

**A special meeting of the Board of Selectmen was held on Monday, March 7, 2011 at 4 pm.**

**Present:** Theresa E. McNulty, Chairman; Joseph L. Miksch, Clerk; Robert M. Condon George Samia, Town Administrator; Ryon Pratt, Fire Chief; Susan Cote, School Superintendent; Manny Leite, Library Director; Marcia Weidenfeller, Town Clerk; Marilyn Thompson, Town Treasurer; Edward Gardner, Building Inspector; John Haines, DPW Director; Kevin Feeley, Town Counsel; Christine M. White, Principal Clerk.

### **Pledge of Allegiance**

### **Board Discussion**

#### **Interdepartmental Communications and Procedures**

Chairman Theresa McNulty introduced Selectman Robert M. Condon.

Mr. Condon facilitated the meeting and opened with a brief Power-Point presentation establishing the rules and tone of the meeting.

Mr. Condon explained that the meeting was called because of concerns expressed by Police Chief John Cowan and Assessor Cheryl Pooler at the March 1, 2011 Selectmen's Meeting and the resulting "frustrations" and "frayed relationships." He noted that neither Cowan nor Pooler was present, but that he did have lengthy meetings with them.

Mr. Condon suggested that most if not all of the recent problems stem from misunderstanding our roles. He urged all to move forward with a commitment to do better and take responsibility for his or her actions. He likened the situation to "writing your name on someone else's eraser," and expressed his hope that the meeting would provide a forum – an environment where the department heads' concerns could be aired.

DPW Director John Haines stated that due to the circumstances of the last few years, department heads are "on edge" and forced to react as opposed to taking a proactive approach to problems; they are having to do "more and more" with "less and less."

Fire Chief Pratt agreed that in this environment, the Town is operating under immense pressure, and has to answer to the entire population of the Town. Communication can break down, and mistakes can be made.

Mr. Condon took a moment to have all present department heads introduce themselves.

Mrs. McNulty expressed that part of the communication problem stems from the Board of Selectmen's inability, legally, to communicate with each other in order to avoid ethics violations. It then falls upon the selectmen and the department heads to communicate with and through Town Administrator George Samia, a process she admonished all to work to improve.

The remainder of the meeting consisted of a lengthy discussion on the specific example of the recent removal of snow from the roofs of the central, middle and high schools, which will cost the town upwards of \$60,000. At issue was whether or not School Superintendent Susan Cote was exempt from going through the proper channels of the Chief Procurement Officer (the Board of Selectmen) before hiring the contractor, Brian Healey. Not at issue was whether or not the removal was necessary, however, Clerk Joseph Miksch did ask for clarification from Building Inspector Edward Gardner as to whether or not he felt it was an emergency, to which he responded that he felt time of was of the essence in removing the snow to avert a collapse.

Mr. Miksch stated emphatically that it is only the Board of Selectmen who can consider a particular procurement an emergency, not the Emergency Management Director (Chief Ryon Pratt), nor any one selectman. He also voiced his extreme disapproval with the decision not to get three bids before hiring the contractor.

Mr. Samia expressed his frustration with the fact that he did not hear anything about the very costly snow removal until well after the "horse was let out of the barn." Mrs. Cote stated that she tried to call Mr. Samia twice, and asserted that, through past precedent she assumed she was going through the proper channels by communicating with Chief Pratt and Mr. Gardner.

Town Counsel Kevin Feeley clarified that under the Procurement Act, if the Chief Procurement Officer declares an emergency – a finding that either public property or any life is in danger - that emergency exempts you from the strict requirements of the Procurement Act, Chapter 30B, but that, realistically, three phone quotes would have been sufficient to satisfy the law. The wording states "to the extent practical," the requirements of the Procurement Act must be followed.

Mr. Feeley stated that an emergency meeting of the Board of Selectmen would have been appropriate, as would quotes in writing, given the high dollar figures of the bills incurred by the snow removal.

Mr. Feeley recommended that the Board make a motion - and make that motion succeed - to declare the snow on the school roofs an emergency situation in order to better comply with the law.

Mr. Haines noted that declaring the situation an emergency retroactively would also open up the possibility of reimbursement of up to seventy-five percent of the bills from the state and federal governments.

Town Treasurer Marilyn Thompson made the point that all of the roles of the department heads overlap and interpretations of an emergency can differ.

Mrs. McNulty noted that in prior years, Mr. Samia held frequent department head meetings, which may be a possibility again.

Mr. Samia discussed the statutory obligation and repercussions for the Town Accountant and the Finance Committee posed by the snow removal bill. He is confident, however, that the money can be taken from either the snow and ice account or can be obtained through a Town Meeting.

Mr. Miksch reiterated emphatically that, especially in this economy, the practice of hiring one contractor and not getting bids needs to be stopped.

Mrs. McNulty and Mr. Condon concluded that they are committed to resolving the issues in a fiscally responsible way and level the playing field in the future.

Mrs. McNulty urged all present to recognize that all have made mistakes, but that we must do our jobs to the very best of our ability - to strive to do a better job – to improve communication and retain the public trust.

M/Miksch, s/Condon, motion to adjourn.

VOTE: Yes – McNulty, Miksch, Condon; a unanimous vote in favor.

Meeting adjourned at 5:15 pm

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Clerk  
Board of Selectmen