

## COMMITTEE OF THE WHOLE

### Minutes of the Meeting

March 5, 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 called the roll – Councillors Brasco, Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Romard, Stanley, Vidal, Waddick and Logan were present.
3. A motion by President LeBlanc to approve the minutes of the COW meeting held on February 20, 2018 was adopted on a voice vote and the minutes of February 20, 2018 were approved.
4. A request was received from the Mayor to grant Charles River Canoe & Kayak a Section 10A permit to put a temporary float on the Cronin's Landing Dock. President LeBlanc moved to hear from the company's representative, Mark Jacobsen. The motion was adopted on a voice vote. Mr. Jacobsen gave a brief overview of the purpose of the request. President LeBlanc moved to grant the Section 10A permit. The motion was adopted on a voice vote and the Section 10A permit was granted.
5. A resolution concerning the "Massachusetts Pregnant Workers Fairness Act" was submitted by President LeBlanc and Vice-President Logan. Vice-President Logan explained that the HR Director had been invited to attend tonight's meeting but was not available. President LeBlanc moved to request the HR Director, Kristen Murphy, attend the next COW meeting to discuss the resolution. President LeBlanc moved to place the resolution on the table. The motion was adopted on a voice vote and the matter was tabled.
6. A resolution concerning the "Massachusetts Equal Pay Act" was submitted by President LeBlanc and Vice-President Logan. Vice-President Logan explained that the HR Director had been invited to attend tonight's meeting but was not available. President LeBlanc moved to request the HR Director, Kristen Murphy, attend the next COW meeting to discuss the resolution. President LeBlanc moved to place the resolution on the table. The motion was adopted on a voice vote and the matter was tabled.
7. President LeBlanc moved to take the matter of the resolution concerning the vacancy of the City Clerk position (1/8/2018) from the table. The motion was adopted on a voice vote. Councillor Waddick recused himself from the discussion to avoid any appearance of a conflict of interest. President LeBlanc moved to individually approve changes to the

City Clerk job description that were indicated in the "red-line" version that all Councillors had received in advance of tonight's meeting. Attached, for the record, is a copy of the "red-line" version and the clean version accepting the changes to the "red-line" version of the City Clerk job description. During the discussion of the job description, Councillor Stanley moved to substitute the requirement of a Bachelor's degree to a Master's degree. The motion did not pass on a roll call vote of five (5) in favor (Fowler, D. LeBlanc, Stanley, Vidal & Logan), nine (9) opposed (Brasco, Darcy, Harris, LaCava, R. LeBlanc, Mackin, McLaughlin, McMenimen & Romard) and one (1) recused (Waddick). Councillor Romard moved to retain the sentence "In accordance with City Charter, the Council shall, by a majority vote elect a City Clerk to hold office for three (3) years and until his or her successor is qualified". The motion did not pass on a roll call vote of four (4) in favor (Mackin, McLaughlin, McMenimen & Romard), nine (9) opposed (Brasco, Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Stanley & Vidal), one (1) presiding (Logan) and one (1) recused (Waddick). Councillor Mackin moved to request the HR Director to forward all candidates that meet the minimum qualifications to the Council and the HR Director to recommend the top five (5) candidates. The motion did not pass on a roll call vote of four (4) in favor (R. LeBlanc, Mackin, Romard & Stanley), nine (9) opposed (Brasco, Darcy, Fowler, Harris, LaCava, D. Leblanc, McLaughlin, McMenimen & Vidal), one (1) presiding (Logan) and one (1) recused (Waddick). Councillor Darcy moved to add the requirement "proficiency in Microsoft Office or equivalent" to the job description. Councillor Mackin offered a friendly amendment to add "and Google docs". The motion including the friendly amendment was adopted on a voice vote. In the section "Knowledge, Ability and Skill", Vice-President Logan moved to strike the sentence "Knowledge of parliamentary procedures, and zoning laws and ordinances" and replace it with the following sentences, "Knowledge with pertinent Massachusetts General Laws, City Ordinances, and City Council Rules, and procedures relating to departmental operations preferred. Extensive knowledge of Parliamentary law and procedures is required". The motion was adopted on a voice vote. President LeBlanc moved to request the City Auditor provide members of the COW with copies of all compensation ordinances related to the position of City Clerk and with a listing of all stipends and fees associated with the position of 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 and the matter was tabled.

8. President LeBlanc moved to take the matter of the acquisition of Arrigo Farm (1/27/2014) from the table. The motion was adopted on a voice vote. President LeBlanc moved to request City Solicitor John Cervone provide the Council with a written update on the acquisition of Arrigo Farm. 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 and the matter was tabled.

9. President LeBlanc moved to take the matter of the resolution of “agenda management software” (3/14/2016) from the table. The motion was adopted on a voice vote. President LeBlanc asked the COW Clerk to update the docket item listing the sponsors of the resolution with only those Councillors currently serving. President LeBlanc moved to request the Acting City Clerk to attend the next COW meeting and to provide an update on the agenda management software. 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 and the matter was tabled.
10. Councillor Romard moved to take the matter of the resolution of 334R Prospect Hill Road (10/1/2017) from the table. The motion was adopted on a voice vote. Councillor Romard stated the selling price was \$88,000 for the 1.8 acre parcel. Councillor Romard moved that the Mayor move forward on the purchase of the land at 334R Prospect Hill Road and that all required customary actions take place to ensure the City has performed a normal level of due diligence for such land purchase. The motion was adopted on a roll call vote of thirteen (13) in favor (Darcy, Fowler, Harris, LaCava, D. Leblanc, R. LeBlanc, Mackin, McLaughlin, McMenimen, Romard, Stanley, Vidal & Waddick) one (1) opposed (Brasco) and one (1) presiding (Logan). Councillor Romard moved to place the matter back on the table. The motion was adopted on a voice vote and the matter was tabled.
11. A motion by Councillor Darcy to adjourn was adopted on a voice vote, and the Chair declared the Committee adjourned at 9:25pm.

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

**Position Purpose:**

The purpose of this position is to manage the office of the City Clerk, including performing the City's record keeping responsibilities, overseeing and conducting elections, coordinating all special permit applications and zoning changes, providing administrative support to the Mayor (?) and the City Council, issuing permits and licenses, and collecting related fees. ~~The A~~-City Clerk is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

**Supervision:**

*Supervision Scope:* Performs highly responsible duties requiring a very high level of initiative and independent judgment in the planning, administration and execution of the department's services, in the ~~interpretation and~~ application of laws, regulations and procedures, and in the direction of personnel. Incumbent is required to work independently in formulating decisions regarding policies, procedures, operations and plans.

*Supervision Received:* Works under the policy direction of the City Council in conformance with applicable provisions of City ordinances, City Charter, Council Rules, Massachusetts General Laws, and federal laws. Incumbent has considerable latitude for independent judgment and action. Incumbent functions independently referring specific problems to supervisor ~~the City Council~~ only where clarification or interpretation of City policy or procedure is required. ~~The position is subject to review and evaluation according to the City's personnel plan.~~

*Supervision Given:* Supervises all department employees, developing job direction, assigning tasks and instructions, and monitoring and evaluating personnel performance ~~evaluation~~.

**Job Environment:**

Work is performed in an office environment. Majority of work is performed in a moderately noisy work environment, with constant interruptions.

Regularly operates an automobile, a computer, voting machines and election equipment, telephones, copier, facsimile machine, and other standard office machines.

Interacts frequently with ~~the City Councilors, the Mayor, City department heads and officials, state agencies, attorneys, and developers;~~ and ~~makes occasional contacts with the general public. Contacts require a high level of persuasiveness and resourcefulness to influence the behavior of others.~~

Has access to department personnel records, and other confidential department-related and City-wide information which requires the application of appropriate judgment, discretion and professional protocols.

Errors could result in delay and/or loss of department's services, monetary loss, poor public relations for the City, and have significant legal ramifications.

**Essential Job Functions:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)*

Prepares agenda for City Council meetings and attends all meetings. Serves as the Clerk of various standing and ad hoc committees when needed due to the absence of Clerk personnel.

Prepares all Council materials, including draft ordinances, special acts, orders and resolutions. Develops and implements procedures and schedules for City Council consideration of measures including zoning, special permits, zoning amendments, general ordinances and loan orders.

Schedules public hearings and ensures that required announcements of same for zoning changes, special permits, etc. Responsible for the publication of hearings and information as required by MGL and zoning ordinances.

Responsible for the issuance and renewal of licenses; oversees the issuance of motor vehicle sales, second hand articles, hunting, fishing, dog licenses, etc. Oversees the collection of fees and the submission of same to the Treasurer's office. Schedules and publicizes public hearings for licenses as required.

Oversees the City's archival and records storage facility/facilities. Maintains all City records as provided by City laws and ordinances including those of all boards, commissions and committees. Maintains records of appointments of all municipal boards and commissions, rules and regulations of boards and commissions, City deeds, lease agreements, and all City contracts.

Responsible for overseeing the receipt and recording and issuance of vital statistics for the City including births, death, and marriages.

Keeps a records record of streets-public ways and private ways in conformance with City Ordinance.

Receives records and issues a variety of data as required by ordinance, charter and MGL, including index of personal property mortgages, various board and commission actions, business certifications, medical registrations, City tax records and numerous other legal records and information.

Develops department policies and practices in conformance with City ordinances, MGL, City Charter and Council Rules.

As Director of Elections, prepares election calendar in accordance with election laws. Prepares required orders and submits to City Council. Prints and distributes nomination papers. Provides candidates with all applicable election information. Oversees the printing of ballots. Provides direction in the set-up and operation of voting machines. Provides instruction and oversees activities of all election workers. Submits election results to the Secretary of State.

Supervises the printing, distribution, and processing of all City census forms. Directs the printing and sale of the City Directory as a result of the Annual Census.

Performs administrative and official duties of the City Clerk as established by ordinance including affixing the City Seal to documents, administering the oath of office to elected and appointed officials and public safety officers.

Interacts regularly with all City departments in the providing and obtaining of relevant data, including information disseminated from the City Council.

**Other Functions:**

Interviews, hires, fires and disciplines department staff. Recommends salaries and other personnel actions. Provides training and scheduling of staff. Prepares and conducts performance evaluations. Oversees the selection, training, scheduling and performance of duties of temporary employees such as election and census workers as well as work study students.

Maintains a current knowledge of all applicable laws, ordinances, regulations, etc. affecting the operations and activities of the City Clerk's Department. Communicates with state officials and legislators regarding laws and regulations affecting the City Clerk's office and the City of Waltham.

Prepares and maintains annual budgets of the City Clerk's Department ~~(?)~~ and the Elections Department, and the City Council.

Perform similar or related work as required, directed or as situation dictates.

**Minimum Required Qualifications:**

**Education, Training and Experience:**

Bachelor's Degree in political science, public administration, business management, records management or other related field; up to ten years in a combination of City Clerk or other related elected position experience; legal experience ~~helpful~~ preferred; or any equivalent combination of education and experience.

**Special Requirements:**

A valid motor vehicle operator's license is required.

Ability to be bonded.

Ability to obtain a notary public certification within six months of hire.

Ability to obtain a eCertified Massachusetts mMunicipal eClerk designation within three ~~four~~ years of hire.

Membership or ability to obtain memberships in the New England Association of City and Town Clerk and the Massachusetts City Clerk's Association.

Proficiency in Microsoft Office or equivalent and Google docs is required.

**Knowledge, Ability and Skill:**

*Knowledge:* Thorough working knowledge of the principles and practices of modern public administration. Extensive knowledge of modern records management techniques including legal requirements for recording, retention and disclosure. ~~Knowledge of parliamentary procedures, and zoning laws and ordinances.~~ Knowledge of pertinent Massachusetts General Laws, City Ordinances, and City Council Rules and procedures relating to departmental operations preferred. Extensive

knowledge of Parliamentary law and procedures is required.

*Ability:* Ability to remain calm, concentrate and perform all responsibilities in a competent manner at all times. Able to communicate effectively and efficiently verbally and in writing at all times. Ability to delegate responsibility and work well with subordinates. Ability to work effectively under time constraints to meet deadlines. Ability to supervise and coordinate and to establish and maintain effective working relationships with employees, state and local elected officials, attorneys, developers, and the general public.

*Skill:* Skill in managing budgets.

**Physical and Mental Requirements:**

The work is primarily of an intellectual nature but requires a variety of physical capabilities. While performing the duties of this job, the employee is frequently required to sit and talk or hear; occasionally required to walk, use hands to finger, handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move up to 60 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus. This position requires the ability to operate a keyboard and calculator at efficient speed. The employee must be able to hear normal sounds, distinguish sound as voice patterns and communicate through human speech.

*(Please note: Interviews for this position will be open to the public and may be televised live and/or recorded for rebroadcast. In accordance with the City Charter, the Council shall, by a majority vote elect a City Clerk to hold office for three (3) years and until his or her successor is qualified.)*

*(This job description does not constitute an employment agreement between the employer and employee. It is used as a guide for personnel actions and is subject to change by the employer as the needs of the employer and requirements of the job change.)*

**Position Purpose:**

The purpose of this position is to manage the office of the City Clerk, including performing the City's record keeping responsibilities, overseeing and conducting elections, coordinating all special permit applications and zoning changes, providing administrative support to the Mayor (?) and the City Council, issuing permits and licenses, and collecting related fees. The City Clerk is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

**Supervision:**

*Supervision Scope:* Performs highly responsible duties requiring a very high level of initiative and independent judgment in the planning, administration and execution of the department's services, in the application of laws, regulations and procedures, and in the direction of personnel. Incumbent is required to work independently in formulating decisions regarding policies, procedures, operations and plans.

*Supervision Received:* Works under the policy direction of the City Council in conformance with applicable provisions of City ordinances, City Charter, Council Rules, Massachusetts General Laws, and federal laws. Incumbent has considerable latitude for independent judgment and action. Incumbent functions independently referring specific problems to the City Council only where clarification or interpretation of City policy or procedure is required.

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Prepares and maintains annual budgets of the City Clerk's Department and the Elections Department.

Perform similar or related work as required, directed or as situation dictates.

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**Special Requirements:**

A valid motor vehicle operator's license is required.

Ability to be bonded.

Ability to obtain a notary public certification within six months of hire.

Ability to obtain a Certified Massachusetts Municipal Clerk designation within three years of hire.

Membership or ability to obtain memberships in the New England Association of City and Town Clerk and the Massachusetts City Clerk's Association.

Proficiency in Microsoft Office or equivalent and Google docs is required.

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