

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON WAIVERS OF RESIDENCY
DATE: JUNE 08, 2020
TIME: 7:00 P.M.
PLACE: HELD REMOTELY IN ACCORDANCE WITH THE GOVERNOR OF MASSACHUSETTS' MARCH 12, 2020 ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW G. L. C. 30A, SECTION 20 AND THE CITY COUNCIL'S VOTE TO WAIVE RULE 21A

PRESENT: COUNCILLORS LINDA MORAD, CHAIRPERSON; NAOMI CARNEY, VICE CHAIRPERSON; BRIAN GOMES; JOSEPH LOPES; WILLIAM BRAD MARKEY

ABSENT: NO ONE

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Councillor Morad called the Waivers of Residency Committee Meeting to order and took attendance; everybody was present.

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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) (1/29/2020 Tabled to 2/11/2020; 2/11/2020 Tabled; 5/20/2020 Tabled) was removed from the table by Councillor Gomes and seconded by Councillor Lopes. (1)

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Lopes, requesting that the Special Committee on Waivers of Residency review all current and existing Residency Waivers and consider granting them as permanent waivers and establish conditions, if needed, for revocation of any permanent waivers (3/11/2020 Tabled; 5/20/2020 Tabled) was removed from the table by Councillor Gomes and seconded by Councillor Lopes. (2)

Councillor Morad gave a review of what was discussed at the last meeting as it related to adding positions to the must live in New Bedford and that the Committee should be deciding on a percentage the pay scale should be adjusted for those who are hired and outside of the city. The Chair's goal for this meeting was to add or remove the positions from the list, the compensation issue and the ability for the Committee to present their suggestion to the City Council.

Councillor Lopes suggested adding to the list or narrowing it down as it relates to positions mandated to live in the city.

The Chair understood this but stated by doing so you would be treating some positions differently than others.

Mikaela McDermott, City Solicitor told the Committee that she is representing the Mayor and his office, and that the Mayor is opposed to mandating that certain positions are mandated to live in the city. It is difficult to find qualified people and that it would be detrimental if there is not a waiver possibility. The example given was if an Assistant Director (#2 person) was living out of the city and the #1 person left the position, then they should have the ability to offer the position to the #2 person without forcing them to move back to the city.

Attorney Gerwatowski stated that what the Committee is dealing with is a policy question and that the goal is to be as fair as possible to all city employees.

The Chair mentioned that it was their hope that future Union negotiations would pattern the ordinance created.

The Committee expressed their surprise at the actual number of positions that required residency in the city; most thought there were more, but a review showed there were not. Currently required are the Administrative Assistant to the Assessor's office (this position was approved by the State under a Home Rule Petition from the City.) To change this, you would have to petition the State again. The other positions were, the Purchasing Agent, First City Solicitor, Parking Supervisor, Legislative Counsel for the City Council (however presently a waiver of residency can be granted) and the Director of Personnel.

Councillor Markey commented that it seems that overtime positions may have been added or removed. He is in favor of positions having the ability to live outside of the city because you could lose good candidates. He agreed in a reduced salary for those who live outside of the city.

Councillor Carney indicated that she is in favor of some positions where it is mandatory to live in the city.

The discussion continued and the following recommendations were made requiring residency to hold these positions: These positions were voted on separately as follows:

Administrative Assistant to the Board of Assessors, Passed on a Roll Call Vote: Yeas 5, Nays 0.

Purchasing Agent, Passed, on a Roll Call Vote: Yeas 3, Nays 2, Markey, Morad opposed.

Parking Supervisor, Passed, on a Roll Call Vote: Yeas 3, Nays 2, Markey, Morad opposed.

1st Assistant City Solicitor, Passed, on a Roll Call Vote: Yeas 4, Nays 1, Morad opposed.

Legislative Attorney, Passed, on a Roll Call Vote: Yeas 3, Nays 2, Gomes, Morad opposed.

Director of Personnel, Passed, on a Roll Call Vote: Yeas 4, Nays 1, Markey opposed.

Board of Health Agent, Passed on a Roll Call Vote: Yeas 5, Nays 0.

City Planner, Passed on a Roll Call Vote: Yeas 4, Nays 1, Morad opposed.

DPI Commissioner, Failed on a Roll Call Vote: Yeas 2, Nays 3, Lopes, Markey, Morad opposed.

DFFM Director, Failed, on a Roll Call Vote: Yeas 1, Nays 4, Gomes, Lopes, Markey, Morad.

Police Chief, Passed, on a Roll Call Vote: Yeas 5, Nays 0.

Fire Chief, Passed, on a Roll Call Vote: Yeas 4, Nays 1, Lopes opposed.

Attorney Gerwatowski will check on the language to see if the Administrative Assistant to the Board of Assessors position is mandated to be a resident under the Home Rule Petition that was approved by the State.

The Committee then reviewed the policy drafted by Attorney Gerwatowski.

There was a suggestion to add under Sec. 19-25 Waiver authorized. at the end of the paragraph, after the words "waiver and 1 extension" that the following be added "one time during the 10-year period". This was agreed to by the Committee.

A discussion then took place on the percentage to be used in decreasing a position pay should they choose to live outside of the city.

A figure of 10% was agreed upon. This figure will be added to Sec. 19-23 – Residency and compensation on item #2.

The Chair asked CFO Sky and Personnel Director Perkins if they would agree, and they did not see an issue in implementing this budget wise or employment wise.

A discussion took place as it related to Boards and Commissions and residency requirements. The consensus was that if you served on either you should be required to live in the City. However, the Airport Commission came into question that 2 of the current members lived outside of the city (but are pilots), as did 2 of the 3 members of the Board of Health.

The question of whether those currently serving on Boards and Commissions should be grandfathered in those positions. The Committee agreed that any Board or Commission member currently serving should be grandfathered if they continue to be appointed to their positions. Should they resign from their positions, then the filling of the positions with new people would require that those members must live in the City. A Roll Call Vote was taken on this matter and Passed Yeas 4, Nays 1, with Councillor Carney opposed.

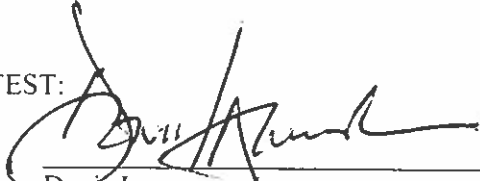
A new meeting of the Committee on Waivers of Residency was scheduled for Thursday, June 18, 2020 at 7 PM. Councillor Morad informed CFO Sky and Personnel Director Perkins that they did not have to attend this meeting.

On motion by Councillor Lopes and seconded by Councillor Markey, the Committee VOTED: To Table items 1 and 2 at this time. This motion passed on a voice vote.

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

This meeting adjourned @ 8:16 p.m.

ATTEST:



Denis Lawrence, Jr.
Clerk of Committees