

## CITY COUNCIL STANDING COMMITTEE

**Ordinances & Administration**

Monday, July 16, 2012 – 6:00 p.m.

1<sup>st</sup> Fl. Council Conference Rm. – City Hall**-Minutes-**

**Present:** Chair, Councilor Sefatia Theken; Vice Chair, Councilor Robert Whynott; Councilor Steven LeBlanc, Jr.

**Absent:** None.

**Also Attending:** Councilor Verga; Councilor McGeary; Councilor Ciolino; Linda T. Lowe; Suzanne Egan; Mike Hale; Rick Noonan; Jim Duggan; Stephen Goodick

**Police Chief Search Committee:** Loretta Peres; Douglas MacArthur; Dr. Rick Maybury

**Fire Chief Search Committee:** Russell Hobbs

**The meeting was called to order at 6:00p.m. Councilor Verga stood in for Councilor Whynott until his arrival at 6:04 p.m. There was a quorum of the City Council. Items were taken out of order.**

**1. Continued Business:**

- A) CC2012-022 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits (Cont'd from 07/02/12)

**Councilor Tobey** sent the following email concerning his Council Order on Main Street Parking on 7/16/12 requesting it be entered into the record by **Councilor Theken**:

“I cannot be at tonight's O&A meeting:

1. Please don't hold this any longer - instead, schedule it for public hearing the same night as the I4-C2 parking fee public hearing; I understand that is not before you tonight, but I'd ask that you link them that way when it does appear on a future agenda.
2. At the public hearing, I would move to amend my request so free parking on Main Street is done for a single trial period, running from this November 1st through April 30th, which I think we all agree is largely "off-season" -- we can revisit this next spring for an assessment of the costs and the benefits.

Bruce Tobey  
Councilor At Large”

**Councilor Whynott** expressed his disagreement with Councilor Tobey's ordinance amendment to remove parking meters on Main Street pointing to when meters were made free a while back during the Christmas holidays; and the merchants found it unsuccessful for a variety of reasons, much of which had to do with employees parking in the Main Street spaces. For this reason and others he would not support it.

**This matter is continued to August 6, 2012. At that time the Committee would take the matter up at 7:00 p.m. in the course of their meeting.**

- B) Report of Ad Hoc Committee regarding proposed amending of the Gloucester Code of Ordinances, Chapter 2, Article V, Sec. 2-471 to 2-476 re: Tourism Commission as relates to CC2012-015 (Hardy/Cox) (Cont'd from 07/02/12)

**Linda T. Lowe**, City Clerk explained that as requested by Councilor Theken she met with Tracy Muller, Mona Faherty and Kay Ellis, members of the Ad Hoc Committee, to see what they wanted incorporated into the ordinance. The draft she provided the Committee has been revised after the three ad hoc members suggested changes to the first draft which was submitted to the Committee in this agenda packet (on file). She reviewed Sec. 2-471 Sec. b, concerning the purpose of the Commission; in second sentence they replaced the word “shall” with “may”. They then took up Sec. 2-472 Tenure; composition. **Ms. Lowe** commented the goal of the ad hoc committee is to have a diverse group. **Councilor Whynott** commented the Council is there to be sure that the Commission is not composed of just one particular group.

**Councilor Theken** asked about Sec. 2-473 “Requirements” which covered that of residency. **Ms. Lowe** offered that there was concern expressed at the last meeting when there was a lot of talk about residency. This allows for non-residents who may have a business interest in the City related to tourism to have a voice as an ex officio member to express their concerns but would not be a voting member. They would be counted as members. **Councilor Theken** commented a previous version had a Chamber of Commerce staff member as a member. **Ms. Lowe** explained they can still have someone from the Chamber appointed to the Commission. **Jim Duggan**, CAO hoped the Committee would expand upon why a member of the Chamber of Commerce was no longer recognized as a member of the Commission. **Ms. Lowe** stated this was just changing the mandate and was not precluding that a Chamber of Commerce member could be on the Commission. The revised ordinance doesn’t prohibit a Chamber member being appointed to the Commission. **Councilor Theken** pointed out that membership is at the choice of the Mayor, and that any member of the Chamber could be appointed. She added there were discussions previously about whether a member of the Chamber would be an ex officio member. **Mona Faherty**, Ad Hoc Committee member voiced that they did have the Chamber member as ex officio previously which other members of that Committee confirmed. Councilor Theken appreciated the set up of the membership of the Commission and as well as the ex officio membership.

**Councilor Ciolino** asked about Sec. 2-476 regarding the quarterly report submissions and asked to whom the reports would be submitted. **Councilor Theken** explained while it is not in the ordinance, the reports would go the Mayor and the Mayor would forward them to the Council which **Mr. Duggan** confirmed. He further explained the reports would encompass not only a financial reporting but what is being done in the community which may not require a financial portion to a particular report.

**Mr. Duggan** also spoke to Sec. 2-475, which speaks to support of the Commission by the Community Development Department, and noted when the ordinance was originally set up; there was more staff in the Community Development Department then. It is the most appropriate department for the Commission to work with in terms of staff support; but should this ordinance pass, staff is depleted in Community Development Department. They are reinvesting back into that department; and will increase staff with the marketing and program management they will be putting into place. He wanted the Tourism Commission to realize as they rebuild Community Development and add to that department that assistance will be more forthcoming; but currently as the department stands, staff is stretched thin and not readily available. Several positions will be added in that department going forward who will be taking on this work to support the Tourism Commission. He pointed out when the City Council reorganized that department, they recognized tourism related activities are a part of the job description of one or two of those positions, and as they invest in those positions, they’ll absorb those responsibilities of working with the Tourism Commission. **Councilor Theken** also expressed she wished to see the Commission’s pre-season plans for tourist season so that there could be something to accompany the budget deliberations. **Mr. Duggan** expressed his belief the Council would see such a thing in the quarterly reports of the Commission. **Councilor Theken** didn’t expect to see anything for this season, but would look to see something the following spring.

**Councilor Theken** acknowledged the input of the P&D Committee at the start of this process, in particular the Council Order by Councilors Hardy and Cox pertaining to the overall amending of the ordinance; and that they can now move forward. **Ms. Lowe** noted the ordinance currently shows a member of the Chamber of Commerce as a member of the Tourism Commission. They would be subject to the residency requirement; further, they need to decide if they still want a Chamber member as a voting member. **Linn Parisi**, Ad Hoc Committee member suggested they need not have the Chamber as an ex officio member and not have any other organization to be ex officio. She expressed it was limiting going forward that the Chamber should have a seat when other organizations do not as well, and urged O&A to leave the Chamber member off. An interested Chamber of Commerce member could apply for a position on the Commission if they were a resident, and it would give the same right to someone from Discover Gloucester or any other organization that comes about. **Ms. Faherty** commented that at one point there was a proposal to have up to three ex officio members appointed from tourism-promoting membership organizations. **Ms. Lowe** said the requirements of the proposed ordinance wouldn’t preclude members of those organizations being proposed as a member of the Commission.

The Committee in discussion with Ms. Lowe and Mr. Duggan placed a statement into the ordinance that ex officio members are appointed for up to a two-year term under Sec. 2-473.

**Councilor Ciolino** inquired as to how the Commission will be funded moving forward. **Mr. Duggan** stated this Commission has always been funded through the City, but that the level of funding changed when it was necessary due to budget constraints. He didn’t see that waver in terms of it not being part of the budget process. The Tourism Commission sits down with him to give their funding request to him in the budget process, he didn’t see them not funding any tourism efforts. It will be a matter of seeing what level they will continue the investment moving forward on an upward [economic] swing.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances, Chapter 2, "Administration", Art. V "Boards, Commissions, Councils, and Committees," Div. 6A "Tourism Commission as follows AND FURTHER TO ADVERTISE FOR PUBLIC HEARING:**

**Sec. 2-471 Purpose:**

- (a) In recognition of the continuing need for tourism in the city as a means to encourage economic revitalization and the promotion of history, culture and recreation, a tourism commission ~~DELETE~~ "is hereby recreated and reestablished" and ~~DELETE~~ "has been established and shall be funded by the City;"
- (b) It shall be the purpose of the tourism commission to encourage and promote tourism throughout the year and throughout the city. The Commission may undertake but not be limited to the following activities:
  - (1) Recommend ~~DELETE~~ "and implement" overall coordinated tourism and ~~DELETE~~ "program and ~~DELETE~~ "plan" that is related to the city's community and economic development activities, historical resources, recreational opportunities, ~~DELETE~~ "visitor welcoming" and natural and scenic attractions;
  - (2) Recommend the organization, creation and maintenance of tourist attractions ~~DELETE~~ "and welcoming services;"
  - (3) Recommend and implement ~~DELETE~~ "an advertising" ~~DELETE~~ "a marketing program for the city;
  - (4) Coordinate public and private ~~DELETE~~ "efforts" ~~DELETE~~ "Collaborations and communications concerning tourism within the city;"
  - ~~DELETE~~ (5) "With assistance of the community development department staff implement and manage a Grant program to help accomplish the purposes referenced in this section."

**Sec. 2-472 Tenure; composition**

~~DELETE~~ entire section and ~~DELETE~~ new as follows:

"The tourism commission shall consist of not less than seven members and may be up to eleven members if deemed necessary by the tourism commission. All members shall be appointed by the mayor and confirmed by the city council for the following terms:

- (1) At least two members for one year;
- (2) At least three members for two years;
- (3) At least two members for three years; and,

Consideration shall be given so that members are chosen from persons with a vested interest in tourism who are distributed among the several tourism sectors of restaurants, accommodations, tourist attractions, retailers, arts and culture; and there shall be at least one at large member. One member shall be a City Councilor who shall be ex-officio."

**Sec. 2-473 Requirements**

- (a) Residency requirements. All members shall be residents of the city, ~~DELETE~~ "however up to two members, who need not be residents, but who otherwise meet the requirements of this section and section 2-472, may be appointed as ex officio members for a term of up to two (2) years.

~~DELETE~~ "(b) Membership requirement. One member of the commission shall be a member of the Cape Ann Chamber of Commerce."

**Sec. 2-474 Vacancies**

"In case of resignation, death or disqualification of any member of the commission, for the purposes of filling the vacancy for any other reason, the appointment ~~DELETE~~ "of" ~~DELETE~~ "for" the unexpired term ~~DELETE~~

**“immediately” shall ADD “promptly” be made by the mayor and forwarded to the city council for their approval.”**

**Sec. 2-475 Assistance of city officials, boards and employees**

**DELETE entire section and ADD as follows:**

**“The commission shall receive regular support and assistance from the community development department including but not limited to planning, implementation, communications and assistance on securing and managing tourism grants. Further, when the commission determines that it requires assistance, the commission may request, through the mayor, and upon request shall receive the serves of and assistance from other city officials and boards on matters based on the performance of their duties.”**

**Sec. 2-476 DELETE “Semiannual reports” and ADD “Periodic Reports and Plans”.**

**DELETE entire section and ADD new:**

**“Beginning in 201\_ the commission, with the assistance of the community development department, shall prepare and submit a five-year plan for tourism to the mayor and the city council; and in addition, based on the execution of the Plan, the commission shall submit quarterly reports with the assistance of the community development department as provided in Sec. 2-475 submitted to the Mayor and forwarded by the Mayor to the City Council.”**

- C) CC2012-029 (Verga/Ciolino) Resolution re: Equitable treatment of residents who are City water users, customers and water rate payers and Amend GCO Sec. 23-58 to reflect the requirement of equitable treatment of all customers (Amended CC2012-023) (Cont'd from 07/02/12)

**Councilor Verga** stated the resolution is on hold. The plan is to have a bigger policy discussion about private roads. **Suzanne Egan**, City Solicitor explained that in their discussion regarding private ways and private utilities issues, they are looking to put in place a program where the DPW through the Engineering Office would look at all private ways within the City and give a certain criteria for acceptance as a public way. Then those would be brought forward for acceptance for both the utilities and the ways by the City Council. Then the City would be responsible for maintaining those utilities and ways. It will be done in a more “programmatic” manner. At the same time they will put forward an ordinance and regulations to facilitate that process. Both **Councilors Ciolino** and **Verga** agreed to the withdrawal of the Council Order #2012-029. The Committee agreed with Councilors Verga and Ciolino that a solution needed to be found and appeared that was moving forward at this time.

**MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinance & Administration Committee voted 3 in favor, 0 opposed to the withdrawal of CC2012-029 (Verga/Ciolino) Resolution re: Equitable treatment of residents who are City water users, customers and water rate payers and Amend GCO Sec. 23-58 to reflect the requirement of equitable treatment of all customers (Amended CC2012-023).**

**This matter is closed.**

- D) CC2012-030 (LeBlanc/Whynott) Amend GCO Sec. 22-287 re: handicapped parking in front of Cleveland Street #20 (Cont'd from 07/02/12)

There being no one present from the Traffic Commission, the Clerk of Committees reported that this matter was vetted by the Traffic Commission at their July 11<sup>th</sup> meeting having spoken to the requestor. It was noted in their July 11<sup>th</sup> minutes which was provided to the O&A Committee (and on file) that the sign can be placed in front of the address.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO**

**Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING: “one (1) handicapped parking space in front of Cleveland Street #20”; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- E) CC2012-035 (LeBlanc) Amend GCO c. 22, Sec. 22-270 “Parking Prohibited at all Times” re: intersection of Mansfield Street and Western Avenue (Cont’d from 07/02/12)

There being no one present from the Traffic Commission, the Clerk of Committees, the Clerk of Committees reported this matter had been taken up at the July 11<sup>th</sup> Traffic Commission meeting (on file) which is to accommodate those larger vehicles needing to enter Mansfield Street. The Commission changed the wording slightly from the originally submitted Council Order to be clearer and approved the order as amended. **Councilor LeBlanc** noted when a truck attempts to turn onto Mansfield Street they can’t negotiate the corner and continually hit the private home there. There is no parking immediately at the corner, but this order deletes one more spot to accommodate vehicles such as garbage trucks and emergency vehicles. There is a “no parking” sign directly across from Mansfield Street along the Western Avenue traffic island. There is 20 feet there and add another 50 ft. Deputy Chief Aiello had told the Councilor that a fire truck cannot negotiate the turn as it now stands, and so this is a public safety issue as well. **Councilor Whynott** asked Councilor LeBlanc to notify the neighbors when the matter comes up for public hearing before the Council. **Councilor Theken** expressed concern for taking out another parking space along Western Avenue as parking is very tight in this area and asked that Deputy Chief Steve Aiello be contacted to let the know Committee by email know if the fire trucks have difficulty negotiating that particular corner.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Sec. 22-270 (Parking Prohibited at all times) by ADDING: “Western Avenue southerly side in the westerly direction from its intersection with Mansfield Street for a distance of 50 feet in an easterly direction, starting across from the northwest corner of Mansfield Street;”; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- F) CC2012-036 (LeBlanc) Amend GCO c. 22, Sec. 22-274 “Two-hour parking between certain hours- Generally” re: Washington Street (Cont’d from 07/02/12)

**This matter is continued to August 6, 2012.**

- G) CC2012-037 (Verga) Amend GCO c. 22, Sec. 22-287 “Disabled veteran, handicapped parking” re: Ocean Avenue #2 (Cont’d from 07/02/12)

**This matter is continued to August 6, 2012.**

- H) CC2012-038 (McGeary) Amend GCO c. 2-218 “Deposit of coin required; overtime parking; exemption, Sec. 22-191 “Off-Street parking fees established” and Sec. 22-288 “Off-street parking areas

**Councilor McGeary** explained that this is to allow for using I4-C2 as a parking lot and to allow for a kiosk. They have to also amend for parking control devices. It has to do with the kiosks and I4-C2. He would consult with the City Clerk to make sure all parts of the Gloucester Code of Ordinances were included in the order that is necessary before proceeding further.

**This matter is continued to August 6, 2012.**

**2. Appointments & Reappointments:**

New Appointment: Historic District Commission TTE 02/14/15 Stephen H. Goodick

**Councilor Theken** and the Committee discussed with Mr. Goodick his desire to serve the City as a member of the Historic District Commission. They agreed his professional background in construction would be well suited to enhance the work of the Commission. He had submitted his certification of having completed the State Ethics quiz as well and acknowledged he was aware of the Open Meeting laws. **Mr. Goodick** stated he is a life-long resident

and a carpenter/contractor with a love of the City. Maintaining the historic integrity of the community was important to him. On inquiry by **Councilor Theken, Mr. Goodick** stated he would look at both sides of an issue to preserve historic buildings and work with the owners to encourage retaining the historic aspects of the structure. **Councilor Ciolino** expressed Mr. Goodick is an excellent choice. He asked how Mr. Goodick viewed vinyl-covered windows in the historic district. **Mr. Goodick** stated there are good vinyl windows and not good vinyl windows; he would have to know more about what is being presented to understand why something like this is being asked for. **Councilor Ciolino** reminded they have to be consistent in the Historic District. The Commission needs to be welcoming to the public and assist them through the process, as it can be daunting to the average property owner.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Stephen H. Goodick to the Historic District Commission, TTE 02/14/15.**

Reappointment: Planning Board TTE 02/14/17 Richard Noonan

The Committee thanked Mr. Noonan for his continuing commitment to the City through his volunteering as a member of the Planning Board. **Mr. Noonan** noted he has been on the Planning Board for five years, and Chair for two years of those five. They now have a full compliment of members having taken on two new members recently, Joe Orlando and Linda Charpentier. It is a good group who has gone through two overlay district matters, along with looking forward for applications regarding Commercial Street. They look for good work that will pass Council "muster". The Administration has shown faith through his reappointment and hoped to have a positive endorsement from the Council. **Councilors McGeary and Ciolino** added their endorsements of Mr. Noonan's reappointment. **Councilor Verga** commented he has attended joint meetings between P&D and the Planning Board and was impressed with Mr. Noonan's handling of the meetings. **Councilor Theken** agreed with her fellow Councilors expressed he was pleased at the fairness of the Planning Board's handling of the big issues they've had before them of late. **Mr. Noonan** stated part of their function is to have the public comment which if it takes longer, it is an important opportunity. Councilors Tobey and Hardy wanted to have the joint meetings of P&D with the Planning Board relative to Commercial Street to have as much transparency as possible, with as much similar information disseminated as possible. They hope to continue that process on other matters of joint interest which now work quite well.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to reappoint Richard Noonan to the Planning Board, TTE 02/14/17.**

**3. CC2012-039 (Hardy) Amend GCO Chapter 8 Fire Art. II Fire Department, Sections 8-16, 8-17 & 8-18**

As concerns to the Fire Chief selection process, **Russell Hobbs**, 1166 Washington Street and Fire Chief selection committee member stated that the Fire Department works differently than the Police Department because they work a 24 hour shifts. **Councilor Verga** commented when calculating years of experience, they have to look at how they calculate pension related to a work day and accounting for it. **Councilor Theken** stated an email will be sent to the Council, and the past search committee to ask for any input concerning the chief selection process to be sent to the City Clerk. The Committee also discussed what the standard is for qualifications because "or equivalent" is too vague.

**This matter is continued to September 17, 2012.**

**4. CC2012-040 (Hardy) Amend GCO Chapter 17, Art. II Police, Art. II Police Department, Sections 17-16, 17-17 & 17-18**

**Councilor Whynott** would offer language for Sec. 17-17(c) and will bring it forward later in the discussion. **Councilor McGeary** offered the following written remarks regarding their current search: "thanking the committee for this opportunity to present the views of the five members of the Police Chief Search Committee who met last Thursday (Dr. Maybury was not in attendance at this meeting) as part of our continuing effort to identify strong candidates to be our next Chief of Police. We feel strongly and voted unanimously to convey to you our sentiment

that the current police chief search process is proceeding well and need not be put on hold while a new ordinance governing the selection of a police chief is drafted. Specifically we feel the following points are worthy of the committee's consideration:

1. Most importantly, the candidates still under consideration by the committee all fully meet the requirements of the ordinance as currently crafted.

**Councilor McGeary** added the comment that there were no gray areas as had been on other searches.

2. Any of the proposed changes in the ordinance would not increase or decrease the number of "short-list" candidates. In other words, those candidates who have been eliminated in our discussions thus far (via a preliminary cut) would not be likely to be reincluded under a modified ordinance. Further, since many people applied who didn't meet the requirements of the current ordinance; it is unlikely that a modified ordinance would substantially increase the pool of candidates from which to choose. There were 42 candidates from all over the country. We do not believe that the kinds of modifications to the ordinance that might be considered would substantially enlarge this pool.
3. The city runs the risk of losing qualified candidates for the position. While this cannot be a determining factor, it is worth pointing out that of 42 candidates whose résumés were received, only about 8 made the first round of cuts. Of those, 4 or 5 will be selected for the so-called "assessment center," in-depth review of their abilities and qualifications. Further delay runs the risk that people on our short list will get other offers or decide not to further participate in the process.
4. Mike Lane's tenure as interim chief is limited by state pension rules. The process of rewriting an ordinance might very well consume more time than that is allowed, and we would be faced with the prospect of hiring a second interim chief. The committee members who are serving police officers felt that this could create uncertainty within the department's rank and file.
5. There is the cost of the consultant to consider. Having to reopen the process would necessarily incur further work on the consultant's part.

For those reasons, the five committee members in attendance voted unanimously to continue to pursue the current police chief selection process under the current ordinance. While we encourage the committee and the council to continue to review the ordinances governing the hiring of the fire and police chiefs, to learn from our recent experiences and tighten and improve where necessary, we do not feel it warranted at this time to put the current process on hold."

**Doug MacArthur** commented they have a good consultant, Badge Quest. He asked them to put a survey out to the Police Department. It was done at no cost to the City, and met with the unions to get their input (Superior Officers and Patrolmen). They had also been asked to put the survey into the weekly paper, The Beacon, for a public comment. Unfortunately, it did not get into the local papers; but Mr. MacArthur posted it at the library and at City Hall. They now have a Vice Chair with good leadership and goals. They're very close to giving the City a new Police Chief and expressed his opinion that they can't change it now. They have good candidates who meet the qualifications according to the ordinance. The public is waiting for a new, good chief as is the Police Department.

**Dr. Rick Maybury** agreed with Mr. MacArthur but his issues are effectiveness over efficiency. He said he thought there were flaws in the ordinance and that it caused some potential candidates to not apply. He also expressed he did not believe this committee is doing the due diligence that is required. If they were put on the spot as the Council did with the Fire Chief search committee, they could not verify that the consultant has done everything that they expect them to do because the committee has outsourced their activities to the consultant. His position was that the ordinance change was important. He said a couple of months delay would not be a bad thing for a senior executive in one of the three most important positions in the City. They delayed the Fire Chief search and only lost one candidate due to the fact that person's City was under receivership and was ordered by the court to appear on the day that the assessments were done. The ordinance should be re-written now; and the Police Chief search committee should consider the new changes and potentially do a minor reset. A delay of a little time would pay off in credibility and potential defensibility of the committee's work.

**Dr. Maybury** made the following comments as to ordinance amendments:

Education: He proposed, in speaking with a number of colleagues in the field, that the Masters degree should be a preference but not a requirement. The search committee viewed a number of resumes of people who worked with the FBI in terrorism situations who spent numerous hours in professional training who didn't have a Masters degree. He said some of their experiences and some of their non-academic training is as equal, if not more, than a Master's degree. He also spoke to the consultant on how folks were weeded out in terms of education. Some were interpreting "related" as it must be Police Science as opposed to relevant which means a Masters in Public Administration, Psychology, something that other departments actually look for that isn't explicitly Police Science.

Requirement of Experience as a "Lieutenant": The lieutenant requirement should be an equivalent. They could

have a Chief of a two-person department or a sergeant with extensive experience in New York City. The three years experience should be defined as not necessarily uninterrupted activity. Having served on a number of paramilitary and military promotion boards, in each of those situations, it is common for individuals to be put in leadership positions for 9 months TDY, crisis situations and said all of it counts towards that.

Roles and Responsibilities of Consultant: The roles and responsibilities for the consultant to the committee need to be clarified. He gave the example of the consultant in the Fire Chief search came in expecting they could “run the show”. Although the search committee got what they needed out of the consultant, it was difficult. Before they met with the consultant, the Fire Chief group met numerous times to define competencies necessary for Gloucester, what is unique to the City, expected behaviors, necessary personality traits necessary for Gloucester. They already knew what they wanted. The consultant then came and gave their profile, and they adjudicated their differences. The consultant does not know Gloucester. He expressed his belief it needs to be clarified that the committee is using the consultant as a tool. The consultant has very specific tools and talents: analyzing resumes, advertising the position, and running the assessment center. The language of the ordinance needs to state the consultant works for the committee, and the committee directs the behavior of the consultant; and the committee determines within the contract what the consultant needs to do and how the consultant needs to do it. As an example, when the consultant came back with their cuts, the committee challenged a great deal of them because they didn’t agree they were making the cuts based on best judgment what was best for the nature of Gloucester. They haven’t had a robust conversation of what Gloucester needs. They are not from Gloucester. The Police Search Committee, he said, hadn’t had a full conversation about what is Gloucester and what it needs. He agreed the consultant from Badge Quest is very good; but he admits he was not of Gloucester. They have not had a conversation of what the competencies are; what they need to know about Gloucester. They went from 42 candidates from 5 but not had any in-depth conversation with the consultant.

The Committee should be responsible for determining key competencies, what are the skills necessary, what is the uniqueness of Gloucester, the culture of the City. Independently they should be assessing the resumes and making their own decisions, then listening to the consultant and adjudicating that. When it comes to defining questions, they got a list of questions from the consultant to vote on independently for essays. The Fire Chief search committee looked at the questions that the consultant gave them. But they determined what questions would be for the essays. They determined who the five to seven candidates were. They were prepared to do seven candidates which was in the contract; and the consultant said no, there were too many to manage. The ordinance has to be tightened to define who controls the actions of the consultant. They were prepared to do seven, and actually had six. He expressed the concern that the ordinance isn’t clear on who has control over the process and how the consultant is held accountable.

In summary, **Dr. Maybury** reiterated this is effectiveness over efficiency. He didn’t disagree with his colleagues, that they do have good candidates but wasn’t sure that they didn’t leave some on the table because of the way the ordinance was written. He expressed his feeling that he would not be able to defend where they are today in the Police search process because the consultant has done all the work and the committee has just accepted it. The three major things – change the Masters degree to relevant, which he expressed as preferred as opposed to necessary; three years leadership contiguous and equivalent experience with regard to the rank of lieutenant. This would improve effectiveness; it increases the level of diligence of the committee and greatly improves defensibility. He also expressed it is fortunate that the Fire Chief Committee held the consultant accountable, which he said was to their credit. He trusts the judgment of his colleagues to review the resumes, reviewing written products, defining questions to be asked of candidates.

**Councilor Whynott** commented about the Master’s degree, he noted when the City Clerk’s position was defined a while back, a Bachelor’s degree with four years experience in management/government experience, or 8 years management/government experience. Something similar could be put in place. More requirements could be added on the other end. It was never a Master’s degree. Ms. Lowe stated it is a job description but not in an ordinance as this is. **Councilor Whynott** added he believed “relevant” was true. An MBA is as good as a Masters in Police Science; a Police Chief is basically a manager. He expressed also the belief there needed to be changes to the ordinance. He did not say they should stop the process; that would be up to the full Council to make that determination. But he wished to proceed and make the changes now. **Councilor Theken** expressed a concern for making the changes now with regard to the search that is in process. **Councilor McGeary** stated it depends what the Council tells the search committee. If they say they do not want them to act under this new ordinance, then the committee will have no choice but to back off and either disband or go on hiatus. If the Council decides to make these changes with a view towards the next Police Chief, they are not mutually exclusive. They can make the changes. He said the question is, what is the O&A Committee’s faith in the search committee’s efforts. The Councilor personally went through all 42 resumes, and had the recommendations from Badge Quest. They pretty

much matched his assessment. He felt the consultant did their due diligence. If they decide to say the new chief is to be hired under a revamped ordinance, they have no choice but to stop the process and readvertise and start the process anew. He said it was more of a policy question, a decision that the Council has to make. The search committee will abide by their ruling. The majority of the search committee thinks it is a good enough process. They are not getting into some of the gray areas of the Fire Chief search committee. He can't prove someone who backed off applying because of the Master's degree. **Councilor Theken** expressed she knew of a few people who didn't apply because of the Masters requirement, and was why she wanted "or equivalent" with regard to the Masters degree. **Councilor Whynott** stated they could fix the ordinance now. **Councilor McGeary** stated the Council can do the ordinance amendment, but then they could be done with the process by the time it is enacted. If the Council says they would not accept a candidate under the current ordinance, they would have to start over. **Councilor Verga** stated it made sense to let them finish their work, and the ordinance amendment would be used for the next search. He asked how many people were currently search committee members. **Councilor McGeary** named the following that were at the last meeting: Police Officer Jeremiah Nicastrro and Joseph Fitzgerald, Doug MacArthur, Loretta Peres, Former City Councilor, Steven Curcuru, and he were at the meeting. **Councilor Ciolino** agreed with the search committee. The committee is far more involved in the work. If they're comfortable with the process moving forward then they should do so. Once they start changing and tweaking, they'll have to start over. Anytime the City has done a job description, there should be higher educational standards and agreed with a requirement of a Master's. **Councilor Theken** stated they all agreed they should have made the changes prior to the search beginning. **Councilor Ciolino** commented the end result is that they have a good pool of applicants. **Councilor Theken** stated that was true if they leave the ordinance as is. If they change it, they can't say they have a good pool because they're demanding a Master's degree, and not the equivalent. A piece of paper does not make a better candidate; hands-on experience is very important. They need to look at this policy in the future. **Dr. Maybury** stated 25 candidates had a masters degree but not in police science. **Councilor Whynott** pointed out that there is someone on the police force with a law degree, but not a Masters degree. Mr. Duggan expressed that it is a Juris Doctorate and "trumps" a Masters degree. Councilor Theken, reading from the ordinance stated it said in 17-17 (2) "The chief of police shall have a Master's Degree in police science or related fields;" However, she was not overly concerned because of the statement "related fields"; but the issue of the Master's will need to be changed. **Councilor McGeary** said he didn't disagree. He would want to see the language loosened. For the committee, the majority, including the police officers, was that the question was not do they make changes but do they stop the process while they make the changes. Having been through the Fire Chief search process, and now being involved in the Police Chief process, there are some changes that would improve it. **Councilor Theken** expressed she was not ready to vote on this matter this evening. They still have to send this over to the Legal Department. This could take several months, and now they're in October. She did not agree they should stop this process. She asked who would make that decision. **Councilor McGeary** stated they can legally proceed. They would be foolish to do it if someone brought before the Council a motion that says we express our lack of faith in the process and stop the process until a new ordinance is crafted. He offered to the Committee to s work on the ordinance but not stop the on-going Police Chief search process. **Councilor Ciolino** stated if they take the recommendation of the search committee, O&A can recommend that the search process continue during the recrafting of the ordinance. **Councilor Verga** said the changes need to be separated from the current process. **Councilor McGeary** stated if they felt the majority of the process was seriously flawed, and shared Dr. Maybury's concerns, which they don't; and conceded that Dr. Maybury is a professional whose opinion carries some weight, they would put it on hold and **Councilor McGeary** noted that Officer Nicastrro stated he wanted the same thing as that of the majority of the Committee in an email on file. He knew that Councilor Tobey shared some of the same concerns. Councilor McGeary then spoke to some of Councilor Hardy's concerns regarding the Chair of the Search Committee being a Personnel Director. **Mr. Duggan** offered that a new Personnel Director will potentially be hired within the next 10 days. The Administration "strongly" supports the recommendation of the search committee to continue to go forward because they have done a very good job. There were challenges within the ordinance which they all recognize, but as Councilor McGeary had said earlier, with the individuals that are before them, there is no gray area. That challenge is not for the committee as it was with the Fire Chief search committee. The work ahead for the search committee will be clear, concise and thorough. **Councilor Whynott** stated he was not willing at this point to stop the process although the challenge is there; and expressed his belief the Master's degree did keep people out and is a flaw of the ordinance. **Councilor Theken** did not know who the candidates are, but they need to move forward. Her sense there was not a fear of the delay; it's more about who would be an interim Chief should the process be delayed, and is why she not work to stop the process. They have until October. She expressed her concern for morale in the Police Department because of it. She agreed with much of what Dr. Maybury said also. She is thankful for the folks on the search committee now. The only reason she is letting this go forward is morale. Councilor McGeary stated if it is the sense

of the committee that this proceeds in parallel tracks, the search committee would like to submit changes for the O&A's consideration also. **Councilor Whynott** offered the following:

Sec. 17-17, Paragraph 3(a): "...which shall not have to be continuous but must be computed in days of work with no reference to hours"; and as to that of the rank of lieutenant, "An equivalent to the rank of lieutenant on the Gloucester Police Force may be substituted providing the duties, responsibilities, authorities and span of control equate to those of Gloucester."

**Councilor McGeary** asked if a 24 hour shift would constitute one working day. **Councilor Whynott** stated this would work only for the Police Department. It is one day of work. Councilor McGeary stated if it were a 12 hour shift that would constitute one day.

Sec. 17-17 4(a) Population should be changed to 25,000 from 30,000.

**Councilor McGeary** expressed concern by putting in the phrase "or equivalent". **Councilor Theken** explained that all comments by the search committee will be coordinated by the City Clerk as well as those of the Council. **Mr. Hobbs** commented that the Personnel Director is automatically the chairperson by ordinance; it may not be necessarily appropriate. It should be the Committee who votes to pick the chairperson. Their search committee wanted more control overall. Councilor McGeary expressed the process has been good so far. They also will look at the question of one chairperson and perhaps propose co-chairs of the search committee if it is allowable. **Mr. Hobbs** stated Councilor McGeary is correct that the length of the process will see them lose candidates.

**This matter is continued to August 20, 2012.**

**5. *Memorandum & documentation from General Counsel re: City's obligations to enact regulations to insure Compliance with the Clean Water Act***

**Mike Hale, DPW Director** stated the City is required by the EPA to manage its stormwater discharges, and it has been since 2003. They have a five year federal and state permits to discharge stormwater to the ocean, ponds, streams, and other bodies of water. Part of that requirement is to have certain ordinances in place. The City was actually "ahead of the curve" by enacting a drainage and grading ordinance in 1999/2000. If a home is built it makes sure the stormwater is mitigated prior to receiving a building permit. This new ordinance goes further into the mitigation. This prohibits illicit discharges to the City's drain system (such as sewer). Right now the ordinance says you cannot drain stormwater to the City's sewer system, but nothing that says you can't discharge sewer in the drain system. The City just spent about \$32 million cleaning up Gloucester Harbor from just that. This gives the City some teeth and a concise definition. The CSO project looked through the downtown for just that. They find houses all the time that are improperly connected. The City has been proactive on this, but they didn't have any language that says you can't do it. This also gives the City authority on enforcement under certain conditions which is laid out very clearly. This is the model from the Attorney General's office. Many communities in the state have had to do this. Gloucester has to do this as part of their DEP permit. This lays out clearly the definitions, what can and can't be done, and gives exempt activities and under what conditions, such as discharging a pool; it gives basic guidelines on how the City further manages stormwater. You are, for instance not supposed to discharge pre-chlorinated water into the system, such as pool water. It has to be dechlorinated or let the water sit for several weeks. It is specified in this language. This language was reviewed by the Legal Department. **Russell Hobbs**, 1166 Washington Street inquired if his basement fills with water can he pump it out onto the street. **Mr. Hale** stated there is an ordinance in place that says water cannot be discharged into the street. They are cautious how they enforce that regulation. Some folks have no other avenue, and offered that they try to accommodate folks as much as they can; but there is an issue in winter months that water discharge onto the street causes icing. **Mr. Hale** and **Mr. Hobbs** further discussed other related matters as to what constitutes an emergency. **Mr. Hale** offered he did not believe this is intended for hobbling the City during emergencies such as large storm events.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Gloucester Code of Ordinances by ADDING Chapter 23 – Utilities, Article V, Non-Storm Water Discharges, Sections 23-124 through 23-136 and on file, AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Mr. Hale** stated the following relates to a Fats, Oil and Grease Program. It is a regulation and does not need to go out to public hearing which was confirmed by **Ms. Egan**.

**MOTION: On motion by Councilor LeBlanc , seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to the Gloucester City Charter Sec. 7-16, to ADOPT the “Regulations for Fats, Oil and Grease Program, Sections 1.0 through 10.2(a) dated 7/2/2012 on file.**

**Note:** At the Traffic Commission meeting of July 11, 2012 they took up the matter of CC2012-032 City Council request to State for permission to allow 30 minute parking in front of the WWII Memorial (at McKinnon Triangle). This matter will return on the August 6, 2012 agenda of the O&A Committee.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:15 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Non-Storm Water Discharge Ordinance Amendment Language dated 07/02/2012 as submitted by Suanne P. Egan, General Counsel**
- **Fats, Oil and Grease Regulations submitted pursuant to Section 7-16 of the City Charter by Suzanne P. Egan, General Counsel**