

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, August 20, 2012 – 6:00 p.m.
1st 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: Mayor Kirk; Councilor McGeary; Councilor Cox; Councilor Verga; Linda T. Lowe; Sally Polzin

The meeting was called to order at 6:02 p.m. There was a quorum of the City Council. Items were taken out of order.

1. Continued Business:

- A) CC2012-040 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 17, Art. II Police, Art. II Police Department, Sections 17-16, 17-17 & 17-18 (Cont'd from 07/16/12)

Councilor McGeary, on behalf of the Police Search Committee who had just completed their charge of vetting and submitting the name of four final candidates for Police Chief, submitted their recommended changes for the Police Chief ordinance (GCO Sec. 17-17 and 17-18 on file) to O&A. **Councilor Whynott** also suggested language to be inserted in 17-17 (1) that the candidate should hold the position of “an equivalent to the rank of lieutenant on the Gloucester Police Force may be substituted providing the duties, responsibilities, authorities and span of control that equates to those of a community similar in size to Gloucester.” This was submitted to be sure that although a candidate could have the equivalent experience, they may only head up a police department of, say, two sheriff’s deputies. **Councilor McGeary** pointed out the Police Chief Search Committee didn’t get many applications from far away. A deputy sheriff in the mid-West might be an equivalent; but if they wished to be more precise, inserting such a statement would be appropriate to Sec. 17-17 (1). **Councilor Theken** expressed agreement with Councilor Whynott’s offered amendment. **Mayor Kirk** added that the Administration isn’t ready to submit its changes to the ordinance, and wish to have the opportunity to write their memo to O&A with their suggestions for its consideration. At Councilor Theken’s direction, an email would be sent to the Council reminding them of the matter coming up again on 10/1/12 and to submit any changes they might wish to see to the ordinance. The Committee briefly touched upon the Fire Chief Search committee and their process in comparison, noting that matter would be before the Committee at its 9/17/12 meeting. The Mayor said the Administration would submit its recommendation for each ordinance before 9/17 and 10/1 respectively. **Councilor Whynott** stated he still had concern with the Police and Fire ordinance in that he didn’t believe the City Council should be involved in hiring, and no Councilor should be a member of a search committee.

This matter is continued to October 1, 2012.

- B) Addendum to Mayor’s Report for the May 22, 2012 City Council Meeting re: Mayor’s decision to allow remote participation by the City Council and the City Council Standing Committees (Cont’d from 8/06/12)

The Committee reviewed the draft Council regulations/policy (on file) submitted by Linda T. Lowe, City Clerk who explained that the draft documents were provided at the request of O&A on 8/6, and that one of the sample municipal policies (Westwood) was used as a model

Reasons to Participate Remotely:

Councilor Whynott noted Councilor Verga was concerned about the possible frequent use of geographic distance from a meeting as a reason for remote participation, telling the Committee that any person can be out of town on business. If that occurs with regularity, it could be a problem. The Councilor also had a problem with someone being out of a Council meeting for geographic reasons frequently. **Councilor McGeary** noted that if someone is

abusing the privilege, the Chair can deny the right to participate remotely when requested. There was a discussion between the Committee, the Councilors present, the Mayor and Ms. Lowe on the geographic distance reason to participate remotely versus someone who is ill participating remotely; and how the form would be filled out under certain circumstances and submitted in a timely fashion. **Ms. Lowe** assured the Committee her office would make a best effort to obtain the completed form from any requesting Councilor.

Technology Issues:

Councilor LeBlanc commented on the 15 minute time frame to reconnect that if there was no way for that reconnection to occur then the matter under consideration by the Council when this happens should be continued to another date, so that Councilor who was trying to participate remotely would still be able to participate in a vote if the connection could not be reestablished. **Councilor McGeary**, a member of the ad hoc committee on remote participation with Ms. Lowe noted that John Blanchard (IT Director) and he have mapped a technical strategy out that needs to be tested to be sure it is good. On inquiry by **Councilor Theken**, **Ms. Lowe** stated they do have a conference call phone for a minimum connection in the City Hall auditorium once the proper phone lines are in place. Jim Duggan, CAO has set up a meeting for people to speak about technology upgrades in Kyrour Auditorium not only regarding the audio feed but for the video output for CATV, as well as remote participation issues. **Ms. Lowe** also noted anyone participating in a meeting remotely must be audible to everyone in the room, and should be heard through the TV audio feed. They also need to be sure this is a reliable system.

Questions of Council Process:

Councilor Cox inquired about Item (iii) under Procedures for Remote Participation, "Members may participate in the meeting remotely even if they are not qualified to vote on a particular matter." **Ms. Lowe** explained that a Councilor may have to recuse themselves regarding voting on a matter, but doesn't mean they can't participate in the rest of the meeting. **Councilor Theken** expressed if a Councilor is going to participate remotely, they should be participating for the entire meeting. **Councilor Whynott** didn't agree that they should have to participate for a whole meeting. On a matter of importance, he may wish to vote on one issue and didn't want the Council have to vote by roll call throughout the meeting. **Ms. Lowe** stated that having a remote participant "leave" the meeting is not really any different than a regular Council meeting where if everyone was at the meeting, Councilors can still leave it. **Councilor McGeary** commented regarding the Council's ability to overrule the decision of the Chair if the Council does not agree with the decision assenting to a remote participation request of one of its members (see minutes of 8/6/12) that although it doesn't specifically address this issue in the Remote Participation Rules draft before the Committee, it is in Roberts Rules of Order. They can always appeal the ruling of the Chair. **Ms. Lowe** noted the presumption is that the meetings should be attended; and that use of remote participation should always be the exception.

Councilor Whynott offered he did not object to the draft as presented. **Mayor Kirk** commented the Administration will be very interested to see how this policy develops because the School Committee needs to adopt remote participation procedures also.

As the draft Remote Participation Procedures and form were submitted to the Committee that day, it would be forwarded to the full Council for their review and to solicit their comments. The O&A recommendation to the Council would be brought forward at the 9/11/12 City Council meeting under Committee Reports.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to adopt the Gloucester City Council Remote Participation Procedures for the Gloucester City Council, on file, dated September 11, 2012.

This matter will go to the full City Council at the 9/11/12 Council meeting for their consideration and vote.

2. Appointment of Personnel Director Sally Polzin TTE 02/14/2013

Mayor Kirk expressed the Administration was pleased to have made the offer to Sally Polzin who "hit the ground running." Ms. Polzin started working immediately and over the last four weeks with the Police Search Committee. She was a personnel director for a some years in Lawrence, and most recently spent a number of years as a mediator at the Joint Labor Management Committee between police and fire contracts in municipalities and in other highly contentious situations; and assisted Gloucester settling fire/police contracts. She is familiar with the City, has a great skill set, and is a great fit with the folks they have here. The Mayor asked the Committee to put her appointment

forward for confirmation. **Councilor LeBlanc** welcomed Ms. Polzin. **Councilor McGeary** told of working with Ms. Polzin the last four weeks on the Police Chief search; and for someone who came in during the process, she had done very well. Her experience with labor contracts will be very helpful to the City. **Councilor Cox** also welcomed Ms. Polzin. **Councilor Theken** asked how they might handle maintaining all employees' morale. There are plenty of employees right now who are doing the job of two people. They do understand the City's strained economic circumstances, and recent departmental reorganizations. She wanted the employees to feel free to come to Ms. Polzin and feel that they can express themselves confidentially. She hoped Ms. Polzin would be an agent of change. She also asked Ms. Polzin make an effort to reach out to the rank and file. She also expressed there needs to be a way to say thank you to so many hard-working staff members. The Councilor offered her personal help in this effort urging Ms. Polzin to be "hands-on," and offered her support of her appointment. **Ms. Polzin** stated she does have an open door policy. She has gotten to know a lot of employees; already settling grievances, particularly with the Police patrolmen; talking to employees about advancement. Employee recognition is something she would actively look into. **Councilor Theken** expressed also that it was her experience that Holly Dougwillo and Danielle Prophet were very responsive staff for the Personnel Department.

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 Sally Polzin as Personnel Director, TTE 02/14/2013.

3. *Request to Create a City of Gloucester Water Advisory Committee*

Mayor Kirk explained this ordinance amendment is a result of a citizen based effort. There is high interest in protecting the City's water system and watershed that has the actual water supply. Presented in their packet was ordinance language for their consideration. This ordinance states that this is an advisory group. The mission is framed in general to provide advice to the Mayor regarding the protection of the watershed. The Mayor gave the example of the matter of the "Rockport Road" or more recently, the trespassing at the Klondike Reservoir, a hot button issue, noting when an issue such as that is in the forefront, the Mayor sends it to the Committee, receives their recommendation, and then would forward it to the Council. This also takes the burden off the City Engineer, who is so involved in the water infrastructure upgrades; he really doesn't have the time to dig so deeply into such issues. Any acquisition of public lands that would serve to protect the water supply that the Open Space Committee has recognized would go through this committee, too, along with other related City boards, committees or commissions. This is a "short-cut" to citizen input. This committee would have no authority in decision making, nor would it have a budget. The City Council would confirm the members of the new committee. On inquiry by **Councilor Cox** who expressed concern this may be too broad an ordinance amendment wanting to see it stand up to scrutiny and remain whole, **Mayor Kirk** observed that with a tightly worded ordinance it becomes problematic when implementing it. This particular ordinance is loose with a more narrow scope. They write the Mayor a report of their observations and/or recommendations. She reiterated there is no funding that goes with the Committee. Further, they tried to stay away from specific criteria of the qualifications of members of the Committee. The first draft of the ordinance, the Mayor pointed out, was very tightly worded, and so the language was redrafted to be non-specific, generic, to give more room so as not to have to rewrite it later. **Councilor Whynott** didn't wish to see it limited to whom the Mayor could appoint to the Committee. He also clarified he would not support any potential appointee who would even consider the "Rockport Road". **Councilor LeBlanc** expressed agreement as he made clear he did not support the creation of any "Rockport Road". **Councilor McGeary** asked if the Committee could do any investigation on its own. **Mayor Kirk** made clear the Administration does not want citizens to perform the duties of City staff professionals. Although, the committee could host a community forum to debate issues of concern, but she didn't envision much beyond that. They would not be restricted about what they could discuss and could suggest a study they think might need to be done. **Councilor Theken** pointed out this would be no different than, say, the Fisheries Commission or the Traffic Commission. **Councilor Whynott** stated this is the Mayor's Committee; therefore that committee should not take up anything that the Mayor has not asked them to do. **Councilor McGeary** didn't see the word "referred" as to topics to be taken up by the Committee. **Mayor Kirk** stated the minute they start pinning it down, it would preclude the Council from referring something to this Committee, and she didn't believe that would necessarily be a good thing. **Councilor Theken** agreed they could refer matters to this committee if need be. **Mayor Kirk** reiterated this new committee is a short cut to citizen input for a matter that is important to the community – the safety and security of the City's water supply and its watershed. They will not perform the duties of the City's professional staff. This version of the language has the blessing of Mike Hale, DPW Director; Suzanne Egan, General Counsel and Larry Durkin, City Engineer.

Councilor Theken viewed this like the Fisheries Commission. They make suggestions and advise the Mayor. There is no vote taken; no funding, and would support the ordinance amendment. **Councilor LeBlanc** agreed with the Mayor that the committee should be advisory.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Gloucester Code of Ordinances, Chapter 2, Administration, Article V, Boards, Commissions, Councils and Committees to ADD the following new subsections 2-560 to 2-561 Advisory Committee:

Division 15 – Gloucester Water Advisory Committee:

Sec. 2-560 Created:

The Gloucester Water Advisory Committee is created to advise and recommend to the Mayor and the City Council policies on the management, protection, improvement and conservation of Gloucester's water supply, watersheds, storm water and wastewater infrastructure.

Sec. 2-561 Membership:

1. The Committee shall consist of seven (7) members. As required by the City Charter, members shall be appointed by the Mayor and approved by the City Council. Members shall serve staggered two-year terms beginning at the date of appointment and ending on February 14 as required by the City Charter. Committee members shall be City residents. Members will be selected based on relevant experience and knowledge. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

2. The terms of the members shall be staggered, as such, three initial members' terms shall be for one year and four initial members' terms shall be for two years.

3. The Committee shall:

a. Meet on a monthly basis and retain meeting minutes;

b. Report to the Mayor on a quarterly basis; and

c. Beginning six months after its initial formation the Committee shall submit to the City Council on a semi-annual basis a report of its activities and its progress achieving its mission;

AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

4. *CC2012-044 (McGeary) Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" re: ADDING One space at Harrison Avenue #2 (TBC to 9/17/12)*

5. *CC2012-045 (Tobey/Hardy) Review of outdoor portable toilets & consideration of new regulations or new ordinance (TBC pending a recommendation by the Planning & Development Committee)*

6. *CC2012-046 (Hardy) Review of outdoor dumpsters & consideration of new regulations or new ordinance (TBC pending a recommendation by the Planning & Development Committee)*

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:01 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None