

# BOARD OF SELECTMEN – TOWN OF NATICK

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## MEETING MINUTES

EDWARD H. DLOTT MEETING ROOM – NATICK TOWN HALL

DECEMBER 13, 2018

6:00 PM

**PRESENT:** Chair Amy K. Mistrot, Vice Chair Susan G. Salamoff, Clerk Michael J. Hickey, Jr., Jonathan H. Freedman, and Richard P. Jennett, Jr.

**ALSO PRESENT:** Town Administrator Melissa A. Malone and Executive Assistant Trish O'Neil

The Chairman called the meeting to order at 6:09 p.m., noting that a quorum was present and that the meeting had been duly posted. The Pledge of Allegiance was recited and a moment of silence was observed for those protecting our country.

### CITIZEN'S CONCERNS

None.

### REQUESTED ACTION

Approve Senior Parking Permit Rate: Per her memo, the Director of the Council on Aging has recommended that the senior parking permit fee for a person 65 years of age or older and a Natick resident remain at \$3. Moved by Ms. Salamoff and seconded by Mr. Jennett, the Board voted 5-0-0 in favor of the \$3 fee.

### DISCUSSION AND DECISION

Review Facilities Director Proposed Job Description: Noting that a stalemate had been reached at the last meeting, Ms. Mistrot wanted to bring the topic forward again in a new context, believing that a consensus can be arrived at. The Town Administrator's proposal, as evidenced by the new job description she has provided, is for a unilateral reporting structure but the concerns of the School Committee have been noted. The United States Army Soldier Systems Service has approached the Town in hopes of participating in a joint agreement that would benefit the Town and the Army Labs. Though Natick has taken a joint facilities approach dating back to 2012, efficiency has not been its strong suit. Ms. Salamoff noted that the last two facilities directors had difficulty with answering to two bosses – the School Superintendent and the Town Administrator. Ms. Malone stated that there has been a significant problem in that the reporting structure has led to problems and hampered the appropriate maintenance of buildings as nothing was operationalized, standardized, or optimized. Ms. Malone stated there is also a temporal issue in that the capital plan has been posted, the budget is being put together, and there is an opportunity with Army Labs that would be good for the Town. Mr. Hickey asked Ms. Malone how the new and the old job descriptions differ since they appear to him to be almost identical. Ms. Malone said that the statement of duties provides more clarity that was missing in the prior description: the director must coordinate services with either a school principal or designee, the director will provide updates to the Superintendent of Schools, and the day-to-day supervision structure will be modified, and OSHA and other fed regulations are now included. With a variety of third parties to work with, including the various entities that lease Town spaces, and potential new capital partnerships, Ms. Malone stated, it is important that the new director have education and experience that includes 10 years of direct management of union and nonunion personnel, five years of oversight of a \$10 million-plus capital plan, and be a veteran given the structure of the job and potential partners. When asked what the disagreement is with the schools, Ms. Malone said it is fundamentally about the supervision aspect. Ms. Mistrot stated that since there are no standard operating procedures in place, there is a good deal of ambiguity about how things will happen, in what order, and with what priority, and all of this leads to anxiety. As well, the shift from dual to single reporting leaves the School Department feeling exposed with questions as to how issues will be resolved.

Mr. Hickey noted he had no problem with a single reporting structure, but pointed out that, legally, the Town and the School Department have a Memorandum of Agreement (MOA) that has to be adhered to and the more important task is to agree on a job description and get the job posted. Ms. Malone stated that if the School Superintendent and she could not agree on a candidate, they would be back to square one, to which Mr. Hickey responded that the two will have to work together to adjust the MOA at a later time, but progress could still be made by posting the job description

and getting a qualified facilities director on board as soon as possible. Regardless of what is listed in the job description, it is superseded by the MOA until such time as the MOA is adjusted. Ms. Mistrot shared the context that in the past the strongest candidates have not been hired because of disagreement between the members of the Joint Facilities Board, i.e., the Town Administrator and the School Superintendent.

Mr. Jennett asked how the title of "Strategic Capital Partnerships" impacts the job description. Ms. Malone stated that there are existing third parties that use the Town's facilities, and the Town is responsible for the maintenance of those facilities, and there are other opportunities for capital partnerships for which the Town will need guidance and management. Ms. Malone felt that she did not think it was fair to ask the Town's existing directors and deputies to take up those tasks given the complex needs of the Town. Mr. Jennett agreed with Mr. Hickey that the MOA is ultimately what will dictate the path forward, though he stated he does agree with a single reporting structure. Even if described differently in a job description, the person hired would still have to operate under the existing MOA. Ms. Mistrot asked if there was support for the single reporting structure.

Lisa Tabenkin, School Committee Chair, stated that Ms. Mistrot had given a directive at a previous meeting that there was to be collaboration on this job description but that did not happen. There are things the Superintendent feels are important to include in the job description and other things that must be included in the job description per Massachusetts General Laws. Ms. Tabenkin stated that the School Committee does not support a single reporting structure.

Andy Meyer of the Joint Facilities Committee voiced concern that the Board of Selectmen and the School Committee are diametrically opposed but there is an opportunity for good faith negotiating. Understanding that Ms. Malone is the COO of the Town, a comfort level much be reached by the School Committee, which is obligated by the state law to be involved in school-related projects, updates on status, and input on emergency management. The Superintendent wants to be sure that voice is heard. Mr. Meyer felt that both sides should compromise and work together to negotiate in good faith with improved communication.

Elise Gorset of 31 Beacon Street stated the priority should be to get a facilities director in place, not the reporting structure. She felt there was no urgency to institute a single reporting structure and noted that dual reporting structures are quite common. Ms. Gorset questioned why the single reporting structure has become the priority when getting a person in place should be the priority.

Donna Mackenzie, Town Meeting Member and School Committee Member, stated she voted for the MOA when it was put in place, concurring with Mr. Hickey and Mr. Jennett that the MOA is a legal document and must be renegotiated if changes are to be made.

Ms. Mistrot stated that tonight's meeting was not meant to discuss the MOA but simply to gauge whether the Board supports the Town Administrator's proposal for a unilateral supporting structure. She reiterated that the commitment is to work with the School Committee collaboratively and stated that an understanding of the Board's orientation regarding the reporting structure is needed in order to form the next steps to ensure that things will work well for both sides.

Mr. Hickey noted that the agenda listed the proposed job description, but the only thing being discussed is the reporting structure, an issue that can be neutralized if it is not mentioned in the job description at all.

Ms. Malone stated there is no attempt being made to conflict with Massachusetts General Laws even if not mentioned specifically. All federal and state laws would be applicable to the job description.

Mr. Jennett moved that the Board support the Town Administration in posting a job description that will yield a professional facilities manager.

Feeling that Mr. Jennett's motion was too broad, Ms. Mistrot moved that the Board support the Town Administrator's desire to create a single reporting facilities structure in collaboration with and respect for multiple departments that will be served under this structure.

Ms. Salamoff seconded Ms. Mistrot's motion and asked to amend it by including the job title proposed by Ms. Malone: Director of Facilities Management/Strategic Capital Partnerships. Further discussion among the Board Members resulted in Ms. Salamoff withdrawing her motion to include the new job title.

After a few other attempts at amending the motion, the final motion by Ms. Mistrot, seconded by Ms. Salamoff, was to support the Town Administrator's desire to create a single facilities management reporting structure in collaboration with and respect for all Town departments, including the School Department, that will be served under this structure.

Mr. Hickey asked if supporting this motion would support the job description as written, noting that he had been prepared to deal with the job description subject to discussing changes with the School Department and leaving the supervisory structure for inclusion in a revised MOA. Ms. Mistrot said it would not, that the focus was simply on the reporting structure. Mr. Hickey stated he felt the reporting structure was separate from the job description.

The Board voted 4-1-0 in favor of Ms. Mistrot's motion, Mr. Hickey casting the dissenting vote, noting that he did not like the process or the sequencing.

Mr. Jennett asked if the job would be posted before the Board meets again and was told it would be unlikely.

### **SELECTMEN'S CONCERNS**

Mr. Jennett raised the topic of holiday hours in Town Hall, having heard from a number of people about their frustration that the Administration is stepping away from the closing early on Christmas Eve and New Year's Eve after many, many years of having done so. His understanding was that the new policy would be for Town Hall to close at 5:00 p.m. on both days, the Town Administrator feeling that it would be important for citizens to have the opportunity to do business at Town Hall all day. Mr. Jennett said he did not agree because he did not believe anyone would be showing up to pay their tax bills on those days. Mr. Jennett stated that employees, as well as citizens, would like to plan their holiday schedules and notice should be provided as to Town Hall hours sooner than later. He asked Ms. Malone to consider closing at 1:00 p.m. on both days, as has been the practice for many years, in order that employees may enjoy holiday time with their families.

Ms. Malone stated that there are contractual issues at stake. Some bargaining groups have specified closing times in their contracts on specified days and others do not and, over the years, this has created a great deal of consternation among employees because some are allowed to leave earlier than others. She noted that on Thanksgiving Eve, employees asked to leave early but Town Hall was very busy until about 3:00 p.m. There is also an issue whereby some employees will request those days off and then will want to modify their vacation usage if the building is closed on those days.

Ms. Mistrot stated that she would work with Ms. Malone, Dr. Nolin, and Ms. Tabenkin on next steps and will have a more holistic conversation and the facilities director position.

### **ADJOURNMENT**

On a motion by Mr. Jennett, seconded by Mr. Hickey, the Board voted 5-0-0 to adjourn at 7:28 p.m. as confirmed by the following roll call vote:

Ms. Mistrot	Yes
Ms. Salamoff	Yes
Mr. Hickey	Yes
Mr. Freedman	Yes
Mr. Jennett	Yes

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Michael J. Hickey, Jr., Clerk

Submitted by Trish O'Neil, Executive Assistant

December 13, 2018 Board of Selectmen Meeting Minutes Approved by the Board of Selectmen on \_\_\_\_\_

**All documents used at this Board of Selectmen meeting are available at:**

<https://naticktown.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=598&MinutesMeetingID=-1&doctype=Agenda>