

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, December 13, 2010 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

- - MINUTES - -

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Ann Mulcahey, Councilor Bruce Tobey

Absent: None.

Also Present: Acting Mayor Jacqueline Hardy; Linda T. Lowe; Jim Duggan; Fire Chief Phil Dench

The meeting was called to order at 6:30 p.m. Councilor Tobey entered the meeting at 6:39 p.m.

1. Continued Business:

- A) CC2010-080 (Curcuru) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 197 Washington Street (Cont'd from 11/29/10)

This matter was continued to 01/03/2011.

- B) CC2010-082 (Verga) Speed limit signs and “Slow Children” sign re: Fuller Street (Cont'd from 11/29/10)

Councilor Theken advised that Councilor Verga could contact Mike Hale, DPW Director and ask that the sign for “Slow Children” be posted now as it does not require a Councilor Order or a Code Amendment.

This matter was continued to 01/03/2011.

- C) CC2010-073 (Tobey) Enact ordinance amending GCO Ch. 8, Article II, §8-16 and §8-17 Re: Process of selection of Fire Chief (Cont'd from 11/29/10)

Councilor Tobey thanked the City Solicitor for crafting the draft language to run in parallel with the Police Chief language and thought she did a fine job capturing the essence of it.

Councilor Theken stated Section 18-17(b) which states ‘shall have Masters Degree’; there has been a suggestion that like with the Police Chief ordinance that the Fire Chief ordinance have ‘fire science or related field’ added after the agreed upon level of degree needed.

Chief Dench noted with the Police Department, most of them have Master’s degrees because it is part of the Quinn bill. Most Fire Departments have firefighters with Associate degrees. He felt it was fine to make it a component of it overall, but the Council would be eliminating everyone on the Gloucester Fire Department for quite some time until they “catch up” and get their Masters.

Councilor Tobey asked if this was the norm across Massachusetts.

Chief Dench responded he believed that to be the case. He felt sure there were some professional Chiefs in the state who move around every few years who do have those kinds of qualifications; which he expressed to be a concern for him. These professionals take a job for a few years, and when it ‘disappears’ they go and seek employment in another municipality.

Councilor Tobey asked if an Associates degree in Fire Sciences would be preferred.

Chief Dench noted most of the job descriptions he had reviewed say either ‘have the equivalent of training, education or experience that would provide the required knowledge, skills and abilities’. A combination of all those; for example, an Associates degree with so many years experience in a Fire Department with so many years as a Deputy Chief experience. He pointed out that sometimes someone with 25 to 30 years experience in the field working as a firefighter and Deputy Chief is better than

someone who just goes to school to have a Masters degree in order to be a Fire Chief and move all around the country. That could be better and felt education was always a good thing. In this case, he would prefer to see a combination of those – if they have other qualifications they can put that forward.

Councilor Theken stated in Canton, MA, their Chief doesn't have a Masters but has 25 years experience in positions of progressive responsibility and a great deal of training which is probably the equivalent of a degree.

Chief Dench thought a candidate should have had to have gone to the National Fire Academy and become a Certified Fire Officer. He believed that would be a good choice. He noted this was something many firefighters had been working towards, especially when they get to the rank of Deputy Chief feeling this would make it a bit easier for those firefighters to view their chances to be more reasonable, say if they were in need of just a few more classes to be eligible.

Councilor Tobey asked how many Deputy Chiefs have that certification in the Department.

Chief Dench stated he wasn't sure but that they have one who has a Masters but didn't know who had National Fire Academy certification and would have to check.

Councilor Tobey emphasized that this was "not a notion to exclude".

Chief Dench expressed to the Committee that whatever degree they wanted to use as a qualifier, if they used a Masters degree, he urged them to insert language, "or a equivalent of training, education and experience which would provide the knowledge, skills and abilities to perform the duties.

Councilor Theken noted her appreciation of the use of the National Fire Academy as a qualifier.

Chief Dench stated they could say a candidate would have to have a Fire Officer II.

Councilor Tobey stated if it means only one in-house candidate is that something they want to have. He felt by using "equivalent" of Fire Officer II, it would preclude exclusion.

Draft Language 8-17 Selection of Fire Chief; qualifications.

The Fire Chief shall be selected by the Mayor and shall have the following minimum qualifications:

(a) The Fire Chief shall be a fire safety professional with a minimum of 15 years experience in federal, state, country, municipal or military firefighting, no less than five of which shall be in a progressively responsible fire safety management position;

(b) The Fire Chief shall have Masters degree

(c) Preference shall be given to candidates who have the following:

i) experience in a multi-lingual and multi-cultural urban fire safety environment from municipalities with a population of 30,000 or more residents, possess managerial experience in a similar structure as the Gloucester Fire Department,

ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester,

iii) possess a minimum rank of Deputy Chief or higher for a minimum of three years in a fire fighting environment.

iv) a nationally recognized fire leadership programs.

v) financial management, innovations in fire operations, and information technology as it pertains to fire safety;

vi) labor relations, community relations, mediation and facilitation skills; and including staff development, training.

Councilor Mulcahey noted (c) i) states “a nationally recognized fire leadership program”.

Chief Dench confirmed that would be the National Fire Academy as opposed to the State Academy which a lot of firefighters have gone to.

Councilor Theken asked how many years experience would be the equivalent, noting in 8-17 (b) that the candidate would possess a minimum rank of Deputy Chief or higher for a minimum of three years in a firefighting environment, besides a Masters degree. “Preference shall be given to them”. They need to make sure that whatever is in (b) co-exists with (c).

Councilor Tobey asked the Chief how he felt if they made (b) simply read, “The Fire Chief shall have an Associates Degree” (a) requires a minimum of 15 years and (c) speaks to the additional things that would be the basis of preference which the Chief assented.

Councilor Mulcahey summed up that “The Fire Chief shall have an Associates Degree in Fire Science or in related fields.

Chief Dench also added they should have between three and five years in a management position so if they wanted to go to five years, he would be in agreement, which he thought five years was reasonable having been a Deputy Chief to move up into a Chief’s position.

Councilor Theken stated (a) stays the same; (b) changes Masters Degree to Associates degree in Fire Sciences or related field; (c) would say possess a minimum rank of Deputy Chief or higher for a minimum of three years in a firefighting environment. She then said, (c) i) should be all in (b).

Councilor Tobey stated then (b) reads “the Fire Chief shall have an Associates Degree in Fire Sciences or related field and hold a minimum rank of Deputy Chief or higher for a minimum of three years in a fire fighting environment.” (c) i) is removed and ii) through iv) is renumbered.

Chief Dench reconfirmed that the newly numbered (c) i) would state the National Fire Academy.

Councilor Mulcahey questioned as to whether they wanted to put in National and/or State Fire Academy.

Chief Dench didn’t think they wanted to do and/or, but rather do them separately as they could say if you’ve gone through the State Fire Academy, you’ve gotten points; if you go through the National Fire Academy, you get even more points.

Councilor Theken thought that would be for the selection committee to determine.

Chief Dench thought it gives a candidate an edge if they’ve gone to the National Academy as opposed to the State Academy. They may get a nod from the selection committee, that this candidate is serious to be a Fire Chief. He also added one item that was not addressed at all in the draft ordinance language was that a Fire Chief should have Emergency Medical Service (EMS) experience. Sixty percent of their business is now EMS. He thought it was very important that it should be mandatory for a Fire Chief to have had some type of managerial experience in EMS.

Mr. Duggan stated they have to be trained annually with EMS.

Chief Dench stated he’s been in EMS for 32 years as an EMT. He’s learned much more in the last year and a half in a managerial position in dealing with EMS; all the licenses, rules and regulations that have to be complied with; and believed it was important, which the Committee then had added to 8-17(a) after the words “...fire safety management” to read, “...no less than five of which shall be in a progressively responsible fire safety management and emergency medical services position.”

Acting Mayor Hardy asked in general if the Chiefs continue their education also once they get to the “pinnacle”.

Chief Dench stated “absolutely”; there is certain training that is done annually to keep his EMT certification, for instance.

Acting Mayor Hardy asked if they should make that a qualification for a candidate to require they continue their education.

Councilor Mulcahey suggested that in the Chief position; they’re learning new things every day. Much of the education is on the job.

Chief Dench stated if they’ve gone through the candidates and pick someone they think is good for the City, he hoped they would have seen a desire in that person of a desire to better themselves, willing to

continue their education. They take courses all the time; management courses; people-skills courses. It is continuous throughout a career. He would hope the selection committee would see that in a candidate. To say it is required, he thought if a chosen candidate was in a Chief's position for three years; if they're in it to hang on for only one term of a contract, they'd know. They'll be judged every three years (length of contract); and if not fulfilling expectations, then they would be gone. Most would want to continue their education.

Councilor Mulcahey asked how many firefighters in the Department are bilingual.

Chief Dench didn't believe any of the Deputy Chiefs are truly bilingual. If a candidate is, that is great; but in 32 years he saw only two instances where they needed a translator. He cautioned that the Portuguese spoken by a Brazilian was not the same as someone from the Azores. There are plenty of interpreters in Gloucester and didn't see this as an important criteria.

Councilor Mulcahey thought an EMT who was bilingual would be an asset.

Chief Dench would rather see that the City put money into someone coming into the Fire Department to teach them the main three languages and to give them basics to communicate in emergency situations. He would want to see it on a basic level and not an urgent requirement for a Chief.

Councilor Theken agreed with the Chief and thought money for a program of training like that for the Fire Department would be very beneficial.

Mr. Duggan noted 8-18 a, (v) "two sworn officers" should be "two sworn Firefighters." He noted the Emergency Management Director (EMD) is for the whole City.

Councilor Theken asked the Administration to put out a letter to the hospitals naming the City's Emergency Management Director with contact information as well as the chain of command.

Chief Dench responded at this time they're supposed to be in place if there is a City-wide emergency. The night of the blackout, he and the EMD (Deputy Chief Miles Schlichte) worked together; and that it appeared the hospital wasn't on their list. This is something that the EMD is working on the plan for the City now and will take a little while to get it all put together appropriately. He learned in going to meetings the hospital has a good system in place when there is an emergency. They need to coordinate with them.

Councilor Theken congratulated Chief Dench on a fine job to date and has the respect of his men.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Gloucester Code of Ordinances, Article II. Fire Department, Chapter 8 Fire Department, Article II Fire Department as follows:

Chapter 8 FIRE

ARTICLE II. FIRE DEPARTMENT

Amend Article II Fire Department as follows:

Delete sections:

8-16 Composition

8-17 Appointments

Add and replace with the following:

8-16 Fire Chief

a) The Mayor shall appoint the Fire Chief who shall hold the office for a term of three years. The appointment of the Fire Chief shall be subject to confirmation by the City Council as provided in section 2-10 of the charter. The Fire Chief is exempt from the provisions of chapter 31 of the General Laws.

b) Within thirty days of the position of the Fire Chief being declared vacant, the Mayor shall appoint a temporary Fire Chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.

8-17 Selection of Fire Chief; qualifications.

The Fire Chief shall be selected by the Mayor and shall have the following minimum qualifications:

(a) The Fire Chief shall be a fire safety professional with a minimum of 15 years experience in federal, state, county, municipal or military firefighting, no less than five of which shall be in a progressively responsible fire safety management and emergency medical services position;

(b) The Fire Chief shall have an Associates Degree in Fire Sciences or related field and hold a minimum rank of Deputy Chief or higher for a minimum of three years in a fire fighting environment;

(c) Preference shall be given to candidates who have experience with the following:

- i) certification from the National Fire Academy Executive Officer Program;**
- ii) financial management, innovations in fire operations, and information technology as it pertains to fire safety;**
- iii) labor relations, community relations, mediation and facilitation skills; and including staff development and training.**

(d) Preference may also be given to candidates who have experience with the following:

- i) in a multi-lingual and multi-cultural urban fire safety environment from municipalities with a population of 30,000 or more residents, possess managerial experience in a similar structure as the Gloucester Fire Department,**
- ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester.**

8-18 Selection of Fire Chief; Manner of Appointment.

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

- (i) The Personnel Director, who shall serve as the Chair of the Selection Committee;**
- (ii) One member of the City Council to be appointed by the President of the City Council;**
- (iii) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;**
- (iv) Two members of the general public to be appointed by the Mayor with at least one of said members being a representative of the City's socioeconomic and racial and ethnic segments;**
- (v) Two sworn firefighters of the Gloucester Fire Department to be elected by the union representing members of the Fire Department.**
- (vi) A public safety official appointed by the Mayor, who shall be the Emergency Management Director if such position exists at that time.**

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

(b) In consultation with the selection committee and the purchasing agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for Fire Chief. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; and select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists and administer the selection process to these candidates. The process shall consist of, without limitation, a written exam, a professional assessment center and a psychological evaluation.

(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Fire Chief and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Fire Chief, the Selection Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the Mayor. The contract may not be subsequently amended without the approval of the City Council. The term of the contract shall be three years. The Mayor may reappoint said Chief for

subsequent contractual terms of three (3) years subject to City Council confirmation.

(e) Upon such time as the Mayor shall become aware of a vacancy in the office of Fire Chief, the Mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The Mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.

8-19 Powers and duties of Fire Chief

The Fire Chief shall manage the Fire Department. He/she shall be responsible for the discipline and efficiency of the department. He/she shall have control of the department, its officers and members, the care of the fire stations, the care and custody of all the property of the department and shall keep a record of its business.

8-20 Composition

The Fire Department shall consist of the Fire Chief, who is not subject to the civil service laws, and as many deputy Fire Chiefs, captains, mechanics, inspectors and firefighters subject to the civil service laws in such numbers as are provided by contract and approved by the City Council. The department may also include supporting administrative staff.

Delete subsection 8-18(a) and replace with the following:

8-21 Qualifications and appointment of firefighters

(a) The Mayor shall have the power to appoint all firefighters who shall hold their office at the discretion of the Mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Fire Chief is exempt from civil service laws and the terms of the collective bargaining agreement. All firefighters are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by chapter 41 section 99A of the General Laws.

Subsections 8-18 (b) and (c) shall remain in effect and be renumbered as 8-21 (b) and (c).

Consecutively renumber the remainder of Article II Fire Department as follows:

8-22 Physical examination of firefighters

8-23 Appointees must signify willingness to obey rules

8-24 Firefighters to have motor vehicle license

8-25 Military substitutes

8-26 Fire chief to act as forest warden

8-27 Aid to other cities, towns or fire districts

8-28 Destruction of building to prevent spread of fire

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed TO ADVERTISE FOR PUBLIC HEARING the Amendment to the Gloucester Code of Ordinances, Article II. Fire Department, Chapter 8 Fire Department.

Councilor Tobey stated as with the police ordinance the firefighters' union should have a chance to review the revised draft language; and that Chief Dench would forward the finalized draft language to them.

2. *CC2010-083 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Vicinity of 4B Summit Street*

This matter was continued to January 3, 2010.

3. *CC2010-084 (Mulcahey/Curcuro) Review traffic flow and directions to alleviate congestion on Washington Street*

Councilor Mulcahey explained her order to the Committee that she wants a one way on Derby Street. She wants to divert some traffic off of Washington Street. They will discuss this at the Traffic Commission on Thursday, December 16, 2010.

Councilor Hardy noted the Community Development Department was reworking the Washington Street corridor. They have spoken about the direction of traffic being changed into the City from Washington Street. If they start with this order when spring comes for the determination on this corridor project, this will allow for them to look at the whole picture. It depends on the Traffic Commission, Police and Fire as to what the necessary changes would be. The State was telling them at one time to put in a traffic light. This could be their way around this to divert traffic from Washington Street.

Councilor Theken thought eventually they will have to go out onto Washington Street. But it will just make an easier flow. She felt Derby Street is not wide enough.

Councilor Mulcahey expressed her concern that Grove Street becomes very narrow at a certain point, and there is a large blind spot.

Fire Chief Dench cautioned about the wording for Grove Street.

[**Note:** This matter is not yet taken up by the Traffic Commission.]

This matter was continued to January 3, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:09 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None,