

COMMITTEE OF THE WHOLE

Minutes of the Meeting

February 20, 2018

1. Vice-President Logan called the meeting to Order at 8:00pm.
2. Vice-President Logan requested that a roll call be taken to record the attendance for the meeting. The Clerk pro-tem Vizard called the roll – Councillors Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Romard, Stanley, Vidal, Waddick and Logan were present. Councillor Brasco was absent.
3. A motion by President LeBlanc to approve the minutes of the COW meeting held on February 5, 2018 was adopted on a voice vote and the minutes of February 5, 2018 were approved.
4. Councillor Darcy rose to give a tribute and request a moment of silence for the recent passing of Waltham business owner and philanthropist, Joseph Burgoyne III. Councillors McLaughlin and McMenimen also spoke about Mr. Burgoyne's character and impact on the Waltham community.
5. A request was received from the Mayor to approve the request that the City does not exercise its "right of first refusal" on the resale of condominium unit #113 located at Wellington Crossing, 204 Clocktower Drive. President LeBlanc moved to hear from the Housing Director, Robert Waters. The motion was adopted on a voice vote. Mr. Waters explained the reasons for the request and it would allow the unit to continue to be sold as an affordable unit. President LeBlanc moved to approve the request that the City does not exercise its "right of first refusal" on the resale of condominium unit #113 located at Wellington Crossing, 204 Clocktower Drive. The motion was adopted on a voice vote.
6. A request was received from the Mayor to confirm the re-appointment of Robert Millian, Jr., 16 Bither Avenue, Waltham as a Constable. Councillor Lacava moved to confirm the re-appointment. The motion was adopted on a voice vote and the re-appointment of Robert Millian, Jr. as a constable was confirmed.
7. A resolution concerning the acquisition of the Stigmatine property was submitted by Councillors Fowler, Stanley, Vidal, Vice-President Logan and President LeBlanc. President LeBlanc stated she would support the use of any property the School Committee and the School Building Committee wishes if it is City owned or acquired by a friendly sale. President LeBlanc stated she would support negotiation for acquisition of the Stigmatine property by sale and not a hostile taking. President LeBlanc moved to

approve the resolution. On the motion, Councillor Fowler stated the resolution was a “new start” and we should allow the Mayor reasonable time to try to negotiate. Councillor LaCava stated he was concerned about the language of the resolution, especially where the Mayor’s negotiation position has been destroyed. Councillor McMenimen asked several questions about the parliamentary procedure for approving a resolution and the ability of a councillor to bring in a new resolution for a similar matter. Councillor Randy LeBlanc requested to amend the wording of the resolution from “one last attempt” to “another attempt”. The amendment was approved on a voice vote. Councillor Stanley stated this was just a resolution and it had no power or authority. The authority was always with the Mayor. The motion to approve the resolution, as amended, was approved on a roll call vote of 14 in favor (Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Romard, Stanley, Vidal, Waddick and Logan) and 1 absent (Brasco).

8. Councillor Waddick moved to take the matter of the loan order for the Police Station (3/27/2017) from the table. The motion was adopted on a voice vote. Councillor Waddick moved to request the City Solicitor to provide an update on the litigation regarding the contract for the Police Station renovation. The motion was adopted on a voice vote. Councillor Waddick moved to place the matter back on the table. The motion was adopted on voice vote.
9. President LeBlanc moved to take the matter of the vacancy of the City Clerk (1/8/2018) from the table. The motion was adopted on a voice vote. President LeBlanc moved to hear from the HR Director, Kristen Murphy and Assistant City Solicitor Pat Azadi. The motion was adopted on a voice vote. President LeBlanc stated the job description of the City Clerk position was currently being reviewed by the City Council. President LeBlanc asked questions about the grade of the position, the salary history and the stipend history. Ms. Azadi explained that some stipends are covered under the Massachusetts state statutes. President LeBlanc asked additional questions about the determination of the amount of the stipends and the specific additional responsibilities for the need of a stipend. President LeBlanc also asked questions about the reasons for the ability of the City Clerk to keep the fee for performing wedding ceremonies. President LeBlanc asked questions about the supervisory responsibility over the City Clerk and the role of the City Council to supervise and conduct job performance evaluations. Ms. Azadi explained that certain duties of the City Clerk are covered under the Massachusetts state statutes. President LeBlanc continued her questioning of other aspects in the job description of the City Clerk, including physical/mental requirements, job environment, personnel actions and other language wording. President LeBlanc stated this is an opportunity to update and clarify the job description. President LeBlanc spoke about the posting of the position and the procedures that should be in place so all interested applicants are aware. Councillor Romard asked several follow up questions concerning the compensation and stipends of the City Clerk position and the City Council’s ability

to make changes. Vice-President Logan stated the position is elected by the City Council after all candidates are interviewed and is used as a basis for a City Councillor to recommend a candidate who is then able to receive a minimum of eight votes for election as the City Clerk. Councillor McMenimen asked if under minimum qualifications in the job description it could state, "No candidate will be realistically considered unless they are a former City Councillor". Councillor McMenimen asked about how the City's progressive discipline policy is treated when an employee is supervised by a multiple person body. Councillor McMenimen also asked questions about the term of office for the City Clerk. Councillor Mackin stated that it might be helpful to look at the job descriptions of the City Clerk position from other communities. Councillor Darcy asked if the City Clerk is elected or appointed in other communities. Vice-President Logan stated the statute prevails if there is a conflict with the local ordinance on the stipend amount and the ordinance would need to be changed. Vice-President Logan asked if an attorney is elected City Clerk would they have to give up their private law practice. President LeBlanc moved to request "That the Law Department provide an opinion on the supervisory relationship between the City Council and the Clerk, and between the Mayor and the Clerk, to include who is responsible for approving leave, signing time card(s), conducting a performance review, initiating and/or signing other personnel actions, and that the opinion provide legal options available to the Council for conducting a semiannual and/or annual performance review of the City Clerk". The motion was adopted on a voice vote. President LeBlanc moved to place the matter back on the table. The motion was adopted on a voice vote.

10. Councillor Romard moved to take the matter of the request to transfer the care, custody and control of 655 Lexington Street (North Branch Library) (11/27/2017) from the table. The motion was adopted on a voice vote. Councillor Romard moved to request School Superintendent Echelson to attend the COW to discuss the request. The motion was adopted on a voice vote. Councillor Romard moved to place the matter back on the table. The motion was adopted on a voice vote.

11. Councillor Romard moved to take the matter of the request for the land acquisitions of the eight (8) parcels located in the Route 117/Main Street area (4/24/2017) from the table. The motion was adopted on a voice vote. Councillor Romard moved to request the Mayor to provide a new date when the Mayor is available to appear at the COW to discuss the proposed land acquisitions of the eight (8) parcels. The motion was adopted on a voice vote. Councillor Romard moved to place the matter back on the table. The motion was adopted on a voice vote.

12. Councillor Harris moved to take the matter of the request to transfer the care, custody and control of 14 Ash Street (Fitch School) (11/27/2017) from the table. The motion was adopted on a voice vote. Councillor Harris moved to request School Superintendent Echelson to attend the COW to discuss the request. The motion was adopted on a voice

vote. Councillor Harris moved to place the matter back on the table. The motion was adopted on a voice vote.

13. A motion by Councillor Fowler to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 10:05pm.

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