

Sterling Town Government Study Committee

STGSC MEETING MINUTES

WEDNESDAY, JAN 4, 2012

7:00 PM, ROOM 201, BUTTERICK BLDG

Present: John Potter, Doris Bennett, Bob Dumont, Kathleen Mello, Jeff Donaldson, Don Murray, and Michael Radzicki

Bob spoke with Gregg Aubin. from the DPW re: meeting with the DPW board. We did not want to go public with our recommendations prior to meeting with them.

Doris indicated that a BOS is considered to be comparable to a CEO, not a Board of Directors. To indicate otherwise supports the added concern that the proposed re- naming of the TA's position is considered to be the Board of Selectman in town government under MGL C.7 and as such, manager of the town's business.

John asked about a time line to finish our report. Bob would like to try to do that in 2-4 weeks.

Bob, John and Jeff- will polish up the report by the end of month (January). The rest of the committee will look it over.

Timeline for completion:

Jan 30th- Draft completed

Feb 8th- deadline for the committee to send Jeff our comments

Feb 15th: Meeting

Committee will plan on getting on the BOS Agenda for January 18th.

Bob revisited the idea of a town planner- he would like the town to consider hiring a town planner (will work with the BOS, planning). Person to work on long range planning.

Mike brought up resources that are already available to the town that are not being utilized.

Mike to compose a Section 13 to the draft report regarding planning. Mike to speak with the MRPC regarding resources available.

Doris will draft a section 14 regarding code of Ethics.

**Robert Dumont- Chair, Donlin K. Murray -Vice- Chair, Kathleen Mello –Clerk,
Doris Bennett, Jeffrey L. Donaldson, John Potter, Michael J. Radzicki**

Doris Bennett's Comments: DMB COMMENTS TO 1/1/2012 STGSC DRAFT REPORT & REC'S

The Warrant Article requires that the detailed written report include our findings. I've gone through my records of the meetings once again, have expanded upon the list of key comments provided some months ago, and believe it should be included as an Attachment to the report.

Also, please make certain throughout this report, that as to those sections where there is not a full consensus, that instead of saying "we", the report refer to the "majority of the Committee"....

1. Number of Selectmen- As a Committee, we should be prepared to make an outright recommendation as to whether the BOS stays at 3 or goes to 5, rather than the Town give "serious consideration" to increasing the number, especially if any town meeting votes are taken re. this report, which should only be done provision by provision.

Recommend making the first reason for increasing the BOS to 5, that it will reduce the chances of having a polarized BOS as we've experienced in past years. I think © should be the 2nd priority, (e) the 3rd, and (d) be deleted.

2. Role of BOS As discussed previously and in keeping with the fact that we are not recommending that this Town go to a TM-form of government, the BOS should continue to be the CEO, not a BOD. In addition, we should define when insertion of the BOS into admin. and personnel affairs must and should be done.

The extent and level of "management authority" which we're recommending that the BOS exercise should be much more clearly defined. If the majority of this Committee is prepared to give the TA some level of management authority, it should be specified and limited, rather than left up to the BOS to decide, especially if you're going to recommend a Charter. The people, not the BOS, should control what the TA can and can't do with the Town's money, assets and risk assumption. TA's responsibilities should not be defined in terms of what the BOS does and doesn't want to take on itself, but that's what this draft does!

3. Powers of TA –Recommend deleting 3rd & 4th sentences, since the frustrations expressed were not with the position but with the person. Line 5; end with "responsibilities." 6th sentence is inaccurate, because there are no inherent powers in the position as it exists for Sterling. The TA is an Exec. Secretary; the Articles of Inc. or a Charter would have to be implemented to adopt some of these recommendations. This needs to be explained in the report so that the people understand what they are and are not willing to vote for. In addition, the MMA advised that Charters can and will supersede existing by-laws.

4. Committee Appointments: I see no reason for deleting the section which describes how FinCom (and certain others) are appointed, with the caveat that there should be a general solicitation to make certain that the best people are chosen. When we discussed this, it was not my understanding that the "general solicitation" would replace the who and how e.g. the FC is picked.

5. Don't disagree with bottom line, but too much appears to have been (inadvertently) deleted.

6(b) this should be revised to clarify that the need to "centralize" is only with respect to this DPW Board

6. (d) I do not support this recommendation, so please indicate that the majority is making this recommendation. In addition, I think there should be an explanation as to why this recommendation is being made, since elimination of the PB is basically eliminating the people's voice in this area-they should know this.

**Robert Dumont- Chair, Donlin K. Murray -Vice- Chair, Kathleen Mello –Clerk,
Doris Bennett, Jeffrey L. Donaldson, John Potter, Michael J. Radzicki**

7. This provision is misleading. Modifying our Articles of Incorporation, or filing a Special Act is necessary if the Town wants the TA position to be anything other than an Executive Secretary...let's be honest about this. Please change this to read that the majority of the Committee is recommending this...

Appendix B- Given the fact that Section 2 still defines the BOS in terms of it being a quasi BOD instead of a CEO, the proposed new "structure" is placing the TA in the position of being the CEO instead...for all intents and purposes; the capability/structure of having a "TM" once the current person is replaced... See MGL C. 43 S. 7, Third A, and Fifth A & B. I support finding a new TA, but not the structure that is being proposed. Again, there's no way people are going to know/understand what is being proposed based on this approach for the people's sake...

Lastly, and for the record, I advised this Committee at the beginning of our debate, that I had asked Sushchuk in public session whether this Committee would be charged with assessing the TA's position, and he said "No." In my honest opinion, the Article reflects this. However, I've confirmed that there is no tape or DVD of that meeting, because broadcasting BOS meetings did not start until Oct. 2009. Therefore, there's no way of proving what Sushchuk did and didn't say, on that score. Town Counsel's opinion re. both "paid employees" and whether we are authorized to propose a "Special Act" is what it is, and while I don't agree with his conclusions and am surprised that

He did not recuse himself under the circumstances; I'll consider this issue closed.

Motion to adjourn: 8:30pm

Kathleen to book the room for January 18 and February 15.

**Robert Dumont- Chair, Donlin K. Murray -Vice- Chair, Kathleen Mello –Clerk,
Doris Bennett, Jeffrey L. Donaldson, John Potter, Michael J. Radzicki**