

## **Fairhaven Town Government Study Committee Final Report – May, 2015**

The Fairhaven Town Government Study Committee has concluded its work. We respectfully submit the following for your review.

### **Formation and Year One**

The Fairhaven Town Government Study Committee was formed at the 2013 Town Meeting and charged with reviewing all aspects of our government structure and practices and presenting recommendations for your consideration. Our first year focused on information gathering, potential change prioritization and basic government structure improvements. We presented four articles aimed at instituting a Board of Selectmen/Town Administrator form of government, transferring the resulting authority from the Board of Public Works, forming an Information Technology Committee and funding our committee's activities for a second year. With the exception of the IT Committee, all of our recommendations were met with an affirmative vote at Town Meeting.

Although the creation of a Town Administrator position was approved by Town Meeting last year, the Selectmen chose to wait until the outcome of the 2015 Board of Public Works Restructuring ballot vote before taking any action.

The Board of Public Works Restructuring ballot was defeated. With this outcome, the Town is left with legislation that is contradictory. The Town Administrator act has the Board of Public Works' authority transferred to the Town Administrator and Board of Selectmen, while the existing laws have the BPW retaining that authority. While the Town has the option of placing it on the ballot again up to three times, the TGSC is not aware of any intentions to do so. The Town must address this contradiction by submitting a revised Town Administrator act that leaves Public Works intact. This revised act must follow the same path through Town Meeting and the state legislature.

While these processes and options are explored, recruitment efforts for a new Town Administrator have not yet commenced.

### **Year Two**

Our second year began with a review of the items left incomplete from year one and a study of how to develop a charter for Fairhaven. We completed an intensive study of peer town charters while noting throughout that process how many items a charter includes that should be reviewed independently. It became clear that developing a charter, while building in the necessary review of items that may require change, was not possible in one year. That charter review process helped us build a master list of more than 60 items to be reviewed for potential recommendations for change. Our task became refining that list to identify those items that were both important enough to be considered and possible to be completed in our final year. A complete list of those items, along with detailed explanations of each, can be found in the attached addendums.

Our process for both years was meticulous and thorough. In each case once our committee agreed that an item was worthy of exploration, we identified and gathered relevant data and research material, reached out to other resources to benefit from their input and experience, deliberated at length and reached a consensus. In most cases our consensus was unanimous, and in some it was not. We see this

as a clear indication that our committee's members operated with a unique perspective and a willingness to contribute opposing viewpoints and recommendations.

This past year involved reviewing many items for potential change that we ultimately decided not to take action upon. The reasoning for these conclusions differs from case to case, and each will be outlined in detail in our Final Report.

The four items we ultimately did decide to take action upon are:

- **Term limits for elected officials** - The purpose of this article was to authorize a town-wide ballot vote regarding term limits. If passed by the voters, a limit of three consecutive full terms would be in effect for most elected boards with a provision allowing a candidate to run again after taking one year off. Town Meeting members, primarily elected officials, spoke against the merits of term limits and the article was voted down.
- **Changing the size and method of appointment for the Finance Committee** - This recommendation sought to reduce the Finance Committee from 13 to 7 at-large members appointed by the Town Moderator. The arguments against this article were largely based on a desire to retain mandated precinct representation which was not supported by the TGSC. This article was voted down.
- **Changing Town Meeting policies and procedures** - This recommendation was aimed at improving Town Meeting attendance, among other goals. The article recommended increasing the quorum from 100 to 40% of elected members (reduced from 50% via an amendment made on Town Meeting floor) as well as vacating seats for Town Meeting members who miss 3 consecutive meetings and other procedural changes. This article was voted down.
- **Funding a professional Information Technology assessment** - This article sought to appropriate funds and direct the Selectmen to hire a professional consultant to perform a comprehensive assessment of the Town's information technology systems and practices, and produce a list of recommendations for improvement. The TGSC's interviews of town department heads and officials reflected a nearly unanimous consensus that the Town's use of and investment in information technology was lacking and needed improvement. Arguments against this article included claims that other budgetary items were more important this year and that it should wait for a yet to be hired Town Administrator to handle. This article was voted down.

Following Town Meeting, the remainder of the TGSC's efforts focused on documenting our body of work in this final report and mailing to all Town Meeting members. This report will be posted on the Town website ([www.Fairhaven-MA.gov](http://www.Fairhaven-MA.gov)) as well as delivered to the Selectmen's Office, the Library and each of the Town Meeting precinct chairs. The attached addendums include:

- Summaries of all items we identified but took no action upon
- Listing of human resources we contacted
- Listing of written and internet-based reference material we accumulated and used
- A link to the 2012 Department of Revenue Financial Management Review report found here: <http://www.mass.gov/dor/docs/dls/mdmstuf/technical-assistance/finmgtrv/fairhaven.pdf>

This documentation serves several purposes including communicating to our audience (Town Meeting) the accomplishments we achieved on your behalf, and turning over the wealth of information we accumulated to the Town in the hopes that further progress can be made using it as a starting point.

With two years' work completed, the TGSC felt that this iteration of a government study committee had run its course and we chose to bring the committee to a close. We met 74 times averaging two hours each, conducted dozens of in-person and telephone interviews and held 6 forums. We leave this effort both pleased with what we were able to accomplish and hopeful that such efforts to improve and fine tune our government will continue. To that end we have two recommendations that we hope the Town will consider:

**Adopt a town charter:** The benefits of developing and adopting a Charter are substantial. Its primary value is that it would provide a single, organized, comprehensive document articulating key aspects of the governance of the Town of Fairhaven. It would provide specific operational guidelines for Town officials, boards, and employees. The process of developing such a charter is also an opportunity to evaluate elements that could be improved.

**Consider a standing government study committee:** The TGSC identified dozens of items in the structure, policies and operation of our government that are worthy of review. We took action upon those we felt were fundamental in nature and were achievable, given time constraints. Without a study committee, such items may never be properly addressed. We recommend that the Town consider appointing a standing study committee, as some other towns have, and that this committee report directly to Town Meeting.

It has been a pleasure to serve our community through this work, and we thank you for giving us the opportunity.

Respectfully,

Phil Washko, Chairperson  
Bernard Roderick, Vice Chairperson  
Pattie Pacella, Recording Secretary  
Mark Badwey  
Dick Douglass  
Siobhan Henebury  
Rich Griffiths  
Bryan Wood, Alternate

Past members:  
Linda Meredith  
Steve Riley  
Andrew Jones  
Dan Freitas  
Ron Manzone  
Eric Dawicki

(attachments)

## **Fairhaven Town Government Study Committee**

### **Final Report Addendum – Items Identified With No Action Taken**

#### **Require greater information on TM warrants**

The TGSC notes that Town Meeting warrants, while complete in terms of listing all items to be voted on, often contain only brief explanations on each warrant article. The practice seems to be to allow the warrant to serve as the agenda for Town Meeting, with backup information to be provided by means of presentations and discussions on Town Meeting floor and/or handouts available on the day of Town Meeting. The TGSC feels this gives Town Meeting members little time to digest this new information in advance of their vote. While mandating that more information be provided by way of a bylaw would be difficult to both structure and enforce, we feel it could produce more informed decisions and the idea should be explored by the Town.

#### **Business Development & Master Plan**

The Town's master plan is focused on the physical development of the town, such as housing, land use, transportation, and demographics. It does not address operational performance or business development. These objectives should be incorporated into the master plan.

The future Town Administrator should collaborate with Planning Board to ensure the Town's Master Plan is reviewed annually by all Committees and Boards. The purpose is to ensure that all parties are working in a cohesive and similar direction as the master plan.

#### **Establish targets for stabilization fund and the use of free cash**

Fairhaven has no formal policy for the maintenance of its stabilization fund or the use of free cash. These items are addressed in recommendation #11 in the 2012 Department of Revenue Financial Management Review (attached.) This report is referred to hereinafter as the DOR report.

#### **Human Resources Policies and Practices**

The DOR report made several recommendations regarding improvements to Human Resources policies and procedures.

- Eliminate the Personal Board
- Update and maintain accurate job descriptions for all town employees
- Measure Department and Employee Performance
- Revise New Hire Process
- Hold Department Head and Finance Team Meetings

The DOR report recommended that the Town eliminate the Personal Board and transfer their responsibilities to a Town Administrator. The Town Administrator could function as a personnel director and would be responsible for compensation plans, employee hiring process, maintaining personnel records, hearing employee grievances, and recommending disciplinary action to the Board of Selectmen.

The DOR felt that the Town would benefit from having a professional manager in place that would protect the Town's interest in regards to the inherent risks from personnel issues.

The DOR report also recommended that the Town update and maintain accurate job descriptions for all town employees. This would be a list of functions and responsibilities that would explicitly define an employee's role. The end goal would be to ensure that every position and employee has an accurate job description. A complete job description would also facilitate performance reviews and career development for the Town's employees.

Recommended Action: Future Town Administrator to work with department heads to develop job descriptions for every employee and position.

The DOR addressed the lack of goals for the Town, its departments, and the impact it has upon measuring department and employee performance. The Town's master plan is focused on the physical development of the town, such as housing, land use, transportation, and demographics. It does not address operational performance or development. There is no master plan or mission statement for each of the Town's departments. The town does not maintain or set new goals or objectives each year for the town and its employees. Organizational goals can be translated into departmental goals and employee goals. Goal setting for employees fosters career development, employee productivity, and can be used to determine raises and promotions.

To facilitate goal setting, each department and board should have a Mission Statement. This is a statement of purpose for the department/board and its reason for existence. Most of the Town's department and boards already have a Mission Statement that is posted on the Town's website. It should answer the following questions:

- Who is the department?
- What do you do? What do you stand for? And why do you do it?
- Do you want to make a profit?
- What markets are you serving and what benefits do you offer?
- Do you solve a problem for your customers?
- What kind of internal work environment do you want for your employees?

<http://articles.bplans.com/writing-a-mission-statement/>

Recommended Action: Future Town Administrator should work with department heads to develop annual goals and objectives for every employee that will improve operational performance.

The DOR report recommended that the Town revise the current hiring process. Under the current process, the Board of Selectmen appoints all new hires under their jurisdiction. The interview process can be very long since each candidate has to meet with a committee that consists of the Board of Selectmen, Finance Director, and Hiring Manager. A committee interview process can prevent a candidate and hiring manager from assessing each other's work style. A direct line manager has the finest perspective on the identifying the right candidate. A committee may not have this same insight. It can also be intimidating for some candidates to be interviewed by a committee instead of an individual.

Recommended Action: Future Town Administrator should have the authority to hire department managers that are authorized to hire their own staff. The TA and Department Head would determine the need for a position, prepare a job description with qualifications, and then advertise for the position.

The DOR report also addressed the lack of management and inter-departmental meetings. It was recommended that the Town hold department head and financial management team meetings. This would improve communication and promote collaboration across the departments. Each department head would have the opportunity to share information and discuss critical issues impacting the entire town. The agenda would include topics submitted by the department heads and an opportunity for round table discussion. Financial management team meetings would include the Town Administrator, Town Accountant, Treasurer, and the Assistant to the Board of Assessors. The meetings would focus on financial planning.

Recommended Action: Future Town Administrator should hold monthly management team meetings and a financial management team meeting.

In addition to the recommendations from the DOR report, the TGSC recommends that the future Town Administrator also address the areas below:

- Human Resources Policies and Procedures
- Develop/Clarify Town Organization Chart
- SOP Manuals for all Town Departments
- Electronic Communication Policies

Human Resources policies and procedures provide standards of conduct for all employees. There standard topics covered in an HR manual are: Attendance, Paid Time Off, Dress Code, Career Development, Discipline, Performance Management, and Internal Transfers.

The future Town Administrator should work with the department heads to develop a formal organization chart. An organization chart is a visual representation of how the organization is structured. It represents roles, responsibilities, and relationships within an organization. The TGSC worked with the Town to develop an informal one but it should be finalized.

Standard operating procedures (SOPs) should be developed for each Town department. SOPs describe the operations and recurring tasks for an organization. SOP manuals provide guidance to employees and contribute to quality control.

Since most business is extremely reliant upon technology, all organizations must have a policy that establishes guidelines for employee use of electronic communications. Since the laws regulating electronic communications are constantly changing it should be monitored closely. This will also protect the Town in the event an employee misuses the Town's electronic communications systems.

It should address the following areas:

- Town Access to email, voicemail, messages, files, etc.
- Appropriate use of email, voicemail, and internet
- Prohibited use of email, voicemail, and internet
- Consequences of violating the policy

## **Election vs. Appointment for Town Government Positions**

### Background

Unless a town specifically decides otherwise, Massachusetts law prescribes election of a town clerk, board of selectmen, collectors of taxes, sewer commissioners, and numerous other boards and individual positions. Since 1930, Fairhaven has changed many of those positions from elected ones to appointed ones.

### Research

Characteristics of the position that suggest it should be elected:

- the position has direct and significant policy-setting authority
- the official has wide discretion in performing the related duties
- the official must represent the town or significant sections of the town in some way
- the official should be directly accountable to the voters

Characteristics of the position that suggest it should be appointed:

- the position requires significant knowledge and/or expertise in some specific area
- the official performs a well-defined function with little room for discretion
- the official should have supervision that is more frequent than are elections
- vacancies need to be filled promptly, meaning that the position may be appointed at least some of the time anyway

Numerous other more-subjective consideration may apply, such as the importance of democratic process in filling the position, the desirability of insulating the official from direct pressure by individual citizens, the involvement of “politics” in filling the position, etc.

### Conclusions and Recommendations

Based on the elected versus appointed criteria, the elected Town Clerk and Tree Warden positions should be reevaluated. In consideration of the cost for special legislation, concerns about the appetite for the Town to make such a change and our existing action items, the TGSC chose not to pursue this issue. The recommendation is for these elected positions to be reevaluated if the Town pursues the formation of a charter.

### **State Green Community Designation**

Obtaining the State Green Community Designation was added to our radar list as result of a town survey/public forum. As a Green Community the Town of Fairhaven would be eligible for grant money that would be used to facilitate energy conservation. For example, the first grant that Fairhaven would be eligible for is an initial Designation Grant of \$175,000. The grant money would be used to fund projects such as: energy conservation measures, energy savings performance contracts, incremental costs for hybrid vehicles, or energy efficiency coordinators (10%).

The application process and five criteria that must be achieved are available on the state website. We also contacted Seth Pickering, Green Community Coordinator for the Southeast Region, at the Massachusetts Department of Energy Resources to inquire about the grants Fairhaven would be eligible for.

**1. Provide as-of-right siting in designated locations for renewable/alternative energy generation, research & development, or manufacturing facilities.**

Failed to pass the Planning Board and Town Meeting in 2009 & 2010

**2. Adopt an expedited application and permit process for as-of-right energy facilities.**

**3. Establish an energy use baseline and develop a plan to reduce energy use by twenty percent (20%) within five (5) years.**

According to Bill Roth, Planning & Economic Development Director, "The problem Fairhaven has is that over the same time period the Town has made significant energy reductions in their buildings (lighting, boilers, etc.), LED Street Lights, solar on the land fill, solar at the BPW, two wind turbines, and the digester at the BPW are just a few of the things we have done. All of these things have reduced our energy consumption and we cannot count them, so our starting base line of energy usage for the 20% reduction would be our current usage. We have looked at the other energy reductions and the math will not work to get us to 20%."

**4. Purchase only fuel-efficient vehicles.**

**5. Set requirements to minimize life-cycle energy costs for new construction; one way to meet these requirements is to adopt the new Board of Building Regulations and Standards (BBRS) Stretch Code.**

Failed at Town Meeting 2009 & 2010

<http://www.mass.gov/eea/energy-utilities-clean-tech/green-communities/>

Since the zoning changes and BBRS Stretch code failed at Town Meeting and the 20% energy reduction is not attainable, we decided not to pursue the State Green Community Designation.

### **Civil Service**

The potential impact of the Civil Service laws on management effectiveness and efficiency was brought up in our interviews with the Police Department. This was enough to cause us to explore the issue in some detail. By way of background, the Public Works Department went off Civil service several years ago and the School Department attempted to do so but was rejected by Town Meeting.

The impact on the Police Department has several elements. The inability to fill a position quickly because there is no list of "qualified" candidates and that it can take up to nine months to develop a list. This delay is compounded by the fact that the selected candidates must attend the police academy after selection before going on duty. In addition there are mandated requirements or preferences, such as residency, that may result in the rejection of a more qualified applicant. The key point here is that a test score plus preferences do not necessarily yield the most qualified candidate. This is not to infer that those that are selected are not qualified. Furthermore, the testing and mandated requirements for

promotion often results in the selection of a candidate other than one preferred and considered best qualified by his managers and peers.

In short, Civil Service adds significantly to the time required to fill positions and bases candidate selection on test results and mandated requirements rather than the background of the applicants and the judgment of the Police Department Management.

Our research revealed that there is a strong move away from Civil Service by Massachusetts police departments. Over 50% of departments are not on Civil Service and the number is increasing. Pre-employment testing is done by private testing companies and employee rights issues are handled through renegotiation of union contracts. Moving away from Civil Service does not necessarily change the standards of the police with respect to qualifications, training, promotion and management and discipline. There is also a significant body of evidence that the Massachusetts Civil Service department is understaffed and slow to respond. Several experts in the field suggest that it may not survive more than 10 years.

The major task in pursuing this question is to establish a clear process for implementing the change and to involve the police department in information sharing with departments that have gone off Civil Service to provide the chief with a playbook for implementing the transition.

We believe that this is a change that should be implemented as part of long term organizational restructuring.

### **Strong Fire and Police Chiefs**

Our fire chief is a strong chief, a designation/position that gives him more authority and control than is given to the police chief. One of the major benefits of the strong chief designation is the authority to hire and promote officers. Under the present organization this authority lies with the select board. Providing the police chief with this authority would reduce the complexity and time associated with personnel decisions.

While there are other potential benefits particularly related to budgeting, the personnel management control would be of maximum benefit. This subject was not considered an urgent issue, and thus was not pursued, but is one that should be considered in any future organization changes.

### **Outsourcing and Regionalization of Services**

Our research on the Town Administrator position included reviews of job descriptions from various towns. One common theme in these job descriptions was the responsibility for exploring opportunities for regionalization by working with other towns. Furthermore, our collective career experiences made us alert to the potential benefits of collaboration (regionalization) and outsourcing. These were also cited in the DOR report and it is not surprising that a consultant's review of operations would identify outsourcing as a means of cost reduction.

The town is not a stranger to either of these tools when you consider our trash collection by ABC and our wastewater agreement with Mattapoisett. However, when you look into the subject it is clear that there may be numerous opportunities to explore these tools. We did not pursue these opportunities in depth because we felt that this should be the responsibility of the new Town Administrator and it might

be counterproductive to make major changes in long standing systems and policies in the days before the TA took office.

We did confirm that outsourcing is a successful and growing practice not only in the business world but in municipal government. A particularly relevant and timely example is outsourcing Information Technology including many billing and accounting functions. There are numerous examples of municipalities and large corporations outsourcing their Information Technology.

We found numerous examples of municipalities outsourcing everything from landscaping to road repair to wastewater treatment to large, established companies specializing in providing municipal services. It is also apparent that the municipal services that we provide are pretty much the same as provided by a town in Florida except for snow removal. Thus, it is possible for an independent company to provide a “universal” menu of services. Furthermore, it is clear that there is an infrastructure in place to implement outsourcing although it would be premature to suggest that there is a qualified company prepared to contract with Fairhaven.

Outsourcing and regionalization may be linked to that the extent that a group of towns requesting the same services provides a critical mass to attract the attention of outsourcing specialist organizations. Our animal shelter and animal control officer are a possible example. The stray dog doesn't care whether it is housed in Fairhaven or Dartmouth-it simply wants to be fed and kept warm and dry. The various town animal control organizations now cooperate but chiefly in providing coverage for issues that arise.

As mentioned above, we believe it is best to have the incoming TA deal with outsourcing and regionalization opportunities but we strongly advocate that the incoming TA establish a policy and practice of proactively searching out outsourcing and regionalization opportunities. One approach would be to create a working group with representatives from other local towns and perhaps from U Mass Dartmouth to identify and explore candidates for outsourcing or regionalization.

### **Establish a Statistical Evaluation of Town Performance**

We looked at the use of financial and demographic data to compare Fairhaven with other communities that could be considered peers with respect to such metrics as population, average income etc. The purpose of this examination was to highlight any areas where we were stronger or weaker than our peers and use the findings as a basis for action and prioritization. There is an excellent data base covering community comparisons available from the Department of Local Services. The data focuses chiefly on the costs of each municipal function such as schools, fire etc. and permits calculation and comparisons on a per capita or per household basis. It became clear that the results of this examination would have little impact on actionable items on our agenda and would most likely be most useful to the new Town Administrator in assessing the strengths and weaknesses that needed attention. Thus, our efforts were assigned to other issues.

In the course of our examination we did learn that the statistical evaluation of the performance of municipal services and departments is being used by many communities, large and small, but is probably in its infancy. However, the city of Austin, Texas has one of the most comprehensive, accessible and interactive web sites we had ever seen- (<http://www.austintexas.gov/budget/eperf/index.cfm>). West Boylston is the only Massachusetts town that we found was using statistical evaluation and its use was

new. The interest in statistical evaluation is international with the ISO (International standards Organization) working on establishing uniform metrics for all communities. In addition one of our committee members recently used a statistical approach to help a family member to select a community within reasonable distance of their job in Boston.

While Fairhaven is not using statistical evaluation the Virtual Suggestion Box on the town website could be a start. Also, the police and fire departments do maintain data on their activities that they use for establishing trends, identifying issues and general management. And the school department maintains data on test scores, graduation and matriculation rates, and other areas of student activity and performance.

For those that are not clear on what is meant by “statistical evaluation” perhaps the best example is to look at a well-run commercial enterprise. Productivity, quality, cost, and meeting schedules would be measured for each person, each department and each facility. Also, those of us that read the sports page are exposed to a deluge of performance statistics ranging from “on base percentage” to “defense against power play goals” so the concept of statistical evaluation is not new. Those towns that we examined had a detailed list of activities and results to be measured that were derived from their strategic plan, objectives and budgets.

We suggest that this is an area for Fairhaven to consider in the future because it is a part of the foundation for good management practices and policies and may be an element in the decision making process of residential and commercial developers.

### **Adoption of a Town Charter**

The adoption of a Town Charter was an issue to which TGSC devoted considerable time and research. The committee came to realize, after due consideration, that this endeavor was an issue unto itself requiring a separate/special focus. To have devoted the time/research to the creation of a Charter would have necessitated the exclusion of TGSC’s deliberation of other important issues. The TGSC is recommending that a Town Charter Commission be established, charged with the task of developing a Charter that can be brought to the community for adoption.

The reasons for the establishment of such a Commission are multiple. The codification of all town functions is felt to be imperative as we currently function under a set of By-Laws some of which are obsolete, in some instances duplicative, frequently confusing, and at times contradictory.

The Town Survey indicated that there exists a substantial lack of understanding within the community relative to the question of developing a Town Charter. Thirty three percent (33%) approved, nine percent (9%) disapproved, and a majority of respondents, fifty eight percent (58%) had no opinion.

The benefits of developing and adopting a Charter are substantial. Its primary value is that it would provide a single, organized, comprehensive document articulating key aspects of the governance of the Town of Fairhaven. It would provide specific operational guidelines for town officials, boards, and employees. The creation of a Commission charged with developing a Charter would constitute the initial step in making local government more transparent, efficient, responsive, and accountable.

(end of addendum)