

REPORT OF THE TOWN MANAGER ASSESSMENT COMMITTEE

Table of Contents

October 18, 2007

Page 1.	Introduction
Page 1.	The Charge
Page 1.	The Study Parameters
Page 2.	The Study Procedures
Page 2.	The Compilation of Data
Page 3.	The Analysis
Page 4.	Conclusions
Page 5.	Recommendations
Page 5.	Contents of Appendix

1. Introduction: The Town Manager Assessment Committee (TMAC) was formed by a vote of the Selectmen in early June 2007. The five member committee was subsequently sworn in and given the Charge of the Selectmen. The organizational meeting was held on June 28 with the officers being elected at that time. The members are Michael Bravo, Richard Desjardins, Robert Miller, John Robertson Jr. and Joan Scribner. The officers elected were John Robertson Jr., Chair; Richard Desjardins, Vice chair and Joan Scribner, Secretary as reflected in the minutes (Exhibit 1). Copies of the background information supplied by the selectmen were distributed as well as other organizational materials for study. The Massachusetts Municipal Association (MMA) offered to aid in the TMAC study by arranging for active town managers to make presentations to the committee. This was accepted and a schedule was set up to meet every two weeks as a 90 day deadline was imposed by the selectmen for completion of the study.

2. The Charge: The charge consisted of four questions that the selectmen posed for resolution by the Committee. These were 1) What factors trigger the need for a town manager and when will the town of Upton meet those milestones, 2) The role, responsibility and authority of the town manager, 3) The hiring, termination and evaluation processes for a town manager and 4) Develop the language for a special act for approval if the conclusion supports the need for a town manager. Furthermore the selectmen requested a detailed report summarizing the research, evaluation and recommendation of the committee. The language of the charge is shown in Exhibit 2.

3. The Study Parameters: Three avenues of research were to be investigated. The first was a search of the records for any available statistics relating to the town manager form of administration, the second was a review of the home charter petitions that established a town manager form of administration in other communities and the third avenue was interviews with town managers now serving their communities. The MMA provided a directory of summarized data relating to governmental forms and statistical information relating to them and agreed to arrange for local town managers to make presentations to the committee. The selectmen's previous investigation had provided us with the several

home rule charters and additional ones were obtained during the investigation. These studies were run concurrently in order to have a resolution by the 90 day deadline.

4. The Study Procedure: The statistics were primarily drawn from the general information provided by the MMA and the annual town reports. The particular data pertaining to the charge were selected and correlated for analysis. The data and correlations are presented in Exhibit 3. The data included the population of communities with town managers, the operating budget size and the ratio of the two. Also included were the population growth in Upton of the community and the schools. Information about governmental forms in adjacent towns was also tabulated.

Home rule petitions were reviewed for a number of towns including Westborough, Needham, Ashland, Harvard and Hopkinton. Needham and Ashland have had town managers for a number of years while Hopkinton has recently accepted this form of administration. Westborough has a town coordinator while Harvard has a town administrator. Functioning town managers from Needham and Ashland were invited to present to the committee the positives and negative aspects of their positions.

5. Compilation of the Data: A review of the statistical data in Exhibit 3 reveals that there are 57 out of 299 towns in the Commonwealth that have a town manager form of administration. The towns range in population from 3426 to 65060 while the average is 20,800. If Upton had a town manager it would rank 56th out of 58 (2005 population) while with an operating budget of \$15,800,000 (2007) it would rank 57th out of 58. The ranking of the ratio of operating budget to the population or budget dollars per person places Upton in the 52nd position.

Of the seven towns adjacent to Upton, two have a town manager (Hopkinton and Northbridge), two have a town coordinator (Westborough and Hopedale), two have a town administrator (Milford and Grafton) and one has an executive secretary (Mendon). The population of Upton by the town census over the past 6 years has fluctuated but there is an upward trend of about 2% per year over that period. The school population has increased by 5% annually.

The home rule charters that were reviewed, varied in their intent and breath. Some were designed for a town administrator, others for a town coordinator while others were directed toward a town manager. The town manager form was the most comprehensive in delegation of duties to that position and the duties increased as the title changed from administrator to coordinator to manager. Additional duties are devolved to administrative position as it changes from secretary to administrator to coordinator to manager. The titles are deceiving, however as each town has its own concept of the meaning of town manager as there is no universally accepted definition resulting in considerable overlap.

The interviews with town managers from Ashland and Needham provided a wealth of information as they were knowledgeable and from different size communities, Needham (28,400) and the other was Ashland (15,500). Both participants had been town administrators prior to becoming a town manager and knew the town government

structure well. Discussions focused on the basic authority needed by the manager to accomplish what was required by that position. Both agreed that town manager authority must include 1) the right to hire and fire employees, 2) to compile and recommend a budget, 3) to fix the compensation of town employees, 4) to reorganize town departments under certain circumstances, 5) act as the town's chief procurement officer and 6) to sign warrants for the payment of town obligations. The breadth of the petition was discussed as whether it related to a comprehensive charter encompassing the entire municipal structure or limited home rule petition. The former would require a charter commission but the process is long, complex and difficult. The latter is a smaller step.

6. The Analysis: Prior to the analysis of data, the committee defined its concept of a town manager so that discussions would have a common basis. The definition is listed in the proposed petition Exhibit 4, Section 1.

A. The First Charge: The committee set up a table (Exhibit 5) to answer the charge relating to the tipping point and whether the town has reached that point. The table posed three questions for each member to answer: 1) Point priority, 2) Timing and 3) Type reorganization. After discussing the listed options each member was asked his opinion. The results were consistent with the three most important factors relating to tipping point being 1) the increasing complexity of town government, 2) the need for efficiency and cost control and 3) the need for knowledge based decisions. Population size was the only one consistently rated low. See Exhibit 3 for a listing of the committees and boards now in place in Upton which reflect one aspect of the complexity of town government..

The three highest rated tipping factors were reviewed as to their immediacy. The committee felt that these factors had already been reached in addition to several other ones. The first option was approved.

Last was the type of reorganization and the options included comprehensive, specific and by-law. The discussion indicated that the comprehensive approach would entail a charter commission and be a large step for the town to take at once while the process would be long and involved. The by-law approach by the definition of town manager by the committee would be lacking in authority and would be more suited to a town administrator. Again the committee was consistent in their opinion that a limited home rule petition would be the best solution for the town of Upton at the present time.

B. The Second Charge: The review of the various charters and the testimony of the town managers that made the presentations were discussed and considered. The need for a relative amount of independence from interference in their duties was an important factor. To do this the manager would need authority now vested in the board of selectmen. The definition of the role, responsibility and authority stems from the interviews and charters of other towns and are shown in the proposed petition in Exhibit 4.

C. The Third Charge: The third charge relates to the hiring, termination and evaluation of the Manager. The personnel by-laws of the town were reviewed and discussed. The procedures appeared to be satisfactory and should be followed whenever possible. The exception in the hiring process is described in Section 3 of Exhibit 4. The board will be the manager's supervisor and as such, should be the body to conduct that person's review. The termination process should also follow the by-law as closely as possible but a specific protocol is described in Section 7 of Exhibit 4

D. The Fourth Charge: The last charge of the selectmen was concerned with the writing of a petition that would be submitted to the town for approval and then to the General Court for passage in order to establish the town manager municipal structure for Upton. The decisions made in the resolutions of the prior three charges were used as a basis for the specific wording of the act while the form of the original proposal rejected at the annual town meeting (Exhibit 6) was used as a pattern. The rewritten petition devolved power to the manager from the selectmen. The selectmen would then become a board primarily concerned with strategy and the policies to put that strategy in place (Exhibit 7). This combined with the responsibility to hire and fire the manager and have oversight over the budget would be the primary duties of the board.

7. Conclusions

Charge 1: What "factors trigger the need for a town manager (cite factors) and when will the town meet those milestones?" The factors are 1) Complexity, 2) efficiency/cost, 3) knowledge based decisions, 4) communications and timely implementation, 5) volunteer capacity and availability, 6) strategic planning, 7) budget size and 8) population in that order. The tipping point has been reached for the majority of these factors therefore the Town Meeting Assessment Committee agrees that the Town needs a town manager form of government.

Charge 2: Define "The role, responsibility and authority of a Town Manager for the Town of Upton." The response to the charge is stated in Section 2 of the proposed petition as shown in Exhibit 4.

Charge 3. Define "The hiring, termination, and evaluation processes for a Town Manager for the Town of Upton." The response to the charge is stated in Sections 3 and 7 of the proposed petition as shown in Exhibit 4.

Charge 4. "If the recommendation supports the need of a Town Manager; develop the language of the Special Act of the Legislature to be voted on at a Town Meeting and for submission to the State Legislature for approval." The conclusion under Charge 1 was that the Committee unanimously agreed that the Town of Upton should implement the town manager form of government therefore, the response to Charge 4 is shown in the proposed petition in Exhibit 4. See Section 8 of this report for further comments about the proposed petition.

8. Recommendations: The change in the administrative structure as set forth in the proposed petition is profound and requires careful integration into the political and administrative structure of the town. The proposed petition has been written by the Committee in good faith but without the specific expertise needed to produce a finished document both from a legal and an application point of view. If this is worth doing, it is worth doing right. The recommendations are listed below:

- A. The Town of Upton needs to implement the town manager form of government.
- B. A person with expertise in municipal government should review the proposed petition prior to obtaining a legal opinion as to form.
- C. Create a transition plan in order to put the new system in place with the least disruption and cost as possible.
- D. Review the proposed petition with the Personnel Board, the Finance Committee and other appropriate boards and committees.
- E. Place the related petition on the warrant for the Fiscal Year 09 annual town meeting

9. Appendix

Exhibit 1. The Minutes of the meetings;

- a. June 28, 2007
- b. July 17, 2007
- c. July 31, 2007
- d. August 14, 2007
- e. August 28, 2007
- f. September 6, 2007
- g. September 20, 2007
- h. September 24, 2007
- i. October 4, 2007
- j. October 11, 2007
- k. October 18, 2007

Exhibit 2. The Charge by the Selectmen

Exhibit 3. Statistical Data

- a. General Information on Local Government
- b. Town Census
- c. Titles, Population and Budget Data for Selected and adjacent Towns
- d. Elected and Appointed Positions in the Town of Upton
- e. Towns in Massachusetts with Town Managers

Exhibit 4. The New Proposed Act

Exhibit 5. Tipping Point Analysis

Exhibit 6. Original Proposed Act with Amendments

Exhibit 7. Historical Comments relating to the First Town Manager

Exhibit 8 Sources