

Town of Duxbury
Government Study Committee



Final Report
March 5, 2018

Town of Duxbury Government Study Committee



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Board of Selectmen
878 Tremont Street
Duxbury, MA 02332

Dear Sirs:

We are pleased to submit the Final Report of the Government Study Committee, voted at our February 26, 2018 meeting. The Committee has reviewed the General By-laws of the town of Duxbury, its form of government and various aspects of the Town government's functions.

This report contains a review of topics we discussed; some have resulted in recommended changes and others were considered but have no recommendations for change. Our discussions generally concluded that Duxbury is both well governed and well managed, providing excellent Town services while maintaining a strong financial position. We have affirmed the basic structure of Duxbury's government (open Town Meeting) while identifying some areas where Duxbury can strengthen existing structures and processes. In suggesting changes, our goal was often to increase operational efficiency and transparency. This report also contains the Committee's observations and reasoning behind the our recommendations.

In the almost 3 years the Committee has worked, we have been regularly assisted by the Town Clerk's office as well as the staff at Town Hall. They have been very helpful and we would like to express our appreciation for their time and responsiveness. We also thank those residents who chose to participate in this process by attending meetings and replying to the survey.

We thank you for the opportunity to serve on this Committee and look forward to presenting these recommendations at Town Meeting.

Respectfully submitted,

Gay Shanahan, Chair
Anne Ward, Vice Chair
Julia Adams
Eugene V. Blanchard
Alexander Chin
Theodore J. Flynn
Kathleen Glynn

Table of Contents

I. Executive Summary	4
II. Report on 2016 Resident Survey	7
III. Town Meeting.....	8
IV. Town Meeting Date	9
V. Electronic and Remote Balloting.....	10
VI. Reconsideration.....	11
VII. Recall	13
VIII. Number of Selectmen (Three vs. Five).....	14
IX. Elected Officials.....	15
X. Moderator’s Term.....	16
XI. Appointment of Town Planner	17
XII. Town of Duxbury Committees and Boards.....	18
XIII. Audit Committee and Annual Audit.....	19
XIV. Personnel Board	20
XV. Health Insurance Trust Fund	21
XVI. Major Construction Projects.....	22
XVII. IT Organization	24
XVIII. Revisions to the General By-laws	25
XIX. Financial Management and Payment of Taxes	26
XX. Proposed Substantive By-law Changes.....	27
Appendices	34
A. Duxbury Resident Survey Questions, 02/2016	35
B. Planning Director Interagency Responsibilities, 10/2016	36
C. List of Committees and Boards	40
D. Town of Duxbury Organization Chart.....	41
E. Report of the Department of Revenue Division of Local Services Technical Assistance Bureau ...	42
F. Number of Selectmen by Community.....	54
G. Suggested Responsibilities of Audit Committee	55

I. Executive Summary

The Town of Duxbury has regularly undergone the formal practice of reviewing its governmental structure and practices, most recently in 2006. To that end, the Government Study Committee (the “GSC” or “Committee”) was formed over the summer of 2015 pursuant to Article 18 of the 2015 Annual Town Meeting. The article reads as follows:

“To see if the Town will authorize the Moderator to appoint a nine (9) member Government Study Committee comprised of a representative from the Board of Selectmen, Fiscal Advisory Committee, Finance Committee and School Committee and five (5) at-large members to study the Town’s present form of government, organizational structure and General Bylaws and to provide a progress report to the Annual Town Meeting of March 2016 and to further present their recommendations to the Annual Town Meeting of March 2017, or take any action in relation thereto.”

The Moderator appointed the following members of the Committee:

Eugene V. Blanchard, Citizen-at-Large
Alex Chin, Fiscal Advisory Committee
Susan Curtis, Citizen-at-Large (resigned 2017)
Martin P. Desmery, Citizen-at-Large (Vice Chair, resigned 2017)
Theodore J. Flynn, Board of Selectmen
Kathleen Glynn, Finance Committee
Gay Shanahan, Citizen-at-Large (Chair)
John Tuffy, Citizen-at-Large (resigned 2016)
Anne Ward, Citizen-at-Large (first School Committee representative, Vice Chair 2017)
Julia Adams, School Committee

Process

The Committee met 40 times since its first meeting on June 16, 2015 and there were several subcommittee meetings as well. The initial emphasis was to gather input on which areas to review and to develop information about those areas. The Committee pursued various avenues to obtain public input. Input was requested from the public through the *Duxbury Clipper*. A Committee-specific email address was circulated and the GSC has a website accessible through the Town’s website. The GSC also invited the public to give input through a survey. The link to the survey was made available on the Town website as well as through the schools, the *Duxbury Clipper* and private email blasts. We received approximately 600 responses to this survey. In addition to its regularly scheduled public meetings, on February 12, 2018 the Committee held a public forum in the Ellison Room at the Senior Center to present our draft report to interested members of the public. This public presentation was recorded by PACTV and made available both via replays and a Video on Demand feature. The GSC also presented the draft report in public meetings to the Finance Committee (on January 23, 2018) and the Board of Selectmen (on January 31, 2018). Members of the Committee also met with staff from the *Duxbury Clipper* to review GSC activities and recommendations.

Three areas of work were identified based on the authorizing article: form of government, organizational structure and General By-law review. The GSC then identified a lengthy list of subcategories for consideration, which naturally evolved further over the course of the Committee’s work. Additional research was completed often by comparing activities in other towns, conducting information sessions with experienced officials and engaging in discussion

with involved or affected parties. The Committee members consulted with the following officials:

Dr. John Antonucci, Superintendent of Schools
Judi Barrett, Zoning Board of Appeals
Kevin Batt, Esq of Anderson & Kreiger
Zachary Blake, Melinda Ordway & Theo Kalivas, Massachusetts Department of Revenue (“DOR”) Division of Local Services, Technical Assistance Bureau
Scott Casagrande, Planning Board
Brian Cherry, Facilities Manager
Shawn Dahlen, Selectman
Joe Grady, Conservation Administrator
Jeannie Horne, Human Resources Director
KP Law, Town Counsel
Elizabeth Lewis, Chair, School Building Committee
Mary MacKinnon and Marcia Bohinc, Massachusetts Department of Revenue, Division of Local Services, Technical Assistance Bureau
Mary Beth MacQuarrie, Information Services Director
John Madden, Finance Director
Frank Mangione, Finance Committee
Andre Martecchini, Former Selectman and Building Committee member
Valerie Massard, Town Planner
Ken McCarthy, Former Finance Committee Chair
Chief Kevin Nord, Fire Department
David Peck, Plymouth Permanent Building Committee
Rene Read, Town Manager
Betsy Sullivan, Finance Committee Chair
Dr. Ben Tantillo, Former Superintendent of Schools
John Tuffy, Town Moderator
Nancy Von Stackelberg, Fiscal Advisory Committee
George Wadsworth, Chair, Water and Sewer Advisory Board
Friend Weiler, Former Town Moderator
Town of Duxbury Board of Selectmen
Town of Duxbury Finance Committee
Town of Duxbury Fiscal Advisory Committee
Town of Duxbury Planning Board

In August 2015, the GSC reached out to Zachary Blake, the Director of the Technical Assistance Bureau of the Division of Local Services of the Massachusetts Department of Revenue, to inquire about their consulting services to local governments. In that process, Mr. Blake directed the GSC toward the Community Compact, a program that provides collaboration with and support from the Commonwealth in an effort to engender “best practices” at the local level. Over 300 Massachusetts communities have signed compacts with the state; Duxbury signed the Community Compact on November 1, 2017. The compact itself is a voluntary, mutual agreement between the Baker-Polito Administration and Duxbury to work on best practices in three areas: government structure, the Comprehensive Plan and Regional Dispatch for the Duxbury Fire Department. Through this process, Duxbury was awarded free consulting services of the Technical Assistance Bureau to assist the Town’s GSC in its evaluation of its governmental structure (see Appendix E to this report).

Overview of the Government Study Committee Recommendations

Open Town Meeting - Affirmed Duxbury's basic form of government. The Committee concluded that Duxbury's long tradition of open Town Meeting continues to be the most effective choice of government for the Town. We recommend no change to the model of open Town Meeting with three selectmen and a strong Town Manager. The Committee does support changing the timing of Town Meeting to a later date. A change is recommended in the term length of the Town Moderator. The Committee also supports and proposes a change in one of Town Meeting's rules: a change to the by-laws regarding the parliamentary device of reconsideration.

Organizational Structure – One new committee, one committee disbanded, one reporting shift. The Committee is proposing the addition of an Audit Committee, consistent with best practices in governmental finance. Disbanding of the Personnel Board is also proposed. The Committee also recommends a change in the reporting line of the Town Planner, shifting this line from a direct report to the Planning Board to a direct report to the Town Manager. The Committee has reviewed the Town's 35 committees, task forces and boards and has identified the recent, current and near-term sunset of 15 committees. The Committee makes no recommendation to change any elected positions to appointed positions, or vice versa. We have no other recommended changes in the Town's organization chart. The GSC voted not to institute the ability to recall an elected official. The most recent Town of Duxbury Organizational Chart, as of 7/22/2015 is contained in Appendix D for reference.

Two consulting reports were considered in reviewing the Town's organizational efficiencies. First, the Collins Group completed an Information Technology report dated 11/11/2016. Secondly, the Massachusetts Department of Revenue's Division of Local Services Technical Assistance Bureau provided a report ("the DLS Report"), at the Town's request, on the structure of Duxbury's town government, which is included in Appendix E to this report.

General By-laws – Part A: Cleanup, and Part B: Substantive Proposed Changes.

Cleanup - A thorough revision to the General Town By-laws, which makes corrections for the purposes of clarity, accuracy and consistency with current practice, has been recommended. These corrective By-law revisions are on file with the Town Clerk (for public access and review) and are separate from the substantive proposed changes.

Substantive Changes - Eight recommendations cited in this report are supported by proposed General By-law changes including:

1. Increasing the Moderator's term;
2. Narrowing the use of reconsideration in Town Meeting;
3. Establishing an Audit Committee;
4. Disbanding the Personnel Board;
5. Codifying the practices relating to partial payment of taxes;
6. Enabling the refusal of Town licenses for applicants who are delinquent in tax payments for under one year;
7. Changing and clarifying the hiring and reporting structure of the Town Planner; and
8. Prohibiting elected officials from being employed by the Town of Duxbury.

The language of each of the proposed changes is included in Section XX of this report; the reasoning behind the changes is described in sections throughout this report.

II. Report on 2016 Resident Survey

In its June 16, 2015 meeting, the GSC discussed the need for community input on Town government to inform the work of the Committee. It was agreed that a survey should be a part of the work plan.

At its July 22, 2015 meeting, the Committee named a survey subcommittee consisting of Susan Curtis, Martin Desmery and Anne Ward to develop and implement a community survey. The subcommittee met on August 12, 2015 to discuss content of the survey, target respondents, method of distribution and data analysis. It was agreed to explore the use of Survey Monkey through the school department's subscription at no cost to the Town and to focus on residents with an online survey and paper copies at public offices around Town including Town Hall, the library and the senior center. The subcommittee met and reviewed similar surveys from other towns including Kingston, Hingham, Southborough, Fairhaven and Westford.

The subcommittee developed a draft survey and a draft press release to announce the survey to the public. These drafts were reviewed with the full Committee and revised to reflect input from the full Committee. The survey was released through Survey Monkey in January 2016 and announced to residents through a press release in the Duxbury Clipper and email messages to Town and school subscribers. Paper copies were available at Town Hall, the senior center and the library.

The 19-question survey was accessible through February 10, 2016 and approximately 600 residents responded to the survey and included 223 comments. A report was generated by Survey Monkey and results were posted on the Town website. The link to the survey results was also included in the GSC report to Town Meeting in 2016. Notable among the survey responses were the following:

- 59% of respondents indicated that they are very likely or somewhat likely to attend Town Meeting if held later in the year;
- 80% of respondents indicated that they are very satisfied or satisfied with open Town Meeting;
- 66% of respondents indicated that they are very familiar or somewhat familiar with the Town budget, how it is developed and how it impacts taxes;
- 49% of respondents favored increasing the number of selectmen; 26% indicated a preference to keep the number of selectmen at three; and 25% offered no opinion on this issue; and
- 68% of respondents indicated that the effectiveness of Town government is excellent or good.

Topics most often mentioned in the open comments section included: government, sidewalk access, spending/taxes, environmental issues, the Town master plan/economic development, the schools. The Committee took no direct action as a result of the survey but included the survey results with other inputs, including interviews with Town officials and other research, to determine its work plan.

The survey questions are contained in Appendix A. To review the report on this survey, please go to the GSC website at <https://www.town.duxbury.ma.us/government-study-committee>.

III. Town Meeting

The Committee explored changing from Duxbury's longstanding tradition of the open Town Meeting format to a representative Town Meeting format. The following factors led to the Committee discussing this issue:

- While there is no quorum requirement, Town Meeting is often poorly attended (the 2016, 2015 and 2014 Town Meetings have documented Saturday attendance of 300, 377 and 275 respectively);
- Voters often attend for specific warrant items and then leave;
- Conflicts with school vacations (private schools), "snowbird" schedules, athletics and other Town events prevent voters from attending; and
- Voter knowledge of the warrant articles is often limited.

The Committee discussed the following pros of a representative Town Meeting:

- Representatives likely would be knowledgeable on (i) warrant articles and (ii) Town Meeting policies and procedures, which would lead to more efficient and effective meetings;
- Representatives would foster more communication (i.e. caucus and/or polling) due to closer contact with constituents, which could potentially lead to a better-informed population;
- This format eliminates the problem of "stacking-the-deck" for specific warrant articles; and
- Town Meeting representatives would be elected prior to articles being placed on the warrant, which should reduce "special interest" candidates.

The GSC also discussed the following disadvantages to a representative Town Meeting:

- Representatives are not required to vote based on the results of caucus or polls;
- Potentially adds cost to the Town to hold elections for these representatives; and
- This format takes away the residents' opportunity to directly vote on an issue.

The Committee also discussed the following considerations:

- 259 of 351 cities/towns in MA have open Town Meeting while 36 have representative Town Meeting, and only one area town (Plymouth) uses a representative town meeting format;
- Town Meeting is televised live;
- Generally, a core group of the same 100-200 voters attend Town Meeting annually; and
- 80% of GSC survey respondents were "very satisfied" with open Town Meeting.

After a lengthy discussion, the Committee voted unanimously to keep the current structure of open Town meeting.

IV. Town Meeting Date

A Warrant Article was brought to 2016 Town Meeting that proposed changing the date of Town Meeting to the first Saturday in May. The Article's proponents met with the GSC to request support; the GSC voted unanimously to support this article. The Article did not pass.

The DLS Report notes that Duxbury has the earliest Town Meeting date in the Commonwealth and is one of only 7 Massachusetts communities to hold Town meeting in March. The DLS Report recommends that the GSC submit an article proposing a later Town Meeting date for consideration at the 2018 Town Meeting. The GSC voted not to submit such an article, primarily because the issue was recently considered.

But the GSC is strongly in favor of this change. The GSC believes that a later date would provide opportunity for stronger decision-making at Town Meeting, with a less compressed timeframe and more available financial information. For example, the Duxbury School Department, which as a single department constitutes approximately 45% of the Town operating budget, has indicated that a later Town Meeting date would better serve its budgetary planning. In addition to the 2017 Warrant Article, similar proposals to change Town Meeting to a later date were contained in Warrant Articles in 2013, 2007 and 2006. The following DLS Report statement essentially summarizes the GSC position: "Many towns have recognized that there is little justification, beyond habit, for an early town meeting and have gained valuable analysis time by moving annual town meeting into May or June."

The GSC recommends revisiting this issue within 1-3 years, and again proposing a later date.

V. Electronic and Remote Balloting

Article 16 of the March 9, 2013 Special Town Meeting authorized the Moderator to establish a nine-member Electronic Balloting Committee (“EBC”). In 2013 and 2014, the EBC identified the benefits of electronic balloting as voter privacy, accuracy of the vote, speed of the vote and integrity of the vote. The EBC researched vendors, prepared a Request for Information and selected a vendor to provide for a free trial use of the technology in the March 2014 Annual Town Meeting. The trial was successful and Article 32 authorized the EBC to continue to evaluate the use of electronic balloting.

After the 2014 Annual Town Meeting, the EBC conducted a survey of Town Meeting attendees on the use of electronic balloting to gather feedback on its use at the previous 2014 ATM. Based on generally favorable feedback and the support of the Moderator, the EBC developed a non-binding Request for Quote and received multiple vendor responses. One vendor was selected to provide a second no-cost trial at the March 2015 Annual Town Meeting.

At the March 2015 Annual Town Meeting, the EBC presented a Warrant Article requesting the appropriation of funds (\$35,000) for future use of electronic voting. The Article was approved by the voters and the Town entered an agreement with Option Technologies to provide the equipment and services necessary for electronic balloting at future Town Meetings. The EBC was dissolved and electronic balloting is now managed by the Town Clerk.

The GSC supports electronic balloting, and any effort to increase citizen input in the Town’s decision-making. The GSC’s survey did reveal comments by some to institute remote balloting, expressing the desire to be able to vote on articles from a remote location. However Open Meeting Law M.G.L c. 30A, section 20 and further clarified in 940 CMR 29.00, outlines certain requirements that essentially prohibit remote participation at Town Meetings.

VI. Reconsideration

One issue which has caused controversy in the conduct of Town Meeting is reconsideration or the process of bringing back for discussion an Article after it has once been voted. The Town's General By-laws provide in Section 2.4.6 for reconsideration as follows:

“All votes for reconsideration shall require the same quantitative vote as the motion to which it applies and shall be made at the same session as the original motion or the next succeeding session and may be made only once on any motion.”

The purpose of reconsideration is to bring a matter up after it has first been voted in the event that additional information has come to light since the first vote which might cause Town Meeting to change its mind. However, in the memory of the Committee, this need to reconsider a vote in light of new information has never occurred.

On the other hand, under the present By-law, a motion to reconsider can be made after a first vote purely as a parliamentary maneuver in order to prevent a later motion to reconsider (since the motion may only be made once). This strategy can be used either to overturn an earlier vote after a change in the persons present and voting, or to “freeze” the vote and prevent a later consideration when the composition of the membership of the Town Meeting may have changed. The strategy to use reconsideration to “freeze” a vote results in the time-consuming process of one or two additional votes and discussion: one vote on the motion to reconsider, and (if the first vote passes) another vote on the actual article to be reconsidered.

The Committee spent much time considering (1) whether to preserve reconsideration or eliminate it entirely, and (2) if it is to be preserved, how to alter it to serve its original purpose without allowing it to do mischief. In the 2012 Annual Town Meeting, a Warrant Article proposed the elimination of reconsideration; the motion failed by a vote of 31-177 and reconsideration was preserved in its existing (and now current) configuration.

It was decided that, although the Committee could not recall any instance when reconsideration had been used to re-visit an Article after new information came to light, the stop-gap purpose was worth preserving, especially considering the consequences if it were necessary to reverse a vote (namely the expense and time of calling a separate later Town Meeting to deal with the matter).

As for how to make reconsideration useful without fostering its inappropriate use, the Committee considered several techniques used by other towns:

- (1) Determining that the proponent of the motion to reconsider had voted in favor of the winning side on the underlying vote;
- (2) Requiring that the proponent offer new evidence, sometimes in writing, as determined by (a) the Moderator, (b) the Finance Committee, and/or (c) the Selectmen;
- (3) Providing advance notice of the motion to reconsider giving interested parties on both sides an opportunity to participate in a re-vote; and
- (4) Delaying a re-vote to a subsequent session of the Meeting.

Ultimately, the Committee determined that the first, third and fourth strategies above were not practical or workable, but that the second technique could improve the use of reconsideration. The crux of the matter is bona fide new information, and the GSC determined that homing in on this area would most directly improve the use of reconsideration.

This reformulation accomplishes the following:

- (1) It preserves the concept that reconsideration may only be used once; and
- (2) It requires the proponent to satisfy the Moderator that new, factual information, not presented to Town Meeting prior to the original vote, is available for consideration.

The requirement for new information (which is not another opinion or a re-hashing of previously stated positions) should prevent usage of reconsideration motions to freeze or alter votes depending on the composition of Town Meeting attendees, and it should also save significant time at Town Meeting by limiting the usage of reconsideration.

VII. Recall

The Committee evaluated the issue of “recall” votes. The consensus of the Committee was that Duxbury has a regular and recurring cycle of local elections for Selectmen and other offices and committees, which provides the opportunity for residents to frequently assess the performance of elected officials. The Committee believes that voters understand they need to give careful consideration to their votes, and if they are dissatisfied with an elected official he/she can be voted out of office during the next election cycle. In 2010, a Warrant Article proposed the establishment of a recall provision; the motion failed.

Additionally, the Committee felt that the institution of a recall provision might reduce the quality of decisions by elected officials by increasing the pressure to listen to the interests of a subset of vocal citizens. A recall provision opens the possibility of "petty" or "vindictive" efforts to remove officials operating in good faith.

It was also noted by the Committee that elected officials are subject to several safeguards: the Massachusetts conflict of interest laws, the State Ethics Commission, open meeting law and criminal laws.

The Committee also specifically discussed the possibility of permitting a recall vote in the case of criminal convictions, but noted that each situation would be unique and it would be difficult to craft a rule that applied to all situations. The Committee voted unanimously for no recall provision, including in the case of a criminal conviction.

VIII. Number of Selectmen (Three vs. Five)

The Committee explored expanding the number of selectmen on Duxbury's Board of Selectmen ("BoS") from 3 to 5 members. The Committee's discussion on this issue was informed by its survey: 49% of respondents to the GSC survey indicated they were in favor of expanding the number of selectmen; 26% indicated they were not in favor; and 25% expressed no opinion on this issue. The Committee also considered the input of the DLS Report, which recommends expanding the size of the BoS from three to five. The Committee discussed the following pros and cons of moving to a 5 member BoS:

Pros:

- Creates greater oversight of the administrative affairs of the Town;
- Broadens residents' representation on the BoS;
- Increases capacity to explore more issues affecting the Town;
- Increases collaboration among BoS to achieve a majority;
- Enhances the stability and continuity of the BoS;
- Helps to avoid conflict of interest and quorum issues; and
- Creates more variety of skills on BoS.

Cons:

- BoS meetings could be longer and less efficient;
- More positions could exacerbate the challenge of generating adequate volunteerism to fill both elected and unelected positions;
- Costs could increase, as BoS member are eligible for Town employee benefits (i.e. health insurance); and
- Concern regarding transparency was raised in that a larger board could foster non-public discussions regarding Town business. Currently if two members of the BoS are together, under open meeting laws, they cannot discuss Town business.

Other considerations:

- In recent years, there have been 2 citizens' petition Articles to increase the number of selectmen, voted down at Town Meeting in both instances;
- Of the surrounding 27 communities (see Appendix F):
 - 14 communities elect 5 selectmen;
 - 11 communities elect 3 selectmen; and
 - 2 communities elect 9 or more Town Councilors;
- Since the Town adopted the Town Manager position, the BoS is no longer involved in the day-to-day operations of the Town; and
- Historically there have been no difficulties in obtaining a quorum at BoS meetings.

The Committee could not identify a substantial existing problem that would be addressed by increasing the number of selectmen from three to five. After lengthy discussions, the Committee voted unanimously to keep the current structure of three selectmen.

IX. Elected Officials

The DLS Report highlighted two potential measures to prevent actual or apparent conflicts of interest for elected officials. First, the Town should update its By-laws to prohibit a current employee from either holding elective office or from serving as an appointed Duxbury board/committee member. Secondly, the DLS report recommends a by-law to prevent elected officials from serving in more than one elected position concurrently, which would require a Special Act of the legislature.

The GSC is recommending an update to the By-laws to prohibit a current employee from holding elective office. The GSC is not proceeding with the recommendation that elected officials be prevented from serving on Town boards or committees. Duxbury has used a longstanding practice of having selectmen provide liaison activities with various boards and committees, sometimes serving as members. For example the GSC (and past Government Study Committees) have had a selectman as a member; in this role much information is garnered quickly and many areas of communication have been facilitated.

X. Moderator's Term

The GSC is recommending that the term of office of the Moderator be changed from one year to three years, beginning with the 2019 elections. All other elected positions in Town are for three or more years, and the Committee could determine no good reason why the Moderator's term should be any different.

Massachusetts state law permits a town to elect a Moderator for either one year, or for three years; no other length of term is permitted. Although most towns elect their Moderator annually, this appears to be a holdover tradition without a firm rationale. Historically, Moderators, once elected, tend to remain in office for several years. The effort and expense of campaigning for office, although usually modest, is not inconsiderable, and changing the term to three years could encourage more citizens to run.

If the Moderator's office should become vacant before his or her term expires, there are procedures in the General Laws to permit the Town Meeting to elect a replacement so that the Meeting would not be left without a presiding officer.

XI. Appointment of Town Planner

Currently, the Town Planner, also known as the Planning Director, is appointed by the Planning Board. The Committee recommends that the Town Planner be appointed by the Town Manager and that the Town Manager coordinate the activities of the Town Planner. The GSC does not believe that its recommendation will change the manner in which the Town Planner is currently supporting and interacting with the Planning Board. There are four primary reasons for recommending this change:

1. The Planning Board's appointment power creates confusion regarding lines of authority. For risk management purposes, each employee of the Town should be clear on his or her reporting structure. In other words, the Town Planner should have one boss, which should be the primary supervisor, the Town Manager.
2. The Town Manager is already the de facto supervisor of the day-to-day activities of the Town Planner. The seven-member Planning Board, which typically meets between one and three times per month, does not and cannot perform this role.
3. The Town Planner regularly supports and interacts with numerous boards and committees other than the Planning Board. The table in Appendix B prepared by the current Town Planner describes the extent and frequency of these activities. When conflicts arise, or when limited time and resources require prioritization, the Town Planner solicits and receives instructions from the Town Manager, not the Planning Board.
4. In the unlikely event of a material conflict between the Planning Board and the Town Manager regarding the Town Planner's activities or priorities, the issue may be presented to the BoS for resolution.

The Committee recognizes that the Town Planner is integral to the work performed by the Planning Board. For this reason, the Committee recommends that the Town Manager's appointment be made with the assistance and input of the Planning Board, codified in a proposed new section 4.10 of the By-laws. In addition, this recommendation will require an amendment to Sections 5.3 (Appointments Made by the Town Manager) and 5.4 (Other Appointed Town Officers) of the Town's General By-laws.

XII. Town of Duxbury Committees and Boards

The GSC reviewed the Town's boards and committees primarily to identify any dormant committees, but also to determine if any committees had major overlapping areas of responsibility and could operate more efficiently. As of January 2018, Duxbury has approximately 35 active boards and committees. These committees fall loosely into 5 categories: Land Use & Conservation (10 committees), Recreation (2 committees), Government (21 committees), Finance (2 committees) and Inactive/Disbanding (15 committees).

The GSC is recommending in this report the addition of one committee, the Audit Committee, which would fall in the category of Finance. The Committee is also recommending the disbanding of the Personnel Board, found in the category of Government.

A list of the active and inactive/disbanding Boards and Committees as of January 2018 is contained in Appendix C to this report.

XIII. Audit Committee and Annual Audit

The GSC believes that the current fiscal management of the Town's finances is exemplary. However, the Committee did not perform any type of financial review of the Town. In the course of its work examining best practices and ways to improve transparency, the Committee discussed the need for an Audit Committee. In April 2013 the BoS adopted a set of financial policies that included the formation of an Audit Committee. This committee was never formed; the GSC agrees that the Town would benefit from an Audit Committee since it would provide the following:

- Oversight of the annual independent audit of the Town's finances;
- Insights to improve the internal controls over financial practices and reporting;
- Processes to manage the external relationship with the Town's independent auditor; and
- Structure for required reporting of audit results to the Selectmen, Finance Committee and School Committee.

The GSC feels that this level of governance and monitoring would continue to elevate the sound fiscal practices that are foundational to Duxbury's strong creditworthiness. After many discussions, the GSC voted unanimously to propose a General By-law change to create an Audit Committee.

The language of the proposed by-law, found in Section XX, sets out a framework for the proposed Audit Committee and requires the committee to seek approval from the BoS and the Finance Committee of a description of its charge. Appendix G contains the GSC's suggested list of Audit Committee responsibilities (which draws on the DLS Report) for its consideration.

In addition, the GSC is including a By-law correction to the frequency of the audit as part of the By-law "cleanup" Article 20. The By-laws currently require a biennial audit (every other year). Duxbury conducts an annual audit to meet federal grant management compliance and for investor disclosure purposes, and so the By-laws should reflect the current practice of an annual audit.

XIV. Personnel Board

In 2008, the position of Human Resources Director was added to Duxbury's governmental structure. This position heads a department that serves about 250 Town employees, 480 school employees and 400 retirees. The Human Resources Director position was created to meet the increasingly complex needs and requirements of this field.

The Human Resources Director reports on a day-to-day basis to the Town Manager. Prior to the existence of either of these positions, the Personnel Board's operational function was integral to governance. With the necessarily increasing professionalization of certain areas of government (due to compliance requirements, legal risks, sophisticated industry specialization and practices) the Personnel Board has evolved to essentially an advisory board.

The GSC and the DLS Report both recommend that, due to its duplicative nature, the Personnel Board be disbanded. It is the Committee's understanding that the current Personnel Board members are in agreement with this recommendation.

XV. Health Insurance Trust Fund

The Committee did not discuss the risks/benefits of Duxbury's self-insured group health plan until the DLS Report issued its recommendation that the Health Insurance Trust Fund be eliminated. As of the date of this report, the Town has over 2 years remaining on an agreement with its unions, which prevents any change to the health insurance provided. The DLS's recommendation to eliminate the Health Insurance Trust Fund is not possible for that timeframe.

The GSC is aware that the Finance Committee and the Town's Finance Department regularly and carefully track the various options available for health insurance, including the State's Group Insurance Commission (GIC). Duxbury relies on an ad hoc insurance committee, consisting of Town officials and the Town's insurance consultants, which meets monthly to monitor the health plans, benefits, claims history and trust fund balances. The GSC does not contain the specialized expertise necessary to evaluate and opine on the risk/reward of self-insurance vs. available options. As the GIC and other options evolve and change, the Committee expects the Town's financial committees and professionals will continue to monitor this highly sensitive issue.

XVI. Major Construction Projects

Construction Project Concerns: The GSC recognizes that the Town of Duxbury has had many outstanding building committees that have accomplished much for the residents. Yet the Committee also discussed some issues regarding the process for major construction projects:

- *Potential for inconsistent, inefficient process:* the process for developing a construction project can be somewhat grass roots. Some past projects have easily assembled teams of experts; others have proceeded as bootstrap operations for a period of time; others have straddled the middle of those experiences.
- *Need for balanced expertise:* a project's proponents typically assemble a team of advisors, who also essentially and necessarily serve as advocates for the project and often morph into a core of the ad hoc building committee. The project team should include independent, objective and diverse expertise in pre-defined roles.
- *Post construction continuity:* Upon completion, the project-specific building team disbands. There is no reliable mechanism to create a keeper of institutional memory on projects, which is especially critical when issues arise post-construction.
- *"Silo" thinking and transparency:* projects can percolate in small working groups for extended periods of time before they are brought into the open, without being fully considered in light of other Town demands. The common criticism of "silo" thinking could be mitigated by a centralizing procedure.

Consideration of a Permanent Building Committee: In 2009, an ad hoc Town Building Committee was formed with 7 at-large and 3 ex-officio members. Committee members were appointed by the Town Manager. At the same time, there were a number of other project-specific building committees still fully operating or winding down. This Town Building Committee dissolved in 2014.

The GSC researched and deliberated the idea of creating a Permanent Building Committee under the Town's General Bylaws to address the above issues, but we found several drawbacks to this solution:

- *Volunteer Capacity:* The Town uses volunteers to staff its committees, and there is a strong sense that the Town's volunteer resources are stretched to near capacity. It is difficult to fill all existing committee/board positions and it is often a challenge to find candidates to run for public office.
- *More government:* There is a general disinclination on the GSC to increase the size of government. Most of the past several ad-hoc building committees are thought to have been extremely effective.
- *Demand:* The GSC questioned whether there was enough major construction in the pipeline to warrant a full-time committee, noting that it seems counterproductive to ask for this level of commitment from busy professionals for an inconsistent workflow. The pipeline at the moment of existing and potential building projects consists of: the senior center addition, the bridge repair, the DPW facility and the Harbormaster's facilities.
- *Workload:* Some GSC members questioned whether one committee could handle the amount of work; others stated that projects are usually staggered in their phases, which reduces the intensity of the workload.

The GSC developed the following two recommendations to provide a more uniform process:

Recommendation #1 - Establish a Construction Request Procedure for municipal building.
The purpose of this procedure would be to a) create uniformity in both the early part of

project development and in the expertise supplied through the ad-hoc building committees and b) ensure Town Manager, Fiscal Advisory and BoS involvement through the later Feasibility Study request. It would ensure the early assembly of a team that provides expert input and checks and balances on each project. An approval process at the Board of Selectman level provides an additional layer of public awareness to the Town, alerting citizens to the beginning of a potential construction process. And the Fiscal Advisory Committee's support of a Feasibility Study assures taxpayers that projects are considered in light of the larger picture of town capital needs.

The procedure would require:

- 1) *Written Request:* That for projects anticipated to be over a certain amount (to be determined) a written descriptive request be submitted to the Fiscal Advisory Committee and the Town Manager for evaluation. The request must be sponsored or co-sponsored by a department head.

The request would be evaluated by the Town Manager and Fiscal Advisory in light of specified criteria, including but not limited to: the capital plan, the master plan, the Facilities Director's assessments of buildings, building envelope studies, road improvement studies, and/or other materials or input as needed.

- 2) *Establish Standard Ad-Hoc Building Committees:* If the above request is approved, each project would then be presented to the BoS for support and for establishment of a building project committee. The Selectmen would establish an ad-hoc committee comprised of a standard list of professionals, such as: architect, structural engineer, mechanical engineer, civil engineer, contractor and construction attorney.
- 3) *Feasibility Study:* If the ad hoc building committee recommends proceeding with the project, the next step in this procedure would be the request for funding of a feasibility study to assess legal, technical and economic viability of the proposed project. The project team would request approval of the Fiscal Advisory Committee to present a Warrant Article at Town Meeting to fund the study. Fiscal Advisory would review this request in context of the array of current and potential capital projects and planning of the Town.

Recommendation #2 - Use of Clerk-of-the-Works State law requires the use of an Owner's Project Manager (OPM) for all public building projects with an estimated value of at least \$1.5 million. The OPM provides independent oversight and expertise regarding planning, design, construction, engineering and management of a project. The GSC also recommends that, for any substantial project (to be defined by the Fiscal Advisory Committee), a Clerk-of-the-Works be engaged to provide a more hands-on, on-site supervision of construction.

The GSC understands that not every issue highlighted in this section can be addressed by this process (for example, institutional memory on projects is best addressed with a permanent building committee). The Committee also notes that certain of these procedures might not be applicable to certain school building projects. The GSC further suggests that the Fiscal Advisory Committee take the lead in developing the language and procedural mechanics of these recommendations, and ensure their implementation.

XVII. IT Organization

The GSC has reviewed the key findings and recommendations from the Information Technology Organizational Review (IT Review) performed by The Edward J. Collins, Jr. Center for Public Management that was issued on November 11, 2016. Due to the timing of this report, the Committee was not able to conduct a thorough review of the Town of Duxbury's information technology delivery model in our current scope of work. Therefore the GSC voted to support the Finance Committee's proposed Warrant Article to (i) further investigate the various recommendations that resulted from the Collins report, and (ii) appropriate the sum of \$75,000 to engage an IT consultant to develop a 3-year IT master plan. The scope of the 3-year master plan should be agreed to by the IT Steering Committee.

XVIII. Revisions to the General By-laws

One of the explicit charges to the GSC was to review the Town's General By-laws and to make any appropriate suggestions for changes. A sub-committee consisting of Gene Blanchard and Kathleen Glynn was established to review the By-laws and propose changes. After appropriate changes were identified, those changes were reviewed by Anderson & Krieger, former Town Counsel, and subsequently adopted by the full Committee. More recently, the changes were reviewed by the new Town counsel, KP Law.

No substantive changes are being proposed in the Warrant Article containing the general re-write of the By-laws. These re-write changes can best be described as proposed "cleanup". Substantive changes are being proposed by the Committee to the General By-laws under eight separate Articles listed in Section XX of this report.

The "cleanup" changes being proposed fall into the following categories:

1. Changes in formatting for consistency. Over the years, as additions and changes were made to various sections from time to time, a consistent format of paragraph numbering and lettering was not always followed.
2. Deletions of obsolete references. Several references to sections of the Massachusetts General Laws remained in the By-laws after those sections were repealed.
3. Correction of typographical errors, obvious omissions and awkward wording.
4. Deletion of commentary discussing additions and alterations by various Town Meeting Articles over the years. It was felt that this commentary was often obsolete and unnecessary.
5. Changes to reflect current practice. The By-laws contain a handful of references to outdated practices (such as a "biennial" audit, rather than the Town's practice of an annual audit) that were updated.

The proposed general rewrite changes to the By-laws, exclusive of the substantive changes requiring separate articles, is on file with the Town Clerk and available to the public.

XIX. Financial Management and Payment of Taxes

Although the GSC did not review the Town's financial management, the DLS Report commented on cash reconciliation and ambulance receivables policies. The DLS Report stated that the auditor's management letters in recent years have noted issues in these areas, which were not yet addressed. The GSC recommends that the Town adopt and implement cash reconciliation and ambulance receivable financial policies per the DLS Report. The DLS Report included sample policies in these two areas, and also suggests looking at other reports on their website.

The DLS Report also noted that the Town's working definition of "Capital Improvement" conflicts in different areas. The GSC has met with the Fiscal Advisory Committee to highlight these ambiguities and suggested that this committee follow up to ensure consistency.

The DLS Report noted two areas for clarification regarding payment of taxes. First, Duxbury requires a by-law under M.G.L. c. 60 section 62A that authorizes the current practice of acceptance of partial payments for tax liens on parcels in tax title. Section XX contains proposed language for this by-law addition.

Secondly, the Municipal Modernization Act of 2016 provides a mechanism to allow towns to deny, revoke or suspend licenses and permits for nonpayment of taxes for a period less than 12 months. Duxbury's current General By-laws permit these denials of permits for nonpayment of taxes for a period over 12 months. Proposed language updating the Town's By-law to be consistent with the Municipal Modernization Act of 2016 is in Section XX.

XX. Proposed Substantive By-law Changes

Government Study Committee Warrant Articles

ARTICLE 20 - GENERAL BY-LAW REVISIONS

To see if the Town will amend the General By-Laws of the Town by making certain non-substantive, ministerial and clerical amendments thereto, including but not limited to correcting inconsistencies, deleting obsolete references, fixing typographical errors, streamlining text for readability and the like, all as set forth in a document entitled, “2018 Government Study Committee Revision to the Town of Duxbury Bylaws”, as on file with the Town Clerk, with underlining for additions and interlineation for deletions (such markings for illustrative purposes only); or take any other action in relation thereto.

Proposed by Government Study Committee

Explanation: The Town By-Laws contain inconsistencies, obsolete references, typographical errors, and awkward and inadvertently omitted wording. The Government Study Committee was explicitly charged with reviewing the By-Laws to suggest changes. These suggested changes have been reviewed and approved by former and current Town Counsel. This Article proposes non-substantive, “clean-up” changes to the By-Laws.

Recommendations: *Board of Selectmen Voted 3-0 to Recommend
Finance Committee Voted 7-0 to Recommend*

ARTICLE 21 – AMEND GENERAL BYLAWS – INCREASE MODERATOR’S TERM OF OFFICE

To see if the Town will change the term of office of the elected Town Moderator from one (1) year to three (3) years beginning with the 2019 Annual Town Election, and for such purposes, amend Section 3.3.1 of the General By-Laws of the Town of Duxbury to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only), as follows:

- 3.3.1 The Moderator shall hold no other Town Office. The Moderator's term of office shall be three ~~one~~ years. In addition to presiding at all Annual and Special Town Meetings, the Moderator shall make those appointments referred to in Chapter 5.1 of these by-laws and appointments as required by State statute and/or by Town Meeting actions.

; or take any other action in relation thereto.

Proposed by Government Study Committee

Explanation: The Moderator is currently elected annually. All other elected town officials in Duxbury are elected for terms of at least three years. State law provides that the Moderator may be elected either annually or for a term of three years. No other term length is permitted. To avoid the effort and expense required to campaign for office every year, and to encourage citizens to run for the office of Moderator, it is recommended that the Moderator’s term be changed to three years, commencing with the 2019 local elections.

Recommendations: *Board of Selectmen Voted 3-0 to Recommend
Finance Committee Voted 7-0 to Recommend*

ARTICLE 22 - RECONSIDERATION

To see if the Town will amend section 2.4.6 of the General By-Laws of the Town by deleting said section in its entirety and inserting in place thereof the following language, to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only):

~~2.4.6 All votes for reconsideration shall require the same quantitative vote as the motion to which it applies and shall be made at the same session as the original motion or the next succeeding session, and may be made only once on any motion.~~

2.4.6 Any vote for reconsideration (a) shall require the same quantitative vote as the motion to which it applies, (b) shall be made at the same session as the original motion or the next succeeding session, (c) may be made only once on any one motion, and (d) may only be considered if the proponent provides, in the opinion of the Moderator, factual information that was not available during the meeting when the original vote was taken.

;or take any other action in relation thereto.

Explanation: A motion to reconsider is a mechanism to provide Town Meeting the opportunity to re-vote an article based on new information. However, because the motion can be made only once, it is almost entirely utilized as a parliamentary maneuver to either “freeze” a vote or overturn a vote, depending on the complexion of the Town Meeting attendees. In order to prevent frivolous or abusive use of a reconsideration motion, the Government Study Committee recommends that the General By-laws be expanded to provide that in order for the reconsideration motion to be considered, the proponent must provide new information in the opinion of the Moderator.

Proposed by Government Study Committee

Recommendations: *Board of Selectmen Vote – Available at Town Meeting
Finance Committee Vote – Available at Town Meeting*

ARTICLE 23 - AMEND GENERAL BYLAWS – CHANGE THE APPOINTING AUTHORITY OF THE TOWN PLANNER FROM THE PLANNING BOARD TO THE TOWN MANAGER

To see if the Town will change the appointing authority of the Town Planner from the Planning Board to the Town Manager and clarify the Town Manager’s authority to direct the day-to-day activities of the Town Planner, and to accomplish the same by making the following changes to the General By-Laws:

- (a) By adding the position of Town Planner to Section 5.3 (Appointments Made by The Town Manager), consistent with alphabetical order;

- (b) By deleting the language “Town Planner (by the Planning Board)” from Section 5.4 (Other Appointed Town Officers); and
- (c) By inserting a new section in Chapter 4, Town Manager, Section 4.10, to provide as follows:

The Town Manager shall hire the Town Planner in consultation with the Planning Board, and shall coordinate the activities of the planning department.

;or take any other action in relation thereto.

Explanation: The Planning Director is currently appointed by the Planning Board, but reports on a day-to-day basis to the Town Manager. Since the Town Manager performs the essential supervisory function to this position, and since the Town Planner provides staff support and expertise to many Town Boards and Committees, the appointment authority should rest with the Town Manager. However, the Town Planner’s work being integral to the work performed by the Planning Board, the Government Study Committee recommends that the By-Laws be altered to give the Town Manager appointment authority for the Town Planner, in consultation with the Planning Board.

Proposed by Government Study Committee

Recommendations: *Board of Selectmen Voted 3-0 to Recommend
Finance Committee Voted 7-0 to Recommend*

ARTICLE 24 - AMEND GENERAL BYLAWS – ADD NEW SECTION 6.16 - AUDIT COMMITTEE

To see if the Town will establish an Audit Committee to oversee the Town’s periodic financial auditing process and the system of internal financial controls and to accomplish the foregoing by amending the General By-Laws by adding the underlined text set forth below (such markings for illustrative purposes only):

6.16 Audit Committee

6.16.1

The Audit Committee shall consist of three (3) members:

Two members shall be members of the Finance Committee, appointed or reappointed annually by the Finance Committee Chairperson; and

One member shall be a member of the Fiscal Advisory Committee, appointed or reappointed annually by the Fiscal Advisory Committee Chairperson.

When practical, all members of the Audit Committee shall have professional experience in accounting, finance, law, or business management.

6.16.2

The Audit Committee shall assist the Board of Selectmen in providing oversight of the independent audit of the Town's financial statements, including:

- a) Soliciting, interviewing and recommending an auditor, and reviewing the auditor's performance and statement of independence;
- b) Suggesting the auditor's scope of services;
- c) Reviewing the audit results and all accompanying financial statements;
- d) Reviewing management letter comments;
- e) Reporting on all of the above to the Board of Selectmen, the School Committee and the Finance Committee.

The members of the Audit Committee shall adopt a description of its responsibilities and policies. This charge shall be approved by the Finance Committee and the Board of Selectmen and shall be reviewed every three (3) years.

; or take any other action in relation thereto.

Explanation: The creation of an audit committee is considered a financial "best practice" in order to provide additional checks and balances within the financial reporting process. The State Department of Revenue and the Government Study Committee recommend that this committee be established by adopting a General By-Law to ensure that the structure is firmly established in the financial reporting process to the Selectmen and the Town.

Proposed by Government Study Committee

Recommendations: *Board of Selectmen Vote – Available at Town Meeting*
Finance Committee Vote – Available at Town Meeting

ARTICLE 25 - AMEND GENERAL BYLAWS – PROHIBITION ON HOLDING DUAL OFFICES

To see if the Town will amend section 3.1.2 of the General By-Laws of the Town by deleting said section in its entirety and inserting the following language to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only); or take any other action in relation thereto.

~~3.1.2—No person shall hold, at one time, the offices of Board of Selectmen and Assessor.~~

3.1.2 No person hired by the Town following June 30, 2018 shall simultaneously hold any elective office in the Town.

; or take any other action in relation thereto.

Explanation: The Division of Local Services of the state Department of Revenue recommended that the General By-Laws of the Town adopt several “best practices.” One of these is the prohibition of any current Town employee from holding an elected position in Town. The change promotes clear lines of authority and avoids the potential for conflicts of interest.

Proposed by Government Study Committee

Recommendations: *Board of Selectmen Voted 3-0 to Recommend*
Finance Committee Voted 7-0 to Recommend

ARTICLE 26 - AMEND GENERAL BYLAWS – ENFORCEMENT OF TAX REGULATIONS AND AUTHORITY FOR PARTIAL TAX PAYMENTS

To see if the Town will amend the General Bylaws by adding a new Chapter 14 of the Duxbury General By-Laws, entitled “Tax Title Payment Plans” for the purpose of allowing payment plans for tax title properties, by adding the underlined text set forth below (such markings for illustrative purposes only):

CHAPTER 14: TAX TITLE PAYMENT PLANS

14.1. Pursuant to the provisions of G.L. c. 60, §62A, the Treasurer-Town Collector shall have the authority to enter into written payment agreements with every person entitled to redeem ownership of parcels of in tax title which have been taken by the Town as a result of nonpayment of real estate taxes. The payment agreement shall be executed on such terms and conditions for payment of the delinquent taxes, interest and any other costs, fees or charges associated with same, in accordance with G.L. c. 60, §62A and this by-law. The Treasurer-Town Collector shall not refuse to enter into agreements with eligible taxpayers.

14.2 This by-law shall apply to all taxpayers with parcels in the following assessment categories of tax title in the Town:

- a. Commercial property;
- b. Residential property;
- c. Industrial; and
- d. Open space.

14.3 The following conditions must be met prior to the Town entering into all payment agreements:

- a. The Town has not filed a petition to foreclose the rights of redemption with the Land Court, and the recording date of the Instrument of Taking recorded in the Plymouth County Registry of Deeds must be no more than ten (10) years from the date of the proposed agreement; and
- b. All real estate taxes due for the current fiscal year assessed against the parcel must be paid to date.

14.4 All payment agreements shall comply with the following minimum requirements:

- a. The payment agreement shall have a maximum term of no more than five (5) years;
- b. The payment agreement may include a waiver of up to 50% of the interest that has accrued in the tax title account, but only if the taxpayer complies with the terms of the agreement (no taxes or collection costs may be waived); and
- c. The payment agreement must state the amount of the payment due from the taxpayer at the time of execution of the agreement, which must be at least twenty-five percent (25%) of the amount needed to redeem the parcel at the inception of the agreement. The taxpayer must then agree to pay the remaining balance due to the Town in equal monthly installments.

14.5 After the Town has received seventy-five percent (75%) of the total amount due, the taxpayer shall be entitled to a credit equal to twenty-five percent (25%) of the accrued interest on the tax title account. This credit shall be applied against the final installment payment(s) due under the payment agreement.

14.6 During the term of the agreement, the Treasurer-Town Collector may not bring an action to foreclose the tax title unless payments are not made in accordance with the schedule set out in the payment agreement or timely payments are not made on other amounts due to the Town that constitute a lien on the same parcel.

; or take any other action in relation thereto.

Explanation: State law requires that the Town enact a by-law in order to permit the Treasure/Collector to enter into written payment agreements with persons entitled to redeem ownership of parcels of in tax title which have been taken by the Town as a result of nonpayment of real estate taxes.

Proposed by Government Study Committee

Recommendations: *Board of Selectmen Voted 3-0 to Recommend
Finance Committee Voted 7-0 to Recommend*

ARTICLE 27 - AMEND GENERAL BYLAWS – LICENSE DENIAL FOR FAILURE TO PAY TAXES

To see if the Town will amend Sections 1.3.2 (a) and (b) of the General By-Laws of the Town to reflect changes to the law made since the Town's initial adoption thereof, to read as shown by underlining for additions and interlineation for deletions (such markings for illustrative purposes only); or take any other action in relation thereto.

- (a) The tax collector shall annually, and may periodically, furnish to each department, board, commission or division hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers to any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing not earlier than fourteen (14) days after said notice.

Explanation: The current By-Law permits the Town to deny, revoke or suspend a license or permit for failure to pay a tax or other municipal charge which is older than 12 months based upon an annual list. The 2016 Municipal Modernization Act (Chapter 218 of the Acts of 2016) now permits the Tax Collector to furnish information to permit-granting authorities for delinquencies of less than 12 months. This By-Law change is designed to allow the Town to take advantage of the updated law. In addition, the proposed amendment provides for denial of a license or permit, regardless of the applicant, on land where the owner’s name appears on the list of delinquent taxpayers. Unlike other by-laws, where the content of the bylaw is a matter of discretion for the Town, G.L. c.40, §57 requires that the particular bylaw set forth in the General Laws be adopted by towns.

Proposed by Government Study Committee

Recommendations: *Board of Selectmen Voted 3-0 to Recommend
Finance Committee Voted 7-0 to Recommend*

Note: In Warrant Article 27 paragraph (a), the words “for not less than a twelve month period” were inadvertently not deleted. This phrase must be deleted to fulfill the goal of addressing delinquencies of less than 12 months. A motion will be made on the floor of Town Meeting to address this error.

ARTICLE 28 - AMEND GENERAL BYLAWS – ELIMINATION OF PERSONNEL BOARD

To see if the Town will amend Section 5.1 (“Appointments Made by the Moderator”) by deleting the words “Personnel Board”; and by deleting Section 6.10 (“Personnel Board”) in its entirety and substituting in place thereof “6.10 Reserved”; or take any other action in relation thereto.

Explanation: The Town of Duxbury employs a full-time Human Resources Director and Human Resources Department. This is an area that has required in-house professionalization due to its increasing complexity. The Personnel Board currently serves in an advisory capacity, and is a vestige of governance prior to the creation of the Town Manager position. The Government Study Committee recommends that the Personnel Board be disbanded.

Proposed by Government Study Committee

Recommendations: *Board of Selectmen Voted 3-0 to Recommend
Finance Committee Voted 7-0 to Recommend*

Appendices

- A. Duxbury Resident Survey Questions, 02/2016
- B. Town Planner Responsibilities Chart, 10/2016
- C. List of Committees and Boards
- D. Town of Duxbury Organizational Chart
- E. Government Study Advisory Report of the MA Department of Revenue's Division of Local Services ("DLS") Technical Assistance Bureau
- F. Number of Selectmen by Community
- G. Suggested Responsibilities of Audit Committee

A. Duxbury Resident Survey Questions, 02/2016

1. How many years have you been a Duxbury resident?
2. Which voting precinct do you live in?
3. What is your age?
4. Do you have school-aged children?
5. Are your children: in public school, in private school or home-schooled?
6. Do you serve, or have you served, on any elected or appointed boards or committees?
7. Do you attend Town Meeting?
8. Town Meeting is presently held in March. Would you attend Town Meeting if it were held later in the year?
9. How do you feel about the Open Town Meeting form of government?
10. Should the Town consider a Representative Town Meeting form of government?
11. How familiar are you with the Town budget, how is it developed, and how it impacts your taxes?
12. The Board of Selectmen is presently made up of three members. Should the number of members of the Board of Selectmen be expanded?
13. The Town Clerk's position is presently elected. Should the Town Clerk position continue to be elected, changed to appointed or do you have no opinion?
14. The Planning Board is presently elected and is made up of seven members. Should the Planning Board continue to be elected, changed to appointed or do you have no opinion?
15. The Board of Assessors is presently elected and is made up of three members. Should the Board of Assessors continue to be elected, changed to appointed or do you have no opinion?
16. The Library Trustees are presently elected and include six members. Should the Library Trustees continue to be elected, changed to appointed or do you have no opinion?
17. What are your primary sources of information about Duxbury services and news?
18. Please rate the overall effectiveness of Duxbury's Town Government.
19. What topics or issues would you like the Government Study Committee to address?

B. Planning Director Interagency Responsibilities, 10/2016

List of most frequent committee/agency support/interaction for Planning Director

October 2016

Committee, Board or Agency	Frequency of Contact	Relevance to Duxbury
Economic Advisory Board	Regular attendance at meetings and staff support is daily with respect to community development objectives – housing, public infrastructure, appropriate zoning, historic preservation, commercial uses...	<p>Department provides agenda formatting, postings, meeting locations and logistics at administrative level. Meets regularly – every month or every other month.</p> <p>Provide technical support such as: write up articles for Town Meeting requesting funds, seek funds from state and other agencies to facilitate planning and economic revitalization efforts in Duxbury, coordinate with Duxbury Business Association and other departments, hire surveyor to investigate street layout and traffic/parking/infrastructure improvements and public/private partnerships to improve the business climate in Duxbury, especially at Hall's Corner</p>
Alternative Energy Committee	Quarterly contact, attend meetings	Respond to emails, coordinate with Selectmen's office on administrative issues; Provide technical support and liaison with Town departments with respect to zoning, grant funding, investigative reports, siting, implementation of Green Communities funding, coordinate Technical Assistance funding with state and regional agencies and other departments
Wind Advisory Committee	Infrequent – two meetings, some emails	Response to several zoning issue technical questions; advise members of status of wind power in Duxbury; advise committee to dis-engage and disband
Open Space Committee	Weekly or more interaction with Chair, occasional meetings	Advise on policy, zoning matters, departmental regulations within DPW and Building as well as Planning, scenic trees/public trees, climate change, sea level rise, GIS maps and information relative to implementation of trail network planning; facilitate Technical Assistance with MAPC for GIS-based mapping of open space in MAPC metro-Boston trail planning networks, regionalized approach to green connectivity – staff support comes from Conservation Administrator Joe Grady
Sidewalk and Bike Path Committee	Weekly or more interaction with Chair, occasional meetings	Attend technical meetings and seek supporting funds for implementation of layout and design/easements/funding for potential sidewalks and bike paths. Meet with property owners and town departments/committees relative to links/overlap with Open Space Committee, regional transportation planning at OCPC and MAPC; facilitate public outreach meetings and negotiate with business owners/developers ; facilitated public outreach meeting on RR Ave sidewalk
Metropolitan Area Planning Council (MAPC)	Weekly emails/calls and regular meetings	Major resource as regional planning agency on energy, zoning, policy, transportation, open space, GIS – every planning activity imaginable, also a great resource for

		networking. Interaction on Hazard Mitigation Plan, Sea Level Rise investigations for the coastline in this region, Hall's Corner and revitalization planning as well as Comprehensive Planning for funding ideas and support is routine and critical.
MAPC South Shore Coalition	Monthly calls/emails	Regular networking lunches and updates on policy and local planning issues especially coastal, water quality, energy and economic issues in our region – this is a sub-region of MAPC
Old Colony Planning Council (OCPC)	Monthly calls/meetings	Unfortunately in 2016 the Planning Board night meetings generally coincide with the regular meetings of this agency on a monthly basis, trying to engage at regular meetings and through attending other events to remain participatory. Actively working with OCPC on GIS, transportation planning, economic studies of Duxbury, and nuclear power plant issues in neighboring Plymouth – great resource for regional networking with neighboring communities to the south and west of Duxbury including harbors
Government Study Committee	Monthly contact, occasional meetings	Provide technical support with respect to government structure relative to Planning office and for grant application to Community Compact with state – have become administratively primary contact on the coordination of the grant with respect to support of the Government Study Committee, Comprehensive Plan and Information Technology activities
Council on Aging	Infrequent – quarterly	Primarily looking for grant opportunities relative to community health, climate change and infrastructure to accommodate the aging population's quality of life, assist with expansion
Civic Association	Multiple times/week	Emails, meetings, phone conversations and correspondence regarding the activities of the Planning Board, Selectmen, Town Departments and various committees with respect to zoning and climate change, comprehensive planning – ongoing – a quasi-governmental group in my "view" as they attend every public meeting related to these matters in Duxbury
Local Historic District Commission	This year has been very frequent contact – monthly/weekly and a couple of meetings	Technical support with new local historic districts, rules and regulations, design guidelines, long-term planning, interface with Massachusetts Historical Commission, assistance with report-writing, zoning, and related planning activities for historic preservation, record and map historic districts, liaison with other historic interests in community and region; administrative support to Selectmen's office relative to policy requirements and postings
Historical	This year has	Technical review and support, facilitation of coordination

Commission	been very frequent contact – monthly/weekly and a couple of meetings	with town departments and town counsel on proposed zoning amendments and new rules and regulations; regularly this would be less intensive but has been very intensive and will continue to be so until several administrative issues are addressed with respect to policy
Selectmen	Infrequent	Probably 6-10 meetings this year relative to zoning, policy, energy, trees, town meeting, road acceptance and related matters; administrative support to Selectmen's office relative to policy requirements and postings
Finance Committee	Seasonal – based on Town Meeting and budget cycle	Town meeting interaction is very heavy due to all of the related activities of the various committees and boards in addition to budget review, policy considerations. Had some interaction discussing whether to engage in municipal aggregation in 2016
Duxbury Affordable Housing Trust	Monthly meetings with chair	Frequent discussions about affordable housing trust goals and challenges; extensive engagement with chair on zoning amendment throughout 2016; research and liaison with building department, information relative to DHCD and 40b – they also work with Scott Lambiase as the purchasing agent with respect to some of their activities and although they are hiring professional consulting services information will continue to be facilitated through the Municipal Services and Planning offices; we sometimes get involved in administrative support relative to postings
(future) Master Plan implementation committee	Weekly – will become primary focus for next couple of years	This group will oversee the development of a buildout analysis and implementation planning to reach to vision statement of the comprehensive plan and will continue to meet thereafter in the long term
Design Review Board	Infrequent	Zoning and historic preservation are huge issues for this group who has members who are very engaged in these efforts through other means as well; they are more active than their zoning-review designation implies; several one-on-one meetings this year and a few larger group meetings formal and informal
Zoning Bylaw Review committee	Weekly	Regular night meetings – 6/7 per year to monthly, weekly related day meetings, phone calls emails and conversations relative to the large number of desired updates to the zoning bylaw; town meeting; mapping; posting of meetings; interface with Town Counsel and Town Manager relative to policy and process
Planning Board	Weekly/daily	Regular meetings on all of the planning-related issues taken up by the various committees on this list, subdivision and ANR applications, construction oversight, site plan review, zoning board of appeals recommendations and zoning amendments, long-range and short-range planning initiatives – primary staff support, minutes, legal notices and agenda coordination; regular meetings with applicants

		and professional agents of applicants with respect to future and current filings; coordination with Design Review Team and peer review consultants to address planning specifics; street tree hearings, zoning hearings, reports to town meeting
Highway and Safety Committee	Infrequent	Updates on infrastructure improvements and planning relative to Hall's Corner, sidewalks, trails and safety improvements
Schools/Building Maintenance	Monthly	Relative to green community status and funding opportunities
GIS – AppGeo, Vision and Assessors	Monthly	Discussion of layers, availability of information, data sharing and relative matters for mapping of land use information in Duxbury and available to the public
DPW, Building, Conservation and Health	Daily	Regular interface on planning and permitting, zoning and infrastructure issues for the Town
General public, media	Daily	Requests for information on any planning-related function, complaints, zoning, etc.
State and federal agencies & officials	Weekly	Regular contact on required planning initiatives and regulatory matters, discussion of policy objectives
Planning associations	Frequent	Active member of Massachusetts Association of Planning Directors (former VP), Chair of fundraising this year for Southern New England American Planning Association conference (rotates each year from MA, RI, CT); meet with neighboring communities on planning issues and policy questions, participate in MassPlanner ListServe wherever possible

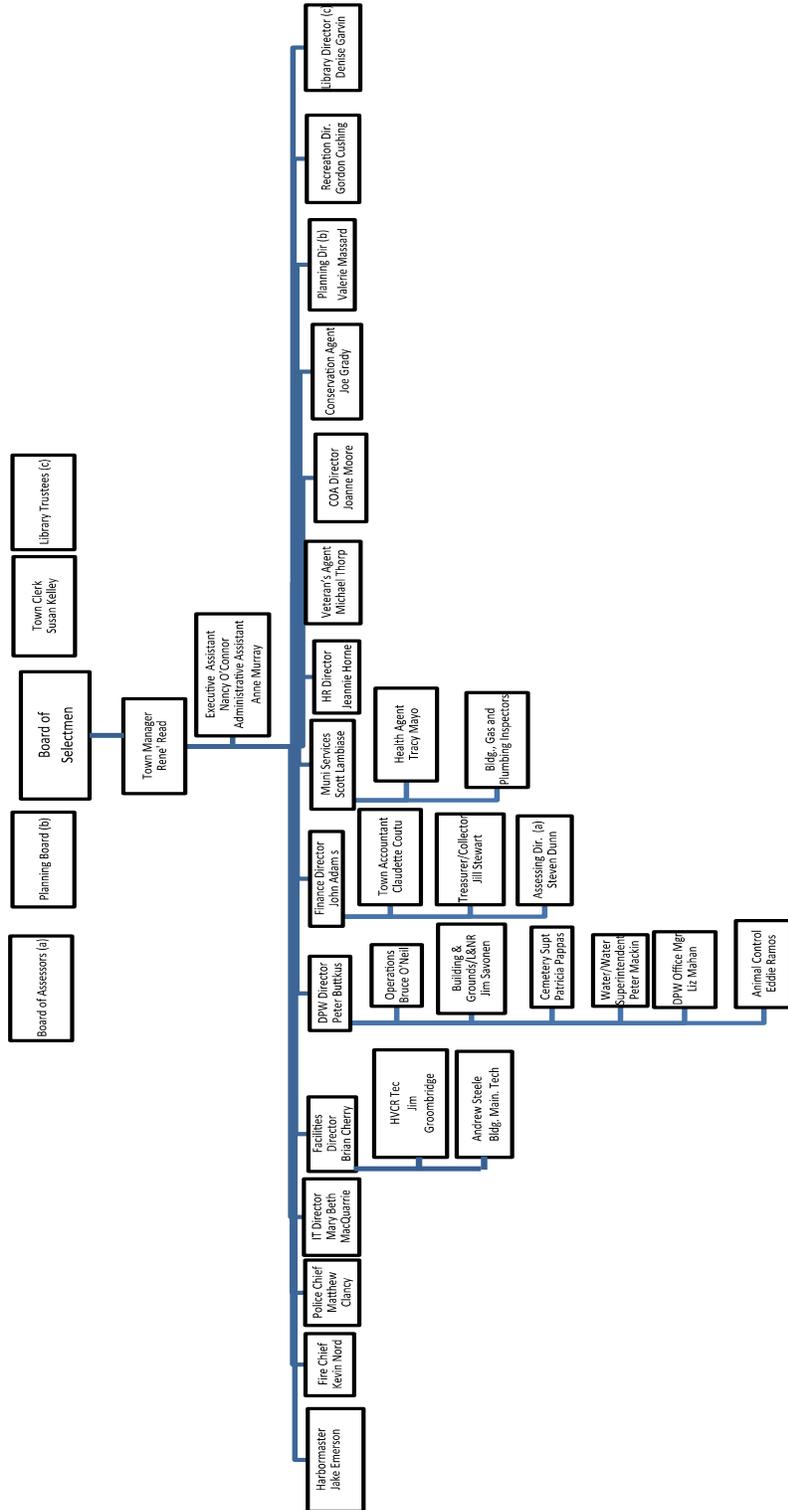
C. List of Committees and Boards

	COMMITTEE/BOARD NAME	APPOINTING AUTHORITY
Land Use and Conservation:		
1.	Agricultural Commission	BoS
2.	Alternative Energy Committee	BoS
3.	Community Preservation Commission	BoS
4.	Conservation Commission	BoS
5.	Design Review Board	BoS
6.	Duxbury Bay Management Commission	BoS
7.	Duxbury Beach Committee	Moderator
8.	Open Space Committee	BoS
9.	Sidewalk and Bike Path Committee	BoS
10.	Zoning Board of Appeals	BoS
Recreational Activities:		
11.	Fourth of July Committee	BoS
12.	Recreation Activities Committee	BoS
Government:		
13.	Board of Health	BoS
14.	Board of Selectmen	Elected
15.	Cemetery Trustees	Moderator
16.	Council on Aging	BoS
17.	Duxbury Affordable Housing Trust	BoS
18.	Duxbury Cultural Council	BoS
19.	Duxbury Housing Authority	Elected
20.	Economic Advisory Committee	BoS
21.	Highway Safety Advisory Committee	BoS
22.	Historical Commission	BoS
23.	King Caesar Advisory Committee	BoS
24.	Local Historic District Commission	BoS
25.	Planning Board	Elected
26.	Library Trustees	Elected
27.	Municipal Comm. On Disability	BoS
28.	Nuclear Advisory Committee	BoS
29.	Personnel Board	Moderator
30.	Powder Point Bridge Committee	Moderator
31.	School Committee	Elected
32.	Shellfish Advisory Committee	BoS
33.	Water and Sewer Advisory Board	Moderator
Finance:		
34.	Finance Committee	Moderator
35.	Fiscal Advisory Committee	Moderator
Inactive/Disbanding		
	375 th Committee	
	Blairhaven Committee	
	Cable TV Committee	
	Canine Committee	
	DFP 400 th Committee	
	Duxbury Youth Commission	
	Electronic Balloting Committee	
	Government Study Committee	Disbanding after 2018 TM
	Investment Advisory Committee	
	Local Housing Partnership	
	North Hill Advisory Committee	
	Pool Committee	
	Tarkiln Committee	
	Wind Advisory Committee	
	Zoning By-law Review Committee	

D. Town of Duxbury Organization Chart

Town of Duxbury Departments as of 2/28/18

(a) (b) (c) positions also report to elected boards



E. Report of the Department of Revenue Division of Local Services Technical Assistance Bureau

GOVERNMENT STUDY ADVISORY | TOWN OF DUXBURY

A COMMUNITY COMPACT CABINET INITIATIVE

NOVEMBER 2017





November 9, 2017

Board of Selectmen
878 Tremont Street
Duxbury, MA 02332
c/o Town Manager

Dear René Read,

I am pleased to present the Town of Duxbury with the enclosed structure and bylaw recommendations for the Board of Selectmen on behalf of the Town Government Study Committee as part of the Baker-Polito Administration's Community Compact Cabinet initiative. This collaborative program strives to create clear mutual standards, expectations, and accountability for both the state and municipalities. It is my hope that our guidance provides direction and serves as a resource for local officials as we build better government for our citizens.

If you have any questions regarding the report, please contact Zack Blake, Technical Assistance Bureau Chief, at (617) 626-2358 or blakez@dor.state.ma.us.

Sincerely,

Sean R. Cronin
Senior Deputy Commissioner

TABLE OF CONTENTS

Introduction	1
Town Government Study Committee	2
Recommendations.....	3
Expand the Size of the Board of Selectmen.....	3
Move the Date of Annual Town Meeting	4
Establish an Audit Committee	5
Redefine the Planning Department's Reporting Structure.....	5
Establish Capital Construction Request Procedure	6
Define Capital Planning Process.....	6
Establish a Town/School Financial Team	7
Eliminate the Health Insurance Trust Fund	7
Adopt Reconciliation and Ambulance Receivables Financial Policies	7
Update the Town Website.....	8
Increase Remote Participation at Town Meeting.....	8
Disband Personnel Board.....	8
Review the Town's General Bylaws	8

INTRODUCTION

At the Town of Duxbury Board of Selectmen's request, the Division of Local Services (DLS) Technical Assistance Bureau (TAB) reviewed potential structural changes and bylaw amendments being examined locally by the appointed government study committee. As a best practice, every eight to ten years, a community should conduct formal reviews of its government structure to ensure it can remain proactive and progressive in addressing emerging challenges, sustaining fiscal health, and modernizing procedures. By periodically assessing and modifying town government, local leaders and residents can ensure it continues to provide the support needed to reinforce sound practices related to fiscal stewardship, service effectiveness, and resource efficiency.

Located 35 miles south of Boston, the Town of Duxbury (pop. 15,483) is home to an extensive coastline, pristine beaches, and the locally celebrated Powder Point Bridge. Apart from its serene beauty, the town boasts a top-rated school system, maintains a AAA bond rating, and operates the newest regionalized emergency services dispatch center in the area. Above-average wealth factors also contribute to Duxbury's desirability. The town's 2014 per capita income of \$85,683 was 104 percent above the state average, and its 2016 equalized valuation per capita of \$252,191 was 15 percent above. Fully three-quarters of Duxbury's \$78M budget comes from the property tax levy, which is funded 96 percent by the residential class.

Duxbury is governed by a three-member board of selectmen and open town meeting. The town has five separately elected boards and committees (assessing, housing authority, library, planning, and school), each with a department head reporting to it. Among the modern and admirable features of Duxbury's local government are a town manager with broad authority, a consolidated finance department led by a finance director and including a combined treasurer/collector operation, appointed status for all finance officers, strong partnership between town and school offices, healthy financial reserve levels, and a desire to continually improve the management structure and framework.

Over the past five years, town meeting has authorized the construction of a \$130M middle and high school campus, \$6.3M police station, and renovations of the Percy Walker pool, fire station, and senior center. In addition, there are currently proposals being discussed to expand the senior center and public works facilities. The continued investment in infrastructure signals strong commitments by residents and officials to sustain Duxbury's long-term vitality and desirability.

TOWN GOVERNMENT STUDY COMMITTEE

In March 2015, town meeting approved the formation of an ad hoc town government study committee (TGSC) to review and provide recommendations on the town's form of government, organizational structure, and bylaws. The nine-member committee was appointed by the town moderator and includes local officials and residents representing financial, executive, school, and other citizenry of the town.

During FY2016, the TGSC conducted numerous interviews with local officials, attended various town committee meetings, met with officials from TAB, and researched matters relative to its charge. To begin developing goals, the TGSC issued a well-publicized 19 question, online survey early in 2016 that sought input on a variety of topics, including elected versus appointed boards, the scheduling of annual town meeting, the number of select board members, and suggestions to improve town government.

It is important to note that this survey, with 585 responses (3.8 percent of population), reached more than double the audience of that year's town meeting. The common responses were in favor of retaining open town meeting, continuing to elect various local officials, changing the date of annual town meeting, and increasing the size of the select board. The survey's comments section elicited a few recurring themes, such as insufficient transparency, high property taxes, sidewalk and street safety, and an antiquated town meeting process.

From its charge and related research, the TGSC developed goals and objectives and presented interim reports to town meeting in March 2016 and 2017. Initially, the committee was scheduled to conclude its work and present findings at the March 2017 annual town meeting, but due to the volume and pace of work, the TGSC received an extension from the select board to continue through March 2018. Within the scope of its charge, the committee members vetted and rejected taking action on the following proposals: adopt a representative form of town meeting, modify the general bylaws to permit recall of elected officials, convert the elected town clerk, board of assessors, planning board, and library trustees to appointed positions

As the TGSC analyzes its remaining objectives, committee members met with TAB officials in July 2017 and requested guidance on increasing the number of select board members, establishing an audit committee, modifying line authority and reporting relationships in the planning department, and forming a municipal building committee. During the consultation, committee members expanded the scope and actively sought advice on a wide variety of issues, including best practice recommendations, and bylaw amendments to effectuate even broader change for the town. To this end, we provide relevant recommendations for the TGSC to consider.

RECOMMENDATIONS

Expand the Size of the Board of Selectmen: We recommend expanding the board of selectmen by increasing its membership from three to five. A three-member board works well in smaller towns with populations under 10,000, in which selectmen play stronger administrative roles in daily municipal affairs. However, Duxbury has over 15,000 residents (including more than 3,000 students), manages an operating budget of \$78M, and provides a wide array of municipal services. In addition to their statutory responsibilities, selectmen participate on ad hoc committees, research and act upon all town meeting issues, supervise the town manager, review capital and operating budgets, enact local policy decisions, and serve as sewer commissioners.

Less than half of all Plymouth County communities (41 percent) operate with three-member select boards. And of the 10 communities closest in population to Duxbury, East Bridgewater is the only other town to operate with a three-member select board.

Plymouth County Communities	Population (2015)	BOS Board	Annual Town Meeting Date	Town Election Date
Plympton	2,917	3	May (3rd Wed)	May (3rd Sat)
Marion	5,086	3	May (2nd Mon)	May (Fri after 2nd Mon)
Rochester	5,494	3	May (3rd Mon)	May (2nd Wed)
Mattapoisett	6,267	3	May (2nd Mon)	May (3rd Tues)
West Bridgewater	7,094	3	Discretion of BOS	April (2nd Sat)
Halifax	7,834	3	May (2nd Mon)	May (Sat after 2nd Mon)
Hull	10,491	5	May (1st/2nd Mon, by BOS vote)	May (3rd Mon)
Hanson	10,630	5	May (1st Mon)	May (3rd Sat)
Norwell	10,984	5	May (2nd Mon)	May (Sat after 2nd Mon)
Lakeville	11,338	3	May (2nd Mon)	Apr (1st Mon)
Carver	11,629	5	Apr/May/Jun discretion of BOS	Apr (4th Sat)
Kingston	13,301	5	Apr/May/Jun discretion of BOS	Apr (4th Sat) or other
East Bridgewater	14,343	3	May (2nd Mon)	Apr (Sat after 1st Mon)
Hanover	14,424	5	May (1st Mon)	May (Sat after 1st Mon)
Whitman	14,849	5	May (2nd Mon)	May (3rd Sat)
Duxbury	15,483	3	March (2nd Sat)	March (4th Sat)
Abington	16,227	5	Apr (1st Mon)	Apr (last Sat)
Rockland	17,832	5	Discretion of BOS	Apr (2nd Sat)
Pembroke	18,273	5	May (2nd Tues)	May (Sat after 2nd Tues)
Scituate	18,478	5	Apr (2nd Mon)	6th Sat after ATM
Wareham	22,408	5	Apr (4th Mon)	Apr (1st Tues)
Hingham	23,120	3	Apr (4th Mon)	Apr/May (1st Sat after ATM)
Middleborough	24,350	5	Apr (4th Mon)	Apr (1st Sat)
Marshfield	25,709	3	Apr (4th Mon)	Apr/May (1st Sat after ATM)
Bridgewater	27,628	9 Councilors	May (1st Mon)	Apr (Sat preceding last Mon)
Plymouth	58,890	5	Apr (1st Sat)	May (3rd Sat)
Brockton	95,314	11 Councilors	City Council	

Opponents of a larger select board argue that towns are starved for candidates to run for offices, and increasing the board's size will cause seats to either go unfilled or be filled by residents with

personal agendas. They further contend that the need to “share the workload” has diminished since professional managers (i.e., town managers or administrators) actually run the day-to-day operations. Lastly, they insist that “if it ain’t broke, don’t fix it.” While these may be popular reactions, they overlook the fact that a five-member board offers broader representation of viewpoints, enhances problem solving, and enables more research and analysis. It also reduces the risk of dominating biases, open meeting law violations, and conflicts of interest. With a five-member board, two selectmen may legally speak with one another (but not deliberate), and there is greater availability to attend meetings of other committees to help arrive at important town decisions.

Furthermore, because winning a majority of three votes, versus two, is more difficult, the prospects increase for greater collaboration. With no more than two members elected each year, the board will also experience greater stability and continuity. Lastly, should a board member fall ill or become otherwise unable to perform his or her duties, the town can continue to achieve quorums and operate effectively in the best interests of the residents.

State law precludes making such a change solely through a town meeting vote. Therefore, to institute the change, the town would need to gain approval by town meeting, a special act of the Massachusetts legislature, and voter approval via a referendum. We encourage the town government study committee to work with town counsel and interview officials from other communities¹ that have attempted to implement this change.

Move the Date of Annual Town Meeting: In the TGSC survey, 61 percent of respondents (2.3 percent of population) favored moving annual town meeting to later in the year. However, town meeting voted 80 to 118 on March 11, 2017 to defeat a citizen’s petition requesting a move to May. Despite the failed attempt, we recommend the TGSC present the proposal again using sound evidence and its support behind the recommendation.

Per town bylaw, annual town meeting in Duxbury is held on the second Saturday of March. Not only is this the earliest scheduled annual town meeting date in Massachusetts, but also only seven other communities hold their annual town meeting in March². An early town meeting date puts undue pressure on the town manager, finance director, superintendent, selectmen, school committee,

¹ The following towns have pursued increasing their select boards from three to five members with varying results: Sudbury (successful), Topsfield (successful), Cheshire (in-progress), Hingham (unsuccessful), and Newbury (successful).

² A [2013 study](#) conducted by the Massachusetts Municipal Association found that only eight of 351 communities across the state held annual town meeting in March. The majority of annual town meetings are held in May.

finance committee, and fiscal advisory committee to complete their work on the operating and capital budgets in a compressed time frame. The early date can also deny the town access to important, relevant information concerning state aid, motor vehicle excise trends, vendor price increases, and new growth projections. Many towns have recognized that there is little justification, beyond habit, for an early town meeting and have gained valuable analysis time by moving annual town meeting into May or June.

Establish an Audit Committee: We recommend the town establish, by bylaw, an audit committee whose responsibilities would minimally include the following:

- Administer the process for reviewing prospective audit firm bids and make recommendations to the board of selectmen on which bid to award
- Define the scope of services to be performed by the auditor
- Review the performance and independence of the audit firm and report to the board of selectmen on an annual basis
- Review and respond to all management letter comments and to any material issues in the audited financial statements
- Provide an annual report to town meeting on the status of corrective actions

In addition to forming an audit committee, the town should consider readvertising for audit services. As a rule, the town should issue a request for auditing services every five to eight years, provided there is adequate competition among qualified auditors. Based on a review of our records, Duxbury has been with the same outside audit firm, Powers & Sullivan, LLC, for over seven years. Contracting with a new audit firm will not only bring a fresh perspective and foster objectivity, but also reflects good practice. Short of contracting with a new firm, the town can also ask to rotate the audit lead.

As a resource, please review our *Annual Audit Best Practice* found in the Departmental Procedures section of the [TAB website](#).

Redefine the Planning Department's Reporting Structure: The elected planning board currently appoints and oversees the planning director. This officeholder must work frequently with residents, local officials, boards, and agencies to research projects, develop plans, and make recommendations. Crucial to this role is the ability to effectively interact with all town departments in order to synergize planning activities with town priorities and provide valuable recommendations that reflect the community's collective goals. Operating under the sole direction and authority of the planning board restricts the planner's ability to work swiftly and cohesively in the best interests of the town. Day-to-day supervision through the town manager's office, with clear communication to the planning board, optimizes the time and resources of the planning department.

We therefore recommend the town consider adopting a bylaw amendment to make the planning department a management report of the town manager. As language for the bylaw, we suggest: "planning director, appointed by the planning board, shall coordinate the activities of the planning department under the direction of the town manager."

Establish a Construction Request Procedure: The TGSC discussed whether or not the town would benefit from a municipal building committee to assess construction proposals before a project specific feasibility study committee is formed. We believe there is no need for a new committee but recommend the town develop a construction request procedure that requires:

- All construction requests over [\$200,000]³ be submitted in writing to the town manager and fiscal advisory committee
- Each project request include a department head named as co-sponsor regardless of whether the request is citizen inspired or derived from a department head, board, or committee
- Each proposal be evaluated by the town manager and fiscal advisory committee against clearly defined criteria including the town's master plan, school improvement plan, building envelope studies, road improvement program, and other relevant materials
- Each approved project be presented to the board of selectmen for support and creation of a project committee

The town may wish to establish a working group comprised of the town manager, facilities manager, and department heads responsible for maintaining town-owned property, which would meet biannually to discuss future capital needs. Discussion among these caretakers often yields consensus and appreciation for the needs and priorities of other departments and thereby helps the town manager, fiscal advisory board, and select board to focus efforts on well-defined projects.

Define Capital Planning Process: In reviewing town records, we noted the following conflicts and ambiguities as it relates to the town's capital planning process:

- Chapter 353 of the Acts of 1987, an act providing for a Town Manager for the Town of Duxbury (section 3.B.5) states town bylaws shall define a capital improvement, yet the bylaws are silent on this issue. A well-formed capital improvement definition includes a minimum dollar value and expected useful life of an asset.
- The annual town report asserts that the fiscal advisory committee reviews capital improvements costing more than \$25,000 and with a useful life of three years or greater.

³ Locally adopted threshold

However, article 6, motions 1-4 presented in the March 12, 2016 annual town meeting warrant include capital projects costing both above and below \$25,000. Article 7 of the same warrant defines a \$15,000 threshold for capital requests.

- Section 6.8.2.d of the general bylaws indicates the fiscal advisory committee shall review capital expenditure articles over \$100,000.

To resolve these conflicts, the town should clearly define its capital improvement planning process through bylaw. In doing so, the bylaw's process should include the following: the definition of what constitutes a capital request, the criteria by which capital requests are prioritized, the presentation to town meeting of a comprehensive capital budget warrant article and annual report of the town's capital needs, and the development of multi-year capital plans for long-term departmental needs. The threefold goal of the plan should be to prioritize the proposed capital projects, to estimate project costs, and to determine the method of payment for each project.

Establish a Town/School Financial Team: We recommend the select board sponsor a bylaw to establish a formal working team of town and school finance officials. While we recognize the strength of the existing interactions among these individuals, formalizing their relationship signals a commitment to ensure continuity, increase transparency, and enhance public trust. A formally established financial team has proven to be an effective tool for addressing local fiscal policy, identifying opportunities to share services, offering early strategies to deal with anticipated areas of concern, and improving long-range planning. Chaired by the finance director, the team should include the town manager, superintendent, treasurer/collector, town accountant, and school business manager. We further advise the finance director establish a regular meeting schedule to provide a consistent forum for the discussion of budget, capital plan, procurement matters, state and federal regulatory calendars, and other finance-related deadlines.

Eliminate the Health Insurance Trust Fund: We recommend that the town transition from its self-insured group health plan to a fully premium based option, like the State's Group Insurance Commission (GIC). Over the years and as recently as 2016, Duxbury's health claims trust fund reported year end deficits. As a strategy, successfully managing a self-insured group health plan requires constant vigilance through good controls, monitoring funding requirements, and aggressively seeking cost reductions. In bearing this risk, the town is also more vulnerable to successively high-cost, catastrophic claims that could wreak havoc on the trust's long-term financial viability.

Adopt Reconciliation and Ambulance Receivables Financial Policies: We recommend that the town adopt financial policies on reconciliation and ambulance receivables based on recent management letter deficiencies in these areas. Adopting and implementing strong reconciliation and ambulance

receivables financial policies will strengthen the town's internal controls, provide instructive guidance, and promote consistency as local officials plan, direct, monitor, and protect municipal assets and resources.

Attached are sample policies that contain specific provisions that local leaders need to decide upon before adoption. Additional sample financial policies can be found on the DLS website under [Community Compact Reports](#).

Update the Town Website: Duxbury's website provides departmental listings, contact information, community links, forms and applications, online payment options, news, and announcements. A comprehensive, up-to-date website generates public awareness, promotes confidence in government, and offers opportunities for greater citizen engagement. During our review, we noted the following items were either absent or difficult to locate, which should be easily available to residents:

- Town meeting minutes and voting results
- Finance and fiscal advisory committee agendas and minutes
- 5-year capital improvement plan
- Current personnel bylaw

We further recommend that the town explore additional online tools to promote transparency, foster citizen engagement, and facilitate open data such as a financial dashboard, urban planning platform, and open checkbook visualization.

Increase Remote Participation at Town Meeting: Based on resident feedback through the TGSC survey, social media, and to local officials directly, there is a growing interest in remote town meeting participation via computer, tablet, or smartphone. While the TGSC embraces this notion by some residents, the committee's final report should explain the reasons preventing such online participation at this time. Specifically, open meeting law, as outlined in [M.G.L. c. 30A, § 20](#) and clarified in [940 CMR 29.00](#), stipulates certain requirements that when applied to remote participation at annual town meeting are logistically and financially prohibitive.

Disband Personnel Board: In communities, such as Duxbury, that employ a full-time human resource director we view the personnel board as duplicative and unnecessary to the town's in-house professional management

Review the Town's General Bylaws: As a follow-up to the work of the TGSC, Duxbury should review its town bylaws. Communities establish a set of bylaws to define and describe government

structure, appointing authorities, procedures and local prohibitions. Below are specific areas the town should consider:

Annual Audit - Chapter 3, section 3.1.4 of the town's bylaws currently reads "The Board of Selectmen shall cause a biennial audit of the Town's financial records to be accomplished by and carry the report thereon of an independent accountant or accounting firm." We recommend that the town update this bylaw to reflect that an annual audit is required for federal grants management compliance with the Omni-Circular, as published by the Office of Management and Budget.

Employee as an Elected Official - Chapter 3.1.2 of the town's bylaws currently reads "No person shall hold, at one time, the offices of Board of Selectmen and Assessor." We recommend the town expand the scope of this bylaw to prohibit an active employee, regardless of department or board, from holding any elective office or serving as an appointed member of a board or committee. It is not optimum when employees in one town department sit on a board or committee which, under its charge, manages, influences, or otherwise sits in judgment of other town departments.

Elected Officials Holding Multiple Offices - Establishing clear lines of authority and eliminating conflicts of interest provide for strong governance and transparency. We recommend, as a preventative measure, the town establish a bylaw prohibiting elected officials from holding more than one elective office concurrently, and from serving on an appointed board or committee while holding elective office.

Tax Enforcement - Although Duxbury's Treasurer/Collector currently accepts partial payments for tax liens on parcels in tax title, [M.G.L. c. 60, § 62A](#) requires a bylaw to authorize such payments. The town's bylaws are silent on tax enforcement regulations.

License Denial due to Outstanding Taxes – Under the current bylaw, based on [M.G.L. c. 40, § 57](#), the town is allowed to deny, revoke, or suspend licenses or permits for nonpayment of taxes and other municipal charges older than 12 months based on an annual list. The town should update its bylaws to reflect the changes made under [Chapter 218 of the Acts of 2016](#), known as the Municipal Modernization Act, which allows collectors to furnish information to their license and permit granting departments and boards where the delinquency exists for some period *less than 12 months*.

F. Number of Selectmen by Community

Plymouth County						
Municipality	Population (2015)	CMO	Policy Type	Number	Legislative	
Bridgewater	27,628	MA	Council	9	N/A	
Brockton	95,314	Mayor	Council	11	N/A	
Plympton	2,917	N/A	Selectman	3	OTM	
Carver	11,629	TA	Selectman	5	OTM	
East Bridgewater	14,343	TA	Selectman	3	OTM	
Halifax	7,834	TA	Selectman	3	OTM	
Hanson	10,630	TA	Selectman	5	OTM	
Hingham	23,120	TA	Selectman	3	OTM	
Kingston	13,301	TA	Selectman	5	OTM	
Lakeville	11,338	TA	Selectman	3	OTM	
Marion	5,086	TA	Selectman	3	OTM	
Marshfield	25,709	TA	Selectman	3	OTM	
Mattapoissett	6,267	TA	Selectman	3	OTM	
Norwell	10,984	TA	Selectman	5	OTM	
Pembroke	18,273	TA	Selectman	5	OTM	
Rochester	5,494	TA	Selectman	3	OTM	
Rockland	17,832	TA	Selectman	5	OTM	
Scituate	18,478	TA	Selectman	5	OTM	
Wareham	22,408	TA	Selectman	5	OTM	
Whitman	14,849	TA	Selectman	5	OTM	
Abington	16,227	TM	Selectman	5	OTM	
Duxbury	15,483	TM	Selectman	3	OTM	
Hanover	14,424	TM	Selectman	5	OTM	
Hull	10,491	TM	Selectman	5	OTM	
Middleborough	24,350	TM	Selectman	5	OTM	
Plymouth	58,890	TM	Selectman	5	RTM	
West Bridgewater	7,094	TM	Selectman	3	OTM	

Number of communities 27

Number of communities with 3 Selectman 11 41%

Number of communities with 5 Selectman 14 52%

G. Suggested Responsibilities of Audit Committee

The Audit Committee's overriding purpose is to assist the Board of Selectmen in providing oversight of the independent audit of the Town's financial statements. The GSC reviewed other towns' Audit Committee charges as well as the DLS Report's recommendations and compiled a list of suggested responsibilities to include in its charge.

The Independent Audit

- Participation in the selection of the auditor, and reviewing the auditor's performance and statement of independence;
- Reviewing the auditor's scope of services;
- Reviewing the audit results and all accompanying financial statements;
- Reviewing and ensuring responsiveness to all management letter comments;
- Reporting on all of the above to the Board of Selectmen, School Committee and Finance Committee;
- Reviewing and making recommendations on the performance of the external auditors;
- Meeting annually with the external auditors in executive session, upon release of the audit, to discuss any matters that the committee or auditors believe should be discussed; and
- Ensuring that the Town either:
 - Engages a new external audit firm every 5 years; or
 - Rotates the "Engagement Partner" every 5 years.

Other Responsibilities

- Report annually to Town Meeting in written form through the Town Report, describing the committee's composition, responsibilities and how they were discharged;
- Review and assess the adequacy of the committee charge every three years, requesting Board of Selectmen approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation; and
- Confirm annually that all responsibilities outlined in this charge have been carried out.