

**MINUTES OF THE GOVERNANCE COMMITTEE MEETING
TUESDAY, MAY 13, 2014**

Selectmen's Meeting Room, 4:30 p.m.

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

The meeting was opened by the Chairman at 4:32 p.m.

Approval of Meeting Minutes of 5/09/14:

Motion by **Angley** to table as the Committee did not have time to review. Seconded by **Ward**; vote 5-0-0.

Appointment vs. Election of Board of Health (BOH):

Ward felt the Board should stay elected for now, though he wouldn't be opposed to appointing. The BOH is a powerful board with a lot of laws under their control. Feels we should research other towns, and reconsider it in the future if the Town moves to a Town Manager.

Angley felt it should be appointed as we could possibly get better candidates rather than electing someone based on popularity. However, he felt this Board should complete their terms.

Cotter said he's not aware of any functional problems with the BOH, but operationally, an appointed Board would have more experience.

Grimes prefers appointed rather than elected.

Gray feels many talented people don't run because they don't want to subject themselves to the political process. Going forward, the Town should consider an appointed process.

Grimes agrees stipends should continue because of the problem of getting people to serve, and it's an expression of gratitude.

Gray said as other appointed Boards don't receive stipends, to be consistent, BOH shouldn't.

Milanoski said the bylaw could be written to make the existing Board appointed until the end of their terms, and suggested they may want to put it on the agenda after Town Meeting.

Cotter asked about checks and balances – would there be an interview process?

Milanoski said the Town Administrator (TA) should appoint, then the Board of Selectmen (BOS) would have 15 days to ratify.

Motion by **Grimes** for the Board of Health to move from elected to appointed, with terms to be served out, and for consistency, no stipends. Seconded by **Ward**; vote 5-0-0.

Conservation Department Fees:

Gray stated the situation has changed dramatically due to the retirement of the Conservation Agent. He stated that Sarah has contributed greatly to Conservation and has been going above and beyond for years.

However, he was dismayed at her response to the request for fee recommendations. Though she knew there were budget issues, she would not shift from her position that there was no need for changes. **Milanoski** explained that the Conservation Agent has essentially been performing three functions: 1/3 of her time as Conservation Agent; 1/3 grant writing; and 1/3 was a mapping component of helping residents with FEMA maps. As the mapping element is not a requirement of the position, it is not included in the new job description. The Conservation Commission (ConCom) will be raising fees associated with the Conservation Agent function, and he will be adding hours for grant writing consultants for applications that require more than 60 hours of work.

Gray asked if he had a line item for grant writing. **Milanoski** responded that he has a line for "Town Hall additional hours".

Angley asked if ConCom is checking fees of other towns? **Milanoski** responded that before Sarah retired, she did a survey and brought it forward to the ConCom who will need to hold a public hearing before changing fees.

Grimes said that grant writing should be separate, and there should be fees for any conservation matter including work outside of the norm, such as mapping. He stated that Sarah always went above and beyond, and it was well appreciated. He asked if the Conservation Agent would be part-time or full-time? **Milanoski** responded the agent

would be part-time and felt they would have no problem quickly finding a wetlands scientist. From his perspective, he does not want us to be in the business of mapping as we're not experts, and it took Sarah over two years to learn it.

Cotter stated he was concerned about line items.

Gray suggested that perhaps the committee's vote should be to support the ConCom's efforts.

Motion by **Ward** to support the Conservation Commission and their upgrade of fees. Seconded by **Anglely**; vote 5-0-0.

Gray asked if the committee wanted to make a motion that grant writing be a separate line item? And how would they determine how much would be needed? **Milanoski** responded that he had a line item to assist with transition issues such as this.

Ward said he didn't feel they were ready to move forward without looking into it further and should wait until after Town Meeting.

Cotter stated he would like to see it have its own line item for reasons of transparency, and to keep it from being absorbed for anything else.

Grimes agreed and said this should be addressed immediately, and we should constantly be looking for grants.

Milanoski said it could be split between two lines, "Grant writing" and "Town Hall additional hours", recognizing that Conservation was three positions and the importance of securing money for grant writing.

Gray suggested they take a vote recommending the TA have a separate line for grant writing.

Motion by **Cotter** to add a line item to the Town Administrator budget that would encompass third-party grant writing for large projects. Seconded by **Ward**; vote 5-0-0.

Gray asked if the Committee wanted to recommend the change from a full-time to part-time agent?

Ward felt that it was warranted based on all they'd heard.

Cotter was concerned about our exposure on not having a full-time agent.

Ward said that knowledgeable consultants are available if needed, and even now, we bring in wetlands experts to delineate. He also mentioned the experience and competence of the department assistant.

Cotter asked the TA if he'd recommend a part-time agent as opposed to reaching out to other towns? **Milanoski** responded that there didn't appear to be much interest.

Gray asked if the Committee should leave it alone for now?

Ward felt we should move forward recommending part-time, but pursue the possibility of an agreement with another town.

Motion by **Ward** for the Conservation Agent position to go from full-time to part-time, 19 hours, no benefits, with the understanding that grant writing be a separate line item. Seconded by **Anglely**; vote 5-0-0.

Carver Housing/South Shore Housing Water Usage Fees:

Gray said the Committee previously discussed an assessment be made against the management company for needed well improvements.

Anglely feels it should be tabled as there is more than one way to go and water is a very important issue.

Grimes said if we are going to assess fees, we should review the lease. He believes it's a 75-year lease with the town, and there may be some technicalities regarding in lieu of taxes.

(Town Planner Jack Hunter joined the meeting and stayed approximately 10 minutes.)

Hunter said the PILOT agreement just says the Town may enter into an agreement with South Shore Housing in lieu of taxes.

Milanoski said the residents are complaining about the color of the water, but the water has been tested and is fine.

Hunter is on the Housing Board and has told them that repair costs would have to be passed on.

Gray asked once system repair is complete, where would the money go that the Town continues to collect?

Hunter responded that an enterprise fund would be created specifically for this use.

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

Follow-up on Police Department Selection Process:

Gray asked what would happen once the Police Chief's three year contract ended? What would the process be to determine if he was to be rehired?

Ward felt they should use the process currently in place.

Cotter said if the bylaw states it's a three year term, isn't it null and void if not reappointed?

Milanoski said contracts should be three years, never five years; there are legal ramifications to terminating a Police Chief. Suggested after 2 ½ years the TA makes an evaluation to recommend a reappointment or to open up the process again.

Gray asked if TA decides not to reappoint, then BOS has no say as to whether Chief stays or goes?

Milanoski says he's looking to protect the Town. If the TA makes the decision, the BOS will still have 15 days to ratify.

Angle feels the BOS should have input.

Ward said the TA making the decision takes some of the politics out of it.

Cotter stated the TA has day-to-day interaction with the Chief, thus is in the best position to decide.

Grimes agreed with the process.

Gray summarized by saying 6 mos. before the end of the contract, the TA does a performance evaluation with no input from BOS. If TA decides to reappoint, BOS ratifies; if not, selection committee steps in. He stated that what happened with the former Police Chief was indefensible, and he agrees with Ward, he'd like to see politics taken out of the decision.

Motion by **Ward** that the Police Chief renewal process include a performance evaluation by the Town Administrator 2 ½ years after appointment. If TA decides to renew, BOS has 15 days to ratify; if not, back to selection process. Seconded by **Cotter**; vote 5-0-0.

Follow-up on Tax Collector/Treasurer Selection Process:

Milanoski said some communities have 3-5 year appointments; others are ongoing. The law does not allow a Collector/Treasurer to have a contract for more than 1 year, thus he prefers a 5-year appointment.

Gray suggested the Committee not address it at this time.

Ward stated she still has two years left to her term.

Milanoski said Lauren Goldberg of K&P is working on a draft.

Cotter said he's not on board with an appointed Collector/Treasurer reporting to the TA.

Gray said position becomes appointed after she finishes out her term, and the TA will have discussions with Capital Outlay and Finance Committee on length of appointment.

Next meeting will be decided after meeting with the BOS tonight. The Committee will probably schedule a public hearing next week. Motion by **Ward** to adjourn. Seconded by **Cotter**; vote 5-0-0. Meeting adjourned at 6 p.m.

Items tabled to next meeting:

Approval of meeting minutes of 5/9/14.

Items tabled until after Town Meeting:

Discussion of Carver/South Shore Housing water usage/fees with possible vote.

Items not discussed:

Discussion of production of electronic newsletter.