



GLOUCESTER CITY COUNCIL
9 Dale Avenue, Gloucester, MA 01930
Office (978) 281-9720 Fax (978) 282-3051

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, August 20, 2012 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
AGENDA

(Items May be taken out of order at the discretion of the Committee)

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)
- 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)

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

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

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)*

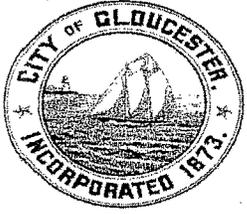
6. *CC2012-046 (Hardy) Review of outdoor dumpsters & consideration of new regulations or new ordinance (TBC pending a recommendation by the Planning & Development Committee)*

COMMITTEE
Councilor Sefatia Theken, Chair
Councilor Robert Whynott, Vice Chair
Councilor Steve LeBlanc, Jr.

Committee members – Please bring relevant documentation
Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Carolyn Kirk
Jim Duggan
Linda T. Lowe
Sally Polzin
John Blanchard
Larry Durkin

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-040
COUNCILLORS: Jackie Hardy, Bruce Tobey,
Sefatia Theken, Melissa Cox, Steve LeBlanc

DATE RECEIVED BY COUNCIL: 07/10/12
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that Gloucester Code of Ordinances Chapter 17 "Police", Article II "Police Department" Section 17-16 "Police Chief", Section 17-17 "Selection of Police Chief; qualifications, and 17-18 "Selection of Police Chief; manner of appointment" be referred to the Ordinances and Administration Standing Committee for further review to consider amendments.

Jackie Hardy
Ward 4 Councillor

Bruce Tobey
Councillor At Large

Sefatia Theken
Councillor At Large

Melissa Cox
Ward 2 Councillor

Steve LeBlanc
Ward 3 Councillor

Sec. 17-16. - Police chief.

- (a) The mayor shall appoint the police chief who shall hold the office for a term of three years. The appointment of the police chief shall be subject to confirmation by the city council; as provided in Section 2-10 of the Charter. The police chief is exempt from the provisions of M.G.L. c. 31.
- (b) Within 30 days of the position of the chief of police being declared vacant, the mayor shall appoint a temporary police chief who shall serve until a permanent chief is selected in accordance with the provision hereof.

(am) of 9-28-2010(01)

 **Sec. 17-17. - Selection of police chief—Qualifications.**

The chief of police shall be selected by the mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in section 17-18 (b):

- (1) The chief of police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;
- (2) The chief of police shall have a Master's Degree in police science or related fields;
- (3) Preference shall be given to candidates who have experience with the following:
 - a. Possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment;
 - b. A nationally recognized police leadership program(s), such as the Senior Management Institute for Police, and the FBI National Academy;
 - c. Financial management, innovations in police operations, and information technology as it pertains to law enforcement;
 - d. Labor relations, community relations, mediation and facilitation skills; and including staff development, training, community policing and use of crime data for deployment and decision-making.
- (4) Preference may also be given to candidates who have experience with the following:
 - a. In a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents; possess managerial experience, as defined in subsection (1), in the command structure of the city police department;
 - b. Bilingual, with the second language reflecting the linguistic diversity of the city.

(am) of 9-28-2010(01)

Sec. 17-18. - Same—Manner of appointment.

- (a) The candidates for chief of police shall be reviewed by a selection committee consisting of the following individuals:
 - (1) The personnel director, who shall serve as the chair of the selection committee;
 - (2) One member of the city council to be appointed by the president of the city council;
 - (3)

- Two members of the general public to be appointed by the president of the city council, with at least one of said members being a representative of the city's socio-economic and racial and ethnic segments; and
- (4) Two members of the general public to be appointed by the mayor, with at least one of said members being a representative of the city's socio-economic and racial and ethnic segments; and
 - (5) Two sworn officers of the city police department, one of whom shall be a member of the union representing patrol officers, elected by that body; and one of whom shall be a member of the union representing superior officers, elected by that body;
 - (6) A public safety official appointed by the mayor, who shall be the emergency management director, if such position shall exist at that time.

The mayor may appoint appropriate support personnel to facilitate 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 chief of police. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; 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 examination, 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 chief of police and shall submit such list to the mayor. All votes taken by the selection committee shall be by majority vote of those present. If the selection committee determines that there are fewer than three candidates for chief of police, the selection committee shall nonetheless send the names of the candidate(s) to the mayor. 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 years subject to city council confirmation.
- (e) Upon such time as the mayor shall become aware of a vacancy in the office of chief of police, the mayor shall within a reasonable period of time 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.

Order #CC2012-036 (Councilor LeBlanc) Ordered that the GCO sec 22 (traffic & MV's) sec 22-274 (Two Hour Parking between certain hours-generally) be amended by ADDING:

Washington Street, westerly side, from its intersection of Stone Court, 200 feet in a southerly direction, between the hours of 6am and 5pm Monday through Friday; AND

Washington Street, easterly side, from its intersection of Derby Street, in a northerly direction, to the entrance of Oak Grove Cemetery, between the hours of 6am and 5pm Monday through Friday.

*After a discussion, this matter was **TABLED** until our next meeting. The TC would have liked to speak to Councilor LeBlanc about this order and the reasoning for the same. Member Ingersoll spoke to several residents of the area and they were against the change. They stated that most of the parking in the area is residents, not users of the train. Even as it is now, there is still parking during the day in the area and by adding a time limit, it will cause a hardship for the residents.*

Order #CC2012-037 (Councilor Verga) Ordered that the GCO sec 22-287 (Handicapped Parking) be amended by ADDING:

one handicapped space on the southerly side of Ocean Avenue at a point beginning 200 feet from Flume Road, for a distance of 22 feet, in a westerly direction, in front of #2 Ocean Avenue.

*The requestor was not present so this mater was **TABLED** until our next meeting. Member Ingersoll did speak to an area resident who was not in favor of this order. The question was brought up that why can't the Condo Association make the resident a handicapped space on their property instead of the street.*

➔ Also, the O&A Committee (through Councilor Whynott) have requested the State DOT to allow for 30 minute parking in front of the World War II Memorial at Kent Circle/Western Avenue. They would like the TC to take a look at this area and make a recommendation to O&A.

After a discussion, a MOTION was made, seconded and PASSED (4-0) to NOT RECOMMEND the request. There was a question of how many spaces were being asked for and that these 30 minute zones are not readily enforceable by a busy police department. There was also a concern that if these are granted, other groups who have monuments on Western Avenue may also request these zones.

The meeting was adjourned at 6:36 p.m.

ROBERT B. RYAN, Chairman

LARRY INGERSOLL, Secretary

TC 7/11/12

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Gloucester, MA 01930



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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council
FROM: Carolyn A. Kirk, Mayor
DATE: May 18, 2012

CITY CLERK
GLOUCESTER, MA
12 MAY 18 AM 11:34

RE: Addendum to Mayor's Report for the May 22, 2012 City Council Meeting

Councilors:

Under the Code of Massachusetts Regulations 940CMR, Section 29.10, (2) (a), as the Chief Executive Officer of the City of Gloucester, I am notifying you of my decision to allow remote participation by all local public bodies, in accordance with the requirements of said regulations.

I have attached a copy of the Attorney General's Open Meeting Law Guide for your information.

preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

This Purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This Purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend candidates to its parent body, however it may include multiple rounds of interviews by the screening committee aimed at narrowing the group of applicants down to finalists. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain fewer than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

Note that a public body is not required to create a preliminary screening committee to consider or interview applicants. However, if the body chooses to conduct the review of applicants itself, it may not do so in executive session.

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information that has been provided under the following circumstances:

- a. in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to G.L. c. 164 § 1F;
- b. in the course of activities conducted as a municipal aggregator under G.L. c. 164 § 134; or
- c. in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to G.L. c. 164 § 136; and
- d. when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

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May a member of the public body participate remotely?

The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

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How can the practice of remote participation be adopted?

Remote participation may be used during a meeting of a public body if it has first been adopted by the chief executive officer of the municipality for local public bodies, the county commissioners for county public bodies, or

by a majority vote of the public body for retirement boards, district, regional and state public bodies. The chief executive officer may be the board of selectmen, the city council, or the mayor, depending on the municipality. See G.L. c. 4, § 7.

If the chief executive officer in a municipality authorizes remote participation, that authorization must apply to all public bodies in the municipality. 940 CMR 29.10(2)(a). However, the chief executive officer determines the amount and source of payment for any costs associated with remote participation, and may decide to fund the practice only for certain public bodies. See 940 CMR 29.10(6)(e). In addition, the chief executive officer can authorize public bodies in that municipality to "opt out" of the practice altogether. See 940 CMR 29.10(8).

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What are the permissible reasons for remote participation?

Once remote participation is adopted, any member of a public body may participate remotely if the chair or, in the chair's absence, the person chairing the meeting, determines that one of the following factors makes the member's physical attendance unreasonably difficult:

- Personal illness;
- Personal disability;
- Emergency;
- Military service; or
- Geographic distance.

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What are the acceptable means of remote participation?

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Accommodations must be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications. Text messaging, instant messaging, email and web chat without audio are *not* acceptable methods of remote participation.

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What are the minimum requirements for remote participation?

Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:

- A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;
- Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
- All votes taken during a meeting in which a member participates remotely must be by roll call vote.

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What procedures must be followed if remote participation is used at a meeting?

At the start of any meeting during which a member of a public body will participate remotely, the chair must announce the name of any member who is participating remotely and which of the five reasons listed above requires that member's remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation other than the section of the regulation that justifies it. This information must also be recorded in the meeting minutes.

Members of public bodies who participate remotely may vote, and shall not be deemed absent for purposes of G.L. c. 39, § 23D. In addition, members who participate remotely may participate in executive sessions, but must state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

If technical difficulties arise as a result of utilizing remote participation, the chair or, in the chair's absence, person chairing the meeting may decide how to address the situation. Public bodies are encouraged, whenever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

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What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of any such recording at the beginning of the meeting.

While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the chair, all members of the public shall be silent. If after clear warning, a person continues to be disruptive, the chair may order the person to leave the meeting, and if the person does not leave, the chair may authorize a constable or other officer to remove the person.

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What records of public meetings must be kept?

Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must state the date, time and place of the meeting, a list of the members present or absent, and the decisions made and actions taken including a record of all votes. Minutes must also include the name of any member who participated in the meeting remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. While the minutes must include a summary of the discussions on each subject, a transcript is not required. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot. All votes taken in executive session must be by roll call and the results recorded in the minutes. In addition, the minutes must include a list of the documents and other exhibits

29.08: Advisory Opinions

The Attorney General may issue advisory opinions on request or at his or her own initiative to provide guidance to public bodies and the public on changes to M.G.L. c. 30A, sec. 18-25, court decisions interpreting M.G.L. c. 30A, sec. 18-25, or other developments concerning M.G.L. c. 30A, sec. 18-25.

(1) The Attorney General shall ordinarily make a draft advisory opinion available for comment on the Attorney General's website at least 60 days prior to the planned issuance of the opinion. Notice of the posting shall be provided to the Commission.

(2) Comments on the draft advisory opinion shall be submitted, in writing, to the Attorney General at least 30 days prior to the planned issuance of the opinion.

(3) Action taken by a public body in good faith compliance with an advisory opinion, provided that the circumstances are not materially different, shall not constitute an intentional violation of the M.G.L. c. 30A, sec. 18-25.

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29.09: Other Enforcement Actions

Nothing in 940 CMR 29.06 or 29.07 shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A, sec. 18-25 M.G.L. c. 30A, sec. 18-25 pursuant to M.G.L. c. 30A, sec. 23(f).

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29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote

applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32 sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

(a) Personal illness;

(b) Personal disability;

(c) Emergency;

(d) Military service; or

(e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted.

Accommodations shall be made for any public body member who

requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

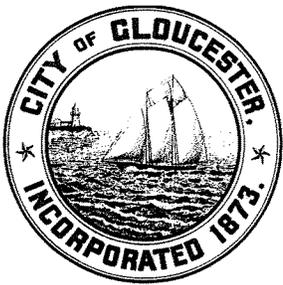
(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

To Top



Office of the City Clerk

9 Dale Avenue • Gloucester, Massachusetts 01930

Phone: 978-281-9720 Fax: 978-282-3051

August 2, 2012

TO: City Council , O&A

FROM: Linda T.Lowe, City Clerk for Ad Hoc Remote Participation Committee

RE: Recommendations for City Council Procedures for Remote Participation

As requested by O&A Councillor McGeary and IT Director John Blanchard and I have met and discussed how the City Council should regulate remote participation by its members. This memo summarizes our progress to date.

Following the May 18, 2012 authorization by the Mayor to allow remote participation by all city public bodies under the Attorney General Open Meeting Law Regulations 940 CMR.29.10(2)(a) the Council moved forward with allowing remote participation by city councilors and the Council has now twice conducted meetings with a councillor participating remotely.

In order to assure that meetings where a councillor participates remotely are conducted pursuant to the OML regulations enacted by the AG the council needs to adopt its own internal policies or guidelines which are consistent with the OML regulations.

These policies and guidelines should include:

- 1) A form on which the councillor (or a designee) has requested in writing that they may participate remotely on which the Council President may sign granting permission.
- 2) The form would provide the Councillor list the reason for their absence which must be one of the categories authorized by the OML regulations: personal illness; personal disability; emergency (personal or family); military service; or geographic distance from the meeting place.
- 3) A declaration of which methods of technology will be used and allowed so long as consistent with the general methods referenced in the OML regulations: (a) telephone, internet, or satellite enabled audio or video conferencing and (b) any other technology which enables the remote participant to be clearly audible to all persons present at the meeting and if possible to be visible to all.

The Ad Hoc Com. is working on making feasible minor improvements to the auditorium to allow audio conferencing and a version of video conferencing by making use of the existing projector and screen together with a laptop Skype type setup. The long term goal is of course to make more significant overall improvements to the auditorium audio/visual/cable systems to provide the best possible technology.

Whatever method of technology is used will of course require the remote participant to have adequate and compatible technology available to them such as a tablet or P.C. with the proper software or at least a proper phone connection.

The Ad Hoc Comm. is continuing to work on arranging for appropriate technology including a new conference phone which will be available once properly connected by IT or its contractors.

Finally the O&A would want to finalize some elements of these recommendations for possible amendments to the Council Rules of Procedure.

Attachments:

Town of Marshfield Remote Participation Policy
Town of Westwood Remote Participation Policy and Form
Town of Ipswich Request Form

Copy to: Councillor Paul McGeary
John Blanchard , IT Dir.

REMOTE PARTICIPATION POLICY

Town of Westwood, MA

PURPOSE STATEMENT

The Office of the Attorney General amended the *Open Meeting Law* regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the *Open Meeting Law*, M.G.L. c.30A, §§18-25.

ENABLING AUTHORITY- 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

ADOPTION OF REMOTE PARTICIPATION

In accordance with 940 CMR 29.10(2)(a), the Board of Selectmen, on January 30, 2012, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town. In accordance with 940 CMR 29.10(3), the Board of Selectmen may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and working groups regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.

A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, §23D.

Section 23D (a): Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements. (Mullin)

PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the express desire of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A Board member may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to extenuating circumstances such as: personal illness or disability; a family or other emergency; military service; geographic distance (due to personal employment or business with public body.)

Any determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable.

ACCEPTABLE METHODS OF REMOTE PARTICIPATION

Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

- (i) Telephone, internet, or satellite enabled audio or video conferencing.
- (ii) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible clearly visible to all persons present at the meeting location.
- (iii) If technical difficulties arise as a result of utilizing remote participation the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

PROCEDURES FOR REMOTE PARTICIPATION

Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

- (i) Prior to the meeting the Chair shall make every effort to ensure the equipment is available and functioning properly. If the required equipment is not available then the Chair shall deny the request for remote participation.
- (ii) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.
- (iii) All votes taken during any meeting in which a member participates remotely shall be by roll call vote. Members may participate remotely even if they are not qualified to vote.
- (iv) Remote participants shall preserve the confidentiality of the executive session. The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.

Note: Consideration should be given to the proposed language in the Charter regarding associate members on Boards and Committees, Associate members should be utilized in the absence of members of Boards and Committees when deemed appropriate by the Chair.



**TOWN OF WESTWOOD
REMOTE PARTICIPATION REQUEST**

I, _____ (print name), hereby request to participate remotely at the meeting of the _____ (Board/Committee/Commission) to be held on _____ (date). I certify to the Chair that my absence is the result of one or more of the following factors which make my physical presence unreasonably difficult:

- _____ (1) Personal Illness or Disability
- _____ (2) A Family or Other Emergency
- _____ (3) Military Service
- _____ (4) Geographic Distance (Employment / Board Business)

Explanation: _____

During the meeting, I will be at the following location:

Address _____ Phone Number _____

Signature of Member _____ Date _____

Please sign and return to Chairperson

Request received by _____
Signature _____ Date _____

Method of Participation _____ (i.e. speakerphone)

Request Approved _____ Request Denied* _____

Signature of Chairman _____ Date _____

**Forward a copy of this signed form to the Board of Selectmen's Office and the Town Clerk's Office.
*All Denied Requests are Final and Not Appealable.**

TOWN OF MARSHFIELD BOARD OF SELECTMEN

Town Board Remote Participation Policy

The Board of Selectmen authorizes remote participation for all appointed and elected Town Boards in accordance with the requirements of the Massachusetts Open Meeting Law, M.G.L. c.30A, {20(d) and 940 CMR 29.00, section 29.10: Remote Participation, in the following manner. The Selectmen emphasize that pursuant to the requirements of the Remote Participation provisions of the Regulations issued by the Attorney General, a quorum of the public body, including the chair or, in the chair's absence the person authorized to chair the meeting, must be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d); and members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

Reasons for Remote Participation:

- Personal illness
- Personal disability
- Emergency
- Military service
- Geographic distance

Approved Technology for Remote Participation

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. (Accommodation shall be made for any public body member who requires TTY service, video relay service, or other forms of adaptive telecommunications).

- Telephone, internet, or satellite enabled audio or video conferencing.
- Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
 - When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
 - The chair, or in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

The public body using remote participation may determine which of the foregoing acceptable methods will be used by its members.

Procedure for Utilizing Remote Participation:

- Step 1:** Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
- Step 2:** At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation. This information shall also be recorded in the meeting minutes.
- Step 3:** All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
- Step 4:** A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the presence of that person is approved by a simple majority vote of the public body.
- Step 5:** When feasible, the chair or, in the chair's absence the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

The Board of Selectmen reserves the right to revoke Town Board remote participation at any time under 940 CMR 29.10(3).

This policy shall be reviewed after one year of implementation.

EFFECTIVE DATE:

This Policy shall become effective on August 1, 2012.

CITY OF GLOUCESTER

Job Description

Title: Personnel Director

Supervisor: Chief Administrative Officer

Grade: M9

Civil Service: Exempt

Union: Exempt

Supervision

Exercised: Provides direct supervision to Personnel Assistant and Worker's Compensation/Benefits Agent. Provides working guidance to two staff in Payroll Office regarding Human Resource reporting requirements and union contractual payments.

Responsibilities:

Responsible for maximizing employee development and promoting the efficient and cost-effective management of City services; develops and maintains a variety of employee support programs to achieve this objective. Major areas of operation include employment, training, benefits administration, labor relations and record-keeping/reporting. Work is highly complex, requiring significant judgment, independent decision-making and initiative.

Duties:

- ♦ Administers the City's comprehensive Personnel Ordinance, including the attendant classification and compensation plans for municipal employees. Submits all recommendations for changes to the Mayor and City Council for approval.
- ♦ Formulates issues, amends or revokes subject to the Mayor's approval, policies and administrative regulations for the purpose of giving effect to the provisions of City ordinances and relevant State and Federal regulations governing personnel management.
- ♦ Negotiates and administers collective bargaining agreements with municipal unions. Prepares collective bargaining agendas for the approval of the Mayor and Administrative Assistant to the Mayor; serves as Hearing Officer at grievance meetings, Civil Service hearings or other hearings as designated by the Mayor.
- ♦ Advises and assists the Administrative Assistant to the Mayor, Department Heads and elected and supervisory officials regarding personnel matters, including the enforcement of collective bargaining agreements, State and Federal laws and personnel policies and procedures.
- ♦ Develops and coordinates written guidelines or policies for uniform personnel practices and procedures for City departments.

- ◆ Develops and administers a merit-based recruitment and placement program for municipal employees. Administers employee orientation program.
- ◆ Plans, develops and conducts training programs; promotes staff professional development.
- ◆ Studies classification, assignment and utilization of City personnel and prepares recommendations for approval of Mayor, elected officials and Department Heads.
- ◆ Acts as administrative liaison for City and School Departments regarding Civil Service registration and information. Serves as local Labor Service administrator and enforces Civil Service regulations.
- ◆ Develops and maintains a personnel record system incorporating vital statistics and other pertinent data. Coordinates automated human resources information system (HRIS) with payroll database; prepares all required reports, i.e. EEO-4, census, etc. as required.
- ◆ Develops, establishes and coordinates a municipal employee safety program for the City.
- ◆ Administers all employee and retiree benefit programs, including Workers' Compensation, Unemployment Insurance, Health Insurance, Life Insurance, Deferred Compensation, Section 125 and payroll deduction options, i.e. fitness benefits, United Way contributions etc. Assists the School Department as needed in standard administrative procedures, benefits communications.
- ◆ Develops, establishes and coordinates an affirmative action and equal employment program for the City.
- Negotiates with the Public Employee's Committee regarding health insurance.

Qualifications:

- ◆ Bachelor's Degree in related field required, plus five years increasingly responsible experience in human resources management; Master's Degree preferred. Prior experience in municipal environment preferred.
- ◆ Advanced training in human resource management preferred. Experience must include a minimum of two years in benefits administration, two years supervisory experience and two years experience in labor/contract negotiations.
- ◆ Excellent organizational and communication skills, both oral and written.
- ◆ Demonstrated skills in negotiations/conflict resolution.
- ◆ Proven skills in budget management.

Sally Polzin

Summary

I have a strong and varied background in human resources and labor relations. My most valuable assets are my skills in communication, problem solving and interpersonal skills. As a human resource manager and a mediator I have had to use my skills in communication to train staff and educate opposing parties, propose and draft policy and contract language, convey impartiality in deciding and resolving grievances and persuade diverse groups with multiple issues to prioritize and focus on goals. I have excellent problem solving skills with experience in narrowing issues, framing compromise positions, working within tight fiscal constraints as well as knowledge of appropriate laws and technical competence over a complex body of knowledge in labor relations, human resources and industrial relations fields. My interpersonal skills are particularly crucial in mediation, where I need to create an atmosphere conducive to mediation, work with opposing groups, neutralize personal conflicts and keep the discussion focused on the issues. I rely on my sense of humor, intuition, tact and diplomacy as well as my experience to know when to use what quality.

Work History

1994-present

*Field Investigator/Mediator, Joint Labor Management Committee,
Commonwealth of Massachusetts.*

The Joint Labor Management Committee is a labor relations dispute resolution agency, unique in Massachusetts and the country as a whole, which involves working police officers and firefighters together with sitting mayors, managers and selectmen in the process of seeking voluntary resolution of disputes involving municipal police and fire contract negotiations. As the mediator, I am responsible for the management of an assigned case from the receipt of the petition to the final resolution of the dispute. My responsibilities include the initial investigation and determination of impasse, mediation and the selection and management of alternative dispute resolution processes if mediation alone does not bring the dispute to a close. This requires knowledge of mediation and creative problem solving, as well as extensive knowledge of federal and state statute and case law relating to collective bargaining, municipal finance, public safety, civil service, retirement benefits, ADA and other laws as they may apply to the issues in dispute.

GLOUCESTER WATER ADVISORY COMMITTEE

Code of Ordinances – Part II
Chapter 2 – Administration
Article V
Boards, Commissions, Councils and Committees

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 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 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 Council on a semi-annual basis a report of its activities and its progress in achieving its mission.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ekirk@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council
FROM: Carolyn A. Kirk, Mayor
DATE: July 26, 2012
RE: Mayor's Report for the August 14, 2012 City Council Meeting

12 AUG -8 AM 9:52
CITY CLERK
GLOUCESTER, MA

Councillors:

I am pleased to announce that Sally Polzin has accepted the position of Personnel Director for the City of Gloucester. Sally began her duties on July 16, 2012, and I am requesting City Council approval of Sally's appointment for a term to expire February 14, 2013. Sally has a strong and varied background in human resources and labor relations. Prior to coming to Gloucester, Sally was a Field Investigator/Mediator for the Joint Labor Management Committee for Municipal Police and Fire (JLMC), Massachusetts. Sally's previous experience also includes six years as the Director of Personnel for the City of Lawrence. Included as **Enclosure 1** is the Personnel Director's job description and a copy of Sally Polzin's resume. *Please refer the matter of Sally Polzin's appointment as Personnel Director to the **Ordinance and Administration** subcommittee for review and approval.*

Included as **Enclosure 2** is an Ordinance drafted to create a City of Gloucester Water Advisory Committee. An ad hoc water commission has been meeting since August 2012 with Larry Durkin, Environmental Engineer, and they have worked with the City's General Counsel Suzanne Egan to draft the ordinance. *Please refer this matter to the **Ordinance and Administration** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

Other matters requiring your attention and review are as follows:

Enclosure 3 is a memorandum and Grant Application and Checklist from Health Director Noreen Burke regarding a Bureau of Substance Abuse Services (BSAS), Mass Call Extension Grant in the amount of \$70,000. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

Enclosure 4 is a memorandum and Grant Application and Checklist from Health Director Noreen Burke regarding a grant in the amount of \$188,742 from the Massachusetts Department of Public Health, Emergency Preparedness Bureau. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Noreen Burke, or her designee, will be available to answer questions and provide further information as required.

GLOUCESTER WATER ADVISORY COMMITTEE

Code of Ordinances – Part II
Chapter 2 – Administration
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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 Council on a semi-annual basis a report of its activities and its progress in achieving its mission.



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER:	#CC2012-044
Councillor	Paul McGeary

DATE RECEIVED BY COUNCIL:	08/14/12
REFERRED TO:	TC & O&A
FOR COUNCIL VOTE:	

ORDERED that the Gloucester Code of Ordinances Sec. 22-287 entitled "Disabled Veteran, handicapped parking" be amended by **ADDING:**

one (1) handicapped space in front of Harrison Avenue #2

And further

ORDERED that this matter be referred to the Traffic Commission for review, measurements and recommendation and to the Ordinances and Administration Committee for review and recommendation.

Paul McGeary
Ward 1 Councillor



CITY OF GLOUCESTER 2012 CITY COUNCIL ORDER

ORDER:	#CC2012-045
Councillor	Bruce Tobey/Jackie Hardy

DATE RECEIVED BY COUNCIL:	08/14/12
REFERRED TO:	O&A & P&D
FOR COUNCIL VOTE:	

ORDERED in the interest of protecting our environment and preventing public nuisances in the neighborhoods of the City, due to the lack of local regulation of outdoor portable toilets, it is required that there be regulation, including restrictions, on the installation of placement of outdoor portable toilets. Therefore, a review of the matter shall be conducted by the Council for purposes of enacting a public health and public nuisance ordinance amendment restricting outdoor portable toilets, which shall not apply to any such facilities as are specifically mandated by state laws or regulations or are required by the City Council for temporary special event purposes; and further

ORDERED that this matter first be referred to the Planning & Development Committee to consult with the City Health Agent, the Conservation Commission Agent, and the Building Inspector to determine whether the temporary or the long term placement of portable toilets shall be allowed by any "person" and if allowed what restrictions, if any, should be imposed on any such placements as either "structures" or "temporary structures"; and further

ORDERED that this matter, after review and recommendation by Planning & Development, then be referred to the Ordinances and Administration Committee to recommend, based on this consultation, a new ordinance governing the permitting and placement of outdoor portable toilets or an amendment to the Zoning Ordinance, whichever shall best serve and protect the public health and safety and prevent public nuisances.

Bruce Tobey
Councillor at Large

Jackie Hardy
Ward 4 Councillor



**CITY OF GLOUCESTER 2012
CITY COUNCIL ORDER**

ORDER: #CC2012-046
Councillor Jackie Hardy

DATE RECEIVED BY COUNCIL: 08/14/12
REFERRED TO: O&A & P&D
FOR COUNCIL VOTE:

ORDERED in the interest of protecting our environment and preventing public nuisances in the neighborhoods of the City, due to the lack of local regulation of outdoor dumpsters, it is required that there be regulation, including restrictions, on the installation of placement and screening of outdoor dumpsters. Therefore, a review of the matter shall be conducted by the Council for purposes of enacting a public health and public nuisance ordinance amendment restricting outdoor dumpsters, which shall not apply to any such facilities as are specifically mandated by state laws or regulations or are required by the City Council for temporary special event purposes; and further

ORDERED that this matter first be referred to the Planning & Development Committee to consult with the City Health Agent, the Conservation Commission Agent, and the Building Inspector to determine whether the temporary or the long term placement of dumpsters shall be allowed by any "person" and if allowed what restrictions, if any, should be imposed on any such placements as either "structures" or "temporary structures"; and further

ORDERED that this matter, after review and recommendation by P&D, then be referred to the Ordinances and Administration Committee to recommend, based on this consultation, a new ordinance governing the permitting and placement of outdoor dumpsters or an amendment to the Zoning Ordinance, whichever shall best serve and protect the public health and safety and prevent public nuisances.

Jackie Hardy
Ward 4 Councillor

Jackie Hardy
Ward 4 Councillor