be the ones to say no rather than not have someone submit themselves as a candidate. Eleven of 42 candidates "clearly" did not meet the standard, which is usual in public sector hiring. **Councilor Tobey** stated given the size of Gloucester and the department, the benefits associated with the position, how they viewed the size of the pool of applicants. **Mr. Gould** stated it was about what they expected. This community has a lot going for it, but there are some very public challenges. If anyone did their research, they would have known of those challenges. MRI was happy with 42 candidates.

**Don Bliss**, project manager with MRI, stated fire departments' titles are different for each department. In this state there are captains, deputy chiefs, district chiefs, assistant chiefs with all the same job description. They looked at rank structure of individuals to see what their job functions were with their departments. They had some applicants as deputy fire chiefs but they were with volunteer fire departments and would therefore not be suitable candidates. They screened out members of military fire departments because they had no suburban experience. **Councilor**

**Tobey** noted they've talked of a broader background and asked how they applied this process to Deputy Chief Smith. **Mr. Bliss** explained MRI scored his resume, reviewed it based on the totality of the candidate. He took the essay test. They then scored those five essays; his skill sets, general background relative to the challenges faced in Gloucester and he scored very well on the essays. They then did the telephone interviews. There was all positive feedback and information on the internet. They found "no skeletons in the closet". They talked with Mr. Smith about his service he had as an active Battalion Chief to be sure he had the necessary service. He was selected based on consensus with the Search Committee. He was sent to the Assessment Center and scored very high. **Councilor**

**Tobey** asked was there any clouds over Deputy Chief Smith's candidacy as far as his qualifications are concerned. **Mr. Gould** stated, "not at all" and that Smith was a stellar candidate. **Councilor Tobey** asked as far as the standard of three years as a Deputy Chief was there any cloud over that tenure of the candidate to which **Mr. Gould**

responded, "No". The Councilor asked if anyone told or directed Mr. Bliss he should find this man qualified. **Mr. Gould** stated, "No, not at all", nor anyone on his team. They are not involved in the politics, and have "no skin in the game" with the City. Their sole job is to get the best candidate to be put forward to the hiring authority which in this case they did. **Councilor Tobey** posed the same question of any cloud over the candidacy of Deputy Chief Smith to Dr. Maybury. **Dr. Maybury** stated, "No". The Committee challenged MRI all along the way. This was not a committee that was passive. They held the consultants accountable.

**Councilor Theken** noted when Tom LoGrande and Mr. Aiello were on the Search Committee, there was a conflict and they were removed. Why was one of their brothers on the Committee; could the Mayor justify putting one brother on the Search Committee but not the other. **Mayor Kirk** stated the conflict was that the individual who filled out the [State Ethics Commission] form had a direct financial benefit pertinent to the outcome of the decision they were participating in. That was true for one of the individuals but not the other. **Mayor Kirk** stated she would have to confirm with the City Solicitor if that was public information to indicate which person had the financial conflict of interest.

**Councilor Theken** asked who hired MRI. **Mr. Gould** responded the contract was with the City reporting to the Selection Committee. **Councilor Theken** asked if the consultants had met privately with the Mayor without anyone of the Search Committee present. **Mr. Gould** informed the Councilor that they had such a meeting after the process was complete and only then. **Councilor Theken** noted no one from the Committee or from MRI came forward that the years of experience didn't match and why was there not an explanation when the questions arose about the candidate's eligibility. **Mr. Gould** stated to them it wasn't an issue. They were challenged by the Selection Committee on every issue. If it came up they resolved it, if it didn't come up, then as consultants, they were satisfied. **Dr. Maybury** stated they did talk about it; a number of the Committee members when they were reviewing the resumes saw different kinds of titles and positions, and they were satisfied with the MRI explanation of how they formulate their equivalencies regarding those differences. **Councilor Theken** asked if the Fire Department representatives were there at that time the discussion of equivalencies were taking place. **Dr. Maybury** stated they did have a few meetings without the firefighter representatives to keep the process moving forward. **Councilor Theken** inquired if they asked other fire departments. And how they arrived at the conclusion that Deputy Chief Smith met the requirements? **Mr. Gould** stated they did an analysis that this position in a system that large met it. **Mr. Gould** stated as a total candidate there was no question. The finer details pointed that there was no difference. **Councilor Theken** continued to express her concern with the time served by the candidate as Deputy Chief. **Mr. Gould** stated the actual hours he sat in the position were documented in the Westland payroll accounting. He was taking someone's place, months, weeks, and days at a time. **Councilor Theken** asked how the questions to the candidates during the on-site interviews were developed. **Dr. Maybury** stated the Committee spent a number of hours considering what the City needed to know. They consulted their firefighters; and it was totally done by the Search Committee. They created the questions and had public hearings where they got input and spent time with Fire Department members at Fire headquarters. All this added value in formulating questions that the Committee agreed to be asked by consensus.

**Councilor McGeary** made note of the National Fire Protection Association (NFPA) grades department titles across departments. **Mr. Bliss** stated that is at the discretion of local authority to decide. The NFPA has general classifications for certification, Fire Officer 1, Fire Officer 2 and so on. **Councilor McGeary** then asked within the parameters of the general classifications for certification what would be that of a Deputy Chief in Gloucester and at what level believing the MRI memo said Fire Officer 2. **Mr. Bliss** added that Fire Officer 1 would be company officer level; Fire Officer 2 or 3 the command level. A platoon commander would be Fire Officer 2 here is a two and is a Deputy Chief. A battalion commander in Westland is Fire Officer 2 level. **Councilor McGeary** clarified for the purposes of the NFPA ranking characterizing levels of officers, they are equivalent which Mr. Bliss agreed with the Councilor's assessment.

**Councilor McGeary** asked for a description of the Assessment Center process. **Mr. Bliss** stated it is one day process in this instance designed to the greatest extent possible to simulate conditions and/or situations a Fire Chief would encounter. There were six different categories. The candidates were graded on different role playing exercises, included in that was the written examination required under the ordinance. Candidates were also put through a tactical exercise facing a simulated fire problem having to obtain certain goals and objectives. There was a role playing exercise; a superior/subordinate exercise. The candidate, playing the superior role had to demonstrate skill sets in that area. There was a leaderless group exercise with all candidates in same room are asked to solve the same problem. Each candidate was evaluated on their performance in that group environment for different skill sets. There was a customer service exercise, and then an oral presentation where the candidates were given a problem to present as a demonstration of their teaching and demonstration skills which were scored against skills and abilities identified ahead of time. **Councilor McGeary** asked if the people making the assessment of the performance of the candidates were not members of the City's Search Committee but rather were hired professionals. **Mr. Bliss** stated the assessors were comprised of one town manager and retired fire chiefs. The Search Committee did not witness this testing. They were offered the opportunity to come in mid-day to meet with the candidates, but they chose not to. Chief Smith ranked No. 1 in the assessments and did extremely well in that process.

**Councilor Theken** asked how MRI compared a Westland Battalion Chief's responsibilities with Gloucester's requirements. On page 6 of the June 12<sup>th</sup> MRI memo (on file) they describe every duty. Did they have a description

of what a Gloucester Fire Department Deputy Chief also? **Mr. Bliss** stated they were very familiar with the Gloucester position description of Deputy Fire Chief because they did the City's Fire Department Management Audit and a number of projects for the City. They did not include the comparison the Gloucester Fire Deputy Chief description in their memo. **Councilor Theken** stated the Gloucester Deputy Fire Chief is not just a line officer duty but is also responsible for other duties that a staff officer would do. She asked if they were saying this is the same type of position and expressed her belief the duties of a Deputy Chief in Gloucester were different from those of Battalion Chief in Westland. **Mr. Bliss** noted as did the Battalion Chief in the information they received from Westland is that Chief Smith also had project responsibilities duties. They do compare and expressed his disagreement with Councilor Theken that the duties are dissimilar. **Mr. Gould** stated the document they used for analysis of the two positions for the Civil Service posting was the job description for Deputy Chief. They were able to compare the two jobs. **Mr. Bliss** stated there was no doubt in his mind that the supervisor responsibilities of Battalion Chief in Westland were similar. Westland battalion chiefs oversee more stations and equivalent number of personnel that a Gloucester Deputy Fire Chief oversees. A Battalion Chief in Westland also has project responsibilities or staff assignments that are equivalent to what is in Gloucester.

At this juncture **Councilor Theken** expressed a desire receive comments from the firefighting rank and file who were present, and had a discussion with **Councilor Tobey** who stated that the law does not enable them to delegate their decisions as Councilors to the members of the paramilitary organization who will be reporting to the commanding officer who is being chosen by this process.

**Mr. Bliss** stated for the record that he has 34 years experience and served as Fire Chief of Salem, N.H., for 10 years; and was the New Hampshire State Fire Marshal for 12 years. He was a member of the Board of Directors of National Fire Protection Association and serves on their standards council. He expressed he has an innate understanding of fire department organizations. His professional opinion that the position of Battalion Chief in the City of Westland, MI is equivalent to the Deputy Fire Chief of the City of Gloucester in scope and responsibility in areas command and staff supervision. He reiterated he had no doubt whatsoever that Deputy Chief Smith has the experience and skill sets necessary to do the job.

**Councilor Theken** asked how they determined that Chief Smith's hours served were the equivalent of what is done in Gloucester. **Mr. Bliss** reiterated the fire service uses different classifications and titles for job responsibilities that are exactly the same even within the Commonwealth of Massachusetts there can be a Battalion Chief, a District Chief, a Deputy Chief or a Captain who work in communities larger than this City, that have the role of Captain and can perform the same duties as a Deputy Fire Chief in Gloucester. Those people would be fully qualified to do the position of Chief here based on that experience. **Councilor Theken** asked about the designations of Group 1 Deputy; Group 2 Deputy, etc. **Mr. Bliss** explained those are platoon supervisors, with a platoon being the on duty shift including officers and firefighters and firefighter paramedics. **Councilor Whynott** stated the City has four Deputy Chiefs and a senior deputy chief among them. When the Fire Chief is out of town the Senior Deputy Chief takes over. **Mr. Bliss** stated that is credible time when that Deputy Chief steps into the role as Acting Fire Chief. **Councilor Ciolino** asked if the City Solicitor saw any cloud over the candidacy of Deputy Chief Smith. **City Solicitor** Suzanne Egan stated, "Not at all." She expressed the Council should keep in mind that the ordinance is written which speaks to three years as Deputy Chief, and are looking at their interpretation, written for Gloucester, in terms of what the organizational structure is. They have to look at it in a broader context when candidates are coming from jurisdictions that are different from Gloucester. There is the ability of the consultants and the Search Committee to look at the differences in positions to ensure they are the same as or equivalent. On inquiry by **Councilor Theken**, **Ms. Egan** said would be helpful to clarify these issues [in the ordinance] so that the next time around they wouldn't face these types of issues. For the purposes of comparison, they can't say a deputy chief is the same across the board. They wouldn't say the deputy chief of a fire department with three members is the same as Gloucester's much larger fire department. She expressed the belief they couldn't say Deputy Chief is equivalent across the board. There may be a fire department with only a chief and a deputy chief. They wouldn't say those three years as deputy chief in that department would compare to a deputy chief in Gloucester and needs to be kept in mind. **Councilor Theken** commented the ordinance was drafted in house and asked how old it was. **Ms. Egan** responded the ordinance is about two years old. The ordinance was created when the Fire Chief's position was taken out of Civil Service. **Councilor Theken** noted that she was a member of the O&A Committee when they looked at the language of the ordinance. She believed the three years experience as stated in the ordinance was clear; therefore, how did they justify changing it, understanding the differences of job descriptions. The fact is it still says three years. **Ms. Egan** stated the ordinance does say three years – but it doesn't say three calendar years. It speaks to three years cumulative experience. People within the department serve in different roles and will fill in. It says three years experience. It does not say cumulative; it just says three years. **Councilor Theken** stated they then don't have a definition of three years. If they hire someone who doesn't have three years, because they are doing it

by calculation, he doesn't have it by calendar years. He does not have three calendar years of experience as Battalion Chief but has three years experience as Battalion Chief determined by the consultant and the Search Committee. **Councilor Theken** pointed out the Deputy Chief does not have three years of calendar service as Battalion Chief. **Councilor Ciolino** asked if Ms. Egan had a recommendation on the contract and did she draft it. **Ms. Egan** informed the Councilor she did draft the contract and recommended the Council to approve the contract and that Deputy Smith is confirmed. **Councilor Ciolino** asked for whom Ms. Egan worked for. **Ms. Egan** responded she worked for the City of Gloucester.

**Councilor Whynott** asked if it would be better since the ordinance states "shall have three years", and doesn't say "or equivalent" although many hiring practices in the City do. When that resume came in, he had 11 months showing as Battalion Chief and four months as Deputy Chief. He suggested that the Council should have been informed that it can't just be defined as experience as Deputy Chief and needs also to be equivalents. The Council may have changed the ordinance and none of this would have happened. This was an adding up of hours. **Ms. Egan** stated although there is this issue with time served, the ordinance made sure they had gone through an exhaustive process.

**Councilor Theken** stated that it says three years' experience. Do they have to change that? **Mayor Kirk** stated the question is does the candidate meet the requirement, and the answer is "yes" to the interpretive definition from the experts hired to support this process. Did the candidate meet the qualification on this one measure and the answer from the search committee, the consultant has been "yes," which answer was confirmed through the rigorous process the City Council put them through? There are many pieces that have to be changed in the ordinance, and they have learned many things along the way. **Councilor Theken** expressed concern for a possible law suit on this matter. **Ms. Egan** expressed the City is not subject to any liability as the City has complied with the ordinance. The candidate has been determined to be qualified for this position.

**Donald Jutton**, President of MRI for 22 years, explained the dilemma is that the ordinance doesn't have a clear definition on the matter of experience; therefore, they have to substitute an opinion. He considered MRI's opinion as more valid. They have solicited appointments: finance directors, fire chiefs; police chiefs. This person has the time in service. They do this on a regular basis and stand behind their process now. **Councilor Theken** asked why his firm did not come forward before on this issue. **Mr. Jutton** stated he did not check their ordinance. The project manager was aware; the fact is that the ordinance says three years without definition unless it said three years consecutive service without any interim, but the ordinance just states three years of service – which constitutes active service. His firm stands by their representation. That is the best they can do. **Mr. Gould** recalled they had flip charts with the Search Committee in working to accurately portray the comparisons of positions; and it was vetted. The question of the years of service – if it was three years, two months, and on background check those four months was on disability, it would put the candidate out of the three years. This was about the best candidate. **Councilor Theken** asked if it is three years of service and is open to interpretation. **Ms. Egan** responded "yes". The ordinance didn't define service.

**Councilor Verga** noted he spoke with Deputy Chief Smith today to inform him where the he stood; that it was not personal. Addressing the "cloud" issue, the cloud isn't whether the paid consultant or the paid attorney thinks there is a cloud. It is what the staff of the Fire Department and the public and Councilors who think that a cloud exists. Pointing to Deputy Chief Smith's resume, he noted on it shows October 2011 and contended it does not meet the three year experience qualification. At the bottom of the resume it reads, "Battalion Chief" in January 2010; but was actually April 2010, and stated there is was missing year. In looking at this resume in January 2012 that's two years. When asking for clarification, they were informed the candidate was Acting Chief. If MRI had admitted they missed it or had come forward and said here is their recommendation but note that the three years aren't there but these are the reasons why. The formula appeared unclear to the Councilor used to calculate years of service noting that it is this "cloud" of unanswered questions. "Three years is three years." The Councilor expressed he didn't want to have someone who has a cloud over their head. He could not vote for this appointment at Council.

**Councilor McGeary** expressed that if he was on the Search Committee this question would not have arisen because if they treat the ordinance hyper literally saying that person must be a deputy chief and only a deputy chief, then it doesn't work. There has to be room for interpretation. Similarly, does three years mean three consecutive years. It doesn't say that. For example, if he was a firefighter with 20 years of service and took three years off to work in the private sector; does the first 20 years count of service count; the Councilor expressed the belief it did constitute three years of service. He further expressed that the hyper-literal interpretation is from people who don't want a Fire Chief from the outside the Gloucester Fire Department. It is not up to the Mayor, MRI, or the Search Committee but is up to the City Council whether Deputy Chief Smith gets appointed. He will vote for Chief Smith. To be hyper-literal and to say that it is must be a deputy chief and nothing but a deputy chief and must be three consecutive years and nothing else will do is a "red herring".

**Councilor Theken** spoke with Acting Gloucester Fire Chief DiPoli pointing out she was not looking to hire within; but wanted to get this clarified. She suggested that perhaps Chief DiPoli could stay on who indicated to her he would stay on if asked until they clarified the ordinance. The Councilor reiterated that it is not that she doesn't want an outside candidate. **Mayor Kirk** stated it is not the Council's decision or the Acting Chief DiPoli's decision to that extension of his appointment. It is the Mayor's decision as the appointing authority. She wanted to be sure expectations are managed properly and that no one left thinking that there was a potential of an extension.

**Councilor Theken** said again she is not doing this because of any in-house candidates. That, she said, was past. She stated she did not believe in taking the position out of Civil Service. They are losing personnel in the City's emergency services because they do not promote from within. She pointed out that the Acting Chief told her the department would work with the new Chief and the department has good men.

**Councilor Theken** asked the Mayor if she received permission to speak on the Ethics Commission issue expressed earlier in the evening regarding the Search Committee. **Mayor Kirk** stated the ethics forms are filed with the City Clerk's office and are public record. The issue came to light through a member of the Search Committee who became concerned there may be an ethics conflict halfway through the search process. They went through a process to correct this situation. Both individuals checked some degree of financial interest or benefit on the ethics form. She did not reassign them to the Search Committee. Two other members of the Fire Department were chosen by the union so that there were no conflicts and no forms are filled out and on file in the Clerks office for those individuals. **Councilor Whynott** expressed he was one Councilor who didn't want to give up Civil Service. It looks like they're trying to make the years of service fit stating it doesn't work with the ordinance, wasn't done right it can't be made it fit after the fact. **Councilor Tobey** stated based on 34 years as an attorney he pointed to statutory construction where it is reasonable to not go down a road to a dead end to allow reasonable interpretation of words so that the intent can be made to work. The intent of this ordinance is defined by the fact that the previous council enacted the ordinance after the position taken out of Civil Service. It was done expressly to enable that change to take effect. The Councilor expressed his opinion that it was very reasonable to do what the Search Committee with experienced people, served by a firm with extensive experience, to make the reasonable interpretations they did because not all fire departments are the same. He didn't find anything unreasonable about the resume reviews they did. The Deputy Chief is the selected candidate. The larger issue, he said, is that change is hard. The world they live in is different than 20- to 40-years ago. Gloucester was a self-contained resource pool, and so Civil Service worked. The world has changed. The nature of the services provided is under enormous stress, and a single model is not necessarily the right model. He expressed that in his 30 years involved in the municipal affairs of Gloucester, it was a great deal of time spent on how services should be provided. The citizens made the decision that a different set of eyes would be able to allow how other people do their work and gain from their experience pointing to the filling of the Superintendent of Schools position and Community Development Director as examples. By bringing in new sets of eyes with experience creates new opportunity. This is a three-year contract and can be a three-year period where they could have a substantial revisit of the MRI audit and ask if this command structure adequate, and is that a place they groom their next chief and build a stronger team and build better opportunity for sustainability. He expressed the opinion that the cloud isn't real. Rather they need to embrace this opportunity to affect change and make the community better.

**Councilor Theken** stated they're supposed to confirm. There was a contract that is unsigned and yet Deputy Chief Smith getting mail at the Fire House. **Ms. Egan** stated the contract states it is subject to confirmation of City Council which has yet to take place. Anyone can get mail from anyplace from anyone.

**Former City Councilor Mike McLeod** and member of the Search Committee expressed it was an honor to be on the Search Committee to pick a new Fire Chief. They were given a mission in the City ordinance. They had Council President Hardy with them. A lot of questions were fielded by Russell Hobbs and Jamie O'Hara who brought a lot to the Committee. It was his honor to serve with Dr. Maybury who, he said, deserves a lot of credit. They also had the former Personnel Director with them. When these questions arose, their goal from the first was to get pre-qualified candidates to the Mayor. They did not rank them but knew that Eric Smith was the right candidate. It is a job well done and gave Mr. Smith a lot of credit. They were looking for the best and thought they chose the best. The Committee as citizens did their job to the best of their ability. **Councilor Theken** asked about the concerns of the experience. **Mr. McLeod** stated it was raised when they were down to the 17 candidates. Every question they asked of MRI was answered expediently and professionally. MRI didn't sit in the committee meetings. They worked under the City Charter. Council President Hardy frequently asked if this or that met the charter. He stated clearly this does fit the charter. They got the explanation early on and had no qualms saying the candidates they put through to the Mayor satisfied the qualifications, but expressed he was speaking for himself. **Russell Hobbs**, Search Committee member stated that the experience was "eye-opening". They challenged MRI constantly, and challenged Mr. Bliss personally when they had 11 candidates. They wanted to know if his judgment

was swayed by this certain candidate and was told “no”. One of the candidates visited his home. He reported what transpired during that visit to the group immediately. He did his job openly and honestly. He read all 42 resumes three times. He asked the questions. Councilor Hardy was the one who opened the discussion on Battalion Chief and he commended her for that. He was the Committee member who raised the ethics question regarding the firefighters because no one was protecting them. This was a good but flawed process. That issue was addressed when the ordinance was amended partway the search process because of the firefighter ethics issues. They all worked on the process together. At one instance, the Mayor, through the ordinance, wanted extra staff to help them. She appointed Jim Duggan to assist the Committee. When they were reviewing resumes they asked him to leave as it was not appropriate. He has been at the Fire headquarters and spoken with the firefighters. He wants the best Fire Department for the City and wants to be protected. He wants the Lanesville station open. He expressed his opinion that Mr. Smith is a good quality candidate and supports him and stated new eyes are the best way to improve the department and be ready for the future. The city is at risk including the men who ride that equipment. Change is needed with honest opinions from a Fire Chief to the Council, the Mayor and the men who work underneath them. He recommends Eric Smith as the next Fire Chief for the City.

**Jamie O’Hara**, Search Committee member and a member of the Community Emergency Response Team (CERT) stated they as a committee drilled the consultants extensively. They were “ruthless” with MRI on behalf of the citizens of Gloucester with regard to the ordinance that the candidates meet every criterion. They wanted to get the process handled correctly. They had a professional consultant in MRI. The ordinance, he said, should probably be clarified, but this is what they had to work with. Out of the 42 candidates, they did their own research as a committee. Mr. Smith proved himself through the Assessment Center testing and interview process. They’re talking about life or death. It is not a matter of if but when. He spoke of two deaths due to two fires in the City in recent years. He pointed out it is the Council’s prerogative to vote the candidate down or up. He understood change will take years, but they have to change how they do business.

**Councilor Theken** stated she was thankful for all the times the member of the Committee came forward. They were all top notch. But finding a new Chief doesn’t mean all the stations will be opened nor will miracles be performed. It is not just the qualifications. She expressed she was still concerned that the matter of the three years never would have come forward unless the newspaper mentioned it. If this was on all their minds, they should have brought the issue forward and maybe it would have opened up a larger pool of candidates if the ordinance had been corrected during the process. The Council could have done it. Then they could have put their choice through. She asked the Mayor if she had known about the three years the whole time. **Mayor Kirk** expressed that she was almost positive it came forward not through the paper. Once the package went forward from the Mayor’s office to the Council with the resume and contract with the ordinance, “the flag went up” on the three years; she immediately realized that the Council would put the process under greater scrutiny and would have to be ready for the hyper-literal interpretation of the ordinance. As soon as they saw the direction, she didn’t want to rush the process and wanted to give the Council the full two weeks for the full process. She expressed this is the right of the Council to scrutinize the process. However, it was the hyper-literal interpretation of the three years experience.

**Councilor McGeary** stated the Search Committee was satisfied but didn’t come before the Council because they had been satisfied that the candidates experience added up to what the ordinance called for and is what they were asked to do. For them as Councilors to second guess, while being their prerogative, is not in their best interest.

**Mr. O’Hara** reiterated they asked that question of the consultant regarding the number of years experience during the review of the resumes. They focused on the whole picture.

**Phil Bouchie**, Firefighter’s union president, welcomed the Smith Family to Gloucester and recognized the Search Committee. He expressed he was not concerned who the next chief was of the City. He stated that the real issue was adequate funding of the Fire Department.

**Councilor Tobey** agreed with Mr. Bouchie. They exist now within the box of the existing structure of how things are. They either have enough money in the budget straight time to hire enough people to keep the stations open all the time or increase the overtime account and keep the stations open. This, he said, was why they need the fresh set of eyes.

**Tom LoGrande**, Gloucester Fire Department, clarified that whoever is the chief, as an officer it will be his duty to work with them. The Mayor addressed the conflict of interest matter. Mr. Hobbs raised the point there could be a conflict of interest when they had two candidates that were internal candidates. Mr. LoGrande stated he contacted the State Ethics Commission and because his brother and Deputy Chief Tom Aiello’s brother was on the promotion list, they were informed there could be a conflict so they recused themselves until the Council changed the ordinance and did an emergency order so they could serve on that Committee. They filed their disclosure forms with the Administration and found out by a third party resource two weeks later that there was a conflict and that the Mayor would not sign the papers and was no longer a member of the Search Committee. The reason he had a conflict was

because his brother was also a firefighter, and therefore he had a direct financial stake in the outcome of the selection process. He commended the Search Committee and their work. He stated that if the City gives Deputy Chief Smith the financial resources he had in Westland, Mich., they would have a 20 percent increase of their Fire Department budget.

**Amy Poole**, 7 Colburn Street observed that she told her children they “shall” behave; which left no room for interpretation on her children’s part and stated the search process needs to be started over.

**Frank LeClerc**, Gloucester Firefighter, commented that the Gloucester Fire Department is not dysfunctional. The department is comprised of a good group of people. The basic issue is funding.

**Deputy Chief Eric Smith**, of Westland, Mich., the mayor’s appointee, told the joint Committees he has been a firefighter for 21 years. Because of the support of his wife and family he been able to achieve the education and rank he has to date. He and his family believe Gloucester is a great place to live. He pointed out his resume has a letter of reference from his current Mayor. He is able to take early retirement in Westland. His position in Westland will not go away should he leave nor are they not trying to get rid of him; and he has no skeletons in the closet. This is a natural progression of taking the next step in his professional career. He has been working tirelessly in the last month and a half to training his replacement who will take his place if he is appointed to this position and accepts which he, “fully intends to do.” He expressed the opinion that all the firefighters in Gloucester are outstanding. They are like all the firemen he’s met across the country and whom he works with every day who serve their community, willing to put their life on the line. The Deputy Chief stated he wasn’t born and raised here and admitted he has a significant learning curve. To that end, he will meet with the Council, the City Administration, and every member of the Fire Department to create an entry plan as to how to move forward most efficiently and effectively to serve as Chief in this community to make the changes the community would like to see. It will take establishment of a good working relationship with the union to make changes. There is cost to that, as noted previously. There are ways, he said, to look at that and ways to come up with alternatives. It will also take a strong labor/management relationship which would be high on his list of priorities to establish it. It won’t always be a “fluffy” process. His department has conflict and solves them in-house, resolving their problems where they need to be, and would bring that model with him. He explained his philosophies to the Search Committee. He stated he would still come out ahead for having been a part of this process, and said the experience was worth it because the process was outstanding even if he is not confirmed. He understood the concerns of his time on the job as a Captain; as an Acting Battalion Chief. He assured the Councilors that in their system when a firefighter is promoted to the rank at Captain, they are not evaluated at being able to perform duties of company officer because you have already done them because as a sergeant you work as an active captain almost every day. By their rules and regulations they specifically say when you fulfill that job it is as if it is permanent. He expressed his belief in the union and the civil service process. It is a paramilitary organization and establishing the relationship with these gentlemen will be a process of give and take. He hasn’t shied from the position despite what was reported in the local paper. His department in Westland is behind him. They don’t want him to go. Regardless, this is win-win. If he gets the job this is something he wants to do but if not, he will continue to serve Westland, as he had for 21 years.

**Councilor Tobey** pointed out most Mayors tend to have strong personalities and expressed there was concern as to who will be running the Fire Department if he was its Chief.

**Deputy Chief Smith** responded he had that “frank” discussion with the Mayor and made clear if he is appointed to this position and confirmed by the Council, he will be running the department. The day-to-day operations, short and long-term goals are something that will be established within the department in concert with the community, the Council and the Administration. He made clear that by no means has the Mayor indicated she would run the department; that she will let him do that as long as he is doing that job and meeting the expectations of the community. If there is an issue, they will hear about it. He has nothing to lose. Every firefighter in that department is his responsibility for their health and welfare as is their contract and are important to him. No one who becomes a firefighter comes to the job to become rich. It is about serving the community. Not too many people can go to work and not know what may happen every day. The work is rewarding. They love to help people. These firefighters will continue to do their job and serve the community no matter who the chief is and will do that job well.

**Councilor Ciolino** asked what the Deputy Chief would bring to the Fire Department. Deputy Chief Smith stated he would bring 110 percent of himself to the job. He has a tremendous support system in his family. He brings a great work ethic to the table and expressed his record stands for itself in what he has achieved on the job and educationally. They ran 9,700 calls last year in Westland. They run paramedic level EMS. They provide the service out of every station. The model is slightly different and reiterated there will be a learning curve. He is not carrying the hose, carrying the patient. He assured that he will be at every major incident; every major fire. It is what he does now. He stays constantly connected 24 hours a day. He responds all the time; the more he sees the more he learns; that seeing his firefighters in action allows him to view their strengths and weaknesses which helps him to

craft enhanced training of his staff. The work week is 8.5 hours longer per week at a higher call volume rate. The level of experience is different. This is a four platoon system. The two systems are not apples to apples.

**Councilor McGeary** welcomed the Deputy Chief and asked if he intends to live within the City limits which the Deputy Chief informed the Councilor he and his family would. He has a home in Westland he has to attend to also. As to the mail received in his name at the Fire Station, it was him planning ahead working with the uniform company so that he could come to work prepared, had it been the first of July, in full uniform. He stated he takes the job seriously and is part of the preparation and effort that he puts into it.

**Councilor McGeary** asked for a description of a Battalion Chief's typical day.

**Deputy Chief Smith** explained a Battalion Chief is there to manage manpower on duty that day; a compliment of 21 personnel per shift including the Battalion Chief (20 subordinates below the Battalion Chief). Operationally they have four stations kept open every day staffed with a 15-man minimum. They did away with a dispatch position having gone to central dispatch 18 years ago which decreased their run time and put another firefighter on the road. He has four captains per platoon and four sergeants per platoon who are "sergeants/driver/engineers," a military type rank as they are a paramilitary organization as well as what their function is. There are two firefighters on an engine and two firefighter paramedics on an Advanced Life Support rescue; and a Captain and a Sergeant on an engine and run all four stations the same way. It is a different model. It is the Battalion Chief's job is to allocate resources; track payroll. Company officers have additional duties as well – training, SCBA's, fit testing, maintenance, and administrative duties. They have to submit semi-annual reports include budgets for those specific duties. They are also the Incident Commanders on scene. The first arriving officer always takes charge, even a firefighter in some cases until senior staff arrives. It is also the Battalion Chief's responsibility to manage scheduling and time off.

**Councilor McGeary** asked if there was significant difference in duties and responsibilities between his time as Acting Battalion Chief or Battalion Chief. The **Deputy Chief** responded there was not. The position is the same; the duties are the same. There is a pay differential for doing those additional duties. It would be no different than if a sergeant worked as a captain. He then is the company officer who then owns the responsibilities of the position through their rules and regulations. They are held accountable, paid to do that work and will perform all those duties. They also prepare their men to do this.

**Councilor Whynott** asked who runs the fire from inside and outside the building. **Deputy Chief Smith** stated if a full alarm was pulled, which would be all four companies in the City, for a commercial structure, an apartment building, a multi-family structure of which they have many of, for instance, those typically bring in mutual aid or "auto-aid" from surrounding community departments that are smaller than Westland. They are pulling in 30 personnel automatically on a confirmed working fire. The Battalion Chief would be the Incident Commander (IC); until the Chief arrives on the scene if they choose to take command. They may leave the IC in place so he can do other things on the scene.

**Councilor LeBlanc** stated he wanted to see the next chief to succeed. If they went by the ordinance, and the Mayor does a fast track search he asked if Deputy Chief Smith would reapply. **Deputy Chief Smith** stated he would; that Gloucester is a great place to work and live.

**Councilor Theken** expressed she had met Mr. Smith; and had no problem with him but that she would not vote for Mr. Smith this evening but didn't know about the following evening's City Council meeting vote. She wished to pursue more information on her own. She would work with the City Solicitor before the Council meeting. She expressed her respect of the work of Search Committee and the consultant. Mr. Smith was well spoken and his resume impressive. She thanked him for his time. She wants the Fire Department to run well and wanted to be sure she had looked at it all so she could make her vote at the Council meeting in good conscience.

**MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 0 in favor, 3 opposed the Ordinances & Administration Committee recommends to the City Council that Eric L. Smith, Westland, Mich., be appointed permanent Fire Chief for a contracted term of three (3) years, commencing July 1, 2012 through June 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 8 Fire, Article II. Fire Department, Sec. 8-16(a) and City Charter Sections 3-3 and 2-10.**

**A motion was made, seconded and voted unanimously to adjourn the O&A Committee meeting at 7:44 p.m**

**Councilor Tobey** stated he has been involved in making hundreds of hiring and promotion decisions in his career. As he listened to the Chief designate, he knew that this is the intersection of the right person at the right time with the right department. He would be "honored" to vote for him this evening and would do so again the next evening.

**Councilor Ciolino** stated he has thought long and hard on this decision, which he viewed in four parts. The voters wanted the Chief's position out of Civil Service. They did that because they wanted change. Secondly, they hired experts, MRI, who in his estimation did a great job and qualified Deputy Chief Smith. Thirdly, the Selection Committee has done a terrific job. He relies on what the Committees they assign to come back to report and expressed respect for their decision and the recommendation that came from them. The fourth is that the City Solicitor declared that the Deputy Chief is qualified for the Fire Chief position. He didn't see any choice but to vote for Deputy Chief Smith as the new Gloucester Fire Chief. This decision is the summation of all they have heard and all the search committee has done and would vote for him this evening and tomorrow evening.

**Councilor McGeary** asked concerning the Fire Chief contract under salary compensation, (b) the Fire Chief's salary may be adjusted annually in accordance with the parameters specified for any merit pay increases or cost of living increases applicable for other City managers and department heads...;" that means it is at the Mayor's discretion. **Mayor Kirk** responded it was subject to approval by the Council through the budget process.

**Councilor McGeary** noted there is no reference in the contract that he is starting at Step 8 in pay grade M12 and no reference to an automatic step increase and wondered if this was an oversight or was it built in. **Mayor Kirk** explained the clause the Councilor just read takes that into account in the progression through the steps which is at the Mayor's discretion. **Councilor McGeary** wished to confirm that the contract was fully funded for FY13. **Mayor Kirk** responded that the contract as written had been proposed in the FY13 budget which was accepted by the Council last week which includes the benefits like moving compensation. Councilor McGeary didn't recall seeing such benefits within the contract although he knew that the base salary was budgeted. **Ms. Egan** stated that is funded within the department as part of the FY13 budget and is in there.

**MOTION: On motion by Councilor Tobey seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council that Eric L. Smith, Westland, Mich., be appointed permanent Fire Chief for a contracted term of three (3) years, commencing July 1, 2012 through June 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 8 Fire, Article II. Fire Department, Sec. 8-16(d).**

**A motion was made, seconded and voted unanimously to adjourn the Budget & Finance Committee meeting at 7:50 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**