

Warrant Committee

March 16, 2015

Thirty-Second meeting

Present: T. Hays, P. Pasquerella, D. Turner, J. Schindler, P. Mathews, C. Karimbakas, B. White, K. Sorgi, J. Eckner, LM. McLean, M. Maholchic, S. McCurdy

Absent: J. Potter, R. Boehler,

Reserve Fund: \$400,000, of which \$317,225 is set aside for potential demolition of Zero Central Avenue property, leaving available balance of \$82,775.

Guests: Planning Director William Clark, Amy & Michael Lenane, Rick Neely-Chair Town Government Study Committee

1. Chair Hays called the meeting to order and greeted guests at 7:37 pm. in the Blute Conference Room.
2. William Clark, representing the Sign Review Committee, discussed Article 47, a petition to declare a moratorium on allowing L.E.D. signage. The definition of lit signs, grandfathering, bylaw language and new signage was discussed. It was decided that the moratorium required further discussion.
3. Rick Neely of the Town Government Study Committee presented four articles:
 - i. Article 15, a petition to the Legislature relating to the position of Town Administrator. On a motion by Member McLean and seconded by Member White, the article was voted on and unanimously accepted as written, 11/0/0.

RECOMMENDED that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation relating to the Town Administrator in substantially the following form provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition:

SECTION 1.

Notwithstanding any provision of any general or special law to the contrary, the Board of Selectmen shall appoint a town administrator (the "Town Administrator") to serve for a definite term of not more than three (3) years and shall fix the compensation for such person, annually, within the amount appropriated by Town Meeting. The Town Administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town Administrator shall be a person qualified by education, training and previous experience to perform the duties set forth herein. The Town Administrator shall not have served as a member of the Milton Board of Selectmen for at least twelve (12) months prior to public posting of the position. Town Meeting may, from time to time, establish, by by-law, such additional qualifications as may be deemed necessary and appropriate. The Town Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, and shall not be actively engaged in any other business or occupation during such service, in each case, unless the Board of Selectmen approves such action in advance and in writing. The

Board of Selectmen shall provide for an annual review of the job performance of the Town Administrator that shall be a public record.

SECTION 2.

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which she/he is given responsibility.

Notwithstanding any provision of any general or special law to the contrary, the powers and duties of the Town Administrator shall include, but not be limited to, the following:

- (a) to supervise, direct and be responsible for the efficient administration of the Town's day-to-day operations for which the Town Administrator is given authority, responsibility or control, whether by this act, by-law, vote of Town Meeting, vote of the Board of Selectmen or otherwise;**
- (b) subject to the civil service laws and any collective bargaining agreements as may be applicable, to appoint, supervise and direct all department heads (except for the Consolidated Facilities Director) and Town employees, in each case who are under the jurisdiction of the Board of Selectmen. With respect to department heads only (except for the Consolidated Facilities Director, who shall be appointed by the Board of Selectmen), such appointment shall become effective on the fifteenth (15th) day following the day on which notice of the appointment is filed with the Board of Selectmen unless, within said fifteen (15) day period, the Board of Selectmen, by majority vote, has voted to reject such appointment or has sooner voted to affirm such appointment. Notwithstanding the "at will" nature of employment, the Town Administrator shall have authority to enter into employment contracts for periods not to exceed the maximum period of time allowed under State law with the Fire Chief, the Police Chief, the Deputy Police Chief and the Town Accountant that provide for other terms and conditions of employment, including removal. The Town Administrator shall provide for an annual review of such department heads and employees with respect to day-to-day and annual performance;**
- (c) to suspend or remove any person appointed by the Town Administrator; provided, however, with respect to any such removal that if such person is a department head, the Town Administrator shall first inform the Board of Selectmen with respect to such removal;**
- (d) to be entrusted with the administration of the town personnel system, in conjunction with the Personnel Board, including, but not limited to, personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-laws and collective bargaining agreements entered into by the town. The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town department or entity, except the School Department;**
- (e) to fix the compensation of all appointed officers and employees within the limits established by appropriations of the Town Meeting;**
- (f) to attend all regular and special meetings of the Board of Selectmen unless she/he is unavailable for reasonable cause. The Town Administrator shall have a voice, but not a vote, at meetings of the Board of Selectmen;**

- (g) to keep the Board of Selectmen fully advised concerning the status of all matters that have been referred to the Town Administrator by the Board of Selectmen;**
- (h) to assure that full and complete records of the financial and administrative activities of the town are kept and to render, as often as may be required by the Board of Selectmen, a full report of all town financial and administrative operations during the period reported on, which report shall be made available to the public;**
- (i) to keep the Board of Selectmen fully advised as to the needs of the town and to recommend to the Board of Selectmen and other elected town officers and agencies for adoption such measures requiring action by them or by Town Meeting as the Town Administrator may deem necessary or desirable;**
- (j) to have full jurisdiction over the rental and use of all town facilities and real property except real property that is under the control of the School Committee, the Board of Library Trustees, the Board of Park Commissioners, the Board of Cemetery Trustees, the Milton Housing Authority or the Conservation Commission; provided, however, that the Town Administrator, together with the School Superintendent, shall supervise and oversee the Director of Consolidated Facilities, who shall be responsible for the maintenance and repair of all town buildings and facilities;**
- (k) to coordinate intra-governmental and inter-governmental affairs;**
- (l) to act as the administrative spokesperson for the Town;**
- (m) to formulate long-range and annual financial plans, including detailed projections of revenues and expenditures, and to prepare and present to the Board of Selectmen and the Warrant Committee an annual operating budget for the town and to prepare and present to the Capital Improvement Planning Committee and the Board of Selectmen a proposed capital budget for the town for the five (5) fiscal years next ensuing;**
- (n) to make recommendations to the Board of Selectmen with respect to departmental and non-departmental expenditures, the Capital Improvement Plan submitted by the Capital Improvement Planning Committee, the financial impact of Town Meeting warrant articles, and strategies and proposals for collective bargaining;**
- (o) to negotiate all contracts relating to the responsibilities of the Town Administrator outlined herein, including contracts with town employees (except employees of the School Department) involving wages, hours and other terms and conditions of employment; provided, however, that all collective bargaining contracts shall be subject to ratification and execution by the Board of Selectmen;**
- (p) to appoint the chief procurement officer for the Town of Milton for purposes of M.G.L. c. 30B;**
- (q) to approve payment and expense warrants pursuant to M.G.L. c. 41, § 56;**

(r) to submit to the Board of Selectmen and to Town Meeting, if necessary, plans to reorganize, consolidate or abolish departments, commissions, boards or offices under her/his direction and supervision, or to establish new departments, commissions, boards and offices, or both, subject to enactment of home rule legislation if otherwise legally required;

(s) to see that all of the provisions of the General Laws, the By-laws, votes of the Town Meeting and votes of the Board of Selectmen that require enforcement by the Town Administrator or officers subject to her/his direction and supervision are faithfully executed, performed or otherwise carried out;

(t) to act upon all applications for temporary (duration of not more than forty-five (45) days) signs;

(u) to act upon all applications for utility grants of location and to conduct public hearings in connection therewith, in accordance with the statutory procedure established for a Board of Selectmen;

(v) to act upon all applications to use the Town's streets and ways for charitable or other walks or runs, any approval thereof being contingent upon approval by the police chief; and

(w) to perform such other duties and responsibilities as may be delegated to the Town Administrator by the Board of Selectmen.

The Town Administrator may delegate duties to any subordinate officer or employee to aid the Town Administrator in the performance of his or her duties and responsibilities.

SECTION 3.

The Town Administrator shall be subject to the authority and direction of the Board of Selectmen. She/he shall render reports to the Board of Selectmen on a regular basis, including in such reports a summary of current activities, a list of both current and long range issues and objectives and programs in response thereto, and suggestions concerning the goals and objectives of the Town and the community.

SECTION 4.

The Board of Selectmen may, by the affirmative vote of a majority of its members, terminate, remove or suspend the Town Administrator from office; provided, however, that further conditions applicable to termination, removal or suspension may be addressed by the terms of any contract between the Board of Selectmen and the Town Administrator.

SECTION 5.

In the event of a vacancy in the position of Town Administrator, the Board of Selectmen shall appoint an interim Town Administrator to serve until such time as the next Town Administrator is appointed but not for a period longer than twelve (12) months. The Board of Selectmen may, in its discretion, waive any one or more of the requirements or provisions set forth in Section 1 hereof with respect to the appointment of any interim Town Administrator.

In the event that the Town Administrator is unable to perform the duties of the Town Administrator for a period of fourteen (14) consecutive days or more, the Board of Selectmen may appoint in writing a qualified town officer or employee to serve as Acting Town Administrator. The Acting Town Administrator shall exercise the powers and perform the duties of the Town Administrator until such time as the Board of Selectmen revokes in writing such appointment as Acting Town Administrator.

SECTION 6.

This act shall take effect upon its passage.

- ii. Article 42, establishment of a quorum. After discussing some wording changes and on a motion to accept by member Mathews, seconded by member Pasquerella, the article was approved, 11/0/0.

RECOMMENDED that the Town vote to authorize the Board of Selectmen to file a petition with the General Court to enact legislation which would provide that in circumstances where a quorum of a public body is a simple majority of the members of that public body, the quorum shall be a simple majority of the members appointed to that public body, rather than a simple majority of the number of members of that public body as authorized. In this context a public body is a multiple member board, commission, committee, or subcommittee within the executive or legislative branch of the Town of Milton, however created, appointed or otherwise constituted, established to serve a public purpose, but shall not include a multiple member board, commission, committee or subcommittee whose members are elected by registered voters of the Town; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.

- iii. Article 36, establishment of a Post-Employment Benefits Liability Trust. The language of the recommendation as approved by Town Counsel was discussed. On a motion to vote by member Mathews and seconded by member White, the article was accepted, 10/0/1.

RECOMMENDED the Town vote to accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended, which provides that a town may establish a separate trust fund to be known as the Other Post-Employment Benefits Liability Trust Fund to reduce the unfunded actuarial liability of health care and other post-employment benefits, and that the Town appropriate the sum of \$536,251 for the purposes set forth in this article and to meet said appropriation the sum of \$389,023 be raised from the Post-Employment Benefits Stabilization Fund, and the sum of \$ 147,228 be raised from funds certified by the Department of Revenue as free cash.

- iv. Article 16, establishment of an Information Technology Committee. After a long discussion about a suitable appropriation, member Pasquerella made a motion, seconded by member Turner, to vote a 50K appropriation from the Selectmen's budget. The vote failed 5/6/0. A second vote, on a motion by member Maholchic and seconded by member White, a "friendly amendment" to assign "no appropriation at this time," was accepted 8/3/0.

RECOMMENDED that the Town vote to amend the General Bylaws to establish an Information Technology Committee consisting of five (5) members, whose members shall

be appointed as follows: three (3) by the Moderator, one (1) by the Board of Selectmen, and one (1) by the School Committee. The duties of said Committee shall include without limitation: to develop a strategic plan for Town-wide information technology; to provide advice and recommendations to Town boards, commissions, committees and personnel on strategic information technology planning and budget requests; to assist Town boards, commissions, committees and personnel in evaluating information technology needs; to engage consultant services as needed; to submit recommendations on all software systems and equipment needs; and to provide guidance with respect to priorities among Town departments. The members shall serve for a three-year term and may be reappointed. The Committee shall annually provide a report to the Town to be included in the Town's Annual Report, and further that the Town vote no appropriation under this article.

4. On a motion by Member McLean and seconded by Member Pasquerella, the meeting was adjourned at 11:04 p.m. *11/0/0*

Reserve Fund: \$400,000, of which \$317,225 is set aside for potential demolition of Zero Central Avenue property, leaving available balance of \$82,775.

Respectfully submitted,
Julia Getman
Warrant Committee Clerk