

## Standard Department Narrative Form

Department Name: **Board of Selectmen**

Department Number 122

### Purpose of Department/Mission

The Board of Selectmen is the policy-making arm of town government, except as otherwise directed by state statutes. Registered voters of the Town elect three individuals who serve as members for three-year terms. The Board of Selectmen is assisted in its efforts by an appointed Town Administrator and an Executive Assistant.

### Department Staffing

- Three part-time elected board members
- One full-time Town Administrator
- One part-time Executive Assistant (currently works 30 hours per week)

### Mandated Services

- Chapter 41, Section 1 provides the general statutory authority for the Board of Selectmen. The Select board has general supervision over all matters that are not specifically delegated by law or by vote of the town to another officer or board. Formal, legal responsibilities, however, are scattered throughout hundreds of statutes and in town bylaws, and special acts, some but not all of which are described below.
- The Town Administrator, as the Board's professional staff, is authorized by statute under Chapter 41, Section 23A to perform all of the responsibilities that have been delegated to him by the Board of Selectmen. The Town Administrator job description (essential functions) lists those responsibilities that have been delegated to the Town Administrator. The job description, in turn, has been incorporated as an appendix to the Town Administrator's contract. The contract is authorized under Chapter 41, Section 108N.
- The Town Administrator's prime responsibility under Chapter 41, Section 23A is to coordinate the activities of the Board of Selectmen with those of the town departments, boards, and commissions, elective and appointive; directing long term planning efforts of the town including assessment of needs, setting of goals and objectives and development of programs and services.
- Chapter 41, Section 108C authorizes the consolidation of all personnel functions under a single entity (the Personnel Board) which in Montague is (by bylaw) the Board of Selectmen. This statute also enables the Board or its designee to create a personnel system and to assign the responsibilities of a Personnel Director, including developing personnel policies, conducting personnel evaluations, maintaining personnel records, organizing and assisting the process of recruitment and selection of personnel, and advising the board on matters involving promotion, discipline, and discharge. Also included in this authority are the preparation of classification and compensation studies and other special personnel studies.

- Chapter 150E authorizes the Board of Selectmen to be the collective bargaining agent for the town. One of the Selectmen and the Town Administrator participate directly with the professional negotiator in all of the collective bargaining sessions with the three town unions.
- Chapter 31 authorizes the Selectmen to be responsible for Civil Service employees, which includes all Police Officers except the Chief.
- The Town Administrator has been designated as the town's Chief Procurement Officer under Chapter 30B, Section 2. The CPO is responsible for all activities related to the Uniform Procurement Act, which includes the buying, leasing, renting or otherwise acquiring or disposing of supplies or services for all departments. In Montague, the Chief Procurement Officer is also responsible for preparing, or assisting departments in the preparation of, bid documents, request for proposals/request for qualifications and contracts relating to Chapter 30, Section 39M (public works projects) and Chapter 149, Section 44a-m (public building projects).
- Under Chapter 40, Section 3, the Board of Selectmen is responsible for the care and custody of all town property. This responsibility includes the maintenance and operation of town buildings and facilities, including those that are leased to public entities (Gill-Montague Regional Schools), non-profit organizations (Shea Theater Board, Franklin Community Action Corps) and to private entities (the tenants of the Colle Building), and potentially to any vendor that agrees to enter into a long term contract with the town to develop the landfill site. The CPO is also responsible by statute and town meeting vote for the disposal of surplus buildings and property through one of several processes: acceptance of sealed bids, public auctions; through sale (Industrial Park sites) or through a targeted Request for Proposals (RFP) process (e.g. Commercial Homesteading). All of these real estate transactions involve the development of extensive legal documents including RFP's (request for proposals), RFQ's (request for qualifications), IFB's (invitation for bids), purchase and sale agreements and contracts, many of which are drafted in house by the Town Administrator. Frequently, in its landlord capacity (particularly in the case of tax takings), the Selectmen are also put into the position where they must proceed with the eviction of tenants, which is in itself an arduous and long legal process.
- Scattered throughout Chapter 44 (Municipal Finance Laws), Chapter 59 (Assessment of Local Taxes), and other state statutes, the Board of Selectmen has also been granted the specific responsibility for financial functions including the authority to sign bonds or notes when the town issues debt (Chapter 44, Section 16); to sign warrants for payment of bills; to classify property by use for taxation purposes (Chapter 59, Section 2A); and to set sewer rates (Chapter 83, Section 20) and other fees, unless this authority is assigned to another board or official, by by-law,; and under Chapter 59, Section 21C, the sole authority to place a Proposition 2 ½ override or debt exclusion vote on the ballot for approval. Chapter 41 Section 59 establishes the general authority for the involvement of the Board of Selectmen in the town's budget process by requiring the Board to prepare, on an annual basis, estimates of expenditure needs for the maintenance of the departments under its jurisdiction, and of income likely to be received by the

- town. Although not specifically provided for by statute, both the Selectmen's Handbook and the Department of Revenue "Guide to Financial Management for Town Officials" outline a long list of obvious financial management responsibilities that stem from their role as chief executive officers, with overall responsibility for the operations of town government. These include (1) Participation in the budget process by developing budget guidelines, reviewing budgets and evaluation of proposals for the expenditure of funds, (2) Participation in broad policy development on issues which have a major impact on town finances (e.g. authorization of debt, a major expenditure plan, such as new schools, use of stabilization fund); (3) Ensuring the development of a capital improvement program; and (4) Monitoring financial performance.
- Chapter 39, Section 10 provides the Board of Selectmen with the statutory authority for its leading role in the town meeting process. The most significant functions of the Selectmen in the Town Meeting come before the meeting ever begins, in the preparation of the warrant. "A well prepared warrant, like a good agenda, will do more to ensure that the town meeting goes smoothly than anything else, other than the moderator's skill." The process begins with the Selectmen's opening and closing of the warrant. Once the warrant is closed, the Selectmen's office drafts the wording for town meeting articles and ultimately the motions that will be acted upon by town meeting. As a cost savings measure, the Selectmen's Office has increasingly done much of this task in-house, choosing only to forward final wording to Town Counsel for its review. The Town Administrator also prepares the "Background Information", a summary and analysis of all warrant articles. Where appropriate, additional information is also prepared for inclusion in the packet that is mailed out to all town meeting members. Because it is the Selectmen's Warrant, the Board and the Town Administrator, or its designee(s) are responsible for explaining articles at town meeting. This can be anything from a short, concise explanation to a full presentation. Following the adoption of articles at Town Meeting, the Town Administrator is responsible for the direct implementation of some votes, and in other instances, for monitoring the progress of implementation by other departments.
  - The Board of Selectmen's economic development role falls into the general category of exercising leadership, once again in their capacity as the chief executives of the town. Economic development focuses on expansion of the town's tax base, on job creation, job retention, increased commercial activity, and efforts to attract business and industry. This can only be accomplished by the availability of adequate infrastructure (affordable and easily developable land, roads, sewer, water, utilities), a quality workforce, and the availability of development incentives, which make the town competitive with other communities. In this role, probably one of the town's most important, the Board of Selectmen are responsible for (1) ensuring that its roads, sewers, bridges and other infrastructure receive the attention they must from State and Federal agencies, wherever possible through methods of financing (grants) that preclude the need for tax spending; (2) providing land and/or buildings that can be developed easily for commercial and industrial uses either at industrial parks or

through the reuse of existing mill or other buildings, including tax title properties; (3) putting economic development incentives, such as the Economic Development Incentive Program (EDIP) and Tax Increment Financing (TIF's) or the Commercial Homesteading Program in place, and informing developers of other incentives; and (4) working with regional employment and other entities, including through CDBG grant programs, that ensure that we have a quality workforce. All of these responsibilities require a huge investment in time and energy, including that required to: develop effective programs, prepare and administer grant applications, inform and lobby state and federal legislators, and inform the public of its intentions through its access to various forms of the media.

- The Board of Selectmen is authorized under Chapter 138, Section 2 to act as the alcoholic beverage licensing commission for the town. In this capacity, the office handles information and outreach, intake of all applications, scheduling of hearings, annual license renewals, and disciplinary actions for license violations, which often requires conducting several hearings as part of a progressive discipline process.
- The Board is also authorized under Massachusetts General Laws to issue license or permits for a wide variety of other purposes including new and used cars (Class I and II) and Junkyards (Class III) under Chapter 140, Section 58 and 59; for entertainment (Chapter 140), just to mention a few. Under Chapter 166A, Section 3, the Board is also authorized to negotiate cable television licenses, including making provisions for public access television.
- Under Chapter 41, the Board of Selectmen have the authority to appoint and coordinate the activities of town counsel, who serves as legal adviser to town officials and departments, defends the town in all legal actions, prosecutes civil actions on behalf of the town, renders opinions on legal questions, drafting and/or reviewing agreements and contracts, by-laws and warrant articles for town meeting. A significant proportion of time in the Selectmen's Office is spent on legal matters.
- Finally, the Selectmen, often acting through the Town Administrator, are responsible for communicating the town's official positions, plans, policies and procedures to staff and the general public; providing liaison with state and federal agencies, businesses and non-profit groups, the media and the general public.
- Each of the above tasks generates a substantial amount of clerical backup that must be accomplished by the Executive Assistant

#### Summary of Programs/Services Provided

- The Selectmen are directly responsible for the management of all departments under the Board's jurisdiction including the Police Department, Highway Department, Planning Department, Town Accountant, Building Inspector and Water Pollution Control Facility.
- The Selectmen's Office also coordinates the efforts of all other department, boards and commissions.
- In its executive capacity, the Board of Selectmen is responsible for the making of policy and the development of programs, projects and procedures which

- implement these policies, including those in the areas of public works, public safety, economic development, financial management and personnel management.
- Day to day responsibilities of the office include:
    1. issuance of alcohol licenses and permits for entertainment, common victualler, auto amusement, Lodging, Class I, II and III
    2. negotiation and administration of union contracts
    3. preparation of town meeting warrants
    4. implementation of town meeting actions and votes of the Board of Selectmen
    5. preparation of the Town's executive budget
    6. the conducting of legal business, including the management of town counsel and labor relations services
    7. responding to citizen inquiries and complaints
    8. soliciting and supporting tenancy of the Colle Opera House.
    9. Preparing Selectmen meeting agendas, meeting material and post meeting actions including minutes
  - The Town Administrator also:
    1. provides staff assistance to several town boards, committees and special purpose community groups
    2. provides oversight and support for economic development efforts including revitalization of downtown areas in Turners Falls and Millers Falls, efforts at the Industrial Park and landfill site development
    3. supports efforts by the Capital Improvements Committee to complete a long term (5 year) capital program that addresses the facility needs of the Town and the Gill-Montague Regional School District, as well as the need for infrastructure and capacity development in support of economic development
    4. works with town departments on the identification of opportunities for cooperation and coordination with their counterparts in neighboring communities, leading to inter municipal agreements where mutually advantageous
    5. plays a key role in the development of the annual town budget and is an active participant in the Fiscal Collaborative

#### Revenues Generated

- Federal, State and other Grants and Low Interest Loans
- License fees for Liquor Licenses, Entertainment Licenses, Automatic Amusement Licenses, Common Victualler Licenses, Lodging Licenses and Class I, Class II and Class III Licenses
- Colle Rent
- Fees for copies
- Comcast annual license fee