

TOWN GOVERNMENT STUDY COMMITTEE

November 6, 2015

Juliani Room, Town Hall

7:00 am

Committee: Babson, Ulfelder, Page, Gross, Donahue

Staff: Nagle

Guests: David Himmelberger, Suzi Littlefield, Heather Sawitsky, Catherine Johnson, Raina McManus, Lloyd Tarlin, Carol Hannenberg, Marlene Allen, Marjorie Freiman

Katherine Babson called the meeting to order at 7:00 am and asked if there was anyone present to address the board. No member of the audience requested to speak.

Babson stated that the purpose of the meeting was to have the committee review amendments to the TGSC motions.

Babson introduced a motion offered by Suzi Littlefield to delete paragraph 20.3.j from the authority of the Town Manager in proposed Town Bylaw Article 20. This amendment would delete from the authority of the Town Manager the responsibility to supervise building construction and reconstruction projects otherwise managed by the PBC.

Gross offered the comment that the amendment would not affect the town manager authority over the work of the FMD.

Donahue moved and Gross seconded: Motion that the TGSC would not oppose the amendment offered by Ms. Littlefield "That Section 20.3.j of the general bylaws, as proposed by the Government Study Committee, be deleted in its entirety and the subsections under section 20.3 be renumbered as necessary."

Babson introduced motions offered by David Himmelberger.

1. Motion to require a 4/5 majority of the Board of Selectmen to appoint a Town Manager.
Committee discussed the merits of requiring a 4/5 majority for BOS action to appoint. Those present felt there was no reason to change the TGSC recommended simple majority. The appointment language is consistent with the removal language.
Committee agreed to defer action until conferring with the BOS.
2. Motion to retain Town Clerk as elected official.
Committee discussed the merits of this motion and stated its position on the appointment of town clerk had not changed.

3. Motion to state that the provisions of Section 97A as to the authority of the Police Chief is not altered by the TGSC proposal under section 3(B)(2) of the special act.

Committee discussed the merits of this amendment.

Babson suggested Mr. Himmelberger should consult further with the Board of Selectmen to determine if this language is necessary to protect the Chief authority under section 97A.

Committee will defer action until the BOS has the opportunity to discuss this amendment

4. Motion to alter the authority of the Town Manager relating to the discipline and termination of Police Officers and other staff.

Himmelberger stated that this motion is intended to conform discipline and termination provisions with the hiring provisions which require the recommendation of the Police Chief in any discipline or termination action. It is intended to protect and support the chain of command authority of the police chief in the department.

Committee asked if this provision would require BOS discipline of the Chief in the event of a dispute with the Town Manager relative to discipline of an officer. Himmelberger said that the chain of command authority of the chief should not be interfered with and that the only recourse is properly directed toward the Chief.

Committee agreed to defer action on this amendment until the BOS has the opportunity to review and discuss.

5. Motion to remove the option of the BOS to delegate issuing common victuallar licensing to Town Manager.

Himmelberger stated that issuing of common victuallar license can be a sensitive matter in the community and this authority should be retained by the Board of Selectmen except in the case of routine renewals.

Committee deferred discussion until the BOS has the opportunity to make a recommendation on this motion

6. Motion on the creation of the Planning and Land Management Division

Committee deferred discussion to a later time.

7. Motion on the duration of a Town Manager contract to be limited to 3 years. And related motion offered by Marla Robinson to require a 6 month probationary period for Town Manager.

Committee discussed the probationary period concept. Committee felt that this issue should be addressed in the specific contract for the Town Manager and bylaws should not inhibit the ability of the BOS so set contract provisions. A 6 month period may not be sufficient to judge to work of a Town Manager.

Motion by Gross and second by Donahue: TGSC will oppose the amendment to require a probationary period as a bylaw.

Committee discussed the merits of a contract period of maximum 3 years. Committee's position was decided after extensive discussion during the development of this proposal. State law permits contract up to 5 years and recent contracts with the Police Chief and Fire Chief have 5 year terms. Committee prefers to give the BOS discretion to negotiate and appropriate contact duration in the particular circumstances of a Town Manager. **Committee deferred action until the BOS has the opportunity to discuss this amendment.**

The Meeting adjourned at 8:00 am.

Submitted by:

Secretary to the Board, Kathleen Nagle

Documents

Proposed Motions

- Littlefield re construction projects
- Himmelberger re 4/5 majority
- Himmelberger re Town Clerk election
- Himmelberger re 97A
- Himmelberger re termination of police officers and staff
- Himmelberger re Common Victuallers license authority
- Himmelberger re PLMD
- Himmelberger re term of contract for Town Manager
- Robinson RE Probation period