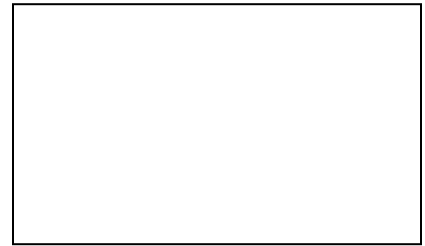


**GLOUCESTER CITY COUNCIL CALENDER OF BUSINESS
WEDNESDAY, JULY 23, 2008
6 P.M.
ROSE BAKER SENIOR CENTER
SPECIAL COUNCIL MEETING #2008-017**



FLAG SALUTE & MOMENT OF SILENCE

SCHEDULED PUBLIC HEARINGS

08-031: Acceptance of the FY2009 Budget (Enterprise Funds)

08-032: Water and Sewer Rates for FY2009

ACTION

Continued from 7/8/08

Continued from 7/8/08

COMMITTEE REPORTS

1. O&A 7/14/08

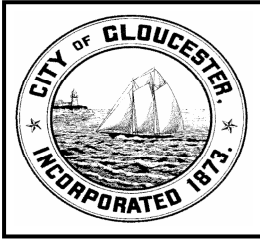
2. B&F 7/17/08 (*under separate cover*)

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

ROLL CALL - Councillor Sharon George

Jeremy P. Gillis, Clerk of the City Council

NEXT REGULAR CITY COUNCIL MEETING, TUESDAY, AUGUST 19, 2008



GLOUCESTER CITY COUNCIL 2008 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2008-031
SUBJECT: Acceptance of FY2009 Budget
DATE OPENED: 06/24/2008
CONTINUED TO: 06/26/2008, 07/08/2008
CONTINUED FROM: 06/26/2008
COMMITTEE MEETING

LEGAL NOTICE LEGAL NOTICE LEGAL NOTICE LEGAL NOTICE

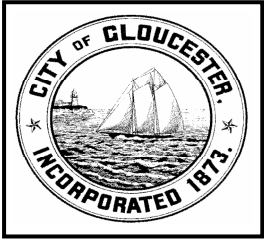
PUBLIC NOTICE
CITY OF GLOUCESTER
PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2009 BUDGET
GLOUCESTER CITY COUNCIL - TUESDAY, June 24, 2008 - 7:00 P.M.
KYROUZ AUDITORIUM, CITY HALL

All citizens are invited to inspect the proposed Fiscal Year 2009 Budget for the City of Gloucester as submitted to the City Council by the Office of the Mayor on June 4, 2008. The Fiscal Year 2009 Budget is available for public viewing in the City Clerk's Office, Monday through Wednesday 8:30 a.m. to 4:00 p.m.; Thursday, 8:30 a.m. to 6:30 p.m. and Friday, 8:30 a.m. to 12:30 p.m.. The Fiscal Year 2009 Budget will also be available for viewing at the Sawyer Free Library, Monday through Thursday, 8:30 a.m. to 8:00 p.m.; Friday and Saturday, 8:30 a.m. to 5:00 p.m.; and Sunday 1:00 p.m. to 5:00p.m.

General Fund	FY 08 Approved	FY 09 Proposed	Difference
	Tax Recap Revenue	Revenue & Enterprise	
Taxes	52,791,982.11	54,767,617.00	1,975,654.89
State Aid	13,181,820.00	13,105,047.00	(76,773.00)
Other Receipts	10,436,274.00	10,364,052.00	(72,222.00)
Other Available Funds	4,575,109.71	3,259,063.39	(1,316,046.32)
Subtotal	80,985,165.82	81,495,779.39	510,613.57
Less Expenditures			
Other Financing Uses	(500,000.00)	(500,000.00)	
General Fund Subtotal	80,485,165.82	80,995,779.39	510,613.57
Enterprise Funds	13,369,737.00	10,771,051.55	(2,598,685.45)
Total	93,854,902.82	91,766,830.94	(2,088,071.88)
	FY 2008	FY 2009 Proposed	Difference
	Appropriations	Appropriations	
Executive	5,971,285.21	5,927,692.94	(43,592.27)
Finance	10,749,422.95	10,697,028.58	(52,394.37)
Legislative	5,695,887.19	5,789,867.17	93,979.98
Protective Services	11,109,384.33	10,563,017.93	(546,366.40)
Regulatory	806,763.07	772,717.98	(34,045.09)
Community Services	487,169.49	537,469.59	50,300.10
Public Works	5,440,701.76	5,286,843.58	(153,858.18)
Library	806,023.04	740,549.82	(65,473.22)
Assessments & Reserves	4,346,647.78	4,608,711.00	262,063.22
School	35,071,881.00	36,071,881.00	1,000,000.00
General Fund Subtotal	80,485,165.82	80,995,779.39	510,613.57
Enterprise Funds	13,369,737.00	10,771,051.55	(2,598,685.45)
Total	93,854,902.82	91,766,830.94	(2,088,071.88)

Record Page Tuesday June 10, 2008

GT -- 6/10/08



GLOUCESTER CITY COUNCIL 2008 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2008-032
SUBJECT Water/sewer rates FY2009 from 04/2008
DATE OPENED: 07/08/2008
CONTINUED TO:
CONTINUED FROM:
COMMITTEE MEETING

NOTICE OF A PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, July 8th 2008 at 7:00p.m** in the Kyrouz Auditorium, City Hall relative to the following proposed Water and Sewer Rates recommended by the DPW Director for a twelve month billing period effective 04/01/2008 in accordance with section 7-16 (a) of the Gloucester City Charter.

Water Rate- \$9.11 per thousand gallons of water usage
Sewer Rate- \$14.49 per thousand gallons of sewer usage

At the Public Hearing, All interested persons will have the opportunity to be heard.

LEGAL NOTICE

NOTICE OF A PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, July 8th 2008 at 7:00p.m** in the Kyrouz Auditorium, City Hall relative to the following proposed Water and Sewer Rates recommended by the DPW Director for a twelve month billing period effective 04/01/2008 in accordance with section 7-16 (a) of the Gloucester City Charter.

Water Rate-\$9.11 per thousand gallons of water usage

Sewer Rate-\$14.49 per thousand gallons of sewer usage

At the Public Hearing, All interested persons will have the opportunity to be heard.

By Vote of the
City Council
Robert D. Whyntott
City Clerk

GT - 8/30/08

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, July 14, 2008 – 7 PM
City Hall - Third Floor Conference Room

Attendance: Councilor John “Gus” Foote, Chair, Councilor Sefatia A. Romeo, Vice Chair, Councilor Bruce Tobey

Also: Jack Clarke, Sandra Dahl Ronan, Mike Hale, Richard Gaines, David Bain, Phil Bouchie, John McElhenny

Absent:

The meeting was called to order at 7:00 p.m.

1. Order 08-04 Home Rule to exempt Chief of Police and Fire from MGL Ch. 31 (Civil Service) (*cont from 6/9/08*)

David Bain, Personnel Director referred to the statistical analysis presented to the committee the last time they met.

Councilor Tobey asked if there is any money in the budget to invest in training Fire Department lieutenants and deputies to qualify as Fire Chief.

Mr. Bain replied cities as rule don't conduct management training. In the past employees have learned by osmosis and he feels this needs to change.

Phil Bouchie, President of Firefighters Union believes training is an investment in the company. We have internal monies that should be used for those purposes and the firefighters would encourage the use of part of the \$33,000 in training funds for that purpose.

MOTION: Councilor Tobey moved and Councilor Romeo seconded that the Ordinances and Administration Committee recommend to the full City Council that the Mayor and City Council petition the General Court for the enactment of a Home Rule Petition for the purpose of exempting the positions of Chief of Police and Fire Chief from the provisions of Civil Service Law, Chapter 31 of the General Law and further that Section 17-17 and Section 8-16 & 8-17 of the Gloucester Code of Ordinances be amended accordingly to delete references to the respective chiefs as they pertain to inclusion in Civil Service.

FIRST AMENDMENT TO THE MAIN MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the Ordinances and Administration Committee voted 1 in favor, 2 opposed (Romeo, Foote) to recommend to the full City Council deletion of the words “AND FIRE CHIEF” and any reference to the Fire Chief from all pertinent sections in the ordinance; seeking only the removal of Police Chief from the provisions of Civil Service. MOTION FAILS

Discussion. Councilor Tobey feels that each public safety division has its own distinct set of issues but when he compares the sets of issues, he concludes that the Fire Department is more the victim of inadequate funding; that those who contest the terms of the contract related staffing don't understand what it takes to effectively fight a fire and that the management model is therefore is not broken and is more fundamentally sound and less a concern. He is focusing on the more substantial management difficulties we are facing in the Police Department. We need the highest level of professionalism and the greatest level of objectivity and knowledge of the field. A Gloucester lieutenant may have that and can compete fairly outside of civil service. As

president of the MMA he is advocating for management rights (which means getting out of civil service all together) while recognizing sometimes you have to go with what is possible and make incremental changes.

Councilor Romeo has no problem either way but would make an amendment that you hire from within. If we have a problem we need to address it but if there is no documentation then there is nothing that can be done. She would like to let this be for now until after the public safety audits.

Mr. Bain feels this still needs a home rule petition but the requirements could be a matter of local ordinance.

Councilor Foote is against taking it out of civil service but agrees we should hire from within.

Councilor Romeo stated we are all in agreement that we want to hire from within so what is the difference between being in civil service or not and what are we going to gain by taking these positions out of civil service.

Mr. Bain explained that when you hire a person that isn't a civil service employee, it is done by contract. In the contract you can fire that person for "cause" at any time; it gives the employer more freedom. Under civil service, you have to have "just cause" to take someone out and there are high standards.

Richard Gaines, GDT asked if there a typical duration of a contract for police chief in the law.

Mr. Bain replied typically those contracts are for three years.

Councilor Foote would like to keep it as is. Both chiefs have said their doors are always open.

Councilor Romeo would like to see this resolved and done properly.

Mr. Bouchie stated if done properly he is sure most would agree with the amendment to remove the chief from civil service as long as they hired from within but it would have to be in the ordinance.

SECOND AMENDMENT TO THE MAIN MOTION: On motion of Councilor Romeo, seconded by Councilor Tobey the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council to exempt the positions of Fire Chief and Police Chief from the provisions of Civil Service Law, MGL, Chapter 31, requiring they be hired from within the existing departments. (Language to be provided by the Legal Department) MOTION CARRIES

MAIN MOTION WITH AMENDMENT: On motion of Councilor Romeo, seconded by Councilor Tobey the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the Mayor and City Council petition the General Court for the enactment of a Home Rule Petition for the purpose of exempting the positions of Chief of Police and Fire Chief from the provisions of Civil Service Law, Chapter 31 of the General Law and further that Section 17-17 and Section 8-16 & 8-17 of the Gloucester Code of Ordinances be amended accordingly to delete references to the respective chiefs as they pertain to inclusion in Civil Service; requiring respective chiefs to be hired from within the existing departments. (Appropriate language to be provided by the Legal Department.) MOTION CARRIES

2. Miscellaneous

- a. Memo from Inspector of Buildings re: ordinance pertaining to vacant buildings. (cont from 6/30/08)

Memo dated 7/14/08 from Bill Sanborn, Building Inspector was entered into the record. (copy in file)

Councilor Romeo read Councilor Hardy's questions from her e-mail dated 7/14/08 into the record. (copy in file)

Councilor Foote supports the ordinance.

Councilor Romeo questions if this is just for buildings; people are also complaining about vacant land.

Councilor Tobey stated it is a good ordinance intended for the residential side and hopes we don't break it by moving to the commercial side.

MOTION: On motion of Councilor Romeo, seconded by Councilor Tobey the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council amendment of Chapter 1, Section 1-15, entitled "Penalty for violation of certain specified sections of Code" by ADDING the vacant building registration fee schedule based on square footage, as proposed and by ADDING Chapter 5. Article II, Division 3, entitled "Vacant Buildings", Sections 5-30 through 5-36, as proposed and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- b. Order 06-26 – Restrictions on use of West Gloucester Firing Range. *(cont from 6/30/08)*

Restrictions on the use of the West Gloucester Firing Range are continued to August 11th.

- c. Order 08-22 Investigate use of specially energized metal bats. *(cont from 6/30/08 pending ruling from Legal).*

Memo from Suzanne Egan, General Counsel dated 7/14/08 regarding the request for legal opinion. *(copy in file)*

Mike Hale, Acting DPW Director stated legal recommends this be a rule for the park and not part of the permit.

John McElhenny, 19 Allen Street stated they were interested in a rule specific to the folks causing the issue, that being the men's softball league.

Councilor Romeo stated if you are going to do this you have to do it for all fields. You want to protect all neighborhoods.

Mr. Hale would want to take a look at what fields this rule would be applicable to.

Councilor Foote stated we first have to look at the concerns of the neighbors.

Mr. Hale noted the Town of Rockport men's softball league has switched to wooden bats for safety reasons.

The aluminum bat issue is continued pending a proposed regulation change.

- d. Pay As You Throw Trash Bag Program *(cont from 6/30/08 pending ruling from Legal)*

Mr. Hale provided background on the trash bag proposal. In FY08, the general fund subsidized over \$612,000 of the solid waste program. An individual senior citizen sticker is available for \$1.50 and a bag would be provided for seniors as well for \$1.50. He feels the bag program will reduce tonnage, because it will encourage recycling which will have an impact on our next contract. We are in our option year right now, so we do have a bargaining opportunity and he has received some indication we may be able to lower our tipping fee. This program is also easier to enforce. Right now there is only an ordinance for recycling and he would like to take the recommendation of Legal and put this into the ordinances.

Councilor Tobey explained that this exists as part of the fee structure put forth by previous DPW Directors and Mayors and this is now a change to the schedule. This seems to be more of a policy but Legal seems to think it would be better served if it were included in Chapter 9 of the ordinances.

Mr. Hale noted the only other change is the fee change for a bulk item from \$2 to \$5.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the Pay As You Throw Trash Bag Program as proposed. (Legal to provide ordinance language)..

Mr. Hale would like to see the fees in the regulations.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the \$5 bulky item sticker fee and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

e. Order 08-26 CPA Ballot Question

Sandra Dahl-Ronan emphasized the leverage of the Community Preservation Act. Gloucester is paying its portion but is unable at this time to benefit. She used an example that an average \$400,000 home would pay 8 cents per day. The percentage would remain at 1% with the first \$100,000 of property value exempt, as low and moderate income. The question is the same as the last ballot question and included in the packet are proposed legislative changes to make recreational use of the monies.

Jack Clarke, Walker Street stated 131 communities have adopted the CPA and Gloucester is the only one on Cape Ann that hasn't. Since the CPA was enacted, Gloucester residents have sent \$6 million to the other communities as part of their match.

Councilor Foote read somewhere that something went wrong with the CPA.

Mr. Clarke explained that the CPA monies could only be used to rehabilitate properties purchased with CPA funds. The legislature is making changes to allow use of CPA funds for recreational purposes and also to rehabilitate properties not purchased with CPA funds.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that the following question be placed upon the ballot for the regular State Election scheduled for November 4, 2008: Shall the City of Gloucester accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body.

3. Other Business

It was moved and seconded to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees