

Town of Brewster

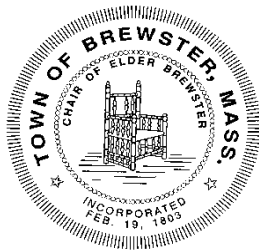


Government Study Committee

Final Report

July, 2016

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2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701

GOVERNMENT STUDY COMMITTEE

July, 2016

Brewster Board of Selectmen, John Dickson, Chairman

Dear Chairman Dickson and the Board,

The members of the Brewster Government Study Committee are honored to present this Final Report of the Government Study Committee to the Board of Selectmen and the citizens of Brewster.

The Government Study Committee (GSC) has spent two years at their assigned task “of conducting an in-depth review of the Town’s current organizational structure including the role of Town Administrator, the various Town departments, boards, committees, and commissions. The study will examine the clarity of duties, span of responsibilities, methods of internal and external communication and coordination” as called for in the GSC’s charge. In addition the GSC considered other areas it identified as potentially affecting Brewster now or in the future. In carrying out the charge of the Committee the GSC conducted a citizen’s survey which received over 600 responses, held a public forum and interviewed numerous Town Boards, Commissions, Committees, employees and officials.

The Committee originally identified 27 findings that were presented in the GSC Phase 1 report. These initial findings received further study in Phase 2 and 3, which resulted in the 24 issues presented in this Final Report.

The members of the Government Study Committee hope this report will be used as a document to guide positive change in Brewster government. The reports presents discussion around the issues the GSC has identified and recommends a course of action to be considered for each issue. In no instances does the GSC proscribe “the answer” to the issue because the Committee strongly feels that the answers must be developed during open discussion involving the Administration, elected officials and citizens of Brewster.

Finally, the Committee would like to acknowledge the assistance which Donna Moberg provided. Without her efforts it would have been a much more difficult undertaking.

Respectfully Submitted,

The Government Study Committee

Jerri Carlin Chris Kenney Colin Odell, Chairman
Elbert Ulshoeffter Dave Whitney

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SECTION 1 – Background and Process

BACKGROUND

The Brewster Government Study Committee (GSC) was created by the Board of Selectmen in March, 2014 and charged with “conducting an in-depth review of the Town’s current organizational structure including the role of Town Administrator, the various Town departments, boards, committees, and commissions. The study will examine the clarity of duties, span of responsibilities, methods of internal and external communication and coordination. The study will compare how these factors are dealt with in Town policies and in practice.”

Among the areas of Brewster Town government outlined for analysis by the Selectmen were Brewster’s organizational structure, definition of duties, management appointments, communication and coordination, staffing, and performance management. The Committee also looked at the various Boards, Committees and Commissions from the standpoint of the relationship between the body and support staff, the relationship between policy-making and regulatory responsibilities and the member selection process. In addition to these areas the committee was given a free hand to consider anything it identified that may affect Brewster now or in the future. (The full charge for the GSC is found in the Appendix)

The Selectmen interviewed a number of candidates for the GSC and in June appointed Don Arthur, Peggy Jablonski, Chris Kenney, Todd Montgomery, Colin Odell, Dave Whitney and Elbert Ulshoeffter to be the seven members of the committee. Peggy Jablonski subsequently resigned from the GSC in September and the Selectmen selected Jerri Carlin as her replacement in November. Subsequently Don Arthur and Todd Montgomery resigned from the GSC and in the spring of 2016 the Selectmen officially reduced the size of the GSC to five members.

The initial meeting of the BGSC was held on July 15, 2014. At this meeting the members of the committee selected Colin Odell to be Chairman and Todd Montgomery to be Vice-chairman. Since the initial meeting the GSC has met twice monthly, typically on the second and fourth Thursdays. These meetings

were recorded and broadcast on the Town’s public television channel and are also available on the Town website.

Committee Process

During 2014 the primary work of the BGSC was the information gathering called for in Phase 1 of the process outlined in the GSC Charge. The committee conducted interviews with the Town Administrator and Assistant Administrator, Town Department heads, and many of the Town’s boards, Commissions and Committees. This interview process continued well into 2015.

In addition to the interviews the GSC distributed a survey to Brewster residents with the fall 2014 tax bills. The survey document was also available on the Town website and as an online web survey. The GSC received over 600 survey responses. The GSC also held a Citizen’s forum to solicit public input. An “Open Speak” agenda item was also part of the GSC meetings to provide additional opportunity for citizen input.

During Phase 1 twenty-seven initial findings were identified for further study. These findings were presented to the Selectmen in July, 2015. The further study of the initial findings resulted in the 25 issues that are documented in Section 2 of this report. Of the four initial findings that did not progress two were consolidated with two similar issues and two were found to have already been addressed by the Administration.

The members of the GSC took it upon themselves to develop the Committee positions on 19 of the 24 issues presented in the report. The services of the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts, Boston were utilized to develop background information for the remaining five issues.

Report Structure

This report is divided into three primary sections and an Appendix.

This first section provides background information on the Government Study Committee, the process the GSC went through to develop this report and explanation of the content of the other sections.

Section 2 – Identified Issues, deals with the issues that the GSC feels need attention and recommends a process for approaching a solution. In no cases has the GSC presented what the Committee feels is “the solution” to the issue.

Section 1 – Background and Summary

The GSC has attempted to provide information on a potential course of action for the Selectmen, Administration and Brewster’s citizens to develop an appropriate solution through open discussion.

Section 3 – Individual Observations, present the personal observations of various GSC members on issues that were not included in the primary issues. These issues may provide insights that warrant consideration by the Administration.

The Appendix provides the complete text of the Collins Center memos and the charge of the GSC.

SECTION 2 – IDENTIFIED ISSUES

ISSUE 1

Explore optional forms of administration under MGL Ch.43C Sec 11, 12 and 13.

Description

In assessing the efficacy of operations of Town departments two were identified for a more in-depth review. Brewster has operated for a number of years with a consolidated financial management structure without having enacted the necessary enabling Bylaw. Also, concerns expressed in the GSC Citizen's Survey, as well as the 1995 GSC report, indicated that a more uniform, citizen friendly permitting process be considered.

Analysis and Discussion

The GSC utilized the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts, Boston (Collins Center) to perform this review. The Collins Center was requested to explore optional forms of administration within the financial and permitting departments under the provisions of MGL Ch.43C Sec.11 and 13.

Sec. 11 allows towns to consolidate the various financial departments under one financial director. Brewster has accomplished the necessary prerequisite to consolidate Brewster's financial departments into a single department of municipal finance by votes at Town Meeting and a ballot question. A bylaw can now be presented at a future Town Meeting to consolidate the various financial departments.

Sec. 13 allows for the establishment of a "Consolidated Department of Municipal Inspections." As outlined in the Collins Center Memo #5 (See Appendix for full memo), many of the concerns expressed in the GSC Survey and the 1995 report may be mitigated by a considered effort to further identify the functions which should be incorporated into a bylaw that consolidates all permitting departments under the sole authority of a "Director of Inspection Services."

Recommendation

The GSC, recommends that the Selectmen/finance committee review the Collins Center Memo #1 (See Appendix for full memo) for guidance in the functions of consolidated financial department and incorporate in the bylaw what the administration deems beneficial.

The GSC recommends that the administration review the Collins Center Memo #5 and if deemed beneficial, to adopt an Inspectional Services Department in the manner outlined within Ch43C Sec13 and incorporate into a bylaw any of the functions allowed for under paragraph(d) of the law.

Budgetary Implications

Staff time

ISSUE 2

Review of unfunded state mandates

Description

The Town and its citizens could benefit from an internal administrative policy that required all department heads and standing committee chairs to bring to the attention of the Town Administrator any state mandates that financially impact the Town.

Analysis and Discussion

Department heads and committees have expressed that often their responsibilities and the cost of carrying them out are a result (a mandate) of some state law. Usually there is no further discussion and the citizens, either through a tax or a fee, pay the cost. As an example, the town clerk is required to notify by a second mailing anyone who has not returned their census form of probable consequences in voting status; even though the 1st mailing includes a similar warning. The taxpayer picks up the cost, i.e. mailing cost, admin time, etc.

Recommendation

The Town Administrator/Selectmen, by policy, require department heads and committee chairs when informed of mandates that financially impact operations under their control bring them to the attention of our representatives to the General Court at his/her monthly Town Hall meetings. At a minimum a citizens could at least be informed of the reasons for the law or even better, the representative may be able to offer other solutions by legislative action.

Supporting Arguments

1. It is good public policy that explanations other than "it's the law" be offered to the public.
2. If cost saving could result from simply notifying our state representatives of the impacts, the public benefits.
3. There is no cost to implement an administrative policy.

Opposing Arguments

NONE

Implementation Plan

Under direction of the Towns administration along with our state representative a policy be developed that accomplishes the recommendation.

Budgetary Implications

None relative to implementation.

Could be positive impact to budget if mandates were funded or eliminated.

ISSUE 3

Improved training for Boards, Commissions and Committees

Description

Volunteerism is the backbone of our Town. Brewster has more than 50 boards and committees, consisting of approximately 220 volunteers that are appointed or elected.

Analysis and Discussion

It is noted that there are several vacancies on these boards. More citizens may come forward to fill the positions if they were better informed about the duties and responsibilities, including

1. Time commitment.
2. The most important qualification is the willingness to work within a group setting to achieve the goals outlined in a committee's charge. A few committee positions may also require special qualifications or experience.
3. Is there a need for special training? Some boards have tuition available for training classes. They are not mandatory and completely up to the individual.

Recommendations

A training booklet be given to each new volunteer, to include:

1. Open Meeting Law and Conflict of Interest Laws.
2. A copy of the committee's specific charge, goals and accomplishments.
3. General information about responsibilities, attendance and resignations.

Recommend all new members familiarize themselves with the past minutes and recorded meetings of the committee they are joining.

Knowledge of Parliamentary procedures.

Media training.

Supporting Arguments

1. This information should make for an easy transition into any committee, commission or board.
2. Should be included on the Town's web site.

Opposing Arguments

None

Implementation Plan

1. Each committee would prepare and keep current a handbook for their group.
2. The Town should recognize volunteers when they complete their commitment.

Budgetary Implications

Minimal, paper and printing to be done at Town Hall.

ISSUE 4

The Town should consider establishing a Human Resources Director position.

Analysis and Discussion

The Human Resources (HR) support and management functions in Brewster are not consolidated in a single position or department but are shared by the Assistant Town Administrator, Finance Director and Department managers. During the GSC interview process there was a universal opinion expressed that Human Resource management has become a specialized area. Multiple department managers must strive to be experts in HR management is results in duplicated efforts, potentially unnecessary time expenditures and potentially exposes the Town to negative impacts if mistakes are made.

Recommendation

Brewster should investigate establishing the position of Human Resources Director to consolidate HR functions under a single responsible individual.

Supporting Arguments

Consolidating HR responsibility will result in more consistent implementation of HR requirements and policies.

An HR Director that is the expert on HR matters will allow department managers more time to focus on department issues.

An HR Director will provide for more timely direct response to employee concerns and questions.

An HR Director that is an expert in HR matters will minimize the Town's exposure to incorrect HR actions.

Opposing Arguments

The current HR management function has adequately served Brewster to date.

Increased labor cost for the position of HR Director

Implementation Plan

The Town administrator would develop a plan for the establishment of the Human Resources Director for consideration by the Selectmen, Personnel Board, Finance Committee and Town Meeting as necessary.

Budgetary Implications

Staff Costs

ISSUE 5

Develop uniform policy for committee appointments

Description

Standing committees (those that are required by state or local bylaws) are generally rule making authorities. As such, they can positively or negatively impact the community. It is therefore important that selection of members of appointed Standing Committees is done through an open, transparent public process. Presently, the process only requires that those wishing to be appointed submit their name to the appointing authority, then after vetting by

one or more members of the appointing authority the public is informed who was nominated and appointed. The GSC, believes, that although there has not been signs of favoritism, the present policy could lead to speculation of such.

Recommendation

That the Selectmen institute a policy for Standing Committee appointments that is totally transparent. The policy should include any necessary requirements for appointment. Once the applicant has been vetted as to qualifications, those that are nominated should be interviewed before the appointing board /commission or other authority; at a public meeting. It is suggested that the public be allowed to opine on the nominees. Again, this recommendation is intended for all appointees to the required standing committees, by any of the Town's appointing authorities.

Supporting Arguments

1. Uniform written application
2. Increased transparency
3. Open public input
4. Potentially better qualified appointees

Opposing Arguments

May possibly limit applicants due to public interview process.

Implementation Plan

As directed by the Board of Selectmen, the Town Administrator develops a policy for consideration and input of the appointing authorities (selectmen, moderator, commissions, others, etc.), citizens and Town Counsel. If the use of a policy is thought invalid due to legal considerations then a bylaw should be considered.

Budgetary Implications

Cost of Town Counsel's review

ISSUE 6

Elected vs Appointed Committees

Description

The Town would benefit from a change to appointed vs elected positions where allowed by law.

Analysis and Discussion

Recent local elections have seen 12% (2015) and 23% (2014) voter participation. In 2015, 9 candidates for elected committees were unopposed, two positions had no candidates. Blank ballots outnumbered both candidates for Old Kings Highway RHD and tied one candidate for BOH. In 2014, 6 candidates for elected committees were unopposed, one position had no candidates.

Interviewees have expressed to the GSC that the election process intimidates qualified candidates. Potential volunteers who are not residents of Brewster are prohibited from running for office.

Brewster currently has 220 volunteers serving on more than 50 Boards, Committees, and Commissions. There appears to be a shortage of interested citizens willing to serve the Town.

Recommendation

The BOS should prepare one or more warrant articles for annual Town Meeting to see if the Town will approve moving to all committees and offices being appointed by the BOS except where election is specified by law. This would change the process for the Board of Health, Town Moderator, Town Constable, Brewster Housing Authority, Recreation Commission, Planning Board, Old Kings Highway Regional Historic District, and Water Commissioners.

Supporting Arguments

Decreasing participation both by candidates and voters in local elections indicate qualified people are not running for office. Recent decisions by the Board of Health and the Planning Board have resulted in controversy and extra legal costs to the Town. Increased acrimony in national and state/regional elections prevents qualified candidates from stepping forward. The Board of

Selectmen is best able to recruit qualified candidates for Boards and Committees.

Opposing Arguments

There is no guarantee that appointed boards will make better decisions than elected ones. An elected board may have a vested interest in maintaining the services in its charge. An elected board may be more transparent, answering directly to the citizens it serves.

Budgetary Implications

Staff time and Town Counsel's review

ISSUE 7

Review of Brewster Boards, Commissions and Committees

Analysis and Discussion

Based on the best available information Brewster appoints members to approximately 60 Boards, Commissions, Committees and positions (B, C&C). Some of these appointments are to regional organizations where Brewster has little control over their functioning and existence. However approaching 50 of these bodies are solely Brewster focused. The Town website currently shows only 36 committees which rise to the level of being on the website. Based on the names of the bodies a number of them appear to deal with similar issues or areas of Town life and government. The membership rosters also indicate many individuals serve on multiple bodies with one individual seeming to be on five bodies.

Recommendation

Given that the current population of Brewster is less than 10,000 residents and filling the various Boards, Commissions, Committees and positions requires approaching 400 people (over 4% of the Brewster population) the Town should undertake a review of all Brewster B, C&C not required by law to see if the continuance of individual bodies serves any current purpose or if the functions could be merged with another body. Authority for this type of a review currently exists under Articles II S5.6, II S5.7 and IV S5.8 of the Bylaws and

simply needs to be exercised. In fact, Article IV S5.8 calls for this type of review to be done annually.

Supporting Arguments

Brewster has a high number of appointed Boards, Commissions and Committees for the size of the Town

The number of people serving on multiple bodies suggests a difficulty in filling positions.

Multiple bodies dealing with similar subjects causes confusion

Authority for this review currently exists

Opposing Arguments

Business as usual seems to work

Implementation Plan

The Town Administrator, Selectmen and other appointing authorities undertake a review of B, C&C under their jurisdiction, as outlined in the existing Bylaws, to determine the current relevance of the existing bodies and if any should be disbanded or consolidated.

Budgetary Implications

None

ISSUE 8

Potential Solutions Offered by Regional/Third Party Providers

Description

The Town should regularly investigate potential improvements in cost and service delivery afforded by regional and third party providers.

Analysis and Discussion

The Town successfully uses a number of regional and third party solutions. County based emergency service reporting and dispatch, regional library

solutions (CLAMS) and AmeriCorps assistance in completing municipal natural resource projects, are just a few examples of such solutions.

Recommendation

In order to promote the use of such solutions, department heads, as part of their annual budget submission, will be asked to highlight the contributions of regional and third party entities.

Supporting Arguments

Brewster has had significant success in implementing regionalized/third party solutions. They have resulted in significant cost savings, enhanced citizen service and quicker completion of projects. A heightened focus on employing such tools would offer real benefit to the Town. For example, additional participation by the Town in ClearGov (www.cleargov.com) would enable the Town to offer a suite of enhanced infographics explaining Town finances at extremely low cost (less than \$1,500 per annum).

Opposing Arguments

Regional/Third party solutions result in the loss of local control and are not uniquely crafted to meet Brewster's needs.

Implementation Plan

Annual Town budgetary practices should mandate that department heads highlight the role regionalized/third party solutions play in accomplishing their departmental objectives. New program initiatives should always compare costs between locally developed and regional/third party solutions.

Budgetary Implications

Minimal. While some new initiatives may surface, the need to provide relevant cost comparisons as part of the budgetary workup will minimize excessive expense.

ISSUE 9

Review of Town Meeting

Description

Multiple comments were received in GSC Survey about Town Meetings. The most prevalent comment was that the evening timing of the meetings made it difficult for portions of Brewster’s citizens to attend due to difficulty driving when it is dark. Other comments mentioned the weekday evening timing as being an issue. These types of factors affect attendance and securing the necessary quorum to conduct business

Analysis and Discussion

The GSC utilized the Collins Center to perform a review of Brewster’s Town Meeting and those of similar towns.

The Collins Center Memo #3 (See Appendix for full memo) considered a number of factors contributing to attendance, or lack thereof, at town meetings. The most significant factor affecting attendance appears to be controversial issues or issues of widespread interest on the warrant. The timing of the meeting does not appear to have major impact on attendance.

Recommendation

While the timing of Town Meeting does not appear to have a major impact on attendance, the GSC recommends that Brewster consider moving the Fall Town Meeting to a Saturday for a limited trial period. This will allow some mitigation of the concerns about travel in the dark and weekday meeting timing. If significant improvements in attendance and citizen satisfaction are seen the change could be made permanent and potentially the spring meeting could also be moved to a Saturday.

Budgetary Implications

Staff time

ISSUE 10

Organization chart and Town Code and Bylaws should be reviewed.

Description

Better alignment of the Town’s organizational chart (management and reporting structure) and job descriptions with the Town Code and Bylaws and clarification of conflicts within the Town Code and Bylaws.

Analysis and Discussion

In the review of the existing organization chart, job descriptions and the Town Code and Bylaws, it was discovered that there were inconsistencies and conflicts that have developed over time. Best practices would dictate that regardless of what form our government takes in the future, that our governing codes, bylaws and operational policies be synchronized and internally in agreement.

Recommendation

That the Town should budget for review of the organizational chart, job descriptions and Town Code and Bylaws, to assure uniformity and consistency. This recommendation should be accomplished under the authority of the Town clerks' office with assistance of the Town Counsel. Once completed it should be reviewed every five years.

Supporting Arguments

If the Town operates outside its bylaws, whether unintentionally or not, there could be legal/financial as well as policy consequences. Most importantly our citizens can be assured that what they have adopted as by-laws are being applied properly.

Opposing Arguments

None.

Implementation Plan

On the recommendation of the Town Clerk budget the cost of the review as the Town’s finances allow.

Budgetary Implications

Town Counsel review fees and staff time. These are however, offset by potential cost of inconsistent policy and procedures not in compliance with the Town Code and Bylaws.

ISSUE 11

Form of Government - Charter vs Status Quo

Description

One of the charges of the GSC was to consider the form of government in Brewster. Since government study committees have typically been convened on cycles as long as twenty years the current GSC feels it is appropriate to consider if the current Code and Bylaws basis that governs how Brewster operates will continue to be appropriate in the future.

Analysis and Discussion

The GSC utilized the Collins Center to consider the potential options for Brewster.

The Collins Center Memo #4 (See Appendix for full memo) considered a number of factors surrounding the current Town Code and Bylaws. The Collins Center memo concludes that given the size and complexity (453 pages) of the current Town Code, potential impacts of future changes in Brewster and the benefits of having “everything in one place”, Brewster should consider moving to a Town Charter.

Recommendation

The Collins Center memo outlines the options available to Brewster for considering a Town Charter. The GSC recommends that Brewster should consider establishing a Town Charter in the near to midterm. As outlined in the Collins Center memo the process could be initiated by a petition of 15% of Brewster voters, the Selectmen or Town Meeting.

Budgetary Implications

Staff time and cost of a consultant to guide the Charter development process.

ISSUE 12

Brewster should develop, approve and implement a Local Comprehensive Plan (LCP)

Basis

- The lack of an LCP was a critical concern expressed to the Government Study Committee in numerous interviews and survey responses.
- The citizens of Brewster have expressed to the Government Study Committee both in person and through the citizen survey their wish to retain the rural and historical character of the “Sea Captain's Town”. An LCP would define that vision and be the main instrument to insure those qualities are maintained.

Analysis and Discussion

- The creation and approval of a Local Comprehensive Plan for Brewster would demand a more efficient and proactive government structure. It is through the development and implementation of a Local Comprehensive Plan that the Town would define its vision for land use and development, town facilities and capital improvements, recreation, open space, transportation, and natural resources.
- The LCP would require the services of an outside consultant in order to take advantage of professional expertise and an objective viewpoint.

Supporting Arguments

- The Cape Cod Commission's analysis of potential development in Brewster concluded that the Town could potentially add an additional 1,661 dwellings, an increase of 22%, and 4.7 million square feet of nonresidential development, an increase of 108%. [Source: Cape Wide Buildout Analysis to Support Regional Wastewater Planning Final Report to Mass DEP, July 31, 2012] A Brewster LCP would definitively control both residential and nonresidential development in the Town.
- The lack of a Local Comprehensive Plan in Brewster creates government by reaction. Recent examples include the proposed

creation of a dog park at Drummer Boy or elsewhere, the proposed zoning change in East Brewster from Village Business to Commercial High Density, and the proposed changes to Breakwater Beach parking lot.

- Recent local board and commission decisions in Brewster which have led to controversy would be, if not eliminated, certainly ameliorated by the adoption of a Local Comprehensive Plan.
- The Selectmen have initiated a “Visioning” process for Brewster which the GSC views as an initial step in the development of a Local Comprehensive Plan.

Opposing Arguments

- There would be a financial impact to the Town.
- Some would fear a loss of local control as an LCP would require adherence to the Cape Cod Commission’s Regional Plan and would require approval by the Commission.

Recommendation

The Brewster Board of Selectmen should form a Local Comprehensive Plan Committee and budget for and engage the services of a consultant or consulting firm to assist the committee in the creation of an LCP for the Town.

Implementation Plan

Immediately upon the adoption of this recommendation, the Board of Selectmen will appoint a Local Comprehensive Plan Committee to include the Town Planner and other membership as determined by the Board. The Board will charge the Committee with the creation of a Local Comprehensive Plan to comply with the Local Comprehensive Plan Regulations as instituted by the Cape Cod Commission. The Board of Selectmen will also budget for and engage the services of a consultant to assist the Committee as soon as practical given the restraints of the Town budget and necessary approvals by Town Meeting.

Budgetary Implications

- Cost of consultant services

- Admin support to Committee
- State and/or county grants possible (Sandwich)

ISSUE 13

Is the lease between the Brewster Ladies Library and the Town of Brewster in the best interest of the Town?

Analysis and Discussion

Brewster Ladies Library is currently operated as an association library by an independent Board of Directors. The building is leased from the Town for \$1/year. Approximately 80% of the library's annual budget is funded by the Town and approved at Town Meeting. The balance is contributed by the Brewster Ladies Library Members Association. The library also receives donations in the form of volunteer hours totaling approximately 7,000 hours. Full time library employees are employed by the library board, are unionized, and participate in the Barnstable County retirement/pension program. The library's annual budget is submitted to the Board of Selectmen and reviewed by the Finance Committee.

Recommendation

The Board of Selectmen should undertake, in the next five years, a study to determine if changes should be made to the agreement between the Town and the Library. The focus should be the status of the Library employees and the Town's commitment to Library funding.

Supporting Arguments

Full time library employee salary and benefits are administered by the Town, yet they are not true town employees, reporting to the library director and board. The Town appropriates 80% of the library budget under the normal budgeting process. However, the day-to-day expenditure of the budget is under the control of the Library Director and the library's Board of Trustees.

Opposing Arguments

The current operating arrangement has served the Town well for at least twenty years. Change to a more traditional public library format would mean an

immediate increase to the Town budget of more than \$138,800 (2014 Brewster Ladies Library Annual Report) with the additional possibility, if volunteerism decreases, of adding up to 3 Town employees with benefits and salary. The library and its budget would continue to be administered by the Board of Directors in order to remain a certified library.

Budgetary Implications

Administrative support for a study of the Library lease.

ISSUE 14

Information Technology Roadmap

Description

The Town would benefit from a documented multi-year information technology plan. Such a plan would help focus the Town's information technologies in supporting the efficient and effective delivery of municipal services.

Analysis and Discussion

The current IT Department, an "army of 1," is resource constrained. The administrator is extremely professional but her planning role is compromised by her need to keep all of the Town's systems "up and running." It is extremely difficult to develop long term priorities and timelines while providing day to day system maintenance, user support, vendor management, system administration and security oversight (to name just a few of her numerous responsibilities).

Recommendation

The IT administrator should be charged with developing a 2-3 year IT plan. Elements of this roadmap will include an assessment current technology infrastructure, near term opportunities with emphasis on e-government, social media and open source integration, and a survey and evaluation of the applicability of third party solutions from the State & County.

Supporting Arguments

Technology offers favorable price/performance (lowering prices/improving

capabilities) in improving delivery of Town services.

Technology can streamline citizens' interaction with government and improve the level of citizen satisfaction

Opposing Arguments

Time devoted to planning will divert attention from other duties

No funds are available

Implementation Plan

The Town should consider adding additional personnel, under the direction of the current administrator, to supplement day-to-day IT support. Further, the Town should explore the use of Department of Revenue, Technical Assistance Bureau along with Barnstable County resources in supporting the creation of the IT Roadmap.

Budgetary Implications

Cost of staff

Cost savings through lessening the need for ad hoc / reactive solutions.

ISSUE 15

Encourage and Capture Citizen Feedback

Citizens currently provide feedback to the Town via large specially commissioned surveys or through routine interactions with the Town. The Town could gain valuable insights into how it serves its citizens by systematically collecting and regularly analyzing customer satisfaction, e.g., "citizen satisfaction," data.

Analysis and Discussion

Data collection encompassing Town/citizen interactions is currently conducted in three ways: 1) large scale information gathering efforts are done on an ad hoc basis, for example, Government Study Committee, Council on Aging, and Brewster Coastal Areas Study Group surveys, 2) day to day citizen interactions elicit informal feedback at the individual departmental level and (3) more

formal feedback through public hearings and public speak opportunities during meetings. The first is generally aimed at gathering information that meets the specific needs of the sponsoring entity and the latter are usually limited to just the individual Town employee, department or a specific.

However, many cities and towns across North America have implemented well thought out programs to collect and track citizen satisfaction in regular and statistically valid ways. These communities range in size from very large (Kansas City, MO., and Calgary) to relatively small (Del Mar, CA. population 4500).

Recommendation

The Town should evaluate methods to collect citizen satisfaction data. Techniques might include, but not be limited to, biennial statistically valid surveys, an input instrument prominently featured on the Town’s website, regular discussion of citizen satisfaction results by the Board of Selectmen. Longer-term efforts would focus on developing a plan that would systematically assess and improve citizen satisfaction.

Supporting Arguments

Regularly collecting and analyzing citizen satisfaction will allow the Town to:

- Quantify levels of citizen satisfaction in more than an anecdotal way
- Track fluctuations and trends in levels of citizen service
- Set quantitative targets and measure progress to enhance citizen satisfaction
- Initial steps might be small but bringing attention to the issue would be beneficial in developing a more sophisticated program.

Opposing Arguments

Customer/citizen relationship management is complicated and too difficult for the Town to implement and manage.

Implementation Plan

The Town should survey current municipal best practices and then document, execute and assess an initial program.

Budgetary Implications

Variable based on how extensive and comprehensive the starting effort becomes.

ISSUE 16

Written Communications Plan

Description

The Town would benefit by the creation and adoption of a written communications plan meant to encompass all ways the Town would communicate with citizens on all municipal matters.

Analysis and Discussion

Currently the Town makes information available to its citizens via the Town website, the local cable channel, video streaming of board and committee meetings, newspaper articles, email, social media, etc. The citizen survey conducted by the GSC indicated many residents feel they do not have access to information. We feel citizens would benefit from a communications plan which clearly states to residents where information may be found and frequent updates are posted. Current examples would include Route 6A project work and timeline, road repair and paving schedules, Town Meeting warrant articles, proposed new projects, and storm information.

Recommendation

The Board of Selectmen and/or Town Administrator should undertake the creation of a written communications plan detailing where a Town resident may find relevant information concerning the affairs of the Town. The plan should include the responsibilities of Town employees to post and update information in a timely manner.

Supporting Arguments

Well informed citizens may be motivated to involve themselves in the affairs of the Town. Information and notices released at the beginning of a Town project or process may prevent controversy and litigation later.

Opposing Arguments

Information is now readily available using the methods mentioned above. Any increase in communication methods may be an additional burden on Town employees.

Implementation Plan

The Board of Selectmen and/or Town Administrator should, as soon as practical, charge volunteers, along with Town employees, to solicit public input and create a written communications plan.

Budgetary Implications

Staff time

ISSUE 17

Participatory Budgeting

Since 1989, many cities and towns (more than 1,500 worldwide) have implemented participatory budgeting. Usually a small percentage of the annual budget (typically 1 -1.5%) is allocated.

Description

The Town could foster higher levels of citizen interest and participation by limited a limited trial program of participatory budgeting. This effort would stimulate citizen sponsorship of grassroots projects and grow citizen involvement in Town government.

Analysis and Discussion

Current Town budget practices are focused at the departmental level. Annually, the BOS, supported by the Town Administrator and the Finance Director, provide departments with budget targets. Each department is charged with developing a “bottoms up” budget for the upcoming fiscal year. Budget submissions are then reviewed and department heads make detailed presentations to the BOS and Finance Committee. Departmental requests may be modified to conform to the Town’s “top down” budget constraints, e.g., levy capacity, indebtedness, statutory mandates, etc.

Citizen participation in the process is typically confined to attendance at public

hearings and, of course, exercising their ultimate authority as voters at Town Meeting.

Recommendation

In addition to a small annual budget allocation to fund Participatory Budgeting, the customary approach usually includes an open process via public meeting in which residents brainstorm spending ideas, citizen budget coordinators develop proposals based on these ideas, residents vote on proposals (in our case at Town Meeting) and the Town implements the top projects.

Supporting Arguments

Participatory Budgeting is amply documented (see <http://www.participatorybudgeting.org/>) enabling straightforward implementation. It enjoys wide spread support (see *Open Government National Action Plan 10.27.15*, at White House.gov website as an example).

Opposing Arguments

The Town is already budget constrained. Such a program might divert needed funds to less important projects. Citizens can impact budget directly via citizen petition to add warrant articles for Town Meeting.

Implementation Plan

The Town should charge a current management employee to act as the Participatory Budget coordinator. This individual would become a local subject matter expert and would develop a communication program to recruit residents who would execute the program and bring the first funding requests to TM.

Budgetary Implications

Minimal. Citizen projects may result in the re-prioritizing of departmental budgets. However, it's unlikely that projects would be so unique that they would transcend current municipal parameters and necessitate wholesales changes in the Town's budget.

ISSUE 18

Increased Understanding of Private Road Regulations and Betterments

Description

All new roads created through a subdivision process are private which means all repairs, street signs and catch basins are not the responsibility of the Town. In Brewster, as long as a road meets Town requirements it will be plowed.

Analysis and Discussion

There needs to be a better awareness of the meaning of a private road. Many new home owners learn they are on a private road when someone in the neighborhood sends a letter or comes around to collect for a minor road repair or a street sign.

There should be a better understanding of the homeowner's and the Town's responsibilities.

A betterment process exists by which homeowners on a private road can seek assistance from the Town to finance repairs. Details for preparing and applying for a betterment project are available from the Board of Selectmen's office.

Recommendation

The Town should make available a booklet explaining all the details and responsibilities involved with owning a property on a private way or road. This information should also be on the Town web site.

Include in the booklet:

- The homeowner is responsible for the road which abuts their property. Meaning potholes, cracks, catch basins and including street signs.
- Keeping brush clear 3 feet back from the road for snow plows.
- The Town will plow all roads as long as they meet Town Policy.
- For a reasonable fee the DPW can arrange for catch basins to be cleaned.

Supporting Arguments

A better informed public. No surprises when it comes to road repairs, drainage issues and street signs,

Opposing Arguments

None

Implementation Plan

Simple handouts and all this information included on the Town web site.

Budgetary Implications

Minimal

ISSUE 19

The Town would benefit by establishing a written process for initiating all Town projects. Description: Brewster has recently seen controversy seemingly caused by projects which are not presented until implementation is imminent. Citizens feel that when plans are presented, it is too late to give input or affect the design.

Analysis and Discussion

The Town relies on Town employees and department heads to identify needs, plan, and implement improvements. While there may be discussion and presentations in public meetings of boards and committees, too often citizens feel surprised by projects which are ready for construction. Town residents often do not feel engaged at the outset.

Recommendation

The Town should develop a written process for developing public projects. The process should begin with identifying the need, and request input from all citizens, not just those considered stakeholders or abutters.

Supporting Arguments

Citizen involvement in public affairs is very important for maintaining the culture of Brewster.

Brewster residents have expertise which may not be known to the Town administration. The Town may be able to take advantage of this expertise by publicizing project needs and ideas before design begins.

Creating resident ownership of projects early in the process avoids conflict during implementation.

Opposing Arguments

The Town hires qualified professionals to staff its departments. They are best able to define the needs of the Town.

Citizen outreach and involvement would add significant time to the planning of Town projects. Smaller projects do not need extensive planning. Some projects must be done quickly to take advantage of outside funding.

Implementation

The Town Administrator and Town Planner should develop and implement a written process for all Town projects. The process should be presented to the Board of Selectmen within two years of the adoption of this recommendation.

Budgetary Implications

Impact would depend on the size of the project. The increase in time and money spent soliciting input from residents would be offset by the ease of project implementation.

Resources:

https://www.auburn.edu/outreach/cgs/documents/RuralToolKit_tools_for_sm_all_towns.pdf

https://issuu.com/ciathensplanner/docs/essence_of_athens_plan_final

<http://www.massdot.state.ma.us/planning/Main/PlanningProcess/ProjectDevelopmentProcess.aspx>

ISSUE 20

Enhanced Town / Schools collaboration

Analysis and Discussion:

The Town, local schools and Brewster students could all benefit from increased collaboration by establishing student internships or other cooperative efforts where appropriate opportunities exist. Potential opportunities could include

web design, IT, small building and construction projects and landscape improvements. The students would receive valuable experience in performing the work and the Town would potentially save money.

Recommendation

The Town administration and department managers should explore any opportunity where the required work could potentially be performed by Brewster students.

Supporting Arguments

Brewster students would gain valuable experience

Potential financial savings for Brewster

Opposing Arguments

None

Implementation:

The Town should work with the administration of Nauset High School and Cape Cod Regional Technical High School to explore the areas where increased cooperation would be mutually beneficial and establish guidelines and policies for implementation

Budgetary Implications:

Potential financial savings

ISSUE 21

To strengthen Brewster's financial capabilities the Town should conduct a study of the Captain's Golf Course operational options.

Description

The "Captains" 1st 18 holes has been in existence since 1985, In 1999, the course was expanded to create a 2nd 18 hole course, extending the Town's debt by 20 years. This debt will expire in the year 2020. Over the past 31 years, the course has returned to the Towns' general revenue fund \$5,559,419.00, a

yearly average profit of \$179,336.10. The highest single year return was \$472,919.00 in 1999. The lowest single year was minus (\$230,362.00) in 2011. Looking solely at page 28 of a report released by the Golf Commission in 2015, titled "net return to the Town's General fund", it would appear that the course has returned a reasonable profit to the Town's general fund. However, since the Government Study Committee's charge is to look 20 years out and reports indicate declining membership is, rising cost of operations and increased competition, it is recommended that the following be considered.

Analysis and Discussion

With few exceptions, the citizens survey undertaken by the GSC, reflected favorably on the Town having a golf course. Many people said they moved here because of golf being available. Comments like, "It's an asset to the town, " "it brings business into town," "it funds other town projects," etc. Negative comments were basically limited to "it's not a government function," "non-golfing taxpayers are subsidizing those who golf," and "the cost of its operations could be better used for essential services." To the extent that any of these comments can be measured, all are valid and should be given consideration. As indicated above, as a 20 year recommendation, the potential for greater cost of operations, waning popularity along with declining memberships, suggest that verification of future financial impacts and operational methods be investigated.

Recommendation

A review of the Captain's Golf Course should be undertaken within the next five (5) years. The review should be performed by a professional financial consultant in consultation with the Board of Selectmen and the Finance Committee. The objective and purpose would be to analyze possible future operational methods including at a minimum:

1. Continue as a Town operated enterprise.
2. Privatized lease operation.
3. Sell and operate as a private/public club.

The goal would be to measure and show quantifiably what operational method best optimizes the finances of the Town.

Supporting Arguments

1. Prudent financial planning

2. Town financial subsidy needed from 2011 - 2014
3. Increasing capital costs.
4. A rising tax rate.
5. Operation of 53 of the 63 publicly owned courses in Massachusetts is privatized.
6. Declining memberships

Opposing Arguments

1. Political will
2. Possible increase in revenue due to the construction bond being retired in 2020

Implementation Plan

Within 5 years, the Town Administrator in consultation with the Board of Selectmen and the Finance Committee initiate a proposal and process to hire a consultant to carry out this recommendation. To the extent that the operational analyses commissioned by the Town, dated January 13, 2012, could be used to measure certain financial impacts it is recommended to be included in the process.

Budgetary Implications

Cost of hiring consultant. Estimated: \$25,000 plus.

ISSUE 22

Alternative Revenue Sources

Description

“Increasing taxes” and “keeping Brewster affordable” were common responses to the GSC Survey. The use of non-property tax sources of revenue has a potential for helping raise funds to support Town services while minimizing property taxes.

Analysis and Discussion

The GSC utilized the Collins Center to consider alternative revenue sources for Brewster.

The Collins Center Memo #5 (See Appendix for full memo) suggests 16 potential areas that could be sources of additional revenue for Brewster.

Recommendation

The Town Administrator, Selectmen and Finance Committee should review the options presented in the Collins Center memo and pursue any of these or other options deemed appropriate.

Budgetary Implications

Staff time and legal services

ISSUE 23

Investigate Expanded Use of Enterprise Accounts

Description

Enterprise Accounts are a State defined mechanism to separate funds for non-traditional government functions from the municipal budget. Brewster uses a reserve account mechanism to facilitate a similar separation for the water department, ambulance funds and golf course cart fees.

Analysis and Discussion

The GSC utilized the Collins Center to consider the use of Enterprise Accounts for Brewster.

The Collins Center Memo #7 (See Appendix for full memo) defines the Enterprise account process and suggests several options for Brewster.

Recommendation

The Town Administrator, Selectmen and Finance Committee should review the options presented in the Collins Center memo and pursue any of these or other options deemed appropriate.

Budgetary Implications

Staff time and legal services

ISSUE 24

Review of Fee Structures

Description

The Town would benefit from a comprehensive review of all fees charged by the Town.

Analysis and Discussion

Current practice has each department setting fees for services rendered. The basis for those fees are not well understood. Fees may be justified as payment for professional services, as cost plus, or as revenue enhancement. Currently there is no comprehensive approach to setting Town fees.

Recommendation

The Board of Selectmen, by bylaw, should be given the authority to approve and undertake periodic assessments of all fees charged by the Town and review the appropriateness of individual fees.

Supporting Arguments

Anecdotal evidence suggests some fees charged by the Town have no logical justification. Massachusetts General Law Chapter 40, Section 22F allows any municipal board or officer to set reasonable fees for licenses, permits, or certificates. The BOS should review fees to determine their reasonableness.

Opposing Arguments

Municipal boards and officers are the most qualified to determine if a fee for services they provide is reasonable. The BOS would in fact rely on those same boards and officers to determine if a fee is appropriate.

Implementation Plan

The Board of Selectmen, as part of the annual departmental budget review, should query all municipal boards and officials who charge fees as to the justification for the fees collected.

Budgetary Implications

Fees collected by boards and officials are deposited in the general fund of the Town. A review of fee structure should not have a significant impact.

SECTION 3

INDIVIDUAL COMMITTEE MEMBER OBSERVATIONS

In addition to the issues and recommendations presented above individual members of the Committee offer the following observations for consideration.

In review of the Buildings/Grounds Dept. it appears that the dept. is under budgeted as well as under staffed. The department seems to be at the beck and call of other departments for maintenance as well as construction issues that arise from unexpected circumstances. When this happens the daily routine operations are delayed due to lack of staff. Very little of the departments work load is contracted out, i.e. lawn care, carpentry, painting etc. To better accomplish its mission, the department's budget should be reviewed to allow for increased staffing or contractual services. – Elbert Ulshoeffter

Future capital expenditures should not be considered for any new building projects until the debt for the construction of the Eddy school is retired and consideration of its' future use has been explored. As was considered in the past, the Eddy school is large enough to be used as a community/recreation center as well as Council on Aging building. It seems prudent to delay any consideration of expenditures for any new buildings to accommodate these uses, until after finalizing plans for future uses of the Eddy school. – Elbert Ulshoeffter, Colin Odell, Jerri Carlin

The Selectmen allow for the publics' input at their meetings under an agenda item titled "Citizen Forum". The Selectmen should encourage all boards and committees to do the same and/or consider a bylaw to require a citizen forum as an agenda item. – Elbert Ulshoeffter

Conduct “Needs Assessment”: An early, and critical, step to perform in any planning process is an evaluation of current conditions in the community. One method often used is called a needs assessment, which is intended to identify community needs, to assess how well those needs are being met, and to determine what new or additional facilities or services might be required in the future.

https://www.auburn.edu/outreach/cgs/documents/RuralToolkit_tools_for_small_towns.pdf – David Whitney

Asset inventory: A community asset inventory should, to the extent that circumstances allow, attempt to identify and list as many positive community characteristics as possible. The assets included in the inventory can be grouped under physical, cultural, quality of life, economic, and political headings. A sixth category of community asset is one that overlaps somewhat with the previous categories and might be termed social capital. This category focuses on the knowledge, skills, and resources present in individual citizens, as well as in the non-governmental groups, clubs, and societies in which citizens associate. These groups can be religious, recreational, civic, or social. It also focuses on the level of connectedness between residents in the community. Connectedness is an important indicator of community trust, cooperation, and resilience. Assets of this type are perhaps more difficult to quantify than those in the other categories, and may require significant effort to organize and utilize effectively. Nonetheless, these individuals and organizations often constitute a significant body of resources that should be tapped. The inclusion and mobilization of citizens at this level can also reap immeasurable secondary benefits by broadening the base of citizen involvement and increasing support for the planning effort. In some cases, particularly in very small communities, such individuals and organizations may have to substitute for governmental agencies that do not exist locally, or perform planning activities normally carried out by consultants in larger communities.

https://www.auburn.edu/outreach/cgs/documents/RuralToolKit_tools_for_small_towns.pdf - David Whitney

Consider outsourcing Town website and hosting. Frees up Kathy for IT roadmap and upgrades. More sophisticated website could include surveys/citizen feedback, online marketplace, forums, and newsletters. – David Whitney

Appendix

Collins Center Memos 1 – 7

Brewster Government Study Committee Charge



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TO: Colin Odell, Jillian Douglas

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: March 29, 2016

RE: Potential Combined Municipal Finance and Community Development Departments

Introduction

The Brewster Government Study Committee (“BGSC”) asked the Collins Center to examine the possibilities regarding restructuring the departments and functions into combined Finance and/or Community Development Departments or similar structures. This memo outlines the allowable forms of organization, looks at the structure of neighboring and similarly situated municipalities, and makes recommendations for how the Town might reorganize some of these functions and services.

Allowable Structures

Finance

M.G.L. Chapter 43c Section 11 allows for a consolidated department of municipal finance. This department may include the offices of accountant, auditor or comptroller, treasurer, collector and assessor. The department would be headed by a Director of Municipal Finance who could also function in one of the other specific offices. Brewster could adopt this organizational structure by bylaw or special act (acted upon by Town Meeting and passed by the state legislature and governor).

Community Development or Inspectional Services

Similarly, M.G.L. Chapter 43c Section 12 allows for a consolidated department of community development. A town may include “the redevelopment authority, the planning board, the industrial development commission, industrial development financing authority or any other municipal office or agency exercising or authorized to exercise any community or economic development activities.” While not explicitly named in this statute, many towns choose to put the planning, building, health, zoning, historic, and conservation commissions or departments under this umbrella.

While Section 12 specifically enables a “Community Development” department, there is also the possibility of a consolidated department of Municipal Inspections as outlined in M.G.L. Section 43c Section 13.

Again, Brewster could adopt either of these organizational structures by bylaw or special act.

Brewster's Current Structure

Brewster currently has a structure with different departments, positions, and committees being separated and sometimes reporting to individual boards. The following departments and boards are those that could potentially be consolidated into Municipal Finance or Community Development Departments.

- Finance Functions
 - Accounting Department - Finance Director
 - Assessor – Deputy Assessor
 - Board of Assessors
 - Treasurer/Collector
 - Purchasing – within each department

- Community Development Functions
 - Planning – Town Planner
 - Planning Board
 - Building – Building Commissioner
 - Health – Health Director
 - Board of Health
 - Zoning Board of Appeals
 - Historical Commission
 - Conservation Commission

Each director-level staff position is full time and has the potential of heading a consolidated department (as described below). A new structure would retain virtually the same staffing with one individual promoted to head the consolidated department while still retaining his or her current function.

Other Organizational Structures

Structures Found in Other Municipalities

M.G.L. outlines allowable structures for finance and community development departments while still allowing flexibility in structures. With this flexibility comes several models that neighboring and comparable municipalities have instituted. We researched whether municipalities have consolidated departments and also which departments or functions they have included within an umbrella department.

As part of the research on this topic, we sent a short survey to approximately 20 municipalities and received 11 responses. We also researched departmental structures through municipal websites and phone calls to municipalities.

Figure A below lists a variety of municipalities, both neighbors and towns with similar populations along with whether or not they have consolidated Municipal Finance and/or Community Development Departments.

Figure A: Consolidated Department Statuses

Municipality	Population	Form of Government	Consolidated Finance?	Consolidated Community Development?
AMHERST	37,819	RTM	Yes	Yes
BLACKSTONE	9,026	OTM	No	No
BOURNE	19,754	OTM	No	No
BREWSTER	9,820	OTM	No	No
CHATHAM	6,125	OTM	No	Yes
DENNIS	14,207	OTM	Yes	No
EASTHAM	4,956	OTM	No	Yes
GREENFIELD	17,456	Council	Yes	Yes
HANSON	10,209	OTM	No	No
HARWICH	12,243	OTM	Yes	Yes
HOPKINTON	14,925	OTM	Yes	Yes
HULL	10,293	OTM	No	Yes
LUNENBURG	10,086	OTM	Yes	Yes
LYNNFIELD	11,596	OTM	No	No
MASHPEE	14,006	OTM	No	No
MAYNARD	10,106	OTM	No	Yes
MIDDLETON	8,987	OTM	No	No
NANTUCKET	10,172	OTM	Yes	Yes
ORLEANS	5,890	OTM	No	No
SOUTHBOROUGH	9,767	OTM	No	No
SOUTHWICK	9,502	OTM	No	No
STURBRIDGE	9,268	OTM	Yes	No
SUTTON	8,963	OTM	No	No
TEWKSBURY	28,961	OTM	Yes	Yes
WARE	9,872	OTM	No	No
WILLIAMSTOWN	7,754	OTM	Yes	Yes
WINCHENDON	10,300	OTM	No	Yes

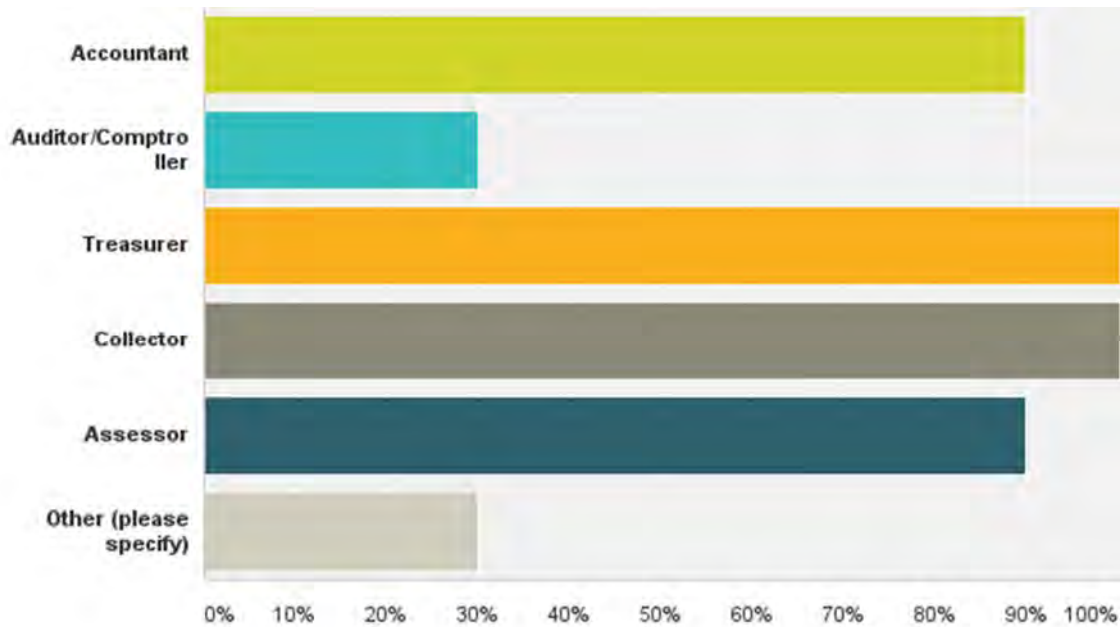
Municipal Finance Department Functions/Divisions

All combined municipal finance departments included the treasurer/collector functions. In addition, virtually all departments also included the accountant and assessor under this umbrella. Only three municipalities included the auditor/comptroller in this department, likely because these functions are

not usually performed in-house in the municipality in many towns or functions are contained within other titles. We therefore do not consider this significant for smaller municipalities.

Below are the results of the survey, representing the departments that are combined in the responding municipalities that have combined departments.

Figure B: Consolidated Finance Department Divisions

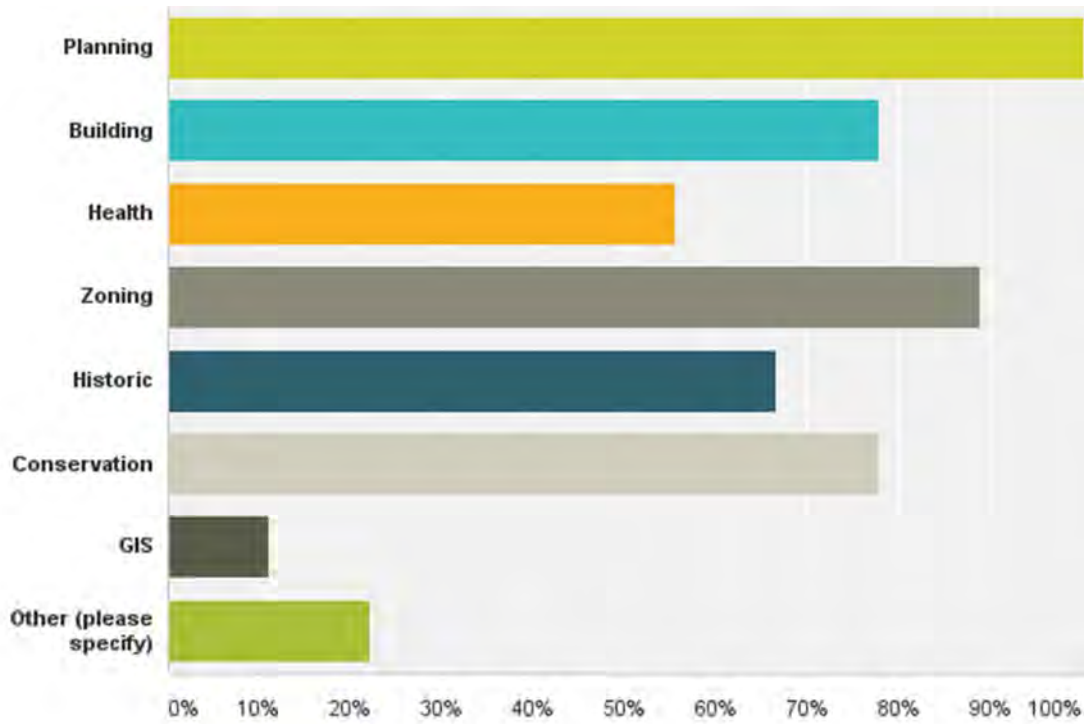


The “other” category included purchasing and budget and capital planning functions.

Community Development Department Functions/Divisions

It appears that Community Development departments are less uniform than Municipal Finance departments. Planning and zoning are almost always represented with conservation and building also often included under this umbrella. Historic Commissions and Health Departments are present in some departments as well. Only one municipality we heard from included GIS in this department.

Figure C: Community Development Department Divisions



The “other” category included design review.

Benefits and Drawbacks of Consolidation

We also asked municipalities with experience combining departments about the benefits and drawbacks of the process and outcome. Generally, benefits often involved increased efficiencies, easier access for residents, greater consistency of messaging, better lines of communication, and interdepartmental understanding. Drawbacks included the difficulty of change, collective bargaining issues, revamping of missions and performance, and difficulties of support staff being cross trained.

Conclusions

Generally, there are potential benefits and drawbacks to combining functions under a centralized department for both Municipal Finance and Community Development:

Benefits	Drawbacks
Increased Communication across Departments	Staff Resistance
Increased Coordination	New workflows
Increased Planning	Possible grievances
Increased Consistency of Messaging	Costs Associated with Combination
Possible Increased Savings	
Increased Accessibility for Residents	
Cross Training of Staff	

Municipal Finance Department

A consolidated Municipal Finance Department would likely enable better communication, coordination, planning, and savings for the town of Brewster. Having similar functions housed in one department would also allow residents and visitors to access one department for financial related questions and issues. Additionally, if support staff was cross-trained or at least in close contact with all of the divisions, this would allow for easier access to information and the ability for individuals to step into related roles with minimal disruption.

Potential drawbacks would likely involve staff resistance to changes. As with any administrative change, people would need to be trained and workflows would change. Administrative staff would carry the highest burden of a change in their responsibilities. This could also lead to union grievances and the necessity to reevaluate contracts. Additionally, having people report to a peer director could cause interpersonal issues.

As the structures of most consolidated Municipal Finance Departments are similar, if Brewster were to consider a consolidated department, we would recommend a comparable model. In this model, all finance related departments would be pulled together under one umbrella of a larger Municipal Finance Department. This department would include the current Accounting Department, Collector/Treasurer, Assessor (including the Board of Assessors), and possibly purchasing functions as divisions of the consolidated department. A Director of Municipal Finance would need to be appointed, however this person could serve dual roles as the Director as well as one of the other functions. The structure of the department would be arranged that the current departments would transition into divisions having virtually the same staffing and responsibilities, but would report to the Director of Municipal Finance.

If combining these departments, we recommend that Brewster consider centralizing purchasing within this department as currently most purchasing functions are performed within each individual department. Centralized purchasing could allow for better planning, savings, and coordination of items and services currently being purchased in a more scattered manner.

Sample enabling language:

“There shall be established a Department of Municipal Finance under the direction of the Town Manager. The Town Manager shall appoint a Director of Municipal Finance who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director shall be responsible for the supervision and coordination of all municipal finance operations of the town that are placed under control of the director by the town administrator. The department shall assume all of the powers and duties now vested in or exercised by any of the following departments and offices: Town Accountant, Collector/Treasurer, and Assessors. The Director may hold one of these positions.”

Possible Community Development Department

The main benefits of a Community Development department (also sometimes called a Planning and Community Development Department or similar name) to Brewster can be viewed as benefits in three areas: benefits to residents and visitors, internal efficiencies, and longer-term coordinated planning and development. The benefits to resident would include the ability to get most if not all questions regarding development answered in one department. Currently, a person opening a new business would

likely have to interact with planning, building, zoning, and health, if not also the conservation and historical commissions. This can create confusion and delays for both the business owner and the town. Pulling these functions under one roof could help alleviate these issues. Additionally, efficiency issues within departments, such as multiple case files, scheduling, transferring paperwork from department to department, and attempting to answer questions outside of the scope of expertise could be alleviated with a consolidated office. It would also be much easier to utilize or institute new software or processes. Finally, with a consolidated department Brewster could centralize longer term planning and coordinate initiatives and grant applications within one department.

We recommend that Brewster consider combining multiple functions and departments into a consolidated Community Development Department. There are three departments and several boards that could come under this umbrella: the Planning, Building, and Health Departments, which are currently staffed by director-level employees and support staff, along with the Planning Board and Board of Health. Additionally, the Zoning Board of Appeals, Historical Commission, and Conservation Commission would also appropriately be put within this department. Over half of the municipalities that we surveyed that had a consolidated department combined all of these functions. As it is most efficient to consolidate only once, rather than piecemeal, we recommend that Brewster consolidate as many departments as feasible under this one umbrella in order to gain the most benefits.

The structure of the department would be arranged that the current departments would transition into divisions having virtually the same staffing and responsibilities, but would report to the Director of Community Development. Additionally, we recommend that the boards under this umbrella transition to become more advisory in most of their capacities except those outlined by state law. In that way, the Director could have more authority to direct the entire department.

Sample Enabling Language:

“There shall be established a Community Development Department under the direction of the Town Administrator. The Town Administrator shall appoint a Director of Community Development who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Community Development Department shall coordinate the functions of the boards, offices and departments involved in land use regulation and management, including but not limited to: Building Department, Planning Department, Health Department, Zoning Board of Appeals and Conservation Commission. The Director may also serve concurrently as the director or manager within one of the divisions included in the department.”

Of course, the decision of which departments to put under this umbrella sometimes depends upon personalities and history. We urge Brewster to think about the optimal structure based on function instead of current personal desires.



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TO: Colin Odell, Jillian Douglas

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: May 11, 2016

RE: Consolidated Municipal Inspections

As an update to my memo dated March 29, 2016, this memo outlines in more detail the possibility of creating a consolidated municipal inspections department within Brewster.

Brewster may consider bringing all of its building and health inspections within one department, typically called an Inspectional Services Department. Members of this department usually include the building inspector, wire inspector, plumbing inspector, gas fitting inspector, and health agent. The department could also include any inspections currently being carried out by the conservation commission and/or historical commission. Additionally, this department would likely also coordinate with the fire department regarding fire-related inspections or possibly take on these inspectional functions as well.

This departmental form must be overseen by a director of municipal inspections that would be responsible to and appointed by the town administrator as by-law requires, with a term of office of not less than three (nor more than five) years. As Brewster currently has a Building Commissioner, this might be a natural transition for the person in this position to become the director and oversee a slightly larger department.

Advantages of consolidating these functions into one department include increased communication among staff, increased coordination regarding one structure and the required inspections, increased planning for the future of the department, consistency of messaging, increased accessibility for residents, and possible ease of scheduling.

Having all of these functions consolidated in one department enables the director of inspectional services to oversee many of the tasks required for new building and the remodeling of existing structures. For example, if a new business is opening in the town, the Building Commissioner would be able to oversee many of the requirements for licensing, permitting, and inspecting the structure as well as some of the operations (due to the health inspector and conservation commission inspections now falling under the departmental umbrella).

Various software is available to help coordinate the variety of functions of an inspectional services department including record keeping, mapping, scheduling, billing and payment. Additionally technology such as this may help enable on-line permitting and other automated functions.

Additionally, having more functions under this department could permit easier communications across departments as departments such as the Zoning Board of Appeals which would only need to coordinate with one department rather than multiple departments (building, health, conservation commission, and historical commission) regarding the status of inspections.

Care should be taken if combining departments with the role of the Board of Health. This board provides an important advisory, enforcement, and permit granting function for the municipality. This will not change with a merger of inspection functions. Similarly, the conservation commission and historical commission would still retain their important roles within the town.

Below is the applicable state law which also highlights the language necessary if residents of Brewster desired to petition for this departmental consolidation. However, Brewster could also adopt this structure by by-law.

Sample enabling language:

“There shall be established an Inspectional Services Department under the direction of the Town Manager. The Town Manager shall appoint a Director of Municipal Inspections who shall be a person especially suited by education, training, and previous experience to perform the duties of the office. The Director shall be responsible for the supervision and coordination of all municipal inspections of the town that are placed under control of the director by the town administrator. The department shall assume all of the inspectional powers and duties now vested in or exercised by any of the following departments and offices: Building, Health, Conservation Commission, and the Historical Commission.”

M.G.L. Ch. 43C Section 13

Ch. 43C Section 13. (a) The following shall be the summary to be inserted in the petition described in section five:

(Section 5. The petition shall be in substantially the following form: **To the (city council) (board of selectmen) of (name of city/town) We the undersigned, registered voters of the (city/town of) respectfully petition your honorable body to cause to be submitted to vote of the voters the following question?: "Shall the (city/town of) adopt the optional form of municipal administration summarized as follows, according to the provisions of chapter forty-three C of the General Laws providing for optional plans of municipal administration?"** The text of the summary from the applicable section shall follow.)

"Section thirteen of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of municipal inspections which may include the inspections currently being made by the building inspector, wire inspector, plumbing inspector, gas fitting inspector, health agent and others as the ordinance or by-law may specify."

(b) Notwithstanding any provision of law to the contrary, in any city or town which accepts the provisions of this section by vote of the people, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of municipal inspections.

(c) Any ordinance or by-law adopted pursuant to this section shall provide for (i) a director of municipal inspections who shall be appointed by and shall be responsible to the chief executive officer or the chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the term of office of the director of municipal inspections which shall be not less than three nor more than five years, subject to removal as may be otherwise provided in the charter of the city or town.

(d) Any ordinance or by-law adopted pursuant to this section may include, but need not be limited to, the following: (i) coordination of all inspection functions carried out by any municipal officer or agent, (ii) maintenance of all records relating to inspections in a central place through a common index, (iii) a single application process which would indicate all inspections which might be necessary, including, but need not be limited to, any inspections under the zoning and other local ordinance or by-law, building code, wire code, plumbing and gas code, state sanitary code, board of health rules and regulations, fire code, conservation commission, historic districts commission and any other local inspections as may be otherwise authorized. Any ordinance or by-law adopted pursuant to this section may provide that any agency performing an inspection function shall be continued but that for administrative purposes all personnel performing inspection functions for the existing agency shall, when performing such inspection services, be subject to the administrative control and direction of the director of municipal inspections, but not otherwise.

(e) Any ordinance or by-law adopted pursuant to this section shall provide for the appointment of all other personnel necessary to staff the department as constituted in the ordinance or by-law. Unless some other provision is made in the city or town charter for the appointment of officers and employees the director of municipal inspections shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office.



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TO: Colin Odell, Jillian Douglas

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: March 29, 2016

RE: Brewster Charter

Introduction

Brewster's current legal basis is contained within a 453 page document entitled "Code of the Town of Brewster."¹ While this is not unusual for some Massachusetts towns, it is an indication that the basic structure of the town might more easily be consolidated into a charter. A charter is an opportunity to take a look at the structure of the town and the various bylaws and informal practices that have collected since Brewster's incorporation in 1803.

Reasons to Consider a Charter

Generally

A charter can be beneficial to a town for a variety of reasons including:

1. Retirement of key personnel;
2. An inability to attract candidates to serve in either elected or appointive office;
3. A perception that municipal departments are not communicating or coordinating functions as they should;
4. An increase in population and the resultant increase in service demands;
5. Poor town meeting attendance; and
6. A need for greater oversight of financial matters and service delivery.²

Additionally, there is a benefit to having "everything in one place." New residents, business developers, employees, and officials can easily access the fundamental structure and rules of the town. Instead of having to search through 453 pages to learn about the issue that is important to them or relying upon institutional knowledge of town employees or residents, an individual can access a much shorter and more succinct document.

Writing a new charter also is a chance for residents to examine the current bylaws and informal policies and procedures and codify them or change ones that are not functioning.

¹ Found at <http://brewster-ma.gov/documents-a-archives/forms-a-documents/town-code/2566-brewster-town-code-a-bylaws/file>

² Several Options Exist for Changing Local Government Structure, Marilyn Contreas, Municipal Advocate, Vol. 22, No. 2

Finally, the charter presents an opportunity for the town to “protect” certain concepts that are in bylaw form by putting them in a document that is more difficult to change than a bylaw.

Specific to Brewster

While most issues outlined above are not entirely specific to Brewster, it does appear that there are several reasons Brewster could benefit from a charter:

1. **Retirement of key personnel.** Recently Brewster went through a major personnel transition, hiring a new town administrator for the first time in 30 years. A charter would enable the responsibilities and powers of this position to be enumerated and delineated. Additionally, any informal understandings with regard to the office could be formalized. Any bylaws that were passed regarding this position can be codified in a more permanent document, making it more difficult for the town meeting to change them based upon conflicts of the day.

Additionally, a charter can also be used as a recruitment tool for future town administrators; clearly outlining this person’s function and relationship with the Town and the various departments, boards, and committees. As it is a relatively stable document, any future town administrator could feel reasonably confident that his or her duties, powers, and responsibilities are clearly defined.

2. **An inability to attract candidates to serve in either elected or appointive office.** A charter can be an opportunity to change the way in which the town staffs boards. Brewster has a history of noncompetitive races for a number of elected boards. Crafting a charter would enable Brewster to contemplate whether appointed offices would best serve the town.
3. **A perception that municipal departments are not communicating or coordinating functions as they should.** As this is a subjective assessment, Brewster would have the opportunity to investigate whether this is indeed a reality.
4. **An increase in population and the resultant increase in service demands.** While it does not appear that Brewster has or anticipates a major increase in population, over time Brewster has seen an increase in its older population. This demographic change results in a change in demands for services.
5. **Poor town meeting attendance.** One of Brewster’s identified areas of study for the BGSC is the Town Meeting. Like many towns, Brewster has experienced diminishing attendance at Town Meetings. While some possible charter changes may be dramatic (representative town meeting, etc.), a new charter can also solidify Town Meeting dates and times and the quorum amount.
6. **A need for greater oversight of financial matters and service delivery.** While many fiscal procedures may be codified in bylaws, it is likely that Brewster now has many procedures that are customary or ad hoc. A charter can memorialize procedures.

Conclusions

The following chart outlines some of the benefits and drawbacks of working toward charter change.

Benefits	Drawbacks
Chance to Take a Holistic View of Town Governance	Difficult Process
Long-Term Focus	Can exacerbate existing conflicts
Assessment of Public Expectations	Can't Remedy Personality Conflicts
Chance to Remove Inefficiencies	Not Always Adopted by Voters
Opportunity to Clarify Roles and Responsibilities	Can Create Transition Issues
Codification of Informal Practices	

A charter could be beneficial for clarifying roles, potentially changing structures for increased efficiency, effectiveness, or equity, consolidating bylaws and unwritten customs, and presenting a relatively streamlined document to govern the town functions and be utilized by newcomers.

As with any change, there are potential drawbacks. Brewster should consider the potential that the process could be arduous without the final charter being passed by voters. Additionally, some municipalities believe that charter change will help with all of the interpersonal conflicts that exist in the community, but the charter can only change the structure of the institution, not the people that are involved. If Brewster is functioning well without a charter, there might not be sufficient interest and momentum to complete the process.

Charter Change Routes

There are two possible routes for a new charter, outlined below, depending upon the bodies that are most interested in the charter. Most likely Brewster would use the second option, initiated either by the Board of Selectmen or Town Meeting.

1. Electing a home rule charter commission. If residents of the town take it upon themselves to write a charter, they may form a charter commission upon petition of 15 percent of the voters. Chapter 43B of the Massachusetts General Laws lays out the process and timeline for such a commission to write a new charter and present it to the voters.
2. Petitioning the state legislature for special legislation (“the home rule petition”). Should the Board of Selectmen like to initiate the charter process, they may appoint a charter study committee. Town Meeting may also initiate this process. There is no specific requirement for a timeline in this case, but the appointing authority should lay out a framework. Town meeting would have the authority to approve a “home rule petition.” If approved, the charter would then be treated as a piece of legislation with the state legislature voting on it and the Governor signing it. Often the legislation will be subject to ratification by the town’s voters.

Either a charter commission or a charter study committee could craft a charter for the town of Brewster with the result likely needing to be voted upon by the residents. Timelines for writing a charter generally are in the one to two year time range.



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UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TO: Colin Odell, Jillian Douglas

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: March 29, 2015

RE: Town Meeting Strategies

The Brewster Governmental Study Committee asked whether there were possible strategies available to Brewster to increase Town Meeting attendance, particularly for older or elderly residents. In particular, you asked about changing the date or time of the meeting.

Unfortunately, there is no research regarding the effects of dates and times of Town Meetings.³ However, we were able to do some research into what some other municipalities across the Cape and around the state do in order to see whether there is a model that would work better for Brewster.

Brewster's Town Meeting

Brewster currently holds its town meeting on the first Monday in May at 7:00 pm. Appendix A contains the attendance of the Town Meeting since 2003 along with any controversial issues which were on the warrant.

Timing. As indicated by several individuals on survey results conducted by the Brewster Government Study Committee, it is possible that there have been issues with attendance due to the timing of the meeting. There are only a few options for moving the Town Meeting; changing the month, changing the time, or changing the day of the week.

Sunset will be at approximately 7:45 on Town Meeting day in 2016, meaning that people will be traveling to Town Meeting while it is light, but likely traveling home in the dark. This has been noted as a reason that older residents might attend less frequently.

Amenities. Brewster currently offers transportation and childcare, as well as refreshments.

Publicity. Brewster currently posts the warrant in public locations, puts signs over major roads, puts a notice in the local newspaper, and uses the website and facebook to publicize the Town Meeting. While

³Details regarding Massachusetts Town Meeting Dates may be accessed through the Massachusetts Municipal Manager's website:

http://www.mma.org/resources-mainmenu-182/doc_download/933-spring-2016-annual-town-meeting-dates-listed-by-date

http://www.mma.org/resources-mainmenu-182/doc_download/797-facts-about-annual-town-meetings-in-massachusetts

there might be several other ways to publicize Town Meeting (public access television, radio, etc.), Brewster is currently exhausting most recommended methods.

Engagement. This is the area perhaps best explored by the Town. Almost all of the town clerks we surveyed talked about the fact that many more people came out for town meeting when there was something interesting or controversial on the warrant. While it is likely not wise to manufacture controversial topics, some thought as to which items might be interesting to the community is warranted.

Additionally, several clerks pointed to the social aspect of town meeting. While there is no specific evidence that this would increase attendance, it is perhaps obvious that many residents see Town Meeting as an opportunity to see and talk with their friends and neighbors. Ample opportunity for socializing and an atmosphere that is conducive to talking with others (without disrupting town business) would likely be beneficial to attendance.

As Brewster’s demographic skews older, it is unlikely that additional technology would be a welcome addition to town meeting for many residents. However, some towns are experimenting with technology that enables electronic voting and communication. At this point, we do not recommend these additions to Brewster’s meeting.

Neighboring Towns

We contacted the Town Clerks or their staff in many towns on the Cape as asked them several questions including when they hold their Town Meeting, what the quorum is, whether there has been any change in the date or time in recent history, and any strategies they have used to help attendance.

Municipality	Population	Town Meeting Date/Time	Quorum
Provincetown	2,994	1 st Monday in April, 6:00 pm	100
Eastham	4,956	1 st Monday in May, 7:00 pm	5% of voters
Orleans	5,890	1 st Monday after the 2 nd Tuesday in May, 6:30 pm	200
Truro	2,003	Last Tuesday in April	100
Wellfleet	2,750	1 st Monday in May	6% of voters
Harwich	12,243	1 st Monday in May	150
Dennis	14,207	1 st Tuesday in May	150
Bourne	19,754	1 st Monday in May	150
Sandwich	20,675	1 st Monday in May	No quorum
Yarmouth	23,793	3 rd Saturday in May, 10:00 am	No quorum

Most Town Meetings on the Cape are held on a weeknight beginning between 6:00 pm and 7:00 pm often on the same day as Brewster. Often weeknight meetings can go as late as 11:00 pm and are often continued multiple evenings.

The only Town Clerk who could remember a change in the date or time of Town Meeting in the past ten years was Yarmouth. Yarmouth now has Town Meeting on a Saturday. It was changed in 2015.

Most Clerks did not think the date and time had significant impact on the attendance of older voters. However, one Clerk did think that there was some issue with seasonal residents being able to attend an early spring Town Meeting. In this town, the COA had been an advocate for beginning the meeting at 6:00 pm and ending it before 10:00 pm.

Many towns offer services such as child care, transportation, or snacks available during the meeting. One Clerk advised that anything that could make the event more communal was beneficial for turn-out, since many residents see the evening as social as well as civic.

Quorums are typically in the 100 to 200 person range, with most towns relying on a number rather than a percentage of voters. Sandwich changed from a quorum of 200 people to no quorum in 2007, due to low attendance. Last year's meeting attracted 280 voters. It is possible that towns with no quorum actually attract more attendees to Town Meeting due to the possibility that only a few voters could make important decisions unilaterally for the town.

All Town Clerks that we spoke with expressed the sentiment that when there were interesting or controversial issues on the warrant, the Town Meeting was much better attended with numbers doubling or even quadrupling compared to usual attendance. No Town Clerk said that there were difficulties in getting a quorum on the first night of Town Meeting, but there might be difficulties on subsequent nights. If there were fewer people than the required quorum on occasion, people would make phone calls to increase attendance.

Time of Day

Brewster could consider changing the time of Town Meeting, potentially moving it forward a half hour or hour to begin slightly earlier in the evening. However, it is unlikely that this would make a substantial difference in attendance. In order to hold the meeting during daylight, the town would need to move the meeting to a Saturday morning (as a weekday or Sunday would almost certainly decrease attendance).

Month of the Year

Towns in Massachusetts hold Town Meeting beginning in March and ending in June. Brewster could consider moving the month closer to the summer, so that there is more daylight. However, this may cause issues with tourism. It seems that Brewster's current timing is consistent with most of the towns on the Cape and the rest of the state.

Day of the Week (Saturday Meetings)

According to the Massachusetts Municipal Association, approximately 13% (39 towns) hold their Town Meeting on Saturday. We were able to speak with several clerks in towns with Saturday meetings to get their perspective (Lunenburg, Rutland, Pelham, Plymouth (Representative Town Meeting), and Yarmouth). Generally, the meetings start between 8:00 am and 10:00 am. However, the town of Rutland does hold their Saturday meeting in the evening.

Yarmouth has had one Saturday Town Meeting so far and is scheduled to continue holding Saturday Town Meetings. The meeting starts at 10:00 am. Last year attendance was 676 people, an increase from previous years. However, there were some items with high interest on the warrant. The Town Clerk did not believe there was a substantial change in the types of people who came to the meeting. He did

express that the Saturday meeting “went very well for us,” and he would be happy to discuss any potential change in Brewster.

Most clerks stressed that the advantage of the Saturday meeting was that there was almost no possibility that the meeting went beyond one day. In smaller towns, the meeting usually lasts only until early afternoon. For busier Town Meetings, most business is still able to be wrapped up in one day.

The clerks I spoke with also mentioned very little opposition to the meeting day and time. Rutland did mention that there was some movement to have their meeting held in the morning rather than the evening, but it has never been brought to Town Meeting.

Conclusions

Brewster could consider moving Town Meeting to a Saturday morning, similar to Yarmouth’s recent move. However, we are unsure whether this would substantially increase attendance, as there are often other events happening on Saturdays such as youth sporting events and community events. The benefit of a Saturday meeting might be realized in the assurance that Town Meeting would almost certainly be complete in one session. Barring this change, we do not believe there are other viable options to increase participation in the town besides continuing to offer amenities to attendees.

Appendix A - Brewster Town Meeting Attendance History

Date	Attendance	Notes
5/5/2003	1093	
11/17/2003	660	
5/3/2004	447	
11/15/2004	381	
5/2/2005	438	
11/14/2005	334	
5/1/2006	431	
11/13/2006	245	
5/7/2007	313	
11/5/2007	403	
5/5/2008	371	
11/17/2008	419	
5/4/2009	650	
10/19/2009	648	
5/3/2010	395	
11/15/2010	300	
5/2/2011	1247	Wind Turbines
11/7/2011	340	
5/7/2012	318	
10/29/2012	300	
5/6/2013	677	
11/18/2013	278	
5/5/2014	454	
11/17/2014	581	
5/4/2015	332	
9/2/2015	789	Breakwater Parking
11/16/2015	404	Fire Station Bldg.



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JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TO: Colin Odell, Jillian Douglas

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: May 11, 2016

RE: Alternative Revenue Sources

The Government Study Committee asked us to suggest possible “alternative revenue mechanisms” that other municipalities have used to bring extra income or resources into the city or town. Below is a list of possible resources for Brewster. We have not discerned whether all of these are indeed feasible for the town or whether they are currently being utilized in some capacity. They are presented as possible ideas for the committee to consider. Suggestions are separated into categories based upon the type of revenue resource.

TAXES

Local option meals and hotel tax. Any municipality in Massachusetts has the option of taxing meals and hotel rooms if it chooses to. M.G.L. c. 64L and 64G § 3A offer guidance. Additionally, detailed information is available here: <http://www.mass.gov/dor/businesses/help-and-resources/legal-library/tirs/tirs-by-years/2009-releases/tir-09-13-local-option-sales-tax-on-meals.html>

PILOT

Payments in lieu of taxes (PILOTs). PILOTs are payments made voluntarily by nonprofits who are not subject to property tax but still utilize valuable municipal resources such as police and fire protection as well as roads and other resources. PILOTs act as a substitute for taxes. They could be made by universities, churches, hospitals, retirement homes, and other nonprofit organizations. Other municipalities in Massachusetts have agreements set up with the major nonprofits within their boundaries. This report from Andover, Massachusetts does a good job of outlining the strategies of Massachusetts municipalities: <http://andoverma.gov/publish/PilotReport.pdf>

FEES

Registration of Rental Properties. As it is likely that Brewster has a number of properties that are utilized as rentals, the town may want to consider a rental registration requirement. Currently Boston charges \$25 per unit per year initially and \$15 per unit in subsequent years. Details on Boston’s program can be found here: http://www.cityofboston.gov/isd/housing/rental_faqs.asp

Camping Permits. If Brewster has any public camping areas or spots that could be used for this purpose, camping permit fees are appropriate.

Parking. Brewster currently has beach sticker passes for parking at lots by the beaches, however the town could also consider whether there are any areas of public parking that would be appropriate for parking meters.

Rentals. Municipalities occasionally rent municipal property that is appropriate for meetings, events, or other occasions.

Fee on Plastic Grocery Bags. Some municipalities have begun charging a fee for plastic grocery bags hoping to cut down on their use while also collecting revenue for the city or town. New York is the latest to move closer to putting this into practice: http://www.nytimes.com/2016/05/06/nyregion/new-york-city-council-backs-5-cent-fee-on-plastic-bags.html?_r=0

Urban Forestry Charge. Some cities and towns have begun charging a fee that goes directly to supporting the planting, pruning, pest management, and other costs associated with maintaining the municipalities' trees. While we do not know of any Massachusetts municipality that has set up such a fee, it is becoming more popular in other parts of the country. Details regarding Madison, Wisconsin's fee can be viewed here: http://host.madison.com/ct/news/local/govt-and-politics/urban-forestry-charge-will-soon-appear-on-madison-services-bills/article_01d3dfd5-1ce2-5b63-97d8-11c4e6403200.html

Current Fee Evaluation. Brewster could likely benefit from a comprehensive evaluation of all of its fees to make sure they are in line with the cost to administer the service and appropriate in relation to other municipalities and fees across the town. These fees likely encompass services such as inspections, permits, white goods collection, dog permits, and beach stickers, among many others.

SALES

Brewster may consider whether it has items or services that it would like to sell either on an ongoing or one-time basis. Examples of this could include surplus buildings, vehicles, equipment, land or items that are created by a department such as compost or mulch from the DPW. Additionally, there are many potential revenue streams that would involve the town or a department selling items that might be sought after by residents such as compost or rainwater bins, collectable items, or other items unique to the town.

FINES

Brewster could look to collect additional fines for activities that utilize municipal resources such as false alarms and parking violations that affect the fire and police departments.

Additionally some municipalities have benefited from an aggressive approach to fees and fines that are owed to the municipality. This might include an accounting of all the outstanding fees and fines, a plan to send out notices to those that are overdue, and possibly utilization of a collections agency.

Also, some municipalities have benefited from policies that stop the provision of services (for example police details) until companies or individuals have no outstanding money due to the municipality.

SPONSORSHIPS

As many private organizations have begun to do, municipalities may name new structures or rename existing building, parks, or other public facilities with the name of a donor, whether an individual,

corporation or product. Additionally, advertising generally might be utilized in such areas as baseball fields and other public property. An article highlighting the practice of municipal naming rights can be found here: <http://www.wsj.com/articles/SB10001424052748703350104575652763782808830>

STATE MONEY AND RESOURCES

There are several state programs that Brewster might consider applying to or participating in to bring money into the town.

Green Communities Designation and Grant Program. This program helps municipalities navigate and meet the five criteria required to become a Green Community, in turn qualifying them for grants that finance additional energy efficiency and renewable energy projects at the local level. More information can be found at: <http://www.mass.gov/eea/energy-utilities-clean-tech/green-communities/>

Community Compacts. The Community Compact is an agreement entered into between the state administration and individual cities and towns of the Commonwealth. In a Community Compact, a community will agree to implement at least one best practice that they select from across a variety of areas. Resources are available for projects within the municipality. More information can be found here: <http://www.mass.gov/governor/administration/groups/communitycompactcabinet/apply/>

OTHER

Tax Title Auctions. If there are properties within the town that owe property taxes, the town may opt to assign and transfer the tax title held by the town at a public auction. Worcester's notices are posted here: <http://www.worcesterma.gov/finance/treasurer/public-auctions>

Examine ownership for any "unknown" owner property listed in Assessor's database. Brewster has over \$700,000 in properties listed with "unknown" owners according to the assessor's database at <http://www.assessedvalues2.com/SearchPage.aspx?jurcode=41>. (Type "unknown" into the owner field.) There might be opportunities for additional revenue with knowledge of the owner of the property.

Encouragement of "Friends of" Groups (Library, Senior Center). It appears that Brewster currently has several "friends of" groups. However, if there are additional opportunities for town institutions or fundraising within these active groups, specific groups can benefit from the additional attention and fundraising.



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JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TO: Colin Odell, Jillian Douglas

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: June 21, 2016

RE: Enterprise Funds

You asked us to look into the types of enterprise funds set up by municipalities across Massachusetts and possibly elsewhere. In Massachusetts specifically enterprise funds may be set up within a municipality as enabled by Ch. 44, Section 53F1/2 (found below). These are separate accounts set up for a “utility, cable television public access, health care, recreational or transportation facility.” In other words functions provided by the town that fit into these categories may be split off from the general operation of the municipality and formed into their own enterprise fund. With this fund the operations of the particular endeavor are self-contained including fees, upgrades, salaries, etc. To support the service, a municipality may choose to recover costs through user charges for the service, through a partial subsidy from the tax levy (e.g., a Proposition 2½ debt exclusion) or from other available funds.

Massachusetts regulations emphasize that municipalities may not establish enterprise funds for normal government operations or services such as public safety, inspectional services or cemeteries. This does limit the type of enterprise fund that a municipality may set up, but there are still a variety of opportunities. They fall into four main categories; public utilities, health-care, recreation, and transportation.

Public Utilities. These are perhaps the most common and typically largest enterprise funds in cities and towns. They may include water, sewer, electric, and/or trash and recycling disposal. A majority of municipalities in Massachusetts have water and/or sewer enterprise funds. A sizeable number of cities and towns also have electric and/or landfill funds.

Health Care. Health care enterprise funds may include ambulance services, visiting nurses, and nursing homes. A variety of municipalities have EMS or ambulance enterprise funds (Westford, Lanesborough, Hubbardstown, Fall River). Visiting nurses (Acton), hospitals (Nantucket) and nursing homes (Taunton) are rarer.

Recreation. Recreation funds may be viewed as umbrellas with municipalities including anything that is recreation based within the enterprise fund or may include discrete funds for amenities such as pools, skating rinks, or golf courses. This is a common category for municipalities with extensive area or resources dedicated to recreation. Many municipalities have a common “recreation” enterprise fund (Arlington, Winthrop) which can include a variety of activities including classes, field rentals, and other activities. Cities such as Beverly have enterprise funds for tennis and golf. Golf is also a separate enterprise fund in Melrose, Natick, Brookline, and South Hadley (among other municipalities). Additionally, some municipalities maintain a skating rink (Falmouth, Canton, Winthrop) with an enterprise fund.

Transportation. Depending upon a municipality’s resources enterprise funds might include airport, parking, dock or wharf facilities. For example, the city of Lowell has a dedicated parking garage fund. A variety of coastal municipalities have funds dedicated to harbor activities (Gloucester, Wellfleet), waterways management (Dartmouth), or a ferry service (Winthrop). Additionally, municipalities may have enterprise funds for airports (Beverly, Nantucket) or other transportation.

Massachusetts Department of Revenue keeps records regarding enterprise fund expenditures and revenues. Attached is a spreadsheet from the DOR containing this data for the 2014 fiscal year. The DOR

breaks down enterprise categories into water, sewer, electric, landfills, hospital, health care, airport, harbor, golf courses, public recreation, and other. The “other” category includes items such as stormwater (Ayer), renewable energy (Brockton), EMS services (Hubbardston, Fall River). Uncommon enterprise funds also include Chatham’s wood waste reclamation facility and Acton’s Council on Aging Van.

Brewster potentially has several potential avenues for setting up enterprise funds, however most would likely be major projects. As the state has limited the areas which any municipality can set up an enterprise fund, any potential amenity would need to fit into the “utility, cable television public access, health care, recreational or transportation facility” categories. There are potential areas to explore within the recreational or health care areas which would be less onerous than providing electricity, water, or sewer services by the town.

Found at: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44/Section53F1~2>

Ch. 44, Section 53F1/2. Notwithstanding the provisions of section fifty-three or any other provision of law to the contrary, a city or town which accepts the provisions of this section may establish a separate account classified as an "Enterprise Fund", for a utility, cable television public access, health care, recreational or transportation facility, and its operation, as the city or town may designate, hereinafter referred to as the enterprise. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived from all activities of the enterprise shall be deposited in such separate account. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four. Any interest earned thereon shall be credited to and become part of such separate account. The books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of section thirty-eight.

No later than one hundred and twenty days prior to the beginning of each fiscal year, an estimate of the income for the ensuing fiscal year and a proposed line item budget of the enterprise shall be submitted to the mayor, board of selectmen or other executive authority of the city or town by the appropriate local entity responsible for operations of the enterprise. Said board, mayor or other executive authority shall submit its recommendation to the town meeting, town council or city council, as the case may be, which shall act upon the budget in the same manner as all other budgets.

The city or town shall include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the enterprise, subject to appropriation, or to reduce user charges if authorized by the appropriate entity responsible for operations of the enterprise. If during a fiscal year the enterprise incurs a loss, such loss shall be included in the succeeding fiscal year's budget.

If during a fiscal year the enterprise produces a surplus, such surplus shall be kept in such separate reserve fund and used for the purposes provided therefor in this section.

For the purposes of this section, acceptance in a city shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.

A city or town which has accepted the provisions of this section with respect to a designated enterprise may, in like manner, revoke its acceptance.



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. McCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
F: 617.287.5566
mccormack.umb.edu/centers/cpm
collins.center@umb.edu

TO: Colin Odell, Jillian Douglas

FROM: Tanya Stepasiuk, Edward J. Collins, Jr. Center for Public Management

DATE: June 24, 2016

RE: Enterprise Funds

You asked us to look into the types of enterprise funds set up by municipalities across Massachusetts and possibly elsewhere. In Massachusetts specifically enterprise funds may be set up within a municipality as enabled by Ch. 44, Section 53F1/2 (found below). These are separate accounts set up for a “utility, cable television public access, health care, recreational or transportation facility.” In other words functions provided by the town that fit into these categories may be split off from the general operation of the municipality and formed into their own enterprise fund. With this fund the operations of the particular endeavor are self-contained including fees, upgrades, salaries, etc. To support the service, a municipality may choose to recover costs through user charges for the service, through a partial subsidy from the tax levy (e.g., a Proposition 2½ debt exclusion) or from other available funds.

Massachusetts regulations emphasize that municipalities may not establish enterprise funds for normal government operations or services such as public safety, inspectional services or cemeteries. This does limit the type of enterprise fund that a municipality may set up, but there are still a variety of opportunities. They fall into four main categories; public utilities, health-care, recreation, and transportation.

Public Utilities. These are perhaps the most common and typically largest enterprise funds in cities and towns. They may include water, sewer, electric, and/or trash and recycling disposal. A majority of municipalities in Massachusetts have water and/or sewer enterprise funds. A sizeable number of cities and towns also have electric and/or landfill funds.

Health Care. Health care enterprise funds may include ambulance services, visiting nurses, and nursing homes. A variety of municipalities have EMS or ambulance enterprise funds (Westford, Lanesborough, Hubbardstown, Fall River). Visiting nurses (Acton), hospitals (Nantucket) and nursing homes (Taunton) are rarer.

Recreation. Recreation funds may be viewed as umbrellas with municipalities including anything that is recreation based within the enterprise fund or may include discrete funds for amenities such as pools, skating rinks, or golf courses. This is a common category for municipalities with extensive area or resources dedicated to recreation. Many municipalities have a common “recreation” enterprise fund (Arlington, Winthrop) which can include a variety of activities including classes, field rentals, and other activities. Cities such as Beverly have enterprise funds for tennis and golf. Golf is also a separate enterprise fund in Melrose, Natick, Brookline, and South Hadley (among other municipalities).

Additionally, some municipalities maintain a skating rink (Falmouth, Canton, Winthrop) with an enterprise fund.

Transportation. Depending upon a municipality's resources enterprise funds might include airport, parking, dock or wharf facilities. For example, the city of Lowell has a dedicated parking garage fund. A variety of coastal municipalities have funds dedicated to harbor activities (Gloucester, Wellfleet), waterways management (Dartmouth), or a ferry service (Winthrop). Additionally, municipalities may have enterprise funds for airports (Beverly, Nantucket) or other transportation.

Under enterprise accounting, the revenues in expenditures of services are separated into separate funds with its own financial statements, rather than commingled with the revenues and expenses of all other government activities. There are a few circumstances when an activity must be separated as an enterprise fund; if user charge receipts are pledged for related debt, if the municipality adopts a statute requiring costs to be recovered through fees, or if management intends to recover total direct costs including capital costs through rates and charges.

Enterprise funds can be useful to management as well as the public to examine the performance of a service, determine the true cost of providing a service, analyze decisions that are specific to the service, and identify instances where the general funds of the town are subsidizing a service.

Massachusetts Department of Revenue keeps records regarding enterprise fund expenditures and revenues. Attached is a spreadsheet from the DOR containing this data for the 2014 fiscal year. The DOR breaks down enterprise categories into water, sewer, electric, landfills, hospital, health care, airport, harbor, golf courses, public recreation, and other. The "other" category includes items such as stormwater (Ayer), renewable energy (Brockton), EMS services (Hubbardston, Fall River). Uncommon enterprise funds also include Chatham's wood waste reclamation facility and Acton's Council on Aging Van.

Reasons to Consider an Enterprise Fund

A town might decide to utilize an enterprise for services it is already providing for a few different reasons. First, it might enable the municipality to determine the total cost of providing the service including direct and indirect costs. Next, the town might want to demonstrate to constituents how the service is funded; for example whether the service is completely covered by fees or charges or whether it is subsidized by the tax base. The enterprise fund also enables investment income and surpluses to remain with the fund rather than reverting to the general fund. This may be useful for thinking about long-range planning for the service individually and the necessary capital expenditures to sustain it. Additionally, with a separate fund, constituents can see that the town is not utilizing the service as a subsidy for other town services and charging excessive rates (as could potentially be the case with electricity, water, or other necessities). Finally, an enterprise fund can provide information to the management of the town.

Major Enterprise Funds (Utilities)

For municipalities that have traditionally provided or want to provide water, sewer, and electricity to residents, enterprise funds allow the town to separate this distinct service (that has specific rates and

services) from the rest of the operating budget; allowing the “business” to respond to increased expenses with rate increases isolated from the town’s budget.

Smaller Enterprise Funds

For amenities that are utilized by visitors as well as residents of the town, an enterprise fund might be appropriate. By segregating income and expenses from the rest of the operating budget, taxpayers may feel that they are not helping to provide this amenity (such as a golf course, hospital, skating rink, or ferry service) to the general public. Instead it is a self-funded operation. Additionally funds such as nursing homes or van service could be looked at as being provided to a minority of residents and therefore might be appropriate to be completely separate from the general fund.

Golf Courses

Municipalities such as Melrose, South Hadley, Acushnet, Barnstable, Gardner, Hingham, and several others run golf courses as enterprise funds. Some of these ran at a loss of revenues over expenditures in FY2014 while others had a profit (as illustrated by the attached spreadsheet). We have attached some financial information regarding South Hadley’s golf course included within the attached budget document (page 27).

Brewster

In all likelihood, the services most appropriate in Brewster for an enterprise fund would be those that could fall under “recreation” or separate funds for recreational activities. This could include the golf course, field rentals, recreational activities, or other related amenities. This might be particularly appropriate if a large percentage of users of these amenities are not residents of the town and taxpayers would like to see the accounting of the service separated from the general budget. Additionally, if the golf course would benefit with separate long-term planning with its own funding, this would be appropriate.

While Brewster might also consider some smaller enterprise funds such as van transportation, it seems unlikely that this would represent a significant improvement to transparency or services to warrant a separate account.

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Charge for Brewster Government Study Committee

The Board of Selectmen (the “BOS”) wishes to ensure that Brewster’s government is transparent, responsive, efficient, and effective in its governance and in the delivery of town services by our various departments. The BOS seeks to improve our town government in order to provide the best service to its citizens, and therefore, will appoint a seven-member Brewster Government Study Committee (the “BGSC”) to study our town departments, boards, committees, and commissions according to the following charge.

The BGSC is hereby charged with conducting an in-depth review of the town’s current organizational structure including the role of Town Administrator, the various town departments, boards, committees, and commissions. The study will examine the clarity of duties, span of responsibilities, methods of internal and external communication and coordination. The study will compare how these factors are dealt with in Town policies and in practice. The BGSC will deliver the results of its study to the BOS based upon the following definition of scope and timeline.

1. SCOPE

The BGSC will conduct an in-depth review of the following:

- a. Organizational structure. Is the structure too tiered or too flat from a management and leadership perspective?
- b. Definition of duties. How clearly are the duties of the Town Administrator and various departments defined? Are there gaps or overlaps with respect to duties and responsibilities? Is the span of responsibilities for individual departments too broad or too narrow?
- c. Management appointments. What person or entity is responsible for appointing departmental managers and does the process build the proper accountability?
- d. Communication and coordination. Are there adequate and effective channels of communication between the BOS and the Town Administrator; the Town Administrator and the departments; amongst the departments, and within each department?
- e. Staffing. Does the organizational structure provide for optimal staffing levels? Is there adequate succession planning?
- f. Performance management. How well are supervisory functions defined and executed? How is the performance of departments and department heads evaluated and communicated to the BOS and to the public? How effectively is the performance of department heads and staff managed by the appointing authority?

The BGSC will examine our town’s boards, committees, and commissions (the “BCC”):

- a. What is the relationship between the BCC and the staff that supports the unit, and is the support sufficient and effective?
- b. Examine and understand the policy-making responsibilities of the BCC versus the regulatory responsibilities.
- c. Is the BCC appointed or elected, and does this make sense when considering the BCC’s duties and responsibilities? Does the BCC’s status naturally provide for appropriate accountability and transparency?
- d. With respect to appointed BCC: does the appointment process sufficiently and successfully recruit members, and is the process transparent and balanced?

2. PROCESS

Phase 1: Assess current conditions and issues. The study will include a review of relevant Town bylaws and policies, interviews with the Town Administrator, department heads, BCC, Board of Selectmen and other key staff.

In addition, the BGSC will gather the public's perspective through various mechanisms of its choosing such as surveys, focus groups and/or open forums.

At the end phase one, the BGSC will identify the key issues, challenges, and opportunities for strengthening our town government and improving its effectiveness. The Committee will present a report of these findings to the BOS.

Phase 2: Identify best practices and relevant experiences from other towns. Focusing on the issues, challenges, and opportunities identified in phase one the BGSC will work with a consultant who will be charged with identifying best practices and experiences from other towns that might serve as models for Brewster.

Phase 3: Develop recommendations. Based on the results of the interviews, public input, and consultant findings, the BGSC will develop recommendations for reorganization and reform of policies and procedures. The BGSC will develop its draft report in partnership with the consultant. Final recommendations will be presented to the BOS and to the public. Recommendation may be short-term, such as management improvements or policy changes, or long term, such as moving towards a Town Charter.

3. SCHEDULE (FIFTEEN MONTHS)

Phase 1 will be completed within eight months of convening the BGSC.

Phase 2 will be completed within three months of the completion of Phase 1.

Phase 3 will be completed within four months of the completion of Phase 2.

4. SUPPORT

The Town will provide secretarial support to take minutes, post meeting notices, distribute materials and schedule BGSC meetings with individuals and members of the BCC.