

GLOUCESTER CITY COUNCIL MEETING

Tuesday, January 11, 2011 - 7:00 p.m.

Kyrouz Auditorium – City Hall

Council Meeting 2011-01

**PRESENT:** Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Bruce Tobey; Councilor Robert Whynott; Councilor Paul McGeary; Councilor Ann Mulcahey; Councilor Steven Curcuro; Councilor Greg Verga

**Absent:** Councilor Hardy

**Also Present:** Linda T. Lowe; Jim Duggan; Fire Chief Phil Dench; Harbormaster Jim Caulkett; Deputy Chief Miles Schlichte; Carol McMahon; Mike Hale; Rick Noonan; Deputy Chief Steve Aiello; Jeff Towne

**The meeting was called to order at 7:05 p.m.**

**Councilor Theken**, chairing the evening's meeting wished **Councilor Hardy** a quick recovery who was unable to attend the meeting due to illness.

**Flag Salute and Moment of Silence.**

**Oral Communications: None.**

**Presentation of Certificates of Completion CERT Training:**

**City Clerk, Linda T. Lowe** introduced Mayor Carolyn Kirk to make a presentation.

**Mayor Kirk** expressed it was her honor to introduce to the Council the City's first graduates of the Community Emergency Response Team (CERT) program which follows a national program sponsored by the Federal Emergency Management Agency (FEMA), training citizens in emergency response activities. She noted there are 1,100 CERT teams nationwide, 146 of which are in Massachusetts. The local sponsoring government agency is the City of Gloucester. Heading this program is Deputy Fire Chief Miles Schlichte who is also the City's Emergency Management Director and the City's liaison. The program manager to help coordinate volunteers and "pull the training together" is Carol McMahon, at this time a volunteer, herself a volunteer. She thanked both of them for their leadership in this program. The Mayor noted in the past there have been groups who have stepped forward to help – Citizens for Public Safety, LEAP; and that the evolution of those efforts is the CERT program; a City-wide program not limited to a particular neighborhood. Tonight's graduates represent many areas of the City. Of benefit to the City, because this is a nationally recognized program, when the City deploys CERT in emergency situations, their hours have a dollar value that are used as an in-kind contribution which helps the City to make the match for funds in order to achieve thresholds for reimbursement on various storm expenses. This team graduated December 11, 2010. Two weeks later they were deployed for the December 26-27 blizzard. The City put out a call for five volunteers; twelve CERT members responded and 10 stayed throughout the night and were deployed at the emergency operations center at the Fuller School. Six volunteers will be coming in this evening (snow emergency having been declared). In the early stages of the program, the volunteers are assigned supporting tasks to the operations that are going on in the City for whatever the emergency happens to be. Noting the great deal of documentation that has to be filled out for the Federal and State governments so that the City can get the reimbursements. She gave examples of CERT teams being deployed in area communities to deliver potable water to citizens, as it could have been used had CERT been up and running during the emergency boil water order in August 2009. She noted that these citizens have committed to 20 hours of training. She congratulated each of the graduates as she gave them their certificates, also acknowledging John Maney the instructor of record, former team leader who helped bring the CERT program to Gloucester:

Ronald Beck, Leonard Biondo, Dean Burgess, Robert Cavender, John Devries, Linda Gardner, David Hayes, Joan Hayes, Russell Hobbs, Ruth Hobson, Linda Kenyon, David McLaughlin, Christine Maney, John Maney, Dr. Leslie Milne, Thomas Moriarty, Patricia Pardee, Doug Parsons, Chandler Pierce, Katherine Porter, Doug Shatford, Anthony Silvera, Barbara Somers, Frank Somers.

Those CERT program graduates unable to attend the ceremony were:

**Council President Jackie Hardy**, Stanley Stone, James O'Hara, Brandon Kenyon and Jim Flint.

**Deputy Fire Chief Miles Schlichte** also acknowledged John Maney; former team leader who played a lead role and was a "driving force" in shepherding the process to create a CERT program for Gloucester, expressing his appreciation for Mr. Meany's efforts who had to step down from that leadership role due to family commitments.

**Mayor Kirk** put out the call for volunteers; that if any citizen wished to join the CERT program, there is training scheduled and will make that information available on the City's website.

**Councilor Theken**, on behalf of the City Council thanked the group for their spirit of volunteerism. She asked that if a person volunteers, under what conditions they would be called out for in the City and what their current role would be.

**Deputy Chief Schlichte** responded he is utilizing the CERT team as volunteer staff in Emergency Management which he believed was paramount for administrative tasks such as tracking what is going on in different communities during an emergency so that they have an idea what is happening across the State; ham radio expertise and operation. "It is having people there to put that level into the system." One of the things they will be working on that evening using the CERT volunteers' radio expertise they will through the internet and through ham radio operators [for enhancing communications]. Not only are they utilized for "EOC" operations, there is always a need for people to run sand bagging efforts, pumping in flooding events. The Fire Department has obtained several large 'trash' pumps in the last year but don't have the manpower to utilize them. They are looking to put together a CERT group to do large scale pumping for such events also. They are always looking for volunteer help, primarily to assist in radio communications; traffic control but not to do traffic directing like the police but clarified it is traffic control working with the police officers where they have their own communications systems. He believed there were unlimited ways in which to utilize CERT volunteers. They even have had requests from other communities, like Rockport, to help run their shelter; but CERT is not trained for that at this time. He made clear that CERT members in the eyes of the law are not first responders. They are not police officers, firefighters, EMT's. They cannot fill those roles. He likened their supporting role as more of a modern day Civil Defense.

**Councilor Ciolino** thought the City was fortunate to have the quality of the people in CERT and thanked the volunteers for their participation which usually occurs under very stressful situations.

**Ms. McMahan** asked that if the Councilors knew of anyone from different wards of the City who might be interested in CERT, they would appreciate knowing who they are. She noted the only limitation to joining is a person must be 18 years of age.

To learn more about CERT, to sign up for the next training, please go to: [www.citizencorps.gov/cert](http://www.citizencorps.gov/cert).

The Council paused to allow the room to clear.

**CONSENT AGENDA:**

- **CONFIRMATION OF REAPPOINTMENTS**
- **MAYOR'S REPORT**

1. Memo regarding Newell Stadium and the City of Gloucester Community Challenge Incentive & Loan Authorization Request
2. Special Budgetary Transfer Request (#2011-SBT-9) from Treasurer/Collector's Office

(Refer B&F)

(Refer B&F)

3. Special Budgetary Transfer Request (#2011-SBT-10) from Treasurer/Collector's Office (Refer B&F)
4. Grant Application & Check List from Police Dept. re: FY2011 Underage Alcohol Enforcement Grant (Refer B&F)
5. Grant Application & Check List from Comm. Dev. Dept. re: \$85,000 Grant from Mass Clean Energy Center (Refer B&F)
6. Grant Application & Check List from Comm. Dev. Dept. re: Mass Green Communities Grant to secure funding To replace boiler system at the Beeman Elementary School, etc. (Refer B&F)
7. Communication from Emergency Management Director Miles Schlichte re: Emergency management Performance Grant in the amount of \$11,000 (Refer B&F)
8. List of suggestions for Dog Park Rules of Use as provided by Jamie Levie, Animal Control Officer (Refer O&A)
9. Appointments: Newell Stadium Building Committee (TTE 12/31/2011) Kirstin Michel (Refer O&A)  
Committee for the Arts (TTE 02/14/2015) Eric Schoonover (Refer O&A)  
Historical Commission (TTE 02/14/2014) Susan Albiero (Refer O&A)
10. Memorandum regarding Massachusetts Bays Program Research and Planning Grants for FY2011 (Info Only)
  - **COMMUNICATIONS/INVITATIONS**
    1. Letter from DESE to Supt. Joseph Connelly related to end of year financial reporting (Refer B&F)
    2. Memo from Joseph E. Connarton, Executive Director of PERAC to PERAC to Gloucester Retirement Board (Refer B&F)
    3. Request from G.F.A.A. for road closures for the Gloucester Fisherman Triathlon on August 7, 2011 (Refer P&D)
    4. Request from G.F.A.A. for road closures for the Run Gloucester 7 Mile Road Race on August 21, 2011 (Refer P&D)
    5. Letter from Gloucester Retirement Board re: Supplemental Pension Allowance to Surviving Spouses of Disabled Employees (Refer B&F)
    6. Letter from Gloucester Retirement Board re: Cost of Living Increase for Retirees (Refer B&F)
    7. Communication from Sandy Stone to Councilor Hardy re: CERT - appreciation (Refer Personnel)
    8. Response from City Solicitor to Office of Attorney General re: Open Meeting Law Complaint (File)
  - **INFORMATION ONLY**
    1. Letter from Sen. Tarr & State Rep. Ferrante to Ann L. Hartstein, Secretary of Executive Office of Elder Affairs (Info Only)
    2. Letter from Sen. Tarr & State Rep. Ferrante to Jonathan W. Blodgett, Essex County District Attorney (Info Only)
    3. Memo from Councilor Joseph Ciolino, P&D Chairman re: Double Poles Reporting (Info Only)
  - **APPLICATIONS/PETITIONS**
    1. 2011-001: Application to amend Gloucester Zoning Ordinance re: 77 Langsford Street (Refer BP & P&D)
  - 1. City Council Meeting 12/07/10; Special City Council Meeting 12/21/10
    - **COUNCILORS ORDERS**
      1. CC2011-001 (Hardy/Tobey) Proposed Special Act of City Water System Ownership (Adopt)
        - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
          1. City Council Meeting 12/21/10 (Approve/File)
          2. Standing Committee Meetings: O&A 12/13/10, 1/03/11, P&D 12/06/10, 12/15/10, 1/05/11, Joint B&F and And School Committee 12/06/10, B&F 12/21/10, B&F 01/06/11 (under separate cover) (Approve/File)

### **Items to be Added/Deleted from Consent Agenda:**

**Councilor Ciolino** asked to pull Item #2 Decision to Adopt the Modification for the SCP for the Cape Ann Brewery under the Unanimous Consent Agenda.

**Councilor Tobey** wished to remove from the Mayor's Report Item #5 Grant application from Mass Clean Energy Center; and Item #8 List of suggestions for Dog Park Rules of Use as provided by Jamie Levie, Animal Control Officer on the proposed Dog Park; and under Councilors Orders the Proposed Special Act of City Water System Ownership.

**Councilor Curcuru** wished to remove the B&F meeting minutes from 01/06/11 from the consent agenda.

**Councilor Tobey** noting the communication from the Community Development Director seeking approval to proceed with an \$85,000 grant application for a windmill. He believed it to be "commendable", and hoped it moved forward; but that it is to be located on or near the Magnolia Woods which is a former landfill. There is a strong community effort still in Magnolia monitoring activities there. He also asked Administration and B&F coordinate communication outreach through the co-chair of the Advisory Committee, Jane Porter and Jim Cooke, an active member, so that they don't "inadvertently" bypass community concerns on the former landfill.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted unanimously to refer the matter of the Grant application from Mass Clean Energy Center to B&F**

**with a request for definite outreach to the community organization that has monitored the landfill closure through its co-chair Jane Porter and member Jim Cooke.**

**Councilor Tobey** stated with regard to the proposed Dog Park Rules, believing the O&A members would agree, that they are unable to do anything further until the DPW Director “gets them the designation” that is required as to where it will be located. He felt they are setting up rules and regulations that are site specific and so renewed his request to the Administration that they get as soon as possible from the DPW Director the required designation proposal from him as to where it will be.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Ciolino, the City Council voted unanimously to refer the matter of the List of suggestions for Dog Park Rules of Use as provided by Jamie Levie, Animal Control Officer to O&A with a renewed request to the Administration that they get as soon as possible from the DPW Director the required designation on the location of the Dog Park.**

**Councilor Tobey** then took up Council Order 2011-001 co-filed by himself and the Council President, “Proposed Special Act of City Water System Ownership”. He stated this related to the matter of an ordinance enacted by the Council last year “whereby any potential proposed sale of the water system to a private company would require a referendum.” He noted an ordinance can be changed by any Council; and that it didn’t have the permanency that an amendment to the Home Rule Charter would have. What he and the Council President proposed is special legislation, a Home Rule Petition that needs to be filed with the legislature the 20<sup>th</sup> of January. He also noted this item is not before them for the first time; but that this is a follow up to the ordinance discussion and the discussion for the need for this charter amendment approach through a Home Rule Petition. He then moved the language of the order with **Councilor Verga** seconding the proposed motion (see below).

**Councilor McGeary** stated he has opposed the requirement for a referendum not because he disagrees with the intent of the order as he had said previously; he did not think they should ever sell the water supply. He contended if he were to vote for such a sale, he would “then vote against me to be re-elected to the Council”. He believed there was the “proper recourse” under the charter referendum procedures. They should honor that as best they could and would be opposing the referendum, the request for Home Rule Petition amendment.

**Councilor Mulcahey** thought they should vote for the referendum; that they wouldn’t be the Council there 10 or 20 years from then; anyone could come in and “decide this is what they want to do, going against what [they] all decided here.” She believed they should be moving forward, not backwards.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted BY ROLL CALL 7 in favor, 1 (McGeary) opposed, 1 (Hardy) absent, that Order #CC2011-001 (Hardy/Tobey) be considered for adoption by the Council when introduced at the Council without referral to the subcommittee since the matter of a special act requiring a voter referendum has previously been referred to and recommended by the Ordinance and Administration Committee AND FURTHER:**

**ORDERED: The City Council, pursuant to the Constitution of Massachusetts, Articles of Amendment, 2, §4 shall petition the General Court to amend the City of Gloucester Home Rule Charter by adding a new subsection 7-17 entitled “City Water System Ownership” which shall provide that in connection with the City of Gloucester Code of Ordinance §23-64, the “Gloucester Public Water Systems Ordinance”, which requires that the City or a Gloucester municipal authority own its public water supply and system, the City water supply and distribution system shall be owned by the City and shall not be sold, leased or otherwise transferred unless and until under City Charter section 9-5 “Submission of Proposed Measure to Voters” the City Council shall submit the question of a sale or transfer of ownership to a referendum vote of the voters of the City**

**with two-thirds or more having to vote in favor for adoption or rejection as provided in the applicable subsections of Article 9 of the City Charter.**

**Councilor Curcuru** asked that the minutes of the January 6, 2011 B&F meeting be amended to correct a typographical error on Page 5 on the CPA Application #5 City Hall Restoration Committee – City Hall Restoration – Completion of the Exterior Restoration – Historic Preservation - \$195,000 (\$2 million), noting the correct figures are: \$185,000 (\$2.6 million).

**By unanimous consent the Council amended the B&F minutes of January 6, 2011.**

*The Consent Agenda was accepted as amended by unanimous consent.*

**Unanimous Consent Agenda:**

**Councilor Ciolino** asked that the Adoption of the Decision for the Modification of the SCP2010-004 decision for the Cape Ann Brewery on the Unanimous Consent Agenda be taken by roll call.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to Adopt the Decision for the Modification of the SCP2010-004 granted July 22, 2010 for the Cape Ann Brewing Company.**

**MOTION: On motion by Councilor Tobey, seconded by Councilor McGeary, the City Council voted unanimously to refer the matter of the Essex North Shore Agriculture & Technical School District By-Laws, Vote to authorize borrowing for New District High School Project, and School Financing Plan to the B&F Committee.**

**Standing Committee Reports:**

**Ordinances & Administration:**

**December 13, 2010:** There were no action items for the City Council to act upon from this meeting at this time.

**January 3, 2010:** There were no action items for the City Council to act upon from this meeting at this time.

**Planning & Development:**

**December 6, 2010:**

MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Gloucester Zoning Ordinance be amended by adding Section 5.25 Mixed Use Overlay District and that Section 5.25 Mixed Use Overlay District be referred to the Planning Board for their review.

**Discussion:**

**Councilor Tobey** noted there had been distributed to the Council via email by the Council President and through the City Clerk's office, a legal advisory from Attorney Jon Witten retained to assist P&D and the Planning Board as the 'Birdseye matter' has been reviewed. He paraphrased Attorney Witten's advisory "to stand for the proposition that this is substantively different from the original ordinance; and that

therefore, the Planning Board process as it reviews it should also include a public hearing so if there is any erring, it is on the side of prudence;" taking the extra step to ensure full public participation and transparency. He then moved to amend the main motion as follows:

**MOTION:** On motion by Councilor Tobey, seconded by Councilor Verga, that the City Council amend the Planning & Development Committee recommendation by adding the words: "with the Council requesting that the Planning Board proceed in its review with full public hearing and public notice hereof pursuant to the advisory submitted to the Council President dated January 3, 2011.

**Councilor Ciolino** stated "in the spirit of transparency", that document had been circulated but P&D "never got a copy" of it.

**Councilor Theken** offered this was her first time seeing it as well as did **Councilor Mulcahey**.

**Councilor Ciolino** continued while he didn't have a problem with a public hearing for it; but he wondered that since January 3<sup>rd</sup> the document had "been sitting somewhere" and was not given to the Council until today. He agreed it should go to the Planning Board who should have a review of it; and should have a public hearing. "It is a very important decision. It is a very important piece of property; and zoning is a complicated issue. Let them have it, and let's move forward." He asked they find why the document did not circulate to the Planning & Development Committee.

**Councilor Theken** asked the City Clerk to contact the Council Chair to respond to that matter. She then called for the vote on the P&D recommendation amendment to the main motion which the Council passed on a unanimous voice vote.

**MOTION:** On motion by Councilor Tobey, seconded by Councilor Verga, that the City Council voted 8 in favor, 0 opposed to amend the Planning & Development Committee recommendation by adding the words: "with the Council requesting that the Planning Board proceed in its review with full public hearing and public notice hereof pursuant to the advisory submitted to the Council President dated January 3, 2011.

**Councilor Tobey** spoke to the main motion. He asked the P&D Chair that this plan which emerged which he took to be from the Committee Chair and General Counsel, coining it "the Ciolino Plan", contains provisions for a hotel. He noted on Page 9 of the Committee minutes, remarks "are captured that he heard that night at the Committee hearing" which he believed were words of assurances from Councilor Ciolino that given, "they are in process (which he took to mean P&D) of permitting a hotel on Essex Avenue for 93 rooms and also for another at Gloucester Crossing already permitted. He asked (meaning Councilor Ciolino) "how many hotels can the City maintain; just because a developer has the opportunity to put in a hotel doesn't mean it will happen." He felt the point was that it was to reassure the neighbors that don't worry about a hotel, it won't happen anyway because there will already be two others. He suggested a motion would be in order, "a practical statement", to delete references to a hotel from the "Ciolino Plan" and "be done with it."

**Councilor Ciolino** stated it was not the "Ciolino Plan" and that he felt this was unwarranted asking that Councilor Tobey not refer to the alternate zoning plan in that manner again. "It came out of Planning & Development, and there are three members on Planning & Development." He stated emphatically they were the ones who "pushed that forward." He further emphasized that the Committee did "a lot of hard work" on it. He wanted it to go to the Planning Board as it was proposed; "let it be vetted; let's have a public hearing." He did not feel it [Councilor Tobey's remarks] sat well with the [P&D] Committee referring again to "all the hard work they did" on the matter. "Now was not the time to do all this."

**Councilor Theken** stated her agreement with Councilor Ciolino

**Councilor Tobey** responded by apologizing to Councilor Ciolino and that he did not mean to offend the Councilor and would not refer to it as the "Ciolino Plan". However, feeling that his question had not been

answered, he repeated through the Chair, "Should the hotel remain in there as it goes forward since he said to the community at the December 6<sup>th</sup> meeting it won't happen anyway."

**Councilor Whynott** stated, "Any Councilor can make an offhand statement and it doesn't bind the whole Council or even the whole Committee." He contended if that was Councilor Ciolino's opinion, "it has no affect on the plan they are working on."

**Councilor Verga** asked for clarification going forward whether it is at the Planning Board or is before the Council, there is still an opportunity to pull that [hotel] out. It is not an all or nothing for what came from P&D. "Is there still time to tweak?"

**Councilor Theken** stated her understanding was there was still time. Also the Planning Board will be able to change things around during their public hearing to make a recommendation back where P&D again look at it if they want to take things out or add things in before it comes to the full City Council where there will also be a public hearing where amendments can be made. "It's not a done deal."

**Councilor McGeary** made a point of clarification that the Planning Board can not amend; that they can only make comments and suggestions; and **Councilor Theken** agreed.

**Councilor Ciolino** stated they are talking about zoning changes. The Council can amend zoning changes. When the final document [is submitted], "who knows how it will end up". The original proposal had a hotel and residence in there. He believed it should go forward to the Planning Board. "They are the people they trust them to advise in the City when it comes to zoning issues. He didn't "see why they are editing it for whatever purpose it is before" they get a chance to work on it. He urged letting it go forward; let the Planning Board have a public hearing; to let the process in place work.

**Councilor Tobey** accepted that statement and said he would ask the question again when it comes back before the Council for public hearing feeling it was a legitimate point, given the Chairs have special powers "it would seem" and that he thought that remark "might have had some added meaning."

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed that the Gloucester Zoning Ordinance that Section 5.25 Mixed Use Overlay District be referred to the Planning Board with the City Council requesting that the Planning Board proceed in its review with full public hearing and public notice hereof pursuant to the advisory submitted to the Council President dated January 3, 2011 from Attorney Jonathan Witten.**

### **December 15, 2011**

**MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to revoke the following Storage Tank licenses granted for 31 Rocky Neck Avenue (formerly known as Bickford Marina, Inc.) in accordance with MGL 148, Section 13 as follows:**

1. Granted 05/16/1928: To Forrest A. Bickford: 1 – 1,000 gal. and 1 – 500 gal. gasoline;
2. Granted 09/26/1951: To Alan G. Hill, Jr.: 1,000 gal. gasoline;
3. Granted 05/12/1958: To Alan G. Hill, Jr. dba Bickford Boat Services: 2,000 gal. gasoline;
4. Granted 06/22/1961: To Stephen O. Cluett: additional 10,000 gal. gasoline underground.

### **Discussion:**

**Councilor Ciolino** addressed the matter of the request to revoke the Storage tank licenses previously granted for 31 Rocky Neck Avenue by stating the Deputy Fire Chief recommended this revocation and removal of the storage tanks which the Committee endorsed.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to revoke the following Storage Tank licenses granted for 31 Rocky Neck**

**Avenue (formerly known as Bickford Marina, Inc.) in accordance with MGL 148, Section 13 as follows:**

- 1. Granted 05/16/1928: To Forrest A. Bickford: 1 – 1,000 gal. and 1 – 500 gal. gasoline;**
- 2. Granted 09/26/1951: To Alan G. Hill, Jr.: 1,000 gal. gasoline;**
- 3. Granted 05/12/1958: To Alan G. Hill, Jr. dba Bickford Boat Services: 2,000 gal. gasoline;**
- 4. Granted 06/22/1961: To Stephen O. Cluett: additional 10,000 gal. gasoline underground.**

**MOTION:** On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to permit YuKanSports, LLC to run a race on Saturday, April 9, 2011 starting at 9:00 a.m. from the Stage Fort Park parking lot adjacent to the baseball field to Hough Avenue onto Stacy Boulevard to turn left onto Middle Street, around the Joan of Arc Statue, returning down Middle Street, turning right onto Stacy Boulevard, turning right onto Hough Avenue and finishing at the Stage Fort Parking Lot adjacent to the baseball field **WITH THE FOLLOWING CONDITIONS:**

- 1) A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race;
- 2) A memorandum from Fire Chief Phil Dench to be on file with his approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Fire Department, during and after the race;
- 3) Signs indicating "Runners in the Road" shall be placed at key locations along the race course for safety purposes. They are to be posted the morning of April 9, 2011 and removed by 12 noon the same day;
- 4) A Certificate of Insurance naming the City of Gloucester as the Certificate Holder.

**Discussion:**

**Councilor Ciolino** explained this is a well organized race and a great community event. He had learned that day that the United States of America Track & Field Association officially sanctioned this race.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted **8 in favor, 0 opposed to permit YuKanSports, LLC to run a race on Saturday, April 9, 2011 starting at 9:00 a.m. from the Stage Fort Park parking lot adjacent to the baseball field to Hough Avenue onto Stacy Boulevard to turn left onto Middle Street, around the Joan of Arc Statue, returning down Middle Street, turning right onto Stacy Boulevard, turning right onto Hough Avenue and finishing at the Stage Fort Parking Lot adjacent to the baseball field WITH THE FOLLOWING CONDITIONS:**

- 1) A memorandum from Lt. Joseph Aiello be on file with this approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Police Department before, during and after the race;
- 2) A memorandum from Fire Chief Phil Dench to be on file with his approval in the City Clerk's office 14 business days prior to the race delineating the role of the Gloucester Fire Department, during and after the race;
- 3) Signs indicating "Runners in the Road" shall be placed at key locations along the race course for safety purposes. They are to be posted the morning of April 9, 2011 and removed by 12 noon the same day;
- 4) A Certificate of Insurance naming the City of Gloucester as the Certificate Holder.



**January 5, 2011**

There were no action items for the City Council to act upon from this meeting.

**Budget & Finance:****December 6, 2010:**

**Joint B&F and Gloucester School Committee:** There were no motions made at this meeting necessitating action by the City Council.

**December 21, 2010: Special B&F Meeting:**

A motion for a loan order was made at the December 21<sup>st</sup> meeting which will be presented under the heading of "Scheduled Public Hearings. There were no other motions made at this meeting necessitating action by the City Council.

**January 6, 2011:**

**MOTION:** On motion of Councilor Hardy, seconded by Councilor Verga, the Budget and Finance Committee voted 3 in favor 0 opposed to recommend the full City Council approve the appropriation of up to \$26,000.00 from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Capital Outlay Enterprise Vehicles (700000.492.58750.0000.00.000.00.058) for the purpose of purchasing a new Harbormaster vehicle.

**Discussion:**

**Councilor Curcuru** explained that the Harbormaster's vehicle is "on its last legs". He had thought it would make it through this fiscal year; and so now is looking to get a new vehicle.

**MOTION:** On motion of Councilor Curcuru, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to approve the appropriation of up to \$26,000.00 from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Capital Outlay Enterprise Vehicles (700000.492.58750.0000.00.000.00.058) for the purpose of purchasing a new Harbormaster vehicle.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McGeary, the Budget and Finance Committee voted 3 in favor 0 opposed to recommend the full City Council approve the appropriation of up to \$26,000.00 from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Capital Outlay Enterprise Facilities Improvements (700000.10.492.584100.0000.00.000.00.058) for the purpose of repairs to the Magnolia Pier Public Landing, conditional on the Mayor's approval and submission of the Waterways Board Meeting Minutes of January 5, 2011 prior to the City Council Meeting on January 11, 2011.

**Discussion:**

**Councilor Curcuru** explained this is for temporary repairs at the Magnolia Pier for safety reasons.

**Councilor Theken** asked if they would be coming back with a permanent resolution.

**Councilor Curcuru** stated the way it was explained was that it was more an extensive repair; and it would be more time consuming; and that the temporary repairs were necessary for safety reasons. The Harbormaster would be coming back sometime in the future for the permanent repairs and the costs.

**MOTION: On motion of Councilor Curcuru, seconded by Councilor Verga, the City Council voted 8 in favor 0 opposed to approve the appropriation of up to \$26,000.00 from the Waterways Enterprise Retained Earnings (700000.10.000.35900.0000.00.000.00.000) to the Waterways Capital Outlay Enterprise Facilities Improvements (700000.10.492.584100.0000.00.000.00.058) for the purpose of repairs to the Magnolia Pier Public Landing, conditional on the Mayor's approval and submission of the Waterways Board Meeting Minutes of January 5, 2011 prior to the City Council Meeting on January 11, 2011.**

**Scheduled Public Hearings:**

**1. PH2011-001: Application for License of Flammable and Combustible Liquids, Flammable Gases and Solids re: 54 Great Republic Drive**

**This public hearing is open.**

**Speaking in favor:**

**Attorney Ralph Pino** representing the applicant, Bearcat Realty LLC with Peter Spinney, manager of the facility, with his wife Marjorie, owners of Anchor Seal, Inc. (operating entity). He handed photographs to the Council (copy received and submitted and noted to be on file previously). They are seeking a license for storage of combustible liquid, specifically liquid plastic, Class 3B, maximum of 29,000 gallons which would be stored in 55 gallon drums in totes inside of the building which is finished in the [Blackburn] industrial park. There was a misunderstanding as to the requirement of permit and license; who could grant that. It turned out that the Fire Department could grant up to 10,000 gallons but over that it needs to come in for a license. That includes the empty containers as well as the full containers that are kept on site. The Spinney's have been in this business since 1979. Their current facility which they have had since 1992 is in Danvers. He interjected that, "before someone asks, they had nothing to do with the company in Danvers that exploded neither ownership nor process or type of material." The reason they are moving is that they need a larger facility. The Spinney's live on Salt Marsh Lane, and wanted to bring the company back to Gloucester. The new facility, almost complete, is 19,500 sq. ft. Their old facility is a little over 12,500 square feet. They formulate (mix) in very large mixers a product of epoxies, polyurethanes, silicone and rubbers used in medical, marine and telecommunications applications (some of the urethanes were used on the Schooner Lannon). He explained the process has no waste materials. It has no fumes. No noise is created from the production. He noted the schematic and photos citing that all of the storage will be on rack holding devices which hold the totes and the 55 gallon barrels. The building is sprinkled and the whole rack system is sprinkled. He also noted the Spinney's have worked "very carefully" with the Fire Department, with their insurance carrier, and their engineers to come up with a building which he believed to be state of the art. He pointed out that the larger drums are actually the mixing vats and pointed out the totes and the drums in some of the pictures. He also showed the photos showing their existing facility in Danvers stating the storage would be in the center [of the facility]. He reiterated explaining a photograph of a mixer in use that there were no by-products produced in this process. Another photograph showed the product ready to leave the facility, wrapped and in barrels. Yet another showed the clean-up stations in the event there is any kind of spill in the facility with facilities to clean up immediately in that event, of which these spills, if any, would be small. Several of the photos of the current facilities showed that it is located in an "extremely residential" neighborhood with houses and condos surrounding it. The facility had been at that location since 1992 without incident. He felt it was clear that their process is a good one and is well run. "They should have a license." Everything, he assured, would be stored inside.

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor McGeary** asked if there were a fire would poisonous fumes result from the materials.

**Attorney Pino** stated the building is sprinkled and the racks are sprinkled so they expect containment. **Chief Dench** stated as with any fire there are going to be fumes. They have made sure they have gone through this. He acknowledged the lengthy process and commended Deputy Chief Aiello who worked for a long time making sure all the Commonwealth rules and regulations are complied with; and all the fire prevention rules are complied with; and that everything is in place to be a safe operation.

**Councilor McGeary** asked that it was the Chief's opinion that the fire, in all likelihood would be contained.

**Chief Dench** stated "yes". They would be looking for containment.

**Councilor Mulcahey** asked with the type of chemicals that are going to be in the building if water would put out a fire there.

**Attorney Pino** assured the Councilor "yes". The liquid plastic is put out with water.

**This public hearing is closed.**

**MOTION:** On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 2 in favor, 0 opposed to recommend to the City Council to grant the issuance of a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 54 Great Republic Drive for the storage of 29,0000 gallons of Combustible Liquids under M.G.L. Chapter 148, Section 13 and regulations hereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I. In General, and sections hereunder.

**Discussion:**

**Councilor Ciolino** stated he believed all the necessary sign-offs were in place, including an endorsement of the Gloucester Fire Department and that the applicant had taken precautions necessary to assure the safety of their employees and the community. He urged his fellow Councilors to vote for it. It means a new business moving into town, not moving out which means jobs.

**Councilor Tobey** thought it was wonderful to see another building going up in Blackburn Industrial Park. He felt as a community they should all welcome Anchor-Seal with "open arms". He felt they already have proven to be a responsible corporate citizen by moving forward with all the necessary permitting and this extra step to ensure they're in full compliance. It is about jobs, community growth, economic diversification; and that this was further evidence of "wonderful developments" in the City; and thanked them for being here and for the good work they were going to do.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 8 in favor, 0 opposed to grant the issuance of a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 54 Great Republic Drive for the storage of 29,0000 gallons of Combustible Liquids under M.G.L. Chapter 148, Section 13 and regulations hereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I. In General, and sections hereunder.**

2. **PH2011-002: Fire Department proposal to increase various fire preventions related fees and to Enact various new fire prevention related fees in accordance with MGL c148 §10A**

**(NOTE: See City Council Meeting 09/28/10 for all backup documentation submitted.)**

**This public hearing is open.**

**Those speaking in favor:**

**Fire Chief Phil Dench** explained to the Council they have been working on this for "quite a while" and most of the fees they looked at were compared to communities around Gloucester and what they were charging for the same permits. The comparison communities most were charging the allowable amount of \$50 and that Gloucester was charging \$25. They have been trying to increase the Fire Prevention

Bureau to be proactive and responsive to the community. They have one Fire Prevention officer/inspector for the entire time he had been with the Gloucester Fire Department. The workload has increased five times and yet they still have one Fire Prevention officer to do all the inspections. For quite a while they had a clerk who could do a lot of the paperwork, but now have none. He would want to get a clerk there; and by increasing these fees he hoped they'd have some money [for that position]. The Administration has said that the money will be reinvested into the Fire Department for the Fire Prevention Bureau, which is what they are looking for by increasing these fees.

**Deputy Fire Chief Stephen Aiello** stated they have "a road map" of the management audit produced by Municipal Resources that said they should increase the Fire Prevention Bureau; increase public education; increase pre-fire plans, etc. All of this takes revenue. One way to do this, he believed, is to tap the revenue source of permits. This is raising fees to the rate of what other municipalities are already charging. He reiterated that the Administration has said they would devote that money back into the Fire Prevention Bureau. They are looking to "professionalize" that Bureau, increase the services they provide and make the City a safer place to live.

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Ciolino** asked how this affects the burn permit.

**Chief Dench** answered it would increase next year and go to \$25.00 if the Council approves this. The burning season starts soon and the permit was advertised as \$15.00 and will stay that way for this year.

**Councilor Curcuru** stated the fees that they collect now – some are being increased some are added new fees; and asked if the current fees are reinvested into the Fire Department or go to the General Fund.

**Chief Dench** responded currently the collected fees go to the General Fund. The fees will go back to the General Fund and the difference between the previous fees and the realized increased revenue will go back to the Fire Department, just the increase in revenue which **Councilor Curcuru** then reiterated.

**Councilor Theken** stated for the record its \$15.00 for burning fee; and next year it will be \$25.00. That \$10 difference will go back to the Fire Department but the \$15.00 would remain in the General Fund.

**Chief Dench** responded "yes".

**Councilor Theken** confirmed with Jim Duggan, CAO at the back of the auditorium that this was the case to which she noted he had, "nodded his head" in assent.

**This public hearing is closed.**

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Verga, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommends to the City Council the adoption of the Fire Department fee schedule as presented.

**MOTION:** On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed that the City Council adopt the Fire Department fee schedule as presented.

### **3. PH2011-003: Amendments to GCO Chapter 8 Article II "Fire Department" – selection of Fire Chief**

**This public hearing is open.**

**Those speaking in favor: None**

**Those speaking in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administrative Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Gloucester Code of Ordinances, Article II. Fire Department, Chapter 8 Fire Department, Article II Fire Department as follows:

#### Chapter 8 FIRE

#### ARTICLE II. FIRE DEPARTMENT

Amend Article II Fire Department as follows:

Delete sections:

8-16 Composition

8-17 Appointments

Add and replace with the following:

#### 8-16 Fire Chief

a) The Mayor shall appoint the Fire Chief who shall hold the office for a term of three years. The appointment of the Fire Chief shall be subject to confirmation by the City Council as provided in section 2-10 of the charter. The Fire Chief is exempt from the provisions of chapter 31 of the General Laws.

b) Within thirty days of the position of the Fire Chief being declared vacant, the Mayor shall appoint a temporary Fire Chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.

#### 8-17 Selection of Fire Chief; qualifications.

The Fire Chief shall be selected by the Mayor and shall have the following minimum qualifications:

(a) The Fire Chief shall be a fire safety professional with a minimum of 15 years experience in federal, state, county, municipal or military firefighting, no less than five of which shall be in a progressively responsible fire safety management and emergency medical services position;

(b) The Fire Chief shall have an Associates Degree in Fire Sciences or related field and hold a minimum rank of Deputy Chief or higher for a minimum of three years in a fire fighting environment;

(c) Preference shall be given to candidates who have experience with the following:

- i) certification from the National Fire Academy Executive Officer Program;
- ii) financial management, innovations in fire operations, and information technology as it pertains to fire safety;
- iii) labor relations, community relations, mediation and facilitation skills; and including staff development and training.

(d) Preference may also be given to candidates who have experience with the following:

- i) in a multi-lingual and multi-cultural urban fire safety environment from municipalities with a population of 30,000 or more residents, possess managerial experience in a similar structure as the Gloucester Fire Department,
- ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester.

8-18 Selection of Fire Chief; Manner of Appointment.

(a) The candidates for Fire Chief shall be reviewed by a selection committee consisting of the following individuals:

- (i) The Personnel Director, who shall serve as the Chair of the Selection Committee;
- (ii) One member of the City Council to be appointed by the President of the City Council;
- (iii) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;
- (iv) Two members of the general public to be appointed by the Mayor with at least one of said members being a representative of the City's socioeconomic and racial and ethnic segments;
- (v) Two sworn firefighters of the Gloucester Fire Department to be elected by the union representing members of the Fire Department.
- (vi) A public safety official appointed by the Mayor, who shall be the Emergency Management Director if such position exists at that time.

The Mayor may appoint appropriate support personnel to facilitate the operations of the selection committee.

(b) In consultation with the selection committee and the purchasing agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for Fire Chief. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; and select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists and administer the selection process to these candidates. The process shall consist of, without limitation, a written exam, a professional assessment center and a psychological evaluation.

(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Fire Chief and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Fire Chief, the Selection Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the Mayor. The contract may not be subsequently

amended without the approval of the City Council. The term of the contract shall be three years. The Mayor may reappoint said Chief for subsequent contractual terms of three (3) years subject to City Council confirmation.

(e) Upon such time as the Mayor shall become aware of a vacancy in the office of Fire Chief, the Mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The Mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.

#### 8-19 Powers and duties of Fire Chief

The Fire Chief shall manage the Fire Department. He/she shall be responsible for the discipline and efficiency of the department. He/she shall have control of the department, its officers and members, the care of the fire stations, the care and custody of all the property of the department and shall keep a record of its business.

#### 8-20 Composition

The Fire Department shall consist of the Fire Chief, who is not subject to the civil service laws, and as many deputy Fire Chiefs, captains, mechanics, inspectors and firefighters subject to the civil service laws in such numbers as are provided by contract and approved by the City Council. The department may also include supporting administrative staff.

Delete subsection 8-18(a) and replace with the following:

#### 8-21 Qualifications and appointment of firefighters

(a) The Mayor shall have the power to appoint all firefighters who shall hold their office at the discretion of the Mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Fire Chief is exempt from civil service laws and the terms of the collective bargaining agreement. All firefighters are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by chapter 41 section 99A of the General Laws.

Subsections 8-18 (b) and (c) shall remain in effect and be renumbered as 8-21 (b) and (c).

Consecutively renumber the remainder of Article II Fire Department as follows:

8-22 Physical examination of firefighters

8-23 Appointees must signify willingness to obey rules

8-24 Firefighters to have motor vehicle license

8-25 Military substitutes

8-26 Fire chief to act as forest warden

8-27 Aid to other cities, towns or fire districts

8-28 Destruction of building to prevent spread of fire

#### **Discussion:**

**Councilor Theken** stated, by way of explanation for the public, they are doing what the people asked which is clarifying how they are going to select a Fire Chief. This will be on the web site once approved. This will be after the current Fire Chief's contract ends.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 7 in favor, 1 (Theken) opposed to Amend the Gloucester Code of Ordinances, “Article II. Fire Department, Chapter 8 Fire Department, Article II Fire Department” as follows:**

### **Chapter 8 FIRE**

### **ARTICLE II. FIRE DEPARTMENT**

**Amend Article II Fire Department as follows:**

**Delete sections:**

**8-16 Composition**

**8-17 Appointments**

**Add new Section 8-16 a-b as follows:**

#### **8-16 Fire Chief**

**a) The Mayor shall appoint the Fire Chief who shall hold the office for a term of three years. The appointment of the Fire Chief shall be subject to confirmation by the City Council as provided in section 2-10 of the charter. The Fire Chief is exempt from the provisions of chapter 31 of the General Laws.**

**b) Within thirty days of the position of the Fire Chief being declared vacant, the Mayor shall appoint a temporary Fire Chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.**

**Add new: Section 8-17 Selection of Fire Chief; qualifications.**

**The Fire Chief shall be selected by the Mayor and shall have the following minimum qualifications:**

**(a) The Fire Chief shall be a fire safety professional with a minimum of 15 years experience in federal, state, county, municipal or military firefighting, no less than five of which shall be in a progressively responsible fire safety management and emergency medical services position;**

**(b) The Fire Chief shall have an Associates Degree in Fire Sciences or related field and hold a minimum rank of Deputy Chief or higher for a minimum of three years in a fire fighting environment;**

**(c) Preference shall be given to candidates who have experience with the following:**

- i) certification from the National Fire Academy Executive Officer Program;**
- ii) financial management, innovations in fire operations, and information technology as it pertains to fire safety;**
- iii) labor relations, community relations, mediation and facilitation skills; and including staff development and training.**



**(d) Preference may also be given to candidates who have experience with the following:**

- i) in a multi-lingual and multi-cultural urban fire safety environment from municipalities with a population of 30,000 or more residents, possess managerial experience in a similar structure as the Gloucester Fire Department,**
- ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester.**

**[Subsections 8-18 (b) and (c) shall remain in effect and be renumbered as 8-21 (b) and (c).]**

**Delete section 8-18(a) and add new 8-18 (a) – (e):**

**8-18 Selection of Fire Chief; Manner of Appointment.**

**(a) The candidates for Fire Chief shall be reviewed by a selection committee consisting of the following individuals:**

- (i) The Personnel Director, who shall serve as the Chair of the Selection Committee;**
- (ii) One member of the City Council to be appointed by the President of the City Council;**
- (iii) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;**
- (iv) Two members of the general public to be appointed by the Mayor with at least one of said members being a representative of the City's socioeconomic and racial and ethnic segments;**
- (vii) Two sworn firefighters of the Gloucester Fire Department to be elected by the union representing members of the Fire Department.**
- (viii) A public safety official appointed by the Mayor, who shall be the Emergency Management Director if such position exists at that time.**

**The Mayor may appoint appropriate support personnel to facilitate the operations of the selection committee.**

**(b) In consultation with the selection committee and the purchasing agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for Fire Chief. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; and select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists and administer the selection process to these candidates. The process shall consist of, without limitation, a written exam, a professional assessment center and a psychological evaluation.**

**(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Fire Chief and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Fire Chief, the Selection**

Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the Mayor. The contract may not be subsequently amended without the approval of the City Council. The term of the contract shall be three years. The Mayor may reappoint said Chief for subsequent contractual terms of three (3) years subject to City Council confirmation.

(e) Upon such time as the Mayor shall become aware of a vacancy in the office of Fire Chief, the Mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The Mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.

**Add new section: 8-19 Powers and duties of Fire Chief**

The Fire Chief shall manage the Fire Department. He/she shall be responsible for the discipline and efficiency of the department. He/she shall have control of the department, its officers and members, the care of the fire stations, the care and custody of all the property of the department and shall keep a record of its business.

**Add new: 8-20 Composition**

The Fire Department shall consist of the Fire Chief, who is not subject to the civil service laws, and as many deputy Fire Chiefs, captains, mechanics, inspectors and firefighters subject to the civil service laws in such numbers as are provided by contract and approved by the City Council. The department may also include supporting administrative staff.

**Delete subsection 8-18(a) and add new: section 8-21 Qualifications and appointment of firefighters**

(a) The Mayor shall have the power to appoint all firefighters who shall hold their office at the discretion of the Mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Fire Chief is exempt from civil service laws and the terms of the collective bargaining agreement. All firefighters are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by chapter 41 section 99A of the General Laws.

**[Consecutively renumber sections 8-19 to 8-25 of Chapter 8, Article II Fire Department as follows:]**

8-22 Physical examination of firefighters (old sec. 8-19)

8-23 Appointees must signify willingness to obey rules (old sec. 8-20)

8-24 Firefighters to have motor vehicle license (old sec. 8-21)

8-25 Military substitutes (old sec. 8-22)

8-26 Fire chief to act as forest warden (old sec. 8-23)

8-27 Aid to other cities, towns or fire districts (old sec. 8-24)

8-28 Destruction of building to prevent spread of fire (old sec. 8-25)

4. PH2011-004: Loan Authorization in the amount of \$6,000,000 re: roof replacements for Ralph B. O'Maley Middle School, Plum Cove Elementary School, Veterans Memorial School, East

**Gloucester Elementary School, Beeman Memorial School**

**This public hearing is open.**

**Those speaking in favor:**

**James Duggan, CAO** stated the Administration respectfully requests the Council approve the loan authorization of \$6 million for the roof replacements at five schools. When the City was originally made aware of this grant opportunity in September there was a joint effort by the City and School [Department] to submit the necessary Statements of Interest (SOI's) into the MSBA (Massachusetts School Building Authority) for the program as everyone believed it was a great opportunity at a 48.27% reimbursement rate for improvements to the schools which are in dire need. He reiterated they request that the Council approve the loan.

**Those speaking in opposition: None.**

**Communications:**

**Paul Scola**, 39 Cherry Street via email (on file) forwarded through Councilor Hardy that afternoon which was read to the Council by Ms. Lowe. Mr. Scola expressed his concern money was being put into schools that could possibly be closed. He suggested careful review of any funding from the MSBA. He suggested consolidation of schools into the Fuller School.

**Questions:**

**Councilor McGeary** asked about the matching formula and how it would be matched by the State.

**Mr. Duggan** stated the loan authorization for \$6 million; they would have a reimbursement rate of 48.27%. They are looking at a total project cost of \$6 million overall which includes a contingency they feel could be "in there". The City's debt with the contingency would be \$3,103,800. If they don't use the contingency, the City's reimbursement would be based on a total project cost of \$5,322,131 and the debt would be \$3,431,007. They would pay the vendors, submit the necessary paperwork for reimbursement to the State, and then would get paid.

**Councilor McGeary** recalled during the B&F meetings they were conservative in the cost estimates and hoped it would come in less than \$6 million.

**Mr. Duggan** stated they worked closely with the MSBA, mostly by Dr. Connelly (Acting Superintendent of Schools). They looked at a range for the construction between \$12 and \$20 dollars per sq. ft.; but wanted to make sure they had enough costs in it, and so made the calculations based on the \$20 per sq. ft. With a total of over 231,000 square feet of roof in total, this is what makes the high number.

**Councilor Tobey** noted the B&F discussion included separately from this an update on the potential repair and reconstruction of the West Parish School. There is still the "hanging matter" of the "ultimate fate" of the Fuller School which appeared to him to be linked whether or not West Parish project goes forward. Given the \$6 million borrowing for school roofs and the current financially difficult conditions, he asked what was the Administrations opinion on how moving forward with the \$6 million project for school roofs may impact the feasibility of going forward with the West Parish process and in turn the "potential disposition of the Fuller School.

**Mr. Duggan** responded with the Fuller School they will continue going forward with getting the appraisal on a square foot lease for that property. When done, the Administration will make a recommendation and have a discussion then. With regards to West Parish, he stated they're looking at a \$3 million price tag if they're looking at the reimbursement rate, not the \$6 million. He noted as the Councilor had pointed out correctly, they are financially "watching their pennies". They can't ignore this for the existing schools. It has been a recommendation in this Administration that the West Parish School be referred to the Capital Improvement Advisory Board (CIAB) for review and move forward on that matter at a later date.

**Councilor Tobey** thought the "later date" to frame his point of interest and asked would moving forward with this \$6 million debt, paid off over time half by the City, half by the State; delay "our willingness or ability" to go forward "contingent on CIAB review with West Parish and asked if there was any impact.

**Mr. Duggan** stated the CIAB will make a recommendation through a five year capital plan with a realistic funding plan and would not have an answer until that time and did not know when that recommendation would come forward.

**Councilor Tobey** asked if the CFO had an opinion on the debt load capacity and timing issues.

**Jeff Towne, CFO** clarified they are going to get the reimbursement from MSBA up front reducing the amount down to what of the net they will borrow. They will not borrow the full \$6 million. They will borrow the net difference of what is not reimbursed from the MSBA, whatever the project is (in the \$3 million range). The City doesn't achieve any significant decrease in General Fund Debt until about 2016 when some of the existing school debt comes off line. He will try to structure this debt so it hits about that time and could be \$280,000 to \$315,000 per year. In 2016 there will be about \$1 million reduction in the City's debt. There are other things ongoing, and all those factors have to be taken into account. The CIAB will get the project requests from the departments on the 24<sup>th</sup> of January and meet four times by the end of February in order to present a capital improvement plan to the Mayor as part of the FY12 planning process. The School Department through the Superintendent and their CFO have a capital improvement plan that they are presenting by this Friday to try and get it into the CIAB's hands so that they can start talking about it which would include West Parish. He did not know the timing of when they plan on bringing up West Parish but did recognize this as a priority. The City has to do these repairs on the roofs no matter what. It is a matter of whether the City is going to pay for this and have the MSBA help them. They're not doing this because suddenly the funding was available. They have to repair the roofs. He didn't know when the School Committee would come back about West Parish. The interest was simultaneous of the roof repairs and the West Parish School. He believed this is the Administration priority "to try to nail down" because they are on the list of the MSBA's approved projects for these. The five schools are: O'Maley Middle School, Plum Cove, East Gloucester, Beeman and Veterans Memorial Elementary Schools.

**Councilor Tobey** believed they'd have to await the CIAB recommendations and the Administrations plan to engage those recommendations.

**Councilor Curcuru** understood why the West Parish School was not put on this list because if they were going to go forward via another avenue. "That roof needs some work." What do they do in a case like this; will they do major or minor repairs on this roof after the first of the year.

**Michael Hale, DPW Director** spoke regarding West Parish, believing they have to evaluate the condition of that and see what needs to be replaced. There are a number of modulars that have a number of additions; maybe some issues with seams. They also have to make a thorough examination of the roof. They can roll that into their annual operating budget. They did a number of school roofs, temporary repairs this fall; and felt they can do West Parish once the FY12 budget is out.

**Councilor Curcuru** noted the discussion at the beginning of the school year regarding these roofs and their good fortune that Councilor McGeary found out about this reimbursement grant program and thanked the Councilor for maybe saving the City \$3 million which he dubbed "the McGeary Plan".

**Mr. Towne** responding to an inquiry from **Councilor Theken** stated it [this loan order] adds more debt but that adds to the bond rating but it shouldn't make any significant change in terms of their AA2 bond rating status.

**Councilor Theken** asked if a school closed what would happen to the loan or subsidy.

**Mr. Duggan** stated on January 3rd the MSBA sent a team which met with Dr. Connelly, Mr. Hale, Assistant Superintendent Brian Tarr and himself to go to each of the schools. In each school, they sat down with questions asked of the team such as the number of students that were there; the maintenance record; was there any potential that this school will be closed in the near future. That answer was no on "every single one of them". It was anticipated that on Wednesday or Thursday the MSBA is taking another step in approving all five projects in their program. At that point what they need to do is select a owner project manager from an MSBA approved list as well as a designer firm and then a "definite" scope of service will be drafted for final approval.

**Councilor Theken** stated these are not band aids; these school roofs will be repaired and asked what is the warranty and life expectancy of these roofs.

**Mr. Hale** stated these are 20-25 year roofs. They're at the end of the last 20-25 year roofs which were installed in 1988-1992. These are complete roof projects. He noted the Plum Cove School recently had some asphalt shingle replaced. They won't remove that. They'll do the rubber portion of it. These are "wholesale" replacements with the contingency to cover things like any penetrations like skylights that may be outdated or out of code. Those will be replaced at the time. He believed it was only three years previous the modular project that the School Committee voted to better maintain the system that they have today. They have invested in the elementary schools and believed that was the School Committee's view today.

**This public hearing is closed.**

**MOTION:** On motion by Councilor Hardy, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council the following loan authorization:

Ordered: That the sum of up to Six Million (\$6,000,000) Dollars for (i) roof replacement at the Ralph B. O'Maley Middle School, 32 Cherry Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (ii) roof replacement at the Plum Cove Elementary, 15 Hickory Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iii) roof replacement at the Veterans' Memorial School, 10 Webster Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iv) roof replacement at the East Gloucester Elementary School, 8 Davis Street Extension, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (v) roof replacement at the Beeman Memorial School, 138 Cherry Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the Department of Public Works, and to meet said appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) forty-eight and twenty-seven one hundredths percent (48.27%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

**Discussion:**

**Councilor Ciolino** stated this is the "McGeary Plan" a handle Councilor McGeary would be proud to have. Councilor McGeary was the one who called this to the attention of the City, the Administration and School Department, that this grant was available. The Council did what they had to do and move forward with a debt of gratitude to the Councilor and the School Department for making this happen. They will discuss on the 25th the roof of this [City Hall] building. He believed it was their duty to get the roofs fixed. He contended not only does it destroy the roofs but it causes mold. The Councilor believed this

was money well spent on assets of the City. He urged his fellow Councilors to vote for this. They need to preserve the City's assets. This is the first thing to be repaired. "If you don't fix the leaks the rest falls apart from there."

**Councilor Tobey** pointed out that they're making a commitment to those neighborhood schools which is a long term commitment. He hoped they felt that way by voting "yes". This City over the course of 30 years has gone through another cycle where neighborhood schools closed and then focused to centralization; and then the focus on neighborhood schools returned. "Let's stay committed to neighborhood schools...This is all about community when the day is done." He contended Gloucester is "less a City than an amalgam" of different communities. The Councilor related as a "proud" parent of four children who "blossomed" in the City's elementary schools, thought it important they stand behind them and recognize the wonderful work that goes on there; both for the kids and the spirit of the communities which is fundamental to what Gloucester is. He said, "When I vote yes, that's what I'll be saying."

**Councilor McGeary** felt he would be remiss if he hadn't pointed out the efforts of the DPW and the school administration because they had a short time to turn it around. It is a great value to the City and thanked them as well.

**Councilor Curcuru** stated at the beginning of the fiscal year the City took over the maintenance of the schools and knew there were issues that needed to be taken care of. These are our assets and he would support it.

**Councilor Verga** stated the message, a mega-school at Fuller was not the desire of the people when it was on the School Committee; he received much opposition to that idea. Smaller neighborhood schools are what is needed to get the focus back to the traditional public schools. They should not be thinking about selling off schools. It was a mistake once and should not be done again.

**Councilor Theken** related she grew up in small schools. The City needs to keep our little elementary schools. She thanked everyone for working together and noted the taking over of the maintenance of the City schools by the DPW and the Administration's and Council's participation and that it was great to see them all working together and thanked them for it. West Parish was not being left out. Mr. Duggan stated they were waiting for the CIAB report. The Fuller School, they are looking at all the avenues. To get the MSBA to come down again is a great effort. She noted that while absent, **Councilor Hardy** was in support of this loan order.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the City Council voted BY ROLL CALL 8 in favor, 0 opposed to the following loan authorization:**

**Ordered: That the sum of up to Six Million (\$6,000,000) Dollars for (i) roof replacement at the Ralph B. O'Maley Middle School, 32 Cherry Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (ii) roof replacement at the Plum Cove Elementary, 15 Hickory Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iii) roof replacement at the Veterans' Memorial School, 10 Webster Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (iv) roof replacement at the East Gloucester Elementary School, 8 Davis Street Extension, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, (v) roof replacement at the Beeman Memorial School, 138 Cherry Street, Gloucester, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, said sum to be expended under the direction of the Department of Public Works, and to meet said appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter**

**44, or any other enabling authority; that the City acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) forty-eight and twenty-seven one hundredths percent (48.27%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.**

**For Council Vote:**

1. **Decision to Adopt: SCP2010-012 – Kondelin Road #16, GZO Sec. 5.13 PWSF (CCM 11/09/10)**

**MOTION: On motion by Councilor Ciolino, seconded by Councilor McGeary, the City Council voted BY ROLL CALL 8 in favor, 0 opposed Adopt the Decision, Kondelin Road #16, Section 5.13 PWSF (SCP2010-012).**

2. **Decision to Adopt: SCP2010-013 – Rogers Street #127, GZO Sec. 5.13 PWSF (CCM 11/09/10)**

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Mulcahey, the City Council voted BY ROLL CALL 8 in favor, 0 opposed Adopt the Decision, Rogers Street #127, Section 5.13 PWSF (SCP2010-013).**

3. **Decision to Adopt: SCP2010-014 – Cherry Street #32, (O'Maley Middle School) GZO Sec. 5.22 Wind Turbine**

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 8 in favor, 0 opposed Adopt the Decision, Cherry Street #32 (O'Maley Middle School, Sec. 5.22 Wind Turbine (SCP2010-014).**

4. **Decision to Adopt: SCP2010-015 – Kirk Road #9, GZO Sec. 5.4.4 Lowlands (CCM 11/09/10)**

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Whynott, the City Council voted BY ROLL CALL 8 in favor, 0 opposed Adopt the Decision, Kirk Road #9, Sec. 5.5.4 Lowlands (SCP2010-015).**

**Unfinished Business: None.**

**Individual Councilor's Discussion including reports by appointed Councilors to Committees:**

**Councilor McGeary** noted that on Tuesday, January 18<sup>th</sup> the Gloucester Maritime Center would host workshops on the Harbor Walk from 8 a.m. to 7 p.m. The information is on the City website.

**Councilor Ciolino** and **Councilor Curcuro** asked if the clock in the auditorium could be fixed and the lights also repaired there.

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

**Councilor Tobey** stated on the West End of Main Street there are five of the decorative wrought iron lights that are out; given the winter weather and icy sidewalk conditions, it is a hazard to the public. He asked that this be referred to the Administration given the public safety concerns.

**Councilor Ciolino** added those lights have been out since last summer. They have not gotten an answer as to why they were not repaired.

**Councilor Mulcahey** noted at Fort Square they have three lights that are not working and is very dark and not an area where it should be dark near the playground and needs repair. People are starting to dump down "on the end" rear of the Commercial Street., the new acquired property they had taken over. It needs to be cleaned up because it becomes a fire hazard.

**Councilor Theken** thanked Dana Jorgensson, Clerk of Committees, Ms. Lowe, and Council President Hardy and Guard Estes for volunteering at the Senior Center when they needed help. Between herself and her coworkers in 45 days not including weekends and holidays, over 2,000 seniors were seen. They helped people from other communities as well. People came from Brookline, New Bedford. Without their help they couldn't have done that extra day. They saw 34 clients on that day alone. Some people are still calling who didn't know about open enrollment or are having problems with getting their prescriptions and they should call her. If they are on prescription advantage, they do not count asset, income. If you are a member, you still are a member. You have one time to switch to or change your drug coverage. Stay home tomorrow but see her at the hospital and she will also come to ward meetings, senior housing, to civic groups. If you are on a government plan it is mandatory to take Medicare. If your spouse is eligible for Medicare, that makes you eligible and must apply. Please don't think it is just for people who have worked for the City or state. It is for anyone who worked under the Medicare they can call 1-800-772-1213 which is the Social Security Department to get more information.

**A motion was made, seconded, and voted unanimously to adjourn the meeting at 8:51 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Packet of copied photographs of the Anchor-Seal facility from their Danvers location as well as the new Blackburn Park facility, with a schematic of the pallet rack plan.**