

**Town of Uxbridge
Charter Review Committee
October 19, 2020**

The eighth meeting of the Uxbridge Charter Review Committee, held on the Zoom platform, was called to order by Chair, Patrick Stephan at 6:31 PM, Monday, October 19, 2020.

Present were Chair, Patrick Stephan, Clerk, Clerk, Ray Talke, and committee members, Rob Knapik, Jeffrey Lourie, Joann Lindenmayer, Ron Parsons, and Michael Potaski. Absent were Vice-Chair, Melissa Desmarais and member, Barry Desruisseaux. Police Chief, Marc Montminy, was also in attendance.

Mr. Stephan suggested changing the meeting dates in December to December 7 and 14, 2020 and in January to January 4 and 11, 2021 in order to allow the participation of members of the Board of Selectmen in our meetings. Due to the limited timeframe between meetings and the demands of Mr. Talke's employment, Dr. Lindenmayer offered to assume the role of clerk for the December 2020 and January 2021 meetings. By consensus, the Charter Review Committee approved these plans.

The Uxbridge Charter Review Committee interviewed Police Chief, Marc Montminy. Chief Montminy introduced himself. He is in his third year as the Police Chief of Uxbridge, after spending over thirty years in Connecticut law enforcement. During his career, Chief Montminy worked in four states other than Massachusetts. He also served as interim Town Manager in Uxbridge.

During the interview, Chief Montminy shared the following points:

Chief Montminy worked in towns with Town Manager forms of government and towns with town managers. He believes "expecting politicians to have the intimate knowledge of what is necessary to make a town operate is unrealistic."

Chief Montminy believes it is preferable to have a professional manage the operations of town government and such professionalism enhances his ability to function as Police Chief.

Chief Montminy finds it unusual that the responsibilities for hiring, firing, and disciplining police officers is held by the Town Manager in Uxbridge, rather than the Police Chief. He would understand if this authority was to be held by elected officials, but finds it unusual to assign this authority to a town manager. Chief Montminy believes the Chief of Police, rather than the Town Manager, should have the authority to hire, fire, promote, or discipline police officers.

Lacking a town human resources department, the police department is responsible for the testing and evaluation of police officer candidates. As currently structured, the police department will submit the names of the top three

candidates to the Town Manager. The Town Manager will then choose to hire one of the candidates, despite having no knowledge of any of the candidates.

Discipline of police officers, who are employed under a collective bargaining contract, is assigned to the Town Manager in the present form of government. In other towns, the Town Manager would serve as a grievance point, rather than the original disciplinarian. In Uxbridge, the Town Manager is the original disciplinarian, and the first step in the grievance process is the Board of Selectmen. Chief Montminy believes the first step of the grievance process should be conducted by the Police Chief, the second step by the Town Manager, and the third step by the Board of Selectmen.

Under the current Uxbridge Home Rule Charter, "the boss is not the boss." The Police Chief has no significant authority to "hand out significant discipline to a police officer." This undermines the Police Chief's ability to address bad police officers or to get rid of them. This also divests the Police Chief of any real responsibility for his or her staff, because the Police Chief does not hire employees and may not discipline employees.

In actual practice, according to Chief Montminy, the Town Manager has accepted the Police Chief's recommendations for hiring, discipline, and termination of police personnel for at least the past five or six years. During the tenure of Chief Montminy as Police Chief, there has never been a recommendation or hiring preference overruled by the Town Manager. The current town Charter does allow the Town Manager to delegate authority and responsibilities to other town personnel.

In terms of granting department leaders greater authority, Chief Montminy felt most town departments are too small to grant the heads of these departments complete authority, with the exception of the fire department and the Department of Public Works. Chief Lourie stated the Chief of the Fire Department already possesses the authority to hire, fire, promote, and discipline fire department employees.

As verified by Mr. Potaski, there have been occasions in the past in which police department decisions were impacted by political considerations, including favoritism. This may explain why the Town Manager, rather than the Chief of Police is currently personally responsible for hiring, firing, promotions, and disciplinary decisions.

Chief Montminy affirmed communications between the Police Chief and the Town Manager were very good and stated the Town Manager does not micromanage police department affairs. The Police Chief contacts the Town Manager anytime an issue of importance or political significance arises.

Currently, contracts between police department employees are negotiated between the union and the Town Manager. Chief Montminy is satisfied with this arrangement, since it allows the Police Chief to operate as a nonbiased intermediary if contract talks bog down.

Chief Montminy is not in favor of involving the Board of Selectmen in contract negotiations. He fears that including too many people in the negotiating process may undermine the efficiency and success of the process. However, Chief Montminy asserted that, while the Board of Selectmen should not be involved in the actual negotiation process, they do, and should, have the ultimate authority to approve or reject any contract proposal.

The current internal staffing plans are developed by the Police Department and then forwarded to the Town Manager for budgetary planning.

Chief Montminy believes the day-to-day operations of the town should be led by a professional, whereas overall goals and objectives should be set by elected officials. Elected officials rarely have the skill set to effectively “get into the weeds.” In most larger towns, elected officials don’t directly contact department heads for information – they first direct their questions to the Town Manager.

Chief Montminy would like the Charter Review Committee to take a close look at the use of the term, “officer,” in the Town Charter. Although the Town Charter defines a “town officer” as “a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town,” the term, “officer,” has a different connotation within the police department. Chief Montminy believes the term can cause confusion, particularly if it’s used inconsistently, and the Charter Review Committee should take a close look at the use of the term within the Charter.

The Charter Review Committee then interviewed committee member, Jeffrey Lourie, within the auspices of his former position as the Police Chief of Uxbridge. Chief Lourie first became Uxbridge’s Police Chief seven years ago. Chief Lourie has over 32 years of police experience, having served on the police departments of Shrewsbury and Auburn prior to becoming the Uxbridge Chief of Police. Due to some political events in town, Chief Lourie left the Uxbridge police department to become the police chief in Westborough, Massachusetts. Chief Lourie worked in towns with several different forms of government and previously served as the Chair of a School Committee.

In his current position as Police Chief of Westborough, Chief Lourie was appointed by the Board of Selectmen and reports to the Town Manager. Chief Lourie is the appointing authority of the Westborough Police Department, having the authority to hire, fire, and suspend police department personnel. In Uxbridge, Chief Lourie only had the authority to suspend police officers for a maximum of five days.

During the interview, Chief Lourie raised the following points and concerns:

Chief Lourie reaffirmed Chief Montminy's concerns about the level of authority granted the Police Chief under the current Town Charter. Chief Lourie believes the Police Chief in Uxbridge should have full appointing authority with the power to appoint, promote, discipline, and fire members of the police department. According to Chief Lourie, the liability of having subpar personnel in the Police Department lies with the Police Chief. Because of this, the Police Chief should have the authority to select department personnel and be held accountable for those choices.

Chief Lourie also pointed out the occasional difficulty in being able to take action on a timely basis under the current Town Charter. If the Police Chief encounters a situation, the Board of Selectmen may not meet for another two weeks and the Town Manager may be out of the office or otherwise unavailable. If the office of Police Chief is granted full appointing authority, the Police Chief could address the situation immediately.

In emphasizing his belief that the Police Chief should have full authority, Chief Lourie stated, "I can teach a person to be a good police officer, but I can't train (a police officer) to be a good person." As a result, the Police Chief should have the authority to select the right fit for the police department and the community, and be held accountable for those decisions.

In response to a question from Mr. Stephan, Chief Lourie affirmed his belief the Police Chief should provide for succession planning and provide the training to allow town police officers to eventually succeed the incumbent Police Chief. Facilitating career development is critically important for the Police Chief.

Chief Lourie mentioned that his decision to leave the position of Uxbridge Police Chief was tied to the town's form of government. During the May 2017 Town Meeting, an amendment proposed by Selectman Justin Piccirillo cut the recommended town manager's and selectmen's administrative budget by \$128,840, and redistributed that amount in equal shares to the Police Department and Fire Department. That decision to bypass the normal budgetary process had a chilling effect on town officials, and Chief Lourie felt, "it's not a matter if it's going to be my turn, it's a matter of when it's going to be my turn."

This decision undermined morale among town employees and caused an exodus of department heads. In his decision to leave the employ of Uxbridge, Chief Lourie felt, "a message needed to be sent."

Chief Lourie felt the message sent by town meeting in 2017 was, "you better play ball...you do something people don't like, you're going to hear our voices."

Having served in a representative town meeting form of government in Auburn and an open town meeting form of government in Uxbridge, Chief Lourie mentioned that he never saw budgets opened up on the town meeting floor, as they were during the May 2017 Uxbridge town meeting.

It was pointed out by Chief Lourie and Mr. Potaski that opening and amending the budget in 2018 was an anomaly in town. Mr. Postaski mentioned that changing the budget on town meeting floor is not common, but it does occur occasionally, particularly when the residents are unhappy with some aspect of town government and wish to send a message. However, according to Chief Lourie, the 2017 decision did have significant ramifications on the morale and leadership of town and the concern the town officials may be held hostage to political considerations. These political considerations could have the impact of preventing members of the police department, for example, from performing their jobs effectively.

Dr. Lindenmayer added that a similar action was taken on the floor of the last Town Meeting with respect to Dr. Kristin Black. According to Dr. Lindenmayer, this had a similar effect which caused Dr. Black to leave Uxbridge for Northborough.

Chief Lourie offered the observation that the Charter Review Committee should take its job seriously, because "we're playing with people's lives here."

Dr. Lindenmayer moved the minutes of the September 21, 2020 meeting of the Charter Review Committee be approved, seconded by Chief Lourie. The motion passed unanimously.

Approval of the October 5, 2020 Charter Review Committee minutes were tabled by unanimous vote. Dr. Lindenmayer wished to give the subjects of the October 5 interviews more time to review the minutes and Mr. Stephan recommended some revisions.

Despite widespread solicitations in local newspapers and social media, the Charter Review Committee has not yet received any questions or comments from the community. Mr. Stephan will ask the Town Moderator, Ed Maharay, to mention our Committee at the October 27, 2020 town meeting and to invite input from the public.

The Charter Review Committee held a discussion of soliciting input from department heads and town employees. The consensus of the committee was to send a request to department heads and town committee leaders for their input, and asking them to share the request with their employees and committee members. The Charter Review Committee will then follow-up with interested individuals using the appropriate data-gathering technique (surveys, open-ended forms, personal interviews, etc.).

Mr. Parsons observed the Charter Review Committee has been soliciting input and conducting interviews with town employees and elected officials. However, the committee has not yet received any input from the general public. Mr. Parsons is concerned the Charter Review Committee has not yet determined how effectively the government functions for the people it's supposed to serve – the general public. Mr. Stephan pointed out the Charter Review Committee has tried to engage the general public, but has not yet received any input. It is the concern among several on the committee that the general public will not weigh in until the committee's proposals are submitted at town meeting. Mr. Potaski suggested the Board of Selectmen be contacted and mention our committee is seeking public input at every Board of Selectmen meeting. Mr. Talke suggested adding a paragraph to every meeting agenda inviting the public to participate during the public forum part of the meeting.

The next meeting will be held on November 2, 2020 at 6:30 PM on the Zoom platform and is scheduled to feature interviews with former Fire Chief William Kessler and current Fire Chief Tom Dion.

The meeting was adjourned at 8:27 PM.

Respectfully submitted,

/s/

Raymond A. Talke, Jr.
Clerk