

Massachusetts Municipal Managers Association  
Form of Government Committee

A Study on Structural Changes in Local Government in the  
Commonwealth of Massachusetts

---

Clark University  
Master's of Public Administration Capstone Project  
May 7, 2010

By

Michael C. Smith &  
Arianna Z. A. Schudrich

## Acknowledgements

We would like to thank all the members of the Form of Government Committee from the Massachusetts Municipal Managers Association. In addition we would like to thank Brian DuPont, GIS Manager of Wellesley as well as all the individuals from the case study communities that we have had interaction with.

Marilyn Contreas, Senior Program and Policy Analyst at the Commonwealth of Massachusetts Department of Housing & Community Development, has provided invaluable insight and information in the construction of this project.

Most importantly we would like to thank our advisor Dan Morgado, Town Manager of Shrewsbury and instructor at Clark University's Masters of Public Administration Program, for his consistent guidance and feedback over the course of the construction of this project.

## Executive Summary

The Commonwealth of Massachusetts has a long history of civic engagement dating back to the Mayflower Compact in 1620. This rich history has allowed the Commonwealth's local government participation to flourish over the proceeding centuries. It was not until the mid twentieth century that communities began to question their local government structure and truly attempt to find the perfect structure. There is still no consensus to what form of government is best. This document looks at nine communities who have experienced either successful or failed attempted changes within the last decade as case studies.

The document begins with a brief history of the Commonwealth of Massachusetts local government structure. It discusses pertinent literature that has been written on the different forms of local government that are available to communities.

The case study communities are: Amherst, Braintree, Needham, North Attleborough, Palmer, Pembroke, Plymouth, Randolph and Winthrop. GIS maps were also constructed in an effort to better understand factors that relate to the change of local government process.

After analyzing these components, the identification of common themes found throughout the case studies and the GIS maps are presented. These factors and their relationship to the overall process of local government change in Massachusetts were then analyzed. The document concludes with the final thoughts and findings relative to the subject of local government change in the Commonwealth of Massachusetts.

Table of Contents

	Page
Acknowledgements .....	i
Executive Summary .....	ii
List of Appendices .....	v
List of GIS Maps .....	vii
Section 1. Introduction .....	1
Section 2. Literature Review.....	2
Section 3. Case Studies.....	20
• Amherst .....	20
• Braintree .....	24
• Needham .....	29
• North Attleborough.....	32
• Palmer.....	35
• Pembroke .....	38
• Plymouth .....	42
• Randolph .....	49
• Winthrop .....	52
Section 4. GIS Map Analysis.....	56

Section 5. Analysis .....	59
Section 6: Rejected Change Analysis .....	65
Section 7: Final Thoughts.....	67

Appendix A: Mayor/Council Organizational Structure

Appendix B: Council-Manager Organizational Structure

Appendix C: Most Prevalent Form of Local Government in Specific Population Ranges

Appendix D: The Most Prevalent Form of U.S. Local Government Structure

Appendix E: Open Town Meeting- Board of Selectmen- Town Manager or Administrator  
Organizational Structure

Appendix F: Representative Town Meeting-Board of Selectmen- Town Manager or  
Administrator Organizational Structure

Appendix G: Randolph Government Change Proposals

Appendix H: Home Rule Charter Action Municipalities

Appendix I: Special Action Charter Municipalities

## List of GIS Maps

Map 1: MA Population

Map 2: MA Population Change 1980-1990

Map 3: MA Population Change 1990-2000

Map 4: Population Percent Change 1980-2000

Map 5: Voter Registration Democrat

Map 6: Voter Registration Republican

Map 7: Voter Registration Democrat over Republican

Map 8: Voter Registration Republican over Democrat

Map 9: Local Legislative Form

Map 10: Chief Municipal Officer

Map 11: Chief Municipal Officer Groupings

Map 12: CMO over Leg Form

Map 13: Special Action Charter

Map 14: Home Rule Charter Action Pre-1990

Map 15: Home Rule Charter Actions 1990-2000

Map 16: Home Rule Charter 2000-2010

Map 17: Home Rule Charter Action All

Map 18: Special Action Charter over Home Rule Charter Action

Map 19: Home Rule Charter Action over Special Action Charter

Map 20: Case Study Communities

Map 21: Case Study Communities - Populations Change

## **Section 1: Introduction**

New England, Massachusetts in particular, is in a unique situation relative to local government; since often the structure of local government pre-dates the United States Constitution. Since the first settlement hundreds of years ago in the Commonwealth of Massachusetts many communities have changed the structure of their local government. This document examines recent changes in nine communities in the Commonwealth while also providing 21 Geographic Information Systems (GIS) maps, in an attempt to identify specific factors that lead to a change in local governmental structure. The case study communities are: Amherst, Braintree, Needham, North Attleborough, Palmer, Pembroke, Plymouth, Randolph and Winthrop. The combination of the nine case studies and the GIS maps, produce a clear picture of the process of change in local government structure within the Commonwealth of Massachusetts.



## **Section 2: Literature Review**

### History of Local Government in Massachusetts

The history of governmental structures in the United States dictates that the first time Massachusetts became nationally prominent was during colonial period when revolution was stirring. Massachusetts is known as the, “hotbed of sedition” due to the activity of the Whigs leadership in the area. The Whigs earliest stronghold was in Massachusetts where they implanted the idea of self-rule and breaking away from the United Kingdom. Town Meetings and other early local governmental structures are sighted as the first democratic structure seen in what would become the United States (Hoerder, pg.7-8). The activity of the Whigs and the strong government structure in Massachusetts seen during this time still affect Massachusetts today. This long line of history can be said to create strong ties to tradition throughout the state. This can be seen in present time through the construction of town offices.

Remnants of positions held in 1760 can still be seen in today’s local government structure throughout Massachusetts. It is documented that from the year 1760 to 1780 the selectmen in a given town would call for the annual Town Meeting in March for the purpose of publicly electing the town officers. The first official to be elected was the town clerk. He was seen to be the most important since he was the town’s general manager.

A town’s main officials were the Selectmen. At times they would also hold other offices in a town. The selectmen were the main decision making body of the town deciding on such things as location of the market place and roads and ensuring the health of a town during a time period when disease especially small pox was rampant. The finances of the town were overseen by the assessors, town treasurer, town auditors and collectors of taxes. There was also a position

to oversee the poor. Those who supervised the upkeep of the town were surveyors of highways and firewards. It was the warden whose job it was to uphold the moral principles of the towns. This position was of importance during this time period due to the prevalence of the Puritans and their beliefs. There were also tithingmen and constables that worked in the same field. There were officers that were concerned with particular trades and those who oversaw the treatment of domestic animals. In summary there are four groups that historians use to categorize all officers during this time period. Group 1: are the most powerful i.e. the policy makers, Group 2: are those who have high power but less than Group 1 and those who have high social prestige. Group 3 oversees specific laws and Group 4: are the minor town officials (Hoerder, pg.15-21). Although some of these positions have faded out due to lack of necessity, the responsibilities associated with it and at times the title have remained intact throughout that years.

The basic way that a resident could participate in the town governance and political system was the Town Meeting. Within that there were two ways that people could invoke their political rights: first by voting and the second by running in the election. Voters had to be white males over the age of twenty-one and be a freeholder. According to Charters at this point a freeholder was one who had, “[an] estate or freehold...to the value of forty shillings per annu at the least or other estate to the value of Forty pounds Sterl’,” Town Meetings according to law were called by selectmen very similar to today’s system (Hoerder, pg.67-70).

The notion of employing a professional manager is also common in the 17<sup>th</sup> century. In 1815, a committee in the town of Boston suggested that a person be hired to oversee daily issues of the public office. However, it was not till 1914 that the first professional administrator position was written into statue in Massachusetts. In this year Norwood became the first municipality in Massachusetts to have a professional administrator (Morse, pg. 12).

### Emergence of Professional Administrative

In the 1940's and 1950's towns in Massachusetts began to adopt Town Managers through special laws. The earliest Town Manager plan was seen in Norwood, MA in 1915. This began a trend of towns experimenting with Council-Manager forms. From 1918 to 1959 there were twelve municipalities that adopted a form of Council-Manager government. In the recent past the largest trend that has been documented is the rapid growth of professional administrative positions in towns throughout Massachusetts. There was an eleven percent increase of towns with a professional position in 1965, whereas in 2005, 259 towns, which is eighty-six percent of Massachusetts municipalities, have an employed a professional administrator. Within this time period the largest growth was from 1965 to 1975 when the amount nearly tripled. In 1975, thirty percent of towns had a Town Manager, town administrator, an executive secretary, or a manager with a different title. Within the forty years from 1965 to 2005 professional positions have grown by 662% (Morse, pg. 12-14).

The commonwealth created two initiatives, "circuit riders" and "Incentive Aid Program," in the 1970s and 1980s in order to promote professional management. The first was in the 1970s when the Commonwealth funded "circuit riders," the practice of having a single professional manager working for two, three or four towns at once. Many of these circuit riders now hold upper level positions in single towns. From 1984 to 1989 the Executive Office of Communities and Development created a program helping with funds for local government improvements in management; this was called The Incentive Aid Program. The main goal of the program was to fund the creation of multiple management positions over a three year period. Initially the position was paid by the State with a portion paid by the municipality. During the three year

period funding for the position would incrementally transfer from the State over to the municipality (Morse, pg.14).

### Forms of Local Government in Massachusetts

There are four basic forms of government that municipalities in Massachusetts can implement according to state legislation. Massachusetts as a part of New England has an aspect of local government, the Town Meeting that is not seen in other parts of the United States. This is due to the history these states have with the creation of the United States and the separation from the United Kingdom. The four forms are: Mayor-Council, Council-Manager, Open Town Meeting/Board of Selectmen/Town Manager or Administrator, and Representative Town Meeting/Board of Selectmen/Town Manager or Administrator.

#### *Mayor-Council Form:*

The Mayor-Council form of government is seen mostly in cities in Massachusetts, however being a city is not a prerequisite for the Mayor-Council form. The Mayor-Council form of local government parallels the federal American government almost exactly. Both have an elected legislature and executive branches that are elected separately (ICMA Forms of Local Govt). Appendix A shows chart that outlines the flow of power in this form of government.

Voters elect a Mayor and a Council through open election. As the chief executive the Mayor appoints key officials and boards, however the Council may also have the power to appoint certain boards. In this system very few boards and/or commissions can be elected by the public. In most cases there is only one board that the Mayor has a vote on that being the School Committee; however this is not the case in all communities. The Mayor is also the creator of the

budget and oversees unions, contracts, and the complete town administration. Depending on the Charter the Mayor may have the power to veto particular actions of the Council (MMMA, Forms of Local Gov't. pg.3). Mayors will on average have a term of two-years although some communities have terms that last four-years. Although the Mayor as chief executive is also responsible for day to day dealings, certain municipalities will appoint an administrator to take care of these issues leaving the larger policy issues to the Mayor.

The legislative duties belong to the Council which ranges in size from seven to fifteen people while ensuring that it is an odd number of people. As legislative branch they adopt all budgets, laws, etc and may have the power to approve or veto appointments made by the Mayor. The Council is also charged with the responsibility of assessing the overall performance of the government's work and functionality. The Council is permanently in session meaning that Council meetings do not need to be called through a warrant. The members of the Council hold two year terms (MMMA, Forms of Local Gov't. pg.3).

There are multiple benefits that have been outlined by scholars for this form of government. The chief executive is elected directly by the people of the municipality giving the voters more power. The legislative body becomes smaller and meets more frequently allowing more issues to be dealt with. One negative aspect of this system is the possibility that political appointed officer would have to take over administrative duties which they may not have the knowledge base to fulfill. There is a smaller percentage of citizen participation in decision making process since there is no forum for their voices to be heard officially (MMMA, Forms of Local Gov't. pg.3).

*Council-Manager Form:*

The one-hundredth year anniversary of the beginning of the Council-Manager form of government in the United States was celebrated in 2008. In 1908, Staunton, Virginia was the first city to create a manager position that eventually led to the Council-Manager form of government that is in use today (Svara, pg. 6). Appendix B shows an organization chart that outlines the flow of power in this form of government.

The governing legislative body in this system is the Council whom are elected by the voters of the municipality. Their main responsibility is to provide legislative direction for the Manager. The Council also adopts budgets, laws, and may be able to approve or veto certain appointments made by the Manager. In this system the Council is comprised of five to nine members that involve a Council president or Mayor as head. The Council President or Mayor are either appointed by the Council or elected by the residents as it is outlined in the Charter. The Mayor/Council president tends to be the political head of the municipality while being a member of the legislative body however he or she cannot veto decisions made by the legislative body as a whole (Svara, pg. 6).

The Manager acts as the chief executive and is appointed by the Council. His or her responsibilities include the day to day administrative operations such as appointment of key officials, budgets, contracts, and unions. The Manager is the liaison between the staff, the Mayor, and the Council and by being so must attend all meetings of the Council. During such meetings it is the job of the Manager to brief the Council on agenda matters and other importance issues that are occurring in the municipality. The Manager also serves as a representative for the Council and Mayor/ Council President at particular events, (Forms of Local Gov't. pg.4).

Perhaps the Manager's most important role is that of advisor to the Council and his or her relationship with the Council on a whole. This relationship is what determines how effective the Manager is at carrying out his or her job and how well the Council is doing in guiding the community and making its decisions. It is imperative for the Manager to have solid interaction with his or her Council. Ninety-five percent of managers have reported through the ICMA that the interaction that takes places with their Council is on a formal basis when all members are present. The next type of interaction is informing the Council of information through periodically written reports, this is reported to occur 91% of the time. Not only did these two forms score highest in practice but is also the desired practice by managers that were interviewed. There are a number of managers that also maintain a less formal relationship with Council members in order to be adaptable to the personalities of Council members (DeSantis, pg.11).

Communications between the Manager and Council is an additional aspect that is relevant to their relationship. The key to a successful relationship is that the communication occurs on a regular basis and to what extent is the future planned for. A divided Council can become less useful and can diminish the relationship with the Manager. In order to keep the interest of all Council members during a meeting the Manager may decided to discuss certain topics with members informally before the meeting in order to have a better understanding of the information that must be presented by the Manager during the Council meeting. The development of goals and objectives are very important in order to have an effective administration. The Council should create a list of goals yearly that citizens can use to hold the Council accountable. A similar list should be created by department heads so that the Manager can hold them accountable in their positions. By having these lists there is a shared aspiration for

reaching and fulfilling these goals for the Council and manager/department heads which creates a strong bond between the Council and Manager (DeSantis, pg.12-13).

There are particular advantages to the Council-Manager form of governance. Firstly, there is a smaller legislative body making decision which meets regularly keeping them involved. The Council has the ability to create guidelines and qualifications that the chief executive must meet in order to be appointed. When necessary, the Council can remove the chief executive at any point. One negative that stands out in this form is that there is a small amount of citizen participation in the decision-making process (MMMA, Forms of Local Gov't. pg. 4).

#### *Differentiating Mayor-Council and Council-Manager Form of Government*

Academics debate over which is the more efficient form of local government, Mayor-Council or Council-Manager. The Council-Manager form is still growing and has been adopted more and more by municipalities in Massachusetts. The Council-Manager form can be combined with multiple different structural features to create a governing body whereas the Mayor-Council cannot. Council-Manager also has a more balanced relationship between politics and professionalism because of the administrative manager that is appointed and not elected.

There are three main points that clearly define the difference between the Mayor-Council and Council-Manager forms of government. The first has been named "allocation of authority" which parallel's a presidential-parliamentary system. In the Council-Manager form all authority is given to the Council with particular aspects under the Manager as written into the law. The authority for the municipality is collected under the Council which enables the Council to be very powerful. However, when power is separated as in the Mayor-Council form, the Mayor can limit the amount of information and advice that is given to the Council which could have



negative reactions. In this form the Mayor who has the responsibilities of a manager is a separate executive entity from the Council without any oversight (Svara, pg.7-8).

There are some other differentiating characteristics that have been identified within this category. A positive factor of the Council-Manager form is the open communication between the government and the citizens of the municipality since every member of the governing body is a part of the policy making process. Whereas with Mayor he or she has the sole power to create policy without any input from the other elected members however before it becomes law it must be approved by the legislative body to ensure a system of checks and balances, the same way that government is structured at the state and federal levels. Furthermore by involving the whole Council in decision making processes a more balanced decision can be made (ICMA: Council-Manager or “Strong Mayor”).

The second difference is the assignment of executive responsibilities to an elected versus an appointed administrator. With a Council-Manager system the executive duties are given to the appointed administrator by the Council making the administrator the chief executive but still reporting to the legislative or Council. In the Mayor-Council form the duties are under the authority of the Mayor who can chose to have a central coordinating administrator officer (CAO). This position would be assigned tasks by the Mayor and is not empowered to work on their own authority (Svara, pg. 8). By choosing to have executive responsibilities in a Mayoral form it is more likely that the decisions will be based on partisan politics and not merit-based. When an appointed professional manager is chosen by the Council there is a degree of accountability created. The Manager will then tend to run the day to day operations similar to a business chief executive that allows him or her to ensure that all policies from the elected body are upheld. With a strong Mayor form of government the Mayor oversees the day to day which

could be problematic since he or she may not have the proper training or experience to do so. There is also the possibility that the Mayor will choose department head positions based on political favoritism and not qualifications (IMCA, Council-Manager or “Strong Mayor”).

The last differentiating feature is to whom the top administrator (when not a Town Manager) reports: the entire Council or solely to the Mayor. Being accountable to the entire Council is the basic characteristic of the Council-Manager form creating transparency and putting public interest at the forefront. When a CAO is present under a Mayor in the Mayor-Council form there is still a lack of professional advice to the legislative Council. This situation can also push the manager to work exclusively for the Mayor’s agenda because that is the only one the manager is accountable too (Svara, pg.8).

There are multiple studies that show how Councils handle governance of a municipality and oversee the administrative performance better than a Mayor position. Council-Manager municipalities have shown to have better efficiency, finances, and management performance. Appendix C shows how the Council-Manager form has been chosen more than the Mayor-Council type in the year 2009. This chart’s groupings are based on population size. Appendix D shows that the most prevalent form of local government in the United States is Council-Manager. This trend began in 2000 and experiences a continual increase.

The debate between Mayor-Council and Council-Manager has been a long and detailed one. However, recently a different school of thought has emerged which thinks the issue between Mayor-Council and Council-Manager is of non-importance and should not be an ‘either/or’ choice. Rather what should be the focus of government is implementing a:

“Strong political leadership, strong policy development, a relentless focus on execution and results, a commitment to transparent and ethical government, and a strategy for representing and engaging every segment of the community.” (O’Neill, pg. 1)

By looking at what seems to be the most important issues of a community, such as population and job growth and financial stability, those having strong political leadership and effective management capacity are the ones whom succeed in these area the most throughout the United States. The reason for having this hybrid is in order to create vision and have it executed. The political side of the spectrum is there to develop and articulate future goals and vision for a community. The professional than makes the vision a reality by overseeing the policy implementation in the community. With this hybrid of strong political and professional leadership there is a fear that the voices of the elected officials besides the Mayor and the voices of the residents would not be heard. According to Robert O’Neill, Jr., Executive Director of the ICMA, having a single person in charge may seem like a more accountable method but it is not since the elected representatives have the potential to be left out of the process (O’Neill, pg. 1-2). It is the belief of this school of thought, that recent economic and political challenges have pushed communities into strong political leadership however this will not help them. In order to create an efficient local government a balance between a strong political and strong professional style of leadership must be struck.

#### *Open Town Meeting (OTM)-Board of Selectmen-Town Manager or Administrator*

This form of government has three different aspects to it: Town Meeting, Board of Selectmen, and Town Manager or Administrator. Since the legislative body is made up of all citizens of the municipality there are many different opinions taken into account. Appendix E shows chart that outlines the flow of power in this form of government.

The Open Town Meeting acts as the legislative body of the town. All citizens that are registered voters in the town meet on a given day and place in order to elect the Board of Selectmen and make other policy decisions. The voters are given the opportunity to debate and then vote on budgets, by-laws, and all issues that are brought forth during the meeting. The executive branch is created by the Board of Selectmen and Manager. The Board of Selectmen is generally three to five members who are elected during the Town Meeting. The Selectmen appoint the Manager, boards, committees, set policy according to the voice of the Town Meetings, and approve union contracts. Depending on the Charter, the Selectmen may also have the ability to veto some of the Manager's appointments (MMMA, Forms of Local Gov't. pg.5).

The Town Manager or Administrator is part of the executive body of the town as well as the chief administrator officer (CAO) which allows him or her to appoint department heads, creates budgets, gives contracts, negotiates with unions and run the administration. The Manager is a voting member of the school committee in relation to union contracts (MMMA, Forms of Local Gov't. pg.5). Certain Charters will divide the power in order to give the Town Manager the title and responsibilities of chief executive authority. The amount of power that a Town Manager or Administrator has depends on the wording of the Charter adopted by a municipality. Town Managers tend to have more central authority than an administrator. As CAO the person has many different obligations that range from supervising the administration to ensure its efficiency to coordinating activities of town departments (MMA, Charter Basics).

The benefits to this form of government are direct and extensive citizen participation. The Board of Selectmen has the ability to appoint a well qualified chief executive and to remove the chief executive when the Selectmen see fit. The downside to this form is the lengthy decision making process by the legislative branch as well as the legislative branch may not be as

knowledgeable on issues as it should be. Lastly, the shared executive branch responsibilities between the Board of Selectmen and the Town Manager may cause confusion as to what responsibilities belong to whom (MMMA, Forms of Local Gov't. pg.5). The large size of the legislative body increases the chances that members are not well versed on issues prior to voting.

*Representative Town Meeting (RTM)-Board of Selectmen-Town Manager or Administrator:*

Like the pervious form of government this too has three aspects to it: Representative Town Meeting (RTM), Board of Selectmen and Town Manger or Administrator. Appendix F contains a chart that outlines the flow of power in this form of government.

In order to create the Representative Town Meeting a limited number of community members are elected, usually by district, who then represent all citizens in the Town Meeting. The size of the RTM varies but can range from smaller than one hundred to more than three hundred. The RTM is the legislative body for the municipality meaning that it debates and passes budgets, by-laws, and all other issues that arise during the Town Meetings.

The executive branch is the same as in the Open Town Meeting for of government. The Board of Selectmen and Town Manager share the responsibilities of the executive branch. Additionally, the individual roles of the Board of Selectmen and Town Manager are the same as the Open Town Meeting (MMMA, Forms of Local Gov't. pg.6).

The Representative Town Meeting allows for a more representative legislative body to be involved in the government in comparison to a Council form. Since the Town Meeting members are elected they are more likely to be well versed in issues than those who participate in an Open Town Meeting. Once again the ability to have guidelines while appointing the Town Manager and removing the Town Manager is available for the Board of Selectmen. However, certain

issues arise with this form as well. Creating a diverse representative community can be complicated. It can be difficult for the RTM's to reach the required quorum and to ensure that all members are current with pertinent issues. The large size of the legislative body increases the chances that members are not well versed on issues prior to voting (MMMA, Forms of Local Gov't. pg.6).

### Charter Change Procedures

All 351 municipalities in Massachusetts must conform to state statutes when forming a city or town charters. Charters are required to outline all details of how the city or town will be run. The Charter must include the form of government chosen and then must detail who has what powers. A Charter is the basic framework of the government form in a community. It outlines officials that are elected and those that are appointed. For the legislative branch it details the size, term, composition and what authority it encompasses. If a community operates under a Charter in order to change the form of government that a municipality uses the city or town Charter must be amended.

There are three ways for a Charter to be amended: by-laws and "permissive" legislation, Home Rule Charter, and Special Municipal Legislation/ Special Act Charter. These three paths are not all the same. All three can be used for a variety of changes such as: changing an elected office to appointed and/or consolidating departments into one better functioning department. A change done through by-law and permissive legislation is limited by the types of changes it can make. Home Rule Charter and Special Municipal Legislation/ Special Act Charter have the power to change other aspects that by-laws do not (Contreas, pg. 23).

*By-laws and Permissive Legislation:*

By-law and permissive legislation allows for basic structural, administrative and organizational changes in a municipal's governance. Chapter 41, Section 1B of 1997, gives annual Town Meeting/election the right to change certain positions from elected to appointed status. First there must be a vote of Town Meeting then a ballot vote at the annual Town Meeting. Chapter 41 Section 21, allows crossover between Selectmen and other positions: Water and Sewer Board, Water Commission, Water and Municipal Light Commissioners, Municipal Light Board, Sewer Commissioners, Park Commissioners, Board of Public Works, Board of Health, Board of Assessors, and Commission on Public Safety. It is stipulated that in order for these changes to be made questions must be placed on the ballot that would give the Selectmen the proper authority. These questions must be put onto the election ballot sixty days before the town election. Permissive legislation can also be used to appoint assessors by Selectmen (Ch.41, Sect. 25), combining the positions of Treasurer and Collector (Ch.41, Sect.1), and appointing Town Clerk as Town Accountant if the individual holds another office (Ch.41, Sect. 55). Finally this path can be used to create the position of Town Administrator (Ch.41, Sect.23A) which was the favored means of changes for many years. The statute gives the Board of Selectmen the authority to transfer responsibilities of the Board of Selectmen to the Town Administrator (Contreas, pg.23-24).

Towns that still utilize this are those that have not centralized their government in a major restructuring as well as those that have more elected positions. Towns may utilize by-laws and permissive legislation when individuals whom hold the position that are in question are retiring.

At times when such openings occur people are more willing to serve if appointed than elected which is where by-law change is beneficial (Contreas, pg. 23-24).

*Home Rule Charter:*

In 1966, the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts was adopted. Although Massachusetts does not legislate what type of government a community must use according to population, tax base or other category there are loose guidelines that are generally followed. A population of 12,000 or higher may adopt a city form, 6,000 or above may adopt a Representative Town Meeting form of government and towns with a population below 6,000 must have an Open Town Meeting form (Contreas, pg.24-25).

Before 1966 and the implementation of the Home Rule Charter Amendment, the Charter change process, first adopted in 1915 (Massachusetts General Law Chapter 43), was very different. If communities wanted to change their form of local government they had these options to choose from: Plan A (Strong Mayor), Plan B (Weak Mayor), Plan C (Commission), and Plan D (Council-Manager). In 1938, Plan E, Council-Manager with proportional representation was added to the original 1915 statute. In 1959, Plan F, was added to the 1915 statute that allowed the election of Mayor and Council whom had party affiliations. However after 1966 and the Home Rule Amendment Chapter 43 was seen as inefficient and no longer used (Contreas, pg. 25).

In order to implement the Home Rule Charter a Charter Commission must be created. A petition of fifteen percent of voters must be presented and then a nine-person Charter Commission can be elected. The Charter Commission has a maximum of eighteen months (but may choose to use ten months) to create a proposal for a new Charter. Most times when such a



commission is created it is to change large aspects of the Charter. Some examples are creating a management position or change of elected boards to appointed status. After elected the commission debates all changes that can be made to the government structure while ensuring that public opinion is heard through multiple venues. Key points that are discussed are: legislative body (if not choosing an Open Town Meeting), chief executive, other elected offices, chief administrative officer, administrative organization, operating and capital budget preparation, citizen participation /safeguard mechanisms and other features (DHCD, Charter Commission Procedures). After the committee proposes changes the majority of voters must vote yes at a municipal election. If this whole process occurs then a new Charter is adopted and the changes are put into place (MMA, Changing Mass. Local Gov't Structure).

*Special Municipal Legislation/ Special Act Charter:*

Before the Home Rule Amendment the most pervasive changes to charters were made through special municipal legislation (better known as Special Act Charter). Towns have used this path in order to create Selectmen-Town Manager governments and this method is still used today to change government structure. There is a four step procedure for this type of Charter change. Step one: passage by majority vote, warrant article or resolution proposing the Special Act. Step two: petition to the General Court to enact the proposal. Step three: approval of the petition by the State House of Representatives and Senate. Step four: signing by the Governor. Although it may sound tedious this can take as little as a year. The petition may stipulate that the act only becomes effective during the next municipal election when voted on by the majority or it may have a particular date written in. This form of change can also be used to implement

smaller changes such as combining of appointed collector and treasurer (MMA, Changing Mass. Local Gov't Structure).

### Section 3: Case Studies

#### Amherst

The community of Amherst is situated in Hampshire County in the Connecticut River Valley, the population as of the 2000 census was 34,874. From 1980-1990 there was an increase in population of 2,424 and 1990-2000 there was a decrease of 354 people. There have been a positive six percent (6%) population growth. The voter registration within Amherst is 49% registered Democrat and 6% registered Republican. The averages for the commonwealth are 36.95% Democrat, 11.62% Republican, 50.7% unaffiliated, and 0.73% minority parties.

#### *Recent Charter Activity*

The town of Amherst has had the same basic structure of government since the 1950's when it first adopted using a Town Manager. There have been multiple commissions that have been elected to change the structure of the Charter but none have been successful since 2001 (DHCD, Summary). On April 3, 2001 a Charter Commission was elected through the annual ballot process after the Board of Selectmen decided on October 30, 2000 to put the creation of a commission to a vote. The creation of the Charter Commission was under the Home Rule amendment provisions.

The commission published a report in the fiscal year 2002 on the Charter Commission process. This document outlines the basic steps taken by the committee in order to review the current system and produce suggestions for change. Under the Home Rule law the commission had eighteen months to fulfill this process. The commission chair was Bryan C. Harvey, vice-chair was James D. Pitts III and the clerk was Joan R. Golowich. The particular areas that they

reviewed were the Town Meeting, the select board, and the Town Manager. In order to have a fuller understanding of local governance in the area the committee members researched other communities and how their governments ran (Harvey).

During this process many committee members saw a widening gap between the promises made by Town Meetings and what was being implemented. Worries on participation, representation, accountability, contention and consensus, and effectiveness and efficiency also arose. There was a majority opinion that these concerns were pointing towards a needed change to Council form of government instead of Town Meeting. However in the end the committee decided to recommend a redistribution of powers and duties while retaining the current government structure. This suggestion was voted on and passed by the residents of Amherst (Harvey).

By looking at the current Charter that was changed in 2001 one can fully understand the distribution of power in the Representative Town Meeting- Select Board- Town Manager government form utilized in Amherst. The Representative Town Meeting acts as the legislative body for the town thus having the responsibilities outlined above in the description of a Representative Town Meeting form. The town's people can act through the Town Meeting but are also bound by what the representatives' vote on. Basically all that occurs in the Representative Town Meeting is as though an Open Town Meeting occurred since the residents elect their representatives. The Select Board is comprised of five members that are elected to be the town's chief elected officials. They are instilled with the powers given to a Board of Selectmen as written in the General Laws that are associated with the Home Rule Charter Act. Other powers that are given to them include: policy making, appointing certain positions, giving recommendations to the Town Meeting, regulatory items, by-law enforcement and certain

financial items as well as others that are not specified. Lastly, the Town Manager holds the power to appoint officers and employees, supervises committees, and is the chief administrative and fiscal officer of Amherst. The appointment of the Town Manager is done by the Select Board under the guidelines outlined in the Charter. Such as the Town Manager does not need to be a native to Amherst but most move there, he or she must have experience in the field and the town cannot enter a contract with the manager for more than five years at a time.

As mentioned before Amherst tried to change their government structure again in 2003 and 2005. Amherst has an active community relative to their participation in local government. This is a very important point to understand while examining why the Charter changes in 2003 and 2005 failed to pass. There is a sense of tradition especially since they were one of the first towns to adopt a Town Manager in the 1950s. The Representative Town Meeting is also seen as the purest form of democracy. The way that John Musante, Assistant Town Manager, describes the 2003 push for change is that it became a, “pitched political battle.” In 2003 there was a group of people that thought the Town Meeting was inefficient and unrepresentative. The governance model had all its power concentrated, the elections for the representatives were barely contested if there was even enough people to run furthermore the people wanted a distinct political leader. They proposed a Mayor (chief executive) - Council (legislative) - Town Manager (chief administrative officer) form of government. The argument was that this form would have more accountability and a full time Council more focused. This side also saw the Representative Town Meetings as long and tedious sighting one meeting that lasted fourteen nights.

The anti-change position is to remain with the current form and that data shows how the Town Meeting still works. In 2006 there was letter to the Editor of the Amherst Bulletin that outlined how attendance at meetings had increased. There were five sessions in the year where

only eight seats were vacant out of 240 seats. 80 members attended all sessions, one hundred and thirty six missed one session meaning that over 70% attendance was had for these sessions (Brooks). Another editorial writes of how great the Town Meeting structure is, “[where] discussion can be driven from below, and cannot be censored by authority from above except in a public forum. Any citizen with an issue of personal importance can ask that his or her fellow citizens engage that concern with discussion and a vote,” (Acherman). These are just some example of how strong feelings there were on both sides of the debate. The division between pro and anti Charter change mirrored opposing political parties during a state or national election.

In 2003, the vote to replace the Representative Town Meeting with a Town Council form and distinct political leader was defeated by 14 votes. There was a petition by citizens to revote on the issue and a second vote for a Mayor-Council government form took place in 2005. Although both sides held vigorous campaigns it was once again defeated: 2,953 votes for the current structure and 2,701 votes for change. “The government structure is not seen as broken by people in Amherst,” leading to the unlikely chance of having the structure changed to a Mayor-Council form in the near future according to Mr. Musante. The idea that is circulating in the majority right now is why fix something that is not broken? This along with the strong sense of tradition and pure form of democracy in a Town Meeting will make a Charter change almost impossible in the current climate.

### *Observation*

According to Mr. Musante, “The government structure is not seen as broken by people in Amherst,” leading to the unlikely chance of having the structure changed to a Mayor-Council form. With the thought of ‘why fix something that is not broken,’ circulating within the

population of Amherst a change of government will not occur. The close margins in the 2003 and 2005 votes further proves that Amherst will not adopt a Mayoral form of government till a significant number of residents believe that the government is no longer working for them.

Another reason that the 2003 and 2005 votes failed can be faulted too the strong sense of tradition and history in the town of Amherst. The residents seem to have strong ties to the Town Meeting and do not want to dismantle it permanently. There is a popular and wide spread belief that the Town Meeting is the purest form of democracy that can be used by local government. This idea can explain why a change to Mayor form of government did not occur in 2003 or 2005. It is the belief of Mr. Musante that if there was a proposal to adopt a Mayor form of government again it would fail once again because the community has not changed drastically since 2005.

#### Braintree

The community of Braintree is situated on the south shore in Norfolk County, the population as of the 2000 census was 33,828. The community itself has experienced a decrease in population over the preceding two decades. From 1980-1990 there was a decrease in population of 1,615 and 1990-2000 there was a decrease of 8 in the population level. There have been a negative five percent (-5%) population growth from 1980-2000. The voter registration within Braintree is 39% registered Democrat, 12% registered Republican. The averages for the commonwealth are 36.95% Democrat, 11.62% Republican, 50.7% unaffiliated, and 0.73% minority parties. This shows that Braintree is slightly above the Commonwealth's average with registered Democrats but on par with the Republican average.

### *Recent Charter Action*

In 2006 the community of Braintree realized their desire for a change in their governmental structure. The desire for change can be traced back to 1998-1999 when a disagreement between the Town Meeting and the Board of Selectmen became so intense legal suits were filed (Powers). From 2002-2004 an Elected Charter Committee operated in Braintree but they were unsuccessful in producing a document which was approved by the people. There were two factions that emerged as the process to determine the new form of government progressed, those in favor of a Town Manager form of government and those in favor of a Mayor form of government. The most outspoken proponents of the Town Manager form of government were the members of the Government Study Committee, which was a semi-autonomous body operating under within the Town Meeting.

In the Town election of 2005, there were two non-binding questions placed on the ballot: Question #2 asking if residents would be in favor of or opposed to a Mayor-Council form of government and Question #3 asking if residents would be in favor of or opposed to a Town Manager form of government. The results from the election stated that the community of Braintree wanted a Mayor-Council form of government. Question #2, the Mayor-Council option had 1,104 more votes in favor than against, while Question #3 the Town Manager option had 405 votes against it. On May 2, 2005 the Town Meeting approved the Town Manager form of government as proposed by the Government Study Committee. At the same meeting, May 2, 2005 a Mayor/Town Council Study Committee was established with the charge of creating a document which would change the government of Braintree to a Mayor/Town Council, they were given the statutory 18 months to produce such a document. Only five months later the Mayor/Town Council Study Committee presented their proposal at the October 25, 2005, Town



Meeting. The Town Meeting subsequently accepted the proposal and passed it on to the General Court for enactment. Both forms which had been approved by the Town Meeting were enacted by the General Court, Chapter 189 of the Acts of 2005 established the Mayor-Town Council form of government and Chapter 113 of the Acts of 2005 established the Town Manager form of government.

The Government Study Committee strongly advised the Town Meeting as well as the public that the Mayor/Town Council was the wrong form of government to adopt and they favored the Town Manager form of government. At the October 24, 2005 Special Town Meeting the Government Study Committee stated they did not “believe that this proposal [Mayor/Town Council], because of the conflict within the document and lack of appropriate checks and balances, is sufficiently refined to the point that it should be brought to the voters.”

George Kokoros, a citizen of Braintree, advocated for the gradual progression of government, for Braintree to adopt the Town Manager form. Kokoros wrote an editorial which he stated,

“It is difficult to expect that these part-time, dedicated individuals can continue to lead us into the future without more seasoned assistance. A Town Manager will give that knowledge and day-to-day commitment to our current government structure. It's a small change that needs to be brought forward before abandoning our grassroots system.” (Kokoros)

Kokoros also cautioned that the fundamental founding principal of democracy, to have everyone’s voice heard, would be lost if the town adopted the politicized Mayor-Council form of government and did away with the Town Meeting.

It is interesting to note that in the time between the October 2005 Town Meeting and the April 2006 election the Town Manager form of government proponents established a Political Action Committee (PAC) which advocated for the Town Manager form. Those in favor of a

Mayor/Town Council form of government did not respond and simply trusted the vote of 2005 would repeat itself in 2006 with Mayor/Town Council form winning out (Powers).

While there were multiple outspoken proponents of the Town Manager form of government it turned out that they were only a very vocal minority with the silent majority of Braintree residents favoring the Mayor/Town Council form of government. The Mayor form of government won the day in the Town election of April 2006. The Town election of 2006 clearly displayed the people of Braintree's desire for local government structure. With almost a 2-1 margin the Mayor Council won the day. Binding Question #1, Town Manager, received 2,225 YES votes, 3,389 NO votes; while Binding Question #2 received 3,935 YES votes and 2,005 NO votes. These results clearly show the public's desire for a Mayor/Town Council form of government and their desire not to have a Town Manager form of government. The Mayor and Town Council were elected in November 2007.

This change was the first change in the government of Braintree since 1920 when they moved from an Open Town Meeting to a Representative Town Meeting. The Town Meeting of Braintree was the third oldest in the state before it was abolished. The new Mayor-Council form established a nine member Council with six members being elected by district, the town's districts were shrunk from 12 to 6 by the town clerk and the board of registrars, and three Councilors elected at large. The Mayor was granted the authority to appoint former elected department heads such as the Town Clerk, Treasurer, Collector, and Planning Board.

In 2009 a Braintree resident, Angela Geso wrote an editorial which she expressed her mixed feelings about the change in Braintree's government two years after the change. The biggest theme in her editorial was that the change was bitter sweet. It was easier to hold someone accountable for the direction of the town, the Mayor, while at the same time she missed

the openness and inclusiveness of the Town Meeting where residents were kept better informed of happenings in the town. Another salient point was her dissatisfaction with the change from the election of to the appointment of such crucial positions, such as the Planning Board, that shape the future of the town.

### *Observations*

While the Town Meeting form of government is without a doubt a Democracy, whether as pure a form of direct democracy as the Open Town Meeting is or a more representative form as with the Representative Town Meeting, the Mayor-Council system certainly is better classified as a Republic than a Democracy. Perhaps the adoption of more Republic style government of Mayor-Council over the Town Manager by a 2-1 margin is an expression of the increased desire to see individuals who will represent the will of the people and be held accountable to the people to run government.

The Mayor-Council form of government was pitched as a drastic change which mimics the government seen in Washington and in Boston and presented residents with a more accountable to the people form of government. It offered citizens the most drastic option for change and sometimes when people are as disheartened with a system they opt for the most drastic change in hopes that the severe change will bring about the best result.

The resounding call for change of government in Braintree may only be present in that community one of the resounding factors which can without a doubt be applied to all communities is that with the increase in availability of information, increased coverage of government on all levels by the media, and increased voter participation and registration in the

last few years certainly has increased the value placed on accountability in government, regardless of the form of that government.

### Needham

The community of Needham is a suburb located in Norfolk County, just west of Boston with a population of 28,924 according to the 2000 census. Needham has experienced a population increase in the last two decades of six percent (+6%) with the influx of 1,367 people from 1990-2000. The voter registration in the suburb of 35% Democrat and 14% Republican registered voters. Both of are two percentage points different from the state average which suggests the makeup of the community is identify themselves as more conservative than the state average.

### *Recent Charter Action*

Needham is has a very strong affinity to cultural heritage, which they have tried to balance with their desire to have an effective and efficient government. By the beginning of the decade Needham's population felt they needed a change in their municipal government to become more efficient but they did not want to lose the small town community feel. In 2003, the Board of Selectmen began the process of assessing the current government and starting to determine the best course of action for the future.

The town of Needham officially changed their Charter in 2005 they switched over to a Town Manager type of government. In 2004 Needham in created the Town Manager position by voting in support of the change in the November 2004 general election; subsequently the action was approved by the State Legislature and Governor. The second phase of the Town Manager

reform occurred in 2005; the “Proposed By-Law Revision” gave the responsibility of crafting a budget to the Town Manager. The third phase revision affected the Municipal Building Maintenance Board which was changed to Public Facilities Department which has to report to the Town Manager, which previously was an independent agency.

While the idea of change may be something Needham has historically shied away from changes in tradition at the May 2005 Annual Town Meeting the Town voted to establish a special committee under Article 64 to “authorized and directed to make a study and investigation of ways and means of (a) strengthening the Representative Town Meeting as the legislative branch of the Town government, and (b) of reducing absenteeism among Town Meeting Members, said special committee to report its findings and recommendation to the next Annual Town Meeting or sooner.” (Needhamma.gov) The committee was sustained by the Annual Town Meetings of 2006, 2007 and 2008 respectively. A report was generated for the 2009 Annual Town Meeting detailing their findings regarding increased participation and decreased absenteeism at Needham’s RTMs.

The study found that there was a need to keep the RTM in Needham and change was not welcome in the structure of the legislative branch of government, only internal reforms regarding the level of participation were needed. The study stated: “We reject the notion that Town Meeting is an obsolete institution in a complex and rapidly changing world” (Needham TMSC 2/2/09). The committee was initiative was spearheaded by longtime Needham resident and Representative to the Town Meeting, James Hugh Powers (Ryan). Powers is very active in the RTM his name has surfaced many times, writing editorials and also publishing formal reports, regarding local government in Needham, however, due to his failing health, his future involvement remains unclear. The 2009 Annual Town Meeting voted down the proposed

Warrant Article submitted by the Town Meeting Study Committee suggesting that imposing a cutoff date for items to be placed on the Agenda for the Annual Town Meeting of early February would hinder free speech.

### *Observations*

While collecting research materials I asked a woman working at the Town Clerk's office about information regarding recent Charter changes she commented that "we have not had a Charter change in decades" but once I inquired further about their change to a Town Manager in 2005 she was helpful in locating language regarding that change. The tone of the woman working at the Town Clerk's office sounded as if she was rather insulted I had suggested their Charter had changed recently reinforcing the observation of a high value placed on tradition and importance of heritage Needham possesses.

While the mood of Needham may have been welcoming for the change to a weak Town Manager the general culture has not changed. The town of Needham still appears to pride itself on preserving its heritage and tradition by maintaining the RTM as it currently is established. The culture also seems to desire to stay as efficient and effective, illustrated by the change over to a Town Manager form of government. Needham seemed more concerned with changing their chief official's title to Town Manager than actually changing the powers and duties, as evidence of their weak Town Manager (Contreas). The future of Needham's government is stable for the foreseeable future. The culture of historic preservation is one which coupled with a homogeneous socioeconomic status of the population produces a culture higher civic involvement than the more heterogeneous populations of the Commonwealth. The only changes which may result in the future would likely be alterations to the RTM structure as was attempted

in 2009, resulting from clashing ideologies, reformers v. preservationists, of what the RTM should represent.

### North Attleborough

Located in Bristol County Massachusetts a border town to Rhode Island, North Attleborough has a population of 27,143 at the time of the 2000 census. The population in this community has increased by twenty five (+25%) from 1980-2000. The voter breakdown for North Attleborough is 23% Democratic and 18% Republican which are significantly different from the state averages. The Democratic registration is down fourteen points from the state average and the Republican registration is up six points from the state average.

### *Recent Charter Action*

In April 2002 the community of North Attleborough voted to form a Charter Commission consisting of: Sherry N. Rhyno, Chairman, Bart Steele, Vice-Chairman, John Kraskouskas, Clerk, Donald Baker, Garry Billingford, Louise Cote, David Manogian, James McKenna, and James C. Wood. The Charter Commission crafted a mission statement for themselves: “to review and critique the present structure of our town government and to recommend to the voters a structure of local government in the form of a Home Rule Charter which ensures open citizen participation in the decision-making processes, enhances the delivery of service to the community, and preserves the quality of life we enjoy here.”

The commission laid out a timeline which adhered to the state statues of 18 month with a Preliminary Charter scheduled for August 1, 2003 with the Final Charter Repost due on October 1, 2003. In order to produce a document which represented the will of the people the

Commission held sixty public meetings which were broadcast on the local public access channel which the Commission provided time for public comments and questions regarding the current government and where the public would like to see the government of North Attleborough evolve into. During these meetings the Commission not only sought help and assistance from the community but also from individuals experienced in the Charter change process. After the public hearings the Commission was able to distill all the information gathered and identify two main recurring themes: “the Town of North Attleborough does need some restructuring of its government and there is a need for ‘someone to be in charge’ in order for there to be increased efficiency and day-to-day accountability in government.”

The final Charter which was accepted by the Charter Commission with a vote of 5-3 on September 23, 2003 set forth these two changes to the government of North Attleborough: the Charter created Town Manager position to replace the Town Administrator, and the size of the Representative Town Meeting (RTM) was decreased in size by 2/3, from 162 to 54. The Board of Selectmen was left untouched by the proposed Charter at 5 Selectmen. The town election to decide the fate of the proposed Home Rule Charter was set for April 5, 2004.

The way the Town Administrator position is structured the Town Administrator only responsible for overseeing the departments whose heads are appointed by the Board of Selectmen. In an effort to help streamline the government of North Attleborough the Charter established the Town Manager who would be in charge or overseeing all department heads save for the school board. The RTM regulations were changed so that elected or appointed members of town board, commissions and committees, members of the finance committee, and town and school employees were not allowed to serve simultaneously as voting members of the RTM but they still had speaking privileges.



The proposed Charter also replaced the Election Commission with a Board of Registrars, appointed by the Board of Selectmen, which combined the Town Clerk and Election Offices with the Town Clerk, appointed by the Town Manager, to serve as the department head. The elected Electric Commissioners would still continue to set the rates but the department would report to the Town Manager.

The four members of the Charter Commission who disagreed, Baker, Cote, Manoogian, McKenna, with the final version of the Charter wrote dissenting opinions included in the Final Report of the Charter Commission, Town of North Attleborough. The main issues which the dissenting members of the Charter Commission identified in the proposed Charter were: the North Attleborough Electric Company reporting to the Town Manager/Board of Selectmen, the 2/3 decrease in the size of the RTM, the lack of any restructuring of the School Department, some members felt the voters wished a Mayor form of government, the creation of the Election Commission combined with the Town Clerk moved back to a form which was abandoned in the 1970s because of “opportunities for fraud at the ballot box.”

### *Observations*

The fractioned Charter Commission was certainly a major factor in the failed adoption of the proposed Home Rule Charter in 2004. Often is the case with change even if there is a movement for change unless the voters can be convinced and shown that the current option is the best course of action the majority of the time the proposed Charter action will fail (Contreas). If the Charter Commission, the people who crafted the vision of the new government, cannot agree that it is the best option for the community it is hard to convince the community at large they should vote to adopt the proposed change.

## Palmer

Palmer is located in Hampden County in Western Massachusetts. The 2000 Census documented the population of Palmer as 12,497. Over a twenty year span from 1980 to 2000 the population change grew six percent with a population increase of 298 from 1980-1990 and an increase of 443 from 1990-2000. Of these 12,497 residents thirty-one percent identified themselves as Democrats and twelve percent as Republican. The number of registered Democrats is six percentage points lower than the state average however the Republican registration rate matches the average.

### *Recent Charter Activity*

The most recent Charter activity that Palmer has experienced was in the year 2004. 1,500 voters in Palmer signed a petition to have the Town elect a Charter Commission; this need was fulfilled on April 16, 2002 when the residents of Palmer elected a Charter Commission through the Home Rule Charter Act. The chairman was Paul Wisnewski and the vice-chairman was Keith Parent. The then current form of governance was an Open Town Meeting- three member Board of Selectmen- Town Administrator however the commission found after its initial review of the Charter that legislative and executive authority needed to be reconsidered. The commission used multiple different paths of research in order to reach its proposal. Firstly the commission analyzed current Charter structures of comparable municipalities to Palmer. In order to have citizen opinions the commission held public hearings and open meetings, surveyed random citizens, and met with elected and appointed boards and committees within Palmer. Finally they had discussions with the Massachusetts Department of Community Development (Wisnewski, ii).

It was the decision of the commission to suggest a new form of government be implemented in Palmer using a nine member Town Council- Town Manager structure with newly structured departments. The town departments would become department of public works, department of municipal finance, department of public safety, and department of public service. Although this would be a dramatic and severe change for Palmer the commission, “strongly feel...is by far the best way for the town of Palmer to meet the challenges of the 21<sup>st</sup> century,” (Wisnewski, ii).

The new division of powers, as outlined in the Charter that was voted into effect, is the Town Council being the legislative branch and executive branch lead by the Town Manager whom would also oversee all fiscal, business and municipal affairs. More specifically the legislative branch or the Town Council would be comprised of nine elected members with Council president, vice president, and clerk that the Council would elect from among themselves. The Town Council is vested with all powers of the Town besides those that are outlined to go elsewhere by the Charter or general law. The Council’s basic powers are appointments of certain officers, ordinances, etc. The Town Manager is appointed by the Town Council whom must follow the qualification outline in the Charter. All executive powers are the responsibility of the Town Manager however they can be exercised through town agencies as supervised by the Town Manager. The Charter goes on to outline the powers and duties of the manager some of which are: be responsible for an effective administration, attend all Town Council meetings, to keep the Town Council informed of the needs of the town, and prepare and submit an annual budget. This new structure of government was passed in the annual elections of 2004.

In the 2004 annual report of the town of Palmer the Selectmen report spoke on how the town voted in the new system. “This enormous change is a historical event in Palmer history that

will streamline operations, eliminate bureaucracy and provide a more accountable framework for town operations,” (annual report 2004). From this sentence one can gather the environment that Palmer was in during the time of the Charter Commission change. It seems there was a feeling among the residents of inadequacy in the Town’s governance. The lack of accountability can occur with a Town Meeting form since there is a lack of responsibility. An editorial that was written during this time expresses how the part-time Board of Selectmen was not a beneficial form for Palmer pinpointed that since it was part-time nothing could get done.

### *Observations*

Palmer system of changing the Charter in 2004 seems to be the perfect way to change a Charter. Palmer was a municipality that decided it was ready for change, chose a good process and implemented its change in a simple and proficient matter. By having the review process begin through petition straight from the residents the whole process was predestined to succeed because the change purely came from the citizens. It can be extrapolated that since the Charter commission came from a resident petition there was little to no opposition to a change in government. Even though the change was a drastic one for Palmer it seems as though the time was ripe for such a leap to be made.

A point that jumps out about this case is that of geography and the domino theory. It is strongly believed by Ms. Contreas and other local government scholars that areas that experience significant Charter changes will be surrounded by other municipalities that have had similar experiences. However, Palmer breaks this mold having been the first in its area to make such a drastic change. This could be accredited to the flawless method that the town’s people followed in order to achieve this change.

## Pembroke

Located in Plymouth County the community of Pembroke has seen a population expansion of 22% from 1980 to 2000 with the majority of that expansion occurring in the last decade of the 20<sup>th</sup> century. The population at the time of the 2000 census was 16,927 which was 2,383 more than in 1990. The current voter registration, according to the most recent data available from the Secretary of State is 14% of registered voters are registered Republican and 26% registered Democrat. This is a significant difference, ten percentage points, between the state average of 36.95% registered Democrat. While there is a ten point spread between the Democratic state average and the number of registered Democrats in Pembroke the number of registered Republicans is only two and a half points above the average, leaving eight percent of the voter unaffiliated above the state average.

### *Current Charter Actions*

The community of Pembroke established a Town Government Study Committee (TGSC) in June of 2009. It is important to note that this is a Town Government Study Committee and not a Charter Commission, this commission is tasked only to investigate and determine what the best executive official for the town is to be enacted by special action of the legislature, not to draft an official Charter. Pembroke does not currently have a Charter and operates under Town By-laws and the laws of the Commonwealth (Tobin).

The chairman of the Town Government Study Committee and member of the board of selectman, Lew Stone, stated in a Public Hearing on April 13, 2010,

*“When I got to be on the board of selectmen we had some issues and to my surprise we had to take a vote to ask the town administrator to take over the day-to-day operations of the board of health. When you read through the job description, although charged with many things, most must be approved by the board of Selectmen. After asking some question about what other towns did, I found out many had managers and they outlined what their responsibilities were. There was goal-setting and certain types of authority outlined and I presented to the board of selectmen to set up a committee to look into it. Following that, the town government study committee was formed and when we got involved in that it quickly became apparent that this (the Town Manager) would be the first item of business and this would be a priority” (Annear).*

Stone is a new member of the Board of Selectman, elected in April of 2009, and the chair of the Town Government Study Committee, formed June 2009. It seems reasonable to conclude that Stone was a catalyst for change, or at least a driving force behind the creation of the TGSC. Stone has expressed a desire to streamline government and increase efficiency by providing a more businesslike approach with a central office head centralizing the now loosely connected departments. Stone stresses that the change from Town Administrator to Town Manager will also free up the Selectmen to focus more on executive duties, such as setting policies/enacting legislation rather than the daily administrative duties.

Another member of the TGSC, Anthony Marino, stated that the course the TGSC charted is “similar to what Hanover did” (Manning). The Brain Krause, member of the TGSC, at the April 13, 2010 public hearing stated that, “What we did was look at what other towns did and we are in a good position to be late to the party, because we get a chance to see what works and what doesn’t and see where we can improve on certain pieces. We’ve taken the best of what we can find and sharpened what they have done and we feel strongly ours is better than theirs because we had the chance to hit at the bottom of the inning.” This statement gives some credence to the theory that geographical proximity to change is another factor in changing the local form of government.

In Plymouth County consists of 27 communities 5 of which employ a Town Manager. The neighboring community of Hanover recently changed over to the Town Manager form of government. The Executive Assistant for the Selectman's Office of Pembroke provided this group with the Town Manager Article which will be placed on the agenda at the annual town held at the end of April 2010, included the line: "Recently, two other surrounding towns that still operate with the Open Town Meeting form of government also changed from Town Administrator or Executive Secretary to a Town Manager." This once again gives some insight into the degree to which Pembroke culture is influenced by the actions of surrounding towns.

However, while there is evidence that Pembroke has been experiencing social pressures to examine their form of government because of changes in surrounding towns evidence is also present that not all members of the TGSC were locked in on changing the form of government. Peter Isham, TGSC member and civics teacher said he "wasn't getting on the committee saying we need a change; I just wanted to look and see how it was operating" (Manning).

The proposed document leaves the government structure of the Board of Selectmen intact and establishes a Town Manager position to replace the Town Administrator. The town manger will serve a term of 3 years and may be appointed for successive terms of office. The town manger will act as the chief administrative officer for the town of Pembroke. The Town Manager will have the power to appoint and remove all non-elected department heads excluding those employees or the school and fire departments. The Town Manager will also be responsible for assembling a budget.

Pembroke will hold its annual Town Meeting on the 27<sup>th</sup> of April. Article 30, the article which will amend the town by-laws and change the form of government to a Town Manager will

be voted on at this meeting. The Board of Selectmen have urged favorable action from the town on Article 30.

Despite the urging from the Board of Selectmen for favorable action by the Town Meeting the Town Meeting rejected the Town Manager warrant article on April 27, 2010 at the annual Town Meeting. Current Assessor and member for the first government study committee in 1997, Libby Bates, was one of several people who spoke against the proposal at the meeting. The others who spoke out opposing the action were the Fire Chief Jim Neenan, Department of Public Works Commissioners Jim Kilcommons and Hank Dagget. Bates challenged the proposal by saying, "Has the Government Study Committee offered any real evidence of how this is going to save the town money and time beyond the tools we already have at our disposal?" (Manning) Bates followed up by suggesting that a Charter Commission be formed in order to change the government instead of attempting to alter the structure by changing the by-laws. Jeanne Gigliotti, who works in the assessor's office, spoke publicly as well, "I find it very hard to believe that one person is going to be able to take care of the entire Town Hall. I think department heads right now have a lot better understanding of what goes on in their departments." (Manning)

On the losing side Lew Stone, selectman and chair of the Town Government Study Committee, expressed his sadness that Pembroke was not ready for the change they suggested but still maintained that it was time for change in the community. Interestingly only one person spoke in favor of the plan who was not on the Town Government Study Committee, Gerry Dempsey a former member of the Zoning Board of Appeals.



### *Observations*

It appears that the Pembroke movement for a change in government has been a very top down approach which little grass roots support. While the role of leaders obviously is important in spearheading change, it is possible for the leaders to push for change without grass root support as appears to be the case in Pembroke. Lew Stone, selectmen and community leader, was certainly a driving force for change in Pembroke however he was not on the same page as the people which resulted in the failure of the proposal.

### Plymouth

Plymouth is located in southern Massachusetts, in Plymouth County and is known as “America’s Home Town” a title that they take great pride in. The population was recorded as 51,701 people in the 2000 Census. The population increased 7,224 from 1980-1990 and 6,093 from 1990-2000. This increase of 13,317 people over the last two decades of the 20<sup>th</sup> century translates into a thirty-five percent increase in population change from the year 1980 to 2000. Only 25% of the registered voters in Plymouth are registered as Democrats, twelve points below the state average. Interestingly, the number of registered Republicans, 14%, is only two percentage points above the state average meaning that Plymouth has ten percent more unaffiliated voters than the state average.

### *Recent Charter Activity*

For the first 350 years of its existence it ran under an Open Town Meeting with Board of Selectmen form of governance changing to a Representative Town Meeting in 1952. It is

interesting to note that for a town that would eventually have more Charter votes than elsewhere it was not till 1974 that Plymouth had a Charter in writing (Meserve).

There is great division in the community of Plymouth when it comes to forms of government, which leads to difficulties in passing a proposed Charter by an elected Charter Commission. When the Charter was first written down in 1974 the Charter that was adopted was one that established a Representative Town Meeting- Board of Selectmen- Executive Secretary (Contreas). In 1988, the next commission was established in part due to the population growth that Plymouth experienced putting the population over 40,000 residents. This Charter Commission was charged with trying to modernize the government so that it could address issues that stemmed from the population growth such as property tax. After careful research the Commission offered two options, one that retained Representative Town Meeting but added a Town Manager while the other created a Town Council with Manager position. John Chaffee, a member of the 1988 Commission, recalls how the Commission wanted, “a Town Manager and Town Council and eliminate Town Meeting (Meserve).” These suggestions came to fruition during a vote in 1991. The option that retained Representative Town Meeting was adopted. The choice of retaining the Representative Town Meeting can be attributed to an editorial written which made a simple equation. A Town Council-Town Manager government is really a city form turning Plymouth into a city which in turn would raise the crime rates (Contreas Interview). The editorial had a negative impact on the passing of this proposal because it played to stereotypical beliefs held by residents that a “city” naturally has higher crime rates than a town.

The 1988 Charter revised the 1973 Charter through Special Acts. Essentially it established and defined the powers and duties of a Town Manager, consolidated the Department of Public Works, created a Finance Department and Director of the Finance Department and a

Department of Planning and Development, and changed Town Clerk, Treasurer, and Collector to appointed positions (Contreas Interview). Although this was not the ideal outcome for the commission it did ensure that the position they changed were no longer political which was a goal for the committee.

A third commission was elected in 1997 because there were those who believed the Town Meeting had become confusing and the Finance Committee was overly vocal. The Representative that attended Town Meetings were not always informed about topics to be discussed at the meeting which made it cumbersome and unproductive. Mr. Lawrence Pizer, Plymouth's Town Clerk, recalls how the substance of the meetings had become superficial and did not center on the core of the issues that were brought before Town Meeting (Meserve). The major change that the Charter proposed was having precinct caucuses before Town Meetings ensuring that Representatives were more informed and knowledgeable on issues and topics. This was done through Home Rule Charter—the Representative Town Meeting-Board of Selectmen-Town Manager form was modified by the adoption of the Home Rule Charter vote in 1999.

Only two years passed before a fourth commission was elected in 2001 with William Nolan heading the Commission as chair, a commission which sought drastic and swift changes that had not yet occurred in Plymouth. According to Nolan, “the Commission was elected because people were tired of slow changed and the slow reaction of government to their needs.” In reaction to a center group of residents that wanted a Town Council the commission voted to write a whole new Charter at its very first meeting. The Commission decided to look at Weymouth as a guide in this process since they changed to the Mayor form of government in 2000. Weymouth is a town that shares many characteristics with Plymouth, they are both located on the South Shore, have similar population size and town age. Although they are similarities the

Commission made certain to shape the Charter for Plymouth taking into account changing or omitting sections that Weymouth had written which did not fit with Plymouth. The process of writing the new Charter took eight months and was added to the 2002 election. An important point to note about this Commission was that not all members supported the change to Mayor form, four of whom wrote a minority report. The report outlined their feelings of the proposed Charter being flawed and placing power in the hands of too few, in particular the quality of Plymouth's schools and rise of taxes without residential input was at stake. The proposed Charter received forty-eight percent of the vote failing to pass however since it received more than one-third of the vote the exact same proposal was placed on the 2003 ballot only gaining forty-five percent of the voters in favor so failing once again (Meserve).

When asked in retrospect why the Charter failed Nolan responded by saying that the proposal was wrong that a Mayor-Town Council- Town Manager form would be best-- "the Mayor should be a figurehead, a Town Manger would deal with [day to day operations]" (Meserve). This lead to the creation of a Charter Review Committee who were appointed by the Town Moderator and charged with offering improvements on the Charter. Mikki Chaffe was appointed chair of the Review Committee. Her Committee used a Special Act Charter that retained Representative Town Meeting-Board of Selectmen- Town Manager structure while simplifying and reorganizing the Charter from 1999. The major change suggested by the Commission was the establishment of a committee of precinct chairs and a decrease in the Town Meeting membership from 126 representatives to 98, translating to seven members per district instead of nine. The smaller changes that the Review Committee recommended were approved by the Town Meeting in 2005; however, the reduction of the size of Town Meeting was not accepted (Meserve).

The most recent Charter activity began in May 2006 a mere six months after the previous Charter Review Committee. In 2006, The Mayor for Plymouth Committee was created and spearheaded by Michael Jones. This was a group of residents that strongly believed Plymouth would benefit from a Mayoral form of government and pushed for a proposal similar to that of 2003. With the birth of Mayor for Plymouth Committee came the opposition committee called, OPEN who claimed to be unbiased on the form of town governance even though many of the members had been part of the government for many years. The 2006 Charter Commission was comprised of nine OPEN members and one Mayor member. The Commission was given until November 2008 to present its proposal (Meserve). The Commission published a report on the proposed Charter changes which included both majority (5 members) and minority (3 members) opinions with one member resigning from the Commission.

The majority report outlines the goals that were set by the Commission previous to the start of the revisions. Their goals for the new Charter were: accountability, effectiveness, efficiency, transparency, communication and cooperation between branches of Town government, long-term planning, and professional Management. During the sixteen months of review the commission studied past Charter of Plymouth, and listened to testimony from: people whom were involved in past Charter studies, experts of local governance, representatives of the Massachusetts Municipal Association and the Massachusetts Municipal Management Association, people whom held elected office at some time period, members of multiple Plymouth boards, Town Meeting representative, and Town Managers and Administrators from neighboring municipalities. After this careful and detailed oriented review process the commission proposed the following substantial changes to the current Charter. Mr. Withinton, the Chairman, described the new Charter proposal as a hybrid between city and town

government. The proposed Charter recommended the creation of a noticeable difference between operational and strategic aspects of government. A popular elected position of Mayor would be created, who would be responsible for the operational issues of the Town. With the elected Mayor would come a five person executive board which the Mayor would be a member of. In order to retain the idea of Town Meeting a Representative Assembly would be created with three members from every precinct and meet at minimum four times a year. Within the Representative Assembly a President would be elected through popular vote and hold significant power such as appointments. There would be standing committees within the assembly such as finance and by-laws and administration. In order to help the Representative Assembly create strategic goals, long-range plans and policies there would be a Strategic Planning Board. There would also be an elected Planning Board outside of the scope of the Strategic Planning Board. This Charter would still include a Town Manager that all Town departments would be accountable too. The majority of the Committee (5 members) as written in the 2007 Charter Report felt that this mixture government, “recognized the unique nature of the Town of Plymouth,” and obliges, “the ongoing growth and evolution of the Town [by] increasing the accountability of Town government and enhancing the ability to serve the citizens.”

However, within that same 2007 report the minority (3 members) opinion was given which can be summarized in one statement, “complex and confusing in scope, direction and accountability, the proposed Charter does not assign to anyone the ability to lead.” The executive branch is a part-time Mayor who is mostly ceremonial with a part-time Executive board which is essentially a Board of Selectmen. The Executive Board is able to execute its own policies which essentially eliminate the Mayor’s legitimacy. The Town Manager who is a full time position would have to go through a part-time bodying leaving no one fully in charge.

Lastly within the Executive board there would be a lack of structure leading to more confusion. Within the Legislative branch there are issues too such as the branch being only part time. The Representative Assembly would be the Town Meeting once again simply smaller in size. The powers given to the Assembly President further reduce the role of Mayor. The minority report concludes that the citizens wanted a “streamlined form of government with a clear line of authority,” which was not produced by the majority and thus should not gain support of Plymouth’s citizens. The Home Rule Charter proposal was voted on in 2008 was defeated once again.

### *Observations*

This new form of government that was presented in 2008 was confusing and decentralized. The vice-chair of the 2006 commission, Anthony Schena, said that the accountability issue is solved by having multiple executives (Knox). However this seems to be creating less accountability and more confusion by creating an environment to where officials can be played off one another. For example if issue x is asked to one department head and their decision is not communicated to other department heads the person with the issue can raise it to another department head and possibly receive an answer he or she is content with. It is like a small child going to the other parent and looking for a ‘yes’ after the first one said ‘no’.

Plymouth’s population growth has negatively affected the usefulness of the Town Meeting. This negative affect has driven the creation of many of the Charter Commissions as outlined above. However, time and again people rally to save the Town Meeting, whether there is a better option or not. This action can be explained by the ties to tradition of Town Meeting that many municipalities in Massachusetts have, Plymouth being one of them.

“Sell the product to the voters, making them know the importance of the issue. Only then will the ‘yeas’ come out to vote, and either end or continue Plymouth’s long history of Charter review,” said Nolan before the 2008 Charter vote. This statement has been proven correct over and over in Plymouth’s history. There are a strong voiced group of constituents that want a Mayoral government because they believe it will be more effective and beneficial to Plymouth however they have yet to gain enough votes to fuel this change. Until enough people decided that Plymouth is in need of change and go out to vote for it this change to a Mayor Government structure that is continuously pushed for will not occur.

### Randolph

Randolph is located on the South Shore of Massachusetts and is included in the Norfolk County. From 1980 to 2000 there was a nine percent population growth the population of Randolph was 30,936 as of the 2000 Census. Within the community of Randolph 49% of registered voters are registered as Democrats which is a staggering number and twelve points above the state average. Only seven percent of registered voters have registered as Republicans which is five percentage points below the state average.

### *Recent Charter Activity*

Randolph’s Charter change restructured its whole town governance. Ever since its first Town Meeting in 1793 Randolph had utilized some form of Town Meeting. However in early 2009 a government reform commission was elected to review the Open Town Meeting- five member Board of Selectmen- Executive Secretary form of government. One particular point in that form was that the chief administrative officer was not the executive secretary but the



Chairman of the Board of Selectmen. Through detailed research the commission recommended that Randolph move to a Town Council-Town Manager form of government. Appendix G is the chart that outlined what the commission had gathered and was proposing to the town. The Town Council is to meet weekly and be comprised of nine members that are elected by the residents. The school commission grew from five members to seven including a town Council representative.

The Charter allocated all legislative powers to the Town Council. There will be a Council President and Vice-President. The Council President presides over all Council Meetings making sure that they run smoothly. He or she will also have the power to appoint all members of town Council committees, vote on any issue that is brought to the Council and will be the official leader of the town in any and all ceremonies. All powers of the Town are vested in the Council and the policy making power as well.

The Town Manager is the chief administrative officer and is elected by the Town Council to serve in the office for up to five years. The Manager must meet certain criteria that are outlined in the Charter for the Council to follow. The Manager will be accountable to the Council and charged with ensuring the proper administration of all town business. The Manager will also appoint all department heads and employees as outlined in the Charter. Submission of a town operating budget must be given to the Town Council by the Manager no later than February 1<sup>st</sup>. Overall the responsibility of the Town Manager would be the day to day operations.

This new Charter was voted into law by the residents in April 2009 and put into effect in January 2010. In order to produce and implement the new Charter the town used the Special Acts Charter path. Part of this process was to approve the appointment of the then Executive Secretary David Murphy as the first Town Manager.

There is one constant theme in the environment of Randolph that led to the Charter commission creation, transparency. There are multiple editorials and articles where town's people are quoted as saying the government needed to be more transparent in its actions and policy making. A need for an open government operations for the residents was also present. As the new Town Manger took office he promised, "to make our government more serviceable to the public," (Hanson).

Another perhaps smaller reason to have more day to day oversight through a Town Manager was the public school system. Two years prior to the Charter Commission creation the state of Massachusetts had threatened to take over the school system. There had been some progress made since that time however more is needed a task that a Town Manager could do quite well.

### *Observations*

On December 12, 2009 an anonymous article was posted on the Patriot Ledger entitled, "Final Town Meeting will mark end of era in Randolph." It summarized the history of the Town Meeting in Randolph, occurring since 1793, and how the history would be commemorated. This article made a very strong point that seemed to be left out in coverage of the change, the history that Randolph was giving up. Although the reasoning behind the change is valid and proved time and time again tradition and history generally has a stronghold in Massachusetts. It is surprising that in this case the history of the Town Meeting did not have such a presences at least it was not reported on as much as the benefits of the change.

## Winthrop

Winthrop is located in Suffolk County, Massachusetts. The 2000 Census stated that the population of Winthrop was 18,202 residents. Since 1980 the population has a net change of negative three percent. From 1980-1990 the population dropped by 769 inhabitants but from 1990-2000 the population increased by 176 residents. Forty-three percent of registered voters registered as Democrats and nine percent of registered voters registered Republican. It is important to note the high Democratic registration rate of 43%, though high is not as high as some of Winthrop's neighboring communities which have even higher Democratic registration percentages, Boston is 55% Democrat, and Cambridge is 58% Democrat.

### *Recent Charter Activity*

The elected chair of the Winthrop Charter commission was Joe Ferrino. The commission was elected on November 7<sup>th</sup>, 2005 and given the task of implementing a new Charter. The commission was created in response to a report that discussed the benefits of having a Charter with a manger form. After reviewing the Charter the committee decided to suggest a Town Council- Town Manager form of government instead of the current form of Executive Secretary- Board of Selectmen and Town Meeting.

The new Charter proposed separation of powers between the Town Council and Town Manager as follows. The Town Council is comprised of nine members whom are elected by the community of Winthrop including the Town Council President. The Town Council as a whole will act as the sole legislative body for the town. The Council President under the new Charter is the town's executive and responsible for making appointments, overseeing the calendar of the Town Council and representing the Town's interest at intergovernmental affairs as well as in the

community. The Council President will be a voting member of both the Council and the school committee. As the executive power the Council President must uphold the Charter, the laws, the ordinances and all other orders of government in the town as well as all other normal executive powers. The Town Manager is charged with all administrative duties for Winthrop thus being entitled chief administrative officer. The Manager will also help the Council President with the formation of policy and implementation. He or she will also provide any information to the Council President or as a whole when requested. The Town Manager is appointed by the whole Town Council while ensuring the guidelines as written in the Charter under article 4. In order to help explain the proposal that was being made the Charter Commission created a question and answer sheet to be distributed to voters. The Charter Commission voted on this proposal 7-3 and the proposal was passed by 2789 to 2434 residents and took effect on January 1<sup>st</sup>, 2006.

Lastly it is important to take note of the delay in appointment of Town Manager that occurred after the new Charter was passed. It was not until April of 2006 that a Town Manager was appointed into office. Finally Winthrop hired Richard White as their first Town Manager whom had seventeen years of experience as Town Manager in Lexington, MA and twenty five years of experience sitting on other governmental committees (Domelowicz).

While talking to Mr. Ferrino about the Charter Commission process in Winthrop he identified a series of events that lead to the Charter Commission being elected. He recalls how there was a small interest group whom believed that the executive secretary and board of selectmen had become ineffective and inefficient. The Board of Selectmen was a part time position that was running a fulltime government. The division of power between the board and the executive secretary was not well done. In order to make any decision the executive secretary had to process it through the Board of Selectmen whom only worked part time. This lead to a lot

of frustration within the government and for the town's people as well. This small interest group strongly felt that Winthrop would greatly benefit from a Town Council-Town Manager form of governess. This group followed state legislature process and collected enough signatures of voting residents in order to put the creation of a Charter Commission on the upcoming ballot (Ferrino).

There are two distinct needs of town's people during this time as described in the Town Council President's annual report in 2006. The first is to have a Town Council as the new legislative body. This was wanted in order to have more accountable legislation. Secondly, a strong Town Manager whom could handle the day to day operations of the town was needed. The residents also wanted more transparency and sound financial policies. Overall it has been stated that the main reason for this Charter change was that the multiple government entities were working as completely spate entities with no communication. In order to be more efficient greater communication had to occur.

### *Observations*

A year after Winthrop's first Town Manager was appointed an article ran in the newspaper reviewing Mr. White's performance. The article explains how there was hesitation of how an outsider, "[could] understand and work with the unique and dynamic political and community groups in town," (Domelowicz). However the article quotes multiple different town leaders that have been very happy with Mr. White's success. One of the hardest balancing acts a Manager must do is that between the large and small issue and a manager that can do this is seen as successful and efficient. Chamber of Commerce President Trudy Macero is quoted as saying,

*Although he has a number of large issues that he is taking care of with the Council, he's always ready to listen to the smallest of issues and having someone paying attention to those details is something that the town has needed for a long time. (Domelowicz)*

This proves that the town of Winthrop has succeeded in the change of government that the residents wanted. Furthermore it would seem that the issues citizens had with the older government system have diminished with the implementation and operation of a Town Council-Town Manager system of government.

#### **Section 4: GIS Maps**

The 21 GIS maps produced for this document may be found after the Appendixes. A picture is worth 1,000 words; however, this section is specifically dedicated to analyze some key things these maps show. The maps were constructed using: MassGIS data, voter registration files located on the Massachusetts Secretary of State site, data obtained from the Massachusetts Municipal Association (MMA), the archives of the General Court of Massachusetts and information gathered from the Department of Housing & Community Development relating to Home Rule Charter (HRC) action and Special Act Charter (SAC) action. The maps can be divided into four main sections with multiple maps in each section.

The first set is a grouping of maps which display census data and provides background data on the Commonwealth of Massachusetts. The map titled ‘MA Population Percent Change 1980-2000’ shows which communities in the Commonwealth have had negative change or different degrees of positive change in the population size. This map illustrates that although some communities have changed forms of government, these communities have not necessarily experienced large population changes as one may have anticipated. However, it is important to note that the simple change in population only measures numbers, not the fluctuation in the makeup of the population. It is possible that older members of the community who placed a higher value on the “old” form of government may have moved away or passed away and been replaced with new community members who may not have as strong an affinity to a specific government type. This could be a useful map to produce in order to gain a better understanding of local government change relative to individual turnover within a community.

The second grouping of maps, displays the voter registration data for communities using the current data available from the Secretary of State's website. The maps which display voter registration of Democrat over Republican and Republican over Democrat offer an interesting insight into the makeup of certain communities. The lowest percentage grouping of both Republican and Democrats is empty on the map and so those communities appear white. The maps, 'Voter Registration Democrat over Republican' and 'Voter Registration Republican over Democrat', show that while often when a community has a low registration rate of a party it does not always translate into a high registration rate for the opposite party.

The third grouping of maps displays current data regarding the current form of government. The 'Local Legislative Forms' map shows that while we are focusing on changes in local government there are still many communities which function under Open Town Meetings (OTM). Another interesting thing to note is the fact that Councils are clustered in and around Boston and around Springfield but not around Worcester. One would suspect that around the three largest cities in the Commonwealth a Council would be present because of the geographical proximity of the communities to a city that tends to have a Council. The 'Chief Municipal Officer' map displays the job titles as documented by the MMA. The Chief Municipal Officer Groupings were provided by Hans Larsen, Chairman of the Form of Government Committee, which attempted to better classify and display the forms of government within a community by generally accepted terms relative to the function of the job rather than the official job title. Some communities did not list a Chief Municipal Officer and so the 'CMO over Leg Form' map was created to show that those communities which do not have a CMO do in fact operate with an OTM.



The analysis of the maps displaying Home Rule Charter actions (HRC) and Special Act Charter (SAC) show most of the changes in government have been located in the eastern half of the state. A high concentration of communities on the Cape have also undergone Charter changes or attempted changes. These maps only display the most recent action within the decade for HRC communities and display only the most recent SAC action a community has taken. For a full list of the communities which have taken HRC or SAC action please refer to the Appendixes H and I. The regional, neighbor, or domino theory are supported by the maps as shown by the maps 'HRC over SAC' and 'SAC over HRC.' There are a few outliers but the vast majority of communities which have attempted change share a boarder with a community which has also attempted change.

## **Section 5: Analysis**

### *Introduction*

After concluding the nine case studies and creating the GIS maps, common themes and factors have been identified which contribute to a community's desire for change. One term that emerged through all nine case studies was the stress placed on efficiency of local government. Inefficiency which would seem to be the most logical variable for a government to be experiencing that would initiate a need for Charter change. Efficiency has many definitions; whether it is the amount of legislation passed or how quickly a request is processed through the bureaucracy. Unfortunately, 'efficiency' has turned into a rallying cry/ buzz word which is echoed on both sides of the equation with those in favor of change touting their new and improved structure as more efficient while those who do not want change claiming that the current form is more efficient. This complexity has led to the decision not to use efficiency as one of the common trends found. It may though have been mentioned in the individual cases in order to portray the feelings and thoughts of the residents.

### *Population and Geography*

The map titled 'MA Population Percent Change 1980-2000' shows which communities in the Commonwealth have had negative change or different degrees of positive change in the population size. This map illustrates that although some communities have changed forms of government, these communities have not necessarily experienced large population changes as one may have anticipated. However, it is important to note that the simple change in population only measures numbers, not the fluctuation in the makeup of the population. It is possible that

older members of the community who placed a higher value on the “old” form of government may have moved away or passed away and been replaced with new community members who may not have as strong an affinity to a specific government type.

The ‘Local Legislative Forms’ map shows that while we are focusing on changes in local government there are still many communities which function under Open Town Meetings (OTM). Another interesting thing to note is the fact that Councils are clustered in and around Boston and around Springfield but not around Worcester. One would suspect that around the three largest cities in the Commonwealth a Council would be present because of the geographical proximity of the communities to a city that tends to have a Council. The government of Worcester may have served as a deterrent for adoption of Council form of government due to the complexities of the Worcester government structure.

### *History*

Massachusetts has a long history of Town Meetings that is unique feature of New England. The history of the Town Meeting that dates back to the early 1700s, as discussed in the Literature Review, plays a large role as to why certain communities that have undergone Charter Commissions. There is a feeling that democracy is operating in the best possible way since all citizens have the right to be heard at a Town Meeting. Not only is the Town Meeting historically important to communities but the ability to have high levels of civic engagement is a priority as well.

History and tradition has been seen to either hold a community back from change or to be acknowledged and memorialized while still implementing the change. This is seen in the case studies done of Amherst, Braintree, Needham, North Attleborough, Pembroke, and Randolph. In

Amherst, Needham, and Pembroke the history stops the town from voting for change. For Amherst and Pembroke traditionally roots of Town Meeting are cited as reasons for not removing Town Meeting altogether. Needham's stress on tradition comes into play through the pride they hold in their consistency of retaining their form of government. Whereas the communities of Braintree and Randolph, had long histories and traditions of Town Meetings changed to a Town Council form without problems. This was done by embracing their pasts and realizing that the change in government was best for their respective communities. North Attleborough falls between these other cases. Change was did not occur in North Attleborough in part due to their fear of the past and learning from their history. Within this factor population size can be a trigger to how strong history and tradition will affect the residents. In a place that is larger where people are more separated from the community's history perhaps it will not affect their decision to change the form of government as much.

### *Transparency and Accountability*

Local government just like state and federal government can experience the issue where the constituents feel as though they are not well aware of government decision making processes. Citizens want the knowledge of how their government decides policies, since policies affect them as residents. The call for increased transparency can arise from concerns with financial matters. Residents who call for more transparency tend to be responding to fears that decisions are being made which do not value the input of the people and are occurring 'behind closed doors'. Civic engagement and the traditional ideals that it holds can account for this need of the people.

Throughout the case studies the idea of having a single person to vest power in and hold accountable is seen. A split occurs when deciding if a single person will be politically elected or professionally appointed. Amherst had a proposal beginning in 2003 to change to a Mayor form while already having a Town Manager. This is a case of changing from professional to political leadership citing that a distinct political leader would give the people the accountability they wanted. Although this change maintains a single person position that was wanted by residents of Amherst it did not pass due to the political aspect and fear of partisan politics.

Randolph and Braintree are neighboring communities with similar demographics. Randolph utilized Braintree as an example during Charter change due to their shared similarities. In both cases the need for a governmental structure that was more accountable to the residents was listed as a factor for change. Even though the two communities had this need in common they chose different paths to fulfill their desire for change. Braintree voted for a Mayor while Randolph chose a Town Manager position. In seeing the mirroring cases and the different outcomes it can be concluded that a single powerful position is desired by communities where the difference occurs is in the realization of the position placed into the power.

#### *Preconceived notions with regard to change*

A desire for change in government among residents of a municipality can stem from either the positive or negative preconceived notions relative to a specific title. In addition the notion that a change in governmental structure will be a panacea to issues a municipality is having.

“Words are everything in this game, a title means nothing [in and of itself]... the job description is what counts,” according to Marilyn Contreas, Senior Program and Policy Analyst

at the Commonwealth of Massachusetts Department of Housing & Community Development. This simple sentence summarizes the underlying ideal found throughout research of Charter Commissions. Residents push for a Town Manager position within their home towns simply to have a “Town Manager,” often they will not know the full extent of this position or the effect it will have on their lives. The community culture of municipalities in the Commonwealth has evolved away from the Executive Secretary and Town Administrator to a Town Manager form of government. This can be seen in Winthrop where they had an Executive Secretary which did not have the authority to make decisions even though the title’s implications were so. This lack of authority led to the establishment of a Charter Commission. However, when they moved to a Town Manager form they ensured specific responsibilities were written into the Charter in order to place power behind the title.

“Whenever an organization is not working people look for leadership to make it better,” (Bolman and Deal), as seen in local government changes in Massachusetts. Many communities want to change their form of government in order to elect a Mayor or appoint a Town Manager; all the while believing that this will solve all their issues especially when it comes to financial matters rather than addressing the source of the issue. During Braintree’s Charter change process there was an outcry for a Mayor position, citizens said that such a title would be able to solve the inefficiency that they were experiencing at the time. This same opinion was portrayed in Plymouth where people tried to move to a Mayor government as well. On the other side of the spectrum of preconceived notions is the dismissal of a Mayor position due to the negative connotations that are associated with having a political leader.

While the North Attleborough Charter Commission offered a Town Manager proposal one of the dissenting opinions expressed feelings that community members desired a Mayoral

form of government instead. In part due to the choice of the Commission to propose a Town Manager form instead of a Mayor form of government the proposal was defeated at the ballot box. Even though the Town Manager could have provided the change the community sought, the residents wanted a Mayor. As proven here preconceived notions can push a community in one way or another when it comes to implementing a governmental change.

## **Section 6: Rejected Change Analysis**

Of the nine cases that were studied, four failed to pass their most recent attempts at a Charter change. To reiterate these were the towns of Amherst, North Attleborough, Pembroke and Plymouth. It is imperative to recognize if any of the attempted changes failed due to factors that were discussed above or for any other specific reasons.

Amherst did not vote yes at the ballot box when the question of adopting a Mayor form of government was proposed in either 2003 or 2005. Throughout discussions with those who are knowledgeable on the topic the theme of civic engagement is cited as a reason for the failed change. Amherst's population is a very civically engaged community who believe that public participation in government is of high importance. Their sense of civic duty can be traced to the importance of citizen participation in government which has been engrained in the Amherst culture since the first Amherst Town Meeting.

Along with all the reasons mentioned above it is believed that the main reason North Attleborough's Charter proposal was defeated was due to a division in the Charter Commission. The Commission was split 5-4 for and against the proposed change. Within the report that outlined the proposed change the minority's anti-change views were published as well. In situations like this when the minority opinion is against the proposed change they are most likely to win because a society needs to be fully convinced that the change is for the best. If members of the community, who are held in high esteem and are elected to the Charter Commission, do not believe in the change then the community will follow suit. In order to overcome a divided committee those in favor of the proposal must be able to articulate the rationale behind the change and how it will better the daily life of the average citizen. This a key point that was



missing in North Attleborough which is also seen in Plymouth's most recent Charter Commission.

Pembroke's July 2009 creation of the Town Government Study Committee can be directly attributed to one man, Lew Stone, who was elected to the Board of Selectmen in April of 2009. While the Town Government Study Committee consisted of individuals dedicated to changing the form of government, once their proposal was brought before Town Meeting, it was met with overwhelming opposition. Multiple key members of the community spoke out against the change while only one member of the community favored it. Stone appears to have been before his time calling for change in a community which is still happy to function under its current structure.

Plymouth has a vocal minority of residents that wanted a Mayor in their town government. The most recent Commission strongly believed that a Mayor should be put into place however when the final Charter was produced there was five votes for, three votes against and one resignation. This split in the Commission portrays the want for a Mayor form but in a different format than suggested. When residents read the dissenting opinion they voted to defeat the proposed Charter once again proving that the group wanting Mayor was in the minority.

## **Section 7: Final Thoughts**

Multiple themes have emerged as discussed in the previous sections, but after examining the case studies and the GIS maps, one theme seems to be more prevalent than all the rest: each community is just that, an individual community. While individual factors and themes have been identified and discussed in an attempt to explain why a proposed governmental structural change passed or failed, no single factor has emerged that when examined will explain the desires of the communities relative to change. There is no particular precipitating cause which if identified in a community will surely be a sign of coming change. Rather, multiple factors have been identified which help explain what direction a community is headed in; if they are content with the status quo or are hungry for change. It is only through careful, intelligent, and rigorous investigation into the inner workings of the community that a hypothesis about a community's future be made. There are similarities between communities but no wide spread generalizations can be made relative to all 351 communities because of the intricacies of each individual community in the Commonwealth.

Unfortunately due to the time limitations this study was not able to address all aspects that arose during research. It is the authors hope that future studies will research these aspects. In order to further this hope some of the missing facets are offered here. Firstly, a statistical analysis of population, voter registration rates, socioeconomic status, etc should be conducted in order to gain a better understanding of correlation versus causation. There is a need for measurement of local government efficiency as this was cited during multiple Charter change processes. Lastly, while not noted in this study it would be interesting to examine if the change from a Mayor form to a Town Manager form has ever occurred and if so what were the causes.

## **Bibliography**

- Achermann, Bob. "Town Meeting's Script and Kusner's Shirt." *Amherst Bulletin*, 8 December 2006. <http://www.amherstbulletin.com/story/id/20280/>.
- Annear, Steve. "Public hearing for Pembroke Town Manager proposal set for Tuesday." *Wicked Local Pembroke*, n.d. <http://www.wickedlocal.com/pembroke/topstories/x1173966537/Public-hearing-for-Pembroke-town-manager-proposal-set-for-Tuesday> (5 May 2010).
- Annear, Steve. "Study committee proposed Town Manager position in Pembroke." *Wicked Local Pembroke*, 4 February 2010. <http://www.wickedlocal.com/pembroke/features/x1878081591/Study-committee-proposes-Town-Manager-position-in-Pembroke> (5 May 2010).
- Bolman, Lee G., and Terrence E. Deal. *Reframing the Path to School Leadership*. California: Corwin Press Inc, 2002.
- Brooks, Oldham H. "Town Meeting: Attendance Up, Candidates Down." *Amherst Bulletin*, 2 March 2006. <http://www.amherstbulletin.com/story/id/30300172006/>.
- Braintree Town Election Results 2005. Provided by Town Clerk. Braintree, MA. Retrieved 3 May 2010.
- Braintree Town Election Results 2006. Provided by Town Clerk. Braintree, MA. Retrieved 3 May 2010.
- Board of Selectmen, Needham, MA. 2005. *Proposed By-Law Revision – Article 55- 2005 Annual Town Meeting*. Provided by Town Clerk's Office. Needham, MA. Retrieved 21 April 2010.
- California City Management Foundation. "Council-Manager or "Strong Mayor" The Choice is Clear. Learn the Facts About Council-Manager Government ." ICMA. <http://www.icma.org/main/topic.asp?hsid=1&tpid=20>.
- Contreas, Marilyn. "Several Options Exist for Changing Local Government Structure." *Municipal Advocate* 22, no. 2 (2009): 22-26. [http://mma.org/resources-mainmenu-182/cat\\_view/146-municipal-government/166-forms-of-municipal-governmentcharters](http://mma.org/resources-mainmenu-182/cat_view/146-municipal-government/166-forms-of-municipal-governmentcharters).
- Contreas, Marilyn., Senior Program and Policy Analyst, The Commonwealth of Massachusetts Department of Housing & Community Development., Interview by authors. Tape recording. Boston, MA. 24 March 2010.

- Collins, Rick. "Coming Changes in Braintree." *Patriot Ledger*, 17 April 2006.  
[http://findarticles.com/p/articles/mi\\_8043/is\\_20060417/ai\\_n47777782/](http://findarticles.com/p/articles/mi_8043/is_20060417/ai_n47777782/) (5 May 2010).
- DeSantis, Victor. "Council-Manager Relations At the Crossroads." *Public Management*, July 1998, 10-15. <http://icma.org/main/ld.asp?from=search&ldid=14438&hsid=1>.
- Domelowicz, Joseph. "Town Manager Rick White is Moving Winthrop Forward." *Winthrop Transcript*, 13 April 2007.  
<http://www.winthroptranscript.com/2007/04/13/town-manager-rick-white-is-moving-winthrop-forward/>.
- Ferrion, Joe. Chair of 2005 Charter Commission, Winthrop. Interview by author. Phone interview. Worcester, MA. 22 April 2010.
- Government Study Committee, Braintree. 2005. *Report of the Government Study Committee to the October 24<sup>th</sup> 2005 Special Town Meeting*. Provided by Town Clerk. Braintree, MA. Retrieved 3 May 2010.
- Government Study Committee, Braintree. 2005. *Annual Report of the Government Study Committee May 2, 2005*. Provided by Town Clerk. Braintree, MA. Retrieved 3 May 2010.
- Hanson, Fred. "Manager, Council President Outline Goals for Randolph." *The Patriot Ledger*, 11 January 2010.  
<http://www.patriotledger.com/news/x1530317378/Manager-Council-president-outline-goals-for-Randolph>.
- Hanson, Fred. "Final Town Meeting Will Mark End of Era in Randolph." *The Patriot Ledger*, 11 December 2009. <http://www.patriotledger.com/homepage/x962895172/Final-town-meeting-will-mark-end-of-era-in-Randolph>.
- Harvey, Bryan C. Amherst Charter Commission: Fiscal Year 2002
- Hoerder, Dirk. *Society and Government in 1760-1780: The Power Structure in Massachusetts Townships*. Berlin: John F. Kennedy Institution, 1972.
- ICMA . "Forms of Local Government ."  
<http://icma.org/main/ld.asp?ldid=11226&hsid=10&tpid=20>.
- Knox, Robert. "With the Clock Ticking, Plymouth Fine-Tunes New Government Plan." *The Boston Globe*, 22 July 2007.  
[http://www.boston.com/news/local/articles/2007/07/22/with\\_the\\_clock\\_ticking\\_plymouth\\_fine\\_tunes\\_new\\_government\\_plan/](http://www.boston.com/news/local/articles/2007/07/22/with_the_clock_ticking_plymouth_fine_tunes_new_government_plan/)

Kokoros, George C. "Braintree needs a Town Manager, not a Mayor." *Patriot Ledger*, 31 March 2006. [http://findarticles.com/p/articles/mi\\_8043/is\\_20060331/ai\\_n47769196/](http://findarticles.com/p/articles/mi_8043/is_20060331/ai_n47769196/) (5 May 2010).

Manning, Becca. "2010 annual/special Town Meeting results." *Pembroke Express*, 29 April 2010.  
[http://www.pembrokeexpress.com/index.php?option=com\\_content&view=article&id=2501:2010-annualspecial-town-meeting-results&catid=1:pembroke-news&Itemid=29](http://www.pembrokeexpress.com/index.php?option=com_content&view=article&id=2501:2010-annualspecial-town-meeting-results&catid=1:pembroke-news&Itemid=29) (5 May 2010).

Manning, Becca. "ATM '10: Voters reject Town Manager proposal." *Pembroke Express*, 29 April 2010.  
[http://www.pembrokeexpress.com/index.php?option=com\\_content&view=article&id=2498:atm-10-voters-reject-manager-plan&catid=1:pembroke-news&Itemid=29](http://www.pembrokeexpress.com/index.php?option=com_content&view=article&id=2498:atm-10-voters-reject-manager-plan&catid=1:pembroke-news&Itemid=29) (5 May 2010).

Manning, Becca. "Study committee supports big changes at Town Hall." *Pembroke Express*, 4 February 2010.  
[http://pembrokeexpress.com/index.php?option=com\\_content&task=view&id=2138&Itemid=29](http://pembrokeexpress.com/index.php?option=com_content&task=view&id=2138&Itemid=29) (5 May 2010).

Massachusetts Department of Housing and Community Development (DHCD). "Charter Commission Procedures (M.G.L., Chapter 43B)

Massachusetts Department of Housing and Community Development (DHCD). "Summary: Home Rule Charter Activity, 1968-2009."

Massachusetts Municipal Association. "Changing Massachusetts Local Government Structure" [http://mma.org/resources-mainmenu-182/cat\\_view/146-municipal-government/166-forms-of-municipal-governmentcharters](http://mma.org/resources-mainmenu-182/cat_view/146-municipal-government/166-forms-of-municipal-governmentcharters).

Massachusetts Municipal Association. "Charter Basics: Town Manager/Town Administrator Form ."  
[http://mma.org/images/stories/AnnualMtg/2010workshop\\_handouts/friday1/open\\_twn\\_mtg\\_to\\_Mayor3\\_fri1.pdf](http://mma.org/images/stories/AnnualMtg/2010workshop_handouts/friday1/open_twn_mtg_to_Mayor3_fri1.pdf).

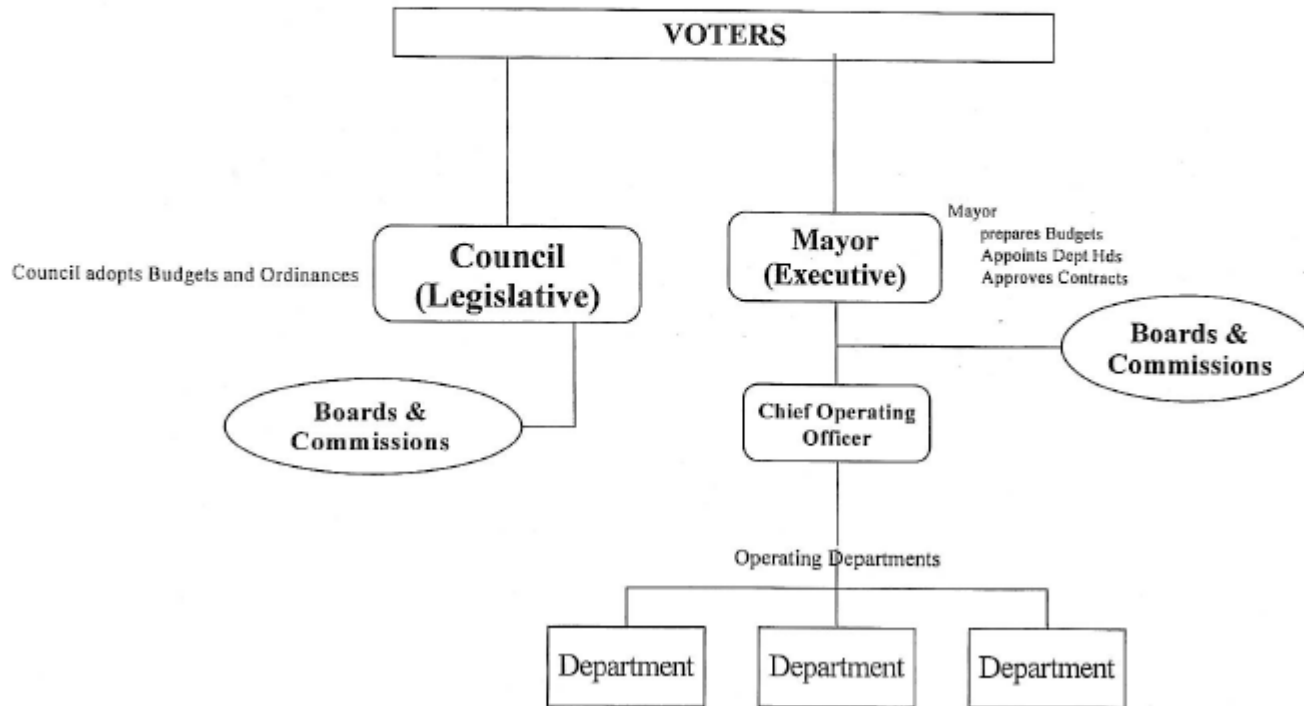
Massachusetts Municipal Managers Association. "Forms of Local Government: Commonwealth of Massachusetts." Massachusetts Municipal Association .  
<http://mma.org/component/search/forms%2Bof%2Blocal%2Bgovernment/%252F?ordering=&searchphrase=all>.

Meserva, Casey. "Under review: Others Have Been Down This Road Before." *Wicked Local*, 27 September 2006. <http://www.wickedlocal.com/plymouth/news/x902786573>

- Morse, Mark. "Data Show Strong Growth of Management and Administrative Positions." *Municipal Advocate* 22, no. 2 (2008): 11-15. [http://mma.org/resources-mainmenu-182/cat\\_view/146-municipal-government/168-municipal-management](http://mma.org/resources-mainmenu-182/cat_view/146-municipal-government/168-municipal-management).
- Musante, John. Assistant Town Manager of Amherst. Interview by author. Phone interview. Worcester, MA., 27 April 2010.
- Needham Town Meeting Study Committee. <http://www.needhamma.gov/index.aspx?nid=1300> (5 May 2010).
- O'Neill, Robert J. "The Mayor-Manager Conundrum That Wasn't." , 2005. <http://www.icma.org/main/topic.asp?hsid=1&tpid=20>.
- Powers, James H. "Perspective: In support of Representative Town Meeting." *Wicked Local Needham*, 19 August 2009. [http://www.wickedlocal.com/needham/town\\_info/government/x640869008/Perspective-In-support-of-Representative-Town-Meeting](http://www.wickedlocal.com/needham/town_info/government/x640869008/Perspective-In-support-of-Representative-Town-Meeting) (5 May 2010).
- Powers, Joseph F. Town Clerk for the Town of Braintree., Interview by author. Office visit., Braintree, MA., 3 May 2010.
- Ryan, Steve. "Stucy Committee examines attendance, protocol." *GateHouse News Service*, 17 September 2008. [http://www.wickedlocal.com/needham/town\\_info/government/x1374604558/Study-Committee-examines-attendance-protocol](http://www.wickedlocal.com/needham/town_info/government/x1374604558/Study-Committee-examines-attendance-protocol) (5 May 2010).
- Svara, James H., and Kimberly L. Nelson. "Taking Stock of the Council-Manager Form at 100." *Public Management*, August 2008, 6-15. <http://www.icma.org/main/topic.asp?hsid=1&tpid=20>
- Town Government Study Committee. Town of Pembroke. <http://www.townofpembrokemass.org/townstudycomm.html> (5 May 2010).
- Town of North Attleborough Charter Commission. 2003. *Final Report of the Charter Commission Town of North Attleborough*. Provided by Town Administrator. North Attleborough, MA. Retrieved 22 April 2010.
- Town of Needham. 2005. *Clerk's Records – 2005 Annual Town Meeting*. Provided by Town Clerk's Office. Needham, MA. Retrieved 21 April 2010.
- Wisnewski, Paul S. *Final Report of the Palmer Charter Commission*. Palmer, MA: Palmer Charter Commission: Feb.10,2003

## Appendix A: Mayor/Council Organizational Structure

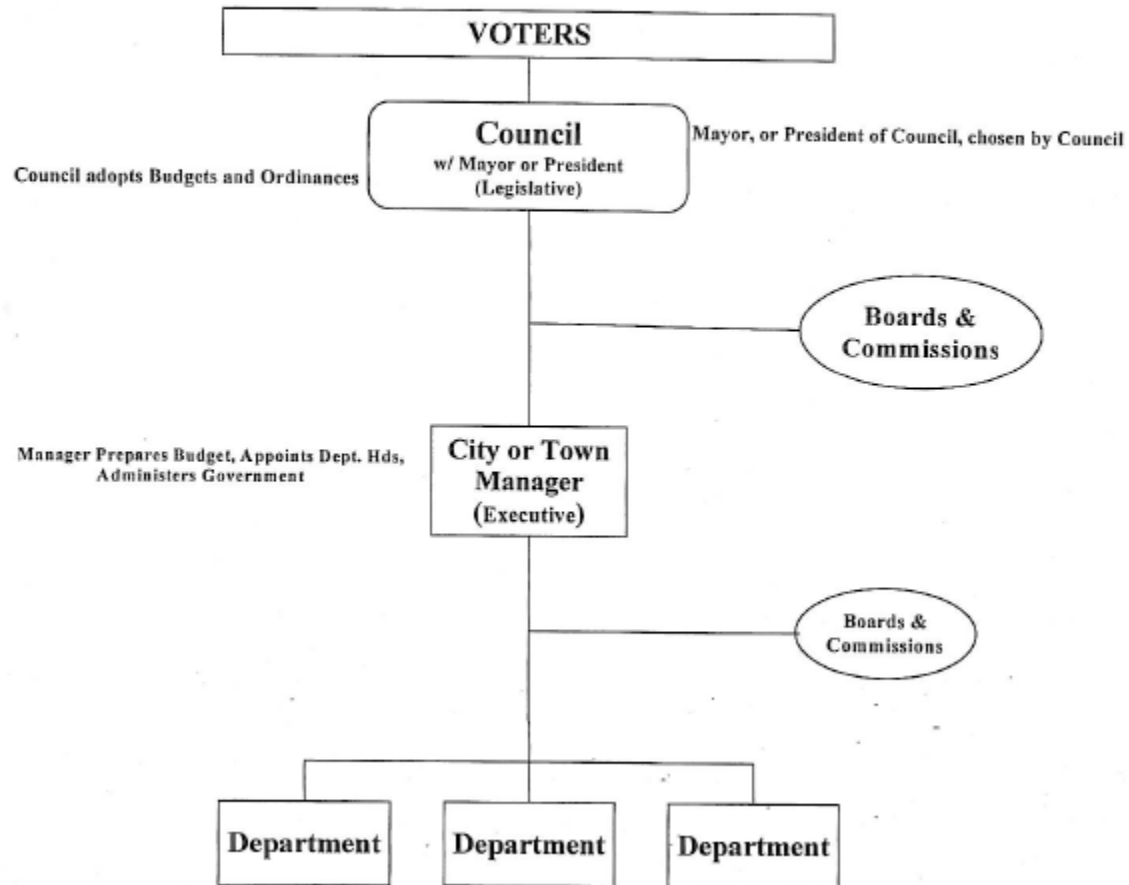
**MAYOR / COUNCIL**  
(Strong Mayor  
w/ Chief Operating Officer)



Source: <http://www.mma.org>

## Appendix B: Council-Manager Organizational Structure

### COUNCIL / MANAGER



Source: <http://www.mma.org>



## Appendix C: Most Prevalent Form of Local Government in Specific Population Ranges

### Most Prevalent Form of Local Government in Specific Population Ranges: Council-Manager (CM) vs. Mayor-Council (MC)

<u>Between</u> <u>2,500 and 4,999</u> (2,057)	<u>Between</u> <u>5,000 and 9,999</u> (1,907)	<u>Between</u> <u>10,000 and 24,999</u> (1,835)	<u>Between</u> <u>25,000 and 49,999</u> (784)	<u>Between</u> <u>50,000 and 99,999</u> (419)
CM: 771 (37%) MC: 1,139 (55%)	CM: 895 (47%) MC: 834 (44%)	CM: 968 (53%) MC: 696 (38%)	CM: 496 (63%) MC: 250 (32%)	CM: 269 (64%) MC: 141 (33%)

<u>Between</u> <u>100,000 and 249,999</u> (179)	<u>Between</u> <u>250,000 and 499,999</u> (36)	<u>Between</u> <u>500,000 and 1,000,000</u> (23)	<u>Over</u> <u>1,000,000</u> (9)
CM: 117 (65%) MC: 59 (33%)	CM: 17 (47%) MC: 18 (50%)	CM: 7 (30%) MC: 15 (65%)	CM: 3 (33%) MC: 6 (67%)

**Note:** The council-manager form of government is the most prevalent form in five of the nine ranges. Fifty-four percent (54%) of municipalities with a population between 5,000 and 250,000 residents are governed under the council-manager structure (2,745 out of 5,124).

Source: ICMA Municipal Yearbook, 2010.

## Appendix D: The Most Prevalent Form of U.S. Local Government Structure

### Council-Manager Government: The Most Prevalent Form of U.S. Local Government Structure

#### Fast Facts about U.S. cities:

- More than 92 million individuals live in cities operating under council-manager government.
- 62% of U.S. cities with populations of 50,000\* or more operate under the council-manager form.
- 63% of U.S. cities with populations of 25,000\* or more operate under the council-manager form.
- 57% of U.S. cities with populations of 10,000\* or more operate under the council-manager form.
- 53% of U.S. cities with populations of 5,000\* or more operate under the council-manager form.

\*Source: *The 2010 Municipal Year Book*, published by ICMA, Washington, D.C. Percentages were derived by dividing the number of council-manager communities in a specific population range by the total number of cities in that population range.

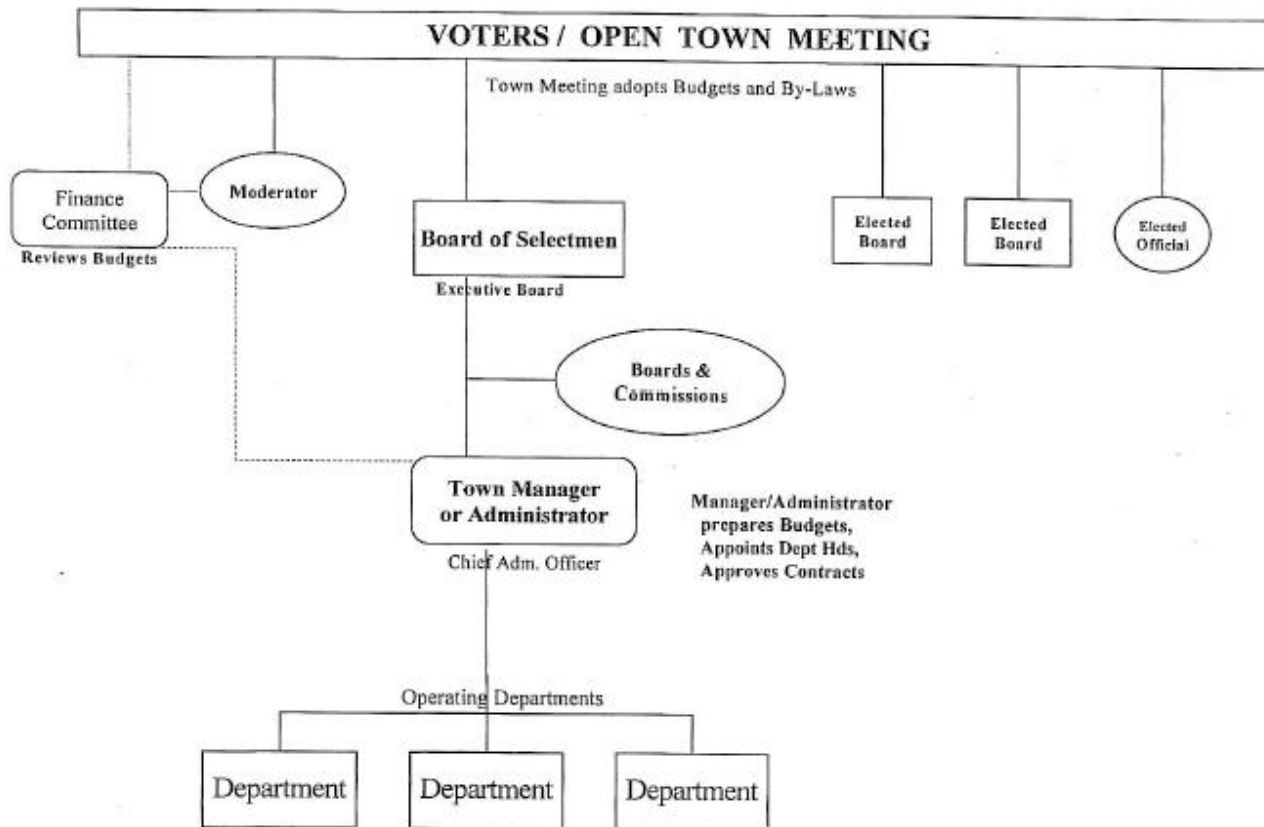
FORM OF GOVERNMENT	<u>2010</u>	<u>2008</u>	<u>2004</u>	<u>2000</u>	<u>1996</u>	<u>1992</u>	<u>1988</u>	<u>1984</u>
Council-Manager	3,543 (48.9%)	3,520	3,453	3,302	2,760	2,441	2,356	2,290 (34.7%)
Mayor-Council	3,158 (43.6%)	3,131	3,089	2,988	3,319	3,635	3,686	3,686 (55.8%)
Commission	143 (2.0%)	143	145	143	154	168	173	176 (2.7%)
Town Meeting	342 (4.7%)	338	338	334	365	363	369	370 (5.6%)
Representative Town Meeting	63 (0.87%)	62	63	65	70	79	82	81 (1.2%)
Unknown			3					
Total	**7,249 (100%)	**7,194	**7,091	**6,832	**6,668	**6,686	**6,666	**6,603

\*\*Totals for the number of U.S. local governments represent only those municipalities with populations of 2,500 and greater. There are close to 30,000 local governments with populations fewer than 2,500.

Source for tabular statistics: "Inside the Year Book: Cumulative Distribution of U.S. Municipalities" in *The Municipal Year Books* 1984, 1988, 1992, 1996, 2000, 2004, 2008, and 2010 published by the premier local government leadership and management organization, ICMA, Washington, D.C.

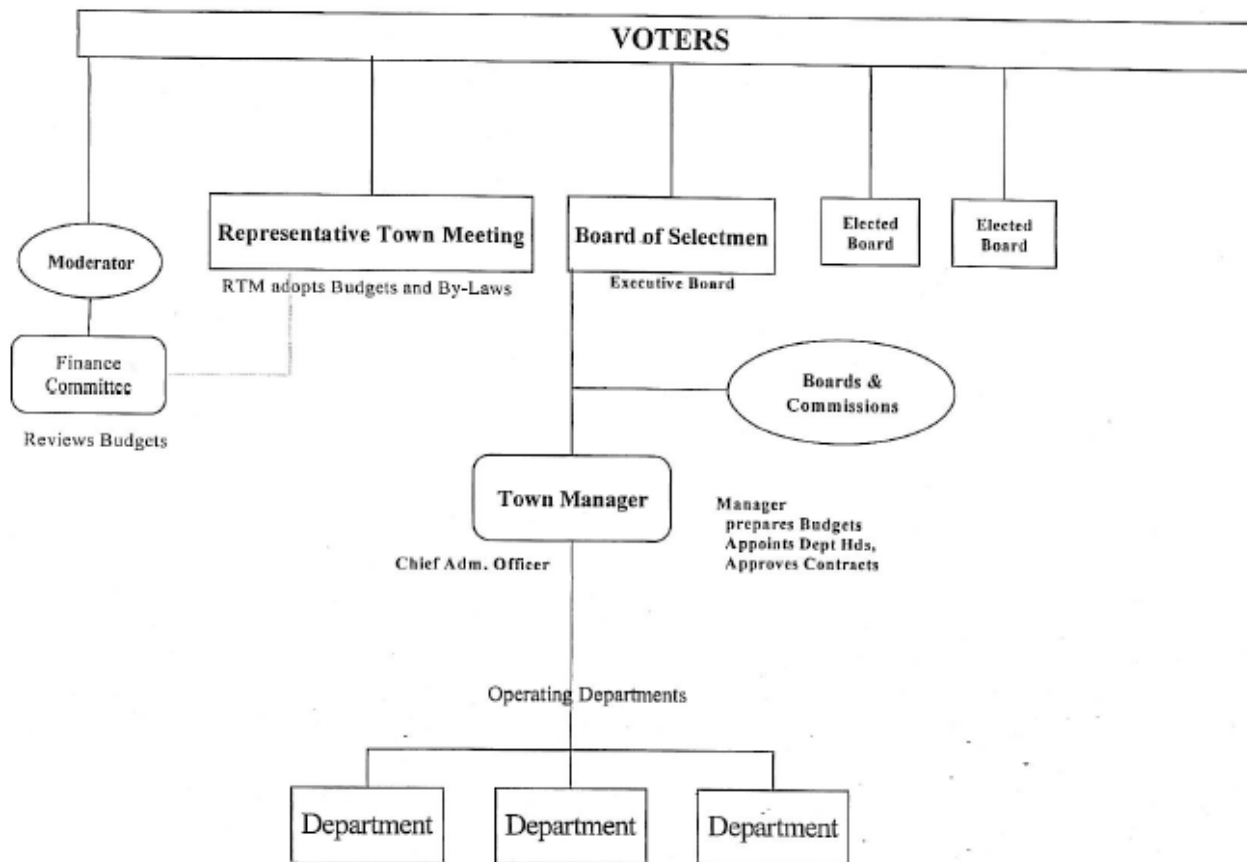
## Appendix E: Open Town Meeting- Board of Selectmen- Town Manager or Administrator Organizational Structure

### OPEN TOWN MEETING / SELECTMEN / TOWN MANAGER or ADMINISTRATOR



## Appendix F: Representative Town Meeting Board of Selectmen – Town Manager or Administrator Organizational Structure

### REPRESENTATIVE TOWN MEETING / SELECTMEN / TOWN MANAGER or ADMINISTRATOR



## Appendix G: Randolph Government Change Proposals

	<b>CURRENT</b>	<b>TOWN MANAGER/TOWN MEETING</b>	<b>TOWN MANAGER/COUNCIL</b>
<b>Legislative Body</b>	Town Meeting	Town Meeting	Town Council
<b>Size of Legislative Body</b>	240	120	9
<b>Attendance Policy</b>	No (pending)	Yes	N/A
<b>Ability to call Special Emergency Meetings</b>	State Law: 14 days to mail warrant, plus 30 days preparation	State Law: 14 days to mail warrant, plus 30 days preparation	48 hours (emergency meetings can be called immediately)
<b>Regular Meeting Schedule</b>	Annual/Fall	Annual/Fall	Weekly Meetings
<b>Elected Bodies</b>	Moderator Town Clerk Treasurer/Collector 3 Board of Assessors 3 Board of Health 5 Selectmen 5 School Committee 5 Planning Board 5 DPW 3 Stetson Hall Trustees 5 Housing Authority Town Meeting	Moderator 5 Selectmen 6 School Committee 3 Stetson Hall Trustees Town Meeting	9 Town Council (5 At Large/4 District) 6 School Committee 3 Stetson Hall Trustees

<b>Conflict of Interest (A) cannot serve on two elected boards at once</b>	No	Yes	Yes
<b>(B) No compensated position until one year from date of resignation from elected board</b>	No	Yes	Yes
<b>Appointment of Department Heads and Employees</b>	Selectmen Treasurer/Collector Town Clerk DPW Board of Health Assessor Housing Authority	Town Manager <b>Appoints all positions except:</b> Town Counsel Town Accountant Registrar of Voters School Department Employees	Town Manager <b>Appoints all positions except:</b> Town Accountant Clerk of Council Registrar of Voters School Department Employees
<b>Chief Administrative Officer</b>	Chairman of the Board of Selectmen	Town Manager /Board Selectmen	Town Manager
<b>Negotiation of Union and Non-Union Contracts</b>	Board of Selectmen School Committee negotiates school contracts per M.G.L.	Town Manager School Committee negotiates school contracts per M.G.L.	Town Manager School Committee negotiates school contracts per M.G. L.
<b>Personnel Administration</b>	Board of Selectmen/Personnel Board	Town Manager/Personnel Board	Town Manager/Personnel Board
<b>Submit Town Operating Budget</b>	Board of Selectmen	Town Manager	Town Manager
<b>Civil Defense and Emergency</b>	Chairman of the Board of Selectmen	Town Manager	Town Manager

<b>Management</b>			
<b>Town Manager and Executive Secretary Yearly Evaluation</b>	No	Yes	Yes
<b>Budget Process</b>	Budgets submitted by individual departments to Finance Committee and Board of Selectmen	Superintendent of Schools and Town Manager develop Town budget based on Budget Policies of Board of Selectmen and School Committee	Town Council and School Committee shall meet no later than November 30th to develop budgetary goals and initiatives to be considered in the Town Manager's Budget
	Board of Selectmen and Finance Committee create separate Town budgets	Town Manager must file Budget by February 1st	Town Manager shall prepare and submit to Town Council no later than February 1st, a synopsis of proposed Budget for preliminary review and any requests for additional funding
	Finance Committee makes budget recommendations to Town Meeting, Selectmen often present competitive budget to Town Meeting (often the night of Town Meeting)	School Committee submits Budget to Town Manager 14 days prior to Town Manager's Budget Proposal	By the first Council meeting in April, Town Manager shall submit the Final proposed Fiscal Budget for the ensuing Fiscal Year
	Budget must be adopted by June 30th	Finance Committee reviews Budget	Town Council must hold public hearing and it must be published in the local newspaper

		Town Manager's Budget presented to Town Meeting with accompanying recommendations from the Finance Committee	Public Hearing held
		Budget must be adopted by June 30th	Town Council must adopt Budget within 60 days
			Town Council may decrease programs or amounts, but may not increase them
<b>Financial/Capital Outlay Program Requirement</b>	No	Yes	Yes
<b>Recall Provision</b>	Yes	Yes	Yes
<b>Town By-laws</b>	Only legislative body can change	Remain in effect; only legislative body can change	Remain in effect; only legislative body can change

Source: Randolph Town Clerk



## Appendix H: Home Rule Charter Action List of Municipalities

Town	Year HRC	Action HRC
Amesbury	1996	Adopted
Amherst	1996	Defeated
Amherst	2003	Defeated
Ashland	1988	Adopted
Athol	2000	Adopted
Athol	2000	Adopted
Barnstable	2001	Defeated
Barnstable	1989	Adopted
Bellingham	1993	Adopted
Beverly	1993	Adopted
Blackstone	1997	Defeated
Bourne	2001	Adopted
Bourne	1994	Defeated
Bourne	2001	Adopted
Braintree	2004	Defeated
Chatham	1995	Adopted
Chelmsford	1989	Adopted
Clinton	2005	Defeated
Dalton	1984	Defeated
Dartmouth	2000	Adopted
Dartmouth	2000	Adopted
Dedham	1994	Defeated
Dracut	1984	Adopted
Dudley	1989	Defeated
East Longmeadow	2005	Defeated
Eastham	1991	Adopted
Easthampton	1996	Adopted
Falmouth	1990	Adopted
FRAMINGHAM	1992	Defeated
Franklin	1995	Adopted
Franklin	1983	Defeated
Grafton	1987	Adopted
Greenfield	2002	Adopted
Greensfield	1997	Defeated
Harwich	1987	Adopted
Holliston	1997	Defeated
Hopkinton	2006	Adopted

Longmeadow	2004	Adopted
Ludlow	2008	Defeated
Lunenburg	1999	Adopted
Lunenburg	1986	Defeated
Lynn	1997	Defeated
Mansfield	1999	Defeated
Mansfield	1999	Defeated
Mashpee	2004	Adopted
Maynard	1991	Adopted
Merrimac	1984	Defeated
Millbury	2000	Adopted
Millbury	1989	Defeated
Millbury	2000	Adopted
Nantucket	1996	Adopted
North Andover	1985	Adopted
North Attleborough	1995	Defeated
North Attleborough	1994	Defeated
North Attleborough	2004	Defeated
Northbridge	1991	Adopted
Northbridge	1988	Defeated
Northbridge	1991	Adopted
Norton	1989	Adopted
Orleans	1985	Adopted
Orleans	1987	Adopted
Palmer	2003	Defeated
Plymouth	1999	Adopted
Plymouth	1988	Defeated
Plymouth	1988	Defeated
Plymouth	2002	Defeated
Plymouth	2003	Defeated
Plymouth	2008	Defeated
Provincetown	1990	Adopted
Reading	1985	Adopted
Salem	2003	Defeated
Salisbury	1989	Adopted
Sciruate	2003	Adopted
Seekonk	1995	Adopted
South Hadley	2000	Defeated
South Hadley	1988	Defeated
South Hadley	2000	Defeated
South Hadley	2009	Defeated

Southbridge	2003	Adopted
Spencer	1987	Defeated
Stow	1991	Adopted
Strubridge	1991	Defeated
Sturbridge	1985	Adopted
Swansea	2006	Defeated
Tisbury	1985	Defeated
Townsend	1999	Adopted
Truro	1992	Adopted
Uxbridge	2002	Adopted
Wakefield	1998	Adopted
Wakefield	1998	Adopted
Ware	2007	Adopted
Warren	1987	Defeated
Wayland	1989	Defeated
Wayland	1989	Defeated
Webster	1986	Adopted
Wellfleet	1983	Adopted
West Springfield	2000	Adopted
West Springfield	2000	Adopted
Westborough	1988	Defeated
Westborough	1988	Defeated
Weymouth	1999	Adopted
Weymouth	1999	Adopted
Winthrop	2005	Adopted
Worcester	1983	Adopted

Source: Commonwealth of Massachusetts Department of Housing & Community

## Appendix I: Special Act Charter List of Municipalities

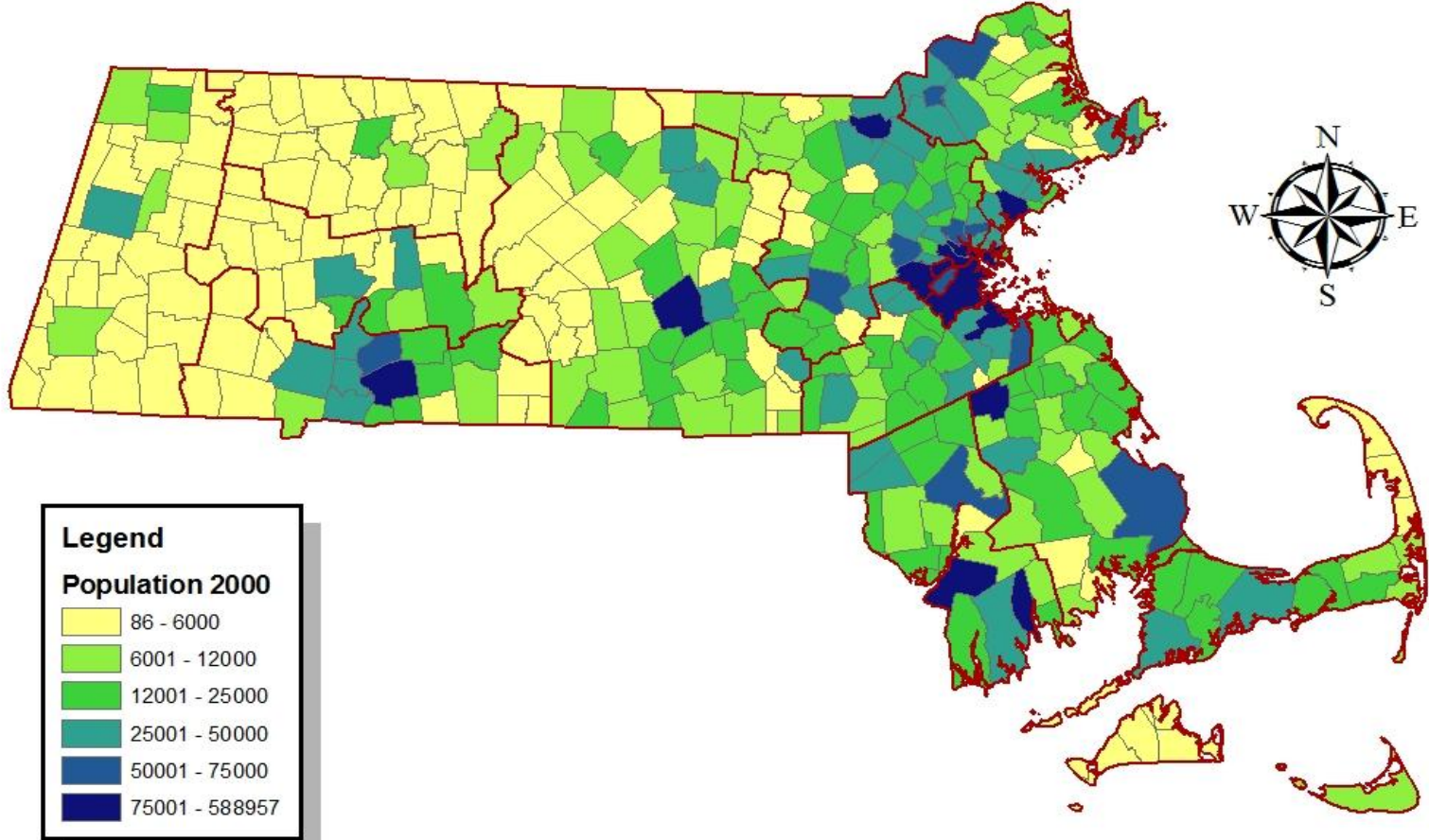
Town	Year SAC	Citation SAC
Abington	2004	Chap 259
Adams	1983	Chap 31
Amherst	2001	Chap 216
Andover	1956	Chap 571
Arlington	1952	Chap 503
Ashburnham	1986	Chap 428
Becket	1989	Chap 662
Braintree	2005	Chap 189
Brookline	1985	Chap 270
Burlington	1978	Chap 549
Carver	1995	Chap 177
Cohasset	1997	Chap 34
Concord	1952	Chap 280
Dalton	1995	Chap 137
Danvers	1997	Chap 222
Douglas	2009	Chap 145
Duxbury	1987	Chap 353
Foxborough	2004	Chap 5
Framingham	1996	Chap 27
Great Barrington	1992	Chap 184
Groton	2008	Chap 81
Hamilton	2009	Chap 114
Hanover	2009	Chap 67
Hanson	2006	Chap 41
Holden	1951	Chap 406
Holliston	1994	Chap 94
Hull	1989	Chap 8
Ipswich	1966	Chap 620
Lakeville	1998	Chap 416
Lee	1991	Chap 471
Lenox	1991	Chap 155
Lexington	1968	Chap 753
Lunenburg	2009	Chap 113
Manchester-by-the-sea	1999	Chap 85
Medway	1991	Chap 303
Middleborough	1920	Chap 592
Nahant	1992	Chap 13

Needham	2004	Chap 176
Newbury	2008	Chap 460
Norfolk	1994	Chap 217
Norwood	1914	Chap 197
Plymouth	2004	Chap 358
Randolph	2009	Chap 2
Sandwich	2009	Chap 106
Saugus	1947	Chap 17
Sheffield	1989	Chap 15
Shrewsbury	1953	Chap 559
Somerset	1984	Chap 7
Spencer	1998	Chap 186
Stoneham	1981	Chap 26
Sudbury	1994	Chap 131
Swampscott	2002	Chap 7
Tewksbury	1986	Chap 275
Upton	2008	Chap 391
Wayland	2004	Chap 320
West Boylston	1995	Chap 23
Westford	2001	Chap 80
Williamstown	1956	Chap 55
Wilmington	1950	Chap 592
Yarmouth	1997	Chap 133

Source: Commonwealth of Massachusetts Department of Housing & Community

**Map 1:**

# MA Population 2000



**Legend**  
**Population 2000**

86 - 6000
6001 - 12000
12001 - 25000
25001 - 50000
50001 - 75000
75001 - 588957

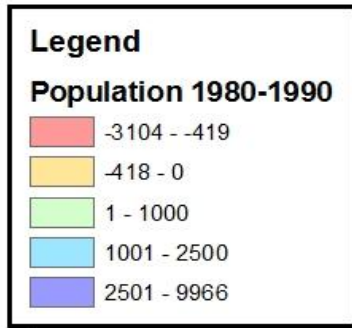
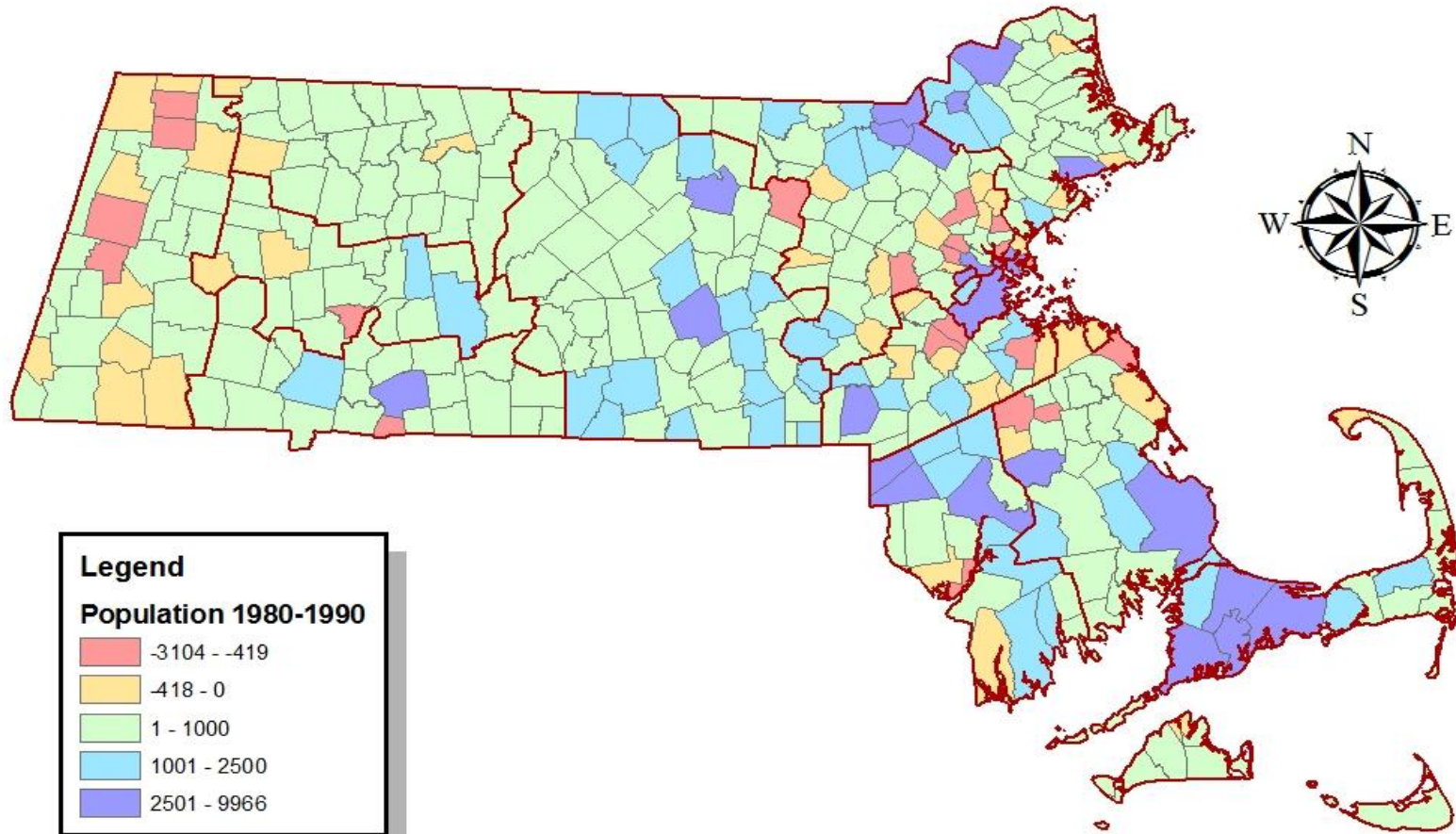
0 5 10 20 30 40 Miles

Created By: Mike Smith  
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/tovns.htm>

**Map 2:**

# MA Population Change 1980-1990



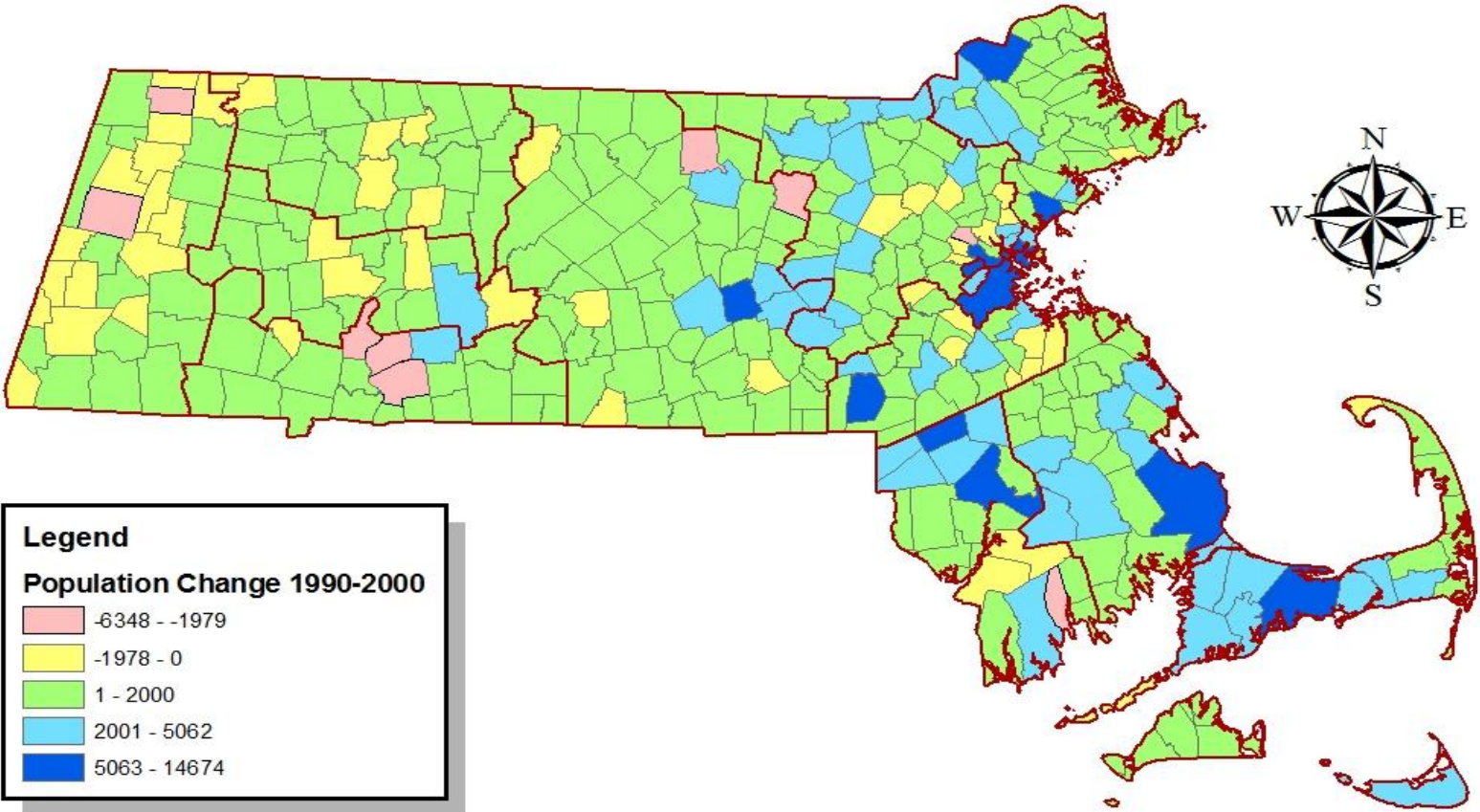
Created By: Mike Smith  
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>



**Map 3:**

# MA Population Change 1990-2000



**Legend**  
**Population Change 1990-2000**

Red	-6348 - -1979
Yellow	-1978 - 0
Light Green	1 - 2000
Light Blue	2001 - 5062
Dark Blue	5063 - 14674

0 5 10 20 30 40 Miles

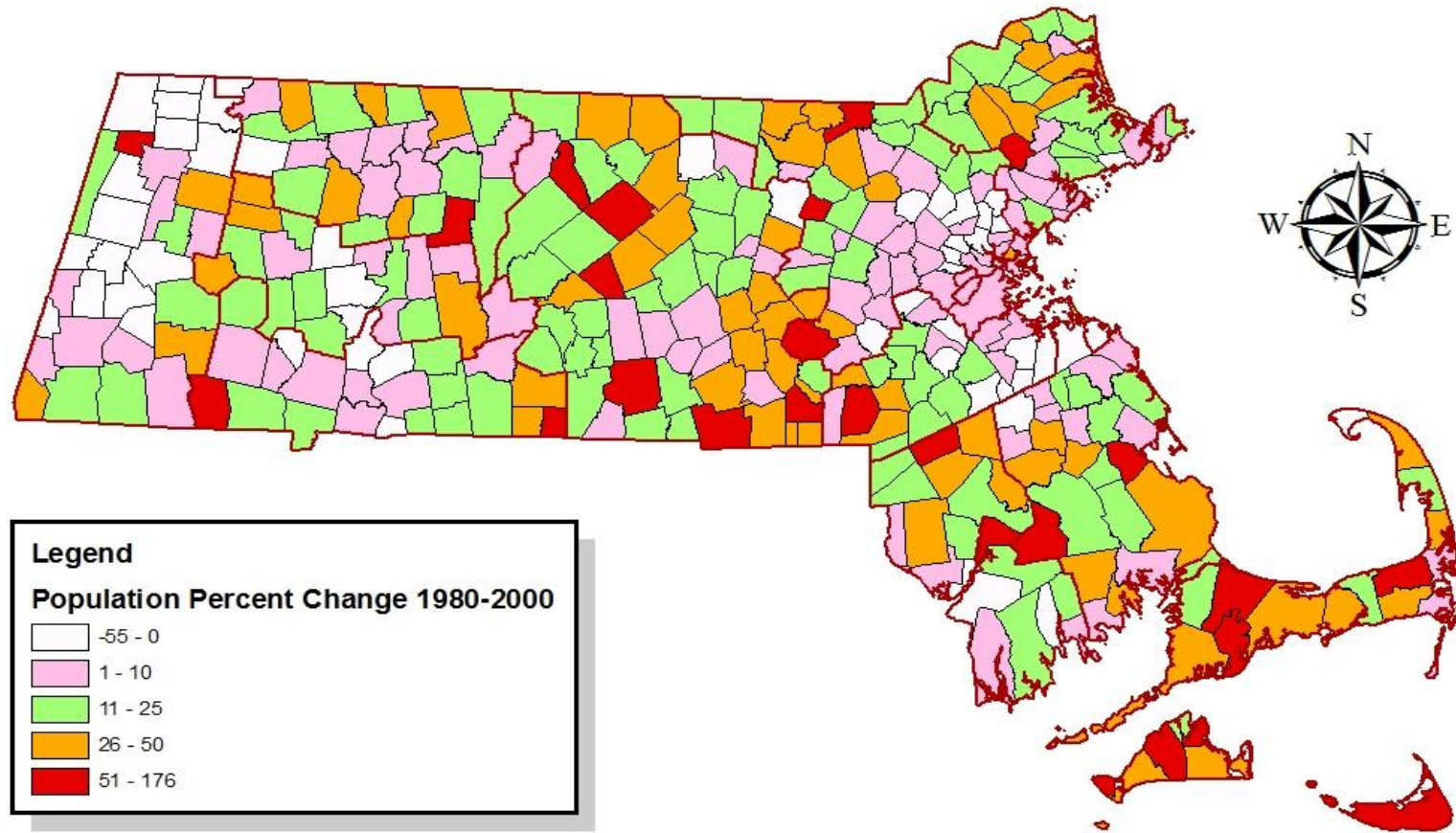
Created By: Mike Smith  
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>



**Map 4:**

# MA Population Percent Change 1980-2000



**Legend**  
**Population Percent Change 1980-2000**

White	-55 - 0
Pink	1 - 10
Light Green	11 - 25
Orange	26 - 50
Red	51 - 176

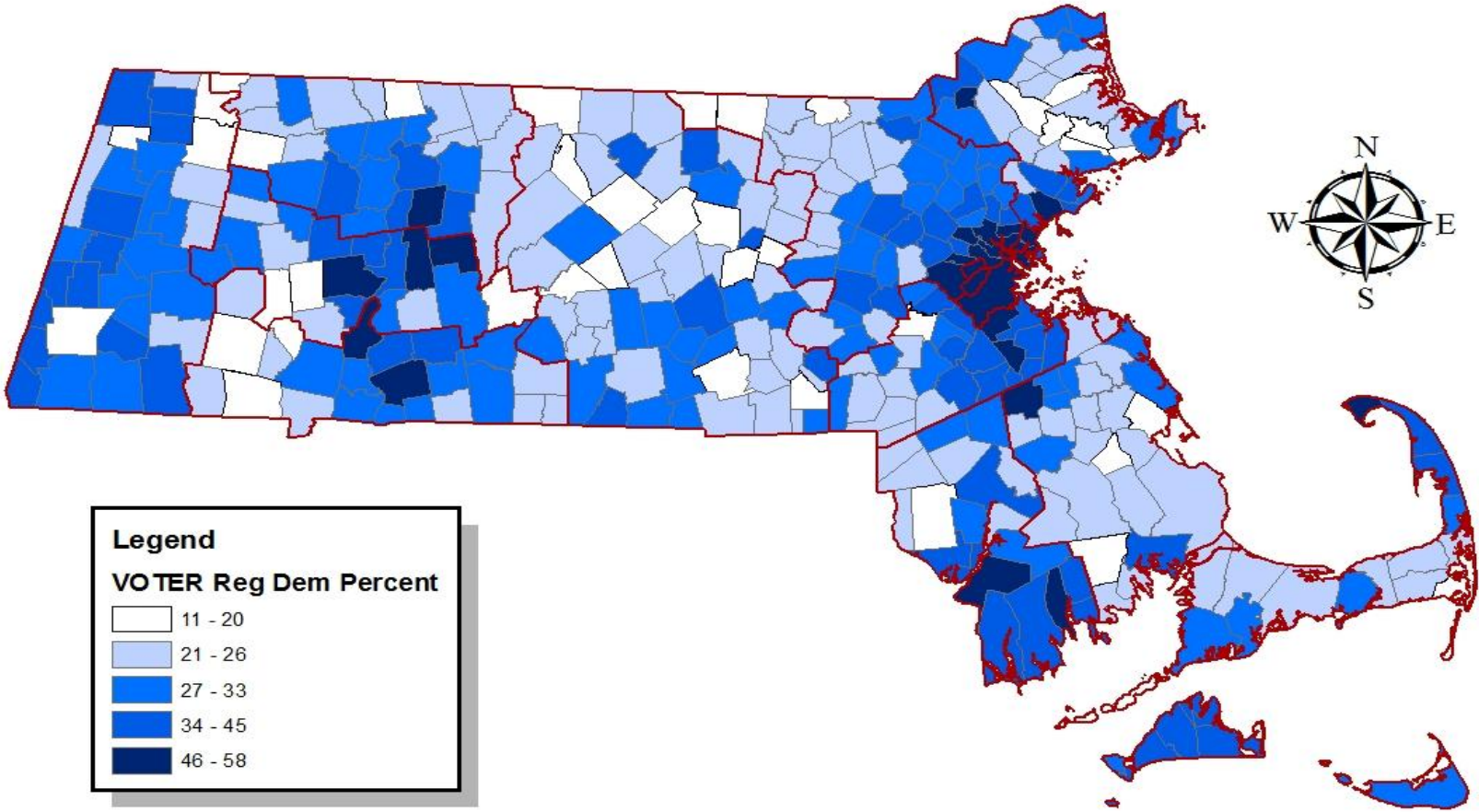
0 5 10 20 30 40  
Miles

Created By: Mike Smith  
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>

**Map 5:**

**Voter Registration Democrat**



**Legend**

**VOTER Reg Dem Percent**

White	11 - 20
Light Blue	21 - 26
Medium Blue	27 - 33
Dark Blue	34 - 45
Very Dark Blue	46 - 58

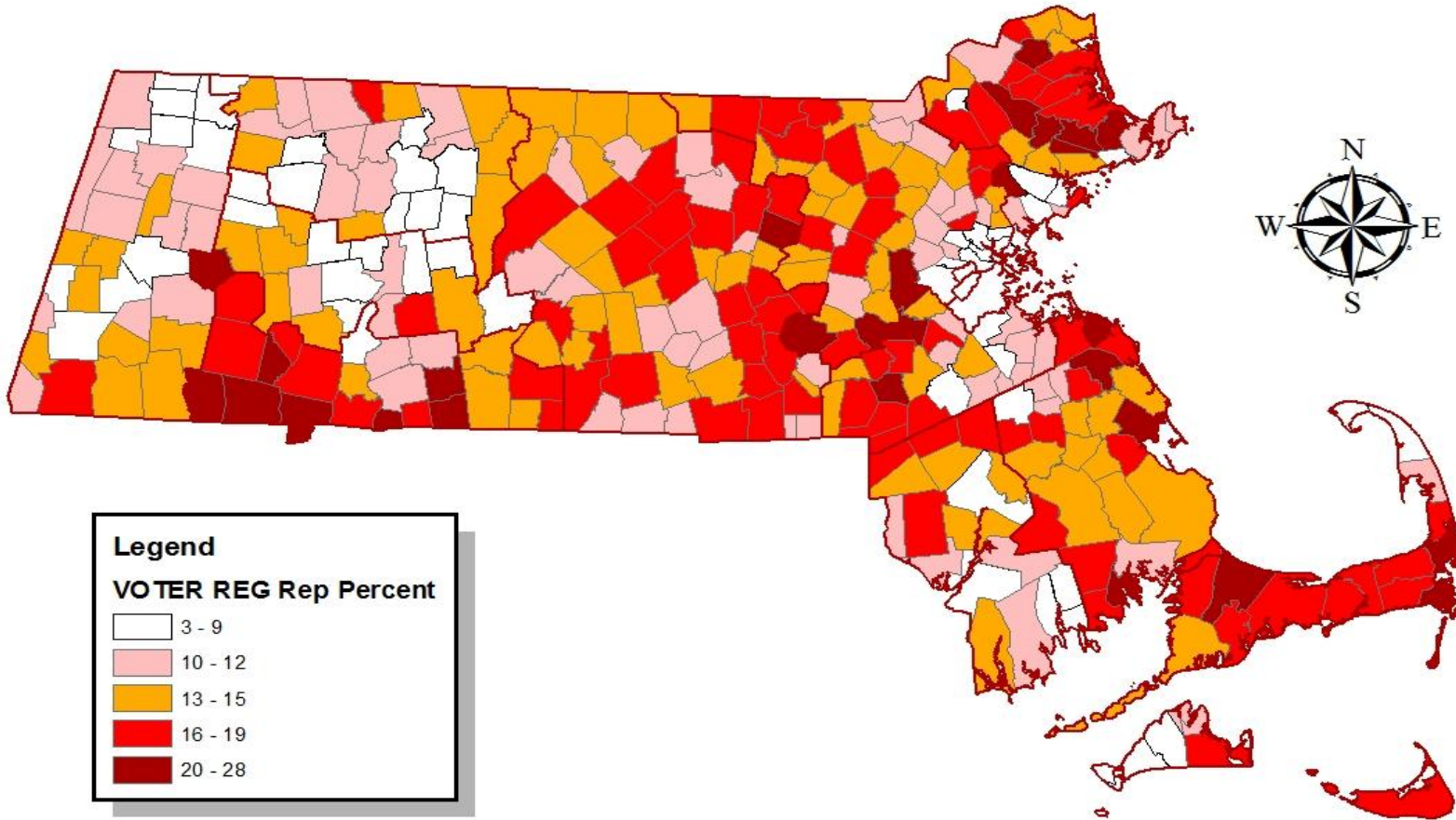
0 4 8 16 24 32 Miles

Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>

**Map 6**

**Voter Registration Republican**



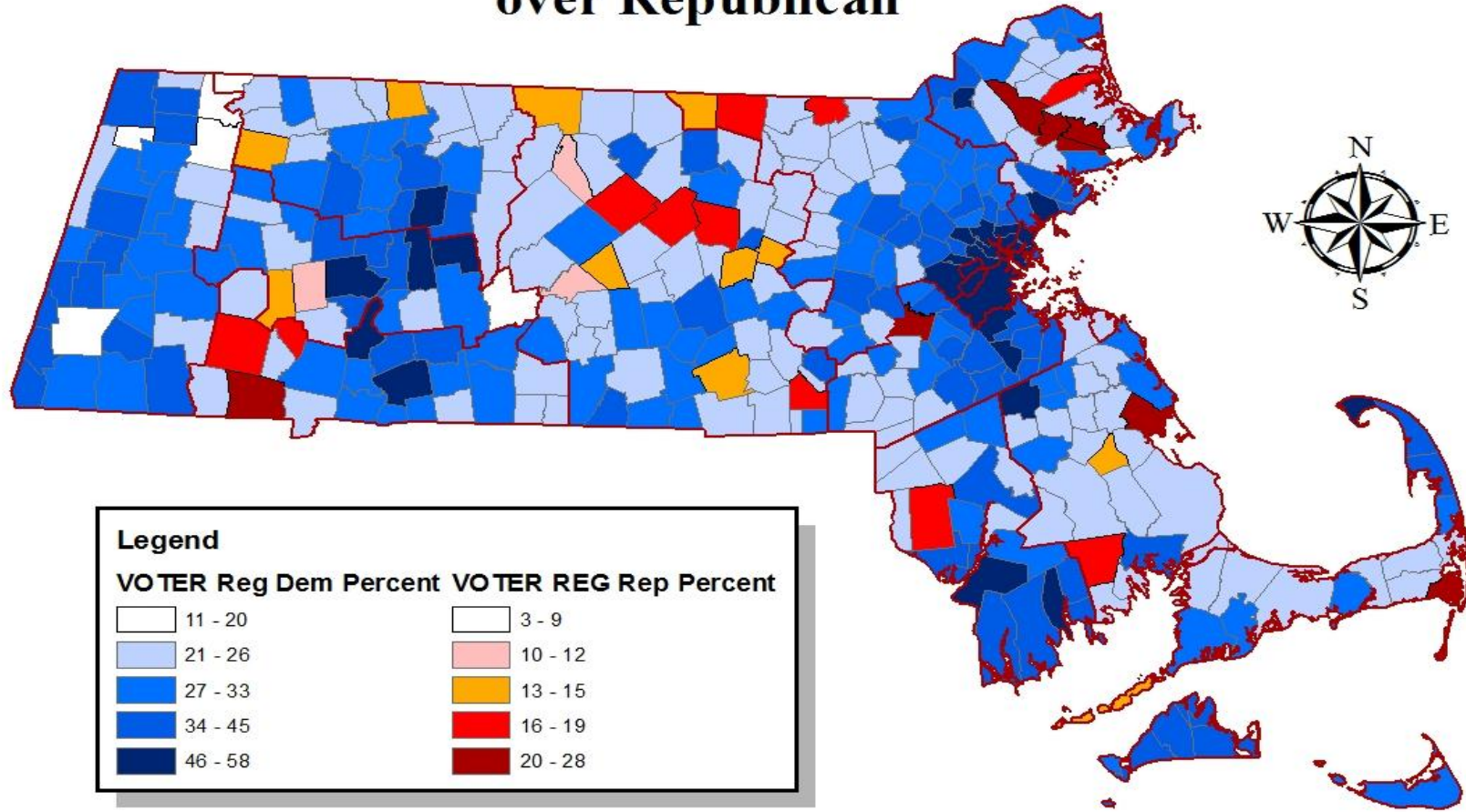
0 4 8 16 24 32  
Miles

Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>



**Map 7:**  
**Voter Registration Democrat  
 over Republican**



**Legend**

VOTER Reg Dem Percent	VOTER REG Rep Percent
11 - 20	3 - 9
21 - 26	10 - 12
27 - 33	13 - 15
34 - 45	16 - 19
46 - 58	20 - 28

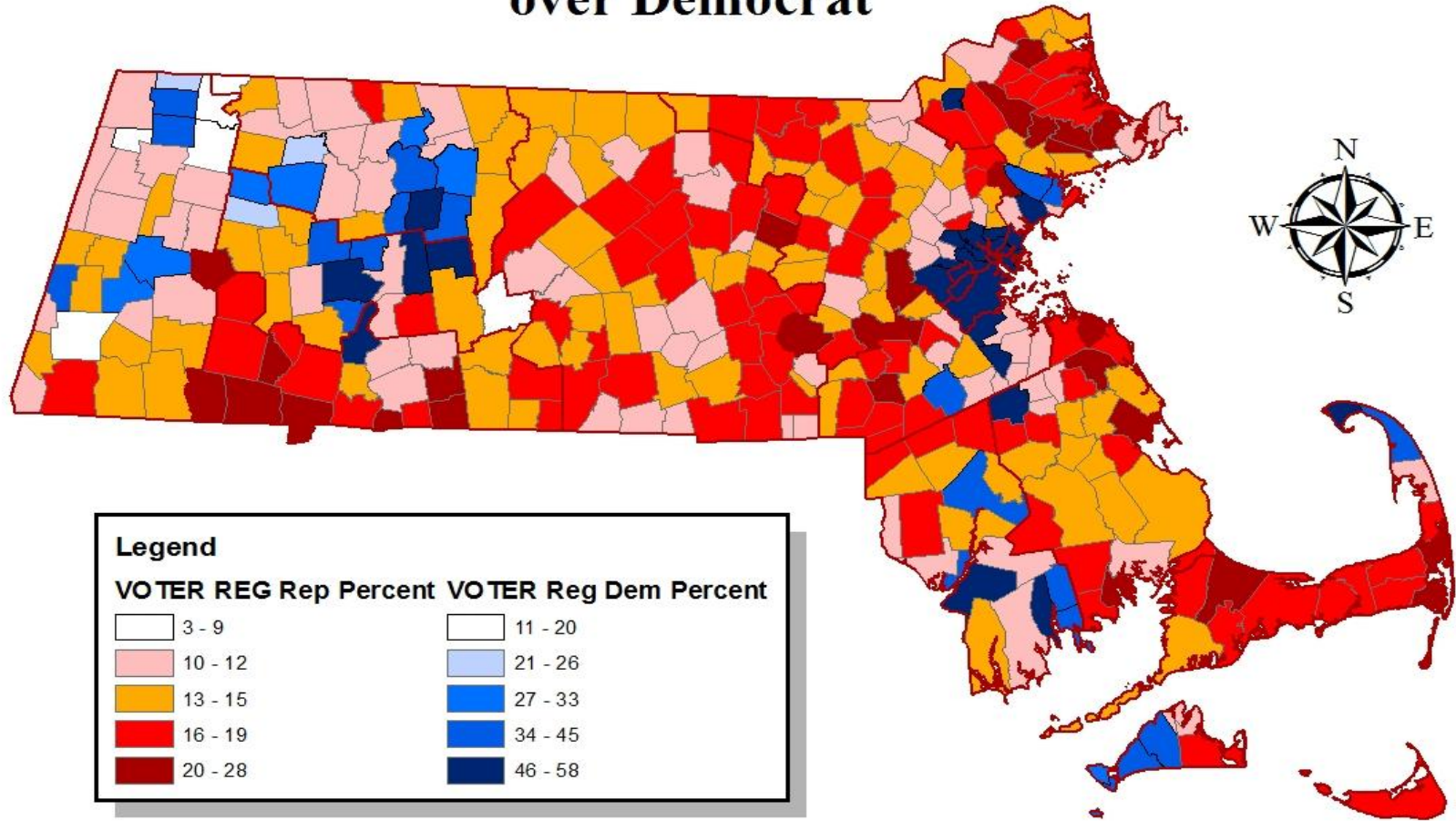
0 4 8 16 24 32  
 Miles

Created By: Mike Smith  
 May 4, 2010

Source Data: MassGIS <http://www.mass.gov/vmgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>

**Map 8**

**Voter Registration Republican  
over Democrat**



**Legend**

VOTER REG Rep Percent	VOTER Reg Dem Percent
3 - 9	11 - 20
10 - 12	21 - 26
13 - 15	27 - 33
16 - 19	34 - 45
20 - 28	46 - 58

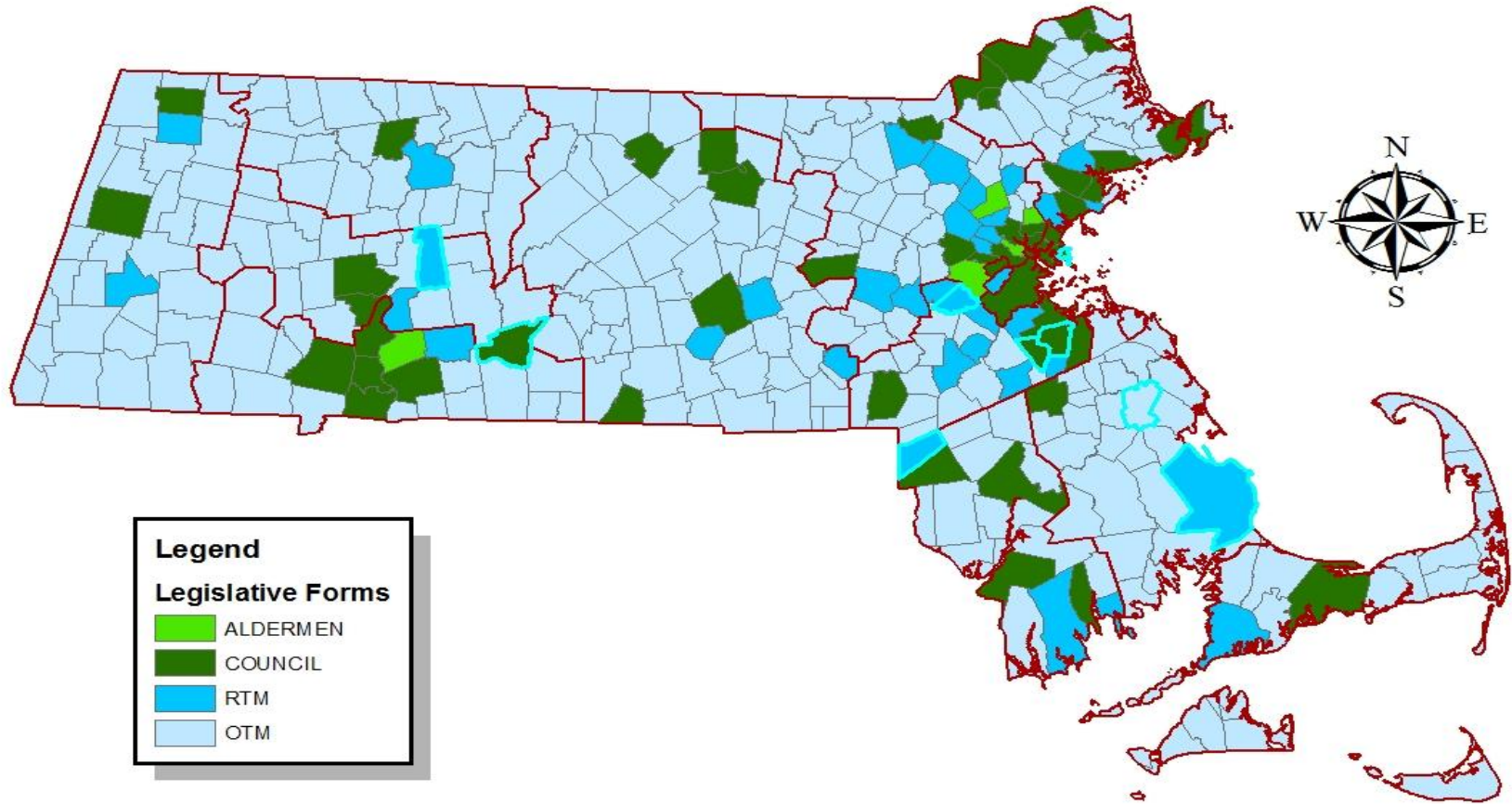
0 4 8 16 24 32 Miles

Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>

**Map 9**

# Local Legislative Forms



**Legend**

**Legislative Forms**

- ALDERMEN
- COUNCIL
- RTM
- OTM

0 4 8 16 24 32 Miles

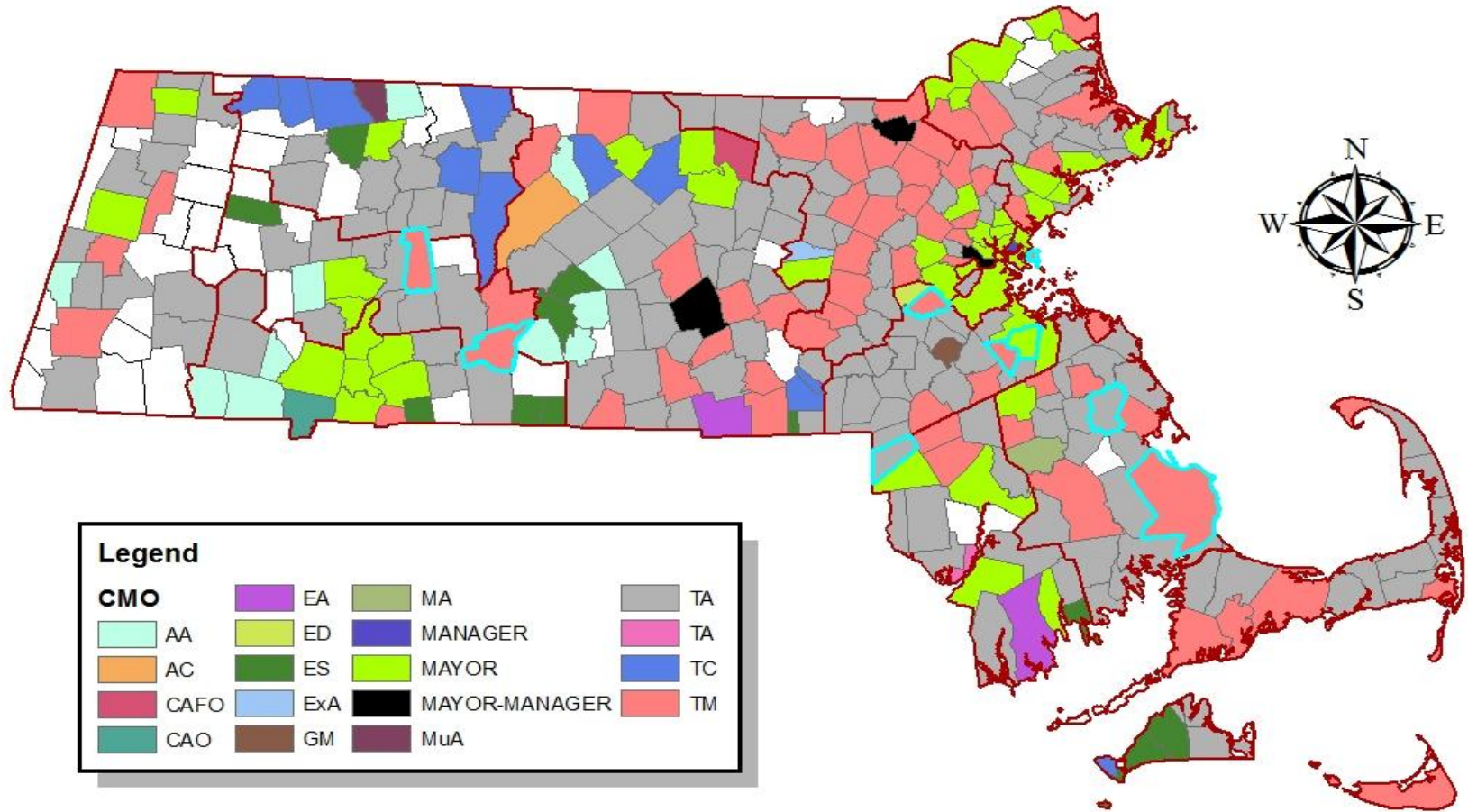
Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org>



**Map 10**

# Chief Municipal Officer



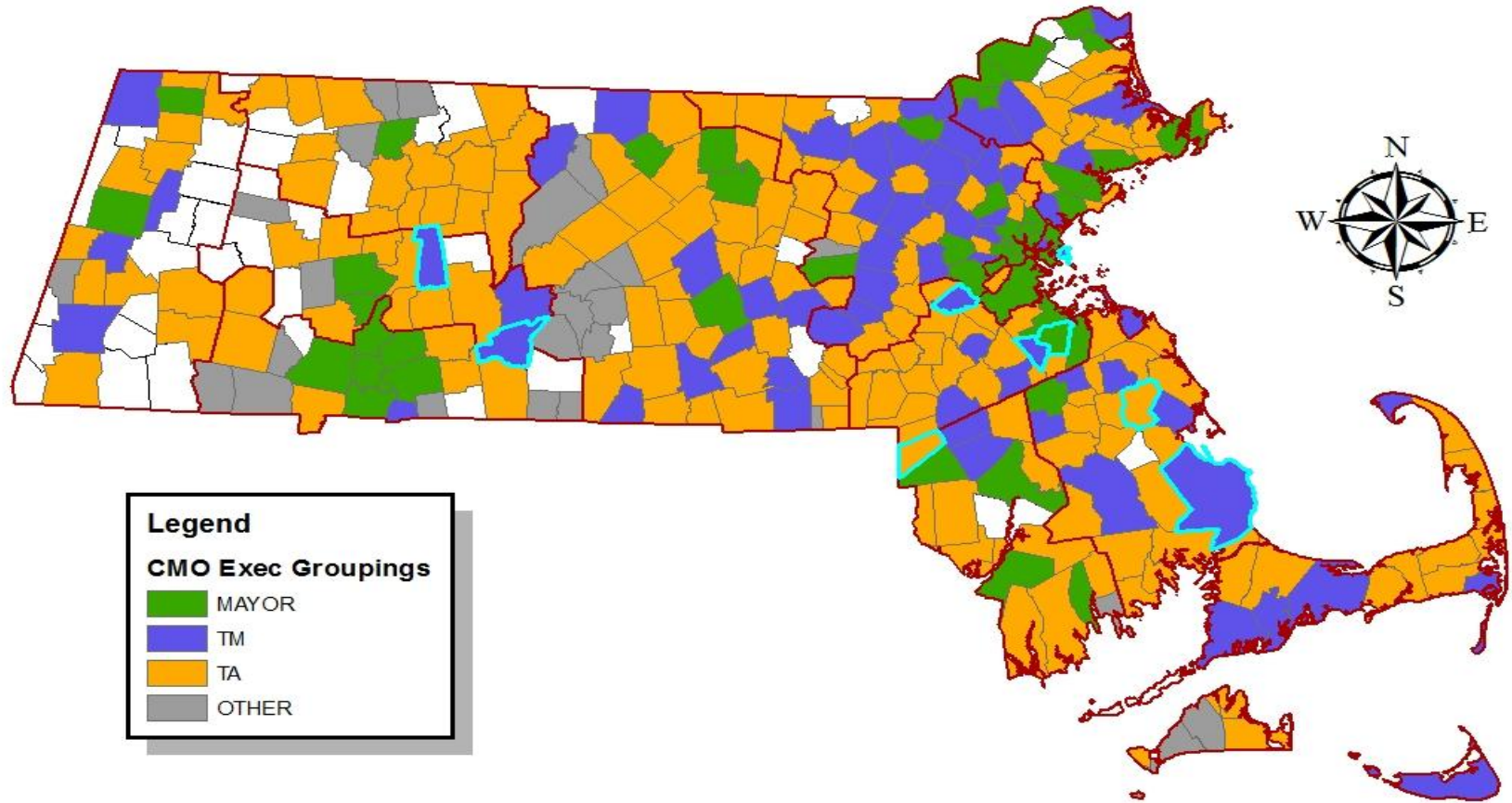
0 4 8 16 24 32  
Miles

Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org>

**Map 11**

**Chief Municipal Officer Groupings**



**Legend**  
**CMO Exec Groupings**

- MAYOR
- TM
- TA
- OTHER

0 4 8 16 24 32 Miles

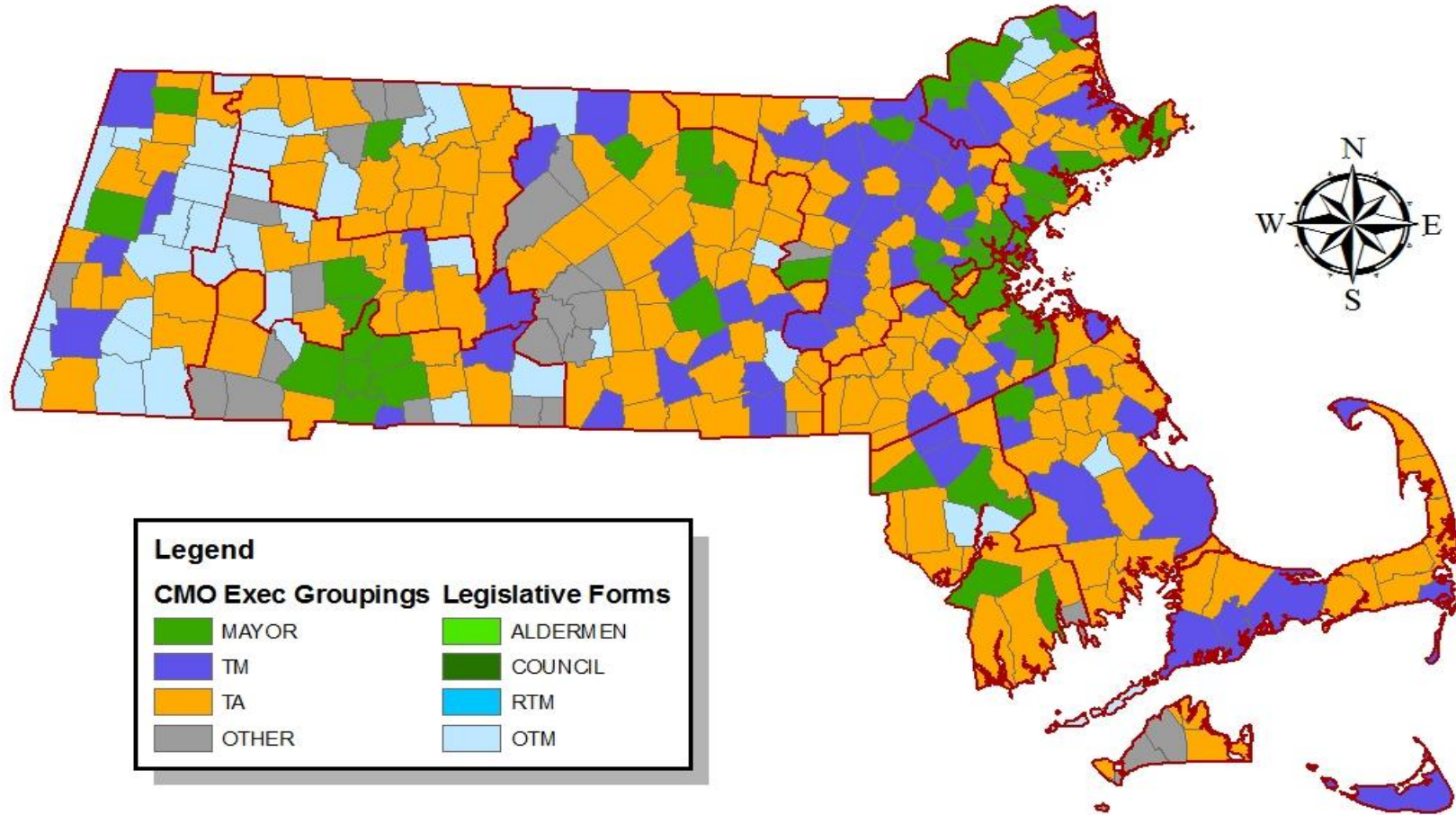
Created By: Mike Smith  
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org/>

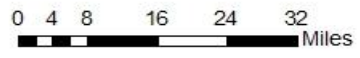


Map 12

# CMO over Leg Form



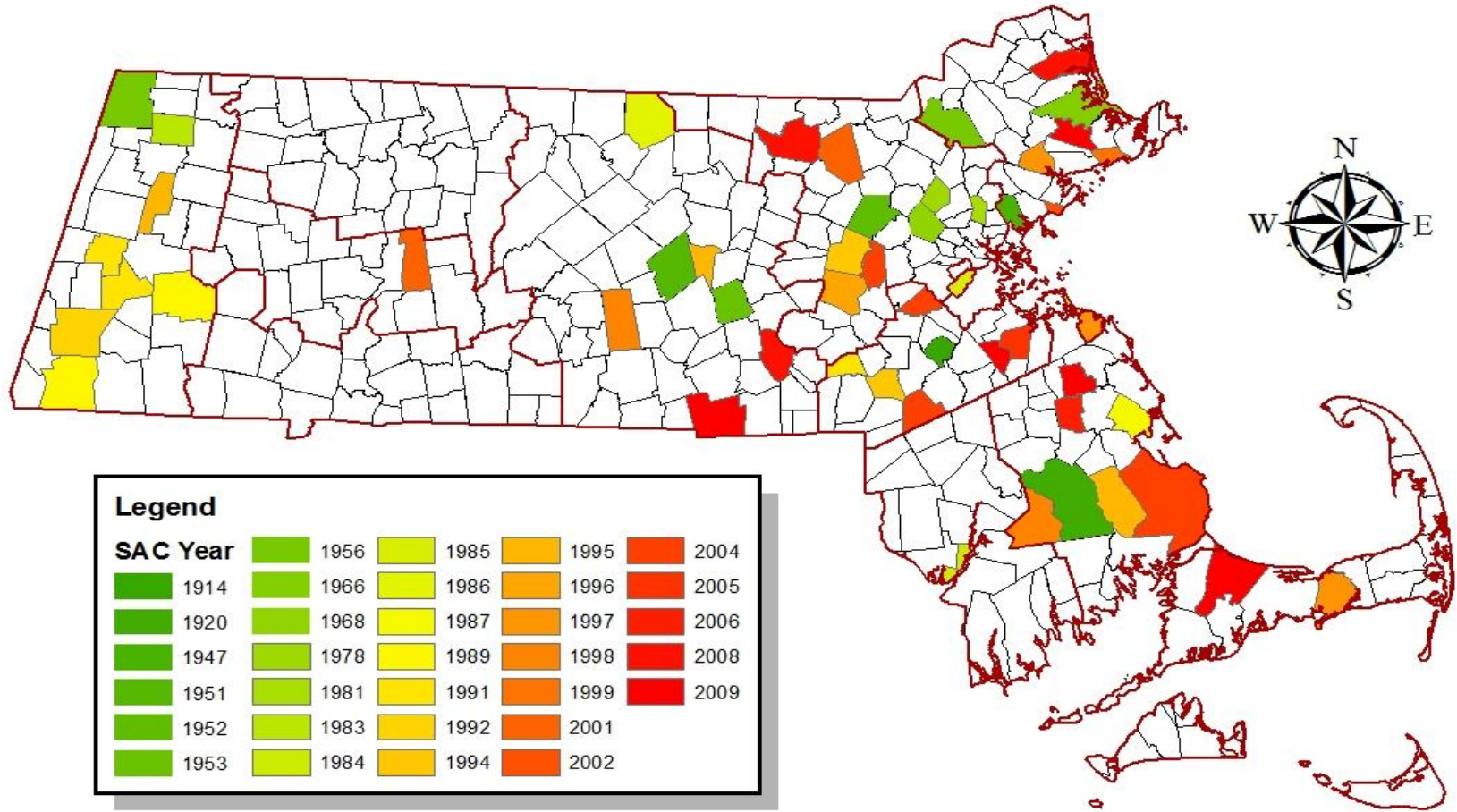
Legend	
CMO Exec Groupings	Legislative Forms
MAYOR	ALDERMEN
TM	COUNCIL
TA	RTM
OTHER	OTM



Created By: Mike Smith  
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>

**Map 13**  
**Special Act Charter**



Legend			
SAC Year			
	1956	1985	1995
	1914	1966	1986
	1920	1968	1987
	1947	1978	1989
	1951	1981	1991
	1952	1983	1992
	1953	1984	1994
		1996	2004
		1997	2005
		1998	2006
		1999	2008
		2001	2009
		2002	

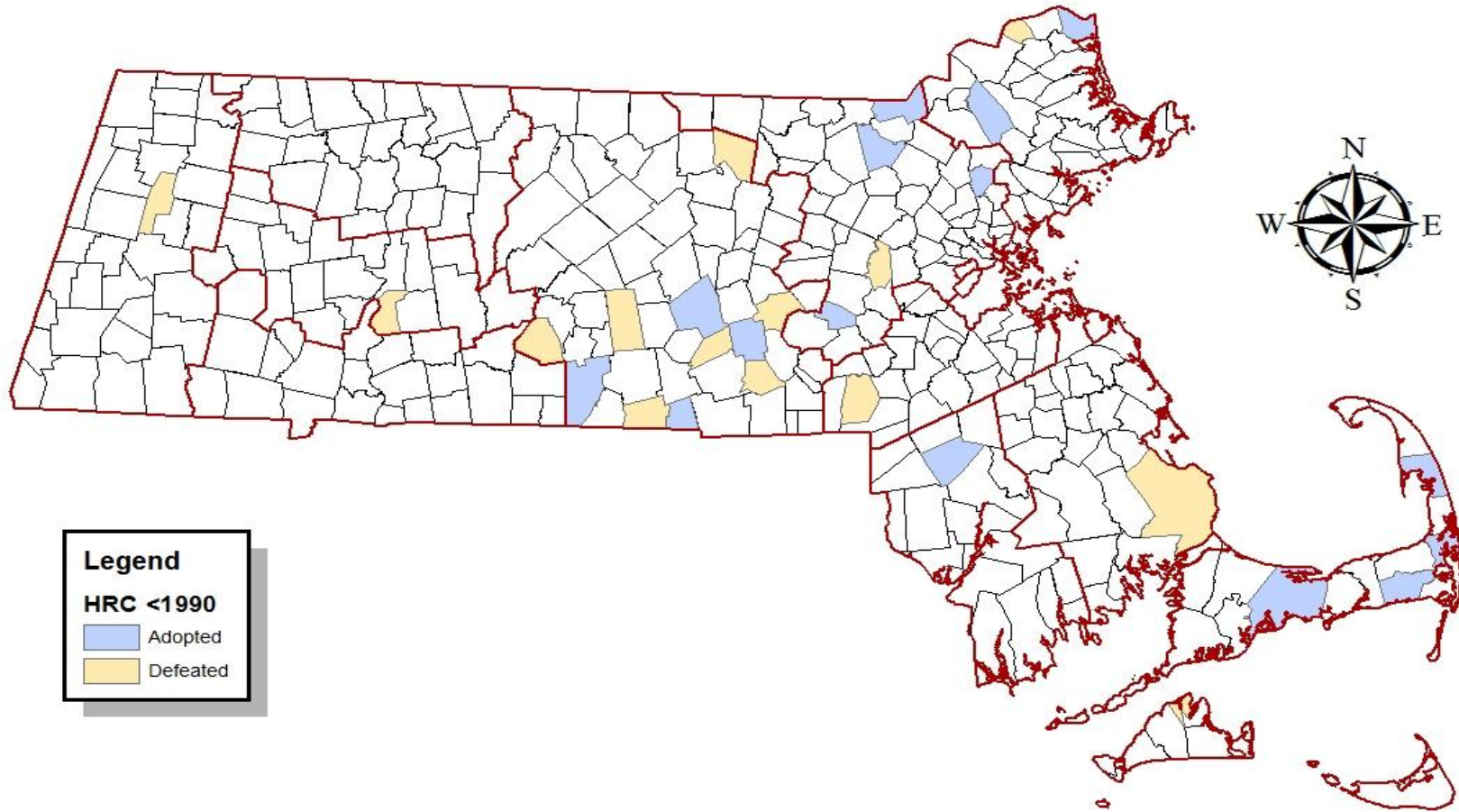
0 4 8 16 24 32 Miles

Created By: Mike Smith  
 May 4, 2010

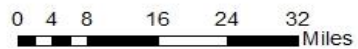
Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>

**Map 14**

**Home Rule Charter Action Pre-1990**



**Legend**  
**HRC <1990**  
Adopted  
Defeated



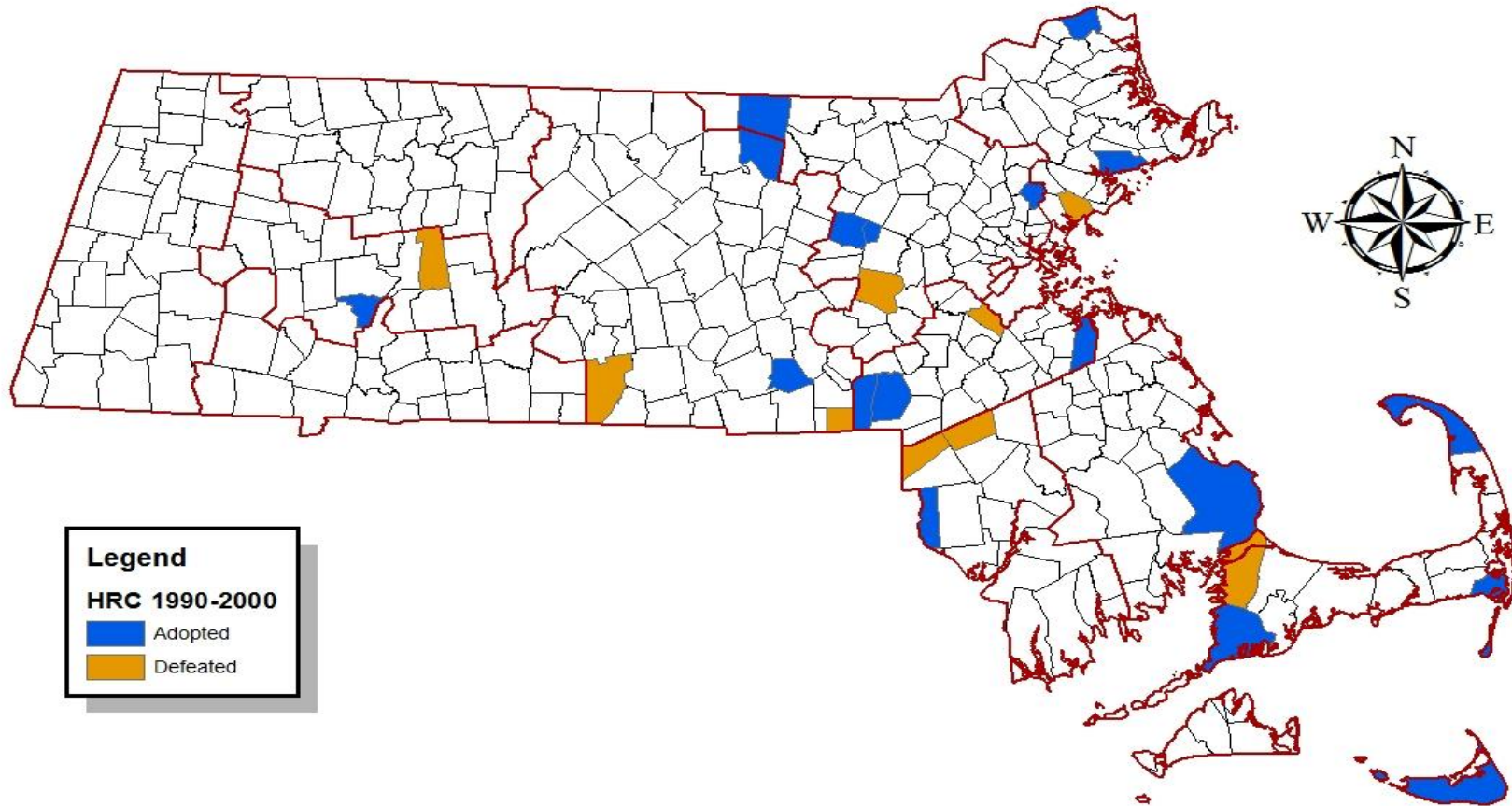
Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>



**Map 15**

**Home Rule Charter Action 1990-2000**



**Legend**  
**HRC 1990-2000**  
■ Adopted  
■ Defeated

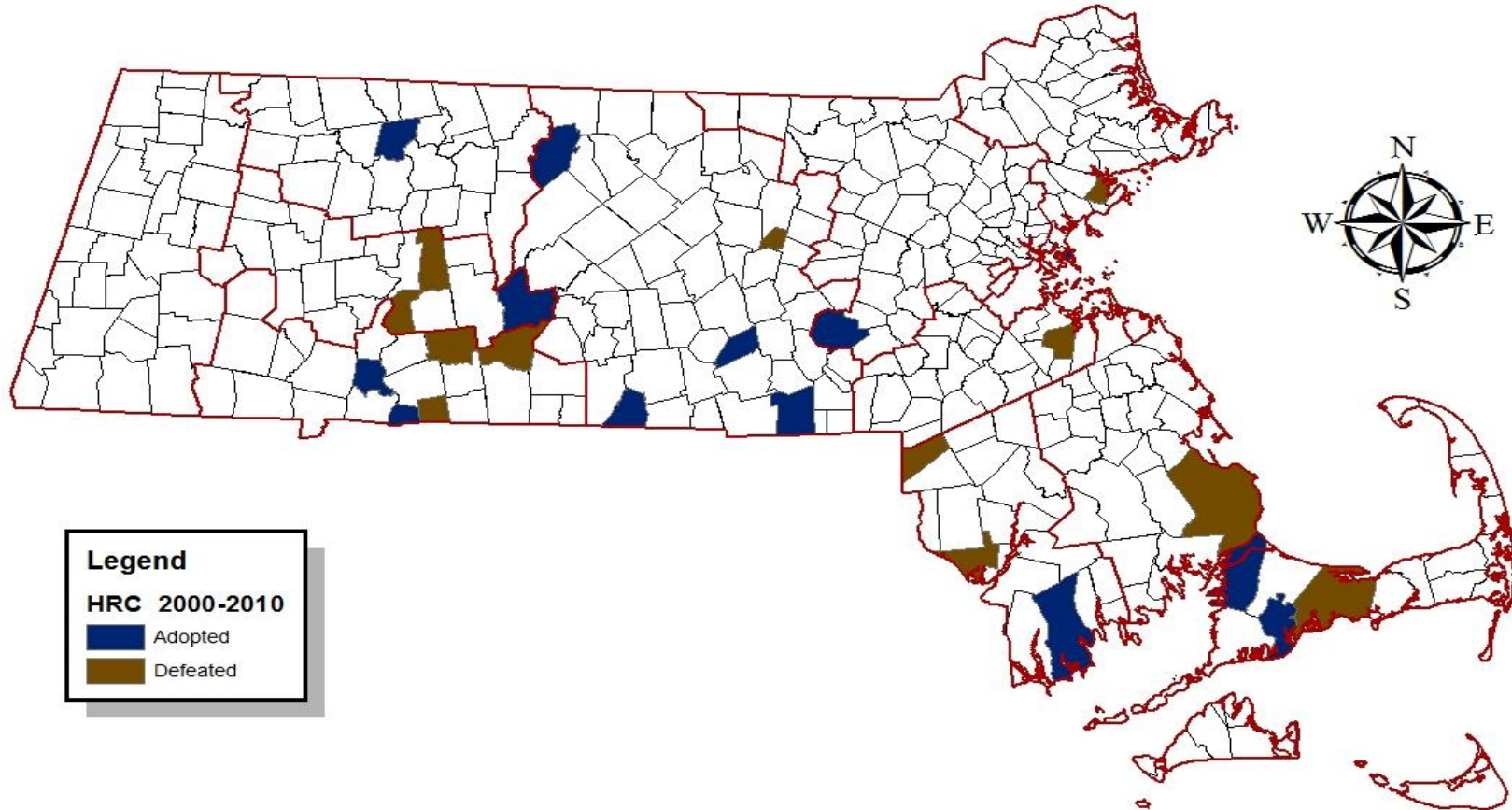


Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>

**Map 16**

**Home Rule Charter Action 2000-2010**



**Legend**

**HRC 2000-2010**

- Adopted
- Defeated

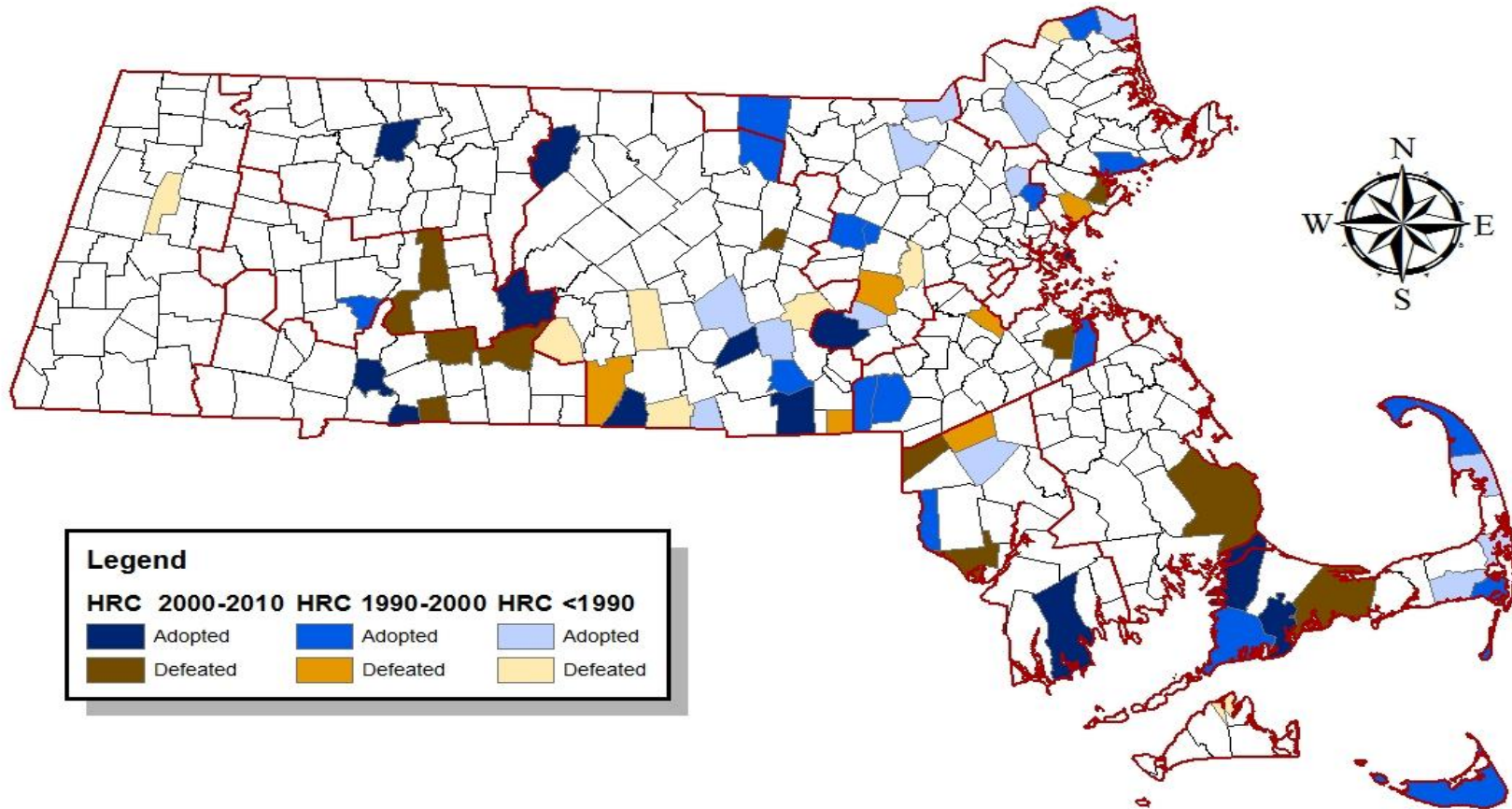
0 4 8 16 24 32 Miles

Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>

**Map 17**

**Home Rule Charter Action**



Legend		
HRC 2000-2010	HRC 1990-2000	HRC <1990
Adopted	Adopted	Adopted
Defeated	Defeated	Defeated

0 4 8 16 24 32 Miles

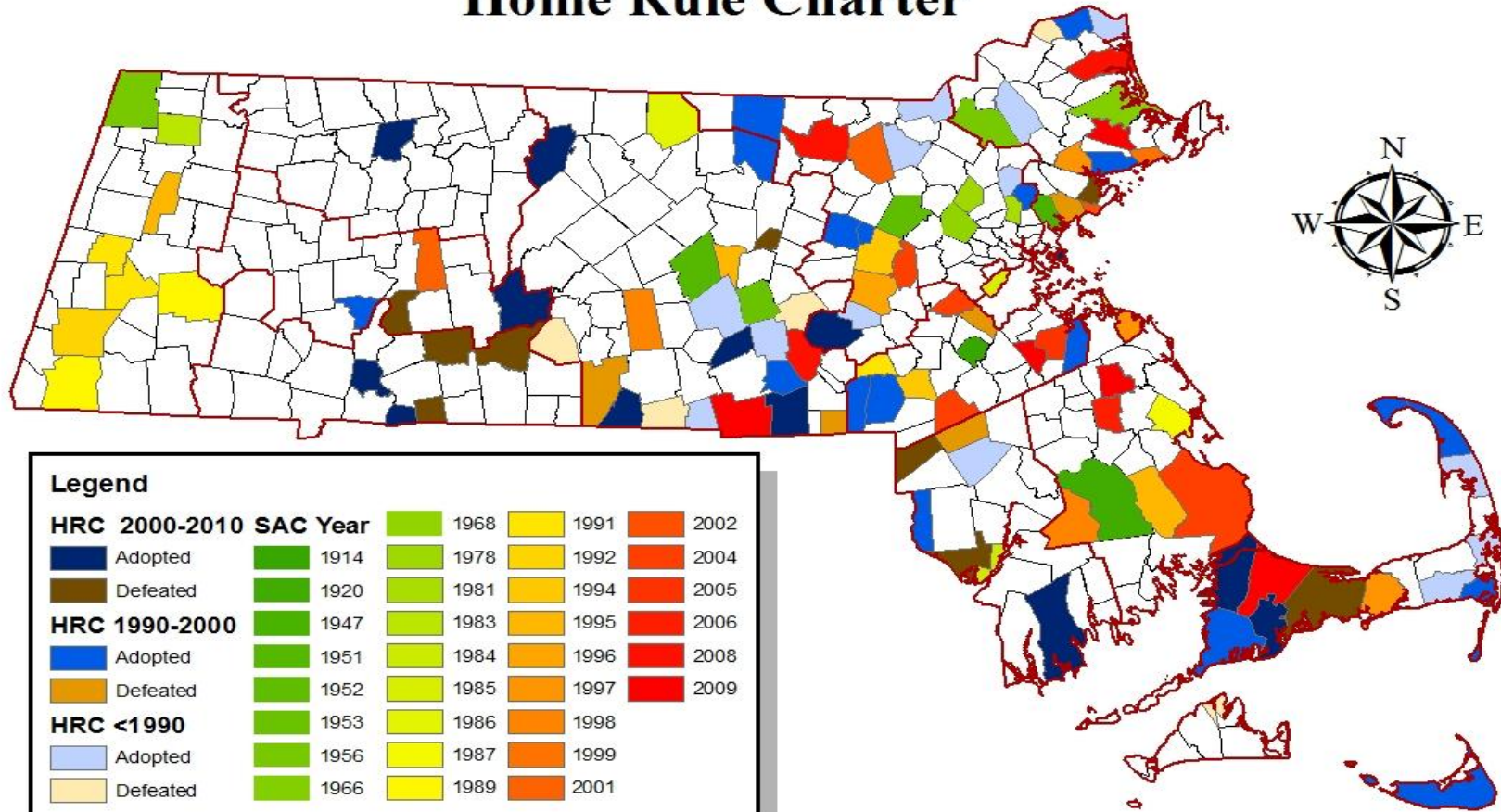
Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>



**Map 18**

**Special Act Charter over  
Home Rule Charter**



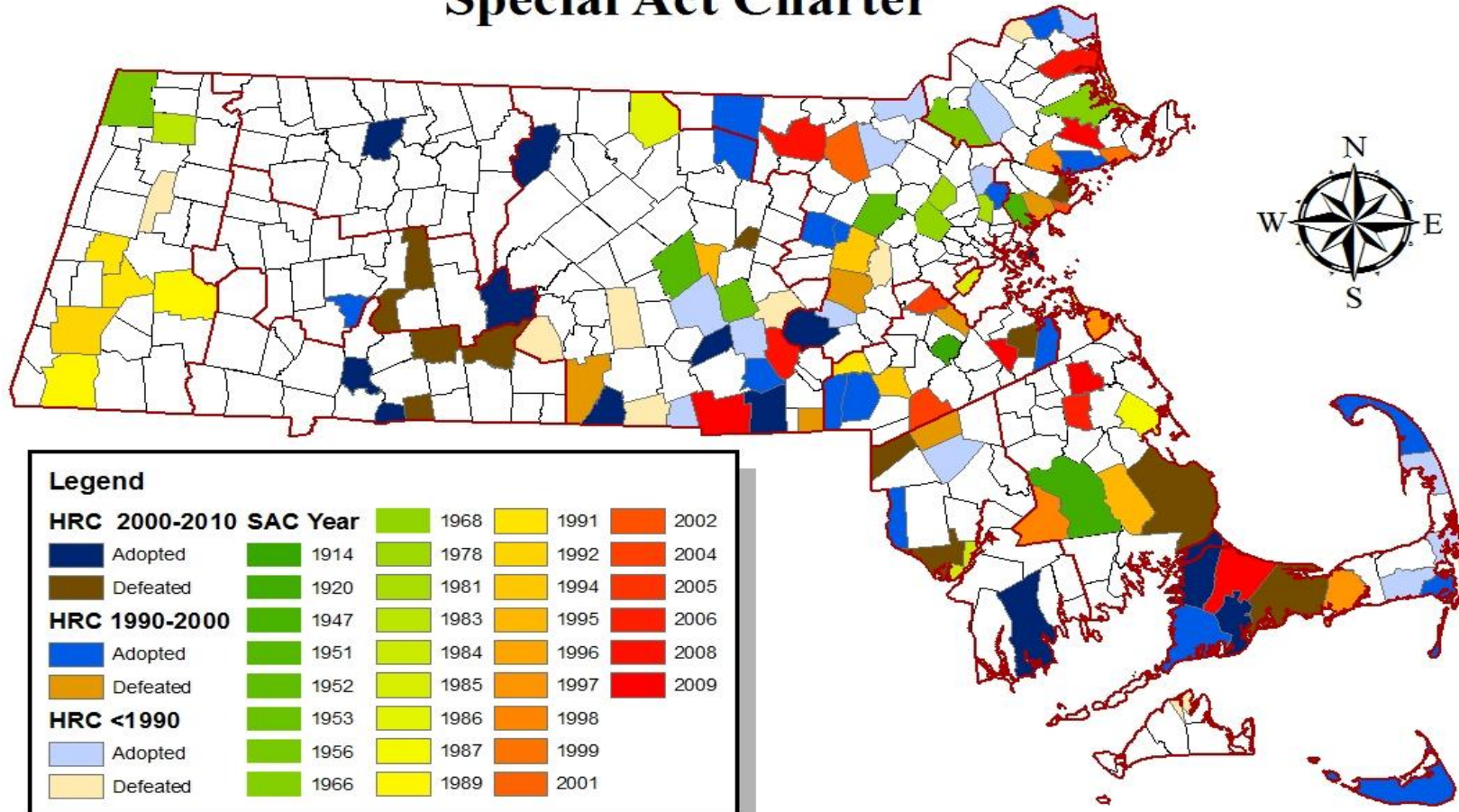
0 4 8 16 24 32 Miles

Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>

**Map 19**

# Home Rule Charter over Special Act Charter



0 4 8 16 24 32  
Miles

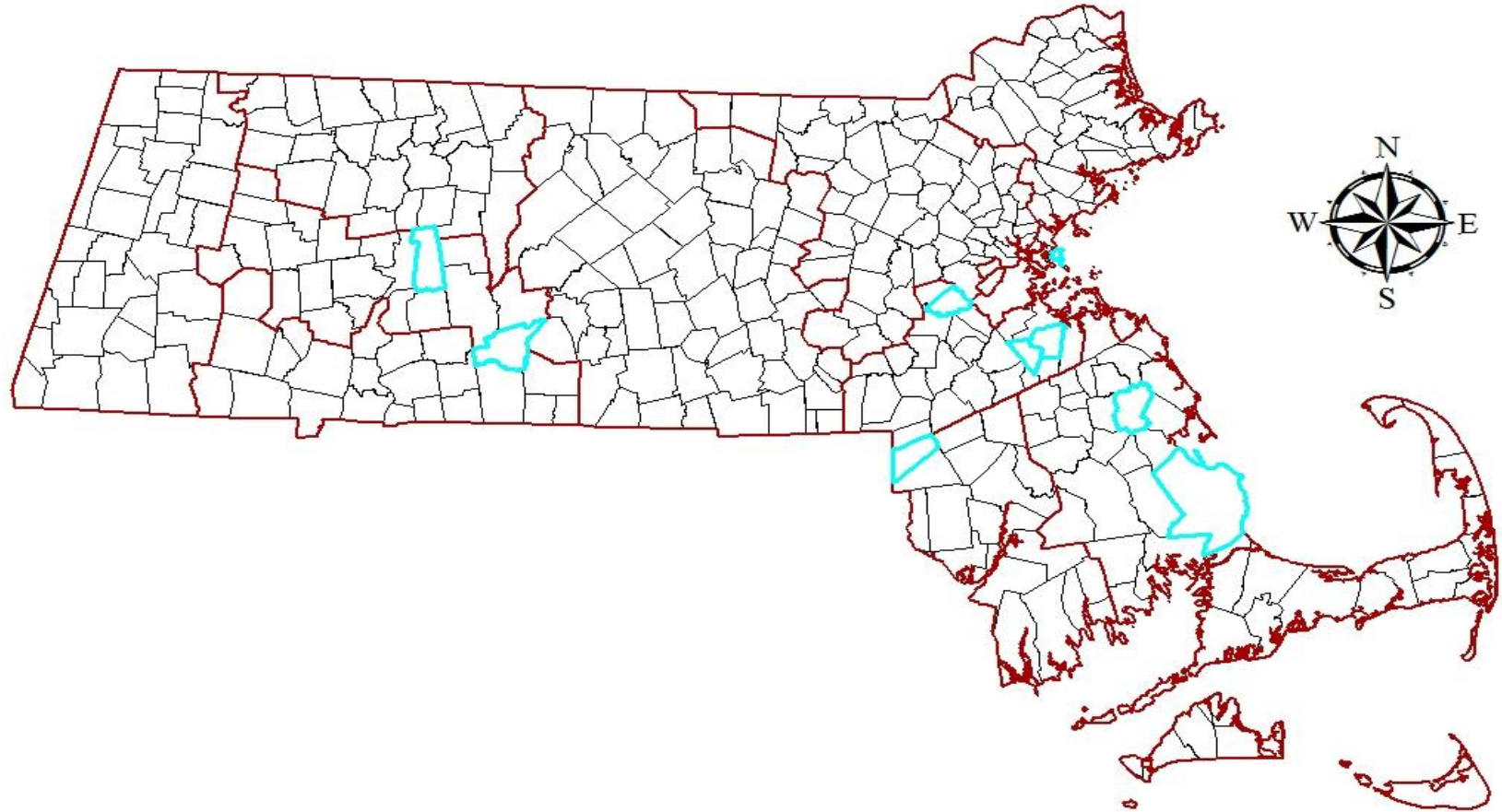
Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>



**Map 20**

# Case Study Communities



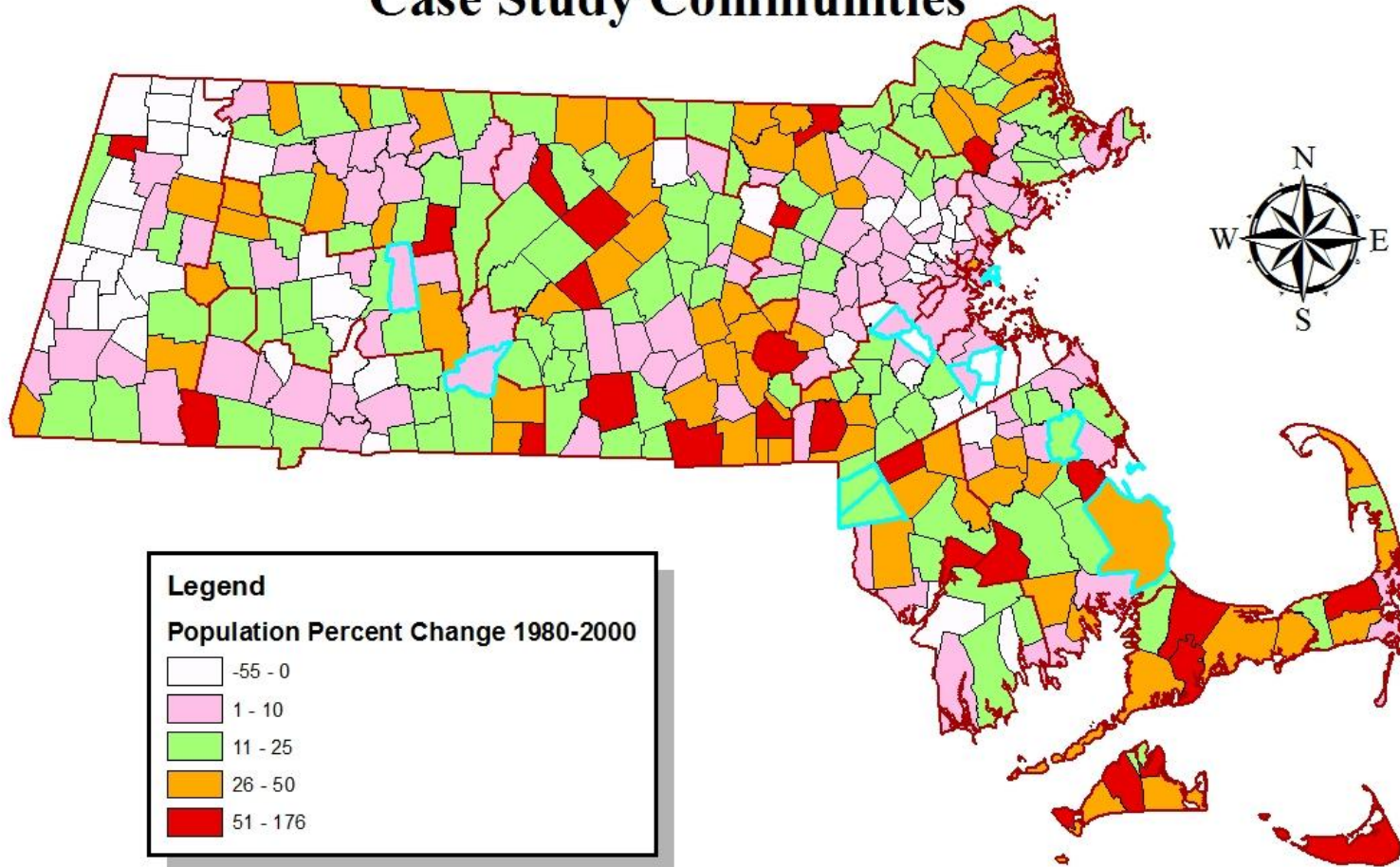
0 4 8 16 24 32 Miles

Created By: Mike Smith  
April 27, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org/>

**Map 21**

**Population Change 1980-2000  
Case Study Communities**



0 4 8 16 24 32  
Miles

Created By: Mike Smith  
May 4, 2010

Source Data: MassGIS <http://www.mass.gov/mgis/towns.htm>  
<http://www.mma.org> <http://www.sec.state.ma.us/>