

Ordinances & Administration Committee
Monday, June 16, 2014 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Robert Whynott; Vice Chair, Councilor Sefatia Romeo Theken; Councilor Jacqueline Hardy

Also Present: Councilor Greg Verga; Councilor William Fonvielle; Councilor Melissa Cox; Councilor Steven LeBlanc; Police Chief Leonard Campanello; Building Inspector Bill Sanborn; Attorney Suzanne Egan; Max Schenk; City Clerk Linda Lowe

The meeting was called to order at 6:03 p.m.

1. Continued Business

A) CC2014-016 (Whynott) Whether the City Council should vote to consolidate the polling places for Wards 3 and 5 (Cont'd from 06/02/14)

Councilor Whynott stated that Ward 3 has been taken care of and the only remaining issue is Ward 5-2. Ms. Lowe indicated that Bill Sanborn has visited the West Gloucester Trinitarian Church and the Magnolia Library. Mr. Sanborn stated that he was not able to get into the church because of his schedule but he went by the site today. He noted that the parking lot is really not set up to handle a heavy load of people coming and going. He believes consolidating both Wards 5-1 and 5-2 at the Magnolia Library will work. He stated that there is a lot of parking on the street there and each ward could have a separate entrance. Any voters with disabilities would have to use the secondary entrance to the library on Lexington Avenue, which is allowed by federal law. It was the consensus of the committee that the Magnolia Library would be a better location than anything on Essex Avenue.

Councilor Fonvielle reported that in conversations he has had with Ward 5 residents, they overwhelmingly said that they would rather vote at the Magnolia Library than at the high school. **Councilor Theken** noted that this location would be temporary. **Councilor Whynott** said he does not think anybody has said that they would not want to go back to West Parish School once the new school is built, so we are talking about a two-year time period. Ms. Lowe reminded the committee that this process will need to be undertaken again to change the polling place back to West Parish School.

Councilor Whynott stated that a notice has to be sent to every registered voter in the ward. Ms. Lowe said she has to allow three weeks in advance of any election to get that done and stated that if the council votes on it in July, she will have enough time to do it.

Councilor Fonvielle inquired about the status of Wellspring, and Ms. Lowe stated that the board was willing to do it for one year to see how it goes. **Councilor Whynott** said that he does not want to have to go through this process again in a year. **Councilor Theken** stated that using the Magnolia Library for two years would allow time to look at other possibilities in the event the School Department does not want the new school to be used as a polling place. As a voter in Ward 5, **Councilor Verga** agreed that the Magnolia Library is a good temporary compromise. He also stated that the parking at the new West Parish School will be much better.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the consolidation of Ward 5, Precinct 2 with Ward 5, Precinct 1 at the Magnolia Library located at 1 Lexington Avenue, to become effective beginning with the State Primary Election to be held on September 9, 2014.

B) CC2014-017 (Verga/Cox) Request the O&A Standing Committee review an ordinance for Council Enactment re: that the City shall lease no property or structure unless funding is approved by a 2/3rd Majority of the members of the City Council (Cont'd from 06/02/14)

Councilor Verga stated that a compromise was discussed at a previous O&A meeting and that Councilor McGeary forwarded some suggested changes which Councilor Verga felt did not reflect what was discussed. Councilor Verga submitted his own version, namely that the council must approve by a simple majority any lease with a term of more than one year and in an amount exceeding \$250,000.

Attorney Egan stated that there is a lengthy bidding process in connection with any lease that the city enters into. She indicated that it is a public process and that the city's website shows when the RFP is published, when it is open, when it is closed, and who it is awarded to. She also recommended that the word "real" be inserted before the word "property" in the ordinance, since the city also leases copy machines, police cars, etc.

Councilor Verga respectfully disagreed that the system in place is effective. He noted that the council was told they would get a report about what was going on with St. Ann's before the lease was signed, which was not the case. He believes the council was painted into a corner in that situation. With respect to the former charter school building, the council never talked about where the money was coming from to lease that building, and he believes the public has the right to know what is going on through the public hearing process.

Attorney Egan stated that one of the issues with having each contract go through the public hearing process is that it is a lengthy process which could cause a vendor to decide not to do business in Gloucester. She also stated that in most cases, the council is going to be voting to appropriate the funds for lease of real property and only in very rare instances is there a time when it is going to be paid through an item that has already been budgeted, which she believes caused the issue with the St. Ann's lease. In that case, if you ask the administration to go back before the council to vote for a majority of the full council, the council is appropriating the funds twice. Attorney Egan noted that the charter says that in only two instances is there a requirement for a majority of the full council. Therefore, the council would be putting a higher level onto the requirement.

Councilor Verga agrees that there is room for improvement in the permitting process. However, he believes there are a lot of excuses being made. **Councilor Whynott** stated that with respect to vendors not wanting to do business in Gloucester, he believes that the city will be renting real property from local people.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council delete Sec. 2-52, "Signing or approval of contracts, deeds, etc." and replace it with a new Sec. 2-52, "Signing or approval of contracts, deeds, etc.," as follows:

- (a) All agreements, contracts, deeds, indentures, instruments or leases that may be given or required to be executed by the city shall be signed or approved by the mayor and sealed with the seal of the city.
- (b) The council shall be notified in writing whenever a request for proposals for a lease of real property with a term which exceeds more than one year or the total cost is expected to exceed \$250,000.00 is issued.
- (c) The notification shall conform to the requirements of the state Open Meeting Law. The Council may request additional detail in an executive session meeting as provided for in the state law.
- (d) The city shall lease no real property or structure in excess of one year unless the funding for that lease is expressly approved by a majority of the membership of the City Council.

This matter is to be advertised for public hearing.

Councilor Theken expressed frustration with the lack of communication from the administration about the St. Ann's lease that made this change necessary. **Attorney Egan** stated that when an RFP goes out the council will get notified, and the city cannot enter into a lease unless there is a specific appropriation for it. **Councilor Verga** said that it comes down to identifying where the funding is coming from and stated that the new ordinance will not slow the process down. **Councilor Cox** stated that it is not about trust; it is about checks and balances.

Attorney Egan clarified that the St. Ann's lease was not executed until the appropriation was voted by the council. **Councilor Cox** stated that she heard about it from the newspaper. **Councilor Fonvielle** said that it is not obvious to him that this ordinance will solve the problem, and he believes the number should be less than \$250,000. **Councilor LeBlanc** agreed that this will not solve the problem and stated that he hopes we do not scare people away from doing things in Gloucester. **Councilor Cox** indicated that the Budget & Finance Committee can go into executive session to get more information about a potential lease. Finally, **Councilor Verga** agreed that the new ordinance will not solve all of the problems but it is an opportunity to start getting some oversight.

2. Memorandum from Police Chief requesting that the Personnel Ordinance be amended to add the position of Assistant Police Chief/Executive Officer

Councilor Cox requested that this matter be referred to the Budget & Finance Committee for discussion of finances. She stated that the money is already in the budget but will be reallocated to fund this position.

Chief Campanello stated that this position is part of a larger three to five year plan for the police department and that they are not adding a position but just removing a position from the union. He noted that it is the first of several moves recommended in the 2009 MRI study that would restructure the police department in a more efficient manner. He reported that the union has concluded their evaluation of the position and has supported it.

Chief Campanello stated that it is not a matter of shifting work off him. He believes it is important for the city to have someone within the police department who is looking inward and someone who is looking outward. He stated that he is very proud of the work that the police department has done in the last 18-20 months and believes that one of the things the department can do for the overall good of the city is to contribute to the city being relevant in other communities. He said that the police department can do that with a chief that is looking outward rather than focusing on day-to-day activities. He will still be overseeing everything, but he will now have time to support the city outside its four corners.

All of the councilors commended the chief on the job he is doing, and he stated that the officers are doing all of the work. He believes the council's decision to take the chief's job out of civil service foreshadowed what is going to happen in a lot of communities. He stated that the assistant chief position will be hired from the union first in steps and if no one wants it, they will look outside the union.

There was a discussion about whether Chief Campanello negotiates the police contracts with the city. Councilor Whynott believes there should be a professional negotiator. The chief stated that he has insight into the mindset of what the officers want. He noted that two unions signed in 29 days, and everybody was happy.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council:

- (a) amend the Personnel Ordinance, Appendix C to the Code of Ordinances, by ADDING to Appendix A of the Personnel Ordinance, "Classification," the position of "Assistant Police Chief/Executive Officer;"
- (b) amend the Personnel Ordinance, Appendix C to the Code of Ordinances, by ADDING to Appendix B of the Personnel Ordinance, "Compensation," the position of "Assistant Police Chief/Executive Officer Grade M-11;"
- (c) amend Chapter 17 of the Code of Ordinances by DELETING Sec. 17-20 in its entirety and replacing it with the following:
"The mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the mayor subject to the law pertaining to civil service and to the collective bargaining agreement. The chief of police and assistant chief of police are exempt from civil service laws and the terms of the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment to reside within 15 miles of the limits of the city of Gloucester as required by M.G.L. Chapter 41, Section 99. Appointment of officers shall be subject to the age restrictions of M.G.L. Chapter 31, Section 58A;" and
- (d) amend Chapter 17 of the Code of Ordinances by DELETING Sec. 17-21 in its entirety and replacing it with the following:

“The police department shall consist of the police chief, assistant police chief, and as many lieutenants, sergeants and patrol officers as may be deemed necessary. The department shall also include supporting administrative staff.”

This matter is to be advertised for public hearing.

3. *CC2014-024 (Cox) Amend GCO Chapter 22, Sec. 22-270 “Parking prohibited at all times” and Sec. 22-291 “Tow-away zones re: Pleasant Street*

NO MOTION OFFERED. THIS MATTER IS CONTINUED TO 7/14/14.

4. *CC2014-025 (Theken/Cox) Amend GCO Chapter 9, “Trash, Recycling and Litter,” Sec. 9-3 re: trash dumpsters*

Councilor Cox stated that there is nothing specific in the current ordinance about dumpster noise. The noise ordinance prevents noise prior to 6:30 a.m. **Councilor Whynott** believes dumpsters were exempted from the noise ordinance and stated that when he would complain to the haulers about noise, they would start in a different neighborhood. He noted that for them to do the whole city, they have to start early in the morning. Bill Sanborn stated that this is an ongoing problem that bounces back and forth between his office and the health department. He indicated that they have sent trash companies a letter informing them that they could not empty dumpsters before 7 a.m. but there was no bite to that letter. **Councilor Cox** recommended making the trash ordinance consistent with the noise ordinance (6:30 a.m.) and adding a fine. Mr. Sanborn would like to add an exemption to allow dumping before the required time if approved by the Board of Health. He understands that companies have trouble emptying dumpsters when people park in front of them but stated that they have an obligation to put their dumpsters where they can be serviced.

Max Schenk stated that the Board of Health is looking through their dumpster permitting regulations, which go back to 1987. He indicated that the regulations need to be modified so that they parallel with the ordinance. **Councilor Cox** noted that there is nothing in the regulations about noise and time frames. **Councilor Theken** stated that some companies have been using barrels instead of dumpsters, which make less noise. Mr. Schenk stated that buildings with more than four units are required to have a dumpster, but that is not realistic in a lot of neighborhoods. With DPW permission, they are allowed to use barrels instead. Mr. Sanborn indicated that the trash companies call those barrels dumpsters. Mr. Sanborn stated that he is looking into putting stickers on dumpsters to indicate that they were properly permitted through the health department.

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend GCO Chapter 9, “Trash, Recycling and Litter,” Sec. 9-3 as follows:

- (a) By **ADDING** to the title of Sec. 9-3 “Independent trash haulers; permits” after the word “haulers,” add the words “and dumpsters.”
- (b) By **ADDING** a new subsection 9-3(c) as follows: “Dumpsters serviced by haulers permitted under this Ordinance shall not be dumped, delivered or maintained before 6:30 a.m. or after 8:00 p.m. Monday through Friday or before 8:00 a.m. or after 8:00 p.m. on Saturday and Sunday.”
- (c) By amending the current subsection 9-3(c) by **DELETING** the letter (c) and **ADDING** the letter (d), and further amending Section 9-3(d) after “any member of the Board of Health or its agents” by **ADDING** the words “Inspectional Services, police officers,” and by **ADDING** at the end of Sec. 9-3(d) the words “by the Board of Health.”
- (d) By **ADDING** a new subsection 9-3(e) as follows: “Fines for violations of Section 9-3(c) shall be: first offense shall be a written warning; second offense and offenses thereafter shall be a \$100 fine for each offense; after three fineable offenses, the health department and Board of Health may revoke the license or permit.”
- (e) By **ADDING** a new subsection 9-3(f), “Exemptions,” as follows: “The Board of Health may by Board of Health Regulations exempt certain dumpsters from the requirements of Sec. 9-3(c).”

This matter is to be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

**Maria C. Puglisi
Substitute Recorder**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None