



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

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, June 17, 2013 – 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-All Items from 06/03/13 O&A Regularly Scheduled Meeting:

- A) CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 to add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways (Cont'd from 06/03/13)
- B) 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 06/03/13)
- C) CC2012-039 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 8, Art. II Fire, Art. II Fire Department, Sections 8-16, 8-17 & 8-18 (Cont'd from 06/03/13)
- D) CC2013-019 (LeBlanc) Amend GCO Chapter 22, Sec. 22-287 (Disabled Veteran, handicapped parking)
Re: Middle Street #15

2. New Appointment & Reappointments:

Committee for the Arts	TTE 02/14/17	Robert Haverkamp (TBC 7/15/13)
Magnolia Woods Oversight & Advisory Committee	TTE 02/14/16	Jane B. Porter & James Cook

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

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
Suzanne Egan
Robert Ryan
Fire Chief Eric Smith
Police Chief Leonard Campanello
Mike Hale

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.

Sec. 21-80. - Intent; definitions; exclusions; city not required to maintain.

(a)

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abutter and *abutting owner* means all persons holding ownership rights in property abutting ~~a private way~~ the portion of the private way to be repaired and all persons holding ownership rights in any property the access to which, by necessity, requires travel over such private way or portion of the way to be repaired.

Abutting parcel means any property actually abutting the private way or portion of the private way regulated by this article and any property the access to which, by necessity, requires travel over such private way.

Private ways.

(1)

The term "private way" includes, within the scope of this article, statutory private ways and dedicated private ways.

a.

The term "statutory private ways" means those ways which have been laid out pursuant to M.G.L. c. 82, § 21 and are subject to M.G.L. c. 84, §§ 23-24. Such ways are open to the same type and extent of use as public ways.

b.

The term "dedicated private ways" are those ways which were not laid out under statutory authority but are open to free public use of a nature and extent sufficient to constitute evidence of the permanent intention of abutting property owners to abandon private rights in the ways.

(2)

The term "private ways" does not include permissive private ways, which are ways open to public use solely by the continuing permission or license of the owner or abutter; such owner or abutter displays a continuing intent to exercise dominion over the way and may, for example, post the way with signs limiting or prohibiting public use.

(b)

This article is intended to facilitate and encourage the performance of permanent repairs upon private ways in the city.

(c)

DELETED APRIL 10, 2012

(d)

In order to qualify for construction or repair under this article, all private ways otherwise eligible must have been open to the public for six or more years and must abut three or more occupied residences or operating businesses.

(e)

None of the ways described in this section are of the type for which the city has an existing duty of maintenance or repair or for which the city is liable in damages for defects. Nothing in this article is intended to create any duty to maintain or repair such private ways or to subject the city to liability for defects therein.

(Ord. of 11-18-1980, § 1)

Cross reference— *Definitions and rules of construction generally, § 1-2.*

Sec. 21-81. - Type and extent of work.

(a)

Permanent construction or repair shall include, but not be limited to, the construction, resurfacing and reconstruction of private ways. Permanent construction or repair may include the installation and construction of drainage systems in those instances in which the city council, with advisory reports from the director of public works or city engineer, has determined that a drainage system is necessary. Petitioners should discuss proposals with director of public works and city engineer for guidance.

(b)

Temporary construction or repair shall include the filling of holes in the subsurface of private ways and repairs to the surface materials, but shall not include the resurfacing thereof. Oiling and tarring of private ways by the city shall not be permitted.

(Ord. of 11-18-1980, § 2)

Cross reference— *Definitions and rules of construction generally, § 1-2.*

Sec. 21-82. - Permanent or temporary construction or repair, when available.

(a)

Permanent construction or repair may be performed by the city upon approval of the city council in accordance with the procedures set forth in sections 21-84 and 21-85.

(b)

Temporary construction or repair may be performed by the city upon a determination by the director of public works that the condition of a way adversely affects the safety of the inhabitants and that construction or repair of a permanent nature is unnecessary to cure the condition, or upon determination that the condition of the way constitutes an emergency which requires the immediate performance of construction or repair in order to protect the health or safety of the inhabitants of the city.

(Ord. of 11-18-1980, § 3)

Sec. 21-83. - Funding for approved construction or repair.

(a)

Up to fifty percent of the total cost of performance of approved permanent construction and repair work, including the cost of plans or specifications developed subsequent to city council approval, but excluding the cost of preliminary plans developed prior to city council approval, shall be paid by the city from funds appropriated to a separate account in the yearly city budget or from the capital improvement program, except that the city in no case shall be obligated to pay any portion of any costs in excess of 110 percent of the estimated costs to the city as represented in the petition and plans approved by the city council pursuant to sections 21-84 and 21-85 herein; the remaining 50 percent share of the total cost as described in this subsection shall be paid by the abutting owners, the amount to be

so paid to be divided by the number of abutting parcels and assessed to the owners thereof.

(b)

In the case of temporary repairs, the city shall be obligated to pay 100 percent of the total cost.

(c)

In any case involving construction or repairs costing less than \$4,000.00, the city may satisfy its financial obligation under subsections (a) and (b) of this section through the provision of either in-kind services or cash payment of the amount established pursuant to this section. In-kind services may be performed by the department of public works if, in the judgment of its director, the department has the existing capability to render such performance. Where the cost of construction or repair exceeds \$4,000.00, the work shall be awarded to private contractors by means of the applicable bidding procedures.

(d)

The city shall not require that abutting owners pay a cash deposit as a prerequisite to the performance of approved work. However, betterments shall be assessed and collected for such work in accordance with the provisions of M.G.L. c. 80, § 1 et seq. and other applicable laws.

(Ord. of 11-18-1980, § 4)

Sec. 21-84. - Procedural prerequisites for permanent construction or repair.

(a)

Any performance of permanent construction or repair as set forth in this article must be authorized by a majority vote of the city council. No such authorization shall be granted unless the requirements of subsection (b) through (i) of this section have been satisfied.

(b)

A petition, signed by no less than 51 percent of the abutting owners of the portion of the private way subject to the proposed construction or repair, must be submitted to the city council. ~~Such~~ The submittal of the petition must conform to the requirements of subsections (c) through (f) of this section, and subsections a and b of Sec. 21-85.

(c)

Petitioners shall use only official petition forms, available from the city clerk's office upon request.

(d)

The original petition and an official record of the votes cast at the abutters meeting required by Sec. 21-85 shall be submitted to the city clerk. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works. Prior to the filing of any petition, prospective petitioners shall be encouraged to contact the city engineer and/or the director of public works to discuss the proposal informally for the purpose of receiving guidance and relevant information.

(e)

All petitions submitted to the city council for consideration must be accompanied by a set of preliminary engineering plans prepared and signed by a registered engineer qualified in the field. Such plans must be of sufficient detail to indicate the nature

and extent of the work requested and the quantity and type of materials necessary. Such plans must also indicate an estimated cost of the requested construction or repair. In no event shall the cost of any such preliminary plans be included in the project costs to be shared by the city and the abutting owners. Alternatively, a cost estimate outlining the required work and prepared by the Director of Public Works or his designee shall suffice as a preliminary engineering plan for the purposes of this section.

The petition shall indicate the anticipated share of the cost of repairs to be borne by the city—not to exceed fifty percent.

All petitions submitted to the council also must plainly indicate that a meeting of the abutting owners has been held and votes recorded as provided in section 21-85

(f)

After the filing of the petition as described in subsection (d) of this section, the city engineer or director of public works shall be consulted by the petitioners for purposes of preliminary review and comment upon the petition and plans prior to the forwarding of said materials to the city council. Such review may include a recommendation that the petition be withdrawn by the petitioners or rejected by the city council as an insufficient or inappropriate solution to the problem presented.

(g)

Within 30 days after the filing date of the petition, the mayor and the director of public works shall review the petition and shall submit to the city council their recommendations concerning the necessity and feasibility of the project, the appropriate priority to be assigned to the project, and the availability of funding. Failure to submit the required reports shall be deemed to signify approval of the proposed work.

(h)

The city council must hold a public hearing upon the petition within 60 calendar days of filing thereof, except that in a particular case the council by two-thirds vote thereof may extend the deadline for hearing by a maximum of 30 days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.

(i)

Approval of a petition shall require a majority vote of the city council. Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.

(Ord. of 11-18-1980, § 5)

Sec. 21-85. - Meeting and vote by abutting owners.

(a)

Prior to submitting any petition under this article, a meeting of all abutting owners must be held, after notice, and a vote recorded to perform and pay for certain repairs to the private way in question. The meeting shall be called by any two or more abutting owners. Notice of the meeting, stating the date, time and location thereof, shall be given at least seven days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by certified mail, return receipt requested. A receipt by electronic mail or other proof of certified

mailing shall suffice to provide proof that an abutter has been notified as required in the section."

(b)

At the meeting of abutting owners as required by subsection (a) of this section, separate votes shall be taken and recorded to determine whether certain repairs are to be sought and whether such repairs shall be paid for pursuant to the terms of this article. A majority of the abutting owners attending the meeting must vote in favor of both issues in order to qualify for construction or repair under this article. Each property, whether held singly, jointly or by a trust or corporation, shall be entitled to cast one vote by the designated or agreed-upon representative of the owners, and who must be in attendance at the meeting. The official record of the meeting, including the attendees and the votes cast shall be included with the petition for road repairs when the petition is presented to the City Clerk as described in Sec. 21-84.

(Ord. of 11-18-1980, § 6)

Gloucester Code of Ordinances, Chapter 21, Sections 80 through 85 Re: CC2013-017 (Verga) Amend GCO c. 21, Art. IV (Repair of Private Ways)

Sec. 21-80 – Intent; definitions; exclusions; city not required to maintain.

(a) Definitions. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning.

Abutter and *abutting owner* means all persons holding ownership rights in property abutting a private way and all persons holding ownership rights in any property the access to which, by necessity, requires travel over such private way.

Abutting parcel means any property actually abutting the private way regulated by this article and any property the access to which, by necessity, requires travel over such private way.

Private ways.

- (1) The term “private way” includes within the scope of this article statutory private ways and dedicated private ways.
 - a. The term “statutory private ways” means those ways which have been laid out pursuant to M.G.L. c. 82, §21 and are subject to M.G.L. c. 84, §§23-24. Such ways are open to the same type and extent use as public ways.
 - b. The term “dedicated private ways” are those ways which were not laid out under statutory authority but are open to free public use of a nature and extent sufficient to constitute evidence of the permanent intention of abutting property owners to abandon private rights in the ways.
- (2) The term “private ways” dose not include permissive private ways, which are ways open to public use solely by the continuing permission or license of the owner or abutter; such owner or abutter displays a continuing intent to exercise dominion over the way and may, for example, post the way with signs limiting or prohibiting public use.
- (b) This article is intended to facilitate and encourage the performance of permanent repairs upon private ways in the city.
- [(c) Excluded also from the terms of this article are private roadways created after 1960 through the subdivision] [process M.G.L. c. 41, §81K et seq.]*
- (d) In order to qualify for construction or repair under this article, all private ways otherwise eligible must have been open to the public for six or more years and must abut three or more occupied residences or operating businesses.
- (e) None of the ways described in this section are of the type of which the city has an existing duty of maintenance or repair for which the city is liable in damages for defects. Nothing in this article is intended to create any duty to maintain or repair such private ways or to subject the city to liability for defects therein.

*** Amended April 2012**

(Ord. of 11-18-1980, §1)

Cross reference – Definitions and rules of construction generally, §1-2

Sec, 21-81 – Type and extent of work.

- (a) Permanent construction or repair shall include, but not be limited to, the construction resurfacing and reconstruction of private ways. Permanent construction or repair may include the installation and construction of drainage systems in those instances in which the city council, with advisory reports from the director of public works or city engineer, has determined that a drainage system is necessary.
- (b) Temporary construction or repair shall include the filling of potholes in the subsurface of private ways and repairs to the surface materials, but shall not include the resurfacing thereof. Oiling and tarring of private ways by the city shall not be permitted.

Sec. 21-82 – Permanent or temporary construction or repair, when available.

- (a) Permanent construction or repair may be performed by the city upon approval of the city council in accordance with the procedures set forth in Section 21-85.

- (b) Temporary construction or repair may be performed by the city upon a determination by the director of public works that the condition of a way adversely affects the safety of the inhabitants and that construction or repair of a permanent nature is unnecessary to cure the condition, or upon determination that the condition of the way constitutes an emergency which requires the immediate performance of construction or repair in order to protect the health or safety of the inhabitants of the city.
- (c) In the case of temporary repairs, the city shall be obligated to pay 100 percent of the total cost.
(*Ord. of 11-18-1980, §3*)

Sec. 21-83 – Funding for approved construction or repair.

- (a) Fifty percent of the total cost of performance of approved permanent construction and repair work, including the cost of plans or specifications developed subsequent to city council approval, but excluding the cost of preliminary plans developed prior to city council approval, shall be paid by the city from funds appropriated to a separate account in the yearly city budget or from the capital improvement program. The city in no case shall be obligated to pay any portion of any costs in excess of 110 percent of the estimated costs to the city as represented in the petition and plans approved by the city council pursuant to section 21-85 herein; the remaining 50 percent of the total cost as described in this subsection shall be paid by the abutting owners, the amount to be so paid to be divided by the number of abutting parcels and assessed to the owners thereof.
- (b) In any case involving construction or repairs consisting less than \$4,000.00, the city may satisfy its financial obligation under subsections (a) and (b) of this section through the provision of either in-kind services or cash payment of the amount established pursuant to this section. In-kind services may be performed by the department of public works if, in the judgment of its director, the department has the existing capability to render such performance. Where the cost of construction or repair exceeds \$4,000.00, the work shall be awarded to private contractors by means of the applicable bidding procedures.
- (c) The city shall not require that abutting owners pay a cash deposit as a prerequisite to the performance of approved work. However, betterments shall be assessed and collected for such work in accordance with the provisions of M.G.L. c. 80, §1 et. seq. and other applicable laws.

(*Ord. of 11-18-1980 §4*)

Sec. 21-84 - Meeting and vote by abutting owners.

- (a) Prior to submitting any petition under this article, and after notice to all abutters, a meeting of all abutting owners must be held. The meeting shall be called by any two or more abutting owners. Notice of the meeting, stating the date, time and location thereof, shall be given at least seven days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by [registered mail, return receipt requested].* Submission of such receipts shall be deemed sufficient evidence that notice has been given to abutting owners.
- (b) At the meeting of abutting owners, separate votes shall be taken and recorded to determine whether certain repairs are to be sought and whether such repairs shall be paid for pursuant to the terms of this article. A majority of the abutting owners attending the meeting must vote in favor of both issues in order to qualify for construction or repair under this article.

*Amended April 2012 to allow certified mail.

(*Ord. of 11-18-1980, §6*)

Sec. 21-85 – Procedural prerequisites for Petitions to city council for permanent construction or repair.

- (a) Petition for permanent repairs shall use only official petition forms, available from the city clerk's office upon request.
- (b) Prior to the filing of any petition, prospective petitioners shall be encouraged to contact the city engineer and/or the director of public works to discuss the proposal informally for the purpose of receiving guidance and information. The original petition shall be submitted to the city clerk. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works. All petitions submitted to the council must plainly indicate that a meeting of the abutting owners has been held and votes recorded as provided in section 21-84.

- (c) A petition signed by no less than 51 percent of the abutting owners of the portion of the private way subject to the proposed construction or repair, must be submitted to the city council. Such petition must conform to the requirements of this section.
 - (d) All petitions submitted to the city council for consideration must be accompanied by a set of preliminary engineering plans prepared and signed by a registered engineer qualified in the field. Such plans must be of sufficient detail to indicate the nature and extent of the work requested and the quantity and type of material necessary. Such plans must also indicate an estimated cost of the requested construction or repair. In no event shall the cost of any such preliminary plans be included in the project costs to be shared by the city and the abutting owners. Any performance of permanent construction or repair as set forth in this article must be authorized by a majority vote of the city council. No authorization shall be granted unless the requirements of this section have been satisfied.
 - (e) After the filing of the petition as described in subsection (c) of this section, the city engineer or director of public works shall be consulted by the petitioners for purposes of preliminary review and comment up on the petition and plans prior to the forwarding of said materials to the city council. Such review may include a recommendation that the petition be withdrawn by the petitioners or rejected by the city council as an insufficient or inappropriate solution to the problem presented.
 - (f) Within 30 days after the filing date of the petition, the mayor and the director of public works shall review the petition and shall submit to the city council their recommendations concerning the necessity and feasibility of the project, the appropriate priority to be assigned to the project, and the availability of funding. Failure to submit the required reports shall be deemed to signify approval of the proposed work.
 - (g) The city council must hold a public hearing upon the petition within 60 calendar days of filing thereof, except that in a particular case the council by two-thirds vote thereof may extend the deadline for hearing by a maximum of 30 days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.
 - (h) Approval of a petition shall require majority vote of the city council. Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.
- (Ord. of 11-18-1980, §5)*

Regarding the Police Chief ordinance, following suggestions:

You asked for suggestions to the ordinance. Here are a few:

1. The Chairman of the committee should be chosen by a vote of the committee members. The City Personnel Director should be an administrative resource for the committee and not a member of the committee. Objectivity, transparency and credibility of the process as well as projecting the appearance that this is a community driven effort would be enhanced. The committee should include members of the community, in addition to those already defined, with experience in recruiting and hiring senior executives. The City Councilor member should not be eligible for the Chairman's position since he or she will already have a second vote as part of the City Council.

2. Include in the candidate requirements that "demonstrated ability to lead and collaborate with community volunteers" be a core competency. Increasingly, senior city officials are depending on community volunteers to supplement a host of activities including emergencies, public events and disaster preparations. Skills and experience in that arena are key.

3. 18-18 (b) Change. The consultant shall report to, take direction from, and be responsible to the committee. The consulting firm should provide the selection committee with all the resumes for review and analysis by the committee. The consultant shall give a first level screening of the resumes with their recommendations. The committee will select from the entire candidate pool up to seven candidates for the consultant to assess, without limitation, a written exam, a professional assessment center and a psychological evaluation. The psychological evaluation shall use tools acceptable to the committee. The committee will recommend to the Mayor up to five candidates with detailed analyses of each by the committee.

NOTE: The way the ordinance is written now, the committee virtually has no power or impact in the selection of the candidates to run through the assessment process nor does it have the power, other than possibly influence, to ensure that the candidates have the full spectrum unique capabilities demanded by the Gloucester community. The ordinance has to shift power, control and responsibility from the consultant to the committee.

4. The consultant, in partnership with the committee, shall hold the up to 5 data collection events, including public meetings, as directed by the committee. The consultant will provide the committee with data reports from each of the data collection events.

I generally think that the responsibility and power rests with the consultant and not the committee now. The consultant should be a tool of the committee with the committee having more responsibility on design of criteria, process of collecting data, candidate analysis and recommendations to the mayor to be fundamentally the work of the

committee.

5. Graduate school requirement should be: Masters in police science *or related field is preferred*. Other requirements are preferred as opposed to required.

I think the committee should have to use a professional process and methodologies in the search process. I am not sure if those guidelines should be put into the ordinance or be by policy. The Fire Chief Search Committee used a fairly decent process. The Police Chief Committee completely abdicated responsibilities to the consultant and the process was frankly poor, unprofessional and absent of discipline and diligence.

Rick Maybury

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 and possess a minimum rank of lieutenant, or equivalent or higher for a minimum of three years in a policing environment;

(2) The chief of police shall have a ~~Master's-Bachelor's~~ Degree in police science, public administration 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;~~

~~ba.~~ A nationally recognized police leadership program(s), such as the Senior Management Institute for Police, and the FBI National Academy;

~~eb.~~ Financial management, innovations in police operations, and information technology as it pertains to law enforcement;

~~ec.~~ 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.

d. A Master's Degree in police science, public administration or related fields.

(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~~25,000 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.

(Ord. 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-screening committee consisting of the following individuals:

(1) The personnel director, who shall serve as the ~~chair~~ chair of the selection committee; a vice-chair will be elected by the members of the committee to preside in the absence of the chair.

(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 diverse 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 and the committee 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, at a minimum,~~ a professionally administered assessment center ~~and a psychological evaluation.~~

(c) After the assessment center has been completed, ~~t~~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) Prior to the Mayor's appointment, the candidate selected shall be subject to and must pass a comprehensive background investigation. 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.

or

which shall not have to be continuous
but must be completed in days of work with
no reference to hours

An equivalent to the rank of Lieutenant
on the Gloucester Police Force may be substituted
providing the duties, responsibilities, authorities
and span of control equate to those of Gloucester

Insert in 17-17 (1)

as submitted by Councillor Whyntott
@ O&A 8/20/12



**CITY OF GLOUCESTER 2013
CITY COUNCIL ORDER**

ORDER: CC#2013-019
COUNCILLOR: Steven LeBlanc

DATE RECEIVED BY COUNCIL: 05/28/13
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

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

one (1) handicapped parking space in front of Middle Street #15

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

Steve LeBlanc
Ward 3 Councillor

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

June 5, 2013

Mr. Robert Haverkamp
204 Hesperus Avenue #3
Gloucester, MA 01930

Dear Mr. Haverkamp:

Thank you for your interest in serving on the **Committee for the Arts**. I have issued you a 90 day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their meeting of June 11, 2013 and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Committee for the Arts. I greatly appreciate the hard work and dedication you and your colleagues offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Judith Hoglander, Chair-Committee for the Arts

Enclosure
CAK/c

EFFECTIVE JUNE 5, 2013

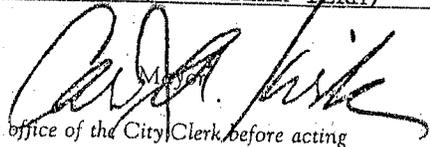
The City of Gloucester, Massachusetts

Dear Robert Haverkamp, 204 Hesperus Ave., #3, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the COMMITTEE FOR THE ARTS of the City of
Gloucester, Massachusetts

This is a 90 day temporary appointment. After City Council
approval, term to expire 2/14/2017. (FOUR YEAR TERM)

Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

Christine Pantano

From: Robert Haverkamp <robert@haverchez.com>
Sent: Tuesday, May 21, 2013 1:16 PM
To: Carolyn Kirk
Cc: Christine Pantano; Judith Hoglander
Subject: Interest in Serving on the Gloucester Committee for the Arts
Attachments: RJH short bio.pdf

Dear Mayor Kirk:

I am writing to express my interest in participating in the work of the Gloucester Committee for the Arts. I have discussed this several times with the Chair of the Committee, Judith Hoglander, who is a former neighbor and friend. At Judith's gracious invitation, I attended the most recent meeting of the Committee this past week. Although there will be much to learn about all the Committee's important activities, I now have at least a taste of the Committee's projects and how important they are in the cultural and social life of Gloucester. I believe my talents and experience would be an asset in those endeavors.

I and my life partner Scott Sanchez moved to Magnolia in 2010, from Columbus, Ohio, after vacationing here for several years. This definitely has become our new home town. We were married in Gloucester in July of last year. While I am still a practicing attorney licensed in Ohio, I retired from The Ohio State University in 2010. I have attached a short bio to give you some idea of the breadth of my background and service both at the University and in various volunteer capacities for numerous local, state, and national organizations. My career as a business lawyer and administrator at Ohio State has given me a number of opportunities to be involved in arts administration projects, including:

- Drafting the collections policy for the Wexner Center for the Arts and coordinating University review.
- Drafting and leading the team that recommended a comprehensive art and artifacts collections policy for the University.
- Coordinating Board of Trustees review and approval of deaccession of artwork held by the Wexner Center (1st time in living memory that this had been done).
- Reviewing contracts with the State of Ohio for the Percent for Arts Program – public art for public buildings funded from 1% of construction projects.
- Participating in development of wayfinding signage and graphics policies and standards.

In addition, my extensive experience in contract drafting and review, master physical planning, senior project management and oversight, and my service on non-profit and public boards and committees might be useful in the Committee's work in a more general sense.

I am very enthusiastic about joining the Committee, and I would ask for your endorsement in that regard. If there is any additional information I can provide, I would be happy to do so.

Yours truly,

Robert J. Haverkamp

P.S. We have met once – at a fundraiser for Gloucester Stage at the Cruiseport in 2011. We were still very new to the community and you made us feel genuinely welcome.

c: Judith Hoglander
Christine Pantano

ROBERT J. HAVERKAMP, ESQ.

Robert J. Haverkamp is a consultant specializing in higher education governance and administration. He has a wealth of legal and executive experience in the areas of: institutional governance and board operations; ethics and conflicts of interest; affiliated entities; negotiating and drafting contracts, legislation, and policies; real estate operations and land use regulation; legislative relations; research parks; airport operations; enterprise risk management; and procurement, bidding policies, and contracts management. He is a frequent speaker on topics related to higher education law and administration.

Robert retired from The Ohio State University in 2010, having served the University as a lawyer and administrator for more than 30 years, most recently as Associate General Counsel, Assistant Attorney General, and leader of the business and real estate practice group since 2006. Previously, he held a number of positions in the administration, including Director of Real Estate and Research Park Operations (1991-99) and Assistant Vice President for Business and Finance (1996-2006).

As a part of his extensive service in community and civic organizations, Robert has served as Chair of the Mid-Ohio Regional Planning Commission (1987-89); President of the Ohio Association of Regional Councils (1988-89); Founding Trustee (1989-93) and President (1991-93) of the Ohio Human Rights Bar Association; and a member of the Ohio State Bar Association Committee on Legal Ethics and Professional Conduct (1996-2009). He served as a member of the Board of Directors of the National Association of College and University Attorneys (2004-07) and has served on numerous NACUA committees. In 2011, he was made a Life Member of NACUA. Robert has been involved in establishing, advising, and serving on the boards of a number of other non-profit organizations, including several pioneering GLBT organizations. During the 1980s, Robert also was very involved in the emerging area of AIDS law, developing policies and advising with respect to AIDS legal issues.

He received his Bachelor of Arts degree from The Ohio State University in 1968 and his Juris Doctor degree, cum laude, also from Ohio State in 1971.

Robert and his husband, Scott Sanchez, reside in Gloucester, Massachusetts.

204 Hesperus Avenue #3 / Gloucester, Massachusetts 01930-3911
978-704-9263 / robert@haverchez.com
licensed in Ohio (#0011968)

- (1) Organize and direct volunteer efforts to keep Gloucester beautiful;
- (2) Keep the mayor and the appropriate city departments informed of the maintenance and beautification needs of public property;
- (3) Work with all city departments, including the department of public works, the department of parks and recreation, the school department, the conservation commission, and the waterways board, to keep Gloucester beautiful.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-507. Powers and duties.

The powers and duties of the commission shall include the following:

- (1) To support and assist all city departments in their efforts to maintain a safe and clean environment;
- (2) To submit reports to the mayor and the appropriate city departments concerning the matters set forth in section 2-506 herein;
- (3) To submit plans for resolving problems concerning the matters set forth in section 2-506 herein to the mayor and the appropriate city departments; and
- (4) To render to the mayor, the city council and the appropriate city departments a full written report of its activities and its recommendations, not less than once a year.

(Ord. No. 20-1996, § I, 7-9-96)

DIVISION 10. COMMITTEE FOR THE ARTS

Sec. 2-508. Created.

This is hereby created and established a committee to be known as the committee for the arts.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-509. Composition; appointment and terms of members.

The committee for the arts shall consist of a minimum of five (5) members and a maximum of seven (7) members, one to be the mayor or his designee from time to time acting in his stead and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-510. Qualifications of members; city officers not eligible except as mayoral designee from time to time.

- (a) At least three (3) of the appointed members of the committee for the arts shall have had experience in the arts by reason of vocation, avocation, or by membership in a private or public entity devoted to the arts.
- (b) None of the appointed members of the committee for the arts shall hold any elected office.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-511. Chairman.

The chairman of the committee for the arts shall be elected by majority vote of the membership.
(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-512. Assistance of city officials, board and employees.

The committee shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the committee. Further, the committee may request the services and assistance of any of the officials, boards, and through the mayor, employees of the city at all reasonable times when the committee determines that it requires the assistance and advice of such officials and employees in the performance of its duties.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-513. Duties.

It shall be the duty of the committee for the arts to promote the arts, visual, written, performed and spoken, to foster within the community, a knowledge and appreciation of artistic endeavors, commercial or otherwise, to seek out private or public assistance by way of donations or grants and to do all appropriate acts that encourage the continuation of artistic endeavors within the city; to establish premises and offices and to spread the fame of local artists and educate the public.

(Ord. No. 112-2000, § I, 11-28-00)

Secs. 2-514--2-559. Reserved.

ARTICLE VI. FINANCE

***Charter reference(s)**--Provisions relating to council committee on budget and finance, section 2-9; provisions relating to municipal financial procedures, section 6-1 et seq.

Cross reference(s)--Ordinances promising or guaranteeing payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city saved from repeal, § 1-7(2); appropriation ordinances saved from repeal, § 1-7(14); ordinances levying or imposing taxes saved from repeal, § 1-7(15).

State law reference(s)--Municipal finance generally, M.G.L.A. c. 44, § 1 et seq.

DIVISION 1. GENERALLY

Sec. 2-560. Fiscal year.

The city's fiscal year shall begin on the first day of July in each year and end on the thirtieth day of the following June in each year, including both days.

(Code 1970, § 2-1)

State law reference(s)--Fiscal year of cities, M.G.L.A. c. 44, § 56A.

Sec. 2-561. Payroll procedure.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

May 31, 2013

Ms. Jane B. Porter
10 Ryan Road
Magnolia, MA 01930

Dear Jane:

I am pleased to reappoint you to a three year term on the **Magnolia Woods Oversight and Advisory Committee**. Your reappointment will be sent to the City Council for their meeting of June 11, 2013. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to continue to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,


Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Enclosure
CAK/c

EFFECTIVE MAY 31, 2013

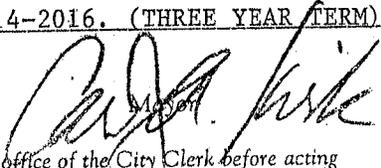
The City of Gloucester, Massachusetts

Dear Jane B. Porter, 10 Ryan Road, Magnolia, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the MAGNOLIA WOODS OVERSIGHT AND ADVISORY of the City of
Gloucester, Massachusetts COMMITTEE

This is a 90 day temporary appointment. After City Council
approval, term to expire 2-14-2016. (THREE YEAR TERM)

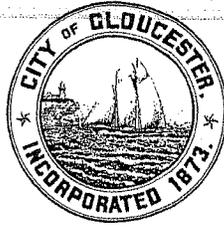
Respectfully,



N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

May 31, 2013

Mr. James Cook
622 Western Avenue
Gloucester, MA 01930

Dear Jim:

I am pleased to reappoint you to a three year term on the **Magnolia Woods Oversight and Advisory Committee**. Your reappointment will be sent to the City Council for their meeting of June 11, 2013. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

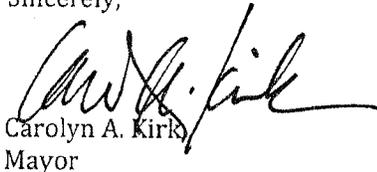
In order for you to continue to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,



Carolyn A. Kirk
Mayor

cc: Mayor's Report to the City Council
Enclosure
CAK/c

EFFECTIVE MAY 31, 2013

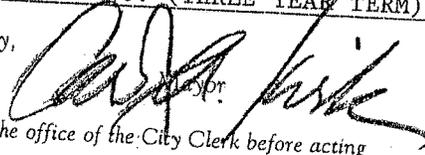
The City of Gloucester, Massachusetts

Dear James Cook, 622 Western Avenue, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you
to the MAGNOLIA WOODS OVERSIGHT AND ADVISORY of the City of
Gloucester, Massachusetts COMMITTEE

This is a 90 day temporary appointment. After City Council
approval, term to expire 2-14-2016. (THREE YEAR TERM)

Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____

By: _____

Christine Pantano

From: Carolyn Kirk
Sent: Thursday, May 30, 2013 10:25 AM
To: Christine Pantano
Subject: Fwd: Request from MWOAC

Sent from my iPhone

Begin forwarded message:

From: Dean Sidell <dean.sidell@towerschool.org>
Date: May 30, 2013, 10:20:05 AM EDT
To: Carolyn Kirk <ckirk@gloucester-ma.gov>
Cc: Jim Duggan <jduggan@gloucester-ma.gov>
Subject: Request from MWOAC

Carolyn,

As a committee we have completed a lot of research and review of the Magnolia Woods facility. Earlier this winter we were able to provide Mike Hale, at his request, with a recommendation on the various elements needed to proceed with the official closure application with the DEP. It is our understanding Mike has begun to move forward with the application and work needed to complete the requirements.

At our meeting last night we discussed the membership of our committee. In February the appointments of Jane Porter and Jim Cook expired and to our knowledge no action has been taken to either replace or re-appoint them.

I am writing today on behalf of the MWOAC to request that you reappoint Jane Porter and Jim Cook to the committee. It is our recommendation that they be appointed first on a temporary 90 day appointment so that they can rejoin the work of the committee immediately and then that you proceed with a full term appointment.

Please let me know if there are any questions regarding this recommendation. Thank you for your help and assistance in keeping our committee full so that we may complete our work.

Dean Sidell
MWOAC, Vice-Chair



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2011-194

The Gloucester City Council, at a meeting held on **Tuesday, August 23, 2011** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following :

IN CITY COUNCIL:

MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to AMEND the Gloucester Code of Ordinances by ADDING the following:

**Chapter 2 Administration, Art. V Boards, Commissions, Councils and Committees,
Division 15, Magnolia Woods Oversight and Advisory Committee**

Section 2-555 - Purpose.

In recognition of the continuing need for oversight in the city's ownership, operation and maintenance of Magnolia Woods so its full recreational utilization can be sustainably realized and its integrity as an environmental remediation project and as a natural resource for the entire community can be fully protected, the Magnolia Woods Oversight and Advisory Committee is hereby created and established.

The committee shall undertake but not be limited to the following activities:

- (1) Recommend an overall and coordinated program for the use of the recreational facilities at the Magnolia Woods that balances the competing needs for the various recreational and sports programs seeking to use those facilities.
- (2) Review and make recommendations upon plans for proposed maintenance of or capital improvements to any of the facilities or property contained within the Magnolia Woods and provide advisory oversight to the execution of any such plans.
- (3) Recommend programs and activities which can generate revenue streams which can be dedicated to the maintenance or improvement of any of the facilities or property contained within the Magnolia Woods.

Section 2-556 – Tenure; composition; requirements.

The Magnolia Woods Oversight and Advisory Committee shall consist of nine (9) members, one of whom will be the Gloucester School System Athletic Director (or his/her designee), two of whom shall be the Director of Public Works (or his/her designee) and the ward councilor representing Ward 5, who shall serve so long as they hold the aforementioned positions. The six remaining members shall initially be appointed by the mayor of the city and approved by the city council under §2-10 of the city charter for the terms listed below and shall be residents of Gloucester:

- 1) Two (2) members for one (1) year;
- 2) Two (2) members for two (2) years; and
- 3) Two (2) members for three (3) years.

The successors to these initial appointees shall serve for a term of three years. The six appointed members shall represent the following interests:

- 1) The Cape Ann Youth Soccer Association;
- 2) The Cape Ann Youth Lacrosse Association;
- 3) The Cape Ann Model Airplane Flying Association;
- 4) The neighborhood abutting the Magnolia Woods; and
- 5) The Magnolia community at large provided, however, that this member shall be a resident in Ward 5 of the City; and provided, further, that the member initially appointed to represent this interest shall have been a member of the Magnolia Woods Ad Hoc Committee, as indicated in the records of the City Clerk;
- 6) A representative from the community at large, provided that this member, however, will be a registered voter of the City.

Section 2-557 – Vacancies.

In case of resignation, death or disqualification of any member of the committee, or for the purpose of filling a vacancy for any other reason, the appointment of a new member to fill the unexpired term of such previous member immediately shall be made by the mayor and forwarded to the city council for its approval.

Section 2-558 – Assistance of city officials, boards and employees.

The committee shall receive regular support and assistance from the Department of Public Works.



Linda T. Lowe, City Clerk

Date: **AUG 25 2011**

APPROVED BY THE MAYOR



Carolyn A. Kirk, Mayor

VETOED BY THE MAYOR

Carolyn A. Kirk, Mayor

SIGNED THIS 25 DAY OF Aug, 2011

All Ordinances shall become effective 31 days after passage except:
Emergency Orders and Zoning Amendments shall become effective the next day