

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON WAIVERS OF RESIDENCY
DATE: JANUARY 29, 2020
TIME: 7:00 P.M.
**PLACE: COUNCILLOR WILLIAM SALTZMAN ANTECHAMBER,
ROOM 213, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS LINDA MORAD, CHAIRPERSON; BRIAN
GOMES; JOSEPH LOPES; WILLIAM BRAD MARKEY**

ABSENT: COUNCILLOR NAOMI CARNEY, VICE-CHAIRPERSON

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Councillor Morad called the Waivers of Residency Committee Meeting to order and took attendance. The Clerk read a Communication into the record from Councillor Carney explaining her absence from this meeting, this Communication was received and placed on file by Councillor Lopes and seconded by Councillor Gomes.

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Notice, City Clerk of reference of AN ORDINANCE, Council President Morad, submitting an ORDINANCE, Relative to Employee Residency (To be Referred to the Committee on Ordinances.) (Ref'd 11/26/19) (1/23/20 – Ordinance Committee Discharged from Further Consideration) (1/23/20 – Referred to the Committee on Waivers of Residency) was received and placed on file by Councillor Lopes and seconded by Councillor Markey. (1)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Morad, submitting the City of New Bedford's Policy Concerning Waivers of the City's Residency Requirement (Ref'd 1/23/20) was received and placed on file by Councillor Lopes and seconded by Councillor Markey. (2)

Councillor Morad announced this would be a very informal meeting. She is seeking input on how to address the residency requirement ordinance in the city, as well as the new proposals the Administration is suggesting. Do we want to do away with residency requirements or do we want to strengthen them? Can they change them and how will it affect contractual issues?

Councillor Lopes suggested that those that currently have residency waivers be grandfathered-in if changes are to be made. For example, if you live in Rochester and have been granted a waiver you would be grandfathered-in and allowed to live there; however, if you decided you wanted to move from Rochester to Lakeville then you would forfeit the ability to be grandfathered and would need to adhere to the city's residency requirement.

Attorney Gerwatowski suggested that moving forward, you need to deal with the issue of fairness. The city right now has different requirements as it related to residency waivers and not all employees are treated equally. He suggested that the Committee address how to make it fair for all. He stated the concern is that lower level employees

are being treated differently than higher paid employees that live outside of the city and currently receive waivers.

Councillor Morad expressed her concern that the Administration draft proposal removes the Council from the process, that the only time the Council would be able to act on a residency requirement is if the Administration sends it to them; but he is not required to and she does not believe this should be the policy.

Solicitor McDermott agreed with Councillor Morad's interpretation of the drafted changes.

Councillor Gomes expressed the same concerns, that the Mayor should not have the sole decision and that the Council needs to be a part of it.

The consensus was that city employees should be required to live in the city including positions like the Chief of Police and Fire Chief, City Clerk, Council Attorney, City Solicitor.

Attorney Gerwatowski suggested that the Committee needs to decide what the criteria would be and that it can not be subjective to individual feelings and thoughts.

Councillor Morad asked the City Solicitor why the Administration is recommending residency requirement changes and she was told that she believes the Mayor believes if you work in the city you should live in the city and contribute to its tax base and help to strengthen the middle-class presence in the city.

Councillor Markey stated that while he is in favor of residency requirements, he wondered how many qualified candidates are lost because of it. Solicitor McDermott told him that this does and has happened. She had interviewed staff for her office and has only found qualified candidates outside of the city for these jobs and the residency requirement has been a big factor in their not taking jobs; it is a real issue. Councillor Markey stated that he does believe you have to buy into this city.

The consensus was that the issue of residency requirements needs to be addressed, the Committee recognized that right now there are contractual issues and that if changes are made then the Administration would need to go in the bargaining table with the requirements. Solicitor McDermott explained that right now Massachusetts Collective Bargaining laws allows Administrations to circumvent local residency requirements.

The Committee decided that they will request a summary of residency requirements from each contract that addresses the issue. Solicitor McDermott said she would secure this information for them.

The Committee decided that they would also want from Personnel:

1. A list of all city employees currently living outside of the city who have met their contractual service time and do not need a residency waiver.
2. A list of all city employees currently living outside of the city who are doing so, with granted residency waivers.

On motion by Councillor Gomes and seconded by Councillor Markey, the Committee VOTED: To table items one (1) and two (2) at this time. This motion passed on a voice vote.

Councillor Gomes made a motion to adjourn, which was seconded by Councillor Lopes.

This meeting adjourned @ 8:04 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees