



**Town of Arlington  
Legal Department**

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To: Select Board

Cc: Caryn Malloy, Director of Human Resources

Date: May 12, 2022

Re: Appointment of Town Manager for Pursuant to Section 12(b) of the Manager Act

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Members of the Board, in advance of your discussions Monday, please receive this memorandum outlining the process, parameters, and options for appointment of a Town Manager following Mr. Chapdelaine's last day of service with the Town.

**Section 12 of the Town Manager Act**

Section 12 of the Arlington Town Manager Act provides the following:

*Section 12. Temporary Manager or Manager for Unexpired Term.*

*(a) The Town Manager may, subject to approval by the Select Board, designate, by letter filed with the Town Clerk, a qualified officer of the town as temporary Town Manager to perform the duties of the manager during their temporary absence or temporary disability, except during removal proceedings. In the event of the failure of the manager to make such designation, the select board shall forthwith, by resolution, designate an officer of the town to perform the duties of, and have the power of, the manager, until the manager shall return or their disability shall cease.*

*(b) When a vacancy occurs in the office of Town Manager for any reason other than for expiration of their term, the select board shall appoint, as soon as possible, but in any event not later than ninety days after such vacancy occurs, a Town Manager for the balance of the unexpired term. Such appointment shall, in so far as practicable, be subject to the same conditions and qualifications for the office of Town Manager as set forth in section eleven; if not so practicable, the select board shall so appoint a qualified officer of the town as acting manager for the balance of the unexpired term.*

Only Section 12(b) applies to the present circumstance where there will be a “vacancy for any reason other than the expiration of [the Manager’s] term...” It sets forth that within ninety (90) days of the vacancy, the Board must appoint a Town Manager for the balance of the unexpired term, or alternatively appoint a “qualified officer of the town as acting town manager for the balance of the term.” The distinction between these two clauses appears to be rooted in Section 11, which sets forth the qualifications for serving as Town Manager.<sup>1</sup> In other words, if the Board could not appoint a candidate qualified to serve as Manager for the balance of the unexpired term, it could be given additional latitude to appoint an “Acting Town Manager” in lieu of someone who met all the criteria of Section 11.

Applied to Mr. Pooler (one of the Town’s Deputy Town Managers and Finance Director) and his candidacy for the position of Manager for the unexpired term, (sometimes referred to as “Interim Manager”), to my understanding the requirements of Section 11 are all met. As such, if the Board is inclined to move forward with his appointment, an appropriate motion may be as follows:

*MOTION: The Select Board hereby appoints Mr. Sandy Pooler to serve as Town Manager pursuant to Section 12(b) of the Town Manager Act, subject to successful negotiations between Mr. Pooler and the Board’s designee to be ratified by vote of the Select Board.*

I look forward to answering any further questions the Board may have about the process for filling a vacancy in the position of Town Manager, qualifications for same, and related issues.

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<sup>1</sup> The relevant qualifications set forth in Section 11 are “...a Town Manager, who shall be a professionally qualified person especially fitted by education, training and experience to perform the duties of the office, shall have at least three years’ experience of significant municipal management or administrative experience, and shall be a citizen of the United States of America.”