

## **Committee of the Whole**

### **Minutes of the Meeting**

**March 7, 2022**

1. Vice-President McLaughlin called the meeting to Order at 8:00pm in the City Council Chamber.
2. Vice-President McLaughlin requested that a roll call be taken to record the attendance for the meeting. The COW Clerk called the roll – Councillors Darcy, Dunn, Durkee, Harris, Katz, LaCava, LaFauci, LeBlanc, President McMenimen, O'Brien, Paz, Stanley, Vidal, and Vice-President McLaughlin were present. Councillor Bradley-MacArthur was absent.
3. Councillor LaFauci moved to approve the minutes of the COW meeting held on February 22, 2022. The motion was adopted on a voice vote and the minutes of the February 22, 2022 meeting were approved.
4. Councillor Harris rose to request a moment of silence for Massachusetts State Trooper Tamar Bucci who was recently killed in the line of duty while trying to assist a disabled motor vehicle on Interstate Route 93.
5. A request was received from the Mayor to confirm the re-appointment of Timothy Kelly, 5 Winter Avenue, Marlborough as the Inspector of Wires for a three-year term ending on February 28, 2025. A motion to hear from Mr. Kelly was adopted on a voice vote. Mr. Kelly gave a brief summary of his background and experience. Councillors LeBlanc, O'Brien, Harris and Darcy all spoke favorably of Mr. Kelly highlighting his responsiveness to situations and issues when brought to his attention. Councillor LeBlanc moved to confirm the re-appointment of Mr. Kelly for a three-year term ending on February 28, 2025. The motion was adopted on a voice vote.
6. A communication from Boston Properties concerning the traffic improvements at Third Avenue/Totten Pond Road was submitted by the Mayor. Vice-President McLaughlin asked Councillors Durkee and Harris to escort the Mayor, if available, to the Council Chamber. Upon return, Councillor Harris informed the Committee that the Mayor stated the matter was waiting review from the Law Department. A motion by Councillor Durkee to place the matter on the table was adopted on a voice vote.
7. A resolution concerning the preservation of residential zoned properties was submitted by Councillor Durkee and Councillors Dunn, Harris, Katz, LeBlanc, O'Brien, Vidal and McMenimen. A motion to hear from City Solicitor John Cervone and Assistant City Solicitor Katie Laughman was adopted on a voice vote. Councillor Durkee gave an overview of the situation, specifically referring to a single-family residence located in Ellison Park that was being rented to several Bentley students. Councillor Durkee asked Solicitor Cervone to opine

on the situation, specifically about the number of unrelated individuals who may live in a residential property. Solicitor Cervone cited a case involving residential property in the Town of Lynnfield that was heard by the Massachusetts Supreme Judicial Court (SJC). Solicitor Cervone stated when a City creates a residential zone it is implicitly understood what constitutes a residential home. Solicitor Cervone also spoke of instability and permanency as factors in determining residential use purposes. Councillor Durkee asked if there was any need to amend the current City ordinance. Solicitor Cervone stated more specificity could be included but was not necessary. Councillor LeBlanc asked who was charged with enforcement of the ordinance to which Solicitor Cervone stated it was the City's Superintendent of Buildings. Councillor Dunn asked several follow up questions about enforcement of the ordinance. Councillor Katz asked questions about the involvement of the property owners and their responsibility, including the assessment of fines. Councillor LaFauci expressed concern about the lack of involvement from both Bentley and Brandeis Universities, specifically the need to get the university officials on board. Councillor O'Brien spoke of the need to hold students, parents and the universities accountable through a code of conduct. Councillor Paz asked if any mediation efforts with students had been attempted. Councillor Harris asked about the current per diem fine, level of measurement for evidence of violations and if there is an opportunity to amend definitions in the ordinance. Councillor LeBlanc asked about the obligation of local law enforcement for the situation, to which Solicitor Cervone responded it was a different standard. Councillor LeBlanc moved the following two requests, (1) Request Community Policing Director Don Russo attend the next COW meeting and (2) ask the Law Department to opine if group homes are required to be licensed in residential neighborhoods. Each motion was adopted on a voice vote. Councillor Darcy moved to request the Bentley and Brandeis presidents and/or their representatives attend the next COW meeting. The motion was adopted on voice vote. Councillor LaFauci moved to request the Superintendent of Buildings attend the next COW meeting. The motion was adopted on a voice vote. A motion to have each City Councillor be provided with Solicitor Cervone's handout on the Lynnfield case was adopted on a voice vote. Councillor Katz restated the onus must be on the property owner. Vice-President McLaughlin suggested a notice concerning this issue be included with the next mailing of the real estate tax bills. Councillor Durkee stated the need for answers to this problem. Councillor Durkee moved to place the matter on the table. The motion was adopted on a voice vote.

8. A motion to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 9:50pm.

Paul G. Centofanti – Clerk to the Committee of the Whole