

Memo

To: Board of Selectmen, Board of Health, Planning Board, Conservation Commission, Zoning Board of Appeals, Building Commissioner

From: Keith A. Bergman, Town Administrator

Date: August 26, 2009

Re: Reviewing Organizational Structure of Regulatory Staff

Please know that, at its meeting on August 24, 2009, the Board of Selectmen unanimously voted to have the Town Administrator, in conjunction with the Board of Selectmen, meet with representatives of the Conservation Commission, Zoning Board of Appeals, Board of Health, Planning Board, and the Building Commissioner, to explore reorganization options for the regulatory staff, including a proposal for a consolidated department of municipal inspections under MGL C. 43C, §13. Selectmen Joe Knox and Jim Karr will represent the Board of Selectmen on this initiative, which is meant to address the Selectmen's FY 2010 goal of continuing, not only to implement recommendations of the Town Government Study Committee (TGSC), but also to review other organizational structure issues raised in the past.

I would suggest we convene an initial meeting for **Tuesday, September 15, 2009 at 7 PM**, if that day and time are convenient for representatives of the regulatory boards.

* * *

In implementing recommendations of the Town Government Study Committee, we have moved all of the regulatory staff from disparate locations throughout the Town Office Building into a common office suite on the third floor, while providing the public with a single location for applying for all local regulatory permits. In our discussions, we can look at ways to build upon this progress and take it to the next level.

While the regulatory staff is sharing office space, there is no single on-site staff-level supervisor who could ensure coordination among the staff and the boards they serve. Rather, most staff members are part-time administrative or clerical positions each reporting to their own part-time multi-member board that meets only for a few hours several times a month.

This is a systemic problem, which may be best addressed by a systemic solution of all regulatory staff being appointed by and reporting to a single staff supervisor. This would not only allow for better coordination between the regulatory staff but also for

performance and personnel/ human resources issues to be handled by a supervisor that is not subject to the Open Meeting Law (as a multi-member board must be),

For the long term, there is two-step mechanism by which the Town could have all the regulatory staff be appointed and supervised by a single staff member, rather than by a number of different boards, ***while also ensuring that assignment of particular staff to work with a particular board would also be subject to the approval of that board.***

By (1) ballot question and (2) town meeting by-law amendment, the Town could adopt the optional form of government for a consolidated Department of Municipal Inspections under MGL C.43C,§13. In so doing, we would be following a trail successfully blazed in 2007 when the Town adopted a consolidated department of municipal finance under MGL C.43C,§11, headed by director of municipal finance Bonnie Holston.

Under a consolidated department of municipal inspections, the fundamental mission of the regulatory staff would be unchanged. The staff provides services to the boards whom they serve, and to the public. The staff supervisor's role would be to ensure that this mission is carried out in a coordinated fashion.

Under the proposed draft by-law I have prepared for our discussion (see attached), the director of municipal inspections could either be the Town Administrator or a senior staff member appointed by the TA. It does not involve the hiring of any additional staff, only a reorganization of the existing staff. Importantly, the assignment of staff to a particular regulatory board would be subject to the approval of said board. When new staff hires are made, the director and regulatory board could jointly interview job applicants.

With no elections scheduled until May 2009, however, it would take a year or so to fully implement a consolidated department under MGL C.43C.

In the meantime, a series of Memoranda of Agreement between the Board of Selectmen and the several regulatory boards could be used to provide for common supervision of staff by a single on-site supervisor. As a first step in this direction, on August 24, 2009, the Board of Selectmen approved an exception to the hiring freeze policy so that part-time hours for the ZBA administrative assistant could be filled, *with that approval conditioned upon the execution of a Memorandum of Agreement between the Board of Selectmen and the ZBA relative to the assignment of said hours to an existing part-time employee who shall be under the supervision of the Town Administrator or his designee.* The form of the agreement approved by the Board of Selectmen is attached. It also requires a vote of the Zoning Board of Appeals in order to take effect.

Looking forward to our discussions. Please let me know what questions you have.

Thanks very much.

Enclosures