
MINUTES OF REGULAR SESSION – March 10, 2022
ROOM 03 – TOWN HALL
5:00 PM

PRESENT: Chairman Michael K. Walsh and Select Board members Thomas J. O’Loughlin and Paul A. Mazzuchelli and Town Counsel, Charles Boddy, Jr.

1. Invitation to Speak – Harold Rhodes read a statement regarding possible Amendments to Article 32 – Police Chief Selection Review Committee Bylaw. Members of the Select Board: Thank you for this opportunity to speak to you on the possible amendments to By-law 32. I very much appreciate that this Select Board is working diligently to offer what the members believe to be improvements over the current By-law 32. We all are quite aware of the problems that the last Police Chief Selection Review Committee faced, and I do believe the whole Milford community is supportive of improving the current by-law. The fact that you are in discussion tonight to amend Article 32 would logically suggest that while the original bylaw may require updating or amendment, it was never “nullified” in Superior Court, as the Select Board previously suggested. However, I am unsure how this Select Board can further consider this amendment tonight, given that any proposed articles for the upcoming Town Meeting had to have been submitted by noon today, per the Town Administrator. But since the purpose of this meeting is to discuss the proposed Amendment, let me address some deficiencies. First, and perhaps most important, is the proposed overall make-up of the appointees to the Review Committee. Of the twelve persons who will be appointed in the proposed Review Committee, nine persons are directly and indirectly under the jurisdiction of this Select Board, while only three persons who are appointed by the Town Moderator are outside this Select Board’s authority. Second, as a result, it is likely that the Milford community will view this amendment, as I do, as having encumbered relationships with members of this Select Board. In the very least, these encumbered relationships provide will provide the appearance of conflicts-of-interests among the appointees and the members of the Select Board. This Select Board has the obligation to Milford to do all that is possible to ensure that not just this review committee, but all committees avoid both a direct conflict-of-interest as well as even the appearance of a conflict-of-interest. Third, the proposed set of appointees is certainly not representative of the tremendous diversity of persons who reside in Milford. Milford’s wonderful mixture of ethnicity, race, gender, ages, and disabilities does not appear to have any impact on the appointments to be made to the review committee. Lacking diversity will directly impact how the Milford community will view this amendment.

Fourth, the amendment proposed by this Select Board to By-law 32 lacks a definitive specification as to exactly how long after there is a vacancy that the full set of appointments must be made. For example, in future years, when the Select Board has given leave to new members, will they be able to delay making the appointments such that the vacancy will continue indefinitely? It would be wise to include a timeframe for appointments. To conclude, a citizens' petition will be included in the Town Meeting Warrant to address many of these concerns. Thank you.

Jamie Wheelock said the language in Article 32 could be updated to include gender neutral related pronouns. Also, there is no mention of striving for gender parity in the selection of members.

Mr. O'Loughlin said the appointing authority is the Select Board. Even if the Bylaw is amended it will still be ineffectual. A Superior Court Judge reviewed the Town Bylaws, the MPTC State Training Regulations and State Law and ruled that MGL ch 41, sec 97A applies and the Select Board is the appointing Board. This decision rendered the Bylaw ineffectual. The same Board appoints the Fire Chief whose duties are arguably as important than that of the Police Chief. The prior Committee created was an unwieldy 15 member Committee. The former Board "stacked" the Committee. The candidate chosen was offered the position and declined and then was a candidate for the Framingham Police Chief position 6 months later even though he declined the Milford job because he did not want to move. Mr. O'Loughlin said he has no conflict of interest. The prior Committee violated the process time and time again. He committed early on and is still committed to community and professional input. The Town Administrator and Finance Director work with the Police Chief every day and they can give advice on the Selection process. He further said we could pick 3 residents to also provide advice. The prior Bylaw process did not work and was a sham. The Bylaw says you cannot be an applicant for the position, yet the prior Board put a person on the Committee and then "gave him the job ". He said he won't support the amended Bylaw at Town Meeting. If necessary, he will take the issue back before Judge Wren in Worcester Superior Court. He welcomes public input. We spent \$65,000.00 on the former Committee and accomplished nothing. He is not in favor of creating another Bylaw which is ineffective.

Mr. Mazzuchelli said he is looking for a more controlled procedure. The Bylaw is 24 years old and the Police Profession has changed more in the last 2 years than in the past 50 years. The public knows very little about Police Law Enforcement as it is very complex and being the Chief is even more complex. There are Executive Search Committees that can assist with selection of a Police Chief. He wants to ensure broad citizen input. He is not in favor of large Committees. A 5 to 7 member Committee would be ideal. The Search Committee could include residents, but he would also staff committee with those sensitive to hiring issues. If an internal candidate is qualified for the position, the Search Committee will know. An outside Agency can help take away any appearance of a conflict of interest. A

Police Chief hired solely by a Citizen Committee or politicians will be inclined to appease those on the Committee. Mr. Mazzuchelli also suggested a website survey with questions such as “what do you expect from a Police Chief” and what do you want the “Chief to address”. He believes Article 32 is antiquated and should not be revised, but replaced.

Mr. Walsh said the Community entrusted the Select Board to “make decisions that were correct, and in the Town’s best interest”. He asked “what is the message we send when we go outside of our own rank and file to fill positions”? We appointed a Fire Chief in 15 minutes. He suggested we put together a very small Committee with expertise in this field and move forward. He will argue to defeat this amendment and then revamp”.

Mr. O’Loughlin would like a forum for citizens to present their ideas regarding Article 32. When he served on numerous Police Chief Search Committees , the question he always asks to a panel is “why aren’t you staying inside”. He agrees 5 to 7 people on such a Committee would be fine. To argue that Zach Taylor or Rick Villani are conflicted is so wrong. He firmly believes this current Bylaw has no effect. The Bylaw article is overly burdensome and cumbersome without question.

Mr. Walsh asked if the Board could vote tonight to remove the Article 32 submission from the Warrant. Town Counsel said there is a place holder article submitted on behalf of the Town. The citizen petition Article is not formalized as he has not seen the signatures for the Petition. Mr. Rhodes said he did submit signatures for the article. Mr. O’Loughlin said that could be addressed when we have a Warrant.

Mr. Mazzuchelli said a controlled survey would be useful to help evaluate priorities of what the Town should seek from a Police Chief. Mr. Walsh said we spent a lot of money on a Consultant last time and “it went sideways”. Mr. O’Loughlin said he thinks having an outside consultant is beneficial. Mr. Mazzuchelli said it will depend on the cost. Mr. O’Loughlin said it could be a flat fee. Mr. Mazzuchelli said he likes a Survey as it is anonymous. Mr. O’Loughlin said he is looking for the right result. We have a fantastic Police Department that he knows has the respect of the community. Our Bylaw was “shot down by the Town Government”.

2. Mr. O'Loughlin moved, seconded by Mr. Mazzuchelli: To adjourn the Select Board meeting at 6:00 PM.

Richard A. Villani
Minutes Recorder

Michael K. Walsh, Chairman

Thomas J. O'Loughlin

Paul A. Mazzuchelli