

# MINUTES OF THE GOVERNANCE COMMITTEE MEETING

TUESDAY, JUNE 3, 2014

Selectmen's Meeting Room, 7:30 a.m.

Present: Chairman Stephen Gray, John Angley, John Cotter, James Grimes, and Richard Ward.  
Also in attendance were Michael Milanoski, Town Administrator, and Diane Scully, Office Assistant.

The meeting was opened by the Chairman at 7:40 a.m.

## 1. Approval of Meeting Minutes of 5/20/14:

Motion by **Ward** to approve the minutes of 5/20/14. Seconded by **Cotter**; vote 5-0-0.

## 2. Discussion on Comments from Town Counsel:

**Milanoski** read through changes recommended by Town Counsel on the warrant articles recommended by the committee: abolishing of the DPW Commissioners; Treasurer/Collector (T/C) and Board of Health (BOH) to go from elected to appointed. He expects to have a finalized warrant for the Board of Selectmen (BOS) meeting on Thursday.

**Gray** said an article needs to be added to pass legislation that will allow the Town to give an employment contract to the T/C.

**Cotter** asked if it could be changed so it isn't automatic that the current T/C received the first appointment?

**Grimes** said he wasn't expecting an automatic renewal. Would prefer she finish out her term, but not be guaranteed another 3 years. **Angley** and **Cotter** agreed.

**Ward** wants her to have a good shot at the first appointment. **Gray** said he would defer to the majority.

**Milanoski** explained we're in it for the long term. Everyone is in agreement that the position should be appointed. The question is: is this going to create controversy in that people will think there's a "conspiracy theory" to appoint a pre-selected candidate?

**Grimes** said at the end of the term, she should be weighed heavier against the other candidates

Motion by **Angley** to remove language in draft article regarding automatic renewal. Seconded by **Ward**; vote 5-0-0.

**Cotter** feels a protection clause needs to be added that says the T/C can bring issues forward without fear of termination by the TA, and that termination of the T/C would require a majority vote of the BOS.

**Milanoski** stated there are no procedural steps in the bylaws for termination; feels this Committee should look at it after Town Meeting and include an appeal process.

Motion by **Gray** that the sentence crafted by Cotter be incorporated: The Treasurer/Collector can bring issues forward without fear of termination by the Town Administrator, and the termination of the Treasurer/Collector will require a majority vote of the BOS. Second by Cotter; vote 5-0-0.

**Gray** talked about the quality of the current BOH and said the initiative isn't about this Board, but looks forward 10 years when these members are gone. He asked the TA to have K&P craft something.

**Milanoski** said the BOS voted 3-2 on this article, and the Committee should go back to them with more info on why the need to restructure is there. This is a technical review board and requires the right people.

**Grimes** said he's concerned about what happens after the current board leaves.

**Cotter** said the point needs to be stressed that getting people to run is an issue.

**Alan Dunham**, from the audience, said if the residents perceive the Committee is trying to take away rights and consolidating power, the Committee may have trouble at Town Meeting with this.

**3. Discussion relative to accepting a policy statement requiring full-time management level employees in the proposed consolidation departments to certify to the TA and BOS on a weekly or monthly basis that they are working at least forty hours/week on town-related business.**

**Cotter** asked where this was coming from? It should be assumed that everyone has to work 40 hours.

**Gray** said people approached him saying it's something the Committee should consider.

**Milanoski** explained only DPW and Custodians are 40 hours; everyone else has the Town Hall hours. He said the structure of the permitting department is: the first point of contact for someone coming in is the administrative staff, then an appointment can be made with the Building Inspector, etc. There should not be the expectation of walking in to see a department head without an appointment.

**Anglely** said if someone is not doing their job, steps would be taken, such as a hearing before the BOS.

**Ward** felt a policy would be a little strong and asked Alan Dunham to share his opinion.

**Dunham** said he thought it was highly insulting to anyone in the position. He advises to stay far away from such a policy as it gives a bad perception.

**Milanoski** explained that management does not complete a timecard, and perhaps in the past some department heads did not put in all their time, but he has not experienced it.

**Gray** stated that, ultimately, it is the TA's responsibility.

**Grimes** doesn't know how it could be structured. There's a degree of expectancy that they'll do their job, but ultimately, it comes down to the TA.

**Cotter** feels if non-management fills out timesheets, managers should also. **Anglely** agreed.

**Ward** stated most department heads have night meetings, etc. He agrees with Dunham and feels we need to leave department heads' schedules up to them.

**Cotter** said managers need to work the number of hours required to get the job done.

**Gray** asked the TA if such a policy would be helpful to him?

**Milanoski** said after the Town Meeting, one of the evaluation metrics will be accountability of his/her subordinates. The burden should be put on administration to be accountable.

**Grimes** feels such a policy may turn off future candidates; they'll feel they're being babysat. If there's a problem, we should be determining how to deal with it. The expectation is you work the hours needed.

**Anglely** said if there's no problem, we already have enough on our plate.

**Grimes** asked the TA if a department head put time on his timesheet, then the TA finds out time wasn't worked, how would the TA handle it?

**Milanoski** said it would depend on the situation; the situation would be evaluated, and first step would at least be a strong warning.

Motion by **Anglely** to table this issue (#3) as well as the agenda item (#5) entitled "discussion on how the certification policy would be best accomplished" until another time. Seconded by **Cotter**; vote 5-0-0.

#### **4. Discussion relative to establishing a policy or bylaw that would limit the ability of the Town Administrator to appoint an individual to a vacancy on the same Board or Committee for which said person was not elected during a previous election cycle.**

**Milanoski** said, generally the policy is: if a candidate was defeated, they need to take a year off.

**Anglely** feels the person has an inalienable right to throw their hat in the ring again. He would hesitate to put such a policy in place.

**Gray** said there should be a general policy stating that if defeated, you can't be appointed.

**Milanoski** said on elected boards, the board and the BOS meet to fill an unexpired term by majority vote. The question for him is related to the associate/alternate positions.

**Gray** said this bylaw would speak to a vacancy; if inclined to consider it, it should speak to alternates.

**Milanoski** said at some point, the Town adopted a provision for the Planning Board to have an alternate. He needs to check state law as to whether alternates are also done by joint appointment; doesn't feel the TA has the authority to do the appointment.

**Gray** feels if there's a hole in the process, it should be addressed, and it would be more constructive to come up with a policy.

Motion by **Grimes** to table until after Town Meeting. Seconded by **Anglely**; vote 5-0-0.

#### **6. Discussion relative to changing the Library Trustees from an elected to an appointed board:**

**Gray** asked if Trustees make decisions about budget expenditures?

**Milanoski** said there is a strong board of Library Trustees, however the Director pretty much runs the operation. The Director has the Trustees as direct bosses, and TA as indirect boss, similar to DPW Commissioners. We need to determine what works best for Carver. Probably should have Trustees and Library Director come before the Committee.

**Milanoski** shared that there may be an opportunity in the future to consolidate “social services”, including the library, elder affairs, recreation, and veterans.

**Gray** agreed it should be tabled for now while the TA looks at the social services groups to see if there is an opportunity.

**Ward** said we’ve reviewed almost every department, so why shouldn’t we do these departments.

Motion by **Angley** to table and instruct TA to report back after Town Meeting regarding the opportunities for Social Services. Seconded by **Ward**; vote 5-0-0.

**Milanoski** congratulated **Gray** on his performance at last week’s hearing and said the Committee has done a phenomenal job of articulating the issues.

**Gray** read the list of other issues still to be discussed including: town-wide technology department; OPEB; future opportunities for NCWD; FinCom/Capital Outlay; and Affordable Housing.

**Cotter** would like to discuss a better defined budget process.

## **7. Schedule Next Meeting**

**Ward** suggested the next meeting be the second week in July, then once a month after that.

Motion by **Ward** to schedule next meeting for July 15<sup>th</sup> at 7:30 a.m. Seconded by **Angley**; vote 5-0-0.

The Committee discussed the Town Meeting and how the BOS will handle presentation of the articles being recommended by the Committee: BOS will state support for projects, then ask Governance to explain them and field questions.

Motion by **Cotter** to adjourn. Seconded by **Ward**; vote 5-0-0. Meeting adjourned at 9:30 a.m.

### **Items tabled until after Town Meeting:**

Discussion relative to accepting a policy statement requiring full-time management level employees in the proposed consolidation departments to certify to the TA and BOS on a weekly or monthly basis that they are working at least forty hours/week on town-related business.

Discussion on how the certification process would best be accomplished.

Discussion relative to establishing a policy or bylaw that would limit the ability of the Town Administrator to appoint an individual to a vacancy on the same Board or Committee for which said person was not elected during a previous election cycle.

Discussion relative to changing the Library Trustees from an elected to an appointed board.

Discussion on opportunities regarding Social Services departments.