



Town of Deerfield

Town Administrator Position Assessment

Division of Local Services / Technical Assistance Section

October 2013



October 31, 2013

Board of Selectmen
Town of Deerfield
8 Conway Street
Deerfield, MA 01337

Dear Board Members:

It is with pleasure that I transmit to you the enclosed assessment of the town administrator position completed by the Division of Local Services for the Town of Deerfield. It is our hope that the information presented in this report will add value to the local discussion concerning the future role of the town administrator in municipal government.

Please be aware that as a routine practice we will post the completed report on the DLS website, www.mass.gov/dls, and forward a copy of the report to the town's state senator and representative.

If you have any questions or comments regarding our findings and recommendations, please feel free to contact Rick Kingsley, Bureau Chief of the DLS Municipal Data Management and Technical Assistance Bureau at 617-626-2376 or at kingsleyf@dor.state.ma.us.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Nunes".

Robert G. Nunes
Deputy Commissioner &
Director of Municipal Affairs

cc: Senator Stanley C. Rosenberg
Representative Stephen Kulik

Introduction

The DLS Technical Assistance Section initiated this assessment of the town administrator position at the request of the Deerfield Board of Selectmen. The report focuses on the duties and responsibilities of the position, its relationship to the board of selectmen and whether changes are warranted. Also presented are comments on relevant peripheral topics.

The process of completing this report involved interviews with sitting selectmen, a former selectman, the interim town administrator, two former town administrators and current department heads. We also received input from others who are listed in the Acknowledgements section of this report. We reviewed, as well, the town bylaws, special acts, various job descriptions and other available information in addition to town related data that resides in the DLS Municipal Data Bank.

This report presents our observations and conclusions on the role of the town administrator in Deerfield. It also offers recommendations on a course of action to strengthen town management.

Background

Town governance by an elected board of selectmen dates back to the American Revolution and, most prominently, to the City of Boston. Up until the mid-20th century, the business of municipal government was sufficiently simple that it could be conducted by residents part-time. Complexity began with the influx of money in the post-WWII inflation years. Over time, with increasing standards of living and greater demand for services, selectmen found themselves overseeing the administration of new departments, among them police, fire and highway. Empowered elected boards and committees also emerged and often functioned independent of other government operations. All in municipal government were confronted with the requirements of increased federal and state regulations and mandates.

With the adoption of Proposition 2½ in 1980, municipal budgeting and financing became more complicated. Today, the scope of town government, the money involved and the skill sets needed to fulfill legal requirements have moved beyond the capacity of part-time volunteers. Boards of selectmen continue to set overall town policy, still address a range of issues, but are not likely to exercise regular influence over the management of staff and operations. Nor are department heads, who by necessity are more knowledgeable and better trained, expected to act independently. The coordination of government and overall day-to-day management responsibility has shifted from part-time boards and committees to full-time managers and administrators.

The first documented municipal manager position was created in 1908 in Staunton, Virginia, which at the time had a population of 10,600. Today in Massachusetts, of 197 towns with a population over 5,000 people, all but 14 have a town administrator or town manager. Among these towns, the authority assigned to the position varies, but in the most successful, the town administrator has budget control and, through the power to make appointments, has line authority over all full and part-time department heads. Communities tended to move toward a town administrator also in the hope that, despite being appointed by an elected board, he or she would be a non-political presence and neutral in dealings with people and on issues.

Deerfield

Deerfield is a Franklin County town of 5,125 people spread over 33.57 square miles much of which is farm land. Its annual budget - \$14.5 million in FY2013 - funds town services with the exception of fire protection and water service, each of which is provided by two independent districts. The town has a local elementary school, but Grades 7-12 students attend the Frontier Regional High School. There are also three private schools located in the town: Deerfield Academy, the Bement School and the Eaglebrook School.

Town government operates under an open town meeting / board of selectmen / town administrator form of government. Among the selectmen, one has served for 15 years; a second for 11 years and the third is newly elected, filling the remaining nine months of a member who resigned two years into her first term. In 2000, the town's part-time administrative assistant became the first town administrator with increased hours and served until 2005. His successor remained in office until June 2013 and an interim town administrator now holds the position.

In addition to the selectmen, there is an elected moderator, board of assessors, planning board, school committee and board of library trustees. The selectmen also serve as the board of health and sewer commissioners. An appointed finance committee and a capital improvement planning committee are among the customary collection of town standing committees.

The town has not adopted a charter, but merged the treasurer, collector and town clerk positions through a special act of the Legislature in 1972. For the most part, local officials derive their authority and realize their responsibilities through a mix of state statutes, local bylaws and job descriptions. Town bylaws are sparse and tend only to repeat state law relative to the board of selectmen's power. They are more detailed and informative in defining the role of certain other committees, including the finance committee and the capital improvement planning committee.

We could find no mention of the town administrator in the town bylaws. This means that the position exists only by virtue of a budget line-item, a job description and a personal service contract. The position does have a place in the town's classification plan and salary schedule.

Town Administrator Job Description

We have not reviewed any town administrator contract used in Deerfield, but would expect it to reflect responsibilities enumerated in a job description, which we have reviewed. The job description for the Deerfield town administrator is a tedious five page document. It provides vague parameters of the town administration position as a manager and alludes to the role of the selectmen as policy makers. It also includes redundant language, conflicting statements and difficult to understand phrases in a cumbersome format that reads more like a job posting.

For example, the job description lists essential functions but qualifies them by stating that the duties are only illustrations of the type of work that may be performed.

Under supervisory responsibilities, the job description states in undecipherable fashion that the town administrator "assists or oversees the provision of personnel services to all town employees, including or effectively recommending hiring, training and disciplining of employees."

Additionally, the job description unnecessarily repeats references to the town administrator's authority over town government with conflicting language:

The employee is responsible for ... overseeing the services provided by all of the Town's departments, commissions, boards and offices under the jurisdiction and polices of the Board of Selectmen.

Provides supervision, direction and guidance including regular communication and development of goals/objectives for all town staff and reporting department heads.

but,

The employee functions under policy direction of the Board of Selectmen, exercising authority over total operations of the municipality

The employee is accountable on a town-wide basis for the direction and success of programs accomplished through others.

Employee must be able to direct the overall activity of the municipality by accepting responsibility while exercising authority for planning, operating and oversight.

Consults with department heads, board and committee members, and employees of every rank in the Town's employment on sensitive issues involving performance problems,

health issues, management styles, contract interpretation, leave and attendance, job assignments.

Reading the job description as a whole, it is difficult to understand the full scope of town administrator's duties and powers. Of course, conversations take place between the selectmen and the town administrator and advice and guidance likely flows in both directions. We doubt, however, the relationship arises from reference to and a mutual understanding of the only document, i.e., the town administrator job description, that speaks to roles and responsibilities.

Observations

Our interviews with local officials and staff consistently revealed conflicting opinions on the performance of both the former town administrator and the board of selectmen, and the degree to which each reaches beyond or falls short of their respective responsibilities. However, for our purposes, most compelling among staff comments was the consensus of opinion that a town administrator brings value to town hall. Some spoke in support of a strong town administrator; others in terms of not a weak one. Only the selectmen - but not all - regarded a diminished town administrator role as worthy of consideration.

We understand the basis for the selectmen's concerns. However, we believe that prospects for success of any action they take impacting government operations lies not with diminishing the authority of the town administrator, but in managing their relationship with the town administrator.

Conclusions

DLS was asked to evaluate the role of the town administrator in municipal government. As we understand it the request was prompted, at least in part, by the belief that the competence of department heads and the need for a strong town administrator are somehow inversely related; and that, with one in a diminished role or in the absence of a town administrator, departments heads will find a way on their own to function effectively and collaborate when necessary to move the business of town government forward. The selectmen would be involved, as needed, to provide guidance and decisions.

It is noteworthy that the town administrator job description defines the relationship between the selectmen and the town administrator in strikingly similar language. Under Supervision Required, it states that "the employee (town administrator) functions independently, referring specific issues or problems to the Board of Selectmen as necessary when clarification or interpretation of town policy or procedures is required."

By the time the town administrator departed in June, it was clear by all accounts that his relationship with the board of selectmen was strained, which may have tainted respective points of view. Regardless, the town is nearing the start of a process to advertise and select a new town administrator. Pivotal to attracting the greatest number of qualified candidates will be the selectmen's decision as to the balance, or allocation, of authority between the board and the town administrator position.

We believe that any decision to diminish the role of the town administrator in Deerfield would be shortsighted and ill-advised. It would disregard the scope and complexity of town government. It would ignore the wide ranging issues town staff confront every day that require management involvement on an operational level. It underestimates the coordination needed to advance projects and town-wide goals and could place an unfair burden on some departments heads to manage others. It would return the day-to-day administration of local government to the members of a part-time board, whose expertise lies elsewhere. Despite good intentions, diminishing the role of the town administrator would be a step backwards for the Town of Deerfield.

This is not to say that the relationship between the board of selectmen and the next town administrator should remain as it was in the past. The selectmen must continue to lead and provide overall direction to government through the adoption of broad policies and decisions on major issues. There are as well routine decisions and constituent concerns to be addressed. However, leading the town is not the same as managing its government. That responsibility rightfully falls to a town administrator with the requisite standing and professional skill sets.

For this relationship to work, formal rules in the form of a job description must be clearly stated and informal rules, as evidenced by individual conduct, must be clearly understood. In Deerfield, it may require the selectmen to step away from past practices. They should, as a corresponding action, strive to be more precise in stating their expectations for a town administrator.

In the recommendations that follow, we provide the means to build structure and to develop a positive working relationship between the board of selectmen and the town administrator.

Recommendations

1. Rewrite Town Administrator Job Description

We recommend that the board of selectmen, working with the interim town administrator, adopt an updated job description before advertising to fill the permanent position. In doing so, we first suggest that the format be scaled down to read more like a job description than a job posting. The

job description should then state in clear, understandable language the duties and powers of the town administrator. To help, we have included a sample job description as Appendix A.

2. Establish a Town Administrator Screening Committee

We recommend that the town adopt and commit to a formal process that is credible, objective and thorough to screen candidates for the permanent town administrator position. We typically recommend the formation of a three-to-five member screening committee whose members have relevant backgrounds as private or public sector managers with hiring experience. Equally important are those with knowledge of how local government works and a sense of the qualities best suited for the position. While we do not suggest that people should choose their own boss, a process that invites employee input has been successful in other communities. Lastly, since the appointment of a town administrator rests with the selectmen, the board should resist placing one of its own members on the screening committee. To preserve a balanced evaluation process, all three board members should see the final candidates at the same time and in the same light.

The screening committee's charge should specify the number of candidates to be recommended to the selectmen and a deadline for submitting recommendations. The selectmen should also go on record as to how the process will continue should they choose to reject all recommendations. Be aware that the screening process is private and not subject to the open meeting laws, while interviews of finalists by the selectmen and the vote to choose a town administrator must be conducted in a posted, open session.

3. Formalize Town Administrator Position

We recommend that the town formalize the powers, duties and responsibilities of the town administrator in a bylaw, or in a special act. The role of the selectmen in areas of government that involve the town administrator should be defined as well. In this regard we suggest a statement that the selectmen are the chief policy makers for the town and shall have no involvement in the day-to-day management or administration of municipal government.

A bylaw would assign authority to appoint a town administrator to the selectmen. It would set a screening and selection process for filling vacancies and a process for removing a town administrator from office. It would enumerate in clear language the powers and duties of the position. In particular, it would specify which departments report to the town administrator, his appointing authority or role in the appointment process, and his involvement in the budget process. It would provide that his performance shall be evaluated annually by the board of selectmen.

If the above-described provisions were memorialized in a special act, broader appointing authority could be granted as well as management responsibility over all town departments and for all town activities, not just those under the jurisdiction of the selectmen. If the town were to so choose, the size of the board (as recommended later) could be increased from three to five members under a special act.

4. Communicate with Staff through the Town Administrator

It is not clear to what extent, if at all, each selectman is assigned as liaison to a particular department. Nonetheless, we understand that where there are long-standing relationships selectmen are casual and comfortable communicating directly with department heads and individual staff on any subject. In any case, we recommend that any liaison system be discontinued and that selectmen address their comments, requests or concerns that involve a department head or staff first to the town administrator. Because the administrator is accountable to the board, he or she should be expected to act on the issue at hand or respond with relevant information. As important, the town administrator may have insights or information on a particular matter that provides good reason for a response other than what a selectman seeks or where he or she seeks it.

To operate otherwise fosters an environment where the selectmen are encouraged to circumvent organizational line authority. Bypassing the town administrator leaves him or her uninformed, undermines his or her management effectiveness and creates conflict for staff, even when they are accommodating.

5. Increase Salary of Town Administrator

We recommend that the selectmen propose and the town approve an increase in the town administrator's salary to a level above the employees he or she supervises. Currently, the town administrator's position is in the same grade level as the police chief and the highway superintendent, but his annual salary is less.

Line authority and reporting relationships are defined and reinforced in part by the town's salary structure. The management authority bestowed by a job title only goes so far and can be undermined when salary levels give employees perceived equal standing. To function effectively, the town needs to place in its administrator the ability to direct work, resolve issues and impose discipline with authority. By recommending the increase, the selectmen in particular can reinforce their support for a town administrator and the concept of line authority.

6. Conduct Performance Reviews

We recommend that the board of selectmen evaluate the performance of the town administrator annually. A review of the town administrator's performance is most effective when linked to his job description and is essential to maintaining a cooperative, productive working relationship. An evaluation will reinforce responsibilities and clarify job expectations. The process provides the town administrator with constructive feedback on his job performance, as well as outlines future objectives and goals. Performance evaluations also serve as a mechanism for the administrator to express his opinions and provide the selectmen with insight into the operation of town departments and morale of town employees. Regular job performance evaluations can reinforce accountability and elevate resident confidence in government. Be aware that under state law, a performance review must be conducted at a posted and open selectmen's meeting.

7. Improve Board of Selectmen Practices

We recommend that the board of selectmen in its interaction with a town administrator adopt measures and alter past practices to free up time and facilitate decision-making.

Track workload /decisions. To take advance decision making, we recommend that the selectmen direct the town administrator to chart matters that come before it. He or she might date and list agenda items as they arise and indicate action taken, decisions made and the person directed or responsible for the action. Included would be requests or directives from the selectmen to the administrator. The record can be a valuable means for the selectmen to monitor and illustrate their effectiveness as well as that of the town administrator.

Vote a Consent Agenda. We recommend that agenda items that routinely receive or are likely to receive perfunctory approval without discussion be grouped together and passed under one vote. Selectmen retain the right to request that an item be removed for comment and separate vote. We would expect the board chair and the town administrator to meet and decide in advance which items qualify for a consent agenda.

Delegate Resident Concerns to the Town Administrator. The selectmen's chair and the town administrator should meet regularly for the purpose of determining what potential meeting agenda items might be addressed or resolved by the town administrator. Often, this option allows the town administrator, working with department heads, to resolve issues more quickly and to the satisfaction of the resident. If the matter cannot be resolved, then it might elevate to selectmen. In any event, the town administrator should

keep selectmen informed of action taken or include the task on the aforementioned tracking chart.

Resist Perpetual Surveys of Public Opinion. A comment was made concerning an upcoming selectmen's decision that the board wanted to get more public input on issues before moving forward. Where input is sought, a specific time, place and deadline for receiving information should be set. Otherwise, decisions stall. The selectmen should also be selective, avoiding the mistake of thinking that the residents want input on every issue. The board members then risk fueling the view that they are unwilling or unable to act. Ultimately, how effectively selectmen lead is colored by opinions about their decisiveness.

Refrain from membership on Ad Hoc Committees. Unless they have a special interest or expect to be a major contributor because they offer a specific expertise, there is no reason for selectmen to assign themselves to ad hoc committees they appoint. These committees would typically report to the selectmen anyway and membership on them absorbs time that might be otherwise devoted to board business. From another perspective, the selectmen's presence on committees can be perceived as an unwillingness to allow an open process to play out or as an interest to advance a particular agenda.

Relinquish Role as Board of Health. In Deerfield, the board of selectmen simultaneously serves as the board of health. Staff support is provided by a part-time health agent and, for certain other services, the town participates in the Franklin Regional Council of Governments Cooperative Public Health program.

In 1997, town meeting directed the selectmen to appoint a committee to study the separation of the board of health from the board of selectmen. A report authored by the then administrative assistant in 2000 outlined the means by which the separation might be accomplished. In doing so, he listed 65 distinct duties and responsibilities of the board of health in addition to 42 board of selectmen duties.

Now, since 9-11, board of health responsibilities have grown in scope, in complexity and have taken on a more serious tone. Its members need to be educated, informed and involved, which is why in many towns health care professionals serve on the board. In Deerfield, one selectman has a strong commitment to board of health issues and health related agenda items are addressed at selectmen's meetings.

However, for the above reasons and with a view toward encouraging a more efficient, productive board of selectmen, we recommend that the selectmen appoint an independent board of health.

8. Rotate Board of Selectmen Chair

We recommend that the board of selectmen rotate its chairmanship each year. A variety of reasons have been offered as to why the chairmanship of the Deerfield board of selectmen has not rotated on a regular basis. However, opinions are mixed as to whether the selection process and carry-over of leadership has resulted in a more effectively functioning board.

It has been suggested that often times the chairmanship is determined by default because individual selectmen are willing and able, able and unwilling or regard themselves as unable and are therefore unwilling. While practical or personal reasons might be good cause for a selectman not to serve as chair, it should be a deferral of the responsibility and not an abdication. Candidates for the office must understand that at some point they will be expected to chair the board.

Continuity of leadership is generally desirable, but is less significant relative to the board of selectmen. Selectmen, including the chair, have no individual power and can only act with authority as a board and in open session. For instance, one selectman cannot unilaterally alter an adopted policy. All selectmen have access to meeting agendas irrespective of which of them serves as chair. Selectmen individually are equally constrained in their capacity to direct staff or inject themselves into the daily operations of the departments.

A policy to rotate the chair acknowledges that all selectmen have equal standing. It allows the board members and residents to experience different leadership styles. Oftentimes, a change in leadership helps jump start projects and advance decisions that have stalled. Lastly, the change works to avoid the perception that town government is more in the hands of some than others.

9. Consider Expanding Board of Selectmen Size from Three-to-Five Members

We recommend expanding the size of the board of selectmen from three to five members. The increase creates greater resident representation on the board. It can enhance balance and bring additional perspective to issues. Since winning a majority of three, versus two votes, typically requires more well-reasoned arguments, the prospects for greater collaboration increase. In addition, with no more than two members elected each year, the board will experience greater stability and continuity.

One possible downside is that meetings could be longer. In Deerfield, the absence of competition for selectmen's seats in past elections should not be a deterrent as often times incumbents are viewed as unbeatable. Instead, when election opportunities have been created for new, open seats, towns have had the experience of multiple candidates coming forward.

Appendix A: Sample Town Administrator Job Description

General. The town administrator is appointed by the Board of Selectmen and functions under the policy direction of the board.

The town administrator is the chief administrative and financial officer of the town, directly responsible to the board of selectmen for the management of staff and administration of all town affairs not specifically reserved to another elected body. He works with departments not appointed by the Selectmen toward the achievement of common goals for the Town.

The town administrator functions independently, referring specific issues or problems to the Board of Selectmen as necessary when clarification or interpretation of town policy or procedures is required.

The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during such service, unless in advance approved by the board of selectmen.

Essential Functions:

The powers, duties and essential functions of the town administrator shall include, but are not intended to be limited to, the following:

- (a) The town administrator shall supervise and be responsible for the efficient administration of all departments, commissions, boards and officers, under the jurisdiction of the board of selectmen.
- (b) The town administrator shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered, and shall attend all town meetings and shall be permitted to speak when recognized by the moderator.
- (c) The town administrator shall keep the board of selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town meeting as he may deem necessary or expedient.
- (d) The town administrator shall be the chief budget officer of the town, and shall prepare and submit to the board of selectmen and the finance committee, an operating and capital improvement budget, as provided by by-law. He shall monitor town spending through the fiscal year and make financial reports to the selectmen as requested. He shall coordinate the development of strategic financial goals for the Town and makes recommendations concerning financial policies and practices as directed by the selectmen.
- (e) The town administrator shall oversee appointments to offices, boards/committees and employment with the Town over which the board of selectmen have final approval or appointing authority. He may recommend removal of the same, for cause, in writing and otherwise in accordance with town bylaws, collective bargaining agreements and chapter thirty-one of the General Laws.

- (f) The town administrator shall, acting for the selectmen, oversee the rental and use of all town property.
- (g) The town administrator shall administer the permit and license procedures for the board of selectmen.
- (h) The town administrator shall be the purchasing agent and chief procurement officer for the town. He shall be responsible for ensuring that departments are aware of and comply with the provisions of M.G.L. Chapter 30B. He shall purchase all supplies, materials and equipment, except those intended for the school department or for the library. If so authorized by bylaw, the town administrator shall approve the award of all contracts for all departments of the town and otherwise have the authority to execute contracts on behalf of the town.
- (i) The town administrator shall serve as the town's personnel administrator. He shall implement and update, as warranted, the Town's classification and compensation plans and shall provide for the maintenance and security of personnel files.
- (j) The town administrator shall administer, either directly or through a person or persons reporting to him, all provisions of general and special laws applicable to the town, all by-laws and votes of the town, and all regulations established by the board of selectmen.
- (k) The town administrator shall be the agent of the board of selectmen in all collective bargaining negotiations.
- (l) The town administrator shall be accessible and available for consultation to boards, committees and commissions of the town, whether appointed or elected, and shall be responsive to their request for assistance.
- (m) The town administrator shall keep full and complete records of his office, and shall provide periodic reports as requested by the board of selectmen.
- (n) The town administrator shall prepare or write town meeting warrant articles for presentation to the selectmen; he shall prepare motions and submit the warrants to town counsel for review.
- (o) The Town administrator shall oversee the coordination and compilation of annual town reports.
- (p) Prepares applications for grants, administers grants received, works with appropriate state, federal, and private officials on various town projects as required.
- (q) The town administrator shall perform such other duties as may be required of him by by-law, by vote of the board of selectmen, or vote of the town meeting.

Acknowledgements

This report was prepared by the
Department of Revenue, Division of Local Services
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In preparing this review DLS staff interviewed and/or received
information from the following persons:

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Carolyn Shores Ness, Board of Selectmen
David W. Wolfram, Board of Selectmen
Elizabeth Clarke, former Board of Selectmen
Wendy Foxmyn, Interim Town Administrator
Bernard Kubiak, former Town Administrator
David Nixon, former Town Administrator
Mary Stokarski, Treasurer-Collector-Clerk
Janet Swem, former Accountant
John Paciorek Jr., Chief of Police
Shawn T. Patterson, Highway Superintendent
Ralph Healy, Finance Committee & Chair, Garage Building Committee
Kayce Warren, Executive Administrative Assistant
Karen Menard, Assessors' Clerk
Bruce St. Peters, Board of Assessors, CPC & acting Electrical Inspector
Richard Calisewski, Building Commissioner, Health Agent