

**Town of Milton
Town Government Study Committee
Meeting of May 13, 2014**

Milton Town Hall, Baker Conference Room

The Town Government Study Committee (“TGSC”) met on Tuesday, May 13, 2014; the meeting was called to order at 7:30 p.m. Members present: Richard Neely, Peter Mullin, Kathryn Fagan, John Cronin and Mary McNamara. Members absent: Leroy Walker, Robert Hiss and Marvin Gordon.

The Minutes for the TGSC meeting of April 17, 2014 were reviewed and accepted without changes by unanimous vote.

Chairman Neely reported that there was no update on the current vacancy on the TGSC. The Committee generally discussed the new rules initiated at the Annual Town Meeting concerning limitations on discussion; overall, it was felt that the new procedural rules had been well-accepted and implemented.

TGSC briefly reviewed a handout entitled “Forms of Municipal Government” which provided detail as to the number of towns/cities which retain town meeting and three-five member Board of Selectmen (“BOS”).

Discussion commenced concerning the recommendations made by the DOR in its “Financial Management Review” dated September 2013 (the “DOR Report”). TGSC will prepare a report to be presented at Town Meeting in May 2015. TGSC went through each recommendation (33 total recommendations) and discussed the same, determining whether the recommendations should be further investigated by the TGSC or deferred for either consideration by the BOS or an alternative committee such as the IT Committee.

- A. RE: reinforced centralized management of the town government, including increasing the power and authority of the Town Administrator (“TA”) (DOR item 1). Discussion ensued concerning alterations which would be required in the form of government in the event the role of the TA was expanded. Ms. Fagan offered to prepare a list of the possible TA functions and duties which are not currently part of this Town Administrator’s job description. This type of change would require: (a) support from the BOS which would have to relinquish some control over certain policies and procedures; (b) the need for a Home Rule Petition in order to accomplish this change in the TA role; (c) additional investigation of other requirements to be met to accomplish such a change.

Other points of discussion included: the merger of certain Town departments such as the Cemetery and Parks Department was discussed. While certain functions are obviously of the type which could be easily merged (i.e., maintenance of grounds) there remain issues which require distinction, such as displacement of elected boards; individual dept. budgets; the requirement(s) for specific dept. functionary(ies) (i.e. a cemeterian) which seem to prevent total merger. Eventually, it may be necessary for an all-encompassing recommendation which takes into consideration each and every department, its overlapping functions which could be subject to merger and those functions which need to remain distinct.

The need for a five-member BOS, currently under discussion, could also be wrapped into this overall recommendation. Centralization of authority in a larger BOS, resulting financial changes which would emerge from certain mergers of departments, and the Town-wide necessity to secure

independence in the form of the auditing procedure would all have to be further investigated. An independent audit process is recommended by the DOR Report.

- B. RE: three-member versus five-member BOS (DOR Report item 2). The major disadvantage of a three-member Board is that no Board members are able to conduct any type of discussion about Town issues outside of the scheduled BOS meeting. This leads to problems: (a) narrow and often-times paralyzing executive process whereby Board members are frequently informed of Town issues at the time of the meeting; discussion of town issues by BOS members is constrained by the presence of an audience; Board members frequently are unaware of other Board members' opinions on certain matters. A Home Rule Petition would be required to change the form of the BOS; this needs to be further investigated. There was discussion concerning the effectiveness of communication between the Town Administrator's office and the BOS members, including the efficacy of the use of agendas and the TA's current functioning which is severely impacted by reduced staffing. A drawback to a change to a five-member board would be the challenge of enticing sufficient candidates each year for that office.

Further discussion about the TA's job description which was developed in 2012-2013 by this Committee; the Town of Brookline Town Administrator job description which would contain the type of functions which the TGSC wishes to see implemented in Milton; the need to discuss role changes with current Town Administrator, Ann Marie Fagan, including functions she feels can be delegated to an Assistant Town Administrator or another staff person. In particular, the DOR Report had recommended an Assistant Town Administrator for financial matters; Ms. Fagan will discuss this issue with Ann Marie Fagan. Is there a need for an additional Assistant Town Administrator for financial matters? It was noted that 60% of Massachusetts cities and towns have an appointed treasurer, unlike the Town of Milton.

Mr. Walker will continue to investigate the change of the BOS to a five-member Board.

- C. RE: The Warrant Committee. The DOR Report (items 3, 14, 15) recommended a new direction for the role of the Warrant Committee; the Warrant Committee is not in agreement with the DOR recommendations. The TGSC discussed that we should reach out to members (past and present) of the Warrant Committee to discuss these changes further. TGSC continued the discussion of the continuing role of the Warrant Committee as the leader in the Town's budget process, and whether this should be the Warrant Committee's role. It was noted that Town Meeting typically accepted the recommendation of the Warrant Committee on all financial matters.

There is concern that the Town currently has no five-year plan (DOR item 9). Typically this would emerge from the executive branch of the Town. Currently, the Warrant Committee does not prepare any future planning other than warnings concerning future revenue deficits. The TGSC agreed that there should be a three- or five-year financial plan to fill the current vacuum. It was suggested that a stronger Town Administrator function would lead to more involvement at the executive level with the Town Accountant which in turn could lead to more stable financial forecasting or modeling. It was strongly recommended that the Chairman of the Warrant Committee should speak to the TGSC at a future meeting. One important issue to discuss is the clear lack of budget leadership by the BOS despite the By-law language suggesting that budgeting is a function of the BOS

- D. Mr. Neely agreed to follow up with research on the need for an active Audit Committee (DOR item 5).

- E. Preliminary Annual Town Meeting. The fourth recommendation by the DOR report was to schedule a preliminary Annual Town Meeting which would allow Town Meeting members to discuss controversial or complicated issues. The TGSC member, Peter Mullin, will talk to Brian Walsh about this issue and develop a recommendation concerning the TGSC's support of preliminary Annual Town Meeting. Would this be helpful for purposes of non-financial articles? The most controversial article such as zoning? Should the current Warrant Committee procedure on the Warrant be changed to foster better understanding of the Article (DOR item 14)?
- F. Consolidated Municipal Operations. The DOR Report (item 6) strongly recommends consolidation of certain departments, such as Park and DPW. Although this issue has been examined by the TGSC in the past, with input from various members of the Park, Cemetery and DPW, it was determined that the TGSC should reconsider this matter. The concept of "consolidated facilities" has worked because the departments were happy to give up the hassle of maintenance and repair as long as the merger did not interfere with the programs within each department.
- G. Technology Committee (DOR item 7). An outside committee has been formulated to consider an integrated technology approach for the Town. The Chairman reported that the Town Administrator and Mike Zullas, School Committee member, would like to discuss with this Committee the mission of the new Technology Committee. It is reported that funding has been made available in response to an RFP prepared by Mr. Walker of the TGSC. This money will be available in July 2014. Among other issues that will be addressed is an inventory of the technology currently available in the Town.
- H. Review of the By-Laws. It was agreed amongst the Committee Members that we should take on the task of reviewing the By-laws as recommended by the DOR Report (item 8). Mr. Mullin agreed to review the by-laws as they are currently presented on the website and report back to this Committee.
- I. The DOR Report item number 11 concerning payment by non-profits to the Town is a role which has been taken over by the newly formed PILOT Committee.
- J. TGSC then discussed the remaining issues presented by the DOR Report beginning on page 23 of its Report and extending throughout the third part of the DOR's recommendations. It was considered and determined by TGSC that these issues (which primarily involve "overall financial management" (section 17 to the end)) are not within the purview of TGSC as they are specific recommendations by the DOR to the Town Treasurer, Accountant and Town Administrator.

Next meeting: May 27, 2014 at 7:00 p.m. On a motion made and duly seconded, the Committee voted to adjourn at 9:12 p.m.

Submitted by:

Mary E McNamara
May 22, 2014

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