

IN BOARD OF SELECTMEN
WEDNESDAY, APRIL 5, 1995

Present: Chairman Lawrence L. Blacker, John C. Drobinski, and Maryann K. Clark.

The statutory requirements as to notice having been met, the meeting was convened at 7:00 p.m. at the Lincoln-Sudbury Regional High School Library by Chairman Blacker.

Sign Computer Center Contract for Accounting Department

At the request of the Town Accountant, the Selectmen approved and signed a contract with The Computer Center of Falmouth, Maine, for the purchase and licensing of application software products, including a License Agreement for Munis Software, pursuant to the Board's award of February 27, 1995.

Loring Parsonage Exterior Repairs and Painting Bid

At the request of Building Inspector John B. Hepting in a communication dated April 4, 1995, it was on motion unanimously

VOTED: To accept the proposal of Neil Associates received pursuant to bid opening of March 29, 1995, to accomplish exterior repairs and painting at the Loring Parsonage, 288 Old Sudbury Road, in accordance with Town of Sudbury specifications, at a cost of \$18,490.

Resignation - Recording Secretary C. Harvey

The Board acknowledged the resignation dated April 6, 1995, from Charlene Harvey, Recording Secretary for the Board of Selectmen, to become effective the following month. The Board expressed its regret and much appreciation for Ms. Harvey's excellent services.

Minutes

It was on motion unanimously

VOTED: To approve the Executive Session minutes of March 13, 1995, as prepared by Selectman Maryann K. Clark, Acting Clerk, Pro Tem.

At 7:30 p.m., the Board adjourned to the High School Auditorium to attend and participate in Town Meeting. It was announced that the Board's own meeting would be continued following the close of tonight's Town Meeting for the purpose of meeting with the Town Manager Screening Committee to receive the names of finalist candidates being recommended by the Screening Committee at the completion of its review.

The meeting of the Board of Selectmen was continued at 10:40 p.m. following close of Town Meeting, in the High School Auditorium.

Town Manager Finalist Recommendations - Town Manager Screening Committee

Present: Town Manager Screening Committee members: Chairman Roy T. Sanford, Susan B. Bistany, Fire Chief Michael C. Dunne, Jane A. Evans, Josiah F. Frost, Karen A. Palmer, Kathleen C. Precourt, Edward T. Sooper, and David A. Wallace; Moderator Thomas G. Dignan, Jr.; Planning Board member John O. Rhome and Chairman Carmine L. Gentile; Permanent Building Committee and Resource Recovery Committee member Craig E. Blake; Town Planner Jody Kablack, and several other board members, employees, and residents.

Chairman Blacker convened a meeting with the Town Manager Screening Committee (TMSC), who, having completed its screening of applicants for the position of Town Manager, desired to publicly announce and transmit the names the Committee is recommending to the Selectmen as finalists, to be interviewed by the Board of Selectmen, who will then make the final selection of a Town Manager. A more detailed and informative meeting will be held at a later date.

Chairman Blacker expressed his understanding that the Town Manager Screening Committee will be meeting on April 6 and he would like its assistance in developing questions and requested receipt of profiles and also details regarding the Committee's process in reaching its conclusions, i.e., criteria used or yardsticks. He continued that the Board may visit the candidates as part of its review process and may seek assistance also in this aspect. Responding to inquiry by the Screening Committee, he said that, otherwise, the interview and selection process is now the role of the Selectmen henceforth. He stated the plan is to interview the finalists during the week of April 24th, with a decision, hopefully, to follow the next week.

Chairman Blacker further expressed his thanks to the Committee and his confidence that the conclusions were reached in the best interest of the Town and made in good conscience and hopefully the decisions were right.

Selectman Maryann K. Clark concurred with Chairman Blacker's remarks and stated that it was admirable the way the Committee had persevered in its job and she wanted to thank each one of them.

Roy T. Sanford, Chairman of the Town Manager Screening Committee read from a press release which he had given to the press that afternoon and provided supplemental information. The release stated that the Committee had reviewed 120 applications, thirteen candidates were chosen for first round interviews, and seven candidates received second interviews. Mr. Sanford stated that two of the seven candidates withdrew, following which the Committee evaluated the final five candidates. The Committee's recommendation of three finalists were named, in alphabetical order, as follows:

Michael Embury, current Town Administrator for the Town of Middletown, Rhode Island.

Michael Mallinoff, current City Administrator for the City of Annapolis, Maryland.

Terrence Sullivan, current Chief Administrative Officer for the Town of Canton, Connecticut.

The release stated that each of the candidates has indicated that he will actively seek the involvement of Town employees, elected officials and citizen volunteers in leading the transition to the Town Manager form of government. The statement further said that the deliberations of the Screening Committee were focused on key attributes required of a Town Manager and that the selection process was not a referendum on the perceived performance of Sudbury's recent administration, but rather a concerted effort to provide the best talent for what is needed by the community over the next twenty years. Mr. Sanford added that a complete dossier on each finalist would be provided to the Selectmen forthwith.

Town Manager Screening Committee Chairman Roy Sanford requested that for the record the Board of Selectmen vote to accept the above three candidates as finalists.

Selectman John C. Drobinski took the floor and, based on his capacity as a Selectman, placed the name of Richard E. Thompson, current Executive Secretary, in nomination as an additional finalist for the position of Town Manager, for reason of past service and professional courtesy. He informed that he had been advised by Town Counsel that this was within his authority.

Selectman Drobinski explained that his action should not be taken as a reflection on the work of the Committee; rather, the Town owes the courtesy and respect to Mr. Thompson to allow him to present his credentials to the Board of Selectmen.

Chairman Blacker responded that Mr. Thompson has done a marvelous job and is a wonderful person, and that he believed the decision of the Committee did not reflect any ill will. It was his feeling that the charge to the Committee was to give the Board the best candidates and he did not want to usurp (for lack of a better word) what was asked of them to do; thus it would be unfair to overrule the Committee at this time. Therefore, he opposed the nomination.

Selectman Clark stated, going back to the purpose or job description of the Committee to review the applicants and synthesize using their best judgment to come out with finalist candidates, that to now come in like this at the eleventh hour to alter that job description and second guess the Committee's decision would be a mistake. She felt the Committee was appointed to do a job, which it has done, and it should be respected. She further expressed her fear about willingness of volunteers to serve on future committees. She stated her position is that the recommendations of the Screening Committee should be accepted as given, as difficult as it may be.

Selectman Drobinski stated that he accepts the recommendations of the Screening Committee but still feels he has the prerogative as a Selectman, based on past service, performance and professional courtesy, to invite Mr. Thompson to present his credentials to the Board and allow the Board to make the decision as to his candidacy. He stated he understands his nomination does not require a vote of acceptance by the Board and that the nomination stands.

Selectman Drobinski continued, saying he in no way means to take over the decision of the Committee, but that he feels very strongly about his nomination. He explained that professional courtesy should be extended in this instance where the incumbent Executive Secretary has served the town well, making the Town what it is today, and has been reappointed for twenty-two years. Additionally, he noted that Mr. Thompson has been a key to the passage of the Town Manager Act and supportive of the process of appointing a Town Manager. He stated that he respected the decision of the Committee relative to qualifications; however, as a common courtesy the decision relative to Mr. Thompson should be made by the Board of Selectmen.

Mr. Sanford informed the Board that it was his perception that if the current Executive Secretary were to be named a finalist, it might reduce the number of remaining finalists, in that it was a professional ethic not to displace incumbents and some may withdraw. He explained that, because of this ethic, the Committee had difficulty getting good candidates and resorted to recruitment in some cases. He said he believed this situation would place further stress on at least two of the candidates.

Selectman Clark proposed that, in light of the ethics problem of which she had not originally been aware, the matter of Selectman Drobinski's nomination be reviewed by Town Counsel, for fear of the total efforts to date being annihilated.

TMSC member Kathleen Precourt expressed her belief that there was a question of perception concerning whether there was an open process.

TMSC member Edward Sooper stated that professional courtesy and service to the Town were not a part of the criteria they used in seeking a Town Manager, which had been put together with input from the Selectmen. Mr. Sooper expressed that the Committee had agonized over its decision, that he was disappointed in Mr. Drobinski's nomination, and therefore he would not want to serve on another committee.

Selectman Drobinski responded to Mr. Sooper that he was entitled to his opinion, but that, as a Selectman he had a responsibility to the entire Town, not just one small group.

Mr. Sanford requested that a formal opinion be obtained from Town Counsel as previously requested by Selectman Clark.

Chairman Blacker concurred with Mr. Sooper's remarks. He reiterated his request to the TMSC for its selection criteria, and following discussion, it was agreed to schedule a joint meeting in the evening of Tuesday, April 11, 1995, for the purpose of reviewing same.

Selectman Drobinski suggested that the situation be explained to the three finalist candidates. It was agreed that Chairman Blacker would contact the candidates following receipt of a legal opinion concerning the nomination of Mr. Thompson.

Selectman Clark stated she did not want to be left with just one candidate. Selectman Drobinski concurred and stated that if that is going to happen he would retract his nomination.

Mr. Sanford said it was his duty to say that, based on things he had been hearing, there was a question as to whether the members of the Committee would want to continue, and he requested a prompt response from the Selectmen.

Town Planner Jody Kablack questioned the confidentiality of the process if the candidates were aware of Mr. Thompson's application. Mr. Sanford responded that once the names had been given informally to the Selectmen, the three finalists were called, at which time two candidates specifically asked and were told.

Ms. Kablack expressed the disappointment of all of the Department Heads that they were left out of the entire screening process.

TMSC member Karen Palmer urged the Selectmen to be pro-active in providing information on the screening efforts to-date to the public and employees as soon as possible.

Chairman Blacker replied that this could not be done until after they had received the complete report from the Committee.

Planning Board Chairman Carmine Gentile observed that the three Selectmen were elected officials and their job description provides an obligation and the authority to appoint the Town Manager; it is not a duty to be delegated. He expressed his opinion that, simply because an appointed advisory committee has come up with the best names it can give, for the Board of Selectmen to so exclude any other person as a candidate would be to delegate the duty to appoint a Town Manager. Mr. Gentile applauded Mr. Drobinski's nomination of Mr. Thompson.

Planning Board member John Rhome concurred with Mr. Gentile. He said that the Board of Selectmen has one thing the Screening Committee does not have - the Board has worked with Mr. Thompson and has its own knowledge which the Committee does not have, and it is the Board of Selectmen's responsibility to say who is the best. He opined the Board would be derelict in its duties if it felt limited to simply take the top two or three names from the Committee, and that he and the Town were looking to the Selectmen to determine the finalists and make the decision.

Mr. Sanford responded that several of the Committee members had worked with Mr. Thompson and understood his contributions. He described the screening and rating process used and opined it to be a better forum than individual selection by one board.

Town Moderator Thomas Dignan spoke of the value of giving everything the benefit of the doubt. He said that it was clear to him that an error had been made and it was also clear that this error did not arise in an evil sense, as a hidden agenda, or a vendetta. He believed it arose because of the "process", and that, in management, we have come to believe that everything can be handled with the right process. He could not fault the evaluation procedures used. The problem as he saw it was that here was just a screening committee, but the Selectmen are the Board of Directors. He stated that the screening process had been handled in a corporate manner, handled well and in good faith; and that approach should be carried through....in a corporation if one-third of its directors made a nomination, the rest of the board would accept it and they would interview.

Mr. Dignan further opined that Mr. Drobinski was within his rights and had found a way out of the error and a way to correct a divisive issue invading the Town.

TMSC member Edward Sooper disagreed with Mr. Dignan's analogy, repeated that the Committee had followed the directions given to it, and made the point that the Committee had the advantage of seeing all the candidates.

TMSC Chairman Roy Sanford urged the Selectmen to evaluate its position, considering the likely ramifications of the decision in terms of the ability to attract and maintain adequate candidates.

Mr. Craig Blake, member of the Permanent Building Committee and Chairman of the Resource Recovery Committee, said that the Screening Committee may have done an excellent screening job, but the concept is that it is not properly the Screening Committee's decision. He opined that the Selectmen should have the same benefit of talking to the candidates that the Committee did and make its own decision. He further expressed that there was a tendency to take matters such as this personally, but the Committee should not do so.

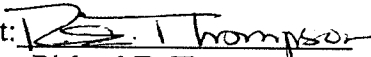
Mr. Dignan spoke again to assure he was not insulting anyone, but the problem was with the process - and that sometimes the process becomes more important than the answer. He urged, if an error was committed in the charge and in the results, not to let the error continue, as the Selectmen have the power correct it - that is why the statute reads, "the Selectmen shall appoint..."

Selectman Clark acknowledged the problem with obtaining candidates, although 120 applications were received, but stated that she did not think an error was made in the charge. She said they were unaware of the incumbency issue and tried to do what was fair and reasonable, as they had wanted a comparison. She concluded the decision was made in good faith and they would have to live with it.

At the conclusion of discussion, Chairman Blacker summarized the agreed upon action which would follow:

- 1) Town Counsel's opinion would be obtained.
- 2) The TMSC would provide to the Selectmen its screening process and detailed profiles of the finalists.
- 3) Following receipt of Town Counsel's opinion, Chairman Blacker would call the three recommended finalists, explain what had transpired, and set interview schedules.
- 4) A joint meeting of the Board of Selectmen and Town Manager Screening Committee would be posted for Tuesday, April 11, 1995.

The meeting was adjourned at 11:50 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk