



## TOWN OF UPTON, MASSACHUSETTS

### Town Manager Act Review Committee

## Meeting Minutes

**Date: April 3, 2024**

**Location: Town Hall and REMOTE**

### **A: Call to Order**

Having a quorum, the meeting was called to order at 6:05 pm

### **B: In Attendance**

Committee Members:

- Phil DeZutter - NOT PRESENT
- Robert J. Fleming - CHAIR
- Richard Henderson
- Steven R. Rakitin
- Alan Leslie Rosenfield, Esq - NOT PRESENT

Guests: Debbie Amoreilli, Rec Comm  
Rick Porter, Rec Comm  
Maria Cherubino, Rec Comm Director  
Matthew Batchold, Library Director  
Sandy Hakala - HR/Executive Assistant  
Joe Laydon - Town Manager

### **C: Discussion**

#### 1. Approval of Agenda and Minutes

MOTION #1: Motion made and seconded to approve agenda for April 3. Motion approved by unanimous vote of members present.

MOTION #2: Motion made and seconded to approve Minutes from Mar 13. Motion approved by unanimous vote of members present.

#### COMMITTEE MEMBERS

Phil DeZutter  
Robert J. Fleming  
Richard Henderson  
Steven R. Rakitin  
Alan Leslie Rosenfield, Esq.

#### TOWN MANAGER

Joseph Laydon

## 2. Discussion of proposed Town Manager oversight of employees of Elected Boards

### **Rec Comm**

Town Manager (TM) discussed how he would be involved with oversight of the Recreation Commission Director. Presently, the TM and Rec Comm Director have a good working relationship and a question was asked why changes are needed. The committee members stated that this change would help the town plan for future when the current personnel and TM may be different.

TM indicated that he would help by jointly setting goals for the Rec Comm. The TM would be able to suggest adding professional development goals for the Rec Comm Director as well as goals that may come from the Select Board. By overseeing the Rec Comm Director, the TM stated he would be more aware of things that the Rec Comm is involved in and this can be a benefit to the Rec Comm.

Rec Comm would still be responsible for doing the performance review of the director and staff in conjunction with the TM. TM could provide staff coverage for when the director is out for example. Rec Comm would still be responsible for choosing vendors for Rec Comm projects.

Also, TM stated that in emergency situations, the town may need to share resources across departments.

It was suggested that for each board that has employees, create a list of shared responsibilities so that they can be clearly explained at Town Meeting should the question come up.

### **Library**

Library Trustees have not discussed this but is on the agenda for next Monday's meeting.

Matthew would like to see in writing what the responsibilities would be. Matthew asked about the evaluation process. The TM role would ensure that the process for performing employee evaluations is conducted in a consistent manner for all employees.

The committee asked the Rec Comm and Library Directors to create a Venn diagram (or equivalent) that would show how their responsibility would be shared with the TM.

## 3. Committee discussion on proposed revisions to Town Manager Act

- Clarify meaning of Town Officers

Town Counsel provided a legal definition of public officers.

A "public officer" is defined as a person: (1) whose duties are public in nature; (2) who has entrusted to him some portion of the sovereign authority of the state; (3) whose duties are not merely clerical but involve the exercise of power and authority bestowed by law; and (4) who holds a position established by law.

The committee needs to create a list of town officers rather than use the definition.

Discussion on other topics was deferred to next meeting as two committee members were not present.

- Ninety-day termination clause
- How much notice to Select Board for employees hired vs Town Officers
- Communicating with retirees about benefits

#### **D: Committee Actions**

MOTION #1: Motion made and seconded to approve agenda for Apr 3. Motion approved by unanimous vote of members present.

MOTION #2: Motion made and seconded to approve Minutes from Mar 13. Motion approved by unanimous vote of members present.

#### **E: Next Meeting**

Next meeting is **Wednesday April 10th at 6pm at Town Hall.**

Motion made and seconded to adjourn. Motion approved by unanimous vote of members present. Meeting was adjourned at 7:05 P.M.

Respectfully submitted

Steven R. Rakitin  
Secretary