



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

February 2, 2022

### REPORT OF THE CONFIRMATION OF APPOINTMENTS AND PERSONNEL MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Judy PinedaNeufeld	Chair	Present	
Kristen Strezo	Vice Chair	Present	
Charlotte Kelly	City Councilor At Large	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Jake Wilson	City Councilor At Large	Present	

Others present: Sgt. Scott Whalen - SPD, Anne Gill - Director of Human Resources, Robert McWatters - SHA, Lauren Spengler - Coordinator - RSJ, Hannah Carrillo - Legislative Liaison, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:00 PM by Chair Pineda Neufeld and adjourned at 9:17 PM on a roll call vote of 5 in favor (Councilors Wilson, Clingan, Kelly, Strezo and Pineda Neufeld), 0 against and 0 absent.

#### **Approval of the November 16, 2021 Minutes**

The minutes were approved on a roll call vote of 5 in favor (Councilors Wilson, Clingan, Kelly, Strezo and Pineda Neufeld), 0 against and 0 absent.

**RESULT:**

**ACCEPTED**

#### **212984: That the Director of Human Resources discuss the hiring and appointment processes.**

Director Gill explained that when positions are advertised, they include what is known as KSA's, e.g., a list of knowledge, skills and abilities required to perform the job. Positions are advertised internally, i.e., to current city employees, (not including 1099 contractors), on the city's website and in the departments where the vacancies exists, before being publicly offered. Human Resources (HR) staff sits in on all interviews to ensure that all candidates are asked the same questions and treated fairly. After the Appointment Advisory Committee (AAC) selects the best candidate for a position, a conditional offer is made. References are checked, a CORI screening is performed, an illegal drug screening is done and documents proving that the candidate is legally permitted to work in this country are reviewed. Upon completion of those steps, a written offer is made to the candidate.

Councilor Kelly asked about the city’s disciplinary policy and Director Gill said that is run by the HR Department, noting that no one person has the authority to fire an employee. Progressive discipline, for union employees, follows the collective bargaining agreement of the union an employee belongs to. Director Gill went on to say that it is left to the unions to inform employees of any Weingarten rights that may be available to them.

Councilor Kelly asked why the committee was not allowed to see any official complaints against employees who are before it and Director Gill explained that any employment action is confidential and protected by law. Director Gill did say that there may be some information that may be shared in Executive Session for public safety officials, but she wasn’t positive about that..

Councilor Clingan inquired about the process followed for filling a vacancy that is more or less “spoken for”, and Director Gill explained that applications are on record, all interviews are documented, and there are interview committee notes on each candidate. If a suitable candidate is found internally, then the position would not be posted externally. To Councilor Clingan’s concern, if a position was “spoken for”, other qualified candidates would still be interviewed.

Councilor Kelly asked if any data is collected on protected classes of people and Director Gill said that, presently, such data is not collected, but discussions about that will be held as part of the Mayor's 100 Day Agenda. Asked about wage or benefit studies, Director Gill replied that the city is in the process of developing an RFP to have a company come in to do just that.

As for appointments, Director Gill made it clear that she is not involved in the appointment process in any way. Liaison Carrillo commented that appointments to Boards and Commission are being reviewed as part of the 100 Day Agenda. Councilor Clingan asked who processes those appointments and Liaison Carrillo explained that some are processed by the Appointment Advisory Board. Councilor Clingan commented that the current process is broken and needs to be fixed.

Councilor Wilson is concerned about the pause on new appointments and doesn't want the Commission for Persons with Disabilities to be in a position where it’s not able to attain a quorum. Liaison Carrillo said the administration is moving as fast as it can to review the process. Councilor Kelly noted that several commissions don't have enough members to make a quorum or don't have the full complement of members. She asked that information on the makeup of Boards and Commissions be provided to the committee and Liaison Carrillo noted that information comes from the City Clerk's Office and should be available out soon. Councilor Strezo mentioned several commissions that are having recruitment issues. Chair Pineda Neufeld asked that the vacancy report be provided to the committee before its next meeting.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**212968: That the Director of Human Resources provide an update on the status of hiring a permanent Chief Fire Engineer.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**212902: Requesting the reappointment of Eleanor Rances to the Housing Authority Board of Commissioners.**

Somerville Housing Authority (SHA) Assistant Resident Coordinator Robert McWatters introduced Eleanor Rances, who has been a member of the Board for 3 years, to the committee. Ms. Rances addressed the committee, saying that she has been a resident of Properzi Manor for 25 years and has served on several committees in the city over the years. Councilor Strezo asked Ms. Rances to speak to some of the needs of the SHA and Ms. Rances explained that there are tenants’ meetings where issues are discussed and brought to the management of the SHA for action. She had nothing but praise for the

management and staff of the SHA in addressing resident' concerns. Councilor Clingan asked Ms. Rances what she thinks a commissioner's role is in fielding complaints and she explained that it's important to determine what a person's needs are. She said that people feel comfortable speaking to her because, in some cases, she has lived through what they may be experiencing at the time. She follows up on peoples' concerns and, when appropriate, refers them to other departments or agencies that may be able to help. Asked about representation from the various SHA buildings, Ms. Rances replied that some buildings are under-represented. Councilor Kelly asked about some of the unmet needs and Ms. Rances replied that some of the more frequent questions she receives have to do with how someone gets into the system or how long someone has to wait to receive assistance. She noted that things are not done overnight.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	PinedaNeufeld, Strezo, Kelly, Clingan, Wilson

**213001: Requesting confirmation of the re-appointment of Stephanie Galaitsi to the Women's Commission.**

Lauren Spengler introduced the candidate, Stephanie Galaitsi, as someone who is passionate about serving. Ms. Galaitsi said she has been on the commission for 3 years and she spoke about a program to bring resources to women and getting them into the decision-making process. Councilor Strezo asked about her plans for the next 6 months and Ms. Galaitsi said that this week she is telling people to email the Women's Commission to ask if the city's sidewalk snow clearing pilot program could be expanded to make walkways easier to navigate with a stroller. Councilor Kelly noted that the poorest residents in the city are women 18-32 years of age and she asked what some of the unmet needs of the commission are. Ms. Galaitsi said there was an issue about pay equity for women which hasn't been fully dealt with, and there were some lingering questions regarding the city's schools. Asked about capturing demographics data for women, she acknowledged that the commission isn't doing anything in that area, adding that there is a disconnect and she would like the commission to do a better job on that front. Councilor Kelly asked if the commission was interested in exploring such issues as paid family medical leave, sexual education in schools, availability of menstrual products and Ms. Galaitsi said it was and added day care as another area to pursue. Councilor Wilson asked if the commission might advocate for after school programs and pre-K classes and Ms. Galaitsi noted that the commission is wary of crossing over the School Department's boundary.

Chair Pineda Neufeld advised the candidate that this appointment would not become official until it is approved by the City Council.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	PinedaNeufeld, Strezo, Kelly, Clingan, Wilson

**213015: Requesting confirmation of the re-appointment of Brian Postlewaite to the Commission for Persons with Disabilities.**

Mr. Postlewaite introduced himself and said that he is the city's Director of Engineering, a former member of the Bicycle Committee and present member of the Commission for Persons with Disabilities, where he sees his primary role as providing advice to the commission from an engineering viewpoint and providing the commission with a direct avenue to how the city reconstructs its streets and walkways and how ADA requirements fit into those processes. Councilor Clingan commented that the city has a long way to go with ADA issues and although he thinks that Mr. Postlewaite is doing a good job, he noted that the commission is losing members and that any outreach to help fill vacancies would be appreciated.

Councilor Kelly asked about recruitment strategy and leadership development and Mr. Postlewaite commented that it has been a challenge for some time. He said that there are many open seats available and that finding the people who can best serve on the commission is difficult, but he trusts that the city and the community will connect to fill those seats. Mr. Postlewaite explained that it's important to identify the details of what each member brings to the table. Councilor Kelly asked about sidewalk inaccessibility, and Mr. Postlewaite said that the city's sidewalks pre-date passage of the Americans with Disabilities Act, therefore, many are not accessible, and his job is to find solutions to that problem. The Engineering Department surveys on third of the city's sidewalks every 3 years and then make a priority list with the ultimate goal of making all sidewalks accessible. The commission finds the sidewalks that are most used by people with disabilities and advocates for prioritizing them.

Councilor Wilson asked about the commission's efforts concerning the outdoor seating proposal and Mr. Postlewaite said he recused himself from the commission when presenting the plan on behalf of the administration. Councilor Clingan asked about the tactile plastic material on the sidewalk ramps and what the commission was doing to change them to metal, and Mr. Postlewaite said the issue was brought forward by the commission and he was able to work on it as the city's engineer.

Chair Pineda Neufeld advised the candidate that this appointment would not become official until it is approved by the City Council.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	PinedaNeufeld, Strezo, Kelly, Clingan, Wilson

**212898: Requesting the re-appointment of Darcy Haynes as Constable.**

Sgt. Whalen informed the committee that Mr. Haynes was having technical issues and wasn't able to get onto tonight's meeting.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**212899: Requesting the re-appointment of Alan Bishop as Constable.**

Sgt. Whalen introduced Mr. Bishop who gave a brief history of his work, saying he has been a constable in Somerville for 21 years. Councilor Clingan asked how many evictions he usually does in Somerville yearly and Mr. Bishop said that he usually handles 10-12 per year but pointed out that most of those cases work themselves out. Physical evictions by a constable are by choice and he accepts all legal work that is presented to him, so he would do evictions. The issue, he said, is that the civil process of the court system allows constables outside of the city to handle evictions, rather than the norm of having in-city constables handle them. Councilor Clingan stated his preference that constables not perform evictions in Somerville and he asked that Mr. Bishop not execute any evictions in the city while the city is still recovering from the effects of the pandemic. Mr. Bishop pointed out that often, both sides (tenant and landlord) of the eviction involve Somerville residents. Councilor Kelly stated that she has concerns putting forward people who would perform evictions. She asked for the day-to-day functions of Mr. Bishop's job and he explained that civil processing may only be done by constables and sheriffs. Much of the work is divorce and child support cases. He suggested that constables report potential evictions ahead of time to city departments that might be able to help. Asked about the equipment he uses to perform his job, Mr. Bishop stated that he uses computers to locate and process people, he wears the badge issues to him and wears a body camera when working. Asked about oversight. Mr. Bishop explained that constables are accountable to the government of the city in which they're working. If a resident has a complaint, there is

no established process to file it in the city or the state. As for any federal work, he could serve subpoenas and has nothing to do with ICE issues.

Councilor Wilson asked about powers of arrest and Mr. Bishop said under the Police Reform Act, all arrest powers for constables have been removed, with few exceptions, e.g., if a constable has attended full time police academy training.

Councilor Kelly expressed her concern that evictions might be executed, and Mr. Bishop offered to sit with city officials to devise a plan regarding evictions.

Chair Pineda Neufeld advised the candidate that this appointment would not become official until it is approved by the City Council.

<b>RESULT:</b>	<b>APPROVED. [4 TO 1]</b>
<b>AYES:</b>	PinedaNeufeld, Strezo, Clingan, Wilson
<b>NAYS:</b>	Kelly

**212900: Requesting the re-appointment of Mary Battinelli as Constable.**

Sgt. Whalen introduced Mary Battinelli, a longtime resident of Somerville. She has been a constable for the city since 2016 on a part time basis and works with her husband who is also a constable. Councilor Kelly asked about evictions and Mary said she does not perform any evictions. She serves civil court papers for matters of probate, divorce, and child support. She said she uses no technology other than wearing a protective vest and body cam. Councilor Clingan asked what keeps her doing this and she said it will become her retirement work and serves as a backup for her husband's constable work when he's unable to perform the duties. Councilor Clingan asked that no physical evictions be served.

Chair Pineda Neufeld advised the candidate that this appointment would not become official until it is approved by the City Council.

<b>RESULT:</b>	<b>APPROVED. [4 TO 1]</b>
<b>AYES:</b>	PinedaNeufeld, Strezo, Clingan, Wilson
<b>NAYS:</b>	Kelly

**212901: Requesting the re-appointment of Catello Battinelli II as Constable.**

Sgt. Whalen introduced Catello Battinelli, a longtime resident of Somerville. He has been a constable in Somerville since 2010. Mr. Battinelli told the committee that nine out of ten times, people know what's coming but you never know what's going to set someone off. Most of the serving he performs involves physically handing the notice to someone or posting it on the individual's premises and mailing a copy to the individual to be served.

Councilor Clingan asked that no physical evictions be served. Mr. Battinelli explained that there are different types of evictions, some involving non-payment, some involving sale of a property, some involving trusts, etc., adding that sometimes an eviction needs to be done. He said he's just doing the job that the courts want him to do.

Councilor Kelly stressed that there are long term ramifications to being evicted and she is concerned that the administration is putting people forward for these positions without a plan for how to deal with evictions and she thinks that clear structures need to be put in place. She asked Mr. Battinelli how much of his business is from evictions and he replied that some years there are none and some

years there may be ten. Most of his business is from serving notices to quit and in 2019, he worked with 30-50 different lawyers.

Chair Pineda Neufeld advised the candidate that this appointment would not become official until it is approved by the City Council.

<b>RESULT:</b>	<b>APPROVED. [4 TO 1]</b>
<b>AYES:</b>	PinedaNeufeld, Strezo, Clingan, Wilson
<b>NAYS:</b>	Kelly

**212985: That the Committee on Confirmation of Appointments and Personnel Matters discuss and revise the process for reviewing appointments and re-appointments.**

Councilor Clingan commented that things come through the mayor's office and this order makes him question the workflow of how appointments/reappointments get before the committee. He thinks that an entire overhaul of the process might be in order, noting that the process has little to do with the committee until an item comes before it. Councilor Wilson spoke about the process for new civil service hires and some of the unintended consequences of continuing with the same process. Councilor Clingan noted that the process is murky, and he would like to avoid potential time limit issues. He would like a better understanding of who is responsible for putting appointments before the City Council. Liaison Carrillo said that the Mayor's Office worked closely with the former Chair of this committee to coordinate what items should be prioritized by the committee. Liaison Carrillo will provide the committee with additional information regarding the process for Police and Fire Department positions. Councilor Kelly said she is struggling to see the prioritization of appointments and she would like a guideline. She also requested that documents related to appointments be provided to the committee a minimum of 48 hours in advance of the committee meeting, with 72 hours being preferred. Chair Pineda Neufeld said that there were outstanding questions about which documents should be reviewed for confirmations and she would like to revise the existing chart.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Reference Material:**

- Commissioner Rances Bio - 2.1.22 (with 212902)
- SGalaiti Resume CAPM (with 213001)
- Resume Postlewaite 2018 CAPM (with 213015)
- D.Haynes Statement CAPM (with 212808)
- 2018 11 15 - Bishop Resume CAPM (with 212899)
- Constable services Battinelli (with 212900, 212901)