

TOWN OF MILLVILLE
BOARD OF SELECTMEN
MINUTES OF MEETING

FEBRUARY 16, 2016 – 6:00 P.M.

Board Members Present: Chairman Roland Barrett; Vice Chairman Joseph Rapoza; Secretary Jennifer Dean Wing; John Laura (*arrives towards end of meeting*)

Board Members Absent: Robert Baker

Others Present: Executive Secretary Helen Coffin; Members of the Town Administrator Search Committee: Gerry Finn, Chairman; Richard Crivello; Paul Ouellette; Norman Thuot; Claudette Barrett; Judy Monroe; and Brian Faulkner; Town Counsel Barbara St. Andre, Kopelman & Paige

Chairman Barrett calls the special meeting to order at 6:00 p.m. at the Millville Town Hall.

Chairman Barrett advises that the purpose of the meeting is to discuss the change of government model with Town Counsel and learn what needs to be done in order to create the position of Town Administrator. The Board and Committee members will have the opportunity to ask questions regarding the process and timeframe. We also need to know the proper steps to be taken to ensure the Town is covered in the event the proposal is not approved at Town Meeting.

Attorney Barbara St. Andre explains that there are two options the Town could choose: (1) Special Legislation which supersedes state laws, provides a lot of flexibility and is considered a “strong” Town Administrator (this requires legislative approval). (2) Work within the existing state law, MGL c.41 §23a, to be enacted by Town Meeting through Bylaws - 2 articles would be on the warrant: one to establish the position (does not require Attorney General approval and would abolish Executive Secretary position) and the other to establish the Bylaws which would govern the Town Administrator with certain limited authorities/duties (subject to Attorney General approval, with 90 days for them to review once sent by Town Clerk).

Vice Chairman Rapoza questions if the Town could start with Bylaw amendments and then move to Special Legislation in the future. Attorney St. Andre responds that it could be done incrementally.

Chairman Barrett questions if the Town Meeting approves a 30-hour/week position for a Town Administrator with an Administrative Assistant also at 30 hours, would the Board be able to increase the hours in the future if the Board determines 40 hours per week are justified? Attorney St. Andre responds that it depends on what the Job Description says.

Rapoza feels it is assumed to be a full-time position and no hours are attached to it. Barrett feels that a part-time Town Administrator is sufficient as most of the administrative duties would fall onto the Administrative Assistant with the Town Administrator having a specific focus on other issues.

Wing states that there are fundamental issues that need to be discussed and determined by the Board of Selectmen but she doesn't want to waste Town Counsel's time on that matter. She questions the amount of time the special legislation route could potentially take as the Board is looking to hire for June 1st. Attorney St. Andre explains that she worked with the Town of Medway and it took close to 2 years...they were required to hold a ballot question at their Annual Town Election. She adds that the Employment contract would need to be very specific with respect to contingency. Wing questions if the Town Meeting does not approve the new position, could the individual still be hired as Executive Secretary and be delegated duties by the Board. Attorney St. Andre responds that this could be done, however, the authorities would not be as much as a Bylaw would allow.

Paul Ouellette seeks clarification on the two warrant articles; if Town Meeting approves the position, the individual can be hired immediately following Town Meeting; however, the bylaws that govern the position will not be valid until they are approved by the AG's office. Attorney St. Andre confirms.

Gerry Finn asks for further clarification with respect to the duties and responsibilities that could be delegated by the Board. Attorney St. Andre explains that the Board can only delegate what they themselves are empowered to do per MGL...she provides a few examples.

Richard Crivello questions why the Special Legislation took longer for approval. Attorney St. Andre explains that she cannot comment on how long the legislature will take or what they will require but Medway was required to also hold a ballot vote which extended the process.

Norman Thuot has questions regarding the placement of the articles on the warrant. He feels they should be included between #1-6 – he feels there needs to be transparency and they shouldn't be buried in the back of the warrant. Further, since the Town will be establishing a pay scale, it should come before the budget article. He asks Town Counsel for her opinion. Attorney St. Andre replies that she would defer that matter to the Board of Selectmen as they decide on the order of the warrant articles.

Chairman Barrett agrees they should fall before the budget article. Paul Ouellette advises that the Finance Committee has already decided how it will handle the budget line items regarding the positions. If the new position doesn't pass the funds will be moved back into the Executive Secretary line item. He questions Town Counsel on the Town's liability with respect to the current Executive Secretary. Attorney St. Andre replies that she would need to review the incumbent's contract.

Thuot asks if Town Counsel agrees that the Board should hold public forums to explain the matter to the general public. Attorney St. Andre replies that it is a matter of policy consideration and is not a mandate. Brief discussion follows regarding the Town's ability to send out mailings to the public. Attorney St. Andre indicates mailings can be sent regarding warrant articles but not ballot questions.

Finn questions if the Committee can proceed prior to Town Meeting approval. Attorney St. Andre replies that if they plan to interview candidates prior to the approval, they need to be very clear that the position is pending Town Meeting approval. Finn clarifies if Town Meeting does not approve the position, the Board can assign authority to the new hire as it currently does to the Executive Secretary.

Thuot questions if the duties of the Town Administrator would be in effect immediately after the vote. Attorney St. Andre responds that to some extent they would be but nothing that would contradict the current bylaws and any authorities outlined in new bylaws would have to wait. She further states that the Board of Selectmen first needs to determine what authorities/duties they want to delegate to the new Town Administrator.

Barrett feels that professional courtesy should be given to the new hire to choose his own assistant; if the Town Administrator wants an Administrative Assistant, could the current job title be changed (it's currently Clerical/Reception). Attorney St. Andre replies that it would be subject to the Town's Personnel Bylaws; however, the individual can continue in the roll until the title is changed.

Vice Chairman Rapoza asks if it's acceptable to post the Job Ad. Attorney St. Andre indicates that the position does not yet exist so the Job Ad must be very clear of this point. She briefly reviews a draft of the Job Ad and recommends some language changes. She will make changes and email it to the Executive Secretary tomorrow. She will also review the Job Description.

Attorney St. Andre leaves the meeting.

Brief discussion follows regarding the deadline for resumes and who will receive resumes.

On a motion by Rapoza and second by Wing, the Board votes unanimously to approve the Job Ad, pending legal changes/approval, and to include April 11th as the deadline and resumes should be sent to the Town Administrator Search Committee.

On a motion by Wing and second by Rapoza, the Board votes unanimously to post the proposed Job Ad (with revisions from Town Counsel) in The Beacon prior to the February 18th deadline.

Wing suggests that the authorities to be granted should be tabled as the Board will need to digest the information in the Job Description. Finn advises that the Board needs to decide what duties they are willing to bestow and not bestow on the new hire. Crivello advises that the Job Description was drafted as if going with the Special Legislation option because they felt it was easier to cut than add to match the Board's wishes. Meeting should be scheduled for 22nd or 29th, pending Baker's schedule.

Selectman John Laura arrives

Chairman Barrett reads a resignation letter received from Helen Coffin who resigned effective February 11th from the Town Administrator Search Committee.

On a motion by Rapoza and second by Laura, the Board votes unanimously to accept the resignation.

On a motion by Rapoza and second by Wing, the Board votes unanimously to adjourn the special meeting at 7:10 p.m.

Respectfully submitted,
Helen M. Coffin

Roland P. Barrett, Chairman

Joseph Rapoza, Vice Chairman

Jennifer Dean Wing, Secretary

John Laura