

8BOARD OF SELECTMEN
AUGUST 13, 2014
REGULAR SESSION

Members Present: David Parker , Nelson Almeida, David Andrade,
Michael Brady, Gary Sagar

Town Administrator: Shawn E. Cadime

Atty. Lauren Goldberg of Kopelman & Paige was also in attendance.

Chairman Parker opened the meeting at 6 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording the meeting both audio and video.

BOARDS AND COMMITTEE OPENING UPDATES

Mr. Cadime announced that volunteers are needed to serve on the Capital Improvement Committee (moderator appointment), Conservation Commission, Property Tax Work Off Committee and Zoning Board of Appeals.

Newly-appointed member of the Board of Health Joann Oliveira introduced herself to the Board.

PRIORITY MATTERS

Vote to Appoint Brett Beausoleil as Patrolman Third Class

Chief Craig Mace recommended the appointment.

A motion was made by Mr. Sagar, seconded by Mr. Brady, and it was unanimously

VOTED: To appoint Brett Beausoleil as patrolman third class.

Officer Beausolei was sworn in by Asst. Town Clerk Karen McHugh.

Vote on a Conditional Offer of Employment for Richard Pacheco for the Position of Patrolman

Chief Mace respectfully requested that the Board approve his recommendation.

A motion was made by Mr. Sagar, seconded by Mr. Andrade, and it was unanimously

VOTED: To approve the conditional offer of employment for Richard Pacheco as patrolman third class.

Mr. Sagar asked if the Police Department is at full strength.

Chief Mace said it would put the department at 35. There are some people out. He expects several retirements in the next year.

NEW BUSINESS

To Discuss Proposed Amendments to Article 4, Section 2 and Article 6, Section 6 of the Town Charter with Assessors, Board of Health, Conservation Commission and Planning

Ray Grant of the Board of Health, David Sullivan and David Viera from the Planning Board, Richard Wallace, Conservation and William Barker, Assessors were in attendance.

Chairman Parker thanked them for attending.

Mr. Grant felt they all agreed that the Boards would continue to hire department heads for their department. He does not have an issue with the Town Administrator reviewing applications, interviewing and making recommendations to the respective boards. But, appointments should remain with respective boards. He felt that is what the towns' people want also. The Town Administrator should make the recommendation and it is up to the respective boards to agree or disagree.

Ultimately, the Town Administrator has to be able to administer the building and there should be one point of contact. He felt the Town Administrator should make a recommendation similar to what happens with police, fire and DPW Superintendent. It is then up to the respective boards to say "yes" or "no."

Mr. Viera stated that they were led to believe the Town Administrator was not aware when certain departments were closed or on vacation. The Town Planner actually brings his vacation requests to the Town Administrator for approval.

He felt there is confusion. He doesn't have a problem in doing a joint interview and recommendation for appointment. However, it should not be based on political gender. It should be on ability to do the job and expertise. He noted this is his opinion and not that of the entire Planning Board.

Mr. Richard Wallace said, when it first came up, the Conservation Commission discussed this and felt the best way would be to set up a form that puts forth the qualifications for the individual. That could be done with the board chair and Town Administrator. From that point, the Board would interview the candidates based on qualifications.

Individuals who meet the qualifications would be brought to the Town Administrator and the number of candidates reduced to three or four. A second round of interviews would be conducted by the Chair of the board and the Town Administrator, who would put forward one or two candidates to the Board of Selectmen.

Mr. Bill Barker said he had difficulties with Option 1. He wanted to know what is there about the current structure that is not being addressed.

From a management point of view, when changes are being made, those changes have to rest on something. That is the first hurdle for him.

The second hurdle has to do with development of process. Nothing has been said about what that process looks like for hiring of department heads. If a board has a candidate based on qualifications then the question becomes what is the Town Administrator and Board of Selectmen voting or approving. Is it outside the technical? By the end of the recruitment process, the boards know the individual pretty well. What is left for others to weigh in on? What are the boundaries at each level?

With regard to the issue about the day to day operation of Town Hall, assessors are on the road as part of their job. What falls into the day to day management? When there is a change in Town Administrator and Board of Selectmen, those people have different definitions of day to day. It is important to get clarity on this.

Chairman Parker agreed with Mr. Grant's statement that previously they had an agreement. He felt the Board of Selectmen does not have a serious objection to boards doing the hiring. Board members feel that the Town Administrator has to control the working conditions at Town Hall. He needs to control the building and the office hours to serve the public.

Mr. Brady added that initially he did not have a problem with the Town Administrator working with the boards and making the recommendation of department head only.

Other than Board of Health, the Board of Selectmen appoints every other person in every other office. Employees in those offices already answer to the Town Administrator, which means he has managerial control over some employees but not all. The Town Administrator should have authority or input on conduct of employees. Right now he can't do that with four people. That shows very bad managerial control. There needs to be one person in control.

Mr. Brady continued that he has no desire to tell these boards how to run their department. The Town Administrator needs to have authority to say the hours of work, days off, etc. His suggestion would be the option that the Town Administrator make a recommendation of appointment to the board and the board make the final decision.

If the Town Administrator had a problem with a department head, he would go to that board.

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Mr. Almeida said he is OK with what was presented.

Mr. Sagar noted that former Town Administrator Bill Keegan and consultants at Municipal Resources stated there needs to be clear lines of authority.

Interim Town Administrator Gary Stenhouse confronted a department head and that individual reminded him that he did not work for him.

Mr. Stenhouse said in 40 years he had never seen a system like Seekonk's.

Previously, the Conservation Commission voted that they didn't have a problem with the process. Prior to the election, majority of the Board of Assessors were in favor. Thirteen out of fifteen departments are in favor; two are not.

Mr. Sagar felt that those who hire have the right to fire. There has to be one central appointing authority. He noted that Seekonk is unique in that department heads are in a union, which complicates management.

He suggested a system where a candidate could only be rejected by a super majority.

Mr. Brady said there are times when members of the Board of Selectmen take over the responsibility of the Town Administrator.

He felt there is no difference whether the Board of Selectmen makes the final appointment or the other boards do that as long as the recommendation comes from the Town Administrator.

Mr. Cadime thanked them for the collaborative effort.

He said there is a clear difference between policy making decisions and administrative decisions. He felt the Town Administrator needs to have ownership in the hiring process and day to day operations. Internal policies need to be strengthened.

Atty. Goldberg said that one of the points of the Charter is to allow professionalizing of the management function which includes personnel and general administrative matters and providing a support system for department heads.

With regard to having a town administrator involved in the hiring process, the Board is aware of the Open Meeting Law. A board cannot meet in executive session under the Open Meeting Law, so it would have to appoint a committee of less than the quorum to manage some of the early part of the process.

The Mass. Management Association has put out an outline on the types of government from centralized to decentralized.

A Charter takes away some of the executive functions of the various boards and gives the town manager the power to manage.

She felt they could do a good job in balancing whatever policy decisions made. The Town's Charter repeats itself. She felt that Sections 4.2 and 6 of the Charter could be more user friendly.

Mr. Viera asked how far the town administrator could go with respect to discipline. He felt the Town Charter says the town administrator cannot discipline

Mr. Cadime said there is an Administrative Policy that addresses that. He can discipline up to but not including termination. There is language in collective bargaining agreements.

Mr. Viera said this is perceived that this is an attempt at a power grab.

Mr. Brady said this is about administrative authority to manage the day to day employee conditions of the Town.

His issue is the ability of the town administrator to utilize the executive authority as adopted by the Charter.

Mr. Viera said some previous town administrators have flip flopped in making reappointments based on who was in the audience.

Mr. Brady felt they should all respect the one professional hired and paid to manage the town effectively.

Mr. Barker said there should never be a problem about meeting deadlines as mandated by the State. If that happens, the boards should get involved and talk to the person responsible.

Mr. Cadime said, from an organizational standpoint, they have got to talk about what happens if the boards do not agree.

Mr. Barker felt that collaboration and communication are very important. He suggested a task force to look at ideas and put together a package.

Mr. Wallace said that hiring should be vetted between the board and Town Administrator. He felt that administration of the building and personnel should be under the Town Administrator.

Mr. Andrade said there are basically two proposals coming from the Board right now.

1. The boards and Town Administrator come together and finalize the selection of the candidate.
2. The Town Administrator interviews, makes a recommendation to the various boards. Those members decide and appoint.

Mr. Sullivan said that State statute grants the Planning Board the authority and right to hire and maintain. He agreed that representatives of the boards should sit down and try to work it out. He is not prepared to endorse any policy tonight.

Mr. Grant said the problem is that the town administrator does not have the day to day responsibilities for this building.

Planning Board Chairman Neil Abelson arrived late. He said he was involved in the selection of the last two planning directors. The Planning Board interviewed the candidates and brought four candidates to the Board of Selectmen.

Chairman Parker clarified that the Board of Selectmen, with the exception of one, is in agreement that those boards do the hiring and appointments based on the Town Administrator's recommendation.

Mr. Viera felt there should be another avenue to make sure they hire the right person.

Mr. Cadime said his concern is that his recommendation only matters if it is the same as the boards. The town administrator is in charge and should have the ability to make a recommendation.

He agreed there needs to be a safety net. There is a difference between hiring someone if they are qualified or based on personal likes or dislikes.

Atty. Goldberg said there is a check and balance already in the town.

She can prepare a document that would give them all confidence and reassurance that they are talking about and does present a process that ends with the Board of Selectmen.

Mr. Sagar asked about taking appointment powers from everybody and allowing the town administrator to make all appointments.

Mr. Brady felt that should be a ballot question. It would be changing the form of government.

Mr. Viera said it would make the boards ineffective as far as their employees.

Atty. Goldberg will get back to Mr. Cadime by next Monday. These boards would meet with the Board of Selectmen on September 17.

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Consider Approval of Regular Session Minutes of July 16, 2014

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was

VOTED: 4 Ayes; 1 Abstention; To accept the regular session minutes of July 16, 2014.

The vote: Mr. Sagar – Aye; Mr. Almeida – Aye; Mr. Andrade – Aye; Chairman Parker – Aye; Mr. Brady – Abstained.

COMMUNITY SPEAKS

None.

EXECUTIVE SESSION

At 8:02 p.m. Mr. Sagar motioned, seconded by Mr. Brady, to adjourn Regular Session and go into Executive Session for discussion and update on police union grievance in accordance with M.G.L. Chapter 30A, Section 21, Subsections 2 and 3 and to consider approval of Executive Session minutes of July 16, 2014; not to return to Open Session.

The vote: Mr. Sagar – Aye; Mr. Brady – Aye; Mr. Almeida – Aye; Mr. Andrade – Aye.

Chairman Parker would not take participate in Executive Session.

Respectfully submitted,

David Andrade, Clerk

Patricia Gamer, Secretary