

REPORT OF THE  
F.Y. 2019 GOVERNMENT REVIEW COMMITTEE

At the 2018 Annual Town Meeting of the Town of Topsfield (“Town”), the Town voted to approve Article Thirty Ninth for the Town’s Board of Selectmen (“Selectmen”) to create a government review committee:

1. to review the Town’s present form of government,
2. to make recommendations to the Selectmen regarding the creation of a strong Town Administrator position to coordinate the activities of Town departments, and
3. to submit to the Selectmen a written report on findings and recommendations within ten months after the date of convening the committee.

On September 17, 2018, the Selectmen voted to convene the F.Y. 2019 Government Review Committee (“GRC”). The members of the GRC appointed by the Selectmen included: Jon Palace, David Read, Lou Ross, Roberta Sapienza and Libby Wilson. The Selectmen charged the GRC with reviewing the Town’s form of government and to make a report and recommendations per the Town Meeting vote. On September 17, 2019, the GRC formally voted to approve the findings and recommendations of the GRC and to submit this report to the Selectmen.

As stated more fully below, based upon this GRC’s investigations as outlined in this report, the GRC has found that there is substantially more support for the Town’s current form of government with a Town Administrator without executive powers and decentralized departments led by independently elected boards than there is support for centralization of executive powers or administrative functions in a Town Administrator or any other board or committee.

The GRC has also found, however, that a majority of chairpersons of Town boards, committees and officials (“boards”) interviewed as part of the GRC’s investigations of the Town’s present form of government did not strongly oppose the Selectmen initiating a Town-wide dialogue to discuss particularized ways, that GRC would characterize as relatively minor changes to improve the operation and efficiency of the Town’s government. Those changes included possibly considering (1) the creation of a centralized Department of Public Works, (2) a Town Planner, and (3) having certain Town employees report directly to the Town Administrator instead of reporting to their elected boards.

Based on these findings, the GRC recommends to the Selectmen that the Selectmen consider: (1) not seeking Town Meeting authorized for a Town charter to create a strong Town Administrator or Town Manager position, and (2) initiating a Town-wide discussion related to the creation of a centralized Department of Public Works (e.g., combining the Highway Department, Water Department and Park and Cemetery Department into one department responsible for public works functions) and other minor changes to improve the operation and efficiency of the Town’s government.

## GRC's Review of Topsfield's Current Town Government

The GRC's objective was to perform a fresh review of the structure of the Town's government to determine how to improve its operation and efficiency, with a special focus on the charge of the Selectmen regarding whether a "strong" Town Administrator position would be right for Topsfield.

The GRC first reviewed the Town's current governmental structure and how it was established under applicable law and the Town's General Bylaws ("Bylaws") to understand how the Town's government is presently organized. There is no Town charter. Instead, the Town's government is an open meeting form of government, organized and governed pursuant to many laws that generally govern a particular area of concern. Per those laws, Town Meeting acts as the Town's legislature and the Selectmen act as the Town's chief executive officer.

Under those laws, several other Town boards have limited executive functions within the particular jurisdictions of those boards. (For example, the Board of Water Commissioners oversees the Town's Water Department and water enterprise with some limited additional oversight by the Selectmen.) The GRC found that as a result of that organizational structure, Town boards and officials often operate in silos, where boards and departments operate to control operations within their own jurisdictions with substantial autonomy without centralized oversight by any other Town board or official.

To flatten the silos or to increase oversight and efficiencies, the Town could consider legally consolidating the executive functions of any of its boards into one or more boards or officials, including a "strong" Town Administrator or Town Manager. Consolidation would require the adoption of a Town charter or other special act of the legislature, which would first require a vote by Town Meeting. Absent a Town charter or special act though, the Town's government would continue to operate in its current, mostly decentralized system without a "strong" Town Administrator or Town Manager.

After reviewing the current form of government, the GRC then attempted to analyze the effectiveness and efficiency of the Town's current government to try to determine what was working well and what might be improved.

The GRC decided to interview the chairpersons of twenty of the Town's boards ("FY2019 Chairs") to understand whether: (1) that segment of the Town's government was satisfied with how the Town's government operated, (2) any improvements for operations or efficiency might be made, and (3) there was generally support or opposition to reorganization or centralization of the Town's government. The GRC's analysis of its interviews of the FY2019 Chairs entitled Summary of Responses from F.Y. 2019 Board and Committee Chairs is attached to this report as Appendix A. The full responses by the FY2019 Chairs to the GRC's interview questions are separately available from the GRC or Town Clerk upon request.

Then, the GRC was to continue its review by interviewing other members of Town boards and Town officials, including the Selectmen, the Town Administrator, Town Counsel and Town department heads to try to better understand whether the hiring of a strong Town Administrator or

other reorganization of the Town's government might improve operations and efficiency, and more generally whether there was support or opposition to any reorganization of the Town government.

The GRC chose not to interview members of the Board of Selectmen initially until it could first receive some preliminary data from Town boards. The GRC also chose to focus first on the structure of Town government, not on costs of operations or particular Town officials, personnel or employees or their salaries.

Ultimately, due to timing constraints and changes to the membership of the GRC, the GRC limited its fact gathering mostly to the FY2019 Chairs and its analysis and this report primarily to the information provided to the GRC by the FY2019 Chairs. Any reading of this report should therefore be viewed through that lens, with an understanding that the GRC interview of the FY2019 Chairs was a snapshot in time and a relatively small sample of opinions that did not include any meaningful input from the Selectmen, the Town Administrator, Town department heads, other Town employees or the voters.

### Findings by the GRC

In no particular order, the GRC has made the following findings.

The Town of Topsfield is a traditional open town meeting form of government that operates primarily in decentralized manner (i.e., in silos) consistent with Massachusetts General Laws ("M.G.L.").

There are some exceptions. Below is a list of some of the statutes (enacted for or accepted by Topsfield) that alter the traditional open town meeting form of government in Topsfield:

- the Town Administrator statute (M.G.L. c. 41, § 23A),
- the strong Police Chief Statute (M.G.L. c. 41, § 97A),
- the strong Fire Chief Statute (M.G.L. c. 48, § 42),
- election of Board of Water Commissioners (M.G.L. c. 40, §§ 39A-39K; M.G.L. 44, § 43F½), and
- the election of Board of Park and Cemetery Commissioners (St. 1890, c. 264),
- the election of Board of Road Commissioners (M.G.L. c. 41, § 63), and
- the expansion of Board of Selectmen from three members to five members (St. 2005, c. 170).

The Board of Selectmen is the Town's chief executive officer by law and in practice, generally in charge of Town affairs, except when particular affairs are placed in the jurisdiction of another board or official.

Any reorganization could conceivably entail transferring certain executive powers and responsibilities from the Selectmen to a Town Administrator, Town Manager or other board or official, just as it could conceivably entail transferring powers and responsibilities of other boards or officials to the Selectmen, further consolidating executive power in that board.

Responses by the FY2019 Chairs were varied. There was a mix of support and opposition to the general concept of reorganization as well as to specific proposals for reorganization.

Based on its interviews of the FY2019 Chairs, the GRC found that there was substantially more support for the Town's current form of government with decentralized departments led by independently elected boards than there was support for the centralization or consolidation of executive powers or administrative functions in a Town Administrator or any other board or committee

The current Town government structure appeared to work well for a strong majority of the FY2019 Chairs. As such, the GRC determined that, based on the information gathered from the FY2019 Chairs, there was not an overwhelming need or desire for change to a system that appeared to work well for the majority of elected and appointed boards.

However, there was sufficient general support by the FY2019 Chairs, and insufficient vocal opposition against, reorganization of Town government to consolidate powers or functions in the Board of Selectmen, a strong Town Administrator or a Department of Public Works such that the Selectmen might initiate a Town-wide discussion for the Town to consider centralization of Town government by empowering a Town Administrator to undertake day-to-day operations without the need for Selectmen action or approval and the creation of a Department of Public Works for a single department to oversee all public works functions of the Town, increasing coordination and efficiencies for public works operations.

In fact, the GRC found that, based on studies and materials prepared by the Massachusetts Municipal Association, the apparent approaching retirement of key personnel in the Department of Public Works and Park and Cemetery Department, presents an opportune time for the community to consider a possible reorganization to consolidate those departments.

Finally, due to timing constraints and changes to GRC membership the GRC did not explore or contemplate any particular informal measures to improve the operation of the Town government that did not involve reorganization. Less formal measures and opportunities to enhance communication among departments and to improve the operation and efficiency of the Town's government may exist.

Those measures might be established through amendments to the Bylaws or less formal policies or delegations by Town boards consistent with applicable law. For example, the Town has a Public Works Committee that, per section 2-41 of the Bylaws, is a standing committee comprised of the Superintendents of the Water, Park, Cemetery, and Highway Departments, the Town Engineer and the Tree Warden charged with meeting monthly to report "upon the activities, accomplishments and proposals of the Committee." The Public Works Committee is a clear example of how various Town departments might come together to inform each other of operational challenges and to provide efficiencies or solutions to deal with those challenges. Further similar opportunities may

exist, and the Town may wish to explore such opportunities as part of any discussions regarding the organization of the Town's government. .

#### Recommendation to the Board of Selectmen

In conclusion, based upon its findings and interviews of the FY2019 Chairs, the GRC recommends to the Selectmen at this time that the Selectmen consider: (1) not seeking Town Meeting authorization to proceed with a Town charter to create a strong Town Administrator or Town Manager position, and (2) initiating a Town-wide discussion related to the creation of a centralized Department of Public Works and other minor changes to improve the operation and efficiency of the Town's government.

Appendix A: Summary of Responses from  
F.Y. 2019 Board and Committee Chairs