TOWN OF TOPSFIELD

Government Review Committee

Introduction

The Board of Selectmen (BoS) appointed an ad hoc committee in 2011 called the Government Review Committee (GRC) to take a close look at the present form of government in Topsfield, compare it with those of other similar such towns in the Commonwealth, and formulate recommendations for changes in the current structure of the Town's administration that would make our Town more efficient, accountable, and reflective of "best municipal management practices."

The Committee members are: Janice Ablon, George Anderson, Boyd Jackson, Holger Luther, and Allan Wallace. The Committee then elected Holger Luther chairman, and Boyd Jackson clerk at its initial meeting on Dec. 6th, 2011.

TOWN OF TOPSFIELD

Government Review Committee

The Committee Charter

1. **Purpose:** Determine how the Town may reorganize its operations [form] so as to deliver services to its residents more efficiently.
2. **Objectives:**
   (1) Evaluate current operations relative to "Best Management Practices" (BMP's) found in other communities of Topsfield's size in the Commonwealth.
   (2) Consider state initiatives intended to help communities improve efficiencies by forming regional compacts to deliver service and share assets.
   (3) Consider impacts of IT developments on efficiencies in Town operations.
   (4) Consider the possibilities of outsourcing services.
   (5) Consider any unique characteristics of the Town.
3. **Recommended approach:**
   (1) Review minutes of the 2004 TMC.
   (2) Review the structure of the current form of government (FoG).
   (3) Identify its strength and weaknesses by interviewing department heads, employees, committees, and commissions.
   (4) Obtain FoG models of other communities of similar size.
   (5) Consult with MMA and MMMA on FoG recommendations.
4. **Deliverables:**
   Committee shall report findings to BoS and recommend a way or ways to improve efficiencies of operations. More than one alternative may be included.
5. **Duration of deliberations:**
   The committee shall complete its work within 12 months.

TOWN OF TOPSFIELD

Government Review Committee

Approach of Investigation.

1. Obtained and read all extant material relative to the 2004 TMC deliberations and recommendations. (The written record is rather limited). Additional information was obtained from members who served on the TMC.
2. Researched the reasons for the failure of the TMC recommendations to be enacted.
3. Invited experts from the MMA such as Marilyn Contraes, Hans Larsen, and Michael Lombardo to explain to us the legal and legislative approach to creating an FoG other than that prescribed by GLC-41 to manage the Town administration as well as the practical procedures to that end.
4. Read in detail the home-rule petitions of towns that have changed to BoS/TM FoG. These documents include those for: Abington, Dalton, Hamilton, Lakeville, Lee, Manchester-by-the Sea, Sheffield, Upton.
5. Read in detail the home-rule petitions of towns that have created a DPW: Barry, Belchertown, Duxbury, Great Barrington, Hatfield, Manchester, Southborrough, W. Boylston.
6. Interviewed department heads: Highway Dep't, Water Dep't, Parks, Recreation Dep't, B'd of Assessors, Town Clerk, Purchasing director relative to operations – problems and successes.
7. Reviewed issues relative to IT status, outsourcing, and regionalization.

See also the list of MA communities that have adopted the TM form of gov't. at the end of this presentation.

TOWN OF TOPSFIELD

Government Review Committee

Findings relative to charter items: 2,3, and 4

	List of candidate efficiencies		Date 8/14/12	
Efficiency Candidate	**Efficiency Action**	**Is.it Real or not**	**Expected Savings**	**Recommend or not**
Departmental staffing level	Use fewer staff and/or fewer hour	Most (non-school) departments have only a minimal staff some of which are already part time	None or at best minimal	Not recommended as staff levels are already minimal
Outsource services	Eliminate Dp't staff, have purchasing agent monitor contract	It is possible to contract cemetery maintenance and rec. field upkeep. Snow plowing is outsourced now	There is no evidence that towns in MA are trending this way. Savings are ultimately determined by the negotiated contract	Recommend that any outsourcing be pursued by new TA
Lease a modern Town Hall	Present "White elephant" is hugely inefficient and costly to heat/cool and maintain. Move to a modern leased building ADA compliant	There are very few office buildings in town that are unoccupied (only one at present). Getting someone to build for purpose is unlikely	Savings can only accrue if the present TH is either razed or transferred to new owner. That is unlikely given the nature of the building.	While the issue needs to be pursued, the GRC is not in a position to recommend or not without much futher research
Work "smarter"	Increase the use of digital media and cut down substantially on paperwork	Requires investment in electronic media and their maintenance contracts. Also means adding hours for training of staff.	Town has trended that way and the IT budget has grown substantially. Still there is insufficient staff training. Paper use is still excessive	Recommend that town employees be given more computer literacy training and increase effort to reduce paper usage.
Regionalize assets s.a. rolling stock except emergency vehicles	Form inter-town compact for trucks, sweepers, plows, etc into which towns contribute according to use	The RECC is an example of that, but there are numerous details to be discussed: priority use, liability, maintenace obligation, accidents, etc	Probably needs legislation to establish as the Town enters into regional entity under law. As with other things regional savings aren't always guaranteed.	It took the Fire chief two years and a number of neighboring colleagues to initiate the RECC effort. This asset sharing concept needs more input from other towns.
Eliminate town-supported waste collection	Turn waste collection into an enterprise account, and bill residents according to use	Other towns have done this, and it removes the waste collection and recycling from the annual town budget	While the town budget shrinks by $380K, residents may end up paying more in user fees.	This concept is a cost shifting measure not an efficiency . Therefore the GRC does not recommend it.
Disconnect union pay from non-union compensation	The Town has informally granted pay equity between union and non-union staff. Action is to cease granting equity and pay non-union what "traffic will bear"	The immediate effect is for an increased turn-over of non-union employees. In this labor market that may not be a problem except for the employee training aspect.	Immediate savings are going to be minimal and further reduced by training outlays. There are additional pension savings to be considered however.	For reasons of fairness and employee relations, this is not recommended
Turn all recreational assets into an enterprise account.	Empower the recreational Committee to run all ball fields and rec. areas into a user supported enterprise account. Maintenance is contracted by the Rec. Committee.	All users of recreational areas will have to pay for use according to fee schedule set by Rec. Committee.	There is a trend in that direction now as the the P&C assesses cost onto the TAA and other organizations. This will disconnect cemetery operations from recreational ones.	This concept is a cost shifting measure not an efficiency . Therefore the GRC does not recommend it.

Global findings:

1. **Outsourcing is being done at present. Success depends on negotiated contract. There is no single road to success.**
2. **Regionalization is likewise complex as it requires legislative approval and the commitment of other communities. Success is not a necessary outcome.**
3. **IT development is proceeding but it is only as good as the abilities of its users.**
4. **Enterprise accounts can be used to shift expenses from tax base to user fees. While this will lower the annual budget, it may increase burden on fee payers.**

TOWN OF TOPSFIELD

Government Review Committee

Findings relative to charter item one

1. The present form of government in Topsfield is fragmented with many elected and appointed boards and commissions carrying out their chartered missions pretty much autonomously without much coordination between them. As George Hall puts it "Every department working in its own silo".
2. Current TA has no real authority to coordinate permitting and regulatory activity other than periodic department sessions relative to safety, land use, human resources, and budgetary matters.
3. Individual departments hire support and review performance. This tends to a "walking on water" syndrome in which staff is reviewed by board members that rarely see the inside of each town office in any given budget cycle.
4. Employees have the impression that "no one is in charge of the administration" a complaint that has been heard by GRC and TMC members repeatedly.
5. The attempt to create a strong Town Administrator by the TMC foundered on the issue that a town cannot elect to have a strong TA under existing state statutes. It requires a home-rule act, or a town charter approved by the General Court.
6. The attempt to create a DPW was approved at the 2006 ATM but failed in the polls. Possibly as a result of insufficient dissemination of material in support of doing it.
7. Election of Town Clerk and B'd of Assessors is made problematic by the volume of state regulations that each have to follow. Candidates usually learn of the scope of the task after their election.

TOWN OF TOPSFIELD

Government Review Committee

Findings relative to FoG - continued

1. A "strong" town administrator (TA) who appoints all department staff and has the general oversight of all half- and full-time employees can coordinate the staff work to ensure proper communication between permitting boards such as Conservation, Health, and Inspectional Services .
2. Boards and commission members can focus on their chartered mission and not spend a lot of time on evaluations and budgeting issues.
3. A Department of Public Works in which all rolling stock is held in common and that is managed by the TA can allocate man power where needed (pursuant to union contract), make rolling stock available where needed, purchase office material for the department, and provide personnel oversight for the entire operation.
4. A BoS that assumes the duties of the Road Commission, Cemetery Commission, and Water Commission can delegate the technical missions to the TA and the individual section heads comprising the DPW (Water, Highways, Cemetery and Recreation) and focus on the management of the Perpetual Care fund and general policy issues.
5. The Recreation Committee that currently oversees the leasing and management of the recreational fields will report to the TA with recommendations relative to the operation of the recreational assets in Town.

TOWN OF TOPSFIELD

Government Review Committee

Findings relative to FoG – cont'd to end.

6. The TA will have the oversight of 14 department or sections – three of which comprise the newly created DPW. This would be burdensome if each of these had not been in existence as a semi-autonomous department to begin with. The managerial challenge therefore is not so much how to make the departments function as required, but how they may be orchestrated to function together harmoniously.
7. The recommended FoG does not represent a concentration of power as much as it represents a re-allocation of executive function. The essential power of the purse still belongs to the Finance Committee and the ATM as well as the ballot box. Executive decisions all devolve on the Selectmen who are elected by the Town's voting citizens.
8. A strong TA/BoS form of government was warmly recommended for all of the above findings by the three MMA FoG experts whom we interviewed.
9. A corollary recommendation was to accomplish the transition with a *Home-rule* petition to the legislature.

TOWN OF TOPSFIELD

Government Review Committee

The expected cost of these recommendations.

The Committee has been very mindful of the "No new government" directive of the Finance Committee that has now been in effect for some ten years.
It therefore has not created any new positions that do not require the approval of the BoS, the Fin Com and the ATM. The one position requiring all of these is the DPW director that may be appointed pending recommendations by the DPW Advisory Board, the TA and the approvals of the BoS, the Fin Com, and the ATM.

The strong TA of course will be asked to manage more than the current one. It is therefore reasonable to assume that this will impose a differential salary increase over the current one. How much will depend upon the market and how many candidates apply for that position.

One element in all of this is *Cost Avoidance.* The present system is sufficiently fragmented to increase the probability for litigation and court ordered redress for bad regulatory decisions and improper treatment of employees. These have occurred previously notably in the case of Bermuda Hill v. Town of Topsfield in 1985. In that instance the BoS found that it needed to defend actions by a board that was essentially indefensible, but nevertheless needed defense to maintain a pool of volunteers for civic service on town boards and commissions.

See also "Financial Impact of Proposed Recommendations" dated 8/20/2012

TOWN OF TOPSFIELD

Government Review Committee

Recommendations relative to the Form of Gov't

The BoS/Town Administrator Functions.

1. The BoS appoints Town Counsel, Town Accountant, the Board of Assessors, and Town Administrator (TA).
2. The BoS assumes the roles of Road Commissioners, Cemetery Commission, and Water Commission.
3. The TA appoints all heads of departments with advice and consent from elected boards.
4. The TA appoints all full and half-time employees in the town administration.
5. The TA is the chief financial officer who works with Finance Committee to prepare annual budgets, signs warrant articles, approves major department purchases, reviews department expenditures during budget cycles, and reports to BoS on the state of budgetary expenditures.
6. The TA is the HR director for all personnel except school employees.
7. All currently elected and appointed personnel affected by recommendations serve out their respective terms.

Further details contained in "Topsfield Form of Gov't Reorganization – Overview and Summary 8/02/2012

TOWN OF TOPSFIELD

Government Review Committee

Recommendations relative to the Form of Gov't

The Department of Public Works

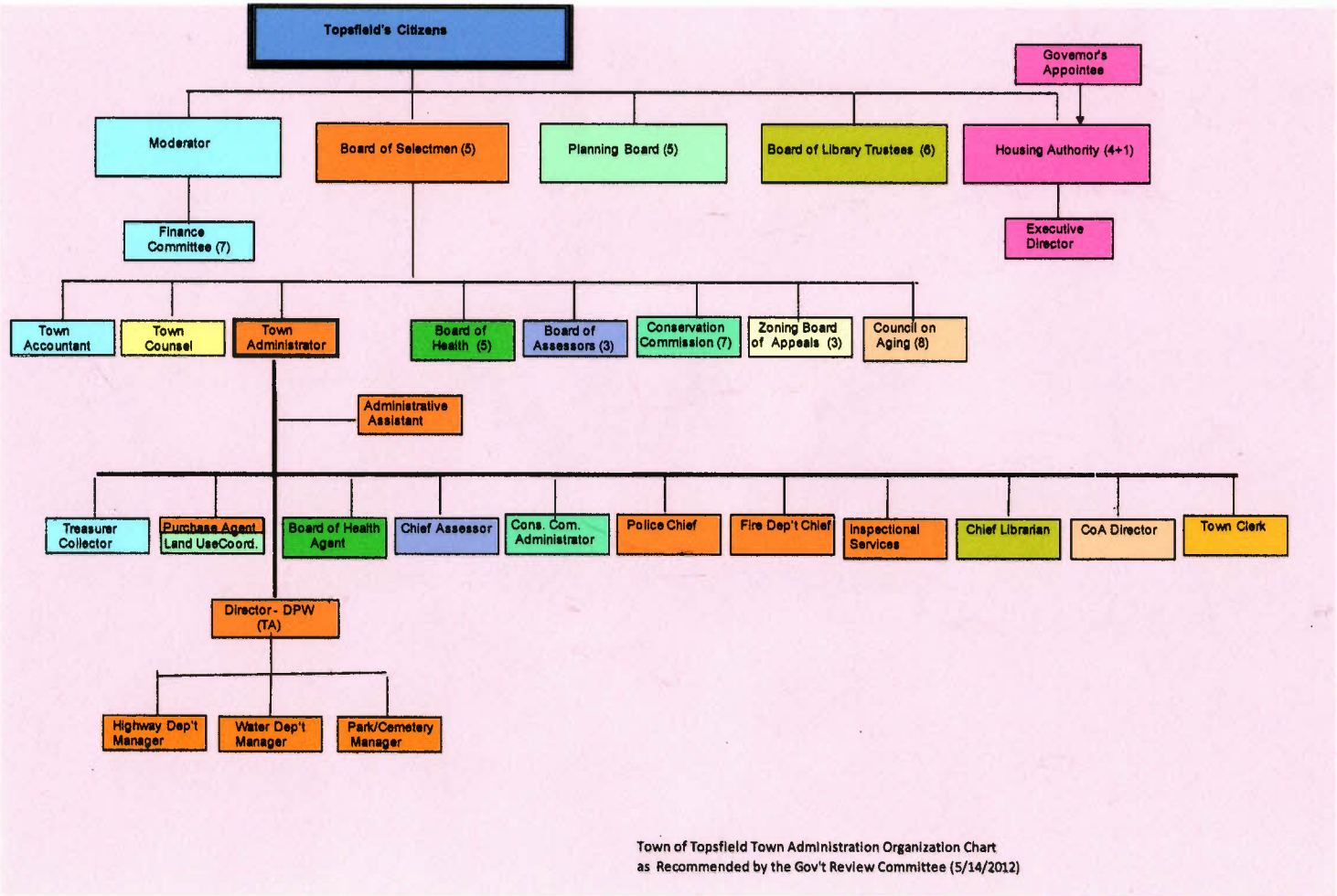
1. The current Highway – , Water -, and Park and Cemetery Departments are combined into one department entitled "Public Works Department"
2. The TA will be the head of the DPW and for the initial period the current heads of the three departments will continue in their respective positions.
3. Any subcommittees appointed by any of the three departments will remain in office but report findings and recommendations to the TA.
4. The BoS appoint a DPW Advisory Committee to provide advice and counsel to the TA on budgetary, technical, and operational issues.
5. All property currently held by the three departments will be transferred to the DPW and used in accordance with prevailing restrictions on their use.
6. Upon recommendations by the Advisory Board and the TA, the BoS may consider the creation of a DPW head to report to the TA. This position is subject to approvals by the Fin Com, the ATM, and a ballot vote.

Further details contained in "Topsfield Form of Gov't Reorganization – Overview and Summary 8/02/2012

TOWN OF TOPSFIELD

Government Review Committee

Proposed Organization Chart for Town Departments



Town of Topsfield Town Administration Organization Chart
as Recommended by the Gov't Review Committee (5/14/2012)

TOWN OF TOPSFIELD

Government Review Committee

Findings relative to the Town's uniqueness

While the town of Topsfield has some historical and cultural features that may be considered unique, its form of government is largely prescribed by GLC-41 with the exception of such traditional appointed offices as "Keeper of the Town's Clocks", and Fence Viewers.

The Town has adopted a rather unique bylaw relative to the appointment and powers of the Finance Committee providing it with powers not found in other town's charters.

The GRC finds no reason to recommend *any* changes to either the traditional positions or the appointment and powers of the Finance Committee.

TOWNS: SPECIAL ACT CHARTERS/CREATION OF TOWN MANAGER/ADMINISTRATOR POSITION

TOWN	CITATION	
Abington	Chapter 259, Acts of 2004	*replaces Home Rule Charter adopted in 1970*
~~Acton~~	~~Chapter 255, Acts of 1968~~	*(Home Rule Charter adopted 1982)*
Adams*	Chapter 31, Acts of 1983	
~~Amherst*~~	~~Chapter 11, Acts of 1951~~	*repealed, December 2001*
Amherst*	Chapter 216, Acts of 2001	combined rtm, town manager, and related acts into one chapter
Andover+	Chapter 571, Acts of 1956	
Arlington*	Chapter 503, Acts of 1952	
Ashburnham	Chapter 428, Acts of 1986	created management position
Becket	Chapter 662, Acts of 1989	see also Chapter 158, Acts of 1996
Concord	Chapter 280, Acts of 1952	see also Chapter 347, Acts of 2004 *(removes residency requirement for manager)*
Dalton	Chapter 137, Acts of 1995	created management position
~~Danvers*~~	~~Chapter 13, Acts of 1949~~	*repealed December, 1997*
Danvers*	Chapter 222, Acts of 1997	effective 12/18/97
Foxborough	Chapter 5, Acts of 2004	had TA/ES prior to special act
Framingham*	Chapter 27, Acts of 1996	(replaces Chapter 816, Acts of 1975)
Great Barrington	Chapter 184, Acts of 1992	had AA prior to creating mgr. position
Holden	Chapter 406, Acts of 1951	
Hull	Chapter 8, Acts of 1989	had ES prior to SPA
Ipswich	Chapter 620, Acts of 1966	
Lakeville	Chapter 416, Acts of 1998.	
Lee	Chapter 471, Acts of 1991	created management position
Lenox	Chapter 155, Acts of 1991	had AA prior to SPA
Lexington*	Chapter 753, Acts of 1968	(see also C. 120, Acts of 1985)
Medway	Chapter 303, Acts of 1991	see also C. 150, Acts of 1997
Middleborough	Chapter 592, Acts of 1920; and Chapter 443, Acts of 1935	
Needham*	Chapter 403, Acts of 1971	
Norwood*	Chapter 197, Acts of 1914	
~~Plymouth*~~	~~Chapter 19, Acts of 1991~~	*replaced by Home Rule Charter revision, 1999*
Plymouth	Chapter 358, Acts of 2004	*voter acceptance in, spring - 2005*
Sandwich	Chapter 137, Acts of 2002	*subject to voter acceptance*
Saugus*	Chapter 17, Acts of 1947	(see also C.134, 139 - 143, and 203 of 1984)
Sheffield	Chapter 15, Acts of 1989	created management position
Shrewsbury*	Chapter 559, Acts of 1953	
Spencer	Chapter 186, Acts of 1998	
Stoneham	Chapter 26, Acts of 1981	(see also C. 16, Acts of 1983, C. 120, Acts of 1987, and C. 296, Acts of 1994)
Sudbury	Chapter 131, Acts of 1994	strengthened management position
Swampscott	Chapter 7, Acts of 2002	revised home rule charter; created manager; as of 7/1/02
Tewksbury	Chapter 275, Acts of 1986	(see also C. 336, Acts of 1987) created TM
West Boylston	Chapter 23, Acts of 1995	had ES prior to SPA
~~West Springfield*~~	~~Chapter 339, Acts of 1972~~	*Mayor -Council Home Rule Charter adopted 2000*
Westford	Chapter 480, Acts of 1989	had ES prior to SPA
Weston	Chapter 80, Acts of 2001	had ES prior to SPA
~~Weymouth*~~	~~Chapter 230, Acts of 1985~~	*Mayor-Council Home Rule Charter adopted, 1999*
Williamstown	Chapter 55, Acts of 1956	
Wilmington	Chapter 592, Acts of 1950	
Yarmouth	Chapter 133, Acts of 1997	had ES prior to SPA

KEY: * representative town meeting serves as legislative body
+ Andover is currently the largest town (population) with an OTM
AA - Administrative Assistant ES - Executive Secretary SPA - Special Act TM/TA - town manager/administrator position only

TOWNS: SPECIAL ACTS -- CREATION OF TOWN MANAGER/ADMINISTRATOR POSITION

TOWN	CITATION	
Brookline*	Chapter 270, Acts of 1985	(TA) - had ES prior to SPA
Burlington*	Chapter 549, Acts of 1978	(TM) - had ES prior to SPA
Carver	Chapter 177, Acts of 1995	(TA)
Cohasset	Chapter 34, Acts of 1997	had ES prior to SPA; see also C. 421, Acts of 1998
~~Dartmouth*~~	~~Chapter 358, Acts of 1992~~	*replaced via Home Rule Charter adopted 2000)*
Duxbury	Chapter 353, Acts of 1987	(TM) - had AA prior to SPA
Holliston	Chapter 94, Acts of 1994	(TA) - had ES prior to SPA
~~Hopedale~~	~~Chapter 550, Acts of 1983~~	(TM) – *repealed August, 1997*
Manchester-by-the-sea	Chapter 85, Acts of 1999	(TA) -- had ES prior to SPA
Nahant	Chapter 13, Acts of 1992	(TA)
Norfolk	Chapter 217, Acts of 1994	(TA)
Somerset	Chapter 7, Acts of 1984	(TA) - created management position.
Wayland	Chapter 320, Acts of 2004 (TA)	

KEY: * representative town meeting serves as legislative body
AA - Administrative Assistant ES - Executive Secretary SPA - Special Act TM/TA - town manager/administrator position only

List of communities that have adopted the TM form of government using a home-rule act.

Source: MMA Website