

TOWN MANAGER ACT REVIEW COMMITTEE
COMMITTEE REPORT



Presented to Board of Selectmen

October 12, 2017

TABLE OF CONTENTS

1.0	BACKGROUND	Page 1
2.0	COMMITTEE COMPOSITION	Page 1
3.0	COMMITTEE PROCESS	Page 1
4.0	FINDINGS, RECOMMENDATIONS & PROPOSED LANGUAGE CHANGES	Page 2
4.1	POWER, AUTHORITY & RESPONSIBILITY OF THE MANAGER	Page 2
4.2	HUMAN RESOURCES MANAGEMENT/EMPLOYEE RELATIONS	Page 4
4.3	CITIZEN INTERACTIONS/COMMUNITY RELATIONS WITH MANAGER & BOS	Page 10
5.0	ATTACHMENTS	Page 12

1.0 BACKGROUND

The Town Manager Act Review Committee was formed by the Board of Selectmen in April 2017 to review the special legislation that establishes the Office of the Town Manager in the Town of Upton promulgated by Chapter 391 of the Acts of 2008 enacted by the Senate and House of Representatives in General Court on December 17, 2008.

This committee formation was in response to multiple requests by citizens beginning in special town meeting in November 2016 and in response to the submission of two citizen petitions. The first petition requested a thorough and comprehensive review of the Act and a second petition proposed revisions to the Act. These petitions were dismissed by the citizen petitioners at the annual Town Meeting in May 2017 because the Committee was formed and organized by the Board of Selectmen.

2.0 COMMITTEE COMPOSITION

The committee was comprised of nine (9) citizens of Upton. All nine (9) committee members have some type of Town or School District committee experience. Three (3) committee members are past Board of Selectmen (BOS) members, three (3) of the members are current elected officials of a Board, Committee or Commission other than the BOS and three (3) committee members are citizen petitioners.

Committee Members

Daniel Lazarz, Chairman

Alfred Holman, Co-Chairman

Debbie Amorelli

Richard Desjardins

Donnamarie Floyd

Elizabeth Fournier

Scott van Raalten

Steven Rakitin

Alan Leslie Rosenfield, Esq.

3.0 COMMITTEE PROCESS

The committee began its work on April 26, 2017 by developing a mission and charge. The committee met approximately twice a month from May until early October 2017. In these meetings the committee took testimony from the current Board of Selectmen; the previous Board who served since the formation of the Office of the Town Manager was established; the previous Manager who served in the position from September 2009 until December 2016; and the Interim Manager who served in the position from January to July 2017.

The initial committee work consisted of a detailed data gathering effort to assemble the complete report and committee documentation for the 2007 and 2008 Town Manager Assessment Committee Report. The Committee also gathered reference documents from the Massachusetts Municipal Association (MMA) on Municipal Government in Massachusetts and Guides on Board of Selectmen and Town Manager Forms of Government for communities utilizing Open Town Meeting. The committee also reviewed special legislation available from MMA resources for communities of a size (population), demographic and Government to the structure of Upton. These reference materials used in committee reviews, discussions and deliberations are included in the attachment section of this report.

The committee also developed a survey question regarding the Act that was administered to the employees who report to the Town Manager. This survey was administered by directly soliciting a response to a question and written feedback from employees via an email based Survey Monkey questionnaire. The committee coordinated with Town Manager, Derek Brindisi and his Executive Assistant, Sandra Hakala, to assure verification of survey recipients. In addition to the employee survey the committee had a public email address where citizens could send or forward questions or feedback from the public. The committee also provided for comments or feedback from the public in every meeting except its initial formation and organization meeting.

The committee performed a line by line review of the Act. In this line by line review, the committee identified number of lines in the Act that needed a detailed review and discussion by the committee. A few areas of the Act dominated our discussions and deliberations and some resulted in either a recommendation to the Board or a proposed change to the Act.

- x Power, authority and responsibilities of the Manager.
- x Employee relations and human resources management under the purview of the Manager. x
- Division of responsibility or authority between the Manager, BOS and Elected or Appointed Boards, Committees & Commissions.
- x Lack of citizen understanding of the organization and division of responsibility and authority of Town Government entities.
- x Citizen interactions and handling of issues or complaints by the Manager. x
- Citizen participation in the selection and appointment of a new Manager. x
- Establishing a formal citizen review process and schedule for the Act.

The committee was provided with administrative support from the BOS and has detailed meeting minutes and committee documentation of its work. All minutes, documents and reference materials are included as attachments to this report for the committee record. In many instances recommendations and changes to the Act were unanimous. In other instances, the committee recommendations only reflect a majority opinion of the committee.

4.0 FINDINGS, RECOMMENDATIONS AND PROPOSED LANGUAGE CHANGES

The meeting minutes provide a detailed record of the committee's work. This section addresses the key discussion points that resulted in a specific recommendation to the Board or a proposed change, revision or addition to the Act.

4.1 Power, Authority and Responsibilities of the Manager

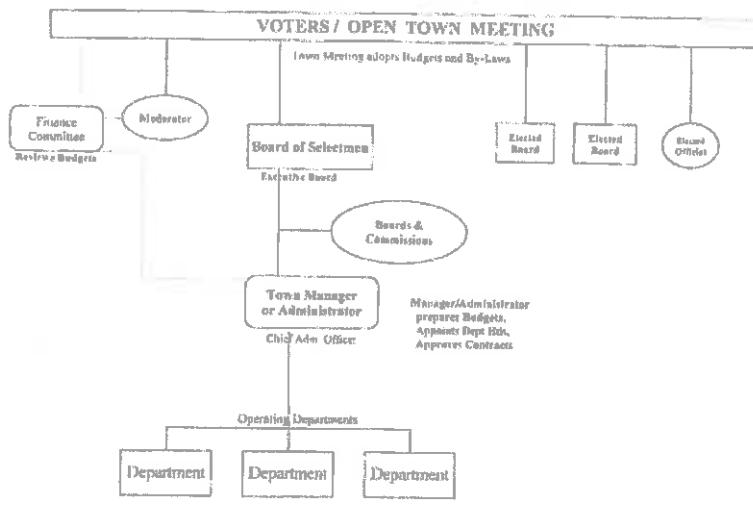
From the first meeting the committee had extensive discussions regarding the power, responsibility and authority of the Manager. The Manager is the Chief Administrative Officer, chief Financial Officer and procurement authority for the Board, responsible for implementing many of the Board's directives and day-to day management of Town Departments as defined in the Act. In Upton's Open Town Meeting Form of Government, the Manager as outlined by Chapter 391 of the Acts of 2008 passed by the legislature and signed by the Governor devolve specific roles, responsibilities and authorities to the person who fulfills the Manager role..

Upton's Act, or special legislation as it is commonly referred to, established the Manager position to be the Chief Administrative Officer and Chief Financial Officer for the Town on behalf of the Board. The Board retains the full executive authority for the administration of Town Government in Upton, however the full executive powers and authority for our form of

Government is fundamentally by the Constitution of the Commonwealth a responsibility of the Board. The Act specifically, in section 2 provides this clarity where it specifically exempts elected Boards, Commissions and Committees or other elected Officials.

Figure 1: Organizational Chart Open Town Meeting/BOS/Manager Form of Government (Appendix E from MMMA Structural Change of Municipal Government Report, See Attachment C)

OPEN TOWN MEETING / SELECTMEN / TOWN MANAGER or ADMINISTRATOR



The MMMA Structural Change of Municipal Government Report, a Massachusetts Municipal Association reference document, identifies a lack of understanding of authority and responsibilities between the Manager and Board of Selectmen as the most common finding or observation for a Open Town Meeting-BOS community that has transitioned to establish a Town Manager position.

The committee did consider a proposal to add sections for Elected Officials and Board of Selectmen to the Act to clarify roles, responsibilities and lines of authority with the Manager. The committee also considered a proposal to add additional financial responsibilities primarily directed to establish requirements for planning. The proposed text for these sections was developed modeling language from three communities that consist of a similar Open Town Meeting-BOS-Town Manager form of government, and population (<10,000 citizens) and similar elected officials structure. The committee did not put these forward as a proposed recommendations or language change because the Board was not supportive and there was committee concern that legislating this structure at this time will limit flexibility in making future changes.

Recommendation: The Town is a multifaceted organization that has many independent officials and government entities. Given this complexity the committee recommends the BOS develop a specific organizational chart for our overall Town Government to provide a simplified method to educate employees, citizens, residents and any other people from the public who interface and interact with our Government. In addition to the Organizational Chart the Board should consider some other type of educational or outreach method to better clarify the Town's organizational structure especially on the interrelationships that occur horizontally on the community's organizational chart.

Justification:

An organizational chart will provide a graphical method to explain the reporting structure for the Town Government. Providing an organizational chart gives clarity to citizens who may not have

an understanding of the roles and responsibilities of the Manager in our Town Government with respect to elected officials and appointed Boards and Committees.

The committee did propose to completely revise this Section 4 subsection (m) of the Act. In this revision the committee voted to strike the entire section and replace it with language that was more direct, concise and less ambiguous in the Manager's responsibility to faithfully implement all policies, directives and orders of the Board.

Language Revision: Section 4 subsection (m) "To see that all laws, by-laws and other town meeting votes, and directives of the board of selectmen that require enforcement by him or officers or employees subject to his direction and supervision, are faithfully carried out."

Justification:

The language was revised to remove any ambiguity from the fact the Manager reports to the Board of Selectmen and is responsible to and accountable to the Board for implementing any policy, directive or order. This language change clearly establishes the Manager is an employee of the Board and is to faithfully implement the policies and directives of the Board. Similar language is found in other Special Acts and Charters for Open Town Meeting-Board of Selectmen-Town Manager form of government.

4.2 Human Resources Management/Employee Relations

The Committee was charged with examining how the Town Manager Act interrelates with the Personnel Bylaws, human resources management and employee relations in Upton. The Town Manager Act generally addresses the responsibilities of the Town Manager with respect to human resources issues, however there are very few specifics in the Act.

In the line by line review the committee found what appears to be a typographical error that incorrectly places the ADA compliance officer requirement of the Manager with the employee discipline process. The committee motioned to propose a revision to the Town Manager Act on Line #27 to change Section 2a to section 4(a)

Language Revision: (a) hiring, firing and disciplining employees under the jurisdiction of the board, pursuant to subsection (a) of section 4; Justification:

Correct typographical error that incorrectly references the ADA Compliance Officer instead of referencing the employee discipline process.

New and current employees who want to know HR policies and procedures pertaining to their employment rely on their collective bargaining agreement or the Personnel Bylaws to become informed. All are available on the Town's website:



Screen shot of a portion of Upton's webpage under Employment.

Section 4 subsection (i) of the Town Manager Act states that the Manager is “responsible for the administration of personnel and personnel matters, including the Personnel Bylaws, files and all personnel policies that the Board and Town may adopt. Such responsibilities shall include the enforcement of personnel policies, rules and regulations and managing personnel costs such as salaries, benefits, overtime and use of Town-owned vehicles for employees under the jurisdiction of the Board of Selectmen.”

The Town Manager must rely on the Personnel Bylaws, Collective Bargaining Agreements, the General Bylaws and other policy documents to guide him or her through often very complex issues within the Town’s multifaceted organizational structure. The CBA’s are negotiated and contain details on the subjects of discipline and grievances, among others. Those legal agreements are carefully followed by the Town Manager and all other Town officials and management. However, the Personnel Bylaws, which guide the employment of non-union, noncontract employees, either contains or lacks policies and procedures that are not followed consistently and effectively, in the opinion of the Committee.

The Committee believes human resources issues need to be addressed promptly, efficiently and thoroughly in order to be effective, regardless of whether the employee is a member of a union or not. While some members of the Committee may want to alter the language in the Town Manager Act as it relates to Human Resources issues, it is not the opinion of all members that the Act needs to be modified in this area.

However, the Committee has recommendations to the Board of Selectmen to improve the effectiveness and execution of human resources policies and procedures for non-union, noncontract employees in the Town of Upton with respect to four areas:

1. Employee Discipline
2. Employee Performance Evaluations
3. Employee Grievances (non-union)

4. Following Policies and Procedures

EMPLOYEE DISCIPLINE

Section 4 subsection (a) of the Town Manager Act states the Manager is *"the hiring authority for all employees under the jurisdiction of the board. The manager shall act in conformance with the personnel Bylaws of the Town. The manager shall oversee the efficient operation and administration of all officers, divisions and departments appointed by him. No appointment, disciplinary action or termination by the manager of a Town officer or employee shall take effect within 15 days of notice being provided to the board. The board may approve or disapprove the manager's proposed appointment within said 15 days or the board may waive the 15 day right of refusal by a vote at an open meeting...The board shall conduct any meeting to consider a proposed disciplinary action or termination of a Town officer or employee in accordance with applicable law."*

The following is the progressive discipline process, as stated in the Personnel Bylaws:

Written Warning

Written warnings are written records and the first step in the progressive discipline system. They are intended to be the least form of discipline. To be effective, however, written warnings must be timely; otherwise the employee may believe that future infractions will be tolerated.

Written Reprimand

A written reprimand is the second step in discipline, unless circumstances of the case justify a higher level of discipline, in which case this step can be bypassed.

Suspension

Suspension is a serious intervention and occurs when an employee fails to respond positively to lesser forms of discipline. Suspension can also be the first step in progressive discipline if the act, and/or the result of the act, is serious enough that a written warning or reprimand would not promote the intent or spirit of the purpose and need for disciplinary action.

Termination

All employees are subject to termination for the following general conditions:

- x *Consistent performance failure(s) or a single performance failure that results in serious consequences to the Town's public credibility or ability to do business in an effective and efficient manner, with or without fault.*
- x *Decisions of administration as permitted and retained by law (e.g. abolition of position; layoff because of lack of money)*

Termination for performance failure (through acts of omission or commission while on or off the job) can occur. While no attempt is being made here to list all situations that may result in such removals, the following examples illustrate the kinds of failure that could lead to a cause of termination: insubordination; threatening a supervisor; fighting and assaults; provoking a fight or assault; forbidden harassment; endangering another; drug or alcohol abuse; theft; false reporting and situations where performance is not reasonably expected to improve. Situations where performance is not reasonably expected to improve include past failures to respond positively to progressive discipline; habitual violations of directives; work effort requiring excessive supervision

after reasonable training has occurred to prepare the employee for the duties and responsibilities of the position; the employee's failure to learn the informal aspects of the job not covered by formal training but that are reasonable to expect of a competent employee who has gained knowledge and experience from the normal work environment; and the employee's failure to accept the Town or department's purpose, mission, and/or code of ethics.

If an employee's performance requires an investigation, the employee may be placed on paid administrative leave pending the outcome of the investigation. Depending on the findings, the employee may be terminated. If this occurs employees are provided with information that includes the reason for the termination and the effective date of the termination.

The previous Town Manager indicated in her written testimony that the only section she would change in the Town Manager Act is Section 4 subsection (a). As the only person who has held this position in Upton, the Committee believes considerable weight should be given to her feedback. She wrote:

"The ability to discipline an employee is never one taken lightly and at times must be done immediately depending on the severity of the situation....Having to wait as much as 15 days to address a situationsignificantly diminishes the ability of the person who is supposed to be managing the organization to actually do something about it. I think the Board must always be kept apprised of such matters, but the Town Manager must be able to act."

These issues are not always handled in a timely manner because it is dependent on the availability of the Board of Selectmen to schedule a meeting, which requires 48 hours' notice. However, the Committee's research of other Towns of similar size reveals the same policy of 15 day notice.

Recommendation: The Committee recommends that great effort be taken by the Board of Selectmen to develop written policies, procedures and directives to provide a clearly understood and transparent process to be implemented by the Manager for employee relations and employee discipline down to the Department level. This is vital to ensure established processes are followed and provide proper notifications regarding employee relations issues. It is vital to schedule a meeting with the Town Manager in far less time than the required 15 days for serious cases, so that the Town Manager can carry out the duties spelled out in the Town Manager Act and the Personnel Bylaws. It should also be reaffirmed to the current Town Manager that under the Personnel Bylaws, employees can be immediately suspended with pay pending the outcome of the disciplinary process. Further, the Committee requests the Board of Selectmen direct the Personnel Board to review this section of the Town Manager Act with respect to how it interconnects with the Personnel Bylaws.

Justification: Human Resources professionals believe it is critical that discipline be handled in a timely manner; otherwise it loses its effectiveness. The Town Manager must be able to act as

quickly as possible in these situations. If the Town Manager is responsible for discipline, he or she must be empowered to take prompt action. The Board also has authority under the General Laws to convene emergency meetings to support the Manager in addressing urgent cases.

EMPLOYEE PERFORMANCE EVALUATIONS

In Section 4 subsection (j) of the Town Manager Act, the Town Manager is expected to evaluate all of the Town officers and employees under the Board in accordance with the Personnel Bylaws Section VI subsection A. Employees are to receive an *“orderly, objective and accurately documented review of his or her work performance once a year.”* After the first year of employment the review is to be done at the end of each calendar year. The Committee has been informed by at least one member of the Personnel Board that this is not being accomplished in all departments in a timely manner, despite specific requests from the Personnel Board to the Town Manager and the Board of Selectmen to enforce this provision of the Personnel Bylaws.

Recommendation: The Committee recommends that the Board of Selectmen assist and fully support the Town Manager, the town’s supervisors and the Personnel Board in carrying out these evaluations in a timely manner each year. The Committee recommends to the Board of Selectmen that they review the Town Manager Act and reaffirm Section 4 subsection (j) with the current Town Manager.

Justification: Human resources professionals consistently hear from employees they want to receive feedback (both positive and constructive criticism) on their performance and discuss their career goals on a regular basis. While some departments may find it cumbersome to review all of their full time and part time staff each year due to their size, it is worth the effort. The Personnel Board can conduct ongoing performance review training and assist the Town Manager and supervisors if needed.

GRIEVANCES

Under Section 4 subsection (p) of the Town Manager Act, the Manager is responsible for arbitrating grievances as it pertains to collective bargaining units. However, the process for handling grievances for non-union, non-contract employees is not specifically addressed in the Town Manager Act. Therefore, the Town Manager must use the Personnel Bylaws to guide him or her in the grievance process for non-union, non-contract employees. The following is a passage from the Bylaws on handling grievance situations:

All employees have a right to have grievances and concerns regarding employment heard in a fair, equitable, and timely manner. A grievance is defined as a question regarding the interpretation or application of a specific portion of the Personnel By-law. The decision to air a grievance will not result in any penalty to the employee, regardless of the final decision. All steps in the grievance procedure must be thoroughly documented in the employee’s personnel file.

1. *The employee should raise any questions, concerns, or grievances with the immediate supervisor. The employee and supervisor are encouraged to work together to resolve the problem at this level. If the employee is still not satisfied, the employee may, within ten (10) working days of the immediate supervisor’s decision or failure to act, submit a written grievance to the Department Head.*

2. *The Department Head will meet with the employee to discuss the case within ten (10) working days and will provide the employee with a response within ten (10) working days of their meeting. If the employee is still not satisfied, the employee may submit a written grievance to the Hiring Authority.*

3. *The Hiring Authority will meet with the employee to discuss the case within ten (10) working days and will provide the employee with a response within ten (10) working days of their meeting. If the employee is still not satisfied, the employee may submit a written grievance to the Personnel Board.*

4. *The Personnel Board will meet with the employee to discuss the case within ten (10) working days. Based on the written grievance and any other information presented, the Personnel Board will make a final determination concerning the case within ten (10) working days of their meeting. If the employee is still not satisfied, the employee may submit a written grievance to the Board of Selectmen. However, if any member of the Board of Selectmen is a direct party to the grievance, the process will end at Step 4 and the employee shall have no further right of appeal.*

5. *The Board of Selectmen will meet with the employee to discuss the case within ten (10) working days. Based on the written grievance and any other information presented, the Personnel Board will make a final determination concerning the case within ten (10) working days of their meeting. The employee shall have no further right of appeal.*

Based on the small departments within the Town of Upton, it is acknowledged that while there are 5 steps in this process, steps 2 and 3 or steps 3 and 4 will often involve the same parties and thus may be redundant for a high number of Town employees.

Employees may bring fellow employee(s) during the grievance review to act as witnesses and should supply evidence supporting their case. Time limits may be extended with the agreement of both parties. The decision of the Board of Selectmen is final and binding.

All new employees receive a copy of the Personnel Bylaws during their orientation and must sign a document verifying that they have read it. It is incumbent on the Town Manager, Personnel Board and Board of Selectmen to ensure this policy is followed or amended if these parties see the need to make changes.

***Recommendation:** The Committee recommends the Personnel Board consider a change to the Personnel Bylaws with respect to Section 5 of the grievance process. It is not the Personnel Board that has final authority. It is the Board of Selectmen.*

Justification: Human Resources professionals advise supervisors there must be consistency in handling employee conflict. If they deal with these sensitive issues head-on, morale tends to be higher. Employees want to feel as though they are being heard by management, even if the

resolution is not what the employee wanted. It is a fact that grievances are not always being recognized and the policy is not being implemented in the Town of Upton with respect to nonunion, non-contract employees.

FOLLOWING POLICIES AND PROCEDURES

Testimony from a previous member of the Board of Selectmen indicted that there is some confusion as to which employees must follow the policies and procedures stated in the Personnel Bylaws. While some departments and employees report directly to the Town Manager, others do not. Section VII subsection E of the Bylaws states that the Town's Emergency Closing Policy "shall cover all employees of the Town of Upton, even those not under the direct responsibility of the Board of Selectmen." This is the only reference to employees not under the direction of the Town Manager in the Personnel Bylaws.

Recommendation: This confusion can be easily remedied by a simple statement by the Town Manager that policies and procedures must be followed by all Town employees, not just departments overseen by the Town Manager. This is not an attempt to usurp the authority of departments that do not report to the Town Manager; rather the purpose is to clarify the ambiguity which currently exists. The Personnel Board, Town Manager and Board of Selectmen could also update the Bylaws to specify that all employees must follow the procedures contained in the Bylaws.

Justification: Confusion among employees, both those reporting to the Town Manager and those not reporting to the Town Manager, results in a lack of cohesion and consistency. The Town Manager is the most logical person to ensure consistency with regard to the implementation of policies and procedures.

While all parties agree it would be preferable for the Town of Upton to hire a human resources professional to be responsible for following the Bylaws and policies and procedures already in place, keeping up to date with legal issues and conducting regular HR training for supervisors, the Committee recognizes that this may not be possible for several years, if ever. The Personnel Board is a free resource that has been underutilized in the Town. The Town Manager can benefit from their considerable skills and experience. The Personnel Board should be used to conduct ongoing training and provide support to supervisors as they carry out their HR related duties. If the Town Manager, Personnel Board and Board of Selectmen work together to (a) review and follow the Personnel Bylaws (b) continue training and supporting supervisors and (c) ensure the Bylaws are consistent with the Town Manager Act, the Committee believes the Town will take a step forward with this important asset to the Town of Upton -- its employees.

4.3 Citizen Interactions/Community Relations with the Manager & Board of Selectmen

Sections 2, 4 and 5 of the Act address citizen interactions and involvement with the Manager position. The committee discussions, debate and deliberations of held lines in these sections addressed items involving citizens such as the search or screening process for a new manager as well as methods by which the Manager and the Board of Selectmen maintain positive communications and community relations. The need to improve communication and share information about current town events and issues affecting the Town or Town Government are becoming increasingly important to demonstrate openness and transparency. Newer digital and social media tools enable the Manager and the Board to share information and data in a timely and easily accessible manner as well as searchable format. Information, data and news about

Town Government and its operations and performance can be easily shared with the public and is becoming an expectation in our increasingly digital and connected world.

In response to committee deliberations on the language for Section 4 subsection (r) of the Act the committee has put forth a recommendation to assist the Board in implementing, establishing and maintaining positive community relations with local groups and residents.

***Recommendation:** The committee strongly recommends the Board of Selectmen explore new methods to engage, interact and communicate with employees, citizens/residents and the public. Implementing a multiple print and digital media strategy along with increasing use of social media be considered to improve communication and engagement with the Manager and the Board, as a group as well as individually. Access to elected leaders, specifically the Board of Selectmen, and the need for direct communication with the public was identified as a concern. Other items such as Office Hours, monthly or quarterly coffee hours and public meetings should be evaluated and considered. Resuming publication of a monthly newsletter and developing a frequently asked questions (FAQ) section for the Town Website or any print communications was also identified as opportunities to improve communication and engagement.*

The committee also proposed a simple language change to remove the requirement that limits a Town Manager candidate from serving in any elected office in Town. Upton is a small community that has many elected officials working for the community for very nominal or no compensation and in some instances on more than one board, commission or committee. Other than the Board of Selectmen these elected official are independent of the executive powers and authorities of the Board of Selectmen and are removed from or separate from the executive decision-making authority of this Board and the appointed Manager.

Language Change: Section 3: The manager shall be appointed by the board on the basis of executive and administrative qualifications and other hiring requirements set forth by the board. The manager shall be a person especially suited by a combination of education, training and professional experience to perform the duties of the office. The manager shall not serve in the Office of Selectmen in the town's government for at least 12 months before his appointment. The manager shall devote his full-time to the office and shall not hold any other public office, elected or appointed, nor engage in any other business or occupation during the term unless that service is approved in advance by the vote of the board. The manager shall be subject to the personnel by-laws of the town unless the board exempts specific provisions of those by-laws as defined in a signed contract between the town and the applicant. The board may enter into a contract with the manager, not to exceed 3 years in length, setting forth the terms and conditions of the manager's employment.

Justification:

Massachusetts General Law Chapter 41 governing the Board of Selectmen requires a 12 month “cooling off period”. Massachusetts General Laws Chapter 268A governing conflict of interest also does not prohibit all elected leaders in serving if there is not an identified conflict of interest. Applying the Board of Selectmen General Law restriction to all elected officials limits the pool of possible internal Manager candidates. This restriction inherently may require the community to seek only external candidates and unknowingly eliminate qualified and experienced internal candidates for consideration for the Town Manager position.

In response to committee deliberations on the language for citizen involvement in the search process for a new manager, additional language has been proposed for Section 3 to include the use of a screening committee in recommending final candidates for the Managers position to the Board for final selection and appointment.

Language Addition: The Board shall create a screening committee of 5 Upton residents to assist in the selection of candidates for the position of manager. The screening committee shall recommend to the Board a minimum of 3 qualified candidates. After receiving the recommendations of the search committee, the Board shall appoint a manager from the recommended candidates; provided, however that the Board shall not be required to appoint any of the recommended candidates and may request that the screening committee continue the screening process or shall appoint a new screening committee to continue or restart the search.

Justification:

This addition of language to implement a screening committee in the search and selection process for a new manager creates citizen involvement and engagement in the appointment process for this key Town management position. This addition formally incorporates the citizen participation process that has been utilized in Upton in the most recent Town Manager search, screening and selection process for a Town Manager. Similar language is found in other Special Acts and Charters for Open Town Meeting-Board of Selectmen-Town Manager form of government communities.

5.0 ATTACHMENTS

The attachments included in the Committee's final report are only reference material. The Committee does not approve or disapprove of any of the information contained in these documents. They are reference materials used in our research and discussions.

- A. Committee Mission Statement
- B. Town of Upton Town Manager Assessment Committee Report, 2008.
- C. Massachusetts Municipal Managers Association Form of Government Committee "A Study on Structural Changes in Local Government in the Commonwealth of Massachusetts", Clark University Capstone Project, Smith & Schudrich, May 7, 2010.
- D. Case Study: The Charter Process in Groton, MA prepared by Phoebe Walker for the Massachusetts Municipal Management Association, April 5, 2009.
- E. Reference Special Legislation Acts – Town of West Newbury, Town of Cohassett & Town of Hanover.
- F. Town of Upton Personnel Bylaws.
- G. Results & Summary of Feedback Comments - Internal Survey Monkey – Town Manager Employees Direct Reports.
- H. Email from the public and written correspondence received at Posted Committee Meetings.
- I. Committee Meeting Minutes.