

**WAYLAND BOARD OF PUBLIC WORKS  
WAYLAND TOWN BUILDING**

**June 26, 2012**

**7:00 PM**

**MEETING MINUTES**

**DRAFT**

Present: Michael Wegerbauer, Bob Goldsmith, Jon Mishara, Mike Lowery (Chair), Tom Abdella (Vice Chair), Don Ouellette and Diane Gorham

Public Dorothy Dunley regarding the contract with Director of Public Works being signed by the Town Administrator without the Boards knowledge. Dunley felt it was disrespectful to the residents in town, bordering on dishonest.

Linda Segal confirmed with the Board that they received the email she sent earlier this afternoon. The Board of Public Works has control of the Transfer Station according to Town Code.

Lowery told the audience about trying to gain a long time relationship that will guide them through different Town Administrators and Department of Public Works Directors. Lowery explained that the contract with the DPW Director and other items that brought rise to this meeting.

Jon Mishara – regarding the meeting with the Town Administrator and with Lowery to discuss the current structure of the Board of Public Works and its interaction with the Town Administrator. Mishara said he doesn't believe this board is currently functioning as it was intended back in 2008. A lot has to do with structure and other factors. Mishara spoke of the statutory powers and assumed duties of previous boards. Town Counsel acknowledged control under the Board of Public Works. Mishara explained the relationship between the Director of Public Works and the Town Administrator who is the appointing authority. Mishara pointed out that while this may have been perfect on paper it is far from perfect in practice. Mishara said that he felt the Board was not apprised about the Transfer Station pilot program with Sudbury in a timely fashion. When the Transfer Station changed to Single Stream and changed vendors the Board should have been part of the process. Mishara said that Turkington felt this was not a significant change. By a special State act the Transfer Station is under the control of the Board of Public Works. Mishara said that recently the Board had learned that the DPW Director had been re-appointed in late April. Mishara said that according to town code appointment is done by the Town Administrator in consultation with the Board of Public Works. The Town Administrator claimed this was not an appointment but part of management operational structure. Mishara admitted that it makes sense that the Director report to the Town Administrator regarding day to day where the Town Administrator is here every day and the Board meets occasionally a couple of times a month. Mishara said that they have agreed to try to find a workable solution. One approach is a memorandum of understanding that will set forth areas the Board of Public Works want

to exercise their powers. Explained. Discuss with the Board and determine the next steps.

Lowery explained the pre-meeting hand out and explained two goals:

1. What authorities should the Board of Public Works have to do the jobs they are elected to do?
2. Clarify the demarcation between DPW/Town Administrator's operational role and our policy role.

Goldsmith reviewed his bullets with the Board regarding:

Hiring, firing, contract renewal and contract terms for the DPW Director  
Termination or discipline of DPW key personnel one level below Director  
Ability to obtain financial and technical reports deemed necessary by the Board.....authority and budget to hire consultants.  
Ability to hire independent counsel if Board desires a second opinion  
Approval of any DPW expenditure above \$xx.xx

Wegerbauer

Said his list was similar to Goldsmiths. He would expect a Director would be able to determine when issues are in the gray area. He suggested approving expenditures over \$2,500.00. He asked about out of town travel for conferences etc. Make certain we have the right people for the jobs Wants to get a 'better handle' on whets happening.

Mishara – Said it will be a challenge to define the areas they want to be involved in and define those that they don't have to be involved in. He stressed the fact that must be very clear with both. He said they may want to break down the MOU according to divisions – Highway, Water, Parks, Transfer Station and have a discussion about the Boards' view of responsibilities

Abdella. – Said he thinks the Board should think about defining where they want to go. He said the Board can control revenue but not expenses. Stressed the fact that they need all pertinent information for setting rates. Need medium and long term capital improvement goals and set priorities and or rankings for same. How to measure what we accomplish? Compare to other towns?? Are residents satisfied with snow removal, road maintenance? Need to figure out how to gather information. Expressed concern about possibly getting too far into the details of day to day.

Goldsmith mentioned different financial reports he would like to see. He feels the threshold for approving expenditures should be higher than \$2,500.00. Said that the Board needs technical information along with financial information.

Lowery:

Advise & Consent to DPW director appointment

- Interview final candidates
- Contract terms & duration
- Contract signing
- All re-hire, re-appointments
- Coequal participant in annual review of DPW director
- Review planned terminations of first line staff
- Review Proposed Budget & offer feedback to FinCom if desired
- All forbearance, abatement, forgiveness, extensions of legal items
- Review & consultation for all legal matters on our behalf
- Budget for BoPW activities
- Financial & Rate setting management support
- Outside counsel should we find ourselves in conflict with the BoS or Administrator

- Board should interview final candidates for Director and sign contract.
- Discussed how the budget proposal process works.
- Powers and authorities any abatements
- Consultation on any legal matter concerning divisions
- Need small budget for 2<sup>nd</sup> counsel if needed
- Review job descriptions
- Review head counts

Discussion of some instances when the Board should have been notified. Work at 27/30, Transfer Station pilot program, Transfer Station to single stream.

Discussion about understanding the difference between policy vs. operational.

Lowery said that if there is a change with how we deal with residents he believes it constitutes a policy change. If resident have to do something differently. Examples: changes in service. hours, rates etc. The Board must set a standard with how it deals with the town and the residents.

Discussion about possible resolutions/ solutions. Discuss as a Board first. Ask Turkington how to resolve. If they are not happy with the answer approach his boss, the Board of Selectmen. Can hold public hearing. Legal engagements if necessary. Or go to town meeting to ask for the powers they feel they need to. Discussion about setting goals for the DPW Director similar in form to the goals set for the Town Administrator.

Goldsmith said that it is very important they avoid micromanaging. Discussion about the annual budget process. Lowery said the Board can help Ouellette by interfacing with the residents. Mishara pointed out the by statute the Board has broad powers. They need to decide how to manage these powers in the most efficient way. Each member could deal with a different division. That member could be the contact for the division. They could serve as a filter to determine if a certain situation should go to the Board or not.

Wegerbauer said that the emails he received from Ouellette during the past couple of days were great. He asked Ouellette to rank the emails based on importance.

Wegerbauer said that knowing what is going on is great. Wegerbauer said it is OK that the Director reports to the Town Administrator for day to day issues. Wegerbauer said that he wants the Board to have the power to hire and fire the Director. Mishara said that he feels that if the Town Administrator consults with the Board it would be OK.

Discussion about the lack of communication with the Town Administrator and the Board. Lowery asked if the Board would be happy with co equal power to hire with the Town Administrator? Mishara pointed out that that is not the way the Town Code is written. The Board would have to go to town meeting to change this. Discussion. Abdella and Wegerbauer will work on the document to present to Turkington.

Goldsmith said in order to operate as a board they need to define the financial and technical reports they need.. Lowery asked everyone to make a list. Mishara cautioned the Board saying they must be very careful about what they want in this document. This will be the standard for future Directors and Boards to come. They should not get into too much detail. Lowery asked if they wanted to speak to the Selectmen regarding the re appointment of the Director without consulting the Board? Mishara said he will have a conversation with Joe Nolan, who is the BoPW liaison for the Board of Selectmen. The may want to have Joe Nolan weigh in on the document. Lowery said that he will tell Nolan about the meeting and that they are preparing a document. Discussion about defining the relationship with the Town Administrator and creating a Memorandum of understanding. Should discuss with the Selectmen after the Memorandum of understanding is created. Wegerbauer asked the Board be alerted of the process. Lowery agreed to alert the Board. Wegerbauer asked the rest of the Selectmen be informed.

Discussion about feedback regarding the Directors review deadline on the 29<sup>th</sup>. Discussion about annual review process. Discussion about the current Director's reports. Wegerbauer stressed the importance of knowing what is going on. David Hill Orchard Lane. Suggested the Board start with a zero based budget. He said he has worked with Zero based budgets and have found that they bring out a lot of detail and transparency.

A Lewis told the board about the history of the DPW assessment committee, their role and their intent. Lewis said that an MOU would have the Board give up responsibilities they already have. Goldsmith suggested Mishara look at the section A Lewis cited. Mishara said he will clarify.

#### **Boards Reports and Concerns. –**

Wegerbauer asked what the Board is getting in return for supplying Harris with the information he requested?? Lowery said they are getting nothing and there is no guarantee that this will satisfy his request. Discussion. Discussion about the language in the letter.

Mishara made a motion to approve the draft letter of 6/26/2012 to Mr Harris

2<sup>nd</sup> Abdella

5-0 Approved

Lowery showed the Board a newspaper article about Holliston's asbestos pipe replacement cost estimate. Lowery pointed out that we spend \$400,000.00 per year on pipe replacement.

Discussion about the current Transfer Station bag vendor. Lowery said the bags rip. The Vendor is on the State Bid list.

**Topics not reasonably Anticipated by the Chair prior to posting, if any**

Discussion about how the hazards were located with Brian Monahan, Conservation Agent. Ouellette said they will put a fence around the area.

Minutes

5/21/2012

6/19/2012

Mishara made a motion to approve the minutes of 5/21/2012 and 6/19/2012 as amended

2<sup>nd</sup> Lowery

3-2 approved

Meeting adjourned.