

## TOWN GOVERNMENT STUDY COMMITTEE (TGSC)

### QUESTIONS & ANSWERS

The following questions have been asked by email and at community outreach sessions and answered:

1. I believe in government by the people, and this proposal takes some of that away. It does reduce the directly elected officials, but it increases accountability. It is clear under the proposal who is accountable and responsible.
2. Establish local control:
  - a. Seems to me we already have local control. The proposal seems to solidify more control by a single person and that person may not live in or know the community? It does put more responsibility in the hands of one person, who is appointed by and responsible to an elected Board of Selectmen, and the recommended town government structure will be more vertical and significantly less flat. While any Town employee may not live in Town, it would be an integral part of any new town manager's success to learn everything possible about the community that he or she serves.
  - b. How is this any different than today? The TGSC sees no reason at this point in time not to retain the open town meeting as the legislative body. If the town increases its population dramatically, then another form of government might want to be considered. Furthermore, a home rule charter would make this a permanent situation unless formally changed by the town at some future date.
3. What is a Charter? A Charter is to a Town what the U.S. Constitution is the federal government, or the state constitution is the Commonwealth of Massachusetts. A Charter is the framework of the governing structure. Detailed structure is left to bylaws, reorganization, or policy direction by the selectmen.
4. Will the town still have town meetings? Yes; Westminster should retain the Open Town Meeting.
5. What role will the selectmen have? The Selectmen are the top decision makers, and they should keep that role.
6. Who's in charge? There are problems with the current structure of town government. There is no single organization – it is a series of organizations. Nobody is currently in charge and there is nobody to solve problems.
7. What happens with the Board of Selectmen – it is a popularity contest and there is no guarantee that people running will have the required technical expertise? The Board of Selectmen

should not need to have technical expertise. They serve as a board of directors representing the entire community. The Town Manager and staff should have the technical expertise to support the work of the Board of Selectmen and the community.

8. What is the reason for moving some boards from elected to appointed? With so many elected boards, nobody is in charge – all the boards report only to the voters, unless they choose to cooperate. There is a dwindling pool of citizens to volunteer. The recommendations for elected vs appointed boards is based on whether they are policy making, or administrative and technical. For those that are policy making, it is appropriate that they be elected and responsive to the voters. For those that are technical, it is better to have them appointed so that the needed mix of qualifications and expertise can be tailored to the board’s needs.

9. Will anyone appointed under the proposal need to be a Town Resident? Appointees to boards, commissions, etc. would have to be town residents. People appointed or hired as town employees would not necessarily have to be town residents

10. It’s increasingly difficult to get qualified volunteers.” How will the proposal change this? With less commissions, boards, etc. recommended to exist after the changes are approved, the number of volunteers needed will decrease.

11. The Town Manager speaks as a single voice. Doesn’t this happen now? No. The town has a very flat organization chart with no single person or board who acts as a single voice for the town and its government. A repeated comment from many of the interviewees reinforced this as an issue.

12. Wonders whether the Town Manager should appoint Department Heads. In order to build a cohesive organization, the Town Manager should have the ability to appoint Department Heads – that way he can be held accountable. In cases of major Department Head appointments, the selectmen will have the ability to disapprove within 14 days. Department Heads will appoint their staff subject to the Town Manager’s approval, and therefore the Town Manager can hold the Department Heads accountable.

13. What are the additional costs to the town of making these changes? The estimated increase in cost of the Town Manager’s salary vs the salary for the replacement of the current Town Administrator would be is approximately \$40,000. There are no other costs estimated that are directly attributable to the implementation of a Charter. Some of the items in slide 31 could mean additional costs, but these are items that need to be addressed regardless of whether a Charter is approved.

14. Concerned about cost. Costs of local government may increase, but experience shows that having this form of government may also reduce costs in some areas.

15. This all appears to be very expensive. It looks like it means not only a higher level individual that will cost more, but also a whole new staff \$\$\$? The current recommendation only increases costs by the differences in total compensation that we have been providing to the town administrator position versus the amount the town would have to compensate a town manager

position. To replace the Town Administrator under the current form of government would cost more than the incumbent is paid. A Town Manager under the proposed form of government would require a higher level of compensation commensurate with the responsibilities and the size and complexity of the community. Community Paradigm Associates estimates that the compensation of a Town Manager would be approximately \$40,000 more than the current Town Administrator is currently paid. It should be noted, however, that many times a Town Manager under a form of government as proposed is able to save money through consolidation of departments, enforcement of laws, collection of all revenues, and reduction of other outside services because parts of them can be done in house.

16. How will the budget process work? The budget as submitted is the Town Manager's proposed budget. Much of the current process will be continued, including departments putting together their budget requests and submitting them to the Town Manager, the Town Manager putting together a comprehensive fiscal plan including capital, budget, and warrant articles, review by the Advisory Board, and action by Town Meeting.

17. Who develops the budget that is presented to Town Meeting? The Town Manager will develop the budget with the Department Heads and present the budget to the Advisory Board. The Advisory Board will make their recommendations, and the report to the voters will include the Town Manager's proposed budget and the Advisory Board's recommendations. The Town Manager's budget will be the budget that is presented to Town Meeting.

18. How does the budget process work? The Town Manager is responsible for developing a comprehensive fiscal plan which includes the operating budget, capital plan, and financial warrant articles. He develops these with department heads and the selectmen. The plan is submitted to the Advisory Board for their review and recommendations. The budget submitted to Town Meeting is the Town Manager's budget with the Advisory Board's recommendations clearly spelled out.

19. Can the Town Manager fire employees? Does it take the approval of the Selectmen? The Town Manager is the appointing authority (even where the Selectmen's approval is required). The Town Manager may evaluate, discipline, and terminate employees as needed to best operate the day to day operations of the town.

20. What will happen with current employees? There is no intent to terminate any current employees. Nobody will lose a job because of the Charter.

21. What will happen with the current Town Administrator? The current Town Administrator has indicated her intent to retire next year, so the timing of this change is optimal from that point of view. She has done a terrific job given a very difficult structure to work with.

22. Are there notice requirements to the current Town Administrator if her job is being eliminated? We have been told that the current Town Administrator intends to retire in 2019, so the timing of a Charter may be optimum from that perspective.

23. Does the proposal include adequate checks and balances – the proposed Town Manager is a strong position with a lot of power and authority – where is the check to this authority? The Board of Selectmen is also a strong board – they have enhanced authority, and they appoint and may remove the Town Manager if necessary.
24. The Town Clerk needs to be able to run her office – does this structure set up interference from the Town Manager. It is in the town’s and the Town Manager’s best interest that all offices and departments of the town run well together. The Town Manager should be an ally to all departments including the Town Clerk in getting the resources they need to operate.
25. The DPW Director suggested that the TGSC should recommend the hiring of an Assistant Director. He also asked why the Public Work Commission (PWC) is being eliminated. Who is going to provide the expertise for public works issues? It is more the role of the Town Manager to decide whether an Assistant Director or other positions are needed and are a priority. This is not something that should be included in a Charter which is general in nature. With regard to the PWC and the expertise that they provide, it is expected that the expertise will come from the DPW Director and staff, and that the Selectmen will provide policy direction and approve fees. If the selectmen feel the need, they can establish a PW Advisory Committee on a transitional or ongoing basis.
26. How does this all work with the Library and School Department? The School Department continues to have the same level of independence they have currently, except they will submit budgets and capital requests to the Town Manager. The Library Board will provide policy direction for the library, but for all other purposes the library is the same as all other departments of the town.
27. Crocker Pond Committee is eliminated? Both Crocker Pond and Hager Park will be included in a new Recreation Commission which will have the responsibility for developing comprehensive programming for all facilities.
28. Who appoints the Health Director? The Town Manager with the approval of the Board of Selectmen. The Board of Health will be consulted during the hiring process.
29. What about bringing non-union Cemetery employees into a unionized DPW? That would cost more. That may be subject to collective bargaining, but not all current employees in DPW are in a union.
30. There is a dwindling pool of Town Manager candidates because of retirement of baby-boomers. How will that affect our ability to hire a Town Manager? With the structure of government as proposed and a salary as noted, we would expect that Westminster will be a very attractive community for a Town Manager. The likely profile would be either an experienced assistant town manager looking to move up in his career, or a town manager from a smaller community, looking to experience new challenges.
31. Leave the question as to whether there should be a fall town meeting to the selectmen to decide. It can certainly be left to the Selectmen, or even for Town Meeting to establish a regular

fall town meeting by bylaw. The TGSC has proposed this because they heard that from staff and others it is better to have it established and know the date so residents and staff can make sure they save the date.

32. What is a reasonable span of control for a Town Manager? Preferable 5 to 7 direct reports, but in Massachusetts you are likely to find 7 to 9 being more common. The existing structure if directly transferred to a Town Manager form of government, has close to 20 direct reports. Undertaking some of the common structural changes like a comprehensive DPW, Land Use Department, and even a Finance Department would move the structure to a more reasonable number of direct reports.

33. Communications (internal and external) in Westminster is an issue. The consultant in some of the interviews talked about some of the methods that have worked in other communities. Can you describe them? On-line newsletter, blogs, weekly notes to staff and elected officials, monthly call in cable television show, printed newsletters, accessibility to press.

34. The major issue now is the lack of control by one board or person. How is this addressed? There is a central board responsible for policy – the CEO of the community – the Board of Selectmen. They are accountable to the voters. There are no other elected boards also accountable to the voters (except the Library Board). The Town Manager is appointed by and can be removed by the selectmen. The Town Manager appoints all department heads -they are accountable to the Town Manager.

35. Having a Town Manager may take power from the voters. The Town Manager is directly responsible to the selectmen who are directly responsible to the voters. There is accountability – no buck passing.

36. What happens to citizen engagement and the current volunteers? Most volunteer positions are not going away. They may be changing from elected to appointed. It is difficult to get volunteers, so efforts are being made to do some consolidation of volunteers where it makes sense. Town Managers are somewhat expert in encouraging civic engagement to the limits that a community can sustain, so citizen engagement may actually increase under a Charter.

37. How close is your proposal to a mayor form of government? Not at all. Westminster is too small to become a city. The Town Manager is someone who has been trained for this kind of work through education and experience. That may or may not be true of a mayor.

38. What would a Selectmen's agenda look like under this form of government? It will vary by time of year and what is going on in the community. Things that will be on agenda include approval of warrants for Town Meeting and elections, licensing, setting the tax rate. Things not currently on selectmen's agendas, but which will appear are strategic planning, approval of Town Manager's appointment of key staff positions, approval of Town Manager's appointment of boards, Town Manager's periodic updates on issues in the community.

39. The Advisory Board is recommended to go from 7 members to 5 members. Why? Like many boards, it is difficult to find members. Five members is a good working number and is

adequate to properly represent the community and get its work done. Additionally, the Advisory Board will no longer need to do the actual work of constructing the budget, and therefore the workload is somewhat less.

40. Public unions are a concern. We negotiate or do classification studies and wages never go down even if the studies show an employee is overpaid. How will this form of government fix that? Employees are entitled by law to be represented by unions, and it is in the town's best interest to pay fairly. However, a Town Manager brings skills and experience in collective bargaining to the job; the Town Manager will be responsible for bargaining, and contracts will be subject to selectmen's approval. The consultants pointed out several instances of their experience in negotiating, including eliminating overtime, sick leave buy-back, and longevity.

41. Can one person do all of the things that are listed for the Town Manager? Yes, it is done in many communities currently. Keep in mind that the Town Manager does not do everything himself; he leads a team who can accomplish a lot for the community. For example, in collective bargaining, the Town Manager may have a team involved with him, including the Department Head, HR Director, and maybe finance director.

42. It is good that the selectmen will not have responsibility for appointing the Town Clerk. This was one of the suggestions made in the many interviews held by the TGSC and consultants.

43. Will there still be an annual audit? Yes; it is good that the audit is required and goes to the Selectmen with an invitation to the Advisory Board to hear the presentation.

44. Comparable Peer Communities" which of these have the type of government you are proposing? In the Commonwealth of Massachusetts under the Home Rule provisions of the State Constitution, local communities have the ability to establish the form of government that serves them best. Therefore, all community's Charters are tailored to best reflect the needs of that community. The summary of the review of the comparable communities is found in the June and October reports to the Board of Selectmen. When you ask which of the comparable communities have the type of government that is proposed, the answer will vary depending on whether you are talking about the form of legislative body, whether or not they have a Town Manager, what authority the Town Manager may have, whether various Boards are elected or appointed, etc.

45. Can you list the communities in the State that have the proposed setup? Again, every community has the ability to establish the form of government that works best for it, so there is no ability to evaluate all of the forms of government in the 351 communities in the Commonwealth. Approximately one-half of the communities in Massachusetts have a Home Rule Charter, and it is likely that most of those have a Town Manager/Selectmen form of government. But the specific details of the government are likely to vary.

46. By whose standard is Westminster's form of government is too decentralized...." In the opinion of a number of the interviewees and the TGSC after considerable review and discussion.

47. Officials considered accountable but have no authority..." The BOH has authority, in fact more than just about anyone other than the police. We are empowered to make regulations and

enforce them without the approval of anyone else. While your comments are undoubtedly factual, an elected BoH is not accountable to either the BoS or the town administrator. Additionally, the responsibilities and duties of the Board of Health are not changed if the Board becomes an appointed Board rather than elected.

48. Selectmen need to provide more policy guidance....” What in our current structure precludes this from happening now? And why would they only provide guidance? Who would set policy and the rules? I don’t want an appointed person who may not even live in the Town making policy and rules. The Town currently has a very flat organization chart with too many boards which are elected by the voters. All of the elected boards feel that they are responsible equally only to the voters. This fragmented structure makes communication and coordination very difficult and generally precludes the selectmen from providing more policy guidance now. The current structure gives inadequate attention to any possible shared values as well as a town mission with coordinated strategic goals and objectives.

49. “A stronger executive is needed”. Again what in our current structure precludes this from happening now? The Town has a Town Administrator with zero authority, but lots of responsibility. The Town Administrator is not responsible for appointing most department heads and staff, is not responsible for preparation of the budget, is not responsible for recommending policy to the various agencies of Town government, has no authority for recommending changes to governmental structure, etc. Additionally, because the Board of Selectmen is responsible for most of the functions of Town government that are not subject to the authority of the many elected boards, the Board of Selectmen has no time to do strategic planning for the community. This change cannot happen without a home rule charter adoption, BoS policy adoption, or bylaw adoption. A charter is more permanent and stable.

50. Current HR administration was I think recommended by the Town Coordinator and approved by the Selectmen... What going to be different? How will the proposed change affect this? Please point to situations in Westminster where appointed positions have been a success? The HR Administrator would be appointed by and report to a full-time, “boots-on-the-ground” town manager. Successful appointed positions...The Treasurer-Collector comes to mind. If you also mean appointed boards, we think the Advisory Board has been a very useful board to our town, and it is an appointed board.

51. Many elected positions are technical...” The Board of Health (BoH) currently has one doctor and two engineers as members. We have the ability to create regulation without Town approval. How will the proposal change this? Make it Better? The voters did not approve a BoH of one doctor and two engineers; it just randomly happened. Any elected board could be made up of any number of people with possibly very unqualified backgrounds. Conversely, an appointed board would have a better chance of providing that particular board with volunteers who have applicable and appropriate backgrounds.

52. The Board of Health creates policy and regulations and bylaws as established by the State Legislature. What policy does the Town Moderator set? I don’t get it. The question appears to be why is the Town Moderator elected and the Board of Health is appointed, when the Town Moderator is not a policy setting position. It is true that the Town Moderator is not a policy setting

official, but it is difficult to imagine how else you would get a Town Moderator, unless Town Meeting were to vote every session on who is to moderate the meeting. While the Board of Health does establish some very important policies, it also is responsible for detailed administrative duties including approving septic systems, approval of restaurant plans, appeals, etc.

53. Appointment of Staff...” MGL’s Chapter 111 gives the BOH the authority to hire an agent to act on its behalf. The authority of the agent is only what is given to them by the current BOH members. How does the proposal circumvent State Law? It doesn’t. The Home Rule provisions of the State Constitution allow local government Charters to have provisions that are contrary to State Statute. Many communities in the Commonwealth have appointed Boards of Health with a Town Manager appointing staff. The Board continues to have the ability to delegate authority to the Agent, even if they do not appoint the agent. Under the proposals the Board of Health will be consulted when the staff person is appointed, so the Board and the Town Manager are able to be on the same page with respect to who is hired. That should eliminate any potential that there is a disagreement over delegation of authority to the agent.