



**MINUTES OF REGULAR PLANNING BOARD MEETING
MARCH 24, 2014
Planning Board's Meeting Room #315
Town Office Building, 400 Slocum Road, Dartmouth, MA**

Planning Board

Mr. Joel Avila, Chairman
Mr. Joseph Toomey, Vice Chairman
Mrs. Lorri-Ann Miller, Clerk
Mr. John V. Sousa
Mr. Stanley Mickelson

Planning Staff

Mr. Donald A. Perry, Planning Director
Ms. Jane Kirby, Planning Aide

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DARTMOUTH TOWN CLERK

The Chairman called the meeting to order at 7:00 p.m., with Planning Board members and Planning Staff present.

Administrative Items

(1) Approval of Minutes

Regular Meeting of March 10, 2014
Public Hearing of March 10, 2014 "Prospect Hill Preserve"

A motion was made by Joseph Toomey, duly seconded by Lorri-Ann Miller for discussion, and unanimously voted (5-0) to approve both the regular and public hearing Planning Board meeting minutes of March 10, 2014.

(2) Correspondence

Legal Notices from Dartmouth Conservation Commission

A motion was made by Joseph Toomey, duly seconded by Stanley Mickelson for discussion, and unanimously voted (5-0) to acknowledge and file the above-referenced correspondence.

**(3) Discussion: Select Board's "Ten Point Plan"
Change in Town Government Structure
April 1, 2014 Ballot Question**

Selectman Michael Watson was present for a portion of this discussion.

Chairman Avila had requested staff's perspective regarding the Select Board's "Ten Point Plan". Mr. Perry proceeded to review the Select Board's listed points and staff responses with the Board for discussion. In



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general, both staff and the majority of the Planning Board felt that the issues outlined in the Ten Point Plan are administrative issues that can be handled with the Town's existing government structure and existing Town Charter.

Point 1 – Accountability

Staff suggested that the Select Board should list the 17 different department heads that currently report to different boards and commissions and the department heads that currently report to the Select Board, because the Town Government Organizational Chart provided by the Select Board shows differently. It was also suggested that the Select Board be provided with a checklist of all the duties of Boards and Commissions, Department Heads, etc. so that they can advise the general public as to who to speak with regarding their problem.

Point 2 – Efficiency

Board members suggested the Select Board could implement a quarterly meeting with various Town boards to encourage cooperation and collaboration. It was also suggested that, similar to regional buying of office supplies, etc., the Town could explore outsourcing grass-cutting services for all municipal buildings.

Point 3 – Economic Development

Board members expressed its displeasure with this point and felt that it was misleading to the general public. It was noted that a "One Stop Service Center" cannot issue statutory approvals or permits for other boards, regardless of the "appointing authority", so the issuance of licenses or permits cannot go any faster in terms of statutory timelines. The Board liked the idea of having all development departments located in the same area, but stated that rearranging offices could be done with the current government structure and existing Town Charter.

Point 4 – Public Service Availability

Staff reminded the Board that cuts in departmental staffing lead to fewer bodies in the office that not only do the work, but also provide the necessary coverage for vacations, etc. (Planning Office previously had 4 employees, and now only has 2). Staff and Board members noted that cross-training of existing personnel would not require a Charter revision and could be done with the existing government structure. It was noted that hiring more personnel would likely still be necessary to achieve this objective. It was also suggested that employees could work one evening a week to be available to the general public without interrupting their workday.



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At this time, Selectman Michael Watson entered the Planning Board meeting room.

The Board continued its discussion. One Board member stated that the only office with the manpower for adequate coverage is the Select Board's office, since most offices are short-staffed.

Mr. Watson requested permission to address the Board, which Chairman Avila allowed. Mr. Watson stated that there is not going to be any money to hire additional staff, so the Town needed to look for different solutions.

Mr. Watson stated that only having two people in an office is unacceptable and that cross-training was needed to provide adequate coverage. The Board was agreeable to cross-training, but stated that a Charter revision and a change in government structure are not needed to make that happen.

Mr. Watson, referencing a Letter to the Editor written by the Chairman, stated that it is not a fact that only 6 elected groups are not under the Select Board's control. Mr. Watson argued that there are currently 17 different department heads reporting to different boards and commissions.

One Board member argued that the Select Board is simply seeking more power and stated that he supported the current system's checks and balances. Mr. Watson denied wanting more power, assuring the Planning Board that the Board is only seeking administrative changes that would require all department heads to report to the Select Board while still following the policy guidelines established and under the purview of their individual boards, commissions and committees.

Board members argued that it is because of the policy guidelines established and under the purview of the individual boards that boards should continue to hire their own department heads. Otherwise, the department head would be "serving two masters", which could actually lead to a conflict in the Board's goals and objectives if the Select Board decided to assign tasks that might interfere with completing established Board goals. Mr. Watson stated that the Select Board would not be assigning tasks to department heads, but that department heads would, for example, report vacation time with the Select Board so that the Select Board could ensure that there is office coverage during the vacation. The Board stated that there is nothing in writing that defines "report to the Select Board for administrative purposes only" and no way to guarantee that future Select Boards will not misinterpret the goals of this current Select Board.



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It was noted that the Select Board's representative to the Soils Board does not attend meetings even after numerous reminders and requests, and that the Select Board has opportunities to obtain information. A Board member suggested that the Select Board could add "Subcommittee Reports" on the agenda to receive updates on the various Town issues during their meetings.

Use Variances were discussed, with the Planning Board reminding Mr. Watson that the Select Board brought up the issue of eliminating Use Variances and the Planning Board worked on the Article, but in the end the Select Board voted against supporting the Article. Mr. Watson stated that some Select Board members supported Use Variances so he voted against co-sponsoring it, but he was pleased that Town meeting will have a chance to vote on the Article since it is the proper body to do so.

Mr. Watson defensively spoke about the need for a change in the Town's government structure, arguing that 90% of the State's municipalities with a similar population do not use Dartmouth's form of government.

Chairman Avila requested a copy of Mr. Watson's documentation that supports his statement regarding forms of government structure in the State's municipalities. Mr. Watson stated that he will forward the documentation to the Planning Board.

One Board member noted that the Charter was recently revised, and questioned why these issues were not discussed at that point in time.

Mr. Watson stated that Town meeting did not endorse the proposed changes. Mr. Watson proceeded to criticize Town meeting, stating that there are numerous special interest groups there that are not doing the will of the voters.

In closing, Mr. Watson stated that the proposed change in government structure is a hybrid model between Mayor/Council and Town Manager forms of government.

Chairman Avila thanked Mr. Watson for coming to this meeting.

Mr. Watson left the Planning Board meeting room at this time.

Point 5 – Sustainable Budget

Staff reminded the Board that the Select Board currently negotiates contracts and has the power to negotiate performance standards, etc. It



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was pointed out that FY2013 saw Town employee pay increase of 1.5%, with the exception of an 8% increase for the Town Administrator and the Director of Development, which are under the purview of the Select Board.

Point 6 - Effectiveness

The Board continued to state that Boards needed to be involved in the hiring process of Department Heads, noting that it is appropriate to have an independent Board (Select Board) review a grievance to maintain fairness and impartiality. The main concern was that if the Select Board did the hiring and firing, then Department Heads would put the Select Board's priorities ahead of a Board's goals and objectives. In addition, the Boards have a better knowledge of the skills required to do the job, who they would want to work with, or would choose a person that more closely represents the Board's policy.

Point 7 - Communication

Board members stated that the Select Board does not communicate well with the other Boards, using the topic of a change in Town government as an example. The Board felt that the Select Board could have met with the people the issues outlined in the Ten Point Plan impacted (Boards, Department Heads, etc.) to resolve many of the listed problems. It was noted that Boards and Department Heads weren't even notified of the Select Board's public meeting regarding a change in Town government, or any Charter revision discussions.

Point 8 – Improved Customer Service

The Board discussed the fact that cross-training is difficult to achieve without adequate manpower. Also, effective cross-training for the more technical departments requires months of doing the job with the trained employee, and improperly trained employees frustrate residents. Suggestions as to training current staff were made, including a test that employees must pass proving that they know who issues what permit. An information desk where someone could direct people was also suggested.

Point 9 – Improved Staff Hiring

Staff pointed out that the Town Administrator is part of the hiring/firing process. For new positions, Town Meeting must approve the funding.

Point 10 – Improved Facilities Management

It was suggested that the Select Board could request a Facilities Management Director position to coordinate facilities management staff (similar to creating a Personnel Director position to handle the Town's Human Resources function). A central facilities garage and outsourcing maintenance services were also discussed.



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Concluding, Board members discussed the Select Board's existing power, and most members still felt that the Ten Point Plan could be addressed with the existing government structure and existing Town Charter.

(5) For Your Information/New Business

- Planner's Report

Mr. Perry informed the Board that the Zoning Board of Appeals clerk is out on medical leave. Jane Kirby has agreed to be the temporary ZBA clerk, which will not take time from her Planning Aide responsibilities.

- Middle School Parking Violations

Board discussion regarding the middle school parking lot violations commenced at this time. Chairman Avila gave an overview of how he had contacted the School Superintendent, who suggested that the Planning Board speak with School Business Manager, James Kiely. A meeting with Mr. Kiely and the Planning Board was held on January 6, 2014, and the Planning Board outlined the parking violations that occurred when the middle school parking lot was reconstructed, while stressing the need to quickly remedy some serious safety issues. On February 27, 2014, the Planning Director sent Mr. Kiely a letter requesting a written response to inform the Planning Board of a solution and timeline to address the public safety issues raised at the meeting. No written response was received. The Planning Board determined the zoning violations should be outlined for the Town's Zoning Enforcement Officer to address.

A motion was made by John Sousa to send a letter from the Planning Board to the Zoning Enforcement Officer requesting action to address the middle school parking lot safety issues, which was seconded by Joseph Toomey for discussion.

Stanley Mickelson suggested the Board send a letter to the School Committee to give them one last chance to address the safety issues rather than requesting enforcement action at this time. Discussion ensued. The majority of the Board strongly believed that these public safety issues needed to be addressed more urgently, and since the Planning Board cannot enforce action to have the issues resolved, determined that the Zoning Enforcement Officer should be notified by letter, with a copy sent to the School Committee.

At this time, the Board voted (4 Yes-1 No) on John Sousa's motion to send a letter to the Zoning Enforcement Officer requesting action to address the



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safety issues with a copy of the letter sent to the School Committee. Stanley Mickelson voted against this motion.

Chairman Avila noted the next Planning Board meeting is scheduled for March 31, 2014 in Room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Lorri-Ann Miller, duly seconded by Stanley Mickelson, and unanimously voted (5-0) to adjourn this evening's regular meeting at 10:00 p.m.

Respectfully submitted,
Jane Kirby
Planning Aide

APPROVED BY:
The Planning Board

Lorri-Ann Miller

Lorri-Ann Miller, Clerk