



TOWN OF MILLIS

Peter C. Jurmain, *Chair*
Erin T. Underhill, *Vice Chair*
Craig W. Schultze, *Clerk*

OFFICE OF THE SELECT BOARD

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SELECT BOARD MEETING AGENDA

WEDNESDAY, OCTOBER 06, 2021; 10:00 AM

JOIN ZOOM MEETING AT: [HTTPS://US02WEB.ZOOM.US/J/8526387223](https://us02web.zoom.us/j/8526387223)

	Topic	Time	Speaker
I.	Call to Order	10:00 AM	Chair Jurmain
II.	Announcements		
III.	Open Session Items		
21-264	Vote to Open Fall Town Meeting Warrant		Chair Jurmain
21-265	Discuss Amending/Adding/Removing Warrant Articles for Fall Town Meeting		Chair Jurmain
21-266	Vote to Close Fall Town Meeting Warrant		Chair Jurmain
IV.	Adjournment		

Karen Bouret DeMarzo

From: Peter Berube
Sent: Thursday, September 30, 2021 10:08 PM
To: Pete Jurmain; Erin T. Underhill; Craig Schultze
Cc: Karen Bouret DeMarzo; Jodie Garzon; Deirdre Gilmore
Subject: Draft Warrant, Article 9 Proposed Charter Changes

Dear Select Board Members,

The Finance Committee (FINCOM) convened on 29 Sep to consider the Warrant for the upcoming Fall Town Meeting. There was extensive discussion regarding Article 9 - Request Special Act - Town Charter Changes. Discussion was primarily focused on, but not limited to, the proposed changes to Section III-4: Town Administrator element of the article.

The FINCOM did NOT vote to recommend approval of the Article as currently written. Rather, we respectfully request the Select Board consider our recommendation to remove language from Section III-4 which reads as a detailed job description of the Town Administrator. While we agree the Town Charter ought be improved, we feel this level of detail is inadvisable.

We recommend the Select Board do not include detailed job descriptions; powers, duties, and responsibilities within the Town Charter. We have reservations about the proposed language because we feel it unnecessarily constrains the Select Board in its oversight of the Town Administrator. If the Select Board were ever to deem it necessary to add, remove or alter the Town Administrators job description, it would likely entail a change to the Town Charter. We feel the SB should be able to make changes to the TA's job description if/as appropriate without going through town meeting/state legislature/town ballot.

The FINCOM voted to recommend changing the title of the "Finance Committee" to "Finance and Warrant Committee". (ref Charter Section II-8)

All other elements of Article 9 were voted to be recommended by the FINCOM. My intent is to provide this feedback, afford time to the SB to consider our recommendations above and act as SB deems appropriate. The FINCOM would then reconsider the two elements above again. Once the FINCOM has voted all elements, we would vote the whole article (with or without our recommended changes).

Thank you for your consideration.

Very Respectfully,
Peter Berube
Chairperson, Finance Committee

3. Exemptions:

a. In the event that a property owner has installed a new complying septic system between January 1, 2016 and January 1, 2021, such property owner shall not be required to connect to the sewer system for a period of 10 years from the septic system's installation date. Upon the expiration of such ten-year period, or in the event that the property is sold or otherwise transferred prior thereto, or upon the failure of said system under Title V, whichever comes first, the owner or occupant will be required to connect to the municipal sewer system.

b. In the event that genuine financial hardship precludes a property owner from connecting to the sewer system, said property owner may apply to the Sewer Commissioners for an extension for an extension of time to connect to the sewer system, to be for not more than three (3) years. It shall be the property owner's burden to demonstrate such hardship and the granting of an exemption shall be at the sole discretion of the sewer commissioners and then only for one time.

4. Regulations: The Sewer Commissioners may adopt regulations for the implementation of this Bylaw.

Or take any other action in relation thereto.

(Submitted by Select Board)

ARTICLE 8. To see if the Town will vote to amend ARTICLE 1, Section 7.1 B of the Town's Stormwater Regulations by adding subsection 10 as follows:

"10. Setting bottom floor elevation of buildings a minimum of 2 feet above Seasonal High Groundwater Elevation (SHGWE)."

take any other action related thereto

(Submitted by Board of Health)

ARTICLE 9. To see if the Town will vote to petition the Massachusetts General Court to file for Special Legislation to amend the Town of Millis Charter, as follows:

Section II-7: Presiding Officer

By adding the language: The Moderator may appoint a Deputy Moderator at their discretion, if they are not able to attend a Town Meeting,

duties of the town administrator shall include, but are not intended to be limited to the following:

(a) To supervise, direct, and be responsible for the efficient administration of all functions and activities for which the office of town administrator is given authority, responsibility or control by this Charter, by by-law, by town meeting vote, by vote of the select board, or otherwise.

(b) To appoint, and in appropriate circumstances, to remove, subject to ratification by the Select Board, all department heads, officers, and employees for whom no other method of selection is provided by this Charter, including but not limited to, the chief of police, fire chief, director of public works, town accountant, town treasurer, town collector, assistant assessor, building commissioner, health director, senior director, IT Director, and recreation director, except employees of the school department. Except as otherwise provided herein, all offices under the supervision of the town administrator as set forth in this section shall have the powers and duties set forth in the General Laws, the town bylaws and this Charter.

(c) To be entrusted with the administration of the town personnel system; to administer the personnel policies and procedures and rules and regulations; and to administer the personnel by-law, the personnel plan, and collective bargaining agreements entered into by the town.

(d) To attend all regular and special meetings of the select board, including executive sessions, unless excused in advance by the chair of said board, and shall have a voice, but no vote, in all its proceedings. However, the select board shall in no way be prohibited from conducting a meeting because of the lack of attendance of the town administrator.

(e) To ensure that full and complete records of the financial and administrative activities of the town are kept.

(f) To keep the select board fully advised as to the needs of the town and recommend to the select board and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient. The town administrator shall keep the select board informed regarding issues affecting the administration and governance of the town, in a timely manner.

(g) The town administrator shall be responsible for the maintenance, repair, and use, of all town land and buildings which fall under the jurisdiction of the select board.

(h) To prepare and present to the select board an annual operating budget for the town; and to work in conjunction with the capital planning committee and the finance director to prepare a proposed capital improvement plan for the five (5) fiscal years next ensuing.

- (i) To negotiate, on behalf of the select board, all personnel contracts and collective bargaining agreements involving any subject within the jurisdiction of the office of the town administrator or select board, including contracts with town employees involving wages, hours and other terms and conditions of employment. All such contracts and agreements shall be subject to the approval of the select board.
- (j) To be the chief procurement officer for the town, in accordance with the provisions of the Massachusetts General Laws, and to appoint such assistant procurement officers as provided in Chapter 30B of the Massachusetts General Laws.
- (k) To see that the provisions of the general laws, this Charter, town by-laws, votes of the town meeting and of the select board which require enforcement by the town administrator are faithfully executed, performed or otherwise carried out.
- (l) To prosecute, defend and compromise, subject to the approval of the select board, all litigation to which the town is a party.
- (m) To inquire and make investigation, at any time, into the conduct and operation of office or performance of duties of any officer or employee, department, board, commission or other town agency.
- (n) To attend all sessions of all town meetings, unless excused in advance by the chair of the select board, and respond, as directed by the Moderator, to questions raised by voters which relate to warrant articles and to matters over which the town administrator exercises any supervision.
- (o) To coordinate the activities of all town agencies serving under the office of the town administrator and the office of the select board with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town. The town administrator shall have the right to attend and speak at any public meeting of any multiple membership body.
- (p) To seek out and work to obtain resources from federal, state and other governmental jurisdictions that further town purposes.
- (q) To approve all payroll and expense warrants for payment of town funds. Such approval shall be sufficient authority to authorize payment of the same by the town treasurer. In the event of the absence of the town administrator, the select board shall approve such warrants. If a vacancy exists in the office of town administrator, the select board shall approve all such warrants, or, may delegate such responsibility to a temporary town administrator appointed pursuant to Subsection 3 of Article III Section III-4.

(r) To perform any other duties as are required to be performed by the town administrator by by-laws, administrative code, votes of the town meeting, or votes of the select board, or otherwise.

Subsection 2: ACTING TOWN ADMINISTRATOR

(a) Temporary Absence - With the approval of the select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during an absence of the town administrator of not more than twenty (20) days, including Saturdays, Sundays and holidays. Such delegation shall be made by letter filed with the town clerk, the municipal finance director, and the select board.

(b) Powers and Duties - The powers and duties of the temporary or acting town administrator, under subsection (a), above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments, and designations, or to effectuate terminations.

(c) Interim Town Administrator. In the event of resignation or termination of the Town Administrator, the select board may appoint an Interim Town Administrator to serve in such position until a permanent Town Administrator is appointed. Such Interim Town Administrator shall have all the powers of the Town Administrator, except as may be limited by the engagement with the Select Board.

Section IV-2: Other Elected Officers

By amending the language as follows:

- a. The Town Clerk shall be appointed, with said appointment to be made following the end of the term of Town Clerk who was elected as of the date of this amendment.

Or take any other action related thereto.

(Submitted by Select Board)

ARTICLE 10. To see if the Town will vote to transfer from available funds the sum of \$40,000 for tree trimming and removal, or take any other action related thereto.

(Submitted by Select Board)