

## **Government Study Committee Report**

### **The Committee**

*The Town Government Study Committee was established by the Board of Selectmen on May 4, 2010. The last Town Government review was completed in 1999.*

*The members of the Study Committee are: Murray Clark, Jr., Pauline Conley, Pauline Hamel, Thomas Horgan, James Pinard, Jr., Stephen Slarsky and Lisa White. Mr. Clark was Chairman, Ms. Conley was Vice Chairman and Ms. White was Clerk.*

*"The premise in forming the Committee is that the Town should periodically review how well Town government is providing services to the citizens of Ayer and those rely on government services to conduct business." (R. Pontbriand, 8-9-10)*

### **The Committee's Charge**

*"The Committee was charged with evaluating the current organizational structure of Ayer's town government, comparing Ayer's current structure to communities similar to Ayer and if necessary recommending changes to the organization to the Board of Selectmen and to Town Meeting that would enhance organizational efficiencies leading to the realization of cost savings." (R. Pontbriand, 8-9-10)*

### **The Committee's Work**

*The Committee met 20 times from August 2010 to September 2011. Several citizens regularly attended various meetings. The Committee also has and publicized an email address on the town website to receive input from those who might not be able to attend a meeting (gov\_study\_comm@ayer.ma.us)*

*The Committee reviewed the reports of the 1999 Government Study Committee and the May 2007 Financial Management Review by the Division of Local Services of the Department of Revenue. The Committee also met with and obtained input from members of the Board of Selectmen, Town Moderator, Town Clerk, Tax Collector, Treasurer, Town Administrator, Finance Manager/Town Accountant, DPW Superintendent, Economic Development Director, Fire Chief Pedrazzi, Police Chief Murray, members of the Board of Assessors, Board of Health, Library Trustees, Park Commission, Planning Board, Finance Committee and residents who wished to provide input.*

*The Committee met with and received input from a representative from the Division of Local Services of the Department of Revenue, researched surrounding towns' composition and methods of government and reviewed a number of charters, by-laws and job descriptions of other municipalities.*

*A majority of the meetings were recorded by APAC.*

*A public hearing was held at Town Hall on September 28, 2011. Approximately a dozen residents attended the hearing.*

*Copies of all meeting minutes, notes and documents received from others are attached to and made a part of this report.*

### **The Town's current government format**

*The Town of Ayer was incorporated on February 14, 1871. Prior to that date it was called Nonaicoicus by Native Americans and later Groton Junction until, on February 2, 1871, the citizens voted to name the town Ayer after Dr. James Cook Ayer of Lowell.*

*The government of the Town consists of an Open Town Meeting legislative format, presided over by a Town Moderator, with a five-member Board of Selectmen responsible to the voters of Ayer and a Town Administrator appointed by and responsible to the Board of Selectmen. The Town elects a number of officials and several Selectmen-appointed department heads support the work of the Board.*

### **The Committee makes the following recommendations:**

- 1. The Town of Ayer should maintain an Open Town Meeting legislature with a Board of Selectmen and Town Administrator**
- 2. The Town of Ayer should adopt a Charter**

*A charter's fundamental purpose is to establish parameters or broad statements of policy, structure and procedures while the details of those policies are outlined more specifically in a municipality's ordinances or by-laws. A charter outlines the organizational foundation of the municipality's government, defines relationships among officials, boards and commissions and sets out the financial procedures to be followed. It describes the authority and responsibilities of town officials, establishes accountability and addresses issues of elected versus appointed officers and boards. The budget process, capital planning steps, elements of employee performance evaluations and other items may be included as each town determines.*

*There are two means by which a community may create a charter: through a charter commission or under Ch. 43B, by a special act of the State Legislature with approval by the Governor.*

*The key distinction between a charter commission and a special act is the time required to complete the process. The work of a charter commission is directed by statute and involves an 18-24 month process. A special act is initiated locally, usually through the formation of a government study committee, and can advance more quickly.*

*Charters have become the preferred means, over by-laws and policies, to achieve long-term continuity and stability as officials, board members and personnel change, strengthening public confidence in government.*

*As part of creating and adopting a charter, the Town of Ayer's by-laws will need to be reviewed to eliminate any potential conflicts and to ensure the Charter and By-laws are consistent with each other.*

*The Committee endorses DoR's recommendation that if the Town of Ayer chooses to adopt a charter that it utilize the special act process for doing so.*

### **3. Town Moderator**

*The Committee recommends the Town of Ayer amend its By-laws to make the Finance Committee a committee of Town Meeting with the membership appointed by the Moderator.*

*Otherwise, the Committee makes no recommendations relating to the Town Moderator's position or role in the government of the Town*

### **4. The Board of Selectmen**

*The Committee makes the following recommendations relating to the Board of Selectmen:*

#### ***Composition:***

*The Committee recommends the membership of the Board of Selectmen be reduced from five (5) to three (3) providing that can be accomplished in an open election to allow the current members and any other registered voter to run for election to one of the three seats. The individual receiving the highest number of votes will serve for three years, the second highest for two years and the third highest for one year, after which there will be an annual election to fill one seat.*

#### ***Screening Committees:***

*The Committee recommends that when needed, the Board of Selectmen either serve as its own Screening Committee or, if the Board opts to appoint a separate Screening Committee, that no member of the Board of Selectmen serve on the appointed Screening Committee.*

#### ***Approval of departmental purchase orders and invoices:***

*The Committee recommends the Board of Selectmen review the statutory authority relating to procurement, the proper procedures for purchasing goods and services for*

*which funds have already been appropriated by Town Meeting and the Town's department heads' authority to approve such purchases.*

*DoR has advised that neither the BOS, the Town Administrator, the Finance Manager/Town Accountant nor the Treasurer can substitute their judgment whether a purchase should be made for that of a department head or deny approval if there is money in the account to be charged to cover the proposed expenditure, if the intended purpose of the expenditure is consistent with the purpose of the account to be charged if there is no evidence of fraud.*

*Where such purchases are under \$5000 reasonable judgment may be used, between \$5000 and \$24,999 three quotes are required and over \$25,000 sealed bids or an RFP are required.*

***Approval of contract change orders up to 10% of the contract value:***

*The Committee recommends the Board of Selectmen review the statutory authority relating to procurement, the proper procedures for purchasing goods and services for which funds have already been appropriated by Town Meeting and the Town's department heads' authority to approve such purchases.*

***NOTE:*** *The Committee is aware that Mr. Pontbriand recently completed a Purchasing and Procurement Seminar and recommends the Board of Selectmen implement whatever changes are needed to comply with the appropriate rules and procedures to ensure compliance as well as efficiencies of process.*

**5. Town Administrator**

*The Committee recommends the following areas of authority and responsibility be added to the current job description:*

- ***Personnel***

*The centralization of supervisory authority, including disciplinary action, over all staff-level town employees who report to elected boards under the Town Administrator.*

***NOTE:*** *The Personnel Policy and Procedures Manual vests the Town Administrator with some authority over these and other employees.*

- ***Appointments***

- ***Non-department head level positions***

*When a vacancy occurs in a staff-level position, the Town Administrator interviews candidates and recommends no less than three individuals for*

*interview by the Appointing Authority. If the Town Administrator opts to utilize a screening committee no member of the Appointing Authority shall serve on the screening committee.*

- ***Boards and committees reporting to the Board of Selectmen***

*When a vacancy occurs or a position is up for reappointment the Town Administrator interviews incumbents and individuals interested in appointment and makes a single recommendation to the Board of Selectmen for appointment.*

- ***Care and custody of Town Hall***

*All functions of Town Hall, including energy use and conservation, furniture, equipment, renovations, additions, scheduling of use, etc shall be overseen by the Town Administrator in conjunction with the Facilities Manager.*

***NOTE:*** *Currently the Town Administrator authorizes the placement of signs on the lawn and the use of the Great Hall for other than town functions.*

## **6. Finance Department**

- *The Committee recommends the Town create a Finance Department, headed by a Finance Manager, who also serves as the Town Accountant, reporting to the Town Administrator.*
- *The Committee recommends the Town change the current elected Treasurer position to an appointed position reporting to the Finance Manager.*
- *The Committee recommends the Town adopt MGL Ch 41, s. 38A, to convert the elected office of Tax Collector to an appointed position of Town Collector, reporting to the Finance Manager*
- *The Committee recommends the Town Administrator appoint the Finance Manager/Town Accountant, Treasurer; Town Collector and additional support staff as needed.*

**The following documents were received and reviewed by the Committee. All are included with the report unless otherwise indicated.**

*Town of Ayer's Articles of Incorporation*

*Town of Ayer Board of Selectmen's Policies as adopted 1999 (copy not included)*

*Town of Ayer February 8, 1999 and March 15, 1999 Government Study Committee Reports*

*Town of Ayer Town Administrator contract, 8-2-2010 (attached to his 12-13-10 memo)*

*Town of Ayer Finance Manager/Town Accountant job description & 2011 Goals and Objectives*

*Town of Ashby By-laws*

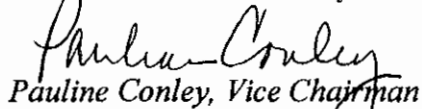
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Page 5 of 6

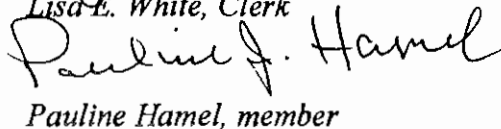
*Town of Groton Charter*  
*Town of Lincoln Finance Director/Town Accountant and Treasurer/Collector job description*  
*Town of Littleton Code*  
*Town of Mashpee Charter*  
*Town of Maynard Charter*  
*Town of Norwood Charter*  
*May 2007 DoR Division of Local Services Financial Management Report to the Town of Ayer*  
*Mass Municipal Association Report on the Forms of Local Government*  
*Mr. Pontbriand's 12-13-10 and June 20, 2011 memos to the TGSC*  
*Mr. Gilles' 12-13-10 memo to the TGSC*  
*Mr. Muldoon's 1-10-11 memo to the TGSC*  
*Mr. Fay's 1-24-11 memo to the TGSC*  
*Chief Murray's job description and a 5-28-09 organizational chart of the Ayer Police Dept*  
*Chief P. White's 12-13-10 memo to the TGSC*  
*Mr. Nason's March 7, 2011 memo to the TGSC*

*Respectfully submitted,*

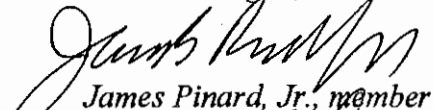
  
Murray J. Clark, Jr., Chairman

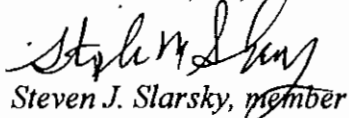
  
Pauline Conley, Vice Chairman

  
Lisa E. White, Clerk

  
Pauline Hamel, member

  
Thomas Horgan, member

  
James Pinard, Jr., member

  
Steven J. Slarsky, member

October 4, 2011