

GLoucester City Council Meeting

Tuesday, August 31, 2010

7:00 p.m.

Kyrouz Auditorium – City Hall

Council Meeting 2010-20

**Present:** Council President, Jacqueline Hardy; Vice President, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Paul McGeary; Councilor Steven Curcuru; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whynott

**Absent:** None.

**Also Present:** Linda T. Lowe; Jim Duggan; Kenny Costa; Police Chief Michael Lane; David Bain; Michael Hale; Joel Favazza; Pat Murphy; Tom Ellis; Ken Hanover; Cynthia Donaldson; Sunny Robinson; State Senator Bruce Tarr; Judy Masciarelli; Mary Lou Maraganis; George Skelly, Esq.; Renaldo Rauser Recupero, Esq.

**The meeting was called to order at 7:00 p.m. Items were taken out of order.**

**Flag Salute and Moment of Silence**

**Oral Communications:**

**Tom Ellis**, 5 Old Bray Road running the Thomas Lannon, a charter sailing ship docked in Gloucester, stated he was so moved by the children that he has taken out on this boat that he wished to build a bigger boat and take high school kids out. He announced his plan to raise \$20 million to build a boat, the Puritan II, (the original having been built in Gloucester in 1923 to race against the Bluenose, only having sailed three times and ran aground on Sable Island). This vessel would have an electric motor; emerging technologies for collecting and storing electricity and will be a platform for green energy wherever they go. The children that would come on it would compete in a national competition for a spot and will have to demonstrate their sincere desire to get involved in solving the world's pollution and energy problems. It would be a two-week program and hoped they could "turn some heads with this". He asked the City Council to consider a resolution in support of their efforts. He read the proposed resolution of support of the "Puritan Project" he wished the Council and Administration to consider (a draft resolution was presented to the Council at the meeting and is on file) to lend their support.

**Councilor Hardy** clarified for the Council that Mr. Ellis was looking for the Administration's approval on this, so it would be referred to the Mayor and believed he was also looking for City Council support.

**By unanimous consent the Council referred the matter to the Planning & Development Committee for referral back to the City Council at a later date.**

**Patricia Murphy, R.N.**, 262 Washington Street stood with Dr. Cynthia Bjorlie of Mussel Point Road. Ms. Murphy stated they were before the Council to give them an update on some of the concerns they have addressed with the Council and the City about chloramines being added to the water. One of the projects they decided to undertake was their own testing of samples of the water from several sites before chloramine was added and a month after it was added to test for lead. She recalled to the Council that it has been proven in several states and in Washington, DC that the lead levels in the water was extremely high in some places. They've continued to be a problem in Washington, DC even after the modifications had been made to prevent it. Late yesterday their group got the follow-up results of 14 samples and compared them to the initial sampling before the introduction of chloramine to the water. Before chloramine, all the samples were under the lead concerning level. After the addition of chloramine, one out of 14 samples came back twice the state allowed level of lead. That was an increase of seven times the pre-chloramine test and felt it was pretty concerning and reinforced their concern that the matter needs

close watch. She noted the City staff had said they were going to be doing their own testing in a month and are hoping to hear their results. They notified Mayor Kirk that morning and the Chair of the Board of Health, Joseph Rosa so that they could look into it whatever way they see fit. She hoped the Council would work to monitor the lead levels closely.

**Confirmation of Appointments:**

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Joel Favazza to the Capital Improvements Advisory Board, TTE 02/14/2013.

**Discussion:**

**Councilor Mulcahey** stated they asked Mr. Favazza about his legal background noting he expected the results of his bar exam in November; and that he sent in a resume to the Council (previously on file).

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed the appointment of Joel Favazza to the Capital Improvements Advisory Board, TTE 02/14/2013.**

**Councilor Theken** suggested the Rules of Procedure be suspended in order that public hearings may come after presentations due to the heat.

**By unanimous consent the Council approved the suspension of the Council Rules so that they may take matters out of order.**

**Executive Session:**

**Councilor Hardy** stated in order for the City Council to go into executive session, the Council must adhere to strict Massachusetts General Laws in order to do so. "As Council President I declare that the August 31<sup>st</sup> meeting of the City Council has been duly posted and has been called to order. We are now in open session, and there is a quorum present. Before the Council can vote to go into Executive Session, the purpose of said Executive Session must be stated:

I declare the purpose of the Executive Session as follows is to discuss litigation strategy in a legal matter; and to discuss this in an open meeting may have a detrimental effect on the litigating position of the City. I further declare that it is the intent of the Council to reconvene back into open session to continue with the balance of our agenda after the Executive Session. Motions to go into Executive Session are by roll call vote and require a majority vote of the Council. Therefore, I will entertain a motion: That the plaintiff City Council, its staff and the plaintiff attorneys go into Executive Session to discuss strategy with respect to Charter School litigation regarding the Dolan et. al. v. Chester et. al. litigation."

**MOTION: On motion by Councilor Whynott, seconded by Councilor Ciolino, the City Council BY ROLL CALL voted 9 in favor, 0 opposed to call the City Council (plaintiff), City Council staff, and attorneys for the Plaintiff enter into Executive Session (in accordance with MGL Chapter 39, sec. 23B, sub-section 3) to discuss litigation strategy with respect to Charter School litigation regarding the Dolan et. al. v. Chester et. al.**

**Councilor Hardy** stated, "I hereby announce that the roll call vote is 9 in favor, 0 opposed. We shall now convene into Executive Session and will reconvene to continue the balance of our agenda."

*The Executive Session was convened at 7:14 p.m. and was ended at 7:56 p.m. by roll call vote. No other motions were entertained during the Executive Session.*

*By unanimous consent, the City Council voted to reconvene to open session at 8:04 p.m. in Kyrouz Auditorium.*

**Presentations:**

**1 of 2: Ken Hanover – President & CEO Northeast Health Systems (NEHS) – Update of Addison Gilbert Hospital**

**Mr. Hanover** noted the state of flux of the health care system but increased insurance coverage has dramatically increased health insurance coverage for Massachusetts residents; however, the escalating cost of health care are prohibitive for small businesses. He spoke to the initiatives from insurers regarding the deployment of limited health care resources. This was forcing hospitals, physicians and healthcare providers to rethink how they are organized. He noted their organization's initiative to reduce their cost structure by approximately \$15 million. He spoke of their cost reducing strategies and the ongoing efforts. They're evaluating closure of one or more of their outpatient-oriented programs with declining use by consolidation of programs or program closure if that was appropriate. There will be medical/surgical staffing levels adjustments. Their total discharges are 6.6% below last year, some staff adjustments will be necessary. He was pleased to report their oncology day care program has grown 5% over last year. He noted Drs. Dooley and Kunasani opened a new vascular clinic at AGH; and they successfully recruited Dr. Candace Thompson (a primary care physician). They continue to believe their long-term success will depend on more primary care physicians for the community through the AGH. He again urged the community to utilize the hospital touting the hospital's quality of service and care.

**Councilor Tobey** noted back in the spring when Mr. Hanover was before the Council that his request was that when they asked how they could help him, he had said, by using them (hospital services). The Councilor's concern was that there have been layoffs within the system and reconfigurations of staffing in the system pursuant to a consultant's report that they (NEHS) had commissioned. From accounts he had read in the Salem Evening News, that this was a multi-phased process; and phase one has been instituted. Mr. Hanover had asked they use them. Are the services they might use, say tomorrow, fewer than those that would have been available at AGH when he met with them back in the spring?

**Mr. Hanover** stated not tomorrow. They're looking at two outpatient programs that are not part of their core service continuum that they may close. They are still evaluating that. They are not critical programs to serve this community or to maintain the appropriate care levels within the community.

**Councilor Tobey** asked regarding the emergency room, bearing in mind in the last few days each one of the bridges on Cape Ann have been closed or questioned, will patients who present at the ER currently, who may require surgery, automatically be diverted to Beverly?

**Mr. Hanover** responded an emphatic no. He reiterated that as he indicated previously, for all patients who require surgical services that is a decision as to where the services are going to be provided is the decision to be made by the physician and the patient; and that is where it will be rendered. They have full capabilities to render care in the ER and to provide surgery if it is required. They continue to have 24/7 surgical availability coverage.

**Councilor Tobey** asked if those services had been no way diminished by the changes that have occurred in recent weeks.

**Mr. Hanover** stated no.

**Councilor Tobey** asked regarding the next phases of that consultant's plan unfolds what might those impacts be specific to AGH.

**Mr. Hanover** responded that at this point unclear if there will be any further impact at AGH as they proceed with this process. It is an ongoing process of assessment and don't have a plan to implement

over the next 6 months. They are watching what is happening to utilization at all of their facilities and as utilization changes they're looking at what adjustments, if any, they need to make. He was not prepared to talk about any other program closures anywhere within the system because they have no plan to close any further programs across the system at this point in time.

**Councilor Tobey** noted that they had the plan by the consultant enumerating the next phases of changes. He asked if the report was going to be available to the public.

**Mr. Hanover** stated no, it was not. The consultant's report has not been adopted as it was presented in its entirety and many factors related to decisions they have to make. When he stated they have no further programmatic changes that they're contemplating today, he was sincere in saying that. But he also indicated the health care environment was changing dramatically; and as utilization patterns change, they need to be flexible to adapt to those changes. That's what they're talking about more than restructuring the entire program base across the system. He reiterated that was not their intent.

**Councilor Tobey** appreciated his candor and sincerity. He asked that the Council not read about it in the paper first the next time and to come before the Council to tell them proactively of the next round of changes.

**Mr. Hanover** noted the difficulty with complying with this requests was they have a responsibility to their workforce; and didn't want his workforce reading about changes, either, in the paper before they're spoken to directly. The difficulty in making these types of decisions there is certain fluidity before the decisions are finalized; during the process information leaked. He felt in this situation was, once they knew what they needed to do, he was happy to go before the Council to speak about it to answer any questions. He apologized if Councilor Tobey or other members of the Council didn't believe it was timely enough. He assured them both he and Cynthia Donaldson (Vice President of Ancillary Services at the AGH who had joined Mr. Hanover at the podium at the start of the question period) have nothing to hide and are willing to talk about how decisions get made.

**Councilor McGeary** stated without revealing the contents of the consultant's report he must have some projections looking out over the next year or two; and understanding it was still a fluid situation, were they looking at, just in dollars, further cuts. Is that on their agenda.

**Mr. Hanover** stated their budget for next year across the NEHS contemplates an operating margin of less than 2%. If they do nothing as a system, by 2013 they will run a deficit system-wide. Those projections suggest they do nothing. That was not going to be the case. They take their responsibility to the community very seriously. In order to sustain their capacity to deliver healthcare services they have to have an operating margin that is sufficient to enable them to reinvest in their programs, services and technologies to continue to meet the needs of the community. In order to do that, they either expand revenues or reduce their expenses. The former was preferable. All the payers that are re-contracting are looking to cut their rates. Medicare and Medicaid continue to pay far less than cost of care. Private pays, which made up the difference, are now seeking a reduction in their rates as well. With no easy ability to increase revenues, they have to look to the cost side of the equation and make some difficult choices. It probably isn't over. He indicated initially they need to think about hospitals as dynamic organizations in which the care delivery that is provided by them is going to evolve; the types of patients that are treated in them; the types of services that are offered to them; they will probably look different over the next several years. This doesn't mean this would be, necessarily, a failure. It means there is an evolution in how care is being provided. This was a process of adaptation based on the changing needs of the community; changing technology and payments, etc. He believed they had a responsibility to communicate that to the public so they understand what's going on. He believed they couldn't stand still, feeling it would be a recipe for failure.

**Councilor McGeary** referred to 'telemedicine' and wondered if it offered the ability to provide in-home care at drastically reduced rates. Were they actively pursuing that; and if so, how.

**Mr. Hanover** stated they were and was one of the projects being actively being pursued by Northeast Senior Health, one of their affiliates, since there is a clear recognition that more care can be provided remotely by using telemed techniques and have the patient maintain their base of care in a non-hospital setting.

**Councilor Whynott** commented that Mr. Hanover alluded to two programs several times that may be closed and asked if he was able to tell them what they were. Also, did he have an idea of what the reduction of personnel at AGH will be?

**Mr. Hanover** stated he couldn't because they haven't made the final decisions and communicate them to their employees affected. The total 'FTE's', which is a full-time equivalent is one individual working 2,080 hours. It will be less than seven FTE's on an institution-wide basis.

**Councilor Whynott** stated it appeared that it was less than seven people overall not per shift.

**Mr. Hanover** stated it was seven overall not per shift.

**Councilor Theken**, declaring she was an employee of the NEHS, and noted the attendance with Senator Tarr, who had worked in the past with NEHS and the City worked together in the past and wondered if they were still working to get any more funding and grants to keep certain positions and programs. She felt this cooperation should be taken up again. This is a community-based hospital. She stated she was not in fear for her job because she had faith that the services in Gloucester will prevail. She wanted to know if there was anything they could do state-wide to keep a local hospital local.

**State Senator Bruce Tarr** commented that the relationship they have with the administration of NEHS was outstanding. He had expressed difficulties with that relationship in the past but felt with this administration they have a good dialog; good cooperation which they'll need going forward as the healthcare financing environment was about to be come much more difficult. In the next 2-5 years there will likely be a new payment system in Massachusetts that will call upon new collaborations between providers like AGH and insurers like Blue Cross/Blue Shield. They'll have to be extremely engaged to avoid a relationship that develops that doesn't count the community and community involvement in AGH the way the system does today. The dollars they've been able to secure in the past were from the distressed hospital fund, a mechanism by which they took available dollars because of federal dollars were coming into the system that they could redirect into such a fund. They then worked with the NEHS for the benefit of AGH (and at times Bayridge Hospital). Those grants were hundreds of thousand dollars of dollars targeted specifically at the AGH for the preservation of emergency services, largely focused on the availability of emergency anesthesia and surgery. While it had been case in past that it was available, often times the prior administration would reference it being available because it was available at both campuses. They consistently tried to narrow the focus to AGH; that it didn't need to come from Beverly to maintain that ability. That was a discussion that has been respected by Mr. Hanover and needs follow up. He suggested that they need to look at the new payment systems being contemplated at the statehouse more specifically and to look at opportunities that might be coming for the distressed hospital fund, which has been dramatically reduced. Generally speaking those dollars haven't been available to NEHS or to AGH in this round. There was hope that the federal government has approved more money being provided for Medicaid spending. As result of federal stimulus program, more dollars are coming to Massachusetts. He suggested that they might look at how they can channel some of those dollars to the AGH. Right now those funds are unappropriated. Even though the budget for this fiscal year had included it, the Governor reduced the budget when it became clear that those funds might not be forthcoming. Currently there is debate whether the legislature should come back to appropriate those funds, whether it should be done in an informal or formal session. He suggested continuing a dialog and ramping it up.

**Councilor Hardy** looked forward to the written responses for a number of questions she had previously submitted to Mr. Hanover. She noted on many occasions her need to contact the hospital on behalf of constituents and has always gone through Ms. Donaldson who has been the conduit between herself, NEHS and the Council. She considered Ms. Donaldson a valuable asset to the NEHS, and that they were fortunate to have her to which Mr. Hanover agreed.

**Senator Tarr** noted the possible reconfiguration and reduction of services at AGH. He felt the one area they need to be fully engaged with the NEHS administration was in recruitment and retention of additional surgeons for the AGH campus. Even as they are looking at reductions in some places, to him that was a core function. He knew the NEHS administration to be receptive and believed there was an

“incredible amount of partnership” and hoped to get a progress report on the matter the next time they met.

## **2 of 2: Sunny Robinson – Overview & highlights of “The Gloucester Coalition for the Prevention of Domestic Abuse”**

**Ms. Robinson** stated she was before the Council to share some updates on the work on the Coalition for the Prevention of Domestic Abuse. She acknowledged two of her colleagues Nicole Richon Schoel, co-coordinator of the coalition and Clara Gaudet Clark coordinator of the Cape Ann office of HAWC. She shared highlights of 2009, in 2010 and historic highlights. The coalition has now been working educationally in the community for ten years and are approaching October, a month that the coalition and HAWC does many activities for the awareness of domestic abuse in the community. In 2009 Mayor Kirk joined as the fourth consecutive Mayor to actively participate with HAWC and the coalition and in 2009 saw an increase in participation from the School Committee. They have joined other agencies beyond Cape Ann, expanding their work this year with Greater Lynn Senior Services to help provide a support group for older women covering the northeast corridor but takes place in Gloucester. Their sister organization, the Gloucester Child Sexual Abuse Prevention Partnership (GCSAP) which continues to do specific sexual abuse prevention work, particularly in the high school, focusing on healthy teen dating relationships in health classes there. With the increase of Portuguese speakers in the community, HAWC, in 2009 increased the work of Rosa Binda to four days a week, who is tri-lingual, so services are available to more needy persons in the community. Ms. Richon Schoel left the staff of HAWC for private practice with Children, Friends and Family Services and is now one of their experienced counseling partners. The bad news from last year was “sadly predictable”. In hard economic times the incidence of domestic abuse goes up, and as a result, the need for services has also risen. Related to that are the injuries they’re seeing in the ER are more serious. Even with the difficult situation, in 2007 they did a fundraising concert to establish an emergency legal fund in order to have funds available to domestic abuse victims for the district courts for restraining orders which was well enough funded to continue for some years. Their work has expanded with the district attorney’s office for wider regional collaboration. On Cape Ann they have established a criminal justice team with not only the D.A.’s office but representatives from the Sheriff’s office and Police Chiefs and/or their representatives from Essex, Rockport and Gloucester; the three communities that use the Gloucester District Court. They’ve continued to do a wide variety of outreach and educational activities; St. Johns Episcopal Church did a 3-part educational series within their church. Many clergy of Cape Ann write for the Gloucester Daily Times mid-week musing often addressing issues of relational abuse. They have a quatra-lingual brochure (English, Portuguese, Spanish and Italian) which continues to be widely available in the community. The display box in City Hall is one of the places where brochures are most picked up and often need restocking. In 2009 presented another ‘In Harm’s Way’ presentation at GHS using dramatization, music and stories of healing as a way to bring education to the community. In 2010 they were working with governmental representatives to preserve our local district court. They are engaged in another round of sustained outreach with many of the faith-based communities of Cape Ann. The criminal justice team continues to meet on a monthly basis and GCSAP continued to this spring with an educational series at GHS focused in the health classes reaching sophomores to establish healthy teen relationships. The coalition formed in 2000 as result of health needs study; and declaration of Gloucester 2001 as a domestic free violence zone declared under then Mayor Bruce Tobey. In 2002 under Mayor John Bell, they conducted a two day summit to create an action plan and had the first presentation of In Harm’s Way, which was repeated in 2003. In 2003 and 2004 HAWC presented at the AGH during medical grand rounds a two part series on adult relational abuse issues, and in the second year on pediatric abuse issues. In 2004 Gloucester was designated one of three MA communities included in a federal grant to look at child sexual abuse prevention which continues. In 2006 the real work with the district attorney office began; 2007 the highlight was the fundraising concert; in 2008 Governor Deval Patrick declared a zero tolerance campaign statewide around domestic abuse of which they are an active part. In 2009 Public Health Commissioner, John Auerbach, demonstrated the

increasing awareness in response to domestic abuse by writing a statewide health alert because of the increased domestic abuse incidences and related domestic abuse homicides. She reminded the public of their annual recommitment ceremony on the steps of City Hall, Tuesday October 5<sup>th</sup> at 12 noon by Mayor Kirk, the coalition and HAWC. She invited all to join them on the steps of City Hall.

**Councilor Tobey** thanked Ms. Robinson for her presentation and the work they've done for so long. He understood the diversity that has grown in the community has made it important for both service providers and law enforcement to have multilingual capacities at their call.

**Councilor McGeary** commended Ms. Robinson and her team for their work. He also noted the work of Reverend Richard Simeone (former rector) and Reverend Lynn Brakeman at St. John's Church who work tirelessly in this effort.

**Ms. Robinson** stated the coalition has been hosted by St. John's Episcopal Church for most of its meetings and many of their programs through most of their ten years. The Reverends Simeone and Brakeman have been the leaders in working with them and in outreach to the other faith-based communities of Cape Ann.

**Councilor Theken** stated her thanks. She noted what a moving experience it was to listen to stories on the steps of City Hall, recalling the participation of then Mayor Tobey at the start of that event. She believed the awareness means so much, but there was still a long way to go.

**Ms. Robinson** agreed but noted relational abuse only continues to increase on a yearly basis which doesn't mean that they've been a failure but meant they're successful in raising awareness of services and for people to come forward earlier for those services. She also acknowledged the many years-long work of HAWC, leading the community in terms of services for victims of domestic abuse. Without the leadership and thoughtfulness and direction by HAWC their work would not be successful.

**Councilor Hardy** thanked HAWC and the Coalition for their fine work.

[**Note:** At this juncture, the Council, who had previously by unanimous consent suspended their Rules of Procedure, took the matters of Public Hearings, then the Consent Agenda followed by Committee Reports.]

### **Consent Agenda:**

#### • **MAYOR'S REPORT**

1. Memorandum from Police Chief re: acceptance of two grants from the Commonwealth of Massachusetts (E911 Salaries Grant \$61,795.00 and Training Grant \$10,987.00) (Refer B&F)
2. Memorandum from Community Development Director re: HUD Sustainable Communities Challenge Grant (Refer B&F)
3. Appointments:
  - Cultural Council (Terms to expire 02/14/2013) Thomas Hauck, Martin Ray, Hans Pundt (Refer O&A)
  - Newell Stadium Committee, ad hoc – Jim Duggan, Bill Sanborn, Joe Guzzo, Mark Cole, Mike Carrigan, (Info Only)
  - Dick Wilson, J.D. MacEachern, Dr. Bill Goodwin
4. Memorandum from Community Development Director re: Cape Ann Conservation Planning Project – Technical Assistance Request (Info Only)

#### • **APPROVAL OF MINUTES**

1. City Council Meeting 8/17/10 (Approve/File)
2. Standing Committee Meetings: O&A 08/23/10, P&D 8/25/10, B&F 8/26/10 (under separate cover) (Approve/File)

#### • **APPLICATIONS/PETITIONS**

1. SCP2010-011: Hesperus Avenue #82, GZO Sec. 3.1.6(b) Building Heights in Excess of 35 Feet (Refer P&D)
2. PP2010-004: Installation of UG conduit re: 80 Middle Street (Refer P&D)

#### • **COMMUNICATIONS**

1. Letter from City Clerk re: Court Relocation Committee and Gloucester District Court (Info Only)
2. Letter from Mayor re: Court Relocation Committee and Gloucester District Court (Info Only)
3. Letter from FEMA re: Digital Flood Insurance Rate Map and Flood Insurance Study Report for Essex County (Refer P&D)

#### • **ORDERS**

1. CC2010-061 (Hardy) Enact Ordinance as required by Ch. 217 of the Acts of 2010 re: Linkage Exaction Program (Refer O&A & General Counsel)
2. CC2010-062 (Verga) Amend GCO Sec. 22-270.1 Resident sticker parking only" and Sec. 22-270 "Parking Prohibited at all times" re: Rafe's Chasm parking area/lot off Hesperus Ave. (Refer O&A, TC, DPW, & Police)

3. CC2010-063 (Mulcahey) Amend GCO Sec. 22-270 "Parking Prohibited at All Times" re Oak & Maple Streets (Refer O&A & TC)
4. CC2010-064 (Mulcahey) Proposed amendment to GCO Sec. 22-267 "One Way Streets-Generally" re: Mt. Vernon Street (Refer O&A & TC)
5. CC2010-065 (Hardy) Request Senator Tarr and Representative Ann-Margaret Ferrante secure state money to study the feasibility for a bypass road (City Council)

The Council recessed at 10:40 p.m. and reconvened at 10:46 p.m. in the first floor Council Conference Room at City Hall due to extreme heat conditions in Kyrouz Auditorium and took up the Consent Agenda and then Committee Reports.

**Items to be Added/Removed from the Consent Agenda:**

**Councilor Curcuru** wished to remove Item #3 under Appointments on the Mayor's Report, Newell Stadium Ad Hoc Committee.

**Councilor Tobey** wished to remove Item #2 under Communications, Letter from Mayor re: Court Relocation Committee and Gloucester District Court.

**Councilor Hardy** noted she also had an item under Appointments and an item to be added for the establishment of a Talbot Rink Enterprise Fund.

**Councilor Curcuru** stated he wished for the Newell Stadium Ad Hoc Committee be removed and be referred to O&A Committee for consideration as this will be for the purpose of building a new stadium to on City property, possibly with some City funds. He felt the Ad Hoc needed to be removed and needed to be a sworn-in Committee.

**Councilor Hardy** added that she had a conversation with the Mayor the previous day on this particular matter in which she questioned the [appointment] of an Ad Hoc Committee and why a City Councilor was not on it; why it was not a Building Committee. It was determined that an architect had yet to be appointed. The Charter reads that when an architect is appointed there shall be a Building Committee. She felt that didn't address whether or not they can have one prior to it. She wanted to have the matter referred to O&A to get a clear definition as to what this Committee is. Is it Ad Hoc; and if it is Ad Hoc, can they put a City Councilor on it; if not, if they can turn it into a Building Committee which would be preferred. Also, she would be looking for clarification as to how many members can be on a Building Committee, which she believed to be seven members. Further, she was unsure if they could put a City Councilor on a Building Committee.

**Councilor Curcuru** didn't feel it was worth having an Ad Hoc Committee if eventually it was going to turn into a Building Committee and to organize a Building Committee right from the start.

**Councilor Tobey** noted if they were looking to hire an architect, then the Administration was "begging the question" that they should have a Designer Selection Committee.

**Councilor Hardy** stated they weren't at that point yet where they're going to hire an architect.

**Councilor Curcuru** noted a portion of it would be built; reiterating the bathrooms would be built out of this committee on City land with donated money. This was why he felt they need this to be a full Building Committee.

**Councilor Tobey** stated that the Charter says under Section 5.4 that if a design person was to be retained to design the bathroom,[then a Design Selection Committee would be necessary].

**By unanimous consent the City Council referred the matter of the Newell Stadium Ad Hoc Committee to O&A and also for the Legal Department to provide guidance on Section 5.4 and 5.5 of the City Charter.**

**Councilor Tobey** related as to Item #2 under Communications that he respected what the Mayor has done to call out the court system as it related to the potential closure of the Gloucester District Court.

However, no Mayor makes unilateral decisions under Section 2-3(e) of Code of Ordinances as to what the

terms and conditions of a lease are. The Council has a role in that as well; and asked that this matter of the Courthouse lease be referred to P&D.

**By unanimous consent the City Council voted by unanimous consent referred the matter of the Letter from Mayor re: Court Relocation Committee and Gloucester District Court to P&D.**

**Councilor Hardy** stated under Item #3, the appointment of Janet Rice to the Capital Improvement Advisory Board (CIAB) was inadvertently left off the Consent Agenda, even though it was enumerated in the Mayor's Report.

**By unanimous consent the City Council referred the matter of the appointment of Janet Rice to the CIAB to the O&A Committee.**

**Councilor Curcuru** wished to add a late memorandum from Jeff Towne, CFO on the establishment of the Talbot Rink Enterprise Fund to be referred out to B&F (memorandum on file).

**By unanimous consent the City Council referred the matter of the establishment of a Talbot Rink Enterprise Fund under M.G.L Chapter 44, Section 53F-1/2 was referred to the B&F Committee.**

**By unanimous consent the City Council accepted the Consent Agenda as amended.**

**Scheduled Public Hearings:**

**1. PH2010-065: SCP2010-009: Holly Street #70, GZO Sec. 2.3.6(4)**

**Councilor Hardy** opened the public hearing on #70 Holly Street and announced that the matter would be continued and asked Councilor Ciolino to update the Council on this particular application.

**Councilor Ciolino** noted the applicant was on vacation for a month and a half. During their last meeting when they took up SCP2010-009, the Committee had given a list to the applicant of items to be brought back to P&D and that the applicant agreed with their request for a continuation in order that the Committee may fully consider the matter, to then make their recommendation to the Council.

**Councilor Hardy** also noted that because the Council only has one regularly scheduled meeting in September and the Council's first meeting in October is fully booked, the Council would, therefore, continue the public hearing of SCP2010-009: Holly Street #70 until October 26, 2010 City Council meeting.

**2. PH2010-060: Amend Chapter 17 "Police Article II re: the non-civil service process of selecting the Police Chief"**

**This public hearing is open.**

**Those speaking in favor: None.**

**Those speaking in opposition:**

**Jim Duggan, CAO** expressed that the Administration was opposed to the ordinance. There was a process in place supported by the Gloucester Code of Ordinances that the Mayor shall appoint all City department heads subject to confirmation by the City Council. The ordinance proposed, they believed for the most part, takes the Personnel Department out of what they have been hired to do: recruit qualified candidates for positions they are seeking to fill. If the proposed ordinance has the support of the Council, the Administration had modifications that would warrant the continuation of the public hearing in order to have this be further discussed at the O&A level.

**David Bain, Personnel Director, City of Gloucester** his stated his problem was he felt he "was left out of the loop". In section 17-18 B, the whole process of selection and interviewing, etc. will be handled by

consultants hired to do this particular job. This was a job usually done by Personnel when they hire people (for the City); they do the solicitations, interview candidates and believed his department capable of doing that. He noted if the Council was determined to do this (vote for the ordinance as presented), he suggested in Section A where it sets up the Committee to set it up with an odd number of members (currently written with an even number of members) and consider adding the current Police Chief or their designee which would give them nine. He noted the similarity of the proposed ordinance to that in place in Somerville, and that he had seen similar ordinances in place that were used for the hiring of School Superintendents. It was a process he believed that could potentially work but would cost a fair amount of money to duplicate what his department does. His only participation in the proposed ordinance would be acting as chair of the selection committee. He believed this was bypassing the City's Personnel Department and the expertise they had developed over the years.

**Communications (Continued):**

**Former Councilor Jason Grow via email dated July 20, 2010:**

"Dear Councillors,

I had hoped to be in attendance tonight to attend the public hearing on the proposed changes to the ordinances governing the qualifications and selection of the Police Chief. Unfortunately I'm going to have to miss tonight, but wanted to express my support and gratitude for the results of your efforts to craft a comprehensive and meaningful process by which this most important of positions is selected.

I understand that change is difficult and that there will be some who argue that the way it has "always been done" is the best way. I'm sure you'll hear tonight that this will "politicize" the process and that it will deny members of our own force from ever achieving the rank of Chief within our own department. It is clear in the language of this ordinance that neither of these arguments have merit.

I would argue that this proposed ordinance erases the potential for improper political maneuvering and instead frames the process in a far more professional, politically neutral, transparent and community engaged manner. That members of the community will have a voice in the oversight of this position and be able to hear directly from potential candidates is a massive step forward. Likewise the itemization of preferred experience is clearly designed to attract a well-qualified, well-rounded pool of candidates.

As for the argument that this will discourage internal advancement? I'd suggest that that is nothing but a protectionist red herring. The position of chief should not be viewed as a position granted as a right of ascension. It should be difficult to achieve, but nothing in this ordinance makes it impossible or even unlikely. In actuality it defines a level of expectation that an officer who wishes to pursue being chief as a career goal can use as a framework for their own career development. I would encourage the city to do what it can to aid in the development of the skills and experiences necessary for this job as a means of encouraging the internal advancement of her officers.

Gloucester deserves to have the best person available leading our departments. If that person exists within our existing department, then by all means the position should go to that person. But now there will be a mechanism in place to ensure that the best candidates are sought after, vetted by a critical and thorough process and selected for their experience, leadership and managerial capabilities. We should expect no less for any of our city leadership.

I believe this ordinance will encourage even greater professionalism within the department; that it will serve to cleanse the corrosive factionalizing that has afflicted our department and that it will serve to strengthen our force and the public trust. To argue against it is to suggest that Gloucester need not seek the best. It is an argument I view as hollow and a disservice to our community.

This is a good ordinance and I urge you all to vote affirmatively for it.

Once this is done, I encourage you to immediately engage a similar process for defining the requirements and ordinance for the selection of the Fire Chief so that the selection for this equally important position is handled in a similar manner.

Thank you for your diligence and your successful efforts on this very important issue.”

**Questions:**

**Councilor Tobey** noted Mr. Bain was correct when he said that this proposed ordinance was modeled on the Somerville ordinance; once used to pick a Police Chief and now being used again to pick a new Chief there with great success, which he had first-hand from Mayor Curtatone. He wanted to make sure the several points made by Mr. Bain were or were not all of the concerns the Administration had but did not enumerate. Were Mr. Bain’s statements of concern a complete statement of the Administration’s concerns; yes or no.

**Mr. Duggan** stated no. There were specific instances of “wordsmithing” they believed needed to be done for flexibility to the ordinance; and gave the example of Part B, 17-18, in the second sentence, “the Mayor shall select a qualified recruitment...” which they believed took out the Personnel Department, an experienced, qualified department to go through the process to recruit individuals to apply for the position.

**Councilor Tobey** commented that was a concern Mr. Bain stated and not new ground.

**Mr. Duggan** responded the Administration was proposing flexibility by restating it, in this particular instance, as “*may* select a qualified recruitment”. He believed that was just one example of the kind of wordsmithing that warranted the ordinance to go back to O&A to “draw out some of the issues”. He offered the example if they need to go to a recruitment agency, then they would but they need flexibility. He noted other areas such as section 17-17 where they’re looking in Part D of changing words there, “*preference shall be given*” instead of “*may be given*”. He reiterated Mr. Bain’s point that the total number on the selection committee was proposed as eight feeling there was a reason to believe that with the suggestion to have the current Chief involved in the process what if [the current Chief] wants to be an applicant; should they bring the total number to nine or bring it back to seven. He believed that was another point warranting the proposed ordinance to go back to O&A. In addition, they have to look at HIPAA regulations which need referencing in the ordinance. If they do a psychological evaluation on a candidate, they’re subject to HIPAA regulations and felt they need to be a bit more specific on that issue as well.

**Councilor Tobey** continued that he heard one new thing in 17 changing “shall” to “may” on those elements of preferences and on the assessment center, “may” rather than “shall”; and nine members or some odd number rather than eight; and wanted to know if there was anything else. He noted this matter was in O&A for many months and recalled Mr. Duggan’s attendance at that Committee’s meetings on the proposed ordinance, so this came as a surprise after all these months to him. He knew General Counsel had voiced a number of concerns on behalf of the Mayor.

**Mr. Duggan** expanded that Mr. Bain statement with regards the process of the assessment center in the evaluation; suggesting with 25 applicants, as an example, that meant according to the proposed ordinance, all 25 would then have go through that process which would be very costly to the City.

**Councilor Tobey** noted Mr. Bain’s predecessor, Ms. Leete, went through a Chief selection process and hired an assessment center and the process unfolded 25 years ago [Chief Marr, 1988-89 selection]. The last selection for a Chief [John Beaudette] was aided by an assessment center process; and thought it was a standard operating procedure for progressively governed communities.

**Mr. Duggan** stated the modification and recommendation would be for the finalists. It was the understanding that going through such a process was approximately \$150 per applicant. The Administration didn’t see the need to put all of the applicants through the process when they could apply this process just to the finalists.

**Councilor Tobey** pointed out in those previous cases that yielded Chiefs Marr and Beaudette the assessment center was not used for all applicants but for a pool of applicants.

**Mr. Bain** noted that the problem with Section B was that it was open. His interpretation of it was, “the process shall consist, without limitation, written exams, assessment center, psychological evaluation”. It says that after this person is “developing criteria and recruiting qualified candidates and administering the selection process”. There was nothing in there about finalists. He agreed they were all valuable tools. Assessment Centers are used in other progressive communities. The present Chief actually sat in an assessment center and was very much in favor of it. He didn’t believe the specificity that is required of legislation was present.

**Councilor Tobey** asked that this be referred to O&A in order to expedite it, the following Tuesday evening so he can be there as he was the person who brought the language forward so that concrete language is put before them can resolved.

**Councilor Theken** stated there could be a meeting on Tuesday September 7<sup>th</sup> at 5:30 p.m. for a special meeting of O&A, a one item agenda, to bring up any matter on the ordinance and that Ms. Egan and the Administration are to be there.

**Councilor Curcuru** asked for a job description to come from the Personnel Department as it was not supplied in the Council packet, “the new one”. He felt it would be appropriate to have it available at the Special O&A meeting.

**Mr. Bain** responded they did not have a new job description.

**Councilor Hardy** restated that they would like to have the description provided.

**Councilor Theken** responding to an inquiry of Councilor Whynott on whether the Special O&A meeting would only take up the specific items enumerated this evening in the proposed Police ordinance or would it be open to discussion on any portion of the ordinance, stated the Committee would entertain any questions or concerns from the Councilors.

**By unanimous consent the matter of the proposed Police ordinance was referred back to the O&A Committee for work on the language of the ordinance to return to the City Council at their September 28, 2010 meeting.**

**This public hearing is continued to the next meeting of the City Council of September 28th.**

**3. PH2010-066: Amend GCO at Appendix C, the “Personnel Ordinance”, Article 4, “Classification and Compensation Plans” re: reclassification of Director of the Department of Public Works from M10 to M12**

**This public hearing is open.**

**Those speaking in favor:**

**Jim Duggan** stated in keeping with the spirit of the previous reclassifications/upgrades, this was the DPW Director position currently at Grade M10 being proposed to move to Grade M12. As outlined in the memo to the Council, the increase in the responsibilities alone, not comparing to any communities, they believed would warrant the upgrade. The position has the responsibility for 30+ employees, and a budget increase to manage this increase. The position has brought forward hands-on management on all public works issues including large scale capital projects such as the CSO; recovered over \$1 million in outstanding Chapter 90 reimbursements; currently managing a \$20 million upgrade at the Waste Water Treatment facility; led the department through a catastrophic water plant and distribution system failure; led the department through an accelerated design and construction project to upgrade the two aging water filtration facilities, that was said it couldn’t be done of an 18 month process but was done in 8 or 9 months; and a successful transition of the Schools/City maintenance merger on July 1, 2010 to the opening day of the schools which ran very smoothly (the first day being that day).

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Tobey** stated his questions had nothing to do with whether Mr. Hale was deserving of more money. They have managers throughout the City who deserve more money. He believed no one had performed with more distinction than Mr. Hale under very difficult circumstances. But there was a process on how the compensation plan under the personnel ordinance was to be determined; a comprehensive process.

**Mr. Bain** confirmed that to be the case, and stated they survey similar communities in order to arrive at what they believe to be the “prevailing number at that point in time”.

**Councilor Tobey** recalled a municipal practice in Gloucester of every five years conducting a comprehensive, across-the-board management review using the same kind of benchmarks for comparison. He noted in the last few months the Council has had a number of case-by-case, one-at-a-time salary adjustments requested; but they haven’t have the compressive review of the entire management structure and wondered when it will happen.

**Mr. Bain** would like it to happen soon. He thought it could be a question of funding noting this kind of review because they usually hire consultants to help in the process, which costs money. He was not opposed to that, believing the review was overdue and expressed he would be pleased to discuss it with the Administration to see “if they could get it going”.

**Councilor Tobey** asked if Mr. Bain thought it good practice to do this on a case-by-case basis, the way they had been doing it in the last six months.

**Mr. Bain** didn’t feel it was ideal. However, he recognized so many people working for the municipality were underpaid and that this was being done piecemeal. He agreed that it wasn’t optimal, and they should be doing it more comprehensively; but a comprehensive comparison review was a budgetary consideration. He hoped they could have it set up for the next fiscal year.

**Mr. Duggan** noted they have taken some steps to address union contract negotiations with middle management in Gloucester. Prior, as a middle manager in Gloucester, once you are hired at an agreed upon point in a pay range, you stayed there forever, no movement whatsoever. They’ve been able to initiate a grade and step system so everyone will be able to recognize a slight increase each year. Department heads are separate from that. They’re trying to methodically approach the Department heads in a fiscally responsible manner each year. It was the Administration’s intention to continue this moving forward. “Do they think everyone needs upgraded? We do.” He noted it was clear from previous reports that they were referring to, there were still “drastically underpaid” people; and it was their intention to address those moving forward.

**Councilor Tobey** noted his father’s axiom, “anything worth doing is worth doing right”. The Personnel Director stated a better process would be to do that comprehensive assessment and stop the piecemeal approach; and asked if the Administration could do that.

**Mr. Duggan** stated yes; they would take every step they could afford in not doing the piecemeal approach.

**Councilor Tobey** replied he would vote “for this one” but the Council shouldn’t vote for any more. It should be done all at once correctly.

**Councilor Hardy** asked when the last comprehensive review took place.

**Mr. Bain** stated it was done before he was hired three years ago.

**Councilor Hardy** asked by [Personnel Ordinance App. A., Sec. 4-3(e)] ordinance was it to be reviewed every two years this comprehensive review was required. She asked that this be placed as an action item on an O&A agenda as to set up a schedule when the comprehensive review for non-union senior managers and if there are others to be included as well.

**By unanimous consent the City Council referred the matter of a Schedule for a Comprehensive Salary Review of Non-Union Senior Managers [Personnel Ord. App. A, Sec. 4-3(e)] (and other non-union employees as necessary) be referred to O&A to be placed on a nearby agenda.**

**Councilor Theken** noted when Mr. Bain was hired, at O&A she asked when they were going to do this; he stated this was part of his job and that he would do this and needed to and felt comparing to other cities

our employees were underpaid. That was three years ago. She will put it on O&A and expected it to be done because it was mandatory; and she would expect his attendance when the matter was taken up.

**Mr. Bain** stated he would be there; hoped it would be funded and further hoped it would not be an exercise in futility which had happened in the past. "If we're going to do this, let's do it". He informed the Councilor he would have it ready for O&A.

**Councilor Tobey** noted Councilor McGeary was calling up the provision of the Code of Ordinances which requires an annual statement from the Administration on all compensation adjustments for "management types" that are contemplated and thought they were in violation of that ordinance.

**Mr. Bain** responded that they probably were.

**Councilor Tobey** wished to see the matter straightened out.

**This public hearing is closed.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Director of the Department of Public Works from M10 to M12.

**Discussion:**

**Councilor Mulcahey** believed that the DPW Director's position has a lot of responsibilities and even more with taking on the schools as well; anyone in that position should be paid well. They don't want to lose someone who is conscientious in doing the job well because of lack of pay.

**Councilor Theken** stated she had asked at O&A for the Administration to come forward to tell her why it should be a two-pay grade jump, and was that budgeted. The position of DPW Director has changed and was satisfied with the answers from Mr. Duggan on what the DPW Director does and is expected to do and what the new changes are; and that the pay grade increase was warranted and budgeted.

**Councilor Verga** agreed 100% with Councilor Tobey. Had this not been the DPW Director's position in particular, he would have been inclined to vote it down and wait for the Administration to do it the 'correct' way. He felt there was an argument to try to retain and attract people. This position has changed from what it was in the last fiscal year and would support this motion. But he hoped they move ahead with the comprehensive review per the ordinance.

**Councilor Ciolino** would support the upgrade also. If they continue to add to the responsibilities of the managers, especially the DPW Director, and keep changing the job description, that the expectation would be there that they should reward that position with appropriate compensation. He also agreed that one of the City's problems was that they seem to lose people in management positions to other cities and towns after they're trained here. He noted it was unfortunate that there is a learning curve with the DPW Director; and there is lag time until they can "hit the ground running". This has to do with employee retention and was a good thing.

**Councilor Curcuru** was in support of the pay grade increase. He, too, felt the position had changed in the last year dramatically and felt, while expressing he understood they were speaking of the position but felt compelled to mention the person, that Mr. Hale had done a tremendous job handling the position and those changes. He commented also that he believed the City many times underpays their employees, trains them, and then they leave, agreeing with Councilor Ciolino.

**Councilor Whynott** agreed with everything said and seen a great deal come out of the DPW with less people than they used to have and felt "it was terrific".

**Councilor McGeary** agreed with the sentiments expressed and felt they were asking a lot of the DPW Director and that all managers have a right for compensation commensurate with the amount of work they're being asked to do.

**Councilor Tobey** would support this and looked forward to it being done with a greater degree of completeness and accuracy going forward and expressed his appreciation of the O&A Chair's willingness to take the issue on in the nearby. He stated he would never seek to be Mayor again, but felt they should look at an "incredibly burdensome" job, that of the Mayor, and come up with a comprehensive approach

to rectifying that position's salary deficiency. The Mayors of comparable cities, Beverly and Salem make \$100,000.00 and Gloucester's Mayor makes \$75,000.00. Those Mayors don't run sewer systems nor water systems and contended this was a very underpaid job. He noted he had proposed (which did not gain traction) that Councilors' salaries be cut by \$2,000.00 each and put that \$18,000.00 into the Mayor's salary bringing that salary to \$93,000.00 which he believed was a fair trade off. He asked the Administration to include that position in their comprehensive review.

**Councilor Curcuru** shared the Committee report of B&F:

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Director of the Department of Public Works from M10 to M12.

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to amend the Gloucester Code of Ordinances, The Personnel Ordinances, Appendix C., Compensation, Appendix B to change the pay grade for the position of Director of the Department of Public Works from M10 to M12.

**4. PH2010-067: Amend GCO at Appendix C, the "Personnel Ordinance", Article 4  
"Classification and Compensation Plans" re: Facilities Manager – M8**

**This public hearing is open:**

**Those speaking in favor:**

**Michael Hale, DPW Director** stated as part of the transition to the City takeover of the schools [maintenance] they recognized the deficiencies in middle management. Part of the Memorandum of Understanding (MOU) was that they would hire a facilities manager to oversee the City side public buildings and the school buildings. Since July 1<sup>st</sup>, he and his staff and the Assistant Superintendent have been very busy trying to get the schools prepared for opening day (which was that day). In the first three weeks they recognized the fact that the schools had been without a facilities person for, he believed, at least three years since the last person was in that position for the schools. He noted in an organization such as this, middle managers either through attrition or budget cuts are one of the first to go. He further noted that it's not always noticed at first; but as upper management and the Administration go about their duties, and labor to their duties, no one is talking to each other. The Schools were a classic example. There were huge deficiencies in very elementary areas such as bathrooms, the conditions of the grounds. Sooner or later between those that do the work, and management, communication breaks down. When he started 11 years ago in the Engineering Department, there were four operations manager in the DPW. When he started at the DPW three years ago he started with one operations manager. He has two as of this date. This position will be the go between for all custodial staff, the seven building principals, the Superintendent of Schools, the Mayor's office, and his office. This will be the "go-to" person for all the City buildings. He believed this was critical to make his "machine" run smoothly to have this position filled. They would hire someone who would have skills in trades and some business function because they need to oversee the trades people that they have; the cleaning facilities people that they have; contracts that they manage and other contracts they will procure. It will be a welcomed addition for the City side and a needed position for the School side; and he was looking forward to the process of hiring this individual.

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Hardy** wondered if this position should be one of the positions that were reviewed by the City Council on an annual to semi-annual basis much like the DPW Director, the CAO, the CFO and wanted to know the opinion if they had given that matter any thought.

**Mr. Duggan** noted the DPW Director was confirmed every two years. He disagreed with that concept since there was a strong manager and department head in place that does a great job in managing his people, does the proper performance evaluations annually for his employees and believed they should put their confidence and faith in Mr. Hale.

**Councilor Hardy** stated she, too, respected his position and the opinion of Mr. Hale; but how long would he be with the City. However, there may be another DPW Director some day. Since this position was such a vital position as a conduit between the Schools and the Administration on the City side, she strongly felt this should be given consideration or at least a little debate by the City Council. She hoped someday when they are able to change the charter, they can eliminate that yearly review; but until they do, she believed this was one position to give some consideration.

**Mr. Duggan** noted in some respects he understood Councilor Hardy's concerns in looking to the future; but they have to do what is best for Gloucester now. He didn't believe they could go on what a Council might do years from now; they have to do what is in place and implement what policies are in place now. They can come back in future to reevaluate the situation if the position needs to be appointed annually. He related that it was a bit of a concern for people to come to Gloucester in pursuit of jobs. What if they don't get appointed each year? That has been expressed to the Administration while trying to recruit people.

**Councilor Hardy** responded that until then she believed as in the Charter, this was long range planning. They need to be able to make sure that the people have the qualifications appropriate to their positions. She felt she sees people being appointed to boards and commissions and committees only because they stepped forward and volunteered but not that they were necessarily qualified by way of skills and background; and that the Council should protect constituents by making sure the qualifications are in place.

**Mr. Duggan** stated in terms of protecting constituents, and the delivery of services, the Mayor was extremely passionate about that as well.

**Councilor Hardy** stated the Council was also looking out for the good of Gloucester.

**Councilor Whynott** respectfully disagreed with Councilor Hardy; that the position should be responsible to the Director, and it shouldn't matter who the DPW Director was. He or she was still responsible for the people that are under them. If they don't do a good job then there are remedies. He added that the Council, by Charter, has the right to investigate any department they wish and felt that was enough protection and was enough to separate the powers.

**Councilor Curcuru** didn't agree as well; as a department head Mr. Hale has five managers in total, and that would mean all five would have to come to Council. "That would be handcuffing the Director". You could go 'right down the line' to all the departments and have the same issue. He noted they talked about the MOU and creating this position back June. Now they are at the end of August and asked what had taken so long to get this in front of the Council.

**Mr. Duggan** responded lot had to do with fine tuning the job description and the responsibilities for the position. Originally when the position was put forth it would have been at a smaller grade. There was a consensus of the team that the job description would not work or at that pay grade or the level of responsibilities [necessitating the delay].

**Councilor Curcuru** felt this has created a great deal of work for the DPW Director, that this position should have come forward sooner to the Council.

**Councilor Verga** returned to the question of should the Council review this position and agreed with Councilors Whynott and Curcuru that this was middle management and should not come before the Council as it would set a precedent if they start micromanaging and reviewing every middle manger. He felt they couldn't just pull this position out and not all the others and that they should see how it goes with this new position and keep an eye on the situation.

**Councilor Mulcahey** also agreed that they should not be managing the DPW and their personnel. If the DPW Director has a problem he can let the Council know and thought they should leave the management of the personnel to the DPW Director as he works with them on a day-to-day basis. If they're not doing their job, he'd be the first to know.

**Councilor Theken** noted as chair of O&A she emphasized that she does not appoint people that are unqualified and does ask why these people want to be a part of the job for the City, and for Boards and Commissions, etc. The fact was they do have a Personnel Department and a department head that they can go to; and it is up to them to do that. They all need to be eyes and ears and a team as on other issues. They need a reporting system. How can they fire if there is nothing in their files? There needs to be a mechanism in place.

**This public hearing is closed.**

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend the City Council to amend Gloucester Code of Ordinances, The Personnel Ordinance, Appendix C, Classification Plan, Appendix A for the job description for a Facilities Manager in the Department of Public Works as presented (M8).

**Discussion:**

**Councilor Tobey** stated he would support this. It will be an extraordinarily demanding job. He noted the Manchester/Essex Regional School District budget for a facilities manager which confirmed his sense that they're probably underpaying this job as it was a smaller school district with fewer and newer schools; not responsible for City buildings and were being paid more, but they had to start somewhere. He encouraged Councilor Hardy to bring an order to amend the Code of Ordinances to make this a position one that Council does have come before it to confirm. He noted with due respect for Messrs. Duggan and Bain, it was not always good enough that the Mayor says it's OK or the DPW Director says it's OK. This isn't a government of people; it's a government of process and structure and institutions. In previous years there was a much more extensive list of positions that the Council was called upon to review and measure. This is, in the history of the City, a unique position with extraordinary depth and breadth of responsibility that will require, he contended, Council scrutiny. He offered that while he and the Councilor Hardy "may lose, it will be a noble loss".

**Councilor Hardy** added this was one position that "crosses the aisle".

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Theken, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to amend Gloucester Code of Ordinances, The Personnel Ordinance, Appendix C, Classification Plan, Appendix A for the job description for a Facilities Manager in the Department of Public Works as presented (M8).

**5. PH2010-068: Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of the City Charter and proposed amendment to GCO Chapter 4, Animals, Article II Dogs by adding new section 4-16(d)**

**This public hearing is open.**

**Those speaking in favor:**

**Mary Lou Maraganis, 9 Skipper Way** spoke for the dog park proponents and made a power point presentation (on file). She reviewed the history dog parks in the U.S., the first one in 1979. It is a venue for dog guardians to enjoy their favorite form of recreation. Dog owners are a substantial group of park users. They estimate based on the '06 census for Gloucester that there are approximately 6,674 dogs in Gloucester, taking into account that 40% households own a dog, 9 have 3 or more dogs. In 2009 there were 1,887 licensed dogs. There are a lot of dogs not licensed and will become licensed because they'll have to have a license to use a dog park. The dog park is for people and their animals. This is a venue to learn responsible dog ownership. They hope it will be a catalyst for dog centric activities and education for the community. She contended it would serve diverse community groups reaching across economic and social barriers. It would be a place for those with mobility issues and is a great venue for them and

their pets. Well exercised dogs behave better. This provides socialization making dogs less aggressive. In Brookline, once they established off leash parks, complaints to the dog officer were drastically reduced. There is a direct correlation to the number of dog bites to dog parks (indicating they are reduced). She contended it provides for a cleaner community. It creates a community center that is self policing. They spoke with communities with dog parks and self-policing effect does work. It is your neighbors telling you to pick up after the pets, for the environment and for the community. It is a safe environment with a formulation of rules and reduces barking; a safe and clean environment and gives options other than the woods; safe place to exercise dogs in the early morning and late at night. It increases tourism and business revenue. 15% of people who travel to Gloucester travel with pets, 27% nationally. Dog permitted rooms are the first to sell out. Provincetown was named America's dog friendliest city in the U.S. Tourism and revenue has increased with this park. Lands End Inn stated that they had to increase the number of rooms available for owners with pets. It would revitalize use of existing resources; taking a piece of under utilized land to now be used 365 days per year. Design is important for the success of a dog park. They researched a lot of dog park components. It is best to have two separate sections for small and for large dogs. It's important to have double entry and exits and have them at different areas of the off-leash park. She noted components of a park of shade and water, parking close to the site; trash receptacles, signage, lighting and a buffer zone. The ground surface is very important that they don't have pooled water. Decomposed granite seems to be the most durable surface as no water is needed to keep dust down. She showed sample layouts. They are curved to prevent entrapment by other dogs. Trees are important or canvas canopies and shrubs for different playing areas. She noted Salem is the closest dog park. It is one big open area, no small open areas.

**Judy Masciarelli, 23 Way Road** stated the hope is to create a more dog-friendly Gloucester. While gathering signatures for the petition the #1 question was where people wished to see the park. The #1 place was Stage Fort Park. They believed it has all the amenities for a dog park. There were two areas they recommended. P&D has referred the matter to the Open Space Committee. The first area is behind the tennis courts at Stage Fort Park which is appropriate and the second area is near the basketball court on the hill and is under utilized. It would add to Gloucester and be a resource for Gloucester. The maintenance is self policing through research parks are maintained by the user and peer pressure very effective. They also wish to establish a task force, like in Somerville, appointed City Official liaises with a task force dealing with the dog park and dog issues throughout the City. And volunteers would also be a large part of the dog park that would help. Because it is a city owned park the DPW would be responsible for providing the services they would provide for any City Park. They are looking for money from the CPA. Bill 90 that is halfway through the Statehouse which would eliminate the restriction of using CPA money on land already in municipal use. The new bill would lift the restriction and the money could be used for the dog park. The City is eligible for numerous grants from the Open Space and Recreation Plan. One of the ways (to fund the off-leash dog park) might be from licensing. They believe there is a gap of 5,000 dogs unregistered in the City. Once the off-leash parking would be approved, they anticipate a campaign to raise private funding. They were approached early on by Lindsey Coolidge from the Dusky Foundation. She spoke to Mr. Coolidge about their efforts to date who wanted to assure the City Council that he will participate in some of the financial burden of the dog park. In addition to monetary, they have people willing to come forward for donations from fence installation, architectural design services, dog behavior consultants; the boy scouts have indicated they wished to take this on as an eagle project. She urged that Gloucester needed a year round option for places dogs and their guardians can safely exercise and socialize. They should have one dog park for the City population. They wish to see this created for 365 day per year access and for all the reasons previously enumerated.

**Tom Farina, 4 Brooks Point Road;** president of Cape Ann Animal Aid was in full support for a dog park in the City believing it is good for the City and good for the owners and their companion animals.

**John Dugger, 25 Beach Road** sees many dogs going back and forth to Good Harbor Beach and spoke as to the use of the beach for dogs feeling the park needs to be a special place for dogs so that its surface is safe and appropriate for dogs and is in favor of the park.

**Susan Ornstein**, 25 Beach Road, multiple dog owner stated she was familiar with all places on Cape Ann to walk a dog; but it would be wonderful to have an off-leash park for socialization of dog guardians and the dogs and welcome a specific place to socialize when beaches were unavailable or other venues due to weather.

**Dianne Corliss**, 113 Essex Avenue, employee of North Shore Veterinary Hospital as a certified veterinary technician stated that they were in full support of the off-leash dog park. She is also the animal inspector for the City and believed this to be a win-win for the City.

**Those speaking in opposition: None.**

**Communications: None**

**Questions:**

**Councilor Curcuru** heard Stage Fort Park mentioned a couple of times and if this was the site the proponents were thinking about.

**Ms. Masciarelli** stated yes. They presented five or six different possible sites to P&D and to the Open Spaces Committee which are being evaluated but believed they are zeroing in on Stage Fort Park.

**Councilor Curcuru** stated he was the City Councilor for Ward 4, and this was the first he had heard of it; and wanted a ward meeting especially with regard to the areas that they're looking at for proposed dog park at Stage Fort Park is in close proximity to homes on one of the sites. He asked the proponents to contact him to arrange a ward meeting.

**Councilor Hardy** asked if they are awaiting information and language for an ordinance and policy for the DPW rules and regulations.

**Councilor Ciolino** updated the Council that he's been working with this group for several months to get it into the system. They came before P&D, who in turn gave it to the Open Space Committee & Recreation Committee for recommendation for a site. That committee has not yet given their recommendation for a site back to P&D as of that day. One of the options is Stage Fort Park in a part of the park where a preschool was. They also have asked Suzanne Egan, General Counsel, to come back with a definition for a zoning ordinance for an off-leash dog park because no such definition in the zoning ordinance currently exists. O&A needs to tackle the question of dogs in that unleashed dogs are not permitted on City property by ordinance. That the ordinance will need to be amended to have an off leash dogs at an off leash park on City property. Once a site is developed and is worked on design and the committee will work on funding it; and then the DPW will be working on it. There are a lot of pieces that need to come together to make it a reality. He felt because of all this, the park would not happen this year; but as they work towards it to put the pieces together it could be a reality and was doable. He stated Gloucester was long overdue for a dog park. He noted if you live in some areas where the coyotes are rampant you can't let your dog loose anymore. There is a need for a safe spot for dogs. The final decision has yet to be made whether to put it at Stage Fort Park.

**Councilor Ciolino** stated when all the pieces come together then P&D will recommend the creation of a dog park.

**Councilor Hardy** asked how much time it would take to get the matter through P&D, and posed that it would probably be three or four months between Legal and through O&A; coming up with design, DPW regulations. She believed it would take the winter and was looking to the spring.

**Councilor Mulcahey** felt the rules would have to be comprehensive.

**Ms. Masciarelli** stated they have examples of those rules and regulations.

**Councilor Mulcahey** asked how they would allow dog guardians and their dogs to use it.

**Ms. Maraganis** responded that dogs must have their shots and licensing up to date. Self policing kicks in; owners don't want to be reprimanded by another dog owner in the park. At many dog parks, the animal control officer sometimes does a sweep which deters dog owners bringing unlicensed dogs.

**Councilor Mulcahey** noted that would be perhaps once criteria are established that it should be so many hundreds of feet from residential area because this sets up a whole new set of problems and wasn't sure that Stage Fort Park was the right place.

**Ms. Maraganis** stated a buffer zone would be necessary but the barking would be minimal because the dogs are playing and happy. If dogs excessively bark, the dog guardian will have to remove the dog.

There are responsibilities for using the park; and they will educate owners to mitigate issues that they believe could come about with a large group of dogs together.

**Councilor Whynott** noted they're a long way from choosing a place for the park feeling Councilor Ciolino was being optimistic in his proposed timeframe also.

**Councilor Hardy** reminded that a free petition was submitted with over 1,000 signatures and that the City Charter, Sec. 9-1(b) states the City Council has to act within a certain amount of time to take action within that timeframe. There was a lot of work to be done as evidenced by Councilors Whynott and Ciolino's statements. They heard the people speaking in favor and opposition. She would look for a date in December, the 7<sup>th</sup>; and if that wasn't enough time they could extend it.

**Councilor Tobey** noted this could be as complicated as they wanted, but it should be simple. The ordinance should be done quickly then the ball would be in the Administration's court to recommend through its resources, P&D, Open Space & Recreation Committee and the DPW to create a set of rules, pick a site, etc., and then come to the Council. It seemed all could be done by the end of the year.

**Councilor Theken** was ready for O&A to take on the ordinance. This was not overnight. She recalled the leash law hearing, and for Cape Ann Animal Aid also had (recommended) a dog park as part of that conversation. She was in favor of a dog park. They promised the dog community to do something for them off of the beaches. She agreed that she sees self-policing even now in areas heavily trafficked by pedestrians with their dogs.

**Councilor Tobey** added that at the City Charter, Section 9-1(b) deadline that the Council is supposed to hold a hearing and the action by the City Council shall be taken not later than three months after the petition is filed with the City Clerk. He believed that meant the ordinance piece ought to get done in September.

**Councilor Hardy** stated her interpretation was that the action was taken when the public hearing was opened because under Section 9-1 Free Petition, "*the action by the city council shall be taken not later than three months after the petition is filed with the clerk*" meant that the Council began the action within the three months by opening the public hearing. They took comments and need more information before proceeding to vote. She believed the City Charter was silent as to when the Council must finalize their action; that it only states when they must take action by. She felt the hearing should be continued to await that information and would move it forward from December, but would also refer this question of what is "action" by the Council under Charter Section 9-1 to Suzanne Egan, General Counsel to make the determination.

**Ms. Maraganis** stated the petition was submitted to the City Clerk's office near the end of June.

**Councilor Hardy** stated the September 28<sup>th</sup> meeting would put them out of bounds with the timeframe.

**Councilor McGeary** stated the process of the ordinance was simpler and was something they could do; the details could come later.

**Councilor Tobey** asked they revisit this matter at their Council meeting on September 28<sup>th</sup> and that O&A have the ordinance ready to go on the 28<sup>th</sup>. A motion could come from the Special O&A meeting now planned for Monday to advertise an ordinance and have the Administration pursue their other two avenues.

**Councilor Whynott** agreed they need to do something recalling they put a skeleton ordinance in for vendors when that ordinance was first enacted and was amended subsequently. The same could be done now.

**Councilor Hardy** pointed out from agenda materials that the ordinance change was advertised and was looking for a date certain

**Councilor Theken** asked for language to be sent to O&A as well as P&D.

**Councilor Hardy** suggested they continue the public hearing to October 12<sup>th</sup>.

**Councilor Ciolino** noted they would work diligently on the matter at P&D to bring the park to fruition.

**Councilor Hardy** asked that the DPW Director write up the rules and regulations for the dog park (a copy of proposed rules from the Dog Park proponents was submitted for the record and to be forwarded to Mr. Hale, DPW Director).

**Councilor Ciolino** thanked the dog park proponents and felt they did a great job, and they'll work to get it done.

**The Public Hearing was continued to the October 12, 2010 City Council Meeting.**

[**Note:** The City Council recessed at 10:38 p.m. to move their meeting to the 1<sup>st</sup> Floor Council Conference Room to take up the matters of the Consent Agenda and Committee Reports, per the earlier suspension of the City Council Rules of Procedure, due to the prolonged heat conditions of the Kyrouz Auditorium and reconvened at 10:47 p.m.]

**Committee Reports:**

**Ordinances & Administration Committee: 08/23/2010**

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Speed Limit on Holly Street for its entire length be posted at 20 m.p.h. in both directions.

**Discussion: None.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Speed Limit on Holly Street for its entire length be posted at 20 m.p.h. in both directions to be referred to the Police Department for a traffic study.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING Lexington Avenue westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction and further by ADDING Lexington Avenue westerly side beginning at a point one hundred fifty (150) feet from its intersection with Shore Road for a distance of approximately twenty-two (22) feet more or less, in a northerly direction pending the Traffic Commission's recommendation and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

**Councilor Verga** declared he wished to add an emergency preamble under City Charter; Sec. 2-11(b) that an emergency be deemed to exist (at the location per the motion as read); that this situation endangers the health, safety and welfare of the disabled resident whose worsened disability limits their mobility there regarding a handicapped parking space on Lexington Avenue.

**Councilor McGeary** inquired if the emergency preamble removed the need for a public hearing.

**Councilor Hardy** responded that at this point in time it did; but the public hearing continues so that it can be a permanent ordinance. Right now Councilor Verga was asking for a temporary action to take place on an emergency basis ending the hearing.

**Discussion:**

**Councilor Verga** related that the handicapped person moved from one side of her apartment building to the other. The new spot would be in front of the person's doorway, which would be moving the handicapped space approximately 10 to 15 feet down the street. This was not an additional handicapped space. Her condition has gotten much worse; and while it may seem a small adjustment, it would "mean the world" to this disabled person to have a straight run from the handicapped space to the door.

**Councilor Theken** stated that handicapped parking was not personal parking.

**Councilor Verga** noted the person was aware of that fact.

**Councilor Theken** continued that if they set this now, then anyone could say it was an emergency. She currently had an order for #2 Harvard Street; and this had been on tap for a long time. That person had a debilitating chronic disease which was worsening. In that particular instance there was no parking and asked then what should she do in that regard. "Do we set a precedent?" She offered that her brother-in-law was a paraplegic and was sensitive to the related issues to disability in particular. If they move this space 15 feet, and she understood this person's condition was worsening, does this person drive or does someone transfer her; and inquired what their disability was.

**Councilor Verga** responded the person was in a wheelchair with very limited mobility.

**Councilor Theken** further inquired if the person was transported by a private ambulance service or did she drive herself.

**Councilor Verga** stated she was transported by wheelchair van.

**Councilor Theken** responded that she had to justify why she didn't push her requested handicapped space forward by declaring an emergency also in the case she'd earlier stated where that person has to be carried in and out of their home. She stated she didn't push it because they were waiting for a Traffic Commission recommendation (and added she felt the Traffic Commission should meet more than once a month to accommodate just such issues of which there were many that were crucial). She had been told that a handicapped space was not a personal handicapped space and that people are starting to take it was personal. She did not wish to appear insensitive or lacking compassion to the needs of this handicapped person, expanding on her brother-in-law's condition stating he had to be transported by ambulance. She asked again was this situation life-threatening if this person didn't have the space moved 15 feet. If it was a situation of a van needing to get through, she was able to understand that. But if this was a matter of convenience, she felt in that case, the matter could wait two more weeks.

**Councilor Whynott** believed there was precedent both ways, noting there have been some handicapped parking spaces critical and needed right away. There were other instances where, for example, a person lived on a second floor and wanted to move a handicapped space, and they had said no. He was sensitive to the fact that a handicapped space was for anyone (with a valid handicapped designation) to park in; but practically, they are putting a handicapped space for a particular person because they would be putting it in front of their house. He would support this but cautioned would not say he would support every one. He would take Councilor Verga's word on the matter.

**The meeting was extended by unanimous consent at 11:00 p.m.**

**Councilor Mulcahey** noted her 15 year Traffic Commission experience stating when a handicapped person was using a medical vehicle and they're transported up and down and do not fit the sidewalk then they would move a handicapped parking space. If the person cannot drive themselves, they can be picked up anywhere on the street where there was a handicapped parking space. She believed people tend to think these spaces when "ordered" are for them personally and become territorial. Each case was different. This particular case, she believed, did not fit the criteria for an emergency or even to be moved.

**Councilor Ciolino** felt that if the Council can make one individual's life easier by moving a sign 15 feet, he felt it was an emergency and was for it. They didn't do it all the time.

**Councilor Theken** interjected that then who do they say no to and who do they say yes to.

**Councilor Ciolino** believed it was a clear cut situation of sign movement by 15 feet and in a parking area.

**Councilor Verga** mentioned that at the last O&A meeting, the Chair of the Traffic Commission stated there was no indication that moving the sign would be a problem. They had investigated it but hadn't yet taken it up at their meeting, which was three days after the O&A met but gave them the indication that there was no issue.

**Councilor Hardy** noted that when a fellow City Councilor tells her their ward has an emergency regarding the health and safety of one of their constituents, she would not doubt them and would support the emergency preamble.

**Councilor Theken** noted not having been at the last O&A meeting and did not hear Councilor Verga's speaking to the point, as well as the Chair of the Traffic Commission's comments, she felt that if you do for one you may have to do for the other and still had concerns, although she would support the motion.

**MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to declare an emergency exists under the City Charter, Sec. 2-11(b) (at the location per the motion as read); that this situation endangers the health, safety and welfare of the disabled resident whose worsened disability limits their mobility there regarding a handicapped parking space on Lexington Avenue.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken the City Council voted 9 in favor, 0 opposed to request the DPW move the sign for handicapped parking on Lexington Avenue expeditiously as recommended by the Traffic Commission on Lexington Avenue.**

#### **Planning & Development Committee: 08/25/2010**

**Councilor Ciolino** noted that the Committee had a workshop with representatives from Verizon, Comcast and National Grid along with the City's Electrical Inspector and the Operations Manager for the DPW in order to work through the issues in getting rid of as many double poles as possible throughout the City of Gloucester. It was a very productive meeting, and they would revisit the matter six months hence. During that meeting the Committee voted to refer the matter of amending the Gloucester Code of Ordinances, Sec. 23-77 Pole Specifications in order that they may be updated to reflect current use in the industry to O&A. They would be receiving information from the utilities as to the current standards of use to assist them in drafting an updated version.

**Councilor Verga** noted that the utilities asked they send information on any double poles they feel they need to move on from the Councilors. Some of the poles have Fire Department alarm wires on them which would hold up those particular double poles, but they don't make up a large number of the aggregate. He related they should give the utilities the pole numbers, and pass the word along to their constituents. The utilities "claimed they'd jump on it" and do something about them.

#### **Budget & Finance: 08/26/2010**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-6) for \$772.13 from Legal Consultations, Unifund Account #101000.10.151.53140.0000.00.000.00.052 to Sal/Wage Perm Pos., Unifund Account #101000.10.151.51100.0000.00.000.00.057.**

#### **Discussion:**

**Councilor Curcuru** stated this was to cover a shortage in the permanent salary account as the salary account was budgeted incorrectly for the Legal Department wages.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to transfer (2011-SBT-6) for \$772.13 from Legal Consultations, Unifund Account #101000.10.151.53140.0000.00.000.00.052 to Sal/Wage Perm Pos., Unifund Account #101000.10.151.51100.0000.00.000.00.057.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council the transfer (2011-SBT-7) for \$2,479.56 from Treas/Collector, Sal/Wages Perm Position, Unifund Account**

#101000.10.145.51100.0000.00.000.00.059 to Mayor, Sal/Wage-Perm, Positions, Unifund Account #101000.10.121.51100.0000.00.000.00.051.

**Discussion:**

**Councilor Curcuru** explained this was error in calculating full-time pay for FY11 in this line item for the Mayor.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Tobey, the City Council voted 9 in favor, 0 opposed to transfer (2011-SBT-7) for \$2,479.56 from Treas/Collector, Sal/Wages Perm Position, Unifund Account #101000.10.145.51100.0000.00.000.00.059 to Mayor, Sal/Wage-Perm, Positions, Unifund Account #101000.10.121.51100.0000.00.000.00.051.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Hardy) abstained to recommend to the City Council the transfer (2011-SBT-8) for \$131,519.47 from Personnel Workers Comp Settlements, Unifund Account #101000.10.152.51710.0000.00.000.00.051 to Pensions, Regular Pensions, Unifund Account #101000.10.911.51860.0000.00.000.00.051.

**Discussion:**

**Councilor Curcuru** noted it is difficult for departments to be short staffed due to budgetary constraints, not hiring back people when they leave. When people are on worker's comp it is a similar situation. It is unfortunate a worker is out hurt; but at the same time, departments need staff to perform needed services. This will assist the Legal Department to be able to work towards settling those people out and when free cash is certified, the Administration plans to replenish the account.

**Councilor Hardy** announced that in order to avoid any appearance of impropriety, she would abstain from the discussion and voting, stating her husband serves on the board of the Gloucester Contributory Retirement System.

**Councilor Tobey** asked for a further explanation.

**Mr. Towne** noted the original budget was to set up as Councilor Curcuru stated about settling out people who are on workers comp giving the Legal Department money to do that. They had estimated \$250,000.00. They were also going to try and take advantage of the municipal relief bill, hoping it was going to pass. They had flat lined the General Fund contributions towards their unfunded pension liability for retirement purposes; and flat lined it to the General Fund to the FY10 budget for the FY11 budget hoping that the bill would pass and allow them to do that also with the ability to extend their funding mechanism. The municipal relief bill did pass, but it stated that it could only be for actuarial valuations after January 1, 2009 and the City's last actuarial valuation was 2008. They had committed to the retirement board through the budget process that if the municipal relief bill didn't pass, they would remove funds from this particular line item.

**Councilor Tobey** synopsisized they hoped they would get some relief from backfilling some pension monies funds; they didn't. They, therefore have to "pony up" \$131,000.00 and that's coming out of money that otherwise would have been used to settle workers comp cases.

**Mr. Towne** responded yes.

**Councilor Tobey** asked how those worker comp cases would be handled absent that money being there; did they hope to do that out of free cash.

**Mr. Towne** stated there still was a significant portion, more than they've had in that line item in the past, \$120,000 in the account after transferring this money out. Their goal was that will restore the account with certified free cash if they get to the point where people are settling out.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Theken, the City Council voted 8 in favor, 0 opposed, 1 (Hardy) abstained to recommend to the City Council the transfer (2011-SBT-8) for \$131,519.47 from Personnel Workers Comp Settlements, Unifund Account #101000.10.152.51710.0000.00.000.00.051 to Pensions, Regular Pensions, Unifund Account #101000.10.911.51860.0000.00.000.00.051.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the Police Department to pay \$15,612.00 from FY2011 funds for the EMT training expenses that occurred in both FY2010 and FY2011 with certifications having been incurred in FY2011.

**Discussion:**

**Councilor Curcuru** explained this was contractual training in 2010 with the officers being certified as EMT's in 2011. The way the contract reads, they can't be reimbursed for their time and expenses until they are certified. This was already in the budget.

**Police Chief Michael Lane** confirmed that to be the case.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to approve the Police Department to pay \$15,612.00 from FY2011 funds for the EMT training expenses that occurred in both FY2010 and FY2011 with certifications having been incurred in FY2011.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Hardy, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to consider referring to the exploration of the Massachusetts School Building Authority Green Repair Grant Program for the purpose of making repairs to the schools back to the Budget & Finance Committee in order to take action.

**Discussion:**

**Councilor Curcuru** noted this was a Massachusetts School Building Authority grant which could potentially reimburse the City for some of the work that needs to be done to the school buildings.

**Councilor Hardy** stated this grant opportunity came to the attention of B&F late, just before the B&F meeting the previous Thursday, to repair some of the schools. This grant opportunity involves a match, so it would have to go to the Council. They're referring it back to B&F here at this meeting so that it can come back to the Council. There was small window of opportunity to get this. It needs approval by September 22<sup>nd</sup>. It will require a match and the match was going to require that there be a loan authorization in place to draw the money against.

**Mr. Duggan** stated in the future, yes. In talking with the project manager today, there was a process that was in place. There has to be an MSBA systems access request form submitted to the project manager by the Superintendent of Schools designating who the point of contact will be. At that point they will provide the point of contact with a password and log in information into the "statement of interest" section in which the district submits a statement of interest and language that would be adopted by the Council by September 22<sup>nd</sup>. Any future loan authorization or financial commitment would be later down the line. After the 22<sup>nd</sup> the MSBA will review it in their queue and potentially come down for a site visit to review the buildings in need. They may not even be accepted.

**Councilor Hardy** noted this had to be referred to B&F and would have to come back to the City Council before September 22<sup>nd</sup>. The Council doesn't meet until the 28<sup>th</sup> of September which would necessitate a Special City Council Meeting on September 21<sup>st</sup> to address this matter and a loan authorization needs to be addressed on another matter as well.

**Mr. Duggan** noted the reimbursement rate from the MSBA is 48.27%.

**Councilor Verga** reminded the Council that the previous year they had taken a similar action where specific motions with specific language had to be passed by the Council on each school in need. When the motions come through they will be unable to deviate from what the MSBA wants.

**Councilor Hardy** noted that would not be presented to them until the pin and code word were given to them. She asked who the point of contact would be.

**Mr. Duggan** stated that this point they would have the Superintendent of Schools be the point of contact but then it could potentially be the new facilities manager who would be the full time point of contact.

**Councilor Hardy** wondered if the new facilities manager would be familiar with all the criteria that will need to be met with the grant procedures feeling it was an "awfully big" responsibility to give a new facilities manager.

**Mr. Duggan** stated there was a lot of work to be done; and yes. But they would be overseen by Mr. Hale.

**Councilor Verga** added that Dr. Connolly (interim Superintendent) had experience with MSBA processes.

**Councilor Curcuru** stated that he believed this was what the Administration wanted, to use Dr. Connolly's expertise because he had done this quite a bit.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to refer the matter of the memorandum from Michael B. Hale, DPW Director regarding the Massachusetts School Building Authority Green Repair Grant Program back to the Budget & Finance Committee.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to consider referring the matter of Tax Classification back to the Budget & Finance Committee in order to take action on it.

**Discussion:**

**Councilor Curcuru** noted again that the City Council only meets once in September so this was in order to get the matter back to Budget & Finance to begin to take it up.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino the City Council voted 9 in favor, 0 opposed referred the matter of the Tax Classification back to the Budget & Finance Committee.**

MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council to ADVERTISE FOR PUBLIC HEARING to consider a loan authorization that will authorize an appropriation for the purpose of repairs to the City's Fire Stations totaling up to \$36,000.00 and for the Treasurer to borrow said amount and to issue bonds and notes pursuant to M.G.L. C44 and further to authorize the Treasurer to file an application with the appropriate officials of the Commonwealth of Massachusetts to qualify under M.G.L. C44A these bonds.

**Discussion:**

**Mr. Towne** explained that the Fire Chief felt that rather than doing the epoxying of the fire station floors and because they have not borrowed any money associated with it, technically it was not a reprogramming of the money that he brought this matter forward now. They want to repair and or replace sections of the garage doors thinking they will be in Central Fire Station a bit longer; and the doors are in bad state of disrepair. The Plymovent venting system, the original venting system installed in Central Station over 20 years ago was also in need of urgent repairs. The Chief didn't think the floor was

appropriate to epoxy at this time; that these issues were more urgent. They can continue to squeegee the floors when wet.

**Councilor Ciolino** expressed his concern at putting off the epoxying of the floors once again.

**Councilor Hardy** noted that the Chief thought air quality for the firefighters was extremely important, as did she, and that energy savings that would be realized from fixing all five of the bay doors, also in bad condition, was a worthwhile expenditure.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed to recommend to the City Council to ADVERTISE FOR PUBLIC HEARING to consider a loan authorization that will authorize an appropriation for the purpose of repairs to the City's Fire Stations totaling up to \$36,000.00 and for the Treasurer to borrow said amount and to issue bonds and notes pursuant to M.G.L. C44 and further to authorize the Treasurer to file an application with the appropriate officials of the Commonwealth of Massachusetts to qualify under M.G.L. C44A these bonds.**

**Councilor's Requests Other than to the Mayor:**

**Councilor Whynott** commended to Mr. Duggan the work of City employee Karen Andrews feeling that position should be also be included in the Administration's compensation plan review.

A motion was made, seconded and voted unanimously to adjourn the meeting at 11:25 p.m.

**Respectfully submitted,**

**Dana C. Jorgensson**  
**Clerk of Committees**

**DOCUMENTATION/ITEMS SUBMITTED DURING MEETING:**

- Global Initiative Group's "Puritan Project", submitted by Tom Ellis
- Copy of remarks from Ken Hanover, CEO, Addison Gilbert Hospital, presenter
- HAWC literature submitted by Sunny Robinson, presenter
- Power Point Presentation by Dog Park Proponents and "Dog Park Guidelines & Safety Regulations
- Memorandum from Jeffrey Towne, CFO, City of Gloucester for Establishment of Talbot Rink Enterprise Fund, MGL c. 44, §53F1/2