

TGSC Minutes Aug. 4, 2011.

Members present: R. Dennehy, P. Tura, F. Hoeg, Sec., W. Chamberlain, K. Elder, M. O'Donnell, B. Ward, K. Stevens. Absent: J.L. Naumann. Others present: Paul Armstrong, Building Inspector.

The meeting was called to order at 7 pm., by the Chair.

On a motion by Mr. Tura, seconded by Mr. Ward, the minutes of July 7<sup>th</sup>, 2011, were approved as written. Vote unanimous.

On a motion by Ms. O'Donnell, seconded by Mr. Chamberlain, the minutes of July 21, 2011, were approved as written. Vote 7 yes, 1 abstention.

On a motion by Ms. O'Donnell, seconded by Mr. Dennehy, the minutes of July 28, 2011, were approved as written. Vote 3 abstentions, 5 yes.

Appointment with Paul Armstrong: (Insert P.A. memo dated 8/3).

Statements: Works well with all departments. Works with Fire Dept. on a daily basis.

Interacts with the public on a daily basis.

In the past 3 years Kingston has gone through 3 code changes for building. Houses need to meet a 110 mph wind code.

Bldg. Dept. Budget is fairly straight, only salaries. Some monies for other items, but this is limited. Revolving fund has helped.

Agrees with the idea of a Town Engineer. The engineer would be a good resource for Highway Dept. and Planning Board.

Because groups are empowered under different regulations, you couldn't have one person to answer all citizen questions when applying for permits, but one place would be helpful. Charges fees for inspections and the fees go into the revolving fund.

Member of Permanent Bldg. Committee. It wouldn't work to be on Conservation or Zoning, because his position oversees these groups.

Building Inspector is reviewed by a State Board to determine if the Inspector has the background to take the licensing test. It takes about two years to pass the test.

Interacts with Conservation; checks on jurisdiction of wetlands. Bldg. Inspector suggests strongly that developers begin with wetlands.

Technology: GIS-GPS would be helpful. Within 4-5 years the dept. could use a part time local bldg. inspector.

Works with Town owned property on a regular basis.

Could have more efficiency if some departments were combined (secretaries could be crossed trained).

Town Meeting: Doesn't know if Representative form works. In Open TM when there is an important issue, people do come.

Part time inspectors could be in the \$25-30,000 range.

Because budgets are tight it is difficult to get funding for repair of buildings. There is no one in charge of the buildings who has authority and jurisdiction for building maintenance. Permanent Building could have oversight.

Discussion took place on TA job description.

On a motion by Mr. Ward, seconded by Mr. Dennehy, the Committee voted unanimously to send the TA job description to the TA Search Committee with the addition of reporting on maintenance of buildings to Selectmen. Also strike the phrase “or at least reduce” under policies and procedures.

Other Business: Treasurer/Collector position.

Ms. Hoeg asked if the Committee endorsed the Home Rule Petition. Answer; no, they endorsed combining position and having position appointed.

On a motion by Ms. O’Donnell, seconded by Mr. Chamberlain, the Committee voted unanimously to adjourn.

Find attached memo about the TA job description.

### **MEMORANDUM**

To: Kingston Board of Selectmen and Kingston Town Administrator Search Committee

From: Town Government Study Committee  
Keith Elder, Chairman

Date: August 15, 2011

RE: Comments on the Position Town Administrator

The Town Government Study Committee has been meeting to provide a report to the Town on a number of issues related to its charge. One of those areas is a review of the Town Administrator’s role. The Committee determined that, in that context, our responsibility is to review the current duties as defined by the Town’s Bylaws and state law to determine if there is a need to modify the job description and the Town Bylaws to codify existing duties and clarify reporting and administrative duties and obligations. With the resignation of the current Town Administrator, the Committee, at its July 21, 2011 meeting, voted to provide the Board of Selectmen and the Town Administrator Search Committee a summary of the findings to date on this question for the benefit of the Board and the appointed search committee for a new Town Administrator. The Committee still intends to present its recommendation at the April 2012 Annual Town

Meeting. That Final Report will include similar, if not identical recommendations, but may also include other changes on the TA's role as we collect additional information during the process.

At a high level, the Committee has concluded that the Town should modify the job description, employment contract, and the Town Bylaws to strengthen and codify the role of the Town Administrator (TA) in areas of finance, personnel, and property management. The TA should become an *ex-officio* member of the Finance Committee, Capital Planning Committee, and the Wage & Personnel Board. The TA's role needs to be strengthened and supported by the Board in the areas of Human Resources. The TA shall be responsible for administration and review of the Town's policies and procedures. The TA shall be Responsible for oversight and coordinated control over the Town buildings, infrastructure, including computer hardware and software and other MIS functions, and town owned properties.

The Committee reviewed many sources of information to reach its recommendations, these included the Town of Kingston Financial Management Review (May 2010) Department of Revenue Report (DOR Report), The Rutherford Report (May 2003), the Massachusetts Municipal Association website, the description of the position (or similar function) from various towns, including the Towns of Carver, Littleton, Hanson, Pembroke, and Plymouth. We also interviewed Jill Goldsmith and Charles Cristello, Town Manager Middleboro, Massachusetts and various other elected and appointed officials.

Mrs. Goldsmith described her position as outlined in the Wage and Personnel Bylaws. Her duties include: addressing resident's concerns, financial management, policies and procedures, budget, trouble shooting, and primarily to meet the directives of the Board of Selectmen. She works with the budget and takes an active role in the process by working with the Treasurer.

The Committee recommends a series of changes to the description of the TA position and

clarification, codification and expansion of the TA official duties as delineated in the Town of Kingston General Bylaws and the job description. The Committee recommends changes in the areas of:

- Financial management,
- Annual Town budget process,
- Development and control of Town policies and procedures,
- Human resource management, and
- Management and control over Town owned properties.

### **Financial Management**

The Committee has recommended that a Financial Management Team should be implemented involving the TA. The Committee concurs with the finding of the DOR report: *“the Town is well managed from a financial perspective; the Town relies heavily on past practice instead of formally adopted policies to direct if financial affairs. The role of the TA is not well defined and reporting relationships are blurred because of the number of elected officials and multiple office holders.”* (Page 5 – 6, DOR Report).

Therefore, a recommendation can be made that: *“a financial management team, comprised of the TA as chair, the Accountant, Treasurer /Tax Collector and Assistant Assessor be created in town bylaws and meet monthly or quarterly.”* (Page 6, DOR Report). The benefits of this team include being a forum to review the Town’s fiscal status and coordinate financial functions. It can discuss progress on finance related deadlines and identify critical junctures. Finally, the team can offer strategies to deal with anticipated fiscal events and areas of concern. This regular meeting would have other, less fiscally driven benefits such as, group analysis of procedures and policies, enhances lines of communications and would provide a forum to raise and resolve interdepartmental issues. According to the DOR, the financial team is not intended to function as a policy making body and would not encroach on the duties and decision making responsibilities of the TA or other entities. Continuing from that report, the Town needs to *“reflect on the most effective way to bring focus to bear on financial management and centralized decision-making”*.

The Committee recommends that the Town Administrator's job description and related Bylaws be amended to accomplish the following:

1. Town Administrator will implement and chair a Financial Management Team consisting of Town Administrator, Treasurer/ Tax Collector, Town Accountant, Assessor, and Finance Committee Chairman or their designee. This Team will meet on a regular basis, but no less than quarterly.
2. Town Administrator will serve as an ex officio member of the Finance Committee, the Capital Planning Committee and Wage and Personnel Board.
3. The Town Administrator will research, identify, and apply for Federal, State, and private grants. The Town Administrator will administer and have oversight responsibility for all grants received by the Town.
4. The Town Administrator will serve as the chief procurement officer under the provisions of Chapter 30 B of the General Laws, responsible for purchasing all supplies, materials, and equipment for the Town, including bidding and awarding of all contracts.
5. The Town Administrator will report the Town's financial positions to Selectmen on a regular basis, not less than quarterly, following the meetings of the Financial Management Team.
6. The Town Administrator will ensure fiscal responsibility and modern financial reporting and accounting practices.

**Budget:**

The role of the TA in the annual budgetary process is not well defined in the present bylaws and TA job description. Historically, the incumbent TA and her predecessors have been involved in the budgetary process at different levels. The lack of a defined approach leaves annual budget development to the strength of personalities and their personal skill set instead of a well-defined and agreed to process. The formal authority of the TA needs to be more clearly defined.

The Town of Pembroke included under the Financial Duties of their TA to include *“Using information from salary plans and union contracts, debt schedules, past expenditure patterns, revenues and policy direction from the BOS, coordinates the timely preparation of all town departmental budgets with the Town Accountant, prepares a*

*recommended budget of all town departments to be submitted to the Advisory Committee leading to a fiscal budget for town meeting approval.”. That general approach is reflected in the Committee’s recommendations.*

The Committee recommends that the budget process and the role of the TA in that process be strengthened and firm timelines be established to insure that the best work product be presented to the Town at Annual Meeting.

1. The Town Administrator will prepare and submit at a public meeting to the Board of Selectmen and Finance Committee, no later than ninety (90) days prior to the Annual Town Meeting, a written balanced budget for town government, including the school department, for the ensuing fiscal year.
  - a. The proposed budget shall detail all estimated revenues from all sources and all expenditures including debt service for the previous, current, and ensuing year.
  - b. The proposed budget shall include proposed expenditures for current operations, trust funds, and capital during the ensuing year, together with estimated revenues from all sources and free cash available at the close of the fiscal year, including estimated balances in special accounts.
  - c. The Town may, through bylaw amendment, establish additional financial reports to be provided by the Town Administrator.
  - d. To assist the Town Administrator in preparing the proposed annual budget of revenues and expenditures, all boards, officers, and committees of the Town including the school committee shall, within the time frame requested by the Town Administrator, furnish all relevant information in their possession and submit to the Town Administrator, in writing and in such form as the Town Administrator shall establish, a detailed estimate of the appropriations required and available funds.

**Policies and Procedures:**

The role of the TA in insuring clear and concise communication of the Town’s policies and procedures cannot be understated. These policies must be reviewed on a periodic basis to insure compliance with the applicable laws and to reflect changes in the way a

Town conducts business. These also need to be communicated to all Town employees and elected officials and enforced in a uniform, fair, and impartial manner. Clear policies, especially those relating to the use of Town resources and finances; create systems of controls and check & balances to reduce errors and malfeasance. These policies also benefit the populace so they can understand the roles, duties, and restrictions placed on Town employees during their interactions. The Committee recommends that the Town Administrator's job position include the following:

1. Develops and updates Town Policy and Procedural Manual
2. Develops policies for ratification by the Board of Selectmen
3. Implements and enforces policies consistently and uniformly
4. Holds monthly meetings with department heads to keep them apprised of new policies, programs, and events

#### **Human Resource Management:**

The Town's current system of elected officials, appointed position contract employees as well as consultants and employees covered under the Wage & Personnel bylaw makes this role complex and challenging. There are various union agreements that require collective bargaining, some of whom report to elected Boards (School System) or appointed positions (Police & Fire Chiefs). The Town's human resource management system utilizes a combination state & federal laws, the Wage and Personnel Bylaw, and collective bargaining agreements (clerical unit and labor unit). The Wage and Personnel Bylaw is comprehensive in scope.

The Town Administrator is the administrative officer responsible for the administration and coordination of the Town's personnel functions, including recruitment, selection and appointment. The Town Administrator coordinates bylaw implementation with the appointed Wage and Personnel Board. The Board of Selectmen, with the assistance of the TA and Labor Counsel, negotiate the terms and conditions of employment for members of all Kingston Labor Units, with the exception of unions governing school employees. Employees in each of these departments, depending upon the position occupied, are covered by either the Wage & Personnel Bylaw or various clerical or labor

unit contracts. Presently the TA is involved with the collective bargaining process but clarification of that role is required as described in the recommendations, below.

The Committee discussed in depth the role of the TA in the hiring & disciplinary (corrective actions) process and collective bargaining. Appointment authority for all employees within each of these departments is exercised by the BOS, through the TA, who receives recommendations for appointments from the various boards, departments and commissions. Rutherford Report, May 2003 (Page 23). Kingston Wage and Personnel Bylaw grants the TA the responsibility of interviewing, and presenting candidates for hire.

To insure a consistent process, the Committee recommends that the hiring process always involve a two stage process, at minimum. For non-managerial positions, the direct supervisor of the position would initially screen all applications and present their recommendations to their supervisor (department head), who makes the final recommendation to the TA. For Department heads, there would be a two level hiring process as well, consisting of the candidates being screened by the Town Administrator with recommendations being made to the Board of Selectmen. The exclusions to this process would be public safety and the school system (the school's process system should remain unaltered). Public Safety Professional Personnel (Fire Chief/Police Chief) will be recommended through Committee consisting of TA and Selectmen appointees. Selectmen will hire from Committee recommendations. The Selectmen may always appoint a search committee for department head if they desire.

The Committee recommends the following changes to enhance the lines of authority over the Town employees and clarify the roles and responsibilities relating to the hiring process and the disciplinary process.

1. The TA shall conduct monthly meetings with the department heads or their designee each calendar month for the purpose of maintaining effective communication and improved operations within all departments.
2. TA will meet/consult on a regular basis with the Wage and Personnel Board

3. TA will function as the Town's Resource Manager and maintain up to date data and personnel files of all town employees.
4. TA will coordinate, with the department heads annual evaluations of employee performance and goal setting for employees under Wage and Personnel bylaw and will participate in the annual evaluation process of union employees as outlined in their negotiated contracts
5. The TA will lead the negotiations for all collective bargaining contracts on behalf of the Board of Selectmen, which contracts shall be subject to approval ratification and execution by the Board.
  - a. The Board of Selectmen may authorize use of additional counsel, as requested by the Town Administrator to assist the Town Administrator in the negotiations process.
  - b. The TA shall involve the affected Department Heads in this negotiation process as co-consultants on the operations and strategic issues relating to that department's Agreements.

**Oversight of Properties and Infrastructure:**

The Town owns many buildings, property, capital equipment (including computer hardware, software and other MIS items) and other items critical to the basic infrastructure of a Town. Some buildings are occupied and staffed on a regular basis, others are used periodically and others have been abandoned, by the Town or their private owners and are now the Town's responsibilities. The role to properly maintain those buildings is complicated due to the historic nature of some of the Town's properties. The Town also owns tracts of undeveloped land that is for general or recreational use, conservation land or raw land abandoned by the private owners. There are various Town Boards and Committees who have different levels of responsibility and authority over these properties. The TA's role is to oversee the properties under their direct control and coordinate the functions of the various authorities to insure that the real estate resources developed to their best and highest use, which could include leaving a property just as it is, in perpetuity. The Town of Hanover approached the management of real property in their Bylaws: "*Manage and be responsible for all town buildings,*

*properties and facilities, except those under the control of the school committee, parks and recreation department and conservation commission. The town manager may maintain and repair school committee, parks and recreation department, open space committee and conservation commission buildings, properties and facilities if and to the extent the school committee, parks and recreation department, and conservation commission may request and authorize.”* (Hanover, General Bylaws, Section 4, Part B.)

The Town Administrator will no less than annually solicit recommendations from the various Town authorities Boards and Committees that are involved with Real Property to incorporate their recommendations and future plans into the budgetary process. The TA will also work with the appropriate Department heads to insure that the property under control of the Town is properly maintained, secure, and used to its best possible use.

The Committee requests that the Board of Selectmen include these recommendations in their evaluation of candidates to assess their competencies to carry out these duties, and the other duties of the position. Ultimately, these duties should be delineated in any employment contract with the new TA so the expectations of the position are clear for all involved.

If you have any questions, please contact me at (781) 585-4441 or (617) 530-0577.