

**NEW BEDFORD, MASSACHUSETTS**

**MEETING: COMMITTEE ON WAIVERS OF RESIDENCY**  
**DATE: FEBRUARY 11, 2020**  
**TIME: 7:02 P.M.**  
**PLACE: COUNCILLOR WILLIAM SALTZMAN ANTECHAMBER,**  
**ROOM 213, MUNICIPAL BUILDING**

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

**ABSENT: COUNCILLORS NAOMI CARNEY, VICE-CHAIRPERSON;**  
**BRIAN GOMES**

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Councillor Morad called the Waivers of Residency Committee Meeting to order and took attendance. The Clerk read two Communications into the record, one from Councillor Carney explaining her absence and another from Councillor Gomes stating that he expected to be late. These Communications were received and placed on file by Councillor Lopes and seconded by Councillor Markey.

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On motion by Councillor Markey and seconded by Councillor Lopes, items one (1) and two (2) were taken up together and the readings were waived. The items were as follows:

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) (01/29/2020-tabled). (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) (01/29/2020-tabled). (2)

Councillor Morad requested that Solicitor Mikaela McDermott read the emails from herself and the School Department into the record, which provided information about the residency requirement portions of each current contract that the City/School Department have with their respective unions, and the history of such.

On motion by Councillor Lopes and seconded by Councillor Markey, a copy of the emails was received and placed on file. The Chair requested that these emails be forwarded to all Councillors.

A motion to receive and place on file the information provided to the Committee from the Personnel Department regarding the number of employees living outside of the City in each union/category was made by Councillor Lopes and seconded by Councillor Markey.

These lists indicated the following information:

- 39 of 330 AFSCME employees are non-residents
- 7 of 11 Community Development employees are non-residents
- 6 of 29 EMS employees are non-residents
- 106 of 205 firefighters are non-residents
- 101 of 240 police officers are non-residents
- 34 of 192 Unit C employees are non-residents (currently, all have waivers)
- 11 of 78 variable time employees are non-residents
- 4 of 27 non-union/non-unit C full time employees are non-residents

The Chair noted that the new AFSCME contract requires that, going forward, its members are now required to remain city residents for the duration of their employment with the City, as opposed to only having to reside for a set number of years as was previously negotiated in contracts.

There was also discussion that since Community Development receives all federal funding and is somewhat of a quasi-governmental entity, it is probably not appropriate to require residency.

It was also noted that the new EMS contract eliminates the residency requirement, but the recent Police & Fire contracts now require new hires to reside in the City for at least ten (10) years.

The Chair noted that there is inconsistency across the various contracts when it comes to the issue of residency. Solicitor McDermott stated that this is due to the fact that each negotiation is unique. The goal of negotiations is not necessarily to be consistent with residency, but rather to come to a mutually beneficial contract between the City and each union.

Attorney Gerwatowski pointed out that it is clear from these numbers that as a rule, residency works when it is required. He mentioned that one of the complaints against the current waiver policy is that the Mayor alone has the authority to initiate the granting of residency waivers. Meaning, that currently, if an employee requests a waiver from the Mayor and the Mayor declines to submit it to the Council, the Council never knows about it, nor is there any appeal process for the employee. Perhaps a compromise could be that any employee seeking a residency waiver could submit a request to Personnel, and that request would then be submitted to the Council for a hearing. If the Council approves the waiver request, it would then go to the Mayor for approval. In order for the waiver to be granted, both the Council and the Mayor would have to approve it. This would at least guarantee that every request for a waiver is at least duly considered. However, this process would not be applicable to new hires.

Solicitor McDermott suggested, as an alternate to that proposal, perhaps there could be a requirement that the Mayor disclose to the Council all requests for waivers that he receives and, for whatever reason, he chooses not to submit to the Council for consideration. She further suggested having permanent waivers for those living outside the City, rather than issuing them only one year at a time, with the stipulation that, should they ever move from their current address, they would be required to move to the City. This would mean that moving from his/her current address would void an employee's existing residency waiver. They could, however, apply for another permanent waiver at their new address.

Councillor Dunn asked whether or not Board/Commission members should qualify for residency waivers, considering that they make policy for the City. Discussion ensued about this, and it was generally thought that the Board of Health might be the only City Board/Commission (that is not regional in its composition and mission) that has a member or two that reside(s) outside of the City.

Upon calculating the totals, Councillor Lopes disclosed that 301 of 861 employees are non-residents (not including those in the School Department or Community Development) and that the bulk of those living outside the City is clearly made up of Firefighters and Police Officers.

General discussion continued about the idea of residency and how best to proceed in the future. Ideas and thoughts also included such things as requiring employees to live in either the City or bordering towns, a financial incentive to live within the City or a financial penalty to live outside the City, etc. There were also concerns over the legality of such measures.

Councillor Morad asked Solicitor McDermott to discuss with the Mayor Attorney Gerwatowski's original idea of having the Residency Waiver process begin with the Council instead of the Administration, and Solicitor McDermott agreed that she would do so and report back.

Councillor Morad also requested that the Clerk of Committees distribute the Meeting Minutes from this and the previous meeting to all City Councillors with a note to contact one another individually rather than collectively.

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

This meeting adjourned @ 8:12 p.m.

ATTEST:

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Dennis W. Farias,  
City Clerk / Clerk of the Council