

Town of



AMHERST *Massachusetts*

Town Hall
4 Boltwood Avenue
Amherst, MA 01002

SELECT BOARD
Phone: (413) 259-3001
Fax: (413) 259-2405
Email: selectboard@amherstma.gov

To: John P. Musante, Town Manager
From: Alisa V. Brewer, Select Board Chair
Date: **August 24**, 2015
Re: FY15 Town Manager Performance Evaluation

The Select Board has **(NOT YET)** completed its annual review of your job performance for this fifth year of your service as Town Manager, and we are pleased to present these results to you.

This Memo and the attached composite ratings grid serve as your official performance evaluation for FY15. These documents summarize all the ratings from the individual evaluation forms submitted by all five current Select Board members, with comments reflecting majority and general sentiments reflected on those forms or agreed upon during discussion at the August 17, 2015, August 19, 2015, and August 24, 2015 Select Board meetings. **[Note to SB: this is still a draft and obviously doesn't yet include those comments]** This is more art than science, as each of us brings our own interpretation to the expectations and goals as described, as well to the definition of each rating. While each Select Board member's individual evaluation form is important, and therefore included for your information, since our authority as the town's chief elected officials is vested in the full body, only this Memo and the composite ratings grid represent the Select Board's position.

We thank you for your assistance with this process as we have tried to call out and express appreciation for the parts of your work that have particularly shined this year, as well as to assist you by identifying areas that need more of your attention. The goal, as always, is continual improvement in your management of our Town

You again received strong marks across all evaluation categories: Fiscal Management, Relationship with the Select Board, Long Range Planning, Staff and Personnel Relations, Community and Intergovernmental Relations, and General Expectations. Although you received individual Commendable ratings within every category, Fiscal Management, Long Range Planning, and General Expectations are especially noteworthy.

Every member of the Select Board appreciates working with you and admires your fine service to our community. We look forward to your continued success in so many critical areas of Town management, and we look forward to the progress and new successes you will achieve by addressing the areas that truly need more of your attention. The Select Board thanks you for another good year.

Ratings for each goal category are shown below, with **bold** identifying areas of particular strength and *italics* identifying areas requiring more attention.

Fiscal Management

Goal #1: Ongoing Budget Challenge

- 1a) New revenue: 40% Commendable, 100% Satisfactory or above**
- 1b) Reducing expenses: 40% Commendable, 100% Satisfactory or above**
- 1c) Contract negotiations reflecting community support: 80% Commendable**
- 1d) Economic development increasing tax base & reducing burden on residential property taxpayers: 100% Satisfactory**

Goal #2: Long term financial health

- 2a) Strategies for long term financial health: 60% Commendable, 100% Satisfactory or above**
- 2b) Strategies for maintaining excellent bond rating: 80% Commendable, 100% Satisfactory or above**
- 2c) Engaging the legislature to adopting to create helpful policies: 20% Commendable, 80% Satisfactory or above**

Goal #3: Conforming with Select Board Budget Policy Guidelines: 80% Commendable, 100% Satisfactory or above

Goal #4: Administering the adopted budget: 80% Commendable, 100% Satisfactory or above

It is essential to note that every goal in the Fiscal Management category has been met or exceeded.

While it is not surprising considering your previous outstanding work as our Town Finance Director, these rating emphasize that financial management remains your forte. Particular mention is made of appropriate long range financial planning for capital needs, including effective use of borrowing, retention of significant reserves, and a carefully crafted strategy for small but significant annual OPEB liability funding. While it seems obvious that any chief executive officer would properly administer the adopted budget, reading any newspaper makes it clear that we are fortunate to have complete confidence in our Town Manager's administration of the adopted budget. Quarterly reports continue to reflect that we are on target and the rare situations where adjustments need to be made. Many other municipalities cannot say their administrator has not ever come to them with a "budget hole" or significant unanticipated expense.

We note significant ongoing successes in obtaining a variety of grants, ranging from those providing direct service to our community members with the greatest needs (e.g., CDBG) to those that enhance economic development (e.g., burial of utility wires), which may help reduce the burden on residential property taxpayers.

Employee healthcare costs continue to be cooperatively managed without loss of service quality.

As was true a year ago, only one contract remains unsettled, and it is with a new bargaining unit, the Police Supervisors.

Obtaining Annual Town Meeting 2015 funding for our first Economic Development Director is a significant success; finding the right person to fill the role remains a challenge. We are all looking forward to what this position may bring in both the short term and toward a long term vision of increased revenue strategies, including a stronger partnership with UMass via the new UTAC we hope will be populated by the end of this summer. As we stated in our Budget Policy Guidelines, expansion of the tax base in accordance with the community's goals as expressed in the Master Plan would benefit the support of future budgets. There is obviously disagreement within Town Meeting about the nature of sustainable growth in our community,

Membership on the MMMA Executive Committee and MMA Board of Directors, participation in LGAC, etc., all help engage the legislature to benefit our community, particularly as the Lt Governor chooses to meet with mayors in her travels around the Commonwealth.

While we welcome the CIC grants that help us pursue regionalization in a variety of areas, some resulting in recurring annual revenue, we remain concerned that regional emergency dispatch efforts, which began under a previous Town Manager with a much larger pool of communities, appear to be making little progress, so we look forward to the results of the Collins Center analysis before the end of 2015.

Relationship with the Select Board

Goal #5: Professional & effective relationship with the Select Board

- 5a) *Regular communications to SB relevant to responsibilities & concerns including consideration of changes & additions to Town programs & initiatives: 60% Satisfactory, 40% Unsatisfactory*
- 5b) *Responding to communications from SB members: 20% Commendable, 40% Satisfactory, 40% Needs Improvement*
- 5c) *Recognizing issues or changes with direct or significant impact on community & within SB authority to provide feedback: 40% Satisfactory, 40% Unsatisfactory*
- 5d) *Allowing SB the opportunity to provide feedback on policy/practice initiatives & changes before implementation: 40% Satisfactory, 40% Unsatisfactory*
- 5e) **Involving SB in collective bargaining strategies: 80% Commendable**
- 5f) *Informing SB of litigation strategies, proposed settlements, & progress: 40% Satisfactory, 40% Unsatisfactory*
- 5g) *Ensuring all SB aware before things appear in newspaper: 20% Commendable, 40% Satisfactory, 40% Unsatisfactory*

Goal #6: *Unified process & communication strategy for responding to public inquiries & requests: 20% Satisfactory, 60% Needs Improvement*

Ratings in the Relationship with the Select Board category are the weakest in this evaluation. This area needs more attention.

It may seem counter intuitive that such an overall positive annual performance evaluation could be offered by a very concerned Select Board. The frustrations expressed in this category are not new, although newer Select Board members have had less time to experience them as routine rather than as one-off circumstances. Individual circumstances have been brought to your attention over multiple years of performance evaluation forms as well as in personal conversations, and are described extensively throughout our individual evaluation forms again this year.

We broke this question into seven subparts this year, and yet your sixteen page 06-08-15 Progress report provides only two sentences in response to Goal #5.

These Select Board members did not spend time and money to run for elective office for the payment of \$300.00 gross per year. We ran because we *need* our community to be the best it can be, for all residents, not only for those that have time to attend meetings or who talk the loudest. We strongly believe that you want the same thing. Let us help you.

As our chief appointed official, your only accountability to the voters is through the lens of Town Meeting approvals – which is a relatively blunt instrument that allows you a great deal of leeway in daily management – and through the staggered election of five Select Board members, who evaluate your performance. As chief elected officials, our authority is largely limited to approving liquor licenses, appointing some committee members, and production of a few annual documents, including your Performance Goals and Budget Policy Guidelines. Yet we five each spend a large percentage of our many hours per week of service in explaining why Town Hall is choosing to do some things and not to do others. Allowing Select Board input before administrative decisions are made provides a conduit for community values to the *one* person we five elected officials hire, as well as creating entirely appropriate political cover for actions taken by you personally and by any Town staff; if we don't know why you are doing something, we can't explain it to the community. We don't like that.

It seems clear that you have no intention of withholding information from the Select Board, but rather that it simply does not occur to you to share it. We can't provide input on either straightforward or complex policy and practice initiatives and changes before they are implemented if we don't know they exist. Finding out about them in the newspaper or other media is simply unacceptable. Most egregiously, we did not hear about the end of the old landfill lawsuit, the end of the solar farm project, nor the resolution of the town-schools MCAD complaint, from you. While this "saved" us having to hold Executive Sessions, it significantly damaged our credibility in the community.

We also cannot effectively represent our community's values when we are presented with and expected to act on issues immediately without having had any opportunity for thoughtful deliberation in an open meeting or other potential for public input (e.g., Pine Street crosswalks, electric vehicle charger locations, zoning warrant article amendments, Lincoln Avenue parking, bike sharing MOU and other intermunicipal agreements).

This conundrum is absolutely not about seeking Select Board “permission” to do something, as we are very familiar with the distribution of power outlined in the Amherst Town Government Act. It is about seeking input from the town’s chief elected officials, who serve as the direct conduit for community desires, preferences, and concerns, before making *your decision* on issues with direct or significant impact on our community.

We really appreciate the regular collective bargaining updates you provide in Executive Session. You have always kept us apprised of your travel plans and contact information. You make frequent substantive contact with all of us during emergencies. You are very willing to meet with us individually when we have a concern.

Responding to communications from members of the Select Board needs more work. A huge variety of factors are involved in how frequently any of us call or write to you, or ask at a Select Board meeting that matters be reported on at the next Select Board meeting. Currently many matters are not reported on at the next Select Board meeting unless we remind you. Although you sometimes respond immediately to an email question, which is wonderful, most of our email inquiries to you still go unacknowledged – not just unanswered, but unacknowledged.

Public inquiries and requests continue to be handled very well by some staff and very poorly by others. We need to see measurable progress in this area. We appreciate that you are devoted to “Open Government to the Max” utilization of our excellent Town website, and are encouraged that you to continue to provide resources to newer initiatives such as SeeClickFix and other types of analysis. You still need to establish a firm expectation that correspondence needs to be both acknowledged and acted on.

Long Range Planning

Goal #7: Town-owned building assessment: 20% Commendable, 80% Satisfactory or above

Goal #8: Make Amherst greener community: 60% Commendable, 80% Satisfactory or above

Goal #9: Focus attention on affordable housing needs

9a) Preserving & creating housing for low & moderate income: 100% Commendable

9b) Status of & factors impacting our SHI: 60% Commendable, 100% Satisfactory or above

9c) Reporting periodically on seasonal shelter & recommending changes as needed: 60% Commendable, 100% Satisfactory or above

Goal #10: Maintaining a recommended staffing plan: 40% Commendable, 80% Satisfactory or above

Goal #11: Keeping SB apprised of the plan & processes for improving the public infrastructure

11a) Prioritizing & implementing repairs: 60% Needs Improvement or below

11b) Strategy for evaluating traffic infrastructure: 20% Commendable, 20% Satisfactory, 40% Needs Improvement

11c) Planning & implementing improvements: 40% Satisfactory, 40% Needs Improvement

11d) Planning & policy for downtown & village centers: 20% Commendable, 80% Satisfactory or above

11e) Working with BID to evaluate & recommend improvements for downtown: 40% Commendable, 80% Satisfactory or above

Long range planning is rated very favorably, with the exception of some issues around our public infrastructure.

We were so pleased to receive the long awaited and much needed Town-owned Building Assessment provided at our 07-27-15 Select Board meeting, and look forward to the revisions being planned for our 08-31-15 Select Board meeting. We also look forward to a detailed town-wide project sequencing and financing plan by early 2016 to address our needs in public works, fire department, library, and elementary school renovation. You’ll recall that the community was less than impressed by the idea of spending funds and time on creating storage space in the North Amherst School after the Survival Center moved to their new facility, and that we initially expressed some reservation when you presented us with the fact that you were planning to partner with Hilltown Community Health Center in providing quality health/dental care, preventive services, and other advice and counseling to local residents via space created in the Bangs Center by relocating LSSE offices and programming to East Street Annex; a shared public understanding of our total holdings then would have simplified those conversations. This “living document” will see a lot of use.

We are very pleased that staff continues to pursue grants and planning for making Amherst greener, including energy efficiency upgrades to Town buildings, electric vehicle charging stations, and bike sharing. Our tree planting program is both ambitious and impressive and continues to receive community support.

Town Meeting strongly supported both the “Green” and “green” aspects of our largest green policy initiative, the solar farm on the old landfill via Article 24 on 05-16-11. The fact that you did not follow through on either verbal (neighborhood meetings) or written (actively exploring other sites) commitments made to the Select Board and Town Meeting is the most significant part of this failure; the other is inadequate communication, covered in Goal #5.

We are thrilled with our incredible successes in affordable housing. Highlights include:

- New Town Meeting authorization (Article 21) to pursue special legislation authorizing the Select Board to provide tax incentives for affordable housing. While this will obviously be a narrowly applicable tool, we appreciate that our community both recognizes the dire need for low and moderate income housing, and that this need cannot be met with one project or bylaw.
- Rolling Green went from the very real threat of conversion to entirely market rate to improved quality affordable units due to a fantastic partnership between multiple staff and among multiple public and private agencies.
- CPA funds will be used by Pioneer Valley Habitat to create two affordable units at Hawthorne Meadow, a multi-use property also purchased with CPA funds for affordable housing, open space, and both passive and active recreation.
- CPA funds and CDBG funds for long needed AHA property safety updates.
- Continuing staff support across multiple departments, including inspections and public safety, for safe seasonal shelter for over 20 adults at the First Baptist site as managed by Craig’s Doors, with frequently extended hours and extended capacity reflecting a brutal winter. FY15 was the first year of \$200,000 state funding to Craig’s Doors, so FY15 Town operating funds were reprogrammed to capital use of a trailer installed on site to provide earlier meals and intake beginning in the last month of operation, April 2015. FY15 was the first year the Town did not provide the vast majority of the seasonal shelter’s operating budget.
- Frequent reference throughout our community to the many Housing plans we have developed, including the Master Plan, Housing Production Plan, Comprehensive Housing Market Study.
- Staff support for the new Amherst Municipal Affordable Housing Trust, in addition to ongoing support for the Housing and Sheltering Committee and Community Development Block Grant Advisory Committee

We are clearly pleased that the long-awaited Long Term Staffing Plan was presented to us on 07-07-14. That plan did not include mention of a pending hire, the Amherst Together Elementary Schools-Regional Schools-Town shared Media and Climate Communications Specialist, a new position that was never publicly discussed, and the plan did not foresee the need for the DPW Administrative Analyst hired with FY16 budget approval. The plan did mention a potential Community Services function area, and the FY16 budget implementation of the Public Health and Community Services Director position, as newly expanded from the Public Health Director, fills the coordination gap left from a retirement several years ago, and appears to provide more opportunities for effective connected services. An updated Staffing Plan that reflects staffing changes should be provided to the Select Board before the Select Board creates our annual Budget Policy Guidelines in early November. There was also discussion about fleshing out the Staffing Plan to include details of the commitments associated with grant funded positions as well as consideration of functional area goals for improved future service, not just adequately funding continuation of current services and model.

Public infrastructure concerns expressed here are not all solvable by saying we will act on the data to be gathered by staff working on yet another type of pavement management software to develop a prioritized paving plan, Collins Center assistance, our new DPW Administrative Analyst, and in the new Transportation Plan, or by receiving additional grants. Traffic infrastructure includes not only roadways and sidewalks, but also multi-use paths, intersections, and parking areas. It is unacceptable that we have no systematic way to effectively evaluate concerns brought to us by residents, identify similar situations, and propose solutions. We need your support to establish a more effective relationship with both the professional staff and the Select Board-appointed Public Works Committee to improve our residents’ quality of life. There is a larger cultural issue, recently coined as “pride of place,” to develop that must reflect that we will commit to maintain the things that we already have and proactively plan to maintain the things we are always in the process of creating. It has not been clear for at least eight years who is responsible for what elements of the public way, in terms of what types of approvals are needed to respond to community concerns, e.g., regarding traffic volume and speed, or what budgets are being strategically deployed to maintain any of those elements, e.g., crosswalk repairs. We also have a tendency to complete a very intensive project and then not maintain it at all until it falls apart (e.g., accessible crosswalk design, Jones

Library crosswalk on Amity, 20+ year tree surrounds on North Common, wayfinding system, minimal upkeep of playing fields and playground equipment) and we are then told we have to hope for a large grant or unusual infusion of additional funds because there is no other money budgeted for that purpose. We can, and must, do better.

Highlights of planning for downtown and village centers include your enthusiastic participation in the well-attended series of three Downtown Parking Forums, resulting in a useful detailed report presented 07-27-15, and the extremely well attended first North Amherst intersection(s) (approximately Pine/Meadow to Mill River) forum held 06-24-15 at the Survival Center, with more to come. We note that long range planning for downtown and village centers is not exclusively about planning and zoning, and look forward to how working with the new Economic Development Director may result in both a short term and long term vision of increased tax revenue coupled with improved quality of life in our denser neighborhoods. The Downtown Gigabit project is an important next step to complement our free downtown wireless, and a good opportunity to work with our BID partners as well as with Five Colleges, Inc.

Staff and Personnel Relations

Goal #12: Improving staff effectiveness in delivering the services our community relies on & keeping the SB informed with periodic updates about the implementation progress of action steps identified in the Human Resources Audit

12a) Maintaining high staff morale by working toward positive work place culture & providing adequate resources: 60% Satisfactory, 20% Needs Improvement

12b) *Increasing communication with staff to inform, engage, & solicit feedback: 40% Satisfactory, 40% Needs Improvement*

12c) Encouraging workplace culture of civility, mentoring, & receptivity to new ideas & innovations: 80% Satisfactory

12d) Ensuring staff has tools to work efficiently: 20% Commendable, 80% Satisfactory or above

12e) Recruiting, retaining, & assigning the best qualified personnel: 40% Commendable, 60% Satisfactory or above, 20% Unsatisfactory

12f) Fostering attitudes of helpfulness & courtesy toward the public: 20% Commendable, 80% Satisfactory or above

Ratings in the Staff and Personnel Relations category are mixed. This area needs more attention.

We hope that our “employer of choice” Sick and Personal Leave (SPL) benefit effective 08-01-15 for part-time employees makes it clear our community values our Town employees.

We are not sure what to make of admittedly imprecise annual indicators that some staff in some departments continue to feel deeply disrespected, but we are especially concerned that despite years of similar comments, you have apparently made no express efforts to increase or improve communication to address these feelings. Ignoring this problem is not making it go away. In an organization of this size all permanent employees should feel you have an interest in their work and in their personal contribution to the success of our community.

No matter how good the morale is in some departments, it cannot make up for the apparent pockets of unhappiness elsewhere. You have shared with us at every Select Board meeting that your accomplishments are due to the combined efforts of various teams of dedicated staff, not on your singular efforts, and we encourage you to find additional ways to make this clear to those who continue to express that frustration on their staff questionnaires. We would also like to hear more about your implementation of good ideas offered by staff at all levels.

While we continue to appreciate the excellent highly qualified staff you have recruited and retained, we remain concerned that longer term employees may not be evaluated regularly according to current expectations. It also appears we could be soliciting information from committee, board, and commission members regarding their experience with staff liaisons, since that committee support is a significant portion of staff interaction with the public.

We appreciate your efforts to grow current staff into new or vacant positions but see some drawbacks to not considering external candidates as well.

The new DPW Administrative Analyst position and the Collins Center analysis in progress holds promise for an area that has traditionally struggled to deliver effective customer service.

Community and Intergovernmental Relations

Goal #13: Strengthening relationships with UMass & colleges

13a) Mitigating impacts of significant student population: 20% Commendable, 80% Satisfactory or above

13b) Developing Amherst College partnership & strategies: 40% Needs Improvement, 60% Unable to Judge

13c) Developing Hampshire College partnership & strategies: 40% Needs Improvement, 60% Unable to Judge

13d) Pursuing issues of mutual benefit to the Town & academic institutions including spin off, innovation, arts, culture: 80% Satisfactory

13e) Working with institutions to facilitate new student housing on campus & off campus: 40% Satisfactory, 60% Needs Improvement or below

13f) Reporting on UMass plans for improving campus life to encourage constructive student relationships with Town & discourage dangerous behaviors: 60% Commendable, 80% Satisfactory or above

13g) Reporting on UMass Strategic Partnership agreement: 80% Needs Improvement or below

Goal #14: Engage the community & media on successes and challenges: 80% Satisfactory, 20% Needs Improvement

Goal #15: Reporting on developments & planning in nearby jurisdictions: 60% Satisfactory, 20% Needs Improvement

Ratings in the Community and Intergovernmental Relations category are mixed. This area needs more attention.

We are very happy to see our critically important relationship with UMass grow and strengthen as we tackle complex issues together. The extensive coordination between us and our multiple agencies and departments as we responded to the challenging Davis report in the aftermath of Blarney Blowout in March 2014 came to fruition with a safe and sane March 2015. The jointly funded Town-Gown Steering Committee worked diligently with the public and with U3 Advisors to provide us a fine set of recommendations to be tackled by the next group, "UTAC," to be populated soon. UMass programs like Walk this Way and Team Positive Presence are complemented by new Town initiatives like the Student Town Advisory Board. We are excited by the increased visibility and connections provided by the recent UMass hiring of their first Neighborhood Liaison and our very soon deployment of an experienced APD officer as the grant funded Amherst Safe Neighborhood Liaison Police Officer. Your carefully crafted Residential Rental Property Permitting system is helping us systematically address significant quality of life issues for tenants as well as for neighborhoods.

We are very concerned that the original five year Town-UMass Strategic Partnership Agreement (SPA) expired in 2012, with a one year extension expiring in 2013. We do appreciate that we all continue to operate under the terms of the expired agreement, and that payments continue to be made. We do not understand why the Town has not publicly discussed the terms of the next agreement. This is not merely a low level low priority administrative task. The 2007 SPA was created by a previous Town Manager, previous Superintendent of Schools, previous Chancellor, previous Fire Chief, previous APD and UMPD Chiefs, and a previous Select Board. Components of the current SPA include payments to the Town for fire and ambulance services, police mutual aid and joint patrols, public utilities such as water and wastewater, the University's relationship with the Amherst Public Schools, and cooperation in economic development activities. The Mark's Meadow situation now is completely different than that envisioned in 2007, as the Amherst Public Schools left that UMass building in 2010.

Amherst College and Hampshire College students, staff, and faculty are also an important part of our community. We recognize that Amherst College has regularly gifted unrestricted funds to the Town, partially in recognition of fire and ambulance calls, and has a variety of ongoing commitments with the Amherst elementary and 7-12 regional schools. We are glad to hear there are good working relationships around inspections and long term planning. There are exciting building projects at both campuses, and we appreciate that both campuses continue to welcome the larger community into their facilities. We remain concerned about the cumulative cost of responding fire and ambulance personnel and equipment, particularly as Hampshire College has been unable to provide any financial compensation of any kind. We often seem to hesitate to speak publicly about our relationships with these two smaller institutions, perhaps because we really hope they will give us some of their land. Such negotiations are always sensitive and the Select Board generally accepts that we have nothing to do with them, but we see a missed opportunity to engage the communities of each of the colleges in working toward the larger goals our community expresses. Do their students feel welcome in town? Can their staff and faculty families afford to live in town? How might our extensive Town appointed committee system make use of

the expertise and energy found among Amherst College and Hampshire College faculty, staff, and students? What joint economic development projects could we undertake?

Pursuing issues of mutual benefit to the Town and academic institutions include the variety of UTAC recommendations, including an “Anchor Strategy,” and your strong leadership as chair of the PVRTA Advisory Board was integral to improving travel to the Survival Center while carefully considering regional concerns.

We have not seen progress in working with institutions to facilitate new student housing on campus and off campus. We are not referencing replacement of aging dormitories, but appropriate housing for students to relieve pressure on neighborhoods caused by single family home conversions. Community members have repeatedly expressed interest in how to approach public-private partnerships that will not run afoul of the Pacheco Law (aka Pacheco-Menard Law, or Taxpayer Protection Act), and preliminary conversations have been held with our supportive local legislators, but one individual at UMass or on Town staff has not yet taken on the responsibility of pursuing this action; we believe UTAC could play a pivotal role here.

Although based on the 80% Satisfactory rating this appears to be a strength, **The Town Manager shall actively engage the community, and the media, to provide information about Town successes and challenges** is actually where a number of concerns raised throughout individual forms and in the Other Comments section seem to fit.

We are concerned that the delay in populating UTAC is depleting the momentum created by the Town-Gown Steering Committee public engagement, a body that had also suffered from a several month delay in being populated. We obviously understand the constraints placed by the academic calendar followed by much of our shared community, yet we worry that community interest may be hard to regain.

We are distressed about the amount of suspicion leveled at some parts of Town Hall during Town Meeting, in a variety of other forums, and in public comments during this evaluation cycle. Despite the Town Moderator’s best efforts to forbid remarks that question personal motivations, rather than actions, the tenor of the room often feels lopsided, and in some cases hostile. While it is clear that some accuse you of poor listening skills because they don’t like the decisions you make, just as a process is traditionally labeled poor if the outcome is not what the speaker desired, there is still real work to be done here. It is difficult for new Town Meeting member, and others newly engaged in municipal affairs, to know how to react to the aspersions made regarding staff motivations and integrity. This uneasiness festers and makes it much more likely for the listener to not give anyone “in the front of the room” the benefit of the doubt. This contributes to the lack of interest in serving on our many necessary appointed committees, boards, and commissions, and in running for elective office, all areas that need a continual resupply of effective volunteers.

We need a communication strategy that not only addresses inquiries and requests (Goal #6), but that also actively engages the community, and the media, in Town successes and challenges (Goal #14).

Such a strategy would have given us a framework to engage our community in filling necessary committee, board, and commission vacancies, but instead we have a body that cannot fulfill its obligations because it only has three of seven appointed members (Historical Commission), another that has been short two of nine members for most of the past two years (Planning Board), others that did not start meeting for months after their creation because they were either not populated or not staffed (Town-Gown Steering, Lincoln Sunset Local Historic District Study Committee, Cable Advisory Committee, Amherst Municipal Affordable Housing Trust), and others that remain unpopulated (Town Center Recreation Working Group). We have very few applicants for any committees, boards, or commissions, which makes it even more difficult to mollify complaints that these bodies lack diversity of viewpoint.

Such a strategy would have given us a framework to engage our community in the necessary work of the decennial cable ascertainment process. The Commonwealth informed us of this requirement on September 4, 2013. Despite detailed requests and reminders at regular Select Board meetings, from various Select Board members, and from affiliates of ACTV/Amherst Media, you failed to provide the issuing authority – the Select Board – any written documentation of the actual timeline we would need to follow until the day after the Cable Advisory Committee (CAC) met for the first time, 06-16-15. At that initial CAC meeting it was determined that in order to meet the deadlines we have known about since September 4, 2013, the one required very formal public hearing must be held in September 2015, arguably the busiest month of the year for most Amherst residents. Readily available documentation of the legally mandated process has still not been uploaded to the CAC webpage, and no advertising (or even Town website Calendar listing) of the 09-24-15 hearing has taken place, as of six weeks prior.

Such a strategy would have given us a framework to engage our community in being aware of, as well as encouraging participation in, the promising Amherst Together project, staffed by a new Media and Climate Communications Specialist position that was jointly funded with the schools beginning July 2014. This new position was not mentioned during FY15 Town Meeting, nor during the presentation of the first, and long-awaited, Long Term Staffing Plan at the 07-07-14 Select Board meeting, although we were informed of the hire later that month. We have not received regular updates on this joint initiative and are therefore not engaged in the intended “action steps to build greater equity and inclusiveness through community collaboration;” we would very much like to be able to help promote this valuable component of our shared response to the racism and equity challenges that have arisen in the schools as well as in the entire community.

Such a strategy would have given us a framework to engage our community in effectively addressing parking and emergency vehicle access on Lincoln Avenue, instead of holding a public hearing 06-15-15 with incomplete documentation of the problems to be solved.

General Expectations & Other

You are a long-time resident and clearly committed to our community. Comments highlighted your enthusiasm for this work, breadth of knowledge, community spirit, your professional demeanor and calm leadership style, good listening and speaking skills, strong advocacy, and skilled crisis management. Even the most critical community inputs acknowledged their appreciation for your calm professional demeanor and ability to disagree without being disagreeable. You have an excellent reputation among your peers; when we attend MMA and other municipal official trainings, we are always greeted with some variation of “oh, Amherst, you are so lucky to have John as your Town Manager!” You understand that while the Select Board’s authority rests in the majority position, there are five individual Select Board members you need to work with effectively. You display no apparent favoritism with any individual member or subset of members. You are well prepared for all venues, especially Town Meeting and Select Board meetings, and when you don’t know the answer, you don’t guess.

Most of the negative public comments focused on your advocacy for particular positions. The Select Board unanimously rejects the view that yours is a neutral administrative position. We instead see your role as both administrator and leader, and note the Amherst Town Government Act, Chapter 216 of the Acts of 2001, as amended by Chapter 263 of the Acts of 2006, Section 4.623:

4.623 Advice about needs of the town

The town manager shall keep the select board fully advised as to the needs of the town and shall recommend to the select board for adoption such measures requiring action by them or by the town as deemed necessary or expedient.

Negative public comments focused on your advocacy for denser infill development in downtown and village centers, a position entirely in accordance with the Master Plan developed over more than five years with the participation of hundreds of different individuals contributing thousands of hours. Yet you received no criticism during this evaluation cycle for your advocacy for a project no one actually directed you to pursue, the creation of a community health center in the Bangs Center, a space that traditionally provides programs and services to seniors, veterans, and other underserved populations.

We also fully expect you to advocate for the items the Select Board deems necessary or expedient through our deliberation at Select Board meetings as well as in your annual Performance Goals and Budget Policy Guidelines. We find it entirely appropriate that you advocate for your position via both verbal and written reports, and that you exercise your ex officio vote at Town Meeting, one of fourteen ex officio votes provided for in the Amherst Town Government Act, Section 2.211:

2.211 Members

...moderator, the members of the select board, the members of the school committee, the president of the town library trustees, the chair of the finance committee, the town manager

Evaluation Process Information

An annual review of the Town Manager is required by our Amherst Town Government Act, Chapter 216 of the Acts of 2001, as amended by Chapter 263 of the Acts of 2006, Section 4.7:

4.7 Annual review of the town manager

The select board shall conduct an annual review for the purpose of assessing the strengths and weaknesses of the manager's performance.

The review shall be based on a written list of performance criteria developed by the select board. Copies of the criteria with an invitation to submit written comments shall be available to the public in the select board office. After due consideration the select board shall prepare a written report of its evaluation. The report shall be placed in the manager's personnel file and a written summary may be released to the public.

That description does not fully reflect subsequent guidance from our own Town Counsel, as well as direction from the AGO interpreting Open Meeting Law, who have indicated that the annual review:

- must be conducted in a public meeting,
- individual Select Board member evaluation forms cannot be distributed in advance of a public meeting, per the definition of "Deliberation" in MGL Chapter 30A Section 18 (emphasis added): "Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, *provided that no opinion of a member is expressed.*
- individual Select Board member evaluation forms are public records subject to disclosure
- staff questionnaires and public comments were read by every Select Board member and the Town Manager, but are considered personnel documents and thereby exempt from public disclosure

This practice is also reflected in the Contract/Employment Agreement between the Town of Amherst, Massachusetts and the Town Manager:

4. TOWN MANAGER EVALUATION

4.1. Annually, the Board shall review and evaluate the Town Manager based on the goals and objectives developed jointly by the Board and the Town Manager. The evaluation process shall be conducted each summer, and shall conclude with the public release of each Select Board member's evaluation form, as well as the release of a memo summarizing the points of majority agreement and which shall be considered the definitive evaluation by the Board. Further, the Board shall provide an adequate opportunity for the Town Manager to discuss his evaluation with the Board.

4.2. Annually, the Board and the Town Manager shall define the goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives, and shall further establish a general priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limits specified and within the annual operating and capital budgets and appropriations provided by the Town and the events that have occurred during the year.

This year we incorporated the previous "standing" goals from the traditional evaluation form in the FY15 performance goals document. This means more of the goals had some wording changes this year than in past years. Note that in keeping with past practice, the goal wording in this Memo is abbreviated from the actual wording from the evaluation form.

Select Board individual evaluation forms are informed by a variety of documents, including:

- Select Board's December 1, 2014 memo "FY 15 Town Manager Performance Goals"
- Select Board's December 16, 2014 memo "FY16 Budget Policy Guidelines"
- Town Manager's February 23, 2015 memo "FY 15 Town Manager Performance Goals – Progress Report"
- Town Manager's June 8, 2015 memo "Self-Evaluation & FY 15 Town Manager Performance Goals – Progress Report"

as well as our personal observations, impressions and interactions throughout the year; feedback received informally during the year from staff members, committee members, and members of the public; and feedback received through formal solicitation during the annual evaluation process.

This year, Staff Questionnaires were sent to (312) staff members [full-time and regular part-time, including grant funded, except none sent to library staff; (294) by email, plus (18) hardcopies], and (24) were returned to the Select Board. There were also (4) submissions received after the FY14 deadline and therefore not provided to Select Board members writing their FY14 evaluations, so those were clearly marked as FY14 and provided to each Select Board member along with the FY15 responses. The Staff Questionnaire submission rate has dropped over the past five years, but that is likely partly due to increased availability of the forms to all levels of staff via email, as total staff have not increased at the rate reflected here:

FY11: 43/256 = 17% FY14: 20/243 = 8% (or 24/243 = 10% if FY14 late counted in FY14)
FY12: 30/237 = 13% FY15: 24/312 = 8% (or 28/312 = 9% if FY14 late counted in FY15)
FY13: 28/220 = 13%

In response to soliciting comment from committees, boards, and commissions via email to all chairs and all staff liaisons, Town Meeting members via email to TMCC, and notices to the general public via the Town website, including subscribers to Town News alerts, we received (23) submissions, a substantial increase over FY13 and FY14:

FY11: (14) FY13: (9) FY15: (23)
FY12: (34) FY14: (6)

