**Meeting of the Board of Selectmen March 16, 2021**

**Phone: 669-224-3318**

**Access Code: 220-595-605**

**6:00 P.M. – Executive Session -** (M.G.L.C. 30A, Section 21a – 1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.

Chairman Riley called the open meeting to order at 6:50 p.m. in the Donald McKinnon Meeting Room at Veterans Memorial Town Hall at 558 South Main Street. In addition to Chairman Riley, Selectmen Joseph Pacheco and Richard Schiavo were in attendance, along with Town Administrator Graham Waters. Ms. Riley stated that, according to legal counsel, the discussion regarding the Coliins Center report should begin in open meeting and if it then becomes legally appropriate to continue that discussion in executive session at that time or at a later time, it should then be so determined. Accordingly, Mr. Pacheco then made a motion to recess the meeting until the 7:00 regular meeting time, Mr. Schiavo seconded, and Ms. Riley made it unanimous.

**7:00 p.m. Regular Selectmen’s Meeting –** with Remote Public Access

Chairman Riley called the open meeting to order at 7:00 p.m. in the Donald McKinnon Meeting Room at Town Hall. In addition to Chairman Riley, Selectmen Joseph Pacheco and Richard Schiavo were in attendance. Ms. Riley announced, “Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G. L C.30A, §18, and the Governor’s 2020 Order imposing strict limitations on the number of people who may gather in one place, this meeting of the Raynham Board of Selectmen is being conducted with the Public Body members in person at Veterans Memorial Town Hall and with the public following the proceedings remotely. Every effort has been made to ensure that the public can adequately access the proceedings as provided for in the Order. For real time access, residents can join the live broadcast on the Raynham Channel, use the “gotomeeting” online feature, and/or call in using their phone. The Town will post a record of this meeting on the Town’s website as soon as possible. Also, in accordance with the Executive Order, other town officials and staff participating in the meeting and in attendance include Town Administrator Graham Waters and Health Agent Matt Tanis.” Ms. Riley also announced, “This meeting is being recorded.”

**Pledge of Allegiance**

Ms. Riley led the Board in the Pledge of Allegiance.

**Acceptance of the Minutes**

Ms. Riley asked for a motion to approve the minutes of the Selectmen’s meeting held on March 2, 2021. Mr. Pacheco made a motion to approve, Mr. Schiavo seconded, and Ms. Riley made it unanimous. Ms. Riley asked for a motion to table the minutes of the Selectmen’s meeting held on March 9, 2021. Mr. Schaivo made the motion to table, Mr. Pacheco seconded, and Ms. Riley made it unanimous.

**Department Heads -**

# **Matt Tanis, Health Agent – Monthly Report**

Mr. Tanis reported that Phase 4, Step 1, will begin March 22nd and he will be updating the website as soon as he receives the information. He explained, “As of this afternoon, we have had 1,391 total cases, 84 deaths, 1,274 full recoveries, and 164 probable suspect cases. We are only a few days away from the one-year anniversary of Raynham’s first positive case. The Governor will be releasing an updated vaccine eligibility schedule tomorrow.” Mr. Tanis said he has finished administering the second doses for the clinics that he held in town. He also thanked Health Express on Rt. 44 for their assistance and the Fire Department for their help. He will be starting the process of getting the vaccine for homebound individuals. That information is on the website or people can call the Health Department at 508-824-2766. The residents of the Housing Authority will be receiving their vaccinations on Thursday. Regional sites for consideration are Bridgewater State University and a site in Fall River.

Regarding Earth Source, Mr. Tanis reported, “The odor is back and they have been issued a public nuisance order and Mass. DEP has issued them a cease and desist order. The plant has not been operational since the orders were issued and they will be moving the material off site.”

Mr. Tanis also reported that he has received a 93% return rate on permits for food establishments. Bristol County Mosquito Control will be doing spraying in the spring. The exact dates will be determined later. He also discussed Town Hall reopening possibly in April. He suggested two days a week, Monday and Wednesday, and then see how that goes. Mr. Pacheco said, “I propose the week of April 12th, which will give us time to put any safeguards in place and I also agree with two days a week.” Mr. Schiavo seconded the motion and commented, “We need to get on that track.” Ms. Riley made it unanimous aand asked Mr. Tanis to coordinate the plans with Mr. Waters.

# Linda Brackett, Animal Control Officer – Monthly Report

Ms. Riley said this will be postponed until next week.

**Appointments**

**Kevin Moreira – Animal Inspector**

Ms. Riley explained that the Inspector of Animals position comes under the State Department of Agricultural Resources but is appointed locally. Kevin Moreira currently serves in that position. She said, “There is no one else who is applying for this position, so I would ask for a motion to appoint Mr. Moreira.” Mr. Pacheco made a motion to appoint. Mr. Schiavo said, “We do have another person who is interested in this position, and that is Riley Morgan, who recently resigned as Assistant ACO. She is readily available and I will nominate Riley as this would be under the same conditions and circumstances as what Mr. Moreira does.” Ms. Riley suggested tabling the matter because the Board had not yet accepted Ms. Morgan’s resignation and had not received a resignation from Mr. Moreira, who will be interviewing for the CERT position. Mr. Pacheco said, “I will withdraw my motion and make a motion to table the matter for two weeks, Mr. Schiavo seconded, and Ms. Riley made it unanimous.

# **Completion Old/Continuing Business**

* + - * 1. **Discussion/Action – Collins Center Organizational and Human Resources Review**

Elizabeth Corbo joined the meeting remotely to report on the findings and recommendations contained in the document prepared for the Town. She explained, “We interviewed over 25 Department Heads, town officials, volunteers and employees, and reviewed documents including the town by-laws, the Government Study recommendations and Town audit, policies & procedures, and the Division of Local Services report that was done recently. We were so impressed by the level of devotion by the employees, elected officials, committee members. The dedication of service by these people is to be commended. We compiled a report of recommendations of efficiencies in operations specifically with HR as well. Some of the key ones include codifying the responsibility of the Town Administrator and by-laws and we believe those responsibilities have only been defined in his job description so we would recommend that there be an official act that codifies the changes and responsibilities to a strong Town Administrator.” She further discussed the organizational structure and suggested the Town hire an HR professional and a Finance Director to deal with complicated issues. She continued, “The Town should engage in a classification and compensation study and policies and procedures study for the Town. For those employees who are not unionized, there needs to be updating of policies and procedures that are legal requirements. Raynham is well on its way to accomplishing these goals. The Town’s financial position is very strong and that needs to be commended. The initiative that the Board of Selectmen has shown by engaging in these studies and your willingness to engage in these conversations is a service to the Town.” Mr. Pacheco remarked, “This is a comprehensive report and I discussed this with her and appreciate her taking the time to give an overview to the Board, but I have some comments that would be more suited to Executive Session.” Ms. Riley asked if Mr. Pacheco wanted the Executive Session held this evening. Mr. Pacheco replied, “Yes, if the Board is amenable.” Ms. Riley asked if the request was for the reason stated on the agenda for Executive Session. Mr. Pacheco replied that it was and Mr. Schiavo said, “If the motion is to discuss this in Executive Session, I would have no problem with that.” The Board agreed to go into Executive Session to continue the discussion at the end of the meeting. Mr. Schiavo added, “The report is very comprehensive and is very well thought out.” Ms. Riley asked Ms. Corbo to review the recommendation to consider increasing the Board of Selectmen to a five-member Board since that issue will be going before the voters at the Annual Town Meeting. Ms. Corbo replied, “We are making a recommendation that this be considered. For a community the size of Raynham, it is unusual to have a three-member Board. The pros would be that it would give you a little more flexibility. It provides greater representation and allows for greater involvement of the Board. The cons of a five-member Board include the possibility that it may decrease transparency by allowing two members to discuss business outside of meetings and it might make meetings longer and less efficient. The cost of having additional Board members will be a factor. There are more issues, but for Raynham’s size, it’s more common to have a five-member Board than a three-member Board. But in the end, it’s what works best for Raynham.” Ms. Riley said, “There is also mention of making certain committees and boards appointed rather than elected.” Ms. Corbo replied, “This is for efficiency and accountability in a position. Raynham does have a good amount of elected committees. When there is a position that has significant responsibility and that requires some level of accountability, we always make the recommendation that the Board evaluate whether or not the position should be appointed or elected. When you have a position that has a significant amount of statutory responsibilities to be fulfilled, that might be a position that could be appointed rather than elected to have that daily accountability. For having efficient operation of town government, the thing you want to look at is centralized authority. When you have authority coming from various elected Boards and Committees, it can create a very diffused system of accountability.” Ms. Riley thanked Ms. Corbo for her report. Mr. Pacheco noted that the number of Selectmen on the Board is a community decision. Ms. Coro further explained, “We try to be clear when something is a best practice versus a community consideration. A community consideration would be a five-member board vs. a three-member board. A best practice would be recommendations regarding updating your policies and procedures.” Ms. Riley said, “There is so much in this report that I think we need to take this under advisement as well as meet on this in Executive Session.” Ms. Corbo concluded, “I can’t say enough about the commitment I noticed when speaking to all the Department Heads, employees, Selectmen and Committee and Board volunteers. It has been so impressive and their level of knowledge of the town is a true gift.”

* + - * 1. **Discussion and action - Town Administrator’s Evaluation Format**

Mr. Pacheco said, “I am looking for the Board’s decision if we are going to use what we did last year or if the Board wants to adopt something else.” Ms. Riley said, “I think the form has enough flexibility to say what you want to say.” Mr. Schiavo said, “I have looked at it and there is a lot of detail and I don’t have any problem with it. At the end of the day, what we are looking for are the accomplishments that the Town Administrator made, and I think that report summarized that very well.” Ms. Riley asked Mr. Pacheco if he wanted a vote on the matter. He replied, “An understanding is okay. As long as there is a consensus, that’s good for me.” Ms. Riley asked Mr. Waters to prepare his report for the Board to consider in preparing their evaluations.

* + - * 1. **Review of Whippoorwill Drive Dog Incident**

Ms. Riley said, “We are going to table the report on the Whippoorwill Drive dog incident until next week’s meeting.”

* + - * 1. **Discussion of Council on Aging/and VSO Clerk Positions**

Ms. Riley explained, “We have two positions that are open through resignations: one is the Clerk for the Council on Aging; the other is also a Clerk’s position for the VSO. Ms. Britto discussed this a couple of weeks ago.” Veterans Service Officer Micaila Britto called in to join the meeting and she explained, “This needs to be a classified position, not a union position, due to the confidentiality of information. So, I would be willing to have that removed from the job description. I do have funds in the budget for personnel due to the fact that Mrs. Montagano retired in November, however I have discussed with Mrs. Montagano the possibility of her returning, and she is considering it.” Ms. Riley pointed out that both of the clerks’ positions deal with confidential information, but, in each instance, a SAVE volunteer could possibly provide additional assistance with other matters. Mr. Pacheco said, “I’m fine moving forward with both of the positions as they were, before they were vacated by the incumbent, and we have the S.A.V.E program, so I strongly suggest we utilize it and that is a motion.” Mr. Schiavo said, “There is training involved for the clerks’ positions. We can add additional support by the S.A.V.E. program. I’ll second the motion.” Ms. Riley remarked, “We certainly want to provide all the services we can for our seniors and our veterans.” The motion passed unanimously. The Board will review the job description that Ms. Britto prepared for the VSO Clerk’s position.

* + - * 1. **Discussion and action – Human Resources Coordinator**

Ms. Riley explained, “Two applicants were interviewed last week and they are two excellent candidates that we have for consideration. We took the week to review the information we had.” Mr. Pacheco said, “I’m still where I was last week. The comments I made last week are still relevant this week. Both finalists are very well suited for the position and we would be fortunate to have either. However, Ms. Usher Johnson has labor relation experience, longevity in her field, coupled now with good reference checks and that to me means she would be the best candidate.” Mr. Schiavo said, “I am going to second that motion, but it is absolutely clear that either one of them is super qualified.” Ms. Riley said, “I am going to agree with both of you. I think it’s also very important that she will be coming in here with our having no HR experience in Town and she has experienced that kind of situation before.” Ms. Riley called for a roll call vote, which passed unanimously with each member stating, “I” for Ms. Usher Johnson’s nomination. Mr. Pacheco added that “This will be contingent upon successful contract negotiations.” Ms. Riley said, “Yes, and that should be part of the motion as well.”

**New Business**

1. **Discussion and action – Opening Town Hall**

Ms. Riley noted that this was discussed earlier in the meeting..

1. **Discussion and action – Town Audit RFP and recommendation**

Mr. Waters reported that he and Treasurer/Collector Michael King met on February 19th and March 5th to review and discuss proposals submitted by the accounting firms. Of the four firms who applied, the two finalists included Melanson for $45,500 and Powers & Sullivan who put in a bid for $29,000. Mr. Waters explained, “The Treasurer/Collector and I both chose Powers & Sullivan for the 2021, 2022, and 2023 audits.” Mr. Pacheco asked, “Is it $29,000 per year or is there an escalation clause?” Mr. Waters replied, “No, it’s per year.” Mr. Pacheco said, “I will make a motion to appoint Powers & Sullivan.” Mr. Schiavo seconded the motion and Ms. Riley made it unanimous.

1. **Discussion and Action – Land Acquisition/Conservation – White Street land**

Mr. Jerry Gibbs, a member of the Raynham Cable Commission and town resident, joined the meeting remotely to discuss the 100 acres located off of White Street that was recently listed for sale by the owner. He explained that it has now been taken off the market, but if it should be listed again, the Town should think about acquiring it. He explained, “It’s such an important piece of land that many people think that Town officials should think about how we can preserve that land for the future. There should be an Open Space and Recreation Plan that is registered by the State.” Mr. Pacheco said, “We have one, but I don’t know what you mean by registering it by the State. We have a Master Plan and I’m not aware of any State or Federal law that requires an Open Space and Recreation Plan to be registered, but I do know that we did have one.” Mr. Gibbs said, “If that land becomes available again, if we don’t have something registered by the State, we wouldn’t qualify for grants. Some grants could pay for half of that. If we had an Open Space and Recreation Plan submitted, we could apply for grants and it would pay for upwards of 50%. If we have nothing submitted on record in the State file, we could not apply for those grants.” Ms. Riley said, “I attended the most recent workshop for the Master Plan and that piece of property came up for discussion, and it was noted that there are grants available and, while we’re in the master planning process, it would be an ideal time to look into grant possibilities. There are also State conservation agencies and non-profits that might be interested in land preservation opportunities.” Mr. Pacheco said, “We have hundreds of acres of open space in town and that shouldn’t be left unnoticed such as Borden Colony and most subdivisions have open space as part of their approval.” Ms. Riley agreed that there are many areas that people are not aware of for walking trails and so forth. Mr. Schiavo said, “Without that property being available, we have to keep in mind, the search goes on.” Mr. Gibbs pointed out that one problem is that there are open space areas that are not easily accessible because there is little or no parking possibilities.

1. **Discussion and Action – Collins Center, Organizational and Human Resources Review**

Ms. Riley said, “This was already discussed.”

**Town Administrator’s Report**

Mr. Waters reviewed his report. He stated, “I’m continuing to work with the departments to update their articles and prepare for the May 13th Annual Town Meeting warrant for closing and publication. This year’s warrant will include capital items including the Public Safety Building and requests by the School District.”

Mr. Waters also reported, “The reconciliation of COVID-19 expenses has been submitted to the State for reimbursement under the CARES ACT. I want to recognize Lisa Dagesse in the Accounting Office for her assistance in sorting through invoices and identifying the COVID-19 expenses.”

On another matter, Mr. Waters reported, “The Town is being allocated an estimated $1.4 million from the recently approved American Rescue Plan federal assistance program. The funds may be used to replace revenue lost or reduced as a result of the pandemic, fund COVID-related costs, provide support to aid households and businesses impacted by the crisis, invest in economic recovery and renewal, and fund investments in water, sewer, and broadband infrastructure. The funds will be provided in two blocks in 2021 and 2022 and will be available for use through 2024. The Massachusetts Treasury Department will provide specific guidance on allowable uses of the funds and will determine final allocations based on the most recent census data and the final language in the law.”

Mr. Waters added, “The C.E.R.T. position has been posted and I worked with the Fire Chief on the advertisement of the final job description. I will need some guidance on the part-time Animal Control Officer position that was recently vacated.” Mr. Schiavo said, “I think it would be appropriate to post that and fill that position as we are coming up on springtime where there will be high activity for that position. I make a motion that we post that job.” Ms. Riley said, “We should first accept the letter of resignation sent from Riley Morgan, effective Thursday March 11th.” Mr. Pacheco made a motion to accept with regret, Mr. Schiavo seconded, and Ms. Riley made it unanimous. Mr. Schiavo then made the motion to proceed with posting the position for Assistant Animal Control Officer under the same terms and conditions that applied to Ms. Morgan. Mr. Pacheco seconded the motion and Ms. Riley made it unanimous.

For upcoming meeting, Mr. Waters reported on the following meetings:

The **Selectmen’s next regularly-scheduled meeting** will be on Tuesday, March 23, 2021, at 7:00 PM, in the Don McKinnon Meeting Room of Town Hall, 558 South Main Street, Raynham, Massachusetts. The public will be able to participate via the GoToMeeting meeting platform or by watching the RayCAM channel on Verizon, Comcast, or a recording posted later on YouTube.

**The Finance Committee Meeting** will be held on March 17that 6:00 p.m. Online. Public participation instructions are located on the posted agenda.

**The Capital Planning Committee Meeting** will be held on March 18th at 6:30 PM Online via Zoom Meeting Platform. Please contact Treasurer-Collector Mike King at 508-824-2702 for log-in information.

**Selectmen’s Report**

Mr. Pacheco said he received some calls from people about not receiving their stimulus check. He explained, “It’s a delay in your bank processing it, or you are not eligible.”

**Correspondence**

Correspondence was received from Verizon regarding their contract with the Town which expires on October 7, 2023, and the need to begin discussions and negotiations. Ms. Riley suggested, “We need to refer this to the Cable Commission and Attorney William August.”

**Citizen & Community Input**

Town Clerk Marsha Silvia called in to join the meeting. She said, “I heard mention about an appointed Town Clerk and I think the pros for an appointed Town Clerk were discussed, so I thought I could talk about an elected Town Clerk. I would be glad to go into Executive Session with you and present something at a Town Meeting or at a Selectmen’s Meeting as I did not know that this was going to come up tonight.” Ms. Riley explained, “Mention was made about elected versus appointed positions as part of the Collins Center report. We didn’t really get into it in detail. I think it was mentioned as one of certain positions that could be considered. If you want to address it, please go right ahead.” Ms. Silvia said, “One of the things that I think needs to be considered is to maintain voter rights and I also think an elected Town Clerk is directly responsible to the people who elected them. An appointed Town Clerk is at the will of the Selectmen and/or Town Administrator as opposed to an elected Town Clerk who is more independent.”

Elizabeth Moura, Executive Director of the Council on Aging, called in to join the meeting and asked for a clarification on the Clerk’s position for the Council On Aging. She asked, “Did you want it to remain as a clerical position, not a Senior Clerk, and to start at the first step?” Mr. Pacheco said, “The union requires you to start at the first step when you don’t have an incumbent and it should be the clerk’s position because that’s what it was when the incumbent resigned.” Ms. Moura said, “It’s 20 hours a week, on the first step, and that position will be filled?” Ms. Riley replied, “Yes, that was the vote.”

**Performance of Administrative Duties**

Mr. Pacheco motioned to approve the Town of Raynham Payroll and Invoice Warrants dated March 16, 2021, as submitted, Mr. Schiavo seconded, and Ms. Riley made it unanimous.

Mr. Schiavo then made a motion to approve the Police Department Payroll and Invoice Warrants dated March 16, 2021, as submitted, Ms. Riley seconded the motion and Mr. Pacheco abstained. Miss Riley asked for a roll call vote: Mr. Schiavo and Ms. Riley each vote, “I”, and Mr. Pacheco abstained. It was so voted.

Ms. Riley then called for a motion to go in to executive session in accordance with Massachusetts General Laws, Chapter 30A, Section 21 to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties and then to return to open meeting only to adjourn with no additional business to be conducted. Mr. Pacheco made the motion to go into executive session, Mr. Schiavo seconded, and Ms. Riley made it unanimous on a roll call vote.

**Adjournment**

At 8:30 p.m., the Board returned to open session and voted to adjourn the meeting.

Respectfully Submitted,

Janet Murphy

Recording Secretary