

MINUTES
SHARON SELECT BOARD
February 7, 2023

The meeting of the Sharon Select Board was called to order at 6:00 pm by Select Board Chair Hanna Switekowski virtually by Zoom. Select Board members Emily Smith-Lee and Kiana Pierre-Louis were in attendance as were Town Administrator Frederic E. Turkington, Jr. and Assistant Town Administrator Lauren Barnes.

Public comment period

A resident wished to make the following two announcements.

- The Municipal Solar Oversight Committee will hold a public meeting on Monday February 27 at 7pm. Details can be found on the Town of Sharon website.
- Second, the Sharon Green Day event will be held on Sunday May 7 from 12-4 at Sharon High School.

DEIC Update

Ms. Wendy Alexis Janvier, DEIC Chair, provided the Board with an update on the current initiatives being undertaken by the Committee. It was explained that in the spring of 2022, a resident shared concerns with the Committee that the resident felt they were being verbally attacked on social media by a resident appointed to a Sharon Committee. Ms. Janvier has circulated a draft policy which was included with the Board's meeting materials for their review in advance of tonight's meeting. It is hoped that the policy will be completed then reviewed by Town Counsel and finalized by the Select Board. A request was made to share the draft with the School Committee so they could vet with their counsel as well.

The Board also heard an update on the Committee's desire to amend the charge, particularly around the word "ensure". It is felt that the term intimates a level of certainty that the Committee may not be able to attain, thus DEIC prefers to use the term "advocate." Members of the Board had differing opinions on the efficacy of the both terms and wished to give additional thought to possible options. The Board agreed to revisit the topic at a future meeting in the spring.

Human Resources Policies

Ms. Barnes updated the Select Board on the background and basis for the information provided with the meeting materials. The Town has engaged HR Key Solutions. These policies will become the basis for an employee handbook. Ms. Barnes explained that a decision is not needed at this time, rather this is a preliminary review. She went on to describe the ten policies proposed at this time.

The Governance Study Committee recommended that the Personnel Board be eliminated, and the Personnel Bylaw be amended.

An option is to propose an article to eliminate the Personnel Board, delete the Personnel Bylaw, return the Board's powers and duties to the Select Board, and where applicable, shift some operating and administrative responsibility to the Town Administrator. This has nothing to do with the qualifications or dedication of the current Personnel Board members; rather, this is solely a professional decision based on several objective factors.

When the Personnel Board was first established in the late 1950s, Sharon had neither a Town Administrator nor staff assigned to perform human resources tasks. The Personnel Board was originally created to serve as a liaison between department heads, committees, and boards to address personnel matters. However, Sharon now employs a full-time Town Administrator and has staff assigned with human resources tasks. This is an area that required in-house professionalization due to its increasing complexity. Therefore, supervisory positions are in place, who are trained to handle employment, labor, data, and meeting laws. This type of experience and daily involvement in personnel matters was simply nonexistent when the Personnel Board was created.

Much has changed since the Personnel Board was established. Municipal employees have more employment rights and protections under the law, and government entities are subject to a much higher standard (and much higher monetary damages) compared to the laws that were in place nearly 70 years ago. Human Resource administration involves a strong working knowledge of many personnel related laws including the Fair Labor Standards Act, the American with Disabilities Act, the Family Medical Leave Act, confidentiality and privacy laws, the Age Discrimination in Employment Act as well as an understanding of the public benefits statute (MGL c32B), public retirement statute (MGL c32) and the collective bargaining statute (MGL c150E). As employment laws are changing constantly, we need to be mindful about the Town's potential exposure to liability in this area. As the Chief Executive Board of the Town, the Select Board has the motivation to ensure that the operations of the town run efficiently and with the best possible team in place. They additionally have budget and revenue items to consider with each of the policy items put in front them. Additionally, the Select Board is the entity against which professional liability and human resources claims are made.

In 1982, the Personnel Bylaw was adopted by Town Meeting (we are still researching whether it has been updated since then). Today, the responsibilities of the Personnel Board, for practical purposes, is to sponsor and make recommendations to Town Meeting on adoption or amendment of various personnel articles and adjustments to the salary schedules and to make changes to job descriptions. The Personnel Board has historically acted on the Town Administrator's recommendations and the Select Board can certainly take on this function as needed and appropriate.

In a review of the Personnel Bylaw, we determined that Select Board policies could be crafted to address any matters not covered by the Town's nine (9) collective bargaining agreements. Most town employees are covered under collective bargaining agreements, and those who are not (approximately 15 out of 155 employees), including the executive group, will be covered by policies and employment agreements.

If we were to move ahead, the article related to staff compensation (formerly known as the Personnel Bylaw article) would still be offered and would follow the same review process: the Select Board would now sponsor the article, with a review by the Finance Committee and ultimately approval by Town Meeting.

Chapter	Section Purpose	Action
1	Purpose and Policies	N/A
2	Personnel Board	N/A
3	Classification System	Policy/CBA
4	Compensation System	Policy/CBA
5	Probationary Period	Policy/CBA
6	Hours of Work	Policy/CBA
7	Leave	Policy/CBA
8	Recruitment, Selection and Appointment of Employees other than Police Officers	Policy
9	Recruitment, Selection and Appointment of Police Officers	Policy
10	Promotion, Demotion, Transfer and Separation	CBA
11	Performance Evaluation	Policy/CBA/EA
12	Disciplinary Actions	Policy/CBA/EA
13	Conduct of Employees	Policy
14	Grievance and Discrimination Complaint Procedures	Policy
15	General Provisions	Policy
16	Definitions	N/A
17	Miscellaneous	N/A

Key: CBA – collective bargaining agreement
EA – employment agreement

The Board expressed their appreciation for this effort and would like to review the materials provided more deeply. Ms. Barnes reminded the Board that state paid family leave does not apply to municipalities. Mr. Turkington stated that he appreciates the expertise of the Personnel Board and will seek the Board's opinion as the process progresses.

Policy for election of Board and Committee officers

The impetus for this action was sparked by the failure of the SSBC selection Committee to timely meet to consider appointments to fill expiring terms and a resigned position that was effective December 31, 2022. The SSBC met as planned on January 3 and 17 and transacted business with hold-over appointees (one vacancy) and on January 3 elected officers and set rules of conduct at an organizational meeting. Mr. King and others object to disenfranchising potential new members to the committee if those seats were filled after January 3 with new members who would have no say in the conduct of the committee. Further, it sent a signal that new applicants were not likely to be seriously considered over current members seeking reappointment.

It seems the purpose of the petition was to impact all boards and committees in setting forth an expectation that organizational meetings would only be held after expiring terms were filled, not just those specifically delineated in Section 12 of the by-law, Finance Committee, Sharon Standing Building Committee, Planning Board, Council on Aging Advisory Board, Community Preservation Committee, and Priorities Committee. Interestingly, the insertion of the policy into the bylaw would apply only to those committees listed in Section 12 - it applies to only one elected board, the Planning Board, while omitting School Committee, Board of Assessors, Library Trustees and Select Board. The approach taken by the petitioners' article means the policy wouldn't apply to most regulatory bodies including ZBA, Conservation Commission, Historical Commission, and the Board of Health. I believe the application to the Priorities Committee process is unnecessary given that the committee is filled by representatives of the three major boards and a rotation of chairing the meeting is already established. Capital Outlay is similarly constituted and is not included by the petitioned article. Like Priorities, CPC meets in the fall and winter to consider proposals, long after seats are filled by boards who appoint citizens to represent them. The Council on Aging Advisory Board has a similar advisory role to departments under the jurisdiction of the Select Board as the Recreation Advisory Committee and the Lake Massapoag Advisory Committee. This begs the question why should the policy include the former and not the two latter advisory committees?

As an alternative approach, Mr. Turkington suggested that the policy requirement included in the petitioners' article be included and adopted by the sponsoring boards as part of the amendments to both the proposed articles modifying other aspects of the Finance Committee and Sharon Standing Building text in Section 12. Doing so would accomplish the broader intent of the petitioners' article and allow that article to be placed at the end of the Warrant and passed over if the provision was included in the bylaw amendments for Finance Committee and Sharon Standing Building Committee.

It is recommended the Select Board vote to approve the following policy:

All committees appointed by the Select Board shall hold an organizational meeting each year to consider election of officers only after the appointment to fill seats of expiring terms is completed, typically June 30 and December 31.

MOTION: To adopt the following policy as discussed: all committees appointed by the Select Board shall hold an organizational meeting each year to consider election of officers only after the appointment to fill seats of expiring terms is completed, typically June 30 and December 31.

(Pierre-Louis – Smith-Lee) 3-0 **PASSES**

Switlekowski: AYE

Pierre-Louis: AYE

Smith-Lee: AYE

Bond note authorization

Mr. Turkington stated that borrowing was approved at 2022 Town meeting. This borrowing funds capital purchases at an interest rate of 2.7% due to the Town's positive credit rating. He explained that most of borrowing is for equipment purchases by the Department of Public Works, Fire Department, Police Department, School Department and for water main replacement.

Moved: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of borrowing authorized by the vote of the Town passed May 2, 2022 is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

Purpose Article Number Borrowing Amount Maximum Useful Life

<u>Purpose</u>	<u>Article Number</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Dump Truck	10B	\$255,000	15 Years
Trackless Multi-purpose			
Tractor	10B	\$200,000	15 Years
DPW Gas Fuel Tanks	10D	\$450,000	20 Years
Classroom Projectors	10I	\$112,000	10 Years
Classroom Audio Systems	10I	\$130,000	10 Years
School Radios and HVAC			
Equipment	10J	\$25,000	5 Years
Electrician Truck	10K	\$50,000	10 Years
Snow Removal Equipment	10K	\$26,000	10 Years
School Furniture	10L	\$40,000	8 Years
SPED Vehicles	10M	\$71,750	5 Years
Fire Department Gear	10P	\$125,000	10 Years

Further moved: that the sale of the \$3,770,000 General Obligation Municipal Purpose Loan of 2023 Bonds of the Town dated February 15, 2023 (the "Bonds") to Roosevelt & Cross, Inc. at the price of \$4,141,541.65 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2024	\$280,000	5.000%	2033	\$250,000	5.000%
2025	265,000	5.000	2034	155,000	4.000
2026	265,000	5.000	2035	155,000	3.000
2027	265,000	5.000	2036	155,000	3.000
2028	265,000	5.000	2037	155,000	3.125
2029	255,000	5.000	2038	155,000	3.250
2030	250,000	5.000	2039	100,000	3.250
2031	250,000	5.000	2040	100,000	3.375
2032	250,000	5.000	2042	200,000	3.500

Further moved: that the Bonds maturing on February 15, 2042 shall be subject to mandatory redemption or mature as follows:

<u>Year</u>	<u>Amount</u>
2041	\$100,000
2042*	\$100,000

* Maturity

Further moved: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 19, 2023 and a final Official Statement dated January 25, 2023 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further moved: that the Bonds shall be subject to redemption upon such terms and conditions as are set forth in the Official Statement.

Further moved: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further moved: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further moved: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further moved: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

(Smith-Lee - Pierre-Louis) 3-0 **PASSES**

Switekowski: AYE

Pierre-Louis: AYE

Smith-Lee: AYE

Consent Calendar

- I. Vote to approve the open session minutes of December 20, 2022 and January 10, 2023.
- II. Vote to approve the following banner request/requests:
 - a. SBYSA registration Sharon Youth Lacrosse registration, February 6-13, 2023 in 1st position
 - b. SBYSA registration Sharon Youth Lacrosse registration, February 20-27, 2023 in 2nd position
- III. Vote to discontinue use of AccuVote Tabulators and approve use of DS200 Tabulators for all Sharon elections per the provisions of MGL Chapter 54 Section 34
- IV. Vote to approve the employment contract with Michael Madden
- V. Vote to approve the following one-day liquor license
 - a. Lisa Einstein for a private event at Sharon Community Center Ballroom on May 6, 2023 from 5 to 10 pm

- VI. Vote to approve the following ice-cream vendor licenses for employees of Sweet Sixteen Ice Cream LLC through March 31, 2024
- Piper Fecteau
 - Charles Prenaveau
 - Sara Kalinsky
 - Evalina Kravits
 - David Gay

MOTION: To approve the consent calendar
(Pierre-Louis – Smith-Lee) 3-0 **PASSES**

Switlekowski: AYE
Pierre-Louis: AYE
Smith-Lee: AYE

Town Administrator's report

Mr. Turkington provided the following update:

We received / exchanged approximately 21 pieces of correspondence between Friday, December 16 and 6:00 p.m. on Thursday, January 5. Topics included:

- Notices and invitations: two submissions related to consideration of appointment to Town boards and committees;
- Email from Donald Williams updating peace pole initiative;
- Emails from and response regarding South Walpole Street truck ban;
- Two emails regarding MCAS student performance in Sharon as compared with other peer school districts;
- Email from and response on the process and website posting for considering reappointments of citizens to boards and committees;
- Several emails from and response SSBC and SSBC selection committee term of office, posting of notice of vacancies, minutes, resumes of candidates considered for appointment, and lack of listing on Town website;
- Two emails urging Town officials to oppose a proposed cell tower just over the town line in Canton; and,
- an email from and response about the policy for town boards and committees to allow public comment or participation in discussions during Zoom meetings.

Adjourn

MOTION: To adjourn 8:18 pm
(Pierre-Louis - Smith-Lee) 3-0 **PASSES**

Switlekowski: AYE
Pierre-Louis: AYE
Smith-Lee: AYE

List of Documents

- List of questions
- Applications (3)
- Bio and recommendation
- Draft schedule
- List of placeholder articles
- Memo to Department Directors
- Certificate of Vote
- Request letter
- Employment agreement
- Correspondence
- Town Administrator's report