



CHARTER REVIEW COMMITTEE

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-0632

Minutes, February 4, 2010

Present: Francis King; Donald Gauthier; John Bartosiewicz; Thomas Reilly, Jack Alicandro; Sandra Cristo; Michael O'Connor; Leslie Vigneau; Kathy Anderson

Absent:

The meeting was called to order at 7:03 p.m. in the Town Hall.

Members reviewed the minutes from January 28, 2010, comments and concerns were addressed. A motion was made by D. Gauthier to accept the minutes, seconded by T. Reilly. Motion carried unanimously with a vote of 9-0.

Members discussed the issue of contracts given to town employees and the pros and cons.

Changes were made to Article 3 Section 3-1(g) to rescind the word "majority" and replace it back to the original word, "joint". A motion was made by M. O'Connor to accept the changes and seconded by T. Reilly. Motion carried unanimously with a vote of 9-0.

Changes were made to Article 8 Section 8-5(d) to remove the current text and replace it with "The position of administrative assistant to the board of selectmen was removed due to the revision of the charter". A motion was made by M. O'Connor to accept the changes and seconded by D. Gauthier. Motion carried unanimously with a vote of 9-0.

Changes were made throughout the charter to rescind the previous changes that were made which called for the title "town finance director" to replace "town treasurer and town accountant" and keep the original town treasurer and town accountant throughout the charter. A motion was made by K. Anderson to accept the changes and seconded M. O'Connor. Motion carried unanimously with a vote of 9-0.

M. O'Connor proposed the following changes to Article 8 Section 8-5(b) from:

"Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town manager shall, in addition to the qualifications as stated in section 4-1, have the following specific qualifications, (a) have at least an earned bachelor's level degree from a recognized, accredited college or university, (b) have

served full time as the chief administrative officer of a city or town (under any title) for not less than two years. The term "chief administrative officer" shall mean a person who has had major responsibilities in a municipality in most, if not all, of the following areas: general supervision and management of all administrative agencies of a city or town, but not including schools; direct involvement in the formulation of budget proposals for all municipal offices and agencies and the administration of the budget throughout the fiscal year; purchasing; personnel administration."

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"Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town manager shall, in addition to the qualifications as stated in section 4-1, have the following specific qualifications, (a) have at least an earned bachelor's level degree from a recognized, accredited college or university, **(b) have had major responsibilities in general supervision and management of all administrative agencies of a city or town or executive level management responsibilities in a private or public corporation with the direct involvement in the formulation of budget proposals and the administration of a budget throughout the fiscal year; purchasing; personnel administration and contract negotiations.**"

A motion was made by M. O'Connor to accept the changes and seconded by T. Reilly. Motion carried unanimously with a vote of 9-0.

M. O'Connor proposed the following changes to Article 8 Section 8-5(c) from:

"A screening committee shall consist of nine persons who shall be chosen as follows: the board of selectmen, the school committee, the board of assessors, the finance committee and the personnel board shall each designate one person, and four persons shall be chosen by the town moderator, at least one of whom shall have been a member of the charter commission. Persons chosen by said agencies may, but need not, be members of the agency by which they are designated: appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not later than the third Thursday in May, in the year in which the charter is adopted, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.

Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager. In the event the board of selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the town manager.

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

Until such time as some other provision is made, by by-law, for another screening committee, a committee as above shall be established whenever the office of town manager shall become vacant, provided, however, that in the third paragraph the phrase "thirty days following the date of such vacancy, or pending vacancy, becomes known," shall be substituted for the phrase "the third Thursday in May," and the provision requiring a former member of the charter commission to serve shall be void."

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"A screening committee shall consist of nine persons who shall be chosen as follows: the board of selectmen, the school committee, the board of assessors, the finance committee and the personnel board shall each designate one person, and four persons shall be chosen by the town moderator, at least one of whom shall have been a member of the charter commission. Persons chosen by said agencies may, but need not, be members of the agency by which they are designated: appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not later than thirty days following the date of such vacancy, or pending vacancy, becomes known, the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient. **The screening committee may request the board of selectmen engage the services of a professional search firm that will provide a set of qualified candidates for the screening committee to consider**

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.

Within thirty days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager. **In the event the board of selectmen shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, restart their search activities in order to provide a new list of qualified candidates to the board of selectmen within a new one hundred and fifty day period.**

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

Until such time as some other provision is made, by by-law, for another screening committee, a committee as above shall be established whenever the office of town manager shall become vacant”

A motion was made by M. O'Connor to accept the changes and seconded by T. Reilly. Motion carried unanimously with a vote of 9-0.

Members then discussed the option of having a public hearing for the town constituents on the town charter. A motion was to not hold a public hearing with a vote of 6-3.

Motion made by J. Alicandro to adjourn at 9:15 p.m. seconded by S. Cristo. Motion carried unanimously. The next scheduled meeting is on February 11, 2010 at 7:00 p.m. in the Town Hall.

Respectfully submitted,

John Bartosiewicz, Clerk, Charter Review Committee