

## GOVERNANCE

One of the main issues with looking at government is that it is frequently tempered by current issues rather than long-term development. Care must be taken that the Master Plan is not designed to ‘fix’ problems which might be temporary conditions. That being said:

**TOWN VISION:** There needs to be a clearly articulated town vision. The Master Plan provides a venue for such a statement. It identifies multiple Implementation Action Tasks that taken together can serve as the basis of a vision statement. The form and structure of government should then be developed to support that mission.

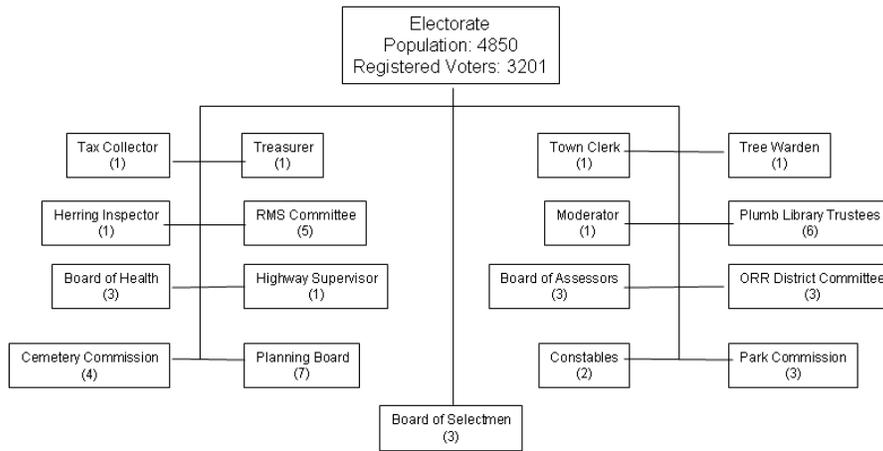
**CURRENT FORM:** Rochester operates under the Town Meeting form of government. Town meetings are open whereby each registered voter can attend and vote on matters pending before the meeting. In this form of government the voters are the legislative body of the town and are charged with passing by-laws and raising and appropriating revenue.

**STRUCTURE:** The town has an extremely decentralized organizational structure. Based on the 2005 Annual Report of Rochester there are seventeen independently elected officials and boards on which there are forty-six seats. These offices and boards represent one elected position per seventy registered voters. In addition, the Board of Selectmen appoints people to various positions and boards. Some of the appointed boards are standing boards; others are organized to work on specific

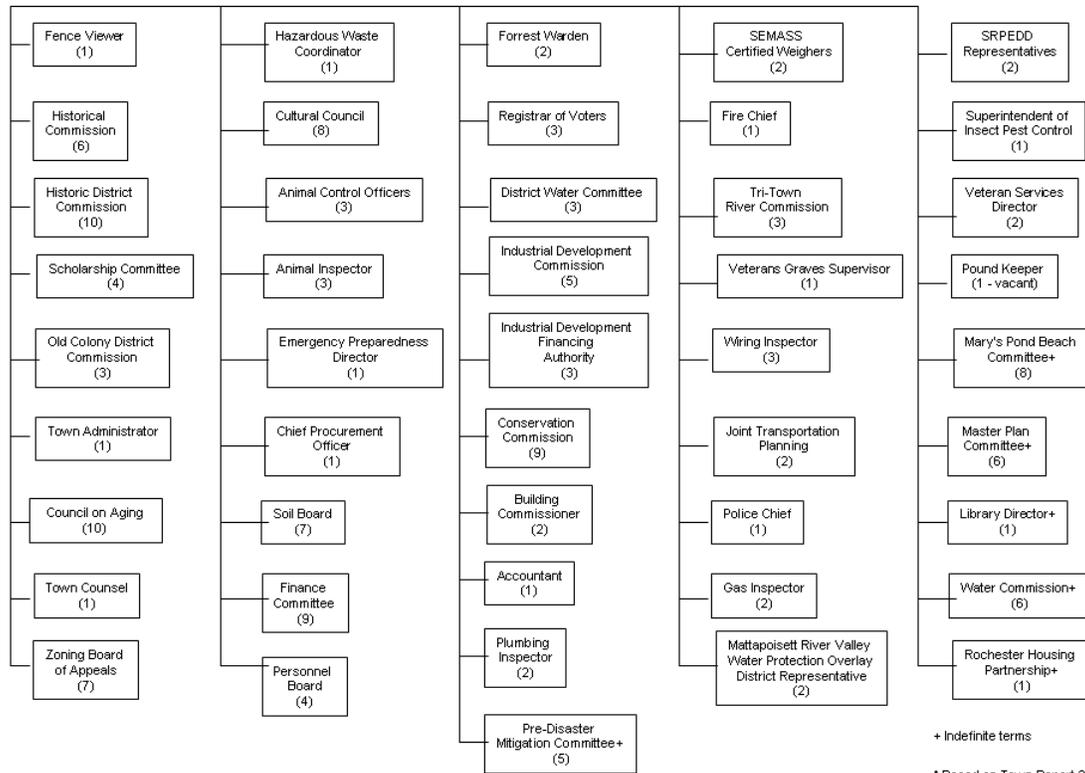
projects. Not counting the public safety personnel, these boards and offices are composed of 156 seats, or one appointed person for every twenty registered voters. The concept of checks and balances is provided by the semi-autonomous authority of each board. The voters, as the legislative body, provide oversight that policies and procedures are applied as intended. This is accomplished through access to meetings, access to minutes, as well as reports available in the Town of Rochester Annual Report. The following charts show the organizational structure of the current town government:



## Organizational Structure of Elected Officials\*



## Organizational Structure of Appointed Officials Under the Board of Selectmen\*



**VOLUNTEERISM:** Many organizations rely on volunteers for their effectiveness. However, within the arena of governance, lack of volunteerism and public involvement has an unusually detrimental impact. The various elected boards rely on volunteers to run and subsequently serve as members. Rochester has been well served by having qualified citizens choosing to run for elected office or as appointed members. Unfortunately, reliance on volunteers being readily available as well as qualified has had its shortfalls. Many board members have served multiple terms because there were no candidates and positions would be vacant had they not placed their names upon ballots. Numerous candidates run unopposed for multiple terms as well. As the town grows, applying by-laws becomes more complex. Demands for services increases, and pressure for board members to be responsive becomes a burden many are not willing to accept. New laws as well as balancing application of current laws may require board members to have specialized skills. The likelihood of people with requisite skills also being willing to devote time on a board tends to diminish with town growth.

Going beyond serving, another aspect of volunteerism is the need to participate in the government process. Under the open meeting structure the registered voters are the legislative body. Each voter is given an opportunity to speak on any matter before the town prior to a vote being taken. However, although each voter has an equal say in matters, the participation level tends to be very low. In general, attendance at annual meetings is roughly 150 of 3200 registered voters. In other words 5% of

the voters actually fulfill the duties of the legislative body.

***Alternate form of Town Meetings:***

There are two forms of Town Meeting government. The original Town Meeting format, currently in use by the town, provides each registered voter an opportunity to speak on issues in an open forum and then all attending registered voters may cast their vote. The other type of Town Meeting is the representative form, where voters select a limited number of representatives to represent and vote for them in Town Meetings. Under state law, the representative form of government requires a minimum population of 6000 people. The independent nature of the early colonists and the sense of ownership-of-government is a hallmark of American democracy. It is unlikely the citizenry of Rochester will part from the open form of Town Meeting in the foreseeable future.

***Alternate forms of positions:*** Some aspects of duties have evolved over time such that specific skill sets are required for success. The general increase in technology and lifestyle of the population has resulted in the demand for faster turn-around times for decisions to be made. There is also an expectation of faster cycle times for policies to be developed and implemented. Such expectations may result in various positions needing to be available on a full-time rather than part time (or less) basis. The increasing needs of a growing population, coupled with a general decrease in volunteerism have resulted in communities reducing the numbers of elected positions and relying more on appointed or hired positions.

An elected position is one in which the voters are asked to select the best qualified person. A person runs for office based on desire to serve in the position. Typically there are requirements to run for office such as minimum age as well as being a citizen of the town. While a position may require certain skill sets, there are no provisions to restrict candidates based on those skills. By default, the elected person is qualified for the position. If a person subsequently performs below the expectations of the citizenry the voters select a new person at the next election cycle. The citizenry also maintains the right of recall should they feel the incumbent has failed in their duties. In some instances a position for which there are no candidates may remain vacant, or may have someone designated as a replacement. It is unknown which elected positions within the town may remain vacant and which must be occupied. Nor is there an articulated policy on how such positions would be filled.

An appointed position is one in which some appointing body (usually the Board of Selectmen) selects the person. Typically any requisite skills and duties are defined in a call for volunteers. In the case of paid positions there is a more defined job description outlining skills, duties, and expectations. A search is conducted over a specified time. At the end of the search period the appointing body selects the best qualified person. The appointing body does not nominate a person for approval by the legislative body of the town. If the person subsequently performs below expectations the appointing body follows some process (usually identified within the contract in the case of paid

appointees) to remove the person. As with elected positions, in some instances a position for which there are no candidates may remain vacant, or may have someone designated as a replacement. It is unknown which appointed positions within the town may remain vacant and which must be occupied. Nor is there an articulated policy on how these positions may be filled without a formal search.

Many of the positions in town, appointed or elected, are filled on a volunteer basis. The incumbent may receive a stipend, or some other recompense for expenses. Some duties requiring more time are part-time, paid positions. There is only one full-time elected position (Highway Surveyor). Other positions requiring full-time effort (i.e. policemen, administrative positions etc.) are designated as appointed positions. Their time and effort is usually based on union or contracted agreements. Over time, the duties and expectations of some part-time positions has exceeded the time typically associated with part-time status. In other cases, it may be more efficient to combine positions such that two part-time positions are replaced with one full-time position. While such combinations may make sense from a time-of-effort perspective, they may actually cost more in terms of pay and benefits. On the other hand, the intangible value of a full time person being available more often may offset the costs.

***Role of Regionalization:*** The town is fortunate in having good working relations with neighboring towns. We have historic ties to Marion and Mattapoisett. We already participate in various regional associations, notably

with regards to secondary education, water sources, as well as health-oriented committees. Regionalization is often touted as a sure means of reducing administrative overhead and operating costs as each participant provides some pro-rated share of costs. However, the other side of regionalization is that autonomy and control are compromised. The partner providing the greatest share of the costs tends to want the greatest level of control over the endeavor. Another aspect of the endeavor is that resolution of issues is not necessarily based on a local preference. For example, if Marion votes to accept the ORR budget and Mattapoisett votes to accept the ORR budget, then Rochester has no choice but to support the budget as well. None-the-less, regionalization does provide one avenue which should be explored for fiscal as well as policy soundness. While the town is fortunate to have a substantial aquifer, careful monitoring of water purity and septic systems should be undertaken. Regionalization opportunities for capital expenditures associated with water and sanitation should receive early study.

***Current shortfalls:*** The primary shortfall with the town government is that it is extremely fragmented. The numerous boards appear to be at odds in establishing and enforcing policies; some of which are redundant, some of which appear to be conflicting. Town by-laws do provide some common ground. However, over time their interpretations have been modified through practice rather than through formal procedure. The effort to update and revise the by-laws may help alleviate differences in interpretation.

## **SUGGESTED TARGET STRUCTURE OF GOVERNMENT**

While the decentralized nature of the current structure has served well it becomes more burdensome than effective over time. The intent of various by-laws becomes lost in implementation without periodic review. The self-ruling activities of boards, once providing checks and balances of power now results in redundant and sometimes contradictory actions. The following sections provide some potential changes which streamline structure for efficiency without yielding the influence of the individual citizen as a member of the legislative body.

***Nomination-approval process:*** Over time many elected positions have developed specialized skill sets. Such skill sets are not inherent in all those who might seek such positions. The requirements for a position may not allow an unqualified person the opportunity for training regardless of good intentions. The way to ensure qualified people are available is through an appointment approach. However, the shift of positions from elected to appointed also reflects a fundamental shift in the ability of the legislative body to fill that position. For certain appointed positions the Board of Selectmen should nominate a person. The nomination should then be approved by the voters, perhaps through special election or town meeting. Such an approach provides the benefits of appointment as well as resulting in a person who has been approved by the voters. The Town should begin a review of which positions hold such an influence over the affairs of the town to warrant the nomination-approval

process. Initially, the Town Administrator, Treasurer/Tax Collector, Town Clerk, and Highway Surveyor should be so selected.

**Town Moderator:** Using the open Town Meeting form of government, an elected Town Moderator is required by law.

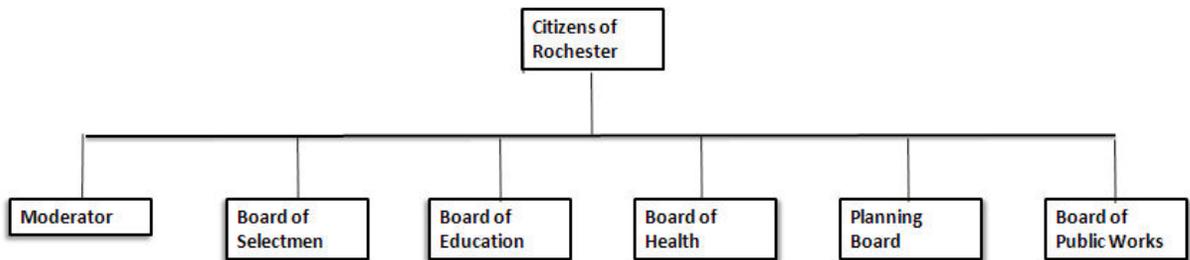
**Board of Education:** The school budget is the single largest budget item. Combining the various school-related commissions provides greater efficiency and consistency of actions. Members of the Board of Education can represent the town on regional school committees.

**Planning Board:** The Town is at a critical juncture in its history. There has been considerable growth in a relatively short time frame. There is increasing demand for services, facilities, and fiscal responsibility. There is potential for even more rapid growth. Growth cannot be stifled, nor can it be left unchecked. At the same time, there must be consistent actions to prevent costly

litigation against the town. The Planning Board, by its actions, tends to be the visible implementation of almost all aspects of the Master Plan. The Planning Board must ensure growth that takes place according to the wishes of the townspeople. To facilitate their duties, by-laws must be kept current by various commissions and committees with changes and updates automatically sent to the Planning Board.

**Previously Elected Positions:** Other previously elected positions are moved to serve under the Board of Selectmen. These positions should be filled by the current incumbents, and then filled by appointment, or nomination-approval if appropriate, as terms of office expire.

The proposed structure of the elected positions is provided:



**RECOMMENDED COMBINATIONS**

The initial combination should be the Tax Collector with the Treasurer position. This has been recommended in the 1996 Government study, the 2000 Master Plan, and more recently by the State Department of Revenue. The

current incumbents should hold their positions. Both incumbents term of office expire in 2008 at which time, or at any convenient interval thereafter, the new position may be created and filled. The actual hiring action must begin prior to the end of the current term to ensure there is no break. One of the current

incumbents may be designated as an interim fill should the hiring process extend beyond the end of the office term.

The position should be filled through a nomination-approval process suggested above.

The duties of Tree Warden should be combined into the duties of the Highway Surveyor. This position should then be designated as the Director of Public Works, along with creation of a Board of Public Works. The current Highway Surveyor should be designated as the Interim Director. At the end of the current term of office he may apply for the new position. This position should be subject to the nomination-approval process.

***New Departments:*** Create a Public Works Department. The public works department will address the present demands of the highway department staff. It should be prepared to oversee future facility demands such as sewer and public water systems. General

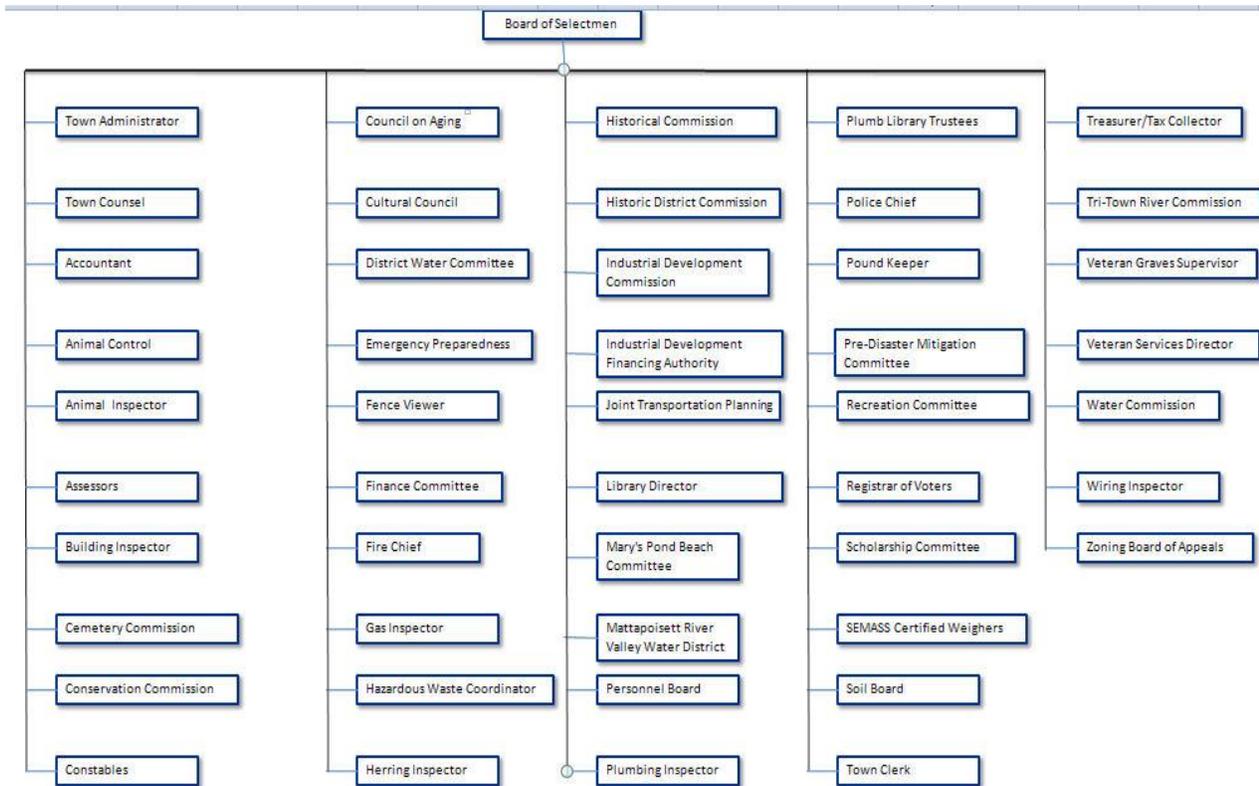
duties of the Highway Department include, but are not limited to:

1. Roadway construction and maintenance
2. Snowplowing
3. Maintenance of public grounds and buildings
4. Maintenance of parks, beaches, cemeteries
5. Provide recycling services

Create a Department of Inspection Services. This department would be under the supervision of the Building Commissioner. Other inspectors provide services in the areas of plumbing, gas and electrical inspections. The department head also fulfills the duties of the Zoning Enforcement Officer.

Rename the Parks Commission as the Recreation Committee. Expand its duties from facilities and athletic leagues to include planning events for all townspeople (youth, adult, senior).

A potential structure for the proposed changes is:



**GOALS:** Rochester goals for its governance are to;

1. Provide adequate services for the health and safety of the town
2. Provide services to meet current and future needs of a rapidly growing town
3. Effectively manage growth while maintaining fiscal stability

**IMPLEMENTING ACTION TASKS**

Primarily the responsibility of the Board of Selectmen:

**ADMINISTRATOR:**

Maintain a 5-year capitalization plan outlining critical needs for capital expenditure to assist in long term planning.

**BOARD OF SELECTMEN:**

1. Town Counsel should review applicable rules and regulations to ascertain if there is a limit on concurrent elected positions (paid or unpaid) for an individual.
2. Undertake a study to determine which commissions can be combined for efficiency.
3. Determine which positions can be combined and the costs associated with it.
4. Combine the office of Tax Collector and Treasurer.
5. Combine Tree Warden and Highway Surveyor and rename it as Director of Public Works.

6. Create a Board of Public Works to oversee Public Works and the Director
7. Create a Department of Inspection Services
8. Rename the Park Commission as the Recreation Committee and expand its duties.
9. Begin early study to enter regionalization agreements for wastewater treatment and a public water system.

#### **REFERENCED MATERIALS**

*Municipal Advocate*, Vol 22, No. 2, Massachusetts Municipal Association, Boston MA, summer 2005.

*Annual Report of the Town Officers*, Town of Rochester, 2007.

*Town of Rochester Master Plan*, Rochester Master Plan Committee, April 2000.

*Report of the Government Study Committee*, Rochester Government Study Committee, January 2000.

#### ***TOWN COUNSEL***

1. Town Counsel should review appropriate sections of Chapter 41 to ascertain the process and procedures for conversion of elected to appointed positions.
2. Town Counsel should review applicable rules and regulations to develop a procedure to implement the nomination-approval method of appointing key personnel.
3. Each existing office/board should publish a short (one paragraph) statement of its purpose.