



FAIRHAVEN SELECT BOARD

Retreat Minutes

July 15, 2023

FAIRHAVEN TOWN CLERK
RCUD 2023 AUG 23 PM 12:31

Present: Chair Leon Correy, Vice-Chair Charles Murphy Sr., Clerk Stasia Powers, Select Board member Keith Silvia, Select Board member Robert Espindola, Town Administrator (TA) Angie Lopes Ellison and Facilitator Jeffrey Nutting

The Select Board Retreat was conducted at the Buzzard's Bay Coalition Croll Conference Room, 114 Front Street, New Bedford, MA

Mr. Correy opened the Select Board Retreat at 9:06 a.m.

Jeffrey Nutting facilitated the Select Board Retreat held on Saturday, July 15, 2023. Prior to the retreat, Mr. Nutting forwarded a survey with six questions to the Board which he summarized and distributed during the retreat (*Attachment A*).

Mr. Nutting led the discussion of the roles of the Board and the role of the TA based on the survey responses.

Objectives and discussion during the retreat included:

- Policy for attendance
- Flattening the Board
- Plan for 2024 goals
- Gaining familiarity with policies, identifying gaps and follow them
- Trust the TA job as outlined in the Special Acts (*Attachment B*) For example Bylaw review, committee handbook
- Improvements in communication

Discussion ensued regarding policies, strategic training, problem solving through the chain of command, suggestions for process and policy improvement, assigning individual items to the Board and brainstorming goals. The Board members agreed no individual will act independently without the approval of the collective vote.

Goal Setting

There was further discussion regarding the 2023 Policy Goals and Objectives (*Attachment C*) and the Board continued brainstorming. One key focus was on the financial policies and economic development. Mr. Nutting provided best practices and shared ideas of what other municipalities do; overall creating systems and processes that work. The Select Board reviewed other towns economic development initiatives and best practices.

Other focus areas included housing, G.I.S., 40R and Charter Review.

There was a discussion about establishing a Committee that would meet to review Financial Policies and long-term planning for the Town. There was a consensus that the committee would be composed of two Select Board members, two Finance Committee members, two members of the School Committee and staff support as required.

Additional documents referred to and/or provided during the retreat see *Attachment D, E, F*.

Meeting adjourned at 1:30 p.m.

Attachments:

- A. Pre-retreat survey and responses
- B. Special Acts §A502-6 Town Administrator
- C. Fairhaven 2023 Policy Goals with Objectives
- D. Fairhaven Select Board Meeting Protocols 2023
- E. Select Board and Town Administrator Partnership – Job Description – Jeffrey Nutting
- F. Code of Conduct for the Select Board

Respectfully submitted on behalf of the Select Board Clerk (ale)

Approved on August 21, 2023

**Town of Fairhaven
Select Board Workshop
July 2023**

1. What are the three most important jobs of the Board?

- Hire a good Town Administrator (CEO) provide oversight and them support in the community
- Provide the town direction through policy, procedures and advocacy (4)
- Work as a team. Work together in support of the decisions of the town administrator.
- Represent the residents of Fairhaven by making the best possible decisions. Serving the will of the people
- Putting the town in the best position to thrive in the way the people desire
- Review the annual proposed budget submitted by the town administrator and make recommendations with respect to the annual proposed budget as the board deems advisable; provided, however, that the town administrator shall present the budget to the town meeting, incorporating the recommendations of the board of selectmen exercise, through the town administrator, general supervision over all matters affecting the interests or welfare of the town; (2)
- Town Safety and Security

2. What are the three most important jobs of the Town Administrator?

- Keep the town functioning in the day-to-day operations. (3)
- Keep the town financially responsible (2)
- Keep employees up to date with educational training and promote a healthy work environment, retaining staff (2)
- Ensuring strong communication among departments.
- Ensure the direction/priorities determined by the Selectboard is followed. (2)
- Creating a positive culture of service to the town
- Submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year in accordance with the TA Act.
- Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen in accordance with the TA Act. (2)
- With the approval of the board of selectmen, appoint and remove all department heads under the direct control of the town administrator
- Be a True Representative of the Town.

3. What is the greatest Strength of the Board?

- All 5 members have unique qualities and together create a strong team
- Our diverse experience and background (2)
- The board as it currently stands, has a diverse set of skills and everybody can take on a different role.
- I think the greatest strength of the Board from my perspective is respect for one another and each other's opinions.

4. What are accomplishments reached in collaboration and working as a Team?

- I feel that collaboration is often a challenge as one member feels they are in control
- I don't know that there have been many because the board hasn't been able to work fully as a team. However, after much thought, I'd say a successful town meeting
- As a team, I'm not sure. We haven't been unanimous in much of the important stuff. I think an important accomplishment has been to look at long standing committee and the way we do appointments. Providing mandatory training to boards and committees on Open Meeting law and Conflict of interest. Encouraging new people to get involved.
- Use of the ARPA funds
- We collectively passed a budget and also advanced the Fire department from our collective ideas. Teamwork for overall support of the changes being made in the Town.

5. What does your Board need to improve?

- I would like the board to recognize and appreciate the differences and embrace the skills we have. That will allow each member to thrive and be their best self. However, that requires some hard reflection and acknowledgement of what each of us is good at.
- We need to encourage each other to do better. We need to be open to new ways of doing things.
- The board needs to flatten and work together more. There's a mutual respect that needs to exist that we're still working on.
- Understanding our roles and understanding the difference between Policy and Day to Day Operations.
- Roles, responsibilities and limitations of the Chair, Vice Chair and Clerk of the Board.
- Discuss issues related to one member reaching out of his own agencies related to the performing climate assessments on the town administrator without the knowledge of other board members. There are 2 other instances where this behavior has occurred.

- Knowledge of all existing Town Policy documents and directives (i.e., Financial Policy, Master Plan, etc.). Increase individual efforts of Board members and challenge each other to find ways to make improvements in the Town under the areas listed as existing goal categories (list below) and to bring those ideas to the rest of the Board for consideration in an open meeting.

Human Resources Improvements, Town Committees Collaboration, Inter and Intra Governmental Cooperation, Financial Sustainability, Economic Development, Health Welfare and Safety of Town Residents
Civic Engagement, Long Term Planning, Improve Municipal Services:
Improve communication through a better organized and more complete website and more active social media messaging

6. What other issues would you like to discuss on the workshop?

Communications

- I'd like to look at ways to better spread the "good word" I think it would go a long way to improve public opinion.
- Communication between the Board, TA and the Community
- Establish better ways to communicate with the community to ensure we have a clear understanding of what their interests are.
They only hear about the bad, never the good, Information sharing.
- Just better ways to communicate with one another. I really like this team and get along with each of them. I just want Angie's job to be respected for her role and the leadership that she needs to clearly show for our Town. I really have grown to really care and respect each member of this Board and the Town Administrator.

Culture

- Set a better culture for the town
- Eliminate the clique nature of the town, leading by example
- Recognize the town is moving forward, eliminating the old town mentality that what we've always done is best.
- Eliminate the culture of bigotry and sexism that exist throughout the town by example
- Reset the expectations of how the town is the run

§ A502-6Town Administrator.

AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR IN THE TOWN OF FAIRHAVEN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The executive powers of the town of Fairhaven shall be vested in the board of selectmen, who shall have all the powers given to boards of selectmen by the General Laws, except for those executive powers granted to the town administrator.

The board of selectmen shall serve as the chief goal-setting and policy-making agency of the town of Fairhaven. The duties and responsibilities for day-to-day management of the town shall be delegated to the town administrator. The board shall act through the adoption of policy directives and guidelines which shall be implemented by the town administrator and the officers and employees appointed by, or under the authority of, the board. Individual selectmen shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board.

The board of selectmen shall:

- (a) enact rules and regulations to implement policies and to issue interpretations;
- (b) exercise, through the town administrator, general supervision over all matters affecting the interests or welfare of the town;
- (c) appoint the town counsel and any special counsels, and all members of committees, boards and commissions except the finance committee and except those appointed by the moderator, elected by the voters or under the jurisdiction of the school committee or of the board of public works and may make appointments to temporary posts and committees the board creates for special purposes. [Amended by Ch. 269, Acts of 2020, approved 1-6-2021]
- (d) have general administrative oversight of such boards, committees and commissions appointed by the board of selectmen;
- (e) have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and by the by-laws of the town of Fairhaven;
- (f) issue all town meeting warrants;
- (g) review the annual proposed budget submitted by the town administrator and make recommendations with respect to the annual proposed budget as the board deems advisable; provided, however, that the town administrator shall

The Select Board The Town Administrator Partnership

A Team Oriented Job Description

This brief position paper is based on the need to develop a partnership that allows the Select Board to deal with several aspects of communication, planning and conflict management.

There's no shortage of job descriptions for the Town Administrator. However, many of them have two basic flaws.

- First, they seldom address the underlying issue of working relations between the Administrator and the Select Board.
- Second, they tend to reflect a shopping list designed to touch every possible base of operation rather than to set clear professional priorities for a Administrator.

This paper doesn't present a radical departure from the intent of most job descriptions of the Administrator's position. It does, however, provide a job description, which integrates many of the governance and leadership issues facing the Board and their Administrator. It clarifies parameters through which the Administrator can integrate his/her priorities with those of the Board. It clarifies the essentials of leadership at the top, leadership, which should seek to preserve the positive aspects of the community and change those aspects, which aren't as effective as they could be.

The Administrator as Chief Administrative Officer of the Town

The Administrator is the officer responsible for the overall planning, operation and performance of the daily activities of the Town. She/he provides staff support for the Board and is the member of the municipality's senior management team.

A. The Select Board's Role

The effective Board exercises its governance role in three major areas:

1. It employs the Administrator and works through him/her in the best interests of the municipality as a whole. Implied in this statement is the need for the Board to:

- identify clear expectations of the Administrator,
 - support internal procedures which will ensure effective communication through appropriate channels,
 - elicit continuous feedback from the Administrator and provide continuous feedback to him/her, and
 - evaluate the Administrator on a regular basis.
2. It sets policy and strategic direction in the best interests of the municipality as a whole. Implied in this statement is the need for the Board to:
- adopt policies which promote change and development in those areas in which the municipality could benefit most,
 - adopt policies which preserve those aspects of the municipality deemed most appropriate to the municipality as a whole,
 - accord the Administrator the professional latitude to implement policy through effective management practices,
 - accord the Administrator the professional latitude to provide leadership and vision among staff, and with the Board, and
 - give high priority to the Administrator's recommendations in its deliberations regarding approval of appropriate policies and strategic direction.
3. It resolves only those appeals and special problems not resolved at lower levels. Implied in this statement is the need for the Board to:
- support procedures which direct appeals and special problems through administrative channels,
 - avoid becoming directly involved in problem solving and conflict management except through the Administrator, and
 - upon recommendation of the Administrator, hear those appeals and special problems, which have not been resolved at lower levels, and provide a fair and just resolution based on existing policy.

B. Primary Duties of the Administrator

1. Work closely with the Board, and with the chair/members as appropriate, to develop and sustain the working relationships implied in Sections A and B;
2. Direct planning and implementation of the Town related which will ensure the highest possible effectiveness for the Town;

3. Direct planning and implementation of business-related functions to enable the Town to support service delivery in an efficient and cost-effective manner;
4. Participate in a staff selection, training, supervision, and evaluation;
5. Develop and implement a performance monitoring system to measure service delivery in quantitative and qualitative terms;
6. Ensure that all department operations meet legal requirements and local policy requirements;
7. Perform all other duties consistent with Sections A and B of this job description.

C. Qualifications

All qualifications deemed appropriate by the Board or required by law.

D. Implementation of Job Description

This job description provides direction while the Administrator and Board exercise their legitimate roles and responsibilities. The Board-Administrator team should retain the best interests of the municipal system as a whole in terms of its capacity to provide services. The Administrator delegates responsibilities to members of his/her team while she/he remains accountable for overall effectiveness.

This job description emphasizes integrated teamwork at the top. It strongly implies a strong working partnership. Such leadership at the top is essential if the community is to receive services efficiently and effectively.

CODE OF CONDUCT FOR THE SELECT BOARD**1. A member of the Board, in relation to his or her community should:**

- A. Realize that his or her basic function is to make policy, with administration delegated to the Administrator.
- B. Realize that he or she is one of a team and should abide by, and carry out, all Board decisions once they are made.
- C. Be well informed concerning the duties of a Board member on both local and state levels.
- D. Remember that he or she represents the entire community at all times.
- E. Accept the office as a means of unselfish service, not benefit personally or politically from his or her Board activities.
- F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
- G. Abide by the ethics established by the State and not use the position to obtain inside information on matters, which may benefit someone personally.

2. A member of the Board, in his or her relations with Administrator should:

- A. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.
- B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- C. Give the Administrator full responsibility for discharging his or her disposition and solution.

3. A member of the Board, in his or her relations with fellow Board members, should:

- A. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
- B. Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting.
- C. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- D. Make decisions only after all facts on a question have been presented and discussed.
- E. Treat with respect the rights of all members of the Board despite differences of opinion.



Town of Fairhaven

Select Board

2023 Policy Goals with Objectives

GOAL 4: Financial Sustainability. Establish long term financial sustainability for the Town by adherence to approved financial policies regarding reserve levels, balanced budgets and capital financing, financial forecasting, controlling fixed costs (pension, OPEB, Health Insurance) and augmenting revenues (tax base expansion, grants, user fees).

- Provide grant training workshops and access to department heads
- Streamline budget, improve processes
- Seek alternative funding with internship programs, vocational student co-op partnerships
- Minimize cost, reduce or remove redundancy in systems (ex. GIS Vendors, centralized printing, use of e-fax)

GOAL 2: Town Committee Collaboration. Recognizing that volunteers, both elected and appointed, play an integral part in improving Town government and enhancing civic engagement establish methods and practices that will enhance collaboration and coordination between various boards, improve interaction with the public, and provide educational resources to ensure compliance with applicable federal, state and local laws and regulations.

- Create a Board/Committee/Commission Handbook to outline policies, guidelines, laws and regulations
- Train members of boards/committees/commissions to become informed on policies, guidelines, laws and regulations. Encourage achievement of certifications and licenses as applicable.
- Develop a policy on attendance at meetings for boards/committees/commissions, provisions for alternative members and limitations on serving on multiple committees
- Assign each board/committee/commission a staff liaison

GOAL 9: Improve Municipal Services. The Town is in the business of delivering services to residents and businesses and, as such, departments should continually strive to improve municipal services in the most, consumer friendly, efficient and effective manner possible.

- Provide staff customer service improvement training
- Program for recruitment of call firefighters and development of call firefighters to become full-time firefighters
- Create a naming, signage and dedication policy
- Modify and maintain facilities to improve accessibility to public buildings

Approved by SB vote, February 6, 2023

Fairhaven Select Board -Meeting Protocols 2023- Effective July 1, 2023

Protocol 1 – Meetings

Regular meeting of the Select Board shall be held in the Banquet Hall, Town Hall, at 6:30pm on the FIRST and THIRD Monday of each month, except when one of said Monday falls on a legal holiday or town hall closure; the Select Board shall meet on the following day in such an event. Calls for special meetings may be made at any time by the Town Administrator or the Select Board Chair. Members ought to be present at the time of the opening of the meeting. The Chair may cancel meetings when appropriate.

Protocol 2 – Organization and Chair selection

The Select Board shall hold its organizational meeting in The Banquet Hall at the first regular meeting after a municipal election. The Town Administrator shall preside over the nomination and election proceedings for Chair, Vice Chair and Clerk. The newly elected Chair will preside over the remainder of the meeting.

Protocol 3 – Acceptance of The Meeting protocols

At the same meeting as the reorganization, the Chair will review and vote to accept the meeting protocols. A majority vote is required to adopt the protocols. The previous year's protocol will remain in affect until a new one is accepted.

The Chair presides over all meetings. In the absence of the chair, the vice chair shall resume the role. All members shall preserve decorum and order and await recognition by the chair to speak. Parliamentary Protocols may be applied when meetings fall out of order.

Protocol 4 – Seating

The seats of the members of the Select Board, shall be numbered 1-4 with the chair at the centre seat. Seats 1 and 2 are to the right of the Chair and seats 3 and 4 are to the left. Select Board members (except the Chair with centre seating) will draw numbers to determine seating assignment.

Protocol 5 – Action and Motions

Every action of the Select Board shall require a motion or vote. If a vote is not taken, the action is moot and considered a discussion. After a motion is requested by the Chair, it shall be acted upon by the Select Board unless withdrawn by the mover before an amendment or decision.

Every member present at Select Board meetings shall vote yea or nay when a motion is put unless excused on the grounds of clear and real conflict of interest by which the member can request to abstain from the vote and state the reason for obtaining.

Protocol 6 – Public participation

Member of the public may address the Select Board regarding items on the current

agenda, if the Chair so deems it appropriate. Those wishing to do so, shall wait to be acknowledged by the Chair, shall identify themselves by name and address, shall make their remarks brief but the chair may limit and confine the time to no longer than two (2) minutes. The comments shall be void of personalities, libellous remarks and innuendo, and shall limit their remarks to matters of municipal interest.

During any portion of the meeting members of the public shall not verbally, non-verbally, or illustratively, utilize racial, ethnic, religious, age, sexual preference, gender or disabilities, slurs or connotations during their remarks. The Chair shall rule a member of the public, who uses such slurs, connotations, libellous remarks or innuendo out of order and no longer recognize the individual to speak.

Protocol 7 – Public Comment

Near the end of every meeting an open forum will be conducted. During the Public Comment, any member of the public may address the Select Board regarding city business, concerns and events that were not mentioned in agenda. Those wishing to do so, shall wait to be acknowledged by the Chair, shall identify themselves by name and address, shall confine their remarks to a total of two (2) minutes and shall avoid personalities, libellous remarks and innuendo, and shall limit their remarks to matters of municipal interest.

Protocol 8 – Conduct of Members, Officials, and public

Members, officials, and public, when about to speak, shall initially address the Chair using the phrase "through the Chair," shall confine themselves to the question under debate, and shall avoid all personalities and libel comment. Any individual, who may be mentioned in debate or addressed by another member, shall be so mentioned or addressed by their title and or name (ex. Mr/Ms. Last name); and in an intelligible, respectful, and professional manner. No member or official shall speak out of their turn without leave of the Chair, nor shall any member be interrupted by another while speaking except to make a point of order or request for explanation.

Protocol 9 – Board Member Items:

Select Board members may offer items of information or discussion of informal matters during at this forum. Items brought up here may be requests for agenda items as well as various announcements of interest.

Protocol 10 – Agenda Items, Material and Supporting Documentation

All action and discussion item containing matters for consideration by the Select Board shall be affirmed by the Chair. Meeting material request by the public must be submitted to the Chair or Town Administrator on the second Monday for the third Monday meeting and on the last Monday of the month for the following Monday meeting. Select Board meeting material and request shall be submitted by the Wednesday before the first and third Monday.

Protocol 11 – Committee Liaison and Assignments

Committee liaison of the Select Board shall be appointed annually by consensus of the members at the reorganization meeting. Each committee shall have one

liaison. Select Board members may participate in assigned committee but may not be a voting member.

Select Board members may also be assigned to other committees as needed.

Select Board liaisons may make an informational report to the board during Committee Liaison Reports on the Meeting Agenda.

Protocol 12 – Public Hearings

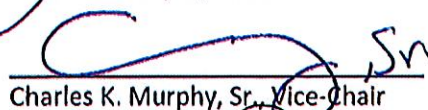
At every Public Hearing meeting of the Select Board, other than executive sessions, citizens of the town, shall have reasonable opportunity to be heard regarding any matter being considered during the public hearing by the Select Board at such meeting. Citizens shall observe the same rules of conduct required in Protocol 6, 7 and 8: i.e. they shall address the Chair, confine themselves to the question under debate, and avoid personalities, libellous statements and innuendo.

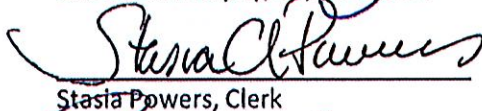
Protocol 13 Process of Seeking Legal Opinion

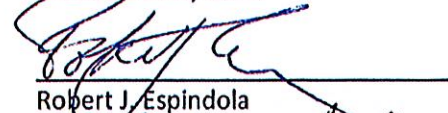
If a Select Board member want a legal opinion from Town or Labor Counsel, they must provide a communication to the Town Administrator with an explanation of what they are looking for and what they have done to date to take advantage of freely available information. The Town Administrator will determine if counsel is needed. If the Town Administrator denies the request, the member may request an agenda action item vote of the Select Board membership to request that the Town Administrator seek said legal opinion.

As attest to and agreed upon on this 18th day of April, 2023 by


Leon E. Correy III, Chair


Charles K. Murphy, Sr., Vice-Chair


Stasia Powers, Clerk


Robert J. Espindola


Keith Silvia