

GLOUCESTER CITY COUNCIL MEETING

TUESDAY, September 22, 2009

7:00 P.M.

Kyrouz Auditorium – City Hall

Council Meeting 2009-024

Present: Council President Bruce Tobey, Council Vice President Sefatia Romeo-Theken, and Councilor Joe Ciolino, Councilor Steve Curcuru, Councilor John “Gus Foote, Councilor Jason Grow, Councilor Sharon George, Councilor Jackie Hardy
Absent: Councilor Devlin

Also Present: Suzanne Egan; Jim Duggan; Marcia McInnis; Chief Dench; Chief Lane; Mr. Terpos; and members of the School Committee (see Joint Meeting below); Members of MRI (see Presentation below); and Members of the NS Regional Vocational School and Essex Aggie (see Presentation below)

Flag Salute and Moment of Silence

City Council Meeting 2009-024 was called to order at 7:00 p.m.

Council President Tobey made the following comments/announcements:

1. **Councilor Devlin** is unable to attend this meeting because of illness.
2. The Cape Ann Emergency Planning Team has extended an invitation to the Council for a presentation to be held on November 12, 2009 at 7 p.m. at the Manchester/Essex High School.
3. **Councilor Tobey** announced that **Councilor Ciolino** has volunteered to serve on the Ad Hoc Committee on the Water Treatment Plant Contract . **Councilor Tobey** appointed **Councilor Ciolino** as the Council’s Representative.
4. **Councilor Tobey** reported on the National League of Cities’ lobbying efforts last week. The high points of the Agenda, included the Transportation Bill, Climate Control, and Health Care. He reported that there is more stimulus money to come and increasing Grant Programs expected, with emphasis on earmarking construction costs.

ORAL COMMUNICATIONS; No one spoke.

COUNCILOR REQUESTS TO THE MAYOR:

Councilor Tobey stated that it is important the business community and residents be given the ability to have allowances for delays in making water bill payments; therefore, it is requested that the Administration develop a structured program whereby local residents and businesses, who cannot pay water bills on time, be allowed to make late payments without a penalty or interest charge. Further, a report and/or information be submitted to the City Council.

CONFIRMATION OF APPOINTMENTS.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, the Ordinance and Administration Committee voted 3 in favor, 0 opposed to recommend the City Council confirm the appointment of Amanda Nash to the Historical Commission for a term to expire February 14, 2012.

MOTION: On motion of Councilor Foote, seconded by Councilor Romeo-Theken, the City Council voted UNANIMOUSLY to confirm the appointment of Amanda Nash to the Historical Commission for a term to expire February 14, 2012.

COMMENDATIONS. Police Officer Mark Foote

Councilor Ciolino spoke to the Commendation of **Officer Foote**, noting that it is a pleasure in recognizing those in City service who go above and beyond the call of duty. He stated that we are here to honor **Officer Mark Foote**, and continued by reviewing his many achievements in assisting others over the years, risking his own safety in life-threatening situations. He wished **Officer Foote** best wishes and success as his career goes forward.

Police Officer Foote and **Councilor Foote** both acknowledged the Police and Fire Departments for their many services to the City.

A brief recess was called.

PRESENTATIONS

Gloucester School Committee: Present for this portion of the meeting. Greg Verga, Superintendent Farmer, Asst. Superintendent Brian Tarr, Nancy Harrison, Amy-Beth Healey, Melissa Texiera; Val Gilman; Michele Sweet; Mayor Kirk; Dr. Goodwin, Principal GHS; and Amelia O'Malley, Superintendent North Shore Vocational School; Roger Bourgeois, Superintendent Essex Aggie; Wayne Marquis, Town Manager, Danvers; Joe Parisi, Gloucester's Representative; George Harvey, Chair NS School Committee

The Joint Meeting was called to order at 7:20 p.m.

Superintendent Farmer and **Mr. Verga** recognized and commended **Chris Denado** for his efforts on the Newell Stadium project as he, voluntarily, spent his time and expertise to improve the conditions of the Stadium. The end results, **Mr. Verga** said, were a great success and there can be no words to thank him for his contribution to the Gloucester Public Schools. Citations were presented to **Mr. Denado** from the Office of the Mayor as well as the Gloucester School Committee.

Mr. Verga also provided a brief update on a meeting regarding the Charter school, noting that results are pending. Attention was focused on the misrepresentation on the application process and questions on the behavior of the Education Secretary. A meeting will be held in Gloucester in the near future.

- 1. Joint City Council/School Committee Meeting – Presentation – North Shore Regional Vocational School District/ Essex Aggie. Packets of information were provided to the Council prior to the meeting.**

Mr. Marquis, Town Manager of Danvers, stated he has served as a member of the Oversight Board which was assembled to advance the merger of NSTS, Essex Aggie, and Peabody Vocational. The school will be located on the Essex Aggie site. A power point presentation outlined the history and up – to – date progress. He stated that the Board is working on votes from communities involved, which are critical to the success of the project. There are 120 days left to allow votes of commitment from the communities, as well as to seek financing. There is, he said, an outstanding Grant offer, but this would not be operative until the votes from the communities are received. He spoke of Danvers and Rockport having unanimous votes at their Town Meetings. An extension of time, due to complexities, have been sought through mid-December.

Ms. O'Malley provided a brief overview and history of the Vocational School, noting that it has thrived and grown. In 2004, funding for the project was approved, reducing the cost to \$125 million. The SBA and State's Administration and Finance have provided a good financial package. It is proposed that construction will begin in 2012, and in 2013 the school will open.

She also spoke to the four academies which will include Animal and Plant Sciences; Construction and Technology; Technology and Sciences; and Life and Natural Sciences. A new program will be that for Dental Assistants.

The site will include construction with green design features. Further, it will have an impact on the region in that it will offer Adult Education and Corporate Training. She reviewed the breakdown of the financial responsibility of the various participating communities. This is outlined in the packet provided this evening. Gloucester students attending the NS Regional range from 52 in 2004 to 59 in 2008; further, there have been an average of 130 students from Gloucester on the waiting list for the years 2004 – 2009.

It is anticipated that the Project cost and reimbursements would be a \$133.77 million cost to communities; \$77.5 MSBA reimbursement; \$21.1 State's Capital Bond Program which is a total of \$35,168,750 million after reimbursements. It is projected the sale of North Shore Tech would bring \$4 million, resulting in a \$31,168,750 total project cost.

Questions by the Council and School Committee:

Councilor Ciolino asked how many students go on to two or four years schools.

Ms. O'Malley and Mr. Bourgeois stated that 62% from the Voke go forward, while 86% went on from Essex Aggie.

Councilor Curcuru asked, that of the communities involved, how many have vocational schools as part of their school systems. **Ms. O'Malley** responded Salem and Gloucester. She also stated that the cost is \$16,779 per student, noting that costs will fluctuate. It was noted that Gloucester spends \$10,000 per student and if a School Choice student, the cost is \$5,000. Should a Gloucester student want to go to the new school, but the City chooses not to go into the program, it would cost \$18,000 plus transportation this year.

Ms. Gilman questioned the payback for the building. **Mr. Bourgeois** reported that if the existing head count were continued, it would be \$222,824 as the City payback to provide financing for the building. That number may change as enrollment expands. Further, there is a 5% bond interest rate assuming the enrollment does not change. As enrollment fluctuates,

communities pay for a minimum of five students and if enrollment goes down, the assessment goes down.

Ms. Gilman questioned how communities are supposed to be budgeting if there is an unknown enrollment. **Mr. Bourgeois** stated that one cannot project the future; however there is the assumption that the new school would have additional numbers of slots for students

Mr. Marquis stated that the annual assessment is based on the previous October's student enrollment and this would allow for advance warning.

Councilor Foote asked how the City would get out of the commitment if they could not afford it; and, once locked in, cannot get out. **Ms. O'Malley** stated that a required unanimous consent vote would be required for one district to leave. There will be a written policy; and if one community is let out of the contract, other towns have to pick up those costs. Further, communities approve the budget, annually. She stated that she understands people's concerns; however, basically, this proposal would provide a state-of-the-art Vocational School.

Ms. Texiera asked how it is determined which students are allowed into the new facility.

Ms. O'Malley responded that all Regional Schools have a required admission plan, students are rated, and let in on a scale. It is possible there would be an enrollment of 1440.

On question of **Councilor Romeo-Theken**, **Mr. Bourgeois** stated that Essex Aggie draws students from many places in the state; 110 kids would become residents; there would be a non-resident tuition rate (\$19,000 plus transportation), and students are put on a wait list.

Ms. Healey questioned that, assuming member districts stay with the school and allowing that Gloucester and Salem have vocational programs, if Salem does not participate, how would that change the bond rating and spread sheet. **Mr. Bourgeois** said that the school would have to get 75% enrollment and without that, it would become a moot point. If involvement decreases, adjustments would have to be made in that a 1440 student school cannot be built without all 17 member communities. MSPA's job is to see that the school is not overbuilt.

Mr. Marquis commented that if the project were scaled back to 1200 students, the overall costs would be scaled back and debt service would be less and assessments would be less, along with fewer communities participating.

It was pointed out that there would be operating cost savings; i.e. transportation being combined as well as energy savings. Further each community would be at the table as part of the School Committee.

Councilor Grow questioned a non-compete agreement and stated there needs to be flexibility to meet the needs of students in Gloucester who would like to pursue robotics, culinary arts, etc., noting that the City's hands would be tied by the agreement. Further, the cost would be twice what it would spend on students in Gloucester. He stated he would be comfortable with more flexibility.

Councilor Tobey commented on the budget and Grants assessment. **Mr. Marquis** stated that the MSBA encouraged green design and a maximum number of points were given for green design. Further, alternative funding is being sought, as well as stimulus money.

Councilor Tobey also questioned the role of regionalization in the future. **Mr. Marquis** stated there will be more educational regionalization as well as regional public safety, etc., as more pressures increase on local government. Further, the State is providing incentive to move in that direction. Further, **Mr. Marquis** commented that to accept Grant just to have money does not make sense; that an extraordinary offer has come from the State, given the economic times; and State government has made a commitment which may not be there down the road. The State is encouraging this project to go forward.

Mr. Marquis also stated that if financing is not in place by mid-December, the State offer is off the table.

Mayor Kirk questioned if it is worth sacrificing GHS vocational programs, as both are not sustainable. **Mr. Marques** commented that Peabody has a vocational program both at the high school and middle school levels, with limited offerings; and, there are expenditures required to provide quality vocational programs. There are issues of State aid, and having own programs with staffing. Further, the offerings and quality at the new school will exceed those offered in the communities. Students will benefit.

Superintendent Farmer questioned the process if Gloucester would want to expand its own program, and the debt service. **Mr. Marquis** stated that the Education Commissioner would have to be consulted on additional programs. With regard to debt service, it is for non-resident students and that is why the State is putting in \$21 million. The State is assuming its share of the debt for the Aggie. The \$31 million is for the Voc/Tech Programs.

The Chapter 74 rate, set annually for a non member, is \$19,000 per year. A member student would be paying \$16,000.

Councilor Grow wanted people to be aware that the Vocational School Assessment comes out of Gloucester's General Fund, not the School Committee budget; therefore, the City Council is involved in this procedure.

Ms. Gilman questioned what the odds are of Gloucester students being accepted given the long waiting list, if it does not become a member. **Ms. O'Malley** stated that students would be accepted on a space-available basis, and there were 20 students on the waiting list from Gloucester this year. **Ms. Gilman** questioned the admissions plan. **Ms. O'Malley** stated that applications are required to have accompanying recommendations; there is an interview process; and, a student is rated on grades, behavior, and truancy. Further, the admissions plan is approved by the Department of Education.

Councilor Tobey thanked those in attendance this evening, and announced there would be an advertised **Public Hearing** on the Regionalization at the **October 20, 2009 City Council Meeting at 7:00 p.m.** The School Committee is cordially invited to attend.

Prior to the Public Hearing, the Budget and Finance Committee will hold a Joint Meeting with the School Committee Building and Finance Committee on **Tuesday, October 13, 2009 at 7 p.m. in the City Council Conference Room, City Hall.** Representatives from NS Voke and Essex Aggie will be in attendance.

Councilor Ciolino commented that he would like to have a vote at the Public Hearing on October 20th.

The School Committee adjourned their meeting at 7:43 p.m.

2. Coalition for the Prevention of Domestic Abuse – Sunny Robinson, Co-Chair

Ms. Robinson apologized for the delinquency of the 2008 Annual Report. She stated that the Coalition is a group of organizations across the City in collaboration with the School Department, Police Department and Social Service agencies. This is not service organizations for victims, but an educational arm of the activity in the City. She reported the following:

- The Coalition has sustained an active and multi-agency coalition for its eighth year, now in it's ninth year, with new participation;
- There is support and participation of the City's Administration as well as active collaboration with many agencies;
- HAWC began increased outreach to Portuguese and Spanish speakers on Cape Ann with the hiring of a Brazilian Portuguese speaker;
- An emergency legal fund at district court level which has assisted more than four people with legal assistance;
- Continuing to use venues to reach residents of the area;
- Camp Spindrift and Pathways for Children are two agencies now engaged in the program;
- Regional newsletter with greater training in education al activities;
- Annual Report in the Mayor's Report; and,
- Active School Safety Committee.

Ms. Robinson thanked **Councilor Foote** and the City Council for their on-going support.

Ms. Robinson reported the **Annual City-Wide Recommitment Event** will take Place on **Tuesday, October 6, 2009 at 12:30 p.m. on the steps of City Hall.**

3. Municipal Resources – Management Audits – Police and Fire Departments.

Copies of the Management Audits were provided to the City Council prior to the meeting. Copies of the Power Point Presentation were distributed this evening and are attached and made a part of the minutes.

Present were: Fire Team – Leader Marshal Donald Bliss and Retired Chief, Peter Finley
Not present: Retired Chief Robert Wood

Police Team – Leader Retired Chief Bruce MacDougall; Retired Chief Richard Gendron; Retired Chief Mike Magnant; Retired Chief Michael Healy,

Mr. Alan Gould of Municipal Resources, Inc. (MRI)

MRI is the consulting firm hired by the City to conduct the Management Audit for the Public Safety Departments (Police and Fire) of the City. **Mr. Gould** explained that MRI was engaged to review the manner in which public safety services are provided in Gloucester and to offer recommendations for potential improvement. MRI assembled two teams of public safety specialists, above. The presentation included discussions related to the interview process; survey development and responses; on-site inspections and observances. The final reports, he stated, are presented as two separate reports with each to stand independently within each department as a guide to improving services. **Mr. Gould** reminded the Council that neither Chief Lane nor Chief Dench were Chiefs with the Audit was commissioned.

He stated that the MRI Police Team is encouraged with the progress that has been made by the department during the course of the study as well as interest shown by employees in improving operations. Further, the MRI Fire Team is also encouraged with the progress in the Fire Department during the course of the study, as well as a result of the Lorraine Building fire Action Report.

Mr. Gould proceeded to review the six major areas of concern; the key findings; accountability and factionalism; policy and rules; training; facilities; staffing; and non-utilization of available technology. Comments by members of the team are as follows:

POLICE REPORT

Accountability and Factionalism

Hold the department, through the chief, to reach goals with suggestion to meet on an annual basis to set goals for the GPD prior to the budgetary season, with goals being worked into the budget for the upcoming FY.

Policies and Rules

Policies and procedures are department's life blood by developing procedures to correspond with law enforcement practices. Further, effective policies make the difference between effective and ineffective management. This will reduce personal liability with the most common lawsuits being the use of force; arrest procedures; and detention. It is important to maintain policies and procedures.

Lack of training

Having a structured field officer training program with new officers being trained in the culture of the agency, which is community oriented. If an officer does not work out, can be terminated. It is important to keep training records, which should be on a centralized computer system. Training can be overwhelming in critical areas and events should be critiqued when they happen. Information should be shared and regionalized training should be developed

Inadequate facility

Maintenance issues need to be addressed, along with code issues, repair of mechanical systems; and, bringing cell blocks up to code. The quality and appearance has an impact on performance and is an attractive contribution to morale and public image. A tour of the Police Station revealed that space is at a premium; there are conditions of civil liability and, all aspects of police business. Storage of records should be under lock and key, not stored in different areas of the facility. Janitorial services are not being received and are deplorable. This needs attention. Steps also need to be taken to correct the prisoner area, not having civilian access or the entrance open. There are safety precautions to be taken with the old cell blocks and broken electronic devices. Further, the steps need to be repaired and the armory should be relocated. Once again, civilian access should be limited. Prisoners are entitled to clean quarters and fresh water.

Non-utilization of available technology

Chapter 13 in the report contains a long list of technology improvements in order for the department to proceed successfully. Many listed are non-existent, broken, or in need of repair. It is recommended that a Technology Committee be established and populated with members of the department. Lap tops should be in all cruisers; voice mail should be available; and, there is need of an upgraded computer system in order for officers to send and receive e-mail. Communications are vital and should be enhanced. The above should be put into place as soon as possible

Staffing

Chapter 17 of the major report looks at the police organization and three concepts to make sure the department is operating properly. It was determined that the flow of information is inhibited and the department is understaffed; station officers should be reassigned to patrol; and, there should be a regional dispatch center.

It is recommended there should be a two-division concept with Operations and Detectives, working closely together. The team did not see this happening. It also is recommended there be a School Resource Officer, not just in the high school, but in the elementary and middle schools. Both of the above Divisions should be managed by Captains, with patrol and detectives working closely. Further, career development is needed. There are 58 sworn officers and they should be allowed to become well-rounded officers by having time in both patrol and detective divisions.

Additionally, dispatch is not working and either regionalization or civilian dispatchers are recommended.

Chief Lane commented that the work is cut out for the Department; there have been gains and some progress is being made on the recommendations and comments from the MRI. He reviewed the following:

Surveillance cameras are being installed by in-house employees.

Technology – a PO has been obtained for a new MDT which allows the Departments to run plates and warrants from the streets, with reports done on lap tops.

Applications have been made for Grants

School Resource Officer at the High School two days a week. Funding expires in November; however, it would be good if one were at the school one day per week.

Storage – Commonwealth Records Retention has removed 100 boxes.

It is the Chief's goal to have each sector cruiser to have a lap top; off-site storage for management records; and, an emergency phone system with voice mail capabilities. He further stated that he is a personal advocate of Regional Dispatch.

Lastly, **Chief Lane** stated the MRI Report is a road map to the future of the Department and there are good things on the way.

Councilor Tobey thanked **Chief Lane** for his efforts and accomplishments. He referred to Slide 22 which stated that the Department and City should be working together to accomplish goals.

Chief Lane stated he has discussed the report with the Mayor and CAO and they will be updating and prioritizing in that they are committed to doing what they can with little money.

Councilor Tobey recommended getting goals and objectives before the Council a month or more before the budget is developed and sent to the Council in May or June

Councilor Curcuru thanked the Chief for his efforts and questioned whether there is a time-line of how long these issues have been happening.

Mr. Gould said it is the team's opinion that these issues have arisen over the past 20 years and through several administrations. The Team saw things they would have expected to find 20 – 30 years ago. However, once again, he commented on the outstanding progress made by the Department.

On question of **Councilor Curcuru, Mr. Gould** stated that the budget is a true reflection of the goals. One cannot set goals and, then, not fund. Assistance must be given. The City Council should be involved in setting goals, given their funding approval. Further, there has not been accountability for several decades.

Councilor Grow thanked all those involved for their hard work, and **Ms. McInnis** for the invaluable information she provided. He also stated that the Audit was helpful in order to establish priorities for both short and long term, especially those items that do not require funding. He requests the Department report back to the Council on how the Audit is being implemented.

Remarks from the Team:

Management Rights vs Union Contracts. The City needs to understand Management Rights; the Chief needs someone to talk to without people going to the next union meeting and sharing what they know; the Chief is isolated. There should be an additional layer of non-unionized support including two Captains who could be exempt from Civil Service. (See report for further recommendations)

With regard to the Chief being a part of Civil Service, it is recommended that whoever selected should be the best candidates based on needs. There are opportunities to have a Civil Service Chief come from outside of the Department. There are two issues, Civil Service protection for the Chief, or remain with candidates within the community or outside, not a part of Civil Service. It was noted, during the interviews, Officers mentioned parochialism, and that the Department is not as progressive as other communities.

The Team also stated that a Public Safety Commissioner is not in the best interest of the City, and they would not recommend. They also noted they have not had the opportunity to review the recently signed Patrolmen's Contract.

On question of **Councilor Ciolino**, there was response that if a Police Officer has a grievance, the Chief should not become the victim between the employee and elected officials. Further, the policy should be up to the Council. There has been concern that, in the past, employees have been going to the Councilors.

Councilor Foote stated that in the past, studies and reports have been put away in a closet; however, the Chief is now working on the issues reported in this study. With a new Council, they and the Administration should continue to work on the issues and finish the job.

Councilor Tobey reported that the Sheehan Report done in 1981 would have had half the number of pages of this most recent MRI Report.

Councilor Romeo questioned the salaries on page 169 of the report. It was explained that hard numbers were used; however, it is possible incentives may not be included in those figures. The Councilor also commented that morale is better, but there is still a way to go; and, accountability is everything.

Councilor Tobey requested the figures in the report be confirmed and a report forwarded to the City Council.