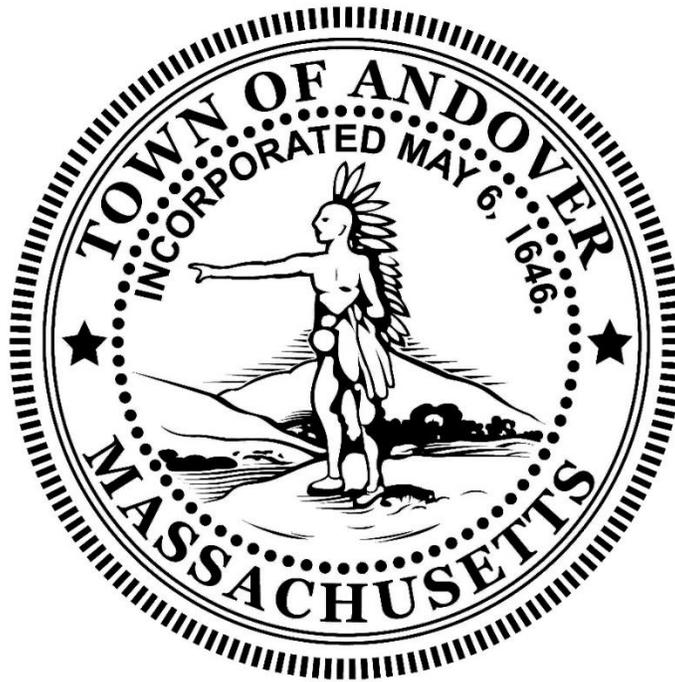


**Report of the
Town Governance Study Committee**

December 10, 2021



Committee Members

S. Jon Stumpf, Chair
Dara Epstein Obbard, Vice Chair
Andrew McBrien, Clerk
Paula Colby-Clements
David Floreen
Richard Fox
Gail L. Ralston
Aleksandra Stapczynski
Austin Simko
Sheila M. Doherty, Ex-Officio

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Section 1 - Foreword by the Chair

To the Residents of Andover,

In April of 2019, the Select Board unanimously approved the Town Manager's proposal to form the Town Governance Study Committee (the "Committee"). The Committee was charged with studying and proposing beneficial amendments to the Town's charter, bylaws, and governing practices as they relate to Andover's form of government and governance.

This report reflects the research conducted by the Committee to address our charge. It begins with this Foreword, which outlines the main topics within the report. An Executive Summary follows which is designed for readers interested in more detail. The "body" of the report, which readers can navigate using the Table of Contents, presents and addresses a myriad of research in detail.

Currently the Charter authorizes an Open Town Meeting - Select Board - Town Manager form of government. The Town is overseen by an elected five-member Select Board and is administered by an appointed professional Town Manager. Andover's public schools are overseen by an elected five-member School Committee, and administered by an appointed professional Superintendent.

Our Committee's journey began in September 2019, and continued throughout the pandemic and all of 2020 and 2021. We studied the Town's form of government and governance. We examined the models of government in comparable communities. We reached out to residents, Town employees, businesses, community organizations, appointed and elected officials, and others to identify strengths and weaknesses in Andover's current government. We facilitated significant public engagement on, and the public's discussion of, the committee's work.

After due consideration, the Committee voted unanimously to recommend retaining Open Town Meeting with significant reforms. The Committee has also recommended a suite of other changes on topics ranging from the recall of elected officials to the date at which elected officials take office. Many residents feel that Andover is a wonderful community which provides excellent services to the residents. Like any entity, there are opportunities for improvement, and we have outlined those within the section of the report detailing recommended reforms.

In closing, we thank the Select Board and the Town Manager in providing the resources needed to complete our work, as well as Community Paradigm Associates for their insights and efforts as our professional consultants. Lastly, I would like to recognize and thank the members of this Committee, for all their effort, hard work and commitment to our community.

Town Governance Study Committee
S. Jon Stumpf, Chair
December 10, 2021

Section 2 - Executive Summary

This summary highlights key recommendations of the Committee. In the interest of concision, this summary does not enumerate every recommendation and stops short of explaining and justifying each position. Readers are strongly urged to read the main body of the report to understand recommendations of interest.

A. Retain Andover's Open Town Meeting Form of Government

During a two-year comprehensive review of Andover's form of governance, the Committee hosted seven public forums, held 61 committee and subcommittee meetings, gathered input from residents and organizations, interviewed elected officials, researched peer communities, and dived deeply into decades of Andover's voter history data. The Committee has strived to listen, evaluate, and incorporate what it learned into its recommendations.

There is no perfect governance model – nor is there one all residents agree with. The best form of governance for a community is the one that provides residents with, on balance, the strongest blend of effectiveness, transparency, efficiency, representation, accountability, and accessibility.

The Committee unanimously agreed that the community is best served by retaining Open Town Meeting and adopting several enhancements that aim to improve Andover's Town Meeting. The Committee rests its recommendation to retain Open Town Meeting with reforms on the following “pillars.”

1. Open Town Meeting allows for direct legislative participation by any registered voter.
2. Open Town Meeting draws on the ideas, perspectives, and votes of hundreds of residents, benefiting from the “wisdom of the crowd” phenomenon.
3. Open Town Meeting ensures that the Town's legislature operates with maximum transparency.
4. Open Town Meeting allows residents to represent themselves or to take comfort that hundreds of peer residents are representing the interests of the community in a way no representative government could.
5. Open Town Meeting is the most diverse, inclusive, and equitable legislature because the barriers to participation are lower than the barriers that exist in a representative form of government, where individuals must rely on agents to act on their behalf.

Standing together, these pillars support a governing and civic culture defined by decision-making by the whole community; residents who have ownership over the direction of the Town;

residents who can act as knowledgeable ambassadors to their peers who may not have the time or inclination to participate in Town Meeting;¹ and a government checked and balanced by the residents.

The Committee heard and took seriously the following concerns about Open Town Meeting:

Residents' Concern	Committee Conclusion
<i>Other forms of government are more representative</i>	No form of government has “cracked the code” on equally representing the population at large
<i>Andover is too large for Open Town Meeting</i>	All forms of government are used in communities with similar populations to Andover
<i>Town Meeting attendance is low, and falling</i>	A substantial proportion (i.e., 25%) of engaged voters (i.e., those who vote in Annual Town Elections) attend Town Meeting, and attendance is stable
<i>Big decisions are made by a fraction of the community</i>	Big decisions are made by a substantial portion (i.e., 25%) of engaged voters (i.e., those who vote in Annual Town Elections)
<i>Votes at Town Meeting are “stacked” by special-interest groups</i>	A large proportion of attendees at any Town Meeting are regular attendees
<i>Votes at Open Town Meeting are dominated by “NIMBY” (Not In My Back Yard)</i>	Open Town Meeting geographically represents Andover as a whole

In general, the Committee found no broad public demand for a change in Andover’s form of government, and, relatedly, that the rationales typically attendant to form of government change are not present in Andover. Further, while several residents expressed frustration with the current Open Town Meeting format, there was no consensus on what alternatives were preferred. This was important context for the Committee as it considered alternative forms of government, for the Committee appreciated that changes in form of government can be destabilizing, confusing to residents, difficult to calibrate, and potentially generative of unintended effects on a community’s policy and culture.

Further, the Committee found that, at this time, no alternative form of government provided benefits that, on balance, result in a government materially superior to Andover’s current form of government. The studied principal alternatives were Representative Town Meeting, Council-Manager, and Council-Mayor. Many of the ostensibly attractive features of these alternatives raised several significant concerns. This report analyzes in detail the benefits, detriments, and defects of these alternative forms of government. The Committee’s understanding of these defects and detriments was critical to its decision to recommend retention of Open Town Meeting.

¹ Throughout this report, references to “Town Meeting” include both Annual and Special Town Meetings, unless otherwise specified.

No Massachusetts community that has discarded its Open Town Meeting form of government has been able to return to it after a failed trial of representative government. Given that discarding Open Town Meeting would be an historic, seismic transformation of the Town's government, it would be irresponsible for the Committee to recommend a change – which it independently and strongly assesses to be unnecessary – that could have unintended consequences to the community's culture and from which we could not return.

B. Open Town Meeting Enhancements & Reforms

In recommending that the Town retain its Open Town Meeting form of government, the Committee was attuned to areas where Andover's Town Meeting could be improved.² The Committee believes that several enhancements to Andover's Open Town Meeting will provide substantial improvements to the meeting's deliberative process and increase voter engagement. The Committee's recommendation for the retention of Open Town Meeting, while not conditioned on adoption of the below reforms, is emphatically offered with the following strong reform and enhancement recommendations. The Committee does not support the status quo, and these reforms seek to change the status quo.

i. Adopt In-Person Electronic Voting.

In-person electronic voting has the potential to shorten and enhance Town Meeting. In addition to making "standing counts" quicker, in-person electronic voting also guarantees confidentiality and privacy in voting. The Committee heard that many voters who attend Town Meeting are concerned about reprisals and some voters are even unwilling to attend Town meeting because of this fear. Therefore, it is reasonable to infer that adopting electronic voting may enfranchise voters and enhance the democratic process.

ii. Consolidate Discussion of Related Articles Even if Separate Votes are Required.

Town Meeting articles are often linked together by general topics. The Committee recommends that articles that are directly linked by topic and substance be consolidated for discussion, albeit with separate votes, so Town Meeting can engage in deliberation that is not artificially compartmentalized by legal procedure. This will likely allow more thorough, holistic, and efficient deliberation.

² The Committee recommends that Andover retain its Open Town Meeting form of government. It does so with full recognition of Open Town Meeting's current flaws. Government is, in essence, a collection of persons and human processes forged in civic debate and tempered by evolving circumstances. In this context, no government is perfect. The many enhancements recommended by the Committee aim at curbing these flaws in our Town Meeting structure and practices.

iii. Promote Civil, Honest, and Efficient Debate at Town Meeting.

Town Meeting deliberations should be honest, open, civil, and efficient (i.e., respectful of attendees' time). The Committee strongly supports the current practice wherein the Moderator asks each Town Meeting to affirm values contributing to civility. While a "code of conduct" is too prescriptive and difficult to enforce, actions that encourage proper discourse and decorum should be advanced.

iv. Prohibit Events on Town & School Property During Town Meeting Sessions.

Attending Town Meeting can be difficult for residents with families, work obligations, and myriad other competing commitments. The Committee recommends that the Select Board and School Committee, which have jurisdiction and control over the use of Town- and School-owned property, consider and take public input on precluding sports, theater, and other events on Town property during these relatively few hours each year. The Town should not "counter-program" its own legislature and make it harder for residents to do their civic duty.

v. Encourage Pre-Submission of Town Meeting Article Amendments.

The Committee recommends that the Town incentivize pre-submission of article amendments for review prior to Town Meeting. Under the Committee's suggested framework, article amendments would be submitted three business days before the first session of Town Meeting. This would allow for Town Counsel and committees to review and consider amendments before Town Meeting, thereby creating both efficiency, transparency, and "good legislating" effects. Under this framework, amendments could, as is the current practice, be submitted on the floor of Town Meeting (in addition to the pre-submission of amendments).

vi. Pre-Town Meeting Discussion of Articles.

The Committee recommends a pre-Town Meeting forum that would effectively provide a degree of non-binding remote deliberation before the commencement of Town Meeting. This would promote transparency, perhaps make Town Meeting more efficient, allow more residents to engage, and serve good governance by more fully vetting articles. This forum would not alter the status quo practices surrounding how articles are presented, debated, and voted upon during Town Meeting. Instead, there would be made available to residents days or a week before Town Meeting a live-streamed, remote, and in-person session wherein public and private article proponents would present on their articles and answer questions from residents.

vii. Provide Town Meeting Education Resources.

The Town Administration should produce short information videos that educate residents on Town Meeting nomenclature (e.g., "warrants" and "articles"), procedure (e.g., for making amendments), and the substance of articles (e.g., bylaws, zoning, the budget). The content should

be brief, accessible, and straight-forward. Town Meeting procedures, and the content of articles deliberated on at Town Meeting, can be daunting for any resident.

viii. Provide Welcome Packets to New Residents.

The Town should send each new resident a personalized “welcome packet” containing a message from the community, links to key Town offices and boards, and sharing key information about how the Town’s government operates. This information may touch upon, but should not be limited to, Town Meeting. Welcoming new residents will make this a friendlier community, and a better informed one.

ix. Explore Remote Electronic Voting.

Remote electronic voting is not yet permissible for Open Town Meeting forms of government. Given this, no action can be taken at this time. Andover should stay attuned as facts and understandings evolve on this topic. The potential for bringing Town Meeting to residents’ homes, pulling a centuries-old form of government into the 21st Century, is powerful and reflects the realities of today’s dynamic society.

C. Secondary Study Topics.

i. Committee Appointment, Existence, Structure, Etc.

The Committee recommends the following regarding how board and committee are elected, appointed, term-limited, and other related items:

- The Committee did not identify any appointed positions that should instead be elected.
- The Committee does not recommend that appointment for boards and committees be made by a central “committee on appointments.” The Committee supports the Town Manager’s current authority to appoint the majority of board and committee members. The Committee recommends ways in which lengthy vacancies on boards and committees may be avoided.
- The Committee does not support imposition of term limits. Limits imposed woodenly may force removal of experienced, knowledgeable volunteers who have learned over time how best to function on boards or who might have spent many years learning the technical areas of their boards’ work.
- As an alternative to fixed term limits, in order to give other residents the opportunity to serve on a board and provide a healthy degree of turnover, the Committee recommends that, when the Town Manager’s Office notifies an incumbent member that the member’s term is ending, that member should be required to respond with a statement that the member wishes to continue to serve. The member should then be evaluated in comparison to other applicants.

- The Committee recommends that a Water Commission not be established; that the Board of Health be expanded from three to five members; that the method of appointing Finance Committee members not be altered; and that the Planning Board retain its five-year terms and that it continue to be appointed rather than elected.
- Currently, all Town employees, with exception of the Town Accountant, are appointed by the Town Manager and subject to confirmation by the Select Board. The Committee recommends that the Select Board only confirm the Town Manager's appointments for the following employee positions: Deputy Town Manager, Police Chief, Fire Rescue Chief, and Finance Director.

ii. Town Communications.

The Committee recommends the following:

- The Town should dedicate a full-time staff person to coordinate the myriad efforts, current and new, around internal and external communication.
- A regular digest, or Precis, should be provided to residents conveying information about the administration and public bodies.
- Website videos of public body meetings should be "tagged" to allow residents to quickly and easily skip to portions of meetings that interest them.
- A "Citizens Academy" should provide in-depth information to residents about different aspects of Andover's government and civic system.
- Civics information should be shared with residents through inserts included in excise tax bills.
- More aggressively advertise the News Flash service.
- Encourage other stakeholders to explore the facilitation of a non-governmental news gathering operation. This entity may be a nonprofit organization or a public benefit corporation.
- Wherever possible, boards and committees should live-stream and broadcast their meetings, and take public comment from remote participants.

iii. Long-Term Financial Planning.

The Committee recommends that long-term, financially sustainable fiscal planning and forecasting be proposed to the Select Board by the Town Manager, who may consult with the Revenue & Expenditure Task Force, to the Select Board and used to inform the Capital Improvement Program, budget plan, and other fiscally-relevant matters (e.g., land acquisitions). Such planning and forecasting should be done with a 10-year horizon and updated every five years. The plan should account for necessary fiscal expenditures, anticipated revenues, appropriate levels of indebtedness, etc. This long-term financial planning would accomplish for fiscal operations what master planning achieves for land use and facilities operations.

iv. Government Business Processes –

The Committee recommends that steps be taken to improve governance-related processes that impact Andover businesses. For example, to expedite the issuance of permits, special permits, variances, and licenses, we recommend that Town public bodies with respective jurisdictions coordinate their reviews and approvals to allow an efficient process that does not sacrifice thoroughness, diligence, compliance with the law, and protection of the community's interests. Also, the Town should enhance communication with and education of businesses about the municipal regulatory framework. We further recommend that the Town Manager or his/her designee periodically report to the Select Board, not less than once every two years, on the state of and improvements to the Town's business processes.

v. Annual Town Elections and Annual Town Meeting.

The Committee noted that the status quo practice of holding Annual Town Elections on the fourth Tuesday in March and Town Meeting in early May presents challenges to the governance system. In particular, new officials elected to their seats in March have very little time before Town Meeting to apprise themselves of complex budget, zoning, and bylaw articles that will be decided at the May Annual Town Meeting. And, even when newly elected officials educate themselves, they nonetheless represent different political actors than the ones who led the multi-month process culminating in the imminent Town Meeting.

We therefore recommend that the Annual Town Election remain at its current time of year but that the effective-date for office-taking be after Annual Town Meeting. Accordingly, the current sequencing of Annual Town Elections and Annual Town Meeting would not change – but newly-elected officials would not take office until after Annual Town Meeting.

vi. Diversity, Equity and Inclusion

The Committee applauds the ongoing work of the Commission on Diversity, Equity and Inclusion and the Administration, and hopes these steps are just the beginning of a progressive understanding of our Town, our country, and the world that we live in. The Committee further hopes that these active and vigorous efforts will impact all communities and will reach all levels of governance throughout the Town.

vii. Residency Requirement for the Town Manager.

Andover requires its Town Manager to be a resident of the town within a certain period of time after commencement of employment. While residency requirements were common 20 or more years ago, in light of advances in technology, escalating housing costs, and the reality that Town Manager candidates likely have working spouses to consider, very few communities currently maintain a residency requirement for their manager/administrator. While the benefit and allure of a resident manager was not lost on the Committee, the Committee felt that no consideration is

more important than attracting the best and most capable candidates to lead the Town government. Therefore, the Committee recommends that the Town remove the existing residency requirement for the Town Manager.

viii. Ranked-Choice Voting on Local Election Ballots.

After an in-depth study of historical local election data, it was determined that ranked-choice voting might have led to a different outcome in only one or two of the 29 elections studied. Therefore, the broader question of whether benefits of ranked-choice voting outweigh the disadvantages for Andover local elections or vice versa is rendered moot. The Committee recommends that ranked-choice voting should not be pursued further in Andover at this time.

ix. Recall of Local Elected Officials.

Andover currently has no formal mechanism, other than public persuasion, to remove an elected official even for the most egregious infractions, such as criminal offenses or other actions deemed so significant that an official no longer has the ability or mandate to perform his or her duties. Ultimately, the Committee recognized that State and federal governments, as well as many Massachusetts communities, provide a means by which an elected official can be removed and replaced. As a matter of logic and good governance, Andover voters should not be absolutely deprived of the ability to remove an official elected by voters.

The Committee recommends strongly that a recall mechanism be adopted with high thresholds establishing the calling of a special recall election and ancillary procedural hurdles. The Committee has recommended such thresholds in the body of this report.

Section 3. Background & Context

A. History of Andover's Form of Government

The Town Meeting system has been a dominant form of governance in New England since Colonial times. At that time, the separation of Church and State was a concept unknown to the Puritan founders of Massachusetts. Town government and church organization were essentially one and the same.

Within three years of settlement, town charters were granted to Andover only when 10 Congregational church members – the only ones legally able to hold land – hired a minister and agreed to build a meeting house, both for worship and for town business.

In Andover, founded in 1646, the oldest existing records are those of the 1656 Town Meeting. With a Moderator, usually a position held by the church minister, only male church members could attend and vote. A quorum in the 1600s required only seven members.

By 1670, all male landowners were eligible to vote, regardless of church affiliation. Women were not a part of Town Meeting until 1920, a full 250 years later.

The original town meetings were held in what is now the North Parish Church in North Andover. When population increased exponentially in the south part of town and distance to church became unwieldy, a separate south parish was created in 1709. Town meetings now alternated from year to year between the two parishes. South Church in Andover was established in 1711 and became the town meeting house of the South Parish.

Political differences eventually led to a permanent split, and in 1855, the state legislature granted the parish's request to legally separate into Andover and North Andover, separate towns each with its own Town Meeting.

Before the mid-1950s, Andover's town government was highly decentralized. A three-member Board of Selectmen directly supervised many of the Town's operations. An elected Board of Public Works, Board of Health, and Board of Library Trustees oversaw other Town functions. Even the Assessor was an elected position.

Responding to suggestions for change, the 1955 Annual Town Meeting voted to create a study committee to report on various forms of town government and make a recommendation to the next town meeting – not unlike subsequent committees and the charge of our current committee. A recommendation was to be made at the next Town Meeting.

The 1955 group formally proposed the Town Manager form and asked that another committee be created to write a new Town Charter. Voters in 1955 approved both measures, and the former study group was reappointed as a charter-writing committee.

A community's charter change in Massachusetts requires approval by the State legislature, and during the summer of 1956, a home rule petition was approved by the Legislature's Committee on Towns and eventually signed into law as Chapter 43B of the Massachusetts General Laws.

The new charter also required voter approval, and was to be placed on the ballot for three years, or until adopted, whichever happened first. After considerable debate, the initial vote took place in 1957. The new charter lost, 1,745 in favor; 2,791 against.

More heated debate followed, and the 1958 vote produced a different result: 3,138 in favor and 2,792 against. Accordingly, on March 3, 1959, Andover officially began its experience with a town manager form of government.

The Town election that year also replaced the former three-person Board of Selectmen with a new five-member board with staggered terms. All three of the former selectmen were defeated, all having been opposed to the charter change.

Under the new charter, the town manager took over the appointment responsibilities of several of the formerly-elected boards, appointing the public works director, the assessor, the library trustees, and the board of health. De facto, the town manager became the single professional administrator, directly overseeing all town operations except the running of the school system.

To allow time to search for the first Town Manager, the newly-elected Board of Selectmen appointed Victor J. Mill, Jr. as Interim Town Manager. In May 1959, Andover's search ended and Thomas C. Duff was appointed for a five-year term. Subsequent Town Managers included Richard J. Bowen, Maynard J. Austin, Jared Clark, Kenneth Mahoney, and Reginald "Buzz" Stapczynski. Andrew Flanagan serves as Andover's current Town Manager.

It should be noted that in Massachusetts, as in all other states, under the Dillon Rule municipalities do not have independent authority and derive their power and authority solely from the Massachusetts legislature. A municipality must conform to current provisions of the General Laws or seek legislation giving approval to any change. Cities and towns may exercise Home Rule power to the extent that their actions are not inconsistent with the state constitution and General Laws.

However, by 1963, in response to the volume of bills related to minor matters in cities and towns, the Legislature began to work on new Home Rule legislation. Massachusetts voters passed the proposal in 1966 and the changes became effective in 1967.

The Home Rule Amendment took state sovereign power and essentially shared it in three key areas: (1) the granting of charter-making authority; (2) the granting of general legislative power; and (3) the establishment of the doctrine of “Fair Play” between municipalities and the Legislature.

Revised Home Rule powers and how they are to be exercised by municipalities were established under the Home Rule Procedures Act (M.G.L. Chapter 43B), subject to standards and procedures as the General Court may establish under law. These set forth the “rules of the road” when a city or town seeks to exercise its Home Rule powers. Municipalities need to be aware of this act’s existence and be sure to review its dictates before undertaking such things like a charter change.

The Town of Andover's governing charter, enacted by the Legislature in 1956, was amended in 1974. The Town conducted studies of its governance and potential amendments to the charter in the 1980’s and most recently in 2002. In each instance, the committee undertaking such study recommended retaining Andover’s Open Town Meeting – Select Board – Town Manager form of government.

In summary, the Town is overseen by an elected five-member Select Board and is administered by an appointed, professional Town Manager who also oversees approximately 20 departments and divisions. Andover's public schools are overseen by an elected five-member School Committee, and administered by an appointed, professional Superintendent. All members of the Select Board and School Committee are elected at-large.

There are also various appointed boards and committees³ which have specific responsibilities, some mandated by State law, concerning various aspects of town governance. Town Meeting, which is generally unique to New England, serves as Andover's legislative body. It offers all registered voters of the community the opportunity to participate in the major decisions of the Town. Town Meeting is facilitated by an elected Town Moderator who also is responsible for appointing a nine-member Finance Committee, which in turn is responsible for advising Town Meeting on financial matters brought before it.

B. Summary of Andover’s Population, Geography, Economy, and Culture

At 32.1 square miles, and home to over 36,000 residents, Andover is one of the largest towns in Massachusetts, and has the highest elevation of any community in Essex County (550 feet on Holt Hill). Located in the center of the Merrimack Valley, Andover is 23 miles north of Boston, is bordered on the north by the cities of Lawrence and Methuen, on the east by the town of North Andover, on the south by the towns of North Reading and Wilmington, and on the west by the towns of Tewksbury and Dracut.

³ Throughout this Report, Andover’s various boards, committees, commissions, and task forces may be referred to in short-hand as boards and/or committees. This is meant to economize space, and not to disrespect each bodies’ unique title.

Like many New England towns and cities, much of Andover's early history and development flowed from its rivers: the Merrimack and Shawsheen. Mills and factories were built in the 1800's and provided significant employment and related commercial and residential activity that shaped the development of the town. More recently, Andover is witnessing a tremendous interest in re-purposing many of those old mill buildings into productive and innovative uses. Andover voters took a major step forward at the 2020 Annual Town Meeting by overwhelmingly endorsing a process for redeveloping the now-vacant town yard into a mixed-use development area that will serve as a catalyst for considerable new multi-use activity in the Historic Mill District.

Andover has benefitted from forward thinking and creative leadership for well over a half-century. A key example dates back to the late-1950s, when the interstate highway system was exploding across the nation and I-93 and I-495 were being laid out through Andover, which at that time was filled with residents, farms and rural land. Our Town leaders had the wisdom and vision to foresee how the automobile would transform our community and pushed to establish commercial and industrial zoning along the I-93 corridor and install town water and sewer systems to serve those parcels of land. Skeptics called those "sewers to nowhere," but very quickly they were the catalyst for Raytheon, the IRS and all the development along River Road that provides a significant portion of Andover's tax base and quality employment for thousands of Andover and regional residents.

As of early 2020, Andover ranks in the top 25 of all employment hub communities in Massachusetts. About 50% of all Andover-based employment is in the service industries (e.g., professional, scientific, healthcare, education, information technology, and finance), 16% in manufacturing, and the balance in public service, retail, hospitality, construction and other. Approximately 66% of Andover residents employed in Andover and elsewhere work in management, business, science and arts occupations, 19 % in sales and office occupations and 8% in service fields.

With excellent access to interstate highways (I-93 and I-495), in addition to several daily commuter rail trains to Boston, many Andover residents commute to Boston at least some days and work remotely other days. The Merrimack Valley Transit Regional Authority provides local bus service connecting Andover neighborhoods to neighboring communities and daily trips to Boston.

Nearly 5,600 students attend Andover public schools, which include six elementary (2,500 students), three middle (1,400 students) and one high school (1,700 students). The district is highly regarded within Massachusetts with a high-performing academic curriculum, yet it faces many of the same stresses as other districts with enrollment fluctuations due to Covid-19, new State and federal government mandates and need for expanded facilities and technology.

Phillips Academy, located in Andover and founded in 1778, is often ranked the top coeducational independent preparatory high school in the United States. Serving more than 1,000

day and boarding students from nearly all 50 states and many nations, P.A. as it's called, is a vibrant part of the Andover community. The Academy is also home to the Addison Gallery of American Art, which holds over 16,000 pieces of American art from the 1800s to the present, and the Peabody Institute of Archaeology, founded to promote archeological research and the appreciation of Native American cultures.

Merrimack College, a co-educational college officially located in North Andover with facilities in Andover educates over 4,000 undergraduate and graduate students both on campus and online and is an integral part of the community. Massachusetts School of Law is also located in Andover and offers an academically rigorous, affordable legal education emphasizing ethics, advocacy, leadership, and professional skills.

The chart provided in Appendix 1 compares Andover to 10 peer communities north and west of Boston that residents or businesses often consider when choosing where to live or build their business. This data is provided by the U.S. Census Bureau Quick Facts, which was updated as of October 2021. Some of the salient points are:

- After Arlington, Andover is the second largest of all the peer communities with a population of 36,569 Andover's population grew by 10.1 percent from 2010 to 2020, second in growth rate only to Needham. A 2013 report, "The Future of Andover, Massachusetts: Demographic Change, Housing and Economic Prospects," projected that the 2020 population would be 34,002 and that by 2030 Andover's population would reach 35,579. The 2030 projection was exceeded in 2020.
- Twenty-four percent of Andover's population is under 18, consistent with its peer communities but significantly more than the statewide average of 19.6%. A young population generally indicates that the community has good schools and a quality of life that attracts young families. This of course means hefty school budgets.
- Just under 15 percent of Andover's population is over 65, slightly less than most of its peer communities and the statewide average of 17.0%. Local data suggests, however, that the percent of Andover's population over 65 will grow steadily over the next decade.
- The racial composition of Andover is slightly more white than the Commonwealth as a whole but less white than many of the peer communities. Seventy-five-point eight percent of Andover self-identifies as white, compared to 71.1 % statewide. Among peer communities, Lexington is the least white at 62.7 % while Reading is the whitest at 91.1%.
- Those residents self-identifying as Black amount to 2.7% of Andover's residents; Asian 14.7% and Hispanic/Latino 4.9%.
- A sizeable portion of Andover and its peer communities' residents were born outside of the United States and/or speak a language other than English in the home. Seventeen point four percent of Andover residents were born out of the United States and, in 20.3% of Andover households, a language other than English is spoken. This data is consistent with other peer communities. North Andover and Reading have the smallest percent of residents born outside the United States.

- Seventy-four percent of Andover adults have a bachelor's degree or higher, well above the statewide average of 43.7% and only slightly below the leading communities. Over 33% of Andover residents have a graduate degree. (State-wide data is not readily available.)
- The median household income in Andover is \$151,344, nearly double the Massachusetts average, placing Andover in the top 20 of all Massachusetts communities.

Section 4 – Committee Charge

The Committee was created by a unanimous vote of the Select Board in April 2019. This vote was taken at the recommendation of the Town Manager.

Two principal factors motivated the creation of the Committee. First, Town Meeting had for several years considered private warrant articles suggesting piecemeal, targeted reforms to Andover’s government. For example, some residents had suggested making Planning Board members elected rather than appointed. The Select Board believed that governance should be changed following a holistic study and review and should not be reactive to one-off requests.

The second factor was that a comprehensive review of Andover’s governance had not been undertaken since 2002. Similar reviews had been launched in the 1980s and the 1970s. Therefore, it was decided, the community was due for another review.

The Committee’s charter reads as follows:

“The Town Governance Study Committee shall be charged with studying, and proposing beneficial amendments to the town’s charter, bylaws, and governing practices as they relate to Andover’s form of government and governance.

The Committee shall:

- Study the town’s form of government and governance.
- Examine models of government in comparable communities.
- Identify strengths and weaknesses in Andover’s current government, and recommend any amendments to the charter, by-laws, and governing practices so as to improve the town’s form of government and governance.
- Facilitate public engagement on, and the public’s discussion of, the Committee’s work.

Upon completion of its work, the Committee shall submit to the Town Manager and the Select Board a summary of its findings and any recommended amendments to the charter, bylaws, and governing practices.

The Committee will be composed of (1) nine residents appointed by the Town Manager per Article III § 2(b)(2) of the General Bylaws, and (2) two ex-officio members: the Town Clerk and the Town Moderator.⁴ The Committee shall elect a chair and vice chair from among its members.”

⁴ The Committee was initially populated with nine at-large members, the Town Clerk, and the Town Moderator. During the years of the Committee’s work, several changes in Committee membership occurred: Paul Cavicci resigned for personal reasons; Paula-Colby-Clements became a non-voting liaison as a member of the Finance Committee; Austin Simko, upon leaving his position as Town Clerk, was appointed to an at-large seat on the Committee; and the Moderator resigned in the fall of 2021.

Section 5. Summary of Committee’s Deliberative Process

At its first meeting on September 25, 2019, the Town Governance Study Committee outlined a four-phase approach to its study. This tiered deliberative approach included the following phases: (1) identification of governance issues to explore, (2) study of the issues with public engagement, (3) formulation of recommendations, and (4) advising the Select Board and Town Meeting regarding implementation of the recommendations.

A. Phase I – Identification of Study Issues

The Committee began its Phase I identification of governance issues in October of 2019 and concluded this phase of work in January of 2020. The focus of this work was on gathering as much input as possible from various stakeholders so that the Committee would have an as complete as possible understanding of community thoughts on the Town’s governance.

The Committee hosted three listening sessions over the course of two months at unique days, times, and venues to accommodate residents’ different schedules. Those dates and locations were as follows:

- Saturday, [November 16, 2019](#)⁵; 9:30-11:00 a.m. at the Old Town Hall
- Wednesday, [November 20, 2019](#) ; 7:00-8:30 p.m. at the Public Safety Center Auditorium
- Wednesday, [December 11, 2019](#) ; 9:00-10:30 a.m. in the Memorial Hall Library

In conducting these listening sessions, the Committee members provided a brief 10-minute overview of what constitutes governance. The Committee, through its chair and the Town Clerk, asked residents to reflect and comment on the following questions:

- How would you like to interact with your local government?
- Is Andover’s government: Transparent? Accessible? Representative? Effective? Efficient? Accountable?
- Do you vote at Town Meeting and in local elections? Why?
- What is working well with Andover’s governance?
- What is not working well with Andover’s governance?

Residents responded to these prompts and made comments on various topics. Committee members listened and took notes, speaking only to clarify what residents chose to share.

In tandem with these listening sessions, the Committee interviewed the Town Manager, Superintendent of Schools, each member of the Select Board, and the chairs of the Board of

⁵ Links to some of the recorded Committee meetings are provided by hyperlinks throughout this report. A central archive of all Committee and subcommittee meeting recordings is provided in Appendix 6.

Assessors, Board of Health, Conservation Commission, Council on Aging, Planning Board, Finance Committee, School Committee, Zoning Board of Appeals, Audit Committee, Permanent Town Building Advisory Committee, and Preservation Commission. Further, the Committee invited to a forum discussion the chairs of the other Town boards and committees.

In interviewing these individuals, the Committee asked the following questions:

Board Purpose:

- Could you describe your board's relationship to the mission of the Town of Andover?
- How does your board relate to other boards in performing your tasks?
- What about your board's work makes you proud?

Communication:

- How does communication work within the board, through the Town hierarchy, and in the community at-large?
- Are there areas where communication is particularly smooth or particularly frustrating? If either, why?
- Are there ways you think that communication could be improved? If so, how?

Town Governance:

- What is working well with the current structure of the Town government?
- What is not working well with the current structure of the Town government?
- Is the Town government *representative* of the residents of Andover?
- Is the Town government *transparent* to the residents of Andover?
- Is the Town government *accessible* to the residents of Andover?
- Is the Town government *accountable* to the residents of Andover?
- Is the Town government *effective* for the residents of Andover?
- Is the Town government *efficient*?
- Is Town Meeting sensitive to the needs of your board and is it timely in taking action?
- Is Town Meeting reasonably and appropriately functioning as the Town's legislative body?
- Are there provisions of the charter or bylaws that should be reviewed or reformed?

The Future:

- What emerging patterns or issues do you see in your work that you believe are important?
- What are barriers to the success of your board?
- What single change or action would you take to make Andover a better place to live?

Beyond this outreach, the Committee built a series of user-friendly webpages (see <https://andoverma.gov/792/Town-Governance-Study-Committee>) that provided information to residents about the Committee's approach and invited resident input in the form of emails or

comments made through the website. Further, the Committee solicited and received public comment at its regular Committee meetings.

Between November of 2019 and February of 2020, the Town surveyed residents on a wide range of subjects relative to the state of the municipality. Over 1,000 responses were received. This scientific survey was crafted, distributed, and analyzed by the University of Massachusetts Lowell Center for Public Opinion. The governance-related questions on this survey included the following:

- How often do you rely on [various media and social media] sources to obtain Town of Andover related news and information?
- In the last 12 months, about how many times have you participated in [various types of] civic/community activities in Andover?
- Have you attended any Andover Annual or Special Town Meetings within the last three years?
- Do you have any suggestions on how the Town of Andover could improve the conduct of its Town Meetings?
- Could you please tell us why you have not attended any Andover Town Meetings within the last three years?
- What is the most important challenge facing Andover over the next five years?

The survey results pertaining to governance were made available to and studied by the Committee. See Appendix 2.

Having gathered this enormous quantity of public opinion, the Committee then devoted January 2020 to sorting through the information to identify governance issues to be studied and sequencing the order in which these issues would be studied. During a Saturday meeting on [January 11, 2020](#), the Committee met to share recollections and notes from each member on what issues were heard from residents in the preceding months. Every member of the Committee shared his or her respective list of issues during a lengthy series of presentations.

At the conclusion of this discussion, the Clerk of the Committee compiled all of the presented issues into a master list of 88 potential study topics. This list was culled to remove duplicates, and issues were categorized under general topics. The master list was then distributed to the Committee members, who reflected on its contents for several weeks.

On [January 30, 2020](#), the Committee convened to discuss the items on the master list and decide which to study and in what sequence. In discussing each potential study topic, the Committee classified each issue as being a Charter amendment, Bylaw amendment, policy amendment, governance practice, or administrative operation.

The Committee robustly discussed each issue and then arrived at an unanticipated conclusion: the “form of government” issue had to be evaluated first in order to adequately study other and

derivative issues. For example, potential reforms regarding the Finance Committee would depend on whether the Finance Committee would operate in support of a Town Meeting, or whether it would be a mere subcommittee within a Town Council.

Having arrived at this conclusion, the Committee decided to begin its study with the Town's form of government and then, at the conclusion of that analysis, return to its master list of issues to decide which remaining issues warranted study and in what order.

On February 10, 2020, the Committee, through the chair and Town Clerk, presented an update to the Select Board on its Phase I work and its plan to begin the Committee's Phase II with a study of Andover's form of government.

B. Phase II – Study of Identified Issues

i. Form of Government

The following provides a cursory accounting of how the Committee approached its form of government study. The necessarily short descriptions cannot capture nuanced conversations involving Committee members, the Committee's consultants, residents, and other contributing stakeholders. The meeting minutes are available at the Committee's webpage (see <https://andoverma.gov/792/Town-Governance-Study-Committee>) and provide an in-depth report of the relevant discussions.

Also, importantly, this section of the report focuses solely on the Committee's process, and not its decisions or the reasoning underpinning those decisions. Readers should refer to the Executive Summary, see page 4, and Section 7, see page 30, for a substantive accounting of the Committee's work.

On February 26, 2020, the Committee received a presentation from Community Paradigm Associates, the Committee's consultant, on the various forms of government found in Massachusetts municipalities. This presentation included information regarding the Massachusetts Home Rule Act, four forms of government (i.e., Open Town Meeting, Representative Town Meeting, Council-Manager, and Council-Mayor), the prevalence of the various forms, and the tradeoffs associated with the various forms. The Committee also discussed the additional data needed and assigned several members to assemble that data in the coming weeks and months.

The COVID-19 epidemic struck Andover in March of 2020. The Committee did not meet during this month but resumed holding regular, televised, and live-streamed meetings remotely in April 2020.

On [April 15, 2020](#), the Committee received a comprehensive report from Community Paradigm Associates about the various forms of government in Massachusetts. It also received a presentation from Committee Clerk Andrew McBrien that explored various quantitative characteristics of every community in Massachusetts to determine whether there was any relationship between any of a given community's characteristics and its form of government.

On [May 20, 2020](#), the Committee received a presentation from Committee member and Town Clerk Austin Simko regarding governance-related insights yielded by a 2019-2020 public opinion survey of Andover residents. This survey was initiated by the Select Board and drafted and analyzed by the University of Massachusetts Lowell Center for Public Opinion. Notable topics included the frequency with which residents attend board and committee meetings or watch them on TV, Town Meeting attendance, the reasons why residents do not attend Town Meeting, suggestions for the improvement of Town Meeting, and opinions on the biggest challenges facing the community in the next five years. The Committee also received a detailed presentation of quantitative and qualitative data from Mr. McBrien. These data covered trends in Town Meeting participation, attendance, geographical representativeness, et cetera, in extensive detail for every annual and special town meeting between 1993 and 2019, as well as local election turnout for the same period.

On [June 29, 2020](#), the Committee assessed the research collected and, for the first time, shared initial judgments on which form of government would provide Andover with a governance model that was transparent, accessible, accountable, efficient, effective, and representative. Through about 90 minutes of conversation, during which each Committee member made an uninterrupted statement, followed by free and open dialogue amongst all Committee members, all 10 Committee members stated a preference for retaining and where possible reforming Open Town Meeting. Some expressed unalloyed enthusiasm for Open Town Meeting, while others articulated a preference to retain Open Town Meeting, on balance, given that this form of government fits with Andover's history and culture.

With this unanimous support of Open Town Meeting, with reforms, the Committee established subcommittees to study what reforms might be legal and effective. This investigation would be necessary because a decision to retain and reform Open Town Meeting relied on a basic understanding of what reforms could be enacted to improve the efficiency and accessibility of Open Town Meeting. The Committee formed five subcommittees for the purpose of studying the following categories of reforms:

- i. Town Meeting Public Engagement
- ii. Electronic Voting at Town Meeting
- iii. Town Meeting Time and Location
- iv. Town Meeting Efficiency
- v. Miscellaneous Town Meeting Reforms

Over the course of several months, between July 2020 and March 2021, these five subcommittees met a total of 19 times. They considered myriad reforms, discarding some as infeasible, illegal, or imprudent, and recommending other reforms for consideration by the full Committee. (As is explained below, the Committee, and its subcommittees, revisited these reforms later in 2021 once the decision recommend retaining Open Town Meeting had been definitively settled.)

On [August 20, 2020](#), each subcommittee presented its recommendation to the full Committee. Committee members were able to ask clarifying questions and state initial reactions to some of the reforms.

On [September 30, 2020](#), the Committee again heard presentations from each of the five subcommittees and was able to delve further into the merits of each reform. No final determinations were made at that meeting regarding potential reforms.

On [October 27, 2020](#), the Committee paused its consideration of Open Town Meeting reforms and revisited the fundamental decision of whether to retain Open Town Meeting, or shift to an entirely distinct form of government. The chair reiterated the Committee’s form of government “working hypothesis,” as articulated at the previous June meeting. That hypothesis posited that a Council-Mayor form of government is not favored; a Representative Town Meeting form of government is not favored; a Council-Manager form of government is not preferred but deserving of further analysis as the strongest alternative to Open Town Meeting; and an Open Town Meeting form of government with reforms is favored.

Community Paradigm Associates provided a detailed presentation on the merits of council-manager forms of government. Committee members asked questions and made comments. The presentation was an objective assessment of this form of government – the presenting consultants had direct experience with council-manager communities and articulated the benefits of this form of government.

Having reached a working hypothesis in favor of retaining Open Town Meeting, studied potential reforms, and revisited Council-Manager as the strongest alternative to Open Town Meeting, the Committee decided to organize a series of public forums where this research could be presented to residents and where residents could comment and pose questions. While public comments had been welcomed at nearly every meeting of the Committee, these virtual forums would allow for enhanced public dialogue stimulated by the Committee’s most current research and its working hypothesis.

A forum-planning subcommittee was formed and met three times to schedule the forums, plan for informed and open dialogue, and prepare a presentation to be delivered at each forum as background information for participating residents. Three virtual forums were held on Wednesday [December 10, 2020](#) at 7:30pm; Saturday, [January 9, 2021](#) at 10:00am; and Tuesday,

[January 12, 2021](#) at 7:00pm. Dozens of residents attended the virtual forums, asked questions, and offered both oral and written comments that were noted by members of the Committee.

In an effort to solicit further public feedback, and in recognition that some residents may have been unable attend one of the three most recent forums, the Committee solicited and invited written comments from stakeholders. A solicitation was shared on the Town's website and various social media platforms, with various faith communities, through the Andover Center for History and Culture, the Elder Services monthly newsletter, Memorial Hall Library's weekly email blast to more than 13,000 residents, with the Town-wide PTO, and with reports from The Andover Townsman, The Eagle-Tribune, and The Patch. A member of the Committee also spoke at a meeting of the Rotary Club to invite comments from Rotary members.

At this point in its form of government study, the Committee decided to engage in an "advocacy exercise" to test the working hypothesis that a reformed Open Town Meeting is preferable to the strongest alternative, a Council-Manager form of government. This exercise was held on February 8, 2021, broadcast live on Andover TV, live-streamed on Andover TV.org, and posted for subsequent viewing on the Committee's website.

Through role-playing, the Committee was able to comprehensively and incisively compare the two forms of government under consideration (i.e., Open Town Meeting and Council-Manager). One Committee member was assigned to act as the zealous advocate in favor of Open Town Meeting (with potential reforms). Another Committee member was tasked with acting as the zealous advocate for Council-Manager. Both advocates drew on all the Committee's research and received public comment to make the most powerful argument in favor of their form of government. The advocates set aside their personal feelings and presented their assigned forms of government in the strongest light.

After providing their initial arguments, each advocate was provided up to five minutes to offer rebuttals and clarifications on their forms. Committee members were then allowed about an hour to ask questions of the advocates. The questions were posed for the purpose of helping the Committee member better understand these forms and the tradeoffs that the Committee's ultimate decision would inevitably entail.

This exercise was not a debate, and no advocate was graded on style points. Indeed, the Committee did not offer any grades at all. The exercise allowed the Committee to flesh out complex topics and to provide for direct comparison between the two forms of government.

The Committee next convened on [February 22, 2021](#) to deliberate and reach a final decision on a preferred form of government. Having completed 13 months of research, conducted multiple public forums, solicited written feedback, and engaged in a capstone advocacy exercise, the Committee members came to the final deliberation with extensive information. After much reflection, the Committee voted unanimously to recommend retention of Open Town Meeting with appropriate reforms.

Between March and May of 2021, the Committee revived its five subcommittees to thoroughly and intensively study potential reforms to Andover’s Open Town Meeting form of government.

Dozens of reforms were proposed and studied. The subcommittees presented their respective reform recommendations to the Committee over several meetings. The Committee discussed, questioned, and approved reforms proposed by the subcommittees.⁶ Importantly, while the intensive study and votes on various reforms occurred during these spring 2021 meetings, the subcommittees had initially convened and begun their studying in the fall of 2020 to give the Committee a sense of what endorsing “Open Town Meeting reforms” might look like in practice.

On May 3, 2021, the Committee presented an update to the Select Board on the Committee’s process, form of government decision, and recommended reforms to Open Town Meeting. This update was presented at a public meeting consistent with the requirements of Open Meeting laws.

ii. Secondary Study Topics.

In May 2021, the Committee commenced its study of non-form of government study topics. These topics had been identified in January 2020 but postponed for consideration until the fundamental form of government question had been settled. Looking at the issues identified in January 2020, and adding additional study topics flagged since then, the Committee categorized and consolidated the study topics deserving investigation. The topics were placed into tiers as follows:

For Tier One, a subcommittee was formed to study committee appointments, existence, structure, etc. A second subcommittee was formed to study communications in general. These broad topics were studied, presented on, and decided by the Committee in May and June 2021.

For Tier Two, individual Committee members studied and presented to the full Committee on the following topics:

- Long-term and Strategic Financial Planning
- Government Business Process
- Changing the Date of Annual Town Elections
- Diversity, Equity and Inclusion
- Town Manager Residency Requirement
- Ranked-Choice Voting
- Recall of Elected Officials

⁶ The reforms approved by the Committee are discussed in detail in Section 7 of the report. For an accounting of the reforms not endorsed by the Committee, readers can consult the minutes on the Committee’s webpages (see <https://andoverma.gov/792/Town-Governance-Study-Committee>).

The Committee came to conclusions regarding each of these topics in July-October 2021.

The assignment of topics to tiers did not imply any relative importance or priority of the topics. The assignment was driven entirely by a desire to organize topics into groups that logically should be considered at the same time.

C. Phase III – Issue Recommendations

This report represents the Committee’s formal issuance of recommendations to the Select Board and the Town Manager. The Committee has made itself available to discuss these recommendations with the Select Board and to answer questions about the process and conclusions encompassed in this report.

D. Phase IV – Advise Select Board and Town Meeting

Between December 2021 and January 2022, the Select Board will evaluate the Committee’s recommendations and decide which recommendations merit action, including action taken by Town Meeting through warrant articles. The Committee stands ready to advise the Select Board and, where appropriate, Town Meeting, on the reasonings behind proffered recommendations.

Of course, many of the Committee’s recommendations do not require Town Meeting approval and can instead be implemented by the Select Board, other public bodies, and/or the Town Administration. Also, there is no requirement that Town Meeting approvals be sought at the spring 2022 Annual Town Meeting. The sequence and pace of adopting recommendations is at the discretion of the various stakeholders. Consistent with the appointments of Committee members, the Committee will no longer be available to advise the Select Board and Town Meeting after August 31, 2022.

Section 6. Issues to be Considered in the Future, and Issues Not Considered

In addition to the dozens of topics the Committee researched, discussed, debated, and acted upon highlighted in this report, there were a few other topics where the Committee felt there was insufficient evidence or support for recommending any position. The following accounts for the most significant of these topics:

Vigorously monitor and consider supporting efforts to change State law to permit towns to offer fully remote voting at Open Town Meetings

Throughout its deliberative process, the Committee tried to think in a creative, and innovative, yet practical way in assessing which proposals were best for Andover. Nearly three-fourths of our deliberations were conducted remotely due to Covid-19. Like nearly every other organization, Andover had to completely convert its decision-making and public input-taking to a remote model. This presented numerous logistical, technical, financial, and privacy issues; it also opened the door to more efficient and effective methods of decision-making.

Electronic *in-person* voting at Town Meeting was studied by the Committee and its adoption is recommended. A more revolutionary reform step would be to permit *remote* electronic voting by residents from home or wherever they may be on the date and time of a Town Meeting. This capability would require changes to State law, and the situation is rapidly evolving. The State Municipalities and Regional Governments Committee voted in early 2020 not to authorize it at that time because they want to be assured that, if it were to be authorized, all communities would be able to implement it. Similarly, Senator Rausch introduced a bill (S1356), with four co-sponsors, to authorize remote participation in Open Town Meeting during the COVID-19 emergency. An identical bill was filed in the House by seven representatives. Both bills were endorsed by the Joint Committee on Municipalities and Regional Governments in June 2021 and are now before the Senate Committee on Ways and Means for further review. The Town of Wayland has been actively soliciting other communities to join them as they lobby the State Legislature to drive this change. The Committee strongly feels that Andover should be active in examining this potentially game-changing reform of Town Meeting. Many residents already conduct much of their banking, investment, medical, and other personal transactions through secure two- or multi-factor authentication systems. Town Meeting voting will most likely follow this paradigm shift in the future.

Support policy that Town governance be reviewed at some specified frequency

The question is whether the Town should adopt a formal policy that Town governance be reviewed at some specified frequency, and whether such a policy should be formalized as a

change to the Charter or as a Bylaw. Most Committee members expressed a view on this, with the following common themes:

- It is not possible to predict when a new review would be needed. Changes in circumstances dictate when a review should take place, not a pre-ordained timescale.
- The Select Board can empanel a committee at any time to conduct a new review, and residents can petition the Select Board at any time to do so. A formulaic approach is not required. Indeed, it was felt that the Town and/or Select Board will “know that the time is right”.
- However, it is important to note that the Committee does not believe that any conclusions we offer are definitive in perpetuity. The Committee considers this current study to have been a healthy exercise and should be repeated periodically.

Section 7. The Committee’s Recommendations

The Committee’s recommendations fall into three categories:

- A. Form of Government recommendations
- B. Tier One Secondary Governance recommendations
- C. Tier Two Secondary Governance recommendations

This categorization of topics reflects the order in which the Committee considered issues and not any weighting of the relative importance of topics. Issues were sequenced for consideration carefully for efficiency and so that derivative topics were studied after non-derivative topics, thus ensuring that no decisions would be rendered obsolete by subsequent discussions or decisions.

A. Form of Government.

i. Introduction.

“Form of government” refers to the essential framework on which a municipality’s governance rests. Massachusetts towns and cities, with myriad variations, employ four basic forms of government.

Massachusetts local government has a long and rich history, beginning with the settling of Plymouth Plantation in the early 17th Century. In that nascent local government, Town Meeting, a Moderator, a Town Clerk, and a Board of Selectmen⁷ provided governing direction to the community. In the intervening 400 years, local government has grown in complexity, scale, function, and expectation.

Some communities follow the Open Town Meeting form of government, unique to New England, wherein any registered voter can speak at, vote in, and sponsor legislation (in accordance with State law). A Select Board and Town Manager appointed by the Select Board form the executive authority under this form of government in Andover.

Other communities adhere to the Representative Town Meeting form of government, wherein elected Town Meeting representatives, and not all registered voters, vote in Town Meeting sessions. A Select Board and Town Manager form the executive authority under this form of government.

In the Council-Manager form of government, a council acts as the legislature and a professional manager acts as chief executive officer. As the legislative body, the council is empowered to

⁷ This was the term used historically.

approve zoning changes, general bylaws, operating and capital budgets, et cetera. In this system, the professional chief executive serves at the pleasure of the elected council members.

Some communities follow the Council-Mayor form of government, wherein a council acts as the legislature and an elected mayor acts as chief executive officer. As the communities’ legislative body, the council is empowered to approve zoning changes, general bylaws, operating and capital budgets, et cetera. This is commonly understood as a “city” form of government.

The following is a snap-shot of how these forms of government compare:

Essential Features of Forms of Government

Open Town Meeting	Representative Town Meeting	Council-Manager	Council-Mayor
Town Meeting passes legislation, budgets, zoning	Town Meeting passes legislation, budgets, zoning	Council passes legislation, budgets, zoning	Council passes legislation, budgets, zoning
Meets once or twice each year	Meets once or twice each year	Meets once or twice each month	Meets once or twice each month
<p>Voters represent themselves</p> <ul style="list-style-type: none"> • Voters may speak at Town Meeting • Voters vote • Voters may introduce legislation 	<p>Elected Town Meeting members represent voters</p> <ul style="list-style-type: none"> • Voters may speak at Town Meeting • Representatives vote • Voters may introduce legislation 	<p>Elected councilors represent voters</p> <ul style="list-style-type: none"> • Voters may speak at Council meetings • Councilors vote • Councilors typically introduce legislation 	<p>Elected councilors represent voters</p> <ul style="list-style-type: none"> • Voters may speak at Council meetings • Councilors vote • Councilors typically introduce legislation
Select Board makes executive policy decisions	Select Board makes executive policy decisions	Town Manager makes executive policy decisions	Mayor makes executive policy decisions
Professional Town Manager manages operations	Professional Town Manager manages operations	Professional Town Manager manages operations	Elected Mayor manages operations
<i>Most common form of government in Mass.</i>	<i>Less common form of government in Mass.</i>	<i>Used in about half of US communities outside New England</i>	<i>Used in about half of US communities outside New England</i>

Each form of government has community-specific variations. Without disregarding this rich variety and the complex implications of even minor governance differences, the following is a rough accounting of the “pros” and “cons” associated with the four forms of government.

Benefits & Detriments of Forms of Government

Open Town Meeting	Representative Town Meeting	Council-Manager	Council-Mayor
<ul style="list-style-type: none"> + Strongest voice & most control for residents + Residents can sponsor “legislation” + Maximum legislative transparency + Town administration must persuade whole community 	<ul style="list-style-type: none"> + Voters have representatives to act on their behalf + Requires less voter effort + Requires less administrative effort + Voters cannot vote on their own behalf 	<ul style="list-style-type: none"> + Voters represented in the council + Requires less voter effort + Requires less administrative effort + Agile + Efficient 	<ul style="list-style-type: none"> + Voters represented in the council + Requires less voter effort + Requires less administrative effort + Agile + Efficient
<ul style="list-style-type: none"> - Least agile option - Not efficient - Requires most voter effort - Requires most administrative effort - Sometimes uninformed “legislators” 	<ul style="list-style-type: none"> - Not agile - Not efficient - Potential for uncontested rep. elections, unfilled rep. seats, & rep. absenteeism - Voters have representatives to act on their behalf - Requires less voter effort 	<ul style="list-style-type: none"> - Only elected councilors can vote on legislation – not participatory - Big decisions (e.g., budget, zoning) an “insider’s process” - Council elections may be uncontested 	<ul style="list-style-type: none"> - Only elected councilors can vote on legislation – not participatory - Big decisions (e.g., budget, zoning) an “insider’s process” - Council elections may be uncontested - Executive elected & may be inexperienced

Massachusetts is comprised of 351 municipalities. Of these, 292 are towns. 259 of the towns utilize Open Town Meeting and 33 have Representative Town Meeting. The remaining 59 municipalities have a city form of government: council-manager in 15 and council-mayor in 44.

In total, 274 municipalities have professional management (i.e., cities under a council-manager form of government and all towns). Twenty towns have converted from a town to city form of government since 1980. None have converted to Representative Town Meeting since 1989. For more information about forms of government, see Appendix 3.

ii. The Rationale for Retaining Open Town Meeting.

In considering whether to recommend affirmation of the current Open Town Meeting form of government or adoption of a different form of government, the Committee studied the reasons that other communities have considered when approving the significant step of altering their form of government. Understanding these typical rationales for change gave the Committee a “standard of review” for making this difficult determination.

Communities do not change their form of government lightly.⁸ They typically do so only in response to widespread public opinion demanding a change in response to serious systemic defects in government. These rationales for change have typically included the following:

1. Political infighting – Where a divided community cannot make decisions necessary to its governance.
2. Rapid growth and other changes – Where a community finds itself unable to react to changing conditions and/or demographics, often due to an antiquated governing structure.
3. Sub-optimal services – Where the residents are substantially unsatisfied with Town services.
4. Economic stagnation – Where tax revenue is lagging because the community is lacking economic health.
5. Legal suits between government bodies – Where the local government is in conflict with itself.
6. Inability to attract candidates/appointees to public office – Where residents are not stepping forward to fill volunteer leadership roles.
7. Town Meeting defects – Where low attendance, uneven representation, and unwise decisions mar a community’s Town Meeting.

Almost all of these above rationales for change are inapplicable to Andover. While political conflict is present, it is not debilitating; and some conflict is unavoidable and healthy to a community. Andover is now growing slowly and evolving demographically, and its government has proven to be pro-active in meeting conditions that are changing. As is evidenced by the 2019 UMass Lowell Center for Public Opinion resident survey, residents are generally pleased with Town services. Economic stagnation is not present, as economic growth has exceeded predictions in recent years. The government of Andover is not engaged in legal suits against itself. And the community boasts a talented and thriving pool of volunteer leaders. The

⁸ Please see Appendix 3 for an accounting of which communities have recently changed their forms of government.

prodigious number of applications from residents to serve on recently-established committees such as this Committee, the Town Yard Selection Committee, and the Commission on Diversity, Equity, and Inclusion reflect a healthy tradition of civic volunteerism in Andover.

The final rationale, that Town Meeting is defective and obsolete, occupied an enormous amount of the Committee's focus. While Andover's Open Town Meeting was found to be healthy compared to other communities, the Committee recognized certain areas for improvement. These enhancements are explained further below.

In general, the Committee found no broad public demand for a change in Andover's form of government, and, relatedly, that the rationales typically attendant to form of government change are not present in Andover. Further, while several residents expressed frustration with the current Open Town Meeting format, there was no consensus on what alternatives were preferred.⁹ This was important context for the Committee as it considered alternative forms of government, for the Committee appreciated that changes in form of government can be destabilizing, confusing to residents, difficult to calibrate, and potentially generative of unintended effects on a community's policy and culture.

The Committee unanimously agreed that the community is best served by retaining Open Town Meeting and adopting several enhancements that aim to improve Andover's Town Meeting. The Committee supports its recommendation to retain Open Town Meeting based on the following "pillars" which, together, reflect Andover's established and historically effective governing and civic culture.

- 1. Open Town Meeting allows for direct legislative participation by any registered voter.** This system of government, unique in the entire country to the local level of government and to New England, gives voters the ability to sponsor legislation, debate, and vote without any intermediary agent. This power is enormous and not to be discarded lightly.
- 2. Open Town Meeting draws on the ideas, perspectives, and votes of hundreds of residents, benefiting from the "wisdom of the crowd" effect.** While individuals and even governing boards can have blind spots, the totality of Town Meeting generally achieves a collective wisdom uncommon to smaller elected bodies.
- 3. Open Town Meeting ensures that the Town's legislature operates with maximum transparency.** In Andover, debate occurs in the open and all registered voters are equally empowered to accept or reject legislation. An effect of this is that the Town's

⁹ Some residents who provided written or oral feedback to the Committee sought enhancements to Open Town Meeting, while others recommended adoption of a Representative Town Meeting or Council-Manager form of government. These views, which are inconsistent with one another and did not reflect a consensus, were expressed within a range from adamant to tepid. Of course, many providing input supported the retention of Open Town Meeting.

administration and governing boards must persuade the entire community, from which the legislating residents emerge. It is not possible to “lobby” a small group to achieve an outcome. While some residents may feel that Andover’s government is secretive or exclusionary, the Committee did not find that view to be widespread and in any case does not believe that a representative form of government, where the number of decision-makers is drastically lower, could bring increased transparency and inclusion.

- 4. Open Town Meeting allows residents to represent themselves or to take comfort that hundreds of peer residents are representing the interests of the community in a way no representative government could.**
- 5. Open Town Meeting is the most diverse, inclusive, and equitable legislature because the barriers to participation are lower than the barriers that exist in representative forms of government, where individuals must rely on agents to act on their behalf.**
At a time of heightened awareness about who makes decisions, who is included, and whether outcomes are equitable, Open Town Meeting presents the best opportunity for impactful access as all residents have the opportunity to be heard and vote.

Standing together, these pillars support a governing and civic culture defined by decision-making by the whole community; residents who have ownership over the direction of the town; residents who can act as knowledgeable ambassadors to their peers who may not have the time or inclination to participate in Town Meeting; and a government checked and balanced by the residents.

The Committee received and considered closely input in which a number of residents expressed important concerns about Open Town Meeting. The Committee investigated these; the Committee’s conclusions are summarized in the table below, then discussed in detail.

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Residents' Concern	Committee Conclusion
<i>Other forms of government are more representative</i>	No form of government has “cracked the code” on equally representing the population at large
<i>Andover is too large for Open Town Meeting</i>	All forms of government are used in communities with similar populations to Andover
<i>Town Meeting attendance is low, and falling</i>	A substantial proportion (i.e., 25%) of engaged voters (i.e., those who vote in Annual Town Elections) attend Town Meeting, and attendance is stable
<i>Big decisions are made by a fraction of the community</i>	Big decisions are made by a substantial portion (i.e., 25%) of engaged voters (i.e., those who vote in Annual Town Elections)
<i>Votes at Town Meeting are “stacked” by special-interest groups</i>	A large proportion of attendees at any Town Meeting are regular attendees
<i>Votes at Open Town Meeting are dominated by “NIMBY” (Not In My Back Yard)</i>	Open Town Meeting geographically represents Andover as a whole

No form of government has “cracked the code” on equally representing the population at large

Some contend that Open Town Meeting cannot be representative because some residents are unable to attend Town Meeting sessions. The Committee acknowledges that some residents do face insurmountable barriers to attendance (e.g., residents serving in the military who are on active deployment at the time of Town Meeting). However, the Committee found that no form of government has “cracked the code” on equally representing the population at large. Indeed, every available alternative to Open Town Meeting entails its own issues with respect to representation. These issues are elucidated in the respective sections of this report that describe why the Committee discounted each of the alternatives. In summary, the Committee concluded that changing form of government would not obviate representational issues and would in fact introduce problems about which the Committee had much greater concern.

All forms of government are used in communities with similar populations to Andover

The Committee compared the form of government used in each of the 351 municipalities in Massachusetts with their population, median household income, proportion of residents speaking a language other than English at home, physical area, and age distribution. The results of this analysis are presented in full and discussed in depth in Appendix 4.¹⁰

¹⁰ These metrics provide a one-dimensional view of a municipality, and were studied purely to establish contextual background. The quantitative data were taken from the American Community Survey (ACS) 2013 Three-Year Estimate. This was the latest data set available at the time the study was conducted that included all parameters of interest. The form of government for each municipality was taken from the Massachusetts Municipal Directory for

The relationship between a community’s population and its form of government is illustrated in Figure 1.

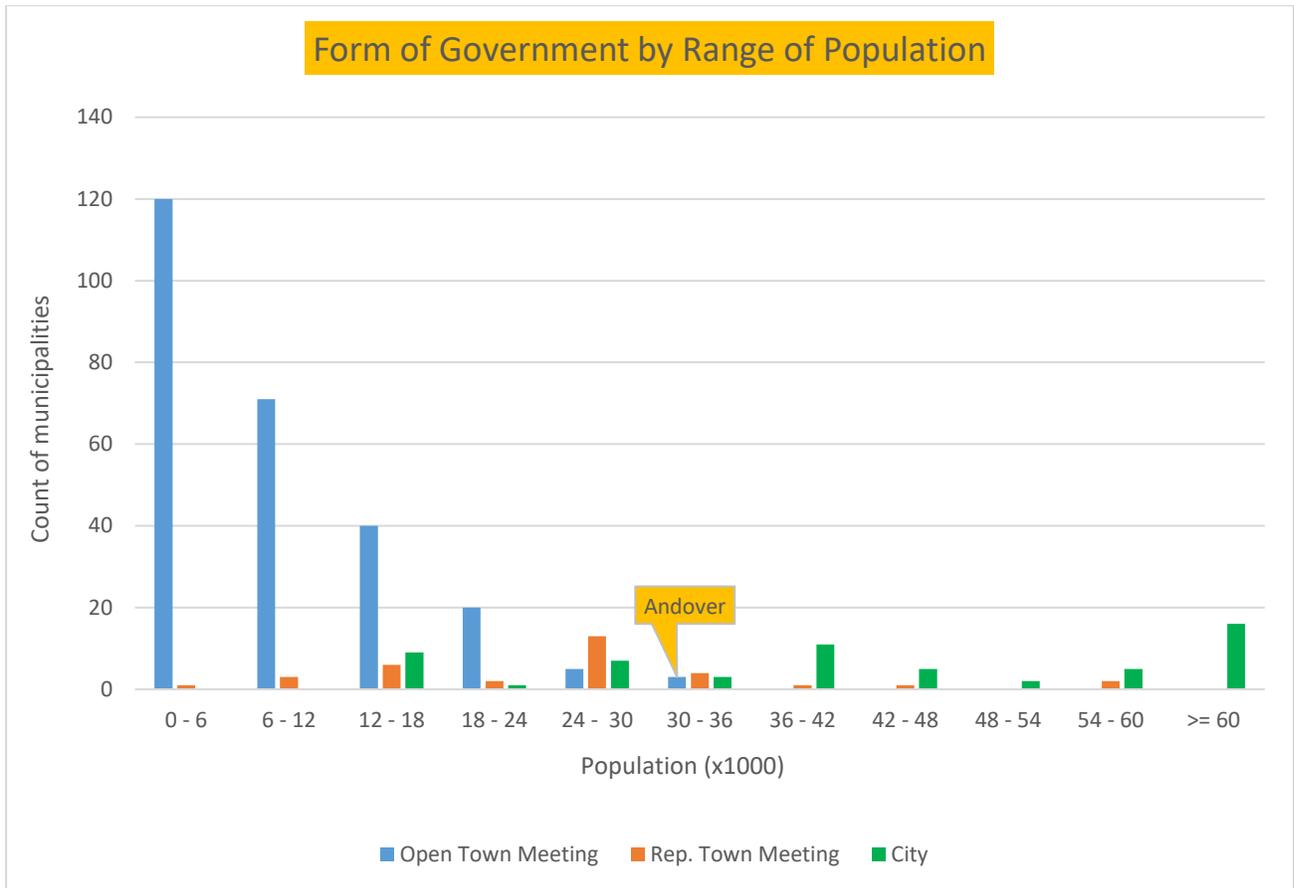


Figure 1 Number of municipalities with each form government, by population

Massachusetts law requires that any municipality with a population of 12,000 or less must be governed by Town Meeting. Those with populations up to 6,000 must have an *Open Town Meeting*.¹¹ Those between 6,000 and 12,000 may have either an Open or Representative Town Meeting, although 71 of the 74 have Open Town Meetings. As populations increase above 12,000 residents, the proportion of municipalities that use Open Town Meeting starts to decline as both Representative Town Meeting and city forms of government become more common. Representative Town Meeting is most prevalent in towns with population between 20,000 to 30,000 residents and then trend downward quickly. “City” forms of government are increasingly common once a community exceeds 36,000 residents and are dominant in municipalities with populations above 36,000 – 91% of such municipalities employ a city form.

2013, even though more recent editions of the Massachusetts Municipal Directories were available, so that both sources of data would be consistent.

¹¹ The Town of Lee has a population of 5788 but has a Representative Town Meeting. Lee adopted Representative Town Meeting at a time when its population exceeded 6,000 and was not required to change when its population fell below the 6,000-person threshold.

All three forms of government are effectively equally prevalent in municipalities with populations of 30,000 to 36,000, where Andover lies. Dracut's current population of 32,167 and Tewksbury's current population of 31,342 are similar to Andover's current population of 36,359. All three have Open Town Meeting; Andover's form of government is therefore not an outlier. The Committee concluded that Andover's population does not suggest that any particular form of government be adopted.

In any case, the Committee contends that population alone should not be the primary determinant of form of government in any community. The best form of government for a community is that which its residents perceive to work most effectively. Population size might be a cause of ineffective governance by Open Town Meeting but is not an intrinsic problem.

On a closely related point, Andover is the largest town in Massachusetts (and likely in the United States) operating with an Open Town Meeting. Some contend that this, in and of itself, is an argument that Andover should adopt a different form of government. The Committee noted this observation but found it unable to justify alteration of Andover's form of government. It is inevitable that one community will be the largest using Open Town Meeting. That distinction will belong to Andover or, if we were to change our form of government, to the next largest community. This status does not provide insight into what a community needs from its government or whether a community's government is effective.

In the interest of completeness, it should be noted that median income and proportion of residents speaking a language other than English at home correlate with population, and thus, correlate with form of government indirectly. Physical area and age distribution do not correlate with any other characteristic nor with form of government.

A substantial proportion of engaged voters attend Town Meeting, and attendance is stable

The Committee undertook an exhaustive, detailed examination of voter behavior trends. The results of this analysis are presented in full and discussed in more depth in Appendix 5. This work consumed many hundreds of hours and explored a wide range of metrics for Annual Town Election and Town Meeting participation, Town Meeting frequency and duration, election and Town Meeting turnout, Town Meeting attendance patterns across multiple meetings and multiple nights of the same meeting, individuals' Town Meeting attendance including number of meetings and number of nights attended, and Town Meeting participation by locality and demographic groups.¹²

¹² Although the study tracked individual voters, the methodology ensured absolute voter confidentiality. State-assigned voter IDs were used to uniquely identify individuals rather than personally identifying data. Indeed, names and addresses were stripped from the data set upon receipt from the State. Without names and addresses in the data set, it is simply not possible to identify to whom a voter ID belongs. As an individual's voter ID is guaranteed not to change while that individual remains a resident of one community, using the voter ID also ensured that no voter would be double-counted or lost if he or she were to move from house to another in Andover.

Data for every night of every Annual and Special Town Meeting and every local election in Andover between 1998 (the first year in which data are available in electronic form) and 2019 (the latest data set posted) were retrieved from State records.

Figure 2 shows how turnout for local elections in Andover and attendance at Annual Town Meetings¹³ varied year-on-year between 1998 and 2019.

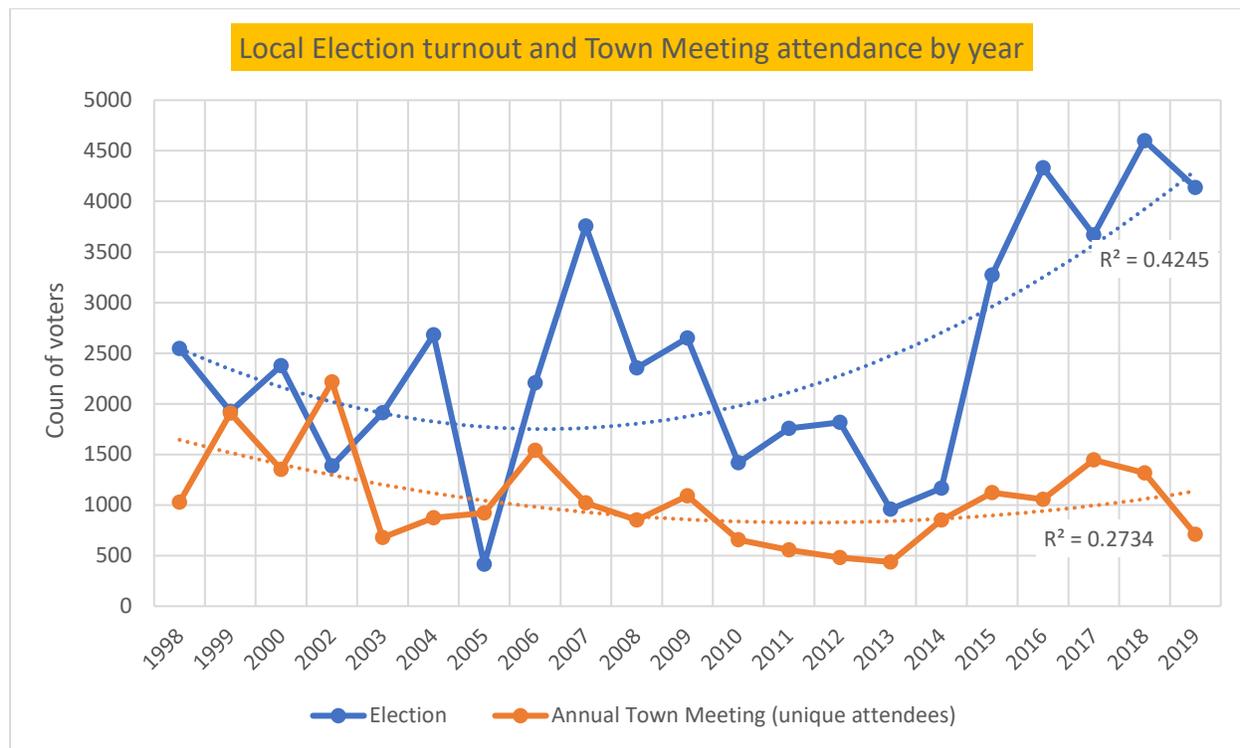


Figure 2 Year-on-year local election turnout and Annual Town Meeting, as absolute numbers

The solid lines show actual turnout and attendance, while the dashed lines are smoothed curves that generally accepted statistical metrics show to be a reasonable fit.¹⁴ It is apparent from the smoothed curves that both Town Meeting attendance and local election turnout dipped between 2010 and 2013, but both have recovered. The peaks before 2010 were caused by especially high-profile “big ticket” items driving attendance, as discussed below. That is, the baseline prior to

¹³ For multi-night Town Meetings, anyone who attends one night is counted once, and anyone who attends more than one night is also counted once. This is a true reflection of how many people participated in that Town Meeting. A simple sum of attendance on each night would give an over-inflated view as many people would be double- or triple-counted.

¹⁴ The “R²” value measures how closely individual data points lie to a curve fitted to the data as a model for the overall shape of the data, and is a widely accepted metric of how well a smoothed trend line represents raw data. Statisticians would consider an R² value of 0.42 to mean that a trend line is a very good fit, albeit with a few data points that are a long way from the line. They would consider an R² value of 0.27 to indicate that the trend line is a good representation of aggregate behavior, but that individual points are scattered some distance either side of the line.

2010 is not as high as might appear from inspection of Figure 2, and the decline therefore is not as deep as it might appear.

Election turnout has been at an all-time high in most recent elections. Over 4500 voters turned-out for the 2018 Annual Town Election. Attendance at Annual Town Meeting has been as high as 2215, has recently been in the range of 1000 to 1500 attendees consistently, and was of the order of 500 voters even in the “lean years” of 2010 to 2013, only ever dropping below 500 once. Annual Town Meeting attendance has also increased in recent years

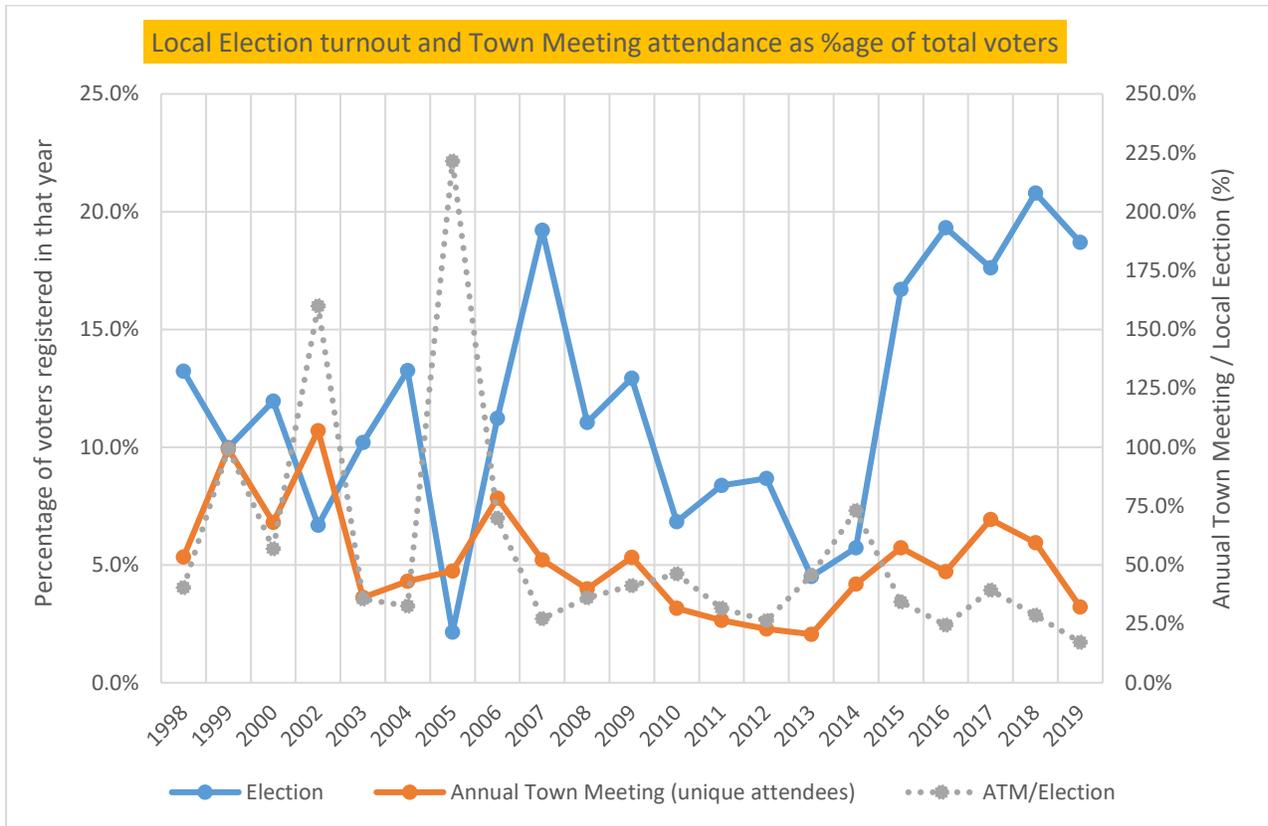


Figure 3 Year-on-year local election turnout and Annual Town Meeting, as percentage of registered voters

Figure 3 shows the same data expressed as percentage of the total number of registered voters.¹⁵ Election turnout has been as low as 5% of the total electorate, has generally been in the range of 7.5% - 12.5%, and has been close to 20% in recent years, reaching 22% in 2018. Annual Town Meeting attendance has ranged as high as 10.7% of the total electorate, but more typically averages 5% to 6%.

¹⁵ The number of registered voters in Andover increased by 15% across the period although not smoothly and has even declined in several years (especially 2003 and 2015). As discussed in Appendix 5, this is not a major influence on turnout nor Town Meeting attendance.

The Committee believes that turnout for local elections is an appropriate metric for measuring the number of residents who have exhibited a basic interest in Andover's local governance. Importantly, in any year, more than 25% of the people who vote in the local election attend Town Meeting. Twenty-five percent is a meaningful proportion. In two years, Annual Town Meeting attendance significantly exceeded election turnout. In those years, Annual Town Meeting was the principal way in which residents engaged in local government.

These data led the Committee to conclude that Town Meeting attendance is strong among residents who are engaged in local government.

Big decisions are made by a substantial proportion of engaged voters

To reiterate, in any year, more than 25% of residents who are engaged as local election voters attend Town Meeting, and in two distinct years, Annual Town Meeting attendance was the principal way in which residents engaged in local government. This finding itself suggests that decisions at Town Meeting are made by a substantial proportion of those who are engaged in Andover's local government.

In fact, Figure 4 shows that attendance is particularly high at Town Meetings with "big ticket" items on the warrant that either have long-term effects on the town or on which voters feel strongly on a personal level. To some albeit lesser extent, these "big ticket" items also influence election turnout.

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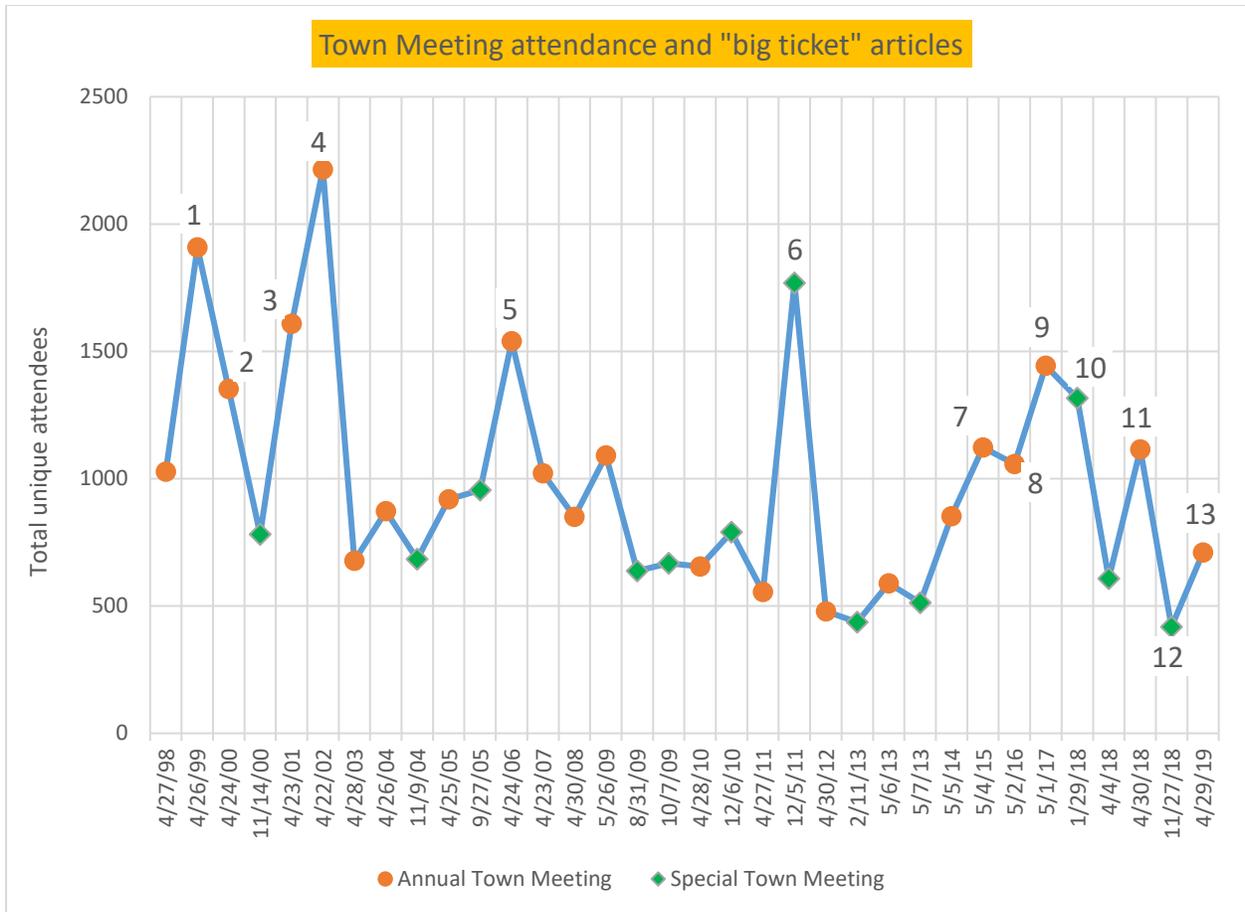


Figure 4 Total attendance at Annual Town Meeting by year, highlighting key issues discussed

Key:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Public Safety Center Override,
Community Preservation Act, Cross-districting 2. Middle school construction -Wood Hill 3. Zoning Recodification 4. School Override, Zoning bylaws, Playing Fields 5. School budget, Wetlands 6. Youth Center | <ol style="list-style-type: none"> 7. School budget, Zoning bylaws 8. Multiple \$1MM - \$2MM appropriations, Zoning bylaws 9. School budget, Zoning bylaws, Dogs 10. Marijuana, Dascomb Road 11. North Reading water, Marijuana 12. Ballardvale Fire Station 13. Senior Center, Select Board renaming |
|---|---|

High attendance is observed at those Town Meetings that include the following types of articles:

- Sanction atypically large Capital Projects or sanction several projects that cumulatively amount to a large sum (marked in red in the key to Figure 4).
- Change zoning at a macro scale (marked in blue in the key).

- Relate to proposed school operating budgets with line items that are controversial (marked in green in the key).
- Relate to "one-off" topics on which voters feel particularly strongly, such as marijuana (marked in purple in the key).

Attendance is substantially lower at any Town Meeting that does not include articles in one or more of the above categories. The Town Meeting on September 27, 2018, at which the Ballardvale Fire Station project was discussed, and to a lesser extent, the Town Meeting on April 29, 2019, at which the Senior Center was discussed, shows an important subtlety. At both, the appropriations passed with a large majority. It seems that there must be some degree of contention around an article for it to attract large numbers of voters. This is discussed in greater detail in Appendix 5.

Similarly, the Committee considered attendance across nights of multi-night meetings as shown in Figure 5.¹⁶

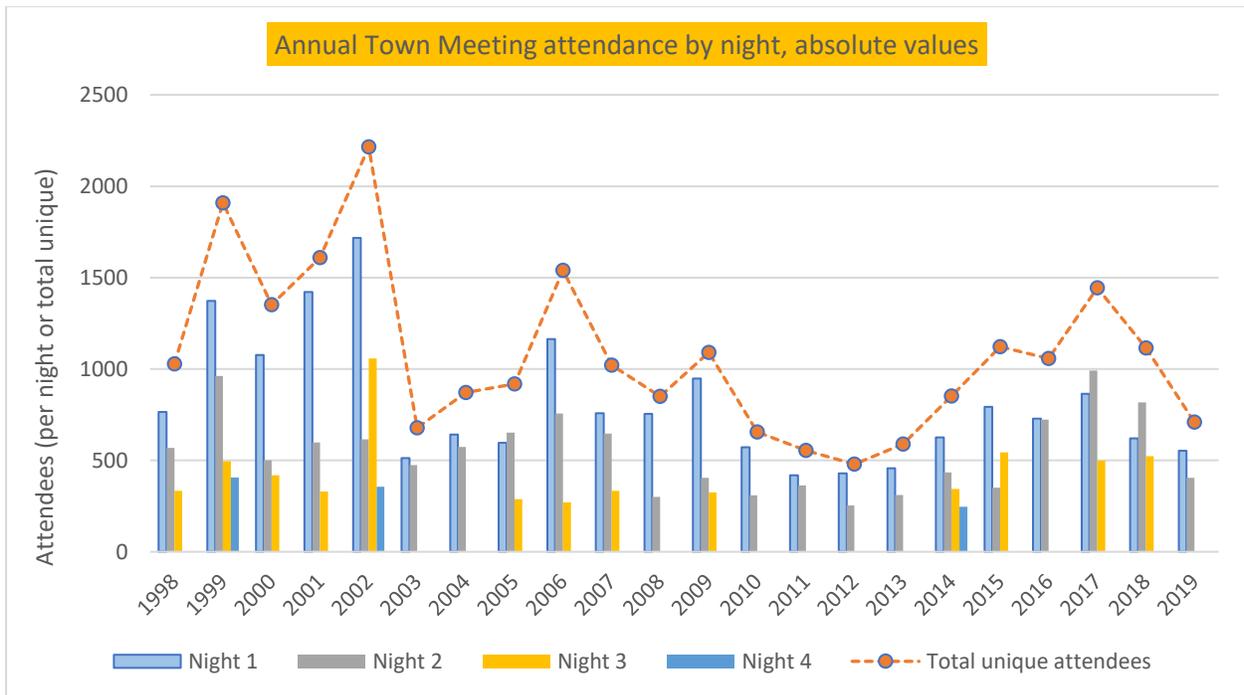


Figure 5 Annual Town Meeting attendance by night, absolute values

The first night of Town Meeting is typically when important recurring matters are discussed and voted upon, such as the Town Departments’ and School Department budgets. This is usually well attended. However, the second or third nights have surpassed the first at three Annual Town Meetings and come close at additional meetings. “Big ticket” items were discussed at these meetings on the second or third nights. This further reinforces the previous conclusion that high

¹⁶ Figure 5 does count someone who attends multiple nights once per night, and thus is an exception to the general principle that attendees should not be counted multiple times as is appropriate for this particular analysis.

attendance is achieved when the warrant includes big ticket articles, and in fact shows that this applies not just to meetings as a whole, but also to specific nights of meetings

Based on these data, along with the broader attendance data presented in the previous section, the Committee concluded that big decisions are debated by a substantial percentage of those who have made some effort to participate in Andover's governance at some level.

It is certainly true that these matters are voted upon by many more residents than would be permitted to vote if Representative Town Meeting were adopted. That said, the Committee does not believe that there is an absolute threshold that must be reached for Town Meeting attendance to be considered adequate. One of the strengths of Open Town Meeting is its optionality. Residents have an absolute right to attend, speak, and vote if they choose to do so, or to defer to their neighbors and peer residents if they wish to follow that path. Of course, the Committee acknowledges that some voters are genuinely unable to attend. In any case, the Committee contends that it would be inappropriate to remove the right to Town Meeting participation, exercised by so many, to accommodate an unknown and potentially small number of residents who are not able to participate under the status quo system of government.

A large proportion of attendees at any Town Meeting are regular attendees

The data show that some voters turn out for one issue and thus attendance at Town Meeting swells temporarily for that discussion. However, the data also show that a majority of residents who attend Town Meeting do so repeatedly. Accordingly, one-off, single-issue voters do not dominate Town Meeting.

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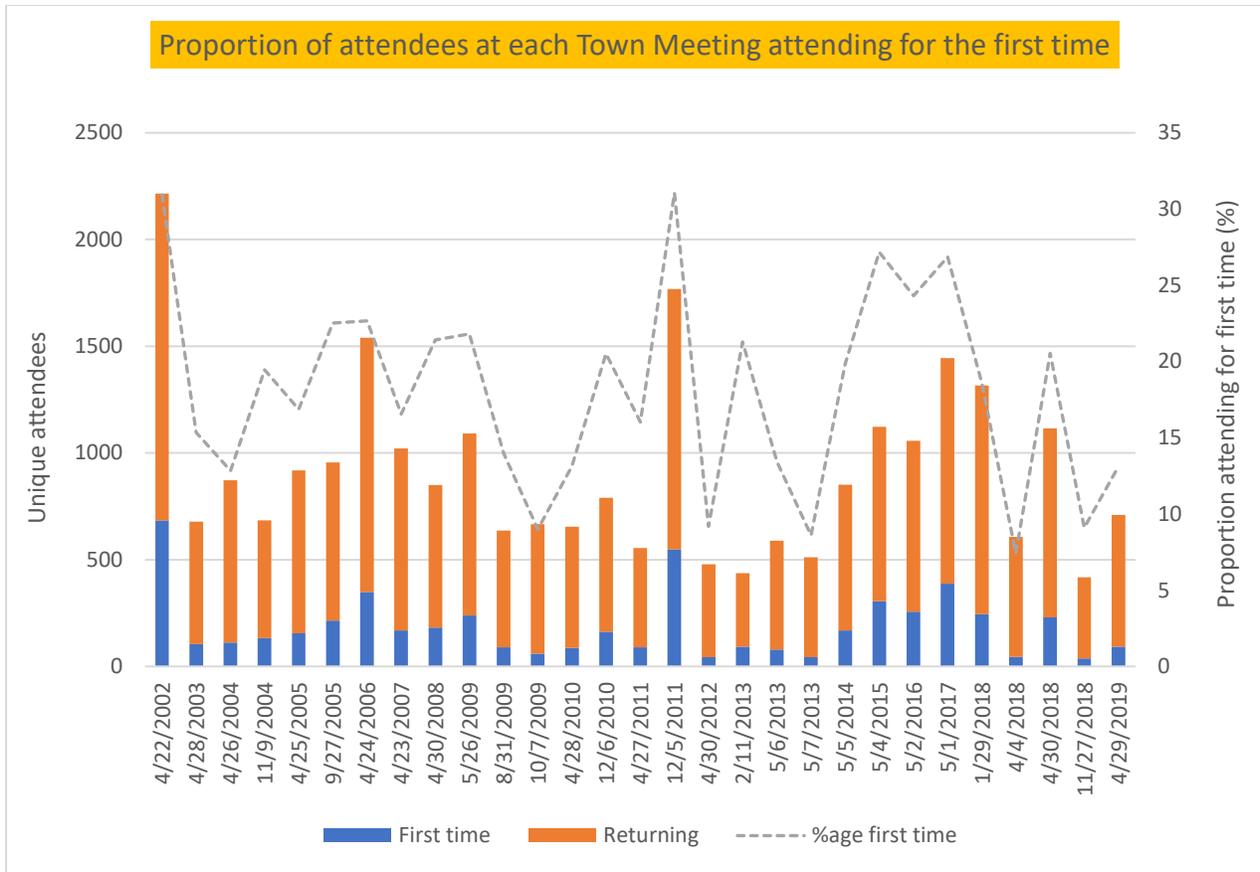


Figure 6 Proportion of attendees at each Town Meeting attending for the first time

Figure 6 shows that the proportion of first-time attendees correlates roughly with overall attendance. That is, first-time attendees are more likely to attend meetings at which “big ticket” items are debated. First-time attendees never exceed 31% of those present. Figure 7 broadens this and shows that, on any given night of Town Meeting, 60% to 80% of attendees have attended five or more nights previously, and 40% - 80% (typically around 60%) have attended 10 or more nights of Town Meeting.¹⁷¹⁸ If one were to consider someone who has attended five nights or less as an infrequent attendee (although the threshold is subjective, of course), infrequent attendees comprise between 20% and 40% of the voters present.

¹⁷ At any time, the population of Andover includes some proportion of people who have moved into town recently. These residents have not lived in Andover for long enough to register in one or both of these counts.

¹⁸ The analysis starts five meetings into the period. Prior to that, it is possible that voters would appear to be first-timers simply because no data were available for Town Meetings prior to 1998.

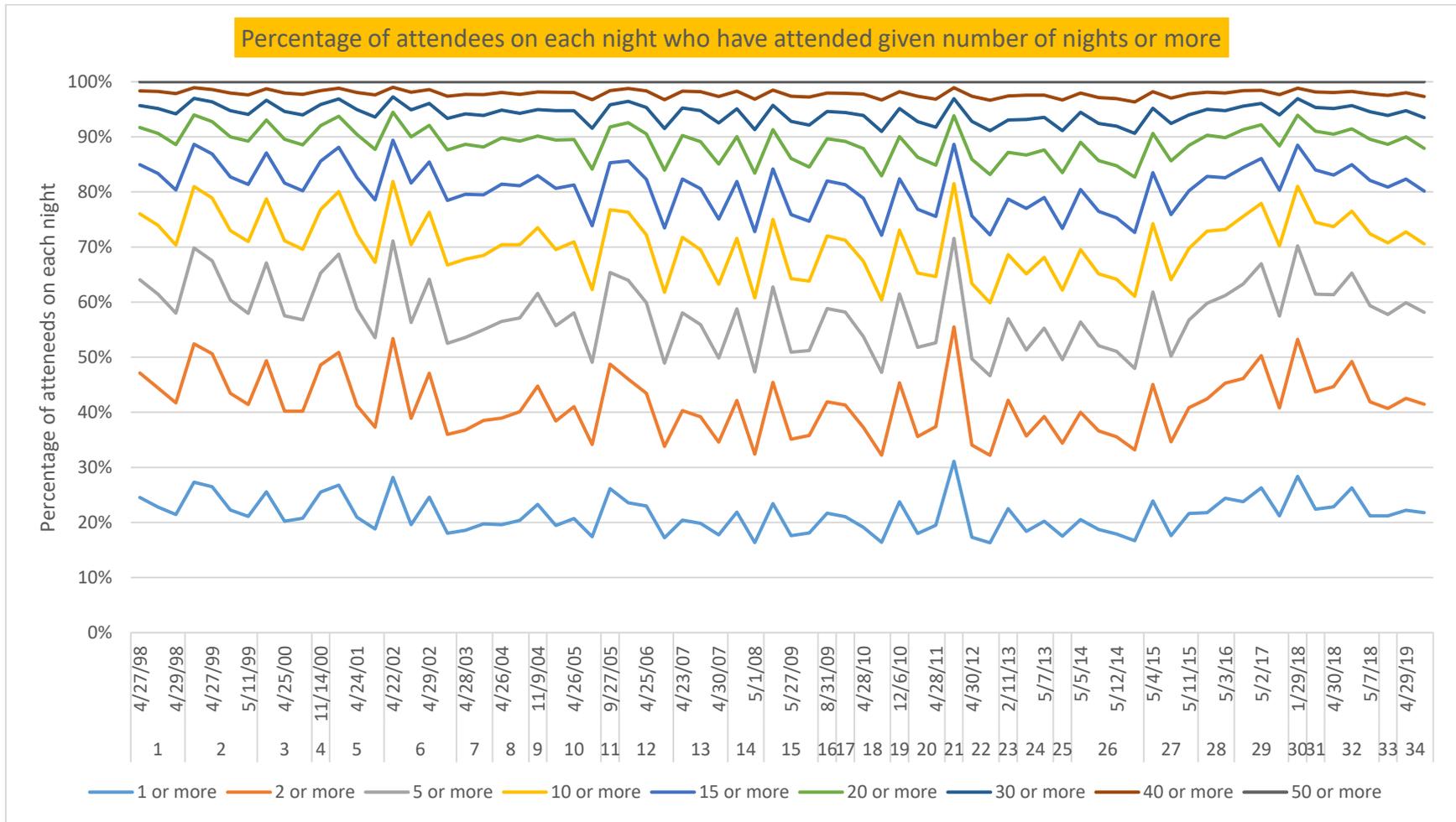


Figure 7 Percentage of attendees on each night of Town Meeting who have attended given number of nights or more

The Committee considers this to be a strength, rather than a weakness, of Open Town Meeting. Residents may, and do, fully engage at any time when an issue that is important to them is under consideration, at their own discretion. Deeper analysis shows that persons who attend for the first time to debate a big-ticket item often go on to become regular attendees. The big-ticket items are a motivator for engagement.

Conversely, the data show that a high proportion of Town Meeting attendees are experienced Town Meeting participants. Voters have seen how Town Meeting works and know the process. They also attend irrespective of the issues to be discussed. Town Meeting is not dominated by one-off, single-issue voters.

In any case, the Committee finds that concerns about turnout influencing Town Meeting votes is misplaced. Every legislative decision hinges on who has engaged, either to vote at Town Meeting or to elect those who will make decisions in a Representative Town Meeting or a council. Town Meeting may decide in accordance with who participate in the session, just as a council may decide in accordance with the wishes of the constituencies who turned out for the council member elections. Local democracy inevitably involves decision-making by those who show up.

Open Town Meeting represents Andover as a whole

Figure 8 breaks down attendance for every night of every Annual and Special Town Meeting since 1998, and shows the percentage of total attendees from each “locality.”¹⁹ It is readily apparent that the width of the stripes is similar between localities and Town Meeting sessions.²⁰ For example, it is not possible by visual inspection of Figure 8 to determine which band represents the High Plain/Wood Hill locality or the Town Meeting at which the appropriation for the High Plain/Wood Hill schools was voted. With few exceptions, residents do not turn out disproportionately for issues when either their locality stands to benefit most or would be more adversely impacted than other localities. The Ballardvale Fire Station vote is an example of this. There was strong opposition to this project from some residents in the immediate vicinity of the proposed new fire station, and these residents did turn out to voice their opposition. However, the town as a whole approved the article by a substantial margin.

The Committee concluded that Open Town Meeting represents all of Andover geographically, not individual neighborhoods.

¹⁹The term “Locality” is used rather than “precinct” for this analysis because Andover’s precincts are not all the same size. Had precincts been used, one would almost expect to see that more Town Meeting attendees come from some precincts than others. However, a code is assigned to each voter which is independent of their precinct and provides a more precise indicator of a voter’s “locality.” These codes are assigned such that each “locality” comprises a similar number of voters. These locality codes were used in this analysis. Precincts will be rebalanced in 2022 and this distinction will be rendered moot.

²⁰ One might argue that the light blue and orange bands towards the bottom of the chart are slightly broader than some others. This is because even though populations of localities are much better balanced than precincts, the number of voters are not perfectly equal. The important point is that these bands are consistently slightly broader.

Percentage of voters from each locality, by night of each Town Meeting

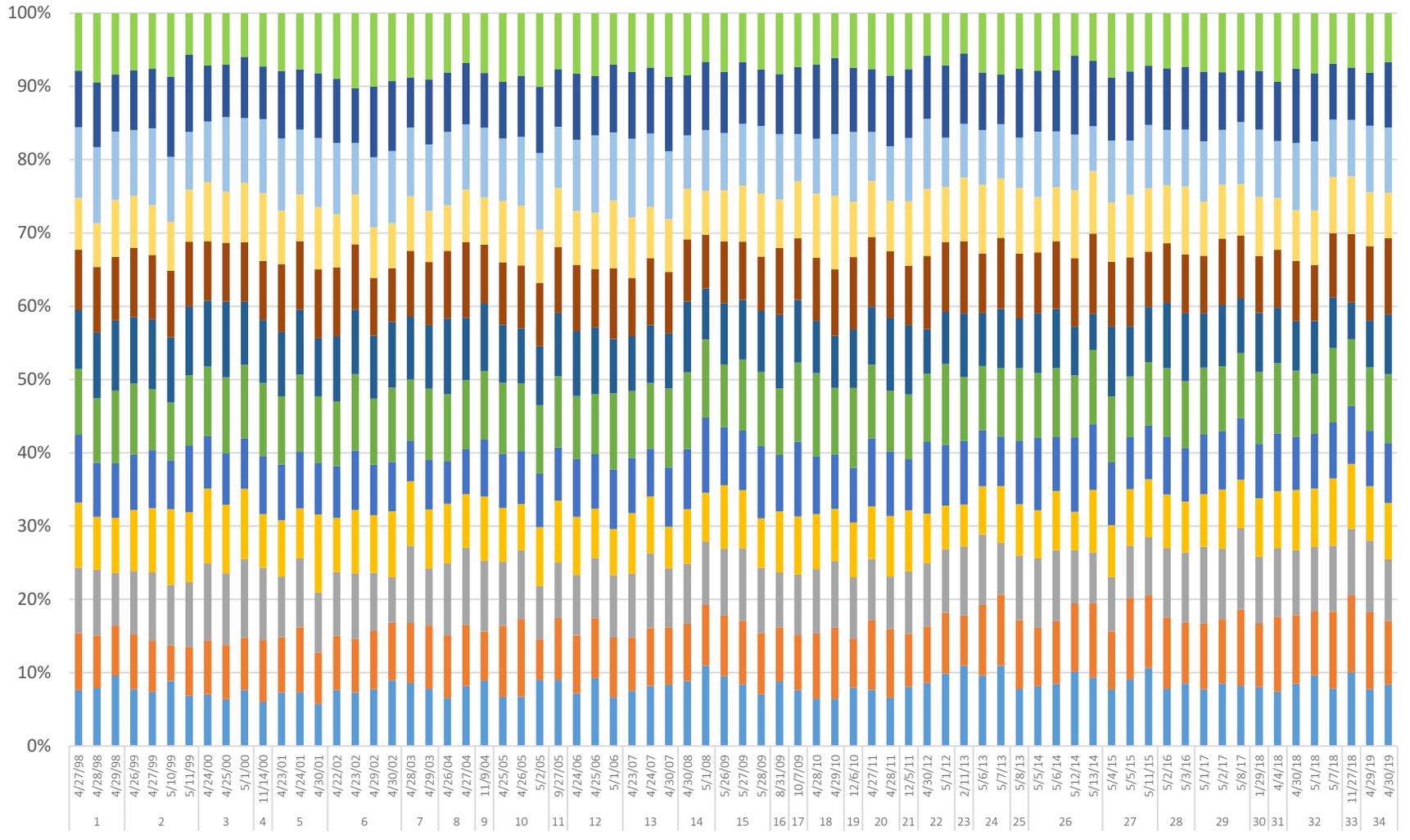


Figure 8 Percentage of attendees from each locality, by each night of each Town Meeting

iii. Alternative Forms of Government Considered and Rejected.

In arriving at its decision to recommend retention and enhancement of Open Town Meeting, the Committee intensively considered the purported benefits of alternative forms of government. Several Committee members expressed positive views and engaged in vigorous debate on different aspects of alternative forms of government. These expressions led to further exploration of what alternative forms of government may provide to Andover that Open Town Meeting does not offer.

However, the Committee ultimately found that, at this time, no alternative form of government provided benefits that, on balance, result in a government materially superior to Andover's current form of government. Many of the ostensibly attractive features of these alternatives raised several significant concerns. In particular, the Committee found the following about each of the leading alternative forms of government:

1. Representative Town Meeting–
 - a. Some contend that this form of government is widely participatory and equivalent to Open Town Meeting. In reality, a representative form of Town Meeting excludes hundreds of Open Town Meeting attendees. Over the last three decades, approximately 500-2,500 individual residents per meeting have attended one or more of Andover's Open Town Meetings. Under a Representative Town Meeting, State law permits a maximum of 240 residents to be elected as voting members (and likely that less than this would actually attend). The gray shaded area in Figure 9 below represents the number of voters who attended Open Town Meetings, by year, who would have been unable to do so had Andover operated under Representative Town Meeting at that time.

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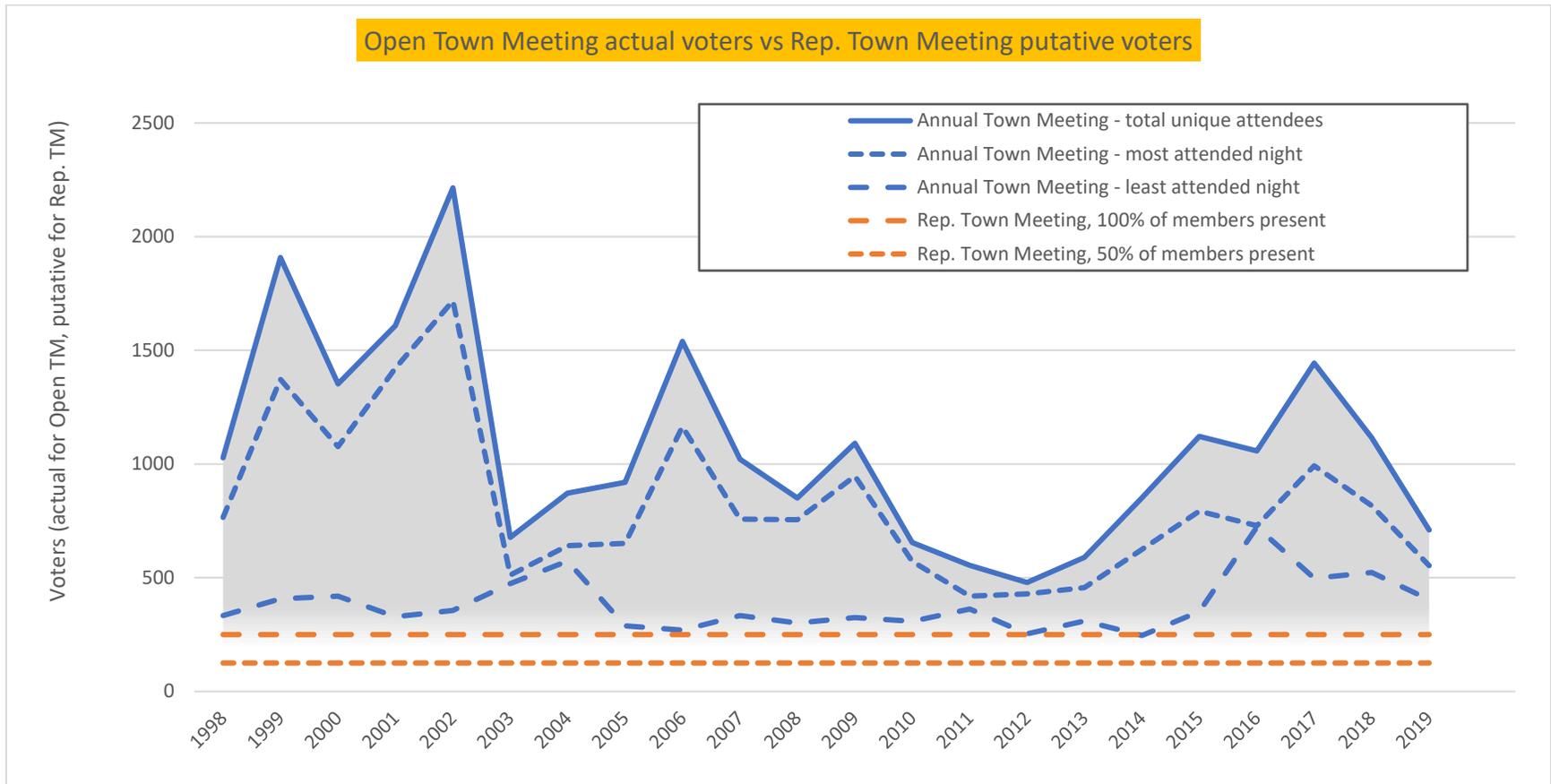


Figure 9 Number of residents empowered to vote at Open vs Representative Town Meeting

Some contend that Representative Town Meeting elections provide residents with a choice of their representation. This is theoretically true, but data from other communities show that representative elections are usually uncontested, and seats sometimes go unfilled. Even when seats *are* filled, the Committee’s research suggests that representatives’ low attendance is a problem in some communities.

- b. Some contend that Representative Town Meeting is more efficient and agile than Open Town Meeting. The Committee’s researched showed that Representative Town Meetings tend to last longer than Open Town Meetings given that the meeting is populated entirely by elected representatives who might feel obligated to opine on multiple articles, perhaps multiple times. Also, the Committee learned that convening and administering a Representative Town Meeting is not materially easier than convening an Open Town Meeting and therefore is no more nimble than an Open Town Meeting.
- c. Some contend that transitioning to Representative Town Meeting is the next logical evolution of Andover’s government and necessary to keep Andover at the forefront of modern governance practice. The Committee learned that no Open Town Meeting community has adopted Representative Town Meeting since 1989. The “next logical evolution” is whatever is best for Andover.

2. Council-Manager –

- a. Some contend that a council would be more “representative” than Open Town Meeting. However, based on detailed analysis of two decades of Town Meeting attendance, the Committee learned that Town Meeting attendees are geographically representative of Andover. Readers are referred to the discussion of geographical representativeness in the section of this report addressing concerns with Open Town Meeting (see page 47). Also, Town Meeting attendees and those who vote in local elections generally are demographically similar, suggesting that an elected representative form of government would not meaningfully engage a different demographic than does Open Town Meeting.

Further, no form of government seems to have “cracked the code” on equally representing the population at large. We see this at the federal level and the local level. Young people do not typically vote in proportion to their population share. Similarly, low-income residents typically vote at significantly lower rates.

If we were to discard Open Town Meeting for a representative form of government (i.e., a Representative Town Meeting or a Council), the voters would choose their representatives and, if current experience is a predictor, would likely choose leaders who do not completely reflect the community at large. And perhaps more importantly, the voters who would elect Town Meeting

representatives or councilors would themselves not reflect the community – we know this because the UMass Lowell public opinion survey shows that those who vote in local elections tend to be older and wealthier than the population at large. Therefore, whether the decision-makers are the Open Town Meeting attendees or the voters who elect their representatives/councilors, the “governors” are rarely perfectly reflective of the population at large.

The Committee cautions against discarding Open Town Meeting, where everyone can theoretically participate, only to replace it with a representative system that some hope will be more reflective of the community.

- b. Here again, some have contended that Andover is too large not to have a Council-Manager form of government, which is used in about 50% of all municipalities in the United States and particularly in communities with a population of 25,000-75,000 residents. For the reasons stated above, population is not solely determinative of a community’s form of government. It is also worth noting that Andover is substantially built-out, meaning that substantial growth is not imminent.
- c. Some have contended that attendance at Open Town Meeting is often too low to justify continued use of the form of government. Town Meeting attendance has been discussed in detail in the section of this report discussing concerns with Open Town Meeting, but the findings are repeated here. In any year, more than 25% of residents who vote in local elections attend Annual Town Meeting. In some years, twice as many residents attend Annual Town Meeting than vote in local elections. Also, 500 residents attend at least one night of Annual Town Meeting in almost every year. A key question is whether a 13-person council would reach better decisions or be more representative than a 500-person Town Meeting?
- d. Some contend that a council form of government would be more agile and efficient than an Open Town Meeting. Convening a 13-person council would undoubtedly be easier and could occur twice a month or more frequently. That said, the Committee acknowledged the possibility that a council could be gripped by indecision, gridlock, or infighting, thereby losing any agility advantage. Also, and more important, the Committee noted that agility, which a council brings to legislating, does not always lead to better decisions. Often, decisions made quickly suffer from deficient consideration and public input.
- e. Some contend that, under a council form of government, resident participation would be preserved through the ability to offer comment at council meetings. The Committee acknowledges this but notes that offering public comment at a council meeting is not equivalent to voting as a member of Open Town Meeting. The

average residents' ability to impact legislation and associated policy outcomes is far superior in an Open Town Meeting form of government.

- f. Similarly, some contend that, under a council form of government, resident participation would be preserved through the ability to offer comment at board and committee meetings. Here again, this right is already present in an Open Town Meeting format and is not equivalent to the voting power of residents at an Open Town Meeting.
 - g. Some contend that Open Town Meeting gives undue influence to special interests and allows groups to “stack” Town Meeting. The Committee was concerned that, in a council system, special interests may have greater influence given that there are fewer legislators to influence in that format, and those few legislators typically raise money and campaign for the handful of seats.
 - h. Finally, some contend that Andover needs to change its form of government now because, though it is suitable at present, it will not work for Andover in the future. The Committee does not believe that Andover’s population growth, Town Meeting attendance, or government decision-making suggests the imminent inaptness of Town Meeting. The benefits of Open Town Meeting are durable and meaningful.
3. Council-Mayor – The Committee considered a Council-Mayor form of government and deemed it ill-suited to Andover. This “city” form of government would relinquish all the benefits of Open Town Meeting, discard the advantage of a professional manager chosen for competence and experience, and invite a politicization of the Town’s administration. If a council were viewed as preferable to Town Meeting, the Committee would recommend a Council-Manager government and found no reason to endorse a Council-Mayor form of government.
4. New Hampshire’s SB-2 Model – A fifth form of government also arose during the Committee’s research in the course of exploring alternative variations of Open Town Meeting. Some New Hampshire communities use an “SB-2” model wherein Town Meeting deliberates on articles, but residents vote by ballot after the Town Meeting to approve or disapprove of articles.

The Committee explored this unique, non-Massachusetts form of government in several Committee and subcommittee meetings, drawing on resident feedback, research into New Hampshire’s experience with SB-2, advice from Town Counsel, advice from outside counsel specializing in Massachusetts municipal law, and the Committee’s consultants, Community Paradigm Associates.

The Committee does not endorse adoption of this model for several reasons. First, this is currently illegal under the Town’s charter and would require enactment of special legislation by the State Legislature. Obtaining this legislative approval may be difficult given that the Legislature may object to a charter revision that, in stripping Town Meeting of its decision-making function, is fundamentally inconsistent with the Town Meeting-oriented charter adopted under an arduous legal process. Because SB-2 renders Town Meeting discussions non-binding, such a change would alter the very foundation of the Town’s Town Meeting government.

Importantly, the Committee also objects to the SB-2 form because it would render Town Meeting participation a nullity and therefore drive down participation in Town Meeting over time. Data from New Hampshire’s SB-2 communities confirms this.

The Committee learned that no Massachusetts community has adopted an SB-2 form, and, to the Committee’s knowledge, no community has considered it seriously. The former chair of the Massachusetts Municipal Association Fiscal Policy Board notes that this board has never considered this form and cautioned that the MMA may object “strenuously” to implementation of SB-2 in the Commonwealth.

The Committee recommends that Andover retain its Open Town Meeting form of government. It does so with full recognition of Open Town Meeting’s current flaws. Government is, in essence, a collection of persons and human processes forged in civic debate and tempered by evolving circumstances. In this context, no government is perfect. The many enhancements recommended by the Committee aim at curbing these flaws in our Town Meeting structure and practices.

The Committee also recognizes the lack of a substantial, uni-directional public groundswell for change. Given that discarding Open Town Meeting would be an historic, seismic transformation of the Town’s government, it would be irresponsible for the Committee to recommend a change – which it independently and strongly assesses to be unnecessary – that could have unintended consequences to the community’s culture. Therefore, the Committee believes it most prudent to enhance Open Town Meeting by adopting the several recommended reforms before agreeing to discard it forever to history.

iv. Town Meeting Reforms & Enhancements.

In recommending that the Town retain its Open Town Meeting form of government, the Committee was attuned to areas where Andover’s Town Meeting could be improved. No form of government is perfect. However, for the reasons described above, the Committee strongly believes that Open Town Meeting remains the best form of government for Andover at this time. The Committee also believes that several enhancements to Andover’s Open Town Meeting will provide substantial improvements to the meeting’s deliberative process and increase voter engagement. Accordingly, the Committee recommends the following enhancements to Andover’s Open Town Meeting.

The Committee’s recommendation for the retention of Open Town Meeting, while not conditioned on adoption of the below reforms, is emphatically offered with the following strong reform and enhancement recommendations. The Committee does not support the status quo, and these reforms seek to change the status quo.

Open Town Meeting Reforms

Reform	Benefit
Adopt in-person electronic voting	Shortens meeting, allows confidential voting
Consolidate discussion of related articles even if separate votes are required	Shortens meeting, makes the context of articles more understandable
Support Town Meeting endorsement of conduct that is civil, honest, respectful of the time of others, and respectful of the right of others to speak	Encourages efficient, inclusive, civil, and honest debate
Prohibit events on Town/School property during Town Meeting nights. School Committee and Select Board make decisions and phase-in with notice to residents.	Reduces conflicting demands for voters’ time
Encourage submission of amendments for public review prior to Town Meeting and give priority in consideration to those amendments that are pre-filed.	Shortens meeting, eliminates cause of voter confusion, enables legal review and public vetting
Provide pre-Town Meeting discussion of articles: virtual & in-person, streamed & recorded	Facilitates remote participation, increased public participation, and enhanced vetting of articles
Provide online Town Meeting training videos re process, the budget, zoning, etc.	Makes process less daunting and encourages attendance, and smoother debate of complex articles
Provide “welcome packet” orienting new residents on Town Meeting.	Makes process less daunting to and encourages attendance among new residents
Recommend that remote electronic voting be actively explored by the Town as technological and legal dimensions are better understood over time	Provides clear statement of interest and allows for continued consideration as new facts emerge

Adopt In-person Electronic Voting

The Committee distinguished in-person electronic voting on the floor of Town Meeting from remote electronic voting. The former is permitted today by State law, although adoption would require changes to Andover's Bylaws to implement. The latter is an emerging innovation. The Committee recommends that Andover adopt in-person electronic voting on the floor of Town Meeting.

In-person electronic voting has the potential to shorten and enhance Town Meeting. Early estimates suggest that a combination of the reforms recommended by the Committee has the potential to eliminate one night of a multi-night meeting. This is significant and may enable participation by time-pressed voters who currently cannot attend Town Meeting. While some contend that the cost of electronic voting should preclude its use, the savings in time, which translate to savings in room hire, overtime, police details etc. might outweigh the cost.

In-person electronic voting also guarantees confidentiality and privacy in voting. While some contend that voting at Town Meeting should be open and visible, the Committee heard several comments that many voters who attend Town Meeting are concerned about reprisals and some voters are even unwilling to attend Town meeting because of this fear. Therefore, it is reasonable to infer that adopting electronic voting may enfranchise voters and enhance the democratic process.

The Town must of course be concerned about security risks associated with electronic voting. The Committee researched this thoroughly, including interviewing staff of other towns where electronic voting is already employed. No town has any evidence that a security breach has ever occurred. On the contrary, some reported that residents have much higher trust in votes carried out electronically. To ensure secure operation, the Committee strongly recommends that Andover should only consider voting systems designed and constructed specifically for high-integrity applications such as legislative voting, and discount those that are sold for more general use (such as audience participation systems). Furthermore, the Committee recommends that processes and procedures be carefully devised and implemented to guarantee integrity of the systems, for example, robust processes for handing out and returning voting devices or for auditing and validating votes.

Consolidate Discussion of Related Articles Even if Separate Votes are Required

At Town Meetings, articles are often linked together by general topics. For example, changes to how the Town regulates signs requires separate articles and separate votes amending the general bylaws and the zoning bylaws. While separate votes are often required by State law and/or the Town's bond counsel, the discussion of multiple articles at the same time is within the power of the Moderator and each Town Meeting. Consent agenda articles have already demonstrably accelerated Town Meeting.

The Committee recommends that articles that are directly linked by topic and substance be consolidated for discussion, albeit with separate votes, so Town Meeting can engage in deliberation that is not artificially compartmentalized by legal procedure. This will likely allow more thorough, holistic, and efficient deliberation.

Civil, Honest, and Efficient Debate at Town Meeting.

Town Meeting deliberations should be honest, open, civil, and efficient (i.e., respectful of attendees' time). The Committee strongly supports the current practice wherein the Moderator asks each Town Meeting to affirm values contributing to civility. While a "code of conduct" is too prescriptive and difficult to enforce, actions that encourage proper discourse and decorum should be advanced.

Prohibit Events on Town & School Property During Town Meeting Sessions.

Attending Town Meeting can be difficult for residents with families, work obligations, and myriad other competing commitments. It is beyond the power of government, and outside the scope of governance, to remove all of the barriers that prevent residents from attending Town Meeting. However, the Select Board and School Committee have the ability to preclude competing events on Town property during Town Meeting sessions.

The Committee recommends that the Select Board and School Committee, which have jurisdiction and control over the use of Town- and School-owned property, consider and take public input on precluding sports, theater, and other events on Town property during these relatively few hours each year. The Town should not "counter-program" its own legislature and make it harder for residents to do their civic duty.

If such a policy were adopted, it should be phased-in to give sufficient notice to community stakeholders.

Encourage Pre-Submission of Town Meeting Article Amendments.

The Committee recommends that the Town strongly incentivize pre-submission of article amendments for review prior to Town Meeting. Under the Committee's suggested framework, article amendments would be submitted three business days before the first session of Town Meeting. This would allow for Town Counsel and committees to review and consider amendments before Town Meeting, thereby creating both efficiency, transparency, and "good legislating" effects. The proponents of pre-submitted amendments would be required to attend and present their amendments at Town Meeting notwithstanding their pre-submission of the amendments. Under this framework, amendments could, as is the current practice, be submitted on the floor of Town Meeting (in addition to the pre-submission of amendments).

To encourage the pre-submission of amendments (as opposed to the submission of floor amendments), priority in consideration should be given to amendments that were submitted before Town Meeting. Considering pre-submitted amendments prior to those submitted from the floor would allow proponents of pre-submitted amendments an increased likelihood of having their amendments considered (given that debate may be concluded before all amendments are discussed), particularly on articles where multiple amendments may be moved.

Pre-Town Meeting Discussion of Articles.

The Committee discussed several methods by which the public could be more robustly engaged in Town Meeting. At a time when professional, government, and personal meetings are increasingly virtual, the Committee investigated ways that Town Meeting participation could be achieved without residents having to enter the physical meeting space.²¹

The Committee fashioned the following format allowing for remote and in-person deliberation of Town Meeting articles:

- The current conduct of Town Meeting would not be altered. Each article would be presented, debated, and voted upon during Town Meeting.
- However, days or a week before Town Meeting, there would be made available to residents a session or series of sessions wherein public and private article proponents would present on their articles and answer questions from residents.
- The session(s) would be simultaneously live-streamed via interactive application so that both remote and in-person residents could ask questions and make comments.
- The session(s) would also be recorded so that residents could listen to the material on their own schedule. Those residents would be able to email questions to article proponents. The recordings could have time markings to allow residents to “jump” to the articles that interest them.
- Multiple sessions could be held to allow for the grouping of financial articles, zoning/planning articles, bylaw amendments, etc.

This format would effectively provide a degree of non-binding remote deliberation before the commencement of Town Meeting. This would promote transparency, perhaps make Town Meeting more efficient, allow more residents to engage, and serve good governance by more fully vetting articles. The sessions would be an enhancement of a public forum practice currently used ad hoc and would guarantee a remote aspect. This approach might also give the community insight into the advantages and disadvantages of a fully remote Open Town Meeting, should that ever be legalized and chosen by the community. Also, when combined with the reform encouraging that article amendments be submitted before Town Meeting, this format would

²¹ As is discussed more fully below, see page 60, fully remote Open Town Meetings are not permitted under State law. This recommendation seeks to operate within that legal framework.

provide for a fuller and more accessible preview of Town Meeting content before formal Town Meeting sessions.

Implementing this format would be no simple matter. One question is how the Town would minimize duplication between questions and discussion at the pre-Town Meeting session and at Town Meeting. The Committee recognizes that there might be duplication of content initially but that, as the new format became more recognized and successful, there would be less duplication over time.

Another question is how the Town would ensure that private article proponents participate in the pre-Town Meeting session(s). It is important to the motivating goals of the format that all article proponents participate. It is likely that private article proponents will feel a strong impetus to participate in the pre-Town Meeting session even if they are not formally required to do so. This pre-Town Meeting session would provide a distinct benefit to the proponent of an article by providing them with broader public exposure; therefore, these sessions are distinctly different from the meetings of the Select Board, School Committee, Planning Board, etc. where articles are debated and voted on in the weeks and months before Town Meeting so that the board or committee may determine its recommendation on the article. This benefit would provide potent encouragement of participation.

The Committee believes that, in the initial years of implementation, the Town should encourage but not require participation in the pre-Town Meeting sessions. Town Meeting tends to police itself and may appropriately dispose of articles from non-participating article proponents.

Provide Town Meeting Education Resources.

Town Meeting procedures, and the content of articles deliberated on at Town Meeting, can be daunting for any resident. The data presented previously in the discussion of “stacking” show that up to 31% of attendees on any night of Town Meeting might be attending for the first time. Long-time and new residents, particularly those who are unfamiliar with Town Meetings, may choose to abstain from Town Meeting attendance for fear of embarrassment, casting the “wrong” vote, or wasting time their time attempting to shape the debate but not knowing how. The Town Administration, acting through the Town Manager and Town Clerk, should produce short information videos that educate residents on Town Meeting nomenclature (e.g., “warrants” and “articles”), procedure (e.g., for making amendments), and the substance of articles (e.g., bylaws, zoning, the budget). The content should be brief, accessible, and straight-forward.

Welcome Packets for New Residents.

The Town should send each new resident a personalized “welcome packet” containing a message from the community, links to key Town offices and boards, and sharing key information about how the Town’s government operates. This information may touch upon, but should not be limited to, Town Meeting. Welcoming new residents will make this a friendlier community, as

well as a better informed one. This packet should also be promoted to existing residents and available for download from the Town's website.

Explore Remote Electronic Voting.

The Committee recommends that Town Meeting adopt *in-person* electronic voting (see above). This is within the Town's power to adopt at present. In contrast, *remote* electronic voting is not yet permissible for Open Town Meeting forms of government. Given this, no action can be taken at this time.²²

However, communities in Massachusetts, such as Wayland, are studying this advancement. Wayland's Electronic Voting Subcommittee, based in large part on its positive experience with in-person electronic voting, is investigating the technical and legal impediments to remote electronic voting at Open Town Meeting. Wayland is reaching out to like-minded, innovative communities to gauge interest in a multi-year effort to (1) develop technology facilitating remote electronic voting and (2) push for State legislative authorization of this practice. This nascent effort by Wayland is a new development that renders remote electronic voting in Open Town Meeting a more mature possibility than it had previously been. During the Covid-19 pandemic, the State allowed Representative Town Meetings to conduct its business remotely. Other legislation has been offered extending that permission to Open Town Meetings.

Based on conversations with a member of the State legislature, it appears that many Massachusetts lawmakers are open to the concept of remote electronic voting and are taking time to ensure that any methodology for conducting remote voting would, as a matter of equity, be affordable and accessible to *all* communities in the Commonwealth and not just affluent ones. Further, the Joint Committee on Municipalities and Regional Governments endorsed enabling legislation in June 2021 and the sent the bill to the Senate Committee on Ways and Means for further review.

Andover should stay attuned as facts and understandings evolve on this topic. The potential for bringing Town Meeting to residents' homes, pulling a centuries-old form of government into the 21st Century, is powerful and reflects the realities of today's dynamic society. The potential for this kind of fundamental change in Town Meetings is yet another reason the Committee does not support abandoning this form of government.

Not Recommended – Hold Perennial Fall Town Meeting for Land Use Articles.

This is a reform that is not recommended. Over the years, a number of residents have urged the Town to split Town meeting into two sessions: a spring meeting for fiscal and administrative matters and a fall meeting devoted to land use, planning, and zoning matters. The Town Meeting

²² Note that the aforementioned Town Meeting reform entitled "Pre-Town Meeting Discussion of Articles" recognizes the prohibition on remote participation and attempts to push the envelope within legal bounds to expand remote participation options for residents.

Efficiency subcommittee recommended, and the full Committee unanimously agreed, that this reform should not be adopted. State law requires a town to accept onto the warrant any article provided that certain basic requirements are met (e.g., that the article has been signed by only 10 residents). Andover could not prevent zoning articles at the spring Town Meeting or non-zoning articles at the fall Town Meeting. Thus, this reform would be unworkable. In any case, even if it were feasible to separate zoning from non-zoning matters, it is doubtful that this would increase efficiency. In principle, shorter meetings might be easier for a resident to attend than one longer meeting. In reality, it is equally probable that holding biannual meetings would invite more articles to be submitted in total.

B. Tier One Secondary Issues –

In turning to its study of non-form of government topics, the Committee first studied two topics comprising tier one. These included (i) how boards and committees²³ are appointed and related issues, and (ii) the Town government’s communication with community stakeholders.

i. Committee Appointment, Existence, Structure, Etc.

The Committee studied the following:

- By what process should members be appointed to boards and committees? Election or Appointment? Appointment by whom? Do different boards have different requirements?
- Should an Appointments Committee be constituted?
- Is the appointment process sufficiently transparent, or how could transparency be enhanced?
- Is it sufficiently clear who “owns” the appointment process and has authority to appoint certain Town positions?
- Specifically, by what process should members be appointed to the Finance Committee?
- Specifically, by what process should members be appointed to the Planning Board?
- Specifically, is the Talent Bank Form too vague to be a basis by which appointments are made?
- Specifically, should openings be advertised more prominently?
- Specifically, how do we ensure that the people who are appointed to committees are those who are most able to contribute?

Recognizing the efforts of over 300 volunteers, over 50 Town boards, committees, and commissions, and the important contributions each volunteer makes to the governance of Andover’s citizens, old and young, a dedicated subcommittee of the Committee conducted an in-

²³ Throughout this section of the report, the terms “boards” or “committees” refer to public bodies of the municipality, including boards, committees, commissions, and task forces.

investigation of the structure, efficiency, and diversity that these groups exhibit, both individually and as a vital part of Town operations as a whole.

A thorough study was made of boards, committees and commissions on certain aspects of membership, the appointment process, and how prospective members may benefit from enhancements to basic information flow.

Topics were expanded to include the following recommendations, which were approved by the full Committee.

1. The Committee recommends no change to the process by which members are appointed to boards and committees.

The current process is working well. The list of positions that are elected were extensively reviewed and the logic behind election of those positions was supported. The Committee did not identify any appointed positions that should instead be elected. The Committee was aware that selecting certain positions by ballot, as opposed to via appointment, may result in turning away qualified residents who would serve if appointed but would not run for election. This could also result in popular but less qualified individuals taking office.

Noted was the fact that trustees of the Cornell Fund, which are elected by Town Meeting, and the Punchard Free School Trustees, which are elected by ballot, are selected that way pursuant to the terms of the original Trust.

The method of selecting Planning Board members is discussed below in its own section.

2. The Committee is not in favor of establishing a separate Appointments Committee.

This method of appointing committee members is rarely, if ever, used in other municipalities. Adopting this in Andover would create a significant challenge, namely, the circular question of who appoints the appointment committee. Also, it is unclear whether any one committee would possess the knowledge of diverse Town operations to know who should be appointed to particular bodies.

Also, if a committee were to lead the appointment process, candidates would have to interview in public in accordance with the Open Meeting Law – this may dissuade residents from applying in the first place.

Finally, the Town Manager has the responsibility to achieve goals established by the Select Board and Town Meeting – if the manager is not allowed to appoint members to bodies to ensure that they function properly, the manager would have to be released from his high level of responsibility and converted to a more passive facilitator of Town operations.

3. The Committee does not recommend one generic, standard appointment process applicable to all boards and committees.

The Committee agreed that the appointment process should be inclusive, equitable, and designed to get the “best people” for any particular board or committee. However, the appointment process varies from committee to committee, and it would be difficult to make a generic statement to define that process.

Furthermore, the subcommittee is cognizant that board and committee members give their time freely to serve Andover. The appointment process cannot unduly consume applicants' time and efforts, nor compromise applicants' right to privacy by unreasonable public scrutiny. Nonetheless, a number of measures are recommended to enhance transparency across the boards. These include the recommendations for enhancements to the Talent Bank form (see below), and the call for an expanded effort to advertise vacancies.

Improvements to the Talent Bank form and the appointment process should be further considered in a follow-up effort. The Talent Bank form alone is not enough to make an appointment; the current practice of discussions with the committee chair and staff and the interview process should complete the loop and lead to “the best people.” Specific recommendations and enhancements to that process include:

- Advance diversity, equity, and inclusion in the context of the public body appointment process by enhancing outreach to different communities within Andover.
- Enhance usability of the Talent Bank form, including the access to it on the website. Consider linking the Talent Bank form to additional information about each body, including a member’s profile or committee’s work information.
- Enhance the access to and clarity of vacancies including an alert to re-appointment considerations in June.

These admittedly broad statements are broken out below into specific, actionable items.

4. The Committee recommends enhancing Diversity, Equity and Inclusion through the Talent Bank Form and the appointment process.

The Committee recommends that an additional function of the Commission on Diversity, Equity, and Inclusion might be specifically working with various communities in Andover to bring forward viable candidates to the appointing authorities of boards and committees so that Andover can continue to integrate more fully our collective goal of diversity, equity, and inclusion in all aspects of our governance.

The Committee did not feel sufficiently knowledgeable to recommend a formulaic approach to this complicated and multifaceted area of consideration. We are sensitive that this area is core to the remit of the Commission on DEI, and the Committee should not infringe.

Accordingly, the Committee respectfully requests that the DEI Commission suggest potential questions that might be asked during an appointment interview to gauge whether a candidate supports the Town's commitment to anti-discriminatory behaviors. While greater board diversity may not always be visually apparent, a requirement that every successful applicant demonstrates sensitivity should be adopted and should be a factor when considering an applicant for membership on any board, committee, and commission of the Town.

The Committee also respectfully defers to the DEI Commission to provide guidance on ways to reach out equally to all residents of Andover to ensure that these residents, including those not represented in today's board memberships, are aware of opportunities.

5. The Committee recommends that the appointment process include a two-part approach: (1) skills "specific to the committee" and (2) other skills or areas of expertise "useful to committee work in general."

The Town Manager's Office has indicated that during interviews it seeks to identify other "talents" and may ultimately suggest another committee better suited to the applicant's skill-set. The two separate questions would call the applicant's attention to those skills specific to the committee being applied to and those skills complementary to that (or another) committee.

6. The Committee recommends inserting additional questions within the Talent Bank form or during appointment interviews to assess the applicant's fit for a board or committee.

Questions could include: What drew you to this committee? Why is it important for you to be on this committee? Why are committees important to the governance of the Town? What can the Town's commitment to diversity, equity, and inclusion mean to the committee's overall effectiveness?

These questions are meant to assess the commitment of the applicant to committee work and to the applicant's understanding of the Town's pursuit of greater diversity, equity, and inclusion. These questions are just some suggestions and are not meant to be exclusive of other questions. As the Town Manager is the key person to most interviews, s/he should be mindful of the scope of commitment of each applicant.

7. The Committee recommends advertising vacancies on boards and committees more prominently.

The appointing authority should not only continue to take advantage of all forms of communication but should – on the Town's website – identify the venues currently used and make use of additional platforms. Currently, vacancies are posted on the Town website -- easier navigation to these openings is suggested. In addition, the Town Manager's Office has

scheduled Facebook to put out a general, monthly solicitation of individual boards and committees by request on anticipation of a vacancy or when the Office knows of a current vacancy. Many other media options exist in addition to those regularly used.

Lengthy vacancies should be avoided if at all possible. A vacancy lingers to the detriment of the remaining committee members and may inhibit the committee's ability to gather a quorum. Accordingly, the tracking of all vacancies and the date they occurred is vital. Tracking should be maintained by the appointing authority, and a Select Board liaison should be informed so that vacancies would stay on the Town's radar.

Therefore, vacancies should be listed as soon as they occur on the website and an interview conducted as soon as possible. Should there be no applicant in the pool or when no suitable applicant can be found, the committee chair should be informed of the reason and all efforts should be made to re-advertise the vacancy. In this case, a pop-up capability, in addition to a "Vacancies" link on the Town website, if not to the Town Home Page itself.

It is expected that any vacancy be filled within three months, if not sooner. Vacancies in the case of *elected* positions vary in the way they may be filled; the Town Charter should be consulted in these cases.

8. The Committee recommends that only four employee positions remain subject to Select Board confirmation: Deputy Town Manager, Police Chief, Fire Rescue Chief, and Finance Director.

Currently, all Town employees, except the Town Accountant, are appointed by the Town Manager and subject to confirmation by the Select Board. This means that seasonal employees, such as lifeguards, custodial staff, and hundreds of others of employees require approval from the Select Board. The Committee finds this practice to be non-sensical.

Only a few of the senior Town officials, who are appointed by the Town Manager, should need to be confirmed by the Select Board. The status quo practice where the Select Board confirms all employees improperly obscures the line between policy-making by the Select Board and Administration by the Town Manager. Further, since the Select Board plays no role in the interview and evaluation of candidates, it has little basis on which to approve or disapprove the Town Manager's employee appointments. The current practice also is at odds with the School Committee's practice of not being involved in personnel confirmations within its purview.

Finally, the status quo amounts to an odd arrangement where hirings are confirmed by the Select Board while no other personnel decisions, including terminations, are governed by the Select Board.

Therefore, the Committee recommends that the Select Board only confirm the Town Manager's appointments for the following positions: Deputy Town Manager, Police Chief, Fire Rescue Chief, and Finance Director. These positions are extremely important to the conduct of the Town government and therefore warrant the scrutiny attached to a Select Board confirmation process.

9. **The Committee recommends that the Town be sensitive to “over-compartmentalization” in order to achieve the optimal level of granularity of government.**

The Committee believes that over-compartmentalization of government through the imprudent proliferation of boards and committees is likely to reduce the overall effectiveness and efficiency of government and therefore should be avoided. Any organizational boundary introduces hand-offs and inefficiency. Also, the Town must be mindful that boards and committees not “share” jurisdiction, the occurrence of which may lead to conflict (as opposed to constructive tension). Further, when boards and committees are given small purviews, which may result from the proliferation of public bodies, those boards and committees may tend to operate without a larger perspective and Town-wide best interests.

The recommendation in this regard is merely that a skeptical lens be applied by the authorities in Town with the authority to create new public bodies.

10. **The Committee does not recommend that a Water Commission be established.**

Currently the Select Board acts as the Water Commission and the Committee believes that this arrangement makes sense for several reasons: (1) it raises the profile of important water issues given that the Select Board is the highest authority in the Town (apart from Town Meeting); (2) the current management of the Town’s water mains and sewer system is responsible and aggressive in terms of the aggressive replacement schedule; and (3) allowing the Select Board to set water rates brings those rates into coordination with the tax rates (which the Select Board also sets).

Furthermore, the Town currently has a competent and professional Department of Public Works and Water Treatment Plant, and creating a separate water commission may be destabilizing to water-related policymaking.

11. **The Committee recommends that the Board of Health be expanded from three members to five members.**

Studying the recommendation of the Public Health Director, the Committee noted that the practice of having five-member Boards of Health is common in Massachusetts. This expansion will allow the board to do its important work, and ease the challenge of convening a quorum for its meetings.

12. **The Committee recommends no change to the one-year term for Moderator.**

A one-year term for Moderator promotes accountability given that voters have the opportunity to choose the best Moderator for the moment on an annual, per-Town Meeting basis (excluding Special Town Meetings). Also, since the Moderator appoints approximately three Finance

Committee members each year, the one-year term allows voters to endorse or reject an approach to Finance Committee appointments before a majority of the committee can be appointed.

13. The Committee recommends retaining the current method of appointment of the Finance Committee by the Moderator.

Municipalities can choose to elect Finance Committee members or have them appointed by the Moderator or a panel comprised of multiple stakeholders (e.g., Town Manager, School Committee, Select Board, Town Clerk).

The Committee supported retaining the current method of appointment for Finance Committee members for the following reasons.

In Andover, the Moderator makes Finance Committee appointments due to the Moderator's and the Finance Committee's shared role in Town Meeting: The Moderator manages Town Meeting and its deliberations; the Finance Committee functions solely to advise Town Meeting on the financial articles on the Warrant.

The Moderator appoints Finance Committee members because the Moderator is an objective actor in the goings-on of Town Meeting and therefore in the best position to appoint the Town's financial watchdog. The Moderator, unlike the Select Board, School Committee or other Town officials, has no stake, other than as a resident, in Town Meeting articles.

To the extent the Moderator's appointment power in this regard appears unchecked, the Moderator is unique in Town government in that voters select the Moderator each year through the Annual Town Election. Therefore, any given Moderator can only appoint three members of the nine-member committee before voters have the opportunity to elect or "un-elect" the Moderator.

14. The Committee recommends that the Planning Board retain its five-year terms.

The Planning Board should retain its five-year terms, and not adopt three-year terms, given the large amount of time members require to learn their work, and given that permit applications often take many months, or even years, to resolve.

The Planning Board must act in a quasi-judicial capacity to make complex decisions on lengthy special permit applications, variance applications, and Town Meeting articles. It often takes Planning Board members a significant amount of time to become comfortable with this range of substance. Shortening these members' terms risks losing public servants just as they are becoming most comfortable in their roles.

Also, given that special permit hearings and decisions can continue for many months and even years, shortening term lengths risks the stability of the group of members allowed under law to

vote on these permits. If a quorum of members who have conducted hearings on a permit is a lost due to turnover in membership, the hearings would have to be conducted again to the detriment of the Town and landowners.

15. The Committee recommends that members of the Planning Board continue to be appointed and not elected.

Planning Board members should continue to be appointed and not elected for three reasons:

First, qualified residents who would serve if appointed may not run for election – this would shrink the pool of residents who are willing to serve on this critical board.

Second, the Planning Board operates in a quasi-judicial capacity that is inappropriate for the campaigning and fundraising that attends local elections.

Third, the entire “ecosystem” of Andover’s land use boards and commissions is appointed and not elected. Making the Planning Board an outlier in this regard would put it at odds with the Zoning Board of Appeals, the Preservation Commission, the Conservation Commission, the Zoning Bylaw Study Committee and the Design Review Board.

16. The Committee does not recommend any changes to the Zoning Board of Appeals or the Board of Registrars of Voters.

It is not within the power of the Town, or this Committee, to alter the method of appointment for the Zoning Board of Appeals (ZBA) or the Board of Registrars of Voters (BOR). The ZBA and BOR are exceptions to the appointment norm in that, with these boards, the Select Board controls the appointment completely. (With almost all other appointed boards, the Town Manager makes the appointment and the Select Board takes a confirmatory vote.) These two outliers follow appointment procedures prescribed by State law.

17. The Committee does not recommend term limits for members of Town boards or committees or any change to the length of their terms.

The Committee believes that Andover’s boards and committees should comprise the best talent available and that sufficient opportunities should exist for a qualified resident to serve. However, the committee does not support imposition of term limits nor any change to the current length of appointments as the mechanism to achieve either goal. Limits imposed woodenly may force removal of experienced, knowledgeable volunteers who have learned over time how best to function on boards or who might have spent many years learning the technical areas of their respective boards’ work. We cannot assume that replacements would be found who would make a similar contribution to high-performing incumbents. Finally, limits might force removal of key contributors or committee leadership at inopportune or even critical junctures in a board’s work. Term limits are, simply put, too blunt an instrument.

As an alternative to fixed term limits, in order to give other residents the opportunity to serve on a board and provide a healthy degree of turnover, the Committee recommends that, when the Town Manager's Office notifies an incumbent member (usually in April of each year) that the member's term is ending, that member should be required to respond with a statement that the member wishes to continue to serve. The member should then be evaluated in the context of and in comparison to other applicants. This strikes an appropriate balance between retaining qualified, experienced, and enthusiastic volunteers with the understanding that no one is entitled to automatic reappointment and must demonstrate why they should retain their position. For practical expediency, the Committee does not suggest that an incumbent should necessarily be formally interviewed as part of this evaluation; this should be at the discretion of the appointing authority.

During the interviews of committee and board chairpersons and members, conducted by members of this Committee, many suggestions were made relating specifically to the various boards in question. Some of these could also be applied to other boards, such as a policy requiring an annual rotation of the chair of all committees. However, due to the fact that the full list of boards has different responsibilities requiring various levels of training, time needs, and individual outside commitments, the acknowledgment of these differences might be best served by the committee members themselves, perhaps during an annual assessment of the committee efficiency and ways to strengthen the procedure required by each of these valuable town bodies.

ii. Communication.

Efficient, effective, transparent and consistent communications are the foundation of every well-run organization, public or private. The Town has dedicated itself to building a robust communications network with its residents. Yet, almost from the outset of the Committee's research in the fall of 2019, at its in-person and virtual forums and in individual comments submitted by residents, a consistent thread was evident.

Many Andover residents strongly feel that there is a significant lack of awareness about basic Town government decisions and that residents simply do not know "what's going on." That perception, accurate or not, is not unique to Andover, as the local print news media in many communities, Andover included, has been in serious decline for a generation due to diminished advertising and subscription revenues. While this private sector challenge is clearly beyond the Committee's charge, addressing options for enhanced Town-resident communication was a high priority of the Committee.

The Town has made considerable strides to expand its communications with residents. The Town's website was redesigned in 2017. It now includes a 3-1-1 "Andover Central," a one-on-one response to resident needs. The Customer Service Center is a staffed customer service and information center, a one stop response to a resident's needs. The Town sends emailed "News Flashes" to any interested resident for an array of personally-selected topics, including advance notices of board meetings, agendas, forums, road closures, snow events, etc.

The Town's recent focus has been to integrate this comprehensive platform with the social media that are commonly used in most households today. With the help of a social media task force, the growth in Town use of social media has been remarkable.

Despite what many consider to be an industry-leading network, improved communications surfaced as an issue to be addressed in essentially every public forum conducted by the Committee. When asked to elaborate on their concerns, the residents expressed the following:

- How might the Town enhance awareness of recent and forthcoming events, meetings, government issues, etc.?
- What steps can be taken to modernize communications between the Town and its residents?
- Would Andover benefit from a robust non-governmental news gathering service organization?
- Does the Town have an obligation to enhance civic awareness of its residents? If yes, who would be responsible?
- What steps would be required to ensure that residents are properly consulted in projects and initiatives?

Further discussions among the Committee and additional public comment added the following perceived areas of improvement in Town-resident communication:

- Information is not received or available early in the decision-making process.
- Information is limited on the timing of when key decisions on major issues are being discussed and decided upon
- The absence of the reporting, debate and opinion sections of a responsible local newspaper was apparent to several.
- The absence of a "full debate" between supporters and opponents of any particular Town decision topic.
- The inability to discuss an issue with a "real person," Be they a Town employee, appointed or elected official, or Town Meeting warrant article proponent.
- The recording of many meetings and forums and their archiving is to be applauded. But once a recording is archived, it is sometimes difficult to identify the precise time in a long meeting when an issue was discussed without listening to the entire tape.

Each of these issues is discussed below with recommendations for improvement.

Enhanced Notification of Discussions and Decisions.

The Town currently employs three calendars: the *Main Calendar*, the *Community Events, Programs Calendar* and the *School Calendar*. The Main Calendar identifies the Town's formal meetings with a link to the website home page. The Community Events and Programs Calendar contains all the events and programs planned in the next month. Content is provided by the Town, by not-for-profit organizations and by for-profit organizations sponsoring a charitable event. Residents can select all or part of the list of participating entities, thus tailoring their

monthly calendars to their respective interests. The School Calendar is of course focused on School Department events.

None of the calendars provide a clear notification of the issues to be discussed or decisions to be made in the ensuing month or two. A resident can get an indication of when an issue is going to be discussed only by manually tracking particular agendas and minutes. This tracking can be difficult, often consuming considerable time and effort and may require a laborious review of meeting minutes/meeting videos.

The Committee recommends that the Town prepare and distribute a bi-monthly summary of the issues/discussions/decisions planned for the ensuing month (called *Precis* for purposes of this report). These *Precis* would be informed by reports prepared by the boards, committees, commissions, task forces and project managers responsible for the topics and matters to be included in the *Precis*. Each summary, including actions taken or still pending, should be factual (i.e., without advocacy), three or four sentences at most, and distributed to all voters through the Town website, News Flash function, and social media. Voters should be able to tailor the monthly *Precis* to the topics of their choice. *Precis* should permit residents to easily unsubscribe. It may be advisable to integrate *Precis* with one or more of the existing calendars. *Precis* should contain a clear linkage to the relevant meeting agendas, meeting minutes, and archived videos.

The Town should adopt a standard format for the calendars and *Precis*, providing guidance to anyone submitting to the calendars and to *Precis*. The standard format should give clear guidance for the content as well as particular guidance on how to better “tag” all archived material to aid in retrieval

Also, The Town should dedicate a full-time staff person to coordinate the myriad efforts, current and new, around internal and external communication. While an additional full-time position is likely not feasible, reallocation of a current position for this purpose is important. This coordinator should report directly to the Town Manager’s Office. This is necessary given the size of the Town’s budget, the activity of the municipal organization, the expectations of an educated electorate, and the growing complexity of the community.

Modernize Communications.

Several residents urged the Town to employ more modern technology and techniques to communicate with today’s households. In fact, the Town has focused much of its recent attention on the dissemination of information using social media: Facebook, Twitter, and Instagram. These efforts have been very successful. Since early 2020, social media accounts signed up to receive a variety of reports from Town have increased 77 percent. Subscribers to News Flashes²⁴ have doubled and routine posts range from 1,000-5,000 accounts; critical messages were posted to 10,000-15,000 accounts.

²⁴ A “News Flash” is an email blast sent by the Town administration to subscribers on a myriad of topics, customized by each subscriber from a menu of subjects, ranging from public works road closures to Select Board agendas.

The development of Precis and improved “tagging” of archived information will further enhance the use of social media. The flexibility employed by the Town’s communication model permits the user to frame the content they wish to receive.

The Town’s adopted model also decentralizes site maintenance, thereby reducing the burden of preparing the Precis.

The Committee recommends that the Town continue to place a high priority on the expanded use of social media to disseminate critical information to town residents.

Non-governmental News Gathering Organization.

Several residents commented on the absence of a robust news bulletin/newspaper independent of the Town that provides coverage of Town activities on a frequent basis. This news reporting provides residents with an on-going discussion of most major issues from an independent lens. Typically, these news organizations are for-profit entities. The for-profit news industry has been severely challenged by social media and on-line advertising and in many cases, newspapers are struggling to stay in business.

In response, several communities have encouraged the development of a non-governmental news gathering service that provides the desired third-party independence. Some of these organizations have the benefit of a local sponsor such as the Chamber of Commerce or the League of Women Voters. Others meet their expenses by a modest advertising stream. In some communities, residents have formed a local non-profit news provider that covers various town events and governing decision-making. It is important that such an enterprise not be sponsored by the Town. Independence is essential in such a service.

The Committee recommends that the community encourage the development of a non-governmental enterprise to gather news relevant to residents. There are several examples of such enterprises already in existence elsewhere around New England and the United States.

Enhancing Civic Awareness.

Andover is a sought-after community because of its location, downtown, conservation land, high-quality education, and its reputation as a well-run community. As a result, many new families move into town each year. Often, these new residents have little or no exposure to Andover’s form of governance, i.e., Open Town Meeting. Therefore, it is in the Town’s interests to ensure that its electorate is well informed on matters of governance. Open Town Meeting is the purest form of democracy, but participation can be confusing.

Andover has enjoyed decades of successful growth using the Open Town Meeting form of governance. Much of this success is attributable to the hundreds of volunteer citizens who commit countless hours serving on boards and committees advising the Town’s leadership and legislature on matters of good government. It is imperative that Andover continue to encourage this outstanding resident engagement. An educated electorate is a participatory electorate.

The Committee recommends that Andover conduct a comprehensive civic education program. It should start with “Welcome to Andover” (OTM 101) module and follow with a more in-depth instruction of how Open Town Meeting works and how to participate. The Town is currently considering the development of a “Citizens Academy.” The Committee supports this initiative.

These latter modules may be integrated with the modules developed for the civics education now required of all Massachusetts high school students. Resources at Merrimack College may be very helpful in the development of adult learning modules.

Enhancing Residents’ Engagement in Projects & Initiatives.

The Town has a model for enhancing resident engagement in key projects. That model should be proliferated and used in major Town initiatives.

When faced with the management of a large or complex capital building project, the Town forms a “Building Committee” to provide advice and outreach as the project moves forward. The “Building Committee” itself has representatives from several of the key project stakeholders. The Building Committee conducts a number of public forums to seek input from the community. A project portal is built with access granted to all. Elected officials are briefed of progress on a regular basis. Representatives of the principal Town administrative departments are appointed to the committee ex-officio to provide improved internal coordination.

There are dozens of projects and initiatives executed each year that do not include the aggressive outreach and communication efforts undertaken by a project with an assigned Building Committee. A sound outreach program for these projects is essential.

Including all of the projects in the Precis ensures that the decisions and status of all projects are conveyed to a large population of potential stakeholders. Employing the model that the Town has adopted for newsletters permits each resident to tailor their communications with the Town to only those projects/initiatives that the resident is interested in following. But the “push” attributes of Precis ensures that a broad base is notified.

In summary, the Committee recommends the following:

1. The Town should dedicate a full-time staff person to coordinate the myriad efforts, current and new, around internal and external communication. While an additional full-time position is likely not feasible, reallocation of a current position for this purpose is important. This coordinator should report directly to the Town Manager’s Office. This is necessary given the size of the Town’s budget, the activity of the municipal organization, the expectations of an educated electorate, and the growing complexity of the community.
2. A regular digest, or Precis, should be provided to residents conveying information about the administration and public bodies. This resource would provide “tagged” information sources and should be customizable per resident interests (as the News Flash service is).

Public bodies should be required to submit information to this resource to ensure that it is not exclusively administration-focused and administration-driven.

3. Website videos of public body meetings should be “tagged” to allow residents to quickly and easily skip to portions of meetings that interest them.
4. New residents should be welcomed to Andover with information about our Open Town Meeting form of government.
5. A “Citizens Academy” should provide in-depth information to residents about different aspects of Andover’s government and civic system.
6. Civics information should be shared with residents through inserts included in excise tax bills.
7. Enhance content provided by social media, included “tagged” videos and minutes, etc.
8. More aggressively advertise the News Flash service.
9. Wherever possible, boards and committees should live-stream and broadcast their meetings, and take public comment from remote participants.
10. Encourage other stakeholders to explore the facilitation of a non-governmental news gathering operation. This entity may be a nonprofit organization or a public benefit corporation.

C. Tier Two Secondary Issues

The Committee then turned to seven topics comprising tier two of its non-form of government study. This was the final chapter of the Committee’s study.

i. Long-Term Financial Planning.

The Committee investigated the Town’s processes for long-term, strategic, and financial planning. This included meeting with the Town’s Finance Director, Office of the Town Manager, and Finance Committee members. These conversations and public presentations touched upon the entire capital and operating budget process. Paramount to the Committee is that the Town’s governance facilitates prudent long-term planning that mitigates financial risks.

The Committee recommends that long-term, financially sustainable fiscal planning and forecasting be proposed by the Town Manager, who may consult with the Revenue & Expenditure Task Force, to the Select Board and used to inform the Capital Improvement Program, budget plan, and other fiscally relevant matters (e.g., land acquisitions). Such planning and forecasting should be done with a 10-year horizon and updated every five years. The plan should account for necessary fiscal expenditures, anticipated revenues, appropriate levels of indebtedness, etc.

ii. Government Business Process.

The Committee investigated a range of topics related to how the Town's governance processes affect, positively and negatively, the ability of businesses to operate in Andover. The Committee spoke with Town staff in various departments and divisions and spoke with local businesses.

Much of the Town's business processes fall outside the scope of the Committee's charge. However, the Committee recommends that steps be taken to improve governance-related processes that impact Andover businesses. For example, to expedite the issuance of permits, special permits, variances, and licenses, we recommend that Town public bodies with respective jurisdictions coordinate their reviews and approvals to allow an efficient process that does not sacrifice thoroughness, diligence, compliance with the law, and protection of the community's interests. By operating with an understanding of the larger regulatory context, public bodies can help businesses that often face challenges to acquire the municipal permissions needed to thrive and serve the community.

Also, the Town should enhance communication with and education of businesses about the municipal regulatory framework. Often, businesses, particularly small ones, do not understand the land use permissions granted, the inter-departmental review process, Town Meeting's role and procedures, the role of advisory boards (e.g., the Design Review Board) vs. permit-granting boards (the Zoning Board of Appeals), et cetera. The Town's Community Development & Planning Department, Town Clerk's Office, and Director of Business, Arts & Culture are resources to help educate businesses on how to navigate local government.

We further recommend that the Town Manager or his/her designee periodically report to the Select Board, not less than once every two years, on the state of and improvements to the Town's business processes.

Other improvements are, generally, either outside the purview of the Committee or are already being implemented in Andover.

iii. The Timing of Annual Town Elections.

The Committee noted that the status quo practice of holding Annual Town Elections on the fourth Tuesday in March and Town Meeting in early May presents challenges to the governance system. In particular, new officials elected to their seats in March have very little time before Town Meeting to apprise themselves of complex budget, zoning, and bylaw articles that will be decided at the May Annual Town Meeting. And, even when newly elected officials educate themselves, they nonetheless represent different political actors than the ones who led the multi-month process culminating in the imminent Town Meeting.

The Committee discussed whether to change the order and timing in which the Annual Town Election and Annual Town Meeting take place each year. The Committee considered three

options: (1) retain the status quo, (2) place the Annual Town Election after Annual Town Meeting, or (3) set the effective date for elected office-taking after Annual Town Meeting.

The sequence of events was the Committee's primary focus and the particular dates of the Annual Town Election and Annual Town Meeting (ATM) was a secondary question of less importance. The Committee considered the following options:

1. Status Quo: Election and Office-Taking Followed by Annual Town Meeting

- a. Con – Newly elected officials may be uninformed on the ATM warrant articles.
- b. Con – Newly elected officials won't be the "players" who formulated ATM warrant articles.

2. Change Election to After Annual Town Meeting

- a. Pro – Avoids newly elected officials at ATM who may be uninformed on the ATM warrant articles.
- b. Pro – Avoids newly elected officials at ATM who are not the "players" who formulated ATM warrant articles.
- c. Con – Putting the election after ATM injects intense electoral politics into ATM.
- d. Con – An election in May or June (i.e., after ATM) may run up against spring scheduling conflicts.

3. Keep Election Before Annual Town Meeting and Change Effective Date of Office-Taking to after Annual Town Meeting

- a. Proposed Dates:
 - i. Election – 1st Tuesday in May or keep at 4th Tuesday in March
 - ii. ATM – 2nd Monday in May
 - iii. Effective Date of Offices– 3rd Monday in May
- a. Pro – Avoids newly elected officials at ATM who may be uninformed on the ATM warrant articles.
- b. Pro – Avoids newly elected officials at ATM who are not the "players" who formulated ATM warrant articles.
- c. Pro – By keeping the election first, it keeps ATM from becoming a campaign rally for local candidates.
- d. Con – Elected officials may be defeated at the election and therefore be "lame ducks" at ATM. But all levels of government allow defeated officials to exercise authority after the election and before they take office.

The Committee recommends "option 3" as the best option for the reasons outlined above.

iv. Diversity, Equity and Inclusion.

The Committee acknowledges the important steps that the Town and its Select Board have taken toward addressing the issues of diversity, equity, and inclusion. At this time, the Committee did not wish to infringe – nor change – the focus that we are currently witnessing.

The Committee supports the work of the new Commission on Diversity, Equity, and Inclusion and are hopeful that the breadth of backgrounds on the Commission will make it well-placed to lead the community to a better understanding of these issues.

The Charge of the Commission is as follows: *The Commission on Diversity, Equity and Inclusion seeks to combat the realities of racism and intolerance in Andover by supporting programs, initiatives, education, outreach, policies and institutional change which contribute to an inclusive Andover; a community that embraces tolerance, inclusiveness and respect for all.*

The Committee applauds the new Town division, its focus on diversity and inclusion, and its commitment to work with all parts of Town government and our community. The division will provide resources and will take dedicated, thoughtful actions and initiatives to promote goals we aspire to in our town. The division will be part of the Community Services Department – Andover DIVERSE (Diversity, Inclusion, Values, Respect, Support and Education) whose purpose is to advance community-driven initiatives and engagement.

The Committee hopes these steps are just the beginning of an ongoing understanding of our Town, our country, and the world that we live in. The Committee further hopes that these active and vigorous efforts will impact all communities and will reach all levels of governance throughout the Town.

v. Residency Requirement for Town Manager.

In the past the question of whether the Town Manager and other senior Town officials should be required to reside in Andover has been raised. Andover still requires its Town Manager to be a resident of the town within a certain period of time after commencement of employment. In light of advances in technology, escalating housing costs, and the reality that Town Manager candidates likely have working spouses to consider, the Committee asked its consultant, Community Paradigm Associates, to review residency requirements in Massachusetts cities and towns. Their report concluded that while residency requirements were common 20 or more years ago, very few communities currently maintain a residency requirement for their manager/administrator.

There is no central registry of information on this topic, but available data²⁵ suggests that less than a dozen Massachusetts communities retain a residency requirement for its chief executive.

²⁵ Appendix 7 contains research prepared by Community Paradigm Associates and considered by the Committee.

Many communities, including Hudson and Blackstone, removed those requirements in 2021, as they substantially impede recruitment and significantly limit the potential pool of applicants who did not want to relocate their families.

The Committee had a robust discussion regarding retaining or removing the residency requirement. Some felt that officials who live in Andover have more ownership and commitment to the town. Others felt that managers might act more objectively if they do not live within Andover, as they would have no personal vested interest in particular outcomes. All acknowledged that the advances in technology, especially given the ability to instantly connect via remote meeting platforms, substantially negated any concerns about accessibility to residents or Town staff. Also, the Committee is concerned that Andover's expensive housing market would dissuade potential candidates from entering a search for a job that requires buying housing, potentially for a family, in Andover. Candidates with working spouses or partners, other personal matters or school-aged children may decide that applying to lead Andover is simply not worth the disruption to their lives.

While the benefit and allure of a resident manager was not lost on the Committee, the Committee felt that no consideration is more important than attracting the best and most capable candidates to lead the Town government. Therefore, the Committee recommends that the Town remove the existing residency requirement for the Town Manager.

vi. Ranked-Choice Voting.

Ranked-choice voting is not widely used in this country in elections at any level, but it is emerging. Some contend that it makes the results of elections more representative of the will of the voters, especially in elections in which there are large numbers of candidates and split votes are likely to influence the outcome. Others contend that the added complexity makes it harder for voters to comprehend the process and thereby potentially disenfranchises them and also stresses the administration of the election. Thus, the Committee posed two questions: (a) do the benefits outweigh the disadvantages for Andover local elections or *vice versa*, and (b) might ranked-choice voting potentially impact sufficient Andover elections to even justify the additional complexity?

The Committee studied the results of all 15²⁶ Select Board and 14 School Committee elections since 2008.²⁷ It was found that there were enough candidates in nine of these elections to support ranked-choice voting and that there were sufficient votes cast in four of these for the candidates who were not elected for it to be mathematically possible for one of the unelected candidates to overtake a winner. To further refine these results, the Committee considered the dynamics of each of the four elections in detail.

²⁶ There were two separate votes for Select Board on the ballot in 2001, one to elect a member for one year and one to elect a member for two years. They had different candidates so have been treated as two elections. Appendix 8 contains the research considered by the Committee.

²⁷ The results of all local elections since 2008 are available on the Town website and these were used as the sample.

- In one of these, three candidates for two seats received almost a third of the votes each, although there were sufficient votes amongst the losers to overcome the very small margins between them. The candidates stood on very similar platforms, and the Committee felt that each was similarly attractive to the electorate. Second-choice votes might have been cast in such a way that any two of the three candidates might have won under ranked-choice voting. The Committee felt that it was possible that the outcome of this election might have been different had Andover used ranked-choice voting. That said, as the three candidates were very similar, one might argue whether the will of the voters would have been better expressed in this case.
- In a second, again three candidates for two seats, the margin was larger but not unsurmountable by any means. However, the third-placed candidate stood on a very different platform to any of the other candidates, while the remaining candidates were broadly similar. Thus, the Committee thought that it unlikely that the outcome would have been different under ranked-choice voting, but could not categorically discount this.
- The Committee did not believe that ranked-choice voting could affect the outcome of the other two elections. In one, two very-well regarded incumbents were re-elected whereas all challengers were standing in their first election. The margin in the other election was so high that it was only just mathematically possible for ranked-choice voting to affect the outcome.

As it is possible that ranked-choice voting might have led to a different outcome in only one or at most two of the 29 elections studied, the broader question of whether benefits of ranked-choice voting outweigh the disadvantages for Andover local elections or *vice versa* is rendered moot. The Committee recommends that ranked-choice voting should not be pursued further in Andover at this time.²⁸

vii. Recall of Elected Officials.

Andover does not have a provision in its Charter or Bylaws for voters to remove an elected official. The Committee was somewhat reluctant to recommend a change in this regard in what might be viewed as proposing a solution without an underlying problem. But on balance, Committee believes a recall mechanism is appropriate.

Several Committee members expressed mixed views on the merits of a recall provision. The Committee detected no demand by Andover voters for a mechanism to remove incumbent elected officials. The Committee was also concerned that any mechanism to remove elected officials could be abused for political purposes, by single-issue constituencies, or in an attempt to overturn often difficult decisions by the very officials who were elected to make those decisions. A recall provision might dissuade talented residents from seeking elected office. It might also have a chilling effect on decision-making.

²⁸ In 2020, Question 2 on the State ballot asked voters to approve ranked-choice voting for State elections. This was defeated 55% to 45%, with Andover voters also voting 55% to 45% against. This information is provided purely as background, the Committee did not feel bound by this result

Conversely, Committee members noted that the Town currently has no formal mechanism, other than public persuasion, to remove an elected official even for the most egregious infractions, such as criminal offenses or other actions deemed so significant that an official no longer has the ability or mandate to perform his or her duties. Although no instance has been seen in which such a mechanism would have been invoked if available in Andover, there have been several examples in other communities. Indeed, many of Andover's peer communities have recall provisions.

On balance, the Committee felt that some mechanism to remove elected officials should be put in place, and that it is important for this to happen before it is needed. The Town should not wait until a serious problem has arisen and only then attempt to develop a remedy. In local government, one actor can have an enormous influence on the lives of residents – if an actor is unfit to exercise that enormous authority, there must in prudence be a remedy.

While a recall provision is the common mechanism, the Committee also considered other options. Of these, automatic removal of elected officials in specific situations was the most interesting. However, the Committee acknowledged that this would not be practically feasible. For example, one might postulate that an elected official should be automatically removed from office if convicted of a serious criminal offense. However, in practice, it would be improper to remove the official until that official had been convicted and exercised a right to appeal, which may be long after the alleged offense.

As another example, while repeated abusive or disruptive behavior during meetings would seem to be reasonable grounds for removal, it would not be possible to define in legislation what would constitute these behaviors. Thus, the Committee determined that a recall mechanism is the only practical solution, but that there must be an exceedingly high barrier for initiation to prevent abuse.

The Committee formed a subcommittee to review the potential problems a recall provision may generate, what criteria should be established to initiate a recall, how many voter signatures might be required, and the process by which an election to replace a recalled official would take place. The Committee reviewed the recall provisions in several town charters, applicable State law, and conducted extensive debate on the benefits and risks of recommending that Andover adopt a recall provision.

After being provided this background research,²⁹ the Committee voted 6-1 to support in principle the adoption of a recall provision that establishes a high level of voter engagement in order to proceed with recalling an elected official. These recommendations are similar to those followed by other towns and are consistent with the minimum requirement for an Andover resident to file signatures to run for office. The Committee recommends that the following thresholds, or similarly high thresholds, apply in relation to an effort to recall an elected public official. Note that each of the four phases of a recall are described separately.

²⁹ Appendix 9 contains research prepared by Community Paradigm Associates and considered by the Committee.

1. To receive petition pages/provide notice of recall attempt – 50 signatures, or whatever is required under State law to become a candidate for local election. The notice must state the grounds for recall. However, there should be no limitation on which grounds can support a recall effort as any limitation would be difficult to legislate and easy to circumvent. Separate petitions are required for each elected official targeted for recall. Within business five days of certification, the Town Clerk will issue blank petition pages to petitioners.
2. To call a Special Recall Election – Certified signatures from 30% of registered voters (today around 7800 voters) must be provided. Petition pages must be returned by petitioners within 20 days of the pages being given to the petitioners by the Town Clerk. There would be no need to specify any geographical distribution to prevent one aggrieved locality invoking the process, as the required total number of signatures could only be reached with broad support from across the town.
3. To qualify a candidate for the ballot – The standard ballot/candidate threshold for local elections (today 50 signatures) applies.
4. To recall & elect replacement official – There would be two votes on the recall election ballot: the first determines whether the elected official should be recalled; the second determines who, if a recall has been approved, should be elected to the now-open seat. A simple majority of votes is required to recall the elected official(s); and the candidate receiving the most votes is elected to serve the balance of the unexpired term. The recalled candidate remains on the ballot in the resolution of question two.

Ultimately, the Committee recognized that State and federal governments, as well as many Massachusetts communities, provide a means by which an elected official can be removed and replaced. As a matter of logic and good governance, Andover voters should not be absolutely deprived of the ability to remove an official elected by voters.

Section 8. Conclusion.

The Committee members have been honored by the work entrusted in their care over the last two and a half years. We thank the Town Manager and Select Board for creating this Committee, supporting its work, and receiving this report.

We also wish to thank the dozens of Andover residents who met with Committee members, attended forums, spoke at Committee meetings, submitted written comments, and followed this Committee's winding journey. The questions, suggestions, and comments from residents prompted new and deeper investigations by the Committee and made this effort eminently more successful.

We also wish to thank Jamie Doherty in the Town Clerk's Office for administratively supporting the Committee during a time when a Presidential Election cycle and COVID-19 already presented her with a full plate of work.

Through 68 Committee and subcommittee meetings, we have approached the Committee's charge with our best good faith effort. Our sincerest hope is that this report will give Andover pride in its governance and a roadmap for continued improvement.

Report of the
Town Governance Study Committee
Appendices

Appendix 1 – United States Census Bureau Information About Andover and Peer Communities

See following page.

		Massachushtts	Andover	Arlington	Bedford	Burlington	Chelmsford	Lexington	Needham	N. Andover	Reading	Wellesley	Westford	Winchester
Population		7,029,917	36,569	46,308	14,383	26,377	36,392	34,454	32,091	30,915	25,518	29,550	24,643	22,970
Population Change 2010-2020 (%)		7.3	10.1	8.1	8	7.7	7.7	9.7	11	9	3.1	5.6	10.1	7.5
Persons Under 18 (%)		19.6	24.2	21.3	25	20.5	20.7	27.1	26.9	24.2	24.2	25	26.3	28.6
Persons Over 65 (%)		17	14.8	16.7	17.3	19.7	18.8	19.6	18.9	15.9	17.5	14.8	13	17.7
White Population (%)		71.1	75.8	75.8	74.2	71.5	85.2	62.7	82.6	81.4	91.1	76.6	76.1	79.5
Black Population (%)		9	2.7	3.1	4.1	4.5	0.9	1.3	3.1	3.6	0.4	2.9	0.9	0.3
Asian Population (%)		7.2	14.7	12.3	15	16.3	9.2	30.1	8.9	6.1	4.4	12.4	19.8	14.6
Hispanic/Latino Population (%)		12.4	4.9	4.9	3.8	3.1	3.3	2.1	3.2	6.3	3	5.1	1.5	2.1
Foreign Born Population (%)		16.8	17.4	19.6	18.8	23.8	10.9	28.8	13.9	11.9	8.2	16.9	15.4	18
Language Other Than English Spoken (%)		23.6	20.3	20.8	19.2	26.4	14	33.6	17	15.1	8.6	20	17.7	21.8
Owner-Occupied Housing (%)		62.4	81.3	58	73.9	73.6	84.3	81.7	83.9	71.4	84.1	82.1	86.2	86.4
Number of Households		2,617,497	12,801	19,065	5,312	10,001	13,564	11,811	10,801	11,112	9,191	8,449	8,571	7,884
Persons per Household		2.52	2.67	2.36	2.58	2.76	2.58	2.79	2.79	2.67	2.71	2.85	2.84	2.85
Median Home Value		\$ 381,600	\$ 620,500	\$ 642,200	\$ 655,300	\$ 533,800	\$ 400,500	\$ 889,700	\$ 855,300	\$ 505,400	\$ 562,800	\$ 1,149,100	\$ 531,300	\$ 943,800
Bachelor's Degree (%)		43.7	74.5	70.9	71.8	56.9	56.5	84.7	76	56.9	64.4	83.8	67.4	77.3
Percent of Households in Civilian Workforce		67.2	67.9	71.5	66.8	66	67.9	64.8	65.4	66.7	70.9	59.3	70.1	66
Median Household Income		\$ 81,215	\$ 151,334	\$ 108,389	\$ 128,354	\$ 118,721	\$ 116,111	\$ 186,201	\$ 165,547	\$ 108,070	\$ 132,731	\$ 197,132	\$ 144,917	\$ 163,323
Persons in Poverty (%)		9.4	4.1	5.2	2.9	3.8	3.6	3.2	2.7	5.6	2.8	4.4	2.1	2.3

Appendix 2 – UMASS Lowell Center for Public Opinion Andover Residents' Survey, Governance Insights

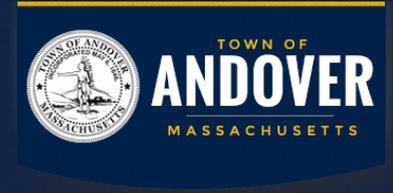
See following page.



2019 Andover Residents Survey Town Governance Insights

May 20, 2020

TOPICS



1. Methodology
2. Election Participation
3. Town Meeting Attendance
4. Reasons for Not Attending Town Meeting
5. Opinions on Town Meeting
6. Board/Committee Meeting Attendance & Viewing
7. Media Usage Preferences
8. Biggest Challenges Facing Andover Over the Next 5 Years

METHODOLOGY



Analysis done by UMASS Lowell Center for Public Opinion

3500-person sample

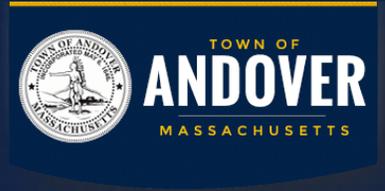
1004 completed responses – a 28.7% response rate

4.9% margin of error

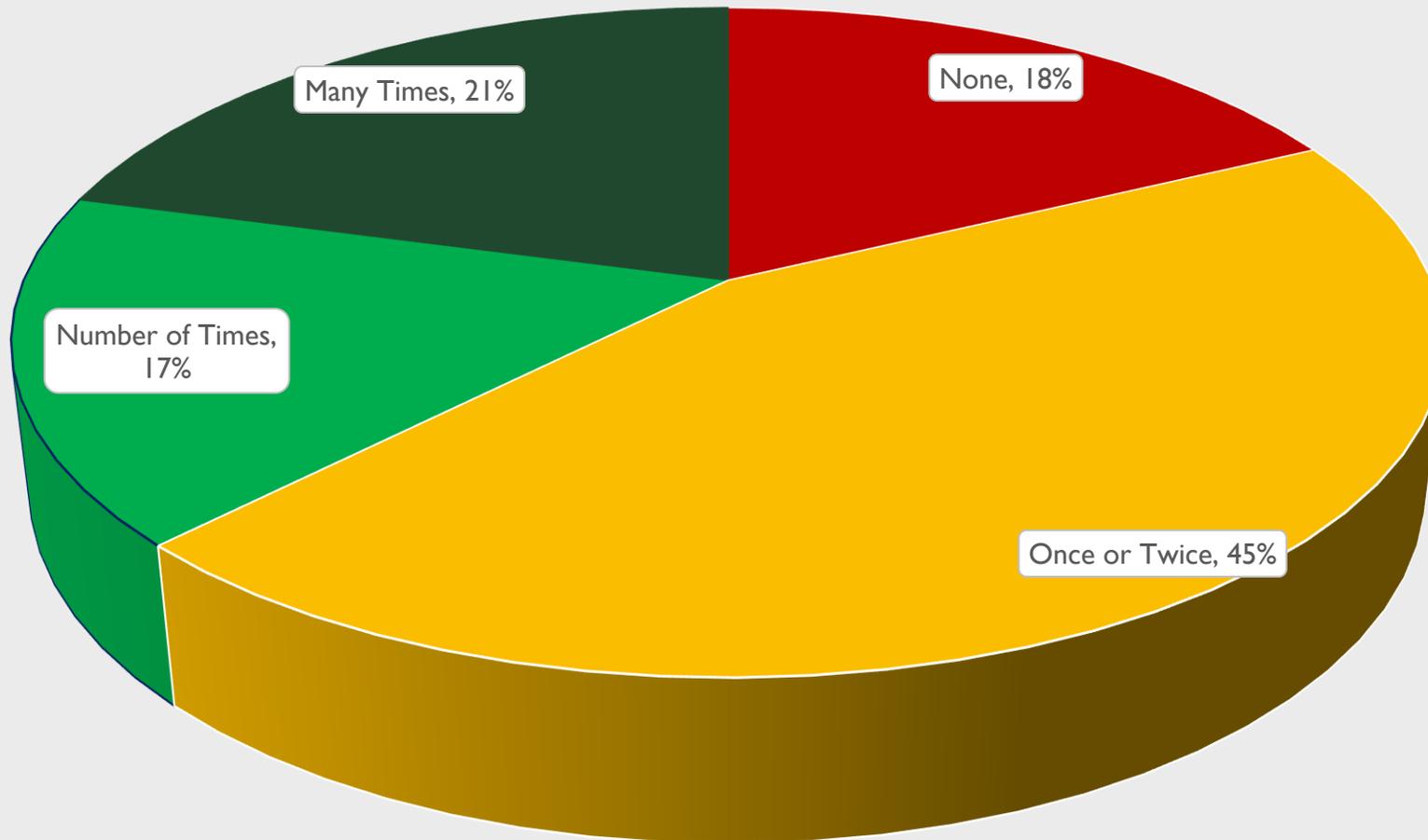
Weighted for age, sex, and education



ELECTION PARTICIPATION



Frequency of Voting Over Last 12 Months

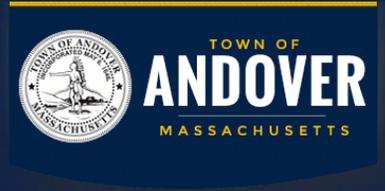


82% Voted in Last 12 Months

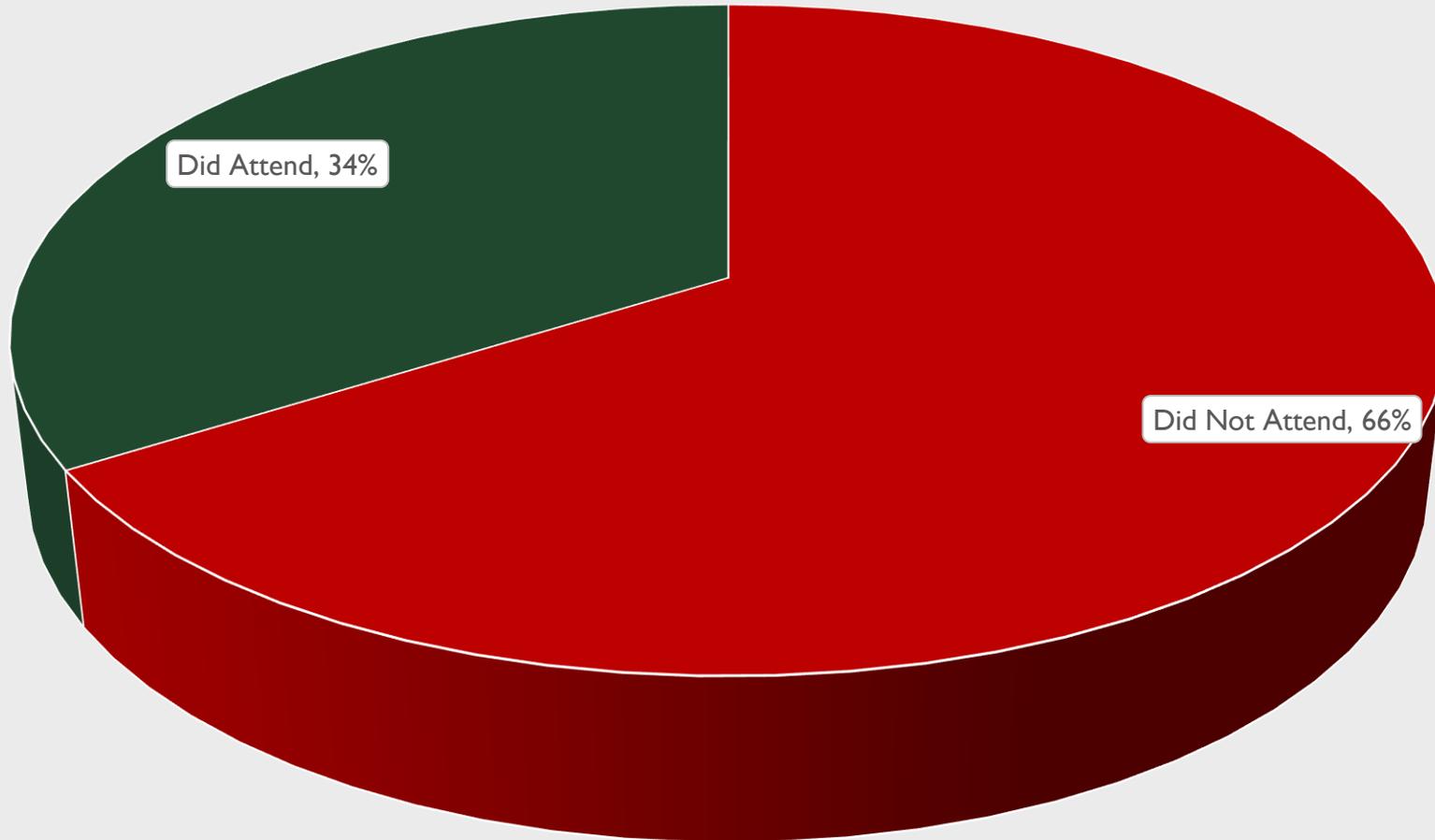
Older, Wealthier Residents More Likely to Vote

■ None ■ Once or Twice ■ Number of Times ■ Many Times

TOWN MEETING ATTENDANCE



TM Attendance Over Last 3 Years



1/3 Attended TM in Last 3 years

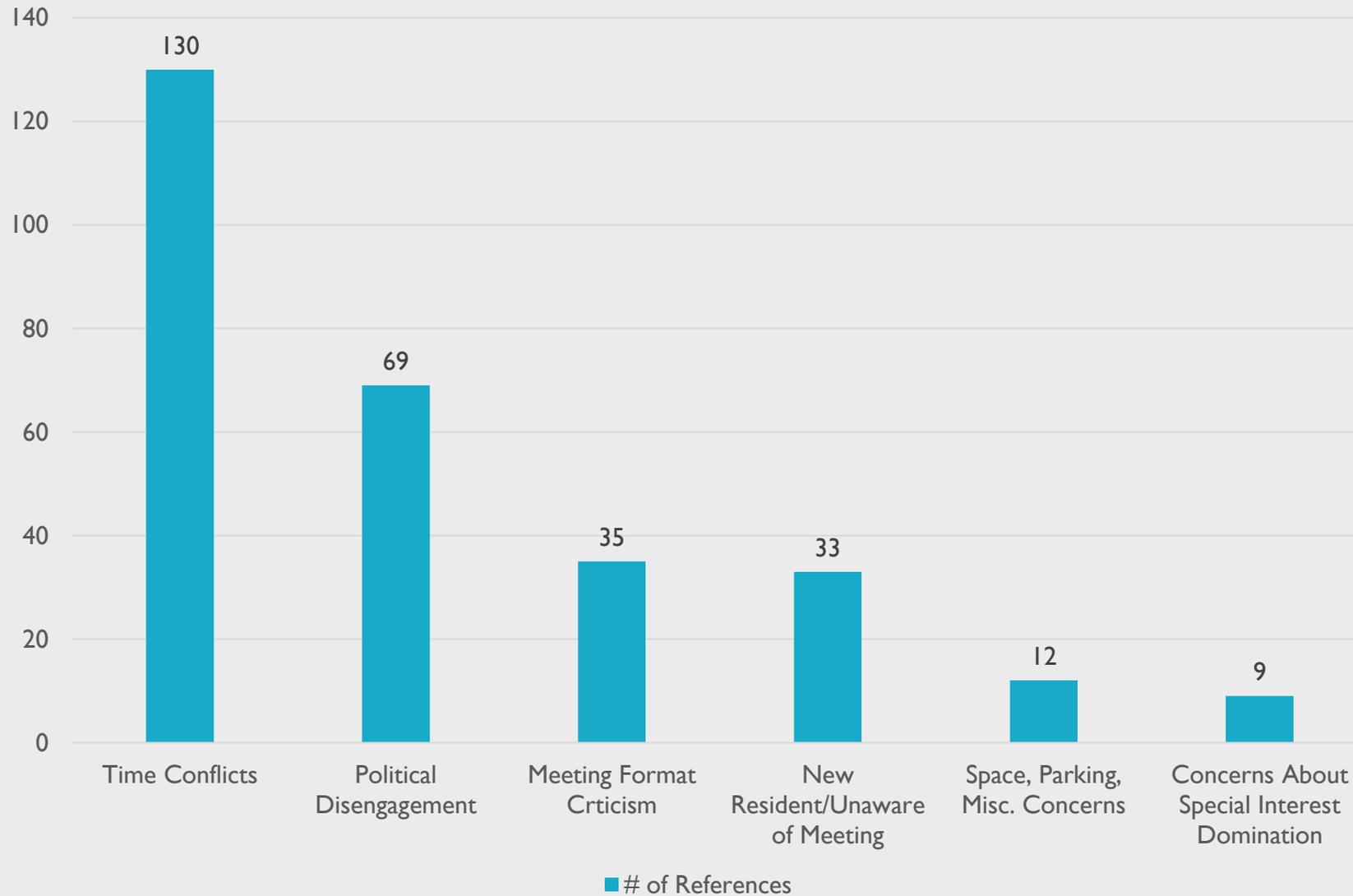
Older, Wealthier, & Parents More Likely to Attend

■ Did Not Attend ■ Did Attend

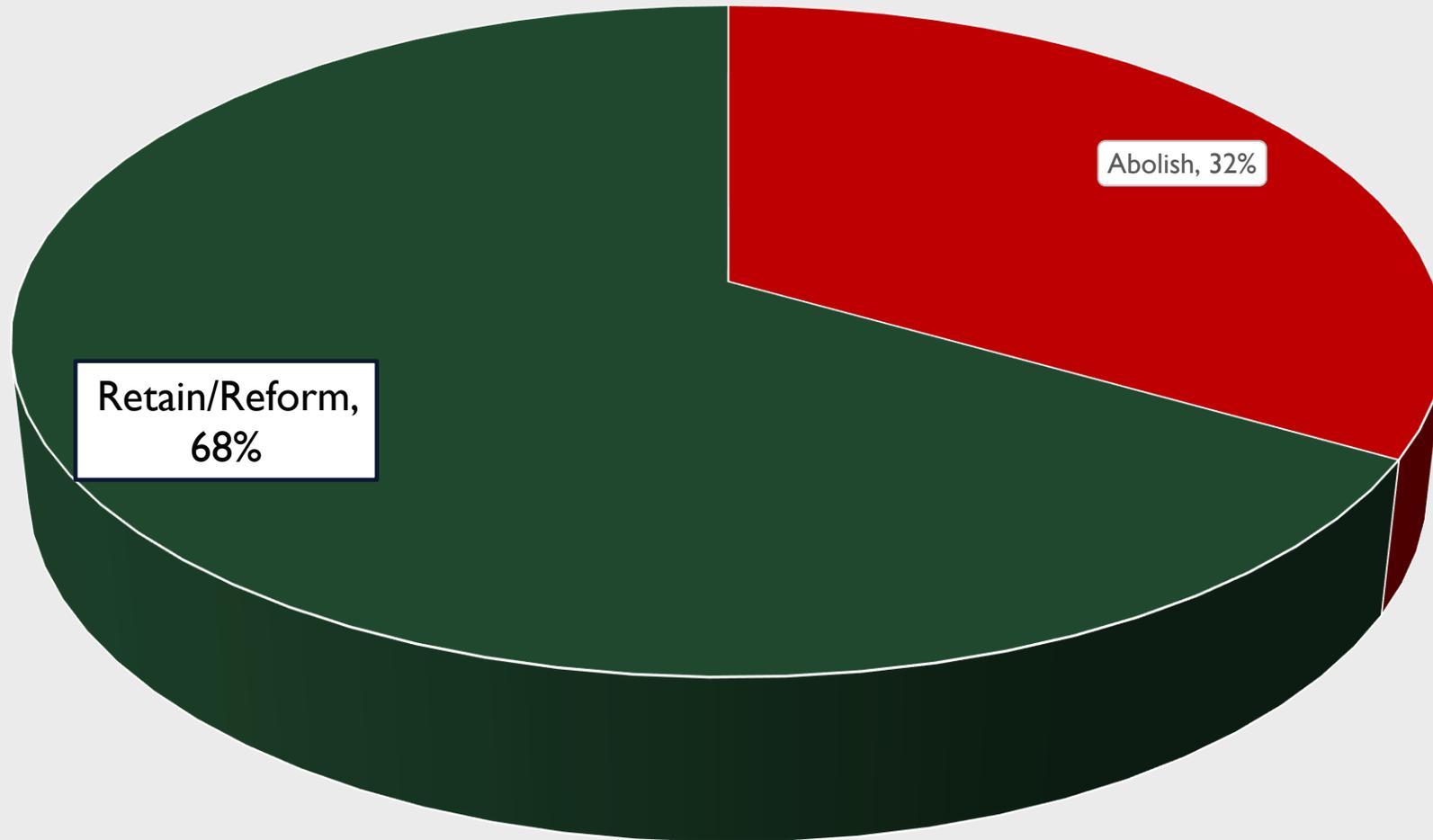
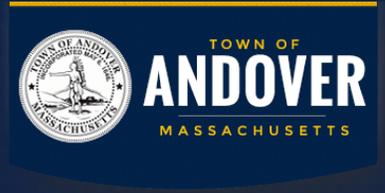
WHY RESIDENTS DON'T ATTEND TOWN MEETING



288
Responses

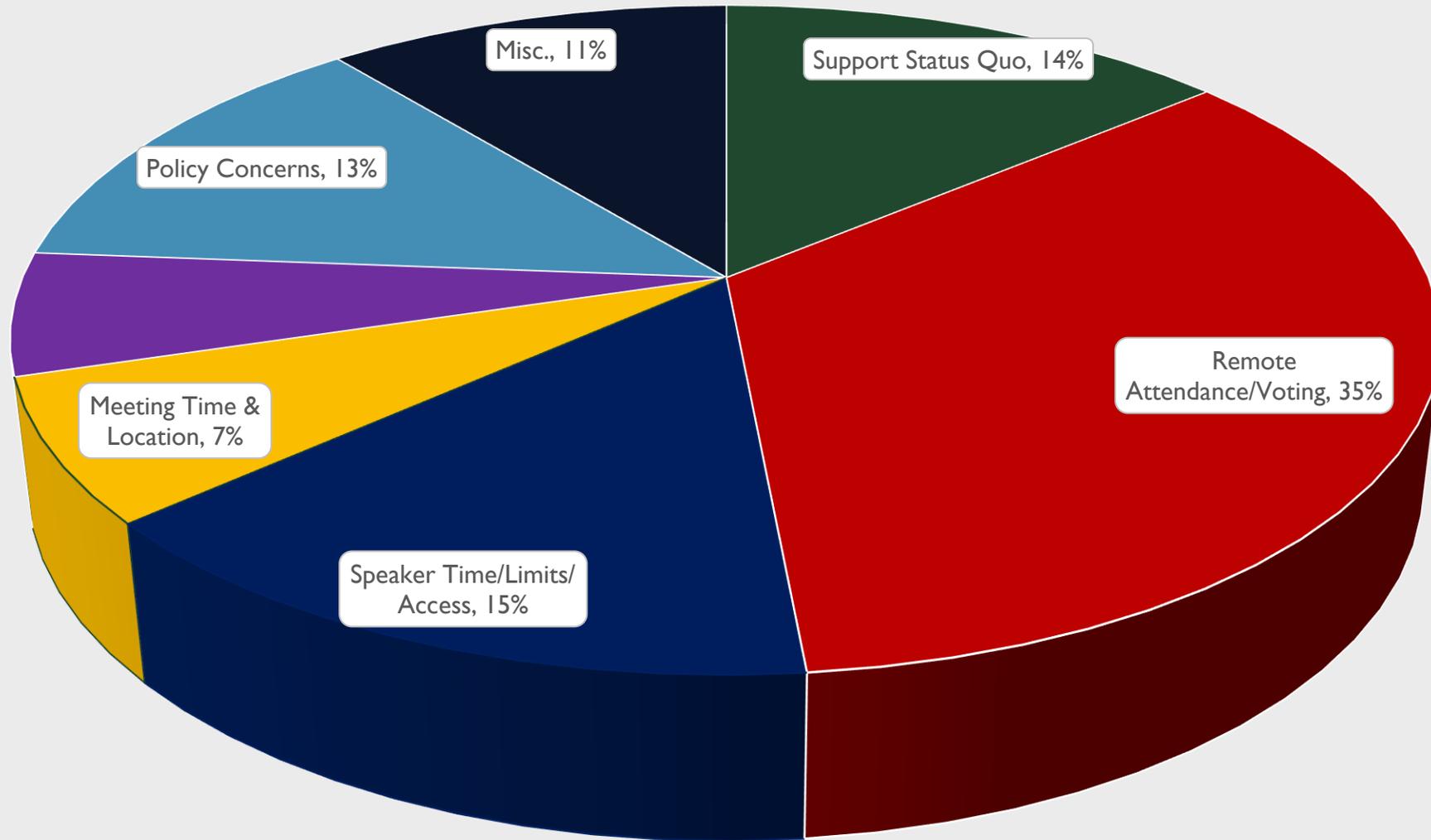


HOW TO IMPROVE OPEN TOWN MEETING?



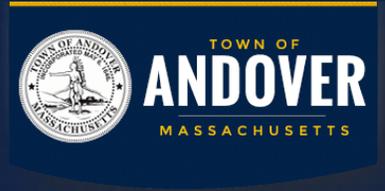
■ Abolish ■ Retain

AMONG THOSE WISHING TO RETAIN OPEN TOWN MEETING ...

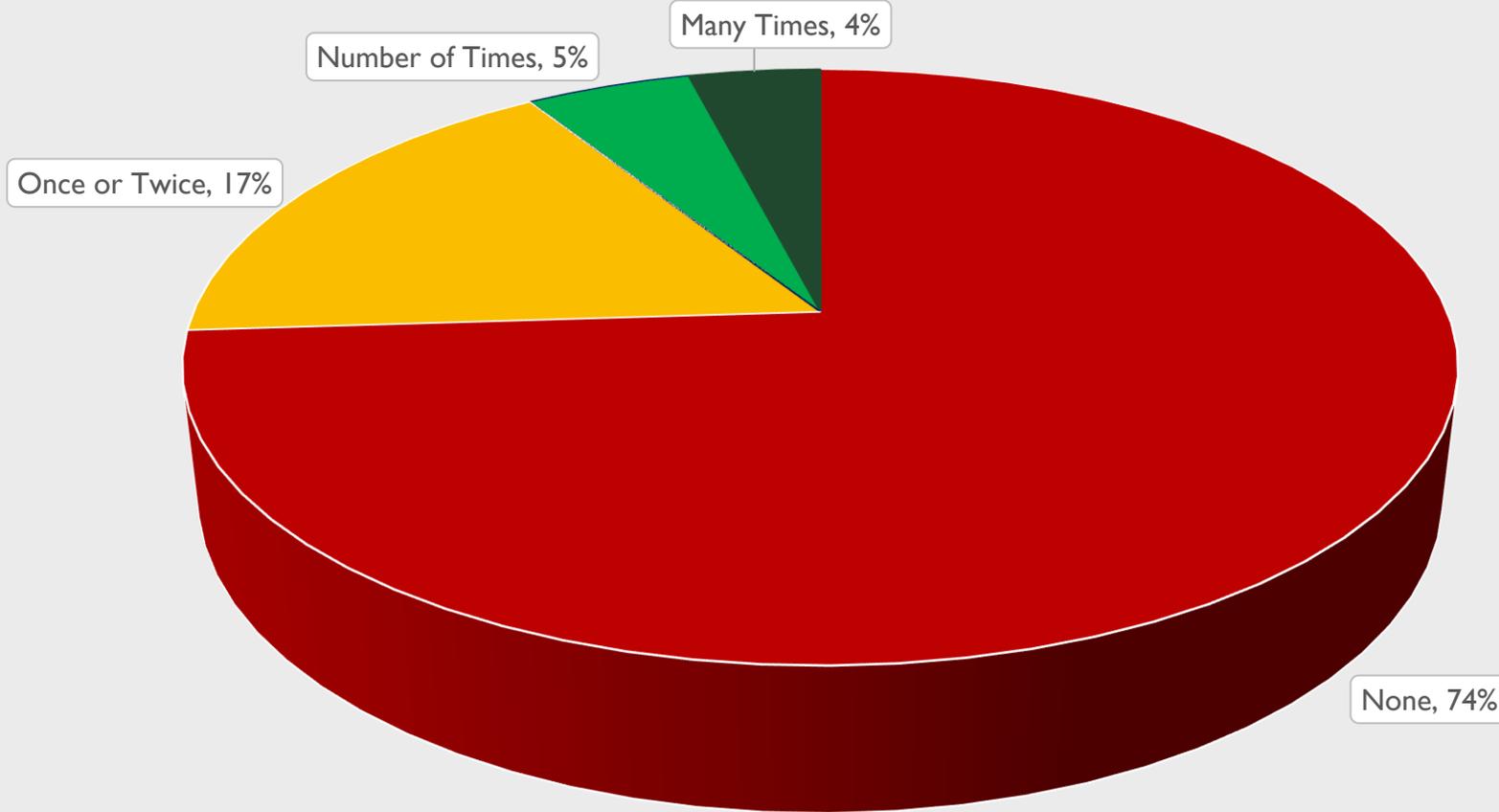


76% focused on remote voting, meeting time/location, civility, and speaker time/access

ATTENDED BOARD/COMMITTEE MEETING



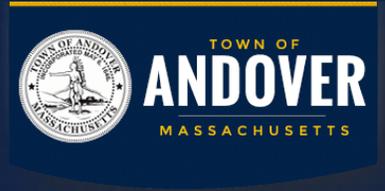
Frequency Over Last 12 Months



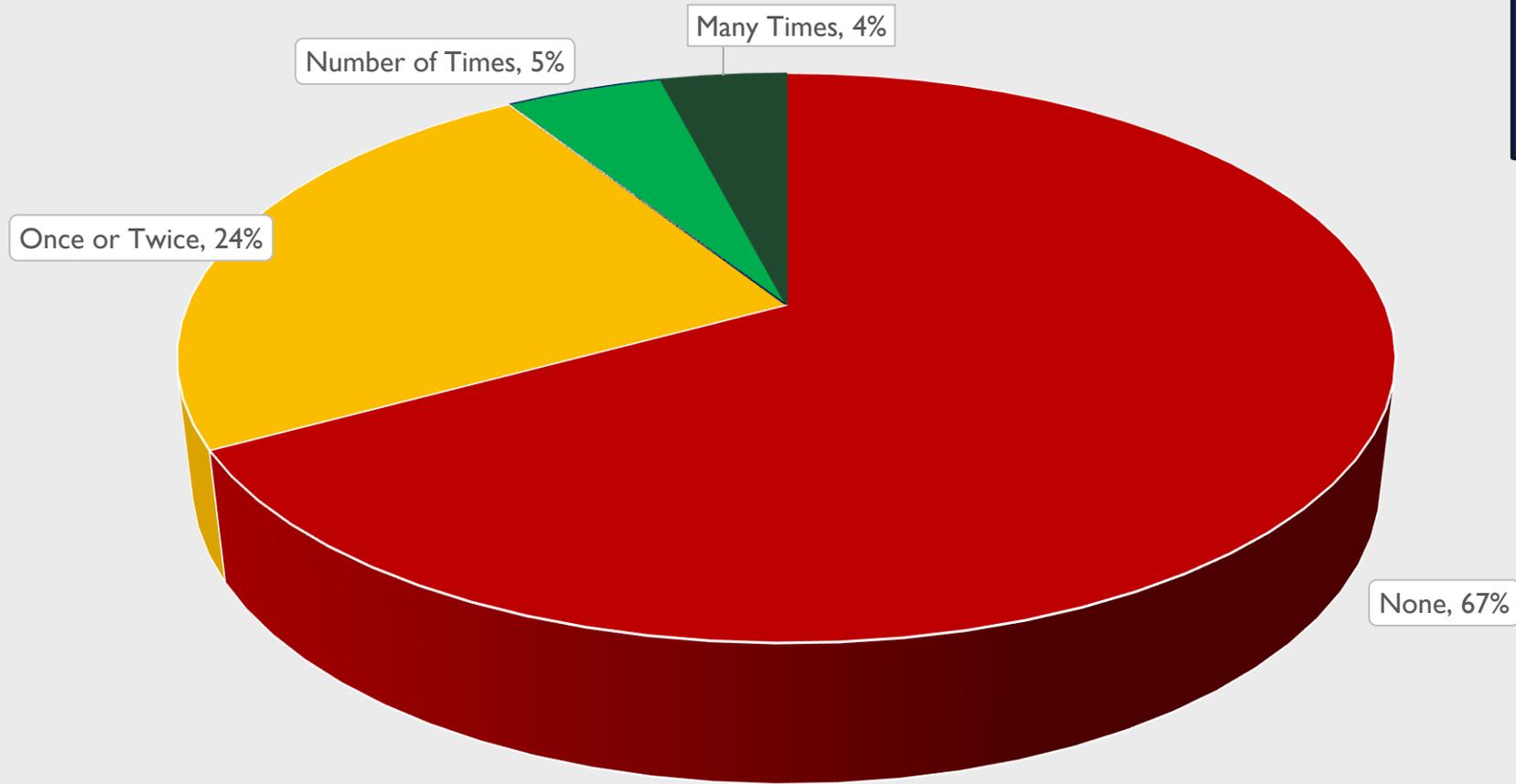
26% Attended Meeting in Last 12 Months

■ None ■ Once or Twice ■ Number of Times ■ Many Times

WATCHED BOARD/COMMITTEE MEETING ON TV



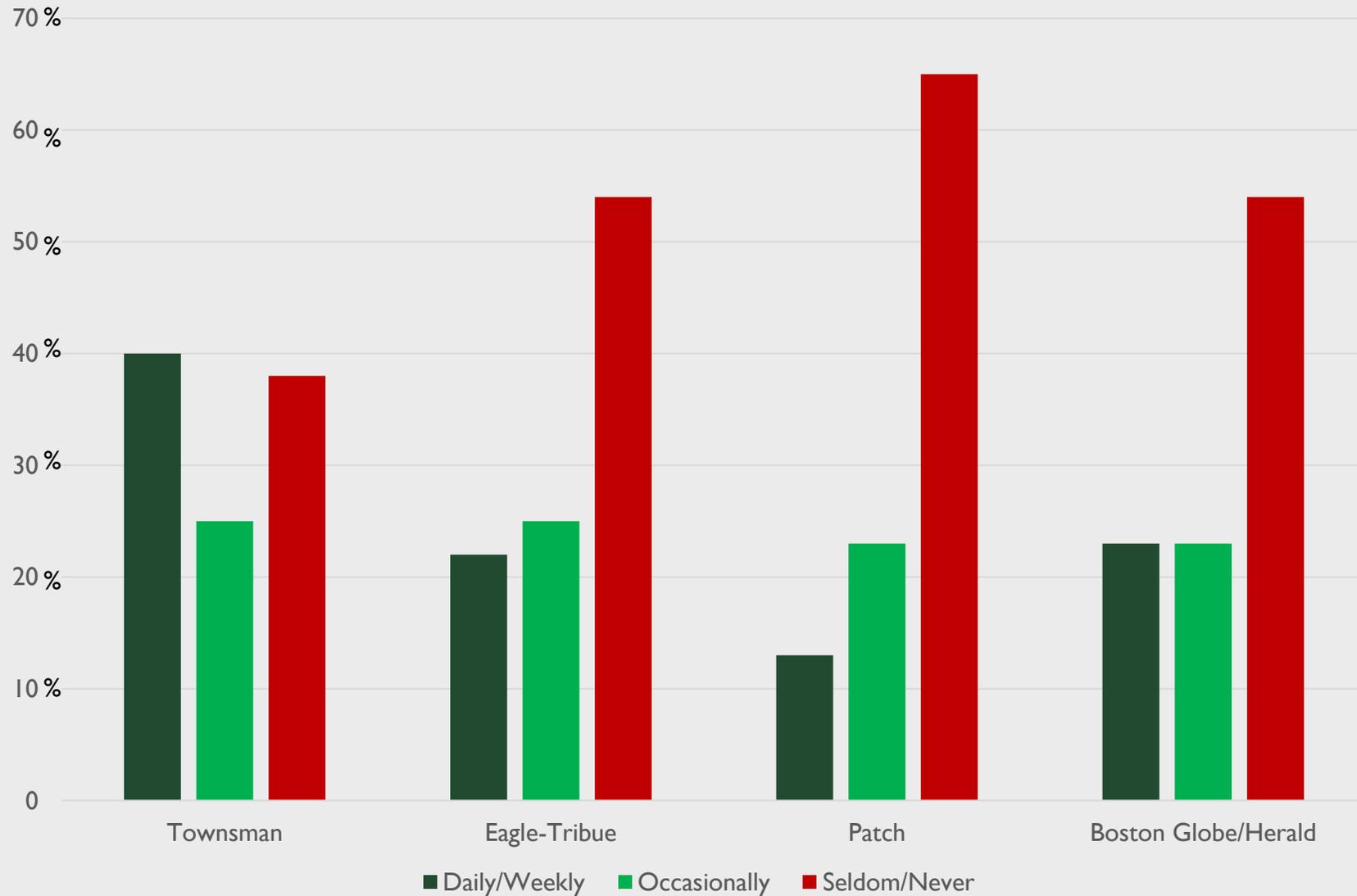
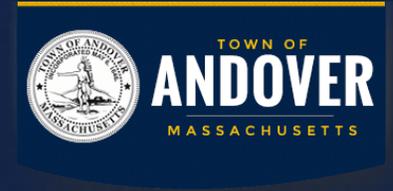
Frequency Over Last 12 Months



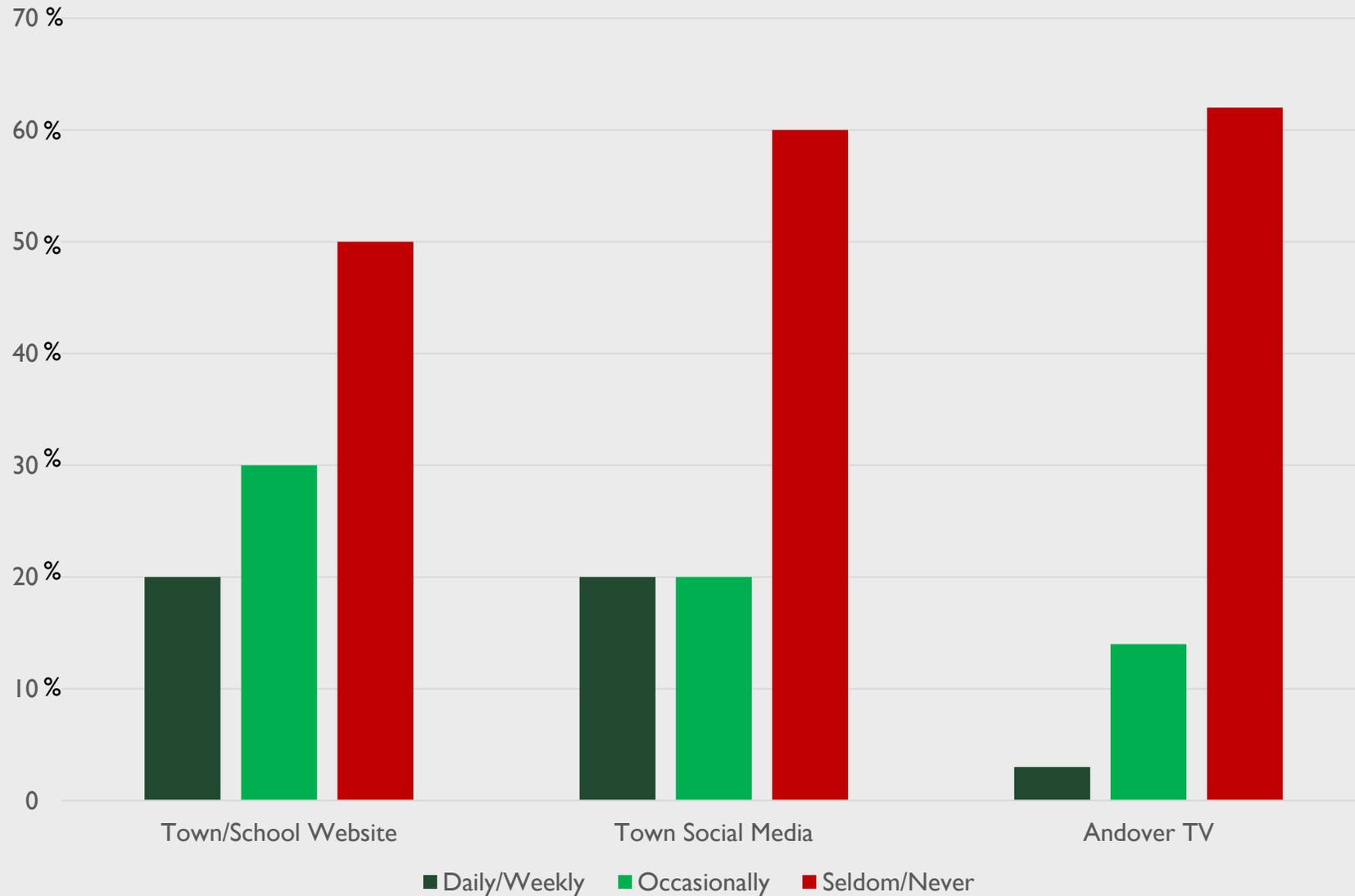
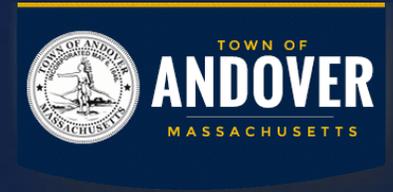
33% Watched Meeting in Last 12 Months

■ None ■ Once or Twice ■ Number of Times ■ Many Times

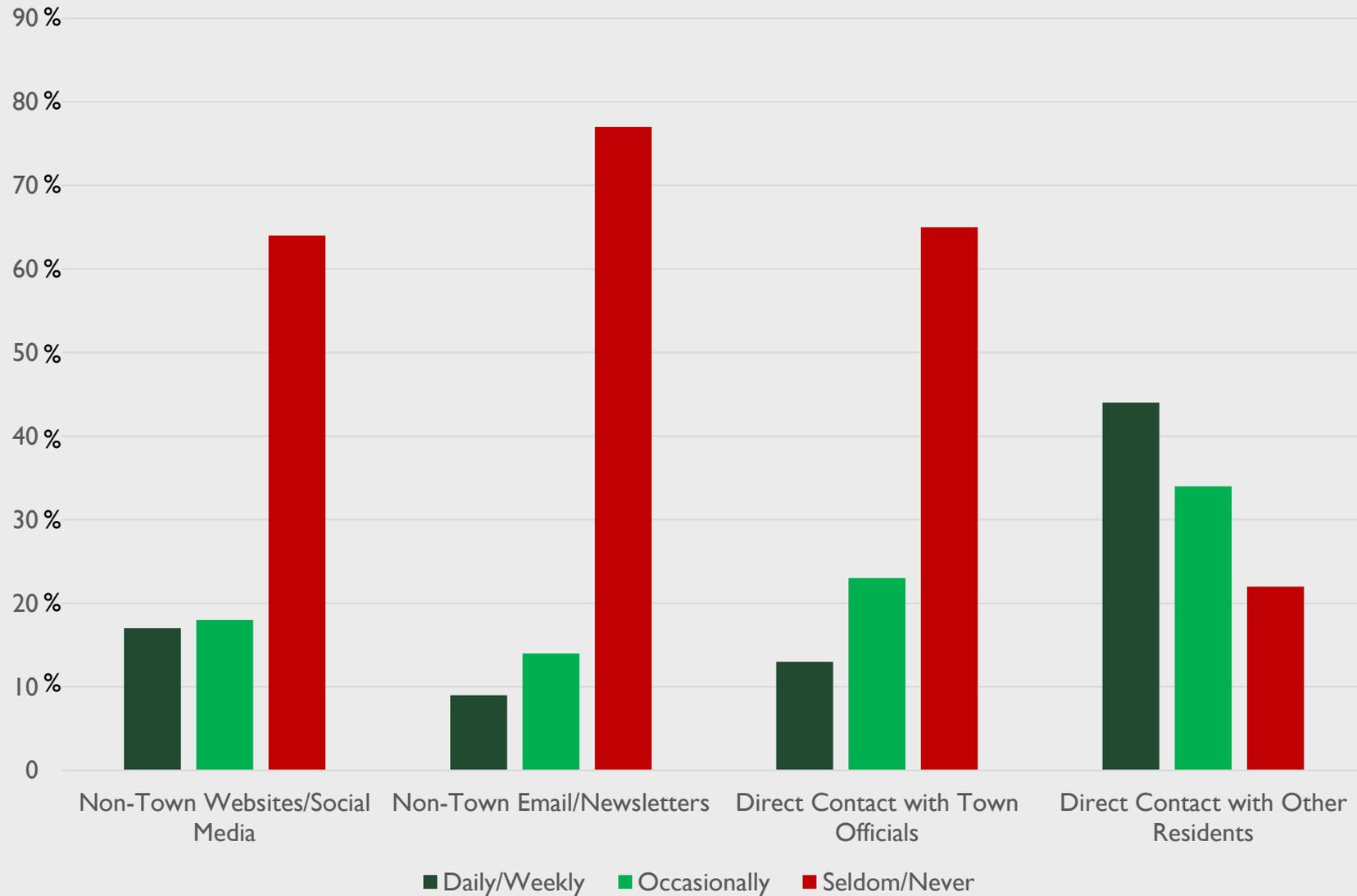
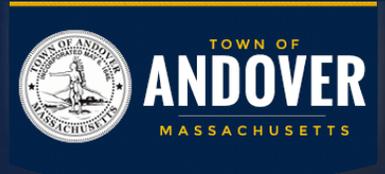
RESIDENTS' INFORMATION SOURCES



RESIDENTS' INFORMATION SOURCES

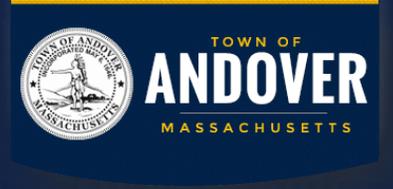


RESIDENTS' INFORMATION SOURCES

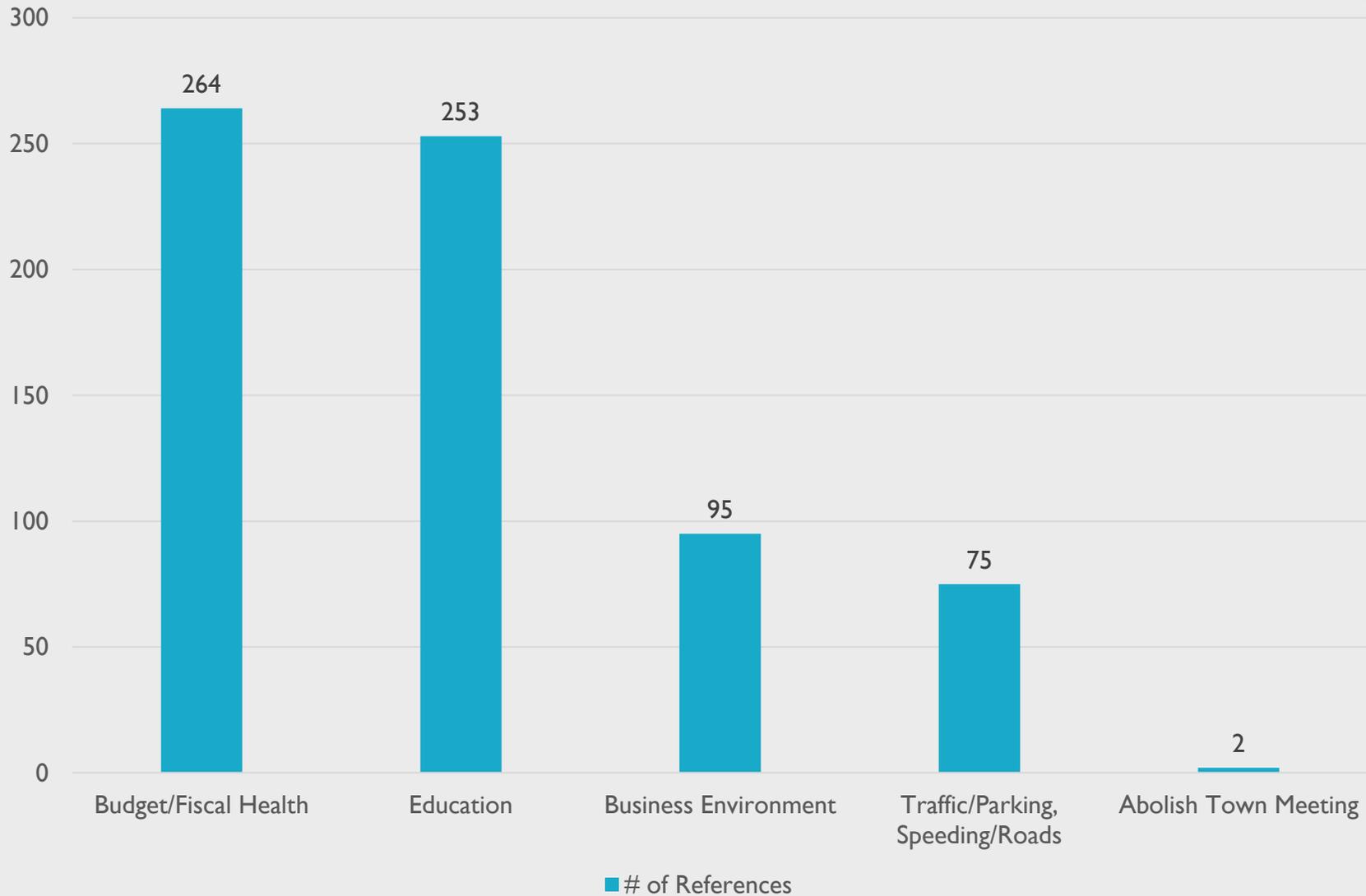


Townsmen and Other Residents Most Popular Sources

BIGGEST CHALLENGE FACING ANDOVER IN NEXT 5 YEARS?



619
Responses



Appendix 3 – Additional Information on Forms of Government

See following page.

FORMS OF MUNICIPAL GOVERNMENT

Statewide Totals

Municipalities with a city form of government: 59
 Municipalities with a town form of government: 292
 Mayors: 47 (of which 3 are part of a mayor-manager form of government)
 Manager-council form of government: 12
 Town administrators: 173
 Town managers: 76
 Town coordinators: 6
 Executive secretaries: 4
 Other (administrative coordinator, chief administrative officer, executive assistant, executive director, general manager, municipal assistant): 10
 Open town meetings: 259
 Representative town meetings: 33
 Three-member boards of selectmen: 147
 Five-member boards of selectmen: 144
 Seven-member town council: 1*

NOTES: Some communities with a city form of government still refer to themselves as a town. The above list of municipal positions reflects only the number of each title statewide; the duties of a particular position will vary from community to community.

The name of each town's policy-making body (board of selectmen or select board) has either been provided by the town or taken from the description on the town's website. A number of communities are taking formal steps to change the name to "select board," while others have informally begun using the new name while making the transition.

* Wakefield renamed its board of selectmen as a town council in 2018, but the responsibilities were not changed.

Abbreviations

AC	Administrative Coordinator	TA	Town Administrator
CAO	Chief Administrative Officer	TC	Town Coordinator
ED	Executive Director	TM	Town Manager
ES	Executive Secretary	OTM	Open town meeting
ExA	Executive Assistant	RTM	Representative town meeting
GM	General Manager		
MuA	Municipal Assistant		

Communities with a city form of government are listed in all capital letters.

Letters in parentheses for certain cities indicate the use of one of the optional plans of city government ("model city charters") as authorized by Chapter 43 (Plan A, B, C, D, E or F). Cities that are not identified by a letter column are governed by provisions or special charters granted by the Legislature.

Some municipalities have adopted a home rule charter under the provisions of the Home Rule amendment and Chapter 43B. The first year in which the home rule charter was adopted is in parentheses.

Massachusetts law provides that no town with a population of less than 12,000 may adopt a city form of government, and no town with a population of less than 6,000 may have a representative town meeting.

In towns that do not have a chief municipal official, the chair of the Board of Selectmen fulfills that role.

Information in this chart was compiled from an annual MMA survey of each city and town in the state.

Community	Chief Municipal Official	Policy Board	Legislative Body
Abington (1974)	TM	Selectmen (5)	OTM
Acton (1969)	TM	Selectmen (5)	OTM
Acushnet (1971)	TA	Selectmen (3)	OTM
Adams (1983)	TA	Selectmen (5)	RTM
AGAWAM (1972) (A)	Mayor		Council (11)
Alford		Select Board (3)	OTM
AMESBURY (1996) (F)	Mayor		Council (9)
AMHERST	TM		Council (13)
Andover	TM	Selectmen (5)	OTM
Aquinnah	TA	Selectmen (3)	OTM
Arlington	TM	Select Board (5)	RTM
Ashburnham	TA	Selectmen (3)	OTM
Ashby	TA	Selectmen (3)	OTM
Ashfield	TA	Select Board (3)	OTM
Ashland	TM	Select Board (5)	OTM
Athol	TM	Selectmen (5)	OTM
ATTLEBORO (1973)	Mayor		Council (11)
Auburn (1969)	TM	Selectmen (5)	RTM
Avon	TA	Selectmen (3)	OTM
Ayer	TM	Selectmen (3)	OTM
BARNSTABLE (1989)	TM		Council (13)
Barre	TA	Selectmen (3)	OTM
Becket	TA	Selectmen (3)	OTM
Bedford (1974)	TM	Selectmen (5)	OTM
Belchertown	TA	Selectmen (5)	OTM
Bellingham	TA	Selectmen (5)	OTM
Belmont (1926)	TA	Selectmen (3)	RTM
Berkley	TA	Selectmen (3)	OTM
Berlin	TA	Selectmen (3)	OTM
Bernardston	TC	Select Board (3)	OTM
BEVERLY (A)	Mayor		Council (9)
Billerica (1979)	TM	Selectmen (5)	RTM
Blackstone (1974)	TA	Selectmen (5)	OTM
Blandford	TA	Select Board (3)	OTM
Bolton	TA	Selectmen (3)	OTM
BOSTON (A)	Mayor		Council (13)
Bourne	TA	Selectmen (5)	OTM
Boxborough	TA	Selectmen (5)	OTM
Boxford	TA	Selectmen (5)	OTM
Boylston	TA	Selectmen (3)	OTM
BRAINTREE	Mayor		Council (9)
Brewster	TA	Select Board (5)	OTM
BRIDGEWATER	TM		Council (9)
Brimfield		Selectmen (5)	OTM
BROCKTON	Mayor		Council (11)
Brookfield		Selectmen (3)	OTM
Brookline	TA	Select Board (5)	RTM
Buckland	TA	Select Board (3)	OTM

FORMS OF MUNICIPAL GOVERNMENT

Community	Chief Municipal Official	Policy Board	Legislative Body	Community	Chief Municipal Official	Policy Board	Legislative Body
Burlington	TA	Selectmen (5)	RTM	Foxborough	TM	Selectmen (5)	OTM
CAMBRIDGE (1941) (E)	Mayor-Manager		Council (9)	FRAMINGHAM	Mayor		Council (11)
Canton	TA	Selectmen (5)	OTM	FRANKLIN (1978)	TA		Council (9)
Carlisle	TA	Selectmen (5)	OTM	Freetown	TA	Selectmen (3)	OTM
Carver	TA	Select Board (5)	OTM	GARDNER (B)	Mayor		Council (11)
Charlemont		Select Board (3)	OTM	Georgetown	TA	Selectmen (5)	OTM
Charlton	TA	Selectmen (5)	OTM	Gill	TA	Select Board (3)	OTM
Chatham	TM	Selectmen (5)	OTM	GLOUCESTER (1975)	Mayor		Council (9)
Chelmsford (1989)	TM	Selectmen (5)	RTM	Goshen		Select Board (3)	OTM
CHELSEA	Manager		Council (11)	Gosnold		Selectmen (3)	OTM
Cheshire	TA	Selectmen (5)	OTM	Grafton (1987)	TA	Select Board (5)	OTM
Chester	TA	Selectmen (3)	OTM	Granby	TA	Select Board (3)	OTM
Chesterfield	TA	Selectmen (3)	OTM	Granville	TA	Select Board (3)	OTM
CHICOPEE	Mayor		Council (13)	Great Barrington	TM	Select Board (5)	OTM
Chilmark	TA	Selectmen (3)	OTM	GREENFIELD (2003)	Mayor		Council (13)
Clarksburg	TA	Select Board (3)	OTM	Groton	TM	Select Board (5)	OTM
Clinton	TA	Selectmen (5)	OTM	Groveland		Selectmen (5)	OTM
Cohasset	TM	Selectmen (5)	OTM	Hadley	TA	Select Board (5)	OTM
Colrain	TC	Select Board (3)	OTM	Halifax	TA	Selectmen (3)	OTM
Concord (1957)	TM	Select Board (5)	OTM	Hamilton	TM	Selectmen (5)	OTM
Conway	TA	Select Board (3)	OTM	Hampden	TA	Selectmen (3)	OTM
Cummington		Selectmen (3)	OTM	Hancock		Selectmen (3)	OTM
Dalton	TM	Select Board (5)	OTM	Hanover	TM	Selectmen (5)	OTM
Danvers	TM	Selectmen (5)	RTM	Hanson	TA	Selectmen (5)	OTM
Dartmouth	TA	Select Board (5)	RTM	Hardwick	TA	Selectmen (3)	OTM
Dedham (1974)	TM	Selectmen (5)	RTM	Harvard	TA	Select Board (5)	OTM
Deerfield	TA	Select Board (3)	OTM	Harwich	TA	Selectmen (5)	OTM
Dennis	TA	Selectmen (5)	OTM	Hatfield	TA	Selectmen (3)	OTM
Dighton	TA	Selectmen (3)	OTM	HAVERTHILL (A)	Mayor		Council (9)
Douglas	TA	Selectmen (5)	OTM	Hawley		Select Board (3)	OTM
Dover	TA	Selectmen (3)	OTM	Heath	TC	Select Board (3)	OTM
Dracut (1985)	TM	Selectmen (5)	OTM	Hingham	TA	Selectmen (3)	OTM
Dudley	TA	Selectmen (5)	OTM	Hinsdale	TA	Select Board (3)	OTM
Dunstable	TA	Select Board (3)	OTM	Holbrook	TA	Selectmen (5)	RTM
Duxbury	TM	Selectmen (3)	OTM	Holden	TM	Selectmen (5)	OTM
East Bridgewater	TA	Selectmen (3)	OTM	Holland	TA	Select Board (3)	OTM
East Brookfield		Selectmen (3)	OTM	Holliston	TA	Selectmen (3)	OTM
Eastham	TA	Selectmen (5)	OTM	HOLYOKE (A)	Mayor		Council (15)
EASTHAMPTON (1996)	Mayor		Council (9)	Hopedale	TA	Selectmen (3)	OTM
EAST LONGMEADOW	TM		Council (7)	Hopkinton	TM	Select Board (5)	OTM
Easton (1972)	TA	Selectmen (5)	OTM	Hubbardston	TA	Selectmen (5)	OTM
Edgartown	TA	Selectmen (3)	OTM	Hudson (1971)	ExA	Selectmen (5)	OTM
Egremont		Select Board (3)	OTM	Hull	TM	Selectmen (5)	OTM
Erving	AC	Selectmen (3)	OTM	Huntington		Selectmen (3)	OTM
Essex	TA	Selectmen (3)	OTM	Ipswich	TM	Select Board (5)	OTM
EVERETT	Mayor		Council (11)	Kingston	TA	Selectmen (5)	OTM
Fairhaven	TA	Selectmen (3)	RTM	Lakeville	TA	Selectmen (3)	OTM
FALL RIVER (A)	Mayor		Council (9)	Lancaster	TA	Selectmen (3)	OTM
Falmouth	TM	Selectmen (5)	RTM	Lanesborough	TM	Selectmen (3)	OTM
FITCHBURG (B)	Mayor		Council (11)	LAWRENCE (1983)	Mayor		Council (9)
Florida	TA	Selectmen (3)	OTM	Lee	CAO	Selectmen (3)	RTM

FORMS OF MUNICIPAL GOVERNMENT

Community	Chief Municipal Official	Policy Board	Legislative Body
Leicester	TA	Select Board (5)	OTM
Lenox	CAO	Selectmen (5)	OTM
LEOMINSTER (1969) (A)	Mayor		Council (9)
Leverett	TA	Select Board (3)	OTM
Lexington	TM	Selectmen (5)	RTM
Leyden	MuA	Select Board (3)	OTM
Lincoln	TA	Selectmen (3)	OTM
Littleton	TA	Selectmen (5)	OTM
Longmeadow (2004)	TM	Select Board (5)	OTM
LOWELL (E)	Mayor-Manager		Council (9)
Ludlow	TA	Selectmen (5)	RTM
Lunenburg	TM	Selectmen (5)	OTM
LYNN (A)	Mayor		Council (11)
Lynnfield (1971)	TA	Selectmen (3)	OTM
MALDEN (A)	Mayor		Council (11)
Manchester-by-the-Sea	TA	Selectmen (5)	OTM
Mansfield (1920)	TM	Select Board (5)	OTM
Marblehead	TA	Selectmen (5)	OTM
Marion	TA	Selectmen (3)	OTM
MARLBOROUGH (B)	Mayor		Council (11)
Marshfield (1976)	TA	Selectmen (3)	OTM
Mashpee	TM	Selectmen (5)	OTM
Mattapoiset	TA	Selectmen (3)	OTM
Maynard	TA	Selectmen (5)	OTM
Medfield (1972)	TA	Selectmen (3)	OTM
MEDFORD (A)	Mayor		Council (7)
Medway	TA	Selectmen (5)	OTM
MELROSE (B)	Mayor		Aldermen (11)
Mendon	TA	Selectmen (3)	OTM
Merrimac		Selectmen (3)	OTM
METHUEN (1972)	Mayor		Council (9)
Middleborough	TM	Selectmen (5)	OTM
Middlefield	TA	Select Board (3)	OTM
Middleton (1974)	TA	Selectmen (5)	OTM
Milford	TA	Selectmen (3)	RTM
Millbury	TM	Selectmen (5)	OTM
Millis (1977)	TA	Selectmen (3)	OTM
Millville	TA	Selectmen (5)	OTM
Milton (1927)	TA	Select Board (5)	RTM
Monroe		Select Board (3)	OTM
Monson	TA	Selectmen (3)	OTM
Montague	TA	Selectmen (3)	RTM
Monterey		Select Board (3)	OTM
Montgomery		Selectmen (3)	OTM
Mount Washington		Select Board (3)	OTM
Nahant (1980)	TA	Selectmen (3)	OTM
Nantucket	TM	Select Board (5)	OTM
Natick (1980)	TA	Selectmen (5)	RTM
Needham	TM	Select Board (5)	RTM
New Ashford		Select Board (3)	OTM
NEW BEDFORD (B)	Mayor		Council (11)

Community	Chief Municipal Official	Policy Board	Legislative Body
New Braintree	ES	Select Board (3)	OTM
Newbury	TA	Selectmen (5)	OTM
NEWBURYPORT (1919) (B)	Mayor		Council (11)
New Marlborough	TA	Selectmen (3)	OTM
New Salem	TC	Select Board (3)	OTM
NEWTON (1972) (A)	Mayor		Council (24)
Norfolk	TA	Select Board (3)	OTM
NORTH ADAMS (A)	Mayor		Council (9)
NORTHAMPTON (B)	Mayor		Council (9)
North Andover (1986)	TM	Selectmen (5)	OTM
NORTH ATTLEBOROUGH	TM		Council (9)
Northborough (1970)	TA	Selectmen (5)	OTM
Northbridge	TM	Selectmen (5)	OTM
North Brookfield		Selectmen (3)	OTM
Northfield	TA	Select Board (3)	OTM
North Reading (1970)	TA	Select Board (5)	OTM
Norton (1989)	TM	Selectmen (5)	OTM
Norwell (1973)	TA	Selectmen (5)	OTM
Norwood	GM	Selectmen (5)	RTM
Oak Bluffs	TA	Selectmen (5)	OTM
Oakham		Selectmen (3)	OTM
Orange	TA	Selectmen (3)	OTM
Orleans (1987)	TA	Selectmen (5)	OTM
Otis	TA	Selectmen (3)	OTM
Oxford (1972)	TM	Selectmen (5)	OTM
PALMER (2004)	TM		Council (7)
Paxton	TA	Selectmen (3)	OTM
PEABODY (D)	Mayor		Council (11)
Pelham		Selectmen (3)	OTM
Pembroke	TM	Selectmen (5)	OTM
Pepperell	TA	Selectmen (3)	OTM
Peru	TA	Select Board (3)	OTM
Petersham	AC	Select Board (3)	OTM
Phillipston	CAO	Select Board (3)	OTM
PITTSFIELD (B)	Mayor		Council (11)
Plainfield	AC	Select Board (3)	OTM
Plainville	TA	Selectmen (3)	OTM
Plymouth (1973)	TM	Select Board (5)	RTM
Plympton	TA	Selectmen (3)	OTM
Princeton	TA	Select Board (3)	OTM
Provincetown (1990)	TM	Select Board (5)	OTM
QUINCY (A)	Mayor		Council (9)
RANDOLPH	TM		Council (9)
Raynham	TA	Selectmen (3)	OTM
Reading (1986)	TM	Select Board (5)	RTM
Rehoboth	TA	Selectmen (5)	OTM
REVERE (B)	Mayor		Council (11)
Richmond	TA	Selectmen (3)	OTM
Rochester	TA	Selectmen (3)	OTM
Rockland (1970)	TA	Selectmen (5)	OTM
Rockport	TA	Selectmen (5)	OTM

FORMS OF MUNICIPAL GOVERNMENT

Community	Chief Municipal Official	Policy Board	Legislative Body
Rowe	ES	Select Board (3)	OTM
Rowley	TA	Selectmen (5)	OTM
Royalston		Select Board (3)	OTM
Russell		Select Board (3)	OTM
Rutland	TA	Selectmen (5)	OTM
SALEM (B)	Mayor		Council (11)
Salisbury (1988)	TM	Selectmen (5)	OTM
Sandisfield	TA	Selectmen (3)	OTM
Sandwich	TM	Selectmen (5)	OTM
Saugus (1947)	TM	Selectmen (5)	RTM
Savoy		Selectmen (3)	OTM
Scituate (1972)	TA	Selectmen (5)	OTM
Seekonk (1976)	TA	Selectmen (5)	OTM
Sharon	TA	Select Board (3)	OTM
Sheffield	TA	Selectmen (3)	OTM
Shelburne	TA	Select Board (3)	OTM
Sherborn	TA	Select Board (5)	OTM
Shirley	TA	Selectmen (3)	OTM
Shrewsbury	TM	Selectmen (5)	RTM
Shutesbury	TA	Select Board (3)	OTM
Somerset	TA	Selectmen (3)	OTM
SOMERVILLE (A)	Mayor		Council (11)
Southampton	TA	Select Board (5)	OTM
Southborough	TA	Selectmen (5)	OTM
SOUTHBRIDGE (1974)	TM		Council (9)
South Hadley	TA	Select Board (5)	RTM
Southwick	CAO	Select Board (3)	OTM
Spencer	TA	Selectmen (5)	OTM
SPRINGFIELD (A)	Mayor		Council (13)
Sterling	TA	Selectmen (3)	OTM
Stockbridge (1937)	TA	Selectmen (3)	OTM
Stoneham	TA	Select Board (5)	OTM
Stoughton (1972)	TM	Selectmen (5)	RTM
Stow	TA	Selectmen (5)	OTM
Sturbridge (1973)	TA	Selectmen (5)	OTM
Sudbury (1994)	TM	Selectmen (5)	OTM
Sunderland	TA	Selectmen (3)	OTM
Sutton (1988)	TA	Selectmen (5)	OTM
Swampscott (1969)	TA	Selectmen (5)	RTM
Swansea	TA	Selectmen (3)	OTM
TAUNTON	Mayor		Council (9)
Templeton	TA	Selectmen (5)	OTM
Tewksbury	TM	Selectmen (5)	OTM
Tisbury	TA	Selectmen (3)	OTM
Tolland		Selectmen (3)	OTM
Topsfield	TA	Selectmen (5)	OTM
Townsend	TA	Selectmen (3)	OTM
Truro	TM	Select Board (5)	OTM
Tyngsborough	TA	Selectmen (5)	OTM
Tyringham	TA	Selectmen (3)	OTM
Upton	TM	Selectmen (3)	OTM

Community	Chief Municipal Official	Policy Board	Legislative Body
Uxbridge	TM	Selectmen (5)	OTM
Wakefield	TM	Council (7)*	OTM
Wales	ES	Select Board (3)	OTM
Walpole (1973)	TA	Selectmen (5)	RTM
WALTHAM (B)	Mayor		Council (15)
Ware	TM	Selectmen (5)	OTM
Wareham (1977)	TA	Selectmen (5)	OTM
Warren		Selectmen (3)	OTM
Warwick	TC	Select Board (3)	OTM
Washington		Select Board (3)	OTM
WATERTOWN (1980)	TM		Council (9)
Wayland	TA	Selectmen (5)	OTM
Webster (1987)	TA	Selectmen (5)	OTM
Wellesley	ED	Selectmen (5)	RTM
Wellfleet (1986)	TA	Select Board (5)	OTM
Wendell	TC	Select Board (3)	OTM
Wenham	TA	Selectmen (3)	OTM
Westborough (1974)	TM	Selectmen (5)	OTM
West Boylston	TA	Selectmen (5)	OTM
West Bridgewater	TA	Selectmen (3)	OTM
West Brookfield	ES	Selectmen (3)	OTM
WESTFIELD (B)	Mayor		Council (13)
Westford	TM	Selectmen (5)	OTM
Westhampton		Select Board (3)	OTM
Westminster	TA	Selectmen (3)	OTM
West Newbury	TM	Selectmen (3)	OTM
Weston	TM	Selectmen (3)	OTM
Westport	TA	Selectmen (5)	OTM
WEST SPRINGFIELD (2000) (A)	Mayor		Council (9)
West Stockbridge	TA	Selectmen (3)	OTM
West Tisbury	TA	Selectmen (3)	OTM
Westwood (1970)	TA	Selectmen (3)	OTM
WEYMOUTH (1999)	Mayor		Council (11)
Whately	TA	Select Board (3)	OTM
Whitman	TA	Selectmen (5)	OTM
Wilbraham	TA	Selectmen (3)	OTM
Williamsburg	TA	Selectmen (3)	OTM
Williamstown	TM	Select Board (5)	OTM
Wilmington (1950)	TM	Selectmen (5)	OTM
Winchendon (1981)	TM	Selectmen (5)	OTM
Winchester (1975)	TM	Select Board (5)	RTM
Windsor		Select Board (3)	OTM
WINTHROP (2005)	TM		Council (9)
WOBURN	Mayor		Council (9)
WORCESTER	Mayor-Manager		Council (11)
Worthington		Select Board (3)	OTM
Wrentham	TA	Selectmen (5)	OTM
Yarmouth	TA	Selectmen (5)	OTM

Massachusetts Forms of Government

Presentation to Town Government
Study Committee

July 22, 2019



COMMUNITY PARADIGM ASSOCIATES, LLC

Presentation Overview

- Forms of Government in Massachusetts
 - Historical Perspective
 - Four Current Forms
- Review of Trends and Current Status
- Discussion

Historical Perspective

- Plymouth
 - Town Meeting
 - Moderator
 - Town Clerk
 - Board of Selectmen and executive authority
- Boston-the first City (1822)-Special Act
- Expansion of Municipal Government and the Long Ballot
 - Planning Function early 1900's
- Brookline-the first Representative Town Meeting (1915)
- Model City Charters (1915-)
- Norwood-the first professional management (1915)
 - Special Act Charters
- Home Rule Act
 - Local Control of Structure and Processes

The Four Basic Forms

- Open Town Meeting with Board of Selectmen and some Professional Management
- Representative Town Meeting with Board of Selectmen and some Professional Management
- Elected Council with Professional Management
- Elected Council with Elected Mayor

Open Town Meeting

- Uniquely New England
- “Perfect exercise of self-government” Jefferson
- Praised for its “sense of community” and tradition
- Role of Finance Committee
- Questions about its effectiveness in current-day
- Considerations
 - Complexities of government
 - Changing methods of citizen participation
 - Long debates often on the more minor issues
 - Limited to 1-3 times per year (Division of Annual Meeting)
 - Packing for Issues
 - Limited participation as a % of voters
 - New Hampshire S2

Representative Town Meeting

- Elected representatives by precinct
 - Achieves geographical representation
- Informed and responsible
 - Carry-over of information and of decision results
- Finance Committee
- Considerations
 - Effect on tradition
 - Lessened impact of interest groups
 - Appropriate size
 - General Attendance is higher
 - Competition for seats
 - Pool of Candidates
 - Impact on Citizen participation
 - Standing committees
 - Deliberative Body not Representative Assembly?

Council-Manager

- Most common form of government in US
- Retains Professional Executive
- Establishes clear line of executive and legislative functions
- Enforces unity of direction
- More timely action on issues
- Considerations/Variations
 - Citizen awareness of representative(s)
 - Council size
 - District and/or at large seats
 - Election of Council President
 - Any role for Select Board?
 - Any role for Town Meeting?

Council-Mayor

- Becoming a city
- 2nd most common form of government in US
- Creates Political Executive
- Establishes clear line of executive and legislative functions
- Risks unity of direction
- More timely action on issues
- Considerations/Variations
 - Citizen awareness of representative(s)
 - District and/or at large seats

TOWN OF ANDOVER

Overview of Massachusetts Municipal Government

Massachusetts Municipalities

All land in Massachusetts is incorporated into 351 cities and towns. Until 1938, there were 355 cities and towns. Municipalities in Massachusetts do not have independent authority and derive their power and authority from the Legislature. A municipality must conform to the current provisions of general law or seek legislation giving approval to any change.

The first city in Massachusetts was Boston which incorporated in 1822 upon a change to the Massachusetts Constitution in 1821. This allowed for the first time a form of government outside of Town Meeting. The latest city to organize was North Attleborough in 2018. The Legislature created legislation for six types of cities, plans A to F. Home-rule petitions are allowed which can create variations of these forms. There are currently 59 cities in Massachusetts.

Towns have changed greatly since the Town of Norwood was the first to hire a professional manager in 1915. To this day, their CEO is referred to as the General Manager. Several communities created professional managers over the next 50 years. Beginning in the 1970's, municipal government in Massachusetts began to change at a rapid pace to the point that 254 of the 292 towns have a professional manager to some extent.

Even though Massachusetts government has change greatly in the last 50 years, it is quite different from the trends in the rest of the Country, particularly outside of New England. Nearly 49% of municipalities in the US are governed by the Council-Manager format and 44% by the Mayor-Council format. Town Meeting is relegated to the New England area. There are currently 292 towns in Massachusetts.

Massachusetts Towns – 292
Communities with Open Town Meeting
Population of 20,000 or more

	Pop.	Income	CEO Title	BoS #	#Voters ATElection	% of Pop	#Voters ATM
Andover	33,201	76,456	Town Manager	5	4,186	12.61%	536
Dracut	29,457	31,392	Town Manager	5	2,244	7.62%	Quorum
Tewksbury	28,961	37,185	Town Manager	5	1,801	6.22%	145
North Andover	28,352	54,095	Town Manager	5	1,534	5.41%	387
Marshfield	25,132	47,361	Town Administrator	3	1,379	5.49%	Quorum
Wakefield	24,932	42,076	Town Administrator	7	3,265	13.10%	255
Yarmouth	23,793	29,303	Town Administrator	5	2,618	11.00%	Quorum
Mansfield	23,184	46,182	Town Manager	5	953	4.11%	278
Middleborough	23,116	27,051	Town Manager	5	1,756	7.60%	Quorum
Easton	23,112	46,683	Town Administrator	5	987	4.27%	Quorum
Wilmington	22,325	40,654	Town Manager	5	3,339	14.96%	364
Hingham	22,157	103,297	Town Administrator	3	2,850	12.86%	Quorum
Westford	21,951	57,815	Town Manager	5	937	4.27%	540
Acton	21,924	61,849	Town Manager	5	1,974	9.00%	397
Wareham	21,822	22,500	Town Administrator	5	1,478	6.77%	Quorum
Canton	21,561	55,479	Town Administrator	5	3,060	14.19%	305
Stoneham	21,437	40,230	Town Administrator	5	2,194	10.23%	444
Sandwich	20,675	36,590	Town Manager	5	2,100	10.16%	566

Massachusetts Towns – 292
Communities with Representative Town Meeting

33 Representative Town Meeting

Est. 1934 - 6k or more pop.

	Pop.	Income	CEO Title	BoS #
Brookline	58,732	78,549	Town Administrator	5
Plymouth	56,468	33,573	Town Manager	5
Arlington	42,844	54,612	Town Manager	5
Billerica	40,243	34,294	Town Manager	5
Shrewsbury	35,608	51,488	Town Manager	5
Dartmouth	34,032	31,728	Town Administrator	5
Chelmsford	33,802	41,541	Town Manager	5
Natick	33,006	54,316	Town Manager	5
Falmouth	31,531	36,337	Town Manager	5
Lexington	31,394	105,007	Town Manager	5
Needham	28,886	103,782	Town Manager	5
Norwood	28,602	40,730	General Manager	5
Milford	27,999	31,958	Town Administrator	3
Wellesley	27,892	193,176	Executive Director	5
Milton	27,003	61,421	Town Administrator	3
Stoughton	26,962	30,795	Town Manager	5
Saugus	26,628	31,072	Town Manager	5
Danvers	26,493	38,921	Town Manager	5
Reading	24,747	52,074	Town Manager	5
Belmont	24,729	85,813	Town Administrator	3
Dedham	24,729	50,584	Town Manager	5
Burlington	24,498	43,514	Town Administrator	5
Walpole	24,070	50,355	Town Administrator	5
Winchester	21,374	100,074	Town Manager	5
Ludlow	21,103	25,853	Town Administrator	5
South Hadley	17,514	29,500	Town Administrator	5
Auburn	16,188	31,846	Town Manager	5
Fairhaven	15,873	27,835	Town Administrator	3
Swampscott	13,787	69,261	Town Administrator	5
Holbrook	10,791	28,238	Town Administrator	5
Adams	8,485	21,675	Town Administrator	5
Montague	8,437	21,902	Town Administrator	3
Lee	5,943	26,385	Town Administrator	3

Massachusetts Towns – 292

CEO/CAO

Administrative Coordinator	1
Chief Administrative Officer	3
City Manager	3
Executive Assistant	1
Executive Director	1
Executive Secretary	1
General Manager	1
Town Administrator	166
Town Coordinator	3
Town Manager	74
	<hr/>
	254

Board of Selectmen

Composition

7	1
5	141
3	150
	<hr/>
	292

Massachusetts Forms of Government

Presentation to Town Government
Study Committee
October 27, 2020



Presentation Overview

- Recap Forms of Government in Massachusetts
 - Four Current Forms
- Recap Forms of Government in US
- Review Reasons for Changing Government
- Town Meeting to Council
- Discussion

The Four Basic Forms

- Open Town Meeting with Board of Selectmen and some Professional Management
- Representative Town Meeting with Board of Selectmen and some Professional Management
- Elected Council with Professional Management
- Elected Council with Elected Mayor

Data Regarding Forms of Government

- United States
 - 49% Council-Manager
 - 44% Council-Mayor
- Massachusetts
 - 292 Towns
 - 254 w/ Professional Manager
 - 33 RTM
 - 259 OTM - 18 OTM with population > 20K -
 - 59 Cities
 - 15 Council - Manager
 - 44 Council- Mayor

Why a Change of Government is Considered

- Operations
 - Sense that people are not getting bang for the dollar
 - Lack of responsiveness or accountability
 - Greater oversight needed
 - Lack of strategic plan
 - Lack of communications
- Political Infighting or Lack of Interest
 - Infighting inhibits decision-making process
 - Not enough citizens interested to make it work
 - Parochial issues divide community
- Legal Suits
 - Suits amongst internal groups lead to anarchy

Why a Change of Government is Considered

- Rapid Growth
 - Managing services
 - Has become too complex
- Stagnation
 - Need for tax revenue
- Town Meeting Ineffectiveness
 - Attendance issues
 - Representation
 - Stacking on certain vote
- Other
 - Retirement of key personnel
 - An inability to attract candidates to serve in either elected or appointed office

Why a Change of Government is Considered

MAJOR POINT

Most changes occur when there is a groundswell pushing for change.

Massachusetts' Councils

12	Town Council	Adopted	Pop.	CEO Title	#	Income
	Amherst	2018	37,819	Town Manager	13	17,524
	Barnstable	1989	45,193	Town Manager	13	36,477
	Bridgewater	2011	26,563	Town Manager	9	29,107
	Chelsea	1994	35,177	City Manager	11	16,561
	East Longmeadow	2016	15,720	Town Manager	7	39,110
	Franklin	1978	31,634	Town Administrator	9	46,631
	North Attleborough	2019	28,712	Town Manager	9	38,742
	Palmer	2004	12,140	Town Manager	7	24,470
	Randolph	2009	32,112	Town Manager	9	25,741
	Southbridge	1974	16,719	Town Manager	9	18,883
	Watertown	1980	31,915	Town Manager	9	42,032
	Winthrop	2005	17,497	Town Manager	9	31,120
3	City Council	Adopted	Pop.	CEO Title	#	Income
	Cambridge	1942	105,162	City Manager	9	58,985
	Lowell	1944	106,519	City Manager	9	19,777
	Worcester	1950	181,045	City Manager	11	20,416

Town Meeting to Council Legislative Differences

- Budget adopted through Council controlled process
 - Manager proposes and presents to Council
 - Council reviews and adopts budget
 - A. Full Council reviews as an entire body
 - B. Council sub-committee reviews and recommends to full Council
 - C. A citizens' advisory committee could be adopted to recommend to full Council
- Zoning is approved by the Council
 - A separate ZBA and Planning Board continues but recommend zoning changes to the Council
- The Council combines the authority of the Select Board and Town Meeting in setting policy.
 - The Charter or the Council could still call for citizen advisory committees to provide recommendations or oversight

Appendix 4 – Relationship of Various Municipal Quantitative Metrics to Form of Government

Introduction

Massachusetts comprises 351 municipalities. Of these, 292 are towns. 259 of the towns utilize Open Town Meeting and 33 have Representative Town Meeting. The remaining 59 municipalities have a city form of government; council-manager in 15 and council-mayor in 44. The Committee compared the form of government of all 351 municipalities with their population, median household income, proportion of residents speaking a language other than English at home, physical area and age distribution. The quantitative data were taken from the American Community Survey (ACS) 2013 Three-Year Estimate. This was the latest data set available at the time that included all parameters of interest. The form of government for each municipality was taken from the Massachusetts Municipal Directory for 2013, even though more recent editions of the Massachusetts Municipal Directories were available, so that both sources of data would be consistent.

These metrics provide a one-dimensional view of a municipality, and were studied purely to establish contextual background. They might suggest that a particular form of government can work well in a given community of a specific size or other characteristic, but not that a particular form of government would definitively work best in such a community. It would be very simplistic for the Committee's recommendations to be driven by this analysis.

Results

1. Relationship between population and form of government

Massachusetts law requires that any municipality with a population of 12,000 or less must be governed by town meeting. Those up to 6,000 must have an open town meeting. Those between 6,000 and 12,000 may have either an open or representative town meeting, although 71 of the 74 have open town meetings. The Town of Lee (population 5788 in 2013) adopted Representative Town Meeting at a time when its population exceeded 6,000 and was not required to change when its population declined below the 6,000 threshold.

Open Town Meeting is dominant in municipalities below 24,000 inhabitants. 84% of municipalities below 24,000 use Open Town Meeting, and 70% of the total population of all municipalities in this range live in towns with Open Town Meeting.

As populations increase above 12,000 people, the proportion of municipalities that use open town meeting starts to trend downwards as both representative town meeting and city forms become more common. The mean population of towns with Representative Town Meeting is 25,708, the median is 24,975, and Representative Town Meeting is most prevalent in the range of 24,000 to 30,000, in which 13 towns use it. Above this range, the use of Representative Town Meeting trends downward quickly.

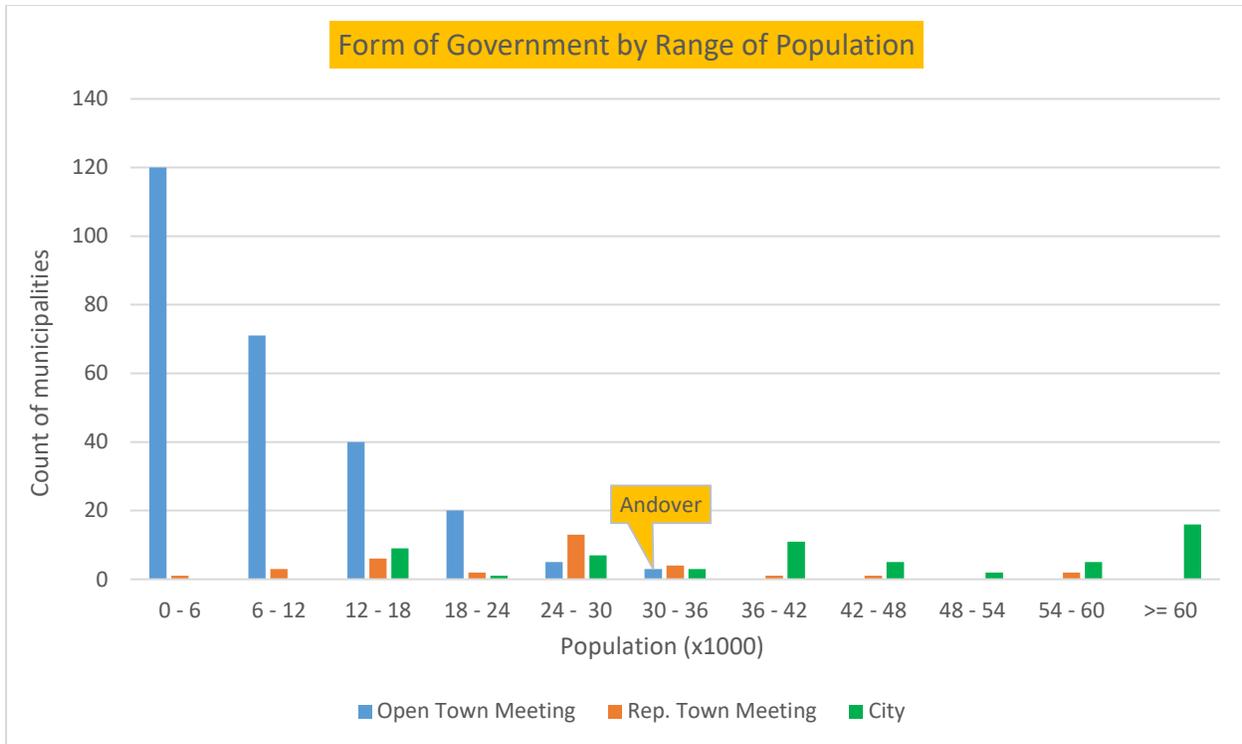


Figure 10 Number of municipalities with each form government, by population

Once a town’s population reaches the 30,000 to 36,000 range where Andover lies, an effectively equal number of communities use each form of government; no form of government is preferred in this population range. Thus, it is unsafe to make any assertions that any form of government is preferred in this range.

City forms are dominant in municipalities above 36,000 inhabitants. 91% of municipalities above 36,000 use a City form, and 94% of the total population of all municipalities in this range live in municipalities with a City form of government. Intuitively, this is as one might expect. It is hard to envisage Open Town Meeting being manageable in municipalities the size of Boston, Springfield or Worcester.

Even in the “sweet spot” range for Representative Town Meeting of populations of 12,000 to 36,000, Representative Town Meeting is only barely more common than a City form. Of the municipalities in this range with either Representative Town Meeting or a City form, 57% of municipalities use Representative Town Meeting, and 56% of the total population of all municipalities in this range with either Representative Town Meeting or a City form live in towns with Open Town Meeting. That is, the data suggest that Representative Town Meeting would not be a preferred alternative to Open Town Meeting for Andover.

2. Relationship between household median income and form of government

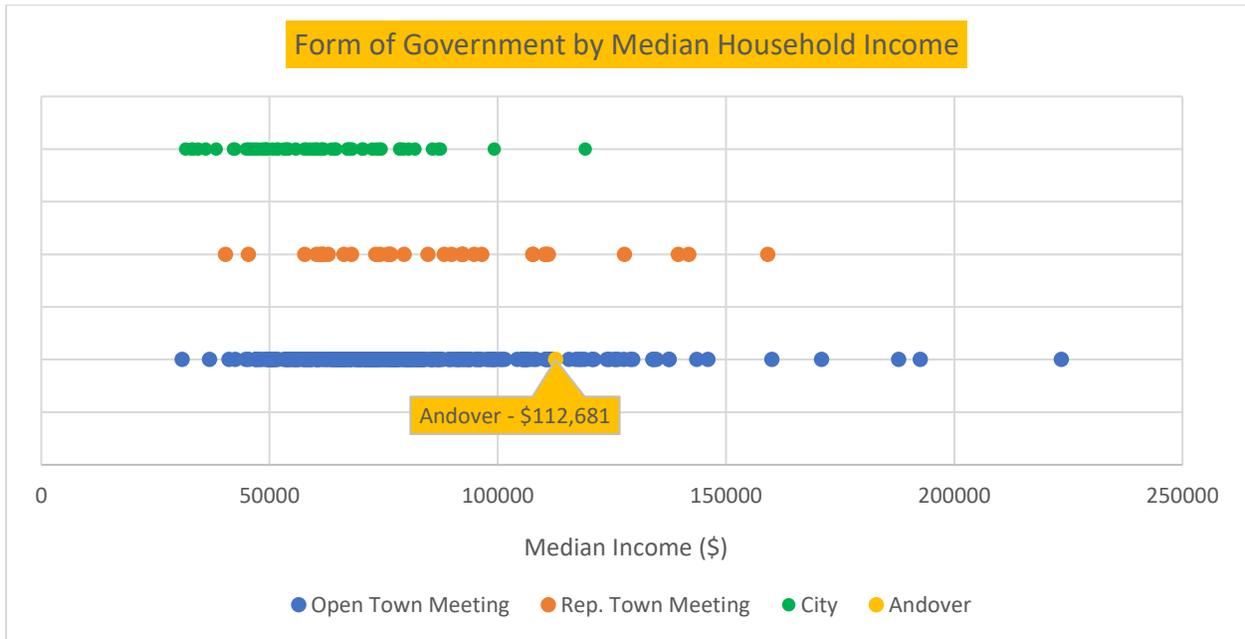


Figure 11 Relationship between median household income and form of government

Open Town Meeting is used in municipalities from the least to the most affluent. Representative Town Meeting is also used in a broad range. It is possible that the range is less broad than for Open Town Meeting simply because there are fewer towns with Representative Town Meeting than with Open Town Meeting, so it is not safe to draw any conclusions from the relative ranges. City forms are clearly concentrated in municipalities with lower median income, with Newton the main outlier (median income \$119,000). That said, there are only 26 municipalities in total with median incomes above Newton's. It would appear that median income is not a reliable predictor of form of government.

There is a loose correlation between household median income and population as shown by Figure 12. Median income declines as population increases. The City of Boston is not shown so that the horizontal axis is not overly compressed, but Boston is consistent with this observation. Thus, median income and population cannot be considered to be independent variables. It is reasonable to argue that median income depends on population, not *vice versa*, as historically, larger municipalities were heavily industrialized and depended on large numbers of low-income workers.

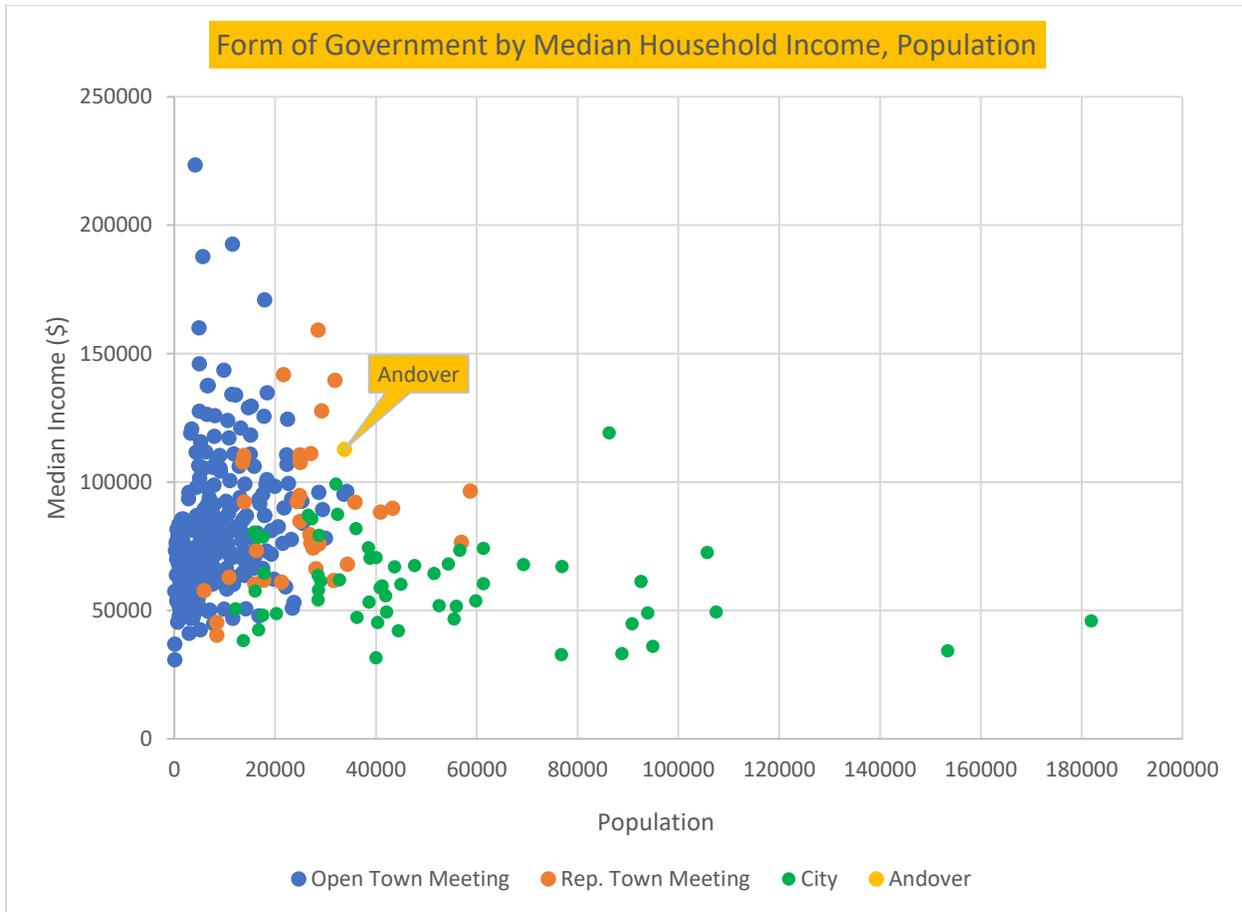


Figure 12 Relationship between median household income and population of municipality

3. Relationship between proportion of households speaking a language other than English at home and form of government

In municipalities in which up to 32.5% of households speak a language other than English at home, all three forms of government are used. All municipalities above 32.5%, of which there are 21, use a City form. Even though both Open Town Meeting and Representative Town Meeting are used in municipalities up to 32.5%, both are more common below 23% and less common from 23% to 32.5%. Andover, at 17.9%, lies towards the top but still within the range in which Town Meetings are most common. However, even in this range, no form of government is preferred.

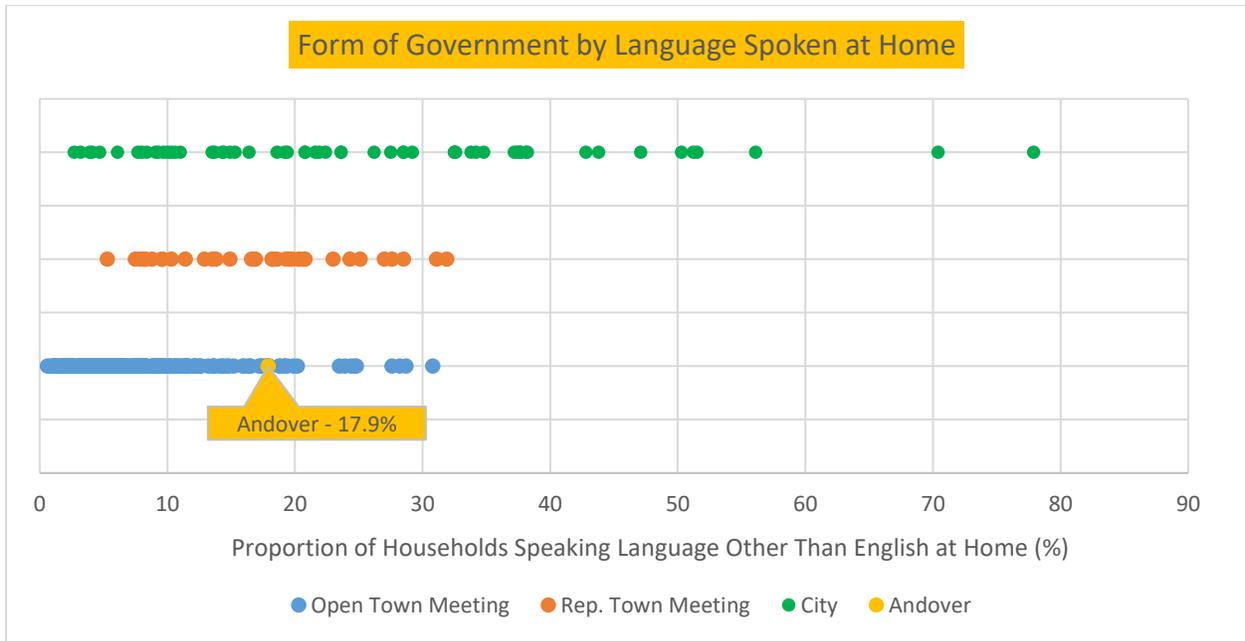


Figure 13 Relationship between percentage of households speaking a language other than English at home and form of government

In fact, just as with median income, there is a clear correlation between percentage of households speaking a language other than English at home and population as shown by Figure 14. Percentage of households speaking a language other than English at home increases as population increases. Again, The City of Boston is not shown so that the horizontal axis is not overly compressed, but Boston is consistent with this observation. Again, it is reasonable to argue that percentage of households speaking a language other than English at home depends on population, not *vice versa*, as historically, larger municipalities actively sought to attract immigrants.

The Committee stresses that speaking a language other than English at home does not necessarily imply lack of ability or confidence to speak English in social or business settings. Thus, even though a municipality might have a higher percentage of households speaking a language other than English at home, this does not necessarily imply that it would have a significantly higher proportion of residents who would be unable to participate fully in a Town Meeting conducted in English.

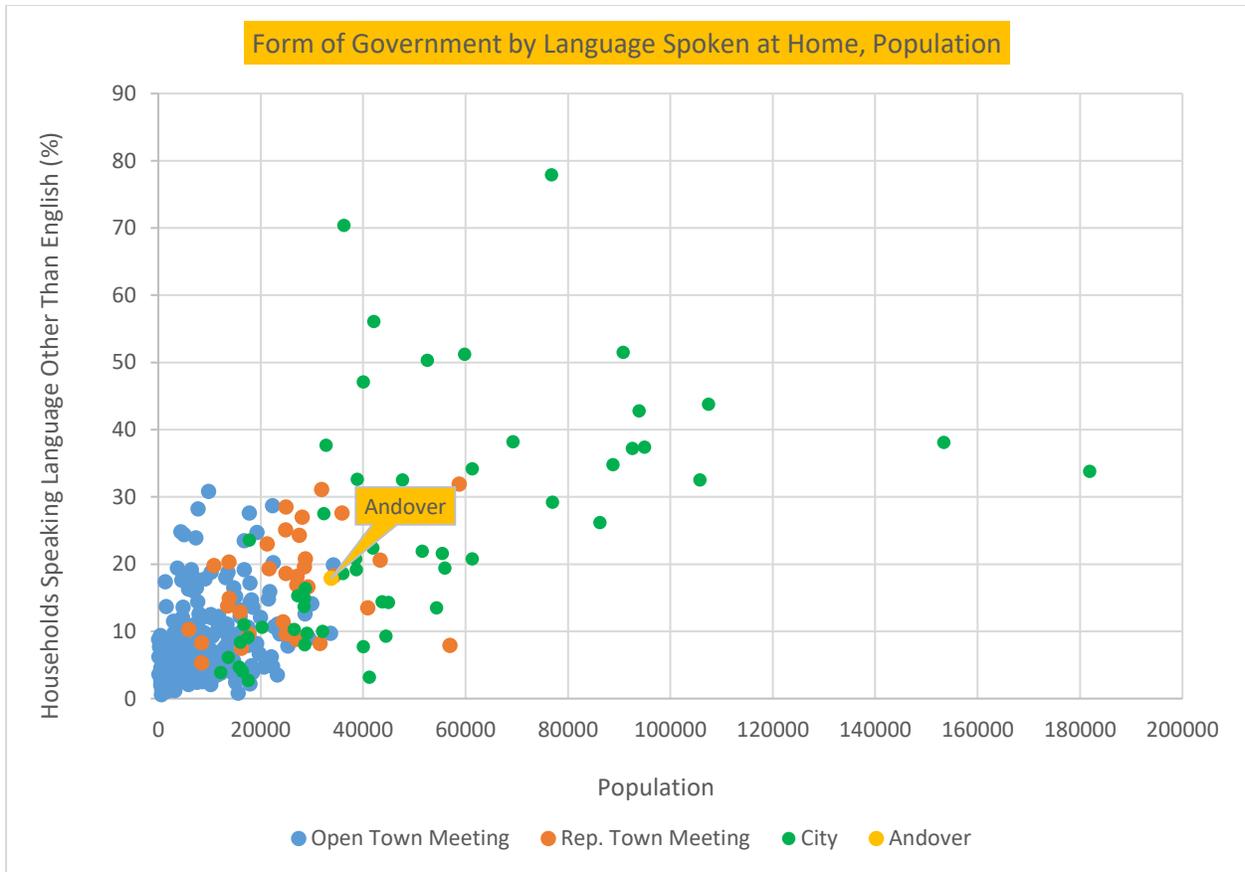


Figure 14 Relationship between percentage of households speaking a language other than English at home and population of municipality

4. Relationship between physical area and form of government

One can see from Figure 15 that there is no relationship between physical area of a municipality and its form of government for municipalities below 60 square miles. Almost all municipalities physically larger than this are seaside communities which include large areas of sea within their boundaries, the remainder are inland but also include large areas of water. These un-naturally large municipalities can be considered to be special cases and excluded from general conclusions about the relationship between physical area and form of government. Even amongst communities below 60 square miles, it is unsafe to draw any conclusions other than to say that especially large area does not preclude Town Meeting, and does not favor Open or Representative Town Meeting. This is perhaps counter-intuitive, in that one might postulate that

increased travel time within large municipalities to attend Town Meeting might favor a City form.

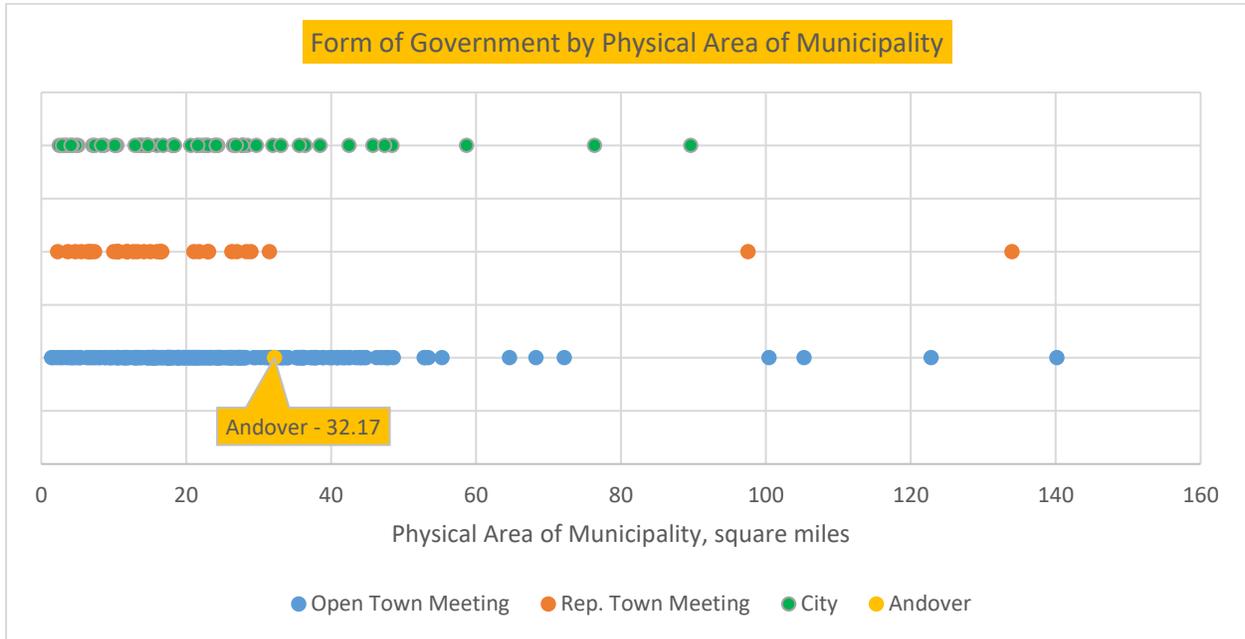


Figure 15 Form of Government by Physical Area of Municipality

5. Relationship between median age and form of government

Figure 16 shows that there is no relationship between median age in a municipality and its form of government. There are examples of municipalities using each form distributed throughout the range of median ages. Towns with Open Town Meeting have both the highest and lowest median age. While municipalities with either Representative Town Meeting or a City form cover smaller ranges of median ages, this is thought to be simply because there are fewer of each than of Open Town Meeting towns.

Open Town Meeting is very slightly more common in municipalities with a higher proportion of residents 65 years or older (this graph is not shown, as the effect is subtle and not visually obvious). This is consistent with the findings of the UMass Lowell survey of Andover residents which showed that older residents are more likely to vote and attend Town Meeting.

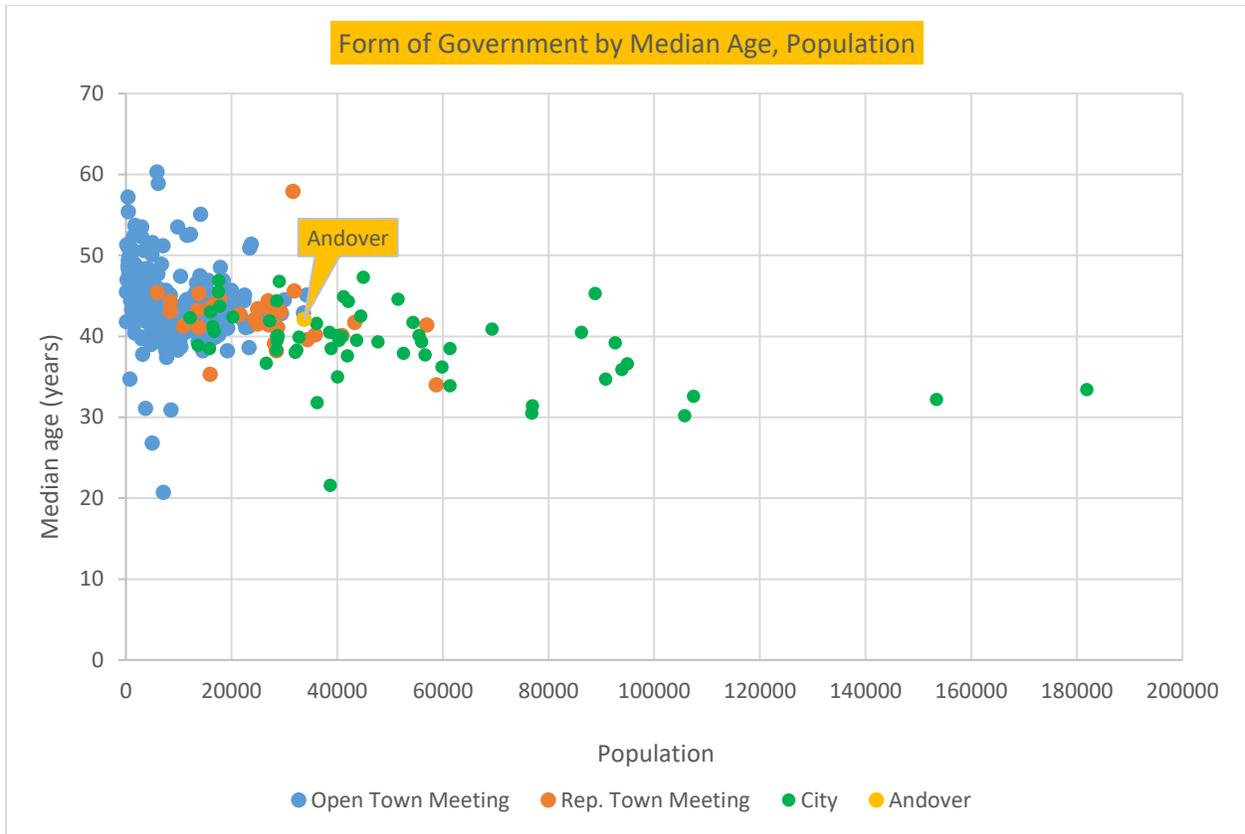


Figure 16 Form of government by population and median age

Summary

Population does correlate with form of government. Open Town Meeting is dominant in municipalities below 24,000 inhabitants, but then trends downwards. Representative Town Meeting is most prevalent in the range of 24,000 to 30,000, in which 13 towns use it, and then also trends downwards. City forms are dominant in municipalities above 36,000 inhabitants.

In municipalities with populations in the range of 30,000 to 36,000, where Andover lies, an effectively equal number of communities use each form of government; no form of government is preferred in this population range.

Median income and proportion of residents speaking a language other than English at home correlate with population, and thus, correlate with form of government indirectly.

Physical area and age distribution do not correlate with any other characteristic nor with form of government.

Appendix 5 – Quantitative Analysis of Resident Participation in Andover’s Government

Introduction

The Committee performed an exhaustive, rigorous and detailed quantitative examination of participation of residents in Andover’s government. Numerical information alone will not make any decision for the Committee. This study was conducted to assess the health and viability of Town Meeting, to determine whether assumptions or assertions based on informal assessments were indeed valid.

This work consumed many hundreds of hours and explored a wide range of metrics for Annual Town Election and Town Meeting participation, Town Meeting frequency and duration, Election and Town Meeting turnout, Town Meeting attendance patterns across multiple meetings and multiple nights of the same meeting, individuals’ Town Meeting attendance including number of meetings and number of nights attended, and Town Meeting participation by precinct and demographic groups.

Method

Data for every Town Meeting and local election in Andover between 1998 and 2019 were retrieved from State records. 1998 is the first year in which data are available in electronic form, and 2019 was the latest year for which data were available at the time the examination was done. The data cover all 21 Town elections, and all 71 nights of all 31 Town Meetings (Annual and Special) in the period. The data are very fine-grained, showing attendance of individual voters at each night of each Town Meeting or each Town Election, and are exhaustive and complete, showing every voter at every night of every meeting or at every Town Election. To eliminate any chance of bias, analyses and visualizations were devised and implemented only after specific and neutral questions had already been posed.

The study tracked individual voters. However, the methodology ensured absolute voter confidentiality. State-assigned voter IDs were used to uniquely identify individuals rather than personally identifying data. Indeed, names and addresses were stripped from the data set immediately it was received from the State. Without names and addresses in the data set, it is simply not possible to identify to whom a voter ID belongs. This also ensured that no voter would be double-counted or lost if, for example, he or she were to move house in Andover thereby further increasing rigor, as an individual’s voter ID is also guaranteed not to change while that individual remains a resident of one community.

The analysis used two different metrics for attendance, with each used as appropriate (neither is universally applicable in all cases).

1. Unique attendees

In most cases, one should eliminate double-counting and count people who attended once as one attendee, and count people who attended multiple times also as one attendee. The exact definition depends on context. When considering the total number of attendees at a Town Meeting, unique attendees comprise the people attending at least one night of that Town Meeting, with those attending multiple nights only counted once. When considering the total number of attendees of a number of Town Meetings across a period, unique attendees comprise the people who attended at least one meeting in that period, with those who attended multiple meetings in that period only counted once.

2. Sum of attendees

In a very few cases, it is appropriate to consider the sum of the people present across all nights of a Town Meeting, that is, the simple arithmetic sum of the people who attended each night. Here, anyone attending more than one night would be counted once per night on which they attended.

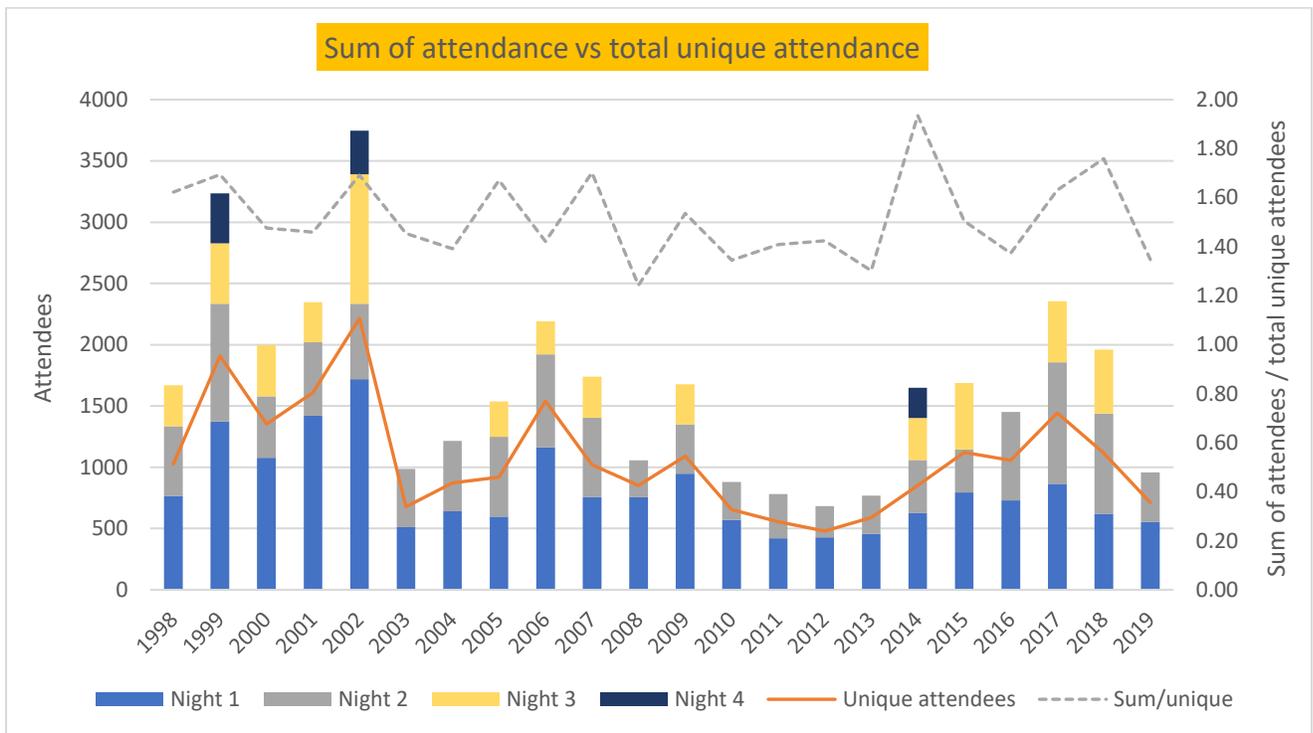


Figure 17 Sum of attendees compared to unique attendance (Annual Town Meetings only)

Figure 17 illustrates the magnitude of the error that would be introduced if the simpler sum of attendees had been used throughout. The number of unique attendees and the sum of attendance at each Annual Town Meeting in the period differs by a factor of the order of 1.5, and may reach a factor of 1.94. Derived values, such as average of all nights, would become equally incorrect had sum of attendees been used in their calculation. Special Town Meetings, which were all of one night's duration in this period, are not shown. For a meeting of one night, the number of

unique attendees must equal the sum of attendees for a one-night meeting. Including one-night meetings would only add visual clutter.

Thus, unless the sum of attendees was deemed to be appropriate for a specific analysis, unique attendees was used. It should be noted that this rigorous approach substantially increased the number of hours required for this work (adding literally hundreds of hours of volunteers' time). It should also be noted that, as discussed above, using unique attendees leads to lower but more accurate values for attendance at Town Meetings, so avoids inflated over-estimates of the health of Town Meeting.

Results

1. Overview of Election and Town Meeting participation, frequency and duration

Figure 18 shows that a cumulative total 53,864 voters were registered in Andover during the period 1998 to 2019. Of these, 14,856 voted in one or more Town Elections, equivalent to 27.6% of the cumulative total, and 9000 attended one or more Town Meetings, equivalent to 16.7% of the cumulative total. This graph does not consider how many times an individual voted or attended Town Meeting, just whether they did on at least one occasion.

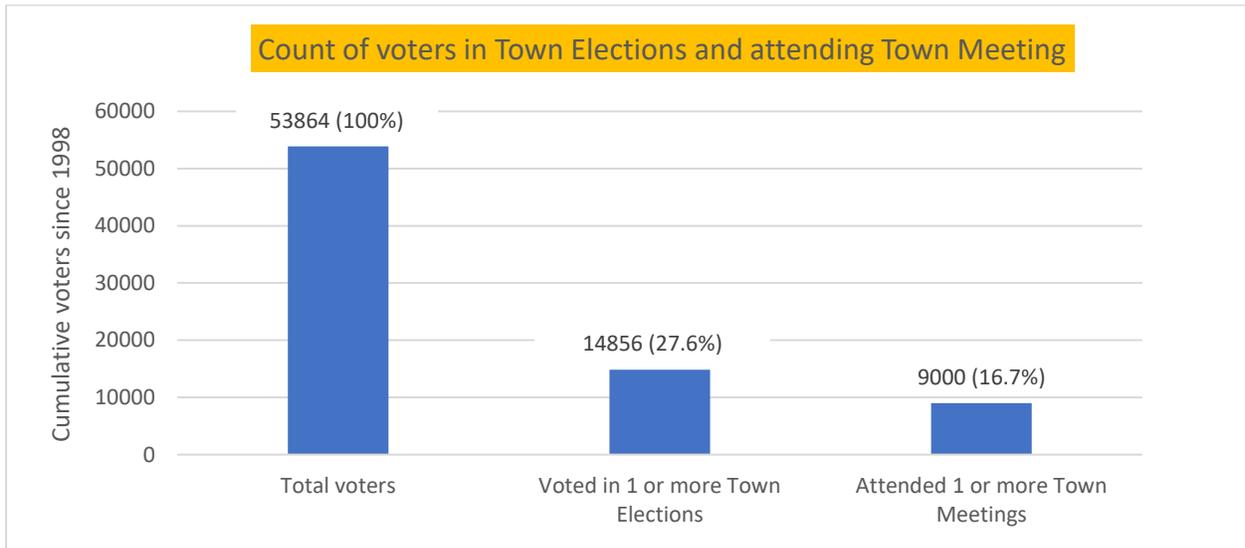


Figure 18 Cumulative count of registered voters who have voted in a Town Election or attended a Town Meeting

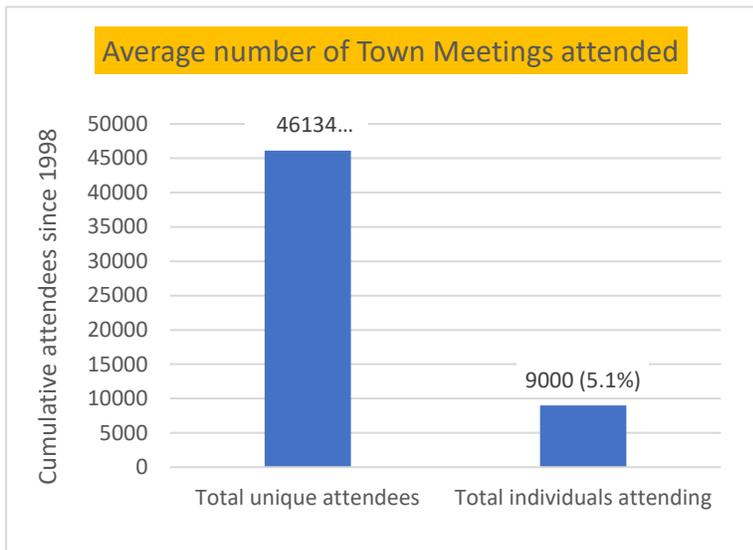


Figure 19 Average number of Town Meetings attended by those who have attended at least one

Figure 19 on the other hand does account for how often voters attend Town Meeting. There have been 46,134 total unique attendees (as defined previously) at all Town Meetings during the period 1998 to 2019, and 9000 individuals have attended one or more. By a simple ratio, this means that, of voters who have attended Town Meeting, each attends 5.1 meetings on average. This is only a macroscopic aggregate view, of course, and attendance patterns amongst individual voters is discussed in much greater detail later in this Appendix.

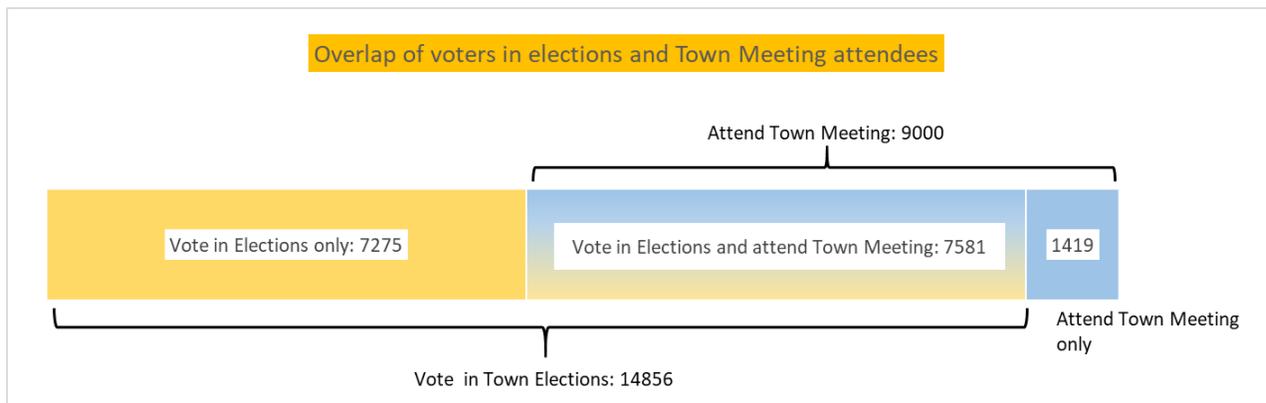


Figure 20 Overlap between voters in Local Elections and Town Meeting attendees

As discussed previously, 14,856 voters voted in one or more Town Elections, and 9000 voters attended one or more Town Meetings during the period 1998 to 2019. Figure 20 shows how these two groups overlap. 7581 individuals voted in at least one Town Election *and* attended at least one Town Meeting, 7275 voted in a Town Election but never attended Town Meeting, and 1419 attended Town Meeting but never voted in a Town Election. If one considers someone who either votes in a Town Election or attends Town Meeting to be engaged in the governance of Andover, then 16,275 residents engaged during the period 1998 to 2019. Of these, 44.7% only voted in a Town Election, 46.5% voted in a Town Election and attended Town Meeting, and 8.7% only attended Town Meeting. Indeed, of the 9000 who attended Town Meeting, 15.7% never voted in a Town Election.

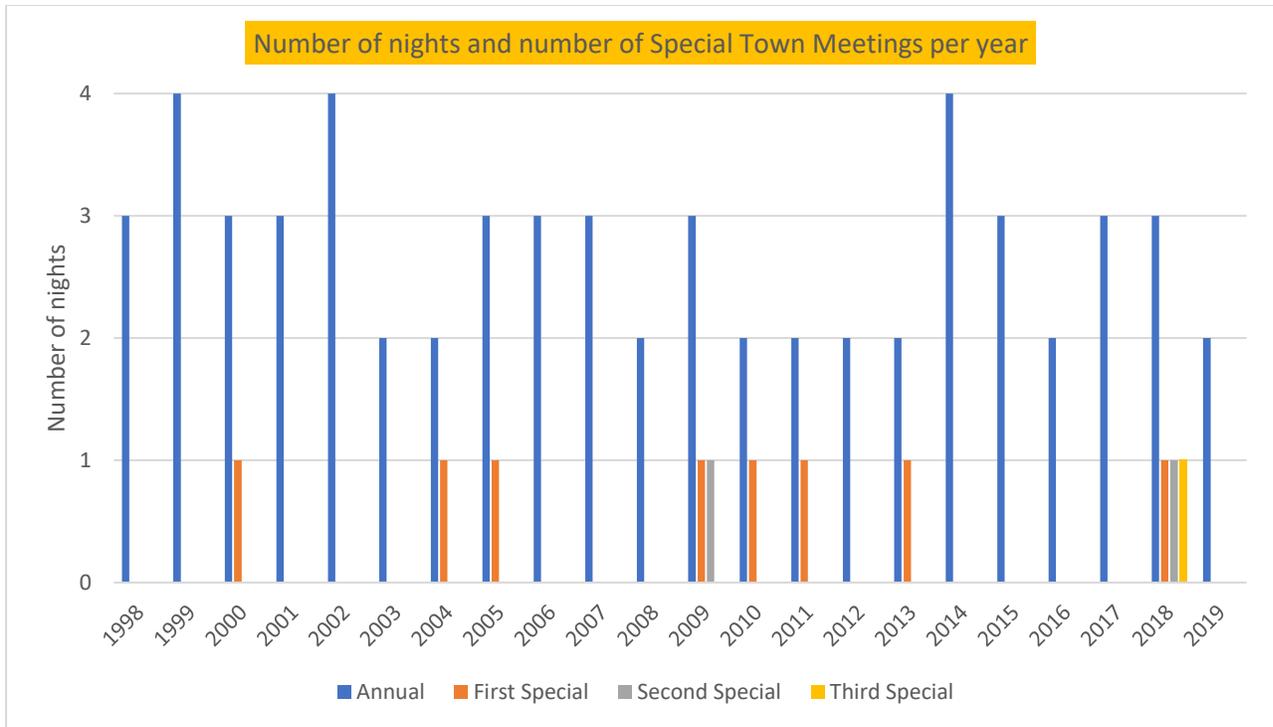


Figure 21 Number of nights for Annual Town Meeting and number of Special Town Meetings per year

Finally, the frequency and duration of Town Meetings during the period 1998 to 2019 is shown in Figure 21. Of the 22 Annual Town Meetings, 9 spanned 2 nights, 10 spanned 3 nights, and 3 spanned 4 nights. If an Annual Town Meeting included an embedded Special Town Meeting, this is accounted for as a night of a Special Town Meeting. There does not appear to be a trend for either the number of nights to increase or decrease. Special Town Meetings were held in 8 of 22 years. One Special Town Meeting was held in 6 of these years, 2 Special Town Meetings were held in 1 of these years, and 3 Special Town Meetings held in 1 of these years (2018, when specific circumstances gave rise to multiple Special Town Meetings). All Special Town Meetings were of 1 night duration, from which one may conclude that the meetings are focused, and there is no general trend towards more Special Town Meetings per year.

Special Town Meetings remain “special” and emphasis remains on Annual Town Meeting. (If Annual Town Meeting content were being cannibalized into Special Town Meetings, Annual Town Meeting duration would be declining). Consideration of the Warrants for Special Town Meetings also shows this. Andover is not inadvertently transitioning towards the model in which Annual Town Meeting is divided across sessions throughout the year by using Special Town Meetings as substitutes for additional Annual Town Meetings.

2. Election and Town Meeting turnout

Figure 22 shows how turnout for local elections in Andover and unique attendance at Annual Town Meetings varied year-on-year during the period 1998 to 2019. The Committee believes

that Town Elections and Annual Town Meeting are directly comparable as they are closely aligned conceptually.

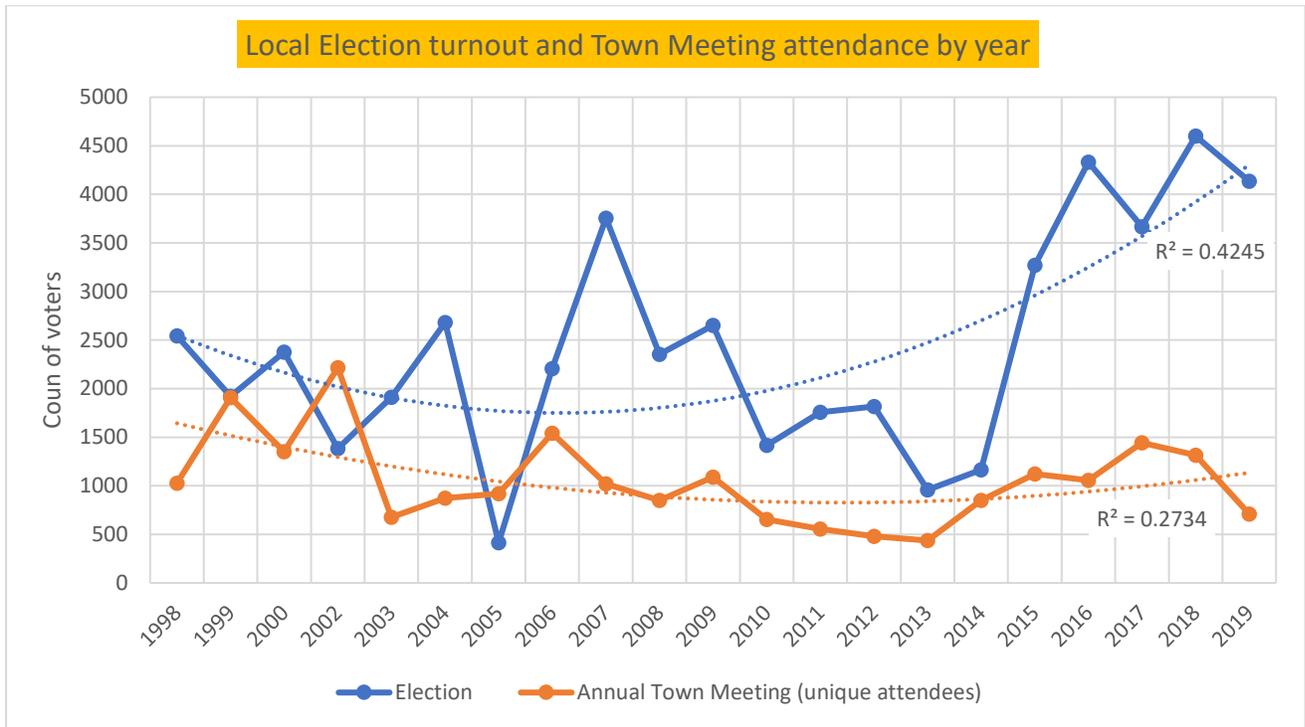


Figure 22 Year-on-year Local Election turnout and Annual Town Meeting, as count of voters

The solid lines show actual turnout and attendance, the dashed lines are smoothed curves that generally accepted statistical metrics show to be a reasonable fit. The R^2 value measures goodness of fit of a trend line. The R^2 value of 0.42 for election turnout shows a very good fit, albeit with a few data points that are a long way from the line. The lower R^2 value of 0.27 for Annual Town Meeting indicates that the trend line is a good representation of aggregate behavior, but that individual points are scattered some distance either side of the line. It is apparent from the smoothed curves that both Town Meeting attendance and local election turnout dipped between 2010 and 2013, but both have recovered. Election turnout has been at an all-time high in most recent elections. Over 4500 voters turned out for the 2018 Annual Town Election. Attendance at Annual Town Meeting has been as high as 2215, has recently been in the range of 1000 to 1500 attendees consistently, and was of the order of 500 voters even in the “lean years” of 2010 to 2013, only ever dropping below 500 once.

Figure 23 shows the same data expressed as percentage of the total number of registered voters. The number of registered voters in Andover increased by 15% across the period although not smoothly and actually declined in a number of years (especially 2003 and 2015). This is not a major influence on turnout nor Town Meeting attendance.

Election turnout has been as low as 5% of the total electorate, has generally been in the range of 7.5% to 12.5%, and has been close to 20% in recent years, reaching 22% in 2018. Annual Town

Meeting attendance has ranged as high as 10.7% of the total electorate, but more typically, averages 5% to 6%.

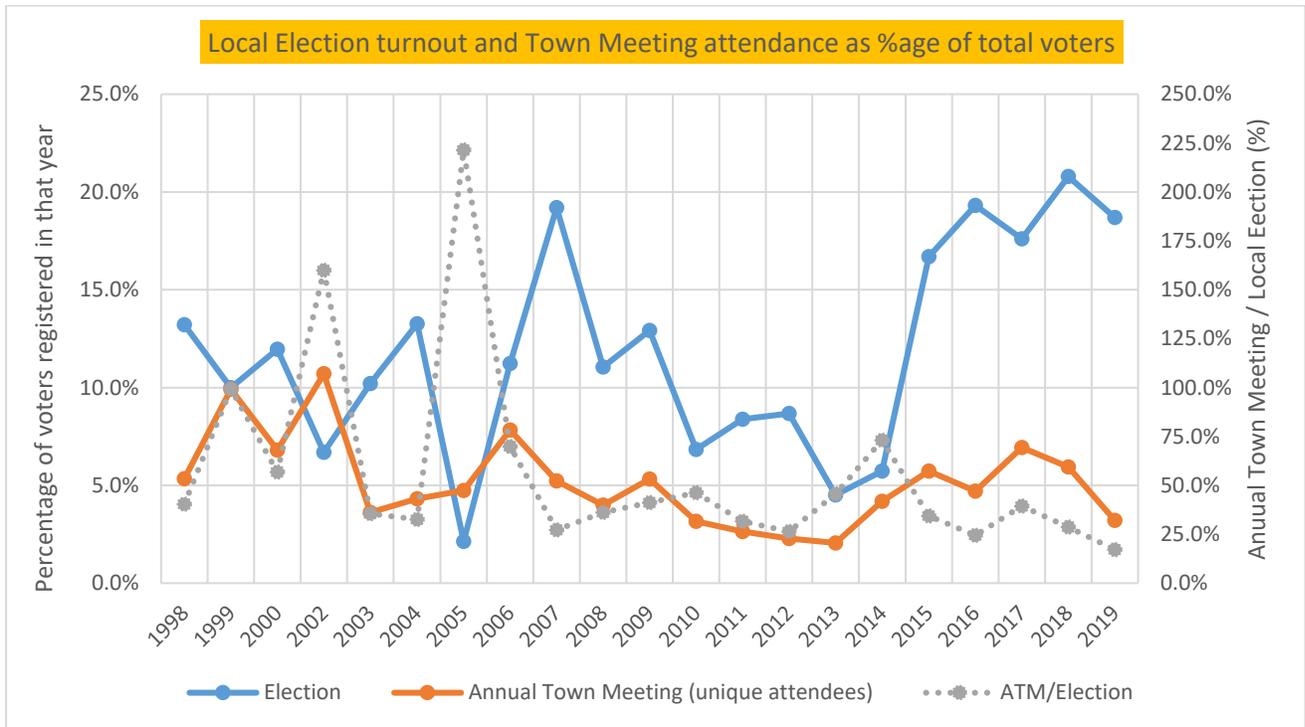


Figure 23 Year-on-year local election turnout and Annual Town Meeting, as percentage of registered voters

In any year, at least 25% of the people who vote in the local election attend Town Meeting. The Committee believes that turnout for local elections is the appropriate metric for comparison because this measures the number of people who have made some effort to participate in Andover’s governance to some level. In two years, Annual Town Meeting attendance significantly exceeded Election turnout. In those years, Annual Town Meeting was the principal way in which residents engaged in local government.

3. Town Meeting attendance patterns

The charts in the previous section show that both election turnout and Annual Town Meeting attendance fluctuate markedly. Figure 24 shows that attendance is particularly high at Town Meetings with “big ticket” items on the warrant that either have long-term effects on the town or on which voters feel very strongly at a personal level. To some albeit lesser extent, these “big ticket” items also influence election turnout.

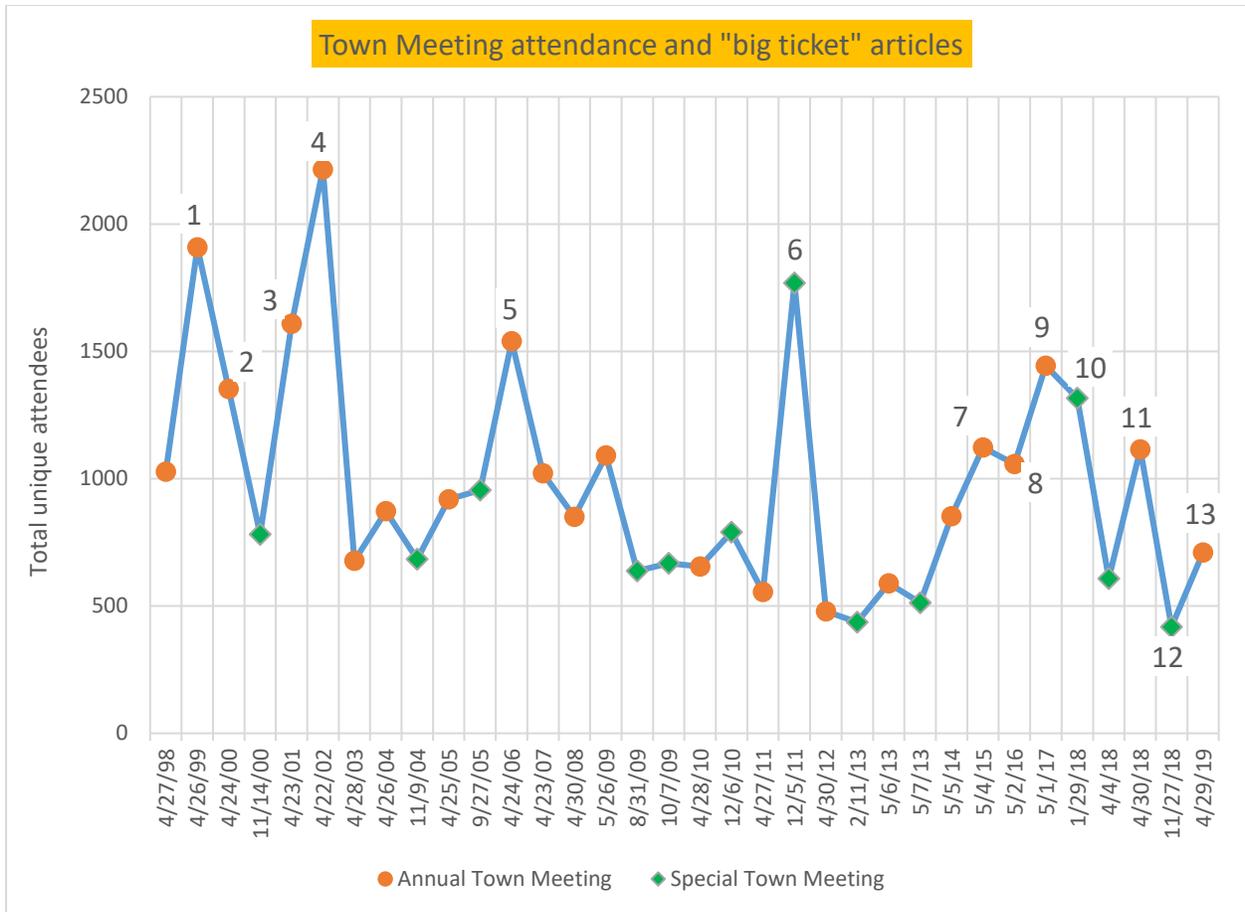


Figure 24 Total attendance at Annual Town Meeting by year, highlighting key issues discussed

Key:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Public Safety Center Override,
Community Preservation Act, Cross-districting 2. Middle school construction -Wood Hill 3. Zoning Recodification 4. School Override, Zoning bylaws, Playing Fields 5. School budget, Wetlands 6. Youth Center | <ol style="list-style-type: none"> 7. School budget, Zoning bylaws 8. Multiple \$1MM - \$2MM appropriations, Zoning bylaws 9. School budget, Zoning bylaws, Dogs 10. Marijuana, Dascomb Road 11. North Reading water, Marijuana 12. Ballardvale Fire Station 13. Senior Center, Select Board renaming |
|---|---|

High attendance is observed at those meetings that include Articles that

- Sanction atypically large Capital Projects or sanction a number of projects that cumulatively amount to a large sum (marked in red in the key)
- Change Zoning at a macro scale (marked in blue in the key)

- Relate to proposed School operating budgets and include line items that are controversial (marked in green in the key)
- Relate to "one-off" topics on which voters feel particularly strongly, such as Marijuana (marked in purple in the key)

Attendance is substantially lower at any Town Meeting that does not include Articles in one or more of the above categories.

Some of these Town Meetings help refine the definition of what constitutes a “big ticket” item. The Ballardvale Fire Station project discussed at the September 27th, 2018, Special Town Meeting called for a substantial appropriation, but attendance was not commensurately high. It seems that there must be some degree of contention around an Article for it to attract voters. The Columbia Gas Special Town Meeting (data only available after this study was concluded) also had a comparatively small turnout and it is fair to say that this matter was considered a no-brainer. Indeed, even attendance at the April 29th, 2019, Town Meeting was driven as much by the article to rename the Select Board as that appropriation for the Senior Center. The former occupied much more of the Meeting’s time, whereas the latter was again, non-controversial. That said, even the Select Board renaming was not a true “big ticket” item, as it was considered critically important by a specific constituency (mainly late-teen voters) but less so by Town Meeting as a whole.

During the lean years of 2010 to 2013, attendance at Annual Town Meetings was of the order of 500 voters. None of the Annual Town Meetings in this period included Articles of the type that drive high attendance, so by our hypothesis, this does not indicate a downward trend in overall attendance. It is noteworthy that 1768 voters attended the December 5th, 2011, Special Town Meeting when the Youth Center funding was considered. We see this as a strong corroboration of our hypothesis.

Notwithstanding, a minimum of 500 to 600 voters attend each Meeting irrespective of the Warrant. Analysis presented later suggests that about 50% of this “baseline” attendance comprises voters who attend regularly. That is, every meeting includes a core of at least 250 voters who are experienced attendees.

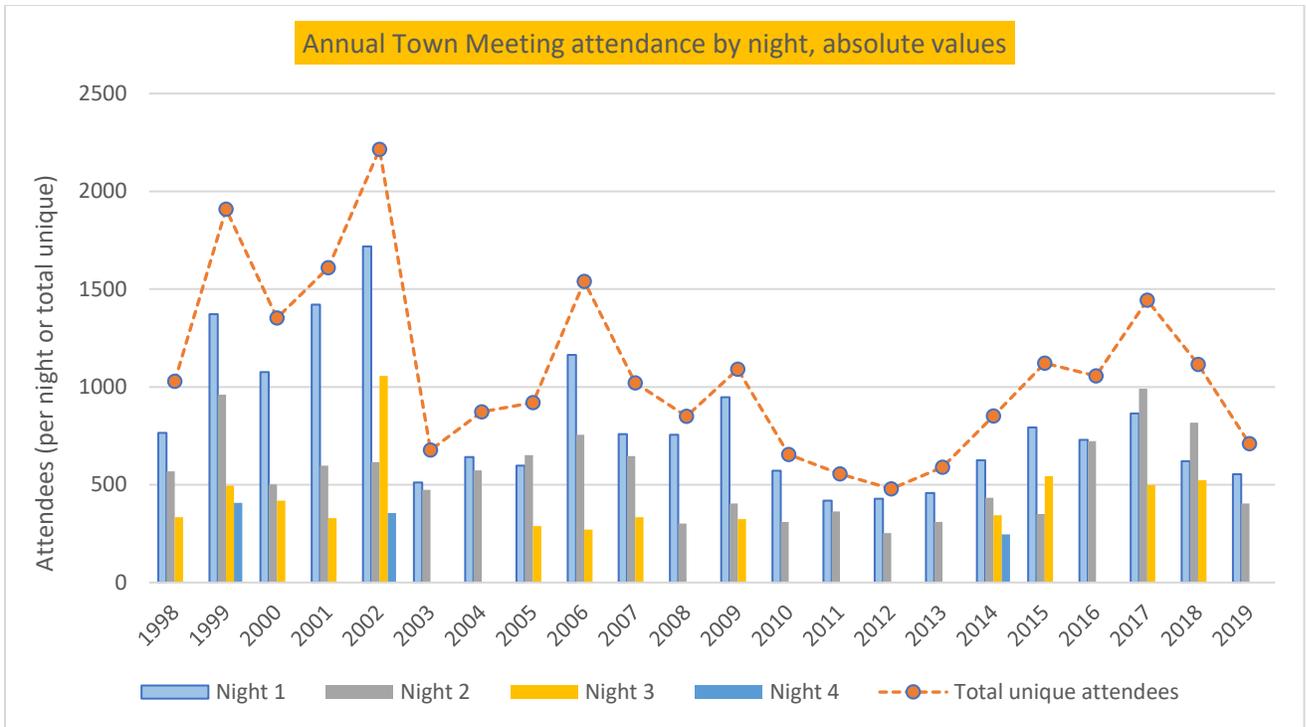


Figure 25 Annual Town Meeting by night, absolute values

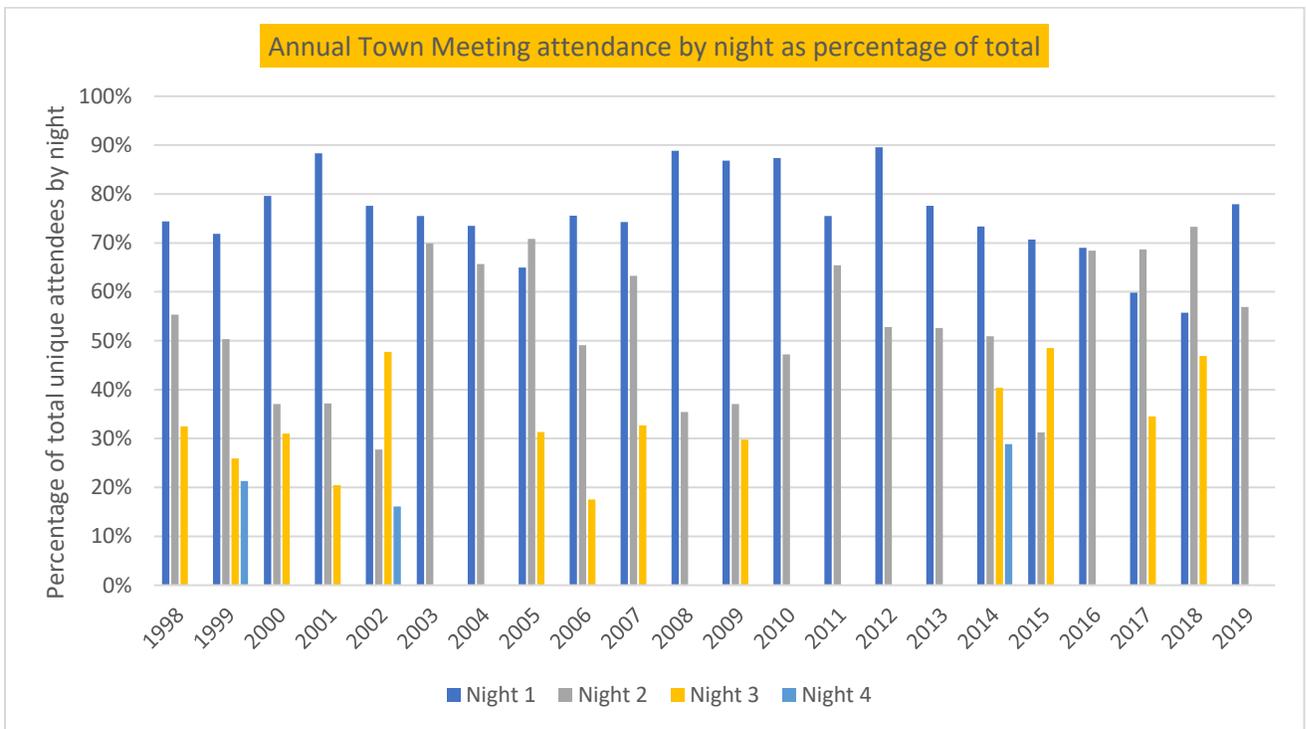


Figure 26 Annual Town Meeting attendance by night as percentage of total attendees

Figure 25 and Figure 26 break down attendance on each night of each Annual Town Meeting as absolute numbers and as percentage of the total unique attendees at that meeting respectively. Again, Special Town Meetings are not shown as none extended over multiple nights during the period under consideration. The first night is typically the highest attended, but the second night has surpassed the first at three Annual Town Meetings and come close at a further three. When not the highest attended night, the second night typically comes second, although the third night has surpassed the second night for second place on three occasions. The fourth night (if held) has always been least attended.

The ranking of the second and third nights aligns with the nights on which big ticket items are discussed. The first night naturally includes significant topics even if there are no big ticket items. This further reinforces the previous conclusion that higher attendance is seen when the Warrant includes big ticket Articles, and in fact, shows that this applies not just to Meetings as a whole, but specific nights of Meetings.

Figure 27 and Figure 28 show how many attendees at each Annual Town Meeting attended one, two, three or four of the nights of that meeting, expressed as absolute numbers and as percentage of the total unique attendees at that meeting respectively. 35% to 55% of the voters attending any meeting attend more than one night. The remainder attend one night. This is not correlated with total turnout or to presence of big-ticket Articles.

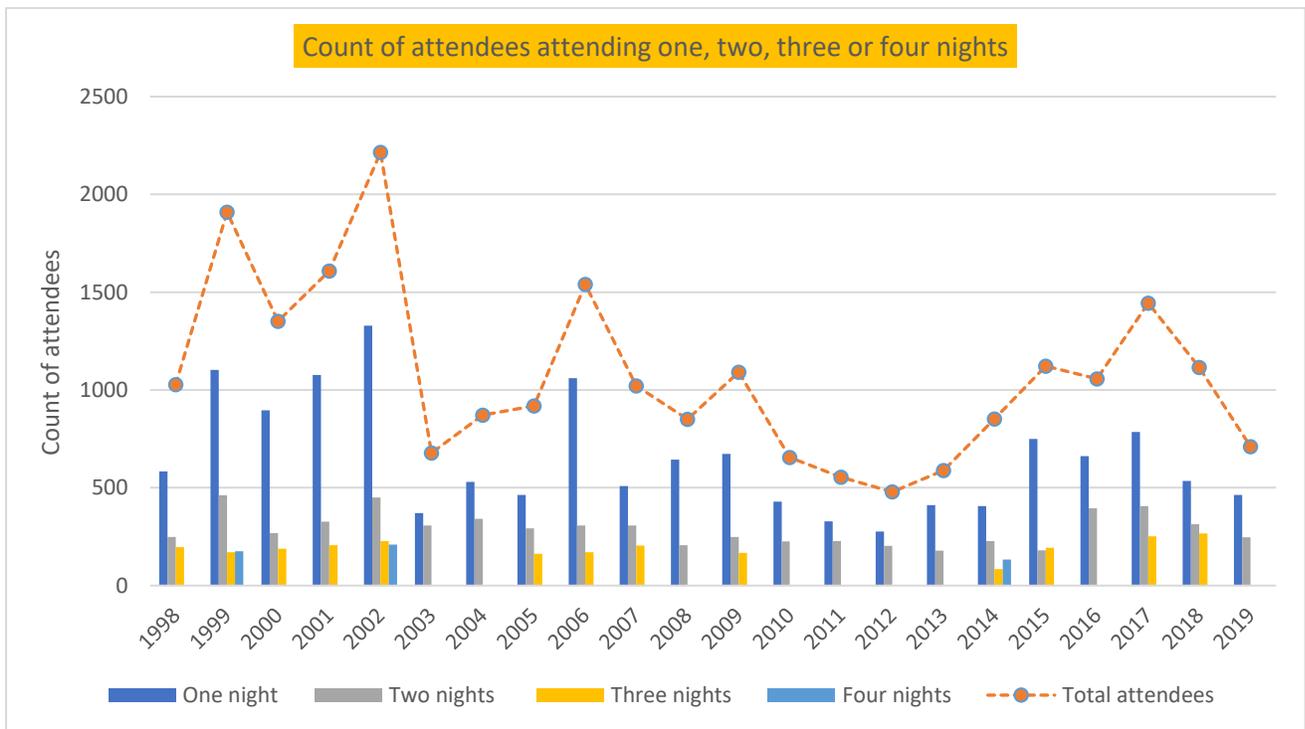


Figure 27 Count of attendees attending one, two, three or four nights of each Annual Town Meeting

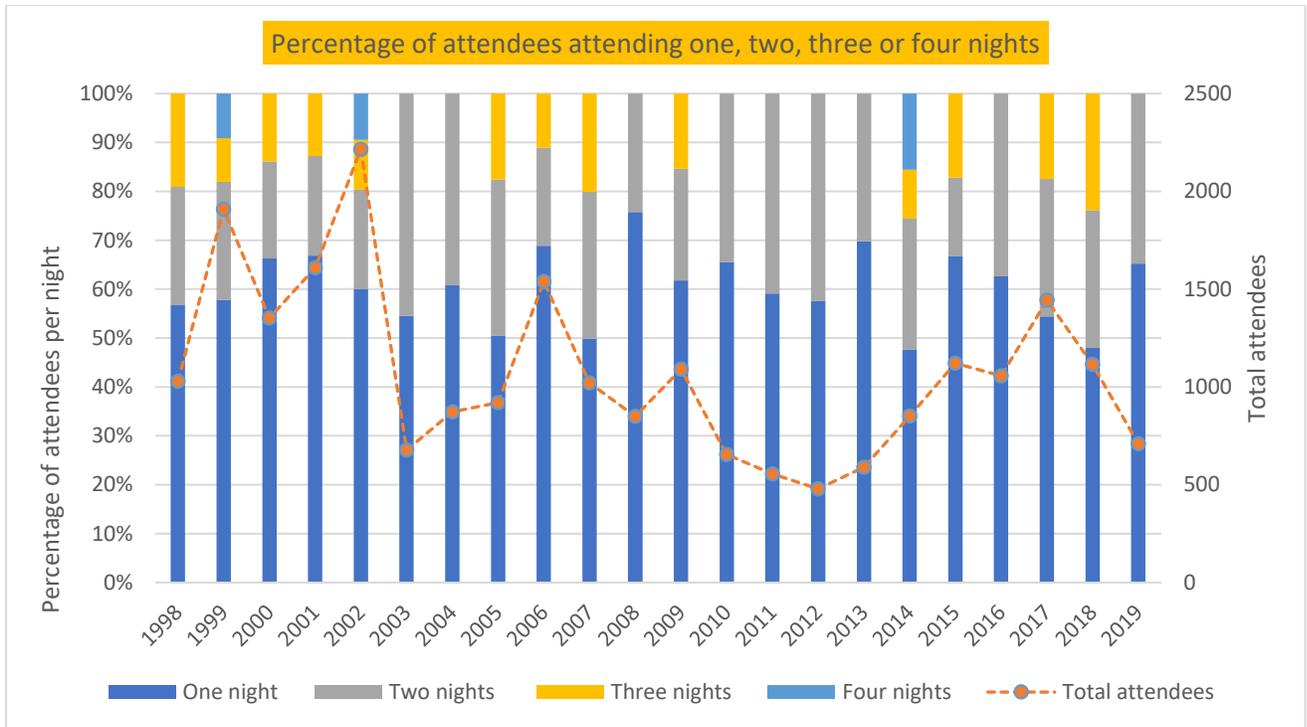


Figure 28 Percentage of attendees attending one, two, three or four nights of each Annual Town Meeting

Finally, Figure 29 and Figure 30 re-present the data shown on the previous graphs, but showing on which nights people attended. These graphs confirm the conclusions drawn from Figure 27 and Figure 28

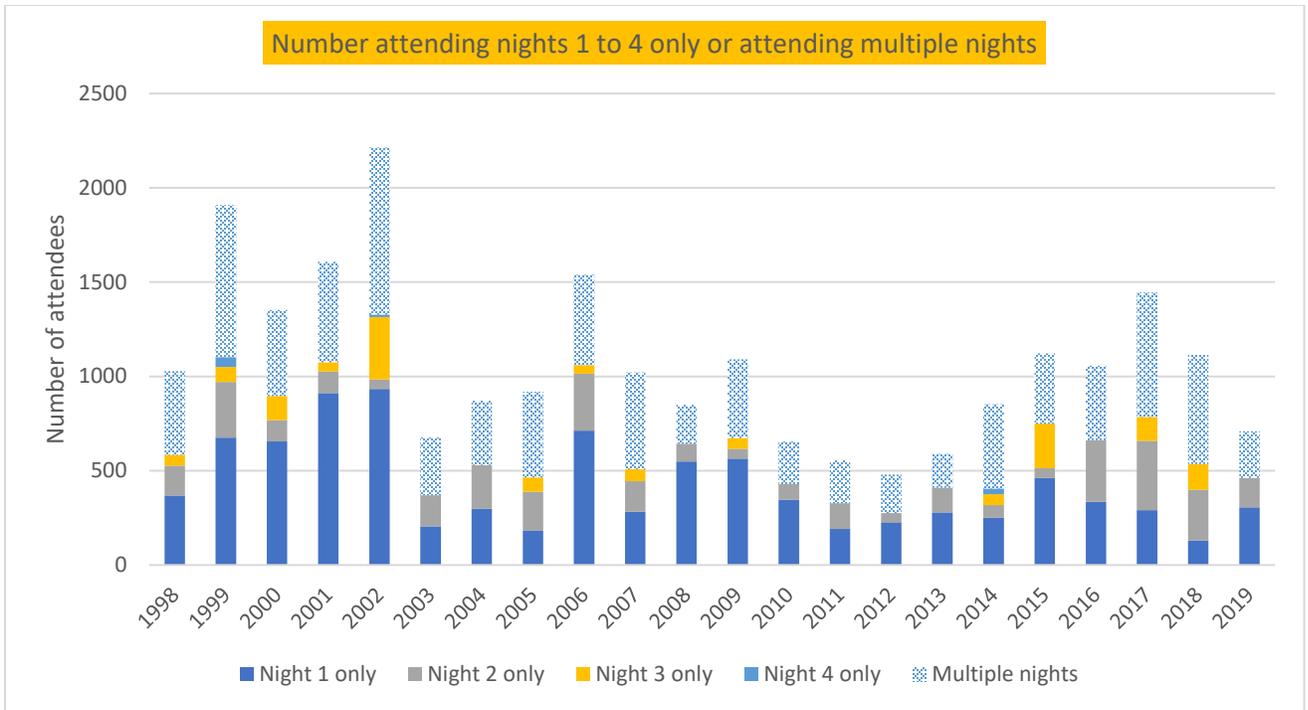


Figure 29 Number of attendees attending nights 1 to 4 only or attending multiple nights of Annual Town Meeting

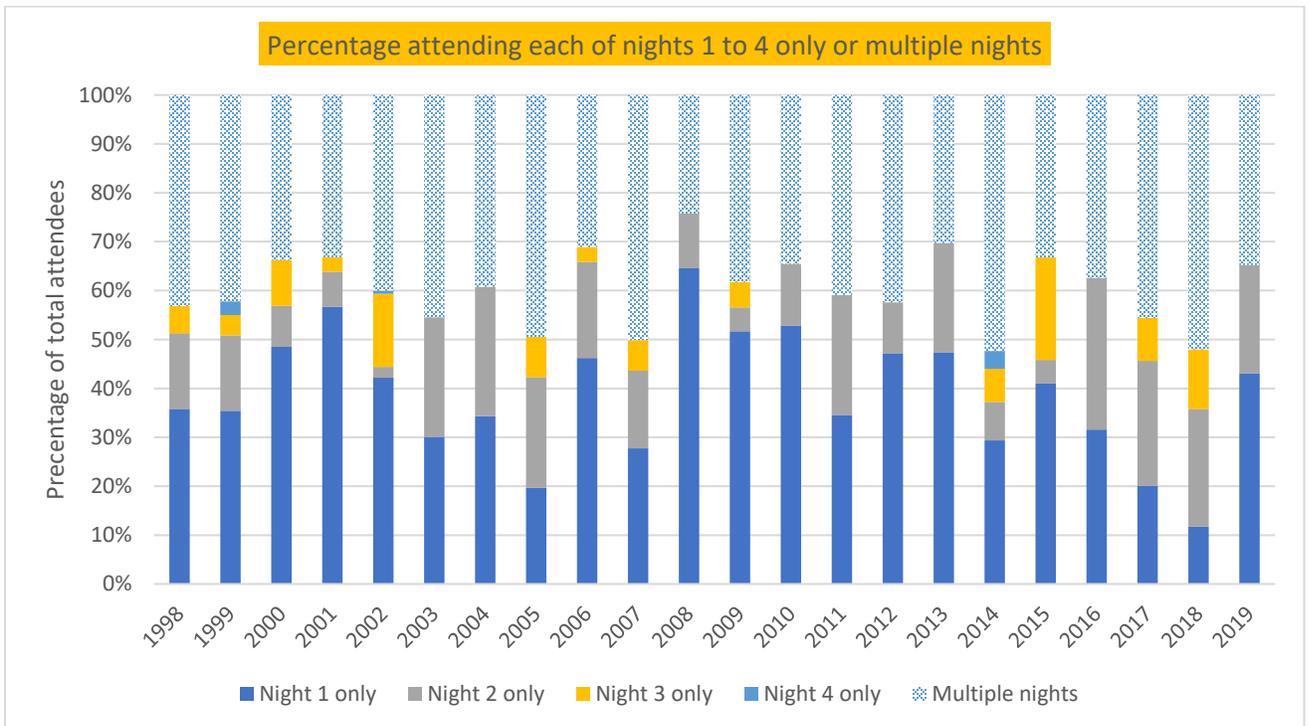


Figure 30 Percentage of attendees attending nights 1 to 4 only or attending multiple nights of Annual Town Meeting

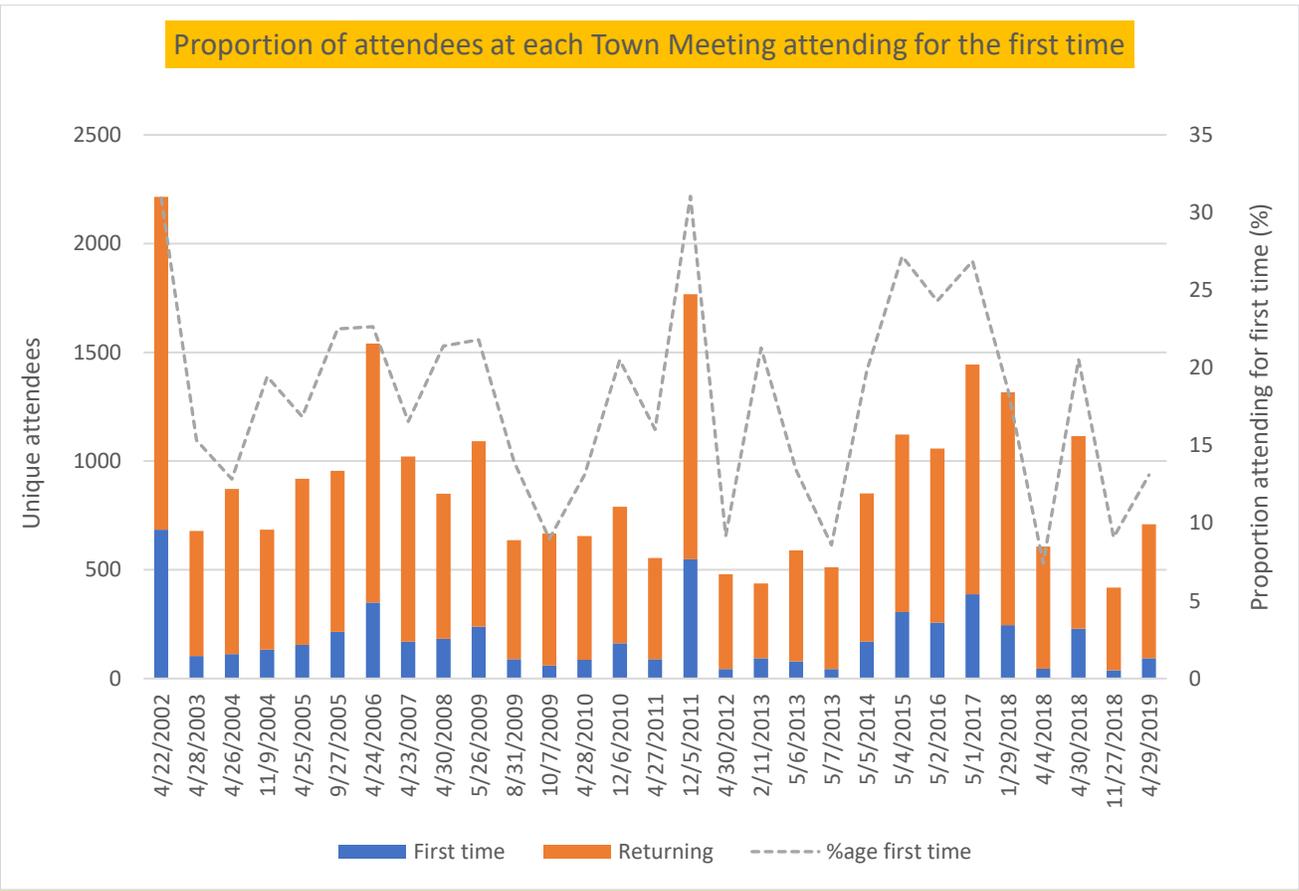


Figure 31 Proportion of attendees at each Town Meeting since 4/22/2002 attending for the first time

Attendance at any meeting comprises regular attendees, infrequent attendees and first-time attendees. Figure 31 shows that the proportion of first-time attendees correlates roughly with overall attendance, that is, that first-time attendees (who, by extension, might be one-off attendees) are somewhat more likely to attend meetings at which “big ticket” items are debated. That said, new attendees never exceed 31% of those present. Deeper analysis shows that, on any given night, 60% to 80% of attendees have attended 5 or more previous nights and 40% - 80% (typically around 60%) have attended 10 or more previous nights, and this is discussed in more detail later. The analysis starts 5 meetings into the period. Prior to that, it is possible that voters would appear to be first-timers simply because no data were available for Town Meetings prior to 1998.

4. Town Meeting attendance – individuals’ behaviors

In this section, results showing attendance by individuals are presented. The reader is reminded that State-assigned voter IDs were used to uniquely identify individuals rather than personally identifying data. Indeed, names and addresses were stripped from the data set immediately it was

received from the State. Without names and addresses in the data set, it is simply not possible to identify to whom a voter ID belongs. Anonymity is guaranteed by this methodology.

Figure 32 shows that some individuals have attend a lower number of nights of more meetings, others have attended a higher number of nights of fewer meetings, and some have attended a high proportion of the nights of many meetings. The number shown in each cell is number of voters who have attended that combination of meetings and nights.

The cells on the leading diagonal represent voters who attended one night of each meeting they attended. Amongst attendees of a lower numbers of meetings, some attendees attended one night per meeting while others attended two or even three nights per meeting but for fewer meetings in total. As the numbers of meetings attended increases, fewer and fewer voters attended one night per meeting, and more and more attended a higher proportion of meetings. Amongst voters who have attended 21 meetings and above, none attended one night per meeting, and both the minimum and maximum number of nights per meeting increase rapidly. The strong yellow cells (indicating the number of nights attended by the most attendees of that number of meetings) moves progressively towards higher numbers of nights per meeting

All 3 voters who have attended all 34 meetings since 1998 have identified themselves to the Committee and all are still registered voters in Andover.

It should be noted that some voters who appear in this chart were only residents for some of the period being studied. That is, they simply did not have time to attend more meetings, and their placement in this chart does not reflect their will to attend. To address this, one would need to consider how many meetings and/or nights that individual has attended and compare this to the number of meetings/nights that he or she might have attended, that is, that were held while the individual was registered to vote in Andover. While this is feasible, it would require substantial effort and was thought to be past the point of diminishing returns.

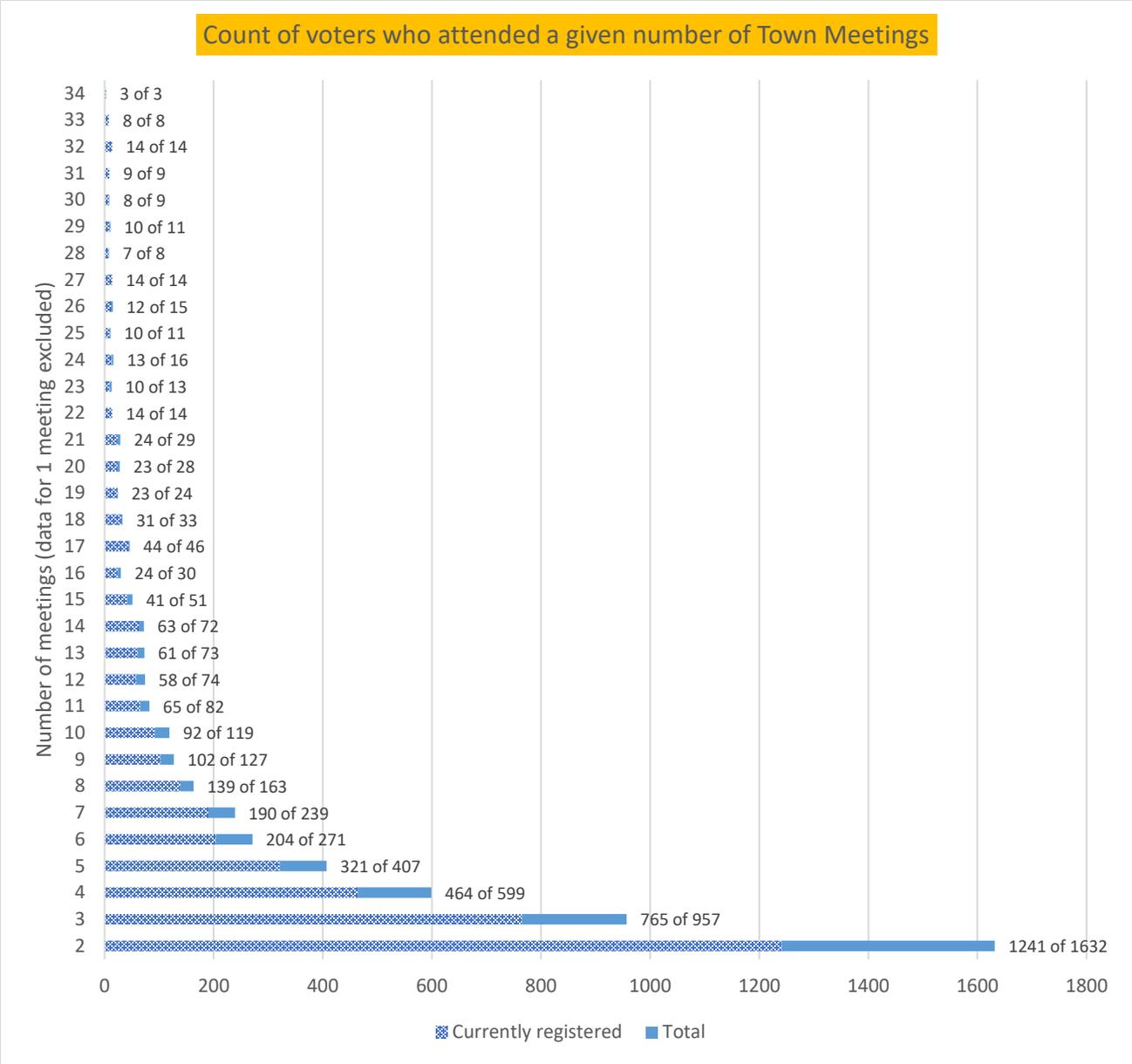


Figure 33 Count of voters who have attended a given number of Town Meetings

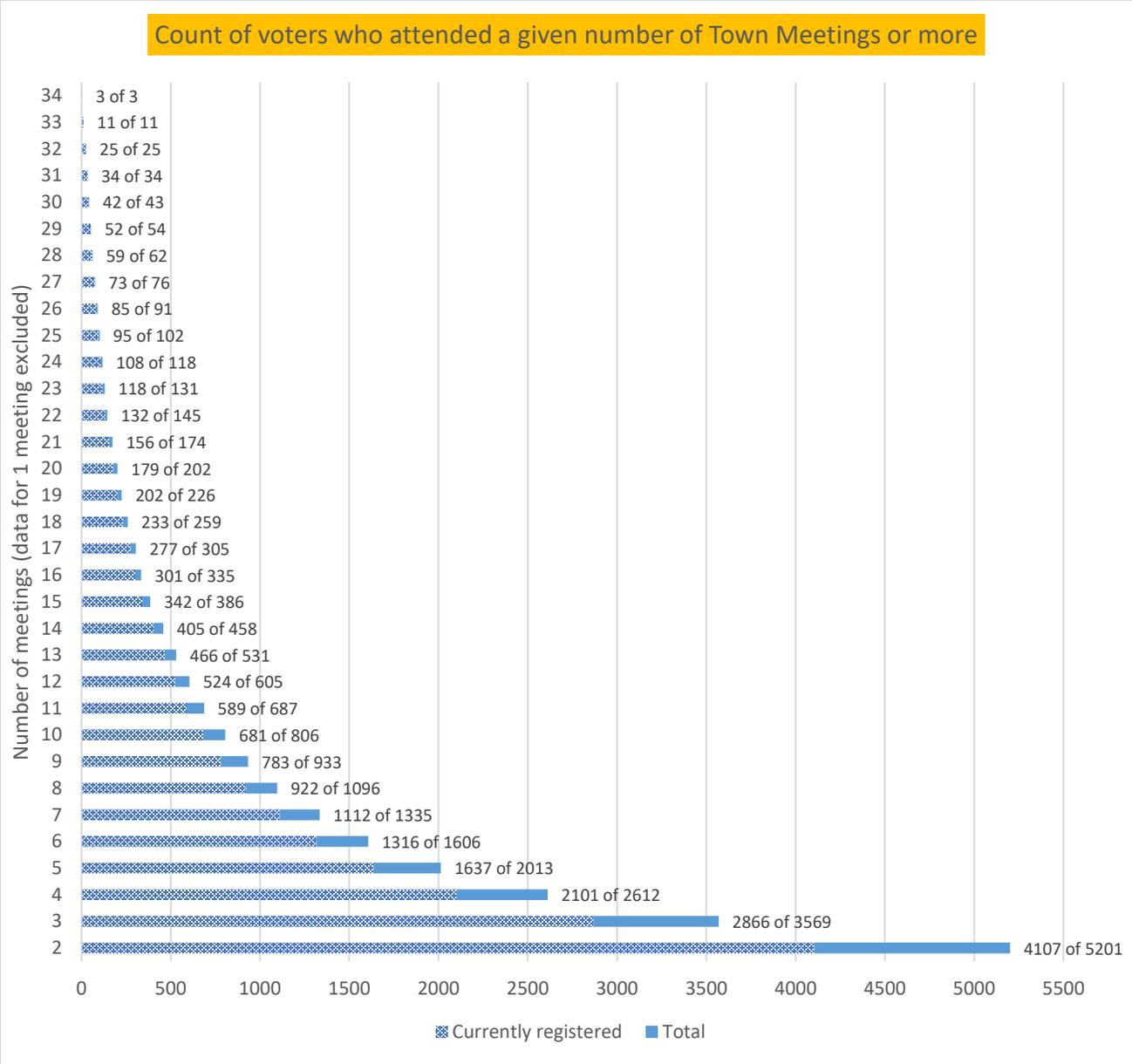


Figure 34 Count of voters who have attended a given number of Town Meetings or more

Figure 33 and Figure 34 show how many voters have attended a given number of meetings, and how many have attended a given number or more. For each row, two values are plotted, the number in total across all times of the period of 1998 to 2019, and the number of those who are still registered voters in Andover. The latter is perhaps a slightly better leading indicator of future attendance. One sees that 1637 residents who are still registered voters, or 2013 of all residents, have attended 5 or more Town Meetings; 681 residents who are still registered voters, or 806 of all residents, have attended 10 or more Town Meetings; and 179 residents who are still registered voters, or 202 of all residents, have attended 20 or more Town Meetings. One may conclude that a good proportion of attendees at any Town Meeting attendees are experienced, have seen how Town Meeting works and know the process, and attend irrespective of the issues to be discussed.

However, 2746 resident who are still registered voters or 3799 people who have been registered at some time during the study period have attended only 1 Town Meeting. These data are not shown on the graph so that the horizontal axis is not overly compressed. The Committee found these data somewhat troubling, and these data were an important factor in motivating the Committee to consider possible causes and to seek potential mitigations to better retain attendees.

Figure 35 and Figure 36 re-present the data, but in the context of attendance on each night of each Town Meeting. These Figures support the conclusions stated previously.

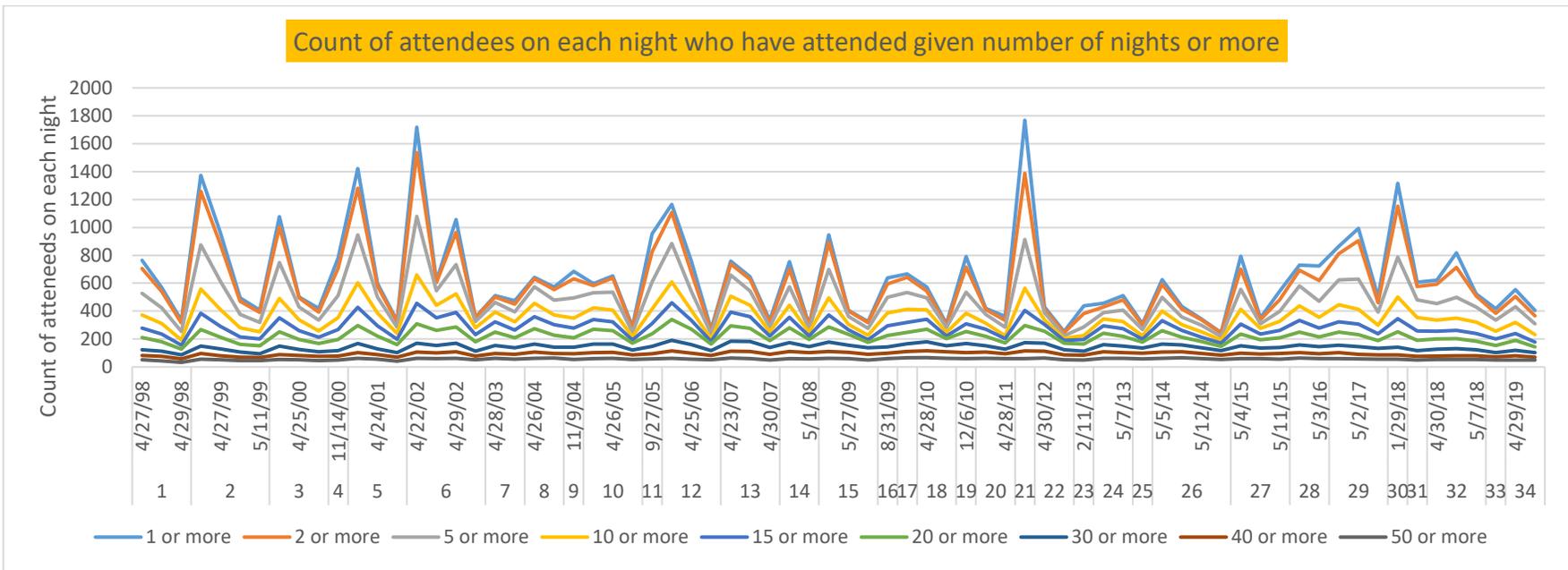


Figure 35 Count of attendees on each night of Town Meeting who have attended given number of nights or more

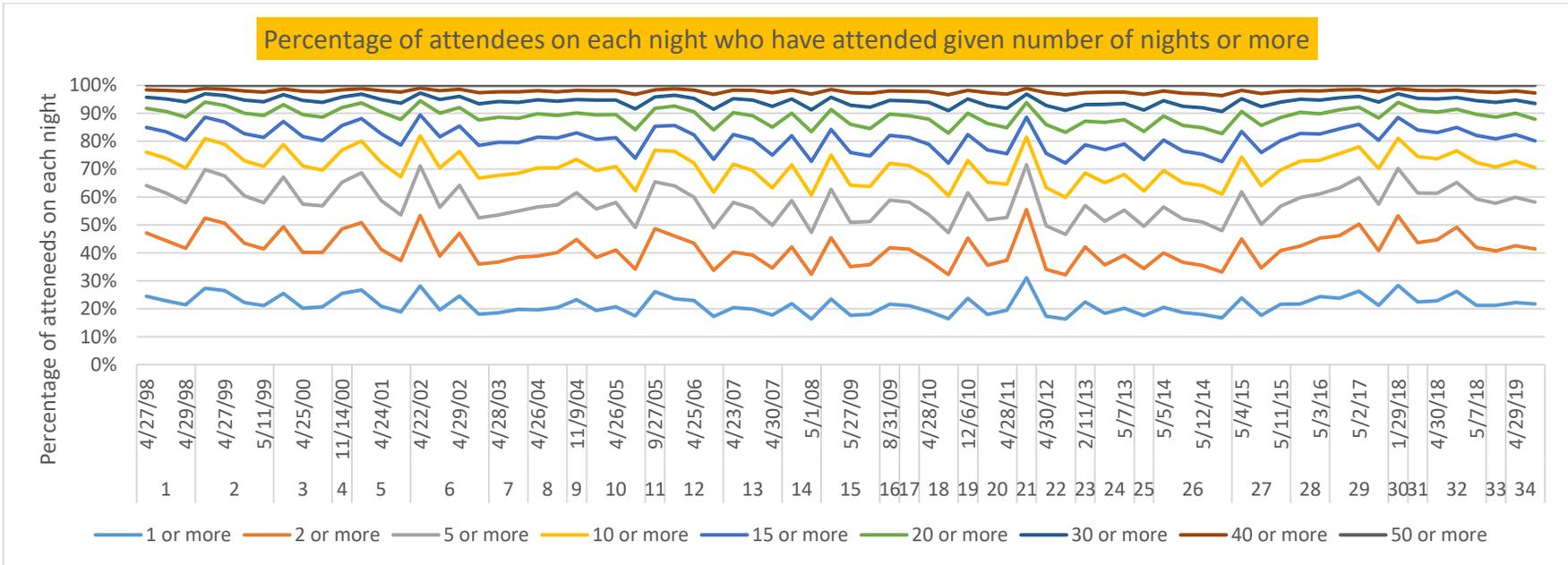


Figure 36 Percentage of attendees on each night of Town Meeting who have attended given number of nights or more

5. Town Meeting participation by locality

Figure 37 below breaks down attendance for every night of every Annual and Special Town Meeting since 1998, and shows the percentage of total attendees from each “locality.” Locality” is used rather than “precinct” for this analysis because Andover’s precincts are not all the same size. Had precincts been used, one would almost expect to see that more Town Meeting attendees come from some precincts than others. Instead, a more precise (and balanced) indicator of a voter’s locality that is also included in the voter records was used. Precincts will be rebalanced in 2022 and this distinction will be rendered moot. It is readily apparent that the width of the stripes is generally similar between localities and night to night. One might argue that the light blue and orange bands towards the bottom of the chart are slightly broader than some others. This is because even though populations of localities are much better balanced than precincts, the number of voters are not perfectly equal. The important point is that these bands are consistently slightly broader. In fact, if there are any discrepancies, they are that some localities are less represented on occasion. That is, with few exceptions, residents do not turn out disproportionately for issues when either their locality stands to benefit most or would bear more heavily negative consequences from a matter being debated.

The Ballardvale Fire Station vote is an excellent example of this. There was strong opposition to this project from some residents in the immediate vicinity of the proposed new fire station, and these residents did turn out to voice their opposition. However, the Town as a whole was in favor of the project and it was approved by a good margin.

Of course, representativeness can be judged on many criteria other than geographic balance of the legislature. Voter records do not provide sufficient data to analyze other criteria.

Percentage of voters from each locality, by night of each Town Meeting

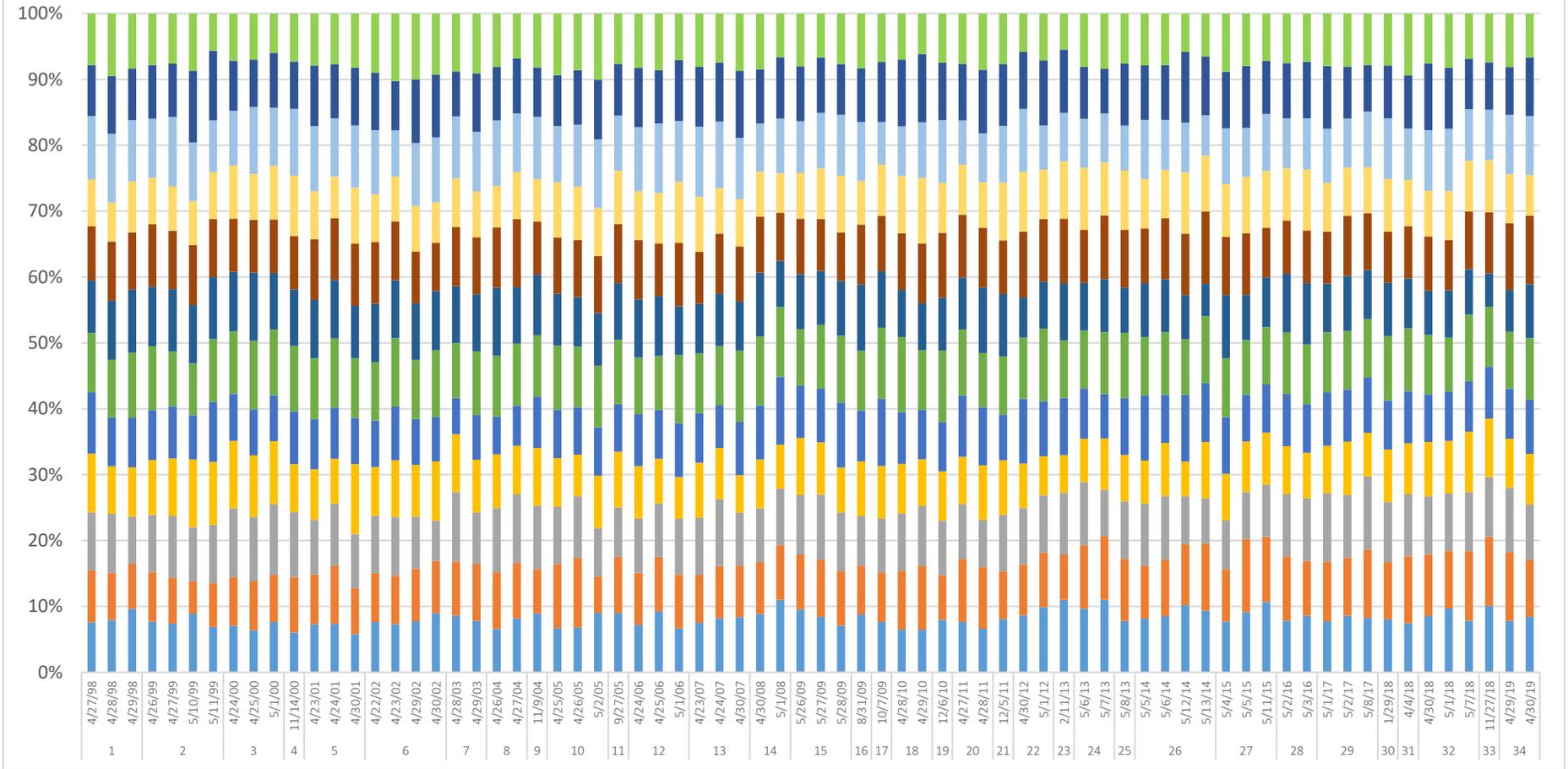


Figure 37 Percentage of attendees from each locality, by night of each Town Meeting

Main Findings and Conclusions

1. Data covered 1998 through 2019, with 21 Town Elections and 34 Town Meetings (Annual and Special).
2. 53864 individuals have been registered to vote in Andover in this period. 14856 (27.6%) have voted in one or more Town Elections. 9000 (16.7%) have attended one or more Town Meetings
3. Total attendance across all nights of each Town Meeting ranges from 500 (5% - 6% of electorate) to 2215 people (10.7%)
4. Attendance is high at Town Meetings (and even on nights) when “big ticket” Articles are considered, and falls to the 500 baseline if not. Taking this into consideration, attendance is stable year on year in both absolute numbers and proportion of registered voters
5. Those attending a Town Meeting have attended 5.1 Town Meetings on average. 800 individuals have attended 10 or more, which equates to about 250 highly experienced attendees at each meeting.
6. 3799 voters have only ever attended one Town Meeting.
7. The level of representation, as measured by turnout or attendance as the proportion of voters registered, has increased for Town Elections and been stable for Town Meetings as the number of voters registered in Andover has increased
8. All localities are equally represented at Town Meetings, meeting after meeting. Town Meeting is geographically representative. There is no evidence of parochial behavior

Appendix 6 – Video Recordings of Committee and Subcommittee Meetings

The following is a link to a central video archive, maintained by AndoverTV.org, of all recorded Committee and subcommittee meetings:

https://andovertv.org/town_governance

Appendix 7 – Community Paradigm Associates Report on Town Manager Residency Requirements

TOWN OF ANDOVER

Review of Residency Requirement

June 2021

There are few communities within the Commonwealth of Massachusetts that maintain a residency requirement for its manager/administrator. The discussion of a requirement was more prevalent in the past during much different times.

There is no central registry to determine the actual number of communities that maintain residency, but it is estimated to be approximately a dozen, or less. Attached is an updated spreadsheet that was initially prepared for several communities as they reviewed their residency requirements. In fact, many communities that did have a requirement have eliminated it over the years. Both Hudson and Blackstone removed requirements within the past two months.

Some communities have a requirement that can be waived by vote of the Select Board and other communities have requirements that residency must be maintained in a certain region or by mileage. For example, the Town of Spencer states that their administrator must live within 15 miles of Spencer based on the border-to-border rule. The Town of Westborough has a requirement that their manager must live in town or a contiguous community.

Attached is an article that was published in the International City/County Managers Association's *PM Magazine* addressing residency requirements in general for department heads. One item worthy of consideration is the neutrality for a manager that does not live within the community. The argument can be made that there is a higher level of neutrality as that manager does not live on a particular street or section of town nor do they have family members involved in local schools or groups that may affect the way an individual perceives an issue.

Residency Not Required

	Notes
Acton	
Abington	
Adams	Residency within first year "unless otherwise provided by BOS
Amherst	Was waived by BOS via contract for at least 3 years
Arlington	
Ashburnham	
Ashland	
Auburn	Can be waived by 4/5 vote of BOS
Barnstable	within 6 mos but can be extended indefinitely
Bedford	
Bellingham	Residency but can be waived by BOS
Belmont	
Billerica	
Blackstone	Removed 2021
Bourne	
Boxborough	
Bridgewater	
Brewster	
Brookline	
Burlington	
Cambridge	
Canton	
Carlisle	
Carver	
Charlton	
Chatham	
Chelmsford	Residency, but can be waived by Town Council
Chelsea	
Cohasset	
Concord	
Conway	
Dartmouth	
Dedham	
Dennis	
Douglas	
Dover	
Dracut	
Dudley	
Duxbury	
East Bridgewater	
East Longmeadow	Residency, but can be waived by Town Council
Easton	Must be maintained within 30 miles
Falmouth	Residency, but can be waived by BOS
Foxborough	
Framingham	
Franklin	
Georgetown	Residency, but can be waived by Town Council

	Notes
Grafton	
Groton	
Great Barrington	Residency, but can be waived by BOS
Hadley	
Halfway	
Hamilton	
Hanover	
Harvard	
Hingham	
Holden	Can live in neighboring communities
Holliston	
Hopkinton	
Hudson	Removed 2021
Hull	
Ipswich	Can be waived by BOS for first contract
Kingston	
La keville	
Leicester	Must be maintained within 25 miles
Lexington	
Littleton	
Longmeadow	
Lowell	
Lunenburg	
Lynnfield	
Manchester By The Sea	
Marblehead	
Marshfield	
Maynard	
Medway	
Middleton	
Millis	
Natick	
Needham	
Norfolk	
North Andover	
North Attleborough	
Northbridge	
Northfield	
North Reading	
Oak Bluffs	
Orleans	
Palmer	
Pembroke	
Plainville	
Plymouth	
Princeton	
Randolph	

	Notes
Raynham	
Reading	
Rowe	
Salisbury	
Sandwich	Residency, but an be waived by unanimous vote of BOS
Saugus	
Scituate	
Sharon	
Sheffield	
Sherborn	
Shrewsbury	Can be waived by BOS...changed in 2016
Somerset	
Southampton	
Southborough	
South Hadley	
Spencer	Must be maintained within 15 miles
Stockbridge	
Stoneham	
Stoughton	
Sturbridge	
Sutton	
Swampscott	
Tewksbury	
Topsfield	
Townsend	
Tyngsborough	
Upton	
Uxbridge	
Wakefield	
Ware	
Wareham	
Watertown	Can be "excused" from requirement by Town Council
Wayland	
Welfleet	
Wellesley	
Westborough	Must be maintained in a the Town or a contiguous town.
West Boylston	
West Bridgewater	
Westford	
Weston	
Westwood	
Wilmington	
Winchester	
Wintthrop	
Wrentham	
Yarmouth	

Residency Required

Mansfield	
Mashpee	
Northborough	
Oxford	
Provincetown	

Southwick	Cannot find Charter--rely on 2016 survey
Williamstown	
Worcester	

Residency Required

	Notes
Andover	
Athol	
Danvers	
Lenox	Cannot find Charter--rely on 2016 survey. However, it should be noted that Town recently joined with Lee in sharing a TM

[Home](#)

Residency Recommendations

Local Impacts of Employee Location

Nov 27, 2017 | PM MAGAZINE

By Steven Vinezeano, ICMA-CM

As the manager of a relatively small local government of 30,000 residents, a request came to my office last year from an elected official to consider requiring all future department heads who are hired by the village to live within its boundaries.

Immediately my biases on the subject came to the surface. After 23 years, however, I have learned to never immediately shoot down an elected official's idea on any topic without thoroughly researching the matter and formulating a sound argument and recommendation.

As I began to study the topic, I found there was no one resource that provided information on local residency pros and cons. This article compiles the insight from numerous sources: general web-based news articles, ICMA website's "Ask & Answer," legal documents, and discussion with professional colleagues. (The Ask & Answer area of the website led me to more information at icma.org/questions/mandatory-residency-employees#node-84748).

Although my angle is from the point of view of department heads, much of the information gathered here could be expanded to include local government managers. It is my hope that this article will help others who are considering and researching the subject.



Arguments for Residency Laws

The debate on residency has its proponents on both sides. Here are the top reasons identified for having residency laws:

1. Residency ensures manpower will be available in case of an emergency. This argument is specific to a community's first responders, and it also can relate to public works employees. Since these departments are usually unionized, it is a mandatory subject of bargaining.

A case can be made, however, for department heads and higher-level positions who usually serve in emergency operations centers to be required to live in the community where they are employed.

But unless the event is immediate, widespread, and a complete surprise, it is my experience that this can be managed. Over the past nine years, I managed two blizzards, one multi-day power outage, and four floods, all of which were anticipated.

Although four of these incidents were declared disasters by the United States president and I lived outside of the community some 12 miles away, I managed to be present and on-site for each incident without putting myself in danger.

2. Residency promotes a better comprehension for problems within the community and an employee will take more interest in the results of their work. This argument is probably the most emotional of all arguments for residency groups.

Residents and elected officials have a lot of pride in their local government and in most cases, deep roots. There is a strong belief among some that unless a management-level employee lives in town, owns a home, uses the schools, and participates in community events, they could never really be committed to it.

To begin with, top-level personnel need to be professionals committed to doing their absolute best to improve the life of those served. An argument can be made, however, that these same staff need to be connected to the community and actively work to not be alienated.

A community connection comes from a number of things—volunteering alongside residents, participating in community clubs, attending community events, and generally being available to residents and other community organizations and agencies.

It has been my experience that department heads and other front-line employees who live outside the community often bring fresh ideas and operational programs with them from those communities.

3. Government confidence is increased when managed by residents. The argument for residency laws was not seen much in my research, but it certainly grabbed my attention. Confidence, in my opinion, is built through facetime with the public as well as the celebration of staff successes.

Depending on the form of government, it is possible that elected officials who are residents may be more engaged in local policy implementation, which is the case in the village where I currently serve.

A case can also be made against management and upper-level employees being residents due to the chance of being unduly pressured by neighbors, family members, and patronage to act unilaterally or to give special treatment, thus ultimately chancing a loss of trust in the position.

4. Residency promotes the "public coffer" principle, provides jobs to residents, encourages home ownership, and discourages middle-class flight. Certainly, local employees, especially those in unions, could be considered by some to be the last stronghold of the middle class. These employees will enhance local revenues through both real estate taxes and local economy participation.

Economies, however, do not exist in isolation. People shop where they want to shop or where they need to shop based on accessibility. Employees also can be encouraged to participate in the local economy through a shop-local campaign that encourages them to shop close to work.

Arguments Against Residency Laws

Here are the top reasons identified for not having residency laws:

1. Residency results in a less-skilled workforce. This argument against residency is likely the most commonly used by hiring professionals. A residency requirement could easily be that one issue that prevents a high-quality individual from entering a candidate pool.

The job offer must be good enough to overcome uprooting family, changing schools, accepting the quality of schools, overriding partner interests, moving costs, leaving aging parents, and so on.

If a position opening does not entice these candidates, a local government is left with the potential of a lower-skilled workforce, which will negatively impact the quality of work.

2. Residency requires a generous compensation package to attract the best and brightest to work for a local government. To overcome the pressures mentioned above, including underwater mortgages and a depressed housing market, a residency law would require a generous compensation package.

A compensation package that includes such benefits as moving and housing assistance, an above-average salary, an auto allowance, and an employment contract with generous separation terms among other items.

Unless the locality is willing to settle on a candidate who is less experienced or less qualified, a residency policy could become a long-term financial liability.

3. Residency reduces the liberty of the employee. Fundamentally, residency rules squeeze the rights of an employee by telling them where to buy a home, send their kids to school, raise a family, and spend their free time.

Quality of life is relative. While some may enjoy living in an urban setting, others may prefer suburban or country living. Forcing residency can easily have a negative impact on the work-life balance of an employee and his or her family members. This level of control could easily impact morale and quality of life resulting in resentment and ultimately, turnover.

My ultimate advice for local governments deciding to pursue residency laws for upper-level staff positions is to be mindful of the challenges they will face with attracting and retaining quality leaders and managers.

It is my experience that department heads and management personnel are career-driven professionals who are going to give any community they serve 110 percent. They will become connected to the community, no matter where they lay their heads at night.

Steven Vinezeano, ICMA-CM, is village manager, Niles, Illinois (scv@vniles.com).

Advertisement

Appendix 8 – Preliminary Study of Applicability of Ranked-choice Voting in Andover

1. Introduction

Ranked-choice voting (RCV) has started to be used in local, state and federal elections in the USA. While it is only used infrequently at this time, it does constitute a potential change to the status quo. It is incumbent upon the TGSC to study whether to recommend that Andover adopts RCV. A full study would be time-consuming and complex. It would make sense to study the simplest questions first. One of these is whether there is evidence that RCV might affect the outcomes of Andover’s local elections (or alternatively, evidence that it probably would not affect the outcomes).

From the data, there is some evidence that the conditions in some elections in Andover might have been such that RCV might have affected their outcomes. It is left to the reader to determine whether it would have been realistically likely that the outcomes would have been affected (data are presented in this paper that might be helpful in this consideration), and whether there were enough of these elections to justify deeper consideration of RCV.

2. Methodology

The results of all local elections since 2008 are available on the Town web site and these have been used as the sample. Select Board and School Committee elections in each year were analyzed.

In 2011, there were two separate votes for Select Board on the ballot, one to elect a member for one year (hereafter “2001a”) and one to elect a member for two years (hereafter “2011b”). The candidates for each were independent, so these two ballots have been treated as two elections. Thus, in total, 15 Select Board elections and 14 School Committee elections were analyzed.

The results of each of these 29 elections were then analyzed to determine:

- How many candidates stood for the election and how many votes did each receive (in ranked order)? This throws some light onto whether some assumptions that underlie these analyses are valid.
- Were there sufficient candidates in that election to support RCV? This informs the most basic question - do enough of Andover’s elections have sufficient candidates for us to even consider RCV?
- Is it mathematically possible that RCV might have changed the outcome of that election? This is a simple pre-screening test to determine whether additional, more in-depth, analysis should be applied to that election.
- By what margin was that election won in comparison to how many votes were left uncast (votes recorded as “blanks”)? Larger numbers of uncast votes possibly weakens the case for RCV.

- Is it realistic to believe that enough votes might be transferred to a candidate who initially did not win so he/she could have overtaken a candidate who was initially a leader? RCV is only worth considering if it realistically might affect the outcome of elections.

3. Results

a) Raw Data

	Year	# seats	Candidate 1	Candidate 2	Candidate 3	Candidate 4	Candidate 5	Blanks
Select Board	2021	2	1108	1026	5			308
	2020	1	1798	726				108
	2019	2	2733	2230	1743	395		1266
	2018	2	3084	2738	1897	682		1055
	2017	1	1987	1793				40
	2016	2	2593	2524	2511			1531
	2015	2	1857	1840	1624	601		1009
	2014	1	941	309				24
	2013	2	844	647	305			311
	2012	2	1181	1145	461	330	293	461
	2011(a)	1	1455					544
	2011(b)	1	935	711	260			110
	2010	2	1155	972	652			487
	2009	2	2003	1855	1378			1062
	2008	1	1446	1188				134
School Committee	2021	2	1054	1043	9			324
	2020	1	1356	854	374			49
	2019	2	2630	2246	1408	699		1372
	2018	2	2993	2615	1983			1865
	2017	1	2113	1658				48
	2016	2	2341	2208	1828	1524		1253
	2015	2	2409	706				348
	2014	1	895					371
	2013	2	749	658				693
	2012	2	1416	1282	5			1377
	2011	1	1035	912				72
	2010	2	1087	960				1209
	2009	2	1755	1482	1143	592	351	981
	2008	1	1292	1069				400

Write-in votes were only recorded in the 2021 elections, and the number of write-in votes in these elections was so small as to be inconsequential (5 and 9 votes respectively). Write-in votes have not been treated specially in any analysis.

For these analyses, it is assumed that RCV would neither have stimulated additional candidates to stand nor discouraged any of those candidates who did stand. The data show that a number of elections were tightly contested. This might indicate that candidates will stand in local elections in Andover without considering whether there is a risk of splitting the vote, which supports the assumption. The data do match the informal observation that there has not been evidence of coordination between multiple candidates in the same election, which might have led to tactical campaigning. The data also show that in some cases, some candidates poll significantly poorer than the leaders, which might suggest that residents already stand undeterred by the strength of the field. Again, this would support the assumption. However, we return to these assumptions in the more detailed analyses later.

b) RCV Theoretical Feasibility

	Year	# seats	Candidate 1	Candidate 2	Candidate 3	Candidate 4	Candidate 5	Feasible ?
Select Board	2021	2	1108	1026	5			
	2020	1	1798	726				
	2019	2	2733	2230	1743	395		✓
	2018	2	3084	2738	1897	682		✓
	2017	1	1987	1793				
	2016	2	2593	2524	2511			
	2015	2	1857	1840	1624	601		✓ ✓
	2014	1	941	309				
	2013	2	844	647	305			
	2012	2	1181	1145	461	330	293	✓
	2011(a)	1	1455					
	2011(b)	1	935	711	260			✓ ✓
	2010	2	1155	972	652			
	2009	2	2003	1855	1378			
2008	1	1446	1188					
School Committee	2021	2	1054	1043	9			
	2020	1	1356	854	374			✓
	2019	2	2630	2246	1408	699		✓
	2018	2	2993	2615	1983			
	2017	1	2113	1658				
	2016	2	2341	2208	1828	1524		✓ ✓
	2015	2	2409	706				
	2014	1	895					
2013	2	749	658					

2012	2	1416	1282	5			
2011	1	1035	912				
2010	2	1087	960				
2009	2	1755	1482	1143	592	351	✓✓
2008	1	1292	1069				

If the election was for one seat, there would need to be at least three candidates to support RCV; if for two seats, there must need to be at least four candidatesⁱ. Rows marked with a single check mark represent elections in which there were sufficient candidates to support RCV, amounting to 9 of the 29 elections. Rows marked with a double check mark represent elections in which there were sufficient candidates to support RCV and in which it would have been *mathematically* feasible for RCV to lead to a different outcome, amounting to 4 of the 29 elections. To test for *mathematical* feasibility, we assume that all votes received by all but one of the losers would be transferred to the other losing candidate. If anything, this will lead to false positives, but suffices as an initial pre-screening test to identify which elections should be studied in more depth to assess whether it is realistic to believe that RCV could have affected the outcomeⁱⁱ.

c) Margins and Blanks

	Year	# seats	Lowest winner	Highest loser	Margin	Percent margin	Blanks	Blanks > margin	Feasible?
Select Board	2021	2	1026	5	1021	99.5%	308		
	2020	1	1798	726	1072	59.6%	108		
	2019	2	2230	1743	487	21.8%	1266	✓	✓
	2018	2	2738	1897	841	30.7%	1055	✓	✓
	2017	1	1987	1793	194	9.8%	40		
	2016	2	2524	2511	13	0.5%	1531	✓	
	2015	2	1840	1624	216	11.7%	1009	✓	✓✓
	2014	1	941	309	632	67.2%	24		
	2013	2	647	305	342	52.9%	311	✓	
	2012	2	1145	461	684	59.7%	461		✓
	2011(a)	1	1455	0	1455	100.0%	544		
	2011(b)	1	935	711	224	24.0%	110		✓✓
	2010	2	972	652	320	32.9%	487	✓	
	2009	2	1855	1378	477	25.7%	1062	✓	
2008	1	1446	1188	258	17.8%	134			
School	2021	2	1043	9	1034	99.1%	324		
	2020	1	1356	854	502	37.0%	49		✓
	2019	2	2246	1408	838	37.3%	1372	✓	✓
	2018	2	2615	1983	632	24.2%	1865	✓	
	2017	1	2113	1658	455	21.5%	48		

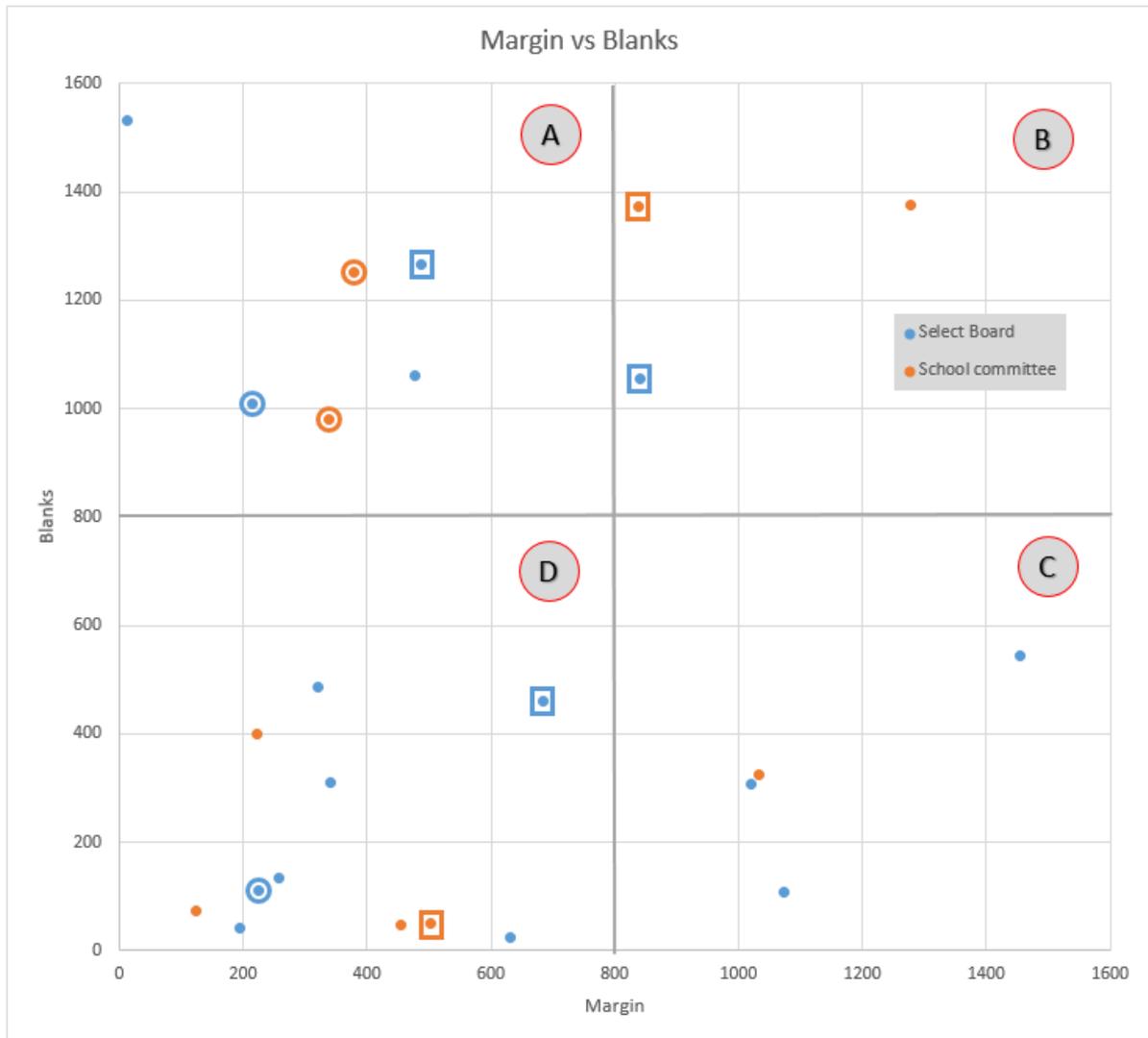
2016	2	2208	1828	380	17.2%	1253	✓	✓ ✓
2015	2	706				348		
2014	1	895				371		
2013	2	658				693		
2012	2	1282	5	1277	99.6%	1377	✓	
2011	1	1035	912	123	11.9%	72		
2010	2	960				1209		
2009	2	1482	1143	339	22.9%	981	✓	✓ ✓
2008	1	1292	1069	223	17.3%	400	✓	

- “Margin” represents the margin or difference between the number of votes received by the winning candidate (if one seat were being elected) or the lower-ranked winning candidate (if two seats were being elected) and the number of votes received by the highest-ranked losing candidate.
- “Percent margin” expresses the margin as a percentage of the votes received by the (lower-ranked) winning candidate.
- “Blanks” shows the number of votes that were left uncast in that election (votes recorded as “blanks”)

Margins ranged from 0.5% to 95%. In some elections, large numbers of votes were left uncast (thousands). The number of blanks exceeded the margin in 13 of the 29 elections. In three of the four elections in which it was *mathematically* feasible for RCV to lead to a different outcome, the number of blanks exceeded the margin. That is, in these elections, even if all blank votes had been cast for the highest-ranked loser instead, the highest-ranked loser would not have won.

As an aside, studies have shown that turnout for local (typically mayoral) elections increases by up to 10% in municipalities that use RCV. The large number of voters who turn out then don’t vote in Andover render this benefit moot.

Additional insights might be gained by plotting the margin against the number of blank votes for each election, as shown below. Elections in which there were only enough candidates to fill the seats are not shown. Elections that included sufficient candidates for RCV are highlighted with squares; those in which it was also mathematically feasible that RCV to lead to a different outcome are highlighted with circles.



The chart has been divided into four quadrants. Each quadrant represents a particular combination of high or low margin and high or low number of blanks. One might postulate that each combination arises from different levels of how strongly candidates were differentiated and how strongly were voters motivated. Then, for each combination of differentiation and motivation, one might postulate whether or not RCV might have made a difference to the elections in that quadrant had it been in use. Finally, one might argue that quadrant D represents the only combination of differentiation and motivation in which RCV might make a differenceⁱⁱⁱ.

If the reader accepts this hypothesis is valid, then one would conclude that 9 of the 29 elections had the right combination of differentiation and motivation for RCV to potentially make a difference to the outcome^{iv}. Of these, three had sufficient candidates, and it was *mathematically* feasible in one for RCV to lead to a different outcome.

d) Plausibility

The pre-screening test described in section 3(a) only establishes whether it would have been mathematically possible for RCV to change the outcome of an election. The test does not assess whether it is plausible that votes would have been transferred in a way that would actually effect change. This section considers whether a lower-placed candidate might realistically have been able to overtake a leader if RCV were in use, or whether he/she would have faced a “hill too steep to climb”. RCV is only worth considering if it realistically might affect the outcome of elections.

The pre-screening test assumes that all transferrable votes were transferred to one of the initial losers. Here, we refine that assumption and determine what proportion of the transferrable votes would need to be transferred to an initial loser so that he/she would overtake the winner (in an election for one seat) or the winner with the lower initial number of votes (in an election for two seats). Of course, votes that are not transferred to an initial loser might be transferred to (one of) the initial winner(s), thus increasing the number of votes that would need to be transferred to the initial loser for him/her to overtake^v. So, the number of votes that the initial loser would require has been calculated for scenarios ranging from the most favorable (no remaining votes are transferred to the lower loser) to the least favorable (all remaining votes are transferred to the lower loser). Note therefore that the percentage of votes needed by the loser is the percentage of the total transferrable votes (which is the metric to establish feasibility), whereas the percentage of votes transferred to the lowest winner is the percentage of the remaining votes transferred to one or other of the winners (i.e., after those transferred to the loser have been allocated).

<i>Lowest winner receives:</i>	Select Board 2015	School C'ttee 2016	Select Board 2011b	School C'ttee 2009
0% of remaining votes	36%	25%	93%	36%
20% of remaining votes	56%	45%		56%
40% of remaining votes	76%	65%		76%
60% of remaining votes	96%	85%		96%
80% of remaining votes	116%	105%		116%
100% of remaining votes	136%	125%		136%

The number of votes that would need to be transferred to an initial loser equates to the magnitude of the challenge he/she would face. If the loser would need a large proportion of the transferrable votes, it is probably reasonable to conclude that it is simply numerically/probabilistically unlikely that the deficit could be overcome. Of course, it is left for the reader to decide the threshold for this. However, this analysis does not consider whether

votes would actually be transferred in the way that would be required, that is, how and whether voters might have set second and subsequent choices. Here, a consideration of the personal and policy characteristics of the individual candidates might be helpful. To that end, we list the candidates in each of the elections in which it was *mathematically* feasible for RCV to lead to a different outcome. Each candidate's performance in previous and subsequent elections is also noted, as that might indicate whether the candidate was consistently highly or poorly regarded by voters and/or whether he/she won or lost as one amongst many strong candidates. The characteristics of the individual candidates might be considered in conjunction with the characterization of the various quadrants as discussed previously.

2016 School Committee (2 seats)	SHANNON I. SCULLY	2341	Elected 2016 (2341 votes, first), elected 2019 (2630 votes, first)
	PAUL D. MURPHY	2208	Elected 2016 (2208 votes, second), elected 2019 (2246 votes, second)
	BOB POKRESS	1828	Defeated 2016 (1828 votes, third), defeated 2017 (1658 votes, second)
	BILL PERKINS	1524	Defeated 2016 (1524 votes, fourth)
2015 Select Board (2 seats)	DANIEL H. KOWALSKI	1857	Elected 2012 (1145 votes, narrow second), elected 2015 (1857 votes, first)
	ROBERT A. LANDRY	1840	Elected 2015 (1849 votes, narrow second), defeated 2018 (682 votes, last)
	BRIAN P. MAJOR	1624	Elected 2009 (2003 votes, first), elected 2012 (1181 votes, first), defeated 2015 (1624 votes, third)
	NEIL J. SENIOR	601	Defeated 2015 (601 votes, last)
2011b Select Board (1 seat)	PAUL J. SALAFIA	935	Elected 2011 (935 votes, first), elected 2013 (647 votes, second), elected 2016 (2593 votes, first)
	DANIEL H. KOWALSKI	711	Defeated 2011, elected 2012 (1145 votes, narrow second), elected 2015 (1857 votes, first)
	LARRY BRUCE	260	Defeated 2011 (260 votes, last), defeated 2013 (305 votes, last)
2009 School Committee (2 seats)	ANN W GILBERT	1755	Elected 2009 (1755 votes, first), elected 2012 (1416 votes, first)
	ARTHUR H BARBER	1143	Elected 2009 (1143 votes, second)
	PAULA COLBY-CLEMENT	592	Defeated 2009 (592 votes, third), elected 2010 (1087 votes, first), elected 2013 (749 votes, first)

	DAVID A BIRNBACH	482	Defeated 2009 (482 votes, fourth), elected 2012 (1282 votes, second), defeated 2015 (1198 votes, fourth)
	DIANE M MCCARRON	351	Defeated 2009 (351 votes, fifth)

Notes

¹ Unless there was at least one candidate in an election for one seat, or two candidates in an election for two seats, the initial votes would not even fill all available seats. Unless there was another candidate, there would be no-one *to whom* votes could be transferred to escalate him/her to overtake one of the initial leaders. Finally, unless there was at least one more candidate, there would be no-one *from whom* votes could be transferred.

² For the elections in which there were sufficient candidates, it is mathematically possible that RCV might have changed the outcome if the total number of votes received by all losing candidates is greater than the votes received by the (lower) winning candidate. To make the explanation clearer, assume the election is for one seat. Assume for now that all votes received by all of the losers are transferred to other candidates who initially lost, that is, that the initial leader does not gain any benefit from RCV. One of the initially losing candidates would receive in total the number of votes initially cast for him/her, plus all the votes initially cast for the other losing candidates, which of course is equal to the total number of votes cast for all losers. This candidate could mathematically overtake the winning candidate if this sum is greater than the number of votes cast for the winner. The same rationale applies to an election for two seats, where the loser could overtake the lower of the winning candidates if this sum is greater than the number of votes cast for the lower winning candidate. For this analysis, it is moot which of the initial losers might ultimately overtake the winner, we just need to know that one candidate could do so. Thus, the simple arithmetic outlined above suffices; we do not need to simulate the order in which losing candidates are eliminated.

³ Quadrants A and B comprise elections in which large numbers of blank votes were recorded. Superficially, this might suggest that the extra complexity of RCV would not have been warranted in these elections given that many voters often do not cast a vote at all. (Note however that one might consider the significance of the number of voters who turned out but did not cast a vote against the number who did not turn out at all). However, a more detailed consideration might lead to a different conclusion.

One might postulate that quadrant A comprises elections in which each of the higher-ranked candidates (winners and higher-ranked losers) were less differentiated (low margins). If so, voters who did vote would be more likely to cast their votes in roughly equal proportion, while many voters might not feel moved to vote for any specific candidate as they would be satisfied with any outcome (high number of blanks). If RCV were in use, voters' choices of second- and subsequent-choice votes might perhaps be somewhat arbitrary choices (if recorded at all). If it were difficult to differentiate first choice candidates, it would be more difficult to choose second- and subsequent-choice candidates. Given that margins were small in the elections in this quadrant, one might argue that the increased resolution offered by RCV might be warranted. Conversely, the large number of blanks might suggest that RCV would only have a second-order effect and the most assured route to a win would be for a candidate to differentiate themselves better. In any case, if the candidates are less differentiated, one might argue that the election has

less impact on the quality of government - whoever is elected would perform similarly. This is no consolation at a personal level to a losing candidate who comes close to a win, of course.

Conversely, quadrant B might comprise the elections in which candidates were well differentiated and many voters had strong preferences for the winner(s). Candidates might be differentiated because of significant differences in the merit of their policies or because voters had an inherent dislike for the loser's platform (for example, if the loser were standing as a disruptive agent of change). At the same time, voters might not vote because they would be satisfied with an outcome that they perceived to be inevitable (in other words, they left it to other voters to elect the candidate that they also preferred). Conversely, voters might not bother to vote because they did not see their preferred candidate having any chance. In either case, RCV would be unlikely to affect the outcome, as voters would not be motivated to their choices of second- and subsequent-choices.

One might postulate that quadrant C comprises elections in which the winning candidates were highly differentiated from the other candidates (the high margin) and in which voters were strongly motivated to vote (low number of blanks). Candidates might be differentiated as previously described for quadrant B. However, unlike quadrant B, the merits of the winning candidate(s) platform might be so appealing that everyone was motivated to vote, or voters might be strongly opposed to the loser's platform or perceive it to be a threat and actively vote against that candidate. In either case, if RCV were in use, voters might transfer votes between the winning candidates in a two-seat contest, or maybe between losing candidates in the unlikely case that there was more than one candidate with the same, unpopular platform, but this would not affect the outcome.

Finally, quadrant D might comprise the elections in which RCV might affect the outcome. The low margins would suggest that the election was tightly contested and the small numbers of blanks would suggest that voters were motivated. In a tightly contested race, a plurality win is least likely to represent the majority's wishes, so RCV would be most relevant. Highly motivated voters are most likely to be motivated to record their choices of second- and subsequent-choices so RCV would have the "raw materials" to function.

⁴ A reader might believe that the boundaries between the quadrants should be adjusted. The boundaries were plotted at 50% of the ranges to be as neutral as possible. Notwithstanding, the real question is whether the reader agrees qualitatively with the above assessment.

⁵ This assumes that all ballots would have second and third choices. This is not necessarily valid, as discussed for quadrants A and B in Note 3.

Appendix 9 – Community Paradigm Associates Report on Elected Official Recall Mechanisms

TOWN OF ANDOVER



Review of Recall Provisions

June 2021

We are providing the following information on recall provisions as requested by the Town Governance Study Committee. Recall provisions do tend to be similar in nature. For review purposes, we have included the two recall provisions that are currently before the Legislature from the Towns of Wenham and Otis. We have also included the recall provisions for Andover's border communities that have adopted them which include North Andover, Wilmington, Tewksbury, North Reading, and Dracut.

In addition, the following is a list of recall elections that have occurred since 2019 in Massachusetts as published by Ballotpedia on their website,

https://ballotpedia.org/Recall_campaigns_in_Massachusetts

Massachusetts Recall Elections

2021

- [Dan Freitas recall, Fairhaven, Massachusetts \(2021\)](#)

2020

- [Kelly Cobb-Lemire recall, Braintree School Department, Massachusetts \(2020\)](#)
- [Select board recall, Kingston, Massachusetts \(2020\)](#)
- [Vanessa Alvarado recall, Reading, Massachusetts \(2020\)](#)
- [Westford School Department recall, Massachusetts \(2020\)](#)

2019

- [Mashpee Wampanoag Tribe recall, Massachusetts \(2019\)](#)
- [Verne Sund recall, Greenfield, Massachusetts \(2019\)](#)
- [Jasiel Correia recall, Fall River, Massachusetts \(2019\)](#)

2018

- [William Kingkade recall, Milford, Massachusetts \(2018\)](#)
- [Jasiel Correia recall, Fall River, Massachusetts \(2019\)](#)
- [Nancy Goulart recall, Dighton, Massachusetts \(2018\)](#)
- [Edward Kimball recall, Rockland, Massachusetts \(2018\)](#)
- [James Burgess recall, Randolph, Massachusetts \(2018\)](#)

2017

- [Town board recall, Stoughton, Massachusetts \(2017\)](#)
- [Shannon Cutler recall, Southamptn, Massachusetts \(2017\)](#)
- [Teresa Barrett recall, West Brookfield, Massachusetts \(2017\)](#)
- [Gordy Clark and Cindy King recall, Townsend, Massachusetts \(2017\)](#)
- [Kendra Dumont and Robert Prescott recall, Shirley, Massachusetts \(2017\)](#)

2016

- [Kendra Dumont and Robert Prescott recall, Shirley, Massachusetts \(2017\)](#)
- [Judith Marguiles recall, Ashland, Massachusetts \(2016\)](#)
- [Richard Jankauskas recall, Barre, Massachusetts \(2016\)](#)
- [Scott McGee recall, Mashpee School Department, Massachusetts \(2016\)](#)
- [Gordy Clark and Carolyn Smart recall, Townsend, Massachusetts \(2016\)](#)
- [Tim Toomey recall, Rowley, Massachusetts \(2016\)](#)
- [Dan Rivera recall, Lawrence, Massachusetts \(2016\)](#)

2015

- [Cindy Bohne and Chris Linskey recall, Winchester School Department, Massachusetts \(2015\)](#)
- [Gordy Clark and Carolyn Smart recall, Townsend, Massachusetts \(2016\)](#)
- [Tim Toomey recall, Rowley, Massachusetts \(2016\)](#)
- [Dan Rivera recall, Lawrence, Massachusetts \(2016\)](#)
- [Dana Manning recall, Holland Board of Health, Hampden County, Massachusetts \(2015\)](#)
- [Cathy Richardson recall, Dracut, Massachusetts \(2015\)](#)
- [Bonnie Conner recall, Hinsdale, Massachusetts \(2015\)](#)
- [Fedor Berndt and Beth Hunt recall, Winchendon, Massachusetts \(2015\)](#)

2014

- [Steve Ingerson recall, Ashby, Massachusetts \(2014\)](#)
- [Saugus Selectmen recall, Massachusetts \(2014\)](#)
- [Will Flanagan recall, Fall River, Massachusetts \(2014\)](#)
- [James Egan and Stephen Amico recall, Hanson, Massachusetts recall \(2014\)](#)
- [John Morrissey and Berta Bruinooge recall, Wellfleet, Massachusetts \(2014\)](#)
- [Austin Knight recall, Provincetown, Massachusetts \(2014\)](#)
- [Jean Syria and Susan Smiley recall, Lancaster, Massachusetts \(2014\)](#)

2012

- [Julie Farrell and Robert Mitchell recall, Templeton, Massachusetts \(2012\)](#)
- [Will Flanagan recall, Fall River, Massachusetts \(2012\)](#)

2011

- [Donald Cykowski recall, Easthampton, Massachusetts \(2012\)](#)
- [Board of Selectmen recall, Chelmsford, Massachusetts \(2011\)](#)
- [Mike Demos, Peter Riordan, and Mike Berolini recall, Bridgewater, Massachusetts \(2012\)](#)
- [William Lantigua recall, Lawrence, Massachusetts \(2011\)](#)
- [Kenneth Elstein, George Archible and James Barry recall, Belchertown, Massachusetts \(2011\)](#)

2010

- [Robert S. Filipkowski recall, North Brookfield, Massachusetts \(2010\)](#)
- [Robert R. Nichols recall, Blandford, Massachusetts \(2010\)](#)
- [Melissa Freitag recall, Falmouth, Massachusetts, 2010](#)

2009

- [Wareham Board of Selectmen recall, Massachusetts 2009](#)

Bills Filed This Year

WENHAM – H 3746

SECTION 1. Any holder of an office elected solely by the voters of Wenham may be recalled and removed therefrom by the qualified voters of said town as herein provided.

SECTION 2. No fewer than 50 registered voters of Wenham may initiate recall by filing with the town clerk an affidavit of intent to recall, signed under the penalties of perjury, containing the name of the officer and the office held whose recall is sought and a statement of the grounds of recall; provided however, that the vote of an elected official on a matter, other than in connection with a conflict-of-interest violation, shall not constitute valid grounds for recall; the voters themselves shall individually determine whether any other grounds listed for recall are sufficient. The town clerk shall, within 2 business days of receipt of an affidavit of intent, certify, in accordance with the standards established by section 7 of chapter 53 of the General Laws, the names of voters of the town who signed the affidavit of intent.

SECTION 3. Upon certification by the town clerk of a sufficient number of signatures, the town clerk shall, within 3 business days, notify the primary petitioner, the voter first named on such notice of intent, that copies of such petition blanks are available at the office of the town clerk. The blanks shall be issued by the town clerk with the town clerk's signature and official seal attached thereto; they shall be dated and addressed to the select board/board of selectmen and shall contain the name of the person whose recall is sought, the office from which recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. The names of the first ten signers of the affidavit of intent shall be listed above the voter signature lines and any instructions to signers. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

SECTION 4. The recall petition shall be returned and filed with the town clerk and board of registrars no later than 5:00 p.m. 21 calendar days following the date the clerk notifies the primary petitioner of the availability of the petition, or the next business day if the 21st day falls on a Saturday, Sunday or legal holiday. The clerk shall notify the primary petitioner of the final date and hour for filing. Said recall petition shall be signed by at least 10 percent of the registered voters of Wenham as of the last annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number. The town clerk and board of registrars shall, within 5 business days following the date of such filing, certify in writing thereon the number of signatures which are names of registered voters in said town as of the date such affidavit was filed with the town clerk.

SECTION 5. If the petition shall be found and certified by said town clerk to be sufficient, the town clerk shall submit the certified petition to said select board/board of selectmen within 2 business days from certification of sufficient signatures and said select board/board of selectmen shall forthwith, and in no more than 5 business days, give written notice of the receipt of said certificate to said elected officer whose recall is being sought. If the officer sought to be removed does not resign within 3 business days thereafter, said select board/board of selectmen shall within 5 business days order a recall election to be held not less than 64 nor more than 90 calendar days from the date of the vote scheduling the election; provided however, that if any other town election is to occur within 100 calendar days after the date of the vote, the select board/board of selectmen may, in its discretion, place the question of recall on the ballot at such other election. If a vacancy occurs in said office after a recall election has been ordered, but not yet been conducted, the election shall nevertheless proceed as herein provided.

SECTION 6. The nomination of all candidates, including the incumbent, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 7. The incumbent shall continue to perform the duties of the office until the recall election unless the elected official resigns. If the incumbent is not recalled that person shall remain in office for the remainder of the incumbent's unexpired term, subject to recall as before. If recalled in the recall election, the incumbent shall be considered removed. The successor, upon qualification, shall hold office during the unexpired term; provided, however, that if such person is not qualified within 10 business days of said election, the position shall be deemed vacant and may be filled in accordance with applicable law.

SECTION 8. Ballots used in a recall election in said town shall submit the following proposition in the order indicated:

FOR THE RECALL OF THE [NAME OF OFFICER] (OFFICE HELD)

AGAINST THE RECALL OF THE [NAME OF OFFICER] (OFFICE HELD)

Immediately at the right of each proposition there shall be a designated space for voters to vote for either of the propositions. Just above said space, there shall appear the direction "Vote for one".

Under the proposition shall appear the word "CANDIDATES" and the direction "Vote for one" and

beneath this, listed alphabetically, the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast on the recall question is in favor of the recall, the elected official shall be recalled and the ballots for the candidates shall be counted. The candidate who received the highest number of votes of the special election to the vacancy shall be elected.

If a majority of the votes cast on the recall question is in the negative, the votes for candidates to fill the potential vacancy need not be counted unless a vacancy exists at the time of the election.

SECTION 9. A recall petition shall not be filed against an elected official within three months after the official has taken office. An elected official shall not be subject to a subsequent recall effort for the same specific grounds listed in the notice of intent filed for any prior recall effort.

A person who has been recalled from office, or who has resigned from office after the recall petition has been filed with the board of registrars of voters, shall not be appointed to any town office, board or committee within 3 years after the recall or resignation.

SECTION 10. This act shall take effect upon its passage.

OTIS - H 826

SECTION 1. Any holder of elective office in the Town of Otis may be recalled by the registered voters of Otis as herein provided.

SECTION 2. Any one hundred (100) registered voters of the Town may file an affidavit with the Town Clerk containing the name of the officer sought to be recalled and a statement of the grounds for the recall. The Town Clerk shall thereupon deliver to said voters a sufficient number of copies of printed form petition blanks addressed to the Selectmen demanding such recall. The blanks shall be issued under the signature and official seal of the Town Clerk. They shall be dated and shall contain the names of all persons to whom they are issued. The name of the person whose recall is sought, and the grounds for the recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to said office. A copy of the petition shall be entered in the record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk on or before the first (1st) work day following twenty (20) days after the filing of the affidavit. Said petition, before being returned and filed with the Town Clerk shall be signed by a least thirty (30%) percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. Within twenty-four (24) hours of receipt of the petition the Town Clerk shall submit the petition to the registrars of voters in the town and the registrars shall within fourteen (14) days certify thereon the number of signatures which are names of registered voters of the Town. If their certification shows the petition to be insufficient, the Town Clerk shall return the petition to the voters seeking the recall, without prejudice, however, to the filing of a new affidavit for the same purpose.

SECTION 3. If the petition shall be found and certified by the Town Clerk, to be sufficient, he shall submit the same with this certification to the Board of Selectmen within seven (7) days and the Board shall within seven days give written notice of the receipt of the certificate to the officer sought to be recalled, and shall, if the officer does not resign within seven (7) days thereafter, order an election to be held on a date to be fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certification that a sufficient petition has been filed, provided, however, that if any other town election is scheduled to occur within one-hundred (100) days of said certificate, the Board of Selectmen may, in its discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the elections shall nevertheless proceed as provided herein.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he specifically request otherwise in writing, the Town Clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of same shall be in accordance with the provisions of law relating to elections

unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in section 7. If not re-elected in the recall election, he shall be deemed removed from office upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within seven (7) days after receiving written certified notification of his election, the incumbent shall thereupon be deemed recalled and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in order indicated:-

For the recall of (Name Officer)

Against the recall of (Name of Officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of such propositions. Under the proposition shall appear the word "candidates", the direction to voters required by MGL Chapter 54, Section 42, and beneath this the names of candidates nominated as herein before provided.

If a two-thirds majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be deemed elected. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer of the Town within six (6) months after he takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least twelve (12) months after that election.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any town office within one (1) year after such recall or such resignation.

By-Law Recall Provisions – Border Communities

NORTH ANDOVER

8-5-1.

Any holder of an elective office may be recalled by the voters as herein provided.

8-5-2.

One percent of the registered voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to the voter the first named on such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms which he/she shall keep available. The blanks shall be issued by the Town Clerk with his signature and Official Seal attached thereto. They shall be dated and addressed to the Board of Selectmen, and shall contain the name of the person to whom they are issued, the number of petitions so issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall be demand the election of a successor to such office.

8-5-3.

A copy of the petition shall be entered in the Town Meeting records. The recall petition shall bear the signatures and residential addresses of at least 25% of registered voters. The recall petition shall be returned to the Town Clerk within 20 working days after the filing of the affidavit.

8-5-4.

The Town Clerk shall within 24 hours of receipt submit the petition to the Registrars of Voters in the Town, and the Registrars shall within seven working days certify thereon the number of signatures which are named of registered voters.

8-5-5.

If the petition shall be found and certified by the Town Clerk to be sufficient he/she shall submit the same with his certificate to the Board of Selectmen. The Board of Selectmen shall, within three working days, give written notice by registered mail of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by the Board at least 64 but not more than 90 days after the date of the Town Clerk's certificate that

a sufficient petition has been filed; provided, however, that if any other Town election is to occur within 90 days after the date of the certificate, the Board of Selectmen shall postpone the holding of the recall election to the date of such other election.

[Amended by Chapter 414 of the Acts of 2012, approved 1-4-2013]8-5-6.

Any officer sought to be removed may be a candidate to succeed himself. The nominations of candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of General Law relating to elections, and the election to replace the officer sought to be removed shall be held on the same day as the recall election.

8-5-7.

The incumbent shall continue to perform the duties of office until the recall election. If not recalled, he/she shall continue in office for the remainder of his unexpired term, but shall not again be subject to recall during his term of office. If recalled, he/she shall be deemed removed upon the qualification of his successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

8-5-8.

The form of the question to be voted upon shall be substantially as follows: "shall [here insert the name and title of the elective officer whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed 20% of the registered voters of the Town.

8-5-9.

No person having been removed from office by recall or having resigned from office while recall proceedings were pending against him/her, shall be appointed to any Town office within two years following said removal or resignation.

WILMINGTON

SECTION 2A. Recall of Elected Officers. Any person who holds an elected town office with more than six months remaining of the term of office may be recalled from the office by the voters in the manner as herein provided.

(a) One hundred and fifty or more voters may file with the Town Clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The signatures on such petition shall contain the names of at least ten voters in each of the precincts into which the town is divided for the purpose of electing town officers. If the said petition is found to be valid the Town Clerk shall thereupon deliver to the ten persons first named on such petition, petition blanks demanding said recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Board of Selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the Town Clerk. The recall petition shall be returned to the Town Clerk within twenty days following the date they are issued, signed by at least ten percent of the total number of persons registered to vote as of the date of the most recent town election. The Town Clerk shall within four (4) working days, commencing the day after submission with him/her submit the petitions to the Board of Registrars which shall within seven (7) working days, certify thereon the number of signatures which are names of voters.

(b) If the petitions shall be certified by the Registrars of Voters to be sufficient, the Town Clerk shall within five (5) working days, or at the next meeting of the Board of Selectmen submit the same with his/her certification. Upon its receipt of the certified petition the Board of Selectmen shall within two (2) working days, give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five (5) working days following delivery of said notice, the Board of Selectmen shall order a special election to be held not less than sixty-five nor more than ninety days after the date of the certification of the Town Clerk that the petition is sufficient.

(c) The nomination of candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the charter and General Laws regulating elections.

(d) Ballots used at the recall election shall state the proposition in the order indicated: For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the name of the candidates arranged as determined by a drawing by lot conducted by the Town Clerk which shall be open to the public, unless another arrangement is required by a

general law. If a majority of the votes cast on the proposition is against the recall, the votes for candidates need not be counted. If the majority of the vote's cast is in favor of recall, the votes for candidates shall be counted and the candidates receiving the highest number of votes shall be declared elected.

(e) The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is not then recalled, he shall continue in office for the remainder of his unexpired term. If the officer is recalled, he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(f) No recall shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to recall and not recalled thereby, during the remainder of his unexpired term.

(g) The validation and the call for election certifies only compliance with the procedural requirements of this Act.

TEWKSBURY

SECTION 15A.

(a) Application Any person who holds an elected office with more than six months remaining of the term of office, may be recalled from the office by the voters in the manner provided in this section.

(b) Recall Petitions One hundred and forty or more voters may file with the town clerk an affidavit containing the name of the office whose recall is sought and a statement of the grounds upon which the petition is based. The signatures on such petitions shall contain the names of at least twenty voters in each of the precincts.

If said petition is found to be valid the town clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding such recall, printed on forms which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the board of selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within twenty days following the date they are issued, signed by at least fifty percent of the total number of persons voting at the previous annual town election.

The town clerk shall, within twenty-four hours following such filing with him, submit the petitions to the board of registrars of voters which shall within five days thereafter, certify thereon the number of signatures which are the names of voters.

(c) Recall Elections If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with his certificate to the board of selectmen.

Upon its receipt of the certified petitions the board of selectmen shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of said notice, the board of selectmen shall order a special election to be held not less than thirty-five nor more than sixty days after the date of the certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(d) Nomination of Candidates - An officer whose recall is sought may be a candidate to succeed all candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with this act and the General Laws regulating elections.

(e) Propositions on the Ballot - Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word “candidates” and the names of candidates arranged as prescribed by law. If a majority of the votes cast on the proposition is against the recall the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall the votes for candidates shall be counted and the candidate receiving the highest number of votes shall be declared elected.

(f) Officeholder The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is then not recalled he shall continue in his office for the remainder of his unexpired term, subject to recall as provided in paragraph (g).

If the officer is recalled he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(g) Request of Recall Petition No recall petition shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

NORTH READING

6.3.1 Any elective officer of the Town may be recalled and removed from public office by the voters of the Town as herein provided. Any voter of the Town may file with the Town Clerk an affidavit containing the name and title of the elective officer whose removal is sought, together with a statement of the grounds for his removal. No recall petition may be filed against any officer until he has held office for at least six months.

6.3.2 The Town Clerk shall thereupon deliver to said voter or voters making the affidavit, copies of petition blanks demanding such recall, copies of which printed forms shall be available. Such forms shall be issued by the Town Clerk with his signature and official seal attached thereto. They shall be dated, shall be addressed to the Selectmen and shall contain the names of all the persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within twenty days after the filing of the affidavit, and shall have been signed by qualified voters of the Town, who shall add to their signatures the street and number, if any, of their residences, equal in number to at least fifteen percent of the voters registered at the last regular municipal election.

6.3.3 The Town Clerk shall within twenty-four hours of receipt submit the petition to the Registrars of Voters in the Town, and the Registrars shall within seven working days certify thereon the number of signatures which are names of registered voters of the Town.

6.3.4 If the petition shall be found and certified by the Town Clerk to be sufficient he shall submit the same with his certificate to the Selectmen within five working days, and the Selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than seventy-five and not more than ninety days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other Town election is to occur within ninety days after the date of the certificate, the Selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

6.3.5 Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

6.3.6 The incumbent shall continue to perform the duties of his office until the recall election. If then reelected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this act. If not reelected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of this election, the incumbent shall thereupon be deemed removed and the office vacant.

6.3.7 Ballots used in the recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

For the election of (name)

Each proposition shall be marked in accordance with the procedures for voting according to the electronic voting system used by the Town. Under the propositions shall appear the word "Candidates," and beneath this, the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds of the votes cast upon the question of recall are in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

6.3.8 No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which his recall was submitted to the voters of the Town.

6.3.9 No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any office in the Town within two years after such recall or such resignation.

DRACUT

Section 13 Recall Procedures

(a) Application: Any holder of an elective office enumerated in Article 3, Section 1, with more than six months remaining in the term for which he was elected, may be recalled therefrom by the voters in the manner provided in this section.

(b) Recall Petition: Two hundred or more voters may file with the Town Clerk an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. At least twenty-five names of voters shall be from each precinct. The Town Clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which he/she shall keep available. The blanks shall be issued by the Town Clerk with his/her signature and official seal attached thereto. They shall be dated; shall be addressed to the Board of Selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit; and shall demand the election of a successor to the said office. A copy of the affidavit shall be entered in a record book to be kept in the office of the Town Clerk. The recall petitions shall be returned and filed with the Town Clerk within twenty days following the date of the filing of the affidavit, signed by at least ten percent of the voters and containing their names and addresses; provided, however, that not more than twenty-five percent of the total number shall be from any precinct. The Town Clerk shall, within twenty-four hours of receipt, submit the petitions to the registrars of voters who shall forthwith certify thereon the number of signatures that are names of voters.

(c) Recall Election: If the petition shall be certified by the Town Clerk to be sufficient, he/she shall forthwith submit the same with his/her certificate to the Board of Selectmen. Upon its receipt of the certificate, the Board of Selectmen shall forthwith give written notice of such petition and certificate to the officer whose recall is sought. If said officer does not resign his/her office within five days after delivery of such notice, the Board of Selectmen shall order an election to be held not less than sixty-four, nor more than ninety days after the date of the Town Clerk's certificate of the sufficient petition. If, however, any other Town Election is to occur within one hundred and twenty days after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, and the ballots for candidates shall, notwithstanding a recall provision to the contrary, be counted.

(d) Nomination of Candidates: Any officer whose recall is sought may not be a candidate to succeed himself in the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(e) Propositions on Ballot: Ballots used in a recall election shall state the following propositions in the order indicated:

For the recall of (name of officer) Against the recall of (name of officer)

Adjacent to each proposition, there shall be a place to vote for either of the said propositions. After the proposition shall appear the word “candidates” and the names of candidates nominated as required in Section 42 of Chapter 54 of the General Laws. If a majority of the votes cast

upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted, except as provided in (c) above.

(f) Officeholder: The incumbent shall continue to perform the duties of his office until the recall election. If he/she is not recalled in the election he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before, except as provided in this section.

If he/she is recalled in the election, he/she shall be deemed removed upon the qualification of his/her successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

(g) Repeat of Recall Petition: No recall petition shall be filed against an officer within three months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.