



Office of the
BOARD OF SELECTMEN
272 Main Street, Townsend, Massachusetts 01469

Carolyn Smart, *Chairman*

Gordon Clark, *Vice-Chairman*

Cindy King, *Clerk*

James Kreidler,
Town Administrator

**JOINT MEETING OF THE BOARD OF SELECTMEN AND THE RECREATION
COMMISSION IN ACCORDANCE WITH THE CHARTER SECTION 3-1 (f) (1)**

AGENDA

**JULY 26, 2016 5:45 P.M. SELECTMEN'S CHAMBERS, TOWN HALL
272 MAIN STREET, TOWNSEND, MA**

I. PRELIMINARIES - VOTES MAY BE TAKEN:

- 1.1 Call the meeting to order.
- 1.2 Roll call vote of the Board of Selectmen and the Recreation Commission.

II. APPOINTMENTS AND HEARINGS - VOTES MAY BE TAKEN:

- 2.1 Appointment Sharon Whittier as a Recreation Commissioner for a term effective July 26, 2016 to April 24, 2017.

III. ADJOURNMENT:



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AGENDA

TUESDAY JULY 26, 2016 6:00 P.M.
SELECTMEN'S CHAMBERS, TOWN HALL
272 MAIN STREET, TOWNSEND, MA

I. PRELIMINARIES - VOTES MAY BE TAKEN:

- 1.1 Call the meeting to order and roll call.
- 1.2 Pledge of Allegiance.
- 1.3 Announce that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions:

II. APPOINTMENTS AND HEARINGS - VOTES MAY BE TAKEN:

- 2.1 6:10P.M. Town Clerk Kathy Spofford, RE: Presidential Election on November 8, 2016.
- 2.2 6:20P.M. Eino Kauppi, RE: Harbor Fire Station.

III. MEETING BUSINESS - VOTES MAY BE TAKEN:

- 3.1 Review/Approve road opening permit application from Unitil for work at the following locations:
 - 17 Joyce Street
 - 3 Scott Road
 - 21 Blood Road
 - 13 Depot Street
- 3.2 Review/Approve Highway Superintendent Ed Kukkula's request to declare the following items surplus:
 - 42 traffic cones that are damaged and do not meet the manual of uniform traffic control devices current standard with scrap value only
 - 67 traffic signs that are damaged and do not meet the manual of uniform traffic control devices current standard with scrap value only
 - 1-1999 Minolta EP 1031F Copier with no value
- 3.3 Review/Approve Chapter 90 Project Request for milling North End Road from Brookline Road to NH border for \$244,417.00.
- 3.4 Review/Approve Chapter 90 Project Request for milling Fitchburg Road (Rte. 13) to South Row Road for \$163,473.00
- 3.5 Review/Approve the following items to be declared as surplus:
 - HP C3166A Printer
 - Canon Imagerunner 3570

- Three Accuvote voting tabulators and two black box bases to be offered to other municipalities
- 3.6 Review/Approve the following one day liquor licenses for Terri Roy of VFW Post #6538:
- July 30, 2016 for a Testimonial with serving hours from 6PM-10PM
 - August 27, 2016 for a 40th Birthday Party with serving hours from 7PM-11PM
 - September 17, 2016 for a Jack and Jill with serving hours from 7PM-11PM
- 3.8 Discuss establishing a "Community Development Strategy" Committee as well as a follow up with MRCP on the CDBG grant.

IV APPOINTMENTS OF PERSONNEL AND OFFICIALS:

- 4.1 Appoint the attached list of Election Officials for a one year term effective August 1, 2016 to July 31, 2017.
- 4.2 Appoint Kim King to the Townsend Meeting Hall Gallery Committee to a three year term effective July 26, 2016 to June 30, 2019.

V WORK SESSION - VOTES MAY BE TAKEN:

- 5.1 Town Administrator updates and reports.
1. Personnel Updates-
 2. Financial Updates-
 3. Project updates-
 4. Miscellaneous Updates-
- 5.2 Board of Selectmen announcements, updates, and reports.
- 5.3 Approval of Meeting minutes.
- 5.4 Review and sign payroll and bills payable warrants.

VI: EXECUTIVE SESSION - VOTES MAY BE TAKEN:

- 6.1 Executive Session: pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints brought against public officers, employees, staff members, or individuals. Votes may be taken.

Executive Session: pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respects to collective bargaining for all union contracts subject to negotiations if an open meeting may have a detrimental effect on the bargaining position of the body and the Chair so declares. Votes may be taken.

VII. ADJOURNMENT:

Report of the Town Administrator

July 26, 2016

1. Personnel Updates-

- a. Land Use Department Re-Organization: After a great deal of discussion with Karen Chapman, our current land Use Coordinator, she and I have come to a joint proposal for what a re-organized land use office should look like. In the following chart you will see a structure that provides for a full-time department head, 30 hours of administrative support (25 for Planning and 5 for Zoning), a 20 hour conservation agent and 15 hours of administrative support for the conservation commission. The plan would be to cross train all personnel to better be able to serve the public and the boards when one employee is unavailable. As the chart shows, we are currently staffed for 88 hours at a cost of \$91,964.92 and after the change we would be staffed for 100 hours at a cost of \$111,389.58. This increase of \$19,424.66 is covered in the town meeting article voted as an appropriation reserve for wage and hour settlements.

To date, the Land Use Coordinator supports this plan and the Conservation Commission does as well. After an initial meeting with the Planning Board in which they made it clear that they wanted their full 25 hours Karen and I revised the plan to accommodate their wish and that is the plan you see here.

Additionally, in a further effort at streamlining the Land Use function we will be consolidating all of the staff depicted in the chart into the "Land Use Suite" where most of the 4 staff are/were located. The one major difference is that we will be moving the Town Accountant down to the former Conservation office so she can be co-located with all of our other finance team members (Assessor's and Treasurer Collector) and the Conservation staff will come upstairs. This will allow all land use regulatory staff to be in one location to better provide service and office coverage.

EXISTING			LISTING OF LAND USE OFFICE POSITIONS	PROPOSED		
ACTUALLY FUNDED (W/O BUCKET)				ACTUALLY FUNDED (INCLUDING BUCKET)		
HOURS	RATE	ANNUAL	HOURS	RATE	ANNUAL	
23	\$ 21.36	\$ 25,644.82	LAND USE COORDINATOR	35	\$ 25.78	\$ 47,100.06
5	\$ 17.43	\$ 4,549.23	ADMINISTRATIVE SUPPORT- PB and ZBA	30	\$ 17.32	\$ 27,123.12
35	\$ 21.36	\$ 39,024.72	CONSERVATION AGENT	20	\$ 22.61	\$ 23,604.84
25	\$ 17.43	\$ 22,746.15	ADMINISTRATIVE SUPPORT- CONCOM	15	\$ 17.32	\$ 13,561.56
88	TOTAL	\$ 91,964.92		100	TOTAL	\$ 111,389.58

*07.11.16 PROPOSED RE-ORGANIZATIONAL PLAN (SUBJECT TO VOTES OF THE BOARDS AND UNION NEGOTIATION)

- **Board Action Requested-** Do you support the plan and if so if it would please the Board, a motion would be in order.

Sample Motion- I move that the Board vote in support of the proposed Land Use Department Re-Organization plan as described by the Town Administrator.

- b. DPW Study Committee- Selectman Clark and I met with the DPW Study Committee on July 14, 2016 for (re) introductions and to lay some process rules down to best enable the committee to move forward to address this issue. It was a productive meeting and all members voted unanimously to adopt the rules. Future meetings, all of which are public, will be held on Wednesdays opposite Conservation meetings with the next one being called for August 3, 2016 at 6:30pm.

• **Board Action Requested-** None.

- c. Appointing Authority- Since I have been serving as your Town Administrator I have been slowly untangling where and to whom certain responsibilities run and lie. The appointing authority of personnel is one such matter.

The Charter in section 3-2 (d) Appointing Authority, lists several positions and Board and Committees that are to be appointed by the Selectmen.

The Charter in section 4-2 (a) states that the Town Administrator shall be "...responsible for the efficient administration of all functions or activities for which the Town Administrator is given authority, responsibility or control by this charter, by By-Law, Town Meeting vote, **vote of the Board of Selectmen** or otherwise.

The Personnel Policies Manual, as voted by the Board of Selectmen, at Article 2-Board of Selectmen state that the Board Of Selectmen is charged with setting Personnel Policies and Procedures. This same article, under the Town Administrator section, then states that the Town Administrator, in conjunction with department heads, shall be responsible for all recruitment and selection as outlined in the manual..

Furthermore, there is a legal opinion of counsel on file, drafted back in 2002 by then town counsel June Riddle, Esquire, on the subject of the Board's appointing authority powers. In it she states that "the Selectmen do not become involved in day to day administration of town agencies. As such, the Board's appointing authority for rank and file employees is in the nature of an imprimatur only."

So, how do we read all of this together and reconciled into one process?

Here's my thinking.

- The Board by charter is the appointing authority for certain positions.
- The Board appoints a Town Administrator to carry out its day to day functions.
- The Board is the chief policy setting body.
- The Board is charged with creating personnel policies.
- The Board did create such policies.
- In those policies the Board drafted and voted to accept, the Board delegated the recruitment and selection process to the Town Administrator in conjunction with the Department supervisors/heads.
- Per Counsel, the Board's appointing authority is in the nature of an imprimatur or "sanction, approval or support".
- Sanction, approval and support can clearly only apply to an action already taken.
- Therefore, read altogether, an organic whole would see the Town Administrator having been delegated appointing authority and being charged to work with the

Department Head to recruit, select and appoint personnel, all subject to vote of "imprimatur" or ratification if you will, by the Board before said appointment is finalized.

- **Board Action Requested-** Let's discuss this and please let me know your thinking as it becomes very germane in the very next item in my report.

- d. IT Coordinator Position- You will recall that as a lead up to budget for the annual town meeting that we budgeted an amount of money in both the salary and the services sections of the IT budget. We did this to preserve our options moving forward as we tried to bring in a fulltime on staff employee to handle our IT needs. As a lead up to this process I have had discussions with our public safety leaders and we have determined that given the specialized nature of their software/hardware and systems that their needs would be best served by having an on call contract with a vendor who has direct experience with public safety IT requirements. Accordingly, as is the case now with our contract IT group, the IT position would be responsible for our town wide non-public safety IT function.

We advertised for the position and received seven applications/resumes. Each of them was rated on an evaluation sheet against the required and preferred skill sets. Of those candidates, three were forwarded in the process. One met all of the required and preferred skills, one met the required and all but one of the preferred skills and while a third did not meet the required BA degree, the advertisement allowed for me to consider a combination of education and experience and given his experience I judged him deserving of further consideration. The next part of the process was the interviewing of three of the candidates. After interviewing the candidates one candidate was clearly far better suited to take on the challenge that is our IT system than were the other two. I checked references (and also have firsthand experience with him) and he is the chosen candidate.

Steve Cloutier is that candidate.

Here is where things get a bit cloudy. Who appoints this position?

- **Board Action Requested-** Again, let's discuss the process.

- e. Cleaning Contract- Our Cleaning Contract with This and That expired and we went out to bid with a Request for Proposals (RFP). We received four responses. The rating sheet is enclosed. One was disqualified for failure to follow the minimum submittal requirements. The other three were then evaluated. In an RFP like this the respondents submit two sealed envelopes. First is a Non-Price/Technical Proposal and the second is a Price Proposal. We are not required to award to the best price proposal but rather to the best overall proposal to include responsiveness to our technical requirements as well as pricing. We are required to first review and rate the Non-price proposals against a list of technical requirements. Once they've been evaluated they are given a weighted ranking. Next we must evaluate the Price proposals and they too are given a weighted ranking. Next, both rankings are combined to arrive at a weighted average ranking for each respondent. In this case the weighted average ranking leads us to the contract being awarded to SJ Services. We have a meeting scheduled for tomorrow morning with the company and our Facilities Manager to get underway.

- **Board Action Requested-** None.

2. Financial Updates-

- a. Community Compact- The personnel from the McCormack Institute at UMass Boston will be in town for an introductory meeting next week. Once the date is finalized I will let you and the Finance Committee chair know.

Board Action Requested- None requested.

- b. FY16 Audit- Our auditors will be back in town hall continuing our annual independent audit beginning next week.

Board Action Requested- None requested.

3. Project Updates-

- a. Timber Harvest- I have had the first meeting with our forester as we prepare to put several town owned properties out to bid for sustainable forestry work. I will keep you updated as we proceed.

Board Action Requested- None requested.

- b. Fire Station Easement- Enclosed you will find a copy of an Assignment of Easement from Gary Shepard to the Town related to the Central Fire Station project. I will have this assignment executed and ready for your vote of acceptance.

Board Action Requested- Execute the acceptance please.

- c. Open Gov- I have been researching software platforms that will drastically increase our fiscal and policy transparency. Open Gov is one such platform. I have enclosed a copy of a slide deck from them for your review and consideration for discussion. Chairwoman Smart and I had a conference call and desktop presentation with them last week and I anticipate speaking with them again this week so I would appreciate any feedback you can offer prior to my re-engaging with them.

Board Action Requested: Your thoughts please.

- d. Policies- I am enclosing DRAFT copies of the first and second policy pieces for your review and consideration. You will find Board Policies and Procedures and a Board and Committee Handbook.

Board Action Requested: Please review and let's discuss.

4. Miscellaneous Updates-